



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 103
Friday, 28 October 2011

Published under authority by Government Advertising

LEGISLATION

Online notification of the making of statutory instruments

Week beginning 17 October 2011

THE following instruments were officially notified on the NSW legislation website (www.legislation.nsw.gov.au) on the dates indicated:

Environmental Planning Instruments

Maitland Local Environmental Plan 1993 (Amendment No 110) (2011-551) — published
LW 21 October 2011

Shoalhaven Local Environmental Plan 1985 (Amendment No 191) (2011-552) — published
LW 21 October 2011

Shoalhaven Local Environmental Plan 1985 (Amendment No 239) (2011-553) — published
LW 21 October 2011

State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Area 20 Precinct)
2011 (2011-550) — published LW 21 October 2011

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 19 October 2011

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

Act No. 47, 2011 – An Act to amend the Thoroughbred Racing Act 1996 to make further provision with respect to the membership of Racing New South Wales. [Thoroughbred Racing Amendment Bill].

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

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 20 October 2011

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

Act No. 48, 2011 – An Act to amend the Public Sector Employment and Management Act 2002 to establish an ethical framework for the public sector, to create the office of Public Service Commissioner and to establish the Public Service Commission Advisory Board; and for other purposes. [Public Sector Employment and Management Amendment (Ethics and Public Service Commissioner) Bill].

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

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 25 October 2011

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

Act No. 49, 2011 – An Act to amend the Local Government Act 1993 to enable councils to prohibit roadside vehicle sales. [Local Government Amendment (Roadside Vehicle Sales) Bill].

Act No. 50, 2011 – An Act to make miscellaneous amendments to certain State revenue legislation. [State Revenue Legislation Amendment Bill].

Act No. 51, 2011 – An Act to enable the governing bodies of universities to progressively adopt standard provisions allowing greater flexibility in their size and composition; and for other purposes. [Universities Governing Bodies Bill].

Act No. 52, 2011 – An Act to amend the Home Building Act 1989 to make further provision in respect of home warranty insurance, statutory warranties, developers, building disputes and administrative arrangements; to amend the Civil Liability Act 2002 in relation to proportionate liability; and for other purposes. [Home Building Amendment Bill].

Act No. 53, 2011 – An Act to amend the Technical and Further Education Commission Act 1990 with respect to the employment of staff; and for related purposes. [Technical and Further Education Commission Amendment (Staff Employment) Bill].

Act No. 54, 2011 – An Act to establish a payroll tax rebate scheme to encourage the employment of people with disabilities. [Payroll Tax Rebate Scheme (Disability Employment) Bill].

Act No. 55, 2011 – An Act to amend the National Parks and Wildlife Act 1974 to change the reservation status of certain lands under that Act; to amend the National Park Estate (South-Western Cypress Reservations) Act 2010 to delay the commencement of certain reservations; and for other purposes. [National Parks and Wildlife Legislation Amendment (Reservations) Bill].

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

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 insert the following matter as a critically endangered ecological community under that Act and, accordingly, Schedule 1A to that Act is amended by inserting in Part 2 in alphabetical order:

Gnarled Mossy Cloud Forest on Lord Howe Island (as described in the final determination of the Scientific Committee to list the ecological community)

This Notice commences on the day on which it is published in the Gazette.

Dated, this 4th day of October 2011.

Dr Richard Major
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/- Office of Environment and Heritage, PO Box 1967, Hurstville BC NSW 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6989,
- (c) in person at the Office of Environment and Heritage Information Centre, Level 14, 59–61 Goulburn Street, Sydney.

THREATENED SPECIES CONSERVATION ACT 1995

Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list the Gnarled Mossy Cloud Forest on Lord Howe Island, as a critically endangered ecological community in Part 2 of Schedule 1A of the Act. Listing of Critically Endangered Ecological Communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Gnarled Mossy Cloud Forest on Lord Howe Island is the name given to the ecological community characterised by the species assemblage listed in paragraph 2.
2. Gnarled Mossy Cloud Forest on Lord Howe Island is characterised by the following assemblage of species:

<i>Asplenium pteridoides</i>	<i>Asplenium surrogatum</i>
<i>Atractocarpus stipularis</i>	<i>Blechnum contiguum</i>
<i>Blechnum fullagarii</i>	<i>Blechnum howeanum</i>
<i>Carex inversa</i>	<i>Coprosma huttoniana</i>
<i>Cryptocarya gregsonii</i>	<i>Cyathea brevipinna</i>
<i>Cyathea howeana</i>	<i>Cyathea macarthurii</i>
<i>Dendrobium moorei</i>	<i>Diplazium melanochlamys</i>
<i>Dracophyllum fitzgeraldii</i>	<i>Dysoxylum pachyphyllum</i>
<i>Elaeocarpus costatus</i>	<i>Elatostema reticulatum</i>
<i>Gahnia howeana</i>	<i>Grammitis</i> spp.
<i>Hedyscepe canterburyana</i>	<i>Hymenophyllum</i> spp.
<i>Lastreopsis nephrodioides</i>	<i>Lepidorrhachis mooreana</i>
<i>Leptospermum polygalifolium</i> ssp. <i>howense</i>	<i>Lordhowea insularis</i>
<i>Machaerina insularis</i>	<i>Macropiper hooglandii</i>
<i>Melicope contermina</i>	<i>Metrosideros nervulosa</i>
<i>Microlaena stipoides</i>	<i>Microsorium</i> spp.
<i>Negria rhabdothamnoides</i>	<i>Olearia ballii</i>
<i>Olearia mooneyi</i>	<i>Phymatosorus scandens</i>
<i>Pittosporum erioloma</i>	<i>Polystichum whiteleggei</i>
<i>Rapanea myrtilina</i>	<i>Symplocus candelabrum</i>
<i>Tmesipteris truncata</i>	<i>Zygogynum howeanum</i>
3. The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought condition and by its disturbance history (including canopy gaps formed by storms or lightning strikes). The number of species, and the above ground relative abundance of species will change with time since disturbance, and may also change in response to changes in the disturbance regime. At any one time, above ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species; the community also includes non vascular plants, micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are less well documented.
4. Gnarled Mossy Cloud Forest on Lord Howe Island is confined to Lord Howe Island in New South Wales. On the island it is restricted to the summit plateau of Mt Gower (some 27 ha) and in a greatly reduced form and extent on the narrow summit ridge of Mt Lidgbird.
5. Gnarled Mossy Cloud Forest on Lord Howe Island is currently recognised following the work on vegetation classification on Lord Howe Island by Pickard (1983) who describes the community as Gnarled Mossy Forest. Other studies describe the community as Moss Forest (Oliver 1916), Cloud Forest (Mueller-Dombois & Fosberg 1998) and Mossy Cloud Forest (Harris *et al.* 2005). Recent work (Harris *et al.* 2005) has detailed the species composition and internal variation within the community, along with its conservation significance. Small scale patch dynamics are likely to be key drivers of turnover in plant populations in Gnarled Mossy Cloud Forest. These small scale disturbances include tree death and fall, storm and lightning damage. Extensive Providence Petrel (*Pterodroma solandri*) burrowing may also influence plant recruitment. Many non-vascular plants are dependent upon cloud cover and the structure provided by the trees and shrubs.
6. Gnarled Mossy Cloud Forest on Lord Howe Island is a forest 2-8 m tall, depending on aspect and whether it occurs on ridges or in drainage lines. On the summit plateau of Mt Gower, the dominant species are *Zygogynum howeanum* and *Dracophyllum fitzgeraldii* (Pickard 1983, Harris *et al.* 2005). Associated trees include *Cryptocarya gregsonii*, *Elaeocarpus costatus*, *Leptospermum polygalifolium* subsp. *howense*, *Negria rhabdothamnoides*, *Pittosporum erioloma*, *Symplocus candelabrum*, and the palms *Hedyscepe canterburyana* and *Lepidorrhachis mooreana*. Tree Ferns (*Cyathea* spp.), large tussock sedges (*Machaerina insularis* and *Gahnia howeana*), ferns *Blechnum fullagarii*, *Blechnum contiguum*,

Blechnum howeanum, *Grammitis wattsi* and other ferns, mosses and lichens are abundant. Gnarled Mossy Cloud Forest on Lord Howe Island also occurs on the summit ridgetop of Mt Lidgbird above 750 m elevation, but is much more exposed and restricted in area (Pickard 1983). A vegetation plot on the summit of Mt Lidgbird in Gnarled Mossy Cloud Forest had a dominant canopy of *Hedyscepe canterburyana*, *Cryptocarya gregsonii*, *Dysoxylum pachyphyllum*, *Negria rabdothamnoides*, *Pittosporum erioloma* and *Cyathea macarthurii*, along with *Grammitis diminuta*, *Carex* sp., *Olearia mooneyi*, *Rapanea myrtilina*, *Zygogynum howeanum*, *Lordhowea insularis*, *Gahnia howeana*, *Negria rabdothamnoides*, *Coprosma lanceolaris*, *Dendrobium moorei*, *Coprosma putida*, *Macropiper hooglandii*, *Microsorium scandens*, *Asplenium milnei*, *Asplenium surragatum*, *Elatostema grande*, *Hymenophyllum* sp. (Hutton and Auld unpubl. data).

7. Some 86% of the vascular plant species in Gnarled Mossy Cloud Forest on Lord Howe Island are endemic to Lord Howe Island and approximately 17% are endemic to this community or only occur within it and on adjacent slopes below (Harris *et al.* 2005). There is extensive development of non-vascular epiphytes (Pickard 1983). Ramsay (1994) details the mosses of Lord Howe Island and lists 105 species, in 58 genera and 36 families. 20% of these are endemic to the island and some 37 taxa are recorded from the Mt Gower area, with 15 species apparently confined to the southern mountains (Ramsay 1994).
8. Gnarled Mossy Cloud Forest on Lord Howe Island is readily distinguished from adjacent communities as it only occurs on summit plateau and ridgetops of the two southern mountains of Lord Howe Island and the adjacent communities lack the extensive development of non-vascular epiphytes and several endemic mountain vascular plant species. *Dracophyllum-Metrosideros* scrub (of Pickard 1983 and Mueller-Dombois & Fosberg 1998) occurs on benches below the summits. Pickard (1983) notes that Gnarled Mossy Cloud Forest on Lord Howe Island is floristically distinct but close to *Dracophyllum-Metrosideros* scrub and *Hedyscepe canterburyana* closed forest, neither of which are considered to be part of the Gnarled Mossy Cloud Forest community.
9. Gnarled Mossy Cloud Forest on Lord Howe Island is a key component contributing to the southern mountains biodiversity hotspot on Lord Howe Island (DECC 2007), particularly for plants and invertebrates. Cassis *et al.* (2003) found that the assemblage of terrestrial invertebrates in the Gnarled Mossy Cloud Forest exhibits high species richness, high levels of endemism to Lord Howe Island and many species are restricted to the Gnarled Mossy Cloud Forest.
10. Several threatened taxa occur within the Gnarled Mossy Cloud Forest on Lord Howe Island. These include:

Birds: Lord Howe Woodhen, *Gallirallus sylvestris* (Vulnerable under *Environment Protection and Biodiversity Conservation Act* (EPBC)), Endangered under the *NSW Threatened Species Conservation Act* (TSC); Providence Petrel, *Pterodroma solandri* (Vulnerable under TSC Act), Silvereye (Lord Howe Island subsp.), *Zosterops lateralis tephroleurus* (Vulnerable under TSC Act), Pied Currawong (Lord Howe Island subsp.), *Strepera graculina crissalis* (Vulnerable under TSC Act). These birds also occur at lower elevations but Gnarled Mossy Cloud Forest forms key core habitat for the petrel and woodhen in particular;

Invertebrates: Lord Howe Island earthworm, *Pericryptodrilus nanus* (Endangered under TSC Act) is confined to this community and dependent upon it. Four endemic snails are listed under the EPBC Act as Critically Endangered. These are *Pseudocharopa whiteleggei*, *Pseudocharopa lidgbirdi*, *Mystivagor mastersi* and *Gudeoconcha sophiae magnifica*. All are restricted to the Gnarled Mossy Cloud Forest. Cassis *et al.* (2003) identify a number of invertebrates (ants, beetles and spiders) that are found in the cloud forest that should be considered for listing as threatened;

Plants: *Lepidorrhachis mooreana* (Little Mountain Palm) (Critically Endangered under the TSC Act). This palm is endemic to Lord Howe Island and is confined to the Gnarled Mossy Cloud Forest.
11. The Gnarled Mossy Cloud Forest on Lord Howe Island is threatened by a number of factors. The exotic Ship Rat *Rattus rattus* has been on Lord Howe Island for some 90 years. It is having an impact on the two endemic palm genera (*Hedyscepe* and *Lepidorrhachis*) in the Gnarled Mossy Cloud Forest by consuming a large proportion of their seeds (Baker and Hutton 2006, Auld *et al.* 2010). The effect of rats on other plants and animals is poorly known, but rats consume seeds and leaves of a number of other taxa (Auld and Hutton 2004), including *Dietes robinsoniana* which occurs in the Gnarled Mossy Cloud Forest. Rats may also impact on a number of invertebrates. Some 7% of the summit plateau of Mt Gower is baited to reduce rat impacts and there is a plan to try to eradicate rats across the whole island. 'Predation by the Ship Rat *Rattus rattus* on Lord Howe Island' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.
12. Gnarled Mossy Cloud Forest is confined to mountain summits. There is no bioclimatic zone for component species to move into with warming temperatures. Climate change may also affect the frequency of severe storms and cloud formation (timing, duration, frequency) on the mountains and hence the moisture regime and species survival in the cloud forest (Auld and Hutton 2004). The 'lift-cloud-base hypothesis' states that the climate of tropical mountains is showing signs of gradual change due to an elevation in sea surface temperatures (Pounds *et al.* 1997, 1999; Still *et al.* 1999). Still *et al.* (1999) suggest that under a changing climate there are likely to be upward altitudinal shifts in the areas that experience cloud formations. Pounds *et al.* (1999) suggest that such a change may have contributed to frog and toad decline in a Costa Rican Cloud Forest. If this prediction holds for Lord Howe Island, then there may be reduced formation of clouds on the southern mountains and reduced moisture availability. This is likely to have negative impacts for species occupying both the cloud forests themselves and the associated mountain slopes. In particular, epiphytes may be very sensitive to changes in microclimate resulting from predicted global climate changes (Benzing 1998) yet these plants play a key role in light, hydrological and nutrient regimes in the forests in which they occur (Foster 2001). Predicted changes in global mean air temperatures from Global Circulation Models forecast a change of 1.5 up to 6°C by 2100 (IPCC 2007). Specific predictions for Lord Howe Island have not been developed although

Australian National University (2009) suggests that average annual air temperature is expected to rise by $1.3 \pm 0.6^\circ\text{C}$ by 2030. Further they suggest that “The consequential impacts of a rise of the cloud layer, caused by rising sea surface temperatures, constitute a major climate-related threat to the island’s plant communities. This cloud layer provides a source of precipitation (ocult precipitation) and maintains the humidity required by about 86% of the island’s endemic plant species including the dwarf mossy forest that dominates the summit of the peaks on Lord Howe Island” and “Change in the semi-permanent cloud cover that envelops the summits of Mt Gower (875 m) and Mt Lidgbird (777 m) is a major climate-related threat to the vegetation communities of the island (Garnaut 2008). The precipitation provided by this cloud cover and the humidity it provides during periods of low rainfall are important to summit vegetation communities. The precipitation derived from the cloud layer is also an essential source of water for flora and fauna at lower elevations.” ‘Anthropogenic climate change’ is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.

13. A small number of minor weeds have been recorded within the community. Most are facilitated by disturbance and take advantage of cliff edges or areas of tree fall, lightning strike, tree death and other minor disturbances. These weeds may compete with native plants for recruitment in canopy gaps and cliff edges. This is an ongoing issue, especially if more aggressive weeds invade. Weeds identified so far include: *Agrostis avenaceus*, *Arenaria serpyllifolia*, *Avena barbata*, *Bromus carthartius*, *Ehrharta erecta*, *Lolium perenne*, *Luzula longiflora*, *Paspalum* sp., *Poa annua*, *Polycarpon tetraphyllum*, *Potentilla indica*, *Pseudognaphalium luteo-album*, *Rumex* sp., *Solanum nigrum*, *Sonchus oleraceus*, *Sporobolus africanus*, *Stellaria media*, *Vulpia bromoides* on Mt Gower and *Ageratina adenophora*, *Lilium formosanum*, and *Solanum nigrum* on Mt Lidgbird.
14. The plant pathogen *Phytophthora cinnamomi* has been found on Lord Howe Island and could potentially spread to the summit via walkers or birds. Currently there are few data on the susceptibility of key Lord Howe Island endemic plants to this pathogen (see Auld and Hutton 2004). A number of potentially susceptible species are major structural dominants in the Gnarled Mossy Cloud Forest. ‘Infection of native plants by *Phytophthora cinnamomi*’ is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995. Species occurring as part of the Gnarled Mossy Cloud Forest on Lord Howe Island and belonging to the Family Myrtaceae (*Metrosideros nervulosa* and *Leptospermum polygalifolium* ssp. *howense*) may be susceptible to exotic rusts including Myrtle Rust which is present on mainland NSW. ‘Introduction and establishment of Exotic Rust Fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae’ is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.
15. Gnarled Mossy Cloud Forest on Lord Howe Island is eligible to be listed as a Critically Endangered Ecological Community as, in the opinion of the Scientific Committee, it is facing an extremely high risk of extinction in New South Wales in the immediate future, as determined in accordance with the following criteria as prescribed by the Threatened Species Conservation Regulation 2010:

Clause 18 Restricted geographic distribution of ecological community

The ecological community’s geographic distribution is estimated or inferred to be:

- (a) very highly restricted,

and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community’s component species.

Clause 19 Reduction in ecological function of ecological community

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

- (a) a very large reduction in ecological function, as indicated by any of the following:
 - (d) change in community structure,
 - (e) change in species composition,
 - (f) disruption of ecological processes,
 - (g) invasion and establishment of exotic species,
 - (h) degradation of habitat.

Dr RICHARD MAJOR,
Chairperson,
Scientific Committee

References:

- Auld TD, Hutton I (2004) Conservation issues for the vascular flora of Lord Howe Island. *Cunninghamia* **8**, 490-500.
- Auld TD, Hutton I, Ooi MKJ, Denham AJ (2010) Invasive species on oceanic islands: disruption of recruitment in narrow endemic palms. *Biological Invasions* **12**, 3351-3361.

Australian National University (2009) Implications of climate change for Australia's World Heritage properties: A preliminary assessment. A report to the Department of Climate Change and the Department of the Environment, Water, Heritage and the Arts by the Fenner School of Environment and Society, the Australian National University.

Baker WJ, Hutton I (2006) *Lepidorrhachis*. *Palms* **50**, 33–38.

Benzing DH (1998) Vulnerabilities of tropical forests to climate change: The significance of resident epiphytes. *Climate Change* **39**, 519–540.

Cassis G, Meades L, Harris R., Reid C, Carter G, Wilkie L, Jeffreys E (2003) Lord Howe Island Terrestrial Invertebrate Biodiversity and Conservation. Report to the NSW National Parks and Wildlife Service by the Australian Museum Centre for Biodiversity and Conservation Research.

DECC (2007) Lord Howe Island Biodiversity Management Plan. Department of Environment and Climate Change (NSW), Sydney.

Foster P (2001) The potential negative impacts of global climate change on tropical montane cloud forests. *Earth Science Reviews* **55**, 73–106.

Garnaut R (2008) Garnaut climate change review: Interim report to the Commonwealth, State and Territory governments of Australia, June 2008.

Harris R, Cassis G, Auld T, Hutton I (2005) Floristics and structure of the mossy cloud forest of Mt Gower summit, Lord Howe Island. *Pacific Conservation Biology*, **11**, 246–56.

IPCC (2007) Climate Change 2007: The physical science basis. Contributions of working group 1 to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. (Cambridge University Press Cambridge)

Mueller-Dombois, D, Fosberg, FR (1998) Vegetation of the Tropical Pacific Islands. (Springer-Verlag, New York)

Oliver WRB (1916) The vegetation and flora of Lord Howe Island. *Transactions and Proceedings of the New Zealand Institute* **49**, 94–161.

Pickard J (1983) Vegetation of Lord Howe Island. *Cunninghamia* **1**, 133–265.

Pounds JA, Fogden MPL, Savage JM, Gorman GC (1997). Tests of null models for amphibian declines on a tropical mountain, *Conservation Biology* **11**, 1307–1322.

Pounds JA, Fogden MPL, Campbell JH (1999) Biological response to climate change on a tropical mountain. *Nature* **398**, 691–615.

Ramsay HP (1994) The Mosses of Lord Howe Island. *Telopea* **2**, 549–558.

Still CJ, Foster PN, Schneider SH (1999) Simulating the effects of climate change on tropical montane cloud forests. *Nature* **398**, 608–610.



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 insert the following species as a critically endangered species under that Act and, accordingly, Schedule 1A to that Act is amended by inserting in Part 1 in alphabetical order in the matter relating to Orchidaceae under the heading “Plants”:

Thelymitra sp. Kangaloon (D.L. Jones 18108)

This Notice commences on the day on which it is published in the Gazette.

Dated, this 4th day of October 2011.

Dr Richard Major
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/- Office of Environment and Heritage, PO Box 1967, Hurstville BC NSW 1481, by telephone (02) 9585 6940 or by facsimile (02) 9585 6989,
- (c) in person at the Office of Environment and Heritage Information Centre, Level 14, 59–61 Goulburn Street, Sydney.

OFFICIAL NOTICES

Appointments

CONSTITUTION ACT 1902

Ministerial Arrangements during the Absence of the
Minister for Resources and Energy,
Special Minister of State and
Minister for the Central Coast

PURSUANT to section 36 of the Constitution Act 1902, the Administrator, with the advice of the Executive Council, has authorised the Honourable D. J. GAY, M.L.C., Minister for Roads and Ports, to act for and on behalf of Minister for Resources and Energy, Special Minister of State and Minister for the Central Coast, on and from 2 November 2011, with a view to his performing the duties of the Honourable C. HARTCHER, M.P., during his absence from duty.

BARRY O'FARRELL, M.P.,
Premier

Department of Premier and Cabinet, Sydney.
Dated: 26 October 2011.

CONSTITUTION ACT 1902

Ministerial Arrangements during the Absence of
the Treasurer

PURSUANT to section 36 of the Constitution Act 1902, the Administrator, with the advice of the Executive Council, has authorised the Honourable G. S. PEARCE, M.L.C., Minister for Finance and Services and Minister for the Illawarra, to act for and on behalf of the Treasurer, on and from 30 October 2011, with a view to his performing the duties of the Honourable M. B. BAIRD, M.P., during his absence from duty.

BARRY O'FARRELL, M.P.,
Premier

Department of Premier and Cabinet, Sydney.
Dated: 26 October 2011.

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Official Visitor Corrective Services Appointments
(from 1 October 2011 for a period up to
30 September 2013)

<i>First Names</i>	<i>Last Name</i>
Arthur Ernest	BRIDGE
John Craig	BROWN
David	BROWN
Russell David	BROWN
Christopher Robin	BULT
Thomas William	BURKE
Ruth Alison	CAMPBELL
Colin Edmond	CHAMBERS
Alison Jane	CONN
Hiep	DUONG
Rhonda Ellen	FRY

Colin Charles	GOLDSPINK
Anna	GOULSTON
Ross Gregory	HANNAH
James Conrad	HARKIN
Timothy John	HICKIE
Ronald Frederick	HOLT
Fergus Anthonng	HYNES
Shelley Ellen	JONES
George	KAZZI
Susan Elizabeth	MACLEOD
John Hopkin	MATHEW
Richard John	McDONNELL
Ian Donald	McKENZIE
Murray John	McPHERSON
Nicola	MERCER
Russell William	MERRIMAN
Jill	MILLER
James Osborne	MORRICE
Robyn Wendy	MORROW
Janice Pamela	MUNDY
Pamela Rosalie	NOAL
Thomas Michael	O'BRIEN
Vincent Patrick	O'BRIEN
Doreen Jessie	ORCHER
William John	PHILLIPS
Reginald Charles	POLLOCK
Raffaella Lina	RAPONE
Terence Francis	RATH
Robyn	READ
Margaret Jean	REEKS
Colin Peter	ROBINSON
Julie Anne	SCANDRETT
Louise Alison	SHAKESPEARE
Esther Barbara	SMART
Babette Alison	SMITH
Paul Malcolm	SMITH
Neal Ross	SMYTH
Paul James	STEVENSON
John Adrian	THORNTON
Isileli	TUITAVUKI
Geoffrey Graham	TURNBULL
Brendan Craig	UNDERWOOD
Kay Ormonde	VALDER
Nick	VRABAC
John Francis	WALKER
David John	WALSHE
Joan Violet	WESTLAKE
Brian George	WINSHIP

GREG SMITH, M.P.,
Attorney General
and Minister for Justice

**ELECTION FUNDING, EXPENDITURE AND
DISCLOSURES ACT 1981**

Appointment of Members to the
Election Funding Authority

IT is hereby notified for public information that the Administrator, with the advice of the Executive Council, and in pursuance of the provisions of the Election Funding, Expenditure and Disclosures Act 1981, has been pleased to appoint to the Election Funding Authority the Hon. Edward Phillip PICKERING as member and Mr James Allan LONGLEY as alternate, on the nomination of the Premier, and Mr Kirk Stewart McKENZIE as member and Mr Steven David LEWIS as alternate, on the nomination of the Leader of the Opposition in the Assembly.

Dated: 26 October 2011.

BARRY O'FARRELL, M.P.,
Premier

LOCAL GOVERNMENT ACT 1993

Appointment of Councillor to Fill a Casual Vacancy in the
Office of Mayor, Canterbury City Council

THE Administrator, with the advice of the Executive Council, has appointed Councillor Brian John ROBSON to the office of Mayor, Canterbury City Council, from 1 November 2011, until the declaration of the mayoral election to be held in conjunction with the ordinary election of councillors in September 2012.

The Hon. DON PAGE, M.P.,
Minister for Local Government

SOUTHERN CROSS UNIVERSITY ACT 1993

Notification of Appointment to the Council

I, ADRIAN PICCOLI, Minister for Education, in pursuance of section 10(1)(b) of the Southern Cross University Act 1993, appoint Ms Rhoda Roberts as member of the University Council, for a term commencing on 1 October 2011 and expiring on 2 September 2014.

ADRIAN PICCOLI, M.P.,
Minister for Education

**THE UNIVERSITY OF TECHNOLOGY, SYDNEY,
ACT 1989**

Notification of Appointment to the Council

I, ADRIAN PICCOLI, Minister for Education, in pursuance of section 9(1)(b) of the University of Technology, Sydney, Act 1989, appoint Ms Michelene Collopy as member of the University Council, for a term commencing on 4 October 2011 and expiring on 31 October 2012.

ADRIAN PICCOLI, M.P.,
Minister for Education

Department of Primary Industries

PLANT DISEASES ACT 1924

Appointment of Inspectors

I, ANDREW COLIN SANGER, Director Agricultural Compliance, with the delegated authority of the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 28C of the Plant Diseases Act 1924 (“the Act”) and pursuant to section 11 of the Act hereby appoint the persons named in the Schedule below as inspectors for the purposes of the Act.

SCHEDULE

Craig Anthony BROWN
 Peter Roy BYRNES
 Mark CHENTRENS
 Peter William DAVIS
 Ryan Walter Stewart DAVIS
 Dean Noel HANDY
 Tupunaviivii Akama KIRIRUA
 Robyn Ann MORRISON
 Scott John PATULLO
 Matt Jacob TIMMIS
 Stephen STEWART
 Daniel Christopher THAKE
 Dion Lee TURNER KIRBY
 Valerie Anne Elizabeth WILSON
 Larry James ZAFFINA

Dated this 25th day of October 2011.

A. C. SANGER,
 Director, Agricultural Compliance,
 Department of Primary Industries
 (an office within the Department of Trade and
 Investment, Regional Infrastructure and Services)

STOCK DISEASES ACT 1923

Appointment of Inspectors

Notification No. 532

I, ANDREW COLIN SANGER, Director Agricultural Compliance, with the delegated authority of the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 22C of the Stock Diseases Act 1923 (“the Act”) and pursuant to section 6(1) of the Act hereby appoint Evelyn Angert WALKER and Susan Jane MCCLURE as inspectors for the purposes of the Act.

Dated this 10th day of October 2011.

A. C. SANGER,
 Director, Agricultural Compliance,
 Department of Primary Industries
 (an office within the Department of Trade and
 Investment, Regional Infrastructure and Services)

STOCK DISEASES ACT 1923

Appointment of Inspectors

Notification No. 533

I, ANDREW COLIN SANGER, Director Agricultural Compliance, with the delegated authority of the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 22C of the Stock Diseases Act 1923 (“the Act”) and pursuant to section 6 (1) of the Act hereby appoint Rebecca Jane GRAY, Nicholas Stuart Preston HILL and Joseph Michael DOWLING as inspectors for the purposes of the Act.

Dated this 25th day of October 2011.

A. C. SANGER,
 Director, Agricultural Compliance,
 Department of Primary Industries
 (an office within the Department of Trade and
 Investment, Regional Infrastructure and Services)

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T11-0318)

No. 4401, JOHN THOMPSON AND ASSOCIATES PTY LTD (ACN 080 779 317), area of 12 units, for Group 1, dated 11 October 2011. (Cobar Mining Division).

(11-0126)

No. 4408, ASTON COAL 2 PTY LTD (ACN 139 472 567), area of 535 hectares, for Group 9, dated 20 October 2011. (Armidale Mining Division).

(T11-0325)

No. 4409, RENISON CONSOLIDATED MINES NL (ACN 003 049 714), area of 25 units, for Group 1, dated 21 October 2011. (Armidale Mining Division).

(T11-0326)

No. 4410, NEWCREST MINING LIMITED (ACN 005 683 625), area of 46 units, for Group 1, dated 24 October 2011. (Orange Mining Division).

(T11-0327)

No. 4411, NEWCREST OPERATIONS LIMITED (ACN 009 221 505) and JERVOIS MINING LIMITED (ACN 007 626 575), area of 10 units, for Group 1, dated 24 October 2011. (Orange Mining Division).

(T11-0328)

No. 4412, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 54 units, for Group 1, dated 24 October 2011. (Orange Mining Division).

(T11-0329)

No. 4413, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 44 units, for Group 1, dated 24 October 2011. (Orange Mining Division).

(T11-0330)

No. 4414, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), area of 5 units, for Group 1, dated 24 October 2011. (Orange Mining Division).

(T11-0331)

No. 4415, NEWCREST MINING LIMITED (ACN 005 683 625), area of 4 units, for Group 1, dated 24 October 2011. (Orange Mining Division).

(T11-0332)

No. 4416, ALKANE RESOURCES LTD (ACN 000 689 216), area of 18 units, for Group 1, dated 24 October 2011. (Orange Mining Division).

(T11-0333)

No. 4417, ALKANE RESOURCES LTD (ACN 000 689 216), area of 90 units, for Group 1, dated 25 October 2011. (Orange Mining Division).

MINING LEASE APPLICATION

(T11-0309)

No. 9, Graham Dennis BURNHAM, area of about 69.65 hectares, to mine for sapphire and zircon, dated 16 September 2011. (Inverell Mining Division).

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATIONS

(T11-0150)

No. 4265, GOLD OF OPHIR PTY LTD (ACN 138 513 587), County of Hawes and County of Parry, Map Sheet (9134, 9135). Withdrawal took effect on 18 October 2011.

(T11-0153)

No. 4268, GOLD OF OPHIR PTY LTD (ACN 138 513 587), County of Gloucester and County of Hawes, Map Sheet (9234). Withdrawal took effect on 18 October 2011.

(T11-0154)

No. 4269, GOLD OF OPHIR PTY LTD (ACN 138 513 587), County of Gloucester, Map Sheet (9233). Withdrawal took effect on 18 October 2011.

(T11-0155)

No. 4270, GOLD OF OPHIR PTY LTD (ACN 138 513 587), County of Gloucester, Map Sheet (9234). Withdrawal took effect on 18 October 2011.

(T11-0161)

No. 4276, GOLD OF OPHIR PTY LTD (ACN 138 513 587), County of Parry, Map Sheet (9135). Withdrawal took effect on 18 October 2011.

(T11-0162)

No. 4277, GOLD OF OPHIR PTY LTD (ACN 138 513 587), County of Inglis, Map Sheet (9136). Withdrawal took effect on 18 October 2011.

(T11-0163)

No. 4278, GOLD OF OPHIR PTY LTD (ACN 138 513 587), County of Parry, Map Sheet (9135). Withdrawal took effect on 18 October 2011.

(T11-0164)

No. 4279, GOLD OF OPHIR PTY LTD (ACN 138 513 587), County of Brisbane and County of Hawes, Map Sheet (9134, 9135). Withdrawal took effect on 18 October 2011.

(T11-0170)

No. 4284, OAKLAND RESOURCES PTY LTD (ACN 137 606 476), County of Georgiana, Map Sheet (8729, 8829). Withdrawal took effect on 12 October 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

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

(06-1264)

Authorisation No. 278, DIRECTOR GENERAL NSW DEPARTMENT OF TIRIS ON BEHALF OF THE CROWN, area of 309.1 square kilometres. Application for renewal received 21 October 2011.

(T03-0006)

Exploration Licence No. 6140, ISOKIND PTY LIMITED (ACN 081 732 498), area of 46 units. Application for renewal received 20 October 2011.

(T03-0001)

Exploration Licence No. 6144, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 6 units. Application for renewal received 20 October 2011.

(T03-0081)

Exploration Licence No. 6149, PEAK GOLD MINES PTY LTD (ACN 001 533 777), area of 8 units. Application for renewal received 25 October 2011.

(06-2614)

Exploration Licence No. 6676, DIRECTOR GENERAL NSW DEPARTMENT OF TRADE AND INVESTMENT, REGIONAL INFRASTRUCTURE AND SERVICES ON BEHALF OF THE CROWN, area of 562 square kilometres. Application for renewal received 21 October 2011.

(07-0316)

Exploration Licence No. 6918, KOKONG HOLDINGS PTY LTD (ACN 008 622 348), area of 25 units. Application for renewal received 21 October 2011.

(07-0310)

Exploration Licence No. 6919, COMMISSIONERS GOLD LIMITED (ACN 115 845 942), area of 18 units. Application for renewal received 20 October 2011.

(07-0307)

Exploration Licence No. 6920, COMMISSIONERS GOLD LIMITED (ACN 115 845 942), area of 16 units. Application for renewal received 20 October 2011.

(07-0313)

Exploration Licence No. 6921, COMMISSIONERS GOLD LIMITED (ACN 115 845 942), area of 24 units. Application for renewal received 20 October 2011.

(07-0308)

Exploration Licence No. 6922, COMMISSIONERS GOLD LIMITED (ACN 115 845 942), area of 21 units. Application for renewal received 20 October 2011.

(T09-0114)

Exploration Licence No. 7408, OAKLAND RESOURCES PTY LTD (ACN 137 606 476), area of 100 units. Application for renewal received 20 October 2011.

(T09-0081)

Exploration Licence No. 7409, AUSTRALIAN GOLD INVESTMENTS LIMITED (ACN 124 873 507), area of 46 units. Application for renewal received 20 October 2011.

(T09-0115)

Exploration Licence No. 7412, OAKLAND RESOURCES PTY LTD (ACN 137 606 476), area of 100 units. Application for renewal received 20 October 2011.

(T09-0145)

Exploration Licence No. 7413, CENTRAL WEST GOLD NL (ACN 003 078 591), area of 17 units. Application for renewal received 20 October 2011.

(T09-0148)

Exploration Licence No. 7414, PLATSEARCH NL (ACN 003 254 395), area of 62 units. Application for renewal received 21 October 2011.

(T09-0144)

Exploration Licence No. 7420, SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 4 units. Application for renewal received 21 October 2011.

(07-7147)

Exploration (Prospecting) Licence No. 1050, CONRAD SILVER MINES PTY LTD (ACN 106 967 506), area of 4 units. Application for renewal received 21 October 2011.

(11-5503)

Coal Lease No. 381 (Act 1973), ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), area of 58 hectares. Application for renewal received 20 October 2011.

(11-5504)

Coal Lease No. 388 (Act 1973), ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), area of 47.2 hectares. Application for renewal received 20 October 2011.

(T97-0573)

Mining Purposes Lease No. 335 (Act 1973), TEDDY KNUD PETERSEN AND WARRENGULLA LAND MANAGEMENT PTY LTD (ACN 071 072 734), area of 2 hectares. Application for renewal received 19 October 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(08-2850)

Exploration Licence No. 5238, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), County of Ashburnham, Map Sheet (8631), area of 16 units, for a further term until 19 February 2013. Renewal effective on and from 27 September 2011.

(04-0501)

Exploration Licence No. 6302, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), Counties of Mouramba and Robinson, Map Sheet (8033, 8034), area of 96 units, for a further term until 22 September 2012. Renewal effective on and from 28 September 2011.

(T03-0891)

Exploration Licence No. 6365, ARK MINES LIMITED (ACN 123 668 717), County of Cowper, Map Sheet (8136, 8236), area of 10 units, for a further term until 16 January 2013. Renewal effective on and from 28 September 2011.

(05-0272)

Exploration Licence No. 6514, BORAL MONTORO PTY LIMITED (ACN 002 944 694), County of Northumberland, Map Sheet (9131), area of 4 units, for a further term until 5 March 2012. Renewal effective on and from 24 October 2011.

(06-0148)

Exploration Licence No. 6623, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), Counties of Booroondarra and Robinson, Map Sheet (7934, 7935, 8034), area of 19 units, for a further term until 30 August 2012. Renewal effective on and from 28 September 2011.

(06-4081)

Exploration Licence No. 6648, ICON RESOURCES LTD (ACN 115 009 106), County of Darling, Map Sheet (9036, 9037), area of 19 units, for a further term until 18 October 2012. Renewal effective on and from 19 October 2011.

(06-0217)

Exploration Licence No. 6661, CLANCY EXPLORATION LIMITED (ACN 105 578 756), Counties of Gordon and Wellington, Map Sheet (8632), area of 49 units, for a further term until 14 November 2012. Renewal effective on and from 20 October 2011.

(07-0099)

Exploration Licence No. 6822, CLANCY EXPLORATION LIMITED (ACN 105 578 756), County of Kennedy, Map Sheet (8432), area of 42 units, for a further term until 10 July 2013. Renewal effective on and from 20 October 2011.

(07-0476)

Exploration Licence No. 7065, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), Counties of Flinders and Mouramba, Map Sheet (8134), area of 50 units, for a further term until 4 February 2012. Renewal effective on and from 28 September 2011.

(T09-0034)

Exploration Licence No. 7335, NEW SOUTH RESOURCES LIMITED (ACN 119 557 416), County of Clarendon, Map Sheet (8428), area of 6 units, for a further term until 24 April 2013. Renewal effective on and from 24 October 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

REFUSAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been refused:

(04-0523)

Exploration Licence No. 6304, Donald John PERKIN and MINEXCHANGE PROPRIETARY LIMITED (ACN 086 042 524), County of Roxburgh, Map Sheet (8831), area of 49 units. The authority ceased to have effect on 19 October 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

WITHDRAWAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been withdrawn:

(04-1006)

Mining Lease No. 1486 (Act 1992), John McCABE, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 8376 square metres. The authority ceased to have effect on 20 October 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

TRANSFERS

(11-3259)

Consolidated Coal Lease No. 706 (Act 1973), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Consolidated Coal Lease No. 707 (Act 1973), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Mineral Lease No. 1051 (Act 1906), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Mineral Lease No. 1052 (Act 1906), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Mineral Lease No. 1308 (Act 1906), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Mining Purposes Lease No. 211 (Act 1906), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Mining Purposes Lease No. 337 (Act 1973), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Mining Purposes Lease No. 1349 (Act 1906), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Mining Purposes Lease No. 1389 (Act 1906), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

(11-3259)

Mining Purposes Lease No. 1400 (Act 1906), formerly held by LAKECOAL PTY LTD (ACN 094 084 787) and SOJITZ COAL RESOURCES PTY LIMITED (ACN 063 050 680) has been transferred to LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386). The transfer was registered on 13 October 2011.

CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure

Caulerpa taxifolia

Narrawallee Inlet, Burrill Lake, Lake Conjola and Berringer Lake, Pittwater and St Georges Basin

I, Geoff Allan, Acting Executive Director, Fisheries NSW, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services pursuant to sections 227 and 228 of the Fisheries Management Act 1994 (“the Act”) do by this notification,

- (i) pursuant to section 11 of the Act revoke the notification titled “Section 8 Notification – Fishing Closure *Caulerpa taxifolia*” and published in *NSW Government Gazette* No. 24 on 4 March 2011 on page 1591 – 1594 inclusive; and
- (ii) pursuant to section 8 of the Act prohibit the taking of all species of fish by all endorsement holders in the Estuary General Fishery and all recreational fishers by the methods of fishing specified in Column 1 of Schedules 1 to 5 to this notification, from the waters described opposite in Column 2 of Schedules 1 to 5 to this notification.

SCHEDULE 1

Narrawallee Inlet and its tributaries

<i>Column 1 – Methods</i>	<i>Column 2 – Waters</i>
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	The waters bordered by: <ol style="list-style-type: none"> 1. On the east, by a line extending due north from the public boat ramp at the end of Normandy St in the township of Narrawallee to a point on the north bank of Narrawallee Inlet; and 2. From the line described in paragraph 1. above upstream to where the Narrawallee Creek begins to bend toward a north west direction (a distance of approximately 1 kilometre along the northern bank), as identified as <i>Caulerpa taxifolia</i> closure areas in the map at Attachment 1 to this notification.

SCHEDULE 2

Burrill Lake and its tributaries

<i>Column 1 – Methods</i>	<i>Column 2 – Waters</i>
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	The waters extending over the whole of Burrill Lake and its tributaries and bays upstream of a line located at the eastern end of the lake and bounded by the points A (35°22.862’S, 150°26.547’E) and B (35°22.937’S, 150°26.415’E), perpendicular to the banks of the channel, as identified as <i>Caulerpa taxifolia</i> closure areas in the map at Attachment 2 to this notification.

SCHEDULE 3

Lake Conjola and Berringer Lake and their tributaries

<i>Column 1 – Methods</i>	<i>Column 2 – Waters</i>
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	The waters extending over the whole of Lake Conjola and its tributaries and bays other than in Pattimorees Lagoon upstream of the Lake Conjola Entrance Road, as identified as <i>Caulerpa taxifolia</i> closure areas in the map at Attachment 3 to this notification.

SCHEDULE 4

Pittwater and its tributaries

<i>Column 1 – Methods</i>	<i>Column 2 – Waters</i>
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation or a landing net as prescribed by clause 11A of the Appendix to the Supporting Plan.	The waters east of a line drawn from the western most point of Barrenjoey Head south to the western most port marker off Observation Point and then south to the northern most point of Stokes Point, as identified as <i>Caulerpa taxifolia</i> closure areas in the map at Attachment 4 to this notification.

SCHEDULE 5

St Georges Basin and its tributaries

Column 1 – Methods	Column 2 – Waters
By means of nets of every description other than a landing net as prescribed by clause 33 of the General Regulation.	<ol style="list-style-type: none"> 1. The waters west of a line drawn from the most south-westerly point of the Basin View boat ramp, to the most easterly point of the small island west of Picnic Point, but excluding Wandanian Creek and Tullarwalla Inlet; and 2. The waters of Pats Bay west of a line drawn from the most south-easterly point of Tallyan Point to the end of Panorama St on the northern shoreline, as identified as <i>Caulerpa taxifolia</i> closure areas in the map at Attachment 5 to this notification.

In this notification:

“Estuary General Fishery” means the share management fishery of that name, as described in Schedule 1 to the Act.

“General Regulation” means the Fisheries Management (General) Regulation 2010.

“Supporting Plan” means the Fisheries Management (Supporting Plan) Regulation 2006

The provisions of this fishing closure notification in respect of endorsement holders in the Estuary General Fishery have effect despite any provision in the Fisheries Management (Estuary General Share Management Plan) Regulation 2006.

This fishing closure notification is effective for a period of five (5) years commencing on the date of publication in the Gazette unless sooner amended or revoked.

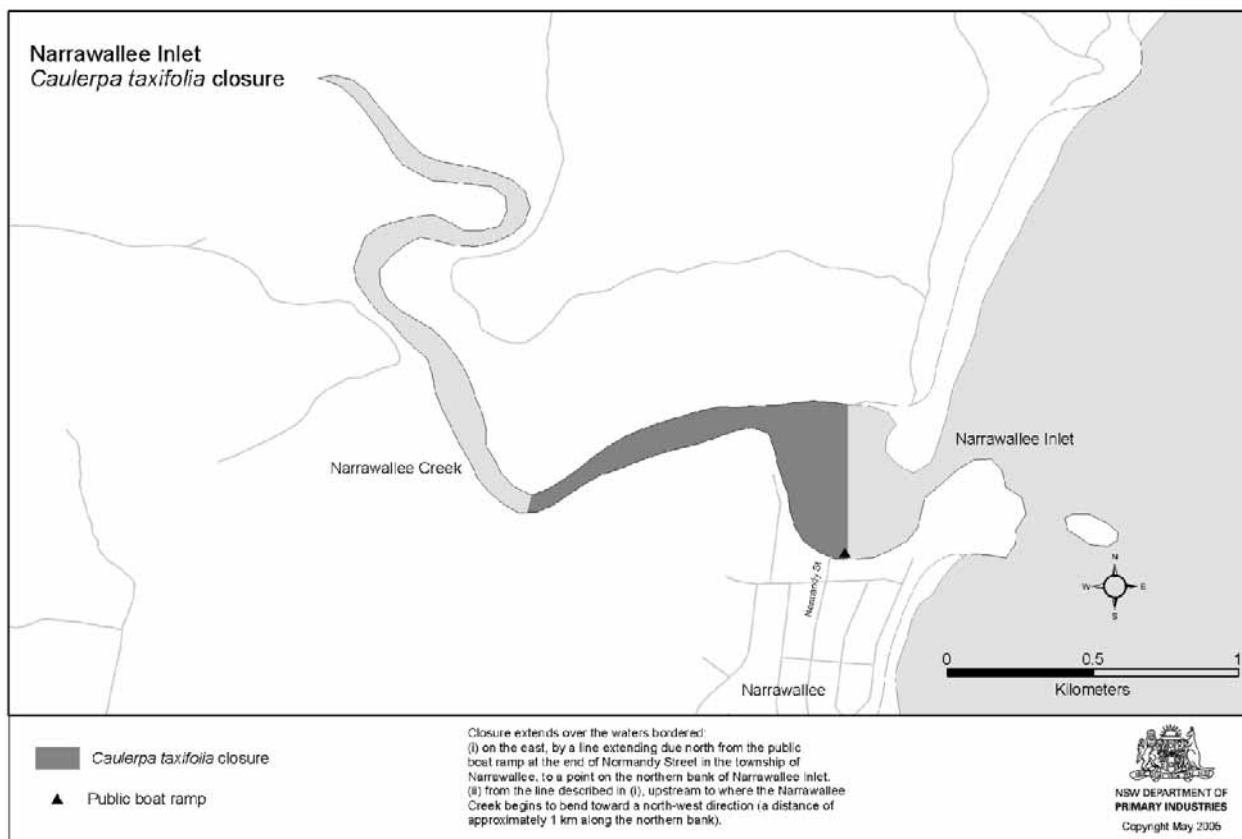
Notes: The maps included as Attachments 1-5 below are for information purposes only and do not limit the description of the waters in this notification. These maps are also displayed at the nearest office of Department of Primary Industries (Fisheries), on the Department of Primary Industries website at www.dpi.nsw.gov.au/fisheries, and at the nearest local council office.

The purpose of this fishing closure is to prevent the spread of the marine pest *Caulerpa taxifolia*.

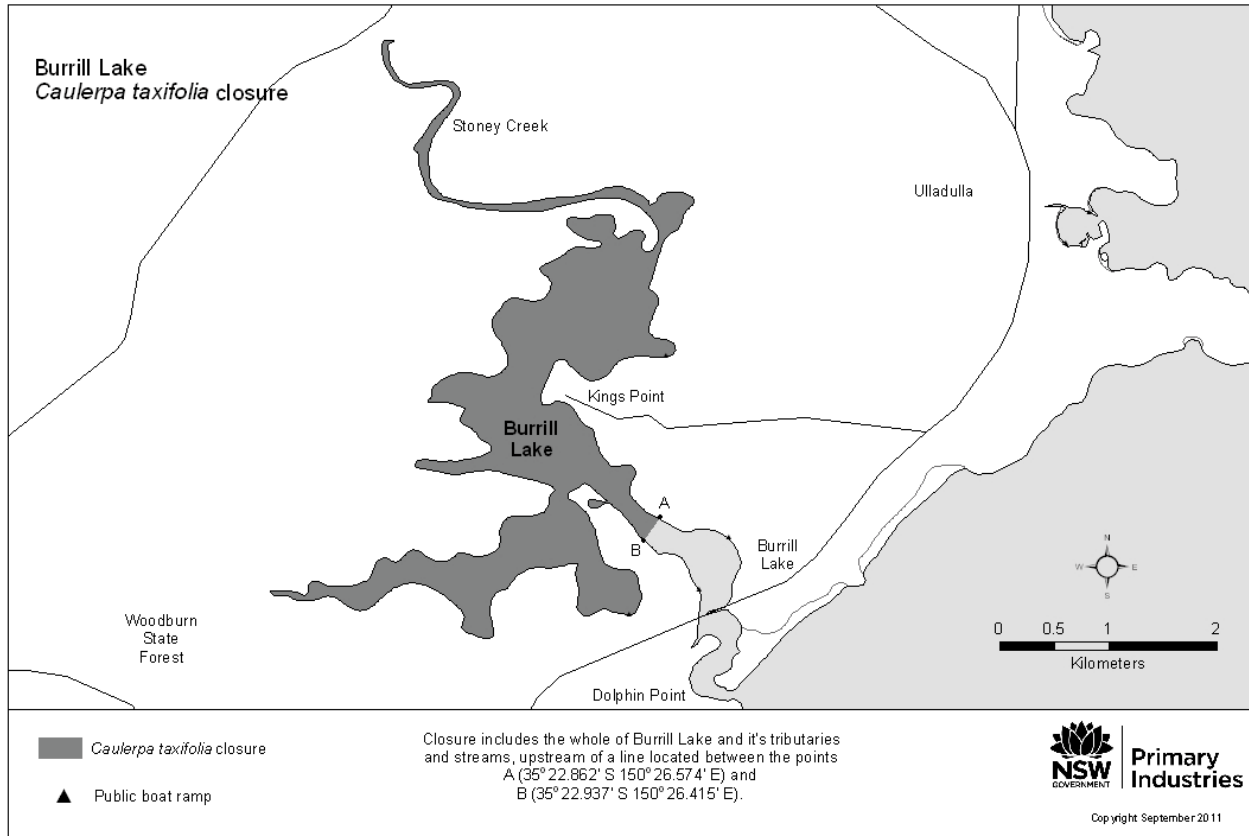
Dated this 26th day of October 2011.

DR GEOFF ALLAN,
A/Executive Director, Fisheries NSW,
Department of Primary Industries
(an office within the Department of Trade and Investment, Regional Infrastructure and Services)

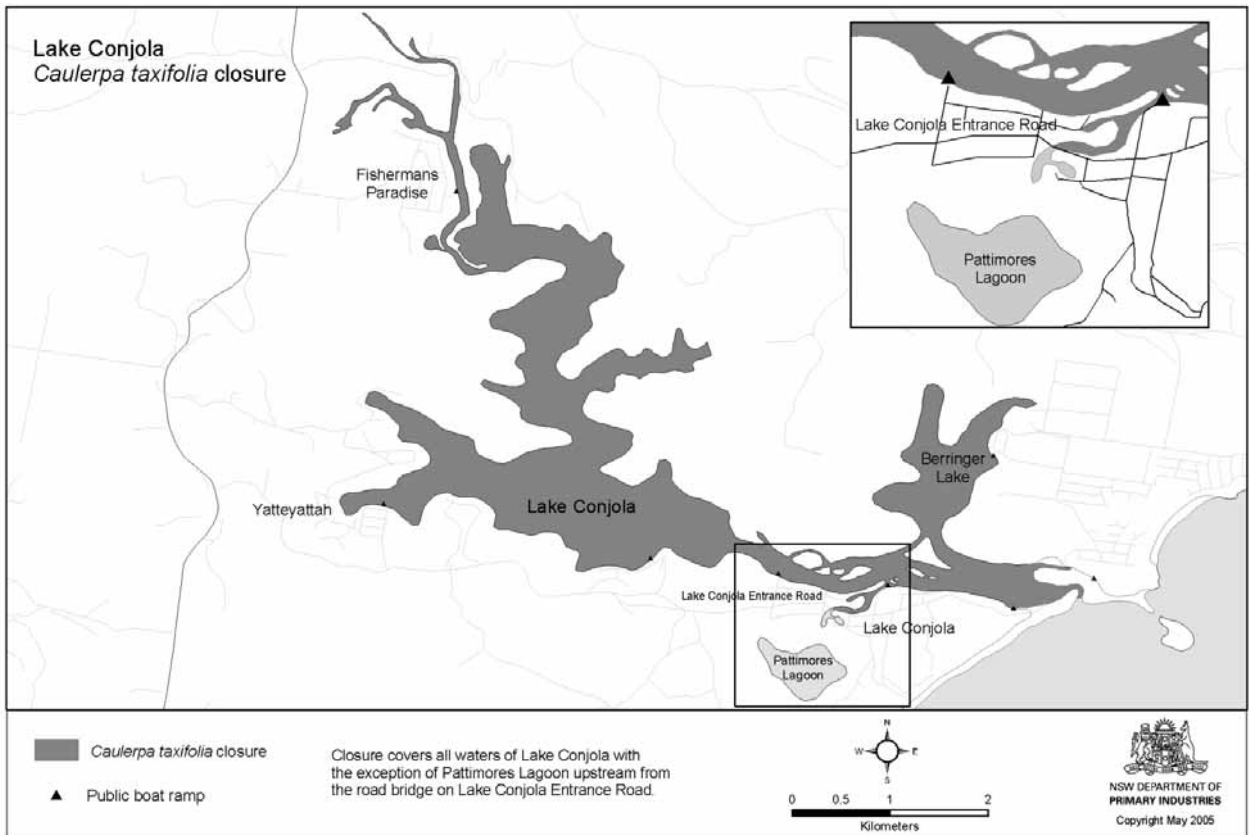
Attachment 1



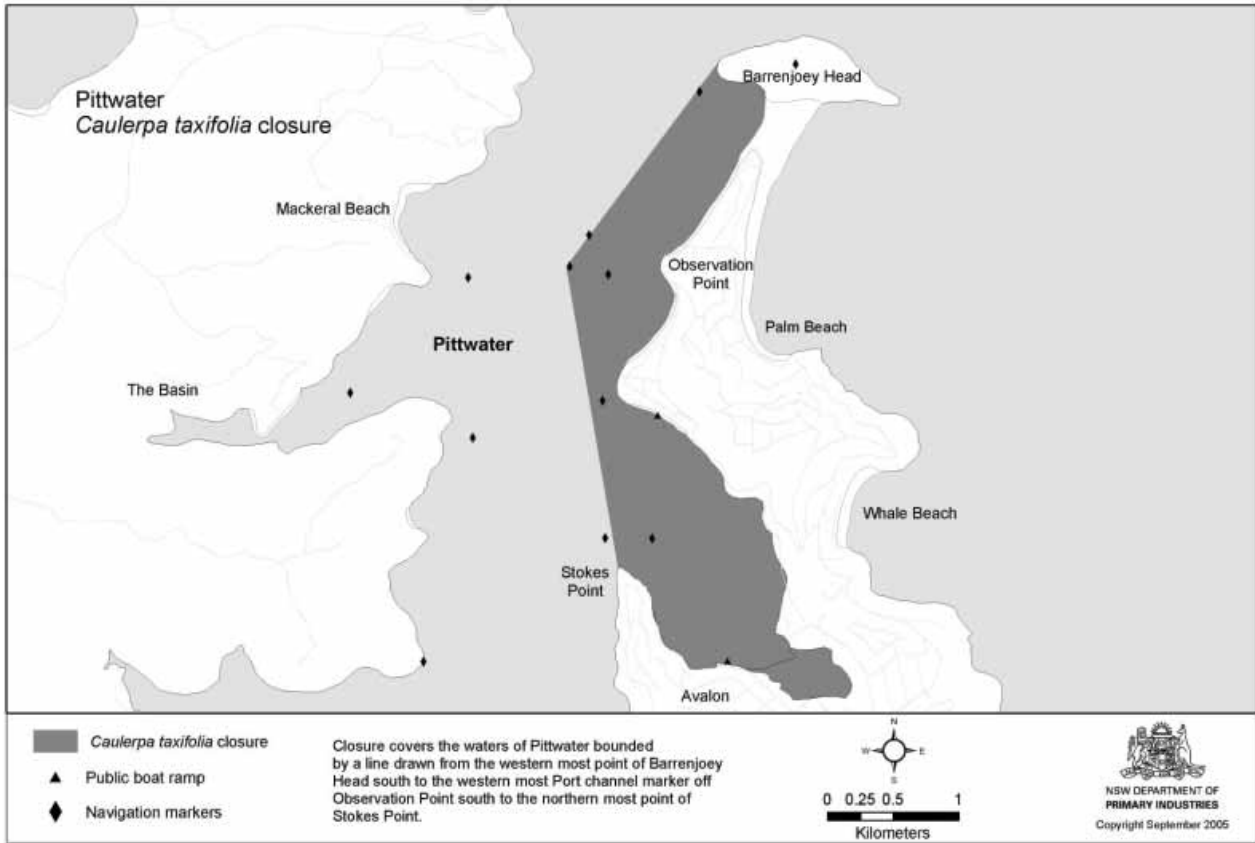
Attachment 2



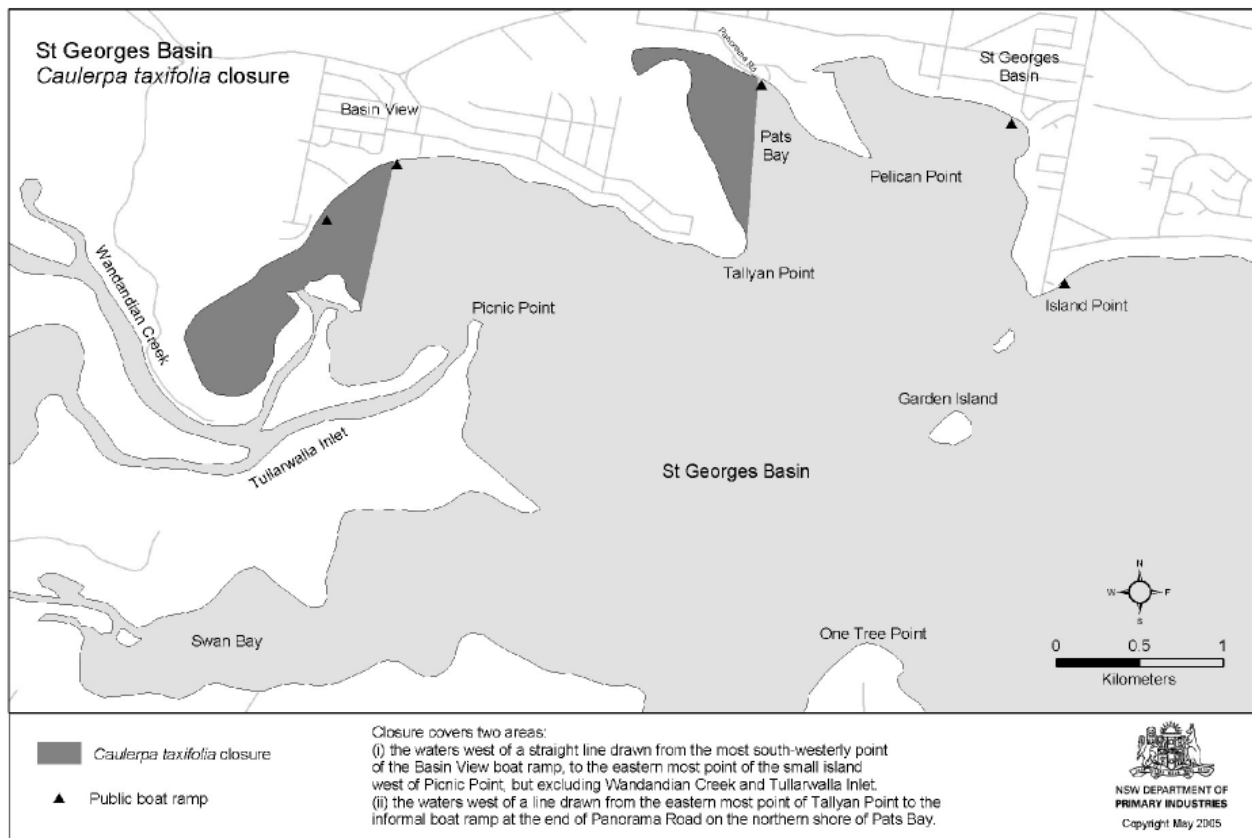
Attachment 3



Attachment 4



Attachment 5



**RURAL LANDS PROTECTION (AUSTRALIAN PLAGUE LOCUST) PEST CONTROL ORDER 2011
UNDER THE RURAL LANDS PROTECTION ACT 1998**

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of Part 11 of, and clause 27 (2) of Schedule 7 to, the Rural Lands Protection Act 1998 make the following pest control order in respect of Australian plague locust.

1 Name of pest control order

This pest control order is the Rural Lands Protection (Australian Plague Locust) Pest Control Order 2011.

2 Commencement and duration

- (1) This pest control order commences on the date it is published in the *NSW Government Gazette*.
- (2) This pest control order has effect for a period of 5 years from the date of commencement.

3 Revocation of previous pest control order in respect of Australian plague locust

Pursuant to section 153 (2) of the Act Pest Control Order Number 9 in respect of Australian plague locust dated 23 October 2006 and published in *NSW Government Gazette* No. 127 on 27 October 2006 at page 9119 is revoked (as is any pest control order revived as a result of this revocation).

4 Definitions

In this pest control order:

controlled land means the land to which this pest control order applies as described in clause 5.

general eradication order means an order made under Division 3 of Part 11 of the Act.

individual eradication order means an order made under Division 3 of Part 11 of the Act.

pest means the insect declared in clause 6 to be a pest on the controlled land.

the Act means the Rural Lands Protection Act 1998.

Note: *authority, control, district, eradicate, general destruction obligation, notification obligation and pest control order* all have the same meaning as in the Act.

5 Controlled land

Pursuant to section 143 (1) (a) of the Act this pest control order applies to all land in New South Wales.

6 Declaration of Australian plague locust to be a pest

Pursuant to section 143 (1) (b) of the Act the Australian plague locust (*Chortoicetes terminifera*), being a former pest within the meaning of clause 27 (1) of Schedule 7 to the Act is declared to be a pest on the controlled land.

7 Obligations and powers imposed or conferred by this pest control order

Pursuant to section 143 (1) (c) of the Act and the sections referred to in this clause, the following obligations and powers are imposed or conferred in relation to the pest on the controlled land:

- (a) pursuant to section 143 (2) (a) of the Act a general destruction obligation is imposed requiring the occupier of controlled land to eradicate the pest by any lawful method;
- (b) pursuant to section 143 (2) (c) of the Act a notification obligation is imposed requiring the occupier of controlled land to give the authority for the district in which the controlled land is situated notice of the presence of the pest on the land as soon as practicable after becoming aware of its presence;
- (c) pursuant to section 143 (2) (d) of the Act all authorities are empowered to serve an individual eradication order in accordance with Part 11 of the Act on any occupier or owner (other than a public authority) of controlled land in their district requiring the occupier or owner to eradicate the pest by use of a method specified by the authority in the order;
- (d) pursuant to section 143 (2) (e) of the Act all authorities are empowered to publish a general eradication order in accordance with Part 11 of the Act requiring all occupiers of controlled land within their district (or a specified part of their district) to eradicate the pest by use of a method specified by the authority in the order;
- (e) pursuant to section 143 (2) (f) of the Act power is conferred on all authorised officers who work as rangers for an authority and all authorised officers appointed for the purposes of Part 11 of the Act to take measures to carry out work on controlled land to eradicate the pest;
- (f) pursuant to section 143 (7) (a) of the Act in respect of the exercise of the power under section 143 (2) (f) by authorised officers on land under the care, control and management of the National Parks and Wildlife Service, that power cannot be exercised unless written approval has been obtained from the Deputy Chief Executive, Parks and Wildlife Group of the NSW Office of Environment and Heritage within the NSW Department of Premier and Cabinet;
- (g) pursuant to section 143 (2) (j) of the Act all authorities are required to supply materials that have been provided to them for the eradication of the pest on controlled land within their district, free of charge, to the owner or occupier of rateable land in accordance with the relevant standard operating procedures.

8 Method of eradication involving application of a substance from the air

Pursuant to section 143 (3) of the Act the method of eradication that may be used in relation to the pest on controlled land that involves the application of a substance from the air is specified to be the use of any substance approved for application by air under the Pesticides Act 1999 for the purpose of controlling the pest.

9 Authorisation of notice for contribution towards eradication of pest insects

This pest control order authorises the Minister to give a notice pursuant to section 172 (1) of the Act in relation to the pest.

Dated this 26th day of October 2011.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Note: Materials provided for eradication of the pest on controlled land are funded from rates levied under the Act. 'Free of charge' means no additional charge is imposed at the time of issue of the materials.

**RURAL LANDS PROTECTION (FERAL PIGS) PEST CONTROL ORDER 2011
UNDER THE RURAL LANDS PROTECTION ACT 1998**

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of Part 11 of, and clause 27 (2) of Schedule 7 to, the Rural Lands Protection Act 1998 make the following pest control order in respect of feral pigs.

1 Name of pest control order

This pest control order is the Rural Lands Protection (Feral Pigs) Pest Control Order 2011.

2 Commencement and duration

(1) This pest control order commences on the date it is published in the *NSW Government Gazette*.

(2) This pest control order has effect for a period of 5 years from the date of commencement.

3 Revocation of previous pest control order in respect of feral pigs

Pursuant to section 153 (2) of the Act Pest Control Order Number 12 in respect of feral pigs dated 3 October 2006 and published in *NSW Government Gazette* No. 122 on 6 October 2006 at page 8690 is revoked (as is any pest control order revived as a result of this revocation).

4 Definitions

In this pest control order:

Agvet Code has the same meaning as in the Pesticides Act 1999.

controlled land means the land to which this pest control order applies as described in clause 5.

general eradication order means an order made under Division 3 of Part 11 of the Act.

individual eradication order means an order made under Division 3 of Part 11 of the Act.

pest means the animal declared in clause 6 to be a pest on the controlled land.

the Act means the Rural Lands Protection Act 1998.

Note: *authority, control, district, eradicate, general destruction obligation* and *pest control order* all have the same meaning as in the Act.

5 Controlled land

Pursuant to section 143 (1) (a) of the Act this pest control order applies to all land in New South Wales.

6 Declaration of feral pig to be a pest

Pursuant to section 143 (1) (b) of the Act the feral pig, being a former pest within the meaning of clause 27 (1) of Schedule 7 to the Act is declared to be a pest on the controlled land.

7 Obligations and powers imposed or conferred by this pest control order

Pursuant to section 143 (1) (c) of the Act and the sections referred to in this clause, the following obligations and powers are imposed or conferred in relation to the pest on the controlled land:

(a) pursuant to section 143 (2) (a) of the Act a general destruction obligation is imposed requiring the occupier of controlled land to eradicate the pest by any lawful method;

(b) pursuant to section 143 (2) (d) of the Act all authorities are empowered to serve an individual eradication order in accordance with Part 11 of the Act on any occupier or owner (other than a public authority) of controlled land in their district requiring the occupier or owner to eradicate the pest by use of a method specified by the authority in the order;

(c) pursuant to section 143 (2) (e) of the Act all authorities are empowered to publish a general eradication order in accordance with Part 11 of the Act requiring all occupiers of controlled land within their district (or a specified part of their district) to eradicate the pest by use of a method specified by the authority in the order;

(d) pursuant to section 143 (2) (g) of the Act power is conferred on all authorities to give approval (whether or not subject to any condition) for a person or a class of persons to keep the pest in captivity on the controlled land.

8 Method of eradication involving application of a substance from the air

Pursuant to section 143 (3) of the Act the method of eradication that may be used in relation to the pest on controlled land that involves the application of a substance from the air is specified to be the use of any substance approved for application by air under the Pesticides Act 1999 or the Agvet Code for the purpose of controlling the pest.

Dated this 26th day of October 2011.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

**RURAL LANDS PROTECTION (MIGRATORY LOCUST) PEST CONTROL ORDER 2011
UNDER THE RURAL LANDS PROTECTION ACT 1998**

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of Part 11 of, and clause 27 (2) of Schedule 7 to, the Rural Lands Protection Act 1998 make the following pest control order in respect of migratory locust.

1 Name of pest control order

This pest control order is the Rural Lands Protection (Migratory Locust) Pest Control Order 2011.

2 Commencement and duration

(1) This pest control order commences on the date it is published in the *NSW Government Gazette*.

(2) This pest control order has effect for a period of 5 years from the date of commencement.

3 Revocation of previous pest control order in respect of migratory locust

Pursuant to section 153 (2) of the Act Pest Control Order Number 10 in respect of migratory locust dated 23 October 2006 and published in *NSW Government Gazette* No. 127 on 27 October 2006 at pages 9119 and 9120 is revoked (as is any pest control order revived as a result of this revocation).

4 Definitions

In this pest control order:

controlled land means the land to which this pest control order applies as described in clause 5.

general eradication order means an order made under Division 3 of Part 11 of the Act.

individual eradication order means an order made under Division 3 of Part 11 of the Act.

pest means the insect declared in clause 6 to be a pest on the controlled land.

the Act means the Rural Lands Protection Act 1998.

Note: *authority, control, district, eradicate, general destruction obligation, notification obligation* and *pest control order* all have the same meaning as in the Act.

5 Controlled land

Pursuant to section 143 (1) (a) of the Act this pest control order applies to all land in New South Wales.

6 Declaration of migratory locust to be a pest

Pursuant to section 143 (1) (b) of the Act the migratory locust (*Locusta migratoria*), being a former pest within the meaning of clause 27 (1) of Schedule 7 to the Act is declared to be a pest on the controlled land.

7 Obligations and powers imposed or conferred by this pest control order

Pursuant to section 143 (1) (c) of the Act and the sections referred to in this clause, the following obligations and powers are imposed or conferred in relation to the pest on the controlled land:

(a) pursuant to section 143 (2) (a) of the Act a general destruction obligation is imposed requiring the occupier of controlled land to eradicate the pest by any lawful method;

(b) pursuant to section 143 (2) (c) of the Act a notification obligation is imposed requiring the occupier of controlled land to give the authority for the district in which the controlled land is situated notice of the presence of the pest on the land as soon as practicable after becoming aware of its presence;

(c) pursuant to section 143 (2) (d) of the Act all authorities are empowered to serve an individual eradication order in accordance with Part 11 of the Act on any occupier or owner (other than a public authority) of controlled land in their district requiring the occupier or owner to eradicate the pest by use of a method specified by the authority in the order;

(d) pursuant to section 143 (2) (e) of the Act all authorities are empowered to publish a general eradication order in accordance with Part 11 of the Act requiring all occupiers of controlled land within their district (or a specified part of their district) to eradicate the pest by use of a method specified by the authority in the order;

(e) pursuant to section 143 (2) (f) of the Act power is conferred on all authorised officers who work as rangers for an authority and all authorised officers appointed for the purposes of Part 11 of the Act to take measures to carry out work on controlled land to eradicate the pest;

(f) pursuant to section 143 (7) (a) of the Act in respect of the exercise of the power under section 143 (2) (f) by authorised officers on land under the care, control and management of the National Parks and Wildlife Service, that power cannot be exercised unless written approval has been obtained from the Deputy Chief Executive, Parks and Wildlife Group of the NSW Office of Environment and Heritage within the NSW Department of Premier and Cabinet;

(g) pursuant to section 143 (2) (j) of the Act all authorities are required to supply materials that have been provided to them for the eradication of the pest on controlled land within their district, free of charge, to the owner or occupier of rateable land in accordance with the relevant standard operating procedures.

8 Method of eradication involving application of a substance from the air

Pursuant to section 143 (3) of the Act the method of eradication that may be used in relation to the pest on controlled land that involves the application of a substance from the air is specified to be the use of any substance approved for application by air under the Pesticides Act 1999 for the purpose of controlling the pest.

9 Authorisation of notice for contribution towards eradication of pest insects

This pest control order authorises the Minister to give a notice pursuant to section 172 (1) of the Act in relation to the pest.

Dated this 26th day of October 2011.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Note: Materials provided for eradication of the pest on controlled land are funded from rates levied under the Act. 'Free of charge' means no additional charge is imposed at the time of issue of the materials.

**RURAL LANDS PROTECTION (RABBITS) PEST CONTROL ORDER 2011
UNDER THE RURAL LANDS PROTECTION ACT 1998**

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of Part 11 of, and clause 27 (2) of Schedule 7 to, the Rural Lands Protection Act 1998 make the following pest control order in respect of rabbits.

1 Name of pest control order

This pest control order is the Rural Lands Protection (Rabbits) Pest Control Order 2011.

2 Commencement and duration

(1) This pest control order commences on the date it is published in the *NSW Government Gazette*.

(2) This pest control order has effect for a period of 5 years from the date of commencement.

3 Revocation of previous pest control order in respect of rabbits

Pursuant to section 153 (2) of the Act Pest Control Order Number 14 in respect of rabbits dated 3 October 2006 and published in *NSW Government Gazette* No. 122 on 6 October 2006 at page 8691 is revoked (as is any pest control order revived as a result of this revocation).

4 Definitions

In this pest control order:

controlled land means the land to which this pest control order applies as described in clause 5.

pest means the animal declared in clause 6 to be a pest on the controlled land.

rabbit means any animal of the species *Oryctolagus cuniculus*.

the Act means the Rural Lands Protection Act 1998.

Note: *pest control order* has the same meaning as in the Act.

5 Controlled land

Pursuant to section 143 (1) (a) of the Act this pest control order applies to all land in New South Wales.

6 Declaration of rabbit to be a pest

Pursuant to section 143 (1) (b) of the Act the rabbit, being a former pest within the meaning of clause 27 (1) of Schedule 7 to the Act is declared to be a pest on the controlled land.

7 Prohibition of administration of substances

Pursuant to sections 143 (1) (c) and 143 (2) (i) of the Act the administration to any rabbit of fibroma virus vaccine or myxoma virus vaccine is prohibited, unless such administration is approved by the Minister.

Dated this 26th day of October 2011.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

**RURAL LANDS PROTECTION (SPUR-THROATED LOCUST) PEST CONTROL ORDER 2011
UNDER THE RURAL LANDS PROTECTION ACT 1998**

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of Part 11 of, and clause 27 (2) of Schedule 7 to, the Rural Lands Protection Act 1998 make the following pest control order in respect of spur-throated locust.

1 Name of pest control order

This pest control order is the Rural Lands Protection (Spur-Throated Locust) Pest Control Order 2011.

2 Commencement and duration

- (1) This pest control order commences on the date it is published in the *NSW Government Gazette*.
- (2) This pest control order has effect for a period of 5 years from the date of commencement.

3 Revocation of previous pest control order in respect of spur-throated locust

Pursuant to section 153 (2) of the Act Pest Control Order Number 8 in respect of spur-throated locust dated 23 October 2006 and published in *NSW Government Gazette* No. 127 on 27 October 2006 at page 9118 is revoked (as is any pest control order revived as a result of this revocation).

4 Definitions

In this pest control order:

controlled land means the land to which this pest control order applies as described in clause 5.

general eradication order means an order made under Division 3 of Part 11 of the Act.

individual eradication order means an order made under Division 3 of Part 11 of the Act.

pest means the insect declared in clause 6 to be a pest on the controlled land.

the Act means the Rural Lands Protection Act 1998.

Note: *authority, control, district, eradicate, general destruction obligation, notification obligation and pest control order* all have the same meaning as in the Act.

5 Controlled land

Pursuant to section 143 (1) (a) of the Act this pest control order applies to all land in New South Wales.

6 Declaration of spur-throated locust to be a pest

Pursuant to section 143 (1) (b) of the Act the spur-throated locust (*Austracris guttulosa*), being a former pest within the meaning of clause 27(1) of Schedule 7 to the Act is declared to be a pest on the controlled land.

7 Obligations and powers imposed or conferred by this pest control order

Pursuant to section 143 (1) (c) of the Act and the sections referred to in this clause, the following obligations and powers are imposed or conferred in relation to the pest on the controlled land:

- (a) pursuant to section 143 (2) (a) of the Act a general destruction obligation is imposed requiring the occupier of controlled land to eradicate the pest by any lawful method;
- (b) pursuant to section 143 (2) (c) of the Act a notification obligation is imposed requiring the occupier of controlled land to give the authority for the district in which the controlled land is situated notice of the presence of the pest on the land as soon as practicable after becoming aware of its presence;
- (c) pursuant to section 143 (2) (d) of the Act all authorities are empowered to serve an individual eradication order in accordance with Part 11 of the Act on any occupier or owner (other than a public authority) of controlled land in their district requiring the occupier or owner to eradicate the pest by use of a method specified by the authority in the order;
- (d) pursuant to section 143 (2) (e) of the Act all authorities are empowered to publish a general eradication order in accordance with Part 11 of the Act requiring all occupiers of controlled land within their district (or a specified part of their district) to eradicate the pest by use of a method specified by the authority in the order;
- (e) pursuant to section 143 (2) (f) of the Act power is conferred on all authorised officers who work as rangers for an authority and all authorised officers appointed for the purposes of Part 11 of the Act to take measures to carry out work on controlled land to eradicate the pest;
- (f) pursuant to section 143 (7) (a) of the Act in respect of the exercise of the power under section 143 (2) (f) by authorised officers on land under the care, control and management of the National Parks and Wildlife Service, that power cannot be exercised unless written approval has been obtained from the Deputy Chief Executive, Parks and Wildlife Group of the NSW Office of Environment and Heritage within the NSW Department of Premier and Cabinet;
- (g) pursuant to section 143 (2) (j) of the Act all authorities are required to supply materials that have been provided to them for the eradication of the pest on controlled land within their district, free of charge, to the owner or occupier of rateable land in accordance with the relevant standard operating procedures.

8 Method of eradication involving application of a substance from the air

Pursuant to section 143 (3) of the Act the method of eradication that may be used in relation to the pest on controlled land that involves the application of a substance from the air is specified to be the use of any substance approved for application by air under the Pesticides Act 1999 for the purpose of controlling the pest.

9 Authorisation of notice for contribution towards eradication of pest insects

This pest control order authorises the Minister to give a notice pursuant to section 172 (1) of the Act in relation to the pest.

Dated this 26th day of October 2011.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Note: Materials provided for eradication of the pest on controlled land are funded from rates levied under the Act. 'Free of charge' means no additional charge is imposed at the time of issue of the materials.

**RURAL LANDS PROTECTION (WILD RABBITS) PEST CONTROL ORDER 2011
UNDER THE RURAL LANDS PROTECTION ACT 1998**

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of Part 11 of, and clause 27 (2) of Schedule 7 to, the Rural Lands Protection Act 1998 make the following pest control order in respect of wild rabbits.

1 Name of pest control order

This pest control order is the Rural Lands Protection (Wild Rabbits) Pest Control Order 2011.

2 Commencement and duration

(1) This pest control order commences on the date it is published in the *NSW Government Gazette*.

(2) This pest control order has effect for a period of 5 years from the date of commencement.

3 Revocation of previous pest control order in respect of wild rabbits

Pursuant to section 153 (2) of the Act Pest Control Order Number 13 in respect of wild rabbits dated 3 October 2006 and published in *NSW Government Gazette* No. 122 on 6 October 2006 at pages 8690 and 8691 is revoked (as is any pest control order revived as a result of this revocation).

4 Definitions

In this pest control order:

Agvet Code has the same meaning as in the Pesticides Act 1999.

controlled land means the land to which this pest control order applies as described in clause 5.

individual eradication order means an order made under Division 3 of Part 11 of the Act.

pest means the animal declared in clause 6 to be a pest on the controlled land.

the Act means the Rural Lands Protection Act 1998.

wild rabbit means any animal of the species *Oryctolagus cuniculus*:

(a) that is wild or has become wild, or

(b) has an appearance which is consistent with the appearance of the wild European type of rabbit.

Note: *authority, control, district, eradicate, general destruction obligation* and *pest control order* all have the same meaning as in the Act.

5 Controlled land

Pursuant to section 143 (1) (a) of the Act this pest control order applies to all land in New South Wales.

6 Declaration of wild rabbit to be a pest

Pursuant to section 143 (1) (b) of the Act the wild rabbit, being a former pest within the meaning of clause 27 (1) of Schedule 7 to the Act is declared to be a pest on the controlled land.

7 Obligations and powers imposed or conferred by this pest control order

Pursuant to section 143 (1) (c) of the Act and the sections referred to in this clause, the following obligations and powers are imposed or conferred in relation to the pest on the controlled land:

(a) pursuant to section 143 (2) (a) of the Act a general destruction obligation is imposed requiring the occupier of controlled land to eradicate the pest by any lawful method;

(b) pursuant to section 143 (2) (d) of the Act all authorities are empowered to serve an individual eradication order in accordance with Part 11 of the Act on any occupier or owner (other than a public authority) of controlled land in their district requiring the occupier or owner to eradicate the pest by use of a method specified by the authority in the order;

(c) pursuant to section 143 (2) (g) of the Act power is conferred on all authorities to give approval (whether or not subject to any condition) for a person or a class of persons to keep the pest in captivity on the controlled land.

8 Method of eradication involving application of a substance from the air

Pursuant to section 143 (3) of the Act the method of eradication that may be used in relation to the pest on controlled land that involves the application of a substance from the air is specified to be the use of any substance approved for application by air under the Pesticides Act 1999 or the Agvet Code for the purpose of controlling the pest.

Dated this 26th day of October 2011.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Note: This pest control order does not prevent any person from keeping rabbits that are not covered by the definition of "wild rabbit" above, subject to compliance with the Local Government Act 1993, the Environmental Planning and Assessment Act 1979 and any other legal requirements.

**PLANT DISEASES (AUTHORISATION OF FRUIT FLY TREATMENTS IN THE NSW FRUIT FLY
EXCLUSION ZONE AND RISK REDUCTION ZONE) ORDER 2011 No. 2
UNDER THE PLANT DISEASES ACT 1924**

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of section 13A of the Plant Diseases Act 1924, believing that the work authorised by this Order is necessary in order to avoid an adverse effect on trade in fruit, make the following Order.

1. Name of Order

This Order is the Plant Diseases (Authorisation of Fruit Fly Treatments in the NSW Fruit Fly Exclusion Zone and Risk Reduction Zone) Order 2011 No. 2.

2. Commencement

This Order commences on the date it is made.

3. Expiry

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

4. Definitions

In this Order:

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

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

fruit fly treatments – see Schedule 2.

New South Wales Fruit Fly Risk Reduction Zone – see Schedule 1.

New South Wales Fruit Fly Exclusion Zone means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Order O-375 dated 7 October 2011 and published on the Department of Primary Industries internet website 7 October 2011.

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

the Act means the Plant Diseases Act 1924.

Note: *inspector*, *occupier* and *owner* all have the same meaning as in the Act.

5. Authorisation to enter land or premises to carry out fruit fly treatments to control the pest Queensland fruit fly

Pursuant to section 13A of the Act from 14 November 2011 an inspector is authorised to enter all land or premises located within the areas known as:

- (a) the New South Wales Fruit Fly Exclusion Zone; and
- (b) the New South Wales Fruit Fly Risk Reduction Zone,

to carry out any one or a combination of the fruit fly treatments specified in Schedule 2 to control the pest Queensland fruit fly.

6. Objection to fruit fly treatments authorised by this order

Pursuant to section 13A (6) of the Act notice is given that an occupier of land or premises on which fruit fly treatments are authorised by this Order has a right under section 13B of the Act to object to the carrying out of those fruit fly treatments as follows:

(a) an objection must:

- (i) be in writing addressed to the Director-General of the Department of Trade, Investment, Regional Infrastructure and Services (which includes the office of the Department of Primary Industries); and
- (ii) identify the property concerned, the name and contact details of the person objecting; and

(b) an objection will only be considered if it is:

- (i) received at the Department of Primary Industries (Attention: Regional Director South West), Private Mail Bag, Yanco NSW 2703, by 4:00pm on 11 November 2011; or
- (ii) given to an inspector who, for the purpose of carrying out the fruit fly treatments, has entered the land or premises of the person objecting to the fruit fly treatments being carried out; and

(c) an objection received under clause 6 (b) (i) but not within the time specified in that clause, may be considered before the time that an inspector attends to any land or premises to carry out the fruit fly treatments.

SCHEDULE 1 – New South Wales Fruit Fly Risk Reduction Zone

The Local Government Areas of Bland, Coolamon, Greater Hume, Lachlan, Lockhart and Wagga Wagga.

SCHEDULE 2 – Fruit Fly Treatments

1. Fruit fly bait spraying: A registered insecticide plus protein autolysate extract is applied to plant foliage as a spot spray from a backpack spray unit or a powered spray unit.
Note: The registered insecticide is Hy-Mal® that has the active constituent maldison. The protein autolysate extract is Pinnacle® or Natflav 500®. This pesticide is to be used in accordance with the Hy-Mal® label directions for “Fruit Fly Lure Eradication only”.
2. Fruit fly bait spraying: Naturalure® Fruit Fly Bait Concentrate which is a protein and sugar based bait containing the active constituent spinosad is applied to plant foliage as a spot spray from a backpack spray unit.
Note: The registered pesticide is to be used in accordance with the Naturalure® label directions for use for the control of fruit flies.
3. Cover spray of fruit trees: A registered insecticide spray is applied to the plant foliage and fruit on fruit trees as a mist spray from a backpack spray unit or by a powered spray unit.
Note: The registered insecticide is Lebaycid® that has the active constituent fenthion.
4. Cover spraying of compost heaps and ground under Queensland fruit fly infested trees: An insecticide, containing the active constituent chlorpyrifos, is applied to compost heaps and ground under infested trees as a mist spray from a backpack spray unit or by a powered spray unit.
Note: The pesticide is to be used in accordance with all APVMA Permit (PER9830) directions.
5. Fruit fly male annihilation blocks: A fibre board block, containing the active constituents maldison and cue-lure, is hung by wire in vegetation 1.5 to 2.0 metres above the ground.
Note: The pesticide is to be used in accordance with all APVMA Permit (PER10169) directions.
6. Fruit removal and disposal: Fruit and or vegetables are picked from the fruit fly host plant and placed in a sealed bag for disposal in a local government authority waste disposal facility.
7. The release of sterile Queensland fruit fly.

Made this 26th day of October 2011.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Note: The Department’s reference is OR114. For further information contact the Department on (02) 6951 2651.

Plant Diseases (Fruit Fly Outbreak, Deniliquin) Order 2011

under the Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity of the Department of Trade and Investment, Regional Infrastructure and Services, with the delegated authority of the Minister for Primary Industries in pursuance of section 3A of the *Plant Diseases Act 1924* (“the Act”), and in pursuance of section 4 of the Act being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the *Plant Diseases (Fruit Fly Outbreak, Deniliquin) Order 2011*.

2 Commencement

This Order commences on the date it is published in the *NSW Government Gazette*.

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 9.

approved systems approach means the risk management measures as specified in Schedule 10.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

assorted tropical and sub-tropical fruits – inedible peel means the host fruit specified in Schedule 2, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

authorised person means an inspector or a person authorised pursuant to section 11(3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the *Interstate Certification Assurance (ICA) Scheme*.

citrus fruits means the host fruit specified in Schedule 3, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

composite lots means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

Codex Classification of Foods and Animal Feeds means the listing of food commodities in trade classified into groups on the basis of the commodity's similar potential for pesticides residues, as published by the Joint Food and Agriculture Organization of the United Nations (FAO)/World Health Organisation (WHO) Food Standards Programme Codex Alimentarius Commission (publication available at <http://www.codexalimentarius.net>).

Department means Department of Trade and Investment, Regional Infrastructure and Services.

free of broken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

fruiting vegetables, other than cucurbits means the host fruit specified in Schedule 4, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

hard green, in the case of:

avocados means the flesh is not soft, or softening, and the skin is not cracked or broken.

bananas, means the fruit is hard and green, with no sign of colouration when assessed over the entire surface area and the skin is unbroken,

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

immature green condition, in the case of papaya (excluding defective flower-end type papaya) and babaco, means the fruit is hard and green and has no ripe colouration.

lot means a discrete quantity of fruit received from one grower at one time.

mature green, in the case of:

babaco and papaya (excluding defective flower-end type papaya) means fruit is hard and has no more than 25 % of ripe colouring at the time of packing,

bananas, means the flesh is hard and not flexible, the skin is green and shows no yellow colouration except for areas towards the flower end of a fruit where the sun has bleached the skin but the flesh beneath is still hard, and has no pre-harvest cracks, splits, punctures or other breaks that penetrate through to the flesh,

black sapote means the skin is free from any black colouring and unbroken,

passionfruit means the skin is smooth and unwrinkled and unbroken,

Tahitian lime means the skin has no yellow colouration and is unbroken.

NTN means national trap number.

Outbreak Area means the area described in Schedule 5.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Order O-375 dated 7 October 2011 and published in the *NSW Government Gazette* No.99 on 14 October 2011 at pages 6058 to 6069, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

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

Suspension Area means the area described in Schedule 6.

the Act means the *Plant Diseases Act 1924*.

unbroken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

Note: *covering or package, inspector, occupier* and *owner* all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 **Revocation of Proclamation P132**

Pursuant to sections 3(2) and 4 of the Act, Proclamation P132 dated 15 January 2003 and published in the *Government Gazette* No. 25 on 24 January 2003 at pages 458 - 459 is revoked (as is any proclamation revived as a result of this revocation).

5 Regulation of the movement of host fruit

Pursuant to section 4(1) of the Act, the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

- (a) Host fruit that originates from or has moved through:
 - (i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;
 - (ii) the Suspension Area must not be moved into the Outer Area,
except for such movements as are specified in Schedule 8 and which comply with the relevant conditions of exception set out in Schedule 8;
and
- (b) The movement of any host fruit in accordance with Schedule 8 must be accompanied by a certificate:
 - (i) specifying the origin of the host fruit; and
 - (ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 8; and
 - (iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

Acerola	Feijoa	Passionfruit
Apple	Fig	Papaya
Apricot	Granadilla	Peach
Avocado	Grape	Peacharine
Babaco	Grapefruit	Pear
Banana	Guava	Pepino
Black sapote	Hog plum	Persimmon
Blackberry	Jaboticaba	Plum
Blueberry	Jackfruit	Plumcot
Boysenberry	Jew plum	Pomegranate
Brazil cherry (Grumichama)	Ju jube	Prickly pear
Breadfruit	Kiwifruit	Pummelo (Pomelo)
Caimito (Star apple)	Lemon	Quince
Cape gooseberry	Lime	Rambutan
Capsicum	Loganberry	Raspberry
Carambola (Starfruit)	Longan	Rollinia
Cashew Apple	Loquat	Rose apple
Casimiro (White sapote)	Lychee (Litchi)	Santol
Cherimoya	Mandarin	Sapodilla
Cherry	Mango	Shaddock
Chilli	Mangosteen	Soursop
Citron	Medlar	Sweetsop (Sugar apple)
Cumquat	Miracle fruit	Strawberry
Custard apple	Mulberry	Tamarillo
Date	Nashi	Tangelo
Durian	Nectarine	Tomato
Eggplant	Orange	Wax jambus

SCHEDULE 2 – Host fruit classified as “Assorted tropical and sub-tropical fruits - inedible peel”

Avocado	Guava (inedible peel varieties only)	Persimmon (inedible peel varieties only)
Banana	Jackfruit	Pomegranate
Black sapote	Kiwifruit (inedible peel varieties only)	Prickly pear
Breadfruit	Longan	Rambutan
Caimito (Star apple)	Lychee (Litchi)	Sapodilla
Casimiro (White sapote)	Mango	Soursop
Cherimoya	Mangosteen	Sweetsop (Sugar apple)
Custard apple	Passionfruit	Wax jambus
Durian	Papaya	
Feijoa		
Granadilla		

SCHEDULE 3 – Host fruit classified as “Citrus fruits”

Citron	Lime	Pummelo (Pomelo)
Grapefruit	Mandarin	Shaddock
Lemon	Orange	Tangelo

SCHEDULE 4 – Host fruit classified as “Fruiting vegetables, other than cucurbits”

Gape gooseberry	Chilli	Pepino
Capsicum	Eggplant	Tomato

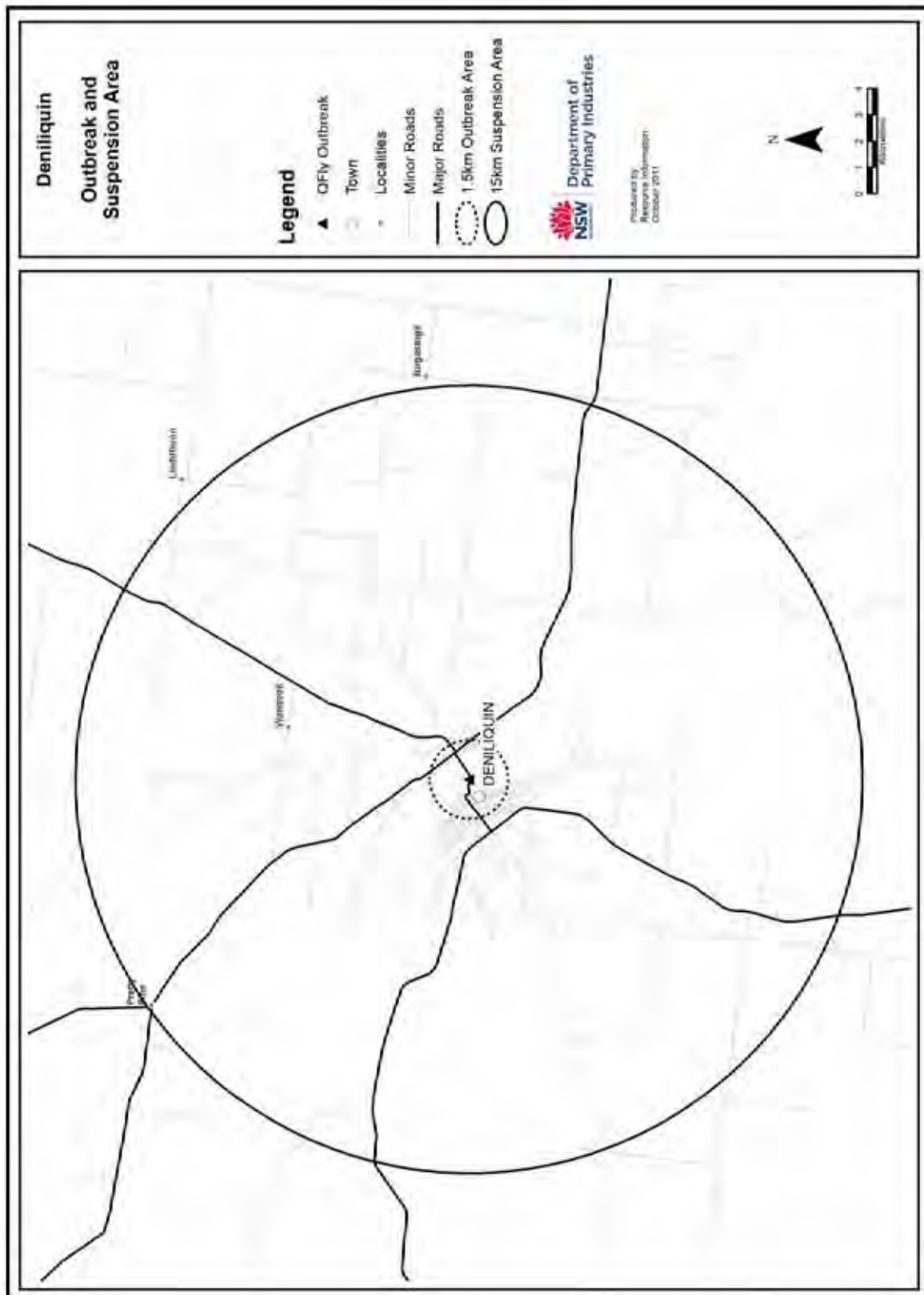
SCHEDULE 5 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -35.527468 South and 144.970742 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 7.

SCHEDULE 6 – Suspension Area

The area within a 15 kilometre radius of coordinates decimal degrees -35.527468 South and 144.970742 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 7.

SCHEDULE 7 – Map of the Deniliquin Outbreak Area and Suspension Area



SCHEDULE 8 - Exceptions for movement of host fruit**Host fruit that has received an approved treatment or approved systems approach**

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is packed must ensure that:
 - (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
 - (ii) in the case of host fruit that has been consigned:
 - (A) as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs; or
 - (B) as a packed lot for the purpose of producing composite lots, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
 - (iii) any individual package contains only one kind of host fruit; and
 - (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
 - (A) the district of production; and
 - (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the packer is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
 - (C) a brief description of the contents of the package;or
 - (v) where the property or facility is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:

- (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
- (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iv) the transport vehicle travels by the most direct route to the receiving processor; and
- (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
 - (i) the host fruit is processed within 24 hours of receipt; and
 - (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, are disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
 - (iii) all processing wastes are disinfested by heat or freezing, or be buried.

Note: An approved certification assurance arrangement is *ICA-33 Movement of Wine Grapes*.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

- 3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported to prevent infestation by Queensland fruit fly by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport

vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is to be packed must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iii) the host fruit is transported under secure conditions that include:
 - (A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or
 - (B) shrink-wrapped and sealed as a palletised unit; or
 - (C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,
so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iv) the transport vehicle travels by the most direct route.

SCHEDULE 9 – Approved treatments for host fruit**Dimethoate Dip**

1. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for:
 - (i) a period of 1 minute; or
 - (ii) in the case of passionfruit, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the final treatment before packing.
2. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (b) dipping must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
3. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-01 Dipping with dimethoate or fenthion*.

Dimethoate Flood Spray

4. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
5. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a

minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and

- (b) spraying must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
6. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot is inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate with a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*.

Fenthion Dip

7. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding caimito, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for:
 - (i) a period of 1 minute; or
 - (ii) in the case of longan, lychee, passionfruit and rambutan, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the last treatment before packing.
8. Host fruit classified as “Fruiting vegetables, other than cucurbits” (excluding hollow fruited capsicums and chillies):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (b) dipping must be the last treatment before packing.
9. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved *Certification Assurance Arrangement* is *ICA-01 Dipping with dimethoate or fenthion*.

Fenthion Flood Spray

10. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
11. Host fruit classified as “Fruiting vegetables, other than cucurbits”:
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
12. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/ m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*

Fenthion Non-Recirculating Spray

13. Avocados treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 0.6 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.
14. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-03 Low volume non-recirculated spraying with fenthion*.

Methyl Bromide Fumigation

15. Any host fruit:
- (a) fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent for 2 hours at the following rates:
 - (i) 10.0°C - 14.9°C at 48 g/m³; or
 - (ii) 15.0°C - 20.9°C at 40 g/m³; or
 - (iii) 21.0°C + at 32 g/m³; and
 - (b) in the case of defective flower end-type papaya, is in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-04 Fumigating with methyl bromide*.

Post harvest Cold Treatment

16. Any host fruit (excluding lemons), treated postharvest at a temperature of:
- (a) 0°C ± 0.5°C for a minimum of 14 days; or
 - (b) 1.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 16 days.
17. Lemons treated post harvest at a temperature of 0.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 14 days.

Note: The approved Certification Assurance Arrangement is *ICA-07 Cold treatment*.

Hot Water Treatment

18. Mangoes treated by full immersion in hot water at a temperature of 46.0°C for a minimum of 10 minutes, as measured in the water and at or as near as practicable to the seed of 3 fruits.

Note: The approved Certification Assurance Arrangement is *ICA-10 Hot water treatment of mangoes*.

High Temperature Forced Air

19. Papaya treated in a hot air chamber, at a temperature of 47.2°C for at least 3.5 hours as measured in the seed cavity.

Vapour Heat Treatment

20. Mangoes treated by vapour heat at a temperature of:
- (a) 46.5°C for 20 minutes; or
 - (b) 47.0°C for 15 minutes.

Note: The approved Certification Assurance Arrangement is *ICA-05 Vapour heat treatment of mangoes under AQIS supervision*.

Gamma Irradiation

21. Any host fruit approved for irradiation by the Food Standards Australia New Zealand (FSANZ) treated post harvest with gamma irradiation at a minimum dose of 150Gy.

Note: The approved Certification Assurance Arrangement is *ICA-55 Irradiation treatment*.

Mature green condition

22. Black sapote, passionfruit and Tahitian lime harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-15 Mature green condition of passionfruit, Tahitian limes and black sapotes.*

23. Banana harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-16 Certification of mature green condition of bananas.*

Immature green condition

24. Papaya (excluding defective flower-end type papaya) and babaco harvested and packed in an immature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-08 Mature green condition and immature green condition of papaw and babaco.*

Hard Green condition

25. Bananas (Cavendish variety only) in a hard green condition at the time of packing.

Note: The approved Certification Assurance Arrangement is *ICA-06 Certification of hard green bananas.*

26. Avocados (Hass and Lamb Hass cultivars only) harvested in a hard condition and stored in secured conditions within 24 hours of harvest.

Note: The approved Certification Assurance Arrangement is *ICA-30 Hard condition of avocado for Mediterranean fruit fly and Queensland fruit fly.*

Unbroken skins

27. Durian, jaboticaba, jackfruit, longan, lychee, mangosteen, pomegranate and rambutan harvested and packed with unbroken skin.

Note: The approved certification assurance arrangement is *ICA-13 Unbroken skin condition of approved fruits.*

SCHEDULE 10 - Approved systems approaches for host fruit**Pre-harvest treatment and inspection**

1. Capsicums and chillies:
- (a) treated pre-harvest with dimethoate or fenthion in accordance with all label and APVMA permit directions for the in-field control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant.*

2. Eggplants:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon applied a minimum of 21 days prior to

harvest in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

3. Tomatoes:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

4. Blueberries:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 400 g/L dimethoate every 21 days; or
- (ii) 500 g/L trichlorfon, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) sampled and inspected postharvest and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangements are *ICA-31 Pre-harvest insecticide treatment of blueberries* and *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

5. Stonefruit:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

6. Pomefruit:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon in accordance with all label directions for the control of fruit fly; and
 - (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

7. Table grapes:
- (a) treated pre-harvest with a program of:
 - (i) bait sprays applied to every alternate row of vines at the rate of at least 100 mL per 8 m of vine, at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with:
 - (A) an insecticide containing 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) a mixture containing 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (ii) cover sprays applied to all vines:
 - (A) at a maximum interval of 14 days commencing at least 5 weeks prior to harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of water; or
 - (B) with a chemical containing 500 g/L trichlorfon in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-20 Pre-harvest treatment and inspection of grapes*.

Pre-harvest treatment and inspection, and post harvest treatment

8. Custard apple, cherimoya, soursop, sweetsop and other *Annona* spp:
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 780 mL of 500 g/L trichlorfon per 100 L of water; or

- (C) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (b) inspected post harvest where a sample of the lot is inspected and found free of fruit fly larvae and broken skins; and
- (c) treated postharvest (final treatment before packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds with a mixture containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion.

Note: The approved Certification Assurance Arrangement is *ICA-18 Treatment and inspection of custard apple and other Annona spp.*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion*.

9. Mangoes (excluding Kensington Pride, Calypso, R2E2 and Honey Gold varieties):
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (B) 75 mL of 400 g/L dimethoate per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; and
 - (b) postharvest inspected where a sample of the lot is inspected and found free of fruit fly larvae; and
 - (c) treated postharvest (final treatment prior to packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the

fruit must remain wet for a further 60 seconds with a mixture containing:

- (A) 400 mg/L dimethoate; or
- (B) 412.5 mg/L fenthion,
- (iii) in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-19 Treatment and inspection of mangoes*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion* or *ICA-03 Low volume non-recirculated spraying with fenthion*.

Fruit fly monitoring, pre-harvest baiting, and postharvest inspection

10. Citrus fruits (excluding Meyer lemons) grown in the west of the coastal ranges and south of latitude 22 south and harvested during the period 1 March to 25 August inclusive:

- (a) treated with a program of bait sprays applied to all host fruit trees in accordance with all label requirements at a maximum interval of 7 days commencing 12 weeks prior to harvest to the completion of harvest with:
 - (i) a mixture containing 2 L yeast autolysate protein; and
 - (A) 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 400 g of 500 g/kg chlorpyrifos per 100 L of water; or
 - (C) 400 mL of 500 g/L chlorpyrifos per 100 L of water; or
 - (D) 780 mL of 500 g/L trichlorfon per 100 L of water; or
 - (ii) a mixture containing 15.4 L of spinosad per 100 L of water; and
- (b) treated with a program of fruit fly trapping and monitoring using at least 2 Lynfield or approved equivalent traps, placed so that every tree within the orchard is within 400 m of a trap, which are inspected at least every 7 days and found free of fruit flies; and
- (c) post harvest inspected where a sample of the lot is inspected after packing and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-28 Pre-harvest treatment (bait spraying) and inspection of citrus*.

11. Host fruit grown and packed within a declared Queensland fruit fly Suspension Area (excluding the Outbreak Area) which is under an active eradication program:

- (a) treated with a program of fruit fly trapping and monitoring with at least one fruit fly trap installed on the property, monitored in accordance with the *Code of Practice for the Management of Queensland fruit fly*; and
- (b) treated with a program of bait sprays applied:
 - (i) a minimum of two weeks prior to harvest to the completion of harvest; and

- (ii) to all host fruit trees with fruit at a stage susceptible to Queensland fruit fly (unless receiving an alternative program of cover sprays), and
- (iii) in accordance with all label and APVMA permit directions; and
- (iv) with a mixture containing:
 - (A) 435 mL of 1150 g/L maldison with 2 litres of yeast autolysate protein lure per 100 litres of water; or
 - (B) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (d) post harvest inspected in accordance with the specification of *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas* and found free of fruit fly infestation.

Note: The approved Certification Assurance Arrangement is *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*.

Dated this 26th day of October 2011.

SATENDRA KUMAR,
Director Plant Biosecurity
Department of Trade and Investment, Regional Infrastructure and Services

Note: The Department's reference is O-381

Plant Diseases (Fruit Fly Outbreak, Rutherglen) Order 2011

under the Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity of the Department of Trade and Investment, Regional Infrastructure and Services, with the delegated authority of the Minister for Primary Industries in pursuance of section 3A of the *Plant Diseases Act 1924* (“the Act”), and in pursuance of section 4 of the Act being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the *Plant Diseases (Fruit Fly Outbreak, Rutherglen) Order 2011*.

2 Commencement

This Order commences on the date it is published in the Gazette.

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 9.

approved systems approach means the risk management measures as specified in Schedule 10.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

assorted tropical and sub-tropical fruits – inedible peel means the host fruit specified in Schedule 2, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

authorised person means an inspector or a person authorised pursuant to section 11(3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the *Interstate Certification Assurance (ICA) Scheme*.

citrus fruits means the host fruit specified in Schedule 3, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

composite lots means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

Codex Classification of Foods and Animal Feeds means the listing of food commodities in trade classified into groups on the basis of the commodity's similar potential for pesticides residues, as published by the Joint Food and Agriculture Organization of the United Nations (FAO)/World Health Organisation (WHO) Food Standards Programme Codex Alimentarius Commission (publication available at <http://www.codexalimentarius.net>).

Department means Department of Trade and Investment, Regional Infrastructure and Services.

free of broken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

fruiting vegetables, other than cucurbits means the host fruit specified in Schedule 4, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

hard green, in the case of:

avocados means the flesh is not soft, or softening, and the skin is not cracked or broken.

bananas, means the fruit is hard and green, with no sign of colouration when assessed over the entire surface area and the skin is unbroken,

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

immature green condition, in the case of papaya (excluding defective flower-end type papaya) and babaco, means the fruit is hard and green and has no ripe colouration.

lot means a discrete quantity of fruit received from one grower at one time.

mature green, in the case of:

babaco and papaya (excluding defective flower-end type papaya) means fruit is hard and has no more than 25 % of ripe colouring at the time of packing,

bananas, means the flesh is hard and not flexible, the skin is green and shows no yellow colouration except for areas towards the flower end of a fruit where the sun has bleached the skin but the flesh beneath is still hard, and has no pre-

harvest cracks, splits, punctures or other breaks that penetrate through to the flesh,

black sapote means the skin is free from any black colouring and unbroken,

passionfruit means the skin is smooth and unwrinkled and unbroken,

Tahitian lime means the skin has no yellow colouration and is unbroken.

NTN means national trap number.

Outbreak Area means the area described in Schedule 5.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Order O-375 dated 7 October 2011 and published in the *NSW Government Gazette* No.99 on 14 October 2011 at pages 6058 to 6069, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

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

Suspension Area means the area described in Schedule 6.

the Act means the *Plant Diseases Act 1924*.

unbroken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

Note: *covering or package, inspector, occupier* and *owner* all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Revocation of Proclamation P167

Pursuant to sections 3(2) and 4 of the Act, Proclamation P167 dated 5 April 2006 and published in the *NSW Government Gazette* No. 52 on 13 April 2006 at pages 2226 - 2229 is revoked (as is any proclamation revoked as a result of this revocation).

5 Regulation of the movement of host fruit

Pursuant to section 4(1) of the Act, the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

- (a) Host fruit that originates from or has moved through:
 - (i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;
 - (ii) the Suspension Area must not be moved into the Outer Area,
except for such movements as are specified in Schedule 8 and which comply with the relevant conditions of exception set out in Schedule 8;
and
- (b) The movement of any host fruit in accordance with Schedule 8 must be accompanied by a certificate:
 - (i) specifying the origin of the host fruit; and
 - (ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 8; and
 - (iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

Acerola	Feijoa	Passionfruit
Apple	Fig	Papaya
Apricot	Granadilla	Peach
Avocado	Grape	Peacharine
Babaco	Grapefruit	Pear
Banana	Guava	Pepino
Black sapote	Hog plum	Persimmon
Blackberry	Jaboticaba	Plum
Blueberry	Jackfruit	Plumcot
Boysenberry	Jew plum	Pomegranate
Brazil cherry (Grumichama)	Ju jube	Prickly pear
Breadfruit	Kiwifruit	Pummelo (Pomelo)
Caimito (Star apple)	Lemon	Quince
Cape gooseberry	Lime	Rambutan
Capsicum	Loganberry	Raspberry
Carambola (Starfruit)	Longan	Rollinia
Cashew Apple	Loquat	Rose apple
Casimiro (White sapote)	Lychee (Litchi)	Santol
Cherimoya	Mandarin	Sapodilla
Cherry	Mango	Shaddock
Chilli	Mangosteen	Soursop
Citron	Medlar	Sweetsop (Sugar apple)
Cumquat	Miracle fruit	Strawberry
Custard apple	Mulberry	Tamarillo
Date	Nashi	Tangelo
Durian	Nectarine	Tomato
Eggplant	Orange	Wax jambus

SCHEDULE 2 – Host fruit classified as “Assorted tropical and sub-tropical fruits - inedible peel”

Avocado	Guava (inedible peel varieties only)	Persimmon (inedible peel varieties only)
Banana	Jackfruit	Pomegranate
Black sapote	Kiwifruit (inedible peel varieties only)	Prickly pear
Breadfruit	Longan	Rambutan
Caimito (Star apple)	Lychee (Litchi)	Sapodilla
Casimiro (White sapote)	Mango	Soursop
Cherimoya	Mangosteen	Sweetsop (Sugar apple)
Custard apple	Passionfruit	Wax jambus
Durian	Papaya	
Feijoa		
Granadilla		

SCHEDULE 3 – Host fruit classified as “Citrus fruits”

Citron	Lime	Pummelo (Pomelo)
Grapefruit	Mandarin	Shaddock
Lemon	Orange	Tangelo

SCHEDULE 4 – Host fruit classified as “Fruiting vegetables, other than cucurbits”

Gape gooseberry	Chilli	Pepino
Capsicum	Eggplant	Tomato

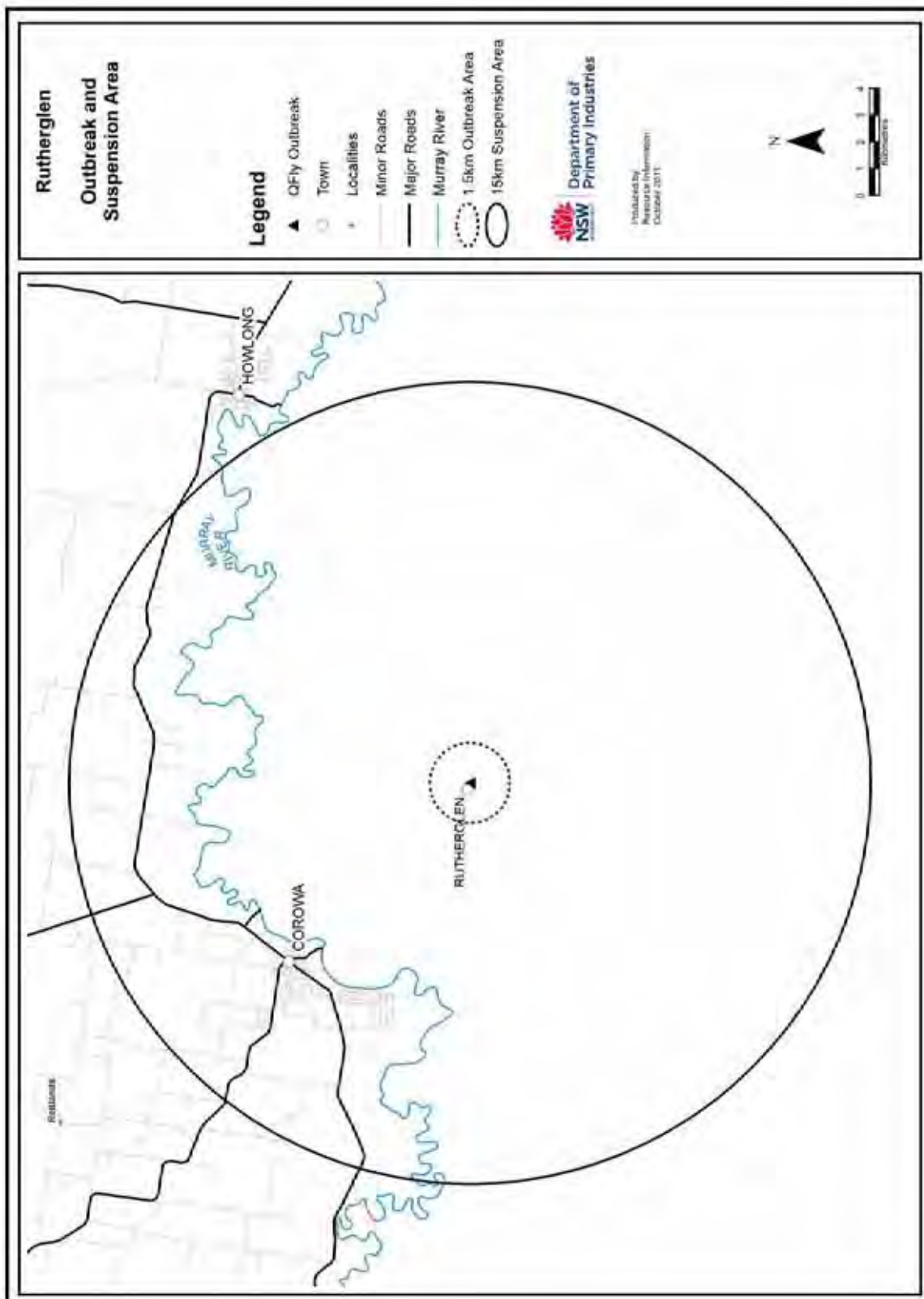
SCHEDULE 5 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -36.056888 South and 146.463611 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 7.

SCHEDULE 6 – Suspension Area

The area within a 15 kilometre radius of coordinates decimal degrees -36.056888 South and 146.463611 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 7.

SCHEDULE 7 – Map of the Rutherglen Outbreak Area and Suspension Area



SCHEDULE 8 - Exceptions for movement of host fruit**Host fruit that has received an approved treatment or approved systems approach**

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is packed must ensure that:
 - (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
 - (ii) in the case of host fruit that has been consigned:
 - (A) as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs; or
 - (B) as a packed lot for the purpose of producing composite lots, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
 - (iii) any individual package contains only one kind of host fruit; and
 - (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
 - (A) the district of production; and
 - (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the packer is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
 - (C) a brief description of the contents of the package;or
 - (v) where the property or facility is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:

- (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
- (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iv) the transport vehicle travels by the most direct route to the receiving processor; and
- (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
 - (i) the host fruit is processed within 24 hours of receipt; and
 - (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, are disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
 - (iii) all processing wastes are disinfested by heat or freezing, or be buried.

Note: An approved certification assurance arrangement is *ICA-33 Movement of Wine Grapes*.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported to prevent infestation by Queensland fruit fly by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport

vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is to be packed must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iii) the host fruit is transported under secure conditions that include:
 - (A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or
 - (B) shrink-wrapped and sealed as a palletised unit; or
 - (C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,
so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iv) the transport vehicle travels by the most direct route.

SCHEDULE 9 – Approved treatments for host fruit**Dimethoate Dip**

1. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for:
 - (i) a period of 1 minute; or
 - (ii) in the case of passionfruit, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the final treatment before packing.
2. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (b) dipping must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
3. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-01 Dipping with dimethoate or fenthion*.

Dimethoate Flood Spray

4. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
5. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a

minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and

- (b) spraying must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
6. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot is inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate with a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*.

Fenthion Dip

7. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding caimito, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for:
 - (i) a period of 1 minute; or
 - (ii) in the case of longan, lychee, passionfruit and rambutan, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the last treatment before packing.
8. Host fruit classified as “Fruiting vegetables, other than cucurbits” (excluding hollow fruited capsicums and chillies):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (b) dipping must be the last treatment before packing.
9. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved *Certification Assurance Arrangement is ICA-01 Dipping with dimethoate or fenthion*.

Fenthion Flood Spray

10. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
11. Host fruit classified as “Fruiting vegetables, other than cucurbits”:
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
12. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*

Fenthion Non-Recirculating Spray

13. Avocados treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 0.6 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.
14. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-03 Low volume non-recirculated spraying with fenthion*.

Methyl Bromide Fumigation

15. Any host fruit:
- (a) fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent for 2 hours at the following rates:
 - (i) 10.0°C - 14.9°C at 48 g/m³; or
 - (ii) 15.0°C - 20.9°C at 40 g/m³; or
 - (iii) 21.0°C + at 32 g/m³; and
 - (b) in the case of defective flower end-type papaya, is in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-04 Fumigating with methyl bromide*.

Post harvest Cold Treatment

16. Any host fruit (excluding lemons), treated postharvest at a temperature of:
- (a) 0°C ± 0.5°C for a minimum of 14 days; or
 - (b) 1.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 16 days.
17. Lemons treated post harvest at a temperature of 0.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 14 days.

Note: The approved Certification Assurance Arrangement is *ICA-07 Cold treatment*.

Hot Water Treatment

18. Mangoes treated by full immersion in hot water at a temperature of 46.0°C for a minimum of 10 minutes, as measured in the water and at or as near as practicable to the seed of 3 fruits.

Note: The approved Certification Assurance Arrangement is *ICA-10 Hot water treatment of mangoes*.

High Temperature Forced Air

19. Papaya treated in a hot air chamber, at a temperature of 47.2°C for at least 3.5 hours as measured in the seed cavity.

Vapour Heat Treatment

20. Mangoes treated by vapour heat at a temperature of:
- (a) 46.5°C for 20 minutes; or
 - (b) 47.0°C for 15 minutes.

Note: The approved Certification Assurance Arrangement is *ICA-05 Vapour heat treatment of mangoes under AQIS supervision*.

Gamma Irradiation

21. Any host fruit approved for irradiation by the Food Standards Australia New Zealand (FSANZ) treated post harvest with gamma irradiation at a minimum dose of 150Gy.

Note: The approved Certification Assurance Arrangement is *ICA-55 Irradiation treatment*.

Mature green condition

22. Black sapote, passionfruit and Tahitian lime harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-15 Mature green condition of passionfruit, Tahitian limes and black sapotes.*

23. Banana harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-16 Certification of mature green condition of bananas.*

Immature green condition

24. Papaya (excluding defective flower-end type papaya) and babaco harvested and packed in an immature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-08 Mature green condition and immature green condition of papaw and babaco.*

Hard Green condition

25. Bananas (Cavendish variety only) in a hard green condition at the time of packing.

Note: The approved Certification Assurance Arrangement is *ICA-06 Certification of hard green bananas.*

26. Avocados (Hass and Lamb Hass cultivars only) harvested in a hard condition and stored in secured conditions within 24 hours of harvest.

Note: The approved Certification Assurance Arrangement is *ICA-30 Hard condition of avocado for Mediterranean fruit fly and Queensland fruit fly.*

Unbroken skins

27. Durian, jaboticaba, jackfruit, longan, lychee, mangosteen, pomegranate and rambutan harvested and packed with unbroken skin.

Note: The approved certification assurance arrangement is *ICA-13 Unbroken skin condition of approved fruits.*

SCHEDULE 10 - Approved systems approaches for host fruit**Pre-harvest treatment and inspection**

1. Capsicums and chillies:
- (a) treated pre-harvest with dimethoate or fenthion in accordance with all label and APVMA permit directions for the in-field control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant.*

2. Eggplants:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon applied a minimum of 21 days prior to

harvest in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

3. Tomatoes:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

4. Blueberries:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 400 g/L dimethoate every 21 days; or
- (ii) 500 g/L trichlorfon, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) sampled and inspected postharvest and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangements are *ICA-31 Pre-harvest insecticide treatment of blueberries* and *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

5. Stonefruit:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

6. Pomefruit:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon in accordance with all label directions for the control of fruit fly; and
 - (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

7. Table grapes:
- (a) treated pre-harvest with a program of:
 - (i) bait sprays applied to every alternate row of vines at the rate of at least 100 mL per 8 m of vine, at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with:
 - (A) an insecticide containing 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) a mixture containing 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (ii) cover sprays applied to all vines:
 - (A) at a maximum interval of 14 days commencing at least 5 weeks prior to harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of water; or
 - (B) with a chemical containing 500 g/L trichlorfon in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-20 Pre-harvest treatment and inspection of grapes*.

Pre-harvest treatment and inspection, and post harvest treatment

8. Custard apple, cherimoya, soursop, sweetsop and other *Annona* spp:
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 780 mL of 500 g/L trichlorfon per 100 L of water; or

- (C) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (b) inspected post harvest where a sample of the lot is inspected and found free of fruit fly larvae and broken skins; and
- (c) treated postharvest (final treatment before packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds with a mixture containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion.

Note: The approved Certification Assurance Arrangement is *ICA-18 Treatment and inspection of custard apple and other Annona spp.*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion*.

9. Mangoes (excluding Kensington Pride, Calypso, R2E2 and Honey Gold varieties):
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (B) 75 mL of 400 g/L dimethoate per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; and
 - (b) postharvest inspected where a sample of the lot is inspected and found free of fruit fly larvae; and
 - (c) treated postharvest (final treatment prior to packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the

fruit must remain wet for a further 60 seconds with a mixture containing:

- (A) 400 mg/L dimethoate; or
- (B) 412.5 mg/L fenthion,
- (iii) in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-19 Treatment and inspection of mangoes*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion* or *ICA-03 Low volume non-recirculated spraying with fenthion*.

Fruit fly monitoring, pre-harvest baiting, and postharvest inspection

10. Citrus fruits (excluding Meyer lemons) grown in the west of the coastal ranges and south of latitude 22 south and harvested during the period 1 March to 25 August inclusive:

- (a) treated with a program of bait sprays applied to all host fruit trees in accordance with all label requirements at a maximum interval of 7 days commencing 12 weeks prior to harvest to the completion of harvest with:
 - (i) a mixture containing 2 L yeast autolysate protein; and
 - (A) 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 400 g of 500 g/kg chlorpyrifos per 100 L of water; or
 - (C) 400 mL of 500 g/L chlorpyrifos per 100 L of water; or
 - (D) 780 mL of 500 g/L trichlorfon per 100 L of water; or
 - (ii) a mixture containing 15.4 L of spinosad per 100 L of water; and
- (b) treated with a program of fruit fly trapping and monitoring using at least 2 Lynfield or approved equivalent traps, placed so that every tree within the orchard is within 400 m of a trap, which are inspected at least every 7 days and found free of fruit flies; and
- (c) post harvest inspected where a sample of the lot is inspected after packing and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-28 Pre-harvest treatment (bait spraying) and inspection of citrus*.

11. Host fruit grown and packed within a declared Queensland fruit fly Suspension Area (excluding the Outbreak Area) which is under an active eradication program:

- (a) treated with a program of fruit fly trapping and monitoring with at least one fruit fly trap installed on the property, monitored in accordance with the *Code of Practice for the Management of Queensland fruit fly*; and
- (b) treated with a program of bait sprays applied:
 - (i) a minimum of two weeks prior to harvest to the completion of harvest; and

- (ii) to all host fruit trees with fruit at a stage susceptible to Queensland fruit fly (unless receiving an alternative program of cover sprays), and
- (iii) in accordance with all label and APVMA permit directions; and
- (iv) with a mixture containing:
 - (A) 435 mL of 1150 g/L maldison with 2 litres of yeast autolysate protein lure per 100 litres of water; or
 - (B) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (d) post harvest inspected in accordance with the specification of *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*. and found free of fruit fly infestation.

Note: The approved Certification Assurance Arrangement is *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*.

Dated this 26th day of October 2011

SATENDRA KUMAR,
Director Plant Biosecurity
Department of Trade and Investment, Regional Infrastructure and Services

Note: The Department's reference is O-382

Plant Diseases (Fruit Fly Outbreak, Corowa) Order 2011

under the Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity of the Department of Trade and Investment, Regional Infrastructure and Services, with the delegated authority of the Minister for Primary Industries in pursuance of section 3A of the *Plant Diseases Act 1924* (“the Act”), and in pursuance of section 4 of the Act being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the *Plant Diseases (Fruit Fly Outbreak, Corowa) Order 2011*.

2 Commencement

This Order commences on the date it is published in the Gazette.

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 9.

approved systems approach means the risk management measures as specified in Schedule 10.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

assorted tropical and sub-tropical fruits – inedible peel means the host fruit specified in Schedule 2, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

authorised person means an inspector or a person authorised pursuant to section 11(3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the *Interstate Certification Assurance (ICA) Scheme*.

citrus fruits means the host fruit specified in Schedule 3, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

composite lots means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

Codex Classification of Foods and Animal Feeds means the listing of food commodities in trade classified into groups on the basis of the commodity's similar potential for pesticides residues, as published by the Joint Food and Agriculture Organization of the United Nations (FAO)/World Health Organisation (WHO) Food Standards Programme Codex Alimentarius Commission (publication available at <http://www.codexalimentarius.net>).

Department means Department of Trade and Investment, Regional Infrastructure and Services.

free of broken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

fruiting vegetables, other than cucurbits means the host fruit specified in Schedule 4, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

hard green, in the case of:

avocados means the flesh is not soft, or softening, and the skin is not cracked or broken.

bananas, means the fruit is hard and green, with no sign of colouration when assessed over the entire surface area and the skin is unbroken,

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

immature green condition, in the case of papaya (excluding defective flower-end type papaya) and babaco, means the fruit is hard and green and has no ripe colouration.

lot means a discrete quantity of fruit received from one grower at one time.

mature green, in the case of:

babaco and papaya (excluding defective flower-end type papaya) means fruit is hard and has no more than 25 % of ripe colouring at the time of packing,

bananas, means the flesh is hard and not flexible, the skin is green and shows no yellow colouration except for areas towards the flower end of a fruit where the sun has bleached the skin but the flesh beneath is still hard, and has no pre-

harvest cracks, splits, punctures or other breaks that penetrate through to the flesh,

black sapote means the skin is free from any black colouring and unbroken,

passionfruit means the skin is smooth and unwrinkled and unbroken,

Tahitian lime means the skin has no yellow colouration and is unbroken.

NTN means national trap number.

Outbreak Area means the area described in Schedule 5.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Order O-375 dated 7 October 2011 and published in the *NSW Government Gazette* No.99 on 14 October 2011 at pages 6058 to 6069, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

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

Suspension Area means the area described in Schedule 6.

the Act means the *Plant Diseases Act 1924*.

unbroken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

Note: *covering or package, inspector, occupier* and *owner* all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Revocation of Proclamation P160

Pursuant to sections 3(2) and 4 of the Act, Proclamation P160 dated 9 February 2005 and published in the *NSW Government Gazette* No. 26 on 18 February 2005 at pages 439 - 440 is revoked (as is any proclamation revoked as a result of this revocation)

5 Regulation of the movement of host fruit

Pursuant to section 4(1) of the Act, the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

- (a) Host fruit that originates from or has moved through:
 - (i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;
 - (ii) the Suspension Area must not be moved into the Outer Area,
except for such movements as are specified in Schedule 8 and which comply with the relevant conditions of exception set out in Schedule 8;
and
- (b) The movement of any host fruit in accordance with Schedule 8 must be accompanied by a certificate:
 - (i) specifying the origin of the host fruit; and
 - (ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 8; and
 - (iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

Acerola	Feijoa	Passionfruit
Apple	Fig	Papaya
Apricot	Granadilla	Peach
Avocado	Grape	Peacharine
Babaco	Grapefruit	Pear
Banana	Guava	Pepino
Black sapote	Hog plum	Persimmon
Blackberry	Jaboticaba	Plum
Blueberry	Jackfruit	Plumcot
Boysenberry	Jew plum	Pomegranate
Brazil cherry (Grumichama)	Ju jube	Prickly pear
Breadfruit	Kiwifruit	Pummelo (Pomelo)
Caimito (Star apple)	Lemon	Quince
Cape gooseberry	Lime	Rambutan
Capsicum	Loganberry	Raspberry
Carambola (Starfruit)	Longan	Rollinia
Cashew Apple	Loquat	Rose apple
Casimiro (White sapote)	Lychee (Litchi)	Santol
Cherimoya	Mandarin	Sapodilla
Cherry	Mango	Shaddock
Chilli	Mangosteen	Soursop
Citron	Medlar	Sweetsop (Sugar apple)
Cumquat	Miracle fruit	Strawberry
Custard apple	Mulberry	Tamarillo
Date	Nashi	Tangelo
Durian	Nectarine	Tomato
Eggplant	Orange	Wax jambus

SCHEDULE 2 – Host fruit classified as “Assorted tropical and sub-tropical fruits - inedible peel”

Avocado	Guava (inedible peel varieties only)	Persimmon (inedible peel varieties only)
Banana	Jackfruit	Pomegranate
Black sapote	Kiwifruit (inedible peel varieties only)	Prickly pear
Breadfruit	Longan	Rambutan
Caimito (Star apple)	Lychee (Litchi)	Sapodilla
Casimiro (White sapote)	Mango	Soursop
Cherimoya	Mangosteen	Sweetsop (Sugar apple)
Custard apple	Passionfruit	Wax jambus
Durian	Papaya	
Feijoa		
Granadilla		

SCHEDULE 3 – Host fruit classified as “Citrus fruits”

Citron	Lime	Pummelo (Pomelo)
Grapefruit	Mandarin	Shaddock
Lemon	Orange	Tangelo

SCHEDULE 4 – Host fruit classified as “Fruiting vegetables, other than cucurbits”

Gape gooseberry	Chilli	Pepino
Capsicum	Eggplant	Tomato

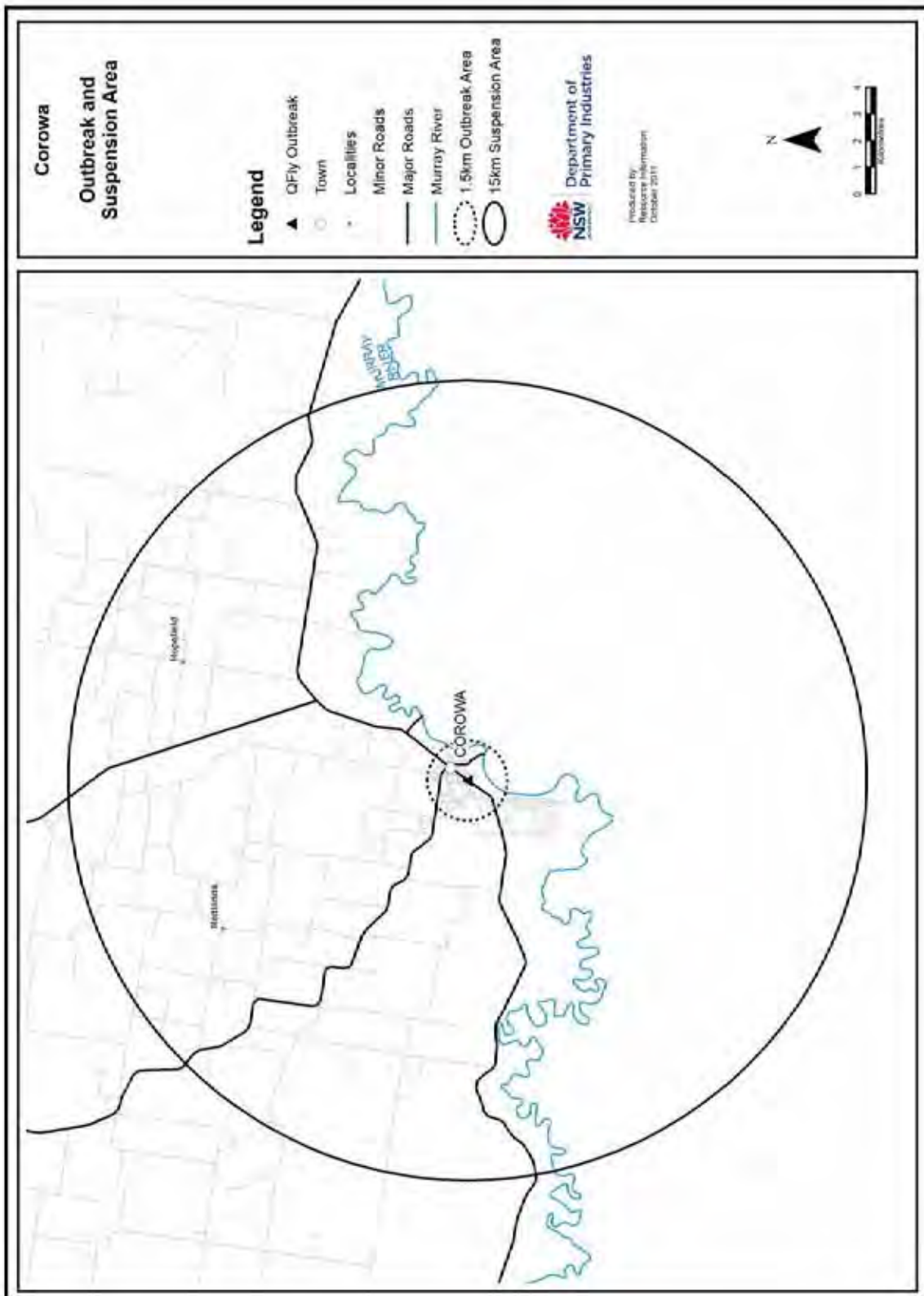
SCHEDULE 5 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -36.001100 South and 146.384600 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 7.

SCHEDULE 6 – Suspension Area

The area within a 15 kilometre radius of coordinates decimal degrees -36.001100 South and 146.384600 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 7.

SCHEDULE 7 – Map of the Corowa Outbreak Area and Suspension Area



SCHEDULE 8 - Exceptions for movement of host fruit**Host fruit that has received an approved treatment or approved systems approach**

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is packed must ensure that:
 - (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
 - (ii) in the case of host fruit that has been consigned:
 - (A) as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs; or
 - (B) as a packed lot for the purpose of producing composite lots, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
 - (iii) any individual package contains only one kind of host fruit; and
 - (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
 - (A) the district of production; and
 - (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the packer is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
 - (C) a brief description of the contents of the package;or
 - (v) where the property or facility is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:

- (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
- (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iv) the transport vehicle travels by the most direct route to the receiving processor; and
- (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
 - (i) the host fruit is processed within 24 hours of receipt; and
 - (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, are disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
 - (iii) all processing wastes are disinfested by heat or freezing, or be buried.

Note: An approved certification assurance arrangement is *ICA-33 Movement of Wine Grapes*.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported to prevent infestation by Queensland fruit fly by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport

vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is to be packed must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iii) the host fruit is transported under secure conditions that include:
 - (A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or
 - (B) shrink-wrapped and sealed as a palletised unit; or
 - (C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,
so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iv) the transport vehicle travels by the most direct route.

SCHEDULE 9 – Approved treatments for host fruit**Dimethoate Dip**

1. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for:
 - (i) a period of 1 minute; or
 - (ii) in the case of passionfruit, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the final treatment before packing.
2. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (b) dipping must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
3. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-01 Dipping with dimethoate or fenthion*.

Dimethoate Flood Spray

4. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
5. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a

minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and

- (b) spraying must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
6. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot is inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate with a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*.

Fenthion Dip

7. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding caimito, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for:
 - (i) a period of 1 minute; or
 - (ii) in the case of longan, lychee, passionfruit and rambutan, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the last treatment before packing.
8. Host fruit classified as “Fruiting vegetables, other than cucurbits” (excluding hollow fruited capsicums and chillies):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (b) dipping must be the last treatment before packing.
9. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved *Certification Assurance Arrangement* is *ICA-01 Dipping with dimethoate or fenthion*.

Fenthion Flood Spray

10. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
11. Host fruit classified as “Fruiting vegetables, other than cucurbits”:
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
12. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*

Fenthion Non-Recirculating Spray

13. Avocados treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 0.6 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.
14. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-03 Low volume non-recirculated spraying with fenthion*.

Methyl Bromide Fumigation

15. Any host fruit:
- (a) fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent for 2 hours at the following rates:
 - (i) 10.0°C - 14.9°C at 48 g/m³; or
 - (ii) 15.0°C - 20.9°C at 40 g/m³; or
 - (iii) 21.0°C + at 32 g/m³; and
 - (b) in the case of defective flower end-type papaya, is in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-04 Fumigating with methyl bromide*.

Post harvest Cold Treatment

16. Any host fruit (excluding lemons), treated postharvest at a temperature of:
- (a) 0°C ± 0.5°C for a minimum of 14 days; or
 - (b) 1.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 16 days.
17. Lemons treated post harvest at a temperature of 0.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 14 days.

Note: The approved Certification Assurance Arrangement is *ICA-07 Cold treatment*.

Hot Water Treatment

18. Mangoes treated by full immersion in hot water at a temperature of 46.0°C for a minimum of 10 minutes, as measured in the water and at or as near as practicable to the seed of 3 fruits.

Note: The approved Certification Assurance Arrangement is *ICA-10 Hot water treatment of mangoes*.

High Temperature Forced Air

19. Papaya treated in a hot air chamber, at a temperature of 47.2°C for at least 3.5 hours as measured in the seed cavity.

Vapour Heat Treatment

20. Mangoes treated by vapour heat at a temperature of:
- (a) 46.5°C for 20 minutes; or
 - (b) 47.0°C for 15 minutes.

Note: The approved Certification Assurance Arrangement is *ICA-05 Vapour heat treatment of mangoes under AQIS supervision*.

Gamma Irradiation

21. Any host fruit approved for irradiation by the Food Standards Australia New Zealand (FSANZ) treated post harvest with gamma irradiation at a minimum dose of 150Gy.

Note: The approved Certification Assurance Arrangement is *ICA-55 Irradiation treatment*.

Mature green condition

22. Black sapote, passionfruit and Tahitian lime harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-15 Mature green condition of passionfruit, Tahitian limes and black sapotes.*

23. Banana harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-16 Certification of mature green condition of bananas.*

Immature green condition

24. Papaya (excluding defective flower-end type papaya) and babaco harvested and packed in an immature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-08 Mature green condition and immature green condition of papaw and babaco.*

Hard Green condition

25. Bananas (Cavendish variety only) in a hard green condition at the time of packing.

Note: The approved Certification Assurance Arrangement is *ICA-06 Certification of hard green bananas.*

26. Avocados (Hass and Lamb Hass cultivars only) harvested in a hard condition and stored in secured conditions within 24 hours of harvest.

Note: The approved Certification Assurance Arrangement is *ICA-30 Hard condition of avocado for Mediterranean fruit fly and Queensland fruit fly.*

Unbroken skins

27. Durian, jaboticaba, jackfruit, longan, lychee, mangosteen, pomegranate and rambutan harvested and packed with unbroken skin.

Note: The approved certification assurance arrangement is *ICA-13 Unbroken skin condition of approved fruits.*

SCHEDULE 10 - Approved systems approaches for host fruit**Pre-harvest treatment and inspection**

1. Capsicums and chillies:
- (a) treated pre-harvest with dimethoate or fenthion in accordance with all label and APVMA permit directions for the in-field control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant.*

2. Eggplants:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon applied a minimum of 21 days prior to

harvest in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

3. Tomatoes:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

4. Blueberries:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 400 g/L dimethoate every 21 days; or
- (ii) 500 g/L trichlorfon, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) sampled and inspected postharvest and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangements are *ICA-31 Pre-harvest insecticide treatment of blueberries* and *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

5. Stonefruit:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

6. Pomefruit:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon in accordance with all label directions for the control of fruit fly; and
 - (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

7. Table grapes:
- (a) treated pre-harvest with a program of:
 - (i) bait sprays applied to every alternate row of vines at the rate of at least 100 mL per 8 m of vine, at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with:
 - (A) an insecticide containing 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) a mixture containing 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (ii) cover sprays applied to all vines:
 - (A) at a maximum interval of 14 days commencing at least 5 weeks prior to harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of water; or
 - (B) with a chemical containing 500 g/L trichlorfon in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-20 Pre-harvest treatment and inspection of grapes*.

Pre-harvest treatment and inspection, and post harvest treatment

8. Custard apple, cherimoya, soursop, sweetsop and other *Annona* spp:
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 780 mL of 500 g/L trichlorfon per 100 L of water; or

- (C) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (b) inspected post harvest where a sample of the lot is inspected and found free of fruit fly larvae and broken skins; and
- (c) treated postharvest (final treatment before packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds with a mixture containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion.

Note: The approved Certification Assurance Arrangement is *ICA-18 Treatment and inspection of custard apple and other Annona spp.*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion*.

9. Mangoes (excluding Kensington Pride, Calypso, R2E2 and Honey Gold varieties):
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (B) 75 mL of 400 g/L dimethoate per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; and
 - (b) postharvest inspected where a sample of the lot is inspected and found free of fruit fly larvae; and
 - (c) treated postharvest (final treatment prior to packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the

fruit must remain wet for a further 60 seconds with a mixture containing:

- (A) 400 mg/L dimethoate; or
- (B) 412.5 mg/L fenthion,
- (iii) in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-19 Treatment and inspection of mangoes*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion* or *ICA-03 Low volume non-recirculated spraying with fenthion*.

Fruit fly monitoring, pre-harvest baiting, and postharvest inspection

10. Citrus fruits (excluding Meyer lemons) grown in the west of the coastal ranges and south of latitude 22 south and harvested during the period 1 March to 25 August inclusive:

- (a) treated with a program of bait sprays applied to all host fruit trees in accordance with all label requirements at a maximum interval of 7 days commencing 12 weeks prior to harvest to the completion of harvest with:
 - (i) a mixture containing 2 L yeast autolysate protein; and
 - (A) 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 400 g of 500 g/kg chlorpyrifos per 100 L of water; or
 - (C) 400 mL of 500 g/L chlorpyrifos per 100 L of water; or
 - (D) 780 mL of 500 g/L trichlorfon per 100 L of water; or
 - (ii) a mixture containing 15.4 L of spinosad per 100 L of water; and
- (b) treated with a program of fruit fly trapping and monitoring using at least 2 Lynfield or approved equivalent traps, placed so that every tree within the orchard is within 400 m of a trap, which are inspected at least every 7 days and found free of fruit flies; and
- (c) post harvest inspected where a sample of the lot is inspected after packing and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-28 Pre-harvest treatment (bait spraying) and inspection of citrus*.

11. Host fruit grown and packed within a declared Queensland fruit fly Suspension Area (excluding the Outbreak Area) which is under an active eradication program:

- (a) treated with a program of fruit fly trapping and monitoring with at least one fruit fly trap installed on the property, monitored in accordance with the *Code of Practice for the Management of Queensland fruit fly*; and
- (b) treated with a program of bait sprays applied:
 - (i) a minimum of two weeks prior to harvest to the completion of harvest; and

- (ii) to all host fruit trees with fruit at a stage susceptible to Queensland fruit fly (unless receiving an alternative program of cover sprays), and
- (iii) in accordance with all label and APVMA permit directions; and
- (iv) with a mixture containing:
 - (A) 435 mL of 1150 g/L maldison with 2 litres of yeast autolysate protein lure per 100 litres of water; or
 - (B) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (d) post harvest inspected in accordance with the specification of *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*. and found free of fruit fly infestation.

Note: The approved Certification Assurance Arrangement is *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*.

Dated this 26th day of October 2011

SATENDRA KUMAR,
Director Plant Biosecurity
Department of Trade and Investment, Regional Infrastructure and Services

Note: The Department's reference is O-383

Plant Diseases (Fruit Fly Outbreak, Darlington Point NTN 2577) Order 2011
under the Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity of the Department of Trade and Investment, Regional Infrastructure and Services, with the delegated authority of the Minister for Primary Industries in pursuance of section 3A of the *Plant Diseases Act 1924* (“the Act”), and in pursuance of section 4 of the Act being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the *Plant Diseases (Fruit Fly Outbreak, Darlington Point NTN 2577) Order 2011*.

2 Commencement

This Order commences on the date it is published in the Gazette.

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 9.

approved systems approach means the risk management measures as specified in Schedule 10.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

assorted tropical and sub-tropical fruits – inedible peel means the host fruit specified in Schedule 2, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

authorised person means an inspector or a person authorised pursuant to section 11(3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the *Interstate Certification Assurance (ICA) Scheme*.

citrus fruits means the host fruit specified in Schedule 3, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

composite lots means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

Codex Classification of Foods and Animal Feeds means the listing of food commodities in trade classified into groups on the basis of the commodity's similar potential for pesticides residues, as published by the Joint Food and Agriculture Organization of the United Nations (FAO)/World Health Organisation (WHO) Food Standards Programme Codex Alimentarius Commission (publication available at <http://www.codexalimentarius.net>).

Department means Department of Trade and Investment, Regional Infrastructure and Services.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

fruiting vegetables, other than cucurbits means the host fruit specified in Schedule 4, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

hard green, in the case of:

avocados means the flesh is not soft, or softening, and the skin is not cracked or broken.

bananas, means the fruit is hard and green, with no sign of colouration when assessed over the entire surface area and the skin is unbroken,

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

immature green condition, in the case of papaya (excluding defective flower-end type papaya) and babaco, means the fruit is hard and green and has no ripe colouration.

lot means a discrete quantity of fruit received from one grower at one time.

mature green, in the case of:

babaco and papaya (excluding defective flower-end type papaya) means fruit is hard and has no more than 25 % of ripe colouring at the time of packing,

bananas, means the flesh is hard and not flexible, the skin is green and shows no yellow colouration except for areas towards the flower end of a fruit where the sun has bleached the skin but the flesh beneath is still hard, and has no pre-harvest cracks, splits, punctures or other breaks that penetrate through to the flesh,

black sapote means the skin is free from any black colouring and unbroken,

passionfruit means the skin is smooth and unwrinkled and unbroken,

Tahitian lime means the skin has no yellow colouration and is unbroken.

NTN means national trap number.

Outbreak Area means the area described in Schedule 5.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Order O-375 dated 7 October 2011 and published in the *NSW Government Gazette* No.99 on 14 October 2011 at pages 6058 to 6069, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

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

Suspension Area means the area described in Schedule 6.

the Act means the *Plant Diseases Act 1924*.

unbroken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

Note: *covering or package, inspector, occupier* and *owner* all have the same meaning as in the Act.

- (b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4(1) of the Act, the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

- (a) Host fruit that originates from or has moved through:
- (i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

- (ii) the Suspension Area must not be moved into the Outer Area,
except for such movements as are specified in Schedule 8 and which
comply with the relevant conditions of exception set out in Schedule 8;
and
- (b) The movement of any host fruit in accordance with Schedule 8 must be
accompanied by a certificate:
 - (i) specifying the origin of the host fruit; and
 - (ii) in the case of a Plant Health Certificate, certifying that the host
fruit has been treated in the manner specified in Schedule 8; and
 - (iii) in the case of a Plant Health Assurance Certificate, certifying that
the host fruit originates from a property or facility which is owned
or occupied by a business accredited under a Certification
Assurance Arrangement.

SCHEDULE 1 – Host fruit

Acerola	Feijoa	Passionfruit
Apple	Fig	Papaya
Apricot	Granadilla	Peach
Avocado	Grape	Peacharine
Babaco	Grapefruit	Pear
Banana	Guava	Pepino
Black sapote	Hog plum	Persimmon
Blackberry	Jaboticaba	Plum
Blueberry	Jackfruit	Plumcot
Boysenberry	Jew plum	Pomegranate
Brazil cherry (Grumichama)	Ju jube	Prickly pear
Breadfruit	Kiwifruit	Pummelo (Pomelo)
Caimito (Star apple)	Lemon	Quince
Cape gooseberry	Lime	Rambutan
Capsicum	Loganberry	Raspberry
Carambola (Starfruit)	Longan	Rollinia
Cashew Apple	Loquat	Rose apple
Casimiro (White sapote)	Lychee (Litchi)	Santol
Cherimoya	Mandarin	Sapodilla
Cherry	Mango	Shaddock
Chilli	Mangosteen	Soursop
Citron	Medlar	Sweetsop (Sugar apple)
Cumquat	Miracle fruit	Strawberry
Custard apple	Mulberry	Tamarillo
Date	Nashi	Tangelo
Durian	Nectarine	Tomato
Eggplant	Orange	Wax jambus

SCHEDULE 2 – Host fruit classified as “Assorted tropical and sub-tropical fruits - inedible peel”

Avocado	Guava (inedible peel varieties only)	Persimmon (inedible peel varieties only)
Banana	Jackfruit	Pomegranate
Black sapote	Kiwifruit (inedible peel varieties only)	Prickly pear
Breadfruit	Longan	Rambutan
Caimito (Star apple)	Lychee (Litchi)	Sapodilla
Casimiro (White sapote)	Mango	Soursop
Cherimoya	Mangosteen	Sweetsop (Sugar apple)
Custard apple	Passionfruit	Wax jambus
Durian	Papaya	
Feijoa		
Granadilla		

SCHEDULE 3 – Host fruit classified as “Citrus fruits”

Citron	Lime	Pummelo (Pomelo)
Grapefruit	Mandarin	Shaddock
Lemon	Orange	Tangelo

SCHEDULE 4 – Host fruit classified as “Fruiting vegetables, other than cucurbits”

Gape gooseberry	Chilli	Pepino
Capsicum	Eggplant	Tomato

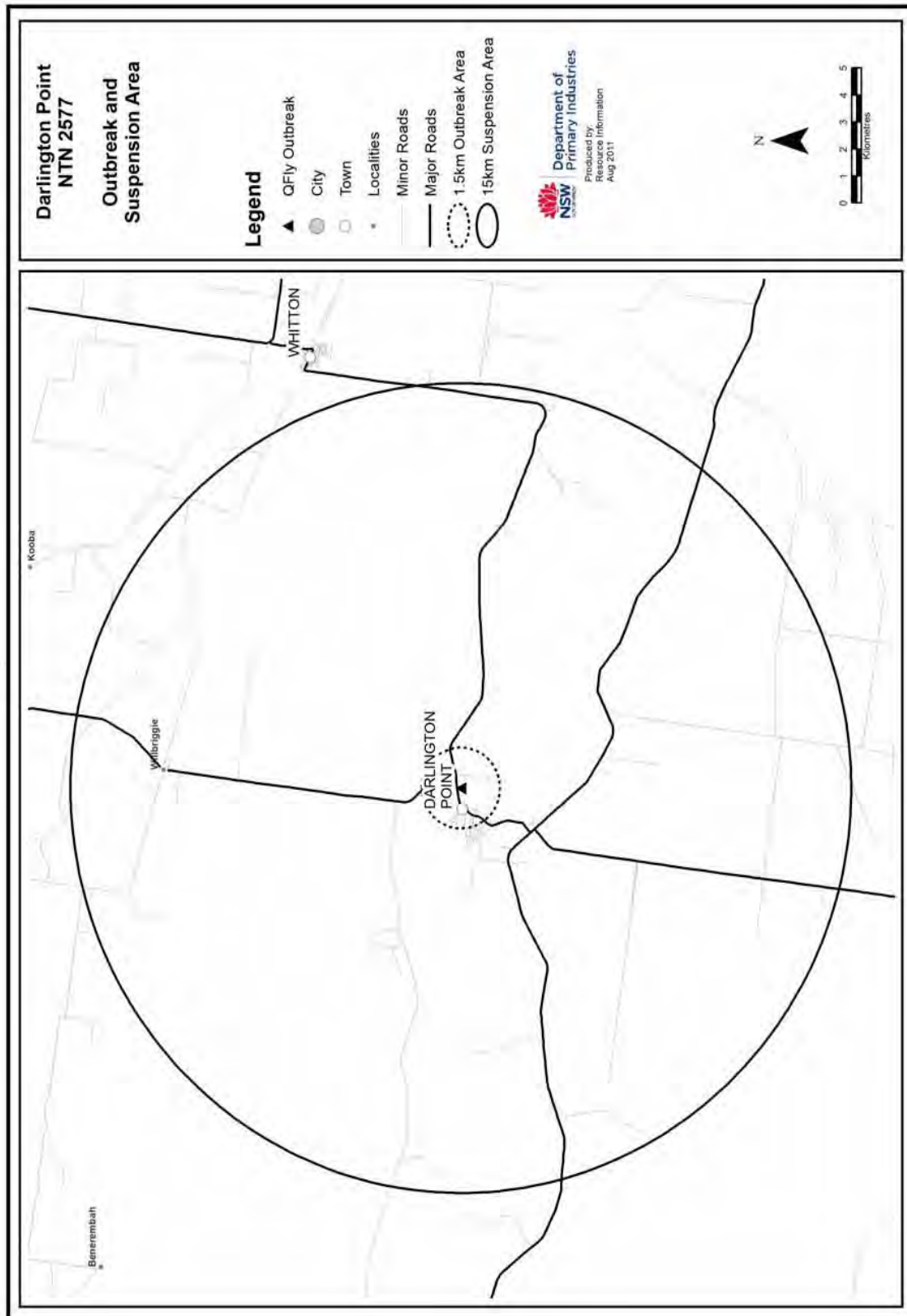
SCHEDULE 5 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -34.5678 South and 146.007917 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 7.

SCHEDULE 6 – Suspension Area

The area within a 15 kilometre radius of coordinates decimal degrees -34.5678 South and 146.007917 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 7.

SCHEDULE 7 – Map of the Darlington Point NTN 2577 Outbreak Area and Suspension Area



SCHEDULE 8 - Exceptions for movement of host fruit**Host fruit that has received an approved treatment or approved systems approach**

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is packed must ensure that:
 - (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
 - (ii) in the case of host fruit that has been consigned:
 - (A) as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs; or
 - (B) as a packed lot for the purpose of producing composite lots, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
 - (iii) any individual package contains only one kind of host fruit; and
 - (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
 - (A) the district of production; and
 - (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the packer is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
 - (C) a brief description of the contents of the package;or
 - (v) where the property or facility is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:

- (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
- (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iv) the transport vehicle travels by the most direct route to the receiving processor; and
- (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
 - (i) the host fruit is processed within 24 hours of receipt; and
 - (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, are disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
 - (iii) all processing wastes are disinfested by heat or freezing, or be buried.

Note: An approved certification assurance arrangement is *ICA-33 Movement of Wine Grapes*.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported to prevent infestation by Queensland fruit fly by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport

vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is to be packed must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iii) the host fruit is transported under secure conditions that include:
 - (A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or
 - (B) shrink-wrapped and sealed as a palletised unit; or
 - (C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,
so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iv) the transport vehicle travels by the most direct route.

SCHEDULE 9 – Approved treatments for host fruit**Dimethoate Dip**

1. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for:
 - (i) a period of 1 minute; or
 - (ii) in the case of passionfruit, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the final treatment before packing.
2. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (b) dipping must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
3. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-01 Dipping with dimethoate or fenthion*.

Dimethoate Flood Spray

4. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
5. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a

minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and

- (b) spraying must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
6. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot is inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate with a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*.

Fenthion Dip

7. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding caimito, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for:
 - (i) a period of 1 minute; or
 - (ii) in the case of longan, lycee, passionfruit and rambutan, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the last treatment before packing.
8. Host fruit classified as “Fruiting vegetables, other than cucurbits” (excluding hollow fruited capsicums and chillies):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (b) dipping must be the last treatment before packing.
9. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved *Certification Assurance Arrangement is ICA-01 Dipping with dimethoate or fenthion*.

Fenthion Flood Spray

10. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
11. Host fruit classified as “Fruiting vegetables, other than cucurbits”:
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
12. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*

Fenthion Non-Recirculating Spray

13. Avocados treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 0.6 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.
14. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-03 Low volume non-recirculated spraying with fenthion*.

Methyl Bromide Fumigation

15. Any host fruit:
- (a) fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent for 2 hours at the following rates:
 - (i) 10.0°C - 14.9°C at 48 g/m³; or
 - (ii) 15.0°C - 20.9°C at 40 g/m³; or
 - (iii) 21.0°C + at 32 g/m³; and
 - (b) in the case of defective flower end-type papaya, is in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-04 Fumigating with methyl bromide*.

Post harvest Cold Treatment

16. Any host fruit (excluding lemons), treated postharvest at a temperature of:
- (a) 0°C ± 0.5°C for a minimum of 14 days; or
 - (b) 1.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 16 days.
17. Lemons treated post harvest at a temperature of 0.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 14 days.

Note: The approved Certification Assurance Arrangement is *ICA-07 Cold treatment*.

Hot Water Treatment

18. Mangoes treated by full immersion in hot water at a temperature of 46.0°C for a minimum of 10 minutes, as measured in the water and at or as near as practicable to the seed of 3 fruits.

Note: The approved Certification Assurance Arrangement is *ICA-10 Hot water treatment of mangoes*.

High Temperature Forced Air

19. Papaya treated in a hot air chamber, at a temperature of 47.2°C for at least 3.5 hours as measured in the seed cavity.

Vapour Heat Treatment

20. Mangoes treated by vapour heat at a temperature of:
- (a) 46.5°C for 20 minutes; or
 - (b) 47.0°C for 15 minutes.

Note: The approved Certification Assurance Arrangement is *ICA-05 Vapour heat treatment of mangoes under AQIS supervision*.

Gamma Irradiation

21. Any host fruit approved for irradiation by the Food Standards Australia New Zealand (FSANZ) treated post harvest with gamma irradiation at a minimum dose of 150Gy.

Note: The approved Certification Assurance Arrangement is *ICA-55 Irradiation treatment*.

Mature green condition

22. Black sapote, passionfruit and Tahitian lime harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-15 Mature green condition of passionfruit, Tahitian limes and black sapotes.*

23. Banana harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-16 Certification of mature green condition of bananas.*

Immature green condition

24. Papaya (excluding defective flower-end type papaya) and babaco harvested and packed in an immature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-08 Mature green condition and immature green condition of papaw and babaco.*

Hard Green condition

25. Bananas (Cavendish variety only) in a hard green condition at the time of packing.

Note: The approved Certification Assurance Arrangement is *ICA-06 Certification of hard green bananas.*

26. Avocados (Hass and Lamb Hass cultivars only) harvested in a hard condition and stored in secured conditions within 24 hours of harvest.

Note: The approved Certification Assurance Arrangement is *ICA-30 Hard condition of avocado for Mediterranean fruit fly and Queensland fruit fly.*

Unbroken skins

27. Durian, jaboticaba, jackfruit, longan, lychee, mangosteen, pomegranate and rambutan harvested and packed with unbroken skin.

Note: The approved certification assurance arrangement is *ICA-13 Unbroken skin condition of approved fruits.*

SCHEDULE 10 - Approved systems approaches for host fruit**Pre-harvest treatment and inspection**

1. Capsicums and chillies:
- (a) treated pre-harvest with dimethoate or fenthion in accordance with all label and APVMA permit directions for the in-field control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant.*

2. Eggplants:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon applied a minimum of 21 days prior to

harvest in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

3. Tomatoes:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

4. Blueberries:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 400 g/L dimethoate every 21 days; or
- (ii) 500 g/L trichlorfon, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) sampled and inspected postharvest and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangements are *ICA-31 Pre-harvest insecticide treatment of blueberries* and *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

5. Stonefruit:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

6. Pomefruit:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon in accordance with all label directions for the control of fruit fly; and
 - (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

7. Table grapes:
- (a) treated pre-harvest with a program of:
 - (i) bait sprays applied to every alternate row of vines at the rate of at least 100 mL per 8 m of vine, at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with:
 - (A) an insecticide containing 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) a mixture containing 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (ii) cover sprays applied to all vines:
 - (A) at a maximum interval of 14 days commencing at least 5 weeks prior to harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of water; or
 - (B) with a chemical containing 500 g/L trichlorfon in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-20 Preharvest treatment and inspection of grapes*.

Pre-harvest treatment and inspection, and post harvest treatment

8. Custard apple, cherimoya, soursop, sweetsop and other *Annona* spp:
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 780 mL of 500 g/L trichlorfon per 100 L of water; or

- (C) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (b) inspected post harvest where a sample of the lot is inspected and found free of fruit fly larvae and broken skins; and
- (c) treated postharvest (final treatment before packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds with a mixture containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion.

Note: The approved Certification Assurance Arrangement is *ICA-18 Treatment and inspection of custard apple and other Annona spp.*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion*.

9. Mangoes (excluding Kensington Pride, Calypso, R2E2 and Honey Gold varieties):
- (a) treated preharvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (B) 75 mL of 400 g/L dimethoate per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; and
 - (b) postharvest inspected where a sample of the lot is inspected and found free of fruit fly larvae; and
 - (c) treated postharvest (final treatment prior to packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the

fruit must remain wet for a further 60 seconds with a mixture containing:

- (A) 400 mg/L dimethoate; or
- (B) 412.5 mg/L fenthion,
- (iii) in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-19 Treatment and inspection of mangoes*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion* or *ICA-03 Low volume non-recirculated spraying with fenthion*.

Fruit fly monitoring, preharvest baiting, and postharvest inspection

10. Citrus fruits (excluding Meyer lemons) grown in the west of the coastal ranges and south of latitude 22 south and harvested during the period 1 March to 25 August inclusive:

- (a) treated with a program of bait sprays applied to all host fruit trees in accordance with all label requirements at a maximum interval of 7 days commencing 12 weeks prior to harvest to the completion of harvest with:
 - (i) a mixture containing 2 L yeast autolysate protein; and
 - (A) 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 400 g of 500 g/kg chlorpyrifos per 100 L of water; or
 - (C) 400 mL of 500 g/L chlorpyrifos per 100 L of water; or
 - (D) 780 mL of 500 g/L trichlorfon per 100 L of water; or
 - (ii) a mixture containing 15.4 L of spinosad per 100 L of water; and
- (b) treated with a program of fruit fly trapping and monitoring using at least 2 Lynfield or approved equivalent traps, placed so that every tree within the orchard is within 400 m of a trap, which are inspected at least every 7 days and found free of fruit flies; and
- (c) post harvest inspected where a sample of the lot is inspected after packing and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-28 Preharvest treatment (bait spraying) and inspection of citrus*.

11. Host fruit grown and packed within the Suspension Area which is under an active eradication program:

- (a) treated with a program of fruit fly trapping and monitoring with at least one fruit fly trap installed on the property, monitored in accordance with the *Code of Practice for the Management of Queensland fruit fly*; and
- (b) treated with a program of bait sprays applied:
 - (i) a minimum of two weeks prior to harvest to the completion of harvest; and

- (ii) to all host fruit trees with fruit at a stage susceptible to Queensland fruit fly (unless receiving an alternative program of cover sprays), and
- (iii) in accordance with all label and APVMA permit directions; and
- (iv) with a mixture containing:
 - (A) 435 mL of 1150 g/L maldison with 2 litres of yeast autolysate protein lure per 100 litres of water; or
 - (B) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (d) post harvest inspected in accordance with the specification of *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*. and found free of fruit fly infestation.

Note: The approved Certification Assurance Arrangement is *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*.

Dated this 26th day of October 2011.

SATENDRA KUMAR,
Director Plant Biosecurity
Department of Trade and Investment, Regional Infrastructure and Services

Note: The Department's reference is O-376

Plant Diseases (Fruit Fly Outbreak, Corbie Hill NTN 2476) Order 2011
under the Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity of the Department of Trade and Investment, Regional Infrastructure and Services, with the delegated authority of the Minister for Primary Industries in pursuance of section 3A of the *Plant Diseases Act 1924* (“the Act”), and in pursuance of section 4 of the Act being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the *Plant Diseases (Fruit Fly Outbreak, Corbie Hill NTN 2476) Order 2011*.

2 Commencement

This Order commences on the date it is published in the Gazette.

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 9.

approved systems approach means the risk management measures as specified in Schedule 10.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

assorted tropical and sub-tropical fruits – inedible peel means the host fruit specified in Schedule 2, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

authorised person means an inspector or a person authorised pursuant to section 11(3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the *Interstate Certification Assurance (ICA) Scheme*.

citrus fruits means the host fruit specified in Schedule 3, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

composite lots means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

Codex Classification of Foods and Animal Feeds means the listing of food commodities in trade classified into groups on the basis of the commodity's similar potential for pesticides residues, as published by the Joint Food and Agriculture Organization of the United Nations (FAO)/World Health Organisation (WHO) Food Standards Programme Codex Alimentarius Commission (publication available at <http://www.codexalimentarius.net>).

Department means Department of Trade and Investment, Regional Infrastructure and Services.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

fruiting vegetables, other than cucurbits means the host fruit specified in Schedule 4, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

hard green, in the case of:

avocados means the flesh is not soft, or softening, and the skin is not cracked or broken.

bananas, means the fruit is hard and green, with no sign of colouration when assessed over the entire surface area and the skin is unbroken,

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

immature green condition, in the case of papaya (excluding defective flower-end type papaya) and babaco, means the fruit is hard and green and has no ripe colouration.

lot means a discrete quantity of fruit received from one grower at one time.

mature green, in the case of:

babaco and papaya (excluding defective flower-end type papaya) means fruit is hard and has no more than 25 % of ripe colouring at the time of packing,

bananas, means the flesh is hard and not flexible, the skin is green and shows no yellow colouration except for areas towards the flower end of a fruit where the sun has bleached the skin but the flesh beneath is still hard, and has no pre-harvest cracks, splits, punctures or other breaks that penetrate through to the flesh,

black sapote means the skin is free from any black colouring and unbroken,

passionfruit means the skin is smooth and unwrinkled and unbroken,

Tahitian lime means the skin has no yellow colouration and is unbroken.

NTN means national trap number.

Outbreak Area means the area described in Schedule 5.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Order O-375 dated 7 October 2011 and published in the *NSW Government Gazette* No.99 on 14 October 2011 at pages 6058 to 6069, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

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

Suspension Area means the area described in Schedule 6.

the Act means the *Plant Diseases Act 1924*.

unbroken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

Note: *covering or package, inspector, occupier* and *owner* all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4(1) of the Act, the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

(a) Host fruit that originates from or has moved through:

- (i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;
 - (ii) the Suspension Area must not be moved into the Outer Area,
except for such movements as are specified in Schedule 8 and which comply with the relevant conditions of exception set out in Schedule 8;
and
- (b) The movement of any host fruit in accordance with Schedule 8 must be accompanied by a certificate:
- (i) specifying the origin of the host fruit; and
 - (ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 8; and
 - (iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

Acerola	Feijoa	Passionfruit
Apple	Fig	Papaya
Apricot	Granadilla	Peach
Avocado	Grape	Peacharine
Babaco	Grapefruit	Pear
Banana	Guava	Pepino
Black sapote	Hog plum	Persimmon
Blackberry	Jaboticaba	Plum
Blueberry	Jackfruit	Plumcot
Boysenberry	Jew plum	Pomegranate
Brazil cherry (Grumichama)	Ju jube	Prickly pear
Breadfruit	Kiwifruit	Pummelo (Pomelo)
Caimito (Star apple)	Lemon	Quince
Cape gooseberry	Lime	Rambutan
Capsicum	Loganberry	Raspberry
Carambola (Starfruit)	Longan	Rollinia
Cashew Apple	Loquat	Rose apple
Casimiro (White sapote)	Lychee (Litchi)	Santol
Cherimoya	Mandarin	Sapodilla
Cherry	Mango	Shaddock
Chilli	Mangosteen	Soursop
Citron	Medlar	Sweetsop (Sugar apple)
Cumquat	Miracle fruit	Strawberry
Custard apple	Mulberry	Tamarillo
Date	Nashi	Tangelo
Durian	Nectarine	Tomato
Eggplant	Orange	Wax jambus

SCHEDULE 2 – Host fruit classified as “Assorted tropical and sub-tropical fruits - inedible peel”

Avocado	Guava (inedible peel varieties only)	Persimmon (inedible peel varieties only)
Banana	Jackfruit	Pomegranate
Black sapote	Kiwifruit (inedible peel varieties only)	Prickly pear
Breadfruit	Longan	Rambutan
Caimito (Star apple)	Lychee (Litchi)	Sapodilla
Casimiro (White sapote)	Mango	Soursop
Cherimoya	Mangosteen	Sweetsop (Sugar apple)
Custard apple	Passionfruit	Wax jambus
Durian	Papaya	
Feijoa		
Granadilla		

SCHEDULE 3 – Host fruit classified as “Citrus fruits”

Citron	Lime	Pummelo (Pomelo)
Grapefruit	Mandarin	Shaddock
Lemon	Orange	Tangelo

SCHEDULE 4 – Host fruit classified as “Fruiting vegetables, other than cucurbits”

Gape gooseberry	Chilli	Pepino
Capsicum	Eggplant	Tomato

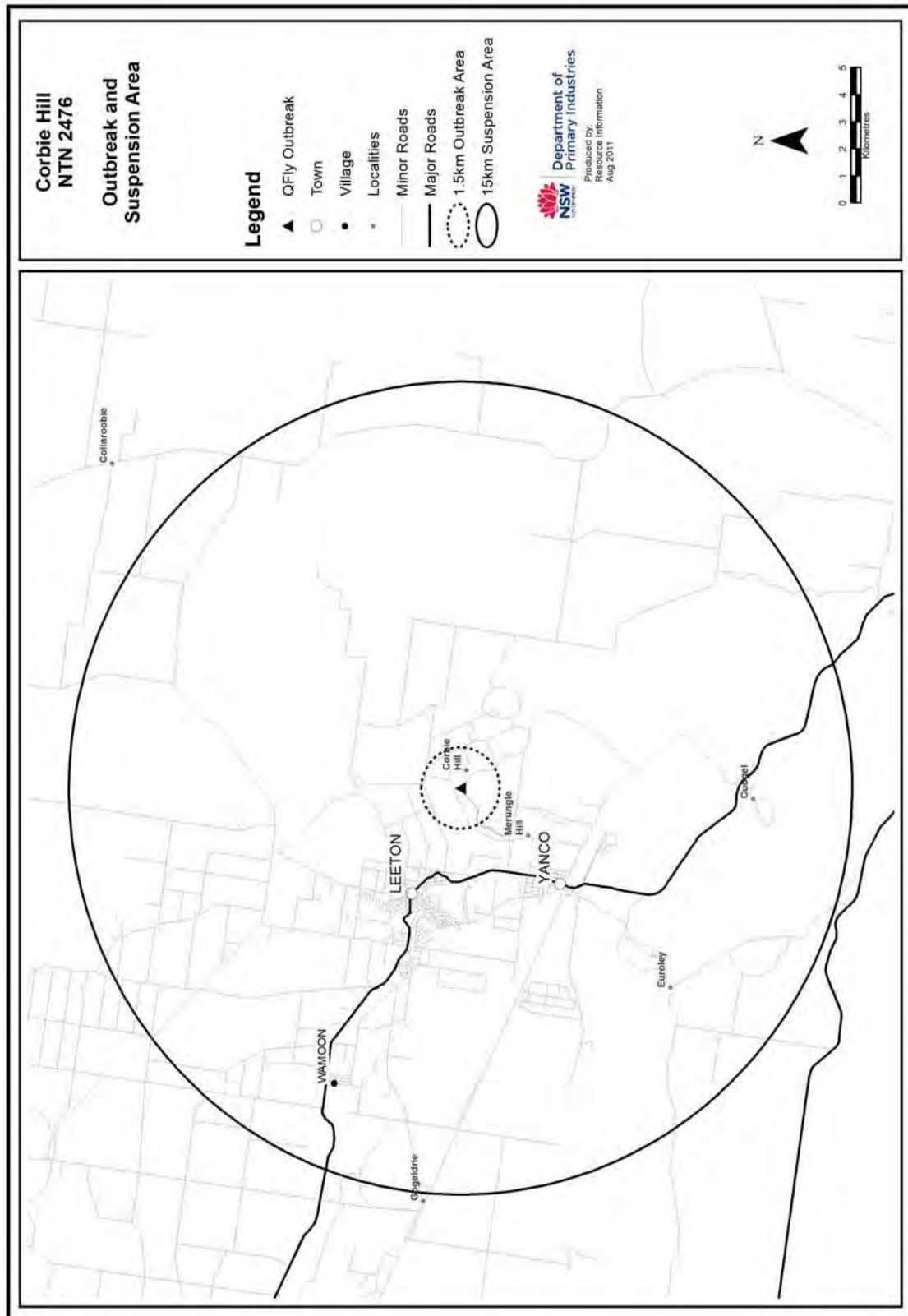
SCHEDULE 5 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -34.5693 South and 146.448683 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 7.

SCHEDULE 6 – Suspension Area

The area within a 15 kilometre radius of coordinates decimal degrees -34.5693 South and 146.448683 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 7.

SCHEDULE 7 – Map of the Corbie Hill NTN 2476 Outbreak Area and Suspension Area



SCHEDULE 8 - Exceptions for movement of host fruit**Host fruit that has received an approved treatment or approved systems approach**

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is packed must ensure that:
 - (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
 - (ii) in the case of host fruit that has been consigned:
 - (A) as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs; or
 - (B) as a packed lot for the purpose of producing composite lots, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
 - (iii) any individual package contains only one kind of host fruit; and
 - (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
 - (A) the district of production; and
 - (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the packer is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
 - (C) a brief description of the contents of the package;or
 - (v) where the property or facility is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:

- (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
- (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iv) the transport vehicle travels by the most direct route to the receiving processor; and
- (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
 - (i) the host fruit is processed within 24 hours of receipt; and
 - (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, are disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
 - (iii) all processing wastes are disinfested by heat or freezing, or be buried.

Note: An approved certification assurance arrangement is *ICA-33 Movement of Wine Grapes*.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported to prevent infestation by Queensland fruit fly by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport

vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is to be packed must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iii) the host fruit is transported under secure conditions that include:
 - (A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or
 - (B) shrink-wrapped and sealed as a palletised unit; or
 - (C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,
so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iv) the transport vehicle travels by the most direct route.

SCHEDULE 9 – Approved treatments for host fruit**Dimethoate Dip**

1. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for:
 - (i) a period of 1 minute; or
 - (ii) in the case of passionfruit, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the final treatment before packing.
2. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (b) dipping must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
3. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-01 Dipping with dimethoate or fenthion*.

Dimethoate Flood Spray

4. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
5. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a

minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and

- (b) spraying must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
6. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot is inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate with a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*.

Fenthion Dip

7. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding caimito, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for:
 - (i) a period of 1 minute; or
 - (ii) in the case of longan, lychee, passionfruit and rambutan, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the last treatment before packing.
8. Host fruit classified as “Fruiting vegetables, other than cucurbits” (excluding hollow fruited capsicums and chillies):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (b) dipping must be the last treatment before packing.
9. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved *Certification Assurance Arrangement* is *ICA-01 Dipping with dimethoate or fenthion*.

Fenthion Flood Spray

10. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
11. Host fruit classified as “Fruiting vegetables, other than cucurbits”:
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
12. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*

Fenthion Non-Recirculating Spray

13. Avocados treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 0.6 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.
14. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-03 Low volume non-recirculated spraying with fenthion*.

Methyl Bromide Fumigation

15. Any host fruit:
- (a) fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent for 2 hours at the following rates:
 - (i) 10.0°C - 14.9°C at 48 g/m³; or
 - (ii) 15.0°C - 20.9°C at 40 g/m³; or
 - (iii) 21.0°C + at 32 g/m³; and
 - (b) in the case of defective flower end-type papaya, is in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-04 Fumigating with methyl bromide*.

Post harvest Cold Treatment

16. Any host fruit (excluding lemons), treated postharvest at a temperature of:
- (a) 0°C ± 0.5°C for a minimum of 14 days; or
 - (b) 1.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 16 days.
17. Lemons treated post harvest at a temperature of 0.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 14 days.

Note: The approved Certification Assurance Arrangement is *ICA-07 Cold treatment*.

Hot Water Treatment

18. Mangoes treated by full immersion in hot water at a temperature of 46.0°C for a minimum of 10 minutes, as measured in the water and at or as near as practicable to the seed of 3 fruits.

Note: The approved Certification Assurance Arrangement is *ICA-10 Hot water treatment of mangoes*.

High Temperature Forced Air

19. Papaya treated in a hot air chamber, at a temperature of 47.2°C for at least 3.5 hours as measured in the seed cavity.

Vapour Heat Treatment

20. Mangoes treated by vapour heat at a temperature of:
- (a) 46.5°C for 20 minutes; or
 - (b) 47.0°C for 15 minutes.

Note: The approved Certification Assurance Arrangement is *ICA-05 Vapour heat treatment of mangoes under AQIS supervision*.

Gamma Irradiation

21. Any host fruit approved for irradiation by the Food Standards Australia New Zealand (FSANZ) treated post harvest with gamma irradiation at a minimum dose of 150Gy.

Note: The approved Certification Assurance Arrangement is *ICA-55 Irradiation treatment*.

Mature green condition

22. Black sapote, passionfruit and Tahitian lime harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-15 Mature green condition of passionfruit, Tahitian limes and black sapotes.*

23. Banana harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-16 Certification of mature green condition of bananas.*

Immature green condition

24. Papaya (excluding defective flower-end type papaya) and babaco harvested and packed in an immature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-08 Mature green condition and immature green condition of papaw and babaco.*

Hard Green condition

25. Bananas (Cavendish variety only) in a hard green condition at the time of packing.

Note: The approved Certification Assurance Arrangement is *ICA-06 Certification of hard green bananas.*

26. Avocados (Hass and Lamb Hass cultivars only) harvested in a hard condition and stored in secured conditions within 24 hours of harvest.

Note: The approved Certification Assurance Arrangement is *ICA-30 Hard condition of avocado for Mediterranean fruit fly and Queensland fruit fly.*

Unbroken skins

27. Durian, jaboticaba, jackfruit, longan, lychee, mangosteen, pomegranate and rambutan harvested and packed with unbroken skin.

Note: The approved certification assurance arrangement is *ICA-13 Unbroken skin condition of approved fruits.*

SCHEDULE 10 - Approved systems approaches for host fruit**Pre-harvest treatment and inspection**

1. Capsicums and chillies:
- (a) treated pre-harvest with dimethoate or fenthion in accordance with all label and APVMA permit directions for the in-field control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant.*

2. Eggplants:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon applied a minimum of 21 days prior to

harvest in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

3. Tomatoes:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

4. Blueberries:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 400 g/L dimethoate every 21 days; or
- (ii) 500 g/L trichlorfon, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) sampled and inspected postharvest and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangements are *ICA-31 Pre-harvest insecticide treatment of blueberries* and *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

5. Stonefruit:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

6. Pomefruit:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon in accordance with all label directions for the control of fruit fly; and
 - (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

7. Table grapes:
- (a) treated pre-harvest with a program of:
 - (i) bait sprays applied to every alternate row of vines at the rate of at least 100 mL per 8 m of vine, at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with:
 - (A) an insecticide containing 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) a mixture containing 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (ii) cover sprays applied to all vines:
 - (A) at a maximum interval of 14 days commencing at least 5 weeks prior to harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of water; or
 - (B) with a chemical containing 500 g/L trichlorfon in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-20 Preharvest treatment and inspection of grapes*.

Pre-harvest treatment and inspection, and post harvest treatment

8. Custard apple, cherimoya, soursop, sweetsop and other *Annona* spp:
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 780 mL of 500 g/L trichlorfon per 100 L of water; or

- (C) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (b) inspected post harvest where a sample of the lot is inspected and found free of fruit fly larvae and broken skins; and
- (c) treated postharvest (final treatment before packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds with a mixture containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion.

Note: The approved Certification Assurance Arrangement is *ICA-18 Treatment and inspection of custard apple and other Annona spp.*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion*.

9. Mangoes (excluding Kensington Pride, Calypso, R2E2 and Honey Gold varieties):
- (a) treated preharvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (B) 75 mL of 400 g/L dimethoate per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; and
 - (b) postharvest inspected where a sample of the lot is inspected and found free of fruit fly larvae; and
 - (c) treated postharvest (final treatment prior to packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the

fruit must remain wet for a further 60 seconds with a mixture containing:

- (A) 400 mg/L dimethoate; or
- (B) 412.5 mg/L fenthion,
- (iii) in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-19 Treatment and inspection of mangoes*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion* or *ICA-03 Low volume non-recirculated spraying with fenthion*.

Fruit fly monitoring, preharvest baiting, and postharvest inspection

10. Citrus fruits (excluding Meyer lemons) grown in the west of the coastal ranges and south of latitude 22 south and harvested during the period 1 March to 25 August inclusive:

- (a) treated with a program of bait sprays applied to all host fruit trees in accordance with all label requirements at a maximum interval of 7 days commencing 12 weeks prior to harvest to the completion of harvest with:
 - (i) a mixture containing 2 L yeast autolysate protein; and
 - (A) 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 400 g of 500 g/kg chlorpyrifos per 100 L of water; or
 - (C) 400 mL of 500 g/L chlorpyrifos per 100 L of water; or
 - (D) 780 mL of 500 g/L trichlorfon per 100 L of water; or
 - (ii) a mixture containing 15.4 L of spinosad per 100 L of water; and
- (b) treated with a program of fruit fly trapping and monitoring using at least 2 Lynfield or approved equivalent traps, placed so that every tree within the orchard is within 400 m of a trap, which are inspected at least every 7 days and found free of fruit flies; and
- (c) post harvest inspected where a sample of the lot is inspected after packing and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-28 Preharvest treatment (bait spraying) and inspection of citrus*.

11. Host fruit grown and packed within a declared Queensland fruit fly Suspension Area (excluding the Outbreak Area) which is under an active eradication program:

- (a) treated with a program of fruit fly trapping and monitoring with at least one fruit fly trap installed on the property, monitored in accordance with the *Code of Practice for the Management of Queensland fruit fly*; and
- (b) treated with a program of bait sprays applied:
 - (i) a minimum of two weeks prior to harvest to the completion of harvest; and

- (ii) to all host fruit trees with fruit at a stage susceptible to Queensland fruit fly (unless receiving an alternative program of cover sprays), and
- (iii) in accordance with all label and APVMA permit directions; and
- (iv) with a mixture containing:
 - (A) 435 mL of 1150 g/L maldison with 2 litres of yeast autolysate protein lure per 100 litres of water; or
 - (B) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (d) post harvest inspected in accordance with the specification of *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*. and found free of fruit fly infestation.

Note: The approved Certification Assurance Arrangement is *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*.

Dated this 26th day of October 2011.

SATENDRA KUMAR,
Director Plant Biosecurity
Department of Trade and Investment, Regional Infrastructure and Services

Note: The Department's reference is O-377

Plant Diseases (Fruit Fly Outbreak, Pevensey Place, Echuca) Order 2011

under the Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity of the Department of Trade and Investment, Regional Infrastructure and Services, with the delegated authority of the Minister for Primary Industries in pursuance of section 3A of the *Plant Diseases Act 1924* (“the Act”), and in pursuance of section 4 of the Act being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the *Plant Diseases (Fruit Fly Outbreak, Pevensey Place, Echuca) Order 2011*.

2 Commencement

This Order commences on the date it is published in the Gazette.

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 9.

approved systems approach means the risk management measures as specified in Schedule 10.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

assorted tropical and sub-tropical fruits – inedible peel means the host fruit specified in Schedule 2, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

authorised person means an inspector or a person authorised pursuant to section 11(3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the *Interstate Certification Assurance (ICA) Scheme*.

citrus fruits means the host fruit specified in Schedule 3, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

composite lots means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

Codex Classification of Foods and Animal Feeds means the listing of food commodities in trade classified into groups on the basis of the commodity's similar potential for pesticides residues, as published by the Joint Food and Agriculture Organization of the United Nations (FAO)/World Health Organisation (WHO) Food Standards Programme Codex Alimentarius Commission (publication available at <http://www.codexalimentarius.net>).

Department means Department of Trade and Investment, Regional Infrastructure and Services.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

fruiting vegetables, other than cucurbits means the host fruit specified in Schedule 4, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

hard green, in the case of:

avocados means the flesh is not soft, or softening, and the skin is not cracked or broken.

bananas, means the fruit is hard and green, with no sign of colouration when assessed over the entire surface area and the skin is unbroken,

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

immature green condition, in the case of papaya (excluding defective flower-end type papaya) and babaco, means the fruit is hard and green and has no ripe colouration.

lot means a discrete quantity of fruit received from one grower at one time.

mature green, in the case of:

babaco and papaya (excluding defective flower-end type papaya) means fruit is hard and has no more than 25 % of ripe colouring at the time of packing,

bananas, means the flesh is hard and not flexible, the skin is green and shows no yellow colouration except for areas towards the flower end of a fruit where the sun has bleached the skin but the flesh beneath is still hard, and has no pre-harvest cracks, splits, punctures or other breaks that penetrate through to the flesh,

black sapote means the skin is free from any black colouring and unbroken,

passionfruit means the skin is smooth and unwrinkled and unbroken,

Tahitian lime means the skin has no yellow colouration and is unbroken.

Outbreak Area means the area described in Schedule 5.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Order O-375 dated 7 October 2011 and published in the *NSW Government Gazette* No.99 on 14 October 2011 at pages 6058 to 6069, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

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

Suspension Area means the area described in Schedule 6.

the Act means the *Plant Diseases Act 1924*.

unbroken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

Note: *covering or package, inspector, occupier* and *owner* all have the same meaning as in the Act.

(b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4(1) of the Act, the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

- (a) Host fruit that originates from or has moved through:
- (i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;

- (ii) the Suspension Area must not be moved into the Outer Area,
except for such movements as are specified in Schedule 8 and which
comply with the relevant conditions of exception set out in Schedule 8;
and
- (b) The movement of any host fruit in accordance with Schedule 8 must be
accompanied by a certificate:
 - (i) specifying the origin of the host fruit; and
 - (ii) in the case of a Plant Health Certificate, certifying that the host
fruit has been treated in the manner specified in Schedule 8; and
 - (iii) in the case of a Plant Health Assurance Certificate, certifying that
the host fruit originates from a property or facility which is owned
or occupied by a business accredited under a Certification
Assurance Arrangement.

SCHEDULE 1 – Host fruit

Acerola	Feijoa	Passionfruit
Apple	Fig	Papaya
Apricot	Granadilla	Peach
Avocado	Grape	Peacharine
Babaco	Grapefruit	Pear
Banana	Guava	Pepino
Black sapote	Hog plum	Persimmon
Blackberry	Jaboticaba	Plum
Blueberry	Jackfruit	Plumcot
Boysenberry	Jew plum	Pomegranate
Brazil cherry (Grumichama)	Ju jube	Prickly pear
Breadfruit	Kiwifruit	Pummelo (Pomelo)
Caimito (Star apple)	Lemon	Quince
Cape gooseberry	Lime	Rambutan
Capsicum	Loganberry	Raspberry
Carambola (Starfruit)	Longan	Rollinia
Cashew Apple	Loquat	Rose apple
Casimiro (White sapote)	Lychee (Litchi)	Santol
Cherimoya	Mandarin	Sapodilla
Cherry	Mango	Shaddock
Chilli	Mangosteen	Soursop
Citron	Medlar	Sweetsop (Sugar apple)
Cumquat	Miracle fruit	Strawberry
Custard apple	Mulberry	Tamarillo
Date	Nashi	Tangelo
Durian	Nectarine	Tomato
Eggplant	Orange	Wax jambus

SCHEDULE 2 – Host fruit classified as “Assorted tropical and sub-tropical fruits - inedible peel”

Avocado	Guava (inedible peel varieties only)	Persimmon (inedible peel varieties only)
Banana	Jackfruit	Pomegranate
Black sapote	Kiwifruit (inedible peel varieties only)	Prickly pear
Breadfruit	Longan	Rambutan
Caimito (Star apple)	Lychee (Litchi)	Sapodilla
Casimiro (White sapote)	Mango	Soursop
Cherimoya	Mangosteen	Sweetsop (Sugar apple)
Custard apple	Passionfruit	Wax jambus
Durian	Papaya	
Feijoa		
Granadilla		

SCHEDULE 3 – Host fruit classified as “Citrus fruits”

Citron	Lime	Pummelo (Pomelo)
Grapefruit	Mandarin	Shaddock
Lemon	Orange	Tangelo

SCHEDULE 4 – Host fruit classified as “Fruiting vegetables, other than cucurbits”

Gape gooseberry	Chilli	Pepino
Capsicum	Eggplant	Tomato

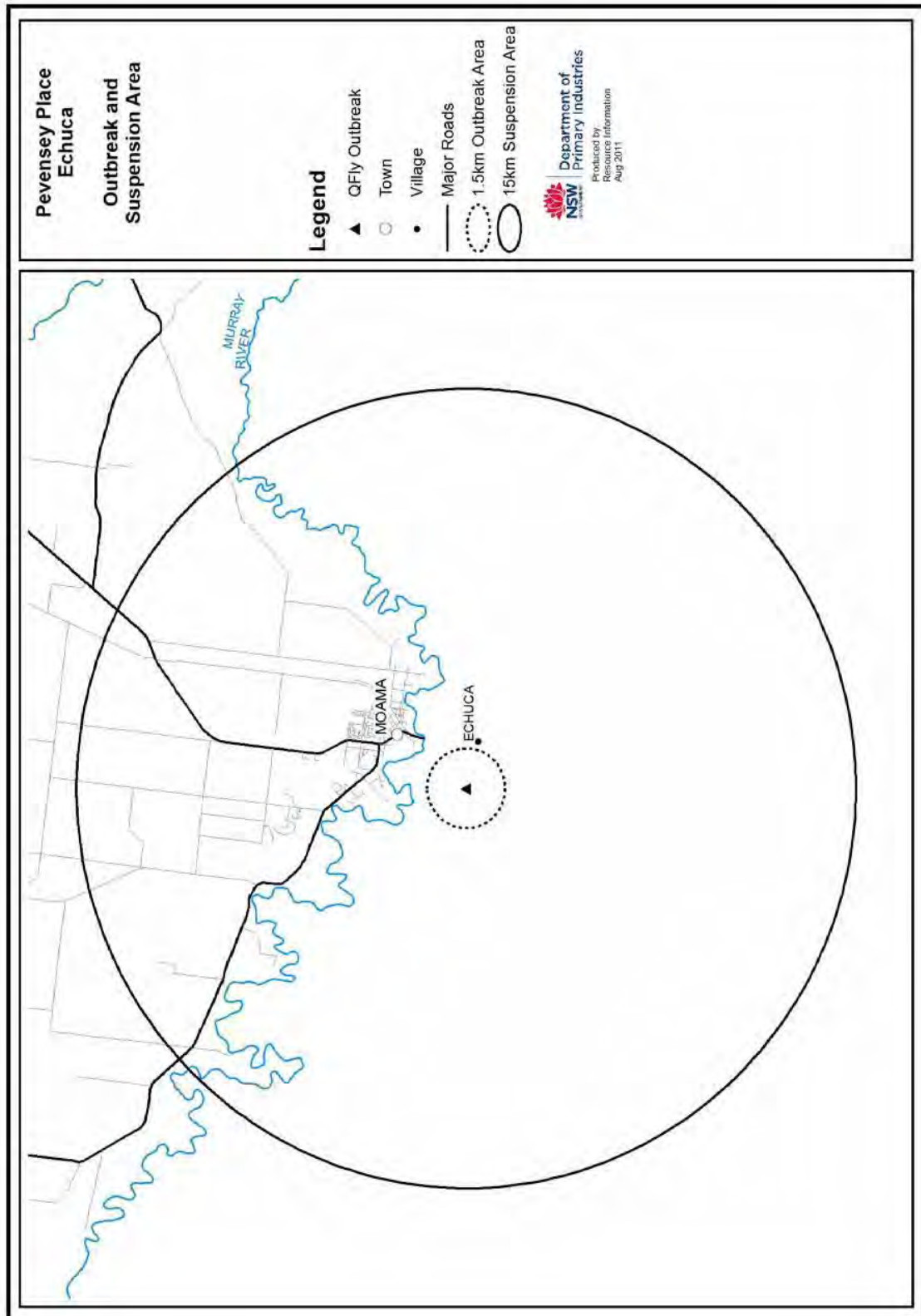
SCHEDULE 5 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -36.13605 South and 144.73233 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 7.

SCHEDULE 6 – Suspension Area

The area within a 15 kilometre radius of coordinates decimal degrees -36.13605 South and 144.73233 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 7.

SCHEDULE 7 – Map of the Pevensey Place, Echuca Outbreak Area and Suspension Area



SCHEDULE 8 - Exceptions for movement of host fruit**Host fruit that has received an approved treatment or approved systems approach**

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is packed must ensure that:
 - (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
 - (ii) in the case of host fruit that has been consigned:
 - (A) as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs; or
 - (B) as a packed lot for the purpose of producing composite lots, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
 - (iii) any individual package contains only one kind of host fruit; and
 - (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
 - (A) the district of production; and
 - (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the packer is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
 - (C) a brief description of the contents of the package;or
 - (v) where the property or facility is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:

- (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
- (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iv) the transport vehicle travels by the most direct route to the receiving processor; and
- (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
 - (i) the host fruit is processed within 24 hours of receipt; and
 - (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, are disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
 - (iii) all processing wastes are disinfested by heat or freezing, or be buried.

Note: An approved certification assurance arrangement is *ICA-33 Movement of Wine Grapes*.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported to prevent infestation by Queensland fruit fly by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport

vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is to be packed must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iii) the host fruit is transported under secure conditions that include:
 - (A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or
 - (B) shrink-wrapped and sealed as a palletised unit; or
 - (C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,
so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iv) the transport vehicle travels by the most direct route.

SCHEDULE 9 – Approved treatments for host fruit**Dimethoate Dip**

1. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for:
 - (i) a period of 1 minute; or
 - (ii) in the case of passionfruit, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the final treatment before packing.
2. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (b) dipping must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
3. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-01 Dipping with dimethoate or fenthion*.

Dimethoate Flood Spray

4. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
5. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a

minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and

- (b) spraying must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
6. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot is inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate with a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*.

Fenthion Dip

7. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding caimito, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for:
 - (i) a period of 1 minute; or
 - (ii) in the case of longan, lychee, passionfruit and rambutan, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the last treatment before packing.
8. Host fruit classified as “Fruiting vegetables, other than cucurbits” (excluding hollow fruited capsicums and chillies):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (b) dipping must be the last treatment before packing.
9. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved *Certification Assurance Arrangement* is *ICA-01 Dipping with dimethoate or fenthion*.

Fenthion Flood Spray

10. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
11. Host fruit classified as “Fruiting vegetables, other than cucurbits”:
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
12. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*

Fenthion Non-Recirculating Spray

13. Avocados treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 0.6 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.
14. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-03 Low volume non-recirculated spraying with fenthion*.

Methyl Bromide Fumigation

15. Any host fruit:
- (a) fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent for 2 hours at the following rates:
 - (i) 10.0°C - 14.9°C at 48 g/m³; or
 - (ii) 15.0°C - 20.9°C at 40 g/m³; or
 - (iii) 21.0°C + at 32 g/m³; and
 - (b) in the case of defective flower end-type papaya, is in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-04 Fumigating with methyl bromide*.

Post harvest Cold Treatment

16. Any host fruit (excluding lemons), treated postharvest at a temperature of:
- (a) 0°C ± 0.5°C for a minimum of 14 days; or
 - (b) 1.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 16 days.
17. Lemons treated post harvest at a temperature of 0.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 14 days.

Note: The approved Certification Assurance Arrangement is *ICA-07 Cold treatment*.

Hot Water Treatment

18. Mangoes treated by full immersion in hot water at a temperature of 46.0°C for a minimum of 10 minutes, as measured in the water and at or as near as practicable to the seed of 3 fruits.

Note: The approved Certification Assurance Arrangement is *ICA-10 Hot water treatment of mangoes*.

High Temperature Forced Air

19. Papaya treated in a hot air chamber, at a temperature of 47.2°C for at least 3.5 hours as measured in the seed cavity.

Vapour Heat Treatment

20. Mangoes treated by vapour heat at a temperature of:
- (a) 46.5°C for 20 minutes; or
 - (b) 47.0°C for 15 minutes.

Note: The approved Certification Assurance Arrangement is *ICA-05 Vapour heat treatment of mangoes under AQIS supervision*.

Gamma Irradiation

21. Any host fruit approved for irradiation by the Food Standards Australia New Zealand (FSANZ) treated post harvest with gamma irradiation at a minimum dose of 150Gy.

Note: The approved Certification Assurance Arrangement is *ICA-55 Irradiation treatment*.

Mature green condition

22. Black sapote, passionfruit and Tahitian lime harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-15 Mature green condition of passionfruit, Tahitian limes and black sapotes.*

23. Banana harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-16 Certification of mature green condition of bananas.*

Immature green condition

24. Papaya (excluding defective flower-end type papaya) and babaco harvested and packed in an immature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-08 Mature green condition and immature green condition of papaw and babaco.*

Hard Green condition

25. Bananas (Cavendish variety only) in a hard green condition at the time of packing.

Note: The approved Certification Assurance Arrangement is *ICA-06 Certification of hard green bananas.*

26. Avocados (Hass and Lamb Hass cultivars only) harvested in a hard condition and stored in secured conditions within 24 hours of harvest.

Note: The approved Certification Assurance Arrangement is *ICA-30 Hard condition of avocado for Mediterranean fruit fly and Queensland fruit fly.*

Unbroken skins

27. Durian, jaboticaba, jackfruit, longan, lychee, mangosteen, pomegranate and rambutan harvested and packed with unbroken skin.

Note: The approved certification assurance arrangement is *ICA-13 Unbroken skin condition of approved fruits.*

SCHEDULE 10 - Approved systems approaches for host fruit**Pre-harvest treatment and inspection**

1. Capsicums and chillies:
- (a) treated pre-harvest with dimethoate or fenthion in accordance with all label and APVMA permit directions for the in-field control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant.*

2. Eggplants:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon applied a minimum of 21 days prior to

harvest in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

3. Tomatoes:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

4. Blueberries:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 400 g/L dimethoate every 21 days; or
- (ii) 500 g/L trichlorfon, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) sampled and inspected postharvest and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangements are *ICA-31 Pre-harvest insecticide treatment of blueberries* and *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

5. Stonefruit:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing:

- (i) 550 g/L fenthion; or
- (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and

- (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

6. Pomefruit:
- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon in accordance with all label directions for the control of fruit fly; and
 - (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

7. Table grapes:
- (a) treated pre-harvest with a program of:
 - (i) bait sprays applied to every alternate row of vines at the rate of at least 100 mL per 8 m of vine, at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with:
 - (A) an insecticide containing 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) a mixture containing 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (ii) cover sprays applied to all vines:
 - (A) at a maximum interval of 14 days commencing at least 5 weeks prior to harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of water; or
 - (B) with a chemical containing 500 g/L trichlorfon in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-20 Preharvest treatment and inspection of grapes*.

Pre-harvest treatment and inspection, and post harvest treatment

8. Custard apple, cherimoya, soursop, sweetsop and other *Annona* spp:
- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 780 mL of 500 g/L trichlorfon per 100 L of water; or

- (C) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (b) inspected post harvest where a sample of the lot is inspected and found free of fruit fly larvae and broken skins; and
- (c) treated postharvest (final treatment before packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds with a mixture containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion.

Note: The approved Certification Assurance Arrangement is *ICA-18 Treatment and inspection of custard apple and other Annona spp.*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion*.

9. Mangoes (excluding Kensington Pride, Calypso, R2E2 and Honey Gold varieties):
 - (a) treated preharvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (B) 75 mL of 400 g/L dimethoate per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; and
 - (b) postharvest inspected where a sample of the lot is inspected and found free of fruit fly larvae; and
 - (c) treated postharvest (final treatment prior to packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the

fruit must remain wet for a further 60 seconds with a mixture containing:

- (A) 400 mg/L dimethoate; or
- (B) 412.5 mg/L fenthion,
- (iii) in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-19 Treatment and inspection of mangoes*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion* or *ICA-03 Low volume non-recirculated spraying with fenthion*.

Fruit fly monitoring, preharvest baiting, and postharvest inspection

10. Citrus fruits (excluding Meyer lemons) grown in the west of the coastal ranges and south of latitude 22 south and harvested during the period 1 March to 25 August inclusive:

- (a) treated with a program of bait sprays applied to all host fruit trees in accordance with all label requirements at a maximum interval of 7 days commencing 12 weeks prior to harvest to the completion of harvest with:
 - (i) a mixture containing 2 L yeast autolysate protein; and
 - (A) 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 400 g of 500 g/kg chlorpyrifos per 100 L of water; or
 - (C) 400 mL of 500 g/L chlorpyrifos per 100 L of water; or
 - (D) 780 mL of 500 g/L trichlorfon per 100 L of water; or
 - (ii) a mixture containing 15.4 L of spinosad per 100 L of water; and
- (b) treated with a program of fruit fly trapping and monitoring using at least 2 Lynfield or approved equivalent traps, placed so that every tree within the orchard is within 400 m of a trap, which are inspected at least every 7 days and found free of fruit flies; and
- (c) post harvest inspected where a sample of the lot is inspected after packing and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-28 Preharvest treatment (bait spraying) and inspection of citrus*.

11. Host fruit grown and packed within a declared Queensland fruit fly Suspension Area (excluding the Outbreak Area) which is under an active eradication program:

- (a) treated with a program of fruit fly trapping and monitoring with at least one fruit fly trap installed on the property, monitored in accordance with the *Code of Practice for the Management of Queensland fruit fly*; and
- (b) treated with a program of bait sprays applied:
 - (i) a minimum of two weeks prior to harvest to the completion of harvest; and

- (ii) to all host fruit trees with fruit at a stage susceptible to Queensland fruit fly (unless receiving an alternative program of cover sprays), and
- (iii) in accordance with all label and APVMA permit directions; and
- (iv) with a mixture containing:
 - (A) 435 mL of 1150 g/L maldison with 2 litres of yeast autolysate protein lure per 100 litres of water; or
 - (B) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (d) post harvest inspected in accordance with the specification of *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*. and found free of fruit fly infestation.

Note: The approved Certification Assurance Arrangement is *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*.

Dated this 26th day of October 2011.

SATENDRA KUMAR,
Director Plant Biosecurity
Department of Trade and Investment, Regional Infrastructure and Services

Note: The Department's reference is O-378

Plant Diseases (Fruit Fly Outbreak, Chester Street, Barham) Order 2011

under the Plant Diseases Act 1924

I, SATENDRA KUMAR, Director Plant Biosecurity of the Department of Trade and Investment, Regional Infrastructure and Services, with the delegated authority of the Minister for Primary Industries in pursuance of section 3A of the *Plant Diseases Act 1924* (“the Act”), and in pursuance of section 4 of the Act being of the opinion that the importation, introduction or bringing of host fruit into specified portions of New South Wales is likely to introduce the pest Queensland fruit fly (*Bactrocera tryoni*) into specified portions of New South Wales, make the following Order regulating the importation, introduction or bringing of host fruit into specified portions of New South Wales.

1 Name of Order

This Order is the *Plant Diseases (Fruit Fly Outbreak, Chester Street, Barham) Order 2011*.

2 Commencement

This Order commences on the date it is published in the Gazette.

3 Interpretation

(a) In this Order:

approved treatment means a treatment or schedule of treatments relevant to the type of host fruit or manner of harvest as specified in Schedule 9.

approved systems approach means the risk management measures as specified in Schedule 10.

APVMA means the Australian Pesticides and Veterinary Medicines Authority.

assorted tropical and sub-tropical fruits – inedible peel means the host fruit specified in Schedule 2, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

authorised person means an inspector or a person authorised pursuant to section 11(3) of the Act.

certificate means a Plant Health Certificate or a Plant Health Assurance Certificate.

Certification Assurance Arrangement means an arrangement approved by the Department which enables a business accredited under the arrangement to certify that certain quarantine requirements have been satisfied for the movement of host fruit to interstate and/or intrastate markets.

Note: An example of an approved Certification Assurance Arrangement is the *Interstate Certification Assurance (ICA) Scheme*.

citrus fruits means the host fruit specified in Schedule 3, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

composite lots means a consignment comprising packages of different types of host fruit sourced from one or more suppliers.

Codex Classification of Foods and Animal Feeds means the listing of food commodities in trade classified into groups on the basis of the commodity's similar potential for pesticides residues, as published by the Joint Food and Agriculture Organization of the United Nations (FAO)/World Health Organisation (WHO) Food Standards Programme Codex Alimentarius Commission (publication available at <http://www.codexalimentarius.net>).

Department means Department of Trade and Investment, Regional Infrastructure and Services.

free of broken skin means the skin has no preharvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

fruiting vegetables, other than cucurbits means the host fruit specified in Schedule 4, being host fruit classified as such in accordance with the Codex Classification of Foods and Animal Feeds.

hard green, in the case of:

avocados means the flesh is not soft, or softening, and the skin is not cracked or broken.

bananas, means the fruit is hard and green, with no sign of colouration when assessed over the entire surface area and the skin is unbroken,

host fruit means the fruit specified in Schedule 1, being fruit which is susceptible to infestation by Queensland fruit fly.

immature green condition, in the case of papaya (excluding defective flower-end type papaya) and babaco, means the fruit is hard and green and has no ripe colouration.

lot means a discrete quantity of fruit received from one grower at one time.

mature green, in the case of:

babaco and papaya (excluding defective flower-end type papaya) means fruit is hard and has no more than 25 % of ripe colouring at the time of packing,

bananas, means the flesh is hard and not flexible, the skin is green and shows no yellow colouration except for areas towards the flower end of a fruit where the sun has bleached the skin but the flesh beneath is still hard, and has no pre-harvest cracks, splits, punctures or other breaks that penetrate through to the flesh,

black sapote means the skin is free from any black colouring and unbroken,

passionfruit means the skin is smooth and unwrinkled and unbroken,

Tahitian lime means the skin has no yellow colouration and is unbroken.

NTN means national trap number.

Outbreak Area means the area described in Schedule 5.

Outer Area means the portion of New South Wales known as the NSW Fruit Fly Exclusion Zone, as specified in Order O-375 dated 7 October 2011 and published on the Department's webpage on 7 October 2011, excluding the Outbreak Area and the Suspension Area.

Plant Health Assurance Certificate means a certificate issued by a business accredited under a Certification Assurance Arrangement.

Plant Health Certificate means a certificate issued by an authorised person.

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

Suspension Area means the area described in Schedule 6.

the Act means the *Plant Diseases Act 1924*.

unbroken skin means the skin has no pre-harvest cracks, punctures, pulled stems or other breaks which penetrate through the skin and that have not healed with callus tissue.

Note: *covering or package, inspector, occupier* and *owner* all have the same meaning as in the Act.

- (b) In this Order, longitude and latitude coordinates are decimal degrees based upon the GDA 94 datum.

4 Regulation of the movement of host fruit

Pursuant to section 4(1) of the Act, the importation, introduction or bringing of host fruit into specified portions of New South Wales is regulated as follows:

- (a) Host fruit that originates from or has moved through:

- (i) the Outbreak Area must not be moved into the Suspension Area or the Outer Area;
 - (ii) the Suspension Area must not be moved into the Outer Area,
except for such movements as are specified in Schedule 8 and which comply with the relevant conditions of exception set out in Schedule 8;
and
- (b) The movement of any host fruit in accordance with Schedule 8 must be accompanied by a certificate:
- (i) specifying the origin of the host fruit; and
 - (ii) in the case of a Plant Health Certificate, certifying that the host fruit has been treated in the manner specified in Schedule 8; and
 - (iii) in the case of a Plant Health Assurance Certificate, certifying that the host fruit originates from a property or facility which is owned or occupied by a business accredited under a Certification Assurance Arrangement.

SCHEDULE 1 – Host fruit

Acerola	Feijoa	Passionfruit
Apple	Fig	Papaya
Apricot	Granadilla	Peach
Avocado	Grape	Peacharine
Babaco	Grapefruit	Pear
Banana	Guava	Pepino
Black sapote	Hog plum	Persimmon
Blackberry	Jaboticaba	Plum
Blueberry	Jackfruit	Plumcot
Boysenberry	Jew plum	Pomegranate
Brazil cherry (Grumichama)	Ju jube	Prickly pear
Breadfruit	Kiwifruit	Pummelo (Pomelo)
Caimito (Star apple)	Lemon	Quince
Cape gooseberry	Lime	Rambutan
Capsicum	Loganberry	Raspberry
Carambola (Starfruit)	Longan	Rollinia
Cashew Apple	Loquat	Rose apple
Casimiro (White sapote)	Lychee (Litchi)	Santol
Cherimoya	Mandarin	Sapodilla
Cherry	Mango	Shaddock
Chilli	Mangosteen	Soursop
Citron	Medlar	Sweetsop (Sugar apple)
Cumquat	Miracle fruit	Strawberry
Custard apple	Mulberry	Tamarillo
Date	Nashi	Tangelo
Durian	Nectarine	Tomato
Eggplant	Orange	Wax jambus

SCHEDULE 2 – Host fruit classified as “Assorted tropical and sub-tropical fruits - inedible peel”

Avocado	Guava (inedible peel varieties only)	Persimmon (inedible peel varieties only)
Banana	Jackfruit	Pomegranate
Black sapote	Kiwifruit (inedible peel varieties only)	Prickly pear
Breadfruit	Longan	Rambutan
Caimito (Star apple)	Lychee (Litchi)	Sapodilla
Casimiro (White sapote)	Mango	Soursop
Cherimoya	Mangosteen	Sweetsop (Sugar apple)
Custard apple	Passionfruit	Wax jambus
Durian	Papaya	
Feijoa		
Granadilla		

SCHEDULE 3 – Host fruit classified as “Citrus fruits”

Citron	Lime	Pummelo (Pomelo)
Grapefruit	Mandarin	Shaddock
Lemon	Orange	Tangelo

SCHEDULE 4 – Host fruit classified as “Fruiting vegetables, other than cucurbits”

Gape gooseberry	Chilli	Pepino
Capsicum	Eggplant	Tomato

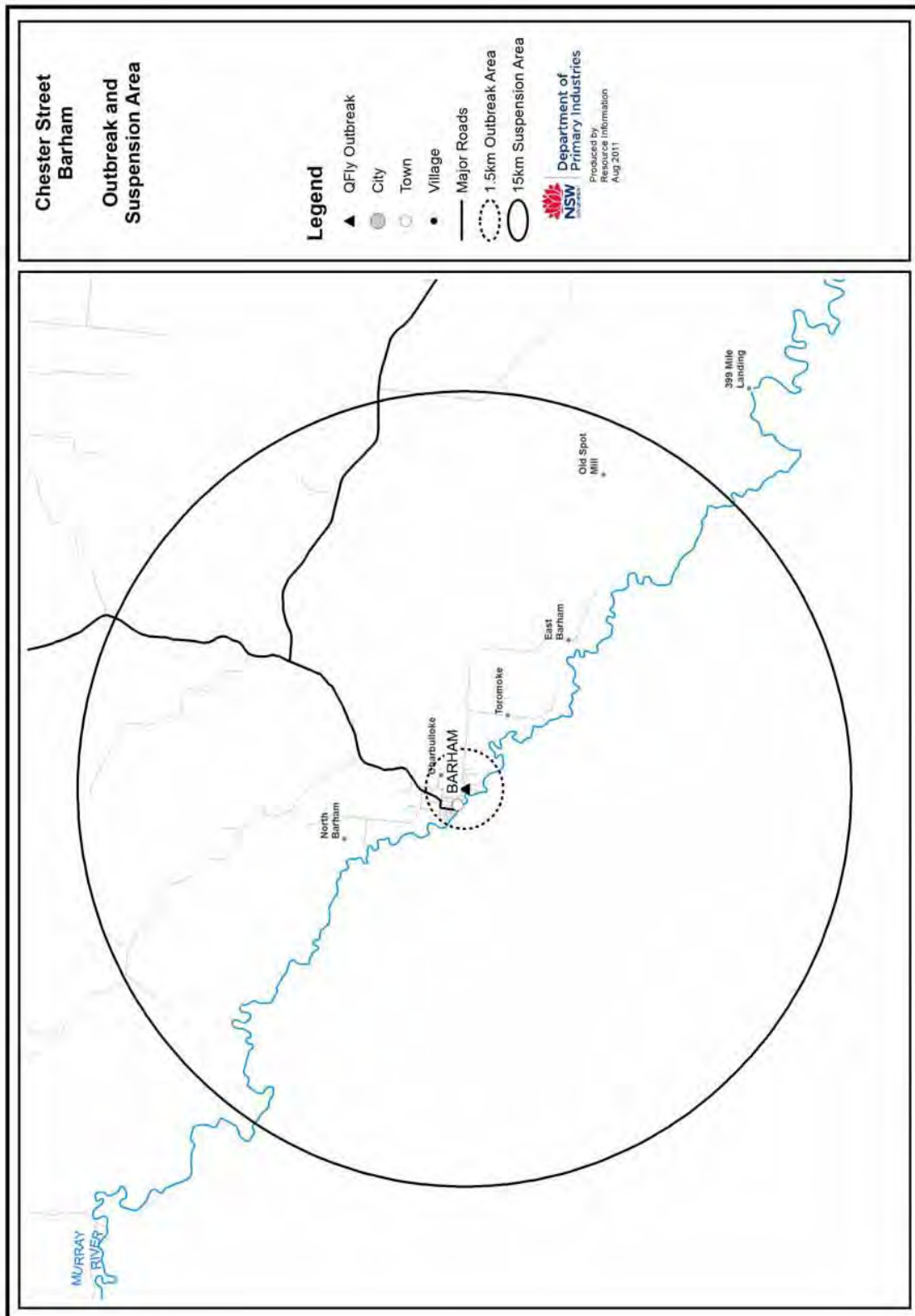
SCHEDULE 5 – Outbreak Area

The area within a 1.5 kilometre radius of the coordinates decimal degrees -35.63273 South and 144.13378 East, being the area within the 1.5 kilometre radius circle (broken line) in the map in Schedule 7.

SCHEDULE 6 – Suspension Area

The area within a 15 kilometre radius of coordinates decimal degrees -35.63273 South and 144.13378 East (excluding the Outbreak Area), being the area between the 1.5 kilometre radius circle (broken line) and the 15 kilometre radius circle (unbroken line) in the map in Schedule 7.

SCHEDULE 7 – Map of the Chester Street, Barham Outbreak Area and Suspension Area



SCHEDULE 8 - Exceptions for movement of host fruit**Host fruit that has received an approved treatment or approved systems approach**

1. Movement of host fruit that has received an approved treatment prior to movement, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is packed must ensure that:
 - (i) any used packaging or coverings containing host fruit are free of soil, plant residues and other organic matter; and
 - (ii) in the case of host fruit that has been consigned:
 - (A) as a lot for the purpose of producing smaller packs of host fruit and has been repacked in smaller packs; or
 - (B) as a packed lot for the purpose of producing composite lots, the host fruit has been received, handled, stored and repacked under secure conditions which prevent infestation by Queensland fruit fly; and
 - (iii) any individual package contains only one kind of host fruit; and
 - (iv) all previous incorrect information displayed on the outer covering of the package is removed and the outer covering is legibly marked with the following information:
 - (A) the district of production; and
 - (B) the name, address, postcode and the State or Territory of both the grower and the packer; or where the packer is sourcing from multiple growers, the name, address, postcode and the State or Territory of the packer; and
 - (C) a brief description of the contents of the package;or
 - (v) where the property or facility is owned or occupied by a business accredited under a Certification Assurance Arrangement, the host fruit is packed, labelled and certified in accordance with any conditions prescribed in the Certification Assurance Arrangement.

Untreated host fruit for processing

2. Movement of untreated host fruit for processing, subject to the following conditions:

- (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
- (b) Prior to movement, the owner or occupier of the property or facility from which the host fruit originates must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the host fruit is securely covered by a tarpaulin, shade cloth, bin cover or other covering or contained within the transport vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iv) the transport vehicle travels by the most direct route to the receiving processor; and
- (c) The owner or occupier of the property or facility at which the host fruit is to be processed must ensure:
 - (i) the host fruit is processed within 24 hours of receipt; and
 - (ii) all measures to avoid spillage of host fruit are taken and where spillages occur, are disposed of in a manner generally accepted as likely to prevent the spread of Queensland fruit fly; and
 - (iii) all processing wastes are disinfested by heat or freezing, or be buried.

Note: An approved certification assurance arrangement is *ICA-33 Movement of Wine Grapes*.

Outer Area host fruit on a direct journey through the Outbreak Area or Suspension Area into the Outer Area

3. Movement of host fruit originating within the Outer Area and moving on a direct journey through the Outbreak Area or the Suspension Area into the Outer Area, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit is securely transported to prevent infestation by Queensland fruit fly by covering with a tarpaulin, shade cloth, bin cover or other covering or contained within the covered transport

vehicle so as to prevent infestation by Queensland fruit fly and spillage during transportation.

Untreated Suspension Area host fruit on a direct journey to an end destination having no restrictions on account of Queensland fruit fly

4. Movement of host fruit originating within the Suspension Area and moving on a direct journey to an end destination which has no restrictions on account of Queensland fruit fly, subject to the following conditions:
 - (a) The owner or occupier of the property or facility from which the host fruit originates must ensure that the host fruit remains under secure conditions from post harvest to the time of dispatch and transport which prevent infestation by Queensland fruit fly; and
 - (b) Prior to movement, the owner or occupier of the property or facility where the host fruit is to be packed must ensure:
 - (i) all bins or containers and any vehicles to be used for the transportation of host fruit (“transport vehicle”) are free from all plant debris and soil prior to packing and loading; and
 - (ii) the transport vehicle is free of all soil and plant debris after loading; and
 - (iii) the host fruit is transported under secure conditions that include:
 - (A) unvented packages or vented packages with the vents secured with mesh with a maximum aperture of 1.6mm prior to dispatch; or
 - (B) shrink-wrapped and sealed as a palletised unit; or
 - (C) fully enclosed under tarpaulins, shade cloth, bin cover or other covering which provides a maximum aperture of 1.6mm,so as to prevent infestation by Queensland fruit fly and spillage during transportation; and
 - (iv) the transport vehicle travels by the most direct route.

SCHEDULE 9 – Approved treatments for host fruit**Dimethoate Dip**

1. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for:
 - (i) a period of 1 minute; or
 - (ii) in the case of passionfruit, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the final treatment before packing.
2. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (b) dipping must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
3. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 400 mg/L dimethoate for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-01 Dipping with dimethoate or fenthion*.

Dimethoate Flood Spray

4. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding black sapote, breadfruit, jackfruit, longan, defective flower-end type papaya, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp.), abiu, rollinia, santol, and tamarillo:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
5. Host fruit classified as “Citrus fruits”:
 - (a) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a

minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and

- (b) spraying must be the final treatment before packing, except where a non-recovery gloss coating (wax) and/or compatible fungicide may be added within 24 hour of treatment.
6. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot is inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 400 mg/L dimethoate with a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*.

Fenthion Dip

7. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding caimito, mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for:
 - (i) a period of 1 minute; or
 - (ii) in the case of longan, lychee, passionfruit and rambutan, dipping for a period of 10 seconds provided the fruit remains wet for a further 60 seconds; and
 - (b) dipping must be the last treatment before packing.
8. Host fruit classified as “Fruiting vegetables, other than cucurbits” (excluding hollow fruited capsicums and chillies):
- (a) treated postharvest by full immersion in a dip mixture containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (b) dipping must be the last treatment before packing.
9. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
- (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by full immersion in a dip containing 412.5 mg/L fenthion for a period of 1 minute; and
 - (c) dipping must be the final treatment before packing.

Note: The approved *Certification Assurance Arrangement* is *ICA-01 Dipping with dimethoate or fenthion*.

Fenthion Flood Spray

10. Host fruit classified as “Assorted tropical and sub-tropical fruits – inedible peel” (excluding mango, custard apple, cherimoya, soursop, sweetsop and other *Annona* spp. and defective flower-end type papaya):
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
11. Host fruit classified as “Fruiting vegetables, other than cucurbits”:
 - (a) treated postharvest by flood spraying, in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (b) spraying must be the last treatment before packing.
12. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated postharvest by flood spraying in a single layer with a mixture containing 412.5 mg/L fenthion at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds; and
 - (c) spraying must be the final treatment before packing.

Note: The approved Certification Assurance Arrangement is *ICA-02 Flood spraying with dimethoate or fenthion*

Fenthion Non-Recirculating Spray

13. Avocados treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 0.6 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.
14. Mangoes (Kensington Pride, Calypso, R2E2 and Honey Gold varieties only):
 - (a) a sample of the lot inspected before treatment and found free of fruit fly larvae; and
 - (b) treated in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-03 Low volume non-recirculated spraying with fenthion*.

Methyl Bromide Fumigation

15. Any host fruit:
- (a) fumigated postharvest with a fumigant containing 1000 g/kg methyl bromide as its only active constituent for 2 hours at the following rates:
 - (i) 10.0°C - 14.9°C at 48 g/m³; or
 - (ii) 15.0°C - 20.9°C at 40 g/m³; or
 - (iii) 21.0°C + at 32 g/m³; and
 - (b) in the case of defective flower end-type papaya, is in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-04 Fumigating with methyl bromide*.

Post harvest Cold Treatment

16. Any host fruit (excluding lemons), treated postharvest at a temperature of:
- (a) 0°C ± 0.5°C for a minimum of 14 days; or
 - (b) 1.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 16 days.
17. Lemons treated post harvest at a temperature of 0.0°C ± 0.5°C to 3.0°C ± 0.5°C for a minimum of 14 days.

Note: The approved Certification Assurance Arrangement is *ICA-07 Cold treatment*.

Hot Water Treatment

18. Mangoes treated by full immersion in hot water at a temperature of 46.0°C for a minimum of 10 minutes, as measured in the water and at or as near as practicable to the seed of 3 fruits.

Note: The approved Certification Assurance Arrangement is *ICA-10 Hot water treatment of mangoes*.

High Temperature Forced Air

19. Papaya treated in a hot air chamber, at a temperature of 47.2°C for at least 3.5 hours as measured in the seed cavity.

Vapour Heat Treatment

20. Mangoes treated by vapour heat at a temperature of:
- (a) 46.5°C for 20 minutes; or
 - (b) 47.0°C for 15 minutes.

Note: The approved Certification Assurance Arrangement is *ICA-05 Vapour heat treatment of mangoes under AQIS supervision*.

Gamma Irradiation

21. Any host fruit approved for irradiation by the Food Standards Australia New Zealand (FSANZ) treated post harvest with gamma irradiation at a minimum dose of 150Gy.

Note: The approved Certification Assurance Arrangement is *ICA-55 Irradiation treatment*.

Mature green condition

22. Black sapote, passionfruit and Tahitian lime harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-15 Mature green condition of passionfruit, Tahitian limes and black sapotes*.

23. Banana harvested and packed in a mature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-16 Certification of mature green condition of bananas*.

Immature green condition

24. Papaya (excluding defective flower-end type papaya) and babaco harvested and packed in an immature green condition.

Note: The approved Certification Assurance Arrangement is *ICA-08 Mature green condition and immature green condition of papaw and babaco*.

Hard Green condition

25. Bananas (Cavendish variety only) in a hard green condition at the time of packing.

Note: The approved Certification Assurance Arrangement is *ICA-06 Certification of hard green bananas*.

26. Avocados (Hass and Lamb Hass cultivars only) harvested in a hard condition and stored in secured conditions within 24 hours of harvest.

Note: The approved Certification Assurance Arrangement is *ICA-30 Hard condition of avocado for Mediterranean fruit fly and Queensland fruit fly*.

Unbroken skins

27. Durian, jaboticaba, jackfruit, longan, lychee, mangosteen, pomegranate and rambutan harvested and packed with unbroken skin.

Note: The approved certification assurance arrangement is *ICA-13 Unbroken skin condition of approved fruits*.

SCHEDULE 10 - Approved systems approaches for host fruit

Pre-harvest treatment and inspection

1. Capsicums and chillies:
 - (a) treated pre-harvest with dimethoate or fenthion in accordance with all label and APVMA permit directions for the in-field control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant*.

2. Eggplants:
 - (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon applied a minimum of 21 days prior to harvest in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant.*

3. Tomatoes:
 - (a) treated pre-harvest with a program of cover sprays with a chemical containing:
 - (i) 550 g/L fenthion; or
 - (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest, where a sample of the lot is inspected and found free of fruit fly.

Note: The approved Certification Assurance Arrangement is *ICA-26 Pre-harvest treatment and postharvest inspection of tomatoes, capsicums, chillies and eggplant.*

4. Blueberries:
 - (a) treated pre-harvest with a program of cover sprays with a chemical containing:
 - (i) 400 g/L dimethoate every 21 days; or
 - (ii) 500 g/L trichlorfon, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) sampled and inspected postharvest and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangements are *ICA-31 Pre-harvest insecticide treatment of blueberries* and *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries.*

5. Stonefruit:
 - (a) treated pre-harvest with a program of cover sprays with a chemical containing:
 - (i) 550 g/L fenthion; or
 - (ii) 500 g/L trichlorfon applied a minimum of 21 days prior to harvest, in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
 - (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

6. Pomefruit:

- (a) treated pre-harvest with a program of cover sprays with a chemical containing 500 g/L trichlorfon in accordance with all label directions for the control of fruit fly; and
- (b) inspected postharvest at the rate of 1 package in every 100 and found free of fruit fly larvae and broken skins.

Note: The approved Certification Assurance Arrangement is *ICA-21 Pre-harvest treatment and inspection of stonefruit, pome fruit and blueberries*.

7. Table grapes:

- (a) treated pre-harvest with a program of:
 - (i) bait sprays applied to every alternate row of vines at the rate of at least 100 mL per 8 m of vine, at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with:
 - (A) an insecticide containing 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) a mixture containing 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (ii) cover sprays applied to all vines:
 - (A) at a maximum interval of 14 days commencing at least 5 weeks prior to harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of water; or
 - (B) with a chemical containing 500 g/L trichlorfon in accordance with all label and APVMA permit directions for the control of Queensland fruit fly; and
- (b) inspected postharvest where a sample of the fruit is inspected and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-20 Preharvest treatment and inspection of grapes*.

Pre-harvest treatment and inspection, and post harvest treatment

8. Custard apple, cherimoya, soursop, sweetsop and other *Annona* spp:

- (a) treated pre-harvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:

- (A) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 780 mL of 500 g/L trichlorfon per 100 L of water; or
 - (C) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (b) inspected post harvest where a sample of the lot is inspected and found free of fruit fly larvae and broken skins; and
- (c) treated postharvest (final treatment before packing):
- (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion; or
 - (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds with a mixture containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion.

Note: The approved Certification Assurance Arrangement is *ICA-18 Treatment and inspection of custard apple and other Annona spp.*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion*.

9. Mangoes (excluding Kensington Pride, Calypso, R2E2 and Honey Gold varieties):
- (a) treated preharvest with a program of:
 - (i) cover sprays applied to all host fruit trees at a maximum interval of 14 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 75 mL of 550 g/L fenthion per 100 L of mixture; or
 - (B) 75 mL of 400 g/L dimethoate per 100 L of mixture; or
 - (ii) bait sprays applied at the rate of at least 100 mL to all host fruit trees at a maximum interval of 7 days commencing 6 weeks prior to harvest to the completion of harvest with a mixture containing:
 - (A) 15.4 L of 0.24 g/L spinosad per 100 L of water; or
 - (B) 2 L yeast autolysate protein and 435 mL of 1150 g/L maldison per 100 L of water; and
 - (b) postharvest inspected where a sample of the lot is inspected and found free of fruit fly larvae; and
 - (c) treated postharvest (final treatment prior to packing):
 - (i) by full immersion for a period of 1 minute in a dip containing:
 - (A) 400 mg/L dimethoate; or

- (B) 412.5 mg/L fenthion; or
- (ii) by flood spraying in a single layer at a rate of at least 16 L/minute/m² of the area being flood sprayed, providing complete coverage of the fruit for a minimum of 10 seconds after which the fruit must remain wet for a further 60 seconds with a mixture containing:
 - (A) 400 mg/L dimethoate; or
 - (B) 412.5 mg/L fenthion,
- (iii) in a single layer non-recirculating system with a mixture containing 412.5 mg/L fenthion at a rate of at least 1.2 L/minute/m², providing complete coverage of the host fruit for a minimum of 10 seconds after which the host fruit must remain wet for a further 60 seconds.

Note: The approved Certification Assurance Arrangement is *ICA-19 Treatment and inspection of mangoes*, in conjunction with *ICA-01 Dipping with dimethoate or fenthion* or *ICA-02 Flood spraying with dimethoate or fenthion* or *ICA-03 Low volume non-recirculated spraying with fenthion*.

Fruit fly monitoring, preharvest baiting, and postharvest inspection

10. Citrus fruits (excluding Meyer lemons) grown in the west of the coastal ranges and south of latitude 22 south and harvested during the period 1 March to 25 August inclusive:
 - (a) treated with a program of bait sprays applied to all host fruit trees in accordance with all label requirements at a maximum interval of 7 days commencing 12 weeks prior to harvest to the completion of harvest with:
 - (i) a mixture containing 2 L yeast autolysate protein; and
 - (A) 435 mL of 1150 g/L maldison per 100 L of water; or
 - (B) 400 g of 500 g/kg chlorpyrifos per 100 L of water; or
 - (C) 400 mL of 500 g/L chlorpyrifos per 100 L of water; or
 - (D) 780 mL of 500 g/L trichlorfon per 100 L of water; or
 - (ii) a mixture containing 15.4 L of spinosad per 100 L of water; and
 - (b) treated with a program of fruit fly trapping and monitoring using at least 2 Lynfield or approved equivalent traps, placed so that every tree within the orchard is within 400 m of a trap, which are inspected at least every 7 days and found free of fruit flies; and
 - (c) post harvest inspected where a sample of the lot is inspected after packing and found free of fruit fly larvae.

Note: The approved Certification Assurance Arrangement is *ICA-28 Preharvest treatment (bait spraying) and inspection of citrus*.

11. Host fruit grown and packed within the Suspension Area which is under an active eradication program:
 - (a) treated with a program of fruit fly trapping and monitoring with at least one fruit fly trap installed on the property, monitored in accordance with the *Code of Practice for the Management of Queensland fruit fly*; and

- (b) treated with a program of bait sprays applied:
- (i) a minimum of two weeks prior to harvest to the completion of harvest; and
 - (ii) to all host fruit trees with fruit at a stage susceptible to Queensland fruit fly (unless receiving an alternative program of cover sprays), and
 - (iii) in accordance with all label and APVMA permit directions; and
 - (iv) with a mixture containing:
 - (A) 435 mL of 1150 g/L maldison with 2 litres of yeast autolysate protein lure per 100 litres of water; or
 - (B) 15.4 L of 0.24 g/L spinosad per 100 L of water; and
- (d) post harvest inspected in accordance with the specification of *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*. and found free of fruit fly infestation.

Note: The approved Certification Assurance Arrangement is *ICA-56 Pre-harvest baiting and inspection protocol for Pest Free Areas*.

Dated this 26th day of October 2011.

SATENDRA KUMAR,
Director Plant Biosecurity
Department of Trade and Investment, Regional Infrastructure and Services

Note: The Department's reference is O-379

LANDS

ARMIDALE CROWN LANDS OFFICE
108 Faulkner Street (PO Box 199A), Armidale NSW 2350
Phone: (02) 6770 3100 Fax (02) 6771 5348

**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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Walcha. Local Government Area: Walcha Council. Locality: Parish Tia, County Vernon. Reserve No.: 756499. Public Purpose: Future public requirements. Notified: 29 June 2007. Lot 148, DP No. 705156, Parish Tia, County Vernon. File No.: 09/18529. Note: Private Treaty Sale.	The part being Lot 148, DP No. 705156, Parish Tia, County Vernon, of an area of 4.7 hectares.

GRAFTON OFFICE
76 Victoria Street (PO Box 272), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

ROADS ACT 1993**ORDER**

Transfer of a Crown Road to a Council

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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE 1

*Parish – Cudgen; County – Rous;
 Shire – Tweed Shire Council*

Crown public road named Ozone Street (being road north Lots 9, 13 and 14, DP 830659 and Lot 1, DP 102255) and also Anne Lane approximately 7 metres wide connecting Ozone Street to Chinderah Bay Drive at Chinderah.

Width to be Transferred: Whole width.

*Parish – Murwillumbah; County – Rous;
 Shire – Tweed Shire Council*

Crown public road east of Allotments 1 and 2, section 30, DP 758739 and south-east Allotment 3, section 30, DP 758739 at Murwillumbah.

Width to be Transferred: Whole width.

*Parish – Billinudgel; County – Rous;
 Shire – Tweed Shire Council*

Crown public road within Lot 1, DP 123256; Lot 7, DP 708207 and Lot 4, DP 713648 at Upper Burringbar.

Width to be Transferred: Whole width.

SCHEDULE 2

Roads Authority: Tweed Shire Council.

Council's Reference: Crown Road Transfer.

LPMA Reference: 09/04184.

**REVOCATION OF RESERVATION OF CROWN
 LAND**

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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE 1*Column 1*

Land District: Grafton.
 Local Government Area:
 Coffs Harbour.
 Locality: Woolgoolga.
 Reserve No.: 1012190.
 Public Purpose: Access and
 public requirements, rural
 services, tourism purposes
 and environmental and
 heritage conservation.
 Notified: 25 August 2006.
 File No.: GF02 H 343.

Column 2

Part being Lot 340, DP
 821943, Parish Woolgoolga,
 County Fitzroy, of 2608
 square metres.

SCHEDULE 2*Column 1*

Land District: Grafton.
 Local Government Area:
 Coffs Harbour.
 Locality: Woolgoolga.
 Reserve No.: 752853.
 Public Purpose: Future
 public requirements.
 Notified: 29 June 2007.
 File No.: GF02 H 343.

Column 2

Part being Lot 340, DP
 821943, Parish Woolgoolga,
 County Fitzroy, of 2608
 square metres.

**REVOCATION OF APPOINTMENT OF RESERVE
 TRUST**

PURSUANT to section 92(3)(c) of the Crown Lands Act 1989, the appointment of the reserve trust specified in Column 1 of the Schedule hereunder, as trustee of the reserve(s), or part(s) of the reserve(s), specified opposite thereto in Column 2 of the Schedule, is revoked.

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE*Column 1*

Crown Lands Reserve Trust.

Column 2

That part of Reserve No.
 1012190 (being Lot 340,
 DP 821943).
 Public Purpose: Access and
 public requirements, rural
 services, tourism purposes
 and environmental and
 heritage purposes.
 Notified: 25 August 2006.
 File No.: GF02 H 343.

HAY OFFICE
126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6990 1800 Fax: (02) 6993 1135

**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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lions Club of Tocumwal.	Tocumwal Lions Retirement Village Trust.	Reserve No.: 90695. Public Purpose: Homes for the aged. Notified: 4 February 1977. File No.: HY81 R 73.

For a term commencing the date of this notice.

**REVOCAION OF APPOINTMENT OF RESERVE
TRUST**

PURSUANT to section 92(3)(c) of the Crown Lands Act 1989, the appointment of the reserve trust specified in Column 1 of the Schedule hereunder, as trustee of the reserve(s), or part(s) of the reserve(s), specified opposite thereto in Column 2 of the Schedule, is revoked.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Berrigan Council Crown Reserves Reserve Trust.	Reserve No.: 90695. Public Purpose: Homes for the aged. Notified: 4 February 1977. File No.: HY81 R 73.

ESTABLISHMENT OF RESERVE TRUST

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Tocumwal Lions Retirement Village Trust.	Reserve No.: 90695. Public Purpose: Homes for the aged. Notified: 4 February 1977. File No.: HY81 R 73.

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

**NOTICE OF INTENTION TO GRANT A LICENCE
OVER A CROWN RESERVE**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, it is notified that the Minister for Primary Industries intends to grant a licence for the purpose specified in Column 1 of the Schedule to the parties specified in Column 2 of the Schedule in respect of the Reserves specified in Column 3 of the Schedule.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Community facilities and car park.	Port Stephens Council.	Reserve No.: 86645. Public Purpose: Public building. Notified: 1 March 1968. File No.: MD87 R 77.

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6750 6400 Fax: (02) 6752 1707****NOTICE OF PUBLIC PURPOSE PURSUANT TO
SECTION 34A(2)(B) OF THE CROWN LANDS ACT
1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve specified in Column 1 of the Schedule is to be occupied for the additional purpose specified in Column 2 of the Schedule.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE*Column 1*

Crown Reserve No.: 7800.

Public Purpose: Travelling
stock.

Notified: 24 November 1888.

File No.: 11/08590.

Column 2

Rural services.

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

NOTIFICATION OF CLOSING OF ROAD

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Description

Parish – Pejar; County – Argyle;
Land District – Crookwell;
Local Government Area – Upper Lachlan

Road Closed: Lots 2, 3 and 4, DP 1166210 at Crookwell subject to an easement for Right of Carriageway over part of Lot 4 created by DP 1166210.

File Nos: GB05 H288, GB06 H 499 and 10/04360.

Schedule

On closing, the land within Lots 2, 3 and 4, DP 1166210 remains vested in the State of New South Wales as Crown Land.

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

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

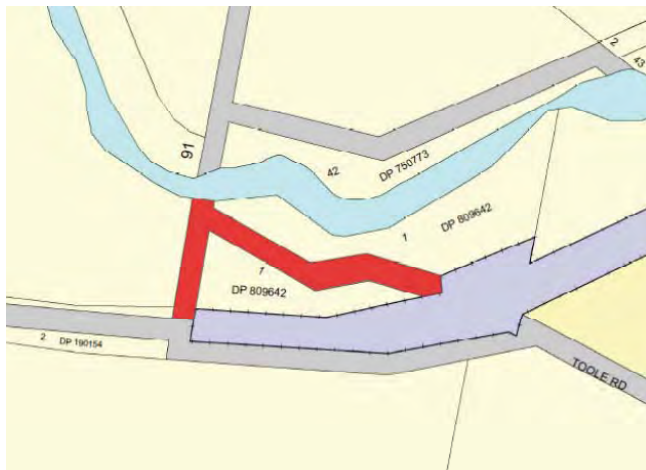
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE 1

*Parish – Moolarben; County – Phillip;
 Land District – Mudgee*

West of and through Lot 1, DP 809642 as per diagram below.



SCHEDULE 2

Roads Authority: Mid Western Regional Council.

Crown Lands Reference: 11/09296.

Council Reference: KB: (R0790022).

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

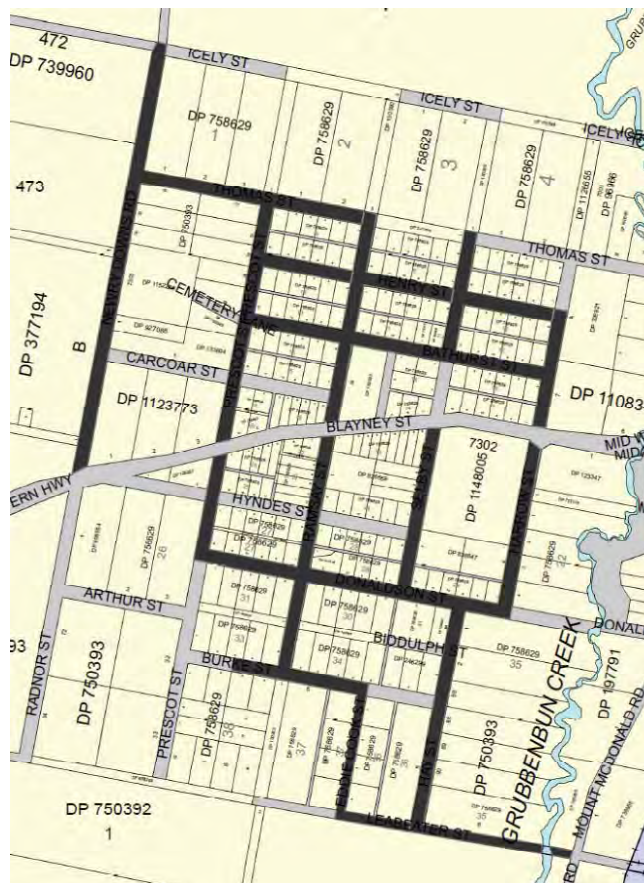
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE 1

*Parish – Lyndhurst; County – Bathurst;
 Land District – Blayney; Suburb – Lyndhurst*

Part Newry Downs Road, Part Thomas Street, Part Prescott Street, Henry Street, Bathurst Street, Ramsay Street, Part Selby Street, Part Harrow Street, Part Donaldson Street, Part Burke Street, Eddie Cook Street, Hay Street and Part Leabeater Street – Lyndhurst, as per diagram below.



SCHEDULE 2

Roads Authority: Blayney Shire Council.

Crown Lands Reference: 11/00863.

Council Reference: Lyndhurst.

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

ROADS ACT 1993

ORDER

Transfer of a Crown Road to Council

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

KATRINA HODGKINSON, M.P.,
 Minister for Primary Industries

SCHEDULE 1

*Land District – Penrith;
 Local Government Area – Penrith;
 Parish – Castlereagh; County – Cumberland*

The part of the unformed Crown public road known as Geebung Close, Agnes Banks, 20.115 metres wide extending from the existing end of Geebung Close for a distance of 107.155 metres, as shown by solid black shading on the diagram hereunder.



SCHEDULE 2

Roads Authority: Penrith City Council.

File No.: 11/12239.

Council's References: DA10/1094 and DA10/1179.

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Gunnedah Girl Guides (R88062) Reserve Trust.	Reserve No.: 88062. Public Purpose: Girl Guides. Notified: 18 December 1970. File No.: TH06 H 158.

NOTIFICATION OF CLOSING OF A ROAD

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Description

*Localities – Namoi River and Halls Creek;
Land District – Tamworth; L.G.A. – Tamworth Regional*

Road Closed: Lots 1 and 2 in Deposited Plan 1168828,
Parishes Wilson and Fleming, County Darling.

File No.: TH06 H 99.

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

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

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedules hereunder, is reserved as specified opposite thereto in Column 2 of the Schedules.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>
Land District: Wagga Wagga. Local Government Area: Wagga Wagga City Council. Locality: Mangoplah. Lot 701, DP No. 1025581, Parish Mangoplah, County Mitchell. Lot 7300, DP No. 1152348, Parish Mangoplah, County Mitchell. Area: About 1.926 hectares. File No.: 10/03955.	Reserve No.: 1033528. Public Purpose: Environmental protection and public recreation.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
Land District: Tumut. Local Government Area: Tumut Shire Council. Locality: Brungle. Lot 359, DP No. 726224, Parish Brungle, County Buccleuch. Lot 358, DP No. 726224, Parish Brungle, County Buccleuch Area: About 9494 square metres. File No.: 09/06858.	Reserve No.: 1033448. Public Purpose: Public recreation, community purposes and environmental protection.

ESTABLISHMENT OF RESERVE TRUST

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Brungle Community Purposes Reserve Trust.	Reserve No.: 1033448. Public Purpose: Public recreation, community purposes and environmental protection. Notified: This day. File No.: 09/06858.

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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Brungle Health and Community Aboriginal Corporation.	Brungle Community Purposes Reserve Trust.	Reserve No.: 1033448. Public Purpose: Public recreation, community purposes and environmental protection. Notified: This day. File No.: 09/06858.

For a term commencing the date of this notice.

ADDITION TO RESERVED CROWN LAND

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Gundagai. Local Government Area: Gundagai Shire Council. Locality: North Gundagai. Lot 320, DP No. 751421, Parish North Gundagai, County Clarendon. Area: 106 hectares. File No.: 06/6747.	Reserve No.: 1015368. Public Purpose: Environmental protection, heritage purposes and public recreation. Notified: 22 August 2008. Lot 522, DP No. 751421, Parish North Gundagai, County Clarendon. Lot 325, DP No. 751421, Parish North Gundagai, County Clarendon. Lot 324, DP No. 751421, Parish North Gundagai, County Clarendon. Lot 7306, DP No. 1129962, Parish North Gundagai, County Clarendon. Lot 523, DP No. 751421, Parish North Gundagai, County Clarendon. New Area: 726.5 hectares.

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE 1

*Parish – Mungabarina; County – Goulburn;
Land District – Albury; Shire – Albury City Council*

Crown lane about 6 metres wide through Lots 1 and 2, DP 1161951 and north of Lot 1, DP 1161951; Road 20.115 metres wide north of Lots 2 and 4, DP 1123527 and also the variable width section of road north of Lot 2, DP 1123527; road 20.115 metres wide through Lot 1, DP 1161951; road separating Lot 2, DP 1161951 from Lot 7, DP 1123527 and Lot 3, DP 1161951 in two parts, being the section north from Lot 1, DP 1161951 and south from Lot 1, DP 1161951 for only about 130 metres.

SCHEDULE 2

Roads Authority: Albury City Council.

File No.: 07/5487.

Reference: W403331.

SCHEDULE 1

*Parish – Killimicat; County – Buccleuch;
Land District – Tumut; Shire – Tumut Shire Council*

Crown road through Lot 2, DP 705952 and the westernmost road through Lot 3, DP 705952.

SCHEDULE 2

Roads Authority: Tumut Shire Council.

File No.: WA07 H 411.

Reference: W401405.

SCHEDULE 1

*Parish – Killimicat; County – Buccleuch;
Land District – Tumut; Shire – Tumut Shire Council*

Crown road east of Lot 13, DP 868031 and the intersection with the Crown public road north of Lot 13, DP 868031.

SCHEDULE 2

Roads Authority: Tumut Shire Council.

File No.: WA07 H 17.

Reference: W395574.

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.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Robert Owen MAKINSON (re-appointment).	Goobarragandra Valley Reserves Trust.	Reserve No.: 1004328. Public Purpose: Public recreation and access. Notified: 14 February 2003. Reserve No.: 220065. Public Purpose: Public recreation and access. Notified: 6 September 1996. Reserve No.: 700048. Public Purpose: Environmental protection. Notified: 10 October 1997. Reserve No.: 220011. Public Purpose: Public recreation. Notified: 20 March 1987. File No.: WA03 R 3.

Term of Office

For a term commencing the date of this notice and expiring 31 March 2016.

WESTERN REGION OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 5400 Fax: (02) 6884 2067

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 20 March 2009, Folios 1416-1418.

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

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

SCHEDULE

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

WLL No.	Name of Lessee	File No.	Folio Identifier	Area (m2)	Term of Lease	
					From	To
WLL 16336	Maria Margaret TOBIN	09/08035	26/1065215	2593	12 October 2011	11 October 2031
WLL 16383	Marinko VUJICIC	09/10944	66/1073508	2518	12 October 2011	11 October 2031

WATER

SYDNEY WATER ACT 1994

WITH the advice of the Executive Council, I, Professor Marie Bashir, A.C., Governor of New South Wales, hereby amend the Sydney Water Corporation operating licence so that it is in the form described hereunder, with the amendments to take effect immediately.

The Hon THOMAS FREDERICK BATHURST,
the Administrator of New South Wales

Signed at Sydney 26 October 2011.

Amendment to Sydney Water Operating Licence 2010-2015

The following text will replace all of Section 3.6 in Sydney Water's Operating Licence 2010-2015:

3.6 *Priority Sewerage Program*

- (a) Sydney Water must continue with the planning and delivery of the Priority Sewerage Program such that wastewater services are provided to the requisite number of lots in the following areas by the dates specified below:
- (1) Agnes Banks and Londonderry by 31 December 2012
 - (2) Glossodia, Freeman's Reach and Wilberforce by 31 December 2012
 - (3) Yellow Rock and Hawkesbury Heights by 31 December 2012
 - (4) Appin by 30 June 2015
 - (5) Wilton and Douglas Park by 30 June 2014
 - (6) West Hoxton by 30 June 2014
 - (7) Bargo and Buxton by 30 June 2014
 - (8) Cowan by 30 June 2014
 - (9) Galston and Glenorie by 30 June 2015
- (b) Sydney Water will commence planning for Yanderra by 30 June 2015.
- (c) If either Sydney Water or a licensee under the Water Industry Competition Act 2006 provides wastewater services to a significant development (as determined by the Minister) in an adjoining area to one of the following areas in the Priority Sewerage Program:
- (1) Austral
 - (2) Menangle and Menangle Park

Then Sydney Water must deliver the Priority Sewerage Program in that area such that wastewater services are made available to customers within 24 months of wastewater services being available to service the significant development.

- (d) Clause 3.6 (b) does not apply where a licensee under the Water Industry Competition Act 2006 provides wastewater services to the relevant area of the Priority Sewerage Program.
- (e) Should delays caused by consent authorities impair Sydney Water's ability to meet the timeframes set out in the clause 3.6, Sydney Water must write to the Minister to advise of the reasons for the delay.

- (f) Sydney Water must provide an annual report on its progress in implementing the Priority Sewerage Program to IPART in accordance with the Reporting manual.

The following text will replace Clause 6.3 of Schedule 2 Customer Contract in Sydney Water's Operating Licence 2010-2015:

6.3 *Disconnection or restriction for other reasons*

We may also disconnect or restrict the supply of services to your property in the following circumstances:

- if private works for the supply of water or wastewater to your property are defective
- you have breached this contract, the Act or any other agreement with us, concerning the use or taking of water
- you fail to rectify a defective service as per clause 8.7 of this contract
- if sewer mining or stormwater harvesting facilities are not authorised by us or do not comply with applicable laws
- you discharge trade wastewater into our wastewater system without our written approval or you do not comply with the requirements of our written approval
- where you fail to ensure access to our meter. Prior to taking this step, we will use our best endeavours to contact you to arrange reasonable access, leave a notice requesting access and provide you with a disconnection warning
- if you are connected to a pressure sewer system that is maintained by Sydney Water and you do not comply with your Home owner's manual
- if a serious health or environmental risk is posed by the discharge of chemicals into our wastewater system
- if you have not installed a backflow prevention containment device if required to do so by us
- if you have not correctly installed or maintained your backflow prevention containment device or have failed to provide an annual test report by the due date
- you use your recycled water in a manner inconsistent with its intended purpose or in a manner contrary to the information we provide on its safe use
- where we are entitled or required to restrict or to discontinue supply by direction of the Minister or under an applicable law.

WATER ACT 1912

APPLICATIONS under Part 2, section 10, for works within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912, has been received as follows:

Anna Joan ALLSOPP for a bywash dam on Livingstone Creek, 1/DP879255, Parish Livingstone, County Wynyard, for water supply for conservation of water, irrigation and domestic purposes (allocation via permanent transfer). (Reference: 40SL71229). (GA1822196).

Winston Robert MASTERS for an existing bywash dam in the Molonglo River Catchment, new Lot 1 in the subdivision of 3/DP 1003268, Parish Molonglo, County Murray, for

water supply for stock purposes (dam exceeds harvestable rights following subdivision). (Reference: 40SL71230). (GA1822200).

Any enquiries should be directed to (02) 6953 0700.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 156, Leeton NSW 2705, with 28 days of this publication.

S. F. WEBB,
Licensing Manager

WATER ACT 1912

AN application for an authority under section 20 of Part 2 of the Water Act 1912, as amended, has been received as follows:

John YANEVITCH and OTHERS for a pump on the Hawkesbury River on Crown Land north of Lot 1, DP 59022, Parish of Ham Common, County of Cumberland, to authorise transfer of water to an unnamed lagoon, within the same water source (new authority) (regularise historical practice only – not subject to the amended 2003 Hawkesbury/Nepean Embargo). (Reference: 10SA002557). (GA1822197).

Any inquiries should be directed to (02) 8838 7531.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 3720, Parramatta NSW 2124, within 28 days of this publication.

WAYNE CONNERS,
Senior Licensing Officer

WATER ACT 1912

AN application under Part 8, section 167 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Water Act 1912, has been received as follows:

Malcolm PURSEHOUSE and Jeanna PURSEHOUSE for a controlled works consisting of levees/embankments on the Liverpool Plains Floodplain on Lot 411, DP 879350, Parish Warrah, County Buckland, on the property known as “Murlow” for prevention of soil erosion on the floodplain. Approval is for the reconstruction of existing works (new approval). (Reference: 90CW810970). (GA1822198).

Any inquiries should be directed to (02) 6799 6621.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 382, Narrabri NSW 2390, within 28 days of this publication.

ROBERT ALBERT,
Licensing Officer

WATER ACT 1912

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

MARTINDALE VINEYARD PTY LTD for a pump on Martindale Creek on an easement within Part Lot 1301, DP 1132111, Parish of Bureen, County of Hunter, for water supply for stock and domestic purposes to Lot 1303, DP 1132111 (exempt from current embargo). (Reference: 20SL062072). (GA1822199).

Any inquiries should be directed to (02) 9895 7194.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 2213, Dangar NSW 2305, within 28 days of this publication.

BRUCE WESTBROOK,
Licensing Officer

WATER ACT 1912

AN application for a licence under Part 2, section 10 of the Water Act 1912, within a proclaimed (declared) local area under section 5(4) has been received as follows:

NATIONAL PARKS AND WILDLIFE SERVICE for 3 pumps on The Namoi River on Lot 26, DP 752202, Parish of Warrabah, County of Darling; Lot 60, DP 44203, Parish of Alfred, County of Darling and Lot 45, DP 753844, Parish of Pringle, County of Inglis, for recreation and irrigation of 7 hectares (new licence) (permanent transfer of an existing entitlement – 2 megalitres). (Local Office Reference: 90SL101072). (GA1822201).

Any inquiries should be directed to (02) 6701 9620.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 550, Tamworth NSW 2340, within 28 days of this publication.

DAVID THOMAS,
Senior Licensing Officer

WATER ACT 1912

AN application for a licence under section 10 of Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5 (4) of the said Act, has been received as follows:

Andrew Moore ETTERS HANK and Wendy Susan ETTERS HANK for a pump on the Castlereagh River on Lots 45 and 46, DP 753372; Lot A, DP 392683 and Lot 47, DP 661612, Parish of Breelong, County of Gowen, for water supply for irrigation of 3.5 hectares (lucerne) (permanent transfer). (Reference: 80SL96352). (GA1822153).

Any inquiries should be directed to (02) 6841 7414.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 717, Dubbo NSW 2830, within 28 days of this publication.

RICHARD WHEATLEY,
Senior Licensing Officer

WATER ACT 1912

APPLICATIONS under Part 2, section 10 within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912, have been received from:

GREATER HUME SHIRE COUNCIL for an existing bywash dam and a pump on Lot 8 and Lot 2, DP 1164647, Parish of Jindera, County of Goulburn, for conservation of water and water supply for stock and domestic purposes. Dam's exceed Harvestable Right following land subdivision. (Reference: 50SL075743 and 50SL075744).

Any inquiries should be directed to (02) 6024 8859.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 829, Albury NSW 2640, within 28 days of this publication.

CLARE PURTLE,
Senior Licensing Officer

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Ministerial Declaration (On Road Number plate Testing Exemption) Order 2011

I, DUNCAN GAY, M.L.C., Minister for Roads and Ports, pursuant to section 16(1) of the Road Transport (General) Act 2005, make the following Order.

Dated this 14th day of October 2011.

DUNCAN GAY, M.L.C.,
Minister for Roads and Ports

1. Citation

This Order is the Ministerial Declaration (On Road Number plate Testing Exemption) Order 2011.

2. Commencement

This Order takes effect from the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Order remains in effect until 30 June 2012 unless revoked earlier.

4. Definitions

Unless stated otherwise, words and expressions used in this Order have the same meaning as those defined in the Road Transport (Vehicle Registration) Regulation 2007(Regulation).

5. Exemption from requirements of the Regulation

Clause 85 of the Regulation is declared not to apply to a person who is the driver or registered operator of a registered vehicle in circumstances where:

- (a) the vehicle is being used for the purpose of number plate testing by the Roads and Traffic Authority;
 - (b) the vehicle has markings or signage indicating that number-plate testing is occurring; and
 - (c) a copy of this exemption is carried in the vehicle.
- _____

Explanatory Notes

Clause 85 of the Regulation relates to number-plate and registration certificate and label offences. This Order is to permit the road testing of newly designed number-plates in New South Wales by attaching a sample number plate over the registered number plate to ensure visibility. Test vehicles will be registered and when not engaged in road testing, will bear their issued number plates.

This Order supersedes the Ministerial Exemption (Number-plate testing) Order 2011 which expires on 30 September 2011.

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 12 July 2011.

RINO SANTIN,
Acting General Manager,
Lismore City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Lismore City Council 25 metre B-Double Route Notice No. 01/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 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.	Foley Road, Lismore.	Bruxner Highway.	Taylor Street.
25.	Taylor Street, Lismore.	Foleys Road.	Wardell Street.
25.	Wardell Street, Lismore.	Taylor Street.	Hollingworth Street.
25.	Hollingworth Street, Lismore.	Wardell Street.	Southern end of Hollingworth Street.

ROADS TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 29 September 2011.

P. J. HENRY,
General Manager,
Inverell Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Inverell Shire Council 25 metre B-Double Route Notice No. 2/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 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>	<i>Conditions</i>
25.	SR 271.	Masons Lane, Inverell.	Auburn Vale Road, Inverell.	'Nonda', Masons Lane, Inverell.	Operator to arrange with property owner on the road for the vehicle to be able to turn around on private property.
25.	SR 199.	Auburn Vale Road, Inverell.	Gwydir Highway, Inverell.	'Auburn Vale', Auburn Vale Road, Auburn Vale.	Operator to arrange with property owner on the road for the vehicle to be able to turn around on private property.

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 21 October 2011.

PHIL MARSHALL,
General Manager,
Narrabri Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as Narrabri Shire Council 25 metre B-Double Route Notice No. 2/2011.

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 1st September 2015 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 2010 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.	Grantham Street, Boggabri.	Walton Street, Boggabri.	Kamilaroi Highway, Boggabri.

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, pursuant to Clause 25 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the 4.6 Metre High Vehicle Notice 2008, as published in *New South Wales Government Gazette* No. 185 on 21 December 2007, at pages 10618 to 10674, as set out in the Schedule of this Notice.

MICHAEL BUSHBY,
Chief Executive,
Roads and Traffic Authority

SCHEDULE**1. Citation**

This Notice may be cited as the Roads and Traffic Authority 4.6 Metre High Vehicle Notice 2008 (Amendment) Notice No. 2/2011.

2. Commencement

This Notice takes effect on and from the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Notice remains in force up to and including 31 December 2012 unless it is repealed earlier.

4. Amendment

Delete the following routes from the table at Appendix 2, under the heading Part 2 - 4.6 Metre High Vehicle routes within South West Region.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
4.6m.	314.	Melbourne Street, Mulwala.	NSW/Victorian Border.	Federation Avenue (MR550).
4.6m.	314.	Honour Avenue.	Edward Street, Corowa.	Wahgunyah Bridge Road, Corowa.

Insert the following routes into the table at Appendix 2, under the heading Part 2 - 4.6 Metre High Vehicle routes within South West Region.

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
4.6m.	314.	Melbourne Street, Mulwala.	Mulwala Bridge over Murray River at NSW/Victoria Border south of Mulwala.	Corowa Tocumwal Road (MR550), north of Mulwala.
4.6m.	314.	Spring Drive (Corowa Mulwala Road).	Corowa Tocumwal Road (MR550), north of Mulwala.	Adams Street, Corowa.
4.6m.	314.	Federation Avenue (Corowa Mulwala Road), Corowa.	Adams Street, Corowa.	Bow Street, Corowa.
4.6m.	314.	Honour Avenue (Corowa Mulwala Road), Corowa.	Bow Street, Corowa.	Federation Drive (Carlyle Road) (MR86), Corowa.

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Dated: 26 October 2011.

GRAEME TICKNER,
General Manager,
Gundagai Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited Gundagai Shire Council 25 Metre B-Double Route Notice No. 2/2011.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1st September 2015 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 2010 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>
25m.	243.	Nangus Road, Nangus.	Billabong Creek, Junee Shire Council Boundary.	Oakhills Road (east of Nangus).

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

Notice of Compulsory Acquisition of Land at
Gerringong in the Kiama Municipal Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Kiama Municipal Council area, Parish of Broughton and County of Camden, shown as Lots 202, 212 and 222 Deposited Plan 1164476, being parts of the land remaining in Deed of Lease & Release Book L No. 356, dated May 1837.

The land is said to be in the possession of the Estate of the Late Robert Miller (registered proprietor) and Roads and Traffic Authority of New South Wales (occupant in possession).

(RTA Papers: 11M1787; RO 1/236.1562)

Other Notices

ANTI-DISCRIMINATION ACT 1977 (NSW)

Exemption Order

- (A) Under the provisions of section 126 of the Anti-Discrimination Act 1977 (NSW), and on the recommendation of the Anti-Discrimination Board, but for the purposes only of meeting the Applicant's legal obligations pursuant to, Technical Assistance Agreements (TAA), pursuant to the United States International Traffic in Arms Regulations ("ITAR") and Export Administration Regulations ("EAR") ("the US Regulations"), the Applicant is granted an exemption from the provisions of sections 8, 10, 51 and 53 of the Anti Discrimination Act 1977 to the extent necessary to permit the Applicant to do the following:
- (a) ask present and future employees and contractors to disclose their full names;
 - (b) ask, present and future employees and contractors to declare their exact citizenship (including any dual citizenship) and their country of birth;
 - (c) require present and future employees and contractors to produce a photocopy of their passport(s);
 - (d) require present and future employees and contractors to wear a badge confirming their right to access ITAR controlled defence articles, technical data and defence services (ITAR Controlled Material) or their level of access to any ITAR Controlled Material. Such badges may be coded but not in such a way as to identify the citizenship, as declared, or country of birth of the person, or the reasons for that person's level of access;
 - (e) require present and future employees and contractors involved in projects which use ITAR Controlled Material, to notify the Applicant of any change to their citizenship status, to the best of their knowledge and belief;
 - (f) restrict access, by means of transfer if necessary, to controlled technology to particular members of the Applicant's workforce, based on their citizenship or country of birth;
 - (g) reject applications from prospective employees and contractors for positions related to projects which use ITAR Controlled Material, based on the prospective employee or contractor's citizenship, as declared, or country of birth, but not on the basis of the prospective employee's descent, or ethnic or ethno-religious or national origin;
 - (h) advertise controlled positions with the Applicant as being subject to the exemption order;
 - (i) record and maintain a register (Register) of those employees and contractors that are permitted to access ITAR Controlled Material or work on controlled projects due to citizenship, or country of birth status. Access to the Register to be limited to only those employees, (including contractors' staff), contract workers and agents of the Applicant with a need to know; and
 - (j) ask present and future employees and contractors to execute a non-disclosure agreement in accordance with the license or technical assistance agreement required by the Department of State, United States of America, in the event they are authorised to have access to ITAR Controlled Material.
- (B) This Exemption Order does not extend to any other identification, collection, storage or use of information in relation to any employee in respect of that employee's race, colour, nationality, descent or ethnic, ethno-religious or national origin. Except to the extent expressly provided herein, this Exemption Order does not excuse, or purport to excuse, the Applicant from complying with their obligations pursuant to the Anti-Discrimination Act 1977 (NSW) or any other legislation or at common law.
- (C) The Applicant is required, prior to taking any action permitted by this Exemption Order, to provide all employees, and prospective employees with:
- (i) express notice that they may be adversely affected by this exemption if they are not an Australian citizen or if they hold dual citizenship;
 - (ii) a reasonable explanation in plain English of the nature of any adverse effects of such action to them; and
 - (iii) information (at the time of recruitment in the case of prospective employees) about how they can apply for Australian citizenship.
- (D) In addition to the above conditions the Applicant is required to:
1. produce comprehensive anti-discrimination policies governing all aspects of the work and workforce, including management, and with particular regard to race discrimination, vilification and harassment and victimization;
 2. establish concise and comprehensive dispute resolution and grievance procedures to receive, investigate and resolve discrimination complaints and grievances and, in particular, those relating to race discrimination, vilification and harassment and victimization;
 3. implement training programs, including at induction, to ensure that all members of the Applicants' workforces, including management, are fully informed of their rights and obligations under such policies and procedures particularly with regard to issues of race discrimination, vilification, harassment and victimisation;
 4. ensure that all members of the workforce, including management, receive regular education and training in issues of discrimination, particularly race discrimination, vilification, harassment and victimisation;
 5. take steps to fully inform the workforce, including management, of their rights under the Anti-Discrimination Act 1977 (NSW) (ADA) and, in particular (but not limited to) the complaints procedure under the ADA and to ensure that all members of the workforce, including management, are aware of the rights of aggrieved persons to take their complaints to the Anti-Discrimination Board and through the Administrative Decisions Tribunal;
 6. take steps to fully inform the workforce, including management, of the requirements of, and their rights and obligations under, the Racial Discrimination Act 1975 (Cth);

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

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

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

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

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

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

In this Exemption Order:

- (a) the expression 'the Applicant' means Raytheon Australia Pty Ltd; and
- (b) the expression 'ITAR Controlled Material' means controlled defence articles, technical data and defence services which is the subject of export controls under the US Regulations.

This exemption is for a period of three years from the date of the last day of the four week exemption granted on 13 October 2011.

Dated this 20th day of October 2011.

STEPAN KERKYASHARIAN, AO,
President,
Anti-Discrimination Board of NSW

ANTI-DISCRIMINATION ACT 1977 (NSW)

Exemption Order

A. Under the provisions of section 126 of the Anti-Discrimination Act 1977 (NSW), and only for the purpose of meeting the Applicant's legal obligations pursuant to Technical Assistance Agreements (TAA), pursuant to the United States International Traffic in Arms Regulations ('ITAR') and Export Administration Regulations ('EAR') ('the US Regulations'), the Applicant is granted an exemption from sections 8, 10, 51 and 53 of the Anti Discrimination Act 1977 (NSW) to the extent necessary to permit the Applicant to do the following:

- (a) ask present and future employees and contractors to disclose their full names;
- (b) ask present and future employees and contractors to declare their exact citizenship (including any dual citizenship) and their country of birth;
- (c) require present and future employees and contractors to produce a photocopy of their passport(s);
- (d) require present and future employees and contractors to wear a badge confirming their right to access ITAR controlled defence articles, technical data and defence services (ITAR Controlled Material) or their level of access to any ITAR Controlled Material. Such badges may be coded but not in such a way as to identify the citizenship, as declared, or country of birth of the person, or the reasons for that person's level of access;
- (e) require present and future employees and contractors involved in projects which use ITAR Controlled Material, to notify the Applicant of any change to their citizenship status, to the best of their knowledge and belief;
- (f) restrict access, by means of transfer if necessary, to controlled technology to particular members of the Applicant's workforce, based on their citizenship or country of birth;
- (g) reject applications from prospective employees and contractors for positions related to projects which use ITAR Controlled Material, based on the prospective employee or contractor's citizenship, as declared, or country of birth, but not on the basis of the prospective employee's descent, or ethnic or ethno-religious or national origin;
- (h) advertise controlled positions with the Applicant as being subject to the exemption order;
- (i) record and maintain a register (Register) of those employees and contractors that are permitted to access ITAR Controlled Material or work on controlled projects due to citizenship, or country of birth status. Access to the Register to be limited to only those employees, (including contractors' staff), contract workers and agents of the Applicant with a need to know; and
- (j) ask present and future employees and contractors to execute a non-disclosure agreement in accordance with the licence or technical assistance agreement required by the Department of State, United States of America, in the event they are authorised to have access to ITAR Controlled Material.

- B. This Exemption Order does not extend to any other identification, collection, storage or use of information in relation to any employee in respect of that employee's race, colour, nationality, descent or ethnic, ethno-religious or national origin. Except to the extent expressly provided in this Order, this Exemption Order does not excuse, or purport to excuse, the Applicant from complying with its obligations pursuant to the Anti-Discrimination Act 1977 (NSW) or any other legislation or at common law.
- C. The Applicant is required, prior to taking any action permitted by this Exemption Order, to provide all employees, and prospective employees with:
- (i) express notice that they may be adversely affected by this exemption if they are not an Australian citizen or if they hold dual citizenship;
 - (ii) a reasonable explanation in plain English of the nature of any adverse effects of such action to them; and
 - (iii) information (at the time of recruitment in the case of prospective employees) about how they can apply for Australian citizenship.
- D. In addition to the above conditions the Applicant is required to:
1. produce comprehensive anti-discrimination policies governing all aspects of the work and workforce, including management, and with particular regard to race discrimination, vilification and harassment and victimization;
 2. establish concise and comprehensive dispute resolution and grievance procedures to receive, investigate and resolve discrimination complaints and grievances and, in particular, those relating to race discrimination, vilification and harassment and victimisation;
 3. implement training programs, including at induction, to ensure that all members of the Applicant's workforces, including management, are fully informed of their rights and obligations under such policies and procedures particularly with regard to issues of race discrimination, vilification, harassment and victimisation;
 4. ensure that all members of the workforce, including management, receive regular education and training in issues of discrimination, particularly race discrimination, vilification, harassment and victimisation;
 5. take steps to fully inform the workforce, including management, of their rights under the Anti-Discrimination Act 1977 (NSW) and, in particular (but not limited to) the complaints procedure under the Anti-Discrimination Act 1977 (NSW) and to ensure that all members of the workforce, including management, are aware of the rights of aggrieved persons to take their complaints to the Anti-Discrimination Board and the Administrative Decisions Tribunal;
 6. take steps to fully inform the workforce, including management, of the requirements of, and their rights and obligations under, the Racial Discrimination Act 1975 (Cth);
7. notify the Anti-Discrimination Board if the discriminatory terms and provisions of the relevant US legislation and/or Regulations are repealed or become inoperative, so that this Exemption Order may be revoked or amended.
- E. The Applicant is required to advise the Anti-Discrimination Board, every six months from the date of this Exemption Order, over the three year period specified in the order, of the steps they have taken to comply with all the above conditions, including:
- (a) the number of job applicants rejected for ITAR purposes, but subsequently appointed to other roles within each reporting period
 - (b) the number of employees retrenched or redeployed due to ITAR requirements and any steps taken to minimise retrenchment or redeployment, and any steps taken generally to mitigate the impact of the Applicant's responsibility under ITAR on the deployment of its workforce within each reporting period;
 - (c) the number of vacancies advertised within each reporting period, including the number of such vacancies where candidates were required to satisfy ITAR related requirements; and
 - (d) The implementation and compliance generally with the terms of this Exemption Order.
- F. The Applicant is required to take all reasonable steps to ensure that any employees adversely affected by this exemption order, retain employment with the Applicant, and do not suffer a reduction in wages, salary or opportunity for advancement.
- If the Applicant, in order to enable it to comply with the US Regulations or related contractual obligations associated with the US Regulations, moves a member of the workforce from one project to another, the Applicant must take reasonable steps both to explain to that person why the transfer has occurred and to avoid any race-based hostility that might result from the transfer.
- Where prospective employees adversely affected by this Exemption Order would otherwise have been acceptable to the Applicant as employees, the Applicant is required to consider and, if feasible, implement reasonable and practicable alternatives to rejection, such as employment in other work or obtaining the necessary approvals under the US Regulations.
- In this Exemption Order:
- (a) the expression 'the Applicant' means Thales Australia Limited; and
 - (b) the expression 'ITAR Controlled Material' means controlled defence articles, technical data and defence services which are the subject of export controls under the US Regulations.

This exemption is for a period of four weeks.

Dated this 20th day of October 2011.

STEPAN KERKYASHARIAN, AO,
President,
Anti-Discrimination Board of NSW

ANTI-DISCRIMINATION ACT 1977 (NSW)

Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, an exemption is given from sections 8, 51, and 53 of the Anti-Discrimination Act 1977 (NSW), to Booroongen Djugun Aboriginal Corporation to designate, advertise and recruit Aboriginal people in the following positions:

- 1 x Chief Executive Officer.
- 2 x Personal Care Assistants.
- 16 x Aged Care Workers.
- 10 x General Services Officers.
- 15 x Community Support Workers.
- 14 x Clerical and Administrative positions.

The exemption is subject to the following condition:

- Booroongen Djugun Aboriginal Corporation is required to advise the Anti-Discrimination Board of New South Wales, every six months from the date of this Exemption Order, over the ten year period specified in the order, of the number of Aboriginal people that are recruited to fill the positions set out above in this order.

This exemption will remain in force for a period of 10 years from the date given.

Dated this 20th day of October 2011.

STEPAN KERKYASHARIAN, AO,
President,
Anti-Discrimination Board of NSW

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Community Services – Education Support under section 6 of the Apprenticeship and Traineeship Act 2001.

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

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

A copy of the Order may be inspected at any State Training Services Regional Office of the Department of Education and Communities or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs

APPRENTICESHIP AND TRAINEESHIP ACT 2001

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

Trade

- Food Processing – Plant Baking
- Food Processing – Retail Baking – Bread
- Food Processing – Retail Baking – Cake and Pastry
- Food Processing – Retail Baking – Combined.

Traineeship

- Food Processing – Pharmaceutical Manufacturing
- Food Processing – Retail Baking Assistance

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, and course/s of study to be undertaken.

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

Copies of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Communities or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs

Notice is also given that the recognised trade and traineeship vocations are now repealed:

Trade

- Baking Trade (Baking)
- Baking Trade (Breadmaking)
- Baking Trade (Pastrycooking)
- Baking Trade (Plant Baking)

Traineeship

- Food Processing (Plant Baking)
- Pharmaceutical Manufacturing.

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised trade vocation of Hairdressing and the recognised traineeship vocation of Hairdressing – Assistant 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, and course/s of study to be undertaken.

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

Copies of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Communities or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Health Services – Dental Laboratory Assisting under section 6 of the Apprenticeship and Traineeship Act 2001.

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

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

A copy of the Order may be inspected at any State Training Services Regional Office of the Department of Education and Communities or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation pursuant to Section 72

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 72 of the Associations Incorporation Act 2009.

Cancellation is effective as at the date of gazettal.

Adelong/Batlow and District Meals On Wheels Service Incorporated – Inc9874406

Dubbo Community Garden Group Inc – Inc9893126

Fresh Start Central Coast Incorporated – Inc9888218

Taree Chamber of Commerce, Industry and Tourism Incorporated – Y0737518

Grace Community Incorporated – Y2742125

Great Lakes Amateur Dramatic Society Inc – Y0679501

Macleay District Hockey Association Incorporated – Y0762227

Blue Wren Stitchers Incorporated – Inc9888240

Interaction Incorporated – Inc9890143

Payam Media Incorporated – Inc9894539

J S Ministries Incorporated – Inc9891821

Dated 20th day of November 2011.

ROBYNE LUNNEY,
A/Manager, Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 76 of the Associations Incorporation Act 2009.

Cancellation is effective as at the date of gazettal.

Casetra – Central Africa Summit on Environment & Trade Incorporated – Inc9889975

Professional Association of Student Representative Council Teacher Advisers (PASTA) Incorporated – Y2232105

St Andrews College Parents & Friends Association Incorporated – Y2852410

St Vincent's School Parents & Friends Association Incorporated – Y2290528

Skateworx Roller Sports Incorporated – Inc9876610

Temora and District Cricket Association Inc – Y1160110

Titan Community Centre Incorporated – Inc9874521

Tuggerah United Soccer Club Incorporated – Inc9874636

Dated 25th day of October 2011.

ROBYNE LUNNEY,
Delegate of the Commissioner,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration Pursuant to Section 80

TAKE notice that HILLSONG CHURCH INCORPORATED (Y0656126), became registered under the Corporations Act 2001, as HILLS CHRISTIAN LIFE CENTRE LTD (ACN 074 657 935), a public company limited by guarantee on the 5th day of November 2010 and accordingly its registration under the Associations Incorporation Act 2009, is cancelled as of that date.

Dated: 20 October 2011.

ANNETTE ROBINSON,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration pursuant to Section 80

TAKE notice that SCIENCE INDUSTRY AUSTRALIA INCORPORATED (Y1489109), became registered under the Corporations Act 2001, as SCIENCE INDUSTRY AUSTRALIA LIMITED (ACN 133 200 692), a public company limited by guarantee on the 13th day of September 2011 and accordingly its registration under the Associations Incorporation Act 2009, is cancelled as of that date.

Dated: 20 October 2011.

ANNETTE ROBINSON,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to Section 84

TAKE notice that the incorporation of AUSTRALIAN BAREFOOT RACERS CLUB INCORPORATED (Inc9884266) cancelled on 16 September 2011 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 20th day of October 2011.

ROBYNE LUNNEY,
A/Manager, Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to Section 84

TAKE notice that the incorporation of AUSTRALIAN TAIWANESE FRIENDSHIP ASSOCIATION INC. (Y1820140) cancelled on 28 November 2008 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 24th day of October 2011.

ROBYNE LUNNEY,
A/Manager, Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to
Section 84

TAKE notice that the incorporation of BARGO CHAMBER OF COMMERCE INCORPORATED (Inc9876528), cancelled on 28 January 2011, is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 24th day of October 2011.

ROBYNE LUNNEY,
A/Manager, Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to
Section 84

TAKE notice that the incorporation of WARRAH FARM WATER SUPPLY INCORPORATED (Y2914219) cancelled on 31 July 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 20th day of October 2011.

ROBYNE LUNNEY,
A/Manager, Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to
Section 84

TAKE notice that the incorporation of ENDEAVOUR YACHT ASSOCIATION OF AUSTRALIA INCORPORATED (Inc9875553) cancelled on 18 February 2011 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 26th day of October 2011.

ROBYNE LUNNEY,
A/Manager, Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to
Section 84

TAKE notice that the incorporation of PENRITH RUGBY CLUB INC (Y0990113) cancelled on 5 February 2010 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 26th day of October 2011.

ROBYNE LUNNEY,
A/Manager, Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

COMPANION ANIMALS REGULATION 2008

Order

Organisations Approved by the Chief Executive,
Local Government, under Clause 16 (d) of the
Companion Animals Regulation 2008

PURSUANT to Clause 16 (d) of the Companion Animals Regulation 2008, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

SCHEDULE 1

<i>Name of organisation</i>	<i>Address of organisation</i>	<i>Name of contact officer for organisation</i>
Pound Rounds	9 Brisbane Place, Cromer NSW 2099	Ms Melanie Norman

SCHEDULE 2

- The exemption under Clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner.
- The exemption under Clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains appropriate records that show compliance with the Companion Animals Act 1998, Companion Animals Regulation 2008 and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under Clause 16 (d) of the Companion Animals Regulation 2008.
- The exemption under Clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 only applies to an animal in the custody of an organisation listed in Schedule 1 if the organisation maintains a register that is made available to the relevant local council and the Division of Local Government, Department of Premier and Cabinet as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
- The exemption under Clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 expires five years from the date of this order, unless revoked or varied at an earlier time.

Date: 18 October 2011.

STEVE ORR,
Acting Chief Executive, Local Government,
Delegate of the Director General,
Department of Premier and Cabinet

HEALTH ADMINISTRATION ACT 1982**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Erratum

THE notice which appeared in *New South Wales Government Gazette* No. 42, dated 21 October 2011, Folio 6158, under the above headings had the Schedule omitted, the following notice replaces that in full.

HEALTH ADMINISTRATION ACT 1982**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**Notice of Compulsory Acquisition of Land for
Health Purposes

PURSUANT to section 10 of the Health Administration Act 1982 and section 19 (1) of the Land Acquisition (Just Terms Compensation) Act 1991, the Health Administration Corporation by its delegate declares, with the approval of Her Excellency the Governor, that all the lands and interests therein described in the Schedule attached are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Health Administration Act 1982.

Signed at Sydney, this 12th day of October 2011.

DAVID GATES,
Chief Procurement Officer,
Department of Health
(a duly authorised delegate of the
Health Administration Corporation)

SCHEDULE

Pambula Hospital Site

All that piece or parcel of Crown land situated in the Bega Valley Local Government Area, Parish of Pambula, County of Auckland, being Lots 3 and Lots 14-22, Section 43, Deposited Plan 758825; Lot 7012 in Deposited Plan 1060152; Lots 7013 and 7014 in Deposited Plan 1060151; Lots 1-3 and Lots 20-22, Section 42, Deposited Plan 758825; Lot 24 in Deposited Plan 46957 and Lot 7015 in Deposited Plan 4060150.

Coonamble Hospital Site

All that piece or parcel of Crown Land situated in the Coonamble Local Government Area, Parish of Moorambilla, County of Leichhardt, being Lot 237 in Deposited Plan 40043.

Murrurundi – Wilson Memorial Hospital Site

All that piece or parcel of land situated in the Upper Hunter Local Government Area, Parish of Murrurundi, County of Brisbane, being Lot 1 in Deposited Plan 947465.

Bourke Hospital Site

All that piece or parcel of land situated in the Bourke Local Government Area, Parish of East Bourke, County of Cowper, being Lot 34 in Deposited Plan 751867.

Grafton Community Health Centre

All that piece or parcel of Crown Land situated in the Clarence Valley Local Government Area, Parish of Marlow, County of Clarence, being Lot 11, Section 104 in Deposited Plan 758470.

NATIONAL PARKS AND WILDLIFE ACT 1974

PROCLAMATION

I, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Chief Executive of Office of Environment and Heritage (OEH), by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as “RIDGEWOOD Wildlife Refuge”.

Signed and sealed at Sydney, this 12th day of October 2011.

MARIE BASHIR,
Governor

By Her Excellency’s Command,

ROBYN PARKER, M.L.C.,
Minister for Environment and Heritage

GOD SAVE THE QUEEN!

Description

Land District – Braidwood; Council – Palerang

County of Warri, Parish of Murray, 49.9 hectares, being Lot 2, DP 700937.

File No.: OEH FIL10/15690.

NATIONAL PARKS AND WILDLIFE ACT 1974

Butterleaf National Park & State Conservation Area

Cataract National Park & State Conservation Area

Fladbury State Conservation Area

Single National Park

Timbarra National Park

Draft Plans of Management

DRAFT plans of management have been prepared for the above parks and reserves and are available free of charge from the NPWS Armidale Area Office, 145 Miller Street, Armidale (ph 6738 9100); the NPWS Tenterfield Area Office, 10 Miles Street, Tenterfield (ph 6736 4298) and the NPWS Glen Innes Area Office, 68 Church Street, Glen Innes (ph 6739 0700). The plans are also on the website: www.environment.nsw.gov.au, then park management plans under the ‘Quicklinks’.

Submissions on these plans must be received at the address on the Invitation to Comment page of the relevant plan, or through the website, by Monday, 30 January 2012.

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 plans 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.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor Marie Bashir, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of South East Forest National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 12th day of October 2011.

MARIE BASHIR,
Governor

By Her Excellency's Command,

ROBYN PARKER, M.L.C.,
Minister for Environment and Heritage

GOD SAVE THE QUEEN!

SCHEDULE*Land District – Bega; LGA – Bega Valley*

County Auckland, Parish Mogila, about 149 hectares, being Lots 169 and 199, DP 750217, the Crown public road within Lot 199, DP 750217, the Crown public road separating Lot 199, DP 750217 from Lot 169, DP 750217 and the Crown public road south from Lot 199, DP 750217 to Lot 168, DP 750217. Papers OEH/FIL10/4151.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of an Aboriginal Area

I, the Honourable Thomas Frederick Bathurst, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Cullunghutti Aboriginal Area, under the provisions of section 30A (1) and 30A (2) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 26th day of October 2011.

THOMAS FREDERICK BATHURST,
The Administrator

ROBYN PARKER,
Minister for the Environment

GOD SAVE THE QUEEN

SCHEDULE*Land District – Nowra; LGA – Shoalhaven*

County Camden, Parish Coolangatta, 67.78 hectares, being Lot 52, DP 1083628 and Lot 62, DP 1128646. OEH/FIL08/4752.

Note: This reservation is restricted to a depth of 200 metres below the surface.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, the Honourable Thomas Frederick Bathurst, Administrator of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Broadwater National Park, under the provisions of section 30A (1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 26th day of October 2011.

THOMAS FREDERICK BATHURST,
The Administrator

ROBYN PARKER,
Minister for the Environment

GOD SAVE THE QUEEN

SCHEDULE*Land District – Lismore; LGA – Richmond Valley*

County Richmond, Parish Riley, 19.92 hectares, being Lot 1, DP 1145721. OEH/FIL09/11320.

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 175 (1)

Poisons and Therapeutic Goods Regulation 2008

Restoration of Drug Authority

IN accordance with the provisions of Clause 175 (1) of the Poisons and Therapeutic Goods Regulation 2008, a direction has been issued that the Order that took effect on and from 15 February 2008, for the withdrawal of authority of Rosemary Victoria GRAY (NMW0001218076), of 24 Cambewarra Road, Bomaderry NSW 2541, to be in possession of or supply drugs of addiction in her profession as a nurse as authorised by Clauses 101 and 103 of the Regulation shall cease to operate from 18 October 2011.

Dated at Sydney, 18 October 2011.

Dr MARY FOLEY,
Director-General,
Ministry of Health, New South Wales

POISONS AND THERAPEUTIC GOODS ACT 1966

Order under Clause 175 (1)

Poisons and Therapeutic Goods Regulation 2008

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 175 (1) of the Poisons and Therapeutic Goods Regulation 2008, an Order has been made on Fiona Karen LUCAS-BIGMORE (NMW0001279427), of 63 Crystal Street, Petersham NSW 2049, prohibiting her, until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by Clauses 101 and 103 of the Regulation.

This Order is to take effect on and from 28 October 2011.

Dated at Sydney, 25 October 2011.

Dr MARY FOLEY,
Director-General,
Ministry of Health, New South Wales

REPEAL OF PRACTICE NOTES

Local Court
New South Wales

THE following Practice Notes are repealed on and from 31 December 2011:

- Practice Note No. 10 of 2003 – Representation for withdrawal and time standards for matters being dealt with summarily.
- Practice Note No. 11 of 2003 – Representations for withdrawal and time standards for matters being dealt with upon indictment.

Judge GRAEME HENSON,
Chief Magistrate

SYDNEY WATER ACT 1994**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at Avalon in
the Local Government Area of Pittwater

SYDNEY WATER CORPORATION declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of the Sydney Water Act 1994.

Dated at Parramatta, this 24th day of October 2011.

Signed for Sydney Water Corporation by its Attorneys Mark ROWLEY and Peter Vincent BYRNE who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 606, Book 4541, under the Authority of which this instrument has been executed.

SCHEDULE

All that piece or parcel of land in the Local Government Area of Pittwater, Locality of Avalon, Parish of Narrabeen, County of Cumberland, being Lot 1 in Deposited Plan 801122 having an area of 9.94 square metres.

THREATENED SPECIES CONSERVATION ACT 1995

Notice of Preliminary Determination

THE Scientific Committee has made a Preliminary Determination proposing that the following be listed in the relevant Schedule of the Threatened Species Conservation Act 1995.

Critically Endangered Species (Part 1 of Schedule 1A)
Lord Howe Island Phasid *Dryococelus australis*
(Montrouzier, 1855), an insect

Any person may make a written submission regarding this Preliminary Determination. Send submissions to Suzanne Chate, NSW Scientific Committee, PO Box 1967, Hurstville BC 1481. Submissions close 20 January 2012.

Notice of Final Determinations

The Scientific Committee has made a Final Determination to REJECT a proposal to list the northern subspecies of the Eastern Bristlebird *Dasyornis brachypterus monoides* Schodde & Mason, 1999 as a critically endangered species in Part 1 of Schedule 1A of the Act.

The full species of the Eastern Bristlebird, *Dasyornis brachypterus* remains listed as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act.

The Scientific Committee has made a Final Determination to REJECT a proposal to list the southern subspecies of Eastern Bristlebird *Dasyornis brachypterus brachypterus* (Latham, 1802) as an endangered species in Part 1 of Schedule 1 of the Act.

The full species of the Eastern Bristlebird, *Dasyornis brachypterus* remains listed as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge on the Internet www.environment.nsw.gov.au, by contacting the Scientific Committee Unit, PO Box 1967, Hurstville BC 1481. Tel: (02) 9585 6940 or Fax (02) 9585 6989 or in person at the Office of Environment and Heritage Information Centre, Level 14, 59-61 Goulburn Street, Sydney. Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Dr RICHARD MAJOR
Chairperson

TRANSPORT ADMINISTRATION ACT 1988, No. 109

THE Minister for Transport and Roads has approved of the closure of the following railway level crossing under section 99B of the Transport Administration Act 1988, No. 109:

Public Level Crossing at 233.958kms and the Private Level Crossing 231.202kms near Whittingham on the Branxton to Singleton Section of the Main North line

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

DAVID CAMPBELL, M.P.,
Minister for Transport and Roads

TRANSPORT ADMINISTRATION ACT 1988, No. 109

THE Minister for Transport and Roads has approved of the closure of the following railway level crossing under section 99B of the Transport Administration Act 1988, No. 109:

Road Level Crossing near Butmaroo on the Joppa Junction to Queanbeyan line at rail kilometres 286.770.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

DAVID CAMPBELL, M.P.,
Minister for Transport and Roads

TRANSPORT ADMINISTRATION ACT 1988, No. 109

THE Minister for Transport and Roads has approved of the closure of the following railway level crossing under section 99B of the Transport Administration Act 1988, No. 109:

Road Level Crossing near Mt Fairy on the Joppa Junction to Queanbeyan line at rail kilometres 278.919.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

DAVID CAMPBELL, M.P.,
Minister for Transport and Roads

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:

Road Level Crossing near Burbong on the Joppa Junction to Queanbeyan line at rail kilometres 312.856.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ROBERTSON, M.L.C.,
Minister for Transport and Minister for Central Coast

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:

Road Level Crossing near Queanbeyan on the Joppa Junction to Queanbeyan line at rail kilometres 320.259.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ROBERTSON, M.L.C.,
Minister for Transport and Minister for Central Coast

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:

Road Level Crossing near Burbong on the Joppa Junction to Queanbeyan line at rail kilometres 314.888.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ROBERTSON, M.L.C.,
Minister for Transport and Minister for Central Coast

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:

Road Level Crossing near Mt Fairy on the Joppa Junction to Queanbeyan line at rail kilometres 273.920.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ROBERTSON, M.L.C.,
Minister for Transport and Minister for Central Coast

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:

Road Level Crossing near Butmaroo on the Joppa Junction to Queanbeyan line at rail kilometres 282.842.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ROBERTSON, M.L.C.,
Minister for Transport and Minister for Central Coast

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:

Road Level Crossing near Bungendore on the Joppa Junction to Queanbeyan line at rail kilometres 297.548.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ROBERTSON, M.L.C.,
Minister for Transport and Minister for Central Coast

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:

Road Level Crossing near Tarago on the Joppa Junction to Queanbeyan line at rail kilometres 264.496.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ROBERTSON, M.L.C.,
Minister for Transport and Minister for Central Coast

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:

Road Level Crossing near Joppa Junction on the Joppa Junction to Queanbeyan line at rail kilometres 231.464.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

JOHN ROBERTSON, M.L.C.,
Minister for Transport and Minister for Central Coast

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:

Road Level Crossing near Myocum on the Casino to Murwillumbah line at rail kilometres 892.966.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near Byron Bay on the Casino to Murwillumbah line at rail kilometres 886.547.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near Leycester on the Casino to Murwillumbah line at rail kilometres 828.148.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near Tuncester on the Casino to Murwillumbah line at rail kilometres 832.815.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near Bexhill on the Casino to Murwillumbah line at rail kilometres 847.850.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near North Lismore on the Casino to Murwillumbah line at rail kilometres 840.781.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near Lismore on the Casino to Murwillumbah line at rail kilometres 834.525.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near Condong on the Casino to Murwillumbah line at rail kilometres 938.576.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near St Helena on the Casino to Murwillumbah line at rail kilometres 876.066.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near Tuncester on the Casino to Murwillumbah line at rail kilometres 833.097.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, 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:

Road Level Crossing near Byron Bay on the Casino to Murwillumbah line at rail kilometres 885.602.

All rights, easements and privileges in relation to this railway level crossing are now extinguished.

GLADYS BEREJKLIAN, M.P.,
Minister for Transport

EDUCATION ACT 1990

Fees for Overseas Students or Classes of Overseas Students

PURSUANT to section 31A (1) and (2) of the Education Act 1990, I, Michele BRUNIGES, Director-General of Education and Communities, hereby order that overseas students including classes of overseas students are subject to the payment of fees prior to initial or continuing enrolment in government schools each year. Fixed fees for 2012 and 2013 are detailed below.

Some classes of overseas students are exempt from payment of fees and some individual overseas students are able to seek an exemption from payment of the fees.

FEES

STUDENT VISA HOLDERS – VISA SUBCLASS 571P (INTERNATIONAL STUDENT)	
Tuition Fee	\$Aus (GST inclusive)
Primary (Kindergarten to Year 6)	\$9,500 for 12 months tuition
Junior high school (Years 7 – 10)	\$11,500 for 12 months tuition
Senior high school (Years 11 – 12)	\$13,000 for 12 months tuition
Intensive English	\$14,000 for 12 months tuition or \$ 350 per week
School Transfer Fee	2012 – \$200 2013 – \$400
APPLICATION FEE	2012 – \$160 (non refundable) 2013 – \$220 (non refundable)

TEMPORARY RESIDENT VISA HOLDERS (EXCLUDING VISTOR VISA HOLDERS AND DEPENDANTS OF STUDENT VISA HOLDERS)	
Education Fee	\$Aus (GST inclusive)
Primary (Kindergarten to Year 6)	\$4,500 for 12 months tuition from the date of enrolment
Junior high school (Years 7 – 10)	\$4,500 for 12 months tuition from the date of enrolment
Senior high school (Years 11 – 12)	\$5,500 for 12 months tuition from the date of enrolment
ADMINISTRATION FEE	\$110 (non refundable)

VISTOR VISA HOLDERS	
Education Fee	\$Aus (GST inclusive)
Primary (Kindergarten to Year 6)	\$237.50 per week
Junior high school (Years 7 – 10)	\$287.50 per week
Senior high school (Years 11 – 12)	\$325.00 per week
ADMINISTRATION FEE	\$110 (non refundable)

DEPENDANTS OF STUDENT VISA HOLDERS			
Education Fee	\$Aus (GST inclusive)		
Visa subclass of parent and sector	Yrs K – 6	Yrs 7 – 10	Yrs 11 – 12
570 – Independent ELICOS	\$8,000	\$9,000	\$10,000
572 – VET sector	\$8,000	\$9,000	\$10,000
572 & 570 – TAFE NSW	\$4,500	\$4,500	\$5,500
573 – Higher Education	\$4,500	\$4,500	\$5,500
574 – Post graduate Masters & King Abdullah scholarship holders students	\$4,500	\$4,500	\$5,500

574 – Post graduate doctorate students	Waived	Waived	Waived
575 – Non award	\$8,000	\$9,000	\$10,000
576 – AusAID/Defence Force	Exempt	Exempt	Exempt
ADMINISTRATION FEE	\$ 110 (non refundable)		

Dr MICHELE BRUNIGES,
Managing Director of TAFE NSW,
Director-General of Education and Communities

PROTECTION OF THE ENVIRONMENT OPERATIONS (UNDERGROUND PETROLEUM STORAGE SYSTEMS) REGULATION 2008

I, Niall Johnston, Manager, Contaminated Sites, in accordance with Clause 30 of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, have published the document “Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008”. These Guidelines take effect upon publication in the *Government Gazette*.

NIALL JOHNSTON,
Manager, Contaminated Sites



**Guidelines for Implementing
the Protection of the Environment Operations
(Underground Petroleum Storage Systems)
Regulation 2008**



**Guidelines for Implementing
the Protection of the Environment Operations
(Underground Petroleum Storage Systems)
Regulation 2008**

Department of **Environment & Climate Change** NSW



Disclaimer

These guidelines have been prepared by the Department of Environment and Climate Change NSW in good faith exercising all due care and attention, but no representation or warranty, expressed or implied, is made as to the relevance, accuracy, completeness or fitness of this document for any other purpose in respect of a particular user's circumstances. Users of this document should satisfy themselves about its application to their situation and, where necessary, seek expert advice.

Cover:

Main image: courtesy of Fibre Tank Systems Pty Ltd

Small images: courtesy of The Shell Co. of Australia Ltd

© Copyright State of NSW and the Department of Environment and Climate Change NSW

The State of NSW and Department of Environment and Climate Change NSW are pleased to allow this material to be reproduced in whole or in part, provided the meaning is unchanged and its source, publisher and authorship are acknowledged.

Published by:

Department of Environment and Climate Change NSW

59 Goulburn Street, Sydney

PO Box A290, Sydney South 1232

Phone: (02) 9995 5000 (switchboard)

Phone: 131 555 (environment information and publications requests)

Phone: 1300 361 967 (national parks information and publications requests)

Fax: (02) 9995 5999

TTY: (02) 9211 4723

Email: info@environment.nsw.gov.au

Website: www.environment.nsw.gov.au

ISBN 978 1 741232 167 7

DECC 2009/156

May 2009

Contents

1. Introduction	1
1.1 Aim and scope of these guidelines.....	1
1.2 Protection of the Environment Operations Act	2
1.3 Benefits from the Regulation for industry	2
1.4 Application of the Regulation.....	2
1.5 Categories of UPSS under the Regulation	3
1.6 Person responsible	6
1.7 Appropriate regulatory authority	6
Administering the Regulation	
Administering all other aspects of the Act	
Planning issues	
1.8 Exemptions	7
1.9 Compliance	7
Auditing	
Enforcement notices	
Penalties and offences	
1.10 Relevant contacts.....	8
2. UPSS infrastructure	9
2.1 Mandatory pollution protection equipment	9
Non-corrodible tanks and piping	
Secondary containment of tanks and piping	
Overfill protection	
2.2 Groundwater monitoring wells.....	11
Exemption from installing groundwater monitoring wells	
2.3 Recommended equipment and practices.....	13
Tank pit observation wells	
Fill points	
Dispenser sumps	
Cathodic protection for tanks and piping	
Earthing of UPSS	
Used oil removal points	
3. Design and installing UPSS	16
3.1 Design, installation and testing requirements.....	16
3.2 Equipment integrity test.....	17
Minimum requirements for equipment integrity tests	
Frequency of equipment integrity testing	
3.3 Record keeping	18

4. Operation of UPSS	19
4.1 Environment Protection Plan.....	19
4.2 Loss monitoring procedures.....	26
4.3 Loss detection and investigation procedures	21
4.4 Incident management procedures.....	22
Incident logs	
4.5 Incident notification	23
4.6 System maintenance.....	23
4.7 Record keeping	24
Periods for retaining records	
Changes in responsibility	
Access to records	
5. Modifying UPSS	26
5.1 Repair of UPSS.....	26
General repair of equipment	
Steel tanks	
Other tanks	
Steel piping	
Other piping	
5.2 Reuse of UPSS tanks	28
Non-steel tanks	
Steel tanks	
5.3 Site validation reports.....	29
5.4 Retention of records.....	29
Modifications	
Significant modifications	
6. Decommissioning UPSS.....	31
6.1 UPSS abandonment and decommissioning.....	31
6.2 Site validation and record keeping	31
Appendix A: UPSS Regulation Exemption Plan.....	33
Appendix B: Installation and testing of groundwater monitoring wells.....	43
Appendix C: UPSS earthing requirements.....	54
Appendix D: Loss monitoring methods	55
Appendix E: Loss detection investigation	59
Appendix F: UPSS Regulation leak notification form	62
Acronyms	66
Glossary.....	67
References and further reading	73

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

1. Introduction

Leaking underground petroleum storage systems (UPSS) have been identified as a very common and significant source of soil, groundwater and surface water contamination. Approximately 30% of the contaminated sites regulated by the Department of Environment and Climate Change (DECC)¹ under the *Contaminated Land Management Act 1997* (CLM Act) are the result of leaking UPSS. Contamination from leaking systems can be very expensive to clean up when it goes unchecked for a prolonged period. A proactive approach to prevent leaks from occurring in the first place is in the interest of both site owners and the general community.

The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 (the 'UPSS Regulation') focuses on a preventative approach to minimise the risk of contamination of soil, and ground and surface waters. In developing the Regulation, DECC has adopted industry best practice for the design, installation and ongoing maintenance and monitoring of UPSS.

The objectives of the UPSS Regulation are to:

- reduce the environmental risks and harm from leaking UPSS
- provide a mechanism to ensure early detection of leaks from UPSS
- ensure the operators of UPSS adopt appropriate operational management systems to investigate and report on leaks and consistently record and keep details about them.

The UPSS Regulation, which commenced on 1 June 2008, may be viewed at www.environment.nsw.gov.au/clm/upss.htm, along with these guidelines.

1.1 Aim and scope of these guidelines

In line with the UPSS Regulation, these guidelines aim, where possible, to promote the adoption of industry best practice in the design, installation and ongoing operation of underground tanks used to store petroleum², both as fuel or as used (waste) oil.

The guidelines are designed to assist those responsible for UPSS to comply with the Regulation and summarise current industry best practice. Readers are advised to refer to other relevant and appropriate publications, especially where new practices and processes receive industry endorsement. The 'References and further reading' section of these guidelines provides a source of useful documents but is by no means complete.

The scope of these guidelines does not extend, however, to other related legislation and legal obligations that owners and operators of UPSS are required to meet. Issues such as occupational health and safety, for example, are not specifically discussed. Naturally, they still need to be considered in all areas associated with the operation and use of UPSS.

In the case of any inconsistency between the UPSS Regulation and these guidelines, the Regulation prevails to the extent of the inconsistency.

At the time the first draft of these guidelines was prepared, the Australian Institute of Petroleum's Code of Practice *CP4* (AIP 2002) was regarded as industry best practice.

¹ DECC exercises certain statutory functions and powers, including those set out in the *Contaminated Land Management Act 1997*, *Protection of the Environment Operations Act 1997* and the Protection of the Environment Operations (UPSS) Regulation 2008, in the name of the Environment Protection Authority (EPA).

² 'Petroleum' means any fuel that consists predominantly of a mixture of hydrocarbons derived from crude oil, with or without additives (such as ethanol), that is used, or could be used, as a fuel or lubricant and is liquid at standard conditions of temperature and pressure. It includes liquids such as petrol, gasoline, motor spirit, two-stroke, aviation fuel, used (waste) oil, heating oil, kerosene and diesel, but not LPG.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Since then, *CP4* has been revised and incorporated into *AS4897–2008: Design, installation and operation of underground petroleum storage systems* (AS 2008a) and these final guidelines now cite this document as representing current industry best practice.

1.2 Protection of the Environment Operations Act

The *Protection of the Environment Operations Act 1997* (the 'POEO Act') is the primary legislation used to prevent and regulate pollution in NSW. Under the Act, it is an offence to pollute land and waters, including groundwater.

Leaks from UPSS can cause significant contamination to land, groundwater and surface water. It is an offence under section 116 of the POEO Act to wilfully or negligently cause any substance to leak, spill or otherwise escape in such a way that it harms, or is likely to harm, the environment and human health. The Act also prohibits pollution of waters, including groundwater, by making it an offence to place matter in a position from where it is likely to percolate into any waters. Vapours from hydrocarbon-contaminated groundwater plumes are also known to sometimes impact buildings or structures above or in the vicinity of the plume. This may be in breach of the provisions of the Act that make it an offence to cause air pollution.

The UPSS Regulation, which aims to improve the environmental management of storage systems, has been made under the Act.

1.3 Benefits from the Regulation for industry

A cost-benefit analysis (CBA) by DECC in 2006 showed that the benefits of implementing the UPSS Regulation would significantly outweigh the costs. The analysis was released for public comment in February 2006 as a Regulatory Impact Statement, along with a draft of the proposed Regulation. The CBA was revised following new cost figures provided by the petroleum retail industry during the consultation period. The updated CBA still showed that the benefits outweighed the costs. The revised CBA summary is available on the UPSS web page at www.environment.nsw.gov.au/clm/upssris.htm.

Benefits identified for industry included:

- reduced loss of petroleum product because leaks are detected earlier
- fewer restrictions on future land use as a result of remediation of contaminated sites and their surrounds (often over an extended period)
- a consistent level of preventative pollution control across the petroleum industry, providing fairer competition for all individual retailers and distributors
- lower investigation and clean-up costs, including fewer disruptions to business operations which can occur where extensive remediation is required
- reduced potential for litigation arising from contamination of groundwater and offsite (third party) properties.

1.4 Application of the Regulation

The UPSS Regulation applies to all underground petroleum storage systems in NSW, which are defined as storage systems that include:

- one or more tank(s) which are completely or partially buried in the ground which contain, or are intended to contain, petroleum
- any piping to, from or associated with the tanks to the inlet port of any dispensers, **but not** vent and vapour recovery piping.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

The UPSS Regulation does not apply to:

- storage systems with tanks situated wholly above ground (regardless of where any associated pipes and other equipment are situated)
- sumps, separators, stormwater or wastewater collection systems, catchment basins, pits, septic tanks or other like structures, unless petroleum routinely passes through the structure from one part of the storage system to another
- bunded tanks situated below ground level but which are not buried in the ground (such as in a basement, cellar or tunnel)
- liquefied petroleum gas (LPG) storage systems
- UPSS that are classed as a 'scheduled activity' under Schedule 1 to the POEO Act, namely those systems which store over 2000 tonnes of petroleum products or more than 20 tonnes of petroleum waste, as these are regulated through an environment protection licence issued under that Act
- underground storage systems that do not contain petroleum.

1.5 Categories of UPSS under the Regulation

The UPSS Regulation was gazetted in March 2008 and took effect on 1 June 2008. The timeframe for implementing a specific requirement of the Regulation is dependent on whether a 'new' or 'old' UPSS is involved:

'New' UPSS: All UPSS which received development approval on or after the commencement of the Regulation on 1 June 2008 are considered 'new' UPSS and must comply fully with the Regulation before being commissioned.

'Old' UPSS: All UPSS which received development approval before the commencement of the Regulation on 1 June 2008 are considered 'old' UPSS. These systems need to comply with all requirements of the Regulation but over a deferred timetable. However DECC encourages operators of these sites to consider the benefits of compliance in any minor upgrades and daily operations.

'Significantly' modified UPSS: Any 'significant' modification to an old or new UPSS triggers the need for the system to comply fully with the Regulation. 'Significant' means any modification to a system that involves:

- replacement of half or more of the tanks (at any one time), or
- work which requires development approval.³

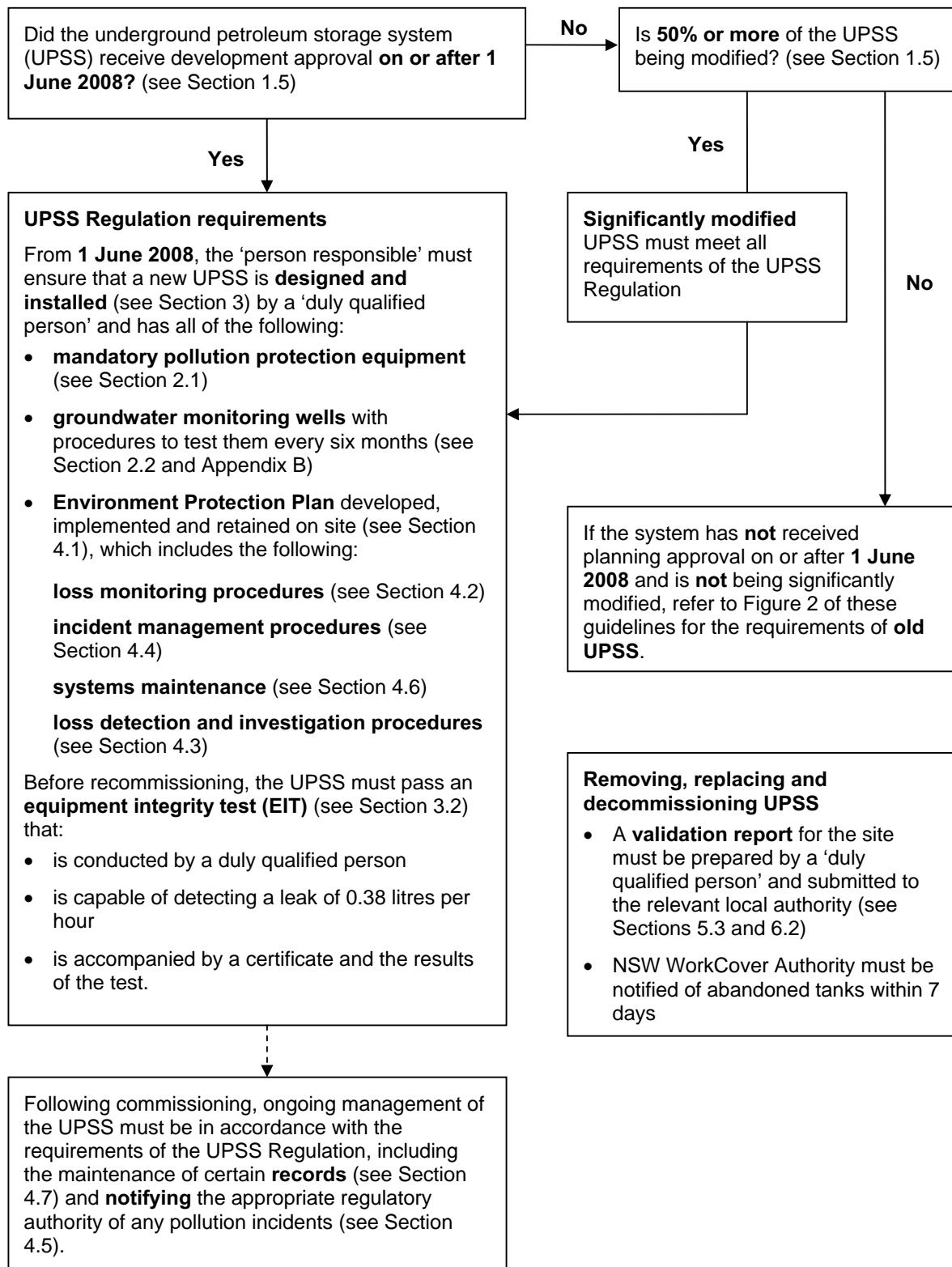
The specific requirements of the UPSS Regulation are detailed in Sections 2–6 of these guidelines. Many of these requirements are based on industry best practice, such as *AS4897–2008: Design, installation and operation of underground petroleum storage systems* (AS 2008a) and *AS4976–2008: The removal and disposal of underground petroleum storage tanks* (AS 2008b).

Figures 1 and 2 summarise the requirements of the Regulation and the timeframe for their adoption by new and old UPSS, along with where these are discussed in the guidelines.

³ Individual councils have discretion to identify what works require development approval.

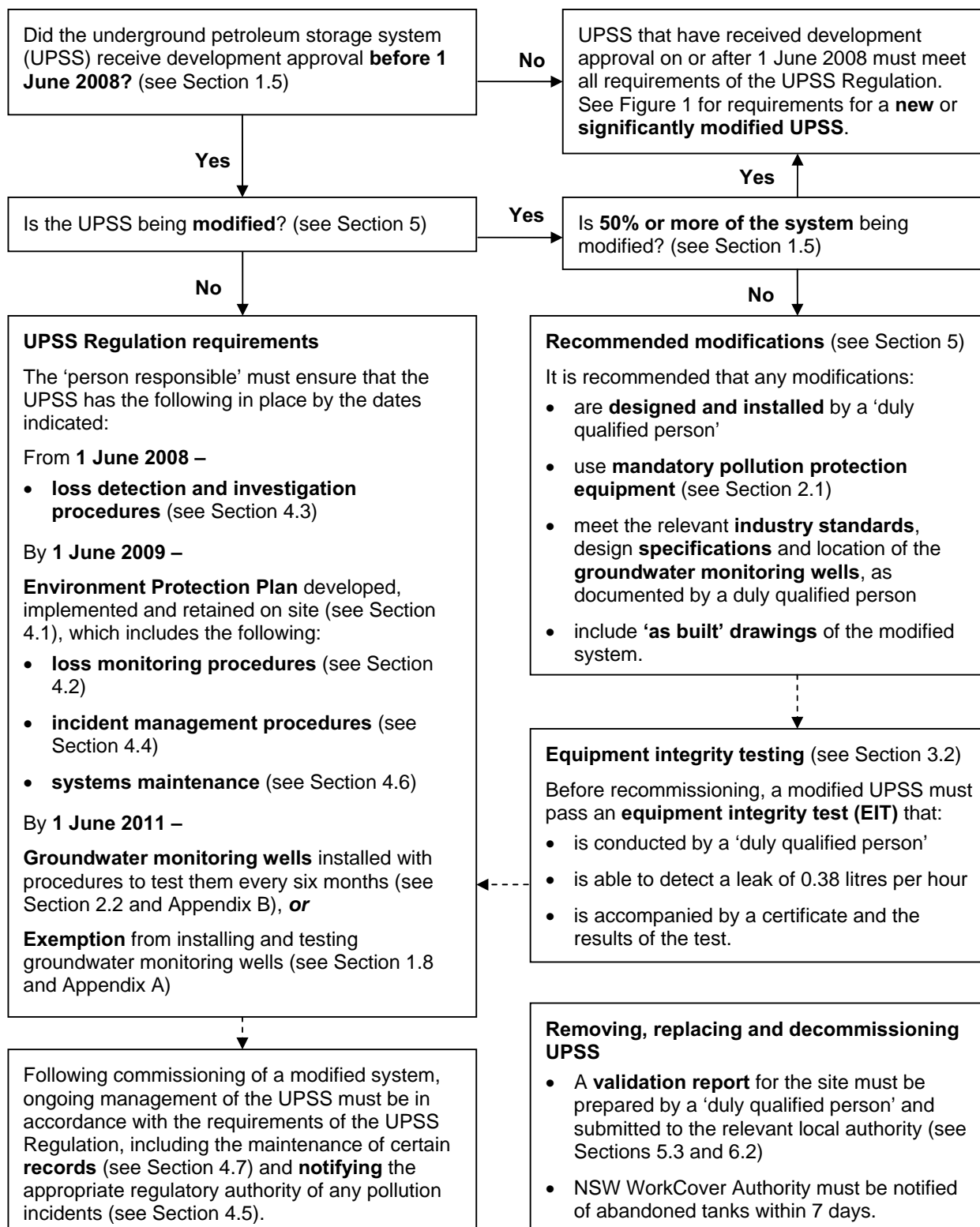
Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Figure 1: UPSS Regulation – Requirements for ‘new’ and ‘significantly modified’ UPSS



Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Figure 2: UPSS Regulation – Requirements for ‘old’ UPSS



Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

1.6 Person responsible

The UPSS Regulation defines the 'person responsible' for a UPSS as the person who has management and control of the storage system. The person responsible must ensure the UPSS complies with the requirements of the Regulation. Where a system has been decommissioned, this is the person who had management and control immediately before it ceased operation.

Where a body or corporation is responsible for a UPSS, an individual must be nominated as a representative contact.

DECC recognises that at some UPSS sites more than one party may be involved in managing the site through specific legal/contractual arrangements. These arrangements could be used to nominate someone as being responsible for meeting the specific requirements of the UPSS Regulation, as well as managing and controlling the storage system.

1.7 Appropriate regulatory authority

Administering the Regulation

DECC has been declared the appropriate regulatory authority (ARA) for matters arising from the UPSS Regulation for four years, until 31 May 2012. After this date, local councils will take on the responsibility for administering the Regulation in their areas, while DECC will remain the ARA for public authorities and premises licensed under the POEO Act.

With the Regulation relatively new and untested, declaring DECC the ARA for the initial four years is assisting to ensure consistency in the statewide enforcement of its requirements. During this period there will be a strong emphasis on building the capacity of local councils to take up their role as the ARA for regulating all aspects of UPSS sites at the end of the introductory period.

Administering all other aspects of the Act

Local councils continue to be responsible for administering the environmental legislation related to all other aspects of sites not covered by the UPSS Regulation. For example, councils will still deal with noise and odour issues, above-ground spills, other surface contamination and general stormwater management at these sites.

Planning issues

Planning authorities (usually local councils) have several consent roles under the *Environmental Planning and Assessment Act 1979* (EP&A Act), including those involving UPSS. These roles and the planning process are not affected by the UPSS Regulation.

UPSS do not require integrated development approval (IDA) unless the proposed system needs development approval from a consent authority (usually the local council) and one or more of the other consents/permits/authorisations listed in s.91 of the EP&A Act (including environment protection licences issued by DECC).

The Regulation does, however, require specific conditions to be met in the design, installation and commissioning of all new and significantly modified UPSS, as well as when a tank is to be removed or replaced or the system decommissioned. These requirements should be considered at the planning stage and addressed in the development application submitted to council as part of the development approval process.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

To assist planning authorities in assessing development applications which include UPSS, DECC has produced a separate document in consultation with the Department of Planning and the Local Government and Shires Association: *Incorporating requirements of the POEO (Underground Petroleum Storage Systems) Regulation 2008 in the planning and development process* (DECC 2009a), downloadable from www.environment.nsw.gov.au/clm/upss.htm.

1.8 Exemptions

Clause 28 of the UPSS Regulation allows DECC to exempt a person responsible for a UPSS from complying with one or more of its requirements. There are four classes of exemptions:

- **Class 1** – exempted from most requirements of the Regulation for certain types of UPSS
- **Class 2** – exempted from requirements to install and test groundwater monitoring wells where a UPSS is located outside an ‘environmentally sensitive zone’⁴
- **Class 3** – exempted from requirements to install and test groundwater monitoring wells where a UPSS is located within an environmentally sensitive zone and measures are in place to prevent environmental harm in the event of a leak or spill
- **Class 4** – exempted from specific requirements of the Regulation where it can be shown that it is not possible to comply with these provisions and alternative measures are in place to provide an equivalent environmental benefit.

Applications for an exemption must be made in writing to DECC on the prescribed application form, accompanied by supporting information and any fee, if required. Some classes of exemption do not attract a fee.

‘Appendix A: UPSS Regulation Exemption Plan’ has detailed information on exemptions from the Regulation. This plan is also available at www.environment.nsw.gov.au/clm/upssexemptionplan.htm

1.9 Compliance

Auditing

DECC will undertake a compliance audit program, involving a random and targeted selection of UPSS sites, to verify that the requirements of the UPSS Regulation are being implemented appropriately. Site audit inspections will usually occur during normal business hours and may be announced or unannounced.

DECC will seek to engage relevant local authorities when it plans to undertake site inspections and audit programs.

Enforcement notices

Certain enforcement powers are available to ARAs under the POEO Act in order to effectively manage and prevent pollution incidents. These include issuing clean-up notices and prevention notices requiring actions to be taken at UPSS sites.

⁴ An ‘environmentally sensitive zone’ is the surface area around a sensitive feature, such as a groundwater bore or surface water body, which DECC estimates is necessary to provide acceptable protection of the feature in the event of a leak or spill from a nearby UPSS.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Clean-up notices

Under the POEO Act, an ARA may issue a clean-up notice requiring a person to take certain action where it reasonably suspects that a pollution incident has occurred or is occurring. Actions to be taken may include:

- appropriate measures to prevent, minimise, remove, disperse, destroy or mitigate any pollution resulting, or likely to result, from the pollution incident
- ascertaining the nature and extent of the pollution incident and any actual or likely resulting pollution
- preparing and/or carrying out a remedial plan of action as agreed to by the ARA.

Prevention notices

Under the POEO Act, an ARA may issue a prevention notice when it reasonably suspects that an activity has been or is being carried out in an 'environmentally unsatisfactory manner' as defined in the Act (see also the 'Glossary' in these guidelines).

Examples of the types of preventative actions that may be required are listed in the Act and include:

- installing, repairing, altering, replacing, maintaining or operating control equipment or other plant
- monitoring, sampling or analysing any pollution or otherwise ascertaining the nature and extent of pollution or the risk of pollution
- preparing and carrying out a plan of action to control, prevent or minimise pollution or waste
- providing regular progress reports to the ARA on implementing the action(s) required to be taken by the notice.

Penalties and offences

The person responsible for a UPSS is guilty of an offence if they contravene a provision of the UPSS Regulation or authorise or permit a contravention. A person who is guilty of an offence under the Regulation may receive a penalty notice or be prosecuted by the ARA. The Regulation outlines the maximum penalties for offences.

Penalties and offences under the POEO Act may also apply to the operation of a UPSS. For example, it is an offence for a person to wilfully or negligently allow a substance to leak, spill or escape from a storage system in a manner that harms, or is likely to harm, the environment. It is also an offence to pollute waters or land.

Under the POEO Act, the EPA may require a wide range of documents to be provided to it. In these circumstances, anyone furnishing information or making a statement to the EPA that they know is false or misleading in a material respect is guilty of an offence.

1.10 Relevant contacts

Environment Line	Phone (02) 9995 5555 or 131 555 (from anywhere in NSW)
Email	upssreg@environment.nsw.gov.au
Postal address	Attention: Contaminated Sites – UPSS Department of Environment and Climate Change NSW PO Box A290, Sydney South NSW 1232
Street address	Department of Environment and Climate Change NSW 59 Goulburn Street, Sydney NSW 2000

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

2. UPSS infrastructure

All UPSS which received development approval on or after the commencement of the Regulation on 1 June 2008 are considered '**new**' UPSS and must comply fully with the Regulation before being commissioned.

All UPSS which received development approval before the commencement of the Regulation on 1 June 2008 are considered '**old**' UPSS. These systems need to comply with all requirements of the new Regulation but over a deferred timetable. However DECC encourages operators of these sites to consider the benefits of compliance in any minor upgrades and daily operations.

Any '**significant**' modification to an old or new UPSS, that is replacement of half or more of the system or modification that requires development approval, triggers the need for the system to comply fully with the Regulation.

2.1 Mandatory pollution protection equipment

All new and significantly modified UPSS must have the following 'mandatory pollution protection equipment' installed as specified in clause 7 of the UPSS Regulation:

- non-corrodible tanks and piping⁵
- secondary containment⁶ of tanks and piping
- overflow protection devices.

The mandatory pollution protection equipment specified in the Regulation represent minimum requirements that must be adopted in new or significantly modified UPSS from an environment protection perspective. This is not intended to limit the use of alternative materials, design, technology and methods where they can be shown to offer the same or better protection to the environment and human health as the specified equipment.

Non-corrodible tanks and piping

Non-corrodible tanks

The UPSS Regulation requires all new and significantly modified UPSS to have non-corrodible tanks. This means tanks must be:

- constructed of fibre-reinforced thermosetting resin composite which is compatible with the storage of petroleum products
- constructed of steel in accordance with Category 4 of *AS1692–2006: Tanks for flammable and combustible liquids* (AS 2006) and cathodically protected as in Section 2.3 of these guidelines
- constructed of a fibre-reinforced thermosetting resin composite outer wall separated by an interstitial space from a steel inner wall which is compatible with the storage of petroleum products
- constructed and protected from corrosion in a manner that will provide at least the same protection of the environment and human health and safety as any of the three previous options.

⁵ 'Piping' is defined as pipework within a UPSS that is integral to the transfer and routine containment of petroleum. Vent piping and vapour recovery piping are not classified as piping.

⁶ For the purpose of these guidelines, 'secondary (leak) containment' means equipment and infrastructure, such as double-walled tanks and double-walled piping (with an interstitial space), which are designed to contain a leak and/or prevent it from escaping beyond the containment area of a UPSS.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Where no nationally recognised standard currently exists for any of the above tanks, the person responsible for a UPSS must ensure the manufacturer provides a written specification and performance warranty for the tank. The person responsible must retain this documentation as part of the Environment Protection Plan (EPP) for the system (see Section 4.1) and for seven years from the date of decommissioning of the tanks, in accordance with clauses 5(b)(i) and 26 of the UPSS Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Non-corrodible piping

The UPSS Regulation requires that all new and significantly modified UPSS have non-corrodible piping which is:

- constructed of fibre-reinforced thermosetting resin composite which is compatible with the storage of petroleum
- constructed of flexible plastic which meets the requirements of UL971⁷ or an equivalent standard in terms of protection for the environment and human health and safety and is compatible with the storage of petroleum
- constructed and protected from corrosion in a manner that will provide at least the same protection for the environment and human health and safety as either of the previous options.

Piping will also need to conform with any other specifications required under state and federal statutory requirements relevant to UPSS and the storage of flammable liquids.

The person responsible for a UPSS must ensure the piping manufacturer provides a written specification and performance warranty for the piping and the person installing the piping written documentation that it has been installed in accordance with the manufacturer's specifications. The person responsible must retain this documentation as part of the EPP and for seven years from the date of decommissioning of the piping and associated infrastructure, in accordance with clauses 5(b)(i) and 26 of the UPSS Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Secondary containment of tanks and piping

The UPSS Regulation requires secondary containment of tanks and piping for all new and significantly modified UPSS.

Secondary containment of tanks

Secondary containment of tanks should consist of double-walled tanks with an interstitial space or another form of tank infrastructure that will provide equivalent protection for the environment and human health and safety. The external containment layer must be non-corrodible as specified in the previous section.

⁷ UL971 (an Underwriter's Laboratory Standard: UL 2005) is an independent third-party standard for non-metallic underground piping. This reference is cited by AS4897-2008 for the purpose of setting a minimum standard for flexible non-corrodible plastic piping. UL971 is used to evaluate non-metallic thermoplastic (flexible) and thermoset (rigid) primary carrier pipes, secondary containment pipes, integral primary/secondary containment pipes, vent and vapour recovery pipes, and pipe fittings intended for use underground in the distribution of petroleum-based flammable and combustible liquids, alcohols and alcohol-blended fuels.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Where tanks providing secondary containment are new to the market, the person responsible for a UPSS must ensure the tank manufacturer provides a written specification and performance warranty for the product. This should certify that the tank meets industry-recognised standards and specifications that are at least equivalent to a double-walled structure. The person responsible must retain this documentation as part of the EPP and for seven years from the date of decommissioning of the tanks, in accordance with clause 5(b)(i) and 26 of the UPSS Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Secondary containment of piping

Secondary containment of piping should consist of double-walled piping with an interstitial space or another form of equipment/infrastructure that will provide at least the same protection for the environment and human health and safety.

Where piping or other associated infrastructure providing secondary containment is new to the market, the person responsible for a UPSS must ensure the manufacturer provides a written specification and performance warranty for the product. This should also certify that the piping or associated infrastructure meets industry-recognised standards and specifications that are at least equivalent to a double-walled structure. The person responsible must retain this documentation as part of the EPP and for seven years from the date of decommissioning of the piping and associated infrastructure, in accordance with clause 5(b)(i) and 26 of the UPSS Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Overfill protection

The UPSS Regulation requires all new and significantly modified UPSS to have overfill protection devices.

Overfill protection should:

- significantly reduce the possibility of a tank being overfilled when petroleum is being delivered into the tank
- have a system in place for the safe operation and maintenance of the equipment, including recording of incidents.

2.2 Groundwater monitoring wells

All new and significantly modified UPSS must have groundwater monitoring wells installed and tested. Department of Water and Energy (DWE) approval for the installation of groundwater wells may be required.

Old UPSS must have groundwater monitoring wells in operation at the site by 1 June 2011.

The UPSS Regulation requires the wells to be:

- located, installed and sampled appropriately
- tested at least every six months for the presence of groundwater contamination from any UPSS on the site

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

- sampled and analysed in a laboratory for the presence and concentration of specific chemicals within 30 days of –
 - the installation of the wells
 - the discovery that groundwater may be contaminated by petroleum
 - the discovery of a leak through loss monitoring for tanks and piping, inventory control, discrepancy or loss investigation, or some other method.

Only a suitably qualified person experienced in designing and/or installing groundwater monitoring wells, such as an environmental consultant⁸ or groundwater well driller, should undertake the following installation tasks:

- positioning of wells onsite
- construction of wells to ensure that groundwater is intercepted
- initial sampling and analysis.

'Appendix B: Installation and testing of groundwater monitoring wells' has more detailed guidance on the installation and testing of groundwater monitoring wells and also outlines procedures for record keeping when undertaking groundwater testing, sampling and analysis.

In accordance with clauses 17 and 18 of the UPSS Regulation, the person responsible for a UPSS must ensure a duly qualified and experienced person designs and/or installs a groundwater well and provides them with a written groundwater monitoring well report. This should outline final construction details, the industry standards met in the installation and confirm that the well's design, location and installation satisfy industry best practice requirements.

The person responsible must retain this documentation for seven years from the date of decommissioning of the UPSS, in accordance with clauses 19(2)(f) and 26 of the UPSS Regulation.

The person responsible must also keep all groundwater monitoring well test results and associated reports for a minimum of seven years from the date they are created.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation.

Exemption from installing groundwater monitoring wells

Clause 28 of the UPSS Regulation provides for exemptions from installing and testing groundwater monitoring wells.

DECC may grant the person responsible for a UPSS a Class 2 or Class 3 Exemption from complying with clauses 16–18 and 21, requiring the installation and testing of groundwater monitoring wells.

'Appendix A: UPSS Regulation Exemption Plan' outlines the specific requirements that need to be met in order to qualify for an exemption.

Where an exemption has been granted and the loss monitoring/investigation system confirms a leak has occurred, DECC may revoke the exemption and require installation of groundwater monitoring wells.

⁸ Advice on engaging consultants in NSW is provided on DECC's website at www.environment.nsw.gov.au/clm/selectaclmcons.htm

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

2.3 Recommended equipment and practices

Equipment or infrastructure which is not required under the UPSS Regulation but is considered to be part of good environmental practice at storage sites includes tank pit observation wells, additional monitoring/sensor probes and automatic shutdown/cut-off valves integral to the operation of the system. *AS4987–2008: Design, installation and operation of underground petroleum storage systems* (AS 2008a) has further information.

Tank pit observation wells

Tank pit observation wells are used to check whether liquid in the tank pit contains leaked or spilled petroleum and also check for vapours. While the UPSS Regulation does not require the installation of the wells, industry best practice recommends the use of at least one for each tank pit excavation. This should be located at the down gradient/low point of the excavation to intercept any leaking petroleum.

'Appendix B: Installation and testing of groundwater monitoring wells' has more on installing and monitoring tank pit observation wells.

Fill points

Current industry best practice recommends that the design and installation of each fill point should:

- be dedicated to one tank only
- be accessible from the vehicle unloading or loading position with a hose no more than 6 metres long
- have a spill containment device with a minimum capacity of 15 litres
- have a system for the safe removal of any petroleum (or contaminated water) that collects in the spill containment device
- allow adequate access for visual inspection
- be identified on site drawings.

Dispenser sumps

Current industry best practice recommends that all dispenser sumps should:

- be designed and installed by duly qualified persons to meet all relevant standards and manufacturer's specifications
- be located underneath the dispenser
- collect and contain any leaks from the dispenser
- have a system for the safe removal of any petroleum (or contaminated water) that collects in the dispenser sump
- be able to prevent the release of petroleum to the environment.

Consideration should be given to keeping a record of the date, quantity and nature of any petroleum that is removed from a dispenser sump. While not required by the UPSS Regulation, these records may be useful for reconciliation purposes or in determining whether loss from a system to a dispenser sump is an ongoing problem that needs to be rectified.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Cathodic protection for tanks and piping

All new and significantly modified UPSS with steel tanks and piping should be cathodically protected against corrosion and designed and installed in accordance with *AS2832.1–2004: Cathodic protection of metals – Part 1 Pipes and cables (AS 2004a)* and *AS2832.2–2003: Cathodic protection of metals – Part 2 Compact buried structures (AS 2003)*. An effective cathodic protection system should minimise the risk of corrosion and the potential for petroleum to leak from a UPSS.

Cathodic protection of steel tanks and piping

For steel tanks and piping, cathodic protection should be designed and installed in accordance with Parts 1 and 2 of *AS2832* and conform to the following requirements:

- Tanks and piping should be coated with a suitable di-electric material.
- The cathodic protection system should be designed by a corrosion specialist and installed in accordance with their instructions. They should certify that the installation meets the requirements of Parts 1 and 2 of *AS2832* and this section of the guidelines. This document should be retained as part of the EPP and for seven years from the date of decommissioning of a system by the person responsible for the UPSS.
- The cathodic protection system should have permanent test points to enable maintenance and testing in accordance with this section.
- A UPSS should be electrically isolated from all components to which it is physically connected and for which cathodic protection is not intended, including being isolated from electrical earth.

The Department of Water and Energy maintains a register of cathodically-protected tanks in NSW.

Inspection and testing

Cathodic protection systems should be inspected and tested within 12 weeks of installation and at least every year thereafter, in accordance with Parts 1 and 2 of *AS2832* and instructions from a corrosion specialist.

Where impressed current cathodic protection systems are used, the system should be monitored monthly in accordance with a corrosion specialist's instructions to ensure correct operations.

If inadequate corrosion protection is discovered, the person responsible for a UPSS should ensure corrective measures are taken so that the site-specific requirements of the EPP are met to minimise the potential for any leaks and/or address any contamination as the result of a leak.

Maintenance of cathodic protection systems

The person responsible for a UPSS with cathodic protection should undertake works in accordance with the maintenance and testing requirements recommended by the manufacturer.

Maintenance checks of the cathodic protection system should be conducted in accordance with the recommendations of a corrosion specialist and meet the requirements of Parts 1 and 2 of *AS2832*.

Maintenance requirements and inspection and testing procedures must be documented and retained in the EPP.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the UPSS Regulation and the EPP retained onsite.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Earthing of UPSS

All new and significantly modified UPSS should be earthed in accordance with the requirements of *AS/NZ1020–1995: Control of undesirable static electricity* (AS/NZ 1995) and *AS/NZ3000–2007: Electrical installations* (AS/NZ 2007). This will minimise the potential for static build-up and hence the possibility of explosion and the discharge of petroleum.

Earthing of fill points and vapour recovery points must meet the requirements outlined in 'Appendix C: UPSS earthing requirements'.

The resistance to earth should be tested at the time of installation by a competent and experienced person and the person responsible for a UPSS should retain all test records as part of the EPP and for seven years from the date of decommissioning of the UPSS. Where the person responsible for a UPSS changes (such as through sale/transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the UPSS Regulation.

Used oil removal points

Design and installation of each used oil removal point should:

- incorporate the dip point
- be dedicated to one tank only.

The person responsible for a UPSS should contact the original equipment manufacturer, if possible, for advice on matters relating to the tank that is being used for the storage of used oil and any specific issues with the removal point.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

3. Designing and installing UPSS

All UPSS which received development approval on or after the commencement of the Regulation on 1 June 2008 are considered '**new**' UPSS and must comply fully with the Regulation before being commissioned.

All UPSS which received development approval before the commencement of the Regulation on 1 June 2008 are considered '**old**' UPSS. These systems need to comply with all requirements of the new Regulation but over a deferred timetable. However DECC encourages operators of these sites to consider the benefits of compliance in any minor upgrades and daily operations.

Any '**significant**' modification to an old or new UPSS, that is replacement of half or more of the system or modification that requires development approval, triggers the need for the system to comply fully with the Regulation.

3.1 Design, installation and commissioning requirements

All new and significantly modified UPSS coming into operation for the first time (being 'commissioned') must be designed, installed and tested in accordance with the provisions of clauses 5–8 of the UPSS Regulation.

To meet the requirements of the Regulation, a UPSS must:

- be designed by a 'duly qualified person'⁹
- be installed by a duly qualified person
- include the mandatory pollution protection equipment specified in the Regulation
- pass equipment integrity testing.

To meet industry best practice, a UPSS is required to comply with:

- all relevant Australian Standards, recognised Codes of Practice and other relevant state and federal statutory requirements specific to the design and installation of underground systems that store petroleum products, such as *AS4897–2008: Design, installation and operation of underground petroleum storage systems* (AS 2008a)
- equipment manufacturers' instructions that address design and/or installation requirements and specifications.

The duly qualified person who designs and installs a UPSS must provide details of all relevant industry standards and specifications used and met to the person responsible for the system as a reference for the future. This is important as standards and specifications may vary over time and this document will be a summary of those used at the time the system was installed.

'As-built drawings'¹⁰ must be finalised at the completion of the installation.

⁹ A 'duly qualified person' is a person who has competencies and experience (in relation to a specific activity) that are recognised as appropriate for that activity by the relevant industry.

¹⁰ 'As-built drawings' are defined by the UPSS Regulation as drawings that depict the current configuration of the system in relation to the storage site (that is, as installed below ground level). They should be detailed site plans (to a recognisable scale) which depict the final installed configuration of any part of a UPSS and any construction deviations showing all features of the storage site as *currently* built. They do not include the pre-constructed drawings.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

3.2 Equipment integrity test

An equipment integrity test (EIT)¹¹ must be performed on all new, repaired and (significantly) modified UPSS after installation is complete and other planning consent requirements have been met, before the full commissioning of the system. The person performing the test must provide the person responsible for a UPSS with a certificate stating that the system has passed the test, as well as the results of the test. These documents must be kept for seven years after decommissioning, in accordance with clause 26 of the UPSS Regulation.

Minimum requirements for equipment integrity tests

An EIT should be:

- capable of detecting a leak of 0.38 litres per hour, with a probability of detection of at least 95% and of false detection of 5% or less in accordance with AS 4897–2008 (AS 2008a)
- conducted by a duly qualified person in accordance with the manufacturer's written instructions specific to the UPSS
- a nationally approved and certified method of testing that meets, at a minimum, the requirements or certification standards of the United States Environmental Protection Agency (USEPA 1990).

In general, either a vacuum or pressure EIT may be performed.

For pressure-testing of tanks, only inert gases should be used. The use of nitrogen to pressure-test piping is sufficient to qualify as an EIT for piping, because the smaller volume and higher pressures used provide better accuracy.

Air pressure tests should **not** be used as an EIT for tanks once the tank has contained petroleum. This is because pressure tests are not considered accurate enough to reliably detect small leaks using the maximum allowable pressure for the tank of 35 kPa (5 psi). There is also the risk of explosion.

Pneumatic pressure-testing should **not** be used as an EIT for installed tanks.

Frequency of equipment integrity testing

An EIT is required:

- immediately before a new UPSS is commissioned
- immediately following any modification (upgrade), repair or reuse of tank(s) and/or piping
- as necessary from time to time to assess whether a UPSS is leaking or has been.

It should be noted that loss monitoring methods, such as statistical inventory reconciliation analysis (SIRA) (see 'Appendix D: Loss monitoring methods'), can be used to determine whether a UPSS is losing or gaining volume. Where appropriate, these results can be used to determine whether an EIT is necessary.

¹¹ Some documents may refer to an EIT as 'precision leak testing'.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

3.3 Record keeping

The UPSS Regulation requires certain documents to be kept for specified periods of time. See Section 4.7 of these guidelines for details.

Where the person responsible for a UPSS changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

4. Operation of UPSS

All UPSS which received development approval on or after the commencement of the Regulation on 1 June 2008 are considered 'new' UPSS and must comply fully with the Regulation before being commissioned.

All UPSS which received development approval before the commencement of the Regulation on 1 June 2008 are considered 'old' UPSS. These systems need to comply with all requirements of the new Regulation but over a deferred timetable. However DECC encourages operators of these sites to consider the benefits of compliance in any minor upgrades and daily operations.

Any 'significant' modification to an old or new UPSS, that is replacement of half or more of the system or modification that requires development approval, triggers the need for the system to comply fully with the Regulation.

Before a new or significantly modified UPSS may come into operation, Part 4 of the UPSS Regulation relating to the use of storage systems requires the following measures to be in place:

- an Environment Protection Plan (see Section 4.1)
- loss monitoring procedures (Section 4.2)
- loss detection and investigation procedures (Section 4.3)
- incident management procedures (Section 4.4)
- system maintenance (Section 4.6).

For old UPSS, the commencement dates for some of these measures are deferred.

4.1 Environment Protection Plan

A UPSS must not be used unless an Environment Protection Plan (EPP) has been developed and implemented at the site, in accordance with the requirements of clause 19 of the UPSS Regulation. This requirement applies to new and significantly modified UPSS from 1 June 2008 and old UPSS from 1 June 2009.

The Regulation requires the EPP to contain the procedural documents and records specific to the UPSS. The EPP must be kept onsite so that practical written procedures are on hand to detect leaks and spills and take appropriate action when they are identified.

The EPP must be kept up-to-date and amended as required and include all of the following:

- a loss monitoring procedure for the system (Section 4.2)
- an incident management procedure for the system (Section 4.4)
- maintenance for the system (Section 4.6)
- current as-built drawings¹² for the system
- a plan of the storage site showing the location of –

¹² Where the *current* as-built drawings are not available, an approximate diagram of the layout of the underground structures should be included indicating: 'This is a best approximation'.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

the storage system

all buildings and associated infrastructure

all fences and gates

all groundwater monitoring wells (including any codes by which they are designated)

any unsealed ground surfaces

- a list of industry standards that were complied with for design, installation and operation of UPSS infrastructure
- copies of all specifications adopted in the design, installation and operation of the UPSS
- contact and other details about the UPSS itself –
 - name, postal address and 24-hour phone number for the person responsible for the UPSS, or where a body or organisation is responsible, for an individual who is authorised to act on behalf of the company in relation to the control of the system
 - the street address of the UPSS
 - land title particulars, such as the lot and DP numbers of the land on which the UPSS is situated
 - name of the person who owns the storage site, if different from the person responsible for the UPSS
 - details of access to the system and its security, including information on all locks, gates, fences and the like, and how to open them
 - the onsite and offsite location(s) of all records that are required to be kept in accordance with Part 5 of the Regulation.

An EPP may be kept in an electronic format, but it must be available at all times and able to be supplied (as hard copy if necessary) to the appropriate regulatory authority (ARA) upon request.

It is recommended that suitably qualified and experienced persons prepare procedural documents, the maintenance schedule, site drawings and details of industry standards and specifications (required by clause 19(2)(a)–(g) of the UPSS Regulation) to ensure these documents are accurate and complete.

Where the person responsible for the storage system has evidence demonstrating that they have taken all reasonable steps to obtain the details of industry standards and manufacturer's specifications, this must be included in the EPP in support of their attempt to obtain such documentation (clause 19(7)).

Clause 19 of the UPSS Regulation requires that an up-to-date copy of the EPP to be kept on the premises where the UPSS is located. Where records which are a required component of the EPP are stored offsite, this location must be disclosed in the EPP (clause 19(3)(g)).

The person responsible for a UPSS must retain each version of the EPP for at least seven years after the decommissioning of the UPSS, in accordance with clause 26(1).

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

4.2 Loss monitoring procedures

Loss monitoring procedures are designed to detect any losses of petroleum from UPSS tanks or piping before they pollute the soil, surface waters or groundwater. The frequency, sensitivity and reliability of loss monitoring should lead to a high level of confidence that any potential product loss will be detected in time to allow a response before a risk is posed to human health or the environment.

Loss monitoring is mandatory for all new and significantly modified UPSS from 1 June 2008 and for old systems from 1 June 2009.

Various methods of loss monitoring are available (see 'Appendix D: Loss monitoring methods') but to satisfy the requirements of the UPSS Regulation, the loss monitoring procedure must at least meet the detection limit of 0.76 litres per hour, with at least 95% accuracy.

To achieve industry best practice, all loss monitoring methods should also, as a minimum:

- be certified as meeting the requirements of the Regulation by an independent third party, consistent with the current United States Environmental Protection Agency (USEPA) protocols and system of verification (USEPA 1990)
- use equipment that has been installed, calibrated and commissioned in accordance with the manufacturer's instructions for the loss monitoring system
- be undertaken by a person suitably trained in each element of the procedure
- be conducted according to the service provider's instructions
- have a system in place that ensures the appropriate regulatory authority (ARA) is informed if there is a significant loss and appropriate corrective action is undertaken.

The person responsible for a UPSS must retain a written description of the routine operation, maintenance and service requirements of the loss monitoring system as provided by the manufacturer. This must be kept as part of the Environment Protection Plan's maintenance schedule requirement, in accordance with clause 19(2)(c) of the UPSS Regulation.

The raw data produced as part of the loss monitoring system (such as data from daily tank dipping or automatic tank gauging) should be kept until it is assessed and incorporated into a final report (refer to Section 4.7 for record-keeping requirements). The final reports must be kept as part of the EPP and for seven years from the date of decommissioning of the UPSS.

Where it is not practicable to implement a loss monitoring system, an application for an exemption from this requirement must be submitted to DECC, together with a proposed alternative process to check for any loss from the system on a regular basis. 'Appendix A: UPSS Regulation Exemption Plan' has more details.

4.3 Loss detection and investigation procedures

All UPSS must have appropriate loss detection procedures documented and in place to identify and investigate any discrepancy indicated by the loss monitoring procedure discussed in Section 4.2.

The person responsible for a UPSS must ensure any discrepancy is investigated to determine its cause as soon as possible after it becomes apparent.

This may involve system checks, such as reviewing inventory records and checking measuring equipment and records (see 'Appendix E: Loss detection investigation'). Alternatively, the person responsible may engage a qualified person with suitable experience in discrepancy or loss investigations to identify the cause of the discrepancy.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

As soon as practicable after a discrepancy is confirmed as a leak or spill, the person responsible for a UPSS must follow the incident management procedure to remove the risk of harm to human health and the environment (Section 4.4).

The person responsible for a UPSS must keep a record of any discrepancy or loss investigation and findings, including the action taken, for at least seven years from the completion of the final report (clauses 22 and 25 of the UPSS Regulation).

Where a leak or spill at a UPSS is causing material harm or is likely to, the person responsible must notify both the appropriate regulatory authority (ARA) and DECC's Environment Line (phone 131 555 or (02) 9995 5555). A written report must be submitted to the ARA within seven days of this notification. Section 4.5 has more details on notification requirements.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the UPSS Regulation.

4.4 Incident management procedures

All UPSS (both new and old) must have documented incident management procedures in place by 1 June 2009. These procedures must be retained as part of the EPP and outline how the person responsible will verify whether the loss is the result of a leak or spill or some other cause (such as incorrectly calibrated equipment or faulty accounting procedures).

Where a discrepancy is identified as a leak or spill, the procedures should detail the following responses:

- notification of the incident to the appropriate regulatory authority (ARA) and DECC's Environment Line (see Section 4.5 for details)
- actions taken as soon as practicable to prevent any further release of petroleum into the environment
- identification and mitigation of any fire, explosion or vapour hazards
- all steps taken to prevent migration of any petroleum that has leaked or spilled
- all steps taken to recover or remove petroleum that has leaked or spilled, so that the site does not pose a threat to the environment or human health and safety
- removal or, where practicable, repair of leaking UPSS components in accordance with industry best practice.

DECC recommends that the person responsible for a UPSS engages a suitably qualified and experienced person to assist in the development of an incident management procedure.

Incident logs

Under clause 24 of the UPSS Regulation, the person responsible for a UPSS must ensure that an incident log is maintained which records:

- actions by anyone acting on their own behalf, rather than at the direction of the person responsible, that have affected, are affecting, or could affect the integrity of the UPSS
- any unplanned or abnormal incidents, including operational disruptions or equipment failures, that have affected, are affecting, or could affect the integrity of the UPSS.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

In accordance with clauses 24 and 26, the incident log must be kept onsite or at a location specified in the EPP and retained for at least seven years from the date the UPSS is decommissioned by the person responsible.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

4.5 Incident notification

Where a leak or spill at a UPSS is causing or likely to cause material harm to the environment or human health, the person responsible must notify both the appropriate regulatory authority (ARA) and DECC's Environment Line (phone 131 555 or (02) 9995 5555) as soon as practicable. Failure to report such pollution incidents is an offence under Part 5.7 of the POEO Act.

Incidents at UPSS which must be notified include (but are not limited to):

- a leak or spill from a UPSS verified in accordance with loss detection or incident management procedures that is causing or threatens material harm to human health or the environment
- evidence on the site of free-phase hydrocarbons in surface water or groundwater
- evidence that offsite migration of hydrocarbons could occur, is occurring or has occurred.

A written report on the incident must also be submitted to DECC within seven days of the verbal notification, using the UPSS Regulation Leak Notification form in Appendix F of these guidelines.

The local council must also receive a validation report within 60 days of the removal of a tank, decommissioning of a UPSS or completion of remediation work, in accordance with the requirements of clauses 13 and 15 of the UPSS Regulation (see Sections 5 and 6 for details).

4.6 System maintenance

Details about maintenance of the UPSS must be documented in the EPP.

Under clause 20 of the UPSS Regulation, a storage system must not be used unless all gauges, indicators, probes, sensors and any other measuring instruments in the system are checked and maintained (and where necessary calibrated) in accordance with the manufacturer's specifications and/or the maintenance. All data produced by these measuring instruments should be recorded in a format that is suitable for the intended end use (refer to Section 4.7 for record-keeping requirements).

All data produced by any measuring instruments of a UPSS must be retained by the person responsible for at least seven years from when the data was produced, in accordance with clause 25 of the Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

4.7 Record keeping

Part 5 of the UPSS Regulation prescribes who is responsible for records management, what needs to be retained and how long certain records must be held.

Where the person responsible for a UPSS has documents and reports required by the Regulation that were prepared prior to 1 June 2008, these are included in the record-keeping requirements and must be retained for the period specified in Part 5 of the Regulation.

Periods for retaining records

It is the responsibility of the person responsible for a UPSS to ensure that all the *required documents* specified in the relevant clause of the UPSS Regulation are kept in accordance with clauses 25 and 26.

Records must be retained by the person responsible for a UPSS for the periods specified below.

Seven years from the date of document creation

Under clause 25 of the UPSS Regulation, the person responsible for a UPSS must retain the following required documents for a minimum of seven years from their date of creation (when they were finalised):

- all validation reports prepared under clause 13 and submitted to the relevant local authority
- all documents containing data produced by any measuring instrument in accordance with clause 20 (raw data from measuring devices, including groundwater monitoring wells, tank gauging and tank pit observation wells, only needs to be kept for two years once this data set has been incorporated into a final report)
- all documents containing details of action taken as a consequence of a loss detection investigation, in accordance with clause 22
- all notifications of a pollution incident involving a storage system that are given to the appropriate regulatory authority (ARA), including copies of the formal notifications, such as the UPSS Regulation leak notification form (Appendix F).

Seven years from date of decommissioning of a UPSS

Under clause 26 of the UPSS Regulation, the person responsible for a UPSS must retain the following required documents for a minimum of seven years from the date on which the system is decommissioned:¹³

- each certificate (and associated documentation) relating to equipment integrity testing issued for the system under clauses 8, 12 or 14
- all validation reports associated with decommissioning of the system, prepared in accordance with the requirements of clause 15 and submitted to the relevant local authority
- a groundwater monitoring well report prepared in accordance with the requirements of clause 18
- each version of the EPP prepared (and updated) in accordance with clause 19
- all records of significant modifications made in accordance with the requirements of clause 23, including the as-built drawings current at that time

¹³ When a UPSS is decommissioned, the person responsible immediately before the decommissioning remains responsible for retaining all relevant documents as part of the record-keeping requirements of the UPSS Regulation.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

- the incident log kept for the system under clause 24
- all reports made as a consequence of action taken under Part 5.7 of the POEO Act in connection with a pollution incident involving the system.

Changes in responsibility

Clause 27 of the UPSS Regulation requires that, within 30 days of a change in responsibility for a UPSS, the person formerly responsible for the system must deliver to the newly responsible person all the documents they have for the system that are required to be retained.

Access to records

Access to the EPP or other information must be provided to an officer authorised under the POEO Act upon request.

If necessary, further information and records can be requested via a notice issued under the Act. This information and/or records must be produced within the timeframe specified in the notice.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

5. Modifying UPSS

Any 'significant' modification to an old UPSS (that is replacement or upgrade to half or more of the system or works requiring development approval) must meet the requirements of a new UPSS. However where a system is to be modified but not 'significantly', DECC recommends that the person responsible for the UPSS should consider the benefits of meeting the mandatory pollution protection equipment requirements for a new UPSS.

The person responsible for a UPSS must ensure that any modification to a storage system is designed and installed by a duly qualified person in accordance with relevant industry standards and design specifications for the equipment used in the modification. These designers and installers must provide the person responsible for the UPSS with a list of all relevant specifications and industry standards used in the modifications and revised as-built drawings for future reference. This is particularly important where the standards or specifications used differ from the existing structure.

An equipment integrity test (Section 3.2) must be performed on the system before it is recommissioned. The person undertaking the test must certify that the system has passed the test and also provide the results of the test.

The person responsible for a UPSS should ensure that all equipment and infrastructure is repaired or reused in accordance with *AS4897-2008: Design, installation and operation of underground petroleum storage systems* (AS 2008a) and the procedures outlined in this section. Repairs must leave systems both structurally sound and fully functional.

Recommendations and requirements relating to the repair and testing, reuse and documentation of modifications are discussed in the following sections.

5.1 Repair of UPSS

General repair of equipment

As a minimum, repair of UPSS equipment must meet:

- the equipment manufacturer's instructions for repair
- the equipment's original specifications
- the design, installation and recommissioning requirements of the UPSS Regulation described in Section 3.1.

Steel tanks

Steel tanks should only be repaired if they have been inspected internally by a competent and experienced person who should certify that the tank:

- is suitable for repair
- is structurally sound
- has not previously been repaired using an internal lining.

Where a competent and experienced person has certified that the tank is suitable for repair, the installation should:

- be supervised by a lining equipment manufacturer
- meet the requirements of industry best practice and occupational health and safety legislation.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

When installation of the internal lining is complete and prior to its commissioning, the repaired tank:

- should be inspected internally by a competent and experienced person and certified to be structurally sound
- should be cathodically protected (Section 2.3)
- must pass an equipment integrity test (Section 3.2).

The person responsible must also arrange for loss monitoring procedures (Section 4.2) to be in place for the repaired tank.

The person responsible for a UPSS must ensure the duly qualified person repairing or testing a system provides written documentation that work has been performed in an appropriate manner and, where relevant, in accordance with the manufacturer's specifications.

All relevant documentation associated with the repair must be retained by the person responsible for a UPSS for at least seven years from the date the system is decommissioned, in accordance with the requirements of clause 26 of the UPSS Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Other tanks

Tanks constructed of fibre-reinforced thermosetting resin composite or with a fibre-reinforced thermosetting resin composite outer wall and a steel inner wall should be repaired in accordance with the tank manufacturer's instructions and the requirements outlined in this section.

Tanks should only be repaired if they have been internally inspected by a competent and experienced person, who should certify that the tank has been repaired in accordance with the tank manufacturer's instructions.

The person responsible must ensure that the person repairing the system provides written documentation that it has been repaired in an appropriate manner and, where relevant, in accordance with the manufacturer's specifications.

All relevant documentation associated with the repair must be retained by the person responsible for a UPSS for at least seven years from the date the system is decommissioned, in accordance with clause 26 of the UPSS Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Steel piping

Any steel piping, with the exclusion of serviceable items, which has leaked, is suspected of leaking, or is otherwise in need of repair, should **not** be repaired or reused, but replaced.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Other piping

Piping other than steel piping that has leaked or is suspected of leaking should either be replaced or repaired in accordance with the piping manufacturer's instructions, or abandoned.

It is strongly recommended that piping to be replaced meets the minimum mandatory pollution protection equipment requirements outlined in the UPSS Regulation. An equipment integrity test must be performed prior to recommissioning the system (Section 3.2).

5.2 Reuse of UPSS tanks

The NSW WorkCover Authority must be notified beforehand and approve of any proposed change to the contents of a tank, such as from diesel to unleaded petrol.

Non-steel tanks

The reuse of non-steel tanks should meet the following requirements:

- The tank has been designed and installed in accordance with the requirements of Section 3.1.
- An equipment integrity test has been performed in accordance with Section 3.2.
- The tank manufacturer has inspected and certified that the tank to be reused meets all the relevant requirements of this section and provided a warranty appropriate for the expected life of the UPSS.

All relevant documentation associated with the reuse of the tank must be retained by the person responsible for a UPSS for at least seven years from the date the system is decommissioned, in accordance with clause 26 of the UPSS Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Steel tanks

Steel tanks should only be reused when they meet all of the following requirements:

- The tank conforms with the requirements of *AS1692-2006: Tanks for flammable and combustible liquids* (AS 2006).
- The tank manufacturer has inspected the tank internally and externally and certified that it is suitable for reuse because –
 - the tank has not been repaired previously
 - the tank is structurally sound
 - no areas of the tank's walls are less than 100% of their original thickness
 - the tank di-electric coating has been tested and meets the requirements for a new tank, including condition, thickness and electrical insulation.
- The tank is installed in accordance with the requirements of Section 3.1.
- An equipment integrity test has been performed in accordance with Section 3.2.

All relevant documentation associated with the reuse of the tank must be retained by the person responsible for a UPSS for at least seven years from the date the system is decommissioned, in accordance with clause 26 of the UPSS Regulation.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

5.3 Site validation reports

If the modification of a UPSS involves the removal or replacement of a tank, clause 13 of the UPSS Regulation requires preparation of a validation report for the storage site, which confirms it is suitable for continued use and to assist with any future planning decisions for the site.

The validation report should be prepared in accordance with the relevant sections outlined in *Site validation reporting* (DECC 2009c), *Guidelines for consultants reporting on contaminated sites* (EPA 1997) and, where relevant, *Guidelines for assessing service station sites* (EPA 1994). The validation report should provide a clear conclusion stating whether or not the site is suitable for its existing or any proposed future use.

Clause 13 of the Regulation also requires the validation report to be submitted to the relevant local authority, within 60 days of the tank being removed, replaced or, where relevant, the remediation of the site, before the UPSS is recommissioned.

A validation report written as the result of a tank removal or replacement must be retained for seven years from the date the report is finalised, in accordance with clause 25.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

5.4 Retention of records

Modifications

All as-built drawings and relevant documents produced as part of the design, installation and testing phases of a modified system (such as the list of industry standards and manufacturer's specifications complied with and the equipment integrity test records) must be retained for seven years from the date of decommissioning of a UPSS by the person responsible, in accordance with clause 26 of the UPSS Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Significant modifications

Details of any significant modifications to a UPSS must be documented and kept in accordance with the requirements of clause 23 of the UPSS Regulation.

This includes, as a minimum:

- a comprehensive description of the modifications
- the dates the modifications commenced and were completed
- the results and certification of the equipment integrity test that was carried out in accordance with clause 12 of the Regulation to ensure that the system is both structurally sound and fully functional

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

- a revised copy of the as-built drawings which reflects the modifications and included with the EPP.

All documentation relating to significant modification of the system must be retained for seven years from the date a UPSS is decommissioned, in accordance with clause 26 of the Regulation.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

6. Decommissioning UPSS

Under the UPSS Regulation, 'decommission' means to permanently abandon the use of a system or render it permanently unusable. It is industry best practice to remove UPSS that are no longer required. Where two years have elapsed since fuel was put in or taken from a tank, it must be abandoned (after removing the fuel) in accordance with the Occupational Health and Safety (Dangerous Goods) Regulation 2001.

6.1 UPSS abandonment and decommissioning

The NSW WorkCover Authority is responsible for occupational health and safety issues relating to decommissioning and removal of tanks from a site. The following WorkCover requirements must be met during decommissioning:

- the tank and contents made safe in line with *Code of Practice: Storage and handling of dangerous goods* (NSW WorkCover Authority 2005)
- WorkCover notified of the abandonment within seven days using the prescribed approval form, so the tank can be removed from its database.

If the tank is to be removed from the ground, it must be correctly disposed of in accordance with NSW environmental and safety requirements and industry best practice: *AS 1940–2004: Storage and handling of flammable and combustible liquids* (AS 2004b) and *AS 4976–2008: The removal and disposal of underground petroleum storage tanks* (AS 2008b).

When removal is not practicable, such as where it poses risks to other structures or extraction is impossible or dangerous to the structure, the disused UPSS must be emptied and decommissioned *in situ* and the tank filled with an inert solid material, such as a concrete slurry, sand or foam.

Where the tank is to be temporarily decommissioned and used again within two years, WorkCover requires that it is filled with water and a corrosion inhibitor, or made safe by other approved methods. Where a disused tank is recommissioned, the UPSS Regulation will apply to the tank and any associated piping.

6.2 Site validation and record keeping

The person responsible for a UPSS at the time of decommissioning must ensure that the site is investigated for contamination and a validation report prepared for the storage site in accordance with the requirements of clause 15 of the UPSS Regulation. The validation report should be prepared by a suitably qualified and experienced person, such as a contaminated land consultant.¹⁴

Where tanks are decommissioned *in situ*, the validation report should state this and provide a site drawing showing the location of all equipment and associated infrastructure that remains at the site.

Clause 15 of the Regulation also requires the validation report to be submitted to the relevant local authority, along with any other specified documentation¹⁵ within 60 days of:

¹⁴ Advice on engaging contaminated land consultants in NSW is provided on DECC's website at www.environment.nsw.gov.au/clm/selectaclmcons.htm.

¹⁵ Section 17 of *State Environmental Planning Policy No. 55: Remediation of land* (DUAP 1998) requires that within 30 days of the completion of work, a notice of completion of remediation work on any land must be given to the council for the local government area in which the land is situated or, if within the unincorporated area, to the Western Lands Commissioner.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

- the decommissioning of a UPSS, if no soil or groundwater remediation (associated with the decommissioning of a UPSS) is required
- the completion of any soil or groundwater remediation associated with the decommissioning of a UPSS, if remediation is required.

The validation report must be prepared in accordance with *Site validation reporting* (DECC 2009c), *Guidelines for consultants reporting on contaminated sites* (EPA 1997) and, where relevant, *Guidelines for assessing service station sites* (EPA 1994). The validation report should provide a clear conclusion stating whether or not the site is suitable for its existing or proposed future use.

A validation report written as the result of the decommissioning of a UPSS must be retained for seven years from the date of decommissioning.

Where the person responsible changes (such as through sale, transfer of ownership of the site or business or contractual changes), all documents must be transferred to the new person responsible, in accordance with clause 27 of the Regulation and the EPP retained onsite.

In situations where there is a change of land use, additional site investigation, remediation and/or validation procedures may be required, consistent with the requirements of the relevant planning authority and *State Environmental Planning Policy No. 55* (DUAP 1998).

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Appendix A: UPSS Regulation Exemption Plan

A1. Exemptions to meeting requirements of the UPSS Regulation

Under clause 28 of the UPSS Regulation, the Department of Environment and Climate Change (DECC) has the power to exempt the person responsible for a UPSS from complying with certain requirements of the Regulation.

DECC adopts a risk-based approach to assessing and granting exemptions. Exemptions are mainly being applied to the operations of 'old' UPSS (installation approved before 1 June 2008), where the operator/owners are able to demonstrate that either the UPSS is not in a DECC defined 'environmentally sensitive zone',¹⁶ or the site is not contaminated and that appropriate systems are in place to ensure any leak or spill from the system will not pose any risk to health or the environment.

Exemptions may also be granted for 'new' or 'significantly' modified UPSS (installation approved after 1 June 2008) which can similarly demonstrate an absence of contamination and that no environmental or health risks will be posed from any leak or spill from the system.

A2. Classes of exemption

There are four classes of exemption as summarised in the table below.

Class	Exempted requirements
Class 1	<p>Clauses 16–18 and 21: exempted from the need to install and test groundwater monitoring wells</p> <p>Clauses 19, 20 and 22: exempted from the need to adopt an Environment Protection Plan (EPP) for the system</p> <p>Clause 24 and partial exemption from some of the requirements of clauses 25 and 26: exempted from maintaining certain records, but not those related to equipment integrity testing and validation reports on tank removal and replacement or decommissioning</p>
Class 2	<p>Clauses 16–18 and 21: exempted from the need to install and test groundwater monitoring wells because the UPSS site is outside an environmentally sensitive zone and any leak or spill from the system is unlikely to cause significant environmental harm to a sensitive receptor</p>
Class 3	<p>Clauses 16–18 and 21: despite being in an environmentally sensitive zone, exempted from the need to install and test groundwater monitoring wells because the systems and equipment installed at the UPSS will be able to detect a leak or spill before it causes significant environmental harm</p>
Class 4	<p>Exempted from complying with one or more requirements of the UPSS Regulation where it can be demonstrated that the system is unable to meet those requirement(s) and suitable alternatives which will still meet the intentions of the Regulation are approved by DECC</p>

¹⁶ An 'environmentally sensitive zone' is the buffer around a sensitive feature, such as a groundwater bore or surface water body, which DECC estimates is necessary to provide an acceptable level of protection in the event of a leak or spill from a nearby UPSS.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

General exemption principles

1. Granting an exemption from meeting one or more requirements of the UPSS Regulation does not exempt the person responsible for a UPSS from meeting any of the other requirements. The person responsible may be required to provide evidence that their UPSS is compliant with all other relevant requirements of the Regulation.
2. An exemption will **not** be granted where contamination has been identified at the site, unless a validation report confirms the site has been remediated to a level appropriate for ongoing use and no offsite migration of contamination has occurred.
3. The person responsible for a UPSS which has an exemption must notify DECC within 21 days of the discovery of contamination at the site. DECC will then consider whether to revoke the exemption. Where this occurs, the person responsible will need to comply with the relevant requirements of the UPSS Regulation within a timeframe agreed to by DECC.
4. Applicants should be aware that some exemptions attract a fee to cover the costs related to the administration and assessment of an application. Where this takes more than the standard 10 hours to assess, an additional hourly fee may be charged. DECC will discuss any additional fee for service with the proponent prior to incurring the costs associated with this work.

Class 1 Exemptions

A Class 1 Exemption applies to persons responsible for tanks which provide fuel to a stationary device such as:

- a back-up generator in commercial or residential premises
- a furnace used to heat premises

or tanks used to store used (waste) oil.

Applying for a Class 1 Exemption

No application or fee is necessary for a Class 1 Exemption.

DECC has made a decision to automatically grant an exemption to persons responsible for UPSS which meet any of the above criteria.

In some cases, however, DECC may request written confirmation from the person responsible that their UPSS conforms with these criteria. When it is satisfied that the system does comply, DECC will notify the person responsible of the Class 1 Exemption. In such cases, DECC will issue a formal acknowledgement of the Class 1 Exemption.

Class 1 Exemptions and the criteria on which they are based will be reviewed within four years of the commencement of the UPSS Regulation.

See Sections A4–A6 below for details on the term of exemptions, and transferring and renewing them.

Notes on Class 1 Exemptions

1. A Class 1 Exemption for one or more UPSS at a multi-UPSS site does **not** extend to other systems at the site. These other systems will need to comply with the UPSS Regulation.
2. Regardless of the conditions of a Class 1 Exemption, pollution that is causing material harm to the environment, or has the potential to, must be reported to the appropriate regulatory authority (ARA), in line with Part 5.7 of the *Protection of the Environment Operations Act 1997*.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Class 2 Exemptions

The person responsible for a UPSS may be granted an exemption from the requirements to install and test groundwater monitoring wells (clauses 16–18 and 21 of the UPSS Regulation), where it can be shown that the site is located **outside** an environmentally sensitive zone as shown on sensitivity maps prepared and held by DECC.

The DECC website (www.environment.nsw.gov.au/clm/envsensitivezones.htm) describes how these zones have been determined (see also Section A8 of this plan). The website also provides a set of indicative maps so that potential applicants for Class 2 Exemptions can assess whether their site falls within a sensitive zone.

Applying for a Class 2 Exemption

There is no fee for applying for a Class 2 Exemption.

To obtain a Class 2 Exemption, the person responsible for a UPSS should complete the exemption application form at the end of this appendix and send it to DECC. Where a new or significantly modified UPSS is involved, the exemption application should be made at the same time as the development application to the local council. Council should be advised that a Class 2 Exemption is being sought to ensure consideration is given to this when issuing its development approval.

DECC will confirm the exemption based on the address provided for the site (or geographic coordinates where the tanks are located on part of a site), where this demonstrates that the UPSS is not located in an environmentally sensitive zone.

See Sections A4–A6 below for details on the term of exemptions, and transferring and renewing them.

Class 3 Exemptions

The person responsible for a UPSS located **within** an environmentally sensitive zones may be granted an exemption from the requirements to install and test groundwater monitoring wells (clauses 16–18 and 21 of the UPSS Regulation) where it can be shown that:

- A records from an industry-recognised loss monitoring system demonstrate that there has been no petroleum leak from the UPSS over the previous 18 months (or the lifetime of the system, where it is less than 18 months)

AND EITHER

- B(1) there is no existing significant soil or groundwater contamination on the UPSS site, as determined by an appropriate level of assessment,¹⁷ and
the UPSS has all necessary systems in place to detect or prevent any leak or spill before it impacts the environment (i.e. mandatory pollution protection equipment as defined in the UPSS Regulation)

OR

- B(2) a comprehensive site sensitivity assessment of the site has been undertaken by a suitably qualified and experienced person in accordance with the appropriate DECC guidelines.

¹⁷ Assessments must be undertaken and documented by a suitably qualified and experienced person. Advice on engaging a consultant in NSW is provided on DECC's website at www.environment.nsw.gov.au/clm/selectaclmcons.htm

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Applying for a Class 3 Exemption

A standard fee of \$430 is required to accompany an application for a Class 3 Exemption to cover the cost of technical assessment by DECC officers. However where it becomes necessary to spend more than the standard 10 hours to review more complex applications, an additional hourly fee may be charged.

Discussion with DECC before lodgement of the application is strongly recommended. Applications should be prepared by a suitably qualified and experienced environmental consultant.

To obtain a Class 3 Exemption, the person responsible for a UPSS should complete the exemption application form at the end of this plan and send it to DECC. Where a new or significantly modified UPSS is involved, the exemption application should be made at the same time as the development application to the local council. Council should be advised that a Class 3 Exemption is being sought to ensure consideration is given to this in its development approval.

See Sections A4–A6 below for details on the term of exemptions, and transferring and renewing them.

Notes on Class 3 Exemptions

1. *Site sensitivity assessment* (DECC 2009b) provides assistance on meeting the requirements of the UPSS Regulation and is available at www.environment.nsw.gov.au/clm/upss.htm
2. A suitably qualified and experienced person must document and justify their conclusion that the installation of groundwater monitoring wells on the site will not provide an effective groundwater monitoring system. In reaching this conclusion, consideration must be given to contaminant fate and transport mechanisms, actual and potential receptors, and exposure pathways.

Class 4 Exemptions

Under a Class 4 Exemption, the person responsible for a UPSS can apply to DECC requesting an exemption from complying with specific requirements of the UPSS Regulation, where it can be shown that it is not possible to meet those particular provisions.

The person responsible will need to provide DECC with:

- a detailed explanation why it is not possible to comply with the requirements of the UPSS Regulation
- details of alternative equipment, infrastructure, processes or actions that will minimise the risk of soil, surface water and groundwater contamination to the extent required by the UPSS Regulation.

Applying for a Class 4 Exemption

DECC may determine that a fee of \$430 is required to accompany an application for a Class 4 Exemption to cover the cost of technical assessments by DECC officers. Where it becomes necessary to spend more than the standard 10 hours to review more complex applications, an additional hourly fee may be charged.

Applications should be prepared by a suitably qualified and experienced environmental consultant. Discussion with DECC before lodgement of the application is strongly recommended.

To obtain a Class 4 Exemption, the person responsible for a UPSS should complete the exemption application form at the end of this plan and send it to DECC.

See below for details on the term of exemptions, and transferring and renewing them.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

A3. Assessing and issuing exemption orders

Except for Class 1 Exemptions, DECC will assess applications and, where appropriate, issue exemption orders in writing, in accordance with clause 28 of the UPSS Regulation. Orders will be issued to the person responsible for a UPSS at the address provided in the application.

A4. Term of exemption orders

Unless otherwise stated, exemption orders will be issued for a term expiring on 31 May 2012.

This policy will be reviewed prior to this date as part of a planned review of the UPSS Regulation. Stakeholders will be informed of any changes.

Where the person responsible for a UPSS becomes aware that circumstances at the site no longer meet the criteria upon which an exemption was granted (e.g. a leak or pre-existing contamination has been identified), the appropriate regulatory authority must be notified in accordance with the UPSS Regulation. The conditions of the exemption order may change following review of any new circumstances relating to the UPSS.

A5. Transferring exemption orders

Class 2, 3 and 4 Exemption Orders are specifically granted to the person responsible for a UPSS. As a result, where the responsibility changes, the new person responsible must notify DECC in writing so a replacement exemption order can be issued in the new name.

For Class 1 Exemptions, there is generally no requirement to notify DECC about any change in circumstances. However, where DECC has formally acknowledged the exemption as explained under Class 1 Exemptions above, the new person responsible is required to notify DECC in writing of the ownership change.

Upon transfer of responsibility, a new application for an exemption will not be required unless the new person responsible becomes aware of a change in circumstances that could affect the conditions under which the order was issued. The exemption order will remain valid for the original period granted.

A6. Renewal of exemption

The person responsible for a UPSS may apply for a renewal of an existing exemption. This should be submitted to DECC **within six months of the date of expiry** shown on the current exemption order.

Application for renewal must be completed on the exemption application form at the end of this plan. There will be no fee for an application for renewal where the circumstances remain the same and no additional documentation is required to be assessed by DECC.

A renewal fee of \$430 may be incurred if the person responsible for a UPSS identifies a discrepancy under which the current exemption order applies, such as contamination identified or a new groundwater well installed next to the site. The fee will cover any extra documentation which needs to be reviewed by DECC.

If a renewal is not sought and granted within 30 days of the expiry of a valid exemption order, the person responsible for the UPSS must comply with the specific exempted provision(s).

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

A7. Review of exemption classes

DECC expects to review the effectiveness of the UPSS Regulation and the exemption classes within four years of the commencement of the Regulation and, if appropriate, update them. Stakeholders will be consulted before any significant changes are made.

If there are any changes after the review period, a deferment period will allow time for compliance with any amendments to the Exemption Plan and specified requirements of the UPSS Regulation. The deferment period will relate specifically to any changes that are made.

The DECC website always has the most up-to-date Exemption Plan at www.environment.nsw.gov.au/clm/upssexemptionplan.htm

A8. Environmentally sensitive zones

DECC defines an 'environmentally sensitive zone' (as shown on the sensitivity maps at www.environment.nsw.gov.au/clm/envsensitivezones.htm) as the area within:

- 500 metres of any surface waters, such as a river, stream, lake, lagoon, swamp, wetlands, unconfined surface water, natural or artificial watercourse, dam or tidal waters (including the sea)
- the following exclusion radiuses of any groundwater bores licensed by the NSW Department of Water and Energy (DWE) –
 - 5000 metres of mineral water extraction, public/municipal and town water supply, artificial recharge
 - 1000 metres of domestic bores
 - 500 metres of aquaculture, bank revegetation, citrus plantings, farming, feedlot, grape vines, horticulture, irrigation, irrigation and drainage development, pecan nuts, fish farming, soil conservation, stock, commercial, general use, recreation-high security, recreation-medium security, recreation-low security, recreation (groundwater), railway, make-up allocation, prevention of soil erosion
- a national park, reserve, estate or other lands that are administered for conservation purposes
- land known to be part of a 'recharge zone' for groundwater with a high to medium level of protection as shown in vulnerability and/or embargo maps published by DWE, based on hydrology and geology
- land above a region where groundwater is planned to be used for water supply (when this information becomes available to DECC).

From time to time environmentally sensitive zones may be amended to reflect new information, and refinements to the model used. DECC will **not** apply such information retrospectively to existing exemptions.

Exemption Application Underground Petroleum Storage Systems (UPSS)

under clause 28 of POEO (Underground Petroleum Storage Systems) Regulation 2008

*This form should be used in conjunction with the UPSS Regulation Exemption Plan
(available as Appendix A of the UPSS Guidelines and at
www.environment.nsw.gov.au/clm/upssexemptionplan.htm)*

Section A: UPSS site details

Site name:

Street address:

Postcode

Use of site (e.g. service station, car yard, store with bowser, bus depot):

An Environment Protection Plan (EPP) has been prepared for this site.

Yes / No

Local Government Area (Council):

Lot and DP Number:

Geographic coordinates (if UPSS is located on a large property):

Latitude (S):

Longitude (E):

Environment Protection Licence number
(if applicable):

Dangerous Goods Licence Number
(if applicable):

Name of contact person (for the site):

Position and contact phone no. (e.g. site owner/operator):

Section B: Person responsible* for the UPSS (see Section 1.6 of the UPSS Guidelines)

** This application must be signed by the person responsible for the UPSS. The person responsible is the person who has management and control of the system. Where a body or corporation is responsible for a UPSS, an individual must be nominated to act on the organisation's behalf. If another person becomes responsible, that new person must advise DECC of the change. A new application for an exemption will not be required unless the new person responsible becomes aware of a change in circumstances that could affect the conditions under which the Exemption Order was issued.*

Name:

Address:

Postcode

Phone no:

ABN/ACN:

Postal address (if different from above):

Postcode

Signature:

Date:

Section C: Type of exemption

Please select the exemption/renewal you are applying for (tick the relevant box).

Applicants are strongly advised to contact DECC to confirm eligibility prior to lodging an exemption application

For Class 3 and 4 exemption applications, Sections D and E MUST also be completed

Class 3 and 4 exemption applications must be accompanied by a fee of \$430 unless otherwise advised by DECC

- Class 2 Exemption from installing and testing groundwater monitoring wells**
where it can be demonstrated that the site is located outside an environmentally sensitive zone
- Class 2 Exemption renewal** to be effective from (date current exemption expires) _____

Class 3 Exemption from installing and testing groundwater monitoring wells

where it can be demonstrated that, although the site is located within an environmentally sensitive zone:

- A records from an industry-recognised loss detection system demonstrate that there has been no petroleum leak from the UPSS over the previous 18 months (or the lifetime of the system, where it is less than 18 months)

AND EITHER

- B(1) there is no existing significant soil or groundwater contamination on the UPSS site, as determined by an appropriate level of assessment, and
the UPSS has all necessary systems in place to detect or prevent any leak or spill before it impacts the environment (i.e. mandatory pollution protection equipment as defined in the UPSS Regulation)

OR

- B(2) a comprehensive site sensitivity assessment of the site has been undertaken by a suitably qualified and experienced person in accordance with the appropriate DECC guidelines.

Class 3 Exemption renewal to be effective from (date current exemption expires) _____

Class 4 Exemption from complying with one or more requirements of the UPSS Regulation

where it can be demonstrated that the system is unable to meet those requirements of the Regulation and a suitable alternative is considered acceptable by DECC

Specify clause(s) and requirement(s) of the UPSS Regulation from which exemption is sought

Class 4 Exemption renewal to be effective from (date current exemption expires) _____

Section D: Documentation supporting exemption application

This section must be completed in order to be considered for a Class 3 or 4 Exemption.

Please list supporting documents/reports included with this application (including date of report or document signed): refer to the Exemption Plan to ensure the correct documentation is provided with this form.

Section E: Exemption application fee (for Class 3 and Class 4 only)

The exemption application fee of \$430* is attached.

** This is the nominal flat application fee. An additional hourly rate may be charged where DECC determines that an officer has to spend more than the standard time (10 hours) reviewing an application because of the detailed nature of the information provided and/or the need to seek more information in support of the application.*

Please make cheque payable to 'Department of Environment and Climate Change NSW' and submit with the completed form and any supporting documents to:

Manager Contaminated Sites Section
Department of Environment and Climate Change NSW
Application for Exemption (UPSS Regulation)
PO Box A290
Sydney South NSW 1232

In, or in connection with, any certificate, application, environment management plan, document or requirement under the UPSS Regulation, it is an offence for a person to provide any information or make any statement or record that is false or misleading in a material particular knowing it to be false or misleading. There is a maximum penalty of \$44,000 for a corporation and \$22,000 for an individual.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Appendix B: Installation and testing of groundwater monitoring wells

All reporting on UPSS should be consistent with the *Guidelines for consultants reporting on contaminated sites* (EPA 1997).

Copies of all consultant reports relating to investigation, remediation, monitoring and/or validation of soil and/or groundwater contamination on the premises must be kept by the person responsible for a period of at least seven years from the date a UPSS is decommissioned (see Section 4.7 of these guidelines).

B1. Installing groundwater monitoring wells

A duly qualified person should design the groundwater well monitoring (GWM) system. The following should be undertaken as a minimum when designing the GWM system and selecting the locations:

Identify the likely location/direction/flow of any existing or potentially contaminated groundwater plume/flow by determining:

- the location of all tanks, pipework, filling points and dispensers that are part of any UPSS on the site
- the hydraulic gradient on the site (to estimate the direction of groundwater flow, at least three wells are required in an approximately triangular pattern)
- topographic slope and boundary conditions on the site
- any variations, such as seasonal, that may occur to the site's hydraulic gradient
- the location of any barriers or preferential pathways, such as service trenches, which may be present in the substrate of the site.

Develop a conceptual three-dimensional groundwater model (also known as a conceptual site model or CSM¹⁸) to:

- maximise the likelihood of intercepting any groundwater contaminated by hydrocarbons on the site
- maximise the likelihood of intercepting groundwater entering the site, such as on the site boundary up the hydraulic gradient from the UPSS.

Approval from the Department of Water and Energy (DWE) is required to install groundwater monitoring wells prior to any drilling onsite. Further information is available from the DWE website at www.naturalresources.nsw.gov.au/water/lic_bore.shtml or by contacting the DWE Information Centre on (02) 8281 7777 or information@dwe.nsw.gov.au.

Installation of the groundwater monitoring wells should be undertaken by an appropriately licensed and experienced drilling company and overseen by a duly qualified person, such as an experienced contaminated land consultant.¹⁹

The monitoring wells should be installed in accordance with 2nd edition of the *Minimum construction requirements for water bores in Australia* (LWBC 2003).

¹⁸ For CSM content, refer as a minimum to the Reporting Requirements (Preliminary Site Investigation Report Checklist) in *Guidelines for consultants reporting on contaminated sites* (EPA 1997) and Section 2.2 of *Guidelines for the assessment and management of groundwater contamination* (DEC 2006).

¹⁹ Advice on engaging contaminated land consultants in NSW is provided on DECC's website at www.environment.nsw.gov.au/clm/selectaclmcons.htm

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

In addition to the above, more detail is provided below on the following installation issues:

Local geology

Groundwater monitoring wells should be drilled to a depth that will enable groundwater at the site to be monitored effectively. If a confining layer has been encountered and groundwater is not found by a depth of 10 metres, drilling can cease, unless contamination is present or local geology, such as unconsolidated sediments or fractures in the confining layer, indicates that contamination could find its way to a greater depth into the subsurface.

In line with the UPSS Regulation Exemption Plan (Appendix A), the person responsible for a UPSS may apply for a Class 3 Exemption from complying with the requirements of clauses 16–18 and 21 of the UPSS Regulation where specific criteria can be met.

Soil permeability is **not** considered the primary method for determining the sensitivity of a site or rate of impact to the subsurface and should not be relied upon solely in making a decision on site sensitivity or whether groundwater monitoring wells need to be installed. See *Site sensitivity assessment* (DECC 2009b) for more details.

Some geology, such as sandstone, can be porous which allows the transport of contamination and is not a suitably impermeable barrier. In this case drilling may need to continue so that the extent and degree of contamination or potential for impacts are properly investigated. Where it is decided to stop drilling for the well before groundwater is encountered, a scientifically defensible justification should be provided in writing by the suitably qualified and experienced person responsible for the decision.

Well dimensions and components

Monitoring wells should:

- have a minimum internal diameter of 50 mm
- have sampling ports of suitable strength (e.g. 'class' of well casing), with machine-slotted sections appropriately located to enable sampling of groundwater
- be gravel packed
- have cement/bentonite seals between the sections.

The porous media surrounding the monitoring bores should be composed of a material that does not affect the accuracy of the sample (e.g. no solvents should be used during the construction process).

The standpipe of monitoring wells should:

- be adequately sealed near ground level with cement-based grout
- have a security cover over the top
- be constructed in such a way as to prevent surface water and extraneous material, such as insects, entering the wells.

Well location

As well as locating groundwater monitoring wells in such a way as to maximise the likelihood of intercepting groundwater contaminated by hydrocarbons and up-gradient water entering the site, consideration should be given to installing wells near the site boundary down the hydraulic gradient from the UPSS to assist in resolving any possible offsite migration issues. This recommendation particularly applies where contamination is detected in wells installed on a site in a remote location.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

The number of groundwater wells to be installed at a site is not fixed. As a minimum, one well should be installed up-gradient of the UPSS and two wells should be installed down-gradient. The location and number of groundwater wells installed on a UPSS site should be determined by a competent and experienced person to ensure adequate information is provided on up- and down-hydraulic gradient areas of any UPSS.

B2. Access to monitoring wells (location) plan

An up-to-date as-built drawing showing the location of each monitoring well and its designated number (e.g. MW 1, MW 2, etc.) must be kept on the site as part of the Environment Protection Plan and the plan made available upon request to any officer authorised under the *Protection of the Environment Operations Act 1997*, during a site audit or inspection.

B3. Record of groundwater well installation

A duly qualified person, such as an experienced contaminated land consultant, must provide the person responsible for a UPSS with records that demonstrate that all relevant design, installation and monitoring requirements for groundwater wells have been met. These should be included in the groundwater monitoring well report, required by clause 18(1)(d) of the UPSS Regulation.

Clause 26(1)(c) requires the groundwater monitoring report from the installation of monitoring wells to be kept for seven years from the date of decommissioning of a UPSS. This comprehensive groundwater monitoring well report should include, but is not limited to:

- a list of industry standards followed in the installation of wells
- the type/quantity of materials used in construction of the wells
- the geology intersected during drilling works
- details of the drilling/consulting company engaged
- the quality assurance/quality control and methods used during installation.

In addition, as-built schematic drawings of all groundwater wells on the site must be retained by the person responsible for a UPSS. The following should be noted on relevant as-built drawings:

- the site boundary
- the location of all tanks, pipework, filling points and dispensers that are part of any UPSS on the site
- the location of all groundwater monitoring wells and any tank pit observation wells
- a designated number (e.g. MW 1, MW 2, etc.) for each groundwater monitoring well and any tank pit observation wells
- a key for the groundwater monitoring wells indicating the surrounding geology (profile) and well construction materials used, including measurements showing depth to specific features, such as groundwater observed during installation
- the groundwater flow direction (noting any known or likely variations) at the time the plan was prepared
- survey (or similar) points showing elevations and how groundwater flow direction was measured

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

- the elevation of groundwater above the Australian Height Datum (AHD) in each groundwater monitoring well at the time the groundwater flow direction was determined
- the location of any barriers or preferential pathways, such as service trenches, in the substrate
- the approximate location and/or distance to any sensitive potential receiving environments near the site
- the date the plan was prepared
- where known, the location of any other potential sources of (hydrocarbon) contamination immediately up-gradient of the site
- any other relevant information that provides the rationale for the location of the groundwater monitoring wells and any tank pit observation wells.

The plans and notes are required to demonstrate that the groundwater wells are located in such a manner as to maximise the likelihood of intercepting groundwater contaminated by hydrocarbons. The plans should be updated as necessary: for example, any additional wells or new information on groundwater flow direction must be noted.

B4. Tank pit observation wells

Tank pit observation wells are used for environmental sampling of tank pit liquid and vapour. They are typically installed at the time a UPSS is installed, prior to backfilling of the tank excavation. A tank pit observation well does not have to penetrate the groundwater table as this is not its specified purpose, but if it does, it may be installed in addition to groundwater monitoring wells.

Tank pit observation wells may even be installed *instead of* groundwater monitoring wells where:

- the receiving environment of any groundwater flow that could potentially contain hydrocarbons is particularly sensitive and in close proximity to tanks, such as when the UPSS site is near surface waters or a dwelling with a basement
- the UPSS is located directly adjacent to the site boundary.

A tank pit observation well should only be used as a groundwater monitoring well if it intercepts the aquifer and conforms to the other requirements of these guidelines.

Installation

When installing a tank pit observation well, a competent and experienced person should confirm all of the following construction details have been met:

- the well is installed to intercept the tank excavation area or be as close to it as is technically feasible
- the tank pit excavation is graded to a low point where a tank pit observation well has been installed to within 150 millimetres of the low point
- at least one tank pit observation well is installed in each individual tank excavation (and there is a minimum of two wells for excavations with two or more tanks)
- the well does not penetrate the bottom of the tank excavation and terminates at least 150 millimetres below the bottom of the tank
- the well is able to detect the presence of petroleum vapour and/or enable confirmation of free-phase petroleum in the tank excavation
- the well is clearly marked and secured to avoid unauthorised access and tampering

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

- the well is sealed from the ground surface to the top of the filter pack.

Monitoring/sampling

When necessary (and when groundwater is present), a water sample should be obtained from a tank pit observation well and inspected or analysed for evidence of petroleum. Inspection may include visual assessment for a sheen and, if warranted, the use of an interface meter. A water sample for laboratory analysis may be obtained using a portable (disposable) bailer or other suitable device (see 'Section B5: Visual test' below on using a bailer to sample from the subsurface).

If no water is present in the tank pit observation well, a portable vapour detection device should be used to sample for the presence of petroleum vapours in the well.

B5. Groundwater testing

Testing²⁰ of groundwater should include, as a minimum, preliminary detection methods such as visual checks and/or the use of interface probes (IPs) as outlined below.

More sophisticated sample collection and assessment methods, *in situ* monitoring and laboratory analysis techniques can also be used to test groundwater.

Clause 21(1)(a) of the UPSS Regulation requires the groundwater in each monitoring well to be tested for the presence of hydrocarbons every six months. Testing may include:

- visual assessment to check for a sheen on top of a water sample collected from the monitoring well²¹
- using an interface probe (IP) monitoring device test.

The test procedures must be performed at least every six months until the UPSS is decommissioned or as a part of an investigation when a leak from a system is suspected or identified.

Visual test

For each groundwater monitoring well, the following tests should be undertaken using a transparent bailer, which is one of the following:

- a disposable bailer, used only once
- a bailer designated for exclusive use for that well
- a bailer that has been properly decontaminated prior to being reused in another well.

The well should be checked for the presence of hydrocarbons by using the bailer to obtain a single groundwater sample, with the following checks made immediately after the sample is raised from the well:

- visual check for a sheen by looking across the water surface in a bright light
- visual check of the outside of the bailer for a sheen or any sign of hydrocarbons.

Interface probes being used to detect the presence of phase-separated hydrocarbons should be undertaken prior to inserting the bailer into the monitoring well.

²⁰ 'Testing', in the context of the UPSS Regulation, means visual assessment or use of interface probes and/or gauges to detect whether hydrocarbon contamination is present.

²¹ All occupational health and safety precautions must be followed when assessing groundwater for contamination using monitoring devices (including odour/visual).

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

The bailer should be slowly lowered into the monitoring well and not completely immersed, to record any petroleum which may be on top of the water within the groundwater well. This allows any petroleum present to be viewed when the bailer is slowly removed.

All health and safety precautions should be followed in accordance with the Occupational Health and Safety Plan for the site.

Interface probe test

The interface probe test should be:

- performed before any water samples are collected from the monitoring well
- conducted by an appropriately qualified and experienced person
- able to detect the presence of a minimum thickness of three millimetres of free-phase hydrocarbons.

The interface probe should be slowly lowered into the monitoring well to intercept the top of the water table, in order to detect the presence of any phase-separated hydrocarbons.

An interface probe with a resolution of one millimetre should be used, as this will assist in detecting any leaks at an early stage before more significant contamination occurs.

Groundwater test records

The details of these tests should be recorded on the UPSS Regulation Groundwater Monitoring Test Record below. The records should include:

- the date and time of the tests
- any observations, such as evidence of an odour or sheen or indication of the presence of free-phase hydrocarbons
- the name and signature of the person who conducted the tests.

Copies of these records must be kept for at least seven years after the date the tests occurred (see Section 4.7 of these guidelines)

If it is determined that there are free-phase hydrocarbons on the site or it is likely that offsite migration of hydrocarbons is occurring or has occurred, the appropriate regulatory authority (ARA) must be notified using the UPSS Regulation leak notification form (Appendix F).

Groundwater monitoring test record sheet
Six-monthly visual inspection

Site name (or name of business)		WorkCover dangerous goods notification no. and expiry date	
Address			
Lot and DP no.			
Observations (Visible evidence of sheen or evidence of free-phase hydrocarbons, etc.)			
Well no.	Date	Time	Type of test (Visual inspection)*
Note: <i>This form must be kept for at least seven years from the date of the last test recorded.</i>			

* Record of interface probe results should be recorded on a separate sheet by a suitably qualified and experienced person.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Temporary suspension of six-monthly test

The six-monthly tests may be temporarily suspended when the appropriate regulatory authority has been informed that hydrocarbon contamination has been detected on a site being investigated, remediated, monitored or validated, provided an equivalent alternative groundwater monitoring program is introduced during the suspension.

The suspension of testing should only occur where all of the following requirements can be met:

- it can be demonstrated that for the period during which the six-monthly tests are suspended, equivalent alternative groundwater monitoring will be conducted on the site and this monitoring is at least as likely to detect any groundwater contamination as the six-monthly tests
- a duly qualified person, such as an experienced contaminated land consultant, designs and implements the equivalent alternative groundwater monitoring, and monitors and manages the contamination on the site for the period of the temporary suspension
- all reports related to the investigation, remediation, monitoring or validation of hydrocarbon contamination on the site, and the temporary suspension of the six-monthly tests, provide clear details indicating:
 - when the equivalent alternative groundwater monitoring commenced (or is likely to commence) and when it ceased (or is likely to cease)
 - how the equivalent alternative groundwater monitoring occurring on the site is (or was) at least as likely to detect any groundwater contamination as the six-monthly tests
- the six-monthly tests will be resumed within six months of the equivalent alternative groundwater monitoring regime ceasing.

B6. Groundwater sampling and analysis

Groundwater must be sampled from each of the monitoring wells and analysed²² in the laboratory for the presence of hydrocarbons within 30 days of:

- the installation of a new groundwater monitoring well on the site
- the discovery that groundwater may be contaminated (as a result of the six-monthly test, other visual observation or an interface probe)
- the discovery of a leak in the storage system whether as a result of the loss monitoring (Section 4.2 of the UPSS Guidelines) and/or loss detection investigation procedures (Section 4.3) or otherwise.

Where hydrocarbon contamination is identified, all necessary corrective action should be taken to identify and remove the source (stop the leak or spill) and remediate both soil and groundwater as necessary.

The early detection of leaks is likely to reduce the cost of remediation significantly.

Further information on sampling, assessing and analysing groundwater can be obtained from:

- *Guidelines for the assessment and management of groundwater contamination* (DEC 2006)

²² 'Sampling and analysis', in the context of the Regulation, means laboratory analysis to determine whether any hydrocarbons are present and their concentrations.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

- *AS/NZS 5667.1–1998: Water quality sampling – Part 1 Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples* (AS/NZS 1998)
- *Approved methods for the sampling and analysis of water pollutants in New South Wales* (DEC 2004).

Sample handling

Samples should be collected and handled in a manner that is consistent with the collection, handling and preservation principles in the following documents or any updated versions of them, where appropriate:

- *Murray–Darling Basin groundwater quality sampling guidelines: Technical report no. 3* (Murray–Darling Basin Commission 1997)
- ‘Schedule B(2): Guideline on data collection, sample design and reporting’ in *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 1999a)
- ‘Schedule B(3): Guideline on laboratory analysis of potentially contaminated soils reporting’ in *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 1999b)
- *Standard methods for the examination of water and waste water*, 21st edition (section 1060) (APHA 2005)
- *Test methods for evaluating solid waste: Physical/chemical methods SW-846*, 3rd edition (USEPA 1992)
- *Groundwater Issue: Low-flow (minimal drawdown) groundwater sampling procedures* (USEPA 1996).

Contact a National Association of Testing Authorities (NATA) laboratory for advice on appropriate sampling, handling and preservation procedures.

The samples should be collected and handled:

- by an appropriately qualified and experienced person
- so that they are representative of the condition being investigated
- in a manner that minimises the loss of any volatiles.

Samples should be submitted to a laboratory under appropriate conditions and within the holding time of the test being performed.

The samples should be collected and transported under a chain of custody system²³ that fully records, for each sample, the following:

- identification code
- person who conducted the sampling
- receiving laboratory
- nature of sample
- collection time and date
- analyses to be performed
- sample preservation method

²³ Consistent with Schedule B(2) of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 1999a).

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

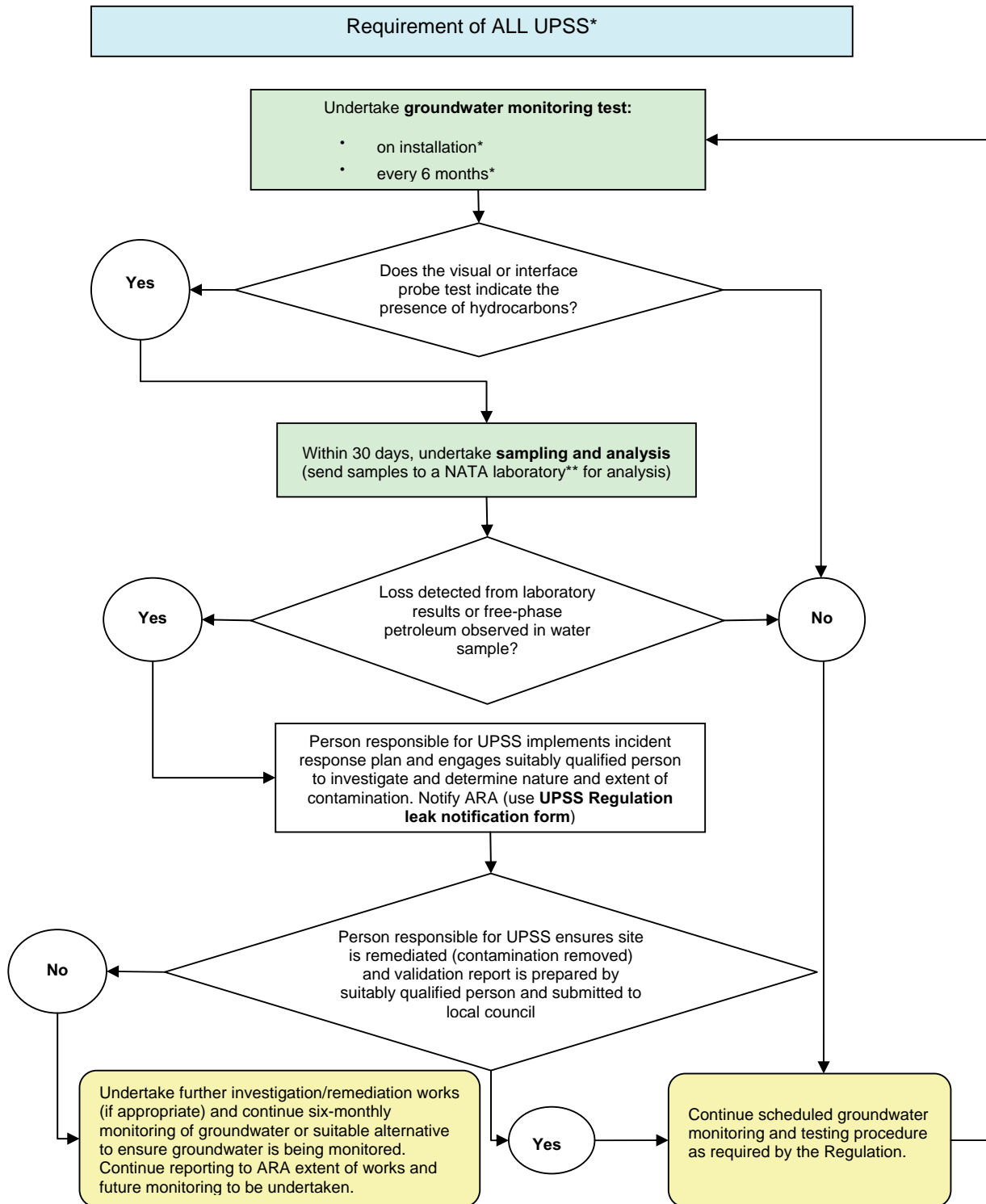
- departure time from the site
- dispatch courier(s).

Analysis

Analyses are to be undertaken by a laboratory accredited to perform these tests by an independent accreditation body acceptable to DECC, such as a NATA-registered laboratory or equivalent. The report by the laboratory should include checking of internal QA/QC procedures.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Testing, sampling and analysing for groundwater contamination



* Old UPSS must install and sample groundwater wells by 1 June 2011.

** Laboratory accredited by the National Association of Testing Authorities

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Appendix C: UPSS earthing requirements

Industry best practice requires that earthing for fill points and vapour recovery points in a UPSS should meet the requirements of *AS4897-2008: Design, installation and operation of underground petroleum storage systems* (AS 2008a), as below:

Steel piping

The vertical riser beneath the fill point and the vapour recovery point should be buried in direct contact with the backfill, bonded to any steel fill point fitted with a spill containment device, and not wrapped with any tape or material.

Where possible, the resistance to earth should not exceed 100 ohms. Where this cannot be achieved, an earth rod should be installed.

Non-steel piping

The fill adaptor and vapour recovery adaptor should be connected to an earth rod and bonded to any steel fill point fitted with a spill containment device.

The resistance to earth should not exceed 10 ohms. Alternatively, a steel vertical riser should be installed and buried in direct contact with the backfill, bonded to any steel fill point fitted with a spill containment device, and not wrapped with any tape or material.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Appendix D: Loss monitoring methods

Section 4.2 of the UPSS Guidelines outlines the requirements for loss monitoring. Under clause 19(4) of the UPSS Regulation, the loss monitoring procedure must be able to measure discrepancies between the amount of petroleum that should be in the system, and the actual amount present. The loss monitoring method must be certified as able to detect losses of petroleum from any part of the system at 0.76 litres per hour, with at least 95% accuracy.

Individually, inventory control and stock reconciliation information are insufficient to meet the detection levels required by the UPSS Regulation. However it is important to maintain these records as they can be used as input for a more precise means of loss monitoring. The person responsible should ensure appropriate tank dipping and/or gauging, checks for water, and records of sales and deliveries are kept, as described in *AS4897–2008: Design, installation and operation of underground petroleum storage systems* (AS 2008a).

This appendix presents an overview of various loss monitoring methods that may be used to meet the specific requirements of the UPSS Regulation.

D1. Statistical inventory reconciliation analysis

Statistical inventory reconciliation analysis (SIRA) is an acceptable method of loss monitoring if it is certified as able to meet the performance criteria in clause 19(4): able to detect losses of petroleum from the system at 0.76 litres per hour, with at least 95% accuracy.

SIRA is a procedure based on the statistical analysis of a series of daily inventory records taken at a UPSS site and is usually provided as a service by a vendor.

If being used as a loss monitoring system, SIRA must:

- meet the standard requirements of *AS4897–2008* (AS 2008a) or an equivalent standard in terms of protection of human health and the environment
- be carried out in accordance with the manufacturer's written instructions for the specific SIRA requirements.²⁴

A loss monitoring result for a particular period that satisfies the performance target criteria is considered a 'PASS', as defined in the table below. Where a 'FAIL' or 'INCONCLUSIVE' result is registered, effective and fail-safe procedures should be in place to ensure appropriate follow-up action is taken by the person responsible to check whether a leak has occurred.

SIRA results and definitions

SIRA result	SIRA-related definition
PASS	According to the analysed data, the UPSS does not appear to have been leaking over the time period being tested.
FAIL	Analysed data indicates a loss of petroleum from the system or an influx of groundwater or petroleum. A FAIL result does not necessarily indicate that the system is leaking and it might be a false alarm which needs to be checked. Where an error is subsequently detected, this should be corrected to ensure this does not happen in the future.

²⁴ The person responsible for a UPSS should retain all records relating to the certification of the method, performance standard and operational requirements of SIRA.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

SIRA result	SIRA-related definition
INCONCLUSIVE	<p>Analysed data cannot differentiate between PASS or FAIL.</p> <p>There is a chance that the information provided to the SIRA vendor is missing or not usable and therefore it is not possible to make a determination.</p> <p>Whatever the reason, an INCONCLUSIVE result means, in effect, that there has been a <i>failure</i> to conduct an accurate loss detection assessment of the UPSS over the time period being tested.</p>

If the reason for a FAIL or INCONCLUSIVE result cannot be easily identified, the person responsible for the UPSS must implement the loss detection and investigation procedure outlined in Section 4.3 and Appendix E of these guidelines.

Monetary reconciliation analysis for accountancy processes and determining profit/loss margins related to petroleum sales (e.g. WetStock) is not a suitable substitute for SIRA. It can, however, be used in conjunction with SIRA to enhance or provide another form of reconciliatory evidence for loss monitoring.

A SIRA-based loss monitoring system is not appropriate for UPSS containing used (waste) oil, although under a current Class 1 Exemption, these facilities do not need to have a loss monitoring procedure. See 'Appendix A: UPSS Regulation Exemption Plan' for details.

D2. Tank gauging (automatic or manual dipping)

Tank gauging may be manual using a calibrated dipstick or automated when automatic tank gauging (ATG) systems or sensor probes are used. Whatever method is used to gauge the depth of petroleum (and water) in a tank, it should be undertaken by a competent person trained to use that system and the results reported in a format appropriate for the intended end use.

ATG systems

ATG systems can operate in TEST or INVENTORY mode. They are evaluated and certified by a third party and have different capabilities in terms of tank size, product stored, and probability of detection versus a false alarm. Where they are certified as capable of meeting the performance requirement of clause 19(4) in TEST mode (able to detect losses of petroleum from the system at 0.76 litres per hour, with at least 95% accuracy), ATG can be used as a loss monitoring method. Where they do not meet these criteria, the data collected can be used to feed into SIRA systems of loss monitoring (see above).

Water around a tank may hide a leak by temporarily preventing the product from leaving the tank. To detect a leak in this situation, the ATG system should be capable of detecting water in the bottom of a tank.

Manual dipping

Manual tank dipping alone cannot meet the detection limit of 0.76 litres per hour and is therefore **not** an acceptable loss monitoring method. However, it can provide data for SIRA. It is a relatively simple procedure but must be performed properly to obtain an accurate result. Following the correct procedure minimises the potential for errors in readings from petroleum creeping up the stick and/or vaporisation of the petrol while the reading is being taken. The correct procedure for manual tank dipping is available from industry representatives who supply loss monitoring services, such as SIRA.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

The dip stick should be made of non-sparking material and be in good condition. Sticks that have worn or cut-off ends and worn-off numbers and varnish coatings are not acceptable and should be replaced.

The quality of readings from a dip stick improves if a petroleum-sensitive paste is smeared over about 150 mm of the stick where the water/petroleum interface is thought to be. The paste changes colour where it comes into contact with the petroleum level. A water-sensitive paste can also be used on the end of the stick to monitor for the presence of water in the bottom of the tank. While water in the tank may originate with deliveries or as the result of condensation of moisture inside the tank, it can also come from groundwater leaking in through holes or loose fittings associated with the tank.

D3. Interstitial monitoring

Interstitial monitoring is a method used in double-walled (secondary containment) tanks and piping systems. This method detects leaks before they are released into the environment by monitoring the space between the tank and/or piping and a second barrier. The monitoring may be done:

- manually by visual inspection or using a dipstick
- by measuring a change in the level of brine in the interstitial space
- by electronic sensors
- by pressure balancing methods.

A regular inspection program (usually monthly) should be implemented by a competent and experienced person in accordance with the manufacturer's specifications to ensure:

- the system is operational
- loss monitoring measurements (e.g. liquid or pressure levels) are within the manufacturer's recommended tolerances
- loss monitoring measurements are recorded and all discrepancies documented
- any losses that exceed the manufacturer's leak detection tolerances are reported to the person responsible for the UPSS immediately.

Interstitial monitoring may be used as the sole method of loss monitoring if all the tanks and piping are monitored using this method and it has been certified by a third party as able to meet the performance criteria of the UPSS Regulation (able to detect losses of petroleum from the system at 0.76 litres per hour, with at least 95% accuracy).

D4. Loss monitoring for piping

In combination with tank monitoring, loss monitoring methods for piping include secondary containment with interstitial monitoring, vapour monitoring, groundwater monitoring, SIRA and tightness testing.²⁵ Any leak detection system must be able to detect a leak of 0.76 litres per hour with at least 95% accuracy, in line with requirements of the UPSS Regulation.

UPSS may have suction piping or pressurised piping.

²⁵ For further information, see the US Environmental Protection Agency website on leak detection for underground piping: www.epa.gov/OUST/ustsystem/leakpipe.htm

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Suction piping

Suction piping which meets the following design and installation requirements may not require loss monitoring, as this system should ensure suitable leak prevention:

- the piping normally operates at less than atmospheric pressure
- the piping allows its contents to drain back into the tank if the suction is released
- a single check valve is installed vertically in the piping and located directly below, and as close as practical to, the suction pump dispenser.

A suitably competent and experienced person must determine that the piping satisfies the above requirements.

If, however, more than one check valve is in the line and/or a check valve is located on top of the tank,²⁶ the above design and installation requirements will not be met. In these cases, the suction piping should be used in conjunction with an appropriate loss monitoring system. The piping must be calibrated and commissioned in accordance with the manufacturer's instructions for the loss monitoring system.

Pressurised piping

Pressurised piping must have an automatic line leak detector and be able to be activated and operational whenever the piping is in use.

The system must be installed, calibrated and commissioned in accordance with the manufacturer's instructions for the loss monitoring system.

D5. Equipment integrity testing

Equipment integrity testing (EIT) of a UPSS is not the preferred method for loss monitoring. It can be costly and thus is not carried out frequently enough to qualify. However if it is necessary to use EIT for loss monitoring, discussed with DECC on a site-by-site basis.

An explanation of the requirements of EIT to test and investigate a UPSS for a leak is outlined in Section 3.2 of these UPSS guidelines.

D6. Loss monitoring for UPSS storing used (waste) oil

In some cases where a UPSS contains used (waste) oil, loss monitoring procedures may be the same as for a UPSS containing petroleum, although there are some exceptions. However it should be noted that statistical inventory reconciliation analysis (SIRA) is not a suitable method.

Inventory control as a loss monitoring system for UPSS containing waste oil should be performed using manual tank gauging on tanks with a capacity of 5500 litres or less.

The person responsible for a waste oil UPSS should maintain a system of inventory control reconciliation in accordance with industry-accepted practices, such as *AS4897-2008* (AS 2008a).

Tank gauging performed on waste oil tanks must comply with industry-accepted practices.

²⁶ If a single check valve is located immediately beneath the dispenser, any leak in the piping will either release the suction and the petroleum will drain back into the tank or the dispenser will not operate properly. However if there is more than one check valve on the line or the check valve is located immediately above the tank, the product could be held in the piping, increasing the risk of a leak and making loss monitoring a requirement.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Appendix E: Loss detection investigation

To assist in determining the cause of a discrepancy identified during loss monitoring, the following system checks may be initiated (where appropriate) by the person responsible for a UPSS.

Suggested loss detection investigation: System checks

Suspected issue to investigate	Loss/Gain?	System check
Inventory records	Loss or gain	Check the inventory control records of the preceding three months (or to a point when records are deemed satisfactory) to ensure the discrepancy has not been caused by a record-keeping error
Security/pilfering	Loss	Check the following: <ul style="list-style-type: none"> • for sites that do not operate continuously (non-24 hour sites), that all tank openings (e.g. dip and fill points) are secured, in particular after hours • on self-serve sites, that controlled authorisation of dispensers is operating • where available, CCTV or similar security system.
Dip stick	Loss or gain	Check the following: <ul style="list-style-type: none"> • dip stick for wear/damage and replace if necessary • each tank has the correct dip stick • if using automatic tank gauging, that the system is operating to the manufacturer's specifications.
Water	Gain	Check each tank for the presence of water by: <ul style="list-style-type: none"> • use of an interface probe, or • water-finding paste on a dipstick. <p>Identify entry point(s) (e.g. if tank has a hole or water is entering via open valve, fill point, etc.).</p>
Pumps and piping manifolds	Loss	For a dispenser with a pump located inside the dispenser unit, remove covers and check valves and pipework for leaks, both during operation and when switched off. For submersible pumps, lift the pump cover and check wells for leaks. For piping manifolds, lift the pit cover and check for any leak.
Tank pit observation wells and groundwater monitoring wells	Loss	Check: <ul style="list-style-type: none"> • for any evidence of petroleum in the tank pit observation well and/or groundwater monitoring well using a measuring instrument such as an interface probe or a clean see-through bailer lowered slowly into the well to observe water interface • for vapours by using a portable gas analyser. <p>Undertake further investigation of the system to identify the source of leak.</p>

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Suspected issue to investigate	Loss/Gain?	System check
Vents	Loss	Check: <ul style="list-style-type: none"> • vent caps for any visible blockages • vents for evidence of petroleum blow-out at either vent outlet or below vents on ground or buildings.
Dispenser pumps are over or under dispensing	Loss or gain	Check: <ul style="list-style-type: none"> • that dispenser totals and console totals are recorded and operating within their accepted tolerances and that the records produced by each, for the same period, correlate within acceptable limits • the maintenance schedule and calibration of dispensers.
Sales test	Loss or gain	Determine tank and dispenser relationships by identifying single stock systems. Establish opening stock datum and do not alter the single stock systems for the duration of the sales test. During the sales test the operator should satisfy the requirements of the delivery procedures and run the test for five days unless significant loss or gain variations can be determined in a shorter period. The final stock reconciliation should be performed by the person responsible.
Interstitial monitoring (for appropriately designed UPSS only)	Loss	Check: <ul style="list-style-type: none"> • the system is active • leak detection measurements (e.g. liquid levels or pressure levels) are within the manufacturer's tolerances • leak detection measurements have been recorded for the system. Where any previous losses outside the manufacturer's leak detection tolerances have been reported in the last six months, undertake further investigation of the system to identify the source of leak.
Human error	Loss or gain	Check: <ul style="list-style-type: none"> • UPSS installation records – Was the installer accredited/certified? • for inaccurate measuring/recording • delivery losses/tank filling activities • for inadequate system management • failure to complete physical system checks.
Recent repairs undertaken on UPSS	Loss or gain	Check: <ul style="list-style-type: none"> • maintenance of records • if repair and reuse was performed, whether compatible materials were used.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Suspected issue to investigate	Loss/Gain?	System check
Temperature	Loss or gain	Check: <ul style="list-style-type: none">• delivery temperature correction• calculations have been temperature-corrected to 15°C (or recommended ambient temperature).
Equipment integrity test	Loss or gain	If none of the above investigations reveals a reason for the discrepancy in the reconciliation records, an EIT may be considered and performed in accordance with Section 3.2 of the UPSS Guidelines.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Appendix F: UPSS Regulation leak notification form

Note: This form may be downloaded from www.environment.nsw.gov.au/upss.htm

UPSS Regulation Leak Notification Notification under Part 5.7 of the <i>Protection of the Environment Operations Act 1997</i>	
<p><i>This form provides specific guidance for reporting pollution incidents where a leak from an underground petroleum storage system (UPSS) is identified. This form should be completed where one or more of the following scenarios applies to the UPSS site (tick where appropriate):</i></p> <p><input type="checkbox"/> A leak from the UPSS is verified in accordance with Section 4.3 Loss Detection and Investigation or Section 4.4 Incident Management Procedures outlined in the UPSS Guidelines</p> <p><input type="checkbox"/> There is evidence on the site of free-phase hydrocarbons in surface water and/or groundwater</p> <p><input type="checkbox"/> There is evidence that offsite migration of hydrocarbons could occur, is occurring, or has occurred.</p> <p>Note: This form should be sent to the appropriate regulatory authority within 30 days of a pollution incident being detected by the person responsible for the UPSS.</p>	
<p>Section A: UPSS site details</p>	
<p>Site name (or name of business):</p>	<p>Local Government Area (Council):</p>
<p>Nature of activity at the site:</p>	<p>Lot and DP number:</p>
<p>Street address:</p>	
<p>Environment Protection Licence number (if applicable):</p>	
<p>Dangerous Goods Licence/Notification Number (and date of expiry) (if applicable):</p>	
<p>Site characteristics (if known)</p>	
<p>Site substrate type:</p> <p><input type="checkbox"/> Sand <input type="checkbox"/> Other <input type="checkbox"/> Silt (please specify) <input type="checkbox"/> Clay <input type="checkbox"/> Rock <input type="checkbox"/> Unknown</p>	<p>Direction of groundwater flow:</p>
	<p>Depth to groundwater:</p>

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Section B: Details of the incident <i>(Attach additional papers if necessary)</i>	
Date incident occurred or leak identified:	Duration of incident (or date leak stopped):
Nature of incident:	
Circumstances in which the incident occurred (including the cause of the incident, if known):	
<input type="checkbox"/> Leaking tank <input type="checkbox"/> Overfilling <input type="checkbox"/> Other (please specify) <input type="checkbox"/> Leaking piping <input type="checkbox"/> Spill <input type="checkbox"/> Structural failure <input type="checkbox"/> Unknown	
Location of the incident (maps and/or diagrams may be included):	
Location of any place where pollution is occurring or is likely to occur (maps and/or diagrams may be included):	
What aspects of the environment are affected? (tick all that apply):	
<input type="checkbox"/> Air <input type="checkbox"/> Surface water <input type="checkbox"/> Soil <input type="checkbox"/> Other (please specify) <input type="checkbox"/> Groundwater <input type="checkbox"/> Stormwater <input type="checkbox"/> Sediments	
Nature of any pollutants involved:	
<input type="checkbox"/> Unleaded petrol <input type="checkbox"/> Other, e.g. additives (please specify) <input type="checkbox"/> Lead replacement <input type="checkbox"/> Diesel <input type="checkbox"/> Kerosene <input type="checkbox"/> Waste oil	
Estimated quantity or volume of pollutants involved:	Concentration of any pollutants involved:

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Action taken or proposed to be taken to deal with the incident and any resulting pollution or threatened pollution:	
Any other relevant information (e.g. adjoining land uses, other possible source(s) of pollution):	
Section C: Person responsible* for the UPSS site (refer to UPSS Regulation or see Section 1.6 of the UPSS Guidelines)	
<i>* The person responsible is the person who has management and control of the system. If the 'person' responsible is a corporation, an individual who is authorised to act on the organisation's behalf must be nominated.</i>	
Name:	Phone no(s):
Contact person (if person responsible is not a natural person):	Address:
Section D: Details of person who submitted notification	
Name:	Position:
Address:	Phone no(s):
Signature:	Date:

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

<p><i>If you fail to report a pollution incident which poses material harm to the environment as required under Part 5.7 of the Protection of the Environment Operations Act 1997, you commit an offence. The maximum penalty is \$1,000,000 for corporations or \$250,000 for individuals.</i></p>	
<p><i>A person is required to notify a pollution incident under Part 5.7 of the Act even though to do so might incriminate them or make them liable to a penalty.</i></p> <p><i>Any notification given by a person under Part 5.7 of the Act is not admissible in evidence against the person for an offence or for the imposition of a penalty.</i></p>	
<p>Please send completed form to:</p>	<p>Email: upssreg@environment.nsw.gov.au</p> <p>Post (if before 31 May 2012): Contaminated Sites – UPSS Department of Environment and Climate Change NSW PO Box A290 Sydney South NSW 1232</p> <p>Local Council (if after 1 June 2012).</p>

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Acronyms

ARA	Appropriate regulatory authority
AS	Australian Standard
ATG	Automatic tank gauging
CLM Act	<i>Contaminated Land Management Act 1997</i>
DECC	Department of Environment and Climate Change NSW, incorporating the Environment Protection Authority
DWE	Department of Water and Energy
EIT	Equipment integrity test
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPP	Environment Protection Plan
LPG	Liquid petroleum gas
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
QA/QC	Quality assurance/quality control
SIRA	Statistical inventory reconciliation analysis
UPSS	Underground petroleum storage systems
USEPA	United States Environmental Protection Agency

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Glossary

Appropriate regulatory authority (ARA)	See definition in POEO Act, although in the context of the UPSS Regulation, DECC is the ARA for the first four years from commencement of the Regulation after which the ARA will be the relevant local council. Councils remain the ARA for all other matters at a UPSS site not directly associated with the operation of the storage system, such as noise and stormwater.
As-built drawings	Detailed site plans (to a recognisable scale) which depict the final installed configuration of any part of a UPSS and any construction deviations showing all features of the storage site as <i>currently</i> built. They do not include the pre-constructed drawings.
Catchment basin	In relation to a UPSS, a sealed bucket which fits around the fill pipe below ground which is designed to be large enough to collect any spills when the fill hose is uncoupled from the fill pipe
Cathodic protection system	Method of preventing or reducing corrosion of a metal surface by making the metal a cathode (i.e. the positive charge) by using either an impressed direct current or attached sacrificial anodes
Collection system	In relation to stormwater or wastewater, piping, pumps, conduits and any other equipment necessary to collect and transport the flow of surface water runoff from precipitation, or domestic, commercial or industrial wastewater to and from retention areas or any areas where treatment is designated to occur
Decommission	In relation to a UPSS, to permanently abandon the use of a system or render it permanently unusable
Discrepancy or loss investigation	Procedure to verify variation in petroleum volume and identify how and/or where the loss (or gain) of petroleum has occurred
Dispenser	Measuring or metering unit designed specifically to dispense petroleum from a storage system to a vehicle or other receptacle, including all components, external and internal, mechanical, electrical and hydraulic
Duly qualified person	A person who has competencies and experience (in relation to a specific activity) that are recognised as appropriate for that activity by the relevant industry
Environmentally sensitive zone	The buffer around a sensitive feature, such as a groundwater bore or surface water body, which DECC estimates is necessary to provide an acceptable level of protection in the event of a leak or spill from a nearby UPSS.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Environmentally unsatisfactory manner	<p>For the purpose of Part 4.3 of the POEO Act, an activity is carried out in an ‘environmentally unsatisfactory manner’ if:</p> <ul style="list-style-type: none"> • it is carried on in contravention, or in a manner that is likely to lead to a contravention, of this Act, the Regulations or a condition attached to an environment protection licence (including a condition of a surrender of a licence) or an exemption given under this Act or the Regulations, or • it causes, or is likely to cause, a pollution incident, or • it is not carried on by such practicable means as may be necessary to prevent, control or minimise pollution, the emission of any noise or the generation of waste, or • it is not carried on in accordance with good environmental practice.
Environment Protection Plan	Environment Protection Plan referred to in clause 19 of the UPSS Regulation
Equipment integrity test (EIT)	A test conducted to evaluate whether a storage system is providing containment as originally designed, in accordance with the manufacturer’s specification. The EIT must be able to detect a leak of 0.38 litres per hour from tank or pipe work, with a probability of detection at least 95% of the time and a false detection of 5% or less.
Fuel	Class 3 dangerous good or Class C1 combustible liquid intended to be combusted for the production of energy. It may include petrol, diesel, kerosene, aviation fuel, marine fuel, heating oil, bio-fuel and/or white spirits, but does not include used (waste) oil or LPG.
Groundwater monitoring	The collection and assessment (visual and/or analytical) of one or more water samples from a groundwater monitoring well for any evidence of contamination, allowing the potential detection of a leak from a UPSS beyond the tank pit excavation for the system
Groundwater monitoring well	A well that has been purposely installed as part of a groundwater monitoring system around a UPSS site. Must be located in an appropriate place to detect any leaked petroleum that may have migrated into the groundwater (or to characterise the quality of groundwater flowing onto a UPSS site).
Incident management procedure	In the context of these guidelines, a documented response procedure to manage a leak or spill of petroleum from a system; also known as leak or spill response procedure.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Installation (of a UPSS or any part of one)	The original installation of a system on the premises on which it is situated, including any work in the vicinity of the premises necessary for the installation and any alteration made before the system was first used
Inventory control (reconciliation)	A process for reconciling petroleum volume(s) (from accountable methods) of adding to and removing from a storage system
Leak	Any loss of petroleum from a storage system because the storage system is not providing full and continuous containment
Leak and spill response	An incident management procedure to contain and remediate a leak or spill, including the requirement to notify the appropriate regulatory authority of the leak or spill.
Loss detection	Procedures and processes able to identify the cause of a discrepancy (loss) from any part of a UPSS (i.e. a leak from tanks and/or pipework)
Loss monitoring procedure	One or more procedures for undertaking inventory control (reconciliation) of the petroleum in a system to identify a discrepancy in the volume of petrol (either loss or gain) and the means to record the results and trigger the need for any further action. The UPSS Regulation prescribes that the method of loss monitoring must be able to detect a leak of at least 0.76 litres per hour, with a probability of detection at least 95% of the time and a false detection of 5% or less.
Mandatory pollution protection equipment	The minimum equipment and infrastructure requirements for a storage system, necessary to ensure effective containment of any petroleum in the storage system (should a leak or spill occur). The UPSS Regulation prescribes: <ul style="list-style-type: none"> • non-corrodible secondary containment tanks and associated pipework, and • overfill protection devices.
Modification (of a UPSS or any part of one)	The upgrade, replacement, extension, removal or other alteration of a system, not including any alteration made before the system is first used
New UPSS	Any storage system that is not an old system (see definition for old UPSS).
Observation well	A well drilled either outside or within a tank pit (the latter known as a tank pit observation well) to monitor for the presence of petroleum or petroleum vapour in the surrounding soil (or backfill if it is installed in the tank pit) or groundwater if it is present

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Old UPSS	<p>Any storage system:</p> <ul style="list-style-type: none">• that was in use before 1 June 2008, or• that was being lawfully installed before 1 June 2008, or• that received development approval under the <i>Environmental Planning and Assessment Act 1979</i> before 1 June 2008, <p>but does not include a storage system that replaces any such system.</p>
Person responsible (for a UPSS)	<p>The person who has the management and control of a system or, if a system has been decommissioned, the person who had the management and control immediately prior to the system being decommissioned.</p>
Petroleum	<p>Any fuel that consists predominantly of a mixture of hydrocarbons derived from crude oil, with or without additives (such as ethanol), that is used, or could be used, as a fuel, and includes liquids such as petrol, diesel, gasoline, motor spirit, two-stroke, aviation fuel, heating oil, kerosene, and used (waste) oil.</p>
Piping	<p>Pipework within a UPSS that is integral to the transfer and routine containment of petroleum. Vent piping and vapour recovery piping are not classified as piping.</p>
Pollution incident	<p>An incident or set of circumstances during which, or as a consequence of which, there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring, or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but does not include an incident or set of circumstances involving only the emission of noise.</p>
Remediate	<p>In the context of these guidelines:</p> <ul style="list-style-type: none">• removing, dispensing, destroying, mitigating or containing the contamination of any land, or• eliminating or reducing any hazard arising from the contamination of the land, including by preventing the entry of persons or animals on the land.

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Sampling and analysis	In relation to groundwater, the collection of a representative groundwater sample which is then analysed in the laboratory for the presence and concentration of specific chemicals. The processes are to be undertaken in accordance with NEPC 1999a, NEPC 1999b, APHA 2005 and USEPA 1996. Sample and analysis can also apply to the collection of soil samples and subsequent laboratory analysis.
Secondary (leak) containment	For the purposes of the UPSS Regulation, equipment and infrastructure, such as double-walled tanks and double-walled piping (an interstitial space), which are designed to contain a leak and/or prevent it from escaping beyond the containment area of a UPSS.
Separator	A system which can be above or below ground and commonly used to separate the constituents of oily water into chambers or vessels so that each constituent may be managed and/or disposed of in an appropriate manner.
Significant modification	Any modification to an old or new UPSS that involves: <ul style="list-style-type: none"> • replacement of half or more of the tanks (at any one time), or • work which requires development consent, and triggers the need for the system to comply fully with the new Regulation.
Spill	Any loss of containment of petroleum from a storage system during physical management, such as: <ul style="list-style-type: none"> • transfer, delivery or removal • any UPSS operation • maintenance or testing • repair or closure.
Statistical inventory reconciliation analysis (SIRA)	A statistical assessment of inventory (volumetric) data (i.e. delivery, dispensing and retention volumes), which may be compensated (adjusted), as appropriate, to determine if a discrepancy in inventory control can be identified.
Storage system	In relation to a UPSS, one or more tanks completely or partially buried in the ground that contain, or are intended to contain, petroleum (including used oil), and includes any structure through which petroleum routinely passes from one part of the storage system to another part of the system (i.e. from the tanks to the dispensers), but does not include dispensers

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

Suitably qualified and experienced person	A person who has the relevant academic/technical qualification and practical experience to undertake work in a safe and effective manner, such as a contaminated land consultant (who will need appropriate tertiary qualifications and field experience)
Sump	In relation to a storage system, a structure used to collect spilled or excess oil, water, and other liquids in the system
Tank	A container or vessel intended for the storage of petroleum within a storage system that, for the purpose of the UPSS Regulation, is buried below the ground surface to such an extent that the base of the tank (in the ground) is not visible
Test	In relation to groundwater monitoring wells, includes visual assessment, use of interface probes and/or gauges, etc. to determine the presence of hydrocarbon contamination
Underground petroleum storage system (UPSS)	One or more tanks that are completely or partially buried in the ground which contain, or are intended to contain, petroleum, as well as any piping to, from or associated with the tanks to the inlet port of any dispensers, but not vent or vapour recovery piping
Used (waste) oil	Oil that has been used for lubricating or other purposes and has become unsuitable for its purpose due to the presence of impurities or loss of the original properties (and it is not intended for combustion)
Validation report	In relation to a storage system or a tank that forms part of a system, a validation report within the meaning of section 3.2 of the <i>Guidelines for consultants reporting on contaminated sites</i> (EPA 1997)

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

References and further reading

AIP 2002, *CP4: Code of practice for the design, installation and operation of underground petroleum storage systems*, Australian Institute of Petroleum, Canberra (superseded by AS4897–2008)

ANZECC and ARMCANZ 2004, *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand, Canberra

APHA 2005, 'Section 1060' in *Standard methods for the examination of water and waste water*, 21st edition, American Public Health Association, Washington DC

AS 2003, *AS2832.2–2003: Cathodic protection of metals – Part 2 Compact buried structures*, Standards Australia, Sydney

AS 2004a, *AS2832.1–2004: Cathodic protection of metals – Part 1 Pipes and cables*, Standards Australia, Sydney

AS 2004b, *AS1940–2004: Storage and handling of flammable and combustible liquids*, Standards Australia, Sydney

AS 2006, *AS1692–2006: Tanks for flammable and combustible liquids*, Standards Australia, Sydney

AS 2008a, *AS4897–2008: Design, installation and operation of underground petroleum storage systems*, Standards Australia, Sydney

AS 2008b, *AS4976–2008: The removal and disposal of underground petroleum storage tanks*, Standards Australia, Sydney

AS/NZS 1995, *AS/NZS1020–1995: Control of undesirable static electricity*, Joint Australian and New Zealand Standard, Sydney and Wellington

AS/NZS 1998, *AS/NZS 5667.1–1998: Water quality sampling – Part 1 Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples*, Joint Australian and New Zealand Standard, Sydney and Wellington

AS/NZS 2007, *AS/NZS3000–2007: Electrical installations* (also known as *New Zealand wiring rules*), Joint Australian and New Zealand Standard, Sydney and Wellington

DEC 2004, *Approved methods for the sampling and analysis of water pollutants in New South Wales*, Department of Environment and Conservation NSW, Sydney

DEC 2006, *Guidelines for the assessment and management of groundwater contamination*, Department of Environment and Conservation NSW, Sydney

DECC 2009a, *Incorporating requirements of the POEO (Underground Petroleum Storage Systems) Regulation 2008 in the planning and development process: UPSS guideline 1*, Department of Environment and Climate Change NSW, Sydney

DECC 2009b, *Site sensitivity assessment: UPSS technical note*, Department of Environment and Climate Change NSW, Sydney

DECC 2009c, *Site validation reporting: UPSS technical note*, Department of Environment and Climate Change NSW, Sydney

DLWC 1998, *NSW Groundwater Quality Protection Policy*, Department of Land and Water Conservation NSW, Sydney

DUAP 1998, *State Environmental Planning Policy No. 55: Remediation of land*, Department of Urban Affairs and Planning, Sydney

EPA 1994, *Contaminated Sites: Guidelines for assessing service station sites*, NSW Environment Protection Authority, Sydney

Guidelines for Implementing
the POEO (Underground Petroleum Storage Systems) Regulation 2008

- EPA 1995, *Contaminated Sites: Sampling design guidelines*, NSW Environment Protection Authority, Sydney
- EPA 1997, *Contaminated Sites: Guidelines for consultants reporting on contaminated sites*, NSW Environment Protection Authority, Sydney
- LWBC 2003, *Minimum construction requirements for water bores in Australia*, 2nd edition, Land and Water Biodiversity Committee, Canberra
- Murray–Darling Basin Commission 1997, *Murray–Darling Basin Groundwater Quality Sampling Guidelines: Technical report no. 3*, MDBC Groundwater Working Group, Canberra
- NEPC 1999a, 'Schedule B(2): Guideline on data collection, sample design and reporting' in *National Environment Protection (Assessment of Site Contamination) Measure 1999*, National Environment Protection Council, Canberra
- NEPC 1999b, 'Schedule B(3): Guideline on laboratory analysis of potentially contaminated soils' in *National Environment Protection (Assessment of Site Contamination) Measure 1999*, National Environment Protection Council, Canberra
- NSW WorkCover Authority 2005, *Code of Practice: Storage and handling of dangerous goods*, Gosford
- UL 2005, *UL971: Standard for non-metallic underground piping for flammable liquids*, Underwriters Laboratories Inc. USA
- USEPA 1989, *Methods for evaluating the attainment of cleanup standards: Volume 1 Soils and soils media (EPA 230/02-89-042)*, United States Environmental Protection Agency
- USEPA 1990, *Standard test procedures for evaluating leak detection methods: Volumetric tank tightness methods US EPA/530/UST-90/004*, United States Environmental Protection Agency
- USEPA 1992, *Test methods for evaluating solid waste: Physical/chemical methods SW-846*, 3rd edition, United States Environmental Protection Agency Office of Solid Waste and Emergency Response, Washington DC
- USEPA 1996, *Groundwater issue: Low-flow (minimal drawdown) groundwater sampling procedures*, United States Environmental Protection Agency National Risk Management Research Laboratory, Oklahoma
- USEPA 2000, *Standard test procedures for evaluating leak detection methods: Statistical inventory reconciliation methods (SIR) US EPA/530/UST-90/007*, United States Environmental Protection Agency
- USEPA 2008, *Meeting underground storage tank system requirements*, United States Environmental Protection Agency, available at www.epa.gov/oust/ustsystem/index.htm

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975**ANNUAL REPORT AND DETERMINATION****Director General Department of Premier and Cabinet****REPORT:**

1. The Tribunal's previous determinations considered that the office of Director General, Department of Premier and Cabinet warranted a remuneration level beyond the maximum of SES Level 8. The Tribunal continues to support this view noting the following:
 - The Cabinet Office and the Premier's Department were both previously headed by positions at SES 8 Level. The amalgamation of these two central agencies resulted in the office of Director General assuming the role and responsibilities previously performed by two office holders.
 - The Director General is responsible for ensuring that the delivery of services are aligned to the targets as articulated in *NSW 2021: A plan to make NSW number one*. The Director General is also responsible for driving statewide productivity reforms and developing state responses to COAG initiatives.
 - The remuneration for the office of the Secretary of the Department of Prime Minister and Cabinet is currently \$539,580 per annum effective on and from 1 July 2011.
2. The Tribunal has determined that CES and SES remuneration will be increased by 2.5 per cent effective 1 October 2011. For reasons similar to those outlined in the CES/SES determination the Tribunal considers that the 2.5 per cent is also an appropriate increase for the Director General, Department of Premier and Cabinet.

DETERMINATION

Pursuant to section 24C of the *Statutory and Other Offices Remuneration Act 1975*, the Tribunal determines that the remuneration package for the Director General, Department of Premier and Cabinet shall be \$539,580 effective on and from 1 October 2011.

Dated: 30 September 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

REPORT

and

DETERMINATION

under

SECTION 24C

of the

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

CHIEF EXECUTIVE AND SENIOR EXECUTIVE SERVICES

12 October 2011

www.remtribunals.nsw.gov.au

CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE ¹

1. Mr Alex Smith AO resigned as the Statutory and Other Offices Remuneration Tribunal effective from 30 June 2011. The Governor, pursuant to section 6 (2) of the Statutory and Other Offices Remuneration Act 1975 (the Act), appointed Ms Helen Wright as the new Tribunal for a term of three years from 12 July 2011.
2. The 2011 annual review has been conducted against the background of a significant legislative change which impacts on the Tribunal's ability to determine remuneration increases for office holders. This matter will be discussed in detail below.

Section 1: Background

3. Section 24C of the Statutory and Other Offices Remuneration Act 1975 (the Act) provides for the Tribunal to determine annual remuneration packages for the SES to take effect on and from 1 October in that year.
4. The SES was introduced in the NSW public sector in 1989. The key features of the SES are:
 - conditions of employment being fixed by contract
 - individual performance agreements
 - provision for performance pay based on performance assessment
 - remuneration packages expressed as total cost of employment.

The 2010 Review

5. The Tribunal's 2010 annual determination dated 29 October 2010 provided for a 4 per cent increase for each SES officer, subject to satisfactory performance.
6. As part of this review the Tribunal looked at the history of the SES since its creation in 1989. The Tribunal also looked at the conditions of SES employment since that time and compared remuneration increases with similar classifications in other jurisdictions and with Senior Officers.
7. The Tribunal concluded that there had been erosion in the conditions of employment and remuneration relativities for the SES since its creation in 1989. In addition, the Tribunal concluded that this erosion was worsened because of the reduction in SES numbers over this time (nearly 60 per cent). Also, the Tribunal was of the view that the SES has made and continues to achieve efficiency dividends from its leadership of the public sector and in driving the Government's reform agenda.

¹ Unless otherwise stated, the Chief Executive Service and Senior Executive Service are referred collectively in this Report and Determination as SES.

8. On that basis the Tribunal could not accept the Government's recommendation of an increase of 2.5 per cent. The Tribunal determined that an increase of 4 per cent would ensure that there would be no further erosion of SES remuneration vis-à-vis the Public Service generally and Senior Officers in particular.

Section 2: Submissions

Government submission

9. The Government's Submission recommends that the Tribunal approve an increase of 2.5 per cent for the SES. This recommendation is consistent with NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011*.
10. As in previous years the Government submission continues to argue for the need for wage restraint. While the Australian and NSW economies continue to weather the economic downturn better than many of their global counterparts, particularly the United States and the majority of the European countries, there is a need to achieve the expenditure commitments and key savings initiatives required to deliver the Government's priorities, particularly in the area of infrastructure.
11. For the 2011-12 year, Treasury is forecasting a revised budget surplus of \$204m. The budget result is lower than previously expected and reflects that expense growth has continued to exceed revenue growth. The forward estimates have also been revised to reflect a move away from the predicted modest budget surplus to a large and growing budget deficit from 2012-13. Treasury has advised that the Government is committed to the objective of maintaining fiscal results that are fiscally sustainable in the medium and long term. A key part of the strategy of the Government in securing medium and long-run fiscal sustainability is to control expenses growth. The Wages Policy is an example of such restraint.
12. The submission also makes the following comment about the challenges facing the SES over the coming year:

"The task at hand for Chief and Senior Executive Services Officers in the NSW public sector over the upcoming year is leading the integration of department's business services and operations; and engaging with and delivering citizen-centric services, while at the same time delivering the major reforms contained in NSW 2021... All this needs to be achieved in a tight budgetary environment."
13. The Government submission recommends that there be no change to the structure or quantum of recruitment and/or retention allowances. Noting that:

"the fiscal conditions that were in place at the time these Allowances were introduced and subsequently reviewed no longer apply."

14. The Government submission has also responded to the Tribunal's concerns in relation to salary compression between the SES and Senior Officers. The submission advises that a review of these matters, in particular the structure of the CES/SES and the Police SES, will be a priority for the NSW Public Service Commission.

Section 3 2011 Tribunal Review

Amendments to the Statutory and Other Offices Remuneration Act 1975.

15. On 27 June 2011, the Parliament passed amendments to the SOOR Act to apply the same government public sector wages cap that binds the Industrial Relations Commission to the determination of the remuneration for Ministers and other members of Parliament, local councillors, statutory officers, public sector executives and hospital visiting medical officers.
16. For the SOOR Act the amendments provide for the addition of a new section, Section 6AA.

“6AA Tribunal to give effect to declared government policy on remuneration for public sector staff

- (1) *This section applies to the following determinations of the Tribunal:*

- (a) *the determination under Part 3 of any alteration in the remuneration to be paid to office holders,*
- (b) *the determination under Part 3A of any alteration in the remuneration packages for executive office holders.*

This section does not apply to determinations relating to judicial officers (within the meaning of the Judicial Officers Act 1986) or to determinations relating to any office while held by a specified person.

- (2) *In making a determination to which this section applies, the Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.”*

17. Section 146C of the IR Act provides

“...146C Commission to give effect to certain aspects of government policy on public sector employment

- (1) *The Commission must, when making or varying any award or order, give effect to any policy on conditions of employment of public sector employees:*
- (a) *that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Commission, and*
 - (b) *that applies to the matter to which the award or order relates.*

(2) *Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.*"

18. The current policy on wages pursuant to section 146C (1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. Clause 6 of the Regulation provides;

"...Other policies

(1) *The following policies are also declared, but are subject to compliance with the declared paramount policies:*

- (a) *Public sector employees may be awarded increases in remuneration or other conditions of employment that do not increase employee-related costs by more than 2.5% per annum.*
- (b) *Increases in remuneration or other conditions of employment that increase employee-related costs by more than 2.5% per annum can be awarded, but only if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. For this purpose:*
 - (i) *whether relevant savings have been achieved is to be determined by agreement of the relevant parties or, in the absence of agreement, by the Commission, and*
 - (ii) *increases may be awarded before the relevant savings have been achieved, but are not payable until they are achieved, and*
 - (iii) *the full savings are not required to be awarded as increases in remuneration or other conditions of employment.*
- (c) *For the purposes of achieving employee-related cost savings, existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment may only be reduced with the agreement of the relevant parties in the proceedings."*

19. Accordingly the Tribunal, when making a determination, must now apply the same public sector wages cap that binds the Industrial Relations Commission when making decisions relating to public sector wages. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increases beyond 2.5 per cent per annum can be awarded by the Industrial Relations Commission but subject to the requirement that:

"...sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs."

20. This intent was confirmed by the Hon. Greg Pearce (Minister for Finance and Services, and Minister for the Illawarra) in the Minister's Second reading Speech: Legislative Council, *Parliamentary Debates* (Hansard), 22 June 2011 at p. 3101 on the amendments to the Act where he stated;

"This bill will extend the Government's public sector wages policy to elected officials, State parliamentarians and local mayors and councillors, senior executives in the public service and statutory office holders. The Government's public sector wages policy is about delivering fair wage increases to hardworking public servants. It is also about ensuring that the State budget can be brought under control. This legislation means that we can get on with the business of delivering the infrastructure and services which this State needs and which its people deserve. Last week this Parliament passed the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011. That legislation requires the Industrial Relations Commission to give effect to the Government's wages policy when making decisions relating to public sector salaries. The reasons that bill was necessary are the very same reasons that it is now appropriate to extend the policy to other office holders who are paid from the public purse. If the policy is good enough for public servants it is certainly also good enough for senior executives and for elected officials. That is why, for the first time, the Government's wages policy will be formally extended to apply to elected officials and senior bureaucrats.

... Finally, schedule 3 to the bill extends the policy to determinations of executive remuneration made by the Statutory and Other Offices Remuneration Tribunal, SOORT. This means that the Government's wages policy will apply to the Chief Executive Service, the Senior Executive Service and statutory office holders whose remuneration is determined by the Statutory and Other Offices Remuneration Tribunal Act. The Statutory and Other Offices Remuneration Tribunal will be required to apply the policy when determining the salary bands for each Senior Executive Service [SES] level. As with other public servants, any increase above 2.5 per cent will be payable only where productivity savings have been achieved. To pass on any increase the tribunal will need to be satisfied that these savings have been achieved and are attributable, at least in part, to the category of officers concerned. Of course, this does not mean that any individual Senior Executive Service officer will automatically receive the tribunal determined increase. Individual officers will continue to be paid having regard to their individual performance. High-performing Senior Executive Service officers may receive increases beyond 2.5 per cent provided that any increase is within the Statutory and Other Offices Remuneration Tribunal approved band. Poorly performing Senior Executive Service officers may receive less than 2.5 per cent or no increase at all."

21. The intent of Parliament is clear. The 2.5 per cent pay increase cap is to apply to the Chief and Senior Executive Service. The effect of the amendments to the Act is to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent unless there are sufficient employee related cost savings to meet the additional employee related costs.

22. The legislation came into effect in July 2011. The Tribunal understands that the validity of the legislation is currently before the Industrial Relations Commission and that the Commission has held hearings and has reserved its decision. Further, if the legislation remains in place it will fall on the Tribunal to ascertain whether sufficient employee-related cost savings increases have been achieved. The Tribunal will need to develop a robust methodology to make such assessments.
23. Unlike other public sector employees, the SES is not an employee group which can achieve collective employee related savings. In previous years when the Tribunal has awarded increases in excess of the wage policy of 2.5 per cent these increases have been awarded on the basis that it is the SES, as leaders in the sector, who are responsible for driving savings outcomes.
24. The Tribunal will seek advice and assistance from the Government in developing a methodology to assist in the assessment of employee-related cost savings that will be sufficiently robust for the Tribunal to be satisfied as to the quantum of employee-related cost savings that have been achieved, and which may justify an increase beyond 2.5 per cent where appropriate, and also how widely or narrowly the cost savings should be attributed within any given group.

Recruitment Allowance and Retention Allowance

25. There will be no increase in the minimum and maximum rates of the Recruitment Allowance and the Retention Allowance. The conditions governing the provision of these allowances have been amended however to reflect the expected change in the approval authority. Under the current arrangements the Director General of the Department of Premier and Cabinet is responsible for approving the provision of Recruitment Allowances and Retention Allowances. It is anticipated that the responsibility for executive services and administering SES policy will be transferred to the Public Service Commission. Until that occurs it is appropriate for the Director General of the Department of Premier and Cabinet to continue to be the approval authority. The approval authority would then transfer to the Public Service Commission following the commencement of the Commission.

Section 4: Conclusion

20. The Tribunal after considering the views of the Assessors and having regard to provisions of section 6AA of the Act, determines an increase of 2.5 per cent for all SES officers, effective on and from 1 October 2011.
21. Payment of the increase is subject to certification of an officer's satisfactory performance by the officer's CEO or in the case of CEOs the relevant Minister.

Dated: 12 October 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

ANNEXURE A

DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND FROM 1 OCTOBER 2011.

Determination No. 1.

The remuneration package ranges for executive office holders shall be:

<u>CES/SES</u>	<u>Per annum range</u>	
Remuneration Level 8	\$402,151	to \$464,600
Remuneration Level 7	\$320,651	to \$402,150
Remuneration Level 6	\$285,301	to \$320,650
Remuneration Level 5	\$247,301	to \$285,300
Remuneration Level 4	\$226,851	to \$247,300
Remuneration Level 3	\$199,701	to \$226,850
Remuneration Level 2	\$186,201	to \$199,700
Remuneration Level 1	\$159,000	to \$186,200

Determination No. 2 – Recruitment Allowance

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

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

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

ANNEXURE A (Cont.)

DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND FROM 1 OCTOBER 2011

Determination No. 3 – Retention Allowance

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

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

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

Determination No. 4.

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

<u>Specialist Medical Skills</u>	<u>Per Annum range</u>	
Remuneration Level 6	\$293,900	to \$360,000
Remuneration Level 5	\$292,650	to \$346,850
Remuneration Level 4	\$287,600	to \$333,850
Remuneration Level 3	\$274,450	to \$318,500
Remuneration Level 2	\$257,550	to \$298,900
Remuneration Level 1	\$237,550	to \$272,750

Determination No. 5.

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

<u>General Medical Skills</u>	<u>Per annum range</u>	
Remuneration Level 2	\$206,800	to \$239,950
Remuneration Level 1	\$190,100	to \$218,150

Dated: 12 October 2011.

**HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal**

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975

COURT AND RELATED OFFICERS GROUP

12 October 2011

www.remtribunals.nsw.gov.au

COURT AND RELATED OFFICERS GROUP**OVERVIEW**

1. Mr Alex Smith AO resigned as the Statutory and Other Offices Remuneration Tribunal effective from 30 June 2011. The Governor, pursuant to section 6(2) of the Statutory and Other Offices Remuneration Act 1975 (the Act), appointed Ms Helen Wright as the new Tribunal for a term of three years from 12 July 2011.
2. Pursuant to section 13 of the Statutory and Other Offices Remuneration Act 1975 (The Act), the Tribunal is required to make an annual determination on the remuneration payable to office holders listed in the Schedules of the Act.
3. The office holders listed in the Schedules fall into three broad Groups: judicial offices (Judges and Magistrates); court related offices (Crown Prosecutors, Public Defenders, Court Related Commissioners etc) and tribunals (Guardianship Tribunal, Mental Health Review Tribunal etc); and statutory offices (Auditor General, Ombudsman, Clerks of the Parliament etc). The Tribunal is also required to make determinations on the remuneration packages for the NSW Senior Executive Service.
4. For administrative practicalities, the Tribunal has always grouped the various offices into broadly similar groups. Prior to 1995, there were three Groups viz. The Judges Magistrates and Related Group, The Tribunals, Court Officers and Related Group and The Senior Executive Services Group. The Tribunal generally determined remuneration increases consistently across the three Groups.
5. In 1995, the Tribunal amended the title of the Tribunal Court Officers and Related Group to the Public Office Holder Group to better capture the breadth of offices in this Group.
6. In 2002, the Tribunal undertook a fundamental review of the Court Related Office Holders and concluded that they were in part responsible for the efficiencies in the NSW Court System. The Tribunal decided that this Group should be included with the Judges and Magistrates Group. As a consequence since then the Court Related Office Holders have received remuneration increases identical to the percentage increases received by Judges and Magistrates.
7. Judges and Magistrates in NSW receive increases in remuneration equivalent to those provided by the Commonwealth Remuneration Tribunal to Federal Judges and court related office holders. This arrangement has existed since 1989 when a Communiqué from the Council of Australian Governments provided that the salaries of State and Territory Supreme Court Judges and Federal Court Judges should not exceed 85 per cent of the salary of a High Court Judge. Since the Commonwealth Remuneration Tribunal determines remuneration for the High Court Judges and the Federal Court Judges, State and Territory Tribunals have with very few exceptions followed the increases provided by the Commonwealth and applied that increase to State Supreme Court Judges. This arrangement is generally referred to in the Tribunal's reports as the "Nexus". In effect, the Nexus has provided State Judges with Commonwealth levels of annual increases.

2011 Review

8. The 2011 annual review has been conducted against the background of a significant legislative change which impacts on the Tribunal's ability to determine remuneration increases for office holders.
9. On 27 June 2011, the Parliament passed the *Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011*. This Act amends the NSW Remuneration Tribunals' legislation so as to apply the same public sector wages cap that binds the Industrial Relations Commission to determinations of the remuneration for Ministers and other Members of Parliament, local Councillors and Mayors, statutory officers and public sector executives. Schedule 3 of the Act amends the SOOR Act by inserting Section 6AA to give effect to the Government's wages policy. This matter will be discussed in detail below.
10. One outstanding issue was foreshadowed in the Tribunal's 2010 annual Report and Determination: whether to pass on to the Judges Magistrates and Related Group the final 2 instalments which arose from the special determination made in July 2010. The background to this special determination was noted in the Tribunal's 2010 Annual Report and Determination:

“...Final 3 percent from the Commonwealth Tribunal's 2009 Special Review

As noted above, the Commonwealth Tribunal, in its Report of 13 October 2009, signalled its intention to provide federal Judicial Officers with a work value increase of 6 percent. Four such increases (each of 1.5 percent) were to be provided – the first in November 2009 and the last in May 2011. Two increases have been made as noted in the Tribunal's 30 July 2010 Report. The Tribunal indicated in that Report its intention to indicate the timing of the final two instalments at the time of this current review.

To give effect to the Commonwealth Tribunal's intention of passing on the 6 percent increases by way of instalments requires the Tribunal to make separate determinations for each such instalment. As has already been noted two such instalments have been made. Following the making of such instalments, the Commonwealth legislation requires that such determinations be laid before the Federal Parliament for 15 sitting days. This is what is commonly known as the “disallowance period” where either House may disallow a Tribunal determination. Following the expiry of the disallowance period, the determination becomes effective from its operative date.

As at the time of making this Determination, the Commonwealth Tribunal has not made a determination on the third instalment of its special increase. When it does make this determination, it will be required to be tabled in Federal Parliament for 15 sitting days. Given that there are less than 15 sitting days left in the current session of Parliament any such determination will not become effective until some time when Federal Parliament returns in 2011. The fourth instalment when made would require a similar process.

This means that the Tribunal is not in a position to make any further determination on this matter. The Tribunal considers that the most appropriate course is to review this

matter as part of the 2011 annual review where it is expected that the outcome of the payment of the two final instalments will be known. Alternatively, the Tribunal could review these special increases by way of special reference from the Minister.”

11. The Tribunal did not receive a special reference for this purpose, therefore this matter will be considered as part of the 2011 annual review.

Submissions Received

12. Not surprisingly, the focus of submissions received from non judicial office holders centred around the application of the legislative change and the impact on the historic relativities of these office holders.
13. Office holders such as the Director for Public Prosecutions and the Solicitor General have noted the difficulty in making and identifying employee related savings for individual offices.

Workers Compensation Commission, President

14. The submission from the President notes that the office of President, Workers Compensation Commission is not defined as a “judicial officer” in the *Judicial Officers Act 1986*. Therefore the office is not exempt from the provisions of section 6AA of the SOOR Act. The submission notes that this is anomalous as the *Workplace Injury Management and Workers Compensation Act 1998* stipulates that to be eligible for appointment as President the person must be a Judge of a Court of Record ie a judicial officer.

Crown Prosecutors

15. The Crown Prosecutors have made 2 submissions to the Tribunal.
16. The first submission seeks to retain the existing relativities between the Crown Prosecutors and Judicial Office Holders and submits that the increases that apply to the Judicial Office Holders should continue to be extended to officers in the “related” group. The submission also seeks to increase the conveyance allowance which has not been adjusted since 1996.
17. The submission also seeks the passing on of the final 2 instalments of the 6 percent special increase referred to in the Tribunal’s special determination of July 2010.
18. The Crown Prosecutors note the legislative changes that have been put in place, and submit that recently they have achieved significant productivity savings. Their submission further notes that the reduction in the number of Crown Prosecutors since 2005 has also reduced employee related costs.
19. The second submission discusses the impact of Section 6AA of the SOOR Act in detail and provides further information on productivity efficiencies that have been achieved.

Public Defenders

20. The submission from the Senior Public Defender seeks the flow on of the final two instalments referred to in the 2010 special determination.
21. The submission notes that an increase is justified on the basis of improvements in productivity, the introduction of legislation that removed life tenure for newly appointed Public Defenders, the increase in the relative seriousness of cases dealt with - in particular in the Supreme Court, and the need to ensure that remuneration is sufficient to recruit and retain officers in a specialised labour market.

Government Submission

22. The Government submission contains (as is usual) the advice and views of the Department of the Attorney General and Justice (DAGJ). In respect of this group of office holders, the Government submission notes that:

"...The Department [DAGJ] is also of the view that the Judges Magistrates and Related Group should consist only of Judicial Officers, as defined in the Judicial Officers Act 1986 and that other (non-Judicial) Officers should be placed into a separate group for remuneration purposes, notwithstanding the views of SOORT, as provided in the Special Determination for the Judges Magistrates and Related Group dated 30 July 2010.

Removing these non-Judicial Officers from the Judges Magistrates and Related Group would also be consistent with the Government's position as outlined in Schedule 3 of the Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011."

23. In respect of the two outstanding work value increases referred to in the Tribunal's July 2010 Report and Determination, the submission notes:

"The Department [DJAG] considers that these increases are historical, as they follow from the decision of the CRT [Commonwealth Remuneration Tribunal] in November 2009 and should flow on to NSW Judicial Officers."

The Government's position is summarised as follows

"...The two outstanding work value increases of 1.5% should flow onto the NSW Judicial Officers only.

The 85 per cent nexus between State and Federal judicial remuneration and the internal relativities should be maintained for Judicial Officers as defined by the Judicial Officers Act 1986.

In addition, the Government recommends the Tribunal approve an increase of 2.5 for officers listed in the Related Officers Group."

2011 Review

24. Schedule 3 of the Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011 amends the SOOR Act by inserting a new Section to the Act (Section 6AA).

“6AA Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) This section applies to the following determinations of the Tribunal:

(a) the determination under Part 3 of any alteration in the remuneration to be paid to office holders,

(b) the determination under Part 3A of any alteration in the remuneration packages for executive office holders.

This section does not apply to determinations relating to judicial officers (within the meaning of the [Judicial Officers Act 1986](#)) or to determinations relating to any office while held by a specified person.

(2) In making a determination to which this section applies, the Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the [Industrial Relations Act 1996](#) when making or varying awards or orders relating to the conditions of employment of public sector employees.”

25. Section 146C of the IR Act provides

“...146C Commission to give effect to certain aspects of government policy on public sector employment

(1) The Commission must, when making or varying any award or order, give effect to any policy on conditions of employment of public sector employees:

(a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Commission, and

(b) that applies to the matter to which the award or order relates.

(2) Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.”

26. The current policy on wages pursuant to section 146C (1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. Clause 6 of the Regulation provides;

“...Other policies

1. The following policies are also declared, but are subject to compliance with the declared paramount policies:

- (a) *Public sector employees may be awarded increases in remuneration or other conditions of employment that do not increase employee-related costs by more than 2.5% per annum.*
- (b) *Increases in remuneration or other conditions of employment that increase employee-related costs by more than 2.5% per annum can be awarded, but only if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. For this purpose:
 - (i) *whether relevant savings have been achieved is to be determined by agreement of the relevant parties or, in the absence of agreement, by the Commission, and*
 - (ii) *increases may be awarded before the relevant savings have been achieved, but are not payable until they are achieved, and*
 - (iii) *the full savings are not required to be awarded as increases in remuneration or other conditions of employment.**
- (c) *For the purposes of achieving employee-related cost savings, existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment may only be reduced with the agreement of the relevant parties in the proceedings.”*

27. Accordingly the Tribunal, when making a determination, must now apply the same public sector wages cap that binds the Industrial Relations Commission when making decisions relating to public sector wages. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increases beyond 2.5 per cent per annum can be awarded by the Industrial Relations Commission but subject to the requirement that:

“...sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.”

28. This intent is confirmed by the Hon. Greg Pearce (Minister for Finance and Services, and Minister for the Illawarra) in the Minister’s Second reading Speech: Legislative Council, *Parliamentary Debates* (Hansard), 22 June 2011 at p. 3101 on the amendments to the Act where he stated;

“This bill will extend the Government’s public sector wages policy to elected officials, State parliamentarians and local mayors and councillors, senior executives in the public service and statutory officeholders. The Government’s public sector wages policy is about delivering fair wage increases to hardworking public servants. It is also about ensuring that the State budget can be brought under control. This legislation means that we can get on with the business of delivering the infrastructure and services which this State needs and which its people deserve. Last week this Parliament passed the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011. That legislation requires the Industrial Relations Commission to give effect to the Government’s wages policy when making

decisions relating to public sector salaries. The reasons that bill was necessary are the very same reasons that it is now appropriate to extend the policy to other officeholders who are paid from the public purse. If the policy is good enough for public servants it is certainly also good enough for senior executives and for elected officials. That is why, for the first time, the Government's wages policy will be formally extended to apply to elected officials and senior bureaucrats."

"... Finally, schedule 3 to the bill extends the policy to determinations of executive remuneration made by the Statutory and Other Offices Remuneration Tribunal, SOORT. This means that the Government's wages policy will apply to the Chief Executive Service, the Senior Executive Service and statutory officeholders whose remuneration is determined by the Statutory and Other Offices Remuneration Tribunal Act [sic]. ..As with other public servants, any increase above 2.5 per cent will be payable only where productivity savings have been achieved. To pass on any increase the tribunal will need to be satisfied that these savings have been achieved and are attributable, at least in part, to the category of officers concerned."

29. The intent of Parliament is clear. Section 6AA is intended to apply the 2.5 per cent pay increase cap to all office holders except for Judicial Officers, within the meaning of the Judicial Officers Act. The effect of the amendment to the Act is to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for officers other than judicial officers unless there are employee-related cost savings sufficient to meet the additional employee related costs.
30. The exclusion of judicial officers from this policy effectively means that historical relativities for office holders such as the Solicitor General, the Director of Public Prosecutions and the Crown Advocate will be severed, as that relativity will be severed for all other non judicial office holders in this Group.
31. The legislation came into effect in July 2011. The Tribunal understands that the validity of the legislation is currently before the Industrial Relations Commission and that the Commission has held hearings and has reserved its decision. Further, if the legislation remains in place it will fall on the Tribunal to ascertain whether sufficient employee-related savings have been achieved. The Tribunal will need to develop a robust methodology to make such assessments. It will also be necessary for the Tribunal to address the apparent anomalies of office holders who cannot demonstrate, at least in relation to their own particular offices, employee-related cost savings eg single office holders such as the Solicitor General, the Crown Advocate and the Director and Deputy Directors of Public Prosecutions. A further question which will arise is - where employee-related cost savings have been achieved in a particular group - how broadly the application of those savings should be spread. For example, if Crown Prosecutors as a group can demonstrate employee-related cost savings sufficient to fully offset the increased employee-related costs of any increase greater than 2.5% if given to Crown Prosecutors, is it fair and reasonable (and the intent of the legislation) that the particular group alone should benefit accordingly. Or should the Tribunal's methodology take into account also the employee-related costs of the Solicitor for Public Prosecutions and the Director and the Deputy

Directors of Public Prosecutions, given that they all operate within (and the employee-related costs savings have been achieved within) the Office of the Director of Public Prosecutions and perhaps they should all benefit. It will be apparent that there are many issues for the Tribunal to address.

32. These are questions that the Tribunal will need to resolve. In doing so it will seek the advice of the Government and in particular, will seek assistance in developing a methodology to assist in the assessment of employee-related cost savings that will be sufficiently robust for the Tribunal to be satisfied as to the quantum of employee-related cost savings that have been achieved, and which may justify an increase beyond 2.5 per cent where appropriate, but also how widely or narrowly the cost savings should be attributed within any given group.
33. There remains the issue of the final two instalments of the 6 per cent that was to have been passed on to these office holders.
34. The Tribunal in the Report of the Special Determination of 30 July 2010, had considered that sufficient efficiencies had been demonstrated to warrant the passing on of the additional 6 per cent in four instalments each of 1.5 per cent. When the 2010 Annual determination was made the Commonwealth had yet to pass on the third and fourth instalments. These were to be considered as part of the current annual review. Section 6AA of the Act has now superseded the 2010 Special Determination and the 2010 Annual Determination. For any increase now to be passed on to this or any other non judicial group of office holders, employee-related cost savings sufficient to offset any additional employee-related costs will have to be demonstrated and achieved.
35. In summary, the Tribunal considers that the legislation now precludes the passing on of the final 3 per cent special increase to non judicial office holders.

President, Workers Compensation Commission

36. The Tribunal has examined the relevant legislation and notes that section 369(1) of the Workplace Injury Management and Workers Compensation Act 1988 provides, in respect of the qualification for appointment as President.

“...A person is eligible to be appointed as President only if the person is a Judge of a court of record.”

37. While this office is not a judicial officer within the definition contained in the Judicial Officers Act 1983, it is clear that the office holder must be a judicial officer to hold the appointment as President of the Commission. The Tribunal considers, therefore that the exclusion of the President from the definition in the Judicial Officers Act is clearly an anomaly and would urge the Government to review this matter. The Tribunal will determine an annual increase for this office consistent with the levels of increase provided to other judicial officers. The remuneration for the President of the Workers Compensation Commission is listed in the Judges and Magistrates Determination.

Conclusion

38. Section 6AA has had a significant impact on the way this Tribunal makes its determinations. The Tribunal notes that the legislation has been passed by Parliament and it is the role of the Tribunal to undertake its duties consistently with the legislation. This Tribunal will continue to do.
39. Section 6AA has now provided for different remuneration considerations for the judicial and non judicial members of the Judges Magistrates and Related Group. For this reason, the Tribunal will now formally create a new Group for remuneration purposes called the Court and Related Officers Group who like all other office holders (except for judicial officers) will be subject to the provisions of section 6AA of the Act.

Conveyance Allowance

40. The Tribunal has undertaken a review of the conveyance allowance and found that an increase is warranted. On that basis the allowances have been increased by 2.5 per cent.
41. Office holders in this Group were eligible to receive the conveyance allowance when their remuneration was determined as part of the Judges, Magistrates and Related Group. The Tribunal has determined that office holders within the Court and Related Officers Group shall continue to receive this Allowance. While the level of Allowance historically has been based on the remuneration levels of Supreme Court Judges, District Court Judges and Magistrates this arrangement will no longer apply. To ensure these officers are not disadvantaged the Tribunal proposes to retain the existing levels of Conveyance Allowance as determined for them and provide increases consistent with the Tribunal's existing methodology.
42. Pursuant to section 13 of the Act the Tribunal, having regard to the views of the Assessors, determines that the salaries of each of the officers listed in Appendix 1 shall be increased by 2.5 per cent effective on and from 1 October 2011.

Dated: 12 October 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

DETERMINATION No. 1**REMUNERATION OF COURT AND RELATED OFFICERS GROUP – effective from 1 October 2011**

	Salary \$ per annum	Conveyance Allowance (1)
Chairperson, Law Reform Commission	\$377,760	\$22,550
Solicitor-General	\$377,760	\$22,550
Director of Public Prosecutions	\$377,760	\$22,550
Crown Advocate	\$339,980	\$20,295
Deputy Director of Public Prosecutions	\$339,980	\$20,295
Senior Crown Prosecutor	\$305,980	\$16,235
Senior Public Defender	\$305,980	\$16,235
Deputy Senior Crown Prosecutor	\$275,380	\$16,235
Deputy Senior Public Defender	\$275,380	\$16,235
Solicitor for Public Prosecutions	\$275,380	\$16,235
Deputy Presidents, Workers Compensation Commission	\$275,380	\$16,235
Senior Commissioner Land and Environment Court	\$264,430	\$16,235
Crown Prosecutor	\$251,590	\$16,235
Public Defender	\$251,590	\$16,235
Commissioner Land and Environment Court	\$249,320	\$16,235

CONVEYANCE ALLOWANCE

- (1) The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

DETERMINATION No. 2**ANNUAL LEAVE LOADING OF COURT AND RELATED OFFICER GROUP ON – effective from 1 October 2011**

Annual Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-16.12 to 6-16.16 of the Personnel Handbook, to each of the following office holders:

Dated: 12 October 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES REMUNERATION ACT, 1975

JUDGES AND MAGISTRATES GROUP

12 October 2011

www.remtribunals.nsw.gov.au

JUDGES AND MAGISTRATES GROUP**Section 1: Background**

1. Mr Alex Smith AO resigned as the Statutory and Other Offices Remuneration Tribunal effective from 30 June 2011. The Governor, pursuant to section 6(2) of the *Statutory and Other Offices Remuneration Act 1975* (the Act), appointed Ms Helen Wright as the new Tribunal for a term of three years from 12 July 2011.
2. Section 13 of the Act, requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination on the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined as salary or allowances paid in money.
3. A principal feature of remuneration for Judges has been the Agreement between Federal and State Governments, reached in 1989, on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court. This Agreement provides that the salary of a Judge of the Federal Court and a Judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia. The Tribunal has consistently held that this relativity remains acceptable only if and whilst the remuneration of a Justice of the High Court of Australia remains at an appropriate level, and the Remuneration Tribunal should have regard to the base salary plus non financial benefits (such as motor vehicles) when determining judicial remuneration.
4. Since that time, the New South Wales Tribunal has maintained the remuneration of a State Supreme Court Judge at approximately 85 per cent of the remuneration of a Justice of the High Court. The Tribunal's determination of 2010 provided a general increase of 4.1 per cent for NSW Supreme Court Judges and related office holders with effect from 1 October 2010.
5. One outstanding issue was foreshadowed in the Tribunal's 2010 annual Report and Determination ie consideration of whether to pass on the final 2 instalments to the Judges Magistrates and Related Group, arising from the special determination made in July 2010. The background to this special determination was noted in the Tribunal's 2010 Annual Report and Determination,

"...Final 3 percent from the Commonwealth Tribunal's 2009 Special Review

As noted above, the Commonwealth Tribunal, in its Report of 13 October 2009, signalled its intention to provide federal Judicial Officers with a work value increase of 6 percent. Four such increases (each of 1.5 percent) were to be provided – the first in November 2009 and the last in May 2011. Two increases have been made as noted in the Tribunal's 30 July 2010 Report. The Tribunal indicated in that Report its intention to indicate the timing of the final two instalments at the time of this current review.

To give effect to the Commonwealth Tribunal's intention of passing on the 6 percent increases by way of instalments requires the Tribunal to make separate determinations for each such instalment. As has already been noted two such instalments have been made. Following the making of such instalments, the Commonwealth legislation requires that such determinations be laid before the Federal Parliament for 15 sitting days. This is what is commonly known as the "disallowance period" where either House may disallow a Tribunal determination. Following the expiry of the disallowance period, the determination becomes effective from its operative date.

As at the time of making this Determination, the Commonwealth Tribunal has not made a determination on the third instalment of its special increase. When it does make this determination, it will be required to be tabled in Federal Parliament for 15 sitting days. Given that there are less than 15 sitting days left in the current session of Parliament any such determination will not become effective until some time when Federal Parliament returns in 2011. The fourth instalment when made would require a similar process.

This means that the Tribunal is not in a position to make any further determination on this matter. The Tribunal considers that the most appropriate course is to review this matter as part of the 2011 annual review where it is expected that the outcome of the payment of the two final instalments will be known. Alternatively, the Tribunal could review these special increases by way of special reference from the Minister."

6. The Tribunal did not receive a special reference for this purpose, therefore this matter will be considered as part of this review.

2011 Review

7. The 2011 annual review has been conducted against the background of a significant legislative change which impacts on the Tribunal's ability to determine remuneration increases for certain office holders.
8. On 27 June 2011, the Parliament passed the *Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011*. Schedule 3 of the *Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011* amends the SOOR Act by inserting a new Section to the Act (Section 6AA).

"6AA Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) This section applies to the following determinations of the Tribunal:

- (a) the determination under Part 3 of any alteration in the remuneration to be paid to office holders,*
- (b) the determination under Part 3A of any alteration in the remuneration packages for executive office holders.*

This section does not apply to determinations relating to judicial officers (within the meaning of the [Judicial Officers Act 1986](#)) or to determinations relating to any office while held by a specified person.

(2) In making a determination to which this section applies, the Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the [Industrial Relations Act 1996](#) when making or varying awards or orders relating to the conditions of employment of public sector employees."

9. This Act amends the NSW Remuneration Tribunals' legislation so as to apply the same public sector wages cap that binds the Industrial Relations Commission to determinations of the remuneration for Ministers and other Members of Parliament, local Councillors and Mayors, statutory officers and public sector executives. These amendments however explicitly exclude Judicial Officers as defined by the *Judicial Officer Act 1986*.
10. This intent is confirmed by the Hon. Greg Pearce (Minister for Finance and Services, and Minister for the Illawarra) in the Minister's Second reading Speech: Legislative Council, *Parliamentary Debates* (Hansard), 22 June 2011 at p. 3101 on the amendments to the Act where he stated;

"I mention briefly that judges and magistrates have been excluded from the bill. Although the salaries of New South Wales judicial officers are determined by the Statutory and Other Offices Remuneration Tribunal, it is generally accepted that there should be broad consistency of pay between Federal and State judiciaries. That said, it is concerning that in recent times salary increases for judicial officers have significantly outpaced those for all other public sector officers. For the time being, it is appropriate that judicial officers, as defined, be excluded from the bill. This will ensure that appropriate relativities across Federal and State judiciaries can be maintained. We will, however, continue to monitor increases in judicial salaries to ensure that these do not place undue pressure on State finances."

11. Accordingly the Tribunal is not required to apply the same public sector wages cap that binds the Industrial Relations Commission when making decisions relating to remuneration for Judicial Office Holders. The *Judicial Officers Act 1986* defines judicial officers as follows:

3 Definitions

(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

judicial officer means (except in Part 7A):

- (a) a Judge or associate Judge of the Supreme Court,*
- (b) a member (including a judicial member) of the Industrial Relations Commission,*
- (c) a Judge of the Land and Environment Court,*
- (d) a Judge of the District Court,*

(e) *the President of the Children's Court,*

(f) *a Magistrate, or*

(g) *the President of the Administrative Decisions Tribunal.*

Magistrate *includes a Children's Magistrate and an industrial magistrate.*

President *means the President of the Commission.*

12. The Tribunal has since 2002 for administrative practicalities grouped a number of court related office holders eg Solicitor General, Crown Prosecutor, Public Defenders, with the Judges and Magistrates for the purposes of determining remuneration. As a consequence of the amendments to the Act it is now necessary to separate these office holders into two groups for the purposes of determining remuneration. The non judicial office holders are now grouped together for remuneration purposes in the Court and Related Office Holders Group. Further information in relation to office holders in that group is available in the Court and Related Office Holders Group Determination.

Submissions Received

13. As part of the current review the Tribunal received 5 submissions from offices within the Judges and Magistrates Group. The Tribunal also met with a representative of the Supreme Court. Once again the Tribunal thanks the office holders for the time and effort they have put in to the current review.
14. Submissions have generally supported the status quo in terms of the long standing 85 per cent nexus with Federal Court Judges as well as the internal relativities within the Judges and Magistrates Group. Some submissions also sought an increase in the Conveyance Allowance.
15. The Chief Magistrate has requested that the remuneration for the Deputy Chief Magistrate be increased in recognition of the additional responsibilities associated with this role including assistance to the Chief Magistrate in the overall management of the Local Court and additional responsibilities associated with the *Coroners Act 2009*.

Government Submission

16. The Government submission contains the views of the Director General of the Department of Justice and Attorney General. His view, which is supported by the Government submission, is to continue the retention of the 85 per cent nexus between State and Federal judicial remuneration. The Director General also considers that the 3rd and final instalments of the 6 per cent work value increase to Federal Judges should flow on to NSW Judicial Office Holders.
17. In respect of a proposed legislative link between the remuneration of NSW Judicial Office Holders and Federal Judges the Director General of the Department of Attorney General and Justice makes the following comments:

“... in relation to the proposed legislative link, while traditionally the Department would not have opposed it, such a link would seem incompatible with the wage restraint concerns of the NSW government, unless a way is found to take these concerns into account, possibly by a process of national consultation between remuneration tribunals.

In this respect, the Department supports a process whereby SOORT consults with other State, Territory and the Commonwealth remuneration tribunals with a view to nationally agreed judicial wage constraint more in line with the positions of the Federal and State governments. This may require consultation with the Federal Government and other State governments, with a view to enabling the position of the NSW government, that increases should be limited to 2.5%, to be taken into account by the Commonwealth Remuneration Tribunal in setting the remuneration of federal Judicial Officers.”

Section 3: 2011 Review

18. The Tribunal has once again reviewed the submissions received and considers that the nexus should be retained. On that basis Judges and Magistrates will receive the 3rd and final 1.5 per cent increases remaining from work value increase for Federal Judges, plus the 3 per cent increase awarded to Federal Judges by the Commonwealth Remuneration Tribunal in June 2011.

Statutory Link of Judicial Officers

19. The Tribunal notes the comments made in the Government submission however continues to support a statutory link between the salaries of Supreme Court Judges to the salaries of Federal Court Judges. The Tribunal also considers that such linkage should apply to the other two Courts within the State jurisdiction i.e. the District Court and the Local Court. Given the interconnectedness of the court system in this State, the Tribunal considers there is a compelling case to link the salaries of the various Courts through legislation.
20. The Tribunal does not support the Director General of the Department of Attorney General and Justice’s argument that any legislative link would necessarily be incompatible with wage restraint. Judicial Office Holders are exempt from the 2.5 per cent wages cap and the Government continues to support the continuation of the nexus between the salary paid to NSW Supreme Court Judges and Federal Court Judges. Given the unique arrangement that now apply to Judicial Office Holders it would be appropriate for the remuneration arrangement to be formalised in legislation.

Workers Compensation Commission, President

21. The submission from the President notes that the office of President, Workers Compensation Commission is not defined as a “judicial officer” in accordance with the Judicial Officers Act 1986. Therefore the position is not exempt from the provisions of section 6AA of the SOOR Act. The submission notes that this is anomalous as the Workplace Injury Management and Workers Compensation Act 1998 stipulates that to be eligible for appointment as President the person must be a Judge of a Court of Record ie a judicial officer.
22. On that basis the Tribunal has included the office of President of the Workers Compensation Commission in the Judges and Magistrates Determination for the purpose of determining the remuneration for this office. The Tribunal requests that the Government review the legislation to address this anomaly.

Conveyance Allowance

23. The Tribunal has undertaken a review of the Conveyance Allowance and found that an increase is warranted. On that basis the allowances have been increased by 2.5 per cent.

Section 4: Conclusion

24. The Tribunal, after considering the views of the Assessors and, pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to the office holders in this Group on and from 1 October 2011 shall be increased by 6 per cent. The 6 per cent comprises the 3rd and final 1.5 per cent increases remaining from work value increase for Federal Judges, plus the 3 per cent increase awarded to Federal Judges by the Commonwealth Remuneration Tribunal in 2011. The new rates are as set out in Determinations Nos 1-5.
25. The Tribunal has also made a Report and Determination on Travel Allowances for NSW Judges and Magistrates. The Report and Determination are attached at Determination No. 6.

Dated: 12 October 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

DETERMINATION No. 1**REMUNERATION for Judicial Officers as defined in the Judicial Officers Act 1986 – effective from 1 October 2011**

	Salary \$ per annum
Chief Justice of the Supreme Court	\$437,620
President of the Court of Appeal	\$409,770
President of the Industrial Relations Commission	\$409,770
Judge of the Supreme Court	\$391,080
Vice-President of the Industrial Relations Commission	\$391,080
Deputy President of the Industrial Relations Commission	\$391,080
Judge of the District Court	\$351,970
Associate Judge or acting Associate Judge (under the Supreme Court Act 1970)	\$351,970
Chief Magistrate	\$351,970
Deputy Chief Magistrate	\$297,420
State Coroner	\$297,420
Chief Industrial Magistrate	\$286,510
Magistrate	\$281,580
Chairperson Victims Compensation Tribunal (NOTE 2)	\$281,580
Children's Magistrate	\$281,580
Deputy State Coroner	\$281,580
Commissioner Industrial Relations Commission	\$258,110

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

DETERMINATION No. 2

REMUNERATION to be paid to the President of the Workers Compensation Commission
(pursuant to section 369 of the *Workplace Injury Management and Workers Compensation Act 1988*) – effective from 1 October 2011

President, Workers Compensation Commission	\$391,080
--	-----------

DETERMINATION No. 3**ACTING JUDGES**

Supreme Court

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

Acting Judge of the Supreme Court \$1,695 per day

District Court

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

Acting Judge of the District Court \$1,525 per day

DETERMINATION No. 4**CONVEYANCE ALLOWANCE**

Full time Office Holders receiving salary equivalent to a Supreme Court Judge or higher shall be entitled to a Conveyance Allowance of \$22,550 pa.

Full time Office Holders receiving salary equivalent to a District Court Judge shall be entitled to a Conveyance Allowance of \$20,330 pa.

Full time Office Holders receiving salary below that of a District Court Judge shall be entitled to a Conveyance Allowance of \$16,235 pa.

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

DETERMINATION No. 5**ANNUAL LEAVE LOADING OF JUDGES, MAGISTRATES AND RELATED GROUP ON – effective from 1 October 2011**

Annual Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-16.12 to 6-16.16 of the Personnel Handbook, to each of the following office holders:

Magistrates

Deputy President of the Industrial Relations Commission (not being a judicial member)

Commissioners, Industrial Relations Commission

Dated: 12 October 2011.

**HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal**

Report and Determination – Travel Allowances for NSW Judges and Magistrates

REPORT

Background:

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

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

a Judge or Acting Judge of a court, or

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

Current Review:

4. Historically the Tribunal has regard to movements in the travel rates as adopted for the NSW Public Sector generally. These rates are based on the reasonable travel allowances as determined by the Australian Taxation Office (ATO). While the ATO has made a new determination for 2011 (TD 2011/17) these rates have yet to be adopted for the NSW Public Service. On that basis the Tribunal will continue to determine the rates that applied in 2010 which are based on ATO TD 2010/19.

Principles Adopted:

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

- (d) Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.

Conclusions:

6. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2010/19. Non metropolitan accommodation rates and meal rates have also been adjusted as set out in the Determination.
7. After reviewing the survey of intra state accommodation and meal costs, the Tribunal makes the following determination (Determination No 7) effective on and from 1 October 2011.

Dated: 12 October 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

DETERMINATION No. 6**TRAVEL ALLOWANCES FOR JUDGES AND MAGISTRATES- effective from 1 October 2011**

Pursuant to section 13 of the Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 October 2011.

A Travel necessitating an overnight stay

Capital City Rates	
Adelaide	\$363.05
Brisbane	\$390.05
Canberra	\$384.05
Hobart	\$349.05
Perth	\$429.05
Darwin	\$419.05
Melbourne, Sydney	\$419.05
Newcastle and Wollongong	\$344.05
Other Areas	\$344.05

CONDITIONS

General conditions are to be as determined from time to time by the Attorney General.

- In addition the following specific conditions will apply.
The full daily travel allowance rate is to be paid only where the judge/magistrate stays overnight at commercial accommodation. Where the judge/magistrate stays overnight at non commercial accommodation then one third of the daily rate is to be paid.
- Where travel is for a period in excess of 24 hours then meal expenses for the final part day are to be paid.

Meal Allowances for travel NOT involving an overnight stay

Breakfast	\$23.10
Lunch	\$25.90
Dinner	\$44.50

Dated: 12 October 2011.

**HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal**

REPORT
and
DETERMINATION
under
SECTION 13
of the
STATUTORY AND OTHER OFFICES REMUNERATION ACT, 1975
PUBLIC OFFICE HOLDERS GROUP
12 October 2011

www.remtribunals.nsw.gov.au

PUBLIC OFFICE HOLDERS GROUP

Section 1: Introduction

1. Mr Alex Smith AO resigned as the Statutory and Other Offices Remuneration Tribunal effective from 30 June 2011. The Governor, pursuant to section 6(2) of the Statutory and Other Offices Remuneration Act 1975 (the Act), appointed Ms Helen Wright as the new Tribunal for a term of three years from 12 July 2011.
2. The 2011 annual review has been conducted against the background of a significant legislative change which impacts on the Tribunal's ability to determine remuneration increases for office holders.
3. On 27 June 2011, the Parliament passed the *Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011*. This Act amends the NSW Remuneration Tribunals' legislation so as to apply the same public sector wages cap that binds the Industrial Relations Commission to determinations of the remuneration for Ministers and other Members of Parliament, local Councillors and Mayors, statutory officers and public sector executives. Schedule 3 of the Act amends the SOOR Act by inserting Section 6AA to give effect to the Government's wages policy. This matter will be discussed in detail below.

Section 2: Background

4. Section 13 of the Statutory and Other Offices Remuneration Act 1975, (the Act), requires the Statutory and Other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
5. The Public Office Holders Group comprises those public offices, listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Court Related Officers Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for the majority of this Group is determined as a fixed salary amount. Employer on costs, such as the Superannuation Guarantee Levy, are additional to the salary amount determined.
6. This Group also comprises office holders who, pursuant to Section 11A of the Act, have elected to receive, and the Minister has approved, access to remuneration packaging arrangements identical to the SES. These office holders, referred to collectively as 11A Office Holders, were previously listed in the Reports and Determinations for the Chief Executive Service and Senior Executive Service (SES). During the 2010 review the Tribunal considered that these office holders were more appropriately listed within the Public Office Holder Group, given the statutory nature of their appointment.

7. The Tribunal's Report and Determination of 2010 provided a general increase of 4 per cent to the Public Office Holders Group. Since then the Tribunal has made six special determinations for offices within the Public Office Holder Group.
8. The Tribunal made a determination in respect of the new position of Parliamentary Budget Officer on 22 November 2010. This position is constituted under the *Parliamentary Budget Officer Act 2010* and provides independent costs of election promises (including a budget impact statement) and, outside pre-election periods, independent costs of proposed policies of Members of Parliament.
9. On 25 February 2011 the Tribunal made a determination in respect of the office of Privacy Commissioner. The office of Privacy Commissioner is constituted under the *Privacy and Personal Information Protection Act 1998*. The Privacy Commissioner's principal role is to ensure the privacy of individuals is protected and that personal information is properly and accurately used and stored by agencies.
10. On 19 July 2011 the Tribunal made a determination in respect of the remuneration payable to the Chairperson of the Board of Infrastructure NSW. Infrastructure NSW is established under the provisions of the *Infrastructure NSW Act 2011*. Infrastructure NSW is required to develop a 20-year State Infrastructure Strategy from which detailed 5 year infrastructure plans will be developed. The Chairperson's role is key in ensuring the strategic and policy direction of Infrastructure NSW is consistent with the 20-year State Infrastructure Strategy. The Chairperson is also required to work closely with government agencies and the private sector to ensure the smooth operation and progress of the state's largest infrastructure projects.
11. During 2011 both the Clerk of the Parliaments and the Clerk of the Legislative Assembly elected to receive employment benefits in accordance with section 11A of the SOOR Act. Those elections were approved by the Minister and the Tribunal determined appropriate remuneration packages for those office holders.
12. The Tribunal also determined on 19 September 2011 the remuneration payable to the Chairperson of the Board of the Aboriginal Housing Office. The office of Chairperson is established under the *Aboriginal Housing Act 1988*. The Chairperson is responsible for administering and providing advice on policies associated with Aboriginal housing in NSW.
13. The above special determinations of the Tribunal were published in the Government Gazette and tabled in Parliament.

Section 3 Submissions Received

Government Submission

14. The Government's submission recommends that this Group receive an increase of 2.5 per cent.

15. This recommendation is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011*.

Ombudsman

16. The Ombudsman has requested that the Tribunal review the remuneration for this role having regard to changes that have occurred in the role and responsibilities since the Tribunal last reviewed the position in 2004. Since then the Ombudsman submits that significant changes have occurred that have impacted on both office and the position of Ombudsman, including new responsibilities associated with public interest disclosures and convening and supporting the NSW Child Death Review Team.

Independent Pricing and Regulatory Tribunal

17. The submission seeks to review the remuneration payable to the office of Chief Executive Officer and Full Time Member. Since the remuneration was last reviewed by the Tribunal in 2005 IPART has assume new responsibilities associated with the administration of the Water Industry Competition Act, the administration of the Energy Savings Scheme and the determination of rates for councils and the assessment of development contributions by councils. The submission argues that the combined impact of these legislative changes is to substantially increase the scope and complexity of IPARTs role, and the CEO/Full Time Member's role, in licensing and particularly in the areas of compliance monitoring, reporting and enforcement. The expansion in responsibilities is also reflected in the growth in overall staff numbers and budget for IPART.

Mental Health Review Tribunal

18. The submission seeks that the increases to be provided in judicial salaries flow through to the President and Deputy Presidents so as to preserve relativity with those salaries initially determined by the Tribunal in 2009.
19. They seek this relativity on the basis that the Tribunal in its forensic division is now required by the *Mental Health (Forensic Provisions) Act 1990* to be staffed by the President or Deputy President who must be, or have been a judge or qualified for judicial appointment.

Consumer, Trader and Tenancy Tribunal

20. The Chairperson of the Consumer, Trader and Tenancy Tribunal (CTTT) has requested that the Tribunal make a determination in regard to the remuneration payable to the part time members of the CTTT. While the Tribunal makes a determination on the level of remuneration payable to the full time Members (Chairperson, Deputy Chairperson, Senior Members and Members), it has up until now, not had the

authority to determine fees for the part time members. With effect from 21 September 2011 part time Senior Members and part time Members have been added to Schedule 2 of the SOOR Act and the Tribunal is now able to make a determination in respect of this matter.

Arbitrators, Workers Compensation Commission

21. The Tribunal has received submissions from the President of the Workers Compensation Commission, the Senior Arbitrators and the Arbitrators in respect of this review. The Tribunal also met with representatives of the Senior Arbitrators and Arbitrators.
22. The Tribunal first determined the remuneration for the roles of Arbitrators and Senior Arbitrators of the Workers Compensation Commission during the 2010 annual review. During that review the Tribunal received advice that the structure of the Workers Compensation Commission would be reviewed during 2011. In response to that advice the Tribunal indicated that it would undertake a further review of these offices during the 2011 annual review taking into account the completed review of the structure of the Commission if available.
23. The submission from the Arbitrators has requested that the Tribunal finalise its review now that the structural review is complete. In support of that request the Arbitrators have suggested a number of alternative fees structures, including seeking relativity with the remuneration paid to full time members of the Consumer Trader and Tenancy Tribunal and requesting payment of the conveyance allowance, to more adequately reflect their roles and responsibilities.
24. The submission from the Senior Arbitrators seeks to increase the margin between the remuneration paid to Senior Arbitrators and Arbitrators to reflect the additional roles and responsibilities associated with being a Senior Arbitrator. These include providing leadership to a team of Arbitrators, participation in corporate and strategic management programs and the delivery of professional development talks/seminars both internally and in the wider legal community.
25. In support of the both the Senior Arbitrators and Arbitrators the President of the Workers Compensation Commission has reiterated the arguments he made in 2010 in support of increased fees. The President has also provided a copy of an independent report of the recent reforms implemented in the Commission. That report found that there was increased stakeholder satisfaction with the Commission's services and that arbitrator decisions have become more durable and the resolution of matters more effective. The report also recommends that there be an increase in the number of Arbitrators.

Section 4 2011 Tribunal Review

Amendments to the Statutory and Other Offices Remuneration Act 1975.

26. On 27 June 2011, the Parliament passed amendments to the SOOR Act to apply the same government public sector wages cap that binds the Industrial Relations Commission to the determination of the remuneration for Ministers and other members of Parliament, local councillors, statutory officers, public sector executives and hospital visiting medical officers.

27. For the SOOR Act the amendments provide for the addition of a new section, Section 6AA.

“6AA Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) *This section applies to the following determinations of the Tribunal:*

- (a) *the determination under Part 3 of any alteration in the remuneration to be paid to office holders,*
- (b) *the determination under Part 3A of any alteration in the remuneration packages for executive office holders.*

This section does not apply to determinations relating to judicial officers (within the meaning of the Judicial Officers Act 1986) or to determinations relating to any office while held by a specified person.

(2) *In making a determination to which this section applies, the Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.”*

28. Section 146C of the IR Act provides

“...146C Commission to give effect to certain aspects of government policy on public sector employment

(1) *The Commission must, when making or varying any award or order, give effect to any policy on conditions of employment of public sector employees:*

- (a) *that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Commission, and*
- (b) *that applies to the matter to which the award or order relates.*

(2) *Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.”*

29. The current policy on wages pursuant to section 146C (1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. Clause 6 of the Regulation provides;

“...Other policies

(1) *The following policies are also declared, but are subject to compliance with the declared paramount policies:*

- (a) *Public sector employees may be awarded increases in remuneration or other conditions of employment that do not increase employee-related costs by more than 2.5% per annum.*
- (b) *Increases in remuneration or other conditions of employment that increase employee-related costs by more than 2.5% per annum can be awarded, but only if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. For this purpose:*
 - (i) *whether relevant savings have been achieved is to be determined by agreement of the relevant parties or, in the absence of agreement, by the Commission, and*
 - (ii) *increases may be awarded before the relevant savings have been achieved, but are not payable until they are achieved, and*
 - (iii) *the full savings are not required to be awarded as increases in remuneration or other conditions of employment.*
- (c) *For the purposes of achieving employee-related cost savings, existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment may only be reduced with the agreement of the relevant parties in the proceedings.”*

30. Accordingly the Tribunal, when making a determination, must now apply the same public sector wages cap that binds the Industrial Relations Commission when making decisions relating to public sector wages. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increases beyond 2.5 per cent per annum can be awarded by the Industrial Relations Commission but subject to the requirement that:

“...sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.”

31. This intent was confirmed by the Hon. Greg Pearce (Minister for Finance and Services, and Minister for the Illawarra) in the Minister’s Second reading Speech: Legislative Council, *Parliamentary Debates* (Hansard), 22 June 2011 at p. 3101 on the amendments to the Act where he stated;

“This bill will extend the Government's public sector wages policy to elected officials, State parliamentarians and local mayors and councillors, senior executives in the public service and statutory office holders. The Government's public sector wages policy is about delivering fair wage increases to hardworking public servants. It is also about ensuring that the State budget can be brought under control. This legislation means that we can get on with the business of delivering the infrastructure and services which this State needs and which its people deserve. Last week this Parliament passed the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011. That legislation requires the Industrial Relations Commission to give effect to the Government's wages policy when making decisions relating to public sector salaries. The reasons that bill was necessary are the very same reasons that it is now appropriate to extend the policy to other office holders who are paid from the public purse. If the policy is good enough for public servants it is certainly also good enough for senior executives and for elected officials. That is why, for the first time, the Government's wages policy will be formally extended to apply to elected officials and senior bureaucrats.

... Finally, schedule 3 to the bill extends the policy to determinations of executive remuneration made by the Statutory and Other Offices Remuneration Tribunal, SOORT. This means that the Government's wages policy will apply to the Chief Executive Service, the Senior Executive Service and statutory office holders whose remuneration is determined by the Statutory and Other Offices Remuneration Tribunal Act... As with other public servants, any increase above 2.5 per cent will be payable only where productivity savings have been achieved. To pass on any increase the tribunal will need to be satisfied that these savings have been achieved and are attributable, at least in part, to the category of officers concerned.”

32. The intent of Parliament is clear. The 2.5 per cent pay increase cap is to apply to all office holders in the Public Office Holders Group. The effect of the amendments to the Act is to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for officers other than judicial officers (within the meaning of the *Judicial Officers Act 1986*) unless there are sufficient employee related cost savings to meet the additional employee related costs.
33. The legislation came into effect in July 2011. The Tribunal understands that the validity of the legislation is currently before the Industrial Relations Commission and that the Commission has held hearings and has reserved its decision. Further, if the legislation remains in place it will fall on the Tribunal to ascertain whether sufficient employee-related cost savings have been achieved. The Tribunal will need to develop a robust methodology to make such assessments. It will also be necessary for the Tribunal to address the apparent anomalies of office holders who cannot demonstrate, at least in relation to their own particular offices, employee-related cost savings. This has particular significance to the Public Office Holders Group as

many of the office holders affected by this determination are single office holders such as the Ombudsman and Auditor General. A further question which will arise is - where employee-related cost savings have been achieved in a particular group - how broadly the application of those savings should be spread. For example if Members of the Consumer Trader and Tenancy Tribunal can demonstrate employee-related cost savings sufficient to fully offset the increased employee-related costs of any increase greater than 2.5% if given to Members, is it fair and reasonable (and the intent of the legislation) that the particular group alone should benefit accordingly. Or should the Tribunal's methodology take into account also the employee-related costs of the Senior Members, Deputy Chairperson and Chairperson of the Consumer Trader and Tenancy Tribunal, given that they all operate within (and the employee-related cost savings have been achieved within) the same office and perhaps they should all benefit. Offices listed under the Court and Related Officers Group are impacted similarly by the amendments to the Act. It will be apparent that there are many issues for the Tribunal to address.

34. The Tribunal will seek advice and assistance from the Government in developing a methodology to assist in the assessment of employee-related cost savings that will be sufficiently robust for the Tribunal to be satisfied as to the quantum of employee-related cost savings that have been achieved, and which may justify an increase beyond 2.5 per cent where appropriate, and also how widely or narrowly the cost savings should be attributed within any given group.
35. Further, the amendments would also appear to preclude the Tribunal from making any further adjustments in remuneration based on changes in work value. The Tribunal will also seek advice from the Government in regard to this issue. Until this matter is resolved, the Tribunal cannot make an assessment on the relevant claims made in the submissions received from the Ombudsman or the CEO and Independent Member of IPART who both seek an increase in remuneration, over and above any general increase, based on changes in role and responsibility.

Workers Compensation Commission, Arbitrators

36. The Tribunal has reviewed the submissions provided by and on behalf of the Senior Arbitrators and Arbitrators. The Tribunal has also had regard to the independent report which reviewed the Workers Compensation Commission's organisation change program. Based on the information provided, the Tribunal finds that the remuneration structure determined during the 2010 annual review is adequate and that no additional remuneration, outside of the general increase, is warranted at this time.

Mental Health Review Tribunal

37. An increase in remuneration equivalent to that determined for the Judges and Magistrate Group is not applicable to the President or Deputy President of the Mental Health Review Tribunal as those positions are not judicial office holders as specified in the Judicial Officers Act.

Consumer, Trader and Tenancy Tribunal

38. The Tribunal has determined for the first time the daily rate payable to the Part time Senior Members and Members of the Consumer Trader and Tenancy Tribunal. Those rates are a pro rata equivalent of the full time salaries and are listed in annexure A of the report.

Section 5: Conclusion

39. Section 6AA has had a significant impact on the way this Tribunal makes its determination. The Tribunal notes that the legislation has been passed by Parliament and it is the role of the Tribunal to undertake its duties consistently with the legislation. On that basis the Tribunal, after considering the views of the Assessors, considers that an increase of 2.5 per cent is appropriate and so determines.

40. Pursuant to Section 13 of the *Statutory and Other Offices Remuneration Act 1975*, as amended, the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2011 shall be as specified in Annexure A in respect of the Public Office Holders and Annexure B in respect of Section 11A Office Holders.

Dated: 12 October 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

ANNEXURE A

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE HOLDERS GROUP ON
AND FROM 1 OCTOBER 2011**

Salary	\$ per annum
Commissioner Police Integrity Commission	\$428,025
Auditor General	\$417,515
Ombudsman	\$416,445
Assistant Commissioner, NSW Crime Commission	\$376,410
President, Mental Health Review Tribunal	\$337,905
Deputy President Mental Health Review Tribunal	\$295,635
Information Commissioner	\$293,150
Privacy Commissioner	\$282,900
Chairperson, Consumer Trader and Tenancy Tribunal	\$274,635
President, Guardianship Tribunal	\$268,900
Principal Claims Assessor (Motor Accidents Compensation Act)	\$267,050
Parliamentary Budget Officer	\$268,090
Deputy Chairperson Consumer Trader and Tenancy Tribunal	\$254,000
Deputy Chairperson, Law Reform Commission	\$252,170
Deputy President Administrative Decisions Tribunal	\$241,845
Commissioner, Law Reform Commission	\$241,845
Registrar Workers Compensation Commission	\$241,845
Executive Manager, Parliamentary Services	\$235,445
Senior Arbitrator, Workers Compensation Commission (legally qualified)	\$218,530
Deputy President, Guardianship Tribunal	\$210,380
Senior Member, Consumer Trader and Tenancy Tribunal	\$207,305
Deputy Clerk, Legislative Assembly	\$202,115
Deputy Clerk, Legislative Council	\$202,115
Senior Arbitrator, Workers Compensation Commission (not legally qualified)	\$201,265
Arbitrator, Workers Compensation Commission (legally qualified)	\$192,945
Chairman, Local Land Boards	\$192,905
Registrar, Aboriginal Land Rights Act 1983	\$186,720

Arbitrator, Workers Compensation Commission (not legally qualified)	\$173,460
Member, Consumer Trader and Tenancy Tribunal	\$178,660
Assessor (Civil Claims)	\$178,660
Member of the New South Wales Aboriginal Land Council (Note 1)	\$124,375
Chairperson, Infrastructure NSW	\$71,750
President Mental Health Review Tribunal (part time daily rate)	\$1,405
Deputy President Mental Health Review Tribunal (part time daily rate)	\$1225
Senior Member, Consumer Trader and Tenancy Tribunal (part time daily rate)	\$860
Member, Consumer Trader and Tenancy Tribunal (part time daily rate)	\$740
Assessor Civil Claims (daily rate)	\$740

Note 1 The Chairperson shall receive an allowance of 10% (i.e. a total of \$136,810 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$130,595 per annum).

LEAVE LOADING

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-16.12 to 6-16.16 of the Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

Dated: 12 October 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

ANNEXURE B

DETERMINATION OF REMUNERATION OF PUBLIC OFFICE HOLDERS WHO HAVE ELECTED TO BE PROVIDED WITH EMPLOYMENT BENEFITS PURSUANT TO SECTION 11A OF THE ACT EFFECTIVE ON AND FROM 1 OCTOBER 2011

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

<u>Public Office Holder</u>	<u>Remuneration</u>
Commissioner, NSW Crime Commission	\$430,915
Full time Member and CEO, Independent Pricing and Regulatory Tribunal	\$389,150
Electoral Commissioner	\$341,980
Valuer General	\$317,625
Clerk of the Parliaments	\$250,635
Clerk of the Legislative Assembly	\$250,635

Dated: 12 October 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

STATUTORY AND OTHER OFFICES REMUNERATION ACT 1975
ANNUAL REPORT AND DETERMINATION

Chief Executive Officer and Co-ordinator General, Infrastructure NSW

REPORT:

1. On 19 July 2011 the Tribunal determined that the office of Chief Executive Officer and Co-ordinator General (CEO) of Infrastructure NSW warranted a remuneration level beyond the maximum of SES Level 8. The Tribunal continues to support this view noting the following:
 - Infrastructure NSW's responsibility to develop, coordinate and facilitate the Government's 20-year State Infrastructure Strategy and 5 year Infrastructure plan.
 - The critical role the CEO has to the successful implementation of the State Infrastructure Strategy. While the overall direction will be set by the Board of Infrastructure NSW it will be the CEO who will need to ensure the successful coordination, progress and delivery of infrastructure projects.
 - As Co-ordinator General, the CEO is responsible for co-ordinating the input from all State agencies and the private sector to develop a consistent whole-of-State approach on matters relating to infrastructure, and responsibility for special projects that require statewide coordination.
2. The Tribunal has determined that CES and SES remuneration will be increased by 2.5 per cent effective 1 October 2011. For reasons similar to those outlined in the CES/SES determination the Tribunal considers that the 2.5 per cent is also an appropriate increase for the CEO of Infrastructure NSW.

DETERMINATION

Pursuant to section 24C of the *Statutory and Other Offices Remuneration Act 1975*, the Tribunal determines that the remuneration package for the Chief Executive Officer and Co-ordinator General, Infrastructure NSW shall be \$512,500 effective on and from 1 October 2011.

Dated: 30 September 2011.

HELEN WRIGHT,
The Statutory and Other Offices Remuneration Tribunal

PRIVATE ADVERTISEMENTS

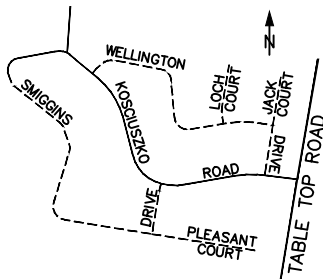
COUNCIL NOTICES

ALBURY CITY COUNCIL

Roads Act 1993, Section 162

NOTICE is hereby given that Albury City Council, pursuant to section 162 of the Roads Act 1993, has named the following roads:

<i>Location</i>	<i>Road Names</i>
The proposed alignment of these roads is shown on the diagram below.	Wellington Drive, Loch Court, Jack Court and Pleasant Court.



L. G. TOMICH, General Manager, Albury City Council,
553 Kiewa Street, Albury NSW 2640. [6159]

BATHURST REGIONAL COUNCIL

Roads Act 1993

Naming of Roads

NOTICE is hereby given that Bathurst Regional Council, in pursuance of section 162 of the Roads Act 1993, has named the roads as follows:

<i>Location</i>	<i>New Street Name</i>
Two new cul-de-sacs in proposed subdivision of Lot 402, DP 1160201, in the Ashworth Estate, Kelso.	Amber Close and Jade Close.

Authorised by resolution of the Council on 20 July 2011.
DAVID SHERLEY, General Manager, Bathurst Regional Council, Private Mail Bag 17, Bathurst NSW 2795. [6160]

GLEN INNES SEVERN COUNCIL

NOTICE is hereby given that Glen Innes Severn Council, in accordance with section 162 of the Roads Act 1993 and sections 7, 8 and 9 of the Roads (General) Regulation, has determined the name for the Road as shown hereunder:

Adopted Name: Sharman Road.
Locality: Lambs Valley.
Description: 9km south-east of Glen Innes, off the Glen Legh Road within the subdivision of Lot 1, DP 169052.
Length: 520m.

HEIN BASSON, General Manager, Glen Innes Severn Council, PO Box 61, Glen Innes NSW 2370. [6161]

GWYDIR SHIRE COUNCIL

Naming of Roads

NOTICE is hereby given that Gwydir Shire Council, in pursuance of section 162 of the Roads Act 1993, has named/re-named the roads/lanes described hereunder:

<i>Road No./Name</i>	<i>Description</i>
SR116, The Forest Road.	Start at Cobbadah Road. Finish at end. Localities of Cobbadah and Barraba. Length: 9.35km.
SR117, Bundaleer Road.	Start at Cobbadah Road. Finish at end. Locality of Cobbadah. Length: 6.50km.
SR89, Glenarthur Road.	Start at Cobbadah Road. Finish at Rockvale Road. Locality of Cobbadah and Dinoga. Length: 9.80km.
SR102, Noumea Road.	Start at Cobbadah Road. Finish at end. Locality of Dinoga. Length: 9.45km.
SR88, Kywarra Road.	Start at Cobbadah Road. Finish at end. Locality of Dinoga. Length: 8.04km.
SR22, Upper Bingara Road.	Start at Cobbadah Road. Finish at Cobbadah Road. Localities of Cobbadah, Upper Bingara and Dinoga. Length: 24.06km.
SR52, Bora Link Road.	Start at Cobbadah Road. Finish at end. Locality of Dinoga. Length: 7.26km.
SR480, Old Barraba Road.	Start at Cobbadah Road. Finish at end. Locality of Bingara. Length: 1.01km.
SR90, Old Bora Road.	Start at Copeton Dam Road. Finish at end. Locality of Bingara. Length: 6.50km.
SR104, Apex Lookout Road.	Start at Copeton Dam Road. Finish at end. Locality of Bingara. Length: 1.56km.
SR112, Kings Road.	Start at Elcombe Road. Finish at end. Locality of Bingara. Length: 2.08km.

<i>Road No./Name</i>	<i>Description</i>	<i>Road No./Name</i>	<i>Description</i>
SR19, Whitlow Road.	Start at Allan Cunningham Road. Finish at Delungra Road. Localities of Bingara, Riverview and Myall Creek. Length: 23.38km.	SR56, Glenelg Road (formally McCuskers Road).	Start at Tamworth Regional Boundary. Finish at Wearnes Road. Locality of Bundarra. Length: 3.50km.
MR134, Delungra Road.	Start at Allan Cunningham Road. Finish at Bridge on Inverell Shire Boundary. Localities of Bingara and Myall Creek. Length: 20.25km.	SR91, Cracknells Road.	Start at Wearnes Road. Finish at end. Locality of Bundarra. Length: 3.67km.
SR93, Sheep Station Creek Road.	Start at Delungra Road. Finish at Inverell Shire Boundary. Locality of Myall Creek. Length: 10.90km.	SR108, Ross Road.	Start at Uralla Shire Boundary. Finish at Wearnes Road. Locality of Bundarra. Length: 0.73km.
SR119, Woodburn Emello Road.	Start at Gulf Creek Road. Finish at Gulf Creek Road. Locality of Gulf Creek. Length: 16.90km.	SR49, Michells Lane.	Start at Inverell Shire Boundary. Finish at end. Locality of Riverview. Length: 10.92km.
SR1, Copeton Dam Road.	Start at Inverell Shire Boundary. Finish at Link Street, Bingara. Localities of Bingara, Keera, Bundarra and Copeton. Length: 52.34km.	SR110, Wyanbah Road.	Start at Michells Lane. Finish at end. Locality of Riverview. Length: 0.44km.
SR225, Girrawheen Road.	Start at Woodburn Emello Road. Finish at end. Locality of Gulf Creek. Length: 1.29km.	SR12, Upper Whitlow Road.	Start at Whitlow Road. Finish at Michells Lane. Locality of Riverview. Length: 7.96km.
SR92, Killarney Road.	Start at Gulf Creek Road. Finish at end. Locality of Gulf Creek. Length: 6.75km.	SR106, Flemings Road.	Start at Michells Lane. Finish at end. Locality of Riverview. Length: 2.12km.
SR50, Thornleigh Road.	Start at Copeton Dam Road. Finish at Towarra Road. Locality of Keera. Length: 17.41km.	SR105, Fairweather Road.	Start at Michells Lane. Finish at end. Locality of Riverview. Length: 2.70km.
SR101, Gap Road.	Start at Elcombe Road. Finish at Ravenscraig Road. Locality of Bundarra. Length: 9.47km.	SR60, Pound Creek Road.	Start at Killarney Gap Road. Finish at end. Locality of Rocky Creek. Length: 3.80km.
SR2, Bingara Road.	Start at Uralla Shire Boundary. Finish at Copeton Dam Road. Locality of Bundarra. Length: 13.75km.	SR54, Pinecliff Road.	Start at Killarney Gap Road. Finish at Back Creek Road. Localities of Rocky Creek and Back Creek. Length: 7.00km.
SR23, Wearnes Road.	Start at Bingara Road. Finish at Uralla Shire Boundary. Locality of Bundarra. Length: 19.90km.	MR133, Killarney Gap Road.	Start at Narrabri Shire Boundary. Finish at Cunningham Street, Bingara. Localities of Rocky Creek, Back Creek, Pallal and Bingara. Length: 66.50km.
		SR98, Terreege Road.	Start at Killarney Gap Road. Finish at Moree Plains Shire Boundary. Locality of Rocky Creek. Length: 4.00km.

<i>Road No./Name</i>	<i>Description</i>
SR21, Terry Hie Hie Road.	Start at Moree Plains Shire Boundary. Finish at Killarney Gap Road. Locality of Rocky Creek. Length: 6.15km.
SR97, Sadowa Road.	Start at Terry Hie Hie Road. Finish at Moree Plains Shire Boundary. Locality of Rocky Creek. Length: 0.88km.
SR111, Kiora Road.	Start on Killarney Gap Road. Finish at end. Locality of Pallal. Length: 4.62km.
SR44, Boundary Creek Road.	Start on Killarney Gap Road. Finish at Eulourie Road. Locality of Pallal. Length: 12.79km.
SR16, Trevallyn Road.	Start at Tamworth Regional Boundary. Finish at end. Locality of Upper Horton. Length: 23.02km.
SR100, Kellys Access Road.	Start at Boundary Creek Road. Finish at end. Locality of Pallal. Length: 3.95km.
SR11, Horton Road.	Start at Cobbadah Road. Finish at Killarney Gap Road. Localities of Pallal, Upper Horton and Cobbadah. Length: 35.89km.
SR32, Pallal Road.	Start at Killarney Gap Road. Finish at Caroda Road. Localities of Pallal and Elcombe. Length: 12.43km.
SR115, Riverstone Road.	Start at Trevallyn Road. Finish at end. Locality of Upper Horton. Length: 4.40km.
SR45, Bereen Road.	Start at Lindsay Street, Upper Horton. Finish at Trevallyn Road. Locality of Upper Horton. Length: 15.37km.
SR57, Currangandi Road.	Start at Horton Road. Finish at Trevallyn Road. Locality of Upper Horton. Length: 12.40km.

GENERAL MANGER, Gwydir Shire Council, Locked Bag 5, Bingara NSW 2404. [6162]

HOLROYD CITY COUNCIL

Roads Regulation 2008

Naming of Roads

PURSUANT to Clause 9 of the Roads Regulation 2008, notice is hereby given of the naming of the following four roads within the Northern Residential Lands Precinct of Pemulwuy:

Road Names:

- Buru Place.
- Bangu Place.
- Kuma Place.
- Winnima Circuit.

Dated at Merrylands, this 25th day of October 2011.
MERV ISMAY, General Manager, Holroyd City Council,
Memorial Avenue, Merrylands NSW 2160. [6163]

LACHLAN SHIRE COUNCIL

Road Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

LACHLAN SHIRE COUNCIL declares with the approval of the Administrator that the land described in the Schedule below, excluding any mine or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for road realignment. GEORGE COWAN, General Manager, Lachlan Shire Council, PO Box 216, Condobolin NSW 2877.

SCHEDULE

Lot 8, DP 1144182.

[6164]

LAKE MACQUARIE CITY COUNCIL

Naming of Private Road

COUNCIL advises that it has approved the naming of the private road/s shown below:

<i>Location</i>	<i>Name</i>
Subdivision of 6, DP 1069553, Cherry Street, Windale.	Scrubby Creek Close.

Origin: Named after nearby creek.

Brian Bell, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre NSW 2310. [6165]

MIDCOAST COUNTY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

MIDCOAST COUNTY COUNCIL declares with the approval of Her Excellency the Governor that the lands described in Schedule 1 below, excluding the interest described in Schedule 2 below and excluding any mines or deposits of minerals in the lands, are acquired by compulsory

process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the Harrington Sewer Augmentation Scheme. Dated at Taree, this 24th day of October 2011. MALCOLM PETER NIX, Acting General Manager, MidCoast Council Council, PO Box 671, Taree NSW 2430.

SCHEDULE 1

Lots 8 and 9, DP 1148584.

SCHEDULE 2

Easement over Lot 9, DP 1148584 for rising main 5 wide (vide *New South Wales Government Gazette* dated 17 August 1979). [6166]

NAMBUCCA SHIRE COUNCIL

Naming of Roads

IN accordance with the Roads Act 1993, Roads Regulation 2008, the General Manager granted approval to name the under mentioned roads as follows:

<i>Location</i>	<i>New Name</i>
off Wilson Road, Congarinni North.	Bedwell Place.
off McLeod Drive, Scotts Head.	Jackaroo Close.

MICHAEL COULTER, General Manager, Nambucca Shire Council, PO Box 177, Macksville NSW 2447. [6167]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ANTONIO DATTILO, late of Gwynneville, in the State of New South Wales, who died on 11th day of January 2011, must send particulars of their claim to the executors, c.o. Mercuri & Co, Solicitors, PO Box 719, Drummoyne NSW 1470, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 20th October 2011. MERCURI & CO, Solicitors, 1/43A Crescent Street, Rozelle NSW 2039 (PO Box 719, Drummoyne NSW 1470), tel.: (02) 9818 8375 [6168]

COMPANY NOTICES

NOTICE of dissolution of partnership.—Notice is hereby given that the partnership previously subsisting between William Paul MITCHELL, Julia Hope GILLARD and Nicholas Mitchell COREN carrying on business as Solicitors at 587 Pacific Highway, Belmont; 18 Church Street, Newcastle and 31 Llewellyn Street, Merewether, under the style or form “Thomas Mitchell Solicitors” has been dissolved as from 31 August, 2011. W. P. MITCHELL, c.o. Mason Lawyers, 1st Floor, 26-32 Lake Street (PO Box 254), Warners Bay NSW 2282 (DX 12605, Charlestown), tel.: (02) 4947 2755. [6169]