



# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

**Number 35**

**Friday, 11 April 2014**

Published under the authority of the Government by the Parliamentary Counsel

## OFFICIAL NOTICES

### Appointments

Department of Premier and Cabinet, Sydney  
9 April 2014

#### **CONSTITUTION ACT 1902**

Ministerial Arrangements for the Deputy Premier,  
Minister for Trade and Investment and  
Minister for Regional Infrastructure and Services

PURSUANT to section 36 of the Constitution Act 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable G. SOURIS, M.P., to act for and on behalf of the Minister for Trade and Investment and Minister for Regional Infrastructure and Services for the period from 12 to 17 April 2014 inclusive.

BARRY O'FARRELL, M.P.,  
Premier

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## Roads and Maritime Services

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### ROADS ACT 1993

Notice of Dedication of Land as Public Road at  
Broughton Village in the Kiama Municipal Council area

Roads and Maritime Services by its delegate, dedicates  
the land described in the schedule below as public road  
under section 10 of the Roads Act 1993.

T D Craig  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Maritime Services

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### SCHEDULE

ALL that piece or parcel of land situated in the Kiama  
Municipal Council area, Parish of Broughton and  
County of Camden, shown as Lot 433 Deposited Plan  
1186383.

(RMS Papers: 1/236.1309)

## Department of Trade and Investment, Regional Infrastructure and Services

### MINERAL RESOURCES

NOTICE is given that the following applications have been received:

#### EXPLORATION LICENCE APPLICATIONS

(T14-1047)

No. 5002, PEEL MINING LIMITED (ACN 119 343 734), area of 15 units, for Group 1, dated 30 March 2014. (Cobar Mining Division).

(T14-1052)

No. 5006, COMET RESOURCES LIMITED (ACN 060 628 202), area of 75 units, for Group 1, dated 3 April 2014. (Wagga Wagga Mining Division).

(T14-1053)

No. 5007, ANGLO AMERICAN EXPLORATION (AUSTRALIA) PTY LTD (ACN 006 195 982), area of 200 units, for Group 1, dated 3 April 2014. (Broken Hill Mining Division).

(T14-1054)

No. 5008, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 4 units, for Group 1, dated 4 April 2014. (Broken Hill Mining Division).

(T14-1055)

No. 5009, SANDFIRE RESOURCES NL (ACN 105 154 185), area of 63 units, for Group 1, dated 8 April 2014. (Orange Mining Division).

(T14-1056)

No. 5010, ALPINE MEADOWS CLEAN-FILL PTY LTD (ACN 148 993 426), area of 4 units, for Group 1, dated 8 April 2014. (Cobar Mining Division).

(T14-1057)

No. 5011, SANDFIRE RESOURCES NL (ACN 105 154 185), area of 23 units, for Group 1, dated 9 April 2014. (Orange Mining Division).

(T14-1058)

No. 5012, SCORPIO RESOURCES PTY LTD (ACN 109 158 769), area of 100 units, for Group 1, dated 9 April 2014. (Coffs Harbour Mining Division).

#### MINING LEASE APPLICATION

(T14-1051)

No. 471, ELSMORE RESOURCES LIMITED (ACN 145 701 033), area of about 30.95 hectares, to mine for corundum and tin, dated 2 April 2014. (Inverell Mining Division).

The Hon. ANTHONY ROBERTS, M.P.,  
Minister for Resources and Energy

NOTICE is given that the following application has been granted:

#### EXPLORATION LICENCE APPLICATION

(T13-1189)

No. 4928, now Exploration Licence No. 8248, JODAMA PTY LTD (ACN 095 440 547), Counties of Flinders and Kennedy, Map Sheet (8333), area of 37 units, for Group 1

and Group 2, dated 24 March 2014, for a term until 24 March 2017.

The Hon. ANTHONY ROBERTS, M.P.,  
Minister for Resources and Energy

NOTICE is given that the following application has been withdrawn:

#### EXPLORATION LICENCE APPLICATION

(T14-1015)

No. 4969, OCHRE RESOURCES PTY LTD (ACN 112 833 351), County of Harden and County of King, Map Sheet (8628). Withdrawal took effect on 1 April 2014.

The Hon. ANTHONY ROBERTS, M.P.,  
Minister for Resources and Energy

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

(T14-1044)

Exploration Licence No. 6223, AURICULA MINES PTY LIMITED (ACN 108 362 027), area of 13 units. Application for renewal received 1 April 2014.

(T03-1008)

Exploration Licence No. 6226, DEFIANCE RESOURCES PTY LTD (ACN 119 700 220), area of 15 units. Application for renewal received 4 April 2014.

(14-1075)

Exploration Licence No. 6548, BIG ISLAND MINING PTY LTD (ACN 112 787 470), area of 85 units. Application for renewal received 1 April 2014.

(T10-0027)

Exploration Licence No. 7503, CENTREX METALS LIMITED (ACN 096 298 752), area of 16 units. Application for renewal received 7 April 2014.

(T09-0107)

Exploration Licence No. 7515, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), area of 5 units. Application for renewal received 4 April 2014.

(T09-0108)

Exploration Licence No. 7516, COBAR CONSOLIDATED RESOURCES LIMITED (ACN 118 684 576), area of 14 units. Application for renewal received 4 April 2014.

The Hon. ANTHONY ROBERTS, M.P.,  
Minister for Resources and Energy

#### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T90-0302)

Exploration Licence No. 3856, NEWCREST MINING LIMITED (ACN 005 683 625), Counties of Ashburnham and Bathurst, Map Sheet (8630, 8631, 8731), area of 42 units, for a further term until 20 May 2014. Renewal effective on and from 17 January 2014.

(10-6573)

Exploration Licence No. 6009, JERVOIS MINING LIMITED (ACN 007 626 575), Counties of Canbelego and Flinders, Map Sheet (8234, 8334, 8335), area of 17 units, for a further term until 20 October 2014. Renewal effective on and from 25 March 2014.

(T13-3893)

Exploration Licence No. 6162, HERA RESOURCES PTY LIMITED (ACN 138 992 999), Counties of Flinders and Mouramba, Map Sheet (8133), area of 48 units, for a further term until 25 November 2018. Renewal effective on and from 3 April 2014.

(12-3453)

Exploration Licence No. 6522, GRENFELL GOLD PTY LTD (ACN 106 245 238), County of Forbes, Map Sheet (8530), area of 18 units, for a further term until 10 March 2017. Renewal effective on and from 8 April 2014.

(06-7082)

Exploration Licence No. 6845, TEMPLAR RESOURCES PTY LTD (ACN 085 644 944), Map Sheet (), area of 90 units, for a further term until 3 August 2016. Renewal effective on and from 13 March 2014.

(07-0185)

Exploration Licence No. 6985, MINERALS AUSTRALIA PTY LTD (ACN 124 475 538), County of Murchison, Map Sheet (9037), area of 24 units, for a further term until 17 December 2015. Renewal effective on and from 1 April 2014.

(07-0314)

Exploration Licence No. 7014, HILL END GOLD LIMITED (ACN 072 692 365), Counties of Bathurst and Roxburgh, Map Sheet (8731), area of 2 units, for a further term until 20 January 2016. Renewal effective on and from 3 April 2014.

(07-0286)

Exploration Licence No. 7058, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), Counties of Cunningham and Kennedy, Map Sheet (8332, 8432), area of 35 units, for a further term until 1 February 2017. Renewal effective on and from 3 April 2014.

(T07-0476)

Exploration Licence No. 7065, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), Counties of Flinders and Mouramba, Map Sheet (8134), area of 18 units, for a further term until 4 February 2016. Renewal effective on and from 1 April 2014.

(T09-0084)

Exploration Licence No. 7452, Richard ARNOLD and Janice Kaye ARNOLD, County of Yancowinna, Map Sheet (7234), area of 1 units, for a further term until 11 February 2017. Renewal effective on and from 1 April 2014.

(T10-0156)

Exploration Licence No. 7821, CROWL CREEK EXPLORATION LIMITED (ACN 139 933 109), County of Cunningham, Map Sheet (8232, 8332), area of 71 units, for

a further term until 8 August 2015. Renewal effective on and from 25 March 2014.

The Hon. ANTHONY ROBERTS, M.P.,  
Minister for Resources and Energy

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### TRANSFER APPLICATION

NOTICE is given that the following application has been received:

(08-9055)

Special (Crown & Private Lands) Lease No. 20 (Act 1969), DENEHURST LIMITED (SUBJECT TO DEED OF COMPANY ARRANGEMENT) to TARAGO OPERATIONS PTY LTD (ACN 127 810 413), County of Murray, Map Sheet (8827), area of 2368 hectares. Application for Transfer was received on 1 December 2008.

The Hon. ANTHONY ROBERTS, M.P.,  
Minister for Resources and Energy

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### WITHDRAWAL OF APPLICATION FOR RENEWAL

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

(13-3367)

Exploration Licence No. 6309, STONEWALL RESOURCES LIMITED (ACN 131 758 177) and AUGUR RESOURCES LTD (ACN 106 879 690), County of Gipps, Map Sheet (8331), area of 50 units. The authority ceased to have effect on 7 April 2014.

The Hon. ANTHONY ROBERTS, M.P.,  
Minister for Resources and Energy

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### CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(06-4191)

Exploration Licence No. 6783, RAPTOR MINERALS LIMITED (ACN 101 168 343), County of Cowper, Map Sheet (8036, 8136), area of 23 units. Cancellation took effect on 4 April 2014.

(06-4191)

Exploration Licence No. 6844, RAPTOR MINERALS LIMITED (ACN 101 168 343), County of Yanda, Map Sheet (7936), area of 6 units. Cancellation took effect on 4 April 2014.

(T12-1158)

Exploration Licence No. 8069, PMR1 PTY LTD (ACN 145 210 528), County of Clarke, County of Sandon and County of Vernon, Map Sheet (9236, 9237, 9336), area of 100 units. Cancellation took effect on 31 March 2014.

The Hon. ANTHONY ROBERTS, M.P.,  
Minister for Resources and Energy

**PRIMARY INDUSTRIES****STOCK DISEASES ACT 1923**

Appointment of Inspectors

Notification No. 558

I, ANDREW COLIN SANGER, Director, Biosecurity Compliance, with the delegated authority of the Secretary 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 Michael Mirko KNEZ and Rahul SHANKAR as inspectors for the purposes of the Act.

Dated this the 3rd day of April 2014.

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

**WATER MANAGEMENT (LOWER GWYDIR  
PRIVATE IRRIGATION DISTRICT)  
PROCLAMATION 2013**

under the

Water Management Act 2000

**ERRATUM**

THE notice published under the above heading in *New South Wales Government Gazette* No. 111 on 13 September 2013 on page 4007 contained errors. These errors are as follows:  
The heading of Clause 4

This heading refers to the “Constitution of certain lands as Lower Gingham Private Irrigation District No. 1”.

The heading should refer to the “Constitution of certain lands as Lower Gwydir Private Irrigation District.”

## Clause 8

Clause 8 refers to “The first election of members of the Lower Gingham PID No. 1 Board”.

Clause 8 should refer to “The first election of members of the Lower Gwydir PID Board.”

This notice corrects those errors and the gazettal date remains 13 September 2013.

**LANDS**

**ARMIDALE CROWN LANDS OFFICE**  
**108 Faulkner Street (PO Box 199A), Armidale NSW 2350**  
**Phone: (02) 6770 3100 Fax (02) 6771 5348**

**NOTICE OF PURPOSE OTHER THAN THE  
DECLARED PURPOSE PURSUANT TO SECTION  
34A(2) OF THE CROWN LANDS ACT 1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

SCHEDULE

| <i>Column 1</i>   | <i>Column 2</i>  |
|---|--|
| Access (Relevant Interest - Section 34A Licence - RI 523495). | Reserve No.: 35276.<br>Public Purpose: Railway.<br>Notified: 8 November 1902.<br>File No.: 13/14382. |

**DUBBO CROWN LANDS OFFICE**  
**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830**  
**Phone: (02) 6883 3300 Fax: (02) 6884 2067**

**NOTICE OF PURPOSE OTHER THAN THE  
DECLARED PURPOSE PURSUANT TO SECTION  
34A(2) OF THE CROWN LANDS ACT 1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

SCHEDULE 1

| <i>Column 1</i>  | <i>Column 2</i>  |
|--|--|
| Pipeline and Pumpsite<br>(Relevant Interest - S34A<br>Licence 523449). | Reserve No.: 1637.<br>Public Purpose: Travelling<br>stock and camping.<br>Notified: 21 January 1884.<br>File No.: 13/14303.<br>Reserve No.: 19135.<br>Public Purpose: Travelling<br>stock and camping.<br>Notified: 15 November 1893.<br>File No.: 13/14303.<br>Reserve No.: 89051.<br>Public Purpose: Sanitary<br>purposes and drainage.<br>Notified: 19 October 1973.<br>File No.: 13/14303.<br>Reserve No.: 56146.<br>Public Purpose: Generally.<br>Notified: 11 May 1923.<br>File No.: 13/14303.<br>Reserve No.: 1011268.<br>Public Purpose: Future<br>public requirements.<br>Notified: 3 February 2006.<br>File No.: 13/14303. |

SCHEDULE 2

| <i>Column 1</i>   | <i>Column 2</i>  |
|---|--|
| Pump and Pipeline<br>(Relevant Interest -<br>Section 34A<br>Licence - RI 472517). | Reserve No.: 62985.<br>Public Purpose: Travelling<br>stock and camping.<br>Notified: 16 October 1931.<br>File No.: 10/15529.<br>Reserve No.: 62986.<br>Public Purpose: Camping.<br>Notified: 16 October 1931.<br>File No.: 10/15529. |

*Column 1*

*Column 2*

Reserve No.: 95864.  
Public Purpose: Public  
recreation.  
Notified: 26 March 1982.  
File No.: 10/15529.  
Reserve No.: 56146.  
Public Purpose: Generally.  
Notified: 11 May 1923.  
File No.: 10/15529.  
Reserve No.: 1011268.  
Public Purpose: Future  
public requirements.  
Notified: 3 February 2006.  
File No.: 10/15529.

**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.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

SCHEDULE

| <i>Column 1</i>  | <i>Column 2</i>                 | <i>Column 3</i>   |
|--|---------------------------------|---|
| Kerrie CONN<br>(re-appointment).<br>Thomas John<br>WHITELEY<br>(new member).<br>Natasha Therese WHILLOCK<br>(new member).<br>Trent Charles RUNCIMAN<br>(re-appointment).<br>William John REDFERN<br>(re-appointment).<br>Mark Christopher CONN<br>(re-appointment).<br>Yvonne Gerda REDFERN<br>(re-appointment). | Comobella Public<br>Hall Trust. | Dedication No.: 520070.<br>Public Purpose: Public hall.<br>Notified: 17 December 1937.<br>File No.: 13/15015. |

Term of Office

For a term commencing 1 May 2014 and expiring 30 April  
2019.

**GOULBURN OFFICE**  
**159 Auburn Street, Goulburn NSW 2580**  
**(PO Box 2215, Dangar NSW 2309)**  
**Phone: (02) 4824 3700      Fax: (02) 4822 4287**

**NOTICE OF PURPOSE OTHER THAN THE  
DECLARED PURPOSE PURSUANT TO SECTION  
34A(2) OF THE CROWN LANDS ACT 1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

SCHEDULE

| <i>Column 1</i>   | <i>Column 2</i>  |
|---|--|
| Environmental Protection and Sustainable Grazing (Relevant Interest - S34A Licence 525421). | Reserve No.: 91080.<br>Public Purpose: Generally.<br>Notified: 23 March 1978.<br>File No.: 13/15536. |



**GRAFTON OFFICE**  
**49-51 Victoria Street, Grafton NSW 2460**  
**(PO Box 2185, Dangar NSW 2309)**  
**Phone: 1300 886 235 Fax: (02) 6642 5375**

**NOTIFICATION OF CLOSING OF A ROAD**

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

ANDREW STONER, M.P.,  
 Minister for Regional Infrastructure and Services

Description

*Parishes – Toothill and Blaxland; County – Fitzroy;*  
*Land District – Grafton; L.G.A. – Clarence Valley*

Road Closed: Lot 1, DP 1192309.

File No.: 10/16558.

Schedule

On closing, the land within Lot 1, DP 1192309 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Fenton; County – Fitzroy;*  
*Land District – Bellingen; L.G.A. – Bellingen*

Road Closed: Lot 1, DP 1193593.

File No.: 12/08530.

Schedule

On closing, the land within Lot 1, DP 1193593 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Toothill; County – Fitzroy;*  
*Land District – Grafton; L.G.A. – Clarence Valley*

Road Closed: Lot 1, DP 1193592.

File No.: 11/06493.

Schedule

On closing, the land within Lot 1, DP 1193592 becomes vested in the State of New South Wales as Crown land.

Council's Reference: 13.088/11 Property Folder #296.

Description

*Parish – Carbeenbri; County – Benarba;*  
*Land District – Moree; L.G.A. – Moree Plains*

Road Closed: Lot 1, DP 1193439.

File No.: ME05 H 432.

Schedule

On closing, the land within Lot 1, DP 1193439 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Warre Warral and Houlaghan;*  
*County – Clarendon;*  
*Land District – Cootamundra Central; L.G.A. – Junee*

Road Closed: Lot 2, DP 1190449.

File No.: 13/12339.

Schedule

On closing, the land within Lot 2, DP 1190449 remains vested in the State of New South Wales as Crown land.

Description

*Parish – North Casino; County – Rous;*  
*Land District – Casino; L.G.A. – Richmond Valley*

Road Closed: Lot 1, DP 1169291.

File No.: 07/3924.

Schedule

On closing, the land within Lot 1, DP 1169291 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Cowangara and St Leonard;*  
*Counties – Macquarie and Vernon;*  
*Land District – Port Macquarie;*  
*L.G.A. – Port Macquarie-Hastings*

Road Closed: Lot 1, DP 1190191 and Lot 2, DP 1190193.

File No.: AE07 H 95.

Schedule

On closing, the land within Lot 1, DP 1190191 and Lot 2, DP 1190193 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Ballina; County – Rous;*  
*Land District – Lismore; L.G.A. – Ballina*

Road Closed: Lot 1, DP 1192800.

File No.: GF06 H 543.

Schedule

On closing, the land within Lot 1, DP 1192800 remains vested in the State of New South Wales as Crown land.

**NOTICE OF PURPOSE OTHER THAN THE  
 DECLARED PURPOSE PURSUANT TO SECTION  
 34A(2) OF THE CROWN LANDS ACT 1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

ANDREW STONER, M.P.,  
 Minister for Regional Infrastructure and Services

SCHEDULE

*Column 1*

Extraction of Sand  
 (Relevant Interest - S34A  
 Licence - RI 526557).

*Column 2*

Reserve No.: 70416.  
 Public Purpose: Public  
 recreation.  
 Notified: 12 December 1941.  
 File No.: 13/15904.

**HAY OFFICE**  
**126 Lachlan Street (PO Box 182), Hay NSW 2711**  
**Phone: (02) 6990 1800 Fax: (02) 6993 1135**

**NOTICE OF PURPOSE OTHER THAN THE  
DECLARED PURPOSE PURSUANT TO SECTION  
34A(2) OF THE CROWN LANDS ACT 1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

SCHEDULE 1

| <i>Column 1</i>  | <i>Column 2</i>  |
|--|--|
| Pump, Pipeline and Environmental Protection and Sustainable Grazing (Relevant Interest - Section 34A Licence - RI 525170). | Reserve No.: 87507.<br>Public Purpose: Access.<br>Notified: 14 November 1969.<br>File No.: 13/15361. |

SCHEDULE 2

| <i>Column 1</i>  | <i>Column 2</i>   |
|--|---|
| Pump, Pipeline and Environmental Protection and Sustainable Grazing (Relevant Interest - Section 34A Licence - RI 525170). | Reserve No.: 56146.<br>Public Purpose: Generally.<br>Notified: 11 May 1923.<br>File No.: 13/15361.                        |
| Pontoon (Relevant Interest – Section 34A Licence – RI 516699).   | Reserve No.: 1011268.<br>Public Purpose: Future public requirements.<br>Notified: 3 February 2006.<br>File No.: 13/11511. |

**MAITLAND OFFICE**  
**141 Newcastle Road, East Maitland NSW 2323**  
**(PO Box 2215, Dangar NSW 2309)**  
**Phone: (02) 1300 886 235 Fax: (02) 4934 2252**

**ROADS ACT 1993**  
**ORDER**

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 ceases to be a Crown road.

ANDREW STONER, M.P.,  
 Minister for Regional Infrastructure and Services

**SCHEDULE 1**

*Parish – Heddon; County – Northumberland;*  
*Land District – Maitland;*  
*Local Government Area – Cessnock*

Part Crown public road known as Graham Lane, Sawyers Gully, extending north easterly from Sawyers Gully Road for approximately 485m along the north western boundary of Lots 31 and 32, DP 1040139 and terminating at the north eastern boundary of Lot 32, DP 1040139 (as highlighted in the diagram below).



**SCHEDULE 2**

Roads Authority: Cessnock City Council.  
 Council's Reference: SU 99/12 and 118/698/1508.  
 Lands File Reference: MD02 H 294.

**ORDER – AUTHORISATION OF ADDITIONAL PURPOSE UNDER S121A**

PURSUANT to s121A of the Crown Lands Act 1989, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedule.

ANDREW STONER, M.P.,  
 Minister for Regional Infrastructure and Services

**SCHEDULE**

| <i>Column 1</i>               | <i>Column 2</i>   |
|-------------------------------|---|
| Port Facilities and Services. | Reserve No.: 79066.<br>Public Purpose: Public recreation.<br>Notified: 9 November 1956.<br>File No.: MD96 R 24. |

**NEWCASTLE OFFICE**  
**437 Hunter Street, Newcastle NSW 2300**  
**(PO Box 2215, Dangar NSW 2309)**  
**Phone: (02) 1300 886 235 Fax: (02) 4925 3517**

**NOTIFICATION OF CLOSING OF A ROAD**

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

ANDREW STONER, M.P.,  
 Minister for Regional Infrastructure and Services

Description

*Parish – Warratra; County – Wellington;  
 Land District – Mudgee; L.G.A. – Mid-Western Regional*

Road Closed: Lot 1, DP 1190119.

File No.: 11/05809 NB.

Schedule

On closing, the land within Lot 1, DP 1190119 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Macquarie; County – Lincoln;  
 Land District – Dubbo; L.G.A. – Dubbo*

Road Closed: Lot 1, DP 1181782.

File No.: 10/17364 NB.

Schedule

On closing, the land within Lot 1, DP 1181782 becomes vested in the State of New South Wales as Crown land.

Council's Reference: W402978.

Description

*Parish – Branxton; County – Northumberland;  
 Land District – Maitland; L.G.A. – Cessnock*

Road Closed: Lot 1, DP 1192858.

File No.: 12/05419 NB.

Schedule

On closing, the land within Lot 1, DP 1192858 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Meryon and Wonbobbie; County – Ewenmar;  
 Land District – Warren; L.G.A. – Warren*

Road Closed: Lot 2, DP 1192914.

File No.: 13/03943.

Schedule

On closing, the land within Lot 2, DP 1192914 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Yarrow; County – Flinders;  
 Land District – Nyngan; L.G.A. – Bogon*

Road Closed: Lot 1, DP 1190121.

File No.: 12/02677.

Schedule

On closing, the land within Lot 1, DP 1190121 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Rooty Hill; County – Cumberland;  
 Land District – Penrith; L.G.A. – Blacktown*

Road Closed: Lots 1 and 2, DP 1193917 subject to easement for overhead power lines and underground cables, easement for drainage of water, easement for services, easement for sewerage purposes, right of carriageway and easement for pipeline created by Deposited Plan DP 1193917.

File No.: 10/15463.

Schedule

On closing, the land within Lots 1 and 2, DP 1193917 remains vested in Blacktown City Council as operational land for the purposes of the Local Government Act 1993.

Council Reference: 58-646-7/5.

Description

*Parish – Marrar; County – Bourke;  
 Land District – Wagga Wagga; L.G.A. – Coolamon*

Road Closed: Lot 1, DP 1192410.

File No.: 13/13714:JT.

Schedule

On closing, the land within Lot 1, DP 1192410 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Araluen; County – St Vincent;  
 Land District – Braidwood; L.G.A. – Palerang*

Road Closed: Lots 1-2, DP 1193640.

File No.: 08/10533.

Schedule

On closing, the land within Lots 1-2, DP 1193640 remains vested in the State of New South Wales as Crown land.

**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.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

SCHEDULE

| <i>Column 1</i>                   | <i>Column 2</i>           |
|-----------------------------------|---------------------------|
| Reserve No.: 37881.               | Communication facilities. |
| Public Purpose: Travelling stock. |                           |
| Notified: 18 June 1904.           |                           |
| Parish: Paika.                    |                           |
| County: Cairn.                    |                           |

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

**NOTIFICATION OF CLOSING OF A ROAD**

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

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

Description

*Parish – Ormonde; County – Kennedy;  
Land District – Parkes; L.G.A. – Parkes*

Road Closed: Lot 1, DP 1190362.

File No.: 09/08707.

Schedule

On closing, the land within Lot 1, DP 1190362 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**

**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.

ANDREW STONER, M.P.,  
 Minister for Regional Infrastructure and Services

SCHEDULE

| <i>Column 1</i>  | <i>Column 2</i>  |
|--|--|
| Land District: Parkes.   | Reserve No.: 752121.   |
| Local Government Area:<br>Parkes Shire Council.                  | Public Purpose: Future<br>public requirements.                   |
| Locality: Parish Trundle,<br>County Cunningham.                  | Notified: 29 June 2007.  |
| Lot 137, DP No. 752121,<br>Parish Trundle,<br>County Cunningham. | Lot 207, DP No. 722334,<br>Parish Trundle,<br>County Cunningham. |
| Area: 8094 square metres.  | Lot 202, DP No. 752121,<br>Parish Trundle,<br>County Cunningham. |
| File No.: OE80 H 3288.   | Lot 90, DP No. 752121,<br>Parish Trundle,<br>County Cunningham.  |
|  | Lot 192, DP No. 752121,<br>Parish Trundle,<br>County Cunningham. |
|  | Lot 174, DP No. 752121,<br>Parish Trundle,<br>County Cunningham. |
|  | New Area: 12.72 hectares.  |

Note: The addition of Lot 137, DP 752121 to Reserve 752121 auto revokes Reserve 2784 from Occupation under any M.R or B.L.

**SYDNEY METROPOLITAN OFFICE**  
**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150**  
**(PO Box 3935, Parramatta NSW 2124)**  
**Phone: (02) 8836 5300 Fax: (02) 8836 5365**

**NOTIFICATION OF CLOSING OF A ROAD**

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

ANDREW STONER, M.P.,  
 Minister for Regional Infrastructure and Services

Description

*Parish – St George; County – Cumberland;  
 Land District – Sydney Metropolitan; L.G.A. – Hurstville*

Road Closed: Lot 1, DP 1191624 subject to an easement for water supply purposes created by Deposited Plan DP 1191624.

File No.: 10/19236.

Schedule

On closing, the land within Lot 1, DP 1191624 remains vested in Hurstville City Council as operational land for the purposes of the Local Government Act 1993.

Council Reference: 10/412.

**ORDER – AUTHORISATION OF ADDITIONAL PURPOSE UNDER S121A**

PURSUANT to s121A of the Crown Lands Act 1989, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedule.

ANDREW STONER, M.P.,  
 Minister for Regional Infrastructure and Services

SCHEDULE

*Column 1*

Community purposes.

*Column 2*

Reserve No.: 83758.  
 Public Purpose: Public recreation.  
 Notified: 16 March 1962.  
 File No.: 13/13352.



**TAMWORTH OFFICE****25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****NOTIFICATION OF CLOSING OF A ROAD**

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

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

## Description

*Parish – Gunnadilly; County – Buckland  
Land District – Quirindi; L.G.A. – Liverpool Plains*

Road Closed: Lot 1, DP 1156421.

File No.: 08/0591.

## Schedule

On closing, the land within Lot 1, DP 1156421 remains vested in the State of New South Wales as Crown land.

## Description

*Parish – Babbaboone; County – Buckland;  
Land District – Gunnedah; L.G.A. – Gunnedah*

Road Closed: Lot 3, DP 1191178 (subject to easement created by Deposited Plan 1191178).

File No.: 13/03857.

## Schedule

On closing, the land within Lot 3, DP 1191178 remains vested in the State of New South Wales as Crown land.

## Description

*Parish – Yarrimanbah; County – Buckland;  
Land District – Quirindi; L.G.A. – Liverpool Plains*

Road Closed: Lot 54, DP 1190027.

File No.: 09/11032.

## Schedule

On closing, the land within Lot 54, DP 1190027 remains vested in the State of New South Wales as Crown land.

## Description

*Parish – Ghoolendaadi; County – Pottinger;  
Land District – Gunnedah; L.G.A. – Gunnedah*

Road Closed: Lot 1, DP 1168551.

File No.: 08/1179.

## Schedule

On closing, the land within Lot 1, DP 1168551 remains vested in the State of New South Wales as Crown land.

## Description

*Parish – Breeza; County – Pottinger;  
Land District – Gunnedah; L.G.A. – Gunnedah*

Road Closed: Lot 1, DP 1192860.

File No.: 08/8290.

## Schedule

On closing, the land within Lot 1, DP 1192860 remains vested in the State of New South Wales as Crown land.

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

**ROADS ACT 1993**

**ORDER**

Transfer of Crown Road to a Council

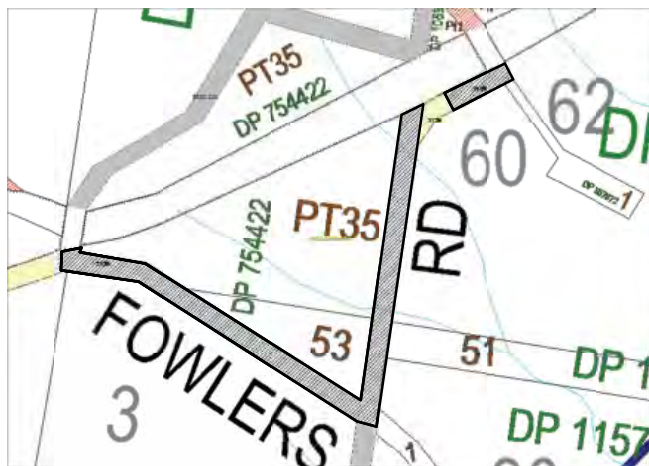
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

**SCHEDULE 1**

*Parish – Killawarra; County – Macquarie;  
Land District – Taree; Locality – Karaak Flat;  
Local Government Area – Greater Taree City Council*

Crown public road as indicated by heavy black edge on diagram below.



**SCHEDULE 2**

Roads Authority: Greater Taree City Council.

File No.: TE03 H 237.

**WAGGA WAGGA OFFICE****Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****NOTICE OF PURPOSE OTHER THAN THE  
DECLARED PURPOSE PURSUANT TO SECTION  
34A(2) OF THE CROWN LANDS ACT 1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

**SCHEDULE**

| <i>Column 1</i>  | <i>Column 2</i>   |
|--|---|
| Sewerage Pipeline and Stormwater Retention Basin (Relevant Interest - S34A Licence RI 531576). | Dedication No.: 1015348.<br>Public Purpose: Environmental protection, access and public recreation.<br>Notified: 26 June 2009.<br>File No.: 14/01643. |

**WESTERN REGION OFFICE**  
**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830**  
**Phone: (02) 6883 5400      Fax: (02) 6884 2067**

**NOTICE OF PURPOSE OTHER THAN THE  
DECLARED PURPOSE PURSUANT TO SECTION  
34A(2) OF THE CROWN LANDS ACT 1989**

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

ANDREW STONER, M.P.,  
Minister for Regional Infrastructure and Services

SCHEDULE 1

| <i>Column 1</i>  | <i>Column 2</i>  |
|--|--|
| Film Making (Relevant Interest - Section 34A Licence - RI 533096). | Reserve No.: 1013830.<br>Public Purpose: Future public requirements.<br>Notified: 29 June 2007.<br>File No.: 14/02408. |

SCHEDULE 2

| <i>Column 1</i>                                   | <i>Column 2</i>  |
|---|--|
| Dugout (Relevant Interest - S34A Licence 522529). | Reserve No.: 1013834.<br>Public Purpose: Future public requirements.<br>Notified: 29 June 2007.<br>File No.: 13/13821. |

**WATER****WATER ACT 1912**

Notice of Withdrawal of Pumping Suspensions  
under section 22B of the Water Act 1912

Stewarts River and its Tributaries

THE NSW Office of Water advises that the PUMPING SUSPENSIONS under section 22B of the Water Act 1912 relating to the Stewarts River and its tributaries with respect to the taking of water there, from hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act, that pumping suspensions so imposed are now cancelled.

Dated this 10th day of April 2014.

GARRY HODSON,  
Deputy Commissioner,  
Water Regulation,  
NSW Office of Water

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## Other Notices

### 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.

Combined Service Vietnam Veterans Assoc Australia Incorporated – Inc9896588

Lao-Australian Sporting Association Incorporated – Inc9889090

Epping The Lord's Church Incorporated – Inc1300682

Kulnura Pioneer Country Markets Inc – Inc1301316

Regeneration Development Incorporated – Inc9890566

Wagga Wagga Art Prize Incorporated – Inc9892886

Global Training Ministries Incorporated – Inc9882171

Guards With Guns Incorporated – Inc9893870

Condobolin Rodeo Committee Inc – Y1158041

Save Our Bermagui Action Group Incorporated – Inc9890647

Recreation and Peer Support Inc – Y1149924

Public Interest Law Clearing House Incorporated – Y1528817

Far South Coast Living Artist Projects Incorporated – Inc9887282

Pro Musica Grafton Inc – Y1481329

Dated 9th day of April 2014.

ROBYNE LUNNEY,  
Delegate of the Commissioner,  
NSW Fair Trading

### ASSOCIATIONS INCORPORATION ACT 2009

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Recreation and Peer Support Inc – Y1149924

Public Interest Law Clearing House Incorporated – Y1528817

Far South Coast Living Artist Projects Incorporated – INC9887282

Pro Musica Grafton Inc – Y1481329

Dated 9th day of April 2014.

ROBYNE LUNNEY,  
Delegate of the Commissioner,  
NSW Fair Trading

### ELECTRICITY (CONSUMER SAFETY) ACT 2004

#### PROHIBITION NOTICE

Section 21

I, JOHN TANSEY, Assistant Commissioner, Home Building Service, as delegate on behalf of the Director-General NSW Fair Trading under the Electricity (Consumer Safety) Act 2004 (“the Act”):

1. pursuant to section 21(1) of the Act prohibit the sale of a flexible heating pad incorporating a bladder containing a conductive liquid and electrodes that are used for heating the internal liquid (“the flexible heating pad”) specified in Schedule 1, from the date of publication of this notice in the Gazette; and
2. issue this notice believing on reasonable grounds as specified in Schedule 2 that:
  - (a) the flexible heating pad is, by reason of its design or construction, unsafe to use, and
  - (b) prohibiting the sale of the flexible heating pad is warranted by reason of the potential risk of death or injury to any person or damage to any property arising out of the use of the electrical article.

Dated this 9th day of April 2014.

JOHN TANSEY,  
Assistant Commissioner,  
Home Building Service,  
NSW Fair Trading

#### Interpretation

“Director-General” has the same meaning as it has in the Fair Trading Act 1987: See section 3(1) of the Act. Under section 4(1) of the Fair Trading Act 1987, “Director-General” relevantly refers to “the Commissioner for Fair Trading, Department of Commerce”.

#### SCHEDULE 1

A flexible heating pad (also known as an electric hot water bottle or electric hot pack) incorporating a bladder containing a liquid and internal electrical components used in heating the internal liquid. (declared class: flexible heating pad).

#### SCHEDULE 2

The flexible heating pad also known as an electrical hot water bottle or electric heat pack, is unsafe to use because of its design, construction or manufacture, which can result in the flexible heating pad potentially causing an electrical shock while in use.

The flexible heating pad design is emerging technology and no relevant standard totally captures its design and use. The electrical hot water bottle is non-compliant to the relevant standard of essential safety requirements of Australian/New Zealand Standard AS/NZS 60335.1 clause 22.33.). This flexible heating pad is a declared article under the definition of 'Flexible Heating pad'.

The flexible heating pad is designed to be connected to power to heat up the liquids contained within the bladder with the aid of electrodes. However the articles' present design allows it to be used while it is connected to the power supply.

When examined by Fair Trading the flexible heating pad was found to have several serious safety concerns. These serious concerns were identified as:

1. The use of electrodes as cause of heating the internal liquid.
  - a. Exposed electrodes heat the internal liquid which can conduct an electric current from the electrodes to a user via indirect contact through the outer bladder.
2. Can be charged whilst in use by consumers.
  - a. Currently the design of the flexible heating pad allows the use of the pad while it is being charged, increasing the risk of electric shock.
3. Construction/design/material in particular the construction of the bladder.
  - a. This bladder is all that insulates a user from the inner electrodes. If the integrity of the bladder is compromised it may result in an electric shock. Serious concerns are raised as to the integrity of the bladder against puncture, splitting or over-pressure caused by internal electrical fault, degradation or external forces.
4. Child appealing designs.
  - a. Fair Trading has observed several flexible heating pads specifically marketed for children. These designs have been in the form of animal characters. These designs are inviting children to use, what is currently, an unsafe article. The standard prohibits an enclosure that is shaped or decorated like a toy.

The question of the compliance of this type of flexible heating pad was presented to the New South Wales Fair Trading Electrical Equipment Safety Advisory Committee (EESAC) constituted under Clause 31 of the Electricity (Consumer Safety) Regulation 2006. On Friday 8 November 2013 the committee agreed that the flexible heating pad was non-compliant to the Standard and that the certificate of approval covering this flexible heating pad should be immediately cancelled.

A certificate of approval had been issued in error and has since been cancelled.

The committee agreed that AS/NZS 60335.1 clause 22.33 prohibits the design of the flexible heating pad and agreed that electrodes as referenced in the Standard should not be used to heat liquids in this manner. The committee recommended that improved testing is required to verify the safety of the flexible heating pad as the current AS/NZ Standard is not sufficient.

The committee agreed that the safety risk could be reduced if the flexible heating pad was charged through the use of a docking station or a similar way. This would prevent the misuse of the flexible heating pad when connected to an electrical supply.

Compliance of the flexible heating pad was also questioned at the February 2014 meeting of the EL-002 committee. The EL-002 committee is the Australian/New Zealand standards committee that administers AS/NZS 60335.1. Again the flexible heating pad was confirmed to be non-compliant.

Since November 2013 Fair Trading has had ongoing discussions with the main supplier of the flexible heating pads who agreed to stop their sale and remove the items from the marketplace.

Fair Trading has explored design changes that may render the article safer to use, however stringent testing is required to ensure essential safety requirements are met.

Recent surveys in the marketplace and via online sales by Fair Trading have established the continued sale of several variants of the non-compliant flexible heating pads. These sales are occurring primarily at pharmaceutical stores and an increase in online auction sites. Even more concerning is the recent discovery of imported models which appear to be inferior to those models located in stores.

One major supplier has indicated that a new type of flexible heating pad will be sold to replace non-compliant product. Fair Trading is concerned that with no satisfactory testing completed, any new models will still carry the serious safety concerns already raised.

Fair Trading continues to hold severe concerns regarding the flexible heating pad and its design. With winter approaching, Fair Trading is concerned that the colder months will further promote the sale and use of the flexible heating pad and in turn increase the risk of injury to people using the product. As the regulator of electrical safety in NSW, Fair Trading seeks to use its legislative powers to prohibit the sale of flexible heating pads until we are satisfied that they meet essential safety requirements.

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## HOUSING ACT 2001

### ERRATA

THE Executive Order published in the *NSW Government Gazette* of 16 August 2013 on folio 3774 to vest land in St George Community Housing Limited had an incorrect street address and incorrect title reference.

The correct street address and title reference is 6 Austin Crescent and 19 Omaha Street, Belfield, being Lot 1 and Lot 2 in DP 1180844, Parish of St George, County of Cumberland.

This notice corrects those errors and the gazettal date remains 16 August 2013.

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## LEGAL PROFESSION ADMISSION RULES 2005

THE Legal Profession Admission Board has approved amendments to the Legal Profession Admission Rules 2005.

First Schedule (Forms)

Form 1, Application for Registration as a Student-at-law  
Item 6 (Certification & Authorisation):

Delete: "a" in between "am" and "suitable".

Dated 7 April 2014.

ROBIN SZABO,  
Executive Officer,  
Legal Profession Admission Board

**LORD HOWE ISLAND ACT 1953**

Notice of Transfer of Perpetual Lease 1993/02

HER Excellency the Governor, with the advice of the Executive Council, pursuant to section 23 (2) of the Lord Howe Island Act 1953 has approved the transfer of Perpetual Lease 1993/02 (Portion 317 Skyline Drive, Lord Howe Island) from Craig Desmond Thompson and Elizabeth Pittar to James Ian McFadyen and Rachael May McFadyen.

Dated this 2nd day of April 2014.

The Hon. ROBYN PARKER, M.P.,  
Minister for the Environment

**MOTOR ACCIDENTS AUTHORITY****CLAIMS ASSESSMENT GUIDELINES**

GUIDELINES issued pursuant to section 69 (1) of the Motor Accidents Compensation Act 1999 (NSW) for or with respect to the procedures for the assessment of claims under Part 4.4 of the Motor Accidents Compensation Act 1999 (NSW) and associated matters.

These Guidelines come into effect on 1 May 2014.

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**Explanatory note**

These Guidelines are made pursuant to section 69 (1) of the Motor Accidents Compensation Act 1999 ('the Act'). They apply in respect of a motor accident occurring on or after 5 October 1999. Pursuant to section 106 (1) these Guidelines operate by force of law as if they were delegated legislation.

The Guidelines explain the operation of those sections of the Act relating to the Claims Assessment and Resolution Service ('CARS'). CARS has been established by the Motor Accidents Authority ('the Authority') to reduce the need for injured persons or insurers to commence legal or court proceedings. It is intended this will assist in the reduction of costs for the Motor Accidents Compensation Scheme and will therefore help maintain the affordability of premiums. It is intended that the CARS process will facilitate the earlier settlement of claims to the benefit of all parties.

These Guidelines instruct officers of the MAA, members of the legal profession and the insurance industry and parties to claims how to make and deal with an application to CARS. Clear and easily accessible information directed towards claimants who wish to represent themselves is also available from the MAA. These Guidelines are also intended to guide Claims Assessors as to the manner in which an assessment is to be conducted.

This new version of the Guidelines replaces the previous Claims Assessment Guidelines and will apply to all new applications received at CARS on or after 1 May 2014 and all matters current at CARS on or after that date, that have not been determined, unless otherwise provided for in these Guidelines.



The amendment made omitting former Clause 8.11.2 applies only to all new applications received at CARS on or after the date these Guidelines come into effect. The former Clause 8.11.2 continues to apply to all applications made before the date these Guidelines come into effect.

The versions of the Claims Assessment Guidelines that have been issued to date are as follows:

- Version 1 effective 4 April 2000, gazetted 17 December 1999;
- Version 2 effective 1 August 2002, gazetted 22 June 2002;
- Version 3 effective 1 May 2006, gazetted 3 March 2006;
- Version 4 effective 1 October 2008, gazetted 11 July 2008, amended on 1 October 2009 as gazetted 4 September 2009; and
- Version 5 effective 1 May 2014, gazetted 11 April 2014.

These Guidelines have been developed in consultation with the Insurance Council of Australia Limited, the Council of the Bar Association, and the Council of the Law Society as required by section 69 (3) of the Act and with the Council of the Australian Lawyers Alliance.

Questions about CARS and these Guidelines should be directed to the Director Assessment Services/Registrar MAAS.

JULIE NEWMAN,  
Chief Executive Officer,  
Safety, Return to Work & Support Division

ANDREW NICHOLLS,  
General Manager,  
Motor Accidents Authority of NSW

CAMERON PLAYER,  
Director, Assessment Services,  
Motor Accidents Authority of NSW  
Registrar, MAAS

Effective: 1 May 2014

Gazetted: 11 April 2014

### **Division 1 – Introduction and registry**

#### **Chapter 1 – Introduction and interpretation**

##### **Introduction and commencement date**

- 1.1 These Guidelines may be ‘referred to as the ‘Claims Assessment Guidelines’ and are made pursuant to section 69 (1) of the Motor Accidents Compensation Act 1999 (‘the Act’). They apply in respect of a motor accident occurring on or after 5 October 1999. These Guidelines are delegated legislation.
- 1.2 These Guidelines replace the Claims Assessment Guidelines that came into effect on 1 October 2008 and will apply to all new applications received at CARS on or after 1 May 2014 and all matters current at CARS on or after that date that have not been determined, unless otherwise provided for in these Guidelines. The omission of former clause 8.11.2 applies only to applications received on or after the date these Guidelines come into effect on 1 May 2014. The former clause 8.11.2 continues to apply to all applications received before the date these Guidelines come into effect.

- 1.3 These Guidelines have been developed in consultation with the Insurance Council of Australia Limited, the Council of the Bar Association, and the Council of the Law Society as required by section 69 (3) of the Act. In addition these Guidelines have also been developed in consultation with the Council of the Australian Lawyers Alliance.
- 1.4 As a transitional arrangement and to avoid requirements that might be unreasonable in the circumstances on any person or entity, the Registrar or PCA may waive observance of any part or parts of these Guidelines for any application that has been lodged with the registry before these Guidelines apply.
- 1.5 The Registrar or PCA may dispense with the formal requirements of these Guidelines after advising the parties to the dispute and considering any submissions by the parties.

#### **Definitions**

- 1.6 The terms used in these Guidelines have the following meanings:
- 1.6.1 Act – Motor Accidents Compensation Act 1999, as amended from time to time.
- 1.6.2 Allocation Review – A consideration of an application for general, special or further assessment and/or reply pursuant to Chapter 12.
- 1.6.3 Applicant – The party that initiates the referral of a claim or dispute in connection with a claim.
- 1.6.4 Application – The means by which a party requests the referral of a claim or dispute in connection with a claim for assessment or applies for a review.
- 1.6.5 Assessor – A Claims Assessor designated by the Authority under section 99. A reference to an Assessor in these Guidelines includes the PCA, unless otherwise stated.
- 1.6.6 Authority – Motor Accidents Authority (MAA).
- 1.6.7 CAO – Claims Assessment Officer of the Authority.
- 1.6.8 CARS – Motor Accidents Claims Assessment and Resolution Service of the Authority.
- 1.6.9 CARS Assessor – A Claims Assessor designated by the Authority under section 99.
- 1.6.10 CAS – Claims Advisory Service of the Authority.
- 1.6.11 Claimant – A person who makes or is entitled to make a claim under the Act.
- 1.6.12 CTP – Compulsory Third Party.
- 1.6.13 Determination Review – A consideration of an application for exemption from assessment and/or reply pursuant to Chapter 8.
- 1.6.14 DX box – Exchange box in the Australian Document Exchange Pty Ltd.
- 1.6.15 ECM system – An electronic case management system established by the Authority.

- 1.6.16 ET Act – Electronic Transactions Act 2000, as amended from time to time.
- 1.6.17 Form – A form approved by the Authority that may contain an application and/or a reply to an application.
- 1.6.18 Injured person – A person who has suffered an injury that is the subject of a claim made under the Act.
- 1.6.19 Insurer – Any party against whom a claim is made under the Act.
- 1.6.20 Licensed insurer – An insurer that is the holder of a license granted under Part 7.1 of the Act and in force.
- 1.6.21 MAAS – Motor Accidents Assessment Service, a unit of the Authority.
- 1.6.22 MAS – Motor Accidents Medical Assessment Service of the Authority.
- 1.6.23 MAS Assessor – A Medical Assessor appointed by the Authority under section 59.
- 1.6.24 Matter – The application, reply and all supporting documents and correspondence held by CARS in relation to one discrete application in relation to the assessment of a claim or a dispute in connection with a claim. Each matter lodged at CARS is given a discrete matter number.
- 1.6.25 Officer of CARS – An officer of the Authority undertaking work in relation to claims assessments or exemptions as directed by, or as delegated by the PCA.
- 1.6.26 PCA – Principal Claims Assessor of the Authority appointed by the Authority under section 99A.
- 1.6.27 Person under legal incapacity includes:
- a child under the age of 18 years;
  - a temporary patient, continued treatment patient or forensic patient within the meaning of the Mental Health Act 1990;
  - a person under guardianship within the meaning of the Guardianship Act 1987;
  - a protected person within the meaning of the Protected Estates Act 1983; and
  - an incommunicate person, being a person who has such a physical or mental disability that he or she is unable to receive communications, or express his or her will, with respect to his or her property or affairs.
- (Note: At the time of publication of these Guidelines, this definition has been modeled on, and is similar to, the definition of ‘Person under legal incapacity’ in section 3 of the Civil Procedure Act 2005.)
- 1.6.28 Registrar – The Registrar of the Authority.
- 1.6.29 Registry – That part of the Authority that receives documents for the purpose of assessment of claims or disputes in relation to claims, or exemption of claims from assessment.
- 1.6.30 Regulation – Motor Accidents Compensation Regulation 2005, as amended from time to time.
- 1.6.31 Reply – The means by which a respondent answers an application.
- 1.6.32 Respondent – A party who is required to respond to an application.
- 1.7 A reference in these Guidelines to a section ‘X’ is a reference to a section of the Motor Accidents Compensation Act 1999 (NSW), as amended from time to time.
- 1.8 To the extent that they are not defined in clause 1.6, the definitions in section 3 and section 57 apply to these Guidelines.
- 1.9 A reference to a party in these Guidelines includes multiples of parties or multiple parties to any application.
- 1.10 A reference in these Guidelines to a number of days is a reference to a number of working days, unless otherwise stated.
- 1.11 A reference in these Guidelines to a service copy of material is a reference to a separate set of the documents that are attached to and lodged with, or in support of, an application or reply.
- 1.12 The Authority will provide and maintain a Claims Advisory Service (CAS) to assist claimants in connection with the claims assessment procedures under the Act.

#### Objects of CARS

- 1.13 The objects of CARS set out in clause 1.14 should be used as an aid to the interpretation of these Guidelines.
- 1.14 The **objects of CARS** in dealing with claims and disputes in connection with claims referred are:
- 1.14.1 to provide a timely, fair and cost effective system for the assessment of claims under the Motor Accidents Compensation Act 1999 that is accessible, transparent, independent and professional;
  - 1.14.2 to assess claims and disputes fairly and according to the substantial merits of the application with as little formality and technicality as is practicable and minimising the cost to the parties;
  - 1.14.3 to ensure the quality and consistency of CARS decision making;
  - 1.14.4 to make appropriate use of the knowledge and experience of CARS Assessors; and
  - 1.14.5 to establish and maintain effective communication and liaison with stakeholders concerning the role of CARS.
- 1.15 The objects of CARS set out in clause 1.14 are consistent with, and are in support of the objects of the Act as can be gleaned from the Act as a whole, including from the ‘Objects of the Act’ set out in section 5 (1) and the ‘Acknowledgements of the Act’ set out in section 5 (2).
- 1.16 In exercising their functions and interpreting the provisions of these Guidelines, the Registrar, PCA, CAOs, CARS Assessors and officers of CARS must have regard to the objects of CARS, in addition to the objects of the Act.

(Note: At the time of publication of these Guidelines, some of the Objects and Acknowledgements in those specific sections of the Act referred to above most relevant to these Guidelines include:

#### Objects

- Section 5 (1) (a) – to encourage early and appropriate treatment and rehabilitation to achieve optimum recovery from injuries sustained in motor accidents, and to provide appropriately for the future needs of those with ongoing disabilities; and
- Section 5 (1) (b) – to provide compensation for compensable injuries sustained in motor accidents, and to encourage the early resolution of compensation claims; and
- Section 5 (1) (e) – to keep premiums affordable, in particular, by limiting the amount of compensation payable for non-economic loss in cases of relatively minor injuries, while preserving principles of full compensation for those with severe injuries involving ongoing impairment and disabilities.

#### Acknowledgements

- Section 5 (2) (a) – that participants in the scheme under this Act have shared and integrated roles with the overall aim of benefiting all members of the motoring public by keeping the overall costs of the scheme within reasonable bounds so as to keep premiums affordable; and
- Section 5 (2) (b) – that the law (both the enacted law and the common law) relating to the assessment of damages in claims made under this Act should be interpreted and applied in a way that acknowledges the clear legislative intention to restrict the level of non-economic loss compensation in cases of minor injuries; and
- Section 5 (2) (c) (i) – that the premium pool from which each insurer pays claims consists at any given time of a finite amount of money; and
- Section 5 (2) (c) (iii) – that the preparation of fully funded premiums requires a large measure of stability and predictability regarding the likely future number and cost of claims arising under policies sold once the premium is in place; and
- Section 5 (2) (c) (iv) – that the stability and predictability referred to in subparagraph (iii) require consistent and stable application of the law.)

### Chapter 2 – Jurisdiction

- 2.1 An application may be made to CARS for assessment of:
- 2.1.1 whether a certificate of exemption should be issued pursuant to section 92 (1) (a) ('an application for exemption');
- 2.1.2 the insurer's liability for the claim and the amount of damages for that liability and the issue of a certificate pursuant to section 94, and/or whether a certificate of exemption should be issued pursuant to section 92 (1) (b) if the claim is found to be 'not suitable for assessment' ('an application for general assessment');
- 2.1.3 a matter remitted by the Court for further claims assessment and issue of a new certificate of assessment where significant new evidence is produced in court proceedings pursuant to section 111 ('an application for further general assessment'); and/or

- 2.1.4 a dispute in connection with a claim between a claimant and an insurer that is one of the certain types of disputes as set out in section 96 ('an application for special assessment').

- 2.2 An officer of CARS may reject an application or any part thereof as not duly made if the officer is satisfied that the application or part thereof does not establish that it relates to one of the above types of assessments, and in the case of clause 2.1.4, that it also relates to one of the types of disputes set out in section 96.
- 2.3 An officer of CARS may reject an application made on behalf of, or in respect of, a personal injury claim made by a person who has died after the claim has been made, unless it is accompanied by a grant of probate or letters of administration or equivalent, and confirmation that the estate seeks to pursue the claim.

### Chapter 3 – Referrals to the CARS registry

- 3.1 The Authority shall establish and maintain a registry for the referral of applications, managed by the Registrar.
- 3.1.1 For the purposes of delivery or sending of documents for lodgement the address is:  
The Registrar,  
Claims Assessment and Resolution Service  
Motor Accidents Assessment Service,  
Motor Accidents Authority of NSW  
Level 19, 1 Oxford Street,  
Darlinghurst NSW 2010  
DX 10 Sydney
- 3.1.2 For the purposes of delivery or sending of documents for lodgement using the ECM system, access is available to registered ECM users via password login to the MAA website address at:  
<http://www.maa.nsw.gov.au>
- 3.2 Except on Saturdays, Sundays and public holidays, the registry shall be open to the public for lodgement of documents in person between 8.30am and 5:00pm.
- 3.3 The registry may make provision for lodgement of documents electronically and also outside the registry's usual opening hours. Any documents lodged electronically after 5:00pm are deemed to be received on the next registry business day.
- 3.4 The registry shall, notwithstanding clause 3.2, be kept open to the public for business or closed for business, at such times and on such days as the Registrar shall direct.
- 3.5 It is sufficient notification, or service, for any document or correspondence directed to the Registrar, PCA, CAO, an Assessor or CARS to be left in the DX box of the Authority at DX 10 Sydney, or at another DX box for transmission to that exchange box.
- 3.6 The Registrar shall arrange for all applications made under these Guidelines to be allocated a matter number and registered. All subsequent correspondence concerning the application is to quote that matter number.
- 3.7 All correspondence to, and communication with, an Assessor in relation to a claims assessment, either in respect of a current or concluded assessment, must,

- unless the Registrar, PCA or the Assessor directs otherwise, be directed to the Assessor care of the registry.
- 3.8 If a legal practitioner or agent represents the claimant in respect of the assessment of the matter:
- 3.8.1 it is sufficient notification for the Registrar, PCA, an Assessor, an officer of CARS or an insurer to send any document required to be sent to the claimant, to the legal practitioner or agent; and
- 3.8.2 the Registrar, PCA, CAO, an Assessor or an officer of CARS may, notwithstanding that the claimant has legal or other representation, contact the claimant directly in relation to the assessment of the claim.
- 3.9 If a legal practitioner or agent represents the insurer in respect of the assessment of the claim:
- 3.9.1 it is sufficient notification for the Registrar, PCA, an officer of CARS or a claimant to send any document required to be sent to the insurer to the legal practitioner or agent; and
- 3.9.2 the Registrar, PCA or an officer of CARS may, notwithstanding that the insurer has legal or other representation, contact the insurer directly in relation to the assessment of the claim.
- 3.10 If a party, represented by a legal practitioner or agent, requests CARS to do so, the Registrar, PCA, an Assessor, or an officer of CARS may at their discretion send a copy of any document required to be sent to that party, to the party direct, in addition to that party's legal representative or agent.
- 3.11 If after an application or reply is lodged at CARS, a party retains a legal practitioner or agent to represent them, or changes their legal practitioner or agent, that party must notify the Registrar and the other party in writing within 5 days of the date of the retainer or change in representation.
- 3.12 If after an application lodged at CARS has been allocated to an Assessor, a party retains a legal practitioner or agent to represent them, or changes their legal practitioner or agent, that party must notify the Registrar, the other party and the CARS Assessor to whom the matter has been allocated in writing within 5 days of the date of the retainer or change in representation.
- 3.15 The respondent must:
- 3.15.1 in the case of an application for a special assessment under section 96 (1) (f), about whether a payment is required to be made under section 84A, within 10 days;
- 3.15.2 in the case of an application for exemption, within 15 days; or
- 3.15.3 in the case of all other applications, within 20 days;
- of the date of the sending by CARS of the acknowledgement of the application, complete the reply and:
- 3.15.4 send it to the applicant, together with a copy of all material in support of the reply that has not previously been supplied to the applicant; and
- 3.15.5 lodge it with CARS, with all material in support of the reply.
- 3.16 The respondent must not attach to the reply any document that the applicant has already attached to the application.
- 3.17 If any documents in support of an application or reply are lodged other than via the ECM system, those documents must be supplied as single-sided copies.
- 3.18 When an application or reply or supporting documents are lodged other than via the ECM system, the lodging party must number the first page of each document in clear dark numerals at the top right hand corner of the front page of each document, in accordance with the numbering in the list of documents attached to, or contained, in the application or reply.
- 3.19 A separate application is required for each injured person, and for each separate motor vehicle accident claim, in relation to which exemption or assessment is sought.
- 3.20 An officer of CARS is to consider the reply, and if accepted send an acknowledgement of the reply to the parties within 5 days of receipt of the reply in the registry.
- 3.21 A reply lodged with CARS after the time limit in clause 3.15 has expired may be accepted by the Registrar or PCA.

#### **Procedural non-compliance**

#### **Exchange and lodgement of application and reply**

- 3.13 The applicant must complete the application and:
- 3.13.1 send it to the respondent, together with a copy of all material in support of the application that has not previously been supplied to the respondent; and
- 3.13.2 lodge it with CARS, with all material in support of the application.
- 3.14 An officer of CARS is to consider the application, and if accepted, send an acknowledgement of the application to the parties within 5 days of receipt of the application in the registry.
- 3.22 An officer of CARS may reject any form whether lodged physically or electronically, if the form does not substantially comply with these Guidelines including, but not limited to, for one of the following reasons:
- 3.22.1 the form does not list the documents required in accordance with the requirements of the form;
- 3.22.2 the form does not attach the documents required in accordance with the requirements of the form; or
- 3.22.3 the form does not certify that all listed documents have been provided to all other parties before lodgement.
- unless the non-compliance is technical and of no significance,

- 3.23 If the form is rejected, an officer of CARS shall issue a rejection notice to both parties setting out brief reasons for the rejection within 5 days of receipt of the form in the registry.

#### **Expedited applications**

- 3.24 Either party to a dispute may apply at any time for a matter to be expedited by doing so in writing to CARS, and giving notice to the other party setting out full details of the basis on which expedition of the application is sought.
- 3.25 In considering whether they are satisfied that an application for expedition should be granted, the PCA shall consider all relevant factors and circumstances surrounding the matter including, but not limited to:
- 3.25.1 the objects of the Act;
  - 3.25.2 the objects of CARS;
  - 3.25.3 the interests of both parties to the matter; and
  - 3.25.4 the interests of other parties to other disputes, particularly regarding the equity of prioritising the matter seeking expedition ahead of other matters.
- 3.26 If the PCA is satisfied that the matter warrants being expedited, having considered any submissions from the parties, the PCA will take all reasonable steps to ensure the matter is dealt with by CARS as quickly as possible.
- 3.27 The types of exceptional circumstances that may warrant an application for expedition being accepted may include, but are not limited to, issues such as:
- 3.27.1 claimants with seriously deteriorating health requiring an urgent assessment;
  - 3.27.2 claimants who are only able to remain in the country for a limited period of time due to matters outside their control; and/or
  - 3.27.3 claimants with matters currently being heard before a Court or CARS.

#### **Chapter 4 – Interpreters**

- 4.1 If a party indicates that an interpreter is required, an officer of CARS will arrange for an interpreter to be present at any assessments.
- 4.2 Interpreters accredited by NAATI (National Accreditation Authority for Translators and Interpreters) should be used during the course of a claims assessment if an interpreter is required.
- 4.3 In the absence of a NAATI interpreter, a non-NAATI interpreter may be used at the discretion of the Assessor, Registrar or PCA.

#### **Chapter 5 – Time**

##### **Abridgement or extension of time**

- 5.1 The Registrar or PCA or an Assessor may, if the circumstances justify, and on terms, abridge or extend any time limit fixed by these Guidelines, including any time limit affecting the Registrar, PCA, CAO, an officer of CARS, or an Assessor, other than the time fixed in clause 18.3.
- 5.2 The Registrar or PCA or an Assessor may extend time under clause 5.1 after the time expires, whether or not an application is made before the time expires, or at all.

#### **Reckoning of time**

- 5.3 Any period of time fixed by these Guidelines for the doing of any act or in connection with any assessment or direction by the Registrar, PCA, CAO or an Assessor shall be reckoned in accordance with clauses 5.4, 5.5 and 5.6.
- 5.4 Where a time of 1 day or a longer time is to be reckoned by reference to a given day or event, the given day or the day of the given event shall not be counted.
- 5.5 Where, apart from this sub-clause, the period in question, being a period of 5 days or less, would include a day on which the registry is closed for lodgement in person, that day shall be excluded.
- 5.6 Where the last day for doing a thing is a day on which the registry is closed for lodgement in person, the thing may be done on the next day on which the registry is open for lodgement in person.

#### **Chapter 6 – Delivery of documents**

- 6.1 For matters lodged other than via the ECM system, for the purpose of these Guidelines, where a claimant or insurer notifies in any document lodged an address for delivery or receipt of documents, then leaving a document at that address, or sending a document to that address, shall be taken to be received by the person as follows:
- 6.1.1 in the case of a physical address, on the day the document is left at that address;
  - 6.1.2 in the case of a physical or postal address, on a day 5 days after the document is sent;
  - 6.1.3 in the case of a DX box, leaving a document addressed to that claimant, insurer, solicitor or agent, in that DX box or at another DX box for transmission to that DX box, 2 days after the document is so left;
  - 6.1.4 in the case of an email address, on the day the email or email attachment is sent if sent before 5:00pm, or on the day after the email or email attachment is sent if sent at or after 5:00pm; or
  - 6.1.5 in the case of a facsimile number, on the day the facsimile is sent if sent before 5:00pm, or on the day after the facsimile is sent if sent at or after 5:00pm.
- 6.2 For matters lodged via the ECM system, for the purpose of these Guidelines the provisions of section 13 of the ET Act apply.

#### **Chapter 7 – Electronic case management system**

- 7.1 The Authority may establish an ECM system to do one or more of the following:
- 7.1.1 enable documents with respect to applications to CARS for exemption or assessment to be created, exchanged, filed, issued and used in electronic form;
  - 7.1.2 enable parties to applications to CARS for exemption or assessment to communicate in electronic form with CARS and with other parties to those disputes;
  - 7.1.3 enable information concerning the progress of applications to CARS for exemption or

assessment to be provided in electronic form to parties to those disputes; and/or

- 7.1.4 enable CARS and CARS Assessors to communicate in electronic form with parties to applications to CARS for exemption or assessment.
- 7.2 The Registrar may establish a protocol for the use of the ECM system, and for persons to become registered users of the ECM system, in addition to Assessors.
- 7.3 Such a protocol under clause 7.2 may provide, amongst other things, for the specification of the level of access to the system to which persons or specified classes of persons are entitled, the conditions of use of the system applicable to persons generally or persons of any such class, the security methods by which persons using the system are identified and verified, and how users gain access to the system.
- 7.4 Subject to any protocol established under clause 7.2, a person other than an Assessor may not use the ECM system for particular applications unless the person is a registered user of the ECM system and is:
- 7.4.1 a party to the application regarding the application to CARS for exemption or assessment; or
- 7.4.2 a legal practitioner representing a party to the application regarding the application to CARS for exemption or assessment.
- 7.5 In relation to any proceedings, the level of access to the ECM system to which a user is entitled, and the conditions of use applicable to a user, are subject to any decision of the Registrar.
- 7.6 Documents and information lodged via the ECM system may be dealt with in accordance with the provisions of the ET Act.
- 7.7 When the Authority sends documents, or forwards correspondence to a party who is a registered user of the ECM system, the Authority will generally only do so via electronic communication to that party.

### Division 2 – Application types

#### Chapter 8 – Exemption of claims from general assessment (section 92 (1) (a))

##### Applications (CARS forms 1A and 1R)

- 8.1 An application or reply by either party for a certificate of exemption under this chapter must:
- 8.1.1 be in the form approved by the Authority; or
- 8.1.2 be in a form as directed by the Registrar, PCA or a Claims Assessor; and
- 8.1.3 set out or be accompanied by the particulars and information required by that form or as otherwise directed by the Registrar or PCA.
- 8.2 The claimant, the insurer, or both may make an application to the PCA for a certificate of exemption under section 92 (1) (a) pursuant to this chapter.
- (Note: For provisions regarding making an application to an Assessor that a claim is not suitable for assessment and is exempt under section 92 (1) (b) see Chapter 14 at clause 14.11 and following.)
- 8.3 A separate application is required for each claim that a party seeks to have exempted.

#### Time limits for referring claims for exemption

##### Claims made before 1 October 2008

- 8.4 For claims made before 1 October 2008 an application for exemption under this chapter may be made at any time, subject to the time limits prescribed in section 91.

##### Claims made on or after 1 October 2008

- 8.5 For claims made after 1 October 2008 an application for exemption under this chapter may be made at any time in accordance with section 91 (2) (c).

#### Determination Review

- 8.6 When an application for exemption is made under this chapter the PCA is to arrange for the Determination Review of the matter to consider:
- 8.6.1 the eligibility of the matter for determination in accordance with Chapter 2;
- 8.6.2 whether the application and/or reply are properly made in accordance with Chapter 3;
- 8.6.3 whether further information or documentation is required; and/or
- 8.6.4 whether or not the claim is exempt from assessment.
- 8.7 The PCA is to ensure that a Determination Review of the matter is undertaken within 5 days of the due date for a reply under clause 3.15 or within 5 days of the acknowledgement of the reply under clause 3.20, whichever is the later.
- 8.8 If a claim is to be exempted under section 92 (1) (a), the PCA or CAO on behalf of the PCA, must issue a certificate of exemption within 5 days of the Determination Review date.
- 8.9 If a claim is not to be exempted under section 92 (1) (a), the PCA or CAO on behalf of the PCA, must advise the parties of the outcome of the Determination Review within 5 days of the Determination Review date.
- 8.10 If no reply is received within the time period referred to in clause 3.15, the PCA may determine the matter in the absence of a reply.
- 8.11 For the purpose of section 92 (1) (a), the PCA shall issue a certificate of exemption when, as at the time of the consideration of the application, and after a preliminary assessment of the claim, the PCA is satisfied that the claim involves one or more of the following circumstances:
- 8.11.1 liability is expressly denied by the insurer, in writing, but only in circumstances where liability is denied because the fault of the owner or driver of a motor vehicle in the use or operation of the vehicle is denied;
- (Note: Only denials of liability where fault is denied will satisfy this requirement. Denials of liability for any other reasons, but where the fault of the owner or driver of a motor vehicle in the use or operation of the vehicle is not denied, will not satisfy this requirement.)
- 8.11.2 (omitted);
- (Note: Under clause 1.2, the omission of clause 8.11.2 applies to applications received at CARS on or after the date these Guidelines come into

effect. The former clause 8.11.2 continues to apply to applications received before the date these Guidelines come into effect.)

- 8.11.3 the claimant, or in a claim for an award of damages brought under the Compensation to Relatives Act 1897 one of the dependents, is a 'person under a legal incapacity';  
(Note: See definition in Chapter 1 at clause 1.6.27)
- 8.11.4 the person against whom the claim is made is not a licensed or other CTP insurer;
- 8.11.5 the insurer has notified the claimant, and the owner or driver of the motor vehicle against which the claim has been made under the third-party policy provided for in section 10 of the Act, in writing, that it declines to indemnify that owner or driver; and/or
- 8.11.6 the insurer alleges that the claim is a fraudulent claim in terms of the circumstances of the accident giving rise to the claim.  
(Note: For example where it is alleged that the accident may have been staged or where a person claiming to have been a passenger in the vehicle is alleged to have been the driver of the vehicle.)

#### Dismissal of exemption application

- 8.12 The PCA may dismiss an application for exemption made under section 92 (1) (a) and clause 8.1 if the PCA is satisfied that:
- 8.12.1 that the claim may not be exempted in accordance with section 92 (1) (a) and clause 8.11 of these Guidelines;
- 8.12.2 the applicant has withdrawn the application;
- 8.12.3 the claimant is not pursuing or prosecuting the application or the claim; or
- 8.12.4 the section 91 (1) time limits referred to in clauses 8.4 and 8.5 have not been satisfied (if relevant) or the application is otherwise invalid.

#### Chapter 9 – General assessment (section 94)

##### Applications (CARS forms 2A and 2R)

- 9.1 An application or reply to an application by either party for general assessment must:
- 9.1.1 be in the form approved by the Authority;
- 9.1.2 be in a form as directed by the Registrar, PCA or a Claims Assessor; and
- 9.1.3 set out or be accompanied by the particulars and information required by that form.
- 9.2 Either party may lodge an application for general assessment at any time, subject to the time limits for referring claims in section 91 and this chapter.
- 9.3 An application for general assessment cannot be lodged unless:
- 9.3.1 there is an agreement between the parties as to whether or not the claimant is entitled to compensation for non economic loss;
- 9.3.2 a MAS Assessor has issued a certificate under section 61 (2) (a) and clause 13.5 or clause 13.9 of the Medical Assessment Guidelines determining a medical dispute under section 58 (1) (d), by certifying whether the degree of permanent impairment of the injured

person as a result of the injury caused by the motor accident is greater than 10%;

- 9.3.3 a MAS Assessor has declined to make an assessment under section 132 (3) of a medical dispute under section 58 (1) (d) about whether the degree of permanent impairment of the injured person as a result of the injury caused by the motor accident is greater than 10%, and that assessment has not yet been completed as the Assessor is not satisfied that impairment caused by the injury has become permanent; or
- 9.3.4 at least 3 calendar months have elapsed since an application was lodged with MAS under section 60 (1) and Chapter 8 of the Medical Assessment Guidelines for assessment of a medical dispute under section 58 (1) (d) 3 and a certificate in accordance with clause 13.5 or clause 13.9 of the Medical Assessment Guidelines certifying whether the degree of permanent impairment of the injured person as a result of the injury caused by the motor accident is greater than 10%, has not yet been sent to the parties.

(Note: The exclusion in clause 9.3.4 will enable an application for general assessment to be lodged at CARS if the initial application to MAS for assessment of impairment was lodged more than 3 months ago and that assessment has not been completed.

In order to be able to lodge a CARS general assessment application within 3 years of an accident, an application to MAS for assessment of impairment needs to be lodged at least 3 months beforehand, by 2 years and 9 months after the accident.

In the vast majority of claims the degree of impairment is able to be accurately assessed by a MAS Assessor at 12-18 months post accident. It is recommended that applications for assessment of impairment should be lodged at MAS by 18 months post accident at the latest.)

#### Chapter 10 – Further general assessment (section 111)

##### Applications (CARS forms 3A and 3R)

- 10.1 Where a Court has adjourned proceedings until a party who has adduced significant new evidence has referred a matter for further general assessment, the application or reply to an application for a further assessment must:
- 10.1.1 be in the form approved by the Authority;
- 10.1.2 be in a form as directed by the Registrar, PCA or a Claims Assessor; and
- 10.1.3 set out or be accompanied by the particulars and information required by that form.
- 10.2 The provisions of Chapter 3 'Referrals to the CARS registry' also apply to an application made under this chapter.
- 10.3 The provisions of Chapter 12 'Allocation' in clauses 12.1 to 12.2, and 12.4 to 12.7, do not apply to applications made under this chapter. Instead, the PCA or an officer of CARS is, within 5 days of the due date for a reply to an application as set out in clause 3.15, to allocate the matter to the original Assessor,

if available or to a different Assessor, in accordance with the remainder of Chapter 12.

### Chapter 11 – Special assessment (section 96)

#### Applications (CARS forms 5A and 5R)

- 11.1 An application or reply to an application for a special assessment must:
- 11.1.1 be in the form approved by the Authority;
  - 11.1.2 be in a form as directed by the Registrar, PCA or a Claims Assessor; and
  - 11.1.3 set out or be accompanied by the particulars and information required by that form.
- 11.2 Either party may lodge an application for special assessment at any time.
- 11.3 A separate application must be lodged for each dispute lodged under each subsection of section 96.

#### Disputes about interim payments in cases of financial hardship

- 11.4 An application for a special assessment under section 96 (1) (f) about whether a payment is required to be made under section 84A shall, at the time it is acknowledged in accordance with clause 3.14, be referred immediately to the PCA for allocation in accordance with Chapter 12.

### Division 3 – Allocations and assessments

#### Chapter 12 – Allocation

##### Allocation Review

- 12.1 When an application is made under Chapters 9, 10, or 11 the PCA is to arrange for the Allocation Review of the matter to determine:
- 12.1.1 the eligibility of the matter for assessment in accordance with Chapter 2;
  - 12.1.2 whether the application and/or reply are properly made in accordance with Chapter 3;
  - 12.1.3 whether further information or documentation is required (see clause 12.5);
  - 12.1.4 whether the matter is ready for assessment or whether the assessment should be deferred (see clause 12.6);
  - 12.1.5 whether the application should be dismissed (see Chapter 13); and
  - 12.1.6 the way in which a matter is to be allocated for assessment (see clause 12.10).
- 12.2 The PCA is to ensure that an Allocation Review of the matter is undertaken:
- 12.2.1 in the case of an application for a special assessment under section 96 (1) (f) about whether a payment is required to be made under section 84A within 5 days of receipt of the application in the registry; or
  - 12.2.2 for all other applications within 10 days of the due date for a reply under clause 3.15.
- 12.3 The parties are to be advised of the outcome of the Allocation Review within 5 days.
- 12.4 If no reply is received within the time provided referred to in clause 3.15, the PCA may conduct an Allocation Review in the absence of a reply.

#### Further information or documentation required

- 12.5 In the case of clause 12.1.3, if the PCA is satisfied that further information or documentation is required or is likely to assist in the resolution of the matter the PCA may:
- 12.5.1 after conducting a preliminary assessment of the matter, direct under section 100 that further information or documentation be provided, and notify the other party; and
  - 12.5.2 proceed with processing the application in the absence of the requested further information or documentation.

#### Defer allocation

- 12.6 In the case of clause 12.1.4, the PCA may defer the allocation of the matter for a period of time that the PCA considers appropriate in the circumstances, and not exceeding 12 months at a time, in circumstances where the PCA is satisfied that:
- 12.6.1 further information or documentation has been requested (see clause 12.5);
  - 12.6.2 there are other claims or issues in dispute or likely to be in dispute which would more conveniently be determined at the same time;
  - 12.6.3 there has not been a genuine attempt by one or both parties to settle the matter or claim and it may be capable of resolution (see clause 12.7);
  - 12.6.4 the issues in dispute involve medical disputes that require a MAS assessment and that MAS assessment has not occurred (see clause 12.8);
  - 12.6.5 the claimant's injury has not sufficiently recovered to enable the claim to be quantified having regard to any medical evidence attached to the application or reply; or
  - 12.6.6 there are other good reasons to defer the allocation of the claim; and
- if the application is to be deferred for more than 3 months the parties shall be given the opportunity to make a submission on that proposed deferral.
- 12.7 In the case of clause 12.6.3, if the PCA is satisfied that the matter or claim is capable of resolution by the parties, the PCA may defer allocating the matter to an Assessor for a period not exceeding 2 months to allow the parties an opportunity to settle the claim. Either party can apply to the PCA to proceed with the assessment at any time if settlement negotiations fail.
- 12.8 In the case of clause 12.6.4, if the PCA is satisfied that the matter requires a MAS assessment and a MAS assessment has not occurred the PCA may:
- 12.8.1 dismiss the application; or
  - 12.8.2 defer allocating the application; and:
    - 12.8.2.1 request that one of the parties to the assessment make a MAS application for medical assessment under section 60 (1) or section 62 (1) (a); or
    - 12.8.2.2 refer the claim to MAS for medical assessment under section 60 (1) or section 62 (1) (b).



12.9 If the allocation of a matter is deferred in total for more than 6 months, it will be marked as a 'long deferral' matter and the PCA or an officer of CARS may from time to time conduct fresh Allocation Reviews of the matter as needed, seeking submissions from the parties, to assess the readiness of the matter for allocation and to consider whether or not the matter would more appropriately be dismissed in accordance with Chapter 13, rather than continuing to be deferred.

#### Allocation for assessment

12.10 When a matter is considered ready to be allocated for assessment, under section 93 the PCA is responsible for making arrangements as to the Claims Assessor who is to assess any particular claim or class of claims that are not exempt from assessment. The PCA shall determine the way in which a matter is to be allocated for assessment and shall:

12.10.1 refer the matter to a Claims Assessor from the Authority's list of Claims Assessors having regard to the nature of the matter, the availability of the Assessor, the experience of the Assessor, the location most convenient to the parties and CARS for the assessment to take place, and any other relevant information;

12.10.2 make the arrangements for a preliminary assessment and Preliminary Conference with the Assessor to whom the matter has been allocated;

12.10.3 notify the parties of the name of the Assessor allocated and the time and date for the Preliminary Conference; and

12.10.4 notify the Assessor of the allocation and provide the Assessor with the application, reply and all documents and material in support of the application and reply.

12.11 A party may, within 10 days of the date of sending of notification of the name of the Assessor, apply to the PCA to have the matter re-allocated to a different Assessor. Such an application must be made in writing and be accompanied by a detailed statement of facts and/or reasons as to why the Assessor might no longer be an appropriate Assessor to assess the matter and a copy must be provided to all other parties to the matter.

12.12 The PCA shall within 5 days of receiving an application under clause 12.11 make a decision on such an application, and may re-allocate the matter if satisfied that there are reasonable grounds for believing that the Assessor might no longer be an appropriate Assessor to assess the matter.

12.13 The PCA may reallocate a matter to a different Assessor for assessment if the original Assessor becomes unwell, is otherwise unable to assess the matter, or is no longer an appropriate Assessor to assess the matter.

#### Chapter 13 – Dismissal

13.1 The PCA or an Assessor may at any stage dismiss an application for general or special assessment in circumstances where they are satisfied that:

13.1.1 the applicant has withdrawn the application;

13.1.2 the application is not likely to be ready to be assessed within the next 12 months;

13.1.3 the applicant fails without reasonable excuse to comply with the PCA or Assessor's directions;

13.1.4 it appears that the claimant is not pursuing or prosecuting the application or the claim;

13.1.5 the application is frivolous, vexatious, misconceived or lacking in substance;

13.1.6 the application is being used for an improper purpose or is otherwise an abuse of process; or

13.1.7 the application is made by a person who has died after the application was referred to CARS, unless a copy of the grant of probate or letters of administration or equivalent are provided, and the PCA or Assessor is satisfied that the estate seeks to pursue the CTP claim or the application.

13.2 A matter may be dismissed on the application of a party, or of the PCA or Assessor's own initiative, by the PCA or Assessor, after having given all parties the opportunity to make submissions about the proposed dismissal of the matter.

#### Chapter 14 – Preliminary assessment and Preliminary Conference

14.1 The preliminary assessment arranged in accordance with clause 12.10.2 is to be conducted within 15 days of the date of the letter advising the parties of the allocation (or re-allocation in accordance with clause 12.12 or 12.13) of a matter to an Assessor.

14.2 On the preliminary assessment, the Assessor is to review the matter to:

14.2.1 determine, pursuant to section 92 (1) (b) whether the claim is suitable for assessment (see clause 14.11);

14.2.2 determine whether other documentation or information is required as set out in clauses 14.8.2 and 17.8;

14.2.3 determine the way in which an assessment is to proceed as set out in clauses 14.8.1 and 16.8; and

14.2.4 conduct the Preliminary Conference.

14.3 The Assessor may conduct one or more further Preliminary Conferences.

14.4 If at any stage after being allocated a matter to assess, the Assessor considers that they are no longer suitable to assess the claim, the Assessor may disqualify themselves from assessing the claim by writing to the PCA and the parties setting out the facts and/or reasons why the Assessor considers they might be unable to assess the claim. The PCA shall within 5 days of receiving such advice from an Assessor re-allocate the matter to another Assessor.

14.5 A Preliminary Conference may be conducted by way of:

14.5.1 a teleconference; or

14.5.2 a face to face conference;

between the Assessor, the claimant (and/or the claimant's legal representative or agent) and any parent, spouse, legal guardian, carer or other support person of the claimant, the insurer (and/or the insurer's

legal representative or agent), and any interpreters or witnesses, or other persons the Assessor requires or allows to appear, and otherwise the Preliminary Conference is not to be open to the public. The Preliminary Conference is not to be recorded by way of a video or tape recording or other electronic device without the prior approval of the Assessor and all of the participants in the Preliminary Conference.

- 14.6 If a party is represented, then the legal representative or agent with day-to-day conduct of the matter must, as far as is practicable, be available for a Preliminary Conference. In the case of an insurer without legal representation, the claims officer with day-to-day conduct of the matter must, as far as is practicable, be available for the Preliminary Conference.
- 14.7 If any party is, without reasonable excuse, unavailable at the time of a Preliminary Conference then the Assessor may conduct the Preliminary Conference in the absence of the party.
- 14.8 The Assessor must within 10 days of any Preliminary Conference provide a Preliminary Conference report to the PCA and the parties in writing advising:
- 14.8.1 the way in which the assessment is to proceed under clause 16.8;
- 14.8.2 what further documentation or information is required under clause 17.8; and
- 14.8.3 any other decisions made or directions given at the Preliminary Conference.
- 14.9 During the course of a Preliminary Conference the Assessor shall not enquire about the amount of any offers made by either party.
- 14.10 An Assessor shall not be disqualified from assessing a matter because the Assessor becomes aware in any manner of the amount of any offer. If the Assessor becomes aware of any offer the Assessor shall disregard that information for the purpose of assessing the claim.

#### **Unsuitable for assessment under section 92 (1) (b)**

- 14.11 For the purpose of section 92 (1) (b), an Assessor may, in dealing with an application for general assessment and following a preliminary assessment of the claim, determine that the claim is not suitable for assessment.
- 14.12 An Assessor may make a preliminary determination that a claim is not suitable for assessment on their own initiative or upon application by the claimant, the insurer, or both, at any time during the course of an assessment, after providing the parties with the opportunity to make submissions on that issue and considering any such submissions.
- 14.13 If the Assessor determines that the claim is not suitable for assessment, the matter must be returned within 5 days of making such a determination to the PCA for approval with a brief statement of reasons.
- 14.14 If the PCA approves the preliminary determination under section 92 (1) (b), the PCA shall issue a certificate of exemption and notification to the parties within 5 days of the return of the matter from the Assessor.
- 14.15 If the PCA does not approve the preliminary determination, an officer of CARS is to advise the

parties within 5 days of the return of the matter from the Assessor, and forward the matter to a different Assessor for assessment within 10 days of the return of the matter from the original Assessor.

- 14.16 In determining whether a claim is not suitable for assessment, an Assessor and the PCA shall have regard to the circumstances of the claim as at the time of consideration of the claim. This may include, but is not limited to:
- 14.16.1 whether the claim is exempt under section 92 (1) (a) because the claim involves one or more of the circumstances set out in clause 8.11;
- 14.16.2 the heads of damage claimed by the claimant and the extent of any agreement by the insurer as to the entitlement to those heads of damage;
- 14.16.3 whether the claim involves complex legal issues;
- 14.16.4 whether the claim involves complex factual issues;
- 14.16.5 whether the claim involves complex issues of quantum or complex issues in the assessment of the amount of the claim including but not limited to major or catastrophic, spinal or brain injury claims;
- 14.16.6 whether the claimant has been medically assessed and is entitled to non-economic loss pursuant to section 131 and the claim involves other issues of complexity;
- 14.16.7 whether the claim involves issues of liability including issues of contributory negligence, fault and/or causation;
- 14.16.8 (omitted);
- 14.16.9 whether the claimant or a witness, considered by the Assessor to be a material witness, resides outside New South Wales;
- 14.16.10 whether the claimant or insurer seeks to proceed against one or more non-CTP parties; and/or
- 14.16.11 whether the insurer makes an allegation that a person has made a false or misleading statement in a material particular in relation to the injuries, loss or damage sustained by the claimant in the accident giving rise to the claim.

(Note: If an insurer makes an allegation of 'fraud' in terms of the circumstances of the accident, the matter will be exempt under section 92 (1) (a) and clause 8.11.6. If an insurer makes an allegation that a person has made a false or misleading statement in a material particular in relation to the injuries, loss or damage sustained by the claimant in the accident, the insurer may be required to provide particulars in writing of the general nature of any such allegation under clause 17.13, and an Assessor may then consider whether a matter is not suitable for assessment under clause 14.11 to 14.16, particularly in light of clause 14.16.11.)

#### **Chapter 15 – Assessment Conference**

- 15.1 Where the Assessor notifies the parties of an intention to conduct an Assessment Conference the parties must

- advise the Assessor and the other party within 10 days of the notification:
- 15.1.1 whether or not they will be represented by an agent or legal practitioner and as far as is practicable the name of the legal practitioner or agent;
  - 15.1.2 if an agent is to represent the party, the extent of the agent's authority;
  - 15.1.3 whether or not an interpreter is required and if so the language; and
  - 15.1.4 the names of any person who the party wishes the Assessor to question at the Assessment Conference.
- 15.2 The Assessor may direct the parties to the assessment to submit to the Assessor and to any other party to the assessment a signed statement detailing the evidence to be given by any witness to be questioned. If the witness does not attend the assessment, the statement by the witness need not be disregarded, and may be taken into account by the Assessor.
- 15.3 The Assessor may require the presentation of the respective cases of the parties to be limited to the periods of time that the Assessor determines are reasonably necessary for the fair and adequate presentation of the cases.
- 15.4 The Assessor shall determine the manner in which evidence is presented at an Assessment Conference, ensuring that:
- 15.4.1 each party is to be given an opportunity to address the Assessor on any issue in dispute and to put to the Assessor any questions that the party seeks that the Assessor ask or any areas that the party wants the Assessor to explore;
  - 15.4.2 the examination of parties and witnesses is usually by the Assessor and questions to other parties or witnesses may only be put as directed by the Assessor;
  - 15.4.3 the Assessor may, at the request of a party allow the questioning of a witness or a party, by either party's legal representative or agent, subject to any limitations as determined by the Assessor;
  - 15.4.4 the Assessor may question any party or witness to such extent as the Assessor thinks proper in order to elicit information relevant to the claim; and
  - 15.4.5 the Assessor cannot compel any party or witness to answer any question, but may have regard to the failure of a party or witness to answer a question in the determination of the assessment, unless the party has a reasonable excuse for that failure to answer.
- 15.5 The Assessor may adjourn a conference to another time and place at the request of a party or on the Assessor's own initiative.
- 15.6 The Assessor may conclude the conference to give effect to any agreed settlement reached by the parties.
- 15.7 During the course of an assessment, the Assessor shall not enquire about the amount of any offers made by either party.
- 15.8 An Assessor shall not be disqualified from assessing a matter because the Assessor becomes aware in any manner of the amount of any offer. If the Assessor becomes aware of any offer, the Assessor shall disregard that information for the purpose of assessing the claim.
- 15.9 An Assessor may not take into consideration in respect of the case of each party, reports (excluding reports from treating practitioners) from:
- 15.9.1 more than one medical expert in any speciality (unless there is a substantial issue as to a medical dispute referred to in section 58 – in which case two medical expert reports in any speciality relevant to the injury concerned may be allowed); and
  - 15.9.2 experts in the same field of any other kind; except as provided in clause 15.10.
- 15.10 An Assessor may decide to take into consideration a greater number of reports than allowed in clause 15.9, and in deciding whether to take into account a greater number of expert reports in the claim the Assessor should consider:
- 15.10.1 the objects of the Act, and the objects of CARS;
  - 15.10.2 clauses 14 (1) and (2) of the Regulation; and
  - 15.10.3 fairness to both parties.
- 15.11 If a claim, or a dispute in connection with a claim, is to be assessed by holding an Assessment Conference, the Assessment Conference is to be conducted between the Assessor, the claimant (and/or the claimant's legal representative or agent) and any parent, spouse, legal guardian, carer or other support person of the claimant, the insurer (and/or the insurer's legal representative or agent), and any interpreters or witnesses, or other persons the Assessor requires or allows to appear, and otherwise the Assessment Conference is not to be open to the public. The Assessment Conference is not to be recorded by way of a video or tape recording or other electronic device without the prior approval of the Assessor and all of the participants in the Assessment Conference.
- Summons**
- 15.12 In accordance with section 102, if a party fails to appear at an Assessment Conference, the PCA may issue a summons requiring their attendance at the time and date specified in the notice, being a day more than 10 days after the date of the issue of the summons.
- 15.13 The summons must be in the form approved by the Authority.
- Representation**
- 15.14 In accordance with section 104 (2) a party may be represented at an Assessment Conference by a legal practitioner or an agent. A party may not be represented by more than one advocate without the prior approval of the Assessor.
- 15.15 A representative of the claimant and the insurer, each with full authority to settle and give instructions, must be present at any Preliminary Conference or Assessment Conference.

**Assessment location**

- 15.16 Unless the Assessor directs otherwise, the location at which an Assessment Conference should be listed should be the location specified by the applicant in the application for general assessment.
- 15.17 The location must be a place where CARS is able to conduct an assessment according to the list of locations in Schedule 1.
- 15.18 If an Assessor seeks to list a matter for an Assessment Conference at a location other than those listed in Schedule 1, the Assessor must obtain the prior approval of the PCA to that proposed location.

**Chapter 16 – Assessment procedure****Assessor's role**

- 16.1 In conducting an assessment the Assessor may determine the Assessor's own procedure and is not bound by the rules of evidence and may inquire into any matter in such manner as the Assessor thinks fit.
- 16.2 The Assessor is to take such measures as are reasonably practicable to:
- 16.2.1 ensure that the parties to the application understand the nature of the application, the issues to be considered and the role of the Assessor as an independent decision-maker;
- 16.2.2 explain to the parties any aspect of the procedure of the assessment, and any interim decision or ruling made by the Assessor during the course of the assessment, in respect of that procedure, that relates to the application;
- 16.2.3 ensure that the parties have an opportunity to have their submissions considered; and
- 16.2.4 ensure that the parties have had an opportunity to explore the settlement of the dispute.
- 16.3 The Assessor is to act with as little formality as the circumstances of the matter permit and according to equity, good conscience and the substantial merits of the matter without regard to technicalities and legal forms.
- 16.4 The Assessor is to take into account the objects of the Act and the objects of CARS at all times.
- 16.5 The Assessor is to ensure that relevant material is available so as to enable all of the relevant facts in issue to be determined.
- 16.6 The Assessor may admit into evidence the contents of any document that has previously been provided by one party to the other party, despite non-compliance with any time limit or other requirement specified in the Act or the Guidelines in relation to that document or service or exchange of it after taking into account any submissions of the parties.
- 16.7 The Assessor is to progress the resolution of the matter as quickly, fairly and as cost effectively as is practicable.
- 16.8 The Assessor shall determine the way in which an assessment is to proceed and may:
- 16.8.1 decide the elements of a claim on which oral evidence or oral argument may be submitted;

- 16.8.2 direct that evidence or argument be presented in writing;
- 16.8.3 direct that submissions be presented in writing;
- 16.8.4 determine whether an Assessment Conference is necessary and the time and place for any Assessment Conference that is to be held;
- 16.8.5 determine whether any other conference is necessary; and
- 16.8.6 direct the number and/or type of witnesses who can give evidence at the conference.
- 16.9 Subject to the location of the Assessment Conference, the Assessor must hold such a conference within 25 days of the final preliminary assessment, or 25 days after compliance with all directions made by the Assessor, whichever is the later.
- 16.10 In accordance with section 104 (5), if the Assessor intends to conduct separate Assessment Conferences in private with either of the parties or with relevant witnesses or experts, the Assessor must inform the parties before any such conference takes place.
- 16.11 For the purpose of section 104 (6), an Assessor may make an assessment without conducting an Assessment Conference if satisfied that the information before the Assessor is sufficient to enable the Assessor to make a determination of the issues that are the subject of the assessment. In exercising the discretion not to hold an Assessment Conference, the Assessor must have regard to:
- 16.11.1 the complexity of the claim;
- 16.11.2 the likely quantum of the claim;
- 16.11.3 whether the credit of the claimant or any witness is in issue;
- 16.11.4 whether the matter is a general or special assessment; and
- 16.11.5 any submission by the parties as to why a conference is required.
- 16.12 When undertaking an assessment and making an assessment of the amount of damages for the claim under section 94 (1), the Assessor is to assess damages in accordance with Chapter 5 of the Act in the same way in which a Court is required to assess damages.

**Authorities and production of documents under section 100**

- 16.13 For claims relating to accidents occurring after commencement of the amendment to section 100 made by the Motor Accidents Compensation Amendment (Claims and Dispute Resolution) Act 2007 an Assessor may:
- 16.13.1 direct a claimant to execute an authority to a third party under section 100 (c), authorising the release of documents in relation to the claim, however the authority may not be an authority directed to a Federal Government Agency who are otherwise empowered to refuse the production of documents to a Court on subpoena, such as the Health Insurance Commission, the Australian Taxation Office, or Centrelink; or

- 16.13.2 direct a third party to produce documents under section 100 (1A), however the direction to produce to a third party:
- 16.13.2.1 must be made in a form approved by the Authority;
- 16.13.2.2 shall set out the time to produce, which shall be not less than 20 days;
- 16.13.2.3 must be accompanied by the appropriate fee to be paid by the party requesting the documents, in accordance with any Regulation under Chapter 6 of the Act that is in force; and
- 16.13.2.4 may be sent to the third party by the Assessor or, at the direction of the Assessor, by the party requesting the documents, or by another party.
- 16.14 The Assessor may make directions as to the exchange and provision of any information produced to, and between, the parties.
- 16.15 A person who fails without reasonable excuse to comply with an Assessor's direction under section 100, and clause 16.13 is guilty of an offence under section 100(2) which is subject to a maximum penalty of 50 penalty units.

#### Directions

- 16.16 The PCA or an Assessor may, at any time and from time to time, give such directions for the conduct of any assessment as appear convenient for the just, quick and cost effective disposal of the matter.
- 16.17 The PCA or an Assessor may, at any time and from time to time, of their own initiative, appoint a date for a preliminary or other conference at which the PCA or the Assessor may give or make any such directions.
- 16.18 An Assessor may give directions on their own initiative or at the request of a party.
- 16.19 Without limiting the generality of clause 16.18, directions may relate to any of the following:
- 16.19.1 the lodgement of any application to MAS or CARS;
- 16.19.2 the defining of issues, including requiring the parties, or their legal practitioners, to exchange memoranda in order to clarify questions;
- 16.19.3 the provision of any essential particulars;
- 16.19.4 the filing of lists of documents, either generally or with respect to specific issues;
- 16.19.5 the delivery or exchange of experts' reports and the holding of conferences of experts;
- 16.19.6 the provision of copies of documents, including their provision in electronic form;
- 16.19.7 the service and filing of witness statements or other documents to be relied on;
- 16.19.8 the giving of evidence at any Assessment Conference, including whether evidence of witnesses must be given orally, or by affidavit or witness statement, or both;

- 16.19.9 the use of telephone or video conference facilities, videotapes, film projection, computer and other equipment and technology;
- 16.19.10 the provision of evidence in support of an application for an adjournment or amendment;
- 16.19.11 a timetable with respect to any issues to be dealt with, including a timetable for the conduct of any Assessment Conference; and/or
- 16.19.12 the filing of written submissions.

#### Chapter 17 – Documentation and other supporting material

- 17.1 Whenever a party submits physical copies of documents and other material (including videotape, CD, DVD, electronic image or file, film or photographs) in support of an application or reply, the party lodging the material must have already provided a copy of the material to each other party to the dispute.
- 17.2 Only copies of documents are to be lodged at CARS or with the Assessor.
- 17.3 An officer of CARS, or any Assessor is not to take into consideration any documentation or information that has not been provided to the other party, except as provided in this chapter.

#### Language of documents and other supporting material

- 17.4 All documents and other supporting material lodged must be in the English language, except where the document or other supporting material:
- 17.4.1 is accompanied by an English translation of the document; and
- 17.4.2 the English translation is supported by a declaration, made by the translator, in the English language, that the translation is an accurate translation of the document or other supporting material.
- 17.5 CARS may reject any documentation or other supporting material which does not comply with clause 17.4.

#### Surveillance images

- 17.6 In the case of surveillance images:
- 17.6.1 the images are to be provided to CARS in DVD format; and
- 17.6.2 any investigator's or loss adjuster's report concerning those surveillance images must be provided with the images when provided to each other party and must be lodged at CARS with the images; and
- 17.6.3 surveillance images cannot be lodged at CARS or submitted to an Assessor unless they have been provided to each party.
- 17.7 If surveillance images have been provided by an insurer in support of an application or a reply, the claimant will be offered an opportunity to respond to the surveillance images and unless the claimant indicates otherwise, the claimant will be taken to have no objection to the Assessor considering the surveillance images.

**Documents sought by Assessor**

- 17.8 Subject to the restrictions in clause 17.9 and clause 17.10, the Assessor may direct a party to produce documents or furnish information to the Assessor and the other party and:
- 17.8.1 any such direction must be made in writing by the Assessor within 10 days of a Preliminary Conference;
- 17.8.2 any other parties to the assessment must, at the same time, be advised by the Assessor of the nature of the direction;
- 17.8.3 any documents or information requested are to be provided to the Assessor within 5 days of the date of the receiving the request or as the Assessor requests; and
- 17.8.4 if documents or information cannot be supplied within that time, the party must as soon as is practicable, apply to the Assessor for an extension of time, in which case the Assessor may set a further date.
- 17.9 An Assessor's request to produce documents or furnish information pursuant to this chapter can only be directed to the parties to the assessment.
- 17.10 The following documents or information are exempted from the operation of clause 17.8:
- 17.10.1 file notes, internal memoranda and estimates from the file of the insurer or the legal representative or agent of either party;
- 17.10.2 legal advice, including Counsel's advice on any issue;
- 17.10.3 draft statements, submissions or schedules;
- 17.10.4 communications between the parties and their legal representatives; and
- 17.10.5 documents that the Assessor accepts are exempted as the party in possession has a reasonable excuse for not providing them.
- 17.11 Subject to the restrictions in clause 17.12, the Assessor shall give a copy of any documents or information provided to the other party.
- 17.12 The following documents or information are exempted from the operation of clause 17.11:
- 17.12.1 material irrelevant to the case of either party and having no adverse effect on either party; and
- 17.12.2 confidential material where there is a threat to life or the author of the report advises the report should not be made available to the claimant. Any party, officer of CARS, Assessor, or Court should advise the PCA of any of these grounds as soon as practicable.
- 17.13 If during the course of an assessment by an Assessor, or the determination by the PCA of an application for exemption, a party makes an allegation that a person has made a false or misleading statement in a material particular in relation to the injuries, loss or damage sustained by the claimant in the accident giving rise to the claim, the Assessor may require that party to give to the other party and the Assessor particulars in writing of the general nature of any such allegation (but not necessarily the evidence or proof of same), sufficient to enable the Assessor to determine

whether or not the claim is suitable for assessment in accordance with the provisions in clauses 14.11 to 14.16.

**Late additional documents**

- 17.14 No additional documents or information sought to be added to the list of documents to be referred to the Assessor may be lodged by either party after the lodgement of their application or their reply, except:
- 17.14.1 by consent of the other party;
- 17.14.2 before allocation to an Assessor, in response to a specific request or direction from the PCA, or an officer of CARS, in circumstances where:
- 17.14.2.1 the PCA, or officer of CARS is satisfied that any such document would be of assistance to the conduct of the assessment; or
- 17.14.2.2 the PCA is satisfied that appropriate circumstances exist; or
- 17.14.3 after allocation to an Assessor, in response to a specific request or direction from the Assessor, in circumstances where:
- 17.14.3.1 the Assessor is satisfied that any such document would be of assistance to the conduct of the assessment; or
- 17.14.3.2 the Assessor is satisfied that appropriate circumstances exist;
- and any such documents must have been provided to the other party.

**Chapter 18 – Certificate and statement of reasons**

- 18.1 Upon completion of the assessment the Assessor is to issue a certificate under section 94 or 96.
- 18.2 A copy of the certificate and any statement of reasons should be provided to the PCA and each party within 15 days of the conclusion of any Assessment Conference, or in the absence of any Assessment Conference, within 15 days of the provision by the parties of all information and documentation sought by the Assessor at the Preliminary Conference or any date fixed by the Assessor.
- 18.3 The time fixed for the provision of the certificate and statement of reasons may not be extended by an Assessor except with leave of the PCA.
- 18.4 A certificate under section 94 or 96 is to have attached to it a statement of the reasons for the assessment. The statement of reasons is to set out as briefly as the circumstances of the assessment permit:
- 18.4.1 the findings on material questions of fact;
- 18.4.2 the Assessor's understanding of the applicable law if relevant;
- 18.4.3 the reasoning processes that lead the Assessor to the conclusions made; and
- 18.4.4 in the case of an assessment certificate pursuant to section 94, the Assessor must specify an amount of damages and the manner of determining that amount.
- 18.5 The Assessor may at any time issue a certificate in accordance with an agreed settlement, provided the terms of the agreed settlement are reduced to writing,

signed by or on behalf of the parties and sighted by the Assessor, and the Assessor is satisfied that the terms of the agreed settlement are issues upon which the Assessor has power to make an assessment.

- 18.6 The Assessor may with the consent of both parties provide reasons orally at the Assessment Conference provided that, in accordance with section 94 (4) and (5), a certificate is issued with a brief written statement summarising those reasons.

#### Privacy

- 18.7 CARS assessments are conducted in private and are not open to the public, under clause 14.5 and 15.11, and a certificate and any statement of reasons issued by an Assessor are not available to the public.

(Note: An individual's privacy should be respected. Failure to respect the privacy of an individual may result in a breach of the Privacy and Personal Information Protection Act 1998 (NSW) and/or the Health Records and Information Privacy Act 2002 (NSW). The MAA recommends that no certificate and/or statement of reasons should be published, distributed or used in any way unless the privacy of all individuals referred to in the documents is respected, including claimants, their relatives, support persons, claims officers, legal representatives, medical practitioners, witnesses, interpreters, Assessors, and any other individual person. The MAA recommends that no such documents should be published, distributed or used in any way unless the express consent of any such individuals has first been obtained, or unless the documents have been thoroughly and sufficiently de-identified to ensure that the privacy of those individuals is respected.)

#### Accepting or rejecting an assessment

- 18.8 The method by which a party to an assessment accepts or rejects an assessment of the issue of liability for a claim (under section 95 (1)) is to notify the other party in writing of the acceptance or rejection. In these cases the insurer is required to advise CARS in writing no later than 2 calendar months after the issue of the certificate of assessment, whether or not that certificate of assessment has as yet been accepted or rejected by either party.
- 18.9 The method by which a claimant accepts or rejects an assessment of damages for liability under a claim (under section 95 (2)) is to notify the insurer in writing of the acceptance or rejection within 21 calendar days after the certificate of assessment was issued. In these cases the insurer is required to advise CARS in writing no later than 2 calendar months after the issue of the certificate of assessment, whether or not that certificate of assessment was accepted by the claimant.

#### Division 4 – Corrections and costs

#### Chapter 19 – Corrections

- 19.1 If a party to an assessment considers that the Assessor has made an obvious error in a certificate or a statement of reasons attached to the certificate, that party may make an application to the PCA to have the error corrected within 21 calendar days after the certificate of assessment was issued.

(Note: This period is different to the obvious error correction period at MAS, which is set at 30 working days after the MAS certificate was sent to the parties, which is timed to be generally consistent with the period of time for

lodging a MAS review. Instead this CARS obvious error correction period is timed to be consistent with the period for accepting a CARS assessment as set out in clause 18.9 of these Guidelines.)

- 19.2 Any such application is to be made in writing, setting out details of the obvious error and the terms of the suggested correction.
- 19.3 The party making the application is to send a copy of the application to the other party.
- 19.4 Examples of obvious errors in the certificate or statement of reasons include, but are not limited to:
- 19.4.1 an arithmetic, clerical or typographical error in the certificate or statement of reasons;
- 19.4.2 an error arising from an accidental slip or omission;
- 19.4.3 a defect of form; or
- 19.4.4 an obvious inconsistency between the certificate and the statement of reasons explaining the certificate.
- 19.5 Within 5 days of receiving the application the PCA shall acknowledge the application by writing to both parties, and the PCA may seek any further submissions from the parties.

#### Principal Claims Assessor's determination

- 19.6 In deciding whether or not there is an obvious error in the certificate the PCA may:
- 19.6.1 seek submissions from the parties to the assessment; and/or
- 19.6.2 seek a response from the Assessor.
- 19.7 The PCA is to consider the application within 5 days of the application being acknowledged under clause 19.5.
- 19.8 In accordance with section 94 (6), if the PCA is satisfied that there is an obvious error in a certificate as to an assessment or in the statement attached to the certificate, the PCA may:
- 19.8.1 issue a replacement certificate or statement of reasons; or
- 19.8.2 approve the Assessor issuing a replacement certificate or statement of reasons;
- that corrects the obvious error that was sought to be corrected and that will replace the previous certificate.
- 19.9 If a replacement certificate or statement of reasons is issued, the replacement certificate or statement is to:
- 19.9.1 be titled as a 'replacement' certificate or statement of reasons;
- 19.9.2 be dated the same day as the original certificate or statement of reasons, and also identify the date the replacement certificate was issued; and
- 19.9.3 be taken to be the decision of the Assessor or the reasons for the decision.
- 19.10 If the certificate or statement of reasons is replaced, the PCA or Assessor must provide the parties with a copy of the replacement certificate or statement of reasons within 5 days of the PCA's determination in clause 19.8.

**Chapter 20 – Costs**

- 20.1 Pursuant to section 94A and any Regulation under Chapter 6 of the Act that is in force, an Assessor may, when assessing a claim, make an assessment of the amount of the claimant's entitlement to costs.
- 20.2 Costs are to be assessed pursuant to relevant provisions of the Act and any Regulation under Chapter 6 of the Act that is in force.
- 20.3 An assessment is to include an amount of costs in respect of the legal costs associated with the assessment of any medical disputes.
- 20.4 If a claimant fails, without reasonable excuse, to attend, or cancels at short notice, a medical examination arranged by the insurer, without reasonable excuse, and as a result a non-attendance fee or cancellation fee is incurred, the insurer may have credit for any such non-attendance or cancellation fee.
- 20.5 If there is a dispute over the apportionment of costs between 2 or more firms of solicitors, the Assessor is to apportion the amount of costs allowed according to the proportion of work undertaken and the stages of work undertaken by the firms.
- 20.6 When assessing the costs of a CARS assessment, the Assessor shall have regard to the amount of any written offer of settlement made by either party and, if the claim is made on or after 1 October 2008, section 89D.
- 20.7 The Assessor's certificate issued pursuant to section 94 and 96 and clause 18.1 of these Guidelines is to include an assessment of the claimant's costs and disbursements.
- 20.8 The Assessor's statement of reasons in respect of the assessment of costs is to attach to it a calculation of the claimant's costs and disbursements and set out as briefly as the circumstances permit in respect of any disputed costs or disbursements:
- 20.8.1 the amount claimed;
- 20.8.2 the amount allowed; and
- 20.8.3 brief reasons for not allowing the amount claimed.

**SCHEDULE 1**

**MOTOR ACCIDENTS AUTHORITY**  
**CARS Approved Assessment Locations**  
 (Issued pursuant to clause 15.17 of the  
 MAA Claims Assessment Guidelines)

- Sydney
- Albury
- Armidale
- Bathurst
- Bega
- Broken Hill
- Byron Bay
- Campbelltown
- Canberra
- Coffs Harbour
- Cowra
- Griffith
- Lismore
- Lithgow
- Maitland
- Muswellbrook
- Newcastle
- Nowra
- Orange
- Penrith
- Port Macquarie
- Queanbeyan

- Dubbo
- Forbes
- Forster
- Glen Innes
- Gosford
- Goulburn
- Tamworth
- Taree
- Wagga Wagga
- Wollongong
- Young

**MOTOR ACCIDENTS AUTHORITY**  
**CLAIMS HANDLING GUIDELINES**  
**FOR CTP INSURERS**

Initially issued 2000

Reissued: 1 July 2004; 18 September 2006; 1 July 2008;  
 1 October 2008, 1 May 2014

**INTRODUCTION**

The MAA Claims Handling Guidelines (the Guidelines) were made pursuant to section 68 (1) of the Motor Accidents Compensation Act 1999 (the Act). The Guidelines are issued to licensed insurers with respect to the manner in which insurers and those acting on their behalf are to deal with claims. They apply to claims arising from motor accidents occurring on or after 5 October 1999.

The Guidelines have been reviewed and amended by the Motor Accidents Authority (MAA) following consultation with:

- Insurance Council of Australia Limited;
- Council of the Bar Association and
- Council of the Law Society.

The Guidelines aim to promote the just and expeditious handling of motor accident claims by CTP insurers.

The Guidelines should not be used as a substitute summary of an insurer's obligations under the Act or be conclusive on the issue of claims handling practice. The Motor Accidents Compensation Act 1999 should always be referred to when clarifying an insurer's obligations under the Act.

It is a condition of a CTP insurer's licence that the insurer complies with the Guidelines. The MAA will review insurers' compliance with the Guidelines and monitor the nature of complaints received by insurers and the MAA about claims handling practices.

Claims identified by an insurer as requiring treatment, rehabilitation or attendant care services will also be subject to the MAA's Treatment, Rehabilitation and Attendant Care Guidelines.

Information about the operation of the Scheme, entitlements to compensation and the procedures for making a claim has been made more readily available to injured persons by operation of the Claims Advisory Service (1300 656 919), a division of the MAA.

**General Principles**

The implementation of the Claims Handling Guidelines requires demonstrated consideration and acceptance by insurers of the following general principles in relation to the management of claims:

- The insurer should ensure ANFs and Claim Forms are provided promptly on request and free of charges or conditions.
- The insurer should ensure all correspondence is date stamped upon receipt.



- The insurer should ensure a copy of any written correspondence and records of all verbal communications are kept on the claim file.
- The insurer should endeavour to provide a claimant or injured person with relevant factual information in the insurer's possession that will promote a just and expeditious resolution of the claim.
- The insurer should ensure that investigators and legal practitioners acting on its behalf, medico-legal practitioners and staff employed or contracted by the insurer operate in a professional and ethical manner.
- The insurer should attempt to resolve disputes in the first instance by ensuring their reasons for disputation are adequately communicated to the claimant and that, where appropriate, their internal complaints and dispute resolution procedures have been communicated to the claimant before referring the matter to the MAA's Motor Accident Assessment Services (MAAS).
- Insurers and their agents and contractors are expected to comply with applicable privacy legislation, particularly in relation to surveillance investigations. Privacy complaints received by the MAA may be referred to the appropriate body such as the NSW and Commonwealth Privacy Commissions.
- Insurers should co-operate with the MAA's CAS, MAS and CARS officers, medical and claims assessors and the assessment process.
- Insurers should follow up delays in obtaining a response to requests for further and better particulars or offers of settlement by reviewing open claim files at intervals of no longer than 3 months.

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1. Defined Words
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9. Requests for Information
10. Medical Assessments
11. Payment of Expenses
12. Settlement
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14. Insurer Reporting
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16. Compliance with the Guidelines

### 1. Defined Words

In these guidelines:

Claim form – refers to the Personal Injury Claim Form or the Compensation to Relatives Claim Form approved by the MAA.

Complaint – refers to any expression of dissatisfaction with a product or service offered or provided or not provided. It does not include a request for service or information.

Days – refers to working days.

Dispute – refers to a matter where there is a disagreement with an insurer's decision that may be referred to the insurer's dispute resolution process (for example, where a claimant disagrees with an insurer's decision that further treatment is not reasonable and necessary).

Insurer – refers to an insurer who is licensed by the MAA and provides (or has provided) CTP insurance in NSW since 5 October 1999 as well as a licensed insurer acting as agent for the Nominal Defendant.

## 2. Accident Notification Form (ANF)

2.1 The insurer will advise a person, who seeks to lodge an ANF where the vehicle held at fault in the accident is unidentified, that an ANF is not applicable and provide the person with a claim form. The insurer will also advise that the completed claim form should be forwarded to the MAA for allocation under the Nominal Defendant Scheme within 6 months of the date of the accident.

2.2 The insurer will advise the injured person within 5 days of receipt of the ANF if it is not substantially complete. This will not occur unless the information is clearly insufficient to enable the insurer to determine provisional liability.

2.3 The insurer will provide written advice to the injured person on whether or not provisional liability is accepted within 10 days of receipt of the ANF.

2.3.1 The insurer will provide written advice to injured passengers and pedestrians that provisional liability is accepted within 10 days of receipt of the ANF.

2.4 The insurer will advise the injured person upon receipt of the ANF, that it is not a claim and a claim form should be lodged within 6 months of the date of the accident if the injured person wants to claim additional damages, other than the treatment expenses and lost earnings covered by the ANF.

2.5 The insurer will pay the injured person's expenses incurred for reasonable and necessary treatment and loss of earnings suffered within 6 months after the motor vehicle accident, up to an amount of \$5000 (or such other amount as may be determined by the MAA).

The insurer is not required to pay treatment expenses in respect of treatment that does not accord with any existing relevant MAA Medical Guidelines. (Insurers are not restricted to paying within the MAA Medical Guidelines should they choose to pay in excess of the limits.)

2.5.1 The insurer will pay reasonable and necessary treatment expenses within 20 days of receipt of an account where provisional liability is accepted.

2.5.2 The insurer will pay accounts on the basis of the order in which the accounts are received.

2.6 The insurer will pay \$32 for completion of the medical certificate on the ANF, within 20 days of receipt of an account (or any other amount prescribed by the MAA or the regulations). This amount is not to be included in the treatment expenses.

- 2.7 The insurer will respond promptly to reasonable requests for information and assistance in lodging an ANF. If the request is in writing this should be done within 5 days of the request and if by telephone, within 2 days.
- 2.8 The insurer will advise the injured person, where applicable, that they are nearing the dollar limit or expiration of the time limit and that a claim form (with or without a medical certificate) should be lodged within 6 months of the date of the accident for further payments.
- 2.9 The insurer may send generic information about making and resolving claims directly to the injured person, provided that a copy is also sent to the injured person's legal representative if the injured person is legally represented.

### 3. Making Claims

- 3.1 The insurer will respond to the claimant's reasonable requests for information and assistance in making a claim, including a Nominal Defendant claim where the motor vehicle is either not insured or not identified. If the request is in writing this should be done within 5 days of the request and if by telephone, within 2 days.
- 3.2 The insurer will, if rejecting a claim or explanation due to a breach of section 70, 72, 73 or 74 of the Act, advise the claimant in writing of the reasons for rejecting a claim or explanation.
- 3.2.1 The insurer will not reject a claim for lack of a medical certificate, where a medical certificate has already been provided with an ANF unless the claimant's condition has changed or a claimant's claim for injuries is additional to those advised by the medical certificate in the ANF.

### 4. Acknowledgement of Claims

- 4.1 The insurer will send to the claimant an acknowledgement letter within 5 days of receipt of a claim.
- 4.2 The insurer will advise the claimant in the acknowledgement letter that it will provide the claimant with a copy of the police report and copies of treatment providers' reports that the insurer has on file unless requested otherwise by the claimant.
- 4.3 The insurer, managing a Nominal Defendant claim, will advise the MAA of any related claim/s received from any other claimant in the accident that has not been allocated by the MAA, by forwarding a copy of the claim form to the MAA within 10 days of receipt of the related claim/s.

### 5. Claims Investigation and Liability

- 5.1 The insurer will, if required, request a police report of the accident within 5 days of receipt of a claim.
- 5.2 The insurer's police liaison officer(s) will follow up delays in obtaining a police report if a police report is not received within 6 weeks following the initial request.
- 5.3 The insurer will provide a copy of the police report to the claimant prior to or with the Section 81 Notice. The insurer will provide the claimant with a copy of the police report within 20 days if it is obtained after the Section 81 Notice is issued to the claimant.

### Section 81 Liability notices

- 5.4 The insurer must give written notice to the claimant indicating whether the insurer admits or denies liability for the claim as expeditiously as possible, and within 3 months of the date the claim form is received by the insurer (or by the Authority in the case of claims made against the Nominal Defendant).
- 5.5 Unless liability is wholly admitted, the notice must give sufficient detail to the claimant to enable the claimant to understand the extent to which liability, and each of the elements of liability, are admitted, and must refer to the reasons for that decision and the evidence that supports those reasons.
- 5.6 If the notice indicates that contributory negligence is a reason for not wholly admitting liability, then the insurer must advise the claimant in writing of the percentage of contributory negligence it says can be attributed to the claimant, and refer to the reasons for that decision and the evidence that supports the percentage of contributory negligence alleged.
- 5.7 A letter that gives notice of the admission or denial of liability within 3 months in accordance with section 81 and these guidelines, must be clearly identified as a Section 81 (1) Notice.

### Other Liability decisions

- 5.8 An insurer which fails to issue a notice in accordance with section 81 (1) must advise the claimant in writing whether the insurer admits or denies liability for the claim within 7 days of the insurer discovering the failure.
- 5.9 An insurer which admits or denies liability other than by a Section 81 (1) Notice must also:
- 5.9.1 unless liability is wholly admitted, give sufficient detail to the claimant to enable the claimant to understand the extent to which liability, and each of the elements of liability, are admitted, and refer to the reasons for that decision and the evidence that supports those reasons; and
- 5.9.2 if the insurer indicates that contributory negligence is a reason for not wholly admitting liability, advise the claimant in writing of the percentage of contributory negligence it says can be attributed to the claimant, and refer to the reasons for that decision and the evidence that supports the percentage of contributory negligence alleged.

### 6. Claims Investigation on behalf of Nominal Defendant

- 6.1 The insurer, managing a Nominal Defendant claim will, in respect of a vehicle that is unidentified, advise the claimant in writing of the claimant's duty to make due search and inquiry to ascertain the identity of the vehicle alleged to have been at fault in the accident.
- 6.1.1 The insurer will advise the claimant in writing whether or not the claimant has satisfied due search and inquiry. The insurer will include with its advice reasons why it considers that a claimant has not satisfied due search and inquiry.

- 6.2 The insurer, managing a Nominal Defendant claim will, in respect of an interstate vehicle that is unregistered, obtain proof from the relevant interstate insurer/Authority that the vehicle was unregistered at the time of the accident.
- 6.3 The insurer, managing a Nominal Defendant claim will in respect of a vehicle that is unregistered, assess and document the merits of an action for recovery against the owner or driver of the unregistered vehicle at fault.
- 7. Investigations**
- 7.1 The insurer will ensure that each investigator acting on its behalf, has a current licence as required under relevant State legislation.
- 7.2 The insurer will ensure that before statements are taken, the investigator informs the person being interviewed of his or her identity and the identity of the insurer for whom they are acting.
- 7.3 The insurer will ensure the investigator, interviewing a legally represented claimant, will only contact the claimant after advising the legal representative in advance.
- 7.4 The insurer will ensure the investigator provides a factual report and does not provide a legal opinion in their reports.
- 7.5 The insurer will ensure that surveillance is only permitted in places regarded as public or where the claimant, whilst on private property, is observable by members of the public going about their ordinary daily activities.
- 7.6 The insurer will ensure that surveillance investigators must not actively interfere with the claimant's activities whilst under observation or interact with them so as to have an impact on their activities.
- 7.7 The insurer will ensure that surveillance must not involve any inducement, entrapment or trespass.
- 7.8 The insurer will ensure that surveillance is only permitted when there is evidence to indicate that the claimant is exaggerating or providing misleading information in relation to a claim or where the insurer reasonably believes that the claim is inconsistent with information in the insurer's possession regarding the circumstances of the accident or medical evidence.
- 8. Contacting Legally Represented Claimants**
- 8.1 The insurer will ensure all requests for information or advice are sent directly to the claimant's legal representative.  
In Guidelines 8.2, 8.3 and 8.4 the definition of claimant means the claimant only and not the claimant's legal representative. If a claimant is legally represented the insurer:
- 8.2 may send generic information about making and resolving claims directly to a claimant, provided that a copy is also sent to the claimant's legal representative.
- 8.3 may contact the claimant directly:
- if requested to do so by the claimant, or
  - if there is no substantive reply by the claimant's legal representative to the insurer's offer of settlement within 10 days and an attempt has been made by the insurer to confirm the receipt of the settlement offer, or
- if there is no substantive reply by the claimant's legal representative to the insurer's correspondence (excluding offer/s of settlement) within 20 days, and an attempt has been made by the insurer to confirm the receipt of the correspondence, or
  - to advise the claimant in addition to the claimant's legal representative about the details of a medical appointment arranged by the insurer, or
  - in response to a complaint notified to the insurer by the claimant.
- 8.4 may contact the claimant directly about their rehabilitation, however the insurer will prior to the first communication advise the claimant's legal representative of intended communications.
- 9. Requests for Information**
- 9.1 The insurer will, when the insurer or a solicitor acting on behalf of the insurer is requesting information, ensure all communications are:
- 9.1.1 written in plain English and
  - 9.1.2 relevant and tailored to the claimant's circumstances and
  - 9.1.3 not duplicated, unless the information previously supplied is insufficient.
- 10. Medical Assessments**
- 10.1 The insurer will, if necessary, request hospital discharge summaries or clinical notes and any treatment providers' reports, within 10 days following receipt of a claim form.
- 10.2 The insurer will provide the claimant with copies of treatment providers' reports within 20 days following receipt of each treatment providers' report. This requirement does not apply if the treatment provider has indicated in writing that this would be inappropriate.
- 10.3 The insurer will ensure that, wherever possible, any medical examination arranged by the insurer is at a time and place readily accessible to the claimant.
- 11. Payment of Expenses**
- 11.1 The insurer is obliged to pay hospital, medical, respite and attendant care, rehabilitation and pharmaceutical expenses on an 'as incurred' basis once liability has been admitted pursuant to section 83 of the Act.  
However, the insurer is only obliged to pay for this type of expense when it is reasonable and necessary, properly verified, and relates to the injury caused by the owner or driver of the at-fault vehicle.
- 11.2 The insurer will ensure all reasonable and necessary expenses are paid within 20 days of receipt of the account.
- 11.3 The insurer will ensure all reasonable and necessary costs and expenses, including travel expenses, for rehabilitation, attendance at a medical examination arranged by the insurer or an assessment by MAS, are paid to the claimant within 20 days of receipt of the account.
- 11.4 The insurer, when it declines to pay for the claimant's treatment expenses, will within 20 days of receipt of

the account advise the claimant and service provider in writing clearly outlining the reasons why the insurer considers the treatment not to be reasonable and necessary, not properly verified or not related to the accident, and

11.4.1 The insurer will provide to the claimant a copy of the insurer's internal complaint and dispute resolution procedure, and the MAA brochure "Resolving Medical Disputes".

This requirement does not apply if the insurer has already provided the above information after declining to pay for this treatment.

## 12. Settlement

12.1 The insurer will make a reasonable offer of settlement to the claimant as required under section 82, unless the insurer wholly denies liability for the claim.

12.2.1 The insurer will, in a settlement offer, clearly state the separate components and amount for each head of damage offered and any relevant calculations.

12.2.2 The insurer will clearly indicate to the claimant prior to making a settlement offer or in a settlement offer, regardless of whether or not a claimant claims to be entitled to non economic loss (NEL), that:

- the insurer believes the claimant is entitled to claim NEL, if the insurer considers the injured person's degree of permanent impairment is greater than 10%, or
- the insurer will ensure the matter is referred to MAS for assessment, if the insurer is unable to determine whether the claimant is entitled to claim NEL because the insurer is unsure whether the injured person's degree of permanent impairment is greater than 10%.

12.2.3 When a claimant claims to be entitled to NEL but the insurer considers a claimant is not entitled to claim NEL because the injured person's degree of permanent impairment is not greater than 10%, the insurer will, with an offer of settlement, clearly outline the reasons why the insurer considers the injured person's degree of permanent impairment is not greater than 10%.

The explanation must be sufficient to enable the claimant to make an informed decision about whether to accept the insurer's position or to seek to pursue the dispute at MAS. The explanation may include reference to the relevant provisions of the MAA Impairment Guidelines & AMA 4 Guides and any supporting evidence or materials where relevant. The insurer must provide to a claimant who is not legally represented, a copy of the MAA brochure "Resolving Permanent Impairment Disputes".

This requirement does not apply if the insurer has already provided the above information and the insurer still considers that the degree of permanent impairment is not greater than 10%.

12.3 The insurer will provide the claimant with a full list of paid and unpaid expenses on the file, at the time of making an offer of settlement and 24 hours prior to attending settlement conference, CARS assessment or court hearing. This requirement will not apply if the same information has already been provided in a previous offer of settlement.

12.4.1 The insurer will, as soon as practicable after making an offer of settlement to the claimant under section 82:

- arrange a settlement conference; and
- advise the claimant of their obligation to participate in a settlement conference before the matter may be referred to CARS.

12.4.2 If the claim is not settled at the settlement conference, the insurer must make an offer of settlement within 14 days after the settlement conference concludes.

12.5 The insurer will not pay any treatment expenses once a settlement agreement has been signed and prior to payment of settlement monies unless by agreement with the claimant.

12.6.1 The insurer will pay the settlement or CARS award within 20 days of receipt of signed documentation confirming the claimant's acceptance of the settlement or acceptance of the CARS award. Otherwise, if the insurer is required by law to make a deduction from the settlement or CARS award (eg workers compensation, Centrelink or Medicare Australia recovery), the insurer will request such advice as to the amount of the deduction within 10 days of receipt of the signed documentation. In those circumstances, the settlement or CARS award will be paid within 20 days of receipt of all such advice confirming the deduction.

12.6.2 The insurer will pay interest on monies not paid in accordance with 12.6.1. The rate of interest is three-quarters of the rate prescribed for the purposes of section 101 of the Civil Procedure Act 2005.

## 13. Complaints

It is expected that the insurer's internal complaint and dispute resolution procedures will deal effectively with the majority of complaints.

The MAA's Insurer Licensing & Performance Branch will generally handle complaints where the insurer's internal complaint and dispute resolution procedures have failed to resolve a complaint.

### Insurer Complaint and Dispute Resolution Procedures

13.1 The insurer must have documented internal complaint and dispute resolution procedures, which provide for a fair and timely method of handling and resolving complaints.

13.2 When a complaint is made the insurer will handle the complaint according to its complaint and dispute resolution procedures.

13.3 The insurer's complaint and dispute resolution procedures are to be readily accessible to the public

and provided free of charge or conditions when requested.

13.4 The minimum standards required for an insurer's complaint and dispute resolution procedures include:

- 13.4.1 acknowledgement in writing of the complaint and provision of the insurer's complaint and dispute resolution processes to be sent within 5 days. The acknowledgement letter must include the name and telephone number of an appropriate contact person.
- 13.4.2 the nomination of a complaint handler who possesses authority and independence to make a decision without referral.
- 13.4.3 the setting of reasonable time limits (which will be advised to the complainant) for the making of a decision.
- 13.4.4 the provision of written reasons for a decision and information on the availability of external complaint or dispute handling arrangements, including the role of the MAA if the claimant is dissatisfied with the result.

13.5 The insurer will keep a copy of complaints on the relevant claim file/s.

**14. Insurer Reporting**

14.1 The insurer will keep a record of all complaints handled by the insurer relating to claims (including complaints relating to claims made under the Motor Accidents Act 1988) and provide a summary report to the MAA of the complaints every 6 months. Reports under this guideline are to be furnished within 30 days at the end of each 6-month reporting period ending on 30 June and 31 December each year.

14.2 The insurer shall review and monitor its compliance with the Guidelines and prepare an annual report to the MAA on compliance with the Guidelines. Reports under this guideline are to be furnished within 30 days of the end of the reporting period ending on 31 December each year.

**15. Monitoring**

The MAA will monitor and review insurer compliance with the Guidelines by:

- 15.1 monitoring the nature of complaints received by the insurers and the MAA about claims management practices; and
- 15.2 auditing claim files and claims handling practices of licensed insurers, and
- 15.3 monitoring the insurers' self-reports on compliance with the Guidelines.

**16. Compliance with the Guidelines**

Compliance with the Guidelines is a condition of a CTP insurer's licence. A breach of a licence condition by an insurer is an offence and serious breaches may result in a:

- letter of censure from the MAA;
- civil penalty up to \$50,000;
- criminal penalty (100 penalty units);
- suspension or cancellation of the insurer's licence.

If such action is contemplated, the MAA will ensure that the affected insurer is provided with an opportunity to make full representations on the matter, in accordance with the MAA Regulatory and Enforcement Policy.

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**NATIONAL PARKS AND WILDLIFE ACT 1974**

Kosciuszko National Park

Mummel Gulf National Park and State Conservation Area

Far South Coast Escarpment Parks

Adoption of amendments to Plans of Management and Notice of Commencement of Trial of Horse Riding in Wilderness Areas

THE Minister for the Environment adopted amendments to the plans of management for Kosciuszko National Park, Mummel Gulf National Park and State Conservation Area, and Far South Coast Escarpment Parks on 10 February 2014.

The amendments are available on the Office of Environment and Heritage web site: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

In accordance with the plan of management amendments, the commencement date for the trial of horse riding in selected wilderness areas is 12 April 2014.

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**PASSENGER TRANSPORT REGULATION 2007**

Clause 76 (1) (c) Designation of Routes

Order

**Bus passenger services**

TRANSPORT for NSW, pursuant to clause 76 of the Passenger Transport Regulation 2007, does by this Order designate each of the following bus routes as a route for which a smartcard may be used:

Operator: Transdev NSW Pty Ltd

Routes:

|     |     |      |     |      |      |      |
|-----|-----|------|-----|------|------|------|
| 556 | 558 | 560  | 562 | 565  | 565U | 571  |
| 572 | 573 | 575  | 576 | 576T | 577  | 577P |
| 579 | 582 | 586  | 587 | 5878 | 588  | 589  |
| 592 | 594 | 594H | 595 | 596  | 597  | 598  |
| 599 |     |      |     |      |      |      |

|      |      |      |      |      |      |      |
|------|------|------|------|------|------|------|
| 8001 | 8002 | 8003 | 8004 | 8005 | 8006 | 8008 |
| 8010 | 8013 | 8014 | 8015 | 8016 | 8017 | 8018 |
| 8019 | 8020 | 8021 | 8022 | 8024 | 8025 | 8026 |
| 8027 | 8028 | 8029 | 8030 | 8032 | 8033 | 8034 |
| 8035 | 8036 | 8037 | 8038 | 8039 | 8040 | 8042 |
| 8043 | 8044 | 8045 | 8046 | 8047 | 8048 | 8049 |
| 8050 | 8051 | 8052 | 8054 | 8055 | 8056 | 8057 |
| 8058 | 8059 | 8060 | 8061 | 8062 | 8063 | 8066 |
| 8067 | 8070 | 8071 | 8072 | 8073 | 8074 | 8076 |
| 8077 | 8091 | 8092 | 8098 | 8101 | 8102 | 8104 |
| 8105 | 8106 | 8107 | 8108 | 8109 | 8110 |      |

|      |      |      |      |      |      |      |
|------|------|------|------|------|------|------|
| 9001 | 9002 | 9004 | 9005 | 9006 | 9007 | 9008 |
| 9009 | 9010 | 9012 | 9013 | 9014 | 9015 | 9016 |
| 9019 | 9020 | 9021 | 9022 | 9023 | 9024 | 9028 |
| 9029 | 9031 | 9033 | 9034 | 9036 | 9037 | 9038 |
| 9039 | 9040 | 9045 | 9046 | 9048 | 9049 | 9050 |
| 9051 | 9052 | 9053 | 9054 | 9055 | 9057 | 9059 |
| 9060 | 9061 | 9062 | 9063 | 9064 | 9065 | 9066 |
| 9067 | 9069 | 9070 | 9071 | 9072 | 9073 | 9074 |
| 9076 | 9077 | 9078 | 9079 | 9080 | 9081 | 9082 |
| 9083 | 9084 | 9085 | 9086 | 9087 | 9088 | 9089 |
| 9090 | 9091 | 9092 | 9093 | 9094 | 9096 | 9097 |
| 9098 | 9099 | 9101 | 9102 | 9103 | 9104 | 9105 |
| 9106 | 9107 | 9108 | 9109 | 9110 | 9111 |      |

**Date of effect**

This Order takes effect on 14 April 2014.

Dated: 9 April 2014.

FERGUS GAMMIE,  
Deputy Director-General,  
Transport Services  
(a Delegate of Transport for NSW)

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

The Honourable MARIE BASHIR, AC, CVO, Governor

I, Professor The Honourable MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 236L of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, revoke the proclamation published in the *New South Wales Government Gazette* on 11 September 2009, which declared Bundaleer Community Offender Support Program Centre to be a residential facility.

This proclamation is to take effect on and from the date of publication in the *New South Wales Government Gazette*.

Signed and sealed at Sydney, this 9th day of April 2014.

By Her Excellency's Command,

GREG SMITH, M.P., SC,  
Minister for Justice

GOD SAVE THE QUEEN!

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

The Honourable MARIE BASHIR, AC, CVO, Governor

I, Professor The Honourable MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 236L of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, revoke the proclamation published in the *New South Wales Government Gazette* on 11 September 2009 and varied on 14 October 2011, which declared Swanson Lodge Community Offender Support Program Centre to be a residential facility.

This proclamation is to take effect on and from the date of publication in the *New South Wales Government Gazette*.

Signed and sealed at Sydney, this 9th day of April 2014.

By Her Excellency's Command,

GREG SMITH, M.P., SC,  
Minister for Justice

GOD SAVE THE QUEEN!

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

The Honourable MARIE BASHIR, AC, CVO, Governor

I, Professor The Honourable MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 225 of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, vary the proclamation of John Morony Correctional Centre published in the New South Wales Government Gazette on 23 January 2004 and varied on 22 August 2008 and 6 March 2009; and in variation thereof I declare John Morony Correctional Centre to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the Local Government Area of Penrith, Parish of Londonderry and County of Cumberland, being part of Lot 1 in Deposited Plan 740367, shown by the shading on Plan Catalogue Number 57133 in the Plan Room of the NSW Department of Finance & Services reproduced below and having a total area of 9.733 hectares or thereabouts.

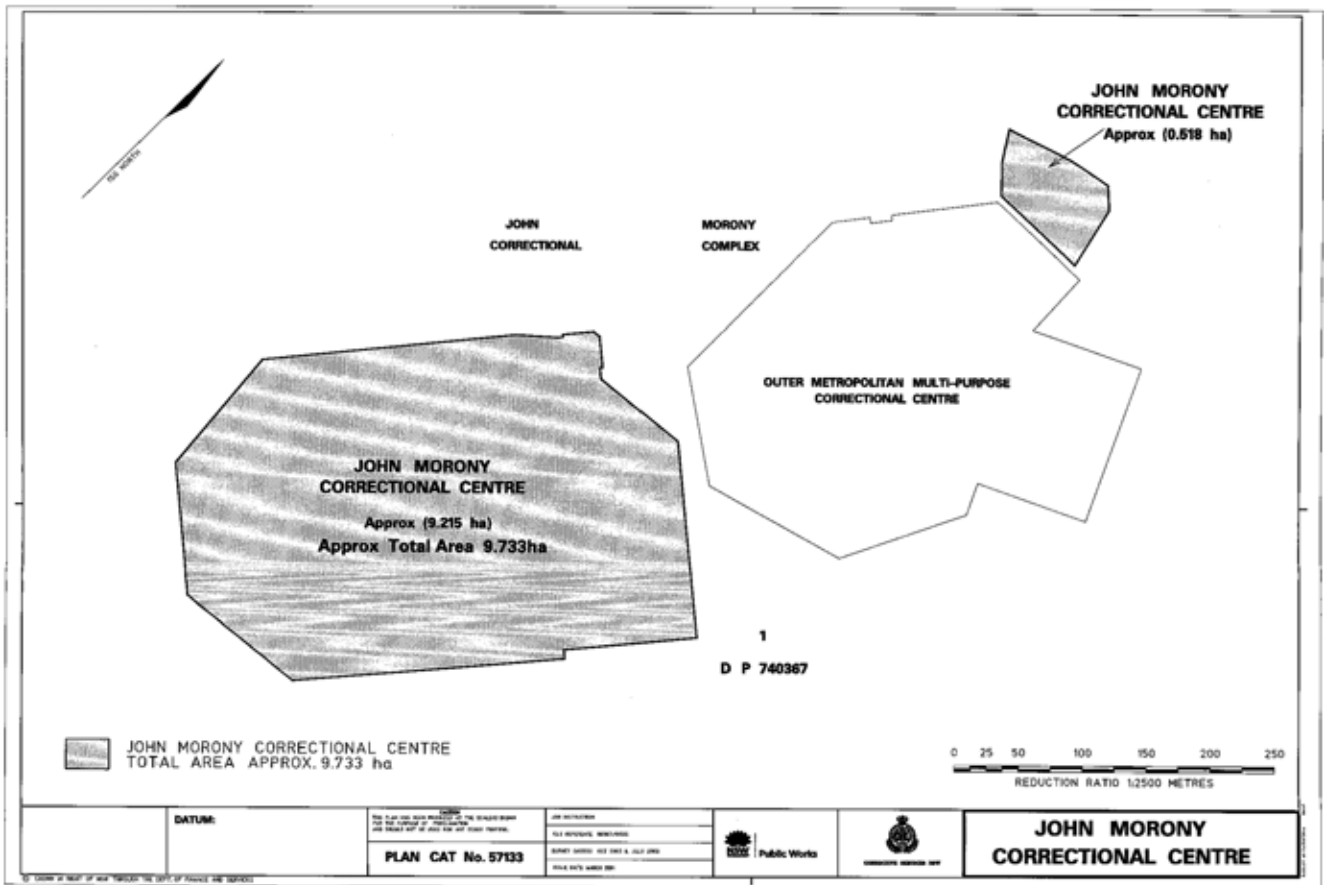
This proclamation is to take effect on and from the date of publication in the New South Wales Government Gazette.

Signed and sealed at Sydney, this 9th day of April 2014.

By Her Excellency's Command,

GREG SMITH, M.P., SC,  
Minister for Justice

GOD SAVE THE QUEEN!



...John\_Morony57133SH1.dgn 24/03/2014 9:39:07 AM

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

The Honourable MARIE BASHIR, AC, CVO, Governor

I, Professor The Honourable MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 224(3) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, vary the proclamation of John Morony Correctional Complex published in the *New South Wales Government Gazette* on 23 January 2004 and varied on 22 August 2008 and 6 March 2009; and in variation thereof I declare John Morony Correctional Complex to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the Local Government Area of Penrith, Parish of Londonderry and County of Cumberland, being Lot 1 and Lot 2 in Deposited Plan 740367, shown by the shading on Plan Catalogue Number 57134 in the Plan Room of the NSW Department of Finance & Services reproduced below and having a total area of 226.4 hectares or thereabouts.

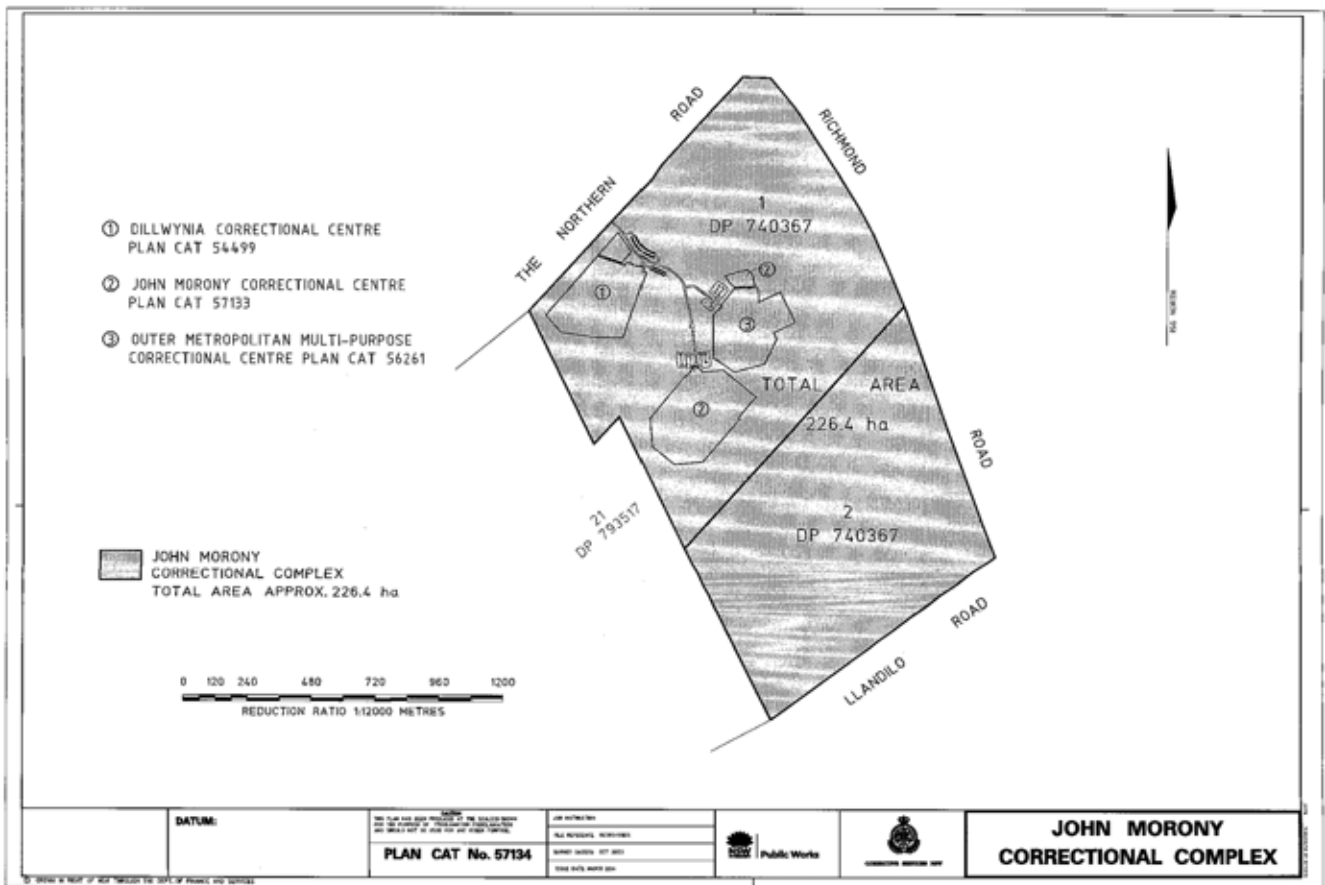
This proclamation is to take effect on and from the date of publication in the *New South Wales Government Gazette*.

Signed and sealed at Sydney, this 9th day of April 2014.

By Her Excellency's Command,

GREG SMITH, M.P., SC,  
Minister for Justice

GOD SAVE THE QUEEN!



...John\_Morony157134SH11.dgn 24/03/2014 9:40:40 AM



**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

The Honourable MARIE BASHIR, AC, CVO, Governor

I, Professor The Honourable MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 225 of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, vary the proclamation of the Mid North Coast Correctional Centre published in the *New South Wales Government Gazette* on 2 July 2004 and varied on 11 September 2009 and 14 October 2011; and in variation thereof I declare the Mid North Coast Correctional Centre to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the Local Government Area of Kempsey, Parish of Yarravel and County of Dudley, being part of Lot 1 in Deposited Plan 1162326, shown by the shading on Plan Catalogue Number 57138 in the Plan Room of the NSW Department of Finance & Services reproduced hereunder and having an area of 11.32 hectares or thereabouts.

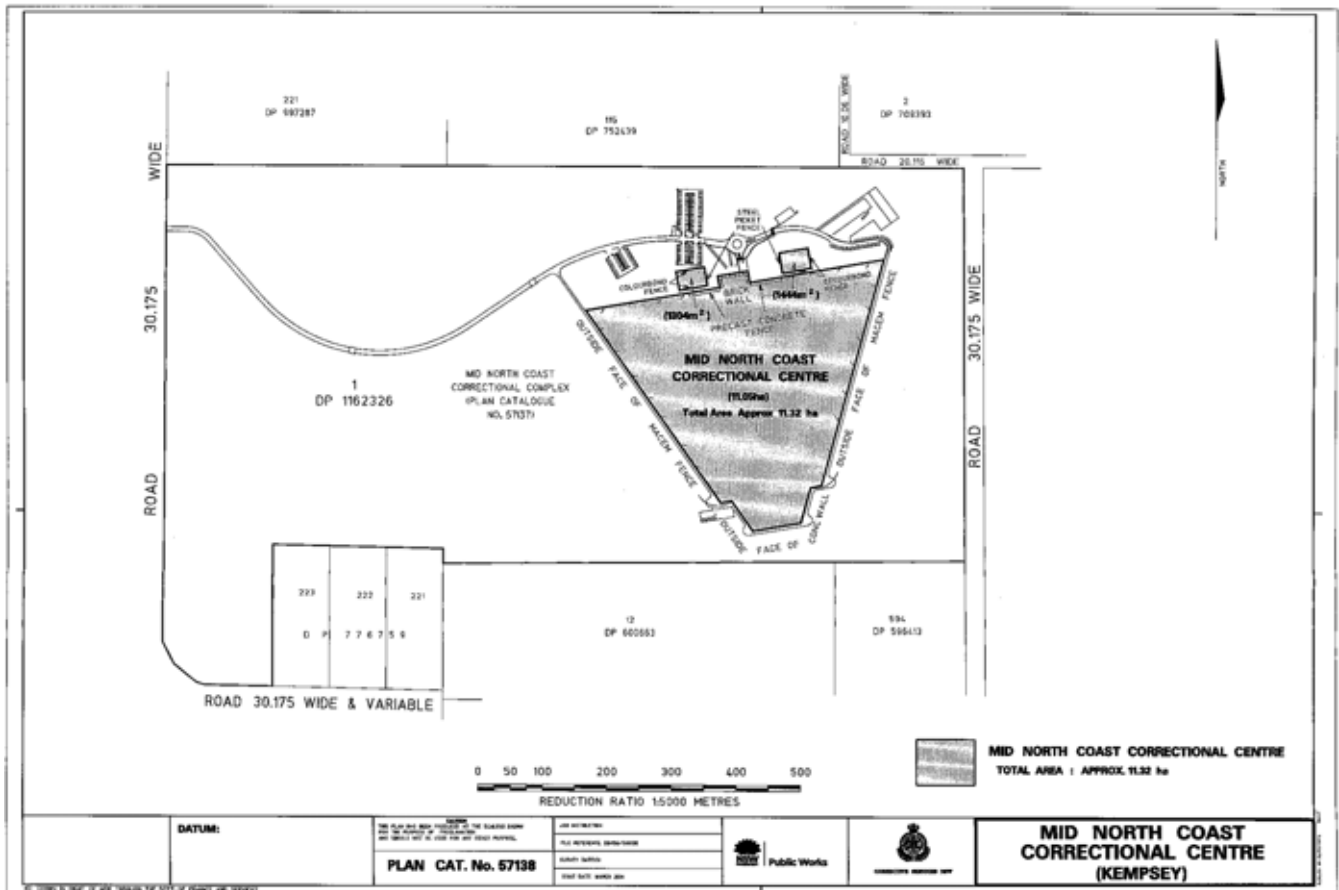
This proclamation is to take effect on and from the date of publication in the *New South Wales Government Gazette*.

Signed and sealed at Sydney, this 9th day of April 2014.

By Her Excellency's Command,

GREG SMITH, M.P., SC,  
Minister for Justice

GOD SAVE THE QUEEN!



...Kempsey\57138SH1.dgn 24/03/2014 9:34:58 AM

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

The Honourable MARIE BASHIR, AC, CVO, Governor

I, Professor The Honourable MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 224(3) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, vary the proclamation of the Mid North Coast Correctional Complex published in the *New South Wales Government Gazette* on 2 July 2004 and varied on 11 September 2009 and 14 October 2011; and in variation thereof I declare the Mid North Coast Correctional Complex to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz.:

All that piece or parcel of land situate in the Local Government Area of Kempsey, Parish of Yarravel and County of Dudley, being Lot 1 in Deposited Plan 1162326, shown by the shading on Plan Catalogue Number 57137 in the Plan Room of the NSW Department of Finance & Services reproduced hereunder and having an area of 79.49 hectares or thereabouts.

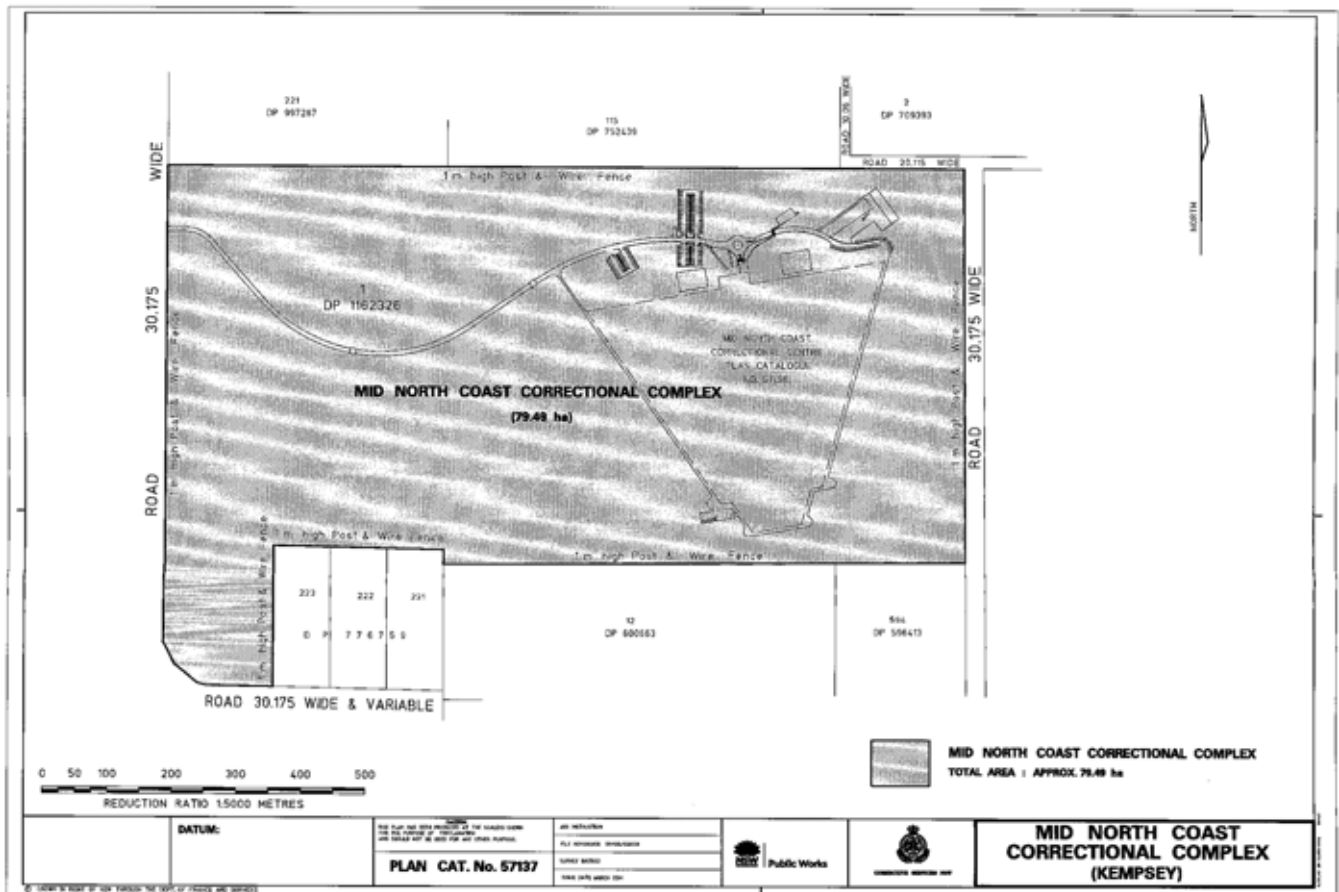
This proclamation is to take effect on and from the date of publication in the *New South Wales Government Gazette*.

Signed and sealed at Sydney, this 9th day of April 2014.

By Her Excellency's Command,

GREG SMITH, M.P., SC,  
Minister for Justice

GOD SAVE THE QUEEN!



...Kempsey57137S-H1.dgn 24/03/2014 9:32:02 AM

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BATHURST REGIONAL COUNCIL

Roads Act 1993

Naming of Roads

NOTICE is hereby given that the Bathurst Regional Council, in pursuance of section 162 of the Roads Act 1993, has named the roads as shown hereunder:

| <i>Location</i>   | <i>Proposed Name</i>                          |
|---|---|
| Proposed subdivision of Lot 44,<br>DP 1172067 off Wentworth Drive | Press Court<br>Byrne Close<br>O'Farrell Place |

Authorised by resolution of the Council on 11 December 2013. DAVID SHERLEY, General Manager, Bathurst Regional Council, Private Mail Bag 17, Bathurst NSW 2795. [7454]

### BLUE MOUNTAINS CITY COUNCIL

#### ERRATUM

THE notice published in the *NSW Government Gazette* of 21 March 2014 on page 1016 and the Erratum notice published on 28 March 2014 on page 1082 under the heading 'Naming of Bridge', both contained an error. The notice is hereunder republished in full. The gazettal date remains the 21 March 2014:

Naming of Bridge

NOTICE is hereby given that pursuant to the Roads Act 1993, No. 33, Roads (General) Regulation 2000, Division 2, Clause 7-10, Blue Mountains City Council has endorsed the existing pedestrian bridge over the Great Western Highway at Hazelbrook Primary School, Hazelbrook, as the PRIVATE RONALD FIELD BRIDGE. Blue Mountains City Council, Locked Bag 1005, Katoomba NSW 2780. [7455]

### BOMBALA COUNCIL

#### Erratum

IN *New South Wales Government Gazette* No. 113 dated 20 September 2013, Folio 4172, the notice under the heading Bombala Shire Council, Notice of Compulsory Acquisition of Land had a missing DP Number in Schedule 2. The following notice replaces that in full and the original gazettal date remains 20 September 2013.

### BOMBALA COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

BOMBALA COUNCIL declares with the approval of Her Excellency the Governor that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for a Fire Control Centre. Dated at Bombala, this 17th day of September 2013. N. McCRINDLE, General Manager, Bombala Council, PO Box 105, Bombala NSW 2632.

### SCHEDULE 1

Lot 131, DP 1166322.

### SCHEDULE 2

DP 1166322.

Easement for services variable width appurtenant to the land.

Easement to drain water 2 metres wide.

Easement to drain sewage 2 metres wide.

Appurtenant right of access 10 metres wide and variable. [7456]

### COFFS HARBOUR CITY COUNCIL

Naming of Roads

NOTICE is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the Roads Act 1993, has named roads, effective from 1 May 2014, as follows:

| <i>Location</i>  | <i>New name</i>  |
|--|--|
| Renaming of sections of the former Pacific Highway from Sapphire to Arrawarra, including the renaming of: Hoys Road, Moonee Beach; Graham Drive, Sandy Beach and a section of Clarence Street, Woolgoolga. | Solitary Islands Way                                       |
| Renaming of the northern section of North Solitary Drive, Moonee Beach.  | Sullivans Road   |
| New roads off Sullivans Road (formerly North Solitary Drive, northern section), Moonee Beach   | Stingray Creek Road,<br>Treetop Place,<br>Rusty Plum Place |

STEVE McGRATH, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450. [7457]

### PORT MACQUARIE-HASTINGS COUNCIL

Roads Act 1993

Dedication of Land as Public Road

NOTICE is hereby given that the Port Macquarie-Hastings Council in pursuance of section 10 of the Roads Act 1993 dedicates the land described in the Schedule below as public road. CRAIG SWIFT-McNAIR Acting General Manager, Port Macquarie-Hastings Council, corner Lord and Burrawan Streets, Port Macquarie NSW 2444.

### SCHEDULE

Lot 1, Deposited Plan 1115744 being land adjacent to 46 Kendall Road, Kendall. [7458]

### PORT STEPHENS COUNCIL

Roads Act 1993, Section 10

Dedication of Land as a Public Road

NOTICE is hereby given that pursuant to section 10 of the Roads Act 1993, Council hereby dedicates to the public as

road for widening Lot 5, DP 111433, Newline Road at East Seaham. P. GESLING, General Manager, Port Stephens Council, 116 Adelaide Street, Raymond Terrace NSW 2324. Council File PSC2011-03471. [7459]

### SHOALHAVEN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that in accordance with section 10 of the Roads Act 1993, the land held by Council as described in the Schedule below is hereby dedicated as Council Public Road. R. D. PIGG, General Manager, Shoalhaven City Council, Bridge Road, Nowra NSW 2541. File 30753E.

#### SCHEDULE

Lot 1 in Deposited Plan 833455 and Lots 4 and 11 in Deposited Plan 811133, Parish of Nowra, County of St Vincent, being land off Graham Street, Nowra. [7460]

### WAGGA WAGGA CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as a Public Road

NOTICE is hereby given that in accordance with section 10 of the Roads Act 1993, the land described in the Schedule below is dedicated to the public as road. Dated 7 April 2014. P. PINYON, General Manager, Wagga Wagga City Council, 243 Baylis Street, Wagga Wagga NSW 2650.

#### SCHEDULE

Lot 4, DP 1177748.

Lot 5, DP 1177748.

Lot 6, DP 1177748.

Lot 7, DP 1177748.

Lot 8, DP 1177748.

Lot 9, DP 1177748.

Lot 10, DP 1177748.

Lot 12, DP 1177748.

Lot 17, DP 1177748. [7461]

## OTHER NOTICES

### ANGLICAN CHURCH OF AUSTRALIA TRUST PROPERTY ACT 1917

Notice under Section 42 of the Anglican Church of Australia Trust Property Act 1917

Anglican Church Property Trust Diocese of Sydney

BY the Sydney Anglican Pre-School Council (Vesting of Property and Amendment) Ordinance 2014, passed on 24 March 2014, the Standing Committee of the Synod of the Diocese of Sydney consented to the land contained in folio identifiers Volume 13039 Folio 228 (Lot 2 in SP10754), Volume 13535 Folio 186 (Lot 12 in DP 587813) and Volume 14094 Folio 61 (Lot 2 in SP14585) being vested in the Anglican Church Property Trust Diocese of Sydney

under section 19 of the Anglican Church of Australia Trust Property Act 1917. Dr G. N. DAVIES, Archbishop of Sydney, St Andrew's House, Sydney Square NSW 2000, tel (02) 9265 1555. [7462]

### ANGLICAN CHURCH OF AUSTRALIA TRUST PROPERTY ACT 1917

Notice under Section 42 of the Anglican Church of Australia Trust Property Act 1917

Anglican Church Property Trust Diocese of Sydney

BY the Castlereagh (Vesting of Property) Ordinance 2014, passed on 17 February 2014, the Standing Committee of the Synod of the Diocese of Sydney consented to the land contained in folio identifiers 287/999655 and 288/999655 being vested in the Anglican Church Property Trust Diocese of Sydney under section 19 of the Anglican Church of Australia Trust Property Act 1917. Dr G. N. DAVIES, Archbishop of Sydney, St Andrew's House, Sydney Square NSW 2000, tel (02) 9265 1555. [7463]

### ANGLICAN CHURCH OF AUSTRALIA TRUST PROPERTY ACT 1917

Notice under Section 42 of the Anglican Church of Australia Trust Property Act 1917

Anglican Church Property Trust Diocese of Sydney

AT its meeting on 24 March 2014, the Standing Committee of the Synod of the Diocese of Sydney declared a vacancy in the office of trustee of the land at 106 George's Road, Croydon, being Lots 1-5 in Section 1 in Deposited Plan 363 comprised in Certificate of Title Auto-Consol 4614-203, the former trustee the Anglican Church Property Trust Diocese of Sydney having resigned and under section 19 of the Anglican Church of Australia Trust Property Act 1917 resolved to elect the Moore Theological College Council to be the trustee of the said land in place of the former trustee. Dr G. N. DAVIES, Archbishop of Sydney, St Andrew's House, Sydney Square NSW 2000, tel (02) 9265 1555. [7464]

### ANGLICAN CHURCH OF AUSTRALIA TRUST PROPERTY ACT 1917

Notice under Section 42 of the Anglican Church of Australia Trust Property Act 1917

St John's Parramatta Endowment Fund.

BY resolution passed on 17 February 2014 under section 14 of the Anglican Church of Australia Trust Property Act 1917, the Standing Committee of the Synod of the Diocese of Sydney declared the existence of a vacancy in the office of trustee of the St John's Parramatta Endowment Fund, with effect from 31 March 2014, by reason of the expiry of the term of office of Mr Tony Woodland under clause 3 of the St John's Parramatta Endowment Fund Ordinance 1930. On 24 March 2014 under section 14 of the said Act, the Standing Committee elected Mr Robert Meldrum to the office of trustee of the St John's Parramatta Endowment Fund to fill the vacancy with effect from 31 March 2014. Dr G. N. DAVIES, Archbishop of Sydney, St Andrew's House, Sydney Square NSW 2000, Tel (02) 9265 1555. [7465]

By Authority