

Government Gazette

of the State of

New South Wales

Number 9

Friday, 6 February 2015

The *New South Wales Government Gazette* is the permanent public record of official notices issued by the New South Wales Government. It also contains local council and other notices and private advertisements.

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GOVERNMENT NOTICES

Miscellaneous Instruments

LOCAL LAND SERVICES (FERAL DROMEDARY CAMEL) PEST CONTROL ORDER 2015

under the

Local Land Services Act 2013

I, KATRINA ANN HODGKINSON, MP, Minister for Primary Industries, in pursuance of section 130 of the *Local Land Services Act 2013*, make the following pest control order in respect of the Feral Dromedary Camel.

Dated this 30th day of January 2015

KATRINA ANN HODGKINSON, MP
Minister for Primary Industries

1 Name of pest control order

This pest control order is the *Local Land Services (Feral Dromedary Camel) Pest Control Order 2015*.

2 Commencement and duration

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

3 Definitions

In this pest control order:

controlled land means the land to which this pest control order applies as described in clause 4.

Feral Dromedary Camel means an animal of the species *Camelus dromedarius* not authorised to be kept under the *Non-Indigenous Animals Act 1987*.

general eradication order means a general eradication order made under Division 3 of Part 10 of the Act.

individual eradication order means an individual eradication order made under Division 3 of Part 10 of the Act.

pest means the animal declared in clause 5 to be a pest on the controlled land.

the Act means the *Local Land Services Act 2013*.

Note:

1. **eradicate, general destruction obligation, and pest control order** have the same meaning as in Part 10 of the Act.
2. **authorised officer, local authority, Local Land Services, occupier, owner and public authority** all have the same meaning as in the Act.

4 Controlled land

This pest control order applies, pursuant to section 130 (1) (a) of the Act, to the Western Division of New South Wales comprising that part of the State depicted in Lot 1901, Deposited Plan 1133899, recorded in the office of the Registrar-General.

5 Declaration of Feral Dromedary Camel as pest

Pursuant to section 130 (1) (b) of the Act, the Feral Dromedary Camel, *Camelus dromedarius*, is declared to be a pest on the controlled land.

6 Powers conferred in relation to the pest on controlled land

- (1) Pursuant to sections 130 (1) (c) and 130 (2) (a) of the Act a general destruction obligation is imposed on the occupiers of the controlled land to eradicate the pest by any lawful method.
- (2) Pursuant to sections 130 (1) (c) and 130 (2) (d) of the Act, Local Land Services is empowered to serve an individual eradication order in accordance with Part 10 of the Act, on any occupier or owner (other than a public authority) of controlled land requiring the occupier or owner to eradicate the pest by use of a method specified by Local Land Services in the individual eradication order.
- (3) Pursuant to sections 130 (1) (c) and 130 (2) (e) of the Act, Local Land Services is empowered to publish a general eradication order in accordance with Part 10 of the Act requiring all occupiers of land within a region (or a specified part of a region) to eradicate the pest by use of any method specified by Local Land Services in the general eradication order.

- (4) Pursuant to sections 130 (1) (c) and 130 (2) (f) of the Act, power is conferred on all authorised officers to take measures to carry out work on the controlled land to eradicate the pest.
 - (5) Pursuant to section 130 (3) of the Act, aerial shooting is specified as a method of eradication of the pest on the controlled land.
 - (6) Pursuant to section 130 (8) of the Act, in this clause public authority means a public authority other than a local authority.
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NATIONAL PARKS AND WILDLIFE ACT 1974

PROCLAMATION

I, His Excellency General The Honourable David Hurley AC DSC (Retd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under Section 68 of the *National Parks and Wildlife Act 1974*, with the consent of every owner and occupier do, on the recommendation of the Chief Executive of the Office of Environment and Heritage (OEH), by this my Proclamation declare the lands described hereunder to be a Wildlife Refuge for the purposes of the abovementioned Act.

To be known as “**Lomandra Wildlife Refuge**”

Signed and sealed at Sydney this 14th day of January 2015

DAVID HURLEY
Governor

By His Excellency’s Command

ROBERT STOKES
Minister for the Environment

GOD SAVE THE QUEEN!

Description

Land District – Bega Council – Bega Valley

County of Auckland, Parish of Brogo, 8.75 hectares, being Lot 23 DP 1079416 and Lot 3 DP 1097022, OEH FIL14/4977

NATIONAL PARKS AND WILDLIFE ACT 1974

PROCLAMATION

I, His Excellency General The Honourable David Hurley AC DSC (Ret’d), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under Section 68 of the *National Parks and Wildlife Act 1974*, with the consent of every owner and occupier do, on the recommendation of the Chief Executive of the Office of Environment and Heritage (OEH), by this my Proclamation declare the lands described hereunder to be a Wildlife Refuge for the purposes of the abovementioned Act.

To be known as “**Tullawonga Wildlife Refuge**”

Signed and sealed at Sydney this 28th day of January 2015

DAVID HURLEY
Governor

By His Excellency’s Command

ROB STOKES
Minister for the Environment

GOD SAVE THE QUEEN!

Description

Land District – Murwillumbah Council – Byron

County of Rous, Parish of Billinudgel, 2.4 hectares, being Lot 1 DP 394452, OEH FIL14/3066

PROCLAMATION

under the

Water Management Act 2000 No 92

DAVID HURLEY, Governor

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 158 of the *Water Management Act 2000*, do, by this my Proclamation, authorise the private irrigation board Anabranche Water to take over the water supply works described in the application dated 3 November 2014 made by Anabranche Water under section 156 of the *Water Management Act 2000*.

Signed and sealed at Sydney, this Fourth day of February 2015.

By His Excellency's Command,

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

GOD SAVE THE QUEEN!

**TEMPORARY WATER RESTRICTIONS ORDER
UPPER DARLING BASIN 2014 (No. 2)**

under the

Water Management Act 2000

I, Gavin Hanlon, having delegated authority from the Minister for Natural Resources, Lands and Water, in pursuance of section 324 (1) of the *Water Management Act 2000* and on being satisfied that it is necessary to do so in the public interest to cope with a water shortage in the city of Broken Hill, make the following Order.

Dated this 3rd day of February 2015.

GAVIN HANLON
Deputy Director General Water
Department of Primary Industries, NSW Office of Water
(by delegation)

Explanatory note

This Order is made under section 324 (1) of the *Water Management Act 2000* (the Act). The object of this is to impose temporary water restrictions on the water sources listed in Schedule 1

**TEMPORARY WATER RESTRICTIONS ORDER
UPPER DARLING BASIN 2014 (No. 2)**

under the

Water Management Act 2000

1 Name of Order

This Order is the *Temporary Water Restrictions Order Upper Darling Basin 2014 (No. 2)*.

2 Commencement

This Order commences on 6 February 2015, and will remain in force until Monday, 29 February 2016, unless it is repealed or modified by a further s 324 Order before that date.

3 Revocation

The s 324 order dated 27 January 2015 and published on page 8 of the Government Gazette No 8 of 30 January 2015 is revoked.

3 Temporary water restrictions

The taking of water from the water sources specified in Schedule 1 is restricted as specified in Schedule 2.

Schedule 1 Water Source

This Order applies to the following water sources:

1. Barwon-Darling Unregulated River Water Source as described in the *Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012*;
2. Border Rivers Regulated River Water Source as described in the *Water Sharing Plan for the Border River Regulated River Water Source 2009*;

3. Gwydir Regulated River Water Source as described in the *Water Sharing Plan for the Gwydir Regulated River Water Source 2002*; and
4. Lower Namoi Regulated River Water Source as described in the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003*.

Schedule 2 Restrictions

The taking of water from the water sources specified in Schedule 1 is prohibited as follows:

1. In the Barwon-Darling Unregulated River Water Source, the taking of water under a unregulated river (B Class) access licences or unregulated river (C Class) access licences is prohibited, except where the water is announced as available to be taken by media release from the NSW Office of Water, subject to any conditions prescribed in that announcement.
2. In the regulated river water sources listed in items 2 to 4 in Schedule 1, the taking of water under supplementary water access licences is prohibited, except where the water is announced as available to be taken by media release from the NSW Office of Water, subject to any conditions prescribed in that announcement.

Note: It is an offence, under section 336C of the *Water Management Act 2000*, to fail to comply with this direction. An individual found guilty of an offence under section 336C is liable to a penalty not exceeding \$247,500 and, in the case of a continuing offence, a further penalty not exceeding \$66,000 for each day the offence continues. A corporation found guilty of an offence under section 336C is liable to a penalty not exceeding \$1.1 million and, in the case of a continuing offence, a further penalty not exceeding \$132,000 for each day the offence continues.

Appointments

LOCAL GOVERNMENT ACT 1993

Appointment of the Member of the
NSW Local Government Remuneration Tribunal

His Excellency General The Honourable David Hurley AC DSC, Governor of New South Wales, with the advice of the Executive Council and pursuant to section 237 and Schedule 1 of the *Local Government Act 1993*, has appointed Dr Robert David LANG, as the Member of the NSW Local Government Remuneration Tribunal for the period commencing on the date of the Governor's approval and expiring on 30 June 2015.

PAUL TOOLE, MP
Minister for Local Government

LOCAL GOVERNMENT ACT 1993

Appointment as an Assessor of the
NSW Local Government Remuneration Tribunal

His Excellency General The Honourable David Hurley AC DSC, Governor of New South Wales, with the advice of the Executive Council and pursuant to section 236 (1) (b) of the *Local Government Act 1993*, has appointed Mr Ian REYNOLDS, as an Assessor assisting the NSW Local Government Remuneration Tribunal for the period commencing on the date of the Governor's approval and expiring on 30 June 2015.

PAUL TOOLE, MP
Minister for Local Government

Planning and Environment Notices

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A STATE CONSERVATION AREA

I, General The Honourable David Hurley, AC, DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Tuggerah State Conservation Area**, under the provisions of Section 30A(1) of the *National Parks and Wildlife Act 1974*.

Signed and sealed at Sydney this 28th day of January, 2015.

DAVID HURLEY
Governor

By His Excellency's Command

ROBERT STOKES, MP
Minister for the Environment.

GOD SAVE THE QUEEN

Schedule

Land District – Gosford LGA – Wyong

County Northumberland, Parish Tuggerah, 645 square metres, being Lot 25 DP28400.

Papers OEH FIL13/2036.

Note: This reservation is restricted to a depth of 50m below the surface.

NATIONAL PARKS AND WILDLIFE ACT 1974

ERRATUM

In the notice published in the *NSW Government Gazette* dated 28 November 2014, folio 4296, reserving part of Deua National Park in Schedule 2 replace 'Lot 1, DP 1189298' with 'Lot 181, DP 1189298'.

TERRY BAILEY
Chief Executive
Office of Environment and Heritage

Roads and Maritime Notices

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Tyndale,
Maclean and Harwood in the Clarence Valley
Council Area

Roads and Maritime Services by its delegate declares, with the approval of His Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Roads Act 1993*.

A C NORTH

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

All those pieces or parcels of land situated in the Clarence Valley Council area, Parishes of Tyndale, Taloumbi and Harwood and County of Clarence shown as:

Lots 700, 701, 704, and 705 Deposited Plan 1199716, being parts of the land in Certificates of Title 4/751389, 3/751389, 50/1040235 and 8/751389 respectively and said to be in the possession of John Brendan Moloney and Colleen Patricia Moloney (registered proprietors) and Rabobank Australia Limited (mortgagee);

Lot 522 Deposited Plan 1199729, being part of the land in Certificate of Title 89/751389 and said to be in the possession of John Brendan Moloney;

Lot 10 Deposited Plan 1183272, being part of the land in Certificate of Title 501/777505 and said to be in the possession of Colin Merton Farlow (registered proprietor) and New South Wales Rural Assistance Authority and Commonwealth Bank of Australia (mortgagees);

Lots 17, 18 and 19 Deposited Plan 1199308, being parts of the land in Certificates of Title 1/247999, 2/527320 and 192/751373 respectively; and Lot 1 Deposited Plan 522689, being the whole of the land in Certificate of Title 1/522689 and said to be in the possession of Anthony Gerard Shannon;

Lots 27, 28 and 29 Deposited Plan 247999, being the whole of the land in Certificates of Title 27/247999, 28/247999 and 29/247999 respectively and said to be in the possession of JM and NA Causley Pty Limited (registered proprietor) and Westpac Banking Corporation (mortgagee);

Lot 2 Deposited Plan 1184049, being part of the land in Certificate of Title 6/735501 and said to be in the possession of Peter Edward Bradfield (registered proprietor) and Bananacoast Community Credit Union Ltd (mortgagee);

Lot 7 Deposited Plan 735501, being the whole of the land in Certificate of Title 7/735501 and said to be in the possession of Alma Evelyn Bradfield (registered proprietor) and Commonwealth Bank of Australia (mortgagee);

excluding any existing easements from the compulsory acquisition of the land listed above.

(RMS Papers: SF2014/44364)

Mining and Petroleum Notices

Notice is given that the following application has been received:

EXPLORATION LICENCE APPLICATION

(15-0308)

No 5140, FORGE MINERALS PTY LTD (ACN 121 258 713), area of 24 units, for Group 1 and Group 10, dated 2 February 2015. (Armidale Mining Division).

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T14-1122)

No 5071, now Exploration Licence No 8334, KBL MINING LIMITED (ACN 129 954 365), Counties of Cunningham, Flinders and Kennedy, Map Sheet (8232, 8233, 8332), area of 100 units, for Group 1, dated 23 December 2014, for a term until 23 December 2017.

(T14-1152)

No 5102, now Exploration Licence No 8343, BUSHMAN RESOURCES PTY LTD (ACN 167 123 079), Counties of Bland and Harden, Map Sheet (8428, 8528), area of 42 units, for Group 1, dated 29 January 2015, for a term until 29 January 2018.

MINING LEASE APPLICATION

(T12-1510)

Singleton No 426, now Mining Lease No 1703 (Act 1992), DONALDSON COAL PTY LTD (ACN 073 088 945), Parish of Stockrington, County of Northumberland, Map Sheet (9232-3-N), area of 156.6 hectares, to mine for coal, dated 9 December 2014, for a term until 9 December 2035. As a result of the grant of this title, Exploration Licence No 5497 has partly ceased to have effect.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATIONS

(T14-1144)

No 5094, COPETON DIAMOND MINES PTY LTD (ACN 601 157 475), County of Gough, County of Hardinge and County of Murchison, Map Sheet (9037, 9038, 9137, 9138). Withdrawal took effect on 28 January 2015.

(T15-1005)

No 5135, FORGE MINERALS PTY LTD (ACN 121 258 713), County of Courallie and County of Murchison, Map Sheet (8938). Withdrawal took effect on 2 February 2015.

MINING LEASE APPLICATION

(T01-0171)

Orange No 183, AUSTRALIAN ZIRCONIA LTD (ACN 091 489 511), Parish of Benolong, County of Gordon, and Parish of The Springs, County of Gordon, (8633-3-S). Withdrawal took effect on 30 January 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

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

(T13-0804)

Exploration Licence No 6059, BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), area of 7 units. Application for renewal received 2 February 2015.

(T10-0139)

Exploration Licence No 7703, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 4 units. Application for renewal received 2 February 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following authorities have been renewed:

RENEWAL OF CERTAIN AUTHORITIES

(09-2902)

Authorisation No 199, ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), County of Cumberland, Map Sheet (9029), area of 1072 hectares, for a further term until 27 June 2019. Renewal effective on and from 8 January 2015.

(09-2904)

Authorisation No 201, ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), County of Cumberland, Map Sheet (9029), area of 484 hectares, for a further term until 27 June 2019. Renewal effective on and from 8 January 2015.

(14-2060)

Authorisation No 287, KEPSCO BYLONG AUSTRALIA PTY LTD (ACN 075 361 769), County of Phillip, Map Sheet (8933), area of 6685 hectares, for a further term until 27 July 2017. Renewal effective on and from 8 January 2015.

(09-2905)

Authorisation No 306, ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), County of Cumberland, Map Sheet (9029), area of 1473 hectares, for a further term until 27 June 2019. Renewal effective on and from 8 January 2015.

(14-1285)

Authorisation No 342, KEPSCO BYLONG AUSTRALIA PTY LTD (ACN 075 361 769), County of Phillip, Map Sheet (8932, 8933), area of 3700 hectares, for a further term until 27 July 2017. Renewal effective on and from 8 January 2015.

(09-2906)

Authorisation No 370, ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), Counties of Camden and Cumberland, Map Sheet (9029), area of 3129 hectares, for a further term until 27 June 2019. Renewal effective on and from 8 January 2015.

(09-2907)

Authorisation No 396, ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), Counties of Camden and Cumberland, Map Sheet (9029), area of 7225 hectares, for a further term until 27 June 2019. Renewal effective on and from 8 January 2015.

(09-2908)

Authorisation No 397, ENDEAVOUR COAL PTY LIMITED (ACN 099 830 476), County of Cumberland, Map Sheet (9029), area of 407 hectares, for a further term until 27 June 2019. Renewal effective on and from 8 January 2015.

(13-4060)

Authorisation No 450, SAXONVALE COAL PTY LIMITED (ACN 003 526 467), County of Northumberland, Map Sheet (9132), area of 648 hectares, for a further term until 30 December 2018. Renewal effective on and from 8 January 2015.

(C03-0101)

Exploration Licence No 4575, ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) AND MARUBENI COAL PTY LTD. (ACN 009 932 236), County of Brisbane, Map Sheet (9033), area of 960.6 hectares, for a further term until 23 May 2016. Renewal effective on and from 8 January 2015.

(14-1718)

Exploration Licence No 6254, MT OWEN PTY LIMITED (ACN 003 827 361), County of Durham, Map Sheet (9133), area of 56.6 hectares, for a further term until 3 June 2019. Renewal effective on and from 8 January 2015.

(14-1924)

Exploration Licence No 6258, STANNUM PTY LTD (ACN 121 771 695), County of Cowper, Map Sheet (8137), area of 38 units, for a further term until 20 June 2017. Renewal effective on and from 18 December 2014.

(13-3369)

Exploration Licence No 6907, ACTWAY PTY LIMITED (ACN 090 165 174), County of Blaxland, Map Sheet (8032), area of 46 units, for a further term until 11 October 2015. Renewal effective on and from 30 January 2015.

(14-0654)

Exploration Licence No 7091, WILPINJONG COAL PTY LTD (ACN 104 594 694), County of Phillip, Map Sheet (8833), area of 715 hectares, for a further term until 3 March 2019. Renewal effective on and from 8 January 2015.

(14-1318)

Exploration Licence No 7543, BIOGAS ENERGY PTY LTD (ACN 122 592 009), County of Cook, Map Sheet (8931), area of 561 hectares, for a further term until 11 May 2017. Renewal effective on and from 8 January 2015.

(T11-0300)

Exploration Licence No 7970, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), County of Blaxland, Map Sheet (8133), area of 1 units, for a further term until 4 October 2016. Renewal effective on and from 2 February 2015.

(T12-1037)

Exploration Licence No 7976, PEEL (CSP) PTY LTD (ACN 600 550 141), County of Blaxland, Map Sheet (8131, 8132), area of 90 units, for a further term until 11 October 2017. Renewal effective on and from 2 February 2015.

(T12-1027)

Exploration Licence No 8010, SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), County of Roxburgh, Map Sheet (8831), area of 3 units, for a further term until 12 November 2016. Renewal effective on and from 2 February 2015.

(12-4381)

Mining Lease No 1302 (Act 1992), THE WALLERAWANG COLLIERIES LIMITED (ACN 000 001 436), Parish of Ben Bullen, County of Roxburgh, Map Sheet (8931-4-S), area of 54.93 hectares, for a further term until 11 March 2030. Renewal effective on and from 5 December 2014.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the applications for renewal in respect of the following authorities have been withdrawn:

**WITHDRAWAL OF APPLICATIONS
FOR RENEWAL**

(T03-0069)

Assessment Lease No 14, JESASU PTY LTD (ACN 001 654 682), Parish of Buckley, County of Arrawatta, Map Sheet (9138-1-2, 9138-1-S), area of 8.597 hectares. The authority ceased to have effect on 2 February 2015.

(14-0742)

Exploration Licence No 6521, RENISON COAL PTY LTD (ACN 100 163 942), County of Arrawatta, Map Sheet (9138), area of 2809 hectares. The authority ceased to have effect on 20 January 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following authority has been cancelled:

**CANCELLATION OF AUTHORITY
AT REQUEST OF HOLDER**

(04-4681)

Exploration Licence No 6433, RENISON COAL PTY LTD (ACN 100 163 942), County of Arrawatta and County of Gough, Map Sheet (9138), area of 2513 hectares. Cancellation took effect on 23 January 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

TRANSFER

(T11-0283)

Exploration Licence No 7915, formerly held by FAR NORTH MINERALS PTY LTD (ACN 152 153 878) has been transferred to SOL JAR PROPERTY PTY LTD (ACN 164 858 502). The transfer was registered on 21 January 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following application has been received:

WITHDRAWAL OF TRANSFER APPLICATION

(T04/0286)

Mining Lease 1136 (Act 1973), Gary John Dealy, John Chesterman Dealy and Maria Lucy Dealy, to Gary John Dealy and Maria Lucy Dealy, County Harden, Map Sheet 8629-3-S, area of 115.3 hectares. Withdrawal application was received on 23 December 2014.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Notice is given that the following application has been received:

**REQUEST FOR CANCELLATION
OF AUTHORITY**

(T13-1085)

Exploration Licence No 8190, DART RESOURCES PTY LTD, (ACN 050 030 245), County of Evelyn, area of 99 units. Application for Cancellation was received on 28th January 2015.

The Hon ANTHONY ROBERTS, MP
Minister for Resources and Energy

Primary Industries Notices

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

Section 28

Further Extension of Importation Order – Abalone (No 11)
I, JULIET ANNE CORISH, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me pursuant to section 67 of the *Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991* (‘the Act’) and pursuant to sections 28 and 29 of the Act extend the operation of the importation order titled “Importation Order – Abalone (No 11)” dated 15 December 2014 and published in the *NSW Government Gazette* No 121 on 15 December 2014 at pages 4569–4571 for a further period of 30 days from the date this notice is published in the Gazette.

Dated this 2nd day of February 2015

JULIET ANNE CORISH
Deputy Chief Veterinary Officer

Note: The importation order titled “Importation Order – Abalone (No 11)” dated 15 December 2014, was previously extended by the extension notice titled “Extension of Importation Order – Abalone (No 11)” dated 12 January 2015 and published in *NSW Government Gazette* No 3 on 13 January 2015 at page 29.

RURAL ASSISTANCE ACT 1989

Appointment of Rural Assistance Authority to Administer the Drought Recovery Concessional Loan Scheme

I, KATRINA ANN HODGKINSON, Minister for Primary Industries, pursuant to section 25 of the *Rural Assistance Act 1989* hereby appoint the Rural Assistance Authority as the authority to administer the Drought Recovery Concessional Loan Scheme.

Signed this 30th day of January 2014.

KATRINA ANN HODGKINSON, MP
Minister for Primary Industries

Crown Lands Notices

1300 886 235 www.crownland.nsw.gov.au

DUBBO OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Irrigation Channel & Grazing (Relevant Interest – S34A Licence 529979)	Reserve No 1135 Public Purpose: crossing Notified: 13 October 1879 File Reference: 14/00981

Schedule

Column 1	Column 2
Grazing (Relevant Interest – Section 34A Licence 542738)	Reserve No 95429 Public Purpose: future public requirements Notified: 19 June 1981 File Reference: 14/09978

Schedule

Column 1	Column 2
Grazing (Relevant Interest – Section 34A Licence 540109)	Reserve No 750772 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 14/07798

Schedule

Column 1	Column 2
Grazing (Relevant Interest – Section 34A Licence 542738)	Reserve No 753366 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 14/09978

Schedule

Column 1	Column 2
Grazing (Relevant Interest – S34A Licence – RI 540542)	Reserve No 756864 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 14/08481

Schedule

Column 1	Column 2
Grazing (Relevant Interest – S34A Licence – RI 540542)	Reserve No 756917 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 14/08481

GOULBURN OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Agriculture & Grazing (Relevant Interest – Section 34A Licence 544923)	Reserve No 753605 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 14/06954

GRAFTON OFFICE

APPOINTMENT OF NEW TRUSTEES

Coorabell School of Arts

Pursuant to section 14 of the *Trustees of Schools of Arts Enabling Act 1902*, the office of the trustees specified in Column 1 of Schedule 1 hereunder have been declared vacant and the new trustee specified in Column 2 is approved as the sole trustee of the private trust land specified in Column 3 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule 1

Column 1	Column 2	Column 3
Joseph Francis AKERS	Coorabell Hall Association	Lot 4, Section 3 Deposited Plan 5384
Thomas Albert GRAY	Incorporated	Lot 3, Section 3 Deposited Plan 5384
Albert Ernest SWIFT		

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Ournie; County – Selwyn
Land District – Tumbarumba; LGA – Tumbarumba*

Road Closed: Lot 47 DP 725022
File No: 14/00988

Schedule

On closing, the land within Lot 47 DP 725022 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Glen Innes; County – Gough
Land District – Glen Innes; LGA – Glen Innes Severn*

Road Closed: Lots 1–2 DP 1200198
File No: 14/01442

Schedule

On closing, the land within Lots 1–2 DP 1200198 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Boorah; County – Jamison
Land District – Narrabri; LGA – Narrabri*

Road Closed: Lot 1 DP 1201651
File No: 14/05777

Schedule

On closing, the land within Lot 1 DP 1201651 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Woolabrar; County – Jamison
Land District – Narrabri; LGA – Narrabri*

Road Closed: Lot 1 DP 1201652
File No: 14/05782

Schedule

On closing, the land within Lot 1 DP 1201652 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Careunga; County – Stapyhton
Land District – Moree; LGA – Moree Plains*

Road Closed: Lot 1 DP 1201745
File No: 14/02237

Schedule

On closing, the land within Lot 1 DP 1201745 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Cowangara; County – Macquarie
Land District – Taree; LGA – Port Macquarie-Hastings*

Road Closed: Lot 1 DP 1201928
File No: TE06H163

Schedule

On closing, the land within Lot 1 DP 1201928 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

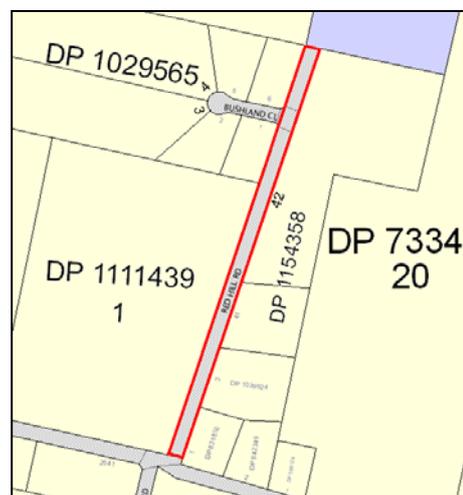
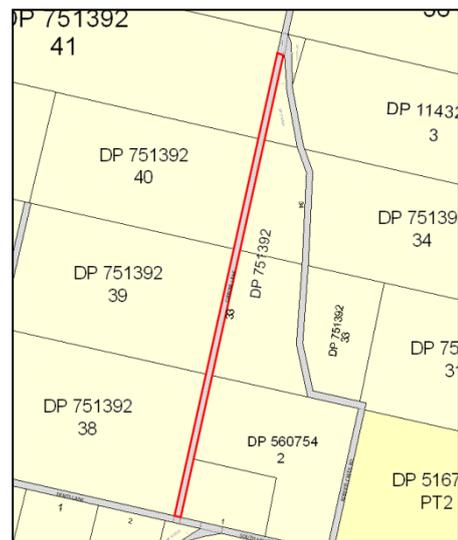
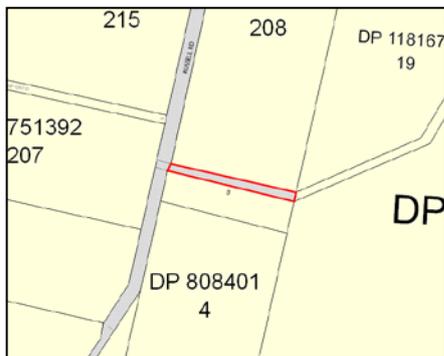
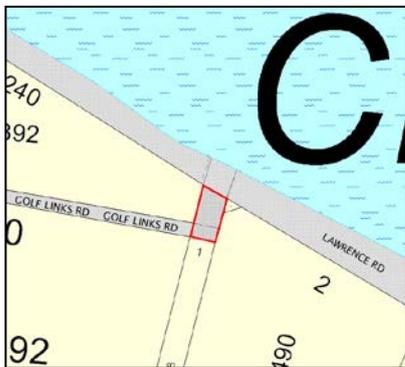
Schedule 1

Parish – Woodford

County – Clarence

Local Government Area – Clarence Valley Council

Crown public roads north of Lot 1 DP 1140328; north of Lot 3 DP 808401; east of Lots 38–41 DP 751392; west of Lots 41 & 42 DP 1154358, Lot 3 DP 1039924 and Lot 1 DP 831810 at Woodford Island as shown by red edge on diagrams hereunder.



Schedule 2

Clarence Valley Council
Crown lands reference: 14/01416
Councils reference: 13.055/13

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Everett; County – Hardinge
Land District – Armidale; LGA – Guyra*

Road Closed: Lot 1 DP 1202818
File No: 14/06570

Schedule

On closing, the land within Lot 1 DP 1202818 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Bulyeroi; County – Jamison
Land District – Narrabri; LGA – Narrabri*

Road Closed: Lot 1 DP 1199919
File No: 14/03706

Schedule

On closing, the land within Lot 1 DP 1199919 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Camden Haven; County – Macquarie
Land District – Port Macquarie
LGA – Port Macquarie-Hastings*

Road Closed: Lot 1 DP 1201927
File No: TE06H202

Schedule

On closing, the land within Lot 1 DP 1201927 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Murrulebale; County – Bourke
Land District – Wagga Wagga; LGA – Coolamon*

Road Closed: Lot 1 DP 1202345
File No: 14/05795

Schedule

On closing, the land within Lot 1 DP 1202345 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Woolabrar; County – Jamison
Land District – Narrabri; LGA – Narrabri*

Road Closed: Lot 1 DP 1201744
File No: 14/05775

Schedule

On closing, the land within Lot 1 DP 1201744 remains vested in the State of New South Wales as Crown land.

MOREE OFFICE

APPOINTMENT OF TRUST BOARD MEMBERS

Pursuant to section 93 of the *Crown Lands Act 1989*, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2	Column 3
Stephen BRADSHAW (re-appointment)	Maules Creek Public Recreation Reserve Trust	Reserve No 46384 Public Purpose: public recreation Notified: 8 March 1911
Rodney John WOOLFORD (re-appointment)		
Andrew Bruce LAIRD (re-appointment)		Reserve No 67034 Public Purpose: public recreation Notified: 8 October 1937 File Reference: 13/12174
For a term commencing 12 February 2015 and expiring 11 February 2020.		

**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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Agriculture (Relevant Interest – S34A Licence 534466)	Reserve No 27999 Public Purpose: travelling stock Notified: 16 July 1898 File Reference: 14/03797

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Narrabri; County – Nandewar
Land District – Narrabri; LGA – Narrabri*

Road Closed: Lot 3 DP1195493
File No: ME05H34

Schedule

On closing, the land within Lot 3 DP1195493 remains vested in the State of New South Wales as Crown land.

Note: DP1195493 comprises Plan of Subdivision of Lots 11–15 DP261297 & Lot 7026 DP1029820.

**REVOCATION OF RESERVATION
OF CROWN LAND**

Pursuant to section 90 of the *Crown Lands Act 1989*, the reservation of Crown land specified in Column 1 of the Schedules hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedules.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water
and Minister for Western NSW

Schedule 1

Column 1	Column 2
Land District: Narrabri Local Government Area: Narrabri Locality: Narrabri Reserve No 754944 Public Purpose: Future Public Requirements Notified: 29 June 2007 File Reference: ME05H34	Lot: 10 DP No: 261297 Parish: Narrabri County: Nandewar

Schedule 2

Column 1	Column 2
Land District: Narrabri Local Government Area: Narrabri Locality: Narrabri Reserve No 27999 Public Purpose: Travelling Stock Notified: 16 July 1898 File Reference: ME05H34	Lot: 1 & 2 DP No: 1195493 Parish: Narrabri County: Nandewar

**WITHDRAWAL OF RESERVE FROM CONTROL OF
LOCAL LAND SERVICES AUTHORITY**

Pursuant to section 63 (1) of the *Local Land Services Act 2013*, the reserve specified in Column 1 of the Schedule hereunder is withdrawn from the control of the authority specified opposite thereto in Column 2 of the Schedule to the extent specified opposite thereto in Column 3 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water
and Minister for Western NSW

Schedule 1

Column 1	Column 2	Column 3
Land District: Narrabri Local Land Service District: North West Local Government Area: Narrabri Locality: Narrabri Reserve No 27999 Public Purpose: Travelling Stock Notified: 16 July 1898 File Reference: ME05H34	North West Local Land Services	Lot: 1 & 2 DP No: 1195493 Parish: Narrabri County: Nandewar

Note: DP1195493 comprises Plan of Subdivision of Lots 11–15 DP261297 & Lot 7026 DP1029820.

NEWCASTLE OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Dilga; County – Gordon
Land District – Molong; LGA – Cabonne*

Road Closed: Lot 1 DP 1199429
File No: 13/10895

Schedule

On closing, the land within Lot 1 DP 1199429 remains vested in the State of New South Wales as Crown land.

REVOCATION OF RESERVATION OF CROWN LAND

Pursuant to section 90 of the *Crown Lands Act 1989*, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Parish: Mullengandra County: Goulburn Land District: Albury Local Government Area: Greater Hume Locality: Mullengandra Reserve No R753350 Public Purpose: Future Public Requirements Notified: 29 June 2007 Folio 4226 File Reference: 09/06615	The part being: Lot 1 DP 1169714 of an area of 3.292ha

Notes: For the purpose of sale of Lot 1 DP 1169714 – closed Crown road (notified in *Government Gazette* 7 November 1952 to an adjoining owner.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Mudgee; County – Wellington
Land District – Mudgee; LGA – Mid-Western Regional*

Road Closed: Lot 1 DP 1197953
File No: 13/03758

Schedule

On closing, the land within Lot 1, DP1197953 becomes vested in the State of New South Wales as Crown Land.

Council's reference: KB R0790175

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Merriganowry; County – Forbes
Land District – Cowra; LGA – Cowra*

Road Closed: Lots 1–2 DP 1201854 (subject to easements created by Deposited Plan 1201854)
File No: CL/00851

Schedule

On closing, the land within Lots 1–2 DP 1201854 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Lindsay; County – Bathurst
Land District – Blayney; LGA – Blayney*

Road Closed: Lot 1 DP 1202274
File No: CL/00221

Schedule

On closing, the land within Lot 1 DP 1202274 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Tabrabucca; County – Roxburgh
Land District – Rylstone; LGA – Mid-Western Regional*

Road Closed: Lot 1 DP 1199189
File No: 08/5457:JT

Schedule

On closing, the land within Lot 1 DP 1199189 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Wiadere; County – Wellington
Land District – Mudgee; LGA – Mid-Western Regional*

Road Closed: Lot 1 DP 1202339 (subject to a right of carriage way created by Deposited Plan 1202339)
File No: 09/11775

Schedule

On closing, the land within Lot 1 DP 1202339 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Courabyra; County – Wynyard
Land District – Tumbarumba; LGA – Tumbarumba*

Road Closed: Lot 1 DP 1202341
File No: 14/05153

Schedule

On closing, the land within Lot 1 DP 1202341 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Gladstone; County – Beresford
Land District – Cooma; LGA – Cooma-Monaro*

Road Closed: Lot 1 DP 1202984
File No: GB07H337:AD

Schedule

On closing, the land within Lot 1 DP 1202984 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Wallendoon; County – Harden
Land District – Young; LGA – Cootamundra*

Road Closed: Lot 1 DP 1202682
File No: 12/05532:AD

Schedule

On closing, the land within Lot 1 DP 1202682 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Borenore & March; County – Wellington
Land District – Orange; LGA – Cabonne*

Road Closed: Lots 1–3 DP 1203055
File No: CL/00421

Schedule

On closing, the land within Lots 1–3 DP 1203055 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Tomaree; County – Gloucester
Land District – Newcastle; LGA – Port Stephens*

Road Closed: Lot 2 DP 1204319
File No: 12/01797:JT

Schedule

On closing, the land within Lot 2 DP 1204319 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Strathearn; County – Brisbane
Land District – Scone; LGA – Upper Hunter*

Road Closed: Lot 1 DP 1201389
File No: MD06H317

Schedule

On closing, the land within Lot 1 DP 1201389 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Bullinda; County – Lincoln
Land District – Dunedoo Central; LGA – Warrumbungle*

Road Closed: Lot 1 DP 1193670
File No: 12/04394

Schedule

On closing, the land within Lot 1 DP 1193670 remains vested in the State of New South Wales as Crown land.

ROADS ACT 1993

Transfer of Crown Road to a Council

In pursuance of the provisions of section 151 of the Act, 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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

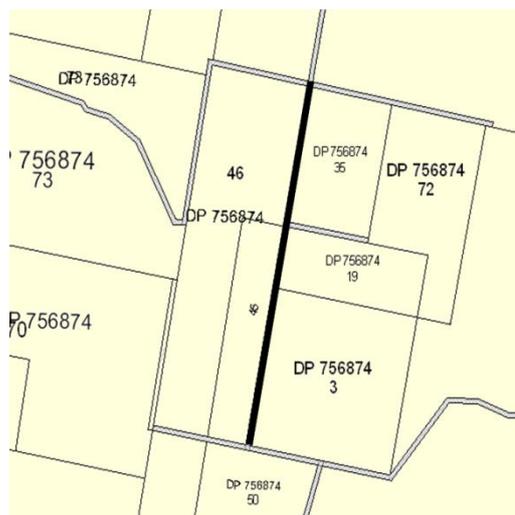
Schedule 1

*Parish – Coolamin
County – Wellington
Land District – Orange
LGA – Wellington Council*

Description: Crown road from Mount Top Rd being east of Lots 45 & 46 DP 756874 and east of Council road north of Lot 46 DP 756874 being 20m x 20m wide intersection only (as shown by black colour in diagram below).

Schedule 2

Roads Authority: Wellington Council
Council’s Ref: MJT/JS/17102014
Reference: 14/10572 : RS



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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Bendick Murrell, Cudgymaguntry
County – Monteagle
Land District – Grenfell & Young; LGA – Weddin & Young*

Road Closed: Lot 11 DP 1202435
File No: 13/10167 : BA

Schedule

On closing, the land within Lot 11 DP 1202435 remains vested in the State of New South Wales as Crown land.

On closing, the land within Lot 11 DP 1202435 becomes vested in the State of New South Wales as Crown Land.

Council's reference: WT:NB:R2.1.4

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Parkes, Schofield; County – Hawes
Land District – Scone
LGA – Tamworth Regional, Upper Hunter*

Road Closed: Lot 1 DP 1200681
File No: 08/7746

Schedule

On closing, the land within Lot 1 DP 1200681 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parishes – Hawkins, Louee; County – Phillip
Land District – Rylstone; LGA – Mid-Western Regional*

Road Closed: Lot 1 DP 1203075
File No: CL/00152

Schedule

On closing, the land within Lot 1 DP 1203075 remains vested in the State of New South Wales as Crown land.

NOWRA OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Woonona; County – Camden
Land District – Kiama; LGA – Wollongong*

Road Closed: Lot 110 DP 1196097 (subject to easement for gas main created by Deposited Plan 1196097)
File No: 12/02368 – W498974

Schedule

On closing, the land within Lot 110 DP 1196097 remains vested in Council as operational land for the purposes of the *Local Government Act 1993*.

Council's Reference 28.15.01.085.

TAMWORTH OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Description

*Parish – Baldwin; County – Darling
Land District – Tamworth; LGA – Tamworth Regional*

Road Closed: Lots 1–2 DP 1200202
File No: 10/14309

Schedule

On closing, the land within Lots 1–2 DP 1200202 remains vested in the State of New South Wales as Crown land.

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Land District: Tamworth Local Government Area: Tamworth Regional Council Locality: Woodsreef Lot 7306 DP No 1130813 # Parish Woodsreef County Darling Lot 7307 DP No 1130813 # Parish Woodsreef County Darling Area: 71.7ha File Reference: 12/03051	Reserve No 24660 Public Purpose: future public requirements Notified: 19 August 1896 Pt Lot 110 DP No 41641 Parish Woodsreef County Darling Lot 1 DP No 1192497 Parish Woodsreef County Darling New Area: 171.92ha

Notes: The addition of the above lots to Reserve R24660 does not revoke existing part Reserve R5705 or whole Reserve R43397

Disclaimer: # Please note that the above Lot numbers marked # are for Departmental use only.

TAREE OFFICE

APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

Pursuant to section 117, *Crown Lands Act 1989*, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2	Column 3
Steve ROWE For a term of six months commencing from the date of this notice.	Kempsey Showground Trust	Dedication No 610019 Public Purpose: showground, addition Notified: 7 October 1884 File Reference: TE80R216-006

WESTERN REGION OFFICE

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.

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water

Schedule

Column 1	Column 2
Pipeline (Relevant Interest – Section 34A Licence 533494)	Reserve No 84334 Public Purpose: generally Notified: 22 March 1963 File Reference: 14/03130
	Reserve No 1011268 Public Purpose: future public requirements Notified: 3 February 2006 File Reference: 14/03130

Schedule

Column 1	Column 2
Bore; Pipeline & Access (Relevant Interest – S34A Licence 536719)	Reserve No 358 Public Purpose: travelling stock Notified: 21 April 1879 File Reference: 14/05820

Schedule

Column 1	Column 2
Grazing (Relevant Interest – Section 34A Licence 540297)	Reserve No 6 Public Purpose: from sale generally Notified: 8 September 1862 File Reference: 14/07886

Schedule

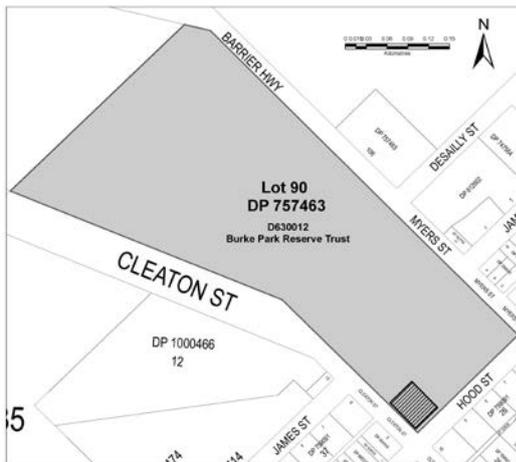
Column 1	Column 2
Dugout (Relevant Interest – Licence S34A – RI 537899)	Reserve No 1013834 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 14/06446

ERRATUM

In the *Government Gazette* of 22 December 2006, Folio 11768, under the heading “Appointment of Corporation to Manage Reserve Trust,” Column 3 should read; Part Dedication 630012 for the public purpose of Showground and Public Park notified in the *NSW Government Gazette* of 6 May 1960 being the premises known as Little Darlings Childcare Centre and Wilcannia Preschool (Cnr Cleaton and Hood Streets, Wilcannia), as shown by hatching on the diagram hereunder.

File ref: WL86R128

KEVIN HUMPHRIES, MP
Minister for Natural Resources, Lands and Water



Water Notices

WATER ACT 1912

An application for a license under section 10 of the *Water Act 1912*, as amended, has been received from:

EDWARD DUNCAN FITZPATRICK and LOGAN LYM CARROLL for a pump on the Wilson River on Lot 3 DP 255356, Parish of Bellengara, County of Macquarie for Irrigation of 10 hectares (20 megalitres). Allocation is by way of permanent transfer – no increase in river entitlement. (Ref:30SL6323275).

Any enquiries should be directed to (02) 6641 6500. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, Locked Bag 10, Grafton NSW 2460, within 28 days of this publication.

JOHN FINDLAY
Senior Water Regulation Officer
Office of Water

WATER ACT 1912

An application for a licence under section 10, Part 2 of the *Water Act 1912*, as amended, has been received from:

BENJAMIN ROBERT WARWICK and PAMELA JOAN WARWICK for two pumps on the Clarence River on Lots 28, 29, 30 & 31 DP 751362 and on an Unnamed Watercourse (flood mitigation drain) on Lots 29, 30 & 31 DP 751362, all lots Parish of Clarenza, County of Clarence, for Water Supply for Irrigation of 25 hectares (45 megalitres). Entitlement by way of permanent transfer. No increase in river entitlement (Ref: 30SL067290).

Any inquiries should be directed to (02) 6641 6500. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, Locked Bag 10, Grafton NSW 2460, within 28 days of this publication.

BART KELLETT
Water Regulation Officer
Office of Water

WATER MANAGEMENT ACT 2000

Order under Section 130

Section 130 (2)

Inclusion of Land in
Murrumbidgee Irrigation's Area of Operations

Pursuant to section 130 (2) of the *Water Management Act*, I, BRUCE COOPER, having delegated authority from the Minister for Primary Industries, do, by this Order, include the land listed in Schedule 1 within the area of operations of Murrumbidgee Irrigation Limited.

This Order takes effect on the date that the Order is published in the *NSW Government Gazette*.

Signed at Sydney this 6th day of January 2015.

BRUCE COOPER
A/Deputy Director General
NSW Office of Water
Signed for the Minister for Primary Industries
(by delegation)

Schedule 1

Lot 1 DP 722019, Parish of Maiden, County of Sturt.
Lot 2 DP 722019, Parish of Maiden, County of Sturt.
Lot 2 DP 223515, Parish of Maiden, County of Sturt.
Lot 4 DP 756057, Parish of Maiden, County of Sturt.
Lot 5 DP 756057, Parish of Maiden, County of Sturt.
Lot 6 DP 756057, Parish of Maiden, County of Sturt.

Other Government Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice is given that the Commissioner for Vocational Training under section 5 of the *Apprenticeship and Traineeship Act 2001* has established the following traineeship vocation:

- Automotive – Vehicle Loss Assessing

The Order specifies a number of matters relating to the required training for the vocation including the terms of traineeship, probationary periods and qualifications to be undertaken.

The Order will take effect from the date of publication in the *NSW Government Gazette*.

Copies of the Order may be inspected at any State Training Services Regional office of the Department of Education and Communities or on the Internet at: https://www.training.nsw.gov.au/cib_vto/cibs/cib_625.html

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 76

Take notice that the incorporation of the following associations is cancelled by this notice pursuant to section 76 of the *Associations Incorporation Act 2009*.

ARABIAN AND DERIVATIVE BREED PROMOTERS INCORPORATED	INC9888572
BEACON HILL YOUTH CLUB INCORPORATED	Y1947400
CALLALA SPORTS FISHING CLUB INCORPORATED	INC9888166
CENTRAL CHARLESTOWN RUGBY LEAGUE FOOTBALL CLUB INC	Y0698006
GUNNEDAH BULLDOGS AUSTRALIAN FOOTBALL CLUB INC	INC9884132
INTERNATIONAL WINE ACADEMY – AUSTRALIA INCORPORATED	INC9877123
LONGHOUSE INC	INC9878686
MEADOW FLAT PROGRESS ASSOCIATION INCORPORATED	Y2783939
MEREWETHER AFTER SCHOOL CARE INCORPORATED	INC9874145
NEW ENGLAND REVIEW INCORPORATED	Y2602342
OHR TORAH COLLEGE INCORPORATED	INC9883775
OHR TORAH YESHIVA INCORPORATED	INC9883776
SANCTUARY CHRISTIAN CHURCH INCORPORATED	INC9886981
SAVE HASTINGS POINT INCORPORATED	INC9887944
ST GEORGE PLAYERS ASSOCIATION INCORPORATED	INC9881806

SYDNEY TRIDENT FOOTBALL CLUB INCORPORATED	INC9886567
TUMBARUMBA NETBALL ASSOCIATION INCORPORATED	INC9877950

Cancellation is effective as at the date of gazettal.

Dated this 6th day of February 2015

ROBYNE LUNNEY
Delegate of the Commissioner
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration Pursuant to Section 80

Take notice that MARRICKVILLE COMMUNITY TRAINING CENTRE INC (Y1628812) became registered under the *Corporations Act 2001* as MTC Australia Limited – ACN 166 455385, a public company limited by guarantee on 16/1/2015 and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Dated 4 February 2015

ROBYNE LUNNEY
Delegate of the Commissioner
NSW Fair Trading

COMPANION ANIMALS REGULATION 2008

ORDER

Organisations Approved by the Chief Executive, Local Government under Clause 16 (d)

Pursuant to clause 16 (d) of the *Companion Animals Regulation 2008*, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

Schedule 1

Name of organisation	Address of organisation	Name of contact officer for organisation
Happy Paws Haven	140 Tindal Road Eatonsville NSW 2460	Sally Rogers

Schedule 2

1. The exemption under clause 16 (d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* only applies to an animal in the custody of an organisation listed in Schedule 1:
 - a) if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner; and

- b) if the organisation maintains appropriate records that show compliance with the *Companion Animals Act 1998*, *Companion Animals Regulation 2008* and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16 (d) of the *Companion Animals Regulation 2008*; and
 - c) if the organisation maintains a register that is made available to the relevant local council and the Office of Local Government as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.
2. The exemption under clause 16 (d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* expires five years from the date of this order, unless revoked or varied at an earlier time.

Date: 30 January 2015

GRAHAME GIBBS
 Director, Investigations and Performance
 Office of Local Government

COMPANION ANIMALS REGULATION 2008

ORDER

Organisations Approved by the Chief Executive, Local Government under Clause 16 (d)

Pursuant to clause 16 (d) of the *Companion Animals Regulation 2008*, the organisation listed in Schedule 1 is hereby approved, subject to the conditions contained in Schedule 2.

Schedule 1

Name of organisation	Address of organisation	Name of contact officer for organisation
Paterson Valley Dog Rescue	4 Shiraz Close Hinton NSW 2321	Caroline Moore

Schedule 2

1. The exemption under clause 16 (d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* only applies to an animal in the custody of an organisation listed in Schedule 1:
- a) if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner; and
 - b) if the organisation maintains appropriate records that show compliance with the *Companion Animals Act 1998*, *Companion Animals Regulation 2008* and the Guidelines for Approval to be an Organisation Exempt from Companion Animal Registration under clause 16 (d) of the *Companion Animals Regulation 2008*; and
 - c) if the organisation maintains a register that is made available to the relevant local council and the Office of Local Government as requested. The Register

must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.

2. The exemption under clause 16 (d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* expires five years from the date of this order, unless revoked or varied at an earlier time.

Date: 2 February 2015

GRAHAME GIBBS
 Director, Investigations and Performance
 Office of Local Government

**ELECTRICITY GENERATOR ASSETS
 (AUTHORISED TRANSACTIONS) ACT 2012**

**LAND ACQUISITION (JUST TERMS
 COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land
 for Purposes of the Act

The Electricity Assets Ministerial Holding Corporation, with the approval of His Excellency the Governor, declares that the lands described in the schedule below are acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the *Electricity Generator Assets (Authorised Transactions) Act 2012*.

Dated at Sydney, this 21st day of January 2015

ANDREW CONSTANCE
 Treasurer for
 Electricity Assets Ministerial Holding Corporation

Schedule

All that piece or parcel of land situated at Colongra in the Parish of Wallarah, County of Northumberland and the Local Government Area of Wyong identified as Lot 51 in Deposited Plan 1204607 and being part of the land comprised in Lot 5 DP 1201414 described as part of Folio Identifier 5/1201414 but excluding:

- (a) Easement for water supply 10 metre(s) wide created by DP 1134580,
- (b) Easement for drainage of sewage 10 metre(s) wide created by DP 1134580,
- (c) Easement for drainage of water 10 metre(s) wide created by DP 1134580,
- (d) Easement for access 10, 15 metre(s) wide and variable created by DP 1150550,
- (e) Easement for transmission line 60 metre(s) wide created by DP 1150550,
- (f) Easement for pipeline 2 and 12 metre(s) wide registered as AF911147,
- (g) Easement to drain water 5, 10 metre(s) wide and variable created by DP 1198575,
- (h) Easement for electricity cables 4 metre(s) wide and variable created by DP 1198575,

- (i) Right of access 5 metre(s) wide created by DP 1198575, and
 - (j) Easement for access 5, 10 and 15 metre(s) wide and variable width created by DP 1203848.
-

GEOGRAPHICAL NAMES ACT 1966

Pursuant to the provisions of section 10 of the *Geographical Names Act 1966*, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Patricia Carlon Reserve for a reserve bounded by Albert Street and Westbourne Street in the suburb of Bexley.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au.

D MOONEY
Chairman
Geographical Names Board

GEOGRAPHICAL NAMES ACT 1966

Pursuant to the provisions of section 10 of the *Geographical Names Act 1966*, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Logan Park for a reserve located adjacent to Wianamatta Drive, bounded by Bendigo Place and Ballarat Place in the suburb of Cartwright.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au.

D MOONEY
Chairman
Geographical Names Board

GEOGRAPHICAL NAMES ACT 1966

Pursuant to the provisions of section 10 of the *Geographical Names Act 1966*, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Francis Lake for a lake located on the south eastern side of Greenway Park, bounded by Greenway Drive and Cowpasture Road in the suburb of West Hoxton.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au.

D MOONEY
Chairman
Geographical Names Board

GEOGRAPHICAL NAMES ACT 1966

Pursuant to the provisions of section 8 of the *Geographical Names Act 1966*, the Geographical Names Board hereby notifies that it proposes to assign the following names:

Magenta Beach for a beach adjacent to and coincident with the suburb boundary of Magenta.

North Entrance Beach for a beach extending from the southern extent of Magenta Beach, south, to the inlet of Tuggerah Lake.

As a result of the establishment of Magenta Beach and North Entrance Beach, the extent of Pelican Beach will now be lengthened to the northern extent of Magenta Beach.

The above names are proposed for the beach currently known as Tuggerah Beach.

The positions and extents for these features are recorded and shown within the Geographical Names Register of New South Wales. The proposal can also be viewed and submissions lodged on the Geographical Names Board website at (www.gnb.nsw.gov.au) from 30 January until 6 March 2015, alternatively written submissions may be lodged with the Secretary, Geographical Names Board, 346 Panorama Ave, Bathurst NSW 2795.

In accordance with section 9 of the *Geographical Names Act 1966* all submissions lodged may be subject to a freedom of information application and may be viewed by third party to assist the Board in considering this proposal.

D MOONEY
Chairman
Geographical Names Board

GEOGRAPHICAL NAMES ACT 1966

Pursuant to the provisions of section 8 of the *Geographical Names Act 1966*, the Geographical Names Board hereby notifies that it proposes to assign the name:

Lake Macquarie Airport for an airport which comprises Lot 1576 & 1639 DP 755233, situated on the Pacific Highway in the suburb of Marks Point. The current name for this feature, Aeropelican Airport, will be discontinued.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. The proposal can also be viewed and submissions lodged on the Geographical Names Board website at (www.gnb.nsw.gov.au) from 30 January until 6 March 2015, alternatively written submissions may be lodged with the Secretary, Geographical Names Board, 346 Panorama Ave, Bathurst NSW 2795.

In accordance with section 9 of the *Geographical Names Act 1966* all submissions lodged may be subject to a freedom of information application and may be viewed by third party to assist the Board in considering this proposal.

D MOONEY
Chairman
Geographical Names Board

MOTOR ACCIDENTS COMPENSATION REGULATION 2015 AND REGULATORY IMPACT STATEMENT

The Motor Accidents Authority is seeking comments on the proposed Motor Accidents Compensation Regulation 2015 and Regulatory Impact Statement.

The Motor Accidents Compensation Regulation 2015 proposes to make changes to the *Motor Accidents Compensation Regulation 2005*. These changes include providing for maximum costs for legal services and medico-legal services

and the assessment of claims by claims assessors. The Regulation will also require legal practitioners to disclose information about settlements, deductions and amounts paid to claimants to the Motor Accidents Authority.

The proposed Regulation and Regulatory Impact Statement can be downloaded from the Motor Accidents Authority's website: www.maa.nsw.gov.au.

Comments and submissions on the proposed Regulation and Regulatory Impact Statement should be directed to:

Mail: The General Manager
Motor Accidents Authority
Level 25, 580 George Street
SYDNEY NSW 2000

Fax: 1300 137 707

email: maa@maa.nsw.gov.au

Online: Online feedback form: www.maa.nsw.gov.au/forms/maa-feedback

The closing date for comments and submissions is 5pm, Friday 27 February 2015.

For further information regarding the proposed Regulation and Regulatory Impact Statement, contact Christian Fanker, Manager, Scheme Policy and Community Assistance, Motor Accidents Authority on (02) 8267 1990.

POISONS AND THERAPEUTIC GOODS ACT 1966

POISONS AND THERAPEUTIC GOODS REGULATION 2008

Order under Clause 175 (1)

Withdrawal of Drug Authority

In accordance with the provisions of clause 175 (1) of the *Poisons and Therapeutic Goods Regulation 2008* an Order has been made on Mr Simon ELIAS (PHA0000958263) of 286 Church Street, Parramatta NSW 2150, prohibiting him until further notice, as a pharmacist, from supplying or having possession of, or manufacturing any preparation, admixture or extract of a drug of addiction as authorised by clauses 101 (1) and 102 of the Regulation.

This Order is to take effect on and from 4 February 2015.

Dated at Sydney 30 January 2015

Dr MARY FOLEY
Secretary
NSW Health

POISONS AND THERAPEUTIC GOODS ACT 1966

POISONS AND THERAPEUTIC GOODS REGULATION 2008

Order under Clause 175 (1)

Restoration of Drug Authority

In accordance with the provisions of clause 175 (1) of the *Poisons and Therapeutic Goods Regulation 2008*, a direction has been issued that the Order that took effect on and from 15 October 2013 prohibiting Ms Leisa Jane HARVEY (NMW0001617329) of Lot 12 Settlement Road, Main Arm NSW 2482, from having possession of and supplying drugs

of addiction as authorised by clauses 101 and 103 of the *Poisons and Therapeutic Goods Regulation 2008*, for the purpose of her profession as a nurse, shall cease to operate from 21 January 2015.

Dated at Sydney, 16 January 2015

MARY FOLEY
Secretary
NSW Health

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Temporary Variation

Pursuant to section 82 of the *Rural Fires Act 1997*, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Temporary Variation:

Area of Variation:

Bellingen Shire Council
Clarence Valley Council
Coffs Harbour City Council
Kempsey Shire Council
Kyogle Council
Lismore City Council
Nambucca Shire Council
Richmond Valley Council

The Local Bush Fire Danger period has been revoked for the period commencing 7 February until 31 March 2015.

During this period permits pursuant to section 87 of the *Rural Fires Act 1997*, as amended, will not be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated: 30 January 2015.

ROB ROGERS, AFSM
Deputy Commissioner
Director, Operational Services
(delegate)



WorkCover Guidelines for Claiming Compensation Benefits

Workers Compensation Act 1987

Workplace Injury Management and Workers Compensation Act 1998

I, Vivek Bhatia, Chief Executive Officer of the WorkCover Authority of New South Wales, under sections 376 (1) and 260 of the *Workplace Injury Management and Workers Compensation Act 1998* and section 60 (2A) of the *Workers Compensation Act 1987*, issue the following guidelines.

Dated this second day of February 2015.

Vivek Bhatia

Chief Executive Officer

WorkCover Authority of NSW



Guidelines for Claiming Compensation Benefits

The guidelines set out the procedures for:

- the initial notification of an injury and making provisional liability payments
- the making and handling of claims for weekly payments and medical expenses compensation
- exemptions from prior approval for medical and hospital treatments
- disputing all or part of the claim
- reducing or terminating weekly payments
- making and handling claims for lump sum compensation
- making and handling claims for work injury damages.

These Guidelines come into effect on 13th February 2015.

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Introduction

Explanatory Note

These guidelines are made under section 376 (1) and section 260 of the *Workplace Injury Management and Workers Compensation Act 1998* and section 60 (2A) of the *Workers Compensation Act 1987*. The guidelines refer to sections in both the *Workers Compensation Act 1987* (referred to as 'the 1987 Act') and the *Workplace Injury Management and Workers Compensation Act 1998* (referred to as 'the 1998 Act').

The guidelines set out the procedures for:

- the initial notification of an injury and making provisional liability payments
- the making and handling of claims for weekly payments and medical expenses compensation
- exemptions from prior approval for medical and hospital treatments
- disputing all or part of the claim
- reducing or terminating weekly payments
- making and handling claims for lump sum compensation
- making and handling claims for work injury damages.

These guidelines replace guidelines dated 27 September 2012 and published in the *NSW Government Gazette* on 28 September 2012 (page 4143).

These guidelines commence on 20 September 2013. A step taken in claims making or handling in accordance with the replaced guidelines is as valid as it would have been if done under these guidelines.

Questions about these guidelines should be directed to the WorkCover NSW Information Centre on 13 10 50.

Application Of These Guidelines

The Workers Compensation Legislation Amendment Act 2012 introduced changes to a number of provisions of the workers compensation legislation. The following dates may be relevant to a worker's claim for weekly payments:

- 19 June 2012: New provisions apply for claims for permanent impairment lump sum compensation and damages for nervous shock
- 17 September 2012: New weekly payments provisions commenced for seriously injured workers.
- 1 October 2012: New weekly payments provisions commence for claims made on or after 1 October 2012.
- 1 January 2013: New weekly payments provisions for claims made by workers (other than seriously injured workers) who had made a claim prior to 1 October 2012.

These guidelines apply to workers, employers and insurers within the meaning of the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*. Insurers include Scheme Agents for the Nominal Insurer and self and specialised insurers who hold a licence under Division 3 of Part 7 of the 1987 Act.

These guidelines do not apply to:

- coal miner matters as defined in the *Workplace Injury Management and Workers Compensation Act 1998*; or
- claims arising from the dust diseases which are referable to the NSW Dust Disease Board or the NSW Dust Disease Tribunal.

Definition

Injury is defined in Section 4, Part 1 of the 1987 Act:

- (a) *means personal injury arising out of or in the course of employment;*
- (b) *includes a **disease injury**, which means:*
 - (i) *a disease that is contracted by a worker in the course of employment but only if the employment was the main contributing factor to contracting the disease, and*
 - (ii) *the aggravation, acceleration, exacerbation or deterioration in the course of employment of any disease, but only if the employment was the main contributing factor to the aggravation, acceleration, exacerbation or deterioration of the disease, and*
- (c) *does not include (except in the case of a worker employed in or about a mine to which the Coal Mines Regulation Act 1982 applies) a dust disease, as defined by the Workers Compensation (Dust Diseases) Act 1942 or the aggravation, acceleration, exacerbation or deterioration of a dust disease, as so defined”.*

The definition of disease injury does not apply to police officers, fire fighters and paramedics. For these classes of workers refer to the definition of injury in the historical version of the 1987 Act as at 26 June 2012.

Structure Of These Guidelines

These guidelines contain six parts:

- Part 1 Initial Notifications and Provisional Liability
- Part 2 Making and Handling a Claim for Weekly Payments and Medical Expenses Compensation
- Part 3 Exemptions from prior approval for medical hospital treatment
- Part 4 Disputing all or Part of the Claim
- Part 5 Terminating or Reducing Weekly Payments of Compensation
- Part 6 Making and Handling a Claim for Lump Sum Compensation
- Part 7 Making and Handling a Claim for Work Injury Damages
- Appendix 1 Application for Review by Insurer

Governing Principles

The WorkCover guidelines are founded on the following principles:

1. **timeliness** To satisfy legislative requirements, workers, employers, insurers and other persons acting on behalf of the worker or employer will obtain and provide information about the injury in a timely manner.
2. **active decision making** Insurers are required to obtain certain information to make certain assessments.
3. **sound up-to-date decisions** Insurers will make sound decisions on the information available within the timeframes the law allows and they will review and update decisions as they receive new information.

4. **documented reasons** Insurers will record the reasons for their decisions and show that they have considered all relevant information.
5. **peer review** Insurers will arrange for all decisions to dispute all or part of a claim, to terminate or reduce weekly payments or to decline provisional payments on the basis of a reasonable excuse, to be reviewed by a suitably experienced person
6. **consent** Worker's consent to the collection, use and disclosure of personal and health information when they sign the claim form, WorkCover Certificate of Capacity
7. **privacy** The relevant privacy legislation and principles and non disclosure requirements are to apply.

Aims

The aims of these guidelines are to:

- ensure the prompt management of a worker's injuries
- ensure a worker's timely, safe and durable return to work as early as possible having regard to the nature of the injury
- give workers certainty and proper income support while their capacity for work is effected by work injuries and they are returning to employment
- facilitate timely and sound decision-making
- reduce disputes
- maintain the employment relationship between the worker and the employer
- clarify all issues in dispute and promptly resolve disputes if they do occur
- set the requirements for making a claim under the 1998 Act for compensation benefits pursuant to the 1987 Act.

1. Initial Notifications and Provisional Liability

Chapter 3 of the 1998 Act sets out workers', employers' and insurers' obligations to participate and co-operate in injury management for injured workers.

Part 3 of Chapter 7 of the 1998 Act sets out an insurer's duty to accept provisional liability and commence weekly payments to an injured worker.

Part 3 of the 1987 Act sets out compensation benefits payable to injured workers.

1.1. Provisional Liability

Provisional liability enables an insurer to make available compensation benefits to provide income support and effect injury management strategies for an injured worker without admitting liability. An insurer that fails to commence weekly payments as required by section 267 of the 1998 Act is guilty of an offence. *Reference section 267 (5) of the 1998 Act.*

Provisional liability requires an insurer to commence making weekly payments by way of income support on a provisional basis within 7 days of receiving initial notification, unless the insurer is able to properly rely on one of the 7 formal reasonable excuses (see Clause 1.7, Part 1 below) and this is communicated to the worker within the 7 days. This enables payments to be made to an injured worker without delay. *Reference section 267 of the 1998 Act.* These weekly payments may be made under section 36 of the 1987 Act except for police officers, fire fighters and paramedics. For these classes of workers weekly payments may be made under section 36, 38 or 40 of the 1987 Act in the historical version of the 1987 Act as at 26 June 2012.

An important feature of provisional liability is that, after initial notification, the insurer is to collect information that is sufficient to enable them to make a soundly based decision to commence weekly payments.

The insurer will need to promptly identify the injured worker's pre injury average weekly earnings so that weekly payments can be commenced within the legislated timeframe. The insurer should ask the employer and the worker what were the worker's pre injury average weekly earnings. To avoid the worker being disadvantaged, the information obtained at the initial notification should be used to calculate the weekly entitlements. The employer should within 7 days of commencement of the provisional weekly payment, provide to the insurer a completed pre injury average weekly earnings form. The insurer is to arrange any adjustment to the past and future weekly benefit payments to correct the amount in line with the information provided in the form.

Provisional liability also applies to provision of compensation benefits under section 60 (eg ambulance services, medical or related treatment, hospital treatment and workplace rehabilitation services, etc). *Reference section 280 of the 1998 Act.*

1.2. Initial Notification of Injury

An initial notification means the first notification of a workplace injury that is given to the relevant insurer. *Reference section 266 of the 1998 Act.* A worker, employer or their representative (for instance, a medical practitioner) can make the initial notification of workplace injury to the relevant insurer.

It is the obligation of the employer that all incidents involving an injury, where workers compensation is payable or may be payable, are to be notified to the insurer within 48 hours. *Reference section 44 of the 1998 Act.*

The notification may be in writing (including by electronic means) or verbally (including over the phone).

The insurer must have implemented systems and allocated sufficient resources to make sure that the person giving the information is guided through the process to

assist them to give all the information needed for the notification to be handled swiftly, efficiently and fairly.

Minimum Identifying Information for Initial Notification

At the initial notification, the insurer is to gather the following information.

1.2.1 Worker's information:

- name
- contact details
- residential address
- date of birth.

1.2.2 Employer's information:

- business name
- business address.

1.2.3 Treating doctor information:

- name (the insurer may need to be flexible in relation to workers in remote rural areas where access to medical treatment is not readily available); or
- if the worker is hospitalised, name of hospital.

1.2.4 Injury or illness and accident details:

- date and time of workplace injury or period of time over which the illness/injury emerged from date of first symptoms
- description of how the workplace injury happened
- description of the workplace injury.

1.2.5 Notifier information:

- name of person making the initial notification
- relationship to worker or employer
- contact details, telephone and address.

1.2.6 Supporting Information

It is good practice to gather supporting information at the initial notification. This may include:

- employer's policy number
- employer contact name and position/title
- employer's telephone number and/or email address
- telephone number of treating doctor
- date of consultation with treating doctor
- diagnosis of workplace injury
- worker's capacity to work and expected return to work date
- details of any time off work
- person to whom the payment is to be paid
- the worker's pre injury average weekly earnings (PIAWE).

The initial notification is complete when the worker, employer or representative has provided the minimum identifying information to the insurer. If information is missing which is essential for the insurer to make a decision about the worker's entitlement to provisional liability, the insurer must, within the next 3 working days, inform the person (verbally or in writing) who made the notification that the notification is incomplete. The person may then make another initial notification. If the missing information does not prevent a decision being made, the insurer may start payments.

1.3. No Identifiable Workers Compensation Policy

If the insurer cannot identify a current policy that covers the worker who is the subject of an initial notification within 7 days after the notification is made, then the insurer is to either:

- contact the employer, and the person who made the notification and request more information in order to identify the policy. If the policy still cannot be identified, then the insurer is to inform the employer and the person who made the notification that the insurer is not the current insurer. The insurer must then refer the notification to the WorkCover Customer Service Centre and notify the worker; or
- pass the notification to the current insurer, if the identity of the current insurer can be determined, and notify the worker.

1.4. Consideration that the Injury is Work Related

After the initial notification, the insurer is to obtain medical information to verify that the worker has sustained a work related injury or disease injury and to determine the worker's expected capacity for work. This information may be obtained from:

- the treating doctor or hospital, subject to authority completed by the worker,
- the employer or the employer's representative; or
- the worker or the worker's representative.

The information may be in any form, including a WorkCover Certificate of Capacity. Information from the employer or a representative of the employer may:

- confirm or refute the claim that the worker has sustained a work related injury
- confirm or refute the details of the injury and the worker's expected capacity for work, if the employer has those details.

If the employer believes the injury is not work related, the employer must provide evidence to support the assertion, eg medical evidence that the medical condition already existed and has not been aggravated by work or factual evidence that the injury occurred in circumstances not arising out of or in the course of employment.

However, suspicion, innuendo, anecdotal or unsupported information received from any source, including the employer alone, is not acceptable evidence and cannot be the basis for not commencing provisional payments.

1.5. Confirm Worker Status

If there is any doubt that the injured person is a worker within the meaning of the workers compensation legislation, the insurer is to verify the worker's status.

The relevant definition of worker is in section 4 of the 1998 Act and provisions in regard to deemed workers are in section 5 and Schedule 1 of the 1998 Act which

concerns the special categories of “Deemed employment” of workers, i.e. various factual situations outlined in the schedule where the legislation deems or makes a person a worker under the Act although they may not satisfy the common law test of an employment relationship.

Acceptable evidence of the worker’s status is the employer agreeing to that status or the insurer seeing copies or having verbal confirmation, of any of the following of the worker’s:

- current payslip
- payroll number
- bank statement that includes regular employer payment entries
- contract of employment.

If the worker and employer disagree as to the worker’s status, then the insurer is required to consider the governing principles of on Page 3 these guidelines when making a decision.

1.6. Action Following Initial Notification

When an insurer receives an initial notification, it is to:

- 1.6.1 issue a claim notification number to the notifier at the time of initial notification (if made by telephone) and to the worker and employer in writing within 7 days after the notification is made
- 1.6.2 make early contact with the worker, employer and nominated treating doctor (if appropriate) to gather information to use in considering if provisional liability is appropriate and to assist in making decisions about reasonably necessary services and the claims estimate
- 1.6.3 start injury management if the worker is likely to have incapacity for work for more than 7 continuous days, even if any of the days are not work days. Reference section 45 of the 1998 Act
- 1.6.4 approve provisional liability for weekly compensation benefits and commence weekly payments of compensation within 7 days unless a reasonable excuse applies (see Clause 1.7, Part 1 below) or unless liability is disputed. This will include calculating the PIAWE. Actions should include:
 - obtaining the earnings information contained in the PIAWE form completed by the employer. If possible, agreement should be reached between the worker and the employer regarding the PIAWE to avoid disputes.
 - advising the employer and the worker that the worker’s weekly payments will be based on the information provided on the PIAWE form in line with the legislated equations
 - advising the worker that if they disagree with the calculation of the PIAWE, they can request a review of the calculation in writing, and provide supporting evidence to the insurer to review the calculation. The insurer has 28 days to respond.

Note: Where insurers need to commence weekly payments but do not have a completed PIAWE form the insurer should determine what the base rate of pay or actual earnings are and commence the payment using that rate for the purpose of the calculation of the weekly payment as an interim rate. As other information is obtained on the PIAWE from the completed PIAWE form or through other means e.g. documentary evidence provided by the worker, the past and future weekly payments should be adjusted to ensure the correct weekly payment has been or is paid.

- 1.6.5 decide the period of time for which benefits will be paid on the basis of the nature of the injury, and the information available on the worker's current work capacity.
- 1.6.6 decide whether to approve provisional liability for medical expenses up to \$7,500 or approve medical expenses as part of an injury management plan within 7 days. *Reference sections 50 and 280 of the 1998 Act.*
Note: The only reason for not approving provisional liability for compensation benefits is if an insurer has a reasonable excuse (see Clause 1.7, Part 1 below).
Note: All medical expenses must meet the test of 'reasonably necessary' in order to be approved by the insurer (see Clause 1.10, Part 1). If the insurer decides to approve provisional liability for compensation benefits, the insurer must give written notice about the decision to commence payment to the worker and employer as soon as practicable after payments start. *Reference sections 267 and 269 of the 1998 Act.*
Note: Refer also to Part 3 regarding exemptions from the requirement that workers obtain prior approval for medical and allied health provider or hospital treatments.
- 1.6.7 include in the notice to the worker and employer:
- that benefits have commenced on the basis of provisional acceptance of liability
 - the period of expected weekly payments
 - the amount to be paid each week and how that amount is calculated - if this is an interim rate this will need to be confirmed to the worker and the employer once the PIAWE form has been completed and the insurer has finalised the calculation
 - whether the insurer or the employer will pay the worker
 - what the worker should do if they do not receive payment
 - that an injury management plan will be developed, if required
 - the worker's entitlement to make a claim, including details of how to make a claim
 - a copy of the WorkCover brochure for injured workers, Information for injured workers, is to be given to the worker. Reference section 269 of the 1998 Act.

If the worker has returned to work, the insurer's letter is to advise that the worker does not have to make a claim unless the worker expects further problems from the workplace injury.

If the worker has not returned to work, the letter should include advice to the worker that if the worker expects to be off work for more than the period approved by the insurer, a claim form may need to be completed and a claim form needs to be enclosed (see clause 2.2, Part 2).

- 1.6.8 include in the notice to the employer details about how the weekly payments of compensation are to be made and for small employers a copy of the WorkCover brochure, Employers guide: what to do if an injury occurs.

If a worker does not immediately have time off work following initial notification but later requires time off, the insurer is to commence weekly payments within 7 days of becoming aware that the worker is to be off work.

1.7. Reasonable Excuse to Not Commence Provisional Payments

The insurer has a reasonable excuse for not commencing provisional liability payments if:

1.7.1 **there is insufficient medical information –**

the insurer has a reasonable excuse if it does not have enough medical information to establish there is an injury or that the injury cannot be related to the worker's employment (refer to Clause 1.4, Part 1 above). However, the insurer may have to allow special consideration for workers in remote rural areas if access to medical treatment is not readily available. This reasonable excuse can only be utilised in circumstances where there has been a failure to provide a WorkCover Certificate of Capacity or other requested information to the insurer.

1.7.2 **the injured person is unlikely to be a worker –**

- the worker has been unable to verify their status as a worker as described above; or
- the employer is able to verify that the worker is not a worker

1.7.3 **the insurer is unable to contact worker –**

- and is unable to do so after trying repeatedly by phone or electronic means, and at least once in writing

1.7.4 **the worker refuses access to information –**

- the insurer has a reasonable excuse if the worker will not consent to the release or collection of personal or health information in relation to the workplace injury to determine the worker's entitlement to compensation benefits under provisional liability

1.7.5 **the injury is not work related –**

the insurer has a reasonable excuse if the employer has provided acceptable evidence that the worker did not sustain an injury, as defined. The insurer should consider sections 4, 9A, 9B, 10 and 11A of the 1987 Act when considering their evidence.

1.7.6 **the injury is not a significant injury –**

if the injury is not significant, (i.e. the worker is not incapacitated for work for more than 7 continuous days), the insurer may extend the time to assess provisional liability entitlements to 21 days after the initial notification is made.

If the insurer does that, then within 7 days of the initial notification, the insurer is to notify the worker in writing that a decision will be made within 21 days of the initial notification.

- 1.7.7 **the injury is notified after 2 months –**
the insurer has a reasonable excuse if the notice of injury is not given to the employer within 2 months after the date of the injury. However, the insurer may ignore this excuse if a liability is likely to exist and if it believes paying compensation benefits to the worker under provisional liability will be an effective injury management intervention
- 1.7.8 **if the insurer has a reasonable excuse for not accepting provisional liability and commencing payments, it is to –**
- give written notice to the worker within 7 days after the initial notification
 - inform the employer as soon as practicable.
- Reference sections 267 and 268 of the 1998 Act.*
- 1.7.9 **the insurer’s notice to the worker is to include the following –**
- details of the reasonable excuse, including copies of all information, documents, and medical reports that are relevant and were considered in making the decision
 - how the issue will be resolved by the insurer or how the worker may resolve the issue
 - that the worker may contact the WorkCover Customer Service Centre on 13 10 50 or their union for assistance
 - that the worker can make a claim for compensation and that claim will be determined within 21 days of receipt by the insurer
 - details of how to make a claim
 - a claim form
- Reference section 268 of the 1998 Act*
- 1.7.10 **the insurer’s notice to the employer is to include the following –**
- details of the reasonable excuse given to the worker
 - that the employer may contact the WorkCover Customer Service Centre on 13 10 50 for assistance.

1.8. The insurer has satisfied its obligations to start paying:

- 1.8.1 **if the insurer and the employer have agreed in writing that the employer is to pay a worker for any time off work**, and the insurer has confirmed with the employer –
- the amount of weekly payments and how that amount was calculated
 - the period for which the employer is authorised to pay
 - any special conditions the insurer requires
- 1.8.2 **if the period to be paid is for a closed period and is to be paid in one amount**, and the insurer has confirmed in writing to the employer –
- the period to be paid
 - the amount to be reimbursed to the employer
 - that the amount will be paid to the employer within a further 7 days
 - that the employer must pay the worker as soon as practicable
- 1.8.3 **if ongoing payments are to be made and the insurer and employer agree that for this worker and this injury the employer will pay**, and the insurer has given the employer written confirmation of this agreement including at least –
- employer’s agreement to make payments to the worker on their usual pay day
 - the amount of weekly payments to be paid to the worker and how that amount was calculated
 - the approved period of payment

- any special conditions the insurer requires, e.g. the requirement for the worker to provide ongoing WorkCover Certificates of Capacity and Worker Declaration to the employer for continuing payments
 - the time when the insurer will pay the first payment to the employer
 - the schedule for ongoing weekly payments, if applicable
 - that the employer must pay the worker as soon as practicable
 - how the employer can withdraw from the agreement
- 1.8.4 **if the insurer pays the employer before the employer pays the worker** and the insurer has given the employer written confirmation of at least –
- the period paid and amount
 - that the employer must pay the worker as soon as practicable.
- 1.8.5 **if the insurer pays the worker directly**, the insurer has satisfied its obligations if it has made the weekly payment direct to the worker. In that case, the insurer is to arrange with the worker about the payment of taxation in accordance with the Income Tax Assessment Act 1936 of the Commonwealth and the Income Tax Assessment Act 1997 of the Commonwealth.

Provisional weekly payments cannot be deducted from or held against a worker's entitlements. Any such deductions can be recovered as a debt by the worker. *Reference section 233 of the 1998 Act.*

1.9. Period of Payment of Provisional Liability

The insurer is to continue to make weekly payments of compensation for the expected period of provisional liability. This period (up to a maximum of 12 weeks) will be determined by the nature and seriousness of the worker's injury and the worker's current work capacity.

The 12 week period for weekly payments of compensation starts on the first day the worker becomes entitled to this payment. The 12 week period can be paid under section 36 of the 1987 Act. If payment is not paid during the 12 week period, the period of non-payment is not included in the 12 week period.

1.10. Provisional Liability for Medical Expenses

The insurer can pay section 60 benefits up to \$7,500 provided they are reasonably necessary for the management of the injury, as would be required by the insurer if liability had been admitted. **Note:** Refer to Part 3 regarding exemptions from the requirement that workers obtain prior approval for medical and allied health provider or hospital treatments.

Relevant factors in determining reasonably necessary treatment

The treatment or service must have the purpose and potential effect to:

- alleviate the consequences of the injury
- maintain the worker's state of health; or
- slow or prevent its deterioration given the injury.

A decision about reasonably necessary treatment must include consideration of all of the following: appropriateness, effectiveness, the alternatives available, cost benefit and its acceptance among the medical profession:

appropriateness – the capacity to relieve the effects of the injury

effectiveness – the degree to which the treatment will potentially alleviate the consequences of the injury

alternatives – consideration must be given to all other viable forms of treatment for the injury

cost benefit – there must be an expected positive benefit, given the cost involved, that should deliver the expected health outcomes for the worker

acceptance – the acceptance of the treatment among the medical profession must be considered, ie is it a conventional method of treatment and would medical practitioners generally prescribe it?

The \$7,500 limit is not to be exceeded. *Reference section 280 of the 1998 Act.* The insurer can pre-approve above \$7,500 in exceptional circumstances.

WorkCover fees orders are gazetted and set out the maximum fee amount for which an employer is liable under the Act for treatment of an injured worker. The insurer must not pay above these amounts.

If the worker has paid for reasonably necessary medical treatment, the insurer is to reimburse the worker within 7 days after the worker requests payment.

If the worker has paid for travelling expenses to receive medical treatment or to attend a medical appointment that the insurer has arranged, the insurer is to reimburse the worker within 7 days after the worker requests payment. **Note:** Refer also to Part 3 regarding exemptions from the requirement that workers obtain prior approval for medical and allied health provider or hospital treatments.

1.11. Need for a WorkCover Certificate of Capacity and Worker Declaration

Reference section 270 of the 1998 Act and section 44B of the 1987 Act.

If the insurer has commenced making weekly payments of compensation, the worker must provide to the insurer a WorkCover Certificate of Capacity and Worker Declaration covering any period for which weekly payments have been or are to be made. A completed WorkCover Certificate of Capacity under s 44B of the 1987 Act satisfies the requirements of section 270 of the 1998 Act. The WorkCover Certificate of Capacity must:

- Be completed by a medical practitioner in the approved form
- Certify the worker's capacity for work during the period stated in the certificate but not exceeding 28 days (unless special reasons are given by the person completing the certificate and the insurer is satisfied the certificate should be accepted due to those special reasons)
- Specify the duration of the worker's incapacity
- Has no effect if it relates to a period that is more than 90 days before the certificate is provided.

The worker must also provide to the insurer with:

- a form authorising a provider of medical or related treatment to give the insurer information regarding the -worker's medical treatment or condition relevant to the injury (s 270 (1)(b));
- a Worker Declaration as to whether the worker is engaged in any form of employment or self-employment for remuneration since last providing a WorkCover Certificate of Capacity (s 44B(1)(b)).
- The insurer may discontinue weekly payment if a worker fails to comply with these requirements within 7 days after the requirement is communicated to the worker by the insurer.

The requirements can be made to the worker or the worker's representative in writing or verbally. If the request is made verbally then it must be confirmed in writing. When the insurer makes the request, it is to notify the worker:

- of the period to be covered by the WorkCover Certificate of Capacity
- that the worker must give the WorkCover Certificate of Capacity, and Worker Declaration to the insurer within 7 days after the request or within a period agreed by the insurer and worker
- that weekly payments may be discontinued if the documentation is not received by the insurer.

1.12. Circumstances Affecting Payment under Provisional Liability

1.12.1 If a worker returns to pre-injury duties and is then off work again

Provisional liability can be paid for a cumulative total of 12 weeks, even if the worker returns to work for intermittent periods and workers compensation is not paid during those periods. If the worker returns to work and is then off work again, the insurer may pay weekly payments for the periods the injured worker is incurring economic loss due to the injury under provisional liability. These periods must not exceed a cumulative total of 12 weeks, and apply where the worker has had a recurrence and this additional period will progress injury management and return to work for the worker. However, if the worker had resumed pre-injury work and sustained a further injury or aggravated the original injury, this is a new injury and a further potential 12 weeks of provisional liability may be payable.

1.12.2 If payments are made for at least 8 weeks

Once an insurer has paid weekly payments to a worker under provisional liability for at least 8 weeks, the insurer is to notify the worker that they will need to provide a claim form if they will require weekly payments to be paid beyond 12 weeks because of ongoing certification of no current work capacity or current work capacity. (*Refer to clause 2.2, Part 2 re Need for a Claim Form*).

1.12.3 After a reasonable excuse no longer exists

If the reasonable excuse the insurer relied on for not commencing provisional weekly payments ceases to exist, the insurer must commence payment within 7 days (unless information identifying a further reasonable excuse exists and is relied on by the insurer).

1.12.4 If the initial notification of injury is a claim

An insurer must commence payments of compensation benefits under provisional liability within 7 days of the claim form being received, unless the insurer has a reasonable excuse. *Reference sections 267 and 275 of the 1998 Act*. The requirement to commence provisional payments is waived if liability for the claim is determined, and notice of this decision given to the worker within 7 days of receipt of the claim.

1.13. Ceasing Provisional Liability for Weekly Payments

Provisional liability for weekly payments ceases for one of the following reasons:

1.13.1 if the worker returns to work before the end of the approved period for provisional liability for weekly payments and is not incurring any economic loss; or

1.13.2 if liability for the worker's claim is accepted.

In either of the above cases, the insurer need not notify the worker that the provisional liability for weekly payments is to cease.

1.14. Circumstances in which Provisional Liability may be Discontinued

Provisional liability may be discontinued if the following circumstances occur:

1.14.1 if the worker unreasonably fails to comply with making reasonable efforts to return to work. *Reference section 48A of the 1998 Act*

1.14.2 if the worker does not provide a WorkCover Certificate of Capacity and Worker Declaration as outlined in clause 1.11 above.

1.14.3 if the insurer receives new credible evidence (e.g. the worker is not a worker as defined, employment is not a substantial contributing factor to the injury, employment is not the main contributing factor to a disease injury) that was not available at the time the provisional payments began.

Note: In the circumstances described above, the insurer must send the worker written notice that provisional liability and payments have been discontinued and must send a copy to the employer and service providers, if appropriate. The notice must inform the worker that provisional payments have been discontinued, the reason that they have been discontinued, attach all documents and medical reports relevant to the decision. In the case of non-compliance, the notice must detail any action that the worker can take to comply and enable the insurer to re-commence provisional liability and make payments. The notice must also inform the worker and employer that they may contact the WorkCover Customer Service Centre on 13 10 50, their union or employer association for further information.

1.15. Re-opening a Provisional Liability Claim

The insurer may recommence provisional liability on a notification of injury in the following circumstances:

- 1.15.1 for administration purposes to make further payments
- 1.15.2 if provisional liability for payment of compensation benefits has ceased or been discontinued for reasons described above at clauses 1.13.1 and clauses 1.14.1 to 1.14.3 and the worker becomes eligible again for compensation benefits, the payments can start again provided the cumulative totals are not exceeded (12 weeks of weekly payments of compensation and \$7,500 of expenses under section 60 of the 1987 Act). Any periods for which weekly payments of compensation are not made because they have been stopped are not included in the 12 weeks.
- 1.15.3 recurrence of original injury, i.e. spontaneous re-emergence of symptoms needing treatment or causing incapacity (as opposed to a new injury which is an aggravation or further incident), impacting on the same area of the body as the original claim.
- 1.15.4 claim is litigated.

Note: The insurer must notify the employer within 7 days that provisional liability has recommenced, unless the claim has only been re-opened for administrative purposes.

2. Making and Handling a Claim for Weekly Payments and Medical Expenses Compensation

2.1. Time Limits for Making a Claim

Claims are generally to be made within 6 months of the injury. *Reference section 261 (1) of the 1998 Act.*

Before a worker can make a claim the worker must give notice of injury to the employer except in special circumstances. *Reference section 254 of the 1998 Act.*

A notice of injury may be given orally or in writing and must be given to any person designated by the employer for that purpose (e.g. as specified in an employer's return to work program) or to any person under whose supervision the worker is employed (which may include a person other than a direct supervisor).

A notice of injury must state:

- the name and address of the person injured
- the cause of the injury (in plain language)
- the date on which the injury happened.

2.2. Need for a Claim Form

The need for a claim form can be waived and the claim is taken to have been made if the injury was notified through the insurer's injury notification system and provisional liability payments have commenced. The date at which the claim is taken to have been made is the notification date. *Reference section 260 of the 1998 Act.*

A claim form is required if:

- a reasonable excuse notice has been issued and the reason continues to exist
- compensation is claimed or payable beyond the provisional liability period for weekly payments of compensation or where medical expenses under provisional liability may exceed \$7,500 and there is insufficient information to determine ongoing liability
- an injury notification is made but there is insufficient information to determine liability. (See clause 1.7.9, Part 1 for requirements for a notice).

2.3. Minimum Information Required to Make a Claim

If a claim is to be made it is to be completed on the claim form available from the employer's insurer for workers compensation purposes. The claim form must be completed to the full extent that the relevant information is available and must include the worker's particulars, injury details, injured worker's declaration, work details and employer's particulars. Further information in support of the claim should be provided as soon as possible after it is received. In making a claim, the worker must provide all reports and documents that they rely upon in making the claim as soon as possible after that information is received to either:

- the employer from whom they are claiming workers compensation benefits
- the insurer responsible for providing the employer's workers compensation insurance.

If the claim is for weekly payments of compensation, the worker must provide to the insurer a WorkCover Certificate of Capacity (if one has not already been given to the insurer). A WorkCover Certificate of Capacity satisfies the requirement for a medical certificate.

If a worker has completed a claim form in relation to one claim for an injury, that information is relevant for any subsequent claim for weekly payments or section 60 expenses that is related to the same injury.

Where an injury has been sustained by a worker while on a journey, an Other Work Related Injuries claim form is to be completed.

2.4. Employer Actions when Served with a Claim

The employer must within 7 days of receiving a claim or any other documentation in respect of a claim forward the information to their workers compensation insurer. The employer may also complete an employer claim form on behalf of the worker and forward that onto the workers compensation insurer. From then on, if the insurer requests more information, the employer must respond within 7 days of receiving the request with all information that is reasonably attainable, particularly information necessary to determine the worker's pre injury average weekly earnings. *Reference section 264 (1) and (2) of the 1998 Act and section 44C of the 1987 Act.* The employer should complete the PIAWE form and send it to the insurer. The information contained in this form will be utilised to calculate the workers weekly payments. The worker may apply to the insurer to alter the weekly payment amount. *Reference section 42 of the 1987 Act.*

The employer must also forward to the insurer, within 7 days of receipt, any documentation the employer receives in respect of the claim. Failure by the employer to forward the information to the insurer within 7 days, where the information is in the employer's possession or reasonably obtainable, renders the employer liable for prosecution under section 264 (1) of the 1998 Act.

2.5. Insurer Actions when Served with a Claim

Once the insurer receives the claim for weekly compensation or medical compensation benefits, they are responsible for gathering further information from all relevant sources to enable the claim to be determined within 21 days, unless one of the following reasons for not determining the claim applies:

- expiry date beyond the due date, i.e. The expiry date of the expected provisional liability period for weekly payments is greater than the claim determination due date. If a determination is still required, the insurer must determine the claim prior to the conclusion of the approved period of provisional liability
- returned to work, i.e. the worker has returned to work on pre-injury duties and received payments for the amounts claimed, and is not expected to be entitled to receive any further compensation benefits resulting from the injury
- medical expenses only, i.e. the claim is for only medical compensation benefits and liability has been provisionally accepted for the claimed expenses *Reference section 280 of the 1998 Act*
- deficient claim, i.e. within 7 days after the insurer received the claim, the insurer has notified the worker in writing that the claim contains an error that is material, i.e. not obvious or typographical and how to correct that deficiency. This could include –
 - worker has failed or refuses to sign the declaration form
 - no WorkCover Certificate of Capacity or Worker Declaration received (where weekly compensation payments are claimed).

The worker may correct the error at any time. When the error is corrected, the claim is then made and the insurer must determine it within 21 days of the correction being notified to them.

The insurer is also to notify the employer within 7 days that a claim has been made by their worker.

If the insurer cannot find a current policy that covers a claim within 7 days after the claim is made, then the insurer is to either:

- contact the employer and person who made the claim, and request more information in order to identify the policy. If the policy still cannot be identified, then the insurer is to inform the employer and the person who made the claim that the insurer is not the

current insurer. The insurer must then refer the claim to the WorkCover Customer Service Centre on 13 10 50; or

- pass the claim to the current insurer if known (may be identified by a request for an employer's past claims experience from the new insurer or from the cancellation request made by the employer).
- pass the information in writing on to the worker or the worker's representative.

Upon request from a worker or a worker's representative, a copy of medical information or a report from a treating medical practitioner should be supplied. If the insurer is of the opinion that supplying the worker with a copy of a medical report would pose a serious threat to the life or health of the worker or any other person, the insurer may instead supply the medical report to a medical practitioner nominated by the worker for that purpose.

2.6. Evidence to Support a Decision on Liability

Information which the insurer can use to inform their decision on liability includes the initial report of injury, the claim form, the WorkCover Certificate of Capacity completed by the nominated treating doctor (and signed by the worker), the Worker Declaration form completed by the worker, further information received from the worker and the responses made by the worker, employer and doctor during any contact made with them by the insurer.

It is the role and responsibility of the insurer to gather sufficient information to enable them to make a soundly based decision on liability and on any other aspect of the claim within the prescribed time-frame.

When seeking a report, especially from medical practitioners, an insurer must state clearly that the worker will have an entitlement under the legislation to a copy of the report.

Gaining objective, evidence based medical information from the nominated treating doctor, which explains and clarifies issues regarding the injury, treatment and any period of incapacity, is particularly important.

When a decision is made to deny liability, all documents relevant to that decision must be made available to the worker, as set out in Part 4, Clause 4.4.

2.7. Accepting Liability

When liability is accepted, the insurer must notify the worker and employer that workers compensation benefits will commence.

Include in the notice to the worker and employer:

- what benefits have commenced on the basis of acceptance of liability
- the amount to be paid each week as weekly payments and how that amount is calculated
- whether the insurer or the employer will pay the worker
- what the worker should do if they do not receive payment
- that an injury management plan will be developed, if required
- a copy of the WorkCover brochure for injured workers, Information for injured workers. Reference section 269 of the 1998 Act.
- a copy of the WorkCover brochure, Employers guide: what to do if an injury occurs, to small employers (if not previously provided).

2.7.1 Weekly payments of compensation are to be determined, and continue to be made based on:

- pre injury average weekly earnings of the worker supplied by the employer
- the current WorkCover Certificate of Capacity and Worker Declaration supplied by the worker

- a work capacity decision by the insurer
- the application of Sections 36 to 39 of the 1987 Act.

Section 84 of the 1987 Act provides that weekly payment of compensation is payable at the employer's usual time of payment – at fortnightly or shorter intervals or at intervals agreed between the employer/insurer and the worker.

The worker may apply to the insurer to alter the weekly payments amount.

Reference section 42 of the 1987 Act

Note: Where insurers need to commence weekly payments but do not have a completed PIAWE form the insurer should determine what the base rate of pay or actual earnings are and commence the payment using that rate for the purpose of the calculation of the weekly payment as an interim rate. As other information is obtained on the PIAWE from the completed PIAWE form or through other means e.g. documentary evidence provided by the worker, the past and future weekly payments should be adjusted to ensure the correct weekly payment has been or is paid.

2.7.2 Reasonably necessary services for the compensable injury must be approved by the insurer once the need for treatment has been justified in a report or a treatment plan which specifies:

- the services proposed
- the anticipated outcome
- duration
- frequency
- cost of the service.

The worker's employer is not liable to pay for the cost of any treatment or service provided after the first 48 hours of injury, or related travel expenses without the prior approval of the insurer unless the treatment or service is exempt from the prior approval requirement. Part 3 of these Guidelines describe exemptions from the requirement that workers obtain prior approval for medical and allied health provider or hospital treatments. If there is insufficient or inadequate information upon which to make a soundly based decision, further information should be requested from the treatment provider. Failing this, it may be necessary to obtain an independent opinion. When notifying the treatment provider of approval, the insurer should specify the costs approved, consistent with WorkCover fee schedules where these have been gazetted. Once a plan is approved, the insurer is liable for costs, unless they advise the provider that liability for the services has been declined before the services are provided.

Insurers should make payments to service providers in a timely manner to guarantee continuity of service provision providing pre approval has been given for the service or the service is within the exemption limit – Refer Part 3.

2.8. No Response from the Insurer

If the insurer does not respond to a new claim or a request for a specific benefit under Part 3, Divisions 2, 3 and 5 of the 1987 Act within 21 days, the worker may refer the matter to the WorkCover Customer Service Centre (Centre) on 13 10 50. The Centre will refer the matter (as a level 1 complaint) to the insurer to facilitate a response.

If the insurer does not respond to the worker within 14 days of the referral to the Centre, the worker may take the matter to the WorkCover Independent Review Officer who can subsequently refer the worker to the Independent Legal Advisory Service if they require legal representation.

The worker or worker's representative may also need to refer to the WorkCover Work Capacity Guidelines regarding payment of weekly payments.

2.9. Obligations of Employers and Workers

2.9.1 Obligations of an Injured Worker

An injured worker is obliged to:

- Make reasonable efforts to return to work in pre injury employment or suitable employment.
- Participate and cooperate in the establishment of an injury management plan
- Comply with the obligations imposed on the worker under an injury management plan
- Actively participate and cooperate in workplace / vocational rehabilitation
- Actively seek future employment prospects
- Actively participate and cooperate in assessment for the determination of their capacity for employment.

If a worker has a capacity for work and it is established that the employer cannot provide suitable employment, the worker must then seek suitable employment and/or participate and cooperate with a workplace rehabilitation service if required to obtain suitable employment.

Where a worker cannot return to work either in suitable employment or pre injury employment because of non-work injury related factors, their weekly payments will be calculated as if they were performing employment that they have been assessed as having a capacity to perform.

Section 48A of the 1998 Act provides that if a worker who has current work capacity does not make reasonable efforts to return to work in line with the obligations specified in section 48 of the 1998 Act then the insurer may suspend weekly payments and this may lead to termination of weekly payments.

To ensure a fair process and before proceeding to suspend weekly payments of compensation, the insurer is to explore the reasons for non-compliance and assist the worker to comply with the requirement. The insurer is to take steps to give the worker the opportunity to comply with the requirement and explain to the worker that weekly payments of compensation may be suspended if they do not comply and they will not be entitled to be paid for the period of suspension. In the event of suspension, they will be notified in writing. The notice under section 48A of the 1998 Act will contain:

- the reason for giving the notice; and
- the date weekly payments to the worker will be suspended unless the worker complies with the obligations; and
- the consequences of failing to comply with the notice.

Where an employer fails to provide suitable employment despite being requested to do so by the worker the worker should report the failure to WorkCover on 13 10 50.

2.9.2 Work Capacity Assessment

A work capacity assessment is an assessment of an injured worker's current work capacity. A work capacity assessment can be conducted by an insurer at any time. Refer to WorkCover Work Capacity Guidelines for more information.

2.9.3 Non-participation by the nominated treating doctor

Section 47 of the 1998 Act states that the worker must, when requested to do so by the insurer, nominate as the worker's treating doctor for the purpose of an injury management plan for the worker, a medical practitioner who is prepared to participate in the development of, and in arrangements under, the plan.

If the nominated treating doctor does not reasonably participate in injury management, the insurer is to write to the worker (with a copy to the nominated treating doctor and employer) advising them that if the doctor does not participate, the worker may need to change their nominated treating doctor using the procedure for changing the nominated treating doctor that is stated on the injury management plan. *Reference section 47(6) of the 1998 Act.* The insurer is to ask the worker to show the letter to the doctor and request the doctor to participate. The insurer is to follow this procedure and consider any reasons the worker may have for remaining with the doctor despite the non-participation of the doctor.

2.9.4 Failure by worker to attend medical examination at the direction of the employer

Section 119 of the 1998 Act requires a worker who has given notice of injury to submit to an examination by a medical practitioner, provided and paid by the insurer/employer, if so required. The insurer is to ensure that the worker understands why they are being asked to comply with the requirement, that weekly payments of compensation may be suspended if they do not comply, and that in the event of suspension they will be notified in writing. Such notice must be given in accordance with the *WorkCover Guidelines on independent medical examinations and reports*.

To ensure due process and before proceeding to suspend weekly payments of compensation, the insurer is to explore the reasons for the non-compliance and assist the worker to comply with the requirement.

2.9.5 Obligations of Employers

An employer must provide a worker who has been totally or partially incapacitated for work as a result of injury and is able to return to work whether on a full-time or part-time basis and whether or not to his or her previous employment with suitable employment if requested to do so by the worker – *section 49, 1998 Act*. Failure of an employer to comply with this requirement can result in prosecution or the employer may be issued with an improvement notice by a WorkCover inspector.

The obligation of an employer to provide suitable employment does not apply if:

- (a) it is not reasonably practicable to provide suitable employment, or
- (b) the worker voluntarily left the employment of that employer after the injury happened (whether before or after the commencement of the incapacity for work), or
- (c) the employer terminated the worker's employment after the injury happened, other than for the reason that the worker was not fit for employment as a result of the injury.

2.9.6 Managing Employer Expectations

Decisions on liability, reduction or termination of weekly benefits or declination of other entitlements, are to be advised to the employer of the injured worker. This is of particular importance where the cost of claim impacts on the employer's premium.

Small employers are unlikely to have knowledge or experience of the workers compensation system and should be provided with additional information e.g WorkCover Brochure, *Employers guide: what to do if an injury occurs*.

2.10. Requests from Employers and Union representatives

Insurers are to respond to requests from union and employer representatives on behalf of their members with appropriate consent from the member.

2.11. Reviewing the Claim

The claim should be reviewed at scheduled review points and when new information is received which may impact on the status and direction of the claim. The injury management plan and claims estimate need to be revised and updated in accordance with any information received.

2.12. Closing a Claim

A claim may be closed when a decision can be made that the worker has no ongoing entitlement to benefits and this decision is not being disputed. Factors to be considered include:

- worker has achieved optimal return to work and health outcomes
- all payments have been made
- no recovery action is current.

Prior to closing a claim, the worker is to be notified in writing giving the reason for the decision and that the claim may be reopened on receipt of sufficient reasons.

2.13. Re-opening a Claim

A claim can be re-opened after it has been closed for the following reasons:

- recurrence of original injury
- further payments or recoveries
- claim is litigated
- claims administration.

If a claim is re-opened again other than for administration purposes, a decision on the additional compensation benefits must be determined again within 21 days.

The insurer must also notify the employer within 7 days that a claim made by their worker has been re-opened, unless it is re-opened for administrative purposes.

3. Exemptions from Prior Approval for Medical and Hospital Treatment

3.1 Definitions

This part is the Guideline for exempt medical or hospital treatment and rehabilitation etc under section 60(2A) that describes treatment or service that is exempt from the requirement for prior insurer approval.

In this part the following definitions apply:

- registered practitioner is a health care practitioner registered with the Australian Health Practitioner Regulation Agency and who has no limitations or conditions on their registration.
- insurer has the same meaning as provided in section 42 of the *Workplace Injury Management and Workers Compensation Act 1998*.
- nominated treating doctor means the medical practitioner nominated by the injured worker under section 42 of the *Workplace Injury Management and Workers Compensation Act 1998*.
- specialist medical practitioner is a medical practitioner recognised as a specialist by the Australian Medical Council and remunerated in accordance with Health Insurance Commission Health Insurance Regulations 1975, Schedule 4, Part 1 at specialist rates under Medicare.
- WorkCover approved practitioner means a registered practitioner or other allied health provider with a WorkCover approval number.
- public hospital service means a service provided in a public hospital as defined in section 59 of the *Workers Compensation Act 1987*.
- pharmacy items means any medication or article prescribed in accordance with the current Pharmaceutical Benefits Schedule at <http://www.pbs.gov.au/pbs/home> made pursuant to the Commonwealth Pharmaceutical Benefits Scheme.

3.2 Exemptions

The following treatments and services (and related travel expenses) are exempt from the requirement for prior insurer approval.

3.2.1 Workers Compensation Commission determination

3.2.1.1 Any treatment or service provided to an injured worker where liability has been initially declined but where the Workers Compensation Commission or subsequently finds for the worker on liability and it is agreed or determined that the treatment or service provided was reasonably necessary.

3.2.1.2 Any treatment or service provided to an injured worker where there is a dispute about reasonably necessary treatment or service and the Workers Compensation Commission has found that the treatment or service provided was reasonably necessary.

3.2.2 Registrar's Interim Payment Direction

Any treatment or service provide to an injured worker that is the subject of an Interim Payment Direction by the Registrar (or Delegate) of the Workers Compensation Commission ordering that the medical expenses be paid.

3.2.3 Permanent impairment medical certificate

The obtaining of a permanent impairment medical certificate and any examination required for the certificate taken to be a medical related treatment for the purposes of Division 3 of the Workers Compensation Act 1987 by section 73(1) of that Act.

3.2.4 Nominated treating doctor

Any consultation with the nominated treating doctor in relation to the injury claimed except for consultations for mental health treatment items AA905 and AA910 in current Australian Medical Association List of Medical Services and Fees.

3.2.5 Specialist medical practitioner

The first consultation for the injury with a specialist medical practitioner, including treatment provided within that consultation, on referral by the worker's nominated treating doctor. Following the initial consultation, if a course of treatment is recommended, then this treatment will require prior approval and should be managed through an injury management plan.

3.2.6 Pharmacy

3.2.6.1 Pharmacy items prescribed by the nominated treating doctor or specialist medical practitioner for the injury in the first 3 weeks post injury, to a maximum of \$500.

3.2.6.2 Pharmacy items excluded from the Pharmaceutical Benefits Schedule to a maximum amount of \$100.

3.2.7 X-Ray

All plain x-rays performed on referral from the nominated treating doctor or specialist medical practitioner in relation to the injury claimed and provided within one week of injury.

3.2.8 Public hospital

Any services provided in public hospitals that are provided by or consequent upon presentation at the hospital's emergency department for the injury claimed that are within one month of the date of injury.

3.2.9 Physiotherapy, Osteopathy or Chiropractic treatment

3.2.9.1 The initial consultation and up to a further seven treatment sessions provided by a registered practitioner where:

- a) The injured worker has not previously received treatment for the injury claimed, or
- b) The treatment resumes with the same practitioner within a three month period from the last treatment and less than eight treatment sessions were provided originally.
- c) The treatment resumes with the same practitioner within a three month period under a previously approved plan and deemed as the same episode of care.

3.2.9.2 The initial assessment for a new episode of care where a worker ceased treatment more than three months previously and returns for additional treatment for the same injury. The registered practitioner cannot utilise any remaining treatment sessions that may have been approved under the previous episode of care.

3.2.10 Psychology treatment or counselling

3.2.10.1 The initial consultation and up to a further five treatment or counselling sessions provided by a WorkCover approved practitioner where:

- a) The injured worker has not previously received treatment/counselling for the injury claimed, or
 - b) The treatment/counselling resumes with the same practitioner within a three month period from the last treatment and less than six treatment sessions were provided originally.
 - c) The treatment/counselling resumes with the same practitioner within a three month period under a previously approved plan and deemed as the same episode of care.
- 3.2.10.2 The initial assessment for a new episode of care where a worker ceased treatment/counselling more than three months previously and returns for additional treatment/counselling for the same injury. The registered practitioner cannot utilise any remaining treatment/counselling sessions that may have been approved under the previous episode of care.
- 3.2.10.3 The preconditions to be met before the exemption will apply are:
- a)The psychologist must be WorkCover approved and
 - b)The injured worker's nominated treating doctor or treating specialist medical practitioner who is a psychiatrist must make the referral for treatment.
- 3.2.11 Remedial Massage
- 3.2.11.1 No more than 5 sessions of remedial massage, where there has been no previous remedial massage therapy for the injury claimed.
- 3.2.11.2 The precondition to be met before the exemption applies is:
- a)The remedial massage therapist must be WorkCover approved.
- 3.2.12 Hearing needs assessment
- 3.2.12.1 The initial hearing needs assessment only.
- 3.2.12.2 The preconditions to be met before the exemption will apply are:
- a)The hearing service provider must be approved by the Office of Hearing Services and
 - b)The injured worker's nominated treating doctor is to have referred the worker to a treating specialist medical practitioner who is an ear, nose and throat physician to determine that the hearing loss is work-related and that there is binaural hearing loss of 6% or more. The ENT makes the referral for treatment.
- 3.2.13 Repayment of expenses for existing claims under the Workers Compensation Amendment (Existing Claims) Regulation 2014
- Any treatment or service which was given or provided between 1 October 2012 and 3 September 2014 and:
- specified in clause 28 or 29 of Part 2 to Schedule 8 of the *2010 Regulation* (medical and related expenses and secondary surgery);
 - given or provided to a worker in respect of an existing claim;
 - which was reasonably necessary but was not approved (or not claimed) due to the operation of section 59A of the 1987 Act (limit on payment of compensation); and
 - which has been paid for by the worker.

'Existing claim' means a claim for compensation made before 1 October 2012. This exemption does not apply to any treatment or service sought, given or provided after 3 September 2014 as these require prior insurer approval.

Note: Exemptions 3.2.3 to 3.2.13 above only apply where provisional liability for medical expenses or liability for a claim has been accepted.

4. Disputing All or Part of a Claim

4.1. Relevant Legislation and Reasons for Disputing Liability

Section 74 of the 1998 Act applies when the insurer has credible evidence to indicate that they are not liable for all or part of a claim, meaning that they:

- do not commence weekly payments
- cease weekly payments after they have started (see also under Part 5); or
- decline to pay for a service that has been requested.

Note: A section 74 notice is not required when payments are to be reduced as a result of the application of a different rate of compensation after the expiration of an earlier period or incapacity for which a higher rate is payable. In this case, the insurer is to send a letter to the worker advising of the reduction, the new rate, how it is calculated, and the legislative basis for the change.

Note: A section 74 notice is not required to advise a worker of an insurer's work capacity decision.

The reasons for disputing liability may include the evidence the insurer has regarding the liability for the provision of compensation benefits, for example:

- that the worker has not sustained an injury as defined in section 4 of the 1998 Act
- that the worker is not a worker, as defined in section 4 of the 1998 Act
- that employment is not a substantial contributing factor to the injury as set out in section 9A of the 1987 Act
- that psychological injury was wholly or predominantly caused by reasonable actions of the employer, as set out in section 11A of the 1987 Act
- that a service that has been requested under Part 3, Division 3 of the 1987 Act that is not reasonably necessary or property damage under Division 5 of the 1987 Act that is not compensable
- the incapacity or need for treatment or permanent impairment does not result from the injury.

4.2. Evidence Relevant to the Decision

The insurer must consider all evidence relevant to the claim to which the decision relates, including reports and plans submitted on behalf of the worker and independent reports obtained by the insurer. This evidence may include but is not limited to:

- the claim form
- WorkCover Certificates of Capacity
- medical reports prepared by treating practitioners and specialists
- treatment plans
- return to work plans
- rehabilitation reports
- factual/investigative reports
- independent medical reports prepared by a specialist medical practitioner with qualifications relevant to the treatment of the injured worker's injury (refer to WorkCover Guidelines on Independent Medical Examinations and Reports)
- injury management consultant reports
- independent treatment review reports (eg independent physiotherapist consultant).

4.3. Internal Review Before Issuing a Dispute Notice

Before giving notice of a decision to dispute liability on all or part of the claim, the insurer must carry out an internal review of all of the evidence considered in arriving

at the decision. This includes reviewing all documents which are relevant to the claim or any aspect of the claim to which the proposed decision to dispute relates.

At a minimum, the review is to be conducted by someone other than the person recommending the proposed decision and, by someone with requisite expertise, eg Technical Advisor or Senior Claims Supervisor. The reviewer(s) must have comprehensive knowledge of the legislation as it applies to the matter in dispute and the issues arising from it. Where a self-insurer or specialised insurer does not have a person within their organisation who can review the decision, this review may be undertaken by a person external to the organisation with the requisite knowledge and expertise.

4.4. Requirements for a Notice Disputing Liability

Section 74 of the 1998 Act requires an insurer who disputes liability in respect of a claim or any aspect of a claim, to give notice of the dispute to the worker and adhere to the requirements for the notice of dispute. All matters in dispute at that time must be given in this notice. Clause 43 of the *Workers Compensation Regulation 2010* (the Regulation) provides additional information to be included in a section 74 notice.

An insurer must comply with the requirements in section 74 and clause 43. Any defect in a notice should be corrected as soon as it comes to the insurer's attention.

Where a decision to dispute liability includes a decision on liability for weekly payments the insurer must ensure they provide to the worker the required period of notice. *Refer section 54 (2) (b).*

A decision to dispute liability should not be made lightly.

A section 74 notice will identify the issues that may be referred to the Workers Compensation Commission (WCC) for determination and must therefore be prepared by a responsible officer who has a detailed knowledge of the worker's claim and the legislation. The notice should only be prepared after a comprehensive and detailed consideration of the factual and legal issues in the claim.

A section 74 notice must:

- contain a concise and readily understandable statement of the reason the insurer disputes liability and of the issues relevant to the decision (indicating, in the case of a claim for compensation, any provision of the workers compensation legislation on which the insurer relies to dispute liability);
- contain a statement identifying all the reports and documents submitted by the worker in making the claim for compensation
 - This refers to relevant information received by the insurer from the worker or on the worker's behalf in support of the worker's claim. It also includes information obtained from the worker pursuant to an obligation under section 71 of the 1998 Act to comply with any reasonable request by the insurer to furnish specified information (in addition to information furnished in the claim form)
- contain a statement identifying all the medical reports and other reports obtained by the insurer referred in clause 46 of the Regulation with attached copies of all reports relevant to the claim or any aspect of the claim to which the decision relates, whether or not the reports support the reasons for the decision
- state that the worker has the right to request a review of the claim by the insurer
 - Section 287A of the 1998 Act provides the worker with an opportunity to request the insurer to review the decision to dispute the claim or any aspect of the claim at any time before an application for dispute resolution is lodged with the WCC. When a request for review is made, the claim must be reviewed by the insurer and a response made within 14 days after the request is made. A request is taken to have been made when it is first received by an insurer. **Note:** A request for review under section 287A

cannot be made for a work capacity decision of the insurer. The statement in the notice must describe the procedure for requesting a review and indicate that the worker may raise further issues and introduce further supporting evidence when seeking the review. The notice must also include a statement advising the worker that this extra information must be provided if the worker is to include it in any application for dispute resolution referred to the WCC.

- The optional review must be carried out in accordance with the insurer's complaints and disputes management model. At a minimum, the review is to be conducted by someone other than the person who has made the original decision and by someone with requisite expertise, e.g. technical advisor or senior claims supervisor. The reviewer(s) must have comprehensive knowledge of the legislation as it applies to the matter in dispute and the issues arising from it.
- Where a self-insurer or specialised insurer does not have a person within their organisation who can review the decision, this review may be undertaken by a person external to the organisation with the requisite knowledge and expertise. The response will either be to accept the worker's claim or issue a new dispute review notice (see Clause 5 below).
- The request for an optional review of a dispute notice does not constitute a stay of the decision to dispute liability. The worker may separately contact the insurer to seek clarification of the notice or correction of a defect. A standard form for requesting the review is to be attached to the dispute notice. (See Appendix 1)
- state that the worker can seek advice or assistance from the WorkCover Customer Service Centre (which includes the WorkCover Claims Assistance Service) on 13 10 50 or from their trade union or from a lawyer
- state that the worker can refer the dispute for determination by the WCC.
 - Where the insurer has referred or proposes to refer the dispute for determination by the WCC, the notice must also include a statement to that effect, specifying the date of referral or proposed referral.
- Provide the street and email address of the Registrar of the Commission (compensation claims) or the Registrar of the District Court (work injury damages disputes).

4.5. Dispute Review Notice

If the insurer continues to dispute the claim following a request for internal review, they must issue a further dispute notice. The content of this dispute notice must comply with the requirements of section 74. Any **further reports**

that have come into the possession of the insurer and that are relevant to the review decision are to be attached. The notice can refer to and rely on the content of the original section 74 notice and attachments, provided they remain applicable. Information and documents relevant to the dispute review decision are also to be attached, unless already provided.

The worker may request more than one review.

4.6. Section 74 template Headings

1. Reasons and Issues in Disputing Liability.
2. Reports and Documents submitted by the Worker.
3. Reports and Documents considered in the Decision.
4. Request for Review of the Decision.
5. Where to seek assistance.
6. Where to refer for Determination of the Dispute

5. Terminating or Reducing Weekly Payments of Compensation

5.1. Relevant Legislation and Reasons for Terminating or Reducing Payments of Weekly Compensation

Section 54 of the 1987 Act applies if a worker:

- has received weekly payments of compensation for a continuous period of at least 12 weeks

The insurer shall not discontinue payment or reduce the amount, of the compensation during the required period of notice specified in section 54 (2) (a) or (b).

Failure to give the required period of notice under section 54 of the 1987 Act by the insurer or employer is an offence rendering the insurer liable for prosecution under section 54(1) and also liable to the worker to pay the amount of compensation that would have been payable had the prescribed period been properly observed.

The reasons for terminating or reducing payments may include:

- on the basis of any reassessment by the insurer of the entitlement to weekly payments resulting from a work capacity assessment
- if the insurer disputes liability for the claim.

Note: A section 54 notice is not required when payments are to be reduced as a result of the application of a different rate of compensation after the expiration of an earlier period or incapacity for which a higher rate is payable. In this case, the insurer is to send a letter to the worker advising of the reduction, the new rate, how it is calculated, and the legislative basis for the change.

5.2. Evidence Relevant to the Decision

Evidence relevant to the decision about terminating or reducing payments on the basis of a reassessment by the insurer of the entitlement to weekly payments resulting from a work capacity assessment will be as specified in the WorkCover Work Capacity Guideline.

Evidence relevant to the decision where the decision is about terminating or reducing payments on the basis of disputing liability for the claim will be as specified in Part 4, clause 4.2 of these Guidelines.

5.3. Internal Review Before Issuing a Notice to Terminate or Reduce Weekly Payments of Compensation

Before giving notice of the decision to terminate or reduce weekly payments of compensation, the insurer must carry out a review of all the evidence considered in arriving at the proposed decision. This includes reviewing all documents which are relevant to the claim or any aspect of the claim to which the proposed or recommended decision to terminate or reduce relates. At a minimum, the review is to be conducted by someone other than the person who has made the original recommendation and by someone with requisite expertise, e.g. Technical Advisor or Senior Claims Supervisor. The reviewer(s) must have comprehensive knowledge of the legislation as it applies to the decision and the issues arising from it. Where a self-insurer or specialised insurer does not have a person within their organisation who can review the decision, this review may be undertaken by a person external to the organisation with the requisite knowledge and expertise.

5.4. Requirements for a Notice to Terminate or Reduce Weekly Payments of Compensation

Section 54 of the 1987 Act provides that if an insurer intends to terminate or reduce weekly compensation, they must first give notice of intention to reduce or terminate payments to the worker.

Where the insurer's decision is about terminating or reducing payments on the basis of a reassessment by the insurer of the entitlement to weekly payments resulting from a work capacity assessment an insurer must comply with the required period of notice specified in section 54 (2) (a) of the 1987 Act and inclusions in the notice specified in the WorkCover Work Capacity Guideline.

Section 54 requires that workers should be notified 3 clear months prior to having their payments changed. As section 54(4) of the 1987 Act requires the insurer to give notice personally or by post, the postal service rule is automatically invoked. The postal service rule (Section 76(1)(b) of the Interpretation Act 1987) requires an additional 4 working days notice to be provided after the notice was posted.

Any defect in a notice should be corrected as soon as it comes to the insurer's attention.

Where the insurer is disputing liability for the payment of weekly payments the insurer should complete a section 74 notice as specified in Part 4 of these Guidelines and ensure that they have given the required period of notice in line with section 54 (2) (b) of the 1987 Act.

6. Making and Handling a Claim for Lump Sum Compensation

For claims made on or after 19 June 2012, to be eligible for lump sum compensation under section 66 of the 1987 Act a worker must have sustained an injury, as defined in section 4 of the 1998 Act that resulted in permanent impairment greater than 10% - *refer section 66 (1) of the 1987 Act*. From 19 June 2012, only one claim can be made under the 1987 Act for permanent impairment compensation that results from an injury – *refer section 66 (1A) of the 1987 Act* - and there can be only one medical assessment of degree of permanent impairment in the Workers Compensation Commission for the purposes of a claim for permanent impairment compensation, commutation or work injury damages claim – *refer section 322A of the 1998 Act*.

In *Goudappel v ADCO Constructions Pty Ltd* (2013) NSWCA 94, 29 April 2013, the New South Wales Court of Appeal ruled that the changes applying to workers compensation claims from 19 June 2012 introduced by the *Workers Compensation Legislation Amendment Act 2012* do not apply to claims for compensation made before 19 June 2012. Unless and until that decision is overturned on appeal, claims that were made before 19 June 2012 and that result in permanent impairment are to be managed in accordance with evidence based decision making practices as in place prior to the 2012 amendments.

6.1. Minimum Information Required for a Worker to Initiate a Claim

For claims made on or after 19 June 2012, a permanent impairment claim form is required if a worker is initiating a claim for permanent impairment related to an injury under section 66 in respect of the injury. For these claims, a claim for compensation (weeklies and medical etc expenses) does not equate to a claim for lump sum compensation.

6.2. Relevant Particulars about a Claim.

(*Refer to section 282 of the 1998 Act*).

The claim must include relevant particulars about the claim.

6.2.1 For injuries pre 1 January 2002:

- the injury received (as identified in claim for workers compensation. If no claim for compensation has been made, it will be necessary to separately make such a claim)
- all impairments arising from the injury
- the amount of loss as measured by the Table of Disabilities
- any previous injury or any pre-existing condition or abnormality, to which any proportion of an impairment is or may be due (whether or not it is an injury for which compensation has been paid or is payable under Division 4 of Part 3 of the 1987 Act)
- details of all previous employment to the nature of which the injury is or may be due
- information as to whether or not the degree of impairment resulting from the injury is permanent
- a medical report supporting the amount of loss claimed.

6.2.2 For injuries from 1 January 2002:

- the injury received, as identified in claim for workers compensation. If no claim for compensation has been made, it will be necessary to separately make such a claim
- all impairments arising from the injury
- whether the condition has reached maximum medical improvement
- the amount of whole person impairment assessed in accordance with the WorkCover Guides for the evaluation of permanent impairment

- a medical report completed in accordance with the WorkCover Guides for the evaluation of permanent impairment by a medical specialist with qualifications and training relevant to the body system being assessed who has been trained in the WorkCover Guides
- If there is more than one impairment that requires assessment by different medical specialists, one specialist must be nominated as lead assessor and determine the final amount of whole person impairment
- if the claim is for permanent impairment of hearing, a copy of the audiogram used by the medical specialist in preparing the report that accompanies the claim.

6.3. Employer Action on Receipt of a Claim for Permanent Impairment

Within 7 days after an employer receives a claim, the employer must send the claim to the insurer responsible for covering the worker for compensation. From then on, if the insurer requests more information, the employer must respond within 7 days of receiving the request with all information that is reasonably obtainable. The employer must also forward to the insurer within 7 days of receipt any documentation the employer receives in respect of the claim. *Reference section 264 (1) and (2) of the 1998 Act.*

Failure by the employer to forward the information to the insurer within 7 days, where the information is in the employer's possession or reasonably obtainable, renders the employer liable for prosecution under section 264 (1) of the 1998 Act.

6.4. Insurer Action on Receipt of a Claim for Permanent Impairment

Reference section 281 of the 1998 Act.

When an insurer receives a claim for permanent impairment the insurer must determine the claim by the latest date of either:

- within 1 month after the degree of permanent impairment first becomes fully ascertainable, as agreed by the parties or as determined by an approved medical specialist; or
- within 2 months after the claimant has provided to the insurer all relevant particulars about the claim

For (a) above, 'fully ascertainable as agreed by the parties' means that:

- the claimant has reached maximum medical improvement
- the medical report has been prepared by a WorkCover trained assessor of permanent impairment in accordance with the WorkCover Guides for the evaluation of permanent impairment
- the medical report has been provided to the insurer
- the level of permanent impairment (as per the medical report) is agreed by the insurer.

Claim to be determined within 1 month from the receipt of the report.

For (b) above the following applies:

- If the insurer considers the report is not in accordance with the WorkCover Guides the insurer advises the injured worker within 2 weeks of receipt of the claim that further information is required and seeks clarification from the author, with a copy of the request sent to the injured worker's legal representative. If the required information is not forthcoming within 10 working days the insurer arranges an independent medical examination or applies to the Workers Compensation Commission for an assessment of the degree of permanent impairment.
- The insurer will determine the worker's entitlements and advise the worker within 2 months from the date of the examination of the worker or within 1 month of receiving that report, whichever is the earlier.

Referrals for an independent medical examination are only to be made when one or more of the questions outlined in “reasons for referral” on page 5 of the *Guidelines on Independent Medical Examinations and Reports* are sought.

The offer of payment to the injured worker must be in accordance with a properly completed report by a trained assessor of permanent impairment. When an offer is made it should be accompanied by the medical report on which this offer is based, see also clause 6.7 in relation to a “complying agreement”.

If the claim is served on the insurer, the insurer must notify the employer that a claim has been made within 2 working days.

If the insurer cannot find a current policy that covers a claim within 7 days after the claim is made, then the insurer is to either:

- contact the employer, and the person who made the claim, and request more information in order to identify the policy. If the policy still cannot be identified, then the insurer is to inform the employer and the person who made the claim that the insurer is not the current insurer. The insurer must then refer the claim to the WorkCover Customer Service Centre; or
- pass the claim to the current insurer, if the identity of the current insurer can be determined and notify the worker in writing.

6.5. No Response from the Insurer

If the insurer does not respond to a claim for permanent impairment within 2 months, the worker may refer the matter to WorkCover’s Customer Service Centre on 13 10 50. The Centre will refer the matter (as a level 1 complaint) to the insurer to facilitate a response.

If the insurer does not respond to the worker within 14 days of the referral to the Centre, the worker may take the matter to the WorkCover Independent Review Officer who can subsequently refer the worker to the Independent Legal Advisory Service if they require legal representation.

6.6. Insurer Accepts a Claim for Permanent Impairment

If the insurer is satisfied with the claim made, and the level of impairment properly assessed in accordance with the WorkCover Guides for the evaluation of permanent impairment (for injuries from 1 January 2002), there may be no need to obtain further assessments and an offer of payment may be made to the worker in accordance with section 66 of the 1987 Act.

Any payment for permanent impairment is to be in accordance with the level of permanent impairment assessed by a trained assessor of permanent impairment in accordance with the WorkCover Guides for the evaluation of permanent impairment (for injuries from 1 January 2002).

The offer needs to set out:

- the date of the injury

- the injury to which the offer relates
- the amount of the offer or extent of pre-existing condition or abnormality, if any
- the reports and documents relied upon in making the offer
- the reports and documents served and relied upon by the worker in support of the claim (the worker is limited to this information in any application for dispute resolution lodged with the WCC, except where the worker was not legally represented at the relevant time or where additional information is provided in further correspondence prior to referral to the WCC)
- a statement that if the offer is not accepted, the worker can:
 - contact the WorkCover Customer Service Centre on 13 10 50
 - seek assistance from the worker's union or lawyer
 - apply to the Registrar for determination by the WCC one month after the offer is made (including the postal and email address of the Registrar).
- a statement that the matters that may be referred to the WCC are limited to matters notified in writing between the parties concerning the offer of settlement.

Copies of the reports and documents relied upon by the insurer in the making of the offer must be attached to the written advice of the offer to the worker. If the insurer is of the opinion that supplying the worker with a copy of a medical report would pose a serious threat to the life or health of the worker or any other person, the insurer may instead supply the medical report to a medical practitioner nominated by the worker for that purpose.

Where the outcome of the assessment of permanent impairment is less than 11% permanent impairment the insurer is to issue a notice under section 74 of the 1998 Act – refer to Part 4 of these Guidelines.

6.7. Complying Agreements

Reference section 66A of the 1987 Act.

Prior to making a payment to the worker for permanent impairment under section 66 of the 1987 Act the insurer must be satisfied that a worker has obtained independent legal advice, or for claims made after 19 June 2013 waived the right to obtain independent legal advice, before entering into the complying agreement. The following details must be included in a complying agreement:

- degree of permanent impairment
- medical report(s) relied on to assess the degree of permanent impairment
- amount of compensation payable in respect of degree of permanent impairment
- date of agreement
- certification by insurer that it is satisfied that the worker has obtained independent legal advice or has waived the right to obtain independent legal advice.
- If the worker has waived the right to obtain legal advice the agreement must also include acknowledgement by the worker that the worker is aware:
 - they can only make one claim for permanent impairment compensation in respect of the permanent impairment that results from an injury. Refer section 66 (1A) of the 1987 Act

- the permanent impairment that is assessed and agreed constitutes a claim being made and determined for the purposes of section 66 (1A).
- compensation paid for permanent impairment less than 15% will mean the worker cannot claim for work injury damages. Refer section 314 (3) of the 1998 Act

The complying agreement may be contained in one or more documents which must be kept on the insurer's file.

6.8. Insurer Disputes Liability for the Claim

If an insurer disputes liability in respect of a claim for permanent impairment, the insurer must issue a section 74 Notice in accordance with Part 4 of these guidelines.

7. Making and Handling a Claim for Work Injury Damages

7.1. General

A claim for work injury damages (WID) must meet two criteria:

- the work injury is a result of the negligence of the employer
- the work injury resulted in at least 15 percent permanent impairment.

A claim for WID can only be made where a claim for lump sum compensation for the work injury has been made pursuant to section 66 of the 1987 Act. The claim under section 66 must be made before or at the same time as the claim for WID. *Reference section 280A of the 1998 Act.*

Before a worker is entitled to claim for work injury damages the degree of permanent impairment must have been assessed to be at least 15 percent and the permanent impairment benefit must have been paid. The assessment of permanent impairment must have been made in accordance with the *WorkCover Guides for the Evaluation of Permanent Impairment*. *Reference sections 313, 314, 322 and 280B of the 1998 Act and section 151H of the 1987 Act.*

7.2. Particulars of the Claim and Evidence Relied Upon

To make a claim for WID the worker must provide particulars about the claim and the evidence to be relied upon. This must include:

- details of the injury to the worker caused by the negligence or other tort of the employer
- degree of assessed permanent impairment
- evidence of the negligent act/s of the employer
- economic loss that is being claimed as damages. *Reference section 282 of the 1998 Act.*

7.3. Where Whole Person Impairment not Fully Ascertainable

Court proceedings for WID must be commenced within 3 years after the date on which the injury was received. *Reference section 151D of the 1987 Act.*

Where this time limit is reached but the permanent impairment for the injured worker is not fully ascertainable, the worker should make a claim for WID setting out the particulars of the claim and the evidence to be relied upon as per clause 7.2 above, with the exception of the degree of assessed permanent impairment.

7.4. Employer Action on Receipt of a Claim for Work Injury Damages

The employer must send the claim to the responsible insurer within 7 days of receipt. If the insurer requests more information the employer must also respond within 7 days of receiving the request with all information that is reasonably obtainable. The employer must also forward any documents received in respect of the claim to the insurer within 7 days of receipt. *Reference section 264 (1) and (2) of the 1998 Act.*

7.5. Insurer Action on Receipt of a Claim for Work Injury Damages

The insurer is to determine the claim:

- within 1 month of the permanent impairment being fully ascertainable; or

- within 2 months after all relevant particulars have been supplied, whichever is the later.

The insurer is to determine the claim by:

- accepting liability and making a reasonable offer of settlement; or
- disputing liability.

The insurer is to notify the worker of the determination.

This notification is to include whether or not the insurer accepts that the degree of permanent impairment of the injured worker resulting from the work injury is sufficient for an award of damages.

Where liability is disputed the insurer is to issue a notice pursuant to section 74 of the 1998 Act in accordance with the requirements of Part 3 of these Guidelines.

Where liability is accepted and an offer of settlement is made it is to specify an amount of damages or a manner of determining an amount of damages.

Where only partial liability for the claim is accepted the offer is to include details sufficient to ascertain the extent to which liability is accepted. *Reference section 281 of the 1998 Act.*

7.6. Resolution of Dispute about Degree of Whole Person Impairment

If an insurer does not agree that the worker has at least 15 percent permanent impairment the matter is to be resolved by an application to resolve the dispute at the WCC. This will be referred directly to an approved medical specialist (AMS). The AMS will make an assessment of the degree of permanent impairment and this assessment will be conclusively presumed to be correct. *Reference sections 313 and 314 of the 1998 Act.*

7.7. Requirement for Pre-Filing Statement before Commencing Court Proceedings

Before a worker can commence court proceedings for the recovery of work injury damages, the worker must serve on the employer or the insurer a pre-filing statement (PFS) setting out the particulars of the claim and the evidence that the worker will rely on to establish or support the claim.

The PFS cannot be served unless:

- the person on whom the claim is made wholly disputes liability for the claim; or
- the person on whom the claim is made has made an offer of settlement to the claimant, pursuant to the determination of the claim and when required by section 281 of the 1998 Act and one month has elapsed since the offer was made; or
- the person on whom the claim is made has failed to determine the claim as and when required by section 281 of the 1998 Act.

The PFS is to consist of a copy of the statement of claim intended to be filed in the court and is to include as attachments the information and other documents required by the Workers Compensation Acts and Workers Compensation Commission Rules including the certificate issued by an AMS or notification of acceptance that the work injury has resulted in a degree of permanent impairment of at least 15 percent. *Reference section 315 of the 1998 Act.*

7.8. Insurer Action on Receipt of a Pre-Filing Statement

The insurer must respond to the PFS within 28 days after the PFS is received by:

- accepting or denying liability (wholly or in part)
- if the insurer does not accept liability, serving on the worker a pre-filing defence (PFD), setting out all particulars of the defence and evidence that the insurer will rely on in order to defend the claim (as the Workers Compensation Commission Rules may require).

If the insurer fails to respond to the PFS within 42 days the worker can commence court proceedings for the recovery of work injury damages and does not have to refer the dispute for mediation. *Reference section 316 of the 1998 Act.*

If the PFS is defective the insurer must advise the worker within 7 days of receipt and include in the advice to the worker how the worker can fix the defect. If there is a dispute as to whether the PFS is defective this may be referred to the Registrar of the WCC for determination. *Reference section 317 of the 1998 Act.*

7.9. Mediation

Before a worker can commence court proceedings the claim must be referred for mediation except as stated above in clause 7.8. This cannot happen until 28 days after the PFS has been served on the insurer. The worker must apply to the WCC for mediation.

The insurer may only decline to participate in the mediation if liability for the claim is wholly disputed. *Reference section 318A of the 1998 Act.*

The mediator will attempt to bring the parties to agreement for the matter, so that court proceedings will not be necessary. If the mediator cannot bring the parties to agreement the mediator will issue a certificate certifying the final offers of settlement made by the parties in the mediation. *Reference section 318B of the 1998 Act.*

If mediation is not successful the offers made at the mediation are not to be disclosed to the court in any subsequent court proceedings. *Reference section 318E of the 1998 Act.*

7.10. Commencing Court Proceedings

Court proceedings may commence when:

- a worker has served a PFS on the insurer; and –
 - the insurer has failed to respond to the PFS within 42 days; or
 - the insurer has wholly disputed liability and declined to participate in mediation and the mediator has issued a certificate to this effect; or
 - mediation has taken place but has not been successful and the mediator has issued a certificate to this effect.

If court proceedings commence all parties are limited to the matters raised in the PFS and the PFD and to the reports and other evidence disclosed in those statements except by leave of the court. Additionally, where an insurer fails to respond to the PFS within 42 days the insurer cannot dispute liability for the claim. *Reference Section 318 of the 1998 Act.*

Appendix 1 - Application For Review By Insurer

This is an application form to request the review of a decision made to dispute a workers compensation claim (or any aspect of a claim). This application is made under section 287A of the Workplace Injury Management and Workers Compensation Act 1998.

Worker's name	
Insurer/Scheme Agent	
Claim number	

Requested by:

worker worker's representative dependant dependant's representative

Name	
Address	
Phone number	
Mobile number	
Fax number	

Decision to be Reviewed

Decision referred to in the notice under sections 74 or 287A of the Workplace Injury Management and Workers Compensation Act 1998 (please specify date of notice)

.....

Please identify the decision that you are requesting the insurer review:

- liability for the injury
- medical expenses
- amount of weekly payments
- property damage
- other (please specify)

.....

Reasons for Seeking the Review

Please provide:

- reasons in support of your application
- any further information which supports your reasons for requesting the review.

.....

Additional Reports or Documents

Please list and provide copies of all further information, reports and documents in support of this application for review.

.....
.....
.....
.....
.....

Important

If you have any new or additional matters that you want the insurer to consider, these must be raised with, and copies of relevant documents provided to the insurer, as part of this application. Should you later wish to dispute the decision at the Workers Compensation Commission, you must have supplied all information for consideration. The Workers Compensation Commission will not allow introduction of any information not previously considered by the insurer. The Workers Compensation Commission is limited to consideration of matters notified in the final dispute notice or in this application (reference section 289 of the Workplace Injury Management and Workers Compensation Act 1998).

Signed: (*worker or representative*)

Dated:

COUNCIL NOTICES

BATHURST REGIONAL 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*, Bathurst Regional Council hereby dedicates the land described in the Schedule below as a public road.

DAVID SHERLEY, General Manager, Bathurst Regional Council, Locked Bag 17, Bathurst NSW 2795.

Schedule

Lot 4 DP1196263

Lot 5 DP1196263

Lot 6 DP1196263

All lots listed above form part of Wambool Road, O'Connell.
[7833]

BATHURST REGIONAL 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 as a Public Road.

DAVID SHERLEY, General Manager, Bathurst Regional Council, Private Mail Bag 17, Bathurst NSW 2795

Schedule

Lot 21 in DP1197771

being land situated on Freemantle Road, Milkers Flat, 2795.
[7834]

COOMA-MONARO SHIRE COUNCIL

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land

Cooma-Monaro Shire 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 public road.

Dated at Cooma this 4th day of February 2015

JOHN VUCIC, General Manager, Cooma-Monaro Shire Council, PO Box 714, Cooma NSW 2630

Schedule

Lot 7007 DP1028564 [7835]

KU-RING-GAI COUNCIL

HERITAGE ACT 1977

Interim Heritage Order No 2

Under section 25 of the *Heritage Act 1977* Ku-ring-gai Council does by this order:

- i. make an interim heritage order to cover the item of the environmental heritage specified or described in Schedule "A"; and
- ii. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule "B".

This Interim Heritage Order will lapse six months from the date that it is made unless the local Council has passed a resolution before that date either:

1. in the case of an item which, in the Council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
2. in the case of an item which in the Council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Sydney 4 February 2015

JOHN McKEE, General Manager, Ku-ring-gai Council, Locked Bag 1056, Pymble NSW 2073

Schedule "A"

The property known as Irrawang, situated at 6 Caithness Street, Killara on land described in Schedule B.

Schedule "B"

All those pieces or parcels of land known as Lot 6, DP 14824 in Parish of Gordon, County of Cumberland. [7836]

WAGGA WAGGA CITY COUNCIL

Roads Act 1993, Section 10

Notice of Dedication of Land as Public Road

Notice is hereby given that Wagga Wagga City Council dedicates the land described in the schedule below as public road under section 10 of the *Roads Act 1993*.

PHIL PINYON, General Manager, Wagga Wagga City Council, PO Box 20, Wagga Wagga NSW 2650

Schedule

Lot 51 DP 1179795 [7837]

WILLOUGHBY CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

Rosanna Close, Kingsmeadow Close & Garden Place

Notice is hereby given that in accordance with section 162 of the *Roads Act 1993*, as amended, Council has named the roads shown hereunder:

Location	Name
Starting at the southern end of Remuera Street, Willoughby NSW and running approximately 70m to the east before turning 90 degrees to the north for a further 70m.	Rosanna Close
Starting at the eastern end of Mowbray Place, Willoughby NSW and running to the south for approximately 138 m.	Kingsmeadow Close
Starting from Eastern Valley Way, Willoughby NSW opposite the western end of Morotai Crescent, Castlecrag and running to the north approximately 83 m.	Garden Place

DEBRA JUST, General Manager, 31 Victor Street, Chatswood NSW 2067. Tel: (02) 9777 1000, email: email@willoughby.nsw.gov.au [7838]

PRIVATE ADVERTISEMENTS

NOTICE OF SALE BY PUBLIC AUCTION

Unless the Sydney Local Court, Writ for Levy of Properties:2006/00301254, 2009/00349584, 2009/00347285 & 2012/00226206 is previously satisfied, the Sheriff's Office at Sydney East intends to sell by Public Auction the following Real Property of Mary BOBOLAS, known as house and land in deposited plan Lot 56, DP 9503 also known as 19 Boonara Ave, Bondi NSW 2026. Local Government Area of Waverley, County of Cumberland, Parish of Alexandria or as much as may be necessary to satisfy an outstanding judgement debt.

The sale will be held on Tuesday 17th February 2015 at 06:30pm. Location at Cooley Auctions, Level 1, 22 Cross Street, Double Bay NSW 2028.

Please address all enquiries of the sale to: Ric Serrao, Raine and Horne Double Bay/Bondi Beach.Tel: 0412 072 178
Email: ric@rhdb.com.au [7839]

By Authority

JILL WAYMENT, Government Printer