



Government Gazette

of the State of

New South Wales

Number 73

Friday, 9 September 2016

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.

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

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GOVERNMENT NOTICES

Miscellaneous Instruments



Department
of Industry
Resources & Energy

Scheme Rules (Accredited Service Providers) Order 2016

under the

Electricity Supply (Safety and Network Management) Regulation 2014

I, the Minister for Industry, Resources and Energy, pursuant to clause 26 of the *Electricity Supply (Safety and Network Management) Regulation 2014*, by the following Order make the Scheme Rules for the accreditation of providers of contestable network services.

Date:28/08/2016.

ANTHONY ROBERTS, MP
Minister for Industry, Resources and Energy

Explanatory note

The object of this Order is to revoke the old Scheme Rules and makes the new Scheme Rules to:

- align the Scheme Rules with the changes made by the Electricity Supply (Advanced Meters) Act 2016 for the market led roll out of smart meters;
- eliminate the current duplication for Accredited Service Providers who apply for multiple levels of accreditation; and
- modernise the rules to reflect the maturity of the Contestable Works market, including less prescriptive insurance requirements, clarification of grading criteria and closer alignment of competency requirements with the Australian Qualifications Framework.

1 Name of Order

This Order is the *Scheme Rules (Accredited Service Providers) Order 2016*.

2 Commencement

The Scheme Rules are made and commence on the day this Order is published in the Gazette.

3 Definitions

In this Order:

commencement date means the date on which this Order commences and the Scheme Rules are made.

old Scheme Rules means the rules relating to the accreditation of contestable service providers, published in the Gazette on 27 February 2015 (pages 510-598) as in force from time to time before the commencement date.

4 Revocation of old Scheme Rules

- (1) The old Scheme Rules are revoked from the commencement date.
- (2) The revocation of the old Scheme Rules does not—
 - (a) revive anything not in force or existing at the time the revocation takes effect;
 - (b) affect the previous operation of the old Scheme Rules or anything done or begun under or in accordance with the old Scheme Rules; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under the old Scheme Rules.
- (3) An ASP accreditation that was in force immediately before the commencement date continues in force.
- (4) In Part 2, section A (Classes of contestable network services) of the Scheme Rules, a person who was previously accredited under a category listed in column 1 under the old Scheme Rules is taken to be accredited under the class of accreditation listed in column 2 of the Scheme Rules.

Column 1 - old category	Column 2 - new class of accreditation
Level 1 Overhead	Class 1A Overhead
Level 1 Underground	Class 1B Underground paper lead and polymeric
Level 1 Underground - Poly only	Class 1C Underground polymeric only
Level 2 ASP Category 1	Class 2A Disconnect and reconnect
Level 2 ASP Category 2	Class 2B Work on underground service conductors
Level 2 ASP Category 3	Class 2C Work on overhead service conductors.
Level 2 ASP Category 4	Class 2D Installing metering for meter types 5 to 6
Level 3 ASP	Class 3A Design – Overhead systems Class 3B Design – Underground systems

5 Scheme Rules

The Scheme Rules are made as set out in Schedule 1.



Schedule 1

Scheme Rules



Department
of Industry

NSW ACCREDITED SERVICE PROVIDER (ASP)

SCHEME RULES

August 2016

Published by NSW Department of Industry, Skills and Regional Development

NSW Accredited Service Provider (ASP) Scheme Rules

Published August 2016

More information

Made by the Minister for Industry, Resources and Energy under clause 26 of the *Electricity Supply (Safety and Network Management) Regulation 2014*

www.industry.nsw.gov.au

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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing August 2016. However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Industry, Skills and Regional Development or the user's independent advisor.

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Introduction

This document sets out the rules for the accreditation of providers of contestable network services under Part 3 of the *Electricity Supply Act 1995* (the **Act**). Under section 31A of the Act, a person who provides contestable network services must be accredited, in accordance with the *Electricity Supply (Safety and Network Management) Regulation 2014* (the **Regulation**), to provide those services (an **accredited service provider** or **ASP**).

Clause 26 of the Regulation provides that the Minister may make Scheme Rules for the purposes of Part 3 of the Regulation (Accreditation of providers of contestable services). These Scheme Rules establish a framework for an ASP to provide contestable network services in a safe and competent manner for the design, construction and installation of electricity works that comprise of or are connected to the electricity distribution networks in NSW (**ASP Scheme**).

Part 1 sets out the **background** to accreditation and the **conditions of accreditation** a person must satisfy to maintain accreditation under the Scheme.

Part 2 sets out the **Scheme Rules** relating to:

- Classes of contestable network services in respect of which a person may be accredited
- Eligibility requirements for an accreditation or for renewal of an accreditation
- How to apply for an accreditation or for renewal
- How an applicant for an accreditation or renewal can give evidence of eligibility
- Fees required for an the application for, or renewal of, an accreditation, and
- How to apply for a review.

PART 1: BACKGROUND

A. General

Customers who need certain services to physically connect to the distribution network may be required to pay for these services. These are called 'contestable network services'. In many cases, customers will need to engage their own service provider. The Act requires that these service providers be accredited.

Contestable network services may involve (but are not limited to) the installation of underground and overhead services, service equipment, transformers, switchgear, Type 5 and 6 electricity meters (until December 2017), protection equipment, augmentation and design work. The Scheme supports an environment where these contestable services can be carried out in a safe and competent manner.

An applicant for accreditation under the ASP Scheme may be any legal person, including a company or an individual. An individual may also apply for accreditation under their business name. To be accredited, a person must meet the eligibility requirements for their particular class of accreditation.

The eligibility requirements for accreditation (see Part 2 below) include having:

- a specified person or persons who are appropriately qualified and competent to perform work aligned to certain classes of accreditation
- specified insurance policies, and
- specified management systems in place.

Once an individual and or company (hereafter referred to as Business) is accredited as an ASP, any person engaged to carry out contestable work on behalf of that ASP must be:

- registered with the ASP Scheme, and,
- authorised by the relevant local electricity distributor to perform contestable network services.

Accreditation is not transferable. Therefore, if an ASP changes to operate under a new ACN (e.g. by dissolving a company and forming another), the new company will be required to make a new application to be accredited under the ASP Scheme.

B. Conditions of accreditation

Accreditation is subject to the following general conditions:

- (a) contestable network services are only to be carried out in accordance with the Level and grading of the ASP;
- (b) contestable network services are only to be carried out by personnel registered and authorised to carry out that class of contestable network service;
- (c) ASPs must maintain their management systems (see Part 2, section B of the Scheme Rules);
- (d) ASPs must maintain current policies of relevant insurances (see Part 2, section B of the Scheme Rules);
- (e) all work must be undertaken in a safe manner and in accordance with:
 - i. all relevant Acts, Regulations and this Scheme;
 - ii. the Service and Installation Rules of NSW;
 - iii. the relevant aspects of the local electricity distributor's electricity network safety management system; and
 - iv. the ASP's safety management systems.
- (f) ASPs must use appropriate personal protective equipment, tools and equipment which ensure the safety of public and persons when carrying out contestable network services.

The Secretary may, in addition to the general conditions, impose specific conditions on the accreditation of a particular person or class of persons where the Secretary considers it is appropriate to do so in all the circumstances.

The conditions of accreditation for an ASP will be set out in the letter granting accreditation or renewal of accreditation. An ASP must comply with those conditions.

A breach of a condition of accreditation may lead to the suspension or cancellation of a person's accreditation under clause 22 of the Regulation or a refusal to renew accreditation under clause 18 of the Regulation.

C. Registration of personnel

All ASPs are required to register with the Scheme any personnel (for example, an employee, director or sub-contractor of the ASP) who will be performing work on or near existing electricity network on behalf of the ASP and for which the ASP is accredited. An ASP must apply to the Scheme for such registration using the

separate form provided for this purpose. For new applicants, a copy of this form is included with the application form at the end of this document.

No separate fee for registration is required at the time of initial accreditation or where an existing ASP needs to have additional personnel registered because it is applying to add a category of accreditation.

Following registration, the local electricity distributor/s will require personnel to undertake training in relevant safety and operating procedures.

An ASP must notify the Scheme of changes in staff. Personnel, including employees and sub-contractors, will not be able to be authorised by the local electricity distributor until they have been registered by the Scheme

D. Authorisation of personnel

For a Business to be accredited, an applicant must nominate at least one person that is appropriately qualified and competent to perform services within the relevant class of accreditation, and who will be registered under the Scheme Rules. That person must meet the eligibility requirements for accreditation as an ASP. Once accreditation is granted, contestable network services can only be carried out on behalf of the ASP by the personnel who are registered under the Scheme Rules in respect of that class of accreditation.

Local electricity distributors will also only allow a person to carry out contestable network services on or near their network if that person is:

- registered with the ASP Scheme, and
- authorised by that distributor.

Note that on or near the assets includes physical proximity to or contact with an asset, not just the electrical circuit component of the assets.

E. Grading ASPs

Level 1 and 2 ASPs will be graded from A to C at the time of accreditation, with A being the highest and C the lowest. These grades are intended to reflect the general level of competence and expertise of the ASP. When work is completed by an ASP, the inspection fees charged by the local electricity distributor may vary according to the ASP's grade.

For Level 2 ASPs these fees are calculated according to the number of inspections for each grade and are charged when each Notice of Service Work (NOSW) is lodged.

These fees are set by an independent economic regulator, the Australian Energy Regulator (AER).

A Level 1 and 2 ASP may request a review of its grading for the purpose of obtaining a higher grading (grade progression review). A request for review must be made in writing to the Manager, Energy Networks and ASPs at the Division of Resources and Energy and include payment of the appropriate regrading application fee.

To be eligible for a grade progression review, an ASP must not have had, in the 12 months prior to the application for grade progression review, any suspension or cancellation applied to their accreditation.

In the event that any cancellation or suspension (excepting temporary action that may have been applied while an investigation was being carried out by a network operator) has been applied to:

- a. the authorisation of any employee working for the ASP; or
- b. the authorisation of any sub contracted authorised person engaged by and working on the project of the applicant ASP,

the Secretary may impose a cessation of any grade progression review up to a maximum of 12 months from the latest suspension and or cancellation.

A grade progression review will not proceed if an investigation being carried out by a network operator or the ASP scheme is underway on any matter involving the ASP, their employee(s) or any subcontractor(s).

A suspension in this context does not include a suspension applied for accreditation and or authorisation expiration purposes.

Conditions attached to an accreditation with respect to grading will have precedence in application over any grade progression review. The Secretary may commence an assessment at any point in time to determine if the grading of an ASP is appropriate.

Grading for Level 1 ASPs:

When accreditation is granted under the Regulation, a Level 1 ASP will be graded in accordance with the grading assessment method set out below. Once graded, a Level 1 ASP may only apply for a higher grade after the later date of 12 months at the existing grade or 12 months after the previous application for review.

As set out in the Scheme Rules below, applicants seeking accreditation as a Level 1 ASP must be assessed by an independent assessor appointed by the Secretary. The grading of Level 1 ASPs is carried out by an independent assessor at the time of the assessment of the management system under the Scheme Rules (see Part 2 B (3) of the Scheme Rules).

Step 1: When the independent assessor assesses the applicant's management systems under the Scheme Rules (in accordance with the table at Appendix A), each individual management system must obtain a score of 55% or more to be eligible for a grading assessment. An applicant who scores below 55% for one or more management systems will not qualify for accreditation, or in the event of having accreditation at the time of assessment, will have their accreditation suspended.

Step 2: If all management systems have scored 55% or more then the independent assessor's total score of all management systems in the form at Appendix A (out of 284), when converted to a percentage (score/284 x 100), will determine the applicant's grading in accordance with the table 1 below.

Table 1: Level 1 Assessment Grading

Maximum Total Score possible	Assessor's Total Score	Applicant's Percentage	Applicant's ranking	Grading
284 (see Appendix A)		$\frac{\text{total score}}{284}$	Greater than 85%	A
			>70% and ≤85%	B
			≥55% and ≤70%	C
			Less than 55%	UNSUCCESSFUL

Grading for Level 2 ASPs:

An applicant for a Level 2 ASP will be given an initial grade of B when granted accreditation unless previous history and or accreditation conditions prevent this. The Secretary has the authority to allocate a different grade.

In order to obtain a higher grade or to maintain a current grading, a Level 2 ASP must obtain the relevant score in the table 2 below, using the ASP's activity from the 12 months prior to the assessment.

Table 2: Level 2 Assessment Grading

Grade	Minimum number of inspections of services	Relevant Score (Number of defects as a % of inspections)
A	1 in 25	Less than 3%
B	1 in 5	3% to 5% inclusive
C	1 in 1	Greater than 5% to 20%

Following an application for re-grading, the ASP Scheme will request each relevant electricity distributor to provide data on the services completed by that ASP and inspected by the electricity distributor.

A minimum number of services will need to be completed before an ASP (who also satisfies the defect requirement for the higher grade) can progress to a higher grade, as follows:

B grade to A grade: a minimum of 150 projects (nominally 30 inspections)

C grade to B grade: a minimum of 50 projects (nominally 50 inspections)

For the purposes of these minimums, the ASP Scheme may use a period greater than 12 months prior to the application.

Grading for Level 3 ASPs:

There is currently no grading of Level 3 applicants or Level 3 ASPs.

PART 2: SCHEME RULES

A. Classes of contestable network services

There are three types of contestable network services under the Scheme Rules (Levels 1 to 3). Within each type, there are multiple classes of accreditation that enable an ASP to carry out contestable network services. The types and classes of accreditation are set out below.

1. Level 1 ASP

The services that can be provided by a Level 1 ASP consist of constructing and installing electricity distribution works to enable the provision of customer connection services (these are services related to a new connection or alteration to a connection as defined in section 24(3) of the Electricity Supply Act 1995 and chapter 5A of the National Electricity Rules). Examples include:

- the laying and stringing of electricity cables as well as the jointing of cables;
- erecting electricity poles and excavating underground cable trenches;
- 'line work' such as working with live electricity cables (but not live High Voltage);
- building or working on or inside electricity distribution sub-stations; and

- construction work that may include the use of plant and equipment.

A Business that is accredited as a Level 1 ASP can be accredited in any of following four classes:

Class 1A (previously known as Category 1 Overhead) – Overhead – work on or near the overhead electricity network:

- examples include pole erection, tower construction, conductor stringing and tensioning, street lighting works comprising pole erection, stringing of conductors and luminaire erection and substation construction.

Class 1B (previously known as Category 2a Underground) – Underground Paper lead and Polymeric – work on or near the underground electricity network, including polymeric and paper lead cables:

- examples include cable trench excavation, duct laying, cable pit construction, pillar installation, cable laying and jointing, street lighting works comprising underground standard erection, cable laying and luminaire erection and substation construction.

Class 1C – (previously known as Category 2b Underground) – Underground Polymeric only – work on or near the underground electricity network as described for Class 1B but excluding work on paper lead or CONSAC cables.

Class 1X – Non-electrically qualified. This class allows non-electrically qualified personnel to be registered with the ASP Scheme in accordance with the Scheme Rules. It also allows application to be made to a distributor for authorisations not covered in the Scheme Rules, where the requirements for those authorisations are set by the Distributors. Examples of specific authorisations that may be required by a distributor include:

- electrical trade related works performed by electrical trades apprentices covered by a training contract that may be required to work on or near the network under direct and constant supervision of an appropriately authorised person,
- work performed by persons engaged by a telecommunications network operator on telecommunications assets attached to electricity network operator assets,
- trades assistant work such as safety observer, rescue assistant and plant operator.

2. Level 2 ASP

The services that can be undertaken by a Level 2 ASP are as follows (but not limited to):

Class 2A (previously known as Category 1) – Disconnect and reconnect.

- Disconnection and reconnection of service lines at the connection point – but only work at the connection point that does not involve accessing network operator assets and no mechanical changes to network assets are required.

Class 2B (previously known as Category 2) – Work on underground service conductors. For example:

- remove and replace a local electricity distributor security seal in accordance with local electricity distributor procedures;
- installation and connection of underground service lines in accordance with the NSW Service & Installation Rules;
- relocate/upgrade an existing underground service line and restore supply on completion;
- disconnection and reconnection of underground service lines at the point of common coupling and the connection point; and
- replacement of service protection device and meter protection device fuse(s), service active and neutral links.

Class 2C (previously known as Category 3) – Work on overhead service conductors. For example:

- remove and replace a local electricity distributor security seal in accordance with local electricity distributor procedures;
- installation and connection of overhead service lines in accordance with the Service & Installation Rules of NSW;
- relocate/upgrade an existing overhead service line and restore supply on completion;
- disconnection and reconnection of overhead service lines at the point of common coupling and the connection point; and
- replacement of service protection device and meter protection device fuse(s), service active and neutral links.

Class 2D (previously known as Category 4) – Installing metering for meter types 5 to 6 and other Network Operator service equipment:

- remove and replace a local electricity distributor security seal in accordance with local electricity distributor procedures;
- installation and removal of whole current metering equipment in accordance with the local distributor's published standards; and
- disconnection and reconnection of the installation at the connection point; and
- energising new installations.

An ASP may only remove or install meters of types 1 to 4 if the ASP is also accredited as a meter provider with the Australian Energy Market Operator (AEMO) or the ASP is undertaking this work as a sub-contractor to another company which is properly accredited by AEMO for this purpose

Class 2X – Non-electrically qualified. This class allows non-electrically qualified personnel to be registered with the ASP Scheme in accordance with the Scheme Rules. It also allows application to be made to a distributor for authorisations not covered in the Scheme Rules, where the requirements for those authorisations are set by the Distributors. Examples of specific authorisations that may be required by a distributor include:

- electrical trade related works performed by electrical trades apprentices covered by a training contract that may be required to work on or near the network under direct and constant supervision of an appropriately authorised person,
- work performed by persons engaged by a telecommunications network operator on telecommunications assets attached to electricity network operator assets,
- trades assistant work such as safety observer, rescue assistant and plant operator.

3. Level 3 ASP

Level 3 ASPs design electricity network assets, underground and/or overhead.

A person that is accredited as a Level 3 ASP can be accredited in the following classes:

Class 3A – Design of overhead electricity reticulation. For example:

- Evaluate cost estimations, design overhead distribution networks, design distribution substations, develop high and low voltage distribution protection systems, design substation modifications, prepare and manage detailed construction plans for electricity network infrastructure including overhead street lighting, organise and implement electricity supply line and easement surveys.

Class 3B – Design of underground electricity reticulation. For example:

- Evaluate cost estimations, design underground distribution networks, design distribution substations, develop high and low voltage distribution protection systems, design substation modifications, prepare and manage detailed construction plans for electricity network infrastructure including underground street lighting, organise and implement electricity supply line and easement surveys.

Note: From a pragmatic perspective it is recognised that a class 3A will need to design small components of underground systems, for example, cables may run down a pole to a service pillar or a High Voltage cable may run down a pole to a nearby padmount substation on a consumer's property.

Similarly, a class 3B is permitted to enter into the overhead space to design for example, an underground interface to an overhead system.

B. Eligibility requirements

A person cannot be accredited to carry out a class of contestable network services unless they meet the eligibility requirements for that class of accreditation. All of the eligibility requirements must be maintained for the duration of a person's accreditation.

Note: Clause 22 of the Regulation provides that the Secretary may suspend or cancel a person's accreditation if the Secretary considers the person no longer satisfies the eligibility requirements for an accreditation or for renewal of an accreditation under the Scheme Rules.

A person will only be eligible for accreditation to carry out a particular class of contestable network services if they have (or, in the case of a business, they have personnel who have) obtained the appropriate qualifications and training to carry out that class of contestable network services and have demonstrated competence within the last 12 months in safety and testing procedures appropriate for the classification.

1. Qualification and training requirements

A person will satisfy the qualification and training requirements for a class of contestable network services if they satisfy one or more of the following requirements:

- a) they are currently registered within the ASP scheme to carry out the contestable network services within that class; or
- b) they hold the relevant Australian Qualification Framework (AQF) training qualification/s, and have undergone the relevant training for that class of contestable network services, as set out in the tables below. The training must have been delivered by a Registered Training Organisation (RTO) as set out in the tables below; or
- c) they are a former employee of a NSW electricity distributor and can satisfy the Secretary that they meet all of the following requirements:
 - (i) they have worked with the electricity distributor in a period no more than 24 months prior to the date of application for accreditation or registration and their core work was trade related work aligned to the class of accreditation or registration they are applying for (this must be supported by a conclusive and unambiguous statement from the electricity distributor);
 - (ii) they were authorised by the electricity distributor to carry out the work that aligns to the class of accreditation they are applying for;
 - (iii) they have obtained a qualification or certification relevant to the type of work within the class of accreditation they are applying for; and,
 - (iv) (for Level 1 and Level 2 applications) they can provide evidence of competency from the electricity distributor or have a current statement of attainment from an RTO for the unit of competency UETDRRF11A – Testing of connections to low voltage electricity networks.

Table 3: Level 1 ASP Qualification and training requirements

Level 1 ASP Qualification and training requirements		
Accredited Service Provider (ASP) Scheme Classes of Contestable network services <i>(type of work)</i>	ASP Scheme Qualification Criterion for Level 1 ASPs <i>Training organisations must be registered with Australian Skills Quality Authority or their state training authority and must have the relevant qualification and unit of competency on their scope of registration to deliver training and/or assessment</i>	
	Core Qualifications (refer Note 1)	Additional Mandatory Competency Units (refer to Note 2)
Class 1A – carry out work on or near the overhead electricity network	UET30612 – Certificate III in ESI – Power Systems – Distribution Overhead	UETDTRRF11A - Testing of connections to low voltage electricity networks
Class 1B – carry out work on or near the underground electricity network including both paperlead and polymeric and associated underground asset installation works	UET30812 – Certificate III in ESI – Power Systems – Distribution Cable Jointing	UETDTRCJ21A – Lay ESI electrical cables AND UETDTRCJ22A – Install & maintain de-energised LV UG paper insulated cables AND UETDTRCJ23A - Install and maintain de-energised high voltage underground paper insulated cables AND UETDTRRF11A - Testing of connections to low voltage electricity networks
Class 1C – carry out work on or near the underground electricity network and associated underground asset installation works limited to polymeric cables only	UET30812 – Certificate III in ESI – Power Systems – Distribution Cable Jointing OR UEE30811 – Certificate III in Electro-technology Electrician (or equivalent) OR UET30612 – Certificate III in ESI – Power Systems – Distribution Overhead	UETDTRCJ21A – Lay ESI electrical cables AND UETDTRCJ26A – Install & maintain de-energised low voltage underground polymeric cables AND UETDTRCJ27A – Install & maintain de-energised high voltage underground polymeric cables AND UETDTRRF11A - Testing of connections to low voltage electricity networks
<p>Note 1: Upon verification; those holding an equivalent qualification to:</p> <ul style="list-style-type: none"> UET30612 and/or UET30812 documented in the UET12 Training Package and all corresponding units of competency that proceed back to and are inclusive of UTT30101 and/or UTT30301 documented in the UTT98 Training Package will also meet the qualification requirements noted in this Level 1 table; or UEE30811 documented in the UEE11 Training Package and all corresponding units of competency that proceed back to and are inclusive of UTE31199 documented in the UTE99 Training Package will also meet the qualification requirements noted in this Level 1 table. <p>Note 2: Registered Training Organisations (RTO's) must ensure that any/all prerequisite units of competency (as specified within each of the relevant competency standards) have been achieved prior to awarding any of the units of competency specified within the "Additional Mandatory Competency Units" column of Level 1 table.</p>		

Details are to be submitted in the qualifications section of the Level 1 ASP Application Form

Table 4: Level 2 ASP Qualification and training requirements

Level 2 ASP Qualification and training requirements		
Classes of Contestable Services (type of work)	ASP Scheme Qualification Criterion for Level 2 ASPs <i>Training organisations must be registered with Australian Skills Quality Authority or their state training authority and must have the relevant qualification and unit of competency on their scope of registration to deliver training and/or assessment</i>	
	Core Qualifications (refer Note 1)	Additional Mandatory Competency Units (refer to Note 2)
Class 2A – Disconnect and reconnect at connection point	Meet requirements for class 2B or 2C OR Currently registered for Disconnect / reconnect (former Level 2 Category 1)	UETTDREL16A - Working safely near live electrical apparatus AND UETDRRF11A - Testing of connections to low voltage electricity networks
Class 2B – Underground Services (previous Category 2)	UEE30811 – Certificate III in Electro-technology Electrician (or equivalent) OR UET30812 – Certificate III in ESI – Power Systems – Distribution Cable Jointing	UETTDRI55A – Install and maintain low voltage underground services AND UETDRRF11A - Testing of connections to low voltage electricity networks
Class 2C – Overhead Services (previous Category 3)	UEE30811 – Certificate III in Electro-technology Electrician (or equivalent) OR UET30612 – Certificate III in ESI – Power Systems – Distribution Overhead	UETTDRI56A – Install and maintain low voltage overhead services AND UETDRRF11A - Testing of connections to low voltage electricity networks
Class 2D – Metering & Energising Installations – including disconnect and reconnect (previous Category 4)	UEE30811 – Certificate III in Electro-technology Electrician (or equivalent)	UETTDREL16A - Working safely near live electrical apparatus AND UEENEK142A - Apply environmentally and sustainable energy procedures in the energy sector AND either (i) UETTDRI60A – Install and replace power system meters and associated equipment, or, (ii) UEENEEG171A install, setup and commission interval metering AND UETDRRF11A - Testing of connections to low voltage electricity networks
<p>Note 1: Upon verification; those holding an equivalent qualification to:</p> <ul style="list-style-type: none"> UET30612 and/or UET30812 documented in the UET12 Training Package and all corresponding units of competency that proceed back to and are inclusive of UTT30101 and/or UTT30301 documented in the UTT98 Training Package will also meet the qualification requirements noted in this Level 2 table; or UEE30811 documented in the UEE11 Training Package and all corresponding units of competency that proceed back to and are inclusive of UTE31199 documented in the UTE99 Training Package will also meet the qualification requirements noted in this Level 2 table. <p>Note 2: Registered Training Organisations (RTO's) must ensure that any/all prerequisite units of competency (as specified within each of the relevant competency standards) have been achieved prior to awarding any of the units of competency specified within the "Additional Mandatory Competency Units" column of Level 2 table.</p>		

Details are to be submitted in the qualifications section of the Level 2 ASP Application Form

Table 5: Level 3 ASP Qualification and training requirements

Level 3 ASP Qualification and training requirements	
<p>Class 3A: Design of overhead electricity reticulation</p>	<p>Criteria 1 – Professional qualifications:</p> <p>(a) Professional qualifications:</p> <p style="padding-left: 20px;">(i) Professional Engineer with the Institution of Engineers Australia, National Engineering Registration (NER) in the Electrical area of practice; or,</p> <p style="padding-left: 20px;">(ii) Engineering Technologist or Associate with the institute of Engineers Australia, National Engineering Registration (NER) in the Electrical area of practice;</p> <p>and</p> <p>(b) Minimum 12 months industry experience in designing electricity reticulation systems for overhead (evidenced by a statement of duties and experience from previous and or current employer(s)); and</p> <p>(c) provide a declaration indicating the applicant has knowledge of the electricity distributors' construction Standards and specifications relevant to overhead construction.</p> <p>OR</p> <p>Criteria 2 Industry specific training qualifications:</p> <p>(a) Completion of training package UET60212 - Advanced Diploma of ESI - Power Systems including elective units:</p> <ul style="list-style-type: none"> • UETDRDS31A Draft and layout a power system overhead distribution extension • UETDRDS33A Draft and layout a power system street lighting system • UETDRDS34A Draft and layout a power system distribution substation minor upgrade • UETDRDS35A Design overhead distribution power systems • UETDRDS37A Design power system distribution substations • UETDRDS38A Design power system public lighting systems • UETDRDS39A Prepare and manage detailed construction plans for electrical power system infrastructure <p>and</p> <p>(b) provide a declaration indicating the applicant has knowledge of the electricity distributors' construction Standards and specifications relevant to overhead construction.</p> <p>OR</p> <p>Criteria 3 Industry Experience:</p> <p>a) documentary evidence of at least 5 years industry experience in designing electricity overhead reticulation systems of the category for which accreditation is required;</p> <p>b) at least one written reference from an electricity distributor or similar organisation confirming the designer's experience and competence in overhead reticulation design; and,</p> <p>c) provide a declaration indicating the applicant has knowledge of the electricity distributors' construction Standards and specifications relevant to overhead construction.</p>

<p>Class 3B: Design of underground electricity reticulation</p>	<p>Criteria 1– Professional qualifications:</p> <p>(a) Professional qualifications:</p> <p style="padding-left: 20px;">(i) Professional Engineer with the Institution of Engineers Australia, National Engineering Registration (NER) in the Electrical area of practice; or,</p> <p style="padding-left: 20px;">(ii) Engineering Technologist or Associate with the institute of Engineers Australia, National Engineering Registration (NER) in the Electrical area of practice;</p> <p>and</p> <p>(b) Minimum 12 months industry experience in designing electricity reticulation systems for underground (evidenced by a statement of duties and experience from previous and or current employer(s)); and</p> <p>(c) provide a declaration indicating the applicant has knowledge of the electricity distributors' construction Standards and specifications relevant to underground construction.</p> <p>OR</p> <p>Criteria 2 - Industry specific training qualifications:</p> <p>(a) Completion of training package UET60212 - Advanced Diploma of ESI - Power Systems including elective units:</p> <ul style="list-style-type: none"> • UETDRDS32A Draft and layout a power system underground distribution extension • UETDRDS33A Draft and layout a power system street lighting system • UETDRDS34A Draft and layout a power system distribution substation minor upgrade • UETDRDS36A Design underground distribution power systems • UETDRDS37A Design power system distribution substations • UETDRDS38A Design power system public lighting systems • UETDRDS39A Prepare and manage detailed construction plans for electrical power system infrastructure <p>and</p> <p>(b) provide a declaration indicating the applicant has knowledge of the electricity distributors' construction Standards and specifications relevant to underground construction.</p> <p>OR</p> <p>Criteria 3 Industry Experience:</p> <p>(a) documentary evidence of at least 5 years industry experience in designing electricity underground reticulation systems of the category for which accreditation is required;</p> <p>(b) at least one written reference from an electricity distributor or similar organisation confirming the designer's experience and competence in underground reticulation design; and</p> <p>(c) provide a declaration indicating the applicant has knowledge of the electricity distributors' construction Standards and specifications relevant to underground construction.</p>
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Details are to be submitted in the qualifications section of the Level 3 ASP Application Form

2. Insurance requirements

A person must hold current policies for the following insurances:

- a) Public/Products Liability Insurance covering loss of at least \$20 million for Level 1 ASPs and \$10 million for Level 2 and 3 ASPs; and
- b) (for Level 3 ASPs only) Professional Indemnity Insurance covering loss of at least \$2 million.

Details are to be submitted in the insurance section of the appropriate Level 1, 2 or 3 Application Forms

3. Requirements for Management Systems

A person must have the following management systems in place:

- work health & safety management systems;
- business management systems;
- environmental management systems;
- resource management systems; and
- performance management systems.

The criteria for assessing the management systems for each class of accreditation are set out in the following appendices:

Level 1 ASP – refer to Appendix A

Level 2 ASP – refer to Appendix B

Level 3 ASP – refer to Appendix C

The management systems for a Level 1 ASP applicant will be reviewed by an independent ASP Assessor appointed by the Department. This assessment may take place at the applicant's place of work.

Level 2 ASP applicants and Level 3 ASP applicants must submit a declaration of compliance and copies of their management systems with their application as evidence that the management systems comply with Appendices B and C respectively. The Secretary may determine that an applicant needs to alter their management system to be compliant with these requirements.

C. How to give evidence of eligibility

Applicants must provide evidence that they meet the eligibility requirements for accreditation as follows:

- **Qualifications and training:** Certified copy of the relevant certificate and a transcript (record of results) relevant to the qualification and training carried out must accompany an application form.

Note: a Certificate of Proficiency relevant to the class of contestable network services will be accepted as a part of the AQF. Classes 1X and 2X only require registration with the department, with evidence of qualifications and training to be submitted to a distributor if specific authorisation is sought with that Distributor.

- **Management systems:** Evidence of management systems for Level 1 must be provided to the Scheme's assessor on site during the assessment. Declarations and evidence of management systems for Levels 2 and 3 requires documents (in hard or soft copy) to accompany an application form.
- **Insurances:** A copy of a certificate of currency for each type of insurance.

Evidence can be provided electronically, or in hard copy.

D. How to apply for a grant or renewal of accreditation

A person may apply for an accreditation or for the renewal of an accreditation, by completing the appropriate application form as in force from time to time and published on the Contestable network services website:

<http://www.resourcesandenergy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

There is a different application form for each level of accreditation (Level 1, 2 and 3 ASP). Applications must be accompanied by the relevant fee for processing the application (refer to paragraph E below).

As noted above, the applicant must provide evidence that they satisfy the eligibility requirements at the time of submitting the application form. Processing of an application will not occur unless all required evidence is supplied.

If an applicant has any questions about the Scheme Rules please contact the ASP Scheme on 02 9842 8636 or email asp.scheme@industry.nsw.gov.au

Completed application forms must be submitted to:

Manager, Accreditation Services
Division of Resources and Energy
Level 12, 10 Valentine Avenue
PARRAMATTA NSW 2051,
or by email to asp.scheme@industry.nsw.gov.au

E. Fees for the grant or renewal of accreditation

The fees required for an application for accreditation or for renewal of accreditation are set out below. Fees can be paid by card or cheque. See the appropriate application form for further details.

The fee for a Level 1 ASP application includes some of the costs of the assessor. However, in some cases the independent assessor will be required to incur additional travel and accommodation costs. The applicant will be required to cover these additional costs.

Table 6: Level 1 ASP Fees

	Fee	GST	Total
Accreditation application	\$1,799.09	\$179.91	\$1,979
Registrations*	\$177.27	\$17.73	\$195
Renewal of accreditation	\$266.36	\$26.64	\$293
Regrading application	\$1436.36	\$143.64	\$1580
Accreditation for an additional class	\$1,476.36	\$147.64	\$1,624

*(per block of 5 or part thereof, not applicable when submitted as part of Accreditation application)

Table 7: Level 2 ASP Fees

	Fee	GST	Total
Accreditation application	\$373.64	\$37.69	\$411
Registrations*	\$177.27	\$17.73	\$195
Renewal of accreditation	\$266.36	\$26.64	\$293
Regrading application	\$177.27	\$17.73	\$195

*(per block of 5 or part thereof, not applicable when submitted as part of Accreditation application)

Table 8: Level 3 ASP Fees

	Fee	GST	Total
Accreditation application	\$425.45	\$42.55	\$468
Registrations*	\$177.27	\$17.73	\$195
Renewal of accreditation	\$266.36	\$26.64	\$293

*(per block of 5 or part thereof, not applicable when submitted as part of Accreditation application)

F. How to apply for a decision review

Under the Regulation, a person may apply for a review of any decision to:

- refuse an application for accreditation
- refuse an application for renewal of accreditation
- impose or vary particular conditions of the accreditation
- refuse an application to vary or revoke any conditions of the accreditation
- suspend or cancel an accreditation; or
- not to act on a suspension of accreditation.

An application for a review of a decision of the Secretary must:

- a) be in writing;
- b) be served on the Secretary no later than:
 - ii) in the case of a decision to not act on a suspension – 56 days after the decision; or
 - iii) in any other case – 28 days after the person receives written notice of the decision; and
- c) state the reasons why the applicant considers that the decision should be reviewed.

The Secretary will review the application for review and make a determination in accordance with clause 25 of the Regulation.

APPENDIX A

Table 9: Level 1 ASP Management Systems

Level 1 ASP Management System			
System Component	Evidence	Score	Total Score
WORK HEALTH & SAFETY MANAGEMENT			
Safety Plan	WHS Policy Statement – evidence that the safety plan has been implemented.	/ 7	/ 7
Hazard risk assessment (HRA) (verify that HRA are being used in the field)	Evidence of hazard risk assessment procedures in place (hard or soft copy).	/ 7	
	Forms – evidence of use, validity & accessibility to all employee/s.	/ 7	/ 14
Safe work method statements (SWMS) (verify that SWMS are being used in the field)	Systematic approach – evidence of hardcopy or electronic procedures in place.	/ 7	
	SWMS – evidence of use, validity & accessibility to all employee/s.	/ 7	
	WHS requirement – evidence that a comprehensive collection of SWMS have been developed that covers all relevant electrical & construction work activities.	/ 7	/ 21
Safety equipment (verify through evidence of photos and/or registers)	Personal protective equipment (PPE) – appropriate & in good condition.	/ 7	
	Working at heights– available if required & in good condition.	/ 7	
	First aid kit/s – available all sites & vehicles.	/ 7	
	Tools – available & are in accordance with industry standards for working on electricity.	/ 7	
	Rescue Kit/s – Pole top & or confined spaces – available at all relevant sites.	/ 7	/ 35
	Safety management certification	Certification to AS/NZS 4801 – evidence of certifying body & expiry date.	/ 3
Work Health & Safety Management Total			/ 80
BUSINESS MANAGEMENT		Score	Total Score
Business management plan	Evidence of hardcopy or electronic procedures in place.	/ 7	
	Register – evidence that a register has been established and maintained.	/ 7	
	Worksite management plan – e.g. traffic & pedestrian control, signage etc.	/ 7	
	Review – evidence hardcopy or electronic review processes are in place.	/ 7	
Quality system certification	Certification to AS/NZS 9001 – evidence of certifying body and expiry date.	/ 3	/ 28
Business Management Total			/ 31
ENVIRONMENTAL MANAGEMENT		Score	Total Score

SCHEME RULES

Environment procedures and equipment	Evidence of hardcopy or electronic procedures in place – specific to working in proximity to roads, drains, water or other drainage flow lines.	/ 7	
	Erosion sediment control kit/s.	/ 7	
	Oil spill kit/s.	/ 7	/ 21
Environment system certification	Certification to AS/NZS 14000 – evidence of certifying body & expiry date.	/ 3	/ 3
	Environmental Management Total		/ 24
RESOURCE MANAGEMENT		Score	Total Score
Equipment	Evidence of hardcopy or electronic procedures in place.	/ 7	
	Maintenance schedule/register.	/ 3	
	Suitable plant, tools, equipment available.	/ 3	/ 13
Qualifications and training	Evidence of hardcopy or electronic procedures in place.	/ 7	
	Personnel qualifications – relevant & current.	/ 7	
	Employee/s – evidence of capability to nominate qualified personnel.	/ 7	
	Register – evidence that a register has been established and maintained for training.	/ 7	/ 28
Sub-contractors	Evidence of hardcopy or electronic procedures in place.	/ 7	
	Evidence that applicant is aware of the obligations of the Principal ASP.	/ 7	
	Contracting out to other ASPs – evidence that systems are in place.	/ 7	/ 21
	Resource Management Total		/ 58
PERFORMANCE MANAGEMENT		Score	Total Score
Monitor and review	Evidence of hardcopy or electronic procedures in place.	/ 7	
	Reviews – Evidence of reviews being carried out for employee/s and associated contractors – desktop or worksite.	/ 7	/ 14
Corrective and preventive actions (CAPA)	Evidence of hardcopy or electronic procedures in place.	/ 7	
	Register – evidence that a CAPA register has been established and maintained.	/ 7	
	Corrective action/s – evidence of actions taken related to incidents and how non-conformance reports are being managed.	/ 7	
	Preventive action/s – evidence of actions taken to limit and or prevent an incident or non-conformance from occurring again.	/ 7	
	WHS legislation – evidence of non-conformances in the last 12 months.	/ 7	
	Electricity distributor/s – evidence of non-conformances in the last 12 months.	/ 7	/ 42

SCHEME RULES

Project management	Evidence of hardcopy or electronic procedures in place.	/ 7	
	Process to identify or appoint a project manager.	/ 7	/ 14
Work performance	Completed project/s – evidence of industry and client references for projects related to electricity network and exceeding \$10,000.	/ 7	
	Compliance – evidence showing that work is being carried out satisfactorily.	/ 7	/ 14
Safety performance	Completed project/s – evidence of projects related to electricity network and exceeding \$10,000 have no safety breaches.	/ 7	/ 7
	Performance Management Total		/ 91

APPENDIX B

Table 10: Level 2 ASP Management System Table

Level 2 ASP Management System Checklist			
System component	Evidence	Tick the appropriate box	
		Yes	No
WORK HEALTH & SAFETY MANAGEMENT		Yes	No
Safety Plan	Endorsed and operational.	<input type="checkbox"/>	<input type="checkbox"/>
Hazard risk assessment (HRA)	Forms current & accessible to all personnel.	<input type="checkbox"/>	<input type="checkbox"/>
Safe work method statements (SWMS) (for each Class of Accreditation)	SWMS – being used, current & accessible to all personnel.	<input type="checkbox"/>	<input type="checkbox"/>
Safety equipment	Personal protective equipment (PPE)	<input type="checkbox"/>	<input type="checkbox"/>
	Working at heights equipment	<input type="checkbox"/>	<input type="checkbox"/>
	Tools – available & are in accordance with industry standards for the electrical supply industry for working on electricity.	<input type="checkbox"/>	<input type="checkbox"/>
	Rescue kit/s	<input type="checkbox"/>	<input type="checkbox"/>
BUSINESS MANAGEMENT		Yes	No
Qualifications (qualifications are relevant for ASP personnel who work on or near the electricity network)	Personnel/s qualifications – relevant & current.	<input type="checkbox"/>	<input type="checkbox"/>
Document control (knowing where your documents are and that they are the latest version available)	Register for HRAs and SWMS	<input type="checkbox"/>	<input type="checkbox"/>
RESOURCE MANAGEMENT		Yes	No
Qualifications and training	Register established and maintained of training for personnel and sub-contractors.	<input type="checkbox"/>	<input type="checkbox"/>
Equipment	Maintenance schedule/register.	<input type="checkbox"/>	<input type="checkbox"/>
	Suitable plant, tools, equipment available.	<input type="checkbox"/>	<input type="checkbox"/>
Sub-contracting	Applicant is aware of the obligations of being a Principal ASP.	<input type="checkbox"/>	<input type="checkbox"/>
	Contracting out to other ASPs – systems are in place.	<input type="checkbox"/>	<input type="checkbox"/>
PERFORMANCE MANAGEMENT		Yes	No
Corrective and preventive actions (CAPA)	CAPA register	<input type="checkbox"/>	<input type="checkbox"/>
	Corrective Action/s – process to determine, manage & review	<input type="checkbox"/>	<input type="checkbox"/>
	Preventive Action/s – process to determine, manage & review	<input type="checkbox"/>	<input type="checkbox"/>

APPENDIX C

Table 11: Level 3 ASP Management System Table

Level 3 ASP Management System Checklist			
System component	Evidence	Tick the appropriate box	
		Yes	No
WORK HEALTH & SAFETY MANAGEMENT		Yes	No
Safety plan	For field work	<input type="checkbox"/>	<input type="checkbox"/>
Hazard risk assessment (HRA)	Forms current & accessible to all personnel.	<input type="checkbox"/>	<input type="checkbox"/>
Safe work method statements (SWMS)	SWMS – being used, current & accessible to all personnel.	<input type="checkbox"/>	<input type="checkbox"/>
Safety equipment	Personal protective equipment (PPE) – appropriate & in good condition.	<input type="checkbox"/>	<input type="checkbox"/>
BUSINESS MANAGEMENT		Yes	No
Document control (knowing where your documents are and that they are the latest version available)	Register – a register has been established and maintained.	<input type="checkbox"/>	<input type="checkbox"/>
	Appropriate design review and approval systems/procedures in place and being used.	<input type="checkbox"/>	<input type="checkbox"/>
	Review – hardcopy or electronic review processes are in place.	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL MANAGEMENT		Yes	No
	Plans – incorporate electricity networks in proximity to drains, water or other drainage flow lines.	<input type="checkbox"/>	<input type="checkbox"/>
	Erosion sediment control specifications incorporated into design work.	<input type="checkbox"/>	<input type="checkbox"/>
	Environmental assessment techniques	<input type="checkbox"/>	<input type="checkbox"/>
RESOURCE MANAGEMENT		Yes	No
Qualifications and training	Personnel – capability to nominate qualified personnel.	<input type="checkbox"/>	<input type="checkbox"/>
	Register – a register has been established and maintained for training.	<input type="checkbox"/>	<input type="checkbox"/>
Sub-contracting	Applicant is aware of the obligations of being a Principal ASP.	<input type="checkbox"/>	<input type="checkbox"/>
	Contracting out to other ASPs – systems are in place.	<input type="checkbox"/>	<input type="checkbox"/>
PERFORMANCE MANAGEMENT		Yes	No
Monitor and review	Reviews – process for reviews to be carried out for employee/s and sub-contractors – desktop or worksite.	<input type="checkbox"/>	<input type="checkbox"/>
Corrective and preventive actions (CAPA)	CAPA register	<input type="checkbox"/>	<input type="checkbox"/>
	Corrective Action/s – process to determine, manage & review	<input type="checkbox"/>	<input type="checkbox"/>
	Preventive Action/s – process to determine, manage & review	<input type="checkbox"/>	<input type="checkbox"/>

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

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 **Morton National Park**, under the provisions of section 30A(1) of the *National Parks and Wildlife Act 1974*.

Signed and sealed at Sydney this 31st day of August 2016.

DAVID HURLEY
Governor,

By His Excellency's Command,

MARK SPEAKMAN SC, MP
Minister for the Environment

GOD SAVE THE QUEEN

Land District – Goulburn; LGA – Goulburn Mulwaree

Schedule

County Argyle, Parish Inverary, about 16.66 hectares being Lot 95 DP750020 and the bed of Reedy Creek separating Lot 95 DP750020 from Lot 6 DP918443.

Papers OEH/EF14/9374

Appointments

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Serious Offenders Review Council

Appointment of Community Member

His Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the *Crimes (Administration of Sentences) Act 1999*, has approved the appointment of Ms Carol MARA as a Community Member of the Serious Offenders Review Council for a period of three years from 25 July 2016.

DAVID ELLIOTT, MP
Minister for Corrections

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Serious Offenders Review Council

Appointment of Community Member

His Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the *Crimes (Administration of Sentences) Act 1999*, has approved the appointment of Ms Frances TAYLOR as a Community Member of the Serious Offenders Review Council for a period of three years from 17 July 2016.

DAVID ELLIOTT, MP
Minister for Corrections

Planning and Environment Notices

PESTICIDE ACT 1999 – PESTICIDE CONTROL ORDER UNDER SECTION 38

Name

1. This Order is to be known as the Pesticide Control (PAPP) Order 2016.

Commencement

2. This Order commences on publication in the NSW Government Gazette.

Authority for Order

3. This Order is made by the Environment Protection Authority under delegation of the Minister for the Environment under Part 4 of the *Pesticides Act 1999*.

Objects

4. The objects of this Order are to:
 - (a) Authorise those persons described in clause 8 to use PAPP.
 - (b) Specify the manner in which PAPP may be used in NSW.

Background

5. A chemical product that contains 4-aminopropiophenone (PAPP) has been declared to be a “restricted chemical product” as set out in Regulation 45 of the *Agricultural and Veterinary Chemicals Code Regulations 1995* of the Commonwealth.

Section 94 of the AgVet Code provides that a person must not, without reasonable excuse, supply a restricted chemical product, or cause or permit a restricted chemical product to be supplied, to a person who is not authorised to use the product under another law of this jurisdiction.

In NSW section 4 of the *Pesticides Act 1999* provides that a “restricted pesticide” means a pesticide that is a restricted chemical product within the meaning of the Agvet Code. Section 17 of the *Pesticides Act 1999* provides that a person must not use or possess a restricted pesticide unless authorised to do so by a pesticide authorisation or a pesticide control order.

Application

6. This Order applies to PAPP being used for the control of wild dogs or foxes as in clause 9 of this Order and used in accordance with conditions stated in:
 - a) Schedule 1 to this Order – in the case of the control of wild dogs
 - b) Schedule 2 of this Order – in the case of the control of foxes

Definitions and interpretation

7. In this Order (including the Schedules to this Order) –

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

apply a pesticide means apply or disperse the pesticide.

APVMA means the Agricultural Pesticides and Veterinary Medicines Authority established by the *Agricultural and Veterinary Chemicals (Administration) Act 1992* of the Commonwealth.

Australian Qualifications Framework has the same meaning as in section 7 of the *Higher Education Act 2001*.

Authorised Control Officer means a person who: –

- (a) holds a current certificate of completion or VET statement of attainment issued by NSW DPI's Registered Training Organisation or another Registered Training Organisation on completion of the training and assessment components of the Vertebrate Pest Management course¹ delivered by NSW DPI or a Registered Training Organisation; and
- (b) holds a current certificate of completion or VET statement of attainment issued by SMARTtrain, in the previous 5 years for completion of the Vertebrate Pesticide accreditation course; and
- (c) holds a current certificate of completion or statement of attainment on completion of the training and assessment components of a Chemical Accreditation training program assessed at Australian Qualifications Framework levels 3 and 4 and that has been issued by a Registered Training Organisation. To maintain currency of level 3 Chemical Accreditation a person must complete refresher training every 5 years but for level 4 Chemical Accreditation only initial accreditation is required for the duration of their employment, functioning as an Authorised Control Officer; and
- (d) is a person who:
 - (i) is a member of staff of an LLS, a Wild Dog Destruction Board, NSW DPI, OEH, or other NSW public authority and is currently employed as part of the Public Service under Part 4 of the *Government Sector Employment Act 2013* to enable that NSW public authority to exercise its functions; or
 - (ii) has obtained approval to operate as an Authorised Control Officer from any person who has been delegated the power of the EPA under section 38 of the *Pesticides Act 1999* to make a pesticide control order prior to completing the training requirements in (a) to (c) above.

baiting location means:

- (a) in the case of private land, or private holdings, where the property area is less than 100 hectares – the whole of the property where PAPP baits are being applied;
- (b) in the case of:
 - (i) private land, or private holdings, where the property area is 100 hectares or more; or
 - (ii) State Forests; or
 - (iii) land reserved or acquired under the *National Parks and Wildlife Act 1974*;
 - (iv) LLS managed Travelling Stock Reserves;– the area of the private land or private holding, State Forest, or reserved land where PAPP baits are being applied;
- (c) in the case of public places within the meaning of the *Local Government Act 1993* – the whole of the property where PAPP baits are being applied.

bait site means the actual position of the bait within the baiting location.

domestic water supply means the point where farm water supply originates and includes tanks, bores, dams and waterholes with structures and infrastructure such as pumps that supply domestic water. It only includes the point at which water is drawn and does not include the entire length of active streams.

EPA means the Environment Protection Authority (NSW).

group means 2 or more.

habitation means a dwelling house or some other accommodation that is occupied by people and is located on private, crown or public land. It includes but is not limited to domestic dwelling houses, hospitals, shops, schools, pre-schools, kindergartens, childcare and community health care centres, factories, nursing homes, public halls, caravan parks and designated camping areas on private, crown or public land. It does not include any caravan, mobile home, vehicle, tent or other structure that is used for the purpose of camping outside a designated camping area. A designated camping area means any council regulated or privately operated camping and/or caravan area, or any area that is signposted as a camping area on land reserved or acquired under the *National Parks and Wildlife Act 1974*.

landholder means an owner, occupier or manager of land.

¹ This includes completion of the NSW Agriculture / NSW Department of Primary Industries Vertebrate Pest Management course prior to the establishment of nationally recognised competencies.

LLS means the Local Land Services as constituted under the *Local Land Services Act 2013*.

NPWS RPMS program means a Regional Pest Management Strategy of the National Parks and Wildlife Service of OEH.

NSW DPI means the NSW Department of Primary Industries.

OEH means the NSW Office of Environment and Heritage.

ongoing baiting means a baiting program that is planned to continue indefinitely and as part of which:

- (a) PAPP baits are available continuously to wild dogs or foxes; and
- (b) PAPP baits are checked at intervals of no more than 2 months where vehicle access is available or at intervals of no more than 4 months in remote areas where vehicle access is not available; and
- (c) Taken or degraded PAPP baits are replaced (if necessary) each time PAPP bait stations are checked.

Notes:

- The interval between checking and replacing PAPP baits may vary according to the anticipated rate of wild dog or fox immigration into the target area (e.g. daily, weekly, monthly) provided that it is no longer than 2 months where vehicle access is available or 4 months in remote areas where vehicle access is not available.
- PAPP baits may be removed during periods of high risk (e.g. school holidays) or periods of high non-target interference (e.g. from goannas), provided the PAPP baits are not removed for longer than 2 months where vehicle access is available or 4 months in remote areas where vehicle access is not available.

PAPP baits means PAPP fox bait or PAPP wild dog bait.

PAPP fox bait means the registered agricultural chemical product Foxecute Fox Bait (APVMA Product Registration Number 65095) that has an active constituent comprising 400 milligrams of PAPP per bait.

PAPP wild dog bait means the registered agricultural chemical product Dogabait PAPP Wild Dog Bait (APVMA Product Registration Number 65094) that has an active constituent comprising 1000 milligrams of PAPP per bait.

property means the area within any lot in a deposited plan (whether on private land, a private holding, State Forest, travelling stock reserves under the *Local Land Services Act 2013*, land reserved or acquired under the *National Parks and Wildlife Act 1974* or public places within the meaning of the *Local Government Act 1993*).

public authority has the same meaning as in the *Pesticides Act 1999*.

Registered Training Organisation has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

thoroughfare means a road or track maintained for lawful public use for travel to or transportation through private, crown or public land. It excludes formed tracks, trails and similar access routes on public lands (e.g. national parks, State Forests) which are not intended for lawful use by the general public e.g. formed fire trails used for fighting fires.

use of a pesticide means “use” and “possession” as each of those terms is defined in the *Pesticides Act 1999*.

VET statement of attainment has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

Persons authorised

8. The following persons are authorised to use, subject to clause 9, PAPP baits:
- (a) Authorised Control Officers; and
 - (b) Any person who holds as a minimum:
 - (i) a current certificate of completion or statement of attainment on completion of the training and assessment components of a Chemical Accreditation training program assessed at Australian Qualifications Framework level 3 and that has been issued by a Registered Training Organisation in the previous 5 years in recognition of the person's satisfactory achievement of the level 3 training competencies covered by the program; or
 - (ii) a current certificate of completion issued by the LLS for the Vertebrate Pesticide Training course developed for the EPA, delivered by the LLS and that requires reaccreditation every 5 years; and
 - (iii) is either:
 - (A) a member of staff of the OEH, NSW DPI, LLS or a Wild Dog Destruction Board, or any other person who is contracted or employed by OEH, NSW DPI or the LLS to use PAPP baits; or
 - (B) a landholder of the land on which PAPP baits are to be used, or their authorised agent.²

Conditions of use

9. A person authorised to use PAPP baits under clause 8 above must only use the PAPP baits for the control of wild dogs or foxes in accordance with the conditions stated in:
- (a) Schedule 1 to this Order – in the case of the control of wild dogs.
 - (b) Schedule 2 to this Order – in the case of the control of foxes.

Notes

Words used in this Order have the same meaning as in the Pesticides Act 1999, unless otherwise defined in this Order.

A person must not contravene this Order – maximum penalty \$120 000 in the case of a corporation and \$60 000 in the case of an individual.

This Order will remain in force until it is revoked.

Note for users of PAPP baits – *Approved labels of registered products do not contain all of the conditions that exist for use of PAPP baits in NSW. All persons using PAPP baits must also follow the instructions in the relevant Schedule to this Order, in order to comply with section 39 of the Pesticides Act 1999. Where a Schedule to this Order gives no instruction on information that is required under the Agvet Code to be placed on the label of a PAPP registered product, then the instructions on the label must be complied with. This is specifically in relation to label instructions in sections that deal with Safety Directions, First Aid, Storage and Disposal and Protection statements. However, where **any** instructions on the label are inconsistent with instructions in the relevant Schedule to this Order, the conditions in the Schedule to this Order prevail.*

Date: 6.9.2016

MARK GIFFORD PSM
A/Chair and CEO
Environment Protection Authority

² OEH or LLS staff who are involved in supplying PAPP baits must determine in all instances whether it is appropriate for the landholder or agent to use PAPP baits on their land. A landholder or agent must have completed specific training in the use of PAPP baits or been personally instructed in how to use PAPP baits in accordance with the appropriate schedule.

Schedule 1

USE OF PAPP BAITS FOR CONTROL OF WILD DOGS

1. USE OF PAPP BAITS ON WILD DOGS

A person authorised to use PAPP baits under clause 8 of this Order must, when using PAPP baits for the purpose of controlling wild dogs, only do so in accordance with the following conditions:

- 1.1 A person must only use PAPP baits supplied by an Authorised Control Officer.
- 1.2 PAPP baits for the control of wild dog must only be used in accordance with the conditions on use specified in this schedule.

PAPP baits will be referred to in the rest of this Schedule as “PAPP wild dog bait”.

2. POSSESSION OF PAPP WILD DOG BAIT

A person authorised to possess PAPP wild dog bait under clause 8 of this Order must only do so in accordance with the following conditions:

- 2.1 An Authorised Control Officer may supply PAPP wild dog bait to a person authorised to possess PAPP wild dog bait. An Authorised Control Officer must complete a risk assessment to determine if it is appropriate to supply PAPP wild dog bait to a person for use on the proposed baiting location. Risk assessment guidelines can be found in the NSW DPI publication “Vertebrate Pest Control Manual”. If the Authorised Control Officer makes a determination that it is not appropriate to use baits on the proposed baiting location or supply a person with PAPP wild dog bait then the Authorised Control Officer must not give or supply any PAPP wild dog bait to that person. The Authorised Control Officer must withhold PAPP wild dog bait, if, in the opinion of the Authorised Control Officer, they are not satisfied that the PAPP wild dog bait will be used safely or effectively by a person.
- 2.2 If an Authorised Control Officer withholds PAPP wild dog bait from a person, the officer must record in a logbook or diary, the date, time and specific reasons for refusing to supply PAPP wild dog bait to a particular person.
- 2.3 An Authorised Control Officer must only supply PAPP wild dog bait in a plastic bag or container that complies with the requirements of clause 18(1) of the Agricultural and Veterinary Chemicals Code Regulations and has a label which is identical in content and format to the label in **Attachment 1 of this Schedule or an APVMA approved label of a registered PAPP wild dog bait product**.
- 2.4 Authorised Control Officers are required to determine the appropriate number of PAPP wild dog baits that can be used on a property.
- 2.5 A person taking possession of PAPP wild dog bait must first complete and sign an indemnity form for each property or NPWS RPMS program on which PAPP wild dog bait are intended to be used. An Authorised Control Officer or an employee of an LLS must give a copy of the indemnity form to any person taking possession of PAPP wild dog bait.
- 2.6 A person taking possession of PAPP wild dog bait and laying PAPP wild dog bait on behalf of another landholder as their authorised agent, must provide evidence to the Authorised Control Officer of the consent given by the landholder whose property will use PAPP wild dog bait. The consent must not cover a period of time greater than 12 months.
- 2.7 An Authorised Control Officer must issue PAPP wild dog bait only to the landholder of the land on which the PAPP wild dog bait are to be used, their authorised agent or a member of staff of OEH, Wild Dog Destruction Board, NSW DPI or the LLS or any other person whose services OEH, NSW DPI or the LLS makes use of.
- 2.8 An Authorised Control Officer or an employee of an LLS issuing PAPP wild dog bait must give a copy of this pesticide control order with this Schedule to any person receiving PAPP wild dog bait from them unless a current copy of this pesticide control order with this schedule has been provided to them electronically for the current program.

- 2.9 An Authorised Control Officer issuing PAPP wild dog bait must establish that the intended end-user for the PAPP wild dog bait holds a qualification that meets the requirements of this Order before handing over PAPP wild dog bait. Where this cannot be established then PAPP wild dog bait must not be supplied.
- 2.10 All persons receiving PAPP wild dog bait from an Authorised Control Officer must only temporarily possess and store PAPP wild dog bait. All PAPP wild dog bait must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. All unopened PAPP wild dog bait must be returned to an Authorised Control Officer within two (2) months of completion of the baiting program. Destruction of opened, unused and used PAPP wild dog bait must be done in accordance with condition 3.11 below.
- 2.11 Where NSW public authorities are coordinating baiting programs they must ensure that all persons involved in the baiting program return all remaining PAPP wild dog bait to an Authorised Control Officer or dispose of PAPP wild dog baits in accordance with condition 3.11, within two (2) months of completion of the baiting program.
- 2.12 All persons receiving PAPP wild dog bait from an Authorised Control Officer must store PAPP wild dog bait in either the labelled plastic bag or container supplied by the Authorised Control Officer - labelled in accordance with **Attachment 1 of this Schedule or an APVMA approved label of a registered PAPP wild dog bait product.**

3. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use PAPP wild dog bait under clause 8 of this Order must only do so in accordance with the following general conditions:

- 3.1 A person in possession of PAPP wild dog bait must transport and store PAPP wild dog bait in such a way that other persons cannot access the PAPP wild dog bait. A person transporting PAPP wild dog bait must store the PAPP wild dog bait in a secure location of their vehicle.
- 3.2 A person must not place the PAPP wild dog bait in a position accessible to children, domestic animals or pets.
- 3.3 A person who uses PAPP wild dog bait should avoid poisoning of domestic pets. As PAPP is particularly lethal to domestic dogs, the person using the baits should advise neighbours to restrain their pets and working dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if paddocks have to be mustered after poisoning. In the event of accidental poisoning seek immediate veterinary assistance.
- 3.4 A person must not intentionally feed PAPP wild dog bait to non-target species.
- 3.5 PAPP wild dog bait may be toxic to some native wildlife. In particular it is toxic to marsupial carnivores, bandicoots, goanna or monitor lizards and some birds. To minimise the risk to susceptible wildlife species PAPP wild dog baiting programs should be done when such species are least active or least susceptible. All PAPP wild dog baits must be buried in accordance with condition 8.2 to minimise this risk.
- 3.6 A person must not apply PAPP wild dog bait to, or in, crops which are in mid to late developmental stages. A person must not apply PAPP wild dog bait to, or in, crops if application of PAPP wild dog bait is likely to lead to contamination of the crops.
- 3.7 A person must ensure that PAPP wild dog bait does not contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 3.8 A person must not use plastic bags or containers which have been used to contain PAPP wild dog bait for any other purpose and must dispose of such plastic bags or containers by burial or burning as follows:

3.8.1 Burial

Plastic bags or containers must be buried as follows:

- (a) Plastic bags or containers must be triple rinsed or pressure rinsed;
- (b) Empty rinsed plastic bags or containers must be broken, crushed or punctured, and disposed of either at the property where the PAPP wild dog bait were used, or at a site approved by the Authorised Control Officer or in a local authority landfill that can lawfully dispose of them;
- (c) Plastic bags or containers and rinsate must be buried in a pit and covered with at least five hundred (500) mm of soil;
- (d) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral).

3.8.2 Burning

Empty plastic bags that have contained PAPP can only be burnt by open fire if an approval has been issued by the EPA under the *Protection of the Environment Operations (Clean Air) Regulation 2010*. A person that disposes of plastic bags by way of burning must comply with all conditions of the EPA approval.

- 3.9 A person must not pollute dams, rivers, streams, waterways or drains with PAPP wild dog bait or plastic bags or containers that have contained them. Pollution of waters is an offence under section 120 of the *Protection of the Environment Operations Act 1997*.
- 3.10 A person must not place PAPP wild dog baits on a property without the written consent of the occupier, manager or authorised agent of the land unless the baiting has been determined necessary under the provisions of the *Local Land Services Act 2013* and is carried out by an employee or contractor of the LLS or another public authority.
- 3.11 At the end of any ground baiting program conducted in accordance with this Schedule, a person using PAPP wild dog bait must ensure that all untaken PAPP wild dog baits are collected and removed from baiting locations. All collected and unused PAPP wild dog bait must be disposed of as soon as possible at the property where the PAPP wild dog baits were used or in the case of a coordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer coordinating the program. All collected and unused PAPP wild dog bait needs to be buried in a disposal pit under at least five hundred (500) mm of soil on the property where they were used or another location identified and agreed to by the Authorised Control Officer coordinating the program. The disposal pit must be clear of waterways (permanent or ephemeral) so as to not cause pollution of water under Part 5.3 of the *Protection of the Environment Operations Act 1997*.
- 3.12 At the end of any baiting program coordinated by an Authorised Control Officer, an Authorised Control Officer or a person under their supervision may dispose of PAPP wild dog bait on a property or location identified for disposal by burying the PAPP wild dog bait at a depth of less than 500mm of soil but only if the Authorised Control Officer has done a risk assessment and implements control measures that are appropriate to minimise the risk to non-target animals and the environment.
- 3.13 It is recommended best practice that a person who uses PAPP wild dog bait should recover carcasses of animals poisoned by PAPP wild dog bait and bury them in accordance with the disposal instructions for PAPP wild dog bait in condition 3.11. Any incidents where there are reasonable grounds to suspect that non-target animals may have been poisoned by PAPP wild dog bait should be reported to the EPA.
- 3.14 Ongoing baiting may be necessary in some instances to reduce the impacts of wild dogs on native fauna and domestic livestock. Such programs may be undertaken only if the risk to non-target species is low (see also conditions 3.3, 3.5, 3.9 and 3.12).

4. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use PAPP wild dog bait under clause 8 of this Order must only do so in accordance with the following distance restrictions:

- 4.1. The minimum distances for the laying of PAPP wild dog bait have been set to minimise the risk to people and to non-target animals. A person authorised to use PAPP wild dog bait

must not place PAPP wild dog baits where they can be washed into or contaminate surface water or groundwater. PAPP wild dog bait must not be laid in areas where distance restrictions cannot be met. Other wild dog control methods must be used in those areas.

4.2 **Property Boundary:**

4.2.1 **Ground Baiting:** PAPP wild dog bait must not be laid within five (5) metres from any property boundary.

4.3 **Habitation:**

4.3.1 **Ground Baiting:** PAPP wild dog bait must not be laid within one hundred and fifty (150) metres of a habitation except:

- (a) where a landholder uses PAPP wild dog bait on their own property, in which case the landholder may lay the PAPP wild dog bait at a distance of no less than fifty (50) metres from their own habitation.
- (b) where an Authorised Control Officer plans a baiting program, in which case the PAPP wild dog bait may be laid at less than 150 metres but no closer than 50 metres from a habitation, subject to the following conditions:
 - (i) The risk assessment conducted by the Authorised Control Officer includes strategies for minimising risk to non-target animals;
 - (ii) Any adjoining landholders must agree in writing to use or allow the use of PAPP wild dog bait as part of a coordinated wild dog control program at distances of less than 150 metres but no closer than 50 metres from a habitation on the landholder's property;
 - (iii) Where an Authorised Control Officer implements a coordinated wild dog control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of PAPP wild dog bait in closely settled areas; AND
 - (2) **EVERY** landholder in the group signs an agreement that they:
 - (A) understand the hazards associated with the use of PAPP wild dog bait in closely settled areas; AND
 - (B) agree to allow PAPP wild dog bait to be laid on adjoining properties at distances of less than 150 metres but no closer than 50 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from PAPP wild dog bait used on their land within the program; AND
 - (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

4.4 **Domestic Water Supply:**

4.4.1 **Ground Baiting:** PAPP wild dog bait must not be laid within ten (10) metres of a domestic water supply.

5. PUBLIC NOTIFICATION

A person authorised to use PAPP wild dog bait under clause 8 of this Order must notify certain persons of the use of PAPP wild dog bait in accordance with the following conditions:

5.1 A person must not lay any PAPP wild dog bait on any land unless the person has first given a minimum of three (3) days' notice of the dates on which they will lay PAPP wild dog bait. This notice must be given to the occupier, manager or authorised agent of every property which has a property boundary within one (1) kilometre of a baiting location ("notification").

- 5.2. The notification may be given by telephone, text message, email, or in person, or where this is not possible, by mail (including letter box drop). If notification cannot be made by telephone, text message, email, personal contact or mail, or the number of persons to be notified is more than twenty five (25), then notification may be made by advertisement in a local newspaper. Likewise for large group baiting programs (more than 25 participants) organised or approved by an Authorised Control Officer, notification may be via advertisement in a local newspaper or on a government website where baiting is done under a NPWS RPMS program.
- 5.3. The use of PAPP wild dog bait may be conducted for longer than seven (7) days but must commence within ten (10) days of notification otherwise further notification of intended baiting is required.
- 5.4. Where replacement baiting is planned the notification must include the time period baiting is planned to be maintained.
- 5.5. Where baiting programs are ongoing notification must be given every six (6) months.

6. EMERGENCY BAITING (Ground application only)

A person authorised to use PAPP wild dog bait under clause 8 of this Order may undertake emergency baiting, but only in accordance with the following conditions:

- 6.1. A person whose livestock are being attacked or can provide evidence that their livestock are under imminent threat of attack, may lay PAPP wild dog bait without the need to comply with condition 5.1 (3-day prior neighbour notification) only with Authorised Control Officer approval. A person who undertakes emergency baiting must, however, notify each landholder whose property boundary lies within one (1) kilometre of a baiting location before laying any PAPP wild dog bait. A person who undertakes emergency baiting must not lay more than the number of PAPP wild dog baits approved by an Authorised Control Officer and specified on the indemnity form.
- 6.2. A person who undertakes emergency baiting must comply with all requirements in relation to the use of PAPP wild dog bait, except as provided for in condition 6.1.

7. PAPP POISON NOTICES

A person authorised to use PAPP wild dog bait under clause 8 of this Order must erect notices in accordance with the following conditions:

- 7.1. A person who uses PAPP wild dog bait must erect notices before laying PAPP wild dog bait on any land. These notices must remain up for the period of time that PAPP wild dog bait is being used on the property and for a minimum of four (4) weeks after the last day of baiting.
Notices must be placed at:
 - (a) every entry to the baiting location; and
 - (b) main entrance to a private property or holding where baiting is undertaken; and
 - (c) up to five (5) kilometre intervals along all public thoroughfares which border or pass through the baiting location.
- 7.2. The notices must specify the following:
 - (a) PAPP wild dog baits are being laid on this property; and
 - (b) the dates on which PAPP wild dog bait are first laid or the dates between which PAPP wild dog baits will be laid; and
 - (c) contact details of the person who will lay the PAPP wild dog bait or in the case of a public authority a person whom can be contacted for information about PAPP wild dog bait being used on the property; and
 - (d) warning that non-target animals may be affected.
- 7.3. Under the *Pesticides Regulation 2009* (clauses 19 to 23) public authorities have additional public notification obligations that must be complied with. There are also other notification requirements in the Regulation.

7.4 PAPP poison notices may be obtained from Authorised Control Officers.

8. GROUND BAITING WITH PAPP WILD DOG BAIT

A person authorised to use PAPP wild dog bait under clause 8 of this Order must only undertake ground baiting in accordance with the following conditions:

- 8.1 A person who lays PAPP wild dog bait must:
- (a) not lay more than four (4) PAPP wild dog baits per kilometre of trail or sixteen (16) PAPP wild dog baits per hundred (100) hectares; and
 - (b) lay PAPP wild dog baits in such a way that all untaken PAPP wild dog baits can be readily retrieved and destroyed in accordance with condition 3.11.
- 8.2 PAPP wild dog baits must be buried in a hole of no less than 80mm depth and covered with soil or used in accordance with any risk mitigating measures identified in the risk assessment. Only one (1) PAPP wild dog bait must be used per bait site. If practical, tether the PAPP wild dog bait. All bait sites must be marked or identifiable to the user.
- 8.3 In land reserved or acquired under the National Parks and Wildlife Act 1974 and public reserves within the meaning of the Local Government Act 1993 it is not necessary to mark the location for PAPP wild dog bait but GPS coordinates must be recorded.
- 8.4 A person who lays PAPP wild dog baits on a property of less than one hundred (100) hectares must check the PAPP wild dog baits within five (5) days of laying the PAPP wild dog baits and must collect any untaken PAPP wild dog bait within seven (7) days of laying the PAPP wild dog bait. All untaken PAPP wild dog baits must be disposed of in accordance with condition 3.11. This condition does not prevent a person from replacing PAPP wild dog baits that are taken for a period of longer than seven (7) days where PAPP wild dog baits continue to be taken for up to 6 months.

ATTACHMENT 1

DANGEROUS POISON
KEEP OUT OF REACH OF CHILDREN
READ SAFETY DIRECTIONS BEFORE OPENING

PAPP BAIT

ACTIVE CONSTITUENT: **PARA-AMINOPROPIOPHENONE (PAPP)**
 1000mg per wild dog bait
 400mg per fox bait

For the control of wild dogs or foxes

**RESTRICTED CHEMICAL PRODUCT – ONLY TO BE SUPPLIED TO OR USED BY AN
AUTHORISED PERSON.**

**NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL
UNLESS AUTHORISED UNDER APPROPRIATE LEGISLATION**

DIRECTIONS FOR USE: Use only in accordance with the relevant conditions for use in the NSW
PAPP Pesticide Control Order.

SAFETY DIRECTIONS: Harmful if swallowed. Do not touch or rub eyes, nose or mouth with hand.
Avoid contact with eyes and skin. If product on skin and after each baiting, immediately wash area
with soap and water. When opening container and using PAPP baits wear non-permeable gloves.
After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap
and water. After each days use, wash gloves and contaminated clothing.

FIRST AID: If poisoning occurs, contact a doctor or Poisons Information Centre. Phone Australia
13 11 26. If skin contact occurs wash skin thoroughly. Remove from the contaminated area. Apply
artificial respiration if not breathing. If poisoning occurs get to a doctor or hospital quickly.

STORAGE AND DISPOSAL: Store product in this plastic bag or the approved container of this
product in a lockable room or cupboard away from children, animals, food, foodstuffs, seeds and
fertilisers. Empty plastic bags should be triple rinsed and should be disposed of in a local authority
landfill. If no landfill is available, bury plastic bag and rinsate below 500mm in a disposal pit
specifically marked and set up for this purpose clear of waterways, desirable vegetation and tree
roots. Empty plastic bags that have contained PAPP can only be burnt by open fire if done in
accordance with an approval granted by the EPA under the Protection of the Environment
Operations (Clean Air) Regulation 2010.

PROTECTION OF LIVESTOCK, DOMESTIC AND FARM DOGS: Dogs are highly susceptible to
PAPP. Ensure all domestic and farm dogs are restrained when using PAPP baits.

PROTECTION OF WILDLIFE, FISH, CRUSTACEA AND ENVIRONMENT: DO NOT contaminate
dams, waterways or drains with PAPP baits or this plastic bag.

**THIS PACKAGE CONTAINS (insert No.)
OR FOXES**

BAITS FOR THE CONTROL OF WILD DOGS

*For additional information contact an Authorised Control Officer at your local office
of the Local Land Services or Office of Environment and Heritage - NPWS.*

Schedule 2

USE OF PAPP BAITS FOR CONTROL OF FOXES

1. USE OF PAPP BAITS ON FOXES

A person authorised to use PAPP baits under clause 8 of this Order must, when using PAPP baits for the purpose of controlling foxes, only do so in accordance with the following conditions:

- 1.1 A person must only use PAPP baits supplied by an Authorised Control Officer.
- 1.2 PAPP baits for the control of foxes must only be used in accordance with the conditions on use specified in this schedule.

PAPP baits will be referred to in the rest of this Schedule as “PAPP fox bait”.

2. POSSESSION OF PAPP FOX BAIT

A person authorised to possess PAPP fox bait under clause 8 of this Order must only do so in accordance with the following conditions:

- 2.1 An Authorised Control Officer may supply PAPP fox bait to a person authorised to possess PAPP fox bait. An Authorised Control Officer must complete a risk assessment to determine if it is appropriate to supply PAPP fox bait to a person for use on the proposed baiting location. Risk assessment guidelines can be found in the NSW DPI publication “Vertebrate Pest Control Manual”. If the Authorised Control Officer makes a determination that it is not appropriate to use baits on the proposed baiting location or supply a person with PAPP fox bait then the Authorised Control Officer must not give or supply any PAPP fox bait to that person. The Authorised Control Officer must withhold PAPP fox bait, if, in the opinion of the Authorised Control Officer, they are not satisfied that the PAPP fox bait will be used safely or effectively by a person.
- 2.2 If an Authorised Control Officer withholds PAPP fox bait from a person, the officer must record in a logbook or diary the date, time and specific reasons for refusing to supply PAPP fox bait to a particular person.
- 2.3 An Authorised Control Officer must only supply PAPP fox bait in a plastic bag or container that complies with the requirements of clause 18(1) of the Agricultural and Veterinary Chemicals Code Regulations and has a label which is identical in content and format to the label in **Attachment 1 of this Schedule** or an **APVMA approved label of a registered PAPP fox bait product**.
- 2.4 Authorised Control Officers are required to determine the appropriate number of PAPP fox baits that can be used on a property.
- 2.5 A person taking possession of PAPP fox bait must first complete and sign an indemnity form for each property or NPWS RPMS program on which PAPP fox bait are intended to be used. An Authorised Control Officer or an employee of an LLS must give a copy of the indemnity form to any person taking possession of PAPP fox bait.
- 2.6 A person taking possession of PAPP fox bait and laying PAPP fox bait on behalf of another landholder as their authorised agent, must provide evidence to the Authorised Control Officer of the consent given by the landholder whose property will use PAPP fox bait. The consent must not cover a period of time greater than 12 months.
- 2.7 An Authorised Control Officer must issue PAPP fox bait only to the landholder of the land on which the PAPP fox bait are to be used, their authorised agent or a member of staff of OEH, Wild Dog Destruction Board, NSW DPI or the LLS, or any other person whose services OEH, NSW DPI or the LLS makes use of.
- 2.8 An Authorised Control Officer or an employee of an LLS issuing PAPP fox bait must give a copy of this pesticide control order with this Schedule to any person receiving PAPP fox bait from them unless a current copy of this pesticide control order with this schedule has been provided to them electronically for the current program.

- 2.9 An Authorised Control Officer issuing PAPP fox bait must establish that the intended end-user for the PAPP fox bait holds a qualification that meets the requirements of this Order before handing over PAPP fox bait. Where this cannot be established then PAPP fox bait must not be supplied.
- 2.10 All persons receiving PAPP fox bait from an Authorised Control Officer must only temporarily possess and store PAPP fox bait. All PAPP fox bait must be stored in a lockable storage area away from children, animal food, foodstuffs, seed and fertiliser. All unopened PAPP fox bait must be returned to an Authorised Control Officer within two (2) months of completion of the baiting program. Destruction of opened, unused and used PAPP fox bait must be done in accordance with condition 3.11 below.
- 2.11 Where NSW public authorities are coordinating baiting programs they must ensure that all persons involved in the baiting program return all remaining PAPP fox bait to an Authorised Control Officer or dispose of PAPP fox baits in accordance with condition 3.11, within two (2) months of completion of the baiting program.
- 2.12 All persons receiving PAPP fox bait from an Authorised Control Officer must store PAPP fox bait in the labelled plastic bag or container supplied by the Authorised Control Officer - labelled in accordance with **Attachment 1 of this Schedule or an APVMA approved label of a registered PAPP fox bait product.**

3. DIRECTIONS FOR USE – GENERAL RESTRICTIONS

A person authorised to use PAPP fox baits under clause 8 of this Order must only do so in accordance with the following general conditions:

- 3.1 A person in possession of PAPP fox bait must transport and store PAPP fox bait in such a way that other persons cannot access the PAPP fox bait. A person transporting PAPP fox bait must store the PAPP fox bait in a secure location of their vehicle.
- 3.2 A person must not place the PAPP fox bait in a position accessible to children, domestic animals or pets.
- 3.3 A person who uses PAPP fox bait should avoid poisoning of domestic pets. As PAPP is particularly lethal to domestic dogs, the person using the baits should advise neighbours to restrain their pets and working dogs and ensure they do not enter the baiting location during poisoning operations or to muzzle dogs if paddocks have to be mustered after poisoning. In the event of accidental poisoning seek immediate veterinary assistance.
- 3.4 A person must not intentionally feed PAPP fox bait to non-target species.
- 3.5 PAPP fox bait may be toxic to some native wildlife. In particular it is toxic to marsupial carnivores, bandicoots, goanna or monitor lizards and some birds. To minimise the risk to susceptible wildlife species PAPP fox baiting programs should be done when such species are least active or least susceptible. All PAPP fox baits must be buried in accordance with condition 8.2 to minimise this risk.
- 3.6 A person must not apply PAPP fox bait to, or in, crops which are in mid to late developmental stages. A person must not apply PAPP fox bait to, or in, crops if application of PAPP fox bait is likely to lead to contamination of the crops.
- 3.7 A person must ensure that PAPP fox bait do not contaminate foodstuffs, or feed, for human or non-target animal consumption.
- 3.8 A person must not use plastic bags or containers which have been used to contain PAPP fox bait for any other purpose and must dispose of such plastic bags or containers by burial or burning as follows:

3.8.1 Burial

Plastic bags or containers must be buried as follows:

- (a) Plastic bags or containers must be triple rinsed or pressure rinsed;
- (b) Empty rinsed plastic bags or containers must be broken, crushed or punctured, and disposed of either at the property where the PAPP fox bait were used, or at a site approved by the Authorised Control Officer or in a local authority landfill that can lawfully dispose of them;
- (c) Plastic bags or containers and rinsate must be buried in a pit and covered with at least five hundred (500) mm of soil;
- (d) The disposal pit must be specifically marked and set up for this purpose and clear of waterways (permanent or ephemeral).

3.8.2 Burning

Empty plastic bags that have contained PAPP can only be burnt by open fire if an approval has been issued by the EPA under the *Protection of the Environment Operations (Clean Air) Regulation 2010*. A person that disposes of plastic bags by way of burning must comply with all conditions of the EPA approval.

- 3.9 A person must not pollute dams, rivers, streams, waterways or drains with PAPP fox bait or plastic bags or containers that have contained them. Pollution of waters is an offence under s 120 of the *Protection of the Environment Operations Act 1997*.
- 3.10 A person must not place PAPP fox baits on a property without the written consent of the occupier, manager or authorised agent of the land unless the baiting has been determined necessary under the provisions of the *Local Land Services Act 2013* and is carried out by an employee or contractor of the LLS or another public authority.
- 3.11 At the end of any ground baiting program conducted in accordance with this Schedule, a person using PAPP fox bait must ensure that all untaken PAPP fox baits are collected and removed from baiting locations. All collected and unused PAPP fox baits must be disposed of as soon as possible at the property where the PAPP fox bait were used or in the case of a coordinated baiting program, on a property or location identified and agreed to by the Authorised Control Officer coordinating the program. All collected and unused PAPP fox bait needs to be buried in a disposal pit under at least five hundred (500) mm of soil on the property where they were used or another location identified and agreed to by the Authorised Control Officer coordinating the program. The disposal pit must be clear of waterways (permanent or ephemeral) so as to not cause pollution of water under Part 5.3 of the *Protection of the Environment Operations Act 1997*.
- 3.12 At the end of any baiting program coordinated by an Authorised Control Officer, an Authorised Control Officer or a person under their supervision may dispose of PAPP fox bait on a property or location identified for disposal by burying the PAPP fox bait at a depth of less than five hundred (500) mm of soil but only if the Authorised Control Officer has done a risk assessment and implements control measures that are appropriate to minimise the risk to non-target animals and the environment.
- 3.13 It is recommended best practice that a person who uses PAPP fox bait should recover carcasses of animals poisoned by PAPP fox bait and bury them in accordance with the disposal instructions for PAPP fox bait in condition 3.11. Any incidents where there are reasonable grounds to suspect that non-target animals may have been poisoned by PAPP fox bait should be reported to the EPA.
- 3.14 Ongoing baiting may be necessary in some instances to reduce the impacts of fox predation on native fauna and domestic livestock. Such programs may be undertaken only if the risk to non-target species is low (see also conditions 3.3, 3.5, 3.9 and 3.12).

4. DIRECTIONS FOR USE – DISTANCE RESTRICTIONS

A person authorised to use PAPP fox baits under clause 8 of this Order must only do so in accordance with the following distance restrictions:

- 4.1 The minimum distances for the laying of PAPP fox bait have been set to minimise the risk to people and to non-target animals. A person authorised to use PAPP fox bait must not place PAPP fox baits where they can be washed into or contaminate surface water or

groundwater. PAPP fox bait must not be laid in areas where distance restrictions cannot be met. Other fox control methods must be used in those areas.

4.2 **Property Boundary:**

4.2.1 **Ground Baiting:** PAPP fox bait must not be laid within five (5) metres from any property boundary.

4.3 **Habitation:**

4.3.1 **Ground Baiting:** PAPP fox bait must not be laid within one hundred and fifty (150) metres of a habitation except:

- (a) where a landholder uses PAPP fox bait on their own property, in which case the landholder may lay the PAPP fox bait at a distance of no less than twenty (20) metres from their own habitation.
- (b) where an Authorised Control Officer plans a baiting program, in which case the PAPP fox bait may be laid at less than 150 metres but no closer than 20 metres from a habitation, subject to the following conditions:
 - (i) The risk assessment conducted by the Authorised Control Officer includes strategies for minimising risk to non-target animals;
 - (ii) Any adjoining landholders must agree in writing to use or allow the use of PAPP fox bait as part of a coordinated fox control program at distances of less than 150 metres but no closer than 20 metres from a habitation on the landholder's property;
 - (iii) Where an Authorised Control Officer implements a coordinated fox control program, they must not implement the program **UNLESS**:
 - (1) **ALL** the landholders in the group are made aware of the hazardous nature of PAPP fox bait in closely settled areas; AND
 - (2) **EVERY** landholder in the group signs an agreement that they:
 - (A) understand the hazards associated with the use of PAPP fox bait in closely settled areas; AND
 - (B) agree to allow PAPP fox bait to be laid on adjoining properties at distances of less than 150 metres but no closer than 20 metres from any habitation on their property in writing; AND
 - (C) agree to accept all responsibility for any problems arising from PAPP fox bait used on their land within the program; AND
 - (3) **ALL** the landholders of the outermost properties of the group abide by all the distance requirements in relation to adjoining properties not covered by the group activity.

4.4 **Domestic Water Supply:**

4.4.1 **Ground Baiting:** PAPP fox bait must not be laid within ten (10) metres of a domestic water supply.

5. PUBLIC NOTIFICATION

A person authorised to use PAPP fox bait under clause 8 of this Order must notify certain persons of the use of PAPP fox bait in accordance with the following conditions:

- 5.1 A person must not lay any PAPP fox bait on any land unless the person has first given a minimum of three (3) days' notice of the dates on which they will lay PAPP fox bait. This notice must be given to the occupier, manager or authorised agent of every property which has a property boundary within one (1) kilometre of a baiting location ("notification").
- 5.2 The notification may be given by telephone, text message, email or in person, or where this is not possible, by mail (including letter box drop). If notification cannot be made by telephone, text message, email, personal contact or mail, or the number of persons to be notified is more than twenty five (25), then notification may be made by advertisement in a

local newspaper. Likewise for large group baiting programs (more than 25 participants) organised or approved by an Authorised Control Officer, notification may be via advertisement in a local newspaper or on a government website where baiting is done under a NPWS RPMS program.

- 5.3 The use of PAPP fox bait may be conducted for longer than seven (7) days but must commence within ten (10) days of this notification otherwise further notification of intended baiting is required.
- 5.4 Where replacement baiting is planned the notification must include the time period baiting is planned to be maintained.
- 5.5 Where baiting programs are ongoing notification must be given every six (6) months.

6. EMERGENCY BAITING (Ground application only)

A person authorised to use PAPP fox bait under clause 8 of this Order may undertake emergency baiting, but only in accordance with the following conditions:

- 6.1 A person whose livestock are being attacked or can provide evidence that their livestock are under imminent threat of attack, may lay PAPP fox bait without the need to comply with condition 5.1 (3-day prior neighbour notification) only with Authorised Control Officer approval. A person who undertakes emergency baiting must, however, notify each landholder whose property boundary lies within one (1) kilometre of a baiting location before laying any PAPP fox bait. A person who undertakes emergency baiting must not lay more than the number of PAPP fox baits approved by an Authorised Control Officer and specified on the indemnity form.
- 6.2 A person who undertakes emergency baiting must comply with all requirements in relation to the use of PAPP fox bait, except as provided for in condition 6.1.

7. PAPP POISON NOTICES

A person authorised to use PAPP fox baits under clause 8 of this Order must erect notices in accordance with the following conditions:

- 7.1 A person who uses PAPP fox bait must erect notices before laying PAPP fox bait on any land. These notices must remain up for the period of time that PAPP fox bait is being used on the property and for a minimum of four (4) weeks after the last day of baiting. Notices must be placed at:
 - (a) every entry to the baiting location; and
 - (b) main entrance to a private property or holding where baiting is undertaken; and
 - (c) up to five (5) kilometre intervals along all public thoroughfares which border or pass through the baiting location.
- 7.2 The notices must specify the following:
 - (a) PAPP fox baits are being laid on this property; and
 - (b) the dates on which PAPP fox bait are first laid or the dates between which PAPP fox baits will be laid; and
 - (c) contact details of the person who will lay the PAPP fox bait or in the case of a public authority a person whom can be contacted for information about PAPP fox bait being used on the property; and
 - (d) warning that non-target animals may be affected.
- 7.3 Under the *Pesticides Regulation 2009* (clauses 19 to 23) public authorities have additional public notification obligations that must be complied with. There are also other notification requirements in the Regulation.
- 7.4 PAPP poison notices may be obtained from Authorised Control Officers.

8. GROUND BAITING WITH PAPP FOX BAIT

A person authorised to use PAPP fox bait under clause 8 of this Order must only undertake ground baiting in accordance with the following conditions:

- 8.1 A person who lays PAPP fox bait must:
- (a) not lay more than four (4) PAPP fox baits per kilometre of trail or twenty (20) PAPP fox baits per 100 hectares; and
 - (b) lay PAPP fox baits in such a way that all untaken PAPP fox baits can be readily retrieved and destroyed in accordance with condition 3.11.
- 8.2 PAPP fox baits must be buried in a hole of no less than 80mm depth and covered with soil or used in accordance with any risk mitigating measures identified in a risk assessment. Only one (1) PAPP fox bait must be used per bait site. If practical, tether the PAPP fox bait. All bait sites must be marked or identifiable to the user.
- 8.3 In land reserved or acquired under the *National Parks and Wildlife Act 1974* and public reserves within the meaning of the *Local Government Act 1993* it is not necessary to mark the location for PAPP fox bait but GPS coordinates must be recorded.
- 8.4 A person who lays PAPP fox baits on a property of less than one hundred (100) hectares must check the PAPP fox baits within five (5) days of laying the PAPP fox baits and must collect any untaken PAPP fox bait within seven (7) days of laying the PAPP fox bait. All untaken PAPP fox baits must be disposed of in accordance with condition 3.11. This condition does not prevent a person from replacing PAPP fox baits that are taken for a period of longer than seven (7) days where PAPP fox baits continue to be taken for up to 6 months.

ATTACHMENT 1

DANGEROUS POISON
KEEP OUT OF REACH OF CHILDREN
READ SAFETY DIRECTIONS BEFORE OPENING

PAPP BAIT

ACTIVE CONSTITUENT: PARA-AMINOPROPIOPHENONE (PAPP)
 1000mg per wild dog bait
 400mg per fox bait

For the control of wild dogs or foxes

**RESTRICTED CHEMICAL PRODUCT – ONLY TO BE SUPPLIED TO OR USED BY AN
AUTHORISED PERSON.**

**NOT TO BE USED FOR ANY PURPOSE OR IN ANY MANNER CONTRARY TO THIS LABEL
UNLESS AUTHORISED UNDER APPROPRIATE LEGISLATION**

DIRECTIONS FOR USE: Use only in accordance with the relevant conditions for use in the NSW
PAPP Pesticide Control Order.

SAFETY DIRECTIONS: Harmful if swallowed. Do not touch or rub eyes, nose or mouth with hand.
Avoid contact with eyes and skin. If product on skin and after each baiting, immediately wash area
with soap and water. When opening container and using PAPP baits wear non-permeable gloves.
After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap
and water. After each days use, wash gloves and contaminated clothing.

FIRST AID: If poisoning occurs, contact a doctor or Poisons Information Centre. Phone Australia
13 11 26. If skin contact occurs wash skin thoroughly. Remove from the contaminated area. Apply
artificial respiration if not breathing. If poisoning occurs get to a doctor or hospital quickly.

STORAGE AND DISPOSAL: Store product in this plastic bag or the approved container of this
product in a lockable room or cupboard away from children, animals, food, foodstuffs, seeds and
fertilisers. Empty plastic bags should be triple rinsed and should be disposed of in a local authority
landfill. If no landfill is available, bury plastic bag and rinsate below 500mm in a disposal pit
specifically marked and set up for this purpose clear of waterways, desirable vegetation and tree
roots. Empty plastic bags that have contained PAPP can only be burnt by open fire if done in
accordance with an approval granted by the EPA under the Protection of the Environment
Operations (Clean Air) Regulation 2010.

PROTECTION OF LIVESTOCK, DOMESTIC AND FARM DOGS: Dogs are highly susceptible to
PAPP. Ensure all domestic and farm dogs are restrained when using PAPP baits.

PROTECTION OF WILDLIFE, FISH, CRUSTACEA AND ENVIRONMENT: DO NOT contaminate
dams, waterways or drains with PAPP baits or this plastic bag.

**THIS PACKAGE CONTAINS (insert No.)
OR FOXES**

BAITS FOR THE CONTROL OF WILD DOGS

*For additional information contact an Authorised Control Officer at your local office
of the Local Land Services or Office of Environment and Heritage - NPWS.*

Roads and Maritime Notices

MARINE SAFETY REGULATION 2016

EXEMPTION ORDER

Clause 140 (1)

Exemption from display of registration number on each side of vessel—Kymera Body Board

I, Hendrik Clasie, Principal Manager Statewide Coordination, NSW Maritime Division, a delegate of Roads and Maritime Services (RMS), pursuant to clause 140 (1) of the *Marine Safety Regulation 2016* (the Regulation), hereby EXEMPT the owner and operator of a Kymera Body Board from the requirements set out in clause 90 (1) (a) (ii) of the Regulation, being the requirement that the vessel must not be operated without the vessel registration number displayed on each side of the vessel.

The Exemption is subject to the conditions set out in Schedule 1 of this Order.

Object

The object of this Order is to permit the vessel registration number to be displayed in a practical way on the Kymera Body Board, given its slimline design.

Definitions:

In this Order:

Kymera Body Board means a single person, plastic body-board style vessel propelled by a shaft driven impeller and electric motor and marketed under the name 'Kymera'.

Schedule 1

General Conditions

1. The owner and operator of a Kymera Body Board must ensure the vessel registration number is clearly displayed on the forward central storage hatch on the deck of the vessel.
2. The vessel registration number must contain figures that are at least 100 millimetres high.

Publication

Pursuant to clause 140 (3) (b) of the Regulation, this Order is published in the *NSW Government Gazette*.

This Order takes effect on 9 September 2016 and will continue in force until revoked.

This Order may be revoked at any time by RMS.

Date: 9 September 2016

HENDRIK CLASIE
Delegate

ROAD TRANSPORT ACT 2013

MINISTERIAL DECLARATION (BULL BAR EXEMPTION) ORDER 2016

I, Duncan Gay, Minister for Roads, Maritime and Freight, pursuant to section 19 of the *Road Transport Act 2013*, make the following Order.

Dated this 29th day of August 2016.

DUNCAN GAY, MLC
Minister for Roads, Maritime and Freight

1 Citation

This Order is the *Ministerial Declaration (Bull Bar Exemption) Order 2016*.

2 Commencement

This Order takes effect on and from 16 September 2016.

3 Effect

This Order remains in force until 16 September 2017 unless revoked earlier.

4 Definitions

In this Order:

Vehicle frontal protection system has the same meaning as in clause 25 (5) to Schedule 2 of the *Road Transport (Vehicle Registration) Regulation 2007*.

Ground clearance has the same meaning as in clause 78 (1) to Schedule 2 of the *Road Transport (Vehicle Registration) Regulation 2007*.

Unless stated otherwise, words and expressions used in this Order have the same meaning as those defined in the *Road Transport Act 2013*.

5 Application

This Order applies to a motor vehicle that has a GVM not over 4.5 tonnes that is fitted with a vehicle frontal protection system that does not comply with AS 4876.1–2002 *Motor vehicle frontal protection systems—Road user protection*.

6 Declaration

Clause 25 (3) to Schedule 2 of the *Road Transport (Vehicle Registration) Regulation 2007* is declared not to apply to a motor vehicle for which this Order applies only if the motor vehicle complies with the conditions stated in Schedule One of this Order.

Schedule One (Conditions)

Item	Condition
General profile and sharp edges	<p>If the bull bar is fitted to a vehicle of a model type first manufactured after 31 December 2002, the forward offset must not exceed 75mm or 9 degrees. The forward offset must be measured between the front face of the topmost horizontal member and the most forward point of either the bull bar’s supporting member and the most forward point of either the bull bar’s supporting member (which can be the bumper or the horizontal channel where the bull bar has replaced the bumper), or a horizontal member whose base is not more than 100mm above the supporting member.</p> <p>The top and bottom ends of all vertical members must be curved rearwards.</p> <p>There must be no sharp edges on forward facing members.</p> <p>Flanges of members constructed from I-sections must have chamfered or rounded edges.</p> <p>If the vehicle frontal protection system incorporates the front bumper or a horizontal member, the ends must go at least partially around the side of the vehicle or be capped.</p> <p>Open frames are not allowed.</p>
Projections	<p>The vehicle frontal protection profile may be stepped vertically up to 100mm using non-circular members. Greater steps are only allowed using circular tube or pipe formed to achieve the change in profile.</p> <p>A member can only project a maximum of 50mm beyond the point of intersection with another member.</p> <p>Brackets and other components connected to the vehicle frontal protection system must be fitted rearward of the front face and not protrude above the top of the vehicle frontal protection system.</p>
Maximum vehicle width	<p>The vehicle frontal protection system and attachments may extend beyond the original width of the vehicle providing it does not extend beyond the standard mirrors on either side or, if there are no side mirrors, 150mm, and the overall width of the vehicle and attachments do not exceed 2.5m.</p>
Obscured lights	<p>If lights and/or indicators are obscured by the vehicle frontal protection system frame, additional lights and/or indicators must be fitted that meet their necessary performance requirements and effective range to comply with Part 5 of Schedule 2 of the <i>Road Transport (Vehicle Registration) Regulation 2007</i>.</p> <p>Additional lights are not required where mesh is fitted to frame in front of or beside the light cluster provided the field of view is only interrupted by the mesh.</p>
Obscured number plate	<p>If the vehicle frontal protection system obscures the number plate to any extent, the number plate must be securely mounted in a manner that complies with clause 61 of Schedule 2 of the <i>Road Transport (Vehicle Registration) Regulation 2007</i>.</p>

Government Notices

Item	Condition
Forward view of the road	If the vehicle frontal protection system extends above the line of the bonnet, the driver must have an unobstructed view of the surface of the road 11m in front of them when sitting in the normal driving position.
Ground clearance	The vehicle and any frontal protection system must continue to comply with clause 78 of Schedule 2 of the <i>Road Transport (Vehicle Registration) Regulation 2007</i> .

Mining and Petroleum Notices

Notice is given that the following applications have been received:

EXPLORATION LICENCE APPLICATION

(T16-1112)

No 5352, GOLD AND COPPER RESOURCES PTY LIMITED (ACN 124 534 863), area of 4 units, for Group 1, dated 31 August 2016. (Orange Mining Division).

The Hon ANTHONY ROBERTS, MP
Minister for Industry, Resources and Energy

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

(12-4188)

Exploration Licence No 5979, TEMPLAR RESOURCES PTY LTD (ACN 085 644 944), area of 4 units. Application for renewal received 26 August 2016.

(16-1562)

Exploration Licence No 6123, MONASH COAL PTY LTD (ACN 069 359 011), area of 1886 hectares. Application for renewal received 6 September 2016.

(16-1529)

Exploration Licence No 6629, NEO RESOURCES LIMITED (ACN 007 708 429), area of 5 units. Application for renewal received 26 August 2016.

(16-1534)

Petroleum Exploration Licence No 12, AUSTRALIAN COALBED METHANE PTY LIMITED (ACN 002 606 288) AND SANTOS QNT PTY.LTD. (ACN 083 077 196), area of 31 blocks. Application for renewal received 26 August 2016.

The Hon ANTHONY ROBERTS, MP
Minister for Industry, Resources and Energy

Primary Industries Notices

STOCK DISEASES ACT 1923

Appointment of Inspectors

I, Peter Day, Director, Biosecurity & Food Safety Compliance, Department of Primary Industries with the delegated authority of the Secretary of the Department of Industry, Skills and Regional Development pursuant to section 22C of the *Stock Diseases Act 1923* (“the Act”) and pursuant to section 6 (1) of the Act, hereby appoint Amy MASTERS, Claire Louise HARRISON, Kate Joy PEFFER, Kate Maree WINGETT, Kellie Maree ARNALL and Joshua Daniel TOPHAM, as inspectors for the purposes of the Act.

Dated this 5th day of September 2016

PETER DAY

Director, Biosecurity & Food Safety Compliance
Department of Primary Industries
(an office within the Department of Industry, Skills and Regional Development)

Crown Lands Notices

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

ARMIDALE OFFICE

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

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule

Column 1

Grazing

Column 2

Reserve No 96046
Public Purpose: Future
Public Requirements
Notified: 11 June 1982
File Reference: 14/09216
Reserve No 753679
Public Purpose: Future
Public Requirements
Notified: 29 June 2007
File Reference: 14/09216

GRAFTON OFFICE

CORRECTION OF DEFECTIVE INSTRUMENT

Pursuant to section 257 of the *Roads Act 1993* the order "Declaration of Crown Land as Public Road" appearing in the *Government Gazette* of 26 August 2016, folio 2310, under the heading "Grafton Office" specifying "All Crown land within the subject areas is shown by black hatching." is corrected by deletion of the words "All Crown land within the subject areas is shown by black hatching" and by insertion in lieu the words and figures "All Crown land within the subject areas is shown by black hatching, being the whole of Lots 276, 277, 280, 281, 282 DP 755685."

The Hon NIALL BLAIR, MLC
Minister for Lands & Water

Crown lands reference: 16/05158.

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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Tuckombil; County – Rous
Land District – Lismore; LGA – Ballina*

Road Closed: Lot 2 DP 1222042

File No: 16/02760

Schedule

On closing, the land within Lot 2 DP 1222042 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parishes – Collemburrawang, Billabulla
Counties – Ewenmar, Gregory
Land District – Warren; LGA – Warren*

Road Closed: Lots 1–3 DP 1222090

File No: 16/02213

Schedule

On closing, the land within Lots 1–3 DP 1222090 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Uralla; County – Sandon
Land District – Armidale; LGA – Uralla*

Road Closed: Lot 1 DP 1221232

File No: 14/11223

Schedule

On closing, the land within Lot 1 DP 1221232 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Eurombedah; County – Ewenmar
Land District – Dubbo; LGA – Narromine*

Road Closed: Lot 2 DP 1221388
File No: 16/01139

Schedule

On closing, the land within Lot 2 DP 1221388 remains vested in the State of New South Wales as Crown land.

APPOINTMENT OF TRUST BOARD MEMBERS

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

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule

Column 1	Column 2	Column 3
Shaunagh Wing WILLMAN (new member)	Glenreagh Public Recreation Reserve Trust	Reserve No 81867 Public Purpose: Public Recreation Notified: 21 August 1959 File Reference: GF81R110-003
Kelly Anne GREEN (new member)		

For a term
commencing the
date of this notice
and expiring
18 September
2018.

Schedule

Column 1	Column 2	Column 3
John Edward ENGLAND (new member)	Coffs Harbour Showground & Public Recreation Trust	Dedication No 540030 Public Purpose: Public Recreation; Showground Notified: 16 September 1966 File Reference: GF80R184-006
Deborah Margaret FARQUHAR (new member)		

Column 1 **Column 2** **Column 3**

For a term
commencing the
date of this notice
and expiring
1 May 2019.

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

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule

Column 1	Column 2
Grazing	Reserve No 57814 Public Purpose: Camping; Water Notified: 20 February 1925 File Reference: 16/00699
	Reserve No 61586 Public Purpose: Resting Place Notified: 29 November 1929 File Reference: 16/00699
	Reserve No 93125 Public Purpose: Future Public Requirements Notified: 18 July 1980 File Reference: 16/00699

Schedule

Column 1	Column 2
Car Park; Landscaping	Reserve No 62162 Public Purpose: War Memorial Notified: 3 October 1930 File Reference: 15/11536

NOTIFICATION OF CLOSING OF ROAD

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

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – North Lismore; County – Rous
Land District – Lismore; LGA – Lismore City Council*

Roads Closed: Lot 1 & 2 DP 1221195 at North Lismore,
DPI File Reference: 10/14583

Schedule

On closing, the land within Lot 1 & 2 DP 1221195 remains vested in Lismore City Council as operational land for the purposes of the *Local Government Act 1993*.

Councils reference: Bouyon Street

Schedule

Column 1

Residence; Fowl Pen;
Channel; Pump Site;
Storage Shed; Agriculture;
Encroachments

Column 2

Reserve No 1630
Public Purpose: Access;
Water Supply
Notified: 16 September 1876
File Reference: 14/05900
Reserve No 754572
Public Purpose: Future
Public Requirements
Notified: 29 June 2007
File Reference: 14/05900

NOTIFICATION OF CLOSING OF ROAD

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

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Hassan; County – Drake
Land District – Grafton; LGA – Clarence Valley Council*

Roads Closed: Lot 9 & 10 DP 1207863 at Barretts Creek,
DPI File Reference: 07/6182

Schedule

On closing, the land within Lot 9 & 10 DP 1207863 shall vest in the State of NSW and given under section 44 of the *Roads Act 1993* in Compensation to Lismore City Council as operational land for the purposes of the *Local Government Act 1993*.

Councils reference: Barretts Creek Road

MAITLAND OFFICE

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.

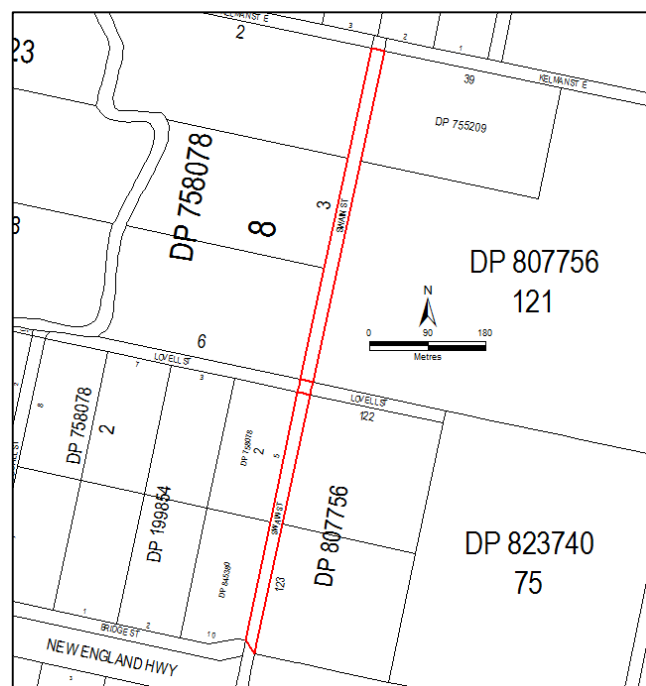
The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule 1

*Parish – Belford; County – Northumberland
Land District – Singleton
Local Government Area – Singleton Council*

Crown public road being Swain Street extending north from the intersection of the New England Highway, approx. 961 metres and terminating at the intersection with Kelman Street east (as highlighted in the diagrams below).

Schedule 2



GRIFFITH OFFICE

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

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Roads Authority: Singleton Council
 Council's Reference: 16/0167 & 16/39523
 Lands File Reference: 16/07028

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.

The Hon NIALL BLAIR, MLC
 Minister for Lands and Water

Schedule

Column 1	Column 2	Column 3
Michael Anthony CHAMPION (re-appointment)	Mangrove Mountain Recreation Reserve Trust	Reserve No 71118 Public Purpose: Public Recreation Notified: 24 December 1943 File Reference: MD96R15
Margaret Jane PONTIFEX (re-appointment)		
Neil Ronald PODLICH (re-appointment)		
Christine Anne WADE (new member)		
Michael James GOW (new member)		
Murray ATWELL-HARRIS (new member)		
Neil Leonard BERECRY-BROWN (re-appointment)		

For a term commencing the date of this notice and expiring 8 September 2021.

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

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon NIALL BLAIR, MLC
 Minister for Lands and Water

Schedule

Column 1	Column 2
Community Purposes	Reserve No 98054 Public Purpose: Girl Guides Notified: 31 January 1986 File Reference: 15/08728

Schedule

Column 1	Column 2
Boating Facility/Activity; Boatshed; Ramp; Walkway	Reserve No 1012130 Public Purpose: Access and Public Requirements, Tourism Purposes and Environmental and Heritage Conservation Notified: 11 August 2006 File Reference: 16/02652

Notes: Existing reservations under the Crown Lands Act are not revoked.

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.

The Hon NIALL BLAIR, MLC
 Minister for Lands and Water

Description

*Parish – Tumut; County – Wynyard
 Land District – Tumut; LGA – Snowy Valleys*

Road Closed: Lot 6 DP 1185129 (subject to easement for transmission line created by Deposited Plan 1185129)

File No: 12/07221

Schedule

On closing, the land within Lot 6 DP 1185129 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.

The Hon NIALL BLAIR, MLC
 Minister for Lands and Water

Description

*Parish – Walmar; County – Denham
Land District – Walgett; LGA – Walgett*

Road Closed: Lot 1 DP 1217039 (subject to easement for electricity line created by Deposited Plan 1217039)

File No: 14/02526

Schedule

On closing, the land within Lot 1 DP 1217039 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Bherwerre; County – St Vincent
Land District – Nowra; LGA – Shoalhaven*

Road Closed: Lot 100 DP 1223366.

File No: 15/03587

Schedule

On closing, the land within Lot 100 DP 1223366 remains vested in Shoalhaven City Council as operational land for the purposes of the *Local Government Act 1993*.

Council Reference: 49978E

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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Toogong; County – Ashburnham
Land District – Molong; LGA – Cabonne*

Road Closed: Lot 1 DP 1222228 (subject to right of carriageway created by Deposited Plan 1222228)

File No: 16/02258

Schedule

On closing, the land within Lot 1 DP 1222228 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Toogong; County – Ashburnham
Land District – Molong; LGA – Cabonne*

Road Closed: Lot 1 DP 1222238

File No: 16/02265

Schedule

On closing, the land within Lot 1 DP 1222238 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Norway; County – Westmoreland
Land District – Lithgow; LGA – Oberon*

Road Closed: Lot 1 DP 1220163

File No: 09/05245

Schedule

On closing, the land within Lot 1 DP 1220163 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Dyrning; County – Durham
Land District – Singleton; LGA – Singleton*

Road Closed: Lot 1 DP 1222225

File No: 09/18671

Schedule

On closing, the land within Lot 1 DP 1222225 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Edgeroi; County – Leichhardt
Land District – Coonamble; LGA – Coonamble*

Road Closed: Lots 1–2 DP 1221272
File No: 15/09835

Schedule

On closing, the land within Lots 1–2 DP 1221272 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

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

Road Closed: Lot 1 DP 1219942
File No: 15/11288

Schedule

On closing, the land within Lot 1 DP 1219942 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Cowra; County – Bathurst
Land District – Cowra; LGA – Cowra*

Road Closed: Lot 1 DP 1219945
File No: 09/10386

Schedule

On closing, the land within Lot 1 DP 1219945 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Uargon; County – Gowen
Land District – Coonabarabran; LGA – Gilgandra*

Road Closed: Lot 1 DP 1221423
File No: DB06H73

Schedule

On closing, the land within Lot 1 DP 1221423 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

*Parish – Castle Hill; County – Cumberland
Land District – Metropolitan; LGA – The Hills Shire*

Road Closed: Lot 1 DP 1223439 subject to easements and restriction on the use of land created by Deposited Plan DP 1223439.

File No: 16/01617

Schedule

On closing, the land within Lot 1 DP 1223439 remains vested in The Hills Shire Council as operational land for the purposes of the *Local Government Act 1993*.

Council Reference: RMRC0215

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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Description

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

Road Closed: Lot 1 DP 1217675 (subject to easement created by Deposited Plan 1217675)

File No: 15/09421

Schedule

On closing, part of the land within Lot 1 DP 1217675 remains vested in the State of New South Wales as Crown land.

On closing, part of the land within Lot 1 DP 1217675 becomes vested in the State of New South Wales as Crown land.

Council's reference: R0790007

ORANGE OFFICE

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

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule

Column 1

Access; Drainage; Grain Storage & Handling Area

Column 2

Reserve No 64367
Public Purpose: Travelling Stock
Notified: 25 January 1934
File Reference: OE99H149

TAREE OFFICE

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

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where such use or occupation is other than the declared purpose of the reserve.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule

Column 1

Oyster Farming Activities (Relevant Interest – S34A) RI 569797)
File No:11/13281

Column 2

Reserve No: 1012048
Public Purpose: Access and Public Requirements, Tourism Purposes and Environmental and Heritage Conservation.
Notified: 4 August 2006
Reserve No: 754451
Public Purpose: for Future Public Requirements
Notified 29 June 2007

Column 1

Oyster Farming Activities (Relevant Interest – S34A) RI 569888)
File No:16/06439

Column 2

Reserve No: 1012048
Public Purpose: Access and Public Requirements, Tourism Purposes and Environmental and Heritage Conservation.
Notified: 4 August 2006
Reserve No: 754451
Public Purpose: for Future Public Requirements
Notified 29 June 2007
Reserve No: 1011268
Public Purpose: for Future Public Requirements
Notified 3 February 2006
Reserve No: 56146
Public Purpose: from Sale or Lease generally
Notified: 11 May 1923

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

In pursuance of the provisions of section 151, *Roads Act 1993*, the Crown road specified in Schedule 1 is hereby transferred to the Roads Authority specified in Schedule 2 hereunder and 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule 1

Parish – Camden Haven; County – Macquarie Land District – Port Macquarie; Locality – Kew Local Government Area – Port Macquarie Hastings Council
Crown public road as indicated by red colour on diagram below.

Schedule 2

Roads Authority: Port Macquarie Hastings Council
Lands File No: TE03H108



**APPOINTMENT OF RESERVE TRUST
AS TRUSTEE OF A RESERVE**

Pursuant to section 92 (1) of the *Crown Lands Act 1989*, the reserve trust specified in Column 1 of the Schedule hereunder is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule

Column 1	Column 2
Greater Taree Community Reserves Reserve Trust	Reserve No 82615 Public Purpose: Public School Notified: 3 June 1960 File Reference: TE80R461

such use or occupation is other than the declared purpose of the reserve

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule

Column 1	Column 2
Business Purposes; Storage Area	Reserve No 1013830 Public Purpose: Future Public Requirements Notified: 29 June 2007 File Reference: 15/10583

WAGGA WAGGA 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.

The Hon NIALL BLAIR, MLC
Minister for Lands and Water

Schedule

Column 1	Column 2	Column 3
Ian Charles PLAYFORD (re-appointment)	Coreen Recreation Reserve Trust	Reserve No 80236 Public Purpose: Public Recreation Notified: 20 December 1957 File Reference: WA82R13-02
Jarrold HANRAHAN (new member)		
Christopher John COLLINS (re-appointment)		

For a term commencing the date of this notice and expiring 8 September 2021.

WESTERN REGION OFFICE

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

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve(s) specified in Column 2 of the Schedule is to be used or occupied under a relevant interest granted for the purpose(s) specified in Column 1 of the Schedule where

Other Government Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation Pursuant to Section 74

Take notice that the incorporation of the following associations is cancelled by this notice pursuant to section 74 of the *Associations Incorporation Act 2009*.

ASHFIELD SENIORS EDEN INCORPORATED	INC1501488
BEGA CHEESE SOCIAL CLUB INCORPORATED	INC1300876
COWRA ARTS COUNCIL INC	Y1333936
DEE WHY SENIOR CITIZENS CLUB INCORPORATED	INC7983002
FORSTER BEACH HOUSE INCORPORATED	INC9882627
MINI – EPI INCORPORATED	INC1600885
MOUNTAIN COMMUNITY CHURCH INCORPORATED	INC9882001
OUR HSU INCORPORATED	INC9897605
PROFESSIONAL CENTRE OF AUSTRALIA HELPING HAND INCORPORATED	INC9889559
SHIRELIVE SEE CHANGE INCORPORATED	Y2732031
THE APEX CLUB OF WENTWORTH INC	Y0668018
THE ENTRANCE HOTEL FAMILY FISHING CLUB INC	INC9886828
TRIPODI SOCIAL GROUP INCORPORATED	INC1301209

Cancellation is effective as at the date of gazettal.

Dated 7th day of September 2016.

ROBYNE LUNNEY
Delegate of the Commissioner
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration Pursuant to Section 76

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

ASSOCIATION FOR MIDDLE EAST ECONOMIC RESEARCH (AMEER) INC	Y1417437
AUSTRALIAN ISLAMIC VOICE INCORPORATED	INC9893731
BAUCAU FRIENDS ASSOCIATION INCORPORATED	INC9885775

BELMORE JUNIOR NETBALL ASSOCIATION INCORPORATED	Y2966438
BERMAGUI BADMINTON CLUB INCORPORATED	INC9879899
BIKE RIDERS AND TOURERS ILLAWARRA INCORPORATED	Y2469013
BONNET BAY NETBALL CLUB INCORPORATED	Y1966101
CALDERA RESIDENTS ACTION GROUP INC	INC9886267
CHANDANA ASIA PACIFIC KANNADA COMMUNITY TELEVISION INCORPORATED	INC9885789
DIDIMSORI INCORPORATED	INC9886407
DUBBO RADIO CONTROLLED CAR CLUB INCORPORATED	INC9881358
FEDERATION OF ORGANISATIONS OF HELLENE AND HELLENE CYPRIOT WOMEN OF AUSTRALIA AND NEW ZEALAND INCORPORATED	INC9882918
FIJI CULTURAL & LEISURE CENTRE INC	INC9895952
FINLEY ARCHERY CLUB INCORPORATED	INC9886421
FISH RIVER TRAIL HORSE RIDERS & DRIVERS ASSOCIATION INCORPORATED	INC9879431
FOREST HERMITAGE INCORPORATED	INC9886918
FRIENDS OF WOODBERRY LEARNING CENTRE INCORPORATED	INC9888864
FRIENDSHIP FOR LIFE INCORPORATED	INC9887155
GOULBURN DISTRICT TOURISM ASSOCIATION INCORPORATED	INC9885785
GRENFELL DISTRICT NETBALL ASSOCIATION INCORPORATED	INC9881311
HILLSTON AMATEUR SWIMMING CLUB INCORPORATED	INC9876504
HOUSE OF SARANG AUSTRALIA INCORPORATED	INC9886792
INFINITE OPPORTUNITIES INCORPORATED	INC9886414
ITTAHAD-E JAWANAN-E HAZARA ASSOCIATION INCORPORATED	INC9887079
JOY AND RAPTURE INCORPORATED	INC9888131

KHABOUR CHALDEAN ASSOCIATION INCORPORATED	INC9887073
MOREE SPA INDUSTRY ASSOCIATION INCORPORATED	INC9883069
NATIONAL REAL ESTATE FRANCHISE ASSOCIATION INCORPORATED	Y2504537
RAYMOND TERRACE AUSSI MASTERS INCORPORATED	INC9880418
REGIONAL CHAMBERS OF COMMERCE NSW INCORPORATED	INC9887150
SHANTY HOTEL FISHING AND SOCIAL CLUB INCORPORATED	Y1801831
SHARKY BEACH LONGBOARDERS INCORPORATED	INC9883720
SIKH FEDERATION OF AUSTRALIA INC	INC9880805
SIONA FOU REFORMATION CHRISTIAN CONGREGATION SYDNEY AUSTRALIA INCORPORATED	INC9884072
SKILLS COUNCIL OF AUSTRALIA INCORPORATED	INC9896973
ST MARYS EAGLE VALE NETBALL CLUB INCORPORATED	Y2879038
SYDNEY BA VETERANS SPORTS AND SOCIAL CLUB INCORPORATED	INC9887297
THE BUDGEWOI VISION GROUP INCORPORATED	INC9885562
THE LORD'S CHOSEN CHARISMATIC REVIVAL MINISTRIES INCORPORATED	INC9897253
THE ROTARACT CLUB OF CASTLE HILL INCORPORATED	Y2152102
TRANGIE CAMPDRAFT ASSOCIATION INCORPORATED	INC9887315
WANDANDIAN ENDURANCE RIDE INCORPORATED	INC9881412
YANCO ALL SERVICES CLUB CRICKET CLUB INCORPORATED	INC9884776
YASS MAGPIES SWIM CLUB INCORPORATED	INC9886463

Cancellation is effective as at the date of gazettal.

Dated this 9th day of September 2016

CHRISTINE GOWLAND
Delegate of the Commissioner
NSW Fair Trading

COMPANION ANIMALS REGULATION 2008

ORDER

Organisations Approved by the Chief Executive,
Local Government under Clause 16 (d) of the
Companion Animals Regulation 2008

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

Schedule 1

Name of organisation	Address of organisation
The Rhodesian Ridgeback Club Inc	13 Taringa Street, Ashfield NSW 2131

Schedule 2

- The exemption under clause 16 (d) of the *Companion Animals Regulation 2008* from the requirements of section 9 of the *Companion Animals Act 1998* only applies to an animal in the custody of an organisation listed in Schedule 1:
 - if the organisation is holding that animal for the sole purpose of re-housing the animal with a new owner; and
 - 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
 - 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.
- 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: 6 September 2016

MARK HELY

Acting Director, Investigations and Sector Performance
Office of Local Government

**SURVEYING AND SPATIAL
INFORMATION ACT 2002**

Removal of Name from the Register of Surveyors

Pursuant to the provisions of the *Surveying and Spatial Information Act 2002*, section 10A (1), the undermentioned Land Surveyors have been removed from the Register of Surveyors

Name	Date of Removal	Date of Registration	Name	Date of Removal	Date of Registration
			GREGOR John William	31 August 2016	10 July 2001
			GROVES Glendyn Paul	1 September 2016	14 March 1986
			HAMER William Leonard	1 September 2016	1 July 2008
			HARRISON Michael Robert	1 September 2016	15 September 1989
			HOGAN Cheryl Margaret	31 August 2016	17 July 2003
			JACOBS Peter Gregory	1 September 2016	29 April 2010
			JOLLIE David Alan	1 September 2016	1 April 1980
			KAIN Edward Douglas	31 August 2016	21 March 1978
			KELLY Stephen Patrick	31 August 2016	4 November 2016
			LAWSON Paul Anthony	1 September 2016	12 September 1986
			LEACH Christopher James	1 September 2016	21 December 2006
			LIVINGSTONE Gregory Robert	1 September 2016	23 September 1983
			LONDON Donald	31 August 2016	18 March 1999
			LORD Scott Peter Lindsay	1 September 2016	21 November 2011
			MACFARLANE Robert Allan	1 September 2016	29 September 1980
			McANESPIE Andrew James	1 September 2016	15 March 1985
			McCROW Kenneth Bruce	1 September 2016	26 September 1961
			McKELLAR Neil Ross	31 August 2016	1 April 1980
			McQUILLAN Phillip John	1 September 2016	5 May 2006
			MEPSTEAD David Allan	1 September 2016	18 March 1977
			MONK Gregory David	31 August 2016	16 October 1980
			MITTELHEUSER John Paul	31 August 2016	30 September 1974
			MOTT Andrew John	1 September 2016	8 January 2008
			MULDOON Richard Scott	1 September 2016	4 November 2003
			NANCARROW Peter Laurence	1 September 2016	5 December 2000
ARNOLD Michael Geoffrey	1 September 2016	27 April 2004			
ARNOLD Robert Andrew	31 August 2016	30 March 1990			
BAMFORTH Anthony John	1 September 2016	9 September 1988			
BARR Stephen Andrew	1 September 2016	15 March 2002			
BATH Daryl James	31 August 2016	2 October 1979			
BOOT Gregory John	1 September 2016	5 December 2000			
BOWLER Samuel Mark	1 September 2016	20 March 1990			
BROWN Samuel Francis	31 August 2016	25 September 1981			
BUTLER Mark Robert	1 September 2016	15 March 1985			
CARROLL John Patrick	1 September 2016	18 January 2016			
CRAVEN Noel Frederick	31 August 2016	21 January 1957			
CROFT Michael James	1 September 2016	12 October 2009			
DOHERTY Neil Edmond	31 August 2016	24 September 1982			
DRENNAN Gavin Paul	1 September 2016	17 September 2007			
EDWARDS Gary Michael	1 September 2016	19 March 1982			
EGAN Stephen Ross	1 September 2016	21 March 2007			
ELGOOD Robert Walter	1 September 2016	21 March 1975			
FRANKLIN Brian John	31 August 2016	22 October 1976			
GOWEN Brian Charles	1 September 2016	6 October 1976			
GRABARA Thierry Stephan Marcel	1 September 2016	20 March 1992			
GRAEVE Kerran Max	1 September 2016	29 October 2015			
GRAY Anthony Nicholas Craig	31 August 2016	17 February 2015			

Name	Date of Removal	Date of Registration
NEWMAN Christopher Philip	31 August 2016	18 August 1995
ONLEY Anthony Martin	1 September 2016	11 October 2007
OWEN Matthew John	1 September 2016	8 November 2010
OXLEY Gregory Keith	1 September 2016	19 March 1979
PEARSON Geoffrey Alan	31 August 2016	13 March 1981
PLOWMAN Matthew Paul	1 September 2016	5 December 2000
PRIKULIS Robert Janis	31 August 2016	1 April 2016
RHYNHART Keith Bernard	31 August 2016	18 September 1972
ROSE Glenn Alfred	31 August 2016	22 March 1976
SCHMALFELDT Lee Michael	1 September 2016	27 July 2009
SCOTT Philip Andrew	1 September 2016	25 March 1994
SEARLES Thomas Matthew	1 September 2016	4 October 2009
SENESE Ben Michael	1 September 2016	5 May 1988
SHEPHARD Alan Arthur	1 September 2016	25 October 1956
SHOEBRIDGE Morgan	1 September 2016	6 July 2000
SMIDT Darryll Ross	1 September 2016	26 March 2009
SMITH Anthony Patrick	1 September 2016	23 November 2012
SMITH Darryl Jack	1 September 2016	23 March 1984
SMITH Dennis	31 August 2016	29 September 1969
SMITH Robert George	31 August 2016	24 March 1966
STEWART Graeme Ross	31 August 2016	13 March 1981
SWAN Paul Norman	31 August 2016	18 March 1977
THOMAS Philip Murray	1 September 2016	14 August 1989
TOMKINSON Paul Thomas	1 September 2016	20 April 1978
TWEEDIE Graham Bruce	31 August 2016	23 September 1983
USHER Andrew Frank	1 September 2016	30 July 1997

Name	Date of Removal	Date of Registration
VAIVARS Kieron	1 September 2016	21 July 2014
VAN DER WERFF John Lubbertus	1 September 2016	1 April 1974
VOLLEBERGH Nicole Frances Grady	1 September 2016	2 April 2014
WALTERS Malcolm Ross	31 August 2016	30 March 1960
WAUGH Stephen Ronald	31 August 2016	18 September 1992
WORMALD Geoffrey Douglas	31 August 2016	18 March 1983
WYPER Philip Andrew	1 September 2016	18 April 1991
DAVID JOB Acting President		
MICHAEL SPITERI Registrar		

SURVEYING AND SPATIAL INFORMATION ACT 2002

Removal of Name from the Register of Surveyors

Pursuant to the provisions of the *Surveying and Spatial Information Act 2002*, section 10A (1), the undermentioned Mining Surveyors (Unrestricted) have been removed from the Register of Surveyors

Name	Date of Removal	Date of Registration
GLEESON Gregory Phillip	1 September 2016	7 August 2009
HOHNKE Jonathon Reuben	31 August 2016	22 February 2010
HURLEY David James	1 September 2016	8 March 2006
KOOSMEN Stephen John	1 September 2016	23 October 2003
MAYNARD Phillip John	1 September 2016	24 October 2003
POYNTON Benedict James	1 September 2016	11 April 2004
SMITH Justin William	1 September 2016	11 August 2015
DAVID JOB Acting President		
MICHAEL SPITERI Registrar		

**SURVEYING AND SPATIAL
INFORMATION ACT 2002**

Removal of Name from the Register of Surveyors

Pursuant to the provisions of the *Surveying and Spatial Information Act 2002*, section 10A (1), the undermentioned Mining Surveyors Open Cut have been removed from the Register of Surveyors

Name	Date of Removal	Date of Registration
MCGINTY Justin Philip	1 September 2016	6 October 2015
DAVID JOB Acting President		
MICHAEL SPITERI Registrar		

Name	Date of Removal	Date of Registration
CRAVEN Noel Frederick	31 August 2016	21 January 1957
DOHERTY Neil Edmond	31 August 2016	24 September 1982
FRANKLIN Brian John	31 August 2016	22 October 1976
KAIN Edward Doulas	31 August 2016	21 March 1978
MCKELLAR Neil Ross	31 August 2016	1 April 1980
MITTELHEUSER John Paul	31 August 2016	30 September 1974
MONK Gregory David	31 August 2016	16 October 1980

**SURVEYING AND SPATIAL
INFORMATION ACT 2002**

Removal of Name from the Register of Surveyors

Pursuant to the provisions of the *Surveying and Spatial Information Act 2002*, section 10A (1), the undermentioned Mining Surveyors Restricted Metalliferous & Open Cut in New South Wales have been removed from the Register of Surveyors

Name	Date of Removal	Date of Registration
COLLINS John Gregory	1 September 2016	3 September 2015
KAVANAGH Timothy Robbin	1 September 2016	18 October 2013
DAVID JOB Acting President		
MICHAEL SPITERI Registrar		

PEARSON Geoffrey Alan	31 August 2016	13 March 1981
PRIKULIS Robert Janis	31 August 2016	1 April 1976
RHYNEHART Keith Bernard	31 August 2016	18 September 1972
ROSE Glenn Alfred	31 August 2016	22 March 1976
SMITH Dennis	31 August 2016	29 September 1969
SMITH Robert George	31 August 2016	24 March 1966
STEWART Graeme Ross	31 August 2016	13 March 1981
SWAN Paul Norman	31 August 2016	18 March 1977
TWEEDIE Graham Bruce	31 August 2016	23 September 1983
WALTERS Malcolm Ross	31 August 2016	30 March 1960
WORMALD Geoffrey Douglas	31 August 2016	18 March 1983

**SURVEYING AND SPATIAL INFORMATION
REGULATION 2006**

Certificate of Meritorious Service

Pursuant to the provisions of clause 83 of the *Surveying and Spatial Information Regulation 2006*, the undermentioned Surveyors has been awarded a Certificate of Meritorious Service, in recognition of long service and contribution to the surveying profession in New South Wales with effect 1 September 2015.

Name	Date of Removal	Date of Registration
ARNOLD Robert Anthony	31 August 2016	30 March 1990
BATH Daryl James	31 August 2016	2 October 1979
BROWN Samuel Francis	31 August 2016	25 September 1981

DAVID JOB
Acting President
MICHAEL SPITERI
Registrar

**SURVEYING AND SPATIAL
INFORMATION ACT 2002**

Registration of Surveyors

Pursuant to the provisions of the *Surveying and Spatial Information Act 2002*, section 10 (1) (a), the undermentioned persons have been Registered as a Land Surveyor in New South Wales under the *Mutual Recognition Act 1992* from the dates shown.

Name	Address	Effective Date
MACDONALD Ross Gerard	55 Little Edward Street Spring Hill QLD 4000	26 August 2016

DAVID JOB
Acting President

MICHAEL SPITERI
Registrar

**EMERGENCY SERVICES LEVY INSURANCE
MONITOR ACT 2016**

Issue of Guidelines Relating to Prohibited Conduct
under Section 21

I, professor Allan Fels AO, the person appointed as the Emergency Services Levy Insurance Monitor under section 5 of the *Emergency Services Levy Insurance Monitor Act 2016* (“the Act”) publish the following guidelines, for the purposes of section 21 (1) of the Act: Guidelines on the prohibition against price exploitation, and Guidelines on the prohibition on engaging in false or misleading conduct in relation to the emergency services levy reform. The Guidelines take effect immediately.

Dated 7 September 2016

Professor ALLAN FELS AO
Emergency Services Levy Insurance Monitor



Emergency Services Levy Insurance Monitor Act 2016

**Guidelines on the
prohibition against price
exploitation**

September 2016



GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

Published by

Emergency Services Levy Insurance Monitor
PO Box 972 Parramatta, NSW 2124
enquiries@eslinsurancemonitor.nsw.gov.au
www.eslinsurancemonitor.nsw.gov.au

Disclaimer

Every effort has been made to ensure that the information presented in this document is accurate at the time of publication. Because this document avoids the use of legal language, information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

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A Introduction

- 1 On 10 December 2015, the New South Wales Treasurer announced that the Government intended to reform the way emergency services organisations are funded in New South Wales. In particular, this reform abolishes the contributions required to be paid by insurance companies, which are recovered from policy holders by charging an Emergency Services Levy (ESL), and the establishment of an Emergency Services Property Levy (ESPL) to be levied on all property owners. The *Emergency Services Levy Insurance Monitor Act 2016* (the Act), which was passed by the NSW Parliament on 31 May 2016, is the first legislative step taken to implement this reform program.
- 2 The Act provides for the appointments of an Emergency Services Levy Insurance Monitor and Deputy Monitor “who will be responsible for ensuring that insurers pass on the benefits of abolishing the ESL to households and businesses in the form of lower insurance premiums.”¹
- 3 Section 9 (2) of the Act specifies that the Monitor has the following general functions:
 - (a) to provide information, advice and guidance in relation to the emergency services levy reform and prohibited conduct,
 - (b) to monitor prohibited conduct and compliance with this Act and the regulations
 - (c) to monitor prices for the issue of regulated contracts of insurance,
 - (d) to monitor the impact of the emergency services levy reform on the insurance industry and levels of insurance coverage,
 - (e) to prepare and publish guidelines relating to the operation and enforcement of this Act and the regulations,
 - (f) to receive complaints about prohibited conduct and to deal with them in accordance with this Act, and
 - (g) to investigate and institute proceedings in respect of prohibited conduct or any contraventions of the Act or the regulations.
- 4 The Government has indicated its intention to remove the ESL fully from insurance premiums by 1 July 2017. It is intended that the legislation to achieve this and introduce the ESPL will be introduced later in 2016.²
- 5 The Act contains prohibitions against price exploitation and false or misleading conduct in relation to the emergency services levy reform. There is provision in section 21 for the Monitor to issue Guidelines about when conduct may be considered to breach these prohibitions.
- 6 These Guidelines specifically address the prohibition against price exploitation. Draft Guidelines were issued by the Monitor in July 2016 for comment and consultation. The Monitor acknowledges the helpful feedback obtained on the Draft from industry and community interests. On the basis of this feedback a number of changes have been made to the Draft, which are reflected in this settled version of the Guidelines.

¹ NSW Legislative Assembly, Emergency Services Levy Insurance Monitor Bill 2016, Second Reading, Ms Gladys Berejiklian, Treasurer and Minister for Industrial Relations, 3 May 2016.

² Second Reading, Ms Gladys Berejiklian, 3 May 2016

A.1 Statutory basis and application of the Guidelines

- 7 The Guidelines on the prohibition against price exploitation are issued under section 21 of the Act. The Act provides that the Monitor must have regard to the Guidelines in deciding whether to issue contravention and prevention notices. Under section 16, a contravention notice may be issued to an insurance company by the Monitor if the Monitor considers the company has contravened the prohibition on price exploitation. Under section 17, a prevention notice can be issued to an insurance company by the Monitor if the Monitor considers that doing so will aid the prevention of price exploitation. Section 18(4) provides that the Supreme Court may have regard to any guidelines issued under section 21 in determining whether to make an order in relation to prohibited conduct, including price exploitation. The Monitor must also have regard to any guidelines issued under section 21 in deciding whether to issue a substantiation notice (section 22(6)) or a public warning statement (section 31(3)) under the Act.
- 8 The Act provides that guidelines issued under section 21 and any variations of them must be published in the Government Gazette and on the Monitor's website. Accordingly, these Guidelines and the date on which they are to take effect will be published in the Government Gazette and will be available on the Monitor's website www.eslinsurancemonitor.nsw.gov.au

A.2 The emergency services levy reform

- 9 Insurance companies have been required to pay contributions to the Department of Justice (DOJ) to help fund the emergency services organisations in New South Wales, including Fire and Rescue NSW, NSW Rural Fire Service and NSW State Emergency Service. These contributions are collected under Part 5 of the *Fire Brigades Act 1989*, Part 5 of the *Rural Fires Act 1997* and Part 5A of the *State Emergency Service Act 1989*. Insurance companies provide 73.7 per cent of the total contributions required to fund the emergency services organisations with the balance being provided by the Treasury (14.6 per cent) and Local Councils (11.7 per cent).
- 10 The contributions required from insurance companies are determined on the basis of the approved budgets of the emergency services organisations and the share of the market held by each insurance company, based on designated portions of total premiums obtained from particular insurance classes as specified in schedules to the legislation. The relevant classes of insurance and contribution percentages as specified in the schedules are shown in the following Table.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

Table 1: Classes of insurance subject to contribution and rates applied

Class of policies of insurance	Proportion of premiums subject to contribution
1 Any insurance of property including consequential loss but not including any insurance of a class specified elsewhere in in this Schedule	80 per cent
2 House owners and householders, however designated (buildings or contents or both)	50 per cent
3 Personal combined on personal jewellery and clothing, personal effects and works of art	10 per cent
4 Motor vehicle and motor cycle	2.5 per cent
5 Marine and baggage – any insurance confined to maritime perils or confined to risks involving transportation on land or in air including storage incidental to transportation by sea, land or air, but not including static risks* (which are to be declared under Item 1) Note* static risks includes all movements of goods and/or stock and/or material associated with processing or storage operations at any situation.	1 per cent
6 (a) Combined fire and hail on growing crops (b) Live stock	1 per cent 1 per cent
7 Aviation hull	Nil
8 Any insurance solely covering: a) Loss by theft b) Plate glass c) Machinery – confined to mechanical breakdown and/or consequential loss arising from mechanical breakdown d) Explosion or collapse of boiler and pressure vessels – confined to damage other than by fire	Nil Nil Nil Nil

11 The insurance companies have generally recovered their contributions to the funding of the emergency services organisations by charging an ESL, as part of the premiums required to be paid by insurance policy holders.

12 On 10 December 2015 and subsequently when introducing the Emergency Services Levy Insurance Monitor Bill 2016 to the Parliament, the Government indicated its intention,

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subject to acceptance by the Parliament, to cease funding the emergency services organisations by requiring contributions to be made by insurance companies and to replace these insurance-based levies with property-based levies to be collected by Local Governments. It has been foreshadowed that this change will have effect from 1 July 2017. From this date on there will be no contributions required to be made by insurance companies and no ESL should be included on insurance policies commencing after this date.

- 13 The abolition of compulsory contributions from insurance companies, with the associated ESL revenue-raising mechanism, should affect the prices that insurance companies charge for insurance where such levies have applied.

A.3 The Monitor's role in relation to price exploitation

- 14 The Government intends that insurance policyholders in NSW, both households and businesses, should benefit fully from the abolition of the ESL. The abolition of the ESL should decrease the prices paid by purchasers of insurance. Insurers will collect approximately \$800 million in revenue through the ESL in premiums charged to New South Wales policyholders during 2016-17. This amount should be removed from premiums during 2017-18. There should be no exploitation of consumers of insurance by insurance companies not passing on to consumers the benefits of removal of the ESL.
- 15 The Treasurer stated in the Second Reading Speech on the Emergency Services Levy Insurance Monitor Bill:

By establishing the consumer protection framework now, before legislation abolishing the ESL is introduced, the Government is providing a framework that will enable insurers to gradually transition insurance prices so that the ESL will be fully removed from insurance prices by 1 July 2017³.

- 16 The Government has established an insurance price oversight regime which prohibits price exploitation in relation to price changes related to the emergency services levy reform and has provided the Monitor with extensive powers to ensure compliance with that prohibition.

A.4 Penalties for contravention of the prohibition on price exploitation

- 17 The level of penalties for contraventions of the Act reflects the Government's concern to ensure that there is no price exploitation of the emergency services levy reform by any insurance company. The Supreme Court may impose pecuniary penalties up to \$10 million on corporations and \$500,000 on individuals for contraventions of the price exploitation provisions which occur after commencement of the Act. If a contravention occurs before 3 May 2016, the date when the Bill for the Act was first introduced into Parliament, but after 10 December 2015, the maximum penalty 'is not to exceed the amount that a court is satisfied represents the amount of any monetary benefits acquired by the respondent, or accrued or accruing to the respondent, as a result of the conduct (section 18(5)).

³ Second Reading, Ms Gladys Berejiklian, 3 May 2016

A.5 Who do the Guidelines apply to in relation to price exploitation?

- 18 The Guidelines apply to any insurance company which issues or has issued 'at any time during the relevant period' a 'regulated contract of insurance'.
- 19 An insurance company is defined in section 3 of the Act to mean a person, partnership, association or underwriter that:
 - (a) issues or undertakes liability under policies of insurance against loss of or damage to property situated in New South Wales, or
 - (b) receives premiums in respect of such policies of insurance on behalf of, or for transmission to, a person, partnership, association or underwriter outside of New South Wales.
- 20 Section 14(3) indicates that the relevant period commences on 10 December 2015, the date the Government announced its intention to proceed with the emergency services levy reforms, and ends on the date on which the section commences. This means that the prohibition on price exploitation applies retrospectively to the time of the Government's announcement of the emergency services levy reforms and up to the date of commencement of the legislation. It will then continue to apply to any regulated contract of insurance issued up to 31 December 2018.
- 21 A regulated contract of insurance is defined in section 3 as being 'any policy of insurance issued by an insurance company (whether before, on or after the commencement of this Act) that:
 - (a) belongs to a class of policies of insurance that is, on the commencement of this Act, subject to contribution under the emergency services funding scheme, or
 - (b) is a combined or comprehensive policy of insurance that includes a policy of insurance belonging to such a class.'
- 22 The prohibition on price exploitation will, therefore, apply to any insurance policy within the class of policies listed in table 1 or any policy which incorporates a policy within any of these classes.

B. The prohibition on price exploitation

- 23 The prohibition on price exploitation is a key element of the regulatory regime established to oversee the abolition of the insurance-based ESL and is intended to ensure that the benefits of the emergency services levy reform are fully passed on to insurance policyholders.

B.1 The legislative provisions

- 24 Section 14 of the Act relates to price exploitation. It provides that:

- (1) For the purposes of this Act, an insurance company engages in **price exploitation** if:
- (a) the insurance company issues (or has, at any time during the relevant period, issued) a regulated contract of insurance; and
 - (b) the price for the supply of the regulated contract of insurance is unreasonably high having regard to -
 - (i) the emergency services levy reform, and
 - (ii) the contributions required to be paid by the insurance company under Part 5 of the *Fire Brigades Act 1989*, Part 5 of the *Rural Fires Act 1997* and Part 5A of the *State Emergency Service Act 1989*, and
 - (iii) the historical emergency services levy rates charged by the insurance company, and
 - (iv) the costs of supplying insurance against loss of or damage to property, and
 - (v) any other matters prescribed by the regulations.

25. Section 3 of the Act indicates that:

price, in relation to the issue of a regulated contract of insurance includes:

- (a) any premium paid or payable for the issue of the regulated contract of insurance (including any base premium, emergency services levy, GST or duty), and
- (b) Any brokerage or commission paid or payable on:
 - (i) the premium, or
 - (ii) bonuses or return premiums allowed in respect of the regulated contract of insurance, or
 - (iii) such part of the premium received by or payable to the insurance company issuing the regulated contract of insurance as is paid or payable by way of reinsurance by the insurance company to another insurance company.

B.2 What is the appropriate level of analysis to determine price exploitation?

26. The Monitor considers that the provisions of section 14 apply to the price of an individual insurance policy in the relevant classes of policy, rather than to an insurance company's prices in aggregate or its methodology for setting its prices in general. The Monitor places emphasis on the natural meaning of the words in the section in reaching this view. The key provision in this respect is the reference to contract of insurance in the singular:
- Section 14(1)(a) refers to 'the insurance company issues a *regulated contract of insurance*' [emphasis added]; and
 - Section 14(1)(b) refers to 'the price for the issue of *the regulated contract*' [emphasis added].
27. While a focus on the individual insurance policy is appropriate when determining whether prices have been unreasonably high, the Monitor considers that an insurance company's overall pricing may be a relevant consideration in relation to the matters specified in sub-section 14(1)(b).

Guideline 1:

The prohibition on price exploitation applies at the level of the price of an individual contract of insurance within the scheduled classes issued by an insurance company and regulated under the Act.

B.3 The relevant components of a price?

28. The main components of the price to be considered in respect of the price exploitation provision include the base premium, the ESL, GST (Goods and Services Tax) and duty. In addition, any brokerage or commission paid or payable on the premium, bonuses or return premiums and reinsurance are considered as separate components of price that may be considered.
29. The Monitor will seek information from the insurance companies on each of these elements of price in undertaking its role in monitoring the effect of the emergency services levy reform on prices. It may seek information on these elements of price also when considering whether insurance companies have engaged in price exploitation.
30. Under section 80 of the *Fire Brigades Act 1989*, an insurance company is 'not to issue to a person any invoice or other statement as to the premium payable in respect of the renewal of a policy of insurance (that is subject to a contribution and is of a class listed in Part A of the schedule, essentially property insurance) unless the statement also indicates how much of the premium is estimated to be attributable to the total of' the required contributions to the three emergency services organisations.
31. GST and duty are not discretionary to an insurance company as they are imposed by Australian and New South Wales legislation, respectively. Their amounts are affected by both the base premium and the ESL as they are applied as percentages on top of these amounts. Currently the GST is 10 per cent and duty is 9 per cent for most property insurance, but 5 per cent on motor vehicle insurance and 2.5 per cent on crop and livestock insurance.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

32. For policies commencing after 30 June 2017, following the abolition of the requirement for insurance companies to contribute to the funding of the emergency services, a price for the supply of insurance should not include an ESL or any other element linked to the ESL.
33. The GST and the duty should also decrease as a result to the extent that they will no longer apply to an ESL component incorporated in the price. Similarly any brokerage previously linked to a premium including the ESL should also decrease because of the removal of the ESL.

Guideline 2:

The prohibition on price exploitation relates to the total price charged for a regulated contract of insurance and the major components of the price, including the base premium, ESL, GST and duty, brokerage or commission and re-insurance. Removal of an ESL should reduce the total price by eliminating the ESL component of the price and reducing other components of the price previously affected by the ESL, including the GST and duty and any brokerage or commission and re-insurance paid or payable.

B.4 When do the provisions apply?

34. The price exploitation provisions (section 14) came into effect on 10 December 2015. The Act covers the period up to 31 December 2018 as it is to be repealed on 1 January 2019 (section 79). An application for an order for a civil pecuniary penalty relating to price exploitation cannot be made later than 31 December 2018 (section 18(6)). A prosecution for a criminal offence under the Act may not be commenced after 31 December 2018. The positions of Monitor and Deputy Monitor also cease on that date. Any on-going court matters or other matters not completed at this date can be continued by the Commissioner for Fair Trading.

B.5 What is price exploitation?

- 35 Price exploitation may occur if the price set for a regulated contract of insurance issued by an insurance company is unreasonably high having regard to the five specified criteria listed in section 14(b). These criteria are:
 - the emergency services levy reform, and
 - the contributions required to be paid by the insurance company under Part 5 of the *Fire Brigades Act 1989*, Part 5 of the *Rural Fires Act 1997* and Part 5A of the *State Emergency Service Act 1989*, and
 - the historical emergency services levy rates charged by the insurance company, and
 - the costs of supplying insurance against loss of or damage to property, and
 - any other matters prescribed by the regulations.
- 36 The phrase 'unreasonably high' is not defined in the Act. The Monitor will, however, have regard to the ordinary meaning of the words used, their statutory context and the criteria provided by Parliament. The dictionary definition of 'unreasonably' or 'unreasonable' is relevant. The Macquarie Dictionary, Revised 3rd Edition, defines 'unreasonable' as: '1. *not reasonable; not endowed with reason; 2. not guided by reason or good sense; 4. not based on or in accordance with reason or sound judgment; 5. exceeding the bounds of reason;*

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immoderate; exorbitant.' Given that the phrase will need to be given meaning in the context in which Parliament has placed it, it is also instructive to note the ordinary meaning of the word 'exploitation'. The same dictionary defines 'exploitation' as: '1. utilisation for profit; 2. selfish utilisation.'

- 37 The Monitor considers that unreasonably high is to be determined by having regard to the criteria listed in the Act.
- 38 Price exploitation may occur in relation to a regulated contract of insurance which has been issued by a company. The term 'issued' is not defined in the Act, but section 14(2) indicates for the purposes of the section that issue includes 'receive a premium in respect of a regulated contract on behalf of, or for transmission to any body corporate, partnership, association, underwriter or person outside of New South Wales'. The Macquarie Dictionary defines the word issued when used as a verb as '20. to put out, deliver for use, sale etc; put into circulation; 23. to send out, discharge, emit; 24. to be sent or put forth authoritatively or publicly, as a writ, money etc'. In the context of the Act, the Monitor considers that the term may cover the issuing of a quote for a regulated contract of insurance as well as the receipt of a premium for a contract of insurance.
- 39 The Treasurer succinctly summarised what is meant by price exploitation in her second reading speech on the Bill:

"Price exploitation is when an insurance company does not pass on to consumers the full reduction in cost from the abolition of the insurance-based levy or seeks to recover more in fire services levy from policyholders than the insurance company is required to remit to the Government."⁴

B.6 The criteria relevant to determining if an insurance price is 'unreasonably high'?

- 40 The Monitor's interpretation of each of the criteria is set out below. The Monitor will have regard to all of the criteria in assessing whether a price is unreasonably high although in any particular case only one or more of the criteria may be relevant. It is not necessary that all the criteria are relevant for price exploitation to occur.

Criterion 1: The emergency services levy reform

- 41 Section 14(1)(b)(i) directs the Monitor to have regard to 'the emergency services levy reform' in assessing whether a price is unreasonably high. The emergency services levy reform is defined in section 3 to mean:
- (a) the abolition, by enactment, of the emergency services funding scheme (including the proposed abolition of the emergency services funding scheme, announced by the Treasurer on 10 December 2015), and
 - (b) the establishment of an emergency services property levy (including the proposed establishment of an emergency services property levy, announced by the Treasurer on 10 December 2015). The reform is to come into effect on 1 July 2017.
- 42 This criterion indicates that the focus of the Monitor's oversight is on the impact of the removal of ESL from insurance policies. This change is to occur on 1 July 2017 so that

4. Second Reading, Ms Gladys Berejiklian

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there should be no ESL charged on any policy commencing from this date. Further, prior to this date, there should be no changes to premiums to anticipate removal of the ESL. The Monitor will be looking closely to ensure base premiums do not rise due this factor alone.

- 43 The Monitor is concerned to ensure that the change in the ESL brought about by the emergency services reforms is reflected in a commensurate change in the prices of regulated contracts of insurance. It is not concerned with whether the existing level of prices set by insurance companies is considered to be appropriate or not.
- 44 A price for a regulated contract of insurance will not be compared to any amount that may be collected under the new property-based fire services levy, expected to apply from 1 July 2017. A payment of a new ESPL by a holder of an insurance policy after 1 July 2017 is not relevant to a consideration of whether there has been a contravention of the prohibition on price exploitation by insurance companies.

Guideline 3:

No ESL should be included in any insurance policy commencing after 30 June 2017 and no element of the price of an insurance policy, commencing after 30 June 2017, should be increased as a result of the removal of the ESL.

Guideline 4:

Insurance companies should not anticipate removal of the ESL by increasing base premiums prior to 30 June 2017 on this account alone.

- 45 The Chief Executive Officer of each company is requested to provide the Monitor with a signed declaration, in a form to be specified by the Monitor, committing the company not to charge ESL on new policies issued or policies renewed from 1 July 2017, and not to anticipate removal of ESL prior to 1 July 2017 by increasing base premiums on this account alone. Each commitment received will be published on the Monitor's website.
- 46 The Monitor will have regard for the commitments it receives in determining its risk-based approach for compliance and enforcement activities.

Guideline 5:

The Monitor expects each insurance company will implement internal controls designed to ensure that no ESL will be charged on new policies issued or policies renewed from 1 July 2017 and that base premiums do not rise before this date in anticipation of the removal of ESL on this account alone.

The Chief Executive Officer of each company is requested to provide the Monitor by 31 December 2016 a signed standard form declaration committing the company not to charge ESL on new policies issued or on policies renewed from 1 July 2017, or to anticipate removal of the ESL in base premiums before this time. Each commitment received will be published on the Monitor's website.

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Criterion 2: The contributions required to be paid by the insurance company under Part 5 of the Fire Brigades Act 1989, Part 5 of the Rural Fires Act 1997 and Part 5A of the state Emergency Service Act 1989.

- 47 The total contribution insurers are required to pay to the emergency services organisations is determined each year by the NSW Government. The basis of calculation of this contribution is set out in the relevant legislation. In essence, the contributions of insurers take into account the approved budgets of the emergency services organisations and the share of the total premium pool accounted for by each insurer.
- 48 Table 2 indicates that the total required contribution of insurers to the emergency services organisations in the last three years. Whilst the budgets of the emergency services organisations have generally been set in June of each year, variations have meant that they have not normally been finalised until November in each year, creating some uncertainties for the insurance companies. It is anticipated however that the 2016-17 budget figures will not be subject to significant variation.

Table 2; Insurance company contributions to the NSW Government and annual change in premium pool

Year	Total contribution to ESL from insurance companies	Change in size of the premium pool from previous year
2012-13	\$691m	9.23%
2013-14	\$716m	1.31%
2014-15	\$719 m	1.55%
2015-16	\$769 m	na
2016-17	n/a	n/a

- 49 In assessing whether a price or premium prior to 1 July 2017 is unreasonably high, the Monitor will have regard to the contributions required to be paid each year by each individual insurance company as well as the amount actually collected from policy holders through ESL. The Monitor will require audited returns from the insurance companies of the amounts of ESL collected from policy holders. These audited returns are not the same as the Audited Return on Premiums required to be provided to the NSW Government.
- 50 The Monitor acknowledges that there are uncertainties for insurance companies in setting ESL rates and as to how much ESL rates will increase each year. Under and over-collections, compared to required contributions, are, therefore, inevitable to some degree. The Monitor does not consider that over-collection in itself necessarily constitutes unreasonable pricing. However, where over-collection has occurred and no steps have been taken to return this over-collection to policy holders in accordance with arrangements approved by the Monitor, this will be regarded as indicating that prices have been unreasonably high in contravention of the price exploitation prohibition.
- 51 Over-collection means that policy holders have been required to pay more than has been necessary to meet the insurance company's legislatively determined contribution to the

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emergency services organisations. The relevant entity here is considered to be the one that pays contributions to the NSW Government. The Monitor's view is that this money should be returned to policy holders, given that policy holders have effectively been over-charged for the intended purpose of the funds. It is recognised, that there may in some cases be administrative difficulties and costs associated with the refund of over-collections to individual policy holders. These difficulties may be greater where intermediaries are involved.

- 52 The Monitor may consider proposals from insurers for the dispersal of any over-collected funds to organisations acting to advance the interests of insurance policy holders, subject to any legislative constraints that may exist. The Monitor will need to approve any such arrangements and will seek verification that the agreed arrangements have been appropriately implemented.

Guideline 6:

The Monitor will require insurance companies to demonstrate that there has been no over-recovery of contributions through the ESL over the financial years 2015-16 and 2016-17 combined. Any over-recovery of statutory contributions will be required to be dispersed in a manner and time frame agreed to by the Monitor, subject to any legislative constraints that may exist. Where administrative difficulties or costs outweigh the benefits of repayments to individual policy holders, the Monitor may consider alternative arrangements for the dispersal of over-collected amounts. The Monitor may look to formalise these arrangements through Enforceable Undertakings under Part 4 Division 2 of the Act.

Criterion 3: Historical emergency services levy rates charged by an insurance company

- 53 In determining whether prices can be considered unreasonably high the Monitor can have regard for the emergency services levy rates charged historically by the insurance company. Over time as the insurance pool grows, it could be expected that rates might decline, however, this tendency is offset by increases in the budgets of the emergency services organisations.
- 54 Rates can vary through a year to achieve required collections. Significant variability through a year may give rise to concerns that rates charged for particular policy holders are unreasonably high compared to previous years and to the rates charged to other policy holders at different times. If complaints of this nature are received the Monitor will investigate the circumstances which have given rise to these differences and assess the reasonableness of the rates charged.
- 55 Insurance companies have suggested that as the termination date for ESL is approached there will be a need for ESL rates to be reduced. Otherwise some policy holders, especially business policy holders, may cancel their policies to avoid paying higher rates of ESL in the last few months of the scheme. Moreover, there may be criticisms from policy holders who do not appreciate that their ESL payments fund contributions in the financial year that they are made in, not contributions for the future year. In response to these concerns, insurance companies have indicated they are likely to taper their ESL rates over the course of 2016-17 so that rates will be relatively low in the months close to the 1 July 2017 termination date.
- 56 The Monitor understands that any reduction in ESL rates toward the end of 2016-17 is likely to make it more difficult for insurance companies to fully recover their contributions to the

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emergency services organisations in that year. The Act is silent on the issue of how the insurance companies should set their rates in the final year and the Monitor's view is that companies should independently determine their preferred approaches to this matter and be able to justify their positions if requested to do so by the Monitor. Any tapering of ESL rates throughout 2016-17 should be moderated so that rates charged to all policy holders are fair.

- 57 The NSW Government has indicated that by establishing the consumer protection framework before the legislation abolishing the ESL is introduced, it "is providing a framework that will enable insurers to gradually transition insurance prices so that the ESL will be fully removed from insurance prices by 1 July 2017."⁵ The Treasurer has also indicated that "the Government expects insurers will continue to set prices at the level necessary, in aggregate, to meet their tax obligations over the 2015-16 and 2016-17 years."⁶ In line with these objectives, the Monitor accepts that insurance companies can recover their contributions to the emergency services organisations over the 2015-16 and 2016-17 years combined through their premiums, including ESL rates.

Guideline 7:

The Monitor expects that insurance companies will make their own independent decisions as to how they recover their contributions to the emergency services organisations in 2015-16 and 2016-17. The Monitor recognises that insurance companies should be able to recover their contributions over the 2015-16 and 2016-17 years combined through their premiums, including ESL rates. Any tapering of ESL rates throughout 2016-17 should be moderated so that rates charged to policy holders are fair.

Criterion 4: The costs of supplying insurance against loss or damage to property

- 58 Section 14 (1)(b)(iv) allows the Monitor to have regard to 'the costs of supplying insurance against loss or damage to property.' The Monitor interprets the term 'costs' here to mean the costs of all inputs involved in a company's supply of ESL-related insurance, expenses incurred in the normal course of operating a place (or places) of business, and the company's costs incurred in any re-insurance arrangement relating to the provision of ESL-related insurance. However, the Monitor also recognises that premiums may have a direct influence on some costs such as brokerage or commission and reinsurance.
- 59 The costs associated with particular categories of insurance will be both direct and indirect. Where indirect costs are involved the methodology applied to the allocation task is important. The Monitor may seek information on how indirect costs are allocated, but, consistent with the focus on the change in premiums, the Monitor's main interest will be on any changes in costs and allocation methodology implemented over the period of operation of the prohibition on price exploitation.
- 60 The Monitor does not have a pre-determined view on the appropriateness of any cost level or particular cost allocation or cross-subsidy involved in relation to ESL-related insurance premiums. However, where cost changes affect premiums, the Monitor may consider the reasonableness of these movements. Cost changes, including those arising from any changes in allocation methodology, should not be inflated to cause unreasonably high prices.

⁵ Second Reading, Ms Gladys Berejiklian, 3 May 2016

⁶ Letter from the Treasurer, Ms Gladys Berejiklian, to the Monitor and Deputy Monitor. 19 February 2016.

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Guideline 8:

The Monitor will have regard to the costs of supplying insurance against loss or damage to property when assessing whether a price is unreasonably high. The Monitor considers these costs include the reasonable costs of all business inputs involved in a company's supply of ESL-related insurance, including expenses incurred in the normal course of operating a business and costs incurred in re-insurance arrangements relating to the provision of ESL-related insurance.

In assessing whether a price is unreasonable, there will be a particular focus on any change in methodology, including cost allocation. Where a company incorporates a new factor (or factors) in its pricing methodology during the period of operation of the Act, and this factor contributes to higher prices, the Monitor expects the company will be able to provide a detailed explanation of the methodology change if requested to do so.

- 61 Particular concerns may arise if upward movements in costs are claimed to offset the effects of declining ESL rates and the eventual elimination of ESL rates. The Monitor is likely to seek detailed explanation from insurance companies where this is claimed to be the case. From a community perspective there is also likely to be concern if base premiums are increased coinciding with the reduction in ESL. The Monitor will expect insurance companies to explain to policy holders the relevant influences involved.

Guideline 9:

A base premium for an ESL-related insurance policy should not increase at the same time as the abolition of the ESL levy, unless the issuing company can demonstrate a cost basis for the increase.

Where a premium for an ESL related insurance policy increases at the same time as the abolition of the ESL, and the higher premium reflects a change in costs, including increases due to a change in cost allocation, the Monitor may investigate the change and will expect the insurance company to justify the change in cost allocation.

- 62 Prices may be unreasonably high where an insurance company does not pass on to consumers the full reduction in cost from the abolition of the ESL.
- 63 The Monitor's assessment of the pricing of premiums renewed in 2017-18 will include a particular focus on policies where the holders of like policies incurred higher ESL rates in 2016-17 compared to 2015-16, as a result of ESL rate 'tapering'. The principle to be applied is that an amount equivalent to the 2016-17 ESL plus GST and stamp duty on the ESL plus any other cost reduction associated with removal of the ESL, should be removed from the policy's total premium on renewal in 2017-18.

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Guideline 10:

The amount of the total premium for renewal of a regulated contract of insurance in the 2017-18 financial year should be less than the immediately preceding total premium by an amount equivalent to the ESL plus GST and stamp duty on the ESL plus any other cost reduction associated with removal of the ESL charged in the preceding year's premium, unless there is a change in policy coverage, risk rating or supply costs that justify some other difference.

B.7 Assessing price exploitation in relation to a new policy issued after 30 June 2017

- 64 A 'new policy' means a regulated contract of insurance that is entered into by an insurance company either with:
- (a) a person who has never previously entered into a contract of insurance with that insurance company or a related entity; or
 - (b) a person who has entered into a contract of insurance with that insurance company or a related entity, but where the new contract of insurance is not in substantially the same terms as the previous insurance contract with respect to the interest insured; or
 - (c) a person who has previously entered a contract of insurance with that company or a related entity prior to the 2015-16 year.
- 65 An insurance company setting a premium for a new policy issued contemporaneously with the abolition of the ESL could minimise the risk of contravening the prohibition on price exploitation if the premium is similar to the base premium (that is excluding ESL, GST and duty) for the policy, had it issued immediately before 1 July 2017.

Guideline 11:

Insurance companies will minimise the risk of contravention if premiums for new policies, issued in 2017-18, are determined on the same methodology as premiums for existing policies being renewed in 2017-18.

B.8 Particular circumstances arising from the 30 June 2017 end-date of the current funding arrangements for the emergency services

- 66 The Monitor anticipates that the contribution obligations of the insurance companies in 2016-17 will be determined in line with previous practice. Companies will provide an audited Return of Premium advice at the end of September 2017, which will indicate how much premium they have received in the relevant premium pool insurance classes and this will enable final contributions for 2016-17 to be determined. The Monitor has no role in this and will take as given the determinations made by relevant authority. The ending of the ESL scheme may, however, give rise to some issues, particularly where end of year adjustments are unable to be incorporated into the September Return of Premium advices.

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- 67 These complications also highlight the difference between the period of insurance (generally 12 months prospectively) and the period to which insurers' statutory contributions to the emergency services organisations relate (fixed to the financial year in which the insurance contract is issued).
- 68 It is possible that there may be amounts of ESL that have been collected by insurance companies in certain circumstances that will be outside the final contributions determined. These are likely to be limited in terms of the number of policies affected and the amounts of ESL involved. The Monitor notes industry advice that this may be a larger issue for intermediated business policies due to delays in finalising policies commencing in late 2016-17.
- 69 The Monitor is aware that a limited number of circumstances may cause ESL to be collected/returned after the 30 June 2017. Any ESL amounts collected after 30 June 2017 will be taken into account by the Monitor when determining if over-collection has occurred in 2015-16 and 2016-17. The Monitor will consider issuing further guidance around the circumstances considered acceptable for collecting ESL after 30 June 2017.

B.9 Refunds of ESL on policies issued during 2016-17 and cancelled prior to 30 June 2017

- 70 If a policy commencing in 2016-17 is cancelled toward the end of that financial year an insurer will record a lower earned premium in that year and will accordingly be subject to a lower ESL contribution. In these circumstances a reasonable approach to take is that a pro-rata refund of the ESL charged on that policy should be made to the policy holder. This would appear to be consistent with common law principles.
- 71 The reduction in a company's liability to contribute to the funding of the emergency services organisations as a result of a cancellation of an insurance policy should result in a refund to the policyholder from whom the amount of ESL was collected, where:
- the ESL was required to be separately identified on an invoice setting out the price for a regulated contract of insurance, or
 - the amount is collected on the basis that it is required as a contribution for fire services.

Guideline 12:

An insurance company that has collected ESL revenue on retail policies sold in 2016-17 will be expected to refund a pro-rata portion of that revenue to a policyholder who cancels the regulated contract of insurance before 1 July 2017. For wholesale policies, appropriate arrangements can be negotiated between the parties in each case.

B.10 Verification of ESL Collections

- 72 To assist in the assessment of under and over-collections the Monitor will require the following from each insurer:
- 1) declarations to the Monitor on ESL collected from policyholders by insurance class for the financial years 2015-16 and 2016-17, in a form stipulated by the Monitor; and

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- 2) external verification of declarations made to the Monitor at (1) as demonstrated by assurance opinions from assurance practitioners registered under the *Corporations Act 2001*.

Guideline 13:

A review engagement should be undertaken under the Auditing Standard on Review Engagements, ASRE 2405, *Review of Historical Financial Information Other than a Financial Report*, to ensure that the ESL collection declared to the Monitor reconciles in all material respects, with the amounts recorded in the insurer's accounting system for the financial years 2015-16 and 2016-17. All declarations and assurance opinions should be submitted to the Monitor by the close of business 15 October 2017.

B.11 Companies' pricing justification generally

- 73 The Monitor expects that each insurance company will have in place policies and procedures that will enable them, if so required, to provide an explanation to the Monitor for the price of a particular policy during the period of the Act's operation.

Guideline 14:

Insurance companies should be able to provide sufficient information to justify their pricing decisions for contracts of insurance regulated under the Act.

C. The Guidelines

Guideline 1:

The prohibition on price exploitation applies at the level of the price of an individual contract of insurance within the scheduled classes issued by an insurance company and regulated under the Act.

Guideline 2:

The prohibition on price exploitation relates to the total price charged for a regulated contract of insurance and the major components of the price, including the base premium, ESL, GST and duty, brokerage or commission and re-insurance. Removal of an ESL should reduce the total price by eliminating the ESL component of the price and reducing other components of the price previously affected by the ESL, including the GST and duty and any brokerage or commission and re-insurance paid or payable.

Guideline 3:

No ESL should be included in any insurance policy commencing after 30 June 2017 and no element of the price of an insurance policy, commencing after 30 June 2017, should be increased as a result of the removal of the ESL.

Guideline 4

Insurance companies should not anticipate removal of the ESL by increasing base premiums prior to 30 June 2017 on this account alone.

Guideline 5

The Monitor expects each insurance company will implement internal controls designed to ensure that no ESL will be charged on new policies issued or policies renewed from 1 July 2017 and that base premiums do not rise before this date in anticipation of the removal of ESL on this account alone.

The Chief Executive Officer of each company is requested to provide the Monitor by 31 December 2016 a signed standard form declaration committing the company not to charge ESL on new policies issued or on policies renewed from 1 July 2017, or to anticipate removal of the ESL in base premiums before this time. Each commitment received will be published on the Monitor's website.

Guideline 6:

The Monitor will require insurance companies to demonstrate that there has been no over-recovery of contributions through the ESL over the financial years 2015-16 and 2016-17 combined. Any over-recovery of statutory contributions will be required to be dispersed in a manner and time frame agreed to by the Monitor, subject to any legislative constraints that may exist. Where administrative difficulties or costs outweigh the benefits of repayments to individual policy holders, the Monitor may consider alternative arrangements for the dispersal of over-collected amounts. The Monitor may look to formalise these arrangements through Enforceable Undertakings under Part 4 Division 2 of the Act.

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Guideline 7

The Monitor expects that insurance companies will make their own independent decisions as to how they recover their contributions to the emergency services organisations in 2015-16 and 2016-17. The Monitor recognises that insurance companies should be able to recover their contributions over the 2015-16 and 2016-17 years combined through their premiums, including ESL rates. Any tapering of ESL rates throughout 2016-17 should be moderated so that rates charged to policy holders are fair.

Guideline 8

The Monitor will have regard to the costs of supplying insurance against loss or damage to property when assessing whether a price is unreasonably high. The Monitor considers these costs include the reasonable costs of all business inputs involved in a company's supply of ESL-related insurance, including expenses incurred in the normal course of operating a business and costs incurred in re-insurance arrangements relating to the provision of ESL-related insurance.

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Guideline 10:

The amount of the total premium for renewal of a regulated contract of insurance in the 2017-18 financial year should be less than the immediately preceding total premium by an amount equivalent to the ESL plus GST and stamp duty on the ESL plus any other cost reduction associated with removal of the ESL charged in the preceding year's premium, unless there is a change in policy coverage, risk rating or supply costs that justify some other difference.

Guideline 11:

Insurance companies will minimise the risk of contravention if premiums for new policies, issued in 2017-18, are determined on the same methodology as premiums for existing policies being renewed in 2017-18.

Guideline 12:

An insurance company that has collected ESL revenue on retail policies sold in 2016-17 will be expected to refund a pro-rata portion of that revenue to a policyholder who cancels the regulated contract of insurance before 1 July 2017. For wholesale policies, appropriate arrangements can be negotiated between the parties in each case.

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Guideline 14:

Insurance companies should be able to provide the Monitor with sufficient information to justify their pricing decisions for contracts of insurance regulated under the Act.



Emergency Services Levy Insurance Monitor Act 2016

**Guidelines on the prohibition
on engaging in false or
misleading conduct in
relation to the emergency
services levy reform**

September 2016



GUIDELINES ON THE PROHIBITION ON ENGAGING IN FALSE OR MISLEADING CONDUCT

Published by

Emergency Services Levy Insurance Monitor
PO Box 972 Parramatta, NSW 2124
enquiries@eslinsurancemonitor.nsw.gov.au
www.eslinsurancemonitor.nsw.gov.au

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A Introduction

1. On 10 December 2015, the New South Wales Treasurer announced that the Government intended to reform the way the emergency services organisations are funded in New South Wales. In particular, this reform was to involve abolition of contributions required to be paid by insurance companies, which are recovered from policyholders by charging an Emergency Services Levy (ESL), and the establishment of an Emergency Services Property Levy (ESPL) to be levied on all property owners. The *Emergency Services Levy Insurance Monitor Act 2016* (the Act), which was passed by the NSW Parliament on 31 May 2016, is the first legislative step taken to implement this reform program.
2. The Act provides for the appointments of an Emergency Services Levy Insurance Monitor and Deputy Monitor “who will be responsible for ensuring that insurers pass on the benefits of abolishing the ESL to households and businesses in the form of lower insurance premiums.”¹
3. Section 9(2) of the Act specifies that the Monitor has the following general functions:
 - a) to provide information, advice and guidance in relation to the emergency services levy reform and prohibited conduct,
 - b) to monitor prohibited conduct and compliance with this Act and the regulations
 - c) to monitor prices for the issue of regulated contracts of insurance,
 - d) to monitor the impact of the emergency services levy reform on the insurance industry and levels of insurance coverage,
 - e) to prepare and publish Guidelines relating to the operation and enforcement of this Act and the regulations,
 - f) to receive complaints about prohibited conduct and to deal with them in accordance with this Act,
 - g) to investigate and institute proceedings in respect of prohibited conduct or any contraventions of this Act or the regulations.
4. The Government has indicated that its intention is to remove the ESL fully from insurance premiums by 1 July 2017 and has signalled its intention to introduce legislation later in 2016.²
5. The Act contains prohibitions against price exploitation and false or misleading conduct in relation to the emergency services levy reform. There is provision in section 21 for the Monitor to issue Guidelines about when conduct may be considered to breach these prohibitions.
6. These Guidelines specifically address the prohibition against engaging in false or misleading conduct in section 15 of the Act. Draft Guidelines were issued by the Monitor in July 2016 for comment and consultation. The Monitor acknowledges the helpful feedback obtained on the Draft from industry and community interests. On the basis of this feedback a number of changes have been made to the Draft, which are reflected in this settled version of the Guidelines.

¹ NSW Legislative Assembly, Emergency Services Levy Insurance Monitor Bill 2016, Second Reading, Ms Gladys Berejiklian, Treasurer and Minister for Industrial Relations, 3 May 2016.

² Second Reading, Ms Gladys Berejiklian.

A.1 The emergency services levy reform

7. Insurance companies have been required to pay contributions to the NSW Government to help fund the emergency services organisations in New South Wales, including Fire and Rescue NSW, NSW Rural Fire Service and NSW State Emergency Service. These contributions are collected under Part 5 of the *Fire Brigades Act 1989*, Part 5 of the *Rural Fires Act 1997* and Part 5A of the *State Emergency Service Act 1989*. Insurance companies provide 73.7 per cent of the total contributions required to fund the emergency services organisations with the balance being provided by the Treasury (14.6 per cent) and Local Councils (11.7 per cent).
8. The contributions required from insurance companies are determined on the basis of the approved budgets of the emergency services organisations and the share of the market held by each insurance company, based on designated portions of total premiums obtained from particular insurance classes as specified in schedules to the legislation. The relevant classes of insurance and contribution percentages as specified in the schedules are shown in Table 1 below:

Table 1: Classes of insurance subject to contribution and rates applied

Class of policies of insurance	Proportion of premiums subject to contribution
1 Any insurance of property including consequential loss but not including any insurance of a class specified elsewhere in this Schedule	80 per cent
2 House owners and householders, however designated (buildings or contents or both)	50 per cent
3 Personal combined on personal jewellery and clothing, personal effects and works of art	10 per cent
4 Motor vehicle and motor cycle	2.5 per cent
5 Marine and baggage – any insurance confined to maritime perils or confined to risks involving transportation on land or in air including storage incidental to transportation by sea, land or air, but not including* static risks (which are to be declared under Item 1) Note* static risks includes all movements of goods and/or stock and/or material associated with processing or storage operations at any situation.	1 per cent
6 (a) Combined fire and hail on growing crops (b) Live stock	1 per cent 1 per cent

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7 Aviation hull	Nil
8 Any insurance solely covering:	
a) Loss by theft	Nil
b) Plate glass	Nil
c) Machinery – confined to mechanical breakdown and/or consequential loss arising from mechanical breakdown	Nil
d) Explosion or collapse of boiler and pressure vessels – confined to damage other than by fire	Nil

9. Insurance companies have recovered their contributions to the funding of the emergency services organisations generally by charging an ESL as part of the premiums required to be paid by insurance policy holders.
10. On 10 December 2015, and subsequently when introducing the Emergency Services Levy Insurance Monitor Bill 2016 to Parliament, the Government indicated its intention, subject to acceptance by Parliament, to cease funding the emergency services organisations by requiring contributions to be made by insurance companies and to replace insurance-based levies with property-based levies to be collected by Local Governments. This change is expected to have effect from 1 July 2017. From this date, insurance companies will no longer be required to contribute to the funding of emergency services. Accordingly, no ESL should be included in insurance premiums payable for insurance policies commenced, renewed, varied or extended³ after this date.
11. The Government intends that insurance policyholders in NSW, both households and businesses, should benefit fully from the abolition of the ESL through the reduction in the prices paid by purchasers of insurance.
12. The Treasurer stated in the Second Reading Speech on the Emergency Services Levy Insurance Monitor Bill:

*By establishing the consumer protection framework now, before legislation abolishing the ESL is introduced, the Government is providing a framework that will enable insurers to gradually transition insurance prices so that the ESL will be fully removed from insurance prices by 1 July 2017.*⁴
13. The insurance industry will collect approximately \$800 million in revenue through the ESL on premiums charged to New South Wales policyholders during 2016-17. This amount should fall out of the industry's revenue raised from insurance during 2017-18.

A.2 Statutory basis of the Guidelines

14. The Guidelines on the prohibition, in section 15 of the Act, against engaging in conduct in trade and commerce that is false or misleading about the effect, or likely effect, of the emergency services levy reform are issued under section 21 of the Act.

³ Where the extension or variation takes, or has, effect after the changeover date. Second Reading, Ms Gladys Berejiklian

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15. Guidelines issued under section 21, and any variations of them, must be published in the Government Gazette and on the Monitor's website. Accordingly, these Guidelines, and the date on which they are to take effect, will be published in the Government Gazette and will be available on the Monitor's website www.eslinsurancemonitor.nsw.gov.au.

A.3 The Monitor's role in relation to false or misleading conduct

16. The Monitor has been established to oversee the insurance side of emergency services levy reform. The Act created statutory prohibitions against both price exploitation and false or misleading conduct in relation to the emergency services levy reform, and confers upon the Monitor extensive powers to ensure compliance with those prohibitions.
17. The role of the Monitor, under the Act, includes providing information, advice and guidance in relation to the emergency services levy reform; monitoring the prices charged for the issue of regulated contracts of insurance and the impact of the emergency services levy reform on the insurance industry and levels of insurance coverage compliance; and where necessary, investigate and institute proceedings in respect of prohibited conduct or any contraventions of this Act.⁵

A.4 Penalties for contravention of the prohibition on false representation or misleading or deceptive conduct

18. The extent of penalties, for contraventions of the prohibited conduct provisions in the Act, reflects the Government's concern to ensure that purchasers of regulated contracts of insurance do not suffer disadvantage under emergency services levy reform. For example, the Supreme Court may, in appropriate circumstances⁶ impose pecuniary penalties of up to:
- (i) \$10 million on a corporation; and
 - (ii) \$500,000 on an individual
- for contraventions of the prohibition against such persons engaging in conduct, in trade or commerce, that is false or misleading, in relation to emergency services levy reform.

⁵ See sub-section 9(2) (a)-(d) & (g) of the Act.

⁶ See sub-sections 18(2) & (3) of the Act.

B. What is false or misleading conduct?

B.1 The legislative provisions

19. Section 15 of the Act provides:

s15 False or misleading conduct

For the purposes of this Act, a person engages in **false or misleading conduct** in relation to the emergency services levy reform if the person engages in any conduct in trade or commerce, that:

- (a) *falsely represents (whether expressly or impliedly) the effect, or likely effect, of the emergency services levy reform; or*
- (b) *misleads or deceives, or is likely to mislead or deceive, any person about the effect or likely effect of the emergency services levy reform.*

20. Section 15 applies to any “person”⁷, engaging in the prohibited conduct in trade or commerce. The section is not limited in its operation to insurance companies or to the issuing of a regulated contract of insurance.

21. The phrase “trade or commerce” in section 15, has the same meaning as that provided for in the *Fair Trading Act 1987* (NSW), which provides that “**trade or commerce** includes *any business or professional activity*”.

22. Section 4 of the Act, extends the definition of **engaging** in prohibited conduct to include those who:

- aid, abet, counsel, or procure another person to engage in prohibited conduct; or
- induce, whether by threats or promises or otherwise, another person to engage in prohibited conduct; or
- conspire with another person to engage in prohibited conduct.

23. As a result of the extended definition in section 4 of the Act, these guidelines are relevant to any insurance company, agent or insurance broker, or any other person, in trade or commerce, acting on behalf of, or representing, an insurance company issuing, or taking liability, under regulated contracts of insurance.

24. Section 15 of the Act is expressed in broad terms. However, the Monitor expects his principal focus under that section will be upon insurance companies and their agents regarding communications, particularly with policyholders regarding the effect of emergency services levy reform and changes in the prices of insurance in regulated contracts of insurance.

⁷ See section 8 of the *Interpretation Act 1987* (NSW)

B.2 Interpretations of similar provisions in other legislation

25. The deliberate use of the phrases “*false or misleading conduct*” and conduct in trade or commerce, that “*misleads or deceives, or is likely to mislead or deceive*” by Parliament in the expression of section 15 of the Act, evidences an intention to rely on the substantial body of case law which has developed over many years regarding similar provisions in Commonwealth, State and Territory consumer protection laws.

B.2.1 False or misleading representations

26. Section 29 of the Australian Consumer Law (“the ACL”) (and, prior to its commencement, section 53 of the *Trade Practices Act 1974*) imposes a prohibition on persons making certain false or misleading representations⁸ in connection with the supply or possible supply of goods or services. A similar provision relating specifically to financial services exists in the *Australian Securities and Investments Commission Act 2001* (section 12DB). The Monitor considers that the decisions in cases decided under those sections will be highly influential in the interpretation and application of section 15 of the Act.
27. A “representation”, for the purposes of section 15(a), is not defined in the Act, however the Monitor considers that the interpretation of that concept under the ACL applies. There a “representation” is a statement made orally, or in writing, or by implication from words or conduct, relating to a matter of fact⁹. The representation must be communicated and intent has no relevance in determining whether there has been a contravention of section 15 of the Act.¹⁰

B.2.2 Misleading or deceptive conduct

28. The prohibition on engaging in any conduct, in trade or commerce, “*that misleads or deceives, or is likely to mislead or deceive...*” provided for in sub-section 15(b) of the Act, adopts a phrase, the meaning of which is also well-established in Australian consumer protection law. The general prohibition currently exists as section 18 of the ACL; (previously section 52 of the former *Trade Practices Act*) and section 12DA of the *Australian Securities and Investments Commission Act 2001*. For the purposes of that section in the ACL, conduct will be misleading or deceptive if it induces, or is capable of inducing, error.¹¹
29. There are several important principles about the prohibition that have developed. These include the following:
- No intention to mislead or deceive is necessary; conduct, which may include the making of a statement, not intended to mislead or deceive and which was engaged

⁸ In particular, see section 29(1)(i) of the Australian Consumer Law.

⁹ *Given v Pryor* (1979) 39 FLR 437.

¹⁰ *Given v CV Holland (Holdings) Pty Ltd* (1977) 29 FLR 212, 217.

¹¹ *Parkdale Custom Built Furniture Pty Ltd v Puxu Pty Ltd* (1982) 149 CLR 191, 198; *ACCC v TPG Internet Pty Ltd* [2013] HCA 54.

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in 'honestly and reasonably'¹² might nevertheless contravene the prohibition on engaging in conduct that misleads or deceives, or is likely to mislead or deceive.

- Whether or not conduct is misleading is to be approached by asking what a reasonable person, of the class to which the conduct was directed, reasonably understands from the conduct.¹³
- Silence can constitute misleading or deceptive conduct.¹⁴

Guideline 1:

The concepts of “false or misleading conduct” and engaging in conduct that “misleads or deceives, or is likely to mislead or deceive,” adopted by Parliament in the expression of section 15 of the Act, are to be interpreted consistently with the interpretation of those phrases in sections 18 and 29, respectively, of the ACL and the equivalent sections under the former *Trade Practices Act 1974* and sections 12DA and 12DB of the *Australian Securities and Investments Commission Act 2001*.

30. The Monitor notes however, that a person found to have contravened section 15(b) of the Act, may be liable to a pecuniary penalty,¹⁵ whereas a person found to have contravened section 18 of the ACL, or section 12DA of *the Australian Securities and Investments Corporation Act 2001* would not be liable to such a penalty.¹⁶

B.3 What is the appropriate level of analysis to determine false or misleading conduct?

31. The Monitor considers that the prohibition on engaging in (a) any conduct, in trade or commerce, that falsely represents (whether expressly or impliedly) the effect, or likely effect, of the emergency services levy reform or (b) engaging in conduct that misleads or deceives, or is likely to mislead or deceive about the effect, or likely effect, of the emergency services levy reform, can apply to conduct involving individual insurance policies, although it is not limited in application to conduct at that level of interaction with consumers.
32. In other words, a false representation or misleading or deceptive conduct about the effect, or likely effect of the abolition of the ESL in relation to an individual price, or some other aspect of an individual contract or insurance policy (for example a refund of ESL or premium paid for a cancelled policy) may constitute a contravention of the prohibition. A false representation by an insurance company about the general effect of the abolition of the ESL on its business may also constitute a contravention.

¹² Subject to the operation of section 18(2) of the Act.

¹³ *Taco Co of Australia Inc v Taco Bell Pty Ltd* (1982) 42 ALR 177.

¹⁴ *Demagogue v Ramensky* (1992) 39 FCR 31.

¹⁵ See sub-section 18(1) of the Act.

¹⁶ See section 224 of the ACL.

Guideline 2:

The prohibition on engaging in false or misleading conduct in relation to the emergency services reform applies to, but is not limited to, conduct involving an individual price, or any other aspect of the supply of an individual regulated contract of insurance.

B.4 Insurance companies' communications regarding abolition of the emergency services levy

33. The Monitor may cause to be published in the Gazette, under section 30 of the Act, such information as he considers appropriate and necessary to inform the public, and in particular policyholders, of the emergency services levy reform and the Monitor's role in that reform. When such a notice is published in the Gazette, the Monitor expects that insurance companies, or persons acting on their behalf, will include the information contained in any notice published under section 30 of the Act, promptly in any invoice or other statement as to the price payable for regulated contracts of insurance¹⁷. The Monitor may issue specific guidance in relation to any such notice.
34. The Monitor also expects that insurance companies, in their communications with policyholders, regarding the price of regulated contracts of insurance during the operation of the Act, will provide accessible, accurate and clear explanations of the price, and any movement in such prices, of regulated contracts of insurance. In particular, the Monitor expects that the removal of the ESL component from insurance premiums, and the reasons for any movement in premiums after 30 June 2017¹⁸, will be clearly and accurately explained.
35. In the absence of accessible, accurate and clear explanations, insurance companies, agents or insurance brokers, or any other person, in trade or commerce, acting on behalf of, or representing, an insurance company issuing, or taking liability, under regulated contracts of insurance, risk misleading their customers, many of whom are likely to expect their insurance premiums in 2017–18 to be lower than in 2016–17 by the full amount of the earlier year's ESL. This is particularly likely to be the case for those policyholders who pay increased ESL rates and amounts in the early months of 2016–17 as a result of 'tapering' ESL rates. These policyholders will be expecting commensurate reductions in their total premium on renewal in the first half of 2017–18 and the Monitor will be monitoring the extent to which these expectations are met.
36. Insurance companies should take care to explain to policyholders:
- a) the reasons for any movement in premiums after 30 June 2016, particularly where those movements involve changes to the ESL component of the premiums; and
 - b) that they are no longer required to contribute to the funding of the emergency services from 1 July 2017. Beyond that date they cannot seek impose an ESL.

Companies should explain clearly, in writing, how the ESL is being removed from policyholders' premiums.

¹⁷ *Note:* a regulated contract of insurance, for the purposes of section 30 of the Act, does not include the variation of an existing regulated contract of insurance (See sub-section 30(3) of the Act.)

¹⁸ Or such other date as is chosen for the removal of the ESL.

GUIDELINES ON THE PROHIBITION ON ENGAGING IN FALSE OR MISLEADING CONDUCT

37. The Monitor expects, that as a matter of good practice, insurance companies and those acting on their behalf will explain the reasons for any changes in the insurance premiums payable for the issue of regulated contracts of insurance from year to year.
38. The Monitor will be interested, particularly in any instance where price increases are applied to base insurance premiums of regulated contracts of insurance at or about the same time ESL is reduced or removed from those same policies.
39. The Monitor considers it is essential that insurance companies, and those acting on their behalf, have the capacity to provide explanations to their policyholders, when so requested by policyholders, regarding increases in premiums occurring concurrently with the abolition of the ESL. How this is done is a matter for each company to determine.

Guideline 3:

To reduce the risks of making a false representation or engaging in misleading or deceptive conduct, in contravention of Section 15 of the Act, insurance companies should provide easily accessible and comprehensible information to customers on the abolition of the ESL from 1 July 2017 and how their premiums for insurance policy renewals will be set to take account of its abolition.

Guideline 4:

Policyholders requesting information on the removal of ESL from a premium for renewal of regulated contracts of insurance, and/or an explanation of any increase in premium concurrent with the apparent removal of the ESL, should be provided with information specific to their particular policy. The information should be sufficient to enable the policyholder to assess the reasonableness of the premium being charged in relation to changes in the ESL.

B.5 Assessing potential contraventions of section 15

40. In the exercise of his functions and powers under the Act, the Monitor will focus on representations made by insurance companies, and those acting on their behalf, regarding the effect of emergency services levy reform on the amount of the premium charged for regulated contracts of insurance. Particular attention will be given to any statement by an insurance company portraying how the total premium charged for regulated contracts of insurance is affected by emergency services levy reform.
41. Where the Monitor, in the course of exercising his powers to monitor the impact of the emergency services levy reform, discovers conduct, in trade or commerce that is false, misleading or deceptive, or is likely to be, misleading or deceptive, he may, in addition to his powers under the Act and, to the extent permitted by legislation, take appropriate action under the ACL, or refer the results of his investigation to the appropriate “regulator” under the ACL¹⁹.

¹⁹ See for example, the private rights available to “any other person” under section 232 of the ACL.

GUIDELINES ON THE PROHIBITION ON ENGAGING IN FALSE OR MISLEADING CONDUCT

42. The Monitor expects that from 1 July 2017²⁰, subject to the contents of paragraph 43 below, no insurance company, or any person acting on its behalf, will make any representation to any person to the effect that a component of any premium, payable under a regulated contract of insurance, commenced, renewed, varied or extended²¹ can or does include an amount as ESL, whether or not identified as a separate amount.
43. The Monitor recognises that there may be limited and specific circumstances where documentation sent to policyholders after 30 June 2017 may validly identify an ESL amount other than zero. These circumstances may arise where transactions relating to policies commenced before 1 July 2017 occur after the 30 June 2017 and the cessation of the current contributions arrangements. Such circumstances include:
- post 30 June 2017 processing of policies newly commenced or renewed prior to 1 July 2017, due to processing delays;
 - post 30 June 2017 adjustments/endorsements on policies newly commenced or renewed prior to 1 July 2017;
 - post 30 June 2017 instalment payments of premiums on policies commenced prior to 1 July 2017.

Guideline 5:

From 1 July 2017, any insurance company which represents that a premium for a regulated contract of insurance commenced, renewed, varied or extended after 30 June 2017, can or does include any amount (other than zero) identified as 'emergency services levy' will be considered by the Monitor to have contravened the prohibition in section 15 of the Act, except in limited circumstances including those described in paragraph 43.

B.6 Contraventions of section 15 in relation to a policy renewed after 30 June 2017

44. The Monitor, using his powers under the Act, may investigate for contraventions of section 15 of the Act, any instance in which an insurance company appears to be passing on to a policyholder less than the full reduction in total premium payable for the renewal of a regulated contract of insurance, resulting from emergency services levy reform.
45. The Monitor considers that insurance companies and those acting on their behalf, should provide policyholders, with sufficient information so that each policyholder is able to identify:
- the total premium and the components of base premium, ESL, GST and duty paid by the policyholder during 2016-17;
 - the total premium and the components of base premium, GST and duty payable by the policy holder on the renewal issued during 2017-18 and
 - the reasons for any change.

²⁰ Or such other date as is chosen for the removal of the ESL.

²¹ Where the extension or variation takes, or has, effect after the changeover date.

GUIDELINES ON THE PROHIBITION ON ENGAGING IN FALSE OR MISLEADING CONDUCT

This would mean that consumers were provided with both the total 2017-18 premium (and its component parts) and the equivalent figures from 2016-17 for direct comparison on the renewal notice.

Guideline 6:

Insurance companies, and persons acting on their behalf, that provide policyholders with sufficient information to enable policyholders to identify the effect of the emergency services levy reform on their premiums, payable under regulated contracts of insurance after 1 July 2017, will be less likely to be subject to investigation under the Act by the Monitor in respect of the renewal of those regulated contracts of insurance.

C.The Guidelines

Guideline 1:

The concepts of “*false or misleading conduct*” and engaging in conduct that “*misleads or deceives, or is likely to mislead or deceive,*” adopted by Parliament in the expression of section 15 of the Act, are to be interpreted consistently with the interpretation of those phrases in sections 18 and 29, respectively, of the ACL and the equivalent sections under the former *Trade Practices Act 1974*, and sections 12DA and 12DB of the *Australian Securities and Investments Commission Act 2001*.

Guideline 2:

The prohibition on engaging in false or misleading conduct in relation to the emergency services reform applies to, but is not limited to, conduct involving an individual price, or any other aspect of the supply of an individual regulated contract of insurance.

Guideline 3:

To reduce the risks of making a false representation or engaging in misleading or deceptive conduct, in contravention of Section 15 of the Act, insurance companies should provide easily accessible and comprehensible information to customers on the abolition of the ESL from 1 July 2017 and how their premiums for insurance policy renewals will be set to take account of its abolition.

Guideline 4:

Policyholders requesting information on the removal of ESL from a premium for renewal of regulated contracts of insurance, and/or an explanation of any increase in premium concurrent with the apparent removal of the ESL, should be provided with information specific to their particular policy. The information should be sufficient to enable the policyholder to assess the reasonableness of the premium being charged in relation to changes in the ESL.

Guideline 5:

From 1 July 2017, any insurance company which represents that a premium for a regulated contract of insurance commenced, renewed, varied or extended after 30 June 2017, can or does include any amount (other than zero) identified as 'emergency services levy' will be considered by the Monitor to have contravened the prohibition in section 15 of the Act, except in limited circumstances including those described in paragraph 43.

Guideline 6:

Insurance companies, and persons acting on their behalf, that provide policyholders with sufficient information to enable policyholders to identify the effect of the emergency services levy reform on their premiums, payable under regulated contracts of insurance after 1 July 2017, will be less likely to be subject to investigation under the Act by the Monitor in respect of the renewal of those regulated contracts of insurance.

PASSENGER TRANSPORT REGULATION 2007

Clause 76(1)(b) Valid smartcards
Publication of terms and conditions

TRANSPORT FOR NSW, pursuant to Clause 76 of the Passenger Transport Regulation 2007, publishes the following terms and conditions for the use of a smartcard.

These terms and conditions for the use of a smartcard repeal any previous terms and conditions for the use of a smartcard published by Transport for NSW and take effect on and from 5 September 2016.

Opal Terms of Use

WHAT IS THE OPAL CARD AND WHO ARE WE?

1. **Opal Ticketing System:** The Opal Card (**Opal Card**) is a smartcard designed for use by an electronic ticketing system (**Opal Ticketing System**). The Opal Card can be used as a form of ticketing and payment for public transport services across the greater Sydney region equipped with Opal Card readers (**Opal Card Readers**) on which the Opal Card is an accepted form of fare payment (**Opal Transport Services**). The Opal Card is issued by Transport for NSW (**TfNSW**). A reference to **us**, **we** or **our** is a reference to TfNSW and, where the context requires, its authorised representatives and agents.

OPAL TERMS OF USE

2. **Opal Terms of Use:** The reference to "Opal's terms of use" or "Opal Terms of Use" on the back of the Opal Card is a reference to these Opal Terms of Use as amended from time to time in accordance with section 4 (**Opal Terms of Use**). These Opal Terms of Use are the terms and conditions that apply to your use of the Opal Card and the Opal Ticketing System.

ACCEPTANCE

3. **Acceptance of terms:** By ordering, using or registering an Opal Card you agree to be bound by the Opal Terms of Use in force at the time you order, use or register your Opal Card. If you do not agree to be bound, you must refrain from using the Opal Card.
4. **Amendments:** We may, at any time, change any part of these Opal Terms of Use or any other information referred to in these Opal Terms of Use, by updating these Opal Terms of Use or that other information accordingly at opal.com.au (**Opal Website**). Any such changes will take effect when they are published on the Opal Website. If we

make any such changes that we consider will adversely affect your use of the Opal Card in a material way, we will take such steps to notify you of those changes as we consider reasonably appropriate (for example, by including a notice on the Opal Website). By continuing to use an Opal Card after any changes are published on the Opal Website, you agree to be bound by those changes. If you do not agree to any such changes, you must refrain from using the Opal Card and you may apply for a refund of the stored value of that Opal Card (**Opal Card Balance**) in accordance with the Opal Refund and Balance Transfer Policy.

5. **Operator's conditions of carriage:** These Opal Terms of Use apply in addition to conditions of carriage imposed by any provider of public transport services who accepts the Opal Card as payment for use of its services (**Operator**). When using the services of any Operator you must comply with that Operator's conditions of carriage. We are not responsible for the acts or omissions of any Operator.
6. **Responsibility for a child:** If you acquire an Opal Card for use by a person who lacks, by reason of youth, the understanding necessary for these Opal Terms of Use to be binding on them (**Child**), you are responsible for the use of that Opal Card by that Child.

OPAL CARDS

7. **Opal Cards:** We issue Opal Cards that are reloadable "pay as you go" stored value Opal Cards and non-reloadable Opal Cards.
8. **Property of TfNSW:** Opal Cards are and remain our property. We may inspect, deactivate or take possession of an Opal Card or require its return at our discretion without notice at any time.

RELOADABLE OPAL CARDS

9. **Reloadable Opal Cards:** We issue a variety of reloadable, pay as you go, Opal Cards which may be used to pay for travel on public passenger vehicles or trains (including light rail) on Opal Transport Services.

You must use the “Adult” Opal Card unless you are entitled to use a different type of Opal Card allowing concessional fares (including concession or senior/pensioner Opal Cards) or free travel. When using an Opal Card allowing free or concessional fares travel, you must carry and produce upon request proof of your entitlement in accordance with section 77.

10. You can use a “Child/Youth” Opal Card only if you are:

- a) aged 4 to 15 years (inclusive); or
- b) a full-time NSW/ACT school student aged 16 and older with a NSW Senior Secondary Student Concession card, issued by your school, as proof of entitlement.

11. Further information about the types of reloadable Opal Cards available under the Opal Ticketing System, the criteria for eligibility, the fares charged by Operators and any additional special terms and conditions for reloadable Opal Cards other than the “Adult” Opal Card may also be obtained by calling 13 67 25 (13 OPAL) and from the Opal Website. Customers who use reloadable Opal Cards other than the “Adult” Opal Card must inform themselves of and comply with any such additional special terms and conditions. If an Opal Card allowing concessional fares travel has been issued specifically to you, you must not permit any other person to use that Opal Card. You must not use an Opal Card allowing concessional fares travel that has been issued specifically to another person.

12. **Precondition to using a reloadable Opal Card:** You must add value to a reloadable Opal Card before using it to pay for your first trip.

NON- RELOADABLE OPAL CARDS

13. **Non-reloadable Opal Cards:** We issue two categories of non-reloadable Opal Cards, Single Trip Tickets and Free Opal Cards.

14. **Single Trip Ticket:** A Single Trip Ticket is a non-reloadable Opal Card for use on trains, ferries or light rail only. It can only be used for one trip and transfer to another mode is not allowed. Single Trip Tickets are valid for the day of purchase and expire

on 4.00am the next day, or at the end of a trip taken prior to that time. The Single Trip Ticket is valid for travel to destinations within the distance fare band of the ticket purchased, which is calculated and set from the point of tap on and limited to the chosen distance band of the ticket.

15. **Free Opal Cards:** We issue Free Opal Cards, including (but not limited to) Free Travel Opal Cards and School Opal Cards to provide free travel on Opal Transport Services, following confirmation of eligibility. Use of Free Opal Cards is also subject to the Additional Terms and Conditions for Free Opal Cards published below, as amended by us from time to time.

ADDITIONAL TERMS AND CONDITIONS FOR FREE OPAL CARDS

16. Subject to section 20, Free Opal Cards are not transferrable and must only be used by the person to whom the Free Opal Card has been issued. You must not permit any other person to use your Free Opal Card.
17. If your Free Opal Card is damaged, lost or stolen, you may order a replacement card (a fee may apply) by calling 131 500. Your current Free Opal Card will be blocked and a replacement Free Opal card will be mailed to you, usually within 5-7 working days.
18. **Free Travel Opal Cards:** We may issue a Free Opal Card to eligible customers with a vision impairment as well as selected ex- Defence Force personnel to provide free travel on Opal Transport Services (**Free Travel Opal Card**). Further information, including eligibility requirements, is located on the Opal Website.
19. If you hold a Free Travel Opal Card, you are not required to tap on at the beginning of a trip or tap off at the end of a trip at an Opal Card Reader and you may show your proof of entitlement pass to transport staff or bus driver in order commence or end your journey.
20. If eligible, we may also issue you with a second Free Travel Opal Card to provide your attendant free travel on Opal Transport Services (**Attendant's Card**). The Attendant's Card may be used by any person who is travelling with you.

21. Use of the Attendant's Card is limited to instances where the attendant is travelling with the eligible holder of a Free Travel Opal Card. You must not use an Attendant's Card unless you are travelling with the person named on the Attendant's Card.
22. You must carry evidence of eligibility at all times when using a Free Travel Opal Card and produce it in accordance with section 77.
23. Your Free Travel Opal Card will not operate at Sydney Domestic and Sydney International Airport train stations. Access to or from these stations requires assistance from station staff. Station access fees may apply.
24. **School Opal Cards:** We issue a School Opal Card to eligible school students to provide free or subsidised travel between home and school on Opal Transport Services.
25. You may only use your School Opal Card for travel which commences between 6.30am and 7pm (6.30am and 9.30pm for TAFE students) on school days between home and school.

For all other travel, you must use a Child/Youth Opal card.

26. Your School Opal Card will not operate at the following train stations:
 - a. Sydney Domestic Airport;
 - b. Sydney International Airport;
 - c. Mascot; or
 - d. Green Square.

To access these stations you must use a Child/Youth Card.

27. Use of the School Opal Card is also subject to the School Pass Terms, published at <https://apps.transport.nsw.gov.au/ssts>.
28. **Other Free Opal Cards:** We may, at our discretion, determine other classes of individuals eligible for Free Opal Cards and may provide relevant additional terms and conditions for use directly to eligible individuals issued with those Free Opal Cards.

ACQUIRING OPAL CARDS

29. **Reloadable Opal Cards:** You can acquire reloadable Opal Cards through:

- a. the Opal Website;
- b. various retailers which are approved as Opal retailers;
- c. our call centre at 13 67 25 (13 OPAL); and
- d. any service centres that we establish,

(together, the **Opal Channels**).

You may obtain information on Opal Channels and on how and through what Opal Channels you may acquire an Opal Card by calling 13 67 25 (13 OPAL) or from the Opal Website. When acquiring an Opal Card, you must provide all the information that we deem reasonably necessary for us to supply you with the Opal Card of the type you are acquiring. If you receive an Opal Card in the mail, you must activate it in accordance with the procedure specified in the Opal starter pack that accompanies the Opal Card. We are not responsible for any delays in delivering an Opal Card to you if the information you provide is inaccurate, out of date or unclear, or the Opal Card is undeliverable to the address you provide.

30. **Single Trip Tickets:** You can acquire a Single Trip Ticket from an 'Opal Top Up or Single Trip Ticket Machine' only.

31. **Free Opal Cards:** We issue Free Opal Cards in accordance with the terms and conditions of the relevant free or subsidised travel scheme. Eligibility details and further information is available on the Opal Website.

32. **Prohibited Acquisition:** You must not obtain an Opal Card by purchasing it from another person. As described in section 63, the sale of an Opal Card for a price is prohibited, and you may not be able to confirm the Opal Card Balance of any such Opal Card, or the Opal Card may have been cancelled by us, whether at the time of purchase or subsequently. This may include circumstances where the Opal Card that you purchase has been lost or stolen, or a "top up" to the Opal Card has been reversed because of an unauthorised credit card transaction involving a lost or stolen credit card.

USE OF OPAL CARDS AND OPAL TICKETING SYSTEM

33. Use of Opal Cards: You must:

- a. use the Opal Card and Opal Ticketing System in accordance with these Opal Terms of Use;
- b. not obtain or attempt to obtain Opal Benefits (as described on the Opal website at <https://www.opal.com.au/en/opal-fares/>) by using an Opal Card or the Opal Ticketing System (including Opal Card Readers) in a way that is inconsistent with these Terms of Use;
- c. provide us with the information and assistance that we deem reasonably necessary for the effective use of the Opal Card;
- d. comply with all laws and regulations applicable to your use of the Opal Card;
- e. keep the Opal Card safe and secure at all times;
- f. take proper care of the Opal Card, avoid damaging it, keep it flat and not bend or pierce it;
- g. only use an Opal Card issued by us on the Opal Ticketing System (and you must not use any other smartcards at an Opal Card Reader or any other part of the Opal Ticketing System);
- h. not misuse, deface, alter, tamper with or deliberately damage or destroy the Opal Card;
- i. not alter, remove or replace any notices (other than the activation sticker), trademarks or artwork on the Opal Card; and
- j. not modify, adapt, translate, disassemble, decompile, reverse engineer, create derivative works of, copy or read, obtain or attempt to discover by any means, any (i) encrypted software or encrypted data contained on an Opal Card; or (ii) other software or data forming part of the Opal Ticketing System.

34. Defective cards: You must not knowingly use a Damaged or Faulty Opal Card and must immediately report a Damaged or Faulty Opal Card by calling 13 67 25 (13 OPAL) as soon as it is discovered that it is Damaged or Faulty. In relation to an Opal Card:

- a. **Damaged** means not capable of being read by an Opal Card Reader and subject to physical damage or electronic tampering by you or any other person or event subsequent to the acquisition of that Opal Card; and
- b. **Faulty** means: (i) not Damaged but not capable of being read by an Opal Card Reader; or (ii) failing to comply with any applicable statutory guarantees; or (iii) not able to be utilised due to the existing service being at capacity and not allowing customer access where another subsequent service does not exist for this day.

Under b) iii): You may request for a refund for a Faulty Single Trip Ticket, or to transfer the cost of that Faulty ticket to a reloadable Opal Card. No refunds or transfers are provided for a lost, stolen or damaged Single Trip Ticket, or in any other circumstances, as in our terms and conditions.

35. **Accuracy of information:** You represent and warrant that any information that you provide to us is true, accurate and up to date. If the information you provide changes or is out of date, you must notify us of the change as soon as possible.
36. **Opal Website:** If and when you use the Opal Website, you must comply with the [Opal Website Terms of Use](#).
37. **Opal Guidelines:** You must comply with all the procedures, policies and guidelines relating to the Opal Card and the Opal Ticketing System (including, but not limited to, the Opal Refund and Balance Transfer Policy, the Opal Privacy Policy, the guidelines in the Opal Website and any starter packs) that are published or issued by us as each may be amended from time to time in accordance with section 4 (**Opal Guidelines**).

CARD REGISTRATION

38. **Registering a reloadable Opal Card:** In order to register a reloadable Opal Card you must provide the information necessary to create a customer profile (**Customer Profile**), or alternatively you can permit another person to link your Opal Card to their Customer Profile (in which case that other person will be able to manage your Opal Card as described in section 42). The card identification number and card security code (**Opal Card Number**) of the Opal Card that you are registering will be linked in the Opal Ticketing System to your Customer Profile. More than one Opal Card can be

linked to that Customer Profile, but an Opal Card can only be linked to one Customer Profile at any given time.

39. **Registered Card Benefits:** A range of services (**Registered Card Benefits**) are available for registered Opal Cards. Information about Registered Card Benefits can be obtained by calling 13 67 25 (13 OPAL) and from the Opal Website. If a registered Opal Card is lost or stolen and you report it as lost or stolen, the Opal Card Balance of that Opal Card will be protected in accordance with and upon the terms of our refund policy set out at the Opal Website (**Opal Refund and Balance Transfer Policy**).
40. **Changing Registered Card Benefits:** We may change the Registered Card Benefits at any time in accordance with section 4.
41. **Registration on behalf of others:** You may only register and manage the registration of an Opal Card on behalf of:
 - a. a Child under the age of 16, if you are a parent or guardian of that Child; or
 - b. any other person over the age of 16, if you are doing so with their consent (including their consent to disclose any personal information you provide to us about them).
42. **Linking your Registered Opal Card to another person's Customer Profile:** If you allow your Opal Card to be linked to another person's Customer Profile, that person can manage your Opal Card (including after your death). This gives them the ability to:
 - a. access information collected by us in relation to your Opal Card in accordance with the Opal Privacy Policy, including your travel history;
 - b. manage auto top-ups for your Opal Card;
 - c. receive notifications via email or text message regarding the status of your Opal Card;
 - d. apply for and receive a refund of your Opal Card Balance, if they possess your Opal Card;
 - e. transfer your Opal Card Balance to another Opal Card that is linked to their Customer Profile; and

- f. unlink your Opal Card from their Customer Profile.
43. TfNSW will automatically unlink all Opal Cards from a Customer Profile that is deactivated for any reason, including the death of the account holder. Auto top-ups will be discontinued for unlinked Opal Cards.
44. **Confidentiality:** You must keep all usernames, passwords, personal identification numbers, card security codes and answers to security questions confidential and you must not disclose this information to any person. You must not enable any other person, application (including any mobile application) or system to access your Customer Profile. We are not responsible for any loss suffered as a result of you disclosing any information, including any username or password contained in your Customer Profile to another person, any application (including any mobile application) or any system. You must also keep the Opal Card Number that is printed on your Opal Card safe and secure. If your Opal Card is unregistered and another person obtains your Opal Card Number, this may allow them to view your recent travel history, register your Opal Card, or link your Opal Card to their own Customer Profile.
45. **Opal Privacy Policy:** We will handle personal information that we collect in relation to the Opal Ticketing System in accordance with our privacy policy ([Opal Privacy Policy](#)) that is set out at the Opal Website. You consent to our disclosure of your personal information in accordance with the Opal Privacy Policy and relevant legislation relating to personal information and privacy.
46. **Unregistered Opal Cards:** You can acquire an unregistered reloadable Opal Card through various retailers which are approved as Opal retailers, and any service centres that we establish. The provisions in these Terms of Use relating to unregistered Opal Cards apply to Opal Cards that are acquired but not registered, and also to registered Opal Cards that have been de-registered.
47. **Card authentication:** When interacting with the Opal Ticketing System, you will comply with any authentication procedures that we reasonably require from time to time. If you cannot satisfy any of our authentication requirements, you may not be able to interact with the Opal Ticketing System including obtaining the Registered Card

Benefits.

PAYMENT, FARES AND BALANCES

48. **Payment for travel:** In connection with your use of an Opal Card, you are responsible for the payment of all fares (including promotional fares, concession fares, discounted fares or fares with caps) (**Opal Fares**). We also reserve the right to apply charges in connection with the use of the Opal Card (**Opal Charges**). Information about applicable Opal Fares and Opal Charges will be published on the Opal Website and is subject to change from time to time in accordance with section 4. Information about applicable Opal Fares and Opal Charges can also be obtained by calling 13 67 25 (13 OPAL).

49. **Opal Card Balance:** Your Opal Card Balance will be available to pay for Opal Fares and Opal Charges (unless those amounts are transferred or refunded in accordance with the Opal Refund and Balance Transfer Policy, or forfeited in accordance with section 74). You must add value to a reloadable Opal Card sufficient to meet these charges.

50. **Tap on and tap off:** Subject to section 19, you must tap on at the beginning of your trip and tap off at the end of your trip at an Opal Card Reader except in the case of ferry services to and from Manly. For ferry services to and from Manly only, you must tap on at the beginning of your trip but you do not have to tap off at the end of your trip and you may exit without doing so. Instructions on how to tap on and tap off will be set out in the documentation that is provided with a new Opal Card, and on the Opal Website, and you must comply with those instructions. If you fail to tap on or tap off as required, the Opal Ticketing System is unable to ascertain where you entered or exited the public transport network, as the case may be, and the Opal Card will be charged the default fare for the journey.

See https://www.opal.com.au/en/opal-fares/travelling_with_a_valid_ticket/ for further details on default fares.

51. **Multiple use not permitted:** You can only use an Opal Card for one trip at a time. You must not tap on twice with the same Opal Card in order to pay for another person's trip.

52. **Tap on and Tap off at the one location:** You are permitted to tap on and then tap off at the same location if you no longer intend to make a journey.
53. **Sufficient funds:** You must not use a reloadable Opal Card to pay the Opal Fare for a trip if the Opal Card Balance of the reloadable Opal Card or a Single Trip Ticket is: (a) insufficient to pay for it; or (b) a negative balance.
54. **Minimum and maximum balances:** A limit applies to the maximum amount that can be maintained as an Opal Card Balance on an Opal Card, which may vary depending on the type of Opal Card you have. You must not commence a trip if (a) the Opal Card Balance is negative; or (b) the Opal Card Reader declines a tap on due to an insufficient balance.
55. **Authorisation:** You authorise us to deduct all Opal Fares and Opal Charges as and when they are due from the Opal Card Balance of the Opal Card.
56. **Negative balances:** If the Opal Card Balance of a reloadable Opal Card is insufficient to pay for the applicable Opal Fare or is a negative balance, you must add value to the Opal Card in an amount sufficient to pay for your trip before you use it again. You must pay any negative Opal Card Balance on a reloadable Opal Card and, when you add value to it, the added value will be first applied to reduce any negative balance.
57. **Adding value:** You may "top up" or add value to a reloadable Opal Card by paying or transferring value to the Opal Card Balance of the reloadable Opal Card. Information on current methods of adding value can be obtained by calling 13 67 25 (13 OPAL) and from the Opal Website. Under the Opal Ticketing System, "add value" is also referred to as "top up".
58. **Balance adjustments:** You may dispute the amount of an Opal Card Balance of your Opal Card and request an adjustment of the Opal Card Balance by calling 13 67 25 (13 OPAL) or by completing and sending the [enquiry form](#) on the Opal Website. An adjustment to an Opal Card Balance will only be made at our discretion. We may adjust an Opal Card Balance retrospectively if we discover that it is incorrect.

59. **Balance transfers:** We will only transfer the Opal Card Balance of an Opal Card to another Opal Card if: (a) both Opal Cards are registered and linked to the same Customer Profile; (b) the entire Opal Card Balance (less any applicable Opal Charges) is being transferred; and (c) the Opal Card from which the transfer is being made has been cancelled.
60. **Opal Benefits not transferred:** Opal Benefits (as described on the Opal website at <https://www.opal.com.au/en/opal-fares/>) are specific to each Opal Card and are not transferrable upon the transfer of the Opal Card Balance of an Opal Card to another Opal Card, except where an Opal card is found to be a Defective card under section 70. For example, any paid journeys accrued for the purpose of the Weekly Travel Reward are not transferred to a new Opal Card.
61. **Auto top up:** If you set up an "auto top up" as one of the Registered Card Benefits for your reloadable Opal Card, you are authorising us to automatically add value to your reloadable Opal Card whenever your Opal Card Balance falls below the required minimum balance by means of an automatic payment from: (a) a credit card; (b) a debit card; or (c) bank or similar account if we make such a service available in the future (**Authorised Payment Source**).

You can obtain information on the minimum and maximum amounts that can be automatically added under an auto top up, the methods by which you can change or terminate an auto top up and the manner in which we will handle the auto top up if your Authorised Payment Source is declined or has expired, by calling 13 67 25 (13 OPAL). You must ensure that your Authorised Payment Source remains valid and current and you must renew your Authorised Payment Source if it has expired or if we request you to do so. If a payment for an auto top up is declined by your Authorised Payment Source, we will reverse that auto top up and cancel the auto top up.

Auto top up is not available for unregistered Opal Cards.

62. **Website and 13 OPAL top ups:**
- a. **Reversals:** After we receive instructions from you to add value to a reloadable Opal Card via the Opal Website or 13 67 25 (13 OPAL) you should tap on at an Opal Card Reader with that Opal Card within 60 days. If you fail to tap on within

the 60 days we will reverse the value added back to your credit or debit card as the case may be.

- b. **Timing:** We will use our reasonable endeavours to ensure timely top ups via the Opal Website or 13 67 25 (13 OPAL) but we will not be responsible for any delays in doing so.

TRANSFER OF YOUR OPAL CARD

63. **No resale:** You must not sell, or offer to sell, an Opal Card to another person for a price. We may cancel any Opal Card that is sold or offered for sale in breach of this section at any time without notice. If you have an Opal Card that you no longer wish to use, you can apply for a refund of the Opal Card Balance as described below.
64. **Certain Opal Cards non- transferrable:** subject to section 20, if your Opal Card is issued specifically to you, you must not allow any other person to use, or attempt to use, the Opal Card.

REFUNDS

65. **Opal Refund and Balance Transfer Policy:** We will make refunds for Opal Card Balances or for a Single Trip Ticket as stated in these Opal Terms of Use and in accordance with the Opal Refund and Balance Transfer Policy. The Opal Refund and Balance Transfer Policy also contains the terms and conditions upon which we will transfer the balance of an Opal Card to another Opal Card.
66. **Applications for refunds:** Where we de-activate or take possession of an Opal Card or require its return under section 8, cancel an Opal Card under section 71, or the Opal Card is Damaged or Faulty under sections 34(b) or 70, or expires under section 72, you may apply for a refund in accordance with the Opal Refund and Balance Transfer Policy.
67. **Right to reject application for refund:** If you make an application for a refund under section 66, we may reject the claim if you have not complied with any of the provisions of these Opal Terms of Use or if we have reason to suspect that an offence under any law may have been or may be committed.

68. **Lost or stolen - registered Opal Cards:** If you have lost a registered Opal Card or the registered Opal Card has been stolen, you must notify us as soon as possible by calling 13 67 25 (13 OPAL) or through the Opal Website, so that we can cancel it and arrange for a balance transfer in accordance with the Opal Refund and Balance Transfer Policy. No refunds will be given for lost or stolen registered Opal Cards. You remain liable for Opal Fares and Opal Charges incurred on the Opal Card until you report it to us as lost or stolen.
69. **Lost or stolen - unregistered Opal Cards:** No refunds or balance transfers will be given for lost or stolen unregistered Opal Cards.
70. **Defective cards:** If an Opal Card is Damaged or Faulty: (a) you must notify us as soon as possible by calling 13 67 25 (13 OPAL) to request a replacement Opal Card or a refund for a reloadable Opal Card or a Single Trip Ticket (if Faulty only); and (b) if you want a refund, you must physically return the Opal Card by mailing or delivering to us the Opal Card together with a signed and completed "Opal card refund form" that is contained in the Opal Refund and Balance Transfer Policy. If you do not physically return a Damaged or Faulty Opal Card you will not be entitled to a refund.

CANCELLATION AND EXPIRATION

71. **Cancellation:** We may cancel an Opal Card if:
- a. we are satisfied that it is lost, stolen, Damaged or Faulty;
 - b. we are satisfied that you have not complied with any of the provisions of these Opal Terms of Use or if we have reason to suspect that an offence under any law may have been or may be committed;
 - c. we deem it reasonable to do so for the purposes of providing efficient and effective ticketing services;
 - d. you request the cancellation of an Opal Card; or
 - e. we deem you no longer are eligible for a concession or a Free Opal Card.

An Opal Card that has been cancelled will no longer be usable. You may make application for a refund of the balance of a cancelled reloadable Opal Card in accordance with section 66 or an application for a new Free Opal Card in

accordance with section 13.

72. **Card Expiration:** An Opal Card will expire:

- a) in the case of a reloadable Opal Card - 9 years; or
- b) in the case of a Free Opal Card – 5 years,

after the date it is initialised (which will be earlier than the date you received or first used the Opal Card) (**Planned Expiry**).

However, we may expire an Opal Card earlier if we have reasonable grounds to do so (for example, if a particular batch of Opal Cards are experiencing failures prior to their date of Planned Expiry) (**Unplanned Expiry**).

73. **Notice of expiry:** You will know when an Opal Card is about to expire as a card expiration message will appear on the reader display when you tap on an Opal Card Reader during the 30 day period prior to Planned Expiry, or, in the case of Unplanned Expiry, such lesser period as we may reasonably need to determine.

74. **Forfeiture of Opal Card Balance:** If you have a registered, reloadable Opal Card, you can apply for a transfer or refund of your Opal Card Balance in accordance with section 66 for a period of up to 90 days after the date of cancellation or expiration of the Opal Card. If you do not do so, or you are not entitled to a refund in accordance with the Opal Refund and Balance Transfer Policy, you will forfeit the Opal Card Balance of that cancelled or expired Opal Card to us.

75. **Inability to use:** You will not be able to use any Opal Card that has been cancelled or has expired.

LAW ENFORCEMENT AND REVENUE PROTECTION

76. **Revenue protection:** You must co-operate with any officer (including any NSW police officer) authorised by us to monitor fare evasion, protect revenue or enforce compliance (**Authorised Officer**).

77. **Proof of entitlement:** This section 77 does not apply if you are aged 4 to 15 years (inclusive) and using a “Child/Youth” Opal Card or a School Opal Card. When travelling

using a Free Travel Opal Card or an Opal Card that entitles you to concessional fares (including a concession Opal Card or a senior/pensioner Opal Card), you must carry and produce upon request by an Authorised Officer evidence of your entitlement to support your eligibility (e.g. being a valid Senior Card, Pensioner Card or Student Card). If you fail to carry or produce the evidence referred to above, you may be liable to pay a fine. Your eligibility for concessional, discounted or free travel may also be suspended or withdrawn.

78. **Production of Opal Card:** You must immediately produce the Opal Card that you are using if requested to do so by an Authorised Officer. You consent to any Authorised Officer inspecting the Opal Card and viewing transactions on the Opal Card.
79. **Co-operation:** You must co-operate with us and the NSW Police in endeavouring to recover an Opal Card if it is lost or stolen or if we suspect any suspicious activity in relation to an Opal Card.

GENERAL

80. **Records:** In the absence of manifest error, our records are conclusive of the matters to which they relate.
81. **Enquiries, complaints and disputes:** You may raise enquiries, complaints or disputes by calling 13 67 25 (13 OPAL) or completing and sending us the enquiry form available on the Opal Website.
82. **Customer instructions:** Whenever you provide information or an instruction in connection with an Opal Card or the Opal Ticketing System to us, we are entitled to assume that you have the right and authority to provide that information or instruction to us and that we are entitled to rely on the information or instruction.
83. **Intellectual property rights:** The Opal Card, the Opal Ticketing System (including related software, architecture, data or other information) and their operation are protected by copyright and other intellectual property rights that are owned by us and our licensors.

84. **Assignment:** If we assign our functions under the Opal Ticketing System or cease to be responsible for the operation of the Opal Ticketing System, the reference to “TfNSW”, “we”, “us” and “our” in these Opal Terms of Use will refer to our assignee or the entity that has taken over the responsibility, as the case may be.

INTERPRETATION

85. **Proper law:** These Opal Terms of Use are governed by the laws of New South Wales and we and you submit to the exclusive jurisdiction of the courts of New South Wales.
86. **Unenforceability:** If any part of these Opal Terms of Use is held to be unenforceable, the unenforceable part is to be given effect to the fullest extent possible and the remainder will remain in full force and effect.
87. **Including:** The words “including”, “such as”, “for example” and similar expressions are not intended as terms of limitation.

LIABILITY

88. **Delays:** To the maximum extent permitted by law, we are not responsible for any delays in performing any of our obligations under these Opal Terms of Use and any of our functions under the Opal Ticketing System. To the maximum extent permitted by law, we will not be liable for any loss, damage, costs or expenses incurred as a result of the failure or delay in processing any transaction including a refund, balance transfer, balance adjustment or transaction to add value.
89. **Exclusion of representations and warranties:** All express or implied guarantees, warranties, representations or other terms and conditions not contained in these Opal Terms of Use are excluded from these Opal Terms of Use to the maximum extent permitted by law.
90. **Lawful remedies:** Nothing in these Opal Terms of Use excludes anything imposed by any legislation (such as the Australian Consumer Law which contains guarantees that protect the purchasers of goods and services in certain circumstances) that cannot be lawfully excluded or limited (**Non-Excludable Provision**). If we are able to limit your

remedy for a breach of a Non-Excludable Provision, then our liability for such a breach is limited to one or more of the following at our option:

- a. in the case of goods, the replacement of the goods or the supply of equivalent goods, the repair of the goods, the payment of the cost of replacing the goods or of acquiring equivalent goods; or
- b. in the case of services, the supplying of the services again, or the payment of the cost of having the services supplied again.

91. **Maximum liability:** Subject to our obligations under any Non-Excludable Provision and to the maximum extent permitted by law:

- a. our maximum aggregate liability to you for all claims under these Opal Terms of Use is limited to \$250; and
- b. we are not liable for, and no measure of damages will, under any circumstances, include special, indirect, consequential, incidental or punitive damages or damages for loss of profits, revenue, goodwill or anticipated savings.

The limitations and exclusions under this section apply regardless of whether the claim or liability arises in contract, tort (including, without limitation, negligence), equity, under statute, based on fundamental breach or breach of a fundamental term or on any other basis, whether or not such claim, liability or damage was foreseeable.

92. **Contribution:** Our liability to you (if any) is reduced to the extent that your acts or omissions (or those of a third party) contribute to or caused the loss or liability.

COUNCIL NOTICES

BEGA VALLEY SHIRE 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.

LEANNE BARNES, General Manager, Bega Valley Shire Council, PO Box 792, Bega NSW 2550

Schedule

Lot 29 in DP 1015579 and Lot 5 in DP 1011205 being land situated on Tathra Bermagui Road, Wapengo [8779]

CABONNE COUNCIL

ROADS ACT 1993
Section 10

Notice of Dedication of Land as Public Road

Notice is hereby given that pursuant to section 10 of the *Roads Act 1993*, Cabonne Council hereby dedicates the land described in the Schedule below as public road.

S J HARDING, Acting General Manager, Cabonne Council, PO Box 17, Molong NSW 2866.

Schedule

Lot 301, DP 1194319, Parish of Bowan, County of Ashburnham [8780]

CENTRAL COAST COUNCIL

ROADS ACT 1993
Naming of Roads

Notice is hereby given that Central Coast Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
DARING AVENUE	Wadalba

Description

Road extent between Voyager Street and Melbourne Road

Name	Locality
BARN OWL AVENUE	Wadalba

Description

New road as part of subdivision of 40 Van Stappen Road, Wadalba – Lot 132 DP 1202685 and shown on plan as Access Street No.4

Name	Locality
CONTESSA DRIVE	Woongarra

Description

71–77 Sparks Road, Woongarra Lots 9 and 10 DP 7739

Name	Locality
ADDISON AVENUE	Woongarra

Description

71–77 Sparks Road, Woongarra Lots 9 and 10 DP 7738

Name	Locality
NOBLE COURT	Woongarra

Description

71–77 Sparks Road, Woongarra Lots 9 and 10 DP 7741

Name	Locality
DARCEY STREET	Woongarra

Description

Subdivision of 71–77 Sparks Road, Woongarra – Lots 9 and 10 DP 7738

Name	Locality
OAKMONT PLACE	Woongarra

Description

71–77 Sparks Road, Woongarra Lots 9 and 10 DP 7742

Name	Locality
EVERGREEN PARADE	Woongarra

Description

71–77 Sparks Road, Woongarra Lots 9 and 10 DP 7743

Name	Locality
NELSON GROVE	Woongarra

Description

71–77 Sparks Road, Woongarra Lots 9 and 10 DP 7744

Name	Locality
OLIVIA BOULEVARD	Hamlyn Terrace

Description

Subdivision of Lots 43 and 47 DP 7091 and Lot 4 DP 208596 Louisiana Road, Hamlyn Terrace

Name	Locality
SORRENTO WAY	Hamlyn Terrace

Description

Subdivision of Lots 43 and 47 DP 7091 and Lot 4 DP 208596 Louisiana Road, Hamlyn Terrace

Name	Locality
JASPER AVENUE	Hamlyn Terrace

Description

Subdivision of Lots 43 and 47 DP 7091 and Lot 4 DP 208596 Louisiana Road, Hamlyn Terrace

Name NORWOOD AVENUE
Locality Hamlyn Terrace
Description
 Subdivision of Lots 43 and 47 DP 7091 and Lot 4 DP 208596 Louisiana Road, Hamlyn Terrace

Name ROSEWATER CLOSE
Locality Gwandalan
Description
 The plan of subdivision has been amended, creating change to original layout. Road 8 named Teurong Street will now only extend between Fairwater Drive and Peninsular Drive. It is proposed to name Road 4, Rosewater Close

Name YELLOWAWA CLOSE
Locality The Entrance North
Description
 Road extending north west from Wilfred Barrett Drive, The Entrance North in proposed subdivision of Lot 1 DP 862588 and Lot 76 DP 227174, 35 & 41 Wilfred Barrett Drive, The Entrance North

Name PUDGEWAY ROAD
Locality Colongra
Description
 Unnamed road extending north from Scenic Drive and adjacent to 235 Scenic Drive, Colongra (Lot 500 DP 755266)

Name ELLY MAY ROAD
Locality Hamlyn Terrace
Description
 Road extending east from Virginia Road and identified as Road 1 on the plan.

Name EVANGELINE ROAD
Locality Hamlyn Terrace
Description
 Road extending east from Virginia Road and identified as Road 4 on the plan

Name ELEANOR WAY
Locality Hamlyn Terrace
Description
 Road extending north from proposed road, Elly May Road in subdivision of 36–58 Virginia Road, Hamlyn Terrace

Name SCARLETT STREET
Locality Hamlyn Terrace
Description
 Road linking Elly May Road and Envangeline Road and identified as Road 2 on the plan

Name TYTO CLOSE
Locality Wadalba
Description
 A closed road coming off Settlers Road in an easterly direction and identified on the layout plan as road no. 2 in the subdivision of Lot 1303 DP 1135355 and Lot 20 DP 1109786 Pacific Hwy, Wadalba

Name NINOX CLOSE
Locality Wadalba
Description
 A closed road coming off Settlers Road in a north easterly direction and identified on the layout plan as road no. 5 in the subdivision of Lot 1303 DP 1135355 and Lot 20 DP 1109786 Pacific Hwy, Wadalba

Name AQUILA AVENUE
Locality Wadalba
Description
 A road linking Settlers Road and Van Stappen Avenue in an easterly direction and identified on the layout plan as road no. 3 in the subdivision of Lot 1303 DP 1135355 and Lot 20 DP 1109786 Pacific Hwy, Wadalba

Name FALCO STREET
Locality Wadalba
Description
 A road linking Settlers Road and Van Stappen Avenue in an southerly direction and identified on the layout plan as road no. 7 in the subdivision of Lot 1303 DP 1135355 and Lot 20 DP 1109786 Pacific Hwy, Wadalba

ROB NOBLE, Chief Executive Officer, Central Coast Council, PO Box 20, Wyong NSW 2259
 GNB Ref: 0236 [8781]

HAWKESBURY CITY COUNCIL
 ROADS ACT 1993
 Section 10

Dedication of Land as Public Road

Notice is hereby given by Hawkesbury City Council, pursuant to section 10 of the *Roads Act 1993*, that the land described in the Schedule below is hereby dedicated as public road. Dated at Windsor 1 September 2016. to LAURIE MIFSUD, Acting General Manager, Hawkesbury City Council, 366 George Street, Windsor NSW 2756.

Schedule

Lot 1 in Deposited Plan 1221138 [8782]

**THE COUNCIL OF THE MUNICIPALITY
OF KIAMA**

ROADS ACT 1993

Naming of Roads

Notice is hereby given that The Council of the Municipality of Kiama, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
QUARRYMAN ROAD	Bombo

Description

Public road which passes over the Princes Highway from the Bombo quarry access gate to Riverside Drive, Bombo.

Name	Locality
NORTHPOINT PLACE	Bombo

Description

A newly developed road running north west off Riverside Drive, Kiama Downs as part of a new subdivision at the north end of Bombo Beach.

MICHAEL FORSYTH, General Manager, The Council of the Municipality of Kiama, 11 Manning Street, Kiama NSW 2533
GNB Ref: 0235 [8783]

KU-RING-GAI COUNCIL

Interim Heritage Order Revocation

Under section 29 of the *Heritage Act 1977* Ku-ring-gai Council does by this order:

Revokes the interim heritage order published in the *NSW Government Gazette* No 88 of 9 October 2015 in respect of the item of the environmental heritage specified or described in Schedule "A";

Sydney 7 September August 2016

JOHN McKEE, General Manager Ku-ring-gai Council

Schedule "A"

The property known as Exley House 27 Finlay Road, Warrawee and all those pieces or parcels of land known as Lot 5B Sec 2 DP 978020, in Parish of Gordon, County of Cumberland. [8784]

LAKE MACQUARIE CITY COUNCIL

ROADS ACT 1993

Section 10

Dedication of Land as Public Road

In accordance with section 10 of the *Roads Act 1993*, Council dedicates the land held by it and described in the Schedule below as Public Road.

BRIAN BELL, General Manager, Lake Macquarie City Council, Administration Building, Main Road, Speers Point 2284.

Schedule

Lot 16 in Deposited Plan 242073 [8785]

MAITLAND CITY COUNCIL

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Maitland City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
TARRAGON WAY	Chisholm

Description

From the intersection of Raymond Terrace Road and Harvest Boulevard, Chisholm travel north along Harvest Boulevard and take the first left into Billabong Parade and the first right into Tarragon Way.

Name	Locality
CHAMOMILE STREET	Chisholm

Description

From the intersection of Raymond Terrace Road and Harvest Boulevard, Chisholm travel north along Harvest Boulevard and take the first left turn into Billabong Parade and the first turn left into Chamomile Street.

Name	Locality
SAGE CRESCENT	Chisholm

Description

From the intersection of Raymond Terrace Road and Harvest Boulevard, Chisholm travel north along Harvest Boulevard and take the first turn left into Billabong Parade, the first turn left into Chamomile Street and the first turn left into Sage Crescent.

Name	Locality
OREGANO STREET	Chisholm

Description

From the intersection of Raymond Terrace Road and Harvest Boulevard, Chisholm travel north along Harvest Boulevard, take the first turn left into Billabong Parade and the second turn right into Oregano Street.

Name	Locality
BAY LEAF ROAD	Chisholm

Description

From the intersection of Raymond Terrace Road and Harvest Boulevard, Chisholm travel north along Harvest Boulevard and take the first turn left into Billabong Parade and the third turn right into Bay Leaf Road.

Name	Locality
SALVIA STREET	Chisholm

Description

From the intersection of Raymond Terrace Road and Harvest Boulevard, Chisholm travel north along Harvest Boulevard and take the first turn left into Billabong Parade, and the fourth turn right into Salvia Street.

