

Government Gazette

of the State of

New South Wales

Number 132

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

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To submit a notice for gazettal – see Gazette Information.

PARLIAMENT

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 30 November 2017

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

Act No. 66 — An Act to make provision with respect to the election of members of Parliament; and for other purposes. [**Electoral Bill**]

Act No. 67 — An Act to amend the *Duties Act 1997*, the *Land Tax Act 1956* and the *Land Tax Management Act 1956* to make further provision for surcharge purchaser duty, surcharge land tax and administrative arrangements. [**State Revenue Legislation Amendment (Surcharge) Bill**]

Act No. 68 — An Act to provide for the supervision and detention of certain offenders posing an unacceptable risk of committing serious terrorism offences; and to make consequential and related amendments to certain legislation. [**Terrorism (High Risk Offenders) Bill**]

Act No. 69 — An Act to prevent the unsafe use of building products in buildings and to provide for the rectification of affected buildings; and for related purposes. [**Building Products (Safety) Bill**]

Helen Minnican
Clerk of the Legislative Assembly

ACT OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 23 November 2017

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

Act No. 58, 2017 – An Act to amend the Education Act 1990 to make further provision in relation to the health and safety of school students and staff; and for other purposes. [**Education Amendment (School Safety) Bill 2017**]

Act No. 59, 2017 – An Act to amend the Electricity Supply Act 1995 to make provision with respect to the management of electricity supply emergencies; and for other purposes. [**Electricity Supply Amendment (Emergency Management) Bill 2017**]

Act No. 60, 2017 – An Act to amend the Environmental Planning and Assessment Act 1979 with respect to the system of environmental planning and assessment in New South Wales; and for other purposes. [**Environmental Planning and Assessment Amendment Bill 2017**]

Act No. 61, 2017 – An Act to make miscellaneous amendments to certain road transport and related legislation. [**Road Transport and Related Legislation Amendment Bill 2017**]

Act No. 62, 2017 – An Act to amend various Acts with respect to sentencing in cases where victims are geographically isolated, the ownership of feral goats, the mustering of stock, trespass and illegal hunting; and for other purposes. [**Rural Crime Legislation Amendment Bill 2017**]

Act No. 63, 2017 – An Act to repeal certain Acts and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings. [**Statute Law (Miscellaneous Provisions) Bill (No 2) 2017**]

David Blunt
Clerk of the Parliaments

ACT OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 30 November 2017

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

Act No. 64, 2017 – An Act to constitute and confer functions on the Natural Resources Access Regulator. [**Natural Resources Access Regulator Bill 2017**]

Act No. 65, 2017 – An Act to amend the Local Government Act 1993 with respect to joint organisations of councils; and for other purposes. [**Local Government Amendment (Regional Joint Organisations) Bill 2017**]

David Blunt
Clerk of the Parliaments

GOVERNMENT NOTICES

Miscellaneous Instruments

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 107 of 26 August 2005 and reconstitute the Alstonville Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Alstonville Fire District

Comprising the existing Fire District in Ballina Shire Council, additions and deletions as delineated on Map No. 204 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 50 of 29 April 2005 and reconstitute the Ballina Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Ballina Fire District

Comprising the existing Fire District in Ballina Shire Council, additions and deletions as delineated on Map No. 211 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 50 of 29 April 2005 and reconstitute the Bangalow Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Bangalow Fire District

Comprising the existing Fire District in Byron Shire Council, additions and deletions as delineated on Map No. 213 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 174 of 5 November 2004 and reconstitute the Berry Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Berry Fire District

Comprising the existing Fire District in Shoalhaven City Council, additions and deletions as delineated on Map No. 224 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 174 of 5 November 2004 and reconstitute the Brunswick

Heads Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Brunswick Heads Fire District

Comprising the existing Fire District in Byron Shire Council, additions and deletions as delineated on Map No. 240 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 107 of 26 August 2005 and reconstitute the Byron Bay Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Byron Bay Fire District

Comprising the existing Fire District in Byron Shire Council, additions and deletions as delineated on Map No. 179 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 80 of 15 June 2007 and reconstitute the Griffith Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command
TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Griffith Fire District

Comprising the existing Fire District in Griffith City Council, additions and deletions as delineated on Map No. 311 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 107 of 26 August 2005 and reconstitute the Kingscliff Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command
TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Kingscliff Fire District

Comprising the existing Fire District in Tweed Shire Council, additions and deletions as delineated on Map No. 347 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 50 of 29 April 2005 and reconstitute the Murwillumbah Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command
TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Murwillumbah Fire District

Comprising the existing Fire District in Tweed Shire Council, additions and deletions as delineated on Map No. 391 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 174 of 5 November 2004 and reconstitute the Mullumbimby Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Mullumbimby Fire District

Comprising the existing Fire District in Byron Shire Council, additions and deletions as delineated on Map No. 388 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 174 of 5 November 2004 and reconstitute the Nowra Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Nowra Fire District

Comprising the existing Fire District in Shoalhaven City Council, additions and deletions as delineated on Map No. 405 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 107 of 26 August 2005 and reconstitute the Tweed Heads Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Tweed Heads Fire District

Comprising the existing Fire District in Tweed Shire Council, additions and deletions as delineated on Map No. 468 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 174 of 5 November 2004 and reconstitute the Ulladulla Fire District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Ulladulla Fire District

Comprising the existing Fire District in Shoalhaven City Council, additions and deletions as delineated on Map No. 477 kept in the office of Fire & Rescue NSW.

FIRE BRIGADES ACT 1989

Order under Section 5 (2)

D. HURLEY, Governor

I, General The Honourable DAVID HURLEY, AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 5 (2) of the *Fire Brigades Act 1989*, do, by this my Order, vary the Orders published in Government Gazette 134 of 24 October 2008 and reconstitute the Yenda Fire

District in the following Schedule and declare that the provisions of the Fire Brigades Act shall apply to the area described in the Schedule.

Signed at Sydney, this 8th day of November 2017

DAVID HURLEY,
Governor

By His Excellency's Command

TROY GRANT MP,
Minister for Emergency Services

SCHEDULE

In this schedule, a reference to a local government area is a reference to that area with boundaries as at the date of publication of the Order in the Gazette.

Yenda Fire District

Comprising the existing Fire District in Griffith City Council, additions and deletions as delineated on Map No. 512 kept in the office of Fire & Rescue NSW.



New South Wales

Privacy Code of Practice (General) Amendment (Document Validation Services) 2017

under the

Privacy and Personal Information Protection Act 1998

I, the Attorney General, in pursuance of section 31 of the *Privacy and Personal Information Protection Act 1998*, do, by this my Order, make the following Privacy Code of Practice.

Dated, this 20th day of November 2017.

MARK SPEAKMAN, MP
Attorney General

Explanatory note

The object of this Order is to amend the *Privacy Code of Practice (General) 2003* to make provision with respect to the collection, use and disclosure of certain personal information by the Registry of Births, Deaths and Marriages for the purposes of the CertValid certificate validation service and the National Document Verification Service.

This Order is made under section 31 of the *Privacy and Personal Information Protection Act 1998*.

Privacy Code of Practice (General) Amendment (Document Validation Services) 2017 [NSW]

Privacy Code of Practice (General) Amendment (Document Validation Services) 2017

under the

Privacy and Personal Information Protection Act 1998

1 Name of Order

This Order is the *Privacy Code of Practice (General) Amendment (Document Validation Services) 2017*.

2 Commencement

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

Schedule 1 Amendment of Privacy Code of Practice (General) 2003

Part 7

Omit the Part. Insert instead:

Part 7 Registry of Births, Deaths and Marriages

19 Collection, use and disclosure for document validation services

- (1) Despite the information protection principles, the Registry of Births, Deaths and Marriages may collect, use or disclose personal information for the verification (by way of a validation service) of personal information contained in a proof of identity document issued by the Registrar of Births, Deaths and Marriages if:
 - (a) the document has been presented to a government or non-government agency or organisation authorised to use the validation service, and
 - (b) the collection, use or disclosure is in accordance with any applicable operating protocols of the validation service.
- (2) In this clause:
validation service means:
 - (a) the CertValid certificate validation service operated by the Registry of Births, Deaths and Marriages, or
 - (b) the National Document Verification Service managed by the Commonwealth Attorney-General's Department.

Planning and Environment Notices

NATIONAL PARKS AND WILDLIFE ACT 1974

Queens Lake Nature Reserve and Queens Lake State Conservation Area
Draft Plan of Management on exhibition until 9 April 2018: comments sought

The *Queens Lake Nature Reserve and Queens Lake State Conservation Area Draft Plan of Management* is on exhibition until **9 April 2018**.

The plan may be viewed at:

- National Parks and Wildlife Service (NPWS) Hastings-Macleay Area Office (22 Blackbutt Road, Port Macquarie, NSW)
- Sea Acres Rainforest Centre (158 Pacific Drive, Port Macquarie, NSW)
- Laurieton Library (9 Laurie Street, Laurieton, NSW)
- Port Macquarie-Hastings Council (17 Burrawan Street Port Macquarie, NSW)
- Office of Environment and Heritage (OEH) Customer Centre (Level 14, 59–61 Goulburn St, Sydney)
- OEH ‘Have your say’ website at <https://engage.environment.nsw.gov.au/consult>

Submissions on the plan must be received by **9 April 2018** by:

- email to npws.parkplanning@environment.nsw.gov.au; or
- mail to The Planner, Queens Lake SCA & NR DPOM, NPWS, PO Box 707 Nowra, NSW 2541; or
- using the online form on the OEH ‘Have your say’ website.

Your comments on the draft plan may include ‘personal information’. See www.environment.nsw.gov.au/help/privacy.htm for information on how we will treat any personal information you provide, and the ‘Have your say’ webpage for information on how we may use and publish comments provided in your submission. For more information, contact Kristy Lawrie on 0427867699.

Roads and Maritime Notices

MARINE SAFETY ACT 1998

MARINE NOTICE

Section 12(2)

REGULATION OF VESSELS – EXCLUSION ZONE

Location

Clarence River, Grafton – entire width of the river from Memorial Park to Susan Island.

Duration

7.00am to 5.00pm on the following dates:

- Saturday 9 December 2017
- Sunday 10 December 2017

Detail

A rowing regatta will be conducted on navigable waters of the Clarence River as above.

An **EXCLUSION ZONE** is specified during the event, which will be marked by buoys at the above location.

Unauthorised vessels and persons are prohibited from entering the exclusion zone which will be patrolled by control vessels.

All vessel operators and persons in the vicinity of the event should keep a proper lookout, keep well clear of competing and support vessels, and exercise caution.

Penalties may apply (section 12(5) – *Marine Safety Act 1998*)

For full details visit the Roads and Maritime Services website – www.rms.nsw.gov.au/maritime

Marine Notice: NH17123

Date: 4 December 2017

Darren Hulm
A/Manager Operations North
Delegate

MARINE SAFETY ACT 1998

MARINE NOTICE

Section 12(2)

REGULATION OF VESSELS – EXCLUSION ZONE AND SPECIAL RESTRICTIONS

Location

Sydney Harbour – Farm Cove to North Head as follows:

All navigable waters bounded by imaginary lines drawn between:

- Bennelong Point Port Hand Beacon and Kirribilli Point,
- the most northerly point of Middle Head, and Cannae Point Flagstaff,
- North Head starboard hand beacon and Hornby Light

Event Duration

Tuesday 12 December 2017, from 12:00pm to 3:00pm

Exclusion Zones

A special event, the SOLAS Big Boat Challenge 2017, will take place on Sydney Harbour at the above location. Due to the potential to affect the safety of navigation, **Exclusion Zones** are specified which will set aside a starting area for competing vessels and protect the course rounding buoys.

- Spectator vessels wishing to watch the start (in the vicinity of the area between Clark Island and Point Piper) are required to keep out of the exclusion zone, which will be marked by yellow buoys. Spectator

vessels are required to remain to the west of the western line of buoys and east of the eastern line of buoys.

- In the vicinity of the orange CYCA inflatable race turning mark approximately 500m south west from Cannae Point a series of exclusion buoys will be installed. Spectators are not to navigate between the exclusion buoys and the orange turning mark.
- In the vicinity of the orange CYCA inflatable race turning mark approximately 100m south east of Shark Island a series of exclusion buoys will be installed. Spectators are not to navigate between the exclusion buoys and orange turning mark.

Only competing, authorised media vessels and official control vessels are permitted in the exclusion zones. All other vessels are required to stay clear. Penalties may apply (*Marine Safety Act 1998*, s.12(5) – Maximum Penalty \$1,100.00)

Special Restrictions

Pursuant to section 12(3) of the *Marine Safety Act 1998*, a strict 6 knot speed limit zone and a “no wash” zone will be in place within 200m of the exclusion zones from 12:20pm to 12:40pm

Directions

RMS advises:

- 1) Persons within the vicinity of the event must comply with any directions given by a Boating Safety Officer or Police Officer in relation to the Special Event or to marine safety. Failure to comply with any such direction is an offence (*Marine Safety Act 1998*, s.15A – Maximum Penalty \$3,300.00).
- 2) Any vessel operator breaching the Special Restrictions above is liable to be guilty of an offence (*Marine Safety Act 1998*, s.12(5) – Maximum Penalty \$1,100.00)
- 3) Vessels intending to accompany or follow the racing fleet are required to follow strict instructions from Roads and Maritime and Police control vessels and not impede the passage of ferries, ships or competing yachts.

Maps and Charts Affected

RMS Boating Map – 9D

RAN Hydrographic Chart AUS 200

For full details visit the Roads and Maritime Services website – www.rms.nsw.gov.au/maritime

Marine Notice SE1705

Date: 6 December 2017

Drew Jones

Senior Special Aquatic Events Officer

Delegate

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Ashfield in the Inner West Council Area

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

K DURIE

Manager, Compulsory Acquisition & Road Dedication

Roads and Maritime Services

Schedule

All those pieces or parcels of land situated in the Inner West Council area, Parish of Concord and County of Cumberland, shown as:

Lots 10, 15 and 20 Deposited Plan 1237880, being part of the land in Certificate of Title 50/1122039;

Lots 11, 16 and 21 Deposited Plan 1237880, being part of the land in Certificate of Title 51/1122039;

Lots 12, 17 and 22 Deposited Plan 1237880, being part of the land in Certificate of Title 1/965245;

Lots 13, 18 and 23 Deposited Plan 1237880, being part of the land in Certificate of Title 2/965245; and

Lots 14, 19 and 24 Deposited Plan 1237880, being part of the land in Certificate of Title 3/965245.

The land is said to be in the possession of Fabcot Pty Limited (registered proprietor) and Roads and Maritime Services (lessee).

(RMS Papers: SF2015/68998; RO SF2014/8830)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Bolivia in the Tenterfield Shire Council Area

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

K DURIE

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

All those pieces or parcels of Crown land situated in the Tenterfield Shire Council area, Parish of Bolivia and County of Clive, shown as:

Lot 106 Deposited Plan 1233113, being part of the land in Certificate of Title 7307/1145068;

Lot 107 Deposited Plan 1233113, being part of the land in Certificate of Title 66/751498;

Lot 108 Deposited Plan 1233113, being part of the land in Certificate of Title 7001/1065779; and

Lots 109 and 111 Deposited Plan 1233113, being part of the land in Certificate of Title 7015/1065780.

The land is said to be in the possession of the Crown and Northern Tablelands Local Land Services (Reserve Trust Manager).

(RMS Papers: SF2017/129628; RO SF2015/119239)

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at South Penrith in the Penrith City Council Area

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

K DURIE

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

All those pieces or parcels of land situated in the Penrith City Council area, Parish of Mulgoa and County of Cumberland, shown as Lots 101 and 102 Deposited Plan 1232766, being part of the land in Certificate of Title 2/1224249.

The land is said to be in the possession of Penrith City Council.

(RMS Papers: SF2017/209164; RO SF2017/058131)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Moonee in the Coffs Harbour City Council Area

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

K DURIE

Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

Schedule

All those pieces or parcels of land situated in the Coffs Harbour City Council area, Parish of Moonee and County of Fitzroy, shown as:

Lots 14 and 15 Deposited Plan 1140702; and

Lot 3 Deposited Plan 1148177.

(RMS Papers: SF2017/008563)

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land in the Local Government Area of Central Coast

Transport for NSW by its delegate declares, with the approval of His Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* as authorised by clause 11 of Schedule 1 of the *Transport Administration Act 1988* for the purposes of the *Transport Administration Act 1988*.

Stephen Troughton
Deputy Secretary
Infrastructure and Services
Transport for NSW

SCHEDULE

All that piece of land situated in the Local Government Area of Central Coast, Parish of Tuggerah, County of Northumberland, shown as Lot 202 in Deposited Plan 1224649, being part of the land in Certificate of Title 1/656505, and said to be in the possession of The Estate of the Late Dorothy Helen Bullock, **but excluding from the acquisition:**

- P640919 Easement for Railway Purposes variable width
- S380898 Easement for Electricity Purposes 16 & 20 wide

Transport for NSW Document Number: 5638969_1

Mining and Petroleum Notices

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T17-1218)

No. 5607, LFB RESOURCES NL (ACN 073 478 574), area of 15 units, for Group 1, dated 29 November, 2017. (Orange Mining Division).

(T17-1219)

No. 5608, NEW ZINC RESOURCES PTY LTD (ACN 622 780 054), area of 100 units, for Group 1, dated 30 November, 2017. (Inverell Mining Division).

(T17-1220)

No. 5609, NEW ZINC RESOURCES PTY LTD (ACN 622 780 054), area of 89 units, for Group 1, dated 30 November, 2017. (Broken Hill Mining Division).

(T17-1221)

No. 5610, AUSTRALIAN CONSOLIDATED GOLD HOLDINGS PTY LTD (ACN 619 975 405), area of 30 units, for Group 1, dated 30 November, 2017. (Cobar Mining Division).

(T17-1222)

No. 5611, THE AUSTRAL BRICK CO PTY LTD (ACN 000 005 550), area of 1 units, for Group 5, dated 30 November, 2017. (Sydney Mining Division).

(T17-1223)

No. 5612, SOLINDO PTY LTD (ACN 158 170 506), area of 50 units, for Group 1, Group 2 and Group 5, dated 1 December, 2017. (Cobar Mining Division).

(T17-1224)

No. 5613, AUS GOLD MINING GROUP PTY LIMITED (ACN 603 575 917), area of 9 units, for Group 1, dated 5 December, 2017. (Broken Hill Mining Division).

MINING LEASE APPLICATION

(T17-1215)

No. 551, METROMIX PTY LIMITED (ACN 002 886 839), area of about 1.4364 hectares, for the purpose of ancillary mining activity, dated 23 November, 2017. (Orange Mining Division).

The Honourable Don Harwin MLC
Minister for Resources

NOTICE is given that the following applications have been granted:

ASSESSMENT LEASE APPLICATION

(Z15-1887)

Broken Hill No. 56, now Assessment Lease No. 23, ILUKA RESOURCES LIMITED (ACN 008 675 018), Parish of Belaimong, County of Caira; Parish of Bunumburt, County of Caira; Parish of Chillichill, County of Caira; Parish of Jippay, County of Caira; Parish of Juanbung, County of Caira; Parish of Quianderry, County of Caira; Parish of Tyson, County of Caira; Parish of Yough, County of Caira; Parish of Juanbung, County of Kilfera; and Parish of Sahara, County of Kilfera, area of about 5275 hectares, for ilmenite, leucoxene, monazite, rutile, tin and zircon, dated 17 November, 2017, for a term until 17 November, 2020.

EXPLORATION LICENCE APPLICATIONS

(T16-1020)

No. 5265, now Exploration Licence No. 8674, SIOUVILLE PTY LTD (ACN 009 263 987), Counties of Menindee and Yancowinna, Map Sheet (7133, 7134), area of 105 units, for Group 1, dated 17 November, 2017, for a term until 17 November, 2022.

(T17-1122)

No. 5522, now Exploration Licence No. 8675, PANDA MINING PTY LTD (ACN 137548237), County of Yancowinna, Map Sheet (7234), area of 27 units, for Group 1 and Group 2, dated 16 November, 2017, for a term until 16 November, 2019.

(T17-1125)

No. 5529, now Exploration Licence No. 8673, AUSTRALIAN CONSOLIDATED GOLD HOLDINGS PTY LTD (ACN 619 975 405), County of Argyle, Map Sheet (8828), area of 86 units, for Group 1 and Group 2, dated 17 November, 2017, for a term until 17 November, 2023.

(T17-1145)

No. 5544, now Exploration Licence No. 8671, PANDA MINING PTY LTD (ACN 137548237), Counties of Farnell and Yancowinna, Map Sheet (7134), area of 106 units, for Group 1, dated 13 November, 2017, for a term until 13 November, 2019.

(T17-1159)

No. 5555, now Exploration Licence No. 8676, ALKANE RESOURCES LTD (ACN 000 689 216), County of Narromine, Map Sheet (8532), area of 23 units, for Group 1, dated 27 November, 2017, for a term until 27 November, 2023.

MINING LEASE APPLICATION

(T15-1113)

Orange No. 518, now Mining Lease No. 1764 (Act 1992), OMYA AUSTRALIA PTY LIMITED (ACN 001 682 533), Parish of Ponsonby, County of Bathurst, Map Sheet (8730-1-N, 8830-4-N), area of 39.51 hectares, for the purpose of ancillary mining activity, dated 17 November, 2017, for a term until 17 November, 2038.

The Honourable Don Harwin MLC
Minister for Resources

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T17-1170)

No. 5565, YELTARA PROSPECTING AND MINING CO PTY LTD (ACN 099 558 915), County of Evelyn, Map Sheet (7238). Withdrawal took effect on 6 December, 2017.

The Honourable Don Harwin MLC
Minister for Resources

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

(V17-1238)

Exploration Licence No. 8214, ST BARBARA LIMITED (ACN 009 165 066), area of 83 units. Application for renewal received 4 December, 2017.

(V17-1231)

Exploration Licence No. 8326, PEEL MINING LIMITED (ACN 119 343 734), area of 27 units. Application for renewal received 1 December, 2017.

(V17-1230)

Exploration Licence No. 8327, RIGENT PTY. LIMITED (ACN 008 606 200), area of 4 units. Application for renewal received 30 November, 2017.

The Honourable Don Harwin MLC
Minister for Resources

RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(V17-8698)

Exploration Licence No. 7149, ROBERT PATRICK HEWETT, County of Hawes, Map Sheet (9234), area of 4 units, for a further term until 10 June, 2021. Renewal effective on and from 27 November, 2017.

(V17-1075)

Exploration Licence No. 8314, PEEL (CSP) PTY LTD (ACN 600550141), County of Mouramba, Map Sheet (8133), area of 13 units, for a further term until 16 October, 2020. Renewal effective on and from 27 November, 2017.

(V17-1050)

Exploration Licence No. 8394, BUNDARRA RESOURCES PTY LTD (ACN 147466966), County of Arrawatta, Map Sheet (9139), area of 50 units, for a further term until 6 October, 2019. Renewal effective on and from 27 November, 2017.

(V17-7863)

Mining Lease No. 86 (Act 1973), BROKEN HILL PROSPECTING LIMITED (ACN 003 453 503), Parish of Albert, County of Yancowinna, Map Sheet (7133-4-N), area of 205.9 hectares, for a further term until 5 November, 2022. Renewal effective on and from 20 November, 2017.

(V17-7871)

Mining Lease No. 87 (Act 1973), BROKEN HILL PROSPECTING LIMITED (ACN 003 453 503), Parish of Edgar, County of Yancowinna, Map Sheet (7133-4-N), area of 101.2 hectares, for a further term until 5 November, 2022. Renewal effective on and from 20 November, 2017.

(V17-7840)

Mining Lease No. 141 (Act 1973), AUSTRALIAN DOLOMITE COMPANY PTY LIMITED (ACN 000 810 551), Parish of Ponsonby, County of Bathurst, Map Sheet (8830-4-N), area of 8094 square metres, for a further term until 10 February, 2039. Renewal effective on and from 27 November, 2017.

(V17-8131)

Mining Lease No. 223 (Act 1973), AUSTRALIAN DOLOMITE COMPANY PTY LIMITED (ACN 000 810 551), Parish of Rockley, County of Georgiana, Map Sheet (8830-4-S), area of 5400 square metres, for a further term until 16 June, 2028. Renewal effective on and from 20 November, 2017.

(Z15-1929)

Mining Lease No. 1004 (Act 1973), ATHOL JOHN TAGGART, Parish of Hall, County of Darling, Map Sheet (9136-3-N), area of 1.99 hectares, for a further term until 25 August, 2027. Renewal effective on and from 17 November, 2017.

(Z13-3317)

Mining Lease No. 1558 (Act 1992), JANETTE HELEN BRYAN AND WILLIAM JOHN FRANCIS BRYAN, Parish of Dowe, County of Darling, Map Sheet (9036-4-S), area of 23.48 hectares, for a further term until 6 October, 2035. Renewal effective on and from 27 November, 2017.

The Honourable Don Harwin MLC
Minister for Resources

TRANSFERS

(V17-1041)

Exploration Licence No. 5574, formerly held by ANGLO AMERICAN EXPLORATION (AUSTRALIA) PTY LTD (ACN 006 195 982) AND ORD INVESTMENTS PTY LTD (ACN 107 735 071) has been transferred to ANGLO AMERICAN EXPLORATION (AUSTRALIA) PTY LTD (ACN 006 195 982). The transfer was registered on 29 November, 2017.

(V17-1094)

Mining Lease No. 1173 (Act 1973), formerly held by DAVID CHARLES THOMPSON AND WAYNE JOHN CROWE has been transferred to DAVID CHARLES THOMPSON. The transfer was registered on 5 December, 2017.

The Honourable Don Harwin MLC
Minister for Resources

APPLICATION FOR TRANSFER

(V17/12271)

Exploration Licence No. 8449, SRC PROPERTIES PTY LTD (ACN 166 374 652) to SRC OPERATIONS PTY LIMITED (ACN 612 974 366), County of Cumberland, Area of 1 unit.

Application for transfer was received on 29 November 2017

The Honourable Don Harwin MLC
Minister for Resources

Energy Notices

Gazette notice for the amendment of the NSW Social Programs for Energy Code

ELECTRICITY SUPPLY ACT 1995 and GAS SUPPLY ACT 1996

The NSW Social Programs for Energy Code

I, Don Harwin MLC, Minister for Resources, Minister for Energy and Utilities, Minister for the Arts and Vice-President of the Executive Council:

1. in accordance with clause 21(5) of the *Electricity Supply (General) Regulation 2014* and clause 5(5) of the *Gas Supply (Natural Gas Retail) Regulation 2014*, revoke 'Version 4.0' of the NSW Social Programs for Energy Code ('Code'), which took effect on 1 July 2017 (*NSW Government Gazette* No 61 of 9 June 2017 of pg 2437), with the revocation to take effect on 11 December 2017; and
2. in accordance with clause 21(3) of the *Electricity Supply (General) Regulation 2014* and clause 5(3) of the *Gas Supply (Natural Gas Retail) Regulation 2014*, adopt 'Version 5.0' of the Code as set out in Schedule 1 to this notice, with Version 5.0 of the Code to take effect on 11 December 2017 immediately after the revocation of Version 4.0 of the Code in accordance with paragraph 1.

Dated at Sydney, this 5th day of December 2017

Don Harwin MLC
Minister for Resources,
Minister for Energy and Utilities,
Minister for the Arts,
Vice-President of the Executive Council

NSW Social Programs for Energy Code

Low Income Household Rebate
NSW Gas Rebate
Life Support Rebate
Medical Energy Rebate
Family Energy Rebate
Energy Accounts Payment Assistance (EAPA) Scheme

Effective Date: 11 December 2017
Version: 5.0

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NSW Social Programs for Energy Code ***Electricity Supply Act 1995*** ***Gas Supply Act 1996***

This Social Programs for Energy Code has been prepared and adopted pursuant to clause 21 of the *Electricity Supply (General) Regulation 2014* (Regulation) for the purpose of facilitating the NSW Government's social programs for electricity and gas. Any person to which the Code applies must comply with the requirements of the Code pursuant to clause 22(3) of the Regulation. The Minister may conduct audits to determine compliance with the Code. The Minister may also accept undertakings to ensure compliance with the Code and take Court action to enforce those undertakings.

PART A

A1. Dictionary

- A1.1 **administration fee** means:
- (a) for **rebates** (other than the Family Energy Rebate), \$0.80/365 multiplied by the total number of **eligible customers** as at the end of the month and multiplied by the number of days in the month; or
 - (b) for the Family Energy Rebate, \$0.80 multiplied by the total number of **eligible customers** paid by the **retailer** as at the end of the month.
- A1.2 **account holder** is a **residential customer**.
- A1.3 **acquittal statement** means the relevant statement for each **rebate** and **EAPA** prepared and submitted by the **retailer** using a template provided by the **Department**.
- A1.4 **approved life support equipment** are the items listed at Appendix B3.1.
- A1.5 **Code** means this NSW Social Programs for Energy Code.
- A1.6 **Department** means the Secretary of the Department of Planning and Environment or the Secretary's nominee.
- A1.7 **EAPA** means the Energy Accounts Payment Assistance Scheme.
- A1.8 **EAPA Provider** means a person identified as an EAPA Provider on the **Department's** website.
- A1.9 **eligible customer(s)** is as defined for each **rebate** at clauses B1.1, B2.1, B3.1, B4.1 and C1.1.
- A1.10 **Minister** means the New South Wales Minister for Energy and Utilities.
- A1.11 **residential customer** means a customer who purchases energy principally for personal, household or domestic use at premises from an authorised energy **retailer**.
- A1.12 **rebate(s)** refers to any or all of the Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate, Medical Energy Rebate and Family Energy Rebate, as relevant.
- A1.13 **reporting period** means the period from 1 January to 30 June or 1 July to 31 December (as applicable).

- A1.14 **retailer(s)** means the holder of a retailer authorisation and includes Ergon Energy Queensland Pty Ltd (ACN121 177 802) for the purposes of the **Code**.
- A1.15 **retailer payment** means the sum of the **administration fee** and the total value of **rebates** paid each month.
- A1.16 **social program for energy** means a NSW Government program to ensure that energy services (including connection services and electricity and gas supply) are available to those who are in need, including those who suffer financial hardship and those who live in remote areas, and includes:
- 1.16.1 any program for electricity and gas bills payment assistance, and
 - 1.16.2 any program for **rebates** to eligible pensioners,
 - 1.16.3 any program for **rebates** with respect to electricity used for life support systems; and
 - 1.16.4 any program designed to improve information about the energy offers available for energy services provided to those in need.
- A1.17 **supporting documentation template** means a template provided by the **Department to retailers** or otherwise published on the **Department's** website in order for the **retailer** to comply with a reporting obligation under this **Code**.

Words and expressions used in this **Code** that are not defined in clause A1 but are defined in the *Electricity Supply Act 1995 (NSW)*, *Gas Supply Act 1996 (NSW)* or the *National Energy Retail Law (NSW)*, have the same meaning as they have in the relevant Act.

In the event of an inconsistency between the meaning of a term as defined in clause A1 and in another legislative instrument, the meaning in the **Code** is to prevail to the extent of the inconsistency.

A2. Purpose

- A2.1 This Code has been adopted in accordance with clause 21 of the *Electricity Supply (General) Regulation 2014* and clause 5 of the *Gas Supply (Natural Gas Retail) Regulation 2014* for the purpose of facilitating the delivery of the following **social programs for energy**:
- A2.1.1 Low Income Household Rebate;
 - A2.1.2 NSW Gas Rebate;
 - A2.1.3 Life Support Rebate;
 - A2.1.4 Medical Energy Rebate;
 - A2.1.5 Family Energy Rebate;
 - A2.1.6 **EAPA**; and
 - A2.1.7 Energy Offer Information program.
- A2.2 This version of the **Code** takes effect from 11 December 2017 and replaces the previous version 4.0.
- A2.3 The **Code** consists of five parts:
- A2.3.1 Part A outlines the general requirements applicable to the Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate and Medical Energy Rebate;
 - A2.3.2 Part B outlines additional requirements that are specific to each of the Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate and Medical Energy Rebate;

- A2.3.3 Part C outlines the requirements applicable to the Family Energy Rebate;
- A2.3.4 Part D outlines the requirements applicable to the **EAPA** Scheme; and
- A2.3.5 Part E outlines the requirements applicable to the Energy Offer Information program.
- A2.4 Parts A, B, C, D and E apply to all electricity **retailers**.
- A2.5 Parts A and B apply to all gas retailers in respect of the NSW Gas Rebate. Parts D and E apply to all gas **retailers**.
- A2.6 Parts A, B, C, D and E apply to Ergon Energy Queensland Pty Ltd (ACN 121 177 802), as an exempt person under clause 21(2) of the *Electricity Supply (General) Regulation 2014*, in relation to **eligible customers** connected to the distribution system of Ergon Energy Corporation Limited (ACN 087 646 062).

A3. Overview of social programs for energy

- A3.1 The Low Income Household Rebate is designed to provide assistance in relation to a **residential customer's** electricity expenses.
- A3.2 The NSW Gas Rebate is designed to provide assistance in relation to a **residential customer's** gas expenses.
- A3.3 The Life Support Rebate is designed to provide assistance where **approved life support equipment** that is essential to support life is used by the **residential customer** or another person who lives at the same address as the **residential customer**. This **rebate** is not means tested and depends on the type of machine in use, and in some cases, the frequency of such use.
- A3.4 The Medical Energy Rebate is designed to provide assistance where a **residential customer** or a person who lives at the same address as the **residential customer** has an inability to self-regulate body temperature and the **residential customer** holds one of the required concession cards. An inability to self-regulate body temperature may be associated with certain medical conditions.
- A3.5 The Family Energy Rebate is designed to assist families to manage their energy costs. It is only available to **residential customers** who receive the Commonwealth Government's Family Tax Benefit A or B.
- A3.6 Each of the **rebates** set out in A3.1, A3.3 & A3.4 are applied to a **residential customer's** electricity bill.
- A3.7 The NSW Gas Rebate set out in A3.2 is applied to a **residential customer's** gas bill.
- A3.8 The **EAPA** Scheme is designed to assist **residential customers** who are experiencing difficulty in paying their gas and/or electricity bill owing to a crisis or emergency situation.
- A3.9 The Energy Offer Information program set out in Part E of this **Code** is designed to facilitate communication channels between a **retailer** and a **residential customer** who is:
 - A.3.9.1 being supplied electricity and/or gas under a standard retail contract; and

A.3.9.2 receiving a **rebate**.

A3.10 The **Department** must review the **Code** by 31 January 2020.

A4. Retailer obligations

A4.1 A **retailer** must:

- A4.1.1 as soon as practicable after an election is made by any person who is or may be a **residential customer**, for the provision of energy (i.e. electricity and gas) supply, inform that person of the availability of the **social programs for energy** and provide an application form, if requested;
- A4.1.2 include information on the availability of **social programs for energy** in all bills issued to **residential customers**;
- A4.1.3 include information relating to the availability of **social programs for energy** on its website;
- A4.1.4 acknowledge that the relevant **social program for energy** is funded by the NSW Government in any promotional material that refers to the **social program for energy**;
- A4.1.5 inform on-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents of the availability of the **rebate(s)** if contacted by these customers and direct them to the **Department's** website for information on how to apply; and
- A4.1.6 publish links on its website in community languages to the relevant part of the **Department's** website which provides the following information in the relevant community language:
 - (a) the types and monetary values of **rebates** that are available for customers in NSW who are supplied electricity and/or gas;
 - (b) the eligibility criteria that applies to each type of **rebate**; and
 - (c) how an **eligible customer** can apply for each **rebate**.

Note: Not all residential community, retirement village or strata scheme residents are on-supplied electricity and/or gas. Some residential community, retirement village and strata scheme residents are supplied electricity and gas directly by a **retailer** and are considered eligible for all **rebates** subject to meeting all eligibility criteria outlined in Parts B, C and D. **Retailers** must meet the obligations outlined in the **Code** for these customers.

A4.2 **Retailers** may promote the **social programs for energy** together with their own products as part of their overall marketing strategy but must, at all times, comply with clause A4.1.

A5. General Information – Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate and Medical Energy Rebate only

A5.1 Application of this section

- A5.1.1 This section applies to the Low Income Household Rebate, NSW Gas Rebate, Life Support Rebate and Medical Energy Rebate (**rebate** or **rebates**, depending on the context).
- A5.1.2 **Retailers** must have systems in place to enable them to deliver all **rebates** in line with the requirements contained in the **Code**.

A5.2 Information to customers

- A5.2.1 A **residential customer** may receive one or more **rebates** concurrently, or more than one payment under the Life Support Rebate, subject to meeting the eligibility requirements for each **rebate**.
- A5.2.2 Where one or more **rebates** are payable, **retailers** must identify each **rebate** as a separate credit amount on the **eligible customer's** bill.
- A5.2.3 A **retailer** must use the following descriptions (as relevant) for each separate credit amount on the bill:
 - A5.2.3.1 “NSW Gvt Household rebate” or “NSW Low Income Household Rebate”; and
 - A5.2.3.2 “NSW Government Gas Rebate”; and
 - A5.2.3.3 “NSW Government Life Support Rebate” or “NSW Government Rebate for the [insert specific machine type]”; and
 - A5.2.3.4 “NSW Medical Energy Rebate”; and
 - A5.2.3.5 “NSW Family Energy Rebate”.

A5.3 Verification of new customers with the Commonwealth Department of Human Services (DHS)/Department of Veterans' Affairs (DVA)

- A5.3.1 Where required under the eligibility criteria for each **rebate**, a **retailer** must verify the Pensioner Concession Card, DHS Health Care Card or DVA Gold Card status of each new customer with DHS before a **rebate** is applied to that customer's bill.
- A5.3.2 Despite clause A5.3.1, if a **retailer** verifies the eligibility of new customers with DHS in weekly or monthly batches, rather than using a single enquiry to verify a customer individually, reasonable attempts must be made by that **retailer** to ensure eligibility is verified before the **rebate** is applied to a customer's bill.

Note: To avoid errors in entering the Pensioner Concession Card, DHS Health Care Card or DVA Gold Card number in the system, **retailers** are encouraged to use the DHS algorithm which verifies whether the DHS customer reference number/DVA file number is genuine and prevents the system accepting incorrect numbers. To gain access to the DHS algorithm, **retailers** must apply directly to DHS.

A5.4 Notifying ineligible customers

- A5.4.1 A **retailer** must notify a customer who applies for a **rebate**, but is found to be ineligible to receive the **rebate** applied for, of their ineligibility as soon as practicable.
- A5.4.2 The notification given by the **retailer** must include the reason(s) for declining the application.

A5.5 Date of commencement

- A5.5.1 Once a customer is assessed as eligible to receive a **rebate**, the **retailer** must pay the **rebate** from the date on which the application was made by the customer.
- A5.5.2 Subject to clauses A5.6 and A5.15, **rebates** must not be back-dated prior to the date on which a customer's application is made.
- A5.5.3 Where a customer is determined to be eligible to receive the relevant **rebate** but is subsequently supplied by a new **retailer**, the date the customer's supply commences with the new **retailer** will be the date from which the new **retailer** is responsible for applying the **rebate**. This will ensure that the **rebate** is continuously paid to the customer during the transfer from one **retailer** to another.

A5.6 Ensuring eligible customers continue to receive the Rebate

Retailers must ensure that **eligible customers** continue to receive the **rebate** without interruption (provided there is no change to their circumstances that would render the customer ineligible) in the following circumstances:

- A5.6.1 after changing contracts;
- A5.6.2 after changing **retailer**;
- A5.6.3 after moving residence; or
- A5.6.4 during the annual verification process.

A5.7 Retailer error and rebates to eligible customers

- A5.7.1 If an action or inaction by a **retailer** results in **rebate** payments not being commenced correctly, or such payments being interrupted incorrectly, including for any of the reasons listed in A5.6, the **retailer** must reimburse the customer for any amounts they would have otherwise been entitled to receive calculated from the date of the action or inaction by the **retailer**.
- A5.7.2 For clarity, a **retailer** is permitted to calculate any reimbursement in these circumstances for any period determined in accordance with clause A5.7.1 without prior agreement of the **Department**.

A5.8 Arrangements for retailer payment

- A5.8.1 A **retailer payment** will be provided to **retailers** each month where retailers have provided an invoice and **acquittal statement** as required by this Code except as provided for in A5.8.7.
- A5.8.2 The **retailer payment** for **rebates** must include:
 - (a) the total value of the **rebates** paid to **eligible customers** during the month; and
 - (b) the **administration fee**.

- A5.8.3 The **retailer** must record the total value of the **rebates** paid by the **retailer**, the **administration fee** claimed by the **retailer** and the number of **eligible customers** based on the figures contained in the **retailer's** system records.
- A5.8.4 Each **retailer** must submit the following documents to the **Department** by the 10th business day of each subsequent month:
- (a) a completed and certified monthly **acquittal statement**; and
 - (b) a tax invoice for the **retailer payment**; and
 - (c) a completed **supporting documentation template** to substantiate the **retailer's** claims in the tax invoice and **acquittal statement**. The data used to complete the **supporting documentation template** must be sourced from the system records referred to in clause A5.8.3.
- A5.8.5 The **acquittal statement** must be certified and signed by an appropriately responsible person nominated by the **retailer**. Each **retailer** must communicate the name of the nominated person/s to the **Department** for verification purposes.
- A5.8.6 Any changes to the **acquittal statement** and/or **supporting documentation template** will be made by the **Department** only after appropriate consultation with **retailers**.
- A5.8.7 A **retailer payment** will not be paid where any of the **rebate** payments the subject of the invoice for that **retailer payment** were made more than 18 months prior to the invoice being received by the **Department**.

A5.9 Credit balance

- A5.9.1 If the total of a customer's bill is less than the **rebate** amount, the difference is to be applied as a credit to the customer's account and is to be carried forward to the next billing cycle.
- A5.9.2 Where a customer with a **rebate** credit elects to change his or her **retailer** or close their electricity and/or gas account with a **retailer**, that **retailer** must refund to the customer the credit amount at the date of transfer to the new **retailer** or the date that the customer closed the account with that **retailer**.

A5.10 Customers required to notify their retailer

- A5.10.1 A **retailer** must advise **residential customers** that they are required to notify their **retailer**, as soon as possible, of any changes in their circumstances that would affect their pending application or continued eligibility for a **rebate**.

A5.11 Compliance

- A5.11.1 **Retailers** must establish and maintain accounting procedures and records to enable periodic reports to be prepared to substantiate compliance with the **Code**.
- A5.11.2 **Retailers** must, upon request, provide such reports to the Minister, the **Department** or any auditor appointed by the **Department**.

A5.11.3 **Retailers** must maintain records to substantiate compliance with the **Code** for a period of seven years.

A5.12 Calculation of the rebate

A5.12.1 The Low Income Household Rebate and the Medical Energy Rebate must be calculated on the applicable daily rate basis (e.g. \$285/365 days) which is multiplied by the number of days in each billing cycle (e.g. for quarterly bills, 92 days) and offset against the gross amount of the bill before GST is applied.

A5.12.2 The Life Support Rebate must be calculated on the applicable daily rate (24 hours or less than 24 hours) which is multiplied by the number of days in each billing cycle and offset against the gross amount of the bill before GST is applied.

A5.12.3 The NSW Gas Rebate must be calculated on the applicable daily rate basis (e.g. \$110/365 days) which is multiplied by the number of days in each billing cycle (e.g. for quarterly bills, 92 days) and offset against the gross amount of the bill before GST is applied.

A5.13 Confidentiality

Retailers are required to protect the confidentiality of **eligible customers** to ensure that their records are not used for any purpose other than the delivery of the **rebate** or as stipulated in this **Code** for audit purposes.

A5.14 Reporting

A5.14.1 By 30 January and 31 July each year, the **retailer** must provide for the immediately preceding **reporting period**, the following information to the **Department** in accordance with the **supporting documentation template**:

- (a) in relation to the **retailer's** obligations under Part E of the **Code**:
 - (i) the number of customers who are being supplied electricity and/or gas from that **retailer** under a standard retail contract;
 - (ii) the steps taken by the **retailer** to inform the **residential customer** of the market offers available to that customer;
 - (iii) the number of customers who changed from being supplied electricity and/or gas under the retailer's standard retail contract to the **retailer's** market retail contract; and
 - (iv) in relation to the customers identified under subparagraph (iii), the estimated yearly monetary savings to the customer from changing contracts.

A5.14.2 By 30 January and 31 July each year, the **retailer** must provide for the immediately preceding **reporting period**, the following information to the **Department** in accordance with the **supporting documentation template**:

- (a) the postcode for each **residential customer** who received a **rebate** from the **retailer**;

- (b) in relation to a bill of a **residential customer** who received a **rebate**:
 - (i) the total electricity or gas (as the case may be) that was consumed;
 - (ii) the total amount payable by the customer before the **rebate** was applied; and
 - (iv) the amount of the **rebate** paid to the customer and the total **rebate** paid to the customer for the relevant financial year.
 - (c) in relation to a bill of a **residential customer** who received **EAPA**:
 - (i) the total electricity or gas (as the case may be) that was consumed;
 - (ii) the total amount being payable by the customer before the **rebate** was applied; and
 - (iii) the amount of any assistance provided to the customer and the total assistance provided to the customer for the relevant financial year.
- A.5.14.3 The information provided under this clause A5.14 must be presented in a manner that does not disclose any personal information relating to **customers**.
- A5.14.4 The **Department** may request further information or details in relation to any matter the subject of a report provided by a retailer under this clause A5.14.
- A5.14.5 The **retailer** must promptly provide the information requested by the **Department** under clause A5.14.4.

A5.15 Savings and transitional arrangements in relation to December 2017 Code amendments

- A5.15.1 This clause A5.15 applies to a **residential customer**:
- (a) who received a **rebate** between 1 July 2017 and 10 December 2017; or
 - (b) who applied to a **retailer** for a **rebate** on or after 1 July 2017 but was assessed as eligible to receive the **rebate** after 10 December 2017.
- A5.15.2 A **residential customer** to which this clause A5.15 applies is entitled to a credit for that portion of the annual **rebate** not received due to the increase in the annual **rebate** for the 2017-2018 financial year on 11 December 2017 (in this clause A.5.15, a "**rebate credit**").
- A5.15.3 A **retailer** who is a **retailer** for a **residential customer** to which this clause applies must ensure, that by 22 December 2017, the customer has been credited with the **rebate credit** to which the customer is entitled as at 22 December 2017 in accordance with this clause A5.15. A **retailer** is only required to provide a **rebate**

credit in relation to that period before 11 December 2017 for which the **residential customer** was a customer of that **retailer**.

A.5.15.4 Clause A5.15.3 includes a **retailer** who was the **retailer** for the **residential customer** between 1 July 2017 and 10 December 2017 but is not the **retailer** for the **residential customer** on or after 11 December 2017.

A5.15.5 Where this clause A5.15 imposes an obligation on a **retailer** in relation to a **residential customer** who is not a customer of the **retailer** on 11 December 2017, the **retailer** must use reasonable endeavours to make the necessary arrangements to refund the relevant **rebate** amount.

Note: The effect of clause A5.15.4 is that retailers will be required to identify any eligible rebate customer that was previously a customer of the retailer during the current financial year and use reasonable endeavours to provide that customer with the shortfall in the rebate amount.

PART B

B1. Low Income Household Rebate

In this clause B1, references to **rebate** are to the Low Income Household Rebate.

B1.1 Eligibility criteria

- B1.1.1 To be eligible for the Low Income Household Rebate a person must:
- (a) be a resident in New South Wales; and
 - (b) be a customer of the **retailer**, or a long term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the electricity account for supply to his or her principal place of residence; and
 - (c) hold a:
 - (i) Pensioner Concession Card issued by the DHS/DVA; or
 - (ii) DHS Health Care Card; or
 - (iii) DVA Gold Card marked with:
 - a. War Widow or War Widower Pension;
 - b. Totally and Permanently Incapacitated (TPI); or
 - c. Disability Pension (EDA).
- B1.1.2 Notwithstanding clause B1.1.1, if the person is assessed as eligible to receive the NSW Gas Rebate in accordance with clause B2, the person will be taken to be assessed to be eligible to receive the Low Income Household Rebate from the same date.

B1.2 Application process

- B1.2.1 A person may apply for the Low Income Household Rebate in person, in writing or by telephone.
- B1.2.2 A **retailer** must establish a standard pro-forma application that requires an applicant to provide the following information:
- (a) the full name of the applicant;
 - (b) the applicant's address;
 - (c) the name and number of the concession card that makes the customer eligible for the Low Income Household Rebate;
 - (d) the date of grant or expiry of the concession card;
 - (e) the date of application for the Low Income Household Rebate;
 - (f) whether the applicant is also sold gas by the **retailer**.
- B1.2.3 The pro-forma application must include a statement to the following effect:
- (a) the eligibility details provided by the customer in their application will be used to check their Pensioner Concession Card/Health Care Card/Gold Card status with the DHS/DVA;
 - (b) the customer has the right to revoke their consent to the eligibility check at any time in writing;
 - (c) if the customer refuses to give consent, they will no longer receive the Low Income Household Rebate unless they can provide written verification of their continuing eligibility from the DHS/DVA;
 - (d) if the customer is eligible for the Low Income Household Rebate and is also sold gas by the **retailer**, they will automatically be eligible for the NSW Gas Rebate.
- B1.2.4 When an application is made in writing or in person, the customer must sign the application form.
- B1.2.5 When an application is made by telephone, the officer receiving the application must:
- (a) inform the applicant of the statements set out in clause B1.2.3;
 - (b) request the applicant's consent to check their Pensioner Concession Card/Health Care Card/Gold Card status with the DHS/DVA; and
 - (c) record the applicant's consent/refusal.

Note: On-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents must submit their application for the Low Income Household Rebate to the **Department**.

B1.3 Ongoing verification to ascertain continued eligibility of customers

- B1.3.1 A **retailer** must verify the details of all **rebate** recipients who hold a DHS Health Care Card for continued eligibility with the DHS at least once every three months.
- B1.3.2 A **retailer** must verify the details of all other **rebate** recipients for continued eligibility with the DHS or DVA at least once a year.
- B1.3.3 At the same time that it conducts the verifications under clauses B1.3.1 and B1.3.2, the **retailer** must ascertain whether the **rebate** recipient is also a gas customer of the **retailer** and whether the customer is receiving the NSW Gas Rebate.
- B1.3.4 If under clause B1.3.3, the **retailer** determines that the customer is eligible for the NSW Gas Rebate but not receiving it, the **retailer** must notify the customer and commence paying the NSW Gas Rebate from the date the **retailer** determines the customer's eligibility.
- B1.3.5 If a customer fails a verification check, the **retailer** must inform the customer as soon as practicable.
- B1.3.6 The results of the above verification checks must, upon request, be provided to the **Minister**, the **Department** or any auditor appointed by the **Department**. The results must include the following information:
- (a) the number of eligible Pensioner Concession Card, Health Care Card and Gold Card holders in each category;
 - (b) the total number of initial mismatches; and
 - (c) the total number of customers determined as ineligible from the verification process.
- B1.3.7 All **retailers** must have a contractual arrangement with the DHS before verifying customers' details with the DHS.

B1.4 Rebate indexation

For **eligible customers**, the rebate will be \$285 per annum unless advised otherwise in writing by the **Department**.

B2. NSW Gas Rebate

In this clause B2, references to **rebate** are to the NSW Gas Rebate.

B2.1 Eligibility criteria

- B2.1.1 To be eligible for the NSW Gas Rebate a person must:
- (a) be resident in New South Wales; and
 - (b) be a customer of the retailer, or a long term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the gas account for supply of natural gas to his or her principal place of residence; and

- (c) hold a:
 - (i) Pensioner Concession Card issued by the DHS/DVA;
 - (ii) DHS Health Care Card; or
 - (iii) DVA Gold Card marked with:
 - a. War Widow or War Widower Pension;
 - b. Totally and Permanently Incapacitated (TPI); or
 - c. Disability Pension (EDA).

B2.1.2 Notwithstanding clause B2.1.1, if the person is assessed as eligible to receive the Low Income Household Rebate in accordance with clause B1, the person will be taken to be assessed to be eligible to receive the NSW Gas Rebate from the same date.

B2.2 Application process

- B2.2.1 A person may apply for the NSW Gas Rebate in person, in writing or by telephone.
- B2.2.2 A **retailer** must establish a standard pro-forma application that requires an applicant to provide the following information:
 - (a) the full name of the applicant;
 - (b) the applicant's address;
 - (c) the name and number of the concession card that makes the customer eligible for the NSW Gas Rebate;
 - (d) the date of grant or expiry of the concession card;
 - (e) the date of application for the NSW Gas Rebate;
 - (f) whether the applicant is also sold electricity by the **retailer**.
- B2.2.3 The pro-forma application must include a statement to the following effect:
 - (a) the eligibility details provided by the customer in their application will be used to check their Pensioner Concession Card/Health Care Card/Gold Card status with the DHS/DVA;
 - (b) the customer has the right to revoke their consent to the eligibility check at any time in writing;
 - (c) if the customer refuses to give consent, they will no longer receive the NSW Gas Rebate unless they can provide written verification of their continuing eligibility from the DHS/DVA; and
 - (d) if the customer is eligible for the NSW Gas Rebate and is also sold electricity by the **retailer**, they will automatically be eligible for the Low Income Household Rebate.
- B2.2.4 When an application is made in writing or in person, the customer must sign the application form.
- B2.2.5 When an application is made by telephone, the officer receiving the application must:

- (a) inform the applicant of the statements set out in clause B2.2.3;
- (b) request the applicant's consent to check their Pensioner Concession Card/Health Care Card/Gold Card status with the DHS /DVA; and
- (c) record the applicant's consent/refusal.

Note: On-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents must submit their application for the Low Income Household Rebate to the **Department**.

B2.3 Ongoing verification to ascertain continued eligibility of customers

- B2.3.1 A **retailer** must verify the details of all **rebate** recipients who hold a DHS Health Care Card for continued eligibility with the DHS at least once every three months.
- B2.3.2 A **retailer** must verify the details of all other **rebate** recipients for continued eligibility with the DHS or DVA at least once a year.
- B2.3.3 At the same time that it conducts the verifications under clauses B2.3.1 and B2.3.2, the **retailer** must ascertain whether the **rebate** recipient is also an electricity customer of the **retailer** and whether the customer is receiving the Low Income Household Rebate.
- B2.3.4 If under clause B2.3.3, the **retailer** determines that the customer is eligible for the Low Income Household Rebate but not receiving it, the **retailer** must notify the customer and commence paying the Low Income Household Rebate from the date the **retailer** determines the customer's eligibility.
- B2.3.5 If a customer fails a verification check, the **retailer** must inform the customer as soon as practicable.
- B2.3.6 The results of the above verification checks must, upon request, be provided to the **Minister**, the **Department** or any auditor appointed by the **Department**. The results must include the following information:
 - (a) the number of eligible Pensioner Concession Card, Health Care Card and Gold Card holders in each category;
 - (b) the total number of initial mismatches; and
 - (c) the total number of customers determined as ineligible from the verification process.
- B2.3.7 All **retailers** must have a contractual arrangement with the DHS before verifying customers' details with the DHS.

B2.4 Rebate indexation

- B2.4.1 For **eligible customers**, the **rebate** will be \$110 per annum unless advised otherwise in writing by the **Department**.

B3. Life Support Rebate

In this clause B3, references to **rebate** are to the Life Support Rebate.

B3.1 Eligibility criteria

To be eligible for the Life Support Rebate a person must:

- B3.1.1 be resident in New South Wales; and
- B3.1.2 be a customer of the **retailer**, or a long term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the electricity account for supply to his or her principal place of residence where approved equipment (see approved list in Appendix B3.1) is used by the customer or another person who lives at the same address; and
- B3.1.3 submit a valid application form as provided by the **Department** (which will be made available to customers on the **Department's** website), duly signed by a registered medical practitioner (who is not the applicant) to verify that the use of the approved life support equipment is required at his or her principal place of residence.

B3.2 Application process

- B3.2.1 Applications must be made in writing using the application form provided by the **Department**. The application form will also be made available for download on the **Department's** website. Relevant parts of the application form must be completed and signed by both the applicant and a medical practitioner.
- B3.2.2 Applicants must send their signed application form to their **retailer**.
- B3.2.3 Before applying the **rebate** to a customer's account, **retailers** must verify that the application form is properly completed and signed by both the applicant and a registered medical practitioner (who is not the applicant). Certificates from equipment manufacturers or from sleep clinics (without the signature of a registered medical practitioner) are not acceptable.
- B3.2.4 In the event that an applicant lives in remote or regional NSW and is being treated by the Royal Flying Doctor Service (RFDS), the application form may be signed by any medical practitioner under the RFDS.
- B3.2.5 The customer must re-apply for the **rebate** every two years.
- B3.2.6 At the time of application, in order to confirm the applicant's continued eligibility for the **rebate**, the retailer must bring to the attention of the applicant that an updated application form will be required every two years from the date of the initial approval for the **rebate**.
- B3.2.7 Customers who are currently receiving the **rebate** are not required to submit a fresh application form until they are due for their two year verification.
- B3.2.8 In order to ensure continuity of the **rebate** where a customer changes his or her **retailer**, the date the customer's supply commences with the new **retailer** will be deemed to be the date the

customer applied for the **rebate**. However, the customer must complete and submit an application to the new **retailer** before the **rebate** can be applied by the new **retailer**. Note that this may cause some inconvenience to the customer but the **retailer** requires the relevant information in order to ensure ongoing priority of supply for the customer.

B3.2.9 **Retailers** must conduct a verification audit of the **rebate** every two years in accordance with the **supporting documentation template** to confirm it is only being provided to **eligible customers** and provide the results of the audit to the **Department**, or its auditor, on request.

B3.2.10 The amount of the **rebate** for each item of **approved life support equipment** is set out at Appendix B3.1.

Note: On-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents must submit their application for the Low Income Household Rebate to the **Department**.

B3.3 Rebate indexation

For **eligible customers**, the **rebate** will be the daily rate applicable to each piece of approved equipment as listed in Appendix B3.1 unless advised otherwise by the **Department**.

Appendix B3.1 – Approved Equipment List

List of Approved Life Support Equipment		
Equipment	Examples of brand names*	Daily rate
Positive Airways Pressure (PAP) Device	Continuous Positive Airways Pressure (CPAP), Bilevel or Variable Positive Airways Pressure (BiPAP or V-PAP) etc	\$0.36 for less than 24 hour usage \$0.71 for 24 hour usage
Enteral feeding pump	Kangaroo pump Companion-Abbott Flexiflow patrol pump	\$0.44
Phototherapy equipment	Blue light therapy	\$3.68
Home dialysis	Haemodialysis or Peritoneal automated cyclor machines – Brand names include: Fresenius, Gambro, Baxter	\$1.54
Ventilators	LTV series, Breas, PLV-100 etc, Iron Lung	\$3.68
Oxygen concentrators	Devilbiss etc	\$1.85 for less than 24 hour usage \$3.11 for 24 hour usage
Total Parenteral Nutrition (TPN) pump	Volumatic pump Flowguard pump	\$0.84
External heart pump	Left Ventricular Assist Device	\$0.11
Power wheelchairs for quadriplegics	Electric wheelchairs – Brand names include: Quickie, Zippie, etc,	\$0.30

NOTE: List of brand names against each piece of equipment has been included for information only, and is not exhaustive.

B4. Medical Energy Rebate

In this clause B4, references to **rebate** are to the Medical Energy Rebate.

B4.1 Eligibility criteria

To be eligible for the Medical Energy Rebate a person must:

- B4.1.1 be resident in New South Wales; and
- B4.1.2 be a customer of the **retailer**, or a long term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the electricity account for supply to his or her principal place of residence; and
- B4.1.3 submit a valid application form as provided by the **Department** (which will be made available to customers on the **Department's** website), duly signed by a registered medical practitioner (who is not the applicant) to verify that either the customer named on the bill or anyone residing at the residence has an inability to self-regulate body temperature as defined at B4.1.5 below; and
- B4.1.4 hold a:
 - (a) Pensioner Concession Card issued by the DHS/DVA;
 - (b) DHS Health Care Card; or
 - (c) DVA Gold Card.
- B4.1.5 For the purpose of this **rebate**, an **eligible customer** has an inability to self-regulate body temperature where the **eligible customer** (or someone living at the supply address of the **eligible customer**) has been assessed by a registered treating medical practitioner (who is not the applicant) who has been treating them for at least three months as meeting one of the following four primary qualifying conditions and one of the three secondary qualifying conditions:
 - (a) Primary qualifying conditions:
 - (i) autonomic system dysfunction (Medical conditions in which the autonomic system has been damaged e.g. severe spinal cord injury, stroke, brain injury and neurodegenerative disorders);
 - (ii) loss of skin integrity or loss of sweating capacity (for example, significant burns greater than 20%, severe inflammatory skin conditions and some rare forms of disordered sweating);
 - (iii) objective reduction of physiological functioning at extremes of environmental temperatures (for example, advanced multiple sclerosis); and
 - (iv) hypersensitivity to extremes of environmental temperature leading to increased pain or other discomfort or an increased risk of complications (for example, complex regional pain syndrome and advanced peripheral vascular disease).
 - (b) Secondary qualifying conditions:

- (i) severe immobility (for example, such as occurs with Quadriplegia or high level Paraplegia, particularly above mid thoracic level (T7) resulting in problems with self-regulation of body temperature due to loss of sympathetic nervous system control);
- (ii) demonstrated significant loss of autonomic regulation of sweating, heart rate or blood pressure; and
- (iii) demonstrated loss of physiological function or significant aggravation of clinical condition at extremes of environmental temperature.

B4.2 Application process

- B4.2.1 An applicant must apply in writing using the application form provided by the **Department**. The application form will also be made available for download on the **Department's** website. Relevant parts of the application form must be completed and signed by both the applicant and a medical practitioner (who is not the applicant) who has been treating the patient for at least three months.
- B4.2.2 An applicant must send the signed application form to their **retailer**.
- B4.2.3 Before applying the **rebate** to the customer's account, a **retailer** must verify that the application form is properly completed and signed by both the customer and a registered medical practitioner (who is not the applicant).
- B4.2.4 In the event that a customer lives in remote or regional NSW and is being treated by the Royal Flying Doctor Service (RFDS), the application form may be signed by any medical practitioner under the RFDS if the customer has been treated by the RFDS for at least three months.
- B4.2.5 The **retailer** must verify each new customer's Pensioner Concession Card, DHS Health Care Card or DVA Gold Card status with the DHS before the **rebate** may be applied to a customer's bill.
- B4.2.6 If the customer named on the bill is claiming the **rebate** for another person who is living at the same address as the customer named on the bill, the **retailer** must check that the application form states that the address of the patient is the same as that of the customer.
- B4.2.7 In order to ensure continuity of the **rebate** where a customer changes his or her **retailer**, the date the customer's supply commences with the new **retailer** will be deemed to be the date the customer applied for the **rebate**. However, the customer must complete and submit an application to the new **retailer** before the **rebate** can be applied by the new **retailer**.

Note: This may cause some inconvenience to the customer but the **retailer** requires the relevant information in order to ensure ongoing eligibility for the **rebate**.

Note: On-supplied residential community residents, on-supplied retirement village residents and on-supplied strata scheme residents must submit their application for the Low Income Household Rebate to the **Department**.

B4.3 Ongoing verification to ascertain continued eligibility of customers

- B4.3.1 A **retailer** must verify the details of all **rebate** recipients who hold a DHS Health Care Card for continued eligibility with the DHS at least once every three months.
- B4.3.2 A **retailer** must verify the details of all other **rebate** recipients for continued eligibility with the DHS or DVA at least once a year.
- B4.3.3 The results of the above verification checks must, upon request, be provided to the **Minister**, the **Department** or any auditor appointed by the **Department**. The results must include the following information:
- (a) the number of eligible Pensioner Concession Card holders, the DHS Health Care Card and Gold Card holders in each category;
 - (b) the total number of initial mismatches; and
 - (c) the total number of customers determined as ineligible from the verification process.
- B4.3.4 All **retailers** must have a contractual arrangement with the DHS before verifying customers' details with the DHS.

B4.4 Rebate indexation

For **eligible customers**, the **rebate** will be \$285 per annum thereafter unless advised otherwise in writing by the **Department**.

PART C

C1. Family Energy Rebate (FER)

In this Part C, references to **rebate** are to the Family Energy Rebate.

C1.1 Eligibility criteria

To be eligible for the Family Energy Rebate in a given financial year a person must:

- (a) be a resident in New South Wales;
- (b) be an **account holder** of a **retailer**, or a long-term resident of an on-supplied residential community, or a resident of an on-supplied retirement village, or a resident of an on-supplied strata scheme; and whose name appears on the electricity account for supply to his or her principal place of residence; and
- (c) have been assessed by the Federal DHS as being eligible for the Family Tax Benefit (FTB) A or B during the financial year immediately preceding the financial year in which an application for the FER is made and have received a payment of FTB in respect of that eligibility.

C1.2 Application process

- C1.2.1 An applicant must apply in writing to the **Department** for the **rebate** using either the digital application form available from the **Department's** website or a paper application form also available from the **Department's** website. These same application forms should also be provided by electricity **retailers**.
- C1.2.2 **Retailers** must, on request by a customer, provide access to the **Department's** application forms for the customer to complete and submit to the **Department**.

C1.3 Ongoing eligibility

- C1.3.1 An **eligible customer**, who completes a valid application form and receives confirmation of eligibility from the **Department**, will be paid the **rebate** once per financial year.
- C1.3.2 Customers must reapply for the **rebate** each year.

C1.4 Application of the rebate

- C1.4.1 **Retailers** must credit the **rebate** to customers' electricity accounts in accordance with a confidential data set provided by the **Department** frequently throughout each calendar month through a dedicated, secure website. The data set will contain the following information:
 - (a) FER Application ID (labelled "FER Reference Number");
 - (b) First Name (labelled "Family Tax Benefit Recipient First Name");
 - (c) Last Name (labelled "Family Tax Benefit Recipient Last Name");
 - (d) Electricity Account Number (labelled "Electricity Account Number");

- (e) **Rebate** Amount (labelled “**Rebate** Amount (\$)”); and
 - (f) **Rebate** Applied Flag (labelled “**Rebate** Credit Applied to Electricity Account”). No data is supplied in this column by the **Department**.
- C1.4.2 **Retailers** must download secure Departmental data sets at least weekly, and import updated data sets in the same week, thereby advising the **Department** which customers have had a **rebate** credited against their accounts, and which have not.
- C1.4.3 **Retailers** must verify the relevant data set against the information for each customer in the **retailer’s** billing system and pay the relevant amount to each customer if the Family Tax Benefit, Recipient Last Name and Electricity Account Number in the data set match a valid customer account.
- C1.4.4 **Retailers** must display the **rebate** on **eligible customers’** next available electricity bill after the date the **retailer** credits the **rebate** against accounts, after receiving the confidential data set from the **Department**, and to offset it against the gross amount of the bill before GST is applied.
- C1.4.5 **Retailers** must supply a confidential data set to the **Department** using the dedicated, secure website containing the following information:
- (a) FER Application ID (labelled “FER Reference Number”);
 - (b) First Name (labelled “Family Tax Benefit Recipient First Name”);
 - (c) Last Name (labelled “Family Tax Benefit Recipient Last Name”);
 - (d) Electricity Account Number (labelled “Electricity Account Number”);
 - (e) Rebate Amount (labelled “Rebate Amount (\$)”); and
 - (g) Rebate Applied Flag (labelled “Rebate Credit Applied to Electricity Account”). **Retailer to supply only ONE of the following data options: Y or N or leave the cell blank.**
- C1.5 Retailer obligations**
- C1.5.1 The obligations outlined in A4 of Part A above, also apply to the FER.
- C1.6 Information to customers**
- C1.6.1 A **residential customer** may receive one or more **rebates** concurrently, subject to meeting the eligibility requirements for each particular **rebate**.
- C1.6.2 A **retailer** must identify each **rebate** as a separate credit amount on the **eligible customer’s** bill.
- C1.6.3 A **retailer** must use the following description – “NSW Family Energy Rebate” – when crediting the **rebate** to the bill.

C1.7 Arrangements for retailer payment

- C1.7.1 A **retailer payment** will be provided to each applicable **retailer** each month.
- C1.7.2 The **retailer payment** for **rebates** must include:
- (a) the total value of **rebates** paid to **eligible customers** calculated on the basis of the data set provided by the **Department** to the **retailer**; and
 - (b) the **administration fee**.
- C1.7.3 Each **retailer** must submit the following documents to the **Department** by the 10th business day of each subsequent month:
- (a) a completed and certified **monthly acquittal statement** in the form published by the **Department** on the **Department's** website; and
 - (b) a tax invoice for the **retailer payment**, which must be submitted to the **Department** for each calendar month and is for **rebates** that have been credited to customers' accounts during that month (regardless of whether an actual bill has been issued in that month) in line with the dataset provided by the **Department** to the **retailer**.
- C1.7.4 The **retailer** must record the total value of the **rebates** paid by the **retailer**, the **administration fee** claimed by the **retailer** and the number of **eligible customers** based on the figures contained in the **retailer's** system records.
- C1.7.5 The **acquittal statement** must be certified and signed by an appropriately responsible person nominated by the **retailer**. Each **retailer** must communicate the name of the nominated person/s to the **Department** for verification purposes.
- C1.7.6 Any changes to the **acquittal statement** will be made by the **Department** only after appropriate consultation with **retailers**.

C1.8 Credit balance

- C1.8.1 If the total of a customer's bill is less than the **rebate** amount, the difference is to be applied as a credit to the customer's account and is to be carried forward to the next billing cycle.
- C1.8.2 Where a customer with a **rebate** credit elects to change his or her **retailer** or close their electricity account with a **retailer**, that **retailer** must refund to the customer the credit amount at the date of transfer to the new **retailer** or the date that the customer closed the account with that **retailer**.

C1.9 Compliance

- C1.9.1 **Retailers** must establish and maintain accounting procedures and records to enable periodic reports to be prepared to substantiate compliance with the **Code**.
- C1.9.2 **Retailers** must, upon request, provide such reports to the Minister, the **Department** or any auditor appointed by the **Department**.

C1.9.3 **Retailers** must maintain records to substantiate compliance with the **Code** for a period of seven years.

C1.10 On-supplied residents of retirement villages, residential communities and strata schemes

C1.10.1 Long term residents of on-supplied residential communities, or residents of an on-supplied retirement village, or residents of an on-supplied strata scheme; must apply directly to the **Department** by submitting a completed application form available on the **Department's** website. **Eligible customers** will be paid the relevant **rebate** amount by the **Department**.

C1.10.2 For eligible residents of on-supplied residential communities, retirement villages and strata schemes, the Family Energy Rebate will be deposited via EFT into the customer's nominated bank account by the **Department**.

C1.11 Confidentiality

Retailers are required to protect the confidentiality of **eligible customers** to ensure that their records are not used for any purpose other than the delivery of the **rebate** or as stipulated in this **Code** for audit purposes.

C1.12 Rebate indexation

For **eligible customers**, the **rebate** will be \$180 per annum or \$20 per annum where the customer is also deemed to be eligible for the Low Income Household Rebate.

PART D

D1. Energy Accounts Payment Assistance (EAPA)

D1.1 Overview

D1.1.1 **EAPA** is a NSW Government scheme designed to help residential energy customers who are financially disadvantaged and experience difficulty paying their residential gas and/or electricity bill owing to a crisis or emergency situation. The **EAPA** Scheme is administered by the **Department** and is aimed at helping these people stay connected to essential energy services.

D1.1.2 The **EAPA** Scheme is a crisis program and is not intended to offer ongoing income support, nor is **EAPA** intended to relieve **retailers** of their obligations to manage their customers' debts in a fair and equitable manner.

D1.1.3 **Retailers** must consider whether it is appropriate to offer additional assistance to a customer who has been assessed by an EAPA Provider as eligible for **EAPA**. Any additional assistance should include one or more components of each **retailer's** hardship program.

D1.1.4 A **residential customer** may receive **EAPA**, concurrently with any **rebates**, subject to meeting the eligibility requirements for each particular **social program for energy**.

D1.2 Delivery of EAPA by EAPA Providers

- D1.2.1 **EAPA** vouchers are generally issued by EAPA Providers using the **Department's** on-line application tool in the form of \$50 vouchers. These vouchers will be sent electronically to the customer's **retailer** by the **Department's** electronic system as a contribution towards the customer's energy bills.
- D1.2.2 Rules and procedures for the administration of **EAPA** by EAPA Providers are outlined in the **EAPA** Delivery Guidelines issued by the **Department** and published on the **Department's** website.
- D1.2.3 **Retailers** must not inform customers that they will receive a certain amount of **EAPA**. The amount of **EAPA** provided to a customer is determined by the EAPA Provider.
- D1.2.4 **Retailers** must also make all attempts to assist EAPA Providers in complying with the Guidelines (for example, by providing direct, dedicated, free call numbers to **retailer** hardship units and working cooperatively to resolve issues concerning customers).

D1.3 Acceptance of EAPA by retailers

- D1.3.1 **Retailers** must have systems in place to enable them to deliver **EAPA** in accordance with the **Code**.
- D1.3.2 **Retailers** must process within two business days all **EAPA** assistance for individual customers of each **retailer** transmitted by the **Department** and:
 - (a) credit the amount reported by the **Department** to the account of each customer as directed by the **Department**; or
 - (b) advise the **Department** of any invalid EAPA.
- D1.3.3 **Retailers** will report to the **Department** within two business days the outcome of processing of EAPA transmitted by the **Department** using the electronic systems provided by the **Department**. This includes vouchers that are approved or rejected under D1.3.4.
- D1.3.4 Where a **retailer** identifies that the total amount of vouchers transmitted for a customer's account will place that account into credit, the **retailer** must reject as many vouchers as required to ensure the account is not placed into credit and inform the **Department** within two business days using the electronic reporting system.
- D1.3.5 **Retailers** must accept all valid **EAPA** vouchers offered in payment of an account (except in any of the circumstances specified in clause D1.4).

D1.4 Circumstances where EAPA is not to be used

- D1.4.1 **EAPA** vouchers must not be applied to a customer's electricity or natural gas account:
 - (a) where vouchers would place a customer's account into credit as per D1.3.4; or
 - (b) for payment of non-consumption related charges (for example, late fees, disconnection and reconnection fees).

D1.5 Retailers assisting EAPA Providers

- D1.5.1 Each **retailer** must have in place a direct dedicated, telephone enquiry number for EAPA Providers to contact that **retailer** to confirm the details of a customer seeking **EAPA** assistance. Calls to this line must be answered or call backs made as soon as reasonably practicable, as an inability to contact a **retailer** may cause difficulties for the EAPA Provider in assessing the customer for **EAPA**.
- D1.5.2 These contact details must be provided to the **Department** by each **retailer** and any changes must be notified to the **Department** immediately.
- D1.5.3 Current contact listings for EAPA Providers that are able to assess customers for **EAPA** assistance are on the **Department's** website.
- D1.5.4 **Retailers** are required to provide to their customers information on Government funded **rebates** and programs, including **EAPA**. This means a **retailer** can refer a customer to one or more EAPA Providers only if the assistance provided to a customer by the **retailer** is not sufficient to help a customer resolve their difficulty paying an energy bill or where additional assistance may be appropriate. EAPA Providers will assess customers under the Guidelines and it is at the discretion of the EAPA Providers whether or not **EAPA** will be granted to a customer.
- D1.5.5 **Retailers** can also assist their customers to be assessed for **EAPA** by implementing an appropriate payment plan or making other appropriate referrals, for instance, to a financial counsellor.
- D1.5.6 Where a **retailer** refers a customer to an EAPA Provider, the **retailer** must also inform the customer of the requirement to take their original bill when they attend an **EAPA** assessment interview.
- D1.5.7 The "original bill" refers to the first issued bill for the current payment period, for which the customer is seeking **EAPA** assistance. A copy of an original bill supplied by a **retailer** may be considered an original bill.
- D1.5.8 **Retailers** may be required to assist an EAPA Provider to establish the details of a customer seeking **EAPA** assistance (for example, where a customer does not have an original bill). If a customer does not have their original bill or receives their bill via email, the EAPA Provider will be required to contact the **retailer** to confirm the customer's account details.
- D1.5.9 It is generally not appropriate to refer customers with large debts that have been allowed to accumulate over a long period of time to an EAPA Provider without adequate consideration of other options and attempts to assist the customer in accordance with laws and internal policy and without discussing the matter with the EAPA Provider. In many cases, an EAPA Provider will not be equipped to handle such cases and other types of referrals may be more appropriate (for example, to a financial counsellor).

D1.6 Prohibition on disconnection during EAPA assessment

D1.6.1 If a customer is awaiting assessment for **EAPA** assistance, the **retailer** is required to defer electricity or natural gas disconnection until an EAPA Provider has assessed the customer.

D1.7 Residential electricity and gas consumption only

D1.7.1 EAPA vouchers may only be used as payment towards electricity and natural gas consumption (cost of energy and standing charges or service to property charges) supplied under a residential tariff (or rural tariff for home electricity and/or natural gas), and only on behalf of the person/s named on the account.

D1.7.2 If vouchers are presented for payment of non-consumption charges (e.g. late fees or disconnection charges), the retailer must advise the customer that the vouchers have not been applied to their account. The retailer must reject any such vouchers and report this to the **Department** within two business days using the electronic reporting system.

D1.7.3 EAPA can only be used for customers residing in NSW, regardless of their retailer.

D1.8 EAPA vouchers issued by two or more EAPA Providers

D1.8.1 A customer may be eligible to be issued vouchers by more than one EAPA Provider for each bill and the circumstances of such grants of vouchers will be managed by the **Department** using the EAPA Delivery Guidelines.

D1.8.2 Without breaching the other provisions of the **Code**, a **retailer** will process all EAPA transmitted by the **Department** for an individual customer into the electricity or gas account of that customer.

D1.9 Fraud or misrepresentation

If a **retailer** suspects or has evidence that either an EAPA Provider or customer fraud or misrepresentation has occurred, the **retailer** must contact the **Department** immediately and then confirm the suspicion in writing, either by letter or email.

D1.10 Voucher storage

Retailers must retain **EAPA** vouchers presented by customers and which were valid prior to 1 July 2017 for a minimum of seven years from the date of redemption and make these available for audits by the **Department**, or an agent of the **Department**, upon request.

D1.11 Recording EAPA usage

D1.11.1 For an account where **EAPA** has been received, the **retailer** must reference a customer's use of **EAPA** on their previous bill, and the amount they were presented for payment. This assists EAPA Providers in assessing if **EAPA** is being used for on-going income support.

D1.11.2 A best practice example of how **EAPA** voucher usage would be recorded on a customer's bill is at D1.11.3, where it would indicate that \$200 worth of **EAPA** vouchers were applied to the customer's

account on 12 July 2013. A **retailer** may provide this information using an alternate method.

D1.11.3 Payment History: "EAPA VOUCHER 12/07/2013 \$200".

D1.12 Acquittal statement

D1.12.1 Reimbursement is made by the **Department** for valid **EAPA** vouchers applied by the **retailer** to customer accounts, during the previous month.

D1.12.2 **Retailers** must provide the **Department** with a tax invoice and an **acquittal statement** corresponding to each monthly report. The **acquittal statement** is to state the amount for which the **retailer** is seeking reimbursement. Monthly reimbursement for administration costs must also be claimed at this time.

D1.12.3 Administration costs are to be calculated based on \$0.80 per bill (per customer account) regardless of how many vouchers are presented in a transaction.

D1.12.4 The **acquittal statement** must be certified and signed by an appropriately responsible person nominated by the **retailer**. Each **retailer** must communicate the name of the nominated person/s to the **Department** for verification purposes.

D1.13 Compliance

D1.13.1 **Retailers** must establish and maintain accounting procedures and records to enable periodic reports to be prepared to substantiate compliance with the **Code**.

D1.13.2 **Retailers** must, upon request, provide such reports to the Minister, the **Department** or any auditor appointed by the **Department**.

D1.13.3 Retailers must maintain records to substantiate compliance with the Code for a period of seven years.

PART E: Energy Offer Information Program

E1. Application and interpretation

- E1.1 This Part E applies to a retailer of a **residential customer** who:
- E1.1.1 is receiving a **rebate** from the **retailer** as required by this **Code**; and
 - E1.1.2 is being supplied energy under a **standard retail contract**.
- E1.2 In this Part:
- energy** means electricity or gas or both;
 - market offer** means has the same meaning as in the *National Energy Retail Law (NSW)*;
 - market retail contract** has the same meaning as in the *National Energy Retail Law (NSW)*; and
 - standard retail contract** has the same meaning as in the *National Energy Retail Law (NSW)*.

E2. Assistance with Market Offers

- E.2.1 By 30 January 2018 and at six monthly intervals thereafter, the **retailer** must use all reasonable endeavours to inform and assist the customer to identify the most appropriate market offer for that customer, having regard to:
- E.2.1.1 the customer's consumption profile;
 - E.2.1.2 the objective of reducing the customer's costs of buying electricity and/or gas;
 - E2.1.3 the estimated yearly monetary savings for the customer from accepting a **market offer**; and
 - E.2.1.4 the price and non-price terms and conditions of the **retailer's market offers**.
- E2.2 Clause E.2.1 does not apply if:
- E2.2.1 the **retailer** forms the view that there is no **market offer** that would provide the **residential customer** with a better alternative than the **standard retail contract**; or
 - E2.2.2 the **residential customer** has expressly requested not to receive marketing information or material from the **retailer**.

Primary Industries Notices

BIOSECURITY ACT 2015

Instrument of Appointment of Authorised Officers and Approval of Functions – Department of Primary Industries and Local Land Services officers

I, Peter Day, Director Biosecurity & Food Safety Compliance, in exercise of delegated authority of the Secretary and of the Secretary as Accreditation Authority under the *Biosecurity Act 2015* (the Act) make the following appointments and approvals:

- 1) Pursuant to section 361 of the Act, I appoint the persons listed in Column 1 of the table set out in Schedule 1 as authorised officers for the purposes of the Act.
- 2) Pursuant to section 195 of the Act, I approve those authorised officers listed in Column 1 of the table set out in Schedule 1 to exercise the functions of a biosecurity certifier as specified in Column 2 of the table.

Duration of appointment and approval:

The appointment and approval of each person listed in Schedule 1 will end on the earliest of the following dates:

- A. the date that is five years from the date of this instrument; or
- B. the date of revocation of this instrument, or an instrument of revocation of appointment of a person listed in Schedule 1 as an authorised officer; or
- C. the date that the person ceases to be employed by either the Department of Industry or the Local Land Services.

Dated this 6th day of December 2017

PETER DAY

PETER DAY

DIRECTOR

BIOSECURITY & FOOD SAFETY COMPLIANCE

(as delegate on behalf of the Secretary of the Department of Industry)

SCHEDULE 1

Column 1	Column 2
Name of person appointed as authorised officer	Approved functions of biosecurity certifier
James Gillespie	NIL Conditions
Andrew Michelin	NIL Conditions
Leanne Calthorpe	NIL Conditions
Alexandra Stephens	NIL Conditions

Crown Land Notices

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

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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parishes - Tenandra, Bald Hill; County - Lincoln
Land District - Dubbo; LGA - Dubbo Regional*

Road Closed: Lot 3 DP 1231582

File No: 15/09833

SCHEDULE

On closing, the land within Lot 3 DP 1231582 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish - March; County - Wellington
Land District - Orange; LGA - Orange*

Road Closed: Lot 2 DP 1226100

File No: 16/05190

SCHEDULE

On closing, the land within Lot 2 DP 1226100 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish - Nundle; County - Parry
Land District - Tamworth; LGA - Tamworth Regional*

Road Closed: Lot 3 DP 1217613

File No: 15/09721

SCHEDULE

On closing, the land within Lot 3 DP 1217613 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Crawney; County - Parry
Land District - Tamworth; LGA - Tamworth Regional

Road Closed: Lot 2 DP 1217614

File No: 15/09716

SCHEDULE

On closing, the land within Lot 2 DP 1217614 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parishes - Huntawong, South Marowie; County - Nicholson
Land District - Hillston; LGA - Carrathool

Road Closed: Lot 5 DP 1233698

File No: 16/00164

SCHEDULE

On closing, the land within Lot 5 DP 1233698 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Barigan; County - Phillip
Land District - Mudgee; LGA - Mid-Western Regional

Road Closed: Lots 1-4 DP 1235070

File No: 17/04818

SCHEDULE

On closing, the land within Lots 1-4 DP 1235070 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Bolaro; County - Lincoln

Land District - Dunedoo Central; LGA - Warrumbungle

Road Closed: Lots 1 - 2 DP 1229257

File Nos: 09/11797 and 16/04534

SCHEDULE

On closing, the land within Lots 1- 2 DP 1229257 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Oura; County - Clarendon

Land District - Wagga Wagga; LGA - Wagga Wagga

Road Closed: Lots 1-6 DP 1233430

File No: 16/04136

SCHEDULE

On closing, the land within Lots 1-6 DP 1233430 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Oura; County - Clarendon

Land District - Wagga Wagga; LGA - Wagga Wagga

Road Closed: Lots 1-2 DP 1233431

File No: 16/04143

SCHEDULE

On closing, the land within Lots 1-2 DP 1233431 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Pikapene; County – Drake
Land District – Casino; LGA – Kyogle*

Road Closed: Lot 1 DP 1236151

File No: 07/5113

SCHEDULE

On closing, the land within Lot 1 DP 1236151 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish - Tallawudjah; County - Fitzroy
Land District - Grafton; LGA - Clarence Valley*

Road Closed: Lot 1 DP 1236153

File No: 17/06922

SCHEDULE

On closing, the land within Lot 1 DP 1236153 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish - Woodford; County - Clarence
Land District - Grafton; LGA - Clarence Valley*

Road Closed: Lot 1 DP 1236908

File No: 17/05903

SCHEDULE

On closing, the land within Lot 1 DP 1236908 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Narrandera; County – Cooper
Land District – Narrandera; LGA – Narrandera*

Road Closed: Lot 1 DP 1236469

File No: 08/8737

SCHEDULE

On closing, the land within Lot 1 DP 1236469 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Kelgoola; County – Phillip
Land District – Rylstone; LGA – Mid-Western Regional*

Road Closed: Lot 1 DP 1234227

File No: CL/00713

SCHEDULE

On closing, the land within Lot 1 DP 1234227 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parishes – Urana, North Gunambill; County – Urana
Land District – Urana; LGA – Federation*

Road Closed: Lot 2 DP 1235518

File No: 17/03013

SCHEDULE

On closing, the land within Lot 2 DP 1235518 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Field of Mars; County - Cumberland
Land District - Metropolitan; LGA - Parramatta

Road Closed: Lot 11 DP 1237768

File No: 15/11076

SCHEDULE

On closing, the land within Lot 11 DP 1237768 remains vested in City of Parramatta Council as operational land for the purposes of the *Local Government Act 1993*.

Council Reference:RMRC 08142

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

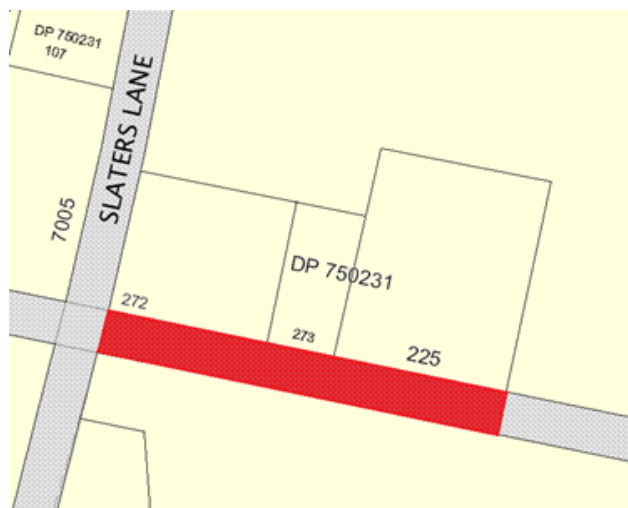
IN pursuance of the provisions of section 151, *Roads Act 1993*, the Crown roads specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the roads specified in Schedule 1 cease to be a Crown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

The Hon PAUL TOOLE, MP
Minister for Lands and Forestry

Schedule 1

Parish - Tantawangalo; County - Auckland
Land District - Bega; LGA - Bega Valley

Description: Crown road shown by red colour in diagram hereunder (being 20.115 metres wide) at Candelo.



Schedule 2

Road Authority: Bega Valley Shire Council
Crown Lands File Ref: 17/08460 - W588353
Council Ref: Tantawanglo

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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Prospect; County - Macquarie
Land District - Port Macquarie; LGA - Port Macquarie-Hastings

Road Closed: Lot 1 DP 1214823
File No: 14/05778

SCHEDULE

On closing, the land within Lot 1 DP 1214823 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Prospect; County - Macquarie
Land District - Port Macquarie; LGA - Port Macquarie-Hastings

Road Closed: Lot 2 DP 1214823
File No: 14/05779

SCHEDULE

On closing, the land within Lot 2 DP 1214823 remains vested in the State of New South Wales as Crown land.

ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

It is hereby notified that in pursuance of the provisions of Section 18J *Western Lands Act 1901*, the purpose and conditions of the undermentioned Western Lands Lease have been altered as shown.

The Hon PAUL TOOLE, MP
Minister for Lands and Forestry

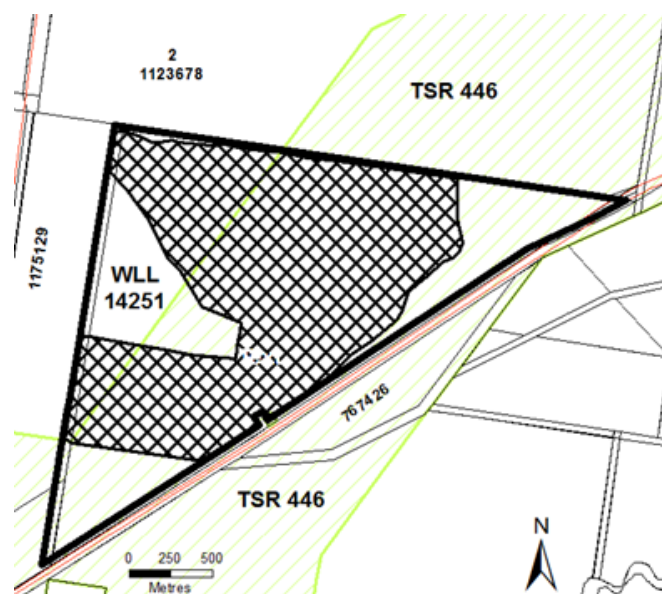
Administrative District - Balranald
Shire - Balranald, County - Taila

The purpose of Western Lands Lease 14251, being the land contained within Folio Identifier 6820/823920 has been altered from "Grazing" to "Grazing & Horticulture" effective from 30 November 2017.

As a consequence of the alteration of purpose/conditions rent will be assessed annually in line with the *Western Lands Act 1901* and Regulations.

The conditions have been altered by the inclusion of the special conditions following;

1. The lessee shall undertake the development and ongoing management of the horticulture area as per the process and practices detailed in the Billa Downs - Sturt Highway - Euston - Review of Environmental Factors prepared by Nicol Projects (June 2017) and the associated technical reports (inclusive of AgriExchange's Soil Survey for Select harvests Ltd - Billa Downs Euston NSW, dated July 2016.
2. Concurrence with the project from Roads and Maritime Services shall be obtained prior to commencement of the development.
3. Should the horticulture development fail or cease to exist, the lessee shall remove any irrigation infrastructure from the lease and return the area to dryland cultivation.
4. Prior to the commencement of the development, Wheel Cactus shall be controlled onsite.
5. Appropriate water licences should be obtained prior to commencement of the development.
6. The lessee shall ensure areas with a slope greater than 2% remain uncultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee's expense.
7. The lessee shall ensure incised drainage lines, other than man-made structures, which carry water after storms are left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner specifies otherwise.
8. The lessee shall not clear any native vegetation or remove any timber within the irrigation areas unless written approval has been granted by the appropriate authority.
9. There shall be no cultivation within 50 metres of any established road used by the public.
10. The lessee shall undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
11. The lessee shall establish windbreaks at his/her own expense as may be ordered by the Commissioner to provide adequate protection of the soil.
12. The lessee shall undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.
13. The lessee shall ensure the monitoring regime of piezometers is established, in consultation with a suitably qualified engineer, to detect water logging of soils, rising salt levels in the soil and/or rising groundwater levels.
14. A total of 209 ha is authorised for Horticulture and the lessee shall not develop any other areas on the lease for horticulture outside the area shown cross hatched in the diagram below.



File No: WLL14251-1

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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Woodford; County - Clarence
Land District - Grafton; LGA - Clarence Valley

Road Closed: Lot 1 DP 1236032

File No: 17/05915

SCHEDULE

On closing, the land within Lot 1 DP 1236032 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Maharatta; County - Wellesley
Land District - Bombala; LGA - Snowy Monaro Regional

Road Closed: Lots 1-2 DP 1235121

File No: 17/06374

SCHEDULE

On closing, the land within Lots 1-2 DP 1235121 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Gygederick; County - Wallace
Land District - Cooma; LGA - Snowy Monaro Regional

Road Closed: Lot 2 DP 1229742

File No: 16/04623

SCHEDULE

On closing, the land within Lot 2 DP 1229742 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Nungar; County - Wallace
Land District - Cooma; LGA - Snowy Monaro Regional

Road Closed: Lot 1 DP 1233144

File No: 17/02927

SCHEDULE

On closing, the land within Lot 1 DP 1233144 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish - Field Of Mars; County - Cumberland
Land District - Metropolitan; LGA - Parramatta

Road Closed: Lot 1 DP 1235100

File No: 14/09246

SCHEDULE

On closing, the land within Lot 1 DP 1235100 remains vested in the State of New South Wales as Crown land.

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

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

The Hon Paul Toole, MP
Minister for Lands and Forestry

SCHEDULE 1

Parish - Nemingha
County - Parry
Land District - Tamworth
Local Government Area - Tamworth Regional

Crown public road at East Tamworth between Lots 14 and 224 DP 755334 as highlighted in red on the diagram below.



SCHEDULE 2

Roads Authority: Tamworth Regional Council

File No: 17/09063

Council Ref: KR:SF8127

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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Couatwong; County – Hawes
Land District – Walcha; LGA – Walcha*

Road Closed: Lots 1-3 DP 1236159

File No: 17/01084

SCHEDULE

On closing, the land within Lots 1-3 DP 1236159 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Colaragang; County – Cooper
Land District – Narrandera; LGA – Murrumbidgee*

Road Closed: Lot 1 DP 1235912

File No: 17/05212

SCHEDULE

On closing, the land within Lot 1 DP 1235912 remains vested in the State of New South Wales as Crown land.

ERRATUM – CREATION OF EASEMENT FOR TRANSMISSION LINE

In the notification appearing in the Government Gazette of 23 December 2016, Folio 3844, under the heading “Creation of easement for transmission line”, the reference to “Land in Ms64Be” should have been omitted. The land in Ms64Be was previously bought under the provisions of the *Real Property Act 1900* by the registration of DP1182056 on 16 December 2012 to create a title Folio 7332/1182056. Section 52 of the *Crown Lands Act 1989* does not enable an easement to be created by notification in the Gazette over land that is subject to the provisions of the *Real Property Act 1900*. Accordingly the notification was not effective to create an easement for transmission line over the land in Ms64Be.

The Hon Paul Toole, MP
Minister for Lands and Forestry

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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Brunswick; County – Rous
Land District – Murwillumbah; LGA – Byron*

Road Closed: Lot 3 DP 1234909

File No: 17/06138

SCHEDULE

On closing, the land within Lot 3 DP 1234909 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Calamia; County – Clarence
Land District – Grafton; LGA – Clarence Valley*

Road Closed: Lot 1 DP 1233914

File No: 17/02087

SCHEDULE

On closing, the land within Lot 1 DP 1233914 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION*Parish – Hillgrove; County – Sandon**Land District – Armidale; LGA – Armidale Regional*

Road Closed: Lot 1 DP 1235757

File No: 17/02778

SCHEDULE

On closing, the land within Lot 1 DP 1235757 remains vested in the State of New South Wales as Crown land.

NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A(2)(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 Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
environmental protection	Dedication No. 540199 Public Purpose: agricultural school and experimental farm Notified: 27 April 1894 File Reference: 17/09671
sporting event	Reserve No. 1012190 Public Purpose: access and public requirements, tourism purposes and environmental and heritage conservation Notified: 25 August 2006 File Reference: 17/10628
grazing pump site	Reserve No. 41521 Public Purpose: camping, travelling stock Notified: 4 April 1907 File Reference: 16/06855
dam	Reserve No. 751150 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/07099
temporary site office stockpile sewerage pipeline amenities building	Reserve No. 61983 Public Purpose: public recreation Notified: 18 July 1930 File Reference: 17/09694 Reserve No. 752034 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/09694

Column 1	Column 2
site investigation	Reserve No. 1012329 Public Purpose: access and public requirements, rural services, tourism purposes and environmental and heritage conservation Notified: 8 September 2006 File Reference: 17/06992
Column 1	Column 2
environmental rehabilitation	Reserve No. 45715 Public Purpose: access, public recreation Notified: 31 August 1910 File Reference: 17/06747 Reserve No. 755952 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 17/06747
Column 1	Column 2
site investigation	Reserve No. 1011949 Public Purpose: access and public requirements, tourism purposes and environmental and heritage conservation Notified: 25 August 2006 File Reference: 17/05590
Column 1	Column 2
vegetation management	Reserve No. 89265 Public Purpose: public recreation Notified: 9 August 1974 File Reference: 17/03080 Reserve No. 210102 Public Purpose: accommodation, caravan park Notified: 15 September 1995 File Reference: 17/03080
Column 1	Column 2
site investigation	Reserve No. 3080 Public Purpose: tramway Notified: 12 February 1887 File Reference: 16/05232 Reserve No. 10085 Public Purpose: travelling stock Notified: 30 November 1889 File Reference: 16/05232 Reserve No. 10249 Public Purpose: travelling stock Notified: 30 November 1889 File Reference: 16/05232 Reserve No. 17535 Public Purpose: travelling stock Notified: 15 April 1893 File Reference: 16/05232

Column 1	Column 2
	<p>Reserve No. 39540 Public Purpose: forest Notified: 19 August 1905 File Reference: 16/05232</p> <p>Reserve No. 55602 Public Purpose: public recreation Notified: 11 August 1922 File Reference: 16/05232</p> <p>Reserve No. 66662 Public Purpose: sheep and cattle yards Notified: 2 April 1937 File Reference: 16/05232</p> <p>Reserve No. 90882 Public Purpose: travelling stock Notified: 2 September 1977 File Reference: 16/05232</p> <p>Reserve No. 97904 Public Purpose: camping Notified: 30 August 1985 File Reference: 16/05232</p> <p>Reserve No. 45 Public Purpose: access to crossing place Notified: 7 February 1871 File Reference: 16/05232</p> <p>Reserve No. 1013826 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 16/05232</p> <p>Reserve No. 69350 Public Purpose: camping, travelling stock Notified: 5 July 1940 File Reference: 16/05232</p>

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

ASSIGNMENT OF NAME TO RESERVE TRUST

Pursuant to clause 4(3) of Schedule 8 of the *Crown Lands Act 1989* the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
Armidale Site For Public Band (R95674) Reserve Trust	<p>Reserve No.: 95674 Public Purpose: Public Band Site Notified: 13 November 1981 File Reference: 17/10320</p>

Column 1	Column 2
East Ballina Reservoir (R86408) Reserve Trust	Reserve No.: 86408 Public Purpose: Reservoir Notified: 8 November 1967 File Reference: 17/10320
Ballina Sanitary Purposes (R76641) Reserve Trust	Reserve No.: 76641 Public Purpose: Sanitary Purposes Notified: 19 March 1954 File Reference: 17/10320
Ballina Sanitary Purposes (R57352) Reserve Trust	Reserve No.: 57352 Public Purpose: Sanitary Purposes Notified: 1 August 1924 File Reference: 17/10320
East Ballina Public Recreation (R540019) Reserve Trust	Dedication No.: 540019 Public Purpose: Public Recreation Notified: 1 September 1916 File Reference: 17/10320
East Ballina Public Park (R700005) Reserve Trust	Reserve No.: 700005 Public Purpose: Public Park Reserved by <i>East Ballina Cemetery Act 1957</i> assented to 22 November 1957. File Reference: 17/10320
Mitchell Reservoir (R81879) Reserve Trust	Reserve No.: 81879 Public Purpose: Reservoir Notified: 21 August 1959 File Reference: 17/10320
Pagewood Public Recreation (R69144) Reserve Trust	Reserve No.: 69144 Public Purpose: Public Recreation Notified: 21 March 1940 File Reference: 17/10320
Cobargo Rubbish Depot (R63291) Reserve Trust	Reserve No.: 63291 Public Purpose: Rubbish Depot Notified: 8 April 1932 File Reference: 17/10320
Bermagui Local Government Purposes (R89337) Reserve Trust	Reserve No.: 89337 Public Purpose: Local Government Purposes Notified: 20 December 1974 File Reference: 17/10320
Dorrigo Night Soil Depot And Rubbish Depot (R46505) Reserve Trust	Reserve No.: 46505 Public Purpose: Night Soil and Rubbish Depot Notified: 19 April 1911 File Reference: 17/10320
Bellingen Reservoir (R66754) Reserve Trust	Reserve No.: 66754 Public Purpose: Reservoir Notified: 28 May 1937 File Reference: 17/10320
Weethalle Rubbish Depot (R61808) Reserve Trust	Reserve No.: 61808 Public Purpose: Rubbish Depot Notified: 11 April 1930 File Reference: 17/10320
West Wyalong Drainage (R49277) Reserve Trust	Reserve No.: 49277 Public Purpose: Drainage Notified: 24 September 1913 File Reference: 17/10320

Column 1	Column 2
Wentworth Falls Public Recreation (R88811) Reserve Trust	Reserve No.: 88811 Public Purpose: Public Recreation Notified: 22 December 1972 File Reference: 17/10320
Cudal Town Hall Site (D1000244) Reserve Trust	Dedication No: 1000244 Public Purpose: Town Hall Site Notified: 2 February 1892 File Reference: 17/10320
Ingleburn Public Recreation (R60719) Reserve Trust	Reserve No.: 60719 Public Purpose: Public Recreation Notified: 12 October 1928 File Reference: 17/10320
Chester Hill Parking (R94229) Reserve Trust	Reserve No.: 94229 Public Purpose: Parking Notified: 30 January 1981 File Reference: 17/10320
Phegans Bay Bush Fire Brigade Purposes (R89593) Reserve Trust	Reserve No.: 89593 Public Purpose: Bush Fire Brigade Purposes Notified: 19 September 1975 File Reference: 17/10320
Gosford Parking (R90789) Reserve Trust	Reserve No.: 90789 Public Purpose: Parking Notified: 3 June 1977 File Reference: 17/10320
White Cliffs Water Supply (R230003) Reserve Trust	Reserve No.: 230003 Public Purpose: Water Supply Notified: 8 January 1988 File Reference: 17/10320
Micalo Island Wharfage (R44940) Reserve Trust	Reserve No.: 44940 Public Purpose: Wharfage Notified: 9 March 1910 File Reference: 17/10320
Glenreagh Sanitary Depot (R57067) Reserve Trust	Reserve No.: 57067 Public Purpose: Sanitary Depot Notified: 16 May 1924 File Reference: 17/10320
Red Rock Sanitary Purposes (R84092) Reserve Trust	Reserve No.: 84092 Public Purpose: Sanitary Depot Notified: 21 December 1962 File Reference: 17/10320
Goulburn Municipal Storage (R50090) Reserve Trust	Reserve No.: 50090 Public Purpose: Municipal Storage Notified: 29 July 1914 File Reference: 17/10320
Tarlo Local Government Purposes (R81978) Reserve Trust	Reserve No.: 81978 Public Purpose: Local Government Purposes Notified: 25 September 1959 File Reference: 17/10320
Bingara Public Recreation (R73975) Reserve Trust	Reserve No.: 73975 Public Purpose: Public Recreation Notified: 19 January 1951 File Reference: 17/10320

Column 1	Column 2
Yetman Shire Purposes (R86020) Reserve Trust	Reserve No.: 86020 Public Purpose: Shire Purposes Notified: 21 October 1966 File Reference: 17/10320
Kiama Public Baths (R12984) Reserve Trust	Reserve No.: 12984 Public Purpose: Public Baths Notified: 22 November 1890 File Reference: 17/10320
Gerroa Sanitary Purposes (R71286) Reserve Trust	Reserve No.: 71286 Public Purpose: Sanitary Purposes Notified: 18 August 1944 File Reference: 17/10320
Bonalbo Sanitary Purposes (R58542) Reserve Trust	Reserve No.: 58542 Public Purpose: Sanitary Purposes Notified: 22 January 1926 File Reference: 17/10320
Sandilands Sanitary Purposes (R59015) Reserve Trust	Reserve No.: 59015 Public Purpose: Sanitary Purposes Notified: 16 July 1926 File Reference: 17/10320
Woodenbong Sanitary Purposes (R65526) Reserve Trust	Reserve No.: 65526 Public Purpose: Sanitary Purposes Notified: 18 October 1935 File Reference: 17/10320
Whitton Preservation Of Historical Sites And Buildings (R90965) Reserve Trust	Reserve No.: 90965 Public Purpose: Preservation of Historical Sites and Buildings Notified: 18 November 1977 File Reference: 17/10320
Lismore Drainage (R86248) Reserve Trust	Reserve No.: 86248 Public Purpose: Drainage Notified: 28 April 1967 File Reference: 17/10320
Lismore Heights Public Recreation (R80581) Reserve Trust	Reserve No.: 80581 Public Purpose: Public Recreation Notified: 18 April 1958 File Reference: 17/10320
Portland Rubbish Depot And Sanitary Depot (R54241) Reserve Trust	Reserve No.: 54241 Public Purpose: Sanitary and Rubbish Depot Notified: 29 October 1920 File Reference: 17/10320
Cullen Bullen Rubbish Depot And Sanitary Depot (R55236) Reserve Trust	Reserve No.: 55236 Public Purpose: Sanitary and Rubbish Depot Notified: 17 March 1922 File Reference: 17/10320
Caroona Bush Fire Brigade Purposes (R200008) Reserve Trust	Reserve No.: 200008 Public Purpose: Fire Brigade Purposes Notified: 27 March 1987 File Reference: 17/10320
Quirindi Reservoir (R83565) Reserve Trust	Reserve No.: 83565 Public Purpose: Reservoir Notified: 10 November 1961 File Reference: 17/10320

Column 1	Column 2
Lockhart Community Forest Purposes (Addition) (D1002859) Reserve Trust	Dedication No.: 1002859 Public Purpose: Community Forest Purposes Notified: 3 November 1961 File Reference: 17/10320
Bulahdelah Local Government Purposes (R76622) Reserve Trust	Reserve No.: 76622 Public Purpose: Local Government Purposes Notified: 12 March 1954 File Reference: 17/10320
Mungindi Baby Health Centre (Clinic) (R85338) Reserve Trust	Reserve No.: 85338 Public Purpose: Baby Health Centre Notified: 28 May 1965 File Reference: 17/10320
Gwabegar Sanitary Depot (R58798) Reserve Trust	Reserve No.: 58798 Public Purpose: Sanitary Depot Notified: 23 April 1926 File Reference: 17/10320
Manly Park (P500079) Reserve Trust	Reserve No.: 500079 Public Purpose: Park Proclaimed: 20 September 1887 File Reference: 17/10320
Freshwater Parking (R88574) Reserve Trust	Reserve No.: 88574 Public Purpose: Parking Notified: 1 September 1916 File Reference: 17/10320
Balgowlah Public Recreation (R69541) Reserve Trust	Reserve No.: 69541 Public Purpose: Public Recreation Notified: 20 September 1940 File Reference: 17/10320
Silverwater Public Recreation (R80360) Reserve Trust	Reserve No.: 80360 Public Purpose: Public Recreation Notified: 7 February 1958 File Reference: 17/10320
Port Macquarie Reservoir (R80570) Reserve Trust	Reserve No.: 80570 Public Purpose: Reservoir Notified: 18 April 1958 File Reference: 17/10320
Anna Bay Bush Fire Brigade Purposes (R89712) Reserve Trust	Reserve No.: 89712 Public Purpose: Bush Fire Brigade Purposes Notified: 23 January 1976 File Reference: 17/10320
Maroubra Municipal Purposes (R85043) Reserve Trust	Reserve No.: 85043 Public Purpose: Municipal Purposes Notified: 16 December 1964 File Reference: 17/10320
Maroubra Public Recreation (R61156) Reserve Trust	Reserve No.: 61156 Public Purpose: Public Recreation Notified: 24 May 1929 File Reference: 17/10320
East Coraki Public Recreation (R54511) Reserve Trust	Reserve No.: 54511 Public Purpose: Public Recreation Notified: 29 July 1977 File Reference: 17/10320

Column 1	Column 2
Casino Public Library (R90843) Reserve Trust	Reserve No.: 90843 Public Purpose: Public Library Notified: 29 July 1977 File Reference: 17/10320
Kangaroo Valley Local Government Purposes (R89435) Reserve Trust	Reserve No.: 89435 Public Purpose: Local Government Purposes Notified: 9 May 1975 File Reference: 17/10320
Old Adaminaby Sanitary Depot (R52654) Reserve Trust	Reserve No.: 52654 Public Purpose: Sanitary Depot Notified: 22 February 1918 File Reference: 17/10320
Bibbenluke Bush Fire Brigade Purposes (R97490) Reserve Trust	Reserve No.: 97490 Public Purpose: Bush Fire Brigade Purposes Notified: 16 November 1984 File Reference: 17/10320
Bundeena Public Recreation (R76219) Reserve Trust	Reserve No.: 76219 Public Purpose: Public Recreation Notified: 11 September 1953 File Reference: 17/10320
Holsworthy Public Recreation (R81995) Reserve Trust	Reserve No.: 81995 Public Purpose: Public Recreation Notified: 25 September 1959 File Reference: 17/10320
Glebe Municipal Purposes And Wharfage (R1000258) Reserve Trust	Reserve No.: 1000258 Public Purpose: Municipal Purposes and Wharfage Notified: 6 January 1933 File Reference: 17/10320
Drake Rubbish Depot And Sanitary Purposes (R80238) Reserve Trust	Reserve No.: 80238 Public Purpose: Sanitary Purposes and Rubbish Depot Notified: 20 December 1957 File Reference: 17/10320
Urbenville Sanitary Purposes (R65533) Reserve Trust	Reserve No.: 65533 Public Purpose: Sanitary Purposes Notified: 18 October 1935 File Reference: 17/10320
Limpinwood Rubbish Depot (R87475) Reserve Trust	Reserve No.: 87475 Public Purpose: Rubbish Depot Notified: 31 October 1969 File Reference: 17/10320
Murwillumbah Public Park (D540100) Reserve Trust	Dedication No.: 540100 Public Purpose: Public Park Notified: 1 April 1974 File Reference: 17/10320
Murwillumbah Reservoir (R86174) Reserve Trust	Reserve No.: 1010168 Public Purpose: Reservoir Notified: 10 February 1967 File Reference: 17/10320
Bigga Bush Fire Brigade Purposes (R97347) Reserve Trust	Reserve No.: 97347 Public Purpose: Bush Fire Brigade Purposes Notified: 13 July 1984 File Reference: 17/10320

Column 1	Column 2
Kenebri Garbage Depot And Sanitary Depot (R69528) Reserve Trust	Reserve No.: 69528 Public Purpose: Sanitary and Garbage Depot Notified: 13 September 1940 File Reference: 17/10320
Pooncarie Reservoir (R87567) Reserve Trust	Reserve No.: 87567 Public Purpose: Reservoir Notified: 19 December 1963 File Reference: 17/10320
Appin Public Recreation (R88043) Reserve Trust	Reserve No.: 88043 Public Purpose: Public Recreation Notified: 4 December 1963 File Reference: 17/10320
Port Kembla Parking (R89168) Reserve Trust	Reserve No.: 89168 Public Purpose: Parking Notified: 29 March 1974 File Reference: 17/10320
Gundaroo Rubbish Depot (R46033) Reserve Trust	Reserve No.: 46033 Public Purpose: Rubbish Depot Notified: 23 November 1910 File Reference: 17/10320
Binalong Depot For Night Soil (R84391) Reserve Trust	Reserve No.: 84391 Public Purpose: Depot for Night Soil Notified: 19 April 1963 File Reference: 17/10320
Binalong Rubbish Depot (R84397) Reserve Trust	Reserve No.: 84397 Public Purpose: Rubbish Depot Notified: 19 April 1969 File Reference: 17/10320
Murrumbateman Bush Fire Brigade Purposes (R90933) Reserve Trust	Reserve No.: 90933 Public Purpose: Bush Fire Brigade Purposes Notified: 1 September 1916 File Reference: 17/10320

ADDITION TO RESERVED CROWN LAND

Pursuant to section 88 of the *Crown Lands Act 1989*, the Crown land specified in Column 1 of the Schedule hereunder is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
Land District: Lismore Local Government Area: Richmond Valley Council Locality: Woodburn	Reserve No. 54988 Public Purpose: public recreation Notified: 25 November 1921
Whole Lots: Lot 208 DP 755624 Parish Riley County Richmond Area: about 490.5 square metres	Whole Lots: Lot 7044 DP 92613, Lot 406 DP 755624, Lots 7042-7043 DP 1024028 Parish Riley County Richmond
File Reference: GF03R28	New Area: about 4994 square metres

DISSOLUTION OF RESERVE TRUST

Pursuant to section 92(3) of the *Crown Lands Act 1989*, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
Woodburn Rocky Mouth Creek Boatramp (R95881) Reserve Trust	Reserve No. 95881 Public Purpose: public recreation Notified: 2 April 1982 File Reference: GF03R28

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 Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2
Woodburn (R54988) River Bank Park Reserve Trust	Reserve No. 57466 Public Purpose: public baths Notified: 26 September 1924 Reserve No. 88037 Public Purpose: public recreation Notified: 4 December 1970 Reserve No. 95881 Public Purpose: public recreation Notified: 2 April 1982 File Reference: GF03R28

ALTERATION OF CORPORATE NAME OF RESERVE TRUST

Pursuant to section 92(3) of the *Crown Lands Act 1989*, the corporate name of the reserve trust specified in Column 1 hereunder, which is trustee of the reserve referred to in Column 2, is altered to the corporate name specified in Column 3.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2	Column 3
Woodburn (R54988) River Bank Park Reserve Trust	Reserve No. 54988 Public Purpose: public recreation Notified: 25 November 1921 Reserve No. 57466 Public Purpose: public baths Notified: 26 September 1924	Woodburn River Bank Park Reserve Trust

Column 1	Column 2	Column 3
	Reserve No. 88037 Public Purpose: public recreation Notified: 4 December 1970 Reserve No. 95881 Public Purpose: public recreation Notified: 2 April 1982 File Reference: GF03R28	

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 Paul Toole, MP
Minister for Lands and Forestry

Schedule

Column 1	Column 2	Column 3
Shelley Elizabeth Boyle (new member) William James Boyle (re-appointment) William Richard Carr (re-appointment) For a term commencing 14 December 2017 and expiring 13 December 2022.	Narira Park Trust	Reserve No. 83297 Public Purpose: public recreation Notified: 28 July 1961 Reserve No. 1011209 Public Purpose: community purposes Notified: 13 January 2006 File Reference: NA79R107

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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

Parish – Merrill; County – King

Land District – Gunning; LGA – Upper Lachlan

Road Closed: Lot 2 DP 1233151

File No: 16/10602

SCHEDULE

On closing, the land within Lot 2 DP 1233151 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 Paul Toole, MP
Minister for Lands and Forestry

DESCRIPTION

*Parish – Garway; County – King
Land District – Gunning; LGA – Upper Lachlan*

Road Closed: Lot 1 DP 1233153

File No: 16/10604

SCHEDULE

On closing, the land within Lot 1 DP 1233153 remains vested in the State of New South Wales as Crown land.

ROADS ACT 1993

ORDER

NOTIFICATION OF 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 Paul Toole, MP
Minister for Lands and Forestry

Schedule 1

*Parish – Bedulluck; County – Murray
Land District – Yass; LGA – Yass Valley Council*

Crown road/s shown coloured in red on diagram/s hereunder.

Schedule 2

Roads Authority: Yass Valley Council

Lands Reference: 16/07407 W591251



Schedule 1

*Parish – Ginninderra; County – Murray
Land District – Yass; LGA – Yass Valley Council*

Crown road/s shown coloured in red on diagram/s hereunder.

Schedule 2

Roads Authority: Yass Valley Council

Lands Reference: 16/07407 W591251



ERRATUM

In the Government Gazette No. 123 of 10 November 2017, Folio 6763, under the heading “Notification of Transfer of a Crown Road to a Council” the Parish and County in Schedule 1 are amended to “Bedulluck” and “Murray”.

The Hon Paul Toole, MP
Minister for Lands and Forestry

Other Government Notices

ASSOCIATIONS INCORPORATION ACT 2009

NOTICE UNDER SECTION 509(5) OF THE CORPORATIONS ACT 2001 AS APPLIED BY SECTION 64 OF THE ASSOCIATIONS INCORPORATION ACT 2009

Notice is hereby given that the Incorporated Association mentioned below will be deregistered when three months have passed after 23 November 2017.

KOONAWARRA AREA RESIDENTS ASSOCIATION INC	Y0314310
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Dated this 29th day of November 2017

C Gowland
Delegate of the Secretary
& Director Registry Services

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that PARKINSON'S NSW INC (Y0364731) became registered under the [*Corporations Act 2001/Co-operatives National Law (NSW)*] as PARKINSON'S NSW LIMITED (ACN 622 455 985), a company limited by guarantee, on 25 October 2017, and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Robyne Lunney
Delegate of the Commissioner,
NSW Fair Trading

6 December 2017

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*.

CAMDEN HAVEN CHORAL SOCIETY INCORPORATED	Y2077623
HUNTER KOALA PRESERVATION SOCIETY INC	Y1516337
HURSTVILLE AQUATIC SWIMMING CLUB INCORPORATED	Y2850122
JOSEPHITE COMMUNITY AID INCORPORATED	Y0224017
MANUFACTURE COFFS COAST INCORPORATED	INC9892975
PALMGROVE SCHOOL PARENTS & FRIENDS ASSOCIATION INCORPORATED	INC9881962
SEAVIEW CHURCH INCORPORATED	INC9877395
SPORT ARABIAN REGISTRY OF AUSTRALIA INCORPORATED	INC9896583
THIYAMA-LI FAMILY VIOLENCE SERVICE INCORPORATED	INC9884351

Cancellation is effective as at the date of gazettal.

Dated this 6 December 2017.

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*.

3D ENTERTAINMENT & FILMS INCORPORATED	INC9894865
ASSOCIATION OF CONGOLESE PEOPLE IN COFFS HARBOUR INCORPORATED	INC9894946
AUSINO CULTURE EXCHANGE CENTRE INCORPORATED	INC9893233
AUSTRALIAN BULL ARAB BREEDERS ASSOCIATION INCORPORATED	INC9894098
AUSTRALIAN JIANG XI YOUTH ASSOCIATION INC	INC9894961
AUSTRALIAN KANGWEI LONGEVITY CENTRE INCORPORATED	INC9894995
AUSTRALIAN LONGYAN CHAMBER INCORPORATED	INC9894974
AUSTRALIAN NEW COMMUNITY ASSOCIATION INCORPORATED	INC9893236
AUSTRALIAN SOCIETY OF TRAINING AND DEVELOPMENT INCORPORATED	INC9894960
AUSTRALIAN WATER AND WASTEWATER TREATMENT ORGANISATION INCORPORATED	INC9894321
BANGLADESH JATIYATABADI CHATRO DAL AUSTRALIA INCORPORATED	INC9894950
BAZOUN CHARITABLE ASSOCIATION INC	Y1079525
BOOROWA DISTRICT LANDSCAPE GUARDIANS INCORPORATED	INC9894936
BURRABADINE SOCIAL TENNIS CLUB INCORPORATED	INC9892810
CAVANBAH TENNIS CLUB INC	Y0205316
CENTRAL COAST CARAVAN OF ANGELS INCORPORATED	INC9894895
CENTRAL COAST DEAF FOOTBALL INCORPORATED	INC9894934
CHAMBER OF COMMUNITY ORGANISATIONS NSW INCORPORATED	INC9894957
CLARENCE VALLEY YOUTH INITIATIVE INCORPORATED	INC9894896
CLEAN SHEETS INCORPORATED	INC1400944
CONSUMERS AND TAXPAYERS ASSOCIATION INCORPORATED	INC9894900
COOMA NETBALL ASSOCIATION INCORPORATED	Y2716517
COPACABANA BUSINESS CHAMBER INCORPORATED	INC1300922
COWPER MUSIC GROUP INCORPORATED	INC9894949
DRAGONOLOGY INCORPORATED	INC1500127
DURUM WHEATGROWERS ASSOCIATION INC	Y1054940
EBENEZER – LION OF JUDAH INCORPORATED	INC9894871
EURONGILLY TENNIS CLUB INC	Y1202515
FREECLOUD INC	Y0164006
FREEMANTLE ENDURANCE RIDE CLUB INCORPORATED	INC9894635
GOOLHI AND DISTRICT PROGRESS ASSOCIATION INC	Y0452932
GUYRA NETBALL ASSOCIATION INCORPORATED	INC9892928
HARMONY LIVING AUSTRALIA INCORPORATED	INC9894932
HAZARA WOMEN OF AUSTRALIA INCORPORATED	INC9894982
HILL TOP RESIDENTS ACTION GROUP INCORPORATED	INC9888041
HOSN UL KHITAM "THE FINAL STAGE" INC	INC9894944
HOUSE OF REFUGE MINISTRY INCORPORATED	INC9894918
KOREAN ACCOUNTANTS ASSOCIATION OF AUSTRALIA INCORPORATED	INC9894996

KSA PORT STEPHENS SWIM CLUB INCORPORATED	INC9894890
LA PEROUSE YOUTH HAVEN INCORPORATED	INC9894969
LAKE MACQUARIE FLYERS CLUB INCORPORATED	INC9894879
MANAVAARA SOCIETY OF AUSTRALIA INCORPORATED	INC9894870
NORTHERN INLAND ARTS SOCIETY INCORPORATED	INC9894967
NORTHERN NSW PUG DOG CLUB INCORPORATED	INC9894887
OFFSTAGE SUPPORT ASSOCIATION INC	INC9894945
PEACE AND RIGHTS WORLD COMMUNITY ASSOCIATION INCORPORATED	INC9894904
RAINBOW KIDS COMMUNITY HOUSE INCORPORATED	INC9894989
RIVERS SOS INCORPORATED	INC9885260
SERBIAN VETERANS & DECENDENTS INCORPORATED	INC9894927
SHREE SANATAN DHARAM PRAKASH GITA RAMAYAN MANDALI INCORPORATED	INC9894914
SOUTHERN PACIFIC MISSION INC	INC9894970
ST ALBANS ENDURANCE RIDERS ASSOCIATION INCORPORATED	INC9894963
STRATA INSPECTORS ASSOCIATION INCORPORATED	INC9894990
TALKBOSNIA SYDNEY FORUM INCORPORATED	INC9895002
TEEN SHORTS INCORPORATED	INC9892951
THE CHURCH IN NEWCASTLE INCORPORATED	INC9894846
THE FATHERHOOD PROJECT INCORPORATED	INC9880790
THE KOREAN SPORTS TEN PIN BOWLING SOCIETY OF AUSTRALIA INCORPORATED	INC9894938
THREE D EVENTS INCORPORATED	INC9894866
THU DUC INFANTRY ACADEMY FRIENDLY ASSOCIATION (HOI CUU SINH VIEN SI QUAN TRU BI THU DUC NSW) INCORPORATED	INC9889341
UNITED BIKERS AUSTRALIA INCORPORATED	INC9894975
URDU FORUM AUSTRALIA INCORPORATED	INC9894893
WALAN GIBIR ABORIGINAL MENS GROUP INCORPORATED	INC9894901
WESTERN YOUTH FOOTBALL & SOCIAL CLUB INCORPORATED	INC9894853
WOMEN INTERCULTURAL CONFLICT RESOLUTION ASSOCIATION (WICRA) INC	INC9894246

Cancellation is effective as at the date of gazettal.

Dated this 6th day of December 2017.

Christine Gowland
 Delegate of the Commissioner
 NSW Fair Trading

CHARITABLE TRUSTS ACT 1993

ORDER UNDER SECTION 12

CY PRÈS SCHEME RELATING TO

WESTERN SYDNEY LOCAL HEALTH DISTRICT SPECIAL PURPOSE AND TRUST ACCOUNT 433253

Section 9(1) of the *Charitable Trusts Act 1993* permits the application of property cy près where the spirit of the original trust can no longer be implemented.

A Western Sydney Local Health District Special Purpose and Trust Funds Account 433253 (the Account) was established at Westmead Hospital for the benefit of the Australian Resuscitation Sepsis Evaluation Account Project (the ARISE Project), a medical study which ran between 5 October 2008 to 23 April 2014. The Account received

funds from a research fund grant. It now is valued at around \$1,709.13. The funds in the Account were used to fund a trial into the effectiveness of early goal-directed therapy as a strategy to decrease mortality among patients presenting to the Emergency Department at Westmead Hospital with septic shock.

On 23 April 2014, the ARISE Project ceased and its findings were published in the *New England Journal of Medicine*. The Western Sydney Local Health District ('WSLHD'), as trustee of the Account, has applied to the Attorney General for the establishment of a *cy près* scheme under the *Charitable Trusts Act 1993* to allow the funds in the Account to be used for the purpose of care of patients in the Emergency Department at Westmead Hospital.

I have formed a view that the funds in the Account are held on trust for recognised charitable purposes. I consider the original trust purpose has failed and that this is an appropriate matter in which the Attorney General should approve a *cy près* scheme under section 12(1)(a) of the *Charitable Trusts Act 1993*.

The Attorney General has approved a recommendation that he establish a *cy près* scheme pursuant to section 12 of the *Charitable Trusts Act 1993* to permit the funds in the Account to be applied *cy près*, for the benefit of patients attending the Emergency Department of Westmead Hospital.

Therefore, pursuant to section 12 of the *Charitable Trusts Act 1993*, I hereby order that the funds held in WSLHD Special Purpose and Trust Account 433253 be applied *cy près* for the benefit of patient care in the Emergency Department at Westmead Hospital.

This order will take effect 21 days after its publication in the Government Gazette, in accordance with section 16(2) of the *Charitable Trusts Act 1993*.

Date of Order: 27 November 2017

SIGNED

M G SEXTON SC

Solicitor General (Under delegation from the Attorney General)

CHARITABLE TRUSTS ACT 1993

ORDER UNDER SECTION 15

CY PRÈS SCHEME RELATING TO THE ESTATE OF THE LATE DOROTHY HAZEL NES

Section 9(1) of the *Charitable Trusts Act 1993* permits the application of property *cy-près* where the spirit of the original trust can no longer be implemented.

By clause 5(a)(i) of her Will dated 25 May 2016, the testator Ms Dorothy Nes gifted a 50% share of the residue of her estate to the organisation known as Gosford Dog Paws Pty Limited ACN 54 193 781, for the general purposes of that organisation. On 30 June 2016 Gosford Dog Paws Pty Ltd ACN 54 193 781 ('Gosford Dog Paws') ceased operating what was then referred to as the Gosford Dog Pound, situated at 1 Pateman Road, Erina. On 16 August 2017 ASIC received an application for voluntary deregistration of the organisation.

As at November 2016 the trust had an approximate value of \$280,000.

As the entity named in clause 5(a)(i) of the Will has ceased operation so that the gift cannot be applied for its general purposes, it is necessary to consider an alternative organisation which can apply the trust funds, *cy près*, in a manner which most nearly approximates the intention of the donor.

Central Coast Animal Care Facility Incorporated INC 1600950 has been identified as having a similar purpose to Gosford Dog Paws. From 1 July 2016 the Central Coast Animal Care Facility has operated the Gosford Dog Pound after winning a tender from the Central Coast Council, situated at the same premises from which Gosford Dog Paws operated. The objects of the Central Coast Animal Care Facility, which is a not-for-profit organisation, include the provision of short term care for lost or mistreated animals and rehabilitation for injured or neglected animals, as well as promoting responsible pet ownership. The Central Coast Animal Care Facility, like Gosford Dog Paws, has a no-kill policy.

The executor of the estate agrees to a *cy près* scheme applying the gift in the Will to the Central Coast Animal Care Facility.

The Solicitor General, as delegate of the Attorney General in *Charitable Trusts Act 1993* matters, has determined that this is an appropriate matter in which the Attorney General should approve a *cy près* scheme under section 12(1)(a) of the *Charitable Trusts Act 1993*.

In circumstances where the original purposes of the trust cannot be carried out because Gosford Dog Paws has ceased operation and the gift cannot be applied for its general purposes, the Solicitor General has agreed with a

recommendation that the trust should be applied cy-près for the general purposes of Central Coast Animal Facility, the organisation that commenced operating the facility previously operated by Gosford Dog Paws, that being as close as possible to the original purposes of the trust.

Take note that within one month after the publication of this notice any person may make representations or suggestions to the Attorney General in respect of the proposed scheme.

Signed

Andrew Cappie Wood
Secretary, Department of Justice

DATE: 4 December 2017

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
Boxer Rescue Network Australia	84 Clear Mountain Road, Cashmere Qld 4500

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.

Sonja Hammond
Manager, Performance
Office of Local Government
Date: 06 December 2017

CO-OPERATIVES NATIONAL LAW (NSW)

Notice is hereby given that the Co-operative listed below will be deregistered when three months have passed after 24 November 2017, the date of lodgement of the final return by the Liquidator under section 509 the *Corporations Act 2001*, as applied by section 453 of the *Co-operatives National Law (NSW)*, on 26 February 2018.

CO-OPERATIVE DETAILS

Co-operative: Hastings River Fishermen's Co-operative Limited

Co-operative Number: NSWC00080

Dated this 30th day of November 2017 at Bathurst

C Gowland
Delegate of the Registrar
Director, Registry Services

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 7A (1) of the *Geographical Names Act 1966*, the Geographical Names Board has on this day assigned the recorded name listed hereunder as a geographical name.

Neville McKinnon Park for a reserve located at the corner of Union Street and Gladstone Avenue in the suburb of Wollongong.

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

NARELLE UNDERWOOD
Chair
Geographical Names Board
PO Box 143
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 14 of the *Geographical Names Act 1966*, the Geographical Names Board hereby notifies that it has this day discontinued the name *McKinnon Park* for a reserve located at the corner of Union Street and Gladstone Avenue in the suburb of Wollongong.

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

NARELLE UNDERWOOD
Chair
Geographical Names Board
PO Box 143
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

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

Old Dairy Reserve for a reserve adjacent to Dairyman Drive in the locality of Raymond Terrace.

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

NARELLE UNDERWOOD
Chair
Geographical Names Board
PO Box 143
BATHURST NSW 2795

MENTAL HEALTH ACT 2007

Section 109

Declaration of mental health facility

I, ELIZABETH KOFF, Secretary of the NSW Ministry of Health, pursuant to section 109 of the *Mental Health Act 2007*, and section 43 of the *Interpretation Act 1987*, DO HEREBY:

(a) REVOKE the Order published in the NSW Government Gazette No. 85 of 4 August 2017, declaring certain premises of Royal North Shore Hospital to be a declared mental health facility in accordance with section 109 of the *Mental Health Act 2007*, designated as a "mental health assessment and inpatient treatment" facility, and

(b) DECLARE the following premises of **Royal North Shore Hospital** to be a declared mental health facility for the purposes of the *Mental Health Act 2007*:

- **Psychiatric Emergency Care Centre**, located in the Emergency Department, Level 2, Acute Services Building, Reserve Road, St Leonards NSW 2065
- **C J Cummins Unit**, located on Level 2 of the Clinical Services Building, Lanceley Avenue, St Leonards NSW 2065
- **Acute Assessment Unit**, located on Level 7 of the Acute Services Building, Reserve Road, St Leonards NSW 2065; and

(c) DECLARE this facility to be designated as a “**mental health assessment and inpatient treatment**” facility.

Signed, this 30th day of November 2017

Elizabeth Koff
Secretary

MENTAL HEALTH ACT 2007

Section 109

Declaration of mental health facility

I, ELIZABETH KOFF, Secretary of the NSW Ministry of Health, pursuant to section 109 of the *Mental Health Act 2007*, and section 43 of the *Interpretation Act 1987*, DO HEREBY:

(a) REVOKE the Order published in the NSW Government Gazette No. 161 of 17 December 1976, declaring certain premises of Bankstown Hospital to be a place for the admission and temporary treatment of mentally ill persons in accordance with section 9 of the *Mental Health Act 1958*; and

(b) DECLARE the following premises of **Bankstown-Lidcombe Hospital** to be a declared mental health facility for the purposes of the *Mental Health Act 2007*:

- **Banks House**, Bankstown-Lidcombe Hospital Campus, located at the corner of Claribel and Gallipoli Streets, Bankstown, NSW 2200; and

(c) DECLARE this facility to be designated as a “**mental health assessment and inpatient treatment**” facility.

Signed, this 30th day of November 2017

Elizabeth Koff
Secretary

MENTAL HEALTH ACT 2007

Section 109

Declaration of mental health facility

I, ELIZABETH KOFF, Secretary of the NSW Ministry of Health, pursuant to section 109 of the *Mental Health Act 2007*, and section 43 of the *Interpretation Act 1987*, DO HEREBY:

(a) REVOKE the Order published in the NSW Government Gazette No. 69 of 28 May 2010, declaring the Emergency Department of Bowral Hospital to be a mental health facility in accordance with section 109 of the *Mental Health Act 2007*, and

(b) DECLARE the following premises to be a declared mental health facility for the purposes of the *Mental Health Act 2007*:

- **The Emergency Department of Bowral Hospital**, located on the Bowral Hospital campus, corner of Mona Road and Bowral Street, Bowral, NSW 2576; and

(c) DECLARE this facility to be designated as a “**mental health emergency assessment**” facility; and

(d) RESTRICT this facility to the provision of acute assessment functions, where a patient can be held in anticipation of discharge should their clinical condition resolve rapidly, or transferred to a declared mental health facility of the “mental health assessment and inpatient treatment” class if required, in accordance with all provisions of the *Mental Health Act 2007*, with the exception of:

- i. Chapter 2;
- ii. Division 1 of Part 3 of Chapter 3;

- iii. Sections 57, 58 and 59 of Division 2 of Part 3 of Chapter 3; and
- iv. Division 3 of Part 3 of Chapter 3.

Signed, this 30th day of November 2017

Elizabeth Koff
Secretary

MENTAL HEALTH ACT 2007

Section 109

Declaration of mental health facility

I, ELIZABETH KOFF, Secretary of the NSW Ministry of Health, pursuant to section 109 of the *Mental Health Act 2007*, and section 43 of the *Interpretation Act 1987*, DO HEREBY:

(a) REVOKE the Order published in the NSW Government Gazette No. 95 of 8 August 2008, declaring certain premises of Braeside Hospital to be a mental health facility in accordance with section 109 of the *Mental Health Act 2007*, designated as a “mental health inpatient treatment” facility; and

(b) DECLARE the following premises of **Braeside Hospital** to be a declared mental health facility for the purposes of the *Mental Health Act 2007*:

- **Aged Care Psychiatry Unit**, located on the Braeside Hospital Campus at 340 Prairevale Road, Prairiewood NSW 2176; and

(c) DECLARE this facility to be designated as a “**mental health assessment and inpatient treatment**” facility.

Signed, this 30th day of November 2017

Elizabeth Koff
Secretary

MENTAL HEALTH ACT 2007

Section 109

Declaration of mental health facility

I, ELIZABETH KOFF, Secretary of the NSW Ministry of Health, pursuant to section 109 of the *Mental Health Act 2007*, and section 43 of the *Interpretation Act 1987*, DO HEREBY:

(a) REVOKE the Order published in the NSW Government Gazette No. 68 of 13 June 2008, declaring certain premises of Campbelltown Hospital to be a mental health facility in accordance with section 109 of the *Mental Health Act 2007*, designated a “mental health inpatient treatment” facility; and

(b) REVOKE the Order published in the NSW Government Gazette No.171 of 2 November 2001, declaring the Gna Ka Lun Adolescent Mental Health Unit of Campbelltown Hospital to be a hospital in accordance with section 208 of the *Mental Health Act 1990*; and

(c) REVOKE the Order published in the NSW Government Gazette No.151 of 22 October 2009, page 5463, amending the two declarations listed above; and

(d) DECLARE the following premises to be a declared mental health facility for the purposes of the *Mental Health Act 2007*:

Campbelltown Hospital Campus, Therry Road, Campbelltown NSW 2560, comprising the following units:

- **Waratah Adult Mental Health Unit**, situated at the North East Corner
- **Birunji Youth Mental Health Unit**, situated at the North East Corner
- **Gna Ka Lun Adolescent Mental Health Unit**, situated at the North East Corner
- **Psychiatric Emergency Care Centre**, situated in Building A; and

(c) DECLARE the premises to be designated as a “**mental health assessment and inpatient treatment**” facility.

Signed, this 30th day of November 2017

Elizabeth Koff
Secretary

MENTAL HEALTH ACT 2007

Section 109

Variation to the declaration of mental health facility

I, Elizabeth Koff, Secretary of the NSW Ministry of Health, pursuant to section 109 of the *Mental Health Act 2007*, and section 43 of the *Interpretation Act 1987*, DO HEREBY:

VARY the Order made pursuant to section 109 of the *Mental Health Act 2007*, published in the NSW Government Gazette No.166 of 13 November 2009, page 5676, declaring certain premises to be declared mental health facilities, by amending the address corresponding to the name “the Emergency Department of Campbelltown Hospital” to be “**Building A, Campbelltown Hospital Campus, Therry Road, Campbelltown, NSW 2560**”.

Signed, this 30th day of November 2017

Elizabeth Koff
Secretary

MENTAL HEALTH ACT 2007

Section 109

Variation to the declaration of mental health facility

I, Elizabeth Koff, Secretary of the NSW Ministry of Health, pursuant to section 109 of the *Mental Health Act 2007*, and section 43 of the *Interpretation Act 1987*, DO HEREBY:

VARY the Order made pursuant to section 109 of the *Mental Health Act 2007*, published in the NSW Government Gazette No.166 of 13 November 2009, page 5676, declaring certain premises to be declared mental health facilities, by amending the address corresponding to the name “the Emergency Department of Liverpool Hospital” to be “**Clinical Building, Liverpool Hospital Campus, Elizabeth Street, Liverpool, NSW 2170**”.

Signed, this 30th day of November 2017

Elizabeth Koff
Secretary

MOTOR ACCIDENTS COMPENSATION ACT 1999

MOTOR ACCIDENTS COMPENSATION REGULATION 2015

Clause 19(4) – Notice of replacement AMA List

Pursuant to the provisions of clause 19(4) of the *Motor Accidents Compensation Regulation 2015*, notice is given that the document called the *List of Medical Services and Fees* published by the Australian Medical Association and dated 1 November 2017 is recognised as the AMA List and replaces the document called the *List of Medical Services and Fees* published by the Australian Medical Association and commences upon gazettal.

This notice is to take effect on the date of gazettal.

Dated at Sydney on the 28th day of November 2017.

CARMEL DONNELLY
Acting Chief Executive
State Insurance Regulatory Authority

PARENTS AND CITIZENS ASSOCIATIONS INCORPORATION ACT 1976

Section 13 (4)

NOTICE OF INCORPORATION OF PARENTS AND CITIZENS ASSOCIATIONS

The following associations are hereby incorporated under the *Parents and Citizens Associations Incorporation Act 1976*.

1. Bankstown Public School
 2. Holmwood Public School
-

3. Lakelands Public School

General Counsel
Department of Education

RESTRICTED PREMISES ACT 1943

Declaration by Supreme Court in relation to premises

On 24 November 2017, the Supreme Court declared that the premises known as “Spring House Brothel” at 46 Sydenham Road, Marrickville in the State of New South Wales, being the premises described as Lot 7 of Deposited Plan 4510, and the building thereupon, are premises to which Part 2 of the *Restricted Premises Act 1943* applies.

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

Name	Address	Effective Date
LEI Yin Ian (Tony)	1/11 Romford Road Blacktown 2148	05 December 2017

Narelle Underwood
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 Mining Surveyor Open Cut in New South Wales under the *Mutual Recognition Act 1992* from the dates shown.

Name	Address	Effective Date
MENDOZA Venson Magsino	8 Oak Street Blackwater QLD 4717	05 December 2017

Narelle Underwood
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 Land Surveyors have been removed from the Register of Surveyors

Name	Date of Removal	Date of Registration
HARRISON Michael Robert	23 November 2017	15 September 1989

Narelle Underwood
President

Michael Spiteri
Registrar

SURVEYING AND SPATIAL INFORMATION ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the *Surveying and Spatial Information Act 2002*, Section 10A (3), the undermentioned Mining Surveyors Unrestricted has been restored to the Register of Surveyors.

Name	Date of Original Registration	Removal Date	Restoration Date
CHALLINOR Christopher David	04 November 2015	01 September 2017	05 December 2017

Narelle Underwood
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, in compliance with section 21 (3) of the Act:


- Guidelines on enforceable undertakings, and
- Guidelines on over-collection of ESL

I also publish revised Guidelines on the prohibition against price exploitation.

These Guidelines take effect immediately.

Professor Allan Fels AO
Emergency Services Levy Insurance Monitor

Dated: 6 December 2017



Guidelines on enforceable undertakings

December 2017



Published by

Emergency Services Levy Insurance Monitor
Level 5, 1 Margaret Street, Sydney NSW 2000
ESLIM contact: 02 9372 7212 / enquiries@eslinsurancemonitor.nsw.gov.au
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GUIDELINES ON ENFORCEABLE UNDERTAKINGS

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GUIDELINES ON ENFORCEABLE UNDERTAKINGS

A. Introduction

A.1. Section 35 undertakings

1. Division 2 of Part 4, in particular, section 35 of the *Emergency Services Levy Insurance Monitor Act 2016* (“the Act”) empowers the Emergency Services Levy Insurance Monitor (“Monitor”) to accept written undertakings in the exercise of his responsibilities under the Act and for the enforcement of such undertakings in the Supreme Court of New South Wales.
2. Persons, being predominantly insurance companies, offering such undertakings may subsequently withdraw or vary them but only with the Monitor’s consent.
3. The Monitor regards enforceable undertakings as an important enforcement remedy for use in situations where there is evidence of a contravention, or a potential contravention, of the Act that might otherwise justify litigation.
4. These Guidelines outline the Monitor’s current approach to the application of enforceable undertakings in connection with his compliance and enforcement activities under the Act. A template enforceable undertaking is at attachment A. The text of Division 2 of Part 4 of the Act is at attachment B.

Refund undertakings

5. In addition to the enforceable undertakings provided for under Division 2 of Part 4 of the Act, Division 5 Part 3A [*Investigation of overcharging*] and specifically section 31H of the Act [*Refund undertakings by insurance companies*] provides for a ‘refund undertaking’. Refund undertakings, although applicable in resolving “over-collection amounts” are not the subject of this Guideline.
6. Refund undertakings apply to circumstances where the Monitor has determined that an insurance company is liable for an over-collection of emergency services levy contributions and is required to refund the over-collection amount to relevant policyholders or to pay the amount of the over-collection to the Chief Commissioner of Revenue NSW for payment into the Consolidated Fund. The Monitor’s approach to the use of refund undertakings is set out in the Monitor’s **Guidelines on Over-Collection of ESL**.

A.2. Enforcement of the Act—overview

7. The Monitor is the person appointed under the Act to oversee and monitor the emergency services levy reform, being:
 - the abolition, by the *Fire and Emergency Services Levy Act 2017*, of the emergency services funding scheme;
 - the establishment of a fire and emergency services levy by the *Fire and Emergency Services Levy Act 2017*; and
 - the transition to the levy by the re-establishment of an emergency services insurance contribution under the *Emergency Services Levy Act 2017* (“the *ESL Act*”).
8. The Monitor’s enforcement work is conducted under the provisions of the Act, in particular under Parts 2-5 of the Act, the purpose of which includes ensuring that New South Wales property insurance policyholders do not pay more than is necessary for insurance cover

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

during the transition in the funding schemes for New South Wales' fire and emergency services.

Prohibited conduct

9. Under the Act, the Monitor has access to a range of civil, criminal and administrative remedies to assist in securing the purpose of the Act. The Act creates a number of prohibitions that give rise to civil consequences specific to emergency services levy reform. The Act contains prohibitions against:
- insurance companies engaging in price exploitation; and
 - persons engaging in misleading or deceptive conduct in relation to the effect, or likely effect, of emergency services levy reform
10. These provisions are jointly referred to as “prohibited conduct” and are set out below:

14 Price exploitation

- (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 issue of the regulated contract of insurance is unreasonably high having regard to:
 - (i) the emergency services levy reform, and
 - (ii) the emergency services contributions required to be paid by the insurance company, 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.
- (2) For the purposes of this section, **issue** a regulated contract of insurance includes receive a premium in respect of a regulated contract of insurance on behalf of, or for transmission to, any body corporate, partnership, association, underwriter or person outside New South Wales.
- (3) In this section, **relevant period** means the period commencing on 10 December 2015 and ending on the date on which this section commences.

15 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.

Consequences

11. Insurance companies, or other persons, found to have engaged in prohibited conduct, in trade or commerce, by the New South Wales Supreme Court may be ordered to pay pecuniary penalties for each contravention, not exceeding:
- in the case of an individual - \$500,000; or
 - in the case or a body corporate - \$10 million.
12. In addition, following a finding that an insurance company or other person has engaged in prohibited conduct, the Court may make a range of civil orders, including:
- interim and final injunctions;
 - corrective advertising / adverse publicity orders; and

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

- compensation orders.
13. The Act contains a range of criminal matters, generally associated with the exercise of the Monitor's functions, the contravention of which attracts, upon conviction, fines of up to \$22,000 [200 penalty units].
 14. The Monitor may resolve administratively through court enforceable undertakings under section 35 of the Act, any matter in connection with which he has a function under the Act, including alleged contraventions of the Act.

A.3. Enforcement aims

15. In enforcing the provisions of the Act, the Monitor's primary aims are to:
 - stop the contravening conduct;
 - minimise risk of, the effect of or deter future contravening conduct;
 - remediate any harm caused by the contravening conduct (e.g. by corrective advertising or restitution for policyholders affected adversely);
 - foster the implementation or improvement of compliance systems to prevent the reoccurrence of contravening conduct; and
 - where appropriate, punish the wrongdoer by the imposition of pecuniary penalties or fines.

Response to complaints

16. In addition to his compliance and enforcement powers under the Act, the Monitor may receive complaints about alleged prohibited conduct and deal with those complaints in accordance with the Act.
17. All complaints received by the Monitor in relation to the emergency services levy reform are carefully considered by the Monitor. However, the Monitor cannot pursue all of the complaints received by his office and in practice will exercise discretion to direct resources to the investigation and resolution of those matters that provide the greatest overall benefit for policyholders and the public at large.

A.4. What matters are likely to attract an enforcement response?

18. To assist with this determination, the Monitor gives enforcement priority to matters that demonstrate one or more of the following aggravating factors:
 - conduct of significant public interest or concern;
 - conduct resulting in substantial policyholder detriment because of the total number of policyholders affected adversely or the size of the financial detriment to policyholders per policy;
 - conduct demonstrating a blatant disregard for the Act;
 - conduct detrimentally affecting disadvantaged or vulnerable policyholders including small businesses;
 - where action by the Monitor is likely to have a worthwhile educative or deterrent effect, and
 - where the person has a history of previous contraventions of the Act attracting attention from the Monitor.

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

19. Legal proceedings are a focus of the Monitor's work, because of the significant impact of court outcomes. However, the Monitor can also use a range of responses in his compliance and enforcement activities. In deciding which compliance or enforcement remedy (or a combination of such remedies) to use, the Monitor's first priority is always to achieve the best possible outcome for policyholders, given the nature and severity of the breach. Where an insurance company or person has displayed mitigating factors such as contrition, real commitment to remedying the harm and preventing the conduct's recurrence, it may be more appropriate for the Monitor to mitigate his enforcement response. For example, in appropriate cases by accepting an enforceable undertaking. However, the Monitor may also seek additional remedies in such undertakings to resolve his concerns, such as refunds or compensation for policyholders and public acknowledgment of the relevant contravention.
20. In some instances, other regulators may have primary jurisdiction over certain matters that may come to the Monitor's attention. In those circumstances, the Monitor may exchange information with or disclose information to other regulators under certain conditions specified in the Act or as required by other legislation.

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

B. Enforceable undertakings

B.1. Considerations

21. The Monitor will employ resolutions of alleged contraventions of the Act based on undertakings given by insurance companies, insurance brokers or individuals concerned under section 35 of the Act, as alternatives to litigation in appropriate circumstances. Such administrative resolutions allow the Monitor to seek efficient and innovative outcomes in cases where litigation is not instituted.
22. An enforceable undertaking is offered voluntarily by a person as a means of resolving administratively, either wholly or partially, an alleged contravention of the Act. While the Monitor may not demand or otherwise require an undertaking, he may raise it as an option, leaving the alleged contravener to decide whether to pursue such a course.
23. The Monitor may canvass the possibility of an enforceable undertaking during an investigation of a matter. Such an approach will not however be made at the commencement of an investigation. In doing so, the Monitor's staff may give advice that reflects the Monitor's general attitude to the matter, without pre-empting the Monitor's ultimate decision on whether to accept an undertaking in resolution of an investigation.
24. It is important to understand that the Monitor's staff may carry out investigations but are not authorised under the Act to accept undertakings—that is the responsibility of the Monitor himself.
25. The Monitor will resolve matters employing an enforceable undertaking only when he considers that:
 - generally, a contravention of the Act has occurred, or was likely to have occurred;
 - a resolution based on an enforceable undertaking offers the best solution; and
 - he is satisfied that the terms of the undertaking are likely to meet the principles articulated by the Courts for such undertakings, to ensure they are properly enforceable and appropriate exercises of the Court's powers.
26. The employment by the Monitor of enforceable undertakings presents the opportunity to increase the effectiveness of administrative resolutions of alleged contraventions of the Act as the terms of enforceable undertakings are enforceable by the NSW Supreme Court. Examples of the type of relief the Monitor may seek in any action to enforce the terms of an undertaking may include:
 - corrective advertising in appropriate media;
 - financial compensation or refunds to affected policyholders or, in appropriate cases approved third parties;
 - community service remedies; and
 - education programs funded by the person providing the undertaking.
27. In assessing any proposed enforceable undertaking offered by any person, the Monitor will be positively influenced by the extent to which the contents of the proposed enforceable undertaking support the Monitor's broad enforcement aims.
28. The Monitor does not consider the administrative resolution of matters by way of enforceable undertaking to be a soft option and the Monitor does not accept them lightly and will not hesitate to enforce their terms when breached. These Guidelines outline the

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circumstances in which such settlements are appropriate and the detailed criteria adopted by the Monitor in their negotiation and acceptance.

B.2. Unacceptable terms

29. The Monitor will not accept an enforceable undertaking if it includes:
- a denial that the impugned conduct did, or was likely to, contravene the Act;
 - any terms imposing obligations on the Monitor;
 - a specific requirement that the Monitor will not in future institute proceedings in the particular matter;
 - a statement that the undertaking is not an admission for the purposes of third party actions (although they need not explicitly state that it is such an admission);
 - terms imposing obligations on third parties;
 - terms purporting to set up defences for possible non-compliance;
 - statements that the conduct was inadvertent; or
 - statements by the insurance company or other person that seek to minimise the consequences of the conduct or for public relations or promotional purposes.
30. In most circumstances acceptance of an enforceable undertaking will resolve the matter. However, there may be circumstances in which the Monitor negotiates and accepts an undertaking while continuing to investigate with a view to possible legal proceedings in relation to the same or a related matter. Such an undertaking may or may not form part of the final resolution of the matter.

B.3. Typical elements of an enforceable undertaking

31. Enforceable undertakings under the Act must be in writing, be sufficiently detailed to identify the impugned conduct, specific in the identification of any necessary remedial action, identify the timeframe for the implementation of that remedial action and free from ambiguity.
32. Courts considering similar instruments have stated that they expect that undertakings or orders to be precise, measurable, capable of being understood and complied with, have a connection to the conduct complained of (or are likely to prevent its recurrence) and that compliance or non-compliance with its terms can be objectively assessed.
33. The Monitor may specify standard terms, or guidance on the terms that must be included in such undertakings, for them to be acceptable to the Monitor. The Monitor prepares such terms with the intention of achieving his enforcement goals and securing policyholders interests while accommodating the need to reflect procedural fairness for the companies and the circumstances of the alleged contraventions.
34. While the content of each undertaking is subject to negotiation between the Monitor and the person concerned, undertakings accepted by the Monitor must be of substance and directly address the conduct that has given rise to the alleged contravention and its consequences.
35. An enforceable undertaking usually includes the following elements:
- an acknowledgment or admission from the affected person that the impugned conduct constitutes or was likely to constitute a contravention of the Act;

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

- a positive commitment to cease the impugned conduct and not recommence it;
 - specific details of the corrective action that will be taken by the person to remedy any harm caused by the impugned conduct. This may include, for example, unequivocal corrective advertising that will reach the same target audience as the impugned representations or conduct;
 - details of redress (such as payment of refunds, compensation or reimbursement to policyholders or approved third parties) where appropriate—including a mechanism to determine and audit the outcome;
 - positive reporting requirements from the person giving the undertaking to the Monitor that may include:
 - a report as to when the person has satisfied the undertaking obligations,
 - requirements that the person use their best endeavours to engage independent third parties to provide the person and the Monitor audit, risk or compliance advice and recommendations to achieve compliance with an obligation, or as to the extent to which obligations have been satisfied; as well as evidencing the basis for that opinion,
 - the provision of supporting information and documentation by the person to the Monitor to verify that it has in fact satisfied its undertaking obligations,
 - specific details of future actions aimed at preventing a recurrence or any other contravention of the Act (such as an internal compliance training program, community or policyholder education and disclosure improvement programs, or other compliance management system elements), including the outcomes and objectives to be met, the way those objectives' achievement can be measured or demonstrated and the timeframes and other details,
 - an acknowledgment that:
 - the Monitor will make the undertaking publicly available including by placing it on the Monitor's public register of undertakings on his website;
 - the Monitor may make public reference to the undertaking, from time to time, including in news media statements and in Monitor publications;
 - an enforceable undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.
36. The compliance program elements of undertakings are discussed below.

B.4. Compliance programs

37. As part of the administrative resolution of alleged contraventions of the Act, the Monitor may require the insurance company or other person concerned to undertake a program to improve its overall compliance with the aims of the Act.
38. To achieve greater consistency and utility of enforceable undertakings, the Monitor may seek to have such insurance company or other person to develop, implement and maintain a compliance program for use in such undertakings, where they do not already have one in place. Where the insurance company or other person already has in place a compliance program, the Monitor may seek the inclusion, in any proposed enforceable undertaking, of commitments, an agreement:

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- to an independent review of the existing compliance management systems (or individual elements of such compliance management systems) to determine:
 - why the existing compliance management system or compliance management system element failed to prevent the alleged contravention of the Act; and
 - what modifications to the existing compliance management system are required to ensure compliance with the requirements of the Act;
 - to provide the Monitor with the copy of a report of the findings of the independent review; and
 - to implement the recommendations arising out of the independent review of the existing compliance management systems within a timeframe agreed with the Monitor.
39. The Monitor expects that the compliance management systems already implemented by AFS-licensed entities would contain a variety of elements, consistent with the appropriate Australian Standards (including AS/ISO 19600:2015 *Compliance Management Systems – Guidelines* and related or element-specific standards e.g. complaints handling or whistleblowing systems) and their respective license conditions.
40. These compliance management systems would include broad elements to address a wide variety of compliance risks as well as customized activities to suit individual compliance risks arising in relation to prohibited conduct under the Act.
41. The Monitor expects that a compliance management system, in relation to prohibited conduct under the Act, would include most if not all of the following elements:
- formalisation of the company or person's compliance policy, supported by the commitment of its senior management;
 - assignment of responsibility for the compliance program to a named senior manager, and/or a senior manager or a team responsible for initiatives in relation to prohibited conduct;
 - appointment of a specialist compliance officer and compliance advisor with expertise in matters relating to prohibited conduct under the Act, to prevent future contraventions and to ensure that any potential contraventions are not only averted but also reported to senior management;
 - conduct of a thorough risk assessment in relation to prohibited conduct under the Act;
 - development, implementation, maintenance and evaluation of measures to address compliance risks in relation to prohibited conduct under the Act and achieve objectives;
 - regular internal review and reporting to senior management of the continuing effectiveness of the compliance program;
 - development of a compliance training program in relation to prohibited conduct under the Act;
 - delivery of the training program a specified number of times over a specified period to key personnel groups within the company, to be identified at the time of entering into the undertaking or otherwise after an audit to identify the areas of the company at risk of future contravention;
 - implementation of a complaints-handling system where such a system is not already in existence including measures to escalate matters relating to ESL reform and prohibited conduct under the Act;

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- implementation of specific customer information and disclosure initiatives to meet NSW requirements relating to the Act, statutory notices with disclosure requirements and prohibited conduct under the Act;
 - supply of relevant documents to the Monitor upon request and without cost;
 - commitment to an independent review of the compliance management system or its elements, at intervals to be determined.
42. In determining the specific combination of terms appropriate for a particular undertaking, the Monitor will consider factors such as the size, complexity and sophistication of the business, the nature and effect of the alleged contravention and the factors and circumstances that led to it.
43. Neither the Monitor nor his staff will be directly involved in the implementation of tailored compliance programs resulting from enforceable undertakings.

B.5. Public awareness

44. The Monitor's view is that all enforceable undertakings accepted under the Act will be a matter of public record and open to public scrutiny. The Monitor's policy is to make all enforceable undertakings he accepts publicly available, including by placing them on the Monitor's public register of enforceable undertakings on his website and to refer to undertakings in news media statements, in the Monitor's publications and in any other manner appropriate to the particular circumstances of the matter.
45. The Monitor considers that it may be possible to grant confidentiality over some aspects of an enforceable undertaking where genuinely commercially sensitive or personal information is involved, however, the onus of demonstrating to the Monitor the necessity for such a course of action lies with those seeking such confidentiality.
46. Persons giving enforceable undertakings under the Act are required, as part of the process, to acknowledge that they are aware of the Monitor's policy on public awareness of the contents of enforceable undertakings.

B.6. Compliance with undertakings

47. Following the acceptance of an enforceable undertaking, the Monitor requires that its implementation and effectiveness be evaluated and continuous improvement initiatives be developed and implemented by the person providing the undertaking, throughout the period of the undertaking.
48. To assist in monitoring compliance, the Monitor's standard practice will be to seek as part of the terms of any undertaking, provisions requiring relevant information and independent opinions to be sought by the company and to be made available to him:
- periodically—for example, a periodic audit of compliance with the undertaking or specific elements of that undertaking;
 - in specified circumstances—for example,
 - upon the achievement of certain elements, supporting documentation may be required; or,

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- an independent third party verification may be required where there is reason to believe there has been a failure to comply with a term or terms of an undertaking, or
 - an expert opinion (compliance, audit, information technology security professionals) may be needed due to the subject matter or because of system issues; or
 - otherwise, upon the Monitor's request.
49. The Monitor will also usually require a commitment to an independent review of any compliance management system elements of the undertaking at regular intervals for the period of the undertaking. Such reviews and intervals may include:
- after the development and implementation of specific changes to the compliance management system (three to six months), and/or
 - after sufficient time has passed to be able to evaluate those changes achievement of the performance requirements of the undertaking (six to twelve months), and/or
 - at regular intervals (usually annually) for a specified period (no more than three years, or otherwise not to extend beyond the repeal of the Act).
50. In forming a view on a person or insurance companies' compliance with the Act and with the undertaking, insurance companies may expect the Monitor to review all observations on and discussions about matters raised by the documents supplied to the Monitor (including primary documents and review reports).
51. Where he has reason to believe that a person has not complied with an undertaking, the Monitor will generally initiate consultation to resolve the matter.
52. If this approach fails, the Monitor will not hesitate to apply to the Court for appropriate orders. The Monitor will make public its application to the Court and will seek legal costs from the offending party where appropriate.
53. Section 36 of the Act provides that the Supreme Court, if it is satisfied that a person has breached a term of the undertaking, may make all or any of the following orders:
- an order directing compliance with the undertaking;
 - an order for the party to pay an amount up to the amount of any financial benefit that can be reasonably attributed to the breach;
 - any order the court considers appropriate to compensate any other person who has suffered loss or damage as a result of the breach;
 - any other order that the court considers appropriate.

B.7. Variations

54. Under section 35 of the Act, parties may withdraw or vary undertakings with the consent in writing of the Monitor. This allows negotiations for changes if undertakings are subsequently found to be impossible to comply with, impractical [but not just inconvenient], or where circumstances change.
55. The Monitor will consider any reasonable requests to vary an undertaking as long as such requests do not alter the spirit of the original undertaking. Variations will be made public in the same way as the original enforceable undertaking. They will be published as variations to the original enforceable undertaking on the Monitor's website and by referring

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

to the variation in any press release or news media statements, in any of the Monitor's publications and reports and in any other manner appropriate to the particular matter.

B.8. Section 35 undertaking template

56. The undertaking template in Attachment A provides the overarching structure for undertakings under section 35 of the Act. It does not, at this time, specify particular terms or the necessary performance obligations that an undertaking to the Monitor will require.
57. The Monitor has standard or template terms that align to suit the circumstances of different organisations and conduct. The template terms, in each instance, will need to be evaluated in terms of their suitability to the specific circumstances before the Monitor at the time.

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Appendix A: Sample undertaking

Undertaking to the Emergency Services Levy Insurance Monitor

Given under section 35 of the *Emergency Services Levy Insurance Monitor Act 2016* by [Company and ACN].

1. Parties

1.1. Person(s) giving the Undertaking:

This Undertaking is given to the Emergency Services Levy Insurance Monitor (“the Monitor”) by:

[Company name]

ACN [insert ACN]

[Address of Registered office]—

(“the Company”), for the purposes of section 35 of the *Emergency Services Levy Insurance Monitor Act 2016* (the “Act”).

2. Background

2.1. The Monitor is the person, appointed under section 5 of the Act to oversee and monitor emergency services levy reform. The functions of the Monitor under section 9(2) include to:

- “(a) provide information, advice and guidance in relation to the emergency services levy reform and prohibited conduct,
- (b) monitor prohibited conduct and compliance with this Act and the regulations,
- (c) monitor prices for the issue of regulated contracts of insurance,
- (d) monitor the impact of the emergency services levy reform on the insurance industry and levels of insurance coverage,
- (e) prepare and publish guidelines relating to the operation and enforcement of this Act and the regulations,
- (f) receive complaints about prohibited conduct and to deal with them in accordance with this Act, and
- (g) investigate and institute proceedings in respect of prohibited conduct or any contravention of this Act or the regulations.”

2.2. [Description of Company’s business and activities relevant to investigated conduct]

2.3. [Description of the conduct the subject of the Monitor’s investigation]

2.4. [Explanation of why the Monitor considers the conduct to contravene the Act]

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

2.5. [Response from Company—for example: In response to the Monitor’s investigation, Company has:

- 2.5.1. [admitted] [acknowledged] that its conduct was likely to have contravened section # of the Act, and
- 2.5.2. offered this Undertaking to the Monitor.

3. Commencement of this Undertaking

3.1. This Undertaking comes into effect when:

- 3.1.1. this undertaking is executed by [Company], and
- 3.1.2. this undertaking so executed is accepted by the Monitor
(the Commencement Date).

4. Undertaking

4.1. [Company] undertakes for the purposes of section 35 of the Act that:

- 4.1.1. it will not, in trade or commerce, [to be agreed]
- 4.1.2. that it will: [to be agreed]

[If inclusion of compliance program obligations is required, insert here in the following format:]

- 4.1.3. develop, update and implement a Compliance Management System (CMS) designed to minimise the company’s risk of future contraventions of [INSERT: relevant sections or parts of the Act] and to ensure its awareness of the responsibilities and obligations in relation to the requirements of [INSERT: relevant sections or parts of the Act] within # months of the date of this Undertaking coming into effect;
- 4.1.4. maintain and continue to implement the CMS for a period of # years from the date of this Undertaking coming into effect, and
- 4.1.5. provide, at its own expense, a copy of any documents reasonably required by the Monitor for the purposes of monitoring compliance with the terms of the undertaking.

5. Acknowledgements

5.1. [Company] acknowledges that:

- 5.1.1. the Monitor will make this Undertaking publicly available including by publishing it on the Monitor’s public register of enforceable undertakings on its website;
- 5.1.2. the Monitor will, from time to time, make public reference to this Undertaking including in news media statements and in the Monitor publications and reports; and
- 5.1.3. this Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.
- 5.1.4. a summary of any Compliance Program review reports, conducted by the Monitor, may be held with this undertaking in the Monitor’s public register.

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

6. Executed as an undertaking

Executed by [insert full name of Company] [insert ACN] pursuant to section 127(1) of the *Corporations Act 2001* by:

----- Signature of director	----- Signature of a director/company secretary (delete as appropriate, or entire column if sole director company)
----- Name of director (print)	----- Name of director/company secretary (print)
----- Date	----- Date

Accepted by the Monitor pursuant to section 35 of the Act on:

Date

signed by the Monitor:

Prof. Allan Fels AO

Date

GUIDELINES ON ENFORCEABLE UNDERTAKINGS

Attachment B: Extracts from the Act

Division 2 Enforceable undertakings

35 Undertakings

- (1) The Monitor may accept a written undertaking given by a person for the purposes of this Division in connection with a matter in relation to which the Monitor has a function under this Act.
- (2) The Monitor must give a copy of the accepted undertaking to the person who has given the undertaking.
- (3) The person may withdraw or vary an undertaking at any time, but only with the consent in writing of the Monitor. The consent of the Monitor is required even if the undertaking purports to authorise withdrawal or variation of the undertaking without that consent.

36 Enforcement of undertakings

- (1) The Monitor may apply to the Supreme Court for an order under subsection (2) if the Monitor considers that a person who has given an undertaking under section 35 has breached any of its terms.
- (2) The Supreme Court may make all or any of the following orders if it is satisfied that the person has breached a term of the undertaking:
 - (a) an order directing the person to comply with that term of the undertaking,
 - (b) an order directing the person to pay to the State an amount not exceeding the amount of any monetary benefits that the person has obtained directly or indirectly and that is reasonably attributable to the contravention,
 - (c) any other order that the Court thinks appropriate, including an order directing the person to compensate any other person who has suffered loss or damage as a result of the breach.

37 Register of undertakings


- (1) The Monitor must:
 - (a) maintain a register of undertakings, and
 - (b) register each undertaking in the register of undertakings.
- (2) The register of undertakings must include each of the following:
 - (a) the name and address of the person who gave the undertaking,
 - (b) the date of the undertaking,
 - (c) a copy of the undertaking.
- (3) The register of undertakings may be inspected by any person at any reasonable time, without charge.

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31H Refund undertakings by insurance companies

- (1) If an insurance company is liable for an over-collection amount, the Monitor may accept a refund undertaking from the insurance company in relation to the over-collection amount.
- (2) A **refund undertaking** is an undertaking under Division 2 of Part 4 under which an insurance company that is liable for an over-collection amount agrees to refund the whole or part of the over-collection amount to relevant policyholders or to pay the over-collection amount or part of it to the Chief Commissioner.
- (3) The Monitor is not to accept a refund undertaking that provides for the payment of an over-collection amount or part of an over-collection amount to the Chief Commissioner unless the Monitor is satisfied it is impracticable for the insurance company to refund the over-collection amount or part to relevant policyholders.
- (4) The Monitor is to advise the Chief Commissioner of any refund undertaking that provides for the payment of an amount to the Chief Commissioner.

Note. A refund undertaking is enforceable by proceedings in the Supreme Court.



Guidelines on over-collection of ESL

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GUIDELINES ON OVER-COLLECTION OF ESL

A. Introduction

A.1. Emergency services contribution

1. Insurance companies in NSW are required to contribute towards the funding of fire and emergency services provided by Fire and Rescue NSW, NSW Rural Fire Service and State Emergency Services, respectively (the “emergency services organisations”).
2. Previously, the obligations upon insurance companies to contribute to the funding of the emergency services organisations, for financial years prior to 30 June 2017, were set out in Part 5 of the *Fire Brigades Act 1989*, Part 5 of the *Rural Fires Act 1997* and Part 5A of the *State Emergency Services Act 1989*, respectively (“the former scheme”).
3. However, from 1 July 2017, insurance companies contribute to the funding of the emergency services organisations under the emergency services insurance contribution scheme (“contribution scheme”) established under the *Emergency Services Levy Act 2017* (“the *ESL Act*”). This scheme will be in place until the property levy, established under the *Fire and Emergency Services Levy Act 2017* (“the *FESL Act*”) is introduced as the replacement funding model for NSW’s fire and emergency services.
4. The period between the commencement of the *ESL Act* [1 July 2017] and the end of the financial year commencing on 1 July 2018 is known as the “transition period”. The existence of the transition period however, does not mean necessarily that the property levy will be introduced at the conclusion of that period.
5. The amount an insurance company is required to pay to the contribution scheme is based on the premiums it receives from certain classes of insurance known as “relevant insurance” identified in the *ESL Act* as being subject to contribution. While the liability upon insurance companies to make contributions is prescribed in the *ESL Act*, there is no legislative prescription on how insurance companies may recover the cost of these contributions. In the absence of such legislative prescription, insurance companies have traditionally charged policyholders an Emergency Services Levy (“ESL”) on premiums for relevant insurance. The Emergency Services Levy Insurance Monitor (“Monitor”) anticipates that insurance companies will continue that practice.

A.2. Role of the Monitor

6. The Office of the Monitor was established in June 2016 and undertakes a range of price monitoring and other functions, associated with emergency services levy reform, as set out in section 9 and Part 3A of the *Emergency Services Levy Monitor Act 2016* (“the *ESLIM Act*”).
7. The functions conferred on the Monitor under section 9 of the *ESLIM Act* are:
 - “(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

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- (g) to investigate and institute proceedings in respect of prohibited conduct or any contraventions of the Act or the regulations.”
8. In addition to the functions listed in section 9, Part 3A of that Act requires the Monitor to:
- investigate and assess whether companies are liable for over-collection amounts in the 2015-16 and 2016-17 financial years combined [former scheme];
 - investigate and assess whether insurance companies are liable for over-collection amounts in the 2017-18 and 2018-19 financial years combined [“transition period”].
 - endeavour to ensure that any insurance company that is liable for an over-collection amount, where the Monitor determines that:
 - it is practicable to do so, refunds the over-collection amount to relevant policyholders of the insurance company; or
 - it is impracticable to effect such refunds, that the insurance company pays the over-collection amount to the Chief Commissioner of Revenue NSW (“Chief Commissioner”) for payment into the Consolidated Fund.
9. Section 31B of the *ESLIM Act* imposes a positive obligation upon the Monitor to “endeavour to ensure” any over-collection amount is refunded to relevant policyholders unless the Monitor is satisfied that it is impracticable to do so.
10. The Monitor considers that word “impracticable” does not mean impossible, nor does it mean inconvenient. It does, in the context of section 31B of the *ESLIM Act*, require the Monitor’s to direct his attention to considerations of the practical effect rather than any theoretical issues that may arise out of such a course of action and requires the Monitor’s consideration of the interests of all parties affected.

A.3. Over-collection amount

11. The *ESLIM Act* provides that an over-collection amount exists when, in the opinion of the Monitor, an insurance company has collected more ESL from its relevant insurance policyholders than it is required to contribute to the funding of emergency services organisations during either of the relevant 2 year periods.
12. The Monitor acknowledges that insurance companies face a number of uncertainties in setting ESL rates at levels that will enable them to recover precisely their contribution liabilities. In addition, previous emergency services organisations’ budgets have not been finalised generally until well into the relevant financial year and the market share of individual insurance companies is not known for certain until after the end of the relevant financial year. The Monitor notes however, the NSW budget for the 2017-2018 financial year estimates that \$794 million will be recovered from insurance companies under the contribution scheme and \$793 million will be recovered from the same source in the following financial year.¹
13. ESL rates are set therefore in advance of full information and in the context where insurance company market shares may change during the course of a financial year. The Monitor acknowledges that under and over-collection by individual insurance companies in individual years may occur to varying degrees.
14. Nevertheless, the Monitor is required to make an over-collection determination:
- for each insurance company;

¹ NSW Budget Statement 2017-2018; Table 5.4-General Government Sector Summary of Taxation Revenue.

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- over two separate two-year periods, being the:
 - the final 2 years of the former scheme [the 2015-16 and 2016-17 financial years combined]; and
 - the transition period [the 2017-18 and 2018-19 financial years combined].
- 15. The Monitor considers that the value of contributions recovered by insurance companies from policyholders, in the form of ESL whether identified as such or otherwise, which is in excess of their statutory obligation to contribute to the funding of emergency services organisations is and remains policyholders' money. For this reason, the Monitor regards any retention of excess monies collected from policyholders as ESL for the purpose of funding an insurer's contribution to fire and emergency services as inappropriate (and may be unlawful).
- 16. The Monitor notes that the position identified in paragraph 15 is consistent with that reflected in the *ESLIM Act*, which treats over-collection by an insurer as a liability, and requires the Monitor, at first instance, to endeavour to ensure that any insurance company that is liable for an over-collection amount refunds the over-collection amount to relevant policyholders. Only where the Monitor accepts that it is impracticable to do so, will he endeavour to ensure that insurance companies pay any over-collection amount to the Chief Commissioner for payment into the Consolidated Fund.
- 17. Despite the provisions in the *ESLIM Act*, which make insurance companies liable for over-collection amounts and set out procedures for dealing with these amounts, the Monitor does not consider that this necessarily precludes an over-collection of ESL being regarded as price exploitation, contrary to the prohibition in section 14 of the *ESLIM Act*.
- 18. In the Guidelines on the Prohibition against Price Exploitation, ("Price Exploitation Guidelines") the Monitor acknowledged the uncertainties for insurance companies in setting ESL rates to recover their statutory liabilities. On this basis, the Monitor states expressly that over-collection in itself will not be considered as necessarily constituting unreasonably high pricing. However, where over-collection has occurred and an insurance company has failed to take effective steps to refund this over-collection in accordance with arrangements approved by the Monitor, this will be regarded by the Monitor as indicating that prices for the issue of the relevant insurance have been unreasonably high and potentially in contravention of the price exploitation prohibition.
- 19. Price exploitation, contrary to the prohibition in section 14 of the *ESLIM Act*, is an element of prohibited conduct provided for under Division 1 of Part 3 of the *ESLIM Act*.

A.4. Statutory basis and effect of guidelines

- 20. Section 21 of the *ESLIM Act* provides that the Monitor may issue Guidelines about when conduct may be regarded as constituting prohibited conduct.
- 21. Guidelines issued under section 21, and any variations of them, must be published in the Government Gazette and on the Insurance Monitor's website. Consequentially, 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 Insurance Monitor's website www.eslinsurancemonitor.nsw.gov.au.
- 22. The Monitor must have regard to any Guidelines issued under section 21 of the *ESLIM Act*, in deciding to give an insurance company a contravention notice, a prevention notice, to issue any person with a substantiation notice, or to issue a public warning statement. The NSW Supreme Court may have regard to any Guidelines issued by the Insurance Monitor, when determining whether to make any order relating to prohibited conduct.

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23. In addition, the Monitor has power to provide information, advice and guidance in relation to prohibited conduct and to prepare and publish guidelines relating to the operation and enforcement of the *ESLIM Act*.

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B. Determining an over-collection amount

B.1. Calculation of ESL contributions

24. Total insurance company contributions for the funding of the emergency services organisations:
 - for the financial years ending before 1 July 2017 during the former scheme, were 73.7% of the budgets of the emergency service organisations calculated by the Commissioners of those organisations in accordance with the formulas provided in the relevant legislation; and
 - for the financial years ending before the commencement of the FESL, which includes the transition period, insurance companies are obliged to contribute to the budgets of the emergency service organisations the amounts calculated by reference to their budgets by the Chief Commissioner in accordance with the requirements of Part 5 of the ESL Act.
25. With respect to the former scheme, the Commissioners of the emergency services organisations:
 - must make an assessment of the contribution payable under the former scheme by each insurance company that lodged a return identifying total premiums received or due to the insurance company for the final 2 years of the scheme for relevant insurance (“final 2 year assessment”);
 - shall ensure that the final 2 year assessment includes details of the final contribution payable by the insurance company for the final year of the former scheme (i.e. 2016-17) and the total of the relevant emergency services organisation’s contributions payable by the insurance company for the previous financial year (i.e. 2015-16); and
 - must provide the Monitor with details of the final 2 year assessment in relation to each insurance company within 30 days after making the assessment of the insurer’s final contribution payable for the final year of the former scheme (i.e. by not later than 30 December 2017).
26. The Monitor accepts that the amount of an insurance company’s liability to contribute to the funding of the emergency service organisations:
 - for the final 2 years of the former scheme, is the amount of the final 2 year assessment provided to the Monitor by the Commissioners by 30 December 2017;
 - for the transition period, the sum of the final contribution amounts determined by the Chief Commissioner as payable by an insurance company for the financial years commencing on each of 1 July 2017 and 2018, respectively.
27. The Chief Commissioner will give insurance companies an initial assessment of their annual contribution liability to be paid in quarterly instalments. The Monitor will be advised of these initial assessments.

B.2. Sources of data

28. In undertaking an over-collection assessment in relation to the last 2 years of the former scheme and during the transition period the Monitor will consider information relating to ESL collections:

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- provided to the Commissioners of the emergency services organisations by insurance companies in their annual Return of Premiums (“ROP”);
 - obtained by the Monitor from the Commissioners of the emergency services organisations for the final 2 years of the former scheme;
 - furnished to the Monitor by insurance companies in response to compulsory notices to produce information and records.
29. As stated in the Monitor’s Price Exploitation Guidelines, to assist the Monitor to investigate and assess whether insurance companies are liable for over-collection amounts in:
- the final 2 years of the former scheme; and
 - the transition period—
- the Monitor will require each insurance company that has lodged:
- a Return of Premium for either or both the 2015-16 and 2016-17 financial years;
 - a return to the Chief Commissioner for either or both of the 2017-18 and 2018-19 financial years identifying the total amount of premiums received or due for each class of policy that is relevant insurance—
- to provide a declaration of its ESL collections in a form specified by the Monitor, which has been independently and externally reviewed, identifying:
- the total ESL collected from policyholders by each class of regulated contract of insurance subject to contribution for the last 2 years of the former scheme [financial years 2015-16 and 2016-17];
 - the total ESL collected from policyholders by each class of relevant insurance during the transition period; and
 - the accounting basis upon which relevant insurance premiums have been recognised and reported by insurance companies.
30. A template of the declaration and the assurance professional’s review report, in the form specified by the Monitor is at Appendix B.
31. The Monitor expects that insurance companies will, for the purposes of the information in these declarations, employ the same accounting methodology as that employed in the preparation of:
- the Return of Premiums made to the Commissioners of the emergency service organisations for the last 2 financial years of the former scheme; and
 - the returns made to the Chief Commissioner annually during the transition period.
32. The information in these declarations must be verified, independently and externally, to provide assurance consistent with the Auditing Standard on Review Engagements, ASRE 2405, *Review of Historical Financial Information Other Than a Financial Report*, by an identified assurance practitioner registered currently under the *Corporations Act 2001*.
33. The Monitor may seek to verify the information on the amount of ESL collected by each insurance company by comparing this information against other relevant data that the insurance company may have previously provided to the Monitor. Where the Monitor is unable to reconcile any differences identified through this verification, the Monitor will seek additional information, assurance, or both from individual insurance companies and/or their assurance providers.
34. Insurance companies will be required to provide these declarations to the Monitor by:
- with respect to the final 2 years of the former scheme, 1 February 2018; and

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- with respect to the transition period, 3 February 2020.
35. If the Monitor has insufficient information to determine whether an over-collection amount exists, or is satisfied that the information that has been furnished to him is unreliable or insufficiently robust, the Monitor will, after taking all reasonable and necessary steps to obtain proper information, estimate using a reasonable methodology, the total amount of ESL collected by an insurance company in either or both of:
- the last 2 years of the former scheme; and
 - the transition period.
36. The Monitor will apply the following formula to determine whether an over-collection amount exists for each company in each relevant two-year period:

Final 2 years of the scheme	An over-collection amount exists, in respect of an insurance company when: Monitor’s assessment of ESL collected from relevant policyholders— Exceeds The total of the final 2 year contribution assessments received by the insurance company from the Commissioners of the emergency services organisations.
Transition period	An over-collection amount exists, in respect of an insurance company when: Monitor’s assessment of ESL collected from relevant policyholders by the insurance company— Exceeds The final contribution amounts for the 2 years ending in the transition period assessed by the Chief Commissioner and made known to the insurance company.

37. The application of the formula described above will result in a single over-collection amount for each of the relevant 2 year periods.

B.3. Procedure following determination of an over-collection amount

38. Where the Monitor determines that an over-collection amount exists, the Monitor will notify the affected insurance company, in writing, of his determination and invite the affected insurance company to identify, in writing, how the company will refund the over-collection amount to the relevant policyholders (“refund proposal”). The Monitor may respond to any refund proposal and recommend any changes he considers necessary to resolve the issue. Refund proposals that demonstrate alignment with the principles outlined in Part C of these guidelines are more likely to be acceptable to the Monitor. Refund proposals acceptable to the Monitor will form the basis of refund undertakings.
39. Where the Monitor determines that an over-collection amount exists, but the insurance company:
- does not offer a refund undertaking; or
 - offers a refund undertaking that the Monitor determines is not acceptable—

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the Monitor must issue to, and serve on, the insurance company an assessment in writing for the over-collection amount and may refer that over-collection amount to the Chief Commissioner for the recovery of that over-collection amount.

40. Where an insurance company that has been identified by the Monitor as being liable for an over-collection amount does not propose to refund all or part of the over-collection amount to relevant policyholders on the grounds that it is impracticable to do so, the Monitor will require that insurance company to substantiate its claim, in writing, by oral testimony from an authorised officer or both. The Monitor has, in the Price Exploitation Guidelines emphasised that an over-collection amount should be refunded to relevant policyholders. However, the Monitor also conceded that this may be impractical where small amounts are involved. The Monitor indicated his view that in such instances these “small amounts” can be bundled and paid to the Chief Commissioner for transmission to Consolidated Fund.
41. As outlined in Part A.2. of these guidelines, the Monitor will determine, on a case by case basis whether affected insurance companies have satisfied him that it is ‘impracticable’ and not merely inconvenient, having taken into consideration the interests of all affected parties, to refund all over-collection amounts to relevant policyholders. Any resolution of that over-collection liability arising from these actions will be recorded in a refund undertaking.
42. Where the Monitor accepts a refund undertaking, identifying the extent of any over-collection and how an insurance company will refund any over-collection amount to relevant policyholders, the Monitor will exercise his discretion not to issue an assessment for any over-collection amount addressed in the refund undertaking.

B.4. Contents of a refund undertaking

43. Refund undertakings under section 31H of the *ESLIM Act* must be in writing, sufficiently detailed to identify the circumstances of any over-collection amount, specific in the identification of any necessary remedial action and free from ambiguity.
44. While the content of each undertaking is subject to negotiation between the Monitor and the insurance company liable for the over-collection, refund undertakings accepted by the Monitor must be of substance and directly address the circumstances of any over-collection amount, its consequences and the remedial steps to be undertaken by the insurance company affected.
45. A refund undertaking will usually include the following elements:
 - an acknowledgment from the insurance company that there has been an over-collection of ESL in the relevant 2-year period and that the insurance company is liable to refund it to relevant policyholders or otherwise divest itself of that over-collection amount;
 - the number of regulated contracts of insurance issued by the insurance company in NSW in each financial year during the relevant 2-year period;
 - the total amount of ESL collected by the insurance company from relevant policyholders during the 2-year period in which the over-collection amount occurred;
 - details how the insurance company will refund the over-collection amounts and to whom—including a mechanism to determine and audit that outcome;
 - the date the insurance company undertakes to complete the process of making refunds to relevant policyholders or otherwise divesting itself of the over-collection amount; and
 - the number of policyholders to receive refunds and the total amount involved.
 - the over-collection amount that is determined by the Monitor to be impracticable to refund to relevant policyholders and an acknowledgement by the insurance company

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that this residual amount will be forwarded to the Chief Commissioner for transmission to the Consolidated Fund;

- the reporting requirements from the insurance company to the Monitor that may include:
 - a report as to when the insurance company has satisfied any obligations agreed to in the refund undertaking;
 - the provision of supporting information and documentation by the insurance company to the Monitor to verify that it has satisfied its undertaking obligations;
- an acknowledgment that:
 - the refund undertaking will be publicly available including by placing it on the insurance company's website and the public register of enforceable undertakings on the Monitor's website
 - the Monitor may make public reference to the refund undertaking, from time to time, including in news media statements and in the Monitor's reports and publications
 - the refund undertaking in no way derogates from the rights and remedies available to any other person, including relevant policyholders, arising from the existence of an over-collection amount.

Appendix A provides a template of a sample Refund Undertaking.

B.5. Unacceptable terms

46. The Monitor will not accept a refund undertaking if it proposed that it would include:
- a denial that there was or had been an over-collection amount and that the insurance company was liable under the Act for that over-collection amount;
 - any terms imposing obligations on the Monitor;
 - a specific requirement that the Monitor will not in future institute proceedings in the particular matter;
 - a statement that the undertaking is not an admission for the purposes of third party actions (although they need not explicitly state that it is such an admission);
 - terms imposing obligations on third parties;
 - terms purporting to set up defences against subsequent legal action;
 - statements by the insurance company or business that seek to minimise the consequences of the over-collection amount or for public relations or promotional purposes.
47. In most circumstances acceptance of refund undertaking will resolve the matter however, if further information comes to the attention of the Monitor subsequently regarding that matter it may prompt re-activating an investigation which could result in legal proceedings.

B.6. Failure to comply with the terms of a refund undertaking

48. Should any insurance company fail to adhere fully to the terms of any refund undertaking accepted by the Monitor, the Monitor will inform the insurance company, in writing, that he

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considers there has been a failure to comply with the terms of the refund undertaking. In that written notification the Monitor will:

- identify the terms of the enforceable undertaking with which he considers the insurance company has not complied;
 - the nature and extent of the alleged non-compliance; and
 - allow a reasonable period of time for the insurance company to remedy the alleged non-compliance.
49. If, after the expiration of the identified reasonable period, an insurance company has not remedied the alleged non-compliance with the terms of a refund undertaking, the refund undertaking will be enforced in the New South Wales Supreme Court by the Monitor, who will seek:
- orders directing that insurance company to comply fully with all the terms of the undertaking; and
 - any other order that the Court thinks appropriate.

B.7. Assessment of an over-collection amount

50. Where the Monitor determines that an over-collection amount exists and an insurance company is liable for that over-collection amount, but:
- the insurance company does not offer a refund undertaking; or
 - the Monitor does not accept a refund undertaking offered by the insurance company—
- the Monitor must issue to, and serve on, the insurance company an assessment in writing for the over-collection amount (“notice of assessment”).
51. Each notice of assessment must, among other things:
- specify the extent of over-collection amount;
 - advise the insurance company that if it fails to provide a refund undertaking to the Monitor in relation to the over-collection amount, in terms acceptable to the Monitor, the amount can be referred to Chief Commissioner for debt recovery action; and
 - allow a period of not less than 30 days, for the insurance company to offer a refund undertaking; and
 - advise the insurance company of its right to object to any assessment of an over-collection amount in terms consistent with the requirements of the Act.
52. The Monitor, or his delegate, will consider and deal with any objection to a notice of assessment;
- promptly and either allow the objection, in whole or in part, or disallow it; and
 - notify the affected insurance company, in writing, of the outcome of the objection; and
 - where required, issue promptly any re-assessment necessary to give effect to the outcome of any successful objection, either in whole or in part, to a notice of assessment; and
 - will not refer the disputed over-collection amount to the Chief Commissioner for debt recovery action until the expiration of 7 days after service on the relevant insurance company of notice of the outcome of any objection.

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C. Refunding over-collection amounts

C.1. Policyholder refunds

53. The *ESLIM Act* requires that over-collection amounts be refunded by insurance companies to relevant policyholders unless the Monitor determines that it is impracticable to do so. This part of these Guidelines outline the Monitor's preferred model or approach to refunding an over-collection amount.
54. The Monitor considers that any refunds should be made proportionally to relevant policyholders. That is to say, refunds should be directed to those relevant policyholders who most contributed to any over-collection amount.

C.2. Classes of policyholders

55. The Monitor considers that policyholders of the class of insurance policy described in item 1 of Part A and items 5 and 6 of Part B of the:
 - Return of Premium filed annually with the Commissioners of NSW emergency service organisations under the former scheme "Return of Premium" or "ROP"; and
 - Return by insurers, filed by insurance companies with the Chief commissioner under the *ESL Act* "Return by insurers"—are predominantly commercial in nature.
56. Correspondingly, the Monitor considers that the insurance policies described in item 2 of Part A and items 3 & 4 of Part B of the:
 - Return of Premium; and
 - Return by insurer—are predominantly retail in nature.

C.3. Tapering of ESL rate recovery

57. The Monitor is aware that sometime prior to the anticipated transition date for the funding of the NSW emergency service organisations, from an insurance based levy to a property based levy, insurance companies 'tapered' the rate at which they recovered their ESL contribution liabilities from policyholders.
58. This 'tapering' involved insurance companies' charging ESL on premiums from about July 2016 to about December 2016 at a higher rate than otherwise would have been the case. This was followed by the systematic reduction of ESL rates during the period from about January to June 2017, where such rates were reduced, in many instances, to zero shortly before 1 July 2017.
59. As a way to simplify the refund process, the Monitor considers that where the bulk of an insurance company's premium revenue is reported under item 2 Part A of the 2016-17 Return of Premium, refunds of any over-collection amount can be directed to relevant policyholders who took out or renewed combined home and contents policies during the period when insurance companies were recovering higher than average ESL rates as part of the tapering process.

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60. Within that class of insurance policy, the amounts refunded to each such relevant policyholder out of any over-collection amount should be proportionate to the amount of ESL they paid in the relevant 2 year period.
61. The Monitor anticipates each insurance company, determined to be liable for an over-collection amount, will:
 - identify those of its relevant home and contents policyholders from whom ESL was recovered at a higher than average rate due to the tapering process during the final 2 years of the former scheme. These relevant policyholders are referred to as 'affected policyholders' for the purposes of calculating refunds of over-collected amounts, and
 - calculate the average over-collection refund amount per affected policyholder.
62. The Monitor anticipates that where the average amount of any refund of an insurance company's over-collected amount, exceeds the threshold amount provided for in his Price Exploitation Guidelines, insurance companies will identify individual affected home and contents policyholders and provide a refund that reflects the ratio of ESL collected from that policyholder to total ESL collected from affected policyholders.
63. The approach outlined above will ensure that those relevant retail policyholders who took out or renewed relevant insurance policies and were subjected to higher ESL recovery rates due to the application of tapering of ESL recovery rates by insurance companies, during the last 2 years of the former scheme, will receive priority in obtaining refunds.

C.4. Assessing practicability

64. The ESLIM Act imposes an obligation on the Monitor to endeavour to ensure that any insurance company that is liable for an over-collection amount refunds the amount to relevant policyholders, unless the Monitor considers that it is impracticable to do so. Where the Monitor agrees that it is not practicable to refund an over-collection amount, the insurance company liable for the over-collection amount will be required to pay the over-collection amount to the Chief Commissioner for payment into the Consolidated Fund.
65. In the Monitor's Price Exploitation Guidelines, he acknowledged that the determination of the practicability of making refunds to relevant policyholders will likely need to be made on a case by case basis. The Monitor recognises that it may not be practicable to make refunds where relatively small amounts are involved. The Monitor also recognised that there may be administrative complexities and costs associated with paying refunds where policies have been intermediated.
66. Nevertheless, the Monitor's position is that for retail customers:
 - where average amounts owing exceed \$20, refunds must be made to individual policyholders; and
 - where average amounts owing are less than \$20, refunds should still generally be made to retail policyholders unless, subject to a case-by-case consideration, the Monitor agrees that it is impracticable to provide these refunds.

C.5. Referral to the Chief Commissioner

67. The Monitor may refer an over-collection amount to the Chief Commissioner for debt recovery action if the insurance company is liable for an over-collection amount, and fails to give the Monitor a refund undertaking in terms acceptable to the Monitor by the time determined by the Monitor.

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68. The Monitor's decision to accept a refund undertaking from an insurance company in relation to an over-collection amount will be influenced by the actions of the insurance company to refund over-collection amounts to relevant policyholders.

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Appendix A – Sample refund undertaking

Undertaking to *Emergency Services Levy Insurance Monitor*

Given under section 31H of the *Emergency Services Levy Insurance Monitor Act 2016* [‘the Act’] by [Company and ACN].

1. Parties

1.1. Person(s) giving the Undertaking:

This Undertaking is given to the *Emergency Services Levy Insurance Monitor* (“the Monitor”) by:

[Company name]

ACN [insert ACN]

[Address of Registered office]—

(“the Company”). For the purposes of section 31H of the Act, with respect to the resolution of an over-collection amount, assessed by the Monitor and accepted by the company as [#####] relating to:

1.2. the final 2 years of the emergency services funding scheme, being the scheme for funding certain fire and emergency services from contributions required to be paid by insurance companies under the following provisions, as in force before the enactment of the *Fire and Emergency services Levy Act 2017*:

- 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*.

[Or]

the transition period, being the financial years commencing on 1 July in 2017 and 2018.

2. Background

2.1. The Monitor is the person, appointed under section 5 of the Act to oversee and monitor emergency services levy reform. The functions of the Monitor under section 9(2) include to:

- “(a) provide information, advice and guidance in relation to the emergency services levy reform and prohibited conduct,
- (b) monitor prohibited conduct and compliance with this Act and the regulations,
- (c) monitor prices for the issue of regulated contracts of insurance,
- (d) monitor the impact of the emergency services levy reform on the insurance industry and levels of insurance coverage,

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- (e) prepare and publish guidelines relating to the operation and enforcement of this Act and the regulations,
 - (f) receive complaints about prohibited conduct and to deal with them in accordance with this Act, and
 - (g) investigate and institute proceedings in respect of prohibited conduct or any contravention of this Act or the regulations.”
- 2.2. [Description of the nature and extent of the over-collection amount revealed by the Monitor’s investigation]
- 2.3. Explanation of why the Monitor considers that there has been an over-collection amount for which the company is liable
- 2.4. Response from the company - for example: In response to the Monitor’s investigation, Company has:
- 2.4.1. [admitted] [acknowledged] that there has been an over collection amount, and that the insurance company is liable for the over-collection amount, and that the insurance company will refund the whole or a part of the over-collection amount and,
 - 2.4.2. offered this Undertaking to the Monitor.

3. Commencement of this Undertaking

- 3.1. This enforceable undertaking comes into effect when:
- 3.1.1. this enforceable undertaking is executed by [Insurance Company], and
 - 3.1.2. this enforceable undertaking so executed is accepted by the Monitor (the Commencement Date).

4. Undertaking

- 4.1. [Company] undertakes for the purposes of section 35 of the Act that:
- 4.1.1. it will not, in trade or commerce, [to be agreed]
 - 4.1.2. that it will: [to be agreed]
- [If inclusion of compliance program obligations is required, insert here in the following format:
- 4.1.3. develop, update and implement a Compliance Management System (CMS) designed to minimise the company’s risk of future contraventions of [INSERT: relevant sections or parts of the Act] and to ensure its awareness of the responsibilities and obligations in relation to the requirements of [INSERT: relevant sections or parts of the Act] within # months of the date of this Undertaking coming into effect;
 - 4.1.4. maintain and continue to implement the CMS for a period of # years from the date of this Undertaking coming into effect, and
 - 4.1.5. provide, at its own expense, a copy of any documents reasonably required by the Monitor for the purposes of monitoring compliance with the terms of the undertaking.

5. Acknowledgements

- 5.1. [Insurance Company] acknowledges that:

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- 5.1.1. the Monitor will make this enforceable undertaking publicly available including by publishing it on the Monitor's public register of enforceable undertakings on its website;
- 5.1.2. the Monitor will, from time to time, make public reference to this enforceable undertaking including in news media statements and in Monitor publications;
- 5.1.3. this undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct, and
- 5.1.4. a summary of any Compliance Program review reports, conducted by the Monitor, may be held with this undertaking in the Monitor's public register.

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6. Executed as an undertaking

Executed by [insert full name of Company] [insert ACN] pursuant to section 127(1) of the *Corporations Act 2001* by:

----- Signature of director	----- Signature of a director/company secretary (delete as appropriate, or entire column if sole director company)
----- Name of director (print)	----- Name of director/company secretary (print)
----- Date	----- Date

Accepted by the Monitor pursuant to section 35 of the Act on:

Date

Signed by the Monitor:

Prof. Allan Fels AO

Date

GUIDELINES ON OVER-COLLECTION OF ESL

Appendix B – Declaration and Auditors Review Report

[< Company Logo >

Declaration

I [Name and title (position) of person making declaration], a person authorised to make this declaration on behalf of [name of Insurance company] (“the company”), and after making all necessary inquiry DECLARE that for the purposes of meeting its liability to contribute to the funding of New South Wales’ fire and emergency services as required under:

- (a) Part 5 of the *Fire Brigades Act 1989*;
- (b) Part 5 of the *Rural Fires Act 1997*; and
- (c) Part 5A of the *State Emergency Service Act 1989*—

(“the scheme”), the company recovered the amount of emergency services levy (“ESL”) identified below, whether described as ESL or not, through premiums paid for the issue or renewal of regulated contracts of insurance, in respect of property in New South Wales during the financial years ending on 30 June 2016 and 2017, respectively, being the final two years of the scheme, the amount of \$[amount].

I enclose an independent review report obtained by the company regarding this declaration.

Details of the recovery of ESL

Classes of policies of insurance	ESL recovered \$	
	2015/16	2016/17
Item 1: Any Insurance of property including Consequential Loss but not including any insurance of a class hereinafter specified.		
Item 2: House owners and Householders, however designated (buildings, contents or both).		
Item 3: Personal Combined on personal jewellery and clothing, personal effects and works of art.		
Item 4: Motor Vehicle and Motor Cycle.		
Item 5: Marine and Baggage – Any Insurance confined to maritime perils or confined to risks involved in transportation on land, or in the air, and including storage incidental to transportation by sea, land or air, but not including *Static Risks (which are to be declared under Item 1) N.B. *Static Risks include all movements of goods and/or stock and/or material associated with processing or storage operations at any situation.		
Item 6 (a): Combined Fire and Hail on growing crops.		
Item 6 (b): Live Stock.		
Total ESL collected		

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The accounting standard employed by the Insured to generate the information set out above was
[*identify relevant accounting standard employed*]

for

.....
Name and Position (CEO/CFO)

.....
Name of Company

.....
Date

GUIDELINES ON OVER-COLLECTION OF ESL

[<Auditors Logo >

Independent auditor's / Assurance practitioner's² Review Report

To: The Directors of [name of company]
The Emergency Services Levy Insurance Monitor ("the Monitor")

Conclusion

We have reviewed the enclosed Emergency Services Levy Declaration ("ESL Declaration") prepared on behalf of [Company Name] ("the insurer") for the financial years ending 30 June 2016 and 2017, respectively.

Based on our review, which is not an audit, nothing has come to our attention that causes us to believe that the ESL Declaration of the insurer for the years ended 30 June 2016 and 2017 does not present fairly, in all material respects, the total amount of emergency services levy ("ESL") recovered by the insured, from policyholders of regulated contracts of insurance, recognised in accordance with the calculation of ESL contributions required under paragraph 29 of the Monitor's Guidelines on Over-collection of ESL (December 2017) and paragraph 68 and Guideline 8 of the Monitor's Guidelines on the prohibition against price exploitation (July 2017), both issued under the *Emergency Services Levy Insurance Monitor Act 2016* ("the Act"), and in accordance with the accounting basis described in the ESL Declaration prepared by Management of the insurer.

Basis of preparation and restriction on use and distribution

We draw attention to the calculation basis used in the recognition of the total amount of ESL recovered by the insurer from policyholders of regulated contracts of insurance as required by the Monitor's Guidelines and the accounting basis applied by the insurer, as described in the ESL Declaration prepared by the Management of the insurer.

As a result, the ESL Declaration and this Auditor's Report may not be suitable for another purpose. Our Report is intended solely for the Management of the insurer and the Monitor. It should not be used or distributed to any other party or parties. We disclaim any assumption of responsibility for any reliance on this Report or for any purpose other than for which it was prepared. Our opinion is not modified in respect of this matter.

Managements' responsibility for the ESL Declaration

Management of the insurer is responsible for:

- (a) the preparation and fair presentation of the ESL Declaration in accordance with:
- paragraph 68 and Guideline 8 of the Monitor's Guidelines on the prohibition against price exploitation; and
 - paragraph 29 of the Monitor's Guidelines on over-collection of ESL—

² Please delete as applicable. Assurance Practitioner should be used when this report is completed by someone other than the company's auditor.

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both issued under the *Emergency Services Levy Insurance Monitor Act 2016* (“Monitor’s Guidelines”);

- (b) determining that the accounting basis used in the recognition of the total amount of ESL recovered as described in the ESL Declaration is identified as required in the Monitor’s Guidelines; and
- (c) establishing and maintaining internal controls over processes which generate data as the insurer’s Management determines is necessary to enable the preparation of the ESL Declaration that is free from material misstatements, whether due to fraud or error and consistent with the requirements of the Monitor’s Guidelines.

Auditor’s responsibility for the review of the ESL Declaration

Our responsibility is to express a conclusion on the ESL Declaration based on our review in order to state whether, on the basis of the procedures described, we have become aware of anything has come to our attention that causes us to believe that the ESL Declaration does present fairly, in all material respects, in accordance with the Monitor’s Guidelines and the accounting basis described in the ESL Declaration as prepared by the Management of the insurer.

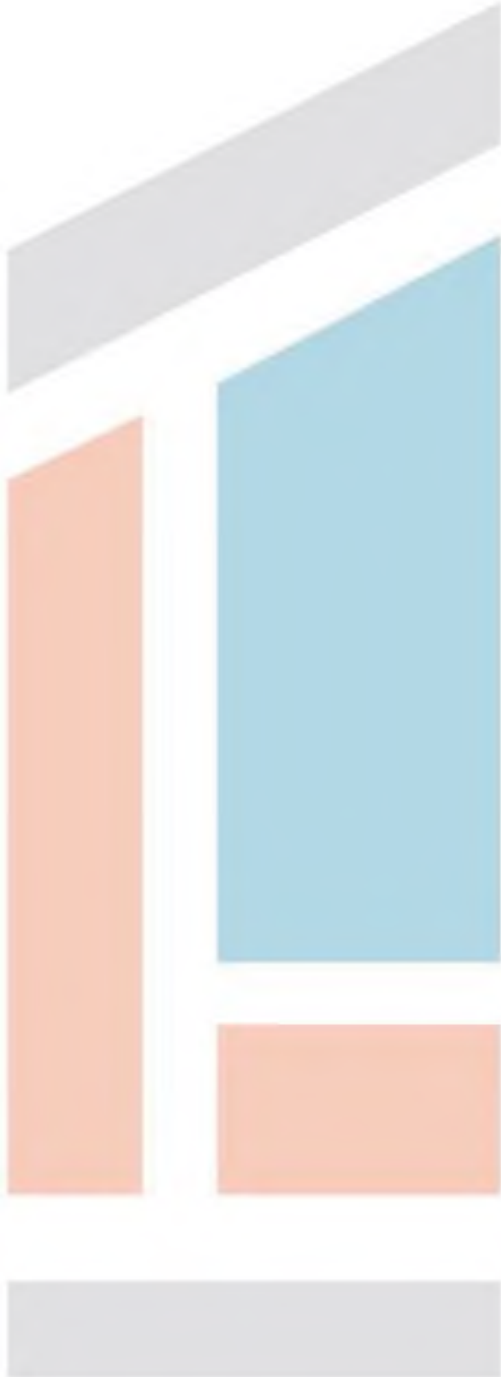
We conducted our review in accordance with Auditing Standard on Review Engagements ASRE 2405 *Review of Historical Financial Information Other than a Financial Report* and other auditing standards applicable to a review engagement. A review of the ESL Declaration consists of making enquiries, primarily of persons responsible for the insured’s financial and accounting matters, and applying analytical and other review procedures. A review is substantially less in scope than an audit conducted in accordance with *Australian Auditing Standards* and consequently does not enable us to obtain assurance that we would become aware of all significant matters that might be identified in an audit. Accordingly, we do not express an audit opinion.

ASRE 2405 requires us to comply with the independence and other relevant ethical requirements of the *Code of Ethics for Professional Accountants* issued by the Auditing Professional and Ethical Standards Board.

.....
Name of audit firm/assurance practitioner Partner name

.....
Partner signature

Date:
Qualification [i.e. Registered company auditor or other required qualification]



Guidelines on the prohibition against price exploitation

December 2017



GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

Published by

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Disclaimer

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GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

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GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

A. Introduction

These Guidelines relate to the prohibition against price exploitation in relation to emergency services levy reform, contrary to section 14 of the *Emergency Services Levy Insurance Monitor Act 2016* (ESLIM Act).

The Guidelines, originally published in September 2016, are revised following the commencement of the *Emergency Services Levy Act 2017* (ESL Act) which defers the introduction of the proposed Fire and Emergency Services Levy (FESL), provided for under the *Fire and Emergency Services Levy Act 2017* (FESL Act).

A1. History

1. On 10 December 2015, the New South Wales Treasurer announced that the Government intended to reform the way New South Wales emergency services organisations are funded. To give effect to this reform, the Government passed the *Fire and Emergency Services Levy Act 2017* (FESL Act), effective from 4 April 2017. This legislation provided for the replacement of existing insurance based emergency services funding scheme (scheme) with a property-based levy to be paid by all New South Wales property owners alongside their local council rates.
2. Under the FESL Act, a fire and emergency services levy (FESL) was payable from 1 July 2017 on all *leviable* land¹ in each financial year² by the owner of that land³ at the rate calculated in accordance with Part 3 of the FESL Act.
3. To oversee and monitor the transition from the scheme to the FESL, the NSW Government enacted the *Emergency Services Levy Insurance Monitor Act 2016* (ESLIM Act), on 31 May 2016, which became effective on 7 June 2016. The ESLIM Act provided for the appointments of an Emergency Services Levy Insurance Monitor and Deputy Monitor to oversight the insurance side of the reform.
4. The ESLIM Act⁴ confers the following general functions on the Emergency Services Levy Insurance Monitor (Insurance Monitor):
 - (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,

¹ Defined in section 6 of the FESL Act.

² See section 8 of the FESL Act.

³ See section 7 of the FESL Act.

⁴ See section 9(2) of ESLIM Act.

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- (g) to investigate and institute proceedings in respect of prohibited conduct or any contraventions of the Act or the regulations.
5. Under the scheme, insurance companies were required to pay contributions to the funding of NSW emergency services organisations, including Fire and Rescue NSW, NSW Rural Fire Service and NSW State Emergency Service. These contributions were payable 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 provided 73.7% of the total contributions required to fund the emergency services organisations, with the balance being provided by the NSW Treasurer (14.6%) and local councils (11.7%).
 6. Under the FESL Act the contributions to the funding of NSW emergency services organisations is borne by the Treasurer, local councils with the majority of the funding flowing from the FESL.
 7. However, on 30 May 2017, the NSW Government announced that it would defer the introduction of the FESL and re-establish an emergency services insurance contribution scheme ('contribution scheme').⁵
 8. To give effect to the deferral of the FESL and to re-establish the contribution scheme, the NSW Government enacted the Emergency Services Levy Act 2017 (ESL Act), which commenced on 1 July 2017. The ESL Act postpones the introduction of the FESL for at least two years.⁶ Any start date for the FESL must be on 1 July, in a year to be appointed under regulations made under the FESL Act⁷ and published on the NSW legislation website, not later than 12 months prior to the nominated start date⁸.
 9. The ESL Act provides that from 1 July 2017 a single emergency services contribution⁹ will be paid to the Chief Commissioner of State Revenue¹⁰ by insurers¹¹ in each financial year,¹² with respect to relevant insurance,¹³ rather than separate contributions to each of the emergency services organisations.
 10. The period between the commencement of the ESL Act, being 1 July 2017, and the commencement of the FESL, is referred to as the 'transition period'.¹⁴
 11. From the commencement of the contribution scheme 'contribution scheme', on 1 July 2017, insurance companies will continue to provide the majority of the funding of NSW emergency

⁵ See the Explanatory note to the *Emergency Services Levy Bill 2017* at page 1.

⁶ See section 151 of the FESL Act.

⁷ See section 152 of the FESL Act.

⁸ See section 152 of the FESL Act.

⁹ See section 6 of the ESL Act.

¹⁰ See Part 3 of the ESL Act.

¹¹ See section 7 of the ESL Act.

¹² See section 8 of the ESL Act.

¹³ "relevant insurance" is defined in section 9 and Schedule 1 of the ESL Act.

¹⁴ See section 43 of the ESL Act and section 31A of the Act. The transition period may be changed by regulations made under the ESL Act in accordance with section 46 of the ESL Act.

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services organisations,¹⁵ local councils will maintain their contribution (11.7 %)¹⁶ with the balance being provided by the NSW Treasurer.¹⁷

12. The classes of relevant insurance and the proportion of total premiums recovered that are subject to contribution by insurance companies is consistent with those under the scheme. They are specified in Schedule 1, and set out in Table 1 below:

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

Class of policies of insurance	Relevant proportion
1. Any insurance of property including consequential loss but not including any insurance of a class specified elsewhere in in this Schedule	80 %
2. House owners and householders, however designated (buildings or contents or both)	50 %
3. Personal combined on personal jewellery and clothing, personal effects and works of art	10 %
4. Motor vehicle and motor cycle	2.5 %
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 %
6. (a) Combined fire and hail on growing crops	1 %
(b) Live stock	1 %
7. Aviation hull	Nil

¹⁵ The amount of the contribution from insurance companies is calculated in accordance with Part 3 of the ESL Act.

¹⁶ See section 51(3) of the *Fire Brigades Act 1989*, section 110(3) of the *Rural Fires Act 1997* and section 241(3) of the *State Emergency Service Act 1989*.

¹⁷ See Division 3 of Part 5 of the *Fire Brigades Act 1989*, Division 4 of Part 5 of the *Rural Fires Act 1997* and section Division 3 of Part 5 A of the *State Emergency Service Act 1989*.

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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
e. Inherent or latent defects – confined to damage and/or consequential loss arising out of defective design, defective workmanship or defective materials but excluding any damage or consequential loss from fire	Nil

13. The total contributions required of the insurers under the final two years of the scheme, for 2015-16 and 2016-17 were \$769 million and \$785 million respectively. The NSW budget for the 2017-2018 financial year estimates that \$794 million will be recovered from insurance companies under the contribution scheme and \$793 million will be recovered from the same source in the following financial year.¹⁸

A2. Emergency services levy reform

14. The phrase ‘emergency services levy reform’¹⁹ now describes the removal of the insurance-based emergency services contributions and levy scheme, which operated until 30 June 2017, its replacement by a property-based fire and emergency services levy, to be paid by property owners alongside local council rates proposed from 1 July 2017 (now deferred), and as a consequence of that deferral, the re-establishment of an insurance contribution scheme.

A3. Prohibited conduct

15. The ESLIM Act contains prohibitions against price exploitation and engaging in false or misleading conduct in relation to the emergency services levy reform, collectively referred to as ‘prohibited conduct.’ There is provision in section 21 of the ESLIM Act for the Insurance Monitor to issue guidelines about when conduct may be considered to contravene these prohibitions.

¹⁸ NSW budget statement 2017-2018, Table 5.4-General government sector summary of taxation revenue.

¹⁹ See section 3 of the ESLIM Act.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

A4. Statutory basis and effect of Guidelines

16. Section 21 of the ESLIM Act provides that the Insurance Monitor may issue Guidelines about when conduct may be regarded as constituting prohibited conduct.
17. Guidelines issued under section 21, and any variations of them, must be published in the Government Gazette and on the Insurance Monitor's website. Consequentially, 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 Insurance Monitor's website www.eslinsurancemonitor.nsw.gov.au.
18. The Insurance Monitor must have regard to any Guidelines issued under section 21 of the ESLIM Act, in deciding to give an insurance company a contravention notice²⁰, a prevention notice,²¹ to issue any person with a substantiation notice,²² or to issue a public warning statement.²³ The NSW Supreme Court may have regard to any Guidelines issued by the Insurance Monitor, under section 21 of the Act, when determining whether to make any order relating to prohibited conduct.²⁴

A5. The Monitor's role in relation to price exploitation

19. The role of the Insurance Monitor in general and in relation to price exploitation was outlined in the Second Reading Speech for the Bill establishing the Insurance Monitor.

"The NSW Government is building on the lessons learned from Victoria, the most recent State to reform the funding of their emergency services. One of the key lessons was the need to establish an insurance monitor well before the date on which the insurance levy is abolished. This bill acts upon that lesson. 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."

"Until the end of 2018 insurers will be prohibited from engaging in price exploitation or false and misleading conduct regarding the effects of ESL reform. 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."²⁵

20. The Insurance Monitor, therefore, has an important role in ensuring that insurance companies do not set unreasonably high premiums in response to the emergency services levy reforms. Prior to the NSW Government's announcement of the deferred introduction of the FESL, the key focus of the Insurance Monitor's activities was on ensuring that there were no increases in premiums which were in anticipation of the removal of ESL. The

²⁰ See section 16(3) of the ESLIM Act.

²¹ See section 17(3) of the ESLIM Act.

²² See section 22(6) of the ESLIM Act.

²³ See section 31(3) of the ESLIM Act.

²⁴ See section 18(4) of the ESLIM Act.

²⁵ Second Reading ESLIM Bill, Ms Gladys Berejiklian, 3 May 2016.

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Insurance Monitor has also been concerned to ensure that the tapering process adopted by insurers in moving to reduce ESL rates to zero by the end of 2016-17 was moderated. The aim originally was to ensure that the full benefits of any reductions in ESL rates (including related GST and Duty) were passed on to policyholders in lower premiums. This process was well underway prior to legislative confirmation that a property-based levy would be introduced from 1 July 2017 and the subsequent deferral of this levy.

21. From 1 July 2017 it was expected that ESL would be fully removed from insurance premiums and insurers had implemented systems changes to ensure this was the case. Pricing decisions generally need to be locked in several weeks before they can be implemented to allow time for preparing and issuing documentation and customer acceptance. By the time the Government announced the deferral of the scheme insurers had already issued documentation which indicated ESL was removed from premiums from 1 July 2017.
22. As indicated by the Treasurer, the Insurance Monitor also acts to prevent over-collection of ESL by insurers. Over-collection can arise when insurers collect more from their customers in ESL than they are required to contribute to the emergency services organisations. The Act requires the Insurance Monitor to make its assessment of over-collection for each insurance company by comparing the amount of ESL collected over both the 2015-16 and 2016-17 financial years, with the amount the company is required to contribute under the scheme for the same two financial years. This means that some over-collection in 2015-16 could be applied to off-set any under-collection in the final year of the scheme when ESL rates were being reduced.
23. When announcing the deferral of the introduction of the property-based levy scheme, the Government indicated that:

“The Insurance Monitor will oversee a smooth continuation of the existing system and ensure companies collect only the amounts necessary to meet fire and emergency services funding requirements.”²⁶
24. A two year transition period has been established (2017-2018 and 2018-2019) during which insurers will move to re-instate levies on their insurance policies to recover contributions. The Insurance Monitor will assess whether there is any over-collection of ESL over this extended two year period. In addition, the Insurance Monitor will have an important role in ensuring that no undue advantage is taken by insurers to increase premiums unreasonably on account of the re-introduction of levies related to the new contribution requirements. Policyholders should not have to pay more than is necessary to recover these contributions plus the associated GST and Duty over the extended two year period.

A6. Penalties for contravention of the prohibition on price exploitation

25. The level of penalties for contraventions of the prohibited conduct provisions of the ESLIM Act reflects the Government's concern to ensure that there is no price exploitation associated with 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

²⁶ Gladys Berejiklian Premier and Dominic Perrottet, Treasurer, Media release, “Fire and Emergency Services Levy to be Reviewed to Ensure Fairness”, 30 May 2017.

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individuals, for contraventions of the price exploitation provisions which occur after commencement of the ESLIM Act.

26. If a contravention occurs after 10 December 2015 but before 3 May 2016, being the date when the Bill that became the ESLIM Act was introduced into Parliament, the maximum penalty the Supreme Court may impose *"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."*²⁷ Following the ESL Act amendments to the ESLIM Act, the price exploitation and other provisions will continue to apply throughout the transition period. The ESLIM Act will now be repealed on 1 July 2020 or a later date appointed by the regulations.²⁸

A7. To whom do the Guidelines apply in relation to price exploitation

27. The Guidelines apply to an insurance company which issues, or has issued 'at any time during the relevant period' a 'regulated contract of insurance'.
28. An insurance company is defined in section 3 of the ESLIM 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.
29. The ESLIM Act²⁹ provides that the relevant period³⁰ commences on 10 December 2015, the date the Government announced its intention to proceed with the emergency services levy reform, and ends on the date on which the section commences, i.e., 7 June 2016. This means that the prohibition on price exploitation applies retrospectively to the time of the Government's announcement of the emergency services levy reform and continues to apply to any regulated contract of insurance issued up to 30 June 2020.
30. A regulated contract of insurance is defined, in section 3 of the ESLIM Act, 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 relevant insurance under the Emergency Services Levy Act 2017, or
 - (c) is a combined or comprehensive policy of insurance that includes a policy of insurance referred to in paragraph (a) or (b).³¹

²⁷ See section 18(5) of the ESLIM Act.

²⁸ ESL Act, Schedule 3 Section 79.

²⁹ See section 14(3) of the ESLIM Act.

³⁰ See s14 (3) of the Act

³¹ As amended by ESL Act, Schedule 3, section 3 (1).

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31. Relevant insurance means insurance against loss or damage to property in the state under a class of policy specified in Schedule 1³² (shown above). The prohibition on price exploitation then affects any insurance policy within the class of policies listed in table 1, or any policy which incorporates a policy within any of these classes.

³² ESL Act, section 11.

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B. The prohibition on price exploitation

32. The prohibition on price exploitation is a key element of the regulatory regime established by the ESLIM Act to oversee the emergency services levy reform and ensure consumers are fully protected during the process.

B1. The legislative provisions

33. Section 14 of the ESLIM Act defines price exploitation, providing 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 emergency services contributions required to be paid by the insurance company, 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.
34. Section 3 of the ESLIM Act provides 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.

B2. What is the appropriate level of analysis to determine price exploitation?

35. The Insurance Monitor considers that section 14 applies 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 premiums in general. The Insurance Monitor places emphasis on the plain or ordinary meaning of the words in the section in

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reaching this view. The key provision in this respect is the reference to a 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].
36. While a focus on the individual insurance policy is appropriate when determining whether prices have been unreasonably high, the Insurance Monitor considers that an insurance company's overall pricing may be a relevant consideration in relation to the matters specified in 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 ESLIM Act.

B3. The relevant components of a price

37. The main components of the price to be considered in connection with the price exploitation provision include the base premium, the ESL, GST and duty. In addition, any brokerage or commission paid or payable on the premium, bonuses or return premiums and reinsurance are identified as separate components of price that may be considered.
38. The Insurance Monitor may seek information from insurance companies on each of these elements of price in undertaking the role of monitoring the effect of the emergency services levy reform on insurance premiums. It may seek information on these elements of price also when considering whether insurance companies have engaged in price exploitation.
39. Under section 37 of the ESL Act³³, an insurer is 'not to issue to a person any invoice or other statement as to the premium payable in respect of the issue or renewal of a policy of insurance (of a class described in Part A in Schedule 1 and the premium for which is subject to contribution) unless the statement also indicates how much of the premium is estimated to be attributable to the contributions payable under this Act.'³⁴ This implies that most commercial property and household property and contents policies (excluding policies covered by Part B of Schedule 1) will be required to separately disclose emergency services levies.
40. The ESL Act amended the ESLIM Act to define emergency services levy as meaning 'the amount included in a premium payable for the issue of a regulated contract of insurance for the purpose of recouping emergency services contributions required to be paid by an insurance company, whether or not the amount is disclosed as a separate item'.³⁵
41. The collection by insurance companies of GST and duty is not discretionary. They are imposed by Commonwealth 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

³³ Previously, section 80 of the Fire Brigades Act 1989 was expressed in similar terms.

³⁴ Section 80 of the Fire Brigades Act 1989 previously only made reference to policies being renewed rather than issued or renewed.

³⁵ See section 3 of the ESLIM Act.

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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.

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 (including re-insurance costs), ESL, GST and duty, and brokerage or commission.

B4. When do the provisions apply?

42. The price exploitation provisions (section 14) came into effect on 10 December 2015. The ESL Act has extended the period of operation of the ESLIM Act until 30 June 2020. The Act will be repealed on “1 July 2020, or on a later date appointed by the regulations” (section 79). An application for an order for a civil pecuniary penalty relating to price exploitation cannot be made later than 30 June 2020.³⁶

B5. What is price exploitation?

43. Price exploitation occurs if the price for the issue of a regulated contract of insurance by an insurance company is unreasonably high having regard to the five specified criteria listed in section 14(b) of the ESLIM Act. These criteria are:
- the emergency services levy reform, and
 - the emergency services contributions required to be paid by the insurance company, 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.
44. The phrase 'unreasonably high' is not defined in the Act. The Insurance Monitor will, however, have regard to the plain or 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, 7th Edition (2017), 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; 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.”
45. The Insurance Monitor considers that the meaning of the phrase “unreasonably high” is to be determined in accordance with the purposes of, and having regard to the criteria listed in, the ESLIM Act.

³⁶ See section 18(6) of the ESLIM Act.

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46. Price exploitation occurs in connection with the issue of a regulated contract of insurance by an insurance company. The term 'issued' is defined, inclusively in the ESLIM Act. Section 14(2) provides, 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 anybody 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." For the purpose of assessing potential price exploitation, the Insurance Monitor considers that the date upon which a regulated contract of insurance is issued is the date when the contract of insurance is formed.
47. The then Treasurer summarised succinctly 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."*³⁷
48. In the context where insurers will be seeking to re-impose emergency services levies to recover contributions under the emergency services insurance contribution scheme over the transition years 2017-18 and 2018-19, the principle that insurers should not seek to recover from their policyholders more than necessary to meet their contributions still applies.

B6. The criteria relevant to determining if an insurance price is 'unreasonably high'

49. An indication of how the Insurance Monitor will interpret each of the criteria in section 14(1) of the ESLIM Act is set out below. The Insurance Monitor will consider all 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.

Criterion 1: The emergency services levy reform

50. The ESLIM Act³⁸ directs the Insurance Monitor to have regard to "the emergency services levy reform" in assessing whether a price is unreasonably high. The definition of the emergency services levy reform has been broadened by the ESL Act to include the period of transition to the property levy caused by the deferral of its introduction. The reform is now defined in section 3 to mean:
- (a) the abolition, by the FESL Act of the emergency services funding scheme, and
 - (b) the establishment of a Fire and Emergency Services Levy (FESL) by that Act and
 - (c) the transition to the levy by the re-establishment of an emergency services contribution under the Emergency services Levy Act 2017
51. This criterion directs the focus of the Insurance Monitor's oversight to the impact of changes in ESL on premiums paid for the issue of regulated contracts of insurance. In the period up to 1 July 2017, insurers have generally tapered ESL rates so that by 1 July 2017 they would be zero. Insurers will now continue to be subject to contributions after this time and are

³⁷ Second Reading, Ms Gladys Berejiklian, 3 May 2016.

³⁸ See Section 14(1)(b)(i) of the ESLIM Act.

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likely to again charge ESL with their premiums. There should in general be no increase in the base premiums to compensate for changes in ESL, or in anticipation of removal of ESL following the transition period.

52. The Insurance Monitor's concern is that the impact of valid changes in ESL, brought about by the emergency services levy reform, are appropriately reflected in changes 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.

Guideline 3:

Movements in total premiums attributable to impact the emergency services levy reform on ESL (and associated GST and Duty) charged on insurance policies, should accurately reflect the insurance company's emergency services contributions under the ESL Act. Total premiums should not increase by more than any increase in ESL (and applicable GST and Duty) and be fully reduced by any reductions in ESL (and applicable GST and Duty), taking account of ESL alone.

Guideline 4:

Insurance companies should not anticipate changes in the ESL during the transition period, or the abolition of the ESL following the transition period, by increasing base premiums on this account alone.

Criterion 2: The contributions required to be paid by the insurance company under the emergency services funding scheme.

53. In assessing whether a price or premium paid or payable for the issue or renewal of a regulated contract of insurance is unreasonably high, the Insurance Monitor will have regard to the contributions required to be paid under the emergency services funding scheme.
54. The contributions required to be paid by insurers are assessed generally on the basis of the returns provided to the Government covering particular classes of insurance as indicated in Schedule 1 of the ESL Act and the approved budgets for the emergency services organisations. The market share of an insurer as revealed by the return of premium data will determine its contribution relative to other insurers.
55. There is no legislative provision prescribing how insurers recover the cost of their assessed contributions from individual policyholders. Nevertheless, this may be an issue of concern to the Insurance Monitor under this criterion. The Insurance Monitor may have concerns if a policyholder was charged a disproportionately higher amount than another policyholder in equivalent circumstances.
56. An appropriate starting point is to assume that a policyholder should not be charged an amount of ESL that exceeds the amount necessary for the insurance company to recover its emergency services contribution. The past general practice of setting common ESL percentage rates across policyholders within specific classes seems to be in line with this as it means that higher premiums will have higher ESL amounts associated with them.
57. It is recognised that complications arise as a result of the overlapping of time periods of contribution requirements, which are determined on a financial year basis and individual

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policyholders' insurance policy coverage period, which may extend across financial years. With an ongoing contribution scheme and policy renewals this may not be a particular problem, but in the event of a contribution scheme coming to an end, there may be concerns in the final year of the scheme. There is a case for policyholders purchasing or renewing policies near the end of the last financial year of the scheme to be charged lower ESL rates compared to others purchasing or renewing policies earlier in the year.

58. The Insurance Monitor accepts that insurers should be able to recover the cost of their contributions by setting specific charges to policyholders. In the absence of prescribed ESL rates by the Government or the Insurance Monitor it is a matter for insurers to determine these rates independently. When removing or re-establishing ESL rates it is likely that different rates will be charged at different times. However, the Insurance Monitor is concerned to ensure that differences in rates are not unfair to policyholders, taking into account all relevant circumstances. This implies that excessively sharp changes in rates over time should be avoided where possible.

Guideline 5:

Changes in ESL rates over time should not be unfair to individual policyholders taking into account all relevant circumstances. Excessively sharp changes in rates over time should be avoided where possible.

B7. Cancelled policies and refunds

59. If a regulated contract of insurance is cancelled toward the end of a financial year the insurer will record a lower earned premium in that year and will accordingly be subject to a lower emergency services 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 policyholder, taking into account the time between the date of the cancellation and the end of the financial year. This would appear to be consistent with common law principles.

Guideline 6:

An insurance company that has collected ESL revenue on regulated insurance policies issued in a particular financial year will be expected to refund a pro-rata portion of that revenue to a policyholder who cancels the regulated contract of insurance in time to reduce the related contribution amount.

B8. Over-collection

60. There is a further concern relating to the recovery of contributions in total across all policyholders. This relates to the possible over-collection of funds purportedly for the payment of contributions. Insurers risk possible breach of the statutory prohibition on price exploitation if they collect more than is necessary to meet their contribution requirements. However, this matter is not straight forward as there are also specific provisions in the ESLIM Act, as amended by the ESL Act, which make insurance companies liable for over-collection amounts and set out procedures for dealing with these amounts.

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61. Over-collection is dealt with in Part 3A of the ESLIM Act. This Part identifies 2, two-year periods during which over-collection is to be assessed. These are the final two years of the former emergency services funding scheme (2015-16 and 2016-17) and the two year of the transition scheme (2017-18 and 2018-19).
62. Under the former scheme contributions were required to be paid to the emergency services organisations under:
 - (a) 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*.
 - (b) Under the ESL Act, a single contribution will be paid to the Chief Commissioner of State Revenue by each insurer in each year of the transition period.
63. Under the former emergency services funding scheme, there was greater uncertainty from year to year as to the contribution amounts of the insurers, due to the fact that the budgets of the emergency services organisations were not finalised until well into the financial year. Even under the new arrangements during the transition, insurers will still be required to estimate in advance how much to collect based on their expected market shares and contributions.
64. The Insurance Monitor acknowledges that there are uncertainties for insurance companies in setting ESL rates. Under and over-collections are, inevitable to some degree. Under-collection is not of concern to the Insurance Monitor as regards the statutory prohibition of price exploitation. Over-collection could be a concern, but the Insurance Monitor does not consider that over-collection in itself necessarily constitutes unreasonably high pricing. However, where over-collection has occurred and no steps have been taken to return this over-collection in accordance with arrangements approved by the Insurance Monitor, this will be regarded as indicating that prices have been unreasonably high in contravention of the price exploitation prohibition.

Guideline 7:

The Insurance Monitor does not consider that over-collection necessarily constitutes a breach of the price exploitation prohibition. However, if over-collection is not refunded in a manner agreed to by the Insurance Monitor, enforcement action under the Act is likely to be pursued.

65. The process by which the Insurance Monitor will investigate and assess over-collection is outlined in Part 3A of the ESLIM Act. Over-collection arises when the total amount of ESL collected by an insurance company exceeds the total amount of ESL contributed by the insurance company, calculated over the final two years of the former emergency services funding scheme and separately under the two years of the transition period. The calculation of over or under-collection over the two year blocks means that if an over-collection occurred in one year, it could be offset by an under-collection in the other year.
66. The Insurance Monitor will seek detailed information from insurers in forming an opinion on the amount collected each year for the stated purpose of meeting contribution liabilities. Insurers will be expected to adopt a consistent approach to the recording of income for the purpose of determining collections. In assessing total collections in the second year of a two year block, the Insurance Monitor will take into account ESL income relating to that year that has been received in the following year. For example, the collection of ESL relating to a particular year may be delayed into the following year as a result of processing delays

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particularly with intermediated business policies; customers may pay their premium after the date payment is due; and customers may pay their annual premium in monthly instalments. The Insurance Monitor will also take into account ESL refunded to policyholders on cancelled policies.

67. These adjustment amounts may or may not be included in an insurance company's Return of Premium for the particular year, but will be included in the Insurance Monitor's assessment of collection amounts relating to that year.
68. The Insurance Monitor will require insurance companies to undertake an independent and external review of ESL collections for this purpose. Specifically, the Insurance Monitor will require the following declarations from each insurance company:
- (a) The total ESL collected from policyholders by each class of regulated contract of insurance relating initially to the financial years 2015-16 and 2016-17 and later for the transition years 2017-18 and 2018-19 in a form specified by the Insurance Monitor.
 - (b) The accounting basis upon which premiums have been recognised in the Return of Premium form.

These declarations must be independently and externally verified by assurance practitioners registered under the Corporations Act 2001.³⁹

Guideline 8:

To ensure that the total ESL collections declared to the Insurance Monitor reconciles in all material respects with the amounts recorded in the insurer's accounting system, the Insurance Monitor will require insurance companies to conduct an independent review of their declarations to provide assurance in accordance with Auditing Standard on Review Engagements, ASRE 2405, *Review of Historical Financial Information Other than a Financial Report*.

69. The Insurance Monitor will accept the contribution amounts for each insurer that are advised to it by the Department of Justice in relation to the former emergency services funding scheme and the Chief Commissioner for State Revenue under the revised scheme during the transition period. When the collection and contribution amounts are determined, the Insurance Monitor will issue an assessment for any over-collection amount that it finds and seek acceptance of this assessment as provided for in the ESLIM Act.

B9. Refunds of over-collected amounts

70. The Insurance Monitor is required to endeavour to ensure that any insurance company that is liable for an over-collection amount:
- (a) refunds the over-collection amount to relevant policyholders of the insurance company, if that is practicable; or
 - (b) if that is not practicable, pay the over-collection amount to the Chief Commissioner of State Revenue for payment into the Consolidated Fund.

³⁹ An auditor satisfying the registration requirements of Division 2 of Part 3M.4 and the auditor independence requirements of Divisions 3, 4 and 5 of Part 3M.4 of the *Corporations Act 2001*.

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71. The relevant policyholders for these purposes are policyholders who were insured under a regulated contract of insurance issued by an insurance company during the relevant two year periods. The issue of practicability of refunds to policyholders is one that will need to be determined on a case by case basis through discussions between the Insurance Monitor and each insurance company. The Insurance Monitor's preference is that refunds should be paid to relevant policyholders as a matter of course. However, it is recognised that this may not be practicable where relatively small amounts are involved and in these cases the amounts can be bundled and paid to the Consolidated Fund. For retail customers, refunds should be made to individual policyholders where average amounts owing exceed \$20.00. For non-retail or commercial customers, particularly where intermediaries have been involved, the Insurance Monitor recognises that a higher threshold may be appropriate. The Insurance Monitor's preference is that a threshold of \$200 could apply in these cases, but the Insurance Monitor will consider submissions from individual insurers wanting to apply higher threshold amounts.
72. The Monitor's position is that for retail customers:
- where average amounts owing exceed \$20, refunds must be made to individual policyholders; and
 - where average amounts owing are less than \$20, refunds should still generally be made to home and contents policyholders unless, subject to a case-by-case consideration. There is agreement by the Monitor that it is impracticable to provide refunds.
73. If the Insurance Monitor reaches an agreement with an insurance company in relation to the refund of over-collection amounts, the Insurance Monitor will expect the insurance company to enter into a refund undertaking in relation to any over-collection amount. Refund undertakings accepted by the Insurance Monitor will be consistent with the provisions of Division 2 of Part 4 of the ESLIM Act relating to enforceable undertakings.
74. In the absence of an undertaking between the Insurance Monitor and an insurance company in respect of a refund undertaking, the Insurance Monitor will refer the over-collection amount to the Chief Commissioner for debt recovery action. Any debt recovery order made by the Chief Commissioner may be enforced through the courts. If an insurance company fails to pay an over-collection amount identified in a debt recovery order, upon conviction it faces a penalty of not more than 50 penalty units.
75. The Insurance Monitor will consider the failure by an insurance company to pay an over collected amount to constitute a contravention of the statutory prohibitions of the ESLIM Act relating to price exploitation and also engaging in false or misleading conduct and will act accordingly which may give rise to substantially higher penalties.
76. Over-collection means that policyholders have been required to pay more than has been necessary to meet the insurance company's legislatively determined contribution to the emergency services organisations. The relevant entity here is considered to be the one that pays contributions to the NSW Government.

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Guideline 9:

The Insurance Monitor will investigate and assess whether each insurance company is liable for an over-collection amount. This will be determined by:

1. comparing the amount that the Insurance Monitor considers was collected by the insurance company as ESL for the final two years of the former emergency services funding scheme (2015-16 and 2016-17) with the contribution independently determined for those years, and
2. comparing the amount the Insurance Monitor considers was collected by the insurance company as ESL over the transition period (2017-18 and 2018-19) with the contributions independently determined for those years.

Guideline 10:

The Insurance Monitor considers that where practicable over-collection of statutory contributions should be returned to policyholders.

Guideline 11:

1. Where the Insurance Monitor agrees that refunds to individual policyholders are not practicable, the over-collected amount must be bundled and paid to the Chief Commissioner of Revenue NSW in accordance with the ESLIM Act.
2. Where average amounts owing are less than \$20, refunds should still generally be made to retail policyholders unless, subject to a case-by-case consideration, the Monitor agrees that it is impracticable to provide these refunds.

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

77. In determining whether prices can be considered unreasonably high the Insurance Monitor can have regard for the ESL rates charged historically by the insurance company. As the size of the insurance pool has grown, a given ESL rate will have generated greater income. This has helped to accommodate increases in the budgets of the emergency services organisations.
78. Rates can vary through a year to achieve required collections. Significant variability through a year may give rise to concerns that ESL rates charged for particular policyholders are unreasonably high compared to previous years and to the ESL rates charged to other policyholders at different times. If complaints of this nature are received the Insurance Monitor will investigate the circumstances which have given rise to these differences and assess the reasonableness of the ESL rates charged.
79. Insurance companies generally adopted tapering approaches to achieve the removal of ESL under the former emergency services funding scheme by 1 July 2017. Rates were initially increased in the final month or two of 2015-16, held at these higher levels for much of the first half of the following year, and then reduced in stages to

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zero by 30 June 2017. The re-establishment of an insurance contribution scheme in the transition period means that insurers are likely to reimpose ESL on their policyholders. There may be a lag of as much as six to ten weeks from the time of the announcement of the deferral of the FESL, before new rates can practically be implemented. This will mean insurers will not be able to collect ESL during this time and will need to recover their required 2017-18 contribution from new and renewed policies issued later in the 2017-18 financial year, or in the following financial year.

Guideline 12:

The Insurance Monitor expects that each insurer will be able to justify the approach it adopts as to when and how to recover their contribution liabilities from policyholders. Where possible, insurers should consider adopting an approach to re-introducing ESL rates that offsets to some degree the tapering pattern that applied to the removal of rates under the former contribution scheme.

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

80. The Insurance Monitor may have regard to 'the costs of supplying insurance against loss or damage to property.'⁴⁰ The Insurance Monitor interprets the term 'costs' here to mean the costs of all inputs involved in a company's supply of insurance subject to ESL contribution, 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 insurance subject to ESL contribution.
81. In having regard to the costs of supplying insurance against loss or damage to property, it is inevitable that some consideration will be given to the level of insurer profitability. Premiums for regulated contracts of insurance set by an insurance company will include a margin which will be influenced by the insurance company's perception of its required rate of return (opportunity cost of capital) and the actual rate of return.
82. 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 of costs is important. The Insurance Monitor may seek information on how indirect costs are allocated, but, consistent with the focus on the change in premiums, the Insurance 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.
83. The Insurance 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 insurance premiums subject to ESL contribution. However, where cost changes affect premiums, the Insurance 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.

⁴⁰ See Section 14 (1)(b)(iv) of the ESLIM Act.

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84. The Insurance Monitor considers that the abolition of ESL and the subsequent re-establishment of the contribution scheme under the ESL Act should not be seen by insurance companies as an opportunity to increase profitability. The Insurance Monitor will scrutinize carefully any increases in premiums aimed at boosting profitability coincidentally with changes in ESL.
85. The Insurance Monitor is concerned to ensure that changes in contribution arrangements affecting ESL charged by insurers are not used to disguise other base premium movements not fully justified by reasonable changes in supply costs. Where base premium movements are greater than expected as a result of normal inflationary pressures and there are concerns about their coincidence with ESL changes, insurance companies can expect the Insurance Monitor to investigate these matters. Insurers can help to minimise the concerns of policyholders by explaining clearly the reasons for base premium movements and showing that they do not relate to changes in ESL.

Guideline 13:

The Insurance Monitor will examine the reasonableness of base premium increases where there are concerns about their coincidence with ESL changes, the size of the movements compared to normal inflationary pressures, and changes in cost or pricing methodologies.

Criterion 5: Any other matters prescribed by the regulations

86. There are no other matters currently prescribed by the regulations.

B10. Companies' pricing justification generally

87. The Insurance 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 Insurance Monitor for the price paid or payable for the issue of a regulated contract of insurance during the operation period of the Act.

Guideline 14:

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

B11. Chief Executive Officer Declaration

88. The Guidelines provide advice about when the Insurance Monitor considers conduct may be regarded as constituting prohibited conduct. Adherence to the Guidelines will reduce the likelihood that the Insurance Monitor will have concerns that conduct may be in breach of the statutory prohibitions.
89. The Insurance Monitor expects that insurers will comply with the Guidelines and the statutory provisions. Insurers will demonstrate this by their conduct, however, the confidence of the Insurance Monitor in relation to compliance will be enhanced if insurers at the highest level of their organisations publicly commit to doing this. Such commitments could be

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

expected to influence the Insurance Monitor's risk-based compliance and enforcement activities. Accordingly, the Insurance Monitor invites the Chief Executive Officers of each insurer to provide a signed commitment that their companies will comply with the Insurance Monitor's section 21 Guidelines.

90. **The Chief Executive Officer of each company is invited to provide the Insurance Monitor by 1 September 2017 a signed standard form declaration committing the company to have regard to and apply the Insurance Monitor's Guidelines, issued in July 2017, under section 21 of the ESLIM Act 2016. Each commitment received will be recorded on the Insurance Monitor's website.**

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

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 ESLIM 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 (including re-insurance costs), ESL, GST and duty, and brokerage or commission.

Guideline 3:

Movements in total premiums attributable to impact the emergency services levy reform on ESL (and associated GST and Duty) charged on insurance policies, should accurately reflect the insurance company's emergency services contributions under the ESL Act. Total premiums should not increase by more than any increase in ESL (and applicable GST and Duty) and be fully reduced by any reductions in ESL (and applicable GST and Duty), taking account of ESL alone.

Guideline 4:

Insurance companies should not anticipate changes in the ESL during the transition period, or the abolition of the ESL following the transition period, by increasing base premiums on this account alone.

Guideline 5

Changes in ESL rates over time should not be unfair to individual policyholders taking into account all relevant circumstances. Excessively sharp changes in rates over time should be avoided where possible.

Guideline 6:

An insurance company that has collected ESL revenue on regulated insurance policies issued in a particular financial year will be expected to refund a pro-rata portion of that revenue to a policyholder who cancels the regulated contract of insurance in time to reduce the related contribution amount.

Guideline 7:

The Insurance Monitor does not consider that over-collection necessarily constitutes a breach of the price exploitation prohibition. However, if over-collection is not refunded in a manner agreed to by the Insurance Monitor, enforcement action under the Act is likely to be pursued.

Guideline 8:

To ensure that the total ESL collections declared to the Insurance Monitor reconciles in all material respects with the amounts recorded in the insurer's accounting system, the Insurance Monitor will require insurance companies to conduct an independent review of their declarations to provide assurance in accordance with Auditing Standard on Review Engagements, ASRE 2405, *Review of Historical Financial Information Other than a Financial Report*.

GUIDELINES ON THE PROHIBITION AGAINST PRICE EXPLOITATION

Guideline 9:

The Insurance Monitor will investigate and assess whether each insurance company is liable for an over-collection amount. This will be determined by:

1. comparing the amount that the Insurance Monitor considers was collected by the insurance company as ESL for the final two years of the former emergency services funding scheme (2015-16 and 2016-17) with the contribution independently determined for those years, and
2. comparing the amount the Insurance Monitor considers was collected by the insurance company as ESL over the transition period (2017-18 and 2018-19) with the contributions independently determined for those years.

Guideline 10:

The Insurance Monitor considers that where practicable over-collection of statutory contributions should be returned to policyholders.

Guideline 11:

1. Where the Insurance Monitor agrees that refunds to individual policyholders are not practicable, the over-collected amount must be bundled and paid to the Chief Commissioner of Revenue NSW in accordance with the ESLIM Act.
2. Where average amounts owing are less than \$20, refunds should still generally be made to retail policyholders unless, subject to a case-by-case consideration, the Monitor agrees that it is impracticable to provide these refunds.

Guideline 12:

The Insurance Monitor expects that each insurer will be able to justify the approach it adopts as to when and how to recover their contribution liabilities from policyholders. Where possible, insurers should consider adopting an approach to re-introducing ESL rates that offsets to some degree the tapering pattern that applied to the removal of rates under the former contribution scheme.

Guideline 13:

The Insurance Monitor will examine the reasonableness of base premium increases where there are concerns about their coincidence with ESL changes, the size of the movements compared to normal inflationary pressures, and changes in cost or pricing methodologies.

Guideline 14:

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

COUNCIL NOTICES

BLACKTOWN CITY COUNCIL

LOCAL GOVERNMENT ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

NOTICE OF COMPULSORY ACQUISITION OF LAND

Blacktown City Council declares with the approval of His Excellency the Governor that the land described in the schedule below, excluding only those mines or deposits of minerals in the land expressly reserved to the Crown, are acquired by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* for drainage.

Dated at Blacktown this 8th day of December 2017.

Kerry Robinson
General Manager

SCHEDULE

Lot 327 DP 1224195

[9421]

BOGAN SHIRE COUNCIL

Local Government Act 1993, Section 713

Sale of Land for Overdue Rates

Notice is hereby given to the persons named hereunder the Council of the Shire of Bogan has resolved in pursuance to Division 5 of section 713 of the *Local Government Act 1993*, to sell the land described hereunder of which the persons named appear to be the owners or in which may appear to have an interest and on which the amount of rates stated in each case as at 31st October, 2017 is due:

A Owner or person having an interest in the land	B Description of Land	C Amount of Rates (incl. extra charges) overdue for more than 5 years	D Amount of all other rates (incl. extra charges) due in arrears	E Total Rates and charges Due.
Estate of Late J Cooney (Ref 1017722)	Budther Street, Coolabah Lot 1 Sec 26 DP 758274, 2023m2	3623.38	5739.96	\$9,363.34
Ms JJ O'brien (Ref 1000220)	Oriel Shannonvale Road, Five Ways Lot 21 DP 724651, 91.14Ha	926.91	1597.74	\$2,524.65
Mrs JJ O'brien (Ref 1000238)	Oriel Shannonvale Road, Five Ways Lot 22 DP 724651, 2666Ha	7937.87	11669.28	\$19,607.15
Mrs CA McIntyre (Ref 1003391)	Bourke Street, Girilambone Lot 4 Sec 20 DP 758441, 1012m2	1335.05	2873.01	\$4,208.06
Mr RC Doyle (Ref 1003367)	Bourke Street, Girilambone Lot 1 Sec 20 DP 758441, 1012m2	223.11	3356.75	\$3,579.86
Mr RC Doyle (Ref 1003634)	Bourke Street, Girilambone Lot 4 Sec 22 DP 758441, 2023m2	223.11	3395.63	\$3,618.74

A Owner or person having an interest in the land	B Description of Land	C Amount of Rates (incl. extra charges) overdue for more than 5 years	D Amount of all other rates (incl. extra charges) due in arrears	E Total Rates and charges Due.
Mr AT Miller (Ref 1019512)	Myall Street, Girilambone Lot 7 Sec 22 DP 758441, 2023m2	3303.23	4753.96	\$8,057.19
Mr GM Wykes (Ref 1000856)	Quanda Street, Hermidale Lot D DP 371287, 1012m2	11594.12	8603.73	\$20,197.85
Estate of Late NM Chawke (Ref 1001030)	Nyngan Street, Hermidale Lot 2 Sec 12 DP 758515, 2023m2	5410.88	7337.85	\$12,748.73
Mr D Bommer (Ref 1000791)	Cobar Street, Hermidale Lot 13 Sec 6 DP 758515, 1012m2	643.76	2425.42	\$3,069.18
Mr RM Connor (Ref 1001014)	Nyngan Street, Hermidale Lot 1 DP 939430, 1012m2	2297.49	4654.90	\$6,952.39
Mr DC & Mrs LI Thomson (Ref 1002557)	Gibbagunyah Munda Road, Miandetta Lot 14, 15 DP 751310, 1897m2	1065.44	2021.47	\$3,086.91
Ms VA Steele (Ref 1020246)	Tyrone, Miandetta Lot 1,2,3 DP 250872, 24.73Ha	1051.01	1630.15	\$2,681.16
John Nich Pty Ltd (Ref 1021959)	Flashman Avenue, Nyngan Lot 6 DP 1112770, 1.421Ha	4250.23	10307.66	\$14,557.89
Mr RJ & Mrs T Latham (Ref 1003757)	Myall Street, Girilambone Lot 1 Sec 26 DP 758441, 2023m2	10001.33	7040.64	\$17,041.97
R McConnell (Ref 1017675)	Bourke Street, Girilambone Lot 1 Dp 527104, 942.2m2	803.25	4524.56	\$5,327.81
R McConnell (Ref 1017706)	Bourke Street, Girilambone Lot 10 Sec 23 DP 758274,2023m2	403.25	2385.83	\$2,789.08

In default of payment to the Council of the amount stated in column E above and any other rates (including extra charges) now being due and payable after publication of this notice before the time fixed for the sale, the said land will be offered for sale by public auction at the Nyngan Town Hall Supper Room, 67 Cobar Street Nyngan NSW 2825 on Friday 16th March, 2018 commencing at 9.30am. Auctioneer: Landmark Real Estate Nyngan.

[9422]

DUNOG SHIRE COUNCIL

LOCAL GOVERNMENT ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

NOTICE OF COMPULSORY ACQUISITION OF LAND

Dungog Shire Council declares with the approval of His Excellency the Governor that the lands described in the schedule below, excluding only those mines or deposits of minerals in the land expressly reserved to the Crown, are acquired by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* for drainage.

Dated at Dungog this 7th day of November 2017. SHAUN CHANDLER, General Manager, Dungog Shire Council, P O Box 95, Dungog NSW 2420. Council Reference: EF 15/36

SCHEDULE

Lot 13 DP 1223053

Lot 14 DP 1223053

[9423]

FAIRFIELD CITY COUNCIL

Road Act 1993, Section 16

Dedication of Land as Public Road

Notice is hereby given that in accordance with section 16 of the *Roads Act 1993*, the land described in the Schedule below is dedicated as a Public Road.

Alan Young, City Manager, Fairfield City Council PO BOX 21, Fairfield NSW 1860

Schedule

Road shown as "Lane 33 feet wide" and "Road 40 ft wide" on DP 3082, Parish of St Luke, County of Cumberland, being part of Redfern Street, Wetherill Park

[9424]

GOULBURN MULWAREE COUNCIL

ROADS ACT 1993

Naming of Roads

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

Name	Locality
MYRUNA DRIVE	Marulan
Description	
New Road in Subdivision Lot 1 DP 1138469, Lot 195 & 205 DP 750053, Lots 107, 111 & 120 DP 7512968 (Old Hume Highway, Marulan)	
Name	Locality
SOUTHDOWN ROAD	Marulan
Description	
Intersecting proposed Leicester Road and linking to proposed Corriedale Drive	
Name	Locality
LEICESTER ROAD	Marulan
Description	
Intersecting with the existing Merino Road and terminating in a turnaround area. Intersected by the proposed Southdown Road to join the proposed Corridale Road which is intersected by the proposed Herdwick Place	
Name	Locality
HERDWICK PLACE	Marulan
Description	
Intersecting proposed Corriedale Drive.	
Name	Locality
CORRIEDALE DRIVE	Marulan
Description	
Intersecting proposed Southdown Road and Herdwick Place.	

KEN WHEELDON, Manager Land & Property Services, Goulburn Mulwaree Council, 184-194 Bourke Street,
GOULBURN NSW 2580

GNB Ref: 0225

[9425]

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
WICKLOW ROAD	Chisholm

Description

From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head northwest along McFarlanes Road and take the first turn left into Greystones Drive and the first turn right into Wicklow Road.

Name	Locality
LUCAN STREET	Chisholm

Description

From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head north west along McFarlanes Road and take the first turn left into Greystones Drive. Then take the right turn left into Wicklow Road and the first turn left into Lucan Street.

Name	Locality
GREYSTONES DRIVE	Chisholm

Description

From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head north west along McFarlanes Road and turn left into Greystones Drive.

Name	Locality
WEXFORD STREET	Chisholm

Description

From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head north west along McFarlanes Road and take the first turn left into Greystones Drive. Take the second turn right into Greystones Drive and take the first turn left into Wexford Street.

Name	Locality
ARKLOW CRESCENT	Chisholm

Description

From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head north west along McFarlanes Road. Take the first turn left into Greystones Drive and continue into Suncroft which will which will run into Arklow Crescent at the T-intersection.

Name	Locality
TRAMORE ESPLANADE	Chisholm

Description

From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head north west along McFarlanes Road and take the first turn left into Greystones Drive, continue along into Suncroft Street. Take the first turn left into Arklow Crescent and continue on into Tramore Esplanade.

Name	Locality
SUNCROFT STREET	Chisholm
Description	
From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head north west along McFarlanes Road and take the first turn left into Greystones Drive and continue on into Suncroft Street.	

Name	Locality
MEATH STREET	Chisholm
Description	
From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head north west along McFarlanes Road and take the first turn left into Greystones Drive, the first turn left into Mayo Crescent and the first turn right into Meath Street.	

Name	Locality
MAYO CRESCENT	Chisholm
Description	
From the intersection of Raymond Terrace Road and McFarlanes Road, Chisholm head north west along McFarlanes Road and take the first turn left into Greystones Drive and the first turn left into Mayo Crescent.	

DAVID EVANS, General Manager, Maitland City Council, 285-287 High Street, MAITLAND NSW 2320

GNB Ref: 0227

[9426]

NEWCASTLE CITY COUNCIL

Roads Act 1993
Section 10

Dedication of Land as Public Road

NOTICE is hereby given that in accordance with the provisions of section 10 of the *Road Act 1993*, the land held by Council as described in the Schedule below is hereby dedicated as public road. JEREMY BATH, Interim Chief Executive Officer, Newcastle City Council, PO Box 489, Newcastle, NSW 2300.

SCHEDULE

Lot 128, Deposited Plan 250629 known as 22A Aldwick Cl, Tarro NSW 2322

[9427]

NORTH SYDNEY COUNCIL

Roads Act 1993, Section 16

Dedication of Land as Public Road

Notice is hereby given pursuant to Section 16 of the *Roads Act 1993* that the land described in the Schedule below is dedicated to the public as road.

SCHEDULE

The portion of Mitchell Street which connects Atchison Street to Pacific Highway, St Leonards, Parish of Willoughby, County of Cumberland.



ADRIAN PANUCCIO, Acting General Manager, North Sydney Council, P.O. Box 12, North Sydney, NSW 2060.

[9428]

WINGECARRIBEE SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given by Wingecarribee Shire Council, pursuant to section 16 of the *Roads Act 1993*, that the land described in the Schedule below is hereby dedicated as public road. Dated at Moss Vale 1 December 2017. Ann Prendergast, General Manager, Wingecarribee Shire Council, Civic Centre, 68 Elizabeth St, Moss Vale NSW 2577.

SCHEDULE

King Street shown within Deposited Plan 15496.

[9431]

PRIVATE NOTICES

Company Notices

NOTICE OF VOLUNTARY LIQUIDATION

The Corporations Law and in the matter of SANDES PTY LIMITED A.C.N. 008 400 100. NOTICE is hereby given that at an extraordinary general meeting of the members of the company duly convened and held on the 5th day of December, 2017 the following resolutions were passed:

That the company be wound up voluntarily and that Mrs E Bain be appointed liquidator for the purpose of such winding up.

Creditors of the company are required to prove their debts or claims within one month from the date of publication of this notice. Failing which they will be excluded from any distribution made and from objecting to any such distribution. Formal Proof of Debt forms are available on application to the Liquidator.

Dated this 5th December 2017.

E. Bain, Liquidator, c/ K B Raymond & Co. 2/131 Clarence Street, Sydney, NSW 2000 (GPO Box 4684 Sydney NSW 2001), tel.: (02) 9299 6521.

[9432]

Other Private Notices

THE SALVATION ARMY (NEW SOUTH WALES) PROPERTY TRUST ACT 1929

(Section 17)

APPOINTMENT OF NEW SECRETARY

PURSUANT to the provisions of section 17 of the *Salvation Army (New South Wales) Property Trust Act 1929*, I hereby give notice of the appointment on and from the 1st day of November 2017, of Gary Robert MASTERS as Secretary of the Salvation Army (New South Wales) Property Trust.

ANDRE' COX,
General
(by his attorney Floyd John Tidd)

[9433]