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THE QUEENSLAND LAW SOCIETY PROFESSIONAL STANDARDS SCHEME

PREAMBLE

Occupational Association

- A. The Queensland Law Society (“the Society”) is a voluntary association for legal practitioners who practice as solicitors. It is a statutory corporation constituted under the Legal Profession Act 2007 (Q). It is an occupational association under the Professional Standards Act 2004 (Q) (“the Act”).

The Nature of the Scheme

- B. The Society has made an application to the Professional Standards Council (“Council”), for approval of a scheme under the Act, and this document comprises the scheme (“the Scheme”).
- C. The Scheme is intended to operate under the Act, which has the purpose of improving occupational standards of professional persons and to protect the consumers of their services.
- D. The Scheme has been prepared by the Society for the purposes of limiting the occupational liability of Participating Members to the extent such liability may be limited under the Act.
- E. The Scheme limits damages to be awarded against a Participating Member to the monetary ceiling specified for that Participating Member if the Participating Member has the benefit of Insurance as required by the Scheme.

Risk Management

- F. The Society has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its Participating Members and the means by which those strategies are intended to be implemented.
- G. The Society will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them.

Insurance

- H. Participating Members are required to have the benefit of current professional indemnity insurance as prescribed by the LPA, the Queensland Law Society Administration Rule 2005 and the Queensland Law Society Indemnity Rule 2005. The Society has furnished the Council with details of its insurance standards and professional indemnity insurance claims monitoring process.
- I. The Society has advised its Participating Members that they must have the benefit of a professional indemnity policy that complies with the Society’s insurance standards and that they remain liable for the amount of any difference between the amount payable to a plaintiff under the policy and the applicable monetary ceiling specified in the Scheme.

Complaints and Discipline

- J. Participating Members are subject to a complaints and discipline regime operating under the LPA. All Participating Members must comply with provisions of the LPA and the Legal Profession (Society) Rules 2007.

Compliance

- K. The Society has undertaken:-
- (a) to comply with all the reporting obligations associated with this Scheme, in furtherance of the statutory objects of improvement of the occupation standards of its members and protection of the consumers of such member services;
 - (b) to require from its members that participate in this Scheme their agreement to comply with all requirements of the Society so as to enable it to meet its obligations in paragraph sub (a) above; and
 - (c) to remit all fees payable under the Professional Standards Regulation 2017 to the Council as and when they become due.

Administration of the Scheme

- L. Responsibility for administration of the Scheme and ensuring it complies with the requirements of the Act and the Council lies with the Council of the Society.

Commonwealth prescription of the Scheme

- M. Sections 12GNA(2) of the *Australian Securities and Investments Commission Act 2001* (Cth), 137(2) of the *Competition and Consumer Act 2010* (Cth), and 1044B(2) of the *Corporations Act 2001* (Cth) provide for limited liability where a professional standards scheme is prescribed in the relevant regulation. The Scheme does not apply to limit any liability under a Commonwealth law unless it has been prescribed under regulations by the Commonwealth.

THE QUEENSLAND LAW SOCIETY PROFESSIONAL STANDARDS SCHEME

1. Occupational Association and definitions

1.1 The Queensland Law Society Professional Standards Scheme is a scheme under the Act prepared by the Society whose business address is 179 Ann Street, Brisbane, Queensland.

1.2 Relevant definitions for the purpose of the Scheme are as follows:-

“**Act**” means the Professional Standards Act 2004 (Q)

“**Australian Lawyer**” has the same meaning as in the LPA.

“**Australian Practising Certificate**” has the same meaning as in the LPA.

“Corporate practising certificate” means a practising certificate issued to an Australian lawyer that has a condition that the lawyer is not to engage in legal work other than providing in-house legal services to a corporation that is not an incorporated legal practice.

“Corresponding Laws” means the Professional Standards Act 1994 (NSW), the Professional Standards Act 2003 (Vic), Professional Standards Act 2004 (SA), Professional Standards Act 1997 (WA), Professional Standards Act 2005 (Tas), Professional Standards Act 2004 (NT), the Civil Law (Wrongs) Act 2002 (ACT), as applicable.

“Council” means the Professional Standards Council established under s41 of the Act.

“Court” has the same meaning as it has in the Act.

“Damages” has the same meaning as it has in the Act.

“Exempted Member” means a full member, honorary member or an incorporated legal practice member who is, or was at the Relevant Time, exempted by the Society from participation in the scheme under clauses 3.3 and 3.4.

“Financial year” means a financial accounting period ending 30 June.

“Full Member” means a person within the category of full membership of the Society’s as defined in s7 of the Legal Profession (Society) Rules 2007.

“Government Legal Officer” has the same meaning as in the LPA.

“Honorary Member” means a person within the category of Honorary Membership of the Society as defined in s10A of the Legal Profession (Society) Rules 2007 who holds an Australian Practising Certificate;

“Incorporated Legal Practice” has the same meaning as in the LPA.

“Incorporated Legal Practice Member” means a corporation within that category of the Society’s membership as defined in s10B of the Legal Profession (Society) Rules 2007.

“Indemnity Rule” means the Queensland Law Society Indemnity Rule 2005.

“LPA” means the Legal Profession Act 2007 (Qld).

“Law Practice” has the same meaning as in the LPA.

“Occupational Liability” has the same meaning as it has in the Act.¹

“Participating Members” means those persons specified in clause 3.1 of the Scheme.

“Principal” has the same meaning as in the LPA.

“Relevant Time”, in relation to a cause of action relating to Occupational Liability, means the time when the act or omission giving rise to the cause of action happened.

“Scheme” means the Queensland Law Society Professional Standards Scheme.

“Society” means the Queensland Law Society.

¹ Section 6(1) of the Act provides that it does not apply to liability for damages because of the death of or personal injury to a person; any negligence or other fault of a lawyer in acting for a client in a personal injury claim; a breach of trust; fraud or dishonesty. Section 6(2) of the Act provides that it does not apply to liability that may be the subject of proceedings under the Land Title Act 1994, part 9, division 2, subdivision C.

“Total annual fee income” means the amount charged during a financial year for services provided by or on behalf of a Law Practice, some of whose members are members of the Society to whom the Scheme applies.

2. Jurisdictions in which the Scheme Applies

- 2.1 The Scheme applies in Queensland pursuant to the Act.
- 2.2 In addition to Queensland the Scheme is intended to operate in New South Wales, Victoria, Tasmania, South Australia, Western Australia, the Northern Territory of Australia and the Australian Capital Territory in accordance with the professional standards legislation of those states and territories and subject to the requirements of that legislation (the Corresponding Laws), so that references to a provision of the Act, the application of the Scheme to a liability, the limit of a liability under the Act or what constitutes Occupational Liability are intended to pick up the relevant provisions of the Corresponding Laws, applied *mutatis mutandis*, to the extent that is necessary for the application of the Scheme in any of those jurisdictions as an interstate scheme.
- 2.3 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this Scheme is capped both by this Scheme and also by any other scheme under professional standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

3. Persons to Whom the Scheme Applies

- 3.1 The Scheme applies to:-
- 3.1.1 Full Members and Honorary Members who hold an Australian Practising Certificate, who are not excluded or exempted under clauses 3.2 or 3.3 of the Scheme;
- 3.1.2 Incorporated Legal Practice Members that are not exempted under clause 3.3 of the Scheme;
- 3.1.3 all persons to whom, by virtue of ss 20, 21 or 21A of the Act, the Scheme applies²;
- 3.1.4 all persons to whom clauses 3.1.1 and 3.1.2 applied at the Relevant Time but no longer applies.
- 3.2 A person referred to in clause 3.1.1 does not include a practitioner who holds or held at the Relevant Time a Corporate Practising Certificate issued by the Society, or is or was at the Relevant Time a Government Legal Officer.
- 3.3 A person referred to in clause 3.1 may, on written application, be exempted from participation in the Scheme by the Society with effect from the date on which the exemption is granted. This clause does not apply to persons to whom the Scheme applies by virtue

²Section 20 and 21 of the Act provide that if the Scheme applies to a body corporate, the Scheme also applies to each officer of the body corporate and if the Scheme applies to a person, the Scheme also applies to each partner and employee of that person. However, if such officer of the body corporate or partner or employee of the person is entitled to be a member of the same occupational association as the body corporate or person (as applicable) but is not a member, the Scheme does not apply to the officer, partner or employee. Section 21A extends the limitation of liability to other persons to whom the Scheme applies.

of ss 20 or 21 of the Act.

- 3.4 The Society may, upon application by an Exempted Member revoke an exemption of the person from participation in the Scheme from a date specified by the Society.

4. **Limitation of Liability**

- 4.1 The Scheme limits the Occupational Liability of a Participating Member for Damages³:-

4.1.1 arising from a single cause of action founded on an act or omission; and

4.1.2 to the extent those damages exceed the amounts specified as the monetary ceiling in Cl. 4.5.

- 4.2 If a Participating Member against whom a cause of action relating to Occupational Liability⁴ is brought is able to satisfy the Court that:-

4.2.1 the Participating Member has the benefit of an insurance policy insuring him or her against the Occupational Liability to which the cause of action relates;

and

4.2.2 the amount payable under the insurance policy in respect of that Occupational Liability is not less than the amount of the monetary ceiling specified in Cl 4.6 as applying to the Participating Member against whom the proceeding is brought:-

the Participating Member is not liable in Damages in relation to that cause of action above the amount of that monetary ceiling.

- 4.3 For the operation of the scheme in a jurisdiction other than Queensland under a Corresponding Law of that jurisdiction, Occupational Liability means any liability included in the definition of Occupational Liability in the Corresponding Law which is in force in that jurisdiction from time to time.

- 4.4 Notwithstanding clause 4.1, for the operation of this Scheme in a jurisdiction other than Queensland under a Corresponding Law of that jurisdiction, the Occupational Liability to which the Scheme applies does not include liability to which the corresponding law states from time to time it does not apply.

³ Damages as defined in Schedule 2 of the Act means:

- (a) damages awarded in respect of a claim or counter-claim or by way of set-off; and
- (b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant); and

(c) any interest payable on the amount of those damages or costs⁴ Section 7A of the Act provides that a reference in the Act “to the amount payable under an insurance policy in respect of an occupational liability includes a reference to –

⁴ Section 7A of the Act provides that a reference in the Act “to the amount payable under an insurance policy in respect of an occupational liability includes a reference to –

- (a) defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for the time spent in relation to the claim), but only if those costs are payable out of the one sum insured under the policy in respect of the occupational liability; and
- (b) the amount payable under or in relation to the policy by way of excess.”

However, see also section 27A of the Act and its note, which has the effect that section 7A does not reduce the cap on the liability of the Participating Member to the client.

- 4.5 The monetary ceiling applicable for the purposes of limitation of liability under the Scheme at the Relevant Time is to be determined according to the following table:-

Class	Description	Monetary ceiling
1	Participating Members who at the Relevant Time were in a Law Practice that consisted of up to and including 20 Principals and where the Law Practice generates Total annual fee income for the financial year at the Relevant Time up to and including \$10 million.	\$1.5m
2	a) Participating Members who at the Relevant Time were in a Law Practice that consisted of greater than 20 Principals; or b) Participating Members who at the Relevant Time were in a Law Practice that generated Total annual fee income for the financial year at the Relevant Time greater than \$10 million.	\$10m

- 4.6 The Scheme limits the Occupational Liability in relation to a cause of action founded on an act or omission that happens when the Scheme is in force of any person to whom the Scheme applies when the act or omission happens.

5 Conferral of Discretionary Authority

- 5.1 The Society has discretionary authority, on application by a Participating Member, to specify in relation to the Participating Member, a higher monetary ceiling than would otherwise apply under the Scheme in relation to the Participating Member in all cases or any specified case or class of case.
- 5.2 Before exercising that discretion in favour of the Participating Member, the Society must be satisfied the amount payable under the current professional indemnity insurance of which the Participating Member has the benefit is at least equal to the proposed higher monetary ceiling.

6 Duration

- 6.1 This Scheme will commence in Queensland, New South Wales, Victoria, Tasmania, Western Australia and the Northern Territory on 1 July 2022.
- 6.2 In the Australian Capital Territory and South Australia, this Scheme will commence:
- (a) On the date provided for in the Minister's notice in relation to the Scheme if a date is provided; or
 - (b) On the first day two months after the day on which notice was given, in any other case.
- 6.3 The Scheme will remain in force for 5 years from its commencement, subject to s. 33 of the Act.

Professional Standards Act 1994

Notification pursuant to section 13

Pursuant to section 13 of the *Professional Standards Act 1994*, I authorise the publication of The Queensland Law Society Professional Standards Scheme. The Scheme will commence on 1 July 2022.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Applications for Leave for In Person Appearances in Sentence Proceedings

Commencement

1. This Practice Note commences on 15 November 2021.

Review

2. This Practice Note will be reviewed in December 2021 or as otherwise may be necessary.

Introduction

3. Under [District Court Criminal Practice Notes 23 and 24](#), in person appearances are permitted in jury trials, judge alone trials and WHS Prosecutions trials and sentence hearings.
4. With the further easing of restrictions and increased vaccination rates, applications may now be made for leave to be granted for in person appearances in sentence proceedings which are listed for hearing on or after 15 November 2021.
5. All other matters will continue to be heard by use of the virtual courtroom.

Definitions

6. In this Practice Note:

“Court” means the District Court of NSW.

“court participants” includes counsel representing a party to proceedings, solicitors, accused persons, witnesses, victims, support persons and police officers.

“COVID-19 certificate” includes any NSW Government approved proof of vaccination or medical exemption.

“vaccinated” means that a person:

- a. has either completed a two-dose schedule of Pfizer Australia Pty Ltd, AstraZeneca Pty Ltd or Moderna Australia Pty Ltd, or received a single dose of Janssen-Cilag Pty Ltd, and at least 14 days has elapsed since completing their vaccination schedule; or
- b. is exempt from vaccination pursuant to NSW Public Health Orders.

Application for leave

7. Where an application for leave for in person appearances at sentence proceedings is sought, solicitors for the parties must enquire as to the vaccination status of all their proposed court participants and forward that information in the form annexed to the relevant Judge, confirming that each proposed court participant is vaccinated.
8. When a court participant is stated to be vaccinated, the solicitor must sight his or her COVID-19 certificate provided by the Australian Government before providing that information to the relevant Judge.

Part-heard proceedings on sentence

9. An application for leave must be made to the Judge **no later than three business days prior to the sentence date**, by way of email to the Judge's associate. A list of associate contact details is available on the Court's [website](#).
10. Leave will not be granted to any person to attend the Court in person unless the Judge is satisfied that he or she is vaccinated.

Sydney District Court (Downing Centre and John Maddison Tower)

11. Other than in part-heard proceedings on sentence, an application for leave must be made to the Judge (where allocated) or to the Chief Judge (where a Judge has not been allocated) **no later than three business days prior to the sentence date**.
12. Leave will not be granted to any person to attend the Court in person unless the relevant Judge is satisfied that he or she is vaccinated.
13. Where a Judge has not been allocated, an application for leave must be made by email to the Chief Judge's tipstaves, Ms Jacinta Mitchell (Jacinta.Mitchell@courts.nsw.gov.au) and Ms Madison Thompson (Madison.Thompson@courts.nsw.gov.au).

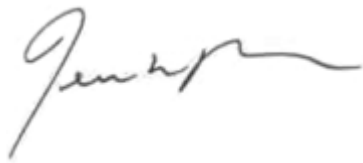
14. Where a Judge has been allocated, an application for leave must be made by email to the Judge's associate.

All other District Court venues (including circuit sittings)

15. Other than in part-heard proceedings on sentence, an application for leave must be made to the Judge (where allocated) or to the Senior Judge (where a Judge has not been allocated) or circuit Judge **no later than three business days prior to the sentence date.**

16. An application for leave must be made by email to the Judge's associate.

17. Leave will not be granted to any person to attend the Court in person unless the Judge is satisfied that he or she is vaccinated.

A handwritten signature in black ink, appearing to read 'D M Price', with a long horizontal flourish extending to the right.

The Honourable Justice D M Price AO
Chief Judge of the District Court
8 November 2021



Application for leave for in person appearances at sentence proceedings

MATTER DETAILS

Case Name: Regina v

Case Number:

Bail status of the accused
person:

UNDERTAKING

- 1 I, _____, am the instructing solicitor for
the CROWN / ACCUSED PERSON **[delete whichever is inapplicable]**.
- 2 I confirm that I have sighted the COVID-19 certificate of the proposed court
participant/s disclosed in Annexure A to this application and confirm that they
are vaccinated in accordance with para 6 of District Court Criminal Practice
Note 25.

SIGNATURE

Signature of legal representative:

Capacity:

Date of signature:



Annexure A

Name	Vaccination Status



**Fair
Trading**

CO-OPERATIVES NATIONAL LAW (NSW)

Section 509 the Corporations Act 2001, as applied by section 453 of the
Co-operatives National Law (NSW)

Notice is hereby given that the Co-operative listed below will be deregistered when three months have passed after 05 October 2021, being the date of lodgement of the final return by the Liquidator.

CO-OPERATIVE DETAILS

Co-operative: Ingleburn Bowling & Recreation Club Co-op Ltd
Co-operative Number: NSWC00482

Dated this 10th day of November 2021 at Bathurst

Diane Duggan
A/Manager, Regulatory Services, Registry & Accreditation
Delegate of the Registrar of Co-operatives

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **INTERNATIONAL HUMAN CARE AND RELIEF ORGANIZATION (IHCRO) AUSTRALIA INCORPORATED - INC1901224** became registered under the Corporations Act 2001 as **INTERNATIONAL HUMAN CARE AND RELIEF ORGANIZATION AUSTRALIA (IHCRO) LIMITED- ACN 638 320 608**, a company limited by guarantee on 21 January 2020, and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Terri McArthur
Delegate of the Commissioner,
NSW Fair Trading
10 November 2021

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.

GULARGAMBONE MENS SHED INCORPORATED	INC1500763
TAAAS INCORPORATED	INC1400516
AUSTRALIAN LEISURE FACILITIES ASSOCIATION INCORPORATED	INC9890700
DILLY LANDCARE GROUP INCORPORATED	Y2562813
SAHELI CLUB INCORPORATED	INC1601544
LAWRENCE SOCCER CLUB - JUNIORS INCORPORATED	INC2001060
OLDER MEN: NEW IDEAS (OM:NI) INCORPORATED	INC9889620

Cancellation is effective as at the date of gazettal.

Dated this 10th day of November 2021.

Diane Duggan
Delegate of the Commissioner
NSW Fair Trading

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.

Lynne Czinner Park for a reserve located south of Angophora Circuit and Callistemon Way, and north of Dove Lane, Warriewood, Northern Beaches LGA.

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
346 Panorama Ave
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.

Little Vietnam for an urban place in the vicinity of Illawarra Road, between Marrickville Road and Warren Road, Marrickville, Inner West LGA.

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
346 Panorama Ave
BATHURST NSW 2795

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.

SOROPTIMIST INTERNATIONAL A.C.T AND MONARO INCORPORATED	INC1501220
WEST DARLING COUNTRY MUSIC ASSOCIATION INC	Y1530543
PROBUS CLUB OF WILLOUGHBY INC	Y2162147
LIONS CLUB OF HAWKESBURY SOUTH INCORPORATED	INC9880183
COMBINED PROBUS CLUB OF MORUYA	Y2290724
THE XW XY ASSOCIATION INCORPORATED	INC9878810
A.N.G.F.A SYDNEY INCORPORATED	INC1901488
AUSTRALIAN AGRICULTURAL CENTRE INCORPORATED	INC1700278
JARVISFIELD NETBALL CLUB INCORPORATED	INC9887703
CAMARO-FIREBIRD ORG INCORPORATED	INC9877207
RAYMOND TERRACE AMATEUR SWIMMING CLUB INC	Y1234938
UNITED XI INCORPORATED	INC1801659

Cancellation is effective as at the date of gazettal.

Dated this 11th day of November 2021

Megan Green
Delegate of the Commissioner for Fair Trading
Department of Customer Service

Applications for Leave for In Person Appearances in Sentence Proceedings

1. This Practice Note revises District Court Criminal Practice Note 25, which was signed on 8 November 2021 and commences on 15 November 2021.

Commencement

2. This Practice Note commences on 15 November 2021.

Review

3. This Practice Note will be reviewed in December 2021 or as otherwise may be necessary.

Introduction

4. Under [District Court Criminal Practice Notes 23 and 24](#), in person appearances are permitted in jury trials, judge alone trials and WHS Prosecutions trials and sentence hearings.
5. With the further easing of restrictions and increased vaccination rates, applications may now be made for leave to be granted for in person appearances in sentence proceedings which are listed for hearing on or after 15 November 2021.
6. All other matters will continue to be heard by use of the virtual courtroom.

Definitions

7. In this Practice Note:

“Court” means the District Court of NSW.

“court participants” includes counsel representing a party to proceedings, solicitors, accused persons, witnesses, victims, support persons and police officers.

“COVID-19 certificate” includes any NSW Government approved proof of vaccination or medical exemption.

“vaccinated” means that a person:

- a. has either completed a two-dose schedule of Pfizer Australia Pty Ltd, AstraZeneca Pty Ltd or Moderna Australia Pty Ltd, or received a single dose

of Janssen-Cilag Pty Ltd, and at least 14 days has elapsed since completing their vaccination schedule; or

- b. is exempt from vaccination pursuant to NSW Public Health Orders; or
- c. is taken to be a “fully vaccinated person” pursuant to NSW Public Health Orders.

Destruction of form

- 8. The Chief Judge directs that any forms provided in accordance with this Practice Note are to be destroyed once an outcome to the application has been established i.e. when a court participant is denied or granted leave to appear in person.
- 9. The Court also brings to the attention of court participants the Department of Communities and Justice’s [“Collection Notice Health Records DC Trials”](#) published on the Court’s website.

Application for leave

- 10. Where an application for leave for in person appearances at sentence proceedings is sought, solicitors for the parties must enquire as to the vaccination status of all their proposed court participants and forward that information in the form annexed to the relevant Judge, confirming that each proposed court participant is vaccinated.
- 11. When a court participant is stated to be vaccinated, the solicitor must sight his or her COVID-19 certificate provided by the Australian Government before providing that information to the relevant Judge in the form annexed.

Part-heard proceedings on sentence

- 12. An application for leave must be made to the Judge **no later than three business days prior to the sentence date**, by way of email to the Judge’s associate. A list of associate contact details is available on the Court’s [website](#).
- 13. Leave will not be granted to any person to attend the Court in person unless the Judge is satisfied that he or she is vaccinated.

Sydney District Court (Downing Centre and John Maddison Tower)

- 14. Other than in part-heard proceedings on sentence, an application for leave must be made to the Judge (where allocated) or to the Chief Judge (where a Judge has not been allocated) **no later than three business days prior to the sentence date**.

15. Leave will not be granted to any person to attend the Court in person unless the relevant Judge is satisfied that he or she is vaccinated.
16. Where a Judge has not been allocated, an application for leave must be made by email to the Chief Judge's tipstaves, Ms Jacinta Mitchell (Jacinta.Mitchell@courts.nsw.gov.au) and Ms Madison Thompson (Madison.Thompson@courts.nsw.gov.au).
17. Where a Judge has been allocated, an application for leave must be made by email to the Judge's associate.

All other District Court venues (including circuit sittings)

18. Other than in part-heard proceedings on sentence, an application for leave must be made to the Judge (where allocated) or to the Senior Judge (where a Judge has not been allocated) or circuit Judge **no later than three business days prior to the sentence date.**
19. An application for leave must be made by email to the Judge's associate.
20. Leave will not be granted to any person to attend the Court in person unless the Judge is satisfied that he or she is vaccinated.



The Honourable Justice D M Price AO
Chief Judge of the District Court
11 November 2021

Amendment History:

11 November 2021: This Practice Note revises former Practice Note 25, which was signed on 8 November 2021 and commences on 15 November 2021.



Application for leave for in person appearances at sentence proceedings

MATTER DETAILS

Case Name: Regina v

Case Number:

Bail status of the accused
person:

UNDERTAKING

- 1 I, _____, am the instructing solicitor for
the CROWN / ACCUSED PERSON [**delete whichever is inapplicable**].
- 2 I confirm that I have sighted the COVID-19 certificate of the proposed court
participant/s disclosed in Annexure A to this application and confirm that they
are vaccinated in accordance with para 7 of District Court Criminal Practice
Note 25.

SIGNATURE

Signature of legal representative:

Capacity:

Date of signature:



Annexure A

Name	Vaccination Status

Work Health and Safety Regulation 2017

General Diving Work – Qualifications

Exemption No. 017/21

**Exemption from compliance with clause 171(1)
of the Work Health and Safety Regulation 2017**

I, Rose Webb, Deputy Secretary, Better Regulation Division, pursuant to clause 684 of the *Work Health and Safety Regulation 2017* (the Regulation) grant the following exemption.



Date: 27/10/21

1. Name of Exemption

This Exemption is the Work Health and Safety Regulation 2017 Exemption No. 017/21.

2. Commencement

This Exemption commences on the date of gazettal in the NSW Government Gazette and has effect until 31 December 2022.

3. Exemption

This Exemption is made by SafeWork NSW on its own initiative.

This Exemption applies to the class of persons described in Schedule 1.

This Exemption is subject to the condition described in Schedule 2.

4. Definitions

For the purposes of this Exemption:

General diving work means work carried out in or under water while breathing compressed gas, and includes:

(a) incidental diving work, and

(b) limited scientific diving work,

but does not include high risk diving work.

ISO 24801-3 means ISO 24801-3: 2014 Recreational diving services – Requirements for the training of recreational SCUBA divers – Part 3: Level 3 – Dive leader

ISO 24802-1 means ISO 24802-1: 2014 Recreational diving services – Requirements for the training of SCUBA instructors – Part 1: Level 1

ISO 24802-2 means ISO 24802-2: 2014 Recreational diving services – Requirements for the training of SCUBA instructors – Part 2: Level 2

AS/NZS2815:2013 means the relevant AS/NZS 2815 sub-standard relevant to the type of general diving work to which clause 171(1) of the Work Health and Safety Regulation 2017 applies.

5. Exemption does not affect other requirements

Nothing in this Exemption affects any other applicable requirement imposed by law in relation to the matters this Exemption applies to.

Schedule 1

Persons carrying out general diving work who hold a current ISO 24801-3 based dive leader, ISO 24802-1 based recreational dive instructor or ISO 24802-2 based recreational dive instructor qualification are exempt from the requirement of clause 171(1) of the Work Health and Safety Regulation 2017 to obtain competencies specified in AS/NZS 2815:2013 (*Training and certification of occupational divers*) that are relevant to the type of general diving work to which clause 171(1) of the Regulation applies

Schedule 2

The Exemption is subject to the condition that it only applies where the person who carries out general diving work currently holds a current ISO 24801-3 based dive leader, ISO 24802-1 based recreational dive instructor or ISO 24802-2 based recreational dive instructor qualification.