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of the State of

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Friday, 17 December 2021

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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To submit a notice for gazettal, see the Gazette page.

Anti-Discrimination Act 1977

EXEMPTION ORDER

Under the provisions of section 126 of the *Anti-Discrimination Act 1977* (NSW), an exemption is given from sections 8 and 51 of the *Anti-Discrimination Act 1977* (NSW) to the Public Interest Advocacy Centre to designate and recruit the positions of Project Officer/Senior Project Officer, Towards Truth, for Aboriginal and Torres Strait Islander persons only.

This exemption will remain in force for 10 years.

Dated this 9 of December 2021



Jackie Lyne
Manager, Governance & Advice
Delegate of the President
Anti-Discrimination NSW

FISHERIES MANAGEMENT ACT 1994

Section 37(1)(f) Instrument of approval of purpose

I, Sean Sloan, Deputy Director General Fisheries, with the delegated authority of the Minister and the Secretary pursuant to sections 227 and 228 of the *Fisheries Management Act 1994* ("the Act"), approve the purpose in the Schedule as a purpose for which approval to take and possess fish or marine vegetation may be given under section 37(1)(f) of the Act.

Dated this 29th day of November 2021



Sean Sloan

Deputy Director General DPI Fisheries
Department of Primary Industries
Regional NSW

Schedule

Taking and possession of these species of fish and hybrid of species from the waters of Thompson Creek Dam and its tributaries:

- (a) Atlantic Salmon (*Salmo salar*),
- (b) Brook Trout (*Salvelinus fontinalis*),
- (c) Brown Trout (*Salmo trutta*),
- (d) Rainbow Trout (*Oncorhynchus mykiss*),
- (e) Tiger trout (*Salmo trutta* × *Salvelinus fontinalis*).
- (f) Carp (as defined in clause 4 (1) of the Fisheries Management (General) Regulation 2019)

Fisheries Management (Thompsons Creek Dam Special Approval and Possession Limit) Order 2021

under the

Fisheries Management Act 1994

I, Sean Sloan, Deputy Director General Fisheries, with the delegated authority of the Minister and the Secretary pursuant to sections 227 and 228 of the *Fisheries Management Act 1994* ("the Act"), make this order under sections 37 and 17C of the Act.

Dated this 29th day of November 2021



Sean Sloan

Deputy Director General DPI Fisheries
Department of Primary Industries
Regional NSW

Part 1 Preliminary

1. Name of Order

This order is the *Fisheries Management (Thompsons Creek Dam Special Approval and Possession Limit) Order 2021*.

2. Commencement and duration

This order commences on the date it is published in the *NSW Government Gazette* and will remain in force for 5 years commencing on the date of publication.

3. Definitions

In this order:

carp has the meaning set out in clause 4 (1) of the Regulation.

permitted species means these species of fish and hybrid of species:

- (a) Atlantic Salmon (*Salmo salar*),
- (b) Brook Trout (*Salvelinus fontinalis*),
- (c) Brown Trout (*Salmo trutta*),

- (d) Rainbow Trout (*Oncorhynchus mykiss*),
- (e) Tiger trout (*Salmo trutta* × *Salvelinus fontinalis*), and
- (f) carp.

the Act means the *Fisheries Management Act 1994*.

the Regulation means the Fisheries Management (General) Regulation 2019.

Part 2 Special Approval and Possession Limit

4. Possession Limit

- (1) On any one day, a person must not possess more than 4 of the following species of fish taken from the waters of Thompsons Creek Dam and its tributaries, comprised either as a single species or in combination with other species:
 - (a) Atlantic Salmon (*Salmo salar*),
 - (b) Brook Trout (*Salvelinus fontinalis*),
 - (c) Brown Trout (*Salmo trutta*),
 - (d) Rainbow Trout (*Oncorhynchus mykiss*), or
 - (e) Tiger trout (*Salmo trutta* × *Salvelinus fontinalis*)

5. Approved fishing activities

- (1) Despite clause 177 of Schedule 3 to the Fisheries Management (General) Regulation 2019, a person may take a permitted species in the waters of Thompsons Creek Dam and its tributaries if they comply with this clause.
- (2) A person may take a permitted species in the period starting 1 hour before sunrise and ending 4 hours after sunset.
- (3) A person may take a permitted species from the bank or edge of the waters or within the waters that are no more than 1 metre from the bank or edge of the waters.
- (4) A person may take permitted species using:
 - (a) a landing net, or
 - (b) 1 rod and line:
 - (i) with not more than 3 hooks attached, those hooks being artificial flies or lures, and with not more than 3 treble hooks, or 3 double hooks, attached to any lure, and
 - (ii) that is within the person's line of sight and that person remains within 50 metres of the rod and line.

Note: This order is made in conjunction with the *Fisheries Management (Thompsons Creek Dam Fishing Closure) Notification 2021* and that notification will apply to persons taking fish under this order

Fisheries Management (Thompsons Creek Dam Fishing Closure) Notification 2021

under the

Fisheries Management Act 1994

I, Sean Sloan, Deputy Director General Fisheries, with the delegated authority of the Minister and the Secretary pursuant to sections 227 and 228 of the *Fisheries Management Act 1994* ("the Act"), give notice of the following fishing closure under section 8 of the Act.

Dated this 29th day of November 2021



Sean Sloan

Deputy Director General DPI Fisheries
Department of Primary Industries
Regional NSW

Part 1 Preliminary

1. Name of Notification

This notification is the *Fisheries Management (Thompsons Creek Dam Fishing Closure) Notification 2021*.

2. Commencement and duration

This notification commences on the date it is published in the *NSW Government Gazette* and will remain in force for 5 years commencing on the date of publication.

3. Definitions

In this notification:

carp has the meaning set out in clause 4 (1) of the Regulation.

fishing closure has the meaning set out in section 8 of the Act.

permitted species means these species of fish and hybrid of species:

- (a) Atlantic Salmon (*Salmo salar*),
- (b) Brook Trout (*Salvelinus fontinalis*),
- (c) Brown Trout (*Salmo trutta*),
- (d) Rainbow Trout (*Oncorhynchus mykiss*),

- (e) Tiger trout (*Salmo trutta* × *Salvelinus fontinalis*), and
- (f) carp.

the Act means the *Fisheries Management Act 1994*.

the Regulation means the Fisheries Management (General) Regulation 2019.

Part 2 Fishing closure

4. Fishing closure – all species

A person is prohibited from taking any species of fish except a permitted species from the waters of Thompsons Creek Dam and its tributaries.

5. Fishing closure – permitted species

- (1) A person is prohibited from taking a permitted species in the period starting 4 hours after sunset and ending 1 hour before sunrise.
- (2) A person is prohibited from taking a permitted species from the dam wall, or from a boat, flotation device or floating platform.
- (3) On any one day, a person is prohibited from taking from the waters of Thompsons Creek Dam and its tributaries more than 2 of the following species of fish, comprised either as a single species or in combination with other species:
 - (a) Atlantic Salmon (*Salmo salar*),
 - (b) Brook Trout (*Salvelinus fontinalis*),
 - (c) Brown Trout (*Salmo trutta*),
 - (d) Rainbow Trout (*Oncorhynchus mykiss*),
 - (e) Tiger trout (*Salmo trutta* × *Salvelinus fontinalis*).

Note: This closure is made in conjunction with the *Fisheries Management (Thompsons Creek Dam Special Approval and Possession Limit) Order 2021* and that order will apply to persons taking fish under this notification.

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **ST. JOHNS LUTHERAN SCHOOL JINDERA INCORPORATED - Y2837109** became registered under the Corporations Act 2001 as **ST. JOHNS LUTHERAN SCHOOL JINDERA LTD - ACN 646 764 847**, a company limited by guarantee, on 31 March 2021, 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
Date 13 December 2021

GEOGRAPHICAL NAMES ACT 1966

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

Thomas Smith Reserve for a reserve located at 86-94 Empire Circuit, in the suburb of Penrith, Penrith LGA.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. The proposal can be viewed and submissions lodged on the Geographical Names Board website at www.gnb.nsw.gov.au from 17 December 2021 to 24 January 2022. Alternatively, written submissions may be mailed to the Secretary, Geographical Names Board, 346 Panorama Ave, Bathurst, NSW 2795.

In accordance with Section 9 of the *Geographical Names Act 1966*, all submissions lodged may be subject to a Government Information (Public Access) application and may be viewed by a third party to assist the Board in considering this proposal.

THOMAS GRINTER
A/Chair

Geographical Names Board
346 Panorama Ave
BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

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

Sunny Jim Mackay Park for a reserve located on the corner of King and Maitland Streets in the suburb of Uralla, Uralla LGA.

The position and extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. The proposal can be viewed and submissions lodged on the Geographical Names Board website at www.gnb.nsw.gov.au from 17 December 2021 to 24 January 2022. Alternatively, written submissions may be mailed to the Secretary, Geographical Names Board, 346 Panorama Ave, Bathurst, NSW 2795.

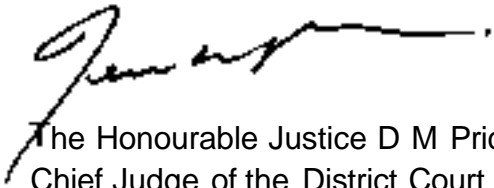
In accordance with Section 9 of the *Geographical Names Act 1966*, all submissions lodged may be subject to a Government Information (Public Access) application and may be viewed by a third party to assist the Board in considering this proposal.

THOMAS GRINTER
A/Chair

Geographical Names Board
346 Panorama Ave
BATHURST NSW 2795

District Court Criminal Practice Note 22

District Court Criminal Practice Note 22 - "Vacated Trials due to COVID-19", which commenced on 30 August 2021, is revoked as of 10 December 2021.

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
10 December 2021

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.

Wambuul as a dual name for the geographical feature already named Macquarie River. The river flows generally north-west through Bathurst, Cabonne, Mid Western Regional, Dubbo, Narromine, Warren, Coonamble and Walgett where it joins the Barwon River in Brewarrina.

Both names are recorded in the Geographical Names Register as dual names and neither name will have precedence over the other.

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

THOMAS GRINTER
A/Chair

Geographical Names Board
346 Panorama Ave
BATHURST NSW 2795

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **COMMUNITY LINKS WOLLONDILLY INCORPORATED - INC9885816** became registered under the Corporations Act 2001 as **COMMUNITY LINKS WELLBEING LTD - ACN 655 023 555** a company limited by guarantee, on 07 December 2021, 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
13 December 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.

BOMBALA MOTORCROSS CLUB INCORPORATED	INC2100159
GERRINGONG LIVE INCORPORATED	INC1400708
AUSTRALASIAN STEINER TEACHER EDUCATION RESEARCH ASSOCIATION INCORPORATED	INC9897846
DAR AL QURAN WA SUNNAH INCORPORATED	INC9897685

Cancellation is effective as at the date of gazettal.

Dated this 15th day of December 2021.

Diane Duggan
Delegate of the Commissioner
NSW Fair Trading

FIRE AND RESCUE NSW ACT, 1989

Order under Section 5 (2)

Singleton Fire District

I, the Honourable Margaret Beazley AC QC, 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 and Rescue NSW Act 1989*, do, by this my Order, vary the Orders published in Government Gazette No 127 of 27 October 2006 and reconstitute the Singleton Fire District in the following Schedule and declare that the provisions of the *Fire and Rescue NSW Act 1989* shall apply to the area described in the Schedule.

Signed at Sydney, this 14th day of December 2021

MARGARET BEAZLEY,
Governor

By Her Excellency's Command

DAVID ELLIOTT MP,
Minister for Police and 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.

Singleton Fire District

Comprising the existing Fire District in Singleton Local Government Area, additions and deletions as delineated on Map No. 444/21/01 kept in the office of Fire and Rescue NSW.

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.

DOMINION MOVEMENT INCORPORATED	INC1400326
BEMBOKA LANDCARE GROUP INCORPORATED	Y2469405
LIVING WATER INVERELL INCORPORATED	INC1301060
JERVIS BAY AND DISTRICTS MEALS ON WHEELS INC	Y0626236
THE PIKININIS PROJECT AUSTRALIA INCORPORATED	INC9887430
RENAULT NATIONAL DEALER COUNCIL INCORPORATED	INC9877711
HOOSH INC	Y1379902
JERRY'S PLAINS AND DISTRICTS PROGRESS ASSOCIATION INC	INC9892739
PACESETTERS INTERNATIONAL INCORPORATED	INC9879158
AUSTRALIA ZHENGZHOU BUSINESS COUNCIL INCORPORATED	INC1701697
ENDLESS NIGHT THEATRE COMPANY INCORPORATED	INC1501775
LIVERPOOL VOLUNTEER RESOURCE CENTRE INCORPORATED	INC9885852
TEAM MOPRA INCORPORATED	INC1501277
BELLINGER VALLEY CHRISTIAN GATHERING INCORPORATED	INC9875128
BRAIDWOOD RURAL LANDCARE GROUP INCORPORATED	INC9874210

Cancellation is effective as at the date of gazettal.

Dated this 16th day of December 2021

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

LAND TAX MANAGEMENT ACT 1956
Land Tax (including Surcharge Land Tax) Returns for 2022 Tax Year

1. This Order is made under section 12(1) of the *Land Tax Management Act 1956* and section 37 of the *Taxation Administration Act 1996*. The purpose of this Order is to advise persons who own land in New South Wales if and when they are required to lodge an initial return or a variation return in relation to the 2022 land tax year or an earlier tax year.

Persons Who Must Lodge an Initial Return

2. The requirement to lodge an initial land tax return in 2022, as specified in this Order, applies to certain “persons” who are “owners” of land in New South Wales at midnight on 31 December 2021 (or any previous year if paragraph 8 applies). The reference to an “owner” includes a reference to a person who is an owner of land or is deemed or taken to be an owner for land tax purposes by the *Land Tax Management Act 1956*. A “person” includes a company, a trustee, a beneficiary of a trust and a natural person.
3. Under section 12(2) of the Act, the Chief Commissioner of State Revenue (the Chief Commissioner) may require any person to lodge a return or further return in circumstances other than those described in this Order.
4. A requirement to lodge a return specified in this Order does not affect a requirement to lodge a return by an earlier date specified by the Chief Commissioner under section 12(2) of the Act or an earlier date specified in any previous Order made under section 12(1).
5. Persons who own land in New South Wales at midnight on 31 December 2021 which is not exempt from land tax must lodge an initial return unless they were assessed and received a land tax notice of assessment for the 2021 land tax year.
6. Persons who are foreign persons for the purposes of surcharge land tax and who own residential land in New South Wales at midnight on 31 December 2021 and have not included the land in a previous return must lodge an initial return, even if the owner believes the land is exempt.
7. Persons who have received a land tax notice of assessment for any land tax year prior to 2022 showing nil tax payable and who have subsequently acquired additional land or an additional interest in land and are the owners of land at midnight on 31 December 2021 which is not exempt from land tax must lodge an initial return.
8. Persons who are liable to be assessed for land tax for any tax year prior to 2022 and have not previously lodged a return for that tax year or have not received a land tax notice of assessment for that tax year must also lodge an initial return.
9. Persons who own land that has previously been exempt from land tax in any tax year prior to 2022 but is not exempt for the 2022 tax year must lodge an initial return.
10. Where land is subject to a trust, and the trustee has not previously lodged a land tax return, the trustee must lodge an initial return on behalf of the trust. If the trustee fails to lodge a return or fails to provide the information about the beneficiaries of the trust, as specified by the form approved by the Chief Commissioner, the trust may be assessed as if it were a special trust.

11. Where land is subject to a trust, an initial return must be lodged by a trustee of the trust disclosing any beneficiaries or potential beneficiaries who are foreign persons.
12. A Land Tax Registration Form is an initial return for the purposes of section 12.

Due Date for Lodgement of Initial Returns

13. Any person who is required by this Order to lodge an initial return must do so by 31 March 2022.
14. Penalty tax and interest may be imposed under the *Land Tax Management Act 1956* and the *Taxation Administration Act 1996* for failing to lodge a return by the due date. Late lodgement interest applies from 1 April 2022 until the date of lodgement of the return.

Persons Who Must Lodge a Variation Return

15. A variation return is required to be lodged by a person who receives an incorrect notice of assessment of land tax. An incorrect notice of assessment of land tax may occur in the following circumstances:
 - (a) a foreign person has not been correctly assessed for surcharge land tax
 - (b) details of land owned by the person as shown on the notice are incorrect (including but not limited to inclusion of land disposed of prior to midnight on 31 December 2021; land acquired prior to midnight on 31 December 2021 that has not been included in the assessment; the percentage interest in land is incorrect for land that is jointly owned; land shown in an assessment is owned by the person in the capacity of trustee but is not shown as such; or an incorrect property description is shown)
 - (c) exempt land has been incorrectly assessed as liable for land tax
 - (d) liable land has been incorrectly assessed as exempt from land tax;
 - (e) an exemption was previously granted subject to conditions which have not been fulfilled
 - (f) the calculation of tax is incorrect (being either too high or too low)
 - (g) a special trust has been incorrectly assessed as if it were a fixed trust
 - (h) a fixed trust has been incorrectly assessed as if it were a special trust
 - (i) a person who is acting as a trustee has not been assessed in the capacity of trustee
 - (j) the beneficiaries of a family unit trust have changed since 31 December 2005
 - (k) the beneficial interests of the beneficiaries of a family unit trust have changed since 31 December 2005
 - (l) additional land has been acquired by a family unit trust, and the total liable land owned by the trust has a taxable value of more than \$1 million for the tax year during which the land was acquired
 - (m) a group constituted under section 29 of the *Land Tax Management Act 1956* does not have a member classified and assessed as a concessional company
 - (n) a group constituted under section 29 of the *Land Tax Management Act 1956* has more than one member classified and separately assessed as a concessional company (note that two or more companies can be correctly classified as joint concessional companies and jointly assessed as such)
 - (o) an error occurred in the calculation of the average value of a parcel of land.
16. A variation return is required to be lodged if the trustee of a trust that has an interest in land has not previously advised the Chief Commissioner of the existence of the trust. This return will also require the trustee to advise if the trust is a fixed or special trust, and

whether the trustee should be regarded as a foreign person for the purposes of surcharge land tax.

17. Other than in the case of a special trust, a variation return disclosing details of the beneficiaries of a trust must be lodged by the trustee of a trust unless the trustee has previously advised the Chief Commissioner of the beneficiaries of the trust or the beneficial owners of land owned by the trust. If a trustee fails to comply with this requirement, the Chief Commissioner may classify the trust as a special trust.
18. A variation return must be lodged by a trustee of a trust disclosing any beneficiaries or potential beneficiaries who are foreign persons unless the trustee has previously advised the Chief Commissioner that the trust has foreign persons as potential beneficiaries.
19. A variation return must be lodged by a trustee of a trust if the trust deed has been amended to exclude potential foreign beneficiaries.

Due Date for Lodgement of Variation Returns

20. A variation return is required to be lodged by the first instalment date shown on the notice of assessment. If the notice of assessment shows that no tax is payable, the due date for lodgement of a variation return is 40 days after the "Issue Date" shown on the notice.
21. Penalty tax and interest may be imposed under the *Land Tax Management Act 1956* and the *Taxation Administration Act 1996* for failing to lodge a return by the due date.

Information about Surcharge Land Tax

22. For the purposes of surcharge land tax, a foreign person includes:
 - (a) an individual not ordinarily resident in Australia; or
 - (b) a corporation in which an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest; or
 - (c) a corporation in which 2 or more persons, each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign government, hold an aggregate substantial interest; or
 - (d) the trustee of a trust in which an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds a substantial interest; or
 - (e) the trustee of a trust in which 2 or more persons, each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign government, hold an aggregate substantial interest; or
 - (f) a discretionary trust in existence as at 31 December 2021 that has not had its trust deed amended prior to 31 December 2021 to prevent distributions to potential foreign beneficiaries;
 - (g) a foreign government; or
 - (h) a general partner of a limited partnership where:
 - i. an individual not ordinarily resident in Australia, a foreign corporation or a foreign government holds at least 20% in the limited partnership, or
 - ii. two or more persons each of whom is an individual not ordinarily resident in Australia, a foreign corporation or a foreign government, hold an aggregate interest of at least 40% in the limited partnership.

Note:

- Australian Citizens are not foreign persons, irrespective of where they reside.
- See s.104J of the *Duties Act 1997* for the meaning of "not ordinarily resident in Australia".

23. For the purposes of surcharge land tax, residential land means any of the following and does not include any land used for primary production as defined in section 10AA of the *Land Tax Management Act*:
- (a) a parcel of land on which there are one or more dwellings, or a parcel of land on which there is a building under construction that, when completed, will constitute one or more dwellings, or
 - (b) a strata lot if it is lawfully occupied as a separate dwelling, or suitable for lawful occupation as a separate dwelling, or
 - (c) a utility lot if its use is restricted to the owner or occupier of a strata lot described in paragraph 23(b), or
 - (d) a land use entitlement if it entitles the holder to occupy a building, or part of a building, as a separate dwelling, or
 - (e) a parcel of vacant land that is zoned or otherwise designated for use for residential purposes, or principally for residential purposes.
24. A foreign person who jointly owns residential land may be liable for surcharge land tax on the person's proportionate interest in the jointly owned residential land.

How to Lodge a Return

25. A person, including an agent or trustee may satisfy the obligation to lodge an initial return, a variation return or a surcharge return, by entering the required information online at www.revenue.nsw.gov.au/taxes/land/online. To login you will need your client ID and correspondence ID, which can be found on any recent Revenue NSW land tax notice or correspondence.
26. Contact Revenue NSW if you are unable to use the on-line lodgement option and require an alternative means of lodging a return. Revenue NSW's contact details and business hours are published on the website.

Go to www.revenue.nsw.gov.au for more information on land tax and surcharge land tax.

Scott Johnston
Chief Commissioner of State Revenue
Date: 16 December 2021

FIRE AND RESCUE NSW ACT, 1989

Order under Section 5 (2)

Muswellbrook Fire District

I, the Honourable Margaret Beazley AC QC, 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 and Rescue NSW Act 1989*, do, by this my Order, vary the Orders published in Government Gazette No 127 of 27 October 2006 and reconstitute the Muswellbrook Fire District in the following Schedule and declare that the provisions of the *Fire and Rescue NSW Act 1989* shall apply to the area described in the Schedule.

Signed at Sydney, this 14th day of December 2021

MARGARET BEAZLEY,
Governor

By Her Excellency's Command

DAVID ELLIOTT MP,
Minister for Police and 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.

Muswellbrook Fire District

Comprising the existing Fire District in Muswellbrook Local Government Area, additions and deletions as delineated on Map No. 392/21/01 kept in the office of Fire and Rescue NSW.

**WORK HEALTH & SAFETY REGULATION 2017
(Clause 58(2))**

Exemption 021/21

I, Natasha Mann, Deputy Secretary, Better Regulation Division, pursuant to clause 684 of the Work Health and Safety Regulation 2017 grant the following exemption:



Date: 10/12/21

1. Name of Exemption

This Exemption is the Work Health and Safety Regulation 2017, Exemption No. 021/21.

2. Commencement

This Exemption commences on 1 January 2022 and has effect until 31 December 2023.

3. Exemption

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

This Exemption applies to persons conducting a business or undertaking who require a worker to frequently use personal protective equipment as a control measure to protect workers from the risk of hearing loss associated with noise that exceeds 'the exposure standard for noise'.

Those persons are exempt from Clause 58(2) of the Regulation, subject to the condition in the Schedule to this Exemption.

4. Definitions

For the purposes of this Exemption:

Regulation means the Work Health and Safety Regulation 2017.

Exposure standard for noise means LAeq,8h of 85 dB(A) or Lc,peak of 140 dB(C) where LAeq,8h means the eight hour equivalent continuous A-weighted sound pressure level in decibels (dB(A)) referenced to 20 micropascals, determined in accordance with AS/NZS 1269.1:2005 and Lc,peak means the C-weighted peak sound pressure level in decibels (dB(C)) referenced to 20 micropascals, determined in accordance with AS/NZS 1269.1:2005.

SCHEDULE

This Exemption is subject to the following condition:

1. Nothing in this Exemption affects any other applicable requirement imposed by law on a person conducting a business or undertaking in relation to matters relating to this Exemption, including the monitoring of workers and conditions at the workplace under Section 19(3)(g) of the *Work Health and Safety Act 2011*.