



Government Gazette

of the State of

New South Wales

Number 379 - Other

Friday, 27 September 2024

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

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of each page of the notice and can be used as a reference for that notice. For example, [NSWGG-2024-10-1].

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Exemption Order

Under the provisions of section 126 of the *Anti-Discrimination Act 1977* (NSW), an exemption is given from sections 8, 25 and 51 of the *Anti-Discrimination Act 1977* (NSW) to **Ernst & Young** including the Australian Partnership of Ernst & Young, Ernst & Young Services Pty Ltd, Ernst & Young Services No 2 Pty Ltd, EY Business Solutions Pty Ltd, EY Identity Pty Ltd to:

1. Advertise, promote, and facilitate programs, activities and events to support the attraction, development, engagement, and career growth of women at EY in pursuit of its targets of:

50% of Graduates hired to be women

40% of Partners to be women

50% of Senior Manager 4 level new hires and progressions (combined) to be women.

2. Designate Aboriginal and Torres Strait Islander people-only positions and to only consider recruitment of Aboriginal and Torres Strait Islander candidates for those positions.

3. Advertise and facilitate programs and activities (including but not limited to networking opportunities, skills-development workshops, targeted advertising, talent sourcing, recruitment campaigns, internship and graduate programs) to attract, engage and support First Nations candidates

This exemption will remain in force for **5 years**.

Date: 17 September 2024

A handwritten signature in black ink, appearing to read "Jackie Lyne".

Jackie Lyne

Manager, Governance & Advice

Delegate of the President

Anti-Discrimination NSW

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Phone: 02 9268 5555 | Free call: 1800 670 812

antidiscrimination.nsw.gov.au

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **BUNGENDORE PRE-SCHOOL ASSOCIATION INC - Y0072307** became registered under the Corporations Act 2001 as **BUNGENDORE PRESCHOOL LTD – ACN 679 848 894** a company limited by guarantee, on 29 August 2024, and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Christine Raglus
Delegate of the Commissioner,
NSW Fair Trading
23 September 2024

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 14 of the *Geographical Names Act 1966*, the Geographical Names Board has this day discontinued the name listed hereunder as a geographical name.

Blue Mountains National Park for a locality located within the Blue Mountains and Wollondilly Local Government Area's. The locality has been replaced by the creation of thirteen localities named after existing features which are Narrow Neck, Jamison Valley, Ingar, Massif Ridge, Mount Portal, Blue Labyrinth, Kariwoga, Carmarthen, Tesselate Hill, Birrabang, Burramoko, Govetts and Rocklily Ridge.

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

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration pursuant to Section 74

TAKE NOTICE that the registration of the following associations is cancelled by this notice pursuant to section 74 of the Associations Incorporation Act 2009.

CENTRAL COAST ELITE DANCERS ASSOCIATION INCORPORATED	INC2300265
CUMBERLAND PLAIN WALKERS INCORPORATED	Y1027502
NEW ENGLAND HACC DEVELOPMENT INCORPORATED	Y2655803
NORTH ROCKS AFTER SCHOOL ACTIVITY CENTRE INC	Y1589741
NSW DUCATI MOTORCYCLE CLUB INCORPORATED	INC2400398
RUNPOWER ATHLETICS INC	INC1901007

Cancellation is effective as at the date of gazettal.

Dated this 18th day of September 2024.

Lynette Viner
Delegate of the Commissioner

NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **SUSTAIN PROJECTS - MYANMAR INCORPORATED - INC9883499** became registered under the Corporations Act 2001 as **SUSTAIN PROJECTS - MYANMAR LTD - ACN 679 560 448** a company limited by guarantee, on 06 September 2024, and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Christine Raglus
Delegate of the Commissioner,
NSW Fair Trading
25 September 2024

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of registration pursuant to section 80

TAKE NOTICE that **COMMUNITY AND CULTURAL CONNECTIONS INCORPORATED - Y0205512** became registered under the Corporations Act 2001 as **COMMUNITY AND CULTURAL CONNECTIONS LTD - ACN 679 596 377** a company limited by guarantee, on 01 August 2024, and accordingly its registration under the Associations Incorporation Act 2009 is cancelled as of that date.

Christine Raglus
Delegate of the Commissioner,
NSW Fair Trading
25 September 2024



Anti-Discrimination Act 1977

EXEMPTION ORDER

- 1) In this Exemption Order:
 - a) **Act** means the *Anti-Discrimination Act 1977* (NSW);
 - b) **Applicants** means, together, BAE Systems Australia Pty Limited, BAE Systems Australia Defence Pty Limited and ASC Shipbuilding Pty Limited;
 - c) **US Export Controlled Material** means articles, services, technology and information or data regulated by the US Export Regulations;
 - d) **US Export Regulations** means the requirements of the International Traffic in Arms Regulations (22 CFR (US) §§120-130) and the Export Administration Regulations (15 CFR (US) §§730-774) or other regulation to similar effect, as amended from time to time, so far as they apply to US Export Controlled Material used in the Applicants' operations.
- 2) Under the provisions of section 126 of the Act but for the purposes only of meeting the Applicants' legal obligations pursuant to the US Export Regulations and:
 - a) manufacturing licence agreements;
 - b) technical assistance agreements;
 - c) proprietary information agreements; and/ or
 - d) export licences granted by the United States Department of Commerce and/or the United States State Department,

the Applicants are granted an exemption from the provisions of sections 8, 10, 51 and 52 of the Act to the extent necessary to permit the Applicants to do the following:

- a) ask present and future employees, contractors and contract workers to disclose their full names;
 - b) ask present and future employees, contractors and contract workers to declare their exact citizenship (including any dual citizenship) and their country of birth;
 - c) require present and future employees, contractors and contract workers to produce a photocopy of their passport(s);
 - d) require present and future employees, contractors and contract workers to wear a badge confirming their right to access US Export Controlled Material or their level of access to any US Export Controlled Material. Such badges may be coded but not in such a way as to identify:
 - i) the citizenship of the person, as declared;
 - ii) the country of birth of the person, or
 - iii) the reasons for that person's level of access;
 - e) require present and future employees, contractors and contract workers involved in projects which use US Export Controlled Material, to notify the Applicants of any change to their citizenship or residency status, to the best of their knowledge and belief;
 - f) restrict access, by means of transfer if necessary, to controlled technology to particular members of the Applicants' workforce, based on their citizenship or country of birth;
 - g) reject applications from prospective employees, contractors and contract workers for positions related to projects which use US Export Controlled Material, based on the prospective employee, contractor or contract worker's:
 - i) citizenship, as declared;
 - ii) country of birth, or
 - iii) substantive contacts, where such contacts objectively create an unacceptable risk of diversion of US Export Controlled Material or technology.
- but not on the basis of the prospective employee, contractor or contract worker's descent, or ethnic or ethno-religious or national origin;
- h) advertise controlled positions with the Applicants as being subject to the exemption order;
 - i) record and maintain a register (**Register**) of those employees, contractors and contract workers that are permitted to access US

Export Controlled Material or work on controlled projects due to citizenship, or country of birth status. Access to the Register to be limited to only those employees, contractors, contract workers and agents of the Applicants with a need to know; and

- j) ask present and future employees, contractors and contract workers to execute a non-disclosure agreement in accordance with the license or technical assistance agreement required by the Department of State, United States of America, in the event they are authorised to have access to US Export Controlled Material;
 - k) ask present and future employees, contractors and contract workers to disclose their substantive contacts with individuals from restricted or prohibited countries listed in the US Export Regulations; and
 - l) restrict access, by means of transfer if necessary, to controlled technology to particular members of the Applicants' workforce, based on their substantive contacts, where such contacts objectively create an unacceptable risk of diversion of US Export Controlled Material or technology; and
 - m) record and maintain a register of those employees, contractors and contract workers that are permitted to access US Export Controlled Material or work on controlled projects due to substantive contacts. Access to the register to be limited to only those employees, contractors, contract workers and agents of the Applicants with a need to know.
- 3) This Exemption Order does not extend to any other identification, collection, storage or use of information in relation to any employee, contractor or contract worker in respect of that employee, contractor or contract worker's race, colour, nationality, descent or ethnic, ethno-religious or national origin. Except to the extent expressly provided herein, this Exemption Order does not excuse, or purport to excuse, the Applicants from complying with their obligations pursuant to the Act, any other legislation or at common law.
- 4) The Applicants are required, prior to taking any action permitted by this Exemption Order, to provide all employees, contractors or contract workers, and prospective employees, contractors or contract workers with:
- a) express notice that they may be adversely affected by this exemption if they are not an Australian citizen or if they hold dual citizenship;
 - b) a reasonable explanation in plain English of the nature of any adverse effects of such action to them; and
 - c) information (at the time of recruitment in the case of prospective employees, contractors or contract workers) about how they can apply for Australian citizenship.

- 5) In addition to the above conditions the Applicants are required to:
- a) produce comprehensive anti-discrimination policies governing all aspects of the work and workforce, including management, and with particular regard to race discrimination, vilification and harassment and victimisation;
 - b) establish concise and comprehensive dispute resolution and grievance procedures to receive, investigate and resolve discrimination complaints and grievances and, in particular, those relating to race discrimination, vilification and harassment and victimisation;
 - c) implement training programs, including at induction, to ensure that all members of the Applicants' workforce, including management, are fully informed of their rights and obligations under such policies and procedures particularly with regard to issues of race discrimination, vilification, harassment and victimisation;
 - d) ensure that all members of the workforce, including management, receive regular education and training in issues of discrimination, particularly race discrimination, vilification, harassment and victimisation;
 - e) take steps to fully inform the workforce, including management, of their rights under the Act and, in particular (but not limited to) the complaints procedure under the Act and to ensure that all members of the workforce, including management, are aware of the rights of aggrieved persons to take their complaints to the Anti-Discrimination Board and through the New South Wales Civil and Administrative Tribunal;
 - f) take steps to fully inform the workforce, including management, of the requirements of, and their rights and obligations under, the *Racial Discrimination Act 1975 (Cth)*;
 - g) notify the Anti-Discrimination Board if the discriminatory terms and provisions of the relevant US Export Regulations are substantially amended, repealed or become inoperative, in whole or in part, so that this Exemption Order may be revoked or amended.
- 6) The Applicants are required to advise the Anti-Discrimination Board, every six months from the date of this Exemption Order, over the period specified in this Order, of:
- a) The steps they have taken to comply with all the above conditions, including:
 - i) the number of job applicants rejected for the purposes of the US Export Regulations, including those subsequently appointed to other roles within each reporting period;
 - ii) the number of employees retrenched or redeployed due the requirements of the US Export Regulations and any steps taken to

minimise retrenchment or redeployment, and any steps taken generally to mitigate the impact of the Applicants' responsibility under the US Export Regulations on the deployment of its workforce within each reporting period;

- iii) the number of vacancies advertised within each reporting period, including the number of such vacancies where candidates were required to satisfy requirements related to the US Export Regulations.
- b) The implementation and compliance generally with the terms of this Exemption Order.
- 7) The Applicants are required to take all reasonable steps to ensure that any employees adversely affected by this exemption order, retain employment with the Applicants, and do not suffer a reduction in wages, salary or opportunity for advancement.
- 8) If the Applicants, in order to enable them to comply with the US Export Regulations or related contractual obligations associated with the US Regulations, move a member of the workforce from one project to another, the Applicants must take reasonable steps both to explain to that person why the transfer has occurred and to avoid any race-based hostility that might result from the transfer.
- 9) Where prospective employees adversely affected by this Exemption Order would otherwise have been acceptable to the Applicants as employees, the Applicants are required to consider and, if feasible, implement reasonable and practicable alternatives to rejection, such as employment in other work or obtaining the necessary approvals under the US Export Regulations.

This interim exemption is granted for a period of 3 months.

Date: 25 September 2024



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

CHARITABLE TRUSTS ACT 1993
NOTICE UNDER SECTION 15
CY PRES SCHEME RELATING TO THE
AUSTRALIAN CHRISTIAN LOBBY AND ISRAEL FOLAU CAMPAIGN

Section 12(1)(a) of the *Charitable Trusts Act 1993* (**the Act**) permits the Attorney General to establish a cy pres scheme to alter the original purpose of a charitable trust. Section 9(1) permits the application of trust property cy pres where the spirit of the original trust can no longer be implemented.

The Australian Christian Lobby (**ACL**) effected a trust by agreeing to hold funds for Israel Folau (**Mr Folau**) for the purpose of supporting his dispute against Rugby Australia and the Christian cause. An application for a cy pres scheme was made on behalf of ACL for the balance of the unused donations raised by ACL which cannot be returned to donors or redirected with their consent. The balance of donations raised by ACL are to be applied to advance religious freedom in Australia and support religious freedom litigation, including by donating to the Human Rights Law Alliance Ltd. The sum of the scheme is \$106,300.

Mr Folau's legal dispute with Rugby Australia commenced over the termination of Mr Folau's employment contract, in response to specific social media posts of Mr Folau espousing his religious views which was deemed to be homophobic by Rugby Australia. Mr Folau launched a GoFundMe campaign to solicit donations from the public for his legal action against Rugby Australia. However, this appeal was later removed by GoFundMe, and as a result, ACL agreed to host Mr Folau's crowdfunding of his legal fees and associated costs on their platform. A total of \$2,103,773.79 was raised in the appeal. Following a confidential settlement between Mr Folau and Rugby Australia, and pursuant to a Deed of Fundraising Support (**Deed**) between Mr Folau and the ACL governing the use of the donations, ACL attempted to return or redirect unused donations.

The terms of the Deed governing the use of the funds, with specific reference cl 8(d), requiring the return of any unused donations to donors, means that the funds raised by ACL are not to be treated as an outright gift to Mr Folau or ACL but are arguably held by ACL on trust. The purpose of the trust - to support the Christian cause by funding the freedom of religious expression litigation of Mr Folau - is arguably charitable, falling within the third head of charity - the advancement of religion.

The unused funds which cannot be returned to donors or redirected with their consent are to be applied cy pres as the original purpose of the trust can no longer be fulfilled. The proposed use is sufficiently close to the original purpose of the trust being to support the Christian cause by way of funding religious freedom litigation.

In these circumstances, the Solicitor General, as the Attorney General's delegate, has approved the establishment of a cy pres scheme whereby the funds held by ACL are to be applied by it for the advancement of religious freedom in Australia and to support religious freedom litigation, including by donation to the Human Rights Law Alliance Ltd for the aforementioned purpose.

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.

A handwritten signature in black ink, appearing to read 'RW', with a stylized flourish extending to the right.

Rachael Ward

A/General Counsel, Department of Communities & Justice

DATE: 24 September 2024