

# *Government Gazette*

of the State of

New South Wales

**Number 90 - Parliament, Ministerial, Courts and Police**

**Friday, 07 March 2025**

---

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].

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

To submit a notice for gazettal, visit the website.



**Land and Environment  
Court**  
of New South Wales

**PRACTICE NOTE**

**Use of Generative Artificial Intelligence (Gen AI)**

**Commencement**

1. This Practice Note replaces the Practice Note that commenced on 3 February. It commences on 12 February 2025 and will apply to all proceedings from that date.

**Introduction**

2. Generative AI (**Gen AI**) is a form of artificial intelligence that is capable of creating new content, including text, images or sounds, based on patterns and data acquired from a body of training material. That training material may include information obtained from “scraping” publicly and privately available text sources to produce large language models.
3. Gen AI may take the form of generic large language model programs such as Chat-GPT, Claude, Grok, Llama, Google Bard, Co-Pilot, AI Media or Read AI or more bespoke programs specifically directed to lawyers such as Lexis Advance AI, ChatGPT for Law, Westlaw Precision, AI Lawyer, Luminance and CoCounsel Core. These examples are not intended to be exhaustive. Such programs may use “chatbots” and prompt requests and refined requests from the users of such programs.
4. This Practice Note applies to both closed-source and open-source large language model Gen AI.
5. Gen AI is capable of being used to assist legal practitioners and unrepresented parties with various tasks, including drafting documents and summarising information. This Practice Note is directed to the circumstances where such use is acceptable.
6. For the avoidance of doubt, for the purposes of this Practice Note, Gen AI does not include technology or functionality which merely corrects spelling or grammar, provides transcription or translation, assists with formatting and otherwise does not generate substantive content, and nothing in this Practice Note is intended to preclude or apply to the use of:

- (a) search engines such as Google which produce a list of websites that match search criteria but which do not produce an apparently personalised textual answer in response to a specific prompt;
  - (b) dedicated legal research software which uses AI or machine learning to conduct searches across material comprising legislation or subordinate legislation, judgments of courts or tribunals, and/or books or articles written for a legal audience.
7. Legal practitioners and unrepresented parties should be aware of limits, risks and shortcomings of any particular Gen AI program which they use. These may include:
- (a) the scope for “hallucinations”, that is, the generation of apparently plausible, authoritative and coherent responses but which are in fact inaccurate or fictitious. Examples include false citations and fabricated legislative, case or other secondary references;
  - (b) the dependence of Gen AI on the quality and reach of underlying data sets, including the possibility that that underlying database(s) may include misinformation or selective or incomplete data, data that is not up to date or data that is not relevant in New South Wales or Australia;
  - (c) the scope for biased or inaccurate output including by reason of the nature or limitations of the underlying data sets;
  - (d) the fact that any search requests via a chatbot or interactions or prompts within a Gen AI program may, unless disabled, be automatically added to the large language model database, remembered and used to respond to queries from other users;
  - (e) the lack of adequate safeguards, to preserve the confidentiality, privacy or legal professional privilege that may attach to information or otherwise sensitive material submitted to a public Gen AI chatbot; and
  - (f) the fact that data contained in a Gen AI data set or database may have been obtained in breach of copyright.
8. Legal practitioners and unrepresented parties should also be aware that data entered into Gen AI programs may be used to train the large language model, potentially making confidential information available to others.

### **General prohibition**

- 9A. Information subject to non-publication or suppression orders, the implied (*Harman*) undertaking not to use information produced under compulsion for any purposes extraneous to the proceedings without the leave of the Court, material produced on subpoena, or any material that is the subject of a statutory

prohibition upon publication must **not** be entered into any Gen AI program unless the legal practitioner or person responsible for the conduct of the proceeding is satisfied that the information:

- (a) will remain within the controlled environment of the technological platform being used and that the platform is the subject of confidentiality restrictions on the supplier of the relevant technology or functionality to ensure that the data is not made publicly available and is not used to train any large language models;
- (b) is to be used only in connection with that proceeding (unless otherwise required or permitted by law to be disclosed or required to be reviewed by a law enforcement agency for policy purposes);
- (c) is not used to train the Gen AI program and/or any large language model.

9B. Subject to paragraph 9A and for the avoidance of doubt, a Gen AI program may be used for any of the following purposes:

- (a) the generation of chronologies, indexes and witness lists;
- (b) the preparation of briefs or draft Crown Case Statements;
- (c) the summarising or review of documents and transcripts;
- (d) the preparation of written submissions or summaries of argument (subject to paragraphs 16 to 18 below).

### **Affidavits, witness statements or other evidentiary material**

- 10. Gen AI must **not** be used in generating the content of affidavits, witness statements, character references or other material that is intended to reflect the deponent or witness' evidence and/or opinion, or other material tendered in evidence or used in cross examination. This paragraph does not prohibit the use of Gen AI for work that is merely preparatory to the drafting of the affidavit or other document setting out the witness' evidence and/or opinion.
- 11. Affidavits, witness statements, character references should contain and reflect a person's own knowledge, not AI-generated content.
- 12. Gen AI must not be used for the purpose of altering, embellishing, strengthening or diluting or otherwise rephrasing a witness's evidence when expressed in written form.
- 13. An affidavit, witness statement or character reference must contain a disclosure that Gen AI was **not** used in generating:

- (a) its content (including by way of altering, embellishing, strengthening or diluting or rephrasing a witness's evidence); or
  - (b) subject to leave having been obtained in accordance with paragraph 15 below, the content of any annexure or exhibit *prepared by the deponent* of the affidavit or witness statement or character reference for the purposes of his or her evidence.
14. For the avoidance of doubt, the deponent of the affidavit, witness statement or character reference is not required to make the disclosure referred to in paragraph [13(b)] where the annexure or exhibit has not been prepared or created for the purposes of the proceedings.
15. In exceptional cases, leave may be sought to use Gen AI for the preparation or generation of any annexure or exhibit to an affidavit, witness statement or character reference. Any application for leave must identify:
- (a) the proposed use of Gen AI;
  - (b) the Gen AI program that will be used (including the relevant version);
  - (c) whether it is a closed-source or open-source program and or contains privacy and or confidentiality settings; and
  - (d) the benefit to be derived from the proposed use of Gen AI in the preparation of the annexure or exhibit.

### **Written submissions and summaries of argument**

16. Where Gen AI has been used in the preparation of written submissions or summaries or skeletons of argument, the author must verify in the body of the submissions, summaries or skeleton, that all citations, legal and academic authority and case law and legislative references:
- (a) exist,
  - (b) are accurate, and
  - (c) are relevant to the proceedings,
- and make similar verification in relation to references to evidence in written submissions or summaries or skeletons of argument to evidence (whether the evidence be contained in affidavits or transcript).
17. Such verification must not be solely carried out by using a Gen AI tool or program.

18. Any use of Gen AI to prepare written submissions or summaries or skeletons of argument does not qualify or absolve the author(s) of any professional or ethical obligations to the Court or the administration of justice.

## **Expert Reports**

19. Expert reports are required to state the opinion or opinions of the expert, and his or her reasoning process.
20. Gen AI must not be used to draft or prepare the content of an expert report (or any part of an expert report) without prior leave of the Court.
21. Any application for leave must identify:
  - (a) the proposed use of Gen AI;
  - (b) the Gen AI program (including the version) that will be used and whether it is a closed-source or open-source program or contains privacy and or confidentiality settings;
  - (c) the benefit to be derived from the proposed use of Gen AI in the preparation of the expert report;
  - (d) any documents which it is proposed to submit to the Gen AI program for the purposes of generating any aspect of the expert report.
22. If an expert witness obtains prior leave to use Gen AI for any purpose in preparing an expert report for the Court, the expert witness must:
  - (a) disclose in the report what part(s) of it was prepared using Gen AI or drawing upon Gen AI produced material and the Gen AI program, (and version) that was used;
  - (b) keep records and identify in an annexure to the report a record of how the Gen AI tool or program was used (for example any prompts used, any default values used, and any variables set), except where the Court grants leave to dispense with this requirement (for example, where the Court determines this to be voluminous or unnecessary); and
  - (c) if the use of Gen AI is regulated or addressed by any relevant code of practice or principles that bind or apply to the expert, identify that fact and annex to the report a copy of the relevant code(s) or principle(s).

Examples of the above use of Gen AI may include experts using software that uses Gen AI to analyse sound, graphic or video data, or to interrogate very large data sets, or to conduct statistical analysis.

23. Legal practitioners and unrepresented parties must draw the requirements of this Practice Note to the attention of experts when instructing them.
24. Expert reports prepared between the date of issue of this Practice Note and the date of its commencement must identify which, if any, part or parts of the report has or have relied upon Gen AI in the preparation of its content.

### **Review**

25. Due to the rapidly developing nature of Gen AI, this Practice Note will be periodically reviewed.

***The Honourable Justice Brian J Preston  
Chief Judge***

***11 February 2025***

## ACTS OF PARLIAMENT ASSENTED TO

**Legislative Council Office Sydney 2 March 2025**

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

Act No. 1, 2025 – An Act to amend the Protection of the Environment Operations Act 1997 and regulations under the Act to provide for the source-separated collection of food organics and garden organics waste from households and businesses and the reporting of supermarket food donations. **[Protection of the Environment Legislation Amendment (FOGO Recycling) Bill 2024]**

Act No. 2, 2025 – An Act to amend the Housing Act 2001 to enable the Minister to exercise the same functions as the NSW Land and Housing Corporation; to make provision for the transfer of assets, rights and liabilities; and for the purpose of effecting statute law revision. **[Housing Amendment Bill 2025]**

Act No. 3, 2025 – An Act to require the preparation and tabling of a statement to Parliament about the creative industries in New South Wales. **[Creative Statement to Parliament Bill 2025]**

Act No. 4, 2025 – An Act to establish the Sound NSW Advisory Board. **[Sound NSW Advisory Board Bill 2025]**

Act No. 5, 2025 – An Act to amend the Mental Health and Cognitive Impairment Forensic Provisions Act 2020 and the Mental Health Act 2007 to make miscellaneous amendments. **[Mental Health Legislation Amendment Bill 2024]**

David Blunt AM  
Clerk of the Parliaments



***Criminal Assets Recovery Act 1990 (section 21C)***

**ASSETS FORFEITURE NOTICE**

In accordance with section 21C of the *Criminal Assets Recovery Act 1990 (the Act)*, the New South Wales Crime Commission (**the Commission**) hereby issues a notice of intention to forfeit (**assets forfeiture notice**) the following property,

Cash in the amount of \$18,355 in Australian currency and \$2000 in United States currency (**the property**), and any interest accumulated thereon, seized by officers of the New South Wales Police Force (**NSWPF**) on 26 October 2023 during a search of 9 Osprey Crescent, East Maitland, NSW, 2323,

to the Crown.

This assets forfeiture notice is issued on the following grounds:

1. The property is held by NSWPF as a result of it being seized by NSWPF officers during the execution of a search warrant at 9 Osprey Crescent, East Maitland NSW 2323 on 26 October 2023. On that day, a person believed to have an interest in the property was arrested and charged with offences contrary to the *Drug Misuse and Trafficking Act 1985*, the *Firearms Act 1996*, and the *Crimes Act 1900*. The property is being held by the NSW Police Force pursuant to the *Law Enforcement (Powers and Responsibilities Act 2002)*.
2. The Commission is reasonably satisfied the property is an interest in property:
  - a. of a person suspected of engaging in serious crime related activity; and/or
  - b. suspected of being serious crime derived property because of serious crime related activity; and/or
  - c. an interest in property suspected of being an available interest relating to serious crime use property.

Pursuant to section 21A of the Act, a dispute claim in relation to this assets forfeiture notice may be made by 6 May 2025 and pursuant to section 21G of the Act, **MUST**:

1. be made **in writing to the Commission** by post to 453-463 Kent Street, Sydney, NSW or by e-mail to [confiscations@crimecommission.nsw.gov.au](mailto:confiscations@crimecommission.nsw.gov.au); and
2. include the following information:
  - a. the name, date of birth and address of the person making the claim (**the claimant**),
  - b. the basis of the claim, including the following and evidence, if any, supporting the following —
    - (i) a description of the claimant's interest in the property,
    - (ii) how the interest in the property was acquired,
    - (iii) why the interest in the property is not illegally acquired property
  - c. a statutory declaration supporting the information in the claim.

Unless a dispute claim is made to the Commission, this assets forfeiture notice takes effect immediately after 6 May 2025.

**05 March 2025**

A handwritten signature in black ink, appearing to be 'Paul Bl' or similar, written in a cursive style.

-----  
Assistant Commissioner (Legal)  
New South Wales Crime Commission

## ***Criminal Assets Recovery Act 1990 (section 21C)***

# **ASSETS FORFEITURE NOTICE**

In accordance with section 21C of the *Criminal Assets Recovery Act 1990* (**the Act**), the New South Wales Crime Commission (**the Commission**) hereby issues a notice of intention to forfeit (**assets forfeiture notice**) the following property,

Cash in the amount of \$36,000 in Australian currency (**the property**) and any interest accumulated thereon, seized by officers of the New South Wales Police Force on 26 October 2023 during a search of 107/1 Browne Parade, Warwick Farm, NSW, 2170, to the Crown.

This assets forfeiture notice is issued on the following grounds:

1. The property is held by the NSWPF as a result of it being seized by NSWPF officers during the execution of a search warrant at 107/1 Browne Parade, Warwick Farm, NSW, 2170 on 26 October 2023. On that day, a person understood to have an interest in the property was arrested and charged with offences contrary to the *Drug Misuse and Trafficking Act 1985*, the *Firearms Act 1996*, and the *Crimes Act 1900*. The property is being held by the NSW Police Force pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002*.
2. The Commission is reasonably satisfied the property is an interest in property:
  - a. of a person suspected of engaging in serious crime related activity; and/or
  - b. suspected of being serious crime derived property because of serious crime related activity; and/or
  - c. an interest in property suspected of being an available interest relating to serious crime use property.

Pursuant to section 21A of the Act, a dispute claim in relation to this assets forfeiture notice may be made by 6 May 2025 and pursuant to section 21G of the Act, **MUST**:

1. be made **in writing to the Commission** by post to 453-463 Kent Street, Sydney, NSW or by e-mail to [confiscations@crimecommission.nsw.gov.au](mailto:confiscations@crimecommission.nsw.gov.au); and
2. include the following information:
  - a. the name, date of birth and address of the person making the claim (**the claimant**),
  - b. the basis of the claim, including the following and evidence, if any, supporting the following—
    - (i) a description of the claimant's interest in the property,
    - (ii) how the interest in the property was acquired,
    - (iii) why the interest in the property is not illegally acquired property,
  - c. a statutory declaration supporting the information in the claim.

Unless a dispute claim is made to the Commission, this assets forfeiture notice takes effect immediately after 6 May 2025.

28 February 2025



-----  
Assistant Commissioner (Legal)  
New South Wales Crime Commission

## ***Criminal Assets Recovery Act 1990 (section 21C)***

# **ASSETS FORFEITURE NOTICE**

In accordance with section 21C of the *Criminal Assets Recovery Act 1990* (**the Act**), the New South Wales Crime Commission (**the Commission**) hereby issues a notice of intention to forfeit (**assets forfeiture notice**) the following property,

Cash in the amount of \$161,700 in Australian currency (**the property**) and any interest earned thereon, found and subsequently seized by officers of the New South Wales Police Force ('NSWPF') on 10 July 2024 following a search of a white Volkswagon Golf station wagon, with New South Wales registration EUM47S at Homebush West,

to the Crown.

This assets forfeiture notice is issued on the following grounds:

1. The property is held by the NSWPF after it was seized as a result of a search on 10 July 2024, of a white Volkswagon Golf station wagon, with New South Wales registration EUM47S at Homebush West. On that day, the occupants of the vehicle were arrested and charged with offences contrary to the *Crimes Act 1900* (NSW). The property is held by the NSWPF pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002*.
2. The Commission is reasonably satisfied the property is an interest in property:
  - a. of a person suspected of engaging in serious crime related activity; and/or
  - b. suspected of being serious crime derived property because of serious crime related activity; and/or
  - c. suspected of being an available interest relating to serious crime use property;

within the meaning of the Act.

Pursuant to section 21A of the Act, a dispute claim in relation to this assets forfeiture notice may be made by **6 May 2025** and pursuant to section 21G of the Act, **MUST**:

1. be made **in writing to the Commission** by post to 453-463 Kent Street, Sydney, NSW or by e-mail to [confiscations@crimecommission.nsw.gov.au](mailto:confiscations@crimecommission.nsw.gov.au); and
2. include the following information:
  - (a) the name, date of birth and address of the person making the claim (**the claimant**),
  - (b) the basis of the claim, including the following and evidence, if any, supporting the following —
    - (i) a description of the claimant's interest in the property,
    - (ii) how the interest in the property was acquired,
    - (iii) why the interest in the property is not illegally acquired property,

(c) a statutory declaration supporting the information in the claim.

Unless a dispute claim is made to the Commission, this assets forfeiture notice takes effect immediately after **6 May 2025**.

05 March 2025



-----  
Assistant Commissioner  
New South Wales Crime Commission

***Criminal Assets Recovery Act 1990 (section 21C)***

**ASSETS FORFEITURE NOTICE**

In accordance with section 21C of the *Criminal Assets Recovery Act 1990 (the Act)*, the New South Wales Crime Commission (**the Commission**) hereby issues a notice of intention to forfeit (**assets forfeiture notice**) the following property,

\$170,000 in Australian currency (**the property**), and any interest accumulated thereon, seized by officers of the New South Wales Police Force on 26 October 2023 during a search of 12 Bowden Street, Merrylands West NSW 2160,

to the Crown.

This assets forfeiture notice is issued on the following grounds:

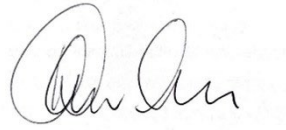
1. The property is held by the New South Wales Police Force as a result of it being seized by New South Wales Police Force officers during the execution of a search warrant at 12 Bowden Street, Merrylands West, NSW, 2160 (**Merrylands West residence**) on 26 October 2023. On that day, a person believed to have an interest in the property was arrested and charged with offences contrary to the *Drug Misuse and Trafficking Act 1985*, the *Firearms Act 1996*, and the *Crimes Act 1900*. The property is being held by the NSW Police Force pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002*.
2. The Commission is reasonably satisfied the property is an interest in property:
  - a. of a person suspected of engaging in serious crime related activity; and/or
  - b. suspected of being serious crime derived property because of serious crime related activity; and/or
  - c. an interest in property suspected of being an available interest relating to serious crime use property within the meaning of the Act.

Pursuant to section 21A of the Act, a dispute claim in relation to this assets forfeiture notice may be made by 6 May 2025 and pursuant to section 21G of the Act, **MUST**:

1. be made **in writing to the Commission** by post to 453-463 Kent Street, Sydney, NSW or by e-mail to [confiscations@crimecommission.nsw.gov.au](mailto:confiscations@crimecommission.nsw.gov.au); and
2. include the following information:
  - a. the name, date of birth and address of the person making the claim (**the claimant**),
  - b. the basis of the claim, including the following and evidence, if any, supporting the following —
    - (i) a description of the claimant's interest in the property,
    - (ii) how the interest in the property was acquired,
    - (iii) why the interest in the property is not illegally acquired property
  - c. a statutory declaration supporting the information in the claim.

Unless a dispute claim is made to the Commission, this assets forfeiture notice takes effect immediately after 6 May 2025.

28 February 2025



-----  
Assistant Commissioner (Legal)  
New South Wales Crime Commission



## ***Criminal Assets Recovery Act 1990 (section 21C)***

# **ASSETS FORFEITURE NOTICE**

In accordance with section 21C of the *Criminal Assets Recovery Act 1990 (the Act)*, the New South Wales Crime Commission (**the Commission**) hereby issues a notice of intention to forfeit (**assets forfeiture notice**) the following property,

Cash in the amount of \$260,000 in Australian currency (**the property**) and any interest earned thereon, found and subsequently seized by officers of the New South Wales Police Force (**NSWPF**) on 21 July 2023 following a search of a white Toyota Hiace van bearing Victorian registration 1RJ2VF, on the Hume Highway, Mount Adrah,

to the Crown.

This assets forfeiture notice is issued on the following grounds:

1. The property is held by the NSWPF after it was seized as a result of a search on 21 July 2023, of a white Toyota Hiace van bearing Victorian registration 1RJ2VF, on the Hume Highway, Mount Adrah. On that day, a person understood to have an interest in the property was arrested and participated in an interview with police. The occupant of the vehicle denied knowledge of the property and did not claim ownership of the property. The property is held by the NSWPF pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002*.
2. The Commission is reasonably satisfied the property is an interest in property:
  - a. of a person suspected of engaging in serious crime related activity; and/or
  - b. suspected of being serious crime derived property because of serious crime related activity; and/or
  - c. suspected of being an available interest relating to serious crime use property;

within the meaning of the Act.

Pursuant to section 21A of the Act, a dispute claim in relation to this assets forfeiture notice may be made by **6 May 2025** and pursuant to section 21G of the Act, **MUST**:

1. be made **in writing to the Commission** by post to 453-463 Kent Street, Sydney, NSW or by e-mail to [confiscations@crimecommission.nsw.gov.au](mailto:confiscations@crimecommission.nsw.gov.au); and
2. include the following information:
  - (a) the name, date of birth and address of the person making the claim (**the claimant**),
  - (b) the basis of the claim, including the following and evidence, if any, supporting the following —
    - (i) a description of the claimant's interest in the property,
    - (ii) how the interest in the property was acquired,
    - (iii) why the interest in the property is not illegally acquired property,

(c) a statutory declaration supporting the information in the claim.

Unless a dispute claim is made to the Commission, this assets forfeiture notice takes effect immediately after **6 May 2025**.

05 March 2023



-----  
Assistant Commissioner  
New South Wales Crime Commission

## ***Criminal Assets Recovery Act 1990 (section 21C)***

# **ASSETS FORFEITURE NOTICE**

In accordance with section 21C of the *Criminal Assets Recovery Act 1990* (**the Act**), the New South Wales Crime Commission (**the Commission**) hereby issues a notice of intention to forfeit (**assets forfeiture notice**) the following property,

Cash in the amount of \$439,880 in Australian currency (**the property**) and any interest earned thereon, found and subsequently seized by officers of the New South Wales Police Force (**NSWPF**) on 10 September 2024 following a search of a Pantech truck bearing New South Wales registration FFC45B, on the Pacific Highway, Topi Topi,

to the Crown.

This assets forfeiture notice is issued on the following grounds:

1. The property is held by the NSWPF after it was seized as a result of a search on 10 September 2024, of a Pantech truck bearing New South Wales registration FFC45B, on the Pacific Highway, Topi Topi. On that day, the occupant of the vehicle was arrested and cautioned, however no charges were laid at that time. Neither the occupant nor the owner of the vehicle have claimed ownership of the property. The property is held by the NSWPF pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002*.
2. The Commission is reasonably satisfied the property is an interest in property:
  - a. of a person suspected of engaging in serious crime related activity; and/or
  - b. suspected of being serious crime derived property because of serious crime related activity; and/or
  - c. suspected of being an available interest relating to serious crime use property;

within the meaning of the Act.

Pursuant to section 21A of the Act, a dispute claim in relation to this assets forfeiture notice may be made by **6 May 2025** and pursuant to section 21G of the Act, **MUST**:

1. be made **in writing to the Commission** by post to 453-463 Kent Street, Sydney, NSW or by e-mail to [confiscations@crimecommission.nsw.gov.au](mailto:confiscations@crimecommission.nsw.gov.au); and
2. include the following information:
  - (a) the name, date of birth and address of the person making the claim (**the claimant**),
  - (b) the basis of the claim, including the following and evidence, if any, supporting the following —
    - (i) a description of the claimant's interest in the property,
    - (ii) how the interest in the property was acquired,
    - (iii) why the interest in the property is not illegally acquired property,

(c) a statutory declaration supporting the information in the claim.

Unless a dispute claim is made to the Commission, this assets forfeiture notice takes effect immediately after **6 May 2025**.

28 February 2025



-----  
Assistant Commissioner  
New South Wales Crime Commission

***Criminal Assets Recovery Act 1990 (section 21C)***

**ASSETS FORFEITURE NOTICE**

In accordance with section 21C of the *Criminal Assets Recovery Act 1990 (the Act)*, the New South Wales Crime Commission (**the Commission**) hereby issues a notice of intention to forfeit (**assets forfeiture notice**) the following property,

Cash in the amount of \$846,720 in Australian currency (**the property**) and any interest earned thereon, found and subsequently seized by officers of the New South Wales Police Force (**NSWPF**), on 15 July 2024 following a search of a white Toyota HiAce vehicle with New South Wales registration FEG52Z, at Homebush West.

to the Crown.

This assets forfeiture notice is issued on the following grounds:

1. The property is held by the NSWPF after it was seized as a result of a search on 15 July 2024, of a white Toyota HiAce vehicle with New South Wales registration FEG52Z, at Homebush West. On that day, the occupants of the vehicle were arrested and charged with offences contrary to the *Crimes Act 1900* (NSW) including knowingly dealing with property suspected to be proceeds of crime. The property is held by the NSWPF pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002*.
2. The Commission is reasonably satisfied the property is an interest in property:
  - a. of a person suspected of engaging in serious crime related activity; and/or
  - b. suspected of being serious crime derived property because of serious crime related activity; and/or
  - c. suspected of being an available interest relating to serious crime use property;

within the meaning of the Act.

Pursuant to section 21A of the Act, a dispute claim in relation to this assets forfeiture notice may be made by 6 May 2025 and pursuant to section 21G of the Act, **MUST**:

1. be made **in writing to the Commission** by post to 453-463 Kent Street, Sydney, NSW or by e-mail to [confiscations@crimecommission.nsw.gov.au](mailto:confiscations@crimecommission.nsw.gov.au); and
2. include the following information:
  - (a) the name, date of birth and address of the person making the claim (**the claimant**),

- (b) the basis of the claim, including the following and evidence, if any, supporting the following –
  - (i) a description of the claimant's interest in the property,
  - (ii) how the interest in the property was acquired,
  - (iii) why the interest in the property is not illegally acquired property,
- (c) a statutory declaration supporting the information in the claim.

Unless a dispute claim is made to the Commission, this assets forfeiture notice takes effect immediately after **6 May 2025**.

05 March 2025



-----  
Peter Bodor KC  
Assistant Commissioner  
New South Wales Crime Commission

# Walama List Sentencing Procedure

## Preamble

1. This Practice Note replaces District Court Criminal Practice Note 26, which commenced on 31 January 2022.
2. This Practice Note establishes an alternative procedure for managing cases involving eligible Aboriginal and Torres Strait Islander persons charged with criminal offences before the District Court of New South Wales, to be known as the “**Walama List**”.

## Commencement

3. This Practice Note commences at Sydney District Court on 10 March 2025.

## Application

4. This Practice Note applies to matters committed for sentence or where a plea of guilty has been entered upon arraignment after 1 December 2021.

## Introduction

5. The aims of the Walama List are to:
  - (a) reduce the risk factors related to re-offending by Aboriginal and Torres Strait Islander offenders;
  - (b) reduce the rate of breaches of court orders by Aboriginal and Torres Strait Islander offenders;
  - (c) increase compliance with court orders by Aboriginal and Torres Strait Islander offenders;
  - (d) reduce the overrepresentation of Aboriginal and Torres Strait Islander persons in custody in NSW;
  - (e) increase Aboriginal and Torres Strait Islander community participation and confidence in the criminal justice system; and
  - (f) facilitate a better understanding of any underlying issues which may increase the likelihood of re-offending.

6. The Walama List will seek to achieve these aims by:
- (a) enabling Aboriginal and Torres Strait Islander community participation in the court process and embedding Aboriginal and Torres Strait Islander narratives in the sentencing process;
  - (b) utilising culturally appropriate programs and supports to address needs and risk factors that may impact on an offender's continued involvement with the criminal justice system; and
  - (c) facilitating continuous court monitoring of appropriate therapeutic interventions to address identified needs and risk factors.

### **Definitions**

7. In this Practice Note:

“Court” means the District Court of New South Wales.

### **Nomination of Walama List Judge(s)**

8. The Chief Judge of the District Court will nominate at least one Judge as a **“Walama List Judge”**.

### **Sittings of the Walama List**

9. The Walama List will operate at Sydney District Court at Central.
10. A Walama List Judge will hear all Walama List matters during a seven-day period per calendar month. All Walama List matters are to be listed in the same period during the relevant month.

### **Eligibility Criteria**

11. To be referred to the Walama List, an offender must:
- (a) have pleaded guilty to the offence(s) they have been charged with, either:
    - in the Local Court; or
    - in the District Court before a trial date is first fixed;
  - (b) have signed an Agreed Statement of Facts;



- (c) be descended from: an Aboriginal person or Torres Strait Islander person, identify as an Aboriginal person or Torres Strait Islander person, and be accepted as such by the relevant community; and
  - (d) have an understanding of and be willing to participate in the Walama List sentencing procedure.
12. An offender is not eligible for referral to the Walama List if he or she is charged with an offence set out in the Schedule to this Practice Note.
13. Only matters committed from Local Court venues in the Greater Sydney Area are eligible for referral to the Walama List.
14. Notwithstanding that an offender is otherwise assessed as suitable, the Court may decline to accept him or her into the Walama List or discharge him or her from the Walama List at any time.

#### **Listing of Cases Referred to the Walama List**

15. Where a matter has been committed for sentence to the District Court, and the offender meets the eligibility criteria, the legal representative for the offender is to make an **Application for Referral to the Walama List** on the date of first mention in the District Court. Where an eligible offender has made an Application for Referral, the presiding Judge must adjourn the proceedings for ballot mention to the Walama List, after consultation with a Walama List Judge to ascertain availability.
16. Where an offender has entered a plea of guilty after committal to the District Court and an Application for Referral is made by the offender, the presiding Judge must adjourn the proceedings for ballot mention to the Walama List, after consultation with a Walama List Judge to ascertain availability.
17. In the ordinary course, and subject to available listings, the matters are to be listed for mention on the next available Walama List mention date using the Walama List Diary.

### **Stage 1: First Mention in the Walama List**

18. The **first mention** in the Walama List is to be attended by a representative for the Prosecution, the legal representative(s) for the offender, the offender, a representative from the Aboriginal Services Unit (“ASU”) Transforming Aboriginal Outcomes, DCJ and a Walama List Judge.
19. At the first mention in the Walama List, case management orders will be made as follows:
- (a) the Prosecution is to serve and file the Crown bundle no later than 3 business days prior to the second mention date in the Walama List.
20. The matter will then be adjourned for a **second mention** during the next Walama List mention date.

### **Stage 2: Completion of Intake Documentation**

21. Between the first mention in the Walama List and the second mention in the Walama List, a representative of the ASU assisting the Walama List is to interview the offender and complete the **“initial intake documentation”**.

### **Stage 3: Second Mention in the Walama List**

22. At the second mention in the Walama List, the Prosecution bundle will be formally tendered, and case management orders made as follows:
- (a) the Defence bundle, including any psychiatric or psychological material, is to be served and filed no later than seven business days prior to the Introductory Conversation.
23. The matter will then be adjourned for an **“Introductory Conversation”** during the next Walama List sittings. The **Introductory Conversation** will be facilitated by a Walama List Judge, and subject to the discretion of the Judge, may be attended by:
- a) the offender and the offender’s legal representative(s);
  - b) the Prosecution;

- c) two Aboriginal or Torres Strait Islander Elders or Respected Persons nominated by a Walama List Judge in consultation with a representative of the ASU;
- d) an allocated Community Corrections Officer and/or case workers from other nominated government and non-government support services;
- e) a support person for the offender at the discretion of a Walama List Judge;
- f) a representative of the ASU; and
- g) any other person a Walama List Judge considers appropriate.

24. The matter will then be adjourned for an **Introductory Conversation** during the next Walama List sittings.

#### **Stage 4: The Introductory Conversation**

25. The **Introductory Conversation** will be facilitated by a Walama List Judge and, subject to the discretion of the Judge, may be attended by:
- (a) the offender and the offender's legal representative(s);
  - (b) the Prosecution;
  - (c) an allocated Community Corrections Officer and/or case workers from other nominated government and non-government support services;
  - (d) two Aboriginal or Torres Strait Islander Elders or Respected Persons nominated by a Walama List Judge in consultation with a representative of the ASU where a Walama List Judge considers they are likely to be of significant assistance to him or her;
  - (e) any support person for the offender at the discretion of a Walama List Judge;
  - (f) a representative of the ASU; and
  - (g) any other person a Walama List Judge considers appropriate, including but not limited to: representation from Corrective Services, Justice Health, any victim(s) and their support person.
26. The proceedings are to be open to the public unless a closed court is required by law.

27. The purpose of the **Introductory Conversation** is to discuss:
- (a) the offender's background;
  - (b) the offender's need for treatment and/or a rehabilitation program, and the availability of a suitable program/s;
  - (c) the offender's willingness to comply with a **Walama Case Plan**; and
  - (d) any other matter relevant to sentencing.
28. At the **Introductory Conversation** a Walama List Judge may:
- (a) impose conditions on the offender's bail requiring the offender to submit to assessments for a rehabilitation program as required;
  - (b) impose conditions on the offender's bail requiring the offender to commence participation in any rehabilitation program and/or submit to drug and/or alcohol testing;
  - (c) nominate support agencies and/or case workers to work with the offender as required;
  - (d) make orders for further reports and updated reports; and
  - (e) make any other orders necessary to facilitate the formulation of the **Walama Case Plan** to be finalised at the next court date.
29. The matter will then be adjourned for a Case Plan Conversation during the next monthly sitting.

### **Stage 5: Preparation of draft Walama Case Plan**

30. A "**Walama Case Plan**" will be formulated to meet the particular needs and risk factors relevant to the individual offender and may include a combination of culturally appropriate rehabilitation programs; counselling, physical and mental health therapies; and/or other programs and support services as appropriate.
31. Between the **Introductory Conversation** and the first **Case Plan Conversation**, the participant's legal representative, case worker and/or Community Corrections Officer will facilitate the preparation of a draft **Walama Case Plan**. This may involve interviewing the offender and their legal representative, identifying any existing case workers and other supports (including treatment providers) that the offender wishes to

continue to engage with, and obtaining contact details to notify existing service providers of the offender's next court date in the Walama List.

32. A case worker may be a NSW Community Corrections Officer or a case worker from a community organisation.

### **Stage 6: Case Plan Conversation**

33. At the first **Case Plan Conversation**, the draft **Walama Case Plan** will be discussed and finalised subject to any required modifications identified.

**Case Plan Conversations** are to be conducted by a Walama List Judge with as little formality as possible, in the presence of:

- (a) the offender and the offender's legal representative(s);
- (b) the Prosecution;
- (c) an allocated Community Corrections Officer and/or case workers from other nominated government and non-government support services;
- (d) two Aboriginal or Torres Strait Islander Elders or Respected Persons nominated by a Walama List Judge in consultation with a representative of the ASU where a Walama List Judge considers they are likely to be of significant assistance to him or her;
- (e) a support person for the offender at the discretion of a Walama List Judge;
- (f) a representative of the ASU; and
- (g) any other person a Walama List Judge considers appropriate, including but not limited to: representation from Corrective Services; Justice Health; any victim(s); and their support person.

34. At the first or any subsequent **Case Plan Conversation**, the Prosecution will lead a discussion with the offender with regard to:

- (a) the nature of the offending behaviour; and
- (b) the implications of that offending behaviour on the victim(s), the offender's family and community.

35. A Walama List Judge may successively adjourn the proceedings part-heard for a period of up to 12 months for the purpose of ongoing **Case Plan Conversations**, or where justified, an extension for a further period

but such that the total period is not longer than 24 months (absent exceptional circumstances).

36. The purposes of ongoing **Case Plan Conversations** are to:
- (a) monitor the suitability and effectiveness of the offender's **Walama Case Plan**;
  - (b) monitor the offender's participation in the **Walama Case Plan** to ensure compliance; and
  - (c) determine whether the **Walama Case Plan** requires modification.
37. The frequency of the **Case Plan Conversations** will be determined by a Walama List Judge in consultation with the offender's legal representatives and the Prosecution.
38. Where an offender breaches a condition of their **Walama Case Plan**, the offender is to be called up before the Walama List Judge. Without limiting the penalties available at law, a Walama List Judge may:
- (a) take no action on the breach; and/or
  - (b) make changes to the offender's **Walama Case Plan**; and/or
  - (c) discharge the offender from the Walama List sentencing procedure; and/or
  - (d) proceed to sentence the offender or adjourn the case for sentence to a later date.
39. Before an offender is discharged from the Walama List sentencing procedure, a Walama List Judge may convene for the purpose of a further **Case Plan Conversation** in the presence of community Elders or Respected Persons.
40. If the offender informs a Walama List Judge that he or she wishes to cease participation in the Walama List sentencing procedure, a Walama List Judge may:
- (a) note on the court file that consent to participate in the Walama List sentencing procedure has been withdrawn;
  - (b) adjourn the case for sentence;

- (c) direct the preparation of a Sentencing Assessment Report if such a report has not previously been ordered; and
- (d) determine whether the offender is to be sentenced by a Walama List Judge or returned to the General List for allocation of an appropriate sentence date before any District Court Judge.

### **Stage 7: Sentencing**

- 41. Upon the offender's completion of the **Walama Case Plan**, a Walama List Judge is to sentence the offender in open court (unless a closed court is required by law).
- 42. The sentencing options available to a Walama List Judge are those available at law.

### **Role of Elders and Respected Persons**

- 43. In order to significantly assist a Walama List Judge in sentencing, Aboriginal and Torres Strait Islander Elders and Respected Persons will attend **Introductory** and **Case Plan Conversations**, so that they may:
  - (a) provide cultural and community advice to a Walama List Judge;
  - (b) assist a Walama List Judge to understand the offender's cultural heritage, history and norms;
  - (c) offer support and advice to a Walama List Judge on how the offender could improve connections with his or her culture and community; and
  - (d) assist a Walama List Judge to identify culturally significant issues and culturally appropriate programs or supports that might be included in the Walama Case Plan.
- 44. Elders and Respected Persons will not participate in the determination of the sentence to be imposed or any determination as to bail.

### **Evaluation**

BOCSAR is conducting an evaluation of the Walama List Sentencing Procedure. See link: <https://dcj.nsw.gov.au/about-us/research-strategy/our-research-projects-and-partners/evaluating-the-walama-list-pilot.html>

Legal representatives are to obtain instructions as to their client's consent to participate in the evaluation. See consent form link:

[https://districtcourt.nsw.gov.au/documents/practice-notes/Walama\\_List\\_Evaluation\\_Participant\\_Consent\\_Form\\_Sep\\_23.pdf](https://districtcourt.nsw.gov.au/documents/practice-notes/Walama_List_Evaluation_Participant_Consent_Form_Sep_23.pdf)

A handwritten signature in black ink, appearing to read 'S Huggett', with a stylized, cursive script.

The Hon. Justice S Huggett  
Chief Judge of the District Court of New South Wales  
5 March 2025



## **Schedule** of offences not eligible for referral to the Walama List:

- i) A prescribed sexual offence as defined by s 3 of the *Criminal Procedure Act 1986* (NSW);
- ii) An offence contrary to s 33 of the *Crimes Act 1900* (NSW);
- iii) An offence contrary to s 37(2) of the *Crimes Act 1900* (NSW);
- iv) An offence contrary to ss 26, 27, 28, 29 and 30 of the *Crimes Act 1900* (NSW);
- v) An offence which carries a maximum penalty of life imprisonment.



## LEGISLATIVE ASSEMBLY

Office of the Clerk

### ACTS OF PARLIAMENT ASSENTED TO Legislative Assembly Office, 2 March 2025

It is hereby notified, for general information, that Her Excellency the Governor, has, in the name and on behalf of His 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. 6 — An Act amend the *Crimes (Administration of Sentences) Act 1999* to consolidate processes and procedures for the operation of correctional centres; to ensure the validity of regulations; and for other purposes. **[Crimes (Administration of Sentences) Amendment Bill]**

Act No. 7 — An Act to amend the *Inspector of Custodial Services Act 2012*, including in response to a statutory review of the Act; to amend the *Crimes (Administration of Sentences) Act 1999* in relation to correctional centre discipline; and for related purposes. **[Inspector of Custodial Services Amendment Bill]**

Act No. 8 — An Act to amend legislation concerning industrial relations and, in particular, the Industrial Court; and for other purposes. **[Industrial Relations Amendment Bill]**

Act No. 9 — An Act to amend the *Crimes Act 1900* to provide that it is an offence to intentionally incite hatred towards another person or a group of persons on the ground of race in circumstances that would cause a reasonable person who was the target of the incitement to hatred to fear harassment, intimidation, violence or for their personal safety; and to provide for a statutory review of the offence 12 months after it commences. **[Crimes Amendment (Inciting Racial Hatred) Bill]**

Act No. 10 — An Act to amend the *Crimes Act 1900* to provide for offences in relation to persons blocking, impeding, hindering or taking certain other actions in relation to persons accessing or leaving places of worship; and to amend the *Law Enforcement (Powers and Responsibilities) Act 2002* to authorise police officers to issue move on directions in relation to apparently genuine demonstrations, protests, processions or organised assemblies occurring in or near places of worship. **[Crimes Amendment (Places of Worship) Bill]**

Act No. 11 — An Act to amend the *Crimes Act 1900* in relation to offences about displaying Nazi symbols on or near synagogues, Jewish schools and the Sydney Jewish Museum and in relation to Nazi symbol graffiti; to amend the *Crimes (Sentencing Procedure) Act 1999* to provide for matters relating to when unlawful conduct motivated by hate or prejudice will aggravate a sentence; and to amend the *Graffiti Control Act 2008* to add a circumstance of aggravation in relation to offences committed in relation to graffiti on places of worship. **[Crimes Legislation Amendment (Racial and Religious Hatred) Bill]**

Act No. 12 — An Act to amend the *Marine Safety Act 1998* to address miscellaneous recommendations arising from a discussion paper on the Marine Safety Regulation 2016; and for other purposes. **[Marine Safety Amendment Bill]**



## LEGISLATIVE ASSEMBLY

Act No. 13 — An Act to amend various Acts in the Communities and Justice portfolio. **[Justice Legislation Amendment (Civil) Bill]**

Act No. 14 — An Act to amend the *Strata Schemes Management Act 2015* to implement various recommendations arising from the statutory review of the Act; to make related amendments to the *Community Land Management Act 2021* and other legislation; and for other purposes. **[Strata Schemes Legislation Amendment Bill]**

Act No. 15 — An Act to amend various Acts relating to courts, crimes and other Communities and Justice portfolio matters. **[Justice Legislation Amendment (Miscellaneous) Bill]**

Helen Minnican  
Clerk of the Legislative Assembly