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ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 3 July 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. 38, 2025 – An Act to amend certain Acts and instruments consequent on the enactment of the Administrative Review Tribunal Act 2024 of the Commonwealth; and for related purposes. [**Statute Law Amendment (Administrative Appeals Tribunal) Bill 2025**]

Act No. 39, 2025– An Act to amend legislation establishing certain New South Wales cultural institutions to increase the membership of the governing body of each institution to include at least one young person. [**Cultural Institutions Legislation Amendment Bill 2025**]

Act No. 40, 2025 – An Act to amend the Government Sector Audit Act 1983 to provide for the tabling of reports about performance audits in each House of Parliament. [**Government Sector Audit Amendment (Performance Audit Reports) Bill 2025**]

Steven Reynolds
Clerk of the Parliaments

VEXATIOUS PROCEEDINGS ACT 2008

Notification of Orders Concerning Vexatious Litigant

Lynette Maria Martin

On 26th June 2025, His Honour Justice Cavanagh made the following Orders in Supreme Court of NSW case **2025/00080318 Lynette Maria Martin v Stephen Vardanega, Michael Roberts, Nicholas Studdert and Danny Feller SC**:

1. Order pursuant to rule 13.4 of the Uniform Civil Procedure Rules 2005 (NSW) that the proceedings against the first, second and third defendants be dismissed.
2. Order that the plaintiff pays the first, second, and third defendants' costs.
3. Order pursuant to section 8 of the Vexatious Proceedings Act 2008 (NSW) that the plaintiff be prohibited from instituting any proceedings in New South Wales against the first, second or third defendants arising out of any matter relating to the plaintiff's compensation claim and proceedings 2020/337173, 2022/295916, 2022/296130 and 2025/80318 without the leave of the Court.

Note: proceeding details for each number recorded in Order 3 above are as follows:

2020/337173 Lynette Martin v Gerard Malouf & Ors

2022/295916 Lynette Martin v Julia Mary Ross & Ors

2022/296130 Lynette Martin v Stephen Vardanega & Ors

2025/80318 Lynette Maria Martin v Stephen Vardanega & Ors



LEGISLATIVE ASSEMBLY

Office of the Clerk

ACTS OF PARLIAMENT ASSENTED TO Legislative Assembly Office, 3 July 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. 41 — An Act to amend the Health Services Act 1997 to provide for the statutory termination of the Northern Beaches Hospital Deed; and for related purposes. **[Health Services Amendment (Northern Beaches Hospital Deed Termination) Bill]**

Act No. 42 — An Act to amend the *Industrial Relations Act 1996* in relation to bullying at work and sexual harassment in connection with work; to amend the *Work Health and Safety Act 2011* to provide for matters relating to work health and safety disputes and other miscellaneous matters; and for other purposes. **[Industrial Relations and Other Legislation Amendment (Workplace Protections) Bill]**

Helen Minnican
Clerk of the Legislative Assembly


Magistrates' Terms and Conditions of Service Determination 2025

Explanatory Note:

The object of this Determination is to revoke and replace the *Magistrate's Leave and Related Provisions Determination* made on 21 August 1995, to reflect legislative changes and tribunal determinations since that time, and to modernise and simplify the language used.

This Determination is made pursuant to clause 9, Schedule 1 of the *Local Court Act 2007*.

The Hon. Michael John Daley MP
Attorney General


Date: _____
3.07.2025

Magistrates' Terms and Conditions of Service Determination 2025

1. Name of Determination

This Determination is the *Magistrates' Terms and Conditions of Service Determination 2025*.

2. Commencement

This Determination takes effect on 3 JUL 2025.

3. Application, revocation of previous Determinations and review

- (1) Subject to clauses 3(2) and 3(3), this Determination applies to magistrates, including part-time magistrates as defined in the Magistrates' Terms and Conditions of Service Determination (Part Time Arrangements) Amendment 2025 ("Part Time Arrangements Amendment").
- (2) The arrangements set out in this Determination apply to a part-time magistrate subject to the conditions provided for in the Part Time Arrangements Amendment.
- (3) Except for clause 21 (Cost of Travel to and from Work) and clause 23 (Travel and Related Expenses), the arrangements set out in this Determination do not apply to acting magistrates.
- (4) Any Determination that has previously been made in relation to the Magistrates' Conditions of Service is revoked.
- (5) This Determination is to be reviewed as soon as possible after a period of 5 years from the date it takes effect as set out in clause 2.

4. Definitions

- (1) 'acting magistrate' is defined as an acting magistrate appointed pursuant to s 16 of the Local Court Act 2007.
- (2) 'magistrate' is defined as a magistrate pursuant to the Local Court Act 2007.
- (3) 'surviving partner' means the spouse or de facto partner (within the meaning of s 21C of the Interpretation Act 1987) of a Magistrate
- (4) 'de facto partner' has the same meaning as provided by s 21C of the Interpretation Act 1987
- (5) 'family' means a magistrate's spouse, de facto partner and dependent children, or any other person who is a member of the magistrate's household approved by the Chief Magistrate or delegate from time to time.

5. Public Holidays

- (1) 'Public holiday' means a bank or public holiday under the Public Holidays Act 2010, but does not include:
 - (a) a Saturday or Sunday which is such a holiday; or

(b) a 'Bank holiday' pursuant to the Retail Trading Act 2008.

(2) A magistrate is entitled to be absent from duty on any day which is a public holiday throughout the State.

6. Absence from duty

(1) A magistrate must not be absent from duty unless reasonable cause is shown.

(2) If a magistrate is absent from duty because of illness or another emergency, the magistrate must provide an explanation of the absence to the Chief Magistrate or delegate.

(3) If a magistrate is absent from duty without authorised leave and does not provide an explanation of the absence to the Chief Magistrate or delegate, the Chief Magistrate shall deduct from the pay of the magistrate such amount as was paid to the magistrate in respect of the period of absence.

(4) Nothing in this clause affects the provisions of the Judicial Officers Act 1986.

7. Recreation Leave

(1) Accrual

(a) Except as otherwise provided in this Determination, paid recreation leave accrues at the rate of 20 working days per year.

(b) Additional recreation leave at the rate of 5 days per year, accrues to magistrates who are headquartered at Broken Hill, Bourke, Dubbo, Griffith, Moree and Walgett.

(c) Recreation leave accrues from day to day.

(d) Recreation leave continues to accrue during the following:

(i) Military leave taken without pay when paid military leave entitlements are exhausted;

(ii) Absences due to natural emergencies or major transport disruptions, when all other paid leave is exhausted;

(iii) Any continuous period of sick leave taken without pay when paid sick leave is exhausted;

(iv) Any period of leave without pay granted on account of incapacity for which compensation has been authorised to be paid under the NSW Treasury Managed Fund; and

(v) Periods of leave without pay which when aggregated, do not exceed five working days in a period of twelve months.

(2) Leave Loading

(a) Leave loading is payable pursuant to the Statutory and Other Offices Remuneration Act 1975 and is subject to this clause.

- (b) If a magistrate is entitled to a higher rate of annual leave accrual under cl 7(1)(b), the annual leave loading will continue to be paid on a maximum of 4 weeks leave.
 - (c) The annual leave loading payable shall not exceed the amount which would be payable to a magistrate in receipt of the maximum salary for a Grade 12 clerk.
 - (d) For the calculation of annual leave loading, the leave year commences on 1 December each year and ends on 30 November the following year.
 - (e) Payment of annual leave loading shall be made on the recreation leave accrued during the previous leave year and is subject to the conditions set out in clause 78.6 of the Crown Employee (Public Service Conditions of Service) Reviewed Award 2009 as varied from time to time.
- (3) Operational need
- (a) Recreation leave may be taken pursuant to this clause 7 at such times as are approved by the Chief Magistrate or delegate and subject to the operational need to ensure sufficient courts are sitting on any one day throughout New South Wales.

8. Recreation Leave - Miscellaneous Provisions

- (1) Recreation leave is not to be granted for a period less than a quarter-day or in multiples of a quarter day.
- (2) Recreation leave for which a magistrate is eligible upon cessation of office is to be calculated to a quarter day (fractions less than a quarter being rounded up).
- (3) Recreation leave does not accrue to a magistrate in respect of any period of absence from duty without pay, except as specifically provided in this Determination.
- (4) During periods of extended leave on half pay, recreation leave accrues at half its normal accrual rate.
- (5) When a magistrate ceases office they are entitled to be paid the money value of accrued recreation leave which has not been taken.
- (6) A magistrate to whom clause 8(5) applies may elect to take all or part of accrued recreation leave which remains untaken as leave or as a lump sum payment; or as a combination of both.
- (7) Where a magistrate dies, the monetary value of recreation leave accrued and remaining untaken as at the date of death shall be paid to the magistrate's estate.
- (8) Where payment of the monetary value of recreation leave has been made under this clause, no proceedings may be brought against the Crown for payment of any amount in respect of that leave.

9. Fixed Vacation

- (1) The Chief Magistrate is to appoint a vacation period each year pursuant to rule 8.2A of the Local Court Rules 2009.
- (2) The dates of the above fixed vacation period will be published each year in the NSW Government Gazette.
- (3) The fixed vacation period shall comprise those days within the period which are not gazetted public holidays.
- (4) Magistrates rostered on duty during the fixed vacation period are entitled to an equivalent period of compensatory leave, which must be taken within 12 months of the commencement of the fixed vacation period, at a time to be agreed with the Chief Magistrate or delegate.
- (5) Compensatory leave in accordance with clause (4) above may not be accumulated.
- (6) No monetary payment will be made in respect of any such compensatory leave not taken prior to a magistrate ceasing office.

10. Extended Leave

- (1) Extended leave generally
 - (a) After five years of service, a magistrate is entitled to an amount of leave proportionate to the magistrate's length of service, calculated on the basis of forty-four working days on full pay, for ten years of service (e.g., after five years, magistrates are entitled to twenty-two working days on full pay).
 - (b) After service in excess of ten years, a magistrate is entitled to:
 - (i) leave pursuant to paragraph (a), and
 - (ii) in addition, an amount of leave proportionate to the magistrate's length of service, calculated on the basis of one hundred and ten working days on full pay for an additional ten years of service (i.e., 11 additional days per year).
- (2) For magistrates appointed after 20 September 2002, no prior public sector service (within the meaning of the Government Sector Employment Act 2013) is recognised and extended leave begins accruing as at the date of appointment to the magistracy.
- (3) Taking of extended leave
 - (a) Determining when a period of extended leave is to be taken is to be agreed between the magistrate and the Chief Magistrate or delegate.
 - (b) For the purpose of calculating the entitlement of a magistrate to extended leave under this clause at any time:
 - (i) Service referred to in this clause includes service before the commencement of this clause:

- (A) as a magistrate; and
 - (B) for magistrates appointed prior to 20 September 2002, prior public sector service (within the meaning of the Government Sector Employment Act 2013).
- (ii) There must be deducted from the amount of extended leave to which, but for this paragraph, that magistrate would be entitled:
- (A) any extended leave, or leave in the nature of extended leave; and
 - (B) the equivalent, in extended leave or leave in the nature of extended leave, taken or received before that time, including any such leave taken, or benefit received, by that magistrate.
- (iii) Service referred to in this clause includes, in the case of a magistrate who has completed at least 5 years' service, any period of leave without pay, not exceeding 6 months, taken after the commencement of this clause.
- (4) Operational need
- (a) Extended leave may be taken pursuant to clause 10.3 at such times as are approved by the Chief Magistrate or delegate and subject to the operational need to ensure sufficient courts are sitting on any one day throughout New South Wales.
- (5) Gratuity instead of extended leave
- (a) A magistrate who is entitled to extended leave with pay under clauses 10(1) and 10(2) is entitled, immediately upon cessation of office, to be paid the monetary value of the leave instead of taking the leave.
 - (b) If the services of a magistrate with at least five years' service and less than ten years' service cease for any reason other than on the ground of proved misconduct or incapacity, or by the magistrate on account of illness or domestic or other pressing necessity, the magistrate is entitled:
 - (i) for five years' service, to twenty-two working days on full pay; and
 - (ii) for service after five years, to a proportionate amount of leave on full pay calculated on the basis of sixty-six working days' leave for fifteen years' service.
- (6) Payment on election
- (a) A magistrate appointed before September 2002 who is entitled to extended leave with pay under clause 10(1) is entitled, upon making an election under this clause, to be paid the monetary value of the leave as a gratuity instead of taking the leave.

- (b) An election under this clause is an election that the magistrate's entitlement to extended leave be treated, on and from the payment of the gratuity, as if the magistrate was appointed after September 2002.
 - (c) An election under this clause is to be made to be made in writing to the Chief Magistrate or delegate.
- (7) Extended leave payments when magistrate dies
- (a) If a magistrate who is entitled to extended leave under clause 10(1) dies before commencing such leave, or dies after commencing leave but prior to completing it, the monetary value of the leave not taken, or not completed, calculated at the rate of salary received by the magistrate at the time of their death, shall be paid to their estate.
 - (b) If a magistrate to whom clause 10(1) applies with at least five years' service and less than ten years' service, as referred to in subclause 10(4)(b), dies, the monetary value of the leave not taken, or not completed, calculated at the rate of salary received by the magistrate at the time of their death, shall be paid to their estate.

11. Leave Without Pay

- (1) The Chief Magistrate or delegate may grant leave without pay to a magistrate if satisfied that a sufficient reason is shown.
- (2) Where a magistrate is granted leave without pay for a period not exceeding ten consecutive working days, pay may be allowed by the Chief Magistrate for such days during that leave that are public holidays.
- (3) Subject clause 11(1), leave without pay will not ordinarily be extended to a magistrate where that magistrate has other appropriate leave available to them.
- (4) Leave without pay may be taken pursuant to clause 11 at such times as are approved by the Chief Magistrate or delegate and subject to the operational need to ensure sufficient courts are sitting on any one day throughout New South Wales.

12. Family and Community Service Leave

- (1) The Chief Magistrate or delegate may grant magistrates all, or some, of their accrued Family and Community Service leave on full pay, for reasons relating to unplanned and emergency family responsibilities or other emergencies as described in this clause. Non-emergency appointments or duties shall be scheduled or performed outside of normal working hours or through other approved appropriate leave.
- (2) Such unplanned and emergency situations may include the following:
 - (a) Compassionate grounds such as the death or illness of a close family member or member of a magistrate's household.

- (b) Emergency accommodation matters up to one day, such as attendance at court as a defendant in an eviction action, arranging accommodation, or when required to remove furniture and effects.
 - (c) Emergency or weather conditions such as when flood, fire or snow, or disruption to utility services threatens a magistrate's property and/or prevents a magistrate from reporting for duty.
 - (d) Attending to unplanned or unforeseen family responsibilities such as attending a child's school for an emergency reason or emergency cancellations by childcare providers.
- (3) Family and Community Service leave may also be granted for:
- (a) Attendance as a competitor in major amateur sport (other than Olympic or Commonwealth Games) for magistrates who are selected to represent Australia or the State.
- (4) The definition of "family" or "relative" is:
- (a) A spouse or de facto partner of the magistrate; or
 - (b) A child or an adult child (including an adopted child, a stepchild, a foster child or an ex-nuptial child), parent (including a foster parent or legal guardian), grandparent, grandchild or sibling of the magistrate or of the spouse or de facto spouse of the magistrate; or
 - (c) A relative of the magistrate who is a member of the same household, where for the purposes of this definition:
 - (i) "relative" means a person related by blood, marriage, affinity or Aboriginal kinship structures;
 - (ii) "affinity" means a relationship that one spouse or partner has to the relatives of the other; and
 - (iii) "household" means a family group living in the same domestic dwelling.
- (5) Family and Community Service leave shall accrue as follows:
- (a) Two and a half days in the magistrate's first year of service;
 - (b) Two and a half days in the magistrate's second year of service; and
 - (c) One day per year thereafter.
- (6) In cases of illness of a family member for whose care and support the magistrate is responsible, the Chief Magistrate or delegate may grant paid sick leave may be granted when paid Family and Community Service leave has been exhausted or is unavailable.
- (7) The Chief Magistrate or delegate may also grant other forms of leave such as recreation or extended leave, for Family and Community Service leave purposes.

13. Sick Leave

(1) Authority to grant sick leave

- (a) If the Chief Magistrate or delegate is satisfied that a magistrate is unable to perform duty because of illness, the Chief Magistrate or delegate shall grant to the magistrate sick leave on full pay or sick leave without pay if the absence extends beyond paid sick leave which has accrued to the magistrate.
- (b) The Chief Magistrate or delegate shall report to the Minister the absence of any magistrate on sick leave which extends beyond paid sick leave which has accrued to that magistrate.
- (c) The Minister may grant to a magistrate referred to in clause 13(1)(b) such additional amount of sick leave as the Minister deems fit.
- (d) A magistrate may take available recreation leave or extended leave instead of sick leave without pay.

(2) Accrual of sick leave

- (a) Sick leave on full pay accrues to a magistrate at the rate of fifteen days each calendar year, and any such accrued leave which is not taken is cumulative.
 - (b) Sick leave accrues at the beginning of the calendar year.
 - (c) If a magistrate is appointed during a calendar year, sick leave will accrue on the date the magistrate commences duty at the rate of one day for each complete month before the next January 1st.
 - (d) Sick leave without pay shall not be counted as service for the accrual of sick leave.
 - (e) For the purposes of determining the amount of sick leave accrued where sick leave is granted on less than full pay, the amount of leave granted shall be converted to its full pay equivalent.
- (3) A magistrate absent from duties because of illness must produce medical evidence if required to do so by the Chief Magistrate or delegate or when the period of sick leave extends beyond two consecutive days.
- (4) If a magistrate who is on recreation leave or extended leave provides the Chief Magistrate or delegate with medical evidence in respect of illness occasioned while on leave, the Chief Magistrate may grant sick leave for the period of absence instead and recredit the recreation leave or extended leave.

14. Sick Leave as Carer's Leave

- (1) Where leave provided for in clause 12 (Family and Community Services Leave) is exhausted or unavailable, a magistrate with responsibilities in relation to a person set out in clause 12(4) who requires the magistrate's care and support, may make an application to the Chief Magistrate to use available paid sick leave.

- (2) The Chief Magistrate or delegate may require the magistrate to produce a medical certificate of the person requiring care and support, which indicates the nature of the illness or injury and the care required.

15. Special Leave

- (1) Special leave on full pay may be granted to magistrates for such purposes as approved by the Chief Magistrate or delegate.
- (2) Witness at court
- (a) This clause does not apply to a magistrate who is subpoenaed as a witness in an official capacity.
- (b) A magistrate who is subpoenaed as a witness by the Crown (whether in right of the Commonwealth or in right of any State or a Territory of the Commonwealth) shall:
- (i) be granted, for the whole period necessary to attend court as a witness, special leave on full pay; and
- (ii) pay into the Treasury of NSW all money paid to the magistrate in respect of the subpoena.
- (c) A magistrate who is subpoenaed otherwise than as referred to in clause 15(2)(b) shall, for the period necessary to attend to court as a witness, be granted:
- (i) subject to clause 7 of this Determination, recreation leave on full pay;
- (ii) extended leave on full or half pay; or
- (iii) leave without pay.

16. Parental Leave

- (1) Definitions
- (a) "Birth" includes stillbirth.
- (b) "Parent" includes an adoptive parent or surrogate parent, where the surrogacy arrangement is an altruistic surrogacy arrangement or where a magistrate becomes a guardian or parent to a child under a permanent out of home care order.
- (c) "Expected date of birth" means a date specified by a medical practitioner to be the expected date of birth.
- (2) Magistrates who are to become or have become parents and have completed at least forty weeks of continuous service (as at the expected date of birth, time of adoption, time of surrogacy or out of home care order) are entitled to take up to 14 weeks of paid parental leave at their ordinary rate of pay, or 28 weeks at half the rate of pay.

- (3) Paid parental leave may be granted pursuant to cl 16(2) if the child is under the age of 18 in the case of adoption or if a magistrate becomes a guardian or parent to a child under the age of 18 under a permanent out of home care order.
- (4) A magistrate taking paid parental leave pursuant to cl 16(2) is required to do so in one continuous period within 24 months from the date of birth, adoption, altruistic surrogacy or out of home care order. For birth-related leave, paid parental leave may commence up to 9 weeks prior to the expected date of birth.
- (5) All paid parental leave may not be taken concurrently where both parents are appointed as magistrates in New South Wales and operational requirements prevent concurrent leave.
- (6) Where the magistrate takes paid parental leave in respect of a permanent out-of-homecare arrangement and later adopts the child (or children), the magistrate is not entitled to access a further period of paid parental leave in connection with the adoption.
- (7) To access paid parental leave, the magistrate must:
 - (a) Provide written notice to the Chief Magistrate or delegate stating:
 - (i) the period of leave being sought, including the anticipated date of return to duty; and
 - (ii) that the magistrate will have responsibility for the care of their child for the period during which they are seeking the paid parental leave.
 - (b) Notify the Chief Magistrate or delegate as soon as possible of any changes to their circumstances that will or is likely to affect their eligibility for paid parental leave prior, or throughout the period of payment.
 - (c) Provide evidence of the birth, adoption, altruistic surrogacy or out-of-home care order:
 - (i) for birth-related leave - a medical certificate or birth certificate showing the expected or actual birth date of the child; or
 - (ii) for adoption-related leave - an integrated birth certificate, or certificate of adoption; or
 - (iii) for surrogacy-related leave - provision of documentary evidence of the altruistic surrogacy agreement and a statutory declaration advising of the intention to make an application for a parentage order as required under the Surrogacy Act 2010. A copy of the parentage order must be provided as soon as it is obtained.
 - (iv) for out-of-home care related leave - provision of a guardianship or permanent placement order for a child or young person.
- (8) A magistrate who has been granted paid parental leave pursuant to cl 16(2) is entitled to a further period of 12 months leave without pay after the actual date of birth, adoption, altruistic surrogacy or out of home care order.

- (9) A magistrate who has been granted parental leave and whose child is stillborn may elect to take available sick leave instead of parental leave
- (10) A magistrate who resumes duty immediately on the expiration of parental leave shall:
- (a) be entitled to be placed in the position occupied immediately before the commencement of parental leave, if available; or
 - (b) if the position occupied by the magistrate has ceased to exist, be entitled to be appointed to another position.
- (11) In addition to clause 16(2), a magistrate is entitled to a further two-week period of paid parental leave where:
- (a) Each parent has exhausted any paid parental leave to which they are entitled, or
 - (b) The magistrate is a single parent, or
 - (c) The other parent of the child does not have access to or is ineligible for paid parental leave.
- (12) Additional paid parental leave as provided for in clause 16(11) may be approved by the Chief Magistrate or delegate if satisfied upon the provision by the magistrate of evidence of any of the circumstances set out in subclauses 16(11)(a) to (c). Such evidence may include:
- (a) A letter from the employer of the other parent of the child confirming paid parental leave has or will have been exhausted or confirming the other parent does not have an entitlement to paid parental leave, or
 - (b) A statutory declaration from the magistrate confirming they are a single parent, or
 - (c) A statutory declaration from the magistrate confirming the other parent of the child has or will have exhausted paid parental leave or the partner does not have an entitlement or access to paid parental leave.

17. Military Leave

- (1) During the period of 12 months commencing on 1 July each year, a magistrate who is a volunteer part-time member of the Defence Forces is entitled to military leave on full pay to undertake compulsory annual training and to attend schools, classes or courses of instruction or compulsory parades conducted by the magistrate's unit.
- (2) In respect of periods of annual training, military leave must not exceed in the aggregate:
- (a) In the case of a member of the Naval Forces – 12 working days
 - (b) In the case of a member of the Military Forces – 12 working days
 - (c) In the case of a member of the Air Forces – 14 working days

- (3) In respect of attendance at schools, classes, courses of instruction or parades, military leave must not exceed in the aggregate:
 - (a) In the case of a member of the Naval Forces – 12 working days
 - (b) In the case of a member of the Military Forces – 12 working days
 - (c) In the case of a member of the Air Forces – 14 working days
- (4) Despite clause 17(1), if the commanding officer certifies in writing that it is necessary for the magistrate to attend on days in addition to those specified in clause 17(2), the Chief Magistrate or delegate may grant such leave for a further period not exceeding four days in one year.
- (5) On request of the Chief Magistrate, a magistrate applying for leave under clause 17 must provide evidence of the necessity for attendance.

18. Remote Headquarter Travel Arrangements

- (1) This clause applies to magistrates:
 - (a) With circuit headquarters at Broken Hill, Bourke, Dubbo, Griffith, Moree and Walgett; and
 - (b) Who reside fulltime within the districts of Broken Hill, Bourke, Dubbo, Griffith, Moree and Walgett.
- (2) A magistrate headquartered and residing fulltime at any of the above locations is entitled to a paid return economy airfare between their headquarters and Sydney once during each quarter of the year commencing from 1 January.
- (3) In addition to the airfare in clause 18(2), a magistrate is entitled to a paid return economy airfare between headquarters and Sydney for their spouse or de facto partner once during each quarter of the year commencing from 1 January, if travelling with the magistrate.
- (4) In the alternative to clause 18(2), a magistrate is entitled to a paid return economy airfare for each member of their family between Sydney and the magistrate's headquarters once during each quarter of the year commencing from 1 January, provided the total cost is similar to the cost of any arrangements provided for in clause 18(2) and clause 18(3) (if applicable).
- (5) The entitlements contained in this clause do not accrue and the entitlement for any quarter is extinguished if not taken.
- (6) Any travel arrangements under this clause are to be approved by the Chief Magistrate or delegate. All reservations under this clause are to be made through the Chief Magistrate's Office.
- (7) No other entitlements are payable under this clause.

19. Remote Areas – Living and Climatic Allowance

- (1) A magistrate who is:

- (a) Indefinitely headquartered and resides at one of the locations listed at Appendix 1; or
 - (b) Not indefinitely headquartered in one of those areas but is compelled, because of the difficulty in obtaining accommodation, to be resident in a remote area,
- shall be paid an allowance for the increased cost of living and the climatic conditions in that area.
- (2) The rate of allowance payable under this clause shall be the rate determined pursuant to clause 39 of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 as varied from time to time.

20. Remote Areas – Allowance for Additional Costs of Travel

- (1) A magistrate who:
- (a) Is indefinitely headquartered at one of the locations listed at Appendix 1; and
 - (b) Proceeds on recreation leave to any place which is at least 480 kilometres from the magistrate's place of residence in that area
- shall be paid an allowance for the additional costs of travel.
- (2) The rate of allowance payable under this clause shall be the rate determined pursuant to clause 40 of the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 as varied from time to time.
- (3) An allowance under this clause shall not be paid more than once in any period of twelve months.

21. Cost of Travel to and from Work

- (1) Unless the Minister otherwise determines and subject to subclauses 21(2) and 23(2), a magistrate bears the costs of travel to and from work.
- (2) If a magistrate:
- (a) Is directed to report for duty at a locality other than the locality at which the magistrate reported for duty at the beginning of the day; or
 - (b) Is directed to report for duty at a locality other than the locality at which the magistrate is headquartered and has already incurred expenses in travelling to headquarters,
- the cost of travel to the locality at which the magistrate is directed to report on that day or those days shall be reimbursed to the magistrate.

22. Transferred Magistrates

- (1) Definitions

- (a) "transferred magistrate" means a magistrate who has been assigned to a new location, other than from one part of the Greater Sydney Metropolitan Area to another, and as a consequence must relocate to take up a new residence, but shall not apply to a magistrate transferred:
- (i) Under an arrangement between magistrates to exchange positions; or
 - (ii) On account of any misconduct,
- unless the Chief Magistrate otherwise approves.
- (b) "Greater Sydney Metropolitan Area" as referred to in this clause shall mean the following Local Government Areas: Bayside, Blacktown City, City of Blue Mountains, Municipality of Burwood, Camden, City of Campbelltown, City of Canada Bay, City of Canterbury-Bankstown, Central Coast, Cumberland City, Fairfield City, Georges River, City of Hawkesbury, Hornsby Shire, Municipality of Hunter's Hill, Inner West, Ku-ring-gai, Lane Cove, City of Liverpool, Mosman, North Sydney, Northern Beaches, City of Parramatta, City of Penrith, City of Randwick, City of Ryde, Municipality of Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Waverley, City of Willoughby, Wollondilly Shire, City of Wollongong and Municipality of Woollahra.

(2) Transferred magistrate's special leave

- (a) A transferred magistrate will be given special leave of up to five working days as necessary to carry out any of the following activities:
- (i) Visit the new location to obtain accommodation
 - (ii) Prepare and pack personal and household effects prior to removal
 - (iii) Arrange storage
 - (iv) Travel to the new location for the purpose of commencing duty
 - (v) Clean the premises being vacated
 - (vi) Occupy and settle into the new premises
- (b) If satisfied that the activities cannot be completed within five working days, the Chief Magistrate or delegate may grant additional special leave as considered necessary.
- (c) Where a transferred magistrate has not been able to secure permanent accommodation at the new location, they will be entitled to special leave for the amount of time required to travel to and from their home in order to spend two consecutive days and nights at home every four weeks. Where a public holiday occurs immediately before or after such leave, the leave will be extended by a day and a night for each such public holiday.
- (d) Where this is not practical due to the distance home, a transferred magistrate will accumulate two days special leave per four weeks until a return home is practical.

- (e) While on special leave magistrates are entitled to reimbursement for overnight accommodation and meals in accordance with clause 7.4 of the Crown Employees (Transferred Employees Compensation) Award 2012 as varied from time to time.

(3) Cost of temporary accommodation

- (a) This clause applies where a transferred magistrate is required to vacate their existing residence prior to departure and must secure accommodation before securing a permanent residence.
- (b) A transferred magistrate without dependant relatives is entitled to an allowance of \$750 per week (or as varied annually based on the June quarter data related to changes in Sydney rental prices as contained in the Consumer Price Index (CPI) data set (or equivalent) published by the Australian Bureau of Statistics (ABS)) for the costs of accommodation for a maximum period of four weeks.
- (c) A transferred magistrate with dependant relatives is entitled to an allowance in accordance with subclause 22(3)(b) plus an additional amount for each dependant child in accordance with clause 8.1.2 of the Crown Employees (Transferred Employees Compensation) Award 2012 as varied from time to time.
- (d) Where the period of four weeks is insufficient to obtain a permanent residence, upon the provision of the particulars set out in subclause 23(3)(e), the Chief Magistrate will consider each case on its merits and, if satisfied it is appropriate to do so, may extend the period for which a transferred magistrate may be reimbursed under subclause 22(3)(b) or (c) for a specified additional period not exceeding four weeks.
- (e) Payment of allowances under subclauses 23(3)(b), 23(3)(c) and 23(3)(d) of this clause shall in all cases be subject to:
 - (i) The production of receipts;
 - (ii) A written undertaking by the magistrate that any reasonable offer of accommodation will be accepted; and
 - (iii) Evidence that the magistrate is taking all reasonable steps to secure a residence at the new location.
- (f) Where the Chief Magistrate is satisfied that a transferred magistrate has refused to accept reasonable suitable accommodation payments will discontinue.
- (g) This clause does not apply to government owned residences or privately rented accommodation.

(4) Removal costs

- (a) A transferred magistrate is entitled to reimbursement for the costs incurred in removing personal and household effects to the new location, including:

- (i) Expenses reasonably incurred by the magistrate and their families for meals and accommodation during the course of the journey
 - (ii) Cost of transporting a second vehicle by either rail, road transport or driving (vehicle allowance to be paid at the casual rate) to the magistrate's new location
 - (iii) Cost of insuring furniture and effects whilst in transit or storage up to an amount of \$38,000
 - (iv) Meal and accommodation expenses reasonably incurred where, due to circumstances beyond the control of the magistrate, the furniture and household effects arrive late at the new location or are moved before the magistrate's departure from the former location.
- (b) The Department will cover the whole or part of removal costs provided the magistrate uses the removalist contracted to the Department.
- (c) Where the magistrate is unable to secure suitable accommodation at the new location and is required to store furniture, the Department is also to cover the cost of transport and storage.
- (5) Personal transport to new location
- (a) A transferred magistrate is entitled to an economy air or rail fare or reimbursement for the use of a private vehicle on the following basis:
 - (i) for the transferred magistrate and one member of the household when proceeding on special leave under subclause (2)(a)
 - (ii) for the transferred magistrate and all members of the household when travelling to the new location to commence duty
 - (iii) for the transferred magistrate when proceeding on special leave under subclause (2)(c).
 - (b) Where a magistrate elects to use a private vehicle, they will be paid vehicle allowance at the casual rate.
- (6) Education of Children
- (a) A transferred magistrate will be reimbursed for the costs of replacing essential school uniforms and ancillary items for each dependent child required to change schools as a result of the magistrate's transfer subject to written advice from the new school.
- (7) Reimbursement for transaction expenses
- (a) A transferred magistrate who sells a residence at the former location and buys a residence (or land upon which to build a residence), as a result of the transfer to the new location, will be reimbursed for transaction expenses.
 - (b) Such transaction expenses include:
 - (i) professional costs and disbursements of a solicitor or registered conveyancing company

- (ii) stamp duty on the purchase
 - (iii) real estate agent commission on the sale of the former residence
 - (iv) registration fees on transfers and mortgages on the residence, or the land and a house erected on the land
 - (v) stamp duty paid in respect of any mortgage entered into or the discharge of mortgage in connection with transactions for the sale and purchase
- (c) Transaction expenses will only be paid where the sale and purchase are completed up to 2 years after relocation.
- (d) Subject to subclause 22(7)(i), stamp duty will be paid in full where occupation of the new residence occurs within 15 months from the date of commencement at the new location.
- (e) Other than for stamp duty as detailed in subclause (d), a maximum property value of \$520,000 per property for sale and purchase will determine the limit of transaction expenses paid to a transferred employee.
- (f) Where occupation of the residence occurs after 15 months but within 2 years from the date of commencement at the new location, reimbursement of stamp duty will not exceed the property value of \$520,000.
- (g) Transaction expenses will be paid where the sale and purchase transactions are completed no earlier than 6 months prior to commencing work at the new location.
- (h) The Attorney General may consider payment of transaction expenses on a sale and/or purchase of a residence more than 2 years after relocation, if satisfied there is good reason. The transferred magistrate must provide full details of why the sale and/or purchase could not be completed within the 2 year period.
- (i) A transferred magistrate who does not sell a residence at the former location but buys a residence at the new location (or land upon which to build a residence) shall be entitled to the transaction expenses outlined in this clause, provided the magistrate occupies the new residence within 15 months of the transfer.
- (8) Reimbursement of incidental costs
- (a) A transferred magistrate will receive reimbursement for the following incidental costs of relocation:
- (i) Council rates and charges levied upon an unsold former residence for any period during which the former residence remains untenanted to allow the sale of the property of the relocating transferred employee
 - (ii) Gas and electricity connection costs to the new residence, and telephone connection provided the telephone was connected at the magistrate's former residence

- (iii) Survey certificates and pest inspection costs for the new residence
- (iv) Mail re-direction from the former residence to the new residence for 1 month.

(9) Relocation upon retirement

- (a) Upon retirement, a transferred magistrate is entitled to be reimbursed for the costs incurred in removing personal and household effects to a location of the magistrate's choice, together with the cost of insuring such items, on the basis provided for in clause 22(4), provided:
 - (i) The maximum amount of such reimbursement shall be limited to the amount payable had the magistrate moved to the place of original appointment; and
 - (ii) The relocation occurs within twelve months following the date of retirement.
- (b) Upon the death of a magistrate, the provisions referred to in subclause 22(9)(a) shall apply to any claims made by the surviving partner, children or dependant relatives of the deceased magistrate within twelve months of the magistrate's death.
- (c) A claim referred to in subclause 22(9)(b) will be assessed by the Chief Magistrate or delegate upon the provision of all particulars required to determine the claim including the relationship of the claimant to the deceased magistrate.

(10) Existing entitlements

- (a) This clause shall not operate to deprive a magistrate transferred to a new location of any other entitlements to compensation provided for in this Determination.

(11) Spouse or de facto partner of the magistrate also transferred

- (a) Where the spouse or de facto partner of the magistrate is also a magistrate or is employed within the NSW Public Service and is also transferred, the assistance under this clause is to be paid to one partner only. However, both partners may claim special leave entitlements under subclause 22(2).

23. Travel and Related Expenses

(1) Overnight travel and meal allowances

- (a) General conditions are determined by the Attorney General.
- (b) The rate of allowance is set pursuant to the Statutory and Other Officers Remuneration Act 1975.
- (c) The full daily travel allowance rate is to be paid only where the magistrate stays overnight at commercial accommodation.
- (d) Where the magistrate stays overnight at non-commercial accommodation, one third of the daily rate is to be paid.

- (e) Where travel is for a period in excess of 24 hours, meal expenses for the final part day are to be paid.

(2) Vehicle Allowance

- (a) A magistrate who uses a private motor vehicle for work purposes shall be paid the rate of allowance specified in the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 subject to the conditions in subclauses 36(2) and 36(3), as varied from time to time. A deduction is to be made from this allowance as described in subclause 23(3) of the Award as varied from time to time.
- (b) The official business rate is payable if a magistrate is directed to use their vehicle for work purposes, in accordance with the Crown Employee (Public Service Conditions of Service) Reviewed Award 2009 as varied from time to time.

(3) Deduction from vehicle allowance

- (a) In this subclause, "headquarters" means the headquarters which the magistrate is attached or from which the magistrate is required to preside on a long-term basis.
- (b) Except as otherwise specified in this Determination, a magistrate is to bear the cost of daily travel between the magistrate's residence and headquarters and for any distance travelled in a private capacity.
- (c) A deduction will be made from any vehicle allowance paid in respect of such travel.
- (d) On days when a magistrate travels to and from home, and does not visit headquarters, a deduction is to be made from the total distance made on that day. The deduction is to equal the distance from the magistrate's residence to their headquarters and return or 20 kilometres (whichever is the lesser) and any distance travelled in a private capacity.
- (e) Deductions do not apply in respect of days characterised as follows:
 - (i) When staying away from home overnight, including the day of return
 - (ii) When the magistrate uses the vehicle on official business and returns it to home before travelling to headquarters by other means of transport at own expense
 - (iii) When the vehicle is used for work purposes after normal working hours

(4) Vehicle allowance – miscellaneous

- (a) To be eligible for vehicle allowance, the magistrate must have in force a comprehensive motor vehicle insurance policy and provide a certificate of currency for the policy to the Chief Magistrate.
- (b) Expenses, such as tolls, shall be refunded to the magistrate where the charge was incurred during approved work-related travel.

(5) Damage to private motor vehicle used for work

(a) Where a private motor vehicle is damaged while being used for work, any excess insurance charges prescribed by the insurer shall be reimbursed by the Department provided:

- (i) the damage is not due to gross negligence by the magistrate; and
- (ii) the charges claimed by the magistrate are not the charges prescribed by the insurer as punitive excess charges.

(b) Provided the damage is not the fault of the magistrate, the Department shall reimburse a magistrate the costs of repairs to a broken windscreen, if the magistrate demonstrates that:

- (iii) the damage was sustained on approved work activities; and
- (iv) the costs cannot be met under the insurance policy due to excess clauses.

24. Variation and amendments to rates and allowances

(1) The various rates and allowances specified in this Determination shall be subject to variation in accordance with amendments to the respective rates and allowances in:

- (a) The Crown Employees (Transferred Employees Compensation) Award 2012; and
- (b) The Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009.

Appendix 1 – Remote area entitlement locations

Clause 18: Living and climatic allowance	Warialda, Moree, Wee Waa, Coonabarabran, Narromine, Dubbo, Peak Hill, Condobolin, Lake Cargelligo, Hay, Moulamein, Hillston, Warren, Coonamble, Mungindi, Boggabilla, Nyngan, Wentworth, Cobar, Walgett, Lightning Ridge, Brewarrina, Bourke, Wilcannia, Broken Hill
Clause 19 – Recreation leave allowance for travel	Wilcannia, Broken Hill, Wentworth, Hay, Moulamein, Deniliquin, Moama

CONSTITUTION ACT 1902

Ministerial arrangements for the Minister for Agriculture, Minister for Regional New South Wales, Minister for Western New South Wales

Pursuant to section 36 of the *Constitution Act 1902* (NSW), Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable Yasmin Catley MP to act for and on behalf of the Minister for Agriculture, Minister for Regional New South Wales, Minister for Western New South Wales on and from 14 July 2025 to 21 July 2025, inclusive.

Dated: 9 July 2025

CHRIS MINNS, MP
Premier

CONSTITUTION ACT 1902

Ministerial arrangements for the Minister for Women, Minister for Seniors, and Minister for the Prevention of Domestic Violence and Sexual Assault

Pursuant to section 36 of the *Constitution Act 1902* (NSW), Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable Kate Washington MP to act for and on behalf of the Minister for Women, Minister for Seniors, and Minister for the Prevention of Domestic Violence and Sexual Assault on and from 13 July 2025 to 26 July 2025, inclusive.

Dated: 9 July 2025

CHRIS MINNS, MP
Premier

LOCAL COURT ACT 2007

Sch 1, clause 9(2)

**Magistrates' Terms and Conditions of Service Determination
(Part Time Arrangements) Amendment 2025**

I, MICHAEL DALEY, Attorney General, pursuant to Clause 9, Schedule 1 of the *Local Court Act 2007* (NSW), by this Determination, amend the Magistrates' Terms and Conditions of Service Determination, as in force under schedule 1 of the *Local Court Act 2007* (NSW).


Date: 3.07.2025

1. Revocation of previous determinations

All previous determinations relating to part-time arrangements for magistrates are revoked.

2. Definition of Part time Magistrate

A part-time Magistrate is:

(a) a Magistrate appointed permanently as a part-time Magistrate, as indicated in their commission;

or

(b) a Magistrate with a full-time commission who has entered into an agreement with the Chief Magistrate that they will work part-time.

3. General Conditions

(a) Permanent Part-time Magistrates

All appointments of permanent part-time Magistrates must be specified as such in the commission of appointment. Part-time Magistrates are entitled to the same status, managerial commitment and support as full time Magistrates. Permanent part-time Magistrates shall work on days or periods as agreed in writing from time to time with the Chief Magistrate, but not less than 8 days in a four-week period. The days or periods worked can be varied in writing with the consent of the Chief Magistrate and the Magistrate concerned.

(b) Temporary Part-time Magistrates

APPOINTMENT

The Legislature

On 9 July 2025 Her Excellency the Governor, with the advice of the Executive Council, approved the following appointment to the position of Usher of the Black Rod of the Legislative Council:

TINA HIGGINS

Usher of the Black Rod of the Legislative Council

Hon. Chris Minns MP

Premier