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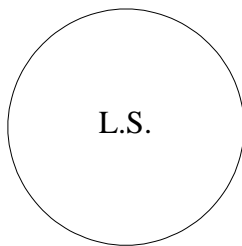
Companion Animals Amendment Act 2001 No 23—Proclamation

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Companion Animals Amendment Act 2001*, do, by this my Proclamation, appoint 1 October 2001 as the day on which that Act commences.

Signed and sealed at Sydney, this 30th day of August 2001.

By Her Excellency's Command,



HARRY WOODS, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

Children (Care and Protection—Child Employment) Regulation 2001

under the

Children (Care and Protection) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Care and Protection) Act 1987*.

FAYE LO PO', M.P.,
Minister for Community Services

Explanatory note

The object of this Regulation is to replace, without changes in substance, the *Children (Care and Protection—Child Employment) Regulation 1993* which will be repealed on 1 September 2001 by section 10 of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the following matters:

- (a) the deeming of certain relationships as employment relationships under section 50 of the Act (clause 5),
- (b) the prescription of still photographic sessions as a kind of employment for which an employer's authority is required under section 52 of the Act (clause 6),
- (c) the exemption of certain persons from the requirement to hold an employer's authority (clause 7),
- (d) the fees to be paid in connection with an application for an employer's authority or for an exemption from the requirement to hold an employer's authority (clause 8),
- (e) the conditions that are to apply to the granting of an employer's authority (clause 9 and Schedule 1),

Children (Care and Protection—Child Employment) Regulation 2001

Explanatory note

- (f) other matters of a minor, consequential or ancillary nature (clauses 1–4 and 10).

This Regulation is made under the *Children (Care and Protection) Act 1987* and, in particular, under section 124 (the general regulation-making power) and the various other sections referred to in the Regulation.

Children (Care and Protection—Child Employment) Regulation 2001

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	5
2 Commencement	5
3 Definitions	5
4 Notes	5
5 Definition of “employment” (section 50)	5
Part 2 Employers’ authorities	
6 Employers’ authorities (section 52)	6
7 Exemptions from requirement to hold employer’s authority (section 53)	6
8 Applications for authorities and exemptions (clause 1 of Schedule 1A)	6
9 Conditions of authorities (clause 5 of Schedule 1A)	7
Part 3 Miscellaneous	
10 Saving	8
Schedule 1 Code of Practice	9

Clause 1 Children (Care and Protection—Child Employment) Regulation 2001

Part 1 Preliminary

Children (Care and Protection—Child Employment) Regulation 2001

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Children (Care and Protection—Child Employment) Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *Children (Care and Protection—Child Employment) Regulation 1993* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

babycare professional means:

- (a) an enrolled nurse (mothercraft), or
- (b) a List “A” registered nurse who is recognised by the Nurses Registration Board as having appropriate qualifications or experience in mothercraft or midwifery, or
- (c) a person having such qualifications or experience as are approved by the Director-General for the purposes of this definition.

Code of Practice means the code of practice set out in Schedule 1.

the Act means the *Children (Care and Protection) Act 1987*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Children (Care and Protection—Child Employment) Regulation 2001	Clause 5
Preliminary	Part 1

5 Definition of “employment” (section 50)

For the purposes of section 50 (2) of the Act, persons are taken to employ children if the persons make payments to (or confer other material benefits on) persons other than the children themselves, but in respect of services rendered by those children.

Clause 6 Children (Care and Protection—Child Employment) Regulation 2001

Part 2 Employers' authorities

Part 2 Employers' authorities

6 Employers' authorities (section 52)

For the purposes of section 52 (1) (d) of the Act, participation by a child in still photographic sessions is prescribed as a matter with respect to which an employer's authority is required.

7 Exemptions from requirement to hold employer's authority (section 53)

- (1) For the purposes of section 53 (1) (c) of the Act, any person who employs a child in connection with the conduct of an entertainment, exhibition or performance under the auspices of the government of a foreign country, in relation only to children who are so employed and who are nationals of the same foreign country, is exempt from being required to hold an employer's authority.
- (2) For the purposes of section 53 (5) (b) of the Act, the Minister may revoke any exemption granted by this clause.

8 Applications for authorities and exemptions (clause 1 of Schedule 1A)

- (1) For the purposes of clause 1 (1) of Schedule 1A to the Act, the following fees are the prescribed fees for an application for an employer's authority or for an exemption from the requirement to hold such an authority:
 - (a) \$1,000, in the case of an application that relates to work that involves participation in any entertainment, exhibition or performance, as referred to in section 52 (1) (a) or (b) of the Act,
 - (b) \$500, in the case of an application that relates to work that involves offering anything for sale door-to-door, as referred to in section 52 (1) (c) of the Act,
 - (c) \$440, in the case of an application that relates to work that involves participation in still photographic sessions.
- (2) The Minister may reduce the amount of any such fee by up to 50 per cent if satisfied that the number of children that the applicant seeks to employ under the authority at any one time is not more than 5 and the period for which the authority is sought is not more than 1 month.

Children (Care and Protection—Child Employment) Regulation 2001	Clause 8
Employers' authorities	Part 2

- (3) The Minister may reduce the amount of any fee payable under this clause by up to 10 per cent if satisfied that the applicant displays a proven commitment to the principles of the Code of Practice.
- (4) In the case of a fee that has been reduced in accordance with subclause (2), the reduction permitted by subclause (3) applies to the fee as so reduced.

9 Conditions of authorities (clause 5 of Schedule 1A)

- (1) For the purposes of clause 5 (a) of Schedule 1A to the Act, an employer's authority is subject to the following conditions:
 - (a) that the employer will comply with the requirements of the Code of Practice,
 - (b) that the employer will use his or her best endeavours to ensure that all persons under his or her control comply with the requirements of the Code of Practice,
 - (c) that the employer will ensure that a copy of the Code of Practice is given to a parent of each child that he or she employs under the authority,
 - (d) that the employer will furnish the Director-General with such information concerning the employment of children by the employer as the Director-General may reasonably require,
- (2) The condition prescribed by subclause (1) (a) is subject to any revocation or variation effected by the Minister in accordance with clause 6 (1) of Schedule 1A to the Act.

Clause 10 Children (Care and Protection—Child Employment) Regulation 2001

Part 3 Miscellaneous

Part 3 Miscellaneous

10 Saving

Any act, matter or thing that had effect under the *Children (Care and Protection—Child Employment) Regulation 1993* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

Children (Care and Protection—Child Employment) Regulation 2001

Code of Practice

Schedule 1

Schedule 1 Code of Practice

(Clause 3)

Part 1 General

1 Record of employment

- (1) An employer must ensure that a record is kept for each child employed.
- (2) The record must include the following particulars:
 - (a) the name, address and home telephone number (if any) of the child,
 - (b) the name, address and both home and business telephone numbers (if any) of the child's parents,
 - (c) the name, address and both home and business telephone numbers (if any) of some other person nominated by the child's parents as being a person responsible for the child in the event of the parents being unavailable,
 - (d) the child's date of birth,
 - (e) the nature of the work that the child is employed to carry out,
 - (f) in the case of a child for whose employment a consent is required by or under any Act or law, particulars of any consent so given,
 - (g) the dates and times of each occasion on which the child is employed,
 - (h) particulars of the place of work or location at which the child is employed on each such occasion,
 - (i) the name, address and both home and business telephone numbers (if any) of the child's supervisor on each such occasion.
- (3) The record must be kept available for inspection by a Departmental inspector at the business premises of the employer specified in that regard by the relevant employer's authority.

Children (Care and Protection—Child Employment) Regulation 2001

Schedule 1

Code of Practice

2 Notice of work locations

- (1) An employer must not at any time employ a child at any place of work or location unless the Director-General has been given at least 7 days' notice (or such lesser notice as the Director-General may, in a particular case or class of cases, allow) of the employer's intention to employ children at that place of work or location and at that time.
- (2) The notice must give details of any unusual risks existing in connection with the proposed location.

3 Insurance

- (1) An employer must ensure that each child is covered by a policy of personal accident insurance with benefits for injuries no less than those payable for the same injuries under the *Workers Compensation Act 1987* or the *Workplace Injury Management and Workers Compensation Act 1998*.
- (2) This clause does not apply with respect to any child in respect of whom compensation for injury is the subject of injury insurance effected in accordance with the *Workers Compensation Act 1987* or the *Workplace Injury Management and Workers Compensation Act 1998*.

4 Hours of work

- (1) An employer must not employ a child for more than one shift on any one day.
- (2) An employer must not employ a child for more than 4 hours on any day on which the child is required to attend school.
- (3) An employer must ensure that each child is given a 10 minute rest break every hour and a 1 hour rest break every 4 hours.

5 Calculation of employment

- (1) A child's total period of employment during any period of 24 hours is to be calculated as if the following periods formed part of the time for which the child is employed:
 - (a) any time in excess of 45 minutes spent by the child in travelling from home to the place of work,
 - (b) if the employer is responsible for bringing the child to work, any time between the child's arrival at the place of work and the child's actual commencement of work,

Children (Care and Protection—Child Employment) Regulation 2001

Code of Practice

Schedule 1

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- (c) the whole of the time (including any rest breaks or other breaks in work and any travelling time) that the child is required to be at work,
 - (d) any time in excess of 45 minutes spent by the child in travelling home from the final place of work,
 - (e) if the employer is responsible for taking the child home from work, any time between the child's finishing work and the start of the child's journey home from work.

6 Travel

- (1) An employer must ensure that each child is taken home after the child finishes work.
- (2) An employer must ensure that each child's journey home commences within 30 minutes after the child finishes work.
- (3) This clause does not apply:
 - (a) if the child is more than 12 years' old, and
 - (b) if the distance between work and home is less than 10 kilometres, and
 - (c) if the journey can be completed by public transport within daylight hours.

7 Minimum breaks between successive shifts etc

- (1) An employer must ensure that no child is required to start work less than 12 hours after the child has previously finished work, whether for the same or for any other employer.
- (2) An employer must not require a child to work later than 9.00 pm on any day if the child is required to attend school on the following day.

8 Food and drink

- (1) An employer must ensure that each child is provided with appropriate and sufficient nutritious food, having regard to the age, taste and culture of the child.
- (2) The food should be varied and should be served to children at reasonable hours.
- (3) An employer must ensure that water, fruit juice or other such drinks are readily available at all times to each child.

Children (Care and Protection—Child Employment) Regulation 2001

Schedule 1 Code of Practice

9 Toilet facilities

An employer must ensure that clean and easily accessible toilet, hand-washing and hand-drying facilities are provided at each place of work.

10 Protection from the elements

An employer must ensure that each child is adequately clothed and otherwise protected from extremes of climate.

11 Punishment prohibited

An employer must ensure that no child is subjected to any form of corporal punishment, social isolation, immobilisation or any other behaviour likely to humiliate or frighten the child.

12 Notification of accidents etc

In the event of a child becoming ill or being injured, the child's employer must ensure that at least one of the child's parents is immediately notified of that fact.

13 Parental contact

An employer must at all times ensure that each child is able to make contact with his or her parents or with some other person responsible for the child and must facilitate the making of any such contact whenever the child so requests or whenever it is otherwise appropriate to do so in the interests of the child.

14 Awards and agreements under the Industrial Relations Act 1991

The application of this Code of Practice to any child is subject to the provisions of any award or agreement in force under the *Industrial Relations Act 1996* in relation to the child.

Children (Care and Protection—Child Employment) Regulation 2001

Code of Practice

Schedule 1

Part 2 Entertainment, exhibitions and still photography

Division 1 General

15 Recreation facilities

An employer must ensure that appropriate recreational materials and rest facilities are available for each child during breaks in work, having regard to the age and circumstances of the child.

16 Dressing room facilities

An employer must ensure that facilities exist so that any child is able to dress and undress in private.

17 Work directions

- (1) An employer must ensure that no child is cast in a role or situation that is inappropriate to the child, having regard to the child's age, maturity, emotional or psychological development and sensitivity.
- (2) An employer must not allow a child:
 - (a) to be exposed to scenes which are likely to cause distress to the child, or
 - (b) to become distressed in order to obtain a more realistic depiction of a particular emotion or reaction.
- (3) An employer must not employ a child in any situation in which the child or any other person is naked.

18 Times of work

- (1) An employer must not employ a child otherwise than in accordance with:
 - (a) the times set out in Table A to this Schedule with respect to film and television, shopping centre performances, still photography and modelling or other exhibitions, and
 - (b) the times set out in Table B to this Schedule with respect to theatrical performances.

Children (Care and Protection—Child Employment) Regulation 2001

Schedule 1 Code of Practice

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- (2) In addition, an employer must not employ a child for more than 3 consecutive evening performances if the day following each performance is a day on which the child is required to attend school.
 - (3) The times allowed by Tables A and B to this Schedule are subject to the other provisions of this Schedule with respect to hours of work.

19 Supervision

- (1) An employer must ensure that each child is provided with appropriate supervision, having regard to the age, sex and degree of maturity of the child.
- (2) In particular:
 - (a) the child is to be accompanied by a person responsible for the child, or by an adult authorised by name in writing by a person responsible for the child, whenever the child is travelling between home and the place of work or between places of work, and
 - (b) if the child's employment requires the child to spend one or more nights away from home, appropriate accommodation must be provided for both the child and a person responsible for the child, and
 - (c) if the child is less than 6 years old, the child is to be supervised:
 - (i) by a person responsible for the child or a person authorised by a person responsible for the child, or
 - (ii) by the holder of a child care certificate or a certificate of child care studies issued by a college of technical and further education, or
 - (iii) by a babycare professional, and
 - (d) if the child is more than 6 years old, the child is to be supervised by a person responsible for the child or by an adult with training or experience in the care of children of the age of the child to be supervised.
- (3) Subclause (2) (a) does not apply:
 - (a) if the child is more than 12 years old, and
 - (b) if the distance between work and home is less than 10 kilometres, and
 - (c) if the journey is to be completed within daylight hours, and

Children (Care and Protection—Child Employment) Regulation 2001

Code of Practice

Schedule 1

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- (d) if public transport is generally available.
 - (4) An employer must ensure that no supervisor supervises at any one time more than:
 - (a) 2 children, if any of the children are under 3 years old, and
 - (b) 5 children, if any of the children are between 3 and 5 years old, and
 - (c) 10 children, if the children are more than 5 years old.
 - (5) An employer must ensure that a supervisor does not have any other responsibilities while supervising children.

Division 2 Babies under 12 weeks of age

20 Application

This Division applies to babies who are less than 12 weeks old.

21 Employment requires express authority

An employer must not employ a baby unless the conditions of the employer's authority expressly authorise the employer to do so.

22 Babycare professional to be present

- (1) An employer must not employ a baby unless:
 - (a) a babycare professional is present at all times, and
 - (b) the babycare professional advises the employer that the baby is suitable for employment, and
 - (c) the babycare professional advises the employer that the environment in which the baby is to be employed (including, in particular, the lighting and the temperature) will not cause the baby to become distressed, and
 - (d) the employer follows the advice of the babycare professional in all matters (such as the provision of nursing and mothercare and the use of makeup) that relate to the welfare of the baby.
- (2) The babycare professional must not advise that a baby is suitable for employment unless he or she is satisfied:
 - (a) that the baby was delivered full term and in good health, and
 - (b) that the baby's birth weight was at least 3.5 kilograms, and

Children (Care and Protection—Child Employment) Regulation 2001

Schedule 1 Code of Practice

- (c) that the baby has not had any post-natal problems, and
- (d) that the baby is feeding successfully, and
- (e) that the baby's weight gain from birth has been satisfactory.

23 Direct lighting not to be used

An employer who employs a baby must not allow the baby to be exposed to direct lighting.

24 Use of makeup

An employer must not allow makeup to be applied to a baby unless the makeup is non-irritating and uncontaminated.

25 Handling

An employer who employs a baby must not allow more than 4 people (including the baby's mother and the baby care professional) to handle the baby during any single period of employment.

26 Segregation from persons suffering respiratory or skin infections

An employer who employs a baby must not allow any person who has a respiratory or skin infection to come into contact with the baby.

Part 3 Door-to-door sales

27 Minimum age for children employed in door-to-door sales

An employer must ensure that each child employed in door-to-door sales is at least 13 years old.

28 Times of work

- (1) On days other than school days, an employer must not employ a child in door-to-door sales for more than 6 hours.
- (2) An employer must not employ a child in door-to-door sales for more than 5 days per week.
- (3) An employer must ensure that, if a child is employed outdoors in door-to-door sales, the employment:
 - (a) does not start before sunrise or 6.30 am, whichever is the later, and

Children (Care and Protection—Child Employment) Regulation 2001

Code of Practice

Schedule 1

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- (b) does not finish later than sunset or 6.00 pm, whichever is the earlier.

29 Entry to motor vehicles and private homes prohibited

An employer must ensure that no child is permitted to sell any item to a person in a motor vehicle or to enter a private dwelling during the door-to-door sale of items.

30 Supervision

- (1) An employer must ensure that each child employed in door-to-door sales works in the company of at least one other person and clearly indicates, by means of identification badges or distinctive clothing, the business name of the employer.
- (2) An employer must ensure:
 - (a) that a supervisor remains at all times in the general vicinity of each child employed in door-to-door sales and makes contact with each child at intervals of not more than 30 minutes and knows the whereabouts of each child at all times when the child is employed in door-to-door sales, and
 - (b) that the child is accompanied by a person responsible for the child, or by an adult authorised by name in writing by a person responsible for the child, whenever the child is travelling between home and the place of work or between places of work, and
 - (c) if the child's employment requires the child to spend one or more nights away from home, that appropriate accommodation is provided for both the child and a person responsible for the child.
- (3) An employer must ensure that a supervisor does not supervise more than 6 children employed in door-to-door sales at any one time.

Children (Care and Protection—Child Employment) Regulation 2001

Schedule 1 Code of Practice

Table A

Age	Hours during which child may be employed	Number of days of employment in any period of 7 days	Maximum employment hours per day	Actual time performing per day
Under 6 months	9 am to 6 pm	1	4	20 minutes
6 months and under 2 years	9 am to 6 pm	1	4	1 hour
2 years and under 6 years	9 am to 6 pm	3	4	2 hours
6 years and under 11 years	6 am to 10 pm	5	6	3 hours
11 years and under 15 years	6 am to 10 pm	5	8	4 hours

Table B

Age	Hours during which child may be employed	Number of days of employment in any period of 7 days	Maximum employment hours per day	Actual time performing per day
Under 6 months	9 am to 6 pm	1	4	20 minutes
6 months and under 2 years	9 am to 6 pm	1	4	1 hour
2 years and under 6 years	9 am to 6 pm	3	4	2 hours
6 years and under 10 years	9 am to 10 pm	4	4	2 hours
10 years and under 12 years	9 am to 10 pm	4	6	3 hours
12 years and under 15 years	9 am to 10 pm	4	8	4 hours

Page 18

Companion Animals Amendment Regulation 2001

under the

Companion Animals Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Companion Animals Act 1998*.

HARRY WOODS, M.P.,
Minister for Local Government

Explanatory note

The objects of this Regulation are as follows:

- (a) to specify 4 categories of identified companion animals to facilitate the application of the identification (ie microchipping) procedures and requirements under the *Companion Animals Regulation 1999* on a differential basis (eg depending on whether the microchipping is compulsory under section 8 of the *Companion Animals Act 1988* or whether it has been done on a voluntary basis),
- (b) to prescribe a database that operates primarily for the purposes of recovering lost animals as a database for the purposes of section 89 (4) (d) of the Act (that section prohibits the accessing, recording, disclosure or use of confidential information except in circumstances such as when a person lists an animal's identification or registration information on a database of that prescribed class),
- (c) to extend the annual registration system under the old Dog Act (which applies to dogs registered before 1 July 1999 and which have not yet come under the new Act) for a further 3 months, with the result that the "transition period" for the registration of these dogs will end on 1 September 2002,

Companion Animals Amendment Regulation 2001

Explanatory note

- (d) to provide that undesexed dogs that are at least 10 years old and are registered under the old Dog Act (or an interstate law) may, before the end of the transition period, be registered under the new Act for the same fee as for a desexed animal (ie \$35, or \$15 if owned by a pensioner),
- (e) to provide that new offences under the Act relating to unregistered companion animals may be dealt with by way of penalty notice,
- (f) to make other amendments to the *Companion Animals Regulation 1999* that are of a minor nature or consequential on the enactment of the *Companion Animals Amendment Act 2001*.

This Regulation is made under the *Companion Animals Act 1998*, including sections 70, 84 (4) (d) and 96 (the general power to make regulations).

Companion Animals Amendment Regulation 2001

Clause 1

Companion Animals Amendment Regulation 2001

1 Name of Regulation

This Regulation is the *Companion Animals Amendment Regulation 2001*.

2 Commencement

- (1) This Regulation commences on 1 October 2001, except as provided by subclause (2).
- (2) Schedule 1 [12], [13] and [15] commence on 1 September 2001.

3 Amendment of Companion Animals Regulation 1999

The *Companion Animals Regulation 1999* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Companion Animals Amendment Regulation 2001

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 5 DefinitionsInsert after the definition of *authorised identifier*:

microchip means a subcutaneous full duplex electronic radio transponder.

[2] Clause 5A

Insert after clause 5:

5A Categories of identified companion animals

- (1) For the purposes of this Regulation, the following categories of identified companion animals are specified:
 - (a) *category 1 companion animals*, being companion animals that are required to be identified for the purposes of section 8 of the Act,
 - (b) *category 2 companion animals*, being companion animals that are identified, on a voluntary basis on or after 1 October 2001, by the implantation of a microchip in accordance with clauses 6, 7 and 8,
 - (c) *category 3 companion animals*, being companion animals that have been identified, on a voluntary basis before 1 October 2001, by the implantation of a recognised microchip,
 - (d) *category 4 companion animals*, being companion animals that have been identified, in a place other than New South Wales, by the implantation of a recognised microchip.
- (2) A category 3 or category 4 companion animal is taken to be identified for the purposes of section 8 of the Act.

Companion Animals Amendment Regulation 2001

Amendments

Schedule 1

- (3) A reference in subclause (1) to a companion animal that is identified on a *voluntary basis* is a reference to a companion animal that is identified otherwise than for the purposes of section 8 of the Act.

Note. An example of such an animal is a working dog that is not required to be identified for the purposes of section 8 of the Act but has nevertheless been microchipped.

- (4) In subclause (1), *recognised microchip* means a microchip that, in the opinion of the Director-General:
- (a) has been implanted in the companion animal concerned in accordance with the procedure set out in clause 6 (2), and
 - (b) has allocated to it a unique identification number, and
 - (c) functions properly.

[3] Clause 6 Manner in which category 1 and 2 companion animals are to be identified

Omit clause 6 (1). Insert instead:

- (1) The identification of a category 1 or category 2 companion animal is to be by means of the implantation in the animal of a microchip of a kind or specification approved by the Director-General by order published in the Gazette.

[4] Clause 6 (4)

Omit the subclause.

[5] Clause 7 Identification of category 1 or 2 companion animals only by authorised persons

Insert “category 1 or category 2” before “companion animal” in clause 7 (1).

[6] Clause 7 (1)

Insert at the end of the subclause:

Maximum penalty: 10 penalty units.

Companion Animals Amendment Regulation 2001

Schedule 1 Amendments

[7] Clause 7 (2)

Omit “companion animals for the purposes of section 8 of the Act”.
Insert instead “category 1 or category 2 companion animals”.

[8] Clause 8 Procedure for identification of category 1 and 2 companion animals

Omit “companion animals for the purposes of section 8 of the Act” wherever occurring from clause 8 (1) and (2) (a).
Insert instead “category 1 or category 2 companion animals”.

[9] Clause 8 (1) (a)

Omit the paragraph. Insert instead:

- (a) Before a microchip is implanted in a category 1 or category 2 companion animal, the animal is to be scanned to ensure that it does not already have a functioning microchip properly implanted.

[10] Clause 9 Identification information in relation to all categories of companion animals

Omit “for the purposes of section 8 of the Act” wherever occurring from clause 9 (a) (b) and (c).

[11] Clause 9 (b)

Insert “in the case of a category 1 or category 2 companion animal,” before “the name”.

[12] Clause 18 Registration fee

Insert “or a special category dog” after “animal” wherever occurring in clause 18 (1) (a) and (b).

[13] Clause 18 (1) (c)

Omit “one”. Insert instead “a special category dog or an animal”.

[14] Clause 18 (1) (e)

Omit the paragraph.

Companion Animals Amendment Regulation 2001

Amendments

Schedule 1

[15] Clause 18 (3)

Insert after the definition of *eligible pensioner*:

special category dog means a dog (whether or not desexed):

- (a) that is a dog to which clause 3 of Schedule 3 to the Act applies (or is registered under the law of another State or Territory), and
- (b) that is, in the opinion of the Director-General or a registration agent, at least 10 years old.

[16] Clause 20 Permanent identification a pre-condition to registration

Omit “identified as required by section 8 of the Act”.

Insert instead “an identified companion animal”.

[17] Clause 21 Registration information

Omit “for the purposes of section 8 of the Act” wherever occurring from clause 21 (a) and (c).

[18] Clause 21 (b)

Omit “if known, the name”.

Insert instead “in the case of a category 1 or category 2 companion animal, the name (if known)”.

[19] Clause 21 (j)

Insert after clause 21 (i):

- (j) whether or not the animal is desexed,

[20] Clause 23 Exemption while registration application pending

Omit “and 10” from clause 23 (1).

Insert instead “, 10, 10A, 10B, 51 (1) (k) and 56 (1) (h)”.

[21] Clause 24 Notification of changes and events

Omit the clause.

Companion Animals Amendment Regulation 2001

Schedule 1 Amendments

[22] Clause 25 Dangerous and restricted dogs—special registration requirements

Omit clause 25 (2)–(4) and the notes to the clause.

[23] Clauses 29, 30, 30A and 31

Omit the clauses.

[24] Clause 32A

Insert after clause 32:

32A Notification of changes and events by owners of identified companion animals

- (1) A notification for the purposes of section 11 of the Act may be given to the Director-General by being given to a registration agent.
- (2) Section 11 (1) of the Act, in so far as it requires notification of change of ownership of an identified companion animal, does not apply to a person to whom ownership of such an animal is transferred in relation to that transfer.
- (3) Section 11 (1) of the Act does not apply to the owner of a category 3 or category 4 companion animal if the identification information for the animal has not been entered on the Register.

[25] Clause 34A

Insert after clause 34:

34A Listing of identification or registration information on databases

For the purposes of section 89 (4) (d) of the Act, a database is of a prescribed class if it operates primarily for the purposes of the recovery of lost animals.

Companion Animals Amendment Regulation 2001

Amendments

Schedule 1

[26] Clause 37 Notices

Insert at the end of clause 37:

- (2) If a council is required under the Act to notify the Director-General of any matter, the notice is to be given in accordance with such arrangements as may be determined by the Director-General.

[27] Clause 43

Insert after clause 42:

43 Transition period for dogs registered under Dog Act extended to 30.9.2002

In accordance with clause 3 (3) of Schedule 3 to the Act, the transition period (as referred to in that clause) for dogs to which that clause applies is the period of 3 years and 3 months.

Note. The transition period started on 1 July 1999. Accordingly, the annual registration system under the Dog Act will continue until 30 September 2002.

[28] Schedule 1 Penalty notice offences and short descriptions

Insert in Schedule 1 after the matter relating to section 10:

Section 10A	animal in public place not registered	\$55
Section 10A	dangerous/restricted dog in public place not registered	\$110
Section 10B	fail to comply with notice to register animal	\$55
Section 10B	fail to comply with notice to register dangerous/restricted dog	\$110

[29] Schedule 1

Omit "not on lead" wherever occurring from the matter relating to section 13.

Insert instead "not under effective control".

Companion Animals Amendment Regulation 2001

Schedule 1 Amendments

[30] Schedule 1

Omit the matter relating to section 89 (1) and clauses 29 and 30.

Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

under the

Road Transport (Heavy Vehicles Registration Charges) Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to replace, without substantial amendment, the *Road Transport (Heavy Vehicles Registration Charges) Regulation 1996*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters for the purposes of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*:

- (a) declaring certain vehicles not to be special purpose vehicles,
- (b) declaring certain vehicles to be special purpose vehicles,
- (c) axle load limits,
- (d) prescribing the method for calculating an amount to be used in a formula specified in that Act to determine the charge for the grant of a permit to operate vehicles with certain loads,
- (e) the calculation of a refund of registration and permit charges on cancellation of registration,
- (f) matters of a machinery nature.

Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

Explanatory note

This Regulation is made under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, including section 17 (Authority to determine charges), section 22 (Refund of charges on cancellation of registration or permit), section 38 (the general regulation-making power), the definitions of *special purpose vehicle*, *special purpose vehicle (type o)* and *special purpose vehicle (type t)* in Part 1 of Schedule 1, and Part 3 of Schedule 1.

This Regulation comprises or relates to matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

Contents

Contents

	Page
1 Name of Regulation	4
2 Commencement	4
3 Definitions	4
4 Notes	4
5 Vehicles declared not to be special purpose vehicles	4
6 Vehicles declared to be special purpose vehicles	5
7 Axle load limits for special purpose vehicles	5
8 Calculation of "N" for the purposes of Part 3 of Schedule 1 to the Act	5
9 Calculation of refund of registration and permit charges on cancellation of registration	6
10 Saving	6
Schedules	
1 Axle load limits	7
2 Equivalent standard axles for rows of tyres across trailers	9

Clause 1 Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

1 Name of Regulation

This Regulation is the *Road Transport (Heavy Vehicles Registration Charges) Regulation 2001*.

2 Commencement

This Regulation commences on 1 September 2001.

Note. This Regulation replaces the *Road Transport (Heavy Vehicles Registration Charges) Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

the Act means the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

5 Vehicles declared not to be special purpose vehicles

For the purposes of paragraph (a) of the definition of *special purpose vehicle* in Part 1 of Schedule 1 to the Act, each of the following vehicles is declared not to be a special purpose vehicle:

- (a) a caravan,
- (b) a mobile home,
- (c) a mobile library,
- (d) a mobile workshop,
- (e) a mobile laboratory,
- (f) a mobile billboard.

6 Vehicles declared to be special purpose vehicles

For the purposes of paragraph (b) of the definition of *special purpose vehicle* in Part 1 of Schedule 1 to the Act, each of the following vehicles is declared to be a special purpose vehicle:

- (a) a forklift,
- (b) a straddle carrier,
- (c) a mobile cherry picker,
- (d) a mobile crane.

7 Axle load limits for special purpose vehicles

For the purposes of the definitions of *special purpose vehicle (type o)* and *special purpose vehicle (type t)* in Part 1 of Schedule 1 to the Act, the load limit for an axle or axle group specified in Column 1 of Schedule 1 to this Regulation is that specified in Column 2 opposite that axle or axle group.

8 Calculation of "N" for the purposes of Part 3 of Schedule 1 to the Act

- (1) For the purposes of the formula set out in Part 3 of Schedule 1 to the Act, the number *N*, in relation to a vehicle or a combination of vehicles that includes one or more trailers, is the sum of the equivalent standard axles for each of the rows of tyres across the trailer or trailers.
- (2) For the purposes of subclause (1):
 - (a) the number of equivalent standard axles per row of 8 tyres across a trailer with an average load per row (tonnes) specified in Column 1 of Table A in Schedule 2 is that specified in Column 2 opposite that average load per row (tonnes), and
 - (b) the number of equivalent standard axles per row of 4 tyres across a trailer with an average load per row (tonnes) specified in Column 1 of Table B in Schedule 2 is that specified in Column 2 opposite that average load per row (tonnes).
- (3) For the purposes of subclause (2) and Schedule 2, the average load per row (tonnes) of tyres across a trailer is to be determined using the following formula:

Clause 8 Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

$$\frac{C}{B}$$

where:

C is the loaded mass (in tonnes) of the trailer, and

B is the number of rows of tyres across the trailer.

9 Calculation of refund of registration and permit charges on cancellation of registration

(1) For the purposes of section 22 (3) (b) of the Act, a refund of a registration charge or permit charge is to be calculated in accordance with this clause.

(2) A refund is to be calculated using the formula:

$$\left(\frac{\text{number of days} \times \text{charge}}{365} \right) - \text{fee}$$

where:

charge means the registration charge or permit charge paid under the Act.

fee means any unpaid fees payable under the *Road Transport (Vehicle Registration) Act 1997* or the *Road Transport (Vehicle Registration) Regulation 1998* (including any unpaid fee for the cancellation of the registration).

number of days means the number of unexpired days of the registration period or permit of the vehicle concerned, from the date on which the Authority cancels the registration of the vehicle or the permit.

(3) If an amount of refund determined in accordance with subclause (2) would comprise an amount that is not a whole number of dollars, the amount of refund is to be adjusted downwards to the next whole number of dollars.

10 Saving

Any act, matter or thing that had effect under the *Road Transport (Heavy Vehicles Registration Charges) Regulation 1996* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

Axle load limits

Schedule 1

Schedule 1 Axle load limits

(Clause 7)

Column 1	Column 2
Type of axle or axle group	Axle load limit (tonnes)
Single axle	
(a) 2 tyres	6.0
(b) 2 wide profile tyres:	
(i) 375 mm to 450 mm	6.7
(ii) over 450 mm	7.0
(c) 4 or more tyres:	
(i) on pig trailers	8.5
(ii) on other trailers	9.0
Twin steer axle groups (2 consecutive axles connected to the same steering mechanism)	
(a) non-load sharing suspensions	10.0
(b) load sharing suspensions	11.0
Tandem axle groups (2 consecutive axles connected by a load sharing suspension)	
(a) 4 tyres	11.0
(b) 4 wide profile tyres:	
(i) 375 mm to 450 mm	13.3
(ii) over 450 mm	14.0
(c) 6 tyres	13.0
(d) 8 or more tyres:	
(i) on pig trailers	15.0
(ii) on other vehicles	16.5

Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

Schedule 1 Axle load limits

Column 1	Column 2
Type of axle or axle group	Axle load limit (tonnes)
Tri-axle groups (3 consecutive axles connected by a load sharing suspension)	
(a) 6, 8 or 10 tyres	15.0
(b) 6 wide profile tyres (375 mm or over):	
(i) on pig trailers	18.0
(ii) on other vehicles	20.0
(c) 12 or more tyres:	
(i) on pig trailers	18.0
(ii) on other vehicles	20.0

Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

Equivalent standard axles for rows of tyres across trailers

Schedule 2

Schedule 2 Equivalent standard axles for rows of tyres across trailers

(Clause 8)

Table A Trailers with rows of 8 tyres

Column 1	Column 2
Average load per row (tonnes)	Equivalent standard axles per row
10 or more but less than 11	0.4
11 or more but less than 12	0.6
12 or more but less than 13	0.9
13 or more but less than 14	1.2
14 or more but less than 15	1.7
15 or more but less than 16	2.2
16 or more but less than 17	2.8
17 or more but less than 18	3.6
18 or more but less than 19	4.6
19 or more but less than 20	5.7
20 or more but less than 21	6.9
21 or more but less than 22	8.4
22 or more but less than 23	10.2
23 or more but less than 24	12.1
24 or more	14.4

Table B Trailers with rows of 4 tyres

Column 1	Column 2
Average load per row (tonnes)	Equivalent standard axles per row
5 or more but less than 6	0.1
6 or more but less than 7	0.3
7 or more but less than 8	0.5
8 or more but less than 9	0.9
9 or more but less than 10	1.5
10 or more but less than 11	2.2
11 or more but less than 12	3.2

Road Transport (Heavy Vehicles Registration Charges) Regulation 2001

Schedule 2 Equivalent standard axles for rows of tyres across trailers

Column 1	Column 2
Average load per row (tonnes)	Equivalent standard axles per row
12 or more	4.6

Fisheries Management Amendment (Threatened Species Conservation) Order (No 2) 2001

under the

Fisheries Management Act 1994

I, the Minister for Fisheries, on the recommendation of the Fisheries Scientific Committee, make the following Order under section 220D of the *Fisheries Management Act 1994*.

Signed and sealed at Sydney, this 30th day of August 2001.

The Hon EDWARD OBEID, M.L.C.,
Minister for Fisheries

Explanatory note

Part 7A of the *Fisheries Management Act 1994* (the Act) deals with the conservation of threatened species, populations and ecological communities of fish and marine vegetation. For the purposes of identification and classification, provision is made for the listing:

- (a) in Schedule 4 to the Act, of endangered species, endangered populations, and endangered ecological communities and species that are presumed to be extinct, and
- (b) in Schedule 5, of vulnerable species, and
- (c) in Schedule 6, of key threatening processes.

Under the Act, listings and amendments to listings are to be made by the Minister by order on the recommendation of the Fisheries Scientific Committee (the Committee).

Fisheries Management Amendment (Threatened Species Conservation) Order (No 2) 2001

Explanatory note

The object of this Order is to list the olive perchlet in Part 2 of Schedule 4 to the Act (Endangered populations), as recommended by the Committee.

The Committee has recommended this listing because it considers that the population is a reproducing population but its numbers have been reduced to such a critical level that it is in immediate danger of extinction, and that it is disjunct and at or near the limit of its geographic range and it is likely to be genetically distinct.

Fisheries Management Amendment (Threatened Species Conservation)
Order (No 2) 2001

Clause 1

Fisheries Management Amendment (Threatened Species Conservation) Order (No 2) 2001

1 Name of Order

This Order is the *Fisheries Management Amendment (Threatened Species Conservation) Order (No 2) 2001*.

2 Commencement

This Order takes effect on the date that it is published in the Gazette.

3 Amendment of Fisheries Management Act 1994—Schedule 4, Part 2 Endangered populations

The *Fisheries Management Act 1994* is amended by inserting in Part 2 of Schedule 4 to that Act in alphabetical order under the heading “Fish”:

Ambassis agassizii Steindachner, 1866, olive perchlet, western New South Wales population

4 Notes

The explanatory note does not form part of this Order.

PASSENGER TRANSPORT ACT 1990

Notification in respect of Taxi-cab Fares

IT is hereby notified, in pursuance of the Passenger Transport Act 1990, that the Notification in Respect of Taxi-cab Fares published in the New South Wales Government Gazette, No. 127 of 17 August 2001, is amended by inserting in Schedules 1 and 2 immediately after the words "A surcharge of 20% of the Distance Rate", the words, "in respect of a journey commencing" and, by inserting in Schedule 2 after the words, "10 p.m. and 6 a.m. daily.", the words, "Holiday Surcharge: A surcharge of 20% of the Distance Rate in respect of any journey commencing between 6 a.m. and 10 p.m. on a Sunday or a public holiday notified in the New South Wales Government Gazette."

Michael Deegan
Director-General

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