



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 101**  
**Friday, 20 June 2003**

Published under authority by the Government Printing Service

## LEGISLATION

### Proclamations



New South Wales

## Proclamation

under the

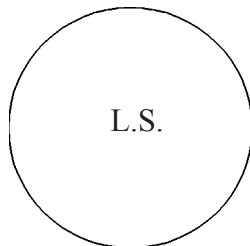
Victims Legislation Amendment Act 2003

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 *Victims Legislation Amendment Act 2003*, do, by this my Proclamation, appoint 23 June 2003 as the day on which that Act commences.

Signed and sealed at Sydney, this 18th day of June 2003.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!

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# Regulations

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## Centennial Park and Moore Park Trust Amendment Regulation 2003

under the

Centennial Park and Moore Park Trust Act 1983

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Centennial Park and Moore Park Trust Act 1983*.

SANDRA NORI, M.P.,  
Minister for Tourism and Sport and Recreation

### Explanatory note

The object of this Regulation is to amend the *Centennial Park and Moore Park Trust Regulation 1999*:

- (a) to authorise certain events associated with the Sydney Gay and Lesbian Mardi Gras and the Livid Arts Festival to be held on Trust lands, and
- (b) to remove certain clauses that no longer have effect, and
- (c) to make consequential amendments.

This Regulation is made under the *Centennial Park and Moore Park Trust Act 1983*, including sections 20A and 22 (the general regulation-making power).

Clause 1 Centennial Park and Moore Park Trust Amendment Regulation 2003

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## **Centennial Park and Moore Park Trust Amendment Regulation 2003**

under the

Centennial Park and Moore Park Trust Act 1983

### **1 Name of Regulation**

This Regulation is the *Centennial Park and Moore Park Trust Amendment Regulation 2003*.

### **2 Amendment of Centennial Park and Moore Park Trust Regulation 1999**

The *Centennial Park and Moore Park Trust Regulation 1999* is amended as set out in Schedule 1.

Centennial Park and Moore Park Trust Amendment Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 25

Omit the clause. Insert instead:

#### **25 Authorisation of use of Trust lands for Mardi Gras and Livid Arts Festival**

For the purposes of section 20A of the Act, the use of the Trust lands is authorised for the purpose of the following events, being events for which it is reasonably anticipated that more than 20,000 persons at one time will resort to the land:

- (a) Sydney Gay and Lesbian Mardi Gras Parade and Sydney Gay and Lesbian Mardi Gras Party for the years 2004 and 2005,
- (b) the Livid Arts Festival for the years 2003 to 2005 inclusive.

### [2] Clauses 25A–25C

Omit the clauses.

### [3] Clause 25D Conditions on the use of Trust lands for large events

Omit “, 25A, 25B or 25C” from clause 25D (1).



New South Wales

# Home Building Amendment (Licences and Certificates) Regulation 2003

under the

Home Building Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Home Building Act 1989*.

JOHN DELLA BOSCA, M.L.C.,  
Minister for Commerce

## Explanatory note

The *Home Building Act 1989* provides for the issue of a contractor licence, which authorises its holder to contract to do certain residential building work, to do certain specialist work or to supply certain kit homes. The Act also provides for the issue of a qualified supervisor certificate, which authorises its holder to do and to supervise residential building work or specialist work of a specified kind.

## Obtaining a contractor licence or qualified supervisor certificate

Clause 19 (1B) (a) and (b) of the *Home Building Regulation 1997* prevents the Director-General of the Department of Fair Trading from issuing a contractor licence unless he or she is satisfied that the applicant or, if the applicant is a partnership, every partner of the applicant, or, if the applicant is a corporation, every director of that corporation, is not, or has not been, bankrupt or a director or person concerned in the management of a company that is the subject of a winding up order or for which a controller or administrator has been appointed. Clause 20 (4) (a) makes similar provision with respect to the issue of a qualified supervisor certificate.

The object of the amendments made by Schedule 1 [1] and [2] to this Regulation is to permit the Director-General to issue a contractor licence or qualified supervisor certificate in certain circumstances if the Director-General is satisfied that the person took all reasonable steps to avoid the winding up order or the appointment of the controller or administrator or if of the opinion that there is no evident risk to the public

Home Building Amendment (Licences and Certificates) Regulation 2003

Explanatory note

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that the applicant will be unable to complete any contracts entered into for the doing of residential building work or specialist work.

The object of the amendment made by Schedule 1 [3] to this Regulation is to permit the Director-General to issue a qualified supervisor certificate in those circumstances if the Director-General is satisfied that the person took all reasonable steps to avoid the bankruptcy or liquidation order or the appointment of the controller or administrator.

**Cancellation of a contractor licence**

Section 22 (1) (c) of the Act provides that, subject to the regulations, the Director-General must cancel a contractor licence that authorises its holder to contract to do residential building work or specialist work, or both, if the holder of the licence, or in the case of a holder that is a partnership, any partner of that holder, becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit.

The object of the amendment made by Schedule 1 [4] to this Regulation is to provide that the Director-General is not required to cancel a contractor licence in certain circumstances if the Director-General is of the opinion that there is no evident risk to the public that the licensee will be unable to complete any contracts entered into for the doing of residential building work or specialist work, or both.

**Power to make regulation**

This Regulation is made under the *Home Building Act 1989*, in particular under sections 20 (Issue of licences), 22 (Cancellation of contractor licences), 25 (Issue of certificates) and 140 (the general regulation-making power).

Home Building Amendment (Licences and Certificates) Regulation 2003      Clause 1

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## **Home Building Amendment (Licences and Certificates) Regulation 2003**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Licences and Certificates) Regulation 2003*.

### **2 Amendment of Home Building Regulation 1997**

The *Home Building Regulation 1997* is amended as set out in Schedule 1.

## Home Building Amendment (Licences and Certificates) Regulation 2003

## Schedule 1 Amendments

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clause 19 Requirements for obtaining licences**

Omit clause 19 (1B) (a) and (b).

**[2] Clause 19 (1BA)–(1BD)**

Insert after clause 19 (1B):

(1BA) Before a licence is issued, the Director-General must be satisfied that:

- (a) the applicant, or
- (b) if the applicant is a partnership—every partner of the applicant, or
- (c) if the applicant is a corporation—every director of the corporation,

is not a director or person concerned in the management of a company that is the subject of a winding up order or for which a controller or administrator has been appointed.

(1BB) However, even if the Director-General is not so satisfied, subclause (1BA) does not prevent the Director-General from issuing a licence if:

- (a) the licence authorises its holder to do residential building work or specialist work of the kind prescribed by clause 36A (clause 36A (1) (a), (b) and (d) excepted) but not of any other kind, and
- (b) the Director-General is of the opinion that there is no evident risk to the public that the applicant will be unable to complete building contracts entered into in future for the doing of residential building work or specialist work of that kind, or both, and
- (c) the licence is subject to a condition that the holder not do work:
  - (i) if the contract price exceeds \$12,000, or
  - (ii) if the contract price is not known—where the reasonable cost of the labour and materials involved in the work exceeds \$12,000.



## Home Building Amendment (Licences and Certificates) Regulation 2003

## Amendments

## Schedule 1

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(1BC) Before a licence is issued, the Director-General must be satisfied that, within the period of 3 years before the date of the application:

- (a) the applicant, or
- (b) if the applicant is a partnership—every partner of the applicant, or
- (c) if the applicant is a corporation—every director of the corporation,

was not bankrupt or a director or person concerned in the management of a company when the company was the subject of a winding up order or when a controller or administrator was appointed.

(1BD) However, subclause (1BC) does not prevent the Director-General from issuing a licence if the Director-General is satisfied that the relevant person took all reasonable steps to avoid the bankruptcy, liquidation or appointment of controller or administrator.

**[3] Clause 20 Requirements for obtaining certificates**

Insert “or, if not so satisfied, be satisfied that the person took all reasonable steps to avoid the bankruptcy, liquidation or appointment of controller or administrator” after “appointed” in clause 20 (4) (a).

**[4] Part 4, Division 2A**

Insert after clause 30:

**Division 2A Cancellation**

**30A Cancellation of contractor licence not compulsory in certain cases**

The Director-General is not required to cancel a contractor licence under section 22 (1) (c) of the Act if:

- (a) the licence authorises its holder to do residential building work or specialist work of the kind prescribed by clause 36A (clause 36A (1) (a), (b) and (d) excepted) but not of any other kind, and
- (b) the Director-General is of the opinion that there is no evident risk to the public that the licensee will be unable to complete any building contract (whether an existing

## Home Building Amendment (Licences and Certificates) Regulation 2003

## Schedule 1 Amendments

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contract or a contract in the future) for the doing of residential building work or specialist work of that kind, or both, and

- (c) the licence is subject to a condition that the holder not do work:
- (i) if the contract price exceeds \$12,000, or
  - (ii) if the contract price is not known, where the reasonable cost of the labour and materials involved in the work exceeds \$12,000.



# Rail Safety (General) Amendment (Inspection of Tickets) Regulation 2003

under the

Rail Safety Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2002*.

MICHAEL COSTA, M.L.C.,  
Minister for Transport Services

## Explanatory note

Clauses 10, 11 and 12 of the *Rail Safety (General) Regulation 2003* concern the inspection and processing of the tickets of persons who travel by train. Those clauses generally are limited in their application to what is called the “restricted area of a station”, which is the platform and all other parts of the station between the platform and the ticket barrier.

The objects of this Regulation are:

- (a) to allow authorised officers to require a person who has just left the restricted area of a station to present his or her ticket for inspection, and
- (b) to make it clear that when a station has no ticket barrier, the restricted area of the station is limited to the platform, and
- (c) to make it clear that a person entering or leaving the restricted area of a station may be required to show his or her ticket to an authorised officer even if the person has already put it into an automatic gate or other equipment provided to read any details of the ticket.

This Regulation is made under the *Rail Safety Act 2002*, including section 95 (Railway offences) and section 117 (the general regulation-making power).

Clause 1 Rail Safety (General) Amendment (Inspection of Tickets) Regulation 2003

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## **Rail Safety (General) Amendment (Inspection of Tickets) Regulation 2003**

under the

Rail Safety Act 2002

### **1 Name of Regulation**

This Regulation is the *Rail Safety (General) Amendment (Inspection of Tickets) Regulation 2003*.

### **2 Amendment of Rail Safety (General) Regulation 2003**

The *Rail Safety (General) Regulation 2003* is amended as set out in Schedule 1.

Rail Safety (General) Amendment (Inspection of Tickets) Regulation 2003

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

### [1] Clause 3 Definitions

Omit the definition of *restricted area of a station*. Insert instead:

*restricted area of a station* means:

- (a) if the station has no ticket barrier—the platform, and
- (b) if the station has a ticket barrier—the platform and all other parts of the station between the platform and the ticket barrier.

### [2] Clause 10

Omit the clause. Insert instead:

#### 10 Inspection of tickets

- (1) A person who:
  - (a) is on a train, or
  - (b) is in a restricted area of a station, or
  - (c) has just left the restricted area of a station,must make his or her ticket available for inspection or processing by an authorised officer on that officer's request.  
Maximum penalty: 5 penalty units.
- (2) A person who has just left the restricted area of a station does not commit an offence under subclause (1) if the person's ticket has been:
  - (a) captured by an automatic gate or other equipment provided to read or record any details on the ticket, or
  - (b) given to an authorised officer.

### [3] Clause 11 Entry to restricted area of station

Omit clause 11 (2). Insert instead:

- (2) For the purposes of this clause, a person offers a ticket for processing:
  - (a) if the station has an automatic gate or other equipment provided to read or record any details on the ticket—by putting the ticket into that gate or equipment and, if

## Rail Safety (General) Amendment (Inspection of Tickets) Regulation 2003

## Schedule 1 Amendments

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requested by an authorised officer, by also showing the ticket to the authorised officer, or

- (b) if the station does not have such a gate or equipment—by showing the ticket to an authorised officer on that officer's request.

**[4] Clause 12 Leaving restricted area of station**

Omit clause 12 (2). Insert instead:

- (2) For the purposes of this clause, a person offers a ticket for processing:
- (a) if the station has an automatic gate or other equipment provided to read or record any details on the ticket—by putting the ticket into that gate or equipment and, if requested by an authorised officer, by also showing the ticket to the authorised officer (unless the ticket has been captured by the gate or equipment), or
- (b) if the station does not have such a gate or equipment—by giving or showing the ticket to an authorised officer on that officer's request.

**STATE AUTHORITIES SUPERANNUATION (EX-SNOWY MOUNTAINS  
HYDRO-ELECTRIC AUTHORITY SUPERANNUATION FUND TRANSFER)  
REGULATION 2003**

ERRATUM

STATE Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003 published in the Government Gazette of the 13 June 2003, No. 97, folios 5647 to 5659 was published with parts of a formula missing from pages 5657 and 5658. The correct version is published in full below.



New South Wales

**State Authorities Superannuation (Ex-  
Snowy Mountains Hydro-Electric  
Authority Superannuation Fund  
Transfer) Regulation 2003**

under the

State Authorities Superannuation Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Authorities Superannuation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

**Explanatory note**

The objects of this Regulation are as follows:

- (a) to transfer pensioners from the Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund (the *former scheme*) to the State Authorities Superannuation Scheme (Part 2),
- (b) to transfer any assets, rights or liabilities of Pacific Power as trustee of the former scheme (Part 3),
- (c) to provide for the payment to transferred pensioners of the same pensions to which they were entitled under the former scheme, subject to increases adjusted in accordance with the Consumer Price Index (Parts 4 and 5),
- (d) to provide for the payment of pensions on the death of transferred pensioners to their spouses or de facto partners and the adjustment of those pensions in accordance with the Consumer Price Index (Parts 4 and 5).

This Regulation is made under the *State Authorities Superannuation Act 1987*, including sections 10 and 55 (the general-regulation making power) of, and Schedule 4 to, that Act.

This Regulation contains matters of a savings and transitional nature.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority  
Superannuation Fund Transfer) Regulation 2003

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State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

Clause 1

Preliminary

Part 1

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## State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

under the

State Authorities Superannuation Act 1987

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003*.

#### 2 Commencement

This Regulation is taken to have commenced on 1 June 2003.

#### 3 Definitions

In this Regulation:

***de facto partner*** of a transferred pensioner or former member means a person with whom the transferred pensioner or former member was, at the time of the transferred pensioner's or former member's death, in a de facto relationship, within the meaning of the *Property (Relationships) Act 1984*.

***former governing rules*** means the rules contained in the trust deed applying to the former scheme, as in force immediately before 1 June 2003.

***former member*** means a person who was a member of the former scheme at any time before 1 June 2003.

***former scheme*** means the superannuation scheme established under regulations published in Government Gazette No 144 of 15 November 1957 at page 311, and by trust deed dated 10 November 1999, known as the Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund and in relation to which Pacific Power was a trustee immediately before 1 June 2003.

***spouse*** of a transferred pensioner or former member means the widow or widower of the transferred pensioner or former member.

Clause 3 State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Part 1 Preliminary

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***State Authorities Superannuation Scheme*** means the superannuation scheme constituted by the Act.

***the Act*** means the *State Authorities Superannuation Act 1987*.

***transferred pensioner*** means a person who was, immediately before 1 June 2003, entitled to receive a pension under the former scheme and who is transferred to the State Authorities Superannuation Scheme by the operation of clause 4.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Clause 4

Transfer of pensioners to State Authorities Superannuation Scheme

Part 2

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## **Part 2      Transfer of pensioners to State Authorities Superannuation Scheme**

### **4      Transfer of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund pensioners to State Authorities Superannuation Scheme**

A person who was, immediately before 1 June 2003, entitled to receive a pension under the former scheme is, on and from that date, transferred to the State Authorities Superannuation Scheme and entitled to receive from STC a pension in accordance with this Regulation.

Clause 5	State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003
Part 3	Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund

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### **Part 3      Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund**

#### **5    Definitions**

In this Part:

*assets* means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money) and includes securities, choses in action and documents.

*liabilities* means any liabilities, debts or obligations (whether present or future and whether vested or contingent).

*rights* means any rights, powers, privileges or immunities (whether present or future and whether present or contingent).

#### **6    Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund**

- (1) On and from 1 June 2003:
  - (a) a transferred pensioner and any spouse or de facto partner of a transferred pensioner cease to have any entitlements, rights or obligations under the former scheme, and
  - (b) the former governing rules cease to have effect, and
  - (c) any assets, rights or liabilities of Pacific Power as trustee of the former scheme are transferred to STC.
- (2) On the transfer of assets, rights or liabilities referred to in subclause (1) (c), the following provisions have effect:
  - (a) the assets vest in STC by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,
  - (b) the rights or liabilities become by virtue of this clause the rights or liabilities of STC,
  - (c) the assets, and assets derived from the investment of those assets, may be applied to meet any of the liabilities,
  - (d) all proceedings relating to the assets, rights or liabilities commenced by or against Pacific Power before 1 June 2003 and pending immediately before that date are taken to be proceedings pending by or against STC,

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003	Clause 7
Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund	Part 3

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- (e) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before 1 June 2003 by, to or in respect of Pacific Power is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of STC,
  - (f) a reference in any Act, in any instrument made under any Act or in any document of any kind to Pacific Power or the Electricity Commission of New South Wales, in the capacity of trustee of the former scheme or to the extent to which the reference relates to the assets, rights or liabilities, is taken to be, or include, a reference to STC.
- (3) The operation of this clause is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
  - (d) as an event of default under any contract or other instrument.

## **7 Existing disputes other than where legal proceedings pending**

- (1) If Pacific Power is a party to a dispute relating to the assets, rights or liabilities of Pacific Power as trustee of the former scheme, and that dispute is referred to, but not finally determined by means of, arbitration before 1 June 2003, the following provisions apply:
  - (a) STC (rather than Pacific Power) is taken to be a party to the dispute,
  - (b) the dispute may continue to be determined by means of arbitration,
  - (c) any costs incurred by STC relating to the dispute may be paid out of the accounts or reserves of the Fund referred to in clause 8 (1) (a).
- (2) Any dispute relating to the former scheme (other than a dispute referred to in subclause (1) or clause 6 (2) (d)) is to be determined by STC as if it is a dispute to which section 67 of the *Superannuation Administration Act 1996* applies.

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Clause 8	State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003
Part 3	Transfer of assets, rights and liabilities of Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund

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## **8 Transfer of money from former scheme to State Authorities Superannuation Fund**

- (1) The amount standing to the credit of any account established in respect of the former scheme is to be:
  - (a) credited to such accounts or reserves of the Fund as STC considers appropriate, and
  - (b) applied in paying pensions and other amounts which are payable, in accordance with this Regulation or the Act, to or in respect of transferred pensioners and their spouses or de facto partners.
- (2) Any amount credited to accounts or reserves under subclause (1) (a) that is not required to meet the purposes referred to in subclause (1) (b) may be applied for any other purposes for which those accounts or reserves may be debited under the Act.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Clause 9

Benefits payable in respect of transferred pensioners and their spouses or  
de facto partners

Part 4

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## **Part 4 Benefits payable in respect of transferred pensioners and their spouses or de facto partners**

### **9 Benefit payable to transferred pensioner**

During his or her lifetime a transferred pensioner is entitled to receive the same pension as he or she was entitled to receive under the former scheme immediately before 1 June 2003, subject to any adjustment under Part 5.

### **10 Entitlement to spouse pension on death of transferred pensioner**

- (1) If a transferred pensioner dies on or after 1 June 2003 and is survived by a spouse or de facto partner, the spouse or de facto partner is entitled, during his or her lifetime, to a benefit comprising 67 per cent of the benefit that would have been payable to the transferred pensioner under this Regulation had the person not died.
- (2) This clause does not apply to the spouse or de facto partner of a transferred pensioner if the transferred pensioner was entitled to receive a pension under the former scheme only because the transferred pensioner was the spouse or de facto partner of a former member.

### **11 Pension to be calculated with effect from 1 June 2003**

A pension payable under this Regulation is to be calculated with effect from and including 1 June 2003.

Clause 12 State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

Part 5 Automatic adjustment of pensions

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## Part 5 Automatic adjustment of pensions

### 12 Definitions

(1) In this Part:

**adjustment date**, in relation to a year, means the first day of the pension pay period that ends on the first pension pay day in the October that next follows that year.

**adjustment percentage** in relation to a year, means, subject to clause 13 (2), the percentage for that year calculated in accordance with clause 13.

**Index number**, in relation to a June quarter, means the number for that June quarter appearing in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

**June quarter**, in relation to a year, means the period commencing on and including 1 April in that year and ending on and including 30 June in that year.

**quarter**, in relation to a year, means:

- (a) the period commencing on and including 1 July in that year and ending on and including 30 September in that year, or
- (b) the period commencing on and including 1 October in that year and ending on and including 31 December in that year, or
- (c) the period commencing on and including 1 January in that year and ending on and including 31 March in that year, or
- (d) the period commencing on and including 1 April in that year and ending on and including 30 June in that year.

**year** means the period of 12 months beginning on 1 July.

(2) If a pension is to be adjusted under this Part by reference to the adjustment percentage for a year, a reference (however expressed) in this Part to adjusting the pension is a reference:

- (a) if the adjustment percentage is calculated in accordance with the formula specified in clause 13 (1) (a)—to increasing the pension, or
- (b) if the adjustment percentage is calculated in accordance with the formula specified in clause 13 (1) (b)—to reducing the pension.



State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Clause 13

Automatic adjustment of pensions

Part 5

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### 13 Calculation of adjustment percentage

- (1) For the purposes of the definition of *adjustment percentage* in clause 12 (1), the percentage for a year is to be calculated:

- (a) if the Index number for the June quarter in that year is greater than the Index number for the immediately preceding June quarter—in accordance with the following formula:

$$P = \frac{100(C - L)}{L}$$

- (b) if the Index number for the June quarter in that year is less than the Index number for the immediately preceding June quarter—in accordance with the following formula:

$$P = \frac{100(L - C)}{L}$$

where, in the case of either formula:

*P* is the percentage to be calculated, and

*C* is the Index number for the June quarter in that year, and

*L* is the Index number for the immediately preceding June quarter.

- (2) If:
- (a) the percentage calculated for a year in accordance with subclause (1) (b) is less than 1 per cent, or
- (b) the Index number for the June quarter in that year is the same as the Index number for the immediately preceding June quarter,

there is taken to be no adjustment percentage for that year.

- (3) If there is taken to be no adjustment percentage for a year (the *first-mentioned year*), then, for the purposes of calculating the percentage for the next year:
- (a) the Index number for the June quarter in the first-mentioned year is taken not to have been published, and
- (b) the Index number for that quarter is taken to be the same as the Index number for the June quarter in the last year for which there was an adjustment percentage.
- (4) If at any time, whether before, on or after 1 June 2003, the Australian Statistician has published in respect of a particular June quarter an Index number in substitution for an Index number

Clause 14 State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric Authority Superannuation Fund Transfer) Regulation 2003

Part 5 Automatic adjustment of pensions

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previously published in respect of that quarter, then, for the purposes of this Part:

- (a) except as provided by paragraph (b)—the publication of the later Index number is to be disregarded, or
  - (b) if the Minister so directs—regard is, after the direction is given, to be had only to the later and not to the earlier Index number.
- (5) Despite subclause (4), if at any time on or after 1 June 2003, the Australian Statistician changes the reference base for the Consumer Price Index (All Groups Index) for Sydney, then, for the purposes of the application of this Part after the change takes place, regard is to be had only to Index numbers published in terms of the new reference base.

#### 14 Adjustment of pension

- (1) Subject to this Part, the following provisions apply if there is an adjustment percentage for a year:
- (a) the amount of the pension payable to a person after 1 July of that year (other than to a person who became a spouse pensioner after that date) is, on and from the adjustment date, adjusted by virtue of this clause by the adjustment percentage for that year,
  - (b) the amount of the pension payable to a person who became a spouse pensioner after 1 July and on or before 1 April of that year is, on and from the adjustment date, adjusted by virtue of this clause by the percentage calculated in accordance with the formula set out in subclause (2).
- (2) The formula referred to in subclause (1) (b) is:

$$A = P \times \frac{Q}{4}$$

where:

*A* is the percentage by which the pension is to be adjusted, and

*P* is the adjustment percentage for the year, and

*Q* is the number of whole quarters of the year, being the whole quarters after, and (if applicable) the whole quarter on the first day of which the person became a pensioner.

State Authorities Superannuation (Ex-Snowy Mountains Hydro-Electric  
Authority Superannuation Fund Transfer) Regulation 2003

Clause 15

Automatic adjustment of pensions

Part 5

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(3) In this clause:

*spouse pensioner* means a person who is entitled to a pension under this Regulation by virtue of clause 10.

**15 Minimum amount to which pension may be reduced**

Despite anything in this Part, a pension payable under this Regulation must not be reduced below the amount that would have been payable but for this Part.

**16 Calculation of percentages**

If a percentage that is calculated under this Part is or includes a fraction of one-tenth of 1 per cent, then:

- (a) if the fraction is less than one-half of one-tenth—the fraction is to be disregarded, and
- (b) if the fraction is not less than one-half of one-tenth—the fraction is to be treated as one-tenth.

**17 Transitional arrangement**

- (1) Clauses 12 to 16 do not apply before the first day of the pension pay period that ends on the first pension pay day in October 2004.
- (2) Before that date, pensions payable under this Regulation are to be adjusted in accordance with such method as STC considers appropriate. However, any such pension must not be reduced below the amount that would have been payable under the former scheme had it remained in force and had this Regulation not been made.

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## Orders

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# Water Management (Ministers' Plans) Amendment Order 2003

under the

Water Management Act 2000

I, the Minister for Natural Resources, in pursuance of section 50 of the *Water Management Act 2000*, do, by this my Order, amend each Minister's plan referred to in the Schedule to this Order by omitting from clause 3 of each plan the matter "1 July 2003" and by inserting instead the matter "1 January 2004".

Dated, this 17th day of June 2003.

MICHAEL COSTA, M.L.C.,  
Minister for Natural Resources

### Explanatory note

The object of this Order is to postpone the commencement of a number of Ministers' plans from 1 July 2003 to 1 January 2004.

This Order is made under section 50 of the *Water Management Act 2000*.

Water Management (Ministers' Plans) Amendment Order 2003

Schedule 1 Ministers' plans to be amended

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## **Schedule 1 Ministers' plans to be amended**

*Water Sharing Plan for the Adelong Creek Water Source 2003*

*Water Sharing Plan for the Alstonville Plateau Groundwater Sources 2003*

*Water Sharing Plan for the Apsley River Water Source 2003*

*Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003*

*Water Sharing Plan for the Commissioners Waters Water Source 2003*

*Water Sharing Plan for the Coopers Creek Water Source 2003*

*Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003*

*Water Sharing Plan for the Gwydir Regulated River Water Source 2002*

*Water Sharing Plan for the Jilliby Jilliby Creek Water Source 2003*

*Water Sharing Plan for the Kangaroo River Water Source 2003*

*Water Sharing Plan for the Karuah River Water Source 2003*

*Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003*

*Water Sharing Plan for the Lachlan Regulated River Water Source 2003*

*Water Sharing Plan for the Lower Gwydir Groundwater Source 2003*

*Water Sharing Plan for the Lower Lachlan Groundwater Source 2003*

*Water Sharing Plan for the Lower Macquarie Groundwater Sources 2003*

*Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2003*

*Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003*

*Water Sharing Plan for the Mandagery Creek Water Source 2003*

Water Management (Ministers' Plans) Amendment Order 2003

Ministers' plans to be amended

Schedule 1

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*Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003*

*Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003*

*Water Sharing Plan for the Ourimbah Creek Water Source 2003*

*Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003*

*Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003*

*Water Sharing Plan for the Stuarts Point Groundwater Source 2003*

*Water Sharing Plan for the Tarcutta Creek Water Source 2003*

*Water Sharing Plan for the Tenterfield Creek Water Source 2003*

*Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003*

*Water Sharing Plan for the Toorumbee Creek Water Source 2003*

*Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003*

*Water Sharing Plan for the Upper Billabong Water Source 2003*

*Water Sharing Plan for the Upper Brunswick River Water Source 2003*

*Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003*

*Water Sharing Plan for the Wandella Creek Water Source 2003*

*Water Sharing Plan for the Wybong Creek Water Source 2003*

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## Other Legislation

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### Notice

under the

#### Road Transport (Heavy Vehicles Registration Charges) Act 1995

I, Carl Scully, the Minister for Roads, in pursuance of section 9 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*, give notice that the maximum registration charges that may be imposed for the time being, as calculated by the Australian Transport Council under the *Heavy Vehicles Agreement* referred to in the *National Road Transport Commission Act 1991* of the Commonwealth, are as set out in Schedule 1 to this Notice.

Dated, this 16th day of June 2003.

CARL SCULLY, M.P.,  
Minister for Roads

Notice

Schedule 1 Maximum registration charges

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## Schedule 1 Maximum registration charges

### 1 Load carrying vehicles

Item	Vehicle type	2-axle	3-axle	4-axle	5-axle
1	Truck (type 1)	\$330	\$659	\$989	\$989
2	Truck (type 2)	\$549	\$878	\$2,196	\$2,196
3	Short combination truck	\$604	\$2,196	\$2,196	\$2,196
4	Medium combination truck	\$4,173	\$4,173	\$4,502	\$4,502
5	Long combination truck	\$5,765	\$5,765	\$5,765	\$5,765
6	Short combination prime mover	\$1,428	\$3,733	\$4,831	\$4,831
7	Medium combination prime mover	\$4,392	\$5,490	\$6,039	\$6,039
8	Long combination prime mover	\$5,490	\$5,490	\$6,039	\$6,039

### 2 Load carrying trailer, converter dolly and low loader dolly

The charge for a load carrying trailer, converter dolly or low loader dolly is \$330 multiplied by the number of axles of the trailer or dolly.



Notice

Maximum registration charges

Schedule 1

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### 3 Buses

Item	Bus type	2-axle	3-axle	4-axle
1	Bus (type 1)	\$330	Not applicable	Not applicable
2	Bus (type 2)	\$549	\$1,372	\$1,372
3	Articulated bus	Not applicable	\$549	\$549

### 4 Special purpose vehicles

Item	Special purpose vehicle type	Charge
1	Special purpose vehicle (type p)	No charge
2	Special purpose vehicle (type t)	\$220
3	Special purpose vehicle (type o)	\$274, plus \$274 times the number of axles in excess of 2

### 5 Vehicles in 2 or more categories

If a vehicle falls within 2 or more categories, the charge for the vehicle is the higher or highest of the charges applicable to the vehicle.

**OFFICIAL NOTICES****Appointments****TECHNICAL AND FURTHER EDUCATION  
COMMISSION ACT 1990**

## Instrument Of Appointment

IN pursuance of section 11 (2)(f) of, and 4(1) of Schedule 1 to, the Technical and Further Education Commission Act 1990, I, ANDREW REFSHAUGE, Minister for Education and Training appoint Ms Sandra Yates as the Chair of the NSW TAFE Commission Board for a period of one year commencing on 21 May 2003 and concluding on 20 May 2004.

Signed at Sydney this 28th day of May 2003.

ANDREW REFSHAUGE M.P.,  
Deputy Premier  
Minister for Education and Training  
Minister for Aboriginal Affairs

**TECHNICAL AND FURTHER EDUCATION  
COMMISSION ACT 1990**

## Instrument Of Appointment

IN pursuance of section 11 (2)(f) of, and 4(1) of Schedule 1 to, the Technical and Further Education Commission Act 1990, I, ANDREW REFSHAUGE, Minister for Education and Training appoint Ms Melanie O'Connor as a member of the NSW TAFE Commission Board for a period of one year commencing on 1 June 2003 and concluding on 31 May 2004.

Signed at Sydney this 28th day of May 2003.

ANDREW REFSHAUGE M.P.,  
Deputy Premier  
Minister for Education and Training  
Minister for Aboriginal Affairs

**TECHNICAL AND FURTHER EDUCATION  
COMMISSION ACT 1990**

## Instrument Of Appointment

IN pursuance of section 11 (2)(f) of, and 4(1) of Schedule 1 to, the Technical and Further Education Commission Act 1990, I, ANDREW REFSHAUGE, Minister for Education and Training appoint Mr Stephen Harrison as a member of the NSW TAFE Commission Board for a period of one year commencing on 1 July 2003 and concluding on 30 June 2004.

Signed at Sydney this 28th day of May 2003.

ANDREW REFSHAUGE M.P.,  
Deputy Premier  
Minister for Education and Training  
Minister for Aboriginal Affairs

**TECHNICAL AND FURTHER EDUCATION  
COMMISSION ACT 1990**

## Instrument Of Appointment

IN pursuance of section 11 (2)(f) of, and 4(1) of Schedule 1 to, the Technical and Further Education Commission Act 1990, I, ANDREW REFSHAUGE, Minister for Education and Training appoint Mr Douglas Wright as a member of the NSW TAFE Commission Board for a period of one year commencing on 18 May 2003 and concluding on 17 May 2004.

Signed at Sydney this 28th day of May 2003.

ANDREW REFSHAUGE M.P.,  
Deputy Premier  
Minister for Education and Training  
Minister for Aboriginal Affairs

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## NSW Fisheries

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### FISHERIES MANAGEMENT ACT 1994

#### Total Allowable Commercial Catch For Abalone

THE Total Allowable Catch Committee, pursuant to Division 4 of Part 2 of the *Fisheries Management Act 1994*, by this notice specifies that the total allowable commercial catch of abalone for the fishing period 1 July 2003 to 30 June 2004 (inclusive) is 281 tonnes.

Further the Committee recommends that during this period:

- none is taken from Region 1 south of Port Stephens;
- the catch from Region 2 be no more than 34 tonnes;
- the catch from region 3 and region 4 be no more than 117 tonnes; and
- the catch from region 5 and region 6 be no more than 130 tonnes.

The HON IAN MACDONALD, M.L.C.,  
Minister for Agriculture and Fisheries

F96/402.

### FISHERIES MANAGEMENT ACT 1994

#### Total Allowable Commercial Catch for Eastern Rock Lobster

THE Total Allowable Catch Setting and Review Committee, pursuant to Division 4 of Part 2 of the *Fisheries Management Act 1994*, by this notice specifies that the total allowable commercial catch for eastern rock lobster for the fishing period beginning 1 July 2003 and ending 30 June 2004 (inclusive) is 135 tonnes.

The Hon IAN MACDONALD, M.L.C.,  
Minister Agriculture and Fisheries

F96/402.

## Department of Lands

### FAR WEST REGIONAL OFFICE

#### Department of Lands

**45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830**

**Phone: (02) 6883 3000      Fax: (02) 6883 3099**

#### APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

PURSUANT to Section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

#### SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Matthew Edward Amos	Wanaaring Hostel Reserve Trust	Reserve No. 91677 Public Purpose: Hostel For School Children Notified: 4 January 1980 File Reference: WL90R61

For a term commencing this day and expiring 30 August 2003.

#### SURRENDER OF A WESTERN LANDS LEASE

IT is hereby notified for public information that in pursuance of Section 33A of the Western Lands Act 1901, the Western Lands Lease particularised hereunder has been surrendered.

TONY KELLY, MLC,  
Minister Assisting the Minister for Natural  
Resources (Lands)

Western Lands Lease No:	9658
Name of Lessee:	National Parks and Wildlife Service
Area Surrendered:	Lot 4285 DP 767033
Date of Surrender	16 June 2003
Administrative District:	Milparinka
Shire:	Unincorporated Area

**GRAFTON OFFICE**  
**Department of Lands**  
**76 Victoria Street (Locked Bag 10), Grafton, NSW 2460**  
**Phone: (02) 6640 2000 Fax: (02) 6640 2035**

**PLAN OF MANAGEMENT FOR A CROWN  
RESERVE UNDER DIVISION 6 OF PART 5 OF  
THE CROWN LANDS ACT 1989 AND CROWN  
LANDS REGULATION 1990**

A DRAFT plan of management has been prepared for the Crown reserve described hereunder, which is under the trusteeship of the Byron Bay (88993) Reserve Trust.

Inspection of the draft plan can be made at:

1. Department of Lands  
76 Victoria Street, Grafton NSW 2460;
2. Byron Shire Council Library – Mullumbimby Branch  
Station Street, Mullumbimby NSW 2482;
3. Byron Shire Council Library – Byron Bay Branch  
Cnr Lawson and Fletcher Streets, Byron Bay;
4. Byron Shire Community Access Points  
(refer to Council's page in this newspaper for locations);
5. Byron Shire Council website – [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)  
during normal business hours.

Representations are invited from the public on the draft plan. These may be made in writing for a period of 28 days commencing from 23rd June 2003 and should be sent to the Land Access Manager, North Coast, Department of Lands, Locked Bag 10, Grafton NSW 2460.

TONY KELLY, MLC,  
Minister Assisting the Minister for Natural  
Resources (Lands)

DESCRIPTION OF RESERVE

*Land District: Grafton; Parish: Byron;  
Local Government Area: Byron Shire;  
County: Rous; Public Purpose: Public Recreation*

Reserve 88993, notified in the *Government Gazette* of 17 August 1973 comprising Lot 389 DP 728537, Lot 390 DP 728538 and Lots 391, 392 and part 393 (the part abutting Lot 392 to the south and west) DP 728539 in the Parish of Byron, County of Rous.

Location: Butler Street Reserve, Byron Bay.

File No: GF02 R9.

**GRIFFITH OFFICE**  
**Department of Lands**  
**2nd Floor, Griffith City Plaza,**  
**120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680**  
**Phone: (02) 6962 7522 Fax: (02) 6962 5670**

**APPOINTMENT OF RESERVE TRUST AS  
TRUSTEE OF A RESERVE**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, MLC,  
Minister Assisting the Minister for Natural  
Resources (Lands)

Schedule

COLUMN 1	COLUMN 2
Bland Shire Council Crown Reserves Reserve Trust	Reserve No. 84889 Public Purpose: Children's Playground Notified: 29 May 1964 File Reference: GH02R2/1.

**MAITLAND OFFICE**  
**Department of Lands**  
**Cnr Newcastle Road & Banks Street (PO Box 6), East Maitland, NSW 2323**  
**Phone: (02) 4934 2280 Fax: (02) 4934 2252**

**ROADS ACT 1993****ORDER**

Transfer of Crown Roads to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 cease to be a Crown road.

TONY KELLY M.L.C.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

Schedule 1

*Parish – Allandale; County – Northumberland;  
 Land District – Maitland;  
 Local Government Area – Cessnock*

That part of the Crown public road off Londons Road, Lovedale and east of Lot 851 DP 852256 (being part of former Lot 85 DP 755204).

Schedule 2

Roads Authority: Cessnock City Council  
 File No: MD 02 H 267.

**ROADS ACT 1993****ORDER**

Transfer of Crown Roads to a Council

IN pursuance of the provisions of Section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 cease to be a Crown road.

TONY KELLY M.L.C.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

Schedule 1

*Parish – Branxton; County – Northumberland;  
 Land District – Maitland;  
 Local Government Area – Singleton*

That part of the Crown public road being part Hillview Road Branxton north of Lot 85 DP 755211 extending from McMullins Road westerly for 142.39 metres.

Schedule 2

Roads Authority: Singleton Council  
 File No: MD 99 H 356  
 Council's Reference: RD8520.

**ORANGE OFFICE**  
**Department of Lands**  
**92 Kite Street (PO Box 2146), Orange NSW 2800**  
**Phone: (02) 6393 4300 Fax: (02) 6362 3896**

**Draft Assessment of Land at Parkes Under Part 3  
 of the Crown Lands Act 1989 and Crown Lands  
 Regulations, 2000**

A DRAFT Land Assessment has been prepared for Crown land situated at Parkes, being land described hereunder.

Inspection of this Draft Assessment can be made at the Orange Office of Crown Lands, Department of Lands, Cnr Kite and Anson Streets Orange 2800 (P.O. Box 2146) Parkes Shire Council Chambers, during normal business hours.

Representations are invited from the public on the Draft Assessment. These may be made in writing for a period of 28 days commencing from 20th June 2003, and should be addressed to Louise Harcombe, Resource Access Unit, Orange at the above address.

TONY KELLY, M.L.C.,  
 Minister assisting the Minister  
 for Natural Resources (Lands)

**DESCRIPTION**

*Parish – Currajong; County – Ashburnham;  
 Land District and Shire – Parkes*

Land covers approximately 1341m<sup>2</sup>, consisting of Unreserved Crown land, Lot 1125 DP 42903, fronting Pioneer Street. Parcel is undeveloped, surrounded by residential land and a salvage yard.

Reference: OE03H79.

**SYDNEY METROPOLITAN OFFICE**  
**Department of Lands**  
**Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150**  
**(PO Box 3935), Parramatta, NSW 2124**  
**Phone: (02) 9895 7657 Fax: (02) 9895 6227**

**ASSIGNMENT OF NAME TO A RESERVE TRUST**

PURSUANT to paragraph 4(3) of Schedule 8 of the Crown Lands Act 1989, the name specified in Column 1 of the Schedule is assigned to the reserve trust constituted as trustee for the reserve specified in Column 2 of the Schedule.

TONY KELLY, MLC.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

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Schedule

Column 1	Column 2
Allambie Heights (R83492) Reserve Trust	Reserve No. 83492 at Allambie Heights notified for the purpose of Public Recreation on 6 October 1961. File No. MN80R94.

**ERRATUM**

IN *Government Gazette* of 13th June 2003 folio 5717 under the heading "Roads Act 1993 Schedule 1 Land District – Penrith; Local Government Area – City of Penrith; Parish – Melville County – Cumberland reference to lot 41 DP 843899 should read lot 141.

MN03H52.

TONY KELLY, MLC.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

**ERRATUM**

IN the notifications appearing in the *Government Gazette* of the 6 June, 2003, folio 5047 under the heading "ASSIGNMENT OF NAME TO A RESERVE TRUST" and detailing "Hinkler Park (D500056)" delete "section 4(3)" and insert "paragraph 4(3), Schedule 8" in lieu thereof.

MN84R88.

TONY KELLY, MLC.,  
 Minister Assisting the Minister for Natural  
 Resources (Lands)

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**TAREE OFFICE****Department of Lands****102-112 Victoria Street (PO Box 440), Taree, NSW 2430****Phone: (02) 6552 2788 Fax: (02) 6552 2816****NOTIFICATION UNDER THE ROADS ACT 1993  
OF ACQUISITION OF LAND FOR THE PURPOSE  
OF ROAD AND THE CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993 the lands hereunder described are acquired for road and dedicated as a public road, such road is hereby declared to be a Crown road, and the roads specified hereunder are hereby closed.

TONY KELLY, MLC,  
Minister Assisting the Minister for Natural  
Resources (Lands)

## Description

*Parish – Unkya; County – Raleigh;  
Land District – Kempsey;  
Local Government Area – Nambucca*

Opening of a road at Eungai.

Land acquired and dedicated for a public road (crown road): Lot 1 DP1043868.

Title and area affected: Folio Identifier 303/706800.

Road Closed: Lot 2 DP1043868.

File No: TE01 H 144.

Note: On closing the land within Lot 3 DP 1021366 will remain land vested in the Crown as Crown land and will be given in compensation for the land acquired for road.

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for Natural  
Resources (Lands)

## Description

*Land District – Taree;  
Local Government Area – Greater Taree*

Road closed: Lot 1, D.P. 1054022 at Wingham.

Parish of Wingham, County of Macquarie. File No. TE01H 235.

On closing, the land within lot 1 remains vested in the State of New South Wales as Crown land.

**WAGGA WAGGA REGIONAL OFFICE****Department of Lands****Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650****Phone: (02) 6937 2709 Fax: (02) 6921 1851****REVOCATION OF APPOINTMENT OF  
RESERVE TRUST**

PURSUANT to section 92(3)(c) of the Crown Lands Act 1989, the appointment of the reserve trust specified in Column 1 of the Schedule hereunder, as trustee of the reserve specified opposite thereto in Column 2 of the Schedule, is revoked.

TONY KELLY, MLC,  
Minister Assisting the Minister for Natural  
Resources (Lands)

## SCHEDULE

Column 1	Column 2
Coolamon Shire Council	Reserve No. 88970
Crown Reserves Reserve	Public Purpose: Public
Trust	Recreation
	Notified: 27 July 1973
	File Reference: WA79R96

**ESTABLISHMENT OF RESERVE TRUST**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, MLC,  
Minister Assisting the Minister for Natural  
Resources (Lands)

## SCHEDULE

COLUMN 1	COLUMN 2
Marrar Gymkhana Reserve	Reserve No. 88970
Trust	Public Purpose: Public Recreation
	Notified: 27 July 1973
	File Reference: WA03R10.



## Department of Mineral Resources

NOTICE is given that the following applications have been received:

### EXPLORATION LICENCE APPLICATIONS

(T03-0070)

No. 2114, LONGREACH OIL LIMITED (ACN 000 131 797) and HOT ROCK ENERGY PTY LTD (ACN 069 284 733), area of 2250 units, for Group 8, dated 6 June, 2003. (Sydney Mining Division).

(T03-0072)

No. 2115, DRONVISA PTY LIMITED (ACN 002 070 680), area of 12 units, for Group 5, dated 12 June, 2003. (Sydney Mining Division).

(T03-0074)

No. 2116, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 19 units, for Group 1, dated 14 June, 2003. (Wagga Wagga Mining Division).

### MINING LEASE APPLICATION

(T03-0071)

No. 224, W.P.P. DUNFORD PTY LTD (ACN 079 172 339), area of about 50.31 hectares, to mine for limestone, dated 12 June, 2003. (Orange Mining Division).

The Honourable KERRY HICKEY, M.P.,  
Minister for Mineral Resources

NOTICE is given that the following application for renewal has been received:

(T01-0102)

Exploration Licence No. 5879, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), area of 5 units. Application for renewal received 13 June, 2003.

The Honourable KERRY HICKEY, M.P.,  
Minister for Mineral Resources

### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C98-2031)

Exploration Licence No. 5498, CALLAGHANS CREEK HOLDINGS PTY LTD (ACN 081 346 652), County of Northumberland, Map Sheet (9132, 9232), area of 1475 hectares, for a further term until 23 July, 2004. Renewal effective on and from 11 June, 2003.

(C00-1091)

Coal Lease No. 229 (Act 1973), ANGLO COAL (DRAYTON MANAGEMENT) PTY LIMITED (ACN 002 028 257), Parish of Brougham, County of Durham; Parish of Savoy, County of Durham; and Parish of Wynn, County of Durham, Map Sheet (9033-2-N, 9033-2-S), area of 1567 hectares, for a further term until 2 February, 2024. Renewal effective on and from 28 May, 2003.

The Honourable KERRY HICKEY, M.P.,  
Minister for Mineral Resources

### CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(T01-0096)

Exploration Licence No. 5870, MOUNT ISA MINES LIMITED (ACN 009 661 447), County of Bligh, County of Lincoln and County of Napier, Map Sheet (8733, 8734, 8833, 8834), area of 86 units. Cancellation took effect on 5 June, 2003.

The Honourable KERRY HICKEY, M.P.,  
Minister for Mineral Resources

### EXPIRIES

Mineral Claim No. 111 (Act 1992), NOEL THOMAS WALKER, Parish of Buckley, County of Arrawatta. This title expired on 14 June, 2003.

Mineral Claim No. 112 (Act 1992), NOEL THOMAS WALKER, Parish of Buckley, County of Arrawatta. This title expired on 14 June, 2003.

The Honourable KERRY HICKEY, M.P.,  
Minister for Mineral Resources

## Department of Sustainable Natural Resources

### WATER ACT 1912

APPLICATION under Part 2 of the Water Act 1912 being within a Proclaimed (declared) local area under section 5 (4) of the Act.

Application for a licence under section 10 of Part 2 of the Water Act 1912 has been received as follows:

#### *Murray River Valley*

Gordon James FARRANT for a pump on the Wakool River on Lot 21, DP 756592, Parish of Whymoul, County of Wakool for water supply for stock and domestic purposes and irrigation (replacement licence due to a change in source of supply – no increase in entitlement) (GA2: 477271) (Ref: 50SL75566).

Any enquiries regarding the above should be directed to the undersigned (tel: 03 5881 9200).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged at the Department's Office at Deniliquin within 28 days of the date of this publication.

L. J. HOLDEN,  
A/Senior Natural Resource Officer  
Murray Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 205, DENILIQUIN NSW 2710

### WATER ACT 1912

APPLICATION under Part 2 within a Proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

Application for a licence under section 10 for works within a Proclaimed (declared) local area as generally described hereunder have been received from:

#### *Murrumbidgee Valley*

Anthony Austin THOMPSON and Kenneth Edward THOMPSON for a pump on the Murrumbidgee River, Lot 1, DP 180304, Parish of Ganmain, County of Bourke for water supply for irrigation of 126 hectares (pastures and summer crops). Replacement Authority – no change in allocation. 40SA5609

Any enquiries regarding the above should be directed to the undersigned (telephone 02 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S. F. WEBB,  
Resource Access Manager,  
Murrumbidgee Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 156, LEETON NSW 2705

### WATER ACT 1912

APPLICATIONS under Part VIII within a Proclaimed (declared) local area under section 5(4) of the Water Act 1912.

Applications for an approval under section 137 (1) (a) within a Proclaimed (declared) local area as generally described hereunder have been received from:

#### *Murrumbidgee Valley*

John Andrew LENEHAN and ARAJOEL PASTORAL CO PTY LIMITED for an earthen levee on the Murrumbidgee River, PT 47 DP 754535, PT 48 DP 754535, PT 3 DP 754535, PT 49 DP 754535, LT 3 DP 795800, LT 31 DP 754535, LT 30 DP 754535, LT 29 DP 754535, LT 7 DP 134889, LT 6 DP 134889 and LT 23 DP 754535, Parish of Arajoel and LT 19 DP 754562, LT 13 DP 754562 and LT 12 DP 754562 Parish of Osborne, all County of Mitchell for prevention of inundation of land by floodwaters. Replacement Approval – additional works. (Reference 40CW804620).

Any enquiries regarding the above should be directed to the undersigned (telephone 02 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S. F. WEBB,  
Resource Access Manager  
Murrumbidgee Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 156, LEETON NSW 2705

### WATER ACT 1912

AN application for a licence under the section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

Leonard Maxwell and Sylvia Gladys RIDGE for a pump on the Hawkesbury River being 2//77950, Parish of Wilberforce, County of Cook for the irrigation of 9.5 hectares (turf) (Section 13AA application) (Part replacement licence – no increase in area) (Not subject to 1995 Hawkesbury/ Nepean Embargo) (Ref:10SL56415) (GA2:462941).

Peter John and Janelle Maree WHITE for a pump on Bushells Lagoon, 912//831400, Parish of Wilberforce, County of Cook, for the irrigation of 2.0 hectares (Improved Pasture) (Amending existing application 10SL50409 – no increase in area) (Not subject to the 1995 Hawkesbury/ Nepean Embargo) (Ref:10SL56347) (GA2:462941).

Robert Mark and Lesley WILLIAMS for a pump on Wildes Meadow Creek being 13//814178, Parish of Yarrawa, County of Camden for farming (Dairy washdown) purposes (New licence) (Ref:10SL56510) (GA2:493371).

NEIL BAILEY ENTERPRISES PTY LIMITED for a pump on Frogs Hollow Creek, Part Crown Road South of 3//25285, Parish of Kameruka, County of Auckland for water supply for stock and domestic purposes. (New Licence) (Ref:10SL56477) (GA2:509110).

Nicholas Edwin DIBDEN for a pump on Bobundara Creek being 14//752155, Parish of Narooma, County of Dampier, for water supply for farming (Dairy washdown) purposes and the irrigation of 50.0 hectares (Improved pasture) (New licence) (Ref:10SL56479) (GA2:493046).

UNIVERSITY OF NEW SOUTH WALES (Water Research Laboratory) for an existing 400mm diversion pipe, (to deliver water at a rate not exceeding 300 litres per second, and not exceeding approximately 3ML/yr) from Manly Reservoir (being Manly Creek), Part Lot 10//840821, Parish of Manly Cove, County of Cumberland for water supply for Industrial (Hydraulic Investigation & Research) purposes (New Licence) (GA2:493303) (Ref:10SL56449).

NSW DEPARTMENT OF COMMERCE (Manly Hydraulics Laboratory) for 3 existing diversion pipes (being 1 x 525mm, 1 x 375mm & 1 x 300mm) to deliver water at a total rate not exceeding 600 litres per second, and not exceeding approximately 3ML/yr from Manly Reservoir (being Manly Creek), Part Lot 10//840821, Parish of Manly Cove, County of Cumberland for Industrial (Hydraulic Investigation & Research) purposes (New Licence) (GA2:493303) (Ref:10SL56453).

WARRINGAH COUNCIL for an existing 500mm diversion pipe (to deliver water at a rate not exceeding 4500 litres per second) from Manly Reservoir (being Manly Creek), Part Lot 10//840821, Parish of Manly Cove, County of Cumberland for flood mitigation (flow management) purposes (New Licence) (GA2:493303) (Ref:10SL56513).

Please note the following:

\* Works to be authorised under Applications 10SL56449 and 10SL56453 were previously authorised under agreement with the former Metropolitan Water Sewerage & Drainage Board.

\* Water diverted by all three applications is non-consumptive and returned to Manly Creek undiminished after use.

Any enquiries regarding the above should be directed to the undersigned (Ph: 9895 7194).

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

WAYNE CONNERS,  
A/Natural Resource Project Officer  
Sydney/South Coast Region

Department of Sustainable Natural Resources  
PO Box 3935, PARRAMATTA NSW 2124

### WATER ACT 1912

APPLICATION under Part 2 within a Proclaimed (declared) local area under section 5(4) of the Water Act 1912.

Application for a licence under section 10 for works within a Proclaimed (declared) local area as generally described hereunder have been received from:

#### *Murrumbidgee Valley*

CLEO'S UNITISATION PTY LIMITED for a pump on the Murrumbidgee River, Lot 1, DP 555659, Parish of Bundigerry, County of Cooper for irrigation of 154 hectares (forage sorghum, corn, oats and winter pasture). Replacement licence – amalgamation of existing entitlements. 40SL70900.

Any enquiries regarding the above should be directed to the undersigned (telephone 02 6953 0700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department's Regional Director at Leeton within the 28 days as fixed by the Act.

S. F. WEBB,  
Resource Access Manager  
Murrumbidgee Region

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 156, LEETON NSW 2705

### WATER ACT 1912

AN application under Part 2 being within a Proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

An application for a licence within a Proclaimed local area as generally described hereunder has been received as follows:

#### *Macintyre-Dumaresq River Valley*

RMI PTY LIMITED for ten (10) pumps on the Macintyre River on Lot 21, DP 755990, Parish of Carroby and Lot 10, DP 756021, Parish of Trinkey, both County of Stapylton for irrigation of 5,347.50 hectares (cotton). (Permanent transfer of an existing 30 megalitres Macintyre River entitlement). Ref: 90SL100651. GA2368368.

#### *Namoi River Valley*

ROSTRY PTY LIMITED for two pumps on the Peel River located on Lot 3, DP 737352 and Lot 15, DP 996743, both in the Parish of Tangaratta, County of Parry for industrial (low security – poultry), irrigation of 83 hectares, stock and domestic purposes. Replacement licence – amalgamation of existing licences, increase in pump size and change of purpose. Existing entitlement. 90SL100686. GA2368373.

#### *Lower Macintyre River Valley*

Peter James HARRIS for a diversion channel, pipe and gate on Thalaba Creek on TSR 29007, Parish of Oreel, County of Benarba for irrigation of 324 hectares (cotton, grains, fodder). Permanent transfer of two (2) existing upstream Thalaba Creek entitlements. New Licence. L.O. Papers 90SL100627. GA2368374.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON,  
Manager Resource Access

Department of Infrastructure,  
Planning and Natural Resources  
PO Box 550, TAMWORTH NSW 2340

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## Department of Urban and Transport Planning

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New South Wales

### **Hastings Local Environmental Plan 2001 (Amendment No 14)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G92/00229/S69; E.350.10.331)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure and  
Planning (Planning Administration)

Clause 1 Hastings Local Environmental Plan 2001 (Amendment No 14)

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## **Hastings Local Environmental Plan 2001 (Amendment No 14)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Hastings Local Environmental Plan 2001 (Amendment No 14)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from the 6 (a) Open Space zone to the 3 (a) General Business zone under *Hastings Local Environmental Plan 2001*.

### **3 Land to which plan applies**

This plan applies to Lot 6, DP 595256, Gordon Street, Port Macquarie, as shown edged heavy black and lettered "3 (a)" on the map marked "Hastings Local Environmental Plan 2001 (Amendment No 14)" deposited in the office of Hastings Council.

### **4 Amendment of Hastings Local Environmental Plan 2001**

*Hastings Local Environmental Plan 2001* is amended by inserting in appropriate order in Part 2 of Schedule 6 the following words:

Hastings Local Environmental Plan 2001 (Amendment No 14)



## **Kempsey Local Environmental Plan 1987 (Amendment No 74)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00144/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure and  
Planning (Planning Administration)

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 74)

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## **Kempsey Local Environmental Plan 1987 (Amendment No 74)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 74)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 1 (c) (the Rural (Small Holdings) "C" Zone) to Zone No 2 (a) (the Residential "A" Zone) under *Kempsey Local Environmental Plan 1987*, and
- (b) to provide that Kempsey Shire Council must not grant consent to development of the land unless it has considered a stormwater and sedimentation management plan relating to land.

### **3 Land to which plan applies**

This plan applies to land situated in the local government area of Kempsey, being Lot 506, DP 827889, Phillip Drive, South West Rocks, as shown edged heavy black and letter "2 (a)" on the map marked "Kempsey Local Environmental Plan 1987 (Amendment No 74)" deposited in the office of Kempsey Shire Council.

### **4 Amendment of Kempsey Local Environmental Plan 1987**

*Kempsey Local Environmental Plan 1987* is amended as set out in Schedule 1.



Kempsey Local Environmental Plan 1987 (Amendment No 74)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Interpretation

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Kempsey Local Environmental Plan 1987 (Amendment  
No 74)

### [2] Clause 63

Insert after clause 62:

#### **63 Development of land at Phillip Drive, South West Rocks**

- (1) This clause applies to Lot 506, DP 587889, Phillip Drive, South West Rocks, as shown edged heavy black and lettered “2 (a)” on the map marked “Kempsey Local Environmental Plan 1987 (Amendment No 74)”.
- (2) The Council must not grant consent to the development of the land to which this clause applies unless it has considered a stormwater and sedimentation management plan which will ensure, to the satisfaction of the Council, that:
  - (a) the stream riparian environments and the integrity of the downstream wetland under the provisions of *State Environmental Planning Policy No 14—Coastal Wetlands* and Saltwater Lagoon will be protected from the potential impacts of residential development, and
  - (b) sand and topsoil exposed during the development process will be protected from the impacts of wind erosion.





New South Wales

## Lake Macquarie Local Environmental Plan 1984 (Amendment No 173)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N01/00186/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure and  
Planning (Planning Administration)

Clause 1 Lake Macquarie Local Environmental Plan 1984 (Amendment No 173)

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## **Lake Macquarie Local Environmental Plan 1984 (Amendment No 173)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Lake Macquarie Local Environmental Plan 1984 (Amendment No 173)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to reclassify the land to which this plan applies (being land that is used as an access to a private residence) from community land to operational land within the meaning of the *Local Government Act 1993*, and
- (b) to allow:
  - (i) to the extent (if any) that the land is a public reserve, the land to remain a public reserve, and
  - (ii) the land to continue to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its reclassification as operational land.

### **3 Land to which plan applies**

This plan applies to part of Lot 55, DP 25476, Bareki Road, Eleebana, as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 1984 (Amendment No 173)" deposited in the office of the Council of the City of Lake Macquarie.

### **4 Amendment of Lake Macquarie Local Environmental Plan 1984**

*Lake Macquarie Local Environmental Plan 1984* is amended as set out in Schedule 1.

Lake Macquarie Local Environmental Plan 1984 (Amendment No 173)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 32 Classification and reclassification of public land as operational

Insert after clause 32 (5):

- (6) Land described in Part 3 of Schedule 4:
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.

### [2] Schedule 4 Classification and reclassification of public land as operational

Insert after Part 2:

## Part 3 Public reserve status and trusts etc not changed

### Eleebana

Bareki Road

Part of Lot 55, DP 25476, as shown edged heavy black on the map marked "Lake Macquarie Local Environmental Plan 1984 (Amendment No 173)".



New South Wales

## **Oberon Local Environmental Plan 1998 (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/01137/PC)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure and  
Planning (Planning Administration)

Clause 1 Oberon Local Environmental Plan 1998 (Amendment No 3)

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## **Oberon Local Environmental Plan 1998 (Amendment No 3)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Oberon Local Environmental Plan 1998 (Amendment No 3)*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to clarify that under *Oberon Local Environmental Plan 1998 (the 1998 plan)* a dwelling-house must not be erected on vacant land within Zone No 1 (a) unless the land comprises an allotment in a subdivision for the purpose of a dwelling and not for some other purpose, and
- (b) to update references in the 1998 plan to the date of adoption of *Oberon Council Development Control Plan—Exempt Development* by Oberon Council (in consequence of amendments recently made to that development control plan).

### **3 Land to which plan applies**

This plan applies to all land within the local government area of Oberon under *Oberon Local Environmental Plan 1998*.

### **4 Amendment of Oberon Local Environmental Plan 1998**

*Oberon Local Environmental Plan 1998* is amended as set out in Schedule 1.

Oberon Local Environmental Plan 1998 (Amendment No 3)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 10A What is exempt and complying development?

Omit “21/09/1999” from clause 10A (1).

Insert instead “11 February 2003”.

### [2] Clause 10A (2) and (3)

Omit “21/09/1999” wherever occurring.

Insert instead “21 September 1999”.

### [3] Clause 10A (3)

Insert “as adopted by the Council on 11 February 2003” after “*Oberon Council Development Control Plan—Exempt Development*”.

### [4] Clause 18 Dwelling-houses in Zone No 1 (a)

Omit “the consent for which” from clause 18 (1) (a) (iv).

Insert instead “for the purpose of a dwelling where consent for the subdivision”.

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## Roads and Traffic Authority

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### ROADS ACT 1993

#### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Willow  
Tree in the Murrurundi Shire Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

D J Lorschky  
Manager, Statutory Processes  
Roads and Traffic Authority of New South Wales

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#### SCHEDULE

ALL that piece or parcel of land situated in the Murrurundi Shire Council area, Parish of Temi and County of Buckland, shown as Lot 101 Deposited Plan 1045099, being part of Railway land confirmed by notification in the Government Gazette of 14 April 1874 on page 1089.

The land is said to be in the possession of the State Rail Authority of New South Wales.

(RTA Papers 3M2627; RO 9/303.11056)

### ROADS ACT 1993

#### Section 10

Notice of Dedication of Land as Public Road at  
Tenterfield in the Tenterfield Shire Council area

THE Roads and Traffic Authority of New South Wales dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

D J Lorschky  
Manager, Statutory Processes,  
Roads and Traffic Authority of New South Wales.

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#### SCHEDULE

All those pieces or parcels of land situated in the Tenterfield Shire Council area, Parish of Tenterfield and County of Clive, shown as:

Lots 5 to 9 inclusive Deposited Plan 1037068; and

Lots 7 to 10 inclusive Deposited Plan 261581.

(RTA Papers: 9/430.1168)

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**Roads Act 1993**  
**Notice under Clause 17 of the Road Transport (Mass, Loading and Access)**  
**Regulation 1996**

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, in pursuance to Division 2 of Part 3 of the Road Transport (Mass, Loading and Access) Regulation 1996, specify the routes and areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

**Paul Forward**  
**Chief Executive**  
**Roads and Traffic Authority**

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**Schedule**

**Citation**

This Notice may be cited as the Roads and Traffic Authority *36.5 Metre Road Train Notice No.2/2003*.

**Commencement**

This Notice takes effect from the date of gazettal.

**Effect**

This Notice remains in force until 1 January 2007 unless it is amended or repealed earlier.

**Application**

This Notice applies to those road trains that do not exceed 36.5 metres in length and which comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**Routes**

**36.5 metre road train routes in New South Wales**

Type	Road No	Road Name	Starting point	Finishing point	Conditions
RT	022	Calder Highway (SH22)	Silver City Highway (SH22), Curlwaa	NSW / VIC Border, Curlwaa	
RT	014	Sturt Highway (SH14)	Silver City Highway (SH22), Buronga	NSW / VIC Border, Mildura	



**Roads and Traffic Authority**  
**Notice made under the Road Transport (Mass, Loading and Access)**  
**Regulation 1996**

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, pursuant to the Road Transport (Mass, Loading and Access) Regulation 1996, make the following Notice.

**Paul Forward**  
**Chief Executive**  
**Roads and Traffic Authority**

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**Amendments**

The 4.6 Metre High Vehicle Route Notice 1999 published in Government Gazette No. 22 of 19 February 1999 at pages 870 to 891 and amended in Government Gazette No. 104 of 10 September 1999 at pages 8766 to 8767, Government Gazette No. 32 of 3 March 2000 at page 1709, Government Gazette No. 55 of 5 May 2000 at pages 3755 to 3758, Government Gazette No. 68 of 9 June 2000 at page 4901, Government Gazette No. 152 of 24 November 2000 at pages 12034 to 12035, Government Gazette No. 28 of 25 January 2001 at pages 362 to 363, Government Gazette No. 175 of 16 November 2001 at page 9274, Government Gazette No. 196 of 21 December 2001 at page 10740, Government Gazette No. 34 of 1 February 2002 at page 700 and Government Gazette No. 116 of 12 July 2002 at page 5298 is further amended:

1. by inserting the following matter in Appendix 2 – 4.6 Metre High Vehicle Routes in NSW:

**Part 4 – 4.6 metre high Shire and Council areas west of the Newell Highway**

<b>The Western area of the State</b>	Travel permitted in the area west of the eastern boundary of the Newell Hwy, <b>Except</b> MR129 between Coonabarabran and Baradine (low railway bridge), SH22 Calder Hwy between Silver City Hwy and NSW / Vic Border.
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## Roads Act 1993

### Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Warren Shire Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the roads and road related areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

**Ashley Wielinga**  
**General Manager**  
**Warren Shire Council (by delegation from the Minister for Roads)**

### Schedule

#### 1. *Citation*

This Notice may be cited as the Warren Shire Council Road Train Notice No 1/2003.

#### 2. *Commencement*

This Notice takes effect on the date of Gazettal.

#### 3. *Effect*

This Notice remains in force until 31 December 2008, unless it is amended or repealed earlier.

#### 4. *Application*

4.1 This Notice applies to Road Trains that comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

#### 5. *Routes*

##### Road Train routes within the Warren Shire

Type	Road No	Road Name	Starting point	Finishing point	Conditions
RT	066	Wambianna Road	Oxley Highway (SH 11), Warren	Warren Shire /Narromine Shire Council boundary	

**ROADS ACT 1993**  
**Notice under Clause 17 of the Roads Transport (Mass, Loading and Access)**  
**Regulation, 1996**

Fairfield City Council, in pursuance of Division 2 of Part 3 of the Road Transport (Mass, Loading, Access) Regulation 1996, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

*Mr A Young*  
*City Manager*  
 Fairfield City Council  
 (by delegation from the Minister for Roads)

*14 May 2003*

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**Schedule**

**1. Citation**

This Notice may be cited as the Fairfield City Council B-Double Notice No 1/ 2003.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 1 July 2005 unless it is amended or repealed earlier.

**4. Application**

4.1 This Notice applies to B-Doubles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

**19metre B-Double routes where the mass exceeds 50 tonnes within the Fairfield City Council**

<b>Type</b>	<b>Road</b>	<b>Starting point</b>	<b>Finishing point</b>
25	Walter St, Wetherill Park	Victoria St	Redfern St
25	Redfern St, Wetherill Park	Walter St	Hassall St

## Roads Act 1993

### Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Wollondilly Shire Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**Graham Taylor**  
**General Manager**  
**Wollondilly Shire Council**  
**(by delegation from the Minister for Roads)**

### Schedule

#### 1. Citation

This Notice may be cited as the Wollondilly Shire Council B-Doubles Notice No 1/2003.

#### 2. Commencement

This Notice takes effect from the date of gazettal.

#### 3. Effect

This Notice remains in force until 31 December 2008 unless it is amended or repealed earlier.

#### 4. Application

4.1 This Notice applies to B-Doubles, which comply, with Schedule 1 to the Road Transport (Mass, Loading and Access) regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

#### 5. Routes

##### B-Double routes within the Wollondilly Shire Council

Type	Rd No	Road Name	Starting point	Finishing point	Conditions
25	079	Menangle Rd	Picton-Wilton Rd (MR95)	'Linton Park', 3km from Picton-Wilton Rd	1. The <b>only place of access</b> permitted for B-Doubles on this route is 'Linton Park', 1040 Menangle Rd. 2. Left turn movements <b>not permitted</b> out of 'Linton Park'.
25	079	Menangle Rd	'Linton Park', 3km from Picton-Wilton Rd (MR95)	Finns Rd	Travel permitted <b>only in emergencies</b> when the Hume Hwy (SH2) is closed between Picton-Mt Ousley Rd (MR95) & Narellan Rd (MR178)
25	000	Finns Rd	Menangle Rd (MR95)	Remembrance Dwy (MR620 Old Hume Hwy)	Travel permitted <b>only in emergencies</b> when the Hume Hwy (SH2) is closed between Picton-Mt Ousley Rd (MR95) & Narellan Rd (MR178)
25	620	Remembrance Dwy (MR620 Old Hume Hwy)	Finns Rd	Wollondilly Shire/Camden Bdy	

**Roads Act 1993**  
**Notice under the Road Transport (Mass, Loading and Access) Regulation, 1996**

Wollondilly Shire Council, in pursuance of Divisions 1, 2 and 3 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which those vehicles described in clause 4 may be used subject to any requirements or conditions set out in the Schedule.

**Graham Taylor**  
**General Manager**  
**Wollondilly Shire Council**  
**(by delegation from the Minister for Roads)**

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**SCHEDULE**

**PART 1 — GENERAL**

**1. Citation**

This Notice may be cited as the Wollondilly Shire Council 4.6 Metre High Vehicle Route Notice No 1/2003.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2008 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to the vehicle classes specified in Part 2 of this Schedule.

**5. Limitations**

The conditions or requirements set out in clauses 3.3 and 3.4 of Part 3 ('Vehicle Access'), Part 4 ('General Requirements') and Part 5 ('Special Requirements') of the Schedule to the '**4.6 Metre High Vehicle Route Notice 1999**' published in NSW Government Gazette No. 22 of 19 February, 1999, as amended by the Notice published in NSW Government Gazette No. 32 of 3 March, 2000, must be duly complied with.

**PART 2 — VEHICLE CLASSES**

**2.1 Class 1 vehicles**

- a) a special purpose vehicle that exceeds 4.3 metres, but does not exceed 4.6 metres, in height;
- b) a vehicle or combination (including a low loader or load platform combination) that is specially designed for the carriage of a large indivisible item, or is carrying a large indivisible item, that together with any load, exceeds 4.3 metres but does not exceed 4.6 metres in height;

**2.2 Class 2 vehicles**

- a) a combination carrying vehicles on more than one deck that together with any load, exceeds 4.3 metres but does not exceed 4.6 metres in height;
- b) a single motor vehicle, or a combination, that exceeds 4.3 metres but does not exceed 4.6 metres in height and is built to carry cattle, sheep, pigs or horses.

### 2.3 Class 3 vehicles

- a) a single motor vehicle, or a combination, that, together with its load exceeds 4.3 metres but does not exceed 4.6 metres in height and is carrying wool, hay bales or other primary produce;
- b) a single motor vehicle carrying vehicles on more than one deck that, together with its load exceeds 4.3 metres but does not exceed 4.6 metres in height.
- c) a single motor vehicle, or a combination, that is constructed to exceed 4.3 metres in height, but does not exceed 4.6 metres in height and is carrying freight, other than cattle, sheep, pigs, horses, wool, hay bales, or other primary produce.
- d) a single motor vehicle or combination carrying a freight container that together with its load exceeds 4.3 metres in height, but does not exceed 4.6 metres in height

## PART 3 - ROUTES

### 5. Routes

#### 4.6 metre high vehicle routes within the Wollondilly Shire Council

Route	Starting point	Finishing point	Conditions
Menangle Rd (MR179)	Picton-Wilton Rd (MR95)	Finns Rd	
Finns Rd	Menangle Rd (MR95)	Remembrance Dwy (MR620 Old Hume Hwy)	
Remembrance Dwy (MR620 Old Hume Hwy)	Finns Rd	Wollondilly Shire/Camden Bdy	

## Other Notices

### ANTI-DISCRIMINATION ACT 1977

#### Exemption Order

UNDER the provisions of Section 126 of the *Anti-Discrimination Act 1977*, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the *Anti-Discrimination Act 1977* to Gunnedah Shire Council to designate and recruit for a traineeship position in the Community Services Section for an Indigenous person.

This exemption will remain in force for a period of five years from the date given.

Dated this 16th day of June 2003.

BOB DEBUS,  
Attorney General

### ANTI-DISCRIMINATION ACT 1977

#### Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977 (NSW), and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 25 and 51 of the Anti-Discrimination Act 1977 (NSW) to Hanson Australia Pty Ltd, Hymix Australia Pty Ltd, Pioneer Building Products QLD Pty Ltd and Pioneer Construction Materials Pty Ltd run a Driving Training Project and to designate and recruit for the position of Driving Training Project Manager and up to 45 positions as concrete drivers for women only.

This exemption will remain in force for a period of two years from the date given.

Dated this 16th day of June 2003.

BOB DEBUS,  
Attorney General

### ANTI-DISCRIMINATION ACT 1977

#### Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8 and 51 of the Anti-Discrimination Act 1977 to the NSW Premier's Department to designate and recruit for an Aboriginal person for the position of Director-General, Department of Aboriginal Affairs.

This exemption will remain in force for a period of ten years from the date given.

Dated this 16 day of June 2003.

BOB DEBUS,  
Attorney General

### APPRENTICESHIP AND TRAINEESHIP TRAINING ACT 2001

#### Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Water Industry Operations.

#### Citation

The order is cited as the Water Industry Operations Order.

### Order

A summary of the Order is given below.

#### (a) Term of Training

##### (i) Full-time

Training shall be given for a nominal term of:

<b>Qualification</b>	<b>Nominal Term</b>
Certificate II*	12 months
Certificates II & III #	36 months
Certificate III*	24 months

or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

\* Certificate II in Water Industry Operations is a prerequisite to the Certificate III in Water Industry Operations.

# A learner may undertake Certificate II and Certification III concurrently.

##### (ii) Part-time

The nominal term for a part time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

Full-time Traineeship Term	6 mths	12 mths	18 mths	24 mths	30 mths	36 mths	48 mths
Weekly Hours	Nominal Term Required (Months)						
15	15	30	45	Not Allowable			
16	15	29	44	Not Allowable			
17	14	28	42	Not Allowable			
18	14	27	41	Not Allowable			
19	13	26	39	Not Allowable			
20	13	25	38	Not Allowable			
21	12	24	36	48	Not Allowable		
22	12	23	35	46	Not Allowable		
23	11	22	33	44	55	Not Allowable	
24	11	21	32	42	53	Not Allowable	
25	10	20	30	40	50	60	Not Allowable
26	10	19	29	38	48	57	Not Allowable
27	9	18	27	36	45	54	72
28	9	17	26	34	43	51	68
29	8	16	24	32	40	48	64
30	8	15	23	30	38	45	60
31	Not Allowable		22	28	35	42	56
32	Not Allowable		20	26	33	39	52



## (b) Competency Outcomes

Trainees will be trained in and achieve competence in the endorsed National Water Industry Operations Competency Standards.

## (c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

Certificate II Water Industry Operations NWP20101

Certificate III Water Industry Operations NWP30101

**Availability for Inspection**

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at: <http://apprenticeship.det.nsw.edu.au>.

**ASSOCIATIONS INCORPORATION ACT 1984**

Transfer of Incorporation Pursuant to Section 48(4)(a)

TAKE notice that the "Pact Co-operative Limited", formerly registered under the provisions of the Co-operatives Act 1992, is now incorporated under the Associations Incorporation Act 1984 as "Pact Youth Theatre Incorporated" effective 16 June 2003 and has been removed from the Register of Co-operatives as of that date.

C. GOWLAND,  
Delegate of Commissioner  
Office of Fair Trading

**ASSOCIATIONS INCORPORATION ACT 1984**

Transfer of Incorporation Pursuant to Section 48(4)(a)

TAKE notice that the "Trissana Ski Lodge Co-op Ltd", formerly registered under the provisions of the Co-operatives Act 1992, is now incorporated under the Associations Incorporation Act 1984 as "Trissana Ski Lodge Incorporated" effective 16 June 2003 and has been removed from the Register of Co-operatives as of that date.

R. DONNELLY,  
Delegate of Commissioner  
Office of Fair Trading

**BANKS AND BANK HOLIDAYS ACT 1912****PROCLAMATION**

(L.S.) 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 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Saturday, 10 April 2004, to be observed as a public holiday throughout New South Wales for the purpose of Easter Saturday.

Signed and sealed at Sydney, this 18th day of June 2003.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Minister for Industrial Relations

GODSAVE THE QUEEN!

**BANKS AND BANK HOLIDAYS ACT 1912****PROCLAMATION**

(L.S.) 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 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Monday, 14 June 2004, to be observed as a public holiday throughout New South Wales for the purpose of celebrating the Anniversary of the Birthday of Her Majesty the Queen.

Signed and sealed at Sydney, this 18th day of June 2003.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Minister for Industrial Relations

GODSAVE THE QUEEN!

**BANKS AND BANK HOLIDAYS ACT 1912****PROCLAMATION**

(L.S.) 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 19(1) of the Banks and Bank Holidays Act 1912, do, by this my Proclamation, appoint Monday, 4 October 2004, to be observed as a public holiday throughout New South Wales for the purpose of Labour Day.

Signed and sealed at Sydney, this 18th day of June 2003.

By Her Excellency's Command,

JOHN DELLA BOSCA, M.L.C.,  
Minister for Industrial Relations

GODSAVE THE QUEEN!

**CATCHMENT MANAGEMENT ACT 1989**

Determination Concerning Catchment Contributions  
1 July 2003 to 30 June 2004

Section 43 of the Catchment Management Act 1989

THE Hunter Catchment Management Trust in pursuance of section 43 of the Catchment Management Act (1989) and in accordance with the Hunter Catchment Management Trust Regulation 1997, does hereby make the following determination in respect of the year commencing 1 July 2003:

- a. It proposes to raise \$2,737,000 by way of catchment contribution.
- b. The catchment contribution is to be levied on all rateable land within the Trust catchment contribution area as delineated by maps held at the Trust's offices.
- c. The basis of the catchment contribution is a rate based on land values provided by the appropriate local government councils.
- d. The catchment contribution rate for the year commencing 1 July 2003 will be 0.0236 of a cent in the dollar (land value).



Dated at Paterson, this 14th day of May 2003.

L.S.

THE COMMON SEAL OF )  
 THE HUNTER CATCHMENT ) (Sgd) H. J. Sternbeck, A.M.  
 MANAGEMENT TRUST was ) .....  
 affixed hereto this fourteenth ) Chairman.  
 day of May 2003, pursuant to )  
 a resolution of the Trust in the ) (Sgd) I. F. Eather, J.P.  
 presence of two Trustees ) .....  
 whose signatures appear ) Trustee.  
 opposite hereto. )

1997, do, by this my Order, approve the extension of the Kempsey Crime Prevention Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 7 June 2003 and remains in force until 6 June 2004.

Signed at Sydney, this 16th day of June 2003.

ROBERT DEBUS, M.P.,  
Attorney General

**CHARITABLE TRUSTS ACT 1993**

Notice under Section 15

Proposed Cy-Pres Scheme relating to

The Estate of the Late Edith Graham Kershler

THE deceased, Edith Graham Kershler, died on 9 May 1978. In her will Ms Kershler bequeathed a half share of the residue of her Estate to:

“The Mother Superior for the time being of LEWISHAM HOSPITAL, West Street Petersham conducted by ‘The Little Company of Mary’ to be applied by her for the benefit of such Hospital”.

This gift is the basis of an application for a cy-pres scheme, as Lewisham Hospital has now closed. However, the Sisters of the Little Company of Mary conducted, and still conduct, Calvary Hospital Kogarah, which was incorporated in 1988 to become Calvary Hospital Kogarah Incorporated. In 2001, Calvary Hospital Kogarah Incorporated, which is still controlled by the Sisters of the Little Company of Mary and which still conducts Calvary Hospital Kogarah Incorporated, changed its name to Calvary Health Care Sydney Incorporated.

The Solicitor General, under delegation from the Attorney General in and for the State of New South Wales, has formed the view that the gift to the Mother Superior for the time being of Lewisham Hospital in the testatrix’s will is a gift for charitable purposes, and has approved a recommendation that the Attorney General establish a cy-pres scheme pursuant to section 12(1)(a) of the *Charitable Trusts Act* 1993. The scheme is to give effect to the gift by applying it cy-pres to Calvary Health Care Sydney Incorporated, to be applied by it for the benefit of Calvary Hospital Kogarah.

Take note that within one month after the publication of this notice any person may make representations or suggestions, in writing, to the Attorney General in respect of the proposed scheme. Initial inquiries as to the proposed scheme may be directed to (02) 9228 7883.

LAURIE GLANFIELD,  
Director General  
Attorney General’s Department

**CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997**

Safer Community Compact - Order

I, the Honourable Bob Debus Attorney General of the State of New South Wales, in pursuance of section 39 (1) of the *Children (Protection and Parental Responsibility) Act*

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

MARIE BASHIR, Governor

I, PROFESSOR MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 226(4) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, revoke the proclamation published in the *Government Gazette* of 19 October 2001, which declared Grafton Female Periodic Detention Centre to be a periodic detention centre.

This proclamation is to take effect on and from the date of publication in the *Government Gazette*.

Signed and sealed at Sydney, this 14th day of May 2003.

By Her Excellency’s Command.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Justice  
Minister Assisting the Premier on Citizenship

GODSAVE THE QUEEN!

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

MARIE BASHIR, Governor

I, PROFESSOR MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 226(4) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, revoke the proclamation published in the *Government Gazette* of 19 October 2001, which declared Grafton Male Periodic Detention Centre to be a periodic detention centre.

This proclamation is to take effect on and from the date of publication in the *Government Gazette*.

Signed and sealed at Sydney, this 14th day of May 2003.

By Her Excellency’s Command.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Justice  
Minister Assisting the Premier on Citizenship

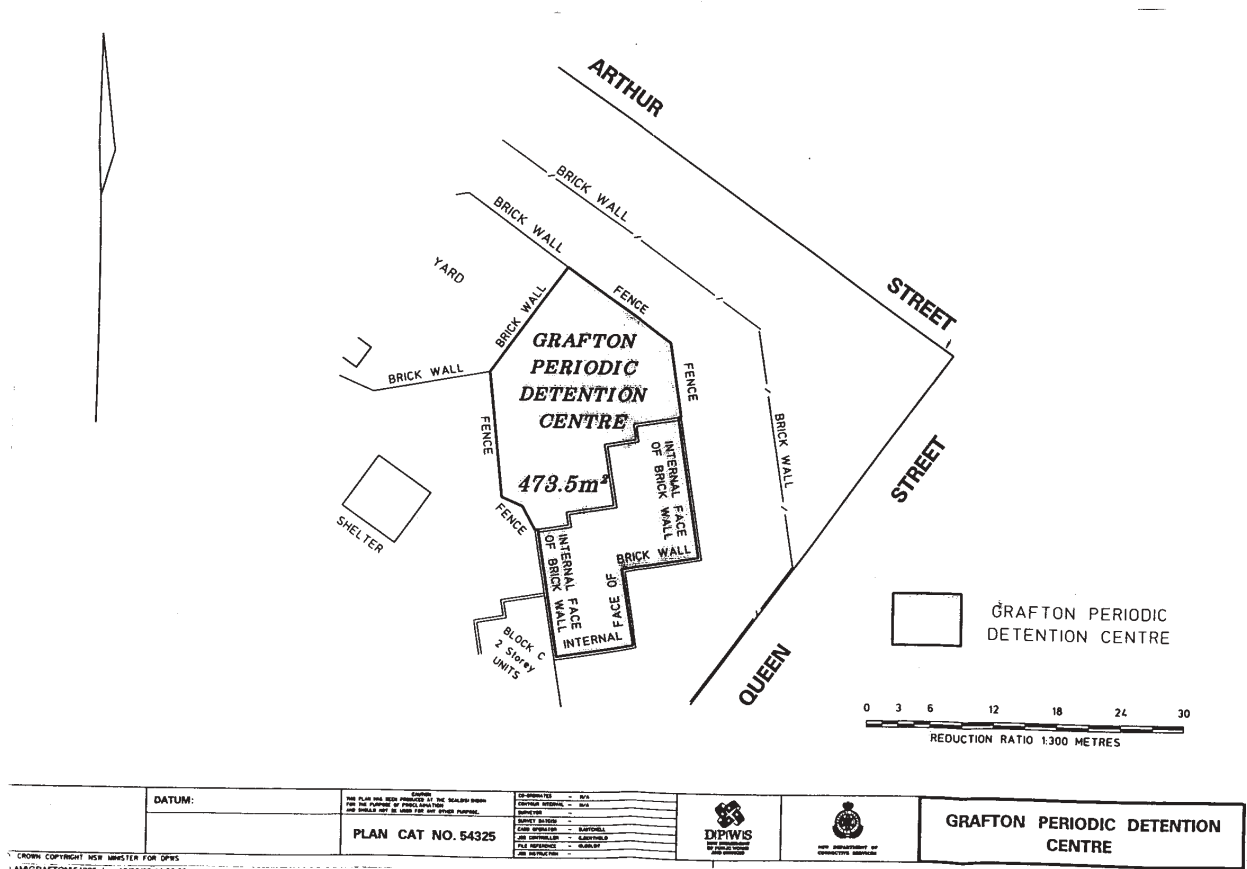
GODSAVE THE QUEEN!

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

MARIE BASHIR, Governor

I, PROFESSOR MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to sections 225(1), 226(1), 226(2) and 226(3) of the Crimes (Administration of Sentences) Act 1999, do, by this Proclamation, declare the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon) to be a correctional centre within the meaning of the Crimes (Administration of Sentences) Act 1999, and that the correctional centre is to be a periodic detention centre and is to be known as Grafton Periodic Detention Centre, and I further declare that the governor of Grafton Correctional Centre is to be responsible for Grafton Periodic Detention Centre, viz:

All that piece or parcel of land situate in the local government area of City of Grafton, Parish of Great Marlow and County of Clarence, being part of allotment 1 Section 118 in the town of Grafton, shown on Plan Catalogue Number 54325 in the Department of Commerce Plan Room and having an area of 473.5 square metres or thereabouts.



DATUM:	<p>PLAN CAT NO. 54325</p>	<p>DEPARTMENT OF CORRECTIONS AND CRIMINAL JUSTICE</p>	<p>DPIWS</p>	<p>DEPARTMENT OF COMMERCIAL AFFAIRS</p>	<p><b>GRAFTON PERIODIC DETENTION CENTRE</b></p>
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This proclamation is to take effect on and from the date of publication in the *Government Gazette*.

Signed and sealed at Sydney, this 14th day of May 2003.

By Her Excellency's Command.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Justice  
Minister Assisting the Premier on Citizenship

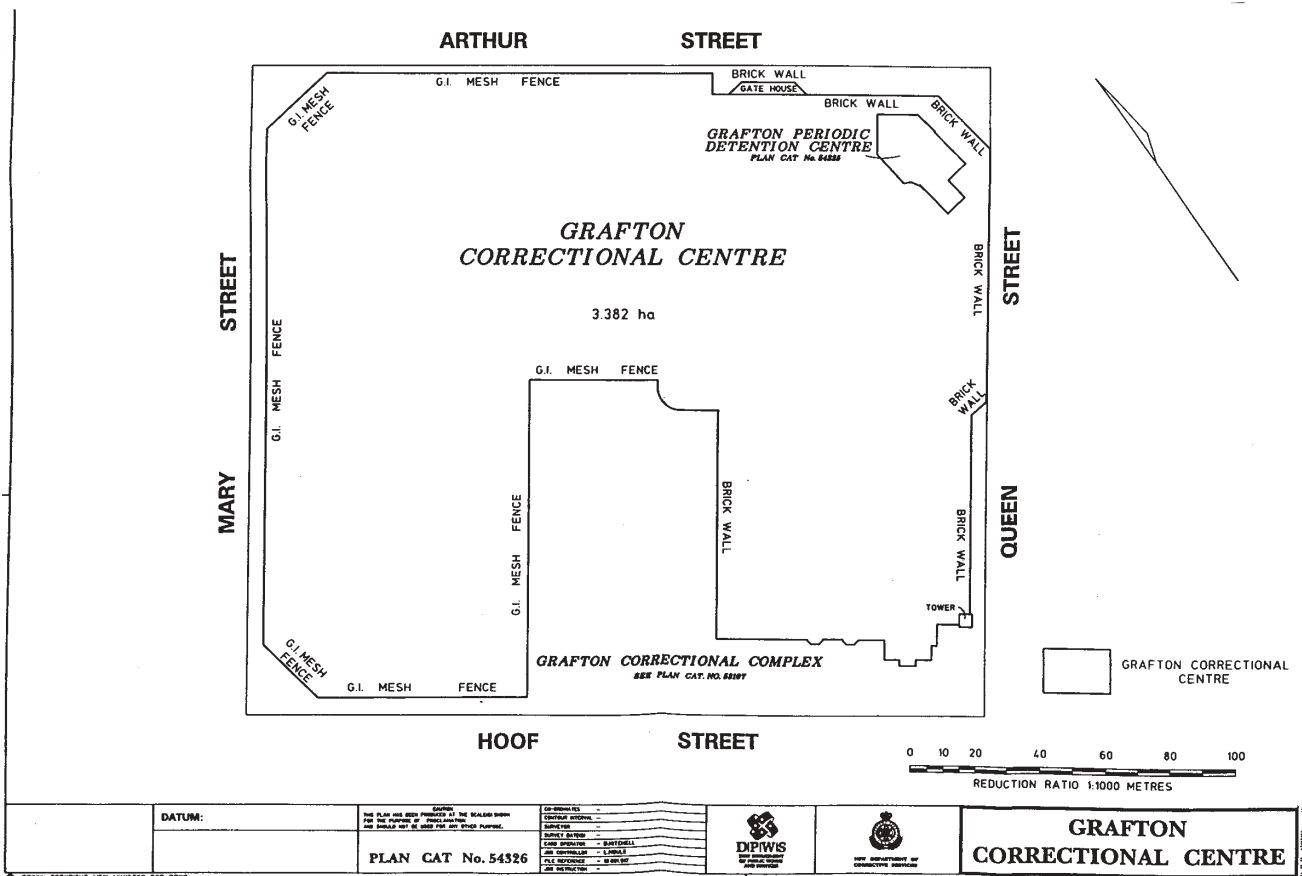
GOD SAVE THE QUEEN!

**CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999**

MARIE BASHIR, Governor

I, PROFESSOR MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to section 225(4) of the Crimes (Administration of Sentences) Act 1999, do, by this proclamation, vary the proclamation published in the *Government Gazette* of 19 October 2001, which declared Grafton Correctional Centre to be a correctional centre, and in variation thereof I declare Grafton Correctional Centre to be the area comprised within the boundaries hereunder (together with all buildings or premises which are now or may hereafter be erected thereon), viz:

All that piece or parcel of land situate in the Local Government Area of City of Grafton, Parish of Great Marlow and County of Clarence, being part of section 118 in the town of Grafton, shown on Plan Catalogue Number 54326 in the Department of Commerce Plan Room and having an area of 3.382 hectares or thereabouts.



This proclamation is to take effect on and from the date of publication in the *Government Gazette*.

Signed and sealed at Sydney, this 14th day of May 2003.

By Her Excellency's Command,

JOHN HATZISTERGOS, M.L.C.,  
Minister for Justice  
Minister Assisting the Premier on Citizenship

GOD SAVE THE QUEEN!

**FAIR TRADING ACT 1987**

Referral to the Products Safety Committee

Section 28(1) of the Fair Trading Act 1987

PURSUANT to section 28(1) of the *Fair Trading Act 1987* ("the Act"), I, Reba Meagher, Minister for Fair Trading, hereby refer to the Products Safety Committee ("the Committee") for its consideration in respect of goods of the kind specified in Schedule 1, the prescribed questions specified in section 28(3) of the Act which are set out in Schedule 2.

DATED this 17th day of June 2003.

REBA MEAGHER, M.P.,  
Minister for Fair Trading

**SCHEDULE 1****Goods:**

Goods designed to support babies while they are being bathed.

**SCHEDULE 2****Questions:**

- (a) the question whether the supply of the goods should, because they are dangerous, or are a possible source of danger, be prohibited or should be allowed only subject to conditions or restrictions to be specified by the Committee; and
- (b) the question whether the goods should be the subject of a recall order under Part 3 Division 3 of the Act.

The Products Safety Committee  
C/- The Office of Fair Trading  
Enterprise House  
1 Fitzwilliam Street,  
PARRAMATTA NSW 2150

**GEOGRAPHICAL NAMES ACT 1966****NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES**

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Benson Place" which was assigned with the designation of Reserve, folio 7031, 27 July 1984.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966****NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES**

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Hicks Park" which was assigned with the designation of Reserve, folio 7031, 27 July 1984.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966****NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES**

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Ivy Reserve" which was assigned with the designation of Reserve, folio 7031, 27 July 1984.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966****NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES**

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Dempsey Point", folio 6722, 19 December 1969.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966****NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES**

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Hillman Orchard" which was assigned with the designation of Reserve, folio 9417, 16th November 1984.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966****NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES**

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Howards Crossing", folio 7530, 3rd January 1975.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Suburb Boundary Amendment  
In Council of Camden Area

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day amended the suburb boundary between Kirkham and Harrington Park, increasing the extent of Kirkham, as shown on map GNB3568/B.

Names and boundaries for address localities in the area of Council of Camden are shown on plot GNB3568.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143  
BATHURST NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Flying Fox Lookout", folio 3420, 25 September 1981.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966**

NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Jacksons Ford", folio 556, 24th April 1980.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966**

NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Luchetti Lookout" which was assigned with the designation of Reserve, folio 8488, 3rd April 1970.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966**

NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Royal Deaf and Blind Institute", folio 6441, 7th September 1973.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966**

NOTICE OF DISCONTINUANCE OF GEOGRAPHICAL NAMES

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name "Flemington Markets Post Office", folio 4488, 14th November 1975.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966**

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the following names in the City of Canada Bay Local Government Area:

Charles Heath Reserve, Howes Park, Larkins Reserve, Lysaght Park, McIlwaine Park, Powells Creek Reserve, Samuel Lee Place, Taplin Park, Stanton Place, WA McInnes Play Centre.

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at [www.gnb.nsw.gov.au/geog/](http://www.gnb.nsw.gov.au/geog/).

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

**GEOGRAPHICAL NAMES ACT 1966**

PURSUANT to the provisions of section 7 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the following name in the Penrith City Local Government Area:

Assigned Name	Designation
Mount Pleasant	Hill

Also, PURSUANT to the provisions of section 7 of the Geographical Names Act, 1966, the Geographical Names



Board has this day amended the following names in the Penrith City Local Government Area:

<b>Geographical Name Discontinued</b>	<b>Geographical Name Assigned</b>
Blair Field	Blair Oval
Coaches Park	Coachmans Park
The Cedars	Cedars Park

Also, PURSUANT to the provisions of section 7 of the Geographical Names Act, 1966, the Geographical Names Board has this day amended the following names in the Penrith City Local Government Area:

Baronesa Park, Butler Park, Cambridge Park, Devon Park, Jenkins Park, Lincoln Park, Parker Street Reserve, Penrose Park, Taloma Park.

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at [www.gnb.nsw.gov.au/geog/](http://www.gnb.nsw.gov.au/geog/).

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

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#### **GEOGRAPHICAL NAMES ACT 1966**

##### **ERRATUM**

IN the notice referring to the assignment of the name Bankstown Aerodrome, Folio 9454, 21 March 1975, the notice is incorrect and should read Bankstown Airport. This notice corrects that error.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

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#### **GEOGRAPHICAL NAMES ACT 1966**

##### **ERRATUM**

IN the notice referring to the assignment of the name Hoxton Park Aerodrome, Folio 710, 23 May 1975, the notice is incorrect and should read Hoxton Park Airport with a designation of Airport. This notice corrects that error.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

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#### **GEOGRAPHICAL NAMES ACT 1966**

##### **ERRATUM**

IN the notice referring to the assignment of the name Hoxton Park Aerodrome, Folio 710, 23 May 1975, the notice is incorrect and should read Hoxton Park Airport with a designation of Airport. This notice corrects that error.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

#### **GEOGRAPHICAL NAMES ACT 1966**

##### **ERRATUM**

IN the notice referring to the assignment of the name Sharps Beach, Folio 3642, 2nd August 1974, the notice is incorrectly spelt and should read Sharpes Beach. This notice corrects that error.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

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#### **GEOGRAPHICAL NAMES ACT 1966**

##### **ERRATUM**

IN the notice referring to the assignment of the name Kingscliff Rotary Park, Folio 1615, 25 July 1986, the notice is incorrect and should read Ed Parker Rotary Park. This notice corrects that error.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

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#### **GEOGRAPHICAL NAMES ACT 1966**

PURSUANT to the provisions of Section 7 (1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder in the Tumbarumba Local Government Area.

<b>Geographical Name</b>	<b>Designation</b>
McAlister Saddle	Saddle
McDivetts Creek	Creek
Wesley Mountain	Mountain

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at [www.lpi.nsw.gov.au/geog/](http://www.lpi.nsw.gov.au/geog/).

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795.

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#### **HEALTH CARE LIABILITY ACT 2001**

##### **Notified Insurers**

IT is hereby advised, that as at 18 June 2003, the following are notified insurers for the purposes of the Insurance Approval Order made under the Health Care Liability Act 2001:

United Medical Protection Limited  
Australasian Medical Insurance Limited  
Medical Indemnity Protection Society Limited  
Health Professionals Insurance Australia Pty.Ltd.  
Medical Defence Association of South Australia Limited  
Medical Insurance Australia Pty Limited

The Medical Defence Association of Victoria Limited  
Professional Indemnity Insurance Company Australia  
Pty. Limited

The Medical Defence Association of Western Australia  
Trading as Medical Defence Association National  
Medical Indemnity Company of WA Pty Ltd

K.J. CRAWSHAW,  
Director Legal  
NSW Department of Health

## PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to Section 48(4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,  
Manager Dangerous Goods  
Environment Protection Authority  
by delegation

## LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

### NOTICE

I, The Hon. JOHN DELLA BOSCA, Minister for Commerce, pursuant to section 60 (2) (b) of the Land Acquisition (Just Terms Compensation) Act 1991, notify the amount of \$19,665.00 as the maximum amount of compensation in respect of solatium for land acquisitions taking effect on or after 1 July 2003.

Dated at Sydney, this 5th day of June 2003.

The Hon. JOHN DELLA BOSCA, M.P.,  
Minister for Commerce

## NATIONAL PARKS AND WILDLIFE ACT 1974

### PROCLAMATION

I, PROFESSOR MARIE BASHIR, AC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under Section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of National Parks and Wildlife, by this my Proclamation revoke the lands described hereunder as **Kurrajong Hills Wildlife Refuge**.

Signed and sealed at Sydney this 11th day of June 2003.

MARIE BASHIR,  
Governor

By Her Excellency's Command,

BOB DEBUS,  
Minister for the Environment

GOD SAVE THE QUEEN!

### Description

*Land District – Tamworth;  
Council – Manilla*

County Darling, Parish Borah, about 1560 hectares, being Lots 31, 55, 59, 61, 83, 84 (excluding the land within DP 109798), 90, 91, 93 and 108, DP 752173, Lot 1, DP 384405 and the Crown roads covered by Department of Lands Enclosure Permit 52124. NPWS 02/00620.

## SCHEDULE

### Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr NEIL RICHARD HODGE LOT 129 ALBANY HIGHWAY WILLIAMS WA 6391	16 June 2003

## SUBORDINATE LEGISLATION ACT 1989

Proposed Charitable Fundraising Regulation 2003

Regulatory Impact Statement

Invitation for Public Comment

THE Department of Gaming and Racing has prepared a Regulatory Impact Statement in relation to the proposed Charitable Fundraising Regulation 2003. The Statement has been prepared in accordance with the provisions of the Subordinate Legislation Act 1989.

The proposed Charitable Fundraising Regulation is to be made under the authority of the Charitable Fundraising Act 1991. It will replace the Charitable Fundraising Regulation 1998 which will expire on 1 September 2003.

The objective of the proposed Regulation is to prescribe details that are necessary or incidental to the operation of the Charitable Fundraising Act. A Regulatory Impact Statement has been prepared to elaborate on this objective. It includes the proposed regulation.

Comments and submissions on the proposed Regulation are invited from any member of the public.

Copies of the Regulatory Impact Statement and the proposed Regulation may be obtained:

- from the Department's website:  
*http://www.dgr.nsw.gov.au*
- from the Department:  
Level 7, 323 Castlereagh Street, SYDNEY 2000
- writing to:  
Charitable Fundraising Regulation Review  
Department of Gaming and Racing  
GPO Box 7060, Sydney 2001
- telephoning (02) 9995 0666, facsimile (02) 9995 0611.

The closing date for submissions is Friday, 25 July 2003.

**THREATENED SPECIES CONSERVATION  
ACT 1995**

NSW Scientific Committee  
Notice of Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to reject a proposal to list the New England Peppermint (*Eucalyptus nova-anglica*) Woodland on Sediments in the New England Tableland Bioregion, as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act.

Notice of Preliminary Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the New England Peppermint (*Eucalyptus nova-anglica*) Woodland on Basalts and Sediments in the New England Tableland Bioregion, as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act.

Copies of these Determinations, which contain the reasons for the determinations, may be obtained free of charge:

On the NPWS web site [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),

By contacting the Scientific Committee Support Unit,  
C/- National Parks and Wildlife Service,  
PO Box 1967, Hurstville 2220.

Tel: (02) 9585 6940 or Fax (02) 9585 6606,

In person at The National Parks Centre, 102 George Street,  
The Rocks, Sydney.

Copies of these determinations may also be obtained from NPWS Area Offices and Visitor Centres, subject to availability.

Any person may make a written submission regarding the Preliminary Determination, which should be forwarded to:

Scientific Committee,  
PO Box 1967,  
Hurstville NSW 2220.

Attention: Suzanne Chate, Executive Officer.

Submissions must be received by 1st August 2003.

Associate Professor PAUL ADAM,  
Chairperson,  
Scientific Committee.

**THREATENED SPECIES CONSERVATION  
ACT 1995**

NSW Scientific Committee  
Notice of Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to reject a proposal to list the population of *Eucalyptus parramattensis* C. Hall subsp. *parramattensis* in Wyong local government area as an ENDANGERED POPULATION in Part 2 of Schedule 1 of the Act.

Notice of Preliminary Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the population of *Eucalyptus parramattensis* C. Hall subsp. *parramattensis* in Wyong and Lake Macquarie local government areas as an ENDANGERED POPULATION in Part 2 of Schedule 1 of the Act.

Copies of these Determinations, which contain the reasons for the determinations may be obtained free of charge:

On the NPWS web site [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),

By contacting the Scientific Committee Support Unit,  
C/- National Parks and Wildlife Service,  
PO Box 1967, Hurstville 2220.

Tel: (02) 9585 6940 or Fax (02) 9585 6606.

In person at The National Parks Centre, 102 George Street,  
The Rocks, Sydney.

Copies of these determinations may also be obtained from NPWS Area Offices and Visitor Centres, subject to availability.

Any person may make a written submission regarding the Preliminary Determination, which should be forwarded to:

Scientific Committee,  
PO Box 1967,  
HURSTVILLE NSW 2220.

Attention: Suzanne Chate, Executive Officer.

Submissions must be received by 1st August 2003.

Associate Professor PAUL ADAM,  
Chairperson,  
Scientific Committee.

**THREATENED SPECIES CONSERVATION  
ACT 1995**

NSW Scientific Committee  
Notice of Preliminary Determinations  
Proposed Additions to Schedules

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to support proposals to list the following in the relevant Schedules of the Act.

**Endangered Species** (Part 1 of Schedule 1)

*Solanum armourense* A.R. Bean, a shrub

*Solanum celatum* A.R. Bean, a shrub

*Solanum limitare* A.R. Bean, a shrub

**Endangered Population** (Part 2 of Schedule 1)

*Dillwynia tenuifolia* Sieber ex DC., population in  
Baulkham Hills Local Government Area

**Vulnerable Species** (Schedule 2)

*Macronectes halli* Mathews 1912, Northern Giant-petrel

*Oberonia titania* Lindl., an epiphytic orchid

*Pultenaea maritima* de Kok, a prostrate shrub



Notice of Preliminary Determination  
Proposed Amendment to Schedules

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the population of Tadgell's Bluebell *Wahlenbergia multicaulis* Benth., in the local government areas of Auburn, Bankstown, Baulkham Hills, Canterbury, Hornsby, Parramatta and Strathfield as an ENDANGERED POPULATION in Part 2 of Schedule 1 of the Act, and as a consequence, omit reference to the population of Tadgell's Bluebell *Wahlenbergia multicaulis* Benth., in the local government areas of Auburn, Bankstown, Strathfield and Canterbury from Part 2 of Schedule 1 (Endangered population) of the Act.

A copy of these Determinations, which contain the reasons for the determinations, may be obtained free of charge:

On the NPWS web site [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au),

By contacting the Scientific Committee Support Unit,  
C/- National Parks and Wildlife Service,  
PO Box 1967, Hurstville 2220.

Tel: (02) 9585 6940 or Fax (02) 9585 6606.

In person at The National Parks Centre 102 George Street,  
The Rocks, Sydney.

Copies of the determinations may also be obtained from NPWS Area Offices and Visitor Centres, subject to availability.

Any person may make a written submission regarding these Preliminary Determinations, which should be forwarded to:

Scientific Committee,  
PO Box 1967,  
Hurstville NSW 2220.

Attention: Suzanne Chate, Executive Officer.

Submissions must be received by 1st August 2003.

Associate Professor PAUL ADAM,  
Chairperson,  
Scientific Committee.

**TOTALIZATOR ACT 1997**

ORDER – SECTION 17A

I, GRANT ANTHONY McBRIDE, M.P., Minister for Gaming and Racing, in pursuance of section 17A of the Totalizator Act 1997 (Trade Practices Act exemption), by this Order approve of the following arrangements for the purposes of that section:

- The Agreement entitled "Second RDA Amending Agreement" dated 3 April 2003, between TAB Limited, NSW Racing Pty Limited, Greyhound Racing New South Wales, Harness Racing New South Wales and NSW Thoroughbred Racing Board amending the "Racing Distribution Agreement" between those parties (or their predecessor bodies as the case may be), dated 11 December 1997.
- The Deed entitled "Second Amending Agreement to the Racing Inter-Code Deed" dated 3 April 2003, between NSW Racing Pty Limited, NSW Thoroughbred Racing Board, Harness Racing New South Wales and Greyhound Racing New South Wales amending the "Racing Inter-Code Deed" between those parties (or their predecessor bodies as the case may be), dated 27 February 1998.

This Order takes effect from the date of publication in the NSW *Government Gazette*.

GRANT McBRIDE, M.P.,  
Minister for Gaming and Racing

**TRANSPORT ADMINISTRATION ACT 1988**

THE Minister for Transport Services has approved the closure of the following level crossings under section 94 of the Transport Administration Act 1988, as amended:

Dubbo Public, on the Dubbo to Coonamble railway at 467.462, 467.685 and 468.549 kms.

Spring Hill Public, on the main western railway at 309.356 kms.

All rights, easements and privileges in relation to these level crossings are now extinguished.

**HEALTH CARE LIABILITY ACT 2001****Insurance Regulation Order**

Pursuant to sections 21 and 22 of the Health Care Liability Act 2001, I, Morris Iemma MP, Minister for Health, do make the following order with effect on and from 1 July 2003:

**Definitions**

1. In this order:

“Act “ means the Health Care Liability Act 2001

“adverse decision” means a decision to offer or provide professional indemnity insurance to a medical practitioner on terms and conditions that are less favourable to the medical practitioner than those applying to all other, or a majority of, policy holders of the same premium category;

“annual premium” means the total amount of premium which would be paid for a one year period of coverage regardless of whether the entire premium is paid at one time or in instalments, or whether the premium which is actually paid in any particular case is pro rated for a lesser period of coverage;

“approved insurance” means approved professional indemnity insurance as defined in the Act;

“authorised insurer” means a person that has an authority to carry on insurance business under the Commonwealth Insurance Act 1973 and includes a Lloyd’s underwriter;

“category of insurance” means a category of insurance specified under an insurance approval order currently in effect;

“category of specialty” means

(i) general practice, or

(ii) specialist practice in a specific area of medicine;

“Director-General” means the Director-General of the NSW Department of Health established under the Health Administration Act 1982;

“general practice” means the practice of medicine not involving specialist qualifications recognised as such under the Health Insurance Act;

“health care” is as defined in the Act;

“health care claim” means a claim for damages or other compensation, whether by verbal or written demand or the commencement of legal proceedings, against a medical practitioner (or his or her practice company) in respect of an injury (including wrongful birth) or death caused wholly or partly by the fault or alleged fault of the practitioner in providing or failing to provide health care;

“Health Insurance Act “ means the Health Insurance Act 1973 (Commonwealth);

“insurance approval order” is as defined in the Act;

“Insurance Contracts Act” means the Insurance Contracts Act 1984 (Commonwealth);

“medical practitioner” is as defined in the Medical Practice Act 1992;

“non-exempt medical practitioner” means a medical practitioner who is not exempt under the Act or regulations from the requirement to be covered by approved insurance in respect of all their medical practice;

“premium category” means a category of specialty combined with any other form of categorisation utilised by an insurer for the purposes of premium setting for non-exempt medical practitioners

“record of claims history” means a record of the number of health care claims, or incidents that may give rise to health care claims, notified to the insurer, including date of notification of each claim, date and brief description of each relevant incident and the compensation range within which the claim fell, or is estimated to fall, as follows:

(i) < \$50 000

(ii) \$50 000 - <\$100 000

(iii) \$100 000 - < \$250 000

(iv) \$250 000 - <\$500 000

(v) \$500 000 - <\$1 million

(vi) \$1 million +

“relevant notification date” is the date, being either 1 January or 1 July in each year, which the insurer has elected as the date by which it is to comply with any annual notification requirements of an insurance approval order (or in the absence of such requirements a date approved by the Director-General in respect of a particular insurer);

“significant adverse decision” means an adverse decision which:

- (i) requires a practitioner, as a condition of approved insurance, to pay a deductible of an amount which is \$20,000 or more in respect of any claim; or
- (ii) requires a practitioner to pay a premium for approved insurance which is over 50 % higher than the premium charged by the insurer for all other, or a majority of, medical practitioners of the same premium category;

“specialist practice” means the practice of medicine involving specialist qualifications recognised as such under the Health Insurance Act.

### **Part 1 – General Requirements**

#### **1. Compliance with Order**

An insurer that provides approved insurance to non-exempt medical practitioners must comply with the requirements of this order.

#### **2. Conditions as to range and differentiation of insurance**

- (1) An insurer is not to offer or provide approved insurance on terms and conditions:
  - (a) which differ depending upon whether or not patients of a medical practitioner have private health insurance;
  - (b) which differ depending upon whether patients of a medical practitioner are, or will be, liable to pay for medical services provided in the course of practice.
- (2) However these requirements do not prevent an insurer from offering or providing approved insurance at premiums which differ depending upon whether or not medical practitioners are exempt in respect of part or all of their professional practice from the requirement to be covered by approved insurance.
- (3) In respect of any category of insurance offered to new applicants, an insurer must offer approved insurance for all categories of specialty in a manner that complies with sub-clause 2(4).

##### *Market conduct*

- (4) An insurer is not to engage in pricing, underwriting or other commercial conduct which, it can reasonably be inferred, is directed at acquiring and maintaining a market share of non-exempt medical practitioners in which those categories of specialty which involve surgery or obstetrics are under-represented, having regard to:
  - (a) the overall numbers of non-exempt medical practitioners in NSW in each category of specialty; and
  - (b) the insurer’s individual market share of practitioners in each such category.

#### **3. Premium filing**

- (1) An insurer must comply with the following:
  - (a) by the relevant notification date in each year the insurer must notify the Director-General of the annual premium for each premium category as at the relevant notification date;
  - (b) the insurer is to notify the Director-General, in writing, of any variation to premium categories offered, or any annual premiums for relevant premium categories notified, within 28 days of such variation being made, together with details of the variation.

- (c) within 42 days of the relevant notification date, the insurer must notify the Director-General of the number of non-exempt medical practitioners underwritten by the insurer in each premium category as at the relevant notification date.
- (2) An insurer may elect to provide the information notified under sub-clause (1) on a commercial-in-confidence basis.

#### **4. Certificate of approved insurance**

Within one month of receipt of payment for a new policy of approved insurance from a medical practitioner or for a renewal of such insurance, the insurer must provide to the medical practitioner a certificate in true and accurate form specifying the following:

- (a) that the medical practitioner is covered by approved insurance provided by the insurer;
- (b) the period of cover of such insurance; and
- (c) that the certificate is provided in accordance with an insurance regulation order made under the Act.

### **Part 2 - Decisions concerning individual cover**

#### **Division 1**

##### **1. Preliminary**

- (1) For the purposes of this Part: a refusal to provide approved insurance includes:
  - (i) not accepting an offer to enter into a contract for such insurance; or
  - (ii) cancelling a contract for such insurance; or
  - (iii) not renewing such insurance; or
  - (iv) not offering such insurance.

##### *Copy of requirements of this Part to be provided to practitioners*

- (2) An insurer must provide an applicant for approved insurance or an existing policyholder with a copy of the conditions the insurer must comply with under this Part.

##### *Provision of claims history upon request by practitioner*

- (3) An insurer, within ten working days of receiving a written request from a medical practitioner who:
  - (a) is covered by approved insurance by the insurer; or
  - (b) within the immediately preceding six years has been covered by professional indemnity insurance by the insurer,

must provide to the medical practitioner his or her record of claims history for whichever is the lesser of the following periods:

- (i) the most recent six year period of the insurance cover; or
- (ii) the total period that the insurer has provided professional indemnity insurance to the practitioner.

#### **Division 2 – Existing policyholders**

##### **2. Decisions concerning individual cover**

- (1) During the period that an adverse decision applies to an existing policy holder, access to risk management activities, which have the purpose of assisting the policyholder to reduce his or her individual claims risk, are to be offered or facilitated by the insurer.

*Withdrawal of cover*

- (2) An insurer must not refuse to provide approved insurance to an existing policyholder:
  - (a) who has been registered as a medical practitioner for a period of less than three years and who has not previously had his or her name removed from the medical register following disciplinary proceedings; or
  - (b) who has held specialist qualifications recognised under the Health Insurance Act for a period of less than three years and who has not previously had his or her name removed from the medical register following disciplinary proceedings; or
  - (c) in the case of a medical practitioner to whom paragraph (a) or (b) does not apply, unless the medical practitioner has an incident and claims history the insurer considers warrants such a decision.
- (3) Sub-clause (2) does not apply where an insurer refuses to provide approved insurance:
  - (a) for a reason which is of a similar kind to a reason that enables the cancellation of a contract of general insurance, or the avoidance of a claim or policy, in accordance with the relevant provisions of the Insurance Contracts Act; or
  - (b) for a reason which relates to a breach or non-observance by the medical practitioner of the terms and conditions of the relevant insurance policy, or the non-payment of the relevant premium; or
  - (c) because the insurer ceases to engage in the business of providing professional indemnity insurance to non-exempt medical practitioners.
- (4) For the purposes of this clause a decision by an insurer to charge a medical practitioner a premium which is at least twice the premium charged by the insurer to all, or a majority of, medical practitioners of the same premium category is taken to be a decision to refuse to provide approved insurance.

**3. *Proper notice and explanation***

- (1) Subject to clause 4 of this Part, an insurer must not (whether upon renewal or otherwise), because of the incident and claims history of an existing policy holder, make an adverse decision in respect of the approved insurance of the policy holder or a decision to refuse to provide approved insurance to the policy holder, unless the insurer:
  - (a) in the case of any adverse decision, has given the policy holder 28 days' written notice prior to the decision taking effect; or
  - (b) in the case of a decision to refuse to provide professional indemnity insurance, has given the policyholder two months' written notice prior to the decision taking effect together with a copy of the claims history specified at clause 1 (3) of this Part.
- (2) Prior to giving such notice under sub-clause (1) (a) the insurer must:
  - (a) give the relevant medical practitioner a reasonable opportunity to discuss the proposed decision and the reasons for it with the insurer; and
  - (b) take into account any matters raised by the medical practitioner in the course of those discussions.
- (3) If requested by the relevant medical practitioner, the insurer must provide to him or her a written explanation of the reasons for its refusal to provide approved insurance.
- (4) This clause does not apply where an insurer upon renewal of professional indemnity insurance continues to give effect to an adverse decision made prior to the insurance being renewed.
- (5) For the purposes of this clause a decision by an insurer to charge a medical practitioner a premium which is at least twice the premium charged by the insurer to all, or a majority of, medical practitioners of the same premium category is taken to be a decision to refuse to provide approved insurance.

- 4. *Opportunity for consideration by Medical Board at practitioner's election***
- (1) This clause applies to a refusal to provide approved insurance because of the incident and claims history of an existing policyholder.
  - (2) For the purposes of this clause a decision by an insurer to charge a medical practitioner a premium which is at least twice the premium charged by the insurer to all, or a majority of, medical practitioners of the same premium category, is taken to be a decision to refuse to provide approved insurance.
  - (3) If within 28 days of receiving notice of a decision to refuse to provide approved insurance in respect of an existing policyholder, the policyholder:
    - (a) authorises the insurer, in writing, to notify the Medical Board of any matter which forms the basis of the decision and to provide to the Medical Board information and documentation relevant to such matter; and
    - (b) authorises the Medical Board, in writing, to provide to the insurer a copy of its advice to the practitioner as to the outcome of any such notification, if made, and in those cases where the Medical Board refers a matter to an Impaired Registrants Panel or for assessment under Part 5A of the Medical Practice Act 1992, copies of any relevant decisions, reports and recommendations arising from the referral,an insurer is to forward the relevant information to the Medical Board.
  - (4) If an insurer is authorised to forward information to the Medical Board under sub-clause (3), an insurer is not to give effect to the decision to refuse to provide professional indemnity insurance pending whichever of the following occurs first:
    - (a) the expiration of a period of three months from the date of forwarding the relevant information pursuant to sub-clause(3); or
    - (b) receipt and consideration by the insurer of copies of the information referred to under sub-clause (3) (b).
  - (5) If such matters are the subject of a referral to an Impaired Registrants Panel or form the basis of a referral for assessment under Part 5A of the Medical Practice Act 1992, the insurer is to:
    - (a) review its decision (whether or not it has already given effect to that decision) following receipt and consideration by the insurer of any reports and recommendations arising from the referral, and of advice on any action taken by the Medical Board consequent upon those reports and recommendations; and
    - (b) take reasonable steps to advise the relevant practitioner of the outcome of that review.
  - (6) Nothing in this clause prevents an insurer from charging a premium of an amount that does not constitute a refusal to provide approved insurance under sub-clause (2) pending receipt of the Medical Board's advice or the expiration of three months, whichever first occurs, in accordance with sub-clause (3).

### **Division 3 – New applicants**

- 5. *Decisions concerning individual cover***
- (1) In this clause a refusal of an application for approved insurance includes a decision to not accept an offer to enter into a contract for such insurance.  
*Newly qualified practitioners*
  - (2) An insurer must not make a significant adverse decision in respect of an application for approved insurance from a medical practitioner who has not previously held professional indemnity insurance with that insurer:
    - (a) if the applicant has been registered as a medical practitioner for a period of less than three years and has not previously had his or her name removed from the medical register following disciplinary proceedings; or



- (b) if the applicant has held specialist qualifications recognised under the Health Insurance Act for a period of less than three years and has not previously had his or her name removed from the medical register following disciplinary proceedings.

*Refusal of cover*

- (3) Before giving effect to a decision to refuse an application for approved insurance from a medical practitioner an insurer must give the medical practitioner a reasonable opportunity to discuss the proposed decision and the reasons for it with the insurer.
- (4) If requested by a medical practitioner whose application for approved insurance is refused, the relevant insurer must provide him or her with a written explanation of the reasons for its refusal.

### **Part 3 –Premium Moderation for Obstetrics and Neurosurgery**

#### **1. Definitions**

In this Part and Schedule 1:

“maximum premium category” means the premium category attracting the highest level of premium;

“practising full-time” means practising for 35 hours or more per week or, in the case of a general practitioner, having gross billings of \$100,000 or more per annum.

#### **2. Premium relativities for obstetrics and neurosurgery**

- (1) In respect of any category of insurance offered by an insurer, the insurer must provide approved insurance for the categories of medical practitioners referred to in this clause in accordance with the following requirements concerning maximum premium relativities:
  - (a) the annual premium for the maximum premium category of non-exempt medical practitioners with specialist qualifications covered for the practice of obstetrics must not exceed 20 times the annual premium for any premium category applying to non-exempt practising full-time general practitioners who are not covered for the practice of obstetrics, anaesthetics, surgical or elective cosmetic procedures; and
  - (b) the annual premium for the maximum premium category of non-exempt medical practitioners with specialist qualifications covered for the practice of neurosurgery must not exceed 20 times the annual premium charged for any premium category applying to non-exempt practising full-time general practitioners who are not covered for the practice of obstetrics, anaesthetics, surgical or elective cosmetic procedures; and
  - (c) the annual premium for any premium category of non-exempt practising full-time general practitioners who are covered for the practice of obstetrics must not exceed 4 times the annual premium charged for the premium category applying to non-exempt practising full-time general practitioners who are not covered for the practice of obstetrics, anaesthetics, surgical or elective cosmetic procedures.
- (2) Nothing in this clause prevents an adverse decision being made in respect of an individual medical practitioner which, because of the incident and claims history of that practitioner, results in the practitioner paying an annual premium which is higher than the annual premium for that practitioner’s relevant premium category.
- (3) Within 28 days of 1 January 2002, and subsequently by the relevant notification date in each year, an insurer is to notify the Director-General, in writing, of the following:
  - (a) the annual premium for the maximum premium category of non-exempt medical practitioners with specialist qualifications covered for the practice of obstetrics applying as at 1 January in 2002 and subsequently as at the relevant notification date; and
  - (b) the annual premium for the maximum premium category of non-exempt medical practitioners with specialist qualifications covered for the practice of neurosurgery applying as at 1 January in 2002 and subsequently as at the relevant notification date; and

- (c) the annual premium for all premium categories of non-exempt practising full-time general practitioners who are covered for the practice of obstetrics applying as at 1 January in 2002 and subsequently as at the relevant notification date; and
  - (d) the annual premium for all premium categories of non-exempt practising full-time general practitioners who are not covered for the practice of obstetrics, anaesthetics, surgical or elective cosmetic procedures applying as at 1 January in 2002 and subsequently as at the relevant notification date.
- (4) An insurer is to notify the Director-General, in writing, of any variation to any annual premiums for relevant premium categories required to be notified under sub-clause (2) within 28 days of such variation being made, together with details of the variation.
  - (5) An insurer may elect to provide the information notified under sub-clause (3) and (4) on a commercial in-confidence basis.

#### **Part 4 - Claims Handling**

##### **1. Claims Handling Generally**

- (1) In this Part :

“claimant “ means a person who makes a health care claim against a medical practitioner who is covered by approved insurance.
- (2) An insurer is required to comply with the following standards for claims handling and inquiries relating to health care claims, which are not the subject of legal proceedings:
  - (a) the insurer is to prepare all correspondence in plain English;
  - (b) the insurer is to provide a response to the claim within approximately 90 days of its receipt;
  - (c) if the insurer disputes a claim made against an insured medical practitioner, the insurer must provide the claimant with brief written reasons for disputing the claim;
  - (d) if the insurer requests the claimant undertake a medical examination, the insurer must take care to ensure that the medical examination is arranged at a time and place readily accessible to the claimant and to reimburse the claimant’s reasonable travel expenses; and
  - (e) once a claim has been settled, the insurer will pay its contribution to settlement monies within 28 days of settlement, or such other time as may be agreed between the claimant and the insurer, unless the insurer is waiting for receipt of notice of Commonwealth Department of Social Security (however called) payback, Health Insurance Commission payment, or any other demand or notice that has been or will be served on or given to the insurer, or has not yet received payment under relevant re-insurance arrangements.

##### **2. Early Evaluation of Claims**

- (1) An insurer is required to have in place a process that is designed to enable the early evaluation of health care claims, which are not the subject of legal proceedings.
- (2) The insurer must provide details of the process upon request. Claimants, or their representatives, must be advised in the following terms:
  - (a) that, if they wish to have their claim considered for early evaluation, they must clearly state this in all correspondence;
  - (b) that when the claim is ready to proceed for early evaluation, the claimant must provide a brief statement about:
    - (i) the factual circumstances upon which the claim is based;
    - (ii) details of the negligence they claim has occurred;



- (iii) a statement about causation, that is, a statement as to how the loss or damage suffered resulted from the medical negligence;
  - (iv) details of damages, that is, the economic loss that the claimant has suffered as a result of the negligence claimed, including loss of wages and earning capacity, hospital and medical expenses, and non-economic loss, that is, the monetary compensation they are seeking as a result of pain and suffering, loss of amenities and loss of expectation of life; and
  - (v) a statement setting out the amounts of damages sought;
- (c) that claimants must provide medical reports regarding disability and letters supporting any economic loss suffered by the person;
  - (d) that the insurer will not challenge a claim in any court proceedings on the basis that it is outside the limitation period, where the claim is made outside the limitation period only because of the time it took the insurer to determine the person's claim under the insurer's early evaluation scheme;
  - (e) that within 60 days the insurer will investigate the matter and advise the claimant in writing in one of the following terms:
    - (i) the insurer is willing to try to resolve the claim and will begin negotiations with the claimant for this purpose; or
    - (ii) the insurer is not willing to try to resolve the claim and the reasons why;
    - (iii) that the insurer is willing to consider the matter further, if the claimant provides additional information which is set out in the insurer's letter to the claimant.

#### **Part 5 - Data Collection and Reporting**

1. Within 28 days of the end of each six month period ending 30 June and 31 December respectively, an insurer must provide to the NSW Department of Health:
  - (a) the data specified in Schedule 3 of this order in respect of all policies of approved insurance issued or renewed in that period; and
  - (b) the data specified in Schedule 3 of this order in an updated form in respect of each policy referred to in paragraph (a) to the extent that updated data has become available in that period; and
  - (c) the data specified in Schedule 4 of this Order in respect of each claim, or incident which may give rise to a claim, which is covered by approved insurance reported to the insurer in that period to the extent the data is available to the insurer; and
  - (d) the data specified in Schedule 4 of this order in an updated form in respect of each claim referred to in paragraph (c) to the extent that updated data has become available in that period.
2. By 31 March in each year the insurer is to provide to the NSW Department of Health the information relating to the immediately preceding calendar year specified in Schedule 5 of this order.

Signed at Sydney this 9 day June 2003.

MORRIS IEMMA, M.P.,  
Minister for Health

**Schedule 3****Insurance Cover information**

1. Insurer/Indemnity organisation
2. Record number (non-identifying)
3. Period of indemnity cover (specify start and end date)
4. Area of practice
  - (i) general practice - procedural (non-obstetric)/anaesthetics
  - (ii) general practice – cosmetic
  - (iii) general practice – obstetrics
  - (iv) general practice – other
  - (v) specialist paediatrics
  - (vi) specialist physician – cardiology
  - (vii) specialist physician – neurology
  - (viii) specialist physician – non-procedural gastroenterology
  - (ix) specialist physician – haematology
  - (x) specialist physician - other
  - (xi) specialist anaesthetics
  - (xii) specialist surgery - cardiothoracic
  - (xiii) specialist surgery – colorectal
  - (xiv) specialist surgery – endocrinology
  - (xv) specialist surgery – ENT
  - (xvi) specialist surgery – head and neck
  - (xvii) specialist surgery – orthopaedic
  - (xviii) specialist surgery – urology
  - (xix) specialist surgery – vascular
  - (xx) specialist surgery – maxillo-facial
  - (xxi) specialist surgery – paediatrics
  - (xxii) specialist surgery - neurosurgery
  - (xxiii) specialist surgery - plastic surgery
  - (xxiv) specialist surgery - other
  - (xxv) specialist gynaecology
  - (xxvi) specialist obstetrics
  - (xxvii) specialist ophthalmology – non-procedural
  - (xxviii) specialist ophthalmology – procedural/surgery
  - (xxix) radiation oncology
  - (xxx) pathology
  - (xxxi) radiology
  - (xxxii) radiology – ultrasound diagnostics
  - (xxxiii) specialist dermatology
  - (xxxiv) specialist psychiatry
  - (xxxv) intensive care
  - (xxxvi) emergency medicine
  - (xxxvii) medico-legal
  - (xxxviii) other (specify)

5. Non-standard exclusions on scope of practice (please specify)
6. Gross billings from medical practice:
  - (i) < \$100 000
  - (ii) \$100 000 - <\$250 000
  - (iii) \$250 000 - < \$500 000
  - (iv) \$500 000 +
7. Average number of hours per week engaged in medical practice  
(specify)
8. Primary practice context/s (specify one or more contexts where 20 % or more of time is spent)
  - (i) Salaried medical officer (public hospital) – rights of private practice
  - (ii) Public hospital visiting practitioner appointment
  - (iii) Private hospital visiting practitioner appointment
  - (iv) Licensed day procedure centre practice
  - (v) Private clinic/rooms
  - (vi) Community health practice
  - (vii) Other (please specify)
9. Policy status:
  - (i) New
  - (ii) Renewed
  - (iii) Lapsed
10. Date of data submission

**Schedule 4****Claims information**

1. Claim record number (non-identifying)
2. Policy/member record number (non-identifying)
3. Date of notification of claim (including any incident which receives a claims estimate upon notification)
4. Date of incident related to claim
5. Date of civil claim lodgement (*commencement of legal proceedings*)
6. Gender of claimant
7. Age of claimant at date of incident:
  - (i) baby (0 to < 1 year)
  - (ii) child (1 to < 18 years)
  - (iii) adult(18 + years)
8. Compensation cost estimate (*insurer's best estimate until finalisation*)
9. Date of claim finalisation (*date of settlement/verdict*)
10. Compensation cost (*actual total amount when finalised*)
11. Type of claim:
  - (i) common law personal injury
  - (ii) nervous shock
  - (iii) compensation to relatives
  - (iv) Fair Trading/Trade Practices
  - (v) Anti-Discrimination Act claim
12. Type of injury (*could include more than one category*):
  - (i) death
  - (ii) brain/spinal injury (birth)
  - (iii) brain/spinal injury (paediatric)
  - (iv) brain/spinal injury (adult)
  - (v) other personal injury (*please specify*)
13. Practice context at time of incident:
  - (i) public hospital (non-chargeable patient)
  - (ii) public hospital (chargeable patient)
  - (iii) community health
  - (iv) private hospital / licensed day procedure centre
  - (v) private clinic/rooms
14. Area of practice at time of incident:
  - (i) general practice - procedural (non-obstetric)/anaesthetics
  - (ii) general practice – cosmetic
  - (iii) general practice – obstetrics
  - (iv) general practice – other
  - (v) specialist paediatrics
  - (vi) specialist physician – cardiology
  - (vii) specialist physician – neurology
  - (viii) specialist physician – non-procedural gastroenterology
  - (ix) specialist physician – haematology
  - (x) specialist physician - other

- (xi) specialist anaesthetics
- (xii) specialist surgery - cardiothoracic
- (xiii) specialist surgery – colorectal
- (xiv) specialist surgery – endocrinology
- (xv) specialist surgery – ENT
- (xvi) specialist surgery – head and neck
- (xvii) specialist surgery – orthopaedic
- (xviii) specialist surgery – urology
- (xix) specialist surgery – vascular
- (xx) specialist surgery – maxillo-facial
- (xxi) specialist surgery – paediatrics
- (xxii) specialist surgery - neurosurgery
- (xxiii) specialist surgery - plastic surgery
- (xxiv) specialist surgery - other
- (xxv) specialist gynaecology
- (xxvi) specialist obstetrics
- (xxvii) specialist ophthalmology – non-procedural
- (xxviii) specialist ophthalmology – procedural/surgery
- (xxix) radiation oncology
- (xxx) pathology
- (xxxi) radiology
- (xxxii) radiology – ultrasound diagnostics
- (xxxiii) specialist dermatology
- (xxxiv) specialist psychiatry
- (xxxv) intensive care
- (xxxvi) emergency medicine
- (xxxvii) medico-legal
- (xxxviii) other (specify)

15. Clinical incident category alleged in claim (*could include more than one category of alleged incident*):

- (i) *Diagnosis Issues:*
  - (a) Failure
    - foetal abnormality
    - other (non-obstetric)
  - (b) Incorrect
    - foetal abnormality
    - other (non-obstetric)
  - (c) Delayed -foetal abnormality
    - other (non-obstetric)
- (ii) *Failure to provide treatment issues:*
  - (a) Non-attendance issues
  - (b) Delayed attendance issues
  - (c) Patient monitoring issues
  - (d) Delegation issues
  - (e) Patient follow up issues
- (iii) *Consent issues*
  - (a) No valid consent
  - (b) Failure to warn

- (iii) *Procedural/Surgical issues*
  - (a) Procedure issues - wrong procedure
    - wrong body site
    - failure to perform or complete
  - (b) Post-operative complications – elective/ non-elective (*specify*)
    - open/endovasive (*specify*)
  - (c) Failure of procedure issues - sterilisation
    - other
- (iv) *Treatment Issues (non-procedural/non-surgical)*
  - (a) Complications
  - (b) Medication related
  - (c) Blood/blood product related
  - (d) Failure of treatment related
  - (e) Monitoring/resuscitation related
- (v) *Infection control issues*
- (vi) *Anaesthetic issues*
  - (a) Epidural related
  - (b) Medication related
  - (c) Equipment related
  - (d) Monitoring/resuscitation related
  - (e) Patient awareness related
  - (f) Other
- (vii) *Obstetric/neonatal issues*
  - (a) Diagnosis issues - failure - condition of pregnancy
    - condition of labour
    - incorrect - condition of pregnancy
    - condition of labour
    - delayed - condition of pregnancy
    - condition of labour
  - (b) Complications - maternal - delivery
    - post-partum
    - neonatal - delivery
    - post partum
- (viii) *Assisted reproduction issues*
- (ix) *Elective cosmetic surgery/procedure issues*
- (x) *Product liability issues*
- (xi) *Other issues(please specify)*
- 16. Claim status:
  - (i) Current
  - (ii) Finalised
- 17. Claim finalisation:
  - (i) Discontinued
  - (ii) Settled – nil payment
  - (iii) Settled – payment
  - (iv) Court award
  - (v) Verdict in favour of defendant

18. Claim cost components (*for settlements please estimate*):
  - (i) Non-economic loss
  - (ii) Economic loss – care
  - (iii) Economic loss – other
  - (iv) Medical costs
  - (v) Plaintiff legal costs
  - (vi) Defendant external legal costs
19. Other defendant/s: (*specify category*):
  - (i) medical practitioner/s (or medical practitioner's practice company)
  - (ii) public health organisation
  - (iii) private hospital
  - (iv) day procedure centre
  - (v) registered health practitioner (or practice company)
  - (vi) unregistered health practitioner
  - (vii) product manufacturer/distributor
  - (viii) corporation providing medical/medical practice support services (excluding individual practice companies)
  - (ix) other (specify)
20. Contribution amount (*when finalised*)
21. Date of data submission

**Schedule 5****Annual Report by Insurers****1. Risk management activities**

- (a) details of initiatives undertaken to identify problems (specifying which problems have been identified) in relation to particular categories of medical services (identify which particular categories of medical services);
- (b) details of initiatives undertaken to identify problems (specifying which problems have been identified) in relation to individual medical practitioners (specifying the number of individual medical practitioners concerned in relation to each identified problem);
- (c) details of initiatives undertaken to provide strategies to effectively deal with the problems identified pursuant to paragraphs (a) and (b) above;
- (d) in relation to the activities referred to in paragraphs (a), (b) and (c) above:
  - (i) the number of employee and contractor hours involved in risk management activities in the immediately preceding calendar year;
  - (ii) the projected number of employees and contractors involved in risk management activities for the calendar year in which the report is being made;
  - (iii) the qualifications of each person engaged in risk management activities in the immediately preceding calendar year;
  - (iv) the percentage of gross annual premium income spent on risk management activities in the immediately preceding calendar year; and
  - (vi) the percentage of gross annual premium income the insurer has budgeted to spend on risk management activities in the calendar year in which the report is being made.

**2. Adverse incidents**

- (i) Report of any identified adverse incident trends for each category of specialty covered
- (ii) Report of measures undertaken by insurer to address identified adverse incident trends

**3. Claims handling**

- (i) Number of claims handled through early evaluation process
- (ii) Number of claims for compensation received without legal proceedings being lodged
- (iii) Number of claims for compensation resolved without legal proceedings being lodged

**4. Terms and conditions of indemnity cover**

Details of insurer's standard insurance policy terms and conditions and/or conditions of discretionary indemnity cover.



**Health Care Liability Act 2001****Insurance Approval Order**

PURSUANT to section 20 of the Health Care Liability Act 2001, I, Morris Iemma MP, Minister for Health, do make the following order with effect on and from 1 July 2003:

**1. Preliminary***Definitions*

In this Order:

“Act” means the Health Care Liability Act 2001;

“authorised insurer” means a person that has an authority to carry on insurance business under the Commonwealth Insurance Act 1973 and includes a Lloyd’s underwriter;

“Director-General” means the Director-General of the NSW Department of Health established under the Health Administration Act 1982;

“health care” is as defined in the Act;

“health care claim” means a claim for damages or other compensation, whether by verbal or written demand or the commencement of legal proceedings, against a medical practitioner (or his or her practice company) in respect of an injury (including wrongful birth) or death caused wholly or partly by the fault or alleged fault of the practitioner in providing or failing to provide health care;

“incident” is an act or omission;

“insurance approval order” is as defined in the Act;

“insurance business” has the same meaning as that term under the Insurance Act 1973 (Commonwealth);

“insurance regulation order” is as defined in the Act;

“insurer” means an authorised insurer;

“medical practitioner” includes a medical practitioner’s practice company;

“non-exempt medical practitioner” means a medical practitioner who is not exempt under the Act or regulations from the requirement to be covered by approved professional indemnity insurance in respect of all their medical practice;

“notified insurer” means an insurer that has notified the Director-General of the Department of Health in accordance with the requirements of an insurance approval order;

“practice company” is as defined in the Act;

“prescribed minimum level” means \$10 million per claim and in the aggregate;

“professional indemnity insurance” is as defined in the Act;

**2. Approved professional indemnity insurance**

(1) Professional indemnity insurance is approved for the purposes of the Act if:

- (a) it is provided by a notified insurer to a medical practitioner under an individual contract or discretionary arrangement with the medical practitioner; and
- (b) it falls within one of the categories specified at sub-clause (2).

(2) The following categories are specified for the purposes of sub-clause (1) (b):

*Claims made insurance*

- (a) professional indemnity insurance, which complies with clause 3, provided by an authorised insurer on a “claims made” basis to at least the prescribed minimum level, under an insurance contract with the relevant medical practitioner, for health care claims, or incidents that may give rise to health care claims (in respect of any occurrence on or after such date as may be specified in the contract), notified to the insurer during the term of the relevant insurance contract. However the insurance is not required to cover health care claims or incidents that may give rise to health care claims:

- (i) if the practitioner was aware of the claim prior to entering into an insurance contract with the insurer, or was, or should reasonably have been, aware that the relevant incident may give rise to a health care claim and failed to notify the insurer of the incident prior to entering into the insurance contract; or
- (ii) if the claim, or incident that may give rise to a claim, has been notified in writing under a prior professional indemnity insurance contract or professional indemnity discretionary arrangement, or the practitioner is otherwise entitled to make a claim for, or apply for, indemnity under a prior employment arrangement or other prior contractual or discretionary arrangement; or
- (iii) that relate to events or conduct specifically excluded by the insurance contract;

*Occurrence based insurance*

- (b) professional indemnity insurance, which complies with clause 3, provided by an authorised insurer, on an occurrence basis, to at least the prescribed minimum level under an insurance contract with the relevant medical practitioner for health care claims arising from incidents occurring during the period of the insurance contract, other than claims relating to events or conduct specifically excluded by the insurance contract;
- (3) Professional indemnity insurance is approved for the purposes of the Act if it is of a kind and extent specified from time to time in an insurance approval order, which provides cover on an occurrence basis, notwithstanding that the insurer subsequently ceases to provide approved professional indemnity insurance.
  - (4) Professional indemnity insurance is approved for the purposes of the Act if:
    - (a) it provides cover, on an occurrence basis, under a contract or arrangement entered into prior to the commencement of Part 3 of the Act; and
    - (b) upon the commencement of Part 3 of the Act, the relevant insurer provides approved professional indemnity insurance of a kind and extent specified from time to time under an insurance approval order.
  - (5) Professional indemnity insurance is approved for the purposes of the Act if it is run-off cover provided consequent upon the termination or expiry of approved professional indemnity insurance of a kind and extent specified from time to time under an insurance approval order.
  - (6) Nothing in this clause is to be taken to affect the requirement that an insurer comply with any insurance regulation order in effect.

**3. Other requirements**

- (1) The terms and conditions of the professional indemnity insurance must not exclude from its coverage professional practice on the basis that it is conducted in a public hospital or a licensed private hospital.
- (2) The terms and conditions of the professional indemnity insurance must not exclude from its coverage professional practice on the basis that it involves patients who do not have private health insurance.
- (3) The terms and conditions of the professional indemnity insurance must not exclude from its coverage professional practice on the basis of whether patients are, or will be, liable to pay for medical services provided in the course of practice.
- (4) However these requirements do not prevent the terms and conditions of the professional indemnity insurance from excluding from its coverage professional practice whilst exempt from the requirement to be covered by approved professional indemnity insurance in accordance with the Act or regulations.
- (5) The terms and conditions of approved professional indemnity insurance must not impose a deductible of more than \$50,000 in respect of any health care claim indemnified under the insurance.

**4. Notification by insurer**

An insurer must satisfy the following notification requirements to be, or continue to be, a notified insurer for the purposes of this Order:

- (a) the insurer notifies the Director-General in writing by the dates specified in this clause as follows:
  - (i) that the insurer will be providing professional indemnity insurance directly to medical practitioners practising in NSW under individual contracts or discretionary arrangements with those medical practitioners during the period specified in the notification; and
  - (ii) the category or categories of professional indemnity insurance under clause 2 (2) which the insurer will be providing; and
  - (iii) that the insurer understands it is required to comply with any insurance regulation order in effect while providing such professional indemnity insurance.

*Initial notification*

- (b) such notification is initially made by no later than 28 days prior to the date that an insurer proposes to commence offering approved professional indemnity insurance to medical practitioners practising in NSW, unless another date has been approved by the Director-General in any particular case;

*Annual notification*

- (c) Following the initial notification, such notification is made by either 1 July in each year or 1 January in each year in respect of the ensuing 12 month period. The insurer is to elect one of these two annual notification dates at the time of initial notification.

Signed at Sydney this 9 day of June 2003.

MORRIS IEMMA, M.P.,  
Minister for Health

**REPORT**  
**and**  
**DETERMINATION**  
**under**  
**SECTION 14**  
**of the**  
**STATUTORY AND OTHER OFFICES**  
**REMUNERATION ACT, 1975**  
  
**JUDGES, MAGISTRATES AND RELATED GROUP**

11 June 2003

[www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au)

## **JUDGES, MAGISTRATES AND RELATED GROUP**

### **Preamble**

On 12 December 2002 the Tribunal made its annual determination on judicial remuneration. That determination, pursuant to section 13 of the Act took effect on and from 1 October 2002.

The Tribunal intended that the determination would be interim while it undertook a review of matters affecting judicial remuneration.

The Crown Solicitor has advised the Tribunal that it is not able to make an interim annual determination and that the determination of 12 December 2002 had to be regarded as the annual determination as required under the Act. He further advised that an additional determination would require a special reference from the Premier under Section 14 of the Act. Consequently the Tribunal sought and obtained a Special Reference from the Premier. For reasons outlined in the Report the Tribunal considers that this determination will take effect on and from 1 July 2003 thus phasing in the increases.

### **Section 1: Background**

1. The Statutory and Other Offices Remuneration Act 1975 (the Act), as amended, requires the Statutory and other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination of the remuneration to be paid to these office holders on and from 1 October in that year. "Remuneration" is defined as salary or allowances paid in money. Section 13 of the Act provides for the Tribunal to make annual determinations (to take effect on and from 1 October each year); section 14 of the Act provides for the Tribunal to make special determinations at the request of the Minister. Under this section the Tribunal may set the operative date of its determination.
2. The Judges Magistrates and Related Group comprises such officers who are listed in the Schedules of the Act and, in addition are defined as judicial officers (within the meaning of the Judicial Officers Act 1986) or offices which the Government considers should belong to that Group. The offices have been grouped together by the Tribunal for remuneration purposes only.
3. On 27 November 2002 the Commonwealth Remuneration Tribunal (CRT) made its determination on judicial remuneration following an extensive review. That review, which took over 12 months to complete, examined in a most comprehensive manner all aspects of judicial remuneration. The results of that review were that federal judges were to receive increases totalling 17 per cent over the period 1 July 2002 to 30 June 2004, i.e., 24 months, as follows:

7%	payable on 1 July 2002
5%	payable on 1 July 2003
5%	payable on 1 July 2004

4. The CRT further determined that these increases were over and above any general economic adjustments that it determines as part of its normal annual reviews for the years 2003 and 2004. While it foreshadowed these increases the actual determination made by the Tribunal was for an increase of 7 percent effective on and from 1 July 2002. It is assumed that the prospective increases will be determined as part of the Commonwealth Tribunal's annual review process.
5. On 12 December 2002 this Tribunal made what it stated to be an 'interim' annual determination on the remuneration of judges pursuant to section 13 of the Act. The reasons were stated in the Report in the following terms:

*“The Federal Tribunal Report results from a major and extensive review. It has set down guiding principles, it has stated a number of conclusions on important issues such as the market, performance pay, superannuation surcharge, salary sacrifice, pension arrangements. It has also set down key elements to be considered in determining adequate remuneration to ensure the basic independence of the Judiciary. The conclusions of this review will have a significant impact on Judicial remuneration throughout Australia and will require close examination.*

*This Tribunal will examine carefully the Federal Report and particularly the reasons behind the size of the increases and their applicability to New South Wales. It will consult with inter-State Remuneration Tribunals. Therefore submissions will be sought from the New South Wales Judiciary and other affected parties in relation to these matters. Because of Law vacations these submissions will not be required until 25<sup>th</sup> February, 2003.*

*The Federal Tribunal determination has not yet been tabled in the Federal Parliament where it will be subject to disallowance by either House of Parliament. It does not become operative until after the disallowance days have expired and because of the sitting pattern of the Federal Parliament this could be in March 2003 at the earliest.”*

*Because of these factors the Tribunal will not be making its final annual determination on judges' remuneration until it has conducted its review of judicial remuneration in NSW and until the Federal Determination becomes operational. Because of this delay the Tribunal has decided to make an interim determination of 5 per cent effective from 1<sup>st</sup> October 2002.”*

6. On 16 December 2002 the Tribunal wrote to the head of each Jurisdiction seeking comment on the key findings of the CRT's Determination.
7. The Tribunal has consistently since 1991 paid close regard to the decisions of the CRT to ensure that the recruitment and retention of Supreme Court Judges is not inhibited by marked differences between the salaries and conditions of Federal and Supreme Court Judges. A brief history of the events that led to an Agreement across Australia of capping of the salary of Federal and Supreme Court Judges to no more than 85% of the salary of a High Court Judge is set out in Appendix 1.

## Section 2                      Review of Submissions

8.        Submissions were received from each of the Courts, the Industrial Relations Commission and the group of related office holders. The submissions addressed in varying degrees of detail the five issues influencing the CRT's conclusions and provided comment on issues specific to judicial remuneration in NSW. These were;
- ~~€#~~ Retain the 85% nexus.
  - ~~€#~~ Retain the internal relativities
  - ~~€#~~ Timing of future increases should match federal increase timing ie 1 July each year.
  - ~~€#~~ No adjustment should be made to the relativities because of the recent High Court case exempting State judges from the superannuation surcharge.
  - ~~€#~~ Review the car allowance.
9.        The major issues raised in submissions to the Tribunal are outlined hereunder.

### NSW Supreme Court

10.      In arguing for retention of the existing relativity with the Federal Court Judges, the submission from the Supreme Court Judges advised that the work of the NSW Supreme Court and the Federal Court covers many common areas (although the Supreme Court also deals with major crime or criminal appeal matters). It noted the changing role of the Supreme Court and the changes that the Court had introduced to meet these challenges. These changes include the reorganisation of the Court's resources and the introduction of case management techniques including the introduction of specialised Lists. Court Rules and time standards have also been introduced.
11.      The submission also provided details of the increasing complexity and workload of the judges in the various jurisdictions and in particular in the Appeal Court. It highlights the additional responsibilities placed on judges through the introduction of new legislation or amending legislation dealing with sentencing, the abolition of juries in most civil trials and the changes brought about in the area of personal injury matters and civil liability.
12.      The submission also noted:
- ~~€#~~ the changes in community expectations and the Court actions to respond to its community obligations.
  - ~~€#~~ the additional amount provided for a motor vehicle had not altered since 2000.
  - ~~€#~~ the trend for judges to retire before the statutory retirement age and undertake other roles such as mediator arbiter, referee or Royal Commissioner. The opportunity for significantly higher remuneration is the reason for this trend.
  - ~~€#~~ 10 recently retired judges have gone on to undertake full time roles in such areas.

- ⊘ that unless the remuneration is kept at an appropriate level such retirements will continue with the consequence that the pool of experienced judges will diminish.
  - ⊘ the timing of increases should match those of the Federal Judges ie 1 July rather than 1 October. The judges consider that the 3 month gap between 1 July and 1 October unfairly discounts the 85% nexus.
13. The Chief Judge of the Land and Environment Court and the Chief Judge of the Compensation Court supported the Submission of the Judges of the Supreme Court. The Chief Judge of the Compensation Court added that the additional amount should be reviewed because the provision of motor vehicles to Federal Court Judges provides a considerably higher benefit to them.

### **Industrial Relations Commission of NSW (IRC)**

14. The President of the Industrial Relations Commission provided a detailed submission and emphasised:
- ⊘ that to ensure the recruitment and retention of appropriately qualified persons it was important that an appropriate level of remuneration is maintained.
  - ⊘ Historically the Tribunal has maintained the salary relativity between Supreme Court Judges and Federal Court Judges and that it should continue.
  - ⊘ The similarity of issues relevant to Superior Courts and compliance with work value principles.
  - ⊘ Similar considerations apply to the Presidential Members of the IRC in respect to recruitment and retention as apply to the Federal judiciary.
  - ⊘ The recent High Court decision regarding the Superannuation Surcharge should not have a bearing on the Tribunal's determination.
  - ⊘ Support for an early review of the additional amount provided for the motor vehicle.
  - ⊘ The effective date of determinations taking effect should be 1 July to coincide with the Federal Judiciary.

### **District Court**

15. The Chief Judge considers that the Federal Tribunal's key findings related to the changing nature of judicial work and the development of education programmes as well as improvements in productivity and efficiency.

The Chief Judge has emphasised:

- ⊘ the devolution of responsibilities from the Supreme Court to the District Court particularly drug and sex offence cases.
- ⊘ The impact on the workload of the Judges.
- ⊘ The increase in the need to recruit appropriately qualified judges.



- €# There has been more significant change in the nature of judicial work in NSW than in the federal jurisdiction.
- €# The NSW District Court surpasses all other Courts in Australia in terms of productivity and efficiency improvement.
- €# Support for the submission of the Supreme Court Judges and Masters in respect to the maintenance of the salary relativity between Supreme Court Judges and Federal Court Judges.

### **Local Court**

16. The Chief Magistrate considers that the existing relativity between the State Supreme Court Judges and Federal Court Judges should be maintained and not be affected by the size of the increase determined for Federal Judges.

He has emphasised that:

- €# There be no alteration to the internal relativities other than on the basis of an appropriate work value investigation.
- €# There has been no significant change in the jurisdiction of the NSW Courts to warrant a change in existing relativities.
- €# Because of existing relativities, and the level of remuneration payable to Magistrates, the quality of candidates has improved by attracting applications from experienced members of the criminal and civil bar and Crown Prosecutors and Public Defenders.
- €# Maintaining appropriate levels of remuneration for the Magistracy would ensure continued attraction of experienced and qualified members of the Bar to the Local Court which ultimately will enhance the administration and application of justice in NSW.
- €# The changes in jurisdiction, the improvements in the performance of the Court and in particular the increasing number of matters being brought to finality in the Local Court.
- €# Concern that the Tribunal may be contemplating a lower level of increase for State Judges to compensate for the different superannuation surcharge treatment that now exists between State Judges and Federal Court Judges.
- €# The Magistracy is not exempt from the Surcharge either and this should be recognised if a lower increase is being contemplated to accommodate the surcharge disparity.
- €# The Chief Magistrate has noted that the recent High Court decision to exempt State Judges from the super surcharge has the effect of widening the disparity between the remuneration of Judges and the remuneration of Magistrates.

### **Crown Prosecutors**

The submission from the Crown Prosecutors has emphasised:

- €# The closeness of the relationship of Crown Prosecutors to the District Court.

- €# The remuneration should be sufficient to attract quality candidates to the ranks of Crown Prosecutors.
- €# Remuneration should remain at the present level of relativity to ensure continued high quality recruitment.
- €# If the level of any proposed increases is influenced by the recent High Court case in respect of the Superannuation Surcharge then the Tribunal should note that the Crowns have not been exempted from the Surcharge.
- €# The existing relativities between themselves and the Deputy Directors of Public Prosecutions should be retained.

#### **Submissions from Other Office Holders**

17. Submissions from the Deputy Directors of Public Prosecutions, Commissioners, Land and Environment Court, Compensation Court and IRC all support retention of the existing relativities as the reasons for establishing them have not changed.

### **Section 3: Review of Salary Issues**

18. The Tribunal has considered the submissions carefully and concludes that in the main the findings of the CRT apply equally to the State judiciary. The Tribunal notes the increasing efficiencies within the judicial system in NSW and increased productivity that has been brought about by the introduction of newer case management techniques. Also that continuing changes demonstrate the determination of the NSW judiciary and the NSW Magistracy to make the judicial system more efficient and more accessible to the public.

#### **Retention of the Nexus**

19. Notwithstanding the generous level of increase determined by the CRT, this Tribunal will retain the longstanding 85 percent nexus agreement between Governments whereby the remuneration of State Supreme Court Judges and Federal Court Judges should not exceed 85% of the remuneration of a Justice of the High Court.

#### **Retention of Internal Relativities**

20. The Chief Judges of the District Court, the Chief Magistrate and the Commissioners of the various Courts have supported the current internal relativities. The Tribunal has been advised and its own investigations have revealed the District and Local Courts have had their jurisdictions expanded in recent years. These Courts also, have introduced procedures which have improved the efficiency of the respective jurisdictions.
21. The Deputy Directors of Public Prosecutions, the Crown Prosecutors and the Commissioners attached to the Courts have noted that the Tribunal had only recently introduced the new internal relativities for them and that nothing had changed that would warrant a change in the relativities.

22. The Supreme Court does not exercise its jurisdiction in isolation but forms part of the overall administration of justice in this State. The work of the lower courts and court officers contribute significantly to the efficiencies of the justice system. The relativities were established in part to recognise this arrangement. The CRT decision does not alter this view nor has the work of the courts below the Supreme Court changed.
23. On this basis, the internal relativities will be retained both on equity and work value grounds.

#### **Operative Dates for Salary Adjustments**

24. The CRT has stated that future increases will take effect on and from 1 July each year. Determinations had normally taken effect from 1 October each year but the Act allows for the CRT to make annual determinations without reference to a fixed date, provided that they occur at intervals of not more than 12 months apart.
25. The NSW Act was recently amended to provide this Tribunal with greater flexibility on the timing of its Reports, however, the effective date of commencement of the Determinations remains fixed at 1 October each year as it does for Public Office Holders and the Senior Executive Service. The Tribunal considers that there is merit in having the one commencing date in NSW for both the Judicial Officers, Public Office Holders and the Senior Executive Service.
26. The Judges had requested that this determination be made retrospective to 1 October 2002. The Tribunal does not agree with their request but considers that the large increases should be phased in. By way of compensation, for this year only, the percentage increase foreshadowed (but not yet determined) by the CRT from 1 July 2003 will flow to State Judges from that date.
27. Thus from 1 July the \$13,400 p.a. additional sum will be incorporated into salary and a further 1.6% increase will be applied bringing State and Federal Judges to equivalent salaries. The further CRT economic adjustment to apply from 1 July 2003 will be considered when SOORT makes its annual determination from 1 October 2003.

#### **High Court Decision Regarding the Superannuation Surcharge.**

28. Concern has been expressed that the Tribunal may use the recent High Court decision to exempt State Judges from the Superannuation Surcharge as a reason for reducing the quantum of increases determined for NSW office holders. These submissions noted that the exemption applies only to those in the Judges Pension Scheme and not other office holders eg Magistrates, Commissioners, Crown Prosecutors.
29. The Pension scheme for judges is basically uniform across Australia. The scheme is non contributory ie Judges are not required to contribute to the scheme. It is fully funded by Governments. A Judge, upon retirement, is provided with a

pension of up to 60 percent of a serving Judge's salary. In addition this pension is increased annually by the same percentage increase granted to serving Judges.

30. Thus, the 17 percent plus economic adjustments determined by the CRT will be applied to the pension of retired Federal Court Judges and the percentage increases in this determination will be applied to the pensions of retired NSW Judges.
31. The recent High Court decision means that State Judges will no longer be required to pay the superannuation surcharge from their pensions. This decision affects State/Territory judges and is not applicable to Federal Judges.
32. The Tribunal will disregard the High Court decision. This is consistent with its policy of not taking taxation changes into account when making its determinations.

### **Acting Judges**

33. The current rate for Acting Judges was determined having regard to the then practise of appointing Barristers to these positions. This is no longer the case. Appointments are now made from the pool of retired judges who have retired either after 10 years service or some years below the statutory retiring age. These judges of course retain their full pension entitlements while serving as an acting judge.
34. In these circumstances the Tribunal has decided not to increase the current rates and to further examine this issue in its next annual determination.

## **Section 4                      Review of Entitlements**

35. During the review the Tribunal reached certain interim conclusions about the entitlements and particularly about financial assistance towards motor vehicle costs. Consequently it wrote to all parties that made earlier submissions in the following terms:-

*“The Tribunal wishes to acknowledge receipt of your submission of X date concerning Judicial remuneration in New South Wales following on from the decision of the Commonwealth Tribunal in December 2002.*

*The Commonwealth Tribunal's determination granted significant percentage increases to Federal Judges and hence set a new standard for Judicial remuneration.*

*The various submissions received by this Tribunal have contained cogent reasons why those percentage increases should be adopted in New South Wales and this is now under serious consideration. The purpose of this letter is to alert you to a conclusion that the Tribunal has reached in relation to the*

*provision of financial assistance for motor vehicles and to invite any further comment that you wish to make.*

*The current determination for Supreme Court Judges provides that an additional sum of \$13,400 is paid per annum as assistance towards motor vehicle costs. This sum, because it is paid as part of salary, is counted towards Judicial pension benefits. Judges will be aware that neither in the Commonwealth or in other States is financial assistance towards the cost of motor vehicles paid by way of salary and the Tribunal has concluded that this is no longer appropriate as New South Wales moves towards a new salary standard for Judges.*

*The Tribunal is therefore considering that, independent of a fixed salary, financial assistance towards motor vehicle costs may be provided by way of either an allowance and/or reimbursable expenses as provided in the Commonwealth determination.*

*The Tribunal would appreciate receiving any further comment from you or your colleagues in respect of this matter. Such comments should be received no later than 17 April 2003.*

*The Tribunal wishes to repeat its view that the remuneration of New South Wales Judges must be such so there continues to be no impediment in New South Wales to being able to appoint and retain in the future, high quality persons to Judicial positions.”*

36. The Tribunal received submissions from the Supreme Court, Compensation Court, the IRC and the Chief Magistrate. The Chief Judge of the Land and Environment Court expressed her support for the submission of the Judges of the Supreme Court.
37. The submissions from the Judges put forward the following matters:-  
The additional sum had been in place since 1990 and that it counted towards judicial pension.
  - ⌘ The Federal Court pension scheme was more generous to the widow or widower of a retired judge than the New South Wales scheme.
  - ⌘ Removing the additional sum would reduce the benefit available to retired judges and widows or widowers.
  - ⌘ The additional sum is not a true reflection of the actual costs of the benefits; the lower amount was accepted because it counted for pension purposes.
  - ⌘ Removing or amending the additional sum would disadvantage judges and unravel a scheme that had worked well for thirteen years.
  - ⌘ The additional amount is not only for motor vehicle costs but for benefits available for all Federal Court Judges. These benefits are

of considerable monetary benefit and the Judges consider that the principle of equivalence requires that they should be compensated for all such benefits.

38. The President of the Industrial Relations Commission submitted that;
- ⊘ if the allowance were removed from pensionable salary it would result in “...a significant ongoing loss for NSW judges.”
  - ⊘ There be no change in the current arrangements or if there were to be change that the Tribunal consult the judiciary to determine exactly how much the new allowance should be after taking account of all the non financial benefits available to Federal Court Judges.
  - ⊘ The removal of the allowance as part of salary would create an imbalance between NSW and Federal judicial salaries.
  - ⊘ It would be contrary to public interest and could lead to a return to the leap frogging in salaries that plagued judicial salary fixing up to 1990.
39. The Chief Magistrate has advised that a Magistrate’s salary is currently 72% of that of the gross Supreme Court Judge rate. Removing the \$13,400 will impact on the Magistrate’s salary therefore there needs to be some equivalence with the \$13,400 in any final decision.
40. The Tribunal has reviewed the submissions and met with the authors of the submissions. The Tribunal has also had discussions with the Director General of the Attorney General’s Department.
41. Given the nature of this review and in the context of a very significant percentage increase in salary the Tribunal considers it is time to stand back, review this \$13,400 payment afresh and examine the assumptions that led to the determination of the entitlement and whether those assumptions are applicable today.
42. The additional amount was introduced in 1990 to compensate for non financial benefits available to Federal Court Judges but not available to State Supreme Court Judges. The Tribunal has reviewed the historical overview provided by the Judges and has reviewed its own material as well. From its inception there has never been a definitive list of items that the additional amount was intended to cover. The Tribunal has previously given examples of the types of benefits not available to State Judges ie access to a car and driver or provision of a private plated self drive motor vehicle, first class travel for a judges spouse when accompanying the judge on official travel and reimbursement of home telephone costs. Given the amount of material on file listing all the benefits available to judges in the Federal and State Jurisdictions there is little doubt that the Tribunal would have settled on the abovementioned three items as the ones worthy of compensation at that time.
43. Much has changed since 1990. The public sector has undergone enormous transformations in keeping up with these changes. The community has higher



expectations of its public service and expects greater accountability and transparency than has hitherto been the case. Old practices are continually being scrutinised to ensure continued relevance. As the needs and aspirations of society change so Governments respond. New practices and procedures are introduced which reflect the needs and aspirations of the community which they serve. The judiciary is not immune from these requirements.

44. The Tribunal has examined closely all of the benefits or entitlements available to Federal and Supreme Court Judges. The most significant is the provision of a car and the conditions that apply. An allowance for a motor vehicle will be dealt with separately.
45. The other entitlements are not decisions of the Tribunal but by the Attorney General's Department. The Tribunal has no control over the various benefits to Judges.
46. The task for the Tribunal is to determine whether the differences between those applying to Federal and State Judges are such as to continue to merit a compensating allowance being paid to State Judges.
47. The Judges have submitted that there are significant differences particularly in relation to the provision of telephones, faxes and newspapers and have estimated the monetary value of these benefits to be as high as \$4,900pa. There are some benefits received by NSW Judges that do not apply to Federal Judges. For example in NSW Judges are provided with free public transport, an additional two weeks law vacation and \$50 per month stamp allowance.
48. At the most the differences, which have never been specified, are marginal and are outside the control of the Tribunal. Further, there is no uniformity across Federal and State jurisdiction. Each State has benefits specific to its jurisdiction.
49. In these circumstances the Tribunal considers that it is no longer justified or appropriate to pay a compensation sum for any such differences.

**Total Cost of Employment (TCE):**

50. The Commonwealth Tribunal reported that there was merit in adopting a TCE approach to judicial salaries whereby pension and all other entitlements could be amalgamated into a single package. The Judge would have the flexibility to decide the allocation of monies within the package between various entitlements.
51. The CRT decided that the pension arrangements and their application created an impediment to the TCE approach being applied. This Tribunal also would prefer a TCE but agrees with the CRT that it is not practical because of the pension scheme.
52. The Judges' Pension Scheme is not within the authority of this Tribunal. But with Judges being appointed at an early age and with many Judges retiring after the minimum qualifying period of ten years service the Tribunal considers that there would be merit in the Judges' Pension Scheme being reviewed.

53. In any such review consideration could be given to providing an option to new appointees to be paid under a total cost of employment scheme. Judges could remain within the current pension scheme if they so desire. Freedom of choice would prevail.
54. The Tribunal could assess the actuarial value of the pension and incorporate into a total cost of employment.

**Conveyance Arrangements:**

55. The Tribunal agrees that the one entitlement available to Federal Judges which is significantly different to the entitlements of Supreme Court Judges is that relating to transport arrangements.

The Commonwealth scheme entitles a Judge to either:

- €# A Commonwealth Car with driver service for travel to and from work; or
- €# a Commonwealth provided private plated vehicle in accordance with Commonwealth Executive Vehicle Scheme (EVS) guidelines; or
- €# reimbursement of private vehicle running costs incurred by the Judge up to \$8,000 p.a. plus petrol costs.

Under the EVS guidelines a salary sacrifice or annual payment of \$750 is paid by the Judge.

The NSW scheme entitles a Judge to:

- €# Free public transport.
- €# Hire cars and taxis when travelling to suburban courts or on circuit.
- €# \$400 p.a. for the use of hire cars or taxis.
- €# An additional sum of \$13,400 p.a. which is substantially available for the use of a vehicle.
- €# The acquisition of a car under the Judicial Car Scheme by way of salary sacrifice.

56. Unlike the Commonwealth Government the NSW Government no longer provides motor vehicles to senior public officials for whom vehicles are available only on a salary sacrifice basis.
57. The Tribunal acknowledges that the additional sum of \$13,400 to Supreme Court Judges is paid by way of salary and hence counts towards the calculation of pension under the Judges Pension Scheme. This is not the case for Commonwealth Judges or for Judges in any Australian State. Since the compensatory sum in this determination is solely to assist towards transport costs it is no longer appropriate that the compensation be by way of salary but instead by way of an allowance.



58. Further, it is not appropriate that retired judges be compensated in their pension indexation arrangements for transport costs incurred by serving Judges.
59. Presently, less than half the number of Supreme Court Judges take advantage of the salary sacrifice scheme administered by the Attorney-General's Department. The remaining Judges may use the additional sum to make private car arrangements but the choice is their own as to how the additional sum is used.
60. The issue for the Tribunal is how to ensure equity between those Judges who acquire a vehicle under salary sacrifice, those who make private arrangements and for several who do not use a vehicle.
61. Having regard to the provisions abovementioned for transport for Supreme Court Judges the Tribunal has decided that an allowance of \$18,000 p.a. should be available to all Supreme Court Judges.
62. For District Court Judges an allowance of \$15,000 p.a. shall apply. Magistrates and other Office Holders shall be entitled to an allowance of \$13,000 p.a. This allowance will not count for pension or superannuation purposes.

## Section 5:           **Contravention of the Constitution**

63. The Judges from the Supreme Court and the Industrial Relations Commission have raised the issue of possible contravention of the Constitution. At the outset let it be absolutely clear that this determination does not contravene the Constitution or the Act. The Supreme Court submission reminds the Tribunal that:

*“Section 72(iii) of the Commonwealth Constitution provides that Justices of the High Court and of other Courts created by the Parliament shall receive such remuneration as the Parliament may fix, but the remuneration shall not be diminished during their continuance in office.”*

It further states that:

*“...the constitutional principle is recognised in New South Wales in specific legislation. Section 21(1) of the Statutory and Other Offices Remuneration Act 1975 provides that, notwithstanding any other section of the Act, a determination does not operate so as to reduce the rate at which remuneration is payable to the holder of an office specified in Schedule 1.*

*To remove the additional sum from the salary of Judicial officers without making the same amount available to all Judges and Masters by way of allowance regardless of whether or not they acquire motor vehicles, is to act contrary to the fundamental principle that Judicial salaries are not to be reduced and contrary to s 21(1) of the Statutory and Other Offices Remuneration Act 1975.”*

64. The submission from the Industrial Relations Commission of NSW states:  
*“...that a decision by the Tribunal changing the character of the allowance so that it no longer constituted part of salary would be in contravention – if not the letter then certainly the spirit – of s 21 of the Statutory and Other Offices Remuneration Act 1975. That section provides:*
- (1) Notwithstanding any other section of this Act, a determination does not operate so as to reduce the rate at which remuneration is payable to the holder of an office specified in Schedule 1.”*
65. The actual remuneration specified in the determination demonstrates that there will be no reduction in remuneration for Supreme Court Judges.
66. On the contrary, from 1 July a Supreme Court Judge will move from remuneration of \$231,880 + \$13,400 p.a., that is, \$245,280 p.a., to \$249,000 + \$18,000 p.a. allowance.
67. The President of the Industrial Relations Commission asserts that,
- “...If the NSW Tribunal is persuaded, therefore, to follow the Commonwealth Tribunal in terms of salary increases but, nevertheless, changes the character of the allowance so that it is no longer to be regarded as salary for the purpose of calculating pensions, the result would be that New South Wales judges would suffer a significant reduction in their current benefits.”*
68. This assertion is false. From 1 October 2002 the pension increase was 5%. On 1 July 2003 there will be a further increase of 1.6% and on 1 October 2003 there will be a further economic adjustment.

## Section 6            Conclusions

69. The Commonwealth Remuneration Tribunal on 27<sup>th</sup> November 2002 determined an increase of 7% effective on and from 1 July 2002. It foreshadowed a further 5% increase plus an economic adjustment to operate from 1 July 2003. The disallowance period of the Commonwealth has now expired and the determination can be implemented.
70. This Tribunal on 12 December 2002 determined a 5 percent increase from 1 October 2002 in the remuneration of NSW Supreme Court Judges and consequential increases to other office holders in the Judges Magistrates and Related Group.
71. The Tribunal has decided that the 85% nexus with the High Court Judge should be phased in with the percentage increases operative from 1 July 2003 and a further economic adjustment from 1 October 2003. The \$13,400 additional sum will be incorporated into salary proper plus a further increase of 1.6% from 1 July 2003. The 2003 annual determination will be made before 31 August and it is proposed

to pass on an economic adjustment at that time. Thus by 1 October 2003 the full effects of the CRT decisions for 2002 and 2003 will be phased in.

72. The determination has been made operative prior to that of the Federal Judges so as to provide some compensation to NSW Judges for the phasing in. After 2003, the annual determinations will operate from 1 October, the first being 1 October 2004.
73. The remuneration of the Heads of Jurisdiction of the Supreme Court, Court of Appeal and Industrial Relations Commission and all other office holders within this Group shall be proportionally increased to maintain existing relationships, as set out in the attached Determination on and from 1 July 2003.
74. The rates for Acting Judges of the Supreme Court and the District Court shall also be as set out in the attached Determination on and from 1 July 2003.
75. The Tribunal has also decided that there will be no monetary compensation for benefits and/or entitlement differences between Federal and State Judges because on close examination the differences are marginal and some benefits that apply to one group do not apply to the other and vice versa.
76. The one benefit where there is a significant difference is in the assistance towards motor vehicle and conveyance arrangements.
77. This determination will provide for an allowance which will minimise the differences in conveyance arrangements between Federal and State jurisdictions and at the same time make it more transparent.
78. An allowance of \$18,000 p.a. has been determined for the Supreme Court Judges; \$15,000 p.a. for District Court Judges and \$13,000 p.a. for Magistrates and other Office Holders specified in this determination.

**Statutory and Other Offices  
Remuneration Tribunal**

**Gerry Gleeson**

Dated: 11 June 2003

## ANNEXURE A

**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES  
AND RELATED GROUP ON AND FROM 1 JULY 2003**

<b><u>JUDGES</u></b>	<b>Salary \$ per annum</b>
Chief Justice of the Supreme Court	278,630
President of the Court of Appeal	260,900
President of the Industrial Relations Commission	260,900
Judge of the Supreme Court	249,000
Vice-President of the Industrial Relations Commission	249,000
Deputy President of the Industrial Relations Commission	249,000
Judge of the District Court	224,100
Master or acting Master (under the Supreme Court Act 1970)	224,100

## ANNEXURE B

**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES  
AND RELATED GROUP ON AND FROM 1 JULY 2003**

<b><u>MAGISTRATES</u></b>	<b>Salary \$ per annum</b>
Chief Magistrate	224,100
Deputy Chief Magistrate	189,365
Chairperson of Licensing Court	189,365
State Coroner	189,365
Senior Children's Magistrate	189,365
Chief Industrial Magistrate	182,415
Deputy Chairperson, Licensing Court	182,415
Magistrate	179,280
Chairperson Victims Compensation Tribunal (NOTE 1)	179,280
Children's Magistrate	179,280
Licensing Magistrate	179,280
Deputy State Coroner	179,280

**NOTE 1.** When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

## ANNEXURE C

**DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES  
AND RELATED GROUP ON AND FROM 1 JULY 2003**

<b>RELATED GROUP</b>	<b>Salary \$ per annum</b>
Chairperson, Law Reform Commission	249,000
Solicitor-General	249,000
Director of Public Prosecutions	249,000
Crown Advocate	224,100
Deputy Director of Public Prosecutions	224,100
Senior Crown Prosecutor	201,690
Senior Public Defender	201,690
Deputy Senior Crown Prosecutor	181,520
Deputy Senior Public Defender	181,520
Crown Prosecutor	165,835
Public Defender	165,835
Senior Commissioner Land and Environment Court	169,320
Commissioner Land and Environment Court	164,340
Commissioner Compensation Court	169,320
Commissioner Industrial Relations Commission	164,340

**ANNEXURE D****ACTING JUDGES**Supreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court \$1,230 per day

District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court \$1,107 per day

**CONVEYANCE ALLOWANCE**

Full time Office Holders receiving salary equivalent to a Supreme Court Judge or higher shall be entitled to a Conveyance Allowance of \$18,000 pa.

Full time Office Holders receiving salary equivalent to a District Court Judge shall be entitled to a Conveyance Allowance of \$15,000 pa.

Full time Office Holders receiving salary below that of a District Court Judge shall be entitled to a Conveyance Allowance of \$13,000 pa.

The Conveyance Allowance determined here shall not count towards Judges pension or for superannuation purposes.

**ANNEXURE E****DETERMINATION OF THE REMUNERATION OF JUDGES, MAGISTRATES  
AND RELATED GROUP ON AND FROM 1 JULY 2003****Annual Leave Loading**

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-17.12 to 6-17.17 of the Premier's Department Personnel Handbook, to each of the following office holders:

Magistrates Group listed in Annexure B of this Determination  
Office Holders listed in Annexure C of this Determination  
Deputy President of the Industrial Relations Commission (not being a judicial member)

**The Statutory and Other Offices  
Remuneration Tribunal**

Gerry Gleeson  
Dated: 11 June 2003



## APPENDIX 1

## HISTORY OF THE NEXUS

In its review of judicial remuneration in 1976 the Commonwealth Remuneration Tribunal (CRT) articulated its reasons for setting the remuneration of the Judges of the High Court above all other jurisdictions. It stated that:

*“...this [High] Court is the pre eminent Court in Australia, and the only Court set up by the Constitution. It decides questions as to the relative constitutional powers of the Commonwealth and of the other States as between themselves. The High Court is empowered, by the Constitution, to hear appeals from the courts of the States, and such appeals, now final in all matters, range over the whole spectrum of the law, civil and criminal. Decisions made by the Court in the exercise of its jurisdiction bind all state Courts, so that the High Court performs the function of bringing uniformity to the common law throughout Australia and uniformity in statutory construction.*

*We are of the opinion that the salaries and allowances of members of the High Court should have a reasonable margin above those paid to Federal and State puisne judges.”*

The CRT concluded its review by stating the following:

*“...we believe that by any standard it is appropriate that the Chief Justice of the High Court should be remunerated at a rate higher than the holder of any other judicial office in Australia; ...”*

The *Federal Court of Australia Act 1976* established the Federal Court which began exercising its jurisdiction on 1 February 1977. From the time of its establishment until 1990 the remuneration level of remuneration for the NSW Supreme Court Judge was higher than that of a Federal Court Judge.

On 18 November 1988 the CRT made recommendations for significant increases in the remuneration of Federal Judges (>70 percent).

In response to these recommendations, the Federal Minister for Industrial Relations, the Hon Peter Morris MP wrote to the Chairman of the CRT, the Hon Mr Justice Mahoney, on 5 May 1989 in the following terms;

*“While the Government accepts that adjustments to the level of judicial remuneration should be made, it is mindful of the restraint that has been exercised by the rest of the community and is unable to accept the level of increases recommended in the current economic climate. It considers however that an inequity in the remuneration exists between the remuneration of Federal and State Court Judges and that the former should at least be equated with the highest paid Supreme Court Judge*

*Noting that the Tribunal has met its statutory obligation the Government has decided to ask the individual Members of the Tribunal for a special report on judicial remuneration within the context and timing constraints of the current principles of wage fixation. In particular the Government wishes the members to consider as soon as possible, for report in June:*

- (a) *the Government's view that there is an inequity in the remuneration in terms of the inequities clause of the National Wage Case Principles between Federal and State Court Judges noting that the total rate for a Queensland Supreme Court Judge is \$120,150;*
- (b) *adjustments of 3% and \$10 as provided for in the National Wage decision of August 1988;*
- (c) *absorption of expense of office allowance into the salary;*
- (d) *the date of effect of an increases noting that the Tribunal's earlier recommendations were to take effect from 1 March."*

In June 1989 the Members of the Tribunal found that an inequity did exist and having regard to the level of salary received by the Qld Supreme Court Judge recommended increases of approx. 20 percent (inclusive of the previous NWC decisions, ie. 3% + \$10pw.). The Tribunal expressed the view that;

*"...the Government should not accept that the principle on which the remuneration of the Federal Court of Australia or of any Federal court should be fixed is that it should be, or be at least, that of the highest State Supreme Court. Such a principle is wrong and would lead to difficulty."*

In July 1989 the Federal Government approved the above increases.

On 6 August 1990 the Federal Minister for Industrial Relations, the Hon Peter Morris MP requested that the Fed Tribunal convene a meeting of State/Territory Tribunals to discuss the issue of judicial remuneration leap-frogging.

Federal, State and territory, Tribunals met in August 1990 to informally discuss these matters. The meeting resolved that:

Salary of a judge of a Supreme Court should not exceed 85% of the salary of a Justice of the High Court provided that;

⌘ The salary of the Justice of the High Court was at an acceptable level.

⌘ The difference in benefits between state judges and federal judges could be compensated for in fixing the salary rates of judges.

The meeting also noted that the perception of leap-frogging had arisen primarily because of the timing of determinations by the Federal and State Tribunals. To overcome this problem the Tribunals should;

⌘ Confer on an informal basis before making any decisions on judicial remuneration.

⌘ Tribunals should review judicial remuneration around the same time each year (October or November).

A Special Heads of Government meeting was held on 30-31 October 1990 in Brisbane. The Communiqué on this issue stated.

*"Heads of Government also agreed to pursue arrangements for the co-ordination of future increases in judicial remuneration. They emphasised that these arrangements*

*would be aimed at setting maximum remuneration, with the clear understanding that remuneration levels within these maxima could vary significantly between States.”*

A formal meeting of Tribunals took place in Feb 1991. At that meeting the decisions of the earlier meeting were ratified. The first meeting of Tribunals to informally discuss judicial remuneration took place in July 1991.

The Tribunal's 1991 determination had regard to the new arrangements. Since then the Tribunal has maintained the nexus and participated in the annual meetings of the Remuneration Tribunals.

# TENDERS

## Department of Commerce

### SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Commerce, Level 3, McKell Building, 2-24 Rawson Place, Sydney NSW 2000, until 9.30 am on the dates shown below:

#### 18 June 2003

- 0300428** FOOTWEAR AND GLOVES. DOCUMENTS: \$110.00 PER SET
- S03/00064 (6047)** CLEANING CONTRACT BLIGH HOUSE. CATEGORY A. INSPECTION DATE & TIME: 02/06/2003 @ 10:00 AM SHARP. AREA: approx. 10852 SQ. METERS. DOCUMENTS: \$55.00 PER SET
- 036/604** DISPOSAL OF MOTOR VEHICLES IN REGIONAL AREAS & HEAVY VEHICLES. DOCUMENTS: NO CHARGE

#### 25 June 2003

- 034/904** INTRAVENOUS & IRRIGATING SOLUTIONS. DOCUMENTS: \$110.00 PER SET

#### 1 July 2003

- 0300569** PAFA RISK MANAGEMENT CONSULTANT. DOCUMENTS: \$110.00 PER SET

#### 2 July 2003

- 0203043** SUPPLY, INSTALL, MAINTAIN & SERVICE CONDOM VENDING MACHINES. DOCUMENTS: \$110.00 PER SET
- 0300570** AIRCRAFT CHARTER SERVICE FOR THE DEPARTMENT OF JUVENILE JUSTICE. DOCUMENTS: \$110.00 PER SET

#### 9 July 2003

- 0202383** PROVISION OF TOWING SERVICES. DOCUMENTS: \$110.00 PER SET

#### 16 July 2003

- 0301029** HAZMAT SUPPORT VEHICLES. DOCUMENTS: \$110.00 PER SET
- IT03/2951** CONTROLLED TELEPHONE SYSTEM. DOCUMENTS: \$220.00 PER SET
- 035/265** ELECTROMEDICAL ELECTRODES & ACCESSORIES. DOCUMENTS: \$110.00 PER SET

#### 7 August 2003

- IT 03/2961** PROVISION OF A HUMAN RESOURCE INFORMATION SYSTEM (HRIS). DOCUMENTS: \$110.00 PER SET

#### TENDER DOCUMENT FEE

Tender documents for inspection and purchase and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Commerce. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further information is available on the internet (<http://www.dpws.nsw.gov.au/tenders>).

**cmSolutions****TENDERS FOR PRINTING**

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer, Unit 5, Block V, 391 Park Road, Regents Park NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

**Tender closes Monday 30 June 2003****Tender Number: 34310 – Public Sector Tender**

The Public Sector Publication is a booklet ranging from 16pps to 60pps per week for 52 issues per year. It is printed 1 pms colour throughout on 70gsm white offset and the colour must be kept consistent throughout the 52 issues. Each issue's print run will be 8,150 copies with more or less quantities needed on a weekly basis.

Any enquiries please contact Gavin Potter, cmSolutions on 9743 8777 or you can pick up the tender at Unit 5 Block V 391 Park Road Regents Park NSW.

**Tender number 37682**

Tenders are invited for the provision of envelopes for cmSolutions for the period of 12months. The tender covers a large variety of envelopes with a range of quantities. Both plain envelopes and printed envelopes are required. Printed in one and two colours.

The tender is open for 3 weeks. The issue date is 2pm Friday 6 June 2003 and the closing date is 9.30am Monday 30 June 2003.

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# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BLACKTOWN CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Blacktown City Council declares, with the approval of His Excellency the Lieut Governor, that the land described in the Schedule below, excluding mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for drainage purposes. Dated at Blacktown this 13th day of June 2003. IAN REYNOLDS, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

SCHEDULE

Lot 51 DP 1045578. [0433]

### CARRATHOOL SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Carrathool Shire Council declares, with the approval of Her Excellency the Governor, that the lands described in schedule below, excluding mines and minerals in the lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of industrial subdivision.

Dated at Goolgowi this 10th day of June 2003.

General Manager, Carrathool Shire Council.

Schedule

Lots 25 to 27, 29 to 33, 35 to 40 in DP 755143, Lot 1 DP 1043800. [0452]

### COONABARABRAN SHIRE COUNCIL

Local Government Act 1993, Section 553(b)

Extension of sewer main

NOTICE is given pursuant to Section 553(b) of the Local Government Act 1993, as amended, that the sewer mains have been extended and the land served is described in the accompanying Schedule. Land which is not connected thereto shall become rateable to the Coonabarabran Sewerage Rate after sixty (60) days from the date of this notice. Land connected before the expiration of the sixty days shall be rateable to the Coonabarabran Sewerage Rate from the date of the connection. RJ GERAGHTY, General Manager, PO Box 191, Coonabarabran, NSW 2357.

Schedule

Lot 12 DP 1001256  
 Lot 14 DP 261203  
 Lot 13 DP 261203  
 Lot 12 DP 261203  
 Lot 11 DP 261203  
 Lot 10 DP 261203  
 Lot 9 DP 261203  
 Lot 8 DP 261203  
 Lot 7 DP 261203  
 Lot 6 DP 261203  
 Lot 5 DP 261203  
 Lot 4 DP 261203  
 Lot 3 DP 261203  
 Lot 2 DP 261203  
 Lot 11 DP 1001256

[0454]

### EVANS SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Evans Shire Council, in pursuance of section 10 of the Roads Act 1993, dedicates the land described in the Schedule below as public road. G.TAYLOR, General Manager, Evans Shire Council, 7 Lee Street, Kelso, N.S.W. 2795.

Schedule

Lots 1, 2, 3, 4 and 5 DP 865661. [0453]

### OBERON COUNCIL

Naming of Roads in the Oberon Council Area under the Roads Act, 1993

NOTICE is hereby given that Council, in pursuance of Section 162 of the Roads Act, 1993, resolved to name the following laneways in the town of Oberon, in the schedule hereunder:

New Road	Description
Whittakers Lane	Runs from Fleming Street to Earl Street between Queen Street and Curtis Street.
McArthurs Lane	Runs from Earl Street to Parkes Street between Oberon Street and Dart Street.
Walker Lane	Runs from Oberon Street to Queen Street between Ross Street and Raleigh Street.
Howards Lane	Runs from Walker Lane to Dudley Street between Queen Street and Oberon Street.
Ramsgate Lane	Runs from North Street to Ross Street between Queen Street and Oberon Street.



Lee Lane	Runs from Oberon Street to Queen Street between Dudley Street and Earl Street.
Water Plant Lane	Runs off Links Close.
Hills Lane	Runs from Cook Street to Dudley Street between Bligh Street and Albert Street.
Artery Lane	Runs off North Street between Dillon Street and King Street.
Cantwell Lane	Runs from Edith Road to Albert Street between Jenolan Street and Cook Street.
Campbells Lane	Runs from Albert Street to Bligh Street between Ross Street and Jenolan Street.
Davidson Lane	Runs from Ross Street to Hume Street.
Hollis Lane	Runs from Earl Street to Parkes Street between Tasman Street and Dart Street.
Toohills Lane	Runs from North Street to Ross Street between Dart Street and Cunynghame Street West.

Authorised by resolution of Council at its meeting on 11 February 2003. BRUCE FITZPATRICK, General Manager, Council Chambers, OBERON 2787. [0438]

#### SHELLHARBOUR CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

UNDER Section 162 of the Roads Act 1993, Shellharbour City Council has named the following road:

The southern section of road (formerly known as Terry Street Albion Park) between Ashburton Drive and the Local Government Boundary.

Location	Name
Albion Park	Jamberoo Road

Authorised by resolution of the Council on 18th March, 2003. [0437]

#### GREATER TAREE CITY COUNCIL

Roads Act 1993

Naming Of A Public Road – Emmo Lane

NOTICE is hereby given that Greater Taree City Council, in pursuance of Division 2 of the Roads (General) Regulation 2000, has named the roads as described below.

Road Description	Road Name
Cooperbrook – Road on the northern side of Lansdowne Road between High Street and Cooperbrook Station Road.	Emmo Lane

PHIL PINYON, General Manager, Greater Taree City Council, PO Box 482, Taree NSW 2430. [0439]

#### ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BRIAN MICHAEL SCHMITZER, late of Neutral Bay, in the State of New South Wales, retired managing director, who died on 13th August 2002, must send particulars of his/her claim to the executor, Michael Gregory Blaxell, c.o. Blaxell Solicitors, 444 Glenmore Road, Edgecliff, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 19th May 2003. BLAXELL SOLICITORS, 444 Glenmore Road, Edgecliff, NSW 2027, tel.: (02) 9328 9388. [0442]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOYCE RUBY OVENS, late of the State of New South Wales, who died on 2nd November 2002, must send particulars of his/her claim to the executor and executrix, Stephen Robert Smith and Coral June Smith, c.o. McKerns, 43 Isabella Street, Wingham, within one (1) calendar month from publication of this notice. After that time the executor and executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 6th June 2003. McKERNS, Lawyers, 43 Isabella Street, Wingham, NSW 2429 (DX 7021, Taree), tel.: (02) 6557 0922. [0441]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ESMA ELFREDA LYNETTE BARTLETT, late of Wingham, in the State of New South Wales, who died on 28th February 2003, must send particulars of his/her claim to the executor and executrix, John Peter Allan and Diane Ivy McKern, c.o. McKerns, 43 Isabella Street, Wingham, within one (1) calendar month from publication of this notice. After that time the executor and executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 3rd June 2003. McKERNS, Lawyers, 43 Isabella Street, Wingham, NSW 2429 (DX 7021, Taree), tel.: (02) 6557 0922. [0440]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of IRENE LAVINIA EDITH ASHBROOKE, late of East Gosford, medical clerk, in the State of New South Wales, who died on 29th January 2003, must send particulars of his/her claim to the executors, Vickii Lavinia McManus and Erica Irene Fraser, c.o. John G. Burton & Associates, Solicitors, 16 Adelaide Street, East Gosford, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 10th April 2003. JOHN G. BURTON & ASSOCIATES, Solicitors, 16 Adelaide Street, East Gosford, NSW 2250 (DX 7263, Gosford), tel.: (02) 4323 4899. [0451]

**COMPANY NOTICES**

NOTICE of winding up.—BOMART (NO 1) PTY LTD A.C.N. 084 172 154.—On 13th June 2003 a members' resolution was passed that the company be wound up voluntarily and that Mr Paul de Maria be appointed Liquidator. P. R. DE MARIA, Hales Redden, 24 Bay Street, Rockdale, NSW 2216. [0449]

NOTICE of winding up.—NEPUSE PTY LTD A.C.N. 002 421 767.—On 13th June 2003 a members' resolution was passed that the company be wound up voluntarily and that Mr Paul de Maria be appointed Liquidator. P. R. DE MARIA, Hales Redden, 24 Bay Street, Rockdale, NSW 2216. [0448]

NOTICE of winding up.—PIES PLUS PTY LTD A.C.N. 002 019 089.—On 13th June 2003 a members' resolution was passed that the company be wound up voluntarily and that Mr Paul de Maria be appointed Liquidator. P. R. DE MARIA, Hales Redden, 24 Bay Street, Rockdale, NSW 2216. [0447]

NOTICE of winding up.—AUSFURS PTY LTD A.C.N. 000 714 241.—On 13th June 2003 a members' resolution was passed that the company be wound up voluntarily and that Mr James Heesh be appointed Liquidator. JAMES A. HEESH, Hales Redden, 24 Bay Street, Rockdale, NSW 2216. [0446]

NOTICE of winding up.—MENZIES AMUSEMENTS PTY LTD A.C.N. 084 772 109.—On 13th June 2003 a members' resolution was passed that the company be wound up voluntarily and that Mr Paul de Maria be appointed Liquidator. P. R. DE MARIA, Hales Redden, 24 Bay Street, Rockdale, NSW 2216. [0445]

NOTICE of winding up.—BOMARCON PTY LTD A.C.N. 088 205 305.—On 13th June 2003 a members' resolution was passed that the company be wound up voluntarily and that Mr Paul de Maria be appointed Liquidator. P. R. DE MARIA, Hales Redden, 24 Bay Street, Rockdale, NSW 2216. [0444]

NOTICE of general meeting of members.—DISKISLE PTY LTD (In Liquidation) A.C.N. 064 403 032.—Notice is hereby given in pursuance of sub-section 509 (3) and (4) of the Corporations Law that a General Meeting of the Members of the abovenamed company will be held on 10th July 2003, 10.00 a.m. at the office of Crosbie Warren Sinclair, 1 Warabrook Boulevard, Warabrook NSW 2304 for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and hearing any explanation that may be given by the Liquidator. Dated this 12th day of June 2003. RICHARD JAMES SOUTH, Liquidator, Crosbie Warren Sinclair, Accountants, Box 29, Hunter Region Mail Centre, NSW 2310. Tel.: 02 4923 4000. [0442]

NOTICE of members' voluntary liquidation.—DUMARESQ INVESTMENTS PTY LIMITED A.C.N. 000 464 460.—Notice is hereby given that at an extraordinary general meeting of the abovenamed company, held on 7th June 2003 the following special resolution was duly passed: "that the company be wound up voluntarily". On the same day pursuant to section 495 (1), Mr Michael Jame Muldoon of Messrs Roberts & Morrow, Chartered Accountants, 137 Beardy Street, Armidale, was appointed Liquidator. Dated this 7th day of June 2003. Mr MICHAEL JAMES MULDOON, Liquidator. [0450]