



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 12
Friday, 16 January 2004

Published under authority by the Government Printing Service

LEGISLATION

Proclamations

Proclamation

under the

Crimes Legislation Further Amendment Act 2003 No 85

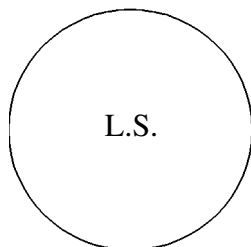
MARIE BASHIR, Governor

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 *Crimes Legislation Further Amendment Act 2003*, do, by this my Proclamation, appoint:

- (a) 14 February 2004 as the day on which the provisions of that Act (other than the provisions referred to in paragraphs (b) and (c)) commence, and
- (b) the date of commencement of section 73 of the *Law Enforcement (Powers and Responsibilities) Act 2002* as the day on which the provisions of Schedule 6 [1]–[4] commence, and
- (c) the date of commencement of section 201 of the *Law Enforcement (Powers and Responsibilities) Act 2002* as the day on which the provisions of Schedule 6 [5] and [6] commence.

Signed and sealed at Sydney, this 14th day of January 2004.

By Her Excellency's Command,



BOB DEBUS, M.P.
Attorney General

GOD SAVE THE QUEEN!



Proclamation

under the

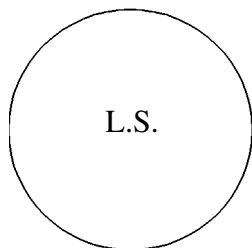
Health Legislation Amendment Act 2003 No 52

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 *Health Legislation Amendment Act 2003*, do, by this my Proclamation, appoint 1 February 2004 as the day on which that Act commences.

Signed and sealed at Sydney, this 14th day of January 2004.

By Her Excellency's Command,



MORRIS IEMMA, M.P.
Minister for Health

GOD SAVE THE QUEEN!

Regulations



New South Wales

Public Authorities (Financial Arrangements) Amendment (Education and Training) Regulation 2003

under the

Public Authorities (Financial Arrangements) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Authorities (Financial Arrangements) Act 1987*.

MICHAEL EGAN, M.L.C.

Treasurer

Explanatory note

The object of this Regulation is to amend the *Public Authorities (Financial Arrangements) Regulation 2000* to reactivate a provision prescribing the Department of Education and Training and the TAFE Commission as not being within the definition of **authority** in section 3 (1) of the *Public Authorities (Financial Arrangements) Act 1987* for the purposes of Part 2D of that Act. The reactivated provision will cease to have effect on 31 October 2004.

This Regulation is made under the *Public Authorities (Financial Arrangements) Act 1987*, including the definition of **authority** in section 3 (1) and section 43 (the general regulation-making power).

Clause 1 Public Authorities (Financial Arrangements) Amendment (Education and Training) Regulation 2003

Public Authorities (Financial Arrangements) Amendment (Education and Training) Regulation 2003

under the

Public Authorities (Financial Arrangements) Act 1987

1 Name of Regulation

This Regulation is the *Public Authorities (Financial Arrangements) Amendment (Education and Training) Regulation 2003*.

2 Amendment of Public Authorities (Financial Arrangements) Regulation 2000

The *Public Authorities (Financial Arrangements) Regulation 2000* is amended as set out in Schedule 1.

Public Authorities (Financial Arrangements) Amendment (Education and Training) Regulation 2003

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 57A Entities excluded from definition of “authority”

Omit clause 57A (2). Insert instead:

- (2) The Department of Education and Training and the TAFE Commission are prescribed as not being within the definition of *authority* in section 3 (1) of the Act for the purposes of Part 2D of the Act. This subclause ceases to have effect on 31 October 2004.

Rules

COALSUPER RETIREMENT INCOME FUND TRUST DEED

Determination under Rule 3.9.13

WHEREAS this Rule provides that where there is a variation in the amount of the Reference Rate the Trustees shall by a determination published by the Gazette as soon as practical after the variation to amend Appendix 3A of the Trust Deed in the manner provided by this Rule; and whereas there has been a variation in the Reference Rate the Trustee has amended Appendix 3A of the Trust Deed as follows:

- (a) by omitting the amount of “\$36.15 and \$15.645” in Column 5 of Item 1 and by inserting the amount of “\$36.15 and \$16.99”;
- (b) by omitting the amount of “\$49.70 and \$17.30” in Column 5 of Item 2 and by inserting the amount of “\$49.70 and \$19.04”;
- (c) by omitting the amount of “\$21.10 and \$30.695” in Column 5 of Item 3 and by inserting the amount of “\$21.10 and \$32.04”;

The amendments made of Appendix 3A by this Determination take effect on and from 1 January 2004.

Dated: 2 January 2004

R. M. TAYLOR,
General Manager

NSW Fisheries

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Clause 37 (3) – Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 Aquaculture Lease:

AL02/018 within the estuary of the Shoalhaven River, having an area of 1.0645 hectares to Philip John CRANSTON of Culburra Beach, NSW, for a term of 15 years expiring on 1 December 2018.

AL02/020 within the estuary of the Crookhaven River, having an area of 0.1950 hectares to Garry WALL, Raymond PRENDERGAST, Phillip CRANSTON and Christopher LONESBOROUGH of Orient Point, NSW, for a term of 15 years expiring on 1 December 2018.

AL02/001 within the estuary of the Clyde River, having an area of 0.5699 hectares to Maria PASCHALIDIS and Isidoris PASCHALIDIS of Batemans Bay, NSW, for a term of 15 years expiring on 1 December 2018.

AL02/002 within the estuary of the Clyde River, having an area of 1.4090 hectares to Dennis KELLY of Batehaven, NSW, for a term of 15 years expiring on 1 December 2018.

AL02/014 within the estuary of the Nambucca River, having an area of 1.6480 hectares to Anthony Mark DONOHOE and RAYMOND B FRANKLIN PTY LTD of Woolgoolga, NSW, for a term of 15 years expiring on 30 July 2018.

STEVE DUNN,
Director-General,
NSW Fisheries.

FISHERIES MANAGEMENT ACT 1994

FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2002

Clause 39 (4) – Notice of Aquaculture Lease Renewal

THE Minister has renewed the following Class 1 Aquaculture Leases:

OL88/014 within the estuary of the Clyde River, having an area of 0.8851 hectares to Terry LUCAS and Joanne LUCAS of Batemans Bay, NSW, for a term of 15 years expiring on 8 September 2018.

OL84/004 within the estuary of Botany Bay, having an area of 0.2196 hectares to Robert James DRAKE of Oatley, NSW, for a term of 15 years expiring on 12 March 2019.

OL88/013 within the estuary of the Clyde River, having an area of 2.2417 hectares to SUTERS ENTERPRISES PTY LTD of Batemans Bay, NSW, for a term of 15 years expiring on 8 September 2018.

OL88/016 within the estuary of the Clyde River, have an area of 1.8955 hectares to SUTERS ENTERPRISES PTY LTD of Batemans Bay, NSW, for a term of 15 years expiring on 8 September 2018.

OL87/204 and OL87/205 within the estuary of the Conjola River, having an area of 0.3574 hectares and 0.6705 hectares respectively to B A AND C A HARRINGTON PTY LTD of Ulladulla, NSW, for a term of 15 years both leases expiring on 20 July 2018.

OL59/246 within the estuary of the Pambula River, having an area of 1.1382 hectares to Raymond John TYNAN and Christine Sylvia TYNAN of Eden, NSW, for a term of 15 years expiring on 11 August 2019.

STEVE DUNN,
Director-General,
NSW Fisheries.

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

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*. (W02/00068/PC)

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

Clause 1 City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *City of Wollongong Local Environmental Plan 1990 (Amendment No 221)*.

2 Aims of plan

The aims of this plan are:

- (a) to establish provisions relating to master plans, in particular for the Wollongong Innovation Campus, and
- (b) to establish a new land use zone, Zone No 3 (e) (the Research and Development Business Zone) under *City of Wollongong Local Environmental Plan 1990*, and
- (c) to permit the establishment of the “Wollongong Innovation Campus”, which comprises a research and development campus, hotel, student and campus-related residential accommodation and necessary support services and facilities on the land, and
- (d) to promote and foster the establishment of collaborative research and development between users of land within the Wollongong Innovation Campus and the University of Wollongong and other enterprises in the Illawarra region, and
- (e) to encourage development of the Wollongong Innovation Campus to proceed in an orderly manner consistent with a master plan for the site, and
- (f) to ensure that the development of the site concerned is undertaken in a manner that demonstrates design of a high quality with respect to the context of the site, scale, built form and density of the development, resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics, and

City of Wollongong Local Environmental Plan 1990 (Amendment No 221) Clause 3

- (g) to identify, protect and enhance the riparian environment of Fairy Creek and Cabbage Tree Creek, which have special ecological, aesthetic and conservational values, and
- (h) to ensure that activities adjacent to or on the Fairy Creek and Cabbage Tree Creek floodplain will not increase the risk to occupants of the floodplain, or emergency personnel assisting with the evacuation of those occupants, during a flood event.

3 Land to which plan applies

- (1) This plan applies to land situated in the City of Wollongong, which is described as:
 - (a) Wollongong Innovation Campus (owned by the University of Wollongong), being Lot 304 DP 746634, and
 - (b) the Science Centre (owned by the University of Wollongong), being Lot 1 DP 633347, and
 - (c) Campus East site (owned by the University of Wollongong), being Lot 1 DP 719865, and
 - (d) the reserves adjacent to the site bounded by Cabbage Tree Creek and Para Creeks (owned by the Crown and Wollongong City Council), being Lot 2 DP 229815, Lot 203 DP 560343 and part of Lot 303 DP 746634.
- (2) The land to which this plan applies is shown edged heavy black on the map marked “City of Wollongong Local Environmental Plan 1990 (Amendment No 221)” deposited in the office of the Council of the City of Wollongong.

4 Relationship to other environmental planning instruments

- (1) This plan amends *City of Wollongong Local Environmental Plan 1990* in the manner set out in Schedule 1.
- (2) This plan excepts land within Zone No 3 (e) under that plan from *State Environmental Planning Policy No 11—Traffic Generating Developments*, if a master plan approved by the Roads and Traffic Authority applies to the land.

City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Definitions

Insert in appropriate order in the definition of *the map* in clause 6 (1):

City of Wollongong Local Environmental Plan 1990
(Amendment No 221)

[2] Clause 8 Zones indicated on the map

Insert in appropriate order:

Zone No 3 (e) (Research and Development Business Zone)—
lettered “3 (e)”

[3] Clause 9 Zone objectives and development control table

Insert in appropriate order in the Table to the clause:

Zone No 3 (e) (Research and Development Business Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to permit the establishment of the “Wollongong Innovation Campus”, which comprises a research and development campus, hotel, student and campus-related residential accommodation and necessary support services and facilities on the land, and
- (b) to provide a purpose-built area where enterprises that carry out research and development as an integral part of their operations can be located, and
- (c) to promote and foster the establishment of collaborative research and development between users of land within the Wollongong Innovation Campus and the University of Wollongong and other enterprises in the Illawarra region, and
- (d) to facilitate practical links between the University of Wollongong’s research activities and initiatives of the business community, and
- (e) to encourage development of land in the zone to proceed in an orderly manner consistent with a master plan adopted by the Director-General for the site, and

City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

Amendments

Schedule 1

-
- (f) to ensure that the development of land in the zone is undertaken in a manner that demonstrates design of a high quality with respect to the context of the site, scale, built form and density of the development, resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics, and
 - (g) to ensure that development in the zone is in harmony with the landscape quality of the coastal and foreshore setting, and
 - (h) to permit the provision of University-related facilities, including student and campus-related residential accommodation and support services, incidental or ancillary to research and development activities on the land.

2 Without development consent

Exempt development.

3 Only with development consent

Advertisements; boarding-houses; business signs; commercial premises; commercial signs; community facilities; dwellings; educational establishments; health consulting rooms; helicopter landing sites; hospitals; leisure areas; licensed premises; light industries; motels; places of worship; public utility undertakings; real estate signs; recreation areas; recreation facilities; registered clubs; residential flats; restaurants; serviced apartments; shops; utility installations; warehouses.

4 Only with development consent granted after advertising and satisfying clause 11

Nil.

5 Prohibited

Any purpose other than a purpose included in item 2, 3 or 4.

[4] Clauses 12A and 12B

Omit clause 12A. Insert instead:

12A Building heights

- (1) A person must not, on land described in Column 1 of Schedule 2A, erect a building with a height that exceeds the height specified opposite the land in Column 2 of that Schedule. For the purpose of this subclause, *height* means the distance between the ceiling level of the uppermost floor, measured at the outside wall, and the natural ground level or finished ground level, whichever is the lower.

City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

Schedule 1 Amendments

- (2) A person must not, on land described in Column 1 of Schedule 2B, erect a building with a height that exceeds the height specified opposite the land in Column 2 of that Schedule. For the purposes of this subclause, *height* means the height of the highest point of the building or that part of the building specified in Column 2 of that Schedule as measured by a Relative Level in metres to Australian Height Datum.

12B Gross floor area

A person must not, on land described in Column 1 of Schedule 2C, erect a building with a gross floor area that exceeds the gross floor area specified opposite the land in Column 2 of that Schedule.

[5] Clauses 38 and 38A

Insert after clause 37D:

38 Development of land within Zone No 3 (e)

- (1) This clause applies to land described in Schedule 5A.
- (2) Consent must not be granted for development of any land to which this clause applies unless the consent authority has had regard to a master plan for all of the land to which this clause applies that has been approved by the Director-General.
- (3) Subdivision of land to which this plan applies is prohibited unless the consent authority is satisfied that the subdivision is for the purpose only of defining the boundaries of lots that are to be the subject of leases.
- (4) *State Environmental Planning Policy No 11—Traffic Generating Developments* does not apply to so much (if any) of the land to which this plan applies as is subject to a master plan approved by the Roads and Traffic Authority.

38A Master plan for land within Zone No 3 (e)

- (1) This clause applies to the land described in Schedule 5A.
- (2) In this clause, *master plan* means a document that describes itself as a master plan and consists of written information, maps and diagrams that comprise a scheme for the future development of the land to which it applies.

City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

Amendments

Schedule 1

-
- (3) A draft master plan or amendment to a master plan for any land may be prepared by, or on behalf of, the owner or lessee of the land or by the Council.
 - (4) After the preparation of a draft master plan or amendment to a master plan, the Council must cause the master plan:
 - (a) to be advertised in a newspaper circulating in the locality of the land to which this clause applies, and
 - (b) to be publicly exhibited for not less than 28 days for comment.
 - (5) After being advertised and publicly exhibited, the draft master plan or amendment to the master plan is to be forwarded to the Director-General by the Council, together with any written comments on it received by the Council during the exhibition period.
 - (6) The Director-General may adopt the master plan or amendment to the master plan without alteration or with such alteration as the Director-General considers appropriate.
 - (7) In considering whether or not to approve a draft master plan or amendment to a master plan, the Director-General must take into account:
 - (a) any written submissions made about the draft master plan or amendment to the master plan during the exhibition period, and
 - (b) any other matters the Director-General considers relevant to development of the land to which this clause applies.
 - (8) When a master plan or amendment to a master plan is adopted, the Council must advertise the adoption of the master plan in a newspaper circulating in the locality of the land to which this clause applies.
 - (9) A master plan may be replaced by a subsequent master plan.
 - (10) An amendment to a master plan may be dealt with concurrently with a development application.
 - (11) A master plan and supporting background studies are to be reviewed as specified in the master plan.

City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

Schedule 1 Amendments

[6] Schedules 2B and 2C

Insert after Schedule 2A:

Schedule 2B

(Clause 12A)

Column 1	Column 2
Land generally included within the Wollongong Innovation Campus (being Lot 304 DP 746634), the Science Centre (being Lot 1 DP 633347) and the Campus East site (being Lot 1 DP 719865), as shown edged heavy black on the map marked “City of Wollongong Local Environmental Plan 1990 (Amendment No 221)”.	In the case of: (a) residential development—RL 21.30 metres AHD (to ridge of roof), or (b) hotel—RL 29.7 metres AHD (to parapet), or (c) all other buildings—RL 24.3 metres AHD (to parapet).

Schedule 2C Gross floor area

(Clause 12B)

Column 1	Column 2
Land generally included within the Wollongong Innovation Campus (being Lot 304 DP 746634), the Science Centre (being Lot 1 DP 633347) and the Campus East site (being Lot 1 DP 719865), as shown edged heavy black on the map marked “City of Wollongong Local Environmental Plan 1990 (Amendment No 221)”.	135,000 square metres

City of Wollongong Local Environmental Plan 1990 (Amendment No 221)

Amendments

Schedule 1

[7] Schedule 5A

Insert after Schedule 5:

Schedule 5A Master plan site

(Clauses 38 and 38A)

Land generally included within the Wollongong Innovation Campus (being Lot 304 DP 746634), the Science Centre (being Lot 1 DP 633347) and the Campus East site (being Lot 1 DP 719865) and reserves adjacent to the site bounded by Cabbage Tree Creek and Para Creeks (being Lot 2 DP 229815, Lot 203 DP 560343 and part of Lot 303 DP 746634), as shown edged heavy black on the map marked "City of Wollongong Local Environmental Plan 1990 (Amendment No 221)".

Natural Resources

WATER ACT 1912

AN application under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Act.

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

Murray River Valley

CARRINGBUSH PTY LTD for a pump on the Colligen Creek on Lot 1, DP 756342, Parish of Werai, County of Townsend, for water supply for stock purposes and irrigation (replacement licence due to permanent transfer) (Reference: 50SL75609) (GA2:477290).

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 twenty-eight (28) days of the date of this publication.

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

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

WATER ACT 1912

Notice Under Section 22B

THE subject notice cancels and replaces the notice published on 2 January 2004.

The Department of Infrastructure, Planning and Natural Resources pursuant to section 22B of the Water Act 1912, being satisfied that the quantity of water available in the Boomi River, unregulated Barwon River, and unregulated Darling River (Barwon/ Darling River System) all upstream of Lake Wetherell is insufficient to meet all requirements with respect to the taking of water therefrom for water entitlements denoted as "B" and "C" class, gives notice to all holders of permits, authorities and licences issued under Part 2 of the Water Act 1912, that all those water entitlements as mentioned above and held under the said part are suspended as of the 9 January 2004, until further notice.

GEOFF WISE,
Regional Director,
Far West Region.

WATER ACT 1912

APPLICATIONS for a licence under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Act.

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

Lachlan River Valley

CRANDELL PTY LIMITED for a pump on the Lachlan River on Lot 137/752936, Parish of Cumbijowa, County of Forbes, for water supply for irrigation of 449 hectares

(new licence – increase in allocation – combining existing entitlement with additional entitlement obtained by way of permanent transfer scheme) (Reference: 70SL090954) (GA2:512549).

Janet Ann McFEETERS and William Hunter McFEETERS for a pump on the Lachlan River on Lot 1/569598 and Lot PT35/753127, Parish of Warroo, County of Gipps, for water supply for irrigation of 57.17 hectares (lucerne) (new licence – increase in allocation – combining existing entitlement with additional entitlement obtained by way of permanent transfer scheme) (Reference: 70SL090953) (GA2:512549).

James Gordon LENNOX and Karen Patricia LENNOX for 5 pumps on Lachlan River on Lots 2/520204 and 1/202297, Parish of Trajere, County of Ashburnham, for water supply for irrigation purposes 81.80 hectares (lucerne and cereals) (new licence – increase in pumping capacity – no increase in allocation) (Reference: 70SL090955) (GA2:512549).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

DAVID THOMAS,
Senior Natural Resource Officer,
Central West Region.

Department of Infrastructure, Planning and
Natural Resources,
PO Box 136, Forbes, NSW 2871,
tel.: (02) 6852 1222.

WATER ACT 1912

AN application for a licence under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Act.

An application for an authority under section 20 of Part 2 of the Water Act 1912, has been received as follows:

Lachlan River Valley

Annette Vyne BURGESS and OTHERS for a pump on the Lachlan River, on Lot 1/403115, Parish of Redbank, County of Nicholson, for water supply for irrigation of 346.1 hectares (lucerne) (new authority – increase in allocation obtained by way of permanent transfer scheme, combined with existing entitlement) (Reference: 70SA009610) (GA2:512550).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

VIV RUSSELL,
Manager,
Resource Access,
Water Access.

Department of Infrastructure, Planning and
Natural Resources,
PO Box 136, Forbes, NSW 2871,
tel.: (02) 6852 1222.

WATER ACT 1912

Notice Under Section 22b

Pumping Suspensions – Coffs Creek and its Tributaries

THE Department of Infrastructure, Planning and Natural Resources pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Coffs Creek and its tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licences under Part 2 of the Act that from Friday, 9 January 2004 and until further notice, the right to pump water is SUSPENDED.

This suspension excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- a) where the offence was committed by a Corporation – 200 penalty units.
- b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00.

Dated this 9th day of January 2004.

GA2:476059.

G. LOLLBACK,
Resource Access Manager,
North Coast Region,
Grafton.

WATER ACT 1912

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

Leonard George DELAMONT and Helen Jane DELAMONT for a pump on an unnamed watercourse, Part Lot4//1039392, Parish of Budawang, County of St Vincent, for water supply for domestic purposes (new licence) (Reference: 10SL56491) (GA2:493221).

Frank Alexander RAYNOLDS for a pump on Bourkes Creek, 61//754886, Parish of Jinero, County of Murray, for the irrigation of 5.0 hectares (improved pasture) (new licence) (Reference: 10SL56494) (GA2:493221).

UNIVERSITY OF SYDNEY for a pump on the Wollondilly River, 18//105692, Parish of Uringalla, County of Argyle, for the irrigation of 0.5 hectares (research/teaching) (purpose exempt from the Hawkesbury/Nepean Embargo – replacing 10PE367) (Reference: 10SL56484) (GA2:493222).

Any inquiries regarding the above should be directed to the undersigned (tel.: 9895 7194).

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

W. CONNERS,
Natural Resource Project Officer,
Sydney/South Coast Region.

Department of Infrastructure, Planning and
Natural Resources,
PO Box 3720, Parramatta, NSW 2124.

WATER ACT 1912

APPLICATIONS under Part 8, being within a proclaimed (declared) local area under section 5(4) of the Water Act 1912.

Applications for approval of controlled works under section 167 within the proclaimed (declared) local area described hereunder have been received as follows:

Namoi River Valley

EDENMORE PTY LTD and WYALLA PTY LTD for controlled works consisting of earthen channels and storage on the Lower Namoi Floodplain on Lot 3/455064, 36/750301, 22/750301, 37/750301, 13/750301, 30/750301, Roads and Closed Roads, Parish of Pilliga and Lot 2/455064, 5/750298, 4/750298, 32/750298 and 31/750298, Roads and Closed Road, Parish of Newman, all County of Baradine on the property known as “Edenmore”, Pilliga, for conservation of water and prevention of inundation of land by floodwater. (this application is being re-advertised due to the inclusion of additional land description) (L.O. Papers: 90CW801395) (GA2:472132).

Maurice Ivan SWAIN and Sharon Lee SWAIN for controlled works consisting of an earthen storage, channels and levees on the Upper Namoi Floodplain on Lot 52/755487, Parish of Coogal, County of Pottinger on the property known as “Wyangan”, Gunnedah, for conservation of water and prevention of inundation of land by floodwaters (L.O. Papers: 90CW810711) (GA2:472136).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area, whose interest may be affected must be lodged with the Department’s Resource Access Manager at Tamworth by 12 February 2004.

Plans showing the location of the works referred to in the above application may be viewed at the Moree office of the Department of Infrastructure, Planning and Natural Resources.

GEOFF CAMERON,
Manager,
Resource Access.

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

WATER ACT 1912

AN application under Part 8, being within a proclaimed (declared) local area under section 5(4) of the Water Act 1912.

An application for approval of controlled works under section 167 within the proclaimed (declared) local area described hereunder has been received as follows:

Macintyre River Valley

Bruce Clyde BAILEY and Janet Beatrice SHAFIK-BAILEY for controlled works consisting of an earthen storage, channels and levees on the Lower Macintyre River, Whalan Creek and Boomi River Floodplain on Lot 23/750422, formerly Lots 18 and 10, DP 750431, Parish of Boronga, County of Benarba on the property known

as “Hazeldene”, Boomi, for conservation of water and prevention of inundation of land by floodwaters (L.O. Papers: 90CW810925) (GA2:472137).

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed area, whose interest may be affected must be lodged with the Department’s Resource Access Manager at Tamworth by 13 February 2004.

Plans showing the location of the works referred to in the above application may be viewed at the Moree office of the Department of Infrastructure, Planning and Natural Resources.

GEOFF CAMERON,
Manager,
Resource Access.

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

ERRATUM

IN the notification appearing in the *Government Gazette* of 24 December 2003, Folios 11667 and 11668, under the heading “WATER ACT 1912 – Notice of Restrictions Under Section 22 (B)”, point No. 5 is cancelled and the following inserted in lieu thereof:

WATER ACT 1912

Notice of Restrictions Under Section 22 (B)

5. The restriction applies to all licences and authorities referred to in 1 above held on properties on the Darling River, from adjacent to “Billilla” homestead on Lot 3671, DP 766053, County of Livingstone, downstream to the north east corner of Lot 11, DP 756952, Parish of Merche, County of Wentworth. The restriction also applies to Copi Hollow.

Signed for the Water Administration Ministerial Corporation

DAVID HARRISS,
Regional Director,
Murray/Murrumbidgee Region,
Department of Infrastructure, Planning and
Natural Resources
(by delegation).

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street, Armidale, NSW 2350

Phone: (02) 6772 5488 Fax (02) 6771 5348

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder are appointed, for the terms of office specified thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedules.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Roderick James WATT (new member), Bruce Leyland WILSON (new member), Joseph Louis BARBATO (re-appointment), Thomas SHORTIS (re-appointment), William WATSON (re-appointment), The person for the time being holding the office of President, Armidale Jockey Club (ex-officio member), The person for the time being holding the office of President, Armidale Greyhound Racing Club (ex-officio member).	Armidale Racecourse and Recreation Reserve Trust.	Reserve No.: 85532. Public Purpose: Public recreation and racecourse. Notified: 5 November 1965. File No.: AE81 R 65/1.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2008.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Wendy CRACKNELL (re-appointment), Mona Jean GAUDIE (re-appointment), Elizabeth Jane SQUIRES (new member), Kenneth ECKERT (re-appointment), Gary Bruce CRACKNELL (re-appointment), David Ronald DOAK (re-appointment), Marina Raylee ECKERT.	Bundarra Showground Trust.	Dedication No.: 510031. Public Purpose: Public recreation and showground. Notified: 5 September 1909. File No.: AE81 R 8/3.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2008.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Jon Richard WATTS (re-appointment), Yvonne Margaret SCHUMAN (re-appointment), Darrell Charles HOLDER (re-appointment), Geoffrey Donald MATHER (re-appointment), Douglas John WORGAN (re-appointment), Stanley Reginald TONKIN (re-appointment), Graham John HINCHCLIFFE (re-appointment), The person for the time being holding the office of President, Inverell Basketball Association (ex-officio member), The person for the time being holding the office of Designated Member, Inverell Pony Club (ex-officio member).	Inverell Showground Trust	Dedication No.: 510019. Public Purpose: Showground. Notified: 12 April 1918. File No.: AE81 R 17/3.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2008.

SCHEDULE 4

COLUMN 1	COLUMN 2	COLUMN 3
Maxwell Leslie BUTLER, John Wayne GOWER (new member), Peter Guy PETTY (new member), Joseph John Bruce PETRIE (re-appointment), Wayne John TAYLOR (re-appointment), Diana Rigby BENSON (re-appointment), James William LANDERS (re-appointment), The person for the time being holding the office of Designated Member, Tenterfield Show Society (ex-officio member), The person for the time being holding the office of Designated Member, Tenterfield Pony Club (ex-officio member).	Tenterfield Showground Trust.	Dedication No.: 510047. Public Purpose: Showground. Notified: 10 July 1942. Dedication No.: 510048. Public Purpose: Showground. Notified: 28 January 1879. Dedication No.: 510046. Public Purpose: Showground. Notified: 4 August 1922. Dedication No.: 510045. Public Purpose: Showground. Notified: 2 April 1895. File No.: AE81 R 20/3.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2008.

SCHEDULE 5

COLUMN 1	COLUMN 2	COLUMN 3
Erin Ernest BROWN (new member), Kevin John WILLIS (new member), Robert Lloyd JOHNSON (new member), Kenneth James FUSSELL (new member), Carl McMILLAN (re-appointment), Maxwell Charles SCHULTZ (re-appointment), Geoffrey Thomas HINE (re-appointment).	Uralla Showground Trust.	Dedication No.: 510041. Public Purpose: Showground addition. Notified: 21 December 1910. Dedication No.: 510040. Public Purpose: Showground. Notified: 26 August 1884. File No.: AE81 R 23/2.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2008.

SCHEDULE 6

COLUMN 1	COLUMN 2	COLUMN 3
Timothy David NORTON (new member), Donald David MURCHIE (re-appointment), Warwick John FLETCHER (re-appointment), Sydney James HASLEM (re-appointment), Allan Heyward GREEN (re-appointment), Ronald John DENHAM, Peter William SENDALL (new member), The person for the time being holding the office of President, Walcha Rodeo Committee (ex-officio member).	Walcha Youth Club Hall Trust.	Reserve No.: 85057. Public Purpose: Public hall. Notified: 23 October 1964. File No.: AE03 R 1/1.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2008.

SCHEDULE 7

COLUMN 1	COLUMN 2	COLUMN 3
Timothy David NORTON (new member), Peter William SENDALL (new member), Warwick John FLETCHER (re-appointment), Allan Heyward GREEN (re-appointment), Donald David MURCHIE (re-appointment), Sydney James HASLEM (re-appointment), Ronald John DENHAM, The person for the time being holding the office of President, Walcha Rodeo Committee (ex-officio member).	Walcha Showground and Public Recreation Reserve Trust.	Reserve No.: 85058. Public Purpose: Public recreation and showground. Notified: 23 October 1964. File No.: AE82 R 26/2.

Term of Office

For a term commencing the date of this notice and expiring 31 December 2008.

BOARD OF SURVEYING AND SPATIAL INFORMATION**Panorama Avenue (PO Box 143), Bathurst, NSW 2795****Phone: (02) 6332 8238 Fax: (02) 6332 8240****ERRATUM****SURVEYING ACT 2002**

Registration of Surveyors

IN the *Government Gazette* of 2 January 2004, the name of Mr Stephen Richard CARR, was inadvertently removed from the Register of Surveyors. Mr Stephen Richard CARR is a Land Surveyor registered under the Surveying Act 2002.

W. A. WATKINS,
President.

FAR WEST REGIONAL OFFICE**45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830****Phone: (02) 6883 3000 Fax: (02) 6883 3099****ERRATUM**

IN the notification appearing in the *Government Gazette* of 26 September 2003, Folio 9684, under the heading Addition to a Western Lands Lease (being Western Lands Lease 13520), the total area following addition should have read 105.9 hectares.

GOULBURN OFFICE
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedules hereunder, are appointed, for the terms of office specified thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedules.

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

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Wilfred George ELLIOTT (re-appointment), Robert Gordon WILSON (new member), Lorraine HARDMAN (new member), Robert Patrick PARKINSON (new member), David John TAYLOR (re-appointment), James Bruce WILLIAMS (re-appointment).	Bendick Murrell Recreation Reserve Trust.	Reserve No.: 85951. Public Purpose: Public recreation. Notified: 16 September 1966. File No.: GB80 R 109.

Term of Office

For a term commencing the date of this notice and expiring
 15 January 2009.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Maxwell George MULACH (re-appointment), John Desmond GREEN (re-appointment), Richard George WEST (re-appointment).	Nimmitabel Racecourse Trust.	Reserve No.: 29896. Public Purpose: Public recreation. Notified: 16 September 1899. File No.: GB80 R 87.

Term of Office

For a term commencing the date of this notice and expiring
 15 January 2009.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Elsie Patricia HEWEN (re-appointment), Robyn Ellen JASPRIZZA (re-appointment), Paul Phillip JASPRIZZA (re-appointment), Raymond Paterson BLACKWOOD (re-appointment).	Tipperary Gully Recreation Reserve Trust.	Dedication No.: 530009. Public Purpose: Public recreation. Notified: 21 December 1894. File No.: GB80 R 165.

Term of Office

For a term commencing the date of this notice and expiring
 15 January 2009.

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Graham McLaurin CLYDSDALE (re-appointment), David Graham BROOKER (re-appointment), David Allan CLYDSDALE (re-appointment), Brian William BROOKER (re-appointment), Peter John FLEMING (re-appointment), Andrew Donald CARTER (re-appointment), Neil James SINDERBERRY (re-appointment).	Main Camp Recreation Reserve Trust.	Reserve No.: 52866. Public Purpose: Public recreation. Notified: 28 June 1918. File No.: MD80 R 59.

Term of Office

For a term commencing this day and expiring 15 January 2009.

SCHEDULE 3

COLUMN 1	COLUMN 2	COLUMN 3
Warwick Bruce MITCHELL (re-appointment), Robert Thomas MAILER (re-appointment), Ian Matthew MacCALLUM (re-appointment), Kerryn Miriam HAYNE (re-appointment), Tony Leslie CASLICK (re-appointment), Neville Gordon HAYNE (re-appointment).	Moonan Flat Recreation Reserve Trust.	Reserve No.: 61257. Public Purpose: Public recreation. Notified: 12 July 1929. File No.: MD82 R 61.

Term of Office

For a term commencing this day and expiring 15 January 2009.

SCHEDULE 4

COLUMN 1	COLUMN 2	COLUMN 3
Raymond John GARLAND (re-appointment), Gregory Robert SCOTT (re-appointment), Richard Archibald Champneys BELL (new member), Maxwell James HAYNE (re-appointment), Tony Leslie CASLICK (re-appointment).	Moonan Flat Public Hall Trust.	Reserve No.: 79306. Public Purpose: War memorial and public hall. Notified: 25 January 1957. File No.: MD80 R 109/2.

Term of Office

For a term commencing the date of this notice and expiring 15 January 2009.

SCHEDULE 5

COLUMN 1	COLUMN 2	COLUMN 3
Trevor Dudley PIKE (re-appointment), Errol Keith BATES (re-appointment), Kenneth Myhill BROWN (re-appointment), Hilton William CARRIGAN (re-appointment), Beryl June BATES (re-appointment), Gaudern Raymond PIKE (re-appointment).	Bunnan Recreation Reserve Trust.	Reserve No.: 294. Public Purpose: Public recreation. Notified: 1 May 1886. File No.: MD80 R 41

Term of Office

For a term commencing this day and expiring 15 January 2009.

SCHEDULE 6

COLUMN 1	COLUMN 2	COLUMN 3
Deborah EATHER (new member), Pamela Mary CROAKER (new member), Naomi Robyn BATES (re-appointment), Kerrie-Lynne EATHER (re-appointment), Lynette Sandra WICKS (re-appointment).	Bunnan School Reserve Trust.	Reserve No.: 89992. Public Purpose: Public recreation. Notified: 17 December 1976. File No.: MD91 R 5.

Term of Office

For a term commencing this day and expiring 15 January 2009.

SCHEDULE 7

COLUMN 1	COLUMN 2	COLUMN 3
David Anthony KIDD (re-appointment), Bruce James CRAWFORD (re-appointment), Neil FORSTER (re-appointment), Jeffrey MAYBURY (re-appointment).	Weston Ambulance Hall Reserve Trust.	Reserve No.: R62517. Public Purpose: Ambulance station. Notified: 20 February 1931. File No.: MD83 R 30/1.

Term of Office

For a term commencing this day and expiring 15 January 2009.

SCHEDULE 8

COLUMN 1	COLUMN 2	COLUMN 3
Carolyn McNAMEE (new member), Trevor MORTON (new member), Nancy LEVY (new member), Dorothy Margaret WIGHTMAN (re-appointment), Arthur Charles DRURY (re-appointment), Peter John MUTCH (re-appointment).	Dooralong Community (R1001059) Reserve Trust.	Reserve No.: 1001059. Public Purpose: Public recreation and community purposes. Notified: 27 March 1998. File No.: MD83 R 29/2.

Term of Office

For a term commencing the date of this notice and expiring 15 January 2009.

SCHEDULE 10

COLUMN 1	COLUMN 2	COLUMN 3
James TAYLOR (re-appointment), Leon Gatens SMITH (new member), Brian Garry DAVIES (re-appointment), Peter George KING (re-appointment), Sandra Dianne TAYLOR (new member), The person for the time being holding the office of General Manager, Swansea RSL (ex-officio member).	Swansea Memorial Park Trust.	Reserve No.: R76705. Public Purpose: Access and public recreation. Notified: 7 May 1954. File No.: MD80 R 54/2.

Term of Office

For a term commencing this day and expiring 15 January 2009.

SCHEDULE 9

COLUMN 1	COLUMN 2	COLUMN 3
Peter Lawrance HUBER (new member), George Thomas MOWBRAY (new member), Dorothy YOUNGER (new member), Neil Raymond YOUNGER (new member), Ronald Thomas OGRAM (re-appointment), William John DISNEY (re-appointment).	Dudley War Memorial Trust.	Reserve No.: 55270. Public Purpose: War Memorial. Notified: 7 April 1922. File No.: MD80 R 139/2.

Term of Office

For a term commencing the date of this notice and expiring 15 January 2009.

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

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the roads cease to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

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

—————
 Descriptions

Land District – Metropolitan; L.G.A. – Woollahra.

Lot 1, DP 1061736 at Point Piper, Parish Alexandria (Sheet 5), County Cumberland.

File No.: MN01 H 90.

Note: On closing, title for the land in Lot 1 remains vested in Woollahra Council as operational land.

—————
Land District – Penrith; L.G.A. – Blue Mountains.

Lot 1, DP 1053866 at Blackheath, Parish Blackheath, County Cook.

File No.: MN94 H 110.

Notes: 1] On closing, title for the land in Lot 1 remains vested in the Crown.

2] The road is closed subject to the easement to drain water 3 wide as shown in DP1053866.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 14 of the Necropolis Act 1901 and section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder, are appointed, for the terms of office specified thereunder, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto 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
Members Appointed Hassan AYOUBI, M. Souhail JABBOURI, Wasim RAZA, Mohamad Saadallah TURK, Abraham ZOABI, Micheal Mohamad KAHLA, Mohamad ZRAIKA, Ex-officio; the person for the time being holding the office of Director, Sydney Turkish Islamic Funeral Service (presently Ergun GENEL).	Muslim Cemetery Trust, Necropolis.	The part of the Rookwood Necropolis, dedicated 2 December 1887 and set apart as the Muslim Cemetery by <i>Government Gazette</i> of 11 August 1978 (D500904).

Term of Office

For a period expiring on 31 December 2006.

File No.: MN87 R 41.

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth, NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the roads ceases to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

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

—————
Descriptions

*Land District – Gunnedah;
Local Government Area – Gunnedah.*

Roads Closed: Lots 1 and 2 in Deposited Plan 1061910
in the Parish of Goran, County of Pottinger.

File No.: TH03 H 23.

Note: On closing, the land within Lots 1 and 2 in Deposited
Plan 1061910 remains vested in the State of New
South Wales as Crown Land.

—————
*Land District – Gunnedah;
Local Government Area – Gunnedah.*

Road Closed: Lot 1 in Deposited Plan 1061309 in the
Parish of Gunnedah, County of Pottinger.

File No.: TH03 H 101.

Note: On closing, the land within Lot 1 in Deposited Plan
1061309 remains vested in Gunnedah Shire Council
as operational land.

ROADS ACT 1993**ORDER****Transfer of Crown Road to a Council**

IN pursuance of the provisions of section 151 of the Act, 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 ceases to be a Crown road.

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

—————
SCHEDULE 1

The Crown public road Lot 15 in Deposited Plan 841781,
Parishes Gunnedah and Cooridoo, Counties Pottinger and
Buckland.

—————
SCHEDULE 2

Roads Authority: Gunnedah Shire Council.

File No.: TH03 H 173.

TAREE OFFICE**98 Victoria Street (PO Box 440), Taree, NSW 2430****Phone: (02) 6552 2788 Fax: (02) 6552 2816****NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the lands comprised therein cease to be public roads and the rights of passage and access that previously existed in relation to the roads are extinguished.

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

Descriptions

*Parish – Koorie; County – Macquarie;
Land District – Port Macquarie;
Local Government Area – Hastings.*

Road being Lot 1, DP1058938 at Wauchope.

File No.: TE02 H 184.

Note: On closing, the land within the former road remains vested in Hastings Council as operational land subject to easement to drain sewage created by DP 1058938.

*Land District – Port Macquarie;
Local Government Area – Hastings.*

Road Closed: Lots 11 and 12, DP 1062721 at North Haven,
Parish of Queens Lake, County of Macquarie.

File No.: TE02 H 133.

Note: On closing, the land within Lots 11 and 12 becomes vested in the State of New South Wales as Crown Land.

Council's Reference: R.350.10.1 (919).

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T04-0001)

No. 2265, DAVID CHARLES PRENDERGAST, area of 4 units, for Group 1, dated 6 January 2004. (Orange Mining Division).

(T04-0002)

No. 2266, DAVID CHARLES PRENDERGAST, area of 12 units, for Group 2, dated 6 January 2004. (Broken Hill Mining Division).

(T04-0003)

No. 2267, ANDROMEDA VENTURES LTD (ACN 101 667 672), area of 22 units, for Group 1, dated 6 January 2004. (Wagga Wagga Mining Division).

(T04-0004)

No. 2268, TELMINEX NL (ACN 003 309 911), area of 52 units, for Group 1 and Group 6, dated 7 January 2004. (Coffs Harbour Mining Division).

(T04-0005)

No. 2269, MALACHITE RESOURCES NL (ACN 075 613 268), area of 100 units, for Group 1, dated 7 January 2004. (Coffs Harbour Mining Division).

(T04-0006)

No. 2270, AUZEX RESOURCES PTY LIMITED (ACN 106 444 606), area of 100 units, for Group 1, dated 7 January 2004. (Inverell Mining Division).

(T04-0007)

No. 2271, AUZEX RESOURCES PTY LIMITED (ACN 106 444 606), area of 78 units, for Group 1, dated 7 January 2004. (Inverell Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATION

(T03-0839)

No. 2160, now Exploration Licence No. 6175, EXCO RESOURCES NL (ACN 080 339 671), County of Kennedy, Map Sheets (8332 and 8333), area of 16 units, for Group 1, dated 5 January 2004, for a term until 4 January 2006.

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

NOTICE is given that the following applications for renewal have been received:

(T01-0164)

Exploration Licence No. 5922, DELTA GOLD EXPLORATION PTY LTD (ACN 002 504 501), area of 199 units. Application for renewal received 9 January 2004.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T87-0227)

Exploration Licence No. 2865, BARRICK AUSTRALIA LIMITED (ACN 007 857 598), County of Gipps, Map Sheet (8330), area of 2 units, for a further term until 1 June 2005. Renewal effective on and from 24 December 2003.

(T94-0246)

Exploration Licence No. 5242, HERALD RESOURCES LIMITED (ACN 008 672 071), Counties of Bathurst, Georgiana and Westmoreland, Map Sheet (8830), area of 57 units, for a further term until 27 June 2005. Renewal effective on and from 8 January 2004.

(T97-1253)

Exploration Licence No. 5373, PETER JAMES MORTON, County of Caira, Map Sheet (7628), area of 1 unit, for a further term until 3 November 2005. Renewal effective on and from 6 January 2004.

(T97-1287)

Exploration Licence No. 5393, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Flinders, Map Sheet (8233), area of 12 units, for a further term until 25 November 2005. Renewal effective on and from 6 January 2004.

(T98-1181)

Exploration Licence No. 5645, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), County of Georgiana, Map Sheet (8730), area of 3 units, for a further term until 21 November 2005. Renewal effective on and from 8 January 2004.

(T99-0100)

Exploration Licence No. 5648, BLACK RANGE METALS (SYERSTON) PTY LTD (Receivers and Managers appointed) (ACN 008 755 155), Counties of Cunningham and Kennedy, Map Sheets (8332 and 8432), area of 7 units, for a further term until 24 November 2005. Renewal effective on and from 8 January 2004.

(T98-1218)

Exploration Licence No. 5771, PLATSEARCH NL (ACN 003 254 395) and EAGLEHAWK GEOLOGICAL CONSULTING PTY LTD (ACN 061 324 454), Counties of Farnell, Mootwingee and Yancowinna, Map Sheet (7234), area of 100 units, for a further term until 3 September 2005. Renewal effective on and from 9 January 2004.

(T01-0132)

Exploration Licence No. 5909, RONALD NORMAN LEES and SUSAN NICOLA BORDER, Counties of Forbes and Montegale, Map Sheet (8630), area of 2 units, for a further term until 26 November 2005. Renewal effective on and from 8 January 2004.

(T99-0649)

Mining Lease No. 881 (Act 1973), DAVID COLIN RYNNE and JOAN DORIS RYNNE, Parish of Swanbrook, County of Gough, Map Sheet (9138-2-N), area of 17.4 hectares, for a further term until 30 September 2013. Renewal effective on and from 7 January 2004.

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

**CANCELLATION OF AUTHORITIES AT
REQUEST OF HOLDERS**

NOTICE is given that the following authorities have been cancelled:

(T95-1085)

Exploration Licence No. 4933, LFB RESOURCES NL (ACN 073 478 574), County of Cunningham and County of Kennedy, Map Sheet (8432), area of 25 units. Cancellation took effect on 9 January 2004.

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

MINING ACT 1992

Order Under Section 220 – Opal Prospecting Area

I, ALAN COUTTS, Director-General, Department of Mineral Resources, Sydney, under delegation from the Minister for Mineral Resources, pursuant to section 220 of the Mining Act 1992, by this Order exclude the lands described hereunder from Opal Prospecting Area No. 1 constituted on 13 February 1981.

Parish: Mebea.

County: Finch.

Area: About 2.12 hectares as shown on diagram catalogued D7435 at the Department of Mineral Resources.

Dated this 9th day of January 2004.

A, COUTTS,
Director-General.

Roads and Traffic Authority

ROADS ACT 1993

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

Bathurst City 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.

MR. PHILLIP PERRAM
General Manager
Bathurst City Council
 (by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Bathurst City Council B-Doubles Notice No 1 2004.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force until 30 June 2008 unless it is amended or repealed earlier.

4. Application

4.1 This Notice applies to B-Doubles 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

B-Double routes within the Bathurst City Council area

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25		Durham Street, Bathurst	Stewart Street	Esrom Street	
25		Eglington Road, Bathurst	Esrom Street	Entry into Simplot Australia Pty Ltd	

Roads Act 1993

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

Coffs Harbour City 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.

Mark Ferguson
General Manager
Coffs Harbour City Council
(by delegation from the Minister for Roads)

SCHEDULE

1. *Citation*

This Notice may be cited as the Coffs Harbour City Council B-Doubles Notice No 1/2004.

2. *Commencement*

This Notice takes effect from date of gazettal.

3. *Effect*

This Notice remains in force until 31 January 2009, unless it is amended or repealed earlier.

4. *Application*

4.1 This Notice applies to B-Doubles 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*

B-Double routes within the Coffs Harbour City Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
19m	000	Arthur Street Coffs Harbour.	Pacific Highway (SH10).	Entrance to Park Beach Plaza Service Station.	

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at North
Albury in the Albury City 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.

K J Durie
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Albury City Council area, Parish of Albury and County of Goulburn, shown as:

Lot 43 Deposited Plan 1011904, being part of the land in Certificate of Title Volume 10541 Folio 243, excluding from the compulsory acquisition of Lot 43 the easement for transmission line 21.34 wide created by Dealing K343962 and shown designated E1 on sheet 2 of Deposited Plan 1011904; and

Lot 44 Deposited Plan 1011904, being part of the land in Certificate of Title 1015/753326.

The land is said to be in the possession of Albury Showground Trust (registered proprietor) and Commonwealth Bank of Australia (mortgagee).

(RTA Papers 3M3889; RO 2/4.1370)

Other Notices

ABORIGINAL LAND RIGHTS ACT 1983

NOTICE

I, the Honourable ANDREW REFSHAUGE MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Terry Lawler as Administrator to the Worimi Local Aboriginal Land Council for a maximum period of twelve (12) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$60,000 dollars.

Signed and Sealed this 12th day of January 2004

ANDREW REFSHAUGE, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

ABORIGINAL LAND RIGHTS ACT 1983

NOTICE

I, the Honourable ANDREW REFSHAUGE MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Andrew Hoholt as Administrator to the Trangie Local Aboriginal Land Council for a maximum period of six (6) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$33,000.00 dollars.

Signed and Sealed this 14th day of January 2004

ANDREW REFSHAUGE, M.P.,
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN

ABORIGINAL LAND RIGHTS ACT 1983

Notification of the Change of Name of a Local Aboriginal Land Council Area

PURSUANT to the power vested in me by Clause 20 (5) of the Aboriginal Land Rights Regulation 2002, I hereby alter the name of the Casino Local Aboriginal Land Council Area.

Notice is given that the Council is hereby renamed the Casino Boolangle Local Aboriginal Land Council.

The Hon. ANDREW REFESHAUGE, M.P.,
Minister for Aboriginal Affairs

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Sections 55A and 55B

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to sections 55A and 55B of the Associations Incorporation Act 1984.

Cancellation is effective as at the date of gazettal.

Australian Egg Industry Association Incorporated;
Ballina Island Probus Club Incorporated;
Condo-Milby Australian Football Club Incorporated;
Penrith Valley Festival Incorporated;
The Australian Associated Brewers Incorporated;
The Morpeth Jazz Festival Committee Incorporated;
Australian Geosynthetics Society Incorporated.

Dated: 9 January 2004.

COLIN CROSSLAND,
General Manager,
Registry of Co-operatives & Associations,
Office of Fair Trading,
Department of Commerce.

CHARITABLE TRUSTS ACT 1993

NOTICE UNDER SECTION 15

PROPOSED CY-PRES SCHEME RELATING TO THE ESTATE OF THE LATE GRETTA ELLEN EMERY

GRETTA ELLEN EMERY died on 18 May 2001. In her Will dated 5 September 1983, for which probate was granted on 28 February 2003, the testatrix directed, after payment of debts, funeral, testamentary and other expenses, as follows:

‘...the whole of my estate both real and personal to my Trustee upon trust to see call in and convert the same into money and from the proceeds to pay...the Royal Blind Society of NSW, Foundation 41 and the Royal Alexandra Hospital for Children for their general purposes absolutely in equal shares’.

Foundation 41, a medical research organization established to carry out research to prevent and ameliorate the diseases, deformities and disabilities which may occur in intrauterine and early neonatal life, ceased to exist prior to the death of the testatrix. There is no evidence to suggest that any other institution has taken over the work carried on by Foundation 41 or is the successor to Foundation 41. However, research carried out at The Children's Hospital at Westmead is similar to or is in the same field as that previously carried out by Foundation 41, as is work carried out in the research and clinical units of the Sydney Children's Hospital.

The gift to Foundation 41 is the basis of an application for a cy-pres scheme, submitted on behalf of the executor of the will of the deceased. 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 Foundation 41 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

Gretta Ellen Emery's bequest to Foundation 41 in favour of The Children's Hospital at Westmead and Sydney Children's Hospital in equal parts.

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.

TIM McGRATH,
A/Director General
Attorney General's Department

CHARITABLE TRUSTS ACT 1993

NOTICE UNDER SECTION 15

PROPOSED CY-PRES SCHEME RELATING TO THE ESTATE OF THE LATE FAIRLENA PEARL DRURY

FAIRLENA PEARL DRURY died on 5 December 2001. In her Will dated 28 July 1983, for which probate was granted on 26 March 2002, the testatrix devised and bequeathed, inter alia, 'all the rest and residue of my Estate of whatsoever kind and wheresoever situate to my Trustees upon trust...to divide the balance then remaining into three (3) equal parts or shares and to pay one of such equal parts or shares to each of the following:

- (a) Taree Salvation Army
- (b) Manning Valley Blind Citizens Association
- (c) Manning River District Sub Branch Sub-Normal Childrens Welfare Association'.

The Manning Valley Blind Citizens Association referred to in the will appears to be a reference to the Manning Valley Blind Citizens Association Inc ('the Association'), a charitable organisation registered originally in 1979 under the provisions of the Charitable Collections Act 1934 and then registered on 5 January 1995 under the Charitable Fundraising Act 1991. The Association which, among other services related to assistance for visually impaired citizens, made an annual donation to the Greater Taree City Library ('the Library') for the purchase of talking books, ceased to exist in December 1995. Its residue funds were paid to the Library for the purchase of talking books, pursuant to its Constitution.

The gift is consequently the basis of an application for a cy-pres scheme, submitted on behalf of the executor of the will of the deceased. 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 Association 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 apply the funds to the Greater Taree City Library to hold on trust to be used for the purpose of purchasing talking books.

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.

TIM McGRATH,
A/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 1997, do, by this my Order, approve the Manly 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 27 February 2004 and remains in force until 26 February 2005.

Signed at Sydney, this 19th day of December 2003.

BOB DEBUS, M.P.,
Attorney General

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 1997, do, by this my Order, approve the Safety In Marrickville Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 20 January 2004 and remains in force until 19 January 2007.

Signed at Sydney, this 7th day of January 2004.

BOB DEBUS, M.P.,
Attorney General

CONSTITUTION ACT 1902

Ministerial arrangements during the absence from duty of the Premier, Minister for the Arts, and Minister for Citizenship

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable AJ Refshauge MP, Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs, to act for and on behalf of the Premier, as on and from 19 January 2004, with a view to him performing the duties of the office of the Premier, during my absence from duty. These arrangements apply in substitution for the arrangements approved by the Governor on 10 December 2003 and published in the *Government Gazette* on 12 December 2003 (page 11211).

The Cabinet Office, Sydney
14 January 2004

BOB CARR,
Premier

CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Minister for Health

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable FE Sartor, MP, Minister for Energy and Utilities, Minister for Science and

Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts, to act for and on behalf of the Minister for Health, as on and from 15 January 2004, with a view to him performing the duties of the Honourable M Lemma MP, during his absence from duty.

The Cabinet Office, Sydney
14 January 2004

BOB CARR,
Premier

CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Minister for Justice, and Minister assisting the Premier on Citizenship

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable FE Sartor, MP, Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts, to act for and on behalf of the Minister for Justice, as on and from 17 January 2004, with a view to him performing the duties of the Honourable J Hatzistergos MLC, during his absence from duty.

The Cabinet Office, Sydney
14 January 2004

BOB CARR,
Premier

HEALTH ADMINISTRATION ACT 1982

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of acquisition of land by compulsory process for the purposes of the Health Administration Act 1982

PURSUANT to section 10 of the Health Administration Act 1982 and section 19(1) of the Land Acquisition (Just Terms Compensation) Act 1991, the Health Administration Corporation by its delegate declares, with the approval of the Governor, that the land and interests in land described in the Schedule below, excluding mines and minerals within such land, is by this notice acquired by compulsory process for the purposes of the Health Administration Act 1982.

SIGNED at Sydney this fourteenth day of January 2004.

DAVID GATES,
Director, Asset Management and Logistics Reform
Department of Health
a duly authorised delegate of the Health
Administration Corporation

SCHEDULE

Land

ALL THAT piece or parcel of Crown land situated at Sussex Inlet in the Shoalhaven Local Government Area, Parish of Farnham, County of St Vincent shown as Lot 1 Deposited Plan 1062625, being part of Reserve 180065 for Public Recreation and Community Purposes notified in the New South Wales Government Gazette No. 177 of 30 December 1994 at page 7720.

Interest in Land

Easement for Right of Access variable width identified as "(A)" in DP 1062625 as it affects lot 2 in DP 1062625.

Easement for Right of Access variable width identified as "(C)" in DP 1062625 as it affects lot 159 in DP 42824.

HEALTH INSURANCE LEVIES ACT 1982

Notice of Prescribed Rate

PURSUANT to the Health Insurance Levies Act 1982, the prescribed rate for the purposes of the Act for the period commencing 1 February 2004, will be 102 cents.

T. NEWBURY,
Chief Commissioner of State Revenue.

LOCAL GOVERNMENT ACT 1993

Exemption of Councils from the Provisions of Section 512 of the Local Government Act 1993

I, TONY KELLY MLC, Minister for Local Government, in pursuance of section 512(2) of the Local Government Act 1993, do, by this my Order, exempt the councils on the attached schedule from the operation of section 512(1)(b) for the financial year 2003/2004.

Dated this 31st day of December 2003

The Hon TONY KELLY, M.L.C.,
Minister for Local Government

The Council of the Municipality of Ashfield
Balranald Shire Council
Bega Valley Shire Council
Berrigan Shire Council
Boorowa Council
Carrathool Shire Council
Coffs Harbour City Council
Coonabarabran Shire Council
Cootamundra Shire Council
Crookwell Shire Council
Deniliquin Council
Dubbo City Council
Forbes Shire Council
Gilgandra Shire Council
Glen Innes Municipal Council
Gosford City Council
Grafton City Council
Gunnedah Shire Council
Guyra Shire Council
The Council of the Municipality of Hunters Hill
Kyogle Council
Lachlan Shire Council
Manilla Shire Council
Manly Council
Merriwa Shire Council
Murrumbidgee Shire Council
North Sydney Council
Nundle Shire Council
Scone Shire Council
Strathfield Municipal Council
Sutherland Shire Council
Tumut Shire Council
Urana Shire Council
Willoughby City Council
Wollondilly Shire Council
Woollahra Municipal Council

**MARKETING OF PRIMARY PRODUCTS ACT
1983**

PROCLAMATION

Vesting of Rice in the Rice Marketing Board for the State
of New South Wales

Her Excellency Professor MARIE BASHIR, A.C.,
Governor

I, Professor MARIE BASHIR, A.C., Governor of the State of
New South Wales, with the advice of the Executive Council
and pursuant to section 56 of the Marketing of Primary
Products Act 1983, do hereby:

1. revoke the Proclamation entitled "Vesting of Rice in
the Rice Marketing Board for the State of New South
Wales", dated 26 November 1997 and published in the
Government Gazette No.137 on 5 December 1997; and
2. declare that rice shall on and from the date of the
publication of this Proclamation in the New South Wales
Government Gazette be divested from the producers
thereof and become absolutely vested in and be the
property of the Rice Marketing Board for the State of
New South Wales ("the Board"); and
3. declare that upon any rice coming into existence within
the period on and from the date of the publication of
this Proclamation in the New South Wales *Government
Gazette* to 31 January 2009, it shall become absolutely
vested in and be the property of the Board.

Signed and sealed at Sydney this 14th day of January
2004.

By Her Excellency's Command,

IAN MacDONALD MLC
NSW Minister for Agriculture and Fisheries

—————
GOD SAVE THE QUEEN!

MENTAL HEALTH ACT 1990

ORDER UNDER SECTION 208

I, ROBYN KRUK, Director-General of the NSW
Department of Health, pursuant to section 208 of the Mental
Health Act 1990, and section 43 of the Interpretation Act
1987, DO HEREBY REPEAL the Order published in the
Government Gazette No 87 of 29 May 1998 at page 4008,
declaring certain premises of Cumberland Hospital, to be a
hospital for the purposes of the Mental Health Act, 1990.

Pursuant to section 208 of the Mental Health Act 1990,
I DO HEREBY DECLARE wards 18, 19, 20, 21, and the
Bunya Unit, Boronia Unit, Acacia Unit, Willow Cottages
Complex, Waratah Cottages Complex, Jarrah Cottages
Complex, Banksia Cottages Complex, and Red Gum Cottages
Complex, of Cumberland Hospital to be a hospital for the
purposes of the Mental Health Act 1990.

Signed at Sydney this 12th day of January 2004.

ROBYN KRUK,
Director General

NATIONAL PARKS AND WILDLIFE ACT 1974

INTERIM PROTECTION ORDER

IN pursuance of section 91B of the National Parks and
Wildlife Act 1974, I BOB DEBUS, the Minister for the
Environment, having considered a recommendation by the
Acting Director-General of the Department of Environment
and Conservation in accordance with section 91A of that Act,
do hereby make an interim protection order as follows:

Land subject to the interim protection order

Lot 1 DP 42613 and Lot 4 DP248860

Things which are prohibited

The owner and occupier/s of the land subject to this interim
protection order are prohibited from doing the things listed
in schedule 1 below and are also prohibited from causing or
permitting any other person to do those things.

*Things allowed only with consent or only subject to
conditions*

The owner and occupier/s of the land subject to this
interim protection order are allowed to do the things listed
in schedule 2 and are allowed to cause or permit any other
person to do those things only with the consent of the Minister
and only in accordance with any condition set out in schedule
2 in respect of any thing listed.

—————
SCHEDULE 1

1. Trail bike riding on the land or on any part of the land;
2. The creation of access tracks on the land or any part of
the land;
3. Excavation of the land or any part of the land;
4. The installation of geotechnical monitoring wells on or
in the land or any part of the land;
5. Dumping of garbage, building rubble, garden waste, soil
or spoil on the land or on any part of the land;
6. Clearing, slashing, damaging or destroying any tree or
any native vegetation on the land or on any part of the
land;
7. Damaging or despoiling of the land or any part of the
land;
8. Undertaking earthworks on the land or on any part of the
land;
9. Disturbing the surface of the soil on the land or on any
part of the land;
10. Carrying out of a work, in, on, over or under the land or
any part of the land; and
11. Use of the land or any part of the land.

—————
SCHEDULE 2

The following things may be done only with the prior
written consent of the Minister for the Environment and
subject to any conditions of that consent:

1. Access through and over the land or any part of the land
by off road vehicles;
2. Weed control works;
3. The construction or maintenance of boundary fencing;
4. Restoration, rehabilitation and /or regeneration works;
and
5. Fire hazard reduction works.

If a thing is referred to in both schedule 1 and schedule 2, schedule 2 prevails.

Duration of interim protection order

This interim protection order has effect for a period of 12 months.

BOB DEBUS, M.P.,
Minister for the Environment

**STATE DEVELOPMENT AND INDUSTRIES
ASSISTANCE ACT 1966**

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

Notice of Compulsory Acquisition of Land for the purposes of the Ministerial Corporation for Industry

THE Minister for State Development, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Ministerial Corporation for Industry, as authorised by the State Development and Industries Assistance Act, 1966 being for the purpose of establishing industries.

The Hon. MICHAEL RUEBEN EGAN, M.L.C.,
Minister for State Development

SCHEDULE

All that piece or parcel of land situate at Tomago in the Local Government Area of Port Stephens, Parish of Stockton, County of Gloucester and State of New South Wales, being that part of lot 14 in Deposited Plan 236073 within the land shown hatched on plan SB55514 lodged at the Department of Commerce said to be in the possession of Truco Constructions (Newcastle) Pty Limited and Perion Pty Limited.

All that piece or parcel of land situate at Tomago in the Local Government Area of Port Stephens, Parish of Stockton, County of Gloucester and State of New South Wales, being that part of Lot 13 in Deposited Plan 236073 within the land shown hatched on plan SB55514 lodged at the Department of Commerce said to be in the possession of Sondelle Pty Limited.

Com Reference: 214

STATE RECORDS ACT 1998

PURSUANT to the provisions of section 13 of the State Records Act 1998, the State Records Authority of New South Wales ('State Records') hereby notifies that it proposes to approve the following records management standards:

Standard on Full and Accurate Records

Standard on Managing a Records Management Program

These are revised versions of standards approved in 1999.

The standards may be viewed on State Records' Web site at <http://www.records.nsw.gov.au>. Copies of the standards may also be consulted at the Sydney Records Centre, No. 2 Globe Street, The Rocks, Sydney, or at the Western Sydney Records Centre, 143 O'Connell Street, Kingswood, during

business hours. More information may be obtained by contacting Catherine Robinson on (02) 8247 8631.

Any person may make a written submission which should be forwarded to:

Director
State Records
PO Box 516
Kingswood NSW 2747

Or via email to standards@records.nsw.gov.au

Submissions must be received by 27 February 2004.

DAVID ROBERTS,
Director

STOCK DISEASES ACT 1923

Notification No. 1780 – Cattle Tick

334 Oakland Road, Swan Bay Quarantine Area

I, IAN MACDONALD MLC, Minister for Agriculture and Fisheries, pursuant to section 10 of the Stock Diseases Act 1923 ('the Act'), declare the land described in the Schedule to be a quarantine area on account of the presence or suspected presence of cattle tick (*Boophilus microplus*), a disease in stock.

For the purposes of this Notification "stock" means cattle, deer, goats, horses, sheep, camels, buffalo and all other herbivorous vertebrate animals now or at any other time on the land.

Note: It is an offence under section 20C(1)(c) of the Act to move any of the stock or cause or permit any of stock to be moved out of a quarantine area, unless they are moved in accordance with a permit under section 7(6) or an order under section 8(1)(b) or when all of the conditions set out in section 20C(3) are satisfied.

The course of action to be taken by the owner or occupier of the land in the quarantine area or the owner or person in charge of the stock in the quarantine area shall be as ordered by an inspector.

SCHEDULE

Owner: Laura Jessie McPHERSON and Steuart Alexander McPHERSON

Shire: Lismore

County: Rous

Parish: Coraki

Land: Lot 1 in DP4658 and Lots 1 and 2 in DP940658

Dated this 2nd day of January 2004.

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

PLANT DISEASES ACT 1924

Authority to Exercise Inspectors' Functions

I HEREBY authorise, pursuant 11(3) of the Plant Diseases Act 1924, the undermentioned persons to exercise such of the functions of an Inspector as are specified in this authority, for the purpose of eradicating and preventing the spread of fruit fly (Family Tephritidae).

List of Authorised Persons: Benjamin Wayne DANSWAN; Lewis Charles HEFFERNAN; David William Morris ORMAN; Phillip John BAATEN and Jeffrey William WHITE.

Functions of an inspector authorised to be exercised:

Sections 9(1)	seizure of plants
13(1)	powers to display stop signs, stop vehicles etc
13(1B)(a)	power to enter vehicles for the purpose of searching for or inspecting any fruit, etc.
13(1B)(c)	power to enter vehicles for the purpose of determining whether any duty or obligation imposed by or under the Act has been discharged
13(1BA)	power to open any part of a vehicle and to open any coverings, for the purpose of searching for or inspecting any fruit or coverings
25A	demand name and place of abode of person committing an offence.

The specified functions may be exercised by an authorised person:

- only on a road or in a public place or vehicle on a road or in any public place; and
- only in relation to fruit which the authorised person: has reasonable grounds of suspecting are infected or likely to convey infection; or to have been introduced into the State or any portion of the State; or
- which are being conveyed or dealt with in contravention of any proclamation, notification, order under the Plant Diseases Act 1924 or under the Plant Diseases Regulation 2003.

This authority is limited in its operation to:

NSW Portion of the Fruit Fly Exclusion Zone pursuant to section 11(4) of the Plant Diseases Act.

Dated: 6th January 2004

M. L. Curll,
Acting Director-General

PLANT DISEASES ACT 1924

Section 4(1)

PROCLAMATION P144

Proclamation to regulate the importation, introduction and bringing of potatoes, soil and other things into New South Wales on account of the pest potato cyst nematode.

Her Excellency Professor MARIE BASHIR, A.C.,
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 4(1) of the Plant Diseases Act 1924, being of the opinion that it is necessary to do so in order to prevent the introduction of the pest potato cyst nematode (*Globodera spp.*) ("the pest") into New South Wales:

A. regulate the importation, introduction or bringing into New South Wales from any State or Territory of:

(a) potatoes (other than seed potatoes), soil in which potatoes have grown and the things specified in Schedule 1 from any place within a radius of 20 kilometres from where the pest is or has been present in any State or Territory, and

(b) seed potatoes from any place within any State or Territory where the pest is or was present; and

B. prohibit the importation, introduction or bringing into New South Wales from any State or Territory of potatoes, including seed potatoes, soil in which potatoes have grown and any thing of any nature or kind whatsoever if it has come into contact with the pest, or if the pest is in or on the thing.

1. Potatoes, including seed potatoes, soil and the things specified in Schedule 1 from a place within a radius of 20 kilometres from any place in any State or Territory where the pest is or has been present, and which have not come into contact with the pest, or which do not have the pest in or on the thing, may be brought into New South Wales only with the approval of the Chief, Division of Plant Industries and in accordance with any conditions specified in that approval.

2. Seed potatoes from a place outside a radius of 20 kilometres from any place in any State or Territory where the pest is or has been present and which have not come into contact with the pest, or which do not have the pest in or on the thing, may only be brought into New South Wales if they do not have soil attached.

Definitions

In this Proclamation the following words and phrases have the meaning indicated.

Chief, Division of Plant Industries means the Chief, Division of Plant Industries of the New South Wales Department of Agriculture.

pest means the pest Potato Cyst Nematode (*Globodera spp.*)

seed potatoes means any potatoes, minitubers, transplants or microtubers for the production of potato crops.

soil includes potting mix, any form of manufactured potting mix, pebbles or gravel.

SCHEDULE 1

1. Any plants or plant material, including tubers, bulbs (including onions and garlic), roots (including carrots, parsnips and turnips), corms or rhizomes any of which have soil attached.

2. Any bin, package, bag or sack that has previously contained potatoes or soil in which potatoes have grown.

3. Any machinery that has been used for the cultivation, planting, spraying or harvesting of potatoes.

Note: For further information, contact the New South Wales Department of Agriculture on 02 63913593. P144 is the Department's reference.

Signed and sealed at Sydney this 14th day of January 2004.

By Her Excellency's Command,
 IAN MacDONALD MLC
 NSW Minister for Agriculture and Fisheries

GOD SAVE THE QUEEN!

PLANT DISEASES ACT 1924

Section 4(1)

PROCLAMATION P128

Proclamation to regulate the importation, introduction and bringing of seed potatoes, soil and other things into the NSW Seed Potato Protected Areas on account of the diseases powdery scab and bacterial wilt and the pest potato cyst nematode.

Her Excellency Professor MARIE BASHIR, A.C.,
 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 4(1) of the Plant Diseases Act 1923, being of the opinion that it is necessary to do so in order to prevent the introduction of the diseases powdery scab (*Spongospora subterranean*) and bacterial wilt (*Ralstonia solanacearum*) ("the diseases"), and the pest potato cyst nematode (*Globodera spp.*) ("the pest") into the NSW Seed Potato Protected Areas:

- A. regulate the importation, introduction and bringing into the NSW Potato Seed Protected Areas of seed potatoes, soil in which potatoes have grown and other things specified in Schedule 2, on account of the diseases powdery scab and bacterial wilt and the pest potato cyst nematode; and
 - B. prohibit the importation, introduction and bringing into the NSW Potato Seed Protected Areas of any second-hand packages, bags or sacks that have previously contained potatoes, soil in which potatoes have grown or any thing of any nature or kind whatsoever if it has come into contact with the diseases or the pest, or if the diseases or the pest is in or on the thing.
1. Seed potatoes which have not come into contact with the diseases or the pest, or which do not have the diseases or pest in or on the thing, may only be brought into the NSW Seed Potato Protected Areas:
 - if they have been brushed and do not have soil attached, and
 - with the approval of the Chief, Division of Plant Industries and in accordance with any conditions specified in that approval.
 2. Any thing specified in Schedule 2 which has not come into contact with the diseases or the pest, or which does not have the diseases or pest in or on the thing, may only be brought into the NSW Seed Potato Protected Areas if it does not have soil attached and is accompanied by:
 - a Plant Health Certificate, or
 - a Plant Health Assurance Certificate
 certifying that one or other of the two Conditions for Entry set out below has been complied with, the date and method of treatment, and the measures taken to guard against the risk of contact with the diseases or the pest.

Conditions for entry

Treatment

- 1 The thing has been treated, stored and transported, in a manner approved by the Chief, Division of Plant Industries, and to remove all soil from the potatoes or thing.
- 2 The thing has been treated by:
 - (a) dipping or drenching with solution of sodium hypochlorite at a strength of 1.0 per cent active chlorine, or
 - (b) subjected to steam at a temperature of not less than 85°C for not less than 1 minute, or
 - (c) fumigation with methyl bromide at 48 grams per cubic metre at 21°C for not less than 12 hours.

Definitions

In this Proclamation the following words and phrases have the meaning indicated.

Chief, Division of Plant Industries means the Chief, Division of Plant Industries of the New South Wales Department of Agriculture.

container means any bin, second-hand package, bag or sack that has previously contained potatoes or soil in which potatoes have grown.

diseases means of the diseases powdery scab (*Spongospora subterranean*) and bacterial wilt (*Ralstonia solanacearum*).

NSW Potato Seed Protected Areas means the parts of New South Wales specified in Schedule 1.

pest means the pest Potato Cyst Nematode (*Globodera spp.*)

Plant Health Assurance Certificate means a Plant Health Assurance Certificate issued by a person authorised by a Department of the State or Territory that is responsible for plant health to issue Plant Health Assurance Certificates.

Plant Health Certificate means a Plant Health Certificate issued by an authorised person of a Department of a State or Territory that is responsible for plant health.

seed potatoes means any potatoes, minitubers, transplants or microtubers for the production of potato crops.

soil includes potting mix, any form of manufactured potting mix, pebbles or gravel.

SCHEDULE 1

NSW Seed Potato Protected Areas

The Local Government Areas of:

Armidale Dumaresq	Gunning
Bathurst	Guyra
Blayney	Mulwaree
Cabonne	Oberon
Crookwell	Orange
Evans	Severn
Glen Innes	Walcha
Goulburn	Wingecarribee (Parish of Murrimba)

The parts of New South Wales are represented in the map titled "NSW Seed Potato Protected Areas".

SCHEDULE 2

- 1 Containers carrying soil in which potatoes have grown, and previously used containers and soil in which potatoes have grown that are not free from soil;
- 2 Any second-hand packages, bags or sacks that have previously contained potatoes;
- 3 Any returnable bins that have previously contained potatoes, unless these are clean and free of soil and have been treated in accordance with one of the conditions of entry clause 2 of the Conditions for entry; and
- 4 Any machinery used for the cultivation, planting, spraying or harvesting of potatoes, unless it has been treated in accordance with the clause 2(b) of the Conditions for entry.

Note: For further information, contact the New South Wales Department of Agriculture on 02 63913593. P128 is the Department's reference.

Signed and sealed at Sydney this 14th day of January 2004.

By Her Excellency's Command,

IAN MacDONALD MLC
NSW Minister for Agriculture and Fisheries

—
GOD SAVE THE QUEEN!



WINE GRAPES MARKETING BOARD (RECONSTITUTION) ACT 2003

Wine Grapes Marketing Board
(Terms and Conditions of Payment) Order 2004

THE Wine Grapes Marketing Board, for the City of Griffith and the local government areas of Leeton, Carrathool and Murrumbidgee in pursuance of Part 2, Section 5 of the Wine Grapes Marketing Board (Reconstitution) Act 2003, make the following Order.

Dated, this 12th day of January 2004.

Wine Grapes Marketing Board (Terms and Conditions of Payment) Order 2004

under the

Wine Grapes Marketing Board (Reconstitution) Act 2003

1. Name of Order

Wine Grapes Marketing Board (Terms and Conditions of Payment) Order 2004.

2. Commencement

This Order commences on 12 January 2004, by motion of the Wine Grapes Marketing Board.

3. Duration

This Order has effect for the 2004 calendar year only.

4. Validity of Order

(1) The making of this Order by the Wine Grapes Marketing Board under Section 5 of the Wine Grapes Marketing Board (Reconstitution) Act 2003 is specifically authorised for the purposes of section 51 of the Trade Practices Act 1974 of the Commonwealth and the Competition Code of New South Wales.

(2) The making of this Order does not limit or remove any obligations parties to this Order may have under the Wine Grapes Marketing Board (Reconstitution) Act 2003.

5. Definitions

In this Order:

Act means the Wine Grapes Marketing Board (Reconstitution) Act 2003.

Board means the Wine Grapes Marketing Board established by the regulation set out in Schedule 1 of the Wine Grapes Marketing Board (Reconstitution) Act 2003.

Board's area of operations means the City of Griffith and the local government areas of Carrathool, Leeton and Murrumbidgee

complying contract means:

- (a) a contract that fixes:
 - (i) the prices to be paid for consignments of MIA wine grapes delivered during the current calendar year only, or the manner in which those prices are to be calculated, and
 - (ii) the date or dates by which those prices, or the various instalments of those prices, will be paid, being a contract entered into before the first Monday in December of the previous calendar year, or
- (b) a contract that fixes:
 - (i) the prices to be paid for consignments of MIA wine grapes delivered during both the current calendar year and one or more future calendar years, or the manner in which those prices are to be calculated, and
 - (ii) the date or dates by which those prices, or the various instalments of those prices, will be paid, being a contract entered into at any time before the first delivery of winegrapes under the contract, or
- (c) a contract the subject of an approval in force under section 13 of the Act.

consignee means a person to or for whom a consignment of MIA wine grapes is delivered.

consignor means a person by or from whom a consignment of MIA wine grapes is delivered.

constituted grower means for any calendar year, the class of primary producers for which the Board is constituted includes all growers within the Board's

area of operation who, during the previous calendar year, harvested more than 20 tonnes of MIA wine grapes, but does not include:

- (a) in the case of a corporation:
 - (i) a grower that is also a winery, or
 - (ii) a grower in which a winery has a controlling interest, or
- (b) in the case of an individual:
 - (i) a grower who is also a winery, or
 - (ii) a grower who is a director of a corporation that is a winery and who (as a grower) supplies the winery with all of the MIA wine grapes that he or she harvests.

duly contracted delivery means a consignment of MIA wine grapes that is delivered pursuant to a complying contract.

EFT means electronic funds transfer.

MIA wine grapes means any variety of grapes grown in the Board's area of operations for use for processing into wine, must, juice or wine spirit.

6. Application of sections

- (1) Section 7, 8 and 9 of this Order applies to the Terms and Conditions of Payment for all MIA wine grapes delivered to consignees by consignors that are not a duly contracted delivery.
- (2) Section 10 of this Order applies to the Terms and Conditions of Payment for the rates levied by the Wine Grapes Marketing Board under the Agricultural Industry Services Act 1998, in relation to deliveries of all MIA winegrapes from constituted growers within the Board's area of operations.

7. Terms and Conditions of Payment for the year 2004

- (1) The purchase price for all MIA wine grapes purchased shall be paid by consignees to the Board or as directed by the Board as noted in the timetables in this section and where appropriate in accordance with Section 9 of this order.
- (2) Payments made by consignees directly to the Board pertaining to deliveries of MIA wine grapes delivered to consignees by consignors.

Table 1: Payments made to the Board by Consignees

Timetable	Structure
11th May 2004	1/3 total delivery value (33.33%)
21st June 2004	1/3 total delivery value (33.33%)
11th October 2004	1/3 total delivery value (33.34%) including all bonus payments

- (3) The Board may direct payments for MIA wine grapes to be made directly to consignors by consignees only upon completion in full of an "Application to Make Payment Directly to Growers" made and received by the Board on or prior to 27 February 2004.
 - (i) Applications are available from the Board.
 - a. No fees or charges for processing of applications will apply.
 - b. Notification of Board direction will be made 26 March 2004.
 - (ii) Failure to comply with any or all conditions of the application made in accordance with this Order may result in the revocation of any direction made by the Board pursuant to the application.

- (4) Payments made directly to consignors by consignees excluding all applicable levies for MIA wine grapes delivered to consignees by consignors under direction by the Board.

Table 2: Payments Made to Consignors by Consignees and the Board

Timetable	Structure
14th May 2004	1/3 total delivery value (33.33%)
24th June 2004	1/3 total delivery value (33.33%)
14th October 2004	1/3 total delivery value (33.34%) including all bonus payments

- (i) All payments made to the Board by consignees on MIA wine grapes delivered by consignors are to be paid to growers in accordance with Table 2 of this Section or at earlier dates by notice to the Board.

8. Default payments for deliveries of MIA wine grapes

- (1) Interest shall apply on all late payments made for purchased MIA winegrapes whether the consignee has been directed by the Board to make payments directly to consignors or not at the rate prescribed under section 95 (1) of the Supreme Court Act 1970 for payment of interest on a judgement debt, plus 5 per cent.
- (2) Payments made in accordance with this section shall occur in accordance with instruction of the Board.
- (3) Any money due to the Board, including any money that becomes payable as a consequence of the revocation of a direction under section 10 of the Wine Grapes Marketing Board (Reconstitution) Act 2003 may be recovered as a debt.

9. Manner and timing in which payments are to be made

- (1) Notwithstanding any previous section in this Order this clause applies to payment by all consignees accepting deliveries of MIA wine grapes from consignors otherwise than pursuant to a direction by the Board. Payments are to be:
 - (i) Paid as a valid bank cheque made out to the Wine Grapes Marketing Board and receipted by the Board by 12 midday of the due date, or
 - (ii) Transferred to the Board's nominated banking account by EFT so as to cause all funds to be cleared by the due date. A confirmation of the transaction must be forwarded by facsimile to the Board on the same day.
- (2) Notwithstanding any previous section in this Order this clause applies to all payments made to consignors by consignees accepting deliveries of MIA wine grapes from consignors pursuant to a direction under the Act by the Board:
 - (i) Made available as a cheque made out to the consignor for pickup by consignors by 12 midday on the due dates, or
 - (ii) Transferred by EFT to consignors nominated banking account so that funds are cleared by the due dates. A confirmation of the transaction must be forwarded to the grower on the same day, or
 - (iii) Sent as a cheque made out of the consignor via Australia Post to consignors post marked on the date directed.

- (3) No payments made available for consignor pickup are to be retained by the consignee for greater than 24 hours.
- (4) Revocation of a Board direction may result from non-compliance of the manner within this Order.

10. Calculation and payment of Wine Grapes Marketing Board levies

- (1) Levies are applicable on deliveries of MIA wine grapes on all constituted growers.
- (2) The leviable rate for 2004 is \$3.90 per tonne (fresh weight) of winegrapes.
- (3) In the case of a consignee receiving Board direction to make payments to consignors directly the levy amount shall be deducted by the consignee from the payment for deliveries of MIA wine grapes and then remitted to the Board in the following timetables and structure.

Table 3: Payments of Levies to the Board

Timetable	Structure
14th May 2004	\$1.30 per tonne delivered
24th June 2004	\$1.30 per tonne delivered
14th October 2004	\$1.30 per tonne delivered

Table 4: Alternate Payments of Levies to the Board

Timetable	Structure
30th June 2004	\$3.90 per tonne delivered

- (4) Payments of levies by consignees in accordance with Table 4: Alternate Payments of Levies to the Board are required to advise the Board in writing by 30th April 2004. No penalty or discount will be provided to the consignee for payments made in this manner.
- (5) Failure to remit levies to the Board within the timetable, structure and the approved manner may cause a revocation of a Board direction made in accordance with this Order.
- (6) All levies payable to the Board in accordance with the timetable in Subsection 3 of this Section are to be paid to the Board in the following manner:
 - (i) To the Board's nominated banking account by EFT on the due dates, including a confirmation of the transaction sent by facsimile to the Board on the same day, or
 - (ii) Sent as a business cheque made out to the Wine Grapes Marketing Board via Australia Post postmarked on the due dates.
 - (iii) Delivered to the registered offices of the Board on the due dates.

All enquiries in relation to this Order should be directed to:

Mr Brian Simpson,
Chief Executive Officer
Wine Grapes Marketing Board
182 Yambil Street Griffith NSW 2680
PO Box 385 Griffith NSW 2680
Phone: 02-6962 3944 Fax: 02-6962 6103
Mobile: 0438 388 828
Email: bsimpson@wgmb.net.au

Copies of this Order can be downloaded from the Board's website in PDF format: <http://www.wgmb.net.au>

WORKERS COMPENSATION (DOMESTIC ASSISTANCE) ORDER 2004

under the

WORKERS COMPENSATION ACT 1987

I, JON BLACKWELL, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 (2) of the Workers Compensation Act 1987, make the following Order.

Dated this 12th day of January 2004.

JOHN WATSON
 Acting Chief Executive Officer
 WorkCover Authority

Explanatory Note

Section 61 (2) of the Workers Compensation Act 1987 provides that the maximum amount for which an employer is liable for any particular medical or related treatment is not to exceed the sum fixed by the WorkCover Authority in respect of that treatment by order published in the Gazette. Paragraph (f1) of the definition of "medical or related treatment" in section 59 of that Act includes domestic assistance services.

This Order sets out the maximum amount for which an employer may be liable for the provision of domestic assistance services provided gratuitously and domestic assistance services for which an injured worker has paid or is liable to pay.

1. Name of Order

This Order is the Workers Compensation (Domestic Assistance) Order 2003 No. 1.

2. Explanatory note

The explanatory note does not form part of this Order.

3. Commencement

This Order commences on the date of its publication in the Gazette.

4. Application of Order

This Order applies to domestic assistance services provided on or after the commencement of this Order.

5. Definitions

gratuitous domestic assistance has the same meaning as it has in section 60AA (6) of the Act.

Home Care Service of New South Wales means the Home Care Service of New South Wales constituted by the Home Care Service Act 1988.

the Act means the Workers Compensation Act 1987.

6. Maximum amount payable for domestic assistance services for which worker is liable to pay

- (1) The maximum fee amount for which an employer is liable under the Act for domestic assistance services for which an injured worker has paid or is liable to pay is the rate payable by government and corporate clients in respect of domestic assistance services provided by the Home Care Service of New South Wales, as published from time to time on the Internet site of the Home Care Service of New South Wales.
- (2) Rates published by the Home Care Service of New South Wales in respect of personal care, overnight

care or live-in care have no effect for the purposes of this Order.

7. Maximum amount payable for gratuitous domestic assistance

- (1) The maximum hourly fee amount for which an employer is liable under the Act for gratuitous domestic assistance services is the hourly rate calculated by dividing by 35 the amount estimated by the Australian Bureau of Statistics as the average weekly total earnings (full time adult ordinary time) of all employees in New South Wales from time to time.
- (2) The maximum number of hours per week for which the hourly rate referred to in subclause (2) is payable is 35.

WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION ACT 1998

WORKERS COMPENSATION ACT 1987

WORKCOVER GUIDELINES FOR THE PROVISION OF DOMESTIC ASSISTANCE

Explanatory note

These Guidelines are made under sections 376 (1) (c) of the Workplace Injury Management and Workers Compensation Act 1998 and section 60AA of the Workers Compensation Act 1987. They explain the operation of the workers compensation legislation relating to the provision of gratuitous domestic assistance services to injured workers.

These Guidelines set out procedures to be followed relating to the provision of gratuitous domestic assistance services and the verification of the provision of those services.

These Guidelines are primarily intended to assist insurers, medical practitioners and rehabilitation providers. Questions about the provision of domestic assistance and these Guidelines should be directed to the Workplace Injury Management Branch of WorkCover NSW on 13 10 50.

Dated this 12th day of January 2004.

JOHN WATSON
Acting Chief Executive Officer
WorkCover Authority

WorkCover Guidelines for the Provision of Domestic Assistance

1. Aim of these Guidelines

These guidelines are designed for use by insurers, medical practitioners and rehabilitation providers. They aim to direct the practical application of those parts of the workers compensation legislation dealing with provision of gratuitous domestic assistance to injured workers.

1.1 Relevant legislation

These Guidelines are made under section 376 (1) (c) of the Workplace Injury Management and Workers Compensation Act 1998 ('the 1998 Act') and section 60AA of the Workers Compensation Act 1987 ('the 1987 Act').

1.2 Guidelines for domestic assistance services

Section 376 (1) (c) of the 1998 Act empowers the Authority to issue guidelines as to a matter that a provision of either the 1987 or the 1998 Act provides may be the subject of guidelines.

Section 60AA of the 1987 Act provides that compensation is payable for domestic assistance which is reasonably necessary for an injured worker. Section 60AA (3) (b) provides that compensation is not payable for gratuitous domestic assistance unless the assistance is provided in accordance with a care plan established by the insurer in accordance with the WorkCover guidelines. Section 60AA (5) (b) provides that Guidelines may be made for how the provision of those services is to be verified.

Accordingly, these Guidelines apply in relation to:

- the provision of gratuitous domestic assistance, and
- how the provision of domestic assistance services is to be verified.

1.3 Definitions

In this Guideline, the following definitions apply:

Nursing includes, but is not limited to, regulation/management of, and/or advice to carers regarding bowel/bladder care, chest care, skin care, medication, wound care, temperature, nutrition, and blood pressure.

Care of the Worker (also known as "personal care") applies to care that includes, but is not limited to:

- Assistance with/supervision of transfers and mobility,
- Assistance with/supervision of showering, bathing, dressing, grooming, eating, drinking,
- Planning of daily activity – planning/arranging outings, use of diary/calendar, assisting with correspondence, assisting with telephone calls, and
- Preparing for and attending medical/therapy appointments.

Domestic Assistance may include, but is not limited to:

- Household Cleaning – internal and external,
- Laundry,
- Meal Preparation,
- Shopping,
- Lawn/Garden care,
- Simple essential home maintenance such as changing light bulbs or tap washers, and
- Child Care.

Care Plan for the Worker is that part of the Injury Management or Case Management Plan that addresses Domestic Assistance.

2. APPLICATION OF GUIDELINES

These Guidelines apply to the provision of gratuitous domestic assistance.

Gratuitous domestic assistance is domestic assistance provided to an injured worker for which the injured worker has not paid and is not liable to pay.

Compensation for gratuitous domestic assistance can be paid only if the person providing the gratuitous domestic assistance has lost income or forgone employment as a result of providing the assistance.

3. ELIGIBILITY FOR DOMESTIC ASSISTANCE

An injured worker is eligible to receive domestic assistance where a medical practitioner has certified that it is reasonably necessary for the worker to receive the assistance and that the necessity arises as a direct result of the worker's injury.

The type and amount of assistance is to be determined by a functional assessment, and the worker must have undertaken the domestic tasks with which assistance is to be provided prior to the injury.

Assistance can be provided, as part of an injury management plan, on a temporary basis for a period of up to 6 hours per week for a cumulative period of not more than 3 months.

Insurers can provide assistance on a “without prejudice” basis if the person requires assistance beyond 3 months and is likely to be assessed as having 15% Whole Person Impairment (WPI).

Ongoing assistance (subject to medical review) can be provided if the person is certified as 15% WPI.

Eligibility will be assessed when the worker, or a provider on their behalf, requests domestic assistance. For temporary assistance this will be when the worker is recovering from the work related injury or from curative intervention such as surgery.

For longer term assistance, the assessment will be when the worker is able to be assessed for WPI or, in cases of “without prejudice” decisions, when the worker is likely to exceed 3 months’ cumulative assistance. In the latter case, the insurer is to consider the probability of an assessment of 15% WPI in the future and will be guided in this decision by advice of a medical specialist experienced in the management of the particular medical condition who is trained in the application of the WorkCover Guides for the Evaluation of Permanent Impairment.

4. PURPOSE OF PROVISION OF DOMESTIC ASSISTANCE

The provision of domestic assistance services to injured workers is driven by the WorkCover NSW’s focus on returning injured workers to work as soon as possible, and mitigating the effects of their injury on their health, wellbeing and ability to achieve, as near as possible, their pre-injury functional status.

The intent is to provide domestic assistance to injured workers in the short term if they are medically and functionally unable to manage their domestic responsibilities, while they concentrate on recovery and rehabilitation.

For workers with permanent, severe disabilities, the assistance is provided to compensate for the worker’s inability to complete their domestic responsibilities.

5. APPROVAL REQUIREMENTS FOR DOMESTIC ASSISTANCE

5.1 Certification by Medical Practitioners

A medical practitioner must certify the requirement for domestic assistance.

Information required in this certification includes:

1. Details of the functional restrictions limiting the worker’s capacity for performing domestic tasks;
2. That the need for the domestic assistance is a direct result of the work injury;
3. That the domestic assistance recommended is reasonably necessary.

In making this functional determination, the certifying doctor may refer to reports from other professionals such as medical specialists, occupational therapists or

physiotherapists. If a specific assessment is required, this will be paid as a claim cost.

In cases where the injured worker has been certified with at least 15% whole person impairment (WPI), it is expected that a thorough on-site Functional Assessment (or Functional Capacity Evaluation) be completed by a relevant professional (eg occupational therapist).

In making a decision about the provision of domestic assistance, the following must be considered:

- whether the injured worker usually undertook the domestic tasks being claimed for prior to their injury; or
- if the worker did not usually undertake the domestic tasks prior to their injury, but their social circumstances have changed as a result of the injury so they are now required to, assistance for these additional tasks may be considered.

5.2 Reasonable necessity for domestic assistance

In determining the reasonableness and the necessity of domestic assistance, the following principles are also to be applied:

- The doctors and health professionals involved have considered and provided other alternatives such as adaptive equipment to enable independence, training in work simplification or joint protection principles and working towards independence in domestic tasks as a part of the rehabilitation program, and consider that domestic assistance is required in addition to these.
- In assessing the eligibility for domestic assistance, Claims Managers should be sensitive to individual needs, cultural and familial issues and personal standards of hygiene and cleanliness and to circumstances where the domestic care cannot be provided by other members of the injured worker’s household because of the extreme burden this would place on those household members.
- The doctor/health professional has provided a timeframe for the period that the recommended level of domestic assistance will be required and a functional re-evaluation is scheduled.
- The fact that someone residing with the worker gains a subsidiary indirect benefit from the service does not, of itself, prevent the service from being approved as “domestic assistance”.
- The injured worker must be residing in the home where domestic assistance is to be provided. Domestic assistance cannot be provided to other members of the household in the absence of the injured worker.

To determine whether or not domestic assistance is reasonably necessary, there must be evidence that the assistance required:

1. Arises from the worker’s injury/illness, incapacity and those related factors that are hindering the worker’s recovery and RTW,
2. Is appropriate, ie there is a clear link between the worker’s needs, the purpose of the assistance and its likely benefit(s),
3. Is likely to be more effective than alternative interventions,

4. Is cost effective, ie the service is likely to contribute to substantially reducing the worker's dependence on further treatment, rehabilitation and workers compensation benefits, and
5. Represents an accepted intervention for those needs arising from the worker's injury and incapacity, ie it is consistent with current best practice and there is evidence to support its efficacy.

6. LEVEL OF DOMESTIC ASSISTANCE THAT CAN BE APPROVED BY THE INSURER

6.1 Hours per week

In the event the worker has been certified with at least 15% Whole Person Impairment (WPI), the worker is entitled to all reasonably necessary domestic assistance.

In these cases, the hours provided would be determined based on medical/health professional recommendation and application of the principles listed above. A thorough functional assessment by an occupational therapist is required as well as medical certification. Periodic review of the hours required is essential and should be conducted according to medical advice.

If the WPI is less than 15%, or has not yet been determined, then a maximum of 6 hours per week domestic assistance can be provided. The approved amount will always be in accordance with the functional requirements of the injured worker.

6.2 Period of time

In the event the worker has been certified with at least 15% WPI there is no limit on the length of time that domestic assistance can be provided. Where domestic assistance is required in the long term, periodic review of the injured workers circumstances is to be conducted.

If the 15% WPI has not yet been determined, then domestic assistance can be provided for a maximum period of 3 months. This can be a single block of three months, or can be accumulated by several shorter periods of assistance adding up to three months.

6.2.1 Periodic Review

The provision of domestic assistance must be re-evaluated at regular intervals. The frequency of these re-evaluations will depend on the prognosis for the injured worker, including speed of recovery and degree of anticipated recovery. Review timeframes must be noted on the Injury Management Plan or Case Management Plan for long term care.

6.3 Where a WPI has not yet been determined

In the circumstance where a WPI has not yet been determined and the injured worker requires domestic assistance beyond 3 months and/or for more than 6 hours per week there is little flexibility available. Under current legislation, injured workers are not entitled to domestic assistance beyond three months or for more than 6 hours per week unless they have a WPI of at least 15%.

It is important to note that this does not prevent nursing or personal care being provided to the worker.

Where a medical specialist experienced in the management of the worker's medical condition, who is trained in the application of the WorkCover Guides for the Evaluation of Permanent Impairment,

determines that a worker's injury will result in at least 15% WPI, payments can be made on a "without prejudice" basis. The requirements for appropriate assessment also apply in these cases.

In cases where this cannot be manifestly determined, the worker can pay for the service and apply for recovery of the moneys when WPI is able to be determined.

7. PAYMENT FOR DOMESTIC ASSISTANCE SERVICES

The person claiming compensation for providing gratuitous domestic assistance must provide evidence to the Claims Manager that they have lost income or forgone employment as a result of providing this assistance.

Examples of evidence may include:

- pay slips demonstrating less overtime worked for that period, with a supporting letter from the employer,
- pay slips demonstrating fewer hours of work (if casually employed), with a supporting letter from the employer,
- evidence of reduced hours of work – eg from full-time to part-time,
- letter of resignation, giving reasons, and
- letter of termination by an employer – outlining reasons for loss of job.

Along with this evidence, providers of gratuitous domestic assistance must also submit a diary of the assistance provided. This includes date, hours worked and the activities performed. Both the domestic assistance provider and the injured worker must sign the diary entries. An example of a Domestic Assistance Diary is found in **Attachment A**.

Payment will only be made for services agreed to and described in the Injury Management Plan (the "Care Plan" for the worker).

The Claims Manager then reimburses the service provider directly. Payment is not made to the injured worker under any circumstances

The maximum hourly fee amount for which an employer is liable under the Act for gratuitous domestic assistance services is the hourly rate calculated by dividing by 35 the amount estimated by the Australian Bureau of Statistics as the average weekly total earnings (full time adult ordinary time) of all employees in New South Wales from time to time. Compensation is not payable for more than 35 hours per week.

8. CHOOSING A DOMESTIC ASSISTANCE SERVICE PROVIDER

In determining the most efficient and cost-effective way to provide the domestic assistance, consideration should be given to:

- Hourly rates of local service providers,
- Travel required by the nearest commercially available service provider (most applicable in remote areas),
- Efficiency of using family or friends – can they complete the domestic assistance as quickly as a commercial service?
- The preference that family and friends do not lose income as a result of providing domestic assistance, and
- Cultural, family or individual circumstances or preferences.

LOCAL COURTS (CRIMINAL AND APPLICATIONS PROCEDURE) RULE 2003

FORMS

IN pursuance of Part 9, Clause 59 of the Local Courts (Criminal Applications Procedure) Rule 2003, I have approved the following form for use in the Local Court commencing from 1 January 2004.

Dated 30 December 2003

His Honour Judge PRICE,
Chief Magistrate of the Local Court

(Clause 9)

APPLICATION TO WAIVE COMMITTAL HEARING

**Criminal Procedure Act 1986
Section 68**

In the Local Court
at

Full Name of Prosecutor:
Prosecutor's Business Address:

Accused Person:
Name of Legal Representative of Accused Person:
Legal Representative's Business Address:

The Accused person makes application to the Court to waive his/her right to a committal hearing in respect of the following offences:

Charge Number	Offence	Date of Offence	Date of Listing

This application is made with the consent of the prosecution.

Dated this day of 2003.

Accused Person

Prosecutor

Legal Representative

ORDER

I order the Accused Person be committed for trial to the District Court at _____
and to appear before such Court on the day of 2003.

Dated this day of 2003.

Magistrate



MOVING PLANT ON CONSTRUCTION SITES

CODE OF PRACTICE 2003

WorkCover. **Watching out for you.**

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WHAT IS AN INDUSTRY CODE OF PRACTICE?

An approved industry code of practice is a practical guide to achieving the standard of safety required by the *Occupational Health and Safety Act 2000* (the Act) and *Occupational Health and Safety Regulation 2001* (the Regulation) for a particular area of work.

An approved industry code of practice should be followed unless an alternative course of action achieves the same or better standard of health and safety in the workplace.

An industry code of practice is approved by the Minister for Commerce. It comes into effect on the day the notice of this approval is published in the NSW Government Gazette or on the day specified in the Gazette notice.

An approved industry code of practice is designed to be used in conjunction with the Act and Regulation but does not have the same legal force. A person or company cannot be prosecuted for failing to comply with an approved industry code of practice.

However, in proceedings under the Act or Regulation, failure to observe a relevant approved industry code of practice can be used as evidence that a person or company has contravened or failed to comply with the provisions of the Act or Regulation.

A WorkCover NSW inspector can cite an approved industry code of practice in a direction or in an improvement or prohibition notice, indicating the measures that should be taken to remedy an alleged contravention or non-compliance. Failure to comply with a requirement in an improvement or prohibition notice is an offence.

In summary an approved **INDUSTRY CODE OF PRACTICE:**

- gives practical guidance on how the required standard of health, safety and welfare can be achieved in an area of work

- should be followed, unless there is an alternative course of action that achieves the same or better standard of health and safety in the workplace

- can be used in support of the preventive enforcement provisions of the Act

- can be used to support prosecutions for failing to comply with or contravening the Act or Regulation.

PREFACE

The aim of this code of practice is to assist employers in deciding appropriate measures to prevent risks to workers and other people on construction sites where moving plant is used. It provides practical advice on implementing the requirements of the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001*.

This code of practice is for employers, employees, contractors, subcontractors and other parties involved in construction work with moving plant.

At times construction work may be carried out near moving plant on greenfield construction sites as well as, on or near, public roads and pedestrians. Where construction and maintenance work is carried out on or near public roads, work should be carried out in accordance with the AS 1742 set of Standards - *Manual of uniform traffic control devices*. These Standards are supported by a set of field guides (HB 81) *Field guide for traffic control at works on roads*.

Use this code of practice to assess the effectiveness of your present arrangements for dealing with safety issues associated with moving plant, and to check that all sources of risk have been identified and dealt with. If you are setting up a new business, this code of practice can serve as your step-by-step guide to establishing a program to manage the hazards arising from the use of moving plant.

What do the symbols in the code of practice mean?

To help you work out what you require, a number of symbols are used to highlight things you need to take into account, and tools to help you do the job.



Assess the risks in your workplace



Legal obligations that you must follow



Processes of finding things that cause harm, work out how serious the problems are and then to fix them

CHAPTER 1 - ESTABLISHMENT

1.1 Title

This is the *Code of Practice for Moving Plant on Construction Sites*.

1.2 Purpose

This code of practice provides practical guidance to prevent injury to people where moving plant is used at construction sites.

1.3 Scope

This code of practice applies to the use of moving plant at all construction site places of work in NSW, except mines.

Moving plant includes plant that:

- (a) moves either under its own power, or is pulled or pushed by other powered moving plant
- (b) moves on or around the construction site, enters or leaves the site, or moves past the site, and
- (c) includes road vehicles (such as tip trucks).

This does not cover the load shifting operation of plant (such as excavators, cranes, hoists, and forklifts) to the extent covered by the following approved industry codes of practice:

- *Code of Practice: Excavation* (March 2000)
- *AS 2359.2-1985 SAA Industrial Truck Code – Part 2: Operation* (October 1985) (this covers forklift use)
- AS 2550 set of standards covering the safe use of cranes of all types (including hoists, elevating work platforms and building maintenance units, but not forklift trucks).

Note: The above two Australian Standards were gazetted as approved industry codes of practice on 21 September 2001 in the *Code of Practice: Technical Guidance*.

1.4 Authority

This is an industry code of practice approved by the Minister for Commerce under section 43 of the *Occupational Health and Safety Act 2000*.

1.5 Commencement

This code commences on *Friday, 16 January 2004*

1.6 Interpretation

1.6.1 Recommended practices

Words such as 'should' indicate recommended courses of action. 'Consider' indicates a possible course of action that the code is indicating the duty holder should think about. However, you may choose an alternative method of achieving a safe system of work.

1.6.2 Legal Requirements

Words such as 'must', 'requires' or 'mandatory' indicate that legal requirements exist, which must be complied with.

1.7 Definitions

alter in relation to plant, means to change the design of, add to or take away from the plant if the change may affect health or safety, but does not include routine maintenance, repair or replacement.

commissioning of plant means performing the necessary adjustments, tests and inspections to ensure plant is in full working order to specified requirements before the plant is used, and includes recommissioning.

competent person for any task means a person who has acquired through training, qualification or experience, or a combination of them, the knowledge and skills to carry out the task.

construction work means any of the following:

- excavation, including the excavation or filling of trenches, ditches, shafts, wells, tunnels and pier holes, and the use of caissons and cofferdams
- building, including the construction (including the manufacturing of prefabricated elements of a building at the place of work concerned), alteration, renovation, repair, maintenance and demolition of all types of buildings
- civil engineering, including the construction, structural alteration, repair, maintenance and demolition of, for example, airports, docks, harbours, inland waterways, dams, river and avalanche and sea defence works, roads and highways, railways, bridges and tunnels, viaducts, and works related to the provision of services such as communications, drainage, sewerage, water and energy supplies.

crane means an appliance intended for raising or lowering a load and moving it horizontally, and includes the supporting structure of the crane and its foundations, but does not include industrial lift trucks, earth moving machinery, amusement devices, tractors, industrial robots, conveyors, building maintenance equipment, suspended scaffolds or lifts.

earthmoving machinery means an operator controlled item of plant used to excavate, load, transport, compact or spread earth, overburden, rubble, spoil, aggregate or similar material, but does not include a tractor or industrial lift truck.

employee means an individual who works under a contract of employment or apprenticeship.

employer means a person who employs persons under contracts of employment or apprenticeship.

Note: In some chapters of the Regulation, the term 'employer' includes a self-employed person in relation to duties to other persons.

fault means a break or defect that may cause plant to present an increased risk to health and safety and, in the case of a fault in the design of plant, means an aspect of the design that may cause the plant to be a risk to health and safety if manufactured in accordance with the design specifications.

high-risk construction work means any of the following construction work:

- involving structural alterations that require temporary support
- at a height above 3 metres
- involving excavation to a depth greater than 1.5 metres
- demolition work for which a licence is not required
- in tunnels
- involving the use of explosives
- near traffic or mobile plant
- in or around gas or electrical installations
- over or adjacent to water where there is a risk of drowning.

mobile crane means a crane capable of travelling over a supporting surface without the need for fixed runways (including railway tracks) and relying only on gravity for stability, that is, with no vertical restraining connection between itself and the supporting surface and no horizontal restraining connection (other than frictional forces at supporting-surface level) that may act as an aid to stability.

moving plant includes plant that:

- (a) moves either under its own power, or is pulled or pushed by other moving plant
- (b) moves on or around the construction site, enters or leaves the site, or moves past the site
- (c) includes road vehicles

Note: this definition has been adopted for the purposes of this code of practice. This includes items such as earthmoving machinery and trucks.

plant includes any machinery, equipment or appliance.

principal contractor (sometimes referred to as main or head contractor) means the person with the overall responsibility for the construction work.

Note: Depending on the contractual arrangements that are in place, the principal contractor may also be regarded as an employer, self-employed person or a person in control under the Act. Principal contractors have special duties under the Regulation.

repair means to restore plant to an operating condition, but does not include routine maintenance, replacement or alteration.

safe work method statement (SWMS) means a statement that:

- describes how work is to be carried out
- identifies the work activities assessed as having safety risks
- identifies the safety risks
- describes the control measures that will be applied to the work activities, and includes a description of the equipment used in the work, the standards or codes to be complied with, the qualifications of the personnel doing the work and the training required to do the work.

self-employed person means an individual who works for gain or reward otherwise than under a contract of employment or apprenticeship, whether or not employing others.

Note: In some chapters of the Regulation, the term 'employer' includes a self-employed person.

sub-contractor (sometimes referred to as contractor) means the person carrying out the work for the principal contractor.

Note: Depending on the contractual arrangements that are in place, the contractor doing the work may be an employer, self-employed person or a person in control within the terms of the Act.

use plant means to work from, operate, maintain, inspect or clean plant.

CHAPTER 2 – CONSULTATION AND RISK MANAGEMENT



The Act and the Regulation require employers to address workplace health and safety through a process of risk management and consultation.

To effectively implement this Code, employers need to be aware of these requirements and have procedures in place to apply them.

Employers are advised to consult the Act and the Regulation as well as the *Code of Practice: Occupational Health and Safety Consultation* and the *Code of Practice: Risk Assessment* for details of these requirements and how they can be met. The following information is designed to provide an overview.

2.1 Consultation at the workplace



Employers must consult with employees when taking steps to assess and control workplace risks.

In order to consult with employees, employers are required to set up consultation arrangements and develop consultation procedures.

2.1.1 Consultation arrangements

The Act provides three options for consultation arrangements:

Arrangement	Workplace	Requirement
OHS committee	20 or more employees	<ul style="list-style-type: none"> requested by a majority of employees or direction by WorkCover
OHS representative	any size	<ul style="list-style-type: none"> at least one employee requests an election or directed by WorkCover
Other agreed arrangements	Any size	<ul style="list-style-type: none"> agreed to by both the employer and employees (in a small workplace it may be a regular safety meeting with employees)

Before using this code, an employer should ensure that consultation arrangements are in place. An employer may initiate the establishment of an OHS Committee or the election of an OHS Representative if the employees have not made such a request. When the consultation arrangements have been decided, employers are required to record them and advise all existing and new employees.

2.1.2 Consultation procedures

After setting up the consultation arrangements employers need to consider when and how these consultation arrangements need to be applied.

2.1.3 When should consultation be undertaken?

Under the Act, employers have the general duty to consult employees when decisions are being considered that may affect their employees' health and safety. Therefore, employers are required to consult with their OHS committee, OHS representative or other agreed arrangement when such decisions are being considered. Decisions, which could affect health and safety, include;

- planning for new premises or modifying existing premises
- purchasing new plant, equipment or substances
- planning, designing or changing work tasks or jobs
- using contractors in the workplace
- investigating incidents or accidents
- developing emergency procedures
- determining or reviewing workplace amenities
- determining or reviewing consultation arrangements.

Note: Any procedures that are developed to encompass these activities should incorporate consultation.

It may not be practical or reasonable to involve the OHS committee or the OHS representative in every purchase decision or task change. However, the employers and committee or representative should agree on what process is needed to ensure that affected employees are consulted.

2.1.4 How should consultation be undertaken?

When engaged in consultation, the Act requires employers to:

- **Share all relevant information with employees**
For example, if an employer is going to change a work task, employees need to be told of any risk to health and safety that may arise and what will be done to eliminate or control these risks.
- **Give employees reasonable time to express their views**
Employees need adequate time to assess the information given to them, obtain relevant safety information and consult with fellow employees to enable them to form their views.

- **Value the views of employees and take them into account when the decision is made to resolve the matter**

In many cases, agreement will be reached on how the safety issues are to be addressed. When agreement cannot be reached, the employer should explain how the employees' concerns have been addressed.

2.2 Risk management at the workplace



Employers and self-employed persons must identify any foreseeable hazards, assess their risks and take action to eliminate or control them.

When addressing health and safety issues, besides consulting employees, employers must adopt the process of risk management. This process requires employers to:

2.2.1 Identify hazards

To ensure a safe and healthy workplace, employers must identify all the foreseeable health and safety hazards, which could harm their employees or other persons in the workplace. Hazards may arise from the work process, the equipment and materials in use, the work environment, or other people involved.

2.2.2 Assess risks

Once hazards have been identified the risk they pose to health and safety needs to be assessed. Some hazards pose a greater risk than others do, and the frequency and duration of exposure can also affect the risk. Risk assessment involves considering the likelihood and severity of injury or illness being caused by exposure to the risk. Therefore the factors that need to be considered in a risk assessment should include the:

- harm that can be caused by exposure to the hazard
- number of people and the duration and frequency of exposure to the hazard
- capability, skill and experience of people exposed to the hazard.

The risk assessment process provides information on the factors, which contribute to the risk. This information will assist in determining what needs to be done to eliminate or control the hazard.

2.2.3 Eliminate or control the risk

The first responsibility is to investigate how the risk can be eliminated. Before implementing the control measures described in this Code, an employer should investigate possible strategies for eliminating the hazard from the work system.

If it is not reasonably practicable to do so, the risks associated with the hazard must then be controlled. This Code has been developed to provide advice on the most effective control measures.

2.2.4 Review risk assessment and control measures

Control measures should be reviewed on a regular basis. The frequency of their review should be determined by considering the significance of the risks associated with the hazard. However, a review should be undertaken in the following circumstances:

- new information is made available about the risks associated with the hazard
- an accident or incident occurs
- significant changes are proposed to the workplace or work system.

2.2.5 When must employers undertake risk management?

The Regulation requires employers to incorporate the process of risk management into procedures when:

- planning for new premises or modifying existing premises
- purchasing new plant, equipment or substances
- planning, designing or changing work tasks or jobs
- using contractors in the workplace
- investigating incidents or accidents
- developing emergency procedures
- determining or reviewing workplace amenities
- determining or reviewing consultation arrangements.

These are the same activities for which employers are required to consult with employees.

2.2.6 Strategies for developing effective risk management procedures

When risk management activities are undertaken the following strategies should be considered to inform the process:

- visual checks through workplace inspections
- analysing the types of work being performed and the way work is performed
- inspections of plant and equipment
- analysing workplace records on accidents, incidents or 'near misses'
- risk management information provided by suppliers or manufacturers of equipment or, in the case of hazardous substances, Material Safety Data Sheets (MSDS)

- industry codes of practice for particular hazards or work processes
- Australian Standards, which set safety standards for a range of equipment products and materials
- guidance material from Workcover NSW or industry or professional organisations.

Further advice is provided in the *Code of Practice: OHS Consultation*.

CHAPTER 3 – MANAGING RISKS ASSOCIATED WITH MOVING PLANT ON CONSTRUCTION SITES

Working near moving plant can be a high-risk activity. Particular care should be taken to ensure the safety of persons working at or near locations where plant is used. Systems of work must ensure that no persons are at risk when working near or with moving plant. Safe work method statements can assist in ensuring the safety of workers where moving plant is in use.



In developing safe work method statements, work activities that have safety risks must be identified, the risks must be assessed, and means to eliminate or control the risks must be adopted.

A sample safe work method statement is included at Appendix 1 to assist in this.

The following hazards have resulted in fatalities in the past:

- plant operated near persons
- plant operated near underground or above-ground electric cables
- reversing plant
- loading or unloading vehicles
- operator driving too fast for the prevailing conditions
- moving plant onto a public road from site
- the operator or maintenance personnel not fully qualified or conversant with the machine.
- unauthorised access
- working too close to a shoulder or embankment
- failing to engage low gear before negotiating a steep gradient
- crossing logs, stumps or drains or pushing trees
- parking plant in a dangerous location
- not using adequate packing
- not applying safety locks or pins when conducting maintenance, servicing or adjustments
- working near rail lines carrying rail traffic.

Where work is carried out on or near public roads, vehicle movement procedures should be developed in accordance with AS 1742.3-2002 *Manual of uniform traffic control devices - Traffic control devices for works on roads*. Guidance and information regarding the selection, design and implementation of public road traffic control plans are contained in the Roads and Traffic Authority publication: *Traffic Control at Worksites Manual (Version 2, 1998)*.

3.1 Common hazards involving powered mobile plant

Powered mobile plant is extremely hazardous when it is operated in situations where:

- there are people or other vehicles sharing the same site or roadway. Pedestrians and bystanders are particularly vulnerable in zones where mobile plant and machinery is operated as the operator's vision may be restricted and plant, which is apparently idle, may move with little warning
- there is uncontrolled entry to the site during and after work
- the plant is poorly maintained. There have been recorded instances where plant has been operated even when it was known that safety critical components, such as brakes and steering, were defective
- people carrying out maintenance are also at risk from passing traffic, from equipment falling while raised, and from heavy components, such as buckets, not being properly supported
- the plant is operated in the vicinity of overhead or underground electrical equipment (risk of electrocution to the operator and others in the vicinity of the plant)
- the base on which the plant operates is unstable (ie. subject to slippage, subsidence or collapse)
- people use the mobile plant in an application for which the plant has not been designed (such as pushing, pulling or towing)
- the load on the plant is unstable or unknown or exceeds the rated capacity of the plant
- hazardous atmospheres are present, particularly in spaces where a flammable or explosive vapour may be present eg. enclosed spaces, trenches
- any other work is carried out near the work area.

3.2 Assessing and controlling common risks



After identifying the hazards involved in carrying out the work, the principal contractor, in consultation with the contractor (sub-contractor), must assess the health and safety risks. This will help determine what type of safeguards or systems of work will be implemented to ensure the health and safety of all persons on site. This should include eliminating exposure of persons to moving plant.

Assessing the degree of risk means assessing how likely it is that someone will be hurt (including how often people are exposed to the risk) as well as how severely it could hurt someone. Priority for implementation of measures to eliminate or control risks should ensure that matters of the greatest likelihood and severity are addressed first. The measures chosen will depend on the degree of the risk.

Vehicle movement procedures should be developed based on the risk assessment and should be updated each time the conditions on the site change in a way that may affect the health and safety of persons at the workplace. It should also include an assessment of the visibility of plant and traffic from all areas of the work site.

The use of specific measures to eliminate or control identified risks should be done on the basis of the risk assessment. In particular, consider the following:

- isolating vehicles and plant used in or around the site and work area from persons on the site or work area. For example, vehicles or persons may be guided around or past the work area
- using fencing, barriers, barricades, temporary warning or control signs, or a combination of these to secure the area where moving plant is used
- planning the direction that plant moves, so the visibility of operators is not restricted
- using spotters/safety observers to control traffic movement
- training persons carrying out work on or near public roads in accordance with AS 1742.3-2002 *Manual of uniform traffic control devices - Traffic control devices for works on roads* and the 1998 Roads and Traffic Authority Manual: *Traffic control at worksites* and *Manual of Uniform Traffic Control Devices*
- implementing safe working distances
- using audible reversing alarms and/or other technologies or other safe work practices. Note: reversing alarms may cause confusion where multiple plant is using the same area; other systems of work may be required. They may also be inappropriate where work is to be carried out at night near residential areas
- minimising the amount of moving plant working at one time. Where multiple plant is operated around the work site a competent person should be used to direct the plant:
 - operating in close proximity to each other
 - when reversing
 - where persons are on the ground
 - in other situations as indicated by the risk assessment.
- implementing systems of control and notices at all entrances and exits where construction vehicles or plant enter or leave the work area by public roads, to protect and warn all persons approaching or in the vicinity
- identifying designated delivery and turning areas. The movement of delivery vehicles on construction sites often presents a hazard, particularly when reversing, loading and unloading. Procedures should be implemented to warn all workers of the potential hazard. These procedures should include:
 - the requirement for truck drivers to report to a suitably signposted area on the site and/or

- the requirement for a designated worker to act as an observer to ensure all persons are clear of the reversing vehicle; and
- a system of communication and warning to persons near the delivery point.

3.3 Controls for the safe operation of plant

Systems of work must ensure that moving plant is operated safely. At a minimum, consideration should be given to the following:

- **competence of persons working with plant**- only persons who are competent, and where required hold the appropriate certificate of competency in accordance with the Regulation, must be permitted to operate plant or perform any installation or maintenance work on powered mobile plant. A system should be adopted to verify that personnel, who are required to hold a certificate of competency, hold a valid certificate and are authorised to use the plant
- **capability of operators**- operators should never be permitted to operate plant while they are under the influence of alcohol or any substance or drug, including prescription and non-prescription drugs, which may adversely affect their ability to operate the plant in a safe manner
- **vehicle movement procedures for positioning and re-positioning of plant**- these procedures should include specific procedures when plant is operated near persons, near underground or above-ground services, moving plant onto a public road from site or reversing plant
- **suitability and condition (state of maintenance and repair) of the plant to perform the intended task**- this should also include the size and type of equipment required, ensuring its reach, capacity etc. are properly specified and that log books are available
- **instruction and information about hazards**- all persons who perform work using (or on) powered mobile plant must be adequately instructed in the hazards associated with the plant and carrying out the work on site and in the control measures for safe work. Safe operating procedures should be available covering the use and maintenance of powered mobile plant
- **available information**- ensure that all available manufacturer's information on the safe operation of the plant is provided, and that essential operating information is displayed, eg rated capacity, radius and basic operating instructions are displayed on cranes
- **special requirements**- any special requirements should be clearly identified and communicated, e.g. as the need for the plant to move when fully laden, the requirement for any accessories such as special slings, spreader beams, load stability plates or matting and counterweights
- **site conditions**- any limitations posed by the worksite (such as floor loadings or ground load limits) should be checked by an engineer prior to selecting the appropriate plant for the task
- **appropriate staffing**- the number of personnel required to perform the tasks safely.

3.3.1 Moving loads and materials



Where cranes are used, persons responsible for slinging the load and/or directing the crane operator in the movement of the load when it is out of the operator's view must have a Dogging Certificate in accordance with the Regulation.

Systems of work must ensure the safety of persons who are moving loads and materials, as well as persons in the vicinity of materials or loads being moved. At a minimum, consideration should be given to:

- ensuring that there is sufficient room to move materials or loads, and that the area is clear of persons, especially when moving long materials
- the size/mass of the load
- the stability of the load/centre of gravity
- the lifting capacity of the plant
- providing unrestricted vision of driver/operator or observer/spotter
- ensuring that plant moves in a forward direction where practicable
- safely controlling/securing the load, eg. use tag lines, strapping.

3.3.2 Stability of plant

To ensure that plant is stable on slopes or uneven ground surfaces consider the:

- plant is suitable for use on the slope or uneven ground
- tyre condition and pressure
- risk involved in raising the load when the crane or load shifting plant is articulated
- load is properly secured before moving
- loads are loaded in a controlled manner, not dropped
- operators are paying full attention during the load shift or whilst operating moving plant
- carrying or lifting equipment is not overloaded. The rated capacity of the machine must be checked before operation and observed
- no persons are in the vicinity during unloading or tipping.

3.3.3 Controls for pedestrians near moving plant

When plant is operated in the vicinity of other plant or people, a competent person should be used as a spotter. The operator should observe the following procedures:

- where practicable plant should always move in a forward direction
- ensure no persons are at risk before reversing
- avoid hazards by facing and maintaining attention in the direction of travel
- spotter should always be in the sight of the plant operator
- clear communication systems should be in place.

3.3.4 Safety controls on plant

Safety controls such as guards, warning devices, auto stops etc, are fitted to the plant for protection and must not be removed or made inoperative unless authorised personnel (competent persons) are carrying out repairs and adjustments. In such circumstances, the guards etc, must be reinstated and be fully operational prior to returning the plant to service.

3.3.5 Controls for site security



The Regulation requires most construction sites to be provided with perimeter fencing for site security.

Many accidents on construction sites have involved people (including young children or unauthorised persons) sustaining serious injuries as a result of the lack of adequate control measures in place to prevent uncontrolled entry to the site. Injuries have resulted from plant not being rendered inoperable, people falling into open excavations and people being struck by falling objects. Construction sites also have many slip, trip and fall hazards.

The risk assessment should determine which control measures need to be implemented to ensure the security of the site. The control measures will further eliminate or control reasonably foreseeable risks during work and when the site or plant is left unattended.

The control measures implemented must be appropriate and effective. When determining which control measures to use, consider factors such as the nature of a particular hazard and ease of access by all persons (including pedestrians, children and unauthorised persons).

The following control measures should be considered:

- isolating the hazardous area by fencing, barricades or barriers, handrails and covers, or a combination of these
- backfilling as work progresses
- hazard warning lights, signs, markers or flags
- observers/spotters (may be necessary to provide protection for the public and employees)

- site security measures, including the use of safety observers or security personnel as well as perimeter fencing
- night lighting.

Control measures should be properly implemented and maintained until the work is completed or until there is no longer any risk to persons.

If leaving an item of mobile plant unattended, the following specific measures should be taken:

- select a safe, secure place to park
- park on a flat surface if possible
- park across a slope, where the degree of the slope allows stability, rather than up or down
- neutralise the transmission where applicable and apply any safety locks
- lower all moveable implements to the ground where this does not create an additional hazard such as tripping
- turn off motor
- remove keys from plant to prevent use by unauthorised persons
- implement plant security measures to prevent unauthorised access.

3.4 Controls for overhead power lines



The Regulation requires employers to ensure that persons at work, their plant, tools or other equipment and any materials used or arising from the work do not come into close proximity with overhead electrical power lines.

These controls do not apply to work carried out with a safety plan under the *Electricity Supply (Safety and Network Management) Regulation 2002*.

Advice for cranes and excavators is provided in the relevant codes of practice.

When earthmoving machines or other plant, such as tip trucks, are operated near overhead power lines the following control measures should be considered:

i. Eliminate the hazard

- eliminate the risk by using an alternative plant which cannot encroach on these distances
- de-energise and isolate the supply and obtain documentary evidence of the continuing isolation of the power supply before proceeding with the work
- set up the plant in a position that eliminates or minimises the risk
- mechanically limit the hoisting, slewing or other movements of the plant

- provide ground barriers to limit the travel of the plant
- use properly maintained non-conducting taglines to control the load.

ii. Safe working distances

- Ensure that a thorough examination of the approaches and surroundings of the site is carried out before taking plant to the site or setting it up. This examination is to determine what precautions need to be taken to prevent any part of the plant, any load carried on it and any person on it coming within the following distances to overhead power lines:

Voltage	Distance
Up to 132 000	3 metres
Above 132 000 and up to 330 000	6 metres
More than 330 000	8 metres

In calculating these distances the following should be considered:

- the sag of the cables
 - the swing of the load during handling
 - the effect of wind forces.
- if there is a possibility that these distances may not be maintained while carrying out the work, the relevant power supply authority should be contacted and a written risk assessment and a safe system of work developed
 - observer- a person other than the driver or operator of the plant should be present to observe the position of the plant and to warn the driver or operator of approaching the proximity of the overhead power lines.

3.5 Routine inspection



Employers must identify all foreseeable hazards arising from plant, including the transport, installation, erection, commissioning, use, repair, maintenance, dismantling, storage or disposal of plant.

Employers must also assess the risks arising from the identified hazards and take steps to eliminate or control the risks.

Before operating any plant, identify any hazards that may arise and the control measures to be implemented. Consider the following as a minimum:

- appropriate guards, including roll-over protective structures (ROPS) are fitted
- records of testing, maintenance, servicing and repair are kept
- general mechanical/electrical condition of plant, especially any wear or damage that may affect safe operation is monitored
- relevant legislation and Australian Standards are complied with
- specific controls to prevent workers being entangled or trapped between moving parts are implemented.



All plant designed to lift or move must have a clearly legible notice affixed in a conspicuous place that states the lifting capacity of the plant (rated capacity) in appropriate metric units.

If the operation or condition of plant represents an immediate risk to health or safety, operation must cease and the plant must be withdrawn from use until the risk is eliminated, or if this is not practicable, controlled.

Regular planned inspection and adequate maintenance should be carried out to ensure the safety of all plant, whether leased, hired or owned. Inspections, maintenance and cleaning must be done according to procedures recommended by the designer or manufacturer or both, or by a competent person. Inspections must be carried out by a competent person. See definition of competent person.

The following checks should also be carried out:

- **daily checks:** general condition of the plant should be checked on a daily basis.
- **regular checks:** the plant should be inspected and maintained by a competent person on a regular basis.

3.6 Repairs, alterations, testing and maintenance



Repair, inspection, and testing must only be carried out by a competent person.

Repairs and testing must be carried out by a competent person. For specific information about electrical testing, refer to the WorkCover NSW *Code of Practice: Electrical Practices for Construction Work*.

Persons carrying out maintenance are also at risk from passing traffic and from the equipment. Control measures must be implemented to ensure their safety.

3.7 Reporting defects

Any defects to equipment should be reported immediately to the person responsible for maintaining such plant. Where a defect is likely to pose an immediate risk to health and safety the equipment or plant should be made inoperable and secured to prevent use until the defect is repaired.

Operators are a good source of information about defects in plant because of their day-to-day experience, and work procedures should include a requirement that they report such defects.

3.8 Log books and inspection check sheets



Records must be kept for some types of plant that are covered by the scope of this code of practice. Refer to clause: 131 and 143 of the Regulation.

Owners of plant and associated equipment should keep log books and inspection check sheets containing full service and repair history of their equipment. These records should be maintained so as to include any hazards relating to the plant in its normal use, kept current, and retained for the life of the plant. These should be available upon request by employees or health and safety committee representatives. If the plant is sold, the records should form part of the material forwarded upon sale.

3.9 Protective structures



The Regulation requires most tractors to be fitted with roll-over protective structures (ROPS) and operator restraining devices or seat belts, and most earth-moving machinery to be fitted with protective structures.

Tractors designed to have a mass of 560 kg or more, but less than 15,000 kg must be fitted with a protective structure conforming to AS 1636-1996 *Tractors-Roll-over protective structures — Criteria and tests*.

Earth moving machinery (designed to have a mass of 700-100,000 kg) must be fitted with a protective structure conforming to AS 2294-1997 *Earth-moving machinery Protective structures*.

Machines fitted with ROPS must have suitable operator restraining devices or seat belts fitted which comply with AS 2664-1983 *Earthmoving machinery - Seat belts and seat belt anchorages*.

3.9.1 Exceptions

There are some exceptions to the rules about ROPS. To apply these exceptions, you need to assess the risks from falling objects or roll-overs and establish alternative control measures.

The following types of earth-moving machinery are excepted:

- road rollers or compactors with a mass less than 2,700 kg
- power shovels
- draglines
- paving machines
- equipment designed to be operated by a person in a standing position
- hydraulic excavators.

However, the following standards may need to be applied:

- *AS 4988-2002 Earth-moving machinery – Hydraulic excavators – Laboratory tests and performance requirements for operator protective guards.*
- *AS 4987-2002 Earth-moving machinery – Tip-over protection structure (TOPS) for compact excavators – Laboratory tests and performance requirements.*

CHAPTER 4 – ADDITIONAL CONSIDERATIONS FOR ACHIEVING SAFE WORKPLACES

4.1 Controls for noise



Employers must ensure that appropriate control measures are taken if a person is exposed to noise levels that exceed an 8-hour noise level equivalent of 85 dB(A), or peak at more than 140 dB(C).

Employers, principal contractors and contractors must ensure compliance with the noise management provisions of the Regulation, so that noise levels from machinery or equipment do not become a risk to hearing or health. The *Code of Practice for Noise Management and Protection of Hearing at Work* provides practical guidance on managing noise levels in the workplace.

The risk of causing permanent hearing damage is related to both loudness of the noise and the length of exposure. For example, two minutes working in noise levels of 114 dB(A) may have the same effect as eight hours working in 85 dB(A).



A noise assessment should be conducted by an appropriately qualified person to determine the noise exposure levels of workers. Where the noise is in excess of the noise exposure limits, engineering controls should be implemented. Where this cannot be achieved or work cannot be organised to minimise exposure, appropriate hearing protection equipment, which complies with AS 1270:2002 – Acoustics – Hearing protectors, should be provided to all persons in the vicinity of the noise. The contractor should also ensure compliance with Department of Environment and Conservation (formerly EPA) requirements in relation to noise.

4.2 Controls for hazardous substances

Employers and contractors must comply with provisions for hazardous substances in the Regulation. In general, employers must obtain a Material Safety Data Sheet (MSDS) for each hazardous substance supplied to their workplace. They must ensure containers holding hazardous substances are appropriately labelled. Health surveillance may be required for employees who may be put at risk through exposure to certain hazardous substances. Specific requirements are outlined in the Regulation, primarily in Chapters 4, 6, 7 and 8.

A register of all hazardous substances at a place of work must be kept and maintained by all employers including sub-contractors. This is to be coordinated by principal contractors where the cost of the construction work is over \$250,000. The register must be readily accessible to all persons working at the place of work, and in particular, to employees who may be exposed to hazardous substances while at work.

4.3 Controls for atmospheric contaminants, harmful gases or fumes



Employers must ensure that no person at a place of work is exposed to an airborne concentration of an atmospheric contaminant that exceeds or breaches a standard referred to in, or determined under the Regulation.

Employers must implement a suitable system of work to ensure a safe, breathable atmosphere and effective ventilation, and must protect persons against the effects of insufficient oxygen, toxic fumes or substances and explosive gases. Refer to the Regulation for specific standards for atmospheric contaminants.

4.4 Manual handling



The Regulation requires employers to design all objects, tasks and work environments so that manual handling risks are eliminated as far as reasonably practicable, or controlled.

An employer must assess the risks involved in carrying out manual handling tasks and implement control measures. This must be done in consultation with employees who are required to carry out the work.

This should be included in the safe work method statement that describes the sequence of work tasks and activities and how the work is to be done safely.

Where the nature of the work activities or manual handling tasks are constantly changing, the risk assessment and control process and training should be conducted on an ongoing basis. Guidance on identifying, assessing and controlling manual handling risks can be found in the *National Code of Practice for Manual Handling* [NOHSC: 2005 (1990)].

4.5 Supervision, training and instruction



The Act requires employers to provide such information, instruction, training and supervision as may be necessary to ensure the health, safety and welfare of their employees while at work.

Training is one of the most important ways to ensure workers stay competent, productive and safe.

The Regulation requires employers to ensure that employees receive specific types of training. For example, employers are required to provide OHS induction training for their employees. Principal contractors must not allow anyone to work on a construction site unless the person has completed appropriate training. Employers must also ensure that members of OHS committees and OHS representatives receive OHS consultation training.

4.6 Personal Protective Equipment (PPE)



The Regulation requires that if measures taken by an employer to control a risk include the use of personal protective equipment the employer must provide each person at risk with such equipment.

The use of PPE to control hazards and risks is the least effective measure and is lowest on the hierarchy of control measures listed in Chapter 3 of the Regulation. Control measures should be selected from the highest level possible and be adopted where practicable. The measures at the lower levels are less effective and they require more frequent reviews of the hazards and systems of work. They should only be used when other control measures are impracticable or when, after implementing other controls, a residual risk remains.

4.7 Preparing safe work method statements



The Regulation requires Safe Work Method Statements where the cost of the work undertaken exceeds \$250,000 or for high- risk work (see definitions section). Most work with moving plant is defined as high-risk work.

Even when not legally required, safe work method statements (SWMS) are a good way of demonstrating your risk control measures.



In developing safe work method statements, work activities that have safety risks must be identified, the risks must be assessed, and means to eliminate or control the risks must be adopted.

Principal contractors and sub-contractors (contractors) are required to submit SWMS. Many contractors submit 'Technical Procedures' for carrying out construction work processes as SWMS. These documents are often not a SWMS as required for the purpose of assessing risks. A SWMS must be submitted to the main contractor prior to commencing on-site work.



A SWMS requires the work method to be presented in a logical sequence. The hazards associated with each process are to be identified, and the measures for controlling these hazards specified.

Break down each job into a series of basic job steps, to identify the hazards and potential accidents in each part of the job. The description of the process should not be so broad that it leaves out activities with the potential to cause accidents and prevents proper identification of the hazards. It is not necessary to provide fine detail of the tasks.

A 'hazard', may be either intrinsic or inherent, existing or potential, an unsafe condition and/or an unsafe act, eg. a dangerous location, an unsafe (hazardous) work process, or a potentially hazardous task as a stage of the construction work process.

Where risks cannot be eliminated, the 'hierarchy of control measures' must be applied. Personal Protective Equipment is the least preferred approach. In some situations a combination of control measures may need to be used. References to legislation, codes of practice or Australian Standards is not an acceptable alternative for the elimination or control of risks; the actual procedure or control must be documented.

Special Work Processes involving inherent hazards that require special safety equipment must be referred to as the Safe Work Practice to be incorporated in the Standard Work Procedure — e.g. *'When grinding or disc cutting, safety spectacles or goggles **and** a full face shield shall be worn'*.

The SWMS should nominate the occupations and number of employees required to safely perform the task(s). Safety and/or skills training provided, or required, prior to commencing work is to be identified, together with any special qualifications, permits, licenses, certificates of competency the employees require under Regulation. Copies of such documents and training records should be provided with the SWMS.

The SWMS must specify the type/capacity and description of the plant that is to be used. Employees of the workforce should be involved/consulted in the development of any SWMS.

The Site Safety Induction should ensure that all persons involved in carrying out the work understand the SWMS.

APPENDIX 1 – EXAMPLE OF A SAFE WORK METHOD STATEMENT

Work Method Statement		Signed off: _____ Date: _____ No: _____	
Contractor: _____		Accepted: _____ Yes/No	
Project: _____		Area: _____	
Procedure (in steps):		Safety Risk:	
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
		Control Measures:	

APPENDIX 2 – WORKERS COMPENSATION INSURANCE



Anyone who employs workers, and in some cases engages contractors, must maintain a workers compensation insurance policy. Penalties apply for failing to have a current policy in place.

All employers have a legal liability to pay workers compensation to workers who are injured in the course of their work, and employers are required by law to hold a workers compensation insurance policy from a licensed WorkCover insurer to cover that liability.

For workers compensation insurance purposes the *Workplace Injury Management and Workers Compensation Act 1998* defines a 'worker' to be:

Any person who works under a contract of service or a training contract with an employer, whether by way of manual labour, clerical work or otherwise, and whether the contract is expressed or implied, or is oral or in writing.

In addition, the *Workplace Injury Management and Workers Compensation Act 1998* deems certain other persons to be workers for workers compensation purposes eg. some types of contractors.

For assistance in clarifying your obligation contact your insurer or the WorkCover Client Contact Centre on 13 10 50.

APPENDIX 3 – USEFUL PUBLICATIONS

WORKCOVER NSW APPROVED INDUSTRY CODES OF PRACTICE

- *Code of Practice: Amenities for construction work (Catalogue No. 317)*
- *Code of Practice: Electrical practices for construction work (Catalogue No. 301)*
- *Code of Practice: Noise management and protection of hearing at work (Catalogue No. 150)*
- *Code of Practice: OHS consultation (Catalogue No. 311)*
- *Code of Practice: OHS induction training for construction work (Catalogue No. 302)*
- *Code of Practice: Overhead protective structures (Catalogue No. 17)*
- *Code of Practice: Tunnels under construction (Catalogue No. 10)*
- *Code of Practice: Work in hot or cold environments (Catalogue No. 309)*
- *Code of Practice: Excavation (Catalogue No. 312)*

Note: Some of the Australian Standards listed below are also approved industry codes of practice.

GUIDES

- *Guide for front end loader and excavator drivers (Catalogue No. 3)*
- *Use of personal protective equipment at work – a guidance note*
- *Skin cancer and outdoor workers - a guide for workers – the choice is yours (Catalogue No. 117)*
- *Skin cancer and outdoor workers - a guide for employers (Catalogue No. 116)*
- *Dust in the workplace (Catalogue No. 351)*
- *Hazpak! Making your workplace safer (Catalogue No. 228)*
- *Plant Guide 2001 (Catalogue No. 233)*
- *High visibility clothing OHS Safety Guide (Web only)*

Standards and codes offer practical guidance on health and safety for construction work. However, these are subject to change from time to time. For further information contact the WorkCover Assistance Service on: **13 10 50**.

For information about the wide range of other codes of practice, certification guides and publications on OHS, rehabilitation and workers compensation contact the Workcover Publications Hotline: **1300 799 003**.

Guidance and information regarding the selection, design and implementation of public road traffic control plans are contained in the Roads and Traffic Authority publication: *Traffic control at worksites manual*. (Version 2, 1998).

AUSTRALIAN STANDARDS

Standards may be obtained directly from Standards Australia (www.standards.com.au)

AS/NZS 1576.1:1995 Scaffolding- General requirements

AS 1657-1992 Fixed platforms, walkways, stairways and ladders- Design, construction and installation (an approved industry code of practice)

AS/NZS 1800:1998 Occupational protective helmets- Selection, care and use

AS/NZS 1801:1997 Occupational protective helmets

AS/NZS 1336:1997 Recommended practices for occupational eye protection

AS/NZS 1337:1992 Eye protectors for industrial applications

AS/NZS 1338.2:1992 Filters for eye protectors- Filters for protection against ultraviolet radiation

AS/NZS 1338.3:1992 Filters for eye protectors- Filters for protection against infra-red radiation

AS 1269.3:1998 Occupational noise management- Hearing protector program

AS 1270:2002 Acoustics- Hearing protectors (an approved industry code of practice)

AS/NZS 1715:1994 Selection, use and maintenance of respiratory protective devices

AS/NZS 1716:2003 Respiratory protective devices (an approved industry code of practice)

AS 1891.4:2000 Industrial fall-arrest systems and devices- Selection, use and maintenance (an approved industry code of practice)

AS/NZS 1906.4:1997 Retro reflective materials and devices for road traffic control purposes- High visibility materials for safety garment.

- AS/NZS 4602:1999 High visibility safety garments.
- AS/NZS 2161.2:1998 Occupational protective gloves- General requirements
- AS/NZS 2161.3:1998 Occupational protective gloves- Protection against mechanical risks
- AS/NZS 2161.5:1998 Occupational protective gloves- Protection against cold
- AS 2225:1994 Insulating gloves for electrical purposes
- AS 229401:1997 Earth-moving Machinery- Protective structures - General
- AS 2550.1-2002 Cranes, hoists and winches- Safe use Part 1: General requirements
(an approved industry code of practice)
- AS 2664-1983 Earthmoving machinery- Seat belts and seat belt anchorages
- NZS/AS 2865:2001 Safe working in a confined space
- AS 2359.2-1985 Industrial trucks known as the SAA Industrial Truck Code-Operation.
(an approved industry code of practice) (this covers forklift use)

Traffic Control Standards

Australian Standards 1742.3-2002 *Traffic control devices for works on roads* contains specific guidance relating to work near or on public roads and traffic.

The following list is provided for completeness.

- AS 1742 (Set) Manual of uniform traffic control devices
- AS 1742.1- 2003 Manual of uniform traffic control devices- General introduction and index of signs
- AS 1742.2-1994 Manual of uniform traffic control devices- Traffic control devices for general use
- AS 1742.3-2002 Manual of uniform traffic control devices- Traffic control devices for works on roads
- AS 1742.4-1999 Manual of uniform traffic control devices- Speed controls
- AS 1742.5-1997 Manual of uniform traffic control devices- Street name and community facility name signs
- AS 1742.6-1990 Manual of uniform traffic control devices- Service and tourist signs for motorists

AS 1742.7-1993	Manual of uniform traffic control devices- Railway crossings
AS 1742.8-1990	Manual of uniform traffic control devices- Freeways
AS 1742.9-2000	Manual of uniform traffic control devices- Bicycle facilities
AS 1742.10-1990	Manual of uniform traffic control devices- Pedestrian control and protection
AS 1742.11-1999	Manual of uniform traffic control devices- Parking controls
AS 1742.12-2000	Manual of uniform traffic control devices- Bus, transit, tram and truck lanes
AS 1742.13-1991	Manual of uniform traffic control devices- Local area traffic management
AS 1742.14-1996	Manual of uniform traffic control devices- Traffic signals

FIELD GUIDES

SAA HB 81.1-2003	Field guide for traffic control at works on roads- Short-term urban works, daytime only
SAA HB 81.2-2003	Field guide for traffic control at works on roads- Short-term rural works, daytime only
SAA HB 81.3-1997	Field guide for traffic control at works on roads- Mobile works
SAA HB 81.4-1998	Field guide for traffic control at works on roads- Short-term night works
SAA HB 81.5-1998	Field guide for traffic control at works on roads- Works on unsealed roads
SAA HB 81.6-1998	Field guide for traffic control at works on roads- Bituminous surfacing works
SAA HB 81.7-2000	Field guide for traffic control at works on roads-Short-term works on freeways
SAA HB 81.8-2000	Field guide for traffic control at works on roads-Long-term partial closures and detours on urban roads
SAA HB 81.9-2000	Field guide for traffic control at works on roads-Long-term partial closures and detours on rural roads



WorkCover NSW

92-100 Donnison Street, Gosford NSW 2250

Locked Bag 2906 Lisarow NSW 2252 WorkCover Assistance Service **13 10 50**

Website www.workcover.nsw.gov.au

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TENDERS**Department of Commerce****SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE**

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BATHURST CITY COUNCIL

Roads Act 1993

Naming of Roads

NOTICE is hereby given that Bathurst City Council, in pursuance of section 162 of the Roads Act 1993, has named the roads as follows:

Location	New Street Name
Lot 41, DP 617744, Blue Ridge Estate, White Rock Road.	Blue Ridge Drive; Ironstone Avenue; Woodlands Road.

Authorised by resolution of the Council on 19 November 2003. GENERAL MANAGER, Bathurst City Council, Private Mail Bag 17, Bathurst, NSW 2795, tel.: (02) 6331 1622. [0002]

CROOKWELL SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Crookwell Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any 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 the purposes of the Roads Act 1993. Dated at Crookwell this 12th day of November 2003. GENERAL MANAGER, Crookwell Shire Council, c.o. Robert J McCarthy & Co., Solicitors, 88-90 Goulburn Street (PO Box 6), Crookwell, NSW 2583, tel.: (02) 4832 1055.

Schedule

Lot 1, DP 1051878. [0005]

LAKE MACQUARIE CITY COUNCIL

Dedication of Land as Public Road

NOTICE is hereby given that Lake Macquarie City Council in pursuance of section 10 of the Roads Act 1993, dedicates the land held by it and described in the Schedule below as public road. KEN HOLT, General Manager, Lake Macquarie City Council, Main Road, Speers Point, NSW 2284, tel.: (02) 4921 0333. [0004]

THE COUNCIL OF THE CITY OF LIVERPOOL

Roads Act 1993, Section 10

NOTICE is hereby given that The Council of the City of Liverpool dedicates the lands described in the Schedule below as public road under section 10 of the Roads Act 1993. GENERAL MANAGER, The Council of the City of Liverpool, Locked Bag 7064, Liverpool BC, NSW 1871.

Schedule

All that piece or parcel of land known as Lot 120 in DP 1025928 in The Council of the City of Liverpool, Parish of St Luke, County of Cumberland, and as described in Folio Identifier 120/1025928. [0015]

MAITLAND CITY COUNCIL

Naming of Public Roads

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, proposes to name the following new roads:

Deposited Plan/Location	Road Name
834903, north off David Avenue, East Maitland.	Cambrian Place.
1054145, north of Hinkler Avenue, Rutherford.	Paddock Place.
712896, east off Aberglasslyn Road, new subdivision.	Diamond Circuit; Ruby Close; Topaz Close; Peridot Close; Turquoise Close; Aquamarine Close; Amethyst Avenue; Sapphire Avenue; Opal Close.

No objections to the proposed names have been received during the prescribed public notification period. DAVID EVANS, General Manager, Maitland City Council, High Street (PO Box 220), Maitland, NSW 2320. [0001]

WINGECARRIBEE SHIRE COUNCIL

Heritage Act 1977

Interim Heritage Order No. 1

UNDER section 25 of the Heritage Act 1977, Wingecarribee Shire Council does by this Order:

- i. make an interim heritage order to cover the item of environmental heritage specified or described in Schedule 'A', and
- ii. declare that the interim heritage order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

- 1) in the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- 2) in the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Dated: 12 January 2004. RAY DARNEY, Director, Environment and Planning, Wingecarribee Shire Council, PO Box 141, Moss Vale, NSW 2577, tel.: (02) 4868 0888.

Schedule 'A'

The property known as "Holly Cottage" situated at Bundanoon on land described in Schedule 'B'.

Schedule 'B'

All those pieces or parcels of land known as Lot 1, DP 510721, Blue Bum Road, Bundanoon, shown edged heavy black on the plan catalogued WSC IHO 01/04 in the office of the Wingecarribee Shire Council. [0003]

YOUNG SHIRE COUNCIL

Roads Act 1993, Clause 162

Naming of Public Roads
Old Racecourse Lane and Kabardin Lane

NOTICE is hereby given that Young Shire Council, in accordance with Part 10, Division 4, Clause 162, of the Roads Act 1993 and Division 2, Clauses 7-10 of the Roads (General) Regulation 2000, has resolved to name the following roads described hereunder:

Description of Road	New Name
Unnamed road that runs north of Patersons Lane for a distance of 490 metres.	Old Racecourse Lane.
Unnamed road that runs generally in a east-west direction from Robinsons Road for a distance of 1.1 kilometres.	Kabardin Lane.

Authorised by Council at its meeting held on Wednesday, 17 December 2003. A. G. HANRAHAN, General Manager, Young Shire Council, Locked Bag 5, Young, NSW 2594, tel.: (02) 6382 1688. [0006]

ERRATUM

THE notice appearing from Narromine Shire Council, Notice of Compulsory Acquisition of Land, in Government Gazette No. 191 of 5 December 2003, Folio 11148, was published on the incorrect date, the following notice replaces that in full.

NARROMINE SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Narromine Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of town drainage and wetlands area. Dated at Narromine this 31st day of December, 2003. PAUL BENNETT, General Manager, 124 Dandaloo Street (PO Box 115), Narromine, NSW 2821, tel.: (02) 6889 1322.

Schedule

Lot 1 in Deposited Plan 1050443. [0899]

ERRATUM

NARRANDERA SHIRE COUNCIL

Roads Act 1993

Naming of Roads

Notice is given of an Erratum to a notice published in the *Government Gazette* of 31 October 2003, Folio 10360. The correction is as follows:

Present Name	Name
Gundagai Street, west of railway.	Acacia Street.

Authorised by a resolution of Council on 21 January 2003. K. M. MURPHY, General Manager, 141 East Street, Narrandera, NSW 2700. [0016]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GEOFFREY MICHAEL HOPKINS, late of 35 Falconer Street, West Ryde, in the State of New South Wales, postal services manager, who died on 17 May 2003, must send particulars of the claim to the executor, Martin Cassimir Prybylski, c.o. Deacons, Lawyers, 1 Alfred Street, Sydney, NSW 2000, within one (1) calendar month from publication of this notice. After that time the assets of the estate or property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution they have notice. Probate was granted in New South Wales on 30 September 2003. DEACONS, Lawyers, 1 Alfred Street, Circular Quay, Sydney, NSW 2000 (DX368 Sydney), tel.: (02) 9330 8184. Reference: MAJ MCP 2508058. [0007]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARIA TERESA SALVESTRIN, late of Yoogali, in the State of New South Wales, widow, who died on 7 November 2003, must send particulars of his claim to the executors, Antonio Salvestrin and Lucy Anne De Rossi (in the will called Luciana De Rossi), c.o. Messrs Olliffe & McRae, Solicitors, PO Box 874, Griffith, NSW 2680, 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 24 December 2003. MESSRS OLLIFFE & MCRAE, Solicitors, 381 Banna Avenue (PO Box 874), Griffith, NSW 2680 (DX5901 Griffith), tel.: (02) 6962 1744. Reference: JFM:CP/N259. [0008]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ERNEST MAX WALSER, late of Leppington, in the State of New South Wales, who died on 4 January 2003, must send particulars of his claim to the executors, c.o. Kencalo & Ritchie, Solicitors, 96 Moore Street, Liverpool, NSW 2170, within

one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 4 August 2003. KENCALO & RITCHIE, Solicitors, 96 Moore Street, Liverpool, NSW 2170 (PO Box 651, Liverpool BC 1871), (DX5003, Liverpool), tel.: (02) 9602 8333. Reference: 1K/03/4139. [0009]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ANGELINA DAL SANTO, late of Calvery Hospital, Rocky Point Road, Kogarah (formerly of 72 Pasadena Street, Monterey), in the State of New South Wales, who died on 1 May 2003, must send particulars of this claim to the executor, Denis M. Anderson, c.o. Denis M. Anderson, Solicitor, 10 Regent Street, Kogarah, NSW 2217, 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 he has notice. Probate was granted in New South Wales on 30 June 2003. DENIS M. ANDERSON, Solicitor, 10 Regent Street, Kogarah, NSW 2217 (PO Box 148, Kogarah 1485), tel.: (02) 9587 0440. Reference: DA.CD. [0010]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of KENNETH SPENCER, late of 64 Monica Avenue, Hassall Grove, in the State of New South Wales, retired, who died on 19 July 2003, must send particulars of his/her claim to the administrators, Ann Andrews and Kenneth Spencer, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, NSW 2148, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the administrators has notice. Letters of Administration were granted in New South Wales on 18 December 2003. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street (PO Box 147), Blacktown, NSW 2148, (DX8109, Blacktown) tel.: (02) 9622 4644. Reference: GPD:SC. [0011]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MERVYN EDMOND VINE, late of West Gosford, in the State of New South Wales, who died on 11 September 2003, must send particulars of their claim to the executors, Robert William Vine and Richard Edward Vine, c.o. Messrs Barton & Co., Solicitors, 128/121-133 Pacific Highway, Hornsby, NSW 2077, 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 23 December 2003. MESSRS BARTON & CO., Solicitors, Polaris 128/121-133 Pacific Highway, Hornsby, NSW 2077 (PO Box 344, Hornsby 1630), (DX 9696, Hornsby) tel.: (02) 9476 1744. Reference: DFB/RS. [0017]

COMPANY NOTICES

NOTICE of final meeting of members.—AUSFURS PTY LTD, ACN 000 714 241 (in liquidation).—Notice is hereby given in pursuance of section 509 of the Corporations Law that a general meeting of the company will be held at 24 Bay Street, Rockdale, NSW, on Friday, 20 February 2004, at 10:30 a.m., for the purpose of laying before the members the final accounts of the winding up of the company and to give any explanation thereof. JAMES HEESH, Liquidator, c.o. Hales Redden, Registered Company Auditors, 24 Bay Street (PO Box 54), Rockdale, NSW 2216, tel.: (02) 9567 0545. [0012]

NOTICE of final meeting of members.—BOMART NO. 1 PTY LTD, ACN 084 172 154 (in liquidation).—Notice is hereby given in pursuance of section 509 of the Corporations Law that a general meeting of the company will be held at 24 Bay Street, Rockdale, NSW, on Friday, 20 February 2004, at 9:00 a.m., for the purpose of laying before the members the final accounts of the winding up of the company and to give any explanation thereof. P. R. DE MARIA, Liquidator, c.o. Hales Redden, Registered Company Auditors, 24 Bay Street (PO Box 54), Rockdale, NSW 2216, tel.: (02) 9567 0545. [0013]

NOTICE of final meeting of members.—BOMARCON PTY LTD, ACN 088 205 305 (in liquidation).—Notice is hereby given in pursuance of section 509 of the Corporations Law that a general meeting of the company will be held at 24 Bay Street, Rockdale, NSW, on Friday, 20 February 2004, at 9:45 a.m., for the purpose of laying before the members the final accounts of the winding up of the company and to give any explanation thereof. P. R. DE MARIA, Liquidator, c.o. Hales Redden, Registered Company Auditors, 24 Bay Street (PO Box 54), Rockdale, NSW 2216, tel.: (02) 9567 0545. [0014]

NOTICE of voluntary liquidation.—MILTON STYLES PTY LTD, ACN 000 489 725 (in liquidation).—Notice is hereby given pursuant to section 491(2) of the Corporations Law that at a meeting of members of the abovenamed company held on 5 January 2004, the following special and ordinary resolutions respectively were passed: "That the company be wound up as a members voluntary liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidator so desire" and "that Richard James South be appointed liquidator of the company". Notice is also given that creditors having claim against the company should furnish particulars of that claim to the liquidators within 28 days of this date, otherwise distributions of the assets will take place without regard to such claims. Dated this 14th day of January 2004. RICHARD JAMES SOUTH, Liquidator, c.o. Crosbie Warren Sinclair, Accountants, Box 29, Hunter Region Mail Centre, NSW 2310, tel.: (02) 4923 4000. [0018]

Authorised to be printed

ISSN 0155-6320

R. J. MILLIGAN, Government Printer.