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LEGISLATION

Assent of Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 29 September 2005

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

Act No. 66 2005 - An Act to amend the Duties Act 1997 to abolish vendor duty, and duty on the disposal of interests in land rich landholders, on and from 2 August 2005. [Duties Amendment (Abolition of Vendor Duty) Bill]

Act No. 67 2005 - An Act to provide for the making of banning orders in relation to certain sporting events; and for related purposes. [Sporting Venues (Offenders Banning Orders) Bill]

Russell D. Grove PSM,
Clerk of the Legislative Assembly

Regulations



New South Wales

Administrative Decisions Tribunal Amendment (Legal Profession) Regulation 2005

under the

Administrative Decisions Tribunal Act 1997

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Administrative Decisions Tribunal Act 1997*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to provide that certain decisions of the Bar Council, the Law Society Council and the Legal Services Commissioner are excluded from the internal review requirements of the *Administrative Decisions Tribunal Act 1997*.

This Regulation is made under the *Administrative Decisions Tribunal Act 1997*, including section 145 (the general power to make regulations) and section 53 (11) (b).

Clause 1 Administrative Decisions Tribunal Amendment (Legal Profession)
 Regulation 2005

Administrative Decisions Tribunal Amendment (Legal Profession) Regulation 2005

under the

Administrative Decisions Tribunal Act 1997

1 Name of Regulation

This Regulation is the *Administrative Decisions Tribunal Amendment (Legal Profession) Regulation 2005*.

2 Amendment of Administrative Decisions Tribunal (General) Regulation 2004

The *Administrative Decisions Tribunal (General) Regulation 2004* is amended by inserting after clause 11 (d) the following paragraph:

- (d1) any reviewable decision of the Bar Council, the Law Society Council or the Legal Services Commissioner under the *Legal Profession Act 2004*,



New South Wales

Births, Deaths and Marriages Registration Amendment (Interstate Recognition Certificates) Regulation 2005

under the

Births, Deaths and Marriages Registration Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Births, Deaths and Marriages Registration Act 1995*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Births, Deaths and Marriages Registration Regulation 2001* to provide for the recognition in New South Wales of birth certificates that have been issued under the law of Queensland or Victoria to persons who have changed their sex.

This Regulation is made under the *Births, Deaths and Marriages Registration Act 1995*, including sections 32I (3) and 62 (the general regulation-making power).

Clause 1 Births, Deaths and Marriages Registration Amendment (Interstate Recognition Certificates) Regulation 2005

Births, Deaths and Marriages Registration Amendment (Interstate Recognition Certificates) Regulation 2005

under the

Births, Deaths and Marriages Registration Act 1995

1 Name of Regulation

This Regulation is the *Births, Deaths and Marriages Registration Amendment (Interstate Recognition Certificates) Regulation 2005*.

2 Amendment of Births, Deaths and Marriages Registration Regulation 2001

The *Births, Deaths and Marriages Registration Regulation 2001* is amended as set out in Schedule 1.

Births, Deaths and Marriages Registration Amendment (Interstate
Recognition Certificates) Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 14 Prescribed interstate laws

Insert at the end of the clause:

Births, Deaths and Marriages Registration Act 2003 of
Queensland

section 30D of the *Births, Deaths and Marriages Registration
Act 1996* of Victoria



New South Wales

Road Transport (Driver Licensing) Amendment (Foreign Driver Licence) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Driver Licensing) Regulation 1999* to provide that a visiting driver who holds a current foreign driver licence that authorises him or her to drive a motor vehicle, other than a motor bike or other similar light vehicle, may drive a motor vehicle of the kind that the holder of a New South Wales car licence may drive. This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 (the general regulation-making power) and 20.

Clause 1 Road Transport (Driver Licensing) Amendment (Foreign Driver Licence)
 Regulation 2005

Road Transport (Driver Licensing) Amendment (Foreign Driver Licence) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Foreign Driver Licence) Regulation 2005*.

2 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Foreign Driver Licence)
Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 55 Interstate and international visitors

Insert after clause 55 (1):

- (1A) A visiting driver who holds:
- (a) a current foreign driver licence and international driving permit, or
 - (b) a current foreign driver licence that is written in English or is accompanied by an English translation,
- that authorises its holder to drive a motor vehicle may, in this State, drive a motor vehicle with a GVM that is not greater than 4.5 tonnes and that is constructed or equipped to seat not more than 12 adults (including the driver), and is exempt from the requirements of the Act and this Regulation (other than this clause).
- (1B) Subclause (1A) does not apply to a driver licence that authorises its holder to drive only a motor bike, motor trike or motor vehicle referred to in clause 55D (1) (d) or (e), but applies to any other driver licence regardless of the kind of motor vehicle it authorises its holder to drive.

[2] Clause 55 (2) and (5) (a)

Insert "or (1A)" after "(1)" wherever occurring.



New South Wales

Road Transport (Driver Licensing) Amendment (Release of Photographs) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

JOSEPH TRIPODI, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to authorise the Roads and Traffic Authority to release driver licence photographs (and other matter in the driver licence photograph database) to the New South Wales Crime Commission for the purposes of an investigation or proposed investigation of a terrorist act or the threat of a terrorist act. The release must be in accordance with any protocol approved by the Privacy Commissioner.

Release of this material to NSW Police is already authorised under section 41 of the *Road Transport (Driver Licensing) Act 1998* so long as the release is in accordance with any protocol approved by the Privacy Commissioner.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including section 41.

Clause 1 Road Transport (Driver Licensing) Amendment (Release of Photographs)
 Regulation 2005

Road Transport (Driver Licensing) Amendment (Release of Photographs) Regulation 2005

under the

Road Transport (Driver Licensing) Act 1998

1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Release of Photographs) Regulation 2005*.

2 Amendment of Road Transport (Driver Licensing) Regulation 1999

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

Road Transport (Driver Licensing) Amendment (Release of Photographs)
Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Clause 60

Insert before clause 61:

60 Release of driver licence photographs to Crime Commission

- (1) A driver licence photograph, and any photographic image or other matter contained in any database of such photographs, may be released by the Authority to the New South Wales Crime Commission for the purposes of an investigation or proposed investigation by the Commission of a terrorist act or the threat of a terrorist act, but only if the release is in accordance with a protocol approved by the Privacy Commissioner.

Note. Release of this material to NSW Police is already authorised under section 41 of the *Road Transport (Driver Licensing) Act 1998* so long as the release is in accordance with any protocol approved by the Privacy Commissioner.

- (2) In this clause:

driver licence photograph means a photograph taken or provided in relation to an application for the issue or renewal by the Authority of a driver licence.

terrorist act has the same meaning as in the *Terrorism (Police Powers) Act 2002*.

Rules



New South Wales

District Court Amendment (Forms) Rule 2005

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 4 October 2005.

A GREW
Secretary of the Rule Committee

Explanatory note

The object of this Rule is to facilitate the use of forms approved under section 17 of the *Civil Procedure Act 2005* for the purposes of civil proceedings in the District Court.

Clause 1 District Court Amendment (Forms) Rule 2005

District Court Amendment (Forms) Rule 2005

under the

District Court Act 1973

1 Name of Rule

This Rule is the *District Court Amendment (Forms) Rule 2005*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Amendment (Forms) Rule 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Part 47, Rule 2 Forms

Omit rule 2 (3). Insert instead:

- (3) A reference in any such form to a provision of these rules includes a reference to the corresponding provision (if any) of the *Uniform Civil Procedure Rules 2005*.
- (4) If a form is approved under section 17 of the *Civil Procedure Act 2005* in relation to the same matter as that for which a form is approved under subrule (2), the form to be used is the form approved under that section.

By-laws



New South Wales

Macquarie University By-law 2005

under the

Macquarie University Act 1989

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has approved the following By-law made by the Macquarie University Council under the *Macquarie University Act 1989*.

CARMEL TEBBUTT, M.L.C.,
Minister for Education and Training

Explanatory note

The object of this By-law is to provide for certain matters under the *Macquarie University Act 1989*, including the following:

- (a) the qualification and method of election of elected members of the Council,
- (b) the procedures for nomination of appointed members of the Council,
- (c) the appointment of the Chancellor and the Deputy Chancellor,
- (d) the functions of the Vice-Chancellor,
- (e) the constitution of Convocation,
- (f) the constitution and functions of the Academic Senate,
- (g) the making of rules by the Council and the Vice Chancellor.

This By-law repeals the *Macquarie University By-laws*.

This By-law is made under the *Macquarie University Act 1989*, including section 28 (the general power to make by-laws).

Macquarie University By-law 2005

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Macquarie University By-law 2005

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Clause 1 Macquarie University By-law 2005

Part 1 Preliminary

Macquarie University By-law 2005

under the

Macquarie University Act 1989

Part 1 Preliminary

1 Name of By-law

This By-law is the *Macquarie University By-law 2005*.

2 Application

This By-law applies to and in respect of the Macquarie University as established by the *Macquarie University Act 1989*.

3 Interpretation

(1) In this By-law:

Academic Senate means the Academic Senate of the University.

academic staff member of the Council means a member of the Council elected under section 9 (1) (d) of the Act.

close of nominations, in relation to an election, means the date and time by which nominations must be received by the Registrar for the election (as specified in a notice under clause 4 (2) (c) of Schedule 1).

close of the poll, in relation to an election, means the date and time by which completed voting forms must be received by the Registrar for the election (as specified in a notice under clause 7 (1) (ii) of Schedule 1).

external persons has the same meaning as it has in section 9 (10) of the Act.

graduate member of the Council means a member of the Council elected under section 9 (1) (g) of the Act.

Nominations Committee means the Committee established under clause 14.

non-academic staff member of the Council means the member of the Council elected under section 9 (1) (e) of the Act.

Registrar means the Registrar of the University.

Macquarie University By-law 2005

Clause 3

Preliminary

Part 1

student member of the Council means the member of the Council elected under section 9 (1) (f) of the Act.

the Act means the *Macquarie University Act 1989*.

- (2) In this By-law, a reference to an authority, officer or office is a reference to that authority, officer or office in and of the University.
- (3) Where this By-law provides for empowering an authority or officer of the University to make rules then, unless the contrary intention appears, expressions used in any such rule have the same meaning as in the By-law.
- (4) Notes in this By-law do not form part of this By-law.

Clause 4 Macquarie University By-law 2005

Part 2 Members of Council

Part 2 Members of Council

Division 1 Elected members of Council

4 Procedure for election

An election under this Division is to be conducted in accordance with the procedures set out in Schedule 1.

5 Academic staff members of Council

The persons qualified to be elected as, and the persons entitled to vote for, the academic staff members of the Council, are those persons who are members of the academic staff of the University at the date and time for the close of nominations for the election concerned.

6 Non-academic staff member of Council

The persons qualified to be elected as, and the persons entitled to vote for, the non-academic staff member of the Council, are those persons who are members of the non-academic staff of the University at the date and time for the close of nominations for the election concerned.

7 Student member of Council

The persons qualified to be elected as, and the persons entitled to vote for, the student member of the Council, are those persons whose names appear as full-time or part-time students on the Roll of Students at the time and date for close of nominations for the election concerned.

8 Roll of Students

- (1) The Registrar is to keep a Roll of Students containing the names and last known addresses of the students of the University who are proceeding to a degree, diploma or certificate.
- (2) The Roll of Students is to be kept in such manner and subject to such conditions as determined by the Registrar.
- (3) The Roll of Students must indicate, in respect of each student, whether the student's enrolment is undergraduate or postgraduate.

9 Term of office of elected members of Council

For the purposes of clause 1 of Schedule 1 to the Act:

- (a) the term of office of an academic staff member of the Council is 3 years, and
- (b) the term of office of the non-academic staff member of the Council is 3 years, and

Macquarie University By-law 2005

Clause 10

Members of Council

Part 2

-
- (c) the term of office of the student member of the Council is one year.

10 Casual vacancy in office of academic or non-academic staff member of Council

- (1) A casual vacancy in the office of an academic staff member of the Council or the non-academic staff member of the Council occurring within the first 2 years of the term of that office is to be filled by a further election in accordance with this By-law.
- (2) If a casual vacancy in the office of an academic staff member of the Council or the non-academic staff member of the Council occurs otherwise than within the first 2 years of that term of office, the Council is to appoint the person:
- (a) who was last eliminated in the last election to fill the office concerned, and
 - (b) who remains eligible for appointment, and
 - (c) who is available for appointment.
- (3) If the conditions set out in subclause (2) cannot be met, the vacancy is to be filled by a person appointed by the Council who is qualified to hold the office concerned.
- (4) A member of the Council appointed or elected to fill a casual vacancy under this clause holds office for the unexpired portion of his or her predecessor's term of office.

11 Casual vacancy in office of student member of Council

- (1) If a casual vacancy in the office of the student member of the Council occurs at any time before the date on which the member's term of office would have otherwise expired, the Council is to appoint the person:
- (a) who was last eliminated in the last election to fill that office, and
 - (b) who remains eligible for appointment, and
 - (c) who is available for appointment.
- (2) If the conditions set out in subclause (1) cannot be met, the vacancy is to be filled by a person appointed by the Council who is qualified to hold the office concerned.
- (3) A member of the Council appointed to fill a casual vacancy under this clause holds office for the unexpired portion of his or her predecessor's term of office.

Clause 12 Macquarie University By-law 2005

Part 2 Members of Council

Division 2 Appointed members of Council

12 Members of Council appointed by Council (other than graduate members)

For the purposes of section 9 (1) (c) of the Act, the Council is to appoint one external person as a member of the Council.

13 Graduate members of Council

For the purposes of section 9 (1) (g) of the Act, the Council is to appoint 4 external persons as members of the Council.

14 Nominations Committee

- (1) The Council is to establish a Nominations Committee consisting of the following persons:
 - (a) the Chancellor,
 - (b) the Vice-Chancellor,
 - (c) the Vice-President of the Academic Senate,
 - (d) a member of the Council who is not in the same category of office of member as the office in respect of which the Committee is convening.
- (2) The quorum for a meeting of the Committee is 3 members.
- (3) The Committee may conduct its business (including the conduct of any interviews) by meeting in person or by telephone, video link or any other form of telecommunication.

15 Nomination procedures relating to appointed members of Council

- (1) At least 6 months before the term of office of a member of the Council appointed under section 9 (1) (b), (c) or (g) expires, the Nominations Committee is:
 - (a) to identify the expertise and experience that will be needed to complement that of the other members of the Council, and
 - (b) to identify persons who may be suitable for appointment as such a member.
- (2) The Committee is:
 - (a) to determine which of those persons are to be recommended to the Council, and
 - (b) to recommend the length of appointment for each such person, and
 - (c) to forward its recommendations to the Council.

Macquarie University By-law 2005

Clause 16

Members of Council

Part 2

-
- (3) In determining the persons to be recommended under subclause (2) (a), the Committee is to take into consideration:
- (a) whether a person has developed, or has the capacity to develop:
 - (i) a good understanding of what the external community needs from the University, and
 - (ii) strong external networks that may benefit the University, and
 - (b) whether a person will contribute to the effective working of the Council, and
 - (c) whether a person has the expertise and experience (identified under subclause (1)) needed to complement that of existing members of the Council, and
 - (d) the matters referred to in section 9 (5) and (6) of the Act, and
 - (e) such other matters as the Committee considers appropriate.
- (4) The Committee's recommendations under subclause (2) are to include its assessment of the recommended persons against the matters referred to in subclause (3).
- (5) The Council is:
- (a) to consider the recommendations forwarded by the Committee, and
 - (b) to determine which of the recommended persons are to be:
 - (i) nominated for consideration for appointment by the Minister, or
 - (ii) appointed by the Council, as the case may be, and
 - (c) to determine:
 - (i) in the case of the persons referred to in paragraph (b) (i), the recommended length of appointment for each such person, or
 - (ii) in the case of the persons referred to in paragraph (b) (ii), the length of appointment for each such person.
- (6) The Chancellor is to forward the determinations referred to in subclause (5) (b) (i) and (c) (i) to the Minister for consideration.

16 Casual vacancy in office of member appointed under section 9 (1) (b)

- (1) If a casual vacancy occurs in the office of a member of the Council appointed under section 9 (1) (b) of the Act, the Chancellor is to forward to the Minister for consideration the name of another person nominated

Clause 17 Macquarie University By-law 2005

Part 2 Members of Council

by the Council from the persons who were recommended to it under clause 15 (2) for the office concerned.

- (2) If no such person is available for appointment:
 - (a) the Committee is to identify other persons who may be suitable for appointment as such a member, and
 - (b) the Chancellor is to forward to the Minister for consideration for appointment the name of one of those persons, determined in accordance with the procedures set out in clause 15 (2)–(5).
- (3) A member of the Council appointed to fill a casual vacancy under this clause holds office for the unexpired portion of his or her predecessor's term of office.

17 Casual vacancy in office of member appointed under section 9 (1) (c) or (g)

- (1) If a casual vacancy occurs in the office of a member of Council appointed under section 9 (1) (c) or (g) of the Act, the Council is to appoint another person from the persons who were recommended to the Council under clause 15 (2) for the office concerned.
- (2) If no such person is available for appointment:
 - (a) the Committee is to identify other persons who may be suitable for appointment as such a member, and
 - (b) the Council is to appoint one of those persons determined in accordance with the procedures set out in clause 15 (2)–(5).
- (3) A member of the Council appointed to fill a casual vacancy under this clause holds office for the unexpired portion of his or her predecessor's term of office.

Macquarie University By-law 2005

Clause 18

Chancellor and Deputy Chancellor

Part 3

Part 3 Chancellor and Deputy Chancellor

18 Term of office of Chancellor

For the purposes of section 10 (2) of the Act, the prescribed term of office for the Chancellor is 3 years.

19 Election of Chancellor or Deputy Chancellor

An election to fill a vacancy in the office of Chancellor or Deputy Chancellor is to be held at an ordinary meeting of the Council held no later than two months after the vacancy occurs.

20 Nomination of Chancellor or Deputy Chancellor

A nomination for the office of Chancellor or Deputy Chancellor:

- (a) must be in writing and made with the consent of the person nominated, and
- (b) must be handed to the Registrar before the meeting at which the election is to be held, and
- (c) must be supported by two persons who are members of the Council.

21 Membership of committees

- (1) The Chancellor and Deputy Chancellor are, by virtue of their office, members of all committees constituted by this By-law or by the Council (other than the Standing Committee and any other committee of Convocation) and of all boards within the University.
- (2) The Chancellor may preside at any meeting of any such committee or board at which he or she is present and is to have all the rights and duties of the chairperson of any such committee or board.
- (3) If the Chancellor is not present, or if the office of Chancellor is vacant, the Deputy Chancellor may preside at any such meeting and is to have the like rights and duties.

Clause 22 Macquarie University By-law 2005

Part 4 Vice-Chancellor

Part 4 Vice-Chancellor

22 Functions of Vice-Chancellor

Subject to any resolution of the Council, the Vice-Chancellor is:

- (a) to promote the interests and further the development of the University, and
- (b) to be responsible for the academic, administrative, financial and other business of the University, and
- (c) to exercise a general supervision over all persons in the service of the University and over the welfare and discipline of the students of the University.

23 Membership of committees

The Vice-Chancellor is, by virtue of his or her office, a member of every committee or board within the University, and, except in the case of the Finance Committee, he or she may, if he or she so desires, preside at any meeting of any such committee or board in the absence of the Chancellor and Deputy Chancellor.

24 Authority

- (1) Nothing in this Part affects the precedence or authority of the Chancellor or Deputy Chancellor.
- (2) The Vice-Chancellor has such authority as may be necessary or convenient to give effect to the provisions of this Part.
- (3) Without affecting the generality of the provisions of this Part, the Vice-Chancellor has power:
 - (a) to accept resignations from members of the staff and to communicate such acceptance to the members of the staff concerned, and
 - (b) to approve the grant of salary progression to any member of the staff within the salary scale applicable to such member.

Macquarie University By-law 2005

Clause 25

Convocation

Part 5

Part 5 Convocation

25 Members of Convocation

- (1) In addition to the persons on whom membership is conferred by section 14 of the Act, Convocation is to include the following:
 - (a) persons who have accepted an invitation by the Council to membership of Convocation,
 - (b) such of the full-time members of the non-academic staff of the University as the Council may from time to time determine,
 - (c) those persons who have been admitted to membership of Convocation pursuant to section 14 (1) (c) of the Act and who have retired from the staff of the University.
- (2) Any person who becomes a member of Convocation pursuant to an invitation referred to in subclause (1) (a) may resign his or her membership by giving notice in writing to the Registrar.

26 Roll of Convocation

- (1) The Registrar is to keep a Roll of Convocation containing the names and addresses of the members of Convocation.
- (2) The Roll of Convocation is to be kept in such manner and subject to such conditions as the Registrar may determine.

Clause 27 Macquarie University By-law 2005

Part 6 Academic Senate

Part 6 Academic Senate

27 Constitution of Academic Senate

- (1) The members of the Academic Senate are as follows:
- (a) the Vice Chancellor,
 - (b) the Deputy Vice-Chancellors and the Pro-Vice Chancellors,
 - (c) the Deans of Divisions constituted within the University by the Council,
 - (d) 2 members from each Division elected by and from the continuing academic staff of the Division in accordance with rules made by the Council,
 - (e) 3 students elected in accordance with rules made by the Council,
 - (f) the Vice-President of the Academic Senate (if the Vice-President is not otherwise a member of the Academic Senate) elected in accordance with rules made by the Council,
 - (g) the Deputy Vice-President of the Academic Senate (if the Deputy Vice-President is not otherwise a member of the Academic Senate) elected in accordance with rules made by the Council.
- (2) In this clause:
- continuing academic staff* means academic staff employed on other than a fixed term or casual basis.

28 Functions of Academic Senate

The Academic Senate is the principal academic body in the University, and has the following functions:

- (a) to advise the Council on matters concerning academic and related activities of the University,
- (b) to consider, and report to the Council on, any matter referred to it by the Council,
- (c) such other functions as may be specified from time to time in resolutions made by the Council.

Macquarie University By-law 2005

Clause 29

University membership

Part 7

Part 7 University membership

29 Members of the University

For the purposes of section 4 (c) of the Act, the other members of staff of the University who are members of the University are the persons holding the positions of Deputy Vice-Chancellor, Vice-Principal, Pro Vice-Chancellor, Registrar and University Librarian and such other positions as may be specified from time to time in resolutions made by the Council.

Clause 30 Macquarie University By-law 2005

Part 8 Common seal

Part 8 Common seal

30 Custody of common seal

The common seal of the University is to be kept in the custody of the Registrar.

31 Use of common seal

The affixing of the common seal of the University to any document is to be attested by:

- (a) the Chancellor, the Deputy Chancellor, the Vice-Chancellor, or one of the Deputy Vice-Chancellors, and
- (b) the Registrar.

32 Register of use of common seal

The Registrar is to maintain a Register of the Use of the Common Seal to record the authority for the affixing of the Common Seal, the nature of the document to which the Common Seal has been affixed, the date and the signatures appearing on the document.

Macquarie University By-law 2005

Clause 33

Arms

Part 9

Part 9 Arms

33 Blazon

The arms of the University are to be on a field vert, the Macquarie lighthouse tower, masoned proper, in chief the star Sirius, or. Motto: And gladly teche.

34 Authorised use of arms

The arms of the University are to be used, depicted and displayed only in such manner and in such circumstances as the Council may by resolution approve.

Clause 35 Macquarie University By-law 2005

Part 10 Making of rules

Part 10 Making of rules

35 Making of rules by Council and Vice-Chancellor

- (1) The Council may make rules for or with respect to any or all of the matters for or with respect to which rules may be made under the Act.
- (2) The Vice-Chancellor may make rules (not inconsistent with the rules of the Council) for or with respect to any or all of the matters for or with respect to which rules may be made under the Act.
- (3) Despite subclause (2), the Vice-Chancellor may not make rules for or with respect to any matter for or with respect to which the Council (alone) is empowered to make rules under any other clause of this By-law.

Note. Section 29 (1) of the Act provides that the by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with the Act or the by-laws) for or with respect to matters for which by-laws may be made, except the matters referred to in sections 3 (2), 9 (1) (c)–(g) and (8), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) of the Act and clauses 1 (1) (c) and (d) and 3 of Schedule 1 to the Act.

- (4) A rule made by the Council or the Vice-Chancellor must be published:
 - (a) on the Internet by means of the website of the University, or
 - (b) in another official University publication.
- (5) Failure to comply with subclause (4) does not invalidate a rule.

36 Inconsistency

If the Vice-Chancellor makes a rule that is inconsistent with a rule made by the Council, the rule made by the Council prevails to the extent of the inconsistency.

Macquarie University By-law 2005

Clause 37

Miscellaneous

Part 11

Part 11 Miscellaneous

37 Repeal and savings

- (1) The *Macquarie University By-laws* are repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Macquarie University By-laws*, had effect under those By-laws continues to have effect under this By-law (but only to the extent that it relates to an act, matter or thing affected by this By-law and is not inconsistent with this By-law and the acts, matters or things done under this By-law).
- (3) In particular, any rule made pursuant to a provision of the repealed By-laws is taken to have been made pursuant to the corresponding provision of this By-law.

Macquarie University By-law 2005

Schedule 1 Procedures for election

Schedule 1 Procedures for election

(Clause 4)

1 Definition

In this Schedule:

posting includes posting by electronic means.**2 Registrar**

- (1) An election is to be conducted by the Registrar, who is to be the returning officer.
- (2) Subject to this Schedule, an election is to be conducted in such manner as the Registrar may determine.

3 Timing of election

In the conduct of an election, the Registrar must allow the following intervals between the events set out:

- (a) between the date of posting, delivery, publication or other display (as the case may be) of the notice of election and the date and time for close of nominations, not less than 14 and not more than 28 days,
- (b) between the date and time for close of nominations and the posting or delivery of voting forms, not more than 28 days,
- (c) between the posting or delivery of voting forms and the date and time by which completed voting forms must reach the Registrar, not less than 14 and not more than 60 days.

4 Notice of election

- (1) The Registrar is to give notice of an election:
 - (a) in the case of an election of an academic staff member of the Council or a non-academic staff member of the Council, by posting or delivering the notice to the last known email or postal address of each person then entitled to vote at the election, and
 - (b) in the case of an election of a student member of the Council:
 - (i) by publishing the notice on the Internet by means of the website of the University or on a notice-board at the University, and
 - (ii) by publishing the notice twice in a daily newspaper circulating within Sydney and elsewhere in the State, and

Macquarie University By-law 2005

Procedures for election

Schedule 1

-
- (iii) by posting or delivering the notice to the last known email or postal address of each off-campus student entitled to vote at the election.
- (2) The notice of election must:
 - (a) state the number of persons to be elected and the qualifications for candidature, and
 - (b) invite nominations of candidates for election and specify the form in which nominations are to be made, and
 - (c) specify the date and time by which nominations must reach the Registrar.

5 Nominations

- (1) A separate nomination form must be completed for each candidate.
- (2) A nomination form:
 - (a) is to be signed by 2 persons qualified to vote at the election concerned, one of whom is the proposer and one of whom is the seconder, and
 - (b) must be endorsed with, or accompanied by, the written consent of the candidate to his or her nomination.
- (3) If, at the close of nominations, the number of persons duly nominated does not exceed the number of persons to be elected, the Registrar must declare the persons so nominated to be elected.
- (4) If, at the close of nominations, the number of nominations received by the Registrar is greater than the number of persons to be elected, the Registrar must proceed to an election as provided for in this By-law.

6 Voting form

- (1) Each voting form is to contain the names of candidates arranged in the order in which those names are drawn by lot by the Registrar.
- (2) Each candidate is entitled to nominate one scrutineer to represent the candidate at the draw.
- (3) If a voting form has been lost or destroyed, a duplicate is to be supplied on written application to the Registrar.

7 Material to accompany voting form

- (1) Each voting form is to be accompanied by the following:
 - (a) a notice that specifies:
 - (i) the manner in which the voting form is to be completed and submitted to the Registrar, and

Macquarie University By-law 2005

Schedule 1 Procedures for election

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- (ii) the date and the time by which the completed voting form must reach the Registrar,
 - (b) if a candidate has, not later than 3 days after the close of nominations or such later time as the Registrar may permit in respect of the candidate, supplied to the Registrar a statement, not exceeding 150 words, relating to his or her candidacy, a copy of that statement,
 - (c) a statement showing the name of each candidate's proposer and seconder,
 - (d) a form of declaration, or other means of verification, of identity and entitlement to vote,
 - (e) (except if the election is to be conducted by electronic means) 2 envelopes, one marked "Voting form" and the other addressed to the Registrar.
- (2) The voting form, and the notice and statements referred to in subclause (1), may comprise one or more documents.

8 Method of voting

- (1) The voter is to mark his or her vote on the voting form by inserting the figure "1" opposite the name of the candidate to whom the voter wishes to give his or her first preference.
- (2) If the voter wishes to show his or her order of preference for any or all of the remaining candidates, the voter may do so by inserting the figures "2", "3", "4" and so on, as the case requires, opposite the names of any of the remaining candidates so as to indicate by numerical sequence the order of his or her preference for the candidates.
- (3) The voter must then:
- (a) in the case of an election conducted by electronic means, submit his or her voting form to the Registrar, or
 - (b) in any other case:
 - (i) place the completed voting form in the envelope marked "Voting form", and
 - (ii) place that envelope and the signed declaration of identity and entitlement to vote in the envelope addressed to the Registrar, and
 - (iii) send or deliver the envelopes to the Registrar before the close of the poll.

Macquarie University By-law 2005

Procedures for election

Schedule 1

9 Procedure on close of poll

- (1) After the poll is closed, the Registrar or the Registrar's deputy must:
 - (a) in the case of an election conducted by electronic means, access the submitted voting forms and ascertain the result of the election, or
 - (b) in any other case:
 - (i) open the outer envelope addressed to the Registrar, and
 - (ii) if the declaration is duly signed by a qualified voter, ensure the envelope containing the voting form is placed and mixed with other similar envelopes, and
 - (iii) open the envelopes containing the voting forms and ascertain the result of the election.
- (2) No voting form is to be accepted unless it is received by the Registrar before the close of the poll.
- (3) The Registrar is to decide whether any voting form is to be accepted or rejected.
- (4) Each candidate is entitled to nominate one scrutineer to monitor the process for the counting of votes.
- (5) Neither the Registrar nor anyone acting as the Registrar's deputy nor any scrutineer may in any way disclose or aid in disclosing in what manner any voter has voted.
- (6) Despite any other provision in this By-law, and to the extent to which it is possible, at least one of the academic staff members of the Council must have professorial rank.
- (7) The result of an election is to be determined in accordance with the procedures set out in the publication entitled *Proportional Representation Manual: Rules for Conducting Elections by the Quota-Preferential Method (3rd edition)* published by the Proportional Representation Society of Australia, a copy of which is available in the office of the Registrar.
- (8) The Registrar may make use of data processing equipment for the whole or any part of the procedures referred to in subclause (6).
- (9) Subject to this By-law (and without affecting the generality of clause 2 (2) of this Schedule), the Registrar may make such determination as the Registrar thinks necessary to produce a final result in an election or any matter incidental to an election and any such determination is final.



New South Wales

University of Technology, Sydney, By-law 2005

under the

University of Technology, Sydney, Act 1989

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has approved the following By-law made by the Council of the University of Technology, Sydney under the *University of Technology, Sydney, Act 1989*.

CARMEL TEBBUTT, M.L.C.,
Minister for Education and Training

Explanatory note

The object of this By-law is to provide for certain matters under the *University of Technology, Sydney, Act 1989*, including the following:

- (a) the term of office of the Chancellor,
- (b) the qualification and method of election of the members of the Council who are elected,
- (c) the procedures for nomination of appointed members of the Council,
- (d) membership of Convocation,
- (e) rules that may be made.

This By-law repeals the *University of Technology, Sydney, By-law 1995*.

This By-law is made under the *University of Technology, Sydney, Act 1989*, including section 28 (the general power to make by-laws).

University of Technology, Sydney, By-law 2005

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Part 1	Preliminary

University of Technology, Sydney, By-law 2005

under the

University of Technology, Sydney, Act 1989

Part 1 Preliminary

1 Name of By-law

This By-law is the *University of Technology, Sydney, By-law 2005*.

2 Application

This By-law applies to and in respect of the University of Technology, Sydney, as established by the *University of Technology, Sydney, Act 1989*.

3 Definitions

(1) In this By-law and in a rule:

Academic Board means the Academic Board established under section 15 of the Act.

academic staff member of the Council means a member of the Council referred to in section 9 (1) (d) of the Act.

Chancellor means the Chancellor of the University.

close of nominations, in relation to an election, means the date and time by which nominations must be received by the Returning Officer for the election (as specified in a notice under clause 11 (2) (d)).

close of the ballot, in relation to an election, means the date and time by which ballot papers must be received by the Returning Officer for the election (as specified in a notice under clause 11 (2) (f)).

Deputy Chancellor means the Deputy Chancellor of the University.

Deputy Vice-Chancellor means a Deputy Vice-Chancellor of the University.

external persons has the same meaning as it has in section 9 (10) of the Act.

Nominations Committee means the Committee established under clause 33.

University of Technology, Sydney, By-law 2005

Clause 3

Preliminary

Part 1

non-academic staff member of the Council means the member of the Council referred to in section 9 (1) (e) of the Act.

postgraduate student member of the Council means the member of the Council referred to in section 9 (1) (g) of the Act.

Pro-Vice-Chancellor means a Pro-Vice-Chancellor of the University.

Registrar means the Registrar of the University.

rule means a rule made under section 29 (1) of the Act.

student means a person enrolled as a candidate proceeding to a degree, diploma or other award course of the University, and includes both an undergraduate student and a postgraduate student.

the Act means the *University of Technology, Sydney, Act 1989*.

undergraduate student member of the Council means the member of the Council referred to in section 9 (1) (f) of the Act.

Vice-Chancellor means the Vice-Chancellor of the University.

- (2) For the purposes of this By-law, a person is a member of the fractional-time academic or non-academic staff if the person is employed, otherwise than on a casual or temporary basis, to perform a proportion of the duties that a full-time person employed in the same classification would normally be required to perform in a 12-month period.
- (3) For the purposes of this By-law and the rules, a person is a senior officer of the University if the person is any of the following:
 - (a) the Vice-Chancellor,
 - (b) a Deputy Vice-Chancellor,
 - (c) a Pro-Vice-Chancellor,
 - (d) the Registrar,
 - (e) the holder of such other office in the University as the Council, by resolution, designates for the purposes of this subclause.
- (4) In the absence of a person who has been appointed to an office in the University by virtue of some other office held by him or her, whether in the University or elsewhere, any person acting in that other office holds that appointment ex officio, unless the Council resolves otherwise.
- (5) Notes included in this By-law are not part of this By-law.

Clause 4 University of Technology, Sydney, By-law 2005

Part 2 The Council

Part 2 The Council

Division 1 The Chancellor

4 Term of office of Chancellor

For the purposes of section 10 (2) of the Act, the term of office of the Chancellor is 4 years from the date of his or her election.

Division 2 Elected members of Council

5 Returning Officer

- (1) An election referred to in this Division is to be conducted by the Registrar who is to be the Returning Officer for the election.
- (2) The Returning Officer may appoint a Deputy Returning Officer (with such powers as the Returning Officer may determine) and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Division.
- (3) The Returning Officer's decision is, subject to the Act and this By-law, final on all matters affecting the eligibility of candidates, the conduct and results of an election and such other matters as may from time to time affect the conduct of elections.

6 Rolls

The Returning Officer is to keep the following:

- (a) for the purposes of section 9 (1) (d) of the Act—a Roll of Academic Staff containing the names and last known addresses of those persons who are classified as full-time or fractional-time members of the academic staff of the University,
- (b) for the purposes of section 9 (1) (e) of the Act—a Roll of Non-Academic Staff containing the names and last known addresses of those persons who are classified as full-time or fractional-time members of the non-academic staff of the University,
- (c) for the purposes of section 9 (1) (f) of the Act—a Roll of Undergraduate Students containing the names and last known addresses of those persons enrolled in courses that are listed in the register of undergraduate courses of the University with a minimum duration of one year full-time or equivalent,
- (d) for the purposes of section 9 (1) (g) of the Act—a Roll of Postgraduate Students containing the names and last known addresses of those persons enrolled in courses that are listed in

University of Technology, Sydney, By-law 2005

Clause 7

The Council

Part 2

the register of postgraduate courses of the University with a minimum duration of one year full-time or equivalent.

7 Qualification for election as member of academic staff

For the purposes of section 9 (1) (d) of the Act, in respect of a person seeking election as a member of the academic staff of the University, the prescribed qualification is that the person's name is entered in the Roll of Academic Staff at the close of nominations for the election.

8 Qualification for election as member of non-academic staff

For the purposes of section 9 (1) (e) of the Act, in respect of a person seeking election as a member of the non-academic staff of the University, the prescribed qualification is that the person's name is entered in the Roll of Non-Academic Staff at the close of nominations for the election.

9 Qualification for election as undergraduate student

For the purposes of section 9 (1) (f) of the Act, in respect of a person seeking election as an undergraduate student of the University, the prescribed qualifications are that the person's name:

- (a) is entered in the Roll of Undergraduate Students, and
- (b) is not entered in the Roll of Academic Staff or the Roll of Non-Academic Staff,

at the close of nominations for the election

10 Qualification for election as postgraduate student

For the purposes of section 9 (1) (g) of the Act, in respect of a person seeking election as a postgraduate student of the University, the prescribed qualifications are that the person's name:

- (a) is entered in the Roll of Postgraduate Students, and
- (b) is not entered in the Roll of Academic Staff or the Roll of Non-Academic Staff,

at the close of nominations for the election.

11 Call for nominations and notice of election

(1) If an election of members of the Council is necessary, the Returning Officer must publish a notice referred to in this clause on the official noticeboards on the premises of the University and:

- (a) in the case of an election of an academic or a non-academic staff member of the Council, must send or deliver a copy of the notice to each person whose name is in the relevant roll of staff of the University, and

Clause 12 University of Technology, Sydney, By-law 2005

Part 2 The Council

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- (b) in the case of an election of a postgraduate or an undergraduate student member of the Council, must publish or cause to be published such copies of the notice in such manner as the Returning Officer considers necessary to inform the persons whose names are in the relevant roll of students of the University of its contents.
- (2) A notice referred to in this clause must:
- (a) state that an election is necessary to fill the office or offices concerned, and
 - (b) invite nominations of persons for election, and
 - (c) specify the form in which nominations must be made, and
 - (d) specify a date and time by which nomination papers must reach the Returning Officer, and
 - (e) specify how ballot papers may be obtained, and
 - (f) specify a date and time by which ballot papers must reach the Returning Officer, and
 - (g) contain such other information relating to the election as the Returning Officer thinks fit (which might include, for example, details of the number of vacancies to be filled and of the terms of office of the members of the Council to be elected).
- (3) An election is not invalid only because a person whose name is in the relevant roll of staff or students of the University did not see a notice or a copy of a notice, or did not receive a copy of a notice, referred to in this clause.

12 Schedule of dates for Council elections

In the conduct of an election of members of the Council, the Returning Officer must allow:

- (a) between the publication of the notice under clause 11 (1) stating that an election is necessary and the close of nominations for the election—not less than 14 and not more than 28 days, and
- (b) between the close of nominations for the election and the issue of ballot papers under clause 16—not more than 28 days, and
- (c) between the issue of ballot papers under clause 16 and the close of the ballot—not less than 14 and not more than 28 days.

13 Making of nominations

- (1) Nominations of candidates for an election of members of the Council must be made by sending or delivering nomination papers to the Returning Officer.

University of Technology, Sydney, By-law 2005

Clause 14

The Council

Part 2

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- (2) A nomination paper must be signed by 2 persons whose names are entered in the relevant Roll for the election for which the candidate is nominated and must be endorsed with or accompanied by the written consent of the person nominated.
 - (3) There must be a separate nomination paper for each candidate.
 - (4) A candidate may provide with the nomination paper a statement of not more than 150 words containing information relating to the candidate that he or she wishes to supply. That information may include, for example, the following:
 - (a) full name,
 - (b) faculty, school or department,
 - (c) academic qualifications and experience,
 - (d) positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies) with dates of tenure.
 - (5) Statements containing more than 150 words will not be accepted. The Returning Officer (or a person appointed by the Returning Officer) is to edit all statements supplied to ensure that they contain no defamatory or offensive material. The edited statements are to be printed and distributed with the ballot papers.
 - (6) The Returning Officer must reject a nomination paper if satisfied that:
 - (a) the nomination is not duly made, or
 - (b) the person nominated is not eligible to be elected.
 - (7) The Returning Officer must, within 4 days after receipt of a nomination paper, send or deliver a notice to each person who has signed or endorsed the nomination paper, notifying the person of the acceptance or rejection of the nomination.

14 Dealing with nominations

- (1) If no more than 2 nominations of persons for election as academic staff members of the Council are accepted, the Returning Officer must declare the person or persons nominated to be elected. If more than 2 nominations are accepted, there must be a ballot.
- (2) If no more than one nomination of persons for election to the Council as:
 - (a) the non-academic staff member, or
 - (b) the undergraduate student member, or
 - (c) the postgraduate student member,is accepted in any of those categories, the Returning Officer must declare the person nominated to be elected. If more than one nomination

Clause 15 University of Technology, Sydney, By-law 2005

Part 2 The Council

is accepted in any category, there must be a ballot in the category concerned.

15 Form of ballot

A ballot for a Council election must be a secret ballot using the optional preferential system.

16 Conduct of ballot

- (1) The Returning Officer must, if there is to be an election for an academic or non-academic staff member of the Council, send or deliver a ballot paper to each person whose name is in the relevant roll of staff of the University.
- (2) The Returning Officer must, if there is to be an election for an undergraduate or postgraduate student member of the Council:
 - (a) publish in such manner as the Returning Officer considers necessary a notice specifying the dates and times of polling, the location of polling booths and any other relevant information, and
 - (b) establish on the University premises polling booths attended, during the dates and times for polling, by persons appointed by the Returning Officer for the purpose of issuing a ballot paper to each person who requests one and is recognised by one of the appointed attendants as being a person whose name is in the relevant roll of students of the University, and
 - (c) forward a ballot paper to each person whose name is in the relevant roll of students of the University if the person has applied for the issue of a ballot paper by post and the application has been received not later than 10 days before the date of the election.
- (3) Following receipt of a written application, the Returning Officer may, on being satisfied that a ballot paper has been lost or destroyed, supply a duplicate ballot paper to the person to whom the lost or destroyed ballot paper was issued.
- (4) An election is not invalid only because a person whose name is in the relevant roll of staff or students of the University did not receive a ballot paper.
- (5) In this clause, a reference to a person's name being in a relevant roll of staff or students of the University is a reference to the person's name being in the roll concerned at the close of nominations for the relevant election.

University of Technology, Sydney, By-law 2005

Clause 17

The Council

Part 2

17 Notice to accompany ballot paper

With each ballot paper issued in respect of a Council election, there must also be issued:

- (a) a notice setting out how the ballot paper is to be completed and specifying the date and time by which ballot papers for that election must reach the Returning Officer, and
- (b) 2 envelopes, one marked "Ballot Paper" and the other addressed to the Returning Officer on the inside of which must be printed a form of declaration of identity and of entitlement to vote to be signed by the voter.

18 Contents of ballot paper

Each ballot paper must contain the names of the candidates in the order drawn at random by the Returning Officer or by a person appointed by the Returning Officer for the purposes of the election and must be initialled by the Returning Officer or by a person appointed by the Returning Officer.

19 Method of voting

Each voter must mark a vote on the ballot paper by placing the figure "1" in the square opposite the name of the candidate to whom the voter desires to give his or her first preference vote, and may place consecutive figures (commencing with the figure "2") in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter's preference for them.

20 Voting at staff elections

- (1) In the case of an election of an academic or non-academic staff member of the Council, each voter must send or deliver to the Returning Officer the ballot paper enclosed and sealed in the envelope marked "Ballot Paper" which must be enclosed and sealed in another envelope addressed to the Returning Officer, with a signed form of declaration of identity and entitlement to vote on the inside.
- (2) All envelopes received by the Returning Officer under this clause must be deposited in the relevant ballot box.

21 Voting at student elections

- (1) Subject to subclause (3), in the case of an election of an undergraduate or postgraduate student member of the Council, any student who has been recognised, by a person appointed by the Returning Officer to attend a polling booth, as being a person whose name is in the relevant roll of students of the University and whose name is then marked on a

Clause 22 University of Technology, Sydney, By-law 2005

Part 2 The Council

copy of that roll to signify the issue of a ballot paper, must be provided with a ballot paper.

- (2) A student provided with a ballot paper who desires to vote at a polling booth must, in the presence of a person appointed by the Returning Officer, deposit the vote in the relevant ballot box provided for the purpose at the polling booth.
- (3) A student who has been forwarded a ballot paper under clause 16 (2) (c) and who wishes to vote must send or deliver to the Returning Officer the ballot paper enclosed and sealed in an envelope marked 'Ballot Paper' which must be enclosed and sealed in another envelope addressed to the Returning Officer, with a signed form of declaration of identity and entitlement to vote on the inside.
- (4) Despite subclause (3), a student referred to in that subclause may vote by depositing the ballot paper forwarded to the student in the relevant ballot box at a polling booth.

22 Envelopes and ballot papers not to be opened

- (1) All envelopes received by the Returning Officer under clause 20 or 21 must remain unopened until the close of the ballot.
- (2) A ballot box referred to in clause 20 or 21 must remain unopened until the close of the ballot.

23 Procedure on close of ballot

As soon as practicable after the close of the ballot, the Returning Officer or a person appointed by the Returning Officer must:

- (a) open the ballot boxes, and
- (b) open any envelopes addressed to the Returning Officer and received before the close of the ballot, and
- (c) if any declaration of identity is duly signed by a qualified voter, place the unopened envelope containing the ballot paper with other similar envelopes, and
- (d) open the envelopes referred to in paragraph (c) and take out the ballot papers, and
- (e) count the votes, and ascertain the result of the ballot, in the manner set out in clauses 24–27.

24 Informal ballot papers

- (1) A ballot paper is informal if it has on it any mark or writing that, in the opinion of the Returning Officer, will enable any person to identify the voter.

University of Technology, Sydney, By-law 2005

Clause 25

The Council

Part 2

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- (2) A ballot paper is informal if not initialled under clause 18.
 - (3) A ballot paper is informal if the voter has not indicated a clear preference for at least one candidate.
 - (4) Despite any other provision of this clause, a ballot paper is not informal only because any figures placed on the ballot paper are not placed in or entirely in the squares opposite the candidates' names, if the figures are placed on the ballot paper in such positions as, in the opinion of the Returning Officer, clearly indicate the order of the voter's preference for the candidates.

25 Nomination of scrutineers

- (1) Each candidate is entitled to nominate one scrutineer to be present at the count.
- (2) A person is not to be a scrutineer in an election in which he or she is a candidate.

26 Determination of result of ballot

- (1) In this clause:
 - an absolute majority of votes* means a greater number than one-half of the whole number of formal ballot papers counted.
 - continuing candidate* means a candidate not already excluded from the count.
 - determine by lot* means determine in accordance with the following directions:
 - (a) the names of the candidates concerned must be written on separate and similar slips of paper,
 - (b) the slips must be folded so as to prevent identification and mixed and drawn at random,
 - (c) the candidate whose name is first drawn must be excluded.
- (2) If a ballot has been held for the purpose of an election the result of the ballot must be determined as provided in this clause.
- (3) The Returning Officer must count the total number of ballot papers and exclude any informal papers.
- (4) The Returning Officer must count the number of first preference votes given for each candidate.
- (5) The candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be declared by the Returning Officer to be elected.

Clause 26 University of Technology, Sydney, By-law 2005

Part 2 The Council

- (6) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voter's preference.
- (7) If on any count 2 or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:
 - (a) if the count is the first made in connection with the ballot, the Returning Officer must determine by lot which of those candidates is to be excluded,
 - (b) if the count is the second or subsequent count made in connection with the ballot:
 - (i) that candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others, or
 - (ii) the Returning Officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.
- (8) The process of excluding the candidate who has the fewest votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference must (subject to subclause (9)) be continued:
 - (a) until one continuing candidate has an absolute majority of votes in which event that candidate must be declared by the Returning Officer to be elected, or
 - (b) until all candidates but one have been excluded in which event the remaining candidate must be declared elected.
- (9) If at any point during any particular count after the first preference votes have been counted, the candidate next in order of a voter's preference is not indicated or cannot be ascertained, that ballot paper must, from that point onwards, be excluded from that particular count and the total of the ballot papers counted must be amended accordingly. The ballot paper must, however, be reinstated in any later counts carried out in accordance with subclause (10).
- (10) If any further position remains to be filled, all excluded candidates must be reinstated with their first preference votes credited and each of the ballot papers counted to the elected candidate or candidates must be counted to the reinstated candidate next in order of the voter's preference as if it were a first preference vote.

University of Technology, Sydney, By-law 2005

Clause 27

The Council

Part 2

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- (11) The procedures described in subclauses (5)–(10) apply until all vacancies are filled.

27 Secrecy of ballot to be maintained

- (1) The result of the count must remain confidential until the declaration of poll by the Returning Officer.
- (2) The Returning Officer, any person appointed by the Returning Officer or any scrutineer must not in any way disclose or aid in disclosing the manner in which any voter has voted.

28 Term of office of elected members of Council

For the purposes of clause 1 (1) (c) of Schedule 1 to the Act, a member of Council elected under section 9 (1) (d), (e), (f) or (g) of the Act holds office for 2 years.

29 Casual vacancy in office of elected member of Council

- (1) In the event that a casual vacancy in the office of a member of the Council elected under section 9 (1) (d), (e), (f) or (g) of the Act occurs:
- (a) if less than a quarter of that member's term of office remains, the Council is, as soon as practicable after the vacancy occurs, to appoint a person qualified to hold that office under section 9 (1) (d), (e), (f) or (g) of the Act for the remainder of the term of office, or
- (b) if the remainder of that member's term of office is or exceeds a quarter of the term of office, the Returning Officer is to conduct an election among those persons qualified to vote at such an election in accordance with the Act and this By-law to fill the vacancy for the balance of the term of office.
- (2) An election referred to in subclause (1) (b) is to be conducted as soon as practicable after the vacancy occurs (or, in a case to which clause 30 applies, from some earlier time in accordance with that clause).

30 Election in anticipation of resignation

- (1) Any member of the Council who intends to resign in circumstances that would create a vacancy to which clause 29 (1) (b) would apply if the resignation took effect as intended is under a duty to notify the Returning Officer as soon as practicable of:
- (a) his or her intention to resign, and
- (b) the date from which the resignation is intended to take effect.

Clause 31 University of Technology, Sydney, By-law 2005

Part 2 The Council

- (2) On receipt of any such notification the Returning Officer, even though the resignation has not taken effect, may in accordance with the rules for the conduct of elections proceed to conduct an election to fill the anticipated vacancy.
- (3) The election of a new member of the Council in accordance with subclause (2) does not take effect until after the incumbent member's resignation takes effect.

Division 3 Appointed members of Council

31 Number of members appointed under section 9 (1) (c)

For the purposes of section 9 (1) (c) of the Act, the Council is to appoint 4 external persons as members of the Council.

32 Number of members appointed under section 9 (1) (h)

For the purposes of section 9 (1) (h) of the Act, the Council is to appoint 2 external persons as members of the Council.

33 Nominations Committee

- (1) The Council is to establish a Nominations Committee consisting of the following persons:
 - (a) the Chancellor,
 - (b) the Vice-Chancellor,
 - (c) 3 persons appointed to the Committee by the Council of whom:
 - (i) one must be a member of the Council appointed under section 9 (1) (b) of the Act, and
 - (ii) one must be a member of the Council appointed under section 9 (1) (c) or (h) of the Act.
- (2) A person referred to in subclause (1) (c) must not be the holder of an office in respect of which the Committee is convening (unless the person is not seeking reappointment).

34 Nominations procedure relating to appointments under section 9 (1) (b) or (c)

- (1) At least 3 months before the term of office of a member of the Council appointed under section 9 (1) (b) or (c) of the Act is due to expire, the Nominations Committee is to identify persons who may be suitable for appointment as such a member.

University of Technology, Sydney, By-law 2005

Clause 34

The Council

Part 2

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- (2) The Committee is:
- (a) to determine which of those persons are to be recommended to the Council:
 - (i) for nomination for consideration for appointment by the Minister, or
 - (ii) for appointment by the Council, as the case may be, and
 - (b) to recommend the length of appointment for each such person, and
 - (c) to forward those recommendations to the Council at least 2 months before the relevant term of office is due to expire.
- (3) In determining the persons to be recommended under subclause (2) (a), the Committee is to have regard to:
- (a) the skills and experience of the continuing members of the Council, and
 - (b) the skills and experience that will be needed for the Council as a whole (taking into account the matters referred to in section 9 (5) and (6) of the Act), and
 - (c) such other matters as the Committee considers relevant.
- (4) The Council is:
- (a) to consider the recommendations forwarded by the Committee, and
 - (b) to determine which of the recommended persons are to be:
 - (i) nominated for consideration for appointment by the Minister, or
 - (ii) appointed by the Council, as the case may be, and
 - (c) to determine:
 - (i) in the case of the persons referred to in paragraph (b) (i), the recommended length of appointment for each such person, or
 - (ii) in the case of the persons referred to in paragraph (b) (ii), the length of appointment for each such person.
- (5) The Chancellor is to forward the determinations referred to in subclause (4) (b) (i) and (c) (i) to the Minister.
- (6) The Council is to make the determinations referred to in subclause (4) at least 1 month before the relevant term of office is due to expire.

Clause 35 University of Technology, Sydney, By-law 2005

Part 2 The Council

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- (7) The Council may make the determinations referred to in subclause (4) only at a meeting of the Council:
- (a) convened by the Registrar, and
 - (b) of which the Registrar has given each member of the Council at least 7 days' notice.
- (8) The notice referred to in subclause (7) (b) must:
- (a) be posted or delivered to each member of the Council, and
 - (b) state the date, time and place of the meeting, and
 - (c) state the purpose of the meeting.
- (9) A failure to comply with a time limit specified in this clause does not affect the validity of a nomination or an appointment.

35 Nominations procedure relating to appointments under section 9 (1) (h)

- (1) At least 3 months before the term of office of a member of the Council appointed under section 9 (1) (h) is due to expire, the Returning Officer is to invite the members of Convocation to propose persons who may be suitable for appointment as such a member within the time and in the manner specified in the invitation.
- (2) The Returning Officer is to make such an invitation:
- (a) by publishing a notice to that effect at least once in a newspaper circulating throughout Australia, and
 - (b) by any other means that he or she considers appropriate.
- (3) The Returning Officer is to forward all valid proposals to the Nominations Committee.
- (4) The Committee is:
- (a) to consider the proposals forwarded by the Returning Officer under subclause (3), and
 - (b) to provide comments to the Council on the suitability of all persons the subject of those proposals at least 2 months before the relevant term of office is due to expire.
- (5) In providing comments to the Council pursuant to subclause (4) (b), the Committee is to have regard to:
- (a) the skills and experience of the continuing members of the Council, and
 - (b) the skills and experience that will be needed for the Council as a whole (taking into account the matters referred to in section 9 (5) and (6) of the Act), and
 - (c) such other matters as the Committee considers relevant.

University of Technology, Sydney, By-law 2005

Clause 36

The Council

Part 2

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- (6) The Council is:
- (a) to determine which of the proposed persons are to be appointed by the Council, and
 - (b) to determine the length of appointment for each such person.
- (7) The Council is to make the determinations referred to in subclause (6) at least 1 month before the relevant term of office is due to expire.
- (8) The Council may make the determinations referred to in subclause (6) only at a meeting of the Council:
- (a) convened by the Registrar, and
 - (b) of which the Registrar has given each member of the Council at least 7 days' notice.
- (9) The notice referred to in subclause (8) (b) must:
- (a) be posted or delivered to each member of the Council, and
 - (b) state the date, time and place of the meeting, and
 - (c) state the purpose of the meeting.
- (10) A failure to comply with a time limit specified in this clause does not affect the validity of an appointment.
- (11) For the purposes of this clause, the Returning Officer is to be the Registrar.

36 Casual vacancy in office of appointed member of Council

- (1) If a casual vacancy occurs in the office of a member of Council appointed under section 9 (1) (b) of the Act, the Chancellor is to forward to the Minister for consideration for appointment the name of a person nominated in accordance with the procedures set out in clause 34 in respect of such an office.
- (2) If a casual vacancy occurs in the office of a member of the Council appointed under section 9 (1) (c) or (h) of the Act, the vacancy is to be filled in accordance with the procedures set out in clause 34 or 35 (as the case may be) that apply in respect of such an office.
- (3) The time limits specified in clauses 34 and 35 may be disregarded for the purposes of this clause.

Clause 37 University of Technology, Sydney, By-law 2005

Part 3 Membership of Convocation

Part 3 Membership of Convocation

37 Graduates of University

For the purposes of section 3 (2) of the Act, the following are prescribed:

- (a) an associate diploma or certificate received on completion of a course with a minimum duration of one year full-time or its equivalent,
- (b) an honorary degree.

38 Prescribed staff members of Convocation

For the purposes of section 14 (1) (c) of the Act, Convocation includes persons who are:

- (a) members of the academic staff of the University appointed on a fractional-time basis, or
- (b) members of the non-academic staff of the University appointed on a full-time or fractional-time basis.

39 Prescribed additional members of Convocation

In addition to the persons on whom membership is conferred by the Act or this Part, Convocation includes the following:

- (a) past members of the Councils of any of the predecessors of the University and of the Councils of the Kuring-gai College of Advanced Education and the Sydney College of Advanced Education, including past members of the governing bodies of the predecessors of each of those institutions,
- (b) those persons who have been admitted to membership of Convocation by virtue of section 14 (1) (c) of the Act and who have ceased employment after serving for not less than 5 years as members of the staff of the University,
- (c) Professors Emeriti and recipients of honorary awards of the University, if not otherwise members of Convocation,
- (d) such other persons as are considered by the Council to have given conspicuous service to the University or to be specially qualified to advance the interests of the University and who are admitted, by resolution of Council, as members of Convocation.

40 Exemption from membership

The Council may exempt any person, on grounds of conscience, from membership of Convocation.

University of Technology, Sydney, By-law 2005

Clause 41

Rules

Part 4

Part 4 Rules

Division 1 Rules relating to Academic Board

41 Rules with respect to Academic Board

The Council may make rules for or with respect to the constitution and functions of the Academic Board.

42 Academic Board may make rules

The Academic Board may make rules for or with respect to:

- (a) the manner and time of convening, holding and adjourning its meetings, and
- (b) the conduct of business and the manner of voting at its meetings, and
- (c) the establishment of committees of the Board and the quorum, powers and duties of such committees.

Division 2 Rules relating to Convocation

43 Council may make rules

The Council may make rules for or with respect to the functions of Convocation and of any committees of Convocation.

Division 3 Rules Generally

44 Rules made by Council

The Council may make rules for or with respect to any or all of the matters for or with respect to which rules may be made under the Act.

Note. Section 29 (1) of the Act provides that the by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with the Act or the by-laws) for or with respect to matters for which by-laws may be made, except the matters referred to in sections 3 (2), 9 (1) (c)–(h) and (8), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) of the Act and clauses 1 (1) (c) and (d) and 3 of Schedule 1 to the Act.

45 Rules made by Vice-Chancellor

The Vice-Chancellor may make rules, not inconsistent with the rules made by the Council, for or with respect to the good conduct of the University.

Clause 46 University of Technology, Sydney, By-law 2005

Part 4 Rules

46 Promulgation of rules

- (1) A rule made by the Council or by the Vice-Chancellor must be promulgated by means of a notice displayed on each of the official noticeboards of the University.
- (2) The Registrar must ensure that the rules are published in an official publication of the University.
- (3) Failure to comply with subclause (2) does not invalidate any rule.
- (4) In the event of an inconsistency between the rules made by the Council and the rules made by the Vice-Chancellor, the rules made by the Council prevail.

University of Technology, Sydney, By-law 2005

Clause 47

Miscellaneous

Part 5

Part 5 Miscellaneous

47 Construction of references

A reference in any document of any kind to the University Secretary of the University is taken to be a reference to the Registrar.

48 Repeal

- (1) The *University of Technology, Sydney, By-law 1995* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *University of Technology, Sydney, By-law 1995*, had effect under that By-law is taken to have effect under this By-law (but only to the extent that it relates to an act, matter or thing affected by this By-law and is not inconsistent with this By-law and the acts, matters or things done under this By-law).
- (3) In particular, any rule made pursuant to a provision of the repealed By-laws is taken to have been made pursuant to the corresponding provision of this By-law.
- (4) The Returning Officer is to continue to keep a Roll of Convocation in accordance with clause 8 (1) (e) of the *University of Technology, Sydney, By-law 1995* (as in force immediately before its repeal by this By-law) for so long as may be required for the purposes of clause 17 (5) (e) of Schedule 3 to the Act.

OFFICIAL NOTICES

Department of Lands

ARMIDALE OFFICE

108 Faulkner Street (PO Box 199A), Armidale NSW 2350

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

ROADS ACT 1993

Order

Transfer of a Crown road to a Council

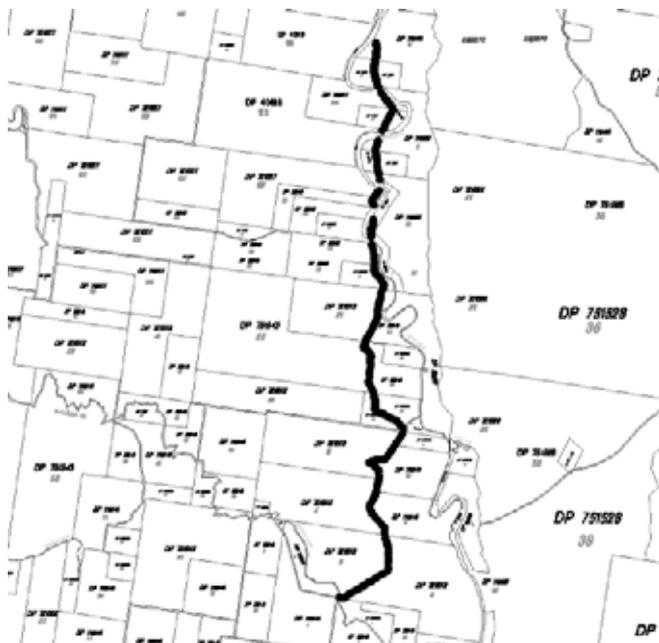
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown roads specified in each Schedule 1 are transferred to the Roads Authority specified in the corresponding Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in each Schedule 1, cease to be Crown roads.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

*Parishes – Maclean, Dickson and Wunglebong;
County – Clive; Land District and L.G.A. – Tenterfield.*

The Crown road known as Demon Creek Road commencing at the junction of Demon Creek and the north western boundary of Lot 8, DP 751528 extending generally southerly to its intersection with Billyrimba Road at the north eastern corner of Lot 1, DP 751543, as shown by black colour on the on the diagram hereunder.



DUBBO OFFICE**142 Brisbane Street (PO Box 865), Dubbo NSW 2830****Phone: (02) 6841 5200 Fax: (02) 6841 5231****NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

TONY KELLY, M.L.C.,
Minister for Lands

Description

*Local Government Area of Warren;
Land District of Warren.*

Lot 1, DP 1087233, Parish of Ganalgang, County of Oxley
(not being land under the Real Property Act).

File No.: DB04 H 186.

Note: On closing, the title for Lot 1 shall remain vested in
The State of New South Wales as Crown Land.

FAR WEST REGIONAL OFFICE**45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830****Phone: (02) 6883 3000 Fax: (02) 6883 3099****ALTERATION OF PURPOSE OF A WESTERN
LANDS LEASE**

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the purpose and conditions of the undermentioned Western Lands Lease has been altered as shown.

IAN McDONALD, M.L.C.,
Minister for Natural Resources

*Administrative District – Broken Hill;
Shire – Unincorporated Area;
Parishes – Cultee and Wammerra; County – Farnell.*

The purpose of Western Lands Lease 2422, being the land contained within Folio Identifier 484/761343 has been altered from "Grazing" to "Grazing, Farm Tourism and Recreational Hunting" effective from 10 October 2005.

Annual rental and lease conditions remain unaltered as a consequence of the change of purpose except for the addition of those special conditions published in the *Government Gazette* of 19 March 2004, Folios 1446-1451.

GRAFTON OFFICE
76 Victoria Street (Locked Bag 10), Grafton NSW 2460
Phone: (02) 6640 2020 Fax: (02) 6640 2036

ROADS ACT 1993

Order

Transfer of a Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown roads specified in Schedule 1 is hereby transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from the date, the road specified in Schedule 1, ceases to be Crown road.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE 1

*Parish – Ballina; County – Rous;
Land District – Lismore; Shire – Ballina.*

Description: Whole width of Crown public roads and lanes, being Manly Street between Bonview Street and Compton Drive; Central Avenue between Manly Street and Coogee Street; part laneway from Coogee Street to Lot 2, DP 598548; part laneway from Lot 2, DP 598548 to Manly Street and Crown public road between Hill Street and Compton Drive.

SCHEDULE 2

Roads Authority: Ballina Shire Council.

File No.: GF05 H 158.

ESTABLISHMENT OF RESERVE TRUST

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1North Coast Ministerial
Corporation Reserve Trust.**COLUMN 2**Reserve No.: 1011008.
Public Purpose: Future
public requirements.
Notified: This day.
File No.: GF05 R 126/1.**APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST**

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1North Coast
Ministerial
Corporation
Reserve Trust.**COLUMN 2**North Coast
Ministerial
Corporation
Reserve Trust.**COLUMN 3**Reserve No.: 1011008.
Public Purpose: Future
public requirements.
Notified: This day.
File No.: GF05 R 128.**RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is reserved as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1Land District: Grafton.
Local Government Area:
Clarence Valley Council.
Locality: Brooms Head.
Lot 1, section 8, DP No.
758167, Parish Canoulam,
County Clarence;
Lot 7015, DP No. 1081893,
Parish Canoulam,
County Clarence;
Lot 5, section 6, DP No.
758167, Parish Canoulam,
County Clarence;
Lot 6, section 6, DP No.
758167, Parish Canoulam,
County Clarence;
Lot 7, section 6, DP No.
758167, Parish Canoulam,
County Clarence;
Lot 8, section 6, DP No.
758167, Parish Canoulam,
County Clarence;
Lot 9, section 6, DP No.
758167, Parish Canoulam,
County Clarence;
Lot 24, section 8, DP No.
758167, Parish Canoulam,
County Clarence;
Lot 25, section 8, DP No.
758167, Parish Canoulam,
County Clarence;
Lot 26, section 8, DP No.
758167, Parish Canoulam,
County Clarence.
Area: 26.75 hectares.
File No.: GF05 R 120.**COLUMN 2**Reserve No.: 1011008.
Public Purpose: Future
public requirements.

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

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Bronwyn McMILLAN.	Tabulam Public Hall Reserve Trust.	Reserve No.: 54399. Public Purpose: Public hall. Notified: 28 January 1921. File No.: GF81 R 328.

For a term commencing the date of this notice and expiring
13 April 2006.

HAY OFFICE
126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6993 1306 Fax: (02) 6993 1135

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Deniliquin. Local Government Area: Jerilderie Shire Council. Locality: Jerilderie. Lot 7036, DP No. 1087007, Parish Jerilderie North, County Urana. Area: 2.705 hectares. File No.: HY98 H 162.	Reserve No.: 88451. Public Purpose: Public recreation. Notified: 31 December 1971. Lot 192, DP No. 756426, Parish Jerilderie South, County Urana; Lot 202, DP No. 756426, Parish Jerilderie South, County Urana. New Area: 7.515 hectares.

MAITLAND OFFICE**Cnr Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4934 2280 Fax: (02) 4934 2252****AUTHORISATION OF ADDITIONAL PURPOSE**

IT is hereby notified pursuant to section 121A of the Crown Lands Act 1989, that the additional purpose specified in Column 1 of the Schedule hereunder, is applied to the whole of the reserve specified opposite thereto in Column 2.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE
COLUMN 1

Horticultural Research.

COLUMN 2

Reserve No.: 69754.
Public Purpose: Viticulture.
Notified: 20 December 1940.
File No.: MD05 H 172.

ESTABLISHMENT OF RESERVE TRUST

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE
COLUMN 1

The Gosford Horticultural
Institute (R69754) Reserve
Trust.

COLUMN 2

Reserve No.: 69754.
Public Purpose: Viticulture.
Notified: 20 December 1940.
File No.: MD05 H 172/1.

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 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 for Lands

SCHEDULE
COLUMN 1

Barry BUFFIER
(new member),
Chris WEALE
(new member),
Paul ANDERSEN
(new member).

COLUMN 2

The Gosford
Horticultural
Institute (R69754)
Reserve Trust.

COLUMN 3

Reserve No.: 69754.
Public Purpose: Viticulture.
Notified: 20 December 1940.
File No.: MD05 H 172.

Term of Office

For a term commencing the date of this notice and expiring
6 October 2010.

NOWRA OFFICE**5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****ESTABLISHMENT OF RESERVE TRUST**

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE
COLUMN 1

Shoalhaven City General
Reserves Trust.

COLUMN 2

Reserve No.: 69502.
Public Purpose: Public
recreation.
Notified: 6 September 1940.
File No.: NA82 R 104.

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE
COLUMN 1

Shoalhaven City
Council.

COLUMN 2

Shoalhaven City
General Reserves
Trust.

COLUMN 3

Reserve No.: 69502.
Public Purpose: Public
recreation.
Notified: 6 September 1940.
File No.: NA82 R 104.

ORANGE OFFICE**92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****ASSIGNMENT OF NAME TO A RESERVE TRUST**

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

TONY KELLY, M.L.C.,
Minister for Lands

SCHEDULE
COLUMN 1

Bloomfield Reserve Trust.

COLUMN 2

Reserve No.: 95818.
Public Purpose: Public
recreation.
Notified: 19 February 1982.
File No.: OE96 A 8/1.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

NOTIFICATION OF CLOSING OF ROAD

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

TONY KELLY, M.L.C.,
 Minister for Lands

Description

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

Lots 1 and 2, DP 1086237 at Raby, Parish Minto, County Cumberland.

File No.: MN04 H 150.

Notes: 1] On closing, title for the land in Lots 1 and 2 remain vested in Campbelltown City Council as operational land.

2] The road is closed subject to the easement for underground cables 1 wide as shown in DP 1086237.

TAREE OFFICE
102-112 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6552 2788 Fax: (02) 6552 2816

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

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

TONY KELLY, M.L.C.,
 Minister for Lands

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Donald HOUSTON.	Bulahdelah War Memorial Trust.	Reserve No.: 610008. Public Purpose: War Memorial. Notified: 27 October 1944. File No.: TE80 R 58.

For a term commencing this day and expiring 13 April 2006.

SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Kevin CARTER.	Lansdowne (Sandy Point) Recreation and Flora Reserve Trust.	Reserve No.: 50557. Public Purpose: Public recreation and preservation of native flora. Notified: 10 March 1915. File No.: TE80 R 186.

For a term commencing 8 October 2005 and expiring 7 April 2006.

Department of Natural Resources

WATER MANAGEMENT ACT 2000

Order Under Section 59

Available Water Determination

Gwydir Regulated River Water Source

PURSUANT to section 59(1)(a) of the Water Management Act 2000, the Minister for Natural Resources, by this Order, makes an available water determination having the terms set out in the attached Schedule for the Gwydir regulated river water source as defined in the Water Sharing Plan for the Gwydir Regulated River Water Source 2003 and currently in force. Each term in Column 2 applies to the adjacent category or subcategory of access licence in Column 1.

This Order takes effect on 1 October 2005.

Dated at Tamworth this 7th day of October 2005.

RANDALL HART,
Regional Director,
Barwon Region,
Department of Natural Resources
(by delegation)

SCHEDULE

COLUMN 1 Category or subcategory of access licence	COLUMN 2 Volume per each unit of access licence share component
Regulated river (general security)	0.0813 Megalitres

Explanatory Notes:

- The Water Sharing Plan for the Gwydir Regulated River Water Source commenced on 1 July 2004.
- This Available Water Determination (AWD) prescribes the volume of water for each unit of share component that may be extracted by Access Licence Holders during the 2005/6 Water Year. This volume of water is in addition to any amounts that were already held in water accounts on 1 July 2005.
- Further information may be obtained from your local DIPNR office or phone 1800 353 104 or email wma.info@dipnr.nsw.gov.au.

WATER MANAGEMENT ACT 2000

Order Under Section 59

Available Water Determination

Lower Namoi Regulated River Water Source

PURSUANT to section 59(1)(a) of the Water Management Act 2000, the Minister for Natural Resources, by this Order, makes an available water determination having the terms set out in the attached Schedule for the Lower Namoi regulated river water source as defined in the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003 and currently in force. Each term in Column 2 applies to the adjacent category or subcategory of access licence in Column 1.

This Order takes effect on 1 October 2005.

Dated at Tamworth this 7th day of October 2005.

RANDALL HART,
Regional Director,
Barwon Region,
Department of Natural Resources
(by delegation)

SCHEDULE

COLUMN 1 Category or subcategory of access licence	COLUMN 2 Volume per each unit of access licence share component
Regulated river (general security)	0.1178 Megalitres

Explanatory Notes:

- The Water Sharing Plan for the Lower Namoi Regulated River Water Source commenced on 1 July 2004.
- This Available Water Determination (AWD) prescribes the volume of water for each unit of share component that may be extracted by Access Licence Holders during the 2005/6 Water Year. This volume of water is in addition to any amounts that may have been held in water accounts on 1 July 2005.
- Further information may be obtained from your local DIPNR office or phone 1800 353 104 or email wma.info@dipnr.nsw.gov.au.

WATER ACT 1912

Notice Under Section 22B

Pumping Suspensions

Peacock, Tunglebung, Duck, Tooloom and Bean Creeks
and their Tributaries

THE Department of Natural Resources pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Peacock, Tunglebung, Duck, Tooloom and Bean Creeks and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Saturday, 8 October 2005 and until further notice, the right to pump water is SUSPENDED.

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

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 6th day of October 2005.

GA2:476130.

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

WATER ACT 1912

Notice Under Section 22B

Pumping Suspensions

Richmond River from Findon Creek Junction to
The Risk, Findon Creek, Long and Terrace Creeks
and their Tributaries

THE Department of Natural Resources pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Richmond River from Findon Creek junction to the risk, Findon Creek, Long and Terrace Creeks and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Tuesday, 11 October 2005 and until further notice, the right to pump water is SUSPENDED.

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

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 10th day of October 2005.

GA2:476131.

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

WATER ACT 1912

Notice Under Section 22B

Pumping Suspensions

Dungay Creek and its Tributaries

THE Department of Natural Resources pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Dungay Creek and its tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Friday, 14 October 2005 and until further notice, the right to pump water is RESTRICTED to a maximum of ten hours in any twenty four hour period between the hours of 4:00 p.m. and 10:00 a.m.

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

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 11th day of October 2005.

GA2:476133.

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

WATER ACT 1912

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

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

Murrumbidgee Valley

SUPERMIX CONCRETE PTY LIMITED for an earthen levee on the Murrumbidgee River, Part Lot 4, DP 751405, Parish of Eunanyoreenya; Part Lot 29, DP 751422; Lot 30, DP 751422, Parish of North Wagga Wagga, all County of Clarendon, for prevention of inundation of land by floodwaters (replacement approval – additional works) (Reference: 40CW804625).

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

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

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

Department of Natural Resources,
PO Box 156, Leeton NSW 2705.

WATER ACT 1912

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

Raymond Selman SAAD, Harry Selman SAAD and Joseph Selman SAAD for a pump on the Hawkesbury River on Lot 2//1061099, Parish of Wilberforce, County of Cook, for the irrigation of 5.5 hectares (vegetables and turf) (part replacement licence – part replaces 10SL035833) (no increase in authorised area – no increase in annual water entitlement) (not subject to the 1995 Hawkesbury/Nepean Embargo) (Reference: 10SL056685) (GA2:493329).

Keith GARDNER for a pump on the Hawkesbury River on Lot 12//1061919, Parish of Meehan, County of Cook, for the irrigation of 10.0 hectares (improved pasture) (part replacement licence – part replaces 10SL052067) (no increase in authorised area – no increase in annual water entitlement) (not subject to the 1995 Hawkesbury/Nepean Embargo) (Reference: 10SL056683) (GA2:493328).

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

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

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

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

WATER ACT 1912

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

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

Gwydir River Valley

Donald Vincent ADAMS and Fanny Fern ADAMS for a 50mm centrifugal pump on the Gwydir River on Lot 208, DP 753681, Parish of Torryburn, County of Hardinge, for stock and domestic purposes (new licence) (L.O. Papers: 90SL100870) (GA2:472235).

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

GEOFF CAMERON,
Manager,
Resource Access

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

Department of Planning



New South Wales

Ballina Local Environmental Plan 1987 (Amendment No 52)

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*. (G98/00140/PC)

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

Clause 1 Ballina Local Environmental Plan 1987 (Amendment No 52)

Ballina Local Environmental Plan 1987 (Amendment No 52)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ballina Local Environmental Plan 1987 (Amendment No 52)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies to the Zone No 1 (a2) Rural (Coastal Lands Agriculture) Zone under *Ballina Local Environmental Plan 1987* to rectify the anomaly of cultivated agricultural land being within an environmental protection zone under the 1987 plan.

3 Land to which plan applies

This plan applies to land at Patches Beach, as shown edged heavy black and lettered "1 (a2)" on the map marked "Ballina Local Environmental Plan 1987 (Amendment No 52)" deposited in the office of the Ballina Shire Council.

4 Amendment of Ballina Local Environmental Plan 1987

Ballina Local Environmental Plan 1987 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Ballina Local Environmental Plan 1987 (Amendment No 52)



New South Wales

Hurstville Local Environmental Plan 1994 (Amendment No 60)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRE0000169/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Hurstville Local Environmental Plan 1994 (Amendment No 60)

Hurstville Local Environmental Plan 1994 (Amendment No 60)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Hurstville Local Environmental Plan 1994 (Amendment No 60)*.

2 Aims of plan

This plan aims to amend *Hurstville Local Environmental Plan 1994* to replace clause 15A (and the existing map supporting that clause) so as to provide that land within Zone No 3 (a) (the Neighbourhood Business Zone) is subject to a 2-storey height restriction.

3 Land to which plan applies

This plan applies to land in the City of Hurstville, as shown edged heavy black on Sheets 1–20 of the map marked “Hurstville Local Environmental Plan 1994—Height Map for Zones Nos 3 (a) and 3 (c)” deposited in the office of the Council of the City of Hurstville.

4 Amendment of Hurstville Local Environmental Plan 1994

Hurstville Local Environmental Plan 1994 is amended as set out in Schedule 1.

Hurstville Local Environmental Plan 1994 (Amendment No 60)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Clause 15A

Omit the clause. Insert instead:

15A Height restrictions for land within Zones Nos 3 (a) and 3 (c)

- (1) Despite any other provision of this plan, buildings exceeding 2 storeys in height must not be erected on so much of the land within Zone No 3 (a) or 3 (c) as is shown edged heavy black on the height map for Zones Nos 3 (a) and 3 (c).
- (2) In this clause:
height map for Zones Nos 3 (a) and 3 (c) means Sheets 1–20 of the map marked “Hurstville Local Environmental Plan 1994—Height Map for Zones Nos 3 (a) and 3 (c)”, as amended by the maps (or specified sheets of maps) marked as follows:

Department of Primary Industries

FISHERIES MANAGEMENT ACT 1994

Notice of Approval of the Oxleyan Pygmy Perch Recovery Plan

NOTICE is hereby given pursuant to section 220ZQ(1)(d) of the Fisheries Management Act 1994, that the Minister for Primary Industries has approved the Oxleyan Pygmy Perch Recovery Plan. The plan is available on the Department of Primary Industries website at www.dpi.nsw.gov.au or by phoning (02) 4916 3811.

PETER GALLAGHER,
A/Principal Manager (Threatened Species),
NSW Department of Primary Industries

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(05-269)

No. 2588, CENTRAL WEST GOLD NL (ACN 003 078 591), area of 100 units, for Group 1, dated 6 October 2005. (Inverell Mining Division).

(05-271)

No. 2590, ANDROMEDA VENTURES LTD (ACN 101 667 672), area of 22 units, for Group 1, dated 7 October 2005. (Wagga Wagga Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Natural Resources
Minister for Primary Industries
and Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(05-251)

No. 2571, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), County of Canbelego, Map Sheet (8235, 8335). Withdrawal took effect on 29 September 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

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

(T03-0099)

Exploration Licence No. 6147, BROKEN HILL OPERATIONS PTY LTD (ACN 054 920 893), area of 5 units. Application for renewal received 10 October 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T91-0066)

Exploration Licence No. 4022, ALKANE EXPLORATION LTD (ACN 000 689 216), Counties of Bligh and Lincoln, Map Sheet (8633, 8733), area of 23 units, for a further term until 13 August 2006. Renewal effective on and from 5 October, 2005.

(T00-0181)

Exploration Licence No. 5842, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), Counties of Canbelego, Flinders, Mouramba and Robinson, Map Sheet (8134), area of 74 units, for a further term until 18 April 2007. Renewal effective on and from 7 October 2005.

(T00-0164)

Exploration Licence No. 5857, Tamas KAPITANY, County of Gough, Map Sheet (9238, 9239), area of 1 unit, for a further term until 10 May 2007. Renewal effective on and from 15 September 2005.

(T03-0026)

Exploration Licence No. 6088, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Forbes, Map Sheet (8530), area of 11 units, for a further term until 2 June 2007. Renewal effective on and from 23 September 2005.

(T03-0031)

Exploration Licence No. 6099, Jane McCLURE and Murray Churchill McCLURE, County of Rankin, Map Sheet (7735), area of 4 units, for a further term until 14 July 2007. Renewal effective on and from 5 October 2005.

(T03-0785)

Dredging Lease No. 1231 (Act 1906), SILVER ORCHID PTY LIMITED (ACN 001 429 769), Parish of Carroll, County of Wellington and Parish of Tambaroora, County of Wellington, Map Sheet (8731-1-N), area of 40.44 hectares, for a further term until 21 July 2015. Renewal effective on and from 29 September 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

Notice is given that the following authorities have been cancelled:

(T00-0142)

Exploration Licence No. 5832, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), County of Clarendon, Map Sheet (8428), area of 6 units. Cancellation took effect on 16 September 2005.

(T03-0017)

Exploration Licence No. 6134, BLUE CIRCLE SOUTHERN CEMENT LTD (ACN 008 528 523), County of Murray, Map Sheet (8827), area of 9 units. Cancellation took effect on 1 September 2005.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources

PART CANCELLATION

NOTICE is given that the following authority has been cancelled in part:

(T03-0118)

Exploration Licence No.6235 CULLEN EXPLORATION PTY LTD (ACN 077 371 165), Counties of Urana and Hume, Map Sheets (8126 and 8226).

Description of area cancelled:

An area of 129 units. For further information please contact Titles Branch.

Part cancellation took effect on 3 September 2005.

The authority now embraces an area of 130 units.

(T03-0853)

Exploration Licence No.6220 CULLEN EXPLORATION PTY LTD (ACN 077 371 165), Counties of Cooper and Bourke, Map Sheets (8229 and 8226).

Description of area cancelled:

An area of 36 units. For further information please contact Titles Branch.

Part cancellation took effect on 3 September 2005.

The authority now embraces an area of 97 units.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources,
Minister for Primary Industries
and Minister for Mineral Resources.

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice Under Clause 20 the Road Transport (Mass, Loading and Access) Regulation 2005

BLACKTOWN CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, 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.

IAN REYNOLDS,
General Manager,
Blacktown City Council
(by delegation from the Minister for Roads)
25 August 2005

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority 25 Metre B-Double Notice No. 1/2005.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2005, unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Type	Road Name	Starting Point	Finishing Point
25	Stony Creek Road, Shanes Park	South Creek	Palmyra Avenue
25	Palmyra Avenue, Shanes Park	Stony Creek Road	South Creek Road
25	South Creek Road	Palmyra Avenue	Whites Road
25	Whites Road, Shanes Park	Stony Creek Road	South Creek Road

ROAD TRANSPORT (GENERAL) ACT 2005

Notice Under the Road Transport (Mass, Loading and Access) Regulation 2005

I, PAUL FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005, by this Notice, specify further routes and areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

PAUL FORWARD,
Chief Executive,
Roads and Traffic Authority

SCHEDULE
1. Citation

This Notice may be cited as the Roads and Traffic Authority Road Train Notice No. 2/ 2005.

2. Commencement

This Notice takes effect from the date of gazettal.

3. Effect

This Notice remains in force until it is amended or repealed.

4. Application

4.1 This Notice applies to Road Train which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 4 of the Road Transport (Vehicle Registration) Regulation 1998.

5. Routes

Road Train routes within the Roads and Traffic Authority.

Type	Road No.	Road	Starting Point	Finishing Point	Conditions
RT	017	Newell Highway	Golden Highway (SH27), Dubbo	Hargraves Lane, Gilgandra	No access between 7:30am to 9:00am and 3:30pm to 5:00pm on School Days

ROAD TRANSPORT (GENERAL) ACT 2005

Notice Under the Road Transport (Mass, Loading and Access) Regulation 2005

I, PAUL FORWARD, Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading and Access) Regulation 2005, make the following amendments in the Schedule to the routes and areas previously specified on or in which Road Trains may be used.

PAUL FORWARD,
Chief Executive,
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority Road Trains Repeal Notice No. 1/2005.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

The General Notice for the Operation of Road Trains 2000 is amended by omitting the following from that Notice:

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
RT	017	Newell Highway	Purvis Lane, Dubbo	Entrance to the Australian Wheat Board depot approximately 1km south of intersection of Newell Highway and Hargraves Road, Gilgandra	No access permitted in the period ½ hour before sunset to ½ hour after sunrise. No access permitted between 7.30am to 9.00am and 3.30pm to 5.00pm on school days.
RT	017	Newell Highway	Australian Wheat Board Depot, approximately 1km south of intersection of Newell Highway and Hargraves Road, Gilgandra	Ampol Truckstop, Gilgandra	No access permitted between 7.30am to 9.00am and 3.30pm to 5.00pm on school days

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Colly Farms and Mehi River in the Moree Plains Shire Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Moree Plains Shire Council area, Parishes of Colymungoul and Greenaway, County of Benarba, shown as:

Lots 3 and 4 Deposited Plan 812127; and

Lot 6 Deposited Plan 819009.

(RTA Papers: FPP 12/291.140; RO 12/291.140)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Avalon in the Pittwater Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Pittwater Council area, Parish of Narrabeen and County of Cumberland, shown as:

Lot 1 Deposited Plan 1082911; and

Lot 12 Deposited Plan 606767.

(RTA Papers: FPP 479.11831; RO 479.11831)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Killawarra in the Greater Taree City Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Greater Taree City Council area, Parishes of Killawarra and Bootoowaa, Counties of Macquarie and Gloucester, shown as:

Lots 7 to 12 inclusive Deposited Plan 705876; and

Lot 20 Deposited Plan 637485.

(RTA Papers: 426.1108)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Sandy Hollow in the Muswellbrook Shire Council area

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

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Muswellbrook Shire Council area, Parish of Yarraman and County of Brisbane, shown as Lots 13 and 14 Deposited Plan 1042612.

(RTA Papers: FPP 1M3885; RO 27/305.166)

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of Making a Vocational Training Order

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

Citation

The order is cited as the Furnishing Order.

Order

A summary of the Order is given below.

(a) Term of Training

(i) Full-time

Training shall be given for a nominal term of:

Qualification	Nominal Term
All Certificate II	12 months
Direct Entry	
Certificate III in Mattress and Base Making LMF30702	24 months
Certificate III in Picture Framing LMF30802	24 months
Certificate III in Soft Furnishing LMF30902	24 months
Certificate III Furniture Making LMF30302	36 months
Certificate III Production Upholstery LMF31102	36 months
When the trainee holds Certificate II in same qualification	
Certificate III in Mattress and Base Making LMF30702	12 months
Certificate III in Picture Framing) LMF30802	12 months
Certificate III in Soft Furnishing LMF30902	12 months
Certificate III Furniture Making LMF30302	24 months
Certificate III Production Upholstery LMF31102	24 months

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

(ii) Part-time

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

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

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

(b) Competency Outcomes

Trainees will be trained in and achieve competence in the endorsed National Furnishing Competency Standards.

(c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

Certificate II in Blinds and Awning Fabrication Operations TAFE NSW Course No. 90827

Certificate II in Floor Covering and Finishing LMF20102

Certificate II in Furniture Finishing LMF20202

Certificate II in Furniture Making LMF20302

Certificate II in Mattress and Base Making LMF20502

Certificate II in Picture Framing LMF20602

Certificate II in Soft Furnishing LMF20702

Certificate II in Upholstery LMF20802

Certificate III in Mattress and Base Making LMF30702

Certificate III in Picture Framing LMF30802

Certificate III in Soft Furnishing LMF30902

Certificate III in Furniture Making (LMF30302)

Certificate III in Production Upholstery (LMF31102)

Availability for Inspection

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

ASSOCIATIONS INCORPORATION ACT 1984**ERRATUM**

IN the notice published in *Government Gazette* No. 120, Folio 8034, dated 30 September 2005, under the Cancellation of Incorporation Pursuant to Sections 55A and 55B the inclusion of Blue Mountains P.I.W.H.A. Centre Inc Y1639217 was incorrect. It should have read Blue Mountains P.L.W.H.A. Centre Inc Y1639217.

CO-OPERATIVES ACT 1992

Notice Under Section 601AA of the Corporations Law as Applied by Section 325 of the Co-operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice.

Name of Co-operative:

Mannering Park Fishermen's Co-operative Limited

Dated this 10th day of October 2005.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

CO-OPERATIVES ACT 1992

Notice Under Section 601AA of the Corporations Act 2001 as Applied by Section 325 of the Co-operatives Act 1992

NOTICE is hereby given that the Co-operatives mentioned below will be deregistered when two months have passed since the publication of this notice.

Name of Co-operative:

North Coast Native Foods Co-op Ltd

Dated this 11th day of July 2005.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

CO-OPERATIVES ACT 1992

Notice Under Section 601AC of the Corporations Law as Applied by Section 325 of the Co-operatives Act 1992

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when three months have passed since the publication of this notice.

Name of Co-operatives:

Associated Newsagents Co-operative Limited
Paddington, Woollahra & Waverley Co-operative
Starr-Bowkett Building Society No. 15 Limited

Dated this 10th day of October 2005.

C. GOWLAND,
Delegate of the Registrar of Co-operatives

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Parramatta, 10:00 a.m., 5 December 2005 (1 week), sitting cancelled.

Dated this 30th day of September 2005.

R. O. BLANCH,
Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 32 of the District Court Act 1973, I direct that the District Court shall sit in its civil jurisdiction at the place and time shown as follows:

Port Macquarie, 10:00 a.m., 5 December 2005 (2 weeks), in lieu of 28 November 2005 (3 weeks).

Dated this 30th day of September 2005.

R. O. BLANCH,
Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Taree, 10:00 a.m., 27 March 2006 (3 weeks), in lieu of 3 April 2006 (3 weeks).

Dated this 30th day of September 2005.

R. O. BLANCH,
Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

PURSUANT to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:

Dubbo, 10:00 a.m., 8 May 2006 (3 weeks), in lieu of 1 May 2006 (3 weeks).

Lismore, 10:00 a.m., 10 April 2006 (1 week), 24 April 2006 (1 week).

Dated this 30th day of September 2005.

R. O. BLANCH,
Chief Judge

GEOGRAPHICAL NAMES ACT 1966

Notice of Discontinuance of a Geographical Name

PURSUANT to the provisions of section 14 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day discontinued the name below:

Discontinued Name: Lake Village Park.
Assigned Name: Ron Wheeler Park.
Designation: Reserve.
L.G.A.: Wagga Wagga City Council.
Parish: South Wagga Wagga.
County: Wynyard.
L.P.I. Map: Lake Albert.
1:100,000 Map: Wagga Wagga 8327.
Reference: GNB 3645.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

LOCAL GOVERNMENT ACT 1993

Batlow Water Supply Augmentation 1

Vesting of Land and Easements in Tumut Shire Council

THE Minister for Energy and Utilities of the State of New South Wales, declares that the land and easements described in the Schedule hereto, which were acquired for the purpose of the Batlow Water Supply Augmentation 1 Scheme, are vested in Tumut Shire Council.

FRANK ERNEST SARTOR, M.P.,
Minister for Energy and Utilities

SCHEDULE

Land

Lot 1 in Deposited Plan 1053497.

Interest in Land

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1052372 (SB55370) as: 'D' PROPOSED EASEMENT FOR WATER PIPELINE 6 WIDE'.

Deposited Plan 1053497 (SB55371) as: '(C) PROPOSED EASEMENT FOR WATER PIPELINE 5 WIDE'.

'(D) PROPOSED EASEMENT FOR PIPELINE AND ACCESS 6.035 WIDE'.

Easement rights as described under the heading Access in Memorandum E780099 filed in the Office of Land and Property Information NSW over the site shown in:

Deposited Plan 1053497 (SB55371) as: '(A) PROPOSED EASEMENT FOR ACCESS 5 WIDE and VARIABLE'.

'(D) PROPOSED EASEMENT FOR PIPELINE AND ACCESS 6.035 WIDE'.

Easement rights as described under the heading Batter and Support in the terms set out hereunder over the site shown in:

Deposited Plan 1052372 (SB55370) as: 'C' PROPOSED EASEMENT FOR SUPPORT 6 WIDE'.

Easement for Batter and Support

FULL AND FREE right for the Minister and his successors and assigns (being a public or local authority) and every person authorised by any of them from time to time to enter, go upon, return, pass and re-pass with or without vehicles plant machinery and equipment, in through along and over the servient tenement to use the servient tenement for the purpose of maintaining thereon existing support batters and/or the placing thereon of all such earth, soil, cements and clay and other material as shall in the opinion of the Minister, his successors and assigns (being a public or local authority) and every person authorised by any of them be necessary or desirable for the purpose of constructing, reconstructing, repairing, replacing and forever maintaining on the servient tenement batters to serve as a support for the surface, subsoil and undersurface of any road or structure adjoining or adjacent to the servient tenement and to use the said batters at all times hereafter for the purpose of giving such support AND the Transferor (which expression includes successors and title) covenants that it will not:

- (a) Use or permit to be used the servient tenement in any manner or for any purpose which may affect or have a tendency to affect the stability of the said batters or any of them as a support for any such road or structure and;
- (b) Do or suffer to be done any act or thing which may injure or damage the said batters or any of them or in any way impair its efficiency.

PROVIDED THAT the Minister, his successors and assigns (being a public or local authority) and every person authorised by any of them will:

- (a) Take all reasonable precautions to ensure there is as little disturbance as possible to the surface of the servient tenement;
- (b) Make good or bear the reasonable costs of making good any works or property of the Transferor or any property of any lessee, tenant or licensee of the Transferor that may be interfered with in the construction, reconstruction and maintenance of the batters; and
- (c) At all times at its own expense keep the said batters in a good and proper state of repair.

DoC Reference: 203.

NATIONAL PARKS AND WILDLIFE ACT 1974**LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition

THE Minister for the Environment, with the approval of Her Excellency the Governor, declares 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 National Parks and Wildlife Act 1974.

The land is, on publication of this notice, vested in the Minister administering the National Parks and Wildlife Act 1974.

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

SCHEDULE

All that piece or parcel of land situated in the Parish of Clybucca, County of Dudley, Local Government Area of Kempsey, containing an area of 17.15 hectares, being Lot 4, DP 1085816.

NPWS: 03/09708; 04/02396.

PRACTICE NOTE SC EQ 4

Supreme Court Equity Division – Corporations List

Commencement

1. This Practice Note commences 17 August 2005.

Application

2. This Practice Note applies to new and existing proceedings in, or to be entered in, the Corporations List in the Equity Division.

Definitions

3. In this Practice Note:
 - Act means the Corporations Act 2001 (Cth)
 - Corporations matters means proceedings and interlocutory applications that arise out of the Act or the Rules, or seek relief thereunder
 - CPA means the Civil Procedure Act 2005
 - Rules means the Supreme Court (Corporations) Rules 1999
 - SCR means the Supreme Court Rules 1970

Introduction

4. The purpose of this Practice Note is to explain the operation of the Corporations List.

Case management in the Corporations List

5. Corporations matters are usually dealt with in the Corporations List. Matters relating to other incorporated bodies such as co-operatives and incorporated associations may also be dealt with in this List.
6. Corporations matters to be dealt with by a judge may be made returnable before the Corporations List Judge on any Monday during term. At the present time the judicial work of the Corporations List is shared principally by the judge in charge of the List along with a second judge designated for that purpose. They are assisted where necessary by the Equity Division judge assigned to the Probate List (also a Monday list) with further access to other judges in the Equity Division if need be. There is also a Friday list for special fixtures of one day or less. Matters may be placed in the Friday list by the judge presiding in the Monday list, by the Duty Judge, or by an Associate Judge or Registrar.
7. A party who seeks an abridgment of service for originating or interlocutory process in a Corporations matter may approach the Corporations List judge directly on a Monday (but not Friday) during court hours, without notice. The Equity Division Duty Judge is able to deal with Corporations matters at times between Mondays, with facility to place the matter for further direction in the Monday list.

8. The parties should expect that if a matter has been placed in the Corporations List for a particular Monday, the hearing will ordinarily proceed on the appointed day. They should prepare accordingly. Where this would assist the Corporations List Judge, brief skeleton submissions should be sent in advance if practicable. Commercial circumstances normally demand that Corporations matters be heard and resolved swiftly. While the demands of the List cannot be fully anticipated, experience shows that short Corporations Law matters (of up to two hours hearing time) can usually be dealt with on the appointed day or may be allocated to a Friday list in the near future.
9. Longer Corporations matters are 'managed' within the Corporations List in preparation for hearing. Depending on the subject matter and the degree of urgency involved, and the availability of judges, the matter may be set down before one of the usual Corporations List judges for hearing or before another judge of the Equity Division. Otherwise the matter may be allocated as appropriate to the Expedition List, the Duty Judge List, the Short Matters List or the General List, drawing on the expertise of the whole Equity Division including judges assigned to the Commercial List. The Court has video conferencing facilities for Corporations matters involving interstate or overseas elements.
10. Routine insolvency proceedings and applications are dealt with by the Registrar. Examinations under Part 5.9 of the Act are heard before a Deputy Registrar. Available dates are posted on the Supreme Court website (www.lawlink.nsw.gov.au/sc).
11. Applications are listed before the Registrar each day, except Wednesday, at 11am in the Registrar's Corporations List. Orders sought include the winding up of corporations, the appointment of a receiver or provisional liquidator, the release of liquidator and dissolution of a corporation, and the determination of a liquidator's remuneration. Final orders for winding up a corporation, setting aside a winding up order or reinstating a corporation are prepared by the Registry and are sent out in the DX later on the day of hearing.
12. At the commencement of the list the Registrar deals with referrals to the Corporations List Judge, the Duty Judge or an Associate Judge. The Registrar may refer matters to the Corporations List Judge for case management. Matters are referred by the Registrar to the Corporations List Judge each Monday and on other days, except Wednesday, to the Duty Judge.
13. Certain short matters (such as applications to set aside statutory demands, where any cross-examination is generally curtailed) are usually referred to an Associate Judge. Referrals to the Associate Judge take place each day except Wednesday. The Associate Judge endeavours to determine the referrals on the day of referral. However, if the matter is estimated to take more than two days it is specially fixed for the earliest available date. Depending on the Associate Judge's workload, matters may be referred to the Corporations List Judge on the following Monday.

14. The powers of the Associate Judge and the Registrar are to be found in Schedule D of the SCR and s 13 of the CPA respectively.

Appointment of liquidators by the Court

15. The following arrangements apply to the appointment of a liquidator:

- The Registrar will continue to maintain a list of registered official liquidators who have consented in writing to accept all appointments as liquidator made by the Court. This list is sorted alphabetically by firm for liquidators located in metropolitan Sydney, and by individuals located in regional centres.
- The plaintiff in winding-up proceedings may nominate for appointment a registered official liquidator whose name appears in the Court's list. A nomination is effected by filing with the originating process a consent in Form 8 of the Rules, signed by the nominee, certifying that he or she is not aware of any conflict of interest or duty and serving it in accordance with Rule 5.5(3)(b).
- The Court will appoint the plaintiff's nominee in the normal case but is not obliged to do so. An obvious ground for the Court declining to appoint the plaintiff's nominee is that the Court considers there is an actual or potential conflict between the duties of a liquidator and the nominee's personal interest or some other duty (for example, a person who has acted as receiver and manager of the company for a secured creditor will almost never be appointed liquidator).
- Unless the consent in proper form of a registered official liquidator whose name appears in the Court's list is filed with the originating process for winding up, the Registry will select a liquidator by rotation from the Court's list. The plaintiff must obtain the consent in proper form of the liquidator selected by the Court, and file and serve that consent in accordance with Rule 5.5(3).
- If the liquidator declines to consent to the appointment (which the liquidator may do, after having given his or her consent to accept all court appointments, only on grounds such as conflict of interest), the plaintiff must:
 - nominate a registered official liquidator, whose name appears on the Court's list, by filing and serving the liquidator's consent in accordance with Rule 5.5(3); or
 - approach the Registry for selection of another liquidator by rotation, and then file and serve that liquidator's consent in accordance with Rule 5.5(3).

Disclosure by insolvency practitioners of fees to be charged

16. The Insolvency Practitioners Association of Australia no longer publishes a Scale of Rates in respect of fees.
17. Where application is made to the Court for an order that a company be wound up or for an official liquidator to be appointed as a provisional liquidator of a company, an official liquidator must consent in writing to be appointed: see the Act, subs 532(9) and the Rules, 6.1(1). The consent must be in accordance

with Form 8 to the Rules: see r.5.5(2); 6.1(2). Form 8 requires disclosure of the hourly rates currently (as at the signing of the consent) charged in respect of work done as a liquidator or provisional liquidator (as the case may be) by the person signing the consent, and by that person's partners and employees who may perform work in the administration in question.

18. The provisions referred to in paragraph 17 have no application, however, to appointments of persons as external administrators:
- otherwise than by the Court; or
 - by the Court otherwise than as liquidator or as liquidator provisionally.
19. Even in the case of appointments as liquidator or as liquidator provisionally, the provisions referred to in paragraph 17 above do not touch on changes in the hourly rates after the signing of the Form 8 consent.
20. Various provisions of the Act empower the Court, in certain circumstances, to determine or review the remuneration of insolvency practitioners when they are filling the office of various forms of external administrator: see ss 425; 449E; 473 (2) (3), (5), (6); 504.
21. With the exception of Form 8, where it is applicable, the provisions referred to in paragraph 20 do not indicate a standard of disclosure of fees to be charged which the Court might regard as appropriate in any situation in which it may be relevant for the Court to take into account whether an insolvency practitioner has followed a practice of making adequate disclosure of such fees.
22. The guidelines in paragraphs 23 and 24 below are intended to fill that gap. These guidelines are not, however, intended to limit the judicial discretion available in any particular case, or to require that non-observance of the guidelines be taken into account where that would not be relevant to the exercise of a judicial discretion.
23. All external administrators (including persons appointed as liquidators or as liquidators provisionally) should, in their first report to creditors:
- disclose the hourly rates of fees which are being charged by them and by any of their partners and employees who may work in the administration; and
 - give their best estimate of the cost of the administration to completion or to a specified milestone identified in the report.
24. If, at any time after an external administrator has reported in accordance with paragraph 23, the hourly rates are to change, or the administrator has reason to believe that the estimate given to creditors is no longer reliable, he or she should report to creditors, disclosing the new hourly rates and giving a revised estimate.
25. These guidelines are not intended:
- to prevent an external administrator from changing hourly rates or revising estimates if he or she is otherwise lawfully permitted to do so; or

- to authorise an external administrator to change hourly rates or revise estimates if he or she is not otherwise lawfully permitted to do so.

Dated: 17 August 2005.

J. J. SPIGELMAN, A.C.,
Chief Justice of New South Wales

Related information

Practice Note SC Eq 4 was issued and commenced on 17 August 2005.

This Practice Note replaced Former Practice Note Nos. 117, 111 and 126 on 17 August 2005.

Practice Note SC Gen1 Supreme Court – Application of Practice Notes

Practice Note SC Gen3 Supreme Court – Use of technology

Practice Note SC Eq1 Supreme Court Equity Division – Case management

Corporations Act 2001 (Cth)

Supreme Court (Corporations) Rules 1999

Civil Procedure Act 2005

Supreme Court Rules 1970

Amendment History:

PUBLIC WORKS ACT 1912

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Compulsory Acquisition

Mid Western Correctional Centre – Wellington

THE Minister for Commerce, 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 a public work, public offices and public buildings.

On publication of this notice in the *Government Gazette*, the land is vested in the Minister for Commerce as Constructing Authority under section 4 of the Public Works Act 1912.

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State,
Minister for Commerce,
Minister for Industrial Relations,
Assistant Treasurer
and Minister for the Central Coast

SCHEDULE

Land

Lot 1 in Deposited Plan 1069446.

DOC Reference: 196.

RURAL FIRES ACT 1997

Local Bush Fire Danger Period Variation

PURSUANT to section 82 of the Rural Fires Act 1997, as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of Variation:

Conargo Shire Council

Deniliquin Council

Jerilderie Shire Council

Murray Shire Council

The Council of the Shire of Wakool

The Local Bush Fire Danger period has been revoked for the period 16 October until 31 October 2005.

During this period permits pursuant to section 87 of the Rural Fires Act 1997, as amended, will not be required for the lighting of fire for the the purposes of land clearance or fire breaks.

MARK CROSWELLER, AFSM,
Assistant Commissioner,
Executive Director,
Operations and Regional Management
(delegate)

SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

IN pursuance of section 5 of the Sporting Injuries Insurance Act 1978, I declare by this order the JQMA OF NSW INC to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activity of Motor Sports Racing.

Dated: Sydney, 14th September 2005.

Rob Thomson,
Deputy Chairperson,
Sporting Injuries Committee

THREATENED SPECIES CONSERVATION ACT 1995

Department of Environment and Conservation

Exhibition of Draft Revised Recovery Plan Wollemi Pine

Invitation for Public Submissions

THE Department of Environment and Conservation (DEC) has prepared a draft revised recovery plan for the endangered Wollemi Pine (*Wollemia nobilis*). The draft revised recovery plan has been prepared in accordance with the provisions of the Threatened Species Conservation Act 1995. The draft revised recovery plan will be available for public inspection from the 17 October 2005 to 9 December 2005, during ordinary office hours at the following:

DEC Library (Level 7, 43 Bridge Street, Hurstville, NSW 2220),

DEC Information Centre (Level 14, 59-61 Goulburn Street, Sydney NSW 2000),

Blue Mountains Heritage Centre (Govetts Leap Road, Blackheath NSW 2785), and

Blue Mountains Regional Office (Level 1, 39 Whitton Street, North Katoomba NSW 2780).

The Director General invites the public to comment on this draft recovery plan. Submissions should be in writing and should be received no later than 9 December 2005. They should be addressed to:

Director General
Department of Environment and Conservation
C/- The Wollemi Pine Recovery Program Coordinator
Conservation Programs and Planning
Metropolitan Branch
PO Box 1967, Hurstville NSW 2220

These submissions will be considered by the DEC in the finalisation of the recovery plan. For further information or to order copies of the draft revised recovery plan, contact the Administration Assistant Officer on (02) 9585 6678.

Your comments on the draft recovery plan may contain information that is defined as “personal information” under the NSW Privacy and Personal Information Protection Act 1998 and which identifies you. Following consideration of submissions and finalisation of the recovery plan, copies of all submissions will be available for inspection at the DEC office at 43 Bridge Street, Hurstville (tel.: (02) 9585 6678). If you do not want your personal details to become public please mark on your submission that you want your details to remain “confidential”. The submissions will ultimately be stored in the DEC records system.

The NSW National Parks and Wildlife Service is now part of the NSW Department of Environment and Conservation.

TOTALIZATOR ACT 1997

Tab Limited Totalizator Rules

IN accordance with the provision of section 54 (1) of the Totalizator Act 1997, the Minister for Gaming and Racing has approved of amendments to the Totalizator Rules which were published in the *Government Gazette* on 12 August 2005. The amendments, to take effect on Monday, 14 November 2005, are as follows:

1.5 Definitions

Insert after “finisher”

“first 4 jackpot allocation table” means the following table:

<i>Meeting Class</i>	<i>Definition</i>
NSW/ACT Metropolitan Race	A horse race held in NSW or ACT at one of the following racecourses: (a) Royal Randwick; (b) Rosehill Gardens; (c) Warwick Farm; or (d) Canterbury Park.
NSW/ACT Non-Metropolitan Race	A horse race held in NSW or ACT that is not defined in this table as a NSW/ACT Metropolitan Race.
Vic Metropolitan Race	A horse race held in Vic at one of the following racecourses: (a) Flemington; (b) Caulfield;

(c) Sandown; or
(d) Moonee Valley.

Vic Non-Metropolitan Race A horse race held in Vic that is not defined in this table as a Vic Metropolitan Race.

Other Metropolitan Race A horse race held outside NSW, ACT or Vic at one of the following racecourses:
(a) Eagle Farm (Qld);
(b) Doomben (Qld);
(c) Morphettville (SA);
(d) Cheltenham (SA);
(e) Victoria Park (SA);
(f) Ascot (WA);
(g) Belmont (WA); or
(h) Hobart (Tas).

Other Non-Metropolitan Race A horse race held outside NSW, ACT or Vic that is not defined in this table as Other Metropolitan Race.

NSW/ACT Harness race A harness race held in NSW or ACT.

Vic harness race A harness race held in Vic.

Other harness race A harness race that is not defined in this table as a NSW/ACT Harness race or Vic harness race.

NSW/ACT greyhound race A greyhound race held in NSW or ACT.

Vic greyhound race A greyhound race held in Vic.

Other greyhound race A greyhound race that is not defined in this table as a NSW/ACT greyhound race or a Vic greyhound race.

Insert after “investment pool”

“jackpot allocation table” means the following table:

<i>Meeting Class</i>	<i>Definition</i>
NSW/ACT Metropolitan Race	A horse race held in NSW/ACT at one of the following racecourses: (a) Royal Randwick; (b) Rosehill Gardens; (c) Warwick Farm; or (d) Canterbury Park.
NSW/ACT Non-Metropolitan Race	A horse race held in NSW or ACT that is not defined in this table as a NSW/ACT Metropolitan Race.
Vic Metropolitan Race	A horse race held in Vic at one of the following racecourses: (a) Flemington; (b) Caulfield; (c) Sandown; or (d) Moonee Valley.
Vic Non-Metropolitan Race	A horse race held in Vic that is not defined in this table as a Vic Metropolitan Race.

Tas Metropolitan Race	A horse race held in Tas at one of the following racecourses: (a) Hobart; or (b) Launceston.	Delete “NSW Metropolitan Race” definition
Tas Non-Metropolitan Race	A horse race held in Tas that is not defined in this table as a Tas Metropolitan Race.	Delete “NSW Non-Metropolitan Race” definition
Qld/NT Metropolitan Race	A horse race held in Qld or NT at one of the following racecourses: (a) Eagle Farm; or (b) Doomben.	Delete “Other Metropolitan Race” definition
Qld/NT Non-Metropolitan Race	A horse race held in Qld or NT that is not defined in this table as a Qld/NT Metropolitan Race.	Delete “Other Non-Metropolitan Race” definition “succeeding first 4 race” (b) is deleted and replaced by (b) the next first 4 race at a meeting selected by the TAB and within the same class as defined in the first 4 jackpot allocation table;
SA Metropolitan Race	A horse race held in SA at one of the following racecourses: (a) Morphettville; (b) Cheltenham; or (c) Victoria Park.	“succeeding quaddie” is deleted and replaced by means, in relation to a quaddie («initial quaddie») the next quaddie at a meeting selected by the TAB and within the same class as defined in the jackpot allocation table ;
SA Non-Metropolitan Race	A horse race held in SA that is not defined in this table as a SA Metropolitan Race.	“succeeding superfecta race” (b) is deleted and replaced by (b) the next superfecta race at a meeting selected by the TAB and within the same class as defined in the jackpot allocation table;
WA Metropolitan Race	A horse race held in WA at one of the following racecourses: (a) Ascot; or (b) Belmont.	“succeeding trifecta race” (b) is deleted and replaced by (b) the next trifecta race at a meeting selected by the TAB and within the same class as defined in the jackpot allocation table;
WA Non-Metropolitan Race	A horse race held in WA that is not defined in this table as a WA Metropolitan Race.	Delete “Victorian Metropolitan Race” definition
International Race	A horse race held outside Australia.	Delete “Victorian Non-Metropolitan Race” definition
NSW/ACT Harness race	A harness race held in NSW or ACT.	Amendment of Rule 9.2.1 Rule 9.2.1 (b) is deleted and replaced by a new rule in the following terms: (b) must be terminated if the number of contestants in the race falls below 4 at any time or if there are no finishers in the race.
Vic harness race	A harness race held in Vic.	
Tas harness race	A harness race held in Tas.	
Qld/NT harness race	A harness race held in Qld or NT.	
SA harness race	A harness race held in SA.	
WA harness race	A harness race held in WA.	
International harness race	A harness race held outside Australia.	
NSW/ACT greyhound race	A greyhound race held in NSW or ACT.	Amendment of Rule 9.3.2 Rule 9.3.2 is deleted and replaced by a new rule in the following terms: 9.3.2 Distribution of first 4 dividend pool (a) If there are 4 or more finishers in a first 4 race, the first 4 dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 4 placed finishers in the race in the correct order. (b) Where there are 3 finishers only in a first 4 race then: (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and
Vic greyhound race	A greyhound race held in Vic.	
Tas greyhound race	A greyhound race held in Tas.	
Qld/NT greyhound race	A greyhound race held in Qld or NT.	
SA greyhound race	A greyhound race held in SA.	
WA greyhound race	A greyhound race held in WA.	
International greyhound race	A greyhound race held outside Australia.	
Delete “jackpot race class” definition		

- (ii) the remainder of the first 4 dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2 (b) (i) is to be divided among the investors who select a combination comprising the first 3 placed finishers in the race in the correct order, together with any other starter.
- (c) Where there are 2 finishers only in a first 4 race then:
 - (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and
 - (ii) the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2 (c) (i) is to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other 2 starters.
- (d) Where there is one finisher only in a first 4 race then:
 - (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and
 - (ii) the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2 (d) (i) is to be divided among the investors who select a combination comprising, in the correct order, the one finisher in the race together with any other starters.
- (ii) the first 4 dividend pool is to be divided into as many equal parts as there are combinations in respect of which a dividend is to be distributed under clause 9.3.2; and
- (iii) a part is allotted to each combination; and
- (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
- (v) for each unbacked combination the part is to be carried forward in accordance with clause 9.3.4 (a) or (b)
- (b) Where a dead-heat occurs within any of the first 4 places which results in there being more than 12 winning combinations in a first 4, for the purpose of the declaration of dividends:
 - (i) that placing and any subsequent placing in that first 4 shall not be taken into account; and
 - (ii) the first 4 dividend pool is to be divided into as many equal parts as there are combinations for the placings that are being taken into account in respect of which a dividend is to be distributed under clause 9.3.2; and
 - (iii) a part is allotted to each combination; and
 - (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
 - (v) for each unbacked combination the part is to be carried forward in accordance with clause 9.3.4 (a) or (b)

Amendment of Rule 9.3.3

Rule 9.3.3 is deleted and replaced by a new rule in the following terms:

9.3.3 Dead-heats

- (a) Subject to subclause (b), if 2 or more finishers in a first 4 race dead-heat for any of the first 4 places:
 - (i) each of those finishers is taken to have filled that place and each subsequent place up to the number of subsequent places corresponding to one less than the number of finishers involved in the dead-heat; and

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

EUROBODALLA SHIRE COUNCIL

Roads Act 1993

Public Road Dedication

NOTICE is hereby given that Eurobodalla Shire Council in pursuance of section 10 of the Roads Act 1993, dedicates the following Council-owned land as public road:

Lot 1, Deposited Plan 1067299, Parish of Narooma, County of Dampier.

Lot 2, Deposited Plan 1067299, Parish of Narooma, County of Dampier.

J. F. LEVY, General Manager, Eurobodalla Shire Council,
PO Box 99, Moruya NSW 2537. [1690]

WAVERLEY COUNCIL

Local Government Act 1993, Section 50

Vesting of Drainage Reserve in Waverley Council

NOTICE is hereby given that the drainage reserve described in the Schedule below is vested in Waverley Council for an estate in fee simple, to be held by it for drainage purposes. Dated 7th October 2005. K. ANSON, General Manager, Waverley Council, PO Box 9, Bondi Junction NSW 2022.

SCHEDULE

Lots 10 and 11 in Deposited Plan 5860 being located between Coulton Street and Avoca Street, Bondi. [1689]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of IDA DOROTHY ALLEN, late of Bethshean Nursing Home, 5 Kitchener Road, Cherrybrook, in the State of New South Wales, who died on 9th March 2005, must send particulars of his claim to the executor, c.o. John S. Fordham, Solicitor, 12 Station Street, West Ryde NSW 2114, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 4th October 2005. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114 (PO Box 107, West Ryde NSW 1685), (DX 27551 West Ryde), tel.: (02) 9858 1533. Reference: JSF.KS.05110. [1684]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of JOAN FRANCES HEAGNEY, late of 93 Tumut Street, Adelong, in the State of New South Wales, who died on 16th June 2005, must send particulars of his claim to the administrators, c.o. F. R. Pope, Solicitor, 22 Stratford Park Drive, Terrigal NSW 2260, within one (1) calendar month from publication of this notice. After that time the administrators may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Letters of Administration with the Will annexed were granted in New South Wales on 15th September 2005. F. R. POPE, Solicitor, 22 Stratford Park Drive, Terrigal NSW 2260, tel.: (02) 4365 2641. [1685]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of GRAHAM CYRIL KENNEDY, late of Kenilworth Nursing Home, Bowral, in the State of New South Wales, actor, who died on 25th May 2005, must send particulars of his/her claim to the executors, William Peter Baillie and Dennis Charles Lear, c.o. Piper Alderman, Solicitors, Level 23, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000, 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 executors have notice. Probate was granted in New South Wales on 1st September 2005. PIPER ALDERMAN, Solicitors, Level 23, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000, (DX 10216, Sydney Stock Exchange), tel.: (02) 9253 9999. [1688]

COMPANY NOTICES

NOTICE convening final meeting of creditors.—MERLINA INVESTMENTS PTY LIMITED, ACN 097 240 492 (in liquidation).—In accordance with section 509 of the Corporations Law, notice is hereby given that the final creditors meeting of the abovementioned company will be held at the office of Bondy, Mortimer & Co., 7/77 Albert Avenue, Chatswood NSW 2067, on 24th November 2005, at 10:00 a.m., for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property disposed of. Persons claiming to be creditors are required to prove their debt by no later than 4 o'clock of the previous day. In default they will be excluded from the benefit of the dividend. Dated 10th October 2005. Mark Mortimer, Liquidator, c.o. Bondy, Mortimer & Co., 7/77 Albert Avenue, Chatswood NSW 2067, tel.: (02) 9419 8155. [1686]

NOTICE to declare a dividend.—NAROMA PTY LIMITED, ACN 000 344 614 (in voluntary liquidation).—A dividend is to be declared on 28th November 2005, for the company. Creditors whose debts or claims have not already been admitted are required on or before 14th November 2005, to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated this 11th October 2005. F. MACDONALD, Liquidator, c.o. K. B. Raymond & Co., Chartered Accountants, 2/131 Clarence Street, Sydney NSW 2000, tel.: (02) 9299 6521. [1687]

NOTICE of voluntary winding up.—DOSANTE PTY LIMITED, ACN 003 975 764 (in voluntary liquidation).—At a general meeting of the abovementioned company duly convened and held at Level 6, 175 Macquarie Street, Sydney NSW 2000, on 30th September 2005, the following resolutions were passed: 1. Special resolution: "that the company be wound up voluntarily". 2. "that Mr Stephen Humphrys, who has consented to act, be appointed Liquidator of the Company". Richard McPhail, Director. S. B. HUMPHRYS, Liquidator, c.o. Moore Stephens Sydney Pty Limited, Chartered Accountants, Level 6, 175 Macquarie Street, Sydney NSW 2000, tel.: (02) 8236 7700. [1691]

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