



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 142
Friday, 25 November 2005

Published under authority by Government Advertising and Information

LEGISLATION

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 17 November 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. 81 2005 - An Act to amend the Gene Technology (GM Crop Moratorium) Act 2003 to postpone the expiry of that Act from 3 March 2006 to 3 March 2008. [Gene Technology (GM Crop Moratorium) Amendment (Postponement of Expiry) Bill]

Act No. 82 2005 - An Act to make miscellaneous amendments to various Acts and a regulation that relate to health and associated matters; and for other purposes. [Health Legislation Amendment Bill]

Act No. 83 2005 - An Act to amend the National Parks and Wildlife Act 1974 to dissolve the Jenolan Caves Reserve Trust and to establish a Karst Management Advisory Committee; and for other purposes. [National Parks and Wildlife Amendment (Jenolan Caves Reserves) Bill]

Act No. 84 2005 - An Act to transfer certain State forest lands to the national park estate; and for other purposes. [National Park Estate (Reservations) Bill]

Act No. 85 2005 - An Act to amend the Public Sector Employment and Management Act 2002 with respect to extended leave and other employment benefits; and for other purposes. [Public Sector Employment and Management Amendment (Extended Leave) Bill]

Act No. 86 2005 - An Act to amend the Consumer Credit (New South Wales) Act 1995 and the Consumer Credit (New South Wales) Special Provisions Regulation 2002 with respect to the inclusion of fees and charges in the calculation of maximum annual percentage rates for credit contracts; and for other purposes. [Consumer Credit (New South Wales) Amendment (Maximum Annual Percentage Rate) Bill]

Act No. 87 2005 - An Act to ensure that any gift, devise or bequest of property in favour of the Royal Blind Society of New South Wales or other related agencies takes effect as if made in favour of the new combined agency, Vision Australia, and to provide for the repeal of the Royal Blind Society (Corporate Conversion) Act 2003. [Royal Blind Society (Merger) Bill]

Act No. 88 2005 - An Act to amend the State Emergency Service Act 1989 with respect to the organisation, functions and operation of the State Emergency Service; and for other purposes. [State Emergency Service Amendment Bill]

Act No. 89 2005 - An Act to constitute the Infrastructure Implementation Corporation and to confer on it functions in relation to major infrastructure projects; and for other purposes. [Infrastructure Implementation Corporation Bill]

Act No. 90 2005 - An Act to amend the Retail Leases Act 1994 in relation to the rights and obligations of lessees and lessors under retail shop leases, the procedures for entering into retail shop leases, the deposit of retail lease security bonds with a government security deposit facility, and the jurisdiction of the Administrative Decisions Tribunal in connection with retail shop leases; to make a consequential amendment to the Fines Act 1996; and for other purposes. [Retail Leases Amendment Bill]

RUSSELL D. GROVE PSM
Clerk of the Legislative Assembly

Proclamations



New South Wales

Proclamation

under the

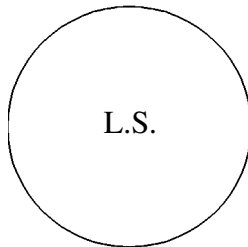
**Criminal Procedure Further Amendment (Evidence) Act 2005
No 25**

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Criminal Procedure Further Amendment (Evidence) Act 2005*, do, by this my Proclamation, appoint 25 November 2005 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 23rd day of November 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the uncommenced provisions of the *Criminal Procedure Further Amendment (Evidence) Act 2005*. The provisions relate to:

- (a) sensitive evidence, and
- (b) the closure of the court during sexual offence proceedings.



New South Wales

Proclamation

under the

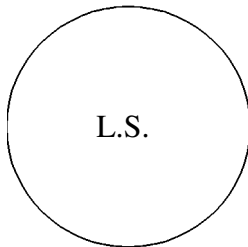
Prevention of Cruelty to Animals Amendment Act 2005 No 50

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 (2) of the *Prevention of Cruelty to Animals Amendment Act 2005*, do, by this my Proclamation, appoint 25 November 2005 as the day on which Schedules 1 [7], [14]–[17], [20], [22] and [23], 2.1 and 2.2 to that Act commence.

Signed and sealed at Sydney, this 23rd day of November 2005.

By Her Excellency's Command,



IAN MACDONALD, M.L.C.,
Minister for Primary Industries

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence certain uncommenced provisions of the *Prevention of Cruelty to Animals Amendment Act 2005*. The provisions concerned relate to the following:

- (a) the powers of officers under the *Prevention of Cruelty to Animals Act 1979*,
- (b) the issuing of penalty notices for offences against that Act or the regulations made under it.



New South Wales

Proclamation

under the

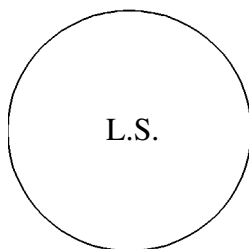
Residential Tenancies Amendment (Social Housing) Act 2005
No 79

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Residential Tenancies Amendment (Social Housing) Act 2005 No 79*, do, by this my Proclamation, appoint 28 November 2005 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 23rd day of November 2005.

By Her Excellency's Command,



DIANE BEAMER, M.P.,
Minister for Fair Trading

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

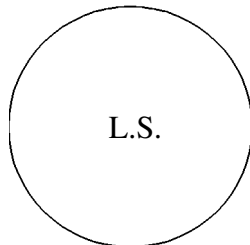
Retail Leases Amendment Act 2005

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Retail Leases Amendment Act 2005*, do, by this my Proclamation, appoint 1 January 2006 as the day on which that Act commences.

Signed and sealed at Sydney, this 23rd day of November 2005.

By Her Excellency's Command,



DAVID ANDREW CAMPBELL, M.P.,
Minister for Small Business

GOD SAVE THE QUEEN!



New South Wales

Proclamation

under the

Threatened Species Legislation Amendment Act 2004 No 88

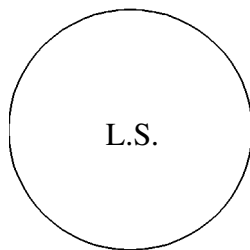
MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Threatened Species Legislation Amendment Act 2004*, do, by this my Proclamation, appoint 1 December 2005 as the day on which the following provisions of that Act commence:

- (a) Schedule 1 [68],
- (b) Schedule 3.1 [3]–[5] and [7],
- (c) Schedule 3.3.

Signed and sealed at Sydney, this 23th day of November 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence provisions of the *Threatened Species Legislation Amendment Act 2004* relating to the *Native Vegetation Act 2003*.

Regulations



New South Wales

Fisheries Management (Abalone Share Management Plan) Amendment Regulation 2005

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to provide for a new method of calculating the community contribution payable by shareholders in the abalone share management fishery. The new community contribution will be levied as a percentage of gross revenue per share, with the percentage varying on a sliding scale determined by:

- (a) adjusting the average annual beach price for abalone to account for movements in the consumer price index, and
- (b) further adjusting the average annual beach price for abalone to account for changes in the total allowable catch for abalone (both recent changes and historical changes).

The Regulation also makes amendments of a law revision nature.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 60, 77 and 289 (the general regulation-making power).

Clause 1 Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Fisheries Management (Abalone Share Management Plan) Amendment Regulation 2005

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (Abalone Share Management Plan) Amendment Regulation 2005*.

2 Amendment of Fisheries Management (Abalone Share Management Plan) Regulation 2000

The *Fisheries Management (Abalone Share Management Plan) Regulation 2000* is amended as set out in Schedule 1.

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

- [1] **Clause 3 Amendment of Fisheries Management (General) Regulation 1995**
Omit the clause.
- [2] **The whole Appendix (except clause 37)**
Omit “Director” and “Director’s” wherever occurring.
Insert instead “Director-General” and “Director-General’s”, respectively.
- [3] **The whole Appendix (except column 2 of item 2 of the Table to clause 3)**
Omit “NSW Fisheries” wherever occurring.
Insert instead “the Department of Primary Industries”.
- [4] **The whole Appendix**
Omit “*Fisheries Management (General) Regulation 1995*” wherever occurring.
Insert instead “*Fisheries Management (General) Regulation 2002*”.
- [5] **Appendix, clause 2**
Omit “clause 107” from paragraph (d) of the definition of *serious fisheries offence* in clause 2 (1).
Insert instead “clause 108”.
- [6] **Appendix, clause 3**
Omit “clause 7” from column 1 of item 2 of the Table to the clause.
Insert instead “clause 9”.
- [7] **Appendix, clause 23**
Omit “clause 157” from clause 23 (2).
Insert instead “clause 165”.
- [8] **Appendix, clause 24**
Omit “Clause 7” from the note.
Insert instead “Clause 9”.

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Schedule 1 Amendments

[9] Appendix, clause 26

Omit “clause 145 (1) (b)” from clause 26 (3).

Insert instead “clause 153 (1) (b)”.

[10] Appendix, Part 6A

Insert after Part 6 of the Appendix:

Part 6A Community contribution

34A Definitions

(1) In this Part:

average beach price for abalone during a fishing period means the average beach price for abalone (per kilogram) during the fishing period, determined by the Minister on the basis of records kept by the Director-General.

CPI means the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

flow through TAC adjustment—see clause 34E.

immediate TAC adjustment—see clause 34D.

TAC means the total allowable catch of abalone.

(2) For the purposes of this Part, the *percentage change in TAC* for a fishing period is determined by calculating the difference between the TAC for the fishing period and the TAC for the previous fishing period, and expressing the difference so obtained as a percentage of the TAC for the previous fishing period, rounded to the nearest whole percentage point (and, if the amount to be rounded is half a percentage point, it is to be rounded up).

(3) A monetary amount determined under this Part is to be rounded to the nearest whole dollar (and, if the amount to be rounded is 50 cents, it is to be rounded up).

34B Community contribution

(1) For the purposes of section 77 of the Act, a community contribution is payable by each shareholder for each fishing period.

(2) The community contribution is payable by a shareholder 2 months after the end of the fishing period, or on such later date as may be determined by the Minister and notified in writing to the shareholder.

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Amendments

Schedule 1

- (3) The community contribution is calculated as follows:

$$CC = RP \times \frac{S}{TS} \times TC \times BP$$

where:

CC is the community contribution.

RP is the relevant percentage (as defined by subclause (4)).

S is the number of shares in the fishery held by the shareholder on the last day of the fishing period.

TS is the total number of shares in the fishery.

TC is the total catch (in kilograms) of abalone by shareholders in the fishery during the fishing period, determined by the Minister on the basis of records kept by the Director-General.

BP is the average beach price for abalone during the fishing period.

- (4) For the purposes of subclause (3), the relevant percentage (*RP*) is calculated as follows:
- (a) if the adjusted beach price for the fishing period is less than \$43, the relevant percentage is zero (and no community contribution is payable),
 - (b) if the adjusted beach price for the fishing period is not less than \$43 but is less than \$53, the relevant percentage is 0.5% plus another 0.5% for each \$1 by which the adjusted beach price exceeds \$43,
 - (c) if the adjusted beach price for the fishing period is not less than \$53 but is less than \$62, the relevant percentage is 6% plus another 1% for each \$1 by which the adjusted beach price exceeds \$53,
 - (d) if the adjusted beach price for the fishing period is not less than \$62, the relevant percentage is 15%.
- (5) The Director-General is to calculate the community contribution for each shareholder at the end of the fishing period and advise shareholders of the amount that they are liable to pay.
- (6) Interest is payable on late payments of the community contribution at the rate payable from time to time in respect of judgments of the Supreme Court.
- (7) The community contribution may, with the approval of the Minister, be paid by instalments on such terms as the Minister approves.

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Schedule 1 Amendments

- (8) If an instalment is not paid by the due date, the balance then becomes due and payable (together with the interest payable for late payment).
- (9) In this clause:
adjusted beach price for a fishing period means:
- (a) in the case of the fishing period ending on 30 June 2005—the average beach price for abalone during the fishing period, and
 - (b) in the case of a fishing period ending on or after 30 June 2006—the adjusted beach price for the fishing period, determined in accordance with this Part.

34C CPI adjustment of average beach price

- (1) For the purpose of determining the adjusted beach price for a fishing period, the average beach price for abalone during that fishing period is to be adjusted to account for movements in the CPI since December 2004.
- (2) For that purpose, the average beach price for abalone during the fishing period is to be divided by the CPI number for the December quarter in that fishing period and then multiplied by the CPI number for the December quarter in 2004.
- (3) The amount obtained after such an adjustment is referred to in this Part as the **CPI adjusted price** for the fishing period.
- (4) The **adjusted beach price** for a fishing period is the CPI adjusted price for the fishing period, unless an immediate TAC adjustment or flow through TAC adjustment (or both) is required by this Part to be made to the CPI adjusted price.

34D Immediate TAC adjustment

- (1) An adjustment (referred to in this Part as an **immediate TAC adjustment**) is required to be made to the CPI adjusted price for a fishing period if the percentage change in TAC for the fishing period is 10% or more, whether that change reflects an increase or a decrease in TAC.
- (2) If the percentage change in TAC for a fishing period is an increase of 10% or more, the CPI adjusted price for the fishing period is to be increased by \$1 for each full 10% of the percentage change in TAC.

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Amendments

Schedule 1

- (3) If the percentage change in TAC for a fishing period is a decrease of 10% or more, the CPI adjusted price for the fishing period is to be decreased by \$1 for each full 10% of the percentage change in TAC.

- (4) The *adjusted beach price* for a fishing period in which an immediate TAC adjustment is required is the CPI adjusted price as adjusted under this clause, unless one or more flow through TAC adjustments are also required to be made to the CPI adjusted price for the same fishing period.

Note. For example, if the percentage change in TAC for the fishing period is a decrease of 20%, the adjusted beach price for that fishing period is the CPI adjusted price decreased by \$2 (assuming no flow through TAC adjustment is required).

34E Flow through TAC adjustments—significant changes in TAC

- (1) If there is a significant change in TAC in a fishing period, an adjustment (referred to in this Part as a *flow through TAC adjustment*), calculated as provided by this clause, is required to be made to the CPI adjusted price in each subsequent fishing period until no further adjustment is required under this clause as a consequence of that significant change in TAC.

- (2) For the purposes of this clause, a *significant change in TAC* is a percentage change in TAC of 20% or more (whether that change reflects an increase or decrease in TAC).

- (3) If the significant change in TAC was a decrease of 20% or more, the adjustment required is a decrease to the CPI adjusted price in each subsequent fishing period of half the dollar amount (before rounding) of the relevant adjustment in the previous fishing period, until the amount of the decrease (after rounding) first reaches \$1. No further adjustment is required as a consequence of the significant change in TAC after the amount of the decrease first reaches \$1.

Note. For example, if the percentage change in TAC in a fishing period (fishing period 1) is a decrease of 40%, the CPI adjusted price must be decreased by \$4 in the year in which the decrease occurs as a result of the immediate TAC adjustment. Under this subclause, the CPI adjusted price would also be decreased in the next fishing period (fishing period 2) by \$2 (half of the relevant adjustment in the previous fishing period), and by \$1 in the fishing period after that (fishing period 3). A flow through TAC adjustment would not be required in fishing period 4.

- (4) If the significant change in TAC was an increase of 20% or more, the adjustment required is an increase to the CPI adjusted price in each subsequent fishing period of half the dollar amount (before rounding) of the relevant adjustment in the previous fishing period, until the amount of the increase (after rounding) first

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Schedule 1 Amendments

reaches \$1. No further adjustment is required as a consequence of the significant change in TAC after the amount of the increase first reaches \$1.

Note. For example, if the percentage change in TAC in a fishing period (fishing period 1) is an increase of 30%, the CPI adjusted price must be increased by \$3 as a result of the immediate TAC adjustment. Under this subclause, the CPI adjusted price in the next fishing period (fishing period 2) would also be increased by \$1.50 (rounded up to \$2) and by 75 cents (rounded up to \$1) in the fishing period after that (fishing period 3). A flow through TAC adjustment would not be required in fishing period 4.

- (5) For the purpose of calculating the amount of a flow through TAC adjustment required under this clause, the *relevant adjustment in the previous fishing period* is the immediate TAC adjustment or flow through TAC adjustment made to the CPI adjusted price in the previous fishing period, unless subclause (6) applies.
- (6) If clause 34F (Aggregate TAC adjustments) applied to the adjustment of the CPI adjusted price in the previous fishing period, the *relevant adjustment in the previous fishing period* is the adjustment that would have been made to the CPI adjusted price in that previous fishing period if the only adjustment made to the CPI adjusted price in that previous fishing period had been the immediate TAC adjustment, or flow through TAC adjustment, required as a consequence of the significant change in TAC for which the flow through TAC adjustment is being calculated in the current fishing period.

Note. The purpose of subclause (6) is to prevent aggregate TAC adjustments made under clause 34F from having a snowballing effect on flow through TAC adjustments. For example, say the TAC in fishing period 1 is 100, the TAC in fishing period 2 is 140, the TAC in fishing period 3 is 154 and the TAC in fishing period 4 is also 154. In fishing period 2 an immediate TAC adjustment to the CPI adjusted price is required, being an increase of \$4 (this reflects the increase in TAC from 100 to 140).

In fishing period 3 a flow through TAC adjustment is required as a consequence of the significant change in TAC in fishing period 2, being an increase to the CPI adjusted price of \$2 (that is, half the adjustment made to the CPI adjusted price in fishing period 2). However, in this case, an immediate TAC adjustment is also required to reflect the increase in TAC in fishing period 3 from 140 to 154. Accordingly, clause 34F applies and the total adjustment to the CPI adjusted price in fishing period 3 is the aggregate of the 2 increases, being an increase of \$3.

In fishing period 4, the flow through TAC adjustment is calculated on the basis of half the adjustment that would have been made to the CPI adjusted price in fishing period 3 if only a flow through TAC adjustment had been made in that fishing period. Accordingly, the flow through TAC adjustment in fishing period 4 is an increase of \$1 (half of the flow through TAC adjustment that would have been made in fishing period 3), not an increase of half the total adjustment made to the CPI adjusted price in fishing period 3.

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Amendments

Schedule 1

-
- (7) The *adjusted beach price* for a fishing period in which a flow through TAC adjustment is required is the CPI adjusted price as adjusted under this clause, unless:
- (a) an immediate TAC adjustment is also required to be made to the CPI adjusted price for the same fishing period, or
 - (b) more than one flow through TAC adjustment is required to be made to the CPI adjusted price for the same fishing period.

34F Aggregate TAC adjustments

- (1) This clause applies if (but for this clause):
 - (a) both an immediate TAC adjustment and one or more flow through TAC adjustments are required to be made to the CPI adjusted price for a fishing period, or
 - (b) more than one flow through TAC adjustment is required to be made to the CPI adjusted price for a fishing period.
- (2) If (but for this clause) all adjustments would result in the CPI adjusted price being decreased, or all those adjustments would result in the CPI adjusted price being increased, the *adjusted beach price* for the fishing period is the CPI adjusted price adjusted by the aggregate of all those adjustments.

Note. Example 1. The TAC in fishing period 1 is 100. In fishing period 2 the TAC is 130 (an increase of 30%). In the next fishing period (fishing period 3) the TAC is 143 (a further increase in TAC of 10%). Consequently, in fishing period 3 an increase in the CPI adjusted price of \$2 is required because of the flow through TAC adjustment and an increase in the CPI adjusted price of \$1 is required because of the immediate TAC adjustment. In such a case, the CPI adjusted price for fishing period 3 is to be adjusted on the basis of the aggregate of the 2 adjustments, in total an increase of \$3.

Example 2. The TAC for fishing period 1 is 100. The TAC for fishing period 2 is 80 (a decrease of 20%). In the next fishing period (fishing period 3) the TAC is 72 (a further decrease in TAC of 10%). Consequently, in fishing period 3 a decrease in the CPI adjusted price of \$1 is required because of the flow through TAC adjustment and a decrease in the CPI adjusted price of \$1 is required because of the immediate TAC adjustment. In such a case, the CPI adjusted price for fishing period 3 is to be adjusted on the basis of the aggregate of the 2 adjustments, in total a decrease of \$2.

- (3) If (but for this clause), any adjustment required to be made to the CPI adjusted price for the fishing period would be in the opposite direction from any other adjustment required to be made to the CPI adjusted price for the fishing period (that is, one adjustment increases the CPI adjusted price and another decreases it), the following provisions apply:

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Schedule 1 Amendments

-
- (a) the percentage change in TAC for the fishing period is to be recalculated using the TAC figure for the base fishing period in place of the TAC figure for the previous fishing period,
 - (b) the CPI adjusted price for the fishing period is to be adjusted on the basis of the immediate TAC adjustment that would be required (if any) if the figure calculated under paragraph (a) were the percentage change in TAC for the fishing period,
 - (c) the *adjusted beach price* for the fishing period is the CPI adjusted price for the fishing period as so adjusted, and no flow through TAC adjustment is required in the fishing period.
- (4) For the purposes of subclause (3), the *base fishing period* means the fishing period immediately before the fishing period in which there was a significant change in TAC (within the meaning of clause 34E) as a consequence of which a flow through TAC adjustment would be required (but for this clause) in the current fishing period.
- (5) If more than one fishing period would qualify as the base fishing period (because more than one flow through TAC adjustment would be required, but for this clause, in the current fishing period), the base fishing period is the earliest of them.

Note. Example 3. The TAC in fishing period 1 is 100. In fishing period 2 it is 160, representing an increase of 60%. In fishing period 3 the TAC decreases to 128 (a decrease of 20%). In fishing period 4, the TAC decreases to 115 (a decrease of 10%).

In fishing period 2 an increase of \$6 to the CPI adjusted price must be made because of the immediate TAC adjustment.

In fishing period 3 an increase to the CPI adjusted price of \$3 is required because of the flow through TAC adjustment from fishing period 2 and a decrease to the CPI adjusted price of \$2 is required because of the immediate TAC adjustment. For fishing period 3, the base fishing period is fishing period 1, because that is the fishing period immediately before the fishing period in which there was a significant change in TAC as a consequence of which a flow through TAC adjustment is required in the current fishing period. Accordingly, the adjusted beach price is calculated on the basis of the difference in TAC between fishing period 1 and 3 (100 to 128). This is an increase of 28%. Accordingly, the CPI adjusted price must be increased by \$2.

In fishing period 4, both a flow through TAC adjustment from fishing period 2 (an increase of \$2, which is half the flow through TAC adjustment for the previous period) and an immediate TAC adjustment is required (a decrease of \$1). The base fishing period is still fishing period 1, so the adjusted beach price is calculated on the basis of the difference in TAC between fishing period 1 and 4 (100 to 115). This is an increase of 15%. Accordingly, the CPI adjusted price must be increased by \$1.

Fisheries Management (Abalone Share Management Plan) Amendment
Regulation 2005

Amendments

Schedule 1

[11] Appendix, clause 35

Omit “clause 107” from clause 35 (1) (d).

Insert instead “clause108”.

[12] Appendix, clause 35, note

Omit “Clause 133”.

Insert instead “Clause 139”.

[13] Appendix, clause 37

Omit the clause.

[14] Appendix, clause 39

Omit “clause 7” from the note.

Insert instead “clause 9”.

[15] Appendix, clause 41A

Insert after clause 41:

41A Changes to community contribution

- (1) Part 6A, as inserted by the *Fisheries Management (Abalone Share Management Plan) Amendment Regulation 2005*, applies in respect of the community contribution payable for a fishing period ending on or after 30 June 2005.
- (2) However, the community contribution (if any) payable by a shareholder for the fishing period ending on 30 June 2005 does not become payable until a date after the commencement of the *Fisheries Management (Abalone Share Management Plan) Amendment Regulation 2005* determined by the Minister and notified in writing to the shareholder (despite clause 34B (2)).
- (3) Clause 37, as in force immediately before its repeal by the *Fisheries Management (Abalone Share Management Plan) Amendment Regulation 2005*, continues to apply in respect of any community contribution payable for a fishing period ending before 30 June 2005.



New South Wales

Governor's Salary Amendment Regulation 2005

under the

Constitution Act 1902

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Constitution Act 1902*.

MORRIS IEMMA, M.P.,
Premier

Explanatory note

The object of this Regulation is to increase the annual amount payable for the salary of the Governor from \$143,355 to \$149,233.

This Regulation is made under section 9I of the *Constitution Act 1902*.

Clause 1 Governor's Salary Amendment Regulation 2005

Governor's Salary Amendment Regulation 2005

under the

Constitution Act 1902

1 Name of Regulation

This Regulation is the *Governor's Salary Amendment Regulation 2005*.

2 Amendment of Governor's Salary Regulation 1990

The *Governor's Salary Regulation 1990* is amended by omitting "\$143,355" from clause 2 and by inserting instead "\$149,233".



New South Wales

Law Enforcement (Powers and Responsibilities) Regulation 2005

under the

Law Enforcement (Powers and Responsibilities) Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Law Enforcement (Powers and Responsibilities) Act 2002*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to make provision for the following matters:

- (a) the form of the following:
 - (i) applications for various kinds of warrants, and for notices requiring the production of documents by authorised deposit-holding institutions (***notices to produce documents***), under the *Law Enforcement (Powers and Responsibilities) Act 2002* (***the Act***),
 - (ii) records to be made by or on behalf of authorised officers in relation to their determination of such applications,
 - (iii) notices required under the Act to be given to occupiers of premises at which certain warrants are executed,
 - (iv) reports to authorised officers on the execution of warrants and the giving of notices to produce documents,
- (b) the issue of receipts for things seized in the execution of warrants,
- (c) the keeping of documents relating to warrants and notices to produce documents, and the inspection of those documents,
- (d) the persons who may act as custody managers for persons detained under Part 9 of the Act,
- (e) the guidelines to be observed by custody managers and other police officers, and the keeping and inspection of custody records, in relation to those detained persons,

Law Enforcement (Powers and Responsibilities) Regulation 2005

Explanatory note

- (f) the detention under Part 9 of the Act of vulnerable persons—that is, children, persons with impaired intellectual or physical functioning, Aboriginal persons or Torres Strait Islanders and persons of non-English speaking backgrounds,
- (g) the establishment of a crime scene under the Act,
- (h) the train and bus routes in relation to which dogs may be used to carry out general drug detection without a warrant under the Act,
- (i) the creation of a penalty notice offence for the offence of failing to comply with a direction of a police officer under Part 14 of the Act.

This Regulation is made under the *Law Enforcement (Powers and Responsibilities) Act 2002*, including sections 60 (1), 65 (2), 66, 67 (2) (a), 74 (1) (f), 92 (3), 103 (3), 112, 120 (1) (g), 131 (1) and (2), 132, 148 (1) (c), 235 and 238 (the general regulation-making power).

 Law Enforcement (Powers and Responsibilities) Regulation 2005

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	5
2 Commencement	5
3 Definitions	5
Part 2 Warrants and notices to produce documents	
4 Form of application for warrant or notice to produce	7
5 Determination of application for warrant or notice to produce—record by authorised officer	7
6 Form of warrant or notice to produce	8
7 Form of occupier's notice: section 67 (2) (a)	8
8 Receipts for things seized	9
9 Form of report to authorised officer on execution of a warrant or giving of notice to produce: section 74	9
10 Keeping and inspection of records	9
11 Certified records not available for inspection	11
Part 3 Investigations and questioning	
Division 1 Custody managers	
12 Designation of police stations and other places to be used for detaining persons	12
13 Appointment of custody managers for designated police stations and designated places of detention	12
14 Order of preference in relation to places of detention	12
15 Order of preference in relation to custody managers	13
16 Custody managers for New South Wales Crime Commission or Australian Crime Commission investigations	13
17 Custody managers not prevented from exercising other functions	14
18 Guidelines for custody managers and other police officers	15
Division 2 Custody records	
19 Meaning of "custody record"	15
20 Separate record for each detained person	15
21 Additional matters to be recorded in custody record	15
22 Inspection of custody record	16

Law Enforcement (Powers and Responsibilities) Regulation 2005

Contents

		Page
<hr/>		
Division 3	Vulnerable persons	
23	Interpretation	17
24	Vulnerable persons	17
25	Custody manager to assist vulnerable person	18
26	Support person	18
27	Support person may be present during investigative procedure	19
28	Relationship between entitlement to support persons and entitlement to consult	20
29	Child cannot waive entitlement to support person	20
30	Role of support persons during interview	20
31	Exclusion of support person from investigative procedure	21
32	Person responsible for welfare of certain detained persons to be contacted	21
33	Legal assistance for Aboriginal persons or Torres Strait Islanders	21
34	Cautions	21
35	Times to be disregarded in calculating investigation period	22
36	Additional information to be included in detention warrant application	22
Part 4	Miscellaneous	
37	When crime scene is established	23
38	Use of drug detection dogs in authorised places—prescribed train routes	23
39	Use of drug detection dogs in authorised places—prescribed bus routes	24
40	Failure to comply with direction—penalty notice offence and penalty	24
Schedule 1	Forms	25
Schedule 2	Guidelines for custody managers and other police officers	55

Law Enforcement (Powers and Responsibilities) Regulation 2005	Clause 1
Preliminary	Part 1

Law Enforcement (Powers and Responsibilities) Regulation 2005

under the

Law Enforcement (Powers and Responsibilities) Act 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Law Enforcement (Powers and Responsibilities) Regulation 2005*.

2 Commencement

This Regulation commences on the commencement of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

3 Definitions

(1) In this Regulation:

child has the meaning given by clause 23.

detained person means a person who is detained under Part 9 of the Act.

impaired intellectual functioning, in relation to a person, has the meaning given by clause 23.

impaired physical functioning, in relation to a person, has the meaning given by clause 23.

Part 5 search warrant means a search warrant issued under Division 2 (Police powers relating to warrants) of Part 5 of the Act.

search warrant means any of the following search warrants:

- (a) a Part 5 search warrant,
- (b) a search warrant issued under section 86 (Police may enter and search for firearms) of the Act,
- (c) a search warrant issued under Division 1 (Drug premises) of Part 11 of the Act,
- (d) a search warrant issued under a provision specified in Schedule 2 (Search warrants under other Acts) to the Act,

Clause 3	Law Enforcement (Powers and Responsibilities) Regulation 2005
Part 1	Preliminary

- (e) a search warrant issued under a provision of, or a provision made under, an Act, being a provision that provides that Division 4 of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002* applies to a search warrant issued under that provision.

support person means a person who is a support person for the purposes of Division 3 of Part 3.

the Act means the *Law Enforcement (Powers and Responsibilities) Act 2002*.

vulnerable person has the meaning given by clause 24.

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.
- (3) Notes included in this Regulation do not form part of this Regulation.

Law Enforcement (Powers and Responsibilities) Regulation 2005	Clause 4
Warrants and notices to produce documents	Part 2

Part 2 Warrants and notices to produce documents

- 4 Form of application for warrant or notice to produce** (cf Search Warrants Regulation 1999, cl 4, Police Powers (Drug Detection Dogs) Regulation 2002, cl 6)
- (1) For the purposes of section 60 (1) of the Act:
 - (a) Part 1 of Form 1 is the form for an application for a Part 5 search warrant, and
 - (b) Part 1 of Form 2 is the form for an application for a search warrant other than a Part 5 search warrant, and
 - (c) Part 1 of Form 3 is the form for an application for a warrant issued under section 83 (Entry by warrant where entry denied) of the Act, and
 - (d) Part 1 of Form 4 is the form for an application for a crime scene warrant issued under Part 7 of the Act, and
 - (e) Part 1 of Form 5 is the form for an application for a warrant issued under Division 2 (Use of drug detection dogs) of Part 11 of the Act, and
 - (f) Part 1 of Form 6 is the form for an application for a notice to produce documents issued under Division 3 of Part 5 of the Act.
 - (2) An application for a warrant issued under section 103 (Warrant for arrest of person unlawfully at large) of the Act is to be made in the form of Part 1 of Form 7.
 - (3) An application for a detention warrant issued under Part 9 of the Act is to be made in the form of Part 1 of Form 8.
- 5 Determination of application for warrant or notice to produce—record by authorised officer**
- A record is to be made by or on behalf of an authorised officer, in relation to each application for a warrant dealt with by the officer, in the following form:
- (a) in the case of an application for a Part 5 search warrant—Part 2 of Form 1,
 - (b) in the case of an application for a search warrant other than a Part 5 search warrant—Part 2 of Form 2,
 - (c) in the case of an application for a warrant issued under section 83 (Entry by warrant where entry denied) of the Act—Part 2 of Form 3,
 - (d) in the case of an application for a crime scene warrant issued under Part 7 of the Act—Part 2 of Form 4,

Clause 6 Law Enforcement (Powers and Responsibilities) Regulation 2005

Part 2 Warrants and notices to produce documents

-
- (e) in the case of an application for a warrant issued under Division 2 (Use of drug detection dogs) of Part 11 of the Act—Part 2 of Form 5,
 - (f) in the case of an application for a notice to produce documents issued under Division 3 of Part 5 of the Act—Part 2 of Form 6,
 - (g) in the case of an application for a warrant issued under section 103 (Warrant for arrest of person unlawfully at large) of the Act—Part 2 of Form 7,
 - (h) in the case of an application for a detention warrant issued under Part 9 of the Act—Part 2 of Form 8.

6 Form of warrant or notice to produce (cf Search Warrants Regulation 1999, cl 5, Police Powers (Drug Detection Dogs) Regulation 2002, cl 7, Crimes (Detention after Arrest) Regulation 1998, cl 30 (2))

- (1) For the purposes of section 66 of the Act:
 - (a) Form 9 is the form for a Part 5 search warrant, and
 - (b) Form 10 is the form for a search warrant other than a Part 5 search warrant, and
 - (c) Form 11 is the form for a warrant issued under section 83 (Entry by warrant where entry denied) of the Act, and
 - (d) Form 12 is the form for a crime scene warrant issued under Part 7 of the Act, and
 - (e) Form 13 is the form for a detention warrant issued under Part 9 of the Act, and
 - (f) Form 14 is the form for a warrant issued under Division 2 (Use of drug detection dogs) of Part 11 of the Act, and
 - (g) Form 15 is the form for a notice to produce documents issued under Division 3 of Part 5 of the Act.
- (2) A warrant under section 103 (Warrant for arrest of person unlawfully at large) of the Act is to be issued in the form of Form 16.

7 Form of occupier's notice: section 67 (2) (a) (cf Search Warrants Regulation 1999, cl 6)

For the purposes of section 67 (2) (a) of the Act:

- (a) Form 17 is the form for an occupier's notice in relation to a Part 5 search warrant, and
- (b) Form 18 is the form for an occupier's notice in relation to a search warrant other than a Part 5 search warrant, and

Law Enforcement (Powers and Responsibilities) Regulation 2005	Clause 8
Warrants and notices to produce documents	Part 2

- (c) Form 19 is the form for an occupier's notice in relation to a crime scene warrant issued under Part 7 of the Act.

Note. An occupier's notice is not required to be issued in connection with a search warrant issued under section 86 (Police may enter and search for firearms) of the Act.

8 Receipts for things seized (cf Search Warrants Regulation 1999, cl 7)

- (1) A person who seizes a thing while executing a search warrant, or a crime scene warrant issued under Part 7 of the Act, in any premises must provide the occupier of the premises with a receipt acknowledging seizure of the thing if the occupier is then present and it is reasonably practicable to do so.
- (2) A person who seizes a dangerous article under section 85 or 87 of the Act while executing a warrant issued under section 83 of the Act in any premises must provide the occupier of the premises with a receipt acknowledging seizure of the thing if the occupier is then present and it is reasonably practicable to do so.
- (3) A copy of a receipt issued under this clause, in relation to a thing seized while executing a warrant, is to be attached to the report about the execution of the warrant that is referred to in clause 9 (1).

9 Form of report to authorised officer on execution of a warrant or giving of notice to produce: section 74 (cf Search Warrants Regulation 1999, cl 8, Police Powers (Drug Detection Dogs) Regulation 2002, cl 10)

- (1) A report to an authorised officer under section 74 of the Act about the execution of a warrant must be in or to the effect of Form 20 and must contain the particulars required to complete that Form.
- (2) A report to an authorised officer under section 74 of the Act about the giving of a notice to produce must be in or to the effect of Form 20 and must contain the particulars required to complete that Form.

10 Keeping and inspection of records (cf Search Warrants Regulation 1999, cl 9, Crimes (Detention after Arrest) Regulation 1998, cl 31)

- (1) The following documents must be kept in relation to each warrant to which this subclause applies that is issued:
 - (a) any written application for the warrant,
 - (b) any record relating to the warrant made by or on behalf of an authorised officer,
 - (c) a copy of any occupier's notice,
 - (d) any report on the execution of the warrant (including a copy of any receipt provided to the occupier under clause 8).

Clause 10 Law Enforcement (Powers and Responsibilities) Regulation 2005
Part 2 Warrants and notices to produce documents

- (2) Subclause (1) applies to the following warrants:
- (a) a search warrant,
 - (b) a warrant under section 83 (Entry by warrant where entry denied) of the Act,
 - (c) a crime scene warrant under Part 7 of the Act,
 - (d) a warrant under section 103 (Warrant for arrest of person unlawfully at large) of the Act,
 - (e) a detention warrant under Part 9 of the Act,
 - (f) a warrant under Division 2 (Use of drug detection dogs) of Part 11 of the Act.
- (3) The following documents must be kept in relation to each notice to produce documents issued under Division 3 of Part 5 of the Act:
- (a) any application for the notice,
 - (b) any record relating to the notice made by or on behalf of the authorised officer,
 - (c) any report on the execution of the notice,
 - (d) any record of an application made for an order to access documents under section 56 of the Act,
 - (e) any order made under section 56 of the Act.
- (4) The documents must be kept for at least 6 years from the date on which the warrant or notice was issued:
- (a) at the Local Court specified in the occupier's notice, or
 - (b) if no occupier's notice is issued, at the Local Court at which the warrant or notice was issued or that is nearest to the place at which it was issued.
- (5) The documents may be destroyed after the period referred to in subclause (3) has expired.
- (6) During the hours that the Local Court is open to the public, the documents may be inspected:
- (a) in the case of any warrant other than a warrant referred to in paragraph (b) or (c)—by the occupier of the premises to which the warrant relates or by any other person on behalf of the occupier, or
 - (b) in the case of a detention warrant issued under Part 9 of the Act—by the detained person to whom the warrant relates or by any other person on behalf of that person, or

Law Enforcement (Powers and Responsibilities) Regulation 2005	Clause 11
Warrants and notices to produce documents	Part 2

- (c) in the case of a warrant issued under Division 2 (Use of drug detection dogs) of Part 11 of the Act—by any member of the public, or
- (d) in the case of a notice to produce documents issued under Division 3 of Part 5 of the Act—by a person who is an officer, or other person, acting on behalf of the authorised deposit-taking institution to which the notice to produce relates.

11 Certified records not available for inspection (cf Search Warrants Regulation 1999, cl 10)

- (1) An authorised officer may at any time issue a certificate to the effect that the officer is satisfied that:
 - (a) a document or part of a document referred to in clause 10 contains matter:
 - (i) that could disclose a person’s identity, and
 - (ii) that, if disclosed, is likely to jeopardise that or any other person’s safety, or
 - (b) a document or part of a document referred to in clause 10 contains matter that, if disclosed, may seriously compromise the investigation of any matter.
- (2) The document or part of the document to which the certificate relates is not to be made available for inspection under clause 10 (5).
- (3) The certificate is to be kept with the document to which it relates.
- (4) An authorised officer (whether or not the one that issued the certificate) may revoke the certificate if satisfied (after consideration of submissions from any interested party) that disclosure of the matter to which it relates is no longer likely to jeopardise any person’s safety or seriously compromise the investigation of any matter.

Clause 12	Law Enforcement (Powers and Responsibilities) Regulation 2005
Part 3	Investigations and questioning

Part 3 Investigations and questioning

Division 1 Custody managers

12 Designation of police stations and other places to be used for detaining persons (cf Crimes (Detention after Arrest) Regulation 1998, cl 7)

- (1) The Commissioner of Police is to designate police stations, and other places in the State, for the purpose of detaining persons under Part 9 of the Act.
- (2) A police station or other place is not to be designated unless it appears to the Commissioner to provide, or have access to, sufficient facilities for that purpose.
- (3) Police stations and other places of detention designated under this clause are referred to in this Division as *designated police stations* and *designated places of detention*, respectively.

Note. Section 31 of the *Police Act 1990* enables the Commissioner of Police to delegate any function conferred on the Commissioner, including the functions set out in this and the next clause.

13 Appointment of custody managers for designated police stations and designated places of detention (cf Crimes (Detention after Arrest) Regulation 1998, cl 8)

The Commissioner of Police is to appoint one or more police officers (*appointed custody managers*) to act as custody managers at each designated police station and each designated place of detention.

14 Order of preference in relation to places of detention (cf Crimes (Detention after Arrest) Regulation 1998, cl 11)

- (1) A police station or place of detention to which a person is taken to be detained under Part 9 of the Act must be a designated police station, or designated place of detention, at which there is an appointed custody manager who is available to act as the custody manager for the person.
- (2) If it is not reasonably practicable to comply with subclause (1), the person may be detained at a designated police station, or designated place of detention, at which there is a police officer who (while not an appointed custody manager) is available to act as the custody manager for the person.
- (3) If it is not reasonably practicable to comply with subclause (1) or (2), the person may be detained at any police station or place of detention at which there is a police officer who is available to act as the custody manager for the person.
- (4) If it is not reasonably practicable to comply with subclause (1), (2) or (3), the person may be detained at any place of detention.

Law Enforcement (Powers and Responsibilities) Regulation 2005	Clause 15
Investigations and questioning	Part 3

- (5) This clause does not apply if the person is detained by a police officer in the officer's capacity as a member of the staff of the New South Wales Crime Commission or a member of the staff of the Australian Crime Commission, as referred to in clause 16.

15 Order of preference in relation to custody managers (cf Crimes (Detention after Arrest) Regulation 1998, cl 8, 9 and 10)

- (1) Except as provided by subclause (2), if a person is detained under Part 9 of the Act at a designated police station or designated place of detention, only an appointed custody manager may act as the custody manager for the person.
- (2) If an appointed custody manager is not available to act as the custody manager for the person under subclause (1) or the person is taken to a police station that is not a designated police station, the following police officers may act as the custody manager for the person:
- (a) any police officer of or above the rank of Sergeant (or the officer for the time being in charge of the police station or designated place of detention (as the case may be)),
 - (b) if no such police officer is available to act as the custody manager for the person—any other police officer.
- (3) The arresting or investigating officer for the person is not to act as the custody manager for the person under subclause (2) unless:
- (a) no other police officer is available to act as the custody manager for the person, and
 - (b) a police officer holding the position of duty officer at a designated police station has given written permission to the arresting or investigating officer to act as the custody manager for the person.
- (4) Written permission for the purposes of subclause (3) may be obtained by facsimile.
- (5) This clause does not apply if the person is detained by a police officer in the officer's capacity as a member of the staff of the New South Wales Crime Commission or a member of the staff of the Australian Crime Commission, as referred to in clause 16.

16 Custody managers for New South Wales Crime Commission or Australian Crime Commission investigations (cf Crimes (Detention after Arrest) Regulation 1998, cl 12)

- (1) A police officer who is a member of the staff of the Commission or a member of the staff of the ACC may act as the custody manager for a detained person who is the subject of an investigation conducted by the Commission or the ACC respectively.

Clause 17	Law Enforcement (Powers and Responsibilities) Regulation 2005
Part 3	Investigations and questioning

-
- (2) The arresting or investigating officer for the person is not to act as the custody manager for the person unless:
- no other police officer who is a member of the staff of the Commission or a member of the staff of the ACC is available to act as the custody manager for the person, and
 - written permission has been obtained in accordance with subclause (3).
- (3) For the purposes of subclause (2), the written permission must be obtained from:
- in the case of Commission investigations—a person holding the position of Commissioner, Director, or Assistant Director, Investigations, of the Commission, or
 - in the case of ACC investigations—a person holding the position of General Manager, National Operations, of the ACC.
- (4) Written permission for the purposes of subclause (2) may be obtained by facsimile.
- (5) In this clause:
- ACC* means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* of the Commonwealth.
- a member of the staff of the ACC* has the same meaning as it has in the *Australian Crime Commission Act 2002* of the Commonwealth.
- a member of the staff of the Commission* has the same meaning as it has in the *New South Wales Crime Commission Act 1985*.
- Commission* means the New South Wales Crime Commission established under the *New South Wales Crime Commission Act 1985*.

17 Custody managers not prevented from exercising other functions (cf Crimes (Detention after Arrest) Regulation 1998, cl 13)

The provisions of this Division are not to be construed so as to prevent a police officer who is acting as the custody manager for a detained person from also exercising:

- any function in connection with the identification of the person, or
- any function under the provisions of Part 2 of the *Road Transport (Safety and Traffic Management) Act 1999* in relation to the person (such as carrying out a breath analysis of the person).

Law Enforcement (Powers and Responsibilities) Regulation 2005	Clause 18
Investigations and questioning	Part 3

18 Guidelines for custody managers and other police officers (cf Crimes (Detention after Arrest) Regulation 1998, cl 14)

Custody managers and all other police officers must have regard to the guidelines set out in Schedule 2 in the exercise of their functions under Part 9 of the Act and this Part.

Division 2 Custody records

19 Meaning of “custody record”

In this Division:

custody record means the record required to be kept under section 131 of the Act.

20 Separate record for each detained person (cf Crimes (Detention after Arrest) Regulation 1998, cl 15)

- (1) A separate custody record must be opened, as soon as practicable, for each person who is detained under Part 9 of the Act.
- (2) A custody record may be in writing or in electronic form.
- (3) All entries in a custody record must include the time at which the entry is made.
- (4) The time of an event to which an entry in the custody record relates must also be included if the entry is not made within a reasonable time of the occurrence of the event.

21 Additional matters to be recorded in custody record (cf Crimes (Detention after Arrest) Regulation 1998, cl 17)

- (1) In addition to the matters specified in section 131 of the Act, the custody manager must record the following particulars in the custody record for a detained person:
 - (a) in the case of a person who has been arrested during the previous 48 hours:
 - (i) the offence or offences for which the person was arrested during that previous 48 hours, and
 - (ii) the investigation period that remains after reduction by so much of any earlier investigation period or periods as occurred within that previous 48 hours,
 - (b) if an application is made for a detention warrant, and the person declines to make representations (either personally, or by his or her legal representative) to the authorised officer, the fact that the person so declined,

Clause 22 Law Enforcement (Powers and Responsibilities) Regulation 2005

Part 3 Investigations and questioning

-
- (c) if a detention warrant is issued, a copy of the warrant or form of detention warrant, as the case may be,
 - (d) the time of any request to make a communication, and the time of any communication, under section 123 or 124 of the Act,
 - (e) the time of any request for information, or provision of information, pursuant to section 126 or 127 of the Act, together with the nature of such information,
 - (f) any request by the person, and any arrangement by a police officer (including under section 128 of the Act) for an interpreter, and the time that any such request or arrangement is made,
 - (g) any request by the person, and any arrangement by a police officer (including under section 129 of the Act) for medical treatment or medication, and the time at which the request or arrangement is made,
 - (h) any request by the person for refreshments, toilet facilities, washing, showering or bathing facilities,
 - (i) if the person's clothing or personal effects are withheld, the reasons for withholding those items.
- (2) The custody manager must request the person to sign an acknowledgment as to the correctness of any entry made in the custody record in relation to the matters referred to in section 131 (2) (d) of the Act and subclause (1) (b).

22 Inspection of custody record (cf Crimes (Detention after Arrest) Regulation 1998, cl 16 and 19)

- (1) A detained person must be permitted to inspect the custody record for the person on request unless the request is unreasonable or cannot reasonably be complied with.
- (2) While the detained person is in police custody, a legal representative of the detained person, a support person for the detained person and a consular official must each be permitted to inspect the custody record for the detained person as soon as practicable after the legal representative, support person or consular official arrives at the place of detention.
- (3) After the detained person has been released from police custody, the legal representative, support person and consular official must each be permitted to inspect the custody record if they give reasonable notice of their request to do so.
- (4) Despite subclauses (2) and (3), a support person or consular official may inspect the custody record only with the authorisation of the detained person.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Clause 23

Investigations and questioning

Part 3

Division 3 Vulnerable persons

23 Interpretation

(1) In this Division:

child means a person who is under the age of 18 years.

impaired intellectual functioning, in relation to a person, means:

- (a) a total or partial loss of the person's mental functions, or
- (b) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction, or
- (c) a disorder, illness or disease that affects the person's thought processes, perceptions of reality, emotions or judgement, or that results in disturbed behaviour.

Note. See clause 3 of Schedule 2 for guidance to custody managers on whether paragraph (a) or (b) applies to a person.

impaired physical functioning, in relation to a person, means:

- (a) a total or partial loss of the person's bodily functions or of part of a person's body, or
- (b) a presence in the person's body of organisms causing or capable of causing disease or illness, or
- (c) a malfunction, malformation or disfigurement of part of the person's body.

(2) For the purposes of this Division, a detained person who has impaired physical functioning is taken not to have impaired physical functioning if the custody manager for the person reasonably believes that the person's impairment is so minor that the person will not be significantly disadvantaged with respect to the person's participation in any investigative procedure (in comparison with members of the community generally).

24 Vulnerable persons (cf Crimes (Detention after Arrest) Regulation 1998, cl 5)

(1) A reference in this Division to a vulnerable person is a reference to a person who falls within one or more of the following categories:

- (a) children,
- (b) persons who have impaired intellectual functioning,
- (c) persons who have impaired physical functioning,
- (d) persons who are Aboriginal persons or Torres Strait Islanders,

Clause 25	Law Enforcement (Powers and Responsibilities) Regulation 2005
Part 3	Investigations and questioning

(e) persons who are of non-English speaking background, but does not include a person whom the custody manager reasonably believes is not a person falling within any of those categories.

Note. If a person falls within more than one of the above categories, each provision of this Division relating to any category within which the person falls applies in relation to the person.

(2) Pursuant to section 112 (1) of the Act, the application of Part 9 of the Act to vulnerable persons is modified by this Division.

25 Custody manager to assist vulnerable person (cf Crimes (Detention after Arrest) Regulation 1998, cl 20)

The custody manager for a detained person who is a vulnerable person must, as far as practicable, assist the person in exercising the person's rights under Part 9 of the Act, including any right to make a telephone call to a legal practitioner, support person or other person.

26 Support person (cf Crimes (Detention after Arrest) Regulation 1998, cl 4)

A person may be a support person for a detained person who is a vulnerable person for the purposes of this Division only if the first-mentioned person is aged 18 years or over and is:

- (a) in the case of a detained person who is a child:
 - (i) a parent or guardian, or a person who has the lawful custody of the child, but not a parent of the child if the parent has neither guardianship nor custody of the child, or
 - (ii) a person who is responsible for the care of the child, or
 - (iii) an adult (other than a police officer) who has the consent of a person referred to in subparagraph (i) or (ii) to be the support person for the child, or
 - (iv) if the child is aged 16 years or over—an adult (other than a police officer) who has the consent of the child to be the support person for the child, or
 - (v) a legal practitioner of the child's own choosing, or
- (b) in the case of a detained person who is not a child:
 - (i) a guardian or any other person who is responsible for the care of the detained person, or
 - (ii) a relative, friend or any other person (other than a police officer) who has the consent of the detained person to be the support person for the detained person, or
 - (iii) if none of the persons mentioned in subparagraph (i) or (ii) is applicable or readily available—a person (other than a police officer) who has expertise in dealing with

Law Enforcement (Powers and Responsibilities) Regulation 2005

Clause 27

Investigations and questioning

Part 3

vulnerable persons of the category, or a category, to which the detained person belongs.

27 Support person may be present during investigative procedure (cf Crimes (Detention after Arrest) Regulation 1998, cl 21)

- (1) A detained person who is a vulnerable person is entitled to have a support person present during any investigative procedure in which the detained person is to participate.
- (2) However, a detained person who is a vulnerable person solely as a result of being a person of non-English speaking background is entitled to have a support person present only if an interpreter is not required to be arranged under section 128 (1) of the Act solely because of section 128 (3) (a) of the Act.
- (3) Before any such investigative procedure starts, the custody manager for the detained person must inform the person that the person is entitled to the presence of a support person during the investigative procedure.
- (4) If the detained person wishes to have a support person present, the custody manager must, as soon as practicable:
 - (a) give the detained person reasonable facilities to enable the person to arrange for a support person to be present, and
 - (b) allow the detained person to do so in circumstances in which, so far as practicable, the communication will not be overheard.
- (5) The custody manager must defer for a reasonable period any such investigative procedure until a support person is present unless the detained person has expressly waived his or her right to have a support person present.
- (6) An investigative procedure is not required to be deferred under subclause (5) for more than 2 hours to allow a support person to arrive at the place of detention.
- (7) A custody manager is not required to comply with subclauses (3)–(5) if the custody manager believes on reasonable grounds that:
 - (a) doing so is likely to result in an accomplice of the detained person avoiding arrest, or
 - (b) doing so is likely to result in the concealment, fabrication, destruction or loss of evidence or the intimidation of a witness, or
 - (c) doing so is likely to result in hindering the recovery of any person or property concerned in the offence under investigation, or
 - (d) doing so is likely to result in bodily injury being caused to any other person, or

Clause 28	Law Enforcement (Powers and Responsibilities) Regulation 2005
Part 3	Investigations and questioning

- (e) the safety of other persons requires that the investigative procedure be carried out as a matter of urgency.

28 Relationship between entitlement to support persons and entitlement to consult (cf Crimes (Detention after Arrest) Regulation 1998, cl 22)

- (1) A detained person who is a vulnerable person is entitled to a support person under clause 27 or to consult with a friend, relative, guardian or independent person under section 123 (4) of the Act, but not both.
- (2) However, a friend, relative, guardian or independent person of the detained person who, under section 123 (1) (a) (ii) of the Act, attends the place of detention is not prevented by this clause from acting as a support person if the detained person requests it.

29 Child cannot waive entitlement to support person (cf Crimes (Detention after Arrest) Regulation 1998, cl 23)

A detained person who is a child cannot waive the child's entitlement under this Division to have a support person present during an investigative procedure.

30 Role of support persons during interview (cf Crimes (Detention after Arrest) Regulation 1998, cl 26)

- (1) The custody manager for a detained person who is a vulnerable person is to inform any support person for the detained person that the support person is not restricted to acting merely as an observer during an interview of the detained person and may, among other things:
 - (a) assist and support the detained person, and
 - (b) observe whether or not the interview is being conducted properly and fairly, and
 - (c) identify communication problems with the detained person.
- (2) The custody manager is to give a copy of the summary referred to in section 122 (1) (b) of the Act, to:
 - (a) the support person, and
 - (b) any interpreter for the detained person who attends in person at the place of detention.
- (3) If the support person or the detained person's legal representative is present during an interview of the detained person, the support person or legal representative is to be given an opportunity to read and sign any written interview record.
- (4) Any refusal by the support person or legal practitioner to sign a written interview record when given the opportunity to do so must itself be recorded.

Law Enforcement (Powers and Responsibilities) Regulation 2005	Clause 31
Investigations and questioning	Part 3

-
- 31 Exclusion of support person from investigative procedure** (cf Crimes (Detention after Arrest) Regulation 1998, cl 22)
- (1) A support person may be excluded from an investigative procedure if the support person unreasonably interferes with the procedure.
 - (2) If the support person is excluded under subclause (1), the detained person concerned is entitled to have another support person present during the investigative procedure.
- 32 Person responsible for welfare of certain detained persons to be contacted** (cf Crimes (Detention after Arrest) Regulation 1998, cl 27)
- (1) If a detained person is a child or a person with impaired intellectual or physical functioning, the custody manager for the person must, as soon as practicable, attempt:
 - (a) to ascertain the identity of the person responsible for the welfare of the detained person, and
 - (b) to contact the person so responsible and advise the person of the detained person's whereabouts and the grounds for the detention.
 - (2) If a detained person has impaired physical functioning, the custody manager must, as soon as practicable, attempt to determine any specific physical care needs of the person and, if reasonably practicable to do so, arrange for those needs to be provided for.
- 33 Legal assistance for Aboriginal persons or Torres Strait Islanders** (cf Crimes (Detention after Arrest) Regulation 1998, cl 28)
- If a detained person is an Aboriginal person or Torres Strait Islander, then, unless the custody manager for the person is aware that the person has arranged for a legal practitioner to be present during questioning of the person, the custody manager must:
- (a) immediately inform the person that a representative of an organisation that provides legal assistance to Aboriginal persons and Torres Strait Islanders will be notified:
 - (i) that the person is being detained in respect of an offence, and
 - (ii) of the place at which the person is being detained, and
 - (b) notify such a representative accordingly.
- 34 Cautions** (cf Crimes (Detention after Arrest) Regulation 1998, cl 29)
- (1) If a detained person who is a vulnerable person is given a caution, the custody manager or other person giving the caution must take appropriate steps to ensure that the detained person understands the caution.

Clause 35 Law Enforcement (Powers and Responsibilities) Regulation 2005
Part 3 Investigations and questioning

- (2) If the detained person is given a caution in the absence of a support person, the caution must be given again in the presence of a support person, if one attends during the person's detention.
- (3) A reference in this clause to the giving of a caution is a reference to the giving of a caution that the person does not have to say or do anything but that anything the person does say or do may be used in evidence.

35 Times to be disregarded in calculating investigation period (cf Crimes (Detention after Arrest) Regulation 1998, cl 24)

- (1) In addition to any time referred to in section 117 of the Act, the following times are to be disregarded in determining how much of an investigation period has elapsed if the detained person concerned is a vulnerable person:
 - (a) any time that is required to allow for the person (or someone else on the person's behalf) to arrange for a support person to attend at the place of detention,
 - (b) any time that is required to allow the support person to arrive at the place of detention.
- (2) However, those times are to be disregarded only to the extent that they are times during which the investigative procedure concerned is reasonably suspended or deferred.

36 Additional information to be included in detention warrant application (cf Crimes (Detention after Arrest) Regulation 1998, cl 25)

If an application for a detention warrant is made in respect of a vulnerable person, the application for the warrant must include reference to the fact that the person is believed to be a vulnerable person, the nature of the person's vulnerability, the identity and relationship to the person of any support person who is present during the investigative procedure concerned, and any particular precautions that have been taken in respect of the vulnerable person.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Clause 37

Miscellaneous

Part 4

Part 4 Miscellaneous

37 When crime scene is established

For the purposes of section 92 (3) of the Act, a crime scene is established on premises when a police officer declares that a crime scene is established on the premises.

38 Use of drug detection dogs in authorised places—prescribed train routes (cf Police Powers (Drug Detection Dogs) Regulation 2002, cl 3)

- (1) For the purposes of section 148 (1) (c) of the Act, the following public passenger vehicle routes are prescribed:
 - (a) the Bankstown route, being the train line that is:
 - (i) between Liverpool station and Sydney Central station, and
 - (ii) via Bankstown station,
 - (b) the Inner West route, being the train line that is:
 - (i) between Liverpool station and Sydney Central station, and
 - (ii) via Regents Park station,
 - (c) the Eastern Suburbs route, being the train line that is between Bondi Junction station and Sydney Central station,
 - (d) the Illawarra route, being the train line that is between Bomaderry station and Sydney Central station, and including the train line between Sutherland station and Cronulla station via Kirrawee station, but not including the train line between Lysaghts station and Port Kembla station,
 - (e) the Northern route, being the train line that is:
 - (i) between Newcastle station and Sydney Central station, and
 - (ii) via Strathfield station,
 - (f) the South route, being the train line that is:
 - (i) between Campbelltown station and Sydney Central station, and
 - (ii) via Circular Quay station, and
 - (iii) via Granville station,
 - (g) the Western route, being the train line that is:
 - (i) between Penrith station and Sydney Central station, and
 - (ii) via Strathfield station,and including the Olympic Park loop,

Clause 39 Law Enforcement (Powers and Responsibilities) Regulation 2005

Part 4 Miscellaneous

- (h) the North Shore route, being the train line that is:
 - (i) between Berowra station and Sydney Central station, and
 - (ii) via Chatswood station.
- (2) A route prescribed by this clause includes a train travelling on any part of the train line described in respect of the route, irrespective of whether:
 - (a) the train stops at a station on the train line, or
 - (b) the train has travelled or will travel on any other train line.
- (3) A route prescribed by this clause includes the route of any bus being used to convey persons between train stations on the prescribed route because trains are not running between those stations, and any stopping place of such a bus.

39 Use of drug detection dogs in authorised places—prescribed bus routes (cf Police Powers (Drug Detection Dogs) Regulation 2002, cl 4)

For the purposes of section 148 (1) (c) of the Act, the following public passenger vehicle routes are prescribed:

- (a) the Albury route, being the bus route that is:
 - (i) between Albury and Sydney, and
 - (ii) via Goulburn and the Hume Highway,
- (b) the Grafton route, being the bus route that is:
 - (i) between Grafton and Sydney, and
 - (ii) via Kempsey and the Pacific Highway.

40 Failure to comply with direction—penalty notice offence and penalty

For the purposes of section 235 of the Act, the offence created by section 199 (1) of the Act:

- (a) is an offence for which a penalty notice may be served, and
- (b) the penalty prescribed for the offence is \$220.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

Schedule 1 Forms

(Clause 3 (2))

Form 1 Application for Part 5 search warrant/record of application

(Clauses 4 (1) (a) and 5 (a))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Note. This Form is to be used for search warrants in relation to indictable, firearms, prohibited weapons, narcotics, child pornography or child prostitution offences or stolen goods. Form 2 should be used for other search warrants.

Part 1 Application

On [Date], I, [Name and rank] of [Place of work], apply for a search warrant to enter and search the premises known as [Address] in the State of New South Wales, being a [Description of premises (eg dwelling house)].

I swear/solemnly, sincerely and truly declare and affirm* that:

- 1 I have reasonable grounds for believing that:
 - (a)* there is, or within 72 hours will be, in or on the premises, the following things: [List items to be searched for. If exact location of items is known, include that information.]
 - (b)* the things are connected with the following indictable offence/firearms offence/prohibited weapons offence/narcotics offence/child pornography offence, within the meaning of section 47 of the *Law Enforcement (Powers and Responsibilities) Act 2002*: [Insert description of offence(s).]
 - (c)* the things were stolen or otherwise unlawfully obtained
 - (d)* a child prostitution offence, within the meaning of section 47 of the *Law Enforcement (Powers and Responsibilities) Act 2002* has recently been committed, is being committed or, within 72 hours will be committed, on or with respect to the premises.

- 2 I rely on the following grounds in support of this application: [Insert the reasonable grounds on which the application for the search warrant is based. If space is insufficient, continue overleaf or attach a separate sheet.]

[3 and 4 are to be completed if a previous application for the warrant has been made and refused. Attach a copy of the previous application to this Form.]

- 3 The following are details of the refusal of a previous application:

- 4 [Need not be completed if the previous application was made to an authorised officer who was not a Magistrate and this application is made to a Magistrate.]
The additional information that I consider justifies the making of this further application is:

Sworn/declared and affirmed* before me on [Date] at [Place] in the State of New South Wales.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Applicant [*Print name and insert signature.*]

Justice of the Peace [*Print name and insert signature.*]

[*This application may be sworn before the authorised officer to whom the application is made for the issue of the warrant. Any alterations, deletions or annexures should be initialled or signed by the applicant and witnessed by the justice of the peace.*]

[* *Delete if inapplicable.*]

Warning

It is an offence under section 63 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to give information in this application knowing it is false or misleading in a material particular. The maximum penalty is a fine of \$11,000 or 2 years imprisonment (or both).

Note. In the case of an application by telephone (but not by facsimile), this Form of application should be completed by the authorised officer for record purposes as if it were made in person by the applicant but not verified on oath or affirmation or by affidavit.

Part 2 Authorised officer's record of application for a search warrant

On [Date] at [Time], I, the undersigned authorised officer, received this application for a search warrant.

1* [*To be completed if the application was not made in person.*]
The application was made by [*Specify how the application was made (eg facsimile, telephone)*] and I was/was not* satisfied that the warrant was required urgently and it was/was not* practicable for the application to be made in person.

2* [*To be completed if the authorised officer required the applicant to provide further information concerning the grounds on which the warrant was sought.*]
*Further information provided by the applicant, as required by me, is attached.
*Particulars of further information orally provided by the applicant, as required by me, are as follows: [*Specify particulars.*]

3 On considering the application I found/did not find* that there were reasonable grounds for issuing the warrant.

[*If the warrant is issued—continue.*]

4 The relevant particulars of the grounds on which I relied to justify the issue of the warrant are as follows: [*Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.*]

5 [*To be completed if the warrant may be executed by night.*]
The grounds on which I relied to justify the execution of the warrant by night are as follows:

- (a)* execution of the warrant by day is unlikely to be successful,
- (b)* there is likely to be less risk to the safety of any person if it is executed by night,
- (c)* an occupier is likely to be on the premises only at night to allow entry without the use of force,
- (d)* [*Other grounds*].

6 The search warrant was issued at [Time] on [Date].

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

Authorised officer [*Print name and insert signature.*]

[* *Delete if inapplicable.*]

Note. Return this Form, together with a copy of the warrant and a copy of the occupier's notice, to the Local Court named in the occupier's notice.

Form 2 Application for search warrant (other than Part 5 search warrant)/record of application

(Clauses 4 (1) (b) and 5 (b))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Note. Form 1, rather than this Form, is to be used for search warrants in relation to indictable, firearms, prohibited weapons, narcotics, child pornography or child prostitution offences or stolen goods.

Part 1 Application

On [*Date*], I, [*Name*], apply for a search warrant to enter the premises known as [*Address*] in the State of New South Wales, being a [*Description of premises (eg dwelling house)*].

I swear/solemnly, sincerely and truly declare and affirm* that:

- 1* I am a police officer of the rank of [*Rank*] stationed at [*Place of work*].
- 2 I am authorised to apply for a search warrant under [*Insert section and name of the Act under which search warrant is sought.*]
- 3 I have reasonable grounds for believing the following matters that justify this application for the issue of a search warrant: [*Include all those matters that justify the issue of a search warrant to enter the named premises. If an offence or breach of an Act or regulation is alleged, specify the particular offence. If the experience of the applicant or source of the information is relevant, then include this in the grounds. If space is insufficient, continue overleaf or attach a separate sheet.*]
- 4 I seek to be able to perform the following specific functions on entry: [*Include the powers that the applicant seeks to exercise on entry. If any items are to be seized, they should be specified. If the exact location of these items is known, include that information. General powers that are given under the Act authorising the issue of the search warrant should be included if relevant.*]

[*5 and 6 are to be completed if a previous application for the warrant has been made and refused. Attach a copy of the previous application to this Form.*]

- 5 The following are details of the refusal of a previous application:
- 6 [*Need not be completed if the previous application was made to an authorised officer who was not a Magistrate and this application is made to a Magistrate.*]
The additional information that I consider justifies the making of this further application is:

Sworn/declared and affirmed* before me on [*Date*] at [*Place*] in the State of New South Wales.

Applicant [*Print name and insert signature.*]

Justice of the Peace [*Print name and insert signature.*]

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

[This application may be sworn before the authorised officer to whom the application is made for the issue of the warrant. Any alterations, deletions or annexures should be initialled or signed by the applicant and witnessed by the justice of the peace.]

[Delete if inapplicable.]*

Warning

It is an offence under section 63 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to give information in this application knowing it is false or misleading in a material particular. The maximum penalty is a fine of \$11,000 or 2 years imprisonment (or both).

Note. In the case of an application by telephone (but not by facsimile), this Form of application should be completed by the authorised officer for record purposes as if it were made in person by the applicant but not verified on oath or affirmation or by affidavit.

Part 2 Authorised officer's record of application for a search warrant

On *[Date]* at *[Time]*, I, the undersigned authorised officer, received this application for a search warrant.

1 *[To be completed if the application was not made in person.]*
The application was made by *[Specify how application was made (eg facsimile, telephone).]* and I was/was not* satisfied that the warrant was required urgently and it was/was not* practicable for the application to be made in person.

2* *[To be completed if the authorised officer required the applicant to provide further information concerning the grounds on which the warrant was sought.]*
*Further information provided by the applicant, as required by me, is attached.
*Particulars of further information orally provided by the applicant, as required by me, are as follows: *[Specify particulars.]*

3 On considering the application I found/did not find* that there were reasonable grounds for issuing the warrant.

[If the warrant is issued—continue.]

4 The relevant particulars of the grounds on which I relied to justify the issue of the warrant are as follows: *[Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.]*

5 *[To be completed if the warrant may be executed by night.]*
The grounds on which I relied to justify the execution of the warrant by night are as follows:

- (a)* execution of the warrant by day is unlikely to be successful,
- (b)* there is likely to be less risk to the safety of any person if it is executed by night,
- (c)* an occupier is likely to be on the premises only at night to allow entry without the use of force,
- (d)* *[Other grounds].*

6 The search warrant was issued at *[Time]* on *[Date]*.

Authorised officer *[Print name and insert signature.]*

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

Date

[* Delete if inapplicable.]

Note. Return this Form, together with a copy of the warrant and a copy of the occupier's notice, to the Local Court named in the occupier's notice. If no occupier's notice was issued, return this Form and a copy of the warrant to the Local Court at which the warrant was issued or nearest to the place at which it was issued.

Form 3 Application/record of application for warrant relating to suspected domestic violence offence—entry by warrant where entry denied

(Clauses 4 (1) (c) and 5 (c))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Part 1 Application

On [Date], I, [Name and rank] of [Place of work], apply for a warrant to enter the dwelling at [Address] in the State of New South Wales and to investigate whether a domestic violence offence has taken place/to take action to prevent the commission/further commission* of a domestic violence offence.

I swear/solemnly, sincerely and truly declare and affirm* that:

- 1 I have been denied entry to the dwelling.
- 2 I suspect that:
 - (a) a domestic violence offence is being committed/may have been recently committed/is imminent/is likely to be committed in the dwelling*, and
 - (b) it is necessary for a police officer to enter the dwelling immediately in order to:
 - (i) *investigate whether a domestic violence offence has been committed, or
 - (ii) *to take action to prevent the commission/further commission* of a domestic violence offence.
- 3 I rely on the following grounds in support of this application: *[Include all those matters that justify the issue of a warrant, such as the particular domestic violence offence concerned (if known), observations of police attending the premises, any information from the suspected offender or suspected victim, any information from third parties (eg neighbours) and details of the denial of entry to the dwelling (including anything said or done). If space is insufficient, continue overleaf or attach a separate sheet.]*

[4 and 5 are to be completed if a previous application for the warrant has been made and refused. Attach a copy of the previous application to this Form.]

- 4 The following are details of the refusal of a previous application:
- 5 *[Need not be completed if the previous application was made to an authorised officer who was not a Magistrate and this application is made to a Magistrate.]*
The additional information that I consider justifies the making of this further application is:

Sworn/declared and affirmed* before me on [Date] at [Place] in the State of New South Wales.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Applicant [*Print name and insert signature.*]

Justice of the Peace [*Print name and insert signature.*]

[*This application may be sworn before the authorised officer to whom the application is made for the issue of the warrant. Any alterations, deletions or annexures should be initialled or signed by the applicant and witnessed by the justice of the peace.*]

[* *Delete if inapplicable.*]

Warning

It is an offence under section 63 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to give information in this application knowing it is false or misleading in a material particular. The maximum penalty is a fine of \$11,000 or 2 years imprisonment (or both).

Note. In the case of an application by telephone (but not by facsimile), this Form of application should be completed by the authorised officer for record purposes as if it were made in person by the applicant but not verified on oath or affirmation or by affidavit.

Part 2 Authorised officer's record of application for a warrant

On [*Date*] at [*Time*], I, the undersigned authorised officer, received this application for a warrant issued under section 83 of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

- 1 [*To be completed if the application was not made in person.*]
The application was made by [*Specify how the application was made (eg facsimile, telephone).*] and I was/was not* satisfied that the warrant was required urgently and it was/was not* practicable for the application to be made in person.
- 2* [*To be completed if the authorised officer required the applicant to provide further information concerning the grounds on which the warrant was sought.*]
*Further information provided by the applicant, as required by me, is attached.
*Particulars of further information orally provided by the applicant, as required by me, are as follows: [*Specify particulars.*]
- 3 On considering the application I found/did not find* that there were reasonable grounds for the applicant's suspicion.
[*If the warrant is issued—continue.*]
- 4 The relevant particulars of the grounds on which I relied to justify the issue of the warrant are as follows: [*Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.*]
- 5 [*To be completed if the warrant may be executed by night.*]
The grounds on which I relied to justify the execution of the warrant by night are as follows:
 - (a)* execution of the warrant by day is unlikely to be successful,
 - (b)* there is likely to be less risk to the safety of any person if it is executed by night,
 - (c)* an occupier is likely to be on the premises only at night to allow entry without the use of force,
 - (d)* [*Other grounds*].
- 6 The warrant was issued at [*Time*] on [*Date*].

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

 Authorised officer [*Print name and insert signature.*]

Date

[* *Delete if inapplicable.*]

Note. Return this Form, together with a copy of the warrant, to the Local Court at which the warrant was issued or nearest to the place at which it was issued.

Form 4 Application for crime scene warrant/record of application

(Clauses 4 (1) (d) and 5 (d))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Part 1 Application

On [*Date*], I, [*Name and rank*] of [*Place of work*], apply for a crime scene warrant to enter the premises known as [*Address*] in the State of New South Wales, being a [*Description of premises (eg dwelling house)*], and to exercise all reasonably necessary crime scene powers at, or in relation to, [*Specify crime scene*].

I swear/solemnly, sincerely and truly declare and affirm* that:

- 1 I have reasonable grounds for suspecting that it is necessary to exercise crime scene powers at the crime scene for the purpose of preserving, or searching for and gathering, evidence of the commission of:
 - (a)* the offence of [*Specify offence.*], which is a serious indictable offence.
 - (b)* the offence of [*Specify offence.*] that is being/was/may have been* committed in connection with a traffic accident that has resulted in the death of/serious injury* to a person.
- 2 I rely on the following grounds in support of this application: [*Insert the reasonable grounds on which the application for the crime scene warrant is based. If space is insufficient, continue overleaf or attach a separate sheet.*]

[*3 and 4 are to be completed if a previous application for the warrant has been made and refused. Attach a copy of the previous application to this Form.*]

3 The following are details of the refusal of a previous application:

- 4 [*Need not be completed if the previous application was made to an authorised officer who was not a Magistrate and this application is made to a Magistrate.*]
The additional information that I consider justifies the making of this further application is:

Sworn/declared and affirmed* before me on [*Date*] at [*Place*] in the State of New South Wales.

Applicant [*Print name and insert signature.*]Justice of the Peace [*Print name and insert signature.*]

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

[This application may be sworn before the authorised officer to whom the application is made for the issue of the warrant. Any alterations, deletions or annexures should be initialled or signed by the applicant and witnessed by the justice of the peace.]

[Delete if inapplicable.]*

Warning

It is an offence under section 63 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to give information in this application knowing it is false or misleading in a material particular. The maximum penalty is a fine of \$11,000 or 2 years imprisonment (or both).

Note. In the case of an application by telephone (but not by facsimile), this Form of application should be completed by the authorised officer for record purposes as if it were made in person by the applicant but not verified on oath or affirmation or by affidavit.

Part 2 Authorised officer's record of application for a crime scene warrant

On *[Date]* at *[Time]*, I, the undersigned authorised officer, received this application for a crime scene warrant.

1 *[To be completed if the application was not made in person.]*
The application was made by *[Specify how the application was made (eg facsimile, telephone).]* and I was/was not* satisfied that the warrant was required urgently and it was/was not* practicable for the application to be made in person.

2* *[To be completed if the authorised officer required the applicant to provide further information concerning the grounds on which the warrant was sought.]*
*Further information provided by the applicant, as required by me, is attached.
*Particulars of further information orally provided by the applicant, as required by me, are as follows: *[Specify particulars.]*

3 On considering the application I found/did not find* that there were reasonable grounds for issuing the warrant.

[If the warrant is issued—continue.]

4 The relevant particulars of the grounds on which I relied to justify the issue of the warrant are as follows: *[Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.]*

5 *[To be completed if the warrant may be executed by night.]*
The grounds on which I relied to justify the execution of the warrant by night are as follows:

- (a)* execution of the warrant by day is unlikely to be successful,
- (b)* there is likely to be less risk to the safety of any person if it is executed by night,
- (c)* an occupier is likely to be on the premises only at night to allow entry without the use of force,
- (d)* *[Other grounds].*

6 The crime scene warrant was issued at *[Time]* on *[Date]*.

Authorised officer *[Print name and insert signature.]*

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

Date

[* *Delete if inapplicable.*]

Note. Return this Form, together with a copy of the warrant and a copy of the occupier's notice, to the Local Court named in the occupier's notice.

Form 5 Application for warrant to use dog to carry out general drug detection/record of application

(Clauses 4 (1) (e) and 5 (e))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Part 1 Application

On [Date], I, [Name and rank] of [Place of work], apply for a warrant to use a dog to carry out general drug detection in a public place in New South Wales, being [Address/description of public place] during the period/periods* of [Describe period/periods.]

I swear/solemnly, sincerely and truly declare and affirm* that:

- 1 I have reasonable grounds for believing that the persons at the public place may include persons committing drug offences.
- 2 I rely on the following grounds in support of this application: *[Insert the reasonable grounds on which the application for the search warrant is based. If an offence or breach of an Act or regulation is alleged, specify the particular offence. If the experience of the applicant or source of the information is relevant, then include this in the grounds. If space is insufficient, continue overleaf or attach a separate sheet.]*
- 3 Any general drug detection to be carried out under the warrant will/will not* be part of a covert police operation. The reason the warrant is to be part of a covert police operation is:

[4 and 5 are to be completed if a previous application for the warrant has been made and refused. Attach a copy of the previous application to this Form.]

4 The following are details of the refusal of a previous application:

- 5 *[Need not be completed if the previous application was made to an authorised officer who was not a Magistrate and this application is made to a Magistrate.]*
The additional information that I consider justifies the making of this further application is:

Sworn/declared and affirmed* before me on [Date] at [Place] in the State of New South Wales.

Applicant *[Print name and insert signature.]*

Justice of the Peace *[Print name and insert signature.]*

[This application may be sworn before the authorised officer to whom the application is made for the issue of the warrant. Any alterations, deletions or annexures should be initialled or signed by the applicant and witnessed by the justice of the peace.]

[* *Delete if inapplicable.*]

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Warning

It is an offence under section 63 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to give information in this application knowing it is false or misleading in a material particular. The maximum penalty is a fine of \$11,000 or 2 years imprisonment (or both).

Note. In the case of an application by telephone (but not by facsimile), this Form of application should be completed by the authorised officer for record purposes as if it were made in person by the applicant but not verified on oath or affirmation or by affidavit.

Part 2 Authorised officer's record of application for a warrant

On [Date] at [Time], I, the undersigned authorised officer, received this application for a warrant under Division 2 of Part 11 of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

- 1 [To be completed if the application was not made in person.]
The application was made by [Specify how the application was made (eg facsimile, telephone).] and I was/was not* satisfied that the warrant was required urgently and it was/was not* practicable for the application to be made in person.
- 2* [To be completed if the authorised officer required the applicant to provide further information concerning the grounds on which the warrant was sought.]
*Further information provided by the applicant, as required by me, is attached.
*Particulars of further information orally provided by the applicant, as required by me, are as follows: [Specify particulars.]
- 3 On considering the application I found/did not find* that there were reasonable grounds for issuing the warrant.
[If the warrant is issued—continue.]
- 4 The relevant particulars of the grounds on which I relied to justify the issue of the warrant are as follows: [Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.]
- 5 [To be completed if the warrant may be executed by night.]
The grounds on which I relied to justify the execution of the warrant by night are as follows:
 - (a) *execution of the warrant by day is unlikely to be successful,
 - (b) *there is likely to be less risk to the safety of any person if it is executed by night,
 - (c) *[Other grounds].
- 6 The warrant was issued at [Time] on [Date].

Authorised officer [Print name and insert signature.]

Note. Return this Form, together with a copy of the warrant, to the Local Court at which the warrant was issued or nearest to the place at which it was issued.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

Form 6 Application for notice to produce documents/record of application

(Clauses 4 (1) (f) and 5 (f))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Part 1 Application

On [Date], I, [Name and rank] of [Place of work], apply for a notice to require documents believed to be held by [Specify name of authorised deposit-taking institution.], an authorised deposit-taking institution, to be produced to me.

I swear/solemnly, sincerely and truly declare and affirm* that:

- 1 I have reasonable grounds for believing that [Specify name of authorised deposit-taking institution.] holds documents that may be connected with the offence of [Specify offence.] committed by someone other than that institution.
 - 2 The documents in relation to which this application is made are: [Describe documents and (if desired) form (eg hardcopy, mail, CD in RTF format, facsimile), together with details of where applicant wishes documents to be produced (eg premises where to be produced, email address, fax number (including person to whom fax to be addressed). The applicant may wish to specify a combination of types of forms in which documents may be produced.]
 - 3 I rely on the following grounds in support of this application: [Insert the reasonable grounds on which the application for the notice to produce documents is based. If space is insufficient, continue overleaf or attach a separate sheet.]
- [4 and 5 are to be completed if a previous application for the notice has been made and refused. Attach a copy of the previous application to this Form.]
- 4 The following are details of the refusal of a previous application:
 - 5 [Need not be completed if the previous application was made to an authorised officer who was not a Magistrate and this application is made to a Magistrate.]
The additional information that I consider justifies the making of this further application is:

Sworn/declared and affirmed* before me on [Date] at [Place] in the State of New South Wales.

Applicant [Print name and insert signature.]

Justice of the Peace [Print name and insert signature.]

[This application may be sworn before the authorised officer to whom the application is made for the issue of the notice. Any alterations, deletions or annexures should be initialled or signed by the applicant and witnessed by the justice of the peace.]

[* Delete if inapplicable.]

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Warning

It is an offence under section 63 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to give information in this application knowing it is false or misleading in a material particular. The maximum penalty is a fine of \$11,000 or 2 years imprisonment (or both).

Note. In the case of an application by telephone (but not by facsimile), this Form of application should be completed by the authorised officer for record purposes as if it were made in person by the applicant but not verified on oath or affirmation or by affidavit.

Part 2 Authorised officer's record of application for a notice to produce documents

On [Date] at [Time], I, the undersigned authorised officer, received this application for a notice to produce documents.

- 1 [To be completed if the application was not made in person.]
The application was made by [Specify how the application was made (eg facsimile, telephone).] and I was/was not* satisfied that the notice was required urgently and it was/was not* practicable for the application to be made in person.
- 2* [To be completed if the authorised officer required the applicant to provide further information concerning the grounds on which the notice was sought.]
*Further information provided by the applicant, as required by me, is attached.
*Particulars of further information orally provided by the applicant, as required by me, are as follows: [Specify particulars.]
- 3 On considering the application I found/did not find* that there were reasonable grounds for issuing the notice.
[If the notice is issued—continue.]
- 4 The relevant particulars of the grounds on which I relied to justify the issue of the notice are as follows: [Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.]
- 5 The notice was issued at [Time] on [Date].

Authorised officer [Print name and insert signature.]

[* Delete if inapplicable.]

Note. Return this Form, together with a copy of the notice to the Local Court at which the notice was issued or nearest to the place at which it was issued.

Form 7 Application for warrant for arrest of person unlawfully at large/record of application

(Clauses 4 (2) and 5 (g))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Part 1 Application

On [Date], I, [Name and rank] of [Place of work], apply for a warrant for the arrest of [Specify name of person.]

I swear/solemnly, sincerely and truly declare and affirm* that:

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

-
- 1 I have reasonable grounds for believing that [Specify name of person.] is unlawfully at large.
 - 2 Other known identifying particulars of [Name of person who is unlawfully at large] are as follows: [Insert particulars, if known, such as date of birth, last known address, management index number (MIN) allocated by the Department of Corrective Services.]
 - 3 I rely on the following grounds in support of this application: [Insert the reasonable grounds on which the application for the warrant is based. If space is insufficient, continue overleaf or attach a separate sheet.]

Sworn/declared and affirmed* before me on [Date] at [Place] in the State of New South Wales.

Applicant [Print name and insert signature.]

Justice of the Peace [Print name and insert signature.]

[This application may be sworn before the authorised officer to whom the application is made for the issue of the warrant. Any alterations, deletions or annexures should be initialled or signed by the applicant and witnessed by the justice of the peace.]

[* Delete if inapplicable.]

Part 2 Authorised officer's record of application for a search warrant

On [Date] at [Time], I, the undersigned authorised officer, received this application for a search warrant.

- 1 On considering the application I found/did not find* that there were reasonable grounds for issuing the warrant.
[If the warrant is issued—continue.]
- 2 The relevant particulars of the grounds on which I relied to justify the issue of the warrant are as follows: [Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.]
- 3 The warrant was issued at [Time] on [Date].

Authorised officer [Print name and insert signature.]

[* Delete if inapplicable.]

Note. Return this Form, together with a copy of the warrant, to the Local Court at which the warrant was issued or that is nearest to the place at which it was issued.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Form 8 Application for detention warrant/record of application

(Clauses 4 (3) and 5 (h))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Part 1 Application

On [Date], I, [Name and rank] of [Place of work], apply for a warrant to extend the maximum investigation period beyond 4 hours in relation to [Name of detained person] of [Address] by [Specify hours and minutes.] (excluding times that are to be taken into account under section 117 of the *Law Enforcement (Powers and Responsibilities) Act 2002*) from [Time] on [Date].

I swear/solemnly, sincerely and truly declare and affirm* that:

- 1 The detained person was arrested (within the meaning of Part 9 of the *Law Enforcement (Powers and Responsibilities) Act 2002*) at [Time] on [Date].
- 2 The nature of the offence under investigation is as follows: [Specify nature of offence.]
- 3 The general nature of the evidence on which the detained person was arrested is as follows: [Specify nature of evidence.]
- 4 The following investigation has taken place to date: [Specify details.]
- 5 Further investigation of the offence is proposed as follows: [Specify details.]
- 6 Details of the times that under section 117 of the *Law Enforcement (Powers and Responsibilities) Act 2002* are not to be taken into account are as follows: [Specify the nature and duration of the times and the reasons why they are not to be taken into account.]
- 7 The detained person has co-operated in the investigation to date as follows: [Specify details and extent to which the person has co-operated.]
- 8 The detained person has/does not have* a legal representative.
- 9 The detained person has/has not* been informed of the right of the detained person, or the detained person's legal representative, to make representations to the authorised officer.
- 10 The detained person, or the detained person's legal representative, has/has not* requested to make representations to the authorised officer.
- 11 I believe that the continued detention of the detained person is reasonably necessary to complete the investigation for the following reasons: [Specify reasons.]
- 12 I believe that there is no reasonable alternative means of completing the investigation otherwise than by the continued detention of the person for the following reasons: [Specify reasons.]
- 13 I believe that the following circumstances make it impracticable for the investigation to be completed within the 4-hour period that would apply if this application is refused: [Specify circumstances.]
- 14* The detained person is a vulnerable person as the detained person is a child/Aboriginal person/Torres Strait Islander/is of non-English speaking background/has impaired intellectual functioning/has impaired physical functioning*.
- 15* [Name] of [Address] is present at the place of detention as a support person for the detained person. The support person is [Specify relationship to detained person.]

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

16* The following precautions have been taken in respect of the detained person because of the detained person's vulnerability: *[Specify precautions.]*

[17 and 18 are to be completed if a previous application for the warrant has been made and refused. Attach a copy of the previous application to this Form.]

17 The following are details of the refusal of a previous application: *[Specify details.]*

18 The additional information that I consider justifies the making of this further application is: *[Specify details.]*

Sworn/declared and affirmed* before me on *[Date]* at *[Place]* in the State of New South Wales.

Applicant *[Print name and insert signature.]*

Justice of the Peace *[Print name and insert signature.]*

[This application may be sworn before the authorised officer to whom the application is made for the issue of the warrant. Any alterations, deletions or annexures should be initialled or signed by the applicant and witnessed by the justice of the peace.]

[Delete if inapplicable.]*

Warning

It is an offence under section 63 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to give information in this application knowing it is false or misleading in a material particular. The maximum penalty is a fine of \$11,000 or 2 years imprisonment (or both).

Note. In the case of an application by telephone (but not by facsimile), this Form of application should be completed by the authorised officer for record purposes as if it were made in person by the applicant but not verified on oath or affirmation or by affidavit.

Part 2 Authorised officer's record of application for a warrant

On *[Date]* at *[Time]*, I, the undersigned authorised officer, received this application for a detention warrant issued under Part 9 of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

1 *[To be completed if the application was not made in person.]*
The application was made by *[Specify how the application was made (eg facsimile, telephone).]* and I was/was not* satisfied that the warrant was required urgently and it was/was not* practicable for the application to be made in person.

2* *[To be completed if the authorised officer required the applicant to provide further information concerning the grounds on which the warrant was sought.]*
*Further information provided by the applicant, as required by me, is attached.
*Particulars of further information orally provided by the applicant, as required by me, are as follows: *[Specify particulars.]*

3* *[To be completed if the detained person, or the detained person's legal representative, made representations to the authorised officer.]*
Particulars of representations made to me by the detained person, or the detained person's legal representative are as follows: *[If space is insufficient, continue overleaf or attach a separate sheet.]*

4 On considering the application I was/was not* satisfied that each of the following criteria were met:

- (a) the investigation is being conducted diligently and without delay,

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

- (b) a further period of detention of the detained person is reasonably necessary to complete the investigation,
- (c) there is no reasonable alternative means of completing the investigation otherwise than by the continued detention of the person,
- (d) circumstances exist in the matter that make it impracticable for the investigation to be completed within the 4-hour period.

[If the warrant is issued—continue.]

- 5 The relevant particulars of the grounds on which I relied to justify the issue of the warrant are as follows: [Either identify or specify the relevant particulars of the grounds in the application that are relied on. If space is insufficient, continue overleaf or attach a separate sheet.]
- 6 The maximum investigation period for the detained person is extended by [Specify hours and minutes.] (excluding times that are not to be taken into account under section 117 of the *Law Enforcement (Powers and Responsibilities) Act 2002*) from [Time] on [Date].
- 7 The warrant was issued at [Time] on [Date].

Authorised officer [Print name and insert signature.]

[* Delete if inapplicable.]

Note. Return this Form, together with a copy of the warrant, to the Local Court at which the warrant was issued or nearest to the place at which it was issued.

Form 9 Part 5 search warrant

(Clause 6 (1) (a))

(Law Enforcement (Powers and Responsibilities) Act 2002)

This search warrant expires at [Time] on [Date] and must not be used after that time.

On [Date], [Name of authorised officer], an authorised officer empowered to grant search warrants under Division 2 of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002*, granted this search warrant authorising [Name and rank] of [Place of work] (the applicant), a police officer, and all other police officers, as follows:

- 1 To enter the premises known as [Address] being a [Description of premises (eg dwelling house)].
- 2* To search those premises for any of the following things: [List and describe the things to be searched for with particularity. If space is insufficient, continue overleaf or attach a separate sheet.]
The police officer has reasonable grounds for believing that those things:
- (a)* are connected with the offence(s) of: [Specify relevant offences.]
 - (b)* are stolen or unlawfully obtained.
- 3* To search those premises in connection with the following child prostitution offence(s): [Specify the offences under the *Crimes Act 1900* in relation to which the search is to be made.]

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

This search warrant may be executed:

- (a)* only by day (ie between 6 am and 9 pm)
- (b)* by day (ie between 6 am and 9 pm) or night (ie between 9 pm and 6 am).

[* *Delete if inapplicable.*]

In executing this search warrant the applicant may exercise the powers provided by the *Law Enforcement (Powers and Responsibilities) Act 2002*. These include the following powers:

- (a) to enter the named premises,
- (b) to search for the things (if any) mentioned in this warrant,
- (c) to use any persons necessary to assist in the execution of the warrant,
- (d) to use such force as is reasonably necessary to enter the premises,
- (e) to break open any receptacle in or on the premises for the purposes of the search of the premises if it is reasonably necessary to do so,
- (f) to search any persons found in or on the premises who are reasonably suspected of having a thing mentioned in this warrant,
- (g) to arrest any persons found in or on the premises whom a police officer suspects on reasonable grounds of having committed an offence,
- (h) to seize, detain, remove from the premises or guard anything mentioned in this warrant and any other thing found by a police officer in the course of executing this warrant that the police officer believes on reasonable grounds is connected with any offence,
- (i) if the warrant is issued in relation to a child prostitution offence—to make in the premises inquiries relating to any such offence.

Signed [*Print name and insert signature.*]

Date

[The authorised officer should sign and date the warrant and initial any corrections. In the case of a telephone search warrant, in circumstances where the warrant is issued but not furnished to the applicant (for example, because facsimile facilities are not available), the applicant is to complete this Form of warrant in the terms dictated by the authorised officer and write on it the name of that authorised officer and the date and time when the warrant was signed.]

Form 10 Search warrant—other than Part 5 search warrant

(Clause 6 (1) (b))

(Law Enforcement (Powers and Responsibilities) Act 2002)

This search warrant expires at [*Time*] on [*Date*] and must not be used after that time.

On [*Date*], [*Name of authorised officer*], an authorised officer empowered to issue search warrants under [*Insert section and name of the Act under which the warrant is issued.*], granted this search warrant authorising [*Name, designation, etc*] of [*Name of employer or place of work*] (the applicant), and [*Add any additional person (eg a police officer) who is required to accompany applicant.*]:

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

-
- 1 to enter the premises known as *[Address]*, being a *[Description of premises (eg dwelling house)]* *[Note any restriction under the enabling Act on the category of places that can be entered.]*, and
 - 2 to *[Specify the type of search or inquiry and the purpose of the search or inquiry to be performed on entry. Functions on entry must be within those authorised by the enabling Act. Specify with particularity anything to be seized. Specify the offence(s), if any, with respect to which search or inquiry is to be made.]*

This search warrant may be executed:

- (a)* only by day (ie between 6 am and 9 pm)
- (b)* by day (ie between 6 am and 9 pm) or night (ie between 9 pm and 6 am).

[Delete if inapplicable.]*

In executing this search warrant the applicant may exercise the powers provided by the *Law Enforcement (Powers and Responsibilities) Act 2002* and any other Act named above. These include the following powers:

- (a) to enter the named premises,
- (b) to use any persons necessary to assist in the execution of this warrant,
- (c) to use such force as is reasonably necessary to enter the premises,
- (d) to break open any receptacle on the premises for the purposes of the search of the premises if it is reasonably necessary to do so,
- (e) *[Specify (if relevant) any special additional powers of personal search, seizure, arrest, inspection, etc, provided under the enabling Act.]*

Signed *[Print name and insert signature.]*

Date

[The authorised officer should sign and date the warrant and initial any corrections. In the case of a telephone search warrant, in circumstances where the warrant is issued but not furnished to the applicant (for example, because facsimile facilities are not available), the applicant is to complete this Form of warrant in the terms dictated by the authorised officer and write on it the name of that authorised officer and the date and time when the warrant was signed.]

Form 11 Warrant relating to suspected domestic violence offence—entry by warrant where entry denied

(Clause 6 (1) (c))

(Law Enforcement (Powers and Responsibilities) Act 2002)

This warrant expires at *[Time]* on *[Date]* and must not be used after that time.

On *[Date]*, *[Name of authorised officer]*, an authorised officer empowered to issue warrants under section 83 of the *Law Enforcement (Powers and Responsibilities) Act 2002*, granted this warrant authorising *[Name and rank]* of *[Place of work]* (the applicant) as follows:

- 1 to enter the dwelling at *[Address]*,
- 2 *to investigate whether a domestic violence offence has taken place,

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

3 *to take action to prevent the commission/further commission* of a domestic violence offence.

[* Delete if inapplicable.]

This warrant may be executed:

- (a)* only by day (ie between 6 am and 9 pm)
- (b)* by day (ie between 6 am and 9 pm) or night (ie between 9 pm and 6 am).

[* Delete if inapplicable.]

In executing this warrant the applicant may exercise the powers provided by the *Law Enforcement (Powers and Responsibilities) Act 2002*. These include the following powers:

- (a) to enter the named premises,
- (b) to use any persons necessary to assist in the execution of this warrant,
- (c) to use such force as is reasonably necessary to enter the premises.

However, in executing this warrant the applicant and any other police officers who enter the dwelling are to take only the action in the dwelling that is reasonably necessary:

- (a) to investigate whether a domestic violence offence has been committed, and
- (b) to render aid to any person who appears to be injured, and
- (c) to exercise any lawful power to arrest a person, and
- (d) to prevent the commission or further commission of a domestic violence offence.

A police officer who enters the dwelling under this warrant must inquire as to the presence of any firearms in the dwelling and, if informed that there is a firearm, must take all such action as is reasonably practicable to search for and to seize and detain the firearm.

A police officer who enters the dwelling under this warrant may search the dwelling for a dangerous article and seize and detain the dangerous article if the police officer believes, on reasonable grounds, that:

- (a) the dangerous article is in the dwelling, and
- (b) the dangerous article is being, or was, or may have been or may be used to commit a domestic violence offence.

A police officer entering the dwelling under this warrant is to remain in the dwelling only as long as it is necessary to take the actions required or permitted under Part 6 of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

Signed [*Print name and insert signature.*]

Date

[*The authorised officer should sign and date the warrant and initial any corrections. In the case of a telephone search warrant, in circumstances where the warrant is issued but not furnished to the applicant (for example, because facsimile facilities are not available), the applicant is to complete this Form of warrant in the terms dictated by the authorised officer and write on it the name of that authorised officer and the date and time when the warrant was signed.*]

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Form 12 Crime scene warrant

(Clause 6 (1) (d))

(Law Enforcement (Powers and Responsibilities) Act 2002)

This warrant expires at [Time] on [Date] and must not be used after that time.

On [Date], [Name of authorised officer], an authorised officer empowered to issue crime scene warrants under Part 7 of the *Law Enforcement (Powers and Responsibilities) Act 2002*, granted this warrant authorising [Name and rank] of [Place of work] (the applicant):

- 1 to enter the premises known as [Address], being a [Description of premises (eg dwelling house)], and
- 2 to exercise all reasonably necessary crime scene powers, as listed in paragraphs (d)–(s) below, at, or in relation to, [Specify crime scene].

This warrant may be executed:

- (a)* only by day (ie between 6 am and 9 pm)
- (b)* by day (ie between 6 am and 9 pm) or night (ie between 9 pm and 6 am).

[* Delete if inapplicable.]

In executing this warrant the applicant may exercise the powers provided by the *Law Enforcement (Powers and Responsibilities) Act 2002*. These include the following powers:

- (a) to enter the named premises, using such force as is reasonably necessary for that purpose,
- (b) to use any persons necessary to assist in the execution of this warrant,
- (c) to exercise any lawful power to arrest a person,
- (d) to direct a person to leave the crime scene or remove a vehicle, vessel or aircraft from the crime scene,
- (e) to remove from the crime scene a person who fails to comply with a direction to leave the crime scene or a vehicle, vessel or aircraft a person fails to remove from the crime scene,
- (f) to direct a person not to enter the crime scene,
- (g) to prevent a person from entering the crime scene,
- (h) to prevent a person from removing evidence from or otherwise interfering with the crime scene or anything in it and, for that purpose, detain and search the person,
- (i) to remove or cause to be removed an obstruction from the crime scene,
- (j) to perform any necessary investigation, including, for example, search the crime scene and inspect anything in it to obtain evidence of the commission of an offence,
- (k) to conduct any examination, or process, for the purpose of performing any necessary investigation,
- (l) to open anything at the crime scene that is locked,
- (m) to take electricity, gas or any other utility, for use at the crime scene,
- (n) to direct the occupier of the premises or a person apparently involved in the management or control of the premises to maintain a continuous supply of electricity at the premises,

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

-
- (o) to photograph or otherwise record the crime scene and anything in it,
 - (p) to seize, detain, remove from the crime scene or guard all or part of a thing that might provide evidence of the commission of an offence,
 - (q) to dig up anything at the crime scene,
 - (r) to remove wall or ceiling linings or floors of a building, or panels of a vehicle,
 - (s) to exercise any other power reasonably necessary or incidental to a power conferred by paragraphs (d)–(r),
 - (t) to stay on the premises for the purpose of exercising the powers set out in paragraphs (d)–(s).

Signed [*Print name and insert signature.*]

Date

[The authorised officer should sign and date the warrant and initial any corrections. In the case of a telephone search warrant, in circumstances where the warrant is issued but not furnished to the applicant (for example, because facsimile facilities are not available), the applicant is to complete this Form of warrant in the terms dictated by the authorised officer and write on it the name of that authorised officer and the date and time when the warrant was signed.]

Form 13 Detention warrant

(Clause 6 (1) (e))

(Law Enforcement (Powers and Responsibilities) Act 2002)

On [*Date*], [*Name of authorised officer*], an authorised officer empowered to issue detention warrants under Part 9 of the *Law Enforcement (Powers and Responsibilities) Act 2002*, granted this warrant to extend the maximum investigation period in relation to [*Name of detained person*] of [*Address*] beyond 4 hours by [*Specify hours and minutes.*] (excluding times that are not to be taken into account under section 117 of the *Law Enforcement (Powers and Responsibilities) Act 2002*) from [*Time*] on [*Date*].

Signed [*Print name and insert signature.*]

Date

[The authorised officer should sign and date the warrant and initial any corrections. In the case of a telephone search warrant, in circumstances where the warrant is issued but not furnished to the applicant (for example, because facsimile facilities are not available), the applicant is to complete this Form of warrant in the terms dictated by the authorised officer and write on it the name of that authorised officer and the date and time when the warrant was signed.]

Note. If the application for the detention warrant was made by telephone, the applicant must, within one day after the day on which the warrant is issued, give or transmit to the authorised officer an affidavit setting out the information on which the application was based that was given to the authorised officer when the application was made.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Form 14 Warrant authorising use of dog to carry out general drug detection

(Clause 6 (1) (f))

(Law Enforcement (Powers and Responsibilities) Act 2002)

This warrant expires at [Time] on [Date] and must not be used after that time.

On [Date], [Name of authorised officer], an authorised officer empowered to issue warrants under Division 2 of Part 11 of the *Law Enforcement (Powers and Responsibilities) Act 2002*, granted this warrant authorising [Name and rank] of [Place of work] (the applicant), a police officer, and all other police officers, to use a dog to carry out general drug detection in [Describe public place.], a public place, during the period/periods* of [Describe period or periods concerned.]

This warrant may be executed:

- (a)* only by day (ie between 6 am and 9 pm)
- (b)* by day (ie between 6 am and 9 pm) or night (ie between 9 pm and 6 am).

In executing this warrant the applicant may exercise the powers provided by the *Law Enforcement (Powers and Responsibilities) Act 2002*. These include the following powers:

- (a) to use any persons necessary to assist in the execution of this warrant,
- (b) to use a dog to carry out the detection of prohibited drugs or plants in the possession or control of a person.

Signed [Print name and insert signature.]

Date

[* Delete if inapplicable.]

[The authorised officer should sign and date the warrant and initial any corrections. In the case of a telephone warrant, in circumstances where the warrant is issued but not furnished to the applicant (for example, because facsimile facilities are not available), the applicant is to complete this Form of warrant in the terms dictated by the authorised officer and write on it the name of that authorised officer and the date and time when the warrant was signed.]

Form 15 Notice to produce documents

(Clause 6 (1) (g))

(Law Enforcement (Powers and Responsibilities) Act 2002)

This notice expires at [Time] on [Date] and must not be given after that time.

On [Date], [Name of authorised officer], an authorised officer empowered to grant notices to produce documents under Division 3 of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002*, granted this notice requiring [Name of authorised deposit-taking institution] or an officer of [Name of authorised deposit-taking institution] to produce the documents described below to [Name and rank] of [Place of work] (the applicant), a police officer by/within* [Time and date or period].

The documents are [Description of documents].

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

The documents are to be produced [*Specify whether documents are to be produced in hardcopy or electronic form (including kind of electronic form, eg email, CD in RTF format, facsimile transmission). If to be produced in hardcopy form, specify address. If to be produced electronically, specify relevant details such as email address, fax number (including person to whom fax to be addressed). The Notice may specify a combination of types of forms in which documents may be produced.*]

[* Delete if inapplicable.]

Signed [*Print name and insert signature.*]

Date

[*The authorised officer should sign and date the notice and initial any corrections. In the case of a telephone notice, in circumstances where the notice is issued but not furnished to the applicant (for example, because facsimile facilities are not available), the applicant is to complete this Form of notice in the terms dictated by the authorised officer and write on it the name of that authorised officer and the date and time when the notice was signed.*]

Form 16 Warrant for arrest of person unlawfully at large

(Clause 6 (2))

(Law Enforcement (Powers and Responsibilities) Act 2002)

On [Date], [Name of authorised officer], an authorised officer who is empowered to grant warrants under section 103 of the *Law Enforcement (Powers and Responsibilities) Act 2002*, granted this warrant authorising the arrest of [Name of person who is unlawfully at large], who is unlawfully at large.

Other known identifying particulars of [Name of person who is unlawfully at large] are as follows: [*Insert particulars, if known, such as date of birth, last known address, management index number (MIN) allocated by the Department of Corrective Services.*]

Signed [*Print name and insert signature.*]

Date

Form 17 Occupier's notice for Part 5 search warrant

(Clause 7 (a))

(Law Enforcement (Powers and Responsibilities) Act 2002)

A search warrant has been issued by an authorised officer. It gives the authority and power to the police to enter and search the premises at [Address], being a [*Description of premises (eg dwelling house)*].

Expiry

The search warrant will expire at [Time] on [Date].

Warning

You have the right to inspect the search warrant but you must not hinder or obstruct the search, as to do so may be a criminal offence. Under section 52 of the *Law Enforcement*

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

(Powers and Responsibilities) Act 2002, the maximum penalty for obstructing or hindering a search without reasonable excuse is a fine of \$11,000 or 2 years imprisonment (or both).

Powers given by the search warrant

The police may use such force as is reasonably necessary to enter the premises and to carry out the purposes of the warrant.

The things the police are empowered to search for are: *[If space is insufficient, continue overleaf or attach a separate sheet.]*

The police can seize, detain, remove from the premises or guard any of the things mentioned in the warrant and anything that they find, while executing the search warrant, that is believed on reasonable grounds to be connected with any offence.

The police also have the power to:

- (a) break open any receptacle in or on the premises for the purposes of the search of the premises if it is reasonably necessary to do so, and
- (b) search any persons on the premises who are reasonably suspected of having a thing that is mentioned in the warrant, and
- (c) arrest any person who is reasonably suspected of committing an offence, and
- (d) if the warrant is issued in relation to a child prostitution offence—make inquiries relating to any such offence.

Issue details

The search warrant was granted by *[Name]*, an authorised officer, under the *Law Enforcement (Powers and Responsibilities) Act 2002* on *[Date]* at *[Time]*.

The warrant was issued on the application of *[Name and rank]* of *[Place of work]*.

Basis for the issue of the warrant

The warrant was granted on the basis that the authorised officer found that there were reasonable grounds for the issue of the warrant and, in particular, that the applicant had reasonable grounds to believe that:

- (a)* there were on the premises the things listed above, which were:
 - (i)* things connected with the offence of *[Specify offence.]*, or
 - (ii)* things stolen or otherwise unlawfully obtained, or
- (b)* a child prostitution offence has been, is being, or will be, committed on or with respect to the premises.

[Delete if inapplicable.]*

Challenging the issue of the warrant or the conduct of the search

If you are dissatisfied with the issue of the warrant or the conduct of the search, you should seek legal advice. This advice may assist you to decide whether your rights have been infringed and what action you can take. If your rights have been infringed you may be entitled to a legal remedy.

You should keep this notice as it will assist you if you seek advice.

Limitations on the powers conferred

The following limitations apply to the warrant:

- (a) the warrant must be executed before the date and time of the expiry given above,
- (b) any force used to enter the premises must be reasonably necessary,

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

-
- (c) the warrant must be executed between 6 am and 9 pm unless the warrant states that it may be executed by day or night,
 - (d) the warrant must be shown to you if you ask to see it,
 - (e) nothing other than the things mentioned in the warrant can be seized unless it was found by a police officer while executing the search and the officer believes on reasonable grounds that it is connected with any offence.

Inspection

The application for the warrant, written reasons for the issue of the warrant and other associated documents are to be held at *[Insert the Local Court to which the issuing authorised officer is attached or to which it is intended to forward the documentation.]* You may seek to inspect those documents by arrangement with that Court. You should produce this notice at the Court when seeking to inspect those documents.

Signed *[In the case of a notice relating to a telephone search warrant, in circumstances where the warrant is issued but the notice is not furnished to the applicant (for example, because facsimile facilities are not available), the applicant officer is to complete this Form of notice in the terms dictated by the authorised officer.]*

Date

Form 18 Occupier's notice for search warrant other than Part 5 search warrant

(Clause 7 (b))

(Law Enforcement (Powers and Responsibilities) Act 2002)

A search warrant has been issued by an authorised officer. It gives the authority and power to the persons named in the search warrant to enter and search the premises at *[Address]*, being a *[Description of premises (eg dwelling house)]*.

Expiry

The search warrant will expire at *[Time]* on *[Date]*.

Warning

You have the right to inspect the search warrant. *[If hindering or obstructing the persons executing the search warrant is an offence under the Act authorising the issue of the warrant, state so here and insert name of Act and section of Act under which it is an offence].*

Powers given by the search warrant

The search warrant gives the power to the persons executing it to do the following things:

- (a) to use such force as is reasonably necessary to enter the premises,
- (b) to break open any receptacle in or on the premises for the purposes of the search of the premises if it is reasonably necessary to do so,
- (c) to search for/inspect the following things: *[List the items to be searched for.]*,
- (d) to exercise the following powers: *[List the powers that are specified in the Act authorising the issue of a search warrant specifically required by the applicant.]*,
- (e) to exercise such other powers as are specified in *[Insert Act and section of Act under which the warrant was issued.]* These powers include *[Describe main powers.]*

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Issue details

The search warrant was granted by [Name], an authorised officer, under [Insert Act and section of Act under which the warrant was issued.] on [Date] at [Time].

The search warrant was issued on the application of [Insert name, address, title and the organisation to which the applicant belongs.]

Basis for the issue of the warrant

The warrant was granted on the basis that the authorised officer found that there were reasonable grounds for the issue of the warrant and, in particular, that the applicant had reasonable grounds to believe [Insert in summary form the grounds on which the search warrant was issued.]

Challenging the issue of the warrant or conduct of the search

If you are dissatisfied with the issue of the warrant or the conduct of the people executing the warrant, you should seek legal advice. This advice may assist you to decide whether your rights have been infringed and what action you can take. If your rights have been infringed you may be entitled to a legal remedy.

You should keep this notice as it will assist you if you seek advice.

Limitations on the powers conferred

The following limitations apply to the warrant:

- (a) the warrant must be executed before the date and time of the expiry given above,
- (b) any force used to enter premises must be reasonably necessary,
- (c) the warrant must be executed between 6 am and 9 pm unless the warrant states that it may be executed by day or night,
- (d) the warrant must be shown to you if you ask to see it,
- (e) only functions and powers authorised under the warrant or by the Act authorising the issue of the warrant may be performed.

Inspection

The application for the warrant, written reasons for the issue of the warrant and other associated documents are to be held at [Insert the Local Court to which the issuing authorised officer is attached or to which it is intended to forward the documentation.]. You may seek to inspect those documents by arrangement with that Court. You should produce this notice at the Court when seeking to inspect the application.

Signed [In the case of a notice relating to a telephone search warrant, in circumstances where the warrant is issued but the notice is not furnished to the applicant (for example, because facsimile facilities are not available), the applicant officer is to complete this Form of notice in the terms dictated by the authorised officer.]

Date

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

Form 19 Occupier's notice for crime scene warrant

(Clause 7 (c))

(Law Enforcement (Powers and Responsibilities) Act 2002)

A crime scene warrant has been issued by an authorised officer. It gives the authority and power to [Name and rank] of [Place of work] to enter the premises at [Address], being a [Description of premises (eg dwelling house)], and exercise all reasonably necessary crime scene powers in relation to [Specify crime scene.]

Expiry

The crime scene warrant will expire at [Time] on [Date].

Warning

You have the right to inspect the warrant but you must not hinder or obstruct the police officer authorised to enter the premises under the warrant, as to do so may be a criminal offence. Under section 96 (1) of the *Law Enforcement (Powers and Responsibilities) Act 2002*, the maximum penalty for obstructing or hindering, without reasonable excuse, a person acting under a warrant is a fine of \$11,000 or 2 years imprisonment (or both).

Further, you must not fail or refuse to comply with a request made or direction given by a police officer exercising crime scene powers at the crime scene as to do so may also be a criminal offence. Under section 96 (2) of the *Law Enforcement (Powers and Responsibilities) Act 2002*, the maximum penalty for failing or refusing, without reasonable excuse, to comply with a request made or direction given by a police officer exercising such powers under this warrant is a fine of \$1,100.

Powers given by the warrant

The police officer executing the warrant has the following powers:

- (a) to enter the named premises, using such force as is reasonably necessary for that purpose,
- (b) to use any persons necessary to assist in the execution of this warrant,
- (c) to exercise any lawful power to arrest a person,
- (d) to direct a person to leave the crime scene or remove a vehicle, vessel or aircraft from the crime scene,
- (e) to remove from the crime scene a person who fails to comply with a direction to leave the crime scene or a vehicle, vessel or aircraft a person fails to remove from the crime scene,
- (f) to direct a person not to enter the crime scene,
- (g) to prevent a person from entering the crime scene,
- (h) to prevent a person from removing evidence from or otherwise interfering with the crime scene or anything in it and, for that purpose, detain and search the person,
- (i) to remove or cause to be removed an obstruction from the crime scene,
- (j) to perform any necessary investigation, including, for example, search the crime scene and inspect anything in it to obtain evidence of the commission of an offence,
- (k) for the purpose of performing any necessary investigation, to conduct any examination or process,

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

-
- (l) to open anything at the crime scene that is locked,
 - (m) to take electricity, gas or any other utility, for use at the crime scene,
 - (n) to direct the occupier of the premises or a person apparently involved in the management or control of the premises to maintain a continuous supply of electricity at the premises,
 - (o) to photograph or otherwise record the crime scene and anything in it,
 - (p) to seize, detain, remove from the crime scene or guard all or part of a thing that might provide evidence of the commission of an offence,
 - (q) to dig up anything at the crime scene,
 - (r) to remove wall or ceiling linings or floors of a building, or panels of a vehicle,
 - (s) to exercise any other power reasonably necessary or incidental to a power listed in paragraphs (e)–(s),
 - (t) to stay on the premises for the purpose of exercising the powers set out in paragraphs (d)–(s).

Issue details

The warrant was granted by [*Name*], an authorised officer, under the *Law Enforcement (Powers and Responsibilities) Act 2002* on [*Date*] at [*Time*].

The warrant was issued on the application of [*Name and rank*] of [*Place of work*].

Basis for the issue of the warrant

The warrant was granted on the basis that the authorised officer found that there were reasonable grounds for the issue of the warrant and, in particular, that the applicant police officer had reasonable grounds to suspect that it was necessary to exercise crime scene powers at a crime scene for the purpose of preserving, or searching for and gathering, evidence of the commission of:

- (a) *the offence of [*Specify offence.*], which is a serious indictable offence,
- (b) *the offence of [*Specify offence.*] that is being/was/may have been* committed in connection with a traffic accident that has resulted in the death of/serious injury* to a person.

[* *Delete if inapplicable.*]

Challenging the issue or execution of the warrant

If you are dissatisfied with the issue or the execution of the warrant, you should seek legal advice. This advice may assist you to decide whether your rights have been infringed and what action you can take. If your rights have been infringed you may be entitled to a legal remedy.

You should keep this notice as it will assist you if you seek advice.

Limitations on the powers conferred

The following limitations apply to the warrant:

- (a) the warrant must be executed before the date and time of the expiry given above,
- (b) any force used to enter the premises must be reasonably necessary,
- (c) the warrant must be executed between 6 am and 9 pm unless the warrant states that it may be executed by day or night,

Law Enforcement (Powers and Responsibilities) Regulation 2005

Forms

Schedule 1

- (d) the warrant must be shown to you if you ask to see it,
- (e) the powers listed in paragraphs (d)–(s) under the heading “**Powers given by the warrant**” may be exercised only if it is reasonably necessary to do so.

Inspection

The application for the warrant, written reasons for the issue of the warrant and other associated documents are to be held at *[Insert the Local Court to which the issuing authorised officer is attached or to which it is intended to forward the documentation.]*. You may seek to inspect those documents by arrangement with that Court. You should produce this notice at the Court when seeking to inspect the application.

Signed *[In the case of a notice relating to a telephone crime scene warrant, in circumstances where the warrant is issued but the notice is not furnished to the applicant (for example, because facsimile facilities are not available), the applicant officer is to complete this Form of notice in the terms dictated by the authorised officer.]*

Date

Form 20 Report to authorised officer about execution of warrant

(Clause 9 (1))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Note. This report must be made within 10 days after the execution of the warrant or the expiry of the warrant, whichever first occurs.

This report is made to the authorised officer who issued the attached warrant. *[Unless completed on the back of the warrant, attach the original warrant issued by the authorised officer or telephone warrant completed by the applicant.]*

- *1 The warrant was not executed for the following reasons:
- *2 The warrant was executed on *[Date]*.
- *3 *[To be completed unless 4 applies.]* The warrant was executed at *[Specify time at which execution of warrant was completed.]*
- *4 *[To be completed if the warrant authorised the use of a dog for general drug detection.]* The warrant was executed during the period/periods* of *[Specify period/periods.]*
- *5 The result of the execution of the warrant (including a description of the things seized) is briefly as follows: *[If a receipt is given for anything seized, attach a copy.]*
- *6 The things seized are now in the custody of *[Specify the person who has responsibility for the safekeeping of the things seized. Specify the place where the things are held unless specifying the place where they are held would adversely affect the security of the things seized.]*
- *7 The occupier’s notice was not served/served on* *[Specify manner of service and on whom notice was served.]*

[Delete if inapplicable.]*

Signed *[Print name and insert signature.]*

Date

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 1 Forms

Rank or designation

Place of work

Date of receipt of report by authorised officer

Authorised officer [*Print name and insert signature.*]

Note. On completion of the report, forward the report and attachments to the Local Court named in the Occupier's Notice.

Form 21 Report to authorised officer about notice to produce documents

(Clause 9 (2))

(Law Enforcement (Powers and Responsibilities) Act 2002)

Note. This report must be made within 10 days after the giving of the notice to produce documents to the authorised deposit-taking institution concerned or the expiry of the notice, whichever first occurs.

This report is made to the authorised officer who issued the attached notice to produce documents. [*Unless completed on the back of the notice, attach the original notice issued by the authorised officer or telephone notice completed by the applicant.*]

- *1 The notice was not given for the following reasons:
- *2 The notice was given on [*Date*] at [*Time*].
- *3 The result of the giving of the notice (including a description of the documents produced) is briefly as follows: [*If a receipt is given for anything produced, attach a copy.*]
- *4 The documents are now in the custody of [*Specify the person who has responsibility for the safekeeping of the documents produced. Specify the place where the documents are held unless specifying the place where they are held would adversely affect the security of the documents.*]

[* *Delete if inapplicable.*]Signed [*Print name and insert signature.*]

Date

Rank or designation

Place of work

Date of receipt of report by authorised officer

Authorised officer [*Print name and insert signature.*]

Note. On completion of the report, forward the report and attachments to the Local Court at which the notice was issued or nearest to the place at which it was issued.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Guidelines for custody managers and other police officers

Schedule 2

Schedule 2 **Guidelines for custody managers and other police officers** (cf Crimes (Detention after Arrest) Regulation 1998, Sch 1)

(Clause 18)

Part 1 **Specific guidelines for custody managers**

1 **Questioning detained person**

The custody manager for a detained person should not put specific questions to the person regarding the person's involvement in any offence.

2 **Detained person's property**

The custody manager for a detained person should ascertain what property the person has with him or her when the person comes to the police station or other place of detention concerned, or had taken from him or her on arrest, and should arrange for safekeeping of the property if it remains at the police station or other place of detention.

3 **Vulnerable persons—consideration of whether a detained person has certain kind of impaired intellectual functioning**

In considering whether a detained person has a total or partial loss of his or her mental functions, or a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction, the custody manager for the detained person should have regard to whether the person appears:

- (a) to have difficulty understanding questions and instructions, or
- (b) to respond inappropriately or inconsistently to questions, or
- (c) to have a short attention span, or
- (d) to receive a disability support pension, or
- (e) to reside at a group home or institution, or be employed at a sheltered workshop, or
- (f) to be undertaking education, or to have been educated at a special school or in special education classes at a mainstream school, or
- (g) to have an inability to understand a caution given to the person under section 122 of the Act.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Schedule 2 Guidelines for custody managers and other police officers

Part 2 Placing of certain vulnerable persons in cells

4 Aboriginal persons and Torres Strait Islanders (adults)

If an Aboriginal person or Torres Strait Islander who is not a child is placed in a police cell:

- (a) wherever possible, that person should be accommodated with another Aboriginal person or Torres Strait Islander who is not a child, and
- (b) the person should not be placed alone in the cell unless there is no reasonably practicable alternative.

5 Aboriginal persons and Torres Strait Islanders (children)

- (1) An Aboriginal person or Torres Strait Islander who is a child should not be placed in a police cell except in exceptional circumstances that make it necessary for the well-being of the child.
- (2) If it is necessary to detain such a child overnight in a police cell, the custody manager for the child should arrange for a support person to remain with the child unless it is not reasonably practicable to do so.

6 Children other than Aboriginal or Torres Strait Islander children

- (1) This clause applies to a child who is not an Aboriginal person or Torres Strait Islander.
- (2) A child to whom this clause applies should not be placed in a cell unless:
 - (a) no other secure accommodation is available and the custody manager for the child considers that it is not practicable to supervise the child if the child is not placed in a cell, or
 - (b) the custody manager considers that a cell provides more comfortable accommodation than other secure accommodation in the police station.
- (3) Such a child should not be placed in a cell with a detained person who is not a child except in exceptional circumstances that make it necessary for the well-being of the child.

Part 3 Miscellaneous

7 Use of restraints in cells

If a detained person is placed in a locked police cell, no additional restraint should be used within the cell unless absolutely necessary.

Law Enforcement (Powers and Responsibilities) Regulation 2005

Guidelines for custody managers and other police officers

Schedule 2

8 Use of interpreters

- (1) A police officer should bear in mind that a person with some ability in conversational English may still require an interpreter in order to ensure that the person understands his or her legal rights.
- (2) A qualified interpreter should be preferred over a person who speaks the detained person's language but is not a qualified interpreter. A qualified interpreter is one who is accredited to professional level by the National Accreditation Authority of Translators and Interpreters in the language concerned.
- (3) An interpreter should not be used as a support person.



New South Wales

Lotteries and Art Unions Amendment (Tipping Competitions and Games of Chance) Regulation 2005

under the

Lotteries and Art Unions Act 1901

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Lotteries and Art Unions Act 1901*.

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

Explanatory note

The object of this Regulation is to amend the *Lotteries and Art Unions Regulation 2002*:

- (a) to amend the definition of *tipping competition* so as to include competitions in which the prize pool is wholly distributed in accordance with the rules of the competition (for example, to the first, second or last place getter or to the person who obtains the highest average score of all participants over the competition) and not only competitions where the participant who accumulates the highest number of points wins, and
- (b) to remove the requirement that a registered club must include in the club's records of income and expenditure the name of each prizewinner and details of the prize won by that person in a game of chance conducted by, or under the authority of, the club.

This Regulation is made under the *Lotteries and Art Unions Act 1901*, including sections 17B (2) (b) and 23 (the general regulation-making power).

Clause 1 Lotteries and Art Unions Amendment (Tipping Competitions and Games of
Chance) Regulation 2005

Lotteries and Art Unions Amendment (Tipping Competitions and Games of Chance) Regulation 2005

under the

Lotteries and Art Unions Act 1901

1 Name of Regulation

This Regulation is the *Lotteries and Art Unions Amendment (Tipping
Competitions and Games of Chance) Regulation 2005*.

2 Amendment of Lotteries and Art Unions Regulation 2002

The *Lotteries and Art Unions Regulation 2002* is amended as set out in
Schedule 1.

Lotteries and Art Unions Amendment (Tipping Competitions and Games of Chance) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 100 Definitions

Omit paragraph (c) from the definition of *tipping competition*. Insert instead:

- (c) the prize pool is wholly distributed in accordance with the rules of the competition, and

[2] Clause 147 Records for games of chance in registered clubs

Omit clause 147 (1) (c).



New South Wales

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices and Miscellaneous Matters) Regulation 2005

under the

Prevention of Cruelty to Animals Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Prevention of Cruelty to Animals Act 1979*.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The main objects of this Regulation are:

- (a) to prescribe matters for the purposes of certain provisions that are to be inserted in the *Prevention of Cruelty to Animals Act 1979* (**the principal Act**) by the *Prevention of Cruelty to Animals Amendment Act 2005* (**the amending Act**), and
- (b) to make amendments to the *Prevention of Cruelty to Animals (General) Regulation 1996* that are consequential on the amending Act (for example, it is necessary to update certain cross-references in that Regulation in consequence of the repeal of particular sections of the principal Act and their re-enactment with different numbering).

The relevant provisions of the amending Act are to commence on the same day as this Regulation. They include provisions that insert section 33E in the principal Act, which provides for the issue of penalty notices for offences against the principal Act or the regulations made under it.

This Regulation also:

- (a) prescribes matter for the purposes of section 34B (3) of the principal Act (which was amended by the amending Act but commenced on the date of assent to the amending Act), and
- (b) updates a reference to a Department, and
- (c) updates certain other references so as to specify the most recent editions of particular documents, and
- (d) corrects incorrect numbering in a clause.

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices and Miscellaneous Matters) Regulation 2005

Explanatory note

This Regulation is made under the *Prevention of Cruelty to Animals Act 1979*, including section 35 (the general regulation-making power) and the sections specifically referred to in the Regulation.

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices and Miscellaneous Matters) Regulation 2005

Clause 1

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices and Miscellaneous Matters) Regulation 2005

under the

Prevention of Cruelty to Animals Act 1979

1 Name of Regulation

This Regulation is the *Prevention of Cruelty to Animals (General) Amendment (Penalty Notices and Miscellaneous Matters) Regulation 2005*.

2 Commencement

This Regulation commences on 25 November 2005.

3 Amendment of Prevention of Cruelty to Animals (General) Regulation 1996

The *Prevention of Cruelty to Animals (General) Regulation 1996* is amended as set out in Schedule 1.

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices
and Miscellaneous Matters) Regulation 2005

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 5 Conveyance of stock animals

Omit “swine” from clause 5 (2). Insert instead “pigs”.

[2] Clauses 7 (3), 8A and 14 (4)

Omit “Department of Agriculture” wherever occurring.
Insert instead “Department of Primary Industries”.

[3] Clause 8 Definition of “stock animal”: section 4

Omit the clause.

[4] Clause 8B Prescribed class of animal and prescribed period: sections 8 and 24I

Omit “sections 8 (3) and 26 (2) (a) and (5) (b) (i)”.
Insert instead “sections 8 (3) and 24I (b)”.

[5] Clauses 18, 18A, 19, 19A and 19B

Omit clauses 18, 18A, 19 and 19A. Insert instead:

18 Police officers exercising certain powers: section 24H

For the purposes of section 24H (4) of the Act:

- (a) a police officer is to give a direction to stop a vehicle or vessel by requesting or signalling the person operating the vehicle or vessel to stop the vehicle or vessel, and
- (b) a police officer is identified as a police officer if the officer wears his or her police uniform or otherwise displays evidence that he or she is a police officer.

18A Assistance to inspectors: section 24M

For the purposes of section 24M (b) of the Act, the following classes of persons are prescribed as persons who may accompany and aid an inspector exercising, in residential premises, a power conferred by Division 2 of Part 2A of the Act:

- (a) persons registered as veterinary surgeons under the *Veterinary Surgeons Act 1986* or as veterinary practitioners under the *Veterinary Practice Act 2003*,
- (b) persons who have special expertise in the handling of the animal concerned.

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices
and Miscellaneous Matters) Regulation 2005

Amendments

Schedule 1

19 Penalty notice offences

- (1) For the purposes of section 33E of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 2 is prescribed as a penalty notice offence, and
 - (b) the prescribed penalty payable in respect of a penalty notice offence that is dealt with under section 33E of the Act is:
 - (i) in the case of an individual—the amount specified in Column 2 of Schedule 2 opposite the relevant provision, or
 - (ii) in the case of a corporation—the amount specified in Column 3 of Schedule 2 opposite the relevant provision.
- (2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

**19A Guidelines relating to the welfare of farm or companion animals:
section 34A**

- (1) For the purposes of section 34A (1) of the Act, the following documents, published by CSIRO Publishing, are prescribed as guidelines:
 - (a) *Model Code of Practice for the Welfare of Animals: Domestic Poultry* (4th Edition, 2002),
 - (b) *Model Code of Practice for the Welfare of Animals: Farmed Buffalo* (1995),
 - (c) *Model Code of Practice for the Welfare of Animals: Animals at Saleyards* (1991),
 - (d) *Model Code of Practice for the Welfare of Animals: The Goat* (1991),
 - (e) *Model Code of Practice for the Welfare of Animals: The Sheep* (1991),
 - (f) *Model Code of Practice for the Welfare of Animals: The Farming of Deer* (1991),
 - (g) *Model Code of Practice for the Welfare of Animals: Cattle* (2nd Edition, 2004),

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices and Miscellaneous Matters) Regulation 2005

Schedule 1 Amendments

- (h) *National Guidelines for Beef Cattle Feedlots in Australia* (2nd Edition, 1997).
- (2) For the purposes of this clause, the *Model Code of Practice for the Welfare of Animals: The Farming of Deer* (1991) is taken to have been amended by omitting clause 5.2 (ii) and by inserting instead:
 - (ii) Removal of the “velvet antlers” should be the responsibility of:
 - (A) a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1986* or a person acting in accordance with the approval in writing of the Board of Veterinary Surgeons of New South Wales, as referred to in section 44 (2) of that Act, or
 - (B) a person registered as a veterinary practitioner under the *Veterinary Practice Act 2003* or a person referred to in section 9 (2) (e) of that Act.

19B Reports of approved charitable organisations

- (1) A report of an approved charitable organisation under section 34B (3) of the Act must address the following matters in relation to the period covered by the report:
 - (a) complaints and investigations concerning the treatment of animals,
 - (b) counsel, advice or cautions given,
 - (c) notices issued,
 - (d) proceedings for offences instituted,
 - (e) officers of the organisation and training provided for them,
 - (f) complaints about the organisation or its officers.
- (2) Such a report must include the following:
 - (a) a statement of the number of, and a summary of the substance of, complaints relating to animal cruelty or mistreatment received by the organisation,
 - (b) a statement of the number of visits or investigations made by officers of the organisation as a result of those complaints,

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices
and Miscellaneous Matters) Regulation 2005

Amendments

Schedule 1

-
- (c) a statement of the number of visits or investigations made by officers of the organisation that were unrelated to those complaints (such as routine inspections of abattoirs, veterinary practices, pet shops or saleyards),
 - (d) a statement of the number of persons counselled or advised by officers of the organisation,
 - (e) a statement of the number of persons cautioned by officers of the organisation,
 - (f) a statement of the number of notices issued by officers of the organisation under section 24N of the Act,
 - (g) a statement of the number of penalty notices issued by officers of the organisation,
 - (h) a statement of the number of proceedings for offences under the Act or the regulations that were instituted by officers of the organisation, together with details of the defendants and the charges,
 - (i) details of the outcome of such of those proceedings as had been finally determined as at the date of the report,
 - (j) details of the outcome of such proceedings for offences as were referred to in the immediately previous report but not finally determined as at the date of that report,
 - (k) a list, current as at the date of the report, of the officers of the organisation, together with any changes made to that list since the immediately previous report,
 - (l) details of any complaints received by the organisation in relation to its activities (or those of its officers) under the Act, including details as to the resolution of those complaints and of the disciplinary action (if any) taken against any person as a result of those complaints,
 - (m) details of the training provided by the organisation for its officers.
- (3) In this clause, *officer* has the same meaning as it has in paragraph (b) of the definition of that term in section 4 (1) of the Act.

[6] Schedule 1 Electrical devices

Omit “swine” from Column 2. Insert instead “pigs”.

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices
and Miscellaneous Matters) Regulation 2005

Schedule 1 Amendments

[7] **Schedule 2**

Insert after Schedule 1:

Schedule 2 Penalty notice offences

(Clause 19)

Column 1	Column 2	Column 3
Provision of the Act	Penalty (individuals)	Penalty (corporations)
Section 5	\$500	\$1,500
Section 7 (1)	\$500	\$1,500
Section 7 (2A)	\$200	—
Section 8	\$200	\$1,000
Section 9 (1)	\$200	\$1,000
Section 10	\$200	\$1,000
Section 12	\$500	\$1,500
Section 12A (1)	\$200	—
Section 12A (2)	\$200	—
Section 14	\$200	—
Section 16	\$500	\$1,500
Section 17	\$500	\$1,500
Section 18 (2) (a)	\$500	\$1,500
Section 18 (2) (c)	\$500	\$1,500
Section 19A (3)	\$500	\$1,500
Section 20	\$500	\$1,500
Section 21A	\$500	\$1,500
Section 21B	\$500	\$1,500
Section 21C	\$500	\$1,500
Section 23	\$500	\$1,500

Prevention of Cruelty to Animals (General) Amendment (Penalty Notices
and Miscellaneous Matters) Regulation 2005

Amendments

Schedule 1

Column 1	Column 2	Column 3
Provision of this Regulation	Penalty (individuals)	Penalty (corporations)
Clause 5	\$200	—
Clause 6	\$200	—
Clause 7	\$200	—



New South Wales

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Amendment Regulation 2005

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

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

Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002* for law revision purposes.

This Regulation:

- (a) updates references to the Hunter Catchment Management Trust, which was abolished by the *Catchment Management Authorities Act 2003* and replaced by the Hunter-Central Rivers Catchment Management Authority, and
- (b) updates and removes references to the Department of Land and Water Conservation, which has also been abolished, and
- (c) makes it clear that 2 nominees of the Hunter-Central Rivers Catchment Management Authority may be appointed to the Hunter River Salinity Trading Scheme Operations Committee.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power).

Clause 1 Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Amendment Regulation 2005

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Amendment Regulation 2005

under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Amendment Regulation 2005*.

2 Amendment of Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002

The *Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002* is amended as set out in Schedule 1.

Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Amendment Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 70 Appointment of Operations Committee

Omit clause 70 (2) (a). Insert instead:

- (a) 1 person who is a member of the board of the Hunter-Central Rivers Catchment Management Authority or a person nominated by that Authority,

[2] Clause 70 (2) (e)

Insert “(who may be a member of the board of the Hunter-Central Rivers Catchment Authority, or a person nominated by that Authority, who is additional to the member or person referred to in paragraph (a))” after “Hunter River Catchment”.

[3] Clause 70 (2) (f)

Omit the paragraph. Insert instead:

- (f) 1 person who is an officer or employee of the Department of Natural Resources, appointed on the nomination of the head of that Department.

[4] Dictionary

Omit the definition of *lower sector reference point*. Insert instead:

lower sector reference point means the Hunter River gauging station number 210001 at Singleton.

[5] Dictionary, definition of “middle sector reference point”

Omit the definition. Insert instead:

middle sector reference point means the Hunter River gauging station number 210127 immediately upstream of the confluence of the Hunter River and Glennies Creek.

[6] Dictionary, definition of “upper sector reference point”

Omit the definition. Insert instead:

upper sector reference point means the Hunter River gauging station number 210055 upstream of the confluence of the Hunter River and the Goulburn River at Denman.



New South Wales

Residential Tenancies (Residential Premises) Amendment (Social Housing) Regulation 2005

under the

Residential Tenancies Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Residential Tenancies Act 1987*.

DIANE BEAMER, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to exclude certain classes of residential tenancy agreements let by social housing providers from the definition of **social housing tenancy agreement** for the purposes of the *Residential Tenancies Act 1987* (**the Act**).

This Regulation commences on 28 November 2005 to coincide with the commencement of the *Residential Tenancies Amendment (Social Housing) Act 2005*, which inserts that definition into the Act.

This Regulation is made under the *Residential Tenancies Act 1987*, including sections 3 (1) and 133 (the general regulation-making power).

Clause 1 Residential Tenancies (Residential Premises) Amendment (Social Housing) Regulation 2005

Residential Tenancies (Residential Premises) Amendment (Social Housing) Regulation 2005

under the

Residential Tenancies Act 1987

1 Name of Regulation

This Regulation is the *Residential Tenancies (Residential Premises) Amendment (Social Housing) Regulation 2005*.

2 Commencement

This Regulation commences on 28 November 2005.

3 Amendment of Residential Tenancies (Residential Premises) Regulation 1995

The *Residential Tenancies (Residential Premises) Regulation 1995* is amended as set out in Schedule 1.

Residential Tenancies (Residential Premises) Amendment (Social Housing)
Regulation 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 5A

Insert after the heading to Part 2:

5A Agreements excluded from definition of “social housing tenancy agreement”

A residential tenancy agreement in respect of premises let by any of the following is prescribed as not being within the definition of *social housing tenancy agreement* in section 3 (1) of the Act:

- (a) the Office of Community Housing of the Department of Housing,
- (b) an organisation for the time being registered with the Office of Community Housing,
- (c) an organisation for the time being registered under Part 5 of the *Aboriginal Housing Act 1998*.



New South Wales

State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Amendment Regulation 2005

under the

State Authorities Superannuation Act 1987

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

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

Explanatory note

The *State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Regulation 1989* provides for special benefits under the State Authorities Superannuation Fund for certain transport officers (who were taken to have transferred to that Fund) while they remain employed by certain listed transport agencies.

The objects of this Regulation are:

- (a) to add RailCorp to that list of transport agency employers, and
- (b) to provide that such a transport officer does not cease to be entitled to those special benefits merely because the officer's employment was transferred from the State Transit Authority of New South Wales to RailCorp.

This Regulation is made under the *State Authorities Superannuation Act 1987*, including section 55 (the general regulation-making power).

Clause 1 State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Amendment Regulation 2005

State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Amendment Regulation 2005

under the

State Authorities Superannuation Act 1987

1 Name of Regulation

This Regulation is the *State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Amendment Regulation 2005*.

2 Amendment of State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Regulation 1989

The *State Authorities Superannuation (Transport Officers' Gratuity Scheme Transfer) (Savings and Transitional) Regulation 1989* is amended as set out in Schedule 1.

State Authorities Superannuation (Transport Officers' Gratuities Scheme Transfer) (Savings and Transitional) Amendment Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 9 Circumstances in which a transferred transport officer ceases to be entitled to special benefit

Insert after clause 9 (1) (g):

(h) RailCorp.

[2] Clause 9 (5)

Insert after clause 9 (4):

- (5) If a transferred transport officer's employment is or was transferred from the State Transit Authority of New South Wales to RailCorp, that transfer is taken, for the purpose of subclause (2), not to be a cessation of employment.

Other Legislation



New South Wales

Privacy Code of Practice (General) Amendment (Enrolled Nurses) 2005

under the

Privacy and Personal Information Protection Act 1998

I, the Attorney General, in pursuance of section 31 of the *Privacy and Personal Information Protection Act 1998*, do, by this my Order, make the following Privacy Code of Practice.

Dated, this 16th day of November 2005.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Order is to amend the *Privacy Code of Practice (General) 2003* to include the Roll of Nurses (which contains information relating to enrolled nurses and mothercraft enrolled nurses) in Schedule 2 to the Code. Inclusion of a public register in Schedule 2 permits the agency holding the register (in this case, the Nurses and Midwives Board) to disclose personal information kept in the register without being satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.

This Order is made under section 31 of the *Privacy and Personal Information Protection Act 1998*.

Clause 1 Privacy Code of Practice (General) Amendment (Enrolled Nurses) 2005

Privacy Code of Practice (General) Amendment (Enrolled Nurses) 2005

under the

Privacy and Personal Information Protection Act 1998

1 Name of Order

This Order is the *Privacy Code of Practice (General) Amendment (Enrolled Nurses) 2005*.

2 Amendment of Privacy Code of Practice (General) 2003

The *Privacy Code of Practice (General) 2003* is amended as set out in Schedule 1.

Privacy Code of Practice (General) Amendment (Enrolled Nurses) 2005

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Schedule 2 Modification of Part 6 of the Act

Insert after item 11A:

- 11B The Roll of Nurses kept under section 26 of Nurses and Midwives Board
the *Nurses and Midwives Act 1991*.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Orchidaceae” (under the heading “Plants”):

Genoplesium superbum D.L. Jones

Dated, this 11th day of November 2005.

Dr Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Conservation Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following species as an endangered species under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 1 in alphabetical order under the heading “Fabaceae” (under the heading “Plants”):

Acacia dangarensis Tindale & Kodala

Dated, this 11th day of November 2005.

Dr Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Conservation Information Centre, Level 14, 59–61 Goulburn St, Sydney.



New South Wales

Notice of Final Determination

under the

Threatened Species Conservation Act 1995

The Scientific Committee established under the *Threatened Species Conservation Act 1995* has made a final determination to insert the following ecological community as an endangered ecological community under that Act and, accordingly, Schedule 1 to that Act is amended by inserting in Part 3 in alphabetical order:

Hunter Valley Weeping Myall Woodland of the Sydney Basin Bioregion (as described in the final determination of the Scientific Committee to list the ecological community)

Dated, this 11th day of November 2005.

Dr Lesley Hughes
Chairperson of the Scientific Committee

Copies of final determination and reasons

Copies of the final determination and the reasons for it are available to members of the public (free of charge) as follows:

- (a) on the Internet at www.nationalparks.nsw.gov.au,
- (b) by contacting the Scientific Committee Unit, by post C/- Department of Environment and Conservation, PO Box 1967, Hurstville, 2220, by telephone (02) 9585 6940 or by facsimile (02) 9585 6606,
- (c) in person at the Department of Environment and Conservation Information Centre, Level 14, 59–61 Goulburn St, Sydney.

NSW SCIENTIFIC COMMITTEE

Final Determination

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is the name given to the ecological community associated with heavy clay soils on depositional landforms in the south-western part of the Hunter River valley floor. Mean annual rainfall within the current known range of the ecological community varies from about 550 to 650 mm. Hunter Valley Weeping Myall Woodland is characterised by the assemblage of species listed in paragraph 2 and typically comprises a relatively dense or open tree canopy up to about 15 m tall, sometimes with an open understorey of semi-sclerophyllous shrubs, and a variable groundcover dominated by grasses or herbs. In disturbed stands the canopy may consist of either scattered trees or dense regrowth and the understorey may comprise relatively few native species above ground.
2. The Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is characterised by following assemblage of species:

<i>Acacia homalophylla-A. melvillei complex</i>	<i>Acacia pendula</i>
<i>Acacia salicina</i>	<i>Austroanthonia fulva</i>
<i>Canthium buxifolium</i>	<i>Chrysocephalum apiculatum</i>
<i>Dodonaea viscosa</i>	<i>Einadia nutans subsp. nutans</i>
<i>Enchylaena tomentosa</i>	<i>Eucalyptus crebra</i>
<i>Geijera parviflora</i>	<i>Maireana microphylla</i>
<i>Notelaea microphylla var. microphylla</i>	<i>Ptilotus semilanatus</i>
<i>Sarcostemma australe</i>	<i>Senna zygomphylla</i>
<i>Spartothamnella juncea</i>	<i>Themeda australis</i>
3. The total species list of the community is larger than that given above, with many species present only in one or two sites, or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including grazing, flooding, land clearing and fire) history. The number and relative abundance of species will change with time since fire, and may also change in response to changes in fire frequency or grazing regime. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plants, however the community also includes micro-organisms, fungi, cryptogamic plants and both vertebrate and invertebrate fauna. These components of the community are poorly documented.
4. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion typically has a dense to open tree canopy up to about 15 m tall, depending on disturbance and regrowth history (Peake 2005). The most common tree is *Acacia pendula* (Weeping Myall), which may occur with *Eucalyptus crebra* (Narrow-leaved Ironbark), *A. salicina* (Cooba) and/or trees within the *A. homalophylla* – *A. melvillei* complex. Understorey shrubs may include *Canthium buxifolium* (Stiff Canthium), *Dodonaea viscosa* (Sticky Hopbush), *Geijera parviflora* (Wilga), *Notelaea microphylla var. microphylla* (Native Olive) and *Senna zygomphylla* (Silver Cassia). However, the shrub stratum is absent from some stands. The groundcover varies from dense to sparse, and is comprised of grasses such as *Austroanthonia fulva* (a wallaby grass) and *Themeda australis* (Kangaroo Grass), and low shrubs and herbs such as *Chrysocephalum apiculatum* (Common Everlasting), *Einadia nutans subsp. nutans* (Climbing Saltbush), *Enchylaena tomentosa* (Ruby Saltbush), *Maireana microphylla* (Eastern Cotton Bush) and *Ptilotus semilanatus*.
5. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is currently known from parts of the Muswellbrook and Singleton Local Government Areas, but may occur elsewhere in the bioregion. It may also occur in the Upper Hunter Local Government Area within the Brigalow Belt South bioregion, although its presence has not yet been confirmed there. Bioregions are defined in Thackway and Creswell (1995).
6. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion was described in Peake's (2005) vegetation survey of the central Hunter valley. A number of vegetation surveys and mapping studies carried out in the surrounding regions have not detected the community. These include surveys of the Lower Hunter – Central Coast (NPWS 2000), Maitland Local Government Area (Hill 2003), Myanbat Military Area (Thomas 1998), and Yengo (Bell et al. 1993), Wollemi (Bell 1998) and Goulburn River national parks (Hill 2000). Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is included within the 'Western Vine Thickets' vegetation class of Keith (2004). It also contains a number of species that are characteristic of the 'Riverine Plain Woodlands' vegetation class, including the dominant tree species, *Acacia pendula*. However, Hunter Valley Weeping Myall Woodland occurs well outside the distribution of other communities that typify both of these classes of vegetation (Keith 2004).

7. Hunter Valley Weeping Myall Woodland is of conservation significance because it represents a disjunct coastal example of vegetation that is found principally on the western slopes of Great Dividing Range. Taxa such as *Acacia pendula*, *A. homalophylla*-*A. melvillei* complex, *Geijera parviflora*, *Enchylaena tomentosa*, *Maireana microphylla* and *Ptilotus semilanatus* are typical of the inland flora of southeastern Australia. The community also provides habitat for *Acacia pendula* population in the Hunter catchment, listed as an Endangered Population on Schedule 1 of the Threatened Species Conservation Act (1995).
8. Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion occurs within a region in which native vegetation has been extensively cleared and persists only as very small remnants of less than one-hectare or as isolated trees. It is threatened by small-scale vegetation clearing, fragmentation, small-scale disturbance to soils and groundcover, grazing and weed invasion. The total remaining area of Hunter Valley Weeping Myall Woodland is estimated to be less than ten hectares (Peake 2005). The community is likely to be at risk from stochastic events due to its small patch sizes and restricted range. Most examples of the community are grazed or affected by severe disturbance to the groundcover, and many of the constituent species exhibit poor recruitment (Peake 2005). In addition, invasion by pasture and roadside weeds and *Asparagus asparagoides* (Bridal Creeper) pose significant threats throughout the range of the community. Collectively, these processes indicate a continuing decline in the distribution and ecological function of the community. Clearing of native vegetation is listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
9. Hunter Valley Weeping Myall Woodland in the Sydney Basin bioregion is not currently known to be represented within any conservation reserves.
10. In view of the above, the Scientific Committee is of the opinion that Hunter Valley Weeping Myall Woodland of the Sydney Basin bioregion is likely to become extinct in nature in NSW unless the circumstances and factors threatening its survival cease to operate.

Dr LESLEY HUGHES,
Chairperson
Scientific Committee

Proposed Gazettal date: 25/11/05
Exhibition period: 25/11/05 – 20/01/06

References

- Bell SAJ (1998) 'Wollemi National Park vegetation survey.' Volumes 1 & 2. NSW National Parks and Wildlife Service, Hurstville.
- Bell SAJ, Vollmer J, Gellie N (1993) 'Yengo National Park and Parr State Recreation Area. Vegetation survey for use in fire management.' NSW National Parks and Wildlife Service, Hurstville.
- Hill L (2000) 'Goulburn River National Park and Munghorn Gap Nature Reserve: vegetation survey for fire management purposes.' NSW National Parks and Wildlife Service, Muswellbrook.
- Hill L (2000) 'The natural vegetation of the Maitland Local Government Area.' Maitland City Council, Maitland.
- Keith DA (2004) 'Ocean shores to desert dunes: the native vegetation of New South Wales and the ACT.' Department of Environment and Conservation, Sydney.
- Peake T.C.(2005). The Vegetation of the Central Hunter Valley, New South Wales. A Report on the Findings of the Hunter Remnant Vegetation Project. Final Draft Version 1. Hunter – Central Rivers Catchment Management Authority, Paterson.
- Thackway R, Creswell ID (1995) (eds) 'An interim biogeographic regionalisation of Australia: a framework for establishing the national system of reserves.' (Australian Nature Conservation Agency: Canberra).
- Thomas D (1998) 'Vegetation communities of the Singleton Military Area.' Department of Defence, Singleton.

OFFICIAL NOTICES

Appointments

CONSUMER, TRADER AND TENANCY TRIBUNAL ACT 2001

Appointment

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint:

Georgia ADDERLEY
 Carol Lee ABELA
 Diana Prudence BELL
 Robert BLAIR
 George BORDON
 Brian BRADY
 Kenneth Garry BRYANT
 Mark BULLEN
 Catherine CARNEY
 Rieteke CHENOWETH
 Michael COURTNEY
 Sherene DANIEL
 Maritsa EFTIMOU
 Janet FAREY
 Colin GRACE
 Danae HARVEY
 Kim HOLWELL
 Mik ILETT
 Christopher KEHER
 Thomas Joseph KELLY
 David LENNON
 Joanne LYNCH
 Edward Henry MOORE
 Bryan Lyall PICKARD
 Raymond Joseph PLIBERSEK
 Katherine Ann ROSS
 Kim Bolster ROSS
 Tracy SHEEDY
 Bernard Martin SHIPP
 Lyndal Ann TAYLOR
 William John WALSH
 Julie WALTON, OAM
 Thomas Joseph WHITE
 Kerry John WILLIAMS

as part-time Members of the Consumer, Trader and Tenancy Tribunal for a period of 3 years from 1 January 2006 to 31 December 2008, inclusive.

Dated at Sydney this 23rd day of November 2005.

M. BASHIR,
 Governor

By Her Excellency's Command

DIANE BEAMER, M.P.,
 Minister for Fair Trading

CONSUMER, TRADER AND TENANCY TRIBUNAL ACT 2001

Appointment

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, hereby appoint:

Simon HENNINGS
 Gregory Gerard O'KEEFFE
 Cameron Lionel MURPHY
 Kim ROSSER

as full-time Members of the Consumer, Trader and Tenancy Tribunal for a period of 3 years from 1 January 2006 to 31 December 2008, inclusive.

Dated at Sydney this 23rd day of November 2005.

M. BASHIR,
 Governor

By Her Excellency's Command

DIANE BEAMER, M.P.,
 Minister for Fair Trading

MUSEUM OF APPLIED ARTS AND SCIENCES ACT 1945

Appointment of Trustees

The Trustees of the Museum of Applied Arts and Sciences HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to Section 4 of the Museum of Applied Arts and Sciences Act 1945, the following persons being appointed as trustees of the Trustees of the Museum of Applied Arts and Sciences from 1 January 2006 to 31 December 2008:

- (i) Mark BOURIS (re-appointment)
- (ii) Susan GRAY (re-appointment)
- (iii) Dr Anne SUMMERS AO (re-appointment)

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

Department of Lands

DUBBO OFFICE

142 Brisbane Street (PO Box 865), Dubbo NSW 2830

Phone: (02) 6841 5200 Fax: (02) 6841 5231

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Walgett	The part being
Local Government Area: Walgett Shire Council	<i>Lot Sec. D.P. No. Parish County</i>
Locality: Walgett	200 1085161 Walgett Baradine
Reserve No. 84177	of an area of 520m2
Public Purpose: Road Works Depot	
Notified: 1 February 1963	
<i>Lot Sec. D.P. No. Parish County</i>	
200 1085161 Walgett Baradine	
201 1085161 Walgett Baradine	
File Reference: TH02H45.	

Notes: It is proposed to dispose of the land by way of Private Treaty Sale to the Department of Primary Industry.

HAY OFFICE

126 Lachlan Street (PO Box 182), Hay NSW 2711

Phone: (02) 6993 1306 Fax: (02) 6993 1135

ALTERATION OF CORPORATE NAME OF RESERVE TRUST

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

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

SCHEDULE 1

Deniliquin Childrens Centre Incorporation

SCHEDULE 2

Reserve No. 97595
Public Purpose: Community Purposes
Notified: 30 November 1984
Reserve No. 98089
Public Purpose:
Kindergarten
Pre-School
Notified: 14 February 1986
File Reference: HY86R5

SCHEDULE 3

Deniliquin Childrens Centre Incorporated

GRAFTON OFFICE**76 Victoria Street (Locked Bag 10), Grafton NSW 2460****Phone: (02) 6640 2000 Fax: (02) 6640 2035****NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

*Land District – Lismore;
LGA – Lismore City Council*

Roads Closed: Lot 1 DP 1070808 at South Lismore, Parish South Lismore County Rous.

File Reference: GF02H268

Schedule

On closing, the land within Lot 1 DP 1070808 becomes vested in Lismore City Council as operational land for the purposes of the Local Government Act 1993.

Councils reference: LW:TMI:P11977.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

*Land District – Bellingen;
Shire – Coffs Harbour*

Road closed: Lot 1, DP 1089778, at North Boambee, Parish Bonville, County Raleigh.

File No.: GF03 H 164.

Note: On closing, the land within Lot 1 DP 1089778 remains vested in the State of New South Wales as Crown land.

GOULBURN OFFICE**159 Auburn Street (PO Box 748), Goulburn NSW 2580****Phone: (02) 4828 6725 Fax: (02) 4828 6730****PLAN OF MANAGEMENT FOR A CROWN RESERVE UNDER DIVISION 6 OF PART 5 OF THE CROWN LANDS ACT 1989 AND CROWN LANDS REGULATION 1990.**

A draft plan of management has been prepared for the Crown reserve described hereunder, which is managed by Goulburn Mulwaree Council.

Inspection of the draft plan can be made at Goulburn Office of the Department of Lands, 159 Auburn Street, Level 1 Rear Building, Goulburn and Goulburn Mulwaree Council Chambers, Civic Centre, 184-194 Bourke Street Goulburn during normal business hours.

Representations are invited from the public on the draft plan. The plan will be on exhibition for a period of 28 days commencing this day. Submissions will be received up to the 6th January 2006 and should be sent to the Manager, Crown Lands NSW, P.O. Box 748, Goulburn NSW 2580.

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

Description of Reserve

*Land District – Goulburn;
LGA – Goulburn Mulwaree Council
Parish – Towrang;
County – Argyle*

Reserve No. 46316 for the public purpose of Public Recreation notified in the Government Gazette of 15 February 1911 and 64500 for the public purpose of Public Recreation notified in the Government Gazette of 13 April 1934.

Location: Governors Hill/Mt Gray Reserve.

File No.: GB 96 R 25.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder described are closed and the land comprised therein ceases to be a public road and the rights of passage and access that previously existed in relation to the roads are extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

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

Description

*Parish – Ballallaba;
County – Murray;
Land District – Braidwood;
Council – Palerang*

Lot 1 DP 1082383 (not being land under the Real Property Act).

File Reference: GB04H554. JK

SCHEDULE

Note: On closing, the land within Lot 1 DP 1082383 remains vested in Palerang Council as operational land under the provisions of Section 43, Roads Act, 1993.

GRAFTON OFFICE**76 Victoria Street (Locked Bag 10), Grafton NSW 2460****Phone: (02) 6640 2000 Fax: (02) 6640 2035****APPOINTMENT OF RESERVE TRUST AS TRUSTEE
OF A RESERVE**

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

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

SCHEDULE

COLUMN 1	COLUMN 2
North Coast Ministerial Corporation Reserve Trust	Reserve No. 1011108 Public Purpose: Future Public Requirements Notified: 18 November 2005 File Reference: GF05R126

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4934 2280 Fax: (02) 4934 2252****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 in that Column, 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	COLUMN 2	COLUMN 3
Jacqueline Maria Spring (new member)	Norah Head Lighthouse Reserve Trust	Reserve No. 1003869 Public Purpose: Heritage Purposes Public Recreation And Coastal Environmental Protection Notified: 6 September 2002 File Reference: MD02R25/3

For a term commencing the date of this notice and expiring 05 September 2007.

ERRATUM

Description

Parish – Wallarah;
County – Northumberland;
Land District – Gosford;
Local Government Area – Lake Macquarie;
Locality – Cams Wharf

IN the Government Gazette of 18 November, 2005 at Folio 9551, under the heading "NOTIFICATION OF CLOSING OF ROAD", the notice is hereby amended by deleting the Deposited Plan description of Lot 26, "DP 1086767"; and inserting in lieu "DP 1091001".

File No: MD 04 H 120

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

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6752 5055 Fax: (02) 6752 1707****DRAFT ASSESSMENT OF CROWN LAND UNDER PART 3 OF THE CROWN LANDS ACT, 1989 AND THE CROWN LANDS REGULATION, 2000**

Draft Assessment Of Crown Land At Moree (Taylor Oval)

THE Minister for Lands has prepared a draft assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the office of the Department of Lands, on the corner of Frome and Heber Streets, Moree and at the office of Moree Plains Shire Council, at 21 Auburn Street, Moree and at the Northern Regional Library, on the corner of Balo and Albert Streets, Moree, during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period of forty three (43) days commencing from the 25th November 2005 until 6th January 2006 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 388, Moree NSW 2400. Please quote reference number ME05H423.

This Land Assessment has been undertaken in response to interest in Crown land shown by Moree Plains Shire Council and in response to public concern over the potential sale of Crown land that currently provides public recreation and sporting facilities. The lands are generally reserved or dedicated for public purposes under the Crown Lands Act, 1989 and currently zoned 6(a) public open space under the provisions of Moree Plains Local Environmental Plan 1995.

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

Description

*Land District – Moree;
Council – Moree Plains Shire*

The assessment area includes approximately six hectares of Crown land to the South of Albert Street and west of Balo Street, Moree. This land is known as Taylor Oval (Lot 587 DP 822970), Lloyd Oval and Moree Tennis Courts (Lot 701 DP 1029428), and public open space between Lloyd Oval and the Newell Hwy (being Lots 541, 542 and 535 DP 751780 and part of Lot 7072 DP 1032385), Parish of Moree, County of Courallie.

Contact: Ross Harris (02) 6752 5055.

NOWRA OFFICE**5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****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 road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2, hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

Description

*Land District – Moruya;
Council – Eurobodalla Shire;
Parish – Wagonga;
County – Dampier*

Schedule 1

The Crown public road, being the parts of Ocean Parade at Dalmeny within Lots 1 to 4, DP 42865. Crown lands references:- NA 05 H 328.

Schedule 2

Roads Authority: Eurobodalla Shire Council -
Ref 02.6713.

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

NOTIFICATION OF CLOSING OF A 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 – Bathurst;
 Shire – Oberon*

Road closed: Lots 1, 2, 3, 4, 5, 6 & 7 DP1088039 Parishes Kendale & Oberon, County Westmoreland. File Reference: OE02H386.

Note: On closing, title to the land comprised in Lots 1 to 7 remains vested in the Crown as Crown land.

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to Section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Molong	Part reserve being:
LGA: Cabonne	Lot 1 DP 632384
Locality: Cargo	Area: 11.63 ha
Reserve No. 81412	Parish: Edinburgh
Purpose: Future Public Requirements	County: Ashburnham
Notified: 13 April 1984	File: OE80H619.

REVOCATION OF RESERVATION OF CROWN LAND

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Cowra	The whole being
Local Government Area: Cowra Shire Council	<i>Lot D.P. No. Parish County</i> 374 752948 Mulyan Forbes
Locality: Conimbla	of an area of 79.12 hectares
Reserve No. 80313	
Public Purpose: Generally	
Notified: 24 January 1958	
File Reference: OE04H367.	

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, MLC.,
 Minister for Lands

Descriptions

Land District – Metropolitan;
L.G.A. – City of Sydney

Lot 100, DP 1088512 at Sydney, Parish St Philip, County Cumberland.
 MN04H107.

- Notes:** 1] On closing, title for the land in lot 100 remains vested in City of Sydney Council as operational land.
- 2] The road is closed subject to the easement for water supply 3 wide as shown in DP 1088512.

TAMWORTH OFFICE

25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

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

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

SCHEDULE 1

Parish – Perry;
County – Inglis;
Land District – Tamworth;
L.G.A – Tamworth Regional Council

Crown public road of 20.115 metres wide and described as North of Lot 21 in DP545293 (that part not already Council Public Road).

SCHEDULE 2

Roads Authority: Tamworth Regional Council.

File No: TH05H398.

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

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

TONY KELLY, M.L.C.,
Description

Land District – Taree;
Local Government Area – Greater Taree

Road closed: Lot 1, DP 1088181at Tinonee.

Parish of Tinonee, County of Gloucester. File No. TE00H 252.

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

WAGGA WAGGA OFFICE
Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650
Phone: (02) 6937 2700 Fax: (02) 6921 1851

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 in that Column, 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

COLUMN 1	COLUMN 2	COLUMN 3
Raymond Smith (new member)	Tumut	Dedication No. 620078
Hilary John	Showground	Public Purpose:
Pendergast (re-appointment)	Trust	Showground
Kerry John Kell (re-appointment)		Notified: 4 May 1864
Phillip Ernest		File Reference:
Sturt (re-appointment)		WA80R126/3
Peter George		
Ellison (re-appointment)		
David John		
McGruer (re-appointment)		
Vernon Murray		
Walsh (re-appointment)		

For a term commencing the date of this notice and expiring 30 September 2010.

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

Parish – Warri;
County – Bourke;
Land District – Temora;
Shire – Coolamon

Lot 2 in DP 1058849 at Ardlethan.

File No WA03H30.

Note: On closing, the land within the former Council public road will remain vested in the Council of the Shire of Coolamon as operational land.

Department of Natural Resources

WATER ACT 1912

AN application for a License under Section 10 of the Water Act 1912, as amended, has been received from:

DOUGLAS MCMILLAN and ANN MARIA MCMILLAN for two pumps on Thone River Lot 2 DP 860838 Parish Comboyne County Macquarie for water supply for farming (dairy washdown) purposes and irrigation of 12.5 hectares (total 82 megalitres) (application to replace existing license – additional pump and purpose – no increase in authorised area or allocation) (Our Ref:- GRA6080204 – GA2:- 476141).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK,
Resource Access Manager

Department of Natural Resources,
Locked Bag 10, GRAFTON NSW 2460

WATER ACT 1912

AN application under Part 8, being within a Proclaimed (declared) Local Area under Section 5(4) of the Water Act.

An application for Approval of Controlled Works under Section 167 within the Proclaimed (declared) Local Area described hereunder has been received as follows:

Gwydir River Valley

Digby Guy BOLAND and Guy Alexander BOLAND for Controlled Works consisting of Levees on the Lower Gwydir Floodplain on Lots 29, 30, 31, DP750512, roads and closed roads, Parish of Willalee and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 25, 26, 27, 30 & 31, DP750515, roads and closed roads Parish of Wirrir South, all County of Benarba on the properties known as “Kanowna” and “Clylie” for prevention of inundation of land by floodwaters. Ref: 90CW810942.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the Proclaimed Area, whose interest may be affected must be lodged with the Department’s Resource Access Manager at Tamworth by 22nd December, 2005.

Plans showing the location of the works referred to in the above application may be viewed at the Moree office of the Department of Natural Resources. GA2472245.

GEOFF CAMERON,
Manager Resource Access

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

WATER ACT 1912

THE Local Land Board for the land district of Rylstone will, at 10.00 a.m. on Thursday 8th December 2005, at the Rylstone Court House, publicly inquire as to the desirability of granting an application for a licence under Part 2 of the Water Act 1912, by David Lhuede Pty Limited for a dam and a pump on an unnamed watercourse on Pt Lot 197 DP 755440 parish of Louee county of Phillip, and a dam and a pump on an unnamed watercourse, Lot 4 DP 634381 parish of Dungeree & Lot 3 DP 69918 parish of Louee both county of Phillip for irrigation of 50.0 hectares (part replacement of an existing entitlement by way of permanent transfer).

Any person who believes their interests may be affected by the granting of this application may present their case at this hearing.

FRED HUNDY,
Water Access Manager, Macquarie
Central West Region

WATER ACT 1912

PROPOSAL to grant a Licence under Section 10 of the Water Act 1912

1. The Water Administration Corporation established under the Water Administration Act 1986, has received an application under section 10 for a replacement licence due to the transfer of 70ml of water from two existing Water Act licences.
2. The Ministerial Corporation is considering the granting of a licence, which would authorise the works described in the Schedule for the purpose specified in the Schedule.
3. Section 24HA of the Native Title Act 1993 (Commonwealth) authorised the granting of a licence, permit or authority for gaining access to water and taking water where the legislation of the State makes provision for such a grant. Subsection (7) requires that notice of any intended grant must be given for the opportunity for any comments on the proposed act.
4. The section provides that the non-extinguishment principle applies to the doing of any act under the section and any native titleholder concerned whose interest is affected is entitled to compensation.
5. Any comment should be addressed to be the following person:

Dawn Jones,
Dept of Natural Resources,
Tamworth Regional Office,
Phone: (02) 6764 5921,
Fax: (02) 6764 5992.

Comments should be received within the period of 42 days from the date of this notice.

Yours sincerely
DAWN JONES,
Natural Resources Office,
Resource Access
Barwon Region

WATER ACT 1912

AN application for a License under Section 10 of the Water Act 1912, as amended, has been received from:

TREVOR JOHN STEWART for a pump on BRAYS CREEK Lot 5 DP 876467 Parish Tyalgum county Rous for irrigation of 5 hectares (13 megalitres) (split of existing license – no increase in authorised area or allocation) (Our Ref:- GRA6323690).

An application for a Joint Water Supply Authority under Section 20 of the Water Act 1912, as amended, has been received from:

WARWICK DAVID WOODFORD and ROSEMARY THERESE MARTIN and PETER ERIC RIDGWAY, MAXINE NICOLE RIDGWAY, THOMAS JAMES TAYLOR and ROSEMARY ANN TAYLOR for a diversion pipe on Pretty Gully Easement within Lot 2 DP 615098 Parish Burrell County Rous for water supply for domestic purposes (application to replace an existing license – additional holder to be supplied with water) (Our Ref:- GRA6323689).

MARK ROBARDS for a pump on Clarence River Road fronting Lot 7002 DP 1066312, Road fronting Lot 7004 DP 1066313 and Lot 57 DP 704269 all Parish Ellerslie County Buller for water supply for Industrial (tourist cabin) purposes and irrigation of 3.5 hectares (23 megalitres in total) (new license – entitlement by way of permanent transfer) (Our Ref:- GRA6323722-1 – GA2:- 476144).

BRYSON ARTHUR WADE for a pump on Guy Fawkes River Road fronting Lot 82 DP 751462 Parish Lookout County Clarke for water supply for domestic purposes (new license) (Our Ref:- GRA6323716 – GA2:- 476143).

MARGARET ANNE SCHENKEN and NICHOLAS THEODORE SCHENKEN for two dams and a pump on Unnamed Watercourses Lot 1012 DP 625903 Parish Nambucca County Raleigh for conservation of water and irrigation of 10 hectares (27 megalitres) (application to replace an existing license – additional work, no increase in authorised area or allocation) (Our Ref:- GRA6323516 – GA2:- 476145).

Any enquiries regarding the above should be directed to the undersigned (telephone (02) 6640 2000). Written objections specifying the grounds thereof must be lodged within 28 days of the date of this publication as prescribed by the Act.

G. LOLLBACK,
Resource Access Manager

Department of Natural Resources
Locked Bag 10
GRAFTON NSW 2460

WATER ACT, 1912

APPLICATIONS for licences, under the Section 10 of Part 2 of the Water Act, 1912, as amended, have been received as follows:

Clive Nigel Hugh and Meredith Ellen Jennings CAWTHORNE for six (6) x 1.0 megalitre bywash dams on a 1st order Unnamed Watercourses on Lot 11//874725, Parish of Berrima, County of Camden for the conservation of water for stock purposes(new licence)(Dams in excess of the maximum harvestable right dam capacity)(Not subject to the 1995 Hawkesbury/ Nepean embargo)(Ref:10SL056691)(GA2: 493331)

Joseph and Tancisia XERRI for an existing 3.0 megalitre bywash dam and pump on a 1st order Unnamed Watercourse on Lot 1//778303, Parish of Currency, County of Cook for conservation of water and irrigation of 4.0 hectares(vegetables)(new licence)(Dam in excess of the maximum harvestable right dam capacity)(Not subject to the 1995 Hawkesbury/Nepean Embargo)(Ref:10SL056690)(GA2:493332)

WINDSOR COUNTRY GOLF CLUB & others for a pump on the Hawkesbury River on Part Lot 44//244472 and a pump on Rickabys Creek on Lot 4//214147, all Parish of St Matthew, all County of Cumberland for water supply for recreation (greens and tees) and recreation (resort) purposes and the irrigation of 38.5 hectares(golf course)(Replacement Authority – Replaces 10SL045478 and 10SA001721)(no increase in annual water entitlement – no increase in authorised area)(Not subject to the 1995 Hawkesbury/Nepean embargo)(Ref:10SA002538)(GA2: 493332)

Any inquiries regarding the above should be directed to the undersigned (Phone: (02) 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

Department of Planning



New South Wales

Baulkham Hills Local Environmental Plan 2005 (Amendment No 4)

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*. (P00/00272/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Baulkham Hills Local Environmental Plan 2005 (Amendment No 4)

Baulkham Hills Local Environmental Plan 2005 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 2005 (Amendment No 4)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from the Special Uses 5 (a) (Existing and Proposed) Zone to the Residential 2 (a1) Zone under *Baulkham Hills Local Environmental Plan 2005*.

3 Land to which plan applies

This plan applies to Lots 3–6 and part Lot 1, DP 866897 and Lots 20–22 and part of Lots 1–5, DP 8214, known as 257 Windsor Road, Baulkham Hills, as shown edged heavy black and lettered “2 (a1)” on the map marked “Baulkham Hills Local Environmental Plan 2005 (Amendment No 4)” deposited in the office of the Council of Baulkham Hills.

4 Amendment of Baulkham Hills Local Environmental Plan 2005

Baulkham Hills Local Environmental Plan 2005 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Baulkham Hills Local Environmental Plan 2005
(Amendment No 4)



New South Wales

Byron Local Environmental Plan 1988 (Amendment No 122)

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*. (GRA6323392/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Byron Local Environmental Plan 1988 (Amendment No 122)

Byron Local Environmental Plan 1988 (Amendment No 122)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Byron Local Environmental Plan 1988 (Amendment No 122)*.

2 Aims of plan

This plan aims to amend *Byron Local Environmental Plan 1988* to include a building on the land to which this plan applies as an item of the environmental heritage.

3 Land to which plan applies

This plan applies to Lot 1 DP 876261, 19–23 Lawson Street, Byron Bay, within the local government area of Byron.

4 Amendment of Byron Local Environmental Plan 1988

Byron Local Environmental Plan 1988 is amended by inserting in Schedule 2 under the headings “**Lot/DP**”, “**Address**” and “**Description**” at the end of the matter relating to Byron Bay the following words:

Lot 1 DP 876261	19–23 Lawson Street	All of the building located on the corner of Lawson and Fletcher Streets, which includes the 1929 section of the former Byron Council Chambers building
-----------------	---------------------	---



New South Wales

Canterbury Local Environmental Plan No 148—Campsie Precinct (Amendment No 13)

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*. (S04/01444/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Canterbury Local Environmental Plan No 148—Campsie Precinct
(Amendment No 13)

Canterbury Local Environmental Plan No 148—Campsie Precinct (Amendment No 13)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Canterbury Local Environmental Plan No 148—Campsie Precinct (Amendment No 13)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from partly Zone No 2 (c) (the Residential “C” Zone) and partly Zone No 9 (the Arterial Road Reservation and Arterial Road Widening Zone) to Zone No 6 (a) (the Public Open Space Zone) under *Canterbury Local Environmental Plan No 148—Campsie Precinct*.

3 Land to which plan applies

This plan applies to land situated in the City of Canterbury, being Lot 2, DP 1071701, known as 67A Second Avenue, Campsie, as shown coloured dark green on the map marked “Canterbury Local Environmental Plan No 148—Campsie Precinct (Amendment No 13)” deposited in the office of Canterbury City Council.

4 Amendment of Canterbury Local Environmental Plan No 148—Campsie Precinct

Canterbury Local Environmental Plan No 148—Campsie Precinct is amended by inserting in appropriate order in the definition of *the map* in clause 5 the following words:

Canterbury Local Environmental Plan No 148—Campsie Precinct (Amendment No 13)



New South Wales

Kempsey Local Environmental Plan 1987 (Amendment No 97)

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*. (G99/00098/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Kempsey Local Environmental Plan 1987 (Amendment No 97)

Kempsey Local Environmental Plan 1987 (Amendment No 97)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 97)*.

2 Aims of plan

This plan aims to update references in *Kempsey Local Environmental Plan 1987* to the adoption date of the development control plan regulating exempt and complying development (in consequence of amendments recently made to that development control plan).

3 Land to which plan applies

This plan applies to all land to which *Kempsey Local Environmental Plan 1987* applies.

4 Amendment of Kempsey Local Environmental Plan 1987

Kempsey Local Environmental Plan 1987 is amended by omitting the matter "13 July 1999" wherever occurring in clause 57 and by inserting instead the matter "14 June 2005".



New South Wales

Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 32

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*. (SRE0000098/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 32

Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 32

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 32*.

2 Aims of plan

This plan aims to amend the *Ku-ring-gai Planning Scheme Ordinance* so as to add one property to Schedule 7 (Heritage items) to the Ordinance and to the supporting heritage map.

3 Land to which plan applies

This plan applies to land known as The Oaks, 517 Pacific Highway, Killara, as shown edged heavy black on the map marked “Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 32” deposited in the office of the Ku-ring-gai Council.

4 Amendment of Ku-ring-gai Planning Scheme Ordinance

The *Ku-ring-gai Planning Scheme Ordinance* is amended as set out in Schedule 1.

Ku-ring-gai (Heritage Conservation) Local Environmental Plan No 32

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 4 Interpretation

Insert in appropriate order in the definition of *Heritage Map* in clause 4 (1):

Ku-ring-gai (Heritage Conservation) Local Environmental Plan
No 32

[2] Schedule 7 Heritage Items

Insert “517 (Lot B, DP 364354),” after “512,” in the matter relating to the Pacific Highway where secondly occurring.



New South Wales

Ryde Local Environmental Plan No 116

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*. (S01/00241/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Ryde Local Environmental Plan No 116

Ryde Local Environmental Plan No 116

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Ryde Local Environmental Plan No 116*.

2 Aim of plan

This plan aims to vary the controls on development in the City of Ryde that are imposed by certain provisions of the *Ryde Planning Scheme Ordinance* and, in particular, to provide for exempt and complying development in that City.

3 Land to which plan applies

This plan applies to all land within the City of Ryde.

4 Amendment of Ryde Planning Scheme Ordinance

Ryde Planning Scheme Ordinance is amended as set out in Schedule 1.

5 Amendment of State Environmental Planning Policy No 60

State Environmental Planning Policy No 60—Exempt and Complying Development is amended as set out in Schedule 2.

Ryde Local Environmental Plan No 116

Amendment of Ryde Planning Scheme Ordinance

Schedule 1

Schedule 1 Amendment of Ryde Planning Scheme Ordinance

(Clause 4)

[1] Clause 3 Interpretation

Insert in alphabetical order in clause 3 (1):

bed and breakfast establishment means a dwelling in which temporary overnight accommodation is provided for guests, and:

- (a) in which at least breakfast is offered to guests, and
- (b) that does not contain facilities in rooms for the preparation of meals by guests, and
- (c) that is not used for the permanent or long-term accommodation of any persons other than those, and the family of those, who operate and manage the establishment and who would normally reside in the dwelling.

[2] Clause 22 Erection or use of buildings or works

Omit “Dwelling-houses” and “Works for the purposes of landscaping, gardening or bushfire hazard reduction” from Column II of the Table to clause 22 wherever occurring.

Insert instead “.....”.

[3] Clause 22, Table

Omit “home occupations;” from Column IV wherever occurring.

[4] Clause 22, Table

Omit the matter in Column IV relating to Zone No 2 (a1).

Insert instead “Bed and breakfast establishments; dwelling-houses; residential flat buildings Class A; residential flat buildings Class B; swimming pools ancillary to dwellings.”.

[5] Clause 22, Table

Omit “Child care centres;” from Column IV wherever occurring in the matter relating to Zones Nos 2 (b1), 2 (b2), 2 (c5) and 2 (e).

Insert instead “Bed and breakfast establishments; child care centres; dwelling-houses;”.

Ryde Local Environmental Plan No 116

Schedule 1 Amendment of Ryde Planning Scheme Ordinance

[6] Clause 22, Table

Insert "scout halls; swimming pools ancillary to dwellings;" after "Class B;" wherever occurring in Column IV of the matter relating to Zones Nos 2 (b1) and 2 (b2).

[7] Clause 22, Table

Omit "scout halls;" where appearing after "2 storeys;" wherever occurring in Column IV of the matter relating to Zones Nos 2 (b1) and 2 (b2).

[8] Clause 22 Table

Omit "Boarding houses; child care centres;" from Column IV wherever occurring in the matter relating to Zones Nos 2 (c1), 2 (c2) and 2 (c3).

Insert instead "Bed and breakfast establishments; boarding houses; child care centres; dwelling-houses;"

[9] Clause 22 Table

Insert "swimming pools ancillary to dwellings;" after "scout halls;" wherever occurring in Column IV of the matter relating to Zones Nos 2 (c1), 2 (c2), 2 (c3), 2 (c4), 2 (c5), 2 (d1), 2 (d2), 2 (d3), 2 (d4), 2 (d5), 2 (d6), 2 (d7) and 2 (e).

[10] Clause 22, Table

Omit "Child care centres;" from Column IV of the matter relating to Zone No 2 (c4).

Insert instead "Bed and breakfast establishments; child care centres;"

[11] Clause 22, Table

Omit "Boarding houses;" from Column IV wherever occurring in the matter relating to Zones Nos 2 (d1), 2 (d2), 2 (d3), 2 (d4), 2 (d5), 2 (d6) and 2 (d7).

Insert instead "Bed and breakfast establishments; boarding houses;"

[12] Clause 42 Advertising signs

Omit "advertisement sign" from clause 42 (2).

Insert instead "advertising sign".

Ryde Local Environmental Plan No 116

Amendment of Ryde Planning Scheme Ordinance

Schedule 1

[13] Clause 72

Omit the clause. Insert instead:

72 Demolition

Demolition must not be carried out on any land to which this plan applies without the consent of the responsible authority.

[14] Clause 72ZF

Insert after clause 72ZE:

72ZF Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in Council's Development Control Plan No 34 relating to exempt and complying development as adopted by the Council on 19 July 2005 is exempt development, despite any other provision of this plan.
- (2) Development listed as complying development in Council's Development Control Plan No 34 relating to exempt and complying development as adopted by the Council on 19 July 2005 is complying development if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Council's Development Control Plan No 34 relating to exempt and complying development as adopted by the Council on 19 July 2005.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Council's Development Control Plan No 34 relating to exempt and complying development adopted by the Council, as in force when the certificate is issued.

[15] Clause 73 Savings

Omit clause 73 (c).

[16] Schedule 7

Omit the Schedule.

Ryde Local Environmental Plan No 116

Schedule 2 Amendment of State Environmental Planning Policy No 60—Exempt and
 Complying Development

**Schedule 2 Amendment of State Environmental
 Planning Policy No 60—Exempt and
 Complying Development**

(Clause 5)

Schedule 1 Where does this Policy apply?

Omit the following matter from Part 1:

City of Ryde



New South Wales

Nambucca Local Environmental Plan 1995 (Amendment No 50)

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*. (G03/00165/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Nambucca Local Environmental Plan 1995 (Amendment No 50)

Nambucca Local Environmental Plan 1995 (Amendment No 50)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Nambucca Local Environmental Plan 1995 (Amendment No 50)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 1 (a2) Rural (Prime/Flooding) to Zone 2 (v) Residential (Village) under *Nambucca Local Environmental Plan 1995*.

3 Land to which plan applies

This plan applies to Lot 1, DP 574223, Eungai Creek Road, Eungai Creek, as shown edged red and lettered "2 (v)" on the map marked "Nambucca Local Environmental Plan 1995 (Amendment No 50)" deposited in the office of Nambucca Shire Council.

4 Amendment of Nambucca Local Environmental Plan 1995

Nambucca Local Environmental Plan 1995 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Nambucca Local Environmental Plan 1995 (Amendment No 50)



New South Wales

Wollongong Local Environmental Plan 1990 (Amendment No 236)

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*. (W04/00093/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Wollongong Local Environmental Plan 1990 (Amendment No 236)

Wollongong Local Environmental Plan 1990 (Amendment No 236)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wollongong Local Environmental Plan 1990 (Amendment No 236)*.

2 Aim of plan

This plan aims to permit, with the consent of the Council of the City of Wollongong, the carrying out of development for the purpose of a resource recovery facility (recycling facility) on the land to which this plan applies.

3 Land to which plan applies

This plan applies to land situated in the City of Wollongong, being Lot 2, DP 217590, Jarvie Road, Cringila, as shown edged heavy black on the map marked “Wollongong Local Environmental Plan 1990 (Amendment No 236)” deposited in the office of the Council of the City of Wollongong.

4 Amendment of Wollongong Local Environmental Plan 1990

Wollongong Local Environmental Plan 1990 is amended by inserting at the end of Schedule 2 in Columns 1 and 2, respectively, the following words:

Lot 2, DP 217590, Jarvie Road, Cringila. Resource recovery facility
(recycling facility).

Department of Primary Industries

POULTRY MEAT INDUSTRY ACT 1986

CALLING OF NOMINATIONS

For Poultry Processor Members on the Poultry Meat Industry Advisory Group

NOMINATIONS are being sought under the Poultry Meat Industry Act 1986 and the Poultry Meat Industry Regulation (2003) for three (3) processor representatives on the NSW Poultry Meat Industry Advisory Group (PMIAG).

ELIGIBILITY FOR NOMINATION: Any person is eligible for nomination as a candidate for appointment as a processor member.

QUALIFICATION FOR NOMINATING CANDIDATES: A person is qualified to nominate a candidate for appointments as a processor member if the person is a processor who has processed designated poultry in the 2004 or 2005 calendar year.

NOMINATION FORMS: Obtained from Joanna Blunden, Secretary Poultry Meat Industry Committee (PMIC), c/- NSW Department of Primary Industries, Tocal Agricultural Centre, Paterson 2421. Phone (02) 49398946 Fax (02) 49398950.

CLOSE of Nominations: The PMIC Secretary must receive completed nomination forms by close of business 4.30pm, Friday 16 December 2005.

Note:

1. A Fishing Closure and Quarantine Order published in NSW Government Gazette No. 116 on 16 September 2005 at pages 7513 – 7514 regulates the taking and possession of oysters from the Hawkesbury River, Georges River and Patonga Creek. Oysters relocated from Brisbane Water to the Hawkesbury River, Georges River or Patonga Creek in accordance with this notification will then be subject to the requirements of the abovementioned Fishing Closure and Quarantine Order.
2. The instrument of delegation under section 228 of the Fisheries Management Act 1994 refers to the position of Deputy Director-General, Agriculture and Fisheries. This position is now known as the Deputy Director-General, Agriculture, Fisheries and Regional Relations.

This prohibition is effective for a period of six months from 1 December 2005, unless sooner varied or revoked.

For further information contact Jane Frances, Manager, Aquatic Animal Health at the NSW Department of Primary Industries Port Stephens Fisheries Centre, Telephone: 02 4916 3904.

D. F. HOCKING,
Acting Deputy Director-General
Agriculture, Fisheries and Regional Relations
Department of Primary Industries

18 November 2005

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification – Fishing Closure

Brisbane Water

I, Douglas Frazer Hocking, Acting Deputy Director-General, Agriculture, Fisheries and Regional Relations, pursuant to section 8 of the Fisheries Management Act 1994, ('the Act') and with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Primary Industries under sections 227 and 228 of the Act, do by this notification prohibit the taking of all species of oysters and all other bivalves from all waters of Brisbane Water otherwise than in accordance with the following exceptions:

1. Oysters and other bivalves may be taken from the waters of Brisbane Water if taken directly for the purpose of depuration in depuration plants in the immediate vicinity of the waters of Brisbane Water, the Hawkesbury River, the Georges River or Patonga Creek, including the bays and tributaries of those waters;
2. Oysters and other bivalves may be taken from the waters of Brisbane Water if taken directly for the purposes of human consumption. For the purposes of this notification oysters and other bivalves are taken directly for human consumption if they are market grade oysters and are taken to be packaged and/or consigned to a wholesaler or retailer;
3. Oysters and other bivalves may be taken from the waters of Brisbane Water if they are taken:
 - a) directly for relocation to the waters of the Hawkesbury River, the Georges River or Patonga Creek, including the bays and tributaries of those waters; and
 - b) subject to the oyster shipment logbook protocol.

NOTICE OF RECEIPT OF APPLICATION FOR AQUACULTURE LEASE

Notification under s.163 (7) of the Fisheries Management Act 1994, and cl.33 of the Fisheries Management (Aquaculture) Regulation 2002

AN application has been received for an aquaculture (oyster) lease for the purposes of cultivating Sydney rock oysters, in the Hastings River, for an area to be known as AL05/028 (if granted) of approximately 0.75 hectares. The area is situated between existing leases OL59/176 and OL65/212. Application by Advanced Oysters Pty Ltd of Port Macquarie. If granted the lease will be subject to standard covenants and conditions of an aquaculture lease as provided under the above Act.

NSW Department of Primary Industries (DPI) is calling for written submissions from any person supporting or objecting to the lease proposal, citing reasons for the support/objection. DPI is also calling for expressions of interest from persons or corporations interested in leasing the area. An expression of interest must be in the form of a written response referring to lease number AL05/028, signed and dated with a return address.

Specific details can be obtained, or enquiries made with NSW Department of Primary Industries, Aquaculture Administration Section on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification.

Director Fisheries Management, Agriculture & Fisheries Division, Aquaculture Administration Section, Port Stephens Fisheries Centre, Locked Bag 1, NELSON BAY, NSW, 2315.

If additional expressions of interest are received, DPI may offer the area for leasing through a competitive public tender process, auction or ballot. The applicant may be required to obtain development consent from Hastings Council under Part 4 (Integrated Development) of the Environmental Planning and Assessment Act, 1979. If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994, and any conditions of consent as imposed by Council.

ANTHONY HURST,
A/Director, Fisheries Management

Agriculture and Fisheries Division
Department of Primary Industries

(T03-0841)

Exploration Licence No. 6174, GOLDEN DRAGON RESOURCES PTY LTD (ACN 106 269 738), area of 33 units. Application for renewal received 18 November, 2005.

(05-5932)

Mining Lease No. 1494 (Act 1992), SAXONVALE COAL PTY LIMITED (ACN 003 526 467) AND NIPPON STEEL AUSTRALIA PTY LIMITED (ACN 001 445 049), area of 5.71 hectares. Application for renewal received 15 November, 2005.

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

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(05-301)

No. 2617, BALRONE HOLDINGS PTY LTD (ACN 009 369 788), area of 38 units, for Group 1, dated 15 November, 2005. (Broken Hill Mining Division).

(05-5707)

No. 2618, WHITEHAVEN COAL MINING LIMITED (ACN 086 426 253) AND REPUBLIC COAL PTY LIMITED (ACN 079 990 784), area of 2000 hectares, for Group 9, dated 15 November, 2005. (Inverell Mining Division).

(05-5708)

No. 2619, GUNNEDAH RESOURCES LIMITED (ACN 114 162 59), area of 3600 hectares, for Group 9, dated 16 November, 2005. (Singleton 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 refused:

MINING LEASE APPLICATION

(T04-0027)

Orange No. 239, JOHN LESLIE PARRY AND JAMES BERNARD HIGGINS, Parish of Burrendong, County of Wellington, (8732-3-N). Refusal took effect on 12 October, 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:

(T01-0090)

Exploration Licence No. 5906, PYRMONT RAW MATERIALS PTY LTD (ACN 054 267 846), area of 4 units. Application for renewal received 21 November, 2005.

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C89-0704)

Authorisation No. 423, HUNTER VALLEY COAL CORPORATION PTY. LIMITED (ACN 003 827 361), County of Durham, Map Sheet (9133), area of 555 hectares, for a further term until 21 December, 2009. Renewal effective on and from 16 November, 2005.

(C90-0163)

Authorisation No. 429, HUNTER VALLEY COAL CORPORATION PTY. LIMITED (ACN 003 827 361), County of Durham, Map Sheet (9133), area of 1094 hectares, for a further term until 21 December, 2009. Renewal effective on and from 16 November, 2005.

(T92-0381)

Exploration Licence No. 4458, AUSMINDEX PTY LIMITED (ACN 003 287 634) AND ALLEGIANCE MINING OPERATIONS PTY LTD (ACN 066 454 457), County of Mouramba, Map Sheet (8133), area of 4 units, for a further term until 16 March, 2007. Renewal effective on and from 16 November, 2005.

(C95-2367)

Exploration Licence No. 4948, DIRECTOR GENERAL NSW DEPT OF PRIMARY INDUSTRIES ON BEHALF OF THE CROWN, County of Bligh, Map Sheet (8833), area of 7898 hectares, for a further term until 27 February, 2008. Renewal effective on and from 8 November, 2005.

(T98-1086)

Exploration Licence No. 5537, IVANPLATS SYERSTON PTY LIMITED (ACN 008 755 155), Counties of Kennedy and Cunningham, Map Sheet (8332), area of 2 units, for a further term until 5 November, 2006. Renewal effective on and from 15 November, 2005.

(T00-0032)

Exploration Licence No. 5878, TRI ORIGIN MINERALS LTD (ACN 062 002 475), Counties of Cunningham and Flinders, Map Sheet (8233), area of 32 units, for a further term until 23 July, 2007. Renewal effective on and from 18 November, 2005.

(T02-0413)

Exploration Licence No. 6061, MICHAEL JOHN SMITH, ADAM ALSTON SMITH, NERIDA MAIA SMITH AND SIMON LAWSON SMITH, County of Beresford, Map Sheet

(8725), area of 4 units, for a further term until 5 March, 2007. Renewal effective on and from 24 October, 2005.

(T02-0457)

Exploration Licence No. 6090, COMPASS RESOURCES N.L. (ACN 010 536 820), Counties of Forbes and Gipps, Map Sheet (8430), area of 34 units, for a further term until 19 June, 2007. Renewal effective on and from 15 November, 2005.

(T03-0092)

Exploration Licence No. 6142, NEWCREST OPERATIONS LIMITED (ACN 009 221 505) AND AURIONGOLD EXPLORATION PTY LIMITED (ACN 067 813 932), County of Narromine, Map Sheets (8433 & 8533), area of 153 units, for a further term until 22 October, 2007. Renewal effective on and from 18 November, 2005.

(T02-0541)

Mining Purposes Lease No. 330 (Act 1973), ROSS SLACK-SMITH AND GENISE JANET SLACK-SMITH, Parish of Coocoran, County of Finch, Map Sheet (8439-2-S), area of 4.23 hectares, for a further term until 31 August, 2009. Renewal effective on and from 8 November, 2004.

(T02-0543)

Mining Purposes Lease No. 332 (Act 1973), ROSS SLACK-SMITH AND GENISE JANET SLACK-SMITH, Parish of Coocoran, County of Finch, Map Sheet (8439-2-S), area of 4 hectares, for a further term until 31 August, 2009. Renewal effective on and from 8 November, 2004.

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

REFUSAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been refused:

(T00-0058)

Exploration Licence No. 5763, TELMINEX NL (ACN 003 309 911), County of Bourke, Map Sheet (8229), area of 17 units. The authority ceased to have effect on 12 November, 2005.

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

COAL MINES REGULATION ACT 1982 AND MINES INSPECTION ACT 1901

Temporary Appointment of an Inspector of
Electrical Engineering

Marie Bashir, Governor

I, Professor Marie Bashir, AC, Governor of New South Wales, with the advice of the Executive Council and pursuant to the provisions of section 7 (1) (f) of the Coal Mines Regulation Act 1982 and 32 (1) of the Mines Inspection Act 1901, have appointed PAUL ALEXANDER LACKEY as an Inspector of Electrical Engineering from this date to 24 February 2006 (inclusive).

Dated this 16th day of November 2005.

By Her Excellency's Command

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

EXOTIC DISEASES OF ANIMALS ACT 1991

Delegation of Ministerial powers Erratum

THE Exotic Diseases of Animals Act 1991 published in the *Government Gazette* of the 18 November 2005 No 140, on pages 9575 and 9576 contained foreign characters throughout the text. Although the gazettal date remains 18 November 2005 the notice is republished in full and the erratum now amends those errors.

EXOTIC DISEASES OF ANIMALS ACT 1991

Delegation of Ministerial powers

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 67 of the *Exotic Diseases of Animals Act 1991* (the Act), hereby:

1. revoke all previous delegations made by the Minister under section 67 of the Act, and
2. delegate the powers of the Minister under the Act listed in Column 1 to the holder of the particular office listed in Column 2.

Column 1	Short Description	Column 2
Section 3 and Dictionary	Declaration of (h) 'animal product'	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 3, 6A and Dictionary	Declaration of 'exotic disease'	Director-General
Section 10	Declaration of infected place	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 11	Declaration of infected vehicle	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 15	Declaration of restricted area	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 20	Area restriction order	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 21	Declaration of control area	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 22	Control orders	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 28	Entry of animals etc from outside State	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer

Column 1	Short Description	Column 2
Section 29	Duration of importation order	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 32	Destruction of infected animals, premises and other property	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 33	Notice of destruction order	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 59(2)	Power to nominate a competent and impartial person as a valuer	Director- General Chief Veterinary Officer
Section 61(b)	Power to allow further time for lodgement of a claim for compensation	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer
Section 63	Reduction of amount claimed	Director-General
Section 64	Disputed claims	Director-General
Section 76	Protection of control programs	Director-General
Section 77(1)	Power to approve the form of signs	Director- General Chief Veterinary Officer Deputy Chief Veterinary Officer

Made this 15th day of November 2005.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Division 5 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005

I, Mike Hannon, Acting Chief Executive of the Roads and Traffic Authority, pursuant to Division 5 of Part 2 of the Road Transport (Mass, Loading and Access) Regulation 2005, do, by this Notice exempt the vehicles described in Part 2 of the Schedule to this Notice from the dimensions, as specified in this Notice, set out in Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998, subject to any conditions or requirements set out in the Schedule below.

MIKE HANNON,
A/Chief Executive
Roads and Traffic Authority

SCHEDULE

PART 1 PRELIMINARY

1.1 Citation

This Notice may be cited as the 26-metre B-Double Exemption Notice 2005.

1.2 Commencement

This Notice takes effect on 25 November 2005.

1.3 Effect

This Notice remains in force until 30 September 2010 unless it is amended or repealed earlier.

1.4 Interpretation

- 1.4.1 Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in the Dictionary to the Road Transport (Mass, Loading and Access) Regulation 2005.
- 1.4.2 Notes in the text of this Notice do not form part of this Notice.

PART 2 APPLICATION

2.1 Application

- 2.1.1 This Notice applies to a B-Double where the combination exceeds the dimension limit specified in clause 73(1)(a) of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.
- 2.1.2 This Notice applies provided that the combination, of the kind described in 2.1.1, is operated in accordance with the provisions of Part 3 - Operating and Travel Requirements.

Note: This notice applies to B-Doubles longer than 25-metres that comply with the requirements of this Notice. B-Doubles carrying loads of livestock or motor vehicles are permitted to operate at 26 metres. However, this Notice does not provide an exemption from the dimension limit in Clause 73(1)(c) [dimension of car carriers which limits the number of vehicle carried on each deck] or Clause 73(2) [dimension of trailer sets of B-Doubles carrying cattle, sheep, pigs or horses which limits the deck length] of Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

PART 3 OPERATION AND TRAVEL REQUIREMENTS

3.1 Dimensions

- 3.1.1 The laden or unladen dimensions of a B-Double (including any fittings) must not exceed 26 metres and the distance from centreline of the king-pin of the first trailer to the rear of the combination must not exceed 20.6 metres.

Note: A B-Double may not comprise of a semi-trailer where the distance from the king-pin to the rear of that trailer exceeds 12.3 metres – refer Clause 2.1.5 of the General B-Doubles Notice 2000, Class 3 Semi-trailer Exemption Notice 2003, and Refrigerated Semi-Trailer Exemption Notice 2003. This also applies to B-Doubles up to 25 metres long.

3.2 Front Under-run Protection Systems

- 3.2.1 The prime mover must:
 - a) be a Front Under-run Protection Vehicle, which is fitted with an Approval Plate that is affixed on or near the drivers' door in a position clearly visible to, and readable by, a Police Officer or an Authorised Officer when the driver's door is open; or
 - b) be fitted with a Front Under-run Protection Device which is fitted with an Approval Plate that is clearly visible to, and readable by, a Police Officer or an Authorised Officer.

- 3.2.2 Any protrusion fitted to the front of a prime mover, must be fitted with an Approval Plate, that is clearly visible to, and readable by, a Police Officer or an Authorised Officer. The Approval Plate must stipulate either that the protrusion is a Front Under-run Protection Device as outlined in 3.2.1 (b) or that the fitted protrusion does not negate the prime mover's compliance with 3.2.1.

Note: Protrusions covered by 3.2.2 are fittings such as 'Bull-bars', 'Roo-bars', 'Nudge-bars' 'Cow-catchers' etc. It does not include driving lights, fog lights, 'running' lights, aerials etc (see clause 2 of Schedule 2 of the Road Transport (Mass, Loading and Access) Regulation 2005).
To comply with 3.2 all vehicles will require an approval plate on their protrusion. Some vehicles may require two approval plates – one on the protrusion and one on the cab of the vehicle.

3.3 Cabin strength

- 3.3.1 The prime mover, if manufactured after 31 December 2005, must comply with Regulation No. 29 made under the UN ECE Agreement (UN ECE R29) for cabin strength.
- 3.3.2 A vehicle complying with Clause 3.3.1 must be fitted with an Approval Plate that is affixed on or near the driver's door in a position clearly visible to, and readable by, a Police Officer or an Authorised Officer when the drivers' door is open.

3.4 Prime mover must not have a load carrying area

- 3.4.1 The prime mover must not have a load carrying area.
- 3.4.2 For the purposes of Clause 3.4.1, a load does not include:
- a) the driver or passengers, or personal items of the driver or passengers;
 - b) fuel, water, lubricants, and readily removable equipment carried on or in the vehicle that is required for its normal operation.

3.5 Transition provision - Approval Plates

- 3.5.1 From the date of commencement of this Notice until 31 March 2006, a vehicle does not require an Approval Plate under either of clauses 3.2 or 3.3 if an original letter from the manufacturer of the Front Under-run Protection Vehicle is carried in the cabin of the vehicle.
- 3.5.2 From the date of commencement until 31 March 2006, vehicles operating under this transitional provision that met the requirements of 3.5.1 are considered to be fully compliant with the requirements of clauses 3.2 and 3.3 of this Notice.
- 3.5.3 A letter referred to in Clause 3.5.1 must:
- a) Declare that the manufacturer holds as Compliance Plate Approval (CPA) from the Australian Government;
 - b) Identify the make, model and Vehicle Identification Number (VIN) of the prime mover;
 - c) State that the vehicle was supplied into the market fully compliant with UN ECE Regulation No. 93; and
 - d) Declare whether the vehicle was initially or subsequently supplied by the manufacturer with a fitting such as a 'Bull-bar', 'Roo-bar', 'Nudge-bar' 'Cow catcher' etc; and if so
 - e) State that the fitting referred to in 3.5.3(d) was fitted by the manufacturer of the prime mover and is compliant with UN ECE Regulation No. 93 or does not affect the UN ECE Regulation No. 93 compliance of the prime mover.

Note: The transitional provisions outlined in this Clause do not apply to an 'after-market' Front Under-run Protection Device or fitting such as a 'Bull-bar', 'Roo-bar', 'Nudge-bar' 'Cow-catcher' etc, that has not been fitted/retro-fitted by the manufacturer (i.e. holder of the CPA) of the vehicle.

3.6 Compliance with the General B-Doubles Notice 2000

- 3.6.1 A B-Double must comply with all requirements of the General B-Doubles Notice 2000 unless the requirement is inconsistent with a provision of this Notice, in which case this Notice takes precedence.

3.7 Travel restrictions

- 3.7.1 A B-Double operating under this notice may only be driven or stood on routes approved for:
- a) 25-metre B-Doubles under the General B-Doubles Notice 2000, Appendix 2, Parts 1 and 2; or
 - b) Road Trains under the General Notice for the Operation of Road Trains 2000.

PART 4 NOTICE TO BE CARRIED

- 4.1 A copy of this Notice and the General B-Doubles Notice 2000, must be carried in the driving compartment of the hauling unit of a combination operating under this Notice, and must be produced to a police officer or an authorised officer when requested.

PART 5 DEFINITIONS

“Approval Plate” means a decal, label or plate issued by a Competent Entity that is made of a material and fixed in such a way that they cannot be removed without being damaged or destroyed and that contains the following information:

- Trade name or mark of the Front Under-run Protection Vehicle or Front Under-run Protection Device.
- Manufacturer of the Front Under-run Protection Vehicle or Front Under-run Protection Device.
- Vehicle Identification Number (VIN)
- Competent Entity unique identification number
- Date of Approval or issue of the plate.
- Approval Number issued by the Competent Entity, and
- Purposes of the approval i.e. approval for a Front Under-run Protection Device, and/or for a Front Under-run Protection Vehicle (UN ECE 93), and/or for Cab Strength (UN ECE 29).

“Competent Entity” means a person or organisation appointed by an Australian Road Authority, and issued with a unique identification number, with the power to certify that the UN ECE requirements for Front Under-run Protection and Cab Strength have been met, and continue to be met, and who may authorise the fixing of appropriate Approval Plates to a Front Under-run Protection Device or a Front Under-run Protection Vehicle.

A Compliance Plate Approval (CPA) holding heavy vehicle manufacturer is deemed to be a Competent Entity.

A Competent Entity, that is not a CPA holding manufacturer, is only approved to inspect and certify those vehicles that are registered in the same jurisdiction as the Competent Entity’s place of business.

“Front Under-run Protection Device” means a device fitted to a prime mover:

- That complies with UN ECE Regulation No. 93 and meets all of the requirements set out in Section 6 “Requirement For FUPDs” of Part I and Section 8 “Requirements for Installation of an Approved FUPD” of Part II of those regulations,
- Where compliance with the performance requirements of UN ECE Regulation No. 93 was established by laboratory testing carried out in accordance with the procedures set out in Annex 5 of UN ECE Regulation No. 93, and
- That was tested using the Test Conditions set out in Section 1 and the Test Procedure set out in Section 3 of Annex 5 of the Guidelines for Implementing Front Underrun Protection and Cab Strength Requirements published by the National Transport Commission (NTC). (Simulation of the test procedure by calculation or other such method as provided for in Section 1.3 of Annex 5 is not available under the NTC Guideline, except with the specific approval of the Authority or when approval has been granted using an “E-mark” issued pursuant to Annex 4 of UN ECE Regulation No. 93).

“Front Under-run Protection Vehicle” means a vehicle that complies with UN ECE Regulation No.93 (UN ECE R93) because it is designed and constructed so that it meets all of the requirements of Section 10 “Requirements for a vehicle with FUP” of Part III of those regulations.

“Load” has the same meaning as it has in the Road Transport (General) Act 2005.

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

Notice of Compulsory Acquisition of Land at Nandewar
Range in the Gwydir Shire Council and Tamworth
Regional Council areas

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

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

SCHEDULE

ALL that piece or parcel of land situated in the Gwydir Shire Council area, Parish of Cobbadah and County of Murchison, shown as Lot 10 Deposited Plan 1079719, being part of the land in Travelling Stock Reserve No 18076 notified in the Government Gazette of 8 July 1893 on page 5369 and said to be in the possession of the Crown and Northern Slopes Rural Lands Protection Board.

ALSO, all that piece or parcel of land situated in the Tamworth Regional Council area, Parish of North Barraba and County of Darling, shown as Lot 11 Deposited Plan 1079719, being part of the land in Travelling Stock Reserve No 352 notified in the Government Gazette of 5 January 1875 on page 4 and said to be in the possession of the Crown and Tamworth Rural Lands Protection Board.

(RTA Papers FPP 5M1693; RO 29.1183)

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

Notice of Compulsory Acquisition of Land at
Sutherland in the Sutherland Shire Council area

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

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

SCHEDULE

ALL that piece or parcel of land situated in the Sutherland Shire Council area, Parish of Sutherland and County of Cumberland, shown as Lot 204 Deposited Plan 1081859, being part of Reserve No 500398 for Public Recreation notified in Government Gazette No.179 of 18 October 1935 on page 4174.

The land is said to be in the possession of the Crown and Jannali (D.500398, D.1000479 and R.100010) Reserve Trust.

(RTA Papers FPP 5M2417; RO 411.12082 & 411.12083)

ROAD TRANSPORT (GENERAL) ACT 2005

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

I, Mike Hannon, Acting Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which B-Double vehicles may be used.

Mike Hannon
Acting Chief Executive
Roads and Traffic Authority

SCHEDULE

1. Citation

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

2. Commencement

This Notice takes effect on the date of gazettal.

3. Amendment

Omit the following routes from Part 2 – B-Double Routes in New South Wales (excluding the Sydney Region) of Appendix 2 – B-Double Routes in New South Wales

Type	Road No	Road Name	Starting Point	Finishing Point	Conditions
25	000	Kangoo Road, Somersby	Pacific Highway (SH10)	Grocery Holdings	Left turn only is permitted both into and out of Kangoo Road from the Pacific Highway

ROAD TRANSPORT (GENERAL) ACT 2005

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

Gosford 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-Double vehicles may be used subject to any requirements or conditions set out in the Schedule.

PETER WILSON
General Manager
 Gosford City Council
 (by delegation from the Minister for Roads)

14 November 2005

SCHEDULE

1. Citation

This Notice may be cited as the Gosford City Council 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 1 January 2010 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 No	Road Name	Starting Point	Finishing Point	Conditions
25	000	Kangoo Road, Somersby	Pacific Highway (SH10)	Coles Myer Logistics – Lot 11, Kangoo Road	

ROAD TRANSPORT (GENERAL) ACT 2005

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

Hawkesbury 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.

G FAULKNER
General Manager
Hawkesbury City Council
(by delegation from the Minister for Roads)

15 November 2005

SCHEDULE

1. Citation

This Notice may be cited as the Hawkesbury City Council 25 Metre B-Double Notice No 5/2005.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

4. Application

This Notice applies to those B-Doubles 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	Boundary Road, Box Hill	Windsor Road	Maguires Road

ROAD TRANSPORT (GENERAL) ACT 2005

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

Baulkham Hills Shire 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.

MICHAEL DOYLE
Traffic Manager
Baulkham Hills Shire Council
(by delegation from the Minister for Roads)

21 October 2005

SCHEDULE

1. Citation

This Notice may be cited as the Baulkham Hills Shire Council *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 2010 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	Boundary Road, Box Hill	Windsor Road	Maguires Road
25	Maguires Road, Box Hill	Boundary Road	Janpieter Road

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 Sport and Recreation.

CITATION

The order is cited as the Sport and Recreation 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:

<i>Qualification</i>	<i>Nominal Term</i>
All Certificate II	12 months
Certificate III Sport and Recreation SRO30103	12 Months
Certificate III Outdoor Recreation SRO30203	
Certificate III Outdoor Recreation (Multiple activities) SRO30303	
Certificate III Sport (Career-orientated participation) SRS30203	
Certificate III Sport (Coaching) SRS30303	
Certificate III Sport (Officiating) SRS30403	
Certificate III Sport (Athlete support services) SRS30503	
Certificate III in Fitness SRF30204	24 months
Certificate III in Community Recreation SRC30204	
All Certificate IV	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.

SCHOOL BASED TRAINEESHIPS

In the case of school-based part-time traineeships, where the nominal full-time term is twelve (12) months, training shall be for nominal terms up to 30 months within which period(s) trainees shall be required to demonstrate competencies relevant to the Vocational Training Order. Training may extend to 36 months where the Higher School Certificate is being delivered over a three (3) year period.

Students may work full-time during school vacations. They are not required to attend on-the-job or off-the-job training for more than 7.6 hours per week during examination periods or exam preparation periods.

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 Sport and Recreation Competency Standards.

(c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

- Certificate II Sport and Recreation SRO20103**
- Certificate III Sport and Recreation SRO30103**
- Certificate IV Sport and Recreation SRO40103**
- Certificate II Outdoor Recreation SRO20203**
- Certificate III Outdoor Recreation SRO30203**
- Certificate IV Outdoor Recreation SRO40203**
- Certificate II Outdoor Recreation (Multiple activities) SRO20303**
- Certificate III Outdoor Recreation (Multiple activities) SRO30303**
- Certificate II Sport (Career-orientated participation) SRS20203**
- Certificate III Sport (Career-orientated participation) SRS30203**
- Certificate II Sport (Coaching) SRS20303**
- Certificate III Sport (Coaching) SRS30303**

Certificate IV Sport (Coaching) SRS40203
Certificate II Sport (Officiating) SRS20403
Certificate III Sport (Officiating) SRS30403
Certificate IV Sport (Officiating) SRS40303
Certificate III Sport (Athlete support services) SRS30503
Certificate IV Sport (Athlete support services) SRS40403
Certificate IV Sport (Development) SRS40503
Certificate III in Fitness SRF30204
Certificate II in Community Recreation SRC20204
Certificate III in Community Recreation SRC30204
Certificate IV in Community Recreation SRC40204
Certificate IV in Fitness SRF40204

(d) Legislative requirements

The NSW Liquor Act and the NSW Gaming Machines Act require students to be 18 years of age or older if they are undertaking modules that involve the service of alcohol and gaming operations. To comply with these legislative requirements students must be 18 years of age or older to undertake the following modules in this course:

- * 6650A Responsible Service of Alcohol
- * 4591C Wine and Beverage Service
- * 6642E Cellar Operations
- * 6642F Bottle Shop Operations
- * 6642H Room Service
- * 4515A Responsible Conduct of Gambling
- * 9542J Gaming Machine Attending
- * 9544F Gaming Machine Analysis

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>

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority
 Declaration of remediation site

(Section 21 of the Contaminated Land Management Act 1997)

Declaration Number 21093; Area Number 3222

THE Environment Protection Authority (EPA) declares the following land to be a remediation site under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

The site incorporates the following areas in the local government area of Wollongong:

- 45-49 Princes Highway, Unanderra NSW (comprising Lot 20 and Lot 28 in Deposited Plan 4276 and Lot 1 in Deposited Plan 125648), currently a service station ("the source site");
- 41-43 Princes Highway, Unanderra NSW (comprising Lot 17 in Deposited Plan 4276 and Lot 18 in Deposited Plan 657202), currently a service station and car yard;

- 16 Second Avenue, Unanderra NSW (comprising Lot 16 in Deposited Plan 4276); and
- That part of the adjacent Council footpath, nature strip area and Second Avenue, that is impacted by contaminated groundwater.

A drawing showing the land to which this declaration applies can be viewed on the public register at www.epa.nsw.gov.au/clm/aboutregister.aspx or can be inspected at L14, 59-61 Goulburn Street, Sydney.

2. Nature of contamination affecting the site

The EPA has found that the site is contaminated with the following substances:

- Petroleum hydrocarbons; and
- Benzene, toluene, ethyl benzene and xylene.

3. Nature of harm that the contaminants may cause

The EPA has considered the matters in s.9 of the Act and for the following reasons has determined that the site is contaminated in such a way as to present a significant risk of harm to human health and the environment:

- Groundwater at the site has been degraded by hydrocarbons at concentrations exceeding the Australian and New Zealand Environment and Conservation Council (2000) guidelines for protection of aquatic ecosystems and NSW EPA guidelines. Separate phase hydrocarbons are also present;
- The contaminated groundwater has migrated from the source site into adjoining roadway and commercial/industrial land and may continue to migrate towards Allans Creek if left unchecked;
- There is a risk of harm to human health if volatile vapours from the hydrocarbon contamination enter service trenches or other enclosed spaces on-site or off-site at concentrations that may be an inhalation hazard or an explosion hazard; and
- The contamination may restrict potential beneficial uses of the groundwater.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of a voluntary remediation of the site and any person may submit a voluntary remediation proposal for the site to the EPA. If the proposal satisfies the requirements of s.26 of the Act, the EPA may agree not to issue a remediation order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a remediation order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Director Contaminated Sites
 Department of Environment and Conservation
 PO Box A290
 SYDNEY SOUTH NSW 1232
 or faxed to 02 9995 5930
 by not later than 23 December 2005.

CAROLYN STRANGE,
 Director Contaminated Sites
 Department of Environment and Conservation
 Date: 17 November 2005

NOTE:**Remediation order may follow**

If remediation of the site or part of the site is required, the EPA may issue a remediation order under s.23 of the Act.

Variation/Revocation

This declaration may be varied by subsequent declarations. It remains in force until it is otherwise revoked. A declaration may only be revoked when the EPA does not have reasonable grounds to believe that land is contaminated in such a way as to present a significant risk of harm (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Contaminated Land Management Act 1997 requires the EPA to maintain a public record. A copy of this remediation declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is currently within a remediation site. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

These factors may also be viewed on the NSW Greenhouse Gas Abatement Scheme website at www.greenhousegas.nsw.gov.au.

Inquiries to Mr Gary Drysdale (02) 9290 8477.

JAMES COX,
CEO and Full Time Member
23 November 2005

Level 2 PO Box Q290
44 Market Street QVB Post Office
SYDNEY NSW 2000 NSW 1230

HEALTH ADMINISTRATION ACT 1982

Order amending the Name of an Approved Quality Assurance Committee

PURSUANT to section 20E(1) of the Health Administration Act 1982, I, JOHN HATZISTERGOS, Minister for Health, do by this Order hereby amend the name of the "Quality Assurance Committee of the QARNS Programme, Royal North Shore Hospital" (approval published in Government Gazette No. 153 of 1 November 1991) so that it is instead to be known as "the Clinical Review Committee of the QARNS Program of Royal North Shore Hospital".

This order shall take effect on gazettal of this order.

Signed this fourteenth day of November 2005.

JOHN HATZISTERGOS, M.L.C.,
Minister for Health

HOUSING ACT 2001

Notification of Compulsory Acquisition of Land

THE New South Wales Land and Housing Corporation declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Housing Act 2001.

Dated this 15th day of November 2005

TERRY BARNES,
Director General

SCHEDULE

The land shown as Lots 21 to 30 on the plan of land at Bidwill, in the Local Government Area of Blacktown, Parish of Rooty Hill, County of Cumberland, registered at Land and Property Information NSW as Deposited Plan No 1075194.

HOUSING ACT 2001

Notification of Compulsory Acquisition of Land

THE New South Wales Land and Housing Corporation declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition Act (Just Terms Compensation) Act 1991 for the purposes of the Housing Act 2001.

Dated at Ashfield this 15th day of November 2005

TERRY BARNES,
Director General

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:

Bathurst	10.00am	12 December 2005(1 week)
		In lieu of 5 December 2005 (2 weeks)

Dated this 15th day of November 2005.

R. O. BLANCH,
Chief Judge

ELECTRICITY SUPPLY ACT 1995

Independent Pricing and Regulatory Tribunal of
New South Wales

Factors for Determining Greenhouse Gas Benchmarks for
2006 (ref: 05/262)

IN accordance with section 97BF of the Electricity Supply Act 1995, the Tribunal has determined the following factors for the purpose of determining greenhouse gas benchmarks for benchmark participants for 2006:

- NSW pool coefficient for greenhouse gas emissions = 0.929 t CO₂-e /MWh
- total State electricity demand = 68,358 GWh
- total State population = 6,869,400
- electricity sector benchmark = 52,344,828 t CO₂-e.

SCHEDULE

The land shown as Lot 382 & 383 on the plan of land at Airds, in the Local Government Area of Campbelltown, Parish of St Peter, County of Cumberland, registered at Land and Property Information NSW as Deposited Plan No 1056580.

LOCAL GOVERNMENT ACT 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

STRATHFIELD MUNICIPAL COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of open space.

Dated at Strathfield this 21st day of November 2005.

DAVID BACKHOUSE,
General Manager

SCHEDULE

Lot D, DP 340860.

LOCAL GOVERNMENT ACT 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

STRATHFIELD MUNICIPAL COUNCIL declares with the approval of Her Excellency the Governor, that the land described in the schedule below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of open space.

Dated at Strathfield this 21st day of November 2005.

DAVID BACKHOUSE,
General Manager

SCHEDULE

Lot 26, DP 9154.

NATIONAL PARKS AND WILDLIFE ACT, 1974

Proclamation

I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under Section 68 of the National Parks and Wildlife Act, 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment and Conservation, by this my Proclamation declare the lands described hereunder to be a wildlife refuge for the purposes of the abovementioned Act.

To be known as "Ilonka Wildlife Refuge"

Signed and sealed at Sydney this 26th day of October 2005.

MARIE BASHIR, Governor

By Her Excellency's Command

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

GOD SAVE THE QUEEN!

Description

*Land District – Braidwood;
Council – Palerang*

County of St. Vincent, Parish of Araluen, 56 hectares, being lots 427, 428, 429, 439 and 506 DP 755901. NPWS 05/23694.

Certificate No. 016/05

**OCCUPATIONAL HEALTH AND SAFETY
REGULATION 2001**

Exemption Order

I, John WATSON, General Manager of the Occupational Health and Safety Division, under the delegation assigned by WorkCover NSW and pursuant to clause 348 [exemptions for classes of persons or things] of the Occupational Health and Safety Regulation 2001 (the Regulation), am satisfied that the application of the provisions in clause 270 (1) [do scheduled work unless the person holds a certificate of competency or recognised qualification in relation to work of that kind] of the Regulation is unreasonable, hereby grant an exemption from this provision for fumigant users specified in Schedule 1 from complying with clause 270 (1) of the Regulation, subject to the conditions specified in Schedule 2.

SCHEDULE 1

Use of the fumigants aluminium phosphide tablets and chloropicrin by hand to control stored grain and vertebrate pests for on-farm use within the Rural Industry(1).

SCHEDULE 2

1. The controller of premises where fumigants are used shall:
 - a. ensure that fumigants are only used by persons authorised by him or her;
 - b. meet the training requirements as required under clause 7A of the Pesticides Regulation 1995 at Level 3 of the Australian Qualifications Framework (AQF);
 - c. instruct those persons in the safe use of fumigants and ensure that any hazards identified with such use have been assessed and adequately controlled and those persons are advised of the controls;
 - d. be satisfied those persons can be relied upon to use fumigants without placing the health and safety of themselves or others at risk;
 - e. ensure those persons are made aware of the application and limitations of this exemption order.
2. The person so authorised shall:
 - a. be not less than eighteen (18) years of age;

- b. meet training requirements as required under clause 7A of the Pesticides Regulation 1995 at Level 3 of the Australian Qualifications Framework (AQF);
 - c. be able to communicate to a level that enables them to perform their duties safely;
 - d. observe safe practices at all times whilst using fumigants and take action to prevent any person being placed at risk
3. The Regulation shall be complied with in all other respects.
- ⁽¹⁾ Use in agriculture within the Rural Industry for the purpose of this exemption, means the use of fumigants at a workplace encompassing an area used predominantly for the production of stock or animal products (such as milk or wool), rearing livestock or growing crops. This includes farms, orchards, vineyards, market gardens and forestry. This does not include workplaces processing or storing agricultural products, or persons providing services to agriculture. If fumigants are used for other applications, the operator must have an appropriate certificate of competency.

This Exemption shall remain in force from 8 November 2005 for a period of two (2) years.

JOHN WATSON,
General Manager
Occupational Health and Safety Division
WorkCover NSW

Please note: Under clause 349 of the Regulation, a Register of Exemptions must be kept by WorkCover NSW and be available for public inspection upon request

EXPLOSIVES REGULATION 2005

Exemption Order No 1

I, John WATSON, General Manager of the Occupational Health and Safety Division, WorkCover Authority of New South Wales, pursuant to clause 94 of the Explosives Regulation 2005 (the Regulation), make the following Order.

Dated this 18th day of November 2005.

JOHN WATSON,
General Manager
Occupational Health and Safety Division
WorkCover Authority of New South Wales

Explanatory Note

Clause 94 of the Explosives Regulation 2005 provides that the regulatory authority may, by order published in the Gazette, exempt any class of persons or things from a specified provision of the Regulation. This Order exempts from clauses 15 (the requirement to hold a licence for the handling of an explosive or an explosive precursor), 68 (prohibition on misuse of explosives and explosive precursors) and 86 (prohibition on transport of explosives by vehicles in certain areas) of the Regulation certain officers of the NSW Police, subject to conditions.

Explosives Regulation 2005 Exemption Order No 1

1. Name of Order

This Order is the Explosives Regulation 2005 Exemption Order No 1.

2. Commencement

This Order commences on the date that it is published in the New South Wales Government Gazette, and has effect for a period of five years from that date.

3. Exemption

Officers of the Tactical Operations Unit of the NSW Police when handling explosives and explosive precursors in the course of their duties in the Units are exempt from the provisions of clauses 15 (insofar as clause 15 requires licensing of the possession, use, transport and disposal of explosives), 68 and 86 of the Explosives Regulation 2005.

Officers of the Dog Unit of the NSW Police when handling explosives and explosive precursors in the course of their duties in the Units are exempt from the provisions of clauses 15 (insofar as clause 15 requires licensing of the possession, use, transport and disposal of explosives) and 86 of the Explosives Regulation 2005.

Granting of the above exemption is subject to the following conditions:

- (a) The NSW Police must ensure that the Units have in place written procedures for the handling of explosives and explosive precursors applicable to the officers of the Units and must ensure that these procedures are strictly followed. These procedures must be detailed and specific to the particular Unit and must be able to demonstrate equivalent levels of safety and security to the requirements of the Regulation.
- (b) The NSW Police must ensure that the police officers to which this exemption relates are appropriately trained in the safe and secure handling of explosives and explosive precursors and that a record of that training is maintained.
- (c) In relation to clause 86, the NSW Police must ensure that explosives are transported safely and securely and that the transport of explosives complies with the Australian Explosives Code and its Addendum.
- (d) The NSW Police must keep a record of the names of police officers working in the Units that are subject to this exemption. Once a police officer ceases to be part of the Unit the officer is no longer included in this exemption.

4. Definition

In this Order:

“the Units” means the Tactical Operations Unit and the Dog Unit of the NSW Police.

“Handling, explosive and explosive precursors” have the same meaning as in the Explosives Act 2003 and Explosives Regulation 2005.

Please note: Under clause 95 of the Regulation, a Register of Exemptions must be kept by WorkCover NSW and be available for public inspection upon request

POULTRY MEAT INDUSTRY ACT, 1986

2005 Election of 3 Growers' Representative Members to the Poultry Meat Industry Advisory Group

PURSUANT to clause 3 of the Poultry Meat Industry Regulation, 2003, the Electoral Commissioner for New South Wales will conduct an election for three (3) members to represent growers on the poultry Meat Industry Advisory Group.

Nominations on the prescribed form (Form 2) are invited.

Eligibility for Nomination

Any person is eligible for nomination as a candidate in the election.

Qualifications for Nominating Candidates

Clause 16 of the Poultry Meat Industry (Committee Members) Regulation, 2003 states:

16. A person is qualified to nominate a candidate for election as a grower member if the person is a grower who has grown designated poultry, under an agreement with a processor, during the calendar year in which the calling of nominations occurred or during the previous calendar year.

Nominations for the position Growers' Representative must be signed by at least five (5) growers (other than the candidate) qualified to make such nomination.

Nominations

Forms for Nomination (Form 2) and Statutory Declaration (Form 3) are available from:

- * State Electoral Office, Level 20, 207 Kent Street Sydney (PO Box 693 Grosvenor Place 1220, telephone (02) 9200 5999, fax no (02) 9200 5939).
- * Offices of New South Wales Department of Primary Industries located at:

Gosford	Horticultural Institute Research Road NARARA NSW 2250	Telephone (02) 4348 1900
Menangle	Elizabeth Macarthur Agricultural Institute Woodbridge Road MENANGLE NSW 2570	Telephone (02) 4640 6333
Paterson	Tocal Agricultural Centre Tocal PATERSON NSW 2421	Telephone (02) 4939 8888
Richmond	Hawkesbury District Office Building M14 Castle Road RICHMOND NSW 2753	Telephone (02) 4588 2100
Wollongbar	Wollongbar Agriculture Institute 1243 Bruxner Highway WOLLONGBAR NSW 2477	Telephone (02) 6626 1200

Details from the Statutory Declarations in Support of Candidature will be included in a Candidate Information Sheet which will accompany voting material when it is posted.

Close of Nominations

Completed nomination forms and Statutory Declarations must be received by the Returning Officer before the close of nominations at NOON, FRIDAY 16 DECEMBER 2005. They may be hand delivered to the State Electoral Office, Level 20, 207 Kent Street, Sydney; posted to PO Box 693, Grosvenor Place NSW 1220 or faxed to (02) 9200 5939.

Nominations received after this date will not be accepted. Any defects in a nomination or alterations or additions to a Statutory Declaration must be rectified by the candidate prior to the close of nominations. Any candidate wishing to withdraw his/her nomination must do so in writing so as to be received by the Returning Officer prior to the close of nominations.

Voting

If the election is contested, a postal ballot will be held to close at Noon, Monday 30 January 2006. Ballot papers will be posted on Friday, 13 January 2006 to all eligible growers.

The method of voting to be observed for this election is optional preferential proportional representation as prescribed in the Regulation.

Enquiries should be directed to the State Electoral Office, telephone (02) 9200 5999.

COLIN BARRY,
Electoral Commissioner for New South Wales
and Returning Officer

PRACTICE NOTE SC EQ 4

Supreme Court Equity Division - Corporations List

Commencement

1. This Practice Note commences 16 November 2005. Paragraphs 26 - 30 are taken to have commenced on 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 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 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 17 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.

Interlocutory Process and Pleadings

26. Rule 2.2(1) provides as follows:

‘Unless these Rules otherwise provide, a person must make an application required or permitted by the Corporations Act to be made to the Court:

- (a) if the application is not made in a proceeding already commenced in the Court - by filing an originating process; and
- (b) in any other case, and whether final or interlocutory relief is claimed - by filing an interlocutory process.’

27. The words, ‘and whether final or interlocutory relief is claimed’, were inserted with effect from 24 June 2005.

28. The purpose of that amendment is to make it clear that the form of interlocutory process under the Rules (Form 3) is required to be used where subparagraph 2.2(1)(b) applies, even where final relief is claimed. Leaving aside the originating process and any amended originating process, all claims for relief properly brought forward in a proceeding already on foot, to which the Rules apply, are required to be made by interlocutory process.

29. Two examples of claims for final relief which are required to be brought by interlocutory process are:

- (1) a claim by a defendant which would, if the general rules of court applied, be brought by way of cross-claim;
- (2) a claim by the Commissioner of Taxation under s 588FGA(4) of the Act (see *Condon v Commissioner of Taxation* [2004] NSWSC 481).

30. Where a claim for final relief has been made in a proceeding to which the Rules apply, whether the claim is made by originating process or by interlocutory process, any subsequent application for an order for pleadings should be made by interlocutory process. Where a claim for final relief is to be made in a contemplated proceeding to which those Rules will apply, an application for an order for pleadings may be made either in the originating process, or by an accompanying interlocutory process. An originating or interlocutory process should not be amended so as to be converted into a pleading.

J. J. SPIGELMAN, AC
Chief Justice of New South Wales
16 November 2005

Related information

Practice Note SC Eq 4 was issued and commenced on 16 November 2005 and replaces Practice Note SC Eq 4 issued on 17 August 2005.

This Practice Note now incorporates Former Practice Note 130 - see paragraphs 26 - 30, which are taken to have commenced on 17 August 2005.

See also:

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:

Practice Note SC Eq 4 was originally issued on 17 August 2005 and replaced Former Practice Note Nos. 111, 117 and 126 on 17 August 2005. It was amended on 19 October 2005 to correct formal errors. It was further amended on 16 November 2005 to add paragraphs 26 - 30 (formerly Practice Note 130), taken to be effective from 17 August 2005.

RETENTION OF TITLE

HER Excellency the Governor, by deputation of Her Majesty the Queen, has been pleased to approve of the retention of the title "Honourable" by Dr Andrew Refshauge, following his retirement from the office of Deputy Premier and as a Member of Parliament on 10 August 2005."

ROADS ACT 1993

Proclamation of Public Road in the Bathurst Regional Local Government Area

I, Professor Marie Bashir, Governor of New South Wales, with the advice of the Executive Council, pursuant to the provisions of section 13 (1) of the Roads Act 1993, hereby proclaim that the land described in the Schedule hereto owned by the Minister for Utilities and used by the public as a road, is dedicated as a public road.

Signed at Sydney this 26th day of October 2005

Professor MARIE BASHIR, AC,
Governor of the State of New South Wales
By Her Excellency's Command

CARL SCULLY, M.P.,
Minister for Utilities

SCHEDULE

Lots 136 and 138 Deposited Plan 1032664 (SB55182).
NSW Department of Commerce ref. 281.

SAFER COMMUNITY COMPACT

Order

I, the Honourable Bob Debus Attorney General of the State of New South Wales, in pursuance of section 39 (1) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, approve the Redfern/Waterloo (City of Sydney) Community Safety Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 21 November 2005 and remains in force until 9 March 2007.

Signed at Sydney, this 14th day of November 2005.

BOB DEBUS,
Attorney General

THREATENED SPECIES CONSERVATION ACT 1995

Order to confer biodiversity certification on the native vegetation reform package and to exclude private native forestry from certification

I, Robert Debus, Minister for the Environment, do by this order confer biodiversity certification on the native vegetation reform package for the purposes of the Threatened Species Conservation Act 1995 (the Act).

Pursuant to section 126C(4) of the Act, I exclude private native forestry from the certification of the native vegetation reform package.

The native vegetation reform package is the package of reforms comprising the following:

- (a) the Native Vegetation Act 2003 and the regulations under that Act,
- (b) State-wide standards and targets for natural resource management issues recommended under the Natural Resources Commission Act 2003 and adopted by the Government,
- (c) catchment action plans under the Catchment Management Authorities Act 2003,
- (d) protocols and guidelines adopted or made under the regulations under the Native Vegetation Act 2003, the Catchment Management Authorities Act 2003 and the Natural Resources Commission Act 2003,

as in force from time to time.

Private native forestry means the clearing of native vegetation for a purpose described in paragraph (i) (Private Native Forestry) of Schedule 3 to SEPP 46, as referred to in clause 41(1) of the Native Vegetation Regulation 2005.

This order is made under section 126C of the Act.

This order is to take effect on and from 1 December 2005.

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

Signed at Sydney, this 22 day of November 2005.

Note: At the time of the making of this order, some of the elements of the native vegetation reform package have not yet been finalised, for example, there are currently no approved catchment action plans (CAPs). As each CAP is made, the Minister for the Environment may consider whether any of the activities covered by the CAP ought to be excluded from certification (under section 126C(4) of the Act), or whether certification should be suspended in relation to a particular catchment management authority (under section 126E of the Act).

WATER MANAGEMENT ACT 2000

Constitution of certain lands as the Great Anabranh of the Darling River Private Water Supply and Irrigation District

MARIE BASHIR, Governor
I, Professor MARIE BASHIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 143 of the Water Management Act 2000, do, by this my Proclamation, constitute the lands described in the petition lodged under section 142 of that

Act by certain landholders along the Great Anabranche of the Darling River as a private water supply and irrigation district, and I do declare that:

- (a) it shall be known as the Great Anabranche of the Darling River Private Water Supply and Irrigation District and the corporate name for its board of management shall be Anabranche Water;
- (b) the boundaries of the Great Anabranche of the Darling River Private Water Supply and Irrigation District shall be as defined in the plans accompanying the petition;
- (c) such plans of the Great Anabranche of the Darling River Private Water Supply and Irrigation District shall be exhibited at the Buronga Office of the Department of Infrastructure Planning and Natural Resources
- (d) the first election of the board of management for the Great Anabranche of the Darling River Private Water Supply and Irrigation District shall be held as follows:
 - (i) if the number of nominations does not exceed the number of positions on the Board the Returning Officer shall make a declaration that all persons nominated are elected in accordance with Clause 68 of the Water Management (General) Regulation 2004
 - (ii) if the number of nominations exceeds the number of positions on the Board and a ballot is required to be held in accordance with Clause 69 of the Water Management (General) Regulation 2004, the first election shall be held at the above mentioned office of the Department within 60 days from the date of publication of this Proclamation in the Gazette.

Signed and sealed at Sydney, this Ninth day of November 2005

By Her Excellency's Command,

IAN MACDONALD, M.P.,
Minister for Natural Resources

GOD SAVE THE QUEEN!

—————
Explanatory note

CONSTITUTION OF THE GREAT ANABRANCHED
OF THE DARLING RIVER AS A PRIVATE WATER
SUPPLY AND IRRIGATION DISTRICT

The purpose of this action is to constitute certain lands as the Great Anabranche of the Darling River Private Water Supply and Irrigation District under section 143 of the Water Management Act 2000.

As part of the Darling Anabranche Management Plan, it is proposed to construct a pipeline to provide stock and domestic supplies, as well as some irrigation water, to landholders along the Darling Anabranche. The proposed pipeline will obtain water from both the Murray and Darling Rivers.

The Private Irrigation District will create an appropriate legal entity which, via a board of management elected by the landowners, has statutory power to construct, maintain and operate water supply works, employ people, levy rates and charges for the supply of water, lawfully manage its finances and protect members against personal liability in the carrying out of water supply functions.

SAFETY MANAGEMENT SYSTEM (SMS) GUIDELINES

Pursuant to section 9D (2) (c) of the
Passenger Transport Act 1990

For Bus and Coach Operators in NSW

Sydney Region:

Ministry of Transport
Transport Operations Division
Level 4, 16-18 Wentworth Street
PARRAMATTA NSW 2150
Locked Bag 5085,
PARRAMATTA NSW 2124
Toll free phone: 1800 010 123

Southern Region:

Ministry of Transport
Transport Operations Division
Level 6 NRMA Building
221-229 Crown Street
WOLLONGONG NSW 2500
PO Box 5215
WOLLONGONG NSW 2500
Toll free phone: 1800 049 961

Northern Region:

Ministry of Transport
Transport Operations Division
Ground Floor
239 King Street
NEWCASTLE NSW 2300
PO Box 871
NEWCASTLE NSW 2300
Toll free phone: 1800 049 983

Table of Contents

THE OBJECTIVE OF SAFETY MANAGEMENT SYSTEMS	2
SAFETY MANAGEMENT SYSTEM GUIDELINES AND MANUAL	3
WHAT IS A SAFETY MANAGEMENT SYSTEM?	3
ESTABLISHING A SAFETY MANAGEMENT SYSTEM	4
SECTION 1: GUIDELINES	5
ELEMENT 1: SMS POLICY, COMMITMENT AND OBJECTIVES	5
ELEMENT 2: MANAGEMENT, ACCOUNTABILITIES, RESPONSIBILITIES AND COMMUNICATION	5
ELEMENT 3: HAZARDS, RISK MANAGEMENT	6
ELEMENT 4: PROCESS DOCUMENTATION	6
ELEMENT 5: TRANSPORT SAFETY EMPLOYEE MONITORING PROGRAM	7
ELEMENT 6: TRAINING AND EDUCATION	7
ELEMENT 7: MEASURING SAFETY PERFORMANCE	8
ELEMENT 8: AUDIT AND EVALUATION	8
ATTACHMENT 1: SECURITY AND EMERGENCY MANAGEMENT	9

Objective of a Safety Management System

As part of Government's continuing commitment to transport safety, accredited bus and coach operators are required to have in place a Safety Management System (SMS).

To support this commitment the Passenger Transport Act 1990 (the Act) states that it is a condition of accreditation that an accredited service operator has a safety management system (SMS) that complies with section 9D of the Act.

An SMS must:

- be documented;
- be able to identify significant risks that have arisen or may arise from providing the service; and
- specify the controls (including, staff, expertise, resources and review process) that are to be employed by the operator to manage the risks and to monitor safety outcomes in relation to the provision of the service.

The Guidelines set out the requirements that must be included in an SMS to ensure compliance with the accreditation condition as set out in the Act. The Guidelines also provide operators with a framework for the provision of safer public passenger services.

Safety Management System Guidelines

SMS Guidelines:

Eight safety elements make up the SMS and provide bus (and coach) operators with the necessary framework to implement and maintain a compliant SMS.

The eight safety elements:

1. Commitment and Objects
2. Management, Accountabilities, Responsibilities and Communication
3. Hazard & Risk Management
4. Process Documentation
5. Transport Safety Worker Monitoring Programme
6. Training and Education
7. Safety Performance Measurement
8. Audit and Evaluation

The bus industry consists of a wide range of operations and services. To accommodate these different operating characteristics, the SMS Guidelines provide flexibility in their application. (For the purpose of these guidelines, a small bus (or coach) operator has less than 20 employees and a large bus (or coach) operator has at least 20 employees).

For further information about bus operator accreditation including SMS please refer to www.transport.nsw.gov.au or contact a Ministry of Transport office.

An industry website is also maintained by the Bus and Coach Association of NSW at www.bcansw.com.au.

What is a Safety Management System?

A Safety Management System (SMS) is an integrated set of work practices and procedures for monitoring and, where identified, improving the safety of a business. A successful SMS provides a systematic and comprehensive process for managing risks, and includes a schedule of core elements, which are enhanced as the size of the business grows.

The SMS should be well documented and communicated to all levels of staff, especially those who are considered 'Transport Safety Employees'.

The NSW Government requires bus operators to enhance safety by ensuring that they have:

- Bus safety workers (drivers, operations, administration and maintenance staff) correctly licensed, trained and fit for duty.
- Buses that are correctly maintained that meet the necessary Roads and Traffic Authority licensing and road-worthiness requirements.
- Bus services designed to operate in a safe manner, whilst ensuring that management are accountable and responsible for the monitoring of bus driver fatigue, adherence to driving hours, bus maintenance, timetables and driver rostering.

Please note that for the purpose of the SMS Guidelines, safety also includes passenger and staff security.

What is a Transport Safety Employee?

A Transport Safety Employee is:

- An employee or a contractor of an accredited service operator who performs bus safety work, or
- A person who, without remuneration or reward, voluntarily and without obligation performs transport safety work for an accredited service operator, or
- An individual who is an accredited service operator and who performs bus safety work

What is Bus Safety Work?

Means the following classes of work:

- Work relating to the driving or other operation of a bus, the loading or disembarking of passengers onto or from a bus or the movement of buses,
- Work relating to repair, maintenance or upgrading of buses, bus terminals or bus maintenance facilities,
- Work involving the development, management or monitoring of safe-working systems for public passenger services carried on by means of buses, and
- Any other work that is prescribed by the regulations as bus safety work.

Establishing a Safety Management System

You should plan to integrate the SMS into your operation in a way that suits your particular bus operation. You will have some or all of the eight safety elements already addressed in various formats of your current management systems.

Research has found that you should consider the 10 key steps to a successful SMS.

1. Gain owner and/or top management commitment.
2. Set safety management policies and objectives.
3. Establish a process to review and manage risks.
4. Allocate safety responsibilities.
5. Set up a Safety Committee (usually only for large or complex bus operations).
6. Set up a reporting system to record hazards, risks and actions taken.
7. Train and educate staff.
8. Audit your operation and investigate incidents and accidents.
9. Set up a system to control documentation and data.
10. Evaluate how the system is working.

Each step is addressed in the following safety elements, which will be the basis for an independent auditor to review your SMS.

Definitions

Term	Definition
Accreditation	All operators of a <u>Public Passenger Service</u> in NSW must be accredited.
Audit	An audit is a review of your compliance to the legislative requirements of the Ministry. Annual audits should be undertaken of your safety management programme.
Bus	A motor vehicle which seats more than 8 adult persons, and includes a vehicle of any class prescribed by the regulations for the purpose of this definition. For the purpose of the SMS bus and coach have the same meaning.
Contractor	Someone working for the bus operation and carrying out Transport Safety Work as defined in the Act.
Incident	For the purposes of the SMS an incident is defined where an operator is required to report such occurrences under the conditions of the bus operator accreditation as follows: <ul style="list-style-type: none"> • Injury incurred to any person or persons, • The event is serious enough to prevent the vehicle from continuing the journey, • The event is likely to arouse public concern;
Large Business	For this purpose a large business refers to a bus operator with at least 20 employees.

Public Passenger Service	<p>A <i>public passenger service</i> means the carriage of public passengers for a fare or other consideration by bus along a road or road related area</p> <p>There are different types of <u>Public Passenger Services</u> including:</p> <ul style="list-style-type: none"> ▪ Regular Passenger Services ▪ Long Distance Services ▪ Tourist Services ▪ Charter Services <p><u>Public passenger bus services</u> in NSW are regulated under the <i>Act</i> and <i>Regulations</i>.</p>
Reporting System	A reporting system is a formal process of collecting, recording, acting on and providing feedback to staff about hazards and risks to your operation.
Safety Management System (SMS)	A Safety Management System is an integrated set of work practices and procedures for monitoring and, where identified, improving the safety of your bus operation.
Safety Policy	A safety policy sets out what you are trying to achieve through your Safety Management System.
Small Business	For this purpose a small business refers to a bus operator with less than 20 employees.
Top Management	Includes but not limited to directors, owner/s and or senior manager/s in positions where both business decisions are made and budget/finance is approved.

Section 1: Guidelines

Element 1: SMS Policy, Commitment and Objectives

Core Elements

The Safety Management System Policy sets out what you are trying to achieve through your safety management system. The policy is a statement of:

1. Commitment to safety by top management of the bus operation.
2. Safety objectives
3. Security objectives
4. Management of safety/security and safety/security objectives in your operation

The policy should be located centrally and accessible by staff.

Requirements for All Bus Operators

- Develop a policy statement that is signed by the organisation's top management.
- Display the current version of the policy in a prominent and accessible location at the workplace.
- Include the policy within all employee handbooks, induction and training material.

Element 2: Management, Accountabilities, Responsibilities and Communication

Core Elements

An operator must assign clear responsibilities for all positions that perform transport safety work. This is an important step in establishing an SMS as it reinforces to managers and staff their obligations in maintaining a safe operation for passengers and staff. Management must also have mechanisms in place to ensure that changes to systems and or procedures that have safety implications are passed on to all staff.

Requirements for All Bus Operators

- Nominate a top management position who will have responsibility for the implementation, management and ongoing maintenance of the SMS.
- Develop and maintain position descriptions for all positions that perform transport safety work. These position descriptions should clearly identify and include all specific safety/security and reporting responsibilities of a Transport Safety Employee.
- Manage and distribute all relevant SMS documentation throughout the business.
- Where appropriate, prepare an organisational chart which shows all positions and reporting relationships.
- Implement a system to ensure staff are aware of changes in safety related activities (Change Management).

Element 3: Hazards, Risk Management

Core Elements

This safety element sets out the requirement for the identification of hazards and risk, the potential consequences and implementing plans to eliminate, reduce or mitigate the possible outcomes.

A hazard is an exposure to danger or harm that may result in damage or injury. Risk is the chance that a hazard will result in damage or harm. Risk is measured in terms of consequences and likelihood.

Risk management needs to link to your bus operations safety policy objectives as well as your incident management and investigation activities. A systematic process for identifying risks and hazards relies on an effective incident reporting system.

Security Management is a safeguard to provide a secure environment and to reduce the potential of criminal, intentional acts and emergencies that may harm customers or staff or impede the effectiveness of the business.

Requirements for All Bus Operators

You must develop a risk register and nominate a position that is responsible for maintaining it.

Note: the risk register should be developed in accordance with AS/NZS 4360:2004 ñ Risk Management

The risk register should identify your risks (hazards), be updated as hazards and risk are identified, and, as a minimum, contain the following headings:

- the identified hazards
- severity of these hazards if they do occur
- likelihood of these hazards occurring
- risk rating (or risk score) for each identified hazard
- changes or controls to be implemented
- employee/s responsible for these controls
- review of implemented controls

Additional Requirements for Larger Bus Operators

Bus operators that service major transport interchanges should consider the threat of terrorism as part of the security risk assessment and make appropriate arrangements with other transport operators in relation to shared locations such as bus/rail/ferry interchanges.

Element 4: Process Documentation

Core Elements

Understanding key safety related functions or processes within your business and developing standard documentation for procedures is a key activity within the SMS. These processes should identify the primary work tasks and the resources responsible for performing those work tasks e.g. staff, equipment, systems etc.

The reporting of incidents will assist in focusing operator attention on recording and analysing incidents. This is an important function of your operation's performance in safety management.

The setting of safety and security related objectives and targets is a practical way of managing and monitoring this area of your business performance.

Requirements for All Bus Operators

- As a minimum, operators should have in place procedures for:
 - Bus maintenance
 - Driver health management
 - Pre-departures and sign-on procedures
 - Incident Management.
- Develop documented procedures for processes.
- Ensure the procedures are approved by owner and/or top management.
- Ensure that documentation is accessible to all staff.
- Train all staff and contractors in relevant safety procedures.

Element 5: Transport Safety Employee Monitoring Program

Core Elements

Bus operators have obligations under Occupational Health and Safety legislation to ensure that drivers and other operational staff do not knowingly put themselves or others at risk while performing their duties. Worker health is an important risk in this regard, and one which should be managed as part of an SMS. Bus operators need to ensure that their transport safety workforce is fit for work.

This safety element requires bus operators to develop systems and procedures to ensure that the health of transport safety employees is monitored and managed on a pro-active and regular basis. This is particularly important for bus drivers but should be considered for all other workers.

Requirements for All Bus Operators

- Establish appropriate policies in relation to driver health, including fitness for duty, drugs and alcohol and driver fatigue.
- Ensure awareness of responsibilities in relation to health, including general fitness to drive, drugs and alcohol use and fatigue.
- Maintain a system for monitoring the licence and driver authorisation (and therefore health assessment) status of drivers.
- Establish practicable procedures to manage the onset of illness which may impact on fitness for duty, including appropriate triggering of health assessments and return to work programmes.
- Comply with drug and alcohol requirements, including establishment of a drug and alcohol programme.
- Comply with fatigue management requirements, including establishment of a fatigue management programme and monitoring of drivers' hours.
-

Please Refer: (i) guidelines issued by the Ministry of Transport for Transport Safety Employee Monitoring, and (ii) guidelines issued by the Ministry of Transport for Drug and Alcohol Programmes for bus operators

Element 6: Training and Education

Core Elements

Staff require the appropriate training and education to enhance their skills to perform their duties in a safe manner.

Bus operators need to ensure that they have the necessary systems in place to determine the skills required by staff to perform work in a safe and competent manner and that their staff are appropriately trained.

Requirements for All Bus Operators

- Determine the skills required by your organisation.
- Introduce a staff training and education programme.
- Establish a personnel records system.
- Regularly update your personnel records to reflect staff skills and qualifications.
- Ensure staff are aware of all responsibilities (including specific safety responsibilities) contained within position descriptions, documented procedures, employee handbook and any other organisational safety documentation. Briefing of staff in these areas should take place during an initial induction, as part of the employment process.

Element 7: Measuring Safety Performance

Core Elements

You must record, analyse and monitor the number and types of safety related incidents occurring within your operation.

Based upon analysis set goals or targets in relation to the types of incidents, monitoring how safety performance is improving over time. This can be achieved by establishing a set of stated objectives and targets.

Requirements for All Bus Operators

The bus operator must:

- notify incidents to the Office of Transport Safety Investigation (OTSI) and/or other relevant authorities e.g. Police, WorkCover, etc.
- record the type of incident, its severity and other pertinent details.
- notify all relevant staff within the operation that have a particular role e.g. operations manager, owner in the event of an incident and / or emergency situation.
- manage incidents out of normal business hours e.g. contact lists, emergency numbers, etc.
- conduct safety investigations as required by the Ministry or OTSI.
- ensure recommendations from incident investigations will be approved, implemented and monitored.
- record and report on incident data, so management can review the suitability of the existing risk controls within the operation.
- perform monthly reviews of safety performance against safety objectives.

Additional Requirements for Larger Bus Operators

- Develop and implement safety related objectives, targets and key performance indicators (KPIs) to assess actual safety performance against a pre-determined set of stated requirements.
- **Please Refer:** Attachment 1 Security and Emergency Management.

Element 8: Audit and Evaluation

Core Elements

Audits provide information that can demonstrate if the policies and procedures which an operator puts in place are working as intended and whether staff are complying. This information can then alert you to things that may need to be done to further improve safety or address a new or changed risk.

Performing annual internal SMS audits will assist you in preparing for the Ministry's annual self assessment and the three yearly independent audits as required under the bus operator accreditation system.

Requirements for All Bus Operators

- develop an annual audit plan.
- highlight any items detected from an audit that demonstrate significant non-compliance as a formal Corrective Action.
- finalise and verify any identified corrective actions as a result of the internal auditing process to improve safety performance.

- proactively identify any areas of bus operations that could benefit by improvement prior to a potential incident occurring i.e. Preventative Action.
-

**Director-General
Ministry of Transport**

Attachment 1: Security and Emergency Management
(refer: SMS Element 7 ñ Measuring Safety Performance)

Security Management

Security Management is a safeguard to provide a secure environment and to reduce the opportunity for potential criminal intentional acts that may harm customers or staff or may render the business less effective.

What the Element Means

You must assess the organisation's operations and identify existing or potential security risks and implement appropriate treatment measures. You will need to document this information as part of the overall Safety Management System. Some Operators may wish to develop a stand-alone Security Plan.

As part of the overall Safety Management System Bus Operators will need to:

- allocate responsibilities for security to appropriate positions within the organisation (refer to SMS Element 2),
- assess the security risks affecting passengers, staff, vehicles and facilities (refer to SMS Element 3). Risk assessments should be conducted in accordance with AS/NZS 4360:2004 ñ Risk Management,
- develop control measures to eliminate or reduce identified security risks. These may include training, policies, procedures, equipment, facilities and physical resources. (refer to SMS Element 3),
- periodically review identified security risks and the measures used to reduce or eliminate the risks,
- establish procedures for staff to report security incidents and suspicious activity (refer to SMS Element 4),
- establish procedures to respond to major incidents and emergencies. Your risk assessment will indicate the type of hazards that you need to plan for. These may include events that are managed by the Emergency Services but which may have an impact on your operations e.g bush fires and floods.
- train your staff in security related issues including awareness, identification of risks and actions to be taken in the event of a security incident (refer SMS Element 6),
- evaluate and test the suitability of your security arrangements e.g. by conducting an audit (refer to SMS Element 8),

Additional Requirements for Larger Operators (may also apply for Small Operator):

- make arrangements with other transport operators in relation to shared locations such as bus/rail/ferry interchanges,
- develop measures that may be implemented to respond to higher threat situations and changes to national terrorism alert levels. Police and the Ministry of Transport will develop additional guidance material to assist Bus Operators to do this.

The security requirements can be documented as part of the overall SMS. Some operators may choose to develop a stand-alone security risk register and plan. Guidance material to assist operators can be found at:

www.dotars.gov.au/transsec/land/index.aspx#guidance.

PUBLIC LOTTERIES ACT 1996

Rule for Games of Keno

Erratum

THE Public Lotteries Act 1996 published in the Government Gazette of the 18 November 2005 No 140, on pages 9614 to 9628 contained foreign characters throughout the text. Although the gazettal date remains 18 November 2005 the notice is republished in full and the erratum now amends those errors.

PUBLIC LOTTERIES ACT 1996
RULE FOR GAMES OF KENO

The Keno Rules dated 23rd November 1998 (as amended by addenda dated 17th May 1999, 13th September 1999, 1st July 2000, 25th May 2001, 1st March 2002, 1st September 2002, 1st February 2003, 27th June 2003, 18th October 2004 and 19th August 2005) are further amended as set out in this Addendum.

This Addendum is effective on and from 21 November 2005.

1. Definition of “Combination”

Amend definition to read as follows:

“Combination” means a combination of 1 to 10, 15, 20 and 40 Spots selected by the Subscriber from the 80 available numbers, where each Combination is taken to be a separate Game played by the Subscriber;

2. Definition of “Jackpot”

Delete the existing definition.

3. Definition of “Jackpot”

Insert the following as a new definition:

“Jackpot” means the Regular Keno Jackpot and Keno Racing Jackpot;

4. Definition of “Jackpot Fill”

Insert the following as a new definition:

“Jackpot Fill” means the sum described as the Jackpot Fill (if any) in Rule 18;

5. Definition of “Jackpot Growth”

Insert the following as a new definition:

- (i) **“Jackpot Growth”** means (as the case may be):
- (a) for the Regular Keno Jackpot, the amount accrued at any given time in respect of the relevant Game of Keno as provided for in Rule 10(b); and
 - (b) for the Keno Racing Jackpot, the amount accrued at any given time in respect of the relevant Game of Keno as provided for in Rule 10(c);

6. Definition of “Jackpot Prize”

Delete the existing definition.

7. Definition of “**Keno Bonus**”

Insert the following as a new definition:

“**Keno Bonus**” means the form of the Game of Keno, being a Category I game, which may only be played in conjunction with certain other forms of the Game of Keno as determined by the Operating Company (except Keno Racing), by which:

- (a) the Subscription for the Game of Keno it is played in conjunction with is multiplied by the Multiplier for the sole purpose of determining the prize payable on that Game of Keno in accordance with the Schedule of Prizes; and
- (b) where Keno Bonus is played in conjunction with a Regular Keno Jackpot, the Keno Bonus Jackpot Prize is payable on winning a Regular Keno Jackpot game;

8. Definition of “**Keno Bonus Jackpot Prize**”

Insert the following definition:

“**Keno Bonus Jackpot Prize**” means the prize offered in respect of a Keno Bonus game played by a Subscriber in conjunction with Regular Keno Jackpot where a Regular Keno Jackpot Prize is payable and the Multiplier is either 3, 4, 5 or 10.;

9. Definition of “**Keno Prize Fund Contribution**”

Amend definition to read as follows:

“**Keno Prize Fund Contribution**” means:

- (c) for Heads or Tails? being a Category Q game - an amount equal to 80% of Subscriptions; and
- (d) for Regular Keno, Keno Roulette, Keno Racing, Lucky Last and Keno Bonus, all being Category I games - an amount equal to 75% of Subscriptions;

10. Definition of “**Let it Run**”

Amend definition to read as follows:

“**Let it Run**” means the form of Prepick in which, subject to Rule 9(c) and 9(l), if the Subscriber correctly forecasts the result of the first game in a chosen series, the amount of the prize as specified in Rule 18(c) on that game is carried over as the Subscription for the next game in the series and in which this procedure continues until such time as the series of games is complete or the Subscriber incorrectly forecasts one of the game results in the series or the Subscriber cancels the ticket;

11. Definition of “**Lucky Last**”

Amend definition to read as follows:

“**Lucky Last**” means the form of the Game of Keno, being a Category I game, and shall be taken to be a separate Game played by a Subscriber. Lucky Last may only be played in conjunction with certain other forms of the Game of Keno as determined by the Licensees (except Heads or Tails?, Keno Racing and Keno Roulette), the object of which is to match a selected number against the last number Drawn in that game;

12. Definition of “Major Prize”

Amend definition to read as follows:

“**Major Prize**” means a prize of more than \$1,000 won in a Game of Keno but does not include that part of the prize comprising the Jackpot Fill, Jackpot Growth or Keno Bonus Jackpot Prize (if any);

13. Definition of “Multiplier”

Insert the following as a new definition:

“**Multiplier**” means the multiplier that applies to the cumulative total of the twenty numbers Drawn from the range of numbers 1 to 80 inclusive, where:

- (a) the multiplier of 1x is assigned to the cumulative totals set out in Part A of the schedule;
- (b) the multiplier of 3x is assigned to the cumulative totals set out in Part B of the schedule;
- (c) the multiplier of 4x is assigned to the cumulative totals set out in Part C of the schedule;
- (d) the multiplier of 5x is assigned to the cumulative totals set out in Part D of the schedule; and
- (e) the multiplier of 10x is assigned to the cumulative totals set out in Part E of the schedule;

14. Definition of “Pro-rating”

Amend definition to read as follows:

“**Pro-rating**” means the proportional reduction in value of all Major Prizes, Bonus Prizes and additional Approved prizes, in a Game of Keno so that the aggregate value of those prizes equals \$3,000,000;

15. Definition of “Regular Keno Jackpot”

Insert the following as a new definition:

“**Regular Keno Jackpot**” means the form of the Game of Keno the object of which is to match all seven (7), eight (8), nine (9) or ten (10) spots selected, as the case may be, against the winning numbers Drawn in that game;

16. Definition of “Regular Keno Jackpot Prize”

Insert the following as a new definition:

“**Regular Keno Jackpot Prize**” means the prize offered in respect of a Regular Keno Jackpot game played by a Subscriber which matches all Spots selected against the 20 winning numbers Drawn in that game.

17. Rule 7(b)

Amend Rule 7(b) to read as follows:

Entry in a Game of Keno, not being a Delayed Start Game, may only be made:

- (i) either:
 - (a) by way of an Entry Form;
 - (b) by Replay; or
 - (c) in relation to:
 - (i) Lucky Last;
 - (ii) Heads or Tails?;
 - (iii) Keno Racing;
 - (iv) Keno Roulette;
 - (v) Parlay;
 - (vi) Kwikipik;
 - (vii) Superplay; or
 - (viii) Keno Bonus,

by Verbal Entry; and

- (ii) by payment of the appropriate Subscription.

18. Rule 9(c)

Amend Rule 9(c) to read as follows:

Except as provided in Rule 9(d) - (k) inclusive the minimum Subscription for a game shall be \$1 and Subscriptions may increment in multiples of \$1 per game up to a maximum of \$9,999 for each Entry.

19. Rule 9(d)

Amend Rule 9(d) to read as follows:

The aggregate of the Subscriptions payable for games comprising a Keno to Go Entry and Keno Bonus, played in conjunction with all Games of Keno on a Keno to Go Entry shall be discounted by an amount equivalent to the Subscription payable in respect of 1 game played by a Subscriber for every 50 games played by a Subscriber to be played in respect of that Entry. Where a Keno to Go Entry is cancelled in accordance with Rule 11, the amount of any refund shall be reduced by an amount equal to the total amount by which the aggregate of the Subscriptions paid in respect of that Entry was discounted pursuant to this Rule 9(d).

20. Rule 9(h)

Amend Rule 9(h) to read as follows:

The minimum Subscription for a game of Heads or Tails? played by a Subscriber (including Prepick and Let it Run) shall be \$1. Subscriptions may increment in multiples of \$1 per game played by a Subscriber (provided that all games played by a Subscriber on an Entry must increment by the same amount) up to a maximum of \$500 per game played by a Subscriber (excluding Let it Run where the maximum allowable Subscription for the first game played by a Subscriber which is the subject of the Entry shall be \$500 per Entry). In relation to the second and subsequent Games which are the subject of a Let it Run Entry, the maximum allowable Subscription specified in Rule 9(c) shall not apply but eligibility for entry in the next Game of Keno shall be subject to the aggregate Subscription limits set out in Rule 9(j).

21. Rule 9(j)

Delete the existing Rule and insert the following as a new Rule:

Notwithstanding any Rule to the contrary, the aggregate of the Subscriptions that may be bet on one of the results of a game of Heads or Tails? in any one Game of Keno between the opening and closure of that game shall not exceed:

- (i) for all Subscriptions placed on the result of Heads, \$500,000;
- (ii) for all Subscriptions placed on the result of Tails, \$500,000;
- (iii) for all Subscriptions placed on the result of Evens, \$170,000.

In the event that the prize in respect of any Let it Run game played by a Subscriber would, but for this Rule, result in the total Subscriptions for the next game exceeding the above limits, the Entry on the next game played by that Subscriber will not be accepted and the prize in respect of the previous game will be paid to that Subscriber.

22. Rule 9(k)

Insert the following as a new Rule:

The Subscription paid for Keno Bonus must be equivalent to the Subscription paid for the game it is played in conjunction with.

23. Rule 9(l)

Insert the following as a new Rule:

In circumstances where Keno Bonus is being played in conjunction with Let it Run, the amount of the prize that is carried over as the Subscription for the next game in the series shall be applied as follows:

- (i) 50% of the prize as Subscription for Keno Bonus; and
- (ii) 50% of the prize as Subscription for the game Keno Bonus is being played in conjunction with.

24. Rule 9(m)

Insert the following as a new Rule:

If the number of games of Keno Bonus being played on an Entry is less than the number of other Games of Keno being played on the Entry, Keno Bonus will be played in conjunction with the first and following games of Keno.

25. Rule 10

Delete the existing Rule and insert the following as a new Rule:

- (a) No Regular Keno Jackpot Prize, Keno Bonus Jackpot Prize or Keno Racing Jackpot Prize greater than or equal to \$10,000 will be paid until verified by the Inspector and the Supervisor.
- (b) An amount equivalent to 10% of Gross Subscriptions in a Regular Keno Jackpot will be allocated from Net Subscriptions on that Regular Keno Jackpot to the Regular Keno Jackpot Prize available for that Regular Keno Jackpot.
- (c) The following amounts will be allocated from Net Subscriptions on the Keno Racing Jackpot to the Keno Racing Jackpot Prize available for that Keno Racing Jackpot:
 - (i) in respect of a "Quartet" Keno Racing Jackpot, an amount equivalent to 10% of Gross Subscriptions;
 - (ii) in respect of the "Five Up" Keno Racing Jackpot, an amount equivalent to 10% of Gross Subscriptions; and
 - (iii) in respect of the "Superfecta" Keno Racing Jackpot, an amount equivalent to 4% of Gross Subscriptions.
- (d) The Jackpot Fill and Jackpot Growth component of the Regular Keno Jackpot Prize, Keno Bonus Jackpot Prize and Keno Racing Jackpot Prize is fixed and payable in respect of the first \$1.00 of the Subscription paid for a game played by a Subscriber to which that prize relates irrespective of the amount actually subscribed and does not increase proportionately to the amount of the Subscription.
- (e) The amount of the Regular Keno Jackpot Prize and Keno Racing Jackpot Prize will be the sum of:
 - (i) the Subscription paid in respect of the game multiplied by the prize (with respect to the Quartet Keno Racing Jackpot Prize specified in Rule 18(d)) or Major Prize (as the case may be);
 - (ii) the Jackpot Fill (if any); and
 - (iii) the Jackpot Growth for the relevant game.

26. Rule 10A(c)

Amend Rule 10A(c) to read as follows:

Where in the Game of Keno in which the Approved requirements for a Bonus Prize are first met, and more than one game played by a Subscriber or Entry (as the case may be) meets those requirements the Bonus Prize shall be shared among those games or Entries (as the case may be) in accordance with Rule 19(f).

27. Rule 12(a)

Amend Rule 12(a) to read as follows:

- (a) The Draw must:
 - (i) take place:
 - (a) by means of a Draw Device;
 - (b) at the Central Site, the Premises of a Club, the Backup Site or other Approved site;
 - (c) if the Draw takes place at the Premises of a Club - in an area open at that time to those persons who would normally have access to those Premises;
 - (d) if the Draw takes place at any other Approved site - in an area open to the public during Approved hours; and
 - (e) in a manner which enables it to be witnessed by an Inspector; and
 - (ii) be captured on an Approved medium.

28. Rule 13

Amend Rule 13 to read as follows:

Subject to these Rules the winning numbers of the most recently completed Game of Keno and the Multiplier will be displayed at the Premises of a Club during the Club's displayed trading hours. The winning numbers and the Multiplier will also be available by a Game Results Inquiry.

29. Rule 15(a)

Delete the existing Rule and insert the following as a new Rule:

- (a) Regardless of the amount of a Subscription, the maximum liability in respect of a Regular Keno Jackpot Prize, and Keno Racing Jackpot Prize will be the amount showing as the Regular Keno Jackpot Prize, and Keno Racing Jackpot Prize at that time resident on magnetic media at the Central Site, reduced (if required) in accordance with Rule 19 and increased (if required) in relation to the prize (with respect to the Quartet Keno Racing Jackpot Prize specified in Rule 18(d)) or Major Prize (as the case may be) having regard to the amount of the Subscription and the Multiplier (if relevant).

30. Rule 18

Delete the existing Rule and insert the following as a new Rule:

- (a) The following Approved Schedule of Prizes applies to all Games of Keno other than Lucky Last, Heads or Tails?, Keno Racing and Keno Roulette and Keno Bonus where it is played in conjunction with Lucky Last, Heads or Tails?, Keno Racing or Keno Roulette. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots Matched	Number of Spots Selected				
	1	2	3	4	5
0					
1	3				
2		12	1	1	
3			44	4	2
4				120	14
5					640

Number of Spots Matched	Number of Spots Selected				
	6	7	8	9	10
0					
3	1	1			
4	5	3	2	1	1
5	80	12	7	5	2
6	1,800	125	60	20	6
7		\$5,000 plus Keno Bonus Jackpot Prize of \$9,000 (if payable) plus Jackpot Growth	675	210	50
8			\$25,000 plus Keno Bonus Jackpot Prize of \$50,000 (if payable) plus Jackpot Growth	2,500	580
9				\$100,000 plus Keno Bonus Jackpot	10,000

				Prize of \$250,000 (if payable) plus Jackpot Growth	
10					\$250,000 plus Jackpot Fill of \$750,000 plus Keno Bonus Jackpot Prize of \$3,900,000 (if payable) plus Jackpot Growth

Number of Spots Matched	Number of Spots selected		
	15	20	40
0		100	250,000
1		10	25,000
2		2	2,200
3			200
4			35
5	1		7
6	2		2
7	4		1
8	20	2	
9	50	7	
10	250	20	
11	2,000	100	
12	12,000	450	
13	50,000	1,200	1
14	100,000	5,000	2
15	250,000	10,000	7
16		15,000	35
17		25,000	200
18		50,000	2,200
19		100,000	25,000
20		250,000	250,000

- (b) The following Approved Schedule of Prizes applies only to games of Lucky Last and Keno Bonus where it is played in conjunction with a game of Lucky Last. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Number of Spots selected	Lucky Last Prize
1	60
2	30
3	20
4	15
5	12
6	10
7	8.50
8	7.50
9	6.50
10	6
15	4
20	3
40	1.5

- (c) The following Approved Schedule of Prizes applies only to games of Heads or Tails? and Keno Bonus where it is played in conjunction with a game of Heads or Tails?. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Selections	Result	Heads or Tails? Prize
Heads	Heads	2
Tails	Tails	2
Evens	Evens	4

- (d) The following Approved Schedule of Prizes applies only to games of Keno Racing. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Bet Type	Keno Racing Prize
Win	6
Place	2
Quinella Place	7
Quinella	21
Exact Quinella	42
Trio	42
Trifecta	252
Quartet	
First correct	1
First 2 correct	3

First 3 correct	10
All 4 correct	800 plus Jackpot Growth
Five Up	
First correct	1
First 2 correct	3
First 3 correct	10
First 4 correct	60
All 5 correct	3,000 plus Jackpot Growth
Superfecta	
First correct	1
First 2 correct	3
First 3 correct	10
First 4 correct	60
First 5 correct	100
All 6 correct	10,000 plus Jackpot Growth

- (e) The following Approved Schedule of Prizes applies only to games of Keno Roulette and Keno Bonus where it is played in conjunction with a game of Keno Roulette. Prizes are based on a Subscription of \$1 and are expressed in multiples of \$1:

Bet Type	Keno Roulette Prize
Straight Up	60
Pair	30
Corner	15
Column	7.50
Row	6
Quarter	3

31. Rule 19

Delete the existing Rule and insert the following as a new Rule:

- (a) The maximum aggregate liability for all Major Prizes in any one Game of Keno, excluding Bonus Prizes and additional Approved prizes, shall be \$3,000,000. Where except for this Rule 19(a) the total amount of such Major Prizes would exceed \$3,000,000 Pro-rating shall apply.
- (b) Subject to Rule 19(c) where Pro-rating applies the amount payable in respect of each Major Prize affected shall be as follows:

Amount payable = $X \div Y \times \$3,000,000$

where

X = the amount which except for this Rule would have been payable in respect of the game played by a Subscriber.

Y = the total prize amount which, except for this Rule, would have been payable in respect of all Major Prizes for a Game of Keno.

- (c) Notwithstanding the application of Pro-rating no Major Prize will be reduced to a value less than \$1,000.
- (d) Where there is more than one Regular Keno Jackpot, or Keno Racing Jackpot winner, the Jackpot Growth and Jackpot Fill will be shared among those Regular Keno Jackpot or Keno Racing Jackpot winners in the same proportion that the amount of the Subscription (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscriptions (disregarding Keno Bonus) paid by all winners on the winning combination of Spots.
- (e) Where there is more than one Keno Bonus Jackpot Prize winner, the Keno Bonus Jackpot Prize will be shared amongst those Keno Bonus Jackpot Prize winners in the same proportion that the amount of the Subscriptions (disregarding Keno Bonus) paid by each winner on the winning combination of Spots bears to the total amount of the Subscription (disregarding Keno Bonus) paid by all winner on the winning combination of Spots.
- (f) Where there is more than one Bonus Prize winner, the Bonus Prize will be shared among those Bonus Prize winners in proportion to the amount of the Subscription paid by each winner on the winning combination of Spots.

32. Schedule

Insert the following as a new Schedule:

SCHEDULE**Part A – 1 x Multiplier**

211	212	213	214	215	216	218	219	221	222	223	224	225	226	228	229	231	233	235	237
239	241	242	244	245	246	247	249	251	252	254	255	258	260	261	263	264	266	268	269
271	273	276	278	280	281	283	285	287	288	290	291	293	295	296	298	300	301	303	304
307	308	311	313	315	316	318	321	322	324	326	328	330	331	332	334	335	337	338	342
344	345	348	350	352	353	355	356	358	359	367	370	372	373	374	375	377	378	379	380
381	382	385	387	389	390	392	393	395	397	398	399	401	403	405	406	407	411	412	413
415	416	418	420	422	424	425	426	427	428	429	430	433	434	437	440	442	444	445	447
449	450	452	453	454	456	458	460	461	462	464	466	467	469	471	472	474	477	479	481
483	484	486	487	488	490	491	494	496	498	499	501	503	505	507	509	511	514	516	519
521	523	525	528	530	532	534	536	537	538	540	541	543	545	546	548	551	553	555	556
557	558	560	561	562	564	565	568	570	573	575	577	579	580	581	582	583	586	587	589
591	592	594	596	598	599	601	603	605	607	609	611	613	615	616	618	620	621	623	626
628	630	632	633	635	636	637	640	643	645	647	648	650	651	653	654	655	656	658	661
664	666	669	671	673	674	675	676	678	680	681	682	684	686	688	690	691	693	694	696
697	699	705	707	708	711	712	714	715	718	720	722	723	724	725	726	728	729	730	731
732	733	734	737	739	741	744	746	747	748	749	751	752	755	759	761	762	763	765	767
770	771	773	776	778	781	782	783	785	789	790	791	792	793	795	798	800	801	802	804
805	806	807	808	812	813	814	815	816	818	819	820	822	825	827	828	829	830	831	835
837	838	839	842	844	847	849	850	853	855	857	858	859	861	865	868	869	871	872	873
874	876	879	881	883	886	887	888	889	890	891	892	894	895	896	897	898	900	902	905
906	908	909	912	913	915	921	923	924	926	927	929	930	932	934	936	938	939	940	942
944	945	946	947	949	951	954	956	959	962	964	965	966	967	969	970	972	973	975	977
980	983	984	985	987	988	990	992	994	997	999	1000	1002	1004	1005	1007	1009	1011	1013	1015
1017	1019	1021	1022	1024	1026	1028	1029	1031	1033	1034	1037	1038	1039	1040	1041	1043	1045	1047	1050
1052	1055	1056	1058	1059	1060	1062	1063	1064	1065	1067	1069	1072	1074	1075	1077	1079	1080	1082	1083
1084	1086	1088	1090	1092	1095	1097	1099	1101	1104	1106	1109	1111	1113	1115	1117	1119	1121	1122	1124
1126	1129	1130	1132	1133	1134	1136	1137	1139	1141	1143	1146	1148	1149	1151	1153	1154	1156	1158	1159
1160	1162	1164	1166	1167	1168	1170	1171	1173	1175	1176	1178	1180	1183	1186	1187	1190	1191	1192	1193
1194	1195	1196	1198	1200	1202	1204	1205	1207	1208	1209	1213	1214	1215	1217	1219	1221	1222	1223	1225
1227	1228	1230	1231	1233	1235	1238	1239	1240	1241	1242	1243	1245	1246	1247	1248	1250	1253	1261	1262
1264	1265	1267	1268	1270	1272	1275	1276	1278	1282	1283	1285	1286	1288	1289	1290	1292	1294	1296	1298
1299	1302	1304	1305	1307	1309	1312	1313	1316	1317	1319	1320	1322	1324	1325	1327	1329	1330	1332	1333
1335	1337	1339	1340	1342	1344	1347	1349	1351	1352	1354	1356	1357	1359	1360	1362	1365	1366	1368	1369
1371	1373	1374	1375	1376	1378	1379	1381	1383	1385	1387	1389	1391	1392	1394	1395	1396	1397	1398	1399
1401	1402	1404	1405	1406	1407	1408	1409												

Part B – 3 x Multiplier

217 227 232 234 238 243 248 250 253 256 259 262 267 270 272 275 277 279 282 284
 286 289 292 294 297 299 302 305 306 309 310 312 314 317 319 323 329 333 336 339
 341 346 347 351 357 361 362 363 364 368 369 371 384 386 391 396 402 408 409 410
 417 421 432 435 436 438 439 441 446 448 451 455 459 463 465 468 470 475 476 478
 480 485 489 493 495 497 500 502 504 506 508 512 513 515 517 518 520 522 524 526
 527 529 531 533 535 539 542 544 549 550 552 554 559 567 569 571 574 576 578 584
 585 588 590 593 595 597 602 604 606 608 612 614 617 619 624 625 627 629 631 638
 639 641 642 644 646 649 652 659 660 662 663 665 668 670 672 677 679 685 687 689
 692 695 698 700 702 703 706 710 713 716 717 721 727 735 736 738 740 742 743 745
 753 754 757 760 764 766 768 774 775 777 779 784 786 787 794 796 797 799 803 809
 811 817 821 823 824 826 833 834 836 841 843 845 846 852 854 856 860 863 866 867
 875 877 878 880 882 884 885 893 899 903 904 907 910 914 917 918 920 922 925 928
 931 933 935 941 943 948 950 952 955 957 958 960 961 968 971 974 976 978 979 981
 982 989 991 993 995 996 1001 1003 1006 1008 1012 1014 1016 1018 1023 1025 1027 1030 1032 1035
 1036 1042 1044 1046 1049 1051 1053 1061 1066 1068 1070 1071 1076 1078 1081 1085 1087 1089 1091 1093
 1094 1096 1098 1100 1102 1103 1105 1107 1108 1112 1114 1116 1118 1120 1123 1125 1127 1131 1135 1140
 1142 1144 1145 1150 1152 1155 1157 1161 1165 1169 1172 1174 1179 1181 1182 1184 1185 1188 1199 1203
 1210 1211 1212 1218 1224 1229 1234 1236 1249 1251 1252 1256 1257 1258 1259 1263 1269 1273 1274 1279
 1281 1284 1287 1291 1297 1301 1303 1306 1308 1310 1311 1314 1315 1318 1321 1323 1326 1328 1331 1334
 1336 1338 1341 1343 1345 1348 1350 1353 1358 1361 1364 1367 1370 1372 1377 1382 1386 1388 1393 1403

Part C – 4 x Multiplier

210 230 240 320 327 340 343 354 360 365 376 383 388 400 404 414 423 443 473 492
 510 547 566 572 600 610 622 634 667 750 756 758 769 772 780 788 832 840 848 851
 862 864 870 953 986 998 1010 1020 1048 1054 1073 1110 1128 1147 1177 1197 1206 1216 1220 1232
 1237 1244 1255 1260 1266 1277 1280 1293 1300 1380 1390 1410

Part D – 5 x Multiplier

220 236 257 265 274 325 349 366 394 419 431 457 482 657 683 701 704 709 719 901
 911 916 919 937 963 1138 1163 1189 1201 1226 1254 1271 1295 1346 1355 1363 1384 1400

Part E – 10 x Multiplier

563 810 1057

PUBLIC LOTTERIES ACT 1996

RULES - KENO

I, THE HONOURABLE GRANT McBRIDE MP, Minister for Gaming and Racing being the Minister for the time being administering the Public Lotteries Act 1996 (hereinafter referred to as “the Act”) pursuant to section 23 of the Act **DO HEREBY APPROVE** the amendments to the Rules for the conduct of games of Keno by the joint licensees Jupiters Gaming (NSW) Pty Ltd and ClubKeno Holdings Pty Limited as set out in the addendum to this instrument. These amended Rules take effect on and from 21 November 2005.

DATED this 15th day of November 2005.

SIGNED by
The Honourable Grant McBride, M.P.,)
Minister for Gaming and Racing)

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

BAULKHAM HILLS SHIRE COUNCIL

ROADS ACT 1993 SECTION 39

Closure of Temporary Public Road

Linking Langford Smith Close to Green Road, Kellyville

THE Baulkham Hills Shire Council hereby advises that pursuant to Section 39 of the Roads Act 1993, it intends to close to vehicular traffic the temporary public road linking Langford Smith Close to Green Road, Kellyville. The temporary public road is situated on Lot 21, DP 1005949. On publication of this notice the temporary public road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished. Dated at Castle Hill this 22nd Day of November 2005. DAVID WALKER, General Manager, Baulkham Hills Shire Council, PO Box 75, CASTLE HILL, NSW 1765.

[1761]

GOULBURN MULWAREE COUNCIL

Notification of Proposed Closing of Temporary Road

IN pursuance of Section 39 of Division II of the Roads Act, 1993 I hereby close the road hereunder described:

	Description
City:	Marulan
Parish:	Nattery
County:	Argyle
Land District:	Goulburn Mulwaree
LGA:	Goulburn Mulwaree
Name of Applicant:	Goulburn Mulwaree Council
Being:	Lot 17, Anvil Hills, Hume Highway, Marulan being Folio Identifier Lot 17 DP1062836
Reference:	KW:Anvil17

Luke Johnson, General Manager, Goulburn Mulwaree Council.

[1762]

GOSFORD CITY COUNCIL

Roads Act 1993

THE land described in the schedule is dedicated as a public road pursuant to the Roads Act Section 10. PETER WILSON, General Manager.

SCHEDULE

Lot 726 DP 1085761

[1774]

KIAMA MUNICIPAL COUNCIL

Roads Act 1993 Section 162

Naming and Renaming of Roads

NOTICE is hereby given that Kiama Municipal Council, pursuant to Section 162 of the Roads Act 1993, and in accordance with associated regulations, has named the road described hereunder:

RIVERSIDE DRIVE DUNMORE, MINNAMURRA,
KIAMA DOWNS AND BOMBO

Formerly known as the Princes Highway Dunmore, Minnamurra, Kiama Downs and Bombo Parish of Kiama authorised by resolution of Council at its meeting held on the 18 October 2005. M. Forsyth, General Manager, Kiama Municipal Council, PO Box 75 Kiama NSW 2533.

[1763]

MAITLAND CITY COUNCIL

Naming of Public Roads

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, has approved the following new road name for gazettal:

Deposited Plan	Location	Road Name
DP1060185	Off Reflection Drive Louth Park	Quiescent Close

The above road name has been advertised & notified. No objections to the proposed name have been received during the prescribed 28 day period. DAVID EVANS, General Manager, Maitland City Council, High Street (PO Box 220) MAITLAND NSW 2320.

[1764]

NARRABRI SHIRE COUNCIL

Roads Act 1993

Naming of Council Roads.

Erratum

THE roads originally gazetted in the New South Wales Government Gazette 24 December 2004, as

- Currabcabah Road should be correctly spelt as "Curracabah Road".
- Kentucky Lane should be correctly spelt as "Kentucky Lane".*
- Trevena Lane should be correctly spelt as "Trevana Lane"
- Sleeper Cutters Lane should be "Danger Lane".

* Road also undergoing redefinition below, being split into two parts

NOTICE is hereby given that the Narrabri Shire Council, in accordance with section 162 of the Roads Act, 1993 and Section 7, 8 and 9 of the Roads (General) regulation, has determined the names for the Roads as shown hereunder:

New Name	Locality	Description	Previous Name/s
KENTUCKY LANE	Narrabri, Turrawan	Kamilaroi Highway – Lot 1 DP705379	Kentucky Ln

PANDORA LANE	Narrabri	Kamilaroi Hwy – Lot 11 DP621006	Kentucky Ln
HIGHFIELD LANE	Narrabri	Newell Highway – Lot 1214 DP1068763	Highfield Ln, Inglegreen Ln
CUNNINGHAM CLOSE	Narrabri	Lot 102 DP1078375 – Lot 92 DP1078375	

I. R. McCALLUM, General Manager, Narrabri Shire Council.

[1765]

TUMUT SHIRE COUNCIL

Roads Act 1993, Section 162(1)

Naming of Public Roads in Herbert Street, Fairway, Drive
Fairway Drive West & Jepsen Avenue.

NOTICE is hereby given that pursuant to section 162 (1) of the Roads Act 1993, Council has named the roads hereunder described:

<i>Description of Location</i>	<i>Name</i>
Road commencing at Fitzroy Street (Snowy Mountains Highway) to Tumut Golf Club entry	Herbert Street
From Tumut Golf Club entry to the intersection of Carey Street	Fairway Drive
From Carey Street intersection to where the road intersects with Adelong Road (Snowy Mountains Highway)	Fairway Drive West
From Adelong Road (Snowy Mountains Highway) to termination at the disused Tumut / Cootamundra rail line.	Jepsen Avenue
Road intersecting with WeeJasper Road	Quarry Road
Intersecting with Snowy Mountains Highway and Currawong Road	Boonderoo Road
Road intersecting with Bombowlee Creek Road .	Withers Lane
Renaming of Reka Siding Road intersecting with Gadara Road .	Reka Road
Road Intersecting with Yaven Creek Road	Wallace Trail Road
Road Intersecting with Back Kunama Road	Posthumers Road

Christopher Adams, General Manager, Tumut Shire Council,
76 Capper Street, Tumut 2720.

[1766]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BEATRICE MAUDE MCDONALD, late of Umina, in the State of New South Wales, retired, who died on 29th August, 2005, must send particulars of his claim to the executors, Reginald Victor Hales and Cheryl Ann Patis, c.o. Peninsula Law, Solicitors, 103-105 Blackwall Road, Woy Woy, NSW 2256, within one

(1) calendar month from publication of this notice. After that time the assets may be conveyed and distributed having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 4th November, 2005. PENINSULA LAW, Solicitors, 103-105 Blackwall Road (PO Box 162), Woy Woy, NSW 2256 (DX8806, Woy Woy), tel.: (02) 4342 1277.

[1767]

Notice of intended distribution of estate.—Any person having any claim upon the estate of MYRA PEARL ROBERTS late of Esther Sommerville Nursing Home, 79 Mt Pleasant Avenue, Normanhurst in the State of New South Wales, who died on 3 July 2004, must send particulars of his/her claim to the Executor, Raymond Bruce Roberts c.o. Collins & Thompson, Solicitors, 8 Coronation Street, Hornsby NSW 2077 within one 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 21 November 2005. COLLINS & THOMPSON, Solicitors, 8 Coronation Street, Hornsby NSW 2077.

[1768]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PEGGY BEAULEY HIND, late of Gorokan, in the State of New South Wales, deceased, who died on 21st August, 2005, must send particulars of his claim to the executor, Trust Company of Australia Limited, c.o. Mallesons Stephen Jaques, 1 Farrer Place, Sydney, NSW 2000, 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 it has notice. Probate was granted in New South Wales on 10th November, 2005. MALLESONS STEPHEN JAQUES, 1 Farrer Place, Sydney, NSW 2000 (DX113, Sydney), tel.: (02) 9296 2000.

[1769]

COMPANY NOTICES

CORPORATION ACT 2001 - Section 491(2). MARK COLIN CO INVESTMENTS PTY LIMITED (IN LIQUIDATION) ACN: 002 404 033. Notice is hereby given under the Corporations Act 2001 section 491 (2) that a general meeting of members of the above company was held on the 22 November 2005, it was resolved that the company be wound up voluntarily and that Barrie Colin Sponberg and Janet Ann Jones be appointed liquidator. FAI TSANG, PO Box 2352, North Parramatta, NSW 1750, tel : (02) 9683 7433.

[1770]

NOTICE of voluntary liquidation. — In the matter of the Corporations Law and in the matter of AUSTIM PTY LIMITED, ACN 067 268 633 (in voluntary liquidation).— Notice is hereby given that at a general meeting of members, duly convened and held at the offices of Messrs Pringle Moriarty & Co., Chartered Accountants, Suite 12C, 44 Oxford Road, Ingleburn, on 16th November, 2005, at 1:00 p.m. in the afternoon, the following resolution was passed as a special resolution: “That the company be wound up voluntarily and that Stan Moriarty of Suite 12c, 44 Oxford

Road Ingleburn be appointed liquidator for the purposes of the winding up". S. MORIARTY, Liquidator, c.o. Pringle Moriarty & Co., Chartered Accountants, Suite 12C, 44 Oxford Road (PO Box 818), Ingleburn, NSW 2565, tel.: (02) 9605 1344.

[1771]

CORPORATION ACT 2001 — Notice of final meeting of members pursuant to Section 509 in the matter of TETLEY & McLAREN PTY LIMITED (In Liquidation) ACN: 001 151 935. Notice is hereby given that pursuant to section 509 of the Corporations Act 2001, the final meeting of members of the abovenamed company will be held at 52 Osborne Street, Nowra on the 3rd day of January 2006 at 11.00 am for the purpose of laying before the meeting the liquidators' final account and report and giving any explanation thereof. Dated this 25th day of November 2005. A. W. BARNES, Liquidator, 52 Osborne Street, Nowra, NSW 2541, tel : (02) 4421 4344.

[1772]

OTHER NOTICES

NOTICE is given that the partnership between P. D. GODFREY & K. J. WARNER known as East Hills Servo A.B.N 79 482 964 737 dissolved on 30th September 2005. Paul Godfrey, 3 Dowding Street, Panania 2213.

[1773]