



# *Government Gazette*

OF THE STATE OF  
NEW SOUTH WALES

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## LEGISLATION

### Assents to Acts

#### ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 10 June 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 Act passed by the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, viz.:

Act No. 30, 2005 - An Act to amend the Sydney University Settlement Incorporation Act 1959 to make further provision with respect to the Constitution of the Sydney University Settlement and the disposal of property of the Settlement; and for other purposes. [Sydney University Settlement Incorporation Amendment Act 2005]

John Evans,  
Clerk of the Parliaments

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# Proclamations

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New South Wales

## Proclamation

under the

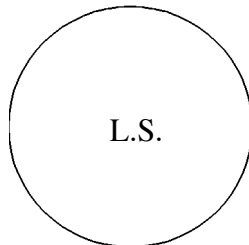
Child Protection (Offenders Prohibition Orders) Act 2004 No 46

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 *Child Protection (Offenders Prohibition Orders) Act 2004*, do, by this my Proclamation, appoint 1 July 2005 as the day on which that Act commences.

Signed and sealed at Sydney, this 15th day of June 2005.

By Her Excellency's Command,



BOB DEBUS, M.P.,  
Attorney General

GOD SAVE THE QUEEN!



New South Wales

## Proclamation

under the

Mining Amendment (Miscellaneous Provisions) Act 2004 No 75

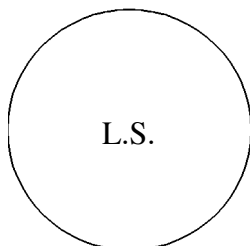
MARIE BASHIR, Governor

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 *Mining Amendment (Miscellaneous Provisions) Act 2004*, do, by this my Proclamation, appoint 17 June 2005 as the day on which the following provisions of that Act commence:

- (a) Schedule 1 [2]–[5], [16], [18], [19], [21]–[25], [28], [29], [32], [33], [35], [36] and [43],
- (b) Schedule 1 [31] (to the extent to which it inserts sections 235C and 235D),
- (c) Schedule 1 [42] (to the extent to which it inserts definitions of *access management area*, *miners' representative*, *registered access management plan* and *small-scale title*).

Signed and sealed at Sydney, this 15th day of June 2005.

By Her Excellency's Command,



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

GOD SAVE THE QUEEN!

### Explanatory note

The object of this Proclamation is to commence such of the uncommenced provisions of the *Mining Amendment (Miscellaneous Provisions) Act 2004* as deal with the subleasing of mining leases, rights of way, Crown liability, special conditions for opal prospecting licences, access management plans and powers of entry.

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# Regulations

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New South Wales

## Agricultural Industry Services (Polls and Elections) Regulation 2005

under the

Agricultural Industry Services Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural Industry Services Act 1998*.

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

### Explanatory note

The object of this Regulation is to remake, without substantial change, the *Agricultural Industry Services (Polls and Elections) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision for the following matters:

- (a) the conduct of polls under sections 4 (2) (b) and 17 (1) of the Act (Part 2), and
- (b) the conduct of elections of members of agricultural industry services committees (Part 3), and
- (c) the preparation and maintenance of registers of constituents (Part 4), and
- (d) other minor, consequential and ancillary matters (Parts 1 and 5).

In relation to polls and elections, this Regulation includes provisions for rolls, notices, nominations, polling procedures, scrutiny, counting and forms.

This Regulation is made under the *Agricultural Industry Services Act 1998*, including section 51 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Agricultural Industry Services (Polls and Elections) Regulation 2005

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Agricultural Industry Services (Polls and Elections) Regulation 2005

Clause 1

Preliminary

Part 1

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## Agricultural Industry Services (Polls and Elections) Regulation 2005

under the

Agricultural Industry Services Act 1998

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Agricultural Industry Services (Polls and Elections) Regulation 2005*.

#### 2 Commencement

This Regulation commences on 1 September 2005.

**Note.** This Regulation replaces the *Agricultural Industry Services (Polls and Elections) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

#### 3 Definitions

(1) In this Regulation:

**appropriate officer** means:

- (a) in relation to a poll under section 4 (2) (b) of the Act—the Director-General, and
- (b) in relation to a poll under section 17 (1) of the Act—the chairperson of the committee in respect of which the poll is to be taken, and
- (c) in relation to an election to fill a vacancy as required by clause 5 of Schedule 1 to the Act—the chairperson of the committee in respect of which the election is to be held, and
- (d) in relation to any other election—the Director-General.

**calling of the ballot** for an election means the date on which a notice that a ballot is to be held is published under clause 33.

**calling of the poll** for a poll means the date on which a notice that a poll is to be held is published under clause 5.

**close of enrolments** for a poll or an election means the final time and date fixed by the returning officer for inclusion on the final roll for the poll or the election.



Clause 3	Agricultural Industry Services (Polls and Elections) Regulation 2005
Part 1	Preliminary

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**close of exhibition of the preliminary roll** for a poll or an election means the final time and date fixed by the returning officer for the close of exhibition of the preliminary roll for the poll or the election.

**close of nominations** for an election means the final time and date fixed by the returning officer for the close of nominations for the election.

**close of the ballot** for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

**close of the poll** for a poll means the final time and date fixed by the returning officer for the close of the poll.

**election** means an election for a member or members of a committee under the Act.

**enrolled**, in relation to a poll or election, means inclusion of a person's name on the final roll for that poll or election.

**final roll** means:

- (a) for a poll—the roll prepared for the poll by the returning officer under Division 2 of Part 2, and
- (b) for an election—the roll prepared for the election by the returning officer under Division 4 of Part 3.

**nominee** means an individual nominated in accordance with clause 9 or 37 by a primary producer to be enrolled on a final roll for a poll or an election and vote on behalf of the primary producer at the poll or election.

**poll** means a poll under section 4 (2) (b) or 17 (1) of the Act.

**preliminary roll** means:

- (a) for a poll—the roll provided to the returning officer under clause 4, and
- (b) for an election—the roll provided to the returning officer under clause 32.

**returning officer** means:

- (a) the Electoral Commissioner for New South Wales, or
- (b) a person nominated by the Electoral Commissioner for the purpose of exercising the functions conferred or imposed on a returning officer by this Regulation.

**the Act** means the *Agricultural Industry Services Act 1998*.

- (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.

Agricultural Industry Services (Polls and Elections) Regulation 2005

Clause 4

Polls

Part 2

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## Part 2 Polls

### Division 1 Calling of poll

#### 4 Preparation of preliminary roll

- (1) As soon as practicable after the Minister has directed that a poll be taken on any question, the returning officer must notify the appropriate officer:
  - (a) that a poll is to be held on that question, and
  - (b) that the appropriate officer is required to give the returning officer:
    - (i) a preliminary roll, and
    - (ii) an appropriately addressed label, or an appropriately addressed envelope, for each person whose name is included in the roll, or an electronic data file that would allow such labels or envelopes to be generated.
- (2) In subclause (1), *preliminary roll* means:
  - (a) in relation to a poll under section 4 (2) (b) of the Act—a list of persons who, in the appropriate officer's opinion, are the proposed constituents of the committee, and
  - (b) in relation to a poll under section 17 (1) of the Act—a list of persons whose names are included in the committee's register of constituents.
- (3) The preliminary roll:
  - (a) must contain:
    - (i) the full names (consecutively numbered and listed in alphabetical order) and addresses of the persons whose names are included in the roll, and
    - (ii) if any primary producers have nominated individuals to be their nominees, the full names and addresses of the nominees (listed against the names of their nominating primary producers), and
    - (iii) if, in relation to a poll under section 17 (1) of the Act, the committee's foundation regulation has provided for differing voting entitlements for the committee's constituents, the voting entitlements of those constituents, and
  - (b) must be certified by the appropriate officer in accordance with Form 1.

Clause 5            Agricultural Industry Services (Polls and Elections) Regulation 2005  
Part 2                Polls

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## **5 Notice of poll**

- (1) As soon as practicable after the Minister has directed that a poll be taken on any question, the returning officer:
  - (a) must cause notice that a poll is to be held to be published:
    - (i) in at least one newspaper circulating generally throughout New South Wales, or
    - (ii) in one or more local newspapers that, individually or collectively, circulate generally throughout the committee's, or proposed committee's, area of operations, and
  - (b) may cause that notice to be sent by post to each person whose name is included in the preliminary roll for the poll at the address shown on the roll.
- (2) The notice must:
  - (a) state the question on which the poll is being conducted, and
  - (b) state a time and date fixed by the returning officer for the close of exhibition of the preliminary roll, and
  - (c) advise where copies of the preliminary roll will be exhibited, and
  - (d) state a time and date fixed by the returning officer for the close of enrolments, and
  - (e) specify the class of primary producers for which the committee is constituted, or proposed committee is to be constituted, and
  - (f) specify the qualifications for voting in accordance with clause 8, and
  - (g) advise where applications for enrolment and objections against enrolment may be lodged, and
  - (h) state a time and date fixed by the returning officer for the close of the poll, and
  - (i) state that it is compulsory for persons who are qualified to vote in the poll to be enrolled, or to apply for enrolment, in the final roll for the poll.
- (3) The time and date fixed by the returning officer for the close of exhibition of the preliminary roll must not be earlier than 14 days after the calling of the poll.
- (4) The time and date fixed by the returning officer for the close of enrolments must not be earlier than the close of exhibition of the preliminary roll or later than 14 days before the close of the poll.

Agricultural Industry Services (Polls and Elections) Regulation 2005

Clause 6

Polls

Part 2

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- (5) The time and date fixed by the returning officer for the close of the poll must not be earlier than 28 days, or later than 90 days, after the calling of the poll.

#### **6 Postponement of poll**

- (1) The returning officer may postpone (for a period not exceeding 14 days) the close of exhibition of the preliminary roll, the close of enrolments or the close of the poll by a notice published in the same way as the notice stating that a poll is to be held.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of a poll.

### **Division 2 Preparation of final roll**

#### **7 Exhibition of preliminary roll**

The returning officer must cause copies of the preliminary roll to be exhibited for public inspection:

- (a) at the places where applications for enrolment and objections against enrolment may be lodged, and
- (b) for a period of at least 14 days ending at the close of exhibition of the preliminary roll.

#### **8 Qualifications for voting**

- (1) A person is qualified to vote in a poll if:
- (a) in relation to a poll under section 4 (2) (b) of the Act—the person is a proposed constituent of the proposed committee, or
- (b) in relation to a poll under section 17 (1) of the Act—the person belongs to the class of primary producers for which the relevant committee is constituted, as set out in the committee's foundation regulation.
- (2) This clause does not entitle a person (whether in their own capacity or in their capacity as nominee) to vote in any poll more times than that person's voting entitlement allows.

#### **9 Enrolment of nominees**

- (1) A primary producer that is a corporation, partnership, trustee or legal personal representative (whether agent, administrator, executor or otherwise) for a person or an estate of a person must nominate, by notice in writing, an individual to be enrolled and vote on behalf of the primary producer at any poll.

Clause 10      Agricultural Industry Services (Polls and Elections) Regulation 2005  
Part 2          Polls

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- (2) A person is entitled to vote in a poll as a nominee of a primary producer, if the returning officer is satisfied that:
  - (a) the person is an individual who has been duly nominated by the primary producer to be enrolled and vote on behalf of the primary producer at any poll, and
  - (b) the individual is not already enrolled in the final roll for the poll concerned in some other capacity.
- (3) Only one person may be nominated in accordance with this clause to vote in a poll as a nominee of a primary producer. A later nomination revokes and replaces an earlier nomination.
- (4) In this clause, a reference to a partnership includes a reference to the parties to a share-farming agreement and to any group of persons who, in the opinion of the returning officer, are engaged in a single enterprise in the growing, raising or production for sale of a primary product.
- (5) In forming such an opinion in respect of a group of persons, the returning officer may ignore the existence of any legal entity that consists of or includes persons who form part of the group.

#### **10 Enrolment compulsory**

It is compulsory for every person who is qualified to vote in a poll to be enrolled, or to apply for enrolment, in the final roll for the poll.

#### **11 Applications for enrolment by persons not already enrolled**

- (1) A person whose name does not appear on the preliminary roll for a poll may apply for enrolment in the final roll for the poll.
- (2) The application must be in Form 2 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
  - (a) if satisfied that the applicant is qualified to vote, must accept the application and enter in the final roll for the poll:
    - (i) the full name and address of the applicant, and
    - (ii) if, in relation to a poll under section 17 (1) of the Act, the committee's foundation regulation has provided for differing voting entitlements for the committee's constituents, the voting entitlement of the applicant, or
  - (b) if not so satisfied, must reject the application and inform the applicant in writing of the rejection of the application and the reason for that rejection, or

Agricultural Industry Services (Polls and Elections) Regulation 2005

Clause 12

Polls

Part 2

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- (c) if the application is not in the proper form or is incomplete, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

## **12 Objections to enrolment**

- (1) Before the close of enrolments, the returning officer and any person who is entitled to vote in a poll may object to the inclusion of the name of any person in the final roll.
- (2) An objection made by a person other than the returning officer:
  - (a) must be in:
    - (i) Form 3, if the objection relates to the inclusion of the name of any person in the final roll for the poll, or
    - (ii) Form 4, if the objection relates to the inclusion of a particular voting entitlement for any person in the final roll for the poll, and
  - (b) must state the grounds on which it is made, and
  - (c) must be signed by the objector, and
  - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection (whether made by the returning officer or another person) to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 7 days after the date on which particulars of the objection were sent to that person.
- (5) The returning officer must consider each objection, and any reply received within that 7 day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or reject an objection.
- (7) If the returning officer accepts an objection relating to the inclusion of the person's name in the final roll for the poll, the returning officer must:
  - (a) exclude the person's name from the final roll for the poll, and
  - (b) inform that person and the objector (where the objection is made by a person other than the returning officer), in writing, that the person's name has been so excluded.
- (8) If the returning officer accepts an objection relating to the inclusion of a particular voting entitlement for a person in the final roll for the poll, the returning officer must:

Clause 13      Agricultural Industry Services (Polls and Elections) Regulation 2005  
Part 2          Polls

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- (a) amend the final roll for the poll so as to ensure that it reflects the person's true voting entitlement, and
  - (b) inform that person and the objector (where the objection is made by a person other than the returning officer), in writing, that the person's voting entitlement has been so amended.
- (9) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector (where the objection is made by a person other than the returning officer), in writing, that the returning officer has rejected the objection.
- (10) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

### **13 Postponement of poll not to affect final roll**

The validity of the final roll for a poll is not affected by the postponement of the close of the poll by a notice published after the close of exhibition of the preliminary roll, and the roll remains the final roll for the poll.

## **Division 3      The ballot**

### **14 Voting optional**

Voting at a poll is not compulsory.

### **15 Printing of ballot-papers**

- (1) As soon as practicable after the close of enrolments in a poll, the returning officer must cause sufficient ballot-papers to be printed to enable ballot-papers to be sent to each person whose name is included in the final roll for the poll.
- (2) A ballot-paper for a poll must contain:
  - (a) the question to be voted on in the poll with the words "YES" and "NO", together with appropriate spaces for the voter to indicate the voter's intention with respect to the question, and
  - (b) the date by which ballot-papers are to be returned and such other directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.

### **16 Distribution of ballot-papers**

As soon as practicable after the printing of the ballot-papers for a poll, the returning officer must send to each person included in the final roll for the poll:

Agricultural Industry Services (Polls and Elections) Regulation 2005

Clause 17

Polls

Part 2

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- (a) for each vote to which the person is entitled, a ballot-paper that is initialled by the returning officer (or by a person authorised by the returning officer) or that bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912* together with a blank unsealed envelope (the *inner envelope*), and
  - (b) a large unsealed envelope addressed to the returning officer and bearing on the back the words "FULL NAME AND ADDRESS OF VOTER" and "SIGNATURE OF VOTER", together with appropriate spaces for the insertion of a name, address and signature (the *outer envelope*).

**17 Distribution of arguments for and against the question to be voted on**

- (1) The returning officer may, at the same time as sending ballot-papers, send to each person included on the final roll for the poll a document that fairly presents the arguments for and against the question to be voted on in the poll.
- (2) The content of the document is to be determined by the returning officer.

**18 Duplicate ballot-papers**

- (1) If, at any time before the close of the poll, the returning officer is satisfied by statutory declaration that:
  - (a) any original ballot-paper sent to a voter has been spoiled, lost or destroyed, and
  - (b) the voter has not already voted in the poll to which the ballot-paper or ballot-papers relate,
 the returning officer may issue to the voter a duplicate ballot-paper or ballot-papers and duplicate envelopes.
- (2) The returning officer is to maintain a record of all duplicate ballot-papers issued under this clause.

**19 Recording of votes**

In order to vote in a poll, a person must:

- (a) for each vote to which the person is entitled:
  - (i) record a vote on the ballot-paper in accordance with directions shown on it, and
  - (ii) place the completed ballot-paper in the inner envelope, and
  - (iii) seal the inner envelope, and
- (b) place each inner envelope in the outer envelope, and



Clause 20      Agricultural Industry Services (Polls and Elections) Regulation 2005  
Part 2          Polls

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- (c) seal the outer envelope, and
- (d) complete the person's full name and address on, and must sign, the back of the outer envelope, and
- (e) return the outer envelope to the returning officer so as to be received before the close of the poll.

#### **Division 4      The scrutiny**

##### **20    Ascertaining result of poll**

The result of a poll is to be ascertained by the returning officer as soon as practicable after the close of the poll.

##### **21    Scrutineers**

- (1) Any person who has an interest in the outcome of a poll may apply in writing to the returning officer to be a scrutineer.
- (2) The returning officer may appoint such an applicant as a scrutineer.
- (3) The returning officer may appoint as many persons as scrutineers as the returning officer believes are necessary to ensure the proper scrutiny of the poll.

##### **22    Receipt of ballot-papers**

- (1) The returning officer must reject (without opening it) any outer envelope purporting to contain a ballot-paper or ballot-papers if the envelope is not received by the returning officer before the close of the poll or is received unsealed.
- (2) The returning officer must examine the name on the back of each remaining outer envelope and, without opening the outer envelope:
  - (a) must provisionally accept the outer envelope and draw a line through the name on the final roll for the poll that corresponds to the name on the back of the outer envelope, if satisfied that a person of that name is included in the roll, or
  - (b) must reject the outer envelope, if not so satisfied or if a name, address or signature does not appear on the back of the outer envelope.
- (3) The returning officer may reject (without opening it) any outer envelope if, after making such inquiries as the returning officer thinks fit, it appears to the returning officer that the signature on the back of the outer envelope is not the signature of the person whose name and address appear on the back of the outer envelope.

Agricultural Industry Services (Polls and Elections) Regulation 2005

Clause 23

Polls

Part 2

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### 23 Scrutiny of votes

- (1) The scrutiny of votes in a poll is to be conducted as follows:
  - (a) the returning officer is to produce, unopened, the outer envelopes containing the ballot-papers accepted for scrutiny,
  - (b) the returning officer is then to open each such outer envelope and extract any inner envelopes contained in it,
  - (c) the returning officer is then to note on the final roll for the poll, against the name appearing on the back of the outer envelope, the number of inner envelopes contained in the outer envelope,
  - (d) the returning officer is then to place each such inner envelope in a locked ballot-box.
- (2) However, if there are more inner envelopes in the outer envelope than the number of votes to which the person is entitled, the returning officer must reject all the inner envelopes contained in the outer envelope.
- (3) The scrutiny of votes in the poll is then to continue as follows:
  - (a) the returning officer is to unlock the ballot-box, remove the inner envelopes and then remove the ballot-papers from the inner envelopes,
  - (b) the returning officer is then to reject all ballot-papers in an inner envelope if the inner envelope contains more than one ballot-paper,
  - (c) the returning officer is then to examine each remaining ballot-paper and reject those that are informal,
  - (d) the returning officer is then to proceed to count the votes and ascertain the result of the poll.
- (4) At the scrutiny of votes in a poll, a ballot-paper must be rejected as informal if:
  - (a) it is neither initialled by the returning officer (or by a person authorised by the returning officer to do so) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or
  - (b) it has on it any mark or writing which the returning officer considers could enable any person to identify the voter who completed it, or
  - (c) it has not been completed in accordance with the directions shown on it.

Clause 24      Agricultural Industry Services (Polls and Elections) Regulation 2005

Part 2          Polls

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- (5) However, a ballot-paper is not to be rejected as informal merely because of any mark or writing on it that is not authorised or required by this Regulation (unless it is a mark or writing referred to in subclause (4) (b)) if the returning officer considers that the voter's intention is clearly indicated on the ballot-paper.
- (6) The result of the poll is to be ascertained by determining the following:
- (a) the number of votes accepted in the poll,
  - (b) the number of votes in favour of the question on which the poll is being taken,
  - (c) the number of votes against that question,
  - (d) the number of votes rejected as informal.

**24 Notification of result of poll**

As soon as practicable after the result of a poll has been ascertained, the returning officer is to notify the Minister and the appropriate officer in writing of the result of the poll.

Agricultural Industry Services (Polls and Elections) Regulation 2005

Clause 25

Elections

Part 3

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## **Part 3 Elections**

### **Division 1 Calling of election**

#### **25 Notice of election**

- (1) As soon as practicable after it has been determined in accordance with the Act and a committee's foundation regulation (if applicable) that an election is required to be held in any area of operations or electoral district, the following person must cause notice of that fact to be sent to the returning officer:
  - (a) in the case of an election to fill a vacancy as required by clause 5 of Schedule 1 to the Act—the chairperson of the committee in respect of which the election is to be held, and
  - (b) in any other election—the Director-General.
- (2) The returning officer:
  - (a) must cause notice that an election is to be held to be published:
    - (i) in at least one newspaper circulating generally throughout New South Wales, or
    - (ii) in one or more local newspapers that, individually or collectively, circulate generally throughout the area of operations or electoral district for which the election is required to be held, and
  - (b) may cause that notice to be sent by post to each person whose name is included in the preliminary roll for the election at the address shown on that roll.
- (3) The notice:
  - (a) must state that an election is to be held for the committee concerned and must state the area of operations or electoral district concerned, and
  - (b) must call for nominations of candidates, and
  - (c) must state the time and date fixed by the returning officer for the close of nominations, and
  - (d) must state where nomination forms may be obtained and where nominations may be lodged, and
  - (e) must state the qualifications which entitle a primary producer to nominate a candidate or be nominated as a candidate.
- (4) The close of nominations must not be earlier than 21 days, or later than 28 days, after the date on which the notice is published.

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## **26 Postponement of close of nominations**

- (1) The returning officer may postpone the close of nominations for a period not exceeding 14 days by a notice published in the same manner as the notice of election.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

## **Division 2 Nominations**

### **27 Eligibility for nomination**

Any person who belongs to the class of primary producers for which the committee concerned is constituted, as set out in the committee's foundation regulation, is eligible for nomination as a candidate for election to that committee.

### **28 Nomination of candidates**

- (1) A nomination of a candidate:
  - (a) must be in Form 5, and
  - (b) must be made by at least 6 persons (other than the candidate) who are entitled to vote in the election, and
  - (c) must contain a statement, signed by the candidate, stating that the candidate consents to the nomination, and
  - (d) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are entitled to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) For the purpose of enabling the returning officer to form an opinion as to whether a person by whom a candidate in an election has been nominated is entitled to nominate a candidate, the returning officer may require the appropriate officer to furnish the returning officer with such information regarding the person as the returning officer may specify.
- (4) The appropriate officer must comply with such a requirement as soon as practicable.
- (5) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

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**29 Uncontested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to have been elected.

**30 Contested elections**

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

**31 Candidate information sheets**

- (1) At any time before the close of nominations, a candidate may submit to the returning officer a statutory declaration, in Form 6, containing information intended for inclusion in a candidate information sheet.
- (2) If a ballot is to be held, the returning officer must draw up a candidate information sheet consisting of the information contained in the statutory declarations submitted by the candidates.
- (3) In drawing up a candidate information sheet, the returning officer may omit (or, with the consent of the candidate, correct) so much of the information contained in a candidate's statutory declaration as the returning officer considers:
  - (a) to be false or misleading, or
  - (b) to be inappropriate for inclusion in the candidate information sheet, or
  - (c) to exceed the maximum amount of information that is suitable for inclusion in the candidate information sheet.
- (4) If a candidate does not submit a statutory declaration to the returning officer, the returning officer may, in drawing up a candidate information sheet, include in the sheet in respect of the candidate the words "NO INFORMATION RECEIVED".
- (5) The names of the candidates must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.

**Division 3 Calling of ballot**

**32 Preparation of preliminary roll**

- (1) As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be held in respect of an election, the returning officer must cause notice of that fact to be sent to the appropriate officer.

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- (2) The appropriate officer must provide the returning officer with:
- (a) a preliminary roll, and
  - (b) an appropriately addressed label, or an appropriately addressed envelope, for each person whose name is included in that roll, or an electronic data file that would allow such labels or envelopes to be generated.
- (3) In subclause (2), *preliminary roll* means:
- (a) in relation to an election for a committee where the committee's area of operations has not been divided into electoral districts:
    - (i) for the first election for a committee after a poll referred to in section 4 (2) (b) of the Act—a list of persons whose names were included on the final roll prepared for that poll, and
    - (ii) for any other election for a committee—a list of persons whose names are included on the committee's register of constituents, and
  - (b) in relation to an election for an electoral district:
    - (i) for the first election for that electoral district—a list of persons who, in the Director-General's opinion, are entitled in accordance with the Act and the committee's foundation regulation to vote in an election for that electoral district, and
    - (ii) for any other election for that electoral district—a list of persons whose names are included on the committee's register of constituents as persons who are entitled in accordance with the Act and the committee's foundation regulation to vote in an election for that electoral district.
- (4) The preliminary roll:
- (a) must contain:
    - (i) the full names (consecutively numbered and listed in alphabetical order) and addresses of the persons whose names are included in the roll, and
    - (ii) if a primary producer has nominated a person to be its nominee, the full name and address of the nominee, and
    - (iii) if the committee's foundation regulation has provided for differing voting entitlements for the committee's constituents, the voting entitlements of those constituents, and
  - (b) must be certified by the appropriate officer in accordance with Form 1.

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### 33 Notice of ballot

- (1) As soon as practicable after receiving the preliminary roll for the election, the returning officer:
  - (a) must cause notice that a ballot is to be held to be published:
    - (i) in at least one newspaper circulating generally throughout New South Wales, or
    - (ii) in one or more local newspapers that, individually or collectively, circulate generally throughout the committee's area of operations or the electoral district concerned, and
  - (b) may cause that notice to be sent by post to each person whose name is included in the preliminary roll for the election at the address shown on the roll.
- (2) The notice must:
  - (a) state that a ballot is to be taken, and
  - (b) state the area of operations or electoral district for which the election is to be held, and
  - (c) specify the class of primary producers for which the committee concerned is constituted, as set out in the committee's foundation regulation, and
  - (d) state a time and date fixed by the returning officer for the close of exhibition of the preliminary roll, and
  - (e) state a time and date fixed by the returning officer for the close of enrolments, and
  - (f) state a time and date fixed by the returning officer for the close of the ballot, and
  - (g) advise where copies of the preliminary roll will be exhibited, and
  - (h) specify the qualifications for voting in accordance with clause 36, and
  - (i) advise where applications for enrolment and objections against enrolment may be lodged, and
  - (j) state that it is compulsory for persons who are qualified to vote in the election to be enrolled, or to apply for enrolment, in the final roll for the election.
- (3) The time and date fixed by the returning officer for the close of exhibition of the preliminary roll must not be earlier than 14 days after the calling of the ballot.



Clause 34      Agricultural Industry Services (Polls and Elections) Regulation 2005  
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- (4) The time and date fixed by the returning officer for the close of enrolments must not be earlier than the close of exhibition of the preliminary roll or later than 14 days before the close of the ballot.
- (5) The time and date fixed by the returning officer for the close of the ballot must not be earlier than 28 days after the calling of the ballot.

#### **34 Postponement of ballot**

- (1) The returning officer may postpone (for a period not exceeding 14 days) the close of exhibition of the preliminary roll, the close of enrolments or the close of the ballot by a notice published in the same way as the notice stating that a ballot is to be held.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

### **Division 4      Preparation of final roll**

#### **35 Exhibition of preliminary roll**

The returning officer must cause copies of the preliminary roll to be exhibited for public inspection:

- (a) at the places where applications for enrolment and objections against enrolment may be lodged, and
- (b) for a period of at least 14 days ending at the close of exhibition of the preliminary roll.

#### **36 Qualifications for voting**

- (1) A person is qualified to vote in an election if the person belongs to the class of primary producers for which the committee concerned is constituted, as set out in the committee's foundation regulation.
- (2) This clause does not entitle a person (whether in their own capacity or in their capacity as nominee) to vote in any election more times than that person's voting entitlement allows.

#### **37 Enrolment of nominees**

- (1) A primary producer that is a corporation, partnership, trustee or legal personal representative (whether agent, administrator, executor or otherwise) for a person or an estate of a person must nominate, by notice in writing, an individual to be enrolled and vote on behalf of the primary producer at any election.
- (2) A person is entitled to vote in a poll as a nominee of a primary producer if the returning officer is satisfied that:

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- (a) the person is an individual who has been duly nominated by the primary producer to be enrolled and vote on behalf of the primary producer at any election, and
  - (b) the individual is not already enrolled in the final roll for the election in some other capacity.
- (3) Only one person may be nominated in accordance with this clause to vote in an election as a nominee of a primary producer. A later nomination revokes and replaces an earlier nomination.
  - (4) In this clause, a reference to a partnership includes a reference to the parties to a share-farming agreement and to any group of persons who, in the opinion of the returning officer, are engaged in a single enterprise in the growing, raising or production for sale of a primary product.
  - (5) In forming such an opinion in respect of a group of persons, the returning officer may ignore the existence of any legal entity that consists of or includes persons who form part of the group.

**38 Enrolment compulsory**

It is compulsory for every person who is qualified to vote in an election to be enrolled, or to apply for enrolment, in the final roll for the election.

**39 Applications for enrolment by persons not already enrolled**

- (1) A person whose name does not appear on the preliminary roll for an election may apply for enrolment in the final roll for the election.
- (2) The application must be in Form 2 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
  - (a) if satisfied that the applicant is qualified to vote, must accept the application and enter in the final roll for the election:
    - (i) the full name and address of the applicant, and
    - (ii) if the committee's foundation regulation has provided for differing voting entitlements for the committee's constituents, the voting entitlement of the applicant, or
  - (b) if not so satisfied, must reject the application and inform the applicant in writing of the rejection of the application and the reason for that rejection, or
  - (c) if the application is not in the proper form or is incomplete, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

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#### **40    Objections to enrolment**

- (1) Before the close of enrolments, the returning officer and any person who is entitled to vote in an election may object to the inclusion in the final roll of:
  - (a) the name of any person, or
  - (b) the particular voting entitlement for any person.
- (2) An objection made by a person other than the returning officer:
  - (a) must be in:
    - (i) Form 3, if the objection relates to the inclusion of the name of any person in the final roll for the election, or
    - (ii) Form 4, if the objection relates to the inclusion of a particular voting entitlement for any person in the final roll for the election, and
  - (b) must state the grounds on which it is made, and
  - (c) must be signed by the objector, and
  - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection (whether made by the returning officer or another person) to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent to that person.
- (5) The returning officer must consider each objection, and any reply received within that 14 day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or reject an objection.
- (7) If the returning officer accepts an objection relating to the inclusion of a person's name in the final roll for the election, the returning officer must:
  - (a) exclude the name of the person to whom the objection relates from the final roll for the election, and
  - (b) inform that person and the objector (where the objection is made by a person other than the returning officer), in writing, that the person's name has been so excluded.
- (8) If the returning officer accepts an objection relating to the inclusion of a particular voting entitlement for a person in the final roll for the election, the returning officer must:

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- (a) amend the final roll for the election so as to ensure that it reflects the person's true voting entitlement, and
  - (b) inform that person and the objector (where the objection is made by a person other than the returning officer), in writing, that the person's voting entitlement has been so amended.
- (9) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector (where the objection is made by a person other than the returning officer), in writing, that the returning officer has rejected the objection.
- (10) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.

#### **41 Postponement of ballot not to affect final roll**

The validity of the final roll for an election is not affected by the postponement of the close of the ballot by a notice published after the close of exhibition of the preliminary roll, and the roll remains the final roll for the election.

### **Division 5 The ballot**

#### **42 Voting optional**

Voting at an election is not compulsory.

#### **43 Printing of ballot-papers**

- (1) As soon as practicable after the close of enrolments in an election, the returning officer must:
- (a) determine the order in which the candidates' names are to be listed on a ballot-paper by means of a ballot held in accordance with the procedure prescribed for the purposes of section 82A of the *Parliamentary Electorates and Elections Act 1912*, and
  - (b) cause sufficient ballot-papers to be printed to enable ballot-papers to be sent to each person included in the final roll for the election, and
  - (c) cause sufficient candidate information sheets to be printed to enable copies to be sent to each person included in that roll.
- (2) A ballot-paper for an election must contain:
- (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and

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- (b) if the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
  - (c) the date by which ballot papers are to be returned and such other directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that:
- (a) the voter must record a vote for at least the number of candidates to be elected by placing consecutive numbers (beginning with the number “1” and ending with the number equal to the number of candidates to be elected) in the squares set opposite the candidates’ names in the order of preference for them, and
  - (b) the voter may, but is not required to, vote for additional candidates by placing consecutive numbers (beginning with the number next higher than the number of candidates to be elected) in the squares set opposite the candidates’ names in the order of the voter’s preferences for them.

#### 44 Distribution of ballot-papers

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send to each person included in the final roll for the election:

- (a) for each vote to which the person is entitled in accordance with the committee’s foundation regulation, a ballot-paper that is initialled by the returning officer (or by a person authorised by the returning officer) or that bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912* together with a blank unsealed envelope (the *inner envelope*), and
- (b) a large unsealed envelope addressed to the returning officer and bearing on the back the words “NAME AND ADDRESS OF VOTER” and “SIGNATURE OF VOTER”, together with appropriate spaces for the insertion of a name, address and signature (the *outer envelope*), and
- (c) if applicable, a candidate information sheet.

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**45 Duplicate ballot-papers**

- (1) If, at any time before the close of the ballot, the returning officer is satisfied by statutory declaration that:
  - (a) any original ballot-paper sent to the voter has been spoiled, lost or destroyed, and
  - (b) that the voter has not already voted in the election to which the ballot-paper or ballot-papers relate,the returning officer may issue to the voter duplicate ballot-papers and duplicate envelopes.
- (2) The returning officer is to maintain a record of all duplicate ballot-papers issued under this clause.

**46 Recording of votes**

In order to vote in an election, a person must:

- (a) for each vote to which the person is entitled in accordance with the committee's foundation regulation:
  - (i) record a vote on a ballot-paper in accordance with directions shown on it, and
  - (ii) place the completed ballot-paper in an inner envelope, and
  - (iii) seal the inner envelope, and
- (b) place each inner envelope in the outer envelope, and
- (c) complete the person's full name and address on, and must sign, the back of the outer envelope, and
- (d) return the outer envelope to the returning officer so as to be received before the close of the ballot.

**Division 6 The scrutiny****47 Ascertaining result of ballot**

The result of a ballot is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

**48 Scrutineers**

Each candidate in a ballot is entitled to appoint, by notice in writing, a scrutineer to represent the candidate at all stages of the scrutiny.

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#### **49 Receipt of ballot-papers**

- (1) The returning officer must reject (without opening it) any outer envelope purporting to contain a ballot-paper or ballot papers if the outer envelope is not received by the returning officer before the close of the ballot or is received unsealed.
- (2) The returning officer must examine the name on the back of each remaining outer envelope and, without opening the outer envelope:
  - (a) must provisionally accept any outer envelope and draw a line through the name on the final roll for the election that corresponds to the name on the back of the envelope, if satisfied that a person of that name is included in the roll, or
  - (b) must reject any outer envelope, if not so satisfied or if a name, address or signature does not appear on the back of the envelope.
- (3) The returning officer may reject (without opening it) any outer envelope if, after making such inquiries as the returning officer thinks fit, it appears to the returning officer that the signature on the back of the outer envelope is not the signature of the person whose name and address appear on the back of the outer envelope.

#### **50 Scrutiny of votes**

- (1) The scrutiny of votes in an election is to be conducted as follows:
  - (a) the returning officer is to produce, unopened, the outer envelopes containing ballot-papers accepted for scrutiny,
  - (b) the returning officer is then to open each such outer envelope and extract any inner envelopes contained in any such outer envelope,
  - (c) the returning officer is then to note on the final roll for the election, against the name of the person appearing on the back of the outer envelope, the number of inner envelopes contained in the outer envelope,
  - (d) the returning officer is then to place each such inner envelope in a locked ballot-box.
- (2) However, if there are more inner envelopes in the outer envelope than the number of votes to which the person is entitled in accordance with the committee's foundation regulation, the returning officer must reject all the inner envelopes contained in the outer envelope.
- (3) The scrutiny of votes in the election is to continue as follows:
  - (a) when the inner envelopes from all the outer envelopes have been placed in the ballot box, the returning officer is then to unlock the ballot-box, remove the inner envelopes and then extract the ballot-papers from the inner envelopes,

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- (b) the returning officer is then to reject all ballot-papers in an inner envelope if the inner envelope contains more than one ballot-paper,
  - (c) the returning officer is then to examine each remaining ballot-paper and reject those that are informal,
  - (d) the returning officer is then to proceed to count the votes and ascertain the result of the poll.
- (4) At the scrutiny of votes in an election, a ballot-paper must be rejected as informal if:
- (a) it is neither initialled by the returning officer (or by a person authorised by the returning officer to do so) nor bears a mark prescribed as an official mark for the purposes of section 122A (3) of the *Parliamentary Electorates and Elections Act 1912*, or
  - (b) it has on it any mark or writing which the returning officer considers could enable any person to identify the voter who completed it, or
  - (c) it has not been completed in accordance with the directions shown on it.
- (5) A ballot-paper is not to be rejected as informal:
- (a) merely because of any mark or writing on it that is not authorised or required by this Regulation (not being a mark or writing referred to in subclause (4) (b)) if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper, or
  - (b) if the voter has recorded a vote by placing in one square the number "1":
    - (i) merely because the same preference (other than a first preference) has been recorded on the ballot-paper for more than one candidate, or
    - (ii) merely because there is a break in the order of preferences recorded on the ballot-paper.

#### **51 Counting of votes**

- (1) If there is 1 person to be elected in the election:
- (a) the method of counting the votes so as to ascertain the result of the election is to be as provided by Part 2 of the Seventh Schedule to the *Constitution Act 1902*, and



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- (b) for the purpose of applying the provisions of that Part to the election, a reference in those provisions to the returning officer is to be read as a reference to the returning officer under this Regulation.
- (2) If there are 2 or more persons to be elected in the election:
  - (a) the method of counting the votes so as to ascertain the result of the election is to be as provided by Part 2 of the Sixth Schedule to the *Constitution Act 1902*, and
  - (b) for the purpose of applying the provisions of that Part to the election:
    - (i) a reference in those provisions to the Council returning officer is to be read as a reference to the returning officer under this Regulation, and
    - (ii) the quota referred to in those provisions is to be determined by dividing the number of first preference votes for all candidates by 1 more than the number of persons to be elected and by increasing the quotient so obtained (disregarding any remainder) by 1.

## **52 Notice of result of election**

As soon as practicable after the result of the ballot is ascertained, the returning officer must notify the Minister and the appropriate officer, in writing, of the name or names of the candidate or candidates elected.

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Clause 53

Register of constituents

Part 4

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## **Part 4 Register of constituents**

### **53 Form of register of constituents**

- (1) The register of constituents must be compiled and maintained by a committee in a form that is legible and readily accessible to the public.
- (2) If a committee's register of constituents is compiled and maintained in an electronic form, the committee must ensure that:
  - (a) the public is provided with an appropriate means, and reasonable assistance, to access the register, or
  - (b) a printout of the register, not more than 35 days old, is available for public inspection.

### **54 Content of register of constituents**

- (1) The register of constituents must contain the following:
  - (a) the name and address of each constituent,
  - (b) the name and address of each nominee for a constituent and the name of that nominee's nominating constituent (if applicable),
  - (c) if the committee's foundation regulation has provided for differing voting entitlements for the committee's constituents, the voting entitlements of each constituent,
  - (d) if the committee's foundation regulation has divided the committee's area of operation into electoral districts, the electoral district in which each constituent is entitled to vote.
- (2) A committee's register of constituents may also contain any other information that the committee considers appropriate.

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## Part 5 General

### 55 Decisions of returning officer final

If the returning officer is permitted or required by the Act or this Regulation to make a decision on any matter relating to the taking of a ballot in any poll or election, the decision of the returning officer on that matter is final.

### 56 Death of a candidate

If a candidate dies after the close of nominations and before the close of the ballot:

- (a) the returning officer is to cause notice of the death to be published in one or more local newspapers that, individually or collectively, circulate generally throughout the area of operations or electoral district concerned, and
- (b) all proceedings taken after the Minister notified the returning officer that the election was required to be held are of no effect and must be taken again.

### 57 Concurrent polls and elections

Where the same voting entitlements apply in respect of a poll and an election:

- (a) a single roll may be prepared and used for the purposes of both the poll and the election, and
- (b) an application for enrolment in that roll may be made under clause 11 or 39, and
- (c) an objection against the inclusion in that roll of the name of any person may be made under clause 12 or 40.

### 58 Offences

A person must not:

- (a) vote, or attempt to vote, more times than the person's voting entitlement allows in any poll or election, or
- (b) vote, or attempt to vote, in any poll or election in which the person is not entitled to vote, or
- (c) make a false or wilfully misleading statement:
  - (i) to the returning officer in connection with any poll or election, or
  - (ii) in any document that the person furnishes for the purposes of any poll or election, or

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General

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- (d) apply for enrolment in respect of any poll or election in respect of which the person is already enrolled.

Maximum penalty: 1 penalty unit.

**59 Costs and expenses of polls and elections**

- (1) A committee must ensure that provision is made in the following manner for payment of the costs and expenses of the returning officer in conducting a poll or an election:
- (a) before the poll or election is conducted, the committee must pay to the returning officer an amount equal to the returning officer's estimate of the costs and expenses of the poll or election likely to be incurred by the returning officer in conducting the poll or election,
- (b) the committee must give an undertaking to the returning officer to pay to the returning officer, after the poll or election is conducted, any amount by which the actual costs and expenses incurred by the returning officer in conducting the poll or election exceed the amount of the estimate.
- (2) After the poll or election has been conducted, the returning officer must refund to the committee any amount by which the estimated amount of the costs and expenses of the poll or election paid by the committee in accordance with subclause (1) (a) exceeded the actual costs and expenses of that poll or election.
- (3) For the purposes of the Act and paragraph (c) of the definition of *agricultural industry service* in section 3 of the Act, the conduct of a poll or an election by a committee in accordance with the Act is declared to be an agricultural industry service.

**60 Foundation regulation prevails if inconsistency**

If there is any inconsistency between a foundation regulation and this Regulation, the foundation regulation prevails.

**61 Saving**

Any act, matter or thing that had effect under the *Agricultural Industry Services (Polls and Elections) Regulation 2000* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

## Agricultural Industry Services (Polls and Elections) Regulation 2005

## Schedule 1      Forms

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**Schedule 1      Forms**

(Clause 3 (2))

**Form 1      Certificate**

(Clauses 4 and 32)

(Agricultural Industry Services (Polls and Elections) Regulation 2005)

I certify that this roll contains the full names (consecutively numbered and listed in alphabetical order) and addresses of those primary producers and nominees who, in my opinion, are entitled to vote in the poll\*/election\* in relation to which this roll has been prepared.

The first and last entries in the roll are as follows:

First entry: No:

Name:

Address:

Last entry: No:

Name:

Address:

Dated:

Signed:

*\* Delete whichever is inapplicable.*

**Form 2      Application for enrolment**

(Clauses 11 and 39)

(Agricultural Industry Services (Polls and Elections) Regulation 2005)

Surname:

Given names:

Postal Address:

Postcode:

Telephone No:

Address of property on which the primary product the subject of the poll\*/election\* is actually grown, raised, produced, packed, processed or marketed for sale:

Local government area in which the property is situated:

I apply to be enrolled in the final roll for the following poll\*/election\* and in any subsequent poll or election [*specify the poll\*/election\* to which the application relates*]:

I am applying for enrolment:

- (a)\* as the sole producer of the primary product,
- (b)\* as the nominee of a corporation on behalf of which the primary product is actually grown, raised, produced, packed, processed or marketed for sale,
- (c)\* as the nominee of a partnership on behalf of which the primary product is actually grown, raised, produced, packed, processed or marketed for sale,

## Agricultural Industry Services (Polls and Elections) Regulation 2005

Forms

Schedule 1

(d)\* as the nominee of the trustee or legal personal representative of a person or estate on behalf of whom or which the primary product is actually grown, raised, produced, packed, processed or marketed for sale.

Particulars of corporation\*/partnership\*/trustee\*/legal personal representative\* in respect of whom or which the applicant is the nominee (see paragraphs (b), (c) and (d) above)\*:

Name:

Postal address:

Postcode:

I declare that I am qualified to vote in the poll\*/election\* (as determined in accordance with the *Agricultural Industry Services (Polls and Elections) Regulation 2005*).

I further declare that, to the best of my knowledge, the information contained in this application is true.

Dated:

Signed:

\* *Delete whichever is inapplicable.*

### Form 3 Objection to enrolment

(Clauses 12 and 40)

(Agricultural Industry Services (Polls and Elections) Regulation 2005)

I object to the inclusion in the final roll for the following poll\*/election\* [*specify the poll\*/election\* to which the objection relates*]:

of the name of [*name in full*] of [*postal address*]

This objection is based on the following grounds [*specify the grounds of the objection*]:

Name of objector:

Postal address:

Postcode:

Telephone No:

Dated:

Signed:

\* *Delete whichever is inapplicable.*

### Form 4 Objection to determination of voting entitlement

(Clauses 12 and 40)

(Agricultural Industry Services (Polls and Elections) Regulation 2005)

I object to the voting entitlement included in the final roll for the following poll\*/election\* [*specify the poll\*/election\* to which the objection relates*]:

for [*name in full*] of [*postal address*]

The voting entitlement is stated to be:

This objection is based on the following grounds [*specify the grounds of the objection*]:

Name of objector:

Postal address:

Postcode:

## Agricultural Industry Services (Polls and Elections) Regulation 2005

## Schedule 1      Forms

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Telephone No:

Dated:

Signed:

*\* Delete whichever is inapplicable.*

**Form 5      Nomination of candidate**

(Clause 28)

(Agricultural Industry Services (Polls and Elections) Regulation 2005)

We nominate [*name in full*] of [*postal address*] as a candidate for the following election [*specify the election to which the nomination relates and the area or electoral district in which the election is to be held*]:

We declare that we are each entitled to vote in the election.

Name in full:

Address:

Signature:

**Note.** This nomination must be completed by not less than 6 persons (other than the candidate), each of whom is qualified to vote (as determined in accordance with the *Agricultural Industry Services (Polls and Elections) Regulation 2005*) in respect of the election.

I [*name*] consent to being a candidate at the election to which this nomination relates.

Postal address:

Postcode:

Telephone No:

Date of birth:

Dated:

Signed:

**Form 6      Statutory declaration**

(Clause 31)

(Agricultural Industry Services (Polls and Elections) Regulation 2005)

I, [*name*] of [*address*] do solemnly and sincerely declare that:

- 1      My full name is
- 2      My residential address and postcode is
- 3      My date of birth is
- 4      I am self-employed\*/employed by [*employer name*]\* as [*specify nature of employment*]
- 5      I hold the following qualifications (academic/trade/professional):
- 6      I am a member of the following organisations:

## Agricultural Industry Services (Polls and Elections) Regulation 2005

Forms

Schedule 1

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7 I hold the following offices (other than employment):

8 [See Note]

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20

Before me:

Justice of the Peace

[signature]

**Note.** A candidate may include further information relating to the candidacy. Such information should not exceed 4 lines of typescript.

\* *Delete whichever is inapplicable.*





New South Wales

## **Business Names Amendment (Fees) Regulation 2005**

under the

**Business Names Act 2002**

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

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

### **Explanatory note**

The object of this Regulation is to increase certain fees payable in connection with the administration of the *Business Names Act 2002*. The fee increases are in line with movements in the Consumer Price Index. This Regulation also adjusts the dollar amount above which the relevant fee may be waived or refunded in respect of a refused application for registration of a business name.

This Regulation is made under the *Business Names Act 2002*, including section 40 (the general regulation-making power).

Clause 1 Business Names Amendment (Fees) Regulation 2005

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## **Business Names Amendment (Fees) Regulation 2005**

under the

Business Names Act 2002

### **1 Name of Regulation**

This Regulation is the *Business Names Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Business Names Regulation 2004**

The *Business Names Regulation 2004* is amended as set out in Schedule 1.

Business Names Amendment (Fees) Regulation 2005

Amendments

Schedule 1

---

## Schedule 1 Amendments

(Clause 3)

**[1] Clause 12 Circumstances in which fees may be waived or refunded**

Omit "\$21" wherever occurring in clause 12 (1) (a) and (b).

Insert instead "\$22".

**[2] Schedule 2**

Omit the Schedule. Insert instead:

## Schedule 2 Fees

(Clause 11)

Column 1	Column 2	Column 3
Matter	Basic component	Processing component
<b>Fees relating to registration under the Licensing and Registration (Uniform Procedures) Act 2002</b>		
1 Application for granting of registration of a business name	\$111	\$22
2 Application for renewal of registration of a business name	\$87	\$14
3 Application for replacement of certificate of registration	Nil	\$21
<b>Other fees</b>		
4 Application for Minister's direction under section 6 (2) of the Act	\$136	\$21
5 Application to inspect Register	Nil	\$12 for each registered business name for which particulars inspected

## Business Names Amendment (Fees) Regulation 2005

## Schedule 1 Amendments

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Matter</b>	<b>Basic component</b>	<b>Processing component</b>
6 Application for certified copy of Register in association with an application to inspect Register	Nil	Nil for the first page, \$2 for each page beyond the first
7 Application for certified copy of Register otherwise than in association with an application to inspect Register	Nil	\$12, plus an additional \$2 for each page beyond the first
8 Application for copy (not certified) of Register in association with an application to inspect Register	Nil	Nil for up to 3 pages, \$1 for each page beyond the third
9 Application for copy (not certified) of Register otherwise than in association with an application to inspect Register	Nil	\$12 for up to 3 pages, plus an additional \$1 for each page beyond the third
10 Application for evidentiary certificate as to contents of Register	Nil	\$21



New South Wales

# Community Land Management Amendment (Fees) Regulation 2005

under the

Community Land Management Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Community Land Management Act 1989*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar of the Consumer, Trader and Tenancy Tribunal in respect of certain services in connection with community land management. This Regulation also increases the fee for an application for mediation, payable to the Commissioner of Fair Trading in the Department of Commerce (who is referred to in the *Community Land Management Act 1989* as the Director-General). The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Community Land Management Act 1989*, including section 122 (the general regulation-making power).

Clause 1            Community Land Management Amendment (Fees) Regulation 2005

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## **Community Land Management Amendment (Fees) Regulation 2005**

under the

Community Land Management Act 1989

### **1 Name of Regulation**

This Regulation is the *Community Land Management Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Community Land Management Regulation 2000**

The *Community Land Management Regulation 2000* is amended as set out in Schedule 1.

Community Land Management Amendment (Fees) Regulation 2005

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

**Clause 20**

Omit the clause. Insert instead:

**20 Fees**

- (1) The following fees are payable to an association in respect of the services specified:

<b>Service</b>	<b>Fee</b>
Inspection of association records under section 26:	
(a) for up to 1 hour	\$21
(b) for each additional half hour or part of a half hour	\$10
Issue by an association of a certificate under section 26	\$70, and \$35 for a further certificate for a lot comprising a garage that services the lot the subject of the first certificate

- (2) The following fees are payable to the Registrar in respect of the services specified:

<b>Service</b>	<b>Fee</b>
Lodging an application for an order for settlement of a dispute or complaint by an Adjudicator or the Tribunal under Part 4 of the Act:	
(a) if the application includes an application for an interim order under section 72 of the Act	\$122
(b) if it does not	\$61
Lodging a notice of appeal against an order made by an Adjudicator under section 88 of the Act	\$61

## Community Land Management Amendment (Fees) Regulation 2005

Schedule 1 Amendment

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<b>Service</b>	<b>Fee</b>
Lodging an application for a copy of an order made by an Adjudicator or the Tribunal, or other document not being a transcript, per page	\$2 per page or \$22 (whichever is greater)
Issuing a summons to appear before the Tribunal under section 94 of the Act	\$34
Duplicate tape recording of evidence or proceedings, per cassette	“at cost”
Copy of written transcript of evidence or proceedings, per page	“at cost”

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- (3) The following fee is payable to the Director-General in respect of the service specified:

<b>Service</b>	<b>Fee</b>
Application for mediation	\$61

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New South Wales

# Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation 2005

under the

Consumer, Trader and Tenancy Tribunal Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Consumer, Trader and Tenancy Tribunal Act 2001*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to increase fees payable:

- (a) in respect of applications to have matters dealt with by the Consumer, Trader and Tenancy Tribunal, and
- (b) for the issue of a summons, and
- (c) for a copy of a document (other than a written record or transcript of evidence or proceedings).

The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Consumer, Trader and Tenancy Tribunal Act 2001*, including section 86 (the general regulation-making power) and, in particular, section 86 (2) (n).

Clause 1 Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation  
2005

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## **Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation 2005**

under the

Consumer, Trader and Tenancy Tribunal Act 2001

### **1 Name of Regulation**

This Regulation is the *Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Consumer, Trader and Tenancy Tribunal Regulation 2002**

The *Consumer, Trader and Tenancy Tribunal Regulation 2002* is amended as set out in Schedule 1.

Consumer, Trader and Tenancy Tribunal Amendment (Fees) Regulation  
2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

- [1] Clause 10 Application fees**  
Omit "\$29" wherever occurring in clause 10 (1) (a) and (c) (i).  
Insert instead "\$30".
- [2] Clause 10 (1) (b) and (c) (ii)**  
Omit "\$59" wherever occurring. Insert instead "\$61".
- [3] Clause 10 (1) (c) (iii)**  
Omit "\$159" wherever occurring. Insert instead "\$163".
- [4] Clause 10 (1) (d) (i) and (iii)**  
Omit "\$528" wherever occurring. Insert instead "\$542".
- [5] Clause 10 (1) (d) (ii)**  
Omit "\$66". Insert instead "\$68".
- [6] Clause 30 Issue of summons**  
Omit "\$33" from clause 30 (5). Insert instead "\$34".
- [7] Clause 39 Copies of record of proceedings and other documents**  
Omit "\$21" from clause 39 (1) (a). Insert instead "\$22".



New South Wales

## Conveyancing (General) Amendment (Fees) Regulation 2005

under the

Conveyancing Act 1919

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Conveyancing Act 1919*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Lands

### Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Conveyancing Act 1919*. Some of the fee increases are in line with movements in the Consumer Price Index.

Fees are being increased from \$20 to \$73.25 relating to the following:

- (a) the registration, or renewal or vacation of registration, of writs, orders and certain legal proceedings,
- (b) the registration of crop liens and wool liens, stock mortgages and any other instruments relating to such liens or mortgages,
- (c) the registration of bills of sale and any other instruments relating to bills of sale,
- (d) the removal of caveats in relation to bills of sale,
- (e) the registration of memoranda containing provisions that are capable of being covenants that may be included in bills of sale, crop liens, wool liens and stock mortgages.

These documents are registered in the General Register of Deeds under the same process as that used to register Old System land transactions and powers of attorney, for which the fee is currently \$71 (to be increased to \$73.25). The \$20 fee has applied since 1998.

This Regulation also:

- (a) introduces new fees for public searches of the General Register of Deeds, complementing existing fees for official searches of the General Register of Deeds, and

Conveyancing (General) Amendment (Fees) Regulation 2005

Explanatory note

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- (b) clarifies the circumstances under which fees are incurred when a public search is carried out and a copy or a copy of each additional document (other than a certified copy) is supplied in response to a facsimile request for a document in the custody of the Registrar-General if no initial search is required.

This Regulation is made under the *Conveyancing Act 1919*, including section 202 (the general regulation-making power) and, in particular, section 202 (1) (d).

Clause 1            Conveyancing (General) Amendment (Fees) Regulation 2005

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## **Conveyancing (General) Amendment (Fees) Regulation 2005**

under the

Conveyancing Act 1919

### **1 Name of Regulation**

This Regulation is the *Conveyancing (General) Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Conveyancing (General) Regulation 2003**

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

## Conveyancing (General) Amendment (Fees) Regulation 2005

Schedule 1 Amendment

**Schedule 1 Amendment**

(Clause 3)

**Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Fees**

(Clauses 4, 5, 6, 12, 21, 22, 41, 42 and 43)

		\$
<b>Registration in the General Register of Deeds</b>		
1	For each registration, or renewal or vacation of registration, of any writ, order or legal proceeding made under Division 2 of Part 23 of the Act	73.25
2	For each registration of a crop or wool lien or a stock mortgage, or any other instrument relating to such liens or mortgages, made under the <i>Liens on Crops and Wool and Stock Mortgages Act 1898</i>	73.25
3	For each registration of a bill of sale, or any other instrument relating to a bill of sale, made under the <i>Bills of Sale Act 1898</i>	73.25
4	For removal of a caveat in relation to a bill of sale	73.25
5	For registration under Division 5 of Part 6 of the Act of a memorandum containing provisions that are capable of being covenants that may be included in a bill of sale, crop or wool lien or stock mortgage	73.25
6	For recording or registering any instrument not otherwise provided for in this Schedule	73.25
7	On request for preparation of a registration copy of an instrument or part of an instrument	10.30 for up to 4 pages, and then 10.30 for each additional 4 pages or part of that number
	In addition, for preparation of the copy	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved

## Conveyancing (General) Amendment (Fees) Regulation 2005

Amendment

Schedule 1

		\$
<b>Copies</b>		
8	For supplying a copy of a document or part of a document (other than a certified copy) in the custody of the Registrar-General:	
	(a) to any person attending an office of the Department of Lands	10.30
	(b) by electronic means to any agent licensed by the Department of Lands	4.65
	(c) to any person by some other means	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service
9	On lodgment of an application for a certified copy of a document or part of a document in the custody of the Registrar-General	77.25
	In addition, if a copy is prepared by a photocopying process	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy
10	In the case of a requisition for a copy available to any person attending an office of the Department of Lands that, in the opinion of the Registrar-General, is a request for a copy for which the above schedule of fees is not appropriate	Such reasonable fee (determined by the Registrar-General in negotiation with the requesting party) as is warranted by the cost incurred in providing the copy
11	On lodgment of an application for a copy of a document in the custody of the Registrar-General, other than a certified copy or a copy available to any person attending an office of the Department of Lands	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy
<b>Official searches (General Register of Deeds)</b>		
12	On requisition for a search, or the continuation of a search, from the date of the prior certificate of result of the search (including the office copy certificate of the result of a search or the continuation of the search)	206.00



Conveyancing (General) Amendment (Fees) Regulation 2005	
Schedule 1	Amendment
	<b>\$</b>
	51.50
13	77.25
<b>Public searches (General Register of Deeds)</b>	
14	113.30
	56.65
15	22.65
	10.30
<b>Search for writs, orders or legal proceedings</b>	
16	10.30
17	22.65
	10.30
<b>Plans</b>	
18	823.00
	51.50
	77.25
	154.50

## Conveyancing (General) Amendment (Fees) Regulation 2005

Amendment

Schedule 1

	\$
(c) for any development contract accompanying the community, precinct or neighbourhood plan	154.50
In addition, for each lot, allotment or portion shown or separately defined on the plan	82.30
And, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited, an additional	77.25
And, if the plan is accompanied by a section 88B instrument, for each easement or profit à prendre to be released, irrespective of the number of lots burdened or benefited, an additional	77.25
And, if the plan is accompanied by a building management statement, an additional	154.50
And, if the plan is lodged for the purpose of consolidating 2 or more folios of the Register kept under the <i>Real Property Act 1900</i> —for each folio of the Register to be consolidated, an additional	15.45
And, if a plan lodged in connection with an application to bring land under the <i>Real Property Act 1900</i> includes land already under that Act and a consolidated folio of the Register kept under that Act is to be created—for each folio to be consolidated, an additional	15.45
19 On lodgment of an additional or replacement sheet in conjunction with an application to amend a registered community, precinct or neighbourhood plan under the <i>Community Land Development Act 1989</i>	77.25
20 For recording a plan prepared solely for the purpose of placing survey information on public record	77.25
21 For examining a plan if survey information has been added to an original compiled plan as a result of a requisition	77.25
22 For pre-examination of a plan	905.30
In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination of the plan	56.65

## Conveyancing (General) Amendment (Fees) Regulation 2005

## Schedule 1 Amendment

		\$
23	For preparation and supply of a plan	206.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first hour occupied in the preparation of the plan	51.50
24	On lodgment of an application for revival of a plan previously rejected or withdrawn	Such fee as would be appropriate to the plan as a new lodgment
25	On lodgment of a substituted plan or any sheet of such a plan or an additional sheet of a plan	77.25
26	On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment
27	On lodgment of an application to amend a plan	77.25
	In addition, if the application involves the amendment of a Crown grant, a certificate of title or a folio of the Register kept under the <i>Real Property Act 1900</i> :	
	(a) for the first grant, certificate or folio	77.25
	(b) for each subsequent grant, certificate or folio	10.30
28	On lodgment of an application for an order terminating a neighbourhood scheme under section 72 of the <i>Community Land Development Act 1989</i>	77.25
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50
<b>Miscellaneous</b>		
29	For furnishing a certificate of ownership ( <i>Local Government Act 1993</i> —section 700 (2) or <i>Environmental Planning and Assessment Act 1979</i> —section 151 (2))	51.50
	In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	51.50
30	On depositing a document or documents pursuant to section 64 of the Act	22.65
	In addition, for each document in excess of 4	3.40

## Conveyancing (General) Amendment (Fees) Regulation 2005

Amendment

Schedule 1

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		\$
31	On application for return of a document or documents deposited pursuant to section 64 of the Act	22.65
	In addition, for each document in excess of 4	3.40
32	For inspection of a packet containing a document or documents deposited pursuant to section 64 of the Act	22.65
33	For production of documents at the Office of State Revenue	20.60
34	On request for entry of a marginal note evidencing a discrepancy between an original instrument and a registered copy of the instrument	77.25

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New South Wales

# Fisheries Management (General) Amendment (Miscellaneous) 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 MICHAEL MACDONALD, M.L.C.,  
Minister for Primary Industries

## Explanatory note

The object of this Regulation is to amend the *Fisheries Management (General) Regulation 2002*:

- (a) to increase fishing fees and fees for fishing fee exemption certificates, and
- (b) to permit the Minister to determine that all, or part, of an annual contribution towards fishery monitoring programs is not payable, and
- (c) to abolish the inland restricted fishery Management Advisory Committee.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 34E (2), 34I (4), 106 (2), 231 and 289 (the general regulation-making power).

Clause 1 Fisheries Management (General) Amendment (Miscellaneous)  
Regulation 2005

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## **Fisheries Management (General) Amendment (Miscellaneous) Regulation 2005**

under the

Fisheries Management Act 1994

### **1 Name of Regulation**

This Regulation is the *Fisheries Management (General) Amendment (Miscellaneous) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Fisheries Management (General) Regulation 2002**

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.

Fisheries Management (General) Amendment (Miscellaneous)  
Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 119A**

Insert after clause 119:

**119A Prescribed fishing fees**

For the purposes of section 34E (2) of the Act, the amount of the fishing fee for each period specified is as follows:

- (a) for a period of 3 days—\$6,
- (b) for a period of 1 month—\$12,
- (c) for a period of 12 months—\$30,
- (d) for a period of 3 years—\$75.

**[2] Clause 124 Fishing fee exemption certificates: fees**

Omit “\$100” wherever occurring in clause 124 (1) (a) and (c) (i) and (ii).

Insert instead “\$120”.

**[3] Clause 124 (1) (b)**

Omit “\$2,000”. Insert instead “\$2,400”.

**[4] Clause 124 (1) (c) (ii)**

Omit “\$25”. Insert instead “\$30”.

**[5] Clause 124 (1) (c) (iii)**

Omit “\$250”. Insert instead “\$300”.

**[6] Clause 150A Annual contribution towards fishery monitoring programs**

Insert after clause 150A (5):

- (5A) The Minister may determine that all or part of a contribution is not payable under this clause in such cases, or classes of case, as the Minister considers appropriate.

**[7] Clause 349 Seafood Industry Advisory Council**

Omit “, except for the Management Advisory Committee for the inland restricted fishery” from clause 349 (1) (a).

Fisheries Management (General) Amendment (Miscellaneous)  
Regulation 2005

Schedule 1 Amendments

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- [8] Clause 369 Composition of MAC**  
Omit all matter relating to the inland restricted fishery from Columns 1, 2 and 3 of Part B of the Table to the clause.
- [9] Clause 399 Non-elected members**  
Omit clause 399 (4).
- [10] Clause 400 Non-elected members—inland restricted fishery**  
Omit the clause.
- [11] Clause 410 Voting**  
Omit clause 410 (2).
- [12] Clause 427**  
Insert after clause 426:
- 427 Waiver of contribution towards fishery monitoring programs**  
Clause 150A (5A), as inserted by the *Fisheries Management (General) Amendment (Miscellaneous) Regulation 2005*, extends to a contribution that was payable before the commencement of that subclause.





New South Wales

## Funeral Funds Amendment (Fees) Regulation 2005

under the

Funeral Funds Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Funeral Funds Act 1979*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

### Explanatory note

The object of this Regulation is to increase the fees payable to the Commissioner for Fair Trading in the Department of Commerce (who is referred to in the *Funeral Funds Act 1979* as the Director-General of that Department) in relation to funeral contribution funds and pre-arranged funeral funds. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Funeral Funds Act 1979*, including section 92 (the general regulation-making power).

Clause 1 Funeral Funds Amendment (Fees) Regulation 2005

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## **Funeral Funds Amendment (Fees) Regulation 2005**

under the

Funeral Funds Act 1979

### **1 Name of Regulation**

This Regulation is the *Funeral Funds Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Funeral Funds Regulation 2001**

The *Funeral Funds Regulation 2001* is amended as set out in Schedule 1.

Funeral Funds Amendment (Fees) Regulation 2005

Amendment

Schedule 1

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## Schedule 1      Amendment

(Clause 3)

**Clause 24**

Omit the clause. Insert instead:

**24    Fees**

The fees to be taken in the office of the Director-General are as set out in the Table to this clause.

**Table**

<b>Matter</b>	<b>Fee</b>
For registering a funeral contribution fund	\$389
For registering a pre-paid funeral fund	\$389
For approving an alteration of or addition to the rules of a funeral contribution fund	\$130
For confirming a scheme of transfer or amalgamation of the contributory funeral benefit business of a funeral contribution fund	\$52
For confirming a scheme of transfer of trust funds under pre-paid contracts	\$52
For receiving an application for the enlargement or abridgment of time for the doing of any act required by or under the Act to be done	\$52
For receiving a return and any accompanying documents referred to in section 24 (1) of the Act or a return referred to in section 49G (1) of the Act	\$52
For receiving a copy of an auditor's report on a pre-paid funeral fund under section 49C (2) of the Act	\$52
For providing a copy of a return or document, or part of a return or document, certified under the hand and seal of the Director-General to be a true copy	\$1 per page provided that the total fee does not exceed \$36
For confirming the appointment of a substitute or additional trustee under section 38 of the Act	\$52

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New South Wales

# Home Building Amendment (Application Fees) Regulation 2005

under the

Home Building Act 1989

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

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to amend the *Home Building Regulation 2004 (the 2004 regulation)* to increase certain fees payable under the *Home Building Act 1989 (the 1989 Act)*, being:

- (a) the fee for the issue of a certificate under section 131 of the 1989 Act, and
- (b) the application fees for contractor licences, supervisor certificates, tradesperson certificates and owner-builder permits.

The increases are in line with movements in the Consumer Price Index.

This Regulation also amends the 2004 regulation in connection with the application to licences under the 1989 Act of the uniform licensing provisions of the *Licensing and Registration (Uniform Procedures) Act 2002*.

This Regulation is made under the 1989 Act, including section 140 (the general regulation-making power) and, in particular, section 140 (2) (j).

Clause 1 Home Building Amendment (Application Fees) Regulation 2005

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## **Home Building Amendment (Application Fees) Regulation 2005**

under the

Home Building Act 1989

### **1 Name of Regulation**

This Regulation is the *Home Building Amendment (Application Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Home Building Regulation 2004**

The *Home Building Regulation 2004* is amended as set out in Schedule 1.

Home Building Amendment (Application Fees) Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clauses 42 and 42A

Omit clause 42. Insert instead:

#### 42 Application fees

- (1) An application for the grant, renewal, restoration or replacement of an authority must be accompanied by the fee payable for the purposes of the Act as listed in Column 1 of Schedule 4.
- (2) The amount of each fee is to be calculated by adding together the various components set out in Columns 3 and 4 of Schedule 4 in relation to that fee, the total fee being as set out in Column 5 of that Schedule.
- (3) An amount specified in relation to an application fee in Column 3 of Schedule 4 under the heading “**Processing component**” is taken to be a fee to cover the costs incurred by the Director-General in processing the application.  
**Note.** This amount is consequently a **processing fee** for the purposes of Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002*. If an application is made by electronic communication, the processing fee is discounted (see section 13 of that Act). If an application is refused, the applicant is not entitled to a refund of the processing fee (see section 22 of that Act).
- (4) There is no prescribed fee for an application:
  - (a) for the grant, renewal or restoration of a contractor licence authorising the holder to contract to do plumbing work or gasfitting work, or both, made by the holder of a contractor licence issued by the Plumbing Industry Commission of Victoria, but only if the holder’s business is carried on principally in Victoria, or
  - (b) for the grant of a supervisor certificate authorising the holder to do or supervise plumbing work or gasfitting work, or both, made by the holder of a contractor licence issued by that Commission, but only if the holder’s principal place of residence is in Victoria, or
  - (c) for the grant, renewal or restoration of a tradesperson certificate authorising the holder to do plumbing work or gasfitting work, or both, made by the holder of a certificate of registration issued by that Commission, but only if the holder’s principal place of residence is in Victoria, or

## Home Building Amendment (Application Fees) Regulation 2005

## Schedule 1 Amendments

- 
- (d) for the grant of a supervisor certificate to do electrical wiring work to a person who held an electrical mechanic's contractor licence under the *Electricity Safety Act 1945*, authorising the person to do electrical wiring work without supervision, immediately before 21 March 1990 (the date of commencement of clause 10 of Schedule 4 to the *Home Building Act 1989*).
- (5) There is no prescribed fee for an application for the grant, renewal or restoration of a building consultancy licence if the applicant:
- (a) is the holder of a contractor licence authorising the holder to do general building work, or
  - (b) is registered as an architect under the *Architects Act 2003*, or
  - (c) is an accredited certifier within the meaning of the *Environmental Planning and Assessment Act 1979*.

**42A Modification of Part 2 of Licensing and Registration (Uniform Procedures) Act 2002**

Part 2 of the *Licensing and Registration (Uniform Procedures) Act 2002* is modified in such a manner that sections 24 (2) and 25 of that Act do not apply in relation to a licence.

**[2] Clause 82 Certificate evidence**

Omit "\$16" from clause 82 (2). Insert instead "\$17".

## Home Building Amendment (Application Fees) Regulation 2005

Amendments

Schedule 1

**[3] Schedule 4**

Omit the Schedule. Insert instead:

**Schedule 4 Application fees**

(Clause 42)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	
<b>Type of application</b>	<b>Duration</b>	<b>Processing component</b>	<b>Fixed component</b>	<b>Total fee</b>	
<b>Contractor licence</b>					
Building contractor or supplier of kit homes					
(Individual)	New licence	1 year	\$215	\$279	\$494
	Renewal	1 year	\$51	\$279	\$330
	Restoration	1 year	\$254	\$279	\$533
(Partnership)	New licence	1 year	\$502	\$323	\$825
	Renewal	1 year	\$51	\$323	\$374
	Restoration	1 year	\$257	\$323	\$580
(Corporation)	New licence	1 year	\$547	\$443	\$990
	Renewal	1 year	\$51	\$443	\$494
	Restoration	1 year	\$269	\$443	\$712
Other construction or specialist contractor					
(Individual)	New licence	1 year	\$89	\$114	\$203
	Renewal	1 year	\$51	\$114	\$165
	Restoration	1 year	\$152	\$114	\$266
(Partnership)	New licence	1 year	\$96	\$196	\$292
	Renewal	1 year	\$51	\$196	\$247
	Restoration	1 year	\$163	\$196	\$359
(Corporation)	New licence	1 year	\$89	\$241	\$330
	Renewal	1 year	\$51	\$241	\$292
	Restoration	1 year	\$161	\$241	\$402



## Home Building Amendment (Application Fees) Regulation 2005

## Schedule 1 Amendments

Column 1	Column 2	Column 3	Column 4	Column 5
Type of application	Duration	Processing component	Fixed component	Total fee
<b>Building consultancy licence</b>				
(Individual) New licence	1 year	\$215	\$279	\$494
Renewal	1 year	\$51	\$279	\$330
Restoration	1 year	\$254	\$279	\$533
(Partnership) New licence	1 year	\$502	\$323	\$825
Renewal	1 year	\$51	\$323	\$374
Restoration	1 year	\$257	\$323	\$580
(Corporation) New licence	1 year	\$547	\$443	\$990
Renewal	1 year	\$51	\$443	\$494
Restoration	1 year	\$269	\$443	\$712
<b>Supervisor certificate</b>				
<b>Building supervisor</b>				
(Individual) New Certificate	1 year	\$62	\$116	\$178
Renewal	1 year	Nil	Nil	Nil
Restoration	1 year	Nil	Nil	Nil
<b>Other construction or specialist work supervisor</b>				
(Individual) New certificate	3 years	\$62	\$100	\$162
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil
<b>Tradesperson certificate</b>				
(Individual) New certificate	3 years	\$65	\$41	\$106
Renewal	3 years	Nil	Nil	Nil
Restoration	3 years	Nil	Nil	Nil

## Home Building Amendment (Application Fees) Regulation 2005

Amendments

Schedule 1

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Type of application</b>	<b>Duration</b>	<b>Processing component</b>	<b>Fixed component</b>	<b>Total fee</b>
<b>Owner-builder permit</b>	Not applicable	\$51	\$81	\$132
<b>Replacement contractor licence, building consultancy licence, certificate or owner-builder permit</b>	Not applicable	\$37	Nil	\$37

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New South Wales

## Mining Amendment Regulation 2005

under the

Mining Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mining Act 1992*.

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

### Explanatory note

The object of this Regulation is to amend the *Mining Regulation 2003*, in relation to rights of way, access management plans and permits, as a consequence of the commencement of certain provisions of the *Mining Amendment (Miscellaneous Provisions) Act 2004*.

This Regulation is made under the *Mining Act 1992*, including section 388 (the general power to make regulations) and sections 164, 211, 235C, 236E, 236F and 254.

Clause 1          Mining Amendment Regulation 2005

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## **Mining Amendment Regulation 2005**

under the

Mining Act 1992

### **1 Name of Regulation**

This Regulation is the *Mining Amendment Regulation 2005*.

### **2 Commencement**

This Regulation commences on 17 June 2005.

### **3 Amendment of Mining Regulation 2003**

The *Mining Regulation 2003* is amended as set out in Schedule 1.

Mining Amendment Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 24 Rights of way

Insert after clause 24 (2):

- (2A) Alternatively, a right of way may be marked out with steel star pickets fixed into the ground, and projecting at least one metre above the ground:
  - (a) in the case of a right of way which follows the route of an existing road or track:
    - (i) at the start and finish of the right of way, and
    - (ii) at the midpoint of the right of way, or
  - (b) in the case of a right of way which does not follow the route of an existing road or track:
    - (i) at the start and finish of the right of way, and
    - (ii) at intervals of not more than 500 metres and at each point where the route of the right of way changes direction.
- (2B) A star picket referred to in subclause (2A) must bear a tag showing:
  - (a) the co-ordinates of the picket's position, and
  - (b) the serial number of the authority, and
  - (c) the name of the holder of the authority.
- (2C) For the purposes of subclause (2B) (a), it is sufficient for the co-ordinates of a picket to be established by means of a Global Positioning System device.
- (2D) If a right of way is marked out in accordance with subclause (2A), the holder of the authority must prepare a map of the right of way and cause copies of the map to be given to the mining registrar and to each landholder affected by the right of way.
- (2E) A map referred to in subclause (2D) must describe the route of the right of way (which must be no more than 10 metres wide) and must indicate the co-ordinates of the position of each picket that bears a tag referred to in subclause (2B).

### [2] Clause 24 (4)

Omit "164 (5)". Insert instead "164 (6)".

## Mining Amendment Regulation 2005

## Schedule 1 Amendments

**[3] Clause 34 Rights of way**

Insert after clause 34 (2):

- (2A) Alternatively, a right of way may be marked out with steel star pickets fixed into the ground, and projecting at least one metre above the ground:
  - (a) in the case of a right of way which follows the route of an existing road or track:
    - (i) at the start and finish of the right of way, and
    - (ii) at the midpoint of the right of way, or
  - (b) in the case of a right of way which does not follow the route of an existing road or track:
    - (i) at the start and finish of the right of way, and
    - (ii) at intervals of not more than 500 metres and at each point where the route of the right of way changes direction.
- (2B) A star picket referred to in subclause (2A) must bear a tag showing:
  - (a) the co-ordinates of the picket's position, and
  - (b) the serial number of the mineral claim, and
  - (c) the name of the holder of the mineral claim.
- (2C) For the purposes of subclause (2B) (a), it is sufficient for the co-ordinates of a picket to be established by means of a Global Positioning System device.
- (2D) If a right of way is marked out in accordance with subclause (2A), the holder of the mineral claim must prepare a map of the right of way and cause copies of the map to be given to the mining registrar and to each landholder affected by the right of way.
- (2E) A map referred to in subclause (2D) must describe the route of the right of way (which must be no more than 10 metres wide) and must indicate the co-ordinates of the position of each picket that bears a tag referred to in subclause (2B).

**[4] Clause 34 (4)**

Omit "211 (5)". Insert instead "211 (6) (a)".

Mining Amendment Regulation 2005

Amendments

Schedule 1

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**[5] Clause 38A**

Insert after clause 38:

**38A Rights of way**

- (1) For the purposes of section 235C (1) of the Act, a right of way to which the holder of an opal prospecting licence is entitled under that section is to be marked out with:
  - (a) steel star pickets, or
  - (b) other posts having a diameter of at least 75 millimetres, along the route of the right of way.
- (2) The pickets or posts are to be fixed into the ground:
  - (a) at intervals of not more than 150 metres, and
  - (b) at each point where the route of the right of way changes direction,and must project at least one metre above the ground.
- (3) Alternatively, a right of way may be marked out with steel star pickets fixed into the ground, and projecting at least one metre above the ground:
  - (a) in the case of a right of way which follows the route of an existing road or track:
    - (i) at the start and finish of the right of way, and
    - (ii) at the midpoint of the right of way, or
  - (b) in the case of a right of way which does not follow the route of an existing road or track:
    - (i) at the start and finish of the right of way, and
    - (ii) at intervals of not more than 500 metres and at each point where the route of the right of way changes direction.
- (4) A star picket referred to in subclause (3) must bear a tag showing:
  - (a) the co-ordinates of the picket's position, and
  - (b) the serial number of the opal prospecting licence, and
  - (c) the name of the holder of the opal prospecting licence.
- (5) For the purposes of subclause (4) (a), it is sufficient for the co-ordinates of a picket to be established by means of a Global Positioning System device.
- (6) If a right of way is marked out in accordance with subclause (3), the holder of the opal prospecting licence must prepare a map of

## Mining Amendment Regulation 2005

## Schedule 1 Amendments

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the right of way and cause copies of the map to be given to the mining registrar and to each landholder affected by the right of way.

- (7) A map referred to in subclause (6) must describe the route of the right of way (which must be no more than 10 metres wide) and must indicate the co-ordinates of the position of each picket that bears a tag referred to in subclause (4).
- (8) The holder of the opal prospecting licence who is entitled to the right of way must ensure that any such picket or post is properly maintained.  
Maximum penalty: 20 penalty units.
- (9) For the purposes of section 235C (6) (a) of the Act, the exercise of a right of way conferred by that section is subject to the condition that, if the right of way passes over:
- (a) any garden, orchard or land under cultivation, or
  - (b) any land on which is situated any improvement, being a substantial building, dam, reservoir, contour bank, graded bank, levee, water disposal area, soil conservation work or other valuable work or structure,

being land that was, when the right of way was marked out, land of that nature, the holder of the opal prospecting licence who is entitled to the right of way is not to exercise the right of way otherwise than in accordance with the consent of the landholder.

**[6] Part 5A**

Insert after Part 5:

### **Part 5A Access management plans for small-scale titles**

#### **39A Miners' representative**

A person is a *miners' representative*, in relation to any access management plan over land, if the person (being a salaried or honorary office-holder) is nominated by any of the following bodies, by written notice served on the landholder, to represent the interests of holders (and potential holders) of small-scale titles with respect to that land:

- (a) the Lightning Ridge Miners' Association, in relation to land within the area covered by that Association,



Mining Amendment Regulation 2005

Amendments

Schedule 1

- 
- (b) the Grawin-Glengarry Sheepyard Miners Association, in relation to land within the area covered by that Association.

**39B Lodgment of access management plans**

An access management plan that has been agreed on under section 236E of the Act, or determined under section 236F or 236G of the Act, is to be sent or delivered to the Director-General at the Lightning Ridge office of the Department.

**39C Applications for determination of access management plans**

- (1) An application under section 236F of the Act for determination of an access management plan over land must be accompanied by the following:
  - (a) a copy of the notice served on each landholder of the land under clause 39A,
  - (b) a copy of the notice served on each landholder of the land under section 236E (1) of the Act,
  - (c) documentary evidence of the landholder's interest in the land,
  - (d) a statement as to the date on which, and the manner in which, each such notice was served,
  - (e) copies of any correspondence (including faxes and e-mails) between the miners' representative and any landholder of the land,
  - (f) a statement as to what steps have been taken to reach agreement on an access management plan over the land, and as to what matters are not yet agreed,
  - (g) a draft access management plan in a form acceptable to the applicant.
- (2) For the purpose of determining such an application, the Director-General may require the miners' representative or the landholder, or both of them, to provide the Director-General with alternative or amended versions of a draft access management plan.

## Mining Amendment Regulation 2005

## Schedule 1 Amendments

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**[7] Clause 40A**

Insert after clause 40:

**40A Granting of permits**

- (1) A permit under section 254 of the Act is not to be granted to any applicant unless the Director-General is satisfied:
  - (a) as to the applicant's identity, having inspected a document (such as a driver licence) that bears both the applicant's photograph and the applicant's residential address, and
  - (b) as to the applicant's mining qualifications.
- (2) An applicant has satisfactory mining qualifications for the purposes of this clause if, and only if:
  - (a) the applicant is the holder of a mineral claim or an opal prospecting licence, or
  - (b) the applicant has completed such course of instruction in relation to mining as is approved for the time being by the chief inspector of mines.

**[8] Schedule 1 Forms**

Omit "*mining registrar*" from Form 3. Insert instead "*Director-General*".



New South Wales

## Motor Dealers Amendment (Fees) Regulation 2005

under the

Motor Dealers Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Dealers Act 1974*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

### Explanatory note

The object of this Regulation is to increase fees for licences under the *Motor Dealers Act 1974*. The increases are in line with movements in the Consumer Price Index.

This Regulation also consolidates the fees so that licence types with the same fees are grouped together. In addition, the categories of caravan dealer, commercial vehicle dealer, motor cycle dealer and trailer dealer are abolished and licence fees for those dealers are removed from the schedule of fees in the *Motor Dealers Regulation 2004*. Accordingly, the requirement for dealer licensees to contribute to the Motor Dealers Compensation Fund will be applied consistently to all dealers.

This Regulation is made under the *Motor Dealers Act 1974*, including sections 12, 18, 20 and 57 (the general regulation-making power).

Clause 1            Motor Dealers Amendment (Fees) Regulation 2005

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## **Motor Dealers Amendment (Fees) Regulation 2005**

under the

Motor Dealers Act 1974

### **1 Name of Regulation**

This Regulation is the *Motor Dealers Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Motor Dealers Regulation 2004**

The *Motor Dealers Regulation 2004* is amended as set out in Schedule 1.

Motor Dealers Amendment (Fees) Regulation 2005

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Schedule 1

Omit the Schedule. Insert instead:

## Schedule 1 Fees

(Clause 60)

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Processing component	Fixed component	Variable component	Compensation Fund contribution
<b>Dealers' licences and car market operators' licences</b>				
Application fee for granting of licence	\$163	nil	\$245 per place of business	\$703 per place of business
Application fee for restoration of licence	\$163	nil	\$245 per place of business	\$102 per place of business
Annual fee under section 20 (1) of the Act for licence	\$54	nil	\$245 per place of business	\$102 per place of business
<b>Auto-dismantlers' licences, wholesalers' licences, motor vehicle consultants' licences and motor vehicle parts reconstructors' licences</b>				
Application fee for granting or restoration of licence	\$163	nil	\$245 per place of business	nil
Annual fee under section 20 (1) of the Act for licence	\$54	nil	\$245 per place of business	nil
<b>General</b>				
Late fee under section 20 (6) of the Act	nil	\$48	nil	nil

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## Motor Dealers Amendment (Fees) Regulation 2005

Schedule 1 Amendment

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Nature of fee payable</b>	<b>Processing component</b>	<b>Fixed component</b>	<b>Variable component</b>	<b>Compensation Fund contribution</b>
Application fee for replacement of licence	\$26	nil	nil	nil
Issue of certificate under section 18 of the Act	nil	\$20	nil	nil



New South Wales

## Motor Vehicle Repairs Amendment (Fees) Regulation 2005

under the

Motor Vehicle Repairs Act 1980

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Vehicle Repairs Act 1980*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

### Explanatory note

The object of this Regulation is to increase fees payable in relation to the licensing of repair businesses and the certification of repair tradespersons under the *Motor Vehicle Repairs Act 1980*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Motor Vehicle Repairs Act 1980*, including section 89 (the general regulation-making power).

Clause 1 Motor Vehicle Repairs Amendment (Fees) Regulation 2005

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## **Motor Vehicle Repairs Amendment (Fees) Regulation 2005**

under the

Motor Vehicle Repairs Act 1980

### **1 Name of Regulation**

This Regulation is the *Motor Vehicle Repairs Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Motor Vehicle Repairs Regulation 1999**

The *Motor Vehicle Repairs Regulation 1999* is amended as set out in Schedule 1.



Motor Vehicle Repairs Amendment (Fees) Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 13 Fees**

Omit "\$51" from clause 13 (1) (a). Insert instead "\$52".

**[2] Clause 13 (2) (a)**

Omit "\$361". Insert instead "\$370".

**[3] Clause 13 (2) (a)**

Omit "\$163". Insert instead "\$167".

**[4] Clause 13 (2) (b)**

Omit "\$251". Insert instead "\$258".

**[5] Clause 13 (2) (c)**

Omit "\$58". Insert instead "\$60".

**[6] Clause 13 (2) (d)**

Omit "\$163". Insert instead "\$167".



New South Wales

# Passenger Transport (Bus Services) Amendment (Operators of Bus Services) Regulation 2005

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

JOHN WATKINS, M.P.,  
Minister for Transport

## Explanatory note

The objects of this Regulation are the following:

- (a) to prescribe the criteria to be met by applicants for accreditation to operate a bus service under the *Passenger Transport Act 1990*,
- (b) to prescribe certain conditions that such accreditation is subject to,
- (c) to prescribe certain requirements in relation to the operation of a bus service (for example, the requirement that security cameras and alarm systems be installed in buses by 1 July 2006).

This Regulation also makes miscellaneous amendments to certain existing provisions of the *Passenger Transport (Bus Services) Regulation 2000*.

This Regulation also prescribes the expiry dates of the operators' accreditations that were in force on 1 September 1997 (the commencement date of the *Passenger Transport Amendment Act 1997*) and were preserved by a savings and transitional provision (clause 8 of Schedule 3 to the *Passenger Transport Act 1990*).

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power), clause 2 of Schedule 3 to the Act (the power to make regulations of a savings or transitional nature) and the sections specifically mentioned in the Regulation.

Clause 1            Passenger Transport (Bus Services) Amendment (Operators of Bus Services) Regulation 2005

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## **Passenger Transport (Bus Services) Amendment (Operators of Bus Services) Regulation 2005**

under the

Passenger Transport Act 1990

### **1 Name of Regulation**

This Regulation is the *Passenger Transport (Bus Services) Amendment (Operators of Bus Services) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Passenger Transport (Bus Services) Regulation 2000**

The *Passenger Transport (Bus Services) Regulation 2000* is amended as set out in Schedule 1.

Passenger Transport (Bus Services) Amendment (Operators of Bus Services) Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 4 Definitions

Insert in alphabetical order:

*approved*, in relation to a security camera system or a duress alarm system, means complying with requirements established for the time being by the Director-General by order published in the Gazette.

*Corporations Act* means the *Corporations Act 2001* of the Commonwealth.

*fleet*, in relation to a bus service, means the vehicles used to provide the service.

*security camera system* means a system that records images of persons in or about a bus.

### [2] Clauses 5A and 5B

Insert before clause 6:

#### **5A Criteria to be met by applicants for accreditation to carry on bus services**

- (1) An applicant for accreditation under Division 1 of Part 2 of the Act to carry on a bus service must meet, to the satisfaction of the Director-General, the criteria set forth in this clause.
- (2) If the applicant is a corporation, the directors or managers of the corporation who are nominated as designated directors or managers under section 8 of the Act must meet, to the satisfaction of the Director-General, the criteria set forth in this clause (other than the criteria specifically to be met by corporation applicants).
- (3) **Applicant to be of good repute**  
The applicant must be of good repute. Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons of any class approved by the Director-General) who have known the applicant for at least 2 years.
- (4) **Applicant to be fit and proper person to carry on bus services**  
The applicant must be a fit and proper person to carry on a bus service. The applicant must declare in writing that the applicant is aware of the following:

Passenger Transport (Bus Services) Amendment (Operators of Bus Services) Regulation 2005

Schedule 1 Amendments

- 
- (a) accreditation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act, from managing corporations,
- (b) accreditation may be refused if the applicant (or a director or manager of an applicant corporation) has been the subject of proceedings under section 588G (Director's duty to prevent insolvent trading by company) or 592 (Incurring of certain debts; fraudulent conduct) of the Corporations Act,
- (c) if the applicant:
- (i) is the director of a company that has been, or is in the course of being, wound up under Part 5.4 (Winding up in insolvency) of the Corporations Act, or
  - (ii) discloses any convictions or charges in accordance with subclause (5),
- the Director-General may, for the purpose of determining the applicant's fitness to be an accredited bus operator, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.
- (5) The applicant must give the Director-General written notice of the following:
- (a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the 5 years immediately preceding the date of the application,
  - (b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction) but only if, as at the date of the application, proceedings are pending in respect of the charge.
- (6) If there are no convictions or pending proceedings against the applicant (as referred to in subclause (5)), the applicant must give the Director-General a written statement to that effect.
- (7) **Applicant to be competent to carry on bus services**
- The applicant must demonstrate that the applicant has the necessary knowledge and competence to carry on a bus service. In particular, the applicant must:
- (a) satisfy the Director-General as to the applicant's knowledge of the following:

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- (i) the relevant provisions of the Act and this Regulation,
  - (ii) other laws relating to traffic,
  - (iii) the relevant provisions of the *Occupational Health and Safety Act 2000*, and
- (b) undertake and successfully complete (or pass an examination in respect of) such course relating to the operation of bus services as is approved by the Director-General and conducted by a person or body so approved.
- (8) **Applicant to be financially capable of carrying on bus services**
- The applicant must be financially capable of carrying on a bus service. Evidence of the applicant's financial standing is to be provided in the form of a signed statement from a qualified accountant (on the accountant's business letterhead) containing the following:
- (a) a report on the applicant's financial capacity to carry on bus services, with specific reference to the applicant's financial ability to meet the requirements of this Regulation and other relevant laws as to:
    - (i) vehicle maintenance and roadworthiness, and
    - (ii) the safety of drivers, passengers and the public, and
    - (iii) the operation of a business,
  - (b) a statement specifying the number of buses that, in the opinion of the accountant, can be accommodated by the bus services proposed to be carried on by the applicant,
  - (c) if the applicant is a corporation—a statement of the accountant's opinion as to the solvency and general financial standing of the corporation.
- (9) **Applicant to have access to maintenance facilities for buses**
- The applicant must have access to adequate maintenance facilities for the vehicles intended to be used to provide the bus service. The applicant must provide the Director-General with the following:
- (a) details of the premises at which the buses will normally be kept when not in use,
  - (b) details of the premises to be used for the maintenance and repair of the vehicles,

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- (c) a copy of an approval from the relevant council to carry out each of the activities referred to in paragraphs (a) and (b) at the premises concerned.
- (10) Subclause 9 (c) does not apply in the case of an application for renewal of accreditation by a person who is an accredited operator on the commencement of this clause.
- (11) In this clause:  
**qualified accountant** means:
- (a) a Certified Practising Accountant member of CPA Australia, New South Wales Division, or
  - (b) a member of the Institute of Chartered Accountants in Australia, New South Wales Branch, who holds a Certificate of Public Practice issued by that Institute, or
  - (c) a member of the National Institute of Accountants who holds a Public Practice Certificate issued by that Institute.

**5B Conditions of accreditation to carry on bus services**

- (1) The conditions set forth in this clause are prescribed for the purposes of section 9B (1) (a) of the Act (that is, they are conditions to which an accreditation to carry on bus services is subject).
- (2) **Vehicle registration and road worthiness**  
The operator of a bus service must ensure that the vehicles used to provide the bus service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness.
- (3) **Vehicle insurance**  
The operator of a bus service must (unless otherwise advised by written notice of the Director-General) maintain a policy of insurance providing cover of at least \$5,000,000 for each bus used in the service against liability in respect of damage to property caused by or arising out of the use of the bus.
- (4) The policy of insurance must be issued by a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.
- (5) **Vehicle maintenance**  
The operator of a bus service must not carry out maintenance on, or repairs to, a bus, and must not permit any other person to do so, unless the person carrying out the maintenance or repairs is

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licensed under the *Motor Vehicle Repairs Act 1980* to carry out the work concerned.

- (6) Subclause (5) applies even if the person who is to carry out the work concerned is exempted under section 5 of the *Motor Vehicle Repairs Act 1980* from the operation of all or any of the provisions of that Act.
- (7) The operator of a bus service must have, and adhere to, a vehicle maintenance plan that:
- (a) is consistent with the bus manufacturer's maintenance standards, and
  - (b) specifies the steps to be taken to ensure that the buses are roadworthy, and
  - (c) specifies the way in which the buses are to be maintained, and
  - (d) specifies the way in which defects are to be recorded and rectified, and
  - (e) is capable of being audited.

(8) **Cleaning of buses**

The operator of a bus service must maintain a cleaning program so as to ensure that the interior, exterior and fittings (including seats, seat covers and floor covers and any device that is required by or under the Act to be fitted to the bus) of the bus are clean, undamaged and in good condition.

(9) **Changes to information provided**

The operator of a bus service must notify the Director-General in writing of any of the following changes within the time specified in relation to the change:

- (a) a change of address of the premises from which the bus service is carried on—no later than 7 days after the change,
- (b) a change of address of the premises at which the buses are kept—no later than 7 days after the change.

(10) **Management of day-to-day operation of bus services provided by corporation**

If the operator of a bus service is a corporation, it must not suffer or permit any person other than a designated director or manager to have management of the day-to-day operations of the bus services provided by the corporation (except for a person appointed, under any law, to manage the affairs of the corporation).



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**[3] Clause 10**

Omit the clause. Insert instead:

**10 Driving of buses**

The operator of a bus service must not permit a person to drive any bus in the course of providing the service unless satisfied that the person is the holder of:

- (a) an appropriate authority, and
- (b) an appropriate licence under the *Road Transport (Driver Licensing) Act 1998*.

Maximum penalty: 10 penalty units.

**[4] Clause 11**

Omit the clause. Insert instead:

**11 Records in relation to the operation of a bus service**

- (1) The operator of a bus service must keep a written record of the following particulars for each person who drives a bus in connection with the service:

- (a) the person's full name and residential address,
- (b) the dates and times during which the bus was driven by the person,
- (c) the person's driver licence details, including its number and expiry date,
- (d) the person's driver's authority number (that is, the number allocated by the Director-General and displayed on the front of the person's driver's authority card).

Maximum penalty: 10 penalty units.

- (2) A person who is or has been the operator of a bus service:

- (a) must keep in the English language any record required to be kept by the person under the Act or this Regulation, and
- (b) except where otherwise provided, must retain the record for a period of not less than 5 years after the date of the last entry in it, and
- (c) must, on demand by an authorised officer, produce the record for inspection, and

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- (d) must, if required by the Director-General in writing to do so, deliver the record to the Director-General when required.

Maximum penalty: 10 penalty units.

- (3) The records kept under this clause must be capable of being audited.

Maximum penalty: 10 penalty units.

- (4) Subclause (2) (a) does not prevent a person from keeping a record referred to in that paragraph in a language other than English if the record is also kept in the English language.

**[5] Clause 12A Operator must notify test results**

Omit “as soon as practicable” from clause 12A (1).

Insert instead “within forty-eight hours”.

**[6] Clauses 12B–12O**

Insert after clause 12A:

**12B Management information system**

- (1) The operator of a bus service must maintain the following records:
- (a) a fleet register that includes the vehicle identification number, fleet number (if allocated) and registration details of each vehicle in the fleet,
  - (b) a register of insurance details for each vehicle in the fleet,
  - (c) maintenance records for each vehicle in the fleet,
  - (d) records under the Roads and Traffic Authority’s Heavy Vehicle Inspection Scheme in relation to each vehicle in the fleet,
  - (e) copies of drivers’ vehicle defect reports,  
**Note.** See clause 12C for the requirement for these reports.
  - (f) a register of reports of accidents involving vehicles in the fleet,
  - (g) details of accidents involving vehicles in the fleet,
  - (h) a complaints register detailing all complaints received in respect of the bus service and the action taken in respect of each complaint.

Maximum penalty: 5 penalty units.

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- (2) The records kept under this clause must be capable of being audited.

Maximum penalty: 5 penalty units.

- (3) In this clause:

**vehicle identification number**, in relation to a motor vehicle, means the number allocated to the vehicle in accordance with the requirements of the Australian Design Rules under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

**12C Vehicle defect reports**

- (1) The operator of a bus service must make available in respect of each bus in the fleet a blank vehicle defect form for each day that the bus is used in the provision of the service.

Maximum penalty: 5 penalty units.

- (2) Each driver of the bus must fill in the form as appropriate at the end of the driver's period of driving the bus.

Maximum penalty: 5 penalty units.

- (3) The completed form must be returned to the operator of the bus service, in accordance with the relevant procedures established by that operator, as soon as practicable after the bus's last journey on the day to which the form relates (or, in the case of a service that extends beyond midnight on any day, on the following day).

**12D Security cameras**

- (1) An operator of a bus service who carries on a regular passenger service partly or wholly within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area must ensure that each bus in the fleet is fitted with an approved security camera system by 1 July 2006.

Maximum penalty: 10 penalty units.

- (2) A person must not deliberately:

(a) interfere with any part of an approved security camera system fitted to a bus, or

(b) cause or permit any such interference,

in such a manner as to prevent or impede the proper working of the system.

Maximum penalty: 10 penalty units.

- (3) Schedule 1 has effect in relation to any security camera system with which a bus is fitted (whether or not pursuant to this clause).

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- (4) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a security camera system.

**12E Duress alarm system**

- (1) An operator of a bus service who carries on a regular passenger service partly or wholly within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area must ensure that each bus in the fleet is fitted with an approved duress alarm system by 1 July 2006.

Maximum penalty: 10 penalty units.

- (2) A person must not deliberately:
- (a) interfere with any part of an approved duress alarm system fitted to a bus, or
  - (b) cause or permit any such interference,
- in such a manner as to prevent or impede the proper working of the system.

Maximum penalty: 10 penalty units.

- (3) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a duress alarm system.

- (4) In this clause:  
*duress alarm system* means an alarm by which the driver of a bus can notify the driver's whereabouts to the depot at which the bus is normally based from anywhere in the bus's area of operation.

**12F Manifest of passengers**

- (1) The operator of a long-distance, tourist or charter service that is provided by means of buses must provide to the driver of each bus concerned, for each day that the bus is used to provide the service, a manifest of passengers that complies with this clause.

Maximum penalty: 5 penalty units.

- (2) The manifest must contain the following information in respect of each passenger:

- (a) the passenger's name,

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- (b) contact details (such as an address and telephone number) for the passenger,
  - (c) the date and time that the passenger is due to board the bus,
  - (d) the seat number (if any) allocated to the passenger.
- (3) The driver of the bus must return the manifest to the operator as soon as practicable after the completion of the relevant journey.  
Maximum penalty: 5 penalty units.
- (4) The operator of the service must retain each manifest for a period of 60 days after the completion of the journey concerned.  
Maximum penalty: 5 penalty units.

**12G Operator training**

- (1) An accredited bus operator must, whenever reasonably required to do so by the Director-General, undertake and satisfactorily complete (or pass an examination in respect of) such course, or refresher course, relating to the operation of bus services as is approved by the Director-General and conducted by a person or body so approved.  
Maximum penalty: 5 penalty units.
- (2) The Director-General may:
- (a) suspend an accreditation issued to an accredited bus operator pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or
  - (b) determine (either generally or in a particular case) that an accreditation issued to an accredited bus operator will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

**12H Information in buses**

- (1) The operator of a bus service must ensure that information is displayed inside the bus in accordance with this clause while the bus is being used to provide the service.  
Maximum penalty: 5 penalty units.
- (2) The following information must be displayed:
- (a) a summary of the rights and obligations of passengers,
  - (b) brief details (including a telephone number) as to how complaints relating to the bus services might be made.

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- (3) The information:
- (a) must be approved by the Director-General, and
  - (b) must be displayed in a position where it may easily be read by passengers.

**12I Destination signs on buses**

- (1) The operator of a bus service must not use a bus to conduct a regular passenger service unless the bus displays a destination sign in accordance with this clause.  
Maximum penalty: 5 penalty units.
- (2) The sign:
- (a) must be displayed on the front of the bus, and
  - (b) must show the route number and the destination of the bus, and
  - (c) must be capable of being illuminated.

**12J Notification of accidents and incidents**

- (1) An operator of a bus service who becomes aware that a vehicle being used to provide the service has been involved in an accident or incident must notify the Director-General (or a nominee of the Director-General) of the accident or incident, in accordance with this clause, if the accident or incident:
- (a) resulted in any injury to any person, or
  - (b) prevented the vehicle from continuing its journey, or
  - (c) is, in the reasonable opinion of the operator of the service, otherwise likely to arouse serious public concern.
- Maximum penalty: 5 penalty units.
- (2) A notification required by this clause:
- (a) must be given as soon as practicable after the operator becomes aware of the accident or incident concerned, and
  - (b) must contain reasonable details of the accident or incident.

**12K Seat belts in buses**

- (1) The operator of a bus service must take reasonable steps to ensure that every passenger on a bus operated by the operator is made aware that the passenger is required to wear a seatbelt (if fitted) in the bus unless the passenger is exempt from that requirement under rule 267 of the *Australian Road Rules*.  
Maximum penalty: 10 penalty units.

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- (2) Steps that may be taken under subclause (1) include (but are not limited to) the following:
- (a) putting up signs inside the bus,
  - (b) arranging for the driver of the bus to notify passengers (for example, through a public address system on the bus or by means of a recorded audio message or video).

**12L Audit**

- (1) The Director-General may require an operator of a bus service, at regular intervals or at any particular time, to undertake (at the operator's expense) an audit of such of the operator's records and bus operations as the Director-General may specify.
- (2) An operator of whom a requirement is made under subclause (1):
- (a) must cause the audit to be carried out in accordance with the Director-General's requirements, and
  - (b) must submit the audit to the Director-General within the period, or by the date, specified by the Director-General.
- Maximum penalty: 5 penalty units.
- (3) The Director-General may require any one or more of the audits under this clause to be carried out by an auditor, or by an auditor from a class, approved by the Director-General.

**12M Lost property**

The operator of a bus service must develop and implement responsible procedures, capable of being audited, for dealing with any article found in, or handed in by passengers on, a bus, including (but not limited to) procedures involving:

- (a) the keeping of registers of the following:
  - (i) articles found or handed in,
  - (ii) enquiries as to lost property, and
- (b) the keeping of written records of when and how articles found or handed in are returned or disposed of.

Maximum penalty: 5 penalty units.

**12N Renewal of accreditation**

- (1) For avoidance of doubt, the accreditation under Division 1 of Part 2 of the Act of an operator of a bus service can be renewed only if the renewal fee referred to in section 9A (1) of the Act is paid before the end of the period during which the accreditation is in force.

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- (2) This clause is subject to clause 12O in respect of an existing accreditation (within the meaning of that clause) of an operator of a bus service.

**12O Existing accreditations**

- (1) For the purposes of clause 8 of Schedule 3 to the Act, the date prescribed in respect of an existing accreditation of an operator of a bus service is as set out in this subclause and subclause (2):
- (a) the prescribed date in relation to a holder of an existing accreditation who applies for renewal of the accreditation, and pays the renewal fee, before 1 October 2005 is 31 January 2006, and
- (b) the prescribed date in relation to a holder of an existing accreditation who applies for renewal of the accreditation, and pays the renewal fee, on or after 1 October 2005 but before 1 January 2006 is 31 March 2006, and
- (c) the prescribed date in relation to a holder of an existing accreditation who applies for renewal of the accreditation, and pays the renewal fee, on or after 1 January 2006 but before 1 April 2006 is 30 June 2006.
- (2) The prescribed date in relation to a holder of an existing accreditation who does not apply for renewal of the accreditation, or pay the renewal fee, as set out in subclause (1), is 30 June 2006.
- (3) The holder of an existing accreditation referred to in subclause (2) is not eligible to apply for renewal of the accreditation concerned, but may apply for a new accreditation.
- (4) In this clause:  
*existing accreditation* means an accreditation referred to in clause 8 of Schedule 3 to the Act.  
*renewal fee* means the fee referred to in section 9A of the Act.

**[7] Clause 48 Penalty notice offences**

Omit "Schedule 1" wherever occurring. Insert instead "Schedule 2".



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[8] **Schedule 1**

Insert before Schedule 1 (Penalty notice offences):

**Schedule 1 Approved security camera systems**

(Clause 12D)

**1 Definitions**

In this Schedule:

**authorised purpose**, in relation to the use of a video recording made by a security camera system, means the purpose of, or any purpose in connection with, any of the following:

- (a) the prosecution of, or the issue of a penalty notice in respect of, an offence committed in or about a bus,
- (b) ensuring an operator's compliance with the operator's conditions of accreditation,
- (c) ensuring a driver's compliance with the driver's conditions of authorisation,
- (d) ensuring a passenger's compliance with any approved scheme of subsidised travel (as referred to in section 39 of the *Transport Administration Act 1988*).

**video recording** includes:

- (a) any electronically stored information from which a recorded image can be generated, and
- (b) any print-out or other reproduction of the recorded image.

**2 Use of recording for unauthorised purpose**

A person must not use a video recording made by a security camera system for a purpose other than an authorised purpose.

Maximum penalty: 20 penalty units.

**3 Presence of camera in bus to be indicated**

The operator of a bus service must ensure that signs are conspicuously placed within and on the outside of a bus that is fitted with a security camera system, advising persons that they may be under video surveillance while in or about the bus.

Maximum penalty: 5 penalty units.

Passenger Transport (Bus Services) Amendment (Operators of Bus Services) Regulation 2005

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**4 Storage of recordings made by security camera**

- (1) The operator of a bus service must cause:
- (a) such security safeguards as the Director-General may specify, and
  - (b) such other security safeguards as are reasonable in the circumstances,

to be taken, to ensure that any video recordings made by a security camera system are protected against misplacement and against use for unauthorised purposes, until disposed of in accordance with clause 5.

Maximum penalty: 5 penalty units.

- (2) The Director-General may, by notice in writing to the operator of a bus service, specify reasonable security safeguards for the purposes of subclause (1) (a).

**5 Disposal of recordings made by security camera**

- (1) The operator of a bus service must cause any video recording made by a security camera system to be disposed of in accordance with subclause (2) within 30 days after the recording was made.

Maximum penalty: 5 penalty units.

- (2) The recording may be disposed of by destroying it by deletion or otherwise or, if it is to be used for an authorised purpose, by giving it to:

- (a) a police officer, or
- (b) an officer of the Ministry of Transport authorised by the Director-General to receive it.

- (3) It is the duty of the Commissioner of Police or the Director-General (as the case requires) to ensure the destruction of any video recording that was given to a police officer or to an officer of the Ministry of Transport but which is no longer to be used for an authorised purpose.

- (4) Subclause (1) does not apply in respect of a video recording made during the installation or testing of the security camera.

**[9] Schedule 1 Penalty notice offences**

Renumber the Schedule as Schedule 2.

Passenger Transport (Bus Services) Amendment (Operators of Bus Services) Regulation 2005

Schedule 1 Amendments

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**[10] Schedule 2 (as renumbered), Part 2**

Omit the matter relating to clauses 10, 11 and 12. Insert instead:

Clause 10	\$300
Clause 11 (1)	\$200
Clause 11 (2) (a)	\$200
Clause 11 (2) (b)	\$200
Clause 11 (2) (c)	\$200
Clause 11 (2) (d)	\$200
Clause 11 (3)	\$200

**[11] Schedule 2 (as renumbered), Part 2**

Insert in appropriate order:

Clause 12B (1) (a)	\$200
Clause 12B (1) (b)	\$200
Clause 12B (1) (c)	\$200
Clause 12B (1) (d)	\$200
Clause 12B (1) (e)	\$200
Clause 12B (1) (f)	\$200
Clause 12B (1) (g)	\$200
Clause 12B (1) (h)	\$200
Clause 12B (2)	\$200
Clause 12C (1)	\$200
Clause 12C (2)	\$200
Clause 12D (1)	\$300
Clause 12D (2)	\$300
Clause 12E (1)	\$300
Clause 12E (2)	\$300
Clause 12F (1)	\$200
Clause 12F (3)	\$200
Clause 12G (1)	\$300

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Clause 12H (1)	\$150
Clause 12I (1)	\$200
Clause 12J (1)	\$200
Clause 12K	\$300
Clause 12L (2)	\$200
Clause 12M	\$150
Schedule 1, clause 2	\$500
Schedule 1, clause 3	\$200
Schedule 1, clause 4 (1)	\$200



New South Wales

## **Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2005**

under the

Pawnbrokers and Second-hand Dealers Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pawnbrokers and Second-hand Dealers Act 1996*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

### **Explanatory note**

The object of this Regulation is to increase certain fees payable in connection with the application for a licence under the *Pawnbrokers and Second-hand Dealers Act 1996*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Pawnbrokers and Second-hand Dealers Act 1996*, including section 43 (the general regulation-making power).

Clause 1      Pawnbrokers and Second-hand Dealers Amendment (Fees)  
                  Regulation 2005

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## **Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2005**

under the

Pawnbrokers and Second-hand Dealers Act 1996

### **1 Name of Regulation**

This Regulation is the *Pawnbrokers and Second-hand Dealers Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Pawnbrokers and Second-hand Dealers Regulation 2003**

The *Pawnbrokers and Second-hand Dealers Regulation 2003* is amended as set out in Schedule 1.

Pawnbrokers and Second-hand Dealers Amendment (Fees)  
Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

**[1] Clause 8 Fees**

Insert “, the total fee being as set out in Column 4 of that Schedule” after “that fee” in clause 8 (2).

**[2] Schedule 3**

Omit the Schedule. Insert instead:

### Schedule 3 Fees

(Clause 8)

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Processing component	Fixed component	Total fee
Application fee for granting of licence	\$141	\$249	\$390
Application fee for renewal of licence	\$33	\$249	\$282
Application fee for restoration of licence	\$141	\$249	\$390
Application fee for replacement of licence	\$22	nil	\$22
Application fee for extract of register (per entry)	nil	\$13	\$13



New South Wales

## Pharmacy (General) Amendment (Exceptions) Regulation 2005

under the

Pharmacy Act 1964

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pharmacy Act 1964*.

MORRIS IEMMA, M.P.,  
Minister for Health

### Explanatory note

Section 25 of the *Pharmacy Act 1964* (*the Act*) provides that a person (other than a pharmacist), a corporation or an unincorporated body must not have an interest in a pharmacy business except in certain circumstances, including circumstances prescribed by the regulations. Clause 21 of the *Pharmacy (General) Regulation 1998* prescribes those circumstances and operates to continue exceptions for interests in pharmacy businesses that were permitted under provisions of section 25 of the Act that were repealed in 1990.

The object of this Regulation is to amend the *Pharmacy (General) Regulation 1998* to remove one of the conditions of the continuance of the exceptions—the condition that the relevant pharmacy business not relocate on or after 1 January 2003. The requirement that the relevant pharmacy business is carried on in either the shop in which that business was carried on immediately before 5 October 1990 or a shop in the prescribed area for the original shop is not removed.

This Regulation is made under the *Pharmacy Act 1964*, including sections 25 and 38 (the general regulation-making power).



Clause 1 Pharmacy (General) Amendment (Exceptions) Regulation 2005

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## **Pharmacy (General) Amendment (Exceptions) Regulation 2005**

under the

Pharmacy Act 1964

### **1 Name of Regulation**

This Regulation is the *Pharmacy (General) Amendment (Exceptions) Regulation 2005*.

### **2 Amendment of Pharmacy (General) Regulation 1998**

The *Pharmacy (General) Regulation 1998* is amended as set out in Schedule 1.

Pharmacy (General) Amendment (Exceptions) Regulation 2005

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 21 Savings for pecuniary interests before 5 October 1990 (section 25)**

Omit “the shop in which it was carried on immediately before the commencement of the *Pharmacy (General) Amendment (Exceptions) Regulation 2002*, and that shop is” from clause 21 (1) (c).

**[2] Clause 21 (4)**

Omit “and before the commencement of the *Pharmacy (General) Amendment (Exceptions) Regulation 2002*”.



New South Wales

# Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2005

under the

Property, Stock and Business Agents Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Property, Stock and Business Agents Act 2002*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to increase application fees for licences and certificates of registration and Compensation Fund contributions payable under the *Property, Stock and Business Agents Act 2002*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Property, Stock and Business Agents Act 2002*, including section 230 (the general regulation-making power).

Clause 1 Property, Stock and Business Agents Amendment (Fees and Contributions)  
Regulation 2005

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## **Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2005**

under the

Property, Stock and Business Agents Act 2002

### **1 Name of Regulation**

This Regulation is the *Property, Stock and Business Agents Amendment (Fees and Contributions) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Property, Stock and Business Agents Regulation 2003**

The *Property, Stock and Business Agents Regulation 2003* is amended as set out in Schedule 1.

Property, Stock and Business Agents Amendment (Fees and Contributions)  
Regulation 2005

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Schedule 16

Omit the Schedule. Insert instead:

## Schedule 16 Fees and Compensation Fund contributions

(Clause 46)

Column 1	Column 2	Column 3	Column 4	Column 5
Nature of fee payable	Fixed component	Processing component	Compensation Fund contribution	Total
Application fee for grant of licence	\$175	\$158	\$55	\$388
Application fee for grant of certificate of registration	\$35	\$63	nil	\$98
Application fee for renewal of licence	\$175	\$52	\$55	\$282
Application fee for renewal of certificate of registration	\$35	\$32	nil	\$67
Application fee for restoration of licence	\$241	\$52	\$55	\$348
Application fee for restoration of certificate of registration	\$55	\$32	nil	\$87
Application fee for accreditation as an auctioneer under section 21 of the Act	nil	\$52	nil	\$52

Page 3

Property, Stock and Business Agents Amendment (Fees and Contributions)  
Regulation 2005

Schedule 1 Amendment

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Nature of fee payable</b>	<b>Fixed component</b>	<b>Processing component</b>	<b>Compensation Fund contribution</b>	<b>Total</b>
Application fee for a replacement licence	nil	\$34	nil	\$34
Application fee for a replacement certificate of registration	nil	\$34	nil	\$34



New South Wales

# Protection of the Environment Operations (Waste) Amendment (Residue Wastes) 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 (Waste) Regulation 1996* as follows:

- (a) to define certain substances as **residue waste** for the purposes of a new Part (Part 2) of the *Protection of the Environment Operations (Waste) Regulation 1996*,
- (b) to provide that it is offence to apply any residue waste, or to cause or permit such waste to be applied, to any land that is used for a purpose related to the growing of vegetation,
- (c) to provide that it is a defence to a prosecution for the new offence if the defendant establishes that the waste that was applied to the land had been lawfully sold as a soil improving agent or a trace element product within the meaning of the *Fertilisers Act 1985*,
- (d) to provide for the granting of exemption, both general and specific, in relation to activities involving residue waste.

The Regulation also makes a consequential amendment to the *Protection of the Environment Operations (Penalty Notices) Regulation 2004* to provide that the new offence is a penalty notice offence.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 222–227 (that relate to penalty notices), section 286 (that provides for exemptions by regulation) and section 323 (the general regulation-making power) and clause 5 (Waste) of Schedule 2 (Regulation-making powers) to that Act.

Clause 1            Protection of the Environment Operations (Waste) Amendment (Residue Wastes) Regulation 2005

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## **Protection of the Environment Operations (Waste) Amendment (Residue Wastes) Regulation 2005**

under the

Protection of the Environment Operations Act 1997

### **1 Name of Regulation**

This Regulation is the *Protection of the Environment Operations (Waste) Amendment (Residue Wastes) Regulation 2005*.

### **2 Amendment of Protection of the Environment Operations (Waste) Regulation 1996**

The *Protection of the Environment Operations (Waste) Regulation 1996* is amended as set out in Schedule 1.

### **3 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 2004**

The *Protection of the Environment Operations (Penalty Notices) Regulation 2004* is amended as set out in Schedule 2.



Protection of the Environment Operations (Waste) Amendment (Residue Wastes) Regulation 2005

Amendment of Protection of the Environment Operations (Waste) Regulation 1996

Schedule 1

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## Schedule 1      Amendment of Protection of the Environment Operations (Waste) Regulation 1996

(Clause 2)

### Part 2

Insert after Part 1:

## Part 2      Prohibition against using certain waste for growing vegetation

### 4      Commencement of Part

This Part commences on 1 December 2005.

### 5      Definitions

In this Part:

*apply waste to land* includes (but is not limited to) application by:

- (a) spraying, spreading or depositing the waste on the land, or
- (b) ploughing, injecting or mixing the waste into the land.

*residue waste* means any of the following substances (and includes any substance incorporating, mixed with or made from any of the following substances):

- (a) fly ash or bottom ash from any furnace,
- (b) lime or gypsum residues from any industrial or manufacturing process,
- (c) residues from any industrial or manufacturing process that involves the processing of mineral sand,
- (d) substances that have been used as catalysts in any oil refining or other chemical process,
- (e) foundry sands and foundry filter bag residues,
- (f) residues from any industrial or manufacturing process that involves the refining or processing of metals or metallic products,
- (g) any substance that is hazardous waste, industrial waste or Group A waste.

Protection of the Environment Operations (Waste) Amendment (Residue Wastes) Regulation 2005

Schedule 1 Amendment of Protection of the Environment Operations (Waste) Regulation 1996

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## 6 Residue waste not to be applied to certain land

- (1) A person must not apply residue waste, or cause or permit residue waste to be applied, to any land that is used for the purpose of growing vegetation, including but not limited to land used for agricultural, horticultural, silvicultural, pastoral or environmental rehabilitation purposes.  
Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.
- (2) It is a defence to a prosecution for an offence against this clause if the person establishes that the waste that was applied to the land had been lawfully sold as a soil improving agent or a trace element product within the meaning of the *Fertilisers Act 1985*.

## 7 Exemptions relating to residue waste

- (1) The EPA may from time to time exempt a person from any one or more of the following provisions in relation to an activity or class of activities relating to residue waste, or a class of residue waste:
  - (a) sections 47–49 and 88 of the Act,
  - (b) the provisions of Schedule 1 to the Act,
  - (c) clauses 6, 15, 16 and 17 of this Regulation.
- (2) An exemption under this clause may be a **general exemption** or a **specific exemption**.
- (3) A general exemption may be given by way of notice published in the Gazette. A specific exemption may be given after an application is made to the EPA.
- (4) An application for a specific exemption must:
  - (a) be in the approved form, and
  - (b) be accompanied by such fee (if any) as the EPA may determine, and
  - (c) be accompanied by such information, documents or evidence as may be required by the EPA for the purposes of determining whether the exemption should be given.
- (5) An exemption under this clause is subject to such conditions as may be imposed by the EPA.
- (6) In giving an exemption under this clause, the EPA is required to identify a person (or class of persons) to whom the exemption relates (***the responsible person***).

Protection of the Environment Operations (Waste) Amendment (Residue Wastes) Regulation 2005

Amendment of Protection of the Environment Operations (Waste) Regulation 1996

Schedule 1

- 
- (7) A general exemption may be amended or revoked by the EPA by way of notice published in the Gazette.
  - (8) A specific exemption may be amended or revoked by the EPA by way of written notice given to the responsible person.
  - (9) If an exemption is given under this clause, the responsible person must comply with the conditions to which the exemption is subject.  
Maximum penalty: 400 penalty units in the case of a corporation, 200 penalty units in the case of an individual.

	Protection of the Environment Operations (Waste) Amendment (Residue Wastes) Regulation 2005
Schedule 2	Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 2004

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## **Schedule 2      Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 2004**

(Clause 3)

### **Schedule 1 Penalty notice offences**

Insert in appropriate order in Columns 1, 2 and 3 in the matter relating to the *Protection of the Environment Operations (Waste) Regulation 1996*:

Clause 6 (1)	1, 2	\$750
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New South Wales

## Real Property Amendment (Fees) Regulation 2005

under the

Real Property Act 1900

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Real Property Act 1900*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Lands

### Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Real Property Act 1900* (*the Act*). All but one of the fee increases are in line with movements in the Consumer Price Index.

This Regulation also:

- (a) applies a different fee for an application to bring land under the Act:
  - (i) pursuant to section 14 of the Act, and
  - (ii) pursuant to section 31A of the Act (resumption or acquisition of land by government authorities), and
- (b) applies a different fee in relation to certificates of title:
  - (i) for the creation of new certificates of title on any request or application (other than an application under section 111 of the Act), and
  - (ii) for lodging an application for a new certificate of title under section 111 of the Act, where certificates of title have been mislaid, destroyed or stolen, and
- (c) introduces fees for the following items:
  - (i) lodging an application to record in the Register an appurtenant easement created by a deed and processing the application,
  - (ii) registered mail postage where an application, request or dealing includes a direction for the documents to be delivered to a street address following registration,

Real Property Amendment (Fees) Regulation 2005

Explanatory note

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- (iii) providing a copy of a document in the custody of the Registrar-General if no initial search is required, including a copy of the document and the transmission fee, and
- (d) removes the following fees:
  - (i) for the lodgment of a requisition for a computer folio certificate or the search of a historical record in the custody of the Registrar-General,
  - (ii) for a historical search of a folio of the Register, including a copy of the search and transmission fee,
  - (iii) for providing copies of an instrument or a plan only, including a copy of the document and the transmission fee,
  - (iv) for the lodgment of a request for the issue of a summons,
  - (v) for the lodgment of a request for the issue of a notice.

This Regulation is made under the *Real Property Act 1900*, including section 144 (the general regulation-making power) and, in particular, section 144 (1) (a).

Real Property Amendment (Fees) Regulation 2005

Clause 1

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## **Real Property Amendment (Fees) Regulation 2005**

under the

Real Property Act 1900

### **1 Name of Regulation**

This Regulation is the *Real Property Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Real Property Regulation 2003**

The *Real Property Regulation 2003* is amended as set out in Schedule 1.

## Real Property Amendment (Fees) Regulation 2005

Schedule 1 Amendment

**Schedule 1 Amendment**

(Clause 3)

**Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Fees**

(Clauses 4 (2), 11 (4), 12 (c) and 13)

\$

**Copies**

1	On lodgment of an application for a certified copy of a registered instrument or part of it affecting land under the provisions of the Act—for each copy	77.25
2	For supplying a copy of a document or part of a document in the custody of the Registrar-General:	
(a)	to any person attending an office of the Department of Lands	10.30
(b)	by electronic means to any agent licensed by the Department of Lands	4.65
(c)	to any person by some other means	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in providing the service
3	On lodgment of an application for a copy of a document in the custody of the Registrar-General, other than a certified copy or a copy available to any person attending an office of the Department of Lands	Such reasonable fee (determined by the Registrar-General) as is warranted by the work involved in preparing the copy

**Advertisements**

4	On advertisement, pursuant to section 12 (1) (h1) of the Act, of the intended exercise or performance of any power, authority, duty or function conferred or imposed on the Registrar-General by the Act	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in publishing the advertisement
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## Real Property Amendment (Fees) Regulation 2005

Amendment

Schedule 1

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		\$
<b>Production of documents</b>		
5	For each Crown grant, certificate of title or other document produced for the purpose of any application, request, dealing or plan to be subsequently lodged	36.00
<b>Applications, requests and dealings</b>		
6	On lodgment of a primary application to bring land under the Act pursuant to section 14 of the Act	618.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first three hours occupied in examining the application	51.50
7	On lodgment of a resumption application to bring land under the Act pursuant to section 31A of the Act	206.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first hour occupied in examining the application	51.50
8	On lodgment of an application under section 45D of the Act by a person in possession of land to be recorded as proprietor of an estate or interest in that land	77.25
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50
9	On lodgment of an application, request or dealing for which no fee is otherwise provided	77.25
10	On lodgment of an application or request for amendment of a folio of the Register, Crown grant or certificate of title	77.25
11	On lodgment of an application to record in the Register an appurtenant easement created by a deed	77.25
	In addition, for each quarter-hour or part of a quarter-hour occupied in processing the application	51.50
12	On lodgment of an application under section 81A of the Act for the extinguishment of a restrictive covenant	77.25
	In addition:	
	(a) for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50

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## Real Property Amendment (Fees) Regulation 2005

## Schedule 1 Amendment

		\$
	(b) for the Registrar-General's costs of giving notice under section 81D of the Act by way of registered post	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in posting the notice
13	On lodgment of an application under section 49 of the Act for the cancellation of an easement that has been abandoned or extinguished	77.25
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50
14	On lodgment of an application for the determination under Part 14A of the Act of the position of the common boundary of adjoining lands	77.25
15	On lodgment of a building management statement (within the meaning of the <i>Conveyancing Act 1919</i> )	154.50
16	For every plan, sketch or diagram accompanying an application, request or dealing	77.25
17	On lodgment of an application, request or dealing that will result in more than one recording on a folio of the Register, for each additional recording	77.25
18	For an application, request or dealing that includes a direction for documents to be delivered to a street address following registration, for postage by registered mail, an additional	5.00
19	For the creation of a certificate of title on any application, request or dealing (other than pursuant to section 111 of the Act), for each certificate, an additional	77.25
<b>Caveats</b>		
20	On lodgment or recording of a caveat	77.25
21	On withdrawal or partial withdrawal of a caveat pursuant to section 74M (1) of the Act	77.25
22	On lodgment of a request for withdrawal or partial withdrawal of a Registrar-General's caveat (no fee is payable for withdrawal or partial withdrawal of a Registrar-General's caveat consequent on lodgment and registration of a dealing)	77.25

## Real Property Amendment (Fees) Regulation 2005

Amendment

Schedule 1

	\$
23 On lodgment of a request for the Registrar-General to direct the manner of service of a notice on a caveator pursuant to section 74N (1) (e) of the Act	77.25
24 On lodgment of an application for preparation of a notice for service on a caveator pursuant to section 74C (3), 74I (1) or (2), 74J (1) or 74JA (2) of the Act	77.25
25 On lodgment of a notice of a change of name of a caveator or of the address for service of a notice on a caveator	77.25
<b>Authentication of forms</b>	
26 For examination and authentication of any dealing, application, request or caveat that is required by any Act to be in an approved form which contains departures from the approved form and which is not a form licensed by the Registrar-General, an additional	77.25
<b>Official searches</b>	
27 On requisition for an official search of a folio of the Register (whether or not requiring the continuation of a search from the date of a previous search of that folio or the date of a prior certificate of result of a search)	206.00
In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first hour	51.50
<b>Public searches</b>	
28 On the lodgment of a requisition requiring dispatch of information by post, facsimile or other approved means:	
(a) for an initial search of a folio of the Register, including investigation as to title reference, a copy of the relevant folio and the transmission fee	56.65
In addition, for each quarter-hour or part of a quarter-hour occupied in the search after the first quarter-hour	56.65
In addition, for inclusion in the initial search of any additional document forming part of the Register (per document)	10.30

## Real Property Amendment (Fees) Regulation 2005

## Schedule 1 Amendment

		\$
(b)	for providing a copy of a document in the custody of the Registrar-General if no initial search is required, including a copy of the document and the transmission fee	22.65
	In addition, for inclusion of each additional document required	10.30
<b>Searches generally</b>		
29	In the case of a requisition for an official search of a manual folio, a computer folio certificate or a search of a historical record that, in the opinion of the Registrar-General, is a search for which the above schedule of fees is not appropriate	Such reasonable fee (determined by the Registrar-General in negotiation with the requesting party) as is warranted by the cost incurred in carrying out the search
<b>Certificates of title</b>		
30	On lodgment of an application for a new certificate of title under section 111 of the Act	154.50
<b>Miscellaneous</b>		
31	On depositing an instrument declaratory of trusts or other instrument not specified	77.25
32	On lodgment of an application for a statement of reasons under section 121 of the Act	77.25
33	For recording of any memorial or notification not otherwise provided for	77.25
34	On lodgment of a request for delivery of a document or documents pursuant to section 23A (3) (c) of the Act (no fee is payable if the request is made during the currency of the primary application)	22.65
35	For furnishing a certificate of ownership ( <i>Local Government Act 1993</i> —section 700 (2) or <i>Environmental Planning and Assessment Act 1979</i> —section 151 (2)) and incorporating in it any information as to subsisting encumbrances or interests	51.50
	In addition, for each quarter-hour or part of a quarter-hour occupied in preparing the certificate of ownership after the first quarter-hour	51.50
	In addition, for supplying each additional document forming part of the Register	10.30

## Real Property Amendment (Fees) Regulation 2005

Amendment

Schedule 1

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		\$
36	For supplying information in response to a written inquiry as to the manner in which a proposed dealing or plan should be drawn, or as to whether a proposed dealing or plan is entitled to registration, or in response to a written inquiry that necessitates any searching or investigation	Such reasonable fee (determined by the Registrar-General) as is warranted by the cost incurred in supplying the information, searching or investigating
37	For production of documents at the Office of State Revenue	20.60
38	In addition, for any dealing, application, request or caveat that refers to more than 20 folios of the Register	77.25 for each group of 20 folio references or part of that number

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New South Wales

# Strata Schemes (Freehold Development) Amendment (Fees) Regulation 2005

under the

Strata Schemes (Freehold Development) Act 1973

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes (Freehold Development) Act 1973*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Lands

## Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Strata Schemes (Freehold Development) Act 1973*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation also rationalises items in the schedule of fees to the *Strata Schemes (Freehold Development) Regulation 2002* relating to the supply of copies of documents:

- (a) by removing from the schedule items relating to specific document types (strata development contracts or by-laws lodged with strata plans), and
- (b) by introducing into the schedule items for the supply of copies of any type of documents in the custody of the Registrar-General (other than certified copies) according to the means of delivery of the copies (in person, by electronic means or by some other means).

This Regulation is made under the *Strata Schemes (Freehold Development) Act 1973*, including section 158 (the general regulation-making power) and, in particular, section 158 (1) (d).

Clause 1            Strata Schemes (Freehold Development) Amendment (Fees) Regulation  
                         2005

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## **Strata Schemes (Freehold Development) Amendment (Fees) Regulation 2005**

under the

Strata Schemes (Freehold Development) Act 1973

### **1 Name of Regulation**

This Regulation is the *Strata Schemes (Freehold Development) Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Strata Schemes (Freehold Development) Regulation 2002**

The *Strata Schemes (Freehold Development) Regulation 2002* is amended as set out in Schedule 1.

Strata Schemes (Freehold Development) Amendment (Fees) Regulation  
2005

Amendment

Schedule 1

## Schedule 1 Amendment

(Clause 3)

### Schedule 6

Omit the Schedule. Insert instead:

### Schedule 6 Fees

(Clause 35)

	\$
1 On lodgment of a plan for registration	823.00
And, in addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination	51.50
In addition, for the preparation and supply of a certificate of title for common property in a strata scheme	82.30
In addition, for each lot shown on the plan	82.30
And, if the plan is accompanied by a copy of the proposed by-laws for the strata scheme, an additional	154.50
And, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited, an additional	77.25
And, if the plan is accompanied by a section 88B instrument, for each easement to be released, irrespective of the number of lots burdened or benefited, an additional	77.25
And, if the plan is a strata plan of consolidation—for each folio of the Register to be consolidated, an additional	15.45
2 On lodgment of a substituted plan or any sheet of such a plan	77.25
3 On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment fee
4 On lodgment of an application to amend a plan	77.25

Page 3



Strata Schemes (Freehold Development) Amendment (Fees) Regulation  
2005

Schedule 1 Amendment

	\$
In addition, if the application involves the amendment of a certificate of title or folio of the Register:	
(a) for the first certificate or folio	77.25
(b) for each certificate or folio after the first	10.30
5 For examining a plan before lodgment	905.30
In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination	56.65
6 On lodgment of a notification of change of by-laws	77.25
7 On lodgment of a notice of conversion	77.25
8 On lodgment of a notification of change of address for service of notices on an owners corporation	77.25
9 On lodgment of an order varying a strata scheme	77.25
10 On lodgment of an application for an order terminating a strata scheme	77.25
In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50
11 On lodgment of an order terminating a strata scheme	77.25
12 On lodgment of a certificate that the initial period has expired, given by an owners corporation pursuant to section 9 (3) (d) (i), 13 (2) (b) (i) or 28 (4) (b) of the Act	77.25
13 On lodgment of a strata management statement	154.50
14 On lodgment for registration of a strata development contract	154.50
15 On lodgment for registration of an amendment to a strata development contract	77.25
16 For supplying a copy of a document or part of a document (other than a certified copy) in the custody of the Registrar-General:	
(a) to any person attending an office of the Department of Lands	10.30
(b) by electronic means to any agent licensed by the Department of Lands	4.65

Strata Schemes (Freehold Development) Amendment (Fees) Regulation  
2005

Amendment

Schedule 1

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		<b>\$</b>
	(c) to any person by some other means	Such reasonable fee (determined by the Registrar-General as is warranted by the work involved in providing the service
17	On lodgment of any document not otherwise referred to in this Schedule	77.25



New South Wales

# Strata Schemes (Leasehold Development) Amendment (Fees) Regulation 2005

under the

Strata Schemes (Leasehold Development) Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes (Leasehold Development) Act 1986*.

ANTHONY BERNARD KELLY, M.L.C.,  
Minister for Lands

## Explanatory note

The object of this Regulation is to increase certain fees payable to the Registrar-General under the *Strata Schemes (Leasehold Development) Act 1986*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation also rationalises items in the schedule of fees to the *Strata Schemes (Leasehold Development) Regulation 2002* relating to the supply of copies of documents:

- (a) by removing from the schedule items relating to specific document types (strata development contracts or by-laws lodged with strata plans), and
- (b) by introducing into the schedule items for the supply of copies of any type of documents in the custody of the Registrar-General (other than certified copies) according to the means of delivery of the copies (in person, by electronic means or by some other means).

This Regulation is made under the *Strata Schemes (Leasehold Development) Act 1986*, including section 196 (the general regulation-making power) and, in particular, section 196 (1) (d).

Clause 1                    Strata Schemes (Leasehold Development) Amendment (Fees) Regulation  
2005

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## **Strata Schemes (Leasehold Development) Amendment (Fees) Regulation 2005**

under the

Strata Schemes (Leasehold Development) Act 1986

### **1 Name of Regulation**

This Regulation is the *Strata Schemes (Leasehold Development) Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Strata Schemes (Leasehold Development) Regulation 2002**

The *Strata Schemes (Leasehold Development) Regulation 2002* is amended as set out in Schedule 1.

Strata Schemes (Leasehold Development) Amendment (Fees) Regulation  
2005

Amendment

Schedule 1

## Schedule 1 Amendment

(Clause 3)

### Schedule 6

Omit the Schedule. Insert instead:

## Schedule 6 Fees

(Clause 37)

	<b>\$</b>	
1	On lodgment of a plan for registration	823.00
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination	51.50
	In addition, for the preparation and supply of a certificate of title for lease of common property in a leasehold strata scheme	82.30
	In addition, for each lot shown on the plan	82.30
	And, if the plan is accompanied by a copy of the proposed by-laws for the leasehold strata scheme, an additional	154.50
	And, if the plan is accompanied by a section 88B instrument, for each easement, restriction on the use of land, positive covenant or profit à prendre to be created, irrespective of the number of lots burdened or benefited, an additional	77.25
	And, if the plan is accompanied by a section 88B instrument, for each easement to be released, irrespective of the number of lots burdened or benefited, an additional	77.25
	And, if the plan is lodged for registration as a strata plan of consolidation—for each folio of the Register to be consolidated, an additional	15.45
2	On lodgment of a substituted plan or any sheet of such a plan	77.25
3	On lodgment of a section 88B instrument in substitution for another such instrument or part of such instrument	Such fee as would be appropriate to the instrument as an original lodgment fee

Strata Schemes (Leasehold Development) Amendment (Fees) Regulation  
2005

Schedule 1      Amendment

		\$
4	On lodgment of an application to amend a plan	77.25
	In addition, if the application involves the amendment of a certificate of title or folio of the Register:	
	(a) for the first certificate or folio	77.25
	(b) for each certificate or folio after the first	10.30
5	For examining a plan before lodgment	905.30
	In addition, for each quarter-hour or part of a quarter-hour in excess of the first 4 hours occupied in the examination	56.65
6	On lodgment of a notification of change of by-laws	77.25
7	On lodgment of a notice of conversion	77.25
8	On lodgment of a notification of change of address for service of notices on an owners corporation	77.25
9	On lodgment of an order varying a leasehold strata scheme	77.25
10	On lodgment of an application for an order terminating a leasehold strata scheme	77.25
	In addition, for each quarter-hour or part of a quarter-hour occupied in examining the application	51.50
11	On lodgment of an order terminating a leasehold strata scheme	77.25
12	On lodgment of a certificate that the initial period has expired, given by an owners corporation pursuant to section 11 (2) (d) (i), 16 (2) (b) (i) or 32 (4) (b) of the Act	77.25
13	On lodgment of a strata management statement	154.50
14	On lodgment for registration of a strata development contract	154.50
15	On lodgment for registration of an amendment to a strata development contract	77.25
16	For supplying a copy of a document or part of a document (other than a certified copy) in the custody of the Registrar-General:	
	(a) to any person attending an office of the Department of Lands	10.30
	(b) by electronic means to any agent licensed by the Department of Lands	4.65

Strata Schemes (Leasehold Development) Amendment (Fees) Regulation  
2005

Amendment

Schedule 1

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		<b>\$</b>
	(c) to any person by some other means	Such reasonable fee (determined by the Registrar-General as is warranted by the work involved in providing the service
17	On lodgment of any document not otherwise referred to in this Schedule	77.25



New South Wales

# Strata Schemes Management Amendment (Fees) Regulation 2005

under the

Strata Schemes Management Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Management Act 1996*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to increase fees payable:

- (a) to the Registrar of the Consumer, Trader and Tenancy Tribunal, and
- (b) to the Commissioner for Fair Trading in the Department of Commerce (who is referred to in the *Strata Schemes Management Act 1996* as the Director-General of that Department),

in respect of certain services in connection with strata schemes management.

The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Strata Schemes Management Act 1996*, including section 246 (the general regulation-making power).



Clause 1            Strata Schemes Management Amendment (Fees) Regulation 2005

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## **Strata Schemes Management Amendment (Fees) Regulation 2005**

under the

Strata Schemes Management Act 1996

### **1 Name of Regulation**

This Regulation is the *Strata Schemes Management Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Strata Schemes Management Regulation 1997**

The *Strata Schemes Management Regulation 1997* is amended as set out in Schedule 1.

Strata Schemes Management Amendment (Fees) Regulation 2005

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Clause 16

Omit the clause. Insert instead:

#### 16 Fees

- (1) The following fees are payable to the Registrar in respect of the services specified:

Service	Fee
Lodgment of application for order by an Adjudicator or the Tribunal	\$61
Lodgment of application for interim order by an Adjudicator or the Tribunal	\$61
Lodgment of notice of appeal	\$61
Issue of summons to appear before the Tribunal	\$34
Copy of document (other than transcript), per page	\$2 per page or \$22 (whichever is greater)
Duplicate tape recording of evidence or proceedings, per cassette	“at cost”
Copy of written transcript of evidence or proceedings, per page	“at cost”

**Note.** There is no longer a fee for the inspection of a file.

- (2) The following fee is payable to the Director-General in respect of the service specified:

Service	Fee
Application for mediation	\$61

## Strata Schemes Management Amendment (Fees) Regulation 2005

## Schedule 1 Amendment

- (3) The following fees are payable to an owners corporation for the services specified below:

Service	Fee
For making records available for inspection under section 108 of the Act	\$24 and an additional \$12 for each half-hour or part of half an hour after the first hour of inspection
For giving a certificate under section 109 of the Act	\$84 and an additional \$42 for a further certificate for a lot comprising a garage, parking space or storeroom that services the lot the subject of the first certificate

- (4) For the purposes of section 209 (1) (b) of the Act, the prescribed fee for the lodgment of an order under the Act is the fee payable for lodgment of a document under the *Strata Schemes (Freehold Development) Act 1973* for which no specific fee is prescribed by the regulations under that Act.

**Note.** The relevant fee as at 1 July 2005 was \$77.25, as prescribed by the *Strata Schemes (Freehold Development) Regulation 2002*.



New South Wales

# **Tow Truck Industry Amendment (Interstate Drivers and Operators) Regulation 2005**

under the

**Tow Truck Industry Act 1998**

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Tow Truck Industry Act 1998*.

JOHN WATKINS, M.P.,  
Minister for Transport

## **Explanatory note**

Clause 69 of the *Tow Truck Industry Regulation 1999* exempts interstate tow truck drivers and operators from the requirements under the *Tow Truck Industry Act 1998* to hold a licence or drivers certificate, except in respect of towing work that starts in this State. The object of this Regulation is to clarify that this clause does not affect the entitlements of interstate drivers and operators who are registered with the Tow Truck Authority under the *Mutual Recognition (New South Wales) Act 1992*. As a consequence, these drivers and operators are permitted to carry out towing work that starts in this State (provided that the towing work is of a type authorised by their licence, permit or other authority).

This Regulation is made under the *Tow Truck Industry Act 1998*, including section 105 (the general regulation-making power).

Clause 1            Tow Truck Industry Amendment (Interstate Drivers and Operators)  
                         Regulation 2005

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## **Tow Truck Industry Amendment (Interstate Drivers and Operators) Regulation 2005**

under the

Tow Truck Industry Act 1998

### **1 Name of Regulation**

This Regulation is the *Tow Truck Industry Amendment (Interstate Drivers and Operators) Regulation 2005*.

### **2 Amendment of Tow Truck Industry Regulation 1999**

The *Tow Truck Industry Regulation 1999* is amended as set out in Schedule 1.

Tow Truck Industry Amendment (Interstate Drivers and Operators)  
Regulation 2005

Amendment

Schedule 1

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## Schedule 1      Amendment

(Clause 2)

### **Clause 69 Exemption relating to interstate tow truck drivers and operators**

Insert after clause 69 (2):

- (3) This clause does not affect any entitlement, under the *Mutual Recognition (New South Wales) Act 1992*, of a person who holds a licence, permit or other authority issued under the law of another State or Territory to drive or operate a tow truck (including in respect of towing work that starts in this State) without holding a licence or drivers certificate under the *Tow Truck Industry Act 1998*.

**Note.** The *Mutual Recognition (New South Wales) Act 1992* requires the tow truck driver or operator to notify and register with the TTA. The TTA may impose conditions on such registration so that the only towing work that may be carried out is towing work of a type authorised by the interstate licence, permit or other authority held by the tow truck driver or operator.



New South Wales

# Trade Measurement Administration Amendment (Fees and Other Charges) Regulation 2005

under the

Trade Measurement Administration Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Trade Measurement Administration Act 1989*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

## Explanatory note

The object of this Regulation is to increase:

- (a) certain fees and charges payable under the *Trade Measurement Administration Act 1989* to the Commissioner for Fair Trading in the Department of Commerce (who is referred to in that Act as the Director-General of that Department), and
- (b) a charge payable under that Act to the Superintendent of Trade Measurement for the verification or re-verification by an inspector of a measuring instrument.

The increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Trade Measurement Administration Act 1989*, including sections 10, 13 and 28 (the general regulation-making power).

Clause 1 Trade Measurement Administration Amendment (Fees and Other Charges)  
Regulation 2005

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## **Trade Measurement Administration Amendment (Fees and Other Charges) Regulation 2005**

under the

Trade Measurement Administration Act 1989

### **1 Name of Regulation**

This Regulation is the *Trade Measurement Administration Amendment (Fees and Other Charges) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Trade Measurement Administration Regulation 2002**

The *Trade Measurement Administration Regulation 2002* is amended as set out in Schedule 1.



Trade Measurement Administration Amendment (Fees and Other Charges)  
Regulation 2005

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 3)

- [1] **Clause 6 Charges payable in respect of verification or re-verification by an inspector (section 10 of the Act)**  
Omit "\$33" from clause 6 (a). Insert instead "\$34".
- [2] **Clause 8 Other fees and charges (section 13 of the Act)**  
Omit "\$36" from clause 8 (3). Insert instead "\$37".
- [3] **Schedule 2 Other fees and charges**  
Omit Part 1 of the Schedule. Insert instead:

### Part 1 Fees payable to Director-General

Column 1	Column 2
Fee to accompany application for servicing licence	\$65
Fee to accompany application for public weighbridge licence	\$65
Periodic licence fee for servicing licence	\$273 per annum for each place at which the servicing licensee carries on business
Periodic licence fee for public weighbridge licence	\$203 per annum for each place at which the public weighbridge licensee carries on business
Fee for issue of certificate of suitability	\$65
Fee for amended licence or certificate of suitability	\$61
Fee for duplicate licence or certificate of suitability	\$29



New South Wales

## Travel Agents Amendment (Fees) Regulation 2005

under the

Travel Agents Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Travel Agents Act 1986*.

JOHN HATZISTERGOS, M.L.C.,  
Minister for Fair Trading

### **Explanatory note**

The object of this Regulation is to increase application fees for licensing payable under the *Travel Agents Act 1986*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation is made under the *Travel Agents Act 1986*, including sections 10, 15, 17 and 57 (the general regulation-making power).

Clause 1          Travel Agents Amendment (Fees) Regulation 2005

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## **Travel Agents Amendment (Fees) Regulation 2005**

under the

Travel Agents Act 1986

### **1 Name of Regulation**

This Regulation is the *Travel Agents Amendment (Fees) Regulation 2005*.

### **2 Commencement**

This Regulation commences on 1 July 2005.

### **3 Amendment of Travel Agents Regulation 2001**

The *Travel Agents Regulation 2001* is amended as set out in Schedule 1.

Travel Agents Amendment (Fees) Regulation 2005

Amendment

Schedule 1

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## Schedule 1 Amendment

(Clause 3)

### Schedule 2

Omit the Schedule. Insert instead:

## Schedule 2 Fees

(Clause 7)

Column 1	Column 2	Column 3	Column 4
Nature of fee payable	Processing component	Fixed component	Variable component
Application fee for granting or restoration of licence (corporation, other than partner)	\$95	nil	\$324 per place of business
Annual fee under section 17 (1) of the Act (corporation, other than partner)	\$25	nil	\$324 per place of business
Application fee for granting or restoration of licence (individual, other than partner)	\$95	nil	\$324 per place of business
Annual fee under section 17 (1) of the Act (individual, other than partner)	\$25	nil	\$324 per place of business
Application fee for granting or restoration of licence (individual or corporation, principal partner)	\$95	nil	\$324 per place of business
Annual fee under section 17 (1) of the Act (individual or corporation, principal partner)	\$25	nil	\$324 per place of business
Application fee for granting or restoration of licence (individual or corporation, ordinary partner)	\$72	nil	nil
Annual fee under section 17 (1) of the Act (individual or corporation, ordinary partner)	nil	nil	nil

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Page 3

## Travel Agents Amendment (Fees) Regulation 2005

Schedule 1 Amendment

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Nature of fee payable</b>	<b>Processing component</b>	<b>Fixed component</b>	<b>Variable component</b>
Late fee under section 17 (8) of the Act	nil	\$48	nil
Application fee for replacement of licence	\$27	nil	nil
Issue of certificate under section 15 of the Act	nil	\$20	nil

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## Orders

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New South Wales

# Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2005

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following interim Order.

Dated, this 10th day of June 2005.

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

### Explanatory note

Southern bluefin tuna is listed as an endangered species under the *Fisheries Management Act 1994*.

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. As an interim measure (that is, while such a proposed order is being assessed under the Act), the Minister may make an order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2004* (which took effect on 10 December 2004 for a period of 6 months) to permit recreational fishers to continue to take and possess southern bluefin tuna, for a further period of 6 months, subject to compliance with any applicable fishing regulatory controls (for example, the daily bag limit applying in relation to the taking and possessing of southern bluefin tuna under Division 3 of Part 2 of the *Fisheries Management (General) Regulation 2002*).

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2005

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## **Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2005**

under the

Fisheries Management Act 1994

### **1 Name of interim Order**

This interim Order is the *Fisheries Management (Continuation of Activities Relating to Southern Bluefin Tuna) Interim Order 2005*.

### **2 Commencement and duration**

This interim Order:

- (a) takes effect on 10 June 2005, and
- (b) ceases to have effect 6 months after that day.

### **3 Continuation of existing activities**

Recreational fishers may continue to take and possess *Thunnus maccoyii* (southern bluefin tuna), subject to compliance with any applicable fishing regulatory controls.



New South Wales

## Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2005 No 2

under the

Fisheries Management Act 1994

I, Ian Macdonald, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.  
Dated, this 5th day of June 2005.

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

### Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River is listed as an endangered ecological community under the *Fisheries Management Act 1994 (the Act)*.

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to an endangered species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued. The Act also provides for the remaking of an interim order.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in the Lowland Darling River Catchment) Interim Order 2005 No 1* (which took effect on 7 January 2005 and ceases to have effect on 5 June 2005) to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months.

The activities the subject of this interim Order may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the *Fisheries Management Act 1994*. The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available for inspection at all NSW Fisheries Offices and on the Internet at [www.fisheries.nsw.gov.au/fsc/recomend.htm](http://www.fisheries.nsw.gov.au/fsc/recomend.htm).

This interim Order is made under section 221IG of the *Fisheries Management Act 1994*.



Clause 1 Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2005 No 2

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## **Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2005 No 2**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2005 No 2*.

### **2 Commencement and repeal**

This interim Order:

- (a) takes effect on 5 June 2005, and
- (b) is repealed at the beginning of 5 December 2005.

### **3 Continuation of existing activities**

- (1) The activities referred to in subclauses (2) and (3) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment, or may carry out any routine activity in connection with any such taking or possession:
  - (a) *Paratya australiensis* (freshwater shrimp),
  - (b) *Macrobrachium australiense* (freshwater prawn),
  - (c) *Caridina mccullochi* (freshwater shrimp),
  - (d) *Cherax destructor* (yabby),
  - (e) *Tandanus tandanus* (freshwater catfish),
  - (f) *Gadopsis marmoratus* (river blackfish),
  - (g) *Maccullochella peelii peelii* (Murray cod),
  - (h) *Macquaria ambigua* (golden perch),
  - (i) *Bidyanus bidyanus* (silver perch),
  - (j) *Nematalosa erebi* (bony bream),
  - (k) *Lelopotherapon unicolor* (spangled perch).

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2005 No 2

Clause 3

- 
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or
  - (b) possess or sell yabby taken from the Lowland Darling River Catchment, or
  - (c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) In this clause:
- applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.
- inland restricted fishery*** has the same meaning as in the *Fisheries Management (General) Regulation 2002*.
- Lowland Darling River Catchment*** means the aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community, as the area covered by that recommendation).

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# Rules

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New South Wales

## Wardens' Courts (Amendment No 1) Rules 2005

under the

Mining Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rules under the *Mining Act 1992*.

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

### Explanatory note

The object of these Rules is to set time limits within which submissions by the Director-General of the Department of Primary Industries must be lodged with a Warden's Court for the purposes of proceedings under section 236G or 236H of the *Mining Act 1992*.

This Regulation is made under the *Mining Act 1992*, including section 332 (the general power to make rules with respect to the practice and procedure of Wardens' Courts).

Rule 1                      Wardens' Courts (Amendment No 1) Rules 2005

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## **Wardens' Courts (Amendment No 1) Rules 2005**

under the

Mining Act 1992

### **1 Name of Rules**

These Rules are the *Wardens' Courts (Amendment No 1) Rules 2005*.

### **2 Commencement**

These Rules commence on 17 June 2005.

### **3 Amendment of Wardens' Courts Rules 1992**

The *Wardens' Courts Rules 1992* are amended by inserting after Rule 4 the following Rule:

#### **4A Lodgment of Director-General's submissions regarding access management plans**

- (1) Any submission by the Director-General for the purposes of a determination under section 236G of the Act must be lodged with the Warden's Court within 21 days after the date on which the application for such a determination was served on the Director-General pursuant to subsection (1) (b) of that section.
- (2) Any submission by the Director-General for the purposes of a review under section 236H of the Act must be lodged with the Warden's Court within 21 days after the date on which the application for such a review was served on the Director-General pursuant to subsection (3) of that section.

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# Department of Infrastructure, Planning and Natural Resources

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## Infrastructure and Planning



New South Wales

## **Botany Local Environmental Plan 1995 (Amendment No 36)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S04/01145/S69)

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

Botany Local Environmental Plan 1995 (Amendment No 36)

Clause 1

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## **Botany Local Environmental Plan 1995 (Amendment No 36)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Botany Local Environmental Plan 1995 (Amendment No 36)*.

### **2 Aim of plan**

The aim of this plan is to update references to the date of adoption of the *Development Control Plan for Exempt and Complying Development*, which was amended and re-adopted by the Council of the City of Botany Bay on 16 February 2005.

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

This plan applies to all land within the City of Botany Bay that is land to which *Botany Local Environmental Plan 1995*.

### **4 Amendment of Botany Local Environmental Plan 1995**

*Botany Local Environmental Plan 1995* is amended by omitting “27 August 2003” wherever occurring in clause 10A (1), (2) and (3) and by inserting instead “16 February 2005”.



New South Wales

## **Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 9)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00405/S69)

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

Clause 1                    Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 9)

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## **Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 9)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 9)*.

### **2 Aim of plan**

The aim of this plan is to amend *Campbelltown (Urban Area) Local Environmental Plan 2002* to rezone the land to which this plan applies to Zone 6 (c)—Private Open Space Zone under *Campbelltown (Urban Area) Local Environmental Plan 2002*.

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

This plan applies to land within the City of Campbelltown as shown distinctly coloured on the map marked “Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 9)” deposited in the office of the Council of the City of Campbelltown.

### **4 Amendment of Campbelltown (Urban Area) Local Environmental Plan 2002**

*Campbelltown (Urban Area) Local Environmental Plan 2002* is amended as set out in Schedule 1.



Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 9)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

[1] **Clause 42B**

Insert after clause 42A:

**42B Conservation of riparian corridors and remnant vegetation—  
Glenfield Road**

Despite any other provisions of this plan, consent must not be granted to the carrying out of development on land within the area of land shown distinctly coloured on the map marked “Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 9)”, unless the consent authority is of the opinion that carrying out the proposed development would not compromise the establishment of continuous bushland/riparian corridor linkages on the area of land so shown.

[2] **Schedule 3 Dictionary**

Insert in appropriate order in the definition of *the map*:

Campbelltown (Urban Area) Local Environmental Plan 2002  
(Amendment No 9)



New South Wales

## **Holroyd Local Environmental Plan 1991 (Amendment No 48)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRW0000010/S69)

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

Clause 1            Holroyd Local Environmental Plan 1991 (Amendment No 48)

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## **Holroyd Local Environmental Plan 1991 (Amendment No 48)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Holroyd Local Environmental Plan 1991 (Amendment No 48)*.

### **2 Aims of plan**

This plan aims:

- (a) to rezone the land to which this plan applies from the Special Uses Zone to the Residential "A" Zone under *Holroyd Local Environmental Plan 1991*, and
- (b) to ensure development permissible within the Residential "A" Zone is not carried out on the land until the land has been remediated, and contaminants removed, to a standard appropriate for the development.

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

This plan applies to land situated in the City of Holroyd, being Lot 1, DP 789290, and known as 139 Burnett Street, Merrylands, as shown edged heavy black on the map marked "Holroyd Local Environmental Plan 1991 (Amendment No 48)" deposited in the office of the Council of the City of Holroyd.

### **4 Amendment of Holroyd Local Environmental Plan 1991**

*Holroyd Local Environmental Plan 1991* is amended as set out in Schedule 1.

Holroyd Local Environmental Plan 1991 (Amendment No 48)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

**[1] Clause 5 Interpretation**

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

Holroyd Local Environmental Plan 1991 (Amendment No 48)

**[2] Clause 42 Remediation of land**

Insert after clause 42 (1) (b):

- (c) Lot 1, DP 789290 and known as 139 Burnett Street, Merrylands, as shown edged heavy black on the map marked "Holroyd Local Environmental Plan 1991 (Amendment No 48)".



## **Maitland Local Environmental Plan 1993 (Amendment No 76)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N04/00080/S69)

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

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 76)

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## Maitland Local Environmental Plan 1993 (Amendment No 76)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 76)*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies from Zone 3 (a) General Business to Zone 6 (a) Public Recreation under *Maitland Local Environmental Plan 1993*.

### 3 Land to which plan applies

This plan applies to land in the City of Maitland, as follows:

- (a) part 072/Hunter River, waterway,
- (b) Lot 104, DP 833660, High Street and Hunter River, Maitland,
- (c) river bank DP 977105, Hunter River, Maitland,
- (d) Lot 201, DP 1048250, 420 High Street, Maitland,
- (e) Lots 1 and 30, DP 1044531, High Street and Hunter River, Maitland,
- (f) part Lot 2, DP 801003, High and Cathedral Streets and Hunter River, Maitland,

as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 76)" deposited in the office of the Maitland City Council.

### 4 Amendment of Maitland Local Environmental Plan 1993

*Maitland Local Environmental Plan 1993* is amended by inserting in appropriate order in the definition of ***The map*** in clause 5 (1) the following words:

Maitland Local Environmental Plan 1993 (Amendment No 76)



## **Parramatta Local Environmental Plan 2001 (Amendment No 8)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00609/S69)

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

Clause 1 Parramatta Local Environmental Plan 2001 (Amendment No 8)

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## **Parramatta Local Environmental Plan 2001 (Amendment No 8)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Parramatta Local Environmental Plan 2001 (Amendment No 8)*.

### **2 Aim of plan**

The aim of this plan is to amend *Parramatta Local Environmental Plan 2001*:

- (a) to adopt a further provision of the *Environmental Planning and Assessment Model Provisions 1980*, and
- (b) to remove community drop-off centres from development that is permissible with consent in certain zones, and
- (c) to provide for development for the purposes of granny flats and local shops to be permissible with consent in residential zones, and
- (d) to clarify certain provisions dealing with the following:
  - (i) exempt development,
  - (ii) complying development,
  - (iii) subdivision,
  - (iv) restricted premises,
  - (v) telecommunications facilities,
  - (vi) sites that require the preparation of a master plan,
  - (vii) dual occupancy development,
  - (viii) minimum allotment sizes,
  - (ix) floor space ratios,
  - (x) places of public worship,
  - (xi) development in open space zones,
  - (xii) development on land abutting an environmental protection zone,



Parramatta Local Environmental Plan 2001 (Amendment No 8)

Clause 3

- 
- (xiii) the classification and reclassification of public land, and
  - (e) to clarify certain definitions of terms, and
  - (f) to insert definitions of certain terms.

**3 Land to which plan applies**

This plan applies to all land to which *Parramatta Local Environmental Plan 2001* applies.

**4 Amendment of Parramatta Local Environmental Plan 2001**

*Parramatta Local Environmental Plan 2001* is amended as set out in Schedule 1.

Parramatta Local Environmental Plan 2001 (Amendment No 8)

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 11 Adoption of Model Provisions

Insert “19,” after “18,”.

### [2] Clause 16 What development is allowed or prohibited by zoning?

Omit “community drop-off centres” wherever occurring in each item 4 of the matter relating to the 2A Residential Zone, the 2B Residential Zone, the 2C Residential Zone, the 2D Residential Zone, the 2E Residential Zone, the 3A Centre Business Zone and the 3B Neighbourhood Business Zone in the Table to the clause.

### [3] Clause 16, Table

Insert “granny flats” in alphabetical order under “Development for the purpose of” in each item 4 of the matter relating to the 2A Residential Zone, the 2B Residential Zone, the 2C Residential Zone, the 2D Residential Zone and the 2E Residential Zone.

### [4] Clause 16, Table

Insert “local shops” in alphabetical order under “Development for the purpose of” in each item 4 of the matter relating to the 2A Residential Zone, the 2B Residential Zone, the 2C Residential Zone, the 2D Residential Zone and the 2E Residential Zone.

### [5] Clause 16, Table

Insert “(which is flood affected land)” after the heading to the matter relating to the 2E Residential Zone.

### [6] Clause 16, Table

Omit “Exempt development” from item 3 of the matter relating to the 2E Residential Zone.

Insert instead:

Development for the purpose of:

Nil

Parramatta Local Environmental Plan 2001 (Amendment No 8)

Amendments

Schedule 1

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**[7] Clause 16, Table**

Insert “tree removal or pruning by the Council or its authorised agents” in alphabetical order under “Development for the purpose of” in item 3 of the matter relating to the 9A Open Space (Proposed) Zone.

**[8] Clause 17 What is exempt development?**

Omit clause 17 (2) (c). Insert instead:

- (c) within Zone 7 or 9 (d), or
- (c1) within 6 metres of land in Zone 6A if that land is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*), or

**[9] Clause 17 (2) (e)–(g)**

Insert at the end of clause 17 (2) (d):

- , or
- (e) that is within that part of the flood liable land that is affected by the 100 year average recurrence interval (ARI) flood, or
- (f) that is an aquatic reserve dedicated under the *Fisheries Management Act 1994*, or
- (g) that is within 40 metres of a river within the meaning of the *Water Management Act 2000*.

**[10] Clause 17 (3)**

Omit the subclause.

**[11] Clause 18 What is complying development?**

Omit clause 18 (2) (d) and (e). Insert instead:

- (d) is within Zone 7 or 9 (d), or
- (e) is within 40 metres of a river within the meaning of the *Water Management Act 2000*, or

**[12] Clause 18 (2) (f)**

Omit “purposes, or”. Insert instead “purposes.”.

**[13] Clause 18 (2) (g)**

Omit the paragraph.

## Parramatta Local Environmental Plan 2001 (Amendment No 8)

## Schedule 1 Amendments

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**[14] Clause 19 Subdivision of land**

Omit “or the *Strata Schemes (Leasehold Development) Act 1986*” from clause 19 (1).

Insert instead “, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989*”.

**[15] Clause 25 Restricted premises**

Omit clause 25 (a). Insert instead:

- (a) no part of the restricted premises, other than an access corridor, will be located at street level,

**[16] Clause 26**

Omit the clause. Insert instead:

**26 Telecommunications facilities**

- (1) A person must not erect a structure or work to be used for the purpose of a telecommunications facility except with development consent.
- (2) The consent authority must have regard to the following matters in considering an application for development for the purpose of any telecommunications facility:
  - (a) the potential for underground installation,
  - (b) the potential for co-location with existing facilities,
  - (c) the impact of the facility on visual amenity,
  - (d) the impact of the facility on areas of environmental significance,
  - (e) the impact of the facility on vegetation and street infrastructure,
  - (f) the impact of the facility on the community’s use and enjoyment of land owned and managed by the Council,
  - (g) the proximity of the facility to pre-schools, schools or places frequented by children, such as public open space.

Parramatta Local Environmental Plan 2001 (Amendment No 8)

Amendments

Schedule 1

- 
- (3) This clause does not apply to the following activities:
- (a) installation of low impact facilities (as listed in the *Telecommunications (Low Impact Facilities) Determination 1997* of the Commonwealth) and subscriber cabling, including cabling across streets,
  - (b) installation of defence facilities,
  - (c) installation of facilities authorised by a facility installation permit issued by the Australian Communications Authority,
  - (d) inspection of land, including making surveys, sinking bores, digging pits and examining soil,
  - (e) maintenance of telecommunications facilities, including the alteration, removal, repair or replacement of whole or part of the facility, and the cutting down or lopping of vegetation.

**[17] Clause 30 Sites which require the preparation of a master plan**

Omit “flood mitigation” from clause 30 (5) (d).

Insert instead “flood risk management”.

**[18] Clause 36**

Omit the clause. Insert instead:

**36 Special provisions applying to dual occupancy development**

- (1) Despite any other provisions of this plan, development for the purpose of dual occupancies is prohibited on land within Zone 2 (a) and shown by diagonal cross-hatching on the zoning map.
- (2) Subject to subclause (1), a person may carry out development for the purposes of detached dual occupancy only in relation to the following:
  - (a) buildings identified as heritage items within *Parramatta Local Environmental Plan 1996 (Heritage and Conservation)*,

## Parramatta Local Environmental Plan 2001 (Amendment No 8)

## Schedule 1 Amendments

- 
- (b) areas identified as heritage conservation areas within *Parramatta Local Environmental Plan 1996 (Heritage and Conservation)*,
  - (c) sites with 2 street frontages, where each proposed dwelling has a frontage to a street.

**[19] Clause 38 Minimum allotment sizes**

Insert after clause 38 (4):

- (4A) Nothing in subclause (1) prevents the consent authority from consenting to the subdivision of land in relation to which consent to development for the purposes of dual occupancies has previously been granted.

**[20] Clause 40 Floor space ratios for development**

Insert after clause 40 (1):

- (1A) Buildings erected in each of the following zones must not exceed the floor space ratio indicated in the Table to this subclause:

Zone	Maximum floor space ratio
3A Centre Business Zone	2:1
3B Neighbourhood Business Zone	1.5:1
4 Employment Zone	1:1

**[21] Clause 42 Places of public worship**

Insert “, or the seating capacity of,” after “seats provided at”.

**[22] Clause 46 Development in open space zones**

Omit “, topography and stormwater flow” from clause 46 (2) (d).

Insert instead “and topography”.

Parramatta Local Environmental Plan 2001 (Amendment No 8)

Amendments

Schedule 1

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**[23] Clause 46 (2) (h)**

Insert after clause 46 (2) (g):

- (h) whether the proposed development will impact on stormwater flow.

**[24] Clause 47 Development on land abutting an environmental protection zone**

Insert after clause 47 (1) (c):

- (c1) the protection of endangered ecological communities and recovery plans prepared and approved under the *Threatened Species Conservation Act 1995*,

**[25] Clause 47 (2)**

Omit “or other structure shall be erected”.

Insert instead “is to be erected”.

**[26] Clause 51**

Insert after clause 50:

**51 Savings for development applications lodged before making of Parramatta Local Environmental Plan 2001 (Amendment No 8)**

- (1) A development application relating to land to which the amending plan applies that was lodged with the consent authority, but that was not finally determined, before the commencement of the amending plan is to be determined as if the amending plan had been exhibited but had not been made.

- (2) In this clause:

*the amending plan* means *Parramatta Local Environmental Plan 2001 (Amendment No 8)*.

**[27] Schedule 2 Classification and reclassification of public land**

Omit “North Parramatta” from Column 1 of Part 3.

Insert instead “Granville”.

## Parramatta Local Environmental Plan 2001 (Amendment No 8)

## Schedule 1 Amendments

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**[28] Schedule 2, Part 3**

Omit “DP 882” from Column 2. Insert instead “DP 8821”.

**[29] Dictionary**

Insert at the end of paragraph (b) of the definition of *amusement centre*:

, or

- (c) internet gaming.

**[30] Dictionary, definition of “attic room”**

Omit the definition. Insert instead:

*attic room* means a room within the main roof space of a one or two storey building, no greater than 25 square metres in area, having a roof slope of not more than 35 degrees pitched from the ceiling level of the uppermost floor and may include dormer windows that:

- (a) are not higher than the height of the main roof of the building, and  
(b) are not more than 1.5 metres in width, and  
(c) do not incorporate or access a balcony.

**[31] Dictionary**

Insert in alphabetical order:

*basement carparking* means a carpark that does not protrude more than 1.2 metres above natural ground level.

**[32] Dictionary, definition of “community drop-off centre”**

Omit the definition.

**[33] Dictionary, definition of “floor space area”**

Omit “underground” from paragraph (b). Insert instead “basement”.

**[34] Dictionary, definition of “floor space area”**

Omit “which is more than 1 metre above natural ground level” from paragraph (b).



Parramatta Local Environmental Plan 2001 (Amendment No 8)

Amendments

Schedule 1

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**[35] Dictionary, definition of “floor space area”**

Insert at the end of paragraph (e):

, or

- (f) in the case of single dwellings, one single car space with the dimensions of 3.0 metres in width and 5.5 metres in length, or
- (g) any space permanently set aside within basement car-parking areas for storage, garbage rooms and the like.

**[36] Dictionary**

Insert in alphabetical order:

*granny flat* means a dwelling:

- (a) that has self-contained cooking facilities and a gross floor area not exceeding 60 square metres, and
- (b) that is subordinate to another larger dwelling on the same lot whether physically attached to the other dwelling or not.

**[37] Dictionary, definition of “hotel”**

Omit the definition. Insert instead:

*hotel* means premises to which a hotelier’s licence under the *Liquor Act 1982* relates.

**[38] Dictionary**

Insert in alphabetical order:

*housing for older people or people with disabilities* means seniors housing within the meaning of *State Environmental Planning Policy (Seniors Living) 2004*.

Parramatta Local Environmental Plan 2001 (Amendment No 8)

Schedule 1 Amendments

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**[39] Dictionary, definition of “storey”**

Omit the definition. Insert instead:

*storey* means the space within a building between one floor level and the floor level next above or, if there is no floor level next above, the ceiling or roof above, but does not include:

- (a) space used for car parking, laundries or storerooms, if the ceiling space does not protrude more than 1.2 metres as measured vertically above the natural ground level immediately below, or
- (b) attic space that is part of the dwelling unit immediately below and is incapable of being used as a separate dwelling unit.



New South Wales

## **Queanbeyan Local Environmental Plan 1998 (Amendment No 42)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q04/00073/S69)

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

Clause 1            Queanbeyan Local Environmental Plan 1998 (Amendment No 42)

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## **Queanbeyan Local Environmental Plan 1998 (Amendment No 42)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Queanbeyan Local Environmental Plan 1998 (Amendment No 42)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies from partly Zone 5 (a) Special Uses A “Church and School” and partly Zone 2 (a) Residential A to Zone 5 (a) Special Uses A “Child Care Centre” under *Queanbeyan Local Environmental Plan 1998*.

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

This plan applies to land in the City of Queanbeyan, being land on the corner of Crest Road and Kinkora Place, Queanbeyan, as shown edged heavy black and lettered “5 (a) Child Care Centre” on the map marked “Queanbeyan Local Environmental Plan 1998 (Amendment No 42)” deposited in the office of the Council of the City of Queanbeyan.

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

*Queanbeyan Local Environmental Plan 1998* is amended by inserting in appropriate order in the definition of *the map* in Schedule 1 the following words:

Queanbeyan Local Environmental Plan 1998 (Amendment No 42)



New South Wales

## Rockdale Local Environmental Plan 2000 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/00009/S69)

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

Clause 1            Rockdale Local Environmental Plan 2000 (Amendment No 21)

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## **Rockdale Local Environmental Plan 2000 (Amendment No 21)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Rockdale Local Environmental Plan 2000 (Amendment No 21)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies to Zone 3 (a)—General Business zone under *Rockdale Local Environmental Plan 2000* in order to permit the carrying out of development for the purpose of embellishing and developing the Bexley Shopping Centre.

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

This plan applies to land at 11–25 Albyn Street and part of 400 Forest Road, Bexley, being Lots 17–21, DP 15337, Lot 1, DP 944960, part Lot 101, DP 844533 and Lot 1, DP 946155, as shown coloured light blue on the map marked “Rockdale Local Environmental Plan 2000 (Amendment No 21)” deposited in the office of Rockdale City Council.

### **4 Amendment of Rockdale Local Environmental Plan 2000**

*Rockdale Local Environmental Plan 2000* is amended by inserting in appropriate order in the definition of *the map* in clause 8 (1):

Rockdale Local Environmental Plan 2000 (Amendment No 21)



New South Wales

## Rockdale Local Environmental Plan 2000 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/01680/S69 Pt1)

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

Clause 1            Rockdale Local Environmental Plan 2000 (Amendment No 24)

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## **Rockdale Local Environmental Plan 2000 (Amendment No 24)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Rockdale Local Environmental Plan 2000 (Amendment No 24)*.

### **2 Aims of plan**

This plan aims to rezone the land to which this plan applies to Zone 3 (a)—General Business zone under *Rockdale Local Environmental Plan 2000*, in order to include that land in the commercial precinct of the Bexley Town Centre.

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

This plan applies to land at 1–5 Harrow Road, Bexley being Lots A and B, DP 321614 and Lot 15, DP 15198, as shown coloured light blue on the map marked “Rockdale Local Environmental Plan 2000 (Amendment No 24)” deposited in the office of Rockdale City Council.

### **4 Amendment of Rockdale Local Environmental Plan 2000**

*Rockdale Local Environmental Plan 2000* is amended by inserting in appropriate order in the definition of *the map* in clause 8 (1):

Rockdale Local Environmental Plan 2000 (Amendment No 24)





New South Wales

## **Shoalhaven Local Environmental Plan 1985 (Amendment No 221)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W04/00092/S69)

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

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 221)

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## Shoalhaven Local Environmental Plan 1985 (Amendment No 221)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 221)*.

### 2 Aims of plan

This plan aims to rezone the land to which this plan applies to Zone No 3 (f) (the Business “F” (Village) Zone) under *Shoalhaven Local Environmental Plan 1985* to allow the land to be used for commercial purposes.

### 3 Land to which plan applies

This plan applies to Lots 658, 681, 690 and 691, DP 27855, and known respectively as 130 Macleans Point Road and 207, 189 and 187 Kerry Street, Sanctuary Point, as shown edged heavy black and lettered “3 (f)” on the map marked “Shoalhaven Local Environmental Plan 1985 (Amendment No 221)” deposited in the office of the Council of the City of Shoalhaven.

### 4 Amendment of Shoalhaven Local Environmental Plan 1985

*Shoalhaven Local Environmental Plan 1985* is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Shoalhaven Local Environmental Plan 1985 (Amendment No 221)

## Natural Resources

### WATER ACT 1912

Notice Under Section 117E

Groundwater Pumping Suspensions

THE Department of Infrastructure, Planning and Natural Resources pursuant to section 117E of the Water Act 1912, is satisfied that the quantity of groundwater available is insufficient to meet all requirements and hereby gives Notice to all holders of licences under Part 5 of the Act located in Lots 45, 47 and 50, DP 756880, Parish of Eurudgere, County of Wellington that from Saturday, 18 June 2005 and until further notice, the right to pump water is **SUSPENDED**.

This suspension excludes water supply for town water supply, stock and domestic purposes.

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

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

One penalty point = \$110.00.

Dated this 14th day of June 2005.

REX STEEL,  
Manager,  
Resource Access and Compliance,  
Central West Region

### WATER ACT 1912

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

ROUS COUNTY COUNCIL for 3 pumps on the Wilsons River at Howard's Grass, Lot 32, DP 616645, Parish of Lismore, County of Rous, for town water supply purposes (new licence) (Reference: 6323346) (GA2:476102).

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 the 28 days of this publication as prescribed by the Act.

G. LOLLBACK,  
Resource Access Manager,  
North Coast Region

Department of Infrastructure, Planning and  
Natural Resources,  
Locked Bag 10, Grafton NSW 2460.

### WATER ACT 1912

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

Maria MELHAM for a pump on the Georges River on Lot 7//38563, Parish of Appin, County of Cumberland, for the irrigation of 4.0 hectares (improved pasture) (new licence) (Reference: 10SL056650) (GA2:462884).

John William DOBBIE and Rosalind Julie DOBBIE for an existing 20 megalitre overshot dam and pump on Lumley Creek on Lot 3//775839, Parish of Bungonia, County of Argyle, for the conservation of water and water supply for stock and domestic purposes (new licence) (exempt from the 2003 Shoalhaven River Catchment Embargo) (Reference: 10SL056651) (an annual entitlement of 4.5 megalitres (stock) and 1 megalitre (domestic) is proposed) (GA2:493400).

Any inquiries regarding the above should be directed to the undersigned (telephone: (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 Infrastructure, Planning and  
Natural Resources,  
PO Box 3720, Parramatta NSW 2124.

### WATER ACT 1912

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

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

*Namoi River Valley*

Allan Bruce HERDEGEN and Andrea HERDEGEN for controlled works consisting of supply channels, tailwater return works and water storages on the Upper Namoi Floodplain on Lot 1, DP 831744, Parish of Carroll, County of Buckland, on the property known as "Southside" for irrigation and/or drainage development on the floodplain and conservation of water (Reference: 90CW801461) (GA2:472208).

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 14 July 2005.

Plans showing the location of the works referred to in the above application may be viewed at the Tamworth or Gunnedah/Narrabri offices of the Department of Infrastructure, Planning and Natural Resources.

GEOFF CAMERON,  
Manager,  
Resource Access

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

# Department of Lands

## GRAFTON OFFICE

76 Victoria Street (Locked Bag 10), Grafton NSW 2460

Phone: (02) 6640 2000 Fax: (02) 6640 2035

### 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 hereby transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from the date, the road specified in Schedule 1, ceases to be Crown road.

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

#### SCHEDULE 1

Crown public road 30.175 metres wide separating Lot 5, DP 752811 from Lot 66, DP 752811 and road of variable width separating Lot 66, DP 752811 from Lot 681, DP 811104 and road 20.115 metres wide within Lot 680 and Lot 681, DP 811104, Parish Blaxland, County Fitzroy.

#### SCHEDULE 2

Roads Authority: Clarence Valley Council.

Department of Lands Reference: GF05 H 393.

Council's Reference: TJ:DMH:R328(P).

### APPOINTMENT OF ADMINISTRATOR TO MANAGE A RESERVE TRUST

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

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

#### SCHEDULE 1

COLUMN 1	COLUMN 2	COLUMN 3
Phillip Thomas FOGARTY.	Camp Wollumbin Reserve Trust.	Reserve No.: 89580. Public Purpose: Boy Scouts. Notified: 5 September 1975. Reserve No.: 83495. Public Purpose: Public recreation. Notified: 6 October 1961. File No.: GF93 R 42

For a term commencing 17 June 2005 and expiring 16 December 2005.

#### SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
Phillip Thomas FOGARTY.	Reserve No.: 140102.	The part of the reserve being Lot 1, DP 740102; Lot 7056, DP 752817, Parish of Coff, County of Fitzroy. Public Purpose: Public recreation and environmental Protection. Notified: 28 June 1996. File No.: GF03 R 05.

For a term commencing the day of this notice and expiring 16 December 2005.

**NOWRA OFFICE****5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541****Phone: (02) 4428 6900 Fax: (02) 4428 6988****DRAFT ASSESSMENT OF LAND UNDER PART 3 OF THE CROWN LANDS ACT 1989 AND THE CROWN LANDS REGULATIONS 2000**

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

Inspection of this draft assessment can be made at <http://lands/LandManagement/CrownLandAssessments>, or at the Department of Lands offices at 5 O'Keefe Avenue, Nowra, and Suite 2, Bega Centre, 106 Auckland Street, Bega, at the Eurobodalla Shire Council Chambers, Vulcan Street, Moruya and at the Tuross Heads Post Office, Shop 9 Evans Road, Tuross, during normal business hours.

Representations are invited on the draft assessment. These may be made in writing for a period commencing from 17 June 2005 and ending 29 July 2005 and should be sent to the Land Assessment Officer, Department of Lands, PO Box 309, Nowra NSW 2541.

Reason for Assessment: To assist in the consideration of appropriate future land use and management options.

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

## Description

*Land District – Moruya;  
Local Government Area – Eurobodalla Shire;  
Parish – Congo and Bodalla;  
County – Dampier.*

Crown Land at Tuross Lake comprising Lots 389 and 390, DP 726777; Lot 7004, DP 1032315 and unreserved and unsurveyed Crown Land.

Crown Lands generally located on the northwest shore of Tuross Lake at Turlinjah.

File No.: NA05 H 117.

**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 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 – Kiama; L.G.A. – Kiama Municipality.*

Lots 103, 104, 105 and 106, DP 1079849 at Kiama, Parish Kiama and County Camden (not being land under the Real Property Act).

File Nos: NA04 H 122 and NA03 H 208.

Note: On closing, the land remains vested in the Crown as Crown Land

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

Parkes District Hospital Reserve Trust.

**COLUMN 2**

Dedication No.: 590026.  
Public Purpose: Hospital site.  
Notified: 5 May 1876.  
File No.: OE05 R 3/1.

**APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST**

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

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

## SCHEDULE

**COLUMN 1**

Greater Western Area Health Service.

**COLUMN 2**

Peak Hill Hospital Reserve Trust.

**COLUMN 3**

Dedication No.: 590027.  
Public Purpose: Hospital site.  
Notified: 9 November 1904.  
File No.: OE05 R 3/1.

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

**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

**COLUMN 1**

Land District: Picton.  
 Council: Wollondilly.  
 Parish: Couridjah.  
 County: Camden.  
 Location: Thirlmere.  
 Reserve No.: 85691.  
 Purpose: For future public requirements.  
 Date of Notification: 11 March 1966.  
 File No.: MN04 H 327.

**SCHEDULE**

**COLUMN 2**

The whole of Reserve 85691, comprising Lot 72, DP 751270, having an area of 6678 metres squared.

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

**ROADS ACT 1993**

**ORDER**

Transfer of Crown Public Road to a Council

IN pursuant of the 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 road specified in Schedule 1 cease to be Crown public road.

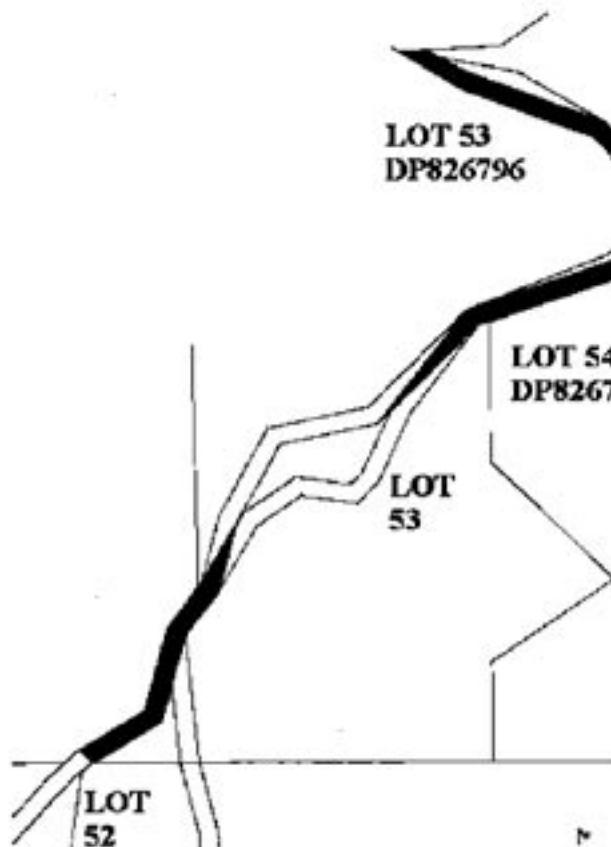
TONY KELLY, M.L.C.,  
 Minister for Lands

**SCHEDULE 1**

*Parish – Belbora; County – Gloucester;*  
*Land District – Taree;*  
*Local Government Area – Greater Taree.*

That part of the Crown public road from the Bucketts Way to a point where the Crown road first abuts the northern boundary of Lot 52, DP 826796 as shown by black shading on diagram hereunder.

File No.: TE03 H 237(6).



**SCHEDULE 2**

Roads Authority: Greater Taree City Council.

## Department of Primary Industries

### Agriculture

#### **SUBORDINATE LEGISLATION ACT 1989**

##### Proposed Stock Foods Regulation 2005

NOTICE is given in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make a regulation under the Stock Foods Act 1940.

The proposed Stock Foods Regulation 2005, is to replace the Stock Foods Regulation 1997, which will be automatically repealed on 1 September 2005.

The aim of the Regulation is to prescribe matters such as labelling of manufactured stock foods, restrictions on foreign ingredients in stock foods and collection of stock food samples for analysis.

The draft Regulation and Regulatory Impact Statement can be accessed via the Department's website <http://www.agric.nsw.gov.au/regulation-review> or by contacting Ms Olga Ozols, Locked Bag 21, Orange NSW 2800. Telephone: (02) 6391 3704. Fax: (02) 6391 3740. E-mail: [MACROBUTTON HtmlResAnchor olga.ozols@agric.nsw.gov.au](mailto:MACROBUTTON HtmlResAnchor olga.ozols@agric.nsw.gov.au).

Submissions on the proposed regulation are invited and can be made by mail, fax or email as above. Submissions close on 15 July 2005.

#### **SUBORDINATE LEGISLATION ACT 1989**

##### Proposed Animal Research Regulation 2005

NOTICE is given in accordance with section 5 of Subordinate Legislation Act 1989, of the intention to make a regulation under the Animal Research Act 1985.

The proposed Animal Research Regulation 2005, is to replace the Animal Research Regulation 1995, which will be automatically repealed on 1 September 2005.

The regulation outlines requirements for animal research review panels, accreditation and licensing, and the constitution of animal care and ethics committees.

The draft Regulation and Regulatory Impact Statement can be accessed via the Department's website [www.agric.nsw.gov.au/regulation-review](http://www.agric.nsw.gov.au/regulation-review) or [www.animalethics.org.au](http://www.animalethics.org.au) and/or by contacting Tammy Kirby, Animal Welfare Unit, NSW DPI, Locked Bag 21, Orange NSW 2800. Telephone: (02) 6391 3725. Fax: (02) 6391 3570. Email: [tammy.kirby@dpi.nsw.gov.au](mailto:tammy.kirby@dpi.nsw.gov.au).

Submissions on the proposed regulation are invited and can be made by mail, fax or email as above. Submissions close at 5:00 p.m., 15 July 2005.

#### **SUBORDINATE LEGISLATION ACT 1989**

##### Proposed Stock Medicines Regulation 2005

Notice is given in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make a regulation under the Stock Medicines Act 1989.

The proposed Stock Medicines Regulation 2005, is to replace the Stock Medicines Regulation 1995, which will be automatically repealed on 1 September 2005.

The objectives to be achieved by the proposed Regulation are:

- To ensure that the legislation provides the most efficient, effective and relevant outcomes in minimising the risk of unacceptable residues in food and protecting stock health;
- To ensure that the legislation applies only to high risk stock by prescribing the types of stock to which the different parts of the Act apply;
- To ensure that the advertising of stock medicines only available from veterinarians is directed only to them, and
- To provide for limited off-label use of stock medicines by owners without veterinary intervention.

The draft Regulation and Regulatory Impact Statement can be accessed via the Department's website at: <http://www.agric.nsw.gov.au/regulation-review> or by contacting Ms Olga Ozols, Biological and Chemical Risk Management, Locked Bag 21, Orange NSW 2800. Telephone: (02) 6391 3704. Fax: (02) 6391 3740. Email: [olga.ozols@agric.nsw.gov.au](mailto:olga.ozols@agric.nsw.gov.au).

Submissions on the proposed regulation are invited and can be made by mail, fax or email as indicated in the Regulatory Impact Statement. Submissions close on 15 July 2005.

#### **SUBORDINATE LEGISLATION ACT 1989**

##### Proposed Stock (Chemical Residues) Regulation 2005

NOTICE is given in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make a regulation under the Stock (Chemical Residues) Act 1975.

The proposed Stock (Chemical Residues) Regulation 2005, is to replace the Stock (Chemical Residues) Regulation 1997, which will be automatically repealed on 1 September 2005.

The objectives to be achieved by the proposed Regulation are to prevent stock from becoming chemically affected and to prevent the slaughter for human consumption of stock which contain unacceptable concentrations of chemical residues, through:

- Prescribing the means of disposing of seized stock;
- Prescribing the reporting of chemical test results on stock;
- Providing for inspectors to enter land to survey it;
- Prescribing inspectors as a specific class of persons under the Act;
- Permitting release of data on the identification of stock; and
- Requirements to permanently identify certain detained stock.

The draft Regulation and Regulatory Impact Statement can be accessed via the Department's website <http://www.agric.nsw.gov.au/regulation-review> or by contacting Ms Olga Ozols, Locked Bag 21, Orange NSW, 2800. Telephone: (02) 6391 3704. Fax: (02) 6391 3740. E-mail: [olga.ozols@agric.nsw.gov.au](mailto:olga.ozols@agric.nsw.gov.au).

Submissions on the proposed regulation are invited and can be made by mail, fax or email as indicated in the Regulatory Impact Statement. Submissions close on 15 July 2005.

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### **SUBORDINATE LEGISLATION ACT 1989**

#### Proposed Apiaries Regulation 2005

NOTICE is given in accordance with section 5 of Subordinate Legislation Act 1989, of the intention to make a regulation under the Apiaries Act 1985.

The proposed Apiaries Regulation 2005, is to replace the Apiaries Regulation 1995, which will be automatically repealed on 1 September 2005.

The aim of the Regulation is to prescribe various administrative matters associated with beekeeping in NSW including the beekeeping registration fee, the method of identification of hives and the disposal of abandoned or neglected beehives by inspectors.

The draft Regulation and Regulatory Impact Statement can be accessed via the Department's website <http://www.agric.nsw.gov.au/regulation-review> or by contacting Peter Regan, Coordinator, Biosecurity Legislation, Locked Bag 21, Orange NSW 2800. Telephone: (02) 6626 2449. Fax: (02) 6628 5209. Email: [peter.regan@agric.nsw.gov.au](mailto:peter.regan@agric.nsw.gov.au).

Submissions on the proposed regulation are invited and can be made by mail, fax or email as above. Submissions close on 15 July 2005.



## Roads and Traffic Authority

### ROADS ACT 1993

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

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

Mr JOHN MAXWELL,  
Manager,  
Assets,  
Tumut Shire Council  
(by delegation from the Minister for Roads)

#### SCHEDULE

**1. Citation**

This Notice may be cited as the Tumut Shire Council B-Doubles Notice No. 2, 2005.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 1 February 2010, unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

B-Double routes within the Tumut Shire Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Back Kunama Road	Batlow Road (MR85)	A point 50 metres east of Batlow Road (MR85)	Nil

**ROADS ACT 1993**

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

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

Mr JOHN MAXWELL,  
 Manager,  
 Assets,  
 Tumut Shire Council  
 (by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Tumut Shire Council B-Doubles Notice No. 3, 2005.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 1 February 2010, unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

B-Double routes within the Tumut Shire Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Posthumus Lane	Settlement Track (Forest Track)	A point 830 metres to the North East. (Forest Track)	Nil

**ROADS ACT 1993**

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

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

Mr JOHN MAXWELL,  
 Manager,  
 Assets,  
 Tumut Shire Council  
 (by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Tumut Shire Council B-Doubles Notice No. 4, 2005.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 1 February 2010, unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

B-Double routes within the Tumut Shire Council.

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
25	000	Simpson Street, Tumut	Snowy Mountains Highway (SH4)	A point 55 metres to the South East ending prior to un-named laneway	Nil

**ROADS ACT 1993**

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

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

NEIL WATT,  
General Manager,  
Cooma-Monaro Shire Council  
(by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Cooma-Monaro Shire Council B-Double Notice No. 1 / 2005.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

**4. Application**

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

**5. Routes**

B-Double Routes within the Cooma-Monaro Shire Council.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
25	000	Commissioner Street, Cooma	Bradley Street	Baron Street	Travel is permitted only in the direction of listing.
25	000	Baron Street, Cooma	Commissioner Street	Sharp Street (SH19), Monaro Highway	Travel is permitted only in the direction of listing.

**ROADS ACT 1993**

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

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

NEIL WATT,  
General Manager,  
Cooma-Monaro Shire Council  
(by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as the Cooma-Monaro Shire Council 19m B-Doubles Notice No. 1/2005.

**2. Commencement**

This Notice takes effect from the date of gazettal.

**3. Effect**

This Notice remains in force until 31 December 2010, unless it is amended or repealed earlier.

**4. Application**

4.1 This Notice applies to those 19 metre B-Doubles whose gross weight exceeds 50 tonnes that comply with Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 1996 and Schedule 4 to the Road Transport (Vehicle Registration) Regulation 1998.

**5. Routes**

19 Metre B-Double Routes within the Cooma-Monaro Shire Council where Gross Weight exceeds 50t.

Type	Road No.	Road Name	Starting point	Finishing point	Conditions
19	000	Holland Road, Cooma	Polo Flat Road	Kaiser Street	
19	000	Kaiser Street, Cooma	Polo Flat Road	Holland Road	
19	000	Thiess Avenue, Cooma	Holland Road	Utah Circuit	
19	000	Utah Circuit, Cooma	Thiess Avenue	Entire length	

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road at  
McKees Hill, Lismore and Goonellabah in the  
Lismore City Council area

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

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

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SCHEDULE

ALL those pieces or parcels of land situated in the  
Lismore City Council area, Parishes of North Codrington  
and Lismore and County of Rous, shown as:

Lot 31 Deposited Plan 1078937;

Lots 12 and 13 Deposited Plan 710264;

Lot 5 Deposited Plan 609358;

Lot 11 Deposited Plan 1078917;

Lots 1 to 6 inclusive Deposited Plan 250107;

Lot 7 Deposited Plan 712684; and

Lot 5 Deposited Plan 537596.

(RTA Papers: 16/257.1141)

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road at  
Wauchope, Gannons Creek and Ellenborough in the  
Hastings Council area

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

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

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SCHEDULE

ALL those pieces or parcels of land situated in the  
Hastings Council area, Parishes of Macquarie, Koree,  
Cowangara and Ellenborough and County of Macquarie,  
shown as:

Lots 7 and 8 Deposited Plan 610017;

Lots 4 and 5 Deposited Plan 237016;

Lot 1 Section 2 Deposited Plan 754408;

Lot 9 Section 7 Deposited Plan 754412; and

Lots 6 and 9 Deposited Plan 247322.

(RTA Papers: 11/196.138)

**ROADS ACT 1993**

Notice of Dedication of Land as Public Road at Boambee and Coffs Harbour in the Coffs Harbour City Council area

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

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

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**SCHEDULE**

ALL those pieces or parcels of land situated in the Coffs Harbour City Council area, Parish of Bonville and County of Raleigh, shown as:

Lot 13 Deposited Plan 739637; and

Lots 4 and 5 Deposited Plan 812129.

(RTA Papers: 10/110.1172)

## Other Notices

### CIVIL PROCEDURE ACT 2005

CIVIL PROCEDURE REGULATION 2005  
review under the Subordinate Legislation Act 1989

NOTICE is given in accordance with section 5(2)(a) of the Subordinate Legislation Act 1989, of the intention to make a principal statutory regulation under the Civil Procedure Act 2005.

The Regulation incorporates provisions from the Supreme Court Regulation 2000, the District Court Regulation 2000, the Local Courts (Civil Claims) Regulation 2000, the Local Courts (Transitional Fees) Regulation 2004 and the Sheriff's Scale of fees. The Regulation deals with:

- (a) fees which are charged for services provided by the courts and the Sheriff's office;
- (b) the waiver, postponement and remission of such fees;
- (c) additional matters with respect to hearing allocation fees and hearing fees; and
- (d) other minor, consequential and ancillary matters.

A copy of the Regulation and the Regulatory Impact Statement can be obtained:

- By phoning (02) 9228 8028;
- By emailing [uniformcivilprocedures@agd.nsw.gov.au](mailto:uniformcivilprocedures@agd.nsw.gov.au); or
- At [www.lawlink.nsw.gov.au/lpd](http://www.lawlink.nsw.gov.au/lpd) under Regulatory Impact.

The Regulation and the Regulatory Impact Statement can be inspected at the Legislation and Policy Division, Level 20, Goodsell Building, 8-12 Chifley Square, Sydney.

Comments and submissions on the draft Regulation and the Regulatory Impact Statement are due by 11 July 2005. They should be emailed to [uniformcivilprocedures@agd.nsw.gov.au](mailto:uniformcivilprocedures@agd.nsw.gov.au) or sent to the above address.

Copies of the existing Regulations and the Civil Procedure Act 2005, are available on the NSW Parliamentary Counsel's website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au). A copy of the Sheriff's scale of costs is available through the Sheriff's Office home page on the Attorney General's Department website at [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au).

### HERITAGE ACT 1977

Order Under Section 57(2)

Former Prince Henry Hospital Site, 1430 Anzac Parade,  
Little Bay

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), in pursuance of section 57(2) of the Heritage Act 1977, do, by this my Order, grant an exemption from section 57(1) of the said Act in respect of the engaging in or carrying out of any activities described in Schedule C by on the item described in Schedule A situated on the land described in Schedule B.

Dated: Sydney, 8th day of June 2005.

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

### SCHEDULE A

At the item known as the Former Prince Henry Hospital Site, 1430 Anzac Parade, Little Bay, situated on the land described in Schedule B.

### SCHEDULE B

All those pieces or parcels of land within precincts P1, P2, P3, P4 and P5 as described in Prince Henry Site, Development Control Plan, effective 8 December 2004, and as shown edged heavy black on the plan catalogued in the office of the Heritage Council of New South Wales.

### SCHEDULE C

Development that complies with:

- i. Randwick Local Environmental Plan 1998; and
- ii. Prince Henry Site, Development Control Plan.

### MENTAL HEALTH ACT 1990

Order under Section 287A

Revoking and Varying Approvals as Accredited Persons

I, ROBYN KRUK, Director-General of the NSW Department of Health, acting pursuant to section 287A of the Mental Health Act 1990 and section 47 of the Interpretation Act 1987, do hereby:

- (i) vary my earlier order made under section 287A of the Mental Health Act and published in *Government Gazette* No. 30 of 4 March 2005, at page 672, by revoking the appointment of Leonard Kanowski of Greater Southern Area Health Service as an Accredited Person for the purposes of the Mental Health Act 1990; and
- (ii) vary my earlier order made under section 287A of the Mental Health Act and published in *Government Gazette* No. 204 of 24 December 2004, at page 9707, by deleting from Column 2 of the Order the listing of the South Western Sydney Area Health Service as the public health organisation employer of Jayne Ross and Noel Timbs and by substituting instead in Column 2 a listing of the Greater Southern Area Health Service as the respective public health organisation employer of those two persons.

Signed at Sydney this 8th day of June 2005.

ROBYN KRUK,  
Director-General

### NATIONAL PARKS AND WILDLIFE ACT 1974

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition

THE Minister for the Environment, with the approval of Her Excellency the Governor, declares that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the National Parks and Wildlife Act 1974.



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

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

#### SCHEDULE

All that piece or parcel of land situated in the Local Government Area of Yass Valley, Parish of Childowla, County of Harden, containing an area of 16.19 hectares or thereabouts and being Lot 4 in Deposited Plan 753598 (formerly known as Portion 4), also being the land comprised in Certificate of Title Vol. 106, Folio 129, excluding the easement for electricity transmission lines registered dealing number D145275 shown in plan with D145275.

NPWS/03/08717.

#### NATIONAL PARKS AND WILDLIFE ACT 1974

Myall Lakes National Park

Amendments to Plan of Management

AMENDMENTS to the plan of management for Myall Lakes National Park have been prepared and are on exhibition until 16 September 2005.

Copies of the amendments are available free of charge from the NPWS Hunter Regional Office, Level 1, 12 Teramby Road, Nelson Bay; NPWS Manning Area Office, 78 Hargreaves Drive, Taree; and NPWS Great Lakes Area Office, The Ruins Camping Area, Booti Booti National Park, The Lakes Way, Pacific Palms. The amendments can also be viewed at Tea Gardens Tourist Information Centre, Myall Street, Tea Gardens; Great Lakes Tourist Information Centre, Little Street, Forster; Seal Rocks Shop, Kinka Road, Seal Rocks; Bulahdelah Tourist Information Centre, Pacific Highway, Bulahdelah; Newcastle Regional Library, Laman Street, Newcastle; Maitland City Library, 480 High Street, Maitland; Great Lakes Council, Breeze Parade, Forster; and on the NPWS website: [www.nationalparks.nsw.gov.au](http://www.nationalparks.nsw.gov.au).

Written submissions on the amendments must be received by Myall Lakes National Park Amendment, NSW National Parks and Wildlife Service, Great Lakes Area, Booti Booti National Park, The Lakes Way, Pacific Palms NSW 2428, by 15 September 2005.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request to NPWS. Your comments on these amendments may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

#### PARENTS AND CITIZENS' ASSOCIATIONS INCORPORATION ACT 1976

Incorporation of Parents and Citizens' Associations

THE following associations are hereby incorporated under the Parents and Citizens' Associations Incorporation Act 1976.

1. Bankstown West Public School
2. Belrose Public School
3. Bombala Public School

4. Casula Public School
5. Lawson Public School
6. Main Arm Upper Public School
7. Middleton Public School
8. Mulyan Public School
9. Nepean High School
10. Repton Public School
11. South Grafton Primary School
12. Young Public School

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

#### PESTICIDES ACT 1999

Notice Under Section 48(4)

NOTICE is hereby given, pursuant to section 48(4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,  
Manager,  
Dangerous Goods,  
Environment Protection Authority  
(by delegation)

#### SCHEDULE

Aircraft (Pesticide Applicator) Licence

Name and address of licensee	Date of Granting of Licence
MIDDLEBROOK AIR OPERATIONS PTY LTD, 1676 Clifton Road, Piallaway NSW 2340	9 June 2005

#### SUBORDINATE LEGISLATION ACT 1989

Department of Local Government

NOTICE is given in accordance with section 5 of the Subordinate Legislation Act 1989, of the intention to make a principal regulation under the Local Government Act 1993. The proposed Regulation is the Local Government (General) Regulation 2005.

The object of the proposed Regulation is to prescribe matters relevant to the regulatory, service and reporting functions of local councils and county councils. The proposed Regulation continues the same matters as are contained in the following regulations, which it will replace:

- Local Government (Approvals) Regulation 1999
- Local Government (Elections) Regulation 1998
- Local Government (Financial Management) Regulation 1999
- Local Government (General) Regulation 1999
- Local Government (Meetings) Regulation 1999
- Local Government (Orders) Regulation 1999
- Local Government (Savings and Transitional) Regulation 1993
- Local Government (Rates and Charges) Regulation 1999

Local Government (Tendering) Regulation 1999  
Local Government (Water Services) Regulation 1999

Copies of the Regulatory Impact Statement and the proposed Regulation can be obtained from the Department of Local Government, 5 O'Keefe Avenue, Nowra NSW 2541, telephone (02) 4428 4100. The documents are also available on the internet at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

Comments and submissions on the proposed Regulation are invited and should be forwarded by Friday, 15 July 2005, to the Department of Local Government at Locked Bag 3015, Nowra NSW 2541, or faxed to (02) 4428 4199, or emailed to [regreview@dlg.nsw.gov.au](mailto:regreview@dlg.nsw.gov.au) and marked for the attention of Regulation Review, Legal Services Branch.

G. PAYNE,  
Director General,  
Department of Local Government

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### SUBORDINATE LEGISLATION ACT 1989

Sydney Opera House

NOTICE is given in accordance with section 5 of the above Act of the intention to remake the Sydney Opera House By-law under the Sydney Opera House Trust Act 1961.

The objectives of the By-law are to:

- Protect the fabric of Sydney Opera House and its contents;
- Protect the image of Sydney Opera House as a 'national icon';
- Maintain physical access to the site and the building;
- Preserve revenues generated by Sydney Opera House and Presenters/Hirers;
- Assist in maintaining the safety of persons on Sydney Opera House premises;
- Assist in maintaining the security of persons on Sydney Opera House premises;
- Facilitate the effective management of Sydney Opera House and its staff.

A copy of the Regulatory Impact Statement and draft Sydney Opera House By-law 2005 can be obtained from the Sydney Opera House website at <http://www.sydneyoperahouse.com/corporate> or by calling Caroline Hawkless of Hawkless Consulting Pty Ltd on (02) 9876 2001.

Written comments on the draft by-law are invited and should be forwarded to Hawkless Consulting Pty Ltd, 23 Coronation Avenue, Eastwood NSW 2122, or delivered to the Stage Door of the Sydney Opera House by 11 July 2005.

Questions relating to this Notice can be directed to Caroline Hawkless on (02) 9876 2001.

Dr NORMAN GILLESPIE,  
Chief Executive

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### SUBORDINATE LEGISLATION ACT

Renewal of Regulation for Hunter Water Corporation

Notice under the Subordinate Legislation Act

IN accordance with section 5 of the Act, notice is hereby given of the intention to make a regulation entitled "Hunter Water (General) Regulation, 2005".

The purpose of the proposed Regulation is to:

- (a) continue the provisions of the current Regulation in relation to the regulation of plumbing and drainage work in Hunter Water's area; and
- (b) supplement current regulatory provisions relating to the imposition of restrictions on the use of water, particularly during times of drought.

A copy of the proposed regulation and the Regulatory Impact Statement is available by phoning (02) 49799604 and may be inspected at any of Hunter Water's Customer Centres or visit our website at [www.hunterwater.com.au](http://www.hunterwater.com.au).

Written submissions and comments are sought by 5:00 p.m., 8 July 2005 and should be directed to:

Manager Community Relations  
Hunter Water Corporation  
PO Box 5171  
Hunter Region Mail Centre NSW 2310

Or emailed to: [sam.sneddon@hunterwater.com.au](mailto:sam.sneddon@hunterwater.com.au).

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### THREATENED SPECIES CONSERVATION ACT 1995

Notice of Preliminary Determinations

Proposed Additions to the Schedules

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

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

White's Skink, *Egernia whitii* (Lacépède, 1804) population in the Broken Hill Complex Bioregion

#### Vulnerable Species (Schedule 2)

*Prostanthera spinosa* F. Muell., a shrub

Notice of Preliminary Determination

Proposed Removal from the Schedule

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to remove the skink *Egernia margaretae* Storr, 1968 from the Schedules of the Act by omitting reference to this species from Part 1 of Schedule 1 (Endangered species).

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

Scientific Committee,  
PO Box 1967,  
Hurstville NSW 2220.

Attention: Suzanne Chate, Executive Officer.

Submissions must be received by 12 August 2005.

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

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

By contacting the Scientific Committee Unit,

C/- Department of Environment and Conservation  
PO Box 1967 Hurstville 2220.

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

In person at the Department of Environment and Conservation Information Centre, Level 14, 59-61 Goulburn Street, Sydney.

Copies of the determinations may also be obtained from National Parks and Wildlife Service Area Offices and Visitor Centres, subject to availability.

Dr LESLEY HUGHES,  
Chairperson,  
Scientific Committee

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# TENDERS

## Department of Commerce

### SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

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

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

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### ALBURY CITY COUNCIL

Roads Act 1993, Section 16

Notice of Dedication of Road – Town of Albury

NOTICE is hereby given that Albury City Council pursuant to section 16 of the Roads Act 1993, dedicates as public road all of land described as a 6.095m (20') wide lane on DP 160466. This is the land generally referred to as Richs Lane, Albury. MARK CLIFFORD HENDERSON, General Manager, Albury City Council, 553 Kiewa Street, Albury NSW 2640. [1356]

### GREATER TAREE CITY COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Part 2 – Roads

Division 2 – Naming of Roads

NOTICE is hereby given that Greater Taree City Council, in pursuance of the above act and regulations, has named two new roads in Wingham. Hunter Place will run off the end off Abbott Street and George Flemming Road will run off Bungay Road. PHIL PINYON, General manager, Greater Taree City Council, PO Box 482, Taree NSW 2430. [1362]

### LAKE MACQUARIE CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Lake Macquarie City Council in pursuance of section 10 of the Roads Act 1993, dedicates the land held by it and described in the Schedule below as Public Road. KEN HOLT, General Manager, Lake Macquarie City Council, Administration Centre, Main Road, Speers Point NSW 2284.

#### SCHEDULE

Lot 100 in Deposited Plan 1066500.

Lot 1 in Deposited Plan 385221. [1353]

### SHOALHAVEN CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of an Easement

THE Shoalhaven City Council declares, with the approval of Her Excellency the Governor, that the easement described in the Schedule below, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of drainage and sewerage. Dated at Nowra this 3rd day of June 2005. R. PIGG, General Manager, Shoalhaven City Council, PO Box 42, Nowra NSW 2541.

#### SCHEDULE

Easement rights as described under the heading Sewer Pipeline (Shoalhaven) in the terms set out hereunder over the site shown in:

Deposited Plan 1053775 as 'PROPOSED EASEMENT FOR DRAINAGE OF SEWAGE 2 WIDE AND VARIABLE' within Lot 4, section 6 in Deposited Plan 9063; Lot 8, section 8 in Deposited Plan 9063; Lot 16 in Deposited Plan 1014179; Lot 13, section 7 in Deposited Plan 9063; Lot 14, section 7 in Deposited Plan 9063; Lot 12, section 7 in Deposited Plan 9063 and Lot 13, section 6 in Deposited Plan 9063.

Easement for drainage of sewerage

1. The body having the benefit of this easement may:
  - (a) drain sewage, sullage and other fluid wastes in pipes through each lot burdened, but only within the site of this easement, and
  - (b) do anything reasonably necessary for that purpose, including:
    - (i) entering the lot burdened, and
    - (ii) taking anything on to the lot burdened, and
    - (iii) using any existing line of pipes, and
    - (iv) carrying out works, such as constructing, placing, repairing or maintaining pipes and equipment.
2. In exercising those powers, the body having the benefit of this easement must:
  - (a) ensure all work is done properly, and
  - (b) cause as little inconvenience as is practicable to the owner and any occupier of the lot burdened, and
  - (c) cause as little damage as is practicable to the lot burdened and any improvement on it; and
  - (d) restore the lot burdened as nearly as is practicable to its former condition, and
  - (e) make good any collateral damage. [1357]

### SHOALHAVEN CITY COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Council of the City of Shoalhaven declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of providing sewerage services. Dated at Nowra, 15th June 2005. R. D. PIGG, General Manager, Shoalhaven City Council, c.o. Morton & Harris, Lawyers, PO Box 162, Nowra NSW 2541.

#### SCHEDULE

Lot 243, DP 755923 and Lot 1, DP 1071258. [1363]

**ESTATE NOTICES**

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MARIE THERESE WILKINS, late of Strathfield, in the State of New South Wales, retired lady, who died on 17th February 2005, must send particulars of his or her claim to the executor and executrix, Anthony Paul Wilkins and Susan Therese Bell, c.o. Strathfield Law, Solicitors, Suite 1, 320A-338 Liverpool Road, Enfield NSW 2136, within one (1) calendar month from publication of this notice. After that time the executor and executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 6th May 2005. STRATHFIELD LAW, Solicitors, Suite 1, 320A-338 Liverpool Road, Enfield NSW 2136, tel.: (02) 9745 6111. [1354]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of HERBERT THOMAS TEBBET, late of 61 Bungarribee Road, Blacktown, in the State of New South Wales, sheet metal worker, who died on 18th April 2005, must send particulars of his/her claim to the executor, Alan Warren Tebbet, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown NSW 2148, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of distribution the executor has notice. Probate was granted in New South Wales on 3rd June 2005. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street (PO Box 147), Blacktown NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644. [1355]

**COMPANY NOTICES**

NOTICE to declare a dividend.—MENGARIS PTY LIMITED, ACN 001 413 930 (in voluntary liquidation).—A dividend is to be declared on 29th July 2005, for the company. Creditors

whose debts or claims have not already been admitted are required on or before 20th July 2005, to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 8th June 2005. F. MACDONALD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000, tel.: (02) 9299 6521. [1358]

NOTICE to declare a dividend.—WHOSHONE PTY LIMITED, ACN 001 423 249 (in voluntary liquidation).—A dividend is to be declared on 29th July 2005, for the company. Creditors whose debts or claims have not already been admitted are required on or before 20th July 2005, to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 8th June 2005. F. MACDONALD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000, tel.: (02) 9299 6521. [1359]

NOTICE to declare a dividend.—KENORA PTY LIMITED, ACN 008 482 853 (in voluntary liquidation).—A dividend is to be declared on 29th July 2005, for the company. Creditors whose debts or claims have not already been admitted are required on or before 20th July 2005, to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 8th June 2005. P. RUSH, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000, tel.: (02) 9299 6521. [1360]

NOTICE to declare a dividend.—PIMA PTY LIMITED, ACN 001 413 903 (in voluntary liquidation).—A dividend is to be declared on 29th July 2005, for the company. Creditors whose debts or claims have not already been admitted are required on or before 20th July 2005, to formally prove their debts or claims. If they do not, they will be excluded from the benefit of the dividend. Dated 8th June 2005. F. MACDONALD, Liquidator, c.o. K. B. Raymond & Co., 2/131 Clarence Street, Sydney NSW 2000, tel.: (02) 9299 6521. [1361]

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