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LEGISLATION

Proclamations



New South Wales

Proclamation

under the

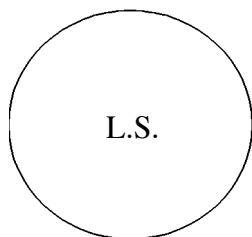
Criminal Procedure Further Amendment (Evidence) Act 2005
No 25

MARIE BASHIR, Governor

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Criminal Procedure Further Amendment (Evidence) Act 2005*, do, by this my Proclamation, appoint 12 August 2005 as the day on which that Act (except Schedule 1 [5] and [7] and Schedule 2.1) commences.

Signed and sealed at Sydney, this 10th day of August 2005.

By Her Excellency's Command,



L.S.

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Explanatory note

The object of this Proclamation is to commence the provisions of the *Criminal Procedure Further Amendment (Evidence) Act 2005*, other than the provisions of that Act relating to:

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

Regulations



New South Wales

Administrative Decisions Tribunal (General) Amendment (Revenue Division) Regulation 2005

under the

Administrative Decisions Tribunal Act 1997

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to allocate to the Revenue Division of the Administrative Decisions Tribunal the review functions relating to the *First Home Owner Grant Act 2000*.

This Regulation is made under the *Administrative Decisions Tribunal Act 1997*, including sections 23 and 145 (the general regulation-making power).

Clause 1 Administrative Decisions Tribunal (General) Amendment (Revenue Division) Regulation 2005

Administrative Decisions Tribunal (General) Amendment (Revenue Division) Regulation 2005

under the

Administrative Decisions Tribunal Act 1997

1 Name of Regulation

This Regulation is the *Administrative Decisions Tribunal (General) Amendment (Revenue Division) Regulation 2005*.

2 Amendment of Administrative Decisions Tribunal (General) Regulation 2004

The *Administrative Decisions Tribunal (General) Regulation 2004* is amended as set out in Schedule 1.

Administrative Decisions Tribunal (General) Amendment (Revenue Division) Regulation 2005

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 13 Amendment of Act

Insert at the end of the clause:

- (2) Schedule 2 to the Act is amended by inserting in alphabetical order in the list of enactments in clause 2 of Part 3C (Revenue Division):

First Home Owner Grant Act 2000

[2] Clause 13A

Insert after clause 13:

13A Transitional provision: pending proceedings in General Division of Tribunal relating to applications made under First Home Owner Grant Act 2000

- (1) This clause applies to proceedings:
 - (a) that are pending in the General Division of the Tribunal immediately before the commencement of the *Administrative Decisions Tribunal (General) Amendment (Revenue Division) Regulation 2005*, and
 - (b) that relate to applications made to the Tribunal under the *First Home Owner Grant Act 2000*.
- (2) Proceedings to which this clause apply are to be determined in the General Division in accordance with the provisions of Part 4 of Schedule 2 to the Act as in force immediately before the commencement of the *Administrative Decisions Tribunal (General) Amendment (Revenue Division) Regulation 2005*.



New South Wales

Agricultural and Veterinary Chemicals (New South Wales) Regulation 2005

under the

Agricultural and Veterinary Chemicals (New South Wales)
Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

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

Explanatory note

The object of this Regulation is to remake certain provisions of the *Agricultural and Veterinary Chemicals (New South Wales) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Agvet Code is a national code relating to the registration, labelling and supply of agricultural and veterinary chemicals. It applies as a law of New South Wales because of the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*.

This Regulation:

- (a) prescribes certain provisions of the *Stock Medicines Act 1989* as eligible laws for the purposes of the definition of **permit** in the Agvet Code (clause 4), and
- (b) provides for the interpretation of references in that Act to permits (clause 5).

This Regulation is made under the *Agricultural and Veterinary Chemicals (New South Wales) Act 1994*, including sections 32 (the general regulation-making power) and 33 (Eligible laws).

This Regulation relates to matters arising under legislation that is substantially uniform or complementary with legislation of the Commonwealth or another State or Territory.

Clause 1 Agricultural and Veterinary Chemicals (New South Wales) Regulation 2005

Agricultural and Veterinary Chemicals (New South Wales) Regulation 2005

under the

Agricultural and Veterinary Chemicals (New South Wales) Act 1994

1 Name of Regulation

This Regulation is the *Agricultural and Veterinary Chemicals (New South Wales) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Agricultural and Veterinary Chemicals (New South Wales) Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Notes

Notes included in this Regulation do not form part of this Regulation.

4 Eligible laws for purposes of Agvet Code

Sections 38 and 39 of the *Stock Medicines Act 1989* are declared to be eligible laws for the purposes of the definition of *permit* in section 109 of the Agvet Code.

5 Permits for stock medicines

- (1) A reference to a permit in a provision of the *Stock Medicines Act 1989* referred to in clause 4 includes a reference to a permit within the meaning of the Agvet Code.
- (2) Anything authorised under section 33 of the *Stock Medicines Act 1989* is taken, for the purposes of any provision of that Act referred to in clause 4, to be something authorised by a permit within the meaning of the Agvet Code.



New South Wales

Children (Criminal Proceedings) Regulation 2005

under the

Children (Criminal Proceedings) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children (Criminal Proceedings) Act 1987*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the provisions of the *Children (Criminal Proceedings) Regulation 2000*, which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation deals with the following matters:

- (a) prescribing offences that are to be treated as serious children's indictable offences for the purposes of the *Children (Criminal Proceedings) Act 1987* (**the Act**) (clause 4),
- (b) the preparation of lists of persons willing to be present when a child is giving a statement, confession, admission or information under the Act (clause 5),
- (c) the content of background reports required to be provided under the Act in relation to the commission of offences (clause 6),
- (d) the conditions that may be imposed on certain orders under the Act (clause 7),
- (e) the furnishing of explanatory material to children who are the subject of orders under the Act (clause 8),
- (f) prescribing certain officers to be authorised officers for the purposes of performing certain functions under the Act (clause 9),
- (g) formal matters relating to parole orders and warrants of commitment (clauses 10–12).

This Regulation is made under the *Children (Criminal Proceedings) Act 1987*, including section 51 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature.

Children (Criminal Proceedings) Regulation 2005

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Children (Criminal Proceedings) Regulation 2005

Clause 1

Children (Criminal Proceedings) Regulation 2005

under the

Children (Criminal Proceedings) Act 1987

1 Name of Regulation

This Regulation is the *Children (Criminal Proceedings) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Children (Criminal Proceedings) 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:

applied Act means the *Crimes (Sentencing Procedure) Act 1999*, as applied by section 33C of the *Children (Criminal Proceedings) Act 1987*.

approved form means a form approved by the Minister.

juvenile justice officer means a juvenile justice officer employed within the Department of Juvenile Justice.

parole order means an order, whether made under the applied Act or otherwise, directing the release of a detainee from a detention centre on parole.

the Act means the *Children (Criminal Proceedings) Act 1987*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Serious children's indictable offences

The following offences are prescribed as serious children's indictable offences for the purposes of the Act, as referred to in the definition of **serious children's indictable offence** in section 3 (1) (e) of the Act:

- (a) an offence arising under section 78I of the *Crimes Act 1900*,
- (b) an offence arising under section 80A of that Act, but only if the victim of the offence was under the age of 10 years when the offence occurred.

Clause 5 Children (Criminal Proceedings) Regulation 2005

5 Lists of adults willing to attend interviews

The Commissioner of Police may arrange for the preparation and maintenance of lists of adults who are willing to be called on to be present when a child is making or giving any statement, confession, admission or information referred to in section 13 of the Act.

Note. Section 13 of the Act requires that an adult be present when a child is making or giving any statement, confession or admission referred to in that section, except in certain specified circumstances. The adult must be a person responsible for the child, or some other person who is present with the consent of the person responsible for the child or (in the case of a child who is of or above the age of 16 years) with the consent of the child.

6 Background reports

For the purposes of section 25 (2) (a) of the Act, a background report must be in such form as the Attorney General may from time to time approve and must deal with such of the following matters as are relevant to the circumstances surrounding the commission of the offence concerned:

- (a) the person's family background,
- (b) the person's employment,
- (c) the person's education,
- (d) the person's friends and associates,
- (e) the nature and extent of the person's participation in the life of the community,
- (f) the person's disabilities,
- (g) the person's antecedents,
- (h) such other matters as the Children's Court may require,
- (i) such other matters as the prosecutor considers appropriate to include in the report.

7 Conditions that may be imposed on certain orders

The kinds of conditions that may be imposed in relation to an order made in respect of a child under section 33 (1) (b) or (e) of the Act include the following:

- (a) conditions requiring the child to attend school regularly,
- (b) conditions relating to the child's employment,
- (c) conditions aimed at preventing the child from committing further offences,
- (d) conditions relating to the child's place of residence,

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- (e) conditions requiring the child to undergo counselling or medical treatment,
 - (f) conditions limiting or prohibiting the child from associating with specified persons,
 - (g) conditions limiting or prohibiting the child from frequenting specified premises,
 - (h) conditions requiring the child to comply with the directions of a specified person in relation to any matter referred to in paragraph (a)–(g),
 - (i) conditions relating to such other matters as the court considers appropriate in relation to the child.

8 Attorney General to furnish explanatory material

- (1) The Attorney General is to arrange for the preparation and maintenance of material to be given to children the subject of orders under section 33 (1) of the Act.
- (2) The material must be expressed in language readily capable of being understood by children and must include the following, in relation to any particular order:
 - (a) a description of the requirements imposed by the order,
 - (b) a description of the consequences that may follow if those requirements are not observed,
 - (c) a description of the rights of appeal that exist in relation to the order,
 - (d) a description of the rights (if any) that exist in relation to the variation of the order,
 - (e) a description of the grounds on which an application for such a variation may be made.
- (3) The person responsible for supplying the material to a particular child must make all reasonable efforts to explain the material orally to the child.

9 Authorised officers

- (1) The following officers of the Department of Juvenile Justice are declared to be authorised officers for the purposes of Division 5 of Part 3 of the Act:
 - (a) the Director-General,
 - (b) the Assistant Director, Operations,
 - (c) the Regional Directors and Assistant Regional Directors,

Clause 10 Children (Criminal Proceedings) Regulation 2005

- (d) Managers, Juvenile Justice Community Services,
 - (e) Assistant Managers, Juvenile Justice Community Services,
 - (f) Managers, Intensive Programs Units,
 - (g) Director, Psychological and Specialist Programs,
 - (h) Senior Counsellors, Intensive Programs Units,
 - (i) Juvenile Justice Officers,
 - (j) Juvenile Justice Counsellors,
 - (k) Specialist Services Coordinators,
 - (l) Conference Administrators,
 - (m) the Assistant Director, Psychological and Specialist Services.
- (2) Probation officers employed in the Department of Corrective Services are declared to be authorised officers for the purposes of Division 5 of Part 3 of the Act.

10 Consultation required before conditions as to residence or treatment imposed on parole

- (1) Before the Children's Court makes a parole order containing terms or conditions relating to residence or treatment, the court:
- (a) must consider a report from a juvenile justice officer as to the offender's circumstances, and
 - (b) must satisfy itself, having regard to the juvenile justice officer's report, that it is feasible to secure compliance with the terms or conditions.
- (2) Before the Children's Court makes a parole order containing terms or conditions requiring the co-operation of a person other than the offender or a juvenile justice officer, it must obtain the consent of the person to the specification of those terms and conditions in so far as they require the person's co-operation.

11 Parole orders

- (1) A parole order made by the Children's Court must be reduced to writing using the approved form.
- (2) A copy of the order must be given to the offender, and further copies are to be sent to the following persons:
- (a) the centre manager of the detention centre in which the offender is to be kept,
 - (b) the Director-General of the Department of Juvenile Justice.

Children (Criminal Proceedings) Regulation 2005

Clause 12

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- (3) Copies of the order sent to the centre manager of the detention centre are, if practicable, to be sent so as to arrive at the detention centre at or before the time the detainee arrives.

12 Warrants of commitment

A warrant of commitment referred to in section 62 of the applied Act is to be in the approved form.

13 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Children (Criminal Proceedings) Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.



New South Wales

Crimes (Sentencing Procedure) Regulation 2005

under the

Crimes (Sentencing Procedure) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crimes (Sentencing Procedure) Act 1999*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to make provision for the following matters arising under the *Crimes (Sentencing Procedure) Act 1999*:

- (a) sentencing procedures generally (Part 2),
- (b) sentencing procedures for periodic detention orders (Part 3),
- (c) sentencing procedures for home detention orders (Part 4),
- (d) sentencing procedures for community service orders (Part 5).

This Regulation replaces the *Crimes (Sentencing Procedure) Regulation 2000* (***the repealed Regulation***), which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*. This Regulation is substantially the same as the repealed Regulation.

This Regulation is made under the *Crimes (Sentencing Procedure) Act 1999*, including sections 8 (2), 30 (1), 32 (5) (b), 69 (2), 81 (4) and 103 (the general regulation-making power).

This Regulation deals with matters of a machinery nature.

Crimes (Sentencing Procedure) Regulation 2005

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Crimes (Sentencing Procedure) Regulation 2005

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Clause 1	Crimes (Sentencing Procedure) Regulation 2005
Part 1	Preliminary

Crimes (Sentencing Procedure) Regulation 2005

under the

Crimes (Sentencing Procedure) Act 1999

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Crimes (Sentencing Procedure) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Crimes (Sentencing Procedure) 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:

approved form means a form approved by the Minister.

the Act means the *Crimes (Sentencing Procedure) Act 1999*.

(2) Notes included in this Regulation do not form part of this Regulation.

Crimes (Sentencing Procedure) Regulation 2005

Clause 4

Sentencing procedures generally

Part 2

Part 2 Sentencing procedures generally

Division 1 General

4 List of additional charges: section 32

- (1) A list of additional charges under section 32 of the Act is to be in the approved form.
- (2) For the purposes of section 32 (5) (b) of the Act, the following persons are prescribed:
 - (a) police officers,
 - (b) the Commissioner for Fair Trading, Department of Commerce.

5 Parole orders: section 50

- (1) A parole order made by a court is to be in the approved form.
- (2) A copy of the order must be given to the offender, and further copies are to be sent to the following persons:
 - (a) the Commissioner of Corrective Services, and
 - (b) if the sentence to which the order relates is to be served by way of full-time imprisonment, the governor of the correctional centre to which the offender is committed to serve the sentence.

6 Consultation required before conditions as to residence or treatment imposed on parole: section 51

- (1) Before a court makes a parole order containing terms or conditions relating to residence or treatment, the court must consider a report from a probation and parole officer as to the offender's circumstances.

Note. Under section 51 of the Act, a court may impose such conditions as it considers appropriate on any parole order made by it. In determining whether it is appropriate to make an order relating to residence or treatment, a court might, for example, consider a report as to the feasibility of complying with the conditions.
- (2) Before a court makes a parole order containing terms or conditions requiring the co-operation of a person other than the offender or a probation and parole officer, it must obtain the consent of the person to the specification of those terms and conditions in so far as they require the person's co-operation.

7 Warrants of commitment: section 62

A warrant for the committal of an offender referred to in section 62 (1) of the Act is to be in the approved form.

Clause 8 Crimes (Sentencing Procedure) Regulation 2005

Part 2 Sentencing procedures generally

Division 2 Victim impact statements

8 Persons who may prepare statements: section 30

- (1) A victim impact statement may be prepared by any qualified person designated by:
 - (a) the victim or victims to whom the statement relates, or any such victim's representative, or
 - (b) the prosecutor in the proceedings to which the statement relates.
- (2) The statement may also be prepared by the victim or any of the victims to whom it relates, or any such victim's representative.
- (3) In this clause, *qualified person* means:
 - (a) a counsellor who is approved under section 21A of the *Victims Support and Rehabilitation Act 1996*, or
 - (b) any other person who is qualified by training, study or experience to provide the particulars required for inclusion in a victim impact statement.

9 Form of victim impact statement: section 30

A victim impact statement:

- (a) must be legible, and may be either typed or hand-written, and
- (b) must be on A4 size paper, and
- (c) must be no longer than 20 pages in length including medical reports or other annexures (except with the leave of the court).

Note. Victims Services provides information about victim impact statements, including the suggested form of a victim impact statement, on its website at <http://www.lawlink.nsw.gov.au/vs>.

10 Content of victim impact statement: section 30

- (1) A victim impact statement must identify the victim or victims to whom it relates.
- (2) The statement must include the full name of the person who prepared the statement, and must be signed and dated by that person.
- (3) If the person who prepared the statement is not a victim to whom it relates (or any such victim's representative):
 - (a) the statement must indicate that the victim or victims do not object to the statement being given to the court, and
 - (b) the victim or victims (or any such victim's representative) must sign the statement to verify that they do not object.

Crimes (Sentencing Procedure) Regulation 2005

Clause 11

Sentencing procedures generally

Part 2

-
- (4) If a victim to whom the statement relates is a family victim, the statement must identify the primary victim and state the nature and (unless a relative by blood or marriage) the duration of that victim's relationship to the primary victim.
 - (5) If a victim's representative acts on behalf of a primary victim for the purpose of providing information for the statement, the statement must indicate the name of that person and the nature and (unless a relative by blood or marriage) the duration of that person's relationship to the primary victim.
 - (6) A victim impact statement must not contain anything that is offensive, threatening, intimidating or harassing.

11 Tendering of victim impact statement: section 30

- (1) A victim impact statement may be tendered to the court only by the prosecutor in the proceedings before the court.
- (2) Only one victim impact statement may be tendered in respect of each victim.

Clause 12 Crimes (Sentencing Procedure) Regulation 2005

Part 3 Sentencing procedures for periodic detention orders

Part 3 Sentencing procedures for periodic detention orders

12 Periodic detention orders: section 6

- (1) A periodic detention order is to be in the approved form.
- (2) A copy of the order must be given to the offender, and further copies are to be sent to the following persons:
 - (a) the Commissioner of Corrective Services, and
 - (b) the governor for the periodic detention centre to which the offender is committed to serve the sentence.

13 Availability of accommodation: section 66

- (1) For the purpose of satisfying itself that accommodation is available at a periodic detention centre for an offender to serve a sentence by way of periodic detention, a court must address its inquiries to the officer in charge of administration of periodic detention orders within the Department of Corrective Services.
- (2) As soon as practicable after a court has made a periodic detention order, the court must ensure that the officer in charge is informed of that fact, by telephone or otherwise.

14 Undertakings to comply with periodic detention order: section 66

An undertaking referred to in section 66 (1) (f) of the Act is to be in the approved form.

15 Assessment reports: section 69

An offender's assessment report must assess the offender's suitability to serve a sentence by way of periodic detention by reference to the following factors:

- (a) the degree, if any, to which the person is dependent on alcohol or drugs (a major alcohol or drug problem being an indicator of unsuitability),
- (b) the offender's psychiatric or psychological condition (a major psychiatric or psychological disorder being an indicator of unsuitability),
- (c) the person's medical condition (a medical condition that may render the offender unfit to report for periodic detention being an indicator of unsuitability),
- (d) the offender's criminal record, if any (a serious criminal record being an indicator of unsuitability),

Crimes (Sentencing Procedure) Regulation 2005

Clause 16

Sentencing procedures for periodic detention orders

Part 3

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- (e) the offender's employment and other personal circumstances (circumstances that may render the offender's regular attendance at a periodic detention centre impracticable being an indicator of unsuitability).

16 Notice of periodic detention order: section 72

- (1) A notice referred to in section 72 (1) of the Act is to be in the approved form.
- (2) The offender must sign 3 copies of the notice in the presence of the person by whom it was given to the offender.
- (3) Of the 3 copies:
 - (a) one is to be kept by the offender, and
 - (b) one is to be kept by the court by which the relevant periodic detention order was made, and
 - (c) one is to be sent to the Commissioner of Corrective Services.

17 Warrants of commitment: section 73

A warrant for the committal of an offender referred to in section 73 (1) of the Act is to be in the approved form.

Clause 18 Crimes (Sentencing Procedure) Regulation 2005

Part 4 Sentencing procedures for home detention orders

Part 4 Sentencing procedures for home detention orders

18 Home detention orders: section 7

- (1) A home detention order is to be in the approved form.
- (2) A copy of the order must be given to the offender, and a further copy is to sent to the Commissioner of Corrective Services.

19 Undertakings to comply with home detention order: section 78

- (1) A consent referred to in section 78 (1) (c) of the Act is to be in the approved form.
- (2) The consent of a child under the age of 18 years, or of a mentally incapacitated person, may be given by the Commissioner of Corrective Services.
- (3) An undertaking referred to in section 78 (1) (d) of the Act is to be in the approved form.

20 Assessment of effect of order on children: section 81

- (1) If a child under the age of 18 years would be living with an offender serving home detention, an assessment report must take into account, and specifically address, the effect on the child of that fact.
- (2) The investigation of the matter referred to in subclause (1) must be carried out jointly by an officer within the Probation and Parole Service and an officer within the Department of Community Services, and must be carried out in accordance with child protection risk assessment procedures approved by the Director-General of that Department.

Crimes (Sentencing Procedure) Regulation 2005

Clause 21

Sentencing procedures for community service orders

Part 5

Part 5 Sentencing procedures for community service orders

21 Community service orders: section 8

- (1) A community service order is to be in the approved form.
- (2) A copy of the order must be given to the offender, and a further copy is to be sent to the Commissioner of Corrective Services.

22 Maximum hours' community service work: section 8

For the purposes of section 8 (2) of the Act, the prescribed number of hours is:

- (a) 100, for offences for which the maximum term of imprisonment provided by law does not exceed 6 months, or
- (b) 200, for offences for which the maximum term of imprisonment provided by law exceeds 6 months but does not exceed 1 year, or
- (c) 500, for offences for which the maximum term of imprisonment provided by law exceeds 1 year.

23 Undertakings to comply with community service order: section 86

An undertaking referred to in section 86 (5) of the Act is to be in the approved form.

24 Notice of community service order: section 93

- (1) A notice referred to in section 93 (1) of the Act is to be in the approved form.
- (2) The offender must sign 3 copies of the notice in the presence of the person by whom it was given to the offender.
- (3) Of the 3 copies:
 - (a) one is to be kept by the offender, and
 - (b) one is to be kept by the court by which the relevant community service order was made, and
 - (c) one is to be sent to the Commissioner of Corrective Services.

Clause 25 Crimes (Sentencing Procedure) Regulation 2005

Part 6 Miscellaneous

Part 6 Miscellaneous

25 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Crimes (Sentencing Procedure) Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.



New South Wales

Gambling (Two-up) Regulation 2005

under the

Gambling (Two-up) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Gambling (Two-up) Act 1998*.

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

Explanatory note

The object of this Regulation is to prescribe certain days as commemorative days on which two-up may be played under the *Gambling (Two-up) Act 1998*.

This Regulation is made under the *Gambling (Two-up) Act 1998*, including section 4A and section 31 (the general regulation-making power).

This Regulation relates to matters of a machinery nature.

Clause 1 Gambling (Two-up) Regulation 2005

Gambling (Two-up) Regulation 2005

under the

Gambling (Two-up) Act 1998

1 Name of Regulation

This Regulation is the *Gambling (Two-up) Regulation 2005*.

2 Definition

In this Regulation:

the Act means the *Gambling (Two-up) Act 1998*.

3 Commemorative days

The following days are prescribed for the purposes of section 4A of the Act:

- (a) 15 August 2005,
- (b) 11 November 2005 (but only that part of that day that is after 12 noon).



New South Wales

National Parks and Wildlife Amendment Regulation 2005

under the

National Parks and Wildlife Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Parks and Wildlife Act 1974*.

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

Explanatory note

The object of this Regulation is to make a number of miscellaneous amendments to the *National Parks and Wildlife Regulation 2002*.

This Regulation includes amendments that:

- (a) create an offence of parking a vehicle in a National Park in a way so as to obstruct the use of a road, trail or track by any other vehicle, or endanger the safety of other park users or damage or destroy any vegetation, and
- (b) make provision for the regulation of the collection of deadfalls of timber for firewood in parks, and
- (c) create an offence of carrying, possessing or using a spiked collar, a breast plate or radio tracking equipment for use on any dog, or having control of any dog on which a spiked collar, a breast plate or radio tracking equipment is carried, not only in a park but on any public or other road traversing a park, and
- (d) create an offence of leaving a fire unattended, whether temporarily or otherwise, before the fire is thoroughly extinguished, and
- (e) create an offence of carrying or possessing ammunition in a park.

Currently, the *National Parks and Wildlife Regulation 2002* contains a number of exclusions that provide that certain actions or omissions necessary for carrying out development in accordance with a development consent or approval under the *Environmental Planning and Assessment Act 1979* are not offences. This Regulation also makes amendments that limit those exclusions so that they apply only to such actions or omissions if they occur within ski resort areas in Kosciuszko National Park.

National Parks and Wildlife Amendment Regulation 2005

Explanatory note

This Regulation also makes consequential amendments to the schedule of penalty notice offences to the *National Parks and Wildlife Regulation 2002* and makes amendments by way of statute law revision.

This Regulation is made under the *National Parks and Wildlife Act 1974*, including Part 13 of that Act (the general regulation-making powers) and section 181 (5).

National Parks and Wildlife Amendment Regulation 2005

Clause 1

National Parks and Wildlife Amendment Regulation 2005

under the

National Parks and Wildlife Act 1974

1 Name of Regulation

This Regulation is the *National Parks and Wildlife Amendment Regulation 2005*.

2 Amendment of National Parks and Wildlife Regulation 2002

The *National Parks and Wildlife Regulation 2002* is amended as set out in Schedule 1.

National Parks and Wildlife Amendment Regulation 2005

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

ski resort area has the same meaning as in Part 8A of Schedule 6 to the *Environmental Planning and Assessment Act 1979*.

[2] Clause 4 Regulation by public or other notice

Insert after clause 4 (1) (h):

- (i) prohibit the collection of deadfalls of timber in the park.

[3] Clause 4 (2) (g)

Insert at the end of clause 4 (2) (g):

, or

- (h) collect deadfalls of timber in the park in contravention of the terms of a notice under this clause.

[4] Clause 5 Regulation by direction

Insert after clause 5 (1) (f):

- (g) the regulation or prohibition of the collection of deadfalls of timber in the park.

[5] Clause 7 Use of vehicles, camels, horses, vessels and machines in parks

Insert after clause 7 (1) (o):

- (p) park a vehicle in a way so as to obstruct the use of a road, track or trail by any other vehicle, or endanger the safety of other park users, or damage or destroy any vegetation.

[6] Clause 11 Littering and damage

Insert "occurred in or in relation to a ski resort area in Kosciuszko National Park and" after "omission" in clause 11 (2) (b).

[7] Clause 11 (2) (b1)

Insert after clause 11 (2) (b):

- (b1) if the act or omission occurred in or in relation to a place in Kosciuszko National Park (other than a ski resort area) and was necessary for the carrying out of development in accordance with a development consent that is taken to

National Parks and Wildlife Amendment Regulation 2005

Amendments

Schedule 1

have been granted to Snowy Hydro Limited under section 41 (4) of the *Snowy Hydro Corporatisation Act 1997*, or

[8] Clause 11 (3) and (3A)

Omit clause 11 (3). Insert instead:

- (3) A person does not commit an offence under subclause (1) (j) if the substance or object referred to in that paragraph:
 - (a) was obtained by the person from a person authorised to sell such substances or objects or from an area outside a park, or
 - (b) is firewood:
 - (i) that has been provided at established visitor use areas in the park where the burning of fires is permitted, or
 - (ii) that comes from deadfalls of timber, if timber is not provided at established visitor use areas in the park.
- (3A) However, for the avoidance of doubt, subclause (3) (b) (ii) does not permit a person to collect deadfalls of timber for firewood in contravention of a notice (as referred to in clause 4) or an oral direction (as referred to in clause 5).

[9] Clause 12 Protection of animals

Omit clause 12 (1) (e) and (f).

[10] Clause 12 (1A)

Insert after clause 12 (1):

- (1A) A person must not in a park or on any public or other road traversing a park:
 - (a) carry, possess or use a spiked collar, a breast plate or radio tracking equipment for use on any dog, or
 - (b) have under the person's control any dog on which a spiked collar, a breast plate or radio tracking equipment is carried.
- Maximum penalty: 30 penalty units.

[11] Clause 14 Lighting of fires

Omit clause 14 (1) (b). Insert instead:

- (b) leave unattended, whether temporarily or otherwise, any fire that the person has lit, maintained or used before the fire is thoroughly extinguished, or

National Parks and Wildlife Amendment Regulation 2005

Schedule 1 Amendments

[12] Clause 15 Cultural heritage

Insert “occurred in a ski resort area in Kosciuszko National Park and” after “removal” in clause 15 (5).

[13] Clause 15 (6)

Insert after clause 15 (5):

- (6) A person does not commit an offence under subclause (3) (d) if the interference or removal occurred in a place in Kosciuszko National Park (other than a ski resort area) and was necessary for the carrying out of development in accordance with a development consent that is taken to have been granted to Snowy Hydro Limited under section 41 (4) of the *Snowy Hydro Corporatisation Act 1997*.

[14] Clause 16 Erection of structures

Insert “occurred in or in relation to a ski resort area in Kosciuszko National Park and” after “omission” in clause 16 (2) (b).

[15] Clause 16 (2) (c)

Insert at the end of clause 16 (2) (b) (ii):

- , or
- (c) if the act or omission occurred in or in relation to a place in Kosciuszko National Park (other than a ski resort area) and was necessary for the carrying out of development in accordance with a development consent that is taken to have been granted to Snowy Hydro Limited under section 41 (4) of the *Snowy Hydro Corporatisation Act 1997*.

[16] Clause 17 Protection of vegetation

Insert “occurred in or in relation to a ski resort area in Kosciuszko National Park and” after “omission” in clause 17 (2) (b).

[17] Clause 17 (2) (b1)

Insert after clause 17 (2) (b):

- (b1) if the act or omission occurred in or in relation to a place in Kosciuszko National Park (other than a ski resort area) and was necessary for the carrying out of development in accordance with a development consent that is taken to have been granted to Snowy Hydro Limited under section 41 (4) of the *Snowy Hydro Corporatisation Act 1997*, or

National Parks and Wildlife Amendment Regulation 2005

Amendments

Schedule 1

[18] Clause 17 (4A)

Insert after clause 17 (4):

- (4A) However, for the avoidance of doubt, subclause (4) (b) does not permit a person to collect or use deadfalls of timber for firewood in contravention of a notice (as referred to in clause 4) or an oral direction (as referred to in clause 5).

[19] Clause 19 Weapons

Insert after clause 19 (1) (c):

- (c1) unless the person is a police officer—carry or use or have in the person's possession any ammunition, or

[20] Clause 21 Sporting, recreational and other activities

Omit “, but the paragraph will not apply if the activity is permitted in a plan of management for the park” from clause 21 (2).

[21] Clause 61 Proceedings for offences—prescribed officers who may issue evidentiary certificates

Omit clause 61 (1). Insert instead:

- (1) For the purposes of section 181 (5) of the Act, the following are prescribed officers:
- (a) Deputy Director-General, Parks and Wildlife Division,
 - (b) Director, Reserve and Wildlife Conservation,
 - (c) Manager, Conservation Operations,
 - (d) Coordinator, Wildlife Licensing,
 - (e) Deputy Director-General, Environment Protection and Regulation,
 - (f) Director, North West Branch,
 - (g) Manager, Kangaroo Management Program,
 - (h) Chief Investigator,
 - (i) Manager, Litigation,
 - (j) Principal Legal Officer.

National Parks and Wildlife Amendment Regulation 2005

Schedule 1 Amendments

[22] Schedule 2 Penalty notice offences

Omit the matter relating to clause 7 (1) (c) and (i) of the *National Parks and Wildlife Regulation 2002*.

Insert instead, respectively:

Clause 7 (1) (c)	68
Clause 7 (1) (i)	152

[23] Schedule 2

Insert the following in appropriate order in the matter relating to the *National Parks and Wildlife Regulation 2002*:

Clause 4 (2) (h)	300
Clause 7 (1) (p)	152
Clause 12 (1A)	500
Clause 19 (1) (c1)	500

[24] Schedule 2

Omit the matter relating to clause 12 (1) (e) and (f) of the *National Parks and Wildlife Regulation 2002*.



New South Wales

Privacy and Personal Information Protection Regulation 2005

under the

Privacy and Personal Information Protection Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Privacy and Personal Information Protection Act 1998*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to remake, with the addition of a further clause and a subclause, the provisions of the *Privacy and Personal Information Protection Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) provides that certain information contained in archives or held by a library, art gallery, museum or the State Records Authority is not personal information for the purposes of the *Privacy and Personal Information Protection Act 1998*, and
- (b) exempts certain public sector agencies from the requirements under section 33 of the *Privacy and Personal Information Protection Act 1998* to prepare and implement a privacy management plan, and
- (c) provides that certain registers and rolls kept by the Registrar-General, the Valuer-General, the Attorney General and the Minister administering the *Water Management Act 2000* are exempt from the provisions of Part 6 of the *Privacy and Personal Information Protection Act 1998* relating to public registers, and
- (d) exempts the Law Society Council and the Council of the Bar Association from all of the provisions of the *Privacy and Personal Information Protection Act 1998*.

The additional subclause preserves an Order made under the *Privacy and Personal Information Protection Regulation 2000*.

Privacy and Personal Information Protection Regulation 2005

Explanatory note

This Regulation is made under the *Privacy and Personal Information Protection Act 1998*, including sections 4 (3) (k) (meaning of ***personal information***), 33 (regarding privacy management plans) and 71 (2) (b) (concerning the making of regulations exempting persons and agencies).

This Regulation comprises or relates to matters of a machinery nature.

Privacy and Personal Information Protection Regulation 2005

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Clause 1 Privacy and Personal Information Protection Regulation 2005

Privacy and Personal Information Protection Regulation 2005

under the

Privacy and Personal Information Protection Act 1998

1 Name of Regulation

This Regulation is the *Privacy and Personal Information Protection Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Privacy and Personal Information Protection 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:

the Act means the *Privacy and Personal Information Protection Act 1998*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Meaning of personal information

For the purposes of section 4 (3) (k) of the Act, the following information is not personal information:

- (a) information about an individual that is contained in a document kept in a library, art gallery or museum for the purposes of reference, study or exhibition,
- (b) information about an individual that is contained in a State record under the control of the State Records Authority that is available for public inspection in accordance with the *State Records Act 1998*,
- (c) information about an individual that is contained in archives within the meaning of the *Copyright Act 1968* of the Commonwealth.

5 Exemptions in relation to privacy management plans

- (1) A public sector agency (*the relevant agency*) is exempt from the provisions of section 33 of the Act if:
 - (a) the staff of the relevant agency are part of the staff of another public sector agency, or
 - (b) the Minister has, by order published in the Gazette, declared that the relevant agency is taken not to be a separate agency for the purposes of section 33 of the Act but is taken to be included in another public sector agency,and the privacy management plan of that other agency states that the plan extends to the relevant agency.
- (2) The *Privacy and Personal Information Protection (Privacy Management Plan Exemptions) Order 2002* published on 29 November 2002 in Gazette No 237 at page 10135 is taken to have been made under this clause and, accordingly, continues in force unless it is revoked by the Minister.

6 Exemptions in relation to public registers

- (1) The Registrar-General is exempt from the provisions of Part 6 of the Act with respect to the following public registers:
 - (a) the Register within the meaning of the *Real Property Act 1900* (that is, the Torrens Register) and any index that is kept by the Registrar-General in connection with that Register,
 - (b) the General Register of Deeds maintained under section 184C of the *Conveyancing Act 1919*,
 - (c) any index kept under section 198 of the *Conveyancing Act 1919*,
 - (d) the Central Register of Restrictions maintained under Part 24 of the *Conveyancing Act 1919*.
- (2) The Valuer-General is exempt from the provisions of Part 6 of the Act with respect to the Register of Land Values kept under the *Valuation of Land Act 1916*.
- (3) The Attorney General's Department is exempt from the provisions of Part 6 of the Act with respect to the register of justices of the peace kept under section 11 of the *Justices of the Peace Act 2002*.
- (4) The Minister administering the *Water Management Act 2000* is exempt from the provisions of Part 6 of the Act with respect to the Water Access Licence Register kept under section 71 of that Act and the register of approvals kept under section 113 of that Act.

Clause 7 Privacy and Personal Information Protection Regulation 2005

7 General exemption

The Council of the Law Society and the Council of the Bar Association are exempt from all of the provisions of the Act.



New South Wales

Trustee Companies Regulation 2005

under the

Trustee Companies Act 1964

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the provisions of the *Trustee Companies Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes the services for which management fees may be charged by trustee companies (clause 4 and Schedule 1), and
- (b) prescribes the form of financial statements that must be prepared by a trustee company under the *Trustee Companies Act 1964* (clause 5 and Form 1 of Schedule 2), and
- (c) prescribes the form of application and notice to be used in relation to certain share acquisitions (clause 6 and Form 2 of Schedule 2), and
- (d) prescribes the minimum amount of indemnity that must be maintained by certain trustee companies (clause 7).

This Regulation is made under the *Trustee Companies Act 1964*, including sections 19, 29D, 31A, 36A and 37 (the general regulation-making power).

This Regulation 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.

Trustee Companies Regulation 2005

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Trustee Companies Regulation 2005

Clause 1

Trustee Companies Regulation 2005

under the

Trustee Companies Act 1964

1 Name of Regulation

This Regulation is the *Trustee Companies Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Trustee Companies 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:
the Act means the *Trustee Companies Act 1964*.
- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 2.
- (3) Notes in this Regulation (other than in a Form) do not form part of this Regulation.

4 Services for which management fees may be charged

For the purposes of section 19 (1) of the Act, the services specified in Schedule 1 are prescribed as services in respect of which a trustee company is entitled to receive management fees.

5 Financial statement of trustee company

- (1) For the purposes of section 29D (1) of the Act, the prescribed form for a financial statement that a trustee company must prepare is Form 1.
- (2) For the purposes of section 29D (10) of the Act, the costs recoverable for any work undertaken by or on behalf of the Director-General of the Attorney General's Department to review a financial statement are to be calculated at a rate, and in a manner, to be determined by the Director-General of that Department.

Clause 6 Trustee Companies Regulation 2005

6 Share acquisitions

- (1) An application referred to in section 31A (3) (c) of the Act (application for the approval of the Minister to the acquisition of shares in a trustee company) is to be made in writing.
- (2) A notice referred to in section 31A (5) of the Act (notice to the Minister of the acquisition of shares in a trustee company) is to be in writing in Form 2 and signed by the person or persons who acquired the shares to which the notice relates.

7 Minimum amount of indemnities to be taken out by certain trustee companies

- (1) The object of this clause is to fix the minimum amount of indemnity to be maintained, whether by means of an insurance policy or a bank guarantee lodged with the Attorney General, by certain specified trustee companies.
- (2) For the purposes of section 36A (1) (a) and (b) of the Act, the amount prescribed:
 - (a) for Perpetual Trustees Australia Limited, is \$30 million, and
 - (b) for the Permanent Trustee Company Limited, is \$25 million, and
 - (c) for the Perpetual Trustee Company Limited, is \$25 million, and
 - (d) for National Australia Trustees Limited, is \$20 million, and
 - (e) for Guardian Trust Australia Limited, is \$20 million, and
 - (f) for the Trust Company of Australia Limited, is \$50 million.

8 Savings

Any act, matter or thing that had effect under the *Trustee Companies Regulation 2000*, immediately before its repeal, is taken to have effect under this Regulation.

Trustee Companies Regulation 2005

Services for which management fees may be charged

Schedule 1

Schedule 1 Services for which management fees may be charged

(Clause 4)

- 1 Administration or management of assets located interstate or overseas.
- 2 Inspection of and report on real or personal estate.
- 3 Arranging for and supervising repairs to real estate.
- 4 Valuation of assets.
- 5 Preparation and lodgment of returns for:
 - (a) income tax, or
 - (b) land tax, or
 - (c) death and estate duties (other than those required for the original grant of probate or letters of administration).
- 6 Furnishing information for the purpose of any proposed dealing with a beneficial interest or for registering a notice of charge or other dealing.
- 7 Rearrangements of transactions necessary as a result of requests or deeds entered into by the beneficiaries.
- 8 Engagement in litigation (other than litigation arising from any default or neglect by the trustee company).
- 9 Keeping books of accounts (including the preparation of balance sheets and profit and loss accounts) of any business, except where the trustee company also carries on the business.
- 10 Applying, in good faith, for a grant of probate or letters of administration if the application is not granted due to circumstances beyond the control of the trustee company.
- 11 Forming companies or restructuring existing companies for the benefit of existing beneficiaries.
- 12 Duties involved in joint tenancies.
- 13 Attendances outside the offices of a trustee company (other than those in connection with making inquiries for the purpose of applying for a grant of probate or letters of administration).
- 14 Inquiries for missing or unnamed beneficiaries.

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Trustee Companies Regulation 2005

Schedule 1 Services for which management fees may be charged

-
- 15** Passing of accounts with Registrar in Probate where the trustee company is acting as co-executor or co-administrator.
- 16** Collecting rent on behalf of an estate (not being an estate in respect of which the trustee company charges a commission under section 18 of the Act on the rent received on account of the estate).
- 17** Carrying on of a business which belongs wholly to an estate or in which an estate has an interest as partner.

Trustee Companies Regulation 2005

Forms

Schedule 2

Schedule 2 Forms

(Clause 3 (2))

Form 1 Financial statement by a trustee company

(Clause 5 (1))

(Trustee Companies Act 1964)

[Name] (“the company”)

in accordance with a resolution of the directors of the company, states:

- 1 That on [date] (Note 1)
 (referred to as “the balance date” in this Form):
- (a) The authorised capital of the company was \$ [amount] divided into [number] shares of \$ [amount] each.
 - (b) The issued capital was made up of [number] shares of \$ [amount] each paid to \$ [amount] per share.
 - (c) The total amount of paid up capital was \$ [amount]
 - (d) The uncalled capital being \$ [amount] per share and amounting to \$ [amount] was made up as follows:
 - (i) \$ [amount] per share amounting to \$ [amount] which may be called up at the discretion of the company, and
 - (ii) \$ [amount] per share amounting to \$ [amount] which can only be called up on and for the purpose of the winding up of the company (reserve liability).
 - (e) Calls to the amount of \$ [amount] per share amounting to \$ [amount] had been made but remained unpaid and the shares had not been forfeited.
 - (f) The net tangible assets of the company (ie the amount calculated by deducting total liabilities from total tangible assets) amounted to \$ [amount]
- 2 That the following loans were obtained from financial institutions other than banks and insurance companies during the period of 6 months preceding the balance date:

Name of institution	Amount of loan \$'000	Term of loan and maturity date	Interest rate	Security (if applicable)
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Trustee Companies Regulation 2005

Schedule 2 Forms

3 That the following contingent liabilities existed at the balance date (show the amounts where they can be quantified):

	Amount \$ '000
Guarantees of liabilities of related parties	
Guarantee of liabilities of other persons	
Other contingent liabilities (<i>Note 2</i>)	
Total	

4 That the guarantees of liabilities of related parties (*Note 3*) stated above were made up as follows:

Name of related party	Amount \$ '000
Total	

5 That the nature and amount of credit and standby facilities available to the company as at the balance date, a summary of the restrictions affecting those facilities and the duration of each of those facilities were as described below:

Nature of facility	Summary of restrictions	Duration	Amount of facility available to the company \$ '000	Amount of facility unused at balance date \$ '000
Total				

Trustee Companies Regulation 2005

Forms

Schedule 2

- 6 That the balance sheet as at [date] (Note 1) and the profit and loss account for the 6 months ended on that date were as follows:

Balance sheet as at [date]

Current assets	Amount \$ '000
Cash at bank and on hand	
Bills receivable:	
bank accepted or endorsed (Note 4)	
other (Note 4)	
Investments in and loans to related parties (Note 3):	
investments (Notes 4 and 5)	
loans:	
secured (Notes 4 and 10)	
unsecured (Note 4)	
Other loans and deposits (Note 6):	
secured (Notes 4 and 10)	
unsecured (Note 4)	
Government and semi-government securities (Note 7)	
Shares, units, options, debentures and convertible notes:	
listed on a prescribed stock exchange—market value (Notes 4, 5 and 8)	
not listed on a prescribed stock exchange (Notes 4, 5 and 8)	
Interests in partnerships, trusts and unincorporated joint ventures (Notes 4 and 9)	
Lease receivables (Note 4)	
Property held for resale (Note 4)	
Other current assets (Notes 2 and 4)	
Total current assets	

Trustee Companies Regulation 2005

Schedule 2 Forms

Non-current assets	Amount \$ '000
Bills receivable:	
bank accepted or endorsed (<i>Note 7</i>)	
other (<i>Note 7</i>)	
Investments in and loans to related parties (<i>Note 3</i>):	
investments (<i>Notes 5 and 7</i>)	
loans:	
secured (<i>Notes 7 and 10</i>)	
unsecured (<i>Note 7</i>)	
Other loans and deposits (<i>Note 6</i>):	
secured (<i>Notes 7 and 10</i>)	
unsecured (<i>Note 7</i>)	
Government and semi-government securities (<i>Note 7</i>)	
Shares, units, options, debentures and convertible notes:	
listed on a prescribed stock exchange—market value (<i>Notes 5, 7 and 8</i>)	
not listed on a prescribed stock exchange (<i>Notes 5, 7 and 8</i>)	
Interests in partnerships, trusts and unincorporated joint ventures (<i>Notes 7 and 9</i>)	
Lease receivables (<i>Note 7</i>)	
Property held for resale (<i>Note 7</i>)	
Intangible assets (<i>Notes 2 and 7</i>)	
Other non-current assets (<i>Notes 2 and 7</i>)	
Total non-current assets	
Total assets	

Trustee Companies Regulation 2005

Forms

Schedule 2

Current liabilities	Amount \$ '000
Bank overdrafts and bank loans:	
secured (<i>Note 10</i>)	
unsecured	
Loans from other financial institutions:	
secured (<i>Note 10</i>)	
unsecured	
Bills payable and liabilities under promissory notes	
Subordinated loans from related parties	
Clients' balances and deposits:	
secured (<i>Notes 2 and 10</i>)	
unsecured	
Trade creditors and accrued expenses	
Lease payables	
Provisions:	
income tax	
dividends	
other	
Deferred income (<i>Notes 2 and 11</i>)	
Other amounts payable:	
secured (<i>Notes 2 and 10</i>)	
unsecured (<i>Note 2</i>)	
Total current liabilities	

Non-current liabilities	Amount \$ '000
Bank overdrafts and bank loans:	

Trustee Companies Regulation 2005

Schedule 2 Forms

Non-current liabilities	Amount \$ '000
secured (<i>Note 10</i>)	
unsecured	
Loans from other financial institutions:	
secured (<i>Note 10</i>)	
unsecured	
Bills payable and liabilities under promissory notes	
Subordinated loans from related parties	
Clients' balances and deposits:	
secured (<i>Notes 2 and 10</i>)	
unsecured	
Lease payables	
Provisions:	
income tax	
other	
Deferred income (<i>Notes 2 and 11</i>)	
Other amounts payable:	
secured (<i>Notes 2 and 10</i>)	
unsecured (<i>Note 2</i>)	
Total non-current liabilities	
Total liabilities	
Net assets/shareholders' funds (Total assets less total liabilities)	
Less: intangible assets	
Net tangible assets	

Trustee Companies Regulation 2005

Forms

Schedule 2

Profit and loss account for the 6 month period ended	Amount \$ '000
<i>(Note 1)</i>	
Operating profit (loss)	
Income tax	
Operating profit (loss) after income tax	
Profit (loss) on extraordinary items after income tax	
Subordinated loans from related parties	
Net profit (loss)	

- 7 That, in the opinion of the directors who have passed the resolution in accordance with which this Statement is made, the balance sheet and the profit and loss account of the company have been drawn up so as to give a true and fair view of the state of affairs of the company as at [date] (*Note 1*) and the profit or loss of the company for the period ended on that date.
- 8 That the classification of assets and liabilities and the valuation of assets in the balance sheet are based upon the company's intentions at the balance date as to the use or disposal of those assets and the repayment of liabilities.
- 9 That, in the opinion of the directors who have passed the resolution in accordance with which this Statement is made, at the date of this Statement there are reasonable grounds to believe that the company will be able to pay its debts as and when they fall due.
- 10 That during the period of 6 months preceding the balance date:
 There had been the following significant changes in the nature of the principal activities of the company (*Note 12*) [*state changes*]:
 The following items, transactions or events of a material and unusual nature affected the results of the company's operations (*Note 13*):
 The provisions of the *Trustee Companies Act 1964* and of the *Trustee Companies Regulation 2000* or the *Trustee Companies Regulation 2005* in respect of the investment of money held by the company on trust had been complied with.
 The company had complied with all other requirements of the *Trustee Companies Act 1964* and of the *Trustee Companies Regulation 2000* or the *Trustee Companies Regulation 2005*.
- 11 That the following matters or circumstances have arisen since the balance date and have significantly affected or may significantly affect:
- (a) the operations of the company, or
 - (b) the results of those operations, or

Trustee Companies Regulation 2005

Schedule 2 Forms

-
- (c) the state of affairs of the company,
in subsequent periods (*Note 13*) [*list matters or circumstances*]:

Date:

Signed:

Signature:

Name:

Position: Director

Date:

Signed:

Signature:

Name:

Position: Director

Definitions

- 1 ***Current assets*** means cash or other assets which would in the normal course of business be consumed or converted into cash within 12 months after the balance date.
- 2 ***Current liabilities*** means liabilities which in the normal course of business would be due and payable within 12 months after the balance date.
- 3 ***Non-current assets*** means assets other than current assets.
- 4 ***Non-current liabilities*** means liabilities other than current liabilities.

Notes

- 1 Show the date of the last day of the 6 month period.
- 2 Provide details of major components if the total amount is material.
- 3 ***Related party*** includes:
 - (a) a related corporation,
 - (b) a director of, an executive officer of, or a secretary of, the reporting company or of a related corporation, their relatives and companies controlled by them, and any unincorporated association (including trading trust) where a material beneficial interest is held by those parties or any combination of those parties,
 - (c) any party which can significantly influence the management or operating policies of the reporting company,
 - (d) any party whose management or operating policies are able to be significantly influenced by the reporting company or a director, executive officer or secretary of the reporting company, and
 - (e) any party whose management or operating policies are able to be significantly influenced by a third party which is in a position to exercise a similar influence on the reporting company.

Trustee Companies Regulation 2005

Forms

Schedule 2

Unincorporated association means an unincorporated joint venture, partnership, trust or any other form of unincorporated association.

- 4** State at lower of cost and net realisable value.
- 5** Indicate types of investments by broad categories.
- 6** Includes mortgages.
- 7** State at cost or valuation less amounts written off or provided for depreciation or permanent diminution in value.
- 8** ***Prescribed stock exchange*** means the Australian Stock Exchange Limited
- 9** Indicate the nature and extent of the interests by broad categories.
- 10** Indicate the nature and extent of security by broad categories.
- 11** Any unearned income is not to be included in any estimate of the gross amount of any class of debts unless the amount of unearned income so included is shown as a deduction from the estimate of the gross amount of the class of debts concerned.
- 12** If no change, insert "nil".
- 13** If no effect, insert "nil".

Form 2 Notice of acquisition of shares in a trustee company

(Trustee Companies Act 1964)

(Clause 6 (2))

To the Minister administering the *Trustee Companies Act 1964*:

Notice is given for the purposes of section 31A (5) of the Act of the acquisition of shares in a trustee company, as follows:

Name of trustee company:

Name of person or persons who acquired shares:

Percentage entitlement of the person or persons to shares in the company before the acquisition:

Percentage entitlement of the person or persons to shares in the company after the acquisition:

Name of person or persons from whom shares acquired:

Date shares acquired:

Signed (by the person or persons who acquired the shares):

Date of this notice:



New South Wales

Trustee Regulation 2005

under the

Trustee Act 1925

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Trustee Act 1925*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the provisions of the *Trustee Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) provides guidance to trustees with respect to the investment of trust funds where the value of the funds subject to the trust does not exceed \$50,000 (clause 4), and
- (b) prescribes certain bodies as approved insurers for the purposes of insuring repayment of loans secured by property (clause 5), and
- (c) prescribes certain persons as agents for receiving payments and giving receipts in connection with the execution of trusts and the administration of estates (clause 6).

This Regulation is made under the *Trustee Act 1925*, in particular sections 14DB (Guidelines for trustees), 18 (Ratio of loan to value), 53 (Employment of agents) and 104A (the general regulation-making power).

This Regulation comprises 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.

Trustee Regulation 2005

Contents

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1 Name of Regulation	3
2 Commencement	3
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6 Prescribed agents for receipts and payments	4
7 Savings	4

Trustee Regulation 2005

Clause 1

Trustee Regulation 2005

under the

Trustee Act 1925

1 Name of Regulation

This Regulation is the *Trustee Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Trustee Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Trustee Act 1925*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Guidelines for trustees

(1) The object of this clause is to provide guidance to trustees with respect to the investment of trust funds where the value of the funds subject to the trust does not exceed \$50,000.

(2) The following investments are investments that a trustee might reasonably consider appropriate for the investment of trust funds:

- (a) any public funds or Government stock or Government securities of the Commonwealth or any State,
- (b) any debentures or securities guaranteed by the Government of New South Wales,
- (c) any debentures or securities:
 - (i) issued by a public or local authority, or a statutory body representing the Crown, constituted by or under any law of the Commonwealth, or of any State or Territory, and
 - (ii) guaranteed by the Commonwealth, any State or the Northern Territory,
- (d) any debentures or securities issued by the Northern Territory and guaranteed by the Commonwealth,

Clause 5 Trustee Regulation 2005

- (e) interest-bearing deposits in a bank,
- (f) any deposit with, withdrawable shares in, or loan of money to, an authorised deposit-taking institution.

Note. The obligations of a trustee are set out in section 14A of the Act, in other sections of the Act and in other rules and principles of law and equity. A trustee does not comply with the requirements of section 14A of the Act merely by investing trust funds in accordance with the guidelines set out in this clause. See, in particular, section 14DB (2) of the Act.

5 Prescribed insurers

For the purposes of section 18 (3) of the Act, the following corporations are prescribed insurers:

A.F.G. Insurances Limited
PMI Mortgage Insurance Ltd
PMI Indemnity Limited
GIO General Limited
ANZ Lenders Mortgage Insurance Pty Ltd
GE Mortgage Insurance Company Pty Limited
Vero Lenders Mortgage Insurance Limited

Note. A trustee is not chargeable with a breach of trust arising from loans made on the security of property so long as the requirements of section 18 are complied with. One of the requirements is that the amount of a loan must not exceed two-thirds of the value of the property unless repayment of the loan is insured by a prescribed insurer, in which case the amount of the loan is not to exceed 95 per cent of the value. The effect of this clause is to prescribe insurers for that purpose.

6 Prescribed agents for receipts and payments

For the purposes of section 53 (4) of the Act, the following are prescribed persons and classes of persons:

Austraclear Limited
Museum of Contemporary Art Limited
Public Trustee
trustee companies

Note. The effect of this clause is to enable trustees to employ specified persons to act on their behalf in the receipt and payment of money. Under section 53 (4) of the Act, banks, solicitors, stockbrokers and real estate agents may also be employed for that purpose.

7 Savings

Any act, matter or thing that, immediately before the repeal of the *Trustee Regulation 2000*, had effect under that Regulation continues to have effect under this Regulation.

OFFICIAL NOTICES**Appointments**

The Cabinet Office, Sydney
10 August 2005

CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon GA McBride MP, Minister for Gaming and Racing, and Minister for the Central Coast, to act for and on behalf of the Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business, as on and from 10 August 2005, with a view to him performing the duties of the Honourable DA Campbell MP, during his absence from duty.

MORRIS IEMMA,
Premier

The Cabinet Office, Sydney
10 August 2005

CONSTITUTION ACT, 1902

Ministerial arrangements during the absence of the Attorney General, Minister for the Environment, and Minister for the Arts

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable D Beamer, MP, Minister for Western Sydney, Minister for Fair Trading, and Minister Assisting the Minister for Commerce, to act for and on behalf of the Minister for the Environment, as on and from 22 August 2005, with a view to her performing the duties of the Honourable RJ Debus MP, during his absence from duty.

MORRIS IEMMA,
Premier

Department of Infrastructure, Planning and Natural Resources

Infrastructure and Planning



New South Wales

Bellingen Local Environmental Plan 2003 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G03/00136/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Bellingen Local Environmental Plan 2003 (Amendment No 6)

Bellingen Local Environmental Plan 2003 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Bellingen Local Environmental Plan 2003 (Amendment No 6)*.

2 Aims of plan

This plan aims, having regard to the *Bellingen Shire Industrial Land Strategy*:

- (a) to rezone part of the land to which this plan applies from Zone No 2 (b) (the Village Area Zone) to Zone No 4 (the Industrial Zone) under *Bellingen Local Environmental Plan 2003 (the 2003 plan)*, and
- (b) to rezone the remaining land from Zone No 4 (the Industrial Zone) to Zone No 1 (a1) (the Agricultural Protection Zone) under the 2003 plan.

3 Land to which plan applies

- (1) To the extent that this plan rezones land to Zone No 4, it applies to land in the vicinity of Bielsdown River and Railway and Wattle Streets and Bielsdown River and Vine Street, Dorrigo, as shown edged heavy black and lettered "4" on the map marked "Bellingen Local Environmental Plan 2003 (Amendment No 6)" deposited in the office of Bellingen Shire Council.
- (2) To the extent that this plan rezones land to Zone No 1 (a1), it applies to land fronting Wheatley Street and North Bank Road near McCristal Drive, Bellingen, as shown edged heavy black and lettered "1 (a1)" on that map.

Bellingen Local Environmental Plan 2003 (Amendment No 6)

Clause 4

4 Amendment of Bellingen Local Environmental Plan 2003

Bellingen Local Environmental Plan 2003 is amended by inserting in appropriate order in the definition of *the map* in the Dictionary the following words:

Bellingen Local Environmental Plan 2003 (Amendment No 6)



New South Wales

Gosford Local Environmental Plan No 451

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (C03/00005/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Gosford Local Environmental Plan No 451

Gosford Local Environmental Plan No 451

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Gosford Local Environmental Plan No 451*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies to Zone No 2 (a) Residential under the *Gosford Planning Scheme Ordinance* so as to rationalise the residential zone boundary of the land.

3 Land to which plan applies

This plan applies to Lots 68 and 69, DP 212256, Turpentine Street, Wyoming and part of Lot 1, DP 230152, Maidens Brush Road, Wyoming, as shown coloured light scarlet, edged heavy black and lettered "2 (a)" on the map marked "Gosford Local Environmental Plan No 451" deposited in the office of the Council of the City of Gosford.

4 Amendment of Gosford Planning Scheme Ordinance

The *Gosford Planning Scheme Ordinance* is amended by inserting in appropriate order in the definition of ***Scheme map*** in clause 3 (1) the following words:

Gosford Local Environmental Plan No 451



New South Wales

Lismore Local Environmental Plan 2000 (Amendment No 19)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G94/00272/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Lismore Local Environmental Plan 2000 (Amendment No 19)

Lismore Local Environmental Plan 2000 (Amendment No 19)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Lismore Local Environmental Plan 2000 (Amendment No 19)*.

2 Aims of plan

This plan aims to amend the *Lismore Local Environmental Plan 2000* to enable village development in accordance with the *Lismore Village Development Strategy*.

3 Land to which plan applies

This plan applies to Lot 1, DP 263257, being Dougan Road, Caniaba.

4 Amendment of Lismore Local Environmental Plan 2000

Lismore Local Environmental Plan 2000 is amended as set out in Schedule 1.

Lismore Local Environmental Plan 2000 (Amendment No 19)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Schedule 4 Additional development on certain land

Insert at the end of Schedule 4:

<p>Lot 1, DP 263257, Dougan Road, Caniaba</p>	<p>Subdivision to create 2 lots and a residue lot</p>	<p>Consent must not be granted unless arrangements satisfactory to the Council exist for the construction of a roundabout at the intersection of Dougan Road and Caniaba Road at no cost to the Council</p> <p>Dougan Road is to be upgraded to a 6 metre seal on 8 metre formation from the intersection with Caniaba Road to a suitable access point to proposed Lot 3 prior to the release of the subdivision certificate</p> <p><i>The Vegetation Rehabilitation Plan</i> prepared by PLACE Environmental dated July 2004, a copy of which is available at the office of the Council, is to be implemented prior to the release of the subdivision certificate</p>
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New South Wales

Mosman Local Environmental Plan 1998 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S02/01214/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Mosman Local Environmental Plan 1998 (Amendment No 21)

Mosman Local Environmental Plan 1998 (Amendment No 21)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Mosman Local Environmental Plan 1998 (Amendment No 21)*.

2 Aims of plan

The aims of this plan are to amend the *Mosman Local Environmental Plan 1998*:

- (a) to enable a tree preservation order to prohibit root pruning, and
- (b) to require the Council, when assessing an application for consent to the use of premises as a brothel, to consider the distance between the premises and any residential development, and
- (c) to amend certain mapping anomalies relating to the foreshore building line, and
- (d) to amend certain mapping anomalies relating to heritage items, and
- (e) to replace the definition of *tree*, and
- (f) to amend certain mapping anomalies relating to zoning, and
- (g) to vary the list of heritage items.

3 Land to which plan applies

This plan applies:

- (a) in relation to the matter set out in clause 2 (a), (b) and (e)—to all land to which the *Mosman Local Environmental Plan 1998* applies, and
- (b) in relation to the matter set out in clause 2 (c)—to 8 Hopetoun Avenue, 1–11 Raglan Street, 1, 2, 4, 6 and 22A Musgrave Street and 10 McLeod Street, and
- (c) in relation to the matter set out in clause 2 (d)—to Lot 1, DP 848503, and

Mosman Local Environmental Plan 1998 (Amendment No 21)

Clause 4

-
- (d) in relation to the matter set out in clause 2 (f)—to Avenue Road, and
 - (e) in relation to the matter set out in clause 2 (g)—to 65 Parriwi Road, 49 Prince Street, 4 Glover Street and 70A Vista Street.

4 Amendment of Mosman Local Environmental Plan 1998

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

Mosman Local Environmental Plan 1998 (Amendment No 21)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 How are trees preserved?

Insert “root pruning,” after “pruning,” in clause 9 (2).

[2] Clause 20 Brothels

Insert “residential development,” after “community facility,” in clause 20 (1) (a).

[3] Schedule 1 Definitions

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

Mosman Local Environmental Plan 1998 (Amendment No 21)—
Sheets 1–4

[4] Schedule 1, definition of “heritage conservation map”

Insert in appropriate order:

Mosman Local Environmental Plan 1998 (Amendment No 21)—
Sheets 5–8

[5] Schedule 1

Insert in alphabetical order:

root pruning means cutting or severing a tree root that is larger
than 75 millimetres in diameter.

[6] Schedule 1, definition of “tree”

Omit the definition. Insert instead:

tree means a perennial plant with at least one self-supporting
woody or fibrous stem.

[7] Schedule 1, definition of “zoning map”

Insert in appropriate order:

Mosman Local Environmental Plan 1998 (Amendment No 21)—
Sheet 9

Mosman Local Environmental Plan 1998 (Amendment No 21)

Amendments

Schedule 1

[8] Schedule 2 Heritage items

Insert in alphabetical and numerical order of street name and number in Columns 1, 2, 3, 4 and 5, respectively:

Glover Street	4	Lot C, DP 300401	Front fence	Local
Parrivi Road	65	Lot 17, DP 71366	House	State

[9] Schedule 2

Omit the matter relating to 49A Prince Street from Columns 1, 2, 3, 4 and 5.

Insert instead:

Prince Street	49 and 49A	Lots 1 and 2, DP 590014	House (divided into 2 dwellings)	Local
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[10] Schedule 2

Omit the matter relating to 70A Vista Street from Columns 1, 2, 3, 4 and 5.



New South Wales

Pittwater Local Environmental Plan 1993 (Amendment No 76)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (SRE0000060/S69)

FRANK SARTOR, M.P.,
Minister for Planning

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

Pittwater Local Environmental Plan 1993 (Amendment No 76)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

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

2 Aims of plan

This plan aims:

- (a) to rezone the land to which this plan applies from Zone No 5 (a) (Special Uses "A") (Public Building) to Zone No 2 (a) (Residential "A") under *Pittwater Local Environmental Plan 1993*, and
- (b) to allow, with the consent of Pittwater Council, the erection of multi-unit housing on the land.

3 Land to which plan applies

This plan applies to land within the local government area of Pittwater, being Lot 5, DP 10548, and known as 289 Barrenjoey Road, Newport, as shown edged heavy black on Sheet 1 of the map marked "Pittwater Local Environmental Plan 1993 (Amendment No 76)" deposited in the office of Pittwater Council.

4 Amendment of Pittwater Local Environmental Plan 1993

Pittwater Local Environmental Plan 1993 is amended as set out in Schedule 1.

Pittwater Local Environmental Plan 1993 (Amendment No 76)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

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

Pittwater Local Environmental Plan 1993 (Amendment No 76)—
Sheet 2

[2] Clause 21M Definitions

Insert in appropriate order in the definition of *multi-unit housing map*:

Pittwater Local Environmental Plan 1993 (Amendment No 76)—
Sheet 3



New South Wales

Port Stephens Local Environmental Plan 2000 (Amendment No 19)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N00/00174/PC)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Port Stephens Local Environmental Plan 2000 (Amendment No 19)

Port Stephens Local Environmental Plan 2000 (Amendment No 19)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 19)*.

2 Aims of plan

This plan aims to amend *Port Stephens Local Environmental Plan 2000*:

- (a) to introduce minimum site area provisions for part of the land to which this plan applies so as to increase residential densities around and within the Pacific Dunes Golf Course, and
- (b) to rezone part of the land from partly Zone No 1 (c4) (the Rural Small Holdings "C4" Zone), partly Zone No 6 (c) (the Special Recreation "C" Zone) and partly Zone No 7 (a) (the Environment Protection "A" Zone) to partly Zone No 1 (c4) (the Rural Small Holdings "C4" Zone), partly Zone No 1 (c5) (the Rural Small Holdings "C5" Zone), partly Zone No 6 (c) (the Special Recreation "C" Zone) and partly Zone No 7 (a) (the Environment Protection "A" Zone) to respond to the land characteristics and facilitate residential subdivision and development, and
- (c) to rezone the southern part of the land from Zone No 7 (c) (the Environment Protection "C" (Water Catchment) Zone) to Zone No 6 (c) (the Special Recreation "C" Zone) so as to consolidate the golf course development into one appropriate zone.

3 Land to which plan applies

- (1) In respect of the aim referred to in clause 2 (a), this plan applies to land in the local government area of Port Stephens, within and in the vicinity of the Pacific Dunes Golf Course, Medowie Road and South Street, Medowie, as shown edged heavy black and lettered "Fairway Lots" or "Hillside Lots" on the map marked "Pacific Dunes Residential Area" deposited in the office of the Council of Port Stephens.

Port Stephens Local Environmental Plan 2000 (Amendment No 19)

Clause 4

-
- (2) In respect of the aims referred to in clause 2 (b) and (c), this plan applies to land in the local government area of Port Stephens, being Lot 3, DP 1040349, Medowie Road and part of Lot 713, DP 1077195, South Street, Medowie, as shown distinctively coloured and lettered “1 (c4)”, “1 (c5)”, “6 (c)” or “7 (a)” on the map marked “Port Stephens Local Environmental Plan 2000 (Amendment No 19)” deposited in the office of the Council of Port Stephens.

4 Amendment of Port Stephens Local Environmental Plan 2000

Port Stephens Local Environmental Plan 2000 is amended as set out in Schedule 1.

Port Stephens Local Environmental Plan 2000 (Amendment No 19)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 54A

Omit the clause. Insert instead:

54A Development of land—Medowie Road and South Street, Medowie (Pacific Dunes)

- (1) This clause applies to land within and in the vicinity of the Pacific Dunes Golf Course, Medowie Road and South Street, Medowie, as shown edged heavy black and lettered “Fairway Lots” or “Hillside Lots” on the map marked “Pacific Dunes Residential Area”.
- (2) Despite any other provision of this plan, consent must not be granted to the subdivision of, or the erection of a dwelling-house on, the land to which this clause applies, unless:
 - (a) each lot to be created on so much of the land shown edged heavy black and lettered “Fairway Lots” has a minimum area of 600 square metres, and
 - (b) each lot to be created on so much of the land shown edged heavy black and lettered “Hillside Lots” has a minimum area of 900 square metres, and
 - (c) the proposed dwelling-houses will comply with the provisions of this plan relating to development on land within Zone No 2 (a).

[2] Dictionary

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

Port Stephens Local Environmental Plan 2000 (Amendment No 19)



New South Wales

Queanbeyan Local Environmental Plan 1998 (Amendment No 40)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q03/00227/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Queanbeyan Local Environmental Plan 1998 (Amendment No 40)

Queanbeyan Local Environmental Plan 1998 (Amendment No 40)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Queanbeyan Local Environmental Plan 1998 (Amendment No 40)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies from Zone 7 (b) the Environmental Protection B zone to Zone 7 (a) the Environmental Protection A zone under *Queanbeyan Local Environmental Plan 1998*, and
- (b) to allow, with the consent of the Council of the City of Greater Queanbeyan, the carrying out of development on the remaining land for the purposes of a restaurant, reception centre, commercial premises and educational establishment (not involving overnight accommodation).

3 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies to land at Mount Jerrabomberra, as shown edged heavy black and lettered "7 (a)" on the map marked "Queanbeyan Local Environmental Plan 1998 (Amendment No 40)" deposited in the office of the Council of the City of Greater Queanbeyan.
- (2) To the extent that this plan allows certain additional land uses on the remaining land, it applies to land known as 80 Morisset Street, Queanbeyan, being Lot 3, DP 835901.

4 Amendment of environmental planning instruments

Queanbeyan Local Environmental Plan 1998 is amended in the manner set out in Schedule 1.

Queanbeyan Local Environmental Plan 1998 (Amendment No 40)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 11 Exceptions to the general development control clauses

Insert after clause 11 (v):

- (w) Lot 3, DP 835901 or 80 Morisset Street, Queanbeyan
- restaurant, reception centre, commercial premises and educational establishment (not involving overnight accommodation).

[2] Schedule 1 Dictionary

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

Queanbeyan Local Environmental Plan 1998 (Amendment No 40)



New South Wales

Scone Local Environmental Plan 1986 (Amendment No 61)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (NEW0000038/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Scone Local Environmental Plan 1986 (Amendment No 61)

Scone Local Environmental Plan 1986 (Amendment No 61)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Scone Local Environmental Plan 1986 (Amendment No 61)*.

2 Aims of plan

This plan aims to allow, with the consent of the Upper Hunter Shire Council, the carrying out of development on the land to which this plan applies for the purpose of a veterinary clinic and ancillary uses.

3 Land to which plan applies

This plan applies to Lots 2–4, DP 1041230, adjacent to the New England Highway, near the Township of Scone, as shown edged heavy black on the map marked “Scone Local Environmental Plan 1986 (Amendment No 61)” deposited in the Scone office of the Upper Hunter Shire Council.

4 Amendment of Scone Local Environmental Plan 1986

Scone Local Environmental Plan 1986 is amended by inserting at the end of Schedule 6 in Columns 1 and 2, respectively, the following words:

Veterinary clinic and ancillary uses.	Lots 2–4, DP 1041230, adjacent to the New England Highway, near the Township of Scone, as shown edged heavy black on the map marked “Scone Local Environmental Plan 1986 (Amendment No 61)”.
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New South Wales

Shoalhaven Local Environmental Plan 1985 (Amendment No 226)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (WOL2000521/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Shoalhaven Local Environmental Plan 1985 (Amendment No 226)

Shoalhaven Local Environmental Plan 1985 (Amendment No 226)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No 226)*.

2 Aims of plan

This plan aims:

- (a) to rezone part of the land to which this plan applies, being land in the Ulladulla commercial area, from Zone No 5 (a) (the Special Uses "A" Zone) to Zone No 3 (a) (the Business "A" (Retail) Zone) under *Shoalhaven Local Environmental Plan 1985 (the 1985 plan)*, and
- (b) to rezone the remaining land, being land in the Huskisson commercial area, from partly Zone No 5 (a) (the Special Uses "A" Zone) and partly Zone No 5 (c) (the Special Uses "C" (Reservation) Zone) to Zone No 3 (f) (the Business "F" (Village) Zone) under the 1985 plan, and
- (c) to ensure the adequate provision of car parking for, and service vehicle access to, that land and the adjoining land.

3 Land to which plan applies

This plan applies to land situated in the City of Shoalhaven, being:

- (a) Lot 1, DP 792523, Lot 11, DP 791198, Lot 2, DP 717433, part of Lot 12, Section 2, DP 759018, part of SP 69933 and part of Lot 10, DP 791198, at Ulladulla, as shown edged heavy black and lettered "3 (a)" on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No 226)" deposited in the office of the Council of the City of Shoalhaven, and
- (b) Lot B, DP 348180 and Lots 1 and 23, DP 7169, at Huskisson, as shown edged heavy black and lettered "3 (f)" on that map.

Shoalhaven Local Environmental Plan 1985 (Amendment No 226)

Clause 4

4 Amendment of Shoalhaven Local Environmental Plan 1985

Shoalhaven Local Environmental Plan 1985 is amended as set out in Schedule 1.

Shoalhaven Local Environmental Plan 1985 (Amendment No 226)

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Interpretation

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

Shoalhaven Local Environmental Plan 1985 (Amendment No 226)

[2] Clause 20BA

Insert after clause 20B:

20BA Development of land in the Ulladulla and Huskisson commercial areas

- (1) This clause applies to:
 - (a) land in the Ulladulla commercial area, being Lot 1, DP 792523, Lot 11, DP 791198, Lot 2, DP 717433, part of Lot 12, Section 2, DP 759018, part of SP 69933 and part of Lot 10, DP 791198, as shown edged heavy black and lettered "3 (a)" on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No 226)", and
 - (b) land in the Huskisson commercial area, being Lot B, DP 348180 and Lots 1 and 23, DP 7169, as shown edged heavy black and lettered "3 (f)" on that map.
- (2) Despite any other provision of this plan, the Council must not consent to the carrying out of development on the land to which this clause applies unless it is satisfied that the proposed development adequately addresses car parking for, and service vehicle access to, that land and the adjoining land.



New South Wales

Wollongong Local Environmental Plan 1990 (Amendment No 222)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (W95/00109/S69)

FRANK SARTOR, M.P.,
Minister for Planning

Clause 1 Wollongong Local Environmental Plan 1990 (Amendment No 222)

Wollongong Local Environmental Plan 1990 (Amendment No 222)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Wollongong Local Environmental Plan 1990 (Amendment No 222)*.

2 Aim of plan

The aim of this plan is to amend *Wollongong Local Environmental Plan 1990* so as to include in the list of heritage items various lots as heritage items, archaeological sites or potential archaeological sites of local, regional or State significance and to remove from the list certain heritage items which have been demolished, or properties which have been incorrectly identified.

3 Land to which plan applies

This plan applies to land situated in the City of Wollongong, being various lots in the City of Wollongong, as shown edged heavy black on the map marked "City of Wollongong Local Environmental Plan 1990 (Amendment No 222)" deposited in the office of the Council of the City of Wollongong.

4 Amendment of Wollongong Local Environmental Plan 1990

Wollongong Local Environmental Plan 1990 is amended as set out in Schedule 1.

Wollongong Local Environmental Plan 1990 (Amendment No 222)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Definitions

Insert at the end of the definition of *heritage map* in clause 6 (1):

City of Wollongong Local Environmental Plan 1990 (Amendment No 222)

[2] Schedule 1 Items of heritage significance

Insert in Part 1 under the heading "OTFORD" before the matter "B House Station Road, opposite Primary School":

B	Former Railway Cottage	42 Lady Carrington Road
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[3] Schedule 1

Omit in Part 1 the heading "STANWELL PARK". Insert instead:

STANWELL PARK/STANWELL TOPS

[4] Schedule 1

Insert in Part 1 under the heading "STANWELL PARK/STANWELL TOPS" before the matter "B House 57 The Drive":

L	Former Garden of Peace	Cnr Longview Crescent and Stonehaven Road
B	St George's Anglican Church	54 Stanwell Avenue

[5] Schedule 1

Omit from Part 1 under the heading "STANWELL PARK/STANWELL TOPS":

B	St George's Anglican Church	50 Stanwell Avenue
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Wollongong Local Environmental Plan 1990 (Amendment No 222)

Schedule 1 Amendments

[6] Schedule 1

Insert in Part 1 under the heading "AUSTINMER" before "B War Memorial Austinmer Main Beach":

B	The Outlook	14 Oceana Parade
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[7] Schedule 1

Insert in Part 1 under the heading "THIRROUL" before "L Small Leafed Fig Lawrence Hargrave Drive":

L	Fig Tree	Hewitts Avenue
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[8] Schedule 1

Omit from Part 1 under the heading "BULLI":

B	Former General Store	206 Princes Highway
B	Former Shire Council Chambers	328 Princes Highway

[9] Schedule 1

Insert in Part 1 under the heading "WOONONA" before "B Woonona Post Office 430 Princes Highway":

B	Ivycliff	16 Mitchell Road
B	Woonona Uniting Church	444-446 Princes Highway
B	Former Vista Theatre	335-339 Princes Highway

[10] Schedule 1

Insert in Part 1 under the heading "FAIRY MEADOW/BALGOWNIE/MT OUSLEY" before "B Street Front Shop 135 Balgownie Road, Balgownie":

B, L	Balgownie Hotel	141-43 Balgownie Road, Balgownie
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Wollongong Local Environmental Plan 1990 (Amendment No 222)

Amendments

Schedule 1

[11] Schedule 1

Omit from Part 1 under the heading “FAIRY MEADOW/BALGOWNIE/MT OUSLEY”:

B	Miners Cottage	105 Balgownie Road, Balgownie
L	Gardens	6 Kembla Street, Balgownie

[12] Schedule 1

Omit from Part 1 under the heading “WOLLONGONG/CONISTON/MANGERTON/KEIRAVILLE/FIGTREE”:

B	House and Grounds	32 Church Street
B	House	15 Corrimal Street
B	Shop	174 Keira Street

[13] Schedule 1

Insert in Part 1 under the heading “WOLLONGONG/CONISTON/MANGERTON/KEIRAVILLE/FIGTREE” before “L Moreton Bay Fig Princes Highway, Figtree”:

L	Fig Tree	Cnr Arter and Goodbury Streets, Figtree
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[14] Schedule 1

Insert in Part 1 under the heading “MT KEMBLA” before “B Mt Kembla Hotel Cordeaux Road”:

B	Mount Kembla (Julian’s) Hall	2 Benjamin Road
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[15] Schedule 1

Omit from Part 1 the heading “PORT KEMBLA/BERKELEY/PRIMBEE/WARRAWONG”.

Insert instead:

PORT KEMBLA/BERKELEY/PRIMBEE/WARRAWONG/LAKE HEIGHTS

Wollongong Local Environmental Plan 1990 (Amendment No 222)

Schedule 1 Amendments

[16] Schedule 1

Insert in Part 1 under the heading "PORT KEMBLA/BERKELEY/PRIMBEE/WARRAWONG/LAKE HEIGHTS" before "B Former N.E.S. Hall Keira Street, Port Kembla":

B Saint Kliment Ohridski, Macedonian Orthodox Church 58–60 Keira Street, Port Kembla

[17] Schedule 1

Insert in Part 1 under the heading "PORT KEMBLA/BERKELEY/PRIMBEE/WARRAWONG/LAKE HEIGHTS" before "L Rainforest Remnants Berkeley Hills, both sides of Berkeley Road":

L Fig Tree 8–10 Grandview Parade, Lake Heights

L Fig Tree Reserve cnr James Avenue and Korungulla Avenue, Primbee

[18] Schedule 1

Omit from Part 1 under the heading "UNANDERRA":

B House 183 Princes Highway

[19] Schedule 1

Insert in Part 1 before the heading "WEST DAPTO/WONGAWILLI/DAPTO":

KOONAWARRA/MOUNT BROWN/KANAHOOKA

B Memorial wall, Dapto War Memorial Olympic Swimming Pool Bangaroo Avenue Mount Brown

B Military Bunker Part Lot 4, DP 541796

Wollongong Local Environmental Plan 1990 (Amendment No 222)

Amendments

Schedule 1

[20] Schedule 1

Insert in Part 1 under the heading “WEST DAPTO/WONGAWILLI/DAPTO” before “B House “Coral Vale” Smiths Lane, Wongawilli”:

A	Bong Bong Pass	End of Bong Bong Road, West Dapto
B	Reed Park Gates	Bong Bong Road, Dapto
L	Cabbage Palms	Wongawilli Road, Wongawilli
L	Fig Trees	Wongawilli Road, Wongawilli

[21] Schedule 1

Insert in Part 1 under the heading “DAPTO CENTRAL” before “B House 13 Marshall Street, Dapto”:

B	Former Fairley’s Building	1–11 Bong Bong Road
B	Dapto Hotel	102–110 Princes Highway
B	Former Crystal Clothing Factory	14–16 Marshall Street
B	Cleveland Road Rail Bridge	Cleveland Road
L	Bunya Pine	93–97 Princes Highway
L	Bunya Pine	Uniting Church, 126–128 Princes Highway

[22] Schedule 1

Insert in Part 1 under the heading “CLEVELAND, AVONDALE AND MARSHALL MOUNT ROADS, WEST DAPTO” before “B House “Glen Avon” Cleveland Road”:

B	Marshall Mount Progress Association Hall	Marshall Mount Road
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[23] Schedule 1

Insert in Part 2 under the heading “GARRAWARRA” after “B Residential Houses Garrawarra Hospital R”:

A, L	Cemetery	Old Princes Highway, Garrawarra Hospital	R
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Wollongong Local Environmental Plan 1990 (Amendment No 222)

Schedule 1 Amendments

[24] Schedule 1

Insert in Part 2 under the heading “OTFORD/ROYAL NATIONAL PARK” before “A Otford Tunnel Between Stanwell Park/Otford on disused railway line S”:

B Former Station Masters House 40 Lady Carrington Road, Otford R

[25] Schedule 1

Insert in Part 2 under the heading “THIRROUL” before “B Thirroul Railway Station Railway Parade R”:

B Thirroul Baths Precinct Bath Street R

[26] Schedule 1

Insert in Part 2 under the heading “BULLI/WOONONA” before “B Bulli Police Station and Court House 329–331 Princes Highway, Bulli R”:

B Former Shire Council Chambers 328 Princes Highway, Bulli R

[27] Schedule 1

Omit from Part 2 the heading “MT OUSLEY”. Insert instead:

MT OUSLEY/FAIRY MEADOW**[28] Schedule 1**

Insert in Part 2 under the heading “MT OUSLEY/FAIRY MEADOW” after “B House 9 Macarthur Avenue R”:

B Former North Illawarra Council Chambers 182 Princes Highway, Fairy Meadow R

[29] Schedule 1

Insert in Part 2 under the heading “WOLLONGONG” before “B Lighthouse Flagstaff Hill S”:

P Flagstaff Hill Flagstaff Hill, Wollongong R

Wollongong Local Environmental Plan 1990 (Amendment No 222)

Amendments

Schedule 1

[30] Schedule 1

Omit from Part 2 under the heading “WOLLONGONG”:

B	Surf Pavilion	North Beach, off Cliff Road	R
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[31] Schedule 1

Insert in Part 2 under the heading “WOLLONGONG” before “B Old Court House Cnr Cliff Road and Harbour Street S”:

P	Puckey’s Experimental Works, Lahiff Salt Works	North Beach, Wollongong	R
B	North Beach Surf Club	North Beach, Wollongong	S
B	North Beach Kiosk and Residence	North Beach, Wollongong	S
B	North Beach Pavilion	North Beach, Wollongong	S
B	Seafield House and Graduation Works/Experimental Salt Works	Puckey’s Estate, Wollongong	R

[32] Schedule 1

Insert in Part 2 under the heading “WOLLONGONG” before “B Terrace Houses 46–56 Campbell Street R”:

A	Former Cemetery	Pioneer Park, Bank Street, Wollongong	R
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[33] Schedule 1

Insert in Part 2 under the heading “WOLLONGONG” before “B Illawarra Historical Society Museum (former Wollongong East Post Office) Cnr Market Street and Queens Parade, Wollongong East R”:

B	Sandstone Kerbing	Market Street, Wollongong	R
B	WWII Air Raid Shelter	11 Market Street, Wollongong	R

Wollongong Local Environmental Plan 1990 (Amendment No 222)

Schedule 1 Amendments

[34] Schedule 1

Insert in Part 2 under the heading "MOUNT KEMBLA" before "A Mine Air Shaft East of Harry Graham Drive R":

B	Stables/Pit Pony Stables	Harry Graham Drive, Mount Kembla	R
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[35] Schedule 1

Insert in Part 2 under the heading "PORT KEMBLA/WARRAWONG/PRIMBEE" before "B Gun Emplacement connected and isolated concrete bunkers Illowra Battery, Hill 60, Boilers Point, Port Kembla R":

B	Brick Chimney	Port Kembla Copper, Military Road, Port Kembla	R
B, A and L	Hill 60	Hill 60, Fisherman's Beach, Boilers Point and MM Beach	S

[36] Schedule 1

Insert in Part 2 under the heading "KANAHOOKA" before "A Former Dapto Smelter Kanahooka Road R":

A	Smelter Rail Route	Lots 1 and 3, DP 546902	R
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[37] Schedule 1

Insert in Part 2 under the heading "WEST DAPTO/WONGAWILLI/KEMBLA GRANGE" before "B "Stream Hill" house, barn, dairy, feedshed and their associated curtilage Sheaffes Road, West Dapto R":

B, A	Hillside Farm	Sheaffes Road, West Dapto	R
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ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Notice of delegation under section 23 of the Environmental Planning and Assessment Act 1979

THE Director-General of the Department of Infrastructure, Planning and Natural Resources gives notice of the delegation of all powers and functions relating to the issuing of certificates referred to in clause 164A(1) of the Environmental Planning and Assessment Regulation 2000 to the Director, Sustainability Unit of the Department of Infrastructure, Planning and Natural Resources.

JENNIFER WESTACOTT,
Director-General
Department of Infrastructure, Planning and Natural Resources

Natural Resources

WATER ACT 1912

Volumetric Water Allocation Scheme
Section 20Z of the Water Act 1912

THE Water Administration Ministerial Corporation notifies entitlement holders (licences, authorities, group licences) that the Peel Regulated River water source is unlikely to have sufficient water available to meet the requirements of general security entitlements. Accordingly, water allocations for general security entitlements will be reduced to 10% as from 12 August 2005 until a further notification varying this notification is published.

Dated this 12th day of August 2005.

Signed for the Water Administration Ministerial Corporation: GA2472222

RANDALL HART,
Regional Director,
Barwon Region,

Department of Infrastructure, Planning
and Natural Resources
(by delegation)

WATER ACT 1912

APPLICATION for a license under Part 2 of the Water Act 1912 being within a Proclaimed (declared) Local Area under section 5 (4) of the Act.

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

Lachlan River Valley

Trevor Harold Hargrave for a bywash dam in the catchment of Emu Creek on Lots 57, 58, 59 and 60, DP 754578, Parish of Brundah, County of Montegale for conservation of water for stock and domestic purposes. (New licence – existing dam) (GA2:466384) (Ref: 70SL091047)

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

VIV RUSSELL,
Resource Access Manager

Department of Infrastructure, Planning
and Natural Resources
Central West Region
PO Box 136
Forbes NSW 2871

WATER ACT 1912

Groundwater Allocation – Peel Valley Groundwater
Management Area Sub-zone 1 Alluvium
Section 117E of the Water Act 1912

THE Water Administration Ministerial Corporation notifies groundwater entitlement holders that the Peel Valley Groundwater Sub-zone 1 Alluvium is unlikely to have sufficient water available to meet the requirements of persons authorised by law to take water from this water source or to meet other requirements for water previously determined by the Ministerial Corporation

Accordingly, except as provided for hereunder, all groundwater allocations will be reduced to 35% as from 12 August 2005 until a further notification varying this notification is published.

This reduction does not apply to the allocations under entitlements for town water supply and stock and domestic purposes.

Dated this 12th day of August 2005.

Signed for the Water Administration Ministerial Corporation: GA2472223

RANDALL HART,
Regional Director,
Barwon Region

Department of Infrastructure, Planning
and Natural Resources
(by delegation)

WATER ACT 1912

ORDER UNDER SECTION 117E

Ground Water Allocations for 2005 / 2006 Water Year
Lower Murrumbidgee Water Shortage Zone

THE Water Administration Ministerial Corporation, pursuant to section 117E of the Water Act 1912, being satisfied that the Water Shortage Zone, as referred to and shown as the Lower Murrumbidgee Groundwater Management Area, in Schedule 2 is unlikely to have more water available than is sufficient to meet the requirements of the Licensees of bores situated within the Water Shortage Zone and such other possible requirements from the Water Shortage Zone as are determined by the Ministerial Corporation, by this Order, hereby restricts the entitlement of licensees within that Zone to take and use water obtained by such bores. In particular, this Order reduces each licensee's water allocation for the whole 2005/2006 Water Year in the manner described in Schedule 1. This Order shall have effect from the date of publication hereof to 30 June 2006. This order applies to all bores other than bores for Stock, Domestic, Town Water Supply, Industrial, and Recreation Purposes. Bores obtaining their water supply from a depth no greater than 20 metres, and are located within an area of high water table will have access to 100 percent entitlement.

Signed for the Water Administration Ministerial Corporation

Dated this 1st day of August 2005.

DAVID HARRISS,
Regional Director, Murray-Murrumbidgee

Department of Infrastructure, Planning
and Natural Resources.

Schedule 1

Individual allocations are limited to the LESSER of:

- maximum annual usage recorded during the period from July 1995 to June 2002, OR
- the zonal allocation limits given in the table below.

Zonal Allocation Limits for Groundwater Irrigators

Refer to Schedule 2 for the coverage of each Zone

Zone	Zone Description	% Allocation
01	Euroley	95
02	Darlington Pt	95
03	Carrathool-Hay	90
04	Conargo	90
05	Urana	100
06	Hay-Balranald	100
07	CIA	95
08	MIA	95
09	Wah Wah – Booligal	100
10	Lowbidgee	100

Those users with maximum recorded usage of less than 51 per cent of entitlement will not be constrained by the prior usage level, but will have access to a 51 per cent announced allocation.

SCHEDULE 2

All the area of lands bounded by the heavy line on the diagram hereunder:

Lower Murrumbidgee Groundwater Management Area.



Department of Lands

ARMIDALE OFFICE

108 Faulkner Street, Armidale NSW 2350

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

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

COLUMN 1

Gary Joseph
GOLDMAN
(new member)

COLUMN 2

Bundarra
Showground
Trust

COLUMN 3

Dedication No. 510031
Public Purpose: Public
Recreation
Showground
Notified: 5 September 1909
File Reference: AE81R8/3

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

SCHEDULE

GOULBURN OFFICE

159 Auburn Street (PO Box 748), Goulburn NSW 2580

Phone: (02) 4828 6725 Fax: (02) 4828 6730

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

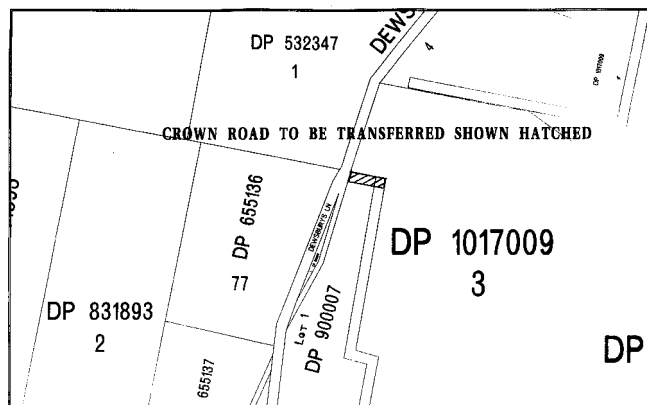
SCHEDULE 1

*Parish – Mullengullenga; County – Argyle
Land District – Goulburn; Shire – Goulburn Mulwaree*

Description: Crown road on far north boundary of Lot 1, DP 900007 as shown hatched on diagram below

SCHEDULE 2

Roads Authority: Goulburn Mulwaree Council (Council's Ref: 24/1/1091). Reference: GB05 H 110:jk



ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

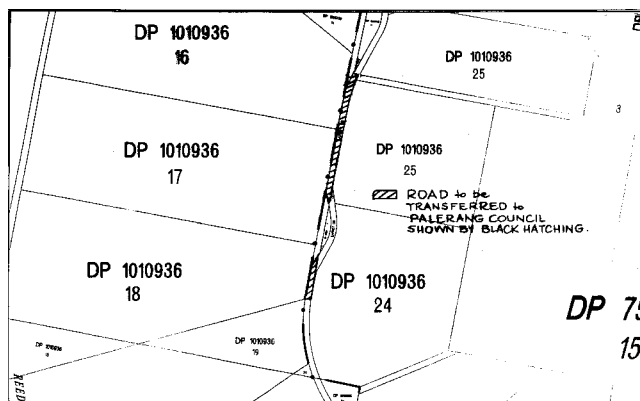
SCHEDULE 1

*Parish – Barnet and Merigan; County – Murray
Land District – Braidwood; Shire – Palerang*

Description: Part Crown road west of Lots 24 and 25, DP 1010936 as shown hatched in diagram below.

SCHEDULE 2

Roads Authority: Palerang Council (Council's Ref: W P Ellison – DOW 26_2005). Reference: GB05 H 108



APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Scott CAMPEY (new member)	Lade Vale Recreation Reserve Trust	Reserve No. 64120 Public Purpose: Public Recreation Notified: 25 August 1933 File Reference: GB82 R 37

For a term commencing the date of this notice and expiring 13 May 2009.

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

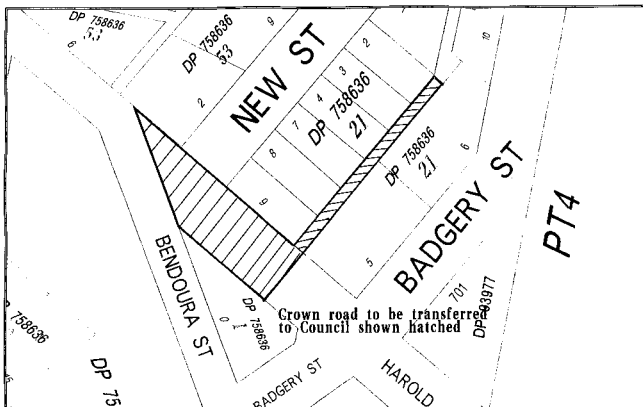
SCHEDULE 1

*Parish – Elrington; County – St Vincent
Land District – Braidwood; Shire – Palerang
Town – Major’s Creek*

Description: Crown road, part of Harold Street and laneway in Section 21, DP 758636 as shown hatched on diagram below

SCHEDULE 2

Roads Authority: Palerang Council (Council’s Ref: 2004/DEV-000151). Reference: GB 05 H 274



ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

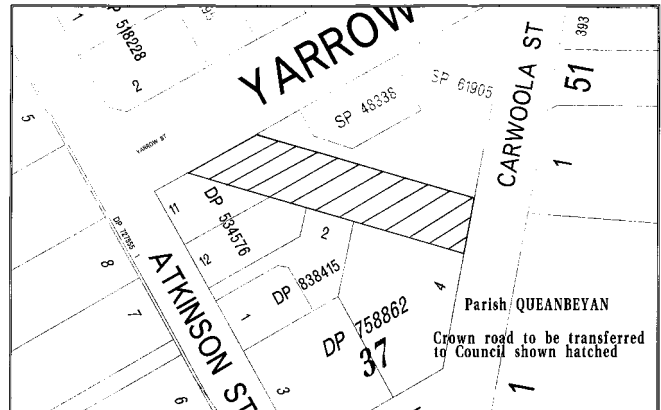
SCHEDULE 1

*Parish – Queanbeyan; County – Murray
Land District – Queanbeyan
Shire – Queanbeyan City Council; City – Queanbeyan*

Description: Crown road located within Section 37, DP 758862 as shown hatched on diagram below

SCHEDULE 2

Roads Authority: Queanbeyan City Council (Council’s Ref: SF030311 – E0367/05EV mb). Reference: GB05 H 364



ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

*Parish and Town – Bowning; County – Harden
Land District – Yass; Shire – Yass Valley*

Description: Crown road known as Luther Street south of lots 7, 11, 12, 13 and 14, Section 8, DP 758149.

SCHEDULE 2

Roads Authority: Yass Valley Council (Council’s Ref: PR.002966.B). Reference: GB05 H 207

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

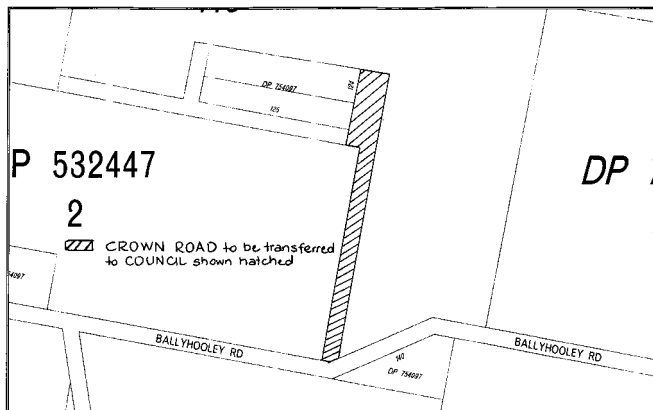
SCHEDULE 1

*Parish – Alton; County – King
Land District – Boorowa; Shire – Boorowa
Locality – Frogmore*

Description: Crown road providing access to Frogmore cemetery as shown hatched on Diagram below

SCHEDULE 2

Roads Authority: Boorowa Council (Council's Ref: 11.1.3). Reference: GB05 H 363: jk

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

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

*Parish – Googong; County – Murray
Land District – Queanbeyan;
Shire – Queanbeyan City Council; City – Queanbeyan*

Description: Crown road 20 metre x 20 metre within the north western corner of Lot 2, DP 808393.

SCHEDULE 2

Roads Authority: Queanbeyan City Council (Council's Ref: 545-2003). Reference: GB05 H 365:jk

RESERVATION OF CROWN LAND

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

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

SCHEDULE**COLUMN 1**

Land District: Young
Local Government Area:
Young Shire Council
Locality: Young
Lot 2323, D.P. 754611, Parish
Young, County Montegale
Area: 4.249ha
File Reference: GB01 R 18

COLUMN 2

Reserve No. 1010928
Public Purpose: Public
Recreation

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

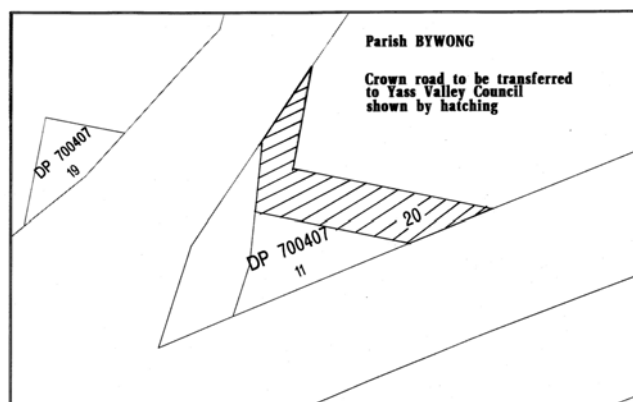
SCHEDULE 1

*Parish – Bywong; County – Murray
Land District – Queanbeyan; Shire – Yass Valley Council*

Description: Crown road part of Lot 20, DP 700407 as shown hatched in diagram below.

SCHEDULE 2

Roads Authority: Yass Valley Council (Council's Ref: EG.00375 – 767). Reference: GB05 H 367:jk



ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Young Temora Road Recreation Reserve Trust	Reserve No. 1010928 Public Purpose: Public Recreation Notified: This Day File Reference: GB01 R 18

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

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Young Shire Council	Young Temora Road Recreation Reserve Trust	Reserve No. 1010928 Public Purpose: Public Recreation Notified: This Day File Reference: GB01 R 18

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

IN pursuance of the provisions of Section 151 of the Act, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

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

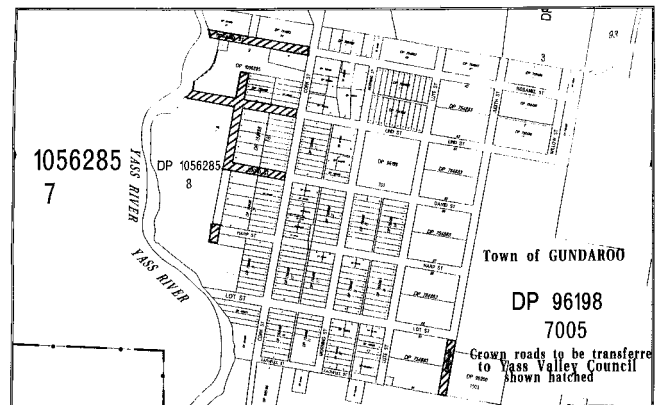
SCHEDULE 1

*Parish and Town – Gundaroo; County – Murray
Land District – Queanbeyan; Shire – Yass Valley*

Description: Crown roads within the town of Gundaroo as shown hatched on attached diagram and include part Rosamel Street, Lind Street, Gundaroo Terrace, David Street and Judith Street.

SCHEDULE 2

Roads Authority: Yass Valley Council (Council's Ref: EG.00375 – 768). Reference: GB05 H 366



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

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Phillip Thomas FOGARTY	Lot 490 Reserve Trust	Reserve No. 1002202 Public Purpose: Tourist Facilities and Services Notified: 6 November 1998 File Reference: GF04 R 19

For a term commencing
4 September 2005 and
expiring 3 March 2006.

NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

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

Description

Land District – Grafton; Shire – Clarence Valley Council

Road closed: Lot 1, DP 1083897, at Gulmarrad, Parish Gulmarrad, County Clarence. File No.: GF02 H 323.

Note: On closing, the land within lot 1 DP 1083897 remains vested in the State of New South Wales as Crown land.

ADDITION TO RESERVED CROWN LAND

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land District: Lismore Local Government Area: Ballina Shire Council Locality: Wardell Lot 3, DP 921060, Parish Bingal, County Rous Area: 1948m ² File Reference: GF05 R 20/1	Reserve No. 1239 Public Purpose: Public Recreation Notified: 3 December 1884 Lot 75, DP 728641, Parish Bingal, County Rous New Area: 5362m ²

**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

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Ballina Shire Council	Wardell Recreation Reserve Trust	Reserve No. 1239 Public Purpose: Public Recreation Notified: 3 December 1884 File Ref.: GF05 R 80/1

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Wardell Recreation Reserve Trust	Reserve No. 1239 Public Purpose: Public Recreation Notified: 3 December 1884 File Ref.: GF05 R 80/1

**REVOCATION OF RESERVATION OF
CROWN LAND**

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land District: Bellingen Local Government Area: Bellingen Shire Council Locality: Bellingen Reserve No. 30812 Public Purpose: Preservation of Native Flora, Public Recreation Notified: 11 April 1900 Lot 168, DP 755557, Lot 595, DP 728265, Lot 165, DP 755557, Lot 166, DP 755557, Lot 605, DP 1066291, Lot 606, DP 1066291, Parish South Bellingen, County Raleigh File Reference: GF81 R 86/1	The part being Lot 605, DP 1066291, Parish South Bellingen, County Raleigh of an area of 5381m ²

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

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

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

SCHEDULE
COLUMN 1

Land District: Deniliquin
Local Government Area:
Jerilderie Shire Council
Locality: Jerilderie
Lot 7034, DP 1084860 #,
Parish Jerilderie South,
County Urana
Area: 106ha
File Reference: HY80 H 398

COLUMN 2

Reserve No. 1010748
Public Purpose: Community
Purposes

Disclaimer: # Please note that the above Lot numbers marked # are for Departmental use only.

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

Jerilderie Council Crown
Reserves Reserve Trust

COLUMN 2

Reserve No. 1010748
Public Purpose: Community
Purposes
Notified: This Day
File Reference: HY80 H 398

MAITLAND OFFICE**Cnr Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4934 2280 Fax: (02) 4934 2252****REVOCATION FOR RESERVATION OF CROWN LAND**

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

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

SCHEDULE
COLUMN 1

Land District: Singleton
Local Government Area:
Singleton
Locality: Warkworth
Reserve No: 97817
Public Purpose: For
Travelling Stock
Notified: 14 June 1985
File Reference: MD98 H 49

COLUMN 2

The part being within:
Lot 2, DP 1086834
Parish: Warkworth
County: Northumberland
Area: 925.2 square metres

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, at the Eurobodalla Shire Council Chambers, Vulcan Street, Moruya and at the Batemans Bay Post Office, 7 Orient Street, Batemans Bay during normal business hours.

Representations are invited on the draft assessment. These may be made in writing for a period commencing from 12 August, 2005 and ending 23 September, 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.P.,
Minister for Lands

Description

*Land District – Batemans Bay; LGA – Eurobodalla Shire
Parish – Goba; County – St Vincent*

CROWN land at Lattas Point and Budd Island, Batemans Bay comprising: Lots 122 to 150, DP 45807; Lots 152 and 154, DP 45807; Lot 7003, DP 1023833; Lot 161, DP 821428; Crown Public Road; and unreserved and unsurveyed Crown land.

Crown Lands generally located at Lattas Point, Budd Island and submerged lands adjoining these areas, on the southern shore of Clyde River at Batemans Bay. File Ref: NA04 H 287.

ROADS ACT 1993**Order**

Transfer of a Crown Road to a Council

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

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

Description

*Land District – Bega; Council – Bega Valley Shire
Parish – Pambula; County – Auckland*

SCHEDULE 1

The Crown public road separating Lot 922, DP 814701 from Lot 924, DP 835605 and Lot 9251, DP 1005090 and also within Lot 9251, DP 1005090 (aforesaid). Crown Reference: NA05 H 168.

SCHEDULE 2

Roads Authority: Bega Valley Shire Council – Ref 04.0213.

**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.

Locality: Wapengo

Parish: Wapengo

County: Dampier

Local Government Area: Bega

Land District: Bega

*Map Sheet/Ortho photo: Murrah (8924-IV-N)
1:25,000*

*General Location: Eastern edge of Wapengo Lake
adjacent to "Irvinbank".*

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, at the counter of the Bega Library, Zingel Place, Bega, at the counter of the Bermagui Library, Young Street, Bermagui and at the Bega and Bermagui Post Offices during normal business hours.

Representations are invited on the draft assessment. These may be made in writing for a period commencing from 12 August 2005 and ending 23 September 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.P.,
Minister for Lands

Description

*Land District – Moruya
Local Government Area – Bega Valley Shire
Parish – Wapengo; County – Dampier*

Crown land at Wapengo comprising Lots 22-25, DP 45767, Lot 26, DP 704694 and Lot 27, DP 821441, and adjacent Crown land; being lands generally located opposite the "Irvinbank" property at Wapengo. File Ref: NA05 H 209.

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

ADDITION TO RESERVED CROWN LAND

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land District: Bathurst	Reserve No. 190102
Local Government Area: Bathurst Regional Council	Public Purpose: Government Purposes
Locality: Bathurst	Notified: 21 August 1992
Lot PT 279, DP 823425, Parish Bathurst, County Bathurst	Lot PT 279, D.P. No. 823425, Parish Bathurst, County Bathurst
Area: 1.512ha	New Area: 1.634ha
File Ref.: OE80 H 2773/2	

WITHDRAWAL OF LAND FROM LEASE/LICENCE FOR A PUBLIC PURPOSE

PURSUANT to section 136 of the Crown Lands Act 1989, the land specified in Schedule 1 hereunder, is withdrawn from the lease/licence specified in Schedule 2, for the public purpose specified in Schedule 3. File No.: OE82 H 2773/2.

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

SCHEDULE 1

That part of Lot 279, DP 823425 formerly known as Lot 252, DP 750357.

SCHEDULE 2

The whole of Special Lease 1978/2 Bathurst for the purpose of Erection of Buildings with an area of 1.512ha comprised in Folio Identifier 279/823425.

SCHEDULE 3

Government Purposes

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

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Golden West Race Club Incorporated Dedication No. 590065 Public Purpose: Public Recreation Racecourse Notified: 23 October 1959 File Reference: OE80R52/2		Bathurst Racecourse Trust

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

<i>COLUMN 1</i>	<i>COLUMN 2</i>	<i>COLUMN 3</i>
Golden West Race Club Incorporated Dedication No. 590136 Public Purpose: Racecourse Notified: 1 July 1873 Dedication No. 590050 Public Purpose: Racecourse Notified: 1 July 1873 File Reference: OE80R52/2		Orange Racecourse Trust

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

Land District and LGA – Blayney

Road closed: Lot 1, DP 1084154 at Limestone Creek, Parish Hampton, County Bathurst. File Reference: OE02 H 294.

Note: On closing the land remains vested in the Crown as Crown land.

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

ROADS ACT 1993

ORDER

Transfer of a Crown Road to Council

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

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

SCHEDULE 1

Land District – Metropolitan
Local Government Area – Liverpool
Parish – St Luke; County – Cumberland

- The part of Secant Street, Liverpool, from the intersection of Campbell and Castlereagh Streets to Bathurst Street.
- The part of Bathurst Street, Liverpool, from Campbell Street to Elizabeth Drive.
- Unnamed laneway connecting Castlereagh Street and Bathurst Street, between Secant Street and Elizabeth Drive, Liverpool.
- Unnamed laneway along the southern side of SP 71830 connecting Macquarie Street and George Street, Liverpool.
- Unnamed laneway connecting Campbell Street to SP 71391 and Lot 1, DP 25642 and between Bigge Street and Goulburn Street, Liverpool.
- Forbes Lane connecting Forbes Street and Drummond Street, Warwick Farm.
- Drummond Lane connecting Forbes Street and Drummond Street, Warwick Farm.
- Lachlan Lane connecting Remembrance Avenue and Lachlan Street, Warwick Farm.
- Hart Lane connecting Drummond Street and Hart Street, Warwick Farm.
- The part of Homepride Avenue, Liverpool from Hume Highway extending north for 60 metres.
- Unnamed laneway connecting Bull Street to Stroud Avenue and between National Street and Munday Street, Warwick Farm.
- Unnamed laneway connecting Stroud Avenue to Hope Street and between National Street and Munday Street, Warwick Farm.

SCHEDULE 2

Roads Authority: Liverpool City Council
 File No.: MN05H93
 Council's Reference No.: 2005/0083

ERRATUM

IN the notifications appearing in the *Government Gazette* of the 29 July, 2005, folio 3965 under the heading "Establishment of Reserve Trust" in Column 1 of the Schedules delete the words "Elvina Bay North (R1010814) Reserve Trust" and insert the words "Eastern Wharf (R1010814) Reserve Trust" in lieu thereof. MN98 H 13.

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

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****ADDITION TO RESERVED CROWN LAND**

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land District: Gunnedah	Reserve No. 8167
L.G.A.: Gunnedah	Public Purpose: Camping
Locality: Gunnedah	Notified: 5 January 1889
Lots 7 and 8, DP 841781	Lots 7043 and 7023,
Lot 2, DP 717413	DP 1050873
Parish: Gunnedah	Parish: Gunnedah
County: Pottinger	County: Pottinger
Area: 7.324 ha	New Area: 72.784 ha
File No.: TH92 H 161	

TAREE OFFICE**102-112 Victoria Street (PO Box 440), Taree NSW 2430****Phone: (02) 6552 2788 Fax: (02) 6552 2816****REVOCATION OF RESERVATION OF CROWN LAND**

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Land District: Port Macquarie	The part being
Local Government Area: Port Macquarie-Hastings Council	Lot 58, DP 48119
Reserve No: 54758	Parish: Burrawan
Public Purpose: Travelling Stock	County: Macquarie
Notified: 12 August 1921	
Lot 58, DP 48119	
Lot 7001, DP 754403#	
Parish: Burrawan	
County: Macquarie	
File Ref: TE97 H 183	
Disclaimer: Please note that the above Lot number marked # is for Departmental use only.	

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

<i>COLUMN 1</i>	<i>COLUMN 2</i>
Grassy Head Nursery Reserve (R97671) Trust	Reserve No: 97671
	Public Purpose: Soil Conservation Service Depot Site
	Notified: 1 February 1985
	File Ref: TE80 R 43

Department of Primary Industries

Agriculture

POULTRY MEAT INDUSTRY ACT 1986

Price Order No. 40

THE Poultry Meat Industry Committee, pursuant to Sections 6(c) and 10 of the Poultry Meat Industry Act 1986, has determined on 7 February 2004 and 18 March 2005, the base rates for the following classes of batch poultry to be paid by processors to growers for designated poultry, namely chickens of the species [*Gallus gallus*] which are not more than 18 weeks old, and turkeys of the species [*Meleagris gallopavo*] from 1 January 2005, being the base rate adjustment date from which this order has effect, being base rates as follows, based on the requirements of Section 10(4) of the Act.

Bartter Enterprises Pty Ltd:

Bartter turkey conventional shed class of batch poultry:
\$2.27 per bird

Rural Funds Management Ltd (RFM) Griffith class of batch poultry:

\$53.25 per m2 per annum

ProTen Griffith tunnel shed class of batch poultry:

\$54.86 per m2 per annum

Bartter conventional shed class of batch poultry:

53.37 cents per bird

Bartter conventional shed class of batch poultry Corn-fed:

57.25 cents per bird

Sunnybrand Chickens Pty Ltd:

Tunnel shed class of batch poultry:

54.7 cents per bird

Baiada Poultry Pty Limited:

Sydney conventional shed class of batch poultry:

52.75 cents per bird

Sydney tunnel shed class of batch poultry:

53.75 cents per bird

Tamworth conventional shed class of batch poultry:

52.0 cents per bird

Tamworth tunnel shed class of batch poultry:

52.0 cents per bird

ProTen Tamworth class of batch poultry:

\$56.25 per m2 per annum

Cordina Chicken Farms Pty Ltd/Summertime Chicken Pty Ltd:

Conventional shed class of batch poultry:

53.5 cents per bird

Tunnel shed class of batch poultry:

54.75 cents per bird

Red Lea Chickens Pty Ltd:

Conventional shed class of batch poultry:

54.25 cents per bird

Tunnel shed class of batch poultry:

55.25 cents per bird

Inghams Enterprises Pty Ltd:

Northern conventional shed class of batch poultry:

56.0 cents per bird

Southern tunnel shed class of batch poultry:

55.25 cents per bird

Turkey standard facilities class of batch poultry:

\$38.74 per m2 per annum, plus a gas allowance of \$1.293 per m2 per batch, and litter allowance of \$2.757 per m2 per batch

Turkey improved facilities class of batch poultry:

\$42.00 per m2 per annum, plus a gas allowance of \$1.293 per m2 per batch, and a litter allowance of \$2.757 per m2 per batch.

S CARROLL,
Chairman, PMIC

5 April 2005

DRUG MISUSE AND TRAFFICKING ACT 1985

Appointment of persons to give certificates

I, BARRY DESMOND BUFFIER, Director-General of the Department of Primary Industries, pursuant to Section 43(5) of the Drug Misuse and Trafficking Act 1985, hereby:

revoke the previous instrument made under this section on 9 February 2005 and published in Government Gazette No. 26 dated 18 February 2005.

appoint the persons named in the Schedule hereunder as persons to give certificates for the purposes of the section.

Schedule

LOCATION	NAME
ALBURY	Eryn John Stinson KNOBEL
ALSTONVILLE	Ian Alexander GERRARD
ARMIDALE	Philip John BLACKMORE
ARMIDALE	Philip GARDNER
ARMIDALE	Francis John TANNER
BATHURST	Nicholas Osborne ANNAND
BATHURST	Bruce William CLEMENTS
BATHURST	Adrian John Arthur LYNCH
BATHURST	Bernard Joseph McMULLEN
BEGA	Richard Edward JENNINGS
BERRY	Kerry Ann ALLAN
BERRY	Brian Phillip HERRING
BERRY	Amanda Lee MATHER
BERRY	John William O'CONNOR
BERRY	Elizabeth YEATMAN
BROKEN HILL	Jeffrey William Alexander EVANS
CAMDEN	Lawrence ULLIO
COBAKI	Maxwell Brian McLEOD
COFFS HARBOUR	Anne WEBSTER
CONDOBOLIN	Nathan Luke BORDER
COOMA	Luke Christopher POPE
COONABARABRAN	Bryan Allan MATHEWS
COONABARABRAN	Klara Jane SCHULZE
COONAMBLE	Janet Louise WILKINS
COOTAMUNDRA	Philip Ian BOWDEN
COWRA	Jan Margaret EDWARDS
DARETON	Robert Edgar DAVIDSON
DARETON	Steven Giuseppe FALIVENE

DARETON	Graeme Thomas McINTOSH	PATERSON (TOCAL)	David Willem BROUWER
DENILQUIN	Alexandra Louise MURRAY	PATERSON (TOCAL)	David DEANE
DUBBO	Gary Stephen GRIMSHAW	PATERSON (TOCAL)	Neil William GRIFFITHS
DUBBO	Peter John GRAY	PATERSON (TOCAL)	Danny Allen NORRIS
DUBBO	Kathryn Allison HERTEL	PATERSON (TOCAL)	Genevieve Patricia LEONARD
DUBBO	Ross Ean TAYLOR	PATERSON (TOCAL)	Rodney Gordon NASH
FINLEY	Matthew Leonard McRAE	PATERSON (TOCAL)	Wayne Travers POWELL
FLEMINGTON	Kamal Habib BASTA	QUEANBEYAN	Michael James KEYS
FLEMINGTON	Emma Jane KELLY	RICHMOND	Ashley Arthur SENN
FLEMINGTON	Ala SAMARA	RICHMOND	Bill YIASOUMI
FLEMINGTON	Pablo Leonardo VAZQUEZ	RICHMOND	Peter Thomas GORHAM
FLEMINGTON	Darren George Eric WATERSON	RICHMOND	Robert Bruce BOWMAN
FORBES	Kenneth Gaig MOTLEY	SCONE	Jacinta Lesley CHRISTIE
GLEN INNES	Jeffrey Clifford LOWIEN	SCONE	Scott Edward GOODWORTH
GOULBURN	Francis Dale CHALKER	SYDNEY	James Alexander MURISON
GOULBURN	Paul John ANDERSON	TAMWORTH	Mark Andrew BRENNAN
GOULBURN	Wayne Bruce HAIGH	TAMWORTH	Paul Michael CARBERRY
GRAFTON	Troy Arnold CAMPBELL	TAMWORTH	Royce Hendrik HOLTkamp
GRAFTON	David Vaughan McIVER	TAMWORTH	Alan Joseph MAGUIRE
GRAFTON	Phillip David STEPHENSON	TAMWORTH	Lester Hugh McCORMICK
GRAFTON	Rodney Peter ENSBEY	TAMWORTH	Andrew Malcolm STORRIE
GRIFFITH	Barry John HASKINS	TAMWORTH	Bruce Ashley TERRILL
GRIFFITH	Brett Simon KERRUIH	TAREE	Peter James BEALE
GRIFFITH	David Neil PATTERSON	TEMORA	Peter William MATTHEWS
GRIFFITH	Robert James YOUNG	TUMUT	Brett UPJOHN
GUNNEDAH	Robert Douglas FREEBAIRN	TUMUT	Peter Lionel TRELOAR
GUNNEDAH	Michael Gordon RANKMORE	WAGGA WAGGA	Kenneth Guy Carlyle McMULLEN
GUNNEDAH	Loretta Maree SERAFIN	WAGGA WAGGA	Adrian Shannon Stinson KNOBEL
HAY	Andrew James SCHIPP	WAGGA WAGGA	Nigel James PHILLIPS
HAY	Dean Hilary WHITEHEAD	WALGETT	James Andrew FLEMING
INVERELL	Barry Robert McGUFFICKE	WELLINGTON	Gregory James BROOKE
KYOGLE	Kerry Charles MOORE	WEST WYALONG	James Arthur BOYCE
MOREE	Russell William CARTY	WEST WYALONG	Robert Bruce THOMPSON
MOREE	Nathan John FERGUSON	YANCO	Daryl Francis COOPER
MUDGEE	Jenene Margaret KIDSTON	YANCO	John Michael LACY
MUDGEE	Brett James LITTLER	YANCO	Anthony John NAPIER
MUDGEE	Peter John PROCTOR	YANCO	Maryanne NOLAN
MUDGEE	Richard Norman PLUMMER	YANCO	Terry David RAFFERTY
MULLUMBIMBY	Terrence John GRANT	YANCO	Stephen John Murray
MURWILLUMBAH	Arthur Allan AKEHURST	YANCO	SUTHERLAND
MURWILLUMBAH	James Bernard ASTON	YASS	Fiona Joy LEECH
MURWILLUMBAH	Gregory John WASELL	YASS	Robert John GORMAN
MURWILLUMBAH	Stephen James WATERSON	YOUNG	Brett Roger DALLISTON
NARRABRI	Viliani HEIMOANA	YOUNG	Paul Augustine PARKER
NARRABRI	Anthony Michael HORN		
NARRABRI	Graham CHARLES		
NARRABRI	Tracey Maree FARRELL		
NYNGAN	Timothy Gregory McNEE		
ORANGE	Linda Jane AYRES		
ORANGE	Christopher Alfred COLE		
ORANGE	Stephen Barry JOHNSON		
ORANGE	Christopher James WETHERALL		
ORANGE	Ian James McGOWEN		
ORANGE	Robert Bruce TROUNCE		
ORANGE	Richard Brian WALKER		
PARKES	Karen Jane ROBERTS		

Dated this 4th day of August 2005

B. D. BUFFIER,
Director-General
NSW Department of Primary Industries

Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(05-238)

No. 2555, GOSLING CREEK PTY. LIMITED (ACN 115 351 981), area of 59 units, for Group 1, dated 28 July, 2005. (Orange Mining Division).

(05-239)

No. 2556, TEUTONIC INVESTMENT PTY LTD (ACN 095 973 434), area of 6 units, for Group 1, dated 29 July 2005. (Armidale Mining Division).

(05-240)

No. 2557, SIBERIA MANAGEMENT PTY LTD (ACN 106 608 986), area of 27 units, for Group 1, dated 29 July 2005. (Armidale Mining Division).

(05-241)

No. 2558, SIBERIA MANAGEMENT PTY LTD (ACN 106 608 986), area of 67 units, for Group 1, dated 29 July 2005. (Armidale Mining Division).

(05-242)

No. 2559, SIBERIA MANAGEMENT PTY LTD (ACN 106 608 986), area of 16 units, for Group 1, dated 29 July 2005. (Armidale Mining Division).

(05-243)

No. 2560, RESOURCE MANAGEMENT AND DEVELOPMENT PTY. LTD. (ACN 078 902 191), area of 178 units, for Group 1, dated 2 August, 2005. (Cobar Mining Division).

(05-158)

No. 2561, GUNNEDAH RESOURCES LIMITED (ACN 114 162 597), Area of about 5525 hectares, for Group 9, dated 03 August 2005.

(05-4025)

No. 2562, GUNNEDAH RESOURCES LIMITED (ACN 114 162 597), Area of about 2091 hectares, for Group 9, dated 03 August 2005.

(05-244)

No. 2563, THE AUSTRAL BRICK COMPANY PROPRIETARY LIMITED (ACN 000 005 550), area of 2 units, for Group 5, dated 5 August, 2005. (Sydney Mining Division).

(05-245)

No. 2564, TRI ORIGIN MINING PTY LIMITED, (ACN 115 529 112), area of 40 units, for Groups 1, 2 and 5, dated 05 August 2005. (Sydney Mining Division)

MINING LEASE APPLICATIONS

(05-156)

No. 264, MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), area of about 1094.4 hectares, to mine for coal, dated 21 July, 2005. (Orange Mining Division).

(05-157)

No. 265, MOOLARBEN COAL MINES PTY LIMITED (ACN 108 601 672), area of about 106.5 hectares, to mine for coal, dated 21 July, 2005. (Orange Mining Division).

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(04-615)

No. 2427, now Exploration Licence No. 6438, INDEPENDENCE GROUP NL, County of Flinders, Map Sheets (8134 & 8234), area of 99 units, for Group 1, dated 5 July, 2005, for a term until 4 July, 2007.

(04-649)

No. 2461, now Exploration Licence No. 6441, WHITFIELD MINERALS PTY LIMITED (ACN 009 062 014), County of Kilfera, Map Sheet (7529), area of 5 units, for Group 2, dated 8 July, 2005, for a term until 7 July, 2007.

(05-181)

No. 2500, now Exploration Licence No. 6443, CLANCY EXPLORATION PTY LTD (ACN 105 578 756), County of Gordon, Map Sheet (8632), area of 4 units, for Group 1, dated 7 July, 2005, for a term until 6 July, 2007.

(05-185)

No. 2504, now Exploration Licence No. 6440, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), Counties of Flinders and Mouramba, Map Sheet (8134), area of 1 units, for Group 1, dated 28 June, 2005, for a term until 27 June, 2007.

(05-186)

No. 2505, now Exploration Licence No. 6442, BIG SKY HOLDINGS PTY LIMITED (ACN 108 476 384), Counties of Arrawatta, Clive and Gough, Map Sheets (9139 & 9239), area of 98 units, for Group 1, dated 8 July, 2005, for a term until 7 July, 2007.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

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

(T87-0279)

Exploration Licence No. 3325, CLUFF MINERALS (AUST) PTY LTD (ACN 002 091 330), area of 22 units. Application for renewal received 22 July, 2005.

(T92-0656)

Exploration Licence No. 4566, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), area of 13 units. Application for renewal received 1 August, 2005.

(T94-0194)

Exploration Licence No. 5336, NSW GOLD NL (ACN 003 307 702), area of 58 units. Application for renewal received 27 July, 2005.

(T98-1128)

Exploration Licence No. 5611, ILUKA MIDWEST LIMITED (ACN 008 763 666), area of 53 units. Application for renewal received 25 July, 2005.

(T99-0108)

Exploration Licence No. 5615, ILUKA MIDWEST LIMITED (ACN 008 763 666), area of 17 units. Application for renewal received 25 July, 2005.

(T03-0049)

Exploration Licence No. 6103, RUSSELL ROBERTS, area of 1 units. Application for renewal received 27 July, 2005.

(T03-0022)

Exploration Licence No. 6122, SOUTHERN GOLD LIMITED (ACN 107 424 519), area of 84 units. Application for renewal received 28 July, 2005.

(T03-0016)

Exploration Licence No. 6130, BIG DAM DIAMONDS PTY LTD (ACN 103 542 427), area of 11 units. Application for renewal received 5 August, 2005.

(05-3794)

Consolidated Coal Lease No. 711 (Act 1973), YARRABOLDY BRIQUETTE COMPANY PTY. LTD. (ACN 053 019 220), area of 1320 hectares. Application for renewal received 20 July, 2005.

(T00-0000)

Mining Lease No. 103 (Act 1973), MOLY MINES LIMITED (ACN 103 295 521), area of 13.1 hectares. Application for renewal received 2 August, 2005.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(M80-3443)

Authorisation No. 232, AIRLY COAL PTY LIMITED (ACN 078 693 722), County of Roxburgh, Map Sheet (8931), area of 3054 hectares, for a further term until 20 October, 2009. Renewal effective on and from 21 July, 2005.

(T98-1062)

Exploration Licence No. 5534, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), Counties of Cunningham and Kennedy, Map Sheet (8332, 8432), area of 40 units, for a further term until 22 October, 2006. Renewal effective on and from 1 August, 2005.

(T98-1166)

Exploration Licence No. 5565, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), County of Cunningham, Map Sheet (8331, 8332, 8431, 8432), area of 18 units, for a further term until 23 March, 2007. Renewal effective on and from 1 August, 2005.

(T00-0182)

Exploration Licence No. 5841, ILUKA RESOURCES LIMITED (ACN 008 675 018), County of Taila, Map Sheet (7429), area of 5 units, for a further term until 18 April, 2007. Renewal effective on and from 12 July, 2005.

(T02-0064)

Exploration Licence No. 5991, HERALD RESOURCES LIMITED (ACN 008 672 071), Counties of Wellington & Philip, Map Sheets (8833 & 8832), area of 24 units, for a further term until 11 September, 2006. Renewal effective on and from 27 July, 2005.

(T02-0047)

Exploration Licence No. 6003, MOLY MINES LIMITED (ACN 103 295 521), County of St Vincent, Map Sheet (8826, 8827), area of 29 units, for a further term until 2 October, 2006. Renewal effective on and from 15 July, 2005.

(T02-0363)

Exploration Licence No. 6040, THE AUSTRALIAN LAND COMPANY PTY LTD (ACN 009 617 350), County of Bathurst, Map Sheet (8731), area of 29 units, for a further term until 20 January, 2007. Renewal effective on and from 1 August, 2005.

(05-921)

Exploration (Prospecting) Licence No. 2364, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheet (7233), area of 1 units, for a further term until 7 March, 2007. Renewal effective on and from 26 July, 2005.

(05-922)

Exploration (Prospecting) Licence No. 2379, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheet (7133, 7233), area of 22 units, for a further term until 7 March, 2007. Renewal effective on and from 26 July, 2005.

(05-923)

Exploration (Prospecting) Licence No. 3365, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheet (7233), area of 2 units, for a further term until 7 March, 2007. Renewal effective on and from 26 July, 2005.

(05-924)

Exploration (Prospecting) Licence No. 3661, PERILYA BROKEN HILL LIMITED (ACN 099 761 289), County of Yancowinna, Map Sheet (7133), area of 1 units, for a further term until 7 March, 2007. Renewal effective on and from 26 July, 2005.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

**CANCELLATION OF AUTHORITIES AT REQUEST
OF HOLDERS**

NOTICE is given that the following authorities have been cancelled:

(T99-0110)

Mineral Claim No. 260 (Act 1992), RICHARD ANDREW NIELSEN, Parish of Ballycastle, County of Barrona, Map Sheet (7937-4-N), area of 2 hectares. Cancellation took effect on 31 July, 2005.

(T99-0134)

Mineral Claim No. 261 (Act 1992), DEBORAH LYN NIELSEN, Parish of Ballycastle, County of Barrona, Map Sheet (7937-4-N), area of 2 hectares. Cancellation took effect on 31 July, 2005.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

EXPIRIES

Mineral Claim No. 259 (Act 1992), ANTHONY WALTER NIELSEN, Parish of Ballycastle, County of Barrona. This title expired on 30 July, 2005.

Mineral Claim No. 260 (Act 1992), RICHARD ANDREW NIELSEN, Parish of Ballycastle, County of Barrona. This title expired on 30 July, 2005.

Mineral Claim No. 261 (Act 1992), DEBORAH LYN NIELSEN, Parish of Ballycastle, County of Barrona. This title expired on 30 July, 2005.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

TRANSFERS

(05-2323)

Exploration Licence No. 5899, formerly held by LITHGOW COAL COMPANY PTY LIMITED (ACN 073 632 952) has been transferred to BOULDER MINING PTY LTD (ACN 112 796 308). The transfer was registered on 1 August, 2005.

(T03-0022)

Exploration Licence No. 6122, formerly held by DONALD JOHN PERKIN AND MINEXCHANGE PROPRIETARY LIMITED (ACN 086 042 524) has been transferred to SOUTHERN GOLD LIMITED (ACN 107 424 519). The transfer was registered on 26 July, 2005.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

Roads and Traffic Authority

ROADS ACT 1993

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

BATHURST REGIONAL 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 DAVID SHERLEY,
General Manager,
Bathurst Regional Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Bathurst Regional Council B-Doubles Notice No. 1 2005.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force for Sunday 2 October 2005 until Monday 10 October 2005 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Bathurst Regional Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	N/a	Havannah Street	Rocket Street	Panorama Avenue	
25	N/a	Panorama Avenue	Havannah Street	Pit Straight	
25	N/a	Pit Straight	Panorama Avenue	Mountain Straight	
25	N/a	Mountain Straight	Pit Straight	Pit Complex	

ROADS ACT 1993

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

BATHURST REGIONAL 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 DAVID SHERLEY,
General Manager,
Bathurst Regional Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Bathurst Regional Council B-Doubles Notice No. 2 2005.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force for Sunday 2 October 2005 until Monday 10 October 2005 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Bathurst Regional Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25	N/a	Pit Complex	Pit Straight	Panorama Avenue	
25	N/a	Panorama Avenue	Mountain Straight	Havannah Street	
25	N/a	Havannah Street	Panorama Avenue	Great Western Highway	
25	N/a	Great Western Highway	Havannah Street	William Street	
25	N/a	William Street	Great Western Highway	Panorama Avenue	
25	N/a	Panorama Avenue	William Street	Pit Straight	
25	N/a	Pit Straight	Panorama Avenue	Mountain Straight	
25	N/a	Mountain Straight	Pit Straight	Pit Complex	

ROADS ACT 1993

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

GUNNEDAH 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.

Max Kershaw,
General Manager,
Gunnedah Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Gunnedah Shire Council B-Doubles Notice No. 1/2005.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force until 30 June 2010 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Gunnedah Shire Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25m	000	Tempest Street, Gunnedah	Bloomfield Street	35m south from Conadilly Street	
25m	000	Rosemary Street, Gunnedah	Conadilly Street (SH29)	Bloomfield Street	
25m	000	Little Conadilly Street, Gunnedah	Rosemary Street	65m east from Rosemary Street	

ROADS ACT 1993

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

HASTINGS 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.

BERNARD SMITH,
General Manager,
Hastings Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Hastings Council B-Doubles Notice No. 1, 2005.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force until 30 August 2007 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Hastings Council from the Oxley Highway to the Industrial Area of Commerce Street, Wauchope

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25m		Blackbutt Drive	Oxley Highway	Cameron Street	That the vehicle enter and leave the site (42 Commerce Street) in a forward direction.
		Cameron Street	Blackbutt Drive	Bago Road	
		Bago Road	Cameron Street	King Creek Road	
		King Creek Road	Bago Road	Commerce Street	
		Commerce Street	King Creek Road	No. 42 Commerce Street	

ROADS ACT 1993

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

TENTERFIELD 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.

TONY LARKIN,
Acting General Manager,
Tenterfield Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Tenterfield Shire Council B-Doubles Notice No. 1/2005.

2. Commencement

This Notice takes effect from date of gazettal.

3. Effect

This Notice remains in force for a period of 5 years from date of gazettal unless it is amended or repealed earlier.

4. Application

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

5. Routes**B-Double routes within the Tenterfield Shire Council**

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25m	6122	Hynes Bridge Road	Bruxner Highway (SH 16)	NSW/Qld Border (275 metres)	

ROADS ACT 1993

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

MID-WESTERN REGIONAL 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.

GARRY STYLES,
General Manager,
Mid-Western Regional Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Mid-Western Regional Council B-Doubles Notice No. 1 2005.

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

This Notice remains in force from 15 August 2005 to 16 September 2005 unless it is amended or repealed earlier.

4. Application

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

5. Routes

B-Double routes within the Mid-Western Regional Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25	SH18	Castlereagh Highway, Gulgong	Intersection SH18 and Mayne Street	Intersection of SH18 and Caledonian Street	Route will follow Mayne Street, Crown Street, Tallawang Street and Caledonian Street, detour for roadworks 15 August 2005 to 16 September 2005
25	SH18	Castlereagh Highway, Gulgong	Intersection SH18 and Medley Street	Intersection of Mayne Street and Davidson Street	Route will follow Medley Street, Fitzroy Street, Davidson Street and Caledonian Street, detour for roadworks 15 August 2005 to 16 September 2005

ROADS ACT 1993

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

MID-WESTERN REGIONAL 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.

GARRY STYLES,
General Manager,
Mid-Western Regional Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Mid-Western Regional Council B-Doubles Notice No. 2 2005

2. Commencement

This Notice takes effect on the date of Gazettal.

3. Effect

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

4. Application

4.1 This Notice applies to B-Doubles 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 Mudgee Shire Council

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting point</i>	<i>Finishing point</i>	<i>Conditions</i>
25	565	Guntawang Road, Gulgong	SH18	MR233	
25	000	Caledonian Street, Gulgong	Tallawang Street	Rouse Street	
25	000	Rouse Street, Gulgong	Caledonian Street	Station Street	
25	000	Station Street, Gulgong	Rouse Street	Railway Street	
25	000	Henry Lawson Drive, Gulgong	MR208	Snakes Creek Road	

Other Notices

ABORIGINAL LAND RIGHTS ACT 1983

Notice

I, the Honourable Andrew Refshauge MP, Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 231 (1) of the Aboriginal Land Rights Act 1983 (the Act), extend the term of the appointment of Mr Peter HILLIG as Administrator to the Ngunnawal Local Aboriginal Land Council for a maximum period of six (6) calendar months and six (6) days. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52 (1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$90,000.00 dollars (plus GST).

Signed and Sealed this 30th day of June 2005.

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

God Save The Queen

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Sapphire City Market Association Inverell
Incorporated Y2638606

Springwood Winmalee Action Group Incorporated
Y1949933

Tullamore Amity Club Inc Y0536433

Carinya Court Inc Y1305844

Holly Handy Workers Association Incorporated
Y2221847

OP Kayak Club Incorporated Inc9876866

Kempsey Bonsai Group Inc Y0485911

Myan Indigenous Employment Network Incorporated
Inc9876752

V.I.S.A. (Vomiting Infants Support Association) of
NSW Incorporated Y2500304

Rotary Club of Sutherland Civic Inc Y1184825

Agribusiness Alliance Central Coast Inc Inc9879994

Willala Landcare Group Incorporated Y2655607

Central Coast Community Access and Support
Service Incorporated Y2589637

Caragabal Landcare Incorporated Y2727314

Airds Bradbury Youth Centre Inc Y1554523

Environmental Information Association Incorporated
Inc9875451

Grenfell Frail or Aged Units Association Inc.
Y1380827

Exporters Network of the Hunter Incorporated
Y2238038

COLIN CROSSLAND,
General Manager

Registry of Co-operatives and Associations
Office of Fair Trading
Department of Commerce
8 August 2005

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

The Australian Guitar Competition Incorporated
Inc9874601

Murwillumbah Poultry & Pigeon Club Incorporated
Inc9876559

Bowral Meals on Wheels Incorporated Y1835807

Bay to the Border Mental Health Consumers
Incorporated Inc9880269

Borambil Gunnadilly Landcare Group Incorporated
Y2886827

In Safe Hands Before & After School Care
Incorporated Inc3440776

The Uniting Party of Australia Incorporated
Inc9878370

Newcastle Welfare Rights Information Service
Incorporated Inc9878551

Lions Club of Hurstville Inc Y0689546

Campbell University of the Third Age Incorporated
Y1891501

COLIN CROSSLAND,
General Manager

Registry of Co-operatives and Associations
Office of Fair Trading
Department of Commerce
8 August 2005

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to Sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Burwood Community Theatre Incorporated
Inc9877599

Killarney Heights Progress Association Incorporated
Y2537222

Alstonville Garden Club Inc Y0301421

412 Squadron AAFC Support Association
Incorporated Y1308002
Lions Club of Hamilton-Broadmeadow Inc Y1156439
HSC Study Conferences Incorporated Inc9877468
Wagga Pro Musica Inc Y1264632
Adolescent Crisis-Intervention Service Tamworth Inc
Y1435141
Toukley & District Garden Club Incorporated
Inc9877902

COLIN CROSSLAND,
General Manager

Registry of Co-operatives and Associations
Office of Fair Trading
Department of Commerce
5 August 2005

ASSOCIATIONS INCORPORATION ACT 1984

Cancellation of Incorporation Pursuant to
Sections 55A and 55B

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

Cancellation is effective as at the date of gazettal.

Richmond Valley Reforestation Association Inc
Y0123319
Tuggerah Lakes Mardi Gras Festival Incorporated
Y2437031
MIE-A (Nth Coast Nsw) Inc. Y3030507
St Peters/Sydenham/Tempe Neighbourhood Centre
Inc Y0026609
The Innerwheel Club of Tenterfield Incorporated
Y1975345
Phoenix Tennis Club Incorporated Inc9876279
Eating Disorders Association of NSW Incorporated
Y2767004

COLIN CROSSLAND,
General Manager

Registry of Co-operatives and Associations
Office of Fair Trading
Department of Commerce
5 August 2005

CIVIL PROCEDURE ACT 2005

Local Court of New South Wales

PRACTICE NOTE 1 OF 2005

Issued pursuant to section 15 of the Civil Procedure
Act 2005 (CPA)

CASE MANAGEMENT OF CIVIL PROCEEDINGS (GENERAL DIVISION)

1. This Practice Note revokes Practice Note 2/2001.
2. This Practice Note commences on 15 August 2005
3. **Objective**
 - 3.1 The overriding purpose of the Civil Procedure Act 2005 (CPA) is to facilitate the **just, quick and cheap resolution of the real issues** in the proceedings: (s. 56 (1) CPA).

- 3.2 **The Court's Time Standards aim to finalise 90% of civil proceedings within 6 months of commencement and 100% within 12 months.**
- 3.3 The Court by this Practice Note seeks to give effect to the overriding purpose of the CPA and to the finalisation of all civil proceedings within the Court's Time Standards. Parties must plan to meet these Time Standards.
- 3.4 A party to civil proceedings is under a duty to assist the Court to further the overriding purpose of the CPA and, to that effect, to participate in the processes of the Court and to comply with the directions of the Court (s. 56 (3) CPA).
- 3.5 The just, quick and cheap resolution of the real issues in proceedings requires that proceedings are expeditiously and properly prepared by the parties.

4. Case Management

The Court will case manage the proceedings having regard to the objects specified in s. 57 (1) CPA.

5. Dismissal of Proceedings on the Court's own motion

If within 9 months after a statement of claim has been filed:

- (a) a defence or cross claim is not filed, or
- (b) a default judgment is not entered, or
- (c) the proceedings are not otherwise disposed of,

the proceedings are **on the Court's own motion and order dismissed** (Rule 12.9 (2)).

No such order is made if there are any Notices of Motion or other applications in the proceedings that are yet to be determined (Rule 12.9 (4))

6. No proceedings are ever stood over generally. Section 66 (1) CPA.

7. Representation

7.1 Where there is a legal practitioner on the record for a party, a legal practitioner with full knowledge of the proceedings must represent that party at the Call-over and Review. That legal practitioner must have sufficient instructions to enable the Court to make all appropriate orders and directions.

7.2 It is therefore generally inappropriate for parties to be represented by agents or clerks. Parties should anticipate that costs orders will be made against them if they are not adequately represented at the Call-over or Review

8. Management of the Court Lists

8.1 On the filing of the first defence (the defence filing date), but subject to paragraph 8.2 of this Practice Note, the proceedings will be given a first Call-over **within six weeks** of the defence filing date. Standard Directions will be served by the Court on service of the defence [Rule 10.8 (3)].

8.2 Where on the filing of a defence, the defendant also files an application for the proceedings to be transferred to another Local Court, the proceedings will be given a first Call-over date **within six weeks** of the defendant's application for transfer of proceedings being determined [s. 151 CPA].

8.3 The first Call-over

8.3.1 The first Call-over shall be conducted by a Magistrate or Registrar (the Court). The Court may, by order, give directions as the Court thinks fit for the speedy determination of the real issues between the parties to the proceedings. Such orders may include:

- (i) that the parties comply with the Standard Directions
- (ii) allocating a date for return of subpoenas
- (iii) an order for the preparation and filing of the agreed list of exhibits that are page numbered and indexed
- (iv) such other directions with respect to the conduct of the proceedings as it considers appropriate
- (v) any other matter mentioned in Part 6 CPA.
- (vi) a referral of the proceedings for mediation by a mediator (s. 26 CPA)
- (vii) a referral of the proceedings for determination by an arbitrator (s. 38 CPA)

8.3.2 At the first Call-over the Court may fix a date for trial and for review but where the Court is unable to do so in accordance with the dictates of justice the Court may adjourn the proceedings to a second Call-over which **must be held within 28 days** of the first Call-over.

8.4 The Second Call-over

8.4.1 At the second Call-over, the Court shall

- (i) Fix a date for trial. **Trial dates will be fixed to give effect to the overriding purposes of the CPA – the just, quick and cheap resolution of the proceedings and the Court’s Time Standards**
- (ii) Fix a Review date not more than 28 days prior to the trial date
- (iii) Make orders in accordance with paragraph 8.3.1 of this Practice Note

8.4.2 Where the proceedings at the second Call-over are before a Registrar and the parties are unable to take a trial date, the Registrar **must** refer the proceedings for a **Directions Hearing** before a Magistrate which is to be held **not more than 14 days** after the date of the second Call-over.

8.5 The Review

The Magistrate at the Review shall ensure that the proceedings are ready for trial and the Court’s directions have been complied with. If the Court’s directions have not been complied with, the Court may make orders including dismissing the proceedings, striking out a defence or cross claim, directing a party to pay the whole or part of the costs of another party or making such orders as it considers appropriate (s. 61 (3) and s. 61 (4) CPA).

8.6 Arbitration

8.6.1 Suitable proceedings may be finalised through mediation or arbitration. A referral by the Court to mediation or arbitration can be considered at the **first or second Call-over**. Proceedings will generally only be considered for arbitration if they are property damage claims arising out of motor vehicle accidents or other uncomplicated proceedings estimated to take 3 hours or less at hearing.

8.6.2 Where proceedings are referred to arbitration and a request for re-hearing is lodged the parties will be advised of a Call-over date to be held **within 28 days** of the filing of the request for re-hearing. At the Call-over, the Court will make orders in accordance with paragraph 8.3.1 of this Practice Note. The Call-over of proceedings to be reheard shall be pursuant to Paragraph 8.4 of this Practice Note (a second Call-over) and **shall not** be adjourned by the Court to a further Call-over.

9. Subpoenas

The parties must issue subpoenas as early as possible so that documents can be produced and inspected and are available for the proper preparation of the case, including submission to experts.

10. Motions

Parties must file any motions as soon as practicable. A motion will be allocated a hearing date in the general motions list on the first available date and the parties should be ready to argue the motion on that date.

11. Vacation of Trial Date

11.1 Any application to vacate a trial must be by Notice of Motion and must be made **not less than 21 days** prior to the allocated trial date.

11.2 Applications to vacate a trial **within 21 days** of the trial date on the basis of unforeseen circumstances (for example on the ground of illness) must be made as soon as practicable and not later than the next working day after a party becomes aware of the unforeseen circumstances. If the trial is within 21 days the party seeking to vacate a trial should not wait to obtain the consent of the other party before approaching the Court.

JUDGE D. PRICE,
Chief Magistrate

Local Court of New South Wales

GENERAL DIVISION STANDARD DIRECTIONS

(Pursuant to Practice Note 1 of 2005)

COURT APPEARANCES	DATE	TIME
CALL OVER DATE (Attendance of behalf of all parties is required if a Notice of Listing is received)		

(Review and Trial date will be allocated at Call Over)

If the parties fail to comply with the Court’s directions it can be expected that the statement of claim will be dismissed or the defence struck out and orders will be made that the non complying party pays the costs of the other party.

STANDARD DIRECTIONS**(applicable only to matters to be heard by the Court)**

1. Each party shall serve upon all other parties copies of written statements or affidavits of the intended evidence of all witnesses, together with copies of any annexures, reports or other documentation (all which should be numbered) intended to be relied upon, on a day at least 14 days prior to the Review date of this matter (being a date at least 28 days prior to the day fixed for trial).
2. Each party or their legal representative is directed to attend on the Review date allocated by the Court. On the Review date each party shall file a written summary of the case, including a reference to any relevant case law or statute.
3. The Plaintiff shall prepare and file a statement of agreed facts and issues 7 days prior to the date fixed for hearing.
4. Unless there is more than one defendant, each party must prepare four copies of all statements or affidavits and other documents. In the case of each additional party, one additional copy should be provided.
5. Where a written statement or affidavit of a witness has not been filed and exchanged, evidence may not be admitted, unless the non-complying party satisfies the Court that it is in the interests of justice to do so.
6. Failure to comply with the Court's directions may result in the statement of claim or cross claim being dismissed, or the defence being struck out, with costs.
7. Where a legal practitioner acts as agent for a party he/she must forward a copy of the direction to the principal legal practitioner immediately.

Parties should acquaint themselves with Practice Note 1 of 2005 which can be located at http://www.lawlink.nsw.gov.au/lc.nsf/pages/practice_collections.

CIVIL PROCEDURE ACT 2005

Local Court of New South Wales

PRACTICE NOTE 2 OF 2005

Issued pursuant to section 15 of the Civil Procedure Act 2005 (CPA)

CASE MANAGEMENT OF PROCEEDINGS IN THE SMALL CLAIMS DIVISION OF THE LOCAL COURT

1. This Practice Note applies to all matters in the Small Claims Division of the Local Court in New South Wales.
2. This Practice Note commences on 15 August 2005.
3. **Objective**
 - 3.1 The overriding purpose of the Civil Procedure Act 2005 (CPA) is to facilitate the just, quick and cheap resolution of the real issues in the proceedings: (s. 56 (1) CPA).
 - 3.2 Proceedings in the Small Claims Division are to be conducted with as little formality and technicality as the proper consideration of the proceedings permit.
 - 3.3 The Court's Time Standards aim to finalise 90% of civil proceedings within 6 months of commencement and 100% within 12 months. Parties must plan to meet these Time Standards.

- 3.4 The Court by this Practice Note seeks to give effect to the overriding purpose of the Act and to the finalisation of all civil proceedings within the Court's Time Standards.
- 3.5 A party to civil proceedings is under a duty to assist the Court to further the overriding purpose and, to that effect, to participate in the processes of the Court and to comply with the directions of the Court: (s. 56 (3) CPA).
- 3.6 The just, quick and cheap resolution of the real issues in proceedings requires that proceedings are expeditiously and properly prepared by the parties.
- 3.7 The rules of evidence do not apply to proceedings being heard in the Small Claims Division.

4. Case Management

The Court will case manage the proceedings having regard to the objects specified in s. 57 (1) CPA.

5. Dismissal

If within 9 months after a statement of claim has been filed:

- (a) a defence or cross claim is not filed, or
- (b) a default judgment is not entered, or
- (c) the proceedings are not otherwise disposed of,

the proceedings are **on the Court's own motion and order dismissed** (Rule 12.9 (2)).

No such order is made if there are any Notices of Motion or other applications in the proceedings that are yet to be determined (Rule 12.9 (4)).

6. Directions

The Court may give such directions as it thinks fit for the speedy determination of the real issues between the parties to the proceedings.

7. No proceedings are ever stood over generally. Section 66 (1) CPA.**8. Preparing for Trial**

A 'formal trial', that is, the normal adversarial trial where oral evidence is taken on oath, and witnesses cross-examined is not available in the Small Claims Division. Where the court is of the opinion that the issues likely to arise in the proceedings are so complex or difficult as to law or fact, or that the action or cross-claim is of such importance that it should not be heard in the Small Claims Division, the Court may order its transfer to the General Division. Such an order may be made at any time before judgment on the court's own motion or on the application of any of the parties.

9. Pre-Trial Review

- 9.1 On the filing of the first defence (the defence filing date), the proceedings will be given a Pre Trial Review Date within six weeks of the defence filing date.
- 9.2 The Case Management Order given by the Magistrate, Assessor or Registrar at the Pre Trial Review shall be in accordance with the Case Management Orders forming part of this Practice Note.
- 9.3 In determining whether a direction may be given at the Pre Trial Review that a witness attend the trial of the proceedings to be orally examined, the

Magistrate, Assessor or Registrar will have regard to the particular circumstances of the case, including the amount involved and whether there is a real issue as to creditability or a significant conflict in the evidence.

10. Witnesses

- 10.1. There is no right to call witnesses to give evidence, to give evidence on oath/affirmation or to cross-examine a party or witnesses on oath/affirmation or otherwise in the Small Claims Division.
- 10.2. Where a direction has **not** been given at the Pre-trial review by the Magistrate, Assessor or Registrar for the attendance of any witness at the trial of the proceedings, the proceedings will be heard and determined by each party tendering the written statements of witnesses together with any other relevant documentation or material in support of the party's case. There will be no right to examine or cross-examine any witness. Parties will, however, be entitled to make comments, present arguments and make final submissions on the evidence.
- 10.3. Where a direction **has been** given at the Pre-trial review by the Magistrate, Assessor or Registrar, that a witness attend for cross-examination, the proceedings will be heard and determined on the oral evidence and the written statements and other documents and materials which have been tendered. Submissions on the evidence will also be allowed.
- 10.4. The procedure at the trial of the proceedings in the Small Claims Division will be determined by the Magistrate or Assessor as he or she thinks fit.

JUDGE D. PRICE,
Chief Magistrate

SMALL CLAIMS DIVISION CASE MANAGEMENT ORDER

COURT DETAILS

Court

Division

Registry

Case number

TITLE OF PROCEEDINGS

First plaintiff

Number of plaintiffs

First defendant

Number of defendants

HEARING DETAILS

Date:

Time:

Place:

Case Management Order:

The hearing will be conducted in a way which gives each party the opportunity to properly present his or her case, and, where necessary, test the other party's case, but without unduly prolonging the hearing or rigidly applying rules or procedures. The rules of evidence will not apply and the

Magistrate or Assessor who hears the case will determine the procedure at the hearing.

Each person who has something relevant to say about the matter should prepare a "witness statement" in writing. Each party shall exchange copies of written statements simultaneously and file a copy in the Local Court registry **no later than 14 days before the hearing.**

No witnesses need come to court unless the Magistrate, Assessor or Registrar who conducted the Pre-Trial Review gave a direction that a witness should attend to be cross-examined. If no such direction has been given, the case will be heard and determined on the written statements of the witnesses, and any other documentary evidence or material produced at the hearing.

If the Magistrate, Assessor or Registrar gave a direction at the Pre-Trial Review that a particular witness should attend for the purpose of cross-examination, that witness must attend. Otherwise, his or her statement may not be admitted, or no weight may be attached to its contents. If you think that the witness will not attend court voluntarily, please attend the court office well in advance of the hearing in order to arrange for the issue of the relevant process.

At the hearing, the parties or their legal representatives should be in attendance to make comments, present arguments and to make final submissions.

If you or your opponent do not file and exchange the statements of relevant witnesses, this may result in the action, defence or cross claim being dismissed or struck out, and/or an order for costs may be made against the defaulting party.

If you are uncertain about any aspect of this Notice or the procedures to be followed in preparing your case or at the hearing, you should seek advice prior to the hearing date from the Chamber Registrar, LawAccess or a legal practitioner.

Magistrate/Assessor/Registrar

(Date)

Parties should acquaint themselves with Practice Note 2 of 2005 which can be located at http://www.lawlink.nsw.gov.au/lc.nsf/pages/practice_collections.

CIVIL PROCEDURE ACT 2005

Practice Note DC (Civil) No. 1

Case Management in the General List

This practice note is issued under sections 56 and 57 of the Civil Procedure Act 2005. It applies to all matters in the general list in the Sydney, Sydney West, Gosford, Newcastle and Wollongong registries.

TIME STANDARD

The Court aims to have cases completed within 12 months of the commencement of proceedings. Parties should expect to be allocated a trial date to commence within 12 months of the commencement of proceedings and plan to meet this time standard.

1. COMMENCING PROCEEDINGS

- 1.1 The Court intends that proceedings will be finalised within 12 months after commencement. Parties must plan to meet this time standard.
- 1.2 plaintiff must not commence proceedings until they are ready to comply with the requirements of the Uniform Civil Procedure Rules and this practice note for preparation and trial. This means that, except in special circumstances, the plaintiff's preparation for trial must be well advanced before filing the statement of claim.
- 1.3 In cases under the Motor Accidents Compensation Act 1999 or Part 2A of the Civil Liability Act 2002, the plaintiff should obtain evidence that the relevant impairment threshold for damages for non-economic loss has been reached before commencing proceedings.
- 1.4 If it has not already done so, the defendant must commence its preparation on receipt of the statement of claim. In a personal injury action, the defendant must start preparing for trial based on the matters alleged in the statement of claim and rule 15.12 or 15.13 particulars. The defendant's solicitor must arrange medical examinations on receipt of these documents.
- 1.5 Before commencing an action or filing a defence, legal practitioners must give their clients notice in writing about the requirements of this practice note and the Court's insistence on compliance with its orders. That notice must state that the Court may dismiss actions or cross claims or strike out defences if orders are not complied with and that the Court may make costs orders against parties who fail to adhere to timetables.
- 1.6 This Practice Note does not apply to Statements of Claim where a liquidated amount is claimed until a defence is filed. The Court will then list the action for a pre-trial conference.

2. TIMETABLE

- 2.1 The plaintiff must serve a timetable for the conduct of the case on the defendant with the statement of claim. A timetable must be drafted specifically for each case. The timetable must include all steps necessary to ensure that the case will be ready to be referred to arbitration or listed for trial at the Status Conference.
- 2.2 If the defendant does not agree with the proposed timetable, or wants to add additional steps, it must serve an amended timetable on the plaintiff's solicitor at least 7 days before the Pre-Trial Conference.
- 2.3 The Court anticipates that, in most cases, the defendant will have requested particulars of the statement of claim which the plaintiff will have supplied before the pre-trial conference. The defendant should also have filed a defence and any cross claims. In a personal injury case, the Court expects that the plaintiff will also have served complete rule 15.12 or 15.13 particulars and primary medical reports and have qualified the experts who will prepare reports, including any economic loss expert. The Court expects that the defendant will have arranged medical examinations and issued subpoenas.

- 2.4 Rules 15.12 and 15.13 provide that in personal injury actions and claims under the Compensation to Relatives Act 1897 the plaintiff must serve particulars and the supporting documentation on the defendant or the defendant's insurer or solicitor either with the statement of claim or as soon as practicable after the service of the statement of claim. In order to protect the plaintiff's privacy, the court does not require the particulars to be served personally on the defendant.

3. PRE-TRIAL CONFERENCE

- 3.1 A pre-trial conference date will be allocated when the statement of claim is filed. The plaintiff must notify the defendant of this date when the statement of claim is served.
- 3.2 The pre-trial conference will be held 3 months after commencement. The pre-trial conference is the most important case management appearance and will involve an in-depth review of the case.
- 3.3 Representation
 - 3.3.1 Where there is a legal practitioner on the record for a party, a legal practitioner with full knowledge of the proceedings must represent that party at the pre-trial conference. That legal practitioner must have sufficient instructions to enable the Court to make all appropriate orders and directions.
 - 3.3.2 It is therefore generally inappropriate for parties to be represented by agents or clerks. Parties should anticipate that costs orders will be made against them if they are not adequately represented at the pre-trial conference.
- 3.4 At the pre-trial conference, the Court will examine the timetables proposed by the parties and make appropriate directions and orders, including orders for service of medical and expert reports (see rule 31.18). Disputes between the parties will be resolved or a hearing date fixed for a motion. The steps in the timetable will become orders of the court that must be strictly complied with. Failure to comply with those orders will be treated seriously and may lead to costs orders.

- 3.5 In cases under the Motor Accidents Compensation Act 1999 or Part 2A of the Civil Liability Act 2002, the defendant should tell the plaintiff whether or not it agrees that the relevant threshold has been reached at or before the pre-trial conference.

- 3.6 In an appropriate case, the Court will allocate a trial or arbitration date at the pre-trial conference or refer the parties to mediation.

4. SUBPOENAS

- 4.1 The parties must issue subpoenas as early as possible so that documents can be produced and inspected and are available for the proper preparation of the case, including submission to experts.
- 4.2 A return date will be fixed at the pre-trial conference if the parties have not already issued subpoenas.

5. MOTIONS

- 5.1 Parties must file any motions as soon as practicable. A motion will be allocated a hearing date in the general motions list on the first available Friday and the parties should be ready to argue the motion on that date.

6. SPECIALISED CASE MANAGEMENT

6.1 In special circumstances, cases will be specially managed by the Court and a directions hearing will be allocated at the pre-trial conference.

7. STATUS CONFERENCE

7.1 At the pre-trial conference, the Court will appoint or confirm the date for a status conference, which will take place before the Court seven months after the date the statement of claim was filed.

7.2 The parties should be ready to take a trial or arbitration date at the status conference. The Court will generally allocate a trial date within 1 to 3 months after the status conference. The parties should have confirmed the availability of counsel and all witnesses prior to attendance at the status conference.

7.3 A legal practitioner with full knowledge of the proceedings must represent each party at the status conference. That legal practitioner must have sufficient instructions to enable the Court to make all appropriate orders and directions. Unless the parties have agreed that they are all ready to take a trial date, it is inappropriate for parties to be represented by agents or clerks.

7.4 Unless orders are made at the status conference, the Court will usually not allow parties to rely on medical reports and experts' reports served after the status conference (see rule 31.18(1)(a)). The final particulars under rule 15.12 or 15.13 should generally be filed and served before the status conference (see rule 15.14(4)).

8 LONG TRIAL DATES

8.1 The Court will allocate long trial dates, in cases estimated to take 5 days or more, at the status conference.

8.2 When a long case is fixed for trial, the Court will make every effort to ensure that it proceeds. For that reason, the Court will not adjourn long cases unless there are exceptional circumstances.

8.3 Cases with an estimated trial time of 2 weeks or more will be listed for case management directions before the court. Each party should be represented on that date by counsel briefed on the trial or the solicitor with conduct of the case to enable all proper directions to be made.

8.4 Generally, long cases will be referred to mediation.

9. DIRECTIONS HEARINGS AND SHOW CAUSE HEARINGS

9.1 At any stage, a case can be referred to a directions hearing before the List Judge or the Judicial Registrar. Any order to file statements or affidavits must be strictly complied with. Generally, the Court will not accept statements or submissions which have not been filed in accordance with an order.

9.2 In an appropriate case where there has been serious or repeated non-compliance with Court orders, a case may be listed for

- (a) the plaintiff to show cause why the action should not be dismissed for want of prosecution

- (b) the defendant to show cause why the defence should not be struck out and/or any cross claim dismissed for want of prosecution

The party ordered to show cause should expect to pay the costs of the show cause hearing.

9.3 At least 5 days before the show cause hearing, the legal practitioner for the party in default (or the party, if self-represented) must file and serve a statement or affidavit setting out the reasons why he or she has not complied with the timetable and/or this practice note. In addition, any other party who wishes the Court to consider any submissions must put those submissions in writing, file and serve them at least 5 days before the directions hearing.

9.4 Where a legal practitioner is on record for a party, a practitioner familiar with the case must represent each party at the show cause hearing and have instructions sufficient to assist the Court to make all appropriate orders and directions.

10. ADJOURNMENTS

10.1 The Court will only grant adjournment applications where there are very good reasons. The parties must not ask the Court to fix cases for trial unless they are ready for trial. Legal practitioners must ascertain the availability of the parties and their witnesses before taking a date for trial or arbitration.

10.2 An application for adjournment of a trial or arbitration is made by notice of motion and supporting affidavit and must be made at the earliest possible opportunity. The Court may require the party in default to show cause why its statement of claim or cross claim should not be dismissed or its defence struck out.

10.3 Where appropriate, the Court will make costs orders in a fixed sum payable at a nominated time and may call on legal practitioners to show cause why they should not pay the costs of an adjournment personally or re-imburse their client for those costs.

11. CASE MANAGEMENT OF OTHER CIVIL ACTIONS

11.1 The Court maintains 4 specialist lists in which cases are managed by a Judge or the Judicial Registrar from commencement. The lists are:

Commercial List – Practice Note DC (CIVIL) No. 2

Construction List – Practice Note DC (CIVIL) No. 3

Property Relationships List – Practice Note DC (CIVIL) No. 4

Child Care List – Practice Note DC (CIVIL) No. 5

Defamation List – Practice Note DC (CIVIL) No. 6

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

CIVIL PROCEDURE ACT.

Practice Note DC (Civil) No. 2

Case Management in the Commercial List

THIS practice note is issued under sections 56 and 57 of the Civil Procedure Act.

1 COMMENCING PROCEEDINGS

1.1 A plaintiff must not commence proceedings until they are ready to comply with the requirements of the Uniform Civil Procedure Rules and this practice note for preparation and trial. This means that, except in special circumstances, the plaintiff's preparation for trial should be well advanced before filing the statement of claim.

1.2 Before commencing an action or filing a defence, legal practitioners must give their clients notice in writing about the requirements of this practice note and the Court's insistence on compliance with its orders. That notice must state that the Court may dismiss actions or cross claims or strike out defences if orders are not complied with and that the Court may make costs orders against parties who fail to adhere to timetables.

2 ENTRY INTO THE COMMERCIAL LIST

2.1 Proceedings may be entered in the Commercial List by:

- (a) The plaintiff or the defendant endorsing the Statement of Claim or the Notice of Grounds of Defence "Commercial List".
- (b) The filing of a Consent Order to that effect.
- (c) Order of the Court on Notice of Motion.
- (d) Order of the Court on its own motion.

2.2 An action commenced on the basis of a common money count pleading cannot be entered in the Commercial List without the leave of the Court.

2.3 An action in which the plaintiff's claim, either liquidated or unliquidated, is for less than \$75,000 cannot be entered in the Commercial List without the leave of the Court.

3 REMOVAL FROM THE COMMERCIAL LIST

3.1 (a) Upon an order being made removing proceedings from the List, subject to sub-paragraph (b), this Practice Note shall not apply to the proceedings from that date.

(b) The Court may direct that this Practice Note shall continue to apply to the proceedings to the extent stated in the direction.

(c) The making of an order removing proceedings from the List shall not affect any orders made or directions given prior to such removal.

4 PLEADINGS

4.1 The Court's expectation is that a plaintiff will plead the cause of action sued upon with precision and clarity such that the defendant knows from the beginning what the cause of action relied on is and the case the defendant has to meet. Where possible, the Court's aim is to obviate the necessity for particulars being sought of the pleaded cause of action.

4.2 Any defence filed should avoid formality, admit or deny the facts upon which the plaintiff relies and should state the facts upon which the defendant relies so that it will not be necessary for the plaintiff to seek particulars.

4.3 All parties to the proceedings must ensure that the issues are clearly spelt out in the pleadings to avoid new issues arising at the trial.

4.4 The provisions of this Practice Note, with such changes as the case requires, otherwise shall apply to cross claims.

5 DIRECTIONS HEARINGS

5.1 The proceedings shall be before the Court for directions on the listing date provided when the statement of claim or notice of grounds of defence is filed or as the Court may otherwise direct.

5.2 Directions hearings usually will be appointed for 9.30 am on each Friday during term. Proceedings may be listed at different times on each Friday and the daily list should be consulted. Where a public holiday falls on a Friday the Thursday preceding will usually be the day in that week for directions.

5.3 At the first directions hearing the Court expects:

- (a) The defendant to inform the Court what, if any, the defence will be; and whether or not cross claims are to be filed and, if so, what is the substance of such cross claims.
- (b) All parties should be in a position to inform the Court whether they consider that the dispute is or will be suitable for reference out to a referee for enquiry or for mediation or other alternative dispute resolution procedure and whether they consent to a referral for such purpose.

5.4 At the first directions hearing practitioners are expected to have in legible written form a draft of the orders they will ask the court to make. Such orders or directions will usually relate to:

- (a) the filing of defences and cross claims, including defences thereto;
- (b) if essential, the provision of particulars;
- (d) discovery with respect to specific categories of documents;
- (e) the service of affidavits or statements of evidence;
- (f) exchange of experts' reports;
- (g) a return date for subpoenas.

5.5 Consistent with the Court's view concerning the provision of particulars, so, too, orders for general discovery and the administration of interrogatories will be made only upon demonstrated need being established in a particular case.

6 ATTENDANCE OF LEGAL REPRESENTATIVES

6.1 Each party not appearing in person shall be represented at any directions hearing by a barrister or a solicitor familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.

- 6.2 Practitioners should have communicated with each other prior to each directions hearing with a view to agreement on directions being sought from the Court.

7 INTERLOCUTORY DISPUTES

- 7.1 The Court will endeavour to deal with interlocutory disputes expeditiously and to that end will not necessarily require the filing of a notice of motion.
- 7.2 Before bringing an interlocutory dispute before the Court, the legal representatives of the parties should confer with a view to resolving the dispute or, at least, narrowing its compass. If convenient to the Court, it may wish to resolve an interlocutory dispute at a directions hearing. The parties should be prepared for such an eventuality. Where, however, it is apparent that the issue is one of some complexity the Court will require a formal notice of motion.
- 7.3 Where it will be necessary to resolve an interlocutory dispute by notice of motion the Court should be informed of any party's intention to file such a notice of motion beforehand so that a timetable can be put in place to ensure that the motion is ready to be heard on the allocated date.

8 SUBPOENAS

- 8.1 Subpoenas should be issued at an early time so that the gathering of documents does not delay the progress of a case.
- 8.2 A return date for subpoenas can be given at a directions hearing, preferably the first such hearing. Return dates for subpoenas are generally appointed for 11am on each Monday before the Registrar.

9 LIBERTY TO APPLY

- 9.1 At any stage a case can be listed for directions before the Commercial List Judge or the Judicial Registrar. The party seeking to relist a matter shall do so by sending a written request to the Associate to the Judge having the control of the Commercial List. Copies of such a request are to be served on all other parties to the proceedings.

10 LISTING FOR TRIAL

- 10.1 A date for trial may be fixed prior to completion of interlocutory steps. In this regard the parties should inform the Court at the earliest possible date when they become aware that the case is a long matter, that is, likely to be heard over a period exceeding 5 days.
- 10.2 The fixing of a date for trial will usually occur at a directions hearing. Upon fixing a date for hearing the Court will normally direct that the usual order for hearing set out in the Schedule shall apply, with or without modification.

11 EXPERTS

- 11.1 The Court will make orders in accordance with Part 31 Division 2 of the Uniform Civil Procedure Rules 2005.
- 11.2 In particular, the Court may direct, where appropriate, that the parties comply with Rule 31.25 relating to conference between expert witnesses.

12 ALTERNATIVE DISPUTE RESOLUTION

- 12.1 All appropriate cases will be referred for mediation under Part 4 of the Civil Procedure Act 2005 or arbitration under Part 5.

13 ADJOURNMENTS

- 13.1 It is the responsibility of the parties' legal advisers to ascertain the availability of their clients and witnesses before a trial date is allocated. Trial dates will not be vacated and cases will not be adjourned except for a very good reason.
- 13.2 If there is to be an application for the vacation of a trial date or adjournment it must be made by notice of motion with affidavit evidence in support. Such application should be made to the Judge who has the control of the Commercial List at the earliest possible opportunity in advance of the day of trial.
- 13.3 If a case is not ready to proceed on the allocated trial date, the party in default may be called upon to show cause why the statement of claim, cross claim or defence should not be dismissed or struck out.
- 13.4 Where appropriate, costs orders will be made in a sum of money payable within a specified time. Legal practitioners may be required to show cause as to why they should not be required to pay personally the amount required to satisfy the costs order.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

SCHEDULE

USUAL ORDER FOR HEARING

1. Where directions have been given for the service of experts' reports, and any party intends to rely on the evidence of an expert witness:
 - (a) at least 14 days before the date fixed for hearing each party shall, by notice in writing to each other party, state whether the party proposes to object to the whole or any part of any report which has been served and the ground for the objection;
 - (b) if the report is not tendered by the party who served it and the expert is not called as a witness, no other party may put the report in evidence without the leave of the Court;
 - (c) if an expert is called as a witness, the party calling the expert may not lead evidence from the expert the substance of which is not included in a report already served in accordance with this paragraph, without the leave of the Court;
 - (d) whether or not the report or any part of it is used in evidence by the party calling the expert, if the expert is called as a witness, any other party may use the report or any part of it in cross examination of the expert unless the Court otherwise orders; and
 - (e) nothing in this order shall otherwise deprive any party of any proper objection to the admissibility of evidence.
2. Other than in the case of experts' reports, where directions have been given for the service of affidavits or statements of evidence:

- (a) a party who fails to comply with an order made for the service of affidavits or statements of evidence may not adduce evidence to which the order applies without the leave of the Court;
- (b) at least 14 days before the date fixed for hearing each party shall, by notice in writing to each other party, state whether that party proposes to object to the whole or any part of any affidavit or statement of evidence specifying the part or parts and the grounds for the objections;
- (c) the Court may, on such terms as it thinks fit, direct that the affidavit or statement of evidence served, or part of it, stand as the evidence in chief of the witness, or as part of such evidence;
- (d) if the affidavit is not read or the maker of a statement of evidence is not called as a witness, no other party may put the affidavit or statement in evidence without the leave of the Court;
- (e) if 3 of documents should identify documents the tender of which is agreed and, in relation to the documents as to which there is no agreement, which documents they are and which party proposes tendering them.
4. (a) If any party intends to tender an original document that party shall, at least 7 days before the date fixed for hearing, give notice of that intention to all other parties.
- (b) If any party requires another party to tender an original document that party shall at the time of notification in accordance with sub-paragraph 3(b) give notice of that requirement to the other party.
- (c) The party in possession of any document the subject of a notice in accordance with sub-paragraph (a) or (b) shall make the document available for inspection prior to the date of hearing at the chambers of the barrister or office of the solicitor for that party giving the notice.
5. Where an order has been made for the service of verified lists of documents:
- (a) until the conclusion of the hearing each party shall be under a continuing obligation to disclose any document relevant to any matter in issue with respect to the matters specified in the original order;
- (b) in the event that a party becomes aware that documents which have been in its possession have not been included in its list of documents, whether by reason of oversight or otherwise, that party shall forthwith include, and clearly identify, particulars of those additional documents in a supplementary list and serve an affidavit verifying that list and explaining the reason for the failure to disclose the documents in the original list.
6. No later than 4.30 pm on the last working day before the hearing:
- (a) counsel for the plaintiff shall cause to be served on counsel for the other parties a statement of agreed issues, a chronology of relevant events and, where appropriate, a list of persons relevant to the issues in dispute;
- (b) in the event that there is no agreement, counsel for each of the parties shall serve on counsel for the other parties a statement of the issues which he or she perceives are likely to arise;
- (c) counsel for each of the parties shall cause to be served on counsel for the other parties a list of topics to be covered by submissions, in the order in which they will be taken, and a list of propositions of law relied upon together with the authorities to be cited in support;
- (d) counsel for any party other than the plaintiff may serve a chronology of relevant events and a list of persons relevant to the issues in dispute.
- In the event that a party will be represented at the hearing by a solicitor, this order shall apply to that solicitor.

CIVIL PROCEDURE ACT.

Practice Note DC (Civil) No. 3

Case Management in the Construction List

This practice note is issued under sections 56 and 57 of the Civil Procedure Act 2005.

1. COMMENCING PROCEEDINGS

- 1.1 A plaintiff must not commence proceedings until they are ready to comply with the requirements of the Uniform Civil Procedure Rules and this practice note for preparation and trial. This means that, except in special circumstances, the plaintiff's preparation for trial should be well advanced before filing the statement of claim.
- 1.2 The Court will fix the case for directions when the statement of claim is filed or when it is transferred to the Construction List.
- 1.3 Before commencing an action or filing a defence, legal practitioners must give their clients notice in writing about the requirements of this practice note and the Court's insistence on compliance with its orders. That notice must state that, unless there are special circumstances, the Court will dismiss actions or strike out defences or cross claims if orders are not complied with and that the Court will make costs orders against parties who fail to adhere to timetables.

2. TIMETABLE

- 2.1 On the first return date the Court will make orders in accordance with a timetable proposed by the parties to progress the case toward trial within the shortest practical timeframe. The timetable must include steps that the parties will need to take to prepare the matter for trial and the date for completion of each step.
- 2.2 Legal practitioners should communicate with each other before each directions hearing in an attempt to agree on the directions they seek.
- 2.2 The steps in the timetable will become orders of the court that must be strictly complied with. Failure to comply with those orders will be treated seriously and will lead to costs orders.

3. DIRECTIONS HEARINGS

3.1 Representation

- 3.1.1 A legal practitioner with full knowledge of the proceedings must represent each party at the directions hearing. That legal practitioner must have sufficient instructions to enable the Court to make all appropriate orders and directions.

3.1.2 It is therefore generally inappropriate for parties to be represented by agents or clerks. Parties should anticipate that costs orders may be made against them if they are not adequately represented at the directions hearing.

3.7 At the directions hearing, the Court will make appropriate directions and orders and examine the timetables proposed by the parties. Disputes between the parties will be resolved or a trial date fixed for a motion.

4. EVIDENCE

4.1 The Court will generally order that evidence in chief be given by way of affidavits or statements.

5. SUBPOENAS

5.1 The parties must issue subpoenas as early as possible so that documents can be produced and inspected and are available for the proper preparation of the case, including submission to experts.

5.2 A return date will be fixed at the first appropriate directions hearing if the parties have not already issued subpoenas.

6 ALTERNATIVE DISPUTE RESOLUTION

6.1 All appropriate cases will be referred for mediation under part 4 of the Civil Procedure Act 2005.

6.2 Cases involving technical questions will be referred to a referee under rule 20.13 to 20.24 of the Uniform Civil Procedure rules. Generally, the Court will not refer the matter to a referee until the evidence is complete and will order that the reference proceed on the affidavits, statements and reports filed in Court.

6.3 The order for reference will include the date on which the reference will commence and the expected duration of the reference.

7. LONG TRIAL DATES

7.1 The Court will allocate long trial dates, in cases estimated to take 5 days or more, from a directions hearing when a case is ready for trial.

7.2 When a long case is fixed for trial, the Court will make every effort to ensure that it proceeds. For that reason, the Court will not adjourn long cases unless there are exceptional circumstances.

7.3 Cases with an estimated trial time of 2 weeks or more will be listed for case management directions before the Court. Each party should be represented by counsel briefed on the trial or the solicitor with conduct of the case to enable all proper directions to be made.

8. SHOW CAUSE HEARINGS

8.2 In cases of serious or repeated non-compliance with Court orders, a case may be listed for

(c) the plaintiff to show cause why the action should not be dismissed for want of prosecution

(d) the defendant to show cause why the defence should not be struck out and/or any cross claim dismissed for want of prosecution

The party ordered to show cause should expect to pay the costs of the show cause hearing.

8.3 At least 5 days before the show cause hearing, the legal practitioner for the party in default (or the party, if self-represented) must file and serve an affidavit setting out the reasons why he or she has not complied with the timetable and/or this practice note. In addition, any other party who wishes the Court to consider any submissions must put those submissions in writing and file and serve them at least 5 days before the directions hearing.

8.4 Where a legal practitioner is on record for a party, a practitioner familiar with the case must represent each party at the show cause hearing and have instructions sufficient to assist the Court to make all appropriate orders and directions.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

CIVIL PROCEDURE ACT

Practice Note DC (Civil) No. 4

Proceedings Under The Property (Relationships) Act 1984 and Family Provision Act 1982

THIS practice note is issued under sections 56 and 57 of the Civil Procedure Act 2005.

1. COMMENCING PROCEEDINGS

1.1 A plaintiff must not commence proceedings until they are ready to comply with the Uniform Civil Procedure Rules and this practice note for preparation and trial

1.2 Rule 6.3(g) of the Uniform Civil Procedure Rules requires that proceedings under the Property (Relationships) Act be commenced by statement of claim.

1.3 Proceedings under the Family Provision Act should be commenced by summons.

1.4 Before commencing an action or filing a defence, legal practitioners must give their clients notice in writing about the requirements of this practice note and the Court's insistence on compliance with its orders. That notice must state that the Court may dismiss actions or cross claims or strike out defences if orders are not complied with and that the Court may make costs orders against parties who fail to adhere to timetables.

2. PREPARATION FOR TRIAL

2.1 Evidence is to be given by way of affidavit.

2.2 The parties must enter into a timetable for the conduct of the case at or before the first directions hearing. The timetable must be drafted specifically for each case. It must include all steps necessary to ensure that the case will be ready to be referred to mediation or listed for trial or arbitration as soon as possible.

3. DIRECTIONS HEARINGS

3.1 The Court will list all matters under these Acts for a directions hearing before the Court at Sydney about six weeks after the proceedings are commenced.

3.2 For proceedings commenced at registries other than Sydney, the Court will conduct the directions hearing

using telephone conferencing facilities. The Registrar will endorse the time and date for the directions hearing on the originating process. The parties and/or their legal representatives should attend the Court House at which the originating process is filed at the time appointed for the directions hearing.

- 3.3 A legal practitioner with full knowledge of the proceedings should represent each party at the directions hearing. That legal practitioner must have sufficient instructions to enable the Court to make all appropriate orders and directions.

4. TRIAL

- 4.1 The Court anticipates that every appropriate matter will be referred to mediation or arbitration.
- 4.2 The parties must not ask the Court to fix matters for trial unless they are ready because the Court will only grant adjournments if there are very good reasons.

5. SETTLEMENT

- 5.1 If the parties in a country matter file terms of settlement which contain orders for declarations, the Registrar will send the terms to Sydney for the Court to make the orders.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

CIVIL PROCEDURE ACT

Practice Note Dc (Civil) No. 5

Children And Young Persons (Care And Protection) Act,
1998

THE purpose of this practice note is to ensure the timely hearing of care appeals. The Court's policy is that these appeals are dealt with expeditiously.

1. DIRECTIONS HEARINGS

- 1.1 The appeal will be listed for directions before the Child Care Appeals List Judge on the first available date after filing. The Court will notify the relevant Children's Court that the appeal has been lodged and request the Children's Court file and a transcript of the proceedings in the Children's Court be provided to this court.
- 1.2 In Sydney, Wollongong and Sydney West, appeals will be listed for directions approximately three weeks after commencement.
- 1.3 At all other centres the Directions Hearing will be conducted by telephone conference. The Registrar will note the time and date for the Directions Hearing on the originating process. The parties and/or their legal representatives should attend the Court house at which the originating process is filed at the time appointed for the Directions Hearing.

2. EVIDENCE

- 2.1 For the efficient disposal of cases it is generally desirable to deal with appeals based on the transcript plus any new evidence. Any objection to this course should be notified to the Court well in advance of the hearing.

2.2 At the first directions hearing, the Court will make orders for the preparation of a tender bundle comprising relevant extracts from the transcript plus the exhibits. The parties should attempt to agree on the contents of the tender bundle.

2.3 At the first directions hearing, the parties should be able to identify any new evidence they wish to rely on and to be able to tell the Court when it may be available.

3. CHILDREN'S COURT CLINIC REPORTS

3.1 An application for an assessment by an Authorised Clinician under sections 53 or 54 of the Children and Young Persons (Care and Protection) Act is to be made as soon as practicable using Assessment Order (District Court form 153) and Notice of Assessment Order (District Court form 152). The parties should attempt to agree on the nature of the referral required.

3.2 In some cases, parties will request that an Authorised Clinician from the Children's Court Clinic who prepared an Assessment be available to give evidence. A party who requests the attendance of the Authorised Clinician must prepare a Request to Court for Authorised Clinician to Give Evidence (District Court form 154) and Notice to Authorised Clinician to Attend Court to Give Evidence (District Court form 156) for the consideration of the Judge as soon as practicable.

3.3 REGISTRAR TO NOTIFY CLINICIAN TO ATTEND

If the Judge grants the request for the attendance of an Authorised Clinician, the Registrar of the Court will forward a Notice to Authorised Clinician to give Evidence (the Notice), in duplicate, to the Authorised Clinician and forward a copy of the Notice to the Children's Court Clinic. The duplicate copy is to be signed by the Authorised Clinician and returned to the Court to acknowledge receipt of the Notice and confirm the attendance of the Clinician.

3.4 The Notice must state the way cross-examination is to take place, that is, by telephone, video link or personal attendance as directed by the Judge.

3.5 CONFIRMATION OF ATTENDANCE

The Authorised Clinician should liaise directly with the Registrar of the Court regarding:

- I. Time of attendance.
- II. Expected duration of attendance.
- III. Where and to whom to report at court.
- IV. Any problems in attending Court on the date required.
- V. Any other issue relevant to the administration arrangements.

Registrars must liaise with the presiding Judge/Associate to assist in this regard

3.6 The Court will use telephone facilities or video-link facilities to take the evidence of the Authorised Clinician whenever possible.

3.7 FEES

Authorised Clinicians are entitled to remuneration as if the Authorised Clinician had given evidence before the Children's Court and shall submit an invoice to the Registrar of the District Court in which they appeared.

4. TRIAL

- 4.1 The Court aims that the appeal will be listed for trial within 3 months of filing. Appeals will be granted priority on the trial date allocated.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

CIVIL PROCEDURE ACT

Practice Note Dc (Civil) No. 6

DEFAMATION

1. All actions for defamation, injurious falsehood or related claims of injury to reputation commenced in the Sydney Registry of the Court should be entered in the Defamation List irrespective of anticipated length of trial. Actions commenced in registries other than the Sydney registry will be case managed from Sydney (by telephone attendance if necessary) until pleadings are closed.
2. All actions entered into the Defamation List will be managed from the moment of such entry by a Judge having the control of the List.
3. Actions may be entered in the Defamation List by:
 - 3.1 The Plaintiff endorsing the statement of claim, or the defendant endorsing the notice of grounds of defence 'DEFAMATION LIST' next under the heading and title on the statement of claim or the notice of grounds of defence, as the case may require.
 - 3.2 The filing of a consent order, after the filing of the notice of grounds of defence, for entry of the action into the Defamation List.
 - 3.3 Order of the Court on a notice of motion filed by the plaintiff, or a defendant who has filed a notice of grounds of defence, for entry of the action into the Defamation List, at any time after a notice of grounds of defence has been filed.
 - 3.4 Order of the Court on its own motion.
4. Upon an action being entered in the Defamation List, the Registry will allocate a date in the next available Defamation List Directions List for directions before a Judge controlling the List. Directions will then be given as to the preparation of the proceedings for determination and the method of such determination including the hearing of any part of the trial by a jury.
5. The Judge controlling the list may, from time to time, issue standard directions in relation to the conduct of matters in the list including, but not limited to, requirements for the provision of outlines of argument in relation to interlocutory applications and matters such as service of pleadings and the time for completing of interlocutory proceedings.
6. Defamation, injurious falsehood and related claims of injury to reputation will continue to be case managed in accordance with Part 49 of the District Court Rules until further notice.

The following should be particularly noted:

- 6.1 Where there is a separate trial because a defendant has not consented to trial without a jury, a plaintiff may request that any additional hearing fee should

be paid by the defendant rather than the plaintiff. However, any such application must be made in a timely manner.

- 6.2 The practice of application for orders and for arguments concerning pleadings will continue to be by way of letters inter partes and to the court and notices of motion need not be filed unless the court so orders.
7. It is anticipated that defamation actions will be subject to the Uniform Procedure Act and Rules when amendments to the Defamation Act 1974 (NSW) are passed in early 2006.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

CIVIL PROCEDURE ACT

Practice Note Dc (Civil) No. 7

Court Approval Of Settlements

THIS Practice Note applies to actions commenced in the Sydney Registry of the Court only.

1. In general, applications for approval under the Civil Procedure Act will be listed for hearing on Fridays. However special arrangements will be made for urgent applications.
2. A party may list a matter for approval by contacting the List Clerk.
3. The parties are required to file all Affidavit evidence upon which they will rely at the hearing at least three (3) clear working days prior to the listing of the application before the Court.
4. A matter should not be listed unless the application will be ready to proceed.
5. Unless there are exceptional circumstances, the plaintiff and the tutor will be required to attend at the hearing of the application.
6. The Affidavit evidence should, where relevant, include the following matters:
 - A. Whether the settlement reflects a compromise on liability and if so, copies of any relevant documents;
 - B. Up to date medical report/s dealing with all relevant medical issues;
 - C. A statement by the tutor as to the plaintiff's current disabilities, if any;
 - D. Details of the past out-of-pocket expenses both paid and unpaid;
 - E. Details of any other deductions to be made from the settlement e.g. Centrelink;
 - F. A statement by the tutor to the effect that the amount allowed for past out-of-pocket expenses in the settlement includes all accounts, both paid and unpaid, of which the tutor is aware having made all relevant enquiries;
 - G. A current HIC Notice;
 - H. An acknowledgement by the tutor that the settlement is final.

7. In cases where an undertaking is required from a legal representative in relation to either the payment of out of pocket expenses or the reimbursement of payments made, the undertaking should, unless the court otherwise orders, be in the following form:

Undertaking

(Insert name) undertakes to the Court to hold any amount received pursuant to this settlement, other than for legal costs and disbursements, on trust and to only apply those trust funds in accordance with the Orders made and the evidence filed in support of the application for approval.

8. If an application for approval pursuant to section 76 of the Civil Procedure Act is either refused or not ready to proceed the action will be returned for management. If the action has already been allocated an arbitration or trial date, that arbitration or trial will, unless the Court otherwise orders, proceed.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

CIVIL PROCEDURE ACT

Practice Note DC (Civil) No. 8

Early Return Of Subpoenas

1. INTRODUCTION

- 1.1 The issuing of subpoenas and the inspection of documents is vital to the proper preparation of cases. The court provides a system for the early production of documents so that parties can meet the standards imposed by Practice Notes.
- 1.2 The power to deal with subpoenas is delegated to the registrar by a direction under section 13 of the Civil Procedure Act 2005.

2. SYSTEM FOR EARLY RETURN OF SUBPOENAS

- 2.1 The court aims to allocate a return date within 6 weeks of the issue of a subpoena for production.
- 2.2 The court has adopted the following system for the early return of subpoenas and access to documents to give effect to the powers in rule 33.9 of the Uniform Civil Procedure Rules 2005:
- (a) The issuing party will obtain a return date from the registry and endorse it on the subpoena. The return date will be on a Monday at 11am before the registrar.
- (b) The issuing party must endorse a proposed access order on the subpoena. A suggested order "plaintiff to have first access for 7 days." Where a different proposed access order is sought, the issuing party must state his or her reasons. Examples are that the plaintiff can have no claim for privilege, that there should be general access or that another party should have first access. The issuing party should carefully consider the access order proposed. If there is a dispute over the proposed access, the parties must appear on the return date.
- (c) The issuing party must serve a copy of the subpoena on all other parties who have an address

for service within 7 days of issue. If the return date is less than 2 weeks away, the copy must be served within 24 hours.

- (d) The issuing party must appear on the return date if it has not notified all parties of the issue of the subpoena. All other parties must attend on the return date unless the issuing party has obtained consent to mention the matter for all parties. The Court may make costs orders against parties who have not complied with the rules and this practice note.
- (e) Any party, or the producer, may object to the issuing party about the proposed access order. The issuing party must notify all other parties of the objection. Parties who wish to contest the proposed access order must appear on the return date and argue the question before the registrar.
- (f) If there is no appearance on the return date, the court will generally make the proposed access order. There is no need for the parties to appear on the return date if all parties consent to the order sought.
- (g) If the subpoena has not been served, the issuing party should appear on the return date and ask the registrar for a new return date.
- (h) If documents have not been produced, any party may obtain a further return date from the registry. That party must inform all other parties of the new return date.

3. ACCESS TO DOCUMENTS

- 3.1 When the proposed access order takes effect, parties may inspect documents in the registry in accordance with that order. The other parties may inspect the documents produced as soon as the first access order has expired.
- 3.2 Practitioners should be aware that, if the party with first access does not inspect documents in accordance with the proposed access order, other parties may inspect privileged documents and the privilege may be lost.
- 3.3 The Court has broad discretionary powers under rule 33.8 of the Uniform Civil Procedure Rules 2005 with respect to access to and copying of documents.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

CIVIL PROCEDURE ACT

Practice Note DC (Civil) No. 9

Summonses And Motions

- Notices of motion will be given a hearing date in the general motions list on a Friday at the time of filing unless they are endorsed "Long Motion".
- Motions must be served at least 3 clear days before the date allocated for hearing with the affidavit(s) in support.
- An Assistant Registrar will be available in court between 9.00 a.m. and 9.30 a.m. to deal with any consent orders and applications for adjournments of motions. At 9.30 a.m. the Assistant Registrar will call through the list and refer the notices of motion ready for hearing to the Judicial Registrar.

4. Notices of motion which are anticipated to require more than 2 hours for hearing should be described as a Long Motion in the heading of the document. Long motions will receive a call-over date for the purpose of allocating a hearing date. Long motions must be served in sufficient time to enable all parties to be represented at the call-over with instructions as to the likely hearing time for the application and with instructions to complete a timetable.
5. Long motions will usually not be adjourned. If a party seeks to have such a motion adjourned they should file a normal notice of motion with an affidavit in support prior to the allocated hearing date.
6. Affidavits, statements and other documents should not be filed with the notice of motion or summons unless an application for an adjournment is sought or the court has ordered the filing of such documents.
7. All summonses not in a specialised list will receive a call-over date for the purpose of case management and allocation of a hearing date.
8. Judges and Registrars should order that the supporting affidavits be handed back to the parties at the conclusion of the hearing of the notice of motion.
9. Counsel are not required to robe for the hearing of notices of motion or summonses.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

CIVIL PROCEDURE ACT

Practice Note DC (Civil) No. 10

Inactive List

1. The District Court will maintain a list of cases marked "inactive". This list is intended particularly for those actions which must be commenced because of time limitations but cannot be concluded because injuries have not stabilised. It is particularly not a resting point for cases which should not have been commenced or cases which have not been adequately prepared for trial.
2. To enter a case in this list application should be made at a pre-trial conference, status conference, any directions hearing or call-over before the Court or by Notice of Motion. The Court may call through the list at any time to determine whether any cases should be removed from the list. For the purpose of Court timetables time will not run while an action is in the list.
3. Any party may have the case removed back to the active list by written request to the Registrar of the appropriate Court. The Court will then list the case for directions.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005.

CIVIL PROCEDURE ACT

Practice Note DC (Civil) No. 11

Access To Court Files By Non-parties

1. Access to material in any proceedings is restricted by Part 52 rule 3 of the District Court Rules 1973 to parties, except with the leave of the Court or Registrar.
2. Access will normally be granted to non-parties in respect of:
 - (a) pleadings and judgments in proceedings that have been concluded, except in so far as an order has been made that they or portions of them be kept confidential;
 - (b) documents that record what was said or done in open court;
 - (c) material that was admitted into evidence; and
 - (d) information that would have been heard or seen by any person present in open court, unless the Judge or registrar dealing with the application considers that the material or portions of it should be kept confidential. Access to other material will not be allowed unless a registrar or Judge is satisfied that exceptional circumstances exist.
3. It should not be assumed that material held by the Court comes within paragraph 2. Affidavits, and witness statements, that are filed in proceedings are often never read in open court. This can occur because they contain matter that is objected to and rejected on any one of a number of grounds or because the proceedings have settled before coming on for hearing. Affidavits, statements, exhibits and pleadings may contain matter that is scandalous, frivolous, vexatious, irrelevant or otherwise oppressive. Rule 14.28 of the Uniform Civil Procedure Rules allows the Court to order that this type of matter be struck out of a document.
4. If access to material is given prior to the conclusion of the proceedings to which it relates, material that is ultimately not read in open court or admitted into evidence would be seen. Thus, access will not normally be allowed prior to the conclusion of the proceedings.
5. Even where material has been read in open court or is included in pleadings, there may be good reason for refusing access. Material that has been rejected or not used or struck out as being scandalous, frivolous, vexatious, irrelevant or otherwise oppressive, may still be legible. Where access to material would be otherwise unobjectionable, it may concern matters that are required to be kept confidential by statute (eg the Criminal Records Act 1991) or by public interest immunity considerations.
6. Application by a person, who is not a party to proceedings, for access to material held by the Court in the proceedings shall be made in the attached form to the Registrar, who will refer doubtful cases to the Chief Judge or to a Judge nominated by the Chief Judge. The Registrar or Judge may notify interested parties before dealing with the application. The applicant must demonstrate that access should be granted in respect of the particular documents the subject of the application and state why the applicant desires access. Enquires may be made to the Registrar.

7. The person to whom access to material is granted normally may copy or take extracts from the material and the registry may assist with copying.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

APPLICATION BY A NON-PARTY FOR ACCESS TO MATERIAL HELD BY THE COURT

I (applicant's full name)
(occupation).....of (address)
.....Postcode

apply for leave to inspect the documents described below in the following proceedings:

File No
Name of case
Identify documents

.....
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My reason for requesting leave is:
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CIVIL PROCEDURE ACT
Practice Note DC (Civil) No. 12
Coal Miners' Workers Compensation List

1. APPLICATION

- 1.1 This Practice Note applies to all proceedings in the Coal Miners' Workers Compensation List.
- 1.2 Schedule 6, Part 18, clause 3(1) of the Workers Compensation Act 1987 provides that subject to that clause the 2001 amendments do not apply to coal miners and that that Act and the Workplace Injury Management and Workers Compensation Act 1998 (and the regulations made thereunder) apply to coal miners' claims as if the 2001 amendments had not been enacted.
- 1.3 Schedule 1.15, cl 4, of the Compensation Court Repeal Act 2002 amends the 1998 Act so that from 1 January

2004, the District Court has exclusive jurisdiction to examine hear and determine all coal miner matters (except matters arising under Part 5 of the 1987 Act – common law matters).

1.4 From 1 January 2004 a Coal Miners' Workers Compensation List will be kept in Sydney and Newcastle and will operate in accordance with Part 24D of the Rules.

2. PROCEDURE

2.1 A party seeking to lodge a statement of claim must lodge with the statement a certificate of compliance certifying that the commencement of such proceedings is not contrary to the provisions of section 101, 102 or 103 of the 1998 Act as the case may be.

3. CONCILIATION

- 3.1 The Registrars at Sydney and Newcastle shall refer all such statements of claim to the District Court Conciliator for conciliation.
- 3.2 The Conciliator will hold a face-to-face conciliation conference approximately 3 months after the filing of the statement of claim.
- 3.3 Where a matter does not resolve at conciliation the Conciliator will return the matter to the list for trial. Coal Miners Workers Compensation Lists will be kept for Newcastle, Wollongong and Katoomba.

4. TRIAL AT NEWCASTLE

4.1 Where the matter is in the Newcastle list parties will receive a preliminary notice of hearing 12 weeks prior to the trial date. Where conciliation occurs less than 12 weeks prior to trial the conciliator will provide the parties with notice of the trial date at the conclusion of the conciliation. The Court will issue a confirmation of trial notice 4 weeks prior to the trial.

The Hon. Justice R.O. Blanch A.M.
Chief Judge

9 August 2005

DISTRICT COURT CRIMINAL PRACTICE NOTE 1

Listing Procedures in Sydney and Sydney West

DISTRICT COURT

- 1. The arrangements in place between the Local Court and the District Court in relation to cases committed to Sydney District Court and Sydney West District Court are:
 - 1.1 Accused committed for trial in Sydney are committed to the last sitting day of the week following committal (usually a Friday) for first mention in the arraignment list.
 - 1.2 In Sydney West a similar procedure is adopted but the first mention day varies from court to court and practitioners should ascertain the relevant day which is nominated by the list judges at Parramatta, Penrith and Campbelltown.
 - 1.3 Where an accused is committed for sentence the magistrate may order a pre-sentence report for the sentencing. Practitioners should address this issue in the Local Court where possible because this allows the report to be prepared at an earlier date.

- 1.4 Where an appeal against severity is lodged in the Local Court the date of hearing in the District Court is endorsed on the Notice of Appeal. This is not a mention date and practitioners should be prepared to proceed with the appeal on that date.
2. The purpose of the first mention of a trial will be to ensure the representation of all accused persons is provided for at the earliest possible opportunity. The responsibility of the list judge will be to manage each case according to its own needs.
3. At this first mention the list judge will address the question of provision of legal assistance and set a date for arraignment within a period no longer than the next eight weeks. In fixing this date the judge will take account of the circumstances of the accused in order to enable the arraignment date to be a meaningful date on which the accused can indicate what the plea will be. This system is designed to minimise the number of appearances in the arraignment lists and thus to reduce costs. It is also designed to ensure maximum attention is given to new cases to ensure only those cases are listed for trial which are expected to be trials.
4. The State and Commonwealth Directors of Public Prosecutions have undertaken to ensure counsel is briefed for the purpose of discussing the future management of all cases with defence counsel. The defence should also be appropriately represented with a view to making the arraignment system a meaningful method of managing the trial lists.
5. Where the accused indicates a plea of not guilty at arraignment, the list judge will normally fix the matter for trial. If at the first mention the accused is represented and the prosecution can confirm the probable charge a trial date may be fixed. To facilitate the early listing of trials the prosecution should be able to provide suitable dates for witnesses at this first mention. Practitioners should be prepared to provide estimates for the length of trials and any special requirements for the trial at the time the matter is fixed for hearing.
6. List judges in Sydney West may fix further management dates for the trials and practitioners should familiarise themselves with the practice directions of the Sydney West list judges.
7. Any application to vacate the hearing date of a trial should be made as soon as a party becomes aware of the grounds relied on. Wherever possible this should be done at least ten days before the listed trial date. Every effort should be made to avoid such applications on the day of trial. Any such application should be made by notice of motion supported by evidence on affidavit.
8. Available trial dates are published on the District Court website <http://www.lawlink.nsw.gov.au/dc>.
2. When listing trials at any circuit sittings with a duration of two or three weeks, the trials for the second week will be mentioned on the first day of the sittings to enable the judge to allocate hearing dates in the sittings. Similarly if there is a third week of sittings, trials listed in the third week will be mentioned on the Monday of the second week of the sittings for the judge to allocate a hearing date.
3. If it appears that the listing of three trials per week cannot be achieved at callover Registrars should contact the Manager, Criminal Listings and Judicial Arrangements, in Sydney to discuss options for the upcoming sittings.
4. In the ordinary course of events no trial will be marked not reached until the last week of the sittings.
5. Parties are encouraged to bring forward any trial matter which may be a plea to enable the Registrar to list it for plea or mention at the sittings.
6. Any application to vacate a trial during the sittings should be notified to the judge on the first day of the sittings and the application should be made by notice of motion and supported by affidavit.

The Hon. Justice R.O. Blanch,
CHIEF JUDGE.

9 August 2005

CO-OPERATIVES ACT 1992

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

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

Punkina Housing Co-Operative Limited

Dated this eighth day of August 2005.

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

CO-OPERATIVES ACT 1992

Notice Under Section 601AB of the Corporations Law as applied by Section 325 of the Co-Operatives Act 1992

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

Australian Hairdressers Buying Co-Operative Limited

Dated this fifth day of August 2005.

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

CO-OPERATIVES ACT 1992

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

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

Australian Durum Producers' Co-Operative Ltd

Dated this eighth day of August 2005.

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

The Hon. Justice R.O. Blanch
CHIEF JUDGE.

9 August 2005

DISTRICT COURT CRIMINAL PRACTICE NOTE 2

Circuit Sittings of the District Court

1. The listing of cases for hearing at circuit courts is to be done on the basis of listing three trials per week and the sittings will be conducted as a running list for the week. All trials listed for the week should be ready to proceed.

**DEPARTMENT OF ENVIRONMENT AND
CONSERVATION (NSW)**

Notice of Exhibition of the Draft Brush-tailed Rock-wallaby Recovery Plan

THE Department of Environment and Conservation (NSW) hereby gives notice of the exhibition of the draft Brush-tailed Rock-wallaby Recovery Plan. Public submissions are invited from August 22 2005 to October 21 2005. Information relating to the inspection of the draft recovery plan will be published on August 19 2005 in the Sydney Morning Herald and August 25 2005 in The Land.

MARK GIFFORD,
Director, Reform and Compliance Branch
Environment Protection and Regulation Division

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

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

Dubbo 10.00 a.m. 29 August 2005 (2 weeks) in lieu
of 29 August 2005 (3 weeks)

Dated this 8th day of August 2005.

R. O. BLANCH,
Chief Judge

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

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

Dubbo 10.00 a.m. 12 September 2005 (14 weeks) in
lieu of 10 October 2005 (10 weeks)

Dated this 8th day of August 2005.

R. O. BLANCH,
Chief Judge

GEOGRAPHICAL NAMES ACT 1966

Notice of Proposal to Amend Address Locality Boundaries
Within the Gunnedah Local Government Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the address locality boundaries in the Gunnedah Shire Local Government Area as shown on map GNB3769/A.

The map GNB3769/A may be viewed at Gunnedah Shire Council Administration Offices Foyer, Curlewis Post Office, Mullaley Post Office, Carroll Post Office, Gunnedah Library and the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795 for a period of five weeks from Monday 15 August.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143
Bathurst NSW 2795

LAND AND ENVIRONMENT COURT ACT 1979

Land and Environment Court Rules (Amendment No.14)
2005

PURSUANT to s74 of the Land and Environment Court Act 1979 we have this day made the Rules set forth in the Schedule hereto

Dated this 10th day of August 2005.

P. D. McCLELLAN,
Chief Judge

N. R. BIGNOLD,
Judge

R. N. TALBOT,
Judge

Explanatory note

The object of this Rule Amendment is to maintain as part of the Rules of Court the adopted provisions of the Supreme Court Rules.

SCHEDULE

1. Name of Rules

These Rules may be cited as the Land and Environment Court Rules (Amendment No.14) 2005.

2. Commencement

These Rules commence on 15 August 2005, being the commencement date of the Supreme Court Rules (Amendment No.405) 2005.

3. Amendment of Principal Rules

The Land and Environment Court Rules 1996 are amended as follows:

- (i) by inserting at the end of Part 6 Rule 1 the following new subrule:
- (5) Upon the commencement of the Supreme Court Rules (Amendment No.405) 2005 the provisions of the Supreme Court Rules referred to in subrules (1) and (2) shall continue to be adopted by the Rules of this Court and that adoption shall be according to the form and content that those provisions had immediately before that commencement.
- (ii) by omitting from Part 6 Rule 2(1) the words "Division 2 of Part 75 of the Supreme Court Rules 1970 is" and by inserting instead the following words:

"The provisions of Part 75 of the Supreme Court Rules 1970 applying to proceedings brought in its summary jurisdiction, as in force immediately before the commencement of the Supreme Court Rules (Amendment No.405) 2005 are"

- (iii) by omitting from Part 6 Rule 2(1) the matter contained in paragraph (d);
- (iv) by omitting from Part 6 Rule 2(2) the words “pursuant to section 41 of the Act” and by inserting instead the words:
- “pursuant to section 246(1) of the Criminal Procedure Act 1986”;
- (v) by inserting in Part 13 Rule 27 after the words “those rules” the following words:
- “as in force immediately prior to the commencement of the Supreme Court Rules (Amendment No.405) 2005”
- (vi) by inserting in Part 16 Rule 3 after the words “the Supreme Court Rules 1970” the following words:
- “as in force immediately prior to the commencement of the Supreme Court Rules (Amendment No.405) 2005”

(05/3829)

MINING ACT 1992

Order Under Section 236B (Access Management Area)

I, Barry Buffier, Director-General of the Department of Primary Industries, pursuant to section 236B of the Mining Act 1992, by this order:

- (a) constitute the land specified in clause I of the Schedule below (being land within a mineral claims district or opal prospecting area, or both) as an access management area and fix the boundaries of that area as specified in clause 2 of that Schedule; and
- (b) name that area the Narran-Warrambool Access Management Area.

Dated this first day of August 2005.

BARRY BUFFIER,
Director-General,
Department of Primary Industries

Schedule

1. The land constituted as the Narran-Warrambool Access Management Area is the same land (being land in the Shires of Walgett and Brewarrina, Counties of Finch and Narran) as is covered by –
- (a) the Lightning Ridge Mineral Claims District notified in *Government Gazette* No. 101 dated 20 August 1992; and
- (b) Opal Prospecting Area No. 2 notified in *Government Gazette* No. 22 dated 4 February 1983 (the land in that Area being partly within and partly outside the Lightning Ridge Mineral Claims District),
- excluding any land which – having been excluded from that District and/or that Opal Prospecting Area and/or from Opal Prospecting Area No. 1 and the addition to such or Opal Prospecting Area No. 3 and the addition to such (the latter 4 areas being the subject of notification in *Government Gazette* No. 30 dated 13 February 1981 and No. 167 dated 14 December 1990 and *Government Gazette* No. 91 dated 20 August 1993 and No. 148 dated 23 September 1998, respectively) – is within neither a mineral claims district nor an opal prospecting area.

2. The boundaries are as follows –
- (a) Except as specified in paragraph (b) below, the boundaries of Narran-Warrambool Access Management Area are the same as those of the Lightning Ridge Mineral Claims District.
- (b) Where the boundaries of Opal Prospecting Area No. 2 extend outside Lightning Ridge Mineral Claims District, the boundaries of Narran-Warrambool Access Management Area are the same as those of Opal Prospecting Area No. 2.

NSW SUPREME, DISTRICT AND LOCAL COURTS

Guidelines for the Waiver, Remission and Postponement of Fees

1. Objective

These guidelines are to be used when officers of the Supreme, District and Local Courts deal with applications for the waiver, remittance or postponement of court fees.

2. Principles

The obligation to pay court fees is based on the principle that a user of a court or a court service should contribute to the cost of that service.

The presumption is that all court fees should be paid, although some fees may be postponed, waived or remitted.

Court officers should:

- Identify client needs, and respond professionally
- Treat all clients with courtesy and respect
- Be open in their decision making, and provide reasons for their decisions
- Maintain the integrity of the court process at all times
- Ensure access to the court system for all people
- Act within their delegated authority.

3. Court fees in the Supreme, District and Local Courts

Civil proceedings The Civil Procedure Regulation 2005 sets fees in civil proceedings (‘the regulation’).

Criminal proceedings The Criminal Procedure Regulation 2005 sets fees in criminal proceedings (‘the regulation’).

The regulations also set out who is liable for court fees, when payments are due, and gives the court the power to postpone, waive or remit fees.

Other proceedings

Courts deal with other legislation where fees have to be paid. For example, a Local Court can deal with certain proceedings under the Family Law Act 1975 (Cth). These guidelines will also be used when officers make decisions about the waiver, postponement or remission of fees under other legislation.

4. Who must pay the fees?

Hearing allocation fee/hearing fee A hearing allocation fee is only paid in the Supreme and District

	Courts. A hearing fee is only paid in the Supreme Court. The plaintiff usually pays the hearing allocation fee and hearing fee, unless the court orders otherwise. Civil Procedure Regulation - clauses 9(1) and 10(1)	Arbitration referral fee A fee becomes payable when the proceedings are referred to arbitration.
<i>Other fees</i>	Other fees are to be paid by the person requesting the service or requiring the document to be filed. Civil Procedure Regulation - clause 7(1) Criminal Procedure Regulation - clause 15(1)	<i>Other fees</i> Other fees become payable when the document is filed or the service is rendered In exceptional circumstances, the court can also require any fee to be paid before the document is filed or the service rendered. Civil Procedure Regulation - clause 8 Criminal Procedure Regulation - clause 10
<i>Where an agent is acting for a party</i>	If a person is acting as an agent for a party to any proceedings, the agent and the party are jointly and severally liable for <ul style="list-style-type: none"> • Fees for services rendered • Fees for documents filed • Fees for hearing allocation, and • Hearing fees Civil Procedure Regulation - clauses 7(2), 9(2) and 10(2) Criminal Procedure Regulation - clause 15 (2)	7. Legally assisted & pro bono parties <i>Fees before judgment</i> <i>Civil proceedings</i> All fees must be postponed for a pro bono or legally assisted party until judgment has been given. Civil Procedure Regulation - clauses 12 and 13 <i>Criminal proceedings</i> All fees must be postponed for a legally assisted party until judgment has been given. Criminal Procedure Regulation - clause 18
5. Exemptions		<i>Fees after judgment</i> <i>Civil proceedings</i> Fees are not to be taken from a pro bono or legally assisted party, or are to be remitted if they have already been taken, if: <ul style="list-style-type: none"> • Judgment is given against the party, or • Damages are not awarded or nominal damages are awarded, and costs are not awarded in favour of the party. Civil Procedure Regulation - clauses 12 and 13 <i>Criminal proceedings</i> Fees are not to be taken from a legally assisted party, or are to be remitted if they have already been taken, if: <ul style="list-style-type: none"> • Judgment is given against the party, or • Judgment is given in favour of the party, but costs are not awarded in his or her favour. Criminal Procedure Regulation - clause 18
<i>Filing fees</i>	Some agencies are exempt from paying filing fees. Civil Procedure Act 2005 - section 18(2)	
<i>Transcript fees</i>	The Department of Community Services and any other private party are exempt from paying fees for transcripts of Children's Court care appeals. The Child Protection Investigation Directorate (CPID)* is exempt from paying fees for transcripts and duplicate cassette recordings of proceedings involving allegations of child abuse made against its employees.*CPID is part of the Department of Education and Training.	
6. When are fees due?		8. Discretion to postpone, waive or remit fees A decision-maker may waive, postpone or remit any fees payable, subject to such conditions as they see fit. Note: See section 7 of the guidelines for the procedure for dealing with applications from pro bono or legally assisted persons. Civil Procedure Regulation - clause 11 Criminal Procedure Regulation - clause 17
<i>Hearing allocation fee</i>	A hearing allocation fee becomes payable: <ul style="list-style-type: none"> • Immediately after a date is allocated for hearing the proceedings, or • When the court notifies the parties in writing of the court's intention to allocate a date for hearing the proceedings, whichever occurs first. Civil Procedure Regulation - clause 9	
<i>Hearing fee</i>	A hearing fee becomes payable when the court gives written notice of the amount of the fee to the person liable to pay the hearing fee. Civil Procedure Regulation - clause 10(4)	

9. Application procedure

Pro bono or legally assisted parties

Pro bono or legally assisted parties must either:

- lodge a letter from their legal practitioner with their application form, which certifies that they are legally assisted, or a pro bono party
- have their legal practitioner sign the application form, or
- give details of their Legal Aid reference number, if they are a legally assisted person.

Other applicants

All other people who wish to apply to have their fees waived, postponed or remitted must lodge:

- An application form
- Copies of documents to support their claim such as payslips, tax returns, Centrelink documents,

medical certificates etc.

The application form and the copies of the documents must be verified by statutory declaration.

The court may ask for further documents to support the application where necessary.

Applications generally granted

- The reason why the service is required
- The need for procedural fairness for litigants in person
- Whether the person is under 18 years of age, if the application relates to fees being charged in criminal proceedings
- Whether the person is in custody
- Any compassionate grounds
- Whether a viable alternative exists for providing the service e.g. the applicant can view the documents or transcripts at the registry.

Applications will generally be granted where the applicant is:

- Dependent on social security payments and lacks sufficient income and capital to either pay a fee or to obtain credit on reasonable terms to pay a fee
- Otherwise indebted to an extent that he or she is incapable of obtaining credit on reasonable terms to pay a fee
- Has been granted legal aid.

10. Decision-making procedure

The application should be considered within 2 working days.

When considering the application, the decision-maker must consider the applicant's financial, social and emotional needs.

Fees can be postponed, waived, or remitted subject to such conditions as the court thinks fit.

The applicant must be notified in writing of the decision and the reasons for the decision.

The applicant must be told that he or she can apply for a review of the decision.

The court must keep a record of all applications and decisions on those applications.

Applications generally refused

Applications will generally be refused if the applicant:

- Has, in the opinion of the decision-maker, the ability to pay the fee or to obtain credit on reasonable terms to pay the fee
- Is a corporation
- Has, without a reasonable excuse, defaulted in paying a previously postponed fee
- Has made false or misleading statements or omissions in an application or in discussions with court staff in relation to an application
- Has, in the preceding 12 months, been granted a postponement or a waiver of a fee to initiate proceedings, and the decision-maker is not satisfied that special factors exist to warrant another postponement or waiver of fees.

An application may also be refused where the fee in question does not relate to an essential step in the proceedings.

Example 1

A is on a disability pension and has assets. A has brought a proceedings in relation to a

11. Exercising the discretion to postpone etc.

Relevant considerations

See section 7 of the guidelines for the procedure for dealing with applications from legally assisted or pro bono parties.

All other applications must be considered on their merits.

The decision-maker can consider any relevant matter including:

- Any orders or recommendations made by the court e.g. orders in relation to vexatious litigants and recommendations to remit fees
- Whether the payment of the fee will cause the applicant undue financial hardship

Examples of how the discretion might be exercised

claim for personal injuries arising from a motor vehicle accident. The proceedings are still pending. If A succeeds in the proceedings, A may be entitled to a costs order. This would allow A to recover the court fee from the losing party. In this situation, the fee would usually be postponed until the conclusion of proceedings. A could make another application if a costs order were not made at the conclusion of the proceedings.

Example 2

B is a prisoner and has no assets and no real income. B seeks a copy of the transcript of the trial. If B is found not guilty at trial, the court is unlikely to order costs. The fee would usually be waived.

Example 3

C has been declared a vexatious litigant and has no assets or income. C wishes to commence proceedings against another person. As C has been declared a vexatious litigant, he or she would be required to pay the fee unless he could demonstrate that there is real merit in his or her claim.

12. Numerous applications

When considering an application from a person who has made numerous applications to postpone, remit or waive fees, the decision-maker:

- Can consider whether special factors apply to warrant another postponement, remission or waiver of fees
- Must recognise the need to protect the integrity of the court's process and the applicant's right to access justice. See section 7 of the guidelines for the procedure for dealing with an application from a legally assisted or pro bono party.

13. Options for a successful application

Part payment

If a part payment of the fee is offered, the decision-maker should:

- Accept the part payment, and
- Consider the written application to postpone or waive the balance of the fee.

Postponement

It is usually preferable to postpone payment of a fee until after the proceedings are finalised instead of waiving the fee.

Waiver

It may be appropriate to waive a fee where:

- The outcome of the proceedings will not involve an award of money and the applicant demonstrates that

payment of the fee would cause undue hardship

- The applicant's circumstances and the nature of the proceedings mean that it would be oppressive to ever require the applicant to pay the fee.

14. Review of the decision

If the applicant wishes to dispute a decision, the applicant may apply to have the decision reviewed.

An applicant may give additional material to the reviewing officer before the review decision is made.

The review decision should be given within 5 working days.

The applicant must be notified of the review decision in writing.

There will be no further administrative review of the review decision.

15. Payment of postponed fees

Postponed fees are generally payable at the conclusion of proceedings.

The court can ask an applicant to pay all postponed fees as soon as any one of their proceedings are finalised, whether or not the proceedings are related.

The applicant must be advised of these conditions when they are advised about the postponement.

16. Collection of postponed fees

The court must review all postponed and remitted fees each month and send a reminder letter seeking payment of any overdue fees.

If no reply is received after 30 days, the court must send a further letter of demand.

If there is no reply after a further 30 days, the court must send a final letter of demand, which will advise the applicant that legal action will be taken to recover the outstanding fee if payment is not received within 14 days.

The court can consider a reasonable request to pay the debt by instalments.

17. Writing off debts

NSW Treasury Directions set out the conditions for writing off a debt. A debt is only regarded as irrecoverable and can be written off if:

- The whereabouts of the person are unknown
- It is not financially viable to attempt to recover the money due to the relatively small value of the debt
- Recovery action is not warranted at the time due to the medical, financial, or domestic circumstances of the particular person
- Legal proceedings through the courts have proved, or on legal advice, would prove unsuccessful. If the debt is to be written off, the court must:
 - Note the details of the debt that has been written off in the register of postponed, waived or remitted fees (see section 18)
 - Forward details of all written off debts as at 30 June each year to NSW Treasury.

18. Reporting on waived, postponed or remitted fees

A register must be kept that includes the amount of fees that have been postponed, waived or remitted.

After 30 June each year, the court must send a report to the Director, Financial Services, Attorney General's Department containing the following information:

- The dollar value of waived fees for the financial year ending 30 June
- The dollar value of postponed fees for the financial year ending 30 June
- The dollar value of remitted fees for the financial year ending 30 June
- The dollar value of postponed fees that have been recovered in the financial year ending 30 June
- Details of all debts written off each year including the name and address of the debtor and the dollar value of the debt.

19. Delegation

The senior judicial officer of each court will issue an instrument in writing which sets out who can make decisions on:

- applications to postpone, remit or waive fees
- applications to review a decision in relation to postponing, remitting or waiving a fee. Civil Procedure Act – s. 13 Criminal Procedure Regulation – clause 17

20. Definitions

Legally assisted party Is a party who is receiving legal assistance through a community legal centre that complies with the requirements of s 48H of the Legal Profession Act 1987 or s 240 of the Legal Profession Act 2004.
Civil Procedure Regulation – clause 3
Criminal Procedure Regulation – clause 18

Pro bono party Is a party represented under the provisions of a pro bono scheme of the Law Society of New South Wales or the Bar Association of New South Wales, or under a pro bono scheme established by rules of court, where the solicitor or barrister acting for that party has:

- Certified in writing to the registrar that the party is being represented under a pro bono scheme, and
- Undertaken in writing to the registrar:
 - o To pay the filing fee for the originating process
 - o To pay hearing allocation fees or hearing fees on behalf of the party in those proceedings

The legal practitioner's undertaking is to be given subject to the exemptions referred to in section 7 of these guidelines.
Civil Procedure Regulation – clause 3

PESTICIDES ACT 1999

Notice under Section 48 (4)

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

ALAN RITCHIE,
Manager Dangerous Goods,
Environment Protection Authority
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Mr Sandy G. Lyon 64 Market Street Sale Vic 3850	4 August 2005

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

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Forest Air Helicopters (Aust) Pty Ltd 385 Port Hacking Road Caringbah NSW 2229	5 August 2005

RURAL FIRES ACT 1997

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

Area of Variation: Blacktown City Council
Fairfield City Council
Penrith City Council

The Local Bush Fire Danger period has been extended for the period 1 September until 30 September 2005.

During this period permits pursuant to section 87 of the Rural Fires Act 1997 as amended will be required for the lighting of fire for the the purposes of land clearance or firebreaks.

MARK CROSWELLER, F.S.M.,
Assistant Commissioner,
Executive Director Operations
and Regional Management
Delegate

**TRANSPORT ADMINISTRATION ACT 1988
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

ERRATUM

IN the notification by the Transport Infrastructure Development Corporation of the land burdened by easement for temporary rock anchors published in *Government Gazette* No. 94 dated 29 July 2005 pages 3984-6 in Schedule 1 in the last paragraph of page 3985 the figures "8790011" should read "790011".

Also in the notification by the Transport Infrastructure Development Corporation of the land burdened by easement for temporary crane swings published in *Government Gazette* No. 94 dated 29 July 2005 pages 3986-8 in Schedule 1 in the first paragraph of page 3987 the word and figures "Lot 13" should read "Lot 10".

CHRIS LOCK,
Chief Executive Office

TOTALIZATOR ACT 1997

TAB LIMITED TOTALIZATOR RULES

In accordance with the provision of section 54(1) of the Totalizator Act 1997, the Minister for Gaming and Racing has approved of the following Totalizator Rules.

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RULES FOR THE CONDUCT OF TOTALIZATORS

1. PRELIMINARY

1.1 Application

1.1.1 Unless otherwise provided, these rules:

- (a) apply in respect of any totalizator conducted by TAB for betting on any racing or sports event or contingency in accordance with sections 14 or 15 of the Act; and
- (b) must, pursuant to section 58(2) of the Act, be complied with by any racing club in respect of any on-course totalizator conducted by it (whether as a domestic totalizator or where bets are received as agent for TAB) for betting on a racing event or contingency at a racecourse in accordance with section 15 of the Act.

1.1.2 These rules:

- (a) only apply to TAB in so far as they relate to a totalizator conducted by TAB; and
- (b) do not apply to TAB to the extent the Minister approves, either under the Act or under the terms of TAB's off-course totalizator licence, that the rules of another entity conducting totalizator betting outside of New South Wales will apply.

1.1.3 Unless the context otherwise requires or, except to the extent the racing club's own rules made by the Minister under the Act specifically exclude these rules then references in these rules:

- (a) to TAB include a reference to a racing club conducting an on-course totalizator;
- (b) to the rights, powers, actions, determinations or obligations of TAB includes a reference to the rights, powers, actions, determinations or obligations of a racing club conducting an on-course totalizator; and
- (c) to an operator in a TAB outlet includes a reference to an operator at a racing club conducting a domestic totalizator.

1.1.4 Transactions conducted at or through a TAB outlet (including via a betting account) are subject where appropriate to the rules of racing, including the provisions in respect to the entry, acceptance, bracketing, withdrawal, or disqualification of persons, animals or teams or objects, to the running of races, the conduct of race meetings, to the powers of the stewards (including but not limited to the powers of stewards to request the disclosure of personal information pertaining to accounts or transactions) or any other tribunal, and to the procedures governing the operation of the totalizators.

1.1.5 If the stewards request the disclosure of personal information pertaining to accounts or transactions, the investor shall be deemed for the purposes of the Act to have consented to the TAB providing such personal information to the stewards.

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1.2 Commencement

These rules commence on 15 August 2005 and replace those previously gazetted on 10 December 2004 (as amended).

1.3 Agreement to rules

Every person who makes a bet with TAB, or racing club conducting an on-course totalizator, is deemed to be acquainted with and agrees to be bound by these rules and the Act.

1.4 Powers of TAB and determination of matters

1.4.1 If in relation to a race or sports betting event, any circumstance should arise or event happen that is not provided for by these rules or the Act, the matter is to be dealt with in the manner as TAB, (or in the case of a domestic totalizator the committee or the stewards) may determine.

1.4.2 Subject to these rules, all decisions made by TAB concerning any race or sports betting event, including the declaration and payment of dividends and the interpretation of these rules, will be final and binding on all persons who make a bet on a totalizator and on every person making a claim under or in respect of these rules.

1.4.3 Subject to these rules, the decision of TAB on:

- (a) any question or dispute as to the amount of dividend or refund payable in respect of any bet; or
- (b) any question as to the genuineness of any betting ticket or any forgery, alteration of, or tampering with a betting ticket;

will be final and conclusive. A person may seek the advice or opinion of the Department of Gaming & Racing on any question or dispute decided upon by TAB under this rule.

1.4.4 A decision made under this clause by the committee of a racing club conducting a domestic totalizator (or by the stewards overseeing the relevant race meeting) into which bets are paid by another racing club is binding on the committee of that other racing club and the stewards overseeing its meeting.

1.5 Definitions

In these rules:

"aggregate amount" see clause 3.6.5;

"all-up bet" means a bet:

- (a) made on the chance of winning a series of bets made on a series of win and place totalizators or other totalizators as determined by TAB; and

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- (b) in which the amount of the bet in respect of the second or any subsequent totalizator is the amount of the dividend or refund (if any) on the previous totalizator;

"all-up betting record" means an all-up betting record established under clause 14.1;

"backed" means a bet has been made on the contestant, finisher or combination as the case may be;

"bad sale" means a bet not paid for after close of betting;

"betting account" see clause 2.9.2;

"betting ticket" or **"ticket"** see clause 2.6.2;

"betting voucher" see clause 2.10;

"cash bet" means a bet made, whether by means of cash, betting voucher or electronic funds transfer, by a person who attends at a TAB outlet or at a NSW racecourse where a domestic totalizator is conducted by a racing club;

"close of betting" means:

- (a) in relation to a race:
- (i) the start of the race (being, in the case of a greyhound race, the start of the lure); or
 - (ii) such other time as TAB may direct in relation to a particular race or class of races or in relation to any particular circumstance or class of circumstances; and
- (b) in relation to a sports betting event:
- (i) the start of the event; or
 - (ii) such other time as TAB may direct in relation to a particular event or class of events or in relation to any particular circumstance or class of circumstances;

"committee" means in relation to a race meeting, the committee of the racing club holding the race meeting;

"contestant" means in relation to a race, a horse or greyhound entered for the race at the opening of betting on the race, but does not include a horse or greyhound that is subsequently scratched from the race;

"contestant number" means the number allocated by TAB, or a racing club conducting a domestic totalizator, to a contestant in respect of a race and displayed on a notice at the TAB outlet or racecourse (as the case may be);

"declaration of correct weight" includes:

- (a) the all clear signal in respect of a harness racing race; and
- (b) the payout signal in respect of a greyhound race;

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"device bet" means a bet where the details of the bet are instructed by way of a device or electronic data transfer means including by:

- (a) use of a telephone and interactive voice recognition in PhoneTAB Express or by a telephone keypad in PhoneTAB Keypad; or
- (b) use of a computer and the internet in NetTAB or BetStream;

or by any other technology means approved by TAB from time to time;

"dividend pool" means the total moneys paid into the totalizator on any race or sports betting event:

- (a) less any money to be refunded to investors pursuant to these rules;
- (b) less commission deducted pursuant to Part 6 of the Act; and
- (c) after making any other adjustment required by the Act, or these rules;

"domestic totalizator" means an on-course totalizator which is conducted at a New South Wales racecourse by a racing club on an event where TAB does not conduct a totalizator in respect of the same event;

"double" means a combination of 2 races declared to be a double by an order under clause 11.1;

"doubles totalizator" means a totalizator for persons to bet on a double with a view to successfully predicting the contestants that will be placed first in the first and second legs of the double;

"exacta totalizator" means a totalizator for persons to bet on a race with a view to successfully predicting, in the correct order, the contestants that will place first and second in the race;

"event" includes a contingency;

"flexi bet" means a bet on a type of totalizator as set out in clause 2.5.2, where the amount of the investment on each combination covered by the bet is not equal to a unit of investment or a whole number multiple of the unit of investment;

"finisher" means in relation to a race, a starter that completes the race, but excludes a starter that is disqualified or declared a non-starter before the declaration of correct weight for the race;

"first 4 race" means a race declared to be a first 4 race by an order under clause 9.1;

"first 4 totalizator" means a totalizator for persons to bet on a first 4 race with a view to successfully predicting, in the correct order, contestants that will place first, second, third and fourth in the race;

"golden superfecta race" means a race declared to be a golden superfecta race by an order under clause 10.1;

"investor" means a person who pays for and makes a bet which is accepted by TAB, or a racing club conducting an on-course totalizator;

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"investment pool" means the total moneys paid into a trifecta, first 4 or superfecta totalizator less any money to be refunded to investors pursuant to these rules.

"jackpot race class" means one of the following:

- (a) NSW Metropolitan Race;
- (b) NSW Non-Metropolitan Race;
- (c) Victorian Metropolitan Race
- (d) Victorian Non-Metropolitan Race
- (e) Other Metropolitan Race;
- (f) Other Non-Metropolitan Race;
- (g) a harness race held in New South Wales;
- (h) a harness race held in Victoria
- (i) a harness race held outside New South Wales or Victoria;
- (j) a greyhound race held in New South Wales;
- (k) a greyhound race held in Victoria or
- (l) a greyhound race held outside New South Wales or Victoria;

"late scratching" in relation to a race means a contestant declared a scratching after the deadline for scratchings prescribed by the controlling body or racing club responsible for the conduct of the relevant race meeting;

"manager" of a TAB outlet means:

- (a) if the TAB outlet forms part of licensed premises, the licensee of the premises within the meaning of the Liquor Act 1982; or
- (b) if the TAB outlet forms part of registered club premises, the secretary of the club within the meaning of the Registered Clubs Act 1976; or
- (c) in any other case, the person for the time being having the control or management of the TAB outlet;

"minimum dividend" means a minimum dividend in respect of a unit of investment bet on an event. The minimum dividend provisions are set out in Appendix 2 (Determination of Dividend – Minimum & Fractions) to these rules and may be amended by TAB from time to time;

"NSW Metropolitan Race" means a horse race held in New South Wales at one of the following racecourses:

- (a) Royal Randwick;
- (b) Rosehill Gardens;
- (c) Warwick Farm; or
- (d) Canterbury Park;

"NSW Non-Metropolitan Race" means a horse race held in New South Wales which is not a NSW Metropolitan Race or a horse race held in the Australian Capital Territory;

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"Other Metropolitan Race" means a horse race held outside New South Wales, the Australian Capital Territory or Victoria at one of the following racecourses:

- (a) Eagle Farm;
- (b) Doomben;
- (c) Morphettville;
- (d) Cheltenham;
- (e) Victoria Park;
- (f) Ascot;
- (g) Belmont; or
- (h) Elwick;

"Other Non-Metropolitan Race" means a horse race held outside New South Wales, the Australian Capital Territory or Victoria which is not a Other Metropolitan Race;

"on-course totalizator" means an on-course totalizator conducted by a New South Wales racing club in accordance with section 15 of the Act in respect of betting on an event or contingency scheduled to be held at a race meeting on any racecourse whether in or outside Australia and includes a domestic totalizator;

"operator serviced terminal" means a totalizator selling device in a TAB outlet where the terminal is operated by a TAB operator on behalf of the person making the bet but excludes any selling device operating in self service mode;

"personal information" has the same meaning as in Section 6 of the Privacy Act 1988 (C'th);

"quaddie" means 4 races at the same race meeting that are declared to be a quaddie by an order under clause 13.1, and may also be referred to as quadrella.

"quaddie totalizator" means a totalizator for persons to bet on a quaddie with a view to successfully predicting the contestants that will be placed first in the 4 races of the quaddie.

"quinella totalizator" means a totalizator for persons to bet on a race with a view to successfully predicting, regardless of order, the contestants that will place first and second in the race;

"racing club" has the same meaning as in the Act;

"rules" means the rules for the conduct of totalizators as set out in this document and the appendices and as amended from time to time;

"rules of racing" means the rules of racing and rules of betting of the racing industry controlling bodies, as the case requires;

"self service terminal" means a totalizator selling device operated by the person making the bet at a TAB outlet without the assistance of a TAB operator;

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"spinner totalizator" means a totalizator for persons to bet on a race with a view to successfully predicting, regardless of order, whether the contestant numbers of the contestants that place first and second in the race, are both odd numbers, both even numbers or an odd number and an even number;

"sporting event rules" means the rules constituted by the controlling body or committee under whose authority the sports betting event is decided;

"sports betting event" means a competition or event between two or more contestants declared to be a sports betting event in accordance with section 14(1)(b) of the Act;

"starter" means a contestant who has started or been given the opportunity to start in a horse or greyhound race;

"stewards" means in relation to a race meeting:

- (a) the stewards appointed by:
 - (i) the racing club holding the race meeting; or
 - (ii) the district racing association; or
 - (iii) Racing New South Wales; or
 - (iv) the Greyhound and Harness Racing Regulatory Authority; or
- (b) the committee of the racing club holding the race meeting; or
- (c) in the case of a greyhound race meeting such member, officer or employee of the Greyhound and Harness Racing Regulatory Authority as is authorised by that statutory authority to act in the place of a steward at the race meeting;

"succeeding first 4 race" means, in relation to a first 4 race ("**initial first 4 race**"):

- (a) the next first 4 race (if any) conducted on the same day and at the same race meeting as the initial first 4 race; or if there is none,
- (b) the next first 4 race of the same jackpot race class as the initial first 4 race scheduled to occur on the next day on which there is a first 4 race of the same jackpot race class as the initial first 4 race;

"succeeding quaddie" means, in relation to a quaddie ("**initial quaddie**") the next quaddie of the same jackpot race class as the initial quaddie scheduled to occur on the next day on which there is a quaddie of the same jackpot race class as the initial quaddie

"succeeding superfecta race" means, in relation to a superfecta race ("**initial superfecta race**"):

- (a) the next superfecta race (if any) conducted on the same day and at the same race meeting as the initial superfecta race; or if there is none,
- (b) the next superfecta race of the same jackpot race class as the initial superfecta race scheduled to occur on the next day on which there is a superfecta race of the same jackpot race class as the initial superfecta race;

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"succeeding trifecta race" means, in relation to a trifecta race (**"initial trifecta race"**):

- (a) the next trifecta race (if any) conducted on the same day and at the same race meeting as the initial trifecta race; or if there is none,
- (b) the next trifecta race of the same jackpot race class as the initial trifecta race scheduled to occur on the next day on which there is a trifecta race of the same jackpot race class as the initial trifecta race;

"superfecta race" means a race declared to be a superfecta race by an order under clause 10.1;

"superfecta totalizator" means a totalizator for persons to bet on a superfecta race with a view to successfully predicting, in the correct order, the contestants that will place first, second, third, fourth, fifth and sixth in the race;

"TAB" means TAB Limited constituted by the Totalizator Agency Board Privatisation Act 1997;

"TAB outlet" means an office, branch or agency of TAB at which bets in connection with a totalizator are received from the public. Where the context permits, an agency of TAB includes a New South Wales racecourse where bets in connection with an on-course totalizator are received by the racing club as agent for TAB pursuant to section 17(3) of the Act (as the racing club and TAB are conducting a totalizator in respect of the same event or contingency);

"telephone bet" means a bet where the details of the bet are instructed by telephone to an operator at an approved TAB outlet;

"the Act" means the Totalizator Act 1997;

"trifecta race" means a race on which a trifecta totalizator is conducted;

"trifecta totalizator" means a totalizator for persons to bet on a trifecta race with a view to successfully predicting, in the correct order, the contestants that will place first, second and third in the race;

"unit of investment" means the minimum amount that can be invested on a particular totalizator as set out in clause 2.4;

"USA racing event" - see clause 15.1.1;

"Victorian Metropolitan Race" means a horse race held in Victoria at one of the following racecourses:

- (a) Flemington;
- (b) Caulfield;
- (c) Sandown; or
- (d) Moonee Valley;

"Victorian Non Metropolitan Race" means a horse race held in Victoria which is not a Victorian Metropolitan Race

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"walkover" means a race comprising only one starter which is subsequently declared the first placed finisher in the race;

"win and place totalizator" means totalizators for persons to bet on a race with a view to successfully predicting:

- (a) the contestant that will place first in the race; or
- (b) a contestant that will place first, second or third in a 3 dividend race; or
- (c) a contestant that will place first or second in a 2 dividend race.

1.6 Interpretation

In these rules unless the contrary intention appears:

- 1.6.1 a reference to these rules includes any variation or replacement of them;
- 1.6.2 a reference to a statute or other law includes regulations and other instruments under it and any consolidations, amendments, re-enactments or replacements of it;
- 1.6.3 the singular includes the plural number and vice versa;
- 1.6.4 a reference to a gender includes a reference to each gender;
- 1.6.5 the word "person" includes a firm, corporation, body corporate, unincorporated association or a governmental authority;
- 1.6.6 a reference to a person includes a reference to the person's legal personal representatives, successors, liquidators, trustees in bankruptcy and the like, and permitted assigns;
- 1.6.7 "includes" means includes but without limitation;
- 1.6.8 where a word or phrase is given a defined meaning in these rules, any other part of speech or grammatical form in respect of such word or phrase has a corresponding meaning;
- 1.6.9 a reference to an act includes an omission and a reference to doing an act includes executing a document; and
- 1.6.10 a heading is for reference only. It does not affect the meaning or interpretation of these rules.

2. INVESTMENTS

2.1 How to make a bet

A person may make a bet with TAB, or with a racing club conducting an on-course totalizator, in one of the following ways:

- 2.1.1 by using a provided entry form to supply to TAB, or the racing club, with details of the bet the person wishes to make; or
- 2.1.2 by asking TAB, or the racing club, to enter details of the bet into the TAB or racing club computer system; or
- 2.1.3 by a telephone bet; or
- 2.1.4 by a device bet; or
- 2.1.5 by using any other method approved by TAB.

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2.2 Acceptance and payment for bets

A bet will be accepted by TAB, or by a racing club conducting an on-course totalizator, if the bet is made in accordance with these rules and payment is made in one of the following ways:

- 2.2.1 by the deposit of the amount of the bet in cash (including by electronic transfer) or by use of a betting voucher; or
- 2.2.2 by debit against funds held in the betting account of the person making the bet; or
- 2.2.3 by any other method approved by TAB.

2.3 Bets accepted after start of race or sports betting event

If for any reason including a system malfunction or human error, betting is not closed at the actual start of a race or sports betting event, any bet sold or accepted after the actual start of a race or sports betting event shall be void and the investor will only be entitled to a refund of the bet amount.

2.4 Amount of bets and minimum bet

Except in the case of flexi bets:

- 2.4.1 the minimum amount that may be invested on a totalizator in a bet is the relevant single unit of investment as set out for that totalizator type in the table in clause 2.4.2 or such other amount as TAB may determine from time to time; and
- 2.4.2 any greater amounts invested on a totalizator must be a multiple of the relevant single unit of investment for that totalizator type.

totalizator type	unit of investment
racings	\$0.50
sports betting events	\$1.00

2.5 Flexi bets

- 2.5.1 In the case of a flexi bet, the minimum amount that may be invested on a totalizator in a single bet is the greater of:
 - (a) 1 cent for each combination covered by the bet; or
 - (b) \$5.00 or such other amount as TAB may determine from time to time.
- 2.5.2 Flexi bets are available on a triffecta totalizator, first 4 totalizator, superfecta totalizator, quaddie totalizator or any other totalizator as otherwise determined by TAB.
- 2.5.3 The amount invested on each combination covered by a flexi bet is determined by dividing the total amount of the flexi bet by the number of combinations covered by the flexi bet (with any fractions rounded down to the nearest ten-thousandth of a cent (ie. rounded down to four decimal places)).

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2.5.4 Any amount resulting from rounding down the amount covered by a combination covered by a flexi bet to the nearest ten-thousandth of a cent forms part of the investment pool of the relevant totalizator upon which the flexi bet is made.

2.6 Cash bets

2.6.1 Method of making cash bets

- (a) A person who makes a cash bet must give details in the form as TAB (or the racing club conducting a domestic totalizator) may determine from time to time. This detail may include:
- (i) the race meeting at which the race or races to which the bet relates will take place;
 - (ii) the number or numbers of the race or races to which the bet relates;
 - (iii) the contestant number or contestant numbers to which the bet relates;
 - (iv) the sports betting event to which the bet relates and the winning teams or final score;
 - (v) the amount of the bet;
 - (vi) the type of the bet; and
 - (vii) any additional information in relation to the bet as may be required by an operator whose function it is to accept the bet at the TAB outlet or at the racecourse on behalf of the racing club, so as to identify the particular bet being made.
- (b) If in the opinion of the manager of the TAB outlet the person making the cash bet speaks in an insulting, indecent or threatening manner, or conveys any false or misleading information or incomplete or unclear instructions, or the person is intoxicated, or indecent, violent or quarrelsome in their conduct as determined by the manager, the manager may direct:
- (i) that a cash bet not be accepted;
 - (ii) that a cash bet (if accepted) be cancelled and the amount of the bet be refunded; and/or
 - (iii) that the person be removed from the TAB outlet for the period determined by the manager (not extending beyond one day).

2.6.2 Betting tickets to be issued for cash bets

- (a) If a person makes a cash bet, then the TAB outlet or the racing club conducting the domestic totalizator (as the case may be) must, while the person is at the place where the bet is made in connection with the totalizator, issue a ticket to the person who made the cash bet ("**betting ticket**").
- (b) The betting ticket will show complete details of the bet in the form TAB, or the racing club, may determine from time to time.

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- (c) The betting ticket acknowledges receipt by TAB, or the racing club, of the bet in relation to which the betting ticket is issued.
- (d) The betting ticket may be cancelled if the amount of the bet is not paid for immediately after the betting ticket is issued.

2.6.3 Records of cash bets

- (a) Notwithstanding any other provision of these rules (including the issue of a betting ticket), a cash bet is not taken to have been accepted at a TAB outlet, or the racing club conducting the domestic totalizator, unless a record of the bet has been entered into TAB's system in the manner as TAB may determine from time to time.
- (b) TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of:
 - (i) any delay, failure, malfunction or breakdown in any part of the TAB system (whether mechanical or human) which prevented a cash bet from being made by entry onto the TAB system; or
 - (ii) a malfunction with a betting ticket printer where the cash bet was made and recorded into TAB's system and the betting ticket was not printed or was printed incorrectly.

2.6.4 Details on betting tickets

- (a) Subject to clause 2.6.3, the details recorded on a betting ticket issued by TAB, or the racing club conducting an on-course totalizator, are taken to be the details of the bet for which the betting ticket is issued, even if those details differ in any respect from the details given by the person making the bet.
- (b) It is the responsibility of the person making the bet to make sure details on the betting ticket are in accordance with the bet details requested by the person.

2.6.5 Cancellation for errors on betting tickets

- (a) A person who is issued with a betting ticket that the person claims is incorrect because it does not correctly reflect the details given by the person when the bet was made is only entitled:
 - (i) to have the ticket cancelled and a new ticket reissued at the TAB outlet or racing club conducting the domestic totalizator of issue, in accordance with the details given; or
 - (ii) to have the ticket cancelled and the amount of the bet refunded by the TAB outlet or the racing club conducting the domestic totalizator of issue;

where:

- (iii) the operator at the TAB outlet or racing club conducting the domestic totalizator who issued the ticket is satisfied that it is incorrect on the grounds so claimed; and

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- (iv) the person surrenders the ticket to the operator; and
 - (v) the claim to have the ticket cancelled and reissued or cancelled and the bet refunded is made within the time periods set out in clause 2.6.5(b); and
 - (vi) the bet was sold through an operator serviced terminal.
- (b) The claim to the entitlement under clause 2.6.5(a) may only be exercised by the person making the bet:
- (i) at any time up until the actual start of the previous race on the meeting to which the bet relates; or
 - (ii) if the bet relates to the first race of a meeting, at any time up until 30 minutes prior to the advertised start of the race; or
 - (iii) when only selected events on a race meeting are covered, at any time up until 30 minutes prior to the advertised start of the race; or
 - (iv) when the previous race is abandoned, at any time up until the advertised start time of the previous race; or
 - (v) when a race is run out of order, at any time up until 30 minutes prior to the advertised start of the race; or
 - (vi) if a doubles bet, at any time up until the start of the race prior to the first leg of the double; or
 - (vii) if a quaddie bet, at any time up until the start of the race prior to the first race of the quaddie or if the quaddie involves the first race of the meeting covered by TAB, at any time up until 30 minutes prior to the advertised start of the race; or
 - (viii) for a bet sold on a sports betting event, at any time up until 30 minutes prior to the advertised close of betting on the totalizator; or
 - (ix) if the bet was sold after the time periods in paragraphs (i) to (viii) at any time within 2 minutes after the betting ticket is issued and before the close of betting for the race or sports betting event or after that time at any time during a period of grace for cancelling a bad sale as determined by the TAB from time to time; or
 - (x) at any other lesser time determined by TAB.
- (c) A betting ticket that is reissued under this clause 2.6.5 is taken, for the purposes of clause 2.6.4, to be the betting ticket for the bet for which the original betting ticket was issued.

2.7 Telephone bets

2.7.1 Method of making telephone bets

- (a) A telephone bet may only be made to a telephone number at a TAB outlet (which has been approved by TAB for the purpose of receiving telephone bets) in which the person making the bet clearly states:

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- (i) the number of the betting account against which the bet is to be debited and (if required by the TAB operator accepting the bet) the PIN code and password allocated to that account; and
 - (ii) the details specified in clause 2.6.1 in respect of the bet.
- (b) If in the opinion of the manager of the TAB outlet the person making the telephone bet speaks in an insulting, indecent or threatening manner, or conveys any false or misleading information or incomplete or unclear instructions, as determined by the manager, the manager may direct:
- (i) that a telephone bet not be accepted; or
 - (ii) that a telephone bet (if accepted) be cancelled and the amount of the bet be refunded; or
 - (iii) that a person's betting account be closed and any money standing to the credit of the account be refunded to the person.

2.7.2 Records of telephone bets

- (a) An operator at a TAB outlet who proposes to accept a telephone bet:
- (i) must make a record by entry of the bet onto TAB's system, in the manner as TAB may determine from time to time, of the details as are necessary to identify the person making the bet and to describe the particular bet made; and
 - (ii) must repeat the details of the bet to the person to enable the person to correct any errors in the details. If the person does not make any corrections or the person indicates that he or she does not wish to have them repeated, the person is taken to have confirmed as correct the bet details in the record of TAB.
- (b) A telephone bet is taken not to have been accepted at a TAB outlet unless a record of the bet has been made in accordance with this clause.
- (c) The details of a telephone bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.
- (d) A record of each telephone bet made to a TAB outlet must be sent to TAB.
- (e) In addition to the other requirements of this clause, the manager of a TAB outlet must ensure that all telephone bets are tape recorded and the tape recording sent to TAB.
- (f) TAB must retain the tape recording for a period of at least 28 days from the date of the race or sports betting event to which the bet relates or, if a claim with respect to the bet is made during that period, until the claim is finally determined.

2.7.3 Cancellation of telephone bets

If, before the close of betting and during the course of the same telephone call and before the making of any further bets, the person claims that the details of

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the telephone bet are not as specified by the person, the operator of the TAB outlet accepting the bet:

- (a) must correct the record of the bet on TAB's system in accordance with the claim; or
- (b) if it is not practicable for that to be done before the close of betting, must reject and cancel the bet and refund the amount of the bet to the betting account.

2.7.4 Telephone system delays and failures

TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of any delay, failure, malfunction or breakdown in any part of the telephone system (whether mechanical or human) which enables a telephone bet to be made.

2.8 Device bets

2.8.1 Method of making device bets

- (a) A device bet may only be made to a TAB outlet (approved by TAB for the purpose of receiving device bets) in which the person making the bet clearly gives an instruction to TAB's system of:
 - (i) the number of the betting account against which the bet is to be debited and the PIN code and password allocated to that account; and
 - (ii) the details specified in clause 2.6.1 in respect of the bet.
- (b) If in the opinion of the manager of a TAB outlet the person's instructions are incomplete or unclear, the manager may direct:
 - (i) the device bet not be accepted; or
 - (ii) that a device bet (if accepted) be cancelled and the amount of the bet refunded.
- (c) If a person has been refused access to the means of making a device bet to TAB fixed odds betting, then TAB may refuse to accept a device bet from that person for a totalizator under these rules.
- (d) A device bet may be accepted at a TAB outlet even if any other bet to which the communication relates is not accepted.

2.8.2 Records of device bets

- (a) The TAB outlet that proposes to accept a device bet must make a record by entry of the bet onto TAB's system, in the manner as TAB may determine from time to time, of the details as are necessary to identify the person making the bet and to describe the particular bet made.
- (b) A device bet is taken not to have been accepted at a TAB outlet unless a record of the bet has been made in accordance with this clause.

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- (c) The details of a device bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.
- (d) A record of each device bet made to a TAB outlet must be sent to TAB.

2.8.3 Cancellation of device bets

A device bet may not be cancelled after acceptance of the bet by the TAB outlet.

2.8.4 Telephone and computer system delays and failures

TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of any delay, failure, malfunction or breakdown in any part of the telephone or computer system (whether mechanical or human) which enables a device bet to be made.

2.9 Betting accounts

2.9.1 Bets against funds in betting accounts

A person may only make a telephone or device bet against funds in a betting account, established by the person making the bet. The bet will not be accepted if the amount of the bet is greater than the amount of the cleared funds in the account.

2.9.2 Establishment of betting account

- (a) A person may apply to TAB, or a racing club conducting an on-course totalizator, for the establishment of an account ("**a betting account**").
- (b) An application:
 - (i) must specify the information, and be completed in the form and manner, as TAB, or racing club, may require; and
 - (ii) must be accompanied by:
 - (A) at least the approved minimum deposit which is to be credited to the account; or
 - (B) by a guarantee for not less than the approved minimum amount from a financial institution or other security acceptable to TAB, or the racing club, and which security is in accordance with arrangements approved by the Minister under the Act.
- (c) A deposit to a betting account made by way of cheque or otherwise will not be credited to the account until TAB, or the racing club, is satisfied that the deposit is cleared funds.
- (d) A person who establishes a betting account will be notified by TAB, or the racing club of the betting account number, PIN code and password allocated to the account.

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- (e) TAB, or the racing club, who receives a deposit for payment into a betting account must issue a receipt for the deposit to the person who made the deposit.

2.9.3 Instructions in relation to betting accounts

- (a) A person who has established a betting account may give instructions in the manner as TAB, or the racing club, may approve (including by telephone or by a device), relating to the application or disposal of any amount standing to the credit of the account.
- (b) TAB, or the racing club, must comply with any reasonable instruction given to it by a person under this clause.

2.9.4 Payment of TAB betting account guarantees

- (a) Subject to any other arrangements that may be agreed between TAB and the person establishing the betting account in relation to the enforcement of any security, if TAB sends a statement relating to a betting account to the last known address of the person who has lodged a guarantee from a financial institution with TAB in respect of the account, the person must within 14 days of the date of the statement pay to TAB any money due to TAB by the person from the operation of the account.
- (b) TAB may take action in terms of recovery under the guarantee from the financial institution as is necessary to recover any money that remains due after the expiration of the 14 day period.

2.9.5 Non-operation of TAB betting accounts and account fees

- (a) TAB may close any betting account that is not transacted on for a period exceeding 3 months and, in that event, may transfer any amount standing to the credit of the account to a dormant account operated by TAB. In this case TAB will notify the holder of the account at the last address known to TAB that the account has been closed.
- (b) TAB may reopen a betting account that has been closed under this clause and re-credit to the account any amount credited to a dormant account as a result of the closure of the account.
- (c) TAB may impose and debit any betting account with the following fees:
 - (i) dormant account keeping fee;
 - (ii) a claim investigation fee;
 - (iii) an account administration fee for deposits to betting accounts;
 - (iv) a service fee for deposits to betting accounts made through persons other than TAB outlets.

The fees will be as determined by TAB from time to time. TAB may waive any or all of the fees on a basis as it determines from time to time.

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2.9.6 Credits to TAB betting accounts

- (a) If an amount has been incorrectly credited to a betting account or an incorrect amount has been credited to the account, TAB:
 - (i) may adjust the account to the extent necessary to rectify the incorrect credit; and
 - (ii) if, as a result of such adjustment, the account is in debit, may recover from the holder of the account as a debt due, the amount of the deficiency in the account.

2.10 Betting vouchers

2.10.1 TAB, or a racing club conducting an on-course totalizator, may issue betting vouchers and may authorise any other person to issue betting vouchers.

2.10.2 A betting voucher:

- (a) will be in the form as TAB, or the racing club, determines including:
 - (i) a gift certificate;
 - (ii) a stored value card or coupon for use in a self service terminal;
 - (iii) an on-course key ticket; or
 - (iv) any other similar or like instrument to any of the above; and
- (b) is valid for the period as is specified on the betting voucher provided that if no date is specified the voucher is valid for 12 months from the date of issue. Any unused value of a betting voucher after the expiry date for its validity will be retained by TAB and treated as unclaimed dividends; and
- (c) is to be regarded as cash equal to the value of the amount represented by the voucher.

2.10.3 Betting vouchers may be accepted at any TAB outlet:

- (a) for the making of cash bets; or
- (b) for the making of deposits to a betting account maintained with TAB.

2.11 Certificate as to records

2.11.1 TAB may issue a certificate in relation to a bet stating that the details of the bet as contained in a record kept or held by TAB are as specified in the certificate.

2.11.2 In any proceedings or dispute, a certificate under this clause is evidence as to the matters stated in the certificate.

2.12 Removal of certain persons from TAB outlets

The manager of a TAB outlet may direct a person to leave the TAB outlet if the manager is of the opinion that the person is creating a public annoyance. A direction has effect for the time (not extending beyond the day on which it is given) as the manager may specify in the direction.

2.13 Betting by minors

A person under the age of 18 years must not bet on a totalizator.

3. RESULTS, DIVIDENDS AND REFUNDS

3.1 Result of race or sports betting event

In these rules:

- 3.1.1 a reference to the contestant or finisher placed first, second, third, fourth, fifth or sixth in a race is a reference to the horse or greyhound declared by the stewards to be the first, second, third, fourth, fifth or sixth finisher in the race;
- 3.1.2 a reference to the winning team or final score for the relevant footyTAB totalizators is as set out in clause 16.2.

3.2 Payment of dividends

- 3.2.1 (a) A dividend or refund payable in respect of a bet will be available for collection or credited to the appropriate betting account as soon as is practicable after the race or sports betting event on which the bet was made.
- 3.2.1 (b) Immediately after the declaration of dividends, notice of the amounts will be exhibited in a place appointed for that purpose by TAB.
- 3.2.2 Where a totalizator is conducted by TAB, no dividend will be declared and paid except by order of TAB, in accordance with the decision of TAB as to the result of the race or event, and when TAB has ordered a dividend to be declared and paid on the race or event no investor on any other result on that race or event will be entitled to receive a dividend on that race or event.
- 3.2.3 TAB, or a racing club conducting a domestic totalizator (as the case may be), must not declare or pay a dividend on:
 - (a) a race or a combination of races except following a declaration of correct weight by the stewards; or
 - (b) a sports betting event except following the announcement of official or podium positions at the conclusion of the event by the relevant controlling body or committee under whose authority the event or contest is conducted.
- 3.2.4 TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by or as a result of any error in the declaration of correct weight by the stewards or the advice to TAB of the contestant numbers of the finishers in the race.

3.3 Protests, objections and recontested events

- 3.3.1 If a protest is lodged in accordance with the rules of racing before the declaration of correct weight in a race, a dividend for that race must not be declared or paid until the protest has been decided by the stewards. Before making a decision on a protest, the stewards (subject to the declaration of correct weight) may declare placings not affected by the protest. TAB, or a racing club conducting a domestic totalizator, may at its discretion make payment of dividends on the placings unaffected by the protest.

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- 3.3.2 (a) If an objection or protest is lodged in accordance with the sporting event rules governing the sports betting event, TAB will declare the result based on the official or podium positions of the event as per the adjudication of the relevant controlling body or committee. Subsequent disqualification, promotion of contestants, or any other change is irrelevant for the purpose of determining the result of a bet on a sports betting event.
- (b) Should any sports betting event be recontested or replayed for any reason whatsoever, the replay will be treated as a separate event and will have no effect on the result of the original contest. TAB may, at its discretion treat the replay as a future contest.

3.4 Calculation of dividends

3.4.1 A dividend is calculated by TAB, or a racing club conducting a domestic totalizator, on a single unit of investment for the relevant totalizator. The dividend is calculated:

- (a) by dividing the relevant totalizator dividend pool (or part thereof where the pool is divided) by the number of units of investment on the successful winning contestant or combination. (For those totalizators where flexi bets are available, any amounts bet which are less than a single unit of investment are to be included in the calculation of the dividend payable on a single unit of investment by the division of the relevant totalizator dividend pool.)
- (b) having regard to any determinations made by TAB in respect of:
- (i) the commission deductions before distribution of the balance of the relevant pool as dividends to investors who select the winning contestant or combination; and
 - (ii) fractions and the rounding of any calculated amount of the dividend payable; and
 - (iii) the minimum dividend provisions.

3.4.2 The dividend payable by TAB, or the racing club, in respect of a bet will bear the same proportion to the dividend declared in respect of a single unit of investment as the amount of the bet bears to a single unit of investment.

3.4.3 Subject to the clauses regarding where the winning combination is not backed to the equivalent of a unit of investment in clauses 8 (trifecta totalizator), 9 (first 4 totalizator), 10 (superfecta totalizator) and 13 (quaddie totalizator), the dividend calculated on a flexi bet will be the same proportion of the dividend declared for a unit of investment as the amount invested in the flexi bet on the relevant combination (as determined in accordance with clause 2.5 (Flexi bets)) bears to the single unit of investment.

3.5 Dividends and refunds to be paid on presentation of tickets

3.5.1 Where a betting ticket is issued for a cash bet under clause 2.6.2 (betting tickets to be issued for cash bets) a dividend or refund must not be paid except on presentation of a ticket unless otherwise approved by TAB, or the racing club conducting the domestic totalizator.

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- 3.5.2 TAB, or a racing club, is not required to entertain a claim in respect of the short payment of a dividend or refund after the investor has left the payout window at the place where the dividend or refund was paid.
- 3.5.3 A ticket held in respect of a race or sports betting event that has been postponed to another date is invalid except only for the purpose of claiming a refund or as provided for in these rules.
- 3.5.4 A person may claim a dividend or refund for up to 12 months after the race or sports betting event on which the bet was made.
- 3.6 Payment of dividends, refunds and betting account balances**
- 3.6.1 An amount to which a person is entitled:
- (a) as a dividend or refund for a cash bet made at a TAB outlet or made on a racecourse with a racing club conducting a domestic totalizator; or
 - (b) as the credit balance of a betting account established by the person with TAB, or the racing club conducting an on-course totalizator, for the purpose of making telephone or device bets at a TAB outlet,
- must, on application made by the person, be paid to the person in cash or by cheque.
- 3.6.2 The amount may be paid at a TAB outlet or at any other place as may be designated by TAB (or the racing club conducting a domestic totalizator) for that purpose, and may be paid at the times as TAB, or the racing club, may approve for the purpose.
- 3.6.3 A dividend or refund to which a person is entitled in respect of a telephone or device bet that has been debited against a betting account must be paid to the person:
- (a) in accordance with any reasonable written instructions received from the person; or
 - (b) in the absence of any instructions, by payment into the person's betting account.
- 3.6.4 If TAB is in doubt as to the identity of the person to whom an amount is due (whether as a dividend, refund or balance of a betting account):
- (a) TAB may, in the case of presentation of a ticket for a cash bet, investigate whether the person whom presents the ticket either placed the bet or is acting with the authority of the person who placed the bet and TAB may require a statutory declaration in the form and containing the information it may require; and
 - (b) TAB may retain the amount and pay it to any person who establishes to TAB's satisfaction that he or she is the person to whom the amount is due; and
 - (c) TAB is relieved from all further liability in respect of an amount paid by it to a person under this clause 3.6.4.

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- 3.6.5 If a dividend or a refund to which a person is entitled is for an amount of less than 5 cents:
- (a) where the person has established a betting account with TAB, the dividend or refund will be paid by TAB depositing the amount of that dividend or refund into the person's betting account; and
 - (b) where the person does not have a betting account with TAB:
 - (i) if the aggregate of all dividends or refunds to which the person is entitled on all betting tickets which that person presents for payment at the same time is 3 cents or more ("**aggregate amount**") the aggregate amount will be rounded up or down to the nearest 5 cents as determined by TAB and paid to the person in accordance with this clause 3.6; and
 - (ii) otherwise, the dividend or refund will be rounded down to zero.

3.7 **Claims concerning dividends or refunds**

- 3.7.1 Within 14 days after a person becomes entitled to a dividend or refund for a bet or within such further time as TAB may allow, the person may lodge a written claim with TAB, or the racing club conducting a domestic totalizator as applicable, to the effect that the amount of the entitlement as calculated by TAB, or the racing club, is less than the actual amount to which the person is entitled.
- 3.7.2 After investigating the claim, TAB, or the racing club as applicable:
- (a) must notify the claimant of its decision; and
 - (b) may pay such dividend or refund to the claimant as to TAB, or the racing club, appears just and reasonable.

3.8 **Claims concerning records of telephone bets**

- 3.8.1 Within 14 days after making a telephone bet or within any further time as TAB may allow, a person may lodge a written claim with TAB to the effect:
- (a) that the details of the bet given by the person when making the bet were incorrectly recorded on entry into TAB's system; and
 - (b) that the person has suffered loss as a result of the error.
- 3.8.2 If, after investigating the claim, TAB is satisfied:
- (a) that the claim is justified; and
 - (b) that the error complained of was due to the negligence or wilful default of any officer, employee or agent of TAB;

TAB will make any appropriate alteration to the record and will pay such dividend or refund to the claimant as to TAB appears just and reasonable.

- 3.8.3 Any election by the claimant not to have the details of a telephone bet repeated, as referred to in clause 2.7.2, will be taken into account in TAB's investigation of the claim.

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3.9 Lost, destroyed and stolen ticket claims

- 3.9.1 Claims for dividends or refunds in respect of lost, destroyed or stolen betting tickets must be lodged within 21 days of the respective race meeting or sports betting event unless the claimant can provide a reason to the satisfaction of TAB for the delay in lodging the claim. Claims may be lodged at any TAB outlet. Where a claim is made:
- (a) TAB may charge the claimant a claim investigation fee, as determined by TAB from time to time, to investigate the claim; and
 - (b) a statutory declaration from the claimant in the form and containing the information as TAB requires must accompany the claim; and
 - (c) the claim will not be investigated prior to the occurrence of the respective race or sports betting event and the ticket becoming dividend or refund bearing unless:
 - (i) the ticket investment value exceeds \$100.00; or
 - (ii) in the case of a claim for a stolen ticket, the claimant has reported the theft to the police; and
 - (d) the claimant will receive written acknowledgment of receipt of their claim within 21 days of the claim being received by TAB; and
 - (e) TAB may stop payment on the ticket pending the outcome of its investigation.
- 3.9.2 Following investigation by TAB of the claim for the lost, destroyed or stolen betting ticket, if TAB is satisfied that the claimant is entitled to payment of a dividend or refund on the betting ticket then:
- (a) approved claims will be settled by way of issue of a betting voucher at a TAB outlet except for amounts greater than \$500.00, or at the request of the claimant, where payment will be made by way of a cheque in favour of the claimant and sent by mail; and
 - (b) TAB will immediately record the cancellation of the ticket.

3.10 Information to accompany claims

A claim by a person under this clause 3 need not be investigated unless the claimant gives to TAB, or racing club conducting a domestic totalizator (as the case may be), the information, tickets and other documents as are in the claimant's possession, as may be necessary to facilitate investigation of the claim.

3.11 Review of decisions on a claim

- 3.11.1 A person who is dissatisfied with the TAB's or racing club's decision on a claim under this clause 3 may request TAB, or racing club, as applicable to review its decision.
- 3.11.2 TAB or racing club will deal with a request for review in the same way as if it were a claim, except that the person who deals with the request must not be:
- (a) the person who dealt with the original claim; or
 - (b) a person who is under the supervision of the person who dealt with the original claim.
- 3.11.3 This clause does not authorise more than one request for review to be made in relation to any one claim.

4. RACING EVENT TOTALIZATORS - GENERAL RULES

4.1 Commission deduction

Money invested on a totalizator conducted by TAB, or a racing club, on one or more racing events will be subject to a commission deduction pursuant to Part 6 of the Act.

4.2 Refunds

4.2.1 Termination of totalizator pool

If any totalizator for a race event is terminated under these rules, the whole amount invested on the race must be refunded to the investors.

4.2.2 Non-starters

- (a) If:
- (i) a contestant on which money has been invested does not become a starter in a race (including a re-run race); or
 - (ii) a combination of contestants on which money has been invested includes a contestant that does not become a starter in a race (including a re-run race);

the money invested on the contestant or the combination (as the case may be) must be refunded to the investors.

- (b) Subclause (a) applies unless:
- (i) the money is invested on a doubles totalizator and the relevant ticket is not presented in accordance with clause 11.3.3(a)(i) so that clause 11.3.3(a)(ii) applies; or
 - (ii) the money is invested on a spinner totalizator and clause 12.2.7 applies; or
 - (iii) the money is invested on a quaddie totalizator and the relevant ticket is not presented in accordance with clause 13.3.4(a)(i) so that clause 13.3.4(a)(ii) applies; or
 - (iv) the money is invested on an all up bet and clause 14.2 applies.

4.2.3 Abandonment, postpone, walkovers etc

- (a) If a race is:
- (i) abandoned; or
 - (ii) postponed until another day; or
 - (iii) declared a no-race; or
 - (iv) a walkover,

the whole amount invested on the race must be refunded to the investors.

- (b) Subclause (a) applies unless:
- (i) clause 11 applies in respect of a doubles totalizator; or
 - (ii) clause 13 applies in respect of a quadrella totalizator.

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4.2.4 **No contestant or combination backed**

If none of the contestants or combinations in respect of which dividends are payable are backed:

- (a) in the case of win and place, quinella, exacta and doubles totalizators, the dividend pool must be refunded to the investors; and
- (b) in the case of spinner totalizators, the whole amount invested on the totalizator must be refunded to the investors.

4.3 **Application of minimum dividend provisions in certain cases**

TAB may determine from time to time that there is to be a minimum dividend for a racing event totalizator. If TAB has determined there will be a minimum dividend, the minimum dividend applies to all bets on a race totalizator unless a provision in Appendix 2 (Determination of Dividend – Minimums & Fractions) states that it does not apply in a particular case.

4.4 **Out of sequence races and re-runs of races**

4.4.1 If a race is run out of normal race number sequence or if a race is re-run, TAB, or the racing club conducting an on-course totalizator, may reopen the totalizator for the re-run.

4.4.2 The amount invested on the totalizator for the first run of the race must be dealt with in accordance with the result of the re-run or the out of sequence race.

4.5 **Declaration of Less than Three Placings**

For the purpose of Quinella and Exacta totalizators, if:

- (a) one winner only is declared; and
- (b) no second or third placing is declared,

the dividend pool shall be divided amongst the investors on the combination of the winner and any other contestant in the event irrespective of order.

5. **WIN AND PLACE TOTALIZATORS**

5.1 **Opening and termination of win and place totalizator pools**

5.1.1 The win pool of a win and place totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 2; and
- (b) must be terminated if the number of contestants in the race falls below 2 at any time or if there are no finishers in the race.

5.1.2 The place pool of a win and place totalizator:

- (a) must not be opened for a race if the number of contestants in the race is less than 5; and
- (b) must be terminated if the number of contestants in the race falls below 5 at any time or if there are no finishers in the race.

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5.2 Win pool dividends

5.2.1 Distribution of win pool dividend

- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first in a race (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a win dividend pool.
- (b) The win dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the finisher that placed first in the race.

5.2.2 Dead-heat for first place

- (a) If there is a dead-heat for first place in the race:
 - (i) the win dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (ii) a part is allotted to each backed finisher; and
 - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.

5.3 Place pool 2 dividend races

5.3.1 Application of rule

- (a) This clause 5.3 applies if the number of entries in a race received at the deadline for scratchings prescribed by the controlling body or a race club responsible for the conduct of the relevant race meeting is less than 8.
- (b) This clause is subject to clauses 4.3 (application of minimum dividend provisions in certain cases) and 5.5 (deficiency in place pool).

5.3.2 Distribution of place pool dividend for 2 dividend race

- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first or second in a race (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a place dividend pool.
- (b) The place dividend pool is (except to the extent otherwise provided in these rules) to be divided into 2 equal parts, of which:
 - (i) one part is to be divided among the investors on the first placed finisher in the race; and
 - (ii) the second part is to be divided among the investors on the second placed finisher in the race.

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5.3.3 Unbacked winners or placegetters in a 2 dividend race

- (a) If the first placed finisher is not backed, the whole of the place dividend pool is to be divided among the investors on the second placed finisher in the race.
- (b) If the second placed finisher is not backed, the whole of the place dividend pool is to be divided among the investors on the first placed finisher in the race.

5.3.4 Dead-heat for first place in a 2 dividend race

- (a) If there is a dead-heat for first place in a 2 dividend race:
 - (i) the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (ii) a part is allotted to each backed finisher; and
 - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.
- (b) This clause 5.3.4 applies to a dead-heat for second place in a 2 dividend race in the event that the place dividend pool is to be divided among the investors on the second placed finisher in accordance with clause 5.3.3.

5.3.5 Dead-heat for second place in a 2 dividend race where first place is backed

If the first placed finisher is backed and 2 or more backed finishers dead-heat for second place in a 2 dividend race:

- (a) the place dividend pool is to be divided into 2 equal parts:
 - (i) one part is to be divided amount the investors of the first placed finisher; and
 - (ii) the second part is to be divided into as many equal parts as there are backed finishers in the dead-heat for second place;
- (b) a part is allotted to each backed finisher that placed second in the race; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4 Place pool 3 dividend races

5.4.1 Application of rule

- (a) This clause 5.4 applies if the number of entries in a race received at the deadline for scratchings prescribed by the controlling body or a race club responsible for the conduct of the relevant race meeting is 8 or more;

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- (b) This clause is subject to clauses 4.3 (application of minimum dividend provisions) and 5.5 (deficiency in place pool).

5.4.2 **Distribution of place pool dividends for a 3 dividend race**

- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first, second or third in a race (less any amounts deducted commission pursuant to Part 6 of the Act) is to be paid into a place dividend pool.
- (b) The place dividend pool is (except to the extent otherwise provided in these rules) to be divided into 3 equal parts, of which:
 - (i) one part is to be divided among the investors on the first placed finisher; and
 - (ii) the second part is to be divided among the investors on the second placed finisher; and
 - (iii) the third part is to be divided among the investors on the third placed finisher.

5.4.3 **Unbacked winners or placegetters in a 3 dividend race**

If a first, second or third placed finisher is not backed:

- (a) the whole of the place dividend pool is to be divided into as many equal parts as there are backed finishers who place first, second or third; and
- (b) a part is allotted to each backed finisher; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4.4 **Dead-heat for first place between 2 finishers in a 3 dividend race**

- (a) If 2 finishers dead-heat for first place in a 3 dividend race and both are backed:
 - (i) two-thirds of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) each part is to be divided among the investors on each backed finisher in the dead-heat; and
 - (iii) one third of the place dividend pool is to be divided among the investors on the third placed finisher.
- (b) If 2 finishers dead-heat for first place in a 3 dividend race but 1 only is backed:
 - (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on the backed finisher in the dead-heat; and
 - (iii) the second part to be divided among the investors on the third placed finisher.

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- (c) If 2 finishers dead-heat for first place in a 3 dividend race but neither is backed, the whole of the place dividend pool is to be divided among the investors on the third placed finisher.

5.4.5 Dead-heat for first place between 3 or more finishers in a 3 dividend race

If 3 or more finishers dead-heat for first place in a 3 dividend race:

- (a) the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
- (b) a part is allotted to each backed finisher; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.

5.4.6 Dead-heat for second place in a 3 dividend race where first place is backed

- (a) If the first placed finisher is backed and 2 or more backed finishers dead-heat for second place in a 3 dividend race:
 - (i) one third of the place dividend pool is to be divided among the investors on the first placed finisher; and
 - (ii) two-thirds of the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (iii) a part is allotted to each backed finisher in the dead-heat for second in the race; and
 - (iv) each part is to be divided among the investors on the finisher to which the part is allotted.
- (b) If 2 or more finishers dead-heat for second place but 1 only of those finishers is backed:
 - (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on the first placed finisher; and
 - (iii) the second part is to be divided amongst the investors on the backed second placed finisher in the dead-heat.

5.4.7 Dead-heat for third place in a 3 dividend race where first and second place are backed

- (a) If the first and second placed finishers are backed, and 2 or more backed finishers dead-heat for third place in a 3 dividend race:
 - (i) one third of the place dividend pool is to be divided among the investors on the first placed finisher; and
 - (ii) one third of the place dividend pool is to be divided among the investors on the second placed finisher;
 - (iii) one-third of the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and

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- (iv) a part is allotted to each backed finisher in the dead-heat; and
 - (v) each part is to be divided among the investors on the finisher to which the part is allotted.
- (b) If 2 or more finishers dead-heat for third place but none of the finishers is backed:
- (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on the first placed finisher; and
 - (iii) the second part is to be divided among the investors on the second placed finisher.

5.5 Deficiency in place pool

5.5.1 Dividend where deficiency in one part of place pool

- (a) If:
- (i) the place dividend pool is divided in accordance with clause 5.3 (place pool 2 dividend races) or clause 5.4 (place pool 3 dividend races); and
 - (ii) in not more than one part (in this clause referred to as the "**deficient part**") of the place dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
 - (iii) the amount of the deficiency is greater than the amount deducted as commission;

then, there must, before any dividend is declared, be deducted:

- (iv) from the part, other than the deficient part; or
- (v) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the commission.

- (b) The amount so deducted is to be added to the deficient part so that, if the commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

5.5.2 Dividend where deficiency in 2 or more parts of place pool

- (a) If:
- (i) the place dividend pool has been divided in accordance with clause 5.3 (place pool 2 dividend races) or clause 5.4 (place pool 3 dividend race); and

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- (ii) in each of 2 or more parts (in this clause referred to as the "**deficient parts**") of the place dividend pool there is insufficient money to enable dividends equal to the unit of investment to be declared in respect of those parts; and
- (iii) the aggregate of the amounts of those deficiencies is greater than the amount deducted as commission,

then, there must, before any dividend is declared, be deducted:

- (iv) from the part, other than the deficient parts; or
- (v) if there are 2 or more parts that are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount equal to the aggregate of the amounts of the deficiencies in the deficient parts, less the commission.

- (b) The amount so deducted is to be added to the deficient parts so that, if the commission were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

6. QUINELLA TOTALIZATORS

6.1 Opening and termination of quinella totalizator pool

6.1.1 A quinella totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 3; and
- (b) must be terminated if the number of contestants in the race falls below 3 at any time or if there are no finishers in the race.

6.2 Quinella pool dividends

6.2.1 Distribution of quinella dividend

- (a) Money invested on a quinella totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a quinella dividend pool.
- (b) The quinella dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising the first and second placed finisher in a race.

6.2.2 Unbacked combinations

- (a) If the winning quinella combination in clause 6.2.1(b) is not backed, the quinella dividend pool is to be divided among the investors on the combination comprising the first and third placed finisher in the race.
- (b) If neither of the combinations referred to in clauses 6.2.1(b) or 6.2.2(a) is backed the quinella dividend pool is to be divided among the investors on the combination comprising the second and third placed finisher in the race.

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- (c) A quinella dividend payable under this clause 6 in respect of a combination of finishers selected by an investor is payable irrespective of the order in which the finishers are placed in the race.

6.2.3 **Dead-heat for first place between 2 finishers**

- (a) If 2 finishers dead-heat for first place, the quinella dividend pool is to be divided among the investors on the combination comprising those finishers.
- (b) If the combination referred to in clause 6.2.3(a) is not backed and there is no dead-heat for third place:
 - (i) the quinella dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on a combination comprising a finisher in the dead-heat for first place and the third placed finisher; and
 - (iii) the second part is to be divided among the investors on a combination comprising the other finisher in the dead-heat for first place and the third placed finisher.
- (c) If the combination referred to in clause 6.2.3(a) is not backed and there is a dead-heat for third place:
 - (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising a finisher in the dead-heat for first place and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part was allotted.
- (d) If 1 only of the combinations referred to in clause 6.2.3(b) or (c) is backed, the whole of the dividend pool is to be divided among the investors on that combination.

6.2.4 **Dead-heat for first place between 3 or more finishers**

- (a) If 3 or more finishers dead-heat for first place:
 - (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

6.2.5 **Dead-heat for second place**

- (a) If 2 or more finishers dead-heat for second place:
 - (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the first placed finisher and a finisher in the dead-heat for second place; and

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- (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If no combination comprising the first placed finisher and a finisher in the dead-heat for second place is backed:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers in the dead-heat for second place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

6.2.6 **Dead-heat for third place**

- (a) If 2 or more finishers dead-heat for third place:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the first placed finisher and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on each combination to which the part is allotted.
- (b) If no combination comprising the first placed finisher and a finisher in the dead-heat for third place is backed:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the second placed finisher and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (c) This clause 6.2.6 does not apply if there is a dead-heat for first place or if there are investors on the combination comprising the first placed finisher and the second placed finisher.

7. **EXACTA TOTALIZATORS**

7.1 **Opening and termination of exacta totalizator pool**

7.1.1 An exacta totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 2; and
- (b) must be terminated if the number of contestants in the race falls below 2 at any time or if there are no finishers in the race.

7.2 **Exacta pool dividends**

7.2.1 **Distribution of exacta dividend**

- (a) Money invested on an exacta totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into an exacta dividend pool.
- (b) The exacta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising the first and second placed finisher in the race, in the correct order.

7.2.2 **Unbacked combinations**

- (a) If the winning exacta combination in clause 7.2.1(b) is not backed, the exacta dividend pool is to be divided among the investors on the combination comprising the second and first placed finisher in the race in the correct order.
- (b) If neither of the combinations referred to in clauses 7.2.1(b) or 7.2.2(a) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the first and the third placed finisher in the race in the correct order.
- (c) If none of the combinations referred to in clauses 7.2.1(b), 7.2.2(a) or 7.2.2(b) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the third and first placed finisher in the race in the correct order.
- (d) If none of the combinations referred to in clauses 7.2.1(b), 7.2.2(a), 7.2.2(b) or 7.2.2(c) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the second and third placed finisher in the race in the correct order.
- (e) If none of the combinations referred to in clauses 7.2.1(b), 7.2.2(a), 7.2.2(b), 7.2.2(c) or 7.2.2(d) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the third and second placed finisher in the race in the correct order.

7.2.3 **Dead-heat for first place between 2 finishers**

- (a) If 2 finishers dead-heat for first place:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising the finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If no combination referred to in clause 7.2.3(a) is backed and there is no dead-heat for third place:
 - (i) the exacta dividend pool is to be divided into 2 equal parts; and

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- (ii) one part is to be divided among the investors on a combination comprising, in the correct order, a finisher in the dead-heat for first place and the third placed finisher; and
 - (iii) the second part is to be divided among the investors on a combination comprising, in the correct order, the other finisher in the dead-heat for first place and the third placed finisher.
- (c) If no combination referred to in clauses 7.2.3(a) or 7.2.3(b) is backed and there is no dead-heat for third place:
- (i) the exacta dividend pool is to be divided into 2 equal parts; and
 - (ii) one part is to be divided among the investors on a combination comprising, in the correct order, the third place finisher and a finisher in the dead heat for first place; and
 - (iii) the second part is to be divided among the investors on a combination comprising, in the correct order, the third placed finisher and the other finisher in the dead heat for first place.
- (d) If no combination referred to in clause 7.2.3(a) is backed and there is a dead-heat for third place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead heat for first place and a finisher in the dead heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (e) If no combination referred to in clauses 7.2.3(a) and 7.2.3(d) is backed and there is a dead heat for third place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead heat for third place and a finisher in the dead heat for first place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

7.2.4 Dead-heat for first place between 3 or more finishers

- (a) If 3 or more finishers dead-heat for first place:
- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

7.2.5 Dead-heat for second place

- (a) If 2 or more finishers dead-heat for second place:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the first placed finisher and a finisher in the dead-heat for second place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If no combination referred to in clause 7.2.5(a) is backed:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead heat for second place and the first placed finisher; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (c) If the combinations referred to in clauses 7.2.5(a) and 7.2.5(b) are not backed:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers in the dead heat for second place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which part is allotted.

7.2.6 Dead-heat for third place

- (a) If 2 or more finishers dead-heat for third place:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the first placed finisher and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If the combination referred to in clause 7.2.6(a) is not backed:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead-heat for third place and the first placed finisher; and
 - (ii) a part is allotted to each backed combination; and

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- (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (c) If the combinations referred to in clauses 7.2.6(a) and 7.2.6(b) are not backed:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the second placed finisher and a finisher in the dead-heat for third place; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (d) If the combinations referred to in clauses 7.2.6(a), 7.2.6(b) and 7.2.6(c) are not backed:
 - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead heat for third place and the second placed finisher; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (e) This clause 7.2.6 does not apply if there is a dead heat for first place or if there are investors on the combination comprising the first placed finisher and the second placed finisher in the correct order.

8. TRIFECTA TOTALIZATORS

8.1 Opening and termination of trifecta totalizator pool

8.1.1 A trifecta totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 3; and
- (b) must be terminated if the number of contestants in the race falls below 3 at any time or if there are no finishers in the race.

8.2 Trifecta pool dividends

8.2.1 Investment pool, jackpot pool and trifecta dividend pool

- (a) All money invested on a trifecta totalizator is to be paid into an investment pool for that trifecta totalizator.
- (b) For each trifecta totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 8.2.2 or clause 8.2.7, are required to be carried forward to the jackpot pool of that trifecta totalizator.

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- (c) For each triffecta totalizator there is to be a triffecta dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the triffecta totalizator under clause 8.2.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act); and
 - (ii) any amount in the jackpot pool for that triffecta totalizator.

8.2.2 **Distribution of triffecta dividend**

- (a) If there are 3 or more finishers in a triffecta race, the triffecta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 3 placed finishers in the race in the correct order.
- (b) Where there are 2 finishers only in a triffecta race then:
 - (i) the jackpot pool for that triffecta race is carried forward to the jackpot pool for the triffecta totalizator conducted on the succeeding triffecta race; and
 - (ii) the remainder of the triffecta dividend pool after carrying forward the jackpot pool in accordance with clause 8.2.2(b)(i) is to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other starter.
- (c) Where there is one finisher only in a triffecta race then:
 - (i) the jackpot pool for that triffecta race is carried forward to the jackpot pool for the triffecta totalizator conducted on the succeeding triffecta race; and
 - (ii) the remainder of the triffecta dividend pool after carrying forward the jackpot pool in accordance with clause 8.2.2(c)(i) is to be divided amongst the investors who select a combination comprising, in the correct order, the one finisher in the race together with any other starters.

8.2.3 **Dead-heat for first place between 2 finishers**

- (a) If 2 finishers dead-heat for first place:
 - (i) the triffecta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the dead-heat for first place and the third placed finisher in the correct order; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).
- (b) If 2 finishers dead-heat for first place and there is also a dead-heat for third place:
 - (i) the triffecta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the dead-heat for first place and one of the finishers in the dead-heat for third place in the correct order; and
 - (ii) a part is allotted to each combination; and

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- (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).

8.2.4 **Dead-heat for first place between 3 or more finishers**

- (a) If 3 or more finishers dead-heat for first place:
 - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising 3 of the finishers in the dead-heat for first place; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).

8.2.5 **Dead-heat for second place**

- (a) If 2 or more finishers dead-heat for second place:
 - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher and 2 of the finishers in the dead-heat for second place; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).

8.2.6 **Dead-heat for third place**

- (a) If 2 or more finishers dead-heat for third place:
 - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher, the second placed finisher and one of the finishers in the dead-heat for third place; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).
- (b) This clause 8.2.6 does not apply if there is a dead-heat for first place.

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8.2.7 **Winning combination not backed or not backed to equivalent of unit of investment**

Notwithstanding anything else in these rules, where the total of all amounts invested in a triffecta totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause 8.2 ("**winning triffecta combination**") is less than a unit of investment for that triffecta totalizator or if a winning triffecta combination is not backed:

- (a) only the amount of the triffecta dividend pool determined in accordance with the following formula will be distributed among the investors on the winning triffecta combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the triffecta dividend pool which is to be distributed among the investors on the winning triffecta combination;

di is the total amount which would be distributed to investors on the winning triffecta combination under clause 8.2 if the total of all amounts invested in the triffecta totalizator on the winning triffecta combination was not less than a unit of investment for that triffecta totalizator so that this clause 8.2.7 did not apply;

ai is the total of all amounts (if any) invested in the triffecta totalizator on the winning triffecta combination; and

ui is the unit of investment for the triffecta totalizator; and

- (b) there is to be carried forward and paid into the triffecta jackpot pool for the triffecta totalizator conducted on the succeeding triffecta race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

cf is the amount carried forward and paid into the triffecta jackpot pool for the triffecta totalizator conducted on the succeeding triffecta race;

di has the meaning given to that term in clause 8.2.7(a); and

da is the total amount of the triffecta dividend pool which is to be distributed among the investors on the winning triffecta combination as determined in accordance with clause 8.2.7(a).

9. **FIRST 4 TOTALIZATORS**

9.1 **First 4 race**

TAB may, by order in writing, declare a race to be a first 4 race.

9.2 **Opening and termination of first 4 totalizators**

9.2.1 A first 4 totalizator:

- (a) must not be opened for a race if the number of contestants in the race is less than 4; and

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- (b) must be terminated if the number of contestants in the race falls below 4 at any time or if there are less than 2 finishers in the race.

9.3 First 4 pool dividends

9.3.1 Investment pool, jackpot pool and first 4 dividend pool

- (a) All money invested on a first 4 totalizator is to be paid into an investment pool for that first 4 totalizator.
- (b) For each first 4 totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 9.3.2 or clause 9.3.4, are required to be carried forward to the jackpot pool of that first 4 totalizator.
- (c) For each first 4 totalizator there is to be a dividend pool into which is to be paid:
 - (i) money invested in the investment pool for the first 4 totalizator under clause 9.3.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act); and
 - (ii) any amount in the jackpot pool for that first 4 totalizator.

9.3.2 Distribution of first 4 dividend pool

- (a) If there are 4 or more finishers in a first 4 race, the first 4 dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 4 placed finishers in the race in the correct order.
- (b) Where there are 2 or 3 finishers only in a first 4 race then:
 - (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and
 - (ii) the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2(b)(i) is to be divided among the investors as follows:
 - (1) where there are 3 finishers only, to be divided among the investors who select a combination comprising the first 3 placed finishers in the race in the correct order, together with any other starter;
 - (2) where there are 2 finishers only, to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other 2 starters.

9.3.3 Dead-heats

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

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- (ii) the first 4 dividend pool is to be divided into as many equal parts as there are combinations in respect of which a dividend is to be distributed under clause 9.3.2; and
- (iii) a part is allotted to each combination; and
- (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
- (v) for each unbacked combination the part is to be carried forward in accordance with clause 9.3.4(a) or (b).

9.3.4 **Winning combination not backed or not backed to equivalent of unit of investment**

Notwithstanding anything else in these rules, where the total of all amounts invested in a first 4 totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause 9.3 ("**winning first 4 combination**") is less than a unit of investment for that first 4 totalizator or if a winning first 4 combination is not backed:

- (a) only the amount of the first 4 dividend pool determined in accordance with the following formula will be distributed among the investors on the winning first 4 combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the dividend pool which is to be distributed among the investors on the winning first 4 combination;

di is the total amount which would be distributed to investors on the winning first 4 combination under clause 9.3 if the total of all amounts invested in the first 4 totalizator on the winning first 4 combination was not less than a unit of investment for that first 4 totalizator so that this clause 9.3.4 did not apply;

ai is the total of all amounts (if any) invested in the first 4 totalizator on the winning first 4 combination; and

ui is the unit of investment for the first 4 totalizator; and

- (b) there is to be carried forward and paid into the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

cf is the amount carried forward and paid into the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race;

di has the meaning given to that term in clause 9.3.4; and

da is the total amount of the dividend pool which is to be distributed among the investors on the winning first 4 combination as determined in accordance with clause 9.3.4.

10. SUPERFECTA TOTALIZATORS

10.1 Superfecta and golden superfecta races

10.1.1 TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare a race to be a superfecta race.

10.1.2 TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare any superfecta race to be a golden superfecta race.

10.2 Opening and termination of superfecta totalizator pool

10.2.1 A superfecta totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 6; and
- (b) must be terminated if the number of contestants in the race falls below 6 at any time or if there are less than 4 finishers in the race.

10.3 Superfecta pool dividends

10.3.1 Investment pool, jackpot pool and superfecta dividend pool

- (a) All money invested on a superfecta totalizator is to be paid into an investment pool for that superfecta totalizator.
- (b) Except in the case of a superfecta totalizator conducted on a golden superfecta race, an amount equal to 10% of the money invested on the superfecta totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be carried forward to a jackpot pool for the succeeding superfecta race.
- (c) For each superfecta totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 10.3.1(b), clause 10.3.2, clause 10.3.3 or clause 10.3.5, are required to be carried forward to the jackpot pool of that superfecta totalizator.
- (d) For each superfecta totalizator there is to be a superfecta dividend pool into which is to be paid:
 - (i) the money invested in the investment pool for the superfecta totalizator under clause 10.3.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act and any amount which, under clause 10.3.1(b), is required to be carried forward to a jackpot pool for the succeeding superfecta race); and
 - (ii) any amount in the jackpot pool for that superfecta totalizator.

10.3.2 Distribution of superfecta dividend

- (a) If there are 6 or more finishers in a superfecta race (other than a golden superfecta race), the superfecta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 6 placed finishers in the race in the correct order.

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- (b) If there are 6 or more finishers in a golden superfecta race, the superfecta dividend pool is (except to the extent otherwise provided in these rules):
 - (i) to be divided among the investors who select the combination comprising the first 6 placed finishers in the race in the correct order; or
 - (ii) to be paid into the golden superfecta dividend pool for that golden superfecta race if no investor selected the combination comprising the first 6 placed finishers in the race in the correct order and clause 10.3.3 applies.
- (c) Where there are 4 or 5 finishers only in a superfecta race (other than a golden superfecta race) then:
 - (i) the jackpot pool for that superfecta race is carried forward to the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race; and
 - (ii) the remainder of the superfecta dividend pool after carrying forward the jackpot pool in accordance with clause 10.3.2(c)(i) is to be divided among the investors as follows:
 - (1) where there are 5 finishers only, to be divided among the investors who select a combination comprising the first 5 placed finishers in the race in the correct order, together with any other starter;
 - (2) where there are 4 finishers only, to be divided among the investors who select a combination comprising the first 4 placed finishers in the race in the correct order, together with any other 2 starters.
- (d) Where there are 4 or 5 finishers only in a golden superfecta race then:
 - (i) the jackpot pool for that golden superfecta race is carried forward to the jackpot pool for the superfecta totalizator conducted on the next golden superfecta race declared by TAB; and
 - (ii) the remainder of the superfecta dividend pool after carrying forward the jackpot pool in accordance with clause 10.3.2(i) is to be divided among the investors as follows:
 - (1) where there are 5 finishers only, to be divided among the investors who select a combination comprising the first 5 placed finishers in the race in the correct order, together with any other starter;
 - (2) where there are 4 finishers only, to be divided among the investors who select a combination comprising the first 4 placed finishers in the race in the correct order, together with any other 2 starters.

10.3.3 Golden superfecta dividend

- (a) For each golden superfecta race there is to be a golden superfecta dividend pool into which is to be paid any amount required to be paid into the pool pursuant to clause 10.3.2(b).

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- (b) The amount contained in the golden superfecta dividend pool is to be paid to the first of the following combinations on which a bet is made:
 - (i) to the investors who have selected the first 5 placed finishers in correct order, together with any other starter; or
 - (ii) to the investors who have selected the first 4 placed finishers in correct order, together with any other 2 starters; or
 - (iii) to the investors who have selected the first 6 placed finishers in any order;
- (c) If no investor has selected the finishers for a combination in clause 10.3.3(b), the golden superfecta dividend pool is to be paid into the jackpot pool for the superfecta totalizator conducted on the next golden superfecta race declared by TAB.

10.3.4 **Dead-heats**

- (a) If 2 or more finishers in a superfecta or golden superfecta race dead-heat for any of the first 6 places:
 - (i) each of those finishers is taken to have filled that place and each subsequent place up to the number of subsequent places corresponding to one less than the number of finishers involved in the dead-heat; and
 - (ii) the superfecta dividend pool or golden superfecta dividend pool is to be divided into as many equal parts as there are relevant winning combinations; and
 - (iii) a part is allotted to each combination; and
 - (iv) for each backed combination the part is to be divided among the investors on that relevant winning combination to which the part is allotted; and
 - (v) for each unbacked combination the part is to be carried forward in accordance with clause 10.3.5(a) or (b).
- (b) In clause 10.3.4(a), "relevant winning combination" means:
 - (i) where the dividend is to be distributed under clause 10.3.3(b)(iii), one of two or more combinations of finishers (that is combinations of finishers selected in any order), so that the investors in any one such combination would (if that combination was the only such combination) be entitled to the distribution of a dividend under clause 10.3.2 or clause 10.3.3; or
 - (ii) except as provided in paragraph (i), a combination in respect of which a dividend is to be distributed under clause 10.3.2 or clause 10.3.3.

10.3.5 **Winning combination not backed or not backed to equivalent of unit of investment**

- (a) Notwithstanding anything else in these rules, where the total of all amounts invested in a superfecta totalizator conducted on a superfecta race (which is not a golden superfecta race) on a combination in respect of which a dividend is to be distributed among investors under this clause 10.3 ("**winning superfecta combination**") is less than a unit of investment for that superfecta totalizator or if a winning superfecta combination is not backed:

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- (i) only the amount of the superfecta dividend pool determined in accordance with the following formula will be distributed among the investors on the winning superfecta combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the superfecta dividend pool which is to be distributed among the investors on the winning superfecta combination;

di is the total amount which would be distributed to investors on the winning superfecta combination under clause 10.3 if the total of all amounts invested in the superfecta totalizator on the winning superfecta combination was not less than a unit of investment for that superfecta totalizator so that this clause 10.3.5 did not apply;

ai is the total of all amounts (if any) invested in the superfecta totalizator on the winning superfecta combination; and

ui is the unit of investment for the superfecta totalizator; and

- (ii) there is to be carried forward and paid into the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

cf is the amount carried forward and paid into the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race;

di and *da* have the meaning given to those terms in clause 10.3.5(a)(i); and

- (b) Notwithstanding anything else in these rules, where in a superfecta totalizator conducted on a golden superfecta race there are no investments on a combination in respect of which a dividend is to be distributed among investors under this clause 10.3, the total amount which would be distributed to investors on that combination under this clause 10.3 is to be carried forward and paid into the jackpot pool for the superfecta totalizator conducted on a subsequent golden superfecta race declared by TAB.

11. DOUBLES TOTALIZATORS

11.1 Doubles Races

TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare a combination of 2 races to be a double.

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11.2 Opening and termination of doubles totalizator pool

A doubles totalizator:

- (a) must not be opened to accept bets if the number of contestants in either leg of the double is less than 2; and
- (b) must be terminated if the number of contestants in either leg of the double falls below 2 at any time or if there are no finishers in either leg of the double.

11.3 Doubles pool dividends

11.3.1 Distribution of doubles dividend

- (a) Money invested on a doubles totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a doubles dividend pool.
- (b) The doubles dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who have selected the first of the following combinations on which a bet is made:
 - (i) first leg winner with second leg winner;
 - (ii) first leg winner with second leg second;
 - (iii) first leg winner with second leg third;
 - (iv) first leg second with second leg winner;
 - (v) first leg second with second leg second;
 - (vi) first leg second with second leg third;
 - (vii) first leg third with second leg winner;
 - (viii) first leg third with second leg second;
 - (ix) first leg third with second leg third.
- (c) In this clause 11, "winner" means first placed finisher and "second" or "third" means the second or third placed finisher respectively.

11.3.2 Dead-heats

- (a) If, as a result of a dead-heat in any race to which the double relates, investors on 2 or more combinations of finishers become entitled to a dividend:
 - (i) the doubles dividend pool is to be divided into as many equal parts as there are backed combinations; and
 - (ii) a part is allotted to each backed combination; and
 - (iii) each part is to be divided among the investors on the combination to which the part is allotted.

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11.3.3 Non-starters and substitutes

- (a) Any money invested on a combination in a double which includes a non-starter in any race of the double must either:
 - (i) if the relevant ticket is presented to TAB before investments have ceased to be accepted on the first leg, be refunded to the investor; or
 - (ii) if the money is not so refunded be invested in accordance with subclause (b).
- (b) If a contestant selected in a bet on a double does not become a starter in a race (including a re-run race) the bet is deemed to be invested on a substitute selection as determined under subclause (c).
- (c) Where TAB receives doubles bets on a contestant that is a non-starter in any race in a double, the doubles bets made on that non-starter will be deemed to be invested on the contestant in that same race ("**the substitute**") which has the greatest amount of money invested on it on TAB's win totalizator pool.
- (d) The substitute will be declared by TAB when the win dividend is declared payable on the race.
- (e) Where two or more contestants have equal win investments under the rule in sub-clause (c), the contestant with the lower contestant number will be deemed to be the substitute selection for that race.
- (f) For the purposes of this clause 11.3.3, any determination made by TAB as to the contestant to be substituted for a contestant which is a non-starter in a race in a double will be final and conclusive.

11.3.4 First leg abandoned or postponed

- (a) If a first leg is abandoned or postponed to another date, the doubles dividend pool is to be divided among the investors on the winner of the second leg.
- (b) If there are no investors on the winner, the doubles dividend pool is to be divided among the investors on the second placed finisher.
- (c) If there are no investors on either the winner or the second placed finisher, the doubles dividend pool is to be divided among the investors on the third placed finisher.
- (d) If, as the result of a dead-heat, investors on 2 or more placed finishers become entitled to a dividend under this clause 11.3.4:
 - (i) the doubles dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (ii) a part is allotted to each backed finisher;
 - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.

11.3.5 Second leg abandoned or postponed

- (a) If a second leg is abandoned or postponed to another date, the doubles dividend pool is to be divided among the investors on the winner of the first leg.
- (b) If there are no investors on the winner, the doubles dividend pool is to be divided among the investors on the second placed finisher.
- (c) If there are no investors on either the winner or the second placed finisher, the doubles dividend pool is to be divided among the investors on the third placed finisher.
- (d) If, as the result of a dead-heat, investors on 2 or more placed finishers become entitled to a dividend under this clause:
 - (i) the doubles dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
 - (ii) a part is allotted to each backed finisher;
 - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.

12. SPINNER TOTALIZATORS

12.1 Opening and termination of spinner totalizator

A spinner totalizator:

- 12.1.1 must not be opened for a race if there is either less than two contestants with odd contestant numbers or less than two contestants with even contestant numbers; and
- 12.1.2 must be terminated if the number of contestants falls below two contestants with odd contestants numbers or two contestants with even contestant numbers or if there are less than 2 finishers in the race.

12.2 Spinner pool dividends

12.2.1 Distribution of dividend

- (a) Money invested on a spinner totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a spinner dividend pool.
- (b) The spinner dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors correctly selecting the contingency (the "*winning spinner contingency*") that the combination of contestant numbers of the first and second placed finishers in the race:
 - (i) are both odd numbers (the "*odds contingency*");

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- (ii) are both even numbers (the "*evens contingency*"); or
 - (iii) are an even number and an odd number (the "*mixed contingency*").
- (c) A dividend payable under this clause 12 in respect of a combination of finishers selected by an investor is payable irrespective of the order in which the finishers are placed in the race.

12.2.2 **Dead-heat for first place between 2 finishers**

If 2 finishers dead-heat for first place, the spinner dividend pool is to be divided among the investors on the winning spinner contingency comprising the combination of the contestant numbers of those 2 finishers.

12.2.3 **Dead-heat for first place between 3 or more finishers**

- (a) If 3 or more finishers dead-heat for first place:
- (i) the spinner dividend pool is to be divided into as many parts as there are winning spinner contingencies comprising a combination of the contestant numbers of those finishers in the dead-heat for first place;
 - (ii) the relevant part is to be allotted to the winning spinner contingency; and
 - (iii) each part is to be divided among the investors on the winning spinner contingency to which the part is allotted.
- (b) Where the spinner dividend pool is divided into parts under this clause 12.2.3, those parts will be divided so as to bear the same proportion to the pool as the number of winning spinner contingencies of that type bears to the total number of winning spinner contingencies.

12.2.4 **Dead-heat for first place between 4 or more finishers with all 3 winning contingencies successful**

Notwithstanding clause 12.2.3, where 4 or more finishers dead-heat for first place and there are all 3 winning spinner contingencies amongst the combinations of the contestant numbers of 2 of those finishers then, the dividend for each winning spinner contingency will be equal to the unit of investment bet by the investors.

12.2.5 **Dead-heat for second place**

- (a) If 2 or more finishers dead-heat for second place:
- (i) the spinner dividend pool is to be divided into as many parts as there are winning spinner contingencies comprising a combination of the contestant number of the first place finisher with any of the contestant numbers of the finishers in the dead-heat for second place; and
 - (ii) the relevant part is to be allotted to the winning spinner contingency; and

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- (iii) each part is to be divided among the investors on the winning spinner contingency to which the part was allotted.
- (b) Where the spinner dividend pool is divided into parts under this clause 12.2.5, those parts will be divided so as to bear the same proportion to the pool as the number of winning spinner contingencies of that type bears to the total number of winning spinner contingencies.

12.2.6 Dividend where deficiency in one part of Spinner pool

- (a) If:
 - (i) the spinner dividend pool has been divided in accordance with clause 12.2.3 or 12.2.5 into two parts; and
 - (ii) in one part (in this clause referred to as the "deficient part") of the spinner dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
 - (iii) the amount of the deficiency is greater than the amount deducted as commission.

then there must, before any dividend is declared, be deducted from the part, other than the deficient part, an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the commission.

- (b) The amount so deducted is to be added to the deficient part.

12.2.7 Non-starters

Subject to clause 12.1.2 if a contestant does not become a starter in a race (including a re-run race), no money invested on an evens, odds or mixed contingency of a combination of contestant numbers which would have included that contestant if it were a starter, will be refunded to the investor.

12.2.8 Cessation of session

TAB, or a racing club conducting a domestic totalizator, will accept investments to the spinner totalizator for a multiple of "next to go" races, only to the extent that races in the "next to go" sequence form part of the TAB's or domestic totalizator scheduled session of daily races. The investor is not entitled to place investments to the spinner totalizator for races in the "next to go" sequence which do not form part of the scheduled session.

13. QUADDIE TOTALIZATOR

13.1 Quaddie

TAB may, by order in writing, declare a combination of 4 races at a race meeting to be a quaddie.

13.2 Opening and termination of quaddie totalizator pool

A quaddie totalizator:

- (a) must not be opened to accept bets if the number of contestants in any race of the quaddie is less than 2; and
- (b) must be terminated if the number of contestants in any race of the quaddie falls below 2 at any time or if there are no finishers in any race of the quaddie.

13.3 Quaddie pool dividends

13.3.1 Investment pool, jackpot pool and quaddie dividend pool

- (a) All money invested on a quaddie totalizator is to be paid into an investment pool for that quaddie totalizator.
- (b) For each quaddie totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 13.3.6, are required to be carried forward to the jackpot pool of that quaddie totalizator.
- (c) For each quaddie totalizator there is to be a dividend pool into which is to be paid:
 - (i) money invested in the investment pool for the quaddie totalizator under clause 13.3.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act); and
 - (ii) any amount in the jackpot pool for that quaddie totalizator.

13.3.2 Distribution of quaddie dividend pool

The quaddie dividend pool is to be divided among the investors who select the combination comprising the first placed finishers in the 4 races of the quaddie.

13.3.3 Dead Heats

- (a) Subject to sub-clause (b), if, as a result of a dead heat in any race to which the quaddie relates, investors on 2 or more combinations of finishers become entitled to a dividend:
 - (i) the quadrella dividend pool is to be divided into as many equal parts as there are combinations; and
 - (ii) a part is allotted to each combination; and
 - (iii) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
 - (iv) for each unbacked combination the part is carried forward in accordance with clause 13.3.6(a) or (b).
- (b) Where as a result of a dead heat in any race to which the quaddie relates there are more than eight winning combinations, for the purpose of the calculation of dividends:
 - (i) that race and any subsequent race in that quaddie shall not be taken into account;

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- (ii) the quaddie dividend pool is to be divided into as many equal parts as there are combinations;
- (iii) a part is allotted to each combination;
- (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
- (v) for each unbacked combination, the part is carried forward in accordance with clause 13.3.6(a) or (b).

13.3.4 Non-starters and substitutes

- (a) Any money invested on a combination in a quaddie which includes a non-starter in any race of the quaddie must either:
 - (i) if the relevant ticket is presented to TAB before investments have ceased to be accepted on the first race of the quaddie, be refunded to the investor; or
 - (ii) if the money is not so refunded be invested in accordance with subclause (b).
- (b) If a contestant selected in a bet on a quaddie does not become a starter in a race (including a re-run race) the bet is deemed to be invested on a substitute selection as determined under subclause (c).
- (c) Where TAB receives quaddie bets on a contestant that is a non-starter in any race in a quaddie, the quaddie bets made on that non-starter will be deemed to be invested on the contestant in that same race ("**the substitute**") which has the greatest amount of money invested on it on TAB's win totalizator pool.
- (d) The substitute will be declared by TAB when the win dividend is declared payable on the race.
- (e) Where two or more contestants have equal win investments under the rule in clause 13.3.4(c), the contestant with the lower contestant number will be deemed to be the substitute selection for that race.
- (f) For the purposes of this clause 13.3.4, any determination made by TAB as to the contestant to be substituted for a contestant which is a non-starter in a race in a quaddie will be final and conclusive.

13.3.5 Races abandoned or postponed

- (a) Where any race in a quaddie is abandoned, postponed until another day, declared a no-race or is a walkover, all selections on that race will be deemed to be first placed finishers and the quaddie dividend pool will be divided on that basis.
- (b) Where all races in the quaddie are abandoned or postponed until another day, all bets will be refunded.

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- (c) If a race is run out of normal race sequence, the amount invested on the quaddie totalizator will be dealt with in accordance with the result of the out of sequence run race and the dividend distributed in accordance with these rules.

13.3.6 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in these rules, where the total of all amounts invested in a quaddie totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause 13.3 ("**winning quaddie combination**") is less than a unit of investment for that quaddie totalizator or if a winning quaddie combination is not backed:

- (a) only the amount of the quaddie dividend pool determined in accordance with the following formula will be distributed among the investors on the winning quaddie combination:

$$da = di \times \frac{ai}{ui}$$

where:

da is the total amount of the dividend pool which is to be distributed among the investors on the winning quaddie combination;

di is the total amount which would be distributed to investors on the winning quaddie combination under clause 13.3 if the total of all amounts invested in the quadrella totalizator on the winning quaddie combination was not less than a unit of investment for that quaddie totalizator so that this clause 13.3.6 did not apply;

ai is the total of all amounts (if any) invested in the quaddie totalizator on the winning quaddie combination; and

ui is the unit of investment for the quaddie totalizator; and

- (b) there is to be carried forward and paid into the jackpot pool for the quaddie totalizator conducted on the succeeding quaddie race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

cf is the amount carried forward and paid into the jackpot pool for the quaddie totalizator conducted on the succeeding quaddie race;

di has the meaning given to that term in clause 13.3.6(a); and

da is the total amount of the dividend pool which is to be distributed among the investors on the winning quaddie combination as determined in accordance with clause 13.3.6(a).

14. ALL-UP BETTING

14.1 Establishment of all-up betting records

On the request of a person, TAB, or on-course totalizator, may establish an all-up betting record to enable the person to make all-up cash bets, telephone bets or device bets.

14.2 Races to which all-up bets relate

14.2.1 An all-up bet may be made in respect of:

- (a) races on which a win and place totalizator is operating; or
- (b) any other race totalizators as determined by TAB from time to time.

14.2.2 The maximum number of races in respect of which any one all-up bet may be made is to be as determined by TAB, or racing club conducting an on-course totalizator as applicable.

14.2.3 TAB, or racing club (as applicable) may limit the races in respect of which any one all-up bet may be made to races at the same race meeting or in any other manner as they may determine.

14.3 Dividends and refunds on all-up bets

14.3.1 Money to the credit of an all-up betting record must be transmitted to the win and place totalizator (or other class of totalizator on which the bet is required) for the next race to which the all-up bet relates.

14.3.2 Any dividend or refund for an all-up bet must be collected by TAB, or racing club, and credited to the all-up betting record for the bet.

14.3.3 After a dividend is paid in accordance with these rules on the second or any subsequent race or event to which an all-up bet relates, the amount to be credited to the all-up betting record for the bet is to be calculated as follows:

$$A = \frac{Cx D}{U}$$

where:

"A" represents the amount to be credited;

"C" represents the amount credited to the all-up betting record in respect of the previous race to which the all-up bet relates;

"D" represents the dividend declared for the minimum unit of investment in respect of the second or subsequent race;

"U" represents the minimum bet for that race.

14.3.4 In calculating the amount to be credited pursuant to clause 14.3.3 to an all-up betting record:

- (a) fractions of cents will be disregarded; and

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- (b) minimum dividend provisions apply to the calculation of the amount to be credited in the same way as they apply to the calculated amount referred to in those provisions.

14.3.5 The balance standing to the credit of an all-up betting record after the last race to which the all-up bet relates:

- (a) in the case of an all-up cash betting record, must be paid to the person concerned as if the bet were a cash bet; or
- (b) in the case of an all-up telephone or device betting record, must be paid into the betting account of the person concerned.

14.3.6 Any money that is paid as a dividend or refund in accordance with the Act, and that remains unallocated after the calculation of the amounts payable under this clause 14.3, is to be allocated in accordance with Part 6 of the Act.

14.4 Races postponed or run out of sequence

In the event that a race to which an all-up bet relates is postponed or is run out of the sequence, TAB, or racing club conducting an on-course totalizator, must treat the race for the purposes of the all-up bet as an abandoned race.

15. WAGERING ON USA RACING EVENTS

15.1 Application

15.1.1 This clause 15 applies to totalizators conducted by TAB on events scheduled to be held at a race meeting on any racecourse in the United States of America ("**a USA racing event**") and does not apply to any totalizator conducted by TAB on any other event.

15.1.2 In relation to any totalizator conduct by TAB on a USA racing event, this clause 15 prevails over any other provision of these rules to the extent of any inconsistency.

15.2 Definitions for USA racing events

In this clause 15:

"coupled entry" means a single wagering interest involving 2 or more contestants entered in the same USA racing event and joined for TAB totalizator betting purposes either:

- (a) because of common ties as to ownership or training; or
- (b) as a field entry in circumstances where TAB has not exercised its discretion under clause 15.3.3 to ignore field entries,

so that a wager on 1 contestant joined in a coupled entry is a wager on all contestants joined in the same coupled entry on the basis set out in these rules;

"field entry" means two or more horses coupled for the purposes of USA totalizator betting on a USA racing event as a result of the number of contestants (counting for this purpose horses in a coupled entry as a result of common ties as to ownership or

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training as a single contestant) exceeding the stated capacity of the relevant USA totalizator;

"official USA order of finish" means that when satisfied that the order of finish is correct, that all timely objections have been addressed, and that the race has been properly run in accordance with the rules and regulations of the applicable authority, the stewards will order that the official USA order of finish be confirmed and the official sign posted for the race;

"single wagering interest" means any one contestant in a race, or two or more contestants bracketed as a single TAB totalizator number as for a coupled entry;

"timely objections" means a claim of interference or other foul by a jockey, driver, trainer or owner of a horse who has reasonable grounds to believe that his or her horse was interfered with or impeded or otherwise hindered during the running of the race, or that any riding or driving rule was violated by any other jockey, driver or horse during the running of the race. Such objections must be made immediately with the clerk of scales, the stewards or their delegate before official USA order of finish has been declared. The stewards may thereupon hold an inquiry into the running of the race.

15.3 Declaration of placings

15.3.1 In this clause 15 a reference to the first, second, third, fourth, fifth or sixth placed finisher in a race is a reference to the contestant declared by stewards in the official USA order of finish to be the first, second, third, fourth, fifth or sixth placed finisher in the race except as provided for in a race where field entries apply.

15.3.2 If more than one contestant in a coupled entry is placed or dead-heats in a USA racing event, only the highest placed finisher of the contestants in that coupled entry will be counted as a placing for the purposes of TAB totalizator betting and the other contestants in that coupled entry will be disregarded for the purposes of determining other placings in that USA racing event.

15.3.3 TAB at its discretion may ignore field entries and treat each contestant in field entries as a separate TAB totalizator betting contingency.

15.3.4 Except where field entries are required, the decision of the stewards as to the official USA order of finish is final for TAB betting purposes. Where field entries apply, TAB may subject to clause 15.3.2, declare dividends based on the actual finishing order across the line.

15.3.5 No rulings of the stewards or controlling body regarding the order of finish or any award of prize money after the result of the race has been declared official will affect TAB totalizator payout.

15.3.6 The scratching or withdrawal of one or more contestants from a coupled entry will have no effect on any wagers made on a coupled entry provided that at least one contestant in the coupled entry is declared a starter in the race.

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15.4 Bracketed contestants

- 15.4.1 This clause 15.4 applies to win and place, quinella, exacta, trifecta, doubles and spinner totalizators conducted on USA racing events.
- 15.4.2 If there are contestants in a coupled entry in a USA racing event, TAB may create a sufficient number of brackets to cause each of the couplings to constitute a single totalizator number.
- 15.4.3 For the purpose of apportionment of dividends, a placegetter identified on the totalizator by a bracket number as a result of a coupled entry, is to be treated as a single wagering interest.
- 15.4.4 In a USA racing event to which clause 15.4.2 applies, where two or more finishers in the coupled entry are placed or dead-heat, they are to be treated as a single finisher and only the highest placed finisher of the contestants in that coupled entry is to be counted for the purposes of TAB totalizator betting and the other contestants in that coupled entry will be disregarded for the purposes of determining other placings in that USA Racing Event.

16. FOOTYTAB

16.1 Commission deduction

Money invested on a totalizator conducted by TAB on one or more sports betting events will be subject to a commission deduction pursuant to Part 6 of the Act.

16.2 Definitions for footyTAB

In this clause 16:

"away team" means the team named as printed on the right-hand column of the ticket or list of matches;

"final score" means the number of points scored by each team at the conclusion of a match, and will take into account any extra time played to negate a draw;

"forfeit" means the term applied to an individual or team failing to either compete in or complete the contest;

"game" means a match or a schedule of matches nominated by TAB for the purpose of investments and which is known as either "Pick The Winners FootyTAB", "Pick The Margins FootyTAB", "Pick The Score FootyTAB", "Pick The Margins SoccerTAB" or "Pick The Team FootyTAB";

"home team" means the team named as printed on the left-hand column of the ticket or list of matches;

"match" means a contest between two sporting teams where one is designated the home team and the other the away team;

"pick the margins footyTAB" consists of a schedule of matches in which up to seven possible margins between the number of points scored by the two teams in each match are offered;

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"pick the margins soccerTAB" consists of a schedule of matches in which five possible margins between the number of points scored by the two teams in each match are offered;

"pick the score footyTAB" consists of a match in which final score options are offered;

"pick the team footyTAB" consists of teams involved in a specified competition from which win options are offered;

"pick the winners footyTAB" consists of a schedule of matches in which one team in each match is allotted a points start;

"points" will also mean goals where the word "goals" is used to describe the scoring in any particular sport;

"points start" means the number to be added to the team's final score for the purposes of assessing the winning team;

"winning margin" means the difference between the number of points scored by the two teams in a match;

"winning team" - means:

- (a) in respect of Pick The Winners FootyTAB the team acquiring the higher number of points after the addition of the points start to the number of points scored in each match; or
- (b) in respect of Pick The Margins FootyTAB, the team, or teams in the case of a drawn result, with the winning margin in each match; or
- (c) in respect of Pick The Score FootyTAB, the team acquiring the higher number of points scored in each match; or
- (d) in respect of Pick The Margins SoccerTAB, the team, or teams in the case of a drawn result, with the winning margin in each match; or
- (e) in respect of Pick The Team FootyTAB, the team deemed to be the winner of the competition according to the rules of that competition.

16.3 Games, investments, refunds and results

16.3.1 The object of the game is to select the winning teams in each of the matches which are included in that game or in the case of "Pick The Score FootyTAB", to select the final score for the home team and away team respectively.

16.3.2 To invest on the game, the investor is required to forecast the result of each of the matches in that game, marking each forecast on an entry form so that the minimum number of forecasts made by an investor corresponds with the number of matches in the game or in the case of "Pick the Score FootyTAB", a minimum of one final score.

16.3.3 TAB may include in any game the matches it considers appropriate.

16.3.4 TAB may appoint any persons it deems necessary to assess the points start and winning margins to be allotted for the purposes of the games.

16.3.5 (a) Where a match is abandoned or postponed to another date, the result of the game will be declared and the dividend calculated on those matches completed; provided however that if a match is subsequently completed prior to midnight on the Tuesday after the date on which the match was originally scheduled, then the result of the game may be declared on that day.

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- (b) A game will be terminated and refunds will be made to all investors where:
- (i) all the matches in the game are abandoned or postponed to another date; or
 - (ii) less than three matches in the game are completed prior to midnight on the Tuesday after the dates on which they were originally scheduled.
- 16.3.6 In the event of one of the teams in a match forfeiting the match, the opposing team will be deemed the winning team encompassing all of the winning margins offered for that team. In the case of "Pick The Score FootyTAB" investors will be eligible for a refund in accordance with these rules.
- 16.3.7 Subject to this clause 16, the relevant dividend pool for the game is to be divided among those investors selecting the winning team in all matches in the game or in the case of "Pick The Score FootyTAB", the final score.
- 16.3.8 In the event no investor selects the winning team in all matches in "Pick The Winners FootyTAB", the dividend pool will be divided among investors who select the most number of winning matches in the game.
- 16.3.9 In the event no investor selects the winning team in all matches in "Pick The Margins FootyTAB" or "Pick The Margins SoccerTAB", the relevant dividend pool will continue to carry forward to the next round of betting until:
- (a) the dividend pool can be divided among those investors selecting the winning team in all matches in the game; or
 - (b) TAB determines a schedule of matches to be the last of the season whereby payout may be divided among those investors selecting the most number of winning matches in the game.
- 16.3.10 In the event no investor selects the final score, not being a drawn match, in respect of "Pick The Score FootyTAB," the dividend pool will be divided among investors in the following order of priority:-
- (a) Investors selecting the winning team's score and the losing team's score plus or minus one point.
 - (b) Investors selecting the winning team's score plus or minus one point and the losing team's score.
 - (c) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus one point.
 - (d) Investors selecting the winning team's score and the losing team's score plus or minus two points.
 - (e) Investors selecting the winning team's score plus or minus two points and the losing team's score.
 - (f) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus two points.
 - (g) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus one point.

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- (h) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus two points.
- (i) Investors selecting the winning team's score and the losing team's score plus or minus three points.
- (j) Investors selecting the winning team's score plus or minus three points and the losing team's score.
- (k) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus three points.
- (l) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus three points.
- (m) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus one point.
- (n) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus two points.
- (o) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus three points.
- (p) Investors selecting the winning team's score and any score for the losing team.
- (q) Investors selecting any score for the winning team and the losing team's score.
- (r) Investors selecting any score for either team.

16.3.11 In the event no investor selects the final score of a drawn match in respect of "Pick The Score FootyTAB", the dividend pool will be divided among investors in the following order of priority:

- (a) Investors selecting a drawn result being the home team's score plus or minus one point and the away team's score plus or minus one point.
- (b) Investors selecting a drawn result being the home team's score plus or minus two points and the away team's score plus or minus two points.
- (c) Investors selecting a drawn result being the home team's score plus or minus three points and the away team's score plus or minus three points.
- (d) Investors selecting the home team's score and the away team's score plus or minus one point.
- (e) Investors selecting the home team's score plus or minus one point and the away team's score.
- (f) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus one point, not being a drawn result selection.
- (g) Investors selecting the home team's score and the away team's score plus or minus two points.
- (h) Investors selecting the home team's score plus or minus two points and the away team's score.

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- (i) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus two points.
- (j) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus one point.
- (k) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus two points, not being a drawn result selection.
- (l) Investors selecting the home team's score and the away team's score plus or minus three points.
- (m) Investors selecting the home team's score plus or minus three points and the away team's score.
- (n) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus three points.
- (o) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus three points.
- (p) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus one point.
- (q) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus two points.
- (r) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus three points, not being a drawn result selection.
- (s) Investors selecting the home team's score and any score for the away team.
- (t) Investors selecting any score for the home team and the away team's score.
- (u) Investors selecting any score for either team.

16.3.12 Subsection (3) of the minimum dividend provisions set out in Appendix 2 does not apply in respect to dividends under these rules for sports betting events.

16.3.13(a) In the event of any match extending into extra time in accordance with the rules governing the particular contest, TAB will take into account any points scored during that period for the purposes of determining the result of the match.

(b) TAB will not take into account any points scored during a penalty shoot out for the purposes of determining the result of the match.

16.3.14 In the event of any match being replayed for any reason clause 3.3.2(b) applies.

APPENDIX 1 - COMMISSION DEDUCTIONS

Distribution of Investments

Distribution of money invested in totalizators conducted by the TAB in respect of race meetings and sports betting events.

- (1) If any money is placed in a totalizator conducted by the TAB in respect of any event or contingency, the TAB:
 - (a) must first deduct from that money any sums refundable to investors, or transferable to another type of totalizator, in accordance with Rules made under the Totalizator Act 1997 so far as they are applicable to the TAB, and
 - (b) on the happening of that event or contingency, must distribute the balance as follows:
 - (i) an amount equal to the relevant percentage of the balance must be distributed as commission,
 - (ii) the remainder of the balance must be paid as dividends.
- (2) The relevant percentage of the balance, (as determined by TAB from time to time in accordance with the Totalizator Act 1997, Part 6, Section 69 Commission on Totalizator Betting) that must be deducted as commission is set out in Attachment A to these rules.

APPENDIX 2 - DETERMINATION OF DIVIDEND - MINIMUMS & FRACTIONS

- (1) In this section:

"the calculated amount", in relation to an event or contingency in relation to which a totalizator was used, means the amount which would, but for subsections (3), (5) and (6), be payable by way of dividend in respect of that event or contingency;

"the payable dividend", in relation to an event or contingency in relation to which a totalizator was used, means the amount to be paid by way of dividend in respect of that event or contingency.
- (2) Subject to subsections (3) and (5), the calculated amount in relation to an event or contingency in relation to which a totalizator was used shall, after any adjustment required to be made by subsection (6), be the payable dividend in relation to that event or contingency.
- (3) Subject to subsection (4), where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is:
 - (a) equal to or less than the unit of investment for that event or contingency; or
 - (b) more than that unit but less than the sum of that unit and 5 cents,

the payable dividend shall be an amount equal to one hundred and four per centum of that unit ("**minimum dividend**").
- (4) Subsection (3) does not apply:
 - (a) to an event or contingency in circumstances where:
 - (i) 2 or more starters fill a place (including first place) in the event or contingency; and
 - (ii) a pool or part of a pool (ascertained in respect of that place in accordance with this Act, the regulations or the rules) is required to be divided among the starters filling that place; or
 - (b) if as a result of subsection (3) the dividend payable on a further contingency or contingencies would also be subject to subsection (3) and the total amount of dividends payable would exceed the total amount paid into the pool (less any amounts refundable); or

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- (c) to a win and place, quinella, exacta, trifecta, doubles and spinner totalizator if the total amount of the dividends payable in accordance with the rules for that type of totalizator would exceed the total amount paid into the totalizator (less any amounts refundable to investors); or
- (d) to the place pool of a win and place totalizator:
- (i) if the total money invested on any one of the placed contestants in respect of which a dividend is payable under clause 5.3 of the rules (place pool 2 dividend race) is more than 50% of the sum of the place pool and any amount deducted as commission; or
- (ii) if the total money invested on any one of the placed contestants in respect of which a dividend is payable under clause 5.4 of the rules (place pool 3 dividend race) is more than 40% of the sum of the place pool and any amount deducted as commission; or
- (e) where the Rules provide that subsection (3) of the minimum dividend provisions does not apply.
- (5) In any circumstances referred to in subsection (4), where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is less than the unit of investment for that event or contingency, the payable dividend in respect of that event or contingency shall be an amount equal to that unit.
- (6) If, had this subsection not been enacted, the calculated amount would have been, by reason of the operation of subsection (2), the payable dividend in relation to any event or contingency, then:
- (a) where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or
- (b) where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the rules under this Act, and the calculated amount shall be adjusted accordingly.

TABLE

First Column	Second Column
Less than 5	Nil
5 or more but less than 10	5
10 or more but less than 15	10
15 or more but less than 20	15
20 or more but less than 25	20
25 or more but less than 30	25
30 or more but less than 35	30
35 or more but less than 40	35
40 or more but less than 45	40
45 or more but less than 50	45
50 or more but less than 55	50
55 or more but less than 60	55
60 or more but less than 65	60
65 or more but less than 70	65
70 or more but less than 75	70
75 or more but less than 80	75
80 or more but less than 85	80
85 or more but less than 90	85
90 or more but less than 95	90
95 or more	95

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- (7) Where, by reason of subsection (3) (paragraph (a) excepted), (5) or (6):
- (a) any roundings remaining unpaid, in accordance with 75 (4) of the Act, 19.11% of those amounts shall within 7 days after the happening of the relevant event or contingency be paid to the Minister to be carried to the Consolidated Fund; or
 - (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency, the deficiency shall be paid by TAB.
- (8) Where by reason of subsection (3) (paragraph (b) excepted) there is insufficient money for payment of the dividends in respect of the event or contingency in respect of which a totalizator was used, the deficiency shall be paid by TAB.

APPENDIX 3 - BAD SALES

Determination under clause 2.6.5(b)(ix)

Adjustment for late cancellation of bets (bad sales) made in accordance with rule 2.6.5 "Cancellation for errors on betting tickets" actioned after close of betting and transmission of final collations to TAB and up to the declaration of "all clear" or "correct weight", will be accepted on the condition that such bad sales are not less than the following amounts for any one bet:

Win and Place & Spinner - \$200.00

Quinella, Exacta & Doubles - \$ 50.00

Trifecta, First 4, Superfecta, Quaddie & FootyTAB – No Limit

Attachment A

Commission Deductions as at 1 August 2005

(a) Commission Deductions – Race-Meetings

Percentage of Investment									
Win totalizator or TABODDS (Win Fixed Odds Wagering) totalizator	Place totalizator	Quinella totalizator	Exacta totalizator	Doubles totalizator	Trifecta totalizator	First 4	Superfecta totalizator	Spinner	Quaddie
14.50	14.25	14.75	16.5	18	20	22.5	20	14	20

(b) Commission Deduction - events other than Race-Meetings (Sporting Contests Rules)

Percentage of Investment			
FootyTAB	SoccerTAB		
25	25		

Note: This attachment is attached to the rules for convenient reference and whilst referred to in Appendix 1 of the rules does not form part of the rules for the conduct of totalizators and may be amended by TAB in accordance with the *Totalizator Act 1997*.

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

BLACKTOWN CITY COUNCIL

Roads Act 1993, Section 10 (1)

Notice of Dedication of Land as Public Road

NOTICE is hereby given by Blacktown City Council that in pursuance of section 10 (1) Division 1 of Part 2 of the Roads Act 1993, the land described in the schedule below is hereby dedicated as public road. IAN REYNOLDS, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

SCHEDULE

Lots 603 to 607 inclusive in DP 748770

Lots 624 in DP 748770 [1500]

GRIFFITH CITY COUNCIL

Local Government Act 1993, Section 553 (a)

Extension of Water Mains

NOTICE is given pursuant to section 553 (a) of the Local Government Act 1993, as amended, that the water mains have been extended and the land served is described in the accompanying Schedule. Land that is not connected thereto shall become liable to water supply charges after twenty-one (21) days from the date of this notice. Land connected before the expiration of the twenty-one days shall be charged to that Water Access Fee from the date of connection. PETER BROOKS, General Manager, PO Box 485, Griffith NSW 2680.

SCHEDULE

Lots 1 to 81 (inclusive) of DP 1083401

Lots 1 to 47 (inclusive) of DP 1084327 [1520]

GRIFFITH CITY COUNCIL

Local Government Act 1993, Section 553 (a)

Extension of Sewer Mains

NOTICE is given pursuant to section 553 (b) of the Local Government Act 1993, as amended, that the sewer mains have been extended and the land served is described in the accompanying Schedule. Land that is not connected thereto shall become liable to a Sewerage Special Rate after sixty (60) days from the date of this notice. Land connected before the expiration of the sixty days shall be charged to that Sewerage Special Rate from the date of connection. PETER BROOKS, General Manager, PO Box 485, Griffith NSW 2680.

SCHEDULE

Lots 1 to 81 (inclusive) of DP 1083401

Lots 1 to 47 (inclusive) of DP 1084327 [1521]

JUNEE SHIRE COUNCIL

Roads Act 1993

Section 16 (2)

Dedication of Land as Public Road

NOTICE is hereby given by Junee Shire Council in pursuance to section 16 (2) of the Roads Act 1993, that the lands described in the Schedule below are hereby dedicated as public road. GREG CAMPBELL, General Manager, Junee Shire Council, PO Box 93, Junee NSW 2663.

SCHEDULE

That part of Marian Street 20.115 metres wide, lane 4.02 metres wide between Market Street and Crawley Street as shown in DP 10366 and DP 18362 Parish of South Jewnee, County of Clarendon, being part of the residue comprised in Certificates of Title Volume 530 Folio 78 and Volume 713 Folio 139. [1501]

JUNEE SHIRE COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Part 2 – Road, Division 2

Naming of Roads

NOTICE is hereby given that subsequent to advertising, and no submissions being received, Junee Shire Council has named the lane running between the Junee District Co-op. and Moore Ford in Lorne Street, Junee through to the Library located in Denison Street, Junee, "Meldrums Lane". GREG CAMPBELL, General Manager, Junee Shire Council, PO Box 93, Junee NSW 2663. [1502]

LAKE MACQUARIE CITY COUNCIL

Naming of Roads

NOTICE is given in accordance with section 162.1 of the Roads Act 1993, as amended, Council has named the following roads:

<i>Location</i>	<i>New Road Names</i>
Lots 30 and 31, DP879072; Lot 22, DP 1077488; and Lot 10, DP 1053624 – Lawson Road, Macquarie Hills.	Fitzwilliam Circuit Lucilla Ridge Eliza Place Nina Place Isabella Place
Lots 23 and 24, DP 24353 – Babers Road, Cooranbong.	Kuiters Close
Lot 217, DP 1070348 and Lot 101, DP 1000408 – Cameron Park Drive, Cameron Park.	Billbrooke Close
Lot A, DP 367765 – Avondale Road, Cooranbong.	Reuben Close
DP 11287, Buttaba Hills Road, Buttaba	Darlington Drive Rhubina Way Cuffley Street Westholm Place

Council received no objections to the proposed names within the advertising period. KEN HOLT, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre NSW 2310. [1503]

MID-WESTERN REGIONAL COUNCIL

LOCAL GOVERNMENT ACT 1993
LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

THE Mid-Western Regional Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of a public car park.

Dated at Mudgee this 2nd day of August 2005. GARRY STYLES, General Manager, Mid-Western Regional Council, PO Box 156, Mudgee NSW 2850.

SCHEDULE

Lot 8, DP 722902. [1504]

PARKES SHIRE COUNCIL

Roads Act 1993, Section 162.1

Naming of Public Roads
Attwells Lane and Magill Lane

NOTICE is hereby given that in accordance with section 162.1 of the Roads Act 1993, as amended, Council has named the roads shown hereunder:

<i>Location</i>	<i>Name</i>
Shire Road 135. Formerly named Stones Road	Attwells Lane
Road off Bogan Road (Shire Road 76), 4km from State Highway 17	Magill Lane

No objections to the proposed names were received within the prescribed period of time. A. McCORMACK, General Manager, Parkes Shire Council, PO Box 337, Parkes, N.S.W. 2870. [1505]

PITTWATER COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that Pittwater Council in pursuance of section 10 of the Roads Act 1993, dedicates the following Council-owned land as public road. DENNIS J. BAKER, Acting General Manager, Pittwater Council, PO Box 882, Mona Vale NSW 1660.

SCHEDULE

Lot 1, DP 1081812, Parish of Narrabeen, County of Cumberland and Local Government Area of Pittwater. [1506]

TUMUT SHIRE COUNCIL

Water Mains

NOTICE is hereby given that water mains as described below and show on plans which may be inspected at the office shown below have been laid and are available for connection.

Notice is also given that, in the opinion of Tumut Shire Council, for the identified properties on the plan, it is reasonably practical for water to be supplied.

Shire of Tumut, water mains are laid and capable of serving all properties having frontage to the main which is located along the northern side of Morgans Reserve Road, from Lowthers Lane extending 1.27 km west and branch main extending 150 metres east along an unnamed road opposite Lowthers Lane.

Subject to the provisions of the Water Management Act 2000 owners of all lands being identified properties on the plans will be liable for payment of water service charges on and from the date of publication of this notice. CHRISTOPHER ADAMS, General Manager, Tumut Shire Council, 76 Capper Street, Tumut NSW 2720. [1508]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Lands as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 3 August, 2005 has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah NSW 2484.

SCHEDULE

Lot 1, DP 1074009 and Lot 1, DP 1074359. [1509]

ESTATE NOTICES

NOTICE of intended distribution of estate – Any person having any claim upon the estate of CHARLES AMBERSON, late of 15 Short Street, Carlton, widower, in the State of New South Wales, who died on 10 May 2005, must send particulars of his claim to the executrix, Diana Millist care of Denis M. Anderson, Solicitor, 10 Regent Street, Kogarah, within one calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 25 July 2005. DENIS M. ANDERSON, Solicitor, 10 Regent Street, Kogarah NSW 2217, tel.: (02) 9587 0440. [1510]

NOTICE of intended distribution of estate – Any person having any claim upon the estate of JAMES DAVID ADAMS, late of Bowral, in the State of New South Wales, who died on 3 January 2005, must send particulars of his claim to the executors, Sarah Playfair Adams and Gerald Norton-Knight care of Newnams Solicitors, 122 Castlereagh Street, Sydney, within one calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 1 August 2005. NEWNHAMS SOLICITORS, 122 Castlereagh Street, Sydney NSW 2000, tel.: (02) 9264 7788. [1511]

NOTICE of intended distribution of estate – Any person having any claim upon the estate of CLARICE BAXTER, late of 17/42A Kent Street, Epping, in the State of New South Wales, who died on 13 May 2005, must send particulars of his claim to the executor, care of John S. Fordham, Solicitor, 12 Station Street, West Ryde, within one calendar month from publication of this notice. After that time the executor

may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 26 July 2005. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114, tel.: (02) 9858 1533. [1512]

NOTICE of intended distribution of estate – Any person having any claim upon the estate of VINCENT CHARLES RICHES, late of 11 Griffith Street, Ermington, in the State of New South Wales, who died on 13 May 2005, must send particulars of his claim to the executors, care of John S. Fordham, Solicitor, 12 Station Street, West Ryde, within one calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 26 July 2005. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114, tel.: (02) 9858 1533. [1513]

NOTICE of intended distribution of estate – Any person having any claim upon the estate of MARGARET WATSON HUNGERFORD, late of 1/10 Forest Grove, Epping, in the State of New South Wales, who died on 1 March 2005, must send particulars of his claim to the executor, care of John S. Fordham, Solicitor, 12 Station Street, West Ryde, within one calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 26 July 2005. JOHN S. FORDHAM, Solicitor, 12 Station Street, West Ryde NSW 2114, tel.: (02) 9858 1533. [1514]

NOTICE of intended distribution of estate – Any person having any claim upon the estate of NORMA MAYO late of Randwick in the State of New South Wales, who died on 16 June 2005 must send particulars of their claim to the executors, Wendy Margaret Barker and John Albert Mayo, care of Simpson & Co, Solicitors, 103A Anzac Parade, Kensington 2033 within one calendar month from publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 4 August 2005. SIMPSON & CO, Solicitors, 103A Anzac Parade, Kensington NSW 2033 (PO Box 340, Kensington NSW 1465), tel.: (02) 9662 4381. [1515]

COMPANY NOTICES

NOTICE of application relating to LGK CONSTRUCTIONS PTY LIMITED, ACN 002 083 865 (formerly Rymate Constructions Pty Limited, ACN 002 083 865) – Jemrock Pty Limited, ACN 094 895 431, will apply to the Supreme Court of New South Wales at 11 a.m. on 23 August 2005 at Queens Square, Sydney for an order that LGK Constructions Pty Limited be wound up in insolvency under section 459A of the Corporations Act 2001. Any person intending to appear at the hearing must file a Notice of Appearance in the prescribed form and serve that notice on the applicant at the applicant's address for service shown below not later than 21 August 2005. Bronwyn Harvey, Solicitor for the Plaintiff, Williams Woolf & Zuur, 19 Pacific Parade, (PO Box 653), Dee Why NSW 2099. [1516]

IN the matter of JOVARIV PTY LIMITED (in liquidation) ACN 002 026 613 and in the matter of the Corporations Law – Notice is hereby given in pursuance of subsection 509 (3) and (4) of the Corporations Law that a General Meeting of the Members of the abovenamed Company will be held on 12 September 2005, 10 a.m. at the office of Crosbie Warren Sinclair, 1 Warabrook Boulevard, Warabrook NSW 2304 for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the Company disposed of and hearing any explanation that may be given by the Liquidator. Dated 8 August 2005. BRENT ANTONY PERKINS, Liquidator, Crosbie Warren Sinclair, Accountants, Box 29, Hunter Region Mail Centre NSW 2310, tel.: (02) 4923 4000. [1517]

NOTICE of voluntary winding up – MERLINA INVESTMENTS PTY LIMITED, ACN 097 240 492 (in liquidation) – At a general meeting of the abovenamed company, duly convened and held at 7/77 Albert Avenue, Chatswood NSW 2067 on 2 August 2005, the following special resolution was passed: "That the company be wound up as a members voluntary liquidation and that the assets of the company be distributed in whole or in part to the members in specie should the liquidator so desire." Dated 2 August 2005. MARK MORTIMER, Certified Practising Accountant, 7/77 Albert Avenue, Chatswood NSW 2067, tel.: (02) 9419 8155. [1518]

NOTICE of voluntary liquidation – FLAKOWICZ HOLDINGS PTY LIMITED (in liquidation), ACN 001 047 105 – In accordance with section 491 (2) of the Corporations Law, notice is given that at an extraordinary general meeting of the abovenamed company, held on 8 August 2005, the following special resolution was duly passed: "That the company be wound up as a members voluntary liquidation and that the assets of the company may be distributed in whole or in part to the members in specie should the liquidator so desire" and Roger Duncan Ellinson, Chartered Accountant, be appointed liquidator for the purpose of such winding up. Dated 8 August 2005. ROGER DUNCAN ELLINSON, Chartered Accountant, care of Selingers, Level 11, 155 Castlereagh Street, Sydney NSW 2000, tel.: (02) 9283 2444. [1522]

NOTICE convening final meeting of creditors – ELA INVESTMENT PTY LIMITED (in liquidation), ACN 000 276 264 – In accordance with section 509 of the Corporations Law, notice is hereby given that the final creditors meeting of the abovenamed company will be held at the office of Lower, Russell & Farr, First Floor, 81 Henry Street, Penrith on 9 September 2005 at 10.00 a.m. for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of. Persons claiming to be creditors are required to prove their debt by no later than 4 o'clock of the previous day. In default they will be excluded from the benefit of the dividend. Dated 10 August 2005. HENRY LOWER, Liquidator, care of Lower, Russell & Farr, First Floor, 81 Henry Street, Penrith NSW 2751, tel.: (02) 4732 3033. [1523]

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