



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

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LEGISLATION

Online notification of the making of statutory instruments

Week beginning 8 November 2010

THE following instruments were officially notified on the NSW legislation website (www.legislation.nsw.gov.au) on the dates indicated:

Proclamations commencing Acts

[Anzac Memorial \(Building\) Amendment Act 2010 No 32 \(2010-629\)](#) — published LW 12 November 2010

Regulations and other statutory instruments

[Mental Health \(Forensic Provisions\) Amendment \(Forensic Patients\) Regulation 2010 \(2010-630\)](#) — published LW 12 November 2010

Environmental Planning Instruments

[Cessnock Local Environmental Plan 1989 \(Amendment No 125\) \(2010-632\)](#) — published LW 12 November 2010

[Maitland Local Environmental Plan 1993 \(Amendment No 103\) \(2010-634\)](#) — published LW 12 November 2010

[State Environmental Planning Policy \(Major Development\) Amendment \(Transfer of Planning Controls\) 2010 \(2010-631\)](#) — published LW 12 November 2010

[Wollongong Local Environmental Plan 2009 \(Amendment No 5\) \(2010-633\)](#) — published LW 12 November 2010

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 16 November 2010

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

Act No. 93 2010 – An Act to facilitate the merger of Australian Jockey Club Limited and the Sydney Turf Club; to make continuing provision in relation to the operation of Randwick Racecourse and certain other racecourses; and for other purposes. [Australian Jockey and Sydney Turf Clubs Merger Bill].

Act No. 94 2010 – An Act to amend the Totalizator Act 1997 to enable the approval of a betting activity in respect of computer simulated horse racing, harness racing or greyhound racing events; and for other purposes. [Totalizator Amendment Bill].

Act No. 95 2010 – An Act to amend the Election Funding and Disclosures Act 1981 with respect to election funding, expenditure and disclosures and other matters. [Election Funding and Disclosures Amendment Bill].

Act No. 96 2010 – An Act to make miscellaneous amendments to various Acts that relate to health and associated matters. [Health Legislation Further Amendment Bill].

Act No. 97 2010 – An Act to amend the Health Services Act 1997 to implement a health network system for the purposes of the National Health and Hospitals Network Agreement; to make consequential amendments to certain other Acts and statutory rules; and for other purposes. [Health Services Amendment (Local Health Networks) Bill].

Act No. 98 2010 – An Act to amend the Motor Accidents Compensation Act 1999 and the Motor Accidents (Lifetime Care and Support) Act 2006 in relation to motor accidents for which compensation is payable and the appointment of claims assessors; and for other purposes. [Motor Accidents Compensation Amendment Bill].

Act No. 99 2010 – An Act to amend the Nature Conservation Trust Act 2001 to make further provision for the object, functions and membership of the Nature Conservation Trust of New South Wales, and to amend the National Parks and Wildlife Act 1974 in relation to conservation agreements. [Nature Conservation Trust Amendment Bill].

Act No. 100 2010 – An Act to apply as a law of this State a national law relating to the regulation of certain occupations. [Occupational Licensing (Adoption of National Law) Bill].

Act No. 101 2010 – An Act to amend workers compensation legislation to make further provision for determination of compensation and work injury damages, workplace rehabilitation, medical assessment, appeals and other matters. [Workers Compensation Legislation Amendment Bill].

RUSSELL D. GROVE, PSM,
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office Sydney 16 November 2010

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

Act No. 102, 2010 - An Act to recognise certain surrogacy arrangements, to prohibit commercial surrogacy arrangements and to provide for the status of children of surrogacy arrangements, and to make related amendments to other Acts. [Surrogacy Act 2010].

LYNN LOVELOCK,
Clerk of the Parliaments

OFFICIAL NOTICES**Appointments****CENTENNIAL PARK AND MOORE PARK TRUST
ACT 1983**

Communities NSW

Appointment of Trustee to the Centennial Park and Moore
Park Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 7(1)(a) of the Centennial Park and Moore Park Trust Act 1983, the appointment of Ms Lindley EDWARDS as a member of the Centennial Park and Moore Park Trust from 10 November 2010 to 30 April 2014 (inclusive).

KEVIN GREENE, M.P.,
Minister for Gaming and Racing,
Minister for Major Events
and Minister for Sport and Recreation

FILM AND TELEVISION OFFICE ACT 1988

Communities NSW

Appointment of Chairperson to the NSW Film and
Television Office

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6A (2) of the Film and Television Office Act 1988, the appointment of Ms Helen WRIGHT as a member of the Board of the NSW Film and Television Office from 17 November 2010 to 31 December 2012 (inclusive) and as Chairperson pursuant to section 6A (4) of the Act for the same term.

The Hon. VIRGINIA JUDGE, M.P.,
Minister for the Arts

Department of Industry and Investment

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification Urgent Recreational Fishing Closure

Wagonga Inlet

I, PAUL O'CONNOR, Principal Director, Fisheries and Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 ("the Act") and pursuant to section 8 of the Act, do by this notification prohibit the taking of the species of fish specified in Column 1 of the Schedule below by all recreational fishers, by the methods of fishing specified in Column 2 of the Schedule, from the waters described in Column 3 of the Schedule.

This prohibition is effective immediately and remains in effect until 10 December 2010, unless sooner amended or revoked.

SCHEDULE

Wagonga Inlet

<i>Column 1 Species</i>	<i>Column 2 Methods</i>	<i>Column 3 Waters</i>
All species of mollusca (excluding cephalopods) and all barnacles.	All methods.	All waters of Wagonga Inlet including all creeks flowing into or from Wagonga Inlet.

Dated this 18th day of November 2010.

PAUL O'CONNOR,
Principal Director,
Fisheries and Compliance,
Department of Industry and Investment

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

REQUEST FOR CANCELLATION OF AUTHORITY

(07-0297)

Exploration Licence No. 6886, CENTRAL WEST GOLD NL (ACN 003 078 591), County of Drake, area of 5 units. Application for Cancellation was received on 15 November 2010

(06-7092)

Exploration Licence No. 6735, CENTRAL WEST GOLD NL (ACN 003 078 591), County of Drake, area of 33 units. Application for Cancellation was received on 15 November 2010

WITHDRAWAL OF TRANSFER APPLICATION

(T03-0040)

Exploration Licence No. 6102 – (Act 1992), GATEWAY MINING LIMITED (ACN 008 402 391), to GATEWAY MINING LIMITED (ACN 008 402 391) and MINOTAUR

OPERATIONS PTY LTD (ACN 108 925 284), County Forbes, Map Sheet 8630 Cowra, area of 1 unit. Withdrawal application received on 10 November 2010.

(T98-1093)

Exploration Licence No. 5514 – (Act 1992), GATEWAY MINING LIMITED (ACN 008 402 391), to GATEWAY MINING LIMITED (ACN 008 402 391) and MINOTAUR OPERATIONS PTY LTD (ACN 108 925 284), Counties Forbes, Monteagle and King, Map Sheet 8629 Boowowa and 8630 Cowra, area of 92 units. Withdrawal application received on 10 November 2010.

EXPLORATION LICENCE APPLICATIONS

(T10-0268)

No. 4116, P W ENGLISH AND ASSOCIATES PTY LTD (ACN 002 052 913), area of 12 units, for Group 1, dated 10 November 2010. (Armidale Mining Division).

(T10-0269)

No. 4117, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), area of 100 units, for Group 1, dated 11 November 2010. (Broken Hill Mining Division).

(T10-0270)

No. 4118, CENTRAL WEST GOLD NL (ACN 003 078 591), area of 8 units, for Group 1, dated 11 November 2010. (Wagga Wagga Mining Division).

(T10-0275)

No. 4119, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), area of 100 units, for Group 1, dated 12 November 2010. (Broken Hill Mining Division).

(T10-0278)

No. 4122, TELLUS RESOURCES LTD (ACN 144 733 595), area of 53 units, for Group 1, dated 12 November 2010. (Sydney Mining Division).

(T10-0279)

No. 4123, TELLUS RESOURCES LTD (ACN 144 733 595), area of 93 units, for Group 1, dated 12 November 2010. (Sydney Mining Division).

(T10-0280)

No. 4124, IDYLWAY VENTURE PTY LTD (ACN 141397006), area of 15 units, for Group 1, dated 12 November 2010. (Wagga Wagga Mining Division).

MINING LEASE APPLICATIONS

(T10-0015)

No. 375, ENHANCE PLACE PTY LIMITED (ACN 077 105 867), area of about 7.84 hectares, to mine for coal, dated 29 October 2010. (Orange Mining Division).

(T10-0016)

No. 376, ENHANCE PLACE PTY LIMITED (ACN 077 105 867), area of about 309.5 hectares, to mine for coal, dated 29 October 2010. (Orange Mining Division).

STEVE WHAN, M.P.,
Minister for Primary Industries

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T10-0035)

No. 3905, now Exploration Licence No. 7629, OROYA MINING LIMITED (ACN 009 146 794), Counties of Auckland and Wellesley, Map Sheet (8723), area of 46 units, for Group 1, dated 15 October 2010, for a term until 15 October 2012.

(T10-0167)

No. 4037, now Exploration Licence No. 7637, ILUKA RESOURCES LIMITED (ACN 008 675 018), Counties of Menindee and Windeyer, Map Sheet (7132, 7232, 7233), area of 483 units, for Group 10, dated 8 November 2010, for a term until 8 November 2012.

MINERAL CLAIM APPLICATION

(T10-0064)

Cobar No. 83, now Mineral Claim No. 331 (Act 1992), Debbie WHYTE, Parish of Nidgerie, County of Gunderbooka, area of about 2 hectares, to mine for gypsum, dated 10 November 2010, for a term until 10 November 2015.

STEVE WHAN, M.P.,
Minister for Primary Industries

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T10-0149)

No. 4020, METEORIC RESOURCES NL (ACN 107 985 651), County of Evelyn, Map Sheet (7238). Withdrawal took effect on 8 November 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

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

(08-9021)

Exploration Licence No. 6036, SILVER CITY MINERALS LIMITED (ACN 130 933 309), area of 4 units. Application for renewal received 10 November 2010.

(06-4098)

Exploration Licence No. 6680, ICON RESOURCES LTD (ACN 115 009 106), area of 47 units. Application for renewal received 11 November 2010.

(06-4099)

Exploration Licence No. 6681, ICON RESOURCES LTD (ACN 115 009 106), area of 74 units. Application for renewal received 11 November 2010.

(06-4100)

Exploration Licence No. 6682, ICON RESOURCES LTD (ACN 115 009 106), area of 42 units. Application for renewal received 11 November 2010.

(06-4121)

Exploration Licence No. 6683, ICON RESOURCES LTD (ACN 115 009 106), area of 16 units. Application for renewal received 11 November 2010.

(06-0144)

Exploration Licence No. 6691, FORGE RESOURCES LTD (ACN 139 886 187), area of 54 units. Application for renewal received 10 November 2010.

(06-4171)

Exploration Licence No. 6695, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 59 units. Application for renewal received 11 November 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T07-0449)

Exploration Licence No. 6990, IRONBARK ZINC LIMITED (ACN 118 751 027), County of Beresford, Map Sheet (8725, 8726), area of 12 units, for a further term until 18 December 2011. Renewal effective on and from 2 November 2010.

(07-0377)

Exploration Licence No. 7161, BEMAX RESOURCES LIMITED (ACN 009 247 858), Counties of Manara, Perry and Wentworth, Map Sheet (7430, 7431, 7531, 7532, 7631), area of 260 units, for a further term until 23 June 2012. Renewal effective on and from 10 November 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

REFUSAL OF APPLICATION FOR RENEWAL

NOTICE is given that the application for renewal in respect of the following authority has been refused:

(06-0125)

Exploration Licence No. 6574, MERIDIAN MINERALS LIMITED (ACN 125 825 532), County of Buccleuch, Map Sheet (8527), area of 21 units. The authority ceased to have effect on 11 November 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

EXPIRIES

Mining Lease No. 1306 (Act 1992), THE NEWCASTLE WALLSEND COAL CO PTY LTD (ACN 000 245 901), Parish of Teralba, County of Northumberland. This title expired on 13 November 2010.

Mining Lease No. 1460 (Act 1992), THE NEWCASTLE WALLSEND COAL CO PTY LTD (ACN 000 245 901), Parish of Teralba, County of Northumberland. This title expired on 13 November 2010.

STEVE WHAN, M.P.,
Minister for Primary Industries

STOCK DISEASES ACT 1923

Appointment of Inspector
Notification No. 523

I, ANDREW COLIN SANGER, Director, Agricultural Compliance of the Department of Industry and Investment, pursuant to section 6(1) of the Stock Diseases Act 1923 (“the Act”) and with the delegated authority of the Director-General of the Department of Industry and Investment pursuant to section 22C of the Act, hereby appoint Colin Stuart PEAKE and Benjamin Eric SERAFIN as inspectors for the purposes of the Act.

Dated this 3rd day of November 2010.

A. C. SANGER,
Director,
Agricultural Compliance,
Department of Industry and Investment

Land and Property Management Authority

DUBBO OFFICE

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

Phone: (02) 6883 3300 Fax: (02) 6882 6920

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
The person for the time being holding the office of Member, Australian Plants Society (ex-officio member). The person for the time being holding the office of Supervisor, Orange Botanic Gardens, Orange City Council (ex-officio member). The person for the time being holding the office of Managing Curator, Australian National Botanic Gardens (ex-officio member). The person for the time being holding the office of Curator/Manager, Mount Annan Botanic Garden, Royal Botanic Gardens, Sydney (ex-officio member). The person for the time being holding the office of Chairman, Friends of Burrendong Arboretum Inc (ex-officio member). The person for the time being holding the office of Councillor, Wellington Council (ex-officio member). Eileen Annette Holmes LEE (re-appointment), Hazel Jean ALTHOFER (re-appointment), Helen Mary O'BRIEN (re-appointment), Harold Robert HARRIS (re-appointment), Anthony O'HALLORAN (re-appointment).	Burrendong Arboretum Trust.	Reserve No.: 120082. Public Purpose: Arboretum. Notified: 22 June 1990. File No.: DB90 R 68.

Term of Office

For a term commencing 1 January 2011 and expiring 30 April 2014.

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Vanessa McGEORGE (re-appointment), Allison Louise IRWIN (re-appointment), Gregory Peter BRIEN (re-appointment), Robyn L. BRIEN (re-appointment).	Neurea Recreation Reserve Trust.	Reserve No.: 44286. Public Purpose: Public recreation. Notified: 25 August 1909. File No.: DB81 R 99.

Term of Office

For a term commencing 1 January 2011 and expiring 30 April 2014.

SCHEDULE 3

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Ronald Bertrude FRAPPELL (re-appointment), Russell Robert FRAZER (re-appointment), Leslie John Horace FRAPPELL (re-appointment), William Richard EADE (re-appointment), Ben EADE (new member).	Stuart Town Racecourse Trust.	Reserve No.: 35639. Public Purpose: Racecourse. Notified: 17 January 1903. File No.: DB81 R 21.

Term of Office

For a term commencing 1 January 2011 and expiring 30 April 2014.

GOULBURN OFFICE

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

Phone: (02) 4824 3700 Fax: (02) 4822 4287

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, 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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Raymond George BOTTOM (re-appointment), Patricia Margaret KALTOUM (re-appointment), Antonios Youssef KALTOUM (re-appointment), Loris STEFANI (re-appointment), George Thomas LARRITT (re-appointment).	Ti-Tree Racecourse Trust.	Dedication No.: 530006. Public Purpose: Public recreation. Notified: 15 August 1871. File No.: GB83 R 11.

Term of Office

For a term commencing 25 November 2010 and expiring 24 November 2015.

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Parish – Galong; County – Harden;
Land District – Boorowa; L.G.A. – Harden*

Lots 1 and 2, DP 1157613 (not being land under the Real Property Act).

File No.: GB05 H 678:JK.

Schedule

On closing, the title for the land in Lots 1 and 2, DP 1157613 remains vested in the State of New South Wales as Crown Land.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Cooma. Local Government Area: Cooma-Monaro. Locality: Cooma. Parish: Binjura. County: Beresford. Reserve No.: 750524. Public Purpose: Future public requirements. Notified: 29 June 2007. File No.: GB90 H 533.	The part being Lot 2, DP 821703 (closed road vide <i>New South Wales Government Gazette</i> , dated 8 November 1991, folio 9395), of an area of 2573 square metres.

Note: The closed road has been granted to the adjoining land owner in compensation for road opening.

GRAFTON OFFICE
76 Victoria Street (PO Box 272), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

CROWN LANDS ACT 1989

Erratum

IN the notice appearing in the *New South Wales Government Gazette* No. 128 of the 12 November 2010, Folio 5465, under the heading "NOTIFICATION OF CLOSING OF ROAD", in respect of Road Closed: Lot 1, DP 1154793 at Raleigh should be deleted and Lot 100, DP 1154793 at Raleigh inserted in lieu.

File No.: GF05 H 234.

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, 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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lea HINE (new member), Margaret Gabrielle MAY (new member), Jo Anne Alison TWOMEY (new member), Leopold Dale OXTOBY (new member), Coral TAYLOR (new member).	Eden Creek Public Recreation and Public Hall Reserve Trust.	Reserve No.: 97395. Public Purpose: Public hall and public recreation. Notified: 17 August 1984. File No.: GF85 R 11.

Term of Office

For a term commencing 2 December 2010 and expiring 1 December 2015.

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

Parish – Chillingham; County – Rous;
Land District – Murwillumbah;
Shire – Tweed Shire Council

Crown public road Boxsell Road separating Limpinwood Road from Council public road Boxsell Road.

Width to be Transferred: Variable.



D 701022

SCHEDULE 2

Roads Authority: Tweed Shire Council.

Council's Reference: Crown Road - Tyalgum.

LPMA Reference: GF04 H 58.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6960 3600 Fax: (02) 6962 5670

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, 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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Stephanie HEALY (new member).	Weethalle Memorial Hall Trust.	Dedication No.: 559018. Public Purpose: Public hall. Notified: 23 November 1934. File No.: GH89 R 164.

Term of Office

For a term commencing the date of this notice and expiring 6 April 2011.

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

<i>Column 1</i>	<i>Column 2</i>
Land District: Narrandera. Local Government Area: Narrandera Shire Council. Locality: Brobenah. Lot 279, DP No. 724684, Parish Brobenah, County Cooper. Lot 70, DP No. 751682, Parish Brobenah, County Cooper. Lot 61, DP No. 751682, Parish Brobenah, County Cooper. Lot 68, DP No. 751682, Parish Brobenah, County Cooper. Lot 62, DP No. 751682, Parish Brobenah, County Cooper. Area: About 988.75 hectares. File No.: 10/16011.	Reserve No.: 1029968. Public Purpose: Environmental protection and public recreation.

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>
Brobenah Environmental Protection and Public Recreation Reserve (R1029968) Trust.	Reserve No.: 1029968. Public Purpose: Environmental protection and public recreation. Notified: This day. File No.: 10/16011.

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>
Lands Administration Ministerial Corporation.	Brobenah Environmental Protection and Public Recreation Reserve (R1029968) Trust.	Reserve No.: 1029968. Public Purpose: Environmental protection and public recreation. Notified: This day. File No.: 10/16011.

For a term commencing the date of this notice.

HAY OFFICE
126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6990 1800 Fax: (02) 6993 1135

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, 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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Douglas Vevers HATTY (new member).	Tocumwal Blowhole Trust.	Reserve No.: 89393. Public Purpose: Public recreation. Notified: 7 March 1975. File No.: HY81 R 33.

Term of Office

For a term commencing the date of this notice and expiring
 29 September 2015.

MOREE OFFICE**Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6750 6400 Fax: (02) 6752 1707****NOTIFICATION OF CLOSING OF ROADS**

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

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

Description

*Land District – Narrabri; Council – Narrabri;
Parish – Tunis; County – Baradine*

Roads Closed: Lot 1 in DP 1158782.

File No.: ME06 H 58.

Schedule

On closing, title to the land within Lot 1 in DP 1158782 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Wialalda; Council – Gwydir;
Parish – Bullala; County – Burnett*

Roads Closed: Lot 1 in DP 1158783.

File No.: ME06 H 89.

Schedule

On closing, title to the land within Lot 1 in DP 1158783 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Wialalda; Council – Moree Plains;
Parish – Whalan; County – Staphylton*

Roads Closed: Lot 1 in DP 1158790.

File No.: 08/7824.

Schedule

On closing, title to the land within Lot 1 in DP 1158790 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Wialalda; Council – Gwydir;
Parish – Baroma; County – Burnett*

Roads Closed: Lot 1 in DP 1158781.

File No.: ME05 H 512.

Schedule

On closing, title to the land within Lot 1 in DP 1158781 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Narrabri; Council – Narrabri;
Parish – Markham; County – Jamison*

Roads Closed: Lot 1 in DP 1158787.

File No.: ME05 H 454.

Schedule

On closing, title to the land within Lot 1 in DP 1158787 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Wialalda; Council – Gwydir;
Parish – Boonal; County – Staphylton*

Roads Closed: Lot 1 in DP 1158784.

File No.: ME06 H 48.

Schedule

On closing, title to the land within Lot 1 in DP 1158784 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Wialalda; Council – Moree Plains;
Parish – Whalan; County – Staphylton*

Roads Closed: Lot 1 in DP 1158792.

File No.: 08/7829.

Schedule

On closing, title to the land within Lot 1 in DP 1158792 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Narrabri; Council – Walgett;
Parish – Christie; County – Denham*

Roads Closed: Lot 1 in DP 1158797.

File No.: ME06 H 195.

Schedule

On closing, title to the land within Lot 1 in DP 1158797 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Wialalda; Council – Gwydir;
Parish – Whalan; County – Staphylton*

Roads Closed: Lot 1 in DP 1158796.

File No.: 08/2135.

Schedule

On closing, title to the land within Lot 1 in DP 1158796 remains vested in the State of New South Wales as Crown land.

Description

*Land District – Warialda; Council – Moree Plains;
Parish – Whalan; County – Staphylton*

Roads Closed: Lot 2 in DP 1158790.

File No.: 08/7828.

Schedule

On closing, title to the land within Lot 2 in DP 1158790 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Warialda; Council – Gwydir;
Parishes – Mobbindry and Mingan; County – Staphylton*

Roads Closed: Lot 2 in DP 1158789.

File No.: 08/7825.

Schedule

On closing, title to the land within Lot 2 in DP 1158789 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Warialda; Council – Gwydir;
Parishes – Mobbindry and Mingan; County – Staphylton*

Roads Closed: Lot 1 in DP 1158789.

File No.: 08/7826.

Schedule

On closing, title to the land within Lot 1 in DP 1158789 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Warialda; Council – Moree Plains;
Parish – Morella; County – Staphylton*

Roads Closed: Lot 1 in DP 1158793.

File No.: 08/7823.

Schedule

On closing, title to the land within Lot 1 in DP 1158793 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Warialda; Council – Gwydir;
Parishes – Clare and Gineroi; County – Burnett*

Roads Closed: Lot 1 in DP 1158986.

File No.: ME05 H 284.

Schedule

On closing, title to the land within Lot 1 in DP 1158986 remains vested in the State of New South Wales as Crown Land.

Description

*Land District – Narrabri; Council – Narrabri Shire;
Parish – Bullerawa; County – Baradine*

Road Closed: Lot 1 in DP 1158349.

File No.: ME05 H 271.

Schedule

On closing, title to the land within Lot 1 in DP 1158349 remains vested in the State of New South Wales as Crown Land.

ERRATUM

THE notice appearing in *New South Wales Government Gazette* No. 103, Folio 4062, of 10 July 2009, under the heading “Notification of Closing of Roads” should be disregarded.

The roads have been closed by notification in *New South Wales Government Gazette* No. 125, Folio 5393, of 5 November 2010.

File No.: ME04 H 567.

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

NOWRA OFFICE
5 O’Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 9100 Fax: (02) 4421 2172

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

*Parish – Brogo; County – Auckland; Land District – Bega;
 Local Government Area – Bega Valley*

Road Closed: Lot 1, DP 1157794 at Angledale.

File No.: 08/1826.

Schedule

On closing, the land within Lot 1, DP 1157794 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Gooyan; County – Auckland;
 Land District – Bega;
 Local Government Area – Bega Valley*

Road Closed: Lot 1, DP 1158166 at Towamba.

File No.: NA07 H 199.

Schedule

On closing, the land within Lot 1, DP 1158166 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Cambewarra; County – Camden;
 Land District – Nowra;
 Local Government Area – Shoalhaven*

Road Closed: Lot 1, DP 1155834 at Beaumont.

File No.: 08/8357.

Schedule

On closing, the land within Lot 1, DP 1155834 remains vested in the State of New South Wales as Crown Land.

ERRATUM

THE notice appearing in the *New South Wales Government Gazette* of 5 November 2010 (folio 5394), relating to an erratum concerning an error in the gazette notification of 24 June 2005 (folio 3115), about the “Appointment of Corporation to Manage Reserve Trust” over Reserve 76988 for Public Recreation Notified 20 August 1954 should have referred to the “Eurobodalla (Central) Reserve Trust” and not the Eurobodalla (North) Reserve Trust. (NA05 R 9/1).

ORANGE OFFICE
92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6391 4300 Fax: (02) 6362 3896

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, 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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Andrew James McINTYRE (new member).	Mungery Recreation Reserve Trust.	Reserve No.: 50974. Public Purpose: Public recreation. Notified: 8 September 1915. File No.: OE81 R 44.

Term of Office

For a term commencing the date of this notice and expiring 15 September 2015.

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. On road closing, title to the land comprising the former public road vests in the body specified in the Schedule hereunder.

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

Description

Parish – Ulmarrah; County – Wellington;
Land District – Bathurst; L.G.A. – Mid-Western Regional
 Road Closed: Lot 1 in Deposited Plan 1158325.
 File No.: CL/00682.

Schedule

On closing, title to the land comprised in Lot 1 remains vest in the Crown as Crown Land.

CROWN LANDS ACT 1989

Draft Plans of Management for Olinda, Yarrabar, Long Point, Capertee Crown Reserves and Barigan Regional Crown Reserve under Part 5, Division 6 of the Crown Lands Act 1989 and Regulation 2000

DRAFT Plans of Management has been prepared for the Crown Reserves described below, which are under the management of the Land and Property Management Authority.

The draft plans can be viewed at the Orange Regional Office of the Land and Property Management Authority, 92 Kite Street, Orange NSW 2800 and website www.lpma.nsw.gov.au.

The public are invited to make representations on the draft plans. The draft Plans will be on exhibition from Friday, 19th November 2010, for a period of 28 days. Submissions will be received up to Friday, 31st December 2010 and should be sent to Group Leader Property Services, Orange Crown Lands Divisions, PO Box 2146, Orange NSW 2800, or by email to ray.mooney@lpma.nsw.gov.au.

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

Description of Land

1. Olinda:

Land District – Rylstone; L.G.A. – MidWestern Regional;
Parish – Ganguddy; County – Roxburgh

Crown Reserve 69627, notified in the *New South Wales Government Gazette* of 13th December 1940, for the public purpose of soil conservation and crown reserve 755762, notified in the *New South Wales Government Gazette* of 29th June 2007, for the public purpose of future public requirements.

Location: Rylstone.

File No.: 08/6004.

2. Yarrabar:

Land District – Dubbo; L.G.A. – Dubbo City;
Parish – Dubbo; County – Gordon

Crown Reserve 753233, 1120882 and 1065056, notified in the *New South Wales Government Gazette* of 29th June 2007, for the public purpose of future public requirements, preservation of fauna, preservation of fauna and travelling stock.

Location: Newell Highway, west of Dubbo.

File No.: 08/6002.

3. Long Point:

Land District – Bathurst; L.G.A. – MidWestern Regional;
Parish – Ulmarrah; County – Wellington

Crown Reserve 97199, notified in the *New South Wales Government Gazette* of 23rd March 1984, for the public purpose of access; Crown Reserve 756881 and 756914, notified in the *New South Wales Government Gazette* of 29th June 2007, for the purpose of future public requirements; Crown Reserve 190027 (part thereof Lot 7302, DP 112415), notified in the *New South Wales Government Gazette* of 17th June 1989, for the purpose of public recreation and unreserved Crown Land at Lot 206, DP 871982.

Location: 20km north-east of Mullion Creek.

File No.: 09/19141.

4. Capertee:

Land District – Rylstone; L.G.A. – Lithgow; Parish –
Bandamora; County – Roxburgh

Crown Reserve 89939, notified in the *New South Wales Government Gazette* of 1st October 1976, for the public purpose of preservation of native flora and fauna; Crown Reserve 53410, notified in the *New South Wales Government Gazette* of 8th August 1919, for the purpose of public recreation; Crown Reserve 755758, notified in the *New South Wales Government Gazette* of 29th June 2007, for the purpose of future public requirements; Crown Reserve 91943, notified

in the *New South Wales Government Gazette* of 14th March 1980, for an unspecified purpose and undefined Crown Land.

Location: South west of Capertee along the Castlereagh Highway.

File No.: 08/6003.

5. Barigan:

Land Districts – Orange and Dubbo;

L.G.A. – MidWestern Regional; Parishes – Coggan, Bara, Wollar, Budden, Burrembelong, Cumbo, Barigan, Price, Botobolar, Rumker, Bylong, Growee, Hawkins, Louee and Fitzgerald; County – Phillip

Crown Reserve 1011188, notified in the *New South Wales Government Gazette* of 16th December 2010, for the public purpose of environmental protection, public recreation, rural services (grazing etc) and heritage purposes.

Location – North of Rylstone and Lue, east of Mudgee, west of Bylong and south of Wollar.

File No.: 07/1052.

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

**PLAN OF MANAGEMENT FOR THE SPIT UNDER
PART 5, DIVISION 6, OF THE CROWN LANDS ACT
1989 AND CROWN LANDS REGULATION 2000.**

A draft plan of management has been prepared for Crown reserves described below that are mostly under the trust management of Mosman Council and various Crown land leases.

The draft plan can be viewed at Mosman Council Offices, Civic Centre, 573 Military Road, Mosman; Mosman Library and Council's website www.mosman.nsw.gov.au.

The public are invited to make representations on the draft plan. The plan will be on exhibition from Thursday, 18 November 2010, for a period of 28 days. Submissions will be received up to Thursday, 16 December 2010 and should be sent to Joe Vertel, Strategic Planner, Mosman Council, PO Box 211, Spit Junction, Mosman NSW 2088, or by email J.Vertel@mosman.nsw.gov.au.

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

Description of Land

*Land District – Metropolitan; L.G.A. – Mosman;
Parish – Willoughby; County – Cumberland*

Crown Reserve No. 41681, notified in the *New South Wales Government Gazette* of 15 May 1907, for the public purpose of public recreation. Crown Reserve No. 86533, notified in the *New South Wales Government Gazette* of 17 November 1967, for the public purpose of parking. Crown Reserve No. 1013329, notified in the *New South Wales Government Gazette* of 13 April 2007, for the public purpose of public recreation. Crown Reserve No. 1001353, notified in the *New South Wales Government Gazette* of 28 August 1998, for the public purpose of public recreation. Crown Reserve No. 752067, notified in the *New South Wales Government Gazette* of 29 June 2007, for the public purpose of future public requirements. Various Crown land leases eastern side of The Spit.

Location: The Spit, Mosman.

File No.: 09/07930-02.

**DRAFT PLAN OF MANAGEMENT FOR CROWN
LANDS AT BIDJIGAL RESERVE UNDER PART 5,
DIVISION 6, OF THE CROWN LANDS ACT 1989
AND CROWN LANDS REGULATION 2006.**

A draft plan of management has been prepared for Crown Reserve Dedication No. 1010489 described below, which is under the trust management of Bidjigal (D101489) Reserve Trust.

The draft plan can be viewed at the Darug Research and Information Centre at 71 Seven Hills Road, Seven Hills, the offices of the Land and Property Management Authority (LPMA) at Level 12, 10 Valentine Avenue, Parramatta or via the LPMA website at www.lpma.nsw.gov.au.

The public are invited to make representations on the draft plan. The plan will be on exhibition from Friday, 19 November 2010, for a period of 28 days. Submissions will be received up to Friday, 17 December 2010 and should be sent to the consultants who prepared the plan: Eco Logical Australia Pty Ltd, PO Box 12, Sutherland NSW 1499, or by email: bidjigal@ecoaus.com.au.

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

Description of Land

*Land District – Metropolitan; L.G.A. – The Hills Shire;
Parish – Field of Mars; County – Cumberland*

Crown Reserve, Dedication No. 1010489, notified in the *New South Wales Government Gazette* of 22 October 2004, for the three public purposes of Preservation of Aboriginal Cultural Heritage, Public Recreation, Preservation of Flora and Fauna.

Location: Baulkham Hills.

File No.: 08/3669.

TAMWORTH OFFICE

25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340

Phone: (02) 6764 5100 Fax: (02) 6766 3805

ROADS ACT 1993

ORDER

Transfer of Crown Road to Council

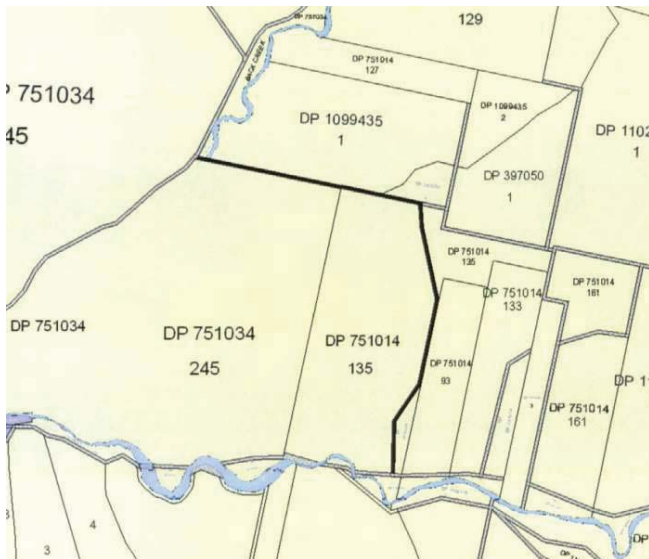
IN pursuance of provisions of section 151, Roads Act 1993, the Crown public roads specified in Schedule 1 are transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the roads specified in Schedule 1 cease to be Crown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

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

SCHEDULE 1

*Parish – Evan; County – Buckland;
Land District – Quirindi; L.G.A. – Liverpool Plains*

Crown public road shown in black colour on diagram below.



SCHEDULE 2

Roads Authority: Liverpool Plains Shire Council.

File No.: TH05 H 211.

Council's Reference: Carter's Road.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance to the provisions of the Roads Act 1993, the road hereunder specified 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

*Locality – Kootingal; Land District – Tamworth;
L.G.A. – Tamworth Regional*

Roads Closed: Lot 1 in Deposited Plan 1157800, Parish Moonbi, County Inglis.

File No.: TH05 H 355.

Note: On closing, title to the land comprised in Lot 1 will remain vested in the State of New South Wales as Crown Land.

Description

*Locality – Cattle Creek; Land District – Quirindi;
L.G.A. – Liverpool Plains*

Road Closed: Lots 1-6 in Deposited Plan 1149164, Parish Moan, County Buckland.

File No.: 07/0681.

Note: On closing, title to the land comprised in Lots 1-6 will remain vested in the State of New South Wales as Crown Land.

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Taree; L.G.A. – Great Lakes

Road Closed: Lot 2, DP 1115856 at Coolongolook, Parish Curreeki, County Gloucester.

File No.: 07/3056.

Schedule

On closing, the land within Lot 2, DP 1115856 remains vested in the State of New South Wales as Crown Land.

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****ROADS ACT 1993****ORDER**

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parishes – Aelong and Gadara; County – Wynyard;
Land District – Tumut; Shire – Tumut*

Crown public roads 20.115 metres wide and variable described as the road through Lot 1218, DP 823282; Lot 1170, DP 757211; Lot 1, DP 814003; Lot 121, DP 757228 and Lot 1, DP 415132; west of Lot 150, DP 757228; east of Lot 1, DP 823310; easternmost road on the southern boundary of Lot 79, DP 757211, commencing from the council public road; road on the southern boundary of Lot 1, DP 558626; Lots 326, 108, 107, 106, 105, 104 and 103, DP 757211 and Lot 3, DP 823310.

SCHEDULE 2

Roads Authority: Tumut Shire Council.

File No.: 10/14883.

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

<i>Column 1</i>	<i>Column 2</i>
Land District: Albury.	Reserve No.: 1030508.
Local Government Area: Greater Hume Shire Council.	Public Purpose: Environmental protection and public recreation.
Locality: Gerogery. Lot 7010#, DP No. 1024710, Parish Gerogery, County Goulburn. Lot 141, DP No. 753339, Parish Gerogery, County Goulburn. Lot 261, DP No. 46985, Parish Gerogery, County Goulburn. Lot 239, DP No. 753339, Parish Gerogery, County Goulburn. Lot 197, DP No. 753339, Parish Gerogery, County Goulburn.	Area: About 56.97 hectares. File No.: 09/10631.

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

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

*Parish – Mandamah; County – Bourke;
Land District – Temora; Shire – Temora*

Lot 1 in DP 1154847 at Ariah Park.

File No.: WA07 H 113.

Note: On closing, the land within Lot 1 in DP 1154847 remains vested in the State of New South Wales as Crown Land.

Department of Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Order declaring development to be a critical infrastructure project under Part 3A of the Environmental Planning and Assessment Act 1979

I, the Minister for Planning, having formed the opinion that the project referred to in the Schedule below is essential for the State for economic, environmental and social reasons, declare that project to be a critical infrastructure project under section 75C of the Environmental Planning and Assessment Act 1979.

SCHEDULE

A proposal for the Newcastle Gas Storage Facility at Tomago as generally described in a letter dated 16 August 2010, from AGL Energy Ltd to the Department of Planning.

Dated: 28 October 2010.

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

Roads and Traffic Authority

ROAD TRANSPORT (GENERAL) ACT 2005

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

URANA SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road Train Vehicles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 11 November 2010.

JOHN S. HUNT, PSM,
General Manager,
Urana Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as Urana Shire Council Road Train Vehicle Notice No. 1/2010.

2. Commencement

This Notice takes effect on the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Notice remains in force until 30th September 2015 unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

Type	Road No.	Road Name	Starting Point	Finishing Point	Conditions
Road train.	MR 385.	Federation Way, Morundah.	HW17 Newell Highway.	Old Buckingbong Forest Road.	Travel permitted 1 November to 31 March.

ROAD TRANSPORT (GENERAL) ACT 2005

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

KEMPSEY SHIRE COUNCIL in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 4.6 metre High Vehicles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 24 August 2010.

DAVID RAWLINGS,
General Manager,
Kempsey Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Kempsey Shire Council 4.6 Metre High Vehicle Route Notice No. 01/2010.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 31st December 2012 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 4.6 metre high vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
4.6.	South Street, South Kempsey.	Pacific Highway.	Queen Street.
4.6.	Queen Street, South Kempsey.	South Street.	Middleton Street.
4.6.	Harry Boyes Avenue, South Kempsey.	Queen Street.	To end of road.
4.6.	Middleton Street, South Kempsey.	Pacific Highway.	Queen Street.
4.6.	Belgrave Street, Kempsey.	Pacific Highway.	Kemp Street.
4.6.	Kemp Street, West Kempsey.	Belgrave Street.	Kemp Street.
4.6.	Thompson Street, West Kempsey.	Kemp Street.	To end of road.
4.6.	Great North Road, Frederickton.	Pacific Highway.	Collombatti Road.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Roads Transport (Mass, Loading and Access) Regulation, 2005

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

MICHAEL BUSHBY,
Chief Executive
Roads and Traffic Authority

SCHEDULE

1. Citation

This Notice may be cited as the Roads and Traffic Authority Road Train Notice No 2/2010

2. Commencement

This Notice takes effect on the date of gazettal

3. Effect

This Notice remains in force until 30 September 2015 from the date of gazettal unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
Road train	639	Compton Road (West Wyalong By-Pass)	Railway Road West Wyalong	Central Road West Wyalong	Travel permitted 1 November to 28 February
Road train	639	Showground Road (West Wyalong By-Pass)	SH17 Newell Highway West Wyalong	Railway Road West Wyalong	Travel permitted 1 November to 28 February

ROAD TRANSPORT (GENERAL) ACT 2005

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

WINGECARRIBEE SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 15 November 2010.

JASON R. GORDON,
General Manager,
Wingecarribee Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Wingecarribee Shire Council 25 Metre B-Double Route Notice No. 2/2010.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1st September 2015 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25m.	Lackey Road, Moss Vale.	Innes Road.	Collins Road.	For use until 30 June 2011.

ROAD TRANSPORT (GENERAL) ACT 2005

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

CLARENCE VALLEY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 17 November 2010.

STUART McPHERSON,
General Manager,
Clarence Valley Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Clarence Valley Council 25 Metre B-Double Route Notice No. 02/2010.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015 unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	Pringles Way.	The Summerland Way.	690 metres along Pringles Way from The Summerland Way (to the entrance to property 4983 Pringles Way).

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Banksia and Rockdale in the Rockdale City Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Rockdale City Council area, Parish of St George and County of Cumberland, shown as:

<u>Description of land</u>	<u>Title Particulars</u>
Lot 1 Deposited Plan 502310	Certificate of Title Volume 4990 Folio 184
Lot 1 Deposited Plan 331250	Folio Identifier 1 / 331250
The area of 1 ¼ perches shown on plan marked "A" annexed to Memorandum of Transfer Dealing F612266, being part of Lot 4 Deposited Plan 13824	Certificate of Title Volume 5050 Folio 250
The area of 2 ½ perches shown on Deposited Plan 205636, being parts of Lots 2 and 3 Deposited Plan 13824	Certificates of Title: Volume 4020 Folio 137; and Volume 5272 Folio 248
The strip of land described in Memorandum of Transfer Dealing J111587, which is shown on RTA Plan 001.386.SS.0181, being also part of Lot 7, Section A, Deposited Plan 2099	Certificate of Title Volume 1070 Folio 184
Lot 1 Deposited Plan 324451	Folio Identifier 1 / 324451
The area of 3 ¼ perches shown on plan marked "A" annexed to Memorandum of Transfer Dealing H 602374, being part of Lot 1, Section 2, Deposited Plan 155	Certificate of Title Volume 2788 Folio 11

Please Note: The Memorandum of Transfer, Deposited Plans and Title Particulars referred to above are available at Land and Property Management Authority of New South Wales.

(RTA Papers: 9M3335; RO 386.12074)

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

Notice of Compulsory Acquisition of Land at Wamberal
in the Gosford City Council area

THE Roads and Traffic Authority of New South Wales
by its delegate declares, with the approval of Her
Excellency the Governor, that the land described in the
schedule below is acquired by compulsory process
under the provisions of the Land Acquisition (Just
Terms Compensation) Act 1991 for the purposes of the
Roads Act 1993.

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

SCHEDULE

ALL that piece or parcel of land situated in the Gosford
City Council area, Parish of Kincumber and County of
Northumberland, shown as Lot 67 Deposited Plan
1150765, being part of the land in Certificate of Title
11/1033680 and said to be in the possession of Jonbry
Pty Limited (registered proprietor), National Australia
Bank Limited (mortgagee) and Wambivet Pty Limited
(unregistered lessee), excluding any existing easements
from the compulsory acquisition of the said Lot 67.

(RTA Papers: 10M1838)

Office of Water

WATER ACT 1912

Notice under Section 166A of the Water Act 1912

Adoption of Floodplain Management Plan

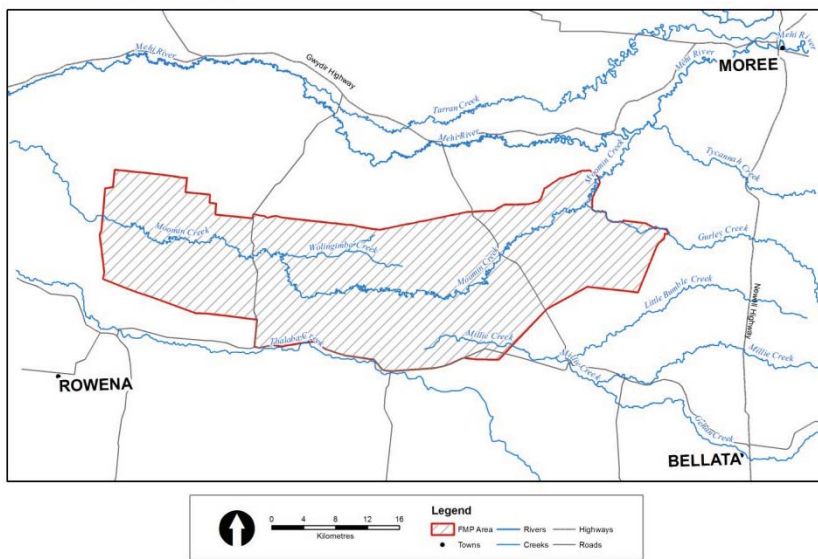
Moomin Creek Floodplain Management Plan

PURSUANT to section 166A of the Water Act 1912 and having considered the matters set out in section 166C of the Act, the Water Administration Ministerial Corporation has adopted the Moomin Creek Floodplain Management Plan as a floodplain management plan for the lands set out in the Schedule to this Notice.

SCHEDULE

That part of the Lower Gwydir Floodplain, designated as a floodplain by Order published in the *New South Wales Government Gazette*, dated 18th October 1984, being the area situated in New South Wales in the catchment of the Lower Gwydir, shown hatched on the map hereunder.

MOOMIN CREEK FLOODPLAIN



Larger maps of the area and exclusions to which this notice relates are available for public inspection during office hours at the Department of Environment, Climate Change and Water’s Tamworth and Moree offices.

WATER ACT 1912

Order under Section 166(1)

Amendment of Designation of Floodplain Area

Lower Gwydir Floodplain

THE Water Administration Ministerial Corporation, by this Order pursuant to Section 166(1) of Part 8 of the Water Act 1912, hereby amends the floodplain designation known as the Lower Gwydir Floodplain (18th October 1984), to exclude the lands set out in the Schedule to this Notice.

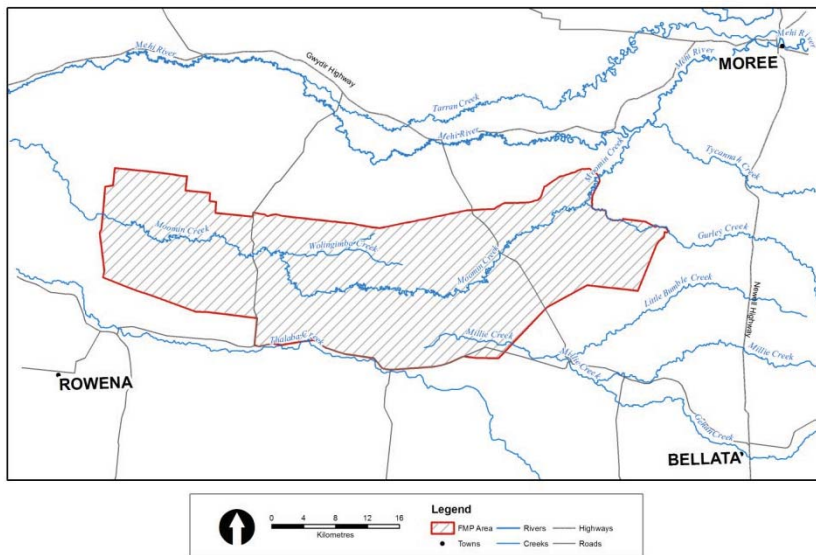
Dated at Sydney, this 23rd day of September 2010.

DAVID HARRISS,
Commissioner,
NSW Office of Water,
signed for the Minister of Water
(by delegation)

SCHEDULE

Those parts of that area situated in New South Wales and:

- being within the Shire of Moree Plains, Narrabri and Walgett;
- shown on the diagram hereunder; and
- exclusive of all towns, villages and their environs.

MOOMIN CREEK FLOODPLAIN

Larger maps of the area and exclusions to which this Order relates are available for public inspection during office hours at the Department's Tamworth and Moree offices.

WATER ACT 1912

Order under Section 166(1)

Designation of Floodplain Area – Moomin Creek Floodplain

THE Water Administration Ministerial Corporation, by this Order pursuant to section 166(1) of Part 8 of the Water Act 1912, designates the lands set out in the Schedule to this Notice as a floodplain which is to be known as the Moomin Creek Floodplain.

Dated at Sydney, this 23rd day of September 2010.

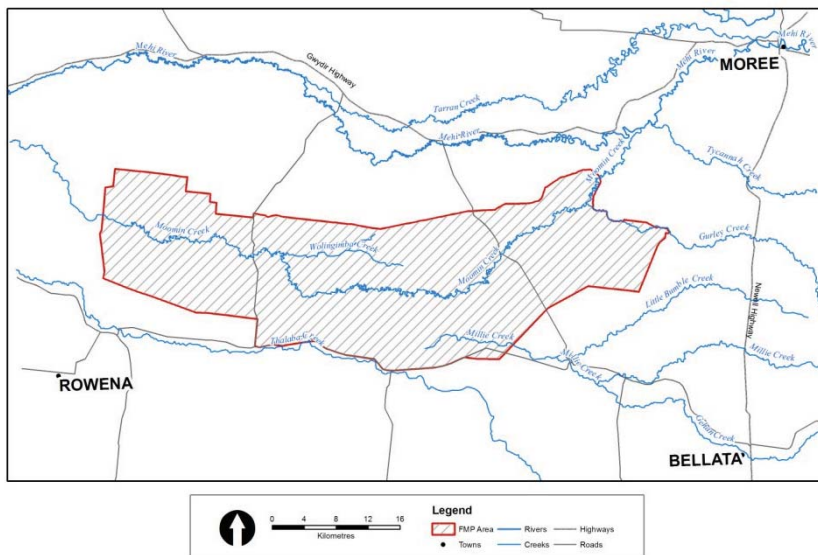
DAVID HARRISS,
 Commissioner,
 NSW Office of Water,
 signed for the Minister of Water
 (by delegation)

SCHEDULE

Those parts of that area situated in New South Wales and:

- (a) being within the Shire of Moree Plains, Narrabri and Walgett;
- (b) shown on the diagram hereunder; and
- (c) exclusive of all towns, villages and their environs.

MOOMIN CREEK FLOODPLAIN



Larger maps of the area and exclusions to which this Order relates are available for public inspection during office hours at the Department of Environment, Climate Change and Water’s Tamworth and Moree offices.

WATER ACT 1912

AN application for a licence under section 10 of Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the said Act, has been received as follows:

Mark Raymond DAVIS, Matthew LAWRENCE and Nicole Joy LAWRENCE, for 1 x 100mm pump, 1 x 150mm pump and 1 x 250mm pump on Belubula River, on Lot 51, DP 808694, Parish Belubula, County Ashburnham, water supply for irrigation and horticulture (36 hectares) (replacement licence – amalgamation of licences and increase in pumping capacity – no increase in entitlement) (Reference: 70SL091141) (GA1813384).

Any inquires should be directed to (02) 6850 2807.

Written objections from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 291, Forbes NSW 2871, within 28 days of this publication.

LYN GORHAM,
Acting Licensing Manager

WATER ACT 1912

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

Christian Restoration Ltd for a pump on the Mulwaree River on Lot 1 DP 843767, Parish of Covan, County of Argyle for water supply for industrial (seminary) purposes and the irrigation of 2.0 hectares (improved pasture) (part replacement licence and permanent transfer of 10.0 megalitres from 10SL055111) (no increase in annual water entitlement) (Not subject to the 2003 amended Hawkesbury/ Nepean Embargo) (Ref: 10SL056952)

Any inquiries should be directed to (02) 9895 7194. Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 3720, Parramatta NSW 2124, within 28 days of this publication GA1813386

WAYNE CONNERS,
Licensing Officer

Other Notices

ANTI-DISCRIMINATION ACT 1977

Exemption Order

UNDER the provisions of section 126 of the Anti-Discrimination Act 1977, an exemption is given from sections 8, 51, 52 and 53 of the Anti-Discrimination Act 1977, to Transfield Services (Australia) Pty Limited, to designate and recruit for Aboriginal and Torres Strait Islander trainees and apprentices in the following positions:

- Administration trainee
(one position per year);
- Fabrication apprentices
(three positions within every two-year period);
- Graduate engineer
(one position every two years)

This exemption will remain in force for a period of five years from the date given.

Dated this 11th day of November 2010

STEPAN KERKYASHARIAN, AM,
President
Anti-Discrimination Board of NSW

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made a Vocational Training Order for the recognised traineeship vocation of Retail Management (Certificate III/Certificate IV combined) under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for this vocation, including the term/s of traineeship, probationary period/s, and course/s of study to be undertaken.

The Order will take effect from the date of publication in the NSW Government Gazette.

A copy of the Order may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs/cib_482.html

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised trade vocations of:

- Telecommunications - Broadband and Wireless Networks Technology
- Telecommunications - Networks Technology,

and the traineeship vocations of:

- Telecommunications
- Telecommunications - Broadband and Wireless Networks
- Telecommunications - Cabling
- Telecommunications - Digital Reception Technology
- Telecommunications - Network Engineering

- Telecommunications - Network Planning
- Telecommunications - Optical Networks
- Telecommunications - Technology,

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of trade/traineeship, probationary period/s, and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the NSW Government Gazette.

A copy of the Order may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at https://www.training.nsw.gov.au/cib_vto/cibs/cib_483.html

Notice is also given that the following recognised trade vocation is now repealed:

- Telecommunications - Networks

and the traineeship vocations of:

- Telecommunications - Access and Associated Services
- Telecommunications - Computer Telephony Integration
- Telecommunications - Engineering
- Telecommunications - Networks
- Telecommunications - Radio Communications.

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of incorporation pursuant to section 76

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 76 of the Associations Incorporation Act, 2009.

Cancellation is effective as at the date of gazettal.

CLAREMONT MEADOWS SOCCER CLUB INC
INC9876188

ROBYNE LUNNEY,
A/Manager Financial Analysis
Registry of Co-operatives & Associations
Office of Fair Trading
Department of Services, Technology & Administration
16 November 2010

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to section 84

THE incorporation of SYDNEY MAGPIES AUSTRALIAN FOOTBALL CLUB INCORPORATED (Y1937404) cancelled on 18 September 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 11th day of November 2010.

ROBYNE LUNNEY,
A/Manager Financial Analysis
Registry of Co-operatives & Associations
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to section 84

THE incorporation of BALMAIN AMATEUR SWIMMING WATER POLO AND LIFE SAVING CLUB INC (Y1410703) cancelled on 3 October 2008 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 11th day of November 2010.

ROBYNE LUNNEY,
A/Manager Financial Analysis
Registry of Co-operatives & Associations
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to section 84

THE incorporation of COOTAMUNDRA APH & I. ASSOCIATION INC (Y0338731) cancelled on 29 May 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 11th day of November 2010.

ROBYNE LUNNEY,
A/Manager Financial Analysis
Registry of Co-operatives & Associations
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to section 84

THE incorporation of AUSTRAL PROGRESS ASSOCIATION INC (Y0487023) cancelled on 28 November 2008 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 17th day of November 2010.

KERRI GRANT,
Manager Legal
Registry of Co-operatives & Associations
NSW Fair Trading

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Assigned Name:	Yallowali Creek
Designation:	Gully
L.G.A.:	Lake Macquarie City Council
Parish:	Wollarah
County:	Northumberland
L.P.I. Map:	Swansea
1:100,000 Map:	Lake Macquarie 9232
Reference:	GNB 5217

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at www.gnb.nsw.gov.au.

WARWICK WATKINS, AM,
Chairperson

Geographical Names Board
P O Box 143
Bathurst NSW

NATIONAL PARKS AND WILDLIFE ACT 1974

Revocation of Proclamation

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 68 of the National Parks and Wildlife Act 1974, with the consent of every owner and occupier do, on the recommendation of the Director-General of the Department of Environment, Climate Change and Water, by this my Proclamation revoke the lands described as Corella East Wildlife Refuge and notified in New South Wales Government Gazette No. 84 of 30 June 2006.

Signed and sealed at Sydney, this 10th day of November 2010.

MARIE BASHIR,
Governor

By Her Excellency's Command,

FRANK SARTOR,
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN!

Description

*Land District – Bourke;
Council – Bourke*

County of Culgoa, Parish of Malgoolie, about 6517 hectares, being Lot 700, DP 761206 inclusive of reserved roads. DECC 06/00324.

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.

SEAN NUNAN,
Team Leader Licensing and Registration
Department of Environment and Climate Change
by delegation

SCHEDULE

Pilot (Pesticide Applicator) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Kevin PATCHETT U3 422 Hector Street YOKINE WA 6060	15 November 2010

**STATE OWNED CORPORATIONS
(PORTFOLIO MINISTER) FURTHER ORDER 2010**

Pursuant to section 20I of the State Owned Corporations Act 1989

I, Kristina Keneally, Premier of the State of New South Wales, in pursuance of section 20I of the State Owned Corporations Act 1989, being of the opinion that a Minister other than the Minister who has the duty to administer the Energy Services Corporations Act 1995 should be the portfolio Minister of the electricity generators and the electricity distributors, make the following Order.

Dated, this 17 day of November 2010.

KRISTINA KENEALLY, M.P.,
Premier

1 Name of Order

This Order is the State Owned Corporations (Portfolio Minister) Further Order 2010.

2 Commencement

This Order commences on the date on which it is published in the NSW Government Gazette.

3 Revocation

The State Owned Corporations (Portfolio Minister) Order 2010 is revoked.

4 Portfolio Minister of certain energy services corporations

The Special Minister of State is nominated as the portfolio Minister of the statutory State owned corporations listed in Part 1 and Part 2 of the Schedule.

Schedule

Part 1: Energy Generators

Delta Electricity
Eraring Energy
Macquarie Generation

Part 2: Energy Distributors

Country Energy
EnergyAustralia
Integral Energy Australia

REPORT

And

DETERMINATION

Under

SECTION 24C

of the

STATUTORY AND OTHER OFFICES
REMUNERATION ACT, 1975

CHIEF EXECUTIVE AND SENIOR EXECUTIVE SERVICES

29 October 2010

www.remtribunals.nsw.gov.au

CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE ¹

Mr Chris Raper resigned as the Statutory and Other Offices Remuneration Tribunal effective from 15 February 2010. The Governor, pursuant to section 6(2) of the Statutory and Other Offices Remuneration Act 1975 (the Act), appointed Mr Alex Smith AM as the new Tribunal for a term of three years from 29 March 2010.

Section 7(1(a) of the Act provides that the Director General of the Department of Premier and Cabinet is an Assessor appointed to assist the Tribunal. Section 7(4) of the Act provides that the Director General may appoint a deputy to act in his place as the Assessor. The Director General has decided that he does not require a deputy and will be personally performing the role of Assessor to the Tribunal.

Section 1: Background

1. Section 24C of the Statutory and Other Offices Remuneration Act 1975 (the Act) provides for the Tribunal to determine annual remuneration packages for the SES to take effect on and from 1 October in that year.
2. The SES was introduced in the NSW public sector in 1989. The key features of the SES are:
 - conditions of employment being fixed by contract
 - individual performance agreements
 - provision for performance pay based on performance assessment
 - remuneration packages expressed as total cost of employment.
3. This Group also comprises office holders who elect to receive, and the Minister approves, access to remuneration packaging arrangements identical to the SES. These office holders, referred to collectively as 11A Office Holders, have historically been listed in the Reports and Determinations for the Chief Executive Service and Senior Executive Service (SES). The Tribunal considers

¹ Unless otherwise stated, the Chief Executive Service and Senior Executive Service are referred collectively in this Report and Determination as SES.

that these office holders are more appropriately listed within the Public Office Holder Group, given the statutory nature of their appointment.

4. The Senior Officer (SO) classification was introduced in December 1996. The work value of SO Levels (1-3) mirrors that of SES Levels (1-3) with lower rates of remuneration for SOs intended to recognise tenured employment and payments made by the Government in respect of superannuation and leave loading. Senior Officers will be discussed further below.

The 2009 Review

5. The Tribunal's 2009 annual determination dated 2 November 2009 provided for a 3 per cent increase for each SES officer, subject to satisfactory performance.

Section 2: Submissions

Government submission

6. The Government's Submission continues to argue for ongoing savings to achieve Government priorities. The economic outlook for NSW is more optimistic, as the Australian and NSW economies have performed better than expected during the global financial crisis.
7. The Submission notes that the Budget for 2009-10 was returned to surplus after an original forecast of a \$990 million deficit for the year. This turnaround is explained as growth in revenue exceeding expenses.
8. For the 2010-11 year, Treasury is forecasting a surplus of \$773 million and over the 4 year forward estimate period surpluses, as noted by the Treasurer, are expected to total \$3.15 billion or an average annual surplus of around \$800 million per year.

9. The NSW Government Wages Policy remains in place. The thrust of this policy is to maintain the real wage improvements previously achieved by limiting increases to 2.5 per cent. Increases beyond 2.5 per cent are to be offset by employee related savings. The Government Submission notes that major salary outcomes approved for Award and Enterprise Agreement based staff since the Tribunal's 2009 Annual Determination have all required employee related savings to offset any increases beyond 2.5 per cent.
10. The Government submission also notes that the Better Services and Value Plan announced in the 2009-10 Budget is designed to assist agencies in meeting their efficiency dividends and savings under the Government's wages policy.
11. The Submission has again referred to Government initiatives that have impacted upon the structure and operations of the SES in NSW. These included the SES reduction strategy (where 20 percent or 171 SES positions were abolished) and the creation of the super Departments. The Submission notes that the SES reductions were completed in July 2009 and that the agency amalgamations are now complete and that,
- “...The task at hand is to achieve post-amalgamation integration of departments' business operations and services.*
- The CES and SES are continuing to play an integral leadership role in achieving the goals of these reforms.”*
12. The Government Submission has also provided details of SES remuneration increases from other States. The submission notes that both Victoria and Queensland provided increases totalling 3 per cent and 2.5 per cent respectively were provided. The Submission notes that in Victoria, SES officers are also eligible for performance pay up to 17 percent of the officer's total remuneration package. In Western Australia SES remuneration was increased by 5.2 per cent from 1 April 2010.

The Government Submission notes that the SES

“...now have responsibility for leading the post-amalgamation integration of departments' business operations and services; implementing the programs underpinning the Better Services and Value Plan; and continuing to deliver the major reforms contained in the State Plan.”

13. The Government submission has also provided a general comment on recruitment and retention into the SES. The Submission points out that

“... With the exception of skill shortages in certain key areas such as legal, infrastructure, financial and information and communications technology, the attraction and retention of suitably qualified executives will not present a significant problem in the short to medium term.”

14. The Government has recommended to the Tribunal that increases for the SES be limited to 2.5 per cent. The Government submits that this recommendation is in line with the wages policy and demonstrates the Government’s commitment to wage restraint. It also acknowledges the key role the CES and SES will play in leading and driving the Government’s reform agenda over the next 12 months.

Recruitment Allowance and Retention Allowance

15. The Government submission recommends that there be no increase in the minimum and maximum rates of Recruitment and Retention Allowance.

Treasury Forecasts

16. For the 2010-11 year, Treasury is forecasting a surplus of \$773 million and over the 4 year forward estimate period surpluses, as noted by the Treasurer, are expected to total \$3.15 billion or an average annual surplus of around \$800 million per year.

17. Treasury is more optimistic about economic outcomes for 2010-11 and 2011-12. Treasury expects NSW economic output GSP (Gross State Product) to,

“...accelerate to an above trend pace of 3 per cent in 2010-11 and 3½ percent in 2011-12.”

18. State Final Demand (SFD) is an important indicator of economic activity. SFD reflects the level of spending in the community by the private and public sectors based on the consumption of goods and services and capital investment. Again the estimates provided by Treasury show an optimistic outcome as well. The Treasury submission further notes

“...State Final Demand is expected to grow at an above trend rate of 3 ½ per cent in 2010-11 and 2011-12.”

19. Treasury forecasts that inflation for each the next two years will be 2¾ percent and wage movements as reflected by the Wage Price Index will be 3½ percent in 2010-11 and 3¾ percent in 2011-12. While these are only forecasts and there are a range of factors that can impact on the actual outcomes, the Tribunal notes that based on Treasury information available at this time, the NSW economy is expected to expand over the next two years.

Section 3: 2010 Tribunal Review

It has been 21 years since the establishment of the SES in NSW. The Tribunal considers it an opportune time to review the changes that have occurred over this time to ensure that remuneration and conditions are still appropriate to ensure the SES are able to meet the challenges ahead.

History of the SES

20. The SES was introduced as a means of providing greater accountability and performance at the highest level of public administration in NSW. It was introduced in 1989 by the Coalition Government and the amendments to the Public Sector Management Act 1988 reflected the Coalition's policy to systematically review and reform senior public sector management in NSW. It was clear that the new SES would lead and drive the Government's reform agenda.

The Minister, in his Second Reading Speech stated,

"...These new arrangements for senior management in the public sector will ensure that there is a fully productive relationship between it and the Government.....The provisions of the bills and the administrative arrangements associated with them will assist in achieving a more rigorous, performance based approach to management in the public sector."

And further

"...the measures included in the Bills are aimed at raising the overall standard of general management in the public sector and securing continuing productivity increases in the public sector...They will enable senior managers in the public sector to realise their full potential. There will be greater recognition and reward for skill and merit."

21. The SES arrangements were underpinned by contract employment, market based remuneration and rigorous annual performance assessment.
22. Tenure of employment had been a feature of public service remuneration to that point. Employment terms and conditions for public servants were contained within the Public Service Act and related Regulations. The introduction of non tenured employment for the new SES removed the protections contained within the statute. Contracts were for fixed terms of up to five years and to ensure a safety net for public servants who transferred across to the SES, the amendments to the Act contained provisions preserving the rights of incumbent officers to return to the public sector if the contract was terminated or not renewed. This was known as the Right of Return which SES officers could elect to pay from their remuneration packages.
23. Remuneration for SES officers was also innovative for the public service. Until then, remuneration for public servants, as it is today, was expressed as a salary. All employer on costs are additional and not reflected in the stated salary. SES remuneration on the other hand was expressed as a total cost of employment. In other words all employer related on costs eg employer contribution to superannuation and leave loading were included within the expressed remuneration amount. For public servants in the old defined benefits superannuation schemes the employer on cost was considerably higher and continues to be much higher than the current superannuation guarantee levy of 9 percent. Remuneration levels were increased to compensate for these additional costs but also for the fact that SES officers had lost tenure.
24. To ensure their performance SES officers were required to prepare an annual performance agreement and to undertake rigorous performance reviews against those agreements. Annual remuneration increases depended on favourable performance reviews.

25. In respect of market based remuneration movements it was clear that the public service could never match the increases provided to private sector CEOs and executives. Despite this, the Government's submissions continued to provide private sector remuneration movements for consideration by the Tribunal.
26. In its 1995 review, the Tribunal questioned the validity of this comparison and sought from the Government figures to show the level of attraction from the private sector to the ranks of the SES. In its 1996 Report, the Tribunal noted the following;
- "... While again advising that competitiveness with the private market continues to erode the Government has noted that only 6 percent of SES officers have been recruited from the private sector. In 1990 the figure was 5 percent. This has led the Government to conclude that;*
- "...comparison to the private sector might once have been valid, however, the reality is that only 6% of the current SES officers were recruited from the private sector." The Government added;*
- "...the 1996 Government's approach to executive remuneration will be away from market related comparisons. This is a direct result of issues raised by the Tribunal in its 1995 Determination."*
27. Private sector remuneration movements no longer feature as a matter for consideration by the Tribunal when determining remuneration increases for the SES.
28. The Government set the overall SES remuneration structure but provided that the Statutory and Other Offices Remuneration Tribunal determine the minimum and maximum rate for each level.
29. In summary, the SES in NSW can be characterised as follows;
- classified into eight remuneration levels
 - minimum and maximum of each remuneration level determined by the Tribunal
 - conditions of employment contained in the contract of employment
 - remuneration packages expressed as total cost of employment
 - each officer is required to enter into an individual performance agreement with the Minister (in the case of the CEO) or the CEO (in the case of an SES officer)
 - provision for annual increase in remuneration based on performance assessment.

30. Given the importance of the SES to the Government and the public sector the Tribunal has undertaken a review of SES remuneration and conditions to establish whether remuneration has maintained relativities with increases both across the NSW public sector and with SES peers in the federal and other state jurisdictions.

SES NUMBERS

31. When the SES was established in 1989, there were approximately 1400 SES officers. Many if not all of these officers were former public servants whose positions had been abolished and created as SES positions.

32. In March 1995, the incoming Labor Government inherited 1434 SES positions and consistent with its pre election commitment reduced the number of SES positions by approximately a third. At the time of the Tribunal's 1996 determination there were 985 CES/SES officers. As at 30 June 2008, there were 853 SES positions. A reduction of 581 positions since 1995 and a reduction of over 800 positions since 1989.

33. In October 2008, the then Premier, the Hon Nathan Rees MP, made a commitment to further reduce SES numbers by 20 percent (171 positions). The decision to reduce the SES by 20 percent was expected to save, approximately \$120 million over 4 years which would be redirected to frontline services. The Government's target of reducing 171 positions was completed by 30 June 2009.

34. As at 1 July 2010, there were 702 SES positions. This represents a reduction in SES numbers, of nearly 60 percent of its original number. Given the size of the NSW Public Sector is approaching 300,000 employees this is a very small percentage. In 1996, the Tribunal noted,

. "...that the SES comprise less than 1,000 of the State's 227,000 employees ie a very small proportion."

SES Conditions of Employment

35. As noted above, the SES conditions of employment were governed by their employment contracts. Because the SES had lost tenure, compensation provisions introduced in 1989 for removal from office and early termination of the appointment provided for compensation up to a maximum of 12 months. Compensation determinations were to be made and continue to be made by this Tribunal. Those officers who had elected to take a Right of Return in their contracts were able to choose whether to accept compensation or return to the public sector albeit in a lower graded position.

36. In 1995 the Act was amended in two ways which directly impacted the conditions of employment for the SES. In its 1996 Report, the Tribunal noted

“...The Public Sector Management (Amendment) Act 1995, was proclaimed on 13 October 1995. The Amendment Act together with Government policies introduced in the last twelve months gave effect to the Government’s reform agenda for the Public Sector generally and the SES in particular.

Changes that have occurred either through legislation or policy include, removal of right of return option for new SES officers to the Public Sector; the abolition of salary maintenance for existing SES officers who exercise the right of return to the public sector, as well as the reduction of SES numbers by one third.”

Further in the Report it was noted that;

“... When the new Government came to office in 1995 it put in place legislation and policies to give effect to its commitment for the reform of the SES. Principal among these was the reduction of the SES by one third. The Tribunal has been advised that currently there are 985 CES/SES officers compared with 1240 in March 1995 - a reduction of over 25 percent. Other reforms include those outlined in paragraph 22 above.

The reforms have led to a situation where some of the conditions of employment for the SES have been eroded. The SES numbers have been significantly reduced which has placed a greater burden on those remaining to implement the Government’s policies as well as the general management of the business of Government.”

37. These observations led the Tribunal to recommend, and the Government to adopt, the principle of performance pay for SES officers. Performance pay was introduced by the Tribunal in 1998. In 2000 the Government removed the availability of performance pay for SES officers.
38. In addition, the Act was also amended at this time to reduce the amount of compensation that the Tribunal could determine. The Amendment reduced the amount of compensation payable to an SES officer for dismissal or non reappointment, from a maximum of 52 weeks remuneration to a maximum compensation of 38 weeks remuneration. One other reform that occurred in 1996 concerns the introduction of the Senior Officer Classification. More will be said on this below.
39. It should also be noted that since 2004, the taxation benefits from remuneration packaging were largely nullified with the Australian Government's changes to the Fringe Benefits Tax legislation. The Government however has extended (award based) employee benefits such as parental leave and maternity leave to the SES in recognition of the need to balance work and family commitments.

Senior Officers

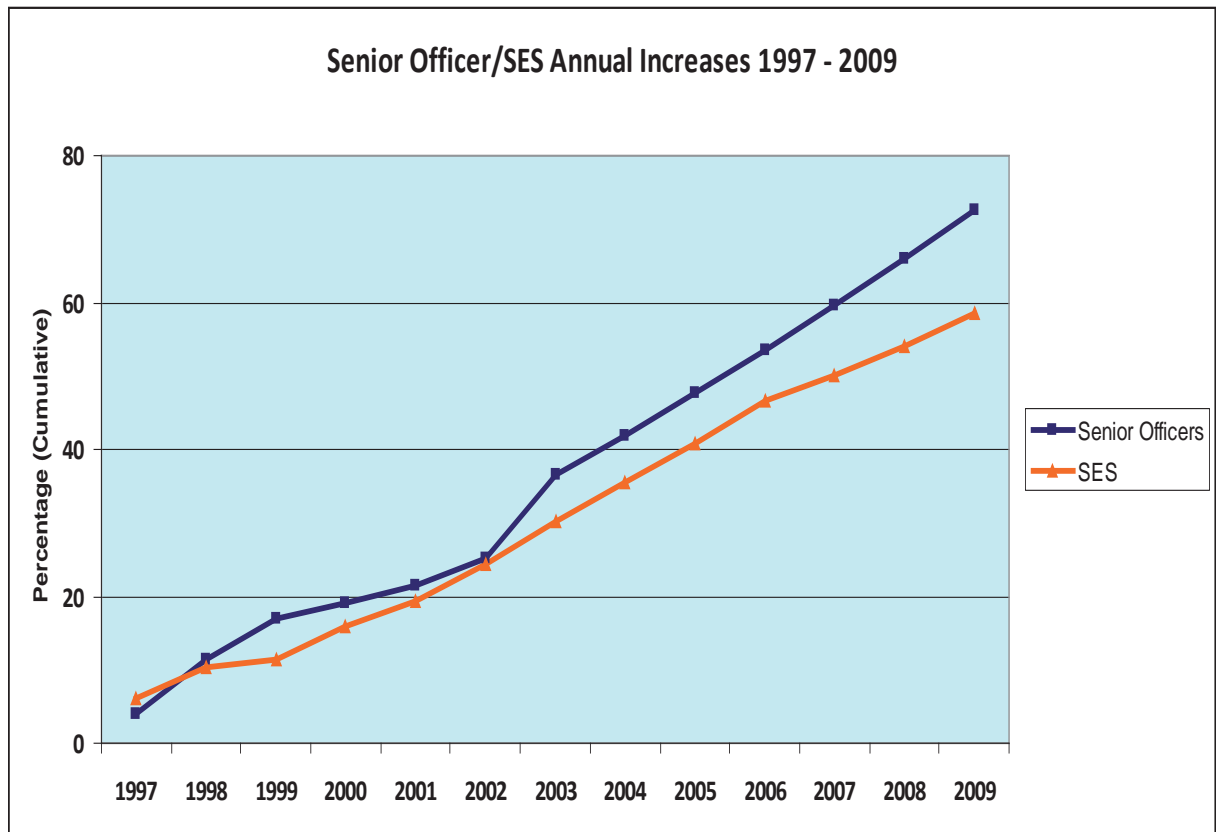
40. The Senior Officer Classification was introduced in December 1996 to provide additional capacity for agencies to recognise work value of non SES positions. The Senior Officer structure is salary based, and provides for three grades. Each grade has the equivalent work value of the lowest three levels of the SES.
41. Care must be taken in comparing remuneration since the SES remuneration is expressed as a total cost of employment whereas Senior Officers receive benefits in addition to salary, eg. employer contributions to superannuation. Other benefits enjoyed by Senior Officers include tenure, award based employment conditions including flexi time, salary sacrifice arrangements for employer and employee contributions to superannuation and motor vehicles. In

addition, Senior Officers are not subject to the rigorous performance based appraisal required by the Act for SES officers. Finally Senior Officers have access to voluntary redundancy provisions providing payouts of up to 52 weeks whereas the maximum compensation available to SES officers cannot exceed 38 weeks.

42. The increase in Senior Officer positions over those for the SES are shown in the attached table. Figures provided by the Government in 1999, three years after the creation of the Senior Officer Classification and current figures clearly demonstrate this preference.

Grade	1999 SO	1999 SES	2010 SO	2010 SES
SO 1/SES 1	206	208	665	16
SO 2/SES 2	56	306	408	100
SO 3/SES 3	9	182	139	174
TOTAL	271	696	1,212	290

Comparison of SES and SO maximum remuneration rate movements 1999 - 2009



43. As the graph above shows, remuneration increases for the Senior Officers have generally been greater than those for the SES and since 2007 the difference in remuneration increases is expanding in favour of Senior Officers. The attached Table shows the increase disparity since 2007.

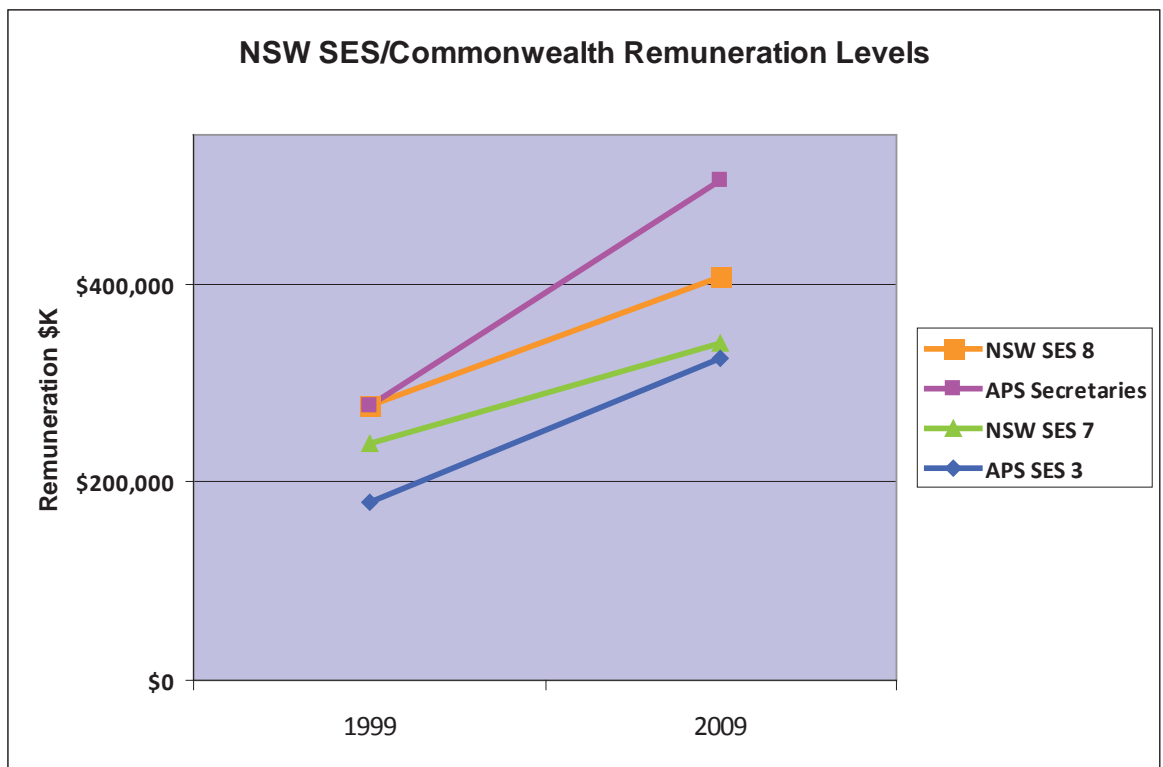
Year	SES	Senior Officers
2007	2.50%	4.00%
2008	2.50%	4.00%
2009	3.00%	4.00%
2010		4.00%
TOTAL	8.0%	16.0%

44. The Tribunal notes that increases for Senior Officers beyond 2.5 percent must be consistent with the Government’s Wages Policy funded from efficiency dividends. The Tribunal also notes that the delivery of these efficiency dividends is the responsibility of the SES. Furthermore, while it can be argued that the NSW public service also employs a larger number of Senior Officers, it

is almost exclusively to the SES that the Government relies on for the leadership, direction and drive to implement the Government’s reform agenda.

45. Given that the SOs have received the additional annual pay increases arising from delivering sufficient efficiencies under the Government’s Wages Policy and given that the SES have driven those efficiencies, then it stands to reason that the SES have achieved sufficient efficiencies to warrant remuneration increases beyond 2.5 per cent.

46. Nor are the movements in remuneration any more favourable when SES increases are compared with their peers in the Commonwealth.



47. The above graph shows that in the last 10 years, remuneration levels for Federal Secretaries who are the CEOs of Federal Agencies have far outstripped increases for their NSW counterparts (SES Level 8).

48. What is also informative is the narrowing of the gap between SES 7 and APS SES 3 remuneration during this time. This is considered important because

most future CEOs/Secretaries of Government agencies would be expected to be drawn from this pool of officers. The Tribunal considers this situation could potentially lead to a loss of talent from the NSW public sector to the Commonwealth public sector. There is some evidence that this has already occurred. Remuneration of course is not the only determiner in making choices of whether to live and work in Sydney or Canberra but it is an important one given the increasingly mobile nature of the workforce.

Vic and QLD

49. A similar situation emerges when comparing equivalent grades in Victoria and Queensland. Cross jurisdictional analysis of executive remuneration in Victoria and Queensland compared with the equivalent NSW SES levels during the period 1999 to 2009 demonstrates that NSW SES levels have not moved at the same pace as other jurisdictions.

SUMMATION

50. This review underscores the erosion of conditions of employment and remuneration relativities that have occurred to the SES since its establishment in 1989. This situation is exacerbated when one considers that the number of SES officers has decreased by nearly 60 percent in the intervening period. What has remained consistent over this period is the *raison d'être* for the SES. The Government, in its submission to this Tribunal continues to make the point that;

“...The CES and SES are continuing to play an integral leadership role in achieving the goals of the [Government’s] reforms.”

51. Based on the above, the Tribunal cannot accept the Government’s recommendation of an increase of 2.5 percent. The Tribunal in this determination considers that an increase of 4 percent would ensure that there is no further erosion of SES remuneration *vis-à-vis* the Public Service generally and Senior Officers in particular. This increase is also lower than that provided to judicial officers and Members of Parliament in 2010.

52. This Tribunal is of the view that the SES has made and continues to achieve efficiency dividends from its leadership of the public sector and in driving the Government's reform agenda.

Recruitment Allowance and Retention Allowance

53. The Recruitment and Retention Allowances were introduced in 1996 to address the difficulties the Government was experiencing in recruiting and retaining SES officers with specialist skills, following the abolition of the specialist market rates the previous year. The Allowances were last varied in 2008 and are reviewed annually to maintain their continued relevance for the purpose for which they were introduced.

54. The Tribunal has reviewed the levels of Recruitment and Retention Allowances and considers that no change is required at this time. The Tribunal will review the Allowance as part of the 2011 annual review, particularly in light of the Government's comment of skill shortages in some specialist areas.

Section 4: Conclusion

55. The Tribunal after considering the views of the Assessors and having regard to key economic indicators, including award based increases determines an increase of 4 per cent for all SES officers, effective on and from 1 October 2010.

56. Payment of the increase is subject to certification of an officer's satisfactory performance by the officer's CEO or in the case of CEOs the relevant Minister.

The Statutory and Other Offices Remuneration Tribunal

(signed)

Alex Smith

Dated: 29 October 2010

ANNEXURE A

DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND FROM 1 OCTOBER 2010.

Determination No 1.

The remuneration package ranges for executive office holders shall be:

<u>CES/SES</u>	<u>Per annum range</u>		
Remuneration Level 8	\$392,351	to	\$453,250
Remuneration Level 7	\$312,851	to	\$392,350
Remuneration Level 6	\$278,351	to	\$312,850
Remuneration Level 5	\$241,251	to	\$278,350
Remuneration Level 4	\$221,301	to	\$241,250
Remuneration Level 3	\$194,851	to	\$221,300
Remuneration Level 2	\$181,651	to	\$194,850
Remuneration Level 1	\$155,100	to	\$181,650

Determination No 2 - Recruitment Allowance

To the remuneration package amounts determined above there may be added a Recruitment Allowance up to the maximum for each level as set out hereunder, subject to the approval of the Director General of the Department of Premier and Cabinet. The Allowance will apply for new SES offices and appointment renewals, where it has been established that a specific skill is necessary for recruitment purposes and the performance of the duties of the position.

Officers in receipt of a Recruitment Allowance are not eligible for payment of a Retention Allowance.

<u>CES/SES</u>		<u>Maximum Allowance</u>
Levels 7 and 8	up to	\$43,000
Levels 5 and 6	up to	\$30,000
Levels 3 and 4	up to	\$23,000
Levels 1 and 2	up to	\$19,000

ANNEXURE A (Cont.)

DETERMINATIONS OF THE REMUNERATION PACKAGES OF THE CHIEF EXECUTIVE SERVICE AND SENIOR EXECUTIVE SERVICE EFFECTIVE ON AND FROM 1 OCTOBER 2010

Determination No 3 - Retention Allowance

SES Officers shall be eligible for a Retention Allowance up to the maximum for each level as set out hereunder. The Allowance will apply on and from the date of approval by the Director General of the Department of Premier and Cabinet and will accrue on an annual basis or part thereof and the total amount will be payable upon the completion of the term of appointment.

Officers in receipt of a Retention Allowance are not eligible for payment of a Recruitment Allowance.

<u>CES/SES</u>		<u>Maximum Allowance</u>
Levels 7 and 8	up to	\$43,000
Levels 5 and 6	up to	\$30,000
Levels 3 and 4	up to	\$23,000
Levels 1 and 2	up to	\$19,000

Determination No 4.

The Tribunal determines that the remuneration package ranges for offices identified as requiring specialist medical skills shall be:

<u>Specialist Medical Skills</u>	<u>Per Annum range</u>		
Remuneration Level 6	\$286,750	to	\$351,200
Remuneration Level 5	\$285,500	to	\$338,400
Remuneration Level 4	\$280,600	to	\$325,700
Remuneration Level 3	\$267,750	to	\$310,750
Remuneration Level 2	\$251,250	to	\$291,600
Remuneration Level 1	\$231,750	to	\$266,100

Determination No 5.

The Tribunal further determines that the remuneration package ranges for offices identified as requiring general medical skills shall be:

<u>General Medical Skills</u>	<u>Per annum range</u>		
Remuneration Level 2	\$201,750	to	\$234,100
Remuneration Level 1	\$185,450	to	\$212,850

**The Statutory and Other Offices
Remuneration Tribunal**

(signed)

Alex Smith
Dated: 29 October 2010

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES
REMUNERATION ACT, 1975

JUDGES, MAGISTRATES AND RELATED GROUP

29 October 2010

www.remtribunals.nsw.gov.au

JUDGES, MAGISTRATES AND RELATED GROUP

Preamble

Mr Chris Raper resigned as the Statutory and Other Offices Remuneration Tribunal effective from 15 February 2010. The Governor, pursuant to section 6(2) of the Statutory and Other Offices Remuneration Act 1975 (the Act), appointed Mr Alex Smith AM as the new Tribunal for a term of three years from 29 March 2010.

Section 7(1(a) of the Act provides that the Director General of the Department of Premier and Cabinet is an Assessor appointed to assist the Tribunal. Section 7(4) of the Act provides that the Director General may appoint a deputy to act in his place as the Assessor. The Director General has decided that he does not require a deputy and will be personally performing the role of Assessor to the Tribunal.

Section 1: Background

1. The Judges, Magistrates and Related Group comprise such offices as are listed in the Schedules of the Act and, in addition are defined as judicial offices (within the meaning of the Judicial Officers Act 1986) and offices which the Government considers should belong to that Group. The Group also contains a number of other offices that are involved in the judicial system.
2. Section 13 of the Act, requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination on the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined as salary or allowances paid in money.
3. A principal feature of remuneration for Judges has been the Agreement between Federal and State Governments, reached in 1989, on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court. This Agreement provides that the salary of a Judge of the Federal Court and a Judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia. The Tribunal has consistently held that this relativity remains acceptable only if and whilst the remuneration of a Justice of the High Court of Australia remains at an appropriate level, and the Remuneration Tribunal should have regard to the base salary plus non financial benefits (such as motor vehicles) when determining judicial remuneration.

4. Since that time, the New South Wales Tribunal has maintained the remuneration of a State Supreme Court Judge at approximately 85 per cent of the remuneration of a Justice of the High Court. The Tribunal's determination of 2009 provided a general increase of 4.3 per cent for NSW Supreme Court Judges and related office holders with effect from 1 October 2009.
5. On 30 July 2010, the Tribunal made its Special Report and Determination on the remuneration of the Judges, Magistrates and Related Group. The reasons why that Special Determination was undertaken are articulated in that Report and need not be repeated here, suffice it to say that it arose from a determination of the Commonwealth Remuneration Tribunal to provide additional increases, beyond the normal annual increases, of 6 per cent for Commonwealth judicial officers in 4 increments of 1.5 per cent. The first increase took effect on 1 November and the last is due to be made in May 2011.
6. After undertaking its own review of this matter, and for the reasons stated in the Report of 30 July 2010, the Tribunal determined an increase in the remuneration of the Judges, Magistrates and Related Group of 3 per cent.
7. At the request of the Minister, the Tribunal also provided comment to the Government on its views on a statutory link between the salaries of Federal Court Judges and State Supreme Court Judges. The Tribunal's views were expressed as follows.

“80. The Tribunal has been asked to express its view on the appropriateness of legislating for salary parity between Supreme Court Judges and Federal Court Judges arising from the move to provide State Judges with dual commissions. Similar legislative provisions currently exist in Victoria and Queensland.

81. The Tribunal has considered this matter carefully and has already noted how the Supreme Court also administers Commonwealth laws. The fact that the Supreme Court and Federal Court are both considered superior Courts of record also suggests a commonality between them. In addition, the Tribunal has noted that the Supreme Court and Federal Court recruit from the same group of barristers. Finally, while most State and Territory Tribunals make their own inquiries before determining judicial remuneration, none have ever made such determinations without having regard to the 85 percent Nexus. What the Tribunal is being asked to comment upon, in effect, is formalising the Nexus through legislation.

82. *This is not uncommon within the current remuneration framework for Judges in New South Wales. Judges of the Land and Environment Court and the Industrial Relations Commission are linked by statute to the remuneration of a Supreme Court Judge. Similar statutory arrangements are in place for the Chief Judge of the District Court.*
83. *It is envisaged that legislation introduced would formally link the salary of a Supreme Court Judge to a Federal Court Judge. There is also precedent for such cross jurisdictional arrangements. The salaries of Members of NSW Parliament are directly linked to the salaries of their federal counterparts. Section 4 of the Parliamentary Remuneration Act 1989 provides that,*
- “...The basic salary is, for the purposes of this Act, the amount of the annual allowance by way of salary payable under the law of the Commonwealth to a Member of the House of Representatives who is not entitled to any additional salary, less \$500.”*
84. *The Tribunal therefore supports linking the salaries of Supreme Court Judges to the salaries of Federal Court Judges by legislation. The Tribunal also considers that such linkage should apply to the other two Courts within the State jurisdiction i.e. the District Court and the Local Court. Given the interconnectedness of the court system in this State, the Tribunal considers there is a compelling case to link the salaries of the various Courts through legislation. The Tribunal would be prepared to offer its assistance in facilitating such an initiative.*
85. *In examining this issue the Tribunal has reviewed the range of benefits available to Judges in State and Federal jurisdictions. As in 2002, the Tribunal has concluded that overall the difference in benefits is not sufficient to warrant special consideration.*
86. *One benefit that will need further consideration if the statutory link is introduced, however, is the Conveyance Allowance. Federal Judges are provided with a private plated motor vehicle at no cost whereas Supreme Court Judges do not have access to such arrangements. It will be noted that this difference in availability of cars has been a long standing issue with the Tribunal providing Supreme Court Judges additional remuneration to compensate for the motor vehicle. The most recent iteration of this arrangement is the Conveyance Allowance.*
87. *In Queensland and Victoria where there is a statutory link with Federal Court Judges’ salaries, Judges in those States also receive private plated motor vehicles at no cost or at minimal cost. Any similar link between Supreme Court Judges and Federal Court Judges will require an assessment of how the Conveyance Allowance will be accommodated. Again the Tribunal is prepared to assist in any such consideration.”*

The Tribunal will comment further on this matter below.

On 24 August 2010, the Commonwealth Tribunal issued its Determination for 2010 and provided a general increase of 4.1 percent for office holders within its jurisdiction, including Federal Judges and Magistrates and non judicial officers.

Section 2: Submissions Received

8. As part of the current review the Tribunal received 11 submissions. The Tribunal met with those representatives of the Courts and Commissions who specifically sought meetings. Once again the Tribunal thanks the office holders for the time and effort they have put in to the current review.
9. Submissions have generally supported the status quo in terms of the long standing 85 percent nexus with Federal Court Judges as well as the internal relativities within the Judges, Magistrates and Related Group. Some submissions also sought an increase in the Conveyance Allowance.

Deputy Presidents, Workers Compensation Commission

10. The Deputy Presidents have again submitted that the current salary relativity with the Deputy Senior Crown Prosecutor and the Deputy Senior Public Defender is inappropriate. Unlike these office holders, the Deputy Presidents argued, they are not advocates but rather sit and consider appeals against decisions of arbitrators. Because of this role, they submit that their remuneration should be equivalent to that of a District Court Judge or a comparable relativity differential between their salaries and those of the President.

Government Submission

11. The Government submission contains the views of the Director General of the Department of Justice and Attorney General. His view, which is supported by

the Government submission is to continue the retention of the 85 per cent nexus between State and Federal judicial remuneration. The Director General also supports, in principle, the retention of the current internal relativities determined by SOORT for the Judges, Magistrates and Related Group. The Government's recommendation concludes,

"...The 85 percent nexus between State and Federal judicial remuneration and the internal relativities be maintained."

The Submission makes no comment on the Tribunal's recommendation that the remuneration of the NSW judicial officers be linked by way of statute to the remuneration of the Federal Court as currently occurs in Queensland and Victoria.

Section 3: 2010 Review

12. The Tribunal has once again reviewed the submissions received and considers that the nexus should be retained. The Tribunal will also retain the existing relativities within the Group.
13. In respect of the Deputy Presidents of the Workers Compensation Commission the Tribunal is aware that there has been a longstanding claim from these office holders for salary equivalence with District Court Judges. The Tribunal has considered the matters raised in the Deputy Presidents' submission and the oral submission of the President of the Commission and can find no new reasons to alter its original decision.
14. As has been stated previously, this Tribunal considers the remuneration of these office holders to be set at an appropriate level. As has also been stated previously, should the Minister consider that the remuneration is inappropriate or should be set at a level identical with that of a District Court Judge, then this can be achieved by way of legislative amendment. On the basis of the information provided the Tribunal can find no reason to alter the existing arrangements.

Conveyance Allowance

15. The Tribunal has again undertaken a review of the conveyance allowance. The methodology has been previously explained and at the forefront of the Tribunal's reasoning is the need to ensure that the costs of running a motor vehicle continue to trend upwards for a number of years rather than up one year and down the next. The Tribunal's analysis has shown a minor increase in running costs within the last 12 months but does not consider that the Allowance should be increased at this time. It will review the running costs as part of the 2011 annual review and make any adjustment at that time.

Final 3 percent from the Commonwealth Tribunal's 2009 Special Review

16. As noted above, the Commonwealth Tribunal, in its Report of 13 October 2009, signalled its intention to provide federal Judicial Officers with a work value increase of 6 percent. Four such increases (each of 1.5 percent) were to be provided – the first in November 2009 and the last in May 2011. Two increases have been made as noted in the Tribunal's 30 July 2010 Report. The Tribunal indicated in that Report its intention to indicate the timing of the final two instalments at the time of this current review.

17. To give effect to the Commonwealth Tribunal's intention of passing on the 6 percent increases by way of instalments requires the Tribunal to make separate determinations for each such instalment. As has already been noted two such instalments have been made. Following the making of such instalments, the Commonwealth legislation requires that such determinations be laid before the Federal Parliament for 15 sitting days. This is what is commonly known as the "disallowance period" where either House may disallow a Tribunal determination. Following the expiry of the disallowance period, the determination becomes effective from its operative date.

18. As at the time of making this Determination, the Commonwealth Tribunal has not made a determination on the third instalment of its special increase. When it does make this determination, it will be required to be tabled in Federal

Parliament for 15 sitting days. Given that there are less than 15 sitting days left in the current session of Parliament any such determination will not become effective until some time when Federal Parliament returns in 2011. The fourth instalment when made would require a similar process.

19. This means that the Tribunal is not in a position to make any further determination on this matter. The Tribunal considers that the most appropriate course is to review this matter as part of the 2011 annual review where it is expected that the outcome of the payment of the two final instalments will be known. Alternatively, the Tribunal could review these special increases by way of special reference from the Minister.

Statutory Link of Judicial Officers

20. The Tribunal's view of this matter were expressed above. Given the interconnectedness of the Courts, the move to dual commissions between state and federal Courts, and the ongoing support for the retention of relativities between State Supreme Courts and the Federal Court as well as the current relativities between Judges and Magistrates, the overwhelming conclusion is that these informal arrangements should be made certain by way of legislation. The Tribunal continues to offer its assistance to facilitate such a change.

Section 4: Conclusion

21. The Tribunal, after considering the views of the Assessors and, pursuant to Section 13 of the *Statutory and Other Offices Remuneration Act 1975*, as amended, the Tribunal determines that the remuneration to be paid to the office holders in this Group on and from 1 October 2010 shall be increased by 4.1 percent. The new rates are as set out in Determinations Nos 1-6.
22. The Tribunal has also adjusted the Acting Judges rates and the Acting Deputy Presidents of the Workers Compensation Commission rates to reflect the daily equivalent of their full time counterparts.

23. The Tribunal has also made a Report and Determination on Travel Allowances for NSW Judges and Magistrates. The Report and Determination are attached at Determination No 7.

**The Statutory and Other Offices
Remuneration Tribunal**

(signed)

Alex Smith

Dated: 29 October 2010

DETERMINATION No 1**REMUNERATION OF JUDGES – effective from 1 October 2010**

	Salary \$ per annum
Chief Justice of the Supreme Court	\$412,390
President of the Court of Appeal	\$386,150
President of the Industrial Relations Commission	\$386,150
Judge of the Supreme Court	\$368,550
President, Workers Compensation Commission	\$368,550
Vice-President of the Industrial Relations Commission	\$368,550
Deputy President of the Industrial Relations Commission	\$368,550
Judge of the District Court	\$331,690
Associate Judge or acting Associate Judge (under the Supreme Court Act 1970)	\$331,690

DETERMINATION No 2**REMUNERATION OF MAGISTRATES – effective from 1 October 2010**

	Salary \$ per annum
Chief Magistrate	\$331,690
Deputy Chief Magistrate	\$280,280
State Coroner	\$280,280
Chief Industrial Magistrate	\$269,990
Magistrate	\$265,350
Chairperson Victims Compensation Tribunal (NOTE 2)	\$265,350
Children's Magistrate	\$265,350
Deputy State Coroner	\$265,350

NOTE 2: When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

DETERMINATION No 3**REMUNERATION OF RELATED OFFICE HOLDERS – effective from 1 October 2010**

	Salary \$ per annum
Chairperson, Law Reform Commission	\$368,550
Solicitor-General	\$368,550
Director of Public Prosecutions	\$368,550
Crown Advocate	\$331,690
Deputy Director of Public Prosecutions	\$331,690
Senior Crown Prosecutor	\$298,520
Senior Public Defender	\$298,520
Deputy Senior Crown Prosecutor	\$268,660
Deputy Senior Public Defender	\$268,660
Solicitor for Public Prosecutions	\$268,660
Deputy Presidents, Workers Compensation Commission	\$268,660
Senior Commissioner Land and Environment Court	\$257,980
Crown Prosecutor	\$245,450
Public Defender	\$245,450
Commissioner Land and Environment Court	\$243,240
Commissioner Industrial Relations Commission	\$243,240

DETERMINATION No 4**ACTING JUDGES**

Supreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court \$1,600 per day

District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court \$1,440 per day

Workers Compensation Commission

Acting Deputy President of the
Workers Compensation Commission \$1,115 per day

DETERMINATION No 5**CONVEYANCE ALLOWANCE**

Full time Office Holders receiving salary equivalent to a Supreme Court Judge or higher shall be entitled to a Conveyance Allowance of \$22,000 pa.

Full time Office Holders receiving salary equivalent to a District Court Judge shall be entitled to a Conveyance Allowance of \$19,800 pa.

Full time Office Holders receiving salary below that of a District Court Judge shall be entitled to a Conveyance Allowance of \$15,840 pa.

The Conveyance Allowance determined here shall not count towards Judges' pension or for superannuation purposes.

DETERMINATION No 6**ANNUAL LEAVE LOADING OF JUDGES, MAGISTRATES AND RELATED GROUP ON – effective from 1 October 2010**

Annual Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-16.12 to 6-16.16 of the Personnel Handbook, to each of the following office holders:

Magistrates Group listed in Determination No 2

Office Holders listed in Determination No 3 of this Determination

Deputy President of the Industrial Relations Commission (not being a judicial member)

**The Statutory and Other Offices
Remuneration Tribunal**

(signed)

Alex Smith

Dated: 29 October 2010

Report and Determination – Travel Allowances for NSW Judges and Magistrates

REPORT

Background:

1. Remuneration” is defined in the Statutory and Other Offices Remuneration Act 1975, as salary and allowances payable to office holders. Judges and magistrates are holders of offices specified in Schedule 1 of the Act.

2. “Allowance” is defined as follows

“allowance does not include a travelling or subsistence allowance, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

*a Judge or Acting Judge of a court, or
any other judicial officer (within the meaning of the Judicial Officers Act 1986)
nominated by the Minister by notice in writing to the Tribunal for the purposes of
this definition.*

3. The Tribunal in this determination will be setting rates for overnight stays in capital cities, for overnight stays in areas other than capital cities and meal rates for day or part of day absences from headquarters. The Tribunal has also determined the conditions upon which the rates are to be paid.

Current Review:

4. For the current review the Tribunal has had regard to movements in the travel rates as published in the Australian Taxation Office’s Ruling 2010/19 and the rates adopted for the NSW Public Sector generally.

Principles Adopted:

5. In making its determinations on travel allowance rates the Tribunal has adopted a number of guiding principles as set out hereunder.
 - (a) Travelling allowances are intended to meet the costs necessarily incurred by Judges and Magistrates who are required to travel away from home/place of work on official business. Such costs include accommodation, meals and incidental expenses.
 - (b) Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business.

- (c) Office holders are not expected to gain or lose financially as a result of travelling on official business.
- (d) Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.

Conclusions:

6. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2010/19. Non metropolitan accommodation rates and meal rates have also been adjusted as set out in the Determination.
7. After reviewing the survey of intra state accommodation and meal costs, the Tribunal makes the following determination (Determination No 7) effective on and from 1 October 2010.

**Statutory and Other Offices
Remuneration Tribunal**

(signed)

Alex Smith
Dated: 29 October 2010

DETERMINATION No 7**TRAVEL ALLOWANCES FOR JUDGES AND MAGISTRATES- effective from 1 October 2010**

Pursuant to section 13 of the Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 October 2010.

A Travel necessitating an overnight stay

Capital City Rates	
Adelaide	\$363.05
Brisbane	\$390.05
Canberra	\$384.05
Hobart	\$349.05
Perth	\$429.05
Darwin	\$419.05
Melbourne, Sydney	\$419.05
Newcastle and Wollongong	\$344.05
Other Areas	\$344.05

CONDITIONS

General conditions are to be as determined from time to time by the Attorney General.

- In addition the following specific conditions will apply.
- The full daily travel allowance rate is to be paid only where the judge/magistrate stays overnight at commercial accommodation. Where the judge/magistrate stays overnight at non commercial accommodation then one third of the daily rate is to be paid.
- Where travel is for a period in excess of 24 hours then meal expenses for the final part day are to be paid.

Meal Allowances for travel NOT involving an overnight stay

Breakfast	\$23.10
Lunch	\$25.90
Dinner	\$44.50

**Statutory and Other Offices
Remuneration Tribunal**

(signed)

Alex Smith

Dated: 29 October 2010

REPORT
and
DETERMINATION
under
SECTION 13
of the
STATUTORY AND OTHER OFFICES
REMUNERATION ACT, 1975
PUBLIC OFFICE HOLDERS GROUP

29 October 2010

www.remtribunals.nsw.gov.au

PUBLIC OFFICE HOLDERS GROUP

Mr Chris Raper resigned as the Statutory and Other Offices Remuneration Tribunal effective from 15 February 2010. The Governor, pursuant to section 6(2) of the Statutory and Other Offices Remuneration Act 1975 (the Act), appointed Mr Alex Smith AM as the new Tribunal for a term of three years from 29 March 2010.

Section 7(1(a) of the Act provides that the Director General of the Department of Premier and Cabinet is an Assessor appointed to assist the Tribunal. Section 7(4) of the Act provides that the Director General may appoint a deputy to act in his place as the Assessor. The Director General has decided that he does not require a deputy and will be personally performing the role of Assessor to the Tribunal.

Section 1: Background

1. Section 13 of the Statutory and Other Offices Remuneration Act 1975, (the Act), requires the Statutory and Other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices, listed in the Schedules of the Act (except for the Judges, Magistrates and Related Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for the majority of this Group is determined as a fixed salary amount. Employer on costs such as the Superannuation Guarantee Levy are additional to the salary amount determined. This Group also comprises office holders who, pursuant to Section 11A of the Act, have elected to receive, and the Minister has approved, access to remuneration packaging arrangements identical to the SES. These office holders, referred to collectively as 11A Office Holders, have historically been listed in the Reports and Determinations for the Chief Executive Service and Senior Executive Service (SES). The Tribunal considers that these office holders are more appropriately listed within the Public Office Holder Group, given the statutory nature of their appointment.

3. The Government considers that there should be no direct nexus with the remuneration of the Judges, Magistrates and Related Group. The Tribunal has supported this position in past Determinations.
4. The Tribunal's Report and Determination of 2009 provided a general increase of 3 per cent to the Public Office Holders Group.
5. The Tribunal undertook one special determination during 2010 in respect of the remuneration payable to the position of Assistant Commissioner, NSW Crime Commission.
6. The office of Assistant Commissioner is constituted under the *NSW Crime Commission Act 1985*. Various functions are conferred on the Assistant Commissioner. Most notably, the Assistant Commissioner can carry out all the functions of the Commissioner to assist the Commissioner. He has a responsibility, as a member of the Commission, for management of the Commission. The report and determination was published in the 20 August 2010 edition of the Government Gazette and tabled in Parliament on 1 September 2010.
7. On 30 September 2009, the Tribunal also made a recommendation to the Attorney General pursuant to section 10AA of the Act on the remuneration of the proposed full time Arbitrators and Senior Arbitrators of the Workers Compensation Commission. The Attorney General advised that following a review of the Workers Compensation Commission, the Government had decided to adopt the recommendation to create full time Senior Arbitrators and Arbitrators.
8. The Tribunal recommended two rates for legally qualified Senior Arbitrators and Arbitrators and for non-legally qualified Senior Arbitrators and Arbitrators as follows:

Legally qualified

Senior Arbitrator	\$198,500
Arbitrator	\$171,000

Not legally qualified

Senior Arbitrator	\$188,805
Arbitrator	\$162,720

9. In making this recommendation the Tribunal noted that a review of the new structure of the Commission was to take place at the conclusion of 12 months of operation. The Tribunal considered that that might be the appropriate time to undertake a further review of remuneration for these offices.

Section 2 Submissions Received

Government Submission

10. The Government has asked the Tribunal to consider a number of factors, including the key national economic indicators and the Government's recommendations relating to its Wages Policy.
11. The Government submission recommends that this Group receive an increase similar to that recommended for the CES and SES ie 2.5 per cent.

Chairperson, Local Land Boards

12. The Chairperson of the Local Land Boards has made a similar submission as last year. The Chairperson again seeks equivalence in remuneration with that of Magistrate. He bases this on the workload of the Local Land Boards, as well as the complexity of matters dealt with. The Chairperson claims that the Board shares much of its jurisdiction with the Local Court. He submits that the Board is a tribunal of fact and law, exercising duties which are substantially judicial in nature.

Arbitrators, Workers Compensation Commission

13. The Arbitrators have provided a comprehensive submission on their roles and responsibilities. In terms of remuneration, the submission provides a detailed comparison of their roles and responsibilities with those of the former Commissioners Compensation Court and the Commissioners, Industrial Relations Commission (IRC). The Arbitrators consider that their remuneration should be set at 66% of the salary of the President of the Commission based on assumptions of relativities in place for the Commissioners of the former Compensation Court and the relativities of the Commissioners IRC with judicial members of the IRC.
14. The submission also compares the sessional fees paid to Arbitrators which reveal, on a full time equivalent (discounted for overheads) an annual rate of \$253,000pa.

15. The Arbitrators' submission also argues for inclusion in the Judges, Magistrates and Related Group.
16. The President of the Commission has also written to the Tribunal supporting an increase in the remuneration of the Senior Arbitrator and Arbitrator. The President is keen to ensure that he recruits Arbitrators with a high degree of technical competence in workers compensation law. Recent recruitments for full time positions has seen a number of positions left vacant because of the calibre of the candidates with some senior private practitioners not applying because the current remuneration level is not attractive to them.
17. The Tribunal has sought and received a submission from the Director General of the Department of Attorney General and Justice, Mr Laurie Glanfield on the remuneration of Arbitrators. Mr Glanfield's submission notes the following points.
18. The Workers Compensation Commission is not a court of law. Comparisons, therefore, with former Commissioners of the Workers Compensation Court are not entirely appropriate. The basis of the workers compensation reforms which resulted in the abolition of the Workers Compensation Court and the creation of the Workers Compensation Commission was to move away from judicially based dispute resolution service.
- The former Compensation Court differs from the Workers Compensation Commission in terms of "... *their philosophical basis, [sic] structure and practical operation.*"
 - The Workers Compensation Commission provides an independent dispute resolution service and was created to reduce administrative costs and provide a fair and cost effective system of dispute resolution.
 - The introduction of full time Arbitrators was intended as a further reduction in costs.
19. Mr Glanfield concludes that the Government should recommend that the remuneration of Arbitrators should be consistent with the levels of remuneration received by Members of the Consumer Trader and Tenancy Tribunal with an adjustment for those Arbitrators and Senior Arbitrators who are legally qualified. He also notes that the review of the new structure of the WCC incorporating the new offices will be undertaken in June 2011 which will be 12 months for the implementation of the structure.

Mental Health Review Tribunal

20. The submission from the President and Deputy Presidents of the Mental Health Review Tribunal seek a flow on of the adjustments recently made by the Tribunal in relation to the Judges, Magistrates and Related Group. They seek this relativity on the basis that the Tribunal in its forensic division is now required by the *Mental Health (Forensic Provisions) Act 1990* to be staffed by the President or Deputy President who must be, or have been a judge or qualified for judicial appointment.
21. Additionally, the submission argues that the increase will have regard to the additional recent responsibility for mental health enquiries previously undertaken by magistrates, which commenced on 21 June 2010.

Section 3 2010 Tribunal Review

Senior Chairperson, Local Land Boards

22. The Tribunal has again closely considered the issues raised in the Chairperson's submission. No new information was provided by the Chairperson since the 2009 submission. Accordingly, the Tribunal's reasons for its determination, as stated in the 2009 report, remain the same, ie

“The Senior Chairperson’s submission does not demonstrate to the Tribunal’s satisfaction that there has been a significant change in the role and responsibilities for this position to warrant an additional increase. The amendments to the Crown Land Act 1989 and the Dividing Fences Act 1991 are administrative in nature and do not represent, in the Tribunal’s view, a change in the role and responsibilities of the office.

The Tribunal accepts that the complexity of matters now considered by the Senior Chairperson has increased, but considers that increased complexity of work is a feature across most areas of public sector employment and that it does not necessarily reflect a change in the nature of the role or overall responsibilities of the position.

While the Senior Chairperson does have similar jurisdictional responsibilities to the Local Court the office does not have the breadth of jurisdiction of a Magistrate. On the basis of the above the Tribunal does not consider a special increase is warranted.”

23. The Chairperson does raise the issue of workload as a reason for increasing the remuneration of the office. Workload, of itself, is an insufficient reason for increasing remuneration. Workload is indicative of staffing arrangements. It is changes to the role and responsibilities of the office that carry greater weight in any remuneration review.
24. The Tribunal has considered the matters raised in the Chairperson's submission and can find no reason to alter the existing arrangements.

Arbitrators, Workers Compensation Commission

25. The 2001 amendments to the Workplace Injury Management and Workers Compensation Act 1998 established the WCC (s366). The Commission was established in 2002 to replace the Compensation Court and its role was to resolve disputes between injured workers and employees regarding workers compensation claims in a quick and cost efficient manner.
26. The Arbitrators were originally appointed by the President on a sessional basis. Arbitrators were paid from an event based fee schedule. This Schedule was originally determined by the Minister but in 2007 and 2008 SOORT made recommendations on the various event fees in the Schedule pursuant to section 10AA of the SOOR Act.
27. The legislation establishing the full time office passed Parliament on 11 May 2010 and was assented to on 18 May 2010 and the Arbitrators and Senior Arbitrators were added to the Schedules of the SOORT Act.
28. In this current review, the Tribunal has reviewed the role and responsibilities of the arbitrators and has noted no change since the establishment of the Commission. It should also be noted that full time Arbitrators were first appointed in March 2010 and Senior Arbitrators in August 2010.
29. It is clear from the comments of the President that the current remuneration is insufficient to attract and retain suitably qualified applicants to this role. On this basis alone an increase in the current level of remuneration is warranted.

30. The Arbitrators' argument that the remuneration should be based on remuneration levels of the former Commissioners, Compensation Court and the Commissioners IRC is not entirely appropriate. The Compensation Court was abolished and in its place was established the Workers Compensation Commission whose primary role is the administration of the new statutory workers compensation scheme.
31. The WCC was established as a new body intended to introduce a new way of settling workers compensation disputes. The emphasis was placed on avoiding court settlements in favour of less costly mediation.
32. For this reason the Tribunal can see no reason to base remuneration for Arbitrators on that received by the former Commissioners Compensation Court or of the Commissioners IRC. The Commissioners IRC operate in a different jurisdiction and under different arrangements. Their duties and responsibilities, while similar in some areas are different in others.
33. The Arbitrators comparison with the sessional rates is also not an entirely appropriate measure for the remuneration of full time Arbitrators. As the Arbitrators' submission acknowledges, those rates had regard to a loading for personal expenses and overheads. What the submission does not acknowledge is the discount that would need to be applied for a tenured position *vis-a-vis* sessional arrangements.
34. In setting the remuneration for this office the Tribunal has had regard to the remuneration of the Deputy Presidents and, more importantly, the remuneration of the Registrar. These are the two offices in the Commission which impact directly on the activities of the Arbitrators.
35. Deputy Presidents handle appeals against decisions of the Arbitrators. If there is an appeal based on a question of law that appeal can only be heard by the President. The President may delegate this function to a Deputy President only to avoid conflict of interest or the appearance of bias (s351).
36. The Registrar can perform the duties of the Arbitrator, can direct the Arbitrators and has general responsibilities for the administrative functions of the Commission. Section 371 of the Act provides that the Registrar,
- (1) "... has and may exercise all the functions of an Arbitrator.

- (2) *The Registrar can delegate to any member or member of staff of the Commission any of the Registrar's functions under the Workers Compensation Acts, except this power of delegation.*
- (3) *The Registrar may exercise any of the functions of the Commission constituted by an Arbitrator to dismiss proceedings before the Commission."*

37. In setting the remuneration of the Arbitrators, the Tribunal has also had regard to the newly formed position of Senior Arbitrator. The Position Description of the Senior Arbitrator provides the additional responsibilities;

"...They also participate in professional development, mentoring, and appraisal activities for Arbitrators and assist the Commission in case management and the development of practice and procedure."

38. In considering the remuneration for the Arbitrators and Senior Arbitrators, the Tribunal has had regard to the comments of the Director General, Department of Justice and Attorney General that a review of the new structure will take place in June 2011. The Tribunal also notes that in its letter to the Minister it suggested that an appropriate time to review the remuneration for these office holders was 12 months after implementation.

39. In conclusion, the Tribunal had considered retaining the current recommended salaries for the legally and non legally qualified Senior Arbitrators and Arbitrators and review the remuneration levels in 12 months time when the structural review is complete. The President's submission, however, suggests that the Tribunal should make some adjustment beyond the general increase for the positions which require legal qualifications which may provide some additional capacity for him to recruit suitable candidates.

40. The Tribunal will undertake a final review of these offices at the time of the 2011 annual review taking into account the completed review of the structure of the Commission, if available.

41. The Tribunal has also considered the Arbitrators argument that they be placed with the Judges, Magistrates and Related Group.

42. The Tribunal firmly believes that the Arbitrators would be better placed in the Public Office Holder Group as they are not judicial officers and do not work within the Court System. Furthermore the Act clearly provides a compatibility of role with that of the Registrar who is listed within the Public Office Holders Group.

Section 4: Conclusion

43. In determining the general increase for this group of office holders, the Tribunal has had regard to a number of factors including key economic indicators and the Government's recommendations relating its wages policy.

44. As the Tribunal has previously noted this group of office holders (including the Section 11 A office holders, like the SES, are responsible for driving the Government's expenditure reduction targets and reform agenda through their particular jurisdictions. On that basis the Tribunal, after considering the views of the Assessors, considers that an increase of 4 per cent is appropriate and so determines.

45. Pursuant to Section 13 of the *Statutory and Other Offices Remuneration Act 1975*, as amended, the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2010 shall be as specified in Annexure A in respect of the Public Office Holders and Annexure B in respect of Section 11A Office Holders.

The Statutory and Other Offices Remuneration Tribunal

(signed)

Alex Smith
Dated: 29 October 2010

ANNEXURE A

**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2010**

Salary	\$ per annum
Commissioner Police Integrity Commission	\$417,585
Auditor General	\$407,330
Ombudsman	\$406,285
Assistant Commissioner, NSW Crime Commission	\$381,920
President, Mental Health Review Tribunal	\$329,665
Deputy President Mental Health Review Tribunal	\$288,425
Information Commissioner	\$286,000
Chairperson, Consumer Trader and Tenancy Tribunal	\$267,935
President, Guardianship Tribunal	\$262,340
Principal Claims Assessor (Motor Accidents Compensation Act)	\$260,535
Deputy Chairperson Consumer Trader and Tenancy Tribunal	\$247,805
Deputy Chairperson, Law Reform Commission	\$246,015
Deputy President Administrative Decisions Tribunal	\$235,945
Commissioner, Law Reform Commission	\$235,945
Registrar Workers Compensation Commission	\$229,705
Clerk of the Legislative Assembly	\$229,705
Clerk of the Parliaments	\$229,705
Senior Arbitrator, Workers Compensation Commission (legally qualified)	\$213,200
Deputy President, Guardianship Tribunal	\$205,250
Senior Member, Consumer Trader and Tenancy Tribunal	\$202,250
Deputy Clerk, Legislative Assembly	\$197,185
Deputy Clerk, Legislative Council	\$197,185
Senior Arbitrator, Workers Compensation Commission (not legally qualified)	\$196,355
Arbitrator, Workers Compensation Commission (legally qualified)	\$188,240
Chairman, Local Land Boards	\$188,200
Registrar, Aboriginal Land Rights Act 1983	\$182,165
Arbitrator, Workers Compensation Commission (not legally qualified)	\$169,230

ANNEXURE A (CONT'D)**DETERMINATION OF THE REMUNERATION OF THE PUBLIC OFFICE
HOLDERS GROUP ON AND FROM 1 OCTOBER 2010**

Member, Consumer Trader and Tenancy Tribunal	\$174,305
Assessor (Civil Claims)	\$174,305
Member of the New South Wales Aboriginal Land Council (Note 1)	\$121,340
President Mental Health Review Tribunal (part time daily rate)	\$1,365
Deputy President Mental Health Review Tribunal (part time daily rate)	\$1,195
Assessor Civil Claims (daily rate)	\$725

Note 1 The Chairperson shall receive an allowance of 10% (i.e. a total of \$133,475 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$127,410 per annum).

LEAVE LOADING

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-16.12 to 6-16.16 of the Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

**The Statutory and Other Offices
Remuneration Tribunal**

| [\(signed\)](#)

Alex Smith

Dated: 29 October 2010

ANNEXURE B**DETERMINATION OF REMUNERATION OF PUBLIC OFFICE HOLDERS WHO HAVE ELECTED TO BE PROVIDED WITH EMPLOYMENT BENEFITS PURSUANT TO SECTION 11A OF THE ACT EFFECTIVE ON AND FROM 1 OCTOBER 2010**

The Tribunal determines that the remuneration packages per annum for Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act shall be:

<u>Public Office Holder</u>	<u>Remuneration</u>
Commissioner, NSW Crime Commission	\$420,405
Full time Member and CEO, Independent Pricing and Regulatory Tribunal	\$379,660
Electoral Commissioner	\$333,640
Valuer General	\$309,880
Executive Manager Parliamentary Services	\$244,520

**The Statutory and Other Offices
Remuneration Tribunal**

| [\(signed\)](#)

Alex Smith
Dated: 29 October 2010

WILDERNESS ACT 1987

Addition to Macleay Gorges Wilderness Area

I, FRANK SARTOR, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in Schedule hereunder, within Oxley Wild Rivers National Park, as part of the **Macleay Gorges Wilderness**, under the provisions of Section 8 (1A) of the *Wilderness Act 1987*.

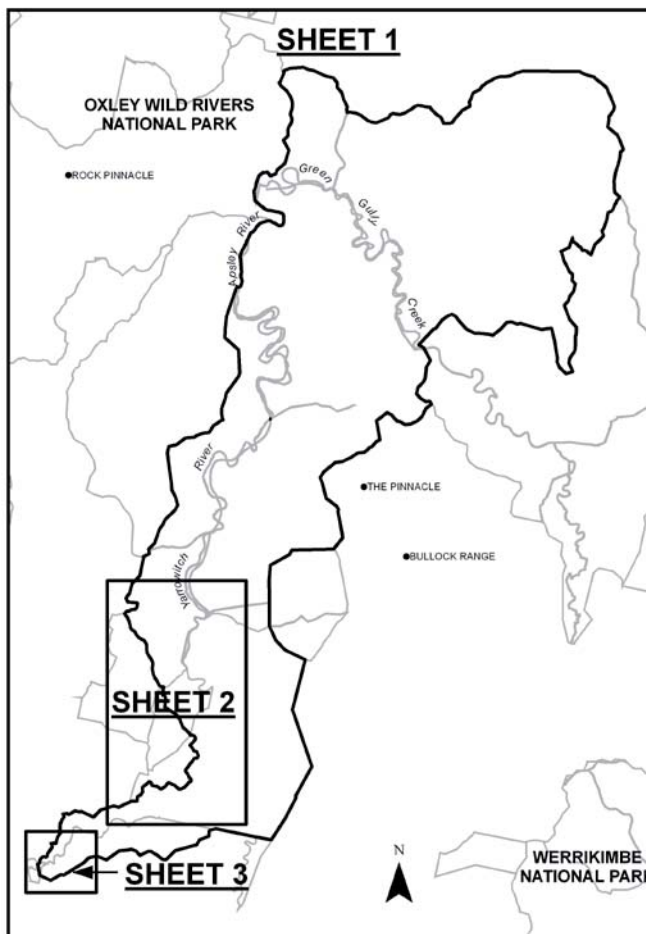
FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE

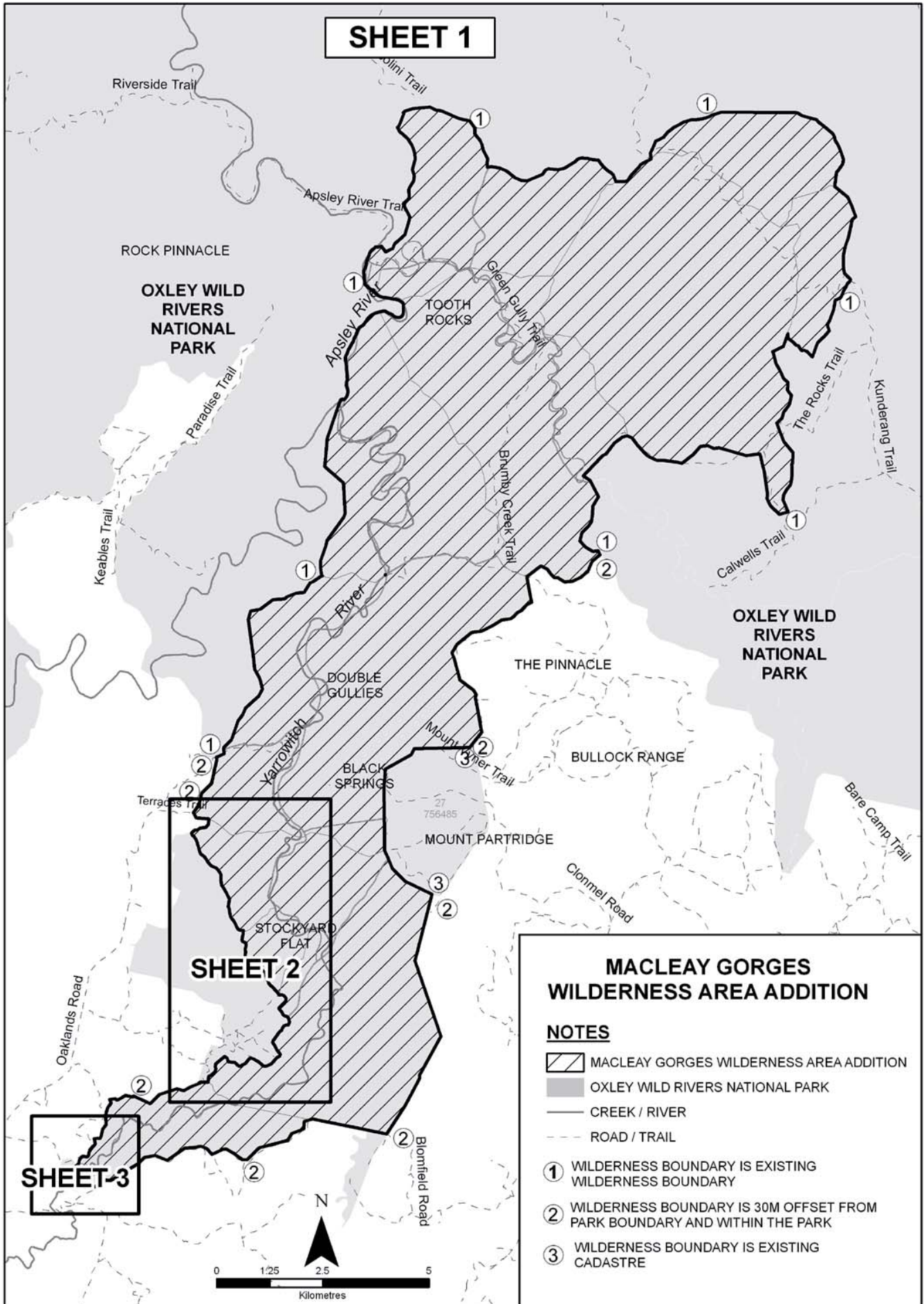
LGA – Walcha

County Vernon, Parishes Benditi, Fitzroy, Styx, Enfield, Junction, Kangaroo Flat, Trinidad, Mooraback and Yarrowitch, about 16,200 hectares, being the area shown by hatching in the diagrams (3 Sheets) following:

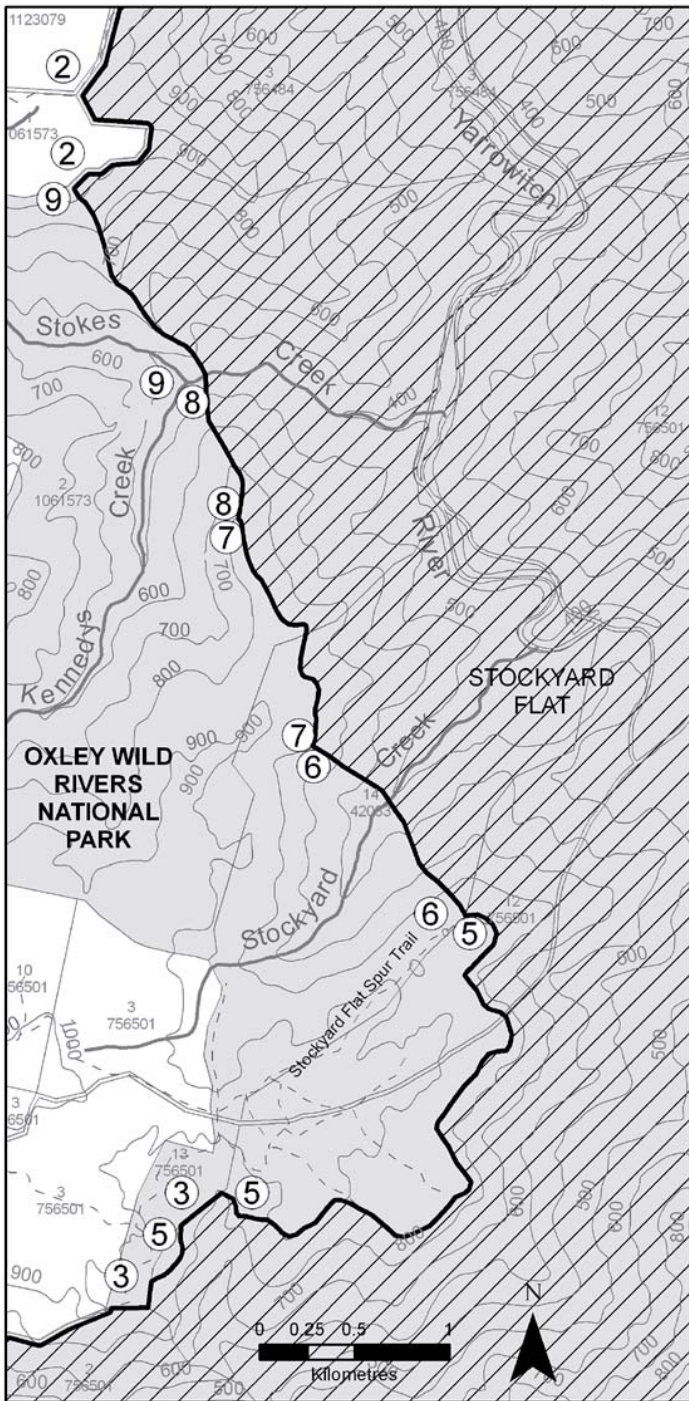
KEY DIAGRAM



4 MACLEAY GORGES WILDERNESS AREA ADDITION









SHEET 2



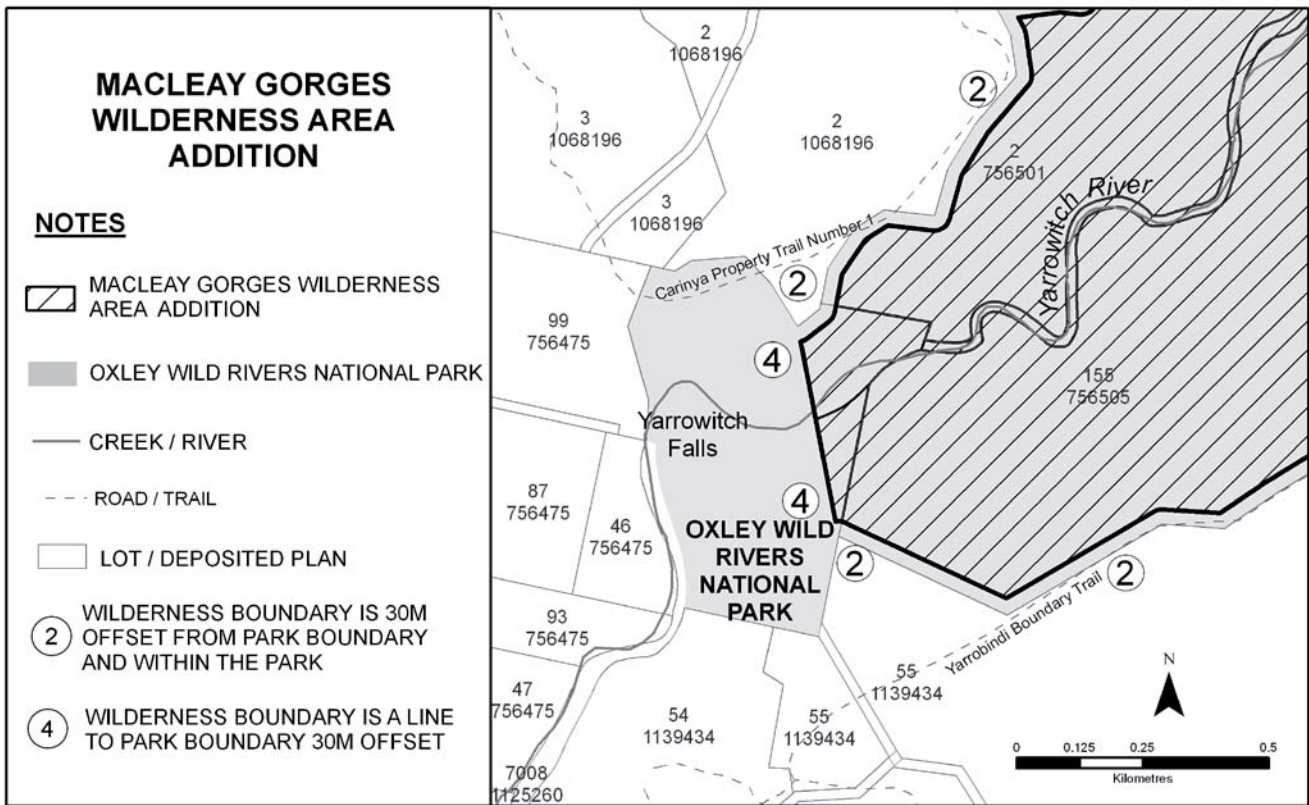
MACLEAY GORGES WILDERNESS AREA ADDITION

NOTES

-  MACLEAY GORGES WILDERNESS AREA ADDITION
-  OXLEY WILD RIVERS NATIONAL PARK
-  CREEK / RIVER
-  ROAD / TRAIL
-  800 CONTOUR
-  LOT / DEPOSITED PLAN

- ② WILDERNESS BOUNDARY IS 30M OFFSET FROM PARK BOUNDARY AND WITHIN THE PARK
- ③ WILDERNESS BOUNDARY IS EXISTING CADASTRE
- ⑤ WILDERNESS BOUNDARY IS TOP OF ESCARPMENT
- ⑥ WILDERNESS BOUNDARY IS STOCKYARD CREEK GORGE
- ⑦ WILDERNESS BOUNDARY FOLLOWS 800m CONTOUR
- ⑧ WILDERNESS BOUNDARY FOLLOWS RIDGELINE TO POINT ON STOKES CREEK 120m DOWNSTREAM OF THE INTERSECTION OF KENNEDYS & STOKES CREEKS
- ⑨ WILDERNESS BOUNDARY FOLLOWS RIDGELINE TO PARK BOUNDARY 30m OFFSET

SHEET 3



WILDERNESS ACT 1987

Addition to Kanangra-Boyd Wilderness Area

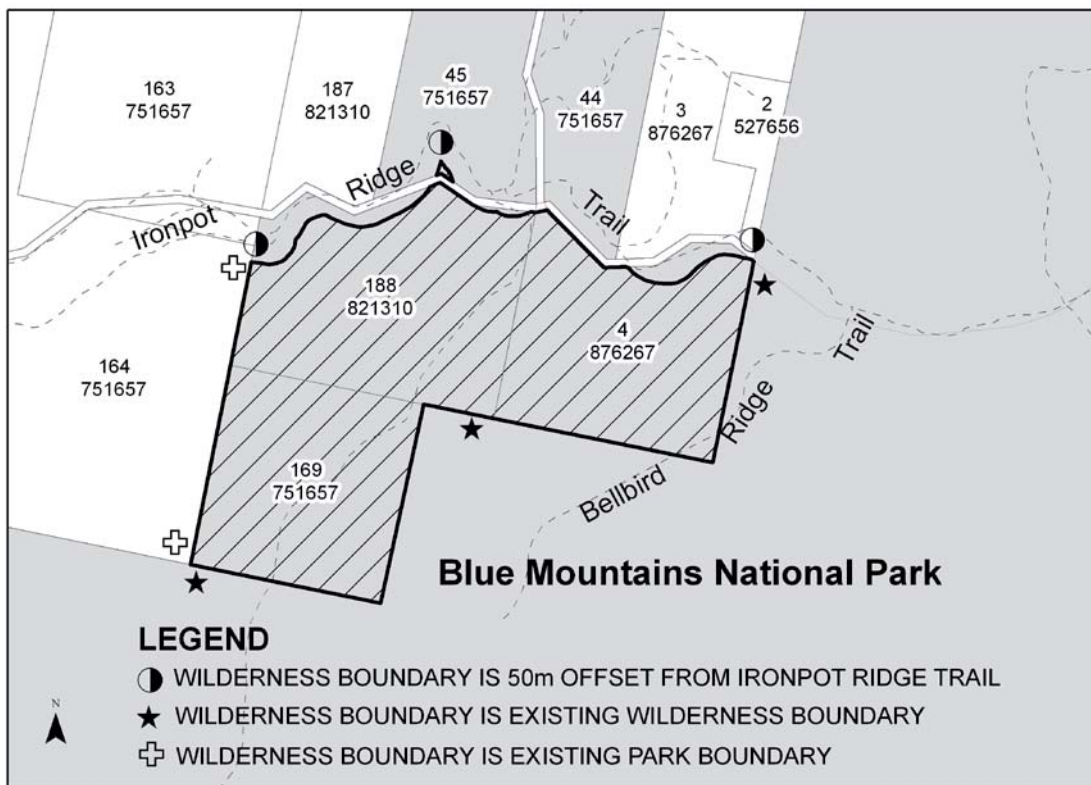
I, FRANK SARTOR, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in Schedule 1 hereunder, within Blue Mountains National Park, as part of the **Kanangra-Boyd Wilderness**, under the provisions of Section 8 (1A) of the *Wilderness Act 1987*.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE 1

LGA – Blue Mountains

County Cook, Parish Megalong, being about 80 hectares and shown by hatching in diagram following



WILDERNESS ACT 1987

Addition to Washpool Wilderness Area

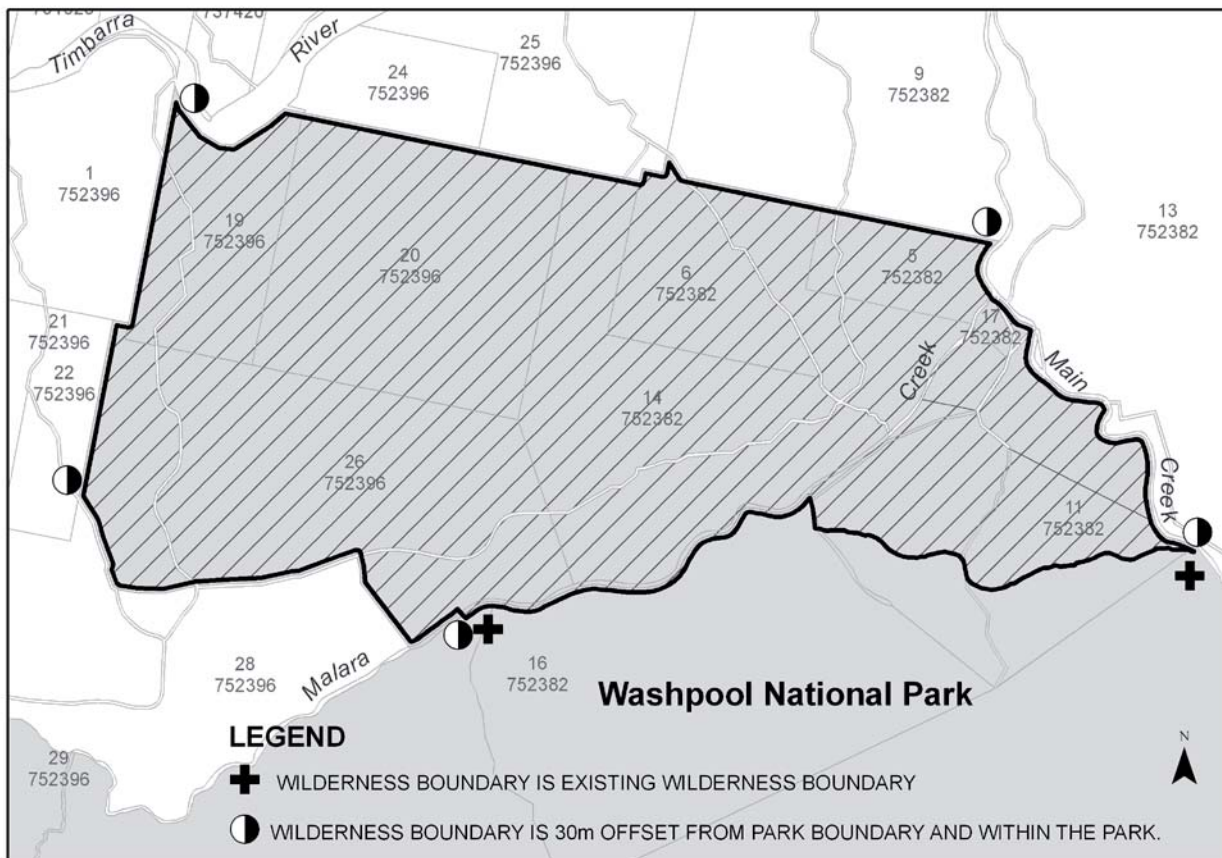
I, FRANK SARTOR, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in Schedule 1 hereunder, within Washpool National Park, as part of the **Washpool Wilderness**, under the provisions of Section 8 (1A) of the *Wilderness Act 1987*.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE 1

LGA – Tenterfield

County Drake, Parishes Sistova and Malara, being about 1654 hectares and shown by the hatching in the diagram following.



WILDERNESS ACT 1987**Additions to Wollemi Wilderness Area**

I, FRANK SARTOR, M.P., Minister for Climate Change and the Environment in the State of New South Wales, declare the land described in Schedules 1 & 2 hereunder, within Wollemi National Park, as part of the **Wollemi Wilderness**, under the provisions of Section 8 (1A) of the *Wilderness Act 1987*.

FRANK SARTOR, M.P.,
Minister for Climate Change and the Environment

SCHEDULE 1

LGA – Mid-Western Regional

County Phillip, Parish Simpson, 15.82 hectares being Lot 56 DP 755449.

SCHEDULE 2

LGA – Mid-Western Regional

County Phillip, Parish Widden, 16.59 hectares being Lot 43 DP 755452, excluding the Crown Public Road within Lot 43.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BLACKTOWN CITY COUNCIL

Recycling Materials Collection & Processing

Request for Tender No: C25-2010

BLACKTOWN CITY COUNCIL invites tenders for a contract to provide recycling collection and processing for the Blacktown Local Government Area. Council is not bound to accept any or the lowest tender.

Documentation: Prospective tenderers can either download the documents from www.tenders.nsw.gov.au/wsroc or pick them up from Council at the front counter on the ground floor of Blacktown City Council Administration Centre, 62 Flushcombe Road, Blacktown 2148.

Information: Please direct any enquires to the Coordinator Sustainable Resources Ms Nicole Greenwood on 9839 6279 or email to nicole.greenwood@blacktown.nsw.gov.au.

Deadline: Tenders close on Wednesday 12 January 2011 at 12noon.

Lodgement: Tenders need to be lodged by hand in Council's Tender Box on ground floor of Blacktown City Council's Administration Centre or in a sealed envelope marked clearly with "Contract No C25-2010"

Non Mandatory Tender Briefing: A non mandatory tender briefing will be held on 8 December 2010 in the Committee Room 3 at Council Administration Centre, 9.30am – 11am.

Canvassing of any Council members or officers will disqualify tenderers from the tender process.

[5581]

DENILIQVIN COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

DENILIQVIN COUNCIL declares with the approval of Her Excellency the Governor that the land described in the Schedule below, excluding any mines or deposits of minerals in the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for a sewerage pump station. Dated at Deniliquin, this 11th day of August 2010. G. J. HALEY, General Manager, Deniliquin Council, PO Box 270, Deniliquin NSW 2710.

SCHEDULE

Lot 4641 DP1145851

[5582]

CESSNOCK CITY COUNCIL

Roads Act 1993 Section 162

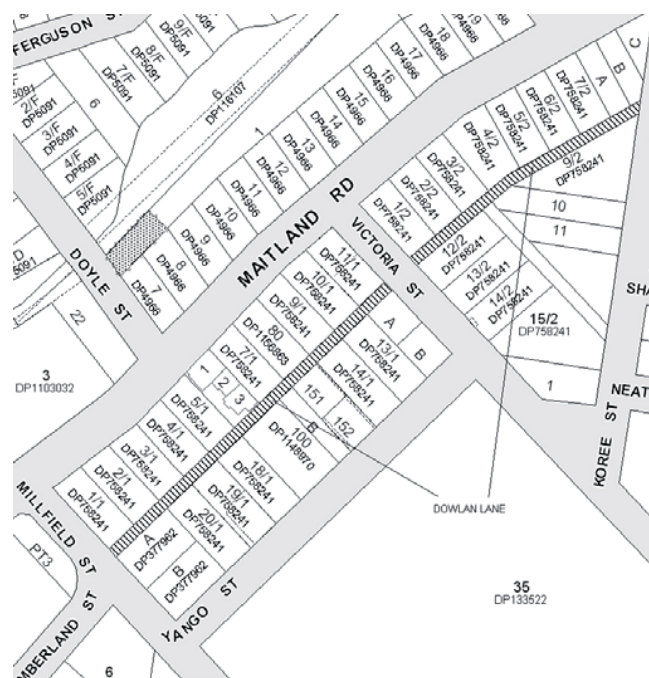
Roads Regulation 2008

Naming of Public Roads

NOTICE is hereby given that Cessnock City Council, in pursuance of section 162 of the Roads Act 1993 and the Roads Regulation 2008 has named the road described hereunder:

Description	Name
Lane between Millfield Street and Koree Street, Cessnock.	Dowlan Lane

L. J. ROSSER, General Manager, Cessnock City Council, PO Box 152, CESSNOCK 2325.



[5583]

LAKE MACQUARIE CITY COUNCIL

Naming of Private Road

NOTICE is hereby given that Council has approved the naming of the private road shown below:

Location	Name
Subdivision of Lot 2077 DP 1002743 & Lot 2085 DP 1075419 Warners Bay Road Mount Hutton	Korokaa Terrace

Origin of name: Aboriginal - meaning 'hidden plateau'

BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Main Centre, NSW 2310

[5584]

LISMORE CITY COUNCIL

Erratum

Roads Act 1993, Section 162, Naming of Public Road

IN the notice published in the New South Wales Government Gazette of 22 October 2010, No. 122, the Location/Description information was in error and is corrected as follows:

<i>Location/Description</i>	<i>New Road Name</i>
Road running north, off Lomandra Avenue, Caniaba	Melaleuca Court

PAUL G. O'SULLIVAN, General Manager, Lismore City Council, PO Box 23A, Lismore NSW 2480. [5585]

LIVERPOOL CITY COUNCIL

Roads Act 1993

Naming of Public Roads

NOTICE is hereby given that Liverpool City Council has approved and named the following roads:

Within the Georges Fair Estate of Moorebank

Bakewell
Playford

Within the suburb of Edmondson Park

Drues
Eather
Hartmann
Pickering
Murchison
Monson
Whittle

Authorised by resolution of Council on 18 October 2010.
General Manager, Liverpool City Council, Locked Bag 7064
Liverpool BC NSW 1871, tel.: 9821 9156. [5586]

MAITLAND CITY COUNCIL

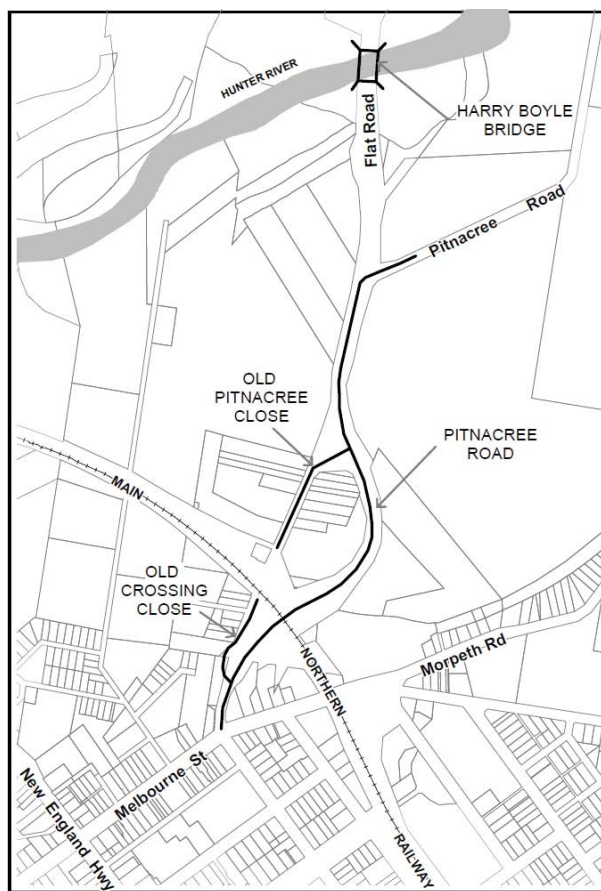
Roads Act 1993

Naming and Renaming of Public Roads

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, has approved the following road names for gazettal:

<i>Location</i>	<i>Road Name</i>
From intersection of Melbourne Street along the newly realigned road over the new rail bridge to its intersection with Flat Road and then along the existing road to its termination at the Hunter River	Pitnacree Road
<i>Old Name and Location</i>	<i>New Road Name</i>
Pitnacree Road – Old section of road south of the rail line to intersection of the new realigned road.	Old Crossing Close
Pitnacree Road – Old section of road north of the rail line through the village to the intersection of the new realigned road.	Old Pitnacree Close

Authorised by resolution of Council on 10 August 2010.
General Manager, Maitland City Council, 285-287 High Street MAITLAND NSW 2320.



[5587]

COMPANY NOTICES

NOTICE of meeting of members. – The Corporations Law and in the matter of PATRULIAN PTY LIMITED, A.C.N. 001 051 814 (In Liquidation). – Notice is hereby given that pursuant to Section 509 of the Corporations Law the Final Meeting of Members of the abovenamed company will be held at the offices of SWL Chartered Accountants, Unit 1, 212 Auburn Street, Goulburn, NSW on the 16th day of December, 2010 at 2.00pm for the purpose of laying before the meeting the liquidator's final account and report and giving any explanation thereof. Dated this 31st day of October, 2010. SIMON W LANHAM, Liquidator, C/- SWL Chartered Accountants, Unit 1, 212 Auburn Street, GOULBURN NSW 2580, tel.: 4822 8880 [5588]

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DENIS H. HELM, Government Printer.