



# *Government Gazette*

of the State of  
New South Wales

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# PARLIAMENT

## ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 29 June 2015

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

Act No 9 — An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of the Government for the year 2015–16. [**Appropriation Bill**]

Act No 10 — An Act to appropriate out of the Consolidated Fund sums for the recurrent services and capital works and services of the Legislature for the year 2015–16. [**Appropriation (Parliament) Bill**]

Act No 11 — An Act to appropriate amounts out of the Consolidated Fund for the year 2013–14 for the purpose of giving effect to certain Budget variations required by the exigencies of Government. [**Appropriation (Budget Variations) Bill**]

Act No 12 — An Act to amend the *Fair Trading Act 1987* in relation to consumer claims; to provide for the repeal of the *Consumer Claims Act 1998*, the *Fitness Services (Pre-paid Fees) Act 2000*, the *HomeFund Commissioner Act 1993* and the *Landlord and Tenant Act 1899*; and for other purposes. [**Fair Trading Legislation (Repeal and Amendment) Bill**]

Act No 13 — An Act to amend the *Crimes Act 1900* with respect to the offence of sexual intercourse with a child under 10 years of age and to amend the *Crimes (Sentencing Procedure) Act 1999* to set standard non-parole periods for certain child sex offences. [**Crimes Legislation Amendment (Child Sex Offences) Bill**]

Act No 14 — An Act to establish a small business grants scheme to assist in the creation of new jobs. [**Small Business Grants (Employment Incentive) Bill**]

Act No 15 — An Act to repeal certain Acts and instruments and to amend certain other Acts and instruments in various respects and for the purpose of effecting statute law revision; and to make certain savings. [**Statute Law (Miscellaneous Provisions) Bill**]

RONDA MILLER

Clerk of the Legislative Assembly

## ACT OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney 30 June 2015

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

Act No 16 — An Act to amend the *Public Health (Tobacco) Act 2008* to regulate the sale, packaging, advertising and display of e-cigarettes and to prohibit the sale of e-cigarettes and e-cigarette accessories to persons who are under the age of 18 years; and for related purposes. [**Public Health (Tobacco) Amendment (E-cigarettes) Bill**]

RONDA MILLER

Clerk of the Legislative Assembly

# GOVERNMENT NOTICES

## Miscellaneous Instruments

### AIR TRANSPORT (DEREGULATED ROUTES) ORDER (NO 2) 2015

I, Andrew Constance, the Minister for Transport and Infrastructure, in pursuance of section 4A (1) of the *Air Transport Act 1964*, make the following Order.

Dated, this 16th day of June 2015.

ANDREW CONSTANCE, MP  
Minister for Transport and Infrastructure

#### Explanatory note

Under section 4A (1) of the *Air Transport Act 1964 (the Act)*, the Minister for Transport and Infrastructure may, by order published in the Gazette, declare specified routes to be deregulated routes for the purposes of the Act. Certain routes were declared to be deregulated routes by an Order made under section 4A (1) of the Act and published in the Gazette on 29 May 2015.

The object of this Order is to declare a further route to be a deregulated route, namely the route between Sydney (Kingsford-Smith) Airport and Cooma. As a consequence, the declaration in the Order published in the Gazette on 29 May 2015 is repealed and re-made in this Order.

#### 1 Name of Order

This Order is the *Air Transport (Deregulated Routes) Order (No 2) 2015*.

#### 2 Commencement

This Order commences on the date of publication in the NSW Government Gazette and continues in force until revoked.

#### 3 Definitions

In this Order:

*the Act* means the *Air Transport Act 1964*.

#### 4 Declaration of deregulated routes

In pursuance of section 4A (1) of the Act, the following routes are declared to be deregulated routes for the purposes of the Act:

- (a) the routes between Sydney (Kingsford-Smith) Airport and each of the following localities, namely, Albury, Armidale, Ballina, Coffs Harbour, Cooma, Dubbo, Griffith, Lismore, Mudgee, Orange, Port Macquarie, Tamworth, Wagga Wagga and Williamtown, and
- (b) any routes that do not begin or end at, or pass through, Sydney (Kingsford-Smith) Airport.

#### 5 Repeal

The Order made in pursuance of section 4A (1) of the Act and published in the Gazette on 29 May 2015 is repealed.

### LOCAL GOVERNMENT ACT 1993

#### PROCLAMATION

DAVID HURLEY, Governor

I, His Excellency General The Honourable David Hurley AC DSC (Ret'd), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 218B of the *Local Government Act 1993*, hereby alter the boundaries of the Area of Cabonne as described by Proclamation in Government Gazette No 34 of 26 February 2010, and the Area of Orange City as described by Proclamation in Government Gazette No 34 of 26 February 2010, by transferring part of the Area of Cabonne described in Schedule A hereto and adding it to the Area of Orange City so that the boundary of the Area of Cabonne and the boundary of the Area of Orange City shall be as described in Schedules B and C hereto.

Signed and sealed at Sydney, this 24th day of June 2015.

By His Excellency's Command,

PAUL TOOLE, MP  
Minister for Local Government

GOD SAVE THE QUEEN!

**Schedule A:  
Areas to be transferred from Cabonne to Orange City**

Area about 1955 square meters: Being Lot 1 DP 1152172

**Schedule B:  
Cabonne (as altered)**

**Area about 6017.448 square kilometres.** Commencing at the confluence of Belubula River and Panuara Rivulet; and bounded thence by that river, a northern branch of the Belubula River and again Belubula River downwards to the north-eastern prolongation of the south-western boundary of Lot 3 DP 4943; by that prolongation, boundary and a line south-westerly to the south-western side of George Russell Drive; by that side of that road and the southern side of Preston Street, Canowindra generally north-westerly, the south-eastern side of Lynn Street south-westerly, the southern side of Orton Street westerly, the western side of Icely Street northerly and the southern side of McNeilly Road westerly to generally eastern boundary of Lot 30 DP 10106; by part of that boundary and the northern boundary of that lot northerly and westerly to the generally eastern boundary of the Cowra-Eugowra Railway land; by part of that boundary generally northerly to Belubula River, aforesaid; by that river downwards to the generally north-eastern prolongation of the north-western boundary of Lot 1 DP 336711; by that prolongation, boundary and its generally south-western prolongation generally south-westerly to the Belubula River, aforesaid; by that river and Lachlan River downwards and Mandagery Creek upwards to the eastern prolongation of the southern boundary of Portion 42, Parish of Waungan, County of Ashburnham; by that prolongation, boundary and western boundary of that portion westerly and northerly, the eastern prolongation of the southernmost northern boundary of Portion 168 and that boundary westerly, the westernmost eastern boundary of that portion, the western boundary of Portion 152, a line, the westernmost eastern boundary of Portion 80, Parish of Eugowra northerly, the northernmost southern boundary of Portion 80 easterly, a line, the south-eastern boundary of Portion 43 north-easterly, the northern boundaries of Portions 169 and 170 and a line easterly, part of the easternmost western boundary of Portion 30 and its prolongation northerly, the western prolongation of the northernmost southern boundary of that portion and that boundary easterly, the southern prolongation of the western boundary of Portion 44 and that boundary northerly, the generally western boundaries of Portions 116 and 115 generally northerly, the western boundary of Portion 113 northerly, the western and northern boundaries of Portion 112 northerly and easterly, a line and the northern boundary of Portion 110 and its prolongation easterly to Mandagery Creek, aforesaid; by that creek upwards to the eastern prolongation of the northern boundary of Portion 77, Parish of Moura; by that prolongation and part of that boundary westerly, the eastern boundaries of Portions 107 and 109 northerly, the eastern and northern boundaries of Portion 91 and its prolongation northerly and westerly to Waterhole Creek; by that creek upwards to the generally southern boundary of Portion 147, Parish of Terarra; by part of that boundary, the western and part of the generally northern boundary of that portion generally westerly, northerly and generally easterly to Waterhole Creek, aforesaid; by that creek upwards to Crokers Range; by that range, Curumbenya and Herveys Ranges generally northerly to the generally north-western boundary of Portion 12, Parish of Belmore, County of Gordon; by part of that boundary and its prolongation generally north-easterly to the road forming the generally south-western boundary of Portion 17, Parish of Gullengambel; by that road generally south-easterly to the south-western prolongation of the north-western boundary of Portion 5; by that prolongation, boundary, the north-eastern boundary of that portion, a line, the north-eastern boundary of Portion 12, Parish of Draway and its prolongation north-easterly and south-easterly to Little River; by that river downwards, Buckinbah Creek and Loombah Creek upwards to the northern prolongation of the western boundary of Part Portion 109, Parish of Burrawong, County of Gordon; by that prolongation, boundary, the generally southern, the eastern boundaries of that portion and its prolongation southerly, generally easterly and northerly to again Loombah Creek; by that creek and Googodery Creek upwards to the generally northern boundary of the Parish of Eurimbula, County of Gordon; by that boundary generally easterly to Native Dog Creek; by that creek and Bell River downwards and Weandre Creek upwards to the generally northern boundary of the Parish of Boomey, County of Wellington; by part of that boundary and the generally eastern boundary of that parish generally easterly and generally southerly to Kerrs Creek; by that creek upwards to the western prolongation of the generally southern boundary of Portion 120, Parish of Warne; by that prolongation, boundary and the north-eastern boundary of that portion generally easterly and north-westerly to Curragurra Creek; by that creek downwards to the western prolongation of the northern boundary of Portion 30, Parish of Trudgett; by that prolongation and boundary easterly, the generally north-eastern boundary of that parish generally south-easterly, the western and southern boundaries of Portion 105, Parish of Coolamin southerly and easterly, a line 815 metres easterly and a line northerly to Sawyers Creek; by that creek and Boshes Creek downwards and Macquarie River upwards to the northern prolongation of the generally eastern boundary of Portion 25, Parish of Aberfoil, County of Bathurst; by that prolongation, boundary and the generally eastern boundaries of Portions 26 and 30 generally southerly, part of the generally eastern boundary of the Parish of Lennock generally southerly to Lucky Swamp Creek; by that creek upwards to the generally south-western boundary of Portion 84, Parish of Fremantle; by part of that boundary, the generally south-western boundaries of Lot 2 DP 706744, Portion 79, Parish of Byng generally south-easterly, the western prolongation of the southern boundary of Portion 79 westerly, the generally south-eastern boundaries of Portion 64, Lots 1 & 3 DP 508253 generally south-westerly, part of the northern boundary and the eastern boundary of Portion Pt. 94 easterly and southerly, the eastern boundary of Portion Pt. 96 southerly, the eastern and part of the southern boundaries of Portion 105, Parish of Colville southerly and westerly, the eastern boundary of Portion 180 and its prolongation southerly to the road forming the northern boundary of Portion 136; by that road westerly to the eastern boundary of Portion 128; by that boundary southerly, a line south-easterly, the eastern boundaries of Portions 135 and 96 southerly, part of the northern boundary of Portion 91 and the northern boundaries of Portions 88 and 89, a line, the northern boundary of Portion 132 and its prolongation easterly to Mitchell Highway; by that highway generally easterly to the northern prolongation of the western boundary of Portion 41, Parish of Vittoria; by that prolongation and boundary southerly, a line, the western and part of the southern boundaries of Portion 45 southerly and easterly, the western and the southern boundaries of Portion 141 and part of the southern boundary

of Portion 129 southerly and easterly, the generally southern boundary of Portion 161, a line, the generally southern boundary of Portion 164 generally easterly, a line, the generally south-western boundary of Portion 163 generally south-easterly, the generally northern boundary of the Parish of Torrens and part of the generally northern boundary of the Parish of Graham generally westerly, the western boundary of Portion 123, Parish of Colville, northerly, a line north-westerly, the eastern boundary of Pt. Lot 1 DP 508090 and its prolongation northerly, part of the generally south-western boundaries of Portions 113 and 171 generally north-westerly, part of the generally western boundary of the Parish of Colville generally northerly, the southern boundaries of Portions 28 and 27, Parish of Shadforth, westerly, the southern and western boundaries of Portion 26A westerly and northerly, the western boundary of Portion Pt. 20A northerly, the western and part of the northern boundaries of Lot 6 DP 544326 northerly and easterly, a line northerly, the eastern and northern boundaries of Lot 3 DP 222354 northerly and westerly, a line, part of the eastern and part of the southernmost northern boundaries of Lot Pt. 2 DP 222354 northerly and westerly, the eastern boundary of Lot 1 DP 222354, a line, the eastern boundary of Pt. DP 75007 northerly, the eastern and northern boundaries of Portion 157 northerly and westerly, part of the eastern boundary and the northern boundary of Portion 227 northerly and westerly, a line, the northern boundaries of Portions 223 and 224 westerly, a line northerly, the eastern and northern boundaries of Lot 304 DP 700847 northerly and westerly, the western boundary of Lot A DP 164513 northerly, the western and part of the northern boundaries of Portion Pt. 35, Parish of Anson northerly and westerly, the western and northern boundaries of Portion 46 northerly and westerly, the northern boundary of Portion 45 and a line westerly, part of the generally western boundary of the Parish of Anson generally northerly, the western boundaries of Portion Pt. 4 and Lot 4 DP 246204 northerly, the southern boundaries of Portions 26, 27 and 28 westerly, the eastern and part of the northern boundaries of DP 165142 northerly and westerly, the western boundary of Pt. DP 158029 northerly, the western prolongation of the northern boundary of the last mentioned DP westerly, the southern prolongation of the western boundary of Lot 2 DP 710555, that boundary, a line, the western boundaries of Lot 71 DP 750372 and Lots 10 and 9 DP 243046 northerly, part of the northern boundary of Lot 9 DP 243046 easterly, the generally south-western boundaries of Lots 3 and 4 DP 603959 generally north-westerly, the generally south-eastern and southern boundaries of Lot 1 DP 228673 and the southern boundary of Lot 2 DP 228673 and its prolongation generally south-westerly and westerly to Summer Hill Creek; by that creek downwards to the eastern prolongation of the northern boundary of Lot Pt. 27 DP 6694; by that prolongation, boundary and the northern boundary of Lot Pt. 2 DP 525715 westerly, a line north-westerly, the southern boundaries of Lots 23, 22 and 21 DP 525859 westerly, the generally southern boundary of Portion 133, Parish of March, County of Wellington generally westerly, a line, the southern boundary of Lot 1 DP 954632, a line, the southern boundary of Lot 1 DP 558855 westerly, part of the generally western and generally southern boundaries of Portion Pt. 95 generally southerly and generally westerly, the southern boundary of Portion 108 westerly, a line, part of the western boundary and the generally southern boundary of Lot 21 DP 603961 southerly and generally westerly, the southern boundary of Lot 20 DP 603961 and its prolongation westerly, the generally eastern boundaries of Portions Pt. 52 and 66, a line, Lot 437 DP 629739 generally southerly, the generally eastern and southern boundaries of Portion 55 generally southerly and westerly, the southern boundaries of Portions 176, a line, and 174 westerly, a line southerly, part of the northern boundary of Portion 151 westerly, part of the eastern boundary and the southern boundary of Portion 171 southerly and westerly, the southern boundary of Portion 82 and its prolongation westerly, part of the eastern boundary of Portion 92 and the eastern and generally northern (and its prolongation) boundaries of Pt. Portion 42 northerly and generally westerly to Bell River; by that river downwards to the eastern prolongation of the northern boundary of Portion Pt. 122, Parish of Boreenore; by that prolongation, boundary and its prolongation westerly to the generally south-western side of Mitchell Highway, aforesaid; by that side of that highway generally south-easterly to the eastern prolongation of the southern boundary of Lot 1 DP 263958; by that prolongation and boundary westerly, the northern prolongation of the western boundary of Lot 1 DP 605784, that boundary and part of the southern boundary of that DP southerly and easterly, the western boundaries of Lots 10 and 9 DP 559033, a line, the western boundary of Portion 242 southerly, part of the northern boundary and the western boundary of Portion 120 westerly and southerly, the western boundary of Portion 117 southerly, part of the northern boundary of Portion Pt. 28 westerly, the eastern boundary of Lot 11 DP 235494 southerly, part of the generally southern boundary of Lot 1 DP 190213 generally easterly, the northern prolongation of the eastern boundary of DP 367997, boundary, the eastern boundary of Lot 2 DP 253644 and its prolongation southerly, the generally northern boundary and the eastern boundary of Lot 4 DP 253644 and its prolongation generally easterly and southerly, part of the northern boundary of Portion Pt. 71, the northern boundary of Portion 69, a line, the northern boundary of Lot 1 DP 368801 easterly, the eastern boundaries of that lot, DP 539077, Portion Pt. 26, a line, Lots 1, 6 and 2 DP 229687, a line, Portions 8 and 32, Lot 51 DP 599333, Portion 35, a line, Portions 36, Pt. 37, Pt. 44 and Pt. 45 and their prolongation southerly, part of the northern boundary and the western boundary of Portion 34 westerly and southerly, the western boundary of Portion 91 and part of the western boundary of DP 170259 southerly, the northern and western boundaries of Lot 2 DP 216954 westerly and southerly, part of the northern and part of the western boundaries of DP 314697 westerly and southerly, the generally eastern boundary of Lot 3 DP 634340 generally southerly, the eastern boundary of Lot 2 DP 543928 southerly, part of the northern boundary of DP 370150 easterly, a line easterly, the generally north-eastern, the eastern and part of the generally southern boundaries of Lot 21 DP 594677 generally south-easterly, southerly and generally westerly, the eastern boundaries of Portions 158 and 120, Parish of Towac southerly, the western and part of the southern boundaries of Portion 146 southerly and westerly, the northern and part of the western boundaries of Portion 171, Parish of Waldegrave, County of Bathurst westerly and generally southerly, part of the generally north-western boundary of Portion 265 generally south-westerly, the northern prolongation of the western boundary of Portion 161 and boundary southerly, the northern and part of the eastern boundaries of Portion 140 easterly and southerly, the northern boundaries of Portions 237, 130 and Pt. 235 easterly, part of the generally western, the northern and the eastern boundaries of Portion 289 generally northerly, easterly and southerly, the southern boundary of Portion 279, Parish of Beneree easterly, to the north western corner of Lot 1 DP 1152172, by that boundary, south easterly to Flyers Creek; by that creek downwards to the southern prolongation of the eastern boundary of Portion 6; by that prolongation and part of that boundary northerly, the northern boundary of Portion 73, Parish of Waldegrave and a line easterly, the generally northern boundary of Portion 72 generally easterly, the northern boundaries of Portion 107, Parish

of Beneree, Lot 16 DP 237176 and its prolongation easterly, part of the generally western and south-western boundaries of Portion 286 generally southerly and north-easterly, the generally southern boundary of Portion Pt. 132 generally easterly, a line, the southern boundaries of Portion Pt. 52, DP 386446, DP 377665, again Portion Pt. 52, DP 388776, Lot B DP 361330, a line, Portions 121, and 122 Parish of Huntley, a line, Lot 1 DP 578105, Portions 239 and 238, again Lot 1 DP 578105 easterly, the generally south-eastern boundary of that lot generally north-easterly, a line south-easterly, the generally north-eastern boundary of Lot 2 DP 578105 generally south-easterly, a line south-easterly, part of the northern boundary of Portion Pt. 103 easterly, the north-western boundaries of Portions 172, 171, 116, 266, a line, north-easterly, the generally north-western boundaries of Lot 1 DP 101779, DP 101781, and their prolongation generally north-easterly, the north-western boundaries of Portions 201, 184, a line, 213, 214, 215, 216, a line, Pt. 217, Pt.218, Pt. 219, 220 and their prolongation north-easterly, the northern boundary of Portion 39 and its prolongation easterly, the northern and eastern boundaries of Portion 46 easterly and southerly, the eastern boundaries of Portions 45, 44 and 43 southerly, a line south-easterly, the northern boundaries of Lots 1 and 2 DP 804164 and their prolongation easterly, the generally south-western boundary of the Main Western Railway land generally south-easterly, part of the generally northern boundaries of the Parishes of Graham and Beneree generally westerly, the generally southern boundary of Portion Pt. 140, Parish of Huntley and its prolongation generally westerly to Black Springs Creek; by that creek downwards to the southern prolongation of the west most eastern boundary of Lot 1 DP 874336, Parish of Waldegrave, County of Bathurst; by that boundary generally northerly and south-westerly, to Black Springs Creek, aforesaid; by that creek and Flyers Creek, aforesaid, downwards to the eastern prolongation of the northern boundary of Lot 1 DP 776655; by that prolongation, boundary, the northern boundaries of Lot 2 DP 776655, Portion 41, Parish of Waldegrave, a line, the southern boundary of Lot 41 DP 705768 westerly, the generally southern boundary of Lot 19 DP 234195 generally westerly, the southern boundary of Lot 20 DP 234195 and its prolongation westerly to Cadianguullong Creek; by that creek upwards to the eastern prolongation of the northern boundary of Portion 153, Parish of Clarendon; by that prolongation, boundary, part of the western boundary of that portion westerly and southerly, the generally northern boundaries of Portions 68, 67 and 31 and its prolongation generally westerly to Panuara Rivulet, aforesaid; and by that rivulet downwards to the point of commencement.

**Schedule C:  
Orange City (as altered)**

**Area about 285.892 sq. kilometres.** Commencing at the junction of Flyers Creek and the southern prolongation of the eastern boundary of Portion 6, Parish of Beneree, County of Bathurst: and bounded thence by that prolongation and part of that boundary northerly, the northern boundary of Portion 73, Parish of Waldegrove and a line easterly, the generally northern boundary of Portion 72 generally easterly, the northern boundaries of Portion 107, Parish of Beneree, Lot 16 DP 237176 and its prolongation easterly, part of the generally western and south-western boundaries of Portion 286 generally southerly and north-easterly, the generally southern boundary of Lot 1 DP 738175 generally easterly, a line, the southern boundaries of Lot 2 DP 738175, DP 386446, DP 377665, again Lot 2 DP 738175, DP 388776, Lot B DP 361330, a line, Portion 121 Parish of Huntley, Lot 1 DP 193899 and Portion 122, a line, Lot 1 DP 578105, Portions 239 and 238, again Lot 1 DP 578105 easterly, the generally south-eastern boundary of that lot generally north-easterly, a line south-easterly, the generally north-eastern boundary of Lot 2 DP 578105 generally south-easterly, a line south-easterly, part of the northern boundary of Portion Pt. 103 easterly, the north-western boundaries of Portions 172, 171, 116, 266, a line, north-easterly, the generally north-western boundaries of Lot 1 DP 101779, DP 101781, and their prolongation generally north-easterly, the north-western boundaries of Portions 201, 184, a line, 213, 214, 215, 216, a line, 217, 218, 219, 220 and their prolongation north-easterly, the northern boundary of Portion 39, and its prolongation easterly, the northern and eastern boundaries of Portion 46 easterly and southerly, the eastern boundaries of Portions 45, 44 and 43 southerly, a line south-easterly, the northern boundaries of Lots 1 and 2 DP 804164 and their prolongation easterly, the generally south-western boundary of the Main Western Railway land generally south-easterly, part of the generally northern boundary of the Parish of Graham generally easterly, the western boundary of Portion Pt. 153, Parish of Shadforth northerly, part of the western boundary of Portion 154 northerly, part of the south-western boundary of Lot 2 DP 251991, Lot 4 DP 630717, again part of the south-western boundary of Lot 2 DP 251991 north-westerly, the generally south-western boundary of Portion Pt. 62 and its prolongation generally north-westerly, the southern boundaries of Portions 69 and 159 easterly, the generally southern boundary of Portion 222 generally easterly, the south-western boundary of Portion 181 south-easterly, part of the generally western boundary of the Parish of Colville generally northerly, the southern boundaries of Portions 28 and 27, Parish of Shadforth, westerly, the southern and western boundaries of Portion 26A westerly and northerly, the western boundary of Portion Pt. 20A northerly, the western and part of the northern boundaries of Lot 6 DP 544326 northerly and easterly, a line northerly, the eastern and northern boundaries of Lot 3 DP 222354 northerly and westerly, a line, part of the eastern and part of the southernmost northern boundaries of Lot Pt. 2 DP 222354 northerly and westerly, the eastern boundary of Lot 1 DP 744765, a line, the eastern boundary of Pt. DP 75007 northerly, the eastern and northern boundaries of Portion 157 northerly and westerly, part of the eastern boundary and the northern boundary of Portion 227 northerly and westerly, a line, the northern boundaries of Portions 224 and 223 westerly, a line northerly, the eastern and northern boundaries of Lot 304 DP 700847 northerly and westerly, the western boundary of Lot A DP 164513 northerly, the western and part of the generally northern boundaries of Lot 2 DP 811038, northerly and generally westerly, a line westerly, part of the generally western boundary of the Parish of Anson generally northerly, the western boundaries of Portion Pt. 4, Parish of Anson, Lot 8 DP 559212, again Portion Pt. 4 and Lot 4 DP 246204 northerly, the generally south-western boundary of Lot 23 DP 804866 generally north-westerly, the southern boundaries of Portions 27 and 28 westerly, the eastern and part of the northern boundaries of Lot 10 DP 165142 northerly and westerly, the western boundary of Lot 1 DP 742850 northerly, part of the southern boundary of Lot 680 DP 788708 westerly, the eastern boundary of Lot 6 DP 778583 northerly, the western boundary of Lot 22 DP 775099, a line, the western boundaries of Lot 71 DP 750372 and Lots 10 and 9 DP 243046 northerly, part of the northern boundary of Lot 9 DP 243046 easterly, the generally south-western boundaries of Lots 3 and 4 DP 603959 generally north-westerly, the generally south-eastern and southern boundaries of Lot 1 DP 228673 and the southern boundary

of Lot 2 DP 228673 and its prolongation generally south-westerly and westerly to Summer Hill Creek; by that creek downwards to the eastern prolongation of the northern boundary of Lot Pt. 27, DP 6694; by that prolongation, boundary and the northern boundary of Lot Pt. 2, DP 525715 westerly, a line north-westerly, the southern boundaries of Lots 23, 22 and 21 DP 525859 westerly, the generally southern boundary of Portion 133, Parish of March, County of Wellington generally westerly, a line, the southern boundary of Lot 1 DP 954632, a line, the southern boundary of Lot 1 DP 558855 westerly, part of the generally western and generally southern boundaries of Portion Pt. 95 generally southerly and generally westerly, the southern boundary of Portion 108 westerly, a line, part of the western boundary and the generally southern boundary of Lot 21 DP 603961 southerly and generally westerly, the southern boundary of Lot 20 DP 603961 and its prolongation westerly, the generally eastern boundaries of Portions Pt. 52 and 66, a line, Lot 437 DP 629739 generally southerly, the generally eastern and southern boundaries of Portion 55 generally southerly and westerly, the southern boundaries of Portions 176, a line, and 174 westerly, a line southerly, part of the northern boundary of Portion 151 westerly, part of the eastern boundary and the southern boundary of Portion 171 southerly and westerly, the southern boundary of Portion 82 and its prolongation westerly, part of the eastern boundary of Portion 92 and the eastern and generally northern (and its prolongation) boundaries of Pt. Portion 42 northerly and generally westerly to Bell River; by that river downwards to the eastern prolongation of the northern boundary of Portion Pt. 122, Parish of Boreenore; by that prolongation, boundary and its prolongation westerly to the generally south-western side of Mitchell Highway, aforesaid; by that side of that highway generally south-easterly to the eastern prolongation of the southern boundary of Lot 1 DP 263958; by that prolongation and boundary westerly, the northern prolongation of the western boundary of Lot 1 DP 605784, that boundary and part of the southern boundary of that DP southerly and easterly, the western boundaries of Lots 10 and 9 DP 559033, a line, the western boundary of Portion 242 southerly, part of the northern boundary and the western boundary of Portion 120 westerly and southerly, the western boundary of Portion 117 southerly, part of the northern boundary of Portion Pt. 28 westerly, the eastern boundary of Lot 11 DP 235494 southerly, part of the generally southern boundary of Lot 1 DP 190213 generally easterly, the northern prolongation of the eastern boundary of DP 367997, boundary, the eastern boundary of Lot 2 DP 253644 and its prolongation southerly, the generally northern boundary and the eastern boundary of Lot 4 DP 253644 and its prolongation generally easterly and southerly, part of the northern boundary of Portion Pt. 71, the northern boundary of Portion 69, a line, the northern boundary of Lot 1 DP 368801 easterly, the eastern boundaries of that lot, DP 539077, Portion Pt. 26, a line, Lots 1, 6 and 2 DP 229687, a line, Portions 8 and 32, Lot 51 DP 599333, Portion 35, a line, Portions 36, Pt. 37, Pt. 44 and Pt. 45 and their prolongation southerly, part of the northern boundary and the western boundary of Portion 34 westerly and southerly, the western boundary of Portion 91 and part of the western boundary of DP 170259 southerly, the northern and western boundaries of Lot 2 DP 216954 westerly and southerly, part of the northern and part of the western boundaries of DP 314697 westerly and southerly, the generally eastern boundary of Lot 3 DP 634340 generally southerly, the eastern boundary of Lot 2 DP 543928 southerly, part of the northern boundary of DP 370150 easterly, a line easterly, the generally north-eastern, the eastern and part of the generally southern boundaries of Lot 21 DP 594677 generally south-easterly, southerly and generally westerly, the eastern boundaries of Portions 158 and 120, Parish of Towac southerly, the western and part of the southern boundaries of Portion 146 southerly and westerly, the northern and part of the western boundaries of Portion 171, Parish of Waldegrave, County of Bathurst westerly and generally southerly, part of the generally north-western boundary of Portion 265 generally south-westerly, the northern prolongation of the western boundary of Portion 161 and boundary southerly, the northern and part of the eastern boundaries of Portion 140 easterly and southerly, the northern boundaries of Portions 237, 130 and Pt. 235 easterly, part of the generally western, the northern and the eastern boundaries of Portion 289 generally northerly, easterly and southerly, the southern boundary of Portion 279, Parish of Beneree easterly, to the north western corner of Lot 1 DP 1152172, by that boundary, south easterly to Flyers Creek; aforesaid, and by that creek downwards to the point of commencement.

## Appointments

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### CONSTITUTION ACT 1902

Ministerial Arrangements for the  
Minister for Roads, Maritime and Freight

Pursuant to section 36 of the *Constitution Act 1902*, His Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable A J Constance MP to act for and on behalf of the Minister for Roads, Maritime and Freight for the period from 5 July to 14 July 2015.

Date: 1 July 2015

MIKE BAIRD, MP  
Premier

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### CONSTITUTION ACT 1902

Ministerial Arrangements for the Minister for Mental Health, Minister for Medical Research, Assistant Minister for Health, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault

Pursuant to section 36 of the *Constitution Act 1902*, His Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J G Skinner MP to act for and on behalf of the Minister for Mental Health, Minister for Medical Research, Assistant Minister for Health, Minister for Women, and Minister for the Prevention of Domestic Violence and Sexual Assault for the period from 4 July to 13 July, inclusive.

Date: 1 July 2015

MIKE BAIRD, MP  
Premier

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### CONSTITUTION ACT 1902

Ministerial Arrangements for the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Minister for Education

Pursuant to section 36 of the *Constitution Act 1902*, His Excellency the Governor, with the advice of the Executive Council, has authorised The Honourable A Piccoli MP, Minister for Education be authorised under section 36 of the *Constitution Act 1902* to act for and on behalf of the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, for the period from 9 July to 15 July 2015; and The Honourable T W Grant MP, the Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing be authorised under section 36 of the *Constitution Act 1902* to act for and on behalf of the Minister for Early Childhood Education, Minister for Aboriginal Affairs, and Assistant Minister for Education, for the period from 16 July to 22 July 2015.

Date: 1 July 2015

MIKE BAIRD, MP  
Premier

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### CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

State Parole Authority

Re-appointment of Community Member

His Excellency the Governor, with the advice of the Executive Council and pursuant to the provisions of the *Crimes (Administration of Sentences) Act 1999*, has re-appointed Mr Lloyd WALKER as a community member of the State Parole Authority for a period of three (3) years on and from 24 June 2015.

DAVID ELLIOTT, MP  
Minister for Corrections



## Planning and Environment Notices

### CONTAMINATED LAND MANAGEMENT ACT 1997

I, Niall Johnston, Manager Contaminated Sites, in accordance with section 105 (2) (c) of the *Contaminated Land Management Act 1997*, publish the document “*Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 (July 2015)*”. These Guidelines take effect upon publication in the *Government Gazette*. These Guidelines revoke the document entitled “*Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997*” published by the NSW Department of Environment and Climate Change in the *Government Gazette* on 1 July 2009.

NIALL JOHNSTON  
Manager  
Contaminated Sites  
NSW Environment Protection Authority



## **Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997***

[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

### Limitations

These guidelines should be used in conjunction with other relevant guidelines made or approved by the NSW Environment Protection Authority under section 105 of the *Contaminated Land Management Act 1997* when assessing and managing contaminated land.

These guidelines do not include occupational health and safety procedures and WorkCover NSW should be consulted on these. Appropriate action must be taken to manage any potential hazard and adequately protect the health of any workers on, or occupiers of, the site.

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Sydney South NSW 1232

### Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)

See also [www.epa.nsw.gov.au/pollution](http://www.epa.nsw.gov.au/pollution)

Phone: +61 2 9995 5000 (switchboard)

Phone: 131 555 (NSW only - environment information and publication requests)

Fax: +61 2 9995 5999

TTY users: phone 133 677, then ask for 131 555

Speak and listen users: phone 1300 555 727, then ask for 131 555

Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)

Website: [www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

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Guidelines on the Duty to Report Land Contamination  
under the *Contaminated Land Management Act 1997*

## Abbreviations

|          |  |
|----------|--|
| CLM Act  | <i>Contaminated Land Management Act 1997</i>                     |
| DEC      | Department of Environment and Conservation (now the EPA and OEH) |
| EMP      | environmental management plan                                    |
| EPA      | Environment Protection Authority                                 |
| NEPC     | National Environment Protection Council                          |
| OEH      | Office of Environment and Heritage                               |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i>         |
| PSH      | phase separated hydrocarbons                                     |
| WH&S     | work health and safety   |

## 1. Introduction

### 1.1 Background

Land contamination<sup>1</sup> has the potential to arise from a range of industrial and other activities. The impacts of some activities are only temporary, whereas others carry the risk of leaving an unwanted legacy. In some instances, particularly when the land use has involved hazardous substances, that legacy may be threatening to humans or the environment, or it may affect the current or future use of the land.

Not all contamination will affect the land in such a way that it cannot be used productively for industrial, commercial, agricultural, residential or other purposes. The Environment Protection Authority (EPA) must consider all factors that may contribute to the significance of contamination of land to determine whether regulation to protect humans or the environment is warranted.

The [Contaminated Land Management Act 1997](#) (CLM Act) establishes a legal framework that gives the EPA powers to require the assessment and remediation of sites where contamination is significant enough to warrant regulation. Where the EPA's intervention is not needed, the NSW planning and development framework will determine the appropriate use of sites in the future.

### 1.2 Contaminated Land Management Act 1997

The general objective of the CLM Act is to establish a process for investigating and, where appropriate, remediating land that the EPA has reason to believe is contaminated significantly enough to warrant regulation under the CLM Act.

The objects of the CLM Act are to:

- set out accountabilities for managing contamination if the EPA considers the contamination significant enough to require regulation
- set out the role of the EPA in the assessment of contamination and the supervision of the investigation, remediation and management of contaminated sites
- provide for the accreditation of site auditors of contaminated land to ensure appropriate standards of auditing in the management of contaminated land
- ensure that contaminated land is managed with regard to the principles of ecologically sustainable development.

The duty to report contamination to the EPA arises when the land is contaminated by a substance present at levels above those specified by these guidelines and where certain other factors are met. These guidelines provide details of the circumstances that can trigger the requirement to notify the EPA.

---

<sup>1</sup> Contamination of land is defined in section 5 of the CLM Act as “the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.”

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### 1.3 NSW contaminated land management framework

The contaminated land management framework in NSW consists of two tiers:

- The EPA uses its powers under the CLM Act to deal with sites where contamination is significant enough to warrant regulation – given the site's current or approved use,<sup>2</sup> the contamination of these sites generally poses an unacceptable risk to human health or the environment and needs to be addressed.
- Local councils dealing with other contamination under the NSW planning and development framework, including [State Environmental Planning Policy No. 55 – Remediation of Land](#) and [Managing Land Contamination – Planning Guidelines](#). These types of sites, although contaminated, would generally not pose an unacceptable risk under their current or approved use(s). The planning and development process will determine what remediation is needed to make the land suitable for a different use.

### 1.4 About these guidelines

These guidelines are made under section 105 of the CLM Act. They provide information on two key aspects of the duty to report contamination under the CLM Act. Section 2 of the guidelines sets out the duty of landowners and those who have responsibility for contamination to report it to the EPA. It should be noted that the EPA has a duty to examine and respond to information it receives about actual or possible contamination of land from any party; this is not limited to the person responsible for the contamination.<sup>3</sup>

There are a range of considerations for anyone<sup>4</sup> who encounters land contamination and how they should proceed when the degree of contamination is uncertain. Section 3 outlines how the EPA assesses and determines whether contamination is significant enough to warrant regulation.

These guidelines revoke the June 2009 edition of the Contaminated Sites: Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997*.

Various other guidelines, which may be updated from time to time, are referred to throughout this document. Where a reference guideline that has been made by the EPA under section 105 of the CLM Act is updated, the relevant reference(s) in this document should be read as if they are part of the endorsed updated version. A reference in these guidelines to any other instrument (e.g. guidelines, standards) made under an Act should be read as a reference to that instrument.

These guidelines relate to the duty to report under the CLM Act only. It should be noted that there may also be reporting duties required by other legislation. For example, pollution incidents causing or threatening material harm to the environment are required to be reported under section 148 of the *Protection of the Environment Operations Act 1997*.

These guidelines take effect upon their publication in the *NSW Government Gazette*.

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<sup>2</sup> Approved use of land is defined under section 4(1) of the CLM Act as “a use to which the subject land may be put without approval or development consent under the *Environmental Planning and Assessment Act 1979*.”

<sup>3</sup> The person responsible for contamination of land is defined in section 6(1) of the CLM Act as: “the person that caused the contamination, the contamination occurred because an act or activity of the person resulted in the conversion of a substance to one that caused contamination, an owner or occupier of the land who knew or ought reasonably to have known that contamination would occur but failed to take reasonable steps to prevent contamination, and a person carrying out activities on land that generates or consumes the same substances as those that comprise the contamination unless the person establishes that they did not cause the contamination.”

<sup>4</sup> This may be an individual or a corporation.

## 2. Duty to report contamination

### 2.1 Duty to report

Under section 60 of the *Contaminated Land Management Act 1997* (CLM Act) the following people are required to notify the EPA as soon as practical after they become aware of the contamination:

- anyone whose activities have contaminated land<sup>5</sup>
- an owner of land that has been contaminated.<sup>6</sup>

A person is taken to be aware of the contamination if it is considered they should have reasonably been aware of the contamination.<sup>7</sup> Section 2.6 lists the factors that are taken into account in determining when a person should have reasonably been aware of the contamination, including their abilities and whether they could have sought advice.

Such a person is required to notify the EPA of contamination in the following circumstances:

- the level of the contaminant in, or on, soil is equal to or above a level of contamination set out in Schedule B1 of the [National Environment Protection \(Assessment of Site Contamination\) Measure 1999](#) (NEPC 2013) or other approved guideline value<sup>8</sup> with respect to a current or approved use of the land, and people have been, or foreseeably will be, exposed to the contaminant  
OR
- the contamination meets a criterion prescribed by the regulations<sup>9</sup>  
OR
- the contaminant or a by-product has entered, or will foreseeably enter, neighbouring land, the atmosphere, groundwater or surface water, and is above, or will foreseeably be above, a level of contamination set out in [National Environment Protection \(Assessment of Site Contamination\) Measure 1999](#) (NEPC 2013) or other approved guidelines and will foreseeably continue to remain equal to or above that level.<sup>10</sup>

Section 2.3 of these guidelines provides more information on the notification triggers and how they should be used in determining whether the contamination should be reported to the EPA. An addition, Section 2.5 clarifies situations where the duty to report is not intended and Section 2.6 presents some situations where the duty to report does arise.

Although the duty to report contamination applies to the person responsible for the contamination, anyone at any time can report suspected contamination to the EPA by calling Environment Line on 131 555.

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<sup>5</sup> Section 60(1) of the CLM Act.

<sup>6</sup> Section 60(2) of the CLM Act.

<sup>7</sup> Section 60(5) of the CLM Act.

<sup>8</sup> Guidelines are made or approved under section 105 of the CLM Act.

<sup>9</sup> At the time of publication of these guidelines, the Contaminated Land Management Regulation 2013 does not prescribe any criterion.

<sup>10</sup> Section 60(3) of the CLM Act.

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## 2.2 Determining whether to report

To assess whether the contamination of a site should be reported, a review of the site's activities and history, and a site inspection to look for indicators of contamination, should be undertaken. There may also be a need for a further, more detailed investigation.

Figure 1 in Appendix 1 shows a decision process that can be used by a site owner or a person responsible for a site to assess whether to report under section 60 of the CLM Act. This is followed by a checklist for site owners or responsible persons when reporting contamination to the EPA.

### 2.2.1 Indicators of contamination

A review of the site's activities and history provides a starting point to assess whether current or past use(s) may have contributed to contamination of the site. This includes consideration of whether the site or adjacent sites may be associated with potentially contaminating activities;<sup>11</sup> complaints about pollution or illegal dumping of wastes, as well as whether there are gaps in, or doubts about, a site's history. This step is equivalent to 'stage 1' investigations consistent with the [Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites](#) (OEH 2011).

The person responsible for the contamination can undertake a review of the site's history and records, and conduct a site inspection to identify indicators of contamination. The person responsible may also use a suitably qualified and experienced environmental consultant to undertake this review.

An inspection of the site and its surrounds may provide physical indicators of contamination or harm. Examples of indicators of contamination are:

- case(s) of a biologically plausible illness or health impairment among people who have had exposure to a particular contaminated site
- the presence of chemicals on or in surface water or groundwater at the site (for example, abnormal colouration of the water, odours emanating from the water)
- visible signs of toxic responses to contaminants in flora and fauna (for example, unusual numbers of birds dying on or near the site, abnormal domestic animal or wildlife behaviour, dead vegetation within or adjacent to areas of otherwise normal growth)
- liquid or solid chemicals or chemical wastes found on or in the soil during site works
- unusual odours emanating from the soil
- the entry of chemicals into on-site or off-site service trenches
- the presence of discarded explosive materials on site
- the presence or the storage of bulk liquid dangerous goods on the site with potential for leakage or spillage
- the presence of illegal and/or uncontrolled landfills on site
- evidence of off-site migration of contaminants into adjacent or nearby environments (for example, migration to residential areas, creeks, rivers, wetlands, sediments or groundwater).

Note that this list is not exhaustive and there may be additional indicators that are relevant to some sites as well as other notification requirements where immediate risks are identified. For example, there is a duty to report pollution incidents under the POEO Act.

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<sup>11</sup> Potentially contaminating activities could include those industries and associated chemicals listed in Appendix A of the [Managing Land Contamination – Planning Guidelines](#).



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In some cases the indicators themselves provide enough evidence to conclude that the contamination should be reported to the EPA. In those cases where the indicators suggest that contamination is present but there is uncertainty about reporting it to the EPA, further investigation outlined in Section 2.2.2 will be needed.

### 2.2.2 Further investigation of land

Where further investigation of the land is necessary to assess whether contamination should be reported to the EPA, a site investigation should be conducted to:

- describe past and present activities that potentially contaminated the land and the adjacent areas, including groundwater, surface water and sediments
- identify potential contamination types
- assess the site condition
- assess the nature, degree and extent of the contamination
- assess whether any harm has been or is being caused by the contamination
- assess the possible exposure routes, exposed populations and the nature of other risk(s) presented by the contamination.

This step is equivalent to 'stage 2' investigations consistent with the [Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites](#) (OEH 2011). A suitably qualified and experienced [environmental consultant](#) should be engaged to do the investigation.

The consultant should use the [Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites](#) (OEH 2011) as a basis for conducting the investigation and preparing a report. Other [guidelines made or approved under section 105 of the CLM Act](#) should also be considered, including the [National Environment Protection \(Assessment of Site Contamination\) Measure 1999](#) (NEPC 2013), which provides a national framework for consistency and practical guidance for the assessment of contaminated sites.

Important guidance related to site assessment includes:

- [Contaminated Sites: Guidelines for the NSW Site Auditor Scheme](#), 2nd edition (DEC 2006) and future revisions of the guidelines.
- [Sampling Design Guidelines](#) (EPA 1995)
- [Contaminated Sites: Guidelines for the Assessment and Management of Groundwater Contamination](#) (DEC 2007)
- [Technical Note: Investigation of Service Station Sites](#) (EPA 2014)
- [Managing asbestos in or on soil](#) (NSW Government 2014).

The investigation should conclude whether the contamination must be reported to the EPA based on consideration of the information on the notification triggers in Section 2.3 of these guidelines.

When uncertainties arise from information gathered during a site investigation, further detailed site investigations may be needed to obtain more information. Uncertainties or unquantified risks should not be used as reasons to delay reporting.

The person responsible may also elect to use a site auditor accredited under the CLM Act to independently review the work of a contaminated site consultant and resolve any uncertainties. Site auditors may be used in other circumstances at the discretion of those initiating a site investigation.

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## 2.3 Notification triggers

A landowner or person whose activities have contaminated land is required to notify the EPA that the land has been contaminated by a substance (a 'contaminant') that is present at levels specified in the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013) or other approved guidelines, and where certain other factors are met as described below.

See Sections 2.5 and 2.6.3 of these guidelines for situations that are not intended to be captured by the duty to report and examples where further assessment is not needed or where advice should be sought.

### 2.3.1 On-site soil contamination

For the purposes of section 60(3)(b) of the CLM Act, notification of contamination in, or on, soil on the land is required where:

- the 95 % upper confidence limit on the arithmetic average concentration of a contaminant in or on soil is equal to or above the Health Investigation Level and/or Health Screening Level for that contaminant for the current or approved use of the respective on-site land, as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

OR

- the concentration of a contaminant in an individual soil sample is equal to or more than 250% of the Health Investigation Level and/or Health Screening Level for that contaminant for the current or approved use of the respective on-site land, as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

AND

- a person has been or foreseeably will be exposed to the contaminant or a by-product of the contaminant.

Further details on the concept of 'foreseeability' are provided in Section 2.3.7 of these guidelines.

### 2.3.2 Off-site soil contamination

For the purposes of section 60(3)(a) of the CLM Act, notification of contamination in, or on, soil on neighbouring land is required where:

- the 95% upper confidence limit on the arithmetic average concentration of a contaminant in or on soil is above the health investigation level and/or health screening level for that contaminant for the current or approved use of the respective off-site land, as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

OR

- the concentration of a contaminant in an individual soil sample is more than 250% of the health investigation level and/or health screening level for that contaminant for the current or approved use of the respective off-site land, as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

AND

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- the concentration of the contaminant in or on the soil on the neighbouring land will foreseeably continue to remain above the specified concentration.<sup>12</sup>

Further details on foreseeable contamination of neighbouring land are provided in Section 2.3.3 and details on the concept of 'foreseeability' in Section 2.3.7 of these guidelines.

### 2.3.3 Foreseeable contamination of neighbouring land

For the purposes of section 60(3)(a) of the CLM Act, notification of foreseeable contamination of neighbouring land is required where:

- the contaminant will foreseeably enter neighbouring land

AND

- the concentration of the contaminant on the neighbouring land will foreseeably be above the health investigation level and/or health screening level for that contaminant for the current or approved use of the respective off-site land, as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

AND

- the concentration of the contaminant on the neighbouring land will foreseeably continue to remain above the specified concentration.

### 2.3.4 Asbestos in, or on, soil

For the purposes of section 60(3)(b) of the CLM Act, notification of asbestos contamination is required where:

- friable asbestos<sup>13</sup> is present in or on soil on the land

AND

- the level of asbestos (% weight for weight) in an individual soil sample is equal to or above the health screening level of friable asbestos in soil (0.001%) specified in Section 4.8, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

AND

- a person has been, or foreseeably will be, exposed to elevated levels<sup>14</sup> of asbestos fibres by breathing them into their lungs.

Further details on the concept of 'foreseeability' are provided in Section 2.3.7 of these guidelines.

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<sup>12</sup> For example, if chronic or ongoing risks are present on a neighbouring site due to the presence of the contaminating substance, notification would be required, but if a risk is no longer present (such as where contamination on neighbouring land has been removed), notification would not be required.

<sup>13</sup> Friable asbestos is usually in the form of loose asbestos that is not bound together. The most common forms of friable asbestos are thermal lagging used on steampipes and boilers, as fire protection, ceiling insulation and the like, and raw asbestos waste from asbestos products manufacturing. Friable asbestos can usually be broken up or crumbled using hand pressure to generate free fibres. If disturbed, friable asbestos has the potential to generate significant quantities of airborne fibres and because of this requires a high level of control.

<sup>14</sup> Elevated levels of airborne asbestos are concentrations at or above 0.01 fibres/mL determined using the membrane filter method in accordance with the [Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition \[NOHSC:3003\(2005\)\]](#) (National Occupational Health and Safety Commission, 2005).

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For situations that are not intended to be captured by the duty to report, see Section 2.5 and example 8 in Section 2.6.3 of these guidelines. Bonded asbestos cement<sup>15</sup> (fibro) and naturally occurring asbestos<sup>16</sup> are not intended to be captured but these guidelines.

### 2.3.5 Groundwater or surface water

For the purposes of section 60(3)(a) of the CLM Act, notification of actual or foreseeable contamination of groundwater or surface water on the site is required where:

- the contaminant has entered or will foreseeably enter groundwater or surface water

AND

- the concentration of the contaminant in the groundwater or surface water is, or will foreseeably be, above the groundwater investigation level for that contaminant as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

AND

- the concentration of the contaminant in the groundwater or surface water will foreseeably continue to remain above the specified concentration.

If separate-phase contamination of groundwater (i.e. immiscible organic liquid) is found, the EPA is required to be notified regardless of the concentration in the groundwater, unless the situation falls under one of the scenarios described in Section 2.6.3 of these guidelines.

Further details on the concept of 'foreseeability' are provided in Section 2.3.7 of these guidelines.

### 2.3.6 Vapour intrusion

In the case of risks associated with the vapour inhalation pathway (also known as vapour intrusion), notification of actual or foreseeable contamination is required for the purposes of sections 60(3)(a) and (b) of the CLM Act where:

- the concentration of a contaminant in an individual soil vapour sample from the land is equal to or above the interim soil vapour health investigation level for volatile organic chlorinated compounds for the current or approved use of the respective on-site or off-site land as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

OR

- the concentration of a contaminant in an individual soil vapour sample from the land is equal to or above the soil health screening level for vapour intrusion for the current or approved use of the respective on-site or off-site land as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

OR

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<sup>15</sup> Bonded asbestos cement comprises bonded asbestos-containing material which is in sound condition (although possibly broken or fragmented), and is restricted to material that cannot pass a 7 mm x 7 mm sieve. This sieve size is selected as it approximates the thickness of common asbestos cement sheeting and for fragments to be smaller than this would imply a high degree of damage and potential for fibre release.

<sup>16</sup> Naturally occurring asbestos is asbestos minerals found naturally in association with geological deposits including rock, sediment, or soil. Asbestos minerals are commonly found around the world in ultramafic rock formations including serpentinite (chrysotile [white]) and amphibole (actinolite, amosite [brown], anthophyllite, crocidolite [blue] and tremolite) as well as in soils where these rock types are located.

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- the concentration of a contaminant in a groundwater sample from a site is equal to or above the groundwater health screening level for vapour intrusion for the current or approved use of the respective on-site or off-site land as specified in Section 6, Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013)

AND

- the concentration of the contaminant will continue to remain equal to or above the specified concentration

AND

- a person has been or foreseeably will be exposed to the contaminant or any by-product of the contaminant.

Further details on the concept of 'foreseeability' are provided in Section 2.3.7 of these guidelines.

Note that under some circumstances, contaminated soil or groundwater may impact air quality. Where air quality has been affected and a person has been, or foreseeably will be, exposed to elevated levels of vapour, it is recommended that this is reported to the EPA by calling Environment Line on 131 555.

As required by Schedule B1 of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013) immediate action including, but not restricted to, notification is required where potentially explosive or acutely toxic gas concentrations are present in buildings or in ground services (such as utility trenches, sumps or drains) which may connect a ground gas source to a building, neighbouring building or off-site in ground services. For the purpose of this guideline, a potentially explosive or acutely toxic gas concentration is a concentration that is greater than 25% of the lower explosive limit for the gas in air, or greater than 25% of the acute toxicity of the gas in air.

Notification is not required if approved management measures are in place to control gas entry into buildings or in ground services.

Emergency management actions should be implemented as necessary. This includes notification to the EPA, emergency services and potentially affected parties including service providers, and relocation of building occupants if required.

### 2.3.7 Foreseeable

The CLM Act uses the key concept of 'foreseeable' to determine the likelihood of the presence of contamination or potential routes for its migration.

Foreseeability depends on a number of considerations, including:

- the physical and chemical properties of the contaminants
- the quantity of the contaminants
- the location of the site
- the geological and hydrogeological conditions (soil stratigraphy, depth to groundwater, and direction and rate of groundwater or surface water flow)
- the potential fate and transport mechanisms.

To determine the foreseeable movement of contaminants through various media, such as soil, groundwater, surface water or air, enough samples need to be collected to allow verification of the extent of contamination in the relevant media and the results compared with the appropriate references in these guidelines. Where relevant media have not been sampled the potential movement of contaminants at levels above the notification trigger values should be

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assumed. An exception to this is when negligible amounts of contaminants that are unlikely to affect human health and the environment have been released into the environment.

## 2.4 Other contaminants

In cases where no levels are specified for a particular contaminant in various environmental media, other reputable regulatory criteria may be used as a reference. The *National Environment Protection (Assessment of Site Contamination) Measure 1999* (NEPC 2013) emphasises that a site-specific risk assessment should be conducted where criteria are not readily available. Detailed site-specific health risk assessments or ecological risk assessments can be complex and costly, and site-specific considerations will guide decisions on the level of assessment required.

## 2.5 Situations not intended to be captured by the duty to report

The duty to report is not intended to capture the notification of:

- widespread diffuse urban pollution that is not attributed to a specific industrial, commercial or agricultural activity
- sites without off-site contamination where
  - on-site contamination is not likely to migrate to a neighbouring property, and
  - any on-site contamination has been assessed and the site found to be suitable for the proposed use in accordance with the requirements under the *Environmental Planning and Assessment Act 1979*
- sites with contaminants that are at levels above the triggers but are equal to, or below, the ambient background concentration
- sites with non-friable asbestos materials (fibro) in or on soils, or naturally occurring asbestos,
- incidents of illegal dumping
- stockpiles of waste that are subject to the POEO Act
- sites that have already been notified to the EPA under the CLM Act, where there has been no change in circumstances since the previous notification
- sites subject to a declaration, order or proposal under Part 3 of the CLM Act
- sites formerly subject to a declaration under Part 3 of the CLM Act but where no potentially contaminating activities have since been carried out
- sites where a site audit statement has been issued certifying that the site is suitable for the current or approved use, no potentially contaminating activities have since been carried out and there are no off-site impacts.

While the duty to report under the CLM Act is not intended to capture the above scenarios, the EPA may still choose to regulate these sites under the CLM Act or other legislation if it considers that the contamination is significant enough to warrant regulation. In doing so, the EPA would consider the circumstances of each site in determining whether to intervene.

It should also be noted that while the situations listed above may not require notification under the CLM Act, there may be notification requirements under the POEO Act and other legislation.

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## 2.6 Situations when the duty to report may arise

The duty to report arises when a landowner or a person whose activities have contaminated the land:

- is aware of the contamination, or
- should reasonably have become aware of the contamination.

The following factors are to be taken into account in determining when a person should reasonably have become aware of the contamination:

- the person's abilities, including their experience, qualifications and training
- whether the person could reasonably have sought advice that would have made them aware of the contamination
- the circumstances of the contamination.

### 2.6.1 Abilities, experience, qualifications and training

The EPA considers that a person should reasonably be aware of contamination on land if they have knowledge of:

- the contaminants present that could cause contamination
- how to identify and assess those contaminants
- the behaviour of those contaminants in the environment
- how to assess the potential pathways by which those contaminants could move
- how to assess and identify the exposure pathways available to those contaminants.

### 2.6.2 Reasonability of seeking advice and the circumstances of contamination

A range of factors might influence whether a person can reasonably seek advice about contamination. Although it is impossible to exhaustively describe these factors, some examples are provided as guidance below.

For example, the following factors might affect whether a person should reasonably seek advice:

- the circumstances of the contamination (for example, whether there is evidence of the contamination)
- the site history (including consideration of historic activities causing on-site contamination or waste stockpiles)
- the activities currently carried out at the site
- the activities carried out by the landowner
- whether the person, or anyone engaged by them, is able to access the site to obtain further information about the contamination; for example, they might have difficulty accessing the site where they are not a lessee (or sub-lessee) or lessor (or sub-lessor) of the site, do not own the site, and have no control or management of the site or financial interest in it.

Where a person:

- undertakes potentially contaminating commercial or industrial activities on a site, or
- is involved in land development activities on land that has been associated with activities which may potentially contaminate land, water, groundwater or air

they should seek advice about the existence, and nature, of any contamination on the site.

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Where:

- potentially contaminating commercial or industrial activities have previously been carried out on the land or the land is filled with materials from an unknown origin
- there is evidence of contamination, and
- no prior assessment has been conducted or a management plan for the site has not been developed and implemented

the landowner or a person engaged in an activity that could potentially contaminate the land should seek further advice about the site and determine whether any contamination needs to be notified to the EPA.

### 2.6.3 When a person should seek advice about site contamination

A range of scenarios is provided below as guidance in determining whether a person should seek advice about site contamination for the purposes of section 60(9)(b) of the CLM Act. These examples are not exhaustive and do not constitute legal advice. The importance of seeking further advice about site contamination will depend on the particular circumstances in each instance and these may differ from the examples given below. Landowners and anyone carrying out potentially contaminating activities should obtain independent legal advice.

#### Examples where further assessment is not needed

A person would not be expected to seek advice in the following situations.

##### Example 1

- The site is currently used for residential purposes.
- The site has never been used for commercial or industrial purposes.
- The site has complete coverage with well-maintained grass and/or pavements and/or buildings.
- Gardens are established at the site with clean topsoil.
- No indicators of contamination are present (for example, no dead or stressed vegetation, no surface indicators of chemical spills, no unexplained patches of bare earth, no soil staining, no chemical odours from drains or other subsurface locations, no unexplained animal deaths, no unexplained health issues).
- **No duty to report.**

##### Example 2

- The site is in use for any purpose.
- The site was previously used for commercial or industrial purposes.
- Site contamination is appropriately contained and disturbance of the cap is subject to:
  - an environmental management plan (EMP) and is carried out in accordance with that plan, or
  - a development consent and is carried out in accordance with that consent, or
  - a site audit statement has been issued certifying that the site is suitable for the current or approved use and no potentially contaminating activities have been carried out at the site since the statement was issued.
- **No duty to report.**



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Example 3

- The site is currently used for public open space purposes (for example, parks, playgrounds, playing fields).
- Public access to the site is allowed.
- The site contamination is completely covered with clean materials (for example, clean soil stabilised by healthy vegetation such as grass, pavements).
- An appropriate EMP and work health and safety (WH&S) plan are being implemented at the site for users and visiting maintenance workers.
- **No duty to report.**

Example 4

- The site is currently used for commercial, industrial or other purposes (for example, infrastructure or utility corridors).
- The site is fenced and members of the public are not able to access the site.
- An appropriate EMP and WH&S plan are being implemented at the site for users and visiting maintenance workers.
- There is no evidence of contamination (for example, no dead or stressed vegetation, no surface indicators of chemical spills, no unexplained patches of bare earth, no chemical odours from drains or other subsurface locations, no unexplained animal deaths, no unexplained health issues, no reasons to suspect groundwater is being affected by the activities).
- There is no aboveground or underground storage of bulk liquid chemicals.
- **No duty to report.**

Example 5

- The site is currently used for a commercial or industrial use.
- The site is fenced and members of the public are not able to access the site.
- An appropriate WH&S plan is being implemented for users of the site and for visiting maintenance workers.
- There is underground storage of bulk liquid chemicals or fuels on the site.
- There is no evidence of contamination (for example, no dead or stressed vegetation, no surface indicators of chemical spills, no unexplained patches of bare earth, no chemical odours from drains or other subsurface locations (other than the underground storage location), no unexplained animal deaths, no unexplained health issues).
- There are groundwater monitoring wells at the site and no contamination has been detected.
- An appropriate EMP and/or an ongoing groundwater monitoring plan have been implemented in all six-monthly monitoring periods to date.
- **No duty to report.**

Example 6

- The site is currently used for commercial or industrial purposes, including associated infrastructure such as carparks, roads and open space.
- Public access to the site is allowed.

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- The site is permanently covered (for example, by pavements and/or by floor slabs with small landscaped or grassed areas).
- An appropriate EMP and WH&S plan are being implemented for users and visiting maintenance workers.
- There is no underground storage of bulk liquid chemicals or fuels on the site.
- There is no evidence of contamination (for example, no dead or stressed vegetation, no surface indicators of chemical spills, no unexplained patches of bare earth, no chemical odours from drains or other subsurface locations (other than the underground storage location), no unexplained animal deaths, no unexplained health issues).
- **No duty to report.**

Example 7

- The site is currently used for industrial purposes.
- There are aboveground and underground storage systems at the site.
- A detailed site investigation has been conducted and the nature, degree and extent of contamination have been thoroughly defined.
- Contamination is present in the groundwater at concentrations above the triggers but is confined within the boundaries of the site.
- There are phase separated hydrocarbons (PSH) present on the site.
- Site investigations have confirmed that, because the soils are of low permeability, the contaminated groundwater is unlikely to move off site.
- Groundwater monitoring close to, or at, the hydraulic down-gradient site boundary continues to confirm that the contaminated groundwater will not migrate off site.
- The contaminants have been found not to pose on-site risks (for example, from vapour inhalation).
- An appropriate WH&S plan and EMP are being implemented for site users and visiting maintenance workers.
- **No duty to report.**

Example 8

- Structures with asbestos-containing materials are on site
- The site is currently used for residential purposes.
- The site has never been used for commercial or industrial purposes.
- The site has complete coverage with grass and/or pavements and/or buildings.
- Gardens are established and maintained at the site with clean topsoil.
- All visible non-friable asbestos fragments in or on the surface soils have been removed and disposed of at an appropriate waste facility.
- **No duty to report.**

**Examples where advice should be sought**

A person would be expected to seek advice in the situations below to establish the nature and level of contamination and whether it is likely to migrate to adjoining properties and thus determine whether there is a duty to notify.

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Example 9

- The site is currently used for commercial, industrial or open recreational purposes.
- Public access to the site is allowed.
- The site is uncovered, with access to soil and/or fill materials.
- Large areas of the site are filled with materials of unknown origin and the site is adjacent or close to a sensitive receptor (for example, land used for residential purposes or child-care or land close to a waterway).
- **Seek further advice**

Example 10

- The site is currently used for commercial or industrial purposes.
- The site is fenced or not fenced and members of the public are, or are not, able to access the site.
- An appropriate WH&S plan and EMP are being implemented for site users, including visiting maintenance workers.
- There is underground or aboveground storage of bulk liquid chemicals or fuels on the site.
- No groundwater wells are present on the site.
- No environmental assessment has been recently undertaken to assess whether any contaminants at the site have migrated, or are likely to migrate, to adjoining properties.
- **Seek further advice.**

Example 11

- Structures with asbestos-containing materials are on site
- The site is currently used for residential, commercial or industrial purposes.
- The site has incomplete coverage with grass and/or pavements and/or buildings.
- There are visible non-friable asbestos fragments in or on the surface soils.
- **Seek further advice.**

Example 12

- The site is currently used for industrial purposes.
- There are aboveground and underground storage systems at the site.
- There is PSH present on the site and it is unclear whether the plume is migrating off site.
- Concentrations of contaminants in groundwater are unknown.
- **Duty to report.**

## 2.7 Form of report

The CLM Act requires notification using a form approved by the EPA. The approved [notification form](#) may be downloaded from the EPA website. Any supporting information related to the contamination (such as consultant reports) should be attached to the form.

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## 2.8 Failure to report

A person who is required to report contamination to the EPA but fails to do so may be subject to prosecution. If they are convicted, the CLM Act currently provides for a maximum penalty of:

- \$100,000 with a further penalty of \$77,000 for each day the offence continues, in the case of a corporation, or
- \$250,000 with a further penalty of \$33,000 for each day the offence continues, in the case of an individual.

### 3. EPA regulatory actions

#### 3.1 Evaluating the significance of the contamination

When the EPA receives notification of contamination under section 60 of the *Contaminated Land Management Act 1997* (CLM Act), it will assess the information provided and other relevant information to determine whether the contamination is significant enough to warrant regulation. Matters the EPA must consider before declaring land to be significantly contaminated land are listed in section 12 of the CLM Act and described in Section 3.2 of these guidelines.

The EPA has an obligation under section 8 of the CLM Act to respond within a reasonable time to anyone who has provided information about actual or possible contamination of land and record what the EPA has done and the reasons for doing it.

The information provided by a person in complying with the duty to report under section 60 of the CLM Act is not admissible as evidence in any proceedings against that person for an offence under environment protection legislation administered by the EPA (except in proceedings for an offence under section 60 of the CLM Act).

#### 3.2 Contamination significant enough to warrant regulation

The CLM Act defines the process the EPA is required to follow before declaring land to be significantly contaminated. In determining whether contamination of land is significant enough to warrant regulation, the EPA must take into account:

- whether the substances have already caused harm or are likely to cause harm (for example, in the form of toxic effects on plant or animal life)
- whether the substances are toxic, persistent or bioaccumulative, or are present in large quantities or high concentrations, or occur in combinations
- whether there are exposure pathways available to the substances (that is, routes by which the substances may proceed from the source of the contamination to human beings or into the environment)
- whether the uses to which the land (and any land adjoining it) is currently being put are such as to increase the risk of harm from the substances (for example, using the land for the purposes of child-care, dwellings, or production of food for human consumption)
- whether the approved uses of the land and land adjoining it are likely to increase the risk of harm from the substances
- whether the substances have migrated, or are likely to migrate, from the land because of the nature of the land or the substances themselves
- relevant guidelines.

The CLM Act does not define the nature or level of contamination that requires regulation, as this is determined on a case-by-case basis. Determining whether contamination is significant enough to warrant regulation involves many considerations, including the type, nature, quantity and concentration of contaminants, how they manifest themselves, the characteristics they display, and the nature of their impacts in a particular medium. It also involves broader considerations such as the current use of the land, receptors that might be exposed to the contaminants under that use, and the likelihood of exposure.

### 3.3 Sites warranting regulation

Once the EPA determines that the contamination of land is significant enough to warrant regulation, it may take any of a number of actions under the CLM Act. These actions could include:

- declaring the land to be 'significantly contaminated land' (section 11 of the CLM Act)
- issuing management orders to require site assessment, remediation and/or monitoring (section 14 of the CLM Act)
- approving proposals from interested parties to manage the land voluntarily (section 17 of the CLM Act)
- liaising and negotiating with landowners or land occupiers about appropriate solutions
- undertaking educational and public awareness programs and other measures to minimise the environmental and health implications of the contamination (section 104 of the CLM Act)
- issuing a clean-up or prevention notice under the *Protection of the Environment Operations Act 1997* (POEO Act), regardless of whether or not the EPA is the appropriate regulatory authority (section 46 of the CLM Act).

In addition to regulatory actions, and if it is in the public interest, the Minister may also enter into voluntary offset arrangements with a person responsible for contamination of land. Under these arrangements, the person would provide help (other than direct monetary help) to communities affected by the contamination (section 111A of the CLM Act).

The actions taken by the EPA will depend on the nature of the site, the use to which it is put, the nature of the risk identified by the EPA and the management options available for addressing the risk. The EPA's primary goal in managing contaminated land, where the contamination is significant enough to warrant regulation, is to ensure the risk posed by the contamination is reduced so that the existing land use may continue or a land use currently approved may proceed.

### 3.4 Where regulation is not warranted

In some circumstances a site may be contaminated but the EPA considers that the contamination is not significant enough to warrant regulation. A site may contain contaminants at levels above the trigger levels but, because of the limited exposure pathways available, the contamination will not be considered significant enough to warrant regulation.

Where the EPA considers that a contaminated site does not warrant regulation under the CLM Act, the contamination issue should be addressed by the proponent and the planning consent authority as part of the development approval process. If the existing land use is proposed to be changed, the planning authority may require the site to be remediated to a level suitable for the proposed new use. Local councils may also consider regulating the contamination, where warranted, under the POEO Act.

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## 4. Glossary

|                                      |   |
|--------------------------------------|---|
| Acceptable risk                      | The acceptability of risk depends on scientific data, social, economic and political factors, and the perceived benefits arising from exposure to an agent.   |
| Ambient background concentration     | Of a contaminant is the soil concentration in a specified locality that is the sum of the naturally occurring background and the contaminant levels that have been introduced from diffuse or non-point sources by general anthropogenic activity not attributable to industrial, commercial or agricultural activities.  |
| Approved use of land                 | A use to which land may be put without approval or development consent under the Environmental Planning and Assessment Act 1979.  |
| Assessment of site contamination     | A set of formal methods for determining the nature, extent and levels of existing contamination of a site and the actual or potential risk to human health or the environment on or off-site resulting from that contamination.   |
| Concentration                        | The amount of material or agent dissolved or contained in unit quantity in a given medium or system.  |
| Contaminant                          | A chemical existing in the environment above background levels and representing, or potentially representing, an adverse health or environmental risk.  |
| Contaminated groundwater             | Groundwater that has contamination at such a level that the condition of groundwater is such that it is not suitable for the current or realistic future use or presents the likelihood of causing an unacceptable environmental or human health impact in the discharge environment.   |
| Contamination                        | The condition of land or water where any chemical substance or waste has been added as a direct or indirect result of human activity at above background level and represents, or potentially represents, an adverse health or environmental impact.  |
| Contamination of land                | The presence in, on or under the land of a substance at a concentration above which the substance is normally present in, on or under land in the same locality and which presents a risk of harm to human health or any other aspect of the environment.   |
| Ecological investigation level (EIL) | The concentration of contaminants above which further appropriate investigation and evaluation will be required. EILs depend on specific soil physicochemical properties and land-use scenarios and generally apply to the top 2 metres of soil.  |
| Ecological risk assessment           | A set of formal, scientific methods for defining and estimating the probabilities and magnitudes of adverse impacts on plants, animals and/or the ecology of a specified area posed by a particular stressor(s) and frequency of exposure to the stressor(s). Stressors include chemicals, changes in physicochemical properties such as temperature, other human actions and natural catastrophes. |
| Ecological screening level (ESL)     | For petroleum hydrocarbons are the concentrations above which further appropriate investigation and evaluation will be required. ESLs broadly apply to coarse- and fine-grained soils and various land uses. They are generally applicable to the top 2 metres of soil.   |

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|   |  |
|---|--|
| Ecologically sustainable development    | Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.  |
| Effect                                  | The change in state or dynamics of an organism, system, or population caused by exposure to a chemical.  |
| Exposure                                | Occurs when a chemical, physical or biological agent makes contact with the human body through breathing, skin contact or ingestion; for example, contaminants in soil, water and air.   |
| Exposure assessment                     | The evaluation of the exposure of an organism, system, or population to a chemical (and its derivatives).  |
| Exposure pathway                        | The means by which a contaminant makes contact with the exposed population.  |
| Groundwater                             | All water occurring below the land surface.  |
| Groundwater investigation level         | The concentration of a groundwater parameter at which further investigation (point of extraction) or a response (point of use) is required. Includes Australian water quality guidelines, drinking water guidelines, guidelines for managing risk in recreational water criteria and site-specific derived criteria.   |
| Health investigation level (HIL)        | The concentrations of a contaminant above which further appropriate investigation and evaluation will be required. HILs are generic to all soil types and generally apply to the top 3 metres of soil.   |
| Health risk assessment                  | The process of estimating the potential impact of a chemical, biological or physical agent on a specified human population system under a specific set of conditions.  |
| Health screening level (HSL)            | For petroleum hydrocarbons are the concentrations above which further appropriate investigation and evaluation will be required. HSLs depend on physicochemical properties of soil, as these affect hydrocarbon vapour movement in soil, and the characteristics of building structures. HSLs apply to different soil types, land uses and depths below surface > 4 m and have a range of limitations. |
| Land use                                | Is based on the human purposes or economic activities that are conducted on a piece of land. This Measure specifies three land-use categories: (1) areas with high ecological value, (2) urban residential and public open space, and (3) commercial and industrial land.  |
| National Environment Protection Measure | A measure made under section 14(1) of the <i>National Environment Protection Council Act 1994</i> (Cwlth) and the equivalent provisions of the corresponding Acts of participating states and territories.   |
| Receptor                                | Is the entity (organism, population, community, or set of ecological processes) that may be adversely affected by contact with, or exposure to, a contaminant of concern. Sensitive groups refer to sub-populations with susceptibility and vulnerability factors.   |
| Remediation                             | Of contaminated land includes: (a) preparing a long-term management plan (if any) for the land, and (b) removing, dispersing, destroying, reducing, mitigating or containing the contamination of the land, and (c) eliminating or reducing any hazard arising from the contamination of the land (including by preventing the entry of persons or animals on the land).                               |



Guidelines on the Duty to Report Land Contamination  
under the *Contaminated Land Management Act 1997*

|                     |   |
|---------------------|---|
| Risk                | The probability, within a certain timeframe, that an adverse outcome will occur in a person, a group of people, plants, animals and/or the ecology of a specified area that is exposed to a particular dose or concentration of a chemical substance; that is, it depends on the level of toxicity of the chemical substance and the level of exposure to it.   |
| Risk assessment     | The process of estimating the potential impact of a chemical, physical, microbiological or psychosocial hazard on a specified human population or ecological system under a specific set of conditions and for a certain timeframe.   |
| Sensitive receptors | Refers to sub-populations with both susceptibility and vulnerability factors. These human populations at higher risk due to environmental factors. Examples of vulnerability factors include age, existing or past illness, poverty and other social determinants, smoking, poor nutrition, poor sanitation, behaviour more often associated with severe or profound intellectual disability (for example, pica). |
| Site                | The parcel of land being assessed for contamination.  |
| Soil                | A complex heterogeneous medium consisting of variable amounts of mineral material, organic matter, pore water and pore air and is capable of supporting organisms, including plants, bacteria, fungi, protozoans, invertebrates and other animal life.  |
| Source              | The contaminant that is considered to represent a potential risk and requiring assessment.  |
| Toxicity            | The quality or degree of being poisonous or harmful to plant, animal or human life.   |

Note: This Glossary has been reproduced from the [Contaminated Land Management Act 1997](#) and the [National Environment Protection \(Assessment of Site Contamination\) Measure 1999](#) (NEPC 2013).

Guidelines on the Duty to Report Land Contamination  
under the *Contaminated Land Management Act 1997*

## 5. References

DEC 2006, Contaminated Sites: Guidelines for the NSW Site Auditor Scheme, 2nd edition, NSW Department of Environment and Conservation, Sydney, [www.epa.nsw.gov.au/clm/guidelines.htm](http://www.epa.nsw.gov.au/clm/guidelines.htm)

DEC 2007, Contaminated Sites: Guidelines for the Assessment and Management of Groundwater Contamination, NSW Department of Environment and Conservation, Sydney, [www.epa.nsw.gov.au/clm/guidelines.htm](http://www.epa.nsw.gov.au/clm/guidelines.htm)

EPA 1995, Sampling Design Guidelines, NSW Environment Protection Authority, Sydney, [www.epa.nsw.gov.au/clm/guidelines.htm](http://www.epa.nsw.gov.au/clm/guidelines.htm)

EPA 2014, Technical Note: Investigation of Service Station Sites, NSW Environment Protection Authority, Sydney, [www.epa.nsw.gov.au/clm/otherguidance.htm](http://www.epa.nsw.gov.au/clm/otherguidance.htm)

NEPC 2013, National Environment Protection (Assessment of Site Contamination) Measure 1999, National Environment Protection Council, Canberra, [www.scew.gov.au/nepms/assessment-site-contamination](http://www.scew.gov.au/nepms/assessment-site-contamination)

OEH 2011, Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites, NSW Office of Environment and Heritage, Sydney, [www.epa.nsw.gov.au/clm/guidelines.htm](http://www.epa.nsw.gov.au/clm/guidelines.htm)

## 6. Appendix 1: Decision process and checklist for persons responsible for reporting potential contamination to the EPA

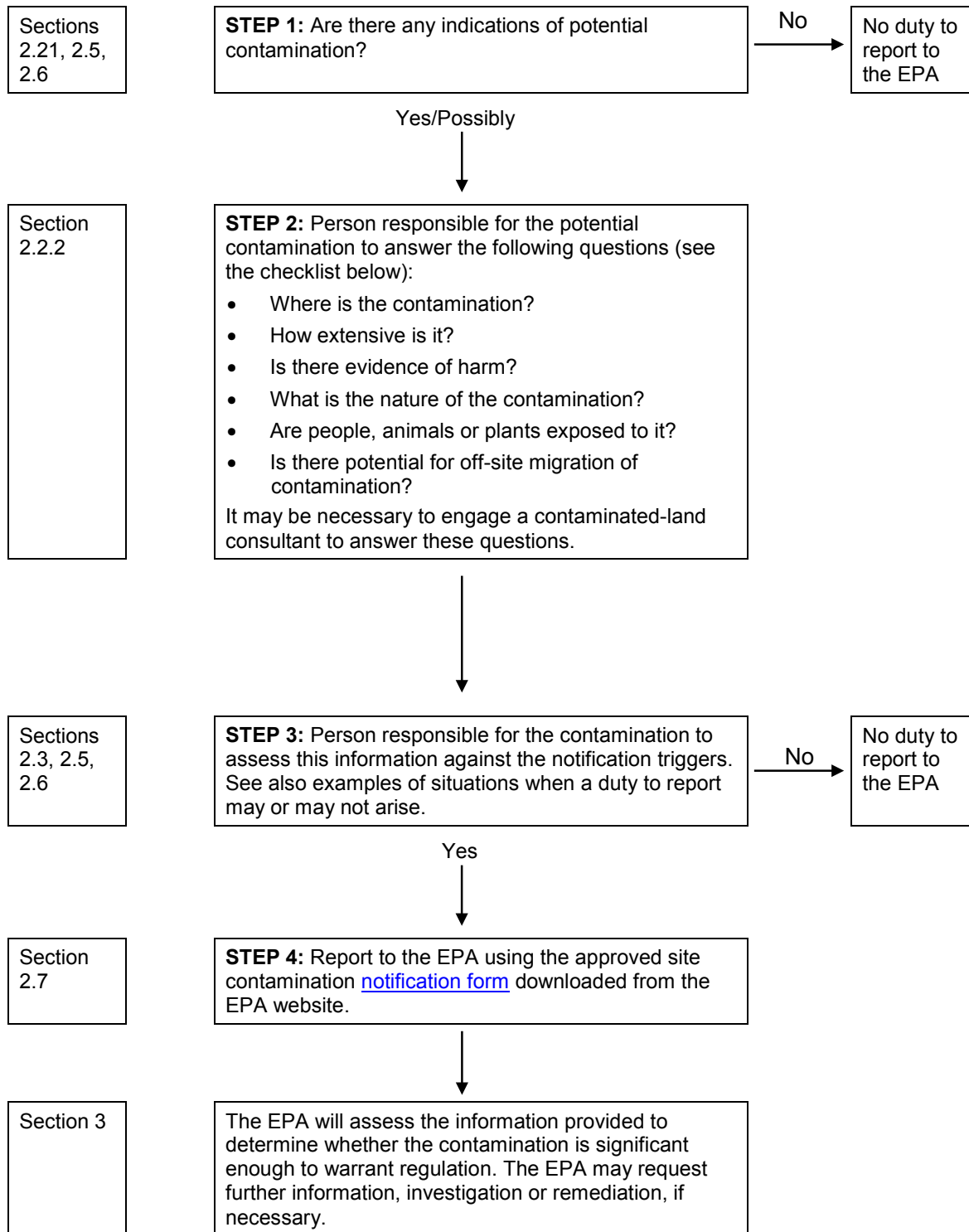


Figure 1: Decision process for use by persons responsible for reporting contamination to the EPA under the *Contaminated Land Management Act 1997*.

Guidelines on the Duty to Report Land Contamination  
under the *Contaminated Land Management Act 1997***Checklist for use by persons responsible for reporting contamination to the EPA****Step 1: Indications of possible contamination**

Person responsible for the potential contamination to review site history and records and undertake a site inspection to check whether:

- the site or adjacent sites may be associated with potentially contaminating activities
- the site or adjacent sites may be associated with complaints about pollution or illegal dumping of wastes
- there are any gaps in the site history or doubts about whether the site could have been associated with activities causing contamination
- there are any chemical, physical or biological indicators of contamination, as per Section 2.2.1 of these guidelines.

If the answer to all of the above points in Step 1 is 'no', reporting to the EPA is not required under section 60 of the *Contaminated Land Management Act 1997* (CLM Act). If the answer to any of the above points in Step 1 is 'yes' proceed to Step 2.

**Step 2: Assessing the site**

Once the indicators of contamination have been identified check whether:

- an investigation of the potential contaminants of concern has been conducted to define the nature, degree and extent of contamination
- site investigation(s) and reporting have followed the requirements of Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (OEH 2011) and Schedule B2 (Guideline on Site Characterisation) of the [National Environment Protection \(Assessment of Site Contamination\) Measure 1999](#) (NEPC 2013)
- site investigation(s) and reporting have followed the requirements of Schedule B1 (Guideline on Investigation Levels for Soil and Groundwater) of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC 2013)
- the checklist for Exposure Assessment in Appendix VII of the Contaminated Sites: Guidelines for the NSW Site Auditor Scheme, 2nd edition (DEC 2006) has been considered (or exposure assessment in future revisions of the site auditor guidelines)
- any evidence of, or potential for, migration of contaminants from the site and its adjacent sites has been appropriately addressed
- the results of the assessment are assessed against the notification triggers in Section 2.3 of these guidelines.

A contaminated land consultant engaged to clarify the level of contamination should:

- have appropriate qualifications and be experienced in contaminated-site assessment and remediation (refer to [Where to find a consultant?](#) on the EPA website or Schedule B9 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC 2013) for further information)
- be aware that the investigation is to provide information for assessment of reporting obligations under section 60 of the CLM Act.

If the answers to all of the above in Step 2 are 'yes' and the assessment indicates no contamination, reporting to the EPA is not required under section 60 of the CLM Act.

## Roads and Maritime Notices

### ROADS ACT 1993

#### Section 31

Fixing or Varying of Levels of Part of the  
MR51 Kings Highway in the Local Government  
Area of Palerang Council

Roads and Maritime Services by this Order under section 31 of the *Roads Act 1993*, fixes or varies the levels of part of the Kings Highway, between River Road and the Mongarlowe River, approximately 16 km south east of Braidwood, as shown on Roads and Maritime Services plan No DS2014/005039.

RICHARD HEFFERNAN  
Senior Project Manager  
Roads and Maritime Services  
Level 4, 90 Crown Street  
Wollongong NSW 2500

(RMS Papers: SF2015/096356; RO SF2015/016162)

### ROADS ACT 1993

#### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at  
Alexandria in the City of Sydney Council Area

WestConnex Delivery Authority declares, with the approval of His 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 WestConnex Motorway Project pursuant to the *Roads Act 1993*.

DENNIS CLICHE  
Chief Executive  
WestConnex Delivery Authority

#### Schedule

All those pieces or parcels of land situated in the City of Sydney Council area, Parish of Alexandria and County of Cumberland, shown as:

1. Lot 102 in Deposited Plan 871150, being the whole of the land comprised in Certificate of Title Folio Identifier 102/871150; and
2. Lot 101 in Deposited Plan 845651, being the whole of the land comprised in Certificate of Title Folio Identifier 101/845651; and
3. Lot 1 in Deposited Plan 129280, being the whole of the land comprised in Certificate of Title Folio Identifier 1/129280; and
4. Lot 13 in Deposited Plan 32332, being the whole of the land comprised in Certificate of Title Folio Identifier 13/32332.

The land described in paragraphs 1, 2 and 3 is said to be in the possession of Carlewie Pty Limited ACN 001 065 176.

The land described in paragraph 4 is said to be in the possession of Ian Raymond Malouf.

## Mining and Petroleum Notices

Notice is given that the following applications have been received:

### EXPLORATION LICENCE APPLICATIONS

(T15-1060)

No 5188, GRASMONT EXPLORATION & MINING PTY LTD (ACN 158 835 968), area of 36 units, for Group 1, dated 23 June 2015. (Orange Mining Division).

(T15-1062)

No 5189, STONEWALL RESOURCES LIMITED (ACN 131 758 177), area of 1 units, for Group 1, dated 25 June 2015. (Orange Mining Division).

(T15-1063)

No 5190, BEECHWORTH RESOURCES PTY LTD (ACN 169 626 966), area of 16 units, for Group 1, dated 29 June 2015. (Orange Mining Division).

The Hon ANTHONY ROBERTS, MP  
Minister for Industry, Resources and Energy

(02-0445)

Exploration Licence No 6096, EMC METALS AUSTRALIA PTY LIMITED (ACN 160 223 325), area of 5 units. Application for renewal received 30 June 2015.

(13-1334)

Exploration Licence No 6105, TRITTON RESOURCES PTY LTD (ACN 100 095 494) AND OXLEY EXPLORATION PTY LTD (ACN 137 511 141), area of 13 units. Application for renewal received 24 June 2015.

(06-0079)

Exploration Licence No 6589, NEWCREST MINING LIMITED (ACN 005 683 625), area of 4 units. Application for renewal received 24 June 2015.

(06-0102)

Exploration Licence No 6592, MINCOR COPPER PTY LTD (ACN 120 024 777), area of 72 units. Application for renewal received 26 June 2015.

(11-5580)

Exploration Licence No 6622, BROKEN HILL PROSPECTING LIMITED (ACN 003 453 503), area of 17 units. Application for renewal received 30 June 2015.

(T09-0085)

Exploration Licence No 7391, THOMSON RESOURCES LTD (ACN 138 358 728), area of 17 units. Application for renewal received 25 June 2015.

(T11-0087)

Exploration Licence No 7800, TARONGA MINES PTY LTD (ACN 126 854 288), area of 57 units. Application for renewal received 30 June 2015.

(T11-0088)

Exploration Licence No 7801, TARONGA MINES PTY LTD (ACN 126 854 288), area of 11 units. Application for renewal received 30 June 2015.

(T10-0297)

Exploration Licence No 7805, JERVOIS MINING LIMITED (ACN 007 626 575), area of 14 units. Application for renewal received 29 June 2015.

(T13-1023)

Exploration Licence No 8143, BROKEN HILL PROSPECTING LIMITED (ACN 003 453 503), area of 4 units. Application for renewal received 30 June 2015.

(07-7674)

Mineral Lease No 6119 (Act 1906), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 1.963 hectares. Application for renewal received 26 June 2015.

(07-7679)

Mineral Lease No 6175 (Act 1906), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 1.196 hectares. Application for renewal received 26 June 2015.

Notice is given that the following applications have been granted:

### EXPLORATION LICENCE APPLICATIONS

(T15-1015)

No 5146, now Exploration Licence No 8378, JODAMA PTY LTD (ACN 095 440 547), County of Bathurst, Map Sheet (8730), area of 8 units, for Group 1, dated 23 June 2015, for a term until 23 June 2018.

(T15-1017)

No 5148, now Exploration Licence No 8379, PROVIDENCE GOLD AND MINERALS PTY LTD (ACN 004 881 789), Counties of Clarence, Drake and Gresham, Map Sheet (9439), area of 99 units, for Group 1, dated 23 June 2015, for a term until 23 June 2017.

The Hon ANTHONY ROBERTS, MP  
Minister for Industry, Resources and Energy

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

(T12-3310)

Exploration Licence No 5748, ARGENT (KEMPFIELD) PTY LTD (ACN 155 759 550), area of 21 units. Application for renewal received 30 June 2015.

(T01-0097)

Exploration Licence No 5874, ENDEAVOUR MINERALS PTY LTD (ACN 063 725 708), area of 3 units. Application for renewal received 29 June 2015.

(08-4767)

Exploration Licence No 5964, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), area of 19 units. Application for renewal received 30 June 2015.

(15-1451)

Private Lands (Mining Purposes) Lease No 2903 (Act 1906), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 3617 square metres. Application for renewal received 26 June 2015.

(15-1455)

Private Lands (Mining Purposes) Lease No 2905 (Act 1906), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 1.24 hectares. Application for renewal received 26 June 2015.

(15-1452)

Private Lands Lease No 501 (Act 1924), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 24.08 hectares. Application for renewal received 26 June 2015.

(15-1456)

Private Lands Lease No 502 (Act 1924), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 31.09 hectares. Application for renewal received 26 June 2015.

(07-7670)

Private Lands Lease No 1178 (Act 1924), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 4.024 hectares. Application for renewal received 26 June 2015.

(07-7668)

Private Lands Lease No 1195 (Act 1924), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 22.36 hectares. Application for renewal received 26 June 2015.

(07-7669)

Private Lands Lease No 1216 (Act 1924), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 18.62 hectares. Application for renewal received 26 June 2015.

(15-1453)

Private Lands Lease No 1265 (Act 1924), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 20.33 hectares. Application for renewal received 26 June 2015.

(15-1454)

Private Lands Lease No 1266 (Act 1924), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 25.7 hectares. Application for renewal received 26 June 2015.

(07-7672)

Private Lands Lease No 1268 (Act 1924), SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), area of 26.81 hectares. Application for renewal received 26 June 2015.

The Hon ANTHONY ROBERTS, MP  
Minister for Industry, Resources and Energy

## RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(14-3106)

Authorisation No 232, CENTENNIAL AIRLY PTY. LIMITED (ACN 078 693 722), County of Roxburgh, Map Sheet (8931), area of 3054 hectares, for a further term until 20 October 2019. Renewal effective on and from 21 May 2015.

(12-2616)

Exploration Licence No 5306, BICKHAM COAL COMPANY PTY LIMITED (ACN 087 270 899), County of Brisbane, Map Sheet (9034), area of 3040 hectares, for a further term until 27 May 2017. Renewal effective on and from 10 June 2015.

(12-2617)

Exploration Licence No 5888, BICKHAM COAL COMPANY PTY LIMITED (ACN 087 270 899), County of Brisbane, Map Sheet (9034), area of 2040 hectares, for a further term until 27 May 2017. Renewal effective on and from 10 June 2015.

(T12-1084)

Exploration Licence No 8030, EJ RESOURCES PTY LTD (ACN 157 904 437), Counties of Booroondarra and Robinson, Map Sheet (7934, 8034), area of 45 units, for a further term until 30 November 2016. Renewal effective on and from 17 June 2015.

(T12-1085)

Exploration Licence No 8031, EJ RESOURCES PTY LTD (ACN 157 904 437), County of Booroondarra, Map Sheet (7934), area of 24 units, for a further term until 30 November 2016. Renewal effective on and from 17 June 2015.

(T92-0595)

Consolidated Mining Lease No 6 (Act 1992), PEAK GOLD MINES PTY LTD (ACN 001 533 777), Parish of Cobar, County of Robinson; and Parish of Mopone, County of Robinson, Map Sheet (8034-1-N, 8035-2-S), area of 1303 hectares, for a further term until 27 February 2034. Renewal effective on and from 15 June 2015.

(T97-0207)

Mining Lease No 1189 (Act 1973), CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), Parish of Hampton, County of Bathurst; and Parish of Lyndhurst, County of Bathurst, Map Sheet (8630-1-N, 8630-1-S, 8730-4-N, 8730-4-S), area of 252 hectares, for a further term until 13 May 2017. Renewal effective on and from 15 June 2015.

(14-1231)

Mining Lease No 1483 (Act 1992), PEAK GOLD MINES PTY LTD (ACN 001 533 777), Parish of Cobar, County of Robinson, Map Sheet (8034-1-N), area of 47.06 hectares, for a further term until 27 January, 2029. Renewal effective on and from 15 June 2015.

The Hon ANTHONY ROBERTS, MP  
Minister for Industry, Resources and Energy

**REQUEST FOR CANCELLATION  
OF AUTHORITIES**

Notice is given that the following applications for cancellation of authorities have been received:

(T13-1161)

Exploration Licence No 8253, SANDFIRE RESOURCES NL, (ACN 105 154 185), Counties of Gordon and Wellington, area of 66 units. Application for Cancellation was received on 25 June 2015

(T14-1128)

Exploration Licence No 8322, AG MINERAL EXPLORATIONS PTY LTD, (ACN 601 224 757), Counties of Mootwingee and Yungnulgra, area of 100 units. Application for Cancellation was received on 30 June 2015

(T14-1138)

Exploration Licence No 8339, SANDFIRE RESOURCES NL, (ACN 105 154 185), Counties of Gordon and Wellington, area of 40 units. Application for Cancellation was received on 25 June 2015

(T14-1172)

Exploration Licence No 8350, SANDFIRE RESOURCES NL, (ACN 105 154 185), Counties of Gordon and Wellington, area of 15 units. Application for Cancellation was received on 25 June 2015

The Hon ANTHONY ROBERTS, MP  
Minister for Industry, Resources and Energy

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**CANCELLATION OF AUTHORITY AT  
REQUEST OF HOLDER**

Notice is given that the following authority has been cancelled:

(T13-1159)

Exploration Licence No 8277, PEEL GOLD PTY LTD (ACN 166 110 041), County of Darling and County of Murchison, Map Sheet (9036, 9037), area of 99 units. Cancellation took effect on 28 June 2015.

The Hon ANTHONY ROBERTS, MP  
Minister for Industry, Resources and Energy

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**PART CANCELLATION**

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

(T10-0205)

Exploration Licence No 7681, ABX2 PTY LTD (ACN 139 791 478).

**Description of area cancelled:**

An area of 63 units has been cancelled. For further information contact Titles Branch.

Part cancellation took effect on 25 June 2015.

The authority now embraces an area of 37 units.

The Hon ANTHONY ROBERTS, MP  
Minister for Industry, Resources and Energy

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**TRANSFERS**

(14-3412)

Exploration Licence No 6096, formerly held by JERVOIS MINING LIMITED (ACN 007 626 575) has been transferred to EMC METALS AUSTRALIA PTY LIMITED (ACN 160 223 325). The transfer was registered on 24 June 2015.

(13-2669)

Mining Lease No 1322 (Act 1992), formerly held by MARTIN THOMAS FABER has been transferred to AUS GOLD MINING GROUP PTY LIMITED (ACN 603 575 917). The transfer was registered on 26 June 2015.

The Hon ANTHONY ROBERTS, MP  
Minister for Industry, Resources and Energy



## Energy Notices

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### **ELECTRICITY (CONSUMER SAFETY) ACT 2004**

#### **ELECTRICITY (CONSUMER SAFETY) REGULATION 2006**

Electrical Equipment Safety Advisory Committee

Pursuant to Part 7, clause 31 of the *Electricity (Consumer Safety) Regulation 2006*, I hereby appoint the following persons as members of the Electrical Equipment Safety Advisory Committee for a term commencing 1 July 2015 and expiring on 30 June 2018.

Ms Lynelle COLLINS (Chairperson)

Mr Robert WOOLEY

Mr Colin HARRIS

Mr Owen MANLEY

Mr Dennis GALVIN

Mr James CHU

Mr James THOMSON

Mr Owen LESLIE

Dated this 23rd day of June 2015

ROD STOWE

Commissioner for Fair Trading

## Primary Industries Notices

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### FISHERIES MANAGEMENT ACT 1994

Total Allowable Catch Setting and Review Committee

Appointment of Members

I, Niall Blair, MLC, Minister for Primary Industries, pursuant to section 27 of the *Fisheries Management Act 1994*, appoint the persons listed in Schedule below as members of the Total Allowable Catch Setting and Review Committee for a term commencing on the date of appointment and expiring on 31 December 2015.

#### Schedule

Mr Ian CARTWRIGHT (Chairperson)

Dr Jessica HARTMANN

Dated this 3rd day of June 2015

The Hon NIALL BLAIR, MLC  
Minister for Primary Industries

# Crown Lands Notices

1300 886 235 [www.crownland.nsw.gov.au](http://www.crownland.nsw.gov.au)

## DUBBO OFFICE

### 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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Schedule

| Column 1  | Column 2  | Column 3  |
|---|---|---|
| Mudgee<br>Miniature<br>Railway<br>Co-Operative<br>Society Ltd | Mudgee<br>Recreation<br>(R97578)<br>Reserve Trust | Reserve No 97578<br>Public Purpose:<br>public recreation<br>Notified:<br>9 November 1984<br>File Reference:<br>15/06255 |

For a term commencing the date of this notice

### ORDER

Authorisation of Additional Purpose under s121A

Pursuant to s121A of the *Crown Lands Act 1989*, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Schedule

| Column 1          | Column 2  |
|-------------------|---|
| Public Recreation | Reserve No 96146<br>Public Purpose: promotion<br>of the study and the<br>preservation of native flora<br>and fauna<br>Notified: 16 July 1982<br>File Reference: DB84R90 |

#### Schedule

| Column 1          | Column 2   |
|-------------------|--|
| Public Recreation | Reserve No 120111<br>Public Purpose: access,<br>community purposes<br>Notified: 9 August 1996<br>File Reference: DB95R21 |

## GOULBURN OFFICE

### NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Schedule

| Column 1   | Column 2  |
|--|---|
| Site Investigation<br>(Relevant Interest –<br>S34A Licence 549110) | Reserve No 94293<br>Public Purpose: future<br>public requirements<br>Notified: 13 February 1981<br>File Reference: 15/02582 |

## GRAFTON OFFICE

### NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Schedule

| Column 1  | Column 2   |
|---|--|
| Grazing<br>(Relevant Interest –<br>Section 34A<br>Licence 537039) | Reserve No 755721<br>Public Purpose: future<br>public requirements<br>Notified: 29 June 2007<br>File Reference: 14/06058 |

#### Schedule

| Column 1   | Column 2   |
|--|--|
| Ramp, Jetty and Boatshed<br>(Relevant Interest –<br>Section 34A<br>Licence 551264) | Reserve No 755740<br>Public Purpose: future<br>public requirements<br>Notified: 29 June 2007<br>File Reference: 15/03982<br>Reserve No 56146<br>Public Purpose: generally<br>Notified: 11 May 1923<br>File Reference: 15/03982 |

**Column 1**

**Column 2**

Reserve No 1011268  
Public Purpose: future  
public requirements  
Notified: 3 February 2006  
File Reference: 15/03982

**Description**

*Parish – Kangaroo; County – Buller  
Land District – Tenterfield; LGA – Tenterfield*  
Road Closed: Lots 1–2 DP 1207482  
File No: 14/08844

**Schedule**

On closing, the land within Lots 1–2 DP 1207482 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Mitchell; County – Gough  
Land District – Glen Innes  
LGA – Glen Innes Severn Shire*

Road Closed: Lot 5 DP 1207261  
File No: 14/05467

**Schedule**

On closing, the land within Lot 5 DP 1207261 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Wylie; County – Buller  
Land District – Tenterfield; LGA – Tenterfield*

Road Closed: Lot 1 DP 1208791  
File No: 15/01166

**Schedule**

On closing, the land within Lot 1 DP 1208791 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parishes – Russell, Redbank; County – Arrawatta  
Land District – Warialda; LGA – Inverell*

Road Closed: Lots 1–2 DP 1208091  
File No: 15/00722

**Schedule**

On closing, the land within Lots 1–2 DP 1208091 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parishes – Meerschaum, Broadwater; County – Rous  
Land District – Lismore; LGA – Lismore*

Road Closed: Lots 1–5 DP 1209080  
File No: 14/08578

**Schedule**

On closing, the land within Lots 1–5 DP 1209080 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Wamboin; County – Murray  
Land District – Queanbeyan; LGA – Palerang*

Road Closed: Lot 1 DP 1209474

File No: 15/01877

**Schedule**

On closing, the land within Lot 1 DP 1209474 remains vested in the State of New South Wales as Crown land.

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**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Rusden; County – Gough  
Land District – Glen Innes Severn  
LGA – Glen Innes Severn Shire*

Road Closed: Lot 1 DP 1208652

File No: 14/09095

**Schedule**

On closing, the land within Lot 1 DP 1208652 remains vested in the State of New South Wales as Crown land.

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**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parishes – Tarban, Cowper; County – Clive  
Land District – Tenterfield; LGA – Tenterfield*

Road Closed: Lot 1 DP 1202008

File No: 14/03141

**Schedule**

On closing, the land within Lot 1 DP 1202008 remains vested in the State of New South Wales as Crown land.

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**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Great Marlow; County – Clarence  
Land District – Grafton; LGA – Clarence Valley*

Road Closed: Lots 1–2 DP 1208648

File No: 11/04541

**Schedule**

On closing, the land within Lots 1–2 DP 1208648 remains vested in the State of New South Wales as Crown land.

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**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Rushforth; County – Clarence  
Land District – Grafton; LGA – Clarence Valley*

Road Closed: Lot 1 DP 1208369

File No: 14/09347

**Schedule**

On closing, the land within Lot 1 DP 1208369 remains vested in the State of New South Wales as Crown land.

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**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Tara; County – Bourke  
Land District – Temora Central; LGA – Temora*

Road Closed: Lot 2 DP 1202986

File No: 14/03389

**Schedule**

On closing, the land within Lot 2 DP 1202986 remains vested in the State of New South Wales as Crown land.

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**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Macintyre; County – Gough  
Land District – Inverell; LGA – Inverell*

Road Closed: Lot 1 DP 1208650

File No: 14/05578

**Schedule**

On closing, the land within Lot 1 DP 1208650 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Lawrence; County – Clarence  
Land District – Grafton; LGA – Clarence Valley*

Road Closed: Lot 1 DP 1208243

File No: 14/04179

**Schedule**

On closing, the land within Lot 1 DP 1208243 remains vested in the State of New South Wales as Crown land.

**GRIFFITH OFFICE**

**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

**Column 1**

Pump and Pipeline  
(Relevant Interest –  
Section 34A Licence  
RI 547760)

**Column 2**

Reserve No 159017  
Public Purpose:  
environmental protection  
Notified: 18 March 1994  
File Reference: 15/01931

**Schedule**

**Column 1**

Grazing and Agriculture  
(Relevant Interest –  
Section 34A licence –  
RI 551519)

**Column 2**

Reserve No 756457  
Public Purpose: future  
public requirements  
Notified: 29 June 2007  
File Reference: 15/05015

**REVOCATION OF TRUST MANAGEMENT**

Pursuant to s92 (3) of the *Crown Lands Act 1989*, the reserve trust specified in Column 1 of the Schedule hereunder is revoked as manager of the reserve specified in Column 2 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

**Column 1**

Forests NSW  
File Reference: 15/01137

**Column 2**

Reserve No: 88393  
(part Lot 1246 DP 753135)  
for Public Buildings (Forestry)  
Notified: 5 November 1971

**HAY OFFICE**

**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

**Column 1**

Environmental Protection  
(Relevant Interest –  
S34A Licence –  
RI 534047)

**Column 2**

Reserve No 91696  
Public Purpose: future  
public requirements  
Notified: 25 January 1980  
File Reference: 14/03290

**MOREE OFFICE**

**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

**Column 1**

Agriculture and Grazing  
(Relevant Interest –  
S34A Licence 549332)

**Column 2**

Reserve No 98098  
Public Purpose: access  
Notified: 21 February 1986  
File Reference: 15/02742

## NEWCASTLE OFFICE

### 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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Description

*Parishes – Cadogan, Vittoria; County – Bathurst  
Land District – Bathurst; LGA – Bathurst Regional*

Road Closed: Lots 1–3 DP 1207770

File No: CL/00597

#### Schedule

On closing, the land within Lots 1–3 DP 1207770 remains vested in the State of New South Wales as Crown land.

### 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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Description

*Parish – Buramilong; County – Ewenmar  
Land District – Coonamble; LGA – Gilgandra*

Road Closed: Lot 1 DP 1207095

File No: 09/15427

#### Schedule

On closing, the land within Lot 1 DP 1207095 remains vested in the State of New South Wales as Crown land.

### 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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Description

*Parish – Buramilong; County – Ewenmar  
Land District – Coonamble; LGA – Gilgandra*

Road Closed: Lot 1 DP 1207758

File No: 09/15425

#### Schedule

On closing, the land within Lot 1 DP 1207758 remains vested in the State of New South Wales as Crown land.

### 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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Description

*Parish – Buramilong; County – Ewenmar  
Land District – Coonamble; LGA – Gilgandra*

Road Closed: Lot 1 DP 1208339

File No: 14/07331

#### Schedule

On closing, the land within Lot 1 DP 1208339 remains vested in the State of New South Wales as Crown land.

### 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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Description

*Parish – Lowes; County – Hume  
Land District – Corowa; LGA – Corowa Shire*

Road Closed: Lots 1–3 DP 1202525

File No: 14/04185

#### Schedule

On closing, the land within Lots 1–3 DP 1202525 remains vested in the State of New South Wales as Crown land.

### 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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

#### Description

*Parish – Quat Quatta; County – Hume  
Land District – Corowa; LGA – Corowa Shire*

Road Closed: Lot 1 DP 1207049

File No: WA07H146

#### Schedule

On closing, the land within Lot 1 DP 1207049 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Bramina; County – Buccleuch  
Land District – Cooma; LGA – Tumut*

Road Closed: Lot 1 DP 1199674

File No: 07/3028 : BA

**Schedule**

On closing, the land within Lot 1 DP 1199674 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Balcombe; County – Oxley  
Land District – Warren; LGA – Warren*

Road Closed: Lot 1 DP 1208076

File No: 15/01458

**Schedule**

On closing, the land within Lot 1 DP 1208076 remains vested in the State of New South Wales as Crown land.

**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Terangan; County – Oxley  
Land District – Warren; LGA – Warren*

Road Closed: Lot 1 DP 1208078

File No: 15/01466

**Schedule**

On closing, the land within Lot 1 DP 1208078 remains vested in the State of New South Wales as Crown land.

**NOTICE OF PUBLIC PURPOSE PURSUANT TO SECTION 34A (2) (b) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve specified in Column 1 of the Schedule is to be occupied for the additional purpose specified in Column 2 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

| Column 1                                   | Column 2                 |
|--|--------------------------|
| Reserve No 755968                          | Communication Facilities |
| Public Purpose: Future Public Requirements |                          |
| Notified: 29 June 2007                     |                          |
| Parish: Wandrawandian                      |                          |
| County: St Vincent                         |                          |

**NOWRA OFFICE**

**ROADS ACT 1993**

**ORDER**

Transfer of a Crown Road to a Council

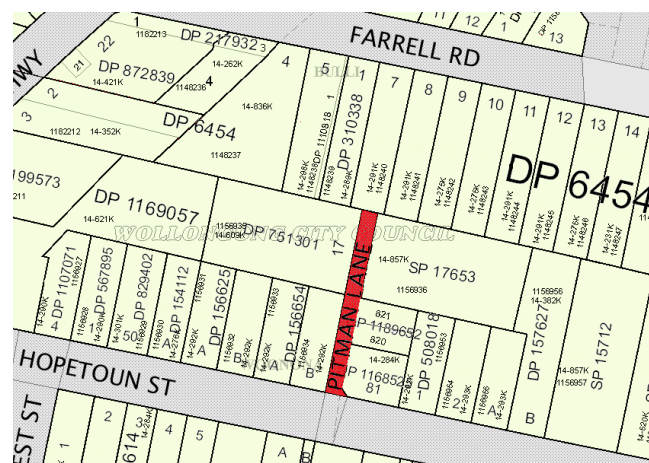
In pursuance of the provisions of section 151, *Roads Act 1993*, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule 1**

*Parish – Woonona; County – Camden  
Land District – Kiama; LGA – Wollongong*

Description: Crown road at Woonona shown as Pitman Lane and by red colour in diagram hereunder.



**Schedule 2**

Road Authority: Wollongong City Council  
File Ref: 15/05172 – W552765  
Council Ref: PR-175.30.010



**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.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Description**

*Parish – Eden; County – Auckland  
Land District – Bega; LGA – Bega Valley*

Road Closed: Lot 1 DP 1191270

File No: 11/03531

**Schedule**

On closing, the land within Lot 1 DP 1191270 remains vested in the State of New South Wales as Crown land.

**ORANGE OFFICE**

**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

| <b>Column 1</b>  | <b>Column 2</b>   |
|--|---|
| Bridge Construction and Road Construction (Relevant Interest – S34A Licence – RI 534089) | Reserve No 190027<br>Public Purpose: public recreation<br>Notified: 30 January 1987<br>File Reference: 14/03302 |

**Schedule**

| <b>Column 1</b>  | <b>Column 2</b>   |
|--|---|
| Grazing (Relevant Interest – S34A Licence – RI 542165) | Reserve No 750134<br>Public Purpose: future public requirements<br>Notified: 29 June 2007<br>File Reference: 14/10013 |

**Schedule**

| <b>Column 1</b>   | <b>Column 2</b>   |
|---|---|
| Environmental Protection (Relevant Interest – S34A Licence – RI 537401) | Reserve No 750152<br>Public Purpose: future public requirements<br>Notified: 29 June 2007<br>File Reference: 14/06221 |

**Schedule**

| <b>Column 1</b>   | <b>Column 2</b>   |
|---|---|
| Residence (Relevant Interest – Section 34A licence – RI 550860) | Reserve No 755769<br>Public Purpose: future public requirements<br>Notified: 29 June 2007<br>File Reference: 15/03693 |

**DISSOLUTION OF RESERVE TRUST**

Pursuant to section 92 (3) of the *Crown Lands Act 1989*, the reserve trust specified in Column 1 of the Schedule hereunder, which was established in respect of the reserve specified opposite thereto in Column 2 of the Schedule, is dissolved.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

| <b>Column 1</b>                         | <b>Column 2</b>   |
|---|---|
| Eugowra District Hospital Reserve Trust | Reserve No 72429<br>Public Purpose: hospital<br>Notified: 26 September 1947<br>File Reference: 13/13449 |

**Schedule**

| <b>Column 1</b>                        | <b>Column 2</b>  |
|--|--|
| Forbes District Hospital Reserve Trust | Dedication No 1000406<br>Public Purpose: hospital addition<br>Notified: 2 November 1945<br>Dedication No 590008<br>Public Purpose: hospital<br>Notified: 1 July 1890<br>File Reference: 13/13449 |

**TAMWORTH OFFICE**

**ORDER**

Authorisation of Additional Purpose under s121A

Pursuant to s121A of the *Crown Lands Act 1989*, I authorise by this Order, the purpose specified in Column 1 to be an additional purpose to the declared purpose of the reserves specified opposite thereto in Column 2 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

| <b>Column 1</b> | <b>Column 2</b>   |
|-----------------|---|
| Rural Services  | Reserve No 89020<br>Public Purpose: public hall, public recreation<br>Notified: 21 September 1973<br>File Reference: 15/05986 |

**ROADS ACT 1993**

**ORDER**

Transfer of Crown Road to Council

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

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule 1**

*Parish – Tamworth; County – Inglis  
Land District – Tamworth  
LGA – Tamworth Regional Council*

Crown public road of variable width and described as Dean Street, West of Lot 1 DP 1181268 (as highlighted in the diagram below).



**Schedule 2**

Roads Authority: Tamworth Regional Council  
File No: 15/04776

**TAREE OFFICE**

**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

**Column 1**

Berthing Area  
(Relevant Interest –  
Section 34A licence –  
RI 539577)

**Column 2**

Reserve No 170  
Public Purpose: access  
Notified: 2 April 1883  
File Reference: 14/07501  
Reserve No 1012048  
Public Purpose: access  
and public requirements,  
tourism purposes and  
environmental and heritage  
conservation  
Notified: 4 August 2006  
File Reference: 14/07501  
Reserve No 56146  
Public Purpose: generally  
Notified: 11 May 1923  
File Reference: 14/07501  
Reserve No 1011268  
Public Purpose: future  
public requirements  
Notified: 3 February 2006  
File Reference: 14/07501

**ROADS ACT 1993**

**ORDER**

Transfer of Crown Road to a Council

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

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule 1**

1. Crown Public Road known as Lockinvar Road within Pt 84 DP 754430, within the South Eastern Corner of Pt 85 DP 754430, 10 metres East of the North Eastern corner of Lot 2 DP 710110 to the North Western corner of Lot 3 DP 710110 at Wherrol Flat, Parish Lewis
2. Part Lees Road from Youngs Road to 20 metres West of the South Western corner of Lot 2 DP 252776 at Cedar Party Wingham, Parish Dawson

3. Part Carneys Road from the South Eastern corner of Lot 41 DP 859275 in a South Easterly direction for a distance of 71 metres at Wingham, Parish Taree
4. Part Beaully Road from the South Eastern corner of Lot 5 DP 241581 to the North Eastern corner of Lot 1 DP 591122 and South, East and North of Lot 211 DP 753202 and West of Lot 3 DP 873895 at Tinonee, Parish Wingham
5. Part Washington Street from the Southern alignment of Beecher Street (North West corner of Lot 1 DP 807041) to Southern alignment of Peverill Street (North East corner Lot 4 Section 27 DP 758979) from the Northern alignment of Peverill Street to Southern alignment of Winter Street (North Western corner Lot 1 DP 1111502) and from the South Eastern corner of Lot 102 DP 1067241 to a line between 10 metres North of the South Eastern corner of Lot 3 DP 883748 and the angle in the western road boundary of Lot 1 DP 555683 at Tinonee, Parish Tinonee
6. Part Beecher Street from Eastern alignment of Manchester Street to Western alignment of Washington Street at Tinonee, Parish Tinonee
7. Part Winter Street from Eastern alignment of Claxton Street to Western alignment of Manchester Street and from Eastern alignment of Manchester Street to Manning River at Tinonee, Parish Tinonee
8. Part Hopkins Street from South Western corner of Lot 279 DP 753202 to the South Eastern boundary of Lot 2 DP 1079522 and the Manning River at Tinonee, Parish Tinonee

**Schedule 2**

Roads Authority: Greater Taree City Council  
Lands File No TE03 H 237

**WAGGA WAGGA OFFICE**

**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

| <b>Column 1</b>   | <b>Column 2</b>  |
|---|--|
| Grazing<br>(Relevant Interest –<br>Section 34A<br>Licence 548777) | Reserve No 93830<br>Public Purpose: future<br>public requirements<br>Notified: 17 October 1980<br>File Reference: 15/02485 |

**ROADS ACT 1993**

**ORDER**

Transfer of Crown Road to a Council

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

The Hon NIALL BLAIR, MLC  
Minister for Primary Industries  
and Minister for Lands and Water

**Schedule 1**

|                |   |
|----------------|---|
| Parish:        | South Wagga Wagga   |
| County:        | Wynyard   |
| Land District: | Wagga Wagga   |
| LGA:           | Wagga Wagga City Council  |
| Description:   | Crown road extending north from Hammond Avenue, east of Lot 1 DP 1033421, the end of Tarcoola Road and Lot 33 DP 775710, through, south and east of Lot 4 DP 740222 |

**Schedule 2**

|                  |                          |
|------------------|--------------------------|
| Roads Authority: | Wagga Wagga City Council |
| Reference:       | 14/06005 W548663         |

**WESTERN REGION OFFICE**

**NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A (2) OF THE CROWN LANDS ACT 1989**

Pursuant to section 34A (2) (b) of the *Crown Lands Act 1989*, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

**Schedule**

| <b>Column 1</b>   | <b>Column 2</b>   |
|---|---|
| Pump and Pipeline<br>(Relevant Interest –<br>Section 34A<br>Licence 553250) | Reserve No 84334<br>Public Purpose: generally<br>Notified: 22 March 1963<br>File Reference: 15/05461<br><br>Reserve No 1013808<br>Public Purpose: future<br>public requirements<br>Notified: 29 June 2007<br>File Reference: 15/05461<br><br>Reserve No 1011268<br>Public Purpose: future<br>public requirements<br>Notified: 3 February 2006<br>File Reference: 15/05461 |

| Schedule  |  | Schedule   |   |
|---|--|--|---|
| Column 1  | Column 2   | Column 1   | Column 2  |
| Access and Structures<br>(Relevant Interest –<br>S34A Licence 517261) | Reserve No 87409<br>Public Purpose:<br>regeneration area<br>Notified: 26 September<br>1969<br>File Reference: 13/11510 | Dugout<br>(Relevant Interest –<br>Section 34A<br>Licence 552853) | Reserve No 1013834<br>Public Purpose: future<br>public requirements<br>Notified: 29 June 2007<br>File Reference: 15/05204 |

**EXTENSION OF THE TERM OF A WESTERN LANDS LEASE**

It is hereby notified that in pursuance of the provisions of section 18E, *Western Lands Act 1901*, the term of the Western Lands Lease specified in the Schedule has been extended as specified

The lease is subject to the provisions of the *Western Lands Act 1901* and the Regulations thereunder.

NIALL BLAIR, MLC  
Minister for Lands and Water

*Administrative District – Walgett North Shire – Walgett  
Parish – Wallangulla County – Finch*

| WLL NO | Name of Lessee   | Folio Identifier | Area<br>(square metres) | Term of Lease  |                |
|--------|--|------------------|-------------------------|----------------|----------------|
|        |  |                  |                         | From           | To             |
| 14650  | Karin Therese THURSTON<br>and Steven John SPENCE<br>as Joint Tenants | 20/1066289       | 2490                    | 11 August 2026 | 10 August 2046 |

**ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE**

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

The Hon NIALL BLAIR, MLC  
Minister for Lands and Water

*Administrative District – Balranald  
Shire – Balranald County – Taila*

The purpose of Western Lands Leases 417 & 521, being the land contained within Folio Identifiers 1/756106, 5547/768457, 5542/768452 & 5543/768453 has been altered from “Pastoral/Pastoral Purposes” to “Grazing & Cultivation (Dryland)” effective from 29 June 2015.

The purpose of Western Lands Lease 436, being the land contained within Folio Identifier 5545/768455 has been altered from “Pastoral Purposes” to “Grazing & Cultivation” effective from 29 June 2015.

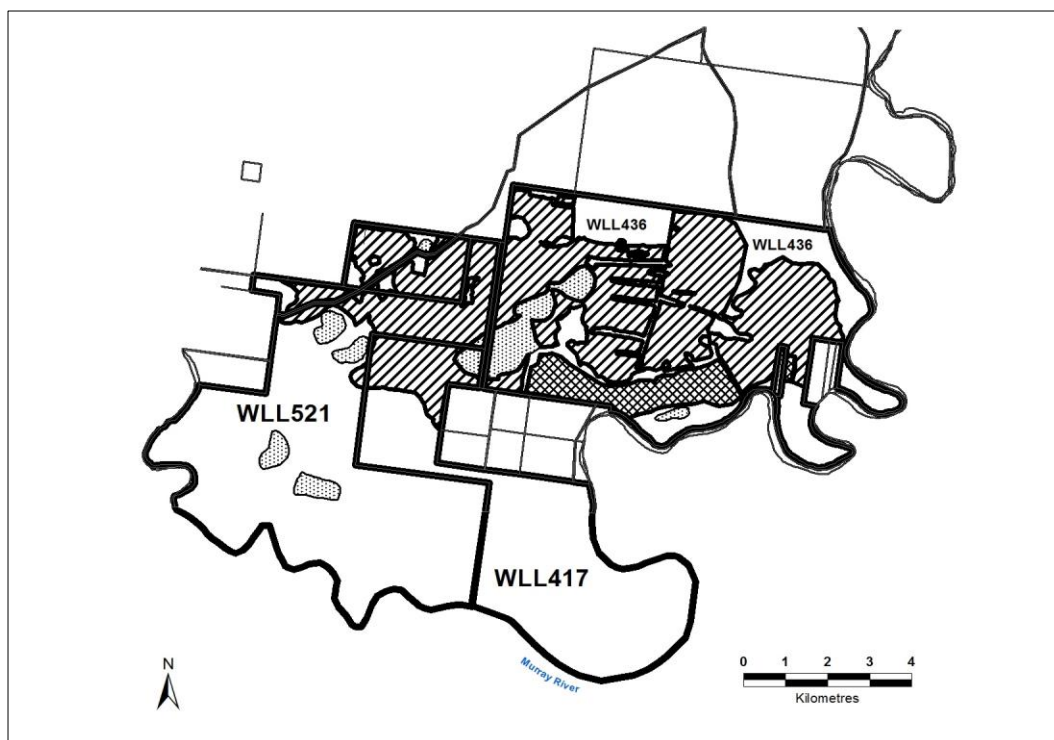
As a consequence of the alteration of purpose/conditions rent will be assessed annually in line with the *Western Lands Act 1901* and Regulations.

The conditions have been altered by the inclusion of the special conditions following.

**Special Conditions Attached to Western Land Leases 417, 436 & 521**

- 1) The leased land must only be used for the purpose of Grazing and Cultivation.
- 2) The lessee must ensure that sandhills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the Commissioner.
- 3) The lessee must ensure land within 60 metres of any texture contrast or duplex soil area remains uncultivated except in accordance with a plan approved by the Commissioner. Texture contrast (or duplex) soils are soil types which have a sandy to loamy topsoil abruptly overlying a clay subsoil and are prone to scalding (producing clay pans and hummocks).
- 4) The lessee must ensure areas with a slope greater than 2% remain uncultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee’s expense.
- 5) The lessee must ensure incised drainage lines, other than man-made structures, which carry water after storms are left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels except when the Commissioner specifies otherwise.

- 6) Except with the specific approval of the Commissioner, no cultivation or ancillary works associated with any cultivation must be undertaken within 50 metres of the bank of the Murray River. These areas are not to be disturbed by the use of any implements or used for the purposes of any silo, temporary grain storage, machinery shed or other installations or works of any kind.
- 7) The right is reserved to the public of access from a river or creek to the bank of that river or creek adjoining the land leased and the lessee shall not obstruct access along the bank, river or creek to any member of the public.
- 8) The lessee must undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
- 9) The lessee must establish windbreaks at his/her own expense as may be ordered by the Commissioner to provide adequate protection of the soil.
- 10) The lessee must ensure that cultivation and cropping do not alter the natural flood regime or obstruct the reasonable passage of floodwaters. Crops are not to be protected by levees.
- 11) The lessee must ensure that no tail water or drainage water run-off will escape or discharge into or onto adjoining lands by any means including surface or sub-surface drains or pipes.
- 12) The lessee must ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
- 13) The lessee must ensure stubble is retained on the soil surface and must not be burnt, except with the approval of the Commissioner or his delegate.
- 14) The lessee shall ensure that no cultivation is to be undertaken on areas marked as 'Do Not Cultivate', indicated by the dotted area on the attached map.
- 15) The lessee is authorised to Cultivate (**Dryland**) 310 Ha on WLL417, 2107 ha on WLL436 and 858 ha on WLL521 as shown hatched on the diagram below. No cultivation or ancillary works associated with any cultivation is authorised outside of these areas.
- 16) The lessee is authorised to Cultivate (**Irrigate**) an area of 409 ha on WLL436 as shown cross-hatched on the diagram below. No cultivation or ancillary works associated with any cultivation is authorised outside of this area.



## Water Notices

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### HUNTER WATER REGULATION 2015

Notice is given in accordance with section 5 of the *Subordinate Legislation Act 1989* of the intention to make a regulation under the *Hunter Water Act 1991*.

The proposed *Hunter Water Regulation 2015* is to replace the *Hunter Water Regulation 2010* which will be automatically repealed on 1 September 2015.

The proposed Regulation includes new provisions that regulate activities within special areas, expands or clarifies the application of certain existing provisions and prescribes certain offences as penalty notice provisions.

The proposed Regulation and Regulatory Impact Statement will be available for public comment from **1 July 2015** to **28 July 2015** and can be accessed by phoning (02) 9338 6802 or via the Department of Primary Industries website <http://www.dpi.nsw.gov.au/aboutus/about/legislation-acts/review>.

Interested parties are invited to submit written comments on the proposed Regulation or the RIS to the NSW Department of Primary Industries by mail, fax or email to:

**Post**

Attn: Hunter Water Regulation RIS  
Strategy and Policy  
Department of Primary Industries  
Locked Bag 21  
Orange NSW 2800

**Fax**

Attn: Hunter Water Regulation RIS  
(02) 9338 6890

**Email**

[hunterwater.regulation@dpi.nsw.gov.au](mailto:hunterwater.regulation@dpi.nsw.gov.au)

**Submissions close at 5pm on Tuesday 28 July 2015.**

## Other Government Notices

### ASSOCIATIONS INCORPORATION ACT 2009

#### Cancellation of Incorporation Pursuant to Section 74

Take notice that the incorporation of the following associations is cancelled by this notice pursuant to section 74 of the *Associations Incorporation Act 2009*.

|  |            |
|--|------------|
| THE BEGINNING EXPERIENCE, BROKEN BAY INCORPORATED  | INC9893011 |
| THE FIRST INDEPENDENT SAMOAN ASSEMBLY OF GOD CHURCH AUSTRALIA INCORPORATED                         | INC9883192 |
| MID NORTH COAST ORGANICS INCORPORATED  | INC9883555 |
| NATIONAL SERVICEMEN'S ASSOCIATION OF AUSTRALIA N.S.W. PORT STEPHENS REGION SUB-BRANCH INCORPORATED | INC1300308 |
| NEW SOUTH WALES STATE TRANSPORT SALARIED OFFICERS PICNIC INCORPORATED                              | Y3009100   |
| ROTARY CLUB OF BURWOOD COMMUNITY CHEST INC   | INC9875434 |
| SOUTHERN HIGHLANDS OLDER WOMEN'S NETWORK INCORPORATED  | INC1301524 |
| TAMWORTH RECREATIONAL FLYERS INC   | INC9882432 |

Cancellation is effective as at the date of gazettal.

Dated 1st day of July 2015.

ROBYNE LUNNEY  
Delegate of the Commissioner  
NSW Fair Trading

### 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*.

|  |            |
|--|------------|
| 15TH HISTORICAL CONFERENCE INCORPORATED                  | INC9888963 |
| AL BAYAN SCHOOL INCORPORATED                             | INC9887181 |
| ALBION PARK RAIL TENNIS CLUB INC                         | Y0799929   |
| ARGENTINIAN SOCIAL & CULTURAL CENTRE OF NSW INCORPORATED | Y1577212   |
| ASSOCIATION OF CRIMINAL INVESTIGATORS INCORPORATED       | INC9886581 |

|   |            |
|---|------------|
| AUSTRALIA CHINESE OPERA ART ASSOCIATION INCORPORATED            | INC9881898 |
| AUSTRALIA JAPAN BUSINESS ASSOCIATION INCORPORATED               | INC9884367 |
| AUSTRALIAN HUNAN ASSOCIATION INC'                               | INC9878945 |
| AVONDALE RUGBY LEAGUE FOOTBALL CLUB INCORPORATED                | INC9876414 |
| AWCI GROUP TRAINING SCHEME INCORPORATED                         | INC9888035 |
| BETA SIGMA PHI, DELTA MASTER SYDNEY INCORPORATED                | INC9878284 |
| BLACK SHEEP ARTISTS INCORPORATED                                | INC9897895 |
| BLESSED PEDRO CALUNGSOD ASSOCIATION INCORPORATED                | INC9885244 |
| BOURKE JUNIOR HOCKEY INCORPORATED                               | Y2969429   |
| BUNGENDORE AMATEUR THEATRICAL SOCIETY INCORPORATED              | Y2158525   |
| CALARE NETBALL CLUB BATHURST INCORPORATED                       | INC9883215 |
| CALARE NETBALL CLUB INCORPORATED                                | INC9878204 |
| CAMDEN YOUTH SERVICES INCORPORATED                              | INC9884682 |
| COFFS COAST APEX TOY LIBRARY INCORPORATED                       | Y2882006   |
| COLO VALLEY LANDCARE GROUP INCOPORATED                          | INC9888183 |
| CONCRETE INNOVATIVE CHURCH INCORPORATED                         | INC9890118 |
| CONGOLESE COMMUNITY OF NEW SOUTH WALES – AUSTRALIA INCORPORATED | INC9881104 |
| COROWA AMATEUR SWIMMING & LIFE SAVING CLUB INC                  | Y0185338   |
| CRESCENT HEAD BOARDRIDERS INCORPORATED                          | INC9885534 |
| CUMNOCK AMATEUR SWIMMING CLUB INCORPORATED                      | INC9890289 |
| DARETON PRIMARY ENDOWMENT BLOCK INC                             | Y1462432   |
| DEE WHY SURFING FRATERNITY INCORPORATED                         | INC9888780 |
| DOWN SPIRIT PRESBYTERIAN CHURCH INCORPORATED                    | INC9875356 |

|   |            |  |            |
|---|------------|--|------------|
| EDEMU INCORPORATED  | INC9874689 | MARIA VERGINE ANNUNZIATA INC                                 | Y0662526   |
| ENGLISH CIRCLE INCORPORATED                                     | INC9889593 | MID NORTH COAST RUGBY UNION INCORPORATED                     | Y2099903   |
| FAR NORTH COAST LIFE EDUCATION INCORPORATED                     | Y1957543   | MIRRIGINGI INCORPORATED                                      | INC9889608 |
| FIJI YOUTH INITIATIVE INCORPORATED                              | INC9883763 | MOONBI PACING CLUB INCORPORATED                              | INC9887756 |
| GREENRIDGE MEMORIAL HALL AND SOCIAL ACTIVITIES CLUB INC         | Y0220519   | MT KEMBLA RUGBY LEAGUE FOOTBALL CLUB INCORPORATED            | INC9879382 |
| GRETA/BRANXTON OUT OF SCHOOL HOURS INCORPORATED                 | Y1995239   | N.S.W. SEED GROWERS ASSOCIATION INCORPORATED                 | Y1815913   |
| GULGONG ENDURANCE RIDE INCORPORATED                             | INC9881453 | NARRABEEN LAKES HEALTH & FITNESS CENTRE INCORPORATED         | INC9886245 |
| HARBOUR CITY CHURCH INCORPORATED                                | INC9889797 | NARRANDERA FISHING CLUB INCORPORATED                         | Y2328135   |
| HAY DISTRICT CRICKET ASSOCIATION INC                            | Y0714829   | NEFESH CENTRE INC  | INC9888466 |
| HILLSTON AND DISTRICT AQUATIC CLUB INC                          | Y0812046   | NEMINGHA TAVERN FISHING CLUB INCORPORATED                    | INC9877428 |
| ILLAWARRA MODEL CAR CLUB INCORPORATED                           | INC9874916 | NEPEAN GOLF ASSOCIATION INCORPORATED                         | INC9885271 |
| INVERELL LUTHERAN CHURCH INC                                    | INC9887336 | NEWTOWN FLICKS NSW INCORPORATED                              | INC9884473 |
| ISAIAH 61 RPG INCORPORATED                                      | INC9883727 | NORTH SYDNEY SYMPHONY ORCHESTRA INC                          | Y0047941   |
| JADE TREE FRIENDS INCORPORATED                                  | INC9891107 | NORTHSIDE PROGRESS ASSOCIATION INCORPORATED                  | Y2263727   |
| KANGAROO VALLEY ROWING CLUB INCORPORATED                        | INC9887904 | NORWEST CRUSADERS FOOTBALL CLUB INCORPORATED                 | INC9884775 |
| KIAMA QUARRIERS FOOTBALL CLUB INCORPORATED                      | Y1155246   | NOWRA HILL LANDCARE GROUP INCORPORATED                       | INC9889057 |
| KINGSGROVE COLTS JUNIOR RUGBY LEAGUE FOOTBALL CLUB INCORPORATED | Y2567504   | PANKILKISIAKI BROTHERHOOD OF NSW "KILKIS" INCORPORATED       | INC9885906 |
| KOSCIUSKO HERITAGE HORSE ASSOCIATION INCORPORATED               | INC9887834 | PITTWATER LITERARY DINNERS INCORPORATED                      | INC9883796 |
| KUMAIL COMMUNITY ASSOCIATION INCORPORATED                       | INC9887450 | PORT MACQUARIE-HASTINGS FORESHORE PROTECTION ASSOCIATION INC | INC9889222 |
| LEETON MODEL AERO CLUB INC                                      | Y0617629   | PROFESSIONAL TAWKWONDO INCORPORATED                          | INC9889957 |
| LIBERTY MISSIONS AUSTRALIA INCORPORATED                         | INC9890017 | RATHMINES IN BUSINESS INCORPORATED                           | INC9888467 |
| LIFE LOVE & HEALTH INC  | INC9878495 | REECE BANCELL MEMORIAL ASSOCIATION INCORPORATED              | INC9881696 |
| LINNEA SWEDISH FOLKDANCERS INCORPORATED                         | INC9881528 | ROCKLEY RODEO INC  | Y0042417   |
| LIONS CLUB OF HAY INCORPORATED                                  | Y2454620   | ROTARY CLUB OF COOTAMUNDRA INC                               | Y1102324   |
| MANLY WARRINGAH VOLLEYBALL ASSOCIATION INC                      | Y1435729   | SAINT ROCCO PROTECTOR OF GIBELLINA TRAPANI ASSOCIATION INC   | Y108508    |
| MARANATHA MINISTRY INCORPORATED                                 | INC9881972 |  |            |



|  |            |
|--|------------|
| SANTA CRUZ MISSION SOCIETY INCORPORATED                                  | Y1086530   |
| SHADHILI TARIQA INCORPORATED   | INC9887899 |
| SIDECAR OWNERS CLUB OF SYDNEY INCORPORATED                               | Y2082046   |
| SOUTH COAST & TABLELANDS SWIMMING ASSOCIATION INC                        | Y0829413   |
| SPECIAL GRACE OF GOD MINISTRY INCORPORATED                               | INC9878476 |
| ST LEO'S NETBALL CLUB INCORPORATED                                       | Y2169224   |
| STEPHEN GILL MINISTRIES INCORPORATED                                     | INC9878212 |
| STRAITS TRITTON SOCIAL CLUB INCORPORATED                                 | INC9884461 |
| SUMMERLANDERS HOCKEY CLUB INCORPORATED                                   | Y2663413   |
| SYDNEY OUTFIELDERS SOFTBALL ASSOCIATION INCORPORATED                     | INC9884025 |
| SYDNEY WOMEN'S SPORTS INCORPORATED                                       | INC9888752 |
| TE FOTURANGARANGA O MANUHIKITANGA COOK ISLAND CULTURE GROUP INCORPORATED | INC9891115 |
| TE-RAUTAHI MULTI CULTURAL INCORPORATED                                   | INC9888038 |
| THE BEGINNING EXPERIENCE (SYDNEY) INC                                    | Y1012717   |
| THE BELLINGER VALLEY PUBLIC FUND INCORPORATED                            | INC9889599 |
| THE CAMP OF GOD – OCEANIA UCC INCORPORATED                               | INC9888409 |
| THE DENILQUIN DROVERS RUGBY CLUB INCORPORATED                            | INC9889207 |
| THE MANNING ALLIANCE INCORPORATED  | INC9896088 |
| THE PONY CLUB ASSOCIATION ZONE 24 INCORPORATED                           | Y2401502   |
| THE ROCK & DISTRICT AGED CARE FACILITY CTTE INCORPORATED                 | INC9880623 |
| THE WOOLPACKS LANDCARE GROUP INCORPORATED                                | Y2598146   |
| TONGAN ASSOCIATION CENTRAL COAST INCORPORATED                            | INC9889184 |
| TUMUT REGION DEVELOPING NATURALLY INCORPORATED                           | Y3028830   |
| TUNNEL GULLY LANDCARE GROUP INCORPORATED                                 | INC9882214 |
| TURNING POINT INCORPORATED   | INC9888933 |

|   |            |
|---|------------|
| TWEED BUSINESS EXCELLENCE AWARDS INC                    | INC9879542 |
| ULLADULLA UNITED CRICKET CLUB INC                       | Y0438726   |
| UMOJA TANZANIA INCORPORATED                             | INC9890553 |
| UNITED YOUTH CHURCH INCORPORATED                        | INC9888771 |
| UPPER BLUE MOUNTAINS CIRCUS ARTS PROJECT INCORPORATED   | INC9886277 |
| VICTORY PRAYER GROUP INCORPORATED                       | INC9889345 |
| VIOLET FOUNDATION SUPPORTING MENINGOCOCCAL INCORPORATED | INC9878426 |
| WARATAH MAYFIELD JUNIOR RUGBY FOOTBALL LEAGUE INC       | Y1049439   |
| WARP INCORPORATED                                       | INC9883154 |
| WARRUMBUNGLA TOURISM INCORPORATED                       | Y2455127   |
| WELLINGTON JUNIOR RUGBY LEAGUE INC                      | Y1873748   |
| WELLINGTON RUGBY UNION INC                              | Y1652132   |
| WESTERN BLUES LITTLE ATHLETICS CLUB INCORPORATED        | INC9890141 |
| WODI WODI ELDERS COUNCIL INCORPORATED                   | INC9874127 |
| WOLLONGONG CLIMATE ACTION NETWORK INCORPORATED          | INC9889227 |
| WOLLONGONG GAME FISHING CLUB INC                        | Y0403704   |

Cancellation is effective as at the date of gazettal.

Dated this 2nd day of July 2015

CHRISTINE GOWLAND  
 Delegate of the Commissioner  
 NSW Fair Trading

**ASSOCIATIONS INCORPORATION ACT 2009**

Cancellation of Registration Pursuant to Section 80

Take Notice that CARERS NSW INCORPORATED (Y0816328) became registered under the *Corporations Act 2001* as CARERS NSW LIMITED – ACN 606 277 552, a public company limited by guarantee on the fifteenth day of June 2015 and accordingly its registration under the *Associations Incorporation Act 2009* is cancelled as of that date.

Date: 29 June 2015

ROBYNE LUNNEY  
 Delegate of the Commissioner  
 NSW Fair Trading

**COMBAT SPORTS ACT 2013**

Exemption Notice Made under  
Section 102 (5) (b) of the Combat Sports Act 2013

A person, who is not ordinarily resident in NSW, who is registered as an amateur combatant with a National Sporting Organisation or an interstate organisation that is the equivalent of a NSW Approved Amateur Body is exempt from the requirement to be registered under section 9 of the Act if:

- (a) The organisation with which the person is registered has issued the person a clearance for the purpose of engaging in an amateur combat sport contest in NSW, including confirmation of fitness and clear serology (at the standards required by the *Combat Sports Act 2013*) prior to the weigh-in.

Or

- (b) The organisation with which the person is registered has issued the person a clearance for the purpose of engaging in an amateur combat sport contest in NSW including confirmation of fitness and the combatant has provided the Authority with a current serological clearance that was obtained within Australia prior to the weigh-in.

Or

- (c) The organisation in which the person is registered has issued the person a clearance for the purpose of engaging in an amateur contest in NSW and the combatant has provided the Authority with a certificate of fitness given by a medical practitioner in the approved form and a current serological clearance that was obtained within Australia prior to the combatant contesting the contest.

In all cases, the clearance must confirm the following:

- The combatant is currently registered with the organisation and
- The combatant is not medically or otherwise suspended and
- The classes of combat sport that the combatant is cleared to contest and
- The combatant is an amateur and never contested for money or other valuable reward in the discipline.

In all cases a copy of the clearance must be provided to the Combat Sports Authority prior to the weigh-in.

Where the organisation is providing fitness and/or serology clearance, the dates of the applicable annual medical check and serology certificate must be provided on the clearance.

The Combat Sport Authority must list the National Sporting Organisations and interstate bodies that may issue clearances in accordance with this exemption clause on its website.

**COMBAT SPORTS ACT 2013**

Rules Made under Section 107 of the  
Combat Sports Act 2013

**RULE: Ring Specifications**

**Area:** The ring must be a square having sides of not less than 4.9 metres and not more than 6.1 metres by measurements taken inside the line of the ropes.

**Platform:** The platform must:

- be safely constructed, level and free from any obstructing projections, and
- extend for at least 50 centimetres outside the line of the ropes, and
- be fitted with 4 corner posts that are well padded or otherwise so constructed as to prevent injury to the contestants.

**Platform mat:** The entire platform must be covered with:

- a layer of rubber, or other suitable material having the same quality of elasticity as rubber, of a thickness of not less than 2.5 centimetres, over which a non slip canvas shall be stretched and secured to the outer edges of the platform.

**Ropes:** There must be:

- 4 ropes of a thickness of not less than 3 centimetres and not more than 5 centimetres tightly drawn from the corner posts at heights of approximately 40cm, 70cm, 100cm and 130cm from the platform, respectively.
- The ropes will be covered by a soft or cushioned material and shall be joined on each of the four sides at equal intervals by rope stays hung vertically, that are not less than 3cm and not more than 4cm wide, and that do not slide along the ropes.
- A minimum of two rope stays must be used on each side of the ring.
- Turnbuckles shall be covered by suitable padding.

**Steps:** There must be:

- At least three sets of properly constructed steps.
- Two sets at diagonally opposite corners of the ring for the use of contestants, seconds and officials.

A separate set must be provided in one neutral corner for use by the ringside medical practitioner.

**RULE: Head Cut Rule**

A head cut is any cut to the head including surrounds of the eye which may be severe enough in the opinion of the medical practitioner to warrant stopping the contest.

- When the referee detects a head cut they must call time out, have the cut examined by the medical practitioner and indicate to all officials the cause of the cut. (excluding MMA).
- If the cut is caused by a legitimate strike in any round and the fight is stopped, the injured combatant will be deemed to be defeated by TKO (head cut).
- If the cut is caused accidentally and the fight is stopped at any time prior to the start of Round 4 the bout will be declared a technical draw.
- If the cut is caused accidentally at any time and after examination of the cut by the medical practitioner the fight is allowed to continue but is stopped after

the commencement of Round 4 because the cut has worsened due to legitimate punches or a further accidental clash, the cards will be called in and the combatant leading on points at the end of the last completed round shall be declared the winner on a technical points decision. No score is to be made for the round in which the contest is stopped (if the fight is a 3 round fight this applies to the third round).

- If the cut is caused by a deliberate foul in any round and the bout is stopped because of the cut, the injured combatant will be declared the winner by disqualification.
- If the cut is caused by a deliberate foul and the bout is allowed to continue, the referee may deduct 1 or 2 points from the offending combatant. If the bout is stopped later because the injury has worsened, the bout will be declared a technical draw.

If a referee is unsighted he may consult the judges in order to make a decision on the cause of any cut or injury.

**RULE: Timekeeper's role and responsibilities at professional contests**

**Sounding the bell (excluding MMA):** At a professional contest, if a referee has commenced counting over a combatant (whether "down" or on his feet) and the round is due to end, a timekeeper must not sound the bell until the combatant is counted out and the referee gives the order to "box/ fight".

If a referee is cautioning a combatant or has stopped the contest for any reason and the bell is due to sound to signify the end of the bout, the timekeeper shall not sound the bell at the end of the round until the referee has given the order to "box/fight".

**DISTRICT COURT RULES 1973**

APPOINTMENT

In pursuance of Part 2 Rule 2 (1) of the *District Court Rules 1973* I appoint the following vacation period:

Summer vacation for 2016/2017 shall commence on 17 December 2016 and conclude on 29 January 2017.

Dated at Sydney this 1st day of July 2015.

D M PRICE  
Chief Judge

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**DISTRICT COURT ACT 1973**

District Court of New South Wales

DIRECTION

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

Moree 10.00am 8 February 2016 (2 weeks)

Taree 10.00am 8 February 2016 (5 weeks)  
In lieu of 22 February 2016 (3 weeks)

Dated this 24th day of June 2015

D M PRICE  
Chief Judge

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**DISTRICT COURT ACT 1973**

District Court of New South Wales

DIRECTION

Pursuant to section 32 of the *District Court Act 1973*, I direct that the District Court shall sit in its civil jurisdiction at all Courts and at the times that I have directed the Court sit in its criminal jurisdiction during the financial year 2016–2017 and pursuant to section 173 of the *District Court Act 1973*, I direct that the District Court shall also sit in its criminal jurisdiction at all Courts and at the times that I have directed the Court sit in its civil jurisdiction during the financial year 2016–2017.

Dated this 1st day of July 2015.

D M PRICE  
Chief Judge

**DISTRICT COURT ACT 1973**

District Court of New South Wales

**DIRECTION**

In pursuance of section 32 (3) of the *District Court Act 1973* I direct that for the financial year 2016–2017 all proceedings (other than proceedings before the Registrar) in the District Court of New South Wales in relation to which the proper place is a place specified in Column 1 hereunder shall be continued by the Court sitting at the place specified opposite that place in Column 2 hereunder:

| <b>Column 1</b> | <b>Column 2</b> |
|-----------------|-----------------|
| Bourke          | Dubbo           |
| Braidwood       | Queanbeyan      |
| Casino          | Lismore         |
| Cessnock        | Newcastle       |
| Cobar           | Dubbo           |
| Condobolin      | Orange          |
| Cooma           | Queanbeyan      |
| Coonamble       | Dubbo           |
| Cootamundra     | Wagga Wagga     |
| Corowa          | Albury          |
| Cowra           | Orange          |
| Deniliquin      | Albury          |
| East Maitland   | Newcastle       |
| Forbes          | Orange          |
| Glen Innes      | Armidale        |
| Goulburn        | Queanbeyan      |
| Grafton         | Coffs Harbour   |
| Gundagai        | Wagga Wagga     |
| Gunnedah        | Tamworth        |
| Hay             | Griffith        |
| Inverell        | Armidale        |
| Kempsey         | Port Macquarie  |
| Leeton          | Griffith        |
| Lithgow         | Bathurst        |
| Liverpool       | Sydney          |
| Maitland        | Newcastle       |
| Moree           | Tamworth        |
| Moruya          | Bega            |
| Moss Vale       | Queanbeyan      |
| Mudgee          | Dubbo           |
| Murwillumbah    | Lismore         |
| Muswellbrook    | Newcastle       |
| Narrabri        | Tamworth        |
| Narrandera      | Griffith        |
| Nyngan          | Dubbo           |
| Parkes          | Orange          |
| Quirindi        | Tamworth        |
| Scone           | Newcastle       |

|            |             |
|------------|-------------|
| Singleton  | Newcastle   |
| Tumut      | Wagga Wagga |
| Walgett    | Dubbo       |
| Wellington | Dubbo       |
| Wentworth  | Broken Hill |
| Wyalong    | Griffith    |
| Yass       | Queanbeyan  |
| Young      | Wagga Wagga |

Dated at Sydney this 1st day of July 2015.

D M PRICE  
Chief Judge

**DISTRICT COURT ACT 1973**

**DIRECTION**

In pursuance of sections 32 and 173 of the *District Court Act 1973* I direct the District Court to sit in its Civil and Criminal jurisdictions at the places and at the times as shown in the attached schedules.

Dated at Sydney this 1st day of July 2015.

D M PRICE  
Chief Judge

DISTRICT COURT OF NEW SOUTH WALES - CALENDAR OF SITTINGS - 2016-17

| VENUE          | TIME    | 27/06/16 | 04/07/16 | 11/07/16 | 18/07/16 | 25/07/16 | 01/08/16 | 08/08/16 | 15/08/16 | 22/08/16 | 29/08/16 | 05/09/16 | 12/09/16 | 19/09/16 | 26/09/16 | 03/10/16 | 10/10/16 | 17/10/16 | 24/10/16 | 31/10/16 | 07/11/16 | 14/11/16 | 21/11/16 | 28/11/16 | 05/12/16 | 12/12/16 |
|----------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| ALBURY         | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          | CR       | CR       | CR       |
| ARMIDALE       | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          | CR       | CR       | CR       |
| BATHURST       | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          | CR       | CR       | CR       |
| BEGA           | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| BOURKE         | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| BROKEN HILL    | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| CAMPBELLTOWN   | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| COFFS HARBOUR  | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| COONAMBLE      | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| DUBBO          | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| GOSFORD        | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| GOULBURN       | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| GRAFTON        | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| GRIFFITH       | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| LISMORE        | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| MOREE          | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| NEWCASTLE      | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| NEWCASTLE      | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| NOWRA          | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| ORANGE         | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| PARKES         | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| PARRAMATTA     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| PENRITH        | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| PORT MACQUARIE | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |
| QUEANBEYAN     | 10.00am |          |          |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          | CR       | CR       | CR       | C        |          |          |          |          |          |          |

DISTRICT COURT of NEW SOUTH WALES - CALENDAR OF SITTINGS - 2016-17

| VENUE          | TIME    | 30/01/17 | 06/02/17 | 13/02/17 | 20/02/17 | 27/02/17 | 06/03/17 | 13/03/17 | 20/03/17 | 27/03/17 | 03/04/17 | 10/04/17 | 17/04/17 | 24/04/17 | 01/05/17 | 08/05/17 | 15/05/17 | 22/05/17 | 29/05/17 | 05/06/17 | 12/06/17 | 19/06/17 |        |
|----------------|---------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|--------|
| ALBURY         | 10.00am |          |          |          | CR       | CR       | CR       |          |          | CR       | CR       | C        |          |          |          |          |          |          |          | CR       | CR       |          |        |
| ARMIDALE       | 10.00am |          |          |          | CR       | CR       | CR       |          |          |          |          | C        |          |          | CR       | CR       |          |          |          | CR       | CR       |          | CR     |
| BATHURST       | 10.00am |          | CR       |          |          |          |          | CR       |          | CR       | CR       |          |          |          |          |          |          |          | CR       | CR       | C        |          |        |
| BEGA           | 10.00am |          |          |          | CR       | CR       |          |          |          |          |          |          |          |          | CR       | CR       |          |          |          |          |          |          |        |
| BOURKE         | 10.00am |          |          |          | CR       |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |        |
| BROKEN HILL    | 10.00am |          |          |          |          |          | CR       | CR       |          |          |          |          |          |          |          |          |          |          |          |          |          |          |        |
| CAMPBELLTOWN   | 10.00am | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2   |
| COFFS HARBOUR  | 10.00am | CR       | CR       | CR       |          |          | C        |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |        |
| COONAMBIE      | 10.00am |          |          |          |          |          |          |          | CR       |          |          |          |          |          |          |          |          |          |          |          |          |          |        |
| DUBBO          | 10.00am | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | C        |          |          |          |          |          |          |          |          |          |          |        |
| GOSFORD        | 10.00am | CRx2     | CRx2     | CRx2     | CR+C     | CR+C     | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR     |
| GOULBURN       | 10.00am |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          |          |          |          |          |          |          |          |          |        |
| GRAFTON        | 10.00am |          |          |          |          |          | CR       | CR       | CR       |          |          |          |          |          |          |          |          |          |          |          |          |          |        |
| GRIFFITH       | 10.00am | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | C        |          |          |          |          |          |          |          |          |          |          |          |          |        |
| LISMORE        | 10.00am | CR       | CR       | CR       | CR+C     | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR     |
| MOREE          | 10.00am |          |          |          |          |          | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2   |
| NEWCASTLE      | 10.00am | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C   | CRx2+C |
| NOWRA          | 10.00am | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR     |
| ORANGE         | 10.00am |          |          |          | CR       | C        |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |          |        |
| PARKES         | 10.00am |          |          |          | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8   |
| PARRAMATTA     | 10.00am | CRx7+C   | CRx7+C   | CRx7+C   | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8     | CRx8   |
| PENRITH        | 10.00am | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2   |
| PORT MACQUARIE | 10.00am | CR       | CR       | CR       |          |          | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR     |
| QUEANBEYAN     | 10.00am | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C     | CR+C   |
| SYDNEY         | 10.00am | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR     |
| TAMWORTH       | 10.00am | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR     |
| TAREE          | 10.00am | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR     |
| WAGGA WAGGA    | 10.00am | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR       | CR     |
| WOLLONGONG     | 10.00am | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2     | CRx2   |

**GEOGRAPHICAL NAMES ACT 1966**

Notice of Proposal to Amend Locality Boundaries in the Bland, Lachlan and Carrathool Local Government Areas

Pursuant to the provisions of section 8 of the *Geographical Names Act 1966*, the Geographical Names Board hereby notifies that it proposes to amend the locality boundaries of Rankins Springs, Monia Gap and Lake Cargelligo to allow for the expansion of Naradhan as shown on map GNB3739-2-A.

Map GNB3739-2-A may be viewed at the Lake Cargelligo Library, 35a Forster Street, Lake Cargelligo, the Tullibigeal Post Office, 10–12 Wattle Street, Tullibigeal, the Carrathool Shire Council office in Goolgowi, 9–11 Cobram Street, Goolgowi and the Bland Shire Library, 6 Shire Street, West Wyalong.

A copy of map GNB3739-2-A will also be on display at the office of the Geographical Names Board, Land and Property Information, 346 Panorama Avenue, Bathurst NSW 2795 during the above dates. Details of this proposal may also be viewed and submissions lodged on the Geographical Names Board's website at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au).

Any person wishing to make comment upon this proposal may, prior to Monday 3 August, write to the Secretary of the Board with that comment. In accordance with section 9 of the *Geographical Names Act 1966* all submissions lodged may be subject to a freedom of information application and may be viewed by a third party to assist the Board in considering this proposal.

D MOONEY  
Chairman  
Geographical Names Board  
PO Box 143  
Bathurst NSW 2795

**PARENTS AND CITIZENS ASSOCIATIONS  
INCORPORATION ACT 1976**

Section 13 (4)

Notice of Incorporation of Parents and Citizens Associations

The following associations are hereby incorporated under the *Parents and Citizens Associations Incorporation Act 1976*.

1. Charlestown South Public School
2. Elernmore Vale Public School
3. Banora Point Public School
4. Currabubula Public School
5. Narrabeen Lakes Public School
6. Lavington Public School
7. Bega Valley Public School
8. James Cook Boys' Technology High School

Director Legal Services  
Department of Education and Communities

**POISONS AND THERAPEUTIC GOODS  
REGULATION 2008**

ORDER

Restoration of Drug Authority

In accordance with the provisions of clause 175 (1) of the *Poisons and Therapeutic Goods Regulation 2008* a direction has been issued that the Order that took effect on and from 13 July 2012, on Dr Matthew Christopher HOLT (MED0001195866) of 163 Lord St, Newtown NSW 2042, prohibiting him as a medical practitioner from supplying or having possession of drugs of addiction as authorised by clause 101 of the Regulation, and issuing a prescription for a drug of addiction as authorised by clause 77 of the Regulation, shall cease to operate on and from 2 July 2015

Dated at Sydney, 29 June 2015

Dr MARY FOLEY  
Secretary  
NSW Health

**POISONS AND THERAPEUTIC GOODS  
REGULATION 2008**

ORDER

Restoration of Drug Authority

In accordance with the provisions of clause 175 (1) of the *Poisons and Therapeutic Goods Regulation 2008* a direction has been issued that the Order that took effect on and from 23 November 2011 prohibiting Dr Paul Michael SAUNDERS (MED0001196089) of 28 Smith St, Charlestown NSW 2290 from supplying or having possession of drugs of addiction as authorised by clause 101 of the *Poisons and Therapeutic Goods Regulation 2008* and issuing a prescription for a drug of addiction as authorised by clause 77 of the Regulation, for the purposes of his profession as a medical practitioner, shall cease to operate on and from 30 June 2015.

Dated at Sydney, 26 June 2015

Dr MARY FOLEY  
Secretary  
NSW Health

**POISONS AND THERAPEUTIC GOODS  
REGULATION 2008**

ORDER

Withdrawal of Drug Authority

In accordance with the provisions of clause 175 (1) of the *Poisons and Therapeutic Goods Regulation 2008* an Order has been made on Dr Arthur Macaro ECHANO (MED0001201373) of 134 Pulteney Street, Taree NSW 2430, prohibiting him, until further notice, as a medical practitioner from supplying, having possession of or issuing a prescription for a drug of addiction as authorised by clauses 101 and 77 of the Regulation.

This Order is to take effect on and from 30 June 2015.

Dated at Sydney, 26 June 2015

Dr MARY FOLEY  
Secretary  
NSW Health

**POISONS AND THERAPEUTIC GOODS  
REGULATION 2008**

ORDER

Withdrawal of Drug Authority

In accordance with the provisions of clause 175 (1) of the *Poisons and Therapeutic Goods Regulation 2008* an Order has been made on Dr Glen MOBILIA (MED0001184519) of 97 Creek Street, Jindera NSW 2642, prohibiting him, until further notice, as a medical practitioner from supplying, having possession of or issuing a prescription for a drug of addiction as authorised by clauses 101 and 77 of the Regulation.

This Order is to take effect on and from 30 June 2015.

Dated at Sydney, 26 June 2015

Dr MARY FOLEY  
Secretary  
NSW Health

**RESIDENTIAL TENANCIES ACT 2010**

Rental Bond Board

Appointment of Members

Pursuant to section 178 (1) (d) of the *Residential Tenancies Act 2010*, I hereby appoint the following members to the Rental Bond Board:

- Ms Charmaine JONES; and
- Mr Miles FELSTEAD.

The appointment is made for a period commencing on this day and concluding on 30 April 2018.

Dated this 25 day of June 2015.

The Hon Victor DOMINELLO, MP  
Minister for Innovation and Better Regulation



**Public Service  
Senior  
Executives**

Annual  
Determination

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*Report and determination under  
section 240 of the Statutory and  
Other Offices Remuneration Act  
1975*

**25 June  
2015**

**Public Service Senior Executives**

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## Public Service Senior Executives

# Section 1

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### Introduction

1. The role of the Statutory and Other Offices Remuneration Tribunal (the Tribunal), pursuant to section 6 of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) was undertaken by Ms Helen Wright from 12 July 2011 until the expiration of her appointment on 11 July 2014. The Tribunal wishes to express its appreciation of Ms Wright's contributions over those years.
2. On 6 August 2014, Mr Richard Grellman AM was appointed to the role of Tribunal pursuant to section 6 of the SOOR Act. The two roles of Assessor assisting the Tribunal pursuant to sections 7 (1) (a) and 7 (1) (b) of the SOOR Act have been undertaken by Mr Blair Comley PSM, Secretary, Department of Premier and Cabinet and Mr Ken Baxter, respectively.

### Background

3. The *Government Sector Employment Act 2013* (the GSE Act) commenced on 24 February 2014. The GSE Act introduced a new structure and employment arrangements for senior executives. Senior executives employed under the GSE Act are referred to as Public Service Senior Executives (PSSEs).
4. Upon commencement, the GSE Act amended the SOOR Act to provide for the Tribunal to determine annual remuneration packages for the PSSEs.
5. Under section 35 of the GSE Act the Premier (as the Minister administering the GSE Act) determines the bands in which senior executives are to be employed:

**35 Minister may determine bands in which senior executives to be employed**

- (1) *The Minister may from time to time determine the bands in which Public Service senior executives are to be employed (the **senior executive bands determination**).*
- (2) *The senior executive bands determination may deal with matters related to bands.*
- (3) *The Minister may amend or repeal the senior executive bands determination by a further determination.*

## Public Service Senior Executives

(4) *Before making, amending or repealing the senior executive bands determination, the Minister is to obtain the advice of the Commissioner.*

(5) *The senior executive bands determination (including any amendment or repeal) is to be published on the NSW legislation website and takes effect on the date it is so published or on any later specified date.*

6. The SOOR Act provides for the Tribunal to make the initial and then annual determinations in respect of the remuneration package applicable to each band. The Tribunal's Initial Determination on the remuneration packages applicable to each band was made on 3 February 2014. The Initial determination covered the period from the commencement of the GSE Act being 24 February 2014 to 30 June 2014.
7. The SOOR Act provides for the annual determinations of Part 3B remuneration packages for PSSEs in the following terms:

### **240 Annual determinations**

*The Tribunal is required to make, in each year, a determination of remuneration packages for senior executives as on and from 1 July in that year.*

## Section 2

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### **2014 Annual Determination**

8. The Tribunal's 2014 annual determination for the PSSEs was made on 11 July 2014 and took effect on and from 1 July 2014. The determination provided for a 1.88 per cent increase for each PSSE officer.
9. The Tribunal adjusted the increase to ensure the PSSEs remuneration package ranges did not increase by more than 2.5 per cent over a twelve month period.

## Public Service Senior Executives

# Section 3

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### Special Determinations

10. The Tribunal has made four special determinations since the making of the 2014 annual determination which are outlined below. The determinations are published on the [NSW Remuneration Tribunals](#) website.

### Secretary of the Department of Premier and Cabinet

11. On 17 September 2014, the Tribunal made a determination pursuant to section 24P of the SOOR Act to alter the range of remuneration packages for Band 4 PSSEs to provide the first person appointed as Secretary of the Department of Premier and Cabinet (DPC), since the commencement of the GSE Act, with a remuneration package of \$569,965 per annum plus a discretionary remuneration range of up to 12 per cent in addition to the base remuneration.
12. The determination did not name an individual, as at the time of making the determination, an appointment had not been made. Instead, and in accordance with section 24R, the determination otherwise identified the first person appointed as Secretary of the DPC since the commencement of the GSE Act. The determination is not a determination that applies to the role of Secretary DPC or to future appointments to that role.
13. The determination in practice applies to Mr Blair Comley, Secretary of the DPC with effect from the date of his appointment being 7 October 2014.

### Chief Financial Officer, Department of Family and Community Services

14. On 22 January 2015 the Tribunal made a determination pursuant to section 24P of the SOOR Act to alter the range of remuneration packages for Band 2 PSSEs to provide for Ms Denise Dawson to receive a remuneration package of \$340,000 per annum on appointment to the role of Chief Financial Officer, Department of Family and Community Services.

## Public Service Senior Executives

15. In accordance with section 24P this determination is personal to Ms Dawson and is not a determination that applies to the office of Chief Financial Officer of the Department of Family and Community Services or to future appointments to that role.

### Chief Executive Officer, Barangaroo Delivery Authority

16. On 1 June 2015, the Tribunal made a determination pursuant to section 24P of the SOOR Act to alter the range of remuneration packages for Band 3 PSSEs to provide the person appointed as Chief Executive Officer, Barangaroo Delivery Authority, following the special determination and the current recruitment action for the role, with a remuneration package of \$565,000 per annum plus a discretionary remuneration range of 12 per cent in addition to the base remuneration.
17. The determination did not name an individual, as at the time of making the determination, an appointment had not been made. Instead, and in accordance with section 24R, the determination otherwise identified the proposed appointee and that it would apply to the person appointed following this determination and current recruitment action for the role. The determination is not a determination that applies to the role of Chief Executive Officer, Barangaroo Delivery Authority or to future appointments to that role.
18. As the determination was made so close to the making of the 2015 Annual Determination the Tribunal determined that there would be no further adjustment as a result of any general increases provided across the PSSEs group with effect from 1 July 2015.

### Secretary of the NSW Treasury

19. On 1 June 2015, the Tribunal made a determination pursuant to section 24P of the SOOR Act to alter the range of remuneration packages for Band 4 PSSEs to provide the first person appointed as Secretary of the NSW Treasury, since the commencement of the GSE Act, with a remuneration package of \$550,000 per annum plus a discretionary remuneration range of up to 12 per cent in addition to the base remuneration.

## Public Service Senior Executives

20. The determination did not name an individual, as at the time of making the determination, an appointment had not been made. Instead, and in accordance with section 24R, the determination otherwise identified the first person appointed as Secretary of the NSW Treasury since the commencement of the GSE Act. The determination is not a determination that applies to the role of Secretary of the NSW Treasury or to future appointments to that role.
21. The determination in practice applies to Mr Robert Whitfield, Secretary of the NSW Treasury with effect from the date of his appointment being 13 July 2015.
22. As the determination was made so close to the making of the 2015 Annual Determination the Tribunal determined that there would be no further adjustment as a result of any general increases provided across the PSSEs group with effect from 1 July 2015.

## Section 4

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### Government Submission

23. The Secretary NSW Treasury provided the Government submission to the Tribunal on 7 May 2015. The Government submission provides an overview of the State's recent economic performance and makes a recommendation in respect of the quantum of the increase to apply to PSSEs. Extracts appear below.

### Economic performance and outlook for NSW

24. The submission was drafted prior to the release of the 2015-16 Budget and is primarily based on economic forecasts and fiscal commentary from the 2014-15 Half-Yearly Review, December 2014 (HYR).
25. The Government's commitment to keeping annual growth in general government expenses lower than the long-term average of general government revenue growth is legislated in the *Fiscal Responsibility Act 2012*, and forms part of the Government's fiscal strategy.

## Public Service Senior Executives

26. NSW real economic growth as at the HYR has been revised down by  $\frac{1}{4}$  of a percentage point compared with the 2014-15 Budget, to  $2\frac{3}{4}$  per cent in 2014-15 and remains unchanged at 3 per cent in 2015-16. This reflects a softer global and national outlook, which has weakened NSW economic prospects. However, there are tentative signs that the non-mining sector is picking up and Gross State Product growth is expected to strengthen to an above trend pace in 2015-16 as the national economy improves.
27. The 2014-15 HYR projects a solid fiscal outlook for New South Wales, with surpluses estimated in 2014-15 and across the forward estimates. The 2014-15 budget result is forecast to be a surplus of \$272 million, a turnaround of \$555 million on the \$283 million deficit forecast in the 2014-15 Budget. A surplus of \$402 million is expected for 2015-16, and surpluses exceeding \$1 billion are projected for 2016-17 and 2017-18.
28. Higher expenses of \$1.5 billion are forecast over the forward estimates, compared to the 2014-15 Budget. Keeping expense growth below revenue growth is key to strengthening the fiscal position. As at the 2014-15 HYR, revenue growth over the four years to 2017-18 is projected to average 3.2 per cent per annum.
29. Controlling employee-related expenses continues to be a key focus of the Government's fiscal strategy. The 2014-15 Budget and 2014-15 HYR continue to deliver the benefits of the NSW Public Sector Wages Policy 2011. The policy provides for remuneration increases of 2.5 per cent per annum, with increases above this amount funded by realised employee-related cost savings. The Government's policies relating to better management of excess employees, a labour expense cap and more stringent controls on excessive annual leave accruals will also assist in delivering better fiscal outcomes.
30. As at the 2014-15 HYR, employee-related expenses are estimated to be 48.6 per cent of the total expenses, including superannuation expenses (6.8 per cent) and other employee expenses (41.9 per cent) composed principally of wages and salaries. Superannuation expenses are projected to increase in line with non-salary costs.



## Public Service Senior Executives

Non-superannuation employee expenses will continue to increase over the forward estimates, reflecting increased investment in frontline services, and the hiring of specialist staff for the delivery of transport infrastructure projects.

31. Wages growth has remained subdued at below trend rates over 2013-14 and early 2014-15. Through the year to the December quarter, the NSW Wage Price Index (WPI) grew by 2.4 per cent, reflecting subdued growth in both public and private sector wages. As at HYR, NSW wage growth is expected to continue to grow below trend at 2½ per cent in 2013-14 and 3 per cent in 2014-15. This subdued growth reflects softer labour market expectations and subdued recent WPI outcomes. The Government's wages policy will continue to assist in moderating public sector wages growth. Both the 2014-15 Commonwealth Mid-year Economic Fiscal Outlook and the February 2015 Reserve Bank of Australia Statement on Monetary Policy expect wages growth at the national level to remain subdued.

### Government's submitted increase

32. The Government submits that the Tribunal should approve an increase of 2.5 per cent from 1 July 2015, on the basis that it is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (IR Regulation).

## Section 5

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### 2015 Determination

#### Government Wages Policy

33. In determining remuneration for the PSSEs the Tribunal is required pursuant to Section 6AA of the SOOR Act to give effect to the same policies on increases in remuneration as those that the IRC is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employees.

### Public Service Senior Executives

34. The current policy on wages pursuant to section 146(1)(a) of the IR Act is specified in the IR Regulation which was made on 24 June 2014. The effect of the IR Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. Clause 6 of IR Regulation provides the following clarification in relation to superannuation employment benefits:

“...Other policies

(1) *The following policies are also declared, but are subject to compliance with the declared paramount policies:*

(a) *Public sector employees may be awarded increases in remuneration or other conditions of employment but only if employee-related costs in respect of those employees are not increased by more than 2.5 % per annum as a result of the increases awarded together with any new or increased superannuation employment benefits provided (or to be provided) to in respect of the employees since their remuneration or other conditions of employment were last determined.*

(4) *In subclause (1)(a), **new or increased superannuation employment benefits** means any new or increased payments by an employee to a superannuation scheme or fund of an employee as a consequence of amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987.”*

35. The Tribunal notes that the SGC payable by employers was increased from 0.25 per cent to 0.50 per cent for the financial year starting 1 July 2014. No further adjustments are expected until 1 July 2021.

36. Adjustments to the Superannuation Guarantee Contribution (SGC) do not affect the Tribunal’s ability to determine a remuneration increase of up to 2.5 per cent for PSSEs as they receive a total remuneration package, from which the cost of the SGC must be funded.

37. In accordance with section 24O of the SOOR Act the Tribunal determines remuneration packages for the PSSEs. Section 24M of the SOOR Act provides for the following definition of a remuneration package for the PSSEs:

## Public Service Senior Executives

*“s24M remuneration package means the annual amount payable to a senior executive under the Government Sector Employment Act 2013:*

- (a) as monetary remuneration for the executive, or*
- (b) partly as that remuneration and partly as the cost to the employer of the executive’s employment benefit”*

38. Section 40 of the GSE Act outlines the remuneration, benefits and allowances for senior executives. These include:

*“(4) For the purposes of this Division, employment benefits for a Public Service senior executive are:*

*contributions by the executive’s employer to a superannuation scheme or fund of the executive,...*”

### Conclusion

39. The Tribunal, after considering the views of the Assessors and having regard to the provisions of section 6AA of the SOOR Act, determines an increase of 2.5 per cent for the remuneration package ranges for PSSEs bands, effective on and from 1 July 2015. The new rates are as set out in Determination No. 1.

40. The 2.5 per cent increase also applies to those determinations made pursuant to section 24P which “altered” a band remuneration package, other than those determinations where the Tribunal determined that the general increase taking effect from 1 July 2015 would not apply.

41. Transitional arrangements are in place until up to 24 February 2017 for ‘transitional former senior executives’, that is, people who were in the Chief Executive Services or SES under the former PSEM Act immediately before it was repealed. The Tribunal has made a separate determination under Part 3A of the SOOR Act for transitional former senior executives.

### The Statutory and Other Offices Remuneration Tribunal

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

## Public Service Senior Executives

## Section 6

**Determination No.1-Remuneration Package Ranges for the PSSEs**

The Tribunal determines that the remuneration package ranges for Public Sector Senior Executive Bands effective on and from 1 July 2015 shall be:

| <b>Band</b>                       | <b>Per annum range</b> |           |           |
|-----------------------------------|------------------------|-----------|-----------|
| Band 4 - Secretary level          | \$441,201              | <b>to</b> | \$509,750 |
| Band 3 - Deputy Secretary level   | \$313,051              | <b>to</b> | \$441,200 |
| Band 2 - Executive Director level | \$248,851              | <b>to</b> | \$313,050 |
| Band 1 - Director level           | \$174,500              | <b>to</b> | \$248,850 |

| <b>Band</b>                       | <b>Band remuneration package altered by a special determination pursuant to section 24P of the SOOR Act</b>   |
|-----------------------------------|---|
| Band 4 - Secretary level          | Mr Blair Comley, Secretary, Department of Premier and Cabinet: \$584,200 per annum plus a discretionary remuneration range of up to 12 per cent in addition to the base remuneration.   |
|                                   | First person appointed as Secretary of the NSW Treasury, since the commencement of the GSE Act: \$550,000 per annum plus a discretionary remuneration range of up to 12 per cent in addition to the base remuneration.  |
| Band 3 - Deputy Secretary level   | Person appointed to the role of Chief Executive Officer, Barangaroo Delivery Authority, following the special determination and the current recruitment action for the role: \$565,000 per annum plus a discretionary remuneration range of 12 per cent in addition to the base remuneration. |
| Band 2 - Executive Director level | Ms Denise Dawson, Chief Financial Officer, Department of Family and Community Services: \$348,500 per annum.  |

**The Statutory and Other Offices Remuneration Tribunal**

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

Chief and  
Senior  
Executive  
Service

Annual  
Determination

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*Report and determination under  
section 24C of the Statutory and  
Other Offices Remuneration Act  
1975*

25 June  
2015

Chief and Senior Executive Service

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# Section 1

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## Introduction

1. The role of the Statutory and Other Offices Remuneration Tribunal (the Tribunal), pursuant to section 6 of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) was undertaken by Ms Helen Wright from 12 July 2011 until the expiration of her appointment on 11 July 2014. The Tribunal wishes to express its appreciation of Ms Wright's contributions over those years.
2. On 6 August 2014, Mr Richard Grellman AM was appointed to the role of Tribunal pursuant to section 6 of the SOOR Act. The two roles of Assessor assisting the Tribunal pursuant to sections 7 (1) (a) and 7 (1) (b) of the SOOR Act have been undertaken by Mr Blair Comley PSM, Secretary, Department of Premier and Cabinet and Mr Ken Baxter, respectively.

## Background

3. The Chief Executive Service and Senior Executive Service <sup>1</sup> was introduced in the NSW public sector in 1989. Section 24C of the SOOR Act provides for the Tribunal to determine annual remuneration packages for the SES. Remuneration packages are expressed as a total cost of employment, as monetary remuneration for the executive office holder, or partly that remuneration and partly as the cost to the employer of the executive office holder of employment benefits.
4. The *Government Sector Employment Act 2013* (the GSE Act) commenced operation on 24 February 2014. The GSE Act introduced a new structure and employment arrangements for all of the NSW Public Service. The new arrangements replaced those provided for in relation to the appointment of senior executives under the former *Public Sector Employment and Management Act 2002* (former PSEM Act).

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<sup>1</sup> Unless otherwise stated, the Chief Executive Service and the Senior Executive Service are referred to collectively in the Report and Determination as SES.

## Chief and Senior Executive Service

5. Transitional arrangements are in place until up to 24 February 2017 for ‘transitional former senior executives’, that is, people who were in the SES or who were Senior Officers or in equivalent classifications under the former PSEM Act immediately before it was repealed. The arrangements are outlined in Schedule 4 of the GSE Act. Under these transitional provisions, the following executives have a remuneration package that is equivalent to the remuneration package of the executive immediately before the repeal of the former PSEM Act (unless the remuneration package is increased as a result of a determination of the Tribunal made under Part 3A of the SOOR Act):
  - transitional former senior executives who are former SES executives in accordance with clause 8(1)(a) of Schedule 4 of the GSE Act
  - persons continuing in office as Secretary under clause 6(2) of Schedule 4 of the GSE Act
  - persons continuing in office as head of a Public Service agency under clause 7(2) of Schedule 4 of the GSE Act
  - persons holding office as head of a Public Service agency under Clause 7(5) of Schedule 4 of the GSE Act
  - the statutory officers listed in clause 8A(1) of Schedule 4 of the GSE Act.
6. Public Service agencies are to review their executive structures within three years of commencement of the GSE Act to achieve alignment with the new executive arrangements.
7. The Tribunal will continue to make determinations for the SES, under part 3A of the SOOR Act, until such time as the transitional arrangements are finalised. Executive offices subject to the transitional arrangements will continue to be referred to as SES officers for the purposes of this determination. The Tribunal expects that the final determination in respect of this group will be the 2016 annual determination.
8. The SOOR Act was also amended to provide for the Tribunal’s determinations to take effect from 1 July in that year, instead of 1 October. The SOOR Act provides for the



## Chief and Senior Executive Service

annual determinations of Part 3A remuneration packages for the SES in the following terms:

### **24C Annual determination**

*The Tribunal is required to make, in each year, a determination of remuneration packages for executive office holders as on and from 1 July in that year.*

9. The first determination to take effect from 1 July instead of 1 October was the determination made on 11 July 2014.

## Section 2

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### **2014 Annual Determination**

10. The Tribunal's 2014 annual determination for the SES dated 11 July 2014 provided for a 1.88 per cent increase for each SES officer.
11. The increase of 1.88 per cent was a discounted amount to reflect the start date of 1 July rather than the later date of 1 October, at which date the Tribunal's previous determinations have taken effect. The Tribunal adjusted the increase to ensure the SES remuneration package ranges did not increase by more than 2.5 per cent over a twelve month period.
12. The increase also applied to two Chief Executive positions, namely the Chief Executive Officer and Co-ordinator General of Infrastructure NSW and the Director General, Department of Trade and Investment, Regional Infrastructure and Services who receive remuneration in excess of the maximum of SES Level 8. The Tribunal was required to make determinations for these positions as transitional arrangements under the GSE Act apply for Secretaries of Departments (Schedule 4, Clause 6) and Heads of other Public Service agencies (Schedule 4, Clause 7).
13. The Tribunal noted that the transitional arrangements ceased to apply in respect of the Director General of the Department of Premier and Cabinet as the person ceased

## Chief and Senior Executive Service

to occupy that position on 25 June 2014. On that basis the Tribunal was not required to make a determination under Part 3A of the SOOR Act in respect of that office holder.

14. There was no increase in the Recruitment and Retention Allowances which continue to be determined until the transitional arrangements are complete and Part 3A of the SOOR Act is repealed.

## Section 3

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### Government Submission

15. The Secretary NSW Treasury provided the Government submission to the Tribunal on 7 May 2015. The Government submission provides an overview of the State's recent economic performance and makes a recommendation in respect of the quantum of the increase to apply to the SES. Extracts appear below.

### Economic performance and outlook for NSW

16. The submission was drafted prior to the release of the 2015-16 Budget and is primarily based on economic forecasts and fiscal commentary from the 2014-15 Half-Yearly Review December 2014 (HYR).
17. The Government's commitment to keeping annual growth in general government expenses lower than the long-term average of general government revenue growth is legislated in the *Fiscal Responsibility Act 2012*, and forms part of the Government's fiscal strategy.
18. NSW real economic growth as at the HYR has been revised down by  $\frac{1}{4}$  of a percentage point compared with the 2014-15 Budget, to  $2\frac{3}{4}$  per cent in 2014-15 and remains unchanged at 3 per cent in 2015-16. This reflects a softer global and national outlook, which has weakened NSW economic prospects. However, there are tentative signs that the non-mining sector is picking up and Gross State Product (GSP) growth is expected to strengthen to an above trend pace in 2015-16 as the national economy improves.

Chief and Senior Executive Service

19. The 2014-15 HYR projects a solid fiscal outlook for New South Wales, with surpluses estimated in 2014-15 and across the forward estimates. The 2014-15 budget result is forecast to be a surplus of \$272 million, a turnaround of \$555 million on the \$283 million deficit forecast in the 2014-15 Budget. A surplus of \$402 million is expected for 2015-16, and surpluses exceeding \$1 billion are projected for 2016-17 and 2017-18.
20. Higher expenses of \$1.5 billion are forecast over the forward estimates, compared to the 2014-15 Budget. Keeping expense growth below revenue growth is key to strengthening the fiscal position. As at the 2014-15 HYR, revenue growth over the four years to 2017-18 is projected to average 3.2 per cent per annum.
21. Controlling employee-related expenses continues to be a key focus of the Government's fiscal strategy. The 2014-15 Budget and 2014-15 HYR continue to deliver the benefits of the NSW Public Sector Wages Policy 2011. The policy provides for remuneration increases of 2.5 per cent per annum, with increases above this amount funded by realised employee-related cost savings. The Government's policies relating to better management of excess employees, a labour expense cap and more stringent controls on excessive annual leave accruals will also assist in delivering better fiscal outcomes.
22. As at the 2014-15 HYR, employee-related expenses are estimated to be 48.6 per cent of the total expenses, including superannuation expenses (6.8 per cent) and other employee expenses (41.9 per cent) composed principally of wages and salaries. Superannuation expenses are projected to increase in line with non-salary costs. Non-superannuation employee expenses will continue to increase over the forward estimates, reflecting increased investment in frontline services, and the hiring of specialist staff for the delivery of transport infrastructure projects.
23. Wages growth has remained subdued at below trend rates over 2013-14 and early 2014-15. Through the year to the December quarter, the NSW Wage Price Index (WPI) grew by 2.4 per cent, reflecting subdued growth in both public and private sector wages. As at HYR, NSW wage growth is expected to continue to grow below

## Chief and Senior Executive Service

trend at 2½ per cent in 2013-14 and 3 per cent in 2014-15. This subdued growth reflects softer labour market expectations and subdued recent WPI outcomes. The Government's wages policy will continue to assist in moderating public sector wages growth. Both the 2014-15 Commonwealth Mid-year Economic Fiscal Outlook and the February 2015 Reserve Bank of Australia Statement on Monetary Policy expect wages growth at the national level to remain subdued.

### Government's submitted increase

24. The Government submits that the Tribunal should approve an increase of 2.5 per cent from 1 July 2015, on the basis that it is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (the IR Regulation).
25. The Government also submits that the legacy Recruitment and Retention Allowances not be increased.

## Section 4

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### 2015 Determination

#### Government Wages Policy

26. In determining remuneration for the SES the Tribunal is required pursuant to Section 6AA of the SOOR Act to give effect to the same policies on increases in remuneration as those that the IRC is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employees.
27. The current policy on wages pursuant to section 146(1)(a) of the IR Act is specified in the IR Regulation which was made on 24 June 2014. The effect of the IR Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded if sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs. Clause 6 of

## Chief and Senior Executive Service

the IR Regulation provides the following clarification in relation to superannuation employment benefits:

“...Other policies

(1) *The following policies are also declared, but are subject to compliance with the declared paramount policies:*

(a) *Public sector employees may be awarded increases in remuneration or other conditions of employment but only if employee-related costs in respect of those employees are not increased by more than 2.5 % per annum as a result of the increases awarded together with any new or increased superannuation employment benefits provided (or to be provided) to in respect of the employees since their remuneration or other conditions of employment were last determined.*

(4) *In subclause (1)(a), **new or increased superannuation employment benefits** means any new or increased payments by an employee to a superannuation scheme or fund of an employee as a consequence of amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987.*

28. The Tribunal notes that the Superannuation Guarantee Contribution (SGC) payable by employers was increased from 0.25 per cent to 0.50 per cent for the financial year starting 1 July 2014. No further adjustments are expected until 1 July 2021.

29. Adjustments to the SGC do not affect the Tribunal’s ability to determine a remuneration increase of up to 2.5 per cent for SES as they receive a total remuneration package, from which the cost of the SGC must be funded.

### Recruitment Allowance and Retention Allowance

30. There will be no increase in the minimum and maximum rates of the Recruitment Allowance or the Retention Allowance in 2015. Recruitment and Retention Allowances are not available to new Public Service Senior Executives under the GSE Act. The Tribunal will continue to determine these allowances for existing SES officers currently in receipt of these allowances until such time as the transition arrangements are complete and Part 3A of the SOOR Act is repealed.

## Chief and Senior Executive Service

### Chief Executive Roles

31. The GSE Act provides transitional arrangements for Secretaries of Departments and Heads of other Public Service agencies.

### Secretaries of Departments

32. In the 2014 Determination, the Tribunal determined the remuneration in respect of the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, as the remuneration continued to be payable to the person holding that office while ever the office holders is subject to the transitional arrangements pursuant to Schedule 4, Clause 6, GSE Act.
33. The Tribunal notes that the Government published the *Administrative Arrangements (Administrative Changes – Public Service Agencies) Order (No2) 2015* on 29 May 2015 (the Order). In accordance with Clause 6 (1) and 6 (7) of Order 2015 the Department of Trade and Investment, Regional Infrastructure and Services will be abolished and a new department named Department of Industry, Skill and Regional Development established commencing on 1 July 2015.
34. In respect to the person holding the office of Secretary of the Department of Trade and Investment, Regional Infrastructure and Services Clause 6 (8) of Order 2015 states the following:

**Clause 6 (8)**

*The person holding the office of Secretary of the Department of Trade and Investment, Regional Infrastructure and Services when that office is abolished by the operation of section 23 (3) of the GSE Act continues to be employed (subject to the GSE Act) in the Public Service as a Public Service senior executive but does not become the Secretary of the Department of Industry, Skills and Regional Development by the operation of this clause. The employer of that person under the GSE Act while continuing to be so employed is the Secretary of the Department of Premier and Cabinet.*

## Chief and Senior Executive Service

35. The Tribunal also notes that the former Secretary of the Department of Trade and Investment, Regional Infrastructure and Services will cease to occupy that position on 30 June 2015. On that basis the transitional arrangements will cease to apply and the Tribunal is no longer required to make a determination under Part 3A of the SOOR Act in respect of that office holder.

### Heads of other Public Service agencies

36. In accordance with Clause 7 of Schedule 4 of the GSE Act a person holding office as head of the former other Division (which includes Infrastructure NSW) immediately before the repeal of the former PSEM Act continue in that role (subject to the provisions of Clause 7(2)(a) and (b)). A person who continues in office as Head of other Public Service agencies under subclause (2) is remunerated in accordance with a determination of the Tribunal as follows:

#### **7 Heads of other Public Service agencies – transitional arrangements**

*(7) A person who continues in office as Secretary under subclause (2):*

*(c) has a remuneration package that is equivalent to the remuneration package of the person immediately before the repeal of the former Act (unless the remuneration package is increased as a result of a determination of the Statutory and Other Offices Remuneration Tribunal made under Part 3A of the Statutory and Other Offices Remuneration Act 1975)....*

37. The remuneration determined by the Tribunal on 11 July 2014, in respect of the Chief Executive Officer and Co-ordinator General of Infrastructure NSW continues to be payable to the person holding that office while ever the office holder is subject to the transitional arrangements (Schedule 4, Clause 7, GSE Act).

38. As transitional arrangements currently apply to the office holder appointed to the position of Chief Executive Officer and Co-ordinator General of Infrastructure NSW the Tribunal will make an annual determination for this position.

Chief and Senior Executive Service

**Conclusion**

39. The Tribunal after considering the views of the Assessors and having regard to the provisions of section 6AA of the SOOR Act, determines an increase of 2.5 per cent for all SES officers, effective on and from 1 July 2015. The new rates are as set out in Determinations Nos. 1, 2, 5 and 6. The existing rates for the Recruitment and Retention Allowances continue to apply as set out in Determinations Nos. 3 and 4.

**The Statutory and Other Offices Remuneration Tribunal**

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

## Section 5

### Determination No. 1- Remuneration Package Ranges for the SES

The Tribunal determines that the remuneration package ranges for executive office holders effective on and from 1 July 2015 shall be:

| CES/SES              | Per annum range |    |           |
|----------------------|-----------------|----|-----------|
| Remuneration Level 8 | \$441,201       | to | \$509,750 |
| Remuneration Level 7 | \$351,801       | to | \$441,200 |
| Remuneration Level 6 | \$313,051       | to | \$351,800 |
| Remuneration Level 5 | \$271,351       | to | \$313,050 |
| Remuneration Level 4 | \$248,851       | to | \$271,350 |
| Remuneration Level 3 | \$219,101       | to | \$248,850 |
| Remuneration Level 2 | \$204,301       | to | \$219,100 |
| Remuneration Level 1 | \$174,500       | to | \$204,300 |



## Chief and Senior Executive Service

## Determination No. 2 – Chief Executive Officer and Co-ordinator General, Infrastructure NSW

The Tribunal determines that the remuneration package for the Chief Executive Officer and Co-ordinator General, Infrastructure NSW shall be \$562,290 per annum effective on and from 1 July 2015.

## Determination No. 3 – Recruitment Allowance

The recruitment allowance applies only to existing SES officers currently in receipt of the allowance.

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

| CES/SES        | Maximum Allowance |          |
|----------------|-------------------|----------|
| 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 – 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 Public Service Commissioner 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.

| CES/SES        | Maximum Allowance |          |
|----------------|-------------------|----------|
| 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 |

Chief and Senior Executive Service

**Determination No. 5 – Remuneration Packages for Specialist Medical Skills**

The Tribunal determines that the remuneration package ranges for offices identified as requiring specialist medical skills effective on and from 1 July 2015 shall be:

| <b>Specialist Medical Skills</b> | <b>Per annum range</b> |    |           |
|----------------------------------|------------------------|----|-----------|
| Remuneration Level 6             | \$322,450              | to | \$394,950 |
| Remuneration Level 5             | \$321,100              | to | \$380,550 |
| Remuneration Level 4             | \$315,550              | to | \$366,300 |
| Remuneration Level 3             | \$301,100              | to | \$349,400 |
| Remuneration Level 2             | \$282,600              | to | \$327,900 |
| Remuneration Level 1             | \$260,650              | to | \$299,250 |

**Determination No. 6 – Remuneration Packages for General Medical Skills**

The Tribunal further determines that the remuneration package ranges for offices identified as requiring general medical skills effective on and from 1 July 2015 shall be:

| <b>General Medical Skills</b> | <b>Per annum range</b> |    |           |
|-------------------------------|------------------------|----|-----------|
| Remuneration Level 2          | \$226,900              | to | \$263,250 |
| Remuneration Level 1          | \$208,550              | to | \$239,350 |

**The Statutory and Other Offices Remuneration Tribunal**

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

Court and  
Related  
Officers  
Group

Annual  
Determination

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*Report and determination under  
section 13 of the Statutory and  
Other Offices Remuneration Act  
1975*

25 June  
2015

**Court and Related Officers Group**

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## Court and Related Officers Group

# Section 1

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### Introduction

1. The role of the Statutory and Other Offices Remuneration Tribunal (the Tribunal), pursuant to section 6 of the *Statutory and Other Offices Remuneration 1975* (the SOOR Act) was undertaken by Ms Helen Wright from 12 July 2011 until the expiration of her appointment on 11 July 2014. The Tribunal wishes to express its appreciation of Ms Wright's contributions over those years.
2. On 6 August 2014, Mr Richard Grellman AM was appointed to the role of Tribunal pursuant to section 6 of the SOOR Act. The two roles of Assessor assisting the Tribunal pursuant to sections 7 (1) (a) and 7 (1) (b) of the SOOR Act have been undertaken by Mr Blair Comley PSM, Secretary, Department of Premier and Cabinet and Mr Ken Baxter, respectively.

### Background

3. Section 13 of the SOOR Act requires the Tribunal, each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year (formerly 1 October). "Remuneration" is defined in section 10A as salary or allowances paid in money.
4. The Court and Related Officers Group comprises those public offices listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Public Office Holders Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for these office holders is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution, are additional to the salary amount determined.

### Government Wages Policy

5. The Tribunal is required, when making determinations under Part 3 of the SOOR Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations, rather than those policies that the Industrial Relations

## Court and Related Officers Group

Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act).

6. Section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group. Government policy concerning the remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the SOOR Regulation).
7. In accordance with SOOR Regulation any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if officer-related cost savings for the office holder (or group of office holders) have been achieved to fully offset the increased officer-related costs resulting from increased payment.

### Internal Salary Relativities

8. Historically, internal salary relativities have linked the remuneration paid to offices in the Court and Related Officers Group and the Judges and Magistrates Group. Those relativities have been altered due to a number of factors which include:
  - amendments to the SOOR Act in 2011
  - impact of the introduction of the SOOR Regulation in 2013
  - increases in the Superannuation Guarantee Contribution (SGC) in 2013 and 2014.
9. The Tribunal's findings in relation to the historical internal salary relativities are outlined in Section 3 of this report.

## Court and Related Officers Group

# Section 2

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### 2014 Determination

10. On 11 July 2014 the former Tribunal made its 2014 annual determination and concurrently a special determination for the Court and Related Officers Group.

### Special Determination (pursuant to section 14 of the SOOR Act)

11. The special determination was made following a direction from the Premier, the Hon Mike Baird MP, in respect to office holders who did not receive an annual adjustment following the disallowance of the 2013 determination - being those office holders who were not the subject of the Tribunal's special determination of 19 December 2013.
12. The special determination provided an increase in the salary payable to office holders of salary of 2.27 per cent for the period 1 October 2013 to 30 June 2014, in accordance with the Premier's direction.

### Annual Determinations (pursuant to section 13 of the SOOR Act)

13. The annual determination provided an increase of 1.88 for the Director of Public Prosecution and the Solicitor General, and an increase of 1.70 per cent for all other Court and Related office holders, on and from 1 July 2014.
14. The increases of 1.88 per cent and 1.70 per cent were discounted amounts to reflect the start date of 1 July rather than the later date of 1 October, at which date the Tribunal's previous determinations have taken effect. The Tribunal adjusted the increase to ensure the office holders salaries did not increase by more than 2.5 per cent over a twelve month period.

## Court and Related Officers Group

# Section 3

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### 2015 Annual Review

#### Invitation for Submissions

15. As is the usual practice, prior to making its Reports and Determinations, the Tribunal invited submissions from office holders on 20 March 2015 and from the Secretary NSW Treasury on 19 March 2015.
16. Office holders were advised that, should any office holder or group of office holders wish to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the "officer-related cost savings" (as defined) which it or they intended to achieve. In due course the Tribunal would be responsible for determining whether or not those savings had been achieved.
17. Under current legislation the Tribunal determines remuneration for office holders, which is either a salary or a total remuneration package. Information on other employment entitlements and/or personal appointment benefits provided to individual office holders or groups of office holders by their employer is not readily available to the Tribunal. Further, the overall cost to the State of engaging these office holders is not readily quantifiable by the Tribunal.
18. Should office holders, or groups of office holders, consider that the Tribunal in determining whether officer-related cost savings will or have been achieved, should have regard to other employment entitlements and/or personal appointment benefits, the types and costs of those entitlements would need to be made available (and independently verified) to the Tribunal.

#### Office Holder Submissions

19. For the 2015 review the Tribunal received three submissions from office holders in the Court and Related Office Holders Group. The Tribunal also met with the Senior Crown Prosecutor and the Deputy Director, Office of the Director of Public Prosecutions. The Tribunal thanks the office holders for their time and effort they



### **Court and Related Officers Group**

have put into their submissions.

20. The submission from the Director of Public Prosecutions was made on behalf of the Director Public Prosecutions, Deputy Directors Public Prosecutions and Crown Prosecutors (the Applicants). The applicants requested that the internal salary relativities that previously existed between the remuneration of the applicants with that of a Supreme Court Justice (SCJ) be restored and also that the conveyance allowance be increased as the cost of maintaining a vehicle has increased since 2011.
21. The Applicants referred to the historical relativities when the remuneration of the Director Public Prosecutions was equivalent to the remuneration of a SCJ. The relativity was broken following the making of the 2011 determination and the loss in remuneration has amounted to 4 per cent. This has led to a similar loss in remuneration for the Deputy Directors and Crown Prosecutors as their remuneration is linked by percentage to the Director Public Prosecutions. Consequently, the most senior Crown Prosecutors are being remunerated at a level less than that of a Magistrate.
22. The Applicants also referred to the former Tribunal's statement in the 2014 Determination that the Tribunal would consider restoring the original relativities as soon as the current climate of fiscal restraint is relaxed to any extent, and if the existing legislation does not prohibit it doing so. The Applicants consider that the NSW Treasury's February 2015 Financial Statement support the view that the fiscal situation has relaxed.
23. The Applicants submitted that a number of structural changes within the Office of the Director of Public Prosecutions have achieved significant efficiencies not only within the Office of the Director of Public Prosecutions, but also the entire Criminal Justice System. The Applicants provided a brief summary of the structural changes.
24. The submission from the Public Defenders also requested that the Tribunal restore the internal salary relativities in similar terms to the Applicants and also to maintain the parity in salary between the Public Defenders and the Crown Prosecutors. The Public Defenders also requested that the Tribunal increase the conveyance

## Court and Related Officers Group

allowance because the cost of maintaining a vehicle has increased since 2011.

25. The submission from the Commissioners of the Land and Environment Court requested a 2.5 per cent increase in remuneration and any adjustment to the conveyance allowance considered appropriate by the Tribunal. Similar to their submissions for the 2013 and 2014 annual reviews the Commissioners again note that the work of Commissioners has changed but does not warrant a work value submission. However, the Commissioners noted that recent changes to the *Mining Act 1992* and the non-replacement of a retired Commissioner have potential to support a future work value assessment.

### Government Submission

26. The Secretary NSW Treasury provided the Government submission to the Tribunal on 7 May 2015. The Government submits that the Tribunal should determine an increase of 2.5 per cent for office holders in the Court and Related Officers Group, on the basis that it is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AB of the SOOR Act and the SOOR Regulation.

## Section 4

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### 2015 Determination

#### Internal Salary Relativities

27. The Tribunal notes that no submissions have specifically requested an increase above 2.5 per cent. That being said, the submission from the Applicants and Public Defenders requested that the Tribunal restore the internal salary relativities, which to achieve would require an increase in excess of 2.5 per cent to office holders in the Court and Related Office Holders Group and also to certain officers in the Judges and Magistrates Group.
28. The Tribunal is aware that the erosion of long standing salary relativities is a significant matter of concern for office holders within the Court and Related Officers Group, and office holders articulated this issue in the 2015 annual review meetings

### Court and Related Officers Group

with the Tribunal.

29. The Tribunal has reviewed the previous findings of the former Tribunal and identified the increases that would be required in both the Judges and Magistrates Group and the Court and Related Officers Group to restore the original salary relativities. Those increases are outlined in Table 1 below.

**Table 1: Increases required to restore original 2010 salary relativities**

| Group                            | Office Holders   | Increase required to restore original 2010 salary relativities |
|----------------------------------|--|--|
| Judges and Magistrates Group     | District Court Judges<br>Associate Judge   | 3%   |
|                                  | Deputy President of the Industrial Relations Commission<br>Chief Magistrate<br>Deputy Chief Magistrate<br>State Coroner<br>Chief Industrial Magistrate<br>Magistrate<br>Children's Magistrate<br>Deputy State Coroner<br>Commissioners, Industrial Relations Commission  | 3.4%   |
| Court and Related Officers Group | Director of Public Prosecutions<br>Solicitor General   | 6.6%   |
|                                  | Chairperson, Law Reform Commission<br>Crown Advocate<br>Deputy Directors of Public Prosecution<br>Senior Crown Prosecutor<br>Senior Public Defender<br>Deputy Senior Crown Prosecutor<br>Deputy Senior Public Defender<br>Solicitor for Public Prosecutions<br>Crown Prosecutor<br>Public Defender<br>Deputy President, Workers Compensation Commission<br>Senior Commissioner, Land & Environment Court<br>Commissioner, Land & Environment Court | 7.1%   |

30. In accordance with the current legislative framework any increase in excess of 2.5 per cent could only be paid if sufficient officer-related cost savings for the office holder or relevant group had been achieved or were expected to be achieved, to fully offset the increased officer-related costs resulting from the increased payment.

### Court and Related Officers Group

31. In inviting submissions from office holders the Tribunal clearly articulated the information requirements in respect to any submission for an increase in excess of 2.5 per cent, including the following statement:

*“In making submissions office holders will need to have careful regard to the definitions contained within the Regulation and the meaning of “officer-related cost savings” as provided for in clause 7 of the Regulation. And in particular, that any identified officer-related cost savings are not nullified or excluded by reason of subclauses 7(c) to 7(e).”*

32. The Tribunal has reviewed the information submitted by the Applicants and Public Defenders and finds that it does not have sufficient regard to the requirements specified in the SOOR Regulation. While the Applicant have put forward productivity savings, it would appear to the Tribunal that these savings are of a type which would not satisfy the requirements of the SOOR Regulation should they be relied upon to justify officer-related cost savings (as defined by the Regulation).
33. As noted by the former Tribunal the amendments to the SOOR Act and SOOR Regulation make it difficult for office holders, and, in particular, groups of office holders, to demonstrate that sufficient officer-related cost savings can be achieved to justify an increase of more than 2.5 per cent.
34. The Tribunal has reviewed the intent of the SOOR Regulation and reviewed comments made by the former Tribunal in previous determinations. Having regard to the information before it, the Tribunal is drawn to the view that increases of more than 2.5 per cent may not be achievable as the SOOR Regulation, as presently constructed, would appear to make the identification and assessment of officer-related cost savings prohibitively complex and difficult.
35. The Tribunal notes that the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* and SOOR Regulation were introduced to require the Tribunal to give effect to the Government’s wages policy and to require the same policies on increases in remuneration as apply to public service workers to also apply to those officers whose remuneration is determined by the Tribunal. However, as a consequence of a number of factors, increases have not been applied

### **Court and Related Officers Group**

uniformly to all office holder groups and a possible unintended consequence has been the erosion of long standing salary relativities.

36. The Tribunal notes that the SOOR Regulation will expire on 1 September 2018. The Tribunal intends to write to the Premier to seek his views on the restoration of internal relativities and whether or not there is any intention to repeal, or amend, the SOOR Regulation before 2018 which may enable office holders to seek increases of more than 2.5 per cent and/or for the Tribunal to determine increases of more than 2.5 for the purpose of restoring long standing salary relativities.

#### **Conveyance Allowance**

37. The Tribunal has undertaken a review of the conveyance allowance and determined that the allowance will increase by 2.5 per cent on and from 1 July 2015.
38. As part of the 2016 Annual Review the Tribunal intends to review the methodology for determining the quantum of increase to conveyance allowance and will consider if the general increase should apply irrespective of the adjustments in motor vehicle costs.

#### **Conclusion**

39. The Tribunal is obligated to undertake its duties consistent with the legislation. On that basis the Tribunal, after considering the views of Assessors, considers that an increase of 2.5 per cent in remuneration and the conveyance allowance is appropriate and so determines.
40. Pursuant to Section 13 of the SOOR Act the Tribunal determines that the remuneration to be paid office holders in the Court and Related Officers Group, on and from 1 July 2015 shall be as specified in Determination No. 1.

#### **The Statutory and Other Offices Remuneration Tribunal**

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

## Court and Related Officers Group

# Section 5

## Determinations

### Determination No. 1- Annual Determination of Remuneration

Annual determination of the remuneration of the Court and Related Officers Group effective on and from 1 July 2015

| Position  | Salary per annum | Conveyance Allowance (NOTE 1) |
|---|------------------|-------------------------------|
| Director of Public Prosecutions                         | \$414,450        | \$23,115                      |
| Solicitor-General                                       | \$414,450        | \$23,115                      |
| Chairperson, Law Reform Commission                      | \$412,790        | \$23,115                      |
| Crown Advocate  | \$371,510        | \$20,805                      |
| Deputy Director of Public Prosecutions                  | \$371,510        | \$20,805                      |
| Senior Crown Prosecutor                                 | \$334,360        | \$16,645                      |
| Senior Public Defender                                  | \$334,360        | \$16,645                      |
| Deputy Presidents, Workers Compensation Commission      | \$300,920        | \$16,645                      |
| Deputy Senior Crown Prosecutor                          | \$300,920        | \$16,645                      |
| Deputy Senior Public Defender                           | \$300,920        | \$16,645                      |
| Solicitor for Public Prosecutions                       | \$300,920        | \$16,645                      |
| Senior Commissioner Land and Environment Court          | \$288,950        | \$16,645                      |
| Crown Prosecutor  | \$274,920        | \$16,645                      |
| Public Defender   | \$274,920        | \$16,645                      |
| Commissioner Land and Environment Court                 | \$272,430        | \$16,645                      |
| Acting Deputy President Workers Compensation Commission | \$1,250 per day  | -                             |

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

## **Court and Related Officers Group**

### **Determination No. 2- Annual Leave Loading**

#### **Leave Loading**

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.

#### **The Statutory and Other Offices Remuneration Tribunal**

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

Judges and  
Magistrates  
Group

Annual  
Determination

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*Report and determination under  
section 13 of the Statutory and  
Other Offices Remuneration  
Tribunal Act 1975*

**25 June  
2015**



## Judges and Magistrates Group

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## Judges and Magistrates Group

# Section 1

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### Introduction

1. The role of the Statutory and Other Offices Remuneration Tribunal (the Tribunal), pursuant to section 6 of the *Statutory and Other Offices Remuneration 1975* (the SOOR Act) was undertaken by Ms Helen Wright from 12 July 2011 until the expiration of her appointment on 11 July 2014. The Tribunal wishes to express its appreciation of Ms Wright's contributions over those years.
2. On 6 August 2014, Mr Richard Grellman AM was appointed to the role of Tribunal pursuant to section 6 of the SOOR Act. The two roles of Assessor assisting the Tribunal pursuant to sections 7 (1) (a) and 7 (1) (b) of the SOOR Act have been undertaken by Mr Blair Comley PSM, Secretary, Department of Premier and Cabinet and Mr Ken Baxter, respectively.

### Background

3. Section 13 of the SOOR Act requires the Tribunal, each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year (formerly 1 October). "Remuneration" is defined in Section 10A as salary or allowances payable in money.

### Government Wages Policy

4. The Tribunal is required, when making determinations under Part 3 of the SOOR Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations, rather than those policies that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act).
5. Section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group. Government policy concerning the

## Judges and Magistrates Group

remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the SOOR Regulation).

6. In accordance with SOOR Regulation any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if officer-related cost savings for the office holder (or group of office holders) have been achieved to fully offset the increased officer-related costs resulting from increased payment.

### The Nexus

7. Historically, 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 provided 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.
8. Prior to making the 2013 determination the former Tribunal had maintained the remuneration of a State Supreme Court Judge at approximately 85 per cent of the remuneration of a Justice of the High Court. However, the former Tribunal found that the Government's decision to extend the wages cap to judicial officers was not consistent with the maintenance of salary relativities between judicial office holders in NSW and the Federal Courts as provided for in the intergovernmental agreement.
9. In the 2013 and 2014 annual determinations the former Tribunal requested that the Government clarify its view on the continued relevance of the nexus given the Tribunal's statutory obligations in respect of the SOOR Regulation.
10. The Tribunal notes that on 11 May 2015 the Commonwealth Remuneration Tribunal (CRT) determined that Holders of Public Office, including Judges and Related Offices, would receive no increase with effect from 1 July 2015. In making those determinations the CRT noted, in its 2015 Review of Remuneration for Holders of

## Judges and Magistrates Group

Public Office Statement, that:

*“The Tribunal has decided to defer until the second half of the 2015 calendar year its consideration of whether any increases to remuneration for offices in its jurisdiction should be determined.*

*This will allow the Tribunal to consider, as it is required to do under its legislation, the outcome of the 2014-15 Annual Wage Review of the Fair Work Commission, due for release in June 2015.*

*It will also allow the Tribunal to consider the Federal Government’s Budget outlook, a range of additional indicators including further Wage Price Index releases from the ABS and data on movements in both private and public sector executive remuneration which are produced annually. Updated economic data from the National Accounts will also be available.*

*At the same time the Tribunal will consider the final remuneration increases for Secretaries, Specified Statutory Offices, and a number of full time offices, noting its comments in 2014 that it does not retreat from its assessment of the proper relative remuneration of those most senior offices.*

*The Tribunal will give effect to its decision by issuing new determinations prior to 14 May 2015. These determinations will make no annual adjustment to the remuneration for offices in the Tribunal’s jurisdiction.”*

11. Following the most recent decision of the CRT a Justice of the High Court of Australia receives a salary of \$486,480 per annum and a Federal Court Judge receives a salary of \$412,550. As the Tribunal now has regard to the Government’s wages policy rather than the nexus a Judge of the Supreme Court of NSW currently receives a higher salary than a Federal Court Judge.

### Internal Salary Relativities

12. Historically, internal salary relativities have existed between offices in the Judges and Magistrates Group. Those relativities have been altered due to a number of factors which include:
  - a decision of the former Tribunal in 2012 to provide some judicial office holders with an increase of 3 per cent while other judicial office holders received only a 2.5 per cent increase
  - impact of the introduction of the SOOR Regulation in 2013
  - increases in the Superannuation Guarantee Contribution (SGC) in 2013 and 2014.

## Judges and Magistrates Group

13. Also, the salary relativities that previously linked the remuneration paid to offices within the Court and Related Officers Group and the Judges and Magistrates Group were also impacted following the 2011 amendments to the SOOR Act.
14. The Tribunal's findings in relation to the CRT decision, the Government's position on the nexus and historical internal salary relativities are outlined in Section 4 of this report.

## Section 2

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### 2014 Determination

15. On 11 July 2014 the former Tribunal made its 2014 annual determination and concurrently a special determination for the Judges and Magistrates Group.

### Special Determination (pursuant to section 14 of the SOOR Act)

16. The special determination was made following a direction from the Premier in respect to office holders who did not receive an annual adjustment following the disallowance of the 2013 determination - being those judicial office holders who were not the subject of the Tribunal's special determination of 19 December 2013.
17. The special determination provided an increase in the salary payable to those office holders of 2.27 per cent, for the period 1 October 2013 to 30 June 2014, in accordance with the Premier's direction.

### Annual Determinations (pursuant to section 13 of the SOOR Act)

18. The annual determination provided an increase of 1.88 for Judges, Acting Judges, Associate Judges and the President of the Workers Compensation Commission and an increase of 1.70 per cent for judicial office holders not eligible to receive a pension under the *Judges' Pension Act 1953*, being those office holders subject of the section 14 special determination on and from 1 July 2014.
19. The increases of 1.88 per cent and 1.70 per cent were discounted amounts to reflect the start date of 1 July rather than the later date of 1 October, at which date the Tribunal's previous determinations have taken effect. The Tribunal adjusted the

## Judges and Magistrates Group

increase to ensure the office holders salaries did not increase by more than 2.5 per cent over a twelve month period.

20. The annual determination included the report and determination for travel allowances for NSW Judges and Magistrates based on the Australian Tax Office (ATO) reasonable travel allowances for 2014 (TD2014/19) effective on and from 1 July 2014.

## Section 3

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### 2015 Annual Review

#### Invitation for Submissions

21. As is the usual practice, prior to making its Reports and Determinations, the Tribunal invited submissions from office holders on 20 March 2015 and from the Secretary NSW Treasury on 19 March 2015.
22. Office holders were advised that, should any office holder or group of office holders wish to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the "officer-related cost savings" (as defined) which it or they intended to achieve. In due course the Tribunal would be responsible for determining whether or not those savings had been achieved.
23. Under current legislation the Tribunal determines remuneration for office holders, which is either a salary or a total remuneration package. Information on other employment entitlements and/or personal appointment benefits provided to individual office holders or groups of office holders by their employer is not readily available to the Tribunal. Further, the overall cost to the State of engaging these office holders is not readily quantifiable by the Tribunal.
24. Should office holders, or groups of office holders, consider that the Tribunal in determining whether officer-related cost savings will or have been achieved, should have regard to other employment entitlements and/or personal appointment benefits, the types and costs of those entitlements would need to be made available

## Judges and Magistrates Group

(and independently verified) to the Tribunal.

### Office Holder Submissions

25. For the 2015 review the Tribunal received six submissions from office holders in the Judges and Magistrates Group. The Tribunal also met with Judges of the Supreme Court, the President of the Industrial Relations Commission, the Chief Judge of the District Court and the Chief Magistrate. The Tribunal thanks the office holders for their time and effort they have put into their submissions.
26. The submission from the Supreme Court requested that the salary of Judges be increased by 2.5 per cent from 1 July 2015 and also that the conveyance allowance be increased to reflect increased costs since it was last increased in 2011.
27. In support of this increase the Supreme Court refers to the relevant economic indicators – Fair Work Commission’s 2014 3 per cent increase in the national minimum wage; wage price indexes through the year to the December quarter 2014 - 2.5 per cent (private sector) and 2.7 per cent (public sector); and February 2015 Statement of Monetary Policy that year end wage growth had stabilised around 2-3 per cent in most industries.
28. The submission also noted the intention of the CRT to defer its 2015 annual determination of judicial and other salaries until the outcome of the 2014-15 Annual Wage Review of the Fair Work Commission, due for release in June 2015, and its decision in the 2014 annual determination that there would be no salary increases for 2014-15. The Supreme Court consider that the salary of a Justice of the High Court is presently at an inappropriate level and as a result the salaries of judges of the High Court and Federal Court do not provide relevant comparators for the Tribunal to consider in its 2015 determination and that it would be inappropriate for the Tribunal to defer its 2015 determination to await the CRT’s 2015 determination. The Tribunal notes that the Supreme Court submission was made prior to the CRT making their 2015 determinations which have provided a nil increase.
29. The submission from the Chief Judge of the District Court requested that salary of Judges and the conveyance allowance be increased by at least 2.5 per cent.
30. As in last year’s submission the Chief Judge refers to the erosion of the internal

## Judges and Magistrates Group

relativities in the judicial office holders group whereby the salary of a District Court Judge is now below 90 per cent of the salary of a Supreme Court Judge. The Chief Judge has requested that the Tribunal recommend to Government that the salary and remuneration of the District Court Judge be fixed by statute as 90 per cent of the Supreme Court Justices as is the case in Queensland (*Judicial Remuneration Act 2007* (QLD)). The Chief Judge's submission submits that the District Court is the busiest trial court in Australia with the highest workload, breadth of jurisdiction and complexity of caseload – moreover the workload has increased significantly.

31. The submission from the Local Court noted the limitations on the Tribunal to determine any increase above 2.5 per cent and on that basis did not provide a lengthy submission nor sought an increase above 2.5 per cent.
32. The submission from the President, Industrial Relations Commission (IRC) requested that the Tribunal increase the salaries of judicial and non-judicial members of the IRC by 2.5 per cent and increase the conveyance allowance by a sum sufficient to reflect increases in relevant costs since the last increase in 2011. The President also requested that the historical nexus which existed between judicial and non-judicial members of the IRC be restored.
33. The submission from the Chief Judge, Land and Environment Court requested that the Tribunal award an increase of 2.5 per cent to both the salaries and allowances, including the conveyance allowance.
34. The Chief Judge supported the view of the Supreme Court that the salaries of judges of the High Court and Federal Court no longer provide relevant comparators for judges of the Supreme Court and Land and Environment Court. Further, that it is not appropriate for the Tribunal to defer the making of the 2015 determination because the CRT has deferred its annual determination of federal judicial salaries.
35. The submission from the President Workers Compensation Commission requested that the Tribunal continue to link the President's remuneration to that of a Supreme Court Judge. The President also informed the Tribunal that on 20 April 2015 he wrote to the Attorney General, the Hon Gabrielle Upton MP, recommending that the *Judicial Officers Act 1986* be amended to include the office of President of the



## Judges and Magistrates Group

Workers Compensation Commission.

### Government Submission

36. The Secretary NSW Treasury provided the Government submission to the Tribunal on 7 May 2015. The Government submits that the Tribunal should determine an increase of 2.5 per cent for office holders in the Judges and Magistrates Group, on the basis that it is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AB of the SOOR Act and the SOOR Regulation, to the extent allowable under section 16(6) of the SOOR Act.
37. In respect to the nexus the Government submission provides the following comment:

*“NSW Treasury sought comments from the Department of Justice in respect of the Government’s submission for the 2015 SOORT Determination.... In its submission, the Department of Justice notes within the bounds of this limitation, that it continues to support the nexus with federal judges, noting this may mean there is no increase awarded or an increase is deferred pending the Commonwealth Tribunal’s decision. The Department also maintains support for the maintenance of the internal relativity between Supreme Court judges and the judges of the District and Local Courts.*

*To defer pending the Commonwealth Tribunal’s decision would raise an expectation that NSW will adjust the Judges and Magistrates Group accordingly through application of historical nexus, rather than in accordance with NSW Public Sector Wages Policy.*

*To ensure consistency with the NSW Public Sector Wages Policy 2011 and consistent with the Government’s recent submissions it would be appropriate to continue to provide for a wage increase for this group.”*

## Judges and Magistrates Group

# Section 4

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### 2015 Determination

#### The Nexus

38. As requested by the former Tribunal the Government submission has addressed the continued relevance of the “nexus” in determining judicial salaries. The Tribunal notes that while the Secretary of the Department of Justice continues to support the nexus, within the bounds of the SOOR Act, the Government’s submission supports the view that the NSW Wages Policy is the primary authority for wage increases and recommends that the Tribunal should award an increase of 2.5 per cent.
39. The NSW Wages Policy as articulated in the SOOR Regulation will expire on 1 September 2018. The Tribunal is drawn to the conclusion that while ever the SOOR Regulation continues to apply in its current format 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 is not a relevant determinant for the Tribunal to consider.
40. The Tribunal notes that as a consequence of the application of the SOOR Regulation to judicial officers in 2013, Supreme Court Judges in NSW now receive a higher level of remuneration than Federal Court Judges and equivalent judges in Victoria and Queensland. This is likely to continue whilever the CRT determines no annual increase for office holders within their jurisdiction. Should the Government consider that judicial salaries should retain a fixed relativity with Federal Judges, or judges in any other jurisdiction, it may wish to consider providing for this in legislation, as is the case with judges in Victoria and Queensland.

#### Internal Salary Relativities

41. The Tribunal notes that long standing salary relativities have eroded both within the Judges and Magistrates Group and between the Judges and Magistrates Groups and

## Judges and Magistrates Group

office holders in the Court and Related Officers Group. This is a consequence of a decision in 2012 which limited some, but not all, judicial officer increases to 2.5 per cent, the application of the SOOR Regulation to all office holders in 2013, and the impact of changes to the SGC. In 2014 the former Tribunal considered what options, if any, were available to it to restore the historical relativities. The former Tribunal made the following statement in regard to this matter in the 2014 annual determination:

*“56....As previously stated the Tribunal’s determinations in this regard were in no way intended to imply that the Tribunal considered that the role and standing of those offices had diminished in any way. On the contrary, the Tribunal is well aware of the continuing increased pressures on and improvements in productivity of the several Courts and other groups headed by officers within this group, and the commitment, skills and effort which those officers have demonstrated in that regard. But the Tribunal is presently very constrained in what it may do to recognise those increased pressures and improvements in productivity.*

*57. In determining appropriate adjustments for 2014 the Tribunal has considered what options, if any, are available to it to restore the historical relativities. The Tribunal found that most possible combinations of adjustments to remuneration could require that some office holders receive an annual increase of more than 2.5 per cent, and/or that some office holders receive a decrease. The Tribunal is unable to restore relativities using any of those possible combinations as an increase of more than 2.5 per cent is contrary to the provisions of the SOOR Regulation 2013, and section 21 of the SOOR Act prevents the Tribunal from making a determination which would reduce the remuneration payable to office holders in Schedule 1....*

*59. As outlined in the Tribunal’s 2012 and 2013 determinations, as soon as the current climate of fiscal restraint is relaxed to any extent, and if the legislation in existence at the time (noting that the current legislation has an expiry date) does not prohibit the Tribunal from doing so, the Tribunal will immediately consider restoring the original relativities both between office holders within this group and with certain office holders in the Court and Related Officer Group.”*

42. The Tribunal has reviewed the previous findings of the former Tribunal and identified the increases that would be required in both the Judges and Magistrates Group and the Court and Related Officers Group to restore the original salary relativities. Those increases are outlined in Table 1 below.

## Judges and Magistrates Group

**Table 1: Increases required to restore original 2010 salary relativities**

| Group                            | Office Holders   | Increase required to restore original 2010 salary relativities |
|----------------------------------|--|--|
| Judges and Magistrates Group     | District Court Judges<br>Associate Judge   | 3%   |
|                                  | Deputy President of the Industrial Relations Commission<br>Chief Magistrate<br>Deputy Chief Magistrate<br>State Coroner<br>Chief Industrial Magistrate<br>Magistrate<br>Children's Magistrate<br>Deputy State Coroner<br>Commissioners, Industrial Relations Commission  | 3.4%   |
| Court and Related Officers Group | Director of Public Prosecutions<br>Solicitor General   | 6.6%   |
|                                  | Chairperson, Law Reform Commission<br>Crown Advocate<br>Deputy Directors of Public Prosecution<br>Senior Crown Prosecutor<br>Senior Public Defender<br>Deputy Senior Crown Prosecutor<br>Deputy Senior Public Defender<br>Solicitor for Public Prosecutions<br>Crown Prosecutor<br>Public Defender<br>Deputy President, Workers Compensation Commission<br>Senior Commissioner, Land & Environment Court<br>Commissioner, Land & Environment Court | 7.1%   |

43. As the restoration of original salary relativities will require adjustments of more than 2.5 per cent the Tribunal is presently unable to make such a determination, unless office holders can offset any additional increase with officer-related cost savings.

### General Increase

44. It is open to the Tribunal to determine an increase of up to 2.5 per cent without the need for office holders to offset any additional increase with officer-related cost savings.

45. The Tribunal finds that an increase of 2.5 per cent is justified having regard to the significant role judicial office holders undertake in the State's justice system,

## Judges and Magistrates Group

including but not limited to, their achievements in delivering reforms and initiatives which have demonstrated productivity improvements.

46. A number of productivity improvements were articulated in the submissions to the Tribunal and raised in discussions with the Tribunal. Achievements are also highlighted in the Australian Productivity Commission's Report on Government Services 2015 which, in relation to the NSW Courts, states:

*"NSW Courts performed well in 2013-14. The NSW Supreme Court reduced the percentage of civil appeal and non-appeal matters older than 12 and 24 months. The overall Supreme Court clearance rate remained above 100 per cent for the third consecutive year. Net expenditure per finalisation for District Court criminal and civil matters declined, and the overall criminal clearance rate increased to over 100 per cent. The Local Court 6 month criminal and civil backlogs fell, and the net cost per finalisation reached its overall lowest level since 2010-2011. Children's Court net cost per finalisation declined for both criminal and civil matters, reaching its overall lowest level in over 10 years. The Children's Court clearance rate also increased to above 100 per cent.*

*NSW increased its use of new technologies, significantly improving services with processes streamlined for speed and accuracy."*

47. The Productivity Commission Report goes on to list particular achievements across the Justice sector in 2013-14 including, but not limited to:

- *"Launch of an interactive online registry, with over 43,000 forms lodged online for the Supreme, District and Local Courts during the year, representing more than 50 per cent of all forms.*
- *Implementation of a new Jury Management System. It provides jurors and potential jurors with the benefits of a web based system, streamlining numerous traditional manual and paper based processes.*
- *Launch of the Justice AVL and Court Technology Project, designed to established efficient end-to-end AVL usage for all Justice Sector stakeholders. \$40 million has been allocated over four years to enable this major reform.*
- *Continued expansion of the Courts Service Centre, which now answers over 50,000 calls per month. Over \$10 million and 30,000 transactions in 2013-14."*

(Productivity Commission Report on Government Services 2015 Volume 1, Part C, Chapter 7 Courts.)

48. While the Courts have demonstrated productivity savings, it would appear to the Tribunal that these savings are of a type which would not satisfy the requirements of the SOOR Regulation should they be relied upon to justify officer-related cost savings (as defined by the Regulation).

### Judges and Magistrates Group

49. The Tribunal has not been asked to consider an increase, either a general increase or an increased based on work value assessment, in excess of 2.5 per cent, and therefore a detailed assessment of whether or not officer-related costs savings have been achieved has not been required for this group of office holders.
50. As noted by the former Tribunal the amendments to the SOOR Act and SOOR Regulation make it difficult for office holders, and, in particular, groups of office holders, to demonstrate that sufficient officer-related cost savings can be achieved to justify an increase of more than 2.5 per cent.
51. The Tribunal has reviewed the intent of the SOOR Regulation and reviewed comments made by the former Tribunal in previous determinations. Having regard to the information before it, the Tribunal is drawn to the view that increases of more than 2.5 per cent may not be achievable as the SOOR Regulation, as presently constructed, would appear to make the identification and assessment of officer-related cost savings prohibitively complex and difficult.
52. The Tribunal notes that the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* and SOOR Regulation were introduced to require the Tribunal to give effect to the Government's wages policy and to require the same policies on increases in remuneration as apply to public service workers to also apply to those officers whose remuneration is determined by the Tribunal. However, as a consequence of a number of factors, increases have not been applied uniformly to all office holder groups and a possible unintended consequence has been the erosion of long standing salary relativities.
53. The Tribunal notes that the SOOR Regulation will expire on 1 September 2018. The Tribunal intends to write to the Premier to seek his views on the restoration of internal relativities and whether or not there is any intention to repeal, or amend, the SOOR Regulation before 2018 which may enable office holders to seek increases of more than 2.5 per cent and/or for the Tribunal to determine increases of more than 2.5 for the purpose of restoring long standing salary relativities.

### Workers Compensation Commission President

54. The office of President, Workers Compensation Commission is not defined as a

## Judges and Magistrates Group

“judicial officer” in accordance with the *Judicial Officers Act 1986*. This is anomalous as the *Workplace Injury Management and Workers Compensation Act 1998* stipulates that to be eligible for appointment as President the person must be a Judge of a Court of Record, i.e. a judicial officer.

55. The Tribunal continues to include the office of President of the Workers Compensation Commission in the Judges and Magistrates Group Determination for the purpose of determining the remuneration for this office.
56. The President will receive the same annual increase as applies to other judicial office holders eligible to receive a judicial pension.
57. The Tribunal notes that the President, Workers Compensation Commission has written to the Attorney General, the Hon Gabrielle Upton MP, requesting an amendment to the *Judicial Officers Act 1986* to resolve this matter.

### Conveyance Allowance

58. The Tribunal has undertaken a review of the conveyance allowance and determined that the allowance will increase by 2.5 per cent on and from 1 July 2015.
59. As part of the 2016 Annual Review the Tribunal intends to review the methodology for determining the quantum of increase to conveyance allowance and will consider if the general increase should apply irrespective of the adjustments in motor vehicle costs.

### Conclusion

60. The Tribunal is obligated to undertake its duties consistent with the legislation. On that basis the Tribunal, after considering the views of Assessors, considers that an increase of 2.5 per cent to remuneration and the conveyance allowance is appropriate and so determines.
61. Pursuant to Section 13 of the SOOR Act the Tribunal determines that the remuneration to be paid to office holders in the Judges and Magistrates Group, on and from 1 July 2015 shall be as specified in Determination Nos. 1-5.

## Judges and Magistrates Group

### The Statutory and Other Offices Remuneration Tribunal

(Signed)

Richard Grellman AM

Dated: 25 June 2015

## Section 5

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### Report on travel allowances for NSW Judges and Magistrates

#### Background

1. 'Remuneration' is defined in the SOOR Act, as salary and allowances payable to office holders. Judges and magistrates are holders of offices specified in Schedule 1 of the SOOR 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.

#### 2015 Review

4. Historically the Tribunal has had regard to movements in the travel rates as adopted for the NSW Public Sector generally. These rates are based on the reasonable travel allowances as determined by the Australian Taxation Office (ATO). At the time of the making of this determination the ATO has not made a determination for the 2015



## Judges and Magistrates Group

financial year. On that basis the Tribunal determines the rates that are based on ATO TD 2014/19 will continue to apply.

### 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.
6. 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.

### Conclusion

7. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2014/19. Non metropolitan accommodation rates and meal rates are also as set out in the Determination.
8. The Tribunal makes Determination No 6 effective on and from 1 July 2015.

### The Statutory and Other Offices Remuneration Tribunal

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

## Judges and Magistrates Group

## Section 6

## Determinations

## Determination No. 1-Judicial Officers not referred to in determination No. 2

**Determination of the Remuneration for Judicial Officers as defined in the *Judicial Officers Act 1986* being judicial officers of the Supreme Court and judicial officers linked by legislation to the remuneration of the Supreme Court, effective on and from 1 July 2015**

| Position  | Salary per annum | Conveyance Allowance (NOTE 1) |
|---|------------------|-------------------------------|
| Chief Justice of the Supreme Court  | \$482,470        | \$23,115                      |
| President of the Court of Appeal  | \$451,770        | \$23,115                      |
| President of the Industrial Relations Commission                                  | \$451,770        | \$23,115                      |
| Chief Judge of the Land and Environment Court                                     | \$451,770        | \$23,115                      |
| Judge of the Supreme Court  | \$431,160        | \$23,115                      |
| Vice-President of the Industrial Relations Commission                             | \$431,160        | \$23,115                      |
| Judge of the Land and Environment Court   | \$431,160        | \$23,115                      |
| Deputy President of the Industrial Relations Commission (being a judicial member) | \$431,160        | \$23,115                      |
| Judge of the District Court   | \$386,160        | \$20,805                      |
| Associate Judge or acting Associate Judge (under the Supreme Court Act 1970)      | \$386,160        | \$20,805                      |

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

## Judges and Magistrates Group

### Determination No. 2-Judicial Officers not referred to in determination No.1

**Determination of the Remuneration for Judicial Officers as defined in the *Judicial Officers Act 1986* but not referred to in Determination No.1, effective on and from 1 July 2015**

| Position  | Salary per annum | Conveyance Allowance (NOTE 1) |
|---|------------------|-------------------------------|
| Deputy President of the Industrial Relations Commission (not being a judicial member) | \$427,350        | \$23,115                      |
| Chief Magistrate  | \$384,610        | \$20,805                      |
| Deputy Chief Magistrate   | \$325,000        | \$16,645                      |
| State Coroner   | \$325,000        | \$16,645                      |
| Chief Industrial Magistrate   | \$313,070        | \$16,645                      |
| Magistrate  | \$307,690        | \$16,645                      |
| Children's Magistrate   | \$307,690        | \$16,645                      |
| Deputy State Coroner  | \$307,690        | \$16,645                      |
| Commissioner Industrial Relations Commission  | \$282,050        | \$16,645                      |

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

### Determination No. 3-President of the Workers Compensation Commission

**Determination of the Remuneration to be paid to the President of the Workers Compensation Commission (Pursuant To Section 369 of the *Workplace Injury Management And Workers Compensation Act 1988*) effective on and from 1 July 2015**

| Position                                   | Salary per annum | Conveyance Allowance (NOTE 1) |
|--|------------------|-------------------------------|
| President, Workers Compensation Commission | \$431,160        | \$23,115                      |

NOTE 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes.

## Judges and Magistrates Group

### Determination No. 4-Acting Judges rates

#### 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                      \$1,870 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                      \$1,670 per day

### Determination No. 5-Annual leave loading

#### Determination of leave loading for Judicial Officers effective on and from 1 July 2015

#### 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, to each of the following office holders:

- Magistrates
- Deputy President of the Industrial Relations Commission (not being a judicial member)
- Commissioners, Industrial Relations Commission

## Judges and Magistrates Group

### Determination No. 6-Travel allowances for Judges and Magistrates

Pursuant to section 13 of the SOOR Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 July 2015.

#### A. Travel necessitating an overnight stay

| Travel Allowances         |          |
|---------------------------|----------|
| <b>Capital City Rates</b> |          |
| Adelaide                  | \$379.00 |
| Brisbane                  | \$427.00 |
| Canberra                  | \$416.00 |
| Darwin                    | \$457.00 |
| Hobart                    | \$365.00 |
| Melbourne                 | \$435.00 |
| Perth                     | \$469.00 |
| Sydney                    | \$435.00 |
| <b>Other Centre Rates</b> |          |
| Newcastle                 | \$360.00 |
| Wollongong                | \$360.00 |
| Other Centres             | \$360.00 |

#### 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.

**Judges and Magistrates Group**

**B. Travel not involving an overnight stay**

**Meal Allowances for travel NOT involving an overnight stay**

| <b>Meal</b> | <b>Amount</b> |
|-------------|---------------|
| Breakfast   | \$25.35       |
| Lunch       | \$28.55       |
| Dinner      | \$48.65       |

**The Statutory and Other Offices Remuneration Tribunal**

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

Public Office  
Holders Group

Annual  
Determination

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*Report and determination under  
section 13 of the Statutory and Other  
Offices Remuneration Act 1975*

**25 June  
2015**

## Public Office Holders Group

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## Public Office Holders Group

# Section 1

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### Introduction

1. The role of the Statutory and Other Offices Remuneration Tribunal (the Tribunal), pursuant to section 6 of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) was undertaken by Ms Helen Wright from 12 July 2011 until the expiration of her appointment on 11 July 2014. The Tribunal wishes to express its appreciation of Ms Wright's contributions over those years.
2. On 6 August 2014, Mr Richard Grellman AM was appointed to the role of Tribunal pursuant to section 6 of the SOOR Act. The two roles of Assessor assisting the Tribunal pursuant to sections 7 (1) (a) and 7 (1) (b) of the SOOR Act have been undertaken by Mr Blair Comley PSM, Secretary, Department of Premier and Cabinet and Mr Ken Baxter, respectively.

### Background

3. Section 13 of the SOOR Act, requires the Tribunal, each year, to make a determination on the remuneration to be paid to office holders on and from 1 July in that year (formerly 1 October). "Remuneration" is defined in section 10A as salary or allowances paid in money.
4. The Public Office Holders Group comprises those public offices, listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Court and Related Officers Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for these office holders is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution, are additional to the salary amount determined. This Group also comprises a small number of office holders who, pursuant to Section 11A of the SOOR Act, have elected to receive, and for whom the Minister has approved access to, remuneration packaging arrangements identical to the Chief and Senior Executive Service (SES).

## Public Office Holders Group

### Government Wages Policy

5. The Tribunal is required, when making determinations under Part 3 of the SOOR Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations, rather than those policies that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (the IR Act).
6. Section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group. Government policy concerning the remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the SOOR Regulation).
7. In accordance with SOOR Regulation any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if officer-related cost savings for the office holder (or group of office holders) have been achieved to fully offset the increased officer-related costs resulting from increased payment.

## Section 2

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### 2014 Determination

8. On 11 July 2014 the Tribunal made its 2014 annual determination and concurrently a special determination for the Public Office Holders Group.

### Special Determination (pursuant to section 14 of the SOOR Act)

9. The special determination was made following a direction from the Premier, the Hon Mike Baird MP, in respect to office holders who did not receive an annual adjustment following the disallowance of the 2013 determination - being those office holders who were not the subject of the Tribunal's special determination of 19 December 2013.

## Public Office Holders Group

10. The special determination provided an increase for office holders in receipt of a salary of 2.27 per cent, and office holders in receipt of a total remuneration package of 2.5 per cent, for the period 1 October 2013 to 30 June 2014, in accordance with the Premier's direction.

### Annual Determinations (pursuant to section 13 of the SOOR Act)

11. The annual determination provided an increase of 1.70 per cent for office holders in receipt of a salary, and an increase of 1.88 per cent for office holders in receipt of a total remuneration package on and from 1 July 2014.
12. The increases of 1.70 per cent and 1.88 per cent were discounted amounts to reflect the start date of 1 July rather than the later date of 1 October, at which date the Tribunal's previous determinations have taken effect. The Tribunal adjusted the increase to ensure the office holders salaries or remuneration packages did not increase by more than 2.5 per cent over a twelve month period.

## Section 3

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### 2015 Annual Review

#### Invitation for Submissions

13. As is the usual practice, prior to making its Reports and Determinations, the Tribunal invited submissions from office holders on 20 March 2015 and from the Secretary NSW Treasury on 19 March 2015.
14. Office holders were advised that, should any office holder or group of office holders wish to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the "officer-related cost savings" (as defined) which it or they intended to achieve. In due course the Tribunal would be responsible for determining whether or not those savings had been achieved.
15. Under current legislation the Tribunal determines remuneration for office holders, which is either a salary or a total remuneration package. Information on other employment entitlements and/or personal appointment benefits provided to

### **Public Office Holders Group**

individual office holders or groups of office holders by their employer is not readily available to the Tribunal. Further, the overall cost to the State of engaging these office holders is not readily quantifiable by the Tribunal.

16. Should office holders, or groups of office holders, consider that the Tribunal in determining whether officer-related cost savings will or have been achieved, should have regard to other employment entitlements and/or personal appointment benefits, the types and costs of those entitlements would need to be made available (and independently verified) to the Tribunal.

#### **Office Holder Submissions**

17. No submissions were received from office holders requesting an increase greater than 2.5 per cent.

#### **Government Submission**

18. The Secretary NSW Treasury provided the Government submission to the Tribunal on 7 May 2015. The Government submits that the Tribunal should determine an increase of 2.5 per cent for office holders in the Public Office Holders Group, both office holders in receipt of a salary and those who have elected to receive a remuneration package pursuant to section 11A of the SOOR Act, on the basis that it is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AB of the SOOR Act and the SOOR Regulation.

## **Section 4**

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### **2015 Determination**

19. The requirements of the SOOR Act and the SOOR Regulation limit the way this Tribunal makes its determinations. It is the obligation of the Tribunal to undertake its duties consistent with the legislation. No submissions were received from office holders seeking an increase greater than 2.5 per cent. On that basis the Tribunal, after considering the views of the Assessors, considers that an increase of 2.5 per cent is appropriate and so determines.
20. The Tribunal notes however that the amendments to the SOOR Act and SOOR

## Public Office Holders Group

Regulation make it difficult for office holders, and, in particular, groups of office holders, to demonstrate that sufficient officer-related cost savings can be achieved to justify an increase of more than 2.5 per cent.

21. The Tribunal has reviewed the intent of the SOOR Regulation and reviewed comments made by the former Tribunal in previous determinations. Having regard to the information before it, the Tribunal is drawn to the view that increases of more than 2.5 per cent may not be achievable as the SOOR Regulation, as presently constructed, would appear to make the identification and assessment of officer-related cost savings prohibitively complex and difficult.
22. The Tribunal notes that the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* and SOOR Regulation were introduced to require the Tribunal to give effect to the Government's wages policy and to require the same policies on increases in remuneration as apply to public service workers to also apply to those officers whose remuneration is determined by the Tribunal. However, as a consequence of a number of factors, increases have not been applied uniformly to all office holder groups and a possible unintended consequence has been the erosion of long standing salary relativities.
23. The Tribunal notes that the SOOR Regulation will expire on 1 September 2018. The Tribunal intends to write to the Premier to seek his views on the restoration of internal relativities, for the Judges and Magistrates and Court and Related Officer Groups, and whether or not there is any intention to repeal, or amend, the SOOR Regulation before 2018 which may enable office holders to seek increases of more than 2.5 per cent.

### Section 11A office holders

24. For the 2015 determination the Tribunal will continue to identify, in Determination No.2 of the Public Office Holders report and determination, those offices which are held by individuals who have elected to receive a total remuneration package pursuant to section 11A of the SOOR Act.
25. The Tribunal will also make a salary-only determination for those particular offices and list that salary in the general determination for Public Office Holders in

### **Public Office Holders Group**

Determination No. 1. This is to ensure that a current determination exists for these roles should the incumbent officer revoke his/her election or if a new officer is appointed to the role.

26. Since the making of the 2014 Public Office Holders report and determination the office of Valuer General was vacated and on that basis is removed from Determination No.2.

### **Conclusion**

27. Pursuant to Section 13 of the SOOR Act the Tribunal determines that the remuneration to be paid to office holders in the Public Office Holders Group on and from 1 July 2015 shall be as specified in Determination Nos. 1 and 2.

### **The Statutory and Other Offices Remuneration Tribunal**

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

## Public Office Holders Group

## Section 5

## Determinations

## Determination No. 1-Public Office Holder Group

**Annual determination of the remuneration of the Public Office Holder Group effective on and from 1 July 2015**

| Public Office Holder  | Salary per annum |
|---|------------------|
| Public Service Commissioner   | \$490,450        |
| Commissioner Police Integrity Commission                              | \$467,725        |
| Auditor General   | \$456,240        |
| Ombudsman   | \$455,065        |
| Commissioner, NSW Crime Commission (Note 1)                           | \$451,535        |
| Assistant Commissioner, NSW Crime Commission                          | \$427,775        |
| Full time Member and CEO, Independent Pricing and Regulatory Tribunal | \$406,675        |
| President, Mental Health Review Tribunal                              | \$369,240        |
| Electoral Commissioner (Note 1)                                       | \$355,125        |
| Valuer General  | \$328,515        |
| Workcover Independent Review Officer                                  | \$327,820        |
| Deputy President Mental Health Review Tribunal                        | \$323,055        |
| Information Commissioner  | \$320,340        |
| Privacy Commissioner  | \$309,135        |
| Mental Health Commissioner  | \$297,225        |
| Parliamentary Budget Officer  | \$292,955        |
| Principal Claims Assessor (Motor Accidents Compensation Act)          | \$291,820        |
| Inspector of Custodial Services                                       | \$282,510        |
| Small Business Commissioner   | \$278,330        |
| Deputy Chairperson, Law Reform Commission                             | \$275,555        |
| Commissioner, Law Reform Commission                                   | \$262,210        |
| Clerk of the Legislative Assembly                                     | \$257,280        |
| Clerk of the Parliaments  | \$257,280        |
| Registrar Workers Compensation Commission                             | \$257,280        |
| Executive Manager, Parliamentary Services                             | \$257,280        |

### Public Office Holders Group

| Public Office Holder   | Salary per annum |
|--|------------------|
| Senior Arbitrator, Workers Compensation Commission (legally qualified)     | \$238,800        |
| Deputy Clerk, Legislative Assembly   | \$220,860        |
| Deputy Clerk, Legislative Council  | \$220,860        |
| Senior Arbitrator, Workers Compensation Commission (not legally qualified) | \$219,930        |
| Arbitrator, Workers Compensation Commission (legally qualified)            | \$210,840        |
| Registrar, Aboriginal Land Rights Act 1983                                 | \$204,035        |
| Assessor ( <i>Local Court Act 2007</i> )                                   | \$195,225        |
| Arbitrator, Workers Compensation Commission (not legally qualified)        | \$189,545        |
| Chairperson, Board of the Aboriginal Housing Office                        | \$152,340        |
| Member of the New South Wales Aboriginal Land Council (Note 2)             | \$135,910        |
| Chairperson, Infrastructure NSW  | \$78,450         |
| President Mental Health Review Tribunal (part time daily rate)             | \$1,535          |
| Deputy President Mental Health Review Tribunal (part time daily rate)      | \$1,340          |
| Assessor <i>Local Court Act 2007</i> (daily rate)                          | \$810            |

Note 1 The Public Office Holders of these public offices have elected to be provided with employment benefits pursuant to section 11A of the Act and the remuneration packages are listed in Determination 2.

Note 2 The Chairperson shall receive an allowance of 10% (i.e. a total of \$149,500 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$142,705 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.



## Public Office Holders Group

### Determination No. 2-Public Office Holder Group, Section 11a

**Determination of the remuneration of Public Office Holders who have elected to be provided with employment benefits pursuant to section 11a of the SOOR Act effective on and from 1 July 2015**

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 SOOR Act shall be:

| Public Office Holder               | Remuneration |
|------------------------------------|--------------|
| Commissioner, NSW Crime Commission | \$472,770    |
| Electoral Commissioner             | \$375,200    |

### The Statutory and Other Offices Remuneration Tribunal

*(Signed)*

**Richard Grellman AM**

**Dated:** 25 June 2015

# COUNCIL NOTICES

## BALLINA SHIRE COUNCIL

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land

Ballina Shire Council declares with the approval of His Excellency the Governor that the lands described in the Schedule below, excluding any mines or deposits of minerals in the land, are acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for road realignment.

Dated at Ballina this 25 day of June 2015

PAUL HICKEY, General Manager

### Schedule

Lot 2 DP 1197191  
Lot 5 DP 1197191 [8019]

## BALLINA SHIRE COUNCIL

ROADS ACT 1993

Section 10 – Dedication of Land as Public Road

Notice is hereby given that the Ballina Shire Council dedicates the land described in the Schedule below as public road under the provisions of section 10 of the *Roads Act 1993*.

PAUL HICKEY, General Manager, Ballina Shire Council,  
40 Cherry Street (P O Box 45), Ballina NSW 2478

### Schedule

Lot 2 DP 1197191  
Lot 5 DP 1197191 [8020]

## BATHURST REGIONAL COUNCIL

LOCAL GOVERNMENT ACT 1993  
Section 49

Dedication of Land as a Drainage Reserve

Notice is hereby given that in accordance with section 49 of the *Local Government Act 1993* and the statement of intention on Deposited Plan form 2, the land owned by Bathurst Regional Council and described in the Schedule below is dedicated a Drainage Reserve.

DAVID SHERLEY, General Manager, Bathurst Regional Council, Private Mail Bag 17, Bathurst NSW 2795

### Schedule

Whole of Lot 43 in DP 1059396 being land situated between Eglinton Road and Evernden Road, Bathurst. [8021]

## BATHURST REGIONAL COUNCIL

ROADS ACT 1993  
Section 10

Dedication of Land as a Public Road

Notice is hereby given that in accordance with section 10 of the *Roads Act 1993*, the land described in the Schedule below is dedicated as a Public Road.

DAVID SHERLEY, General Manager, Bathurst Regional Council, Private Mail Bag 17, Bathurst NSW 2795

### Schedule

Lot 3 in DP 1196263 being land situated on Wambool Road, O'Connell. [8022]

## BLACKTOWN CITY COUNCIL

ROADS ACT 1993  
Section 10

Notice is hereby given that in accordance with section 10 of the *Roads Act 1993*, the lands described in the Schedule below are dedicated to the public as road.

K ROBINSON, General Manager, Blacktown City Council,  
PO Box 63, Blacktown NSW 2148.

### Schedule

Lots 11 & 12 DP 1176226, Richmond Road, Glendenning [8023]

## CITY OF CANTERBURY COUNCIL

LOCAL GOVERNMENT ACT 1993  
LAND ACQUISITION (JUST TERMS  
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land

City of Canterbury Council declares with the approval of His Excellency the Governor that the lands described in Schedule 1 below, excluding the interests described in Schedule 2 below and excluding any mines or deposits of minerals in the lands, are acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for community land between the areas of City of Canterbury and Hurstville City local government areas.

Dated at Campsie this 25th day of June 2015

Jim Montague PSM, General Manager

### Schedule 1

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 DP1038625  
Lots 713 and 714 DP13496  
Lot 46 DP18904

### Schedule 2

Lot 1 DP 1038625 – Covenant registered under number D776594  
Lot 2 DP 1038625 – Covenant registered under number C867665

|         |            |  |
|---------|------------|--|
| Lot 3   | DP 1038625 | – Covenant registered under number F425982 |
| Lot 4   | DP 1038625 | – Covenant registered under number B671959 |
| Lot 5   | DP 1038625 | – Covenant registered under number B671958 |
| Lot 6   | DP 1038625 | – Covenant registered under number B358298 |
| Lot 7   | DP 1038625 | – Covenant registered under number C12912  |
| Lot 8   | DP 1038625 | – Covenant registered under number C855330 |
| Lot 10  | DP 1038625 | – Covenant registered under number B907784 |
| Lot 11  | DP 1038625 | – Covenant registered under number D776585 |
| Lot 713 | DP 13496   | – Covenant registered under number D164026 |
| Lot 714 | DP 13496   | – Covenant registered under number C867665 |
| Lot 46  | DP 18904   | – Covenant registered under number D797640 |

[8024]

**CESSNOCK CITY COUNCIL**

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Cessnock City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

|                 |                 |
|-----------------|-----------------|
| <b>Name</b>     | <b>Locality</b> |
| PORTRUSH AVENUE | Cessnock        |

**Description**

Extends off Birkdale Bvd in a westerly direction

STEPHEN GLEN, General Manager, Cessnock City Council,  
PO Box 152, Cessnock NSW 2325

GNB Ref: 0003 [8025]

**KOGARAH CITY COUNCIL**

ROADS ACT 1993

Section 10

Notice is hereby given that Kogarah City Council dedicates the land described in the schedule below as public road under the provisions of section 10 (1) of the *Roads Act 1993*.

PAUL WOODS, General Manager, Kogarah City Council,  
Locked Bag 8, Kogarah NSW 2217.

**Schedule**

The parcel of land being Lot 1 DP 1203710 [8026]

**LIVERPOOL CITY COUNCIL**

ROADS ACT 1993

Section 162

ROADS REGULATION 2008

Clause 9

Naming of Public Roads

Notice is hereby given that Liverpool City Council, pursuant to the abovementioned Act, and Regulation, has named the roads described hereunder.

Gloria

Desmond

Boyce

Hennessy

Trickett

The subject roads are for use in a future residential subdivision within the suburb of Moorebank, adjacent to the New Brighton Golf Course (now Brighton Lakes Recreation and Golf Club).

C WULFF, Chief Executive Officer, Liverpool City Council,  
Locked Bag 7064, Liverpool BC NSW 1871. [8027]

**LIVERPOOL CITY COUNCIL**

ERRATUM

ROADS ACT 1993

Section 162

ROADS REGULATION 2008

Clause 9

Naming of Public Roads

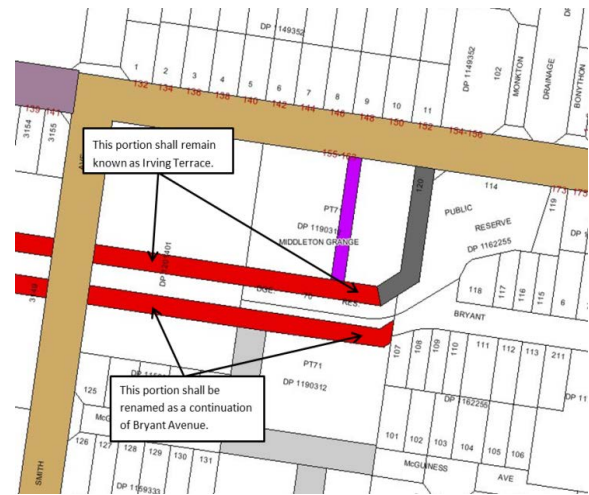
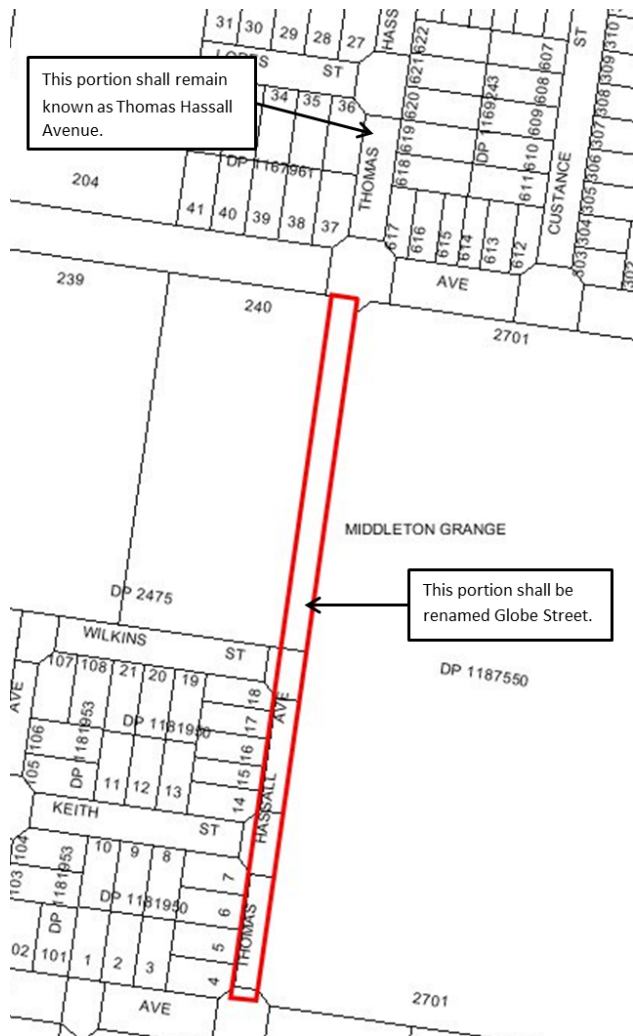
Notice is hereby given that Liverpool City Council, pursuant to the abovementioned Act and Regulation, has renamed parts of the following roads in Middleton Grange:

| Present name          | New name     |
|-----------------------|--------------|
| Thomas Hassall Avenue | Globe Street |

The portion of Thomas Hassall Avenue south of Southern Cross Avenue is to be renamed Globe Street. Globe Street was notified as Globe Lane in the *NSW Government Gazette* on 22 April 2005, and an erratum issued in the *NSW Government Gazette* on 8 May 2015 to amend the road type.

The portion of Thomas Hassall Avenue north of Southern Cross Avenue shall retain its existing name.

The diagram below shows the extent of the renaming.



C WULFF, Chief Executive Officer, Liverpool City Council  
 Locked Bag 7064 Liverpool BC NSW 1871. [8028]

**LIVERPOOL CITY COUNCIL**  
 ROADS ACT 1993  
 Section 162  
 ROADS REGULATION 2008  
 Clause 9  
 Naming of Public Roads

Notice is hereby given that Liverpool City Council, pursuant to the abovementioned Act, and Regulation, has resolved to realign and rename part of the following road in Edmondson Park:

| Present name   | New name     |
|----------------|--------------|
| Croatia Avenue | Bernera Road |

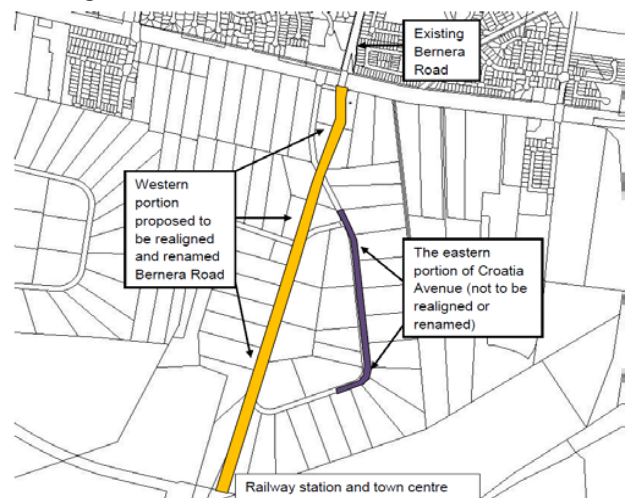
| Present name   | New name      |
|----------------|---------------|
| Irving Terrace | Bryant Avenue |

The southern portion of Irving Terrace is to be renamed as a continuation of Bryant Avenue, in its entirety. Bryant Avenue was notified as Byrant Avenue in the *NSW Government Gazette* on 22 April 2005, and an erratum issued in the *NSW Government Gazette* on 1 June 2012 to correct the spelling of the name.

The northern portion of Irving Terrace shall retain its existing name in its entirety.

The diagram below shows the extent of the renaming.

The western portion of Croatia Avenue is to be realigned to link Camden Valley Way with Edmondson Park town centre and train station. The eastern portion of Croatia Avenue will become a separate street and retain the name Croatia Avenue. The diagram below shows the extent of the realignment and renaming.



C WULFF, Chief Executive Officer, Liverpool City Council  
 Locked Bag 7064 Liverpool BC NSW 1871. [8029]

**WINGECARRIBEE SHIRE COUNCIL**

Naming of Public Roads

ROADS ACT 1993

Section 162

Notice is hereby given that Wingecarribee Shire Council, in pursuance of the above mentioned Act has named the road described hereunder.

Sundown Lane

Road extent: 300m in length, running between the Old Hume Highway and the frontage of lot 624 DP 878683 on Wingecarribee Shire's north eastern boundary, in the locality of Yerrinbool NSW 2575.

File No 7810/12

ANN PRENDERGAST, General Manager, Wingecarribee Shire Council, Civic Centre, Elizabeth Street, Moss Vale NSW 2577 [8030]

**WOLLONGONG CITY COUNCIL**

ROADS ACT 1993

Section 10

Dedication of Land as Public Road

Pursuant to section 10 of the *Roads Act 1993*, Wollongong City Council hereby dedicates the land shown in the schedule below as public road.

D FARMER, General Manager, Wollongong City Council, Locked Bag 8821, Wollongong DC NSW 2500.

**Schedule**

Lot 10 Sec B DP 192051 No 27 Osborne Street, Dapto

Lot 39 Sec B DP 192051 No 30 Station Street, Dapto

[8031]

**MANLY COUNCIL**

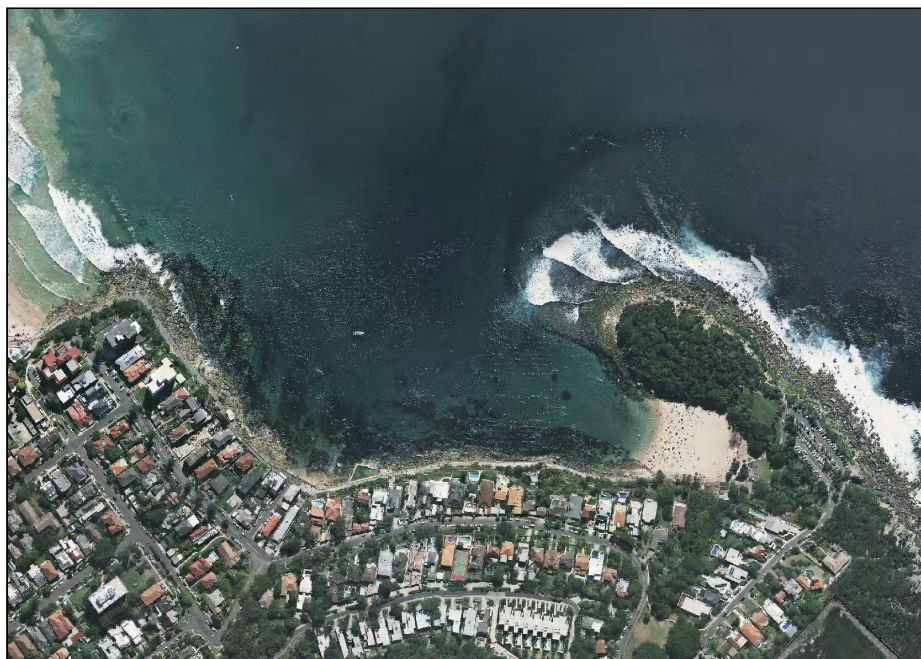
LOCAL GOVERNMENT ACT 1993

Sections 632 and 633

Notification of Designated Swimming Zone

Notice is hereby given that Manly Council, in pursuance of sections 632 and 633 of the *Local Government Act 1993*, has decided to control and regulate by notices erected by the Council the use of Cabbage Tree Bay and, in particular, the shared usage of Cabbage Tree Bay Aquatic Reserve, as follows:

1. A designated swimming zone shall be established on a trial basis in the area seaward of Shelley Beach to a distance of approximately 57.5 metres off the beach as shown on the plan set out below.
2. The taking into and use of boats and other seacraft in the designated swimming zone will be prohibited.
3. Notices are to be erected by Council at or near the foreshore of Shelly Beach as well as on buoys attached to the seabed floor at various points at the outer seaward limits of the designated swimming zone.
4. The designated swimming zone shall commence on 1 October 2015 and terminate on 30 September 2016.



HENRY WONG, General Manager, Manly Council, PO Box 82, Manly NSW 1655.

[8032]

# PRIVATE ADVERTISEMENTS

## COMPANY NOTICES

### NOTICE OF VOLUNTARY LIQUIDATION

The Corporations Law and in the Matter of  
GORTER PTY LIMITED ACN 001 221 503

Notice is hereby given that at an extraordinary general meeting of the members of the company duly convened and held on the 1st day of July 2015 the following resolutions were passed:

That the company be wound up voluntarily and that Ms F MacDONALD be appointed liquidator for the purpose of such winding up.

Creditors of the company are required to prove their debts or claims within one month from the date of publication of this notice. Failing which they will be excluded from any distribution made and from objecting to any such distribution. Formal Proof of Debt forms are available on application to the Liquidator.

Dated this 1st July 2015.

F MacDONALD, Liquidator, c/ K B Raymond & Co,  
2/131 Clarence Street, Sydney NSW 2000 (GPO Box 4684,  
Sydney NSW 2001), tel: (02) 9299 6521. [8033]

### NOTICE OF VOLUNTARY LIQUIDATION

The Corporations Law and in the Matter of  
WENVOE PTY LIMITED ACN 008 505 048

Notice is hereby given that at an extraordinary general meeting of the members of the company duly convened and held on the 1st day of July 2015 the following resolutions were passed:

That the company be wound up voluntarily and that Ms F MacDONALD be appointed liquidator for the purpose of such winding up.

Creditors of the company are required to prove their debts or claims within one month from the date of publication of this notice. Failing which they will be excluded from any distribution made and from objecting to any such distribution. Formal Proof of Debt forms are available on application to the Liquidator.

Dated this 1st July 2015.

F MacDONALD, Liquidator, c/ K B Raymond & Co,  
2/131 Clarence Street, Sydney NSW 2000 (GPO Box 4684,  
Sydney NSW 2001), tel: (02) 9299 6521. [8034]

## OTHER PRIVATE NOTICES

Form 1 (version 1)  
UCPR 1

**PETITION**  
**under the *Parliamentary Electorates and Elections Act 1912***

**COURT DETAILS**

|             |  |
|-------------|--|
| Court       | <b>Supreme Court of New South Wales<br/>Sitting as the Court of Disputed Returns</b> |
| Division    | Common Law   |
| Registry    | Sydney   |
| Case number | 2015/  |

**TITLE OF PROCEEDINGS**

|                   |                               |
|-------------------|-------------------------------|
| Petitioner        | <b>Peter Neil Jones</b>       |
| First Respondent  | <b>Mark Pearson</b>           |
| Second Respondent | <b>Electoral Commissioner</b> |

**FILING DETAILS**

|                            |  |
|----------------------------|--|
| Filed for                  | <b>Peter Neil Jones</b> , the Petitioner |
| Contact name and telephone | Peter Jones<br>0411 774 941              |
| Contact email              | peternjones@optusnet.com.au              |

**HEARING DETAILS**

This petition is listed at .

**PETITION****TO THE COURT OF DISPUTED RETURNS:-****Statement**

1. This Petition concerns the election for the New South Wales Legislative Council held on 28 March 2015 (***the Election***) pursuant to the Writ of Election for the Legislative Council issued on 7 March 2015. It is brought pursuant to the *Parliamentary Electorates and Elections Act 1912* (***the Act***).

2. The Election related to the whole of New South Wales and no specific Electoral District.

### **Return of Writ**

3. The Writ of Election for the Legislative Council was returned on Monday, 20 April 2015.

### **Result of the Election**

4. There were 5,040,662 electors enrolled to vote in respect of the Election.
5. There were 4,574,866 votes cast at the Election. Twenty one (21) candidates were elected at the Election.
6. The candidates elected at the Election, in order, are as follows:

| <b>Candidate Name</b> | <b>Group</b> | <b>Group Name</b>     |
|-----------------------|--------------|-----------------------|
| AJAKA John            | E            | LIBERAL / NATIONALS   |
| COTSIS Sophie         | K            | LABOR / COUNTRY LABOR |
| KAYE John             | S            | THE GREENS            |
| FRANKLIN Ben          | E            | LIBERAL / NATIONALS   |
| SECORD Walt           | K            | LABOR / COUNTRY LABOR |
| FARUQI Mehreen        | S            | THE GREENS            |
| MASON-COX Matthew     | E            | LIBERAL / NATIONALS   |
| VOLTZ Lynda           | K            | LABOR / COUNTRY LABOR |
| HARWIN Don            | E            | LIBERAL / NATIONALS   |
| MOSELMANE Shaoquett   | K            | LABOR / COUNTRY LABOR |
| TAYLOR Bronnie        | E            | LIBERAL / NATIONALS   |
| VEITCH Mick           | K            | LABOR / COUNTRY LABOR |
| AMATO Louis           | E            | LIBERAL / NATIONALS   |



|                  |   |  |
|------------------|---|--|
| SEARLE Adam      | K | LABOR / COUNTRY LABOR                        |
| MALLARD Shayne   | E | LIBERAL / NATIONALS                          |
| KHAN Trevor      | E | LIBERAL / NATIONALS                          |
| FARLOW Scott     | E | LIBERAL / NATIONALS                          |
| HOUSSOS Courtney | K | LABOR / COUNTRY LABOR                        |
| BORSAK Robert    | N | SHOOTERS AND FISHERS                         |
| NILE Fred        | Q | CHRISTIAN DEMOCRATIC PARTY (FRED NILE GROUP) |
| PEARSON Mark     | C | ANIMAL JUSTICE PARTY                         |

7. The Petitioner was excluded at Count 391 for the Election.
8. The First Respondent (**Mark Pearson**) was elected at Count 391 for the Election.

**The Petitioner and entitlement to file the Petition**

9. The Petitioner is Peter Neil Jones of 3 Cronin Street, Penrith in the State of New South Wales.
10. The Petitioner was enrolled and eligible to vote in the Election, and was a candidate and contested the Election as the number one candidate for the No Land Tax Campaign (NLTC), a registered political party.

**Facts relied on to invalidate the election or return**

***Interference with NLTC employees by the Liberal Party***

11. For the purposes of the Election, the NLTC arranged:
  - (a) for the printing of 4 million generic (i.e. non Legislative Assembly candidate/ district specific) how-to-vote sheets (**how-to-vote sheets**);
  - (b) for the printing of separate how-to-vote sheets for each of the following Legislative assembly districts:
    - (i) Drummoyne;

- (ii) Gosford;
  - (iii) Port Stephens; and
  - (iv) Prospect
12. The NLTC engaged workers to hand out how-to-vote sheets for the NLTC at the 1200 largest polling booths on the day of the Election. These 1200 polling booths (out of approx. 2,300 polling booth locations across NSW), were identified based on data provided by the Electoral Commission and accounted for 78 percent of the votes expected to be cast on polling day (not including pre-poll votes, postal votes, declared institution votes and iVotes).
13. In addition, some NLTC candidates for the Legislative Assembly and other party members separately organised volunteers to staff polling booths in their Legislative Assembly Districts including (but not limited to) the districts of Auburn, Cabramatta, Fairfield, Liverpool, Murray, Prospect and Rockdale.
14. NLTC engaged workers to provide their labour for a specified period of time (7 a.m. to 6 p.m. on the day of the Election) for a particular purpose (to hand out how-to-vote sheets); in return, the NLTC would pay the workers \$330 for the day (i.e. \$30 per hour) plus possible bonuses (***the Contractual Arrangement***).
15. NLTC intended to have three workers allocated to each of the 1200 targeted polling booths. Packages of how-to-vote sheets and No Land Tax yellow vests were couriered to each of the polling booth workers.
16. Each worker received approximately one third of the how-to-vote sheets allocated for each booth. This allocation was based on data obtained from the Electoral Commission.
17. On the morning of the Election, at approximately 10.16 a.m., Mark Egelstaff (***Egelstaff***) - a member and authorised servant or agent of the Liberal Party - sent a text message (***the Text Message***) to Liberal Party members, election volunteers, election workers and candidates (***Liberal Party activists***).
18. The text message was as follows:

*Hi all.*

*It might be worth casually mentioning to any No Land Tax volunteers that they might not get paid for their time today.*

*Apparently their contact number for their hq had (sic) been disconnected and many volunteers are just leaving.*

*Regards, Mark.*

19. Egelstaff was, at the time of the Election, and at the time of sending the Text Message, employed in the electorate office of Mr Bruce Notley-Smith (**MP for Coogee**).
20. Egelstaff had, at the time of the Election, and at the time of sending the Text Message, a central and coordinating role for the Liberal Party in the Liberal Party's re-election campaign. His activities were not limited to any one electorate.
21. Egelstaff did not apply for nor was he granted leave from his taxpayer funded position in the Electorate Office of the MP for Coogee for the period whilst he was performing campaigning activities for the Liberal Party during the Election.
22. Egelstaff was acting with express, or alternatively implied, authority of each and all of the Liberal Party's Legislative Council candidates. Egelstaff was engaged by Liberal Party candidates (through the Liberal Party) to assist in their Election campaign
23. The Text Message was misleading and deceptive in the following respects:
  - (a) *"No Land Tax volunteers ... might not get paid for their time today"*
    - (i) This was misleading in a material particular in that the Text Message omits to mention the fact that by leaving their posts NLTC election workers were making it less likely that the NLTC would be able to pay them and their fellow workers.
    - (ii) The Text Message was intended to suppress the NLTC's vote which would have the effect of reducing or eliminating the NLTC's entitlement to public funding.
  - (b) *"Apparently their contact number for their hq had (sic) been disconnected."*
    - (iii) This implies that the NLTC's phone had been disconnected because they had not paid their phone bill or that its organisation was in disarray. By using the word "disconnected" the Text Message implies that the NLTC was unable to pay its phone bills and would therefore be unable to pay its election workers.

- (iv) The Text Message implies a deliberately (or at the very least recklessly) false allegation that the NLTC had not paid its phone bill and uses this as substantiation for the assertion that NLTC workers might not get paid.
- (v) Egelstaff would or should have known that the NLTC's contact number was overloaded with incoming calls (as opposed to being disconnected). Egelstaff would or should have known that the Text Message would generate further calls from NLTC workers to the NLTC, further overloading the NLTC's phone system.
- (vi) By reason of such overloading of the NLTC's phone system, it made it more difficult for the NLTC to contact the election workers to encourage them to stay at their posts.
- (c) *"many volunteers are just leaving."*
- (vii) The Text Message was sent at 10.16am. While some NLTC workers had not arrived and that others had left prior to that time, it was not until after the Text Message was sent, and it was as a direct consequence of the Text Message being sent, that more significant numbers of NLTC workers deserted their posts.

24. The Text Message was intended to, and did cause:

- (a) NLTC workers to either not attend work or to leave early before completing their shift;
- (b) NLTC's how-to-votes to be distributed to many fewer voters than had the conduct not occurred;
- (c) NLTC's vote to be lower than it would have been had the conduct not occurred;
- (d) A decrease the NLTC's vote such that the NLTC would not get any of its candidates elected; and/or
- d) An increase the Liberal Party's vote including and especially with the purpose of securing an additional Legislative Council position than would have otherwise been the case.

25. Further, the Text Message was intended to, and did:

- (a) Cause a financial disadvantage to the NLTC by reducing or eliminating the NLTC's entitlement to public funding by reducing the number of votes the NLTC received;
- (b) Cause a financial disadvantage to the NLTC's candidates (specifically their lead candidate in the Legislative Council election, Peter Jones) by impeding their election;
- (c) Obtain a financial advantage for the Liberal Party by increasing the Liberal Party's entitlement to public funding by increasing the number of votes the Liberal Party received; and/or
- (d) Obtain a financial advantage to the Liberal Party's candidates by promoting their election.

***Interference with NLTC employees by Macquarie Radio Network***

26. At all material times:

- (a) Harbour Radio Pty Ltd was the licensee, owner and operator of radio station 2GB; and
- (b) Ray Hadley was a servant or agent of Harbour Radio Pty Ltd, whose radio program was broadcast, at least, on the following radio stations

|        |                   |  |
|--------|-------------------|--|
| 2GB    | Sydney            | Harbour Radio Pty Ltd                    |
| 2CC    | Canberra          | Radio Canberra Pty Ltd                   |
| 2CS FM | Coffs Harbour     | Commercial Radio Coffs Harbour Pty Ltd   |
| 2GN    | Goulburn          | Radio Goulburn Pty Ltd                   |
| 2GZ    | Orange            | Radio 2GZ Pty Ltd                        |
| 2MC FM | Port Macquarie    | Southern Cross Austereo Pty Limited      |
| 2RG    | Griffith          | Radio 2RG Pty Ltd                        |
| 2WG    | Wagga             | Riverina Broadcasters (Holdings) Pty Ltd |
| 2XL    | Cooma             | Radio Snowy Mountains Pty Ltd            |
| Sun FM | Sunraysia Mildura | Southern Cross Austereo Pty Limited      |

together '***Macquarie Radio Network***'.

27. In and about March 2015, and in connection with the Election, by means of radio broadcasts, websites and podcasts, Macquarie Radio Network repeatedly stated:

- (a) that NLTC did not have the resources to pay its employees;
- (b) that NLTC employees would not be paid for their work in the Election;
- (c) that Peter Jones, the NLTC Secretary and lead candidate, had previously engaged workers for a 2007 union election and had not paid those workers, together '***the Misleading Broadcasts***'.

28. The Misleading Broadcasts:

- (a) failed to indicate that NLTC may be entitled to public funding in respect of the Election;
- (b) failed to indicate that by not turning up for work NLTC employees would damage NLTC's entitlement to public funding;
- (c) were false in that the 2007 election workers were paid and each of the workers signed receipts for their pay;
- (d) were made with the intent to encourage the NLTC election workers to either not turn up for work or to leave their posts early; and/or
- (e) were made by Macquarie Radio Network in a manner that was recklessly indifferent to the fact that the conduct referred to in 3 (d) would result in the breach by the NLTC election workers of their contractual obligations.

29. More than 100 NLTC workers pulled out in the days immediately prior to the election for reasons including:

- (a) What they had heard in the Misleading Broadcasts; and/or
- (b) What others had told them based on what those others had heard in the Misleading Broadcasts.

30. When completing an online form to claim their pay NLTC workers were subjected to harassment, intimidation and coercion, as a result of the Misleading Broadcasts, from:

- (a) Macquarie Radio Network (either directly or indirectly)
- (b) Campaign workers/ volunteers from other parties and/ or independent candidates
- (c) Candidates from other parties/ other independent candidates

- (d) Representatives of other media organisations
- (e) Members of the public.

***Interference with NLTC employees by the Labor Party and others***

31. Further, in and about March 2015, a number of Macquarie Radio Network's interviewees including (but not limited to) Jim Metcher (***Metcher***) – a member and authorised servant or agent of the Labor Party – made and/ or repeated defamatory statements that:
- (a) Peter Jones, the NLTC Secretary and lead candidate, had previously engaged workers for a 2007 union election and had not paid those workers,
  - (b) Peter Jones had been convicted of electoral fraud;
  - (c) Peter Jones had been dismissed from his employment with the NSW Postal and Telecommunications Branch of the Communications, Electrical and Plumbing Union for electoral fraud;

Together (the ***Metcher Statements***)

32. Metcher, at the time of the election, was the Secretary of the NSW Postal and Telecommunications Branch of the Communications, Electrical and Plumbing Union (CEPU NSW P&T Branch).
33. Metcher, at the time of the election was a longstanding member of the governing body of the NSW Branch of the Australian Labor Party (the Administrative Committee) which has amongst other things, responsibility for the Labor Party's NSW state election campaign.
34. Metcher was acting with express, or alternatively implied, authority of each and all of the Labor Party's Legislative Council candidates.
35. The Metcher Statements were intended to, and did cause:
- (a) NLTC workers to either not attend work or to leave early before completing their shift;
  - (b) NLTC's how-to-votes to be distributed to many fewer voters than had the conduct not occurred;

- (c) NLTC's vote to be lower than it would have been had the conduct not occurred;
  - (d) A decrease the NLTC's vote such that the NLTC would not get any of its candidates elected; and/or
  - e) An increase in the Labor Party's vote including and especially with the purpose of securing an additional Legislative Council position than would have otherwise been the case.
36. Further, the Metcher Statements were intended to, and did:
- (a) Cause a financial disadvantage to the NLTC by reducing or eliminating the NLTC's entitlement to public funding by reducing the number of votes the NLTC received;
  - (b) Cause a financial disadvantage to the NLTC's candidates (specifically their lead candidate in the Legislative Council election, Peter Jones) by impeding their election;
  - (c) Obtain a financial advantage for the Labor Party by increasing the Labor Party's entitlement to public funding by increasing the number of votes the Labor Party received; and/or
  - (d) Obtain a financial advantage to the Labor Party's candidates by promoting their election; and/or
  - (e) Induce NLTC workers to breach the Contractual Arrangement.

***Defamatory smear campaign by Macquarie Radio Network and others***

37. Further, Macquarie Radio Network broadcast or otherwise published defamatory comments of and concerning Peter Jones and the NLTC, including but not limited to:
- (a) That Peter Jones did not pay employees in an earlier trade union election campaign (the 2007 NSW Postal Workers Union – CEPU election);
  - (b) That the Office of Liquor, Gaming and Racing (**OLGR**) had found that Peter Jones had stolen money from the Brighton-Le-Sands Fishermen's Club (**Club**). At least on one occasion when Macquarie Radio Network broadcaster Ray Hadley made this allegation he claimed to be reading directly from an OLGR report,



- (c) That Peter Jones had been convicted of electoral fraud;
- (d) That Peter Jones had been dismissed from his employment with the NSW Postal and Telecommunications Branch of the Communications, Electrical and Plumbing Union for electoral fraud;
- (e) That the NLTC had not been properly registered as a political party and/ or was not eligible to be registered as a political party and that the NLTC was a sham organisation;
- (f) That the NLTC had nominated deceased or non-existent persons as candidates;
- (g) That the NLTC had acted illegally by employing people to hand out how-to-votes,

together '***the Statements***'.

38. These Statements were untrue:

- (a) Workers employed by Peter Jones in the 2007 Postal Workers Union election campaign were paid. They were asked to sign receipts as proof of payment; and
- (b) The OLGR report had alleged was that Peter Jones (then General Manager of the Club) failed to detect and prevent another Club employee from stealing from the club. The OLGR report did not make any allegations of dishonesty against Peter Jones and did not allege that he stole money from the Club.
- (c) Peter Jones has never been charged and has never been convicted of electoral fraud or any other offence.
- (d) Peter Jones lodged an unfair dismissal application in relation to his dismissal from the CEPU NSW Postal and Telecommunications Branch, which the union settled and paid substantial compensation.
- (e) The NLTC was registered as a political party in February 2014 by the NSW Electoral Commission in accordance with the requirements of the *Parliamentary Elections and Electorates Act 1912 (NSW)* and is also an incorporated association under the *Associations Incorporation Act 2009 (NSW)*.

- (f) The NLTC did not nominate deceased or non-existent persons as candidates.
  - (g) It is not illegal to pay people to hand out how-to-votes; other candidates/ parties have done so previously and did so at the 2015 state election.
39. The Statements were made knowing they were false or with reckless indifference as to whether they were false.
40. The Statements were made with the intention of causing serious harm to Peter Jones and the NLTC.
41. The Statements were made with the intention of reducing the NLTC's and Peter Jones's vote.

**Affect on the Election**

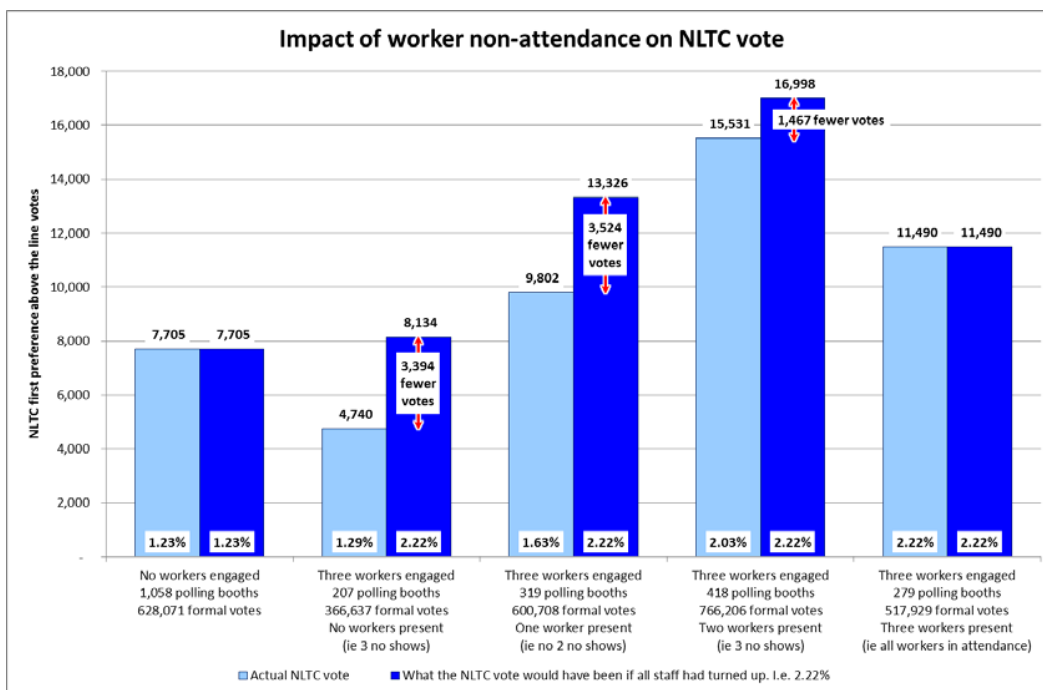
42. The conduct referred to at paragraphs 17 to 41 above is conduct constituting one or more "illegal practices" within the meaning of section 164 of the Act, such illegal practices including:
- (a) a breach or breaches of Section 45D of the *Competition and Consumer Act 2010 (Cth)*;
  - (b) inducing a breach or breaches of contract;
  - (c) a breach of clause 4 of the Code of Conduct for Members of Parliament (Use of Public Resources);
  - (d) to the extent that this conduct involves ministers and/ or ministerial staff, a breach of Clause 9 of the Ministerial Code of Conduct (Misuse of public property for private benefit);
  - (e) criminal defamation pursuant to Section 529 of the *Crimes Act 1900*;
  - (f) defamation;
  - (g) breach or breaches of the *Broadcasting Services Act 1992 (Cth)*; and/or
  - (h) corrupt conduct under sections 7, 8 and 9 of the *Independent Commission Against Corruption Act*.

43. Further, and in the alternative, the conduct referred to at paragraphs 17 to 41 above are grounds just and sufficient within the meaning of the Act for the Court to grant the relief sought by the Petitioner.
44. The conduct referred to at paragraphs 17 to 41 above, separately and/or together directly or indirectly:
- (a) caused NLTC workers to either not attend work or to leave early before completing their shift.
  - (b) caused NLTC's how-to-votes to be distributed to many fewer voters than had the conduct not occurred,
  - (c) caused voters who otherwise would have voted for NLTC and/ or Peter Jones not to vote for NLTC and/ or Peter Jones had the conduct not occurred,
- with the result that NLTC's vote was lower than if the conduct had not occurred.
45. NLTC had intended to have 3 workers at each of its targeted 1,200 largest (in terms of expected voter turnout as per Electoral Commission projections) polling booths.
- (a) At the 1,058 booths where no workers had been engaged the NLTC received 7,705 above the line votes out of a total 628,071 formal above the line votes cast at those booths. This is 1.23 percent.
  - (b) At the 207 booths where three workers had been engaged but no workers showed up with how-to-votes to hand out, the NLTC received 4,740 above the votes out of a total 366,637 formal above the line votes cast at those booths. This is 1.29 percent.
  - (c) At the 319 booths where three workers had been engaged but only one worker showed up with how to votes to hand out the NLTC received 9,802 votes out of a total 600,708 formal above the line votes cast at those booths. This is 1.63 percent
  - (d) At the 418 booths were three workers had been engaged but only two workers showed up with how to votes to hand out the NLTC received 15,531 votes out of a total 766,206 formal above the line votes cast at those booths. This is 2.03 percent.
  - (e) At the 279 polling booths where three workers had been engaged and all showed up with how to votes to hand out or where three volunteers staffed the

booths, the NLTC received 11,490 votes out of a total 517,929 formal above the line votes cast at those booths. This is 2.22 percent.

46. There is a marked difference between the percentage of votes the NLTC received at the booths where three workers handed out how to votes and at the booths where no workers were present with how to votes to hand out.
47. This is in line with analysis of previous elections where it has been found that, all other factors being equal, if a candidate/ party hands out how-to-votes at a particular polling booth then they will obtain more votes than if they did not hand out how-to-votes at that booth.
48. Had all workers attended the 1,200 target polling booths, NLTC's expected vote would have been, on average, 2.22 percent at those booths. The resulting impact of worker non-attendance on the NLTC vote is likely to have been in the order of:
  - (a) 3,394 fewer NLTC votes across the 207 polling booths where three workers had been engaged but none showed up with how to votes to hand out
  - (b) 3,524 fewer NLTC votes across the 319 polling booths where three workers had been engaged but only one showed up with how to votes to hand out
  - (c) 1,467 fewer NLTC votes across the 418 polling booths where three workers had been engaged but only two showed up with how to votes to hand out.

This is a total of 8,385 fewer votes than would have otherwise been expected had all the workers showed up as intended, as illustrated below:



49. The above analysis does not take into consideration
- (a) The adverse impact on morale and productivity of those workers who remained on duty; or
  - (b) The impact on voters of the defamatory smear campaign against Peter Jones and the NLTC.
50. The Petitioner was the last candidate excluded at the Election. At the 391st count of the Election the Petitioner had received 88,243 first and later preference votes. The quota was 196,205.
51. The last four candidates elected at the Election were elected under quota with the following votes:
- (a) Courtney Houssos (Labor Party) with 184,054 votes the 18<sup>th</sup> candidate elected;
  - (b) Robert Borsak (Shooters and Fishers) with 177,563 votes the 19<sup>th</sup> candidate elected;
  - (c) Fred Nile (Christian Democratic Party) with 133,989 votes the 20<sup>th</sup> candidate elected; and
  - (d) Mark Pearson (Animal Justice) with 91,420 votes the 21<sup>st</sup> and last candidate elected.

52. The difference between the 88,243 votes the Petitioner received and the 91,420 votes the 21st elected candidate received was 3,187 votes.
53. This margin is significantly less than the estimated 8,385 votes that the NLTC would have received had each of the NLTC's target polling booths had three workers in attendance handing out how-to-votes.
54. Had the Petitioner received the estimated 8,385 votes his total vote at the 391st count would have been 96,628. This would have resulted in Mark Pearson being excluded with 91,420 votes and would have resulted in the Petitioner's election as the 21st candidate.

**Relief**

The Petitioner prays that:

- 1 This Court grant leave under section 171 of the Act for a solicitor to represent the Petitioner and for that solicitor to be permitted to instruct counsel to appear on behalf of the Petitioner.
- 2 This Court order that the Electoral Commissioner retain all the ballot papers for the Election until after the determination of this Petition.
- 3 This Court:
  - (a) declare pursuant to section 161(1)(v) of the Act that Mark Pearson (the last candidate returned as elected) was not duly elected to the Legislative Council at the Election; and
  - (b) declare pursuant to section 161(1)(vi) of the Act that Peter Neil Jones (candidate for the No Land Tax Campaign - NLTC) was duly elected to the Legislative Council at the Election; and
  - (c) order, pursuant to section 161(1) of the Act, that the NLTC be entitled to receive public funding for its election campaign expenses with the calculation for public funding based on an estimation of what the NLTC votes would have been had illegal practices not occurred.
- 4 Alternatively to 3 above, this Court:

- (a) declare pursuant to section 161(1)(v) of the Act that some other Legislative Council candidate (other than Mark Pearson) was not duly elected to the Legislative Council at the Election;
  - (b) declare pursuant to section 161(1)(vi) of the Act that Peter Neil Jones (candidate for the No Land Tax Campaign - NLTC) was duly elected to the Legislative Council at the Election; and
  - (c) order, pursuant to section 161(1) of the Act, that the NLTC be entitled to receive public funding for its election campaign expenses with the calculation for public funding based on an estimation of what the NLTC votes would have been had illegal practices not occurred.
- 5 Alternatively to 3 and 4 above, this Court:
- (a) declare pursuant to section 161(1)(vii) of the Act that the periodic Legislative Council election held on Saturday 28 March 2015 is absolutely void and order that a new election be held (section 161(1)(vii)); and
  - (b) order, pursuant to section 161(1) of the Act, that any expenditure on electoral campaigns by candidates or parties for the Election not previously reimbursed by public funding be reimbursed by the Crown.
- 6 Alternatively to 3, 4, and 5 above, this Court order, pursuant to section 161(1) of the Act, that the NLTC be entitled to receive public funding for their election campaign expenses with the calculation for public funding based on an estimation of what the NLTC votes would have been had illegal practices not occurred.
- 7 Should this Court find that any “illegal practice” within the meaning of the Act has occurred, direct the Prothonotary to forthwith report such finding to His Excellency the Governor.
- 8 This Court order that the Electoral Commissioner cause the recall of the Writ from His Excellency the Governor and endorse on it any amendments to the duly elected members of the Legislative Council of New South Wales so as to reflect any declarations made by this Court.
- 9 Costs pursuant to section 172 of the Act or, in the alternative, the Petitioner’s costs be paid by the Crown.
- 10 All other parties pay their own costs.

- 11 Such further or other orders as the nature of the proceedings may require or as appropriate in accordance with the Act or the common law of parliamentary elections.

**SIGNATURE**

Signature of Petitioner

.....  
Peter Neil Jones, Petitioner and Candidate

DATED: 29 MAY 2015

.....

Signed by Witness

.....

Signed by Witness

.....

Name of Witness

.....

Name of Witness

.....

Occupation of Witness

.....

Occupation of Witness

.....

Address of Witness

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Address of Witness

.....

Date of Signature

.....

Date of Signature



**TO: THE RESPONDENTS**

First Respondent: Mark Pearson

Second Respondent: Electoral Commissioner

The petitioner's address for service is: 3 Cronin Street, Penrith in the State of New South Wales

- Your attention is drawn to the provisions of *Parliamentary Electorates and Elections Act 1912* and to Part 79 of the *Supreme Court Rules 1970*.
- The Electoral Commissioner can request that this petition be served on the Electoral Commissioner personally.
- A Respondent, other than the Electoral Commissioner, may if they do not intend to oppose the Petition serve a notice to that effect on the Petitioner and publish such notice in a newspaper circulating in the Electoral District.
- A person, other than a petitioner and the Electoral Commissioner shall not, except by leave of the Court, take any step in the proceedings, unless before taking the step, he or she has filed a petition under the subject Act or has entered an Appearance in the proceedings.
- The time limited for entering an Appearance is:
  - a. For the Electoral Commissioner, subject to any order of the Court, 14 days after leave is granted to him to enter an appearance;
  - b. In the case of any other Respondent (other than the Electoral Commissioner) 14 days after service on them; and
  - c. In the case of any other person who might have been a Petitioner, 14 days after publication of the Petition in the Gazette.

## NOTICE TO RESPONDENTS

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the petition and for the petitioner's costs of bringing these proceedings.

You must enter an appearance before you can appear before the court.

## HOW TO RESPOND

**Please read this Petition very carefully. If you have any trouble understanding it or require assistance on how to respond to the Petition you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the petition from:

- The court registry.
- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).

Court forms are available on the UCPR website at [www.lawlink.nsw.gov.au/ucpr](http://www.lawlink.nsw.gov.au/ucpr) or at any NSW court registry.

## REGISTRY ADDRESS

|                |  |
|----------------|--|
| Street address | Supreme Court, Queens Square, Level 5, 184 Phillip Street, Sydney NSW 2000 |
| Postal address | PO Box 3, Sydney NSW 2001  |
| Telephone      | 02 9230 8111   |

**FURTHER DETAILS ABOUT PETITIONER**

**Petitioner**

Name Peter Neil Jones  
Address 3 Cronin Street  
Penrith NSW [postcode]  
Australia  
Frequent user identifier N/A

**Contact details for petitioner acting in person**

Address for service as above  
  
Telephone 0411 774 941  
Fax N/A  
Email peternjones@optusnet.com.au

**DETAILS ABOUT RESPONDENTS**

**First respondent**

Name Mark Pearson  
Address Legislative Council Parliament of New South  
Wales  
Macquarie Street  
Sydney NSW 2000  
Australia

**Second respondent**

Name Electoral Commissioner  
Address Level 25  
201 Kent Street  
Sydney NSW 2000  
Australia

[8035]

**By Authority**