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of the State of

New South Wales

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# Animal Research Instrument of Delegation 2020

under the

*Animal Research Act 1985*

I, GARY BARNES, Secretary of Regional NSW, in pursuance of section 59A of the *Animal Research Act 1985*, make the following Instrument of Delegation.

Dated this 21 day of August 2020



GARY BARNES,

Secretary

Regional NSW

## Explanatory note

This Instrument is made under section 59A of the *Animal Research Act 1985*. The object of this Instrument is to delegate functions conferred or imposed on the Secretary by or under the *Animal Research Act 1985*.

# Animal Research Instrument of Delegation 2020

under the

*Animal Research Act 1985*

## 1 Name

This Instrument is the Animal Research Instrument of Delegation 2020.

## 2 Commencement

This Instrument commences on the day on which it is signed.

## 3 Interpretation

(1) In this Instrument:

***Administrative and Clerical Officer Grade 9 or above*** means a person employed by the Department as an Administrative and Clerical Officer at Grade 9 or above under the Crown Employees (Administrative and Clerical Officers - Salaries) Award 2007 in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

***Crown Employees Award*** means the Crown Employees (Public Sector – Salaries 2019) Award approved by the NSW Industrial Relations Commission, as amended, consolidated or replaced from time to time.

***Food Safety Officer Grade 5 or above*** means a person employed by the Department as a Food Safety Officer at Grade 5 or above level under the Crown Employees (Department of Industry, Skills and Regional Development) Food Safety Officers Award in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

***function*** includes a power, authority or duty, and ***exercise*** a function includes perform a duty.

***Professional Officer Grade 6 or above*** means a person employed by the Department at Grade 6 or above level under the Crown Employees (Department of Industry, Skills and Regional Development) Professional Officers Award in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

***Senior Executive Band 1*** means a senior executive employed by the Department in Band 1 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act.

***Senior Executive Band 2*** means a senior executive employed by the Department in Band 2 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or

in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act.

**Senior Executive Band 3** means a senior executive employed in the Department in Band 3 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act.

**the Act** means the *Animal Research Act 1985*.

**the Department** means the Department of Primary Industries within Regional NSW.

**the Regulation** means the *Animals Research Regulation 2010*.

- (2) The summary of a function delegated in Column 2 of Schedules 2 and 3 is only for general explanation and does not limit the delegation of a function under the provisions identified in Column 1 of those Schedules except to the extent that it is clearly identified as a limitation pursuant to clause 4(3).

#### **4 Delegation of functions**

- (1) The functions conferred or imposed on the Secretary under the Act in Column 1 of Schedules 2 and 3 are delegated to any person assigned to the delegate category specified in Column 3 of Schedules 2 and 3.
- (2) Delegate categories are defined in Schedule 1 by the letter A to D. Each delegate category specified in Column 1 of Schedule 1 has the meaning specified adjacent to that letter in Column 2 of the table.
- (3) Any limitation on a delegation is specified in Column 4 (if any) of Schedules 2 and 3.
- (4) The person assigned to a delegate band or grade specified in Column 2 of Schedule 1 includes any person who is for the time being acting in that band or at that grade.

#### **5 Revocation of Animal Research Instrument of Delegation 2019**

Pursuant to section 59A of the Act, the Animal Research Instrument of Delegation 2019 published in NSW Government Gazette No. 18 of 28 February 2019 at pages 441 to 448 is revoked, as is any instrument of delegation revived as a result of this revocation.

## Schedule 1 – Delegate categories

Column 1 Delegate Category	Column 2 Delegate Band or Grade
<b>A</b>	<p>A Senior Executive Band 3.</p> <p>A Senior Executive Band 2 with responsibility for supporting the Act or any instruments made under the Act by the Department.</p>
<b>B</b>	<p>A Senior Executive Band 3.</p> <p>A Senior Executive Band 2 with responsibility for supporting the Act or any instruments made under the Act by the Department.</p> <p>A Senior Executive Band 1 with responsibility for supporting the Act or any instruments made under the Act by the Department.</p>
<b>C</b>	<p>A Senior Executive Band 3.</p> <p>A Senior Executive Band 2, with responsibility for administering the Secretary's animal care and ethics committee for the purpose of supervising the animal research carried out by holders of animal research authorities.</p> <p>A Senior Executive Band 1, with responsibility for administering the Secretary's animal care and ethics committee for the purpose of supervising the animal research carried out by holders of animal research authorities.</p>
<b>D</b>	<p>A Senior Executive Band 3.</p> <p>A Senior Executive Band 2, with responsibility for supporting the Act or any instruments made under the Act by the Department.</p> <p>A Senior Executive Band 1, with responsibility for supporting the Act or any instruments made under the Act by the Department.</p> <p>An Administrative and Clerical Officer Grade 9 or above.</p> <p>A Professional Officer Grade 6 or above.</p> <p>A Food Safety Officer Grade 5 or above.</p>

## Schedule 2 – Animal Research Act 1985

Column 1	Column 2	Column 3	Column 4
Section	Summary of functions delegated	Delegate category	Limitation (if any)
<b>Part 2, The Animal Research Review Panel</b>			
10	Cause an inspection.	B	
<b>Part 3, Animal care and ethics committees</b>			
13(3)	Appoint animal care and ethics committees.	C	
<b>Part 4, Accreditation and licencing</b>			
18	Approve application form for accreditation as a research establishment.	B	
19	Refer application for accreditation to the Panel for investigation.	D	
20(1)	Determine application for accreditation as a research establishment.	D	
20(3)	Cause notice of a refusal to accredit a research establishment to be served on applicant.	D	
20(5)	Issue a certificate of accreditation to each corporation accredited as a research establishment.	D	
20(6)	Approve the form for a certificate of accreditation for an accredited research establishment.	B	

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Section	Summary of functions delegated	Delegate category	Limitation (if any)
21	Determine period of accreditation following cancellation or suspension.	D	
23	Refer complaint to the Panel in respect of an accredited research establishment.	D	
24(1)	Determine complaint in relation to an accredited research establishment including determining the period of suspension.	B	
24(2)	Serve notice of the intention to cancel or suspend the accreditation of a research establishment and consider any submissions received from the establishment	B	
24(3)	Cause written notice of determination to be served on the research establishment and complainant.	B	
25	Issue an authority for an individual to carry out animal research.	C	
25A	Approve form of an animal research authority application.  Determine applications of an animal research authority application.  Cause written notice of refusal to be served on the applicant for the authority.	C	
26(1)(a)	Approve form of animal	B	

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Section	Summary of functions delegated	Delegate category	Limitation (if any)
	research authority.		
26(5)	Determine form and manner of application for the concurrence of the Minister.	B	
28A	Refer complaint to the Panel in respect of an animal research authority.	D	
28B(1)	Determine complaint in relation to an animal research authority, including determining the period of suspension.	B	
28B(2)	Serve notice of the intention to cancel or suspend an authority and consider any submissions received from the holder of the authority	B	
28B(3)	Cause written notice of determination to be served.	B	
28B(6)	Cause notice of cancellation to be given to accredited research establishment.	B	
37	Approve form for application for an animal supplier's licence.	B	
38	Refer application for animal supplier's licence to the Panel for investigation.	D	
39(1)	Determine application for animal supplier's licence.	D	
39(3)	Cause a notice of refusal to be served on the applicant.	D	



<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Section	Summary of functions delegated	Delegate category	Limitation (if any)
40	Approve form of animal supplier's licence.	B	
43	Refer complaint to the Panel in respect of an animal supplier's licence.	D	
44(1)	Determine complaint in relation to an animal supplier's licence, including determining the period of suspension.	B	
44(2)	Serve notice of the intention to cancel or suspend the holder of the licence and consider any submissions received from the holder of the licence	B	
44(3)	Cause written notice of determination to be served.	B	
<b>Part 6, Inspectors</b>			
49	Appoint inspectors and cause inspectors to be issued with a certificate of identification.	B	
<b>Part 7, Supplementary</b>			
57	Instituting proceedings for offences	A	
59	Sign evidentiary certificate	B	

### **Schedule 3 – Animal Research Regulation 2010**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
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Clause	Summary of functions delegated	Delegate category	Limitation (if any)
13	Being satisfied that requiring payment of a fee by the school would be an unreasonable imposition.	B	
24	Approve form of report.	B	
25	Waive or refund all or part of any fee payable under the Act or Regulation.	B	
Schedule 3, Item 9	Approve form of declaration made by relevant animal ethics committee.	B	

# Prevention of Cruelty to Animals Instrument of Delegation 2020

under the

*Prevention of Cruelty to Animals Act 1979*

I, GARY BARNES, Secretary of Regional NSW, in pursuance of section 34C of the *Prevention of Cruelty to Animals Act 1979*, make the following Instrument of Delegation.

Dated this 21 day of August 2020



GARY BARNES,

Secretary

Regional NSW

## Explanatory note

This Instrument is made under section 34C of the *Prevention of Cruelty to Animals Act 1979*. The object of this Instrument is to delegate functions conferred or imposed on the Secretary by or under the *Prevention of Cruelty to Animals Act 1979*.

# Prevention of Cruelty to Animals Instrument of Delegation 2020

under the

*Prevention of Cruelty to Animals Act 1979*

## 1 Name

This Instrument is the Prevention of Cruelty to Animals Instrument of Delegation 2020.

## 2 Commencement

This Instrument commences on the day on which it is signed.

## 3 Interpretation

(1) In this Instrument:

*function* includes a power, authority or duty, and *exercise* a function includes perform a duty.

*Senior Executive Band 1* means a senior executive employed by the Department in Band 1 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

*Senior Executive Band 2* means a senior executive employed by the Department in Band 2 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

*Senior Executive Band 3* means a senior executive employed in the Department in Band 3 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

*the Act* means the *Prevention of Cruelty to Animals Act 1979*.

*the Department* means the Department of Primary Industries within Regional NSW.

*the Regulation* means the *Prevention of Cruelty to Animals Regulation 2012*.

(2) The summary of a function delegated in Column 2 of Schedules 2 and 3 is only for general explanation and does not limit the delegation of a function under the provisions identified in Column 1 of those Schedules except to the extent that it is clearly identified as a limitation pursuant to clause 4(3).

#### **4 Delegation of functions**

- (1) The functions conferred or imposed on the Secretary under the Act in Column 1 of Schedules 2 and 3 are delegated to any person assigned to the delegate category specified in Column 3 of Schedules 2 and 3.
- (2) Delegate categories are defined in Schedule 1 by the letter A to C. Each delegate category specified in Column 1 of Schedule 1 has the meaning specified adjacent to that letter in Column 2 of the table.
- (3) Any limitation on a delegation is specified in Column 4 (if any) of Schedules 2 and 3.
- (4) The person assigned to a delegate band or grade specified in Column 2 of Schedule 1 and 2 includes any person who is for the time being acting in that band or at that grade.

#### **5 Revocation of Prevention of Cruelty to Animals Instrument of Delegation 2018**

Pursuant to section 34C of the Act, the *Prevention of Cruelty to Animals Instrument of Delegation 2018* published in NSW Government Gazette No. 24 of 2 March 2018 at pages 842 to 843 is revoked, as is any instrument of delegation revived as a result of this revocation.

## Schedule 1 – Delegate categories

<b>Column 1</b>	<b>Column 2</b>
Delegate Category	Delegate Band or Grade
<b>A</b>	A Senior Executive Band 3.
<b>B</b>	A Senior Executive Band 3. A Senior Executive Band 2.
<b>C</b>	A Senior Executive Band 3. A Senior Executive Band 2. A Senior Executive Band 1.

## Schedule 2 – Prevention of Cruelty to Animals Act 1979

Column 1 Section	Column 2 Summary of functions delegated	Column 3 Delegate category	Column 4 Limitation (if any)
<b>Part 2A, Powers of officers</b>			
24D(2)	Issue an officer with an authority under Part 2A, Division 2 of the Act and revoke such an authority.	A	
<b>Part 2B, Power of Secretary to authorise seizure and disposal of stock animals</b>			
24P(1)	Issue an official warning of intention to authorise the seizure and disposal of an animal.	B	
24P(3)(a)	Constitute a Stock Welfare Panel.	B	
24P(3)(b)	Consider the Stock Welfare Panel's Report.	B	
24P(6)	Revoke an official warning and extend period for compliance with an official warning.	B	
24Q	Authorise an inspector to seize and dispose of an animal.	B	
24R	Authorise a person to act on behalf of the Crown to recover certified disposal costs.	B	
24T	Determine the procedure of a Stock Welfare Panel.	C	

### Schedule 3 – Prevention of Cruelty to Animals Regulation 2012

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Clause	Summary of functions delegated	Delegate category	Limitation (if any)
<b>Part 5, Enforcement</b>			
31A(1)(a) and (3)	Consider the inclusion of a member of NSW Farmers' Association as a member of a Stock Welfare Panel.	B	



## **FURTHER REQUIREMENTS RELATING TO REPORTS (EXPLORATION) 2021**

under the

**MINING ACT 1992**

I, GEORGINA BEATTIE, Deputy Secretary of Mining, Exploration and Geoscience, Regional New South Wales, with the delegated authority of the Secretary of Regional New South Wales, under clause 62(1) of the Mining Regulation 2016 (Mining Regulation), issue the further requirements in Schedule 1 relating to reports under clause 59, 60 or 61 of the Mining Regulation.

The requirements commence on the date this notice is published in the New South Wales Government Gazette.

Any previous requirements issued by the Secretary relating to reports under clauses 59, 60 and 61 of the Mining Regulation are revoked, including without limitation:

- (1) “Exploration reporting: A guide for reporting on exploration and prospecting in New South Wales” as published in the NSW Government Gazette no 15 of 26 September 2016 at pp 297-329 so far as it contains any such further requirements.

Dated this 23<sup>rd</sup> day of September 2021



**GEORGINA BEATTIE**  
**Deputy Secretary, Mining, Exploration and Geoscience**  
**Regional New South Wales**  
**(by delegation)**

**Explanatory note:** In accordance with clause 62(2) of the Mining Regulation, reports under clause 59 (annual reports), 60 (partial relinquishment reports) or 61 (final reports) of the Mining Regulation must be prepared and lodged in accordance with these requirements. A person who fails, without reasonable excuse, to prepare or lodge a report in accordance with the *Mining Act 1992* or the Mining Regulation is guilty of an offence under section 163C(3).

## **Schedule 1. Further requirements relating to reports**

In this Schedule, a reference to a 'report' is a reference to a report under clause 59, 60 or 61 of the Mining Regulation.

### **1. Form of report**

A report must be prepared and lodged in accordance with the form set out in Schedule 2.

#### **Information to be included**

A report must include such of the information specified in Schedule 3 that is relevant to a report of that type.

### **3. Commercially sensitive information in annual reports**

Part A of an Annual Report must only include a summary of any commercially sensitive activities under the relevant sub-headings.

Part B of an Annual Report must contain any methodologies or results in relation to activities that are considered by the holder to be commercially sensitive.

Note: The information in Part A may be publicly released 5 years after the date the report is submitted. The information in Part B will not be publicly released at the same time.

### **4. Additional data**

An Annual Report must indicate if any data is incomplete or missing and provide an indicative date as to when that data will be provided.

Note: The Secretary may also grant an extension of the time by which a report must be lodged, under clause 67(3) of the Mining Regulation.

### **6. Authorisation to submit**

A report must be submitted by:

- a. the authority holder(s); or
- b. in the case of a company, a duly authorised officer; or
- c. an agent authorised to act on behalf of the authority holder(s).

## Schedule 2 – Form of reports

### Annual reports

#### Part A

Title page	<i>[Contains authority number and holder, grant date, expiry date, reporting period, date of report, and author].</i>
Executive summary	
Authority information and previous exploration	
Location and access	<i>[Map of location must be included].</i>
Geology	<i>[Geological map of the area in the vicinity of the authority must be included].</i>
Exploration rationale	
Current exploration activities	<i>[Map of location of exploration activities undertaken within the reporting period (if any) must be included.]</i>
Data	
Conclusions and recommendations	

#### Part B

Title page	<i>[Contains authority number and holder, grant date, expiry date, reporting period, date of report, and author].</i>
Interpretation and discussion	
Proposed exploration in next reporting period	<i>[Information required by clause 59(3)(c) of the Mining Regulation 2016 must include a map].</i>
Any commercially sensitive data	<i>[Where relevant information or data in an annual report is commercially sensitive, this must be included in Part B (under clause 3 of this Notice)].</i>

#### Partial Relinquishment Reports

Title page	<i>[Contains authority number and holder, grant date, expiry date, reporting period, date of report, and author].</i>
Executive summary	
Authority information and previous exploration	
Location and access	<i>[Map of location of authority must be included].</i>
Geology	<i>[Geological map of the area in the vicinity of the authority must be included].</i>
Exploration rationale	

Total exploration completed	<i>[Information required by clause 60(4) of the Mining Regulation 2016 must include a map of exploration activities (locating operations and surveys) undertaken during the life of the authority].</i>
Data	
Conclusions and recommendations	

## Final Reports

Title page	<i>[Contains authority number and holder, report type, grant date, expiry date, reporting period, date of report, and author].</i>
Executive summary	
Authority information and previous exploration	
Location and access	<i>[Map of location of authority to be included].</i>
Geology	<i>[Geological map of the area in the vicinity of the authority to be included].</i>
Exploration rationale	
Total exploration completed	<i>[Information required by clause 61(3) of the Mining Regulation 2016 must include a map of exploration activities (locating operations and surveys) undertaken during the life of the authority].</i>
Data	
Conclusions and recommendations	

## Schedule 3 – Information requirements

### A. Annual Reports

<b>Part A</b>	
<b>Executive summary</b>	A brief review of all exploration activities and significant results from the current reporting period.
<b>Authority information and previous exploration</b>	A description of the authority and history of exploration.
<b>Location and access</b>	A summary of the location of the authority including nearby towns and a clear map showing the authority boundary, towns and major infrastructure, a scale, and a north arrow.
<b>Geology</b>	A summary of regional and local geology including a geological map of the area.
<b>Exploration rationale</b>	A description of the type of deposit sought and reasons for considering the area prospective.
<b>Current exploration activities</b>	A description of all exploration activities completed during the reporting period and a clear map showing the locations of all exploration activities undertaken during reporting period including authority boundary, towns and major infrastructure, a scale, and a north arrow.
<b>Data</b>	A summary of data being submitted in the report within the relevant reporting period, including a summary of any data not being submitted, including reasons why the data is not being submitted with the Report and when and how the data will be submitted.
<b>Conclusions and recommendations</b>	A description of the conclusions reached from all reportable exploration activities and recommendations for further work in the report, including the main conclusions from external studies.
<b>References</b>	List of all documents referred to in the report.
<b>Appendices</b>	Copies of consultant and other ancillary reports relevant to the report.
<b>Part B</b>	
<b>Interpretations and discussion</b>	Details and significance of all interpretations and a discussion of all geological and geophysical anomalies identified.
<b>Proposed exploration in next reporting period</b>	A description of the exploration activities and operations proposed to be conducted during the next 12-month period, as required by clause 59(3)(c) of the Mining Regulation, which must include a clear map showing the location of all proposed exploration activities and/or mining operations, the authority boundary, towns and major infrastructure, a scale and north arrow.
<b>Commercially sensitive information</b>	A full description of methodologies and results related to activities completed during the reporting period that is considered commercially sensitive including a statement explaining why the information is considered to be commercially sensitive.

## B. Partial Relinquishment Reports

<b>Executive summary</b>	A brief review of all exploration activities completed and significant results over the life of the authority area being relinquished and reasons for relinquishment.
<b>Authority information and previous exploration</b>	A description of the authority and history of exploration.
<b>Location and access</b>	A summary of the location of the authority including nearby towns and a clear map showing the authority boundary, the area to be relinquished, towns and major infrastructure, a scale, and a north arrow.
<b>Geology</b>	A summary of regional and local geology including a geological map of the area.
<b>Exploration rationale</b>	A description of the type of deposit sought and reasons for considering the area prospective.
<b>Total exploration completed</b>	A description of all exploration activities undertaken during the life of the authority over the area being relinquished or cancelled, including any assessment and mining activities. This must include all commercially sensitive information that relates to the relinquished or cancelled area that was reported in Part B of previous Annual Reports submitted under clause 59 of the Mining Regulation.
<b>Data</b>	A summary of all exploration data collected over the life of the authority.
<b>Conclusions and recommendations</b>	A description of the conclusions reached and recommendations from exploration activities completed on the relinquished area, and reasons for relinquishment or cancellation.
<b>References</b>	List of all documents referred to in the report.
<b>Appendices</b>	Copies of consultant and other ancillary reports relevant to the report.

### C. Final Reports

<b>Executive summary</b>	A brief review of all activities completed and significant results during the life of the authority and reasons for cancellation.
<b>Authority information and previous exploration</b>	A description of the authority and history of exploration
<b>Location and access</b>	A summary of the location of the authority including nearby towns and a clear map showing the authority boundary, changes to the authority area over life of the authority, towns and major infrastructure, a scale, and a north arrow.
<b>Geology</b>	A summary of regional and local geology including a geological map of the area.
<b>Total exploration completed</b>	A description of all exploration activities carried out during the life of the authority, including any assessment and mining activities, over the authority area. This must include all commercially sensitive information that was reported in Part B of previous Annual Reports submitted under clause 59 of the Mining Regulation. For the avoidance of doubt compliance with this requirement does not require resubmitting information for the relinquished or cancelled area that was reported in any previous relinquishment report submitted under clause 60 of the Mining Regulation.
<b>Data</b>	A summary of all exploration data collected over the relinquished area over the life of the authority.
<b>Conclusions and recommendations</b>	A description of the conclusions and recommendations reached from all exploration activities completed, and reasons for relinquishment or cancellation.
<b>References</b>	List of all documents referred to in the report.
<b>Appendices</b>	Copies of consultant and other ancillary reports relevant to the report.

# Exhibited Animals Protection Instrument of Delegation 2020

under the

*Exhibited Animals Protection Act 1986*

I, GARY BARNES, Secretary of Regional NSW, in pursuance of section 49A of the *Exhibited Animals Protection Act 1986*, make the following Instrument of Delegation.

Dated this 21 day of August 2020



GARY BARNES,

Secretary

Regional NSW

## Explanatory note

This Instrument is made under section 49A of the *Exhibited Animals Protection Act 1986*. The object of this Instrument is to delegate functions conferred or imposed on the Secretary by or under the *Exhibited Animals Protection Act 1986*.



# Exhibited Animals Protection Instrument of Delegation 2020

under the

Exhibited Animals Protection Act 1986

## 1 Name

This Instrument is the Exhibited Animals Protection Instrument of Delegation 2020.

## 2 Commencement

This Instrument commences on the day on which it is signed.

## 3 Interpretation

(1) In this Instrument:

***Administrative and Clerical Officer Grade 9 or above*** means a person employed by the Department as an Administrative and Clerical Officer at Grade 9 or above under the Crown Employees (Administrative and Clerical Officers - Salaries) Award 2007 in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

***Crown Employees Award*** means the Crown Employees (Public Sector – Salaries 2019) Award approved by the NSW Industrial Relations Commission, as amended, consolidated or replaced from time to time.

***Food Safety Officer Grade 5 or above*** means a person employed by the Department as a Food Safety Officer at Grade 5 or above level under the Crown Employees (Department of Industry, Skills and Regional Development) Food Safety Officers Award in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

***function*** includes a power, authority or duty, and ***exercise*** a function includes perform a duty.

***Professional Officer Grade 6 or above*** means a person employed by the Department at Grade 6 or above level under the Crown Employees (Department of Industry, Skills and Regional Development) Professional Officers Award in the Crown Employees Award, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

***Senior Executive Band 1*** means a senior executive employed by the Department in Band 1 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

**Senior Executive Band 2** means a senior executive employed by the Department in Band 2 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

**Senior Executive Band 3** means a senior executive employed in the Department in Band 3 under the *Government Sector Employment (Senior Executive Bands) Determination 2014* or in any equivalent band in a determination made by the Minister administering the *Government Sector Employment Act 2013* under section 35 of that Act, and whose responsibilities include supporting the Act or any instruments made under the Act by the Department.

**the Act** means the *Exhibited Animals Protection Act 1986*.

**the Department** means the Department of Primary Industries within Regional NSW.

**the Regulation** means the *Exhibited Animals Protection Regulation 2010*.

**the Standards** means any Standard prescribed in clause 8 of the Regulation.

- (2) The summary of a function delegated in Column 2 of Schedules 2, 3 and 4 is only for general explanation and does not limit the delegation of a function under the provisions identified in Column 1 of those Schedules except to the extent that it is clearly identified as a limitation pursuant to clause 4(3).

#### **4 Delegation of functions**

- (1) The functions conferred or imposed on the Secretary under the Act in Column 1 of Schedule 2, and under the Regulation in Column 1 of Schedule 3 are delegated to any person assigned to the delegate category specified in Column 3 of Schedules 2 and 3 respectively.
- (2) All of the functions of the Secretary specified in the Standards are delegated to any person assigned to the delegate category specified in Column 2 of Schedule 4.
- (3) Delegate categories are defined in Schedule 1 by the letter A to D. Each delegate category specified in Column 1 of Schedule 1 has the meaning specified adjacent to that letter in Column 2 of the table.
- (4) Any limitation on a delegation is specified in Column 4 (if any) of Schedules 2, 3 and 4.
- (5) The person assigned to a delegate band or grade specified in Column 2 of Schedule 1 includes any person who is for the time being acting in that band or at that grade.

#### **5 Revocation of Exhibited Animals Protection Instrument of Delegation (No 2) 2018**

Pursuant to section 49A of the Act, the Exhibited Animals Protection Instrument of Delegation (No 2) 2018 published in the NSW Government Gazette No. 119 of (November 2018 at pages 8468 to 8476 is revoked, as is any instrument of delegation revived as a result of this revocation.

## Schedule 1 – Delegate categories

Column 1 Delegate Category	Column 2 Delegate Band or Grade
<b>A</b>	A Senior Executive Band 3.
<b>B</b>	A Senior Executive Band 3. A Senior Executive Band 2.
<b>C</b>	A Senior Executive Band 3. A Senior Executive Band 2. A Senior Executive Band 1.
<b>D</b>	A Senior Executive Band 3. A Senior Executive Band 2. A Senior Executive Band 1. An Administrative and Clerical Officer Grade 9 or above. A Professional Officer Grade 6 or above. A Food Safety Officer Grade 5 or above.

## Schedule 2 – Exhibited Animals Protection Act 1986

Column 1 Section	Column 2 Summary of functions delegated	Column 3 Delegate category	Column 4 Limitation (if any)
<b>Part 2, The Exhibited Animals Advisory Committee</b>			
7	Enter into agreements to engage consultants to the advisory committee and determine terms and conditions of the agreement.  Note: The exercise of this function requires prior approval by the Minister.	B	
8(c)	Delegate functions to the advisory committee.	B	
9	Cause an inspection to be made of any licensed premises.	C	
10	Forward any recommendations and reports made by the advisory committee to the Minister.	C	
<b>Part 3, Licences, approvals and permits</b>			
15	Issue licence for an animal display establishment.	D	Delegation to issue license for a cetacean display establishment may only be exercised by a person in Category C.
18	Approve erection or conversion of an animal display establishment and issue an appropriate licence.	D	
19	Approve alteration or extension of a licenced animal display establishment.	D	
20	Cause a register of animal display establishments to be kept and maintained.	D	

21	Cause a certificate of registered particulars of a licensed animal display establishment to be provided to an applicant and approve the form of the certificate.	D	
23	Approve the exhibition of an animal.	D	
25	Issue permit authorising the exhibition of animals.	D	
27	Determine an application for the issue, renewal or variation of an authority and determine an application for transfer of a licence.  Note: This includes any decision of the Secretary pursuant to clause 10(4) of the Regulation.	D	
28	Impose terms or conditions in an authority.	D	
30	Suspend or cancel an authority, and return an authority after the expiration of the period of suspension.	C	
30A	Declare a person to be disqualified from holding an authority.	C	
31	Request the surrender of an authority that has been suspended or cancelled.	D	
<b>Part 4, Provisions relating to the exhibition of dolphins and whales</b>			
35	Issue an approval for erection of, and licence for a cetacean display establishment.  Note: The exercise of this function requires prior approval by the Minister.	B	
36	Specify as a term of a licence as a limitation on dolphins and whales that may be exhibited as a term of	C	

	a licence.		
37	<p>Require the holder of the license for a cetacean display establishment to deposit money.</p> <p>Use such deposited money in caring, rehabilitating or returning a dolphin or whale to its natural environment</p> <p>Note: This delegation does not apply to the Secretary's function in caring for, rehabilitating or returning a dolphin or whale to its natural environment.</p>	C	
<b>Part 5, Inspectors</b>			
38	Appoint a public service employee to be an inspector.	C	
39	Cause inspectors to be issued with a certificate of identification and approve the form of the certificate.	C	
40(1)(n)	Approve the place to which a seized animal is transported.	D	
<b>Part 6, Supplementary</b>			
49	Authorise a person to issue evidentiary certificates.	C	
<b>Schedule 1 Provisions relating to the members of the advisory committee</b>			
2(1)	Appoint chair of EAAC	A	

## Schedule 3 – Exhibited Animal Protection Regulation 2010

Column 1 Clause	Column 2 Summary of functions delegated	Column 3 Delegate category	Column 4 Limitation (if any)
<b>Part 2, Animal display establishments</b>			
4	Form a view as to whether an animal is in a wild state, and it would be unreasonable to require the use of the establishment to be licensed	C	
8	Vary standards otherwise applicable in relation to the establishment or exhibition of an animal.	C	
<b>Part 3, Authorities</b>			
10(1) and (2)	Approve form for the purposes of an application for issue, renewal or variation of authority or transfer of licence.  Notify a holder of an authority that renewal has been refused.	C	
10(4)	Approve a course of study.	D	
13	Approve the standard to which authority holder is to educate the public on conservation of animals.	C	
15	Form an opinion on matters relating to the breeding of animals to which an authority relates.	D	
16	Approve amount of insurance cover the holder of an authority is to maintain.	C	
17	Approve and publishing of	C	

	standards for exhibiting circus animals.		
18	Give notice of consideration of imposing terms and conditions on an authority, and vary or revoke a term or condition of an authority.	D	
<b>Part 4, Offences</b>			
24	Form the opinion that an exhibited animal is caged or otherwise housed in conditions that threaten human safety or are unsuitable for the animal and direct the exhibitor of that animal. Approve housing for the animal.	D	
31	Consent to acquisition or sale of an animal of a species listed in Schedule 2.	D	
32	Consent to keep an exhibited animal outside its fixed establishment, remove an exhibited animal and related permissions and approval of form for such applications.	D	
33	Exempt the holder of an authority from requirements concerning acquisition, disposal and removal of animals.	C	
35(2)	Approve the form and location of animal records which the holder of an authority must keep.	C	
35(5)	Approve the manner for making entries and deleting erroneous entries in electronic animal records.	D	
36	Approve the manner in which an exhibitor of animals is to	C	



	keep specified records.		
37	Direct an exhibitor of animals to have species of animals identified and nominate a person to do this.	D	
38	Exempt the holder of an authority or an exhibitor from an obligation to keep records.	C	
<b>Part 5, Miscellaneous</b>			
41	Dealing with bonds as a condition of cetacea display licence.	B	

## Schedule 4 – Standards

<b>Column 1</b> Functions delegated	<b>Column 2</b> Delegate category	<b>Column 3</b> Limitation (if any)
All.	D	Delegation for cl 41(7) of the <i>General Standards for Exhibiting Animals in New South Wales</i> , may only be exercised by a person in Category C.

# Biosecurity (Banana Bunchy Top Virus) Control Order 2021

under the

## Biosecurity Act 2015

I, SATENDRA KUMAR, Director Plant Biosecurity and Product Integrity, with the authorisation of the Minister administering the *Biosecurity Act 2015* and in pursuance of section 62 of the *Biosecurity Act 2015*, reasonably believing it is necessary to prevent, eliminate and minimise the biosecurity risk associated with the disease caused by the banana bunchy top virus, make the following Control Order.

Dated 24<sup>th</sup> September 2021



**Satendra Kumar**  
**Director Plant Biosecurity and Product Integrity**  
**Department of Primary Industries**  
**Regional NSW**

## Part 1 Preliminary

### 1 Name of Control Order

This Control Order is the *Biosecurity (Banana Bunchy Top Virus) Control Order 2021*.

### 2 Commencement and duration

- (1) This Control Order commences on 1 October 2021.
- (2) This Control Order has effect for 5 years from the date on which it is made.

**Note.** Notice of this Control Order will be given by publishing it on the Department's website and in the Gazette.

### 3 Repeal

The *Biosecurity (Banana Bunchy Top Virus) Control Order 2017* published in the NSW Government Gazette No 72 on 30 June 2017 (pp 3423-3430) is repealed.

### 4 Definitions

- (1) In this Control Order:

***banana aphid*** means the insect *Pentalonia nigronervosa*.

***banana bunchy top virus*** means the virus belonging to the genus *Babuvirus*, family *Nanoviridae* that infects species in the family *Musaceae* causing the symptoms commonly referred to as banana bunchy top.

***banana plant*** means a plant, or part of a plant, of the family Musaceae, and includes an individual organism of the family Musaceae and mats consisting of several pseudo stems connected by vascular tissue.

***banana plant product*** means any plant product derived from a Musaceae plant but does not include processed food or fibre products.

***banana propagative material*** means any banana plant to be used for propagation or planting.

***Certification Assurance Arrangement*** means a Certification Assurance Arrangement that enables a biosecurity certifier authorised under this Act to issue a Plant Health Assurance Certificate that meets plant health quarantine conditions for trade within the State.

***Department*** means Regional NSW.

***Plant Health Assurance Certificate*** is a biosecurity certificate or interstate biosecurity certificate issued in accordance with the requirements of a Certification Assurance Arrangement.

***Plant Health Certificate*** means a biosecurity certificate or interstate biosecurity certificate issued by an authorised officer under the Act or a corresponding law in a State or Territory that relates to plant biosecurity.

***property*** means an area of land (including an area comprising 1 or more parcels of land that are proximate) that is worked as a single property.

***the Act*** means the *Biosecurity Act 2015*.

***the Regulation*** means the Biosecurity Regulation 2017.

- (2) Words and expressions that occur in this Control Order have the same meaning as they have in the Regulation, unless otherwise defined in this Control Order.

## **Part 2 Biosecurity risk and control zone**

### **5 Biosecurity risk**

The biosecurity risk to which this Control Order relates is the risk of an adverse effect on the economy, the environment and the community posed by the spread of the disease caused by banana bunchy top virus within the State (the ***BBTV biosecurity risk***).

### **6 Control zone**

- (1) Pursuant to sections 62(1)(a) and 67 of the Act, the control zone in relation to which control measures are required to be implemented is all land within the local government areas of:
- (a) Ballina Shire,
  - (b) Byron Shire,
  - (c) City of Lismore, and
  - (d) Tweed Shire.
- (2) The control zone is called the ***Banana Bunchy Top Virus Control Zone***.

## Part 3 Control measures

### 7 Control measure – notification of the presence or suspected presence of banana bunchy top virus

#### (1) Control measure:

- (a) Except as provided for in paragraph (b), a person to whom this control measure applies who becomes aware of, or suspects, the presence of banana bunchy top virus on a property must notify the presence or suspected presence of the virus in accordance with this clause within 1 working day after the person first suspects or becomes aware of the presence.
- (b) However, a person to whom this control measure applies is not required to make a notification under this clause in the following circumstances:
  - (i) where the person knows that the notification has already been given by another person, or
  - (ii) where the person has good reason to believe that the presence of banana bunchy top virus on the property is already known by the Department.
- (c) A person to whom this control measure applies must:
  - (i) notify an authorised officer verbally or in writing, and
  - (ii) give the following information:
    - (A) the person's full name and contact number,
    - (B) the location of the property on which the banana bunchy top virus is present or suspected of being present, including the lot and deposited plan number or address for the property, and
    - (C) any other information reasonably requested by the authorised officer.

#### (2) Persons to whom the control measure apply:

- (a) a person who is the owner, occupier or person in charge of, or has the care, custody or control of, a property or a carrier in which banana bunchy top virus is present or suspected of being present, and
- (b) a person who becomes aware of, or suspects, the presence of banana bunchy top virus as a result of any consultation or other work carried out in the person's professional capacity in relation to a property or a carrier.

#### (3) Area of application of control measure:

- (a) This control measure applies in the Banana Bunchy Top Virus Control Zone.
- (b) On the basis that this control measure is reasonably necessary having regard to the nature of the BBTV biosecurity risk, this control measure also applies outside the Banana Bunchy Top Virus Control Zone, to the State of New South Wales.

**Note.** Pursuant to section 68(5) of the Act, control measures may also apply outside the Banana Bunchy Top Virus Control Zone if it is considered reasonably necessary having regard to the nature of the biosecurity risk.

## 8 Control measures – destruction of banana aphids and infected banana plants

- (1) **Control measures:** A person to whom this control measure applies must ensure that:
  - (a) all banana aphids infesting the banana plant are destroyed within 3 days from the day the person knew, or from when they ought to have known, that the banana plant is infected, and
  - (b) immediately following the destruction of the banana aphids, the infected banana plant is destroyed.
- (2) **Persons to whom this control measure applies:** A person who is an owner, occupier or person in charge of, or a person who has the care, custody or control of, a property on which banana plants are grown who knows or ought to know that a banana plant is infected with banana bunchy top virus.
- (3) **Area of application of control measures:** These control measures apply in the Banana Bunchy Top Control Zone.

## 9 Control measures – Record of Planting banana propagative material within the Banana Bunchy Top Control Zone

- (1) **Control measures:** A person must not plant, or cause the planting of, banana propagative material within the Banana Bunchy Top Virus Control Zone unless no later than 7 business days after the planting of banana propagative material, the person gives the Department, in a manner approved by the Department, a copy of a completed Record of Planting (Banana Bunchy Top Virus) that contains the following details:
  - (a) the full name, postal or email address and contact telephone number of the person who plants, or proposes to plant, the propagative material, and
  - (b) the full name, postal or email address and contact telephone number of the person who supplies, or is proposed to supply, the propagative material, and
  - (c) the location of the property where the propagative material will be sourced from including the lot and deposited plan number or address for the property, and
  - (d) the location of the property where the propagative material will be planted including the lot and deposited plan number or address for the property, and
  - (e) the variety and number of each variety of propagative material that are planted, or proposed to be planted.
- (2) **Persons to whom the control measures apply:** any person planting, or causing the planting of, banana propagative material in the Banana Bunchy Top Virus Control Zone.
- (3) **Area of application of control measures:** These control measures apply in the Banana Bunchy Top Virus Control Zone.
- (4) In this clause, a person is taken to have complied with the requirements of subclause (1) in relation to particular banana propagative material, if, in relation to that material, the person had complied with the requirements of clause 8(1) or (2) of the *Biosecurity (Banana Bunchy Top Virus) Control Order 2017* before its repeal.

**Note.** In addition to the requirements of this clause, a person may have a general biosecurity duty under section 22 of the Act to take steps to prevent, eliminate or minimise any biosecurity risks associated with the planting of banana propagative material in the Banana Bunchy Top Virus Control Zone. Guidance on the general biosecurity duty, when it applies, and steps a person might take to meet it can be found on the Department's website. Information in relation to sourcing and planting of banana propagative material can also be found on the website of the Australian Banana Growers' Council.

## **10 Control measures – land to be kept free of vegetation**

- (1) **Control Measures:** A person must ensure that the ground within one metre of a banana plant is kept free of all vegetation higher than 30 centimetres.
- (2) **Persons to whom the control measures apply:**
  - (a) a person who is an owner, occupier or person in charge of, or has the care, custody or control of, a property in the Banana Bunchy Top Control Zone, and
  - (b) a person in possession of a banana plant in the Banana Bunchy Top Control Zone.
- (3) **Area of application of control measures:** These control measures apply in the Banana Bunchy Top Virus Control Zone.

## **11 Control measures – Movement of banana plant, banana plant product and banana propagative material out of the Banana Bunchy Top Virus Control Zone**

- (1) **Control measures:** A person must not move, or cause the movement of, a banana plant, banana plant product or banana propagative material, out of the Banana Bunchy Top Virus Control Zone unless it satisfies one of these control measures:
  - (a) it is fruit, or
  - (b) it is bolls, pseudo stems or leaves of a banana plant and is free of banana bunchy top virus symptoms and banana aphids and is accompanied by a Plant Health Certificate certifying that this is the case, or
  - (c) it is dealt with in accordance with the Certification Assurance Arrangement CA-08 ‘Production, inspection and dispatch of Banana host produce for the cut flower trade’ and is accompanied by a Plant Health Assurance Certificate certifying that the requirements of CA-08 have been met.
- (2) **Persons to whom the control measures apply:** Any person who moves, or causes the movement of, a banana plant, banana plant product or banana propagative material out of the Banana Bunchy Top Virus Control Zone.
- (3) **Area of application of control measures:** These control measures apply in the Banana Bunchy Top Virus Control Zone.

**Pursuant to section 136 of the *Mining Act 1992* and section 16 of the *Petroleum (Onshore) Act 1991***

NOTICE is given that the following applications have been received:

**EXPLORATION LICENCE APPLICATIONS**

(APP-2021-275)

No. 6344, SYNDICATE MINERALS PTY LTD (ACN 635 864 587), area of 144 units, for Group 1 and Group 2, dated 22 September 2021. (Inverell Mining Division).

(APP-2021-285)

No. 6345, POLYMET RESOURCES PTY LTD (ACN 637 608 961), area of 48 units, for Group 1, dated 23 September 2021. (Sydney Mining Division).

(APP-2021-284)

No. 6346, LEGACY MINERALS PTY LTD (ACN 622 746 187), area of 66 units, for Group 1, dated 22 September 2021. (Cobar Mining Division).

(APP-2021-280)

No. 6347, SRL OPS PTY LTD (ACN 008 755 155), area of 25 units, for Group 1, dated 24 September 2021. (Orange Mining Division).

(APP-2021-289)

No. 6348, WEDDARLA PTY LTD (ACN 002 086 964), area of 10 units, for Group 1, dated 27 September 2021. (Wagga Wagga Mining Division).

(APP-2021-287)

No. 6349, JAM METAL RESOURCES PTY LTD (ACN 648555542), area of 12 units, for Group 6, dated 28 September 2021. (Armidale Mining Division).

(APP-2021-291)

No. 6350, GOLD RESOURCES WA PTY LIMITED (ACN 627134605), area of 60 units, for Group 1, dated 29 September 2021. (Cobar Mining Division).

(APP-2021-292)

No. 6351, GOLD RESOURCES WA PTY LIMITED (ACN 627134605), area of 110 units, for Group 1, dated 29 September 2021. (Cobar Mining Division).

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NOTICE is given that the following applications have been granted:

**EXPLORATION LICENCE APPLICATIONS**

(APP-2021-66)

No. 6239, now Exploration Licence No. 9283, RESOURCES CITY PTY LIMITED (ACN 621827165), County of Hardinge, Map Sheet (9137), area of 12 units, for Group 1, dated 2 September 2021, for a term until 2 September 2024.

(APP-2021-98)

No. 6251, now Exploration Licence No. 9295, HIGH FIDELITY CAPITAL PTY LTD (ACN 613684370), County of Brisbane, Map Sheet (9134), area of 23 units, for Group 1, dated 23 September 2021, for a term until 23 September 2022.

(APP-2021-109)

No. 6260, now Exploration Licence No. 9250, COBAR MINERALS PTY LTD (ACN 623 510 430), County of Mouramba, Map Sheet (8033, 8133), area of 27 units, for Group 1, dated 6 August 2021, for a term until 6 August 2024.

(APP-2021-120)

No. 6268, now Exploration Licence No. 9250, COBAR MINERALS PTY LTD (ACN 623 510 430), County of Mouramba, Map Sheet (8033, 8133), area of 27 units, for Group 1, dated 6 August 2021, for a term until 6 August 2024.

(APP-2021-185)

No. 6308, now Exploration Licence No. 9296, EVANDALE MINERALS PTY LTD (ACN 617 594 108), County of Yungnulgra, Map Sheet (7435, 7436), area of 19 units, for Group 1, dated 23 September 2021, for a term until 23 September 2027.



(APP-2021-215)

No. 6323, now Exploration Licence No. 9294, SIOUVILLE PTY LTD (ACN 009 263 987), County of Yancowinna, Map Sheet (7134, 7234), area of 25 units, for Group 1, dated 26 September 2021, for a term until 26 September 2027.

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

(REN-2021-165)

Exploration Licence No. 6302, MANUKA RESOURCES LTD (ACN 611 963 225), area of 96 units. Application for renewal received 23 September 2021.

(REN-2021-166)

Mining Lease No. 1495 (Act 1992), RESOURCE PACIFIC PTY LIMITED (ACN 106 177 708), area of 40.79 hectares. Application for renewal received 24 September 2021.

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### **RENEWAL OF CERTAIN AUTHORITIES**

Notice is given that the following authorities have been renewed:

(REN-2021-69)

Exploration Licence No. 5574, PROSPECTORE PROPRIETARY LIMITED (ACN 619 426 952), Counties of Georgiana and Westmoreland, Map Sheet (8830), area of 23 units, for a further term until 4 June 2024. Renewal effective on and from 21 September 2021.

(REN-2021-125)

Exploration Licence No. 6837, FISHER RESOURCES PTY LTD (ACN 148 160 954), County of Blaxland, Map Sheet (8032), area of 6 units, for a further term until 24 July 2024. Renewal effective on and from 22 September 2021.

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### **APPLICATIONS TO TRANSFER RECEIVED**

Notice is given that the following applications to transfer have been received:

(TRF-2021-40)

RAREX LIMITED (ACN 105 578 756) has applied for approval to transfer Exploration Licence No. 8442 to COSMOS EXPLORATION PTY LTD (ACN 648 890 126) AND RAREX LIMITED (ACN 105 578 756). Application received 21 September 2021.

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### **REQUESTED CANCELLATIONS**

Notice is given that the following authority has been cancelled:

(CAN-2021-16)

Exploration Licence No. 8474, JERVOIS GLOBAL LIMITED (ACN 007 626 575), County of Cunningham and County of Kennedy, Map Sheet (8332), area of 25 units. Cancellation took effect on 24 September 2021.

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### **PART CANCELLATION REQUESTS RECEIVED**

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

(PCN-2021-7)

CSR BUILDING PRODUCTS LIMITED (ACN 008 631 356) has applied for approval to part cancel Mining Lease No. 1636. Application received 22 September 2021.