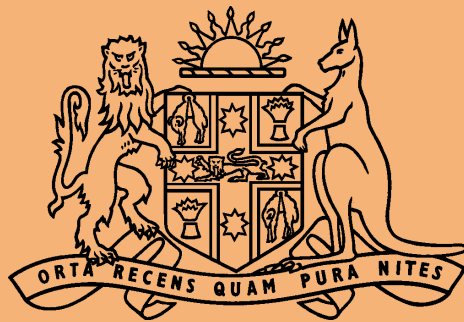




Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Week No. 13/2002

Thursday, 28 March 2002

*Published under authority by the Government Printing Service
Units 5 , Block V, Regents Park Industrial Estate
391 Park Road, REGENTS PARK 2143
Phone: 9743 8777 Fax: 9743 8203
Email: nswgazette@dpws.nsw.gov.au*

*Containing numbers 67 and 68
Pages 1833 - 2144*

CONTENTS

Number 67

LEGISLATION

Allocation of the Administration of Acts	1833
Proclamations	1834
Regulations	1839
Rules	2044
Orders	2053

OFFICIAL NOTICES

Appointments	2055
Department of Land & Water Conservation ó	
<i>Land Conservation</i>	2056
<i>Water Conservation</i>	2059
Department of Mineral Resources	2063
Department of Planning	2067
Roads and Traffic Authority	2128
Sydney Water	2131
Other Notices	2133

TENDERS

Department of Public Works and Services	2136
Government Printing Service	2137

PRIVATE ADVERTISEMENTS

(Council, Probate, Company Notices, etc.)	2138
---	------

Number 68

PUBLIC SECTOR NOTICES

(Appointments, Resignations, etc.)	2143
--	------

GOVERNMENT PRINTING SERVICE

Attention Advertisers . . .

*Government Gazette inquiry times are:
Monday to Friday: 8.00 am to 4.30 pm*

Phone: (02) 9743 8777; Fax: (02) 9743 8203

Email:

nswgazette@dpws.nsw.gov.au

GOVERNMENT GAZETTE DEADLINES

Close of business every Wednesday

Except when a holiday falls on a Friday, deadlines will be altered as per advice given on this page.

Please Note:

- i Only electronic lodgement of Gazette contributions will be accepted.*
- ii This publication is available on request via email, in large print and/or on computer disk for people with a disability. To obtain copies of this publication in either of these formats, please contact Peter Kindleysides.*

Other formats, such as Braille and audio (cassette tape), will be considered on a case-by-case basis.

You can arrange to have a copy of the
NSW Government Gazette delivered each week by
telephoning Kerry Wain on **9743 8777**

This space is now available for advertising

For further information please contact:

David Brendish or Denis Helm on

Telephone: 9743 8777

Fax: 9743 8203

SEE the GPS Web Site at www.gps.dpws.nsw.gov.au



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 67
Thursday, 28 March 2002

Published under authority by the Government Printing Service

LEGISLATION

Allocation of Administration of Acts

The Cabinet Office, Sydney
23 March 2002

ALLOCATION OF THE ADMINISTRATION OF ACTS

His Excellency the Lieutenant Governor, with the advice of the Executive Council, has approved that the administration of the Fines Act 1996 be vested in the Treasurer, with the exception of Part 2, Division 1 and 2; Section 120 in so far as it relates to registrars of the courts and the Sheriff; and Section 123, which will remain the responsibility of the Attorney General.

These arrangements are in substitution for those in operation before the date of this notice.

Andrew Refshauge
Acting Premier

Proclamations

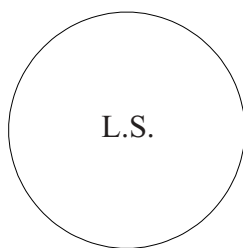
Gaming Machines Act 2001 No 127— Proclamation

JAMES JACOB SPIGELMAN, Lieutenant Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Gaming Machines Act 2001*, do, by this my Proclamation:

- (a) appoint 2 April 2002 as the day on which that Act (other than sections 44, 210 (1) and 211 of that Act and clause 1 of Schedule 1 to that Act) commences, except as provided by paragraph (b), and
- (b) appoint 2 July 2002 as the day on which section 46 of that Act, and Schedule 4 [3] to that Act, commence.

Signed and sealed at Sydney, this 27th day of March 2002.



By His Excellency's Command,

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

GOD SAVE THE QUEEN!

Explanatory note

This Proclamation commences virtually all of the provisions of the *Gaming Machines Act 2001* on 2 April 2002, with the exception of provisions relating to the displaying of gambling-related signs in relation to hotels and registered clubs (which commenced on 11 January 2002) and provisions relating to problem gambling counselling services being made available to hotel, club and casino patrons (these provisions will commence on 2 July 2002).

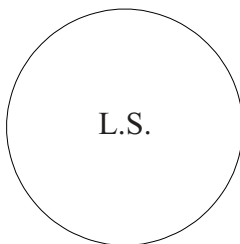
Public Sector Management Act 1988— Proclamation

JAMES JACOB SPIGELMAN, Lieutenant Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 42D of the *Public Sector Management Act 1988*, do, by this my Proclamation, with effect on and from 2 April 2002, amend Part 1 of Schedule 3B to that Act (Senior Executive Positions):

- (a) by omitting the position of Director, State Debt Recovery Office from the positions relating to the Attorney General's Department, and
- (b) by inserting the position of Director, State Debt Recovery Office at the end of the positions relating to the Treasury.

Signed and sealed at Sydney, this 27th day of March 2002.



By His Excellency's Command,

ANDREW REFSHAUGE, M.P.,
Acting Premier

GOD SAVE THE QUEEN!

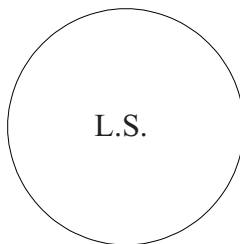
Roman Catholic Church Communities' Lands Act 1942 No 23—Proclamation

JAMES JACOB SPIGELMAN, Lieutenant Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Roman Catholic Church Communities' Lands Act 1942*, do, by this my Proclamation, amend the Second Schedule to that Act:

- (a) by omitting from Column 1 (Canonical Name) the words “The Order of the Capuchin Franciscan Fathers” and by inserting instead “The Order of Capuchin Friars Minor”, and
- (b) by omitting from Column 2 (Corporate Name) the words “Trustees of the Order of the Capuchin Franciscan Fathers” and by inserting instead “Trustees of the Order of Capuchin Friars Minor”.

Signed and sealed at Sydney, this 27th day of March 2002.



By His Excellency's Command,

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Roman Catholic Church Communities' Lands Act 1942 No 23—Proclamation

Explanatory note

The Second Schedule to the *Roman Catholic Church Communities' Lands Act 1942* contains canonical and corporate names of certain Roman Catholic orders, congregations, communities, associations and societies. By virtue of being listed in that Schedule, each such organisation is a **community** as defined in the Act, and by virtue of the Act, the trustees for the community become a body corporate and acquire the powers conferred by the Act in relation to property held by them.

The community that was known as the Order of the Capuchin Franciscan Fathers has changed its canonical and corporate names. This Proclamation amends the Second Schedule to the Act as a consequence.

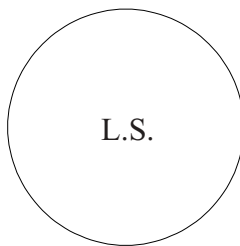
This proclamation is made under section 2 of the Act.

Summary Offences Amendment (Minors in Sex Clubs) and Theatres and Public Halls Repeal Act 2001 No 71— Proclamation

JAMES JACOB SPIGELMAN, Lieutenant Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the *Summary Offences Amendment (Minors in Sex Clubs) and Theatres and Public Halls Repeal Act 2001*, do, by this my Proclamation, appoint 1 April 2002 as the day on which that Act commences.

Signed and sealed at Sydney, this 27th day of March 2002.



By His Excellency's Command,

BOB DEBUS, M.P.,
Attorney General

GOD SAVE THE QUEEN!

Regulations

Casino Control Amendment (Responsible Gambling Practices) Regulation 2002

under the

Casino Control Act 1992

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Casino Control Act 1992*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

The objects of this Regulation are as follows:

- (a) to specify certain requirements in relation to player activity statements provided to participants in a player reward scheme conducted by a casino operator,
- (b) to prescribe certain matters with respect to the provision of problem gambling counselling services to casino patrons,
- (c) to provide that certain offences under the *Casino Control Regulation 2001*, including offences relating to the display of gaming machine signage, may be dealt with by way of penalty notice,
- (d) to make a number of other amendments to the *Casino Control Regulation 2001* that are of a minor or consequential nature.

This Regulation is made under the *Casino Control Act 1992*, including sections 72A, 76A and 170 (the general regulation-making power).

Clause 1 Casino Control Amendment (Responsible Gambling Practices)
Regulation 2002

Casino Control Amendment (Responsible Gambling Practices) Regulation 2002

1 Name of Regulation

This Regulation is the *Casino Control Amendment (Responsible Gambling Practices) Regulation 2002*.

2 Commencement

This Regulation commences on 2 April 2002.

3 Amendment of Casino Control Regulation 2001

The *Casino Control Regulation 2001* is amended as set out in Schedule 1.

Casino Control Amendment (Responsible Gambling Practices)
Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 23 Gambling inducements

Insert “similar” after “other” in clause 23 (b).

[2] Clauses 32A and 32B

Insert after clause 32:

32A Provision of player activity statements under player reward schemes

- (1) This clause commences on 2 October 2002.
- (2) Player activity statements are required to be provided by a casino operator under section 76A (4) of the Act only if the player reward scheme being conducted by the casino operator is one in which a participant’s activity in relation to playing gaming machines is recorded by electronic means.
- (3) A casino operator must comply with the requirements of this clause.
Maximum penalty: 100 penalty units.
- (4) Player activity statements relating to the playing of gaming machines by the participants in a player reward scheme conducted by a casino operator must:
 - (a) be made available, on request by the participant to whom any such statement relates, on a monthly basis, and
 - (b) include, as a minimum, the information referred to in subclause (5).
- (5) The following information, provided in the form approved by the Authority, is the minimum information that must be included in a participant’s player activity statement:
 - (a) the total amount of turnover by the participant during the monthly period covered by the statement,
 - (b) the total wins recorded during the period,

Page 3

Casino Control Amendment (Responsible Gambling Practices)
Regulation 2002

Schedule 1

Amendments

-
- (c) the net expenditure (ie turnover less wins) during the period,
 - (d) the total points earned and redeemed during the period as the result of playing gaming machines under the scheme,
 - (e) the total length of time over each 24-hour period during the monthly period when the participant's player card was inserted in gaming machines under the scheme (*the daily record*),
 - (f) the total length of time that the participant's player card was inserted in gaming machines under the scheme during the monthly period.
- (6) The daily record is required to be included in the player activity statement only in respect of those days that the participant's player card was used.
- (7) A player activity statement is to also include a note stating that the information detailed in the statement:
- (a) only relates to the occasions on which the participant used his or her player card under the player reward scheme to play a gaming machine, and
 - (b) does not necessarily relate to all of the participant's gaming machine activity during the monthly period.
- (8) Information to the effect that player activity statements are available on request must:
- (a) be given to each participant at the time the participant joins the player reward scheme conducted by the casino operator, and
 - (b) be included in any promotional material relating to the player reward scheme.
- (9) A player activity statement must include the G-line information referred to in clause 33 (2).

Casino Control Amendment (Responsible Gambling Practices)
Regulation 2002

Amendments

Schedule 1

-
- (10) Player activity statements must be provided free of charge by the casino operator. However, if a participant requests a subsequent player activity statement to be provided in respect of a monthly period, the casino operator may charge for providing the subsequent statement in accordance with the scale of charges approved by the Authority.
 - (11) A casino operator must keep a record or copy of each player activity statement provided by the casino operator under section 76A (4) of the Act for such period as is determined by the Authority.

32B Disclosure of information in player activity statements

- (1) This clause applies in relation to a player activity statement that relates to the playing of gaming machines under a player reward scheme (within the meaning of section 76A of the Act) conducted by a casino operator regardless of whether the statement is provided under section 76A (4) of the Act.
- (2) A casino operator must not disclose any information contained in a player activity statement to any person unless that person:
 - (a) is the person to whom the information relates, or
 - (b) is lawfully entitled to have access to the information.
- (3) A person who acquires information contained in a player activity statement provided by a casino operator must not disclose the information to any person unless the person disclosing the information:
 - (a) is the person to whom the information relates, or
 - (b) is authorised or required to do so by law.

Maximum penalty: 100 penalty units.

[3] Clause 33 Prohibitions on gambling-related advertising

Omit the definition of *casino advertising* from clause 33 (7). Insert instead:

casino advertising means advertising that is directly related to the operation of the casino, but does not include an advertisement relating to gaming machines within the meaning of section 70A of the Act.

Casino Control Amendment (Responsible Gambling Practices)
Regulation 2002

Schedule 1 Amendments

[4] Part 4, Division 4

Insert after Division 3 of Part 4:

Division 4 Problem gambling counselling services

34A Provision of problem gambling counselling services

- (1) This clause commences on 2 July 2002.
- (2) The classes of persons who are to provide problem gambling counselling services as referred to in section 72A of the Act include, but are not limited to, persons who are employed or engaged by any of the following bodies (referred to in this clause as *service providers*):
 - (a) BetSafe,
 - (b) any other body that receives funding from the Casino Community Benefit Fund for the specific purpose of providing gambling-related counselling or treatment services.
- (3) A casino operator is required to make available at all times to the patrons of the casino information as to the name and contact details of a problem gambling counselling service made available by a service provider.
- (4) A casino operator must also provide the information referred to in subclause (3):
 - (a) to each person who is the subject of an exclusion order given on the voluntary application of the person under section 79 (3) of the Act (such information being provided at the time the person becomes subject to the exclusion order or as soon as practicable after that time), and
 - (b) to any other person when requested to do so.
- (5) A casino operator must display a notice that complies with subclause (6) in any area of the casino in which gaming machines are located.

Maximum penalty: 50 penalty units.

Casino Control Amendment (Responsible Gambling Practices)
Regulation 2002

Amendments

Schedule 1

(6) The notice must contain the following information:

- (a) the name and contact details of the problem gambling counselling service referred to in subclause (3),
- (b) a statement advising patrons that an exclusion order under section 79 of the Act may be made on the voluntary application of a person.

[5] Clause 40 Casino precinct

Omit clause 40 (1) (c). Insert instead:

- (c) Fortunes Buffet Restaurant.

[6] Clause 40 (2)

Omit “*Lifesavers*”. Insert instead “*Fortunes Buffet Restaurant*”.

[7] Schedule 6 Applied provisions of Liquor Act 1982 as modified

Insert “such a pinball machines” after “amusement devices” in section 23AD (6) (d).

[8] Schedule 8 Penalty notice offences

Omit the matter relating to clause 32 of the *Casino Control Regulation 2002* from Part 2.

Insert instead:

Clause 32 (1) (a)	Fail to notify person that request may be made for prize money to be paid by cheque	—	\$550
Clause 32 (1) (b)	Fail to pay prize money by cheque if requested	—	\$550
Clause 32A (3)	Fail to comply with player activity statement requirements	—	\$1,100
Clause 32B (2)	Disclose information in player activity statement (offence by casino operator)	—	\$1,100

Casino Control Amendment (Responsible Gambling Practices)
Regulation 2002

Schedule 1 Amendments

Clause 32B (3)	Disclose information in player activity statement (offence by other person)	—	\$1,100
----------------	---	---	---------

[9] Schedule 8, Part 2

Insert at the end of the Part:

Clause 33A (1)	Display/cause to be displayed gambling-related sign	—	\$1,100
Clause 33A (2)	Enter into/extend duration of contract/arrangement to display sign	—	\$1,100
Clause 34A (5)	Fail to display counselling services notice	—	\$550

[10] Schedule 8, Part 3

Omit the matter relating to section 114 (1) of the *Liquor Act 1982*.

Insert instead:

Section 114 (1)	Sell/supply liquor to minor	—	\$550	—
-----------------	-----------------------------	---	-------	---

Gaming Machines Regulation 2002

under the

Gaming Machines Act 2001

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to provide for the following matters for the purposes of the *Gaming Machines Act 2001*:

- (a) the general regulation and management of gaming machines in hotels and clubs,
- (b) requirements in relation to responsible gambling practices in hotels and clubs and other related harm minimisation measures, including requirements in relation to the social impact assessment of gaming machines in hotels and clubs,
- (c) requirements in relation to gaming-related licences (eg gaming machine dealers' licences),
- (d) the regulation of intra-venue progressive gaming machines and systems,
- (e) the regulation of player cards and accounts in relation to gaming machines,
- (f) gaming machine tickets issued by hoteliers and clubs,
- (g) regulating the operation of the authorised centralised monitoring system and the operation of linked inter-venue gaming systems,
- (h) the fees applicable to gaming-related licences and work permits and the transfer of poker machine entitlements,
- (i) other matters of a procedural or administrative nature.

Gaming Machines Regulation 2002

Explanatory note

This Regulation is made under the *Gaming Machines Act 2001*, including section 210 (the general regulation-making power) and the various sections of the Act that are referred to in this Regulation.

Gaming Machines Regulation 2002

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	10
2 Commencement	10
3 Definitions	10
Part 2 Regulation and management of gaming machines—general provisions	
4 Limitation on Board's approval of certain gaming machines	12
5 Limitation on types of gaming machines in hotels	12
6 Amendment of specification documents for gaming machines	12
7 Transfer of Board's functions to CMS licensee	13
8 Reduction of number of gaming machines in large-scale clubs	13
9 Hotel gaming rooms	15
10 Location and operation of gaming machines in hotels	17
11 Terms and conditions of contracts in relation to gaming machines	17
12 Faulty gaming machines	17
13 General requirement to award or pay prizes	18
14 Other requirements relating to prizes	19
15 Records relating to prizes to be kept by clubs	20
16 Bet and prize limits on multi-terminal gaming machines	20
17 Guarantee of prize payments from multi-terminal gaming machines	21
18 Meters	21
19 Additional records by clubs	23
20 Clearance and refilling of gaming machines in clubs	23

Gaming Machine Regulation 2002

Contents

	Page
Part 3 Responsible gambling practices and other harm minimisation measures	
Division 1 Provisions relating to player information	
21 Display of information concerning chances of winning prizes on gaming machines	25
22 Approval of English and other community language player information brochures	26
23 Provision of player information brochures	27
24 Provision of player information brochures in community languages	27
25 Dangers of gambling—notice to be displayed on gaming machines	27
26 Counselling signage—notice to be displayed	29
27 ATM signage	29
28 Display of clocks	30
Division 2 Cheques and cash dispensing facilities	
29 Prohibitions on dealings with cheques	30
30 Payment of prize money by cheque or electronic funds transfer	31
31 Location of cash dispensing facilities away from gaming machines	32
32 Exemption	32
Division 3 Social impact assessment of gaming machines	
33 Classes of social impact assessment	32
34 Class 1 social impact assessment	33
35 Class 2 social impact assessment	34
36 Submissions in relation to class 2 social impact assessment	36
37 Floor space requirements	36
38 Exhibition of certain applications and accompanying social impact assessments	37
39 Operation of approval of social impact assessment	38
40 Transitional provision—certain hardship applications exempt from social impact assessment requirement	38

Gaming Machine Regulation 2002

Contents

	Page
Division 4 Miscellaneous	
41 Gambling-related advertising and signs—exclusions	39
42 Provision of player activity statements under player reward schemes	40
43 Requirement to keep record or copy of player activity statement	42
44 Disclosure of information in player activity statements	42
45 Transitional exemption—redeeming existing player reward scheme bonus points for cash	42
46 Provision of problem gambling counselling services	42
47 Self-exclusion schemes	44
48 Gambling inducements	45
49 Signs relating to gaming machine areas in clubs	45
50 Publicity for prizewinners	46
51 Training of hoteliers, club secretaries and employees associated with gaming machine activities	47
52 Approval of training providers	48
 Part 4 Gaming-related licences	
53 Lodgment of applications for gaming-related licences generally	50
54 Applications by dealers	50
55 Applications for technician's or adviser's licences	51
56 Allocation of serial numbers for gaming machines	51
57 Manufacture, assembly and repair of gaming machines	52
58 Records and returns	52
59 Use of gaming machines or logic boards for sales promotions	53
60 Dealers must notify Board of defects, malfunctions and other irregularities	53
61 Technician's place of business	53
62 Replacement of malfunctioning meters	54
63 Security of gaming machines	54
64 Notification of cessation of employment of licensee	54
65 Notification of change in the state of affairs of gaming-related licensee	54
66 Consignment of poker machines and devices for development and testing before approval	55

Gaming Machine Regulation 2002

Contents

	Page
Part 5 Intra-venue progressive gaming machines and progressive systems	
Division 1 Preliminary	
67 Definitions	56
Division 2 General provisions	
68 Keeping of progressive gaming machines and progressive systems	57
69 Malfunction of progressive gaming machines or progressive systems	57
70 Access to authorised progressive gaming machines or systems	58
71 Disposal of authorised progressive gaming machines or systems	58
72 Details to be provided to Board in connection with the disposal of authorised progressive gaming machines or systems	59
Division 3 Provisions applying specifically to hoteliers	
73 Records and requirements relating to prizewinners	60
74 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations	61
75 Authorised progressive systems—reading and recording of meters and jackpot reconciliations	61
76 Guarantee of prize payments from authorised progressive machines and systems	62
Division 4 Provisions applying specifically to clubs	
77 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations	63
78 Authorised progressive systems—reading and recording of meters and jackpot reconciliations	64
79 Guarantee of prize payments from authorised progressive machines and systems	66
Part 6 Player cards and accounts	
80 Definitions	67
81 Compliance with requirements of this Part	67

Gaming Machine Regulation 2002

Contents

	Page
82 Issuing of player cards	67
83 Participation in player reward schemes	68
84 Player accounts	68
85 Maximum amount held in player accounts or stored on Smartcards	69
86 Transaction records—player accounts	69
87 Player activity statements—player accounts	70
88 Weekly account limits	71
89 Disclosure of information in relation to players	72
90 Report by Director-General on operation of this Part	72
 Part 7 Gaming machine tickets	
91 Definitions	73
92 Compliance with this Part	73
93 Information on gaming machine tickets	73
94 Issue of certain gaming machine tickets	74
95 Records of gaming machine tickets issued	74
96 Redemption of gaming machine tickets	74
97 Persons authorised to redeem gaming machine tickets	75
98 Records to be made on redemption	75
99 Separate records of certain gaming machine tickets	76
100 Unclaimed gaming machine tickets	76
101 Disposal of money payable in respect of unclaimed gaming machine tickets	77
102 Records and other material	77
 Part 8 Provisions relating to authorised CMS and inter-venue linked gaming systems	
 Division 1 Authorised CMS	
103 Control of information obtained by CMS licensee	78
104 Illegal advantage with respect to authorised CMS	79
105 Removal of authorised CMS	79
106 Disposing or failing to keep safe part of authorised CMS	79
 Division 2 Inter-hotel and inter-club linked gaming systems	
107 Specially approved gaming machines	80
108 Application for special approval	80
109 Approval process	81
110 Revocation of special approval	81

Gaming Machine Regulation 2002

Contents

	Page
111 Submissions by applicant	82
Division 3 Regulation of operation of authorised CMS and linked gaming systems	
112 Definitions	83
113 Licensee to inform Minister of changed circumstances	84
114 Minister may require information relating to licensees and other persons	85
115 Minister may require particulars concerning key employees	86
116 Minister may require key employees to provide information	87
117 Failure of key employee to provide information	88
118 Power to terminate employment of key employee at Minister's direction	88
119 Destruction of finger and palm prints of former key employees	88
120 Prejudice to integrity of operation of authorised CMS or linked gaming systems	89
121 Minister may direct licensee to terminate certain contractual arrangements	89
122 Prejudice to integrity of authorised CMS or linked gaming system involving key employee	90
123 Notice of proposed relevant contracts or variations of relevant contracts to be given	91
124 Notice to show cause why relevant contract should not be terminated	92
125 Effect of termination	92
126 Investigations	93
Part 9 Fees	
Division 1 Gaming-related licences and work permits	
127 Application fee for gaming-related licence	94
128 Fees for grant of gaming-related licence	94
129 Periods in respect of which periodic licence fees are payable (licensing periods)	94
130 Amount of periodic licence fees	94
131 Periods in respect of which periodic work permit fees are payable	95
132 Amount of periodic work permit fees	95
Division 2 Other fees	

Gaming Machine Regulation 2002

Contents

	Page
133 Application for Board's approval of transfer of poker machine entitlements	95
Part 10 Miscellaneous provisions	
134 Clubs exempt from requirement for authorisation to keep certain poker machines	96
135 Authorised possession of poker machines and devices before approval	96
136 Board's approval	96
137 General requirement for records to be kept for 3 years	97
138 Exclusion of Sydney CBD from definition of "retail shopping centre"	97
139 Furnishing of records, reports or other information	97
140 Disclosure of information	98
141 Evidence of age	98
142 Appeals to Licensing Court	99
143 Affidavits	99
144 Admissions	100
145 Procedural directions	100
146 Remedial orders	101
147 Penalty notice offences	101
148 General savings provision	102
Schedules	
1 Gaming-related licensees—prescribed changes and particulars	103
2 Sydney Central Business District	105
3 Penalty notice offences	106

Clause 1 Gaming Machines Regulation 2002

Part 1 Preliminary

Gaming Machines Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Gaming Machines Regulation 2002*.

2 Commencement

This Regulation commences on 2 April 2002.

3 Definitions

(1) In this Regulation:

dealer means the holder of a dealer's licence.

dealer's premises, in relation to a dealer, means the premises or part of premises on or from which the dealer is authorised by the dealer's licence to carry on the business or other activity authorised by the licence.

logic board means a logic board of, or for incorporation into, an approved gaming machine.

memory chip means the verifiable read-only memory component of an approved gaming machine that stores the executable program or other fixed data.

multi-terminal gaming machine has the same meaning as in section 61 of the Act.

seller means the holder of a seller's licence.

serial number of an approved gaming machine means the serial number allocated by a dealer to the gaming machine under Part 4.

technician means the holder of a technician's licence.

technician's place of business, in relation to a technician, means the premises:

- (a) approved by the Licensing Court at the time of grant of the technician's licence, or

Gaming Machines Regulation 2002

Clause 3

Preliminary

Part 1

(b) subsequently approved by the Board under Part 4,
as the premises on or from which the activities authorised by the
licence are carried on.

the Act means the *Gaming Machines Act 2001*.

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

Clause 4 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

Part 2 Regulation and management of gaming machines—general provisions

4 Limitation on Board's approval of certain gaming machines

- (1) The only type of device that the Board may approve under the Act as an approved amusement device is one by means of which player interactive draw poker, or some player interactive game derived from draw poker, is the only game that can be played.
- (2) The Board cannot approve a poker machine as an approved poker machine if it is one by means of which player interactive draw poker, or some player interactive game derived from draw poker, is the only game that can be played.
- (3) Subclause (1) does not prevent the Board from authorising the keeping or use of an approved amusement device with features supplementary to a draw poker game, or a game derived from the draw poker game.

5 Limitation on types of gaming machines in hotels

- (1) The Board cannot authorise a multi-terminal gaming machine to be kept or operated in a hotel.
- (2) A hotelier must not install or keep a multi-terminal gaming machine in the hotel.

Maximum penalty (subclause (2)): 50 penalty units.

- (3) The Board may authorise approved gaming machines that are multi-game machines (that is, gaming machines that feature standard poker machine games and the draw poker game or some player interactive game derived from draw poker) to be kept and operated in a hotel. Any such approved gaming machine is to be treated as an approved poker machine for the purposes of the Act.

6 Amendment of specification documents for gaming machines

The Board may, from time to time, amend the specification document for an approved gaming machine by endorsing on it such modifications to the specifications as the Board may allow.

Gaming Machines Regulation 2002

Clause 7

Regulation and management of gaming machines—general provisions

Part 2

7 Transfer of Board's functions to CMS licensee

- (1) In accordance with section 67 of the Act, any function of the Board under the Act (except under Part 10) in relation to the authorisation to keep approved gaming machines that are connected to an authorised CMS may, to the extent that those functions are carried out by electronic means through the operation of an authorised CMS, be exercised by the CMS licensee who is operating the authorised CMS.
- (2) The CMS licensee may not exercise any of the Board's functions that would result in an approved gaming machine being required to be withdrawn from operation unless the CMS licensee has the Board's approval to do so.
- (3) In exercising the functions of the Board as referred to in this clause, the CMS licensee must:
 - (a) keep such records with respect to the authorisation of approved gaming machines as may be required by the Board, and
 - (b) make such reports to the Board with respect to the authorisation of approved gaming machines as may be required by the Board, and
 - (c) comply with such directions as may be issued by the Board.
- (4) Compliance with subclause (3) is a condition of the CMS licence.

8 Reduction of number of gaming machines in large-scale clubs

- (1) For the purposes of section 13 of the Act, the following Table specifies:
 - (a) by reference to the name of a large-scale club and the premises number allocated by the Board, the relevant premises of the large-scale clubs to which the requirement under section 13 (1) of the Act applies, and
 - (b) the number of approved gaming machines (*the target number*) that a large-scale club is required to dispose of in respect of its relevant premises before the end of the 5-year period referred to in that section:

Clause 8 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

Table

Name of club	Relevant premises number	Target number
Bankstown District Sports Club Ltd	225550	74
Blacktown Workers Club Ltd	225828	8
Bulldogs Leagues Club Ltd	226174	65
Club Marconi of Bossley Park Social Recreation and Sporting Club Ltd	226484	53
Commercial Club Ltd	235068	40
Eastern Suburbs Leagues Club Ltd	227103	19
Mingara Recreation Club Ltd	245764	54
Mount Pritchard & District Community Club Ltd	231135	56
Parramatta Leagues Club Ltd	229459	41
Penrith Rugby League Club Ltd	241858	117
Revesby Workers Club Ltd	229823	50
Rooty Hill RSL Club Ltd	241866	78
St Marys Rugby League Club Ltd	200183	16
Seagulls Rugby League Football Club Ltd	244954	53
South Sydney Junior Rugby League Club Ltd	230317	57
Twin Towns Services Club Ltd	239802	55
Western Suburbs Leagues Club Ltd	230929	58
Western Suburbs (Newcastle) Leagues Club Ltd	241386	59

Gaming Machines Regulation 2002

Clause 8

Regulation and management of gaming machines—general provisions

Part 2

-
- (2) The total target number is 953 approved gaming machines. If the relevant premises of a large-scale club cease to operate, the total target number is to be varied accordingly.
 - (3) For each year of the 5-year period referred to in section 13 of the Act, and until such time as the target number concerned is reached, a reduction of at least 20% of the total target number must be achieved (*the 20% annual target*).

Note. The 5-year period referred to in section 13 of the Act starts on the commencement of Part 2 of the Act, namely 2 April 2002. Therefore, each year of the 5-year period is the year beginning 2 April and ending 1 April in the following year. The 5-year period will end on 1 April 2007.

- (4) The Board is, before the end of each year of the 5-year period, to assess the number of approved gaming machines that have been disposed of in that year and determine whether the 20% annual target for that year has been achieved.
- (5) If the 20% annual target has not been achieved for the year concerned, the Board may, by notice in writing, direct a large-scale club to dispose of a specified number of approved gaming machines (as determined by the Board) in order for the 20% annual target to be achieved. Any such specified number cannot exceed the 20% annual target in respect of the club.
- (6) A large-scale club must comply with any such direction by the Board.
Maximum penalty (subclause (6)): 100 penalty units.

9 Hotel gaming rooms

- (1) In accordance with section 68 of the Act, this clause only applies in respect of a hotelier's licence if more than 10 approved gaming machines are kept in the hotel concerned.
- (2) If, because of section 68 of the Act, a hotelier is required to locate approved gaming machines in a gaming room, the gaming room must conform to the following requirements:
 - (a) the gaming room must be located in a restricted area of the hotel, and it must not be in a part of the hotel in respect of which a minors function authority under section 111A of the *Liquor Act 1982*, or an authorisation under section 112 of that Act, is in force,

Clause 9 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (b) the gaming room must be physically separated from the general bar area by a permanent floor to ceiling wall with at least the bottom half of such wall being constructed of opaque material, and any building approval for any work that is required to be done must be obtained before the approved gaming machines may be kept in the hotel,
 - (c) patrons must not be compelled to pass through the gaming room in order to enter or leave the hotel or in order to gain access to another part of the hotel,
 - (d) entry to the gaming room must be provided free of charge,
 - (e) any approved gaming machine in the gaming room must be situated so that it cannot be seen from any place outside the hotel that is used by the public or to which the public has access,
 - (f) all approved gaming machines in the gaming room must be suitably spaced in order to facilitate access to the gaming machines,
 - (g) the gaming room must at all times be supervised by the hotelier or an employee of the hotelier by way of electronic means or physical presence, or both,
 - (h) the gaming room must have a doorway or space that provides reasonable access to and from the gaming room to at least one operating bar, and at least one toilet for each gender, elsewhere in the hotel without the need for a patron to go on to a public street, or to any other area not forming part of the hotel, when moving from the gaming room to that bar or toilet or from that bar or toilet to the gaming room,
 - (i) if the gaming room can be accessed directly from a public street, each doorway or space in the gaming room that provides access to and from the rest of the hotel must be clearly marked as providing such access and be evident to patrons in the gaming room.
- (3) The requirement under subclause (2) (b) for a gaming room to be physically separated from the general bar area of a hotel does not:
- (a) prevent the provision of a doorway or equivalent space to facilitate access by patrons to and from the gaming room, and

Gaming Machines Regulation 2002

Clause 9

Regulation and management of gaming machines—general provisions

Part 2

- (b) operate so as to require the permanent wall to extend beyond any counter that is designed to serve patrons in both the gaming room and the general bar area.
- (4) More than one gaming room may be provided by a hotelier in the hotel.

10 Location and operation of gaming machines in hotels

- (1) A hotelier must not:
 - (a) keep an approved gaming machine in the hotel unless the gaming machine is located in a restricted area (within the meaning of the *Liquor Act 1982*) of the hotel, or
 - (b) permit an approved gaming machine in the hotel to be operated at any time other than a time when liquor may be lawfully sold or supplied under the *Liquor Act 1982* in the restricted area in which the gaming machine is kept.

Maximum penalty: 100 penalty units.

- (2) Subclause (1) (a) does not apply in relation to an approved gaming machine that is stored by the hotelier at such place (whether or not in the hotel) and in such circumstances as may be approved by the Board.

11 Terms and conditions of contracts in relation to gaming machines

For the purposes of section 72 of the Act, the prescribed terms and conditions of a contract for the keeping or modification of an approved gaming machine are terms and conditions setting out:

- (a) the serial number of the gaming machine, and
- (b) the place where the gaming machine is or is to be installed, and
- (c) the period the contract is to be in force, and
- (d) the consideration and the interest rate (if any) chargeable, and
- (e) if there is an option to purchase, the residual value required to exercise that option.

12 Faulty gaming machines

If a hotelier or registered club finds a fault that affects the playing or result of any game playable by means of an approved gaming machine, or the accuracy of any reading of any meter in an approved gaming machine, kept by the hotelier or club, the hotelier or club:

- (a) must switch off the gaming machine, and

Clause 12 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (b) must cause a notice to be attached to the gaming machine indicating that it is faulty, and
- (c) must not permit a member of the public to play or attempt to play a game by means of the gaming machine until the fault has been rectified, and
- (d) must cause the gaming machine to be repaired as soon as practicable.

Maximum penalty: 50 penalty units.

13 General requirement to award or pay prizes

- (1) A hotelier or registered club must award or pay a prize that is won from the playing of an approved gaming machine kept in the hotel or club to a player who is entitled to the prize (the **prizewinner**) on request by the prize-winner and in accordance with subclauses (2)–(7).
Maximum penalty: 100 penalty units.
- (2) A prize may be awarded in a non-monetary form or paid as money.
- (3) If a prize is awarded in a non-monetary form, the hotelier or registered club must give the prizewinner the choice to be paid money instead.
- (4) If a hotelier or registered club pays a monetary prize to a prizewinner, the hotelier or club must pay an amount equal to (but not exceeding) the value of the credits accumulated by the prizewinner from playing the relevant approved gaming machine.
- (5) A non-monetary prize must not consist of or include:
 - (a) more than 20 litres of liquor, or
 - (b) tobacco in any form, or
 - (c) knives or knife blades, or
 - (d) firearms or ammunition within the meaning of the *Firearms Act 1996*.
- (6) The hotelier or registered club, or an employee of the hotelier or club, need not award or pay a prize immediately after a prizewinner requests it, but:
 - (a) in the case of a monetary prize—must pay the prize within 48 hours of the request (except where the prize is a jackpot prize under a linked gaming system operated under Part 10 of the Act, in which case the prize is to be paid in accordance with the rules under the links licence concerned), and

Gaming Machines Regulation 2002

Clause 13

Regulation and management of gaming machines—general provisions

Part 2

-
- (b) in the case of a non-monetary prize—must award the prize:
 - (i) within the time stated in the information provided under clause 14 (3) (e), or
 - (ii) if no such time is stated—within 48 hours of the request.
 - (7) If a prize is not awarded or paid immediately after the prizewinner has requested it, the hotelier or registered club, or an employee of the hotelier or club, must give the prizewinner a written acknowledgment of the prizewinner's entitlement to the prize.

14 Other requirements relating to prizes

- (1) A hotelier or registered club must not, except with the Board's approval, vary the prize schedule of any approved gaming machine kept in the hotel or club.
- (2) A hotelier or registered club must not permit an approved gaming machine kept in the hotel or club to be operated unless the gaming machine has been adjusted so that the value of the prizes won by players of the gaming machine is not less than 85% of the total money paid by the players of the gaming machine.
- (3) If a hotelier or registered club offers or provides non-monetary prizes, the hotelier or club must make the following information readily accessible in any area of the hotel or club in which approved gaming machines are located:
 - (a) the nature or form of prizes offered,
 - (b) the terms on which prizes are awarded or paid,
 - (c) the right of a prizewinner to choose to receive money instead of any non-monetary prize awarded,
 - (d) any option available to a prizewinner to transfer a non-monetary prize for another non-monetary item or right,
 - (e) if the award of a non-monetary prize will not be made within 48 hours of the request for the prize—the time in which the hotelier or club will award the prize.

Clause 14 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (4) A hotelier or registered club, or a person acting on behalf of the hotelier or club, who purchases an item to be offered as a prize must, unless the Board approves otherwise, purchase the item directly from a person whose business comprises the production or sale of items of that kind.

Maximum penalty: 50 penalty units.

15 Records relating to prizes to be kept by clubs

A registered club must keep or cause to be kept a written record with respect to the awarding or payment of each prize and the payment of short-pay of an approved gaming machine kept by the club (other than monetary payments released directly by the gaming machine or prizes awarded or paid by way of redemption of a gaming machine ticket within the meaning of Part 7) that contains the following particulars:

- (a) the date of the award or payment,
- (b) the serial number of the gaming machine in respect of which the award or payment was made,
- (c) the prize-winning combination or the number of credits accumulated that are to be redeemed,
- (d) the amount of the prize, the value of the credits or the amount of the short-pay,
- (e) the name and signature of the person to whom the award or payment was made,
- (f) the signature of 2 other persons certifying that each has sighted the prize-winning combination or the number of credits and that the record made in accordance with this clause is correct in all details.

Maximum penalty: 50 penalty units.

16 Bet and prize limits on multi-terminal gaming machines

For the purposes of section 61 (4) of the Act:

- (a) \$100 is prescribed as the maximum amount for any single bet on a multi-terminal gaming machine, and
- (b) \$500,000 is prescribed as the maximum amount of any prize that may be won from playing a multi-terminal gaming machine.

Gaming Machines Regulation 2002

Clause 17

Regulation and management of gaming machines—general provisions

Part 2

17 Guarantee of prize payments from multi-terminal gaming machines

- (1) If the maximum jackpot prize that may be won on a multi-terminal gaming machine kept in a registered club exceeds \$20,000, the club must:
 - (a) establish with a financial institution a special account which is to have a balance equal to or greater than the total value of the jackpot prizes that may be won on each such gaming machine, or
 - (b) obtain a formal guarantee from a bank or recognised financial institution, or from a person or body approved by the Board, for an amount equal to the total value of the jackpot prizes that may be won on each such gaming machine.
 - (2) The registered club must cause to be kept a written record, in a form approved by the Board, of:
 - (a) any special account established under subclause (1) (a), or
 - (b) any guarantee obtained under subclause (1) (b).
- Maximum penalty: 50 penalty units.

18 Meters

- (1) A hotelier or registered club must ensure that the requirements of this clause are complied with to the extent that they apply to the hotelier or club.

Maximum penalty: 50 penalty units.
- (2) A hotelier or registered club must cause to be read, at monthly intervals, the following meters of the approved gaming machines kept by the hotelier or club:
 - (a) turnover meters,
 - (b) coins out or (if applicable) credit wins meters,
 - (c) money to cashbox meters,
 - (d) cancelled credits payments meters,
 - (e) book jackpot wins meters (if applicable),
 - (f) where fitted, money in meters (ie money transferred into gaming machines through the use of centralised cash control equipment),

Clause 18 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (g) where fitted, money out meters (ie money transferred out of gaming machines through the use of centralised cash control equipment),
 - (h) where fitted, cash in meters (ie cumulative total representing the value of money inserted into the gaming machine),
 - (i) where fitted, cash out meters (ie cumulative total representing the value of coins released from the gaming machine's hopper).
- (3) A hotelier or registered club must keep or cause to be kept a written record, with respect to each meter reading, containing the following particulars:
 - (a) the serial number of the approved gaming machine,
 - (b) the date of the reading,
 - (c) the meter reading.
- (4) If a turnover meter has malfunctioned since the last reading, an estimated reading must be recorded and any record of the reading must be clearly endorsed "Estimate" and indicated as such in any return or other information lodged with the Board.
- (5) In addition to the requirements of subclauses (2)–(4), a registered club must, at monthly intervals, record the following information in respect of each approved gaming machine kept by the club:
 - (a) a cash flow analysis,
 - (b) a comparison of cancelled credits payments and book jackpot wins meter readings with the corresponding entries in the club's payout sheets,
 - (c) a comparison of the money out meter reading (in the case of an approved gaming machine that issues gaming machine tickets by means of equipment subsidiary to the gaming machine), or the cancelled credits payments meter reading (in the case of an approved gaming machine that issues gaming machine tickets otherwise than by means of subsidiary equipment), with the total of:
 - (i) the value of the gaming machine tickets issued from the gaming machine, being gaming machine tickets that have been redeemed, and
 - (ii) the value of the unclaimed gaming machine tickets issued from the gaming machine.

Gaming Machines Regulation 2002

Clause 18

Regulation and management of gaming machines—general provisions

Part 2

-
- (6) The cash flow analysis must be in or to the effect of a form approved for the purpose by the Board.
 - (7) The information contained in a record referred to in subclause (5) must be reported to the club's board or committee at monthly intervals.
 - (8) If a meter of an approved gaming machine kept by a registered club ceases to function or malfunctions, the club must cause it to be repaired as soon as practicable after it so ceases or malfunctions.

19 Additional records by clubs

- (1) A registered club must make, on or before the 21st day in each month with respect to each approved gaming machine kept by the club, a record in or to the effect of a form approved for the purpose by the Board relating to the previous month and to that part of the previous 12 months for which information is available.

Maximum penalty: 50 penalty units.

- (2) A record under this clause is to be examined by the club's board or committee within 1 month after the last date on which the record was made.

20 Clearance and refilling of gaming machines in clubs

- (1) A registered club must ensure that the approved gaming machines kept in the club are cleared of money by at least 2 of the following persons:
 - (a) an authorised person within the meaning of Part 7,
 - (b) the holder of a gaming-related licence who is exercising functions authorised by the licence,
 - (c) a special inspector.
- (2) A registered club must cause to be kept a written record, with respect to each clearance of an approved gaming machine kept in the club, containing the following particulars:
 - (a) the date of the clearance,
 - (b) the serial number of the gaming machine cleared,
 - (c) the amount cleared,
 - (d) the signatures of the persons who cleared the gaming machine certifying that the record made in accordance with this clause is correct in all details.

Clause 20 Gaming Machines Regulation 2002

Part 2 Regulation and management of gaming machines—general provisions

- (3) A registered club must ensure that approved gaming machines kept in the club are refilled with money by at least 2 of the following persons:
 - (a) an authorised person within the meaning of Part 7,
 - (b) the holder of a gaming-related licence who is exercising functions authorised by the licence,
 - (c) a special inspector.
- (4) A registered club must cause to be kept a written record, with respect to each refill of an approved gaming machine kept in the club, containing the following particulars:
 - (a) the date of the refill,
 - (b) the serial number of the gaming machine refilled,
 - (c) the signatures of the persons who refilled the gaming machine certifying that the record made in accordance with this clause is correct in all details,
 - (d) in the event of a refill becoming necessary following a short-pay, the name and address of the player.

Maximum penalty: 50 penalty units.

Gaming Machines Regulation 2002

Clause 21

Responsible gambling practices and other harm minimisation measures

Part 3

Provisions relating to player information

Division 1

Part 3 Responsible gambling practices and other harm minimisation measures

Division 1 Provisions relating to player information

21 Display of information concerning chances of winning prizes on gaming machines

- (1) A hotelier or registered club must display, in accordance with this clause, notices providing information about the chances of winning a major prize from the operation of any approved gaming machine in the hotel or club.

Maximum penalty: 50 penalty units.

- (2) The information contained in the notices must be in the following form:

Your chance of winning the maximum prize on a gaming machine is generally no better than one in a million.

- (3) The notices must be:

- (a) displayed in each part of the hotel or registered club where approved gaming machines are located in such manner and in such a place that it would be reasonable to expect that a person entering the part of the hotel or club in which the notices are displayed would be alerted to their contents, and
- (b) prominently displayed on the front or top of each approved gaming machine kept in the hotel or club.

- (4) The matter contained in a notice must be:

- (a) in the case of a notice displayed as referred to in subclause (3) (a)—in letters of not less than one centimetre in height, and
- (b) in the case of a notice displayed as referred to in subclause (3) (b)—in letters of not less than 0.4 centimetres in height.

Clause 22 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures

Division 1 Provisions relating to player information

22 Approval of English and other community language player information brochures

(1) In this clause:

player information means the following:

- (a) information concerning the use of approved gaming machines,
- (b) information concerning the chances of winning prizes from the playing of approved gaming machines,
- (c) the G-line (NSW) help line phone number operated under contractual arrangements made by the Department of Gaming and Racing.

(2) The Minister may approve one or more pamphlets or brochures containing player information in the English language (a *player information brochure*).

(3) The Minister may approve one or more pamphlets or brochures containing advice in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:

- (a) indicates the substance of the player information contained in a player information brochure, and
- (b) advises that the information will be supplied by the hotelier or registered club in the relevant language on request by a patron of the hotel or club.

(4) A pamphlet or brochure approved under subclause (3) may be combined with the player information brochure to which it relates.

(5) The Minister may approve one or more pamphlets or brochures (a *community language player information brochure*) containing player information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages.

(6) The Minister may vary or withdraw any approval given under this clause.

Gaming Machines Regulation 2002

Clause 23

Responsible gambling practices and other harm minimisation measures

Part 3

Provisions relating to player information

Division 1

23 Provision of player information brochures

- (1) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must make copies of at least one player information brochure approved by the Minister under clause 22 available to patrons of the hotel or club in accordance with this clause.

Maximum penalty: 50 penalty units.

- (2) The brochures must be made available in each part of the hotel or registered club in which approved gaming machines are located.
- (3) The brochures must be displayed in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the hotel or club in which the brochures are required to be available would be alerted to their presence.

24 Provision of player information brochures in community languages

- (1) A patron of a hotel or registered club in which approved gaming machines are authorised to be kept may request the hotelier or club to supply to the patron a community language player information brochure approved under clause 22 (5) in one of the languages specified in that subclause.
- (2) The hotelier or registered club must supply a brochure in accordance with a request made under subclause (1) as soon as practicable after being requested to do so.

Maximum penalty: 50 penalty units.

25 Dangers of gambling—notice to be displayed on gaming machines

- (1) In this clause:

gambling warning notice means a notice containing one or more of the statements listed in subclause (5).

problem gambling notice is a notice containing the matter required by subclause (6).

- (2) A hotelier or registered club who or which is authorised to keep approved gaming machines must display in accordance with this clause:
- (a) a gambling warning notice, and
- (b) a problem gambling notice.

Maximum penalty: 50 penalty units.

Clause 25 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures

Division 1 Provisions relating to player information

- (3) The gambling warning notice and problem gambling notice must be prominently displayed on the front or top of each approved gaming machine kept in the hotel or registered club.
- (4) The wording required to appear in a gambling warning notice may appear (as a separate and distinct statement) in a problem gambling notice or with any other notice displayed on an approved gaming machine, provided that the requirements of this clause in relation to the gambling warning notice and the problem gambling notice are otherwise complied with.
- (5) The statements referred to in the definition of ***gambling warning notice*** in subclause (1) are as follows:
DON'T LET GAMBLING TAKE CONTROL OF YOUR LIFE
GAMBLING CAN BECOME ADDICTIVE
EXCESSIVE GAMBLING CAN RUIN LIVES
EXCESSIVE GAMBLING CAN DESTROY FAMILIES AND FRIENDSHIPS
EXCESSIVE GAMBLING CAN LEAD TO THE LOSS OF YOUR HOME OR OTHER ASSETS
EXCESSIVE GAMBLING CAN AFFECT YOUR HEALTH
- (6) The notice referred to in the definition of ***problem gambling notice*** in subclause (1) must contain the following:
Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635
- (7) Subclause (6) does not prevent a problem gambling notice containing other information.
- (8) The matter contained in a problem gambling notice must be in letters and figures of not less than 0.2 centimetres in height.
- (9) The matter contained in a gambling warning notice must be in capital letters of not less than 0.4 centimetres in height.
- (10) The notices may be attached to, or placed on top of, an approved gaming machine or may consist of a permanently visible light emitting display that forms part of the gaming machine.

Gaming Machines Regulation 2002

Clause 26

Responsible gambling practices and other harm minimisation measures

Part 3

Provisions relating to player information

Division 1

26 Counselling signage—notice to be displayed

- (1) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must:
- (a) display a notice that complies with this clause in the vicinity of the main entrance to the hotel or club, and
 - (b) display the notice in such a manner and in such a place that it would be reasonable to expect that a person using the main entrance to the hotel or club in which the notice is displayed would be alerted to its contents.

Maximum penalty: 50 penalty units.

- (2) The notice must contain the following:

IS GAMBLING A PROBLEM FOR YOU?

Are you in control of your gambling?

Do you gamble more than you can afford?

Do you borrow money to gamble?

Do you gamble to win back losses?

Does your gambling affect your family and friends?

FOR INFORMATION, COUNSELLING AND REFERRAL

CALL G-line (NSW)

24 hours a day, 365 days a year

1800 633 635

- (3) Subclause (2) does not prevent a notice under this clause containing other information.
- (4) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.

27 ATM signage

- (1) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must display a notice in accordance with this clause in a prominent position on the front or on top of each automatic teller machine (*ATM*) installed in the hotel or club.

Maximum penalty: 50 penalty units.

Clause 27 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 1 Provisions relating to player information

- (2) The notice must contain the following:
Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635
- (3) Subclause (2) does not prevent a notice under this clause containing other information.
- (4) The matter contained in the notice must be in letters and figures of not less than 0.2 centimetres in height.
- (5) The notice may be attached to an ATM or may consist of a permanently visible light emitting display that forms part of the ATM.

28 Display of clocks

A hotelier or registered club must ensure:

- (a) that a clock in good working order and that is set to, or within 10 minutes of, the correct time is kept in each part of the hotel or club where approved gaming machines are located, and
- (b) that the time shown on that clock can be readily viewed by any person operating an approved gaming machine in that part of the hotel or club.

Maximum penalty: 50 penalty units.

Division 2 Cheques and cash dispensing facilities

29 Prohibitions on dealings with cheques

- (1) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must not:
 - (a) exchange a cheque for cash unless the cheque is made out to:
 - (i) the hotelier or the hotel owner, or
 - (ii) to the club, or
 - (b) exchange a cheque for more than \$400 in cash, or
 - (c) exchange more than one cheque for the same person on a single day for cash, or

Gaming Machines Regulation 2002

Clause 29

Responsible gambling practices and other harm minimisation measures

Part 3

Cheques and cash dispensing facilities

Division 2

- (d) exchange a cheque for cash if a cheque previously exchanged for the person who tendered the cheque has not been met on presentation (unless the amount of the cheque not met was subsequently paid to the hotelier or club).

Maximum penalty: 50 penalty units.

- (2) If a hotelier or registered club is authorised to keep approved gaming machines, the hotelier or club must bank any cheque that the hotelier or club has exchanged for cash within 2 working days after the day on which the cheque is accepted.

Maximum penalty: 50 penalty units.

- (3) For the purposes of this clause, a cheque is considered to be made out to a hotelier or a hotel owner only if the hotelier or the hotel owner is the person specified in the cheque (originally and not by endorsement) as payee, whether by name or by indication by use of a name under which the business authorised by the hotelier's licence is conducted.

- (4) In this clause:

cash includes credits that can be used to play an approved gaming machine.

cheque has the same meaning as it has in the *Cheques Act 1986* of the Commonwealth, but does not include a traveller's cheque.

hotel owner means a person who owns (whether or not together with, or on behalf of, any other person) the business conducted under the authority of the hotelier's licence concerned.

30 Payment of prize money by cheque or electronic funds transfer

- (1) A hotelier or registered club must pay so much of the total prize money payable to a person as exceeds \$1,000:
- (a) by means of a crossed cheque payable to the person, or
 - (b) if the person so requests, by means of electronic funds transfer (if those means are available to the hotelier or club) to an account nominated by the person.

Maximum penalty: 50 penalty units.

Clause 30 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 2 Cheques and cash dispensing facilities

- (2) If the total prize money payable to a person exceeds \$1,000, a hotelier or registered club must, if the person so requests, pay the component of the prize that is below \$1,000 in the same manner as is required under subclause (1).

Maximum penalty: 50 penalty units.

- (3) In this clause:

crossed cheque means a cheque crossed as referred to in section 53 of the *Cheques Act 1986* of the Commonwealth.

total prize money means the total amount of money payable to a person as a result of the person winning money on an approved gaming machine, or accumulating credits on an approved gaming machine, or both, on a single occasion.

31 Location of cash dispensing facilities away from gaming machines

A hotelier or registered club must not permit a facility for the withdrawal or transfer of money from a bank or authorised deposit-taking institution (such as an ATM or EFTPOS terminal) to be located in a part of the hotel or club in which approved gaming machines are located.

Maximum penalty: 50 penalty units.

32 Exemption

- (1) The Board may, in accordance with guidelines approved by the Minister, exempt a hotelier or registered club in writing from the operation of clause 29 or 31.
- (2) The exemption may be limited in duration and may be subject to such conditions as may be specified in the exemption.
- (3) The Board may cancel or vary the terms of an exemption at any time by means of a written notice served on the hotelier or registered club concerned.

Division 3 Social impact assessment of gaming machines

33 Classes of social impact assessment

- (1) For the purposes of section 34 (2) (a) of the Act:
 - (a) the prescribed period is 3 years, and

Gaming Machines Regulation 2002

Clause 33

Responsible gambling practices and other harm minimisation measures

Part 3

Social impact assessment of gaming machines

Division 3

- (b) the prescribed number of approved gaming machines in relation to that period is 5.
- (2) In accordance with section 35 (b) of the Act, a class 1 social impact assessment is to be provided if:
 - (a) the application for authorisation to keep approved gaming machines relates to a new hotel or new club, and
 - (b) the premises of the new hotel or new club have been removed from other premises (*the previous premises*) situated within 1 kilometre of the premises of the new hotel or new club, and
 - (c) the number of approved gaming machines proposed to be kept in the new hotel or new club is no more than the number kept in the previous premises.
- (3) A class 2 social impact assessment is required in connection with any other application to which Division 1 of Part 4 of the Act applies.
- (4) Without limiting subclause (3), a class 2 social impact assessment is required in connection with such an application if:
 - (a) one or more social impact assessments have, in the period of 3 years preceding the date of the application, been approved in respect of the hotel or registered club concerned, and
 - (b) were the application to be granted and added to the number of additional gaming machines approved in that 3-year period—the total number of additional gaming machines so approved would be more than 4.

34 Class 1 social impact assessment

- (1) The following information must be included in a class 1 social impact assessment:
 - (a) details of the measures that the hotelier or registered club has taken, or proposes to take, to ensure that gambling activities in the hotel or club will be conducted in a responsible manner,
 - (b) the internal floor space (in square metres) of the hotel or the premises of the club,

Clause 34 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 3 Social impact assessment of gaming machines

- (c) in the case of an application by a new hotel or new club—a list of the schools, places of public worship and hospitals that may reasonably be considered to be in the immediate vicinity of the hotel or club premises, including a map showing the location of the hotel or club premises and the location of those schools, places of public worship and hospitals.
- (2) For the purposes of this Division, the internal floor space of a hotel or the premises of a registered club includes any outdoor dining area or other unenclosed seating area.

35 Class 2 social impact assessment

- (1) The following information must be included in a class 2 social impact assessment:
 - (a) the information referred to in clause 34 (1),
 - (b) the total number of gaming machines that are authorised to be kept for the time being in the local government area in which the hotel or registered club is situated,
 - (c) the total number of gaming machines resulting from the Board's approval of social impact assessments in respect of hotels and clubs in that area but which are not yet authorised to be kept,
 - (d) the total gaming machine expenditure for that area,
 - (e) an estimate of median individual wage and salary income for that area,
 - (f) the unemployment level for that area,
 - (g) an estimate of the resident population in that area of persons aged 18 years or over.
- (2) The information referred to in subclause (1) (b)–(d) is to be provided to the applicant by the Department of Gaming and Racing. The information referred to in subclause (1) (e)–(g) is to be provided from such sources as are specified by the Board.
- (3) A class 2 social impact assessment must also include the following:
 - (a) a map indicating where the hotel or club is situated,
 - (b) an identification of the negative social and economic impact on the local community that would or might result from the granting of the application to which the social impact assessment relates,

Gaming Machines Regulation 2002

Clause 35

Responsible gambling practices and other harm minimisation measures

Part 3

Social impact assessment of gaming machines

Division 3

- (c) an identification of the social and economic benefit to the local community that would or might result from the granting of the application,
- (d) a statement, supported by data provided in the social impact assessment, addressing whether there is likely to be an overall net social and economic benefit to the local community if the application were granted,
- (e) a statement outlining and identifying the source and date of all data and information provided in the social impact assessment,
- (f) a statement, supported by data provided in the social impact statement, estimating the following:
 - (i) the number of gaming machines per person aged 18 years or over that would be available in the local government area in which the hotel or club is situated if the application were granted,
 - (ii) the average expenditure on gaming machines per person aged 18 years or over in that area if the application were granted.
- (4) For the purposes of subclause (3) and section 37 (3) (d) of the Act, the local community comprises the people living in the local government area in which the hotel or registered club is situated.
- (5) The Board may require the applicant to provide further information if it considers the information to be relevant to its determination under section 37 (3) (d) of the Act. Such further information may relate to adjoining local government areas.
- (6) In determining a class 2 social impact assessment in accordance with section 37 (3) (d) of the Act, the Board is to take into consideration:
 - (a) the information provided under this clause, and
 - (b) any relevant information provided by the Department of Gaming and Racing concerning the level of utilisation of gambling-related counselling services in the local government area in which the hotel or registered club is situated, and
 - (c) such other matters as the Board thinks relevant.

Clause 36 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures

Division 3 Social impact assessment of gaming machines

36 Submissions in relation to class 2 social impact assessment

- (1) If a class 2 social impact assessment is provided to the Board in connection with an application as referred to in Division 1 of Part 4 of the Act, the applicant must provide a copy of the social impact assessment to each of the following:
 - (a) the local council for the area in which the hotel or registered club is situated,
 - (b) the Council of Social Service of New South Wales,
 - (c) the Department of Community Services,
 - (d) the area health service in respect of which the hotel or club is situated,
 - (e) the Director,
 - (f) any body that receives funding from the Casino Community Benefit Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services in the area in which the hotel or registered club is situated.
- (2) Any such body is to be given an opportunity to make submissions to the Board on the social impact assessment within 30 days of receiving the copy of the assessment or such later time as the Board may approve.
- (3) The Board may also invite submissions on the social impact assessment from such other persons or bodies as it thinks relevant.
- (4) In determining the social impact assessment, the Board is to take into account any submissions made to it under this clause.

37 Floor space requirements

- (1) The Board cannot approve a social impact assessment in connection with an application for authorisation to keep approved gaming machines in a hotel or the premises of a registered club (***the relevant application***) if:
 - (a) in the case of a hotel or club premises with an internal floor space of less than 250 square metres—the approval would result in the hotelier or club being authorised to keep more than 2 approved gaming machines at any one time in the hotel or club premises, or

Gaming Machines Regulation 2002

Clause 37

Responsible gambling practices and other harm minimisation measures

Part 3

Social impact assessment of gaming machines

Division 3

- (b) in the case of a hotel or club premises with an internal floor space of more than 250 square metres but less than 300 square metres—the approval would result in the hotelier or club being authorised to keep more than 4 approved gaming machines at any one time in the hotel or club premises, or
 - (c) in the case of a hotel or club premises with an internal floor space of more than 300 square metres but less than 350 square metres—the approval would result in the hotelier or club being authorised to keep more than 6 approved gaming machines at any one time in the hotel or club premises, or
 - (d) in the case of a hotel or club premises with an internal floor space of more than 350 square metres but less than 400 square metres—the approval would result in the hotelier or club being authorised to keep more than 8 approved gaming machines at any one time in the hotel or club premises.
- (2) For the purposes of subclause (1), any such maximum number of approved gaming machines in respect of a hotel or club premises includes the number of approved gaming machines already authorised to be kept in the hotel or club premises at the time the relevant application is made.
- (3) Subclause (1) does not limit the Board's discretion under section 37 (6) of the Act to partly approve a social impact assessment.

38 Exhibition of certain applications and accompanying social impact assessments

- (1) This clause applies to an application under Part 5 of the Act for authorisation to keep approved gaming machines in a new hotel or a new club if the premises the subject of the application are not yet erected or are not occupied by the applicant.
- (2) For the purposes of section 36 (2) of the Act, section 36 (1) (a) of the Act is complied with in relation to an application to which this clause applies if the application and the social impact assessment prepared in connection with the application are dealt with as follows:
- (a) by placing a copy of the application and social impact assessment on exhibition at premises within the area in which the premises the subject of the application are situated,
 - (b) by allowing for inspection of the application and assessment by any person at those premises, at least between the hours of 9 am and 5 pm on Monday to Friday at no cost,

Clause 38 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures

Division 3 Social impact assessment of gaming machines

- (c) by attaching a notice to the outside of the premises the subject of the application, or to the perimeter of any vacant site on which the premises will be erected, in such a way that the notice can be easily seen and read by a member of the public passing the premises or site, being a notice that sets out the following information:
 - (i) the fact that an application has been made to the Board in relation to the premises,
 - (ii) an explanation of the nature of the application,
 - (iii) a statement that the application and social impact assessment can be inspected by any member of the public at no cost,
 - (iv) where and when the application and social impact assessment can be inspected by the public.

39 Operation of approval of social impact assessment

- (1) If a social impact assessment is approved by the Board under section 37 of the Act, the hotelier or registered club concerned has a period of 3 years from the date of the approval in which to acquire poker machine entitlements in respect of the number of gaming machines to which the approval relates (the *SIA quota*).
- (2) If, at the end of that 3-year period, the hotelier or club has not acquired poker machine entitlements in respect of the SIA quota, a new social impact assessment is required before the hotelier or club can acquire poker machine entitlements in respect of the portion of the SIA quota that is not used during the 3 year period.
- (3) For the purposes of section 37 (5) of the Act, the prescribed period in relation to a social impact assessment is 3 years from the date of the Board's approval of the assessment.

40 Transitional provision—certain hardship applications exempt from social impact assessment requirement

- (1) In this clause:

relevant hotel means a hotel in respect of which the licence under the *Liquor Act 1982* was or is removed after 26 July 2001 to other premises within the same neighbourhood as the previous premises.

Gaming Machines Regulation 2002

Clause 40

Responsible gambling practices and other harm minimisation measures

Part 3

Social impact assessment of gaming machines

Division 3

- (2) If a hardship application as referred to in Division 3 of Part 3 of the Act is made in relation to a relevant hotel, the applicant is exempt from the requirement under section 33 of the Act to provide a social impact assessment in connection with the application.

Division 4 Miscellaneous

41 Gambling-related advertising and signs—exclusions

- (1) Any gambling-related advertising that appears:
- (a) in a gaming machine industry trade journal, or
 - (b) in a publication for a trade convention involving the gaming machine industry,
- is excluded from the operation of section 43 of the Act.
- (2) Any gambling-related advertising (including any such advertising that is also a gambling-related sign as referred to in section 44 of the Act) that:
- (a) appears or is stated inside a hotel or registered club, and
 - (b) cannot be seen or heard from outside the hotel or club,
- is excluded from the operation of section 43 of the Act.
- (3) If the name (including the registered business name) of a registered club, as at 2 April 2002, constitutes gambling-related advertising under section 43 of the Act or a gambling-related sign under section 44 of the Act, the club is exempt from those sections to the extent that the publishing or displaying of the name is an offence under those sections.
- (4) If the name of a hotel (as required to appear and be maintained on the front of the hotel in accordance with section 91 of the *Liquor Act 1982*) constitutes gambling-related advertising under section 43 of the Act or a gambling-related sign under section 44 of the Act, the hotelier is exempt from those sections to the extent that the publishing or displaying of the name of the hotel is an offence under those sections.
- (5) An exemption under subclause (4) applies in respect of a hotelier only:
- (a) until 11 July 2002, or

Clause 41	Gaming Machines Regulation 2002
Part 3	Responsible gambling practices and other harm minimisation measures
Division 4	Miscellaneous

- (b) if an application is made before that date to have the name of the hotel changed under section 91 of the *Liquor Act 1982*—until such time as the Board deals with the application.
- (6) An approved gaming machine does not, in itself, constitute a gambling-related sign for the purposes of section 44 of the Act.

42 Provision of player activity statements under player reward schemes

- (1) Player activity statements are required to be provided by a hotelier or registered club under section 45 (4) of the Act only if the player reward scheme being conducted by the hotelier or club is one in which a participant's activity in relation to playing gaming machines is recorded by electronic means.

Note. Section 45 (4) of the Act provides that it is an offence (maximum penalty 100 units) for hoteliers and clubs that conduct player reward schemes not to provide player activity statements in accordance with the regulations. Because of section 45 (6) of the Act, the requirement to provide player activity statements in accordance with this clause does not apply to hoteliers and clubs until 2 October 2002.

- (2) For the purposes of section 45 (4) and (5) of the Act, player activity statements relating to the playing of approved gaming machines by the participants in a player reward scheme conducted by the hotelier or club must:
 - (a) be made available, on request by the participant to whom any such statement relates, on a monthly basis, and
 - (b) include, as a minimum, the information referred to in subclause (3).
- (3) The following information, provided in the form approved by the Board, is the minimum information that must be included in a participant's player activity statement:
 - (a) the total amount of turnover by the participant during the monthly period covered by the statement,
 - (b) the total wins recorded during the monthly period,
 - (c) the net expenditure (ie turnover less wins) during the monthly period,
 - (d) the total points earned and redeemed during the monthly period as the result of playing gaming machines under the scheme,

Gaming Machines Regulation 2002

Clause 42

Responsible gambling practices and other harm minimisation measures
MiscellaneousPart 3
Division 4

- (e) the total length of time over each 24-hour period during the monthly period when the participant's player card was inserted in gaming machines under the scheme (*the daily record*),
 - (f) the total length of time that the participant's player card was inserted in gaming machines under the scheme during the monthly period.
- (4) The daily record is required to be included in the player activity statement only in respect of those days that the participant's player card was used.
- (5) A player activity statement is to also include a note stating that the information detailed in the statement:
 - (a) only relates to the occasions on which the participant used his or her player card under the player reward scheme to play a gaming machine, and
 - (b) does not necessarily relate to all of the participant's gaming machine activity during the monthly period, and
 - (c) may not include information about wins from playing gaming machines that are part of a linked gaming system within the meaning of Part 10 of the Act.
- (6) Information to the effect that player activity statements are available on request must:
 - (a) be given to each participant at the time the participant joins the player reward scheme conducted by the hotelier or registered club, and
 - (b) be included in any promotional material relating to the player reward scheme.
- (7) A player activity statement must include the G-line information referred to in clause 25 (6).
- (8) Player activity statements must be provided free of charge by the hotelier or registered club. However, if a participant requests a subsequent player activity statement to be provided in respect of a monthly period, the hotelier or club may charge for providing the subsequent statement in accordance with the scale of charges approved by the Board.

Clause 43 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures

Division 4 Miscellaneous

43 Requirement to keep record or copy of player activity statement

A hotelier or registered club must keep a record or copy of each player activity statement provided by the hotelier or club under section 45 (4) of the Act.

Maximum penalty: 50 penalty units.

44 Disclosure of information in player activity statements

- (1) This clause applies in relation to a player activity statement that relates to the playing of approved gaming machines under a player reward scheme (within the meaning of section 45 of the Act) conducted by a hotelier or registered club regardless of whether the player activity statement is provided under section 45 (4) of the Act.
- (2) A hotelier or club must not disclose any information contained in a player activity statement to any person unless that person:
 - (a) is the person to whom the information relates, or
 - (b) is lawfully entitled to have access to the information.
- (3) A person who acquires any information contained in a player activity statement provided by a hotelier or registered club must not disclose the information to any person unless the person disclosing the information:
 - (a) is the person to whom the information relates, or
 - (b) is authorised or required to do so by law.

Maximum penalty: 100 penalty units.

45 Transitional exemption—redeeming existing player reward scheme bonus points for cash

A hotelier or registered club is, until 2 July 2002, exempt from section 45 (2) (d) of the Act with respect to any bonus or reward points accumulated by a patron of the hotel or club before 2 April 2002 under a player reward scheme.

46 Provision of problem gambling counselling services

- (1) This clause commences on 2 July 2002.

Gaming Machines Regulation 2002

Clause 46

Responsible gambling practices and other harm minimisation measures
MiscellaneousPart 3
Division 4

- (2) The classes of persons who are to provide problem gambling counselling services as referred to in section 46 of the Act are persons who are employed or engaged by, or whose services are accessed through, any of the following bodies (referred to in this clause as **service providers**):
- (a) Australian Hotels Association (NSW),
 - (b) Clubs NSW,
 - (c) BetSafe,
 - (d) any other body that receives funding from the Casino Community Benefit Fund under the *Casino Control Act 1992* for the specific purpose of providing gambling-related counselling or treatment services.
- (3) A hotelier or registered club is required to make available at all times to the patrons of the hotel or club information as to the name and contact details of a problem gambling counselling service made available by or through a service provider.
- (4) The hotelier or registered club must also provide the information referred to in subclause (3):
- (a) to each person who is a participant in a self-exclusion scheme conducted by the hotelier or club under section 49 of the Act at the time the participant undertakes to be part of the scheme or as soon as practicable after that time, and
 - (b) to any other person whenever requested to do so.
- (5) A hotelier or registered club must display a notice that complies with subclause (6) in any area of the hotel or club in which gaming machines are located.
- Maximum penalty: 50 penalty units.
- (6) The notice must contain the following information:
- (a) the name and contact details of the problem gambling counselling service referred to in subclause (3),
 - (b) a statement advising patrons that a self-exclusion scheme is available in the hotel or club for the benefit of patrons who wish to be prevented from entering or remaining in any nominated area of the hotel or club for the purposes of assisting patrons to control their gambling,

Clause 46 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 4 Miscellaneous

- (c) the name and contact details of a person or body who is able to assist patrons with becoming participants in a self-exclusion scheme conducted in the hotel or club.

47 Self-exclusion schemes

- (1) Section 49 (3) of the Act does not apply to a hotelier or registered club until 2 July 2002.
- (2) For the purposes of section 49 of the Act, the prescribed requirements for the conduct of a self-exclusion scheme by a hotelier or registered club are that the scheme makes provision for the following:
 - (a) preventing the hotelier or registered club, or an employee of the hotelier or club, from refusing a participant's request to participate in the scheme,
 - (b) requiring the participant to give an undertaking that he or she will not gamble in the hotel or club for a period specified in the undertaking (such undertaking may be in a standard form as approved by the Director-General from time to time),
 - (c) requiring the participant to be given an opportunity to seek independent legal or other professional advice at his or her own expense as to the meaning and effect of the undertaking before it is given,
 - (d) requiring a participant who enters into an undertaking to be provided by the hotelier or club (or an employee of the hotelier or club) with written information outlining the name and contact details of the problem gambling counselling service referred to in clause 46 (3),
 - (e) requiring the hotelier or club to ensure that responsible persons for the hotel or the club can readily identify the participant, whether by means of access to a recent photograph of the participant or otherwise,
 - (f) requiring the hotelier or club:
 - (i) to publicise the availability of the scheme and information as to how it operates to the patrons of the hotel or club, and
 - (ii) to make available, on request by any patron of the hotel or club, the standard self-exclusion form (if any) referred to in paragraph (b),
 - (g) preventing a participant from withdrawing from the scheme within 3 months after requesting participation in the scheme.

Gaming Machines Regulation 2002

Clause 47

Responsible gambling practices and other harm minimisation measures
MiscellaneousPart 3
Division 4

- (3) The requirements prescribed by this clause constitute the minimum requirements for a self-exclusion scheme.
- (4) In this clause:
participant means a person who has requested that he or she be prevented from entering or remaining on any area of a hotel or registered club that is nominated by the person.

48 Gambling inducements

A hotelier or registered club must not:

- (a) offer or supply any free or discounted liquor as an inducement to play, or to play frequently, approved gaming machines in the hotel or club, or
- (b) offer free credits to players, or as an inducement to persons to become players, of approved gaming machines in the hotel or club by means of letter box flyers, shopper dockets or any other similar means.

Maximum penalty: 50 penalty units.

49 Signs relating to gaming machine areas in clubs

- (1) A sign that contains the following words in letters of not less than one centimetre in height must be conspicuously displayed in each gaming machine area of a registered club:

The Gaming Machines Act 2001 prohibits any person under the age of 18 years being in this part of the club.

- (2) If a registered club has a gaming machine area, a sign that contains the following words in letters of not less than one centimetre in height must be conspicuously displayed in the vicinity of the place where the register referred to in section 30 (2) (k) of the *Registered Clubs Act 1976* is kept:

The Gaming Machines Act 2001 prohibits any member permitting a person under the age of 18 years to be in a part of the club defined under that Act as a gaming machine area.

- (3) If subclause (1) or (2) is not complied with in relation to a registered club, the club and the secretary of the club are each guilty of an offence.

Maximum penalty: 50 penalty units.

Clause 49 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 4 Miscellaneous

- (4) Despite subclauses (1) and (2), notices (*the existing notices*) complying with clause 12 (2) and (3) of the *Registered Clubs Regulation 1996*, as in force immediately before 2 April 2002, may continue to be used:
- (a) until such time as the existing notices are replaced by the signs referred to in subclauses (1) and (2), or
 - (b) until 2 April 2003,
- whichever occurs first.
- (5) If the existing notices continue to be used in a registered club in accordance with subclause (4), subclause (3) does not apply to the club or the secretary of the club during the period in which the existing notices are so used.

50 Publicity for prizewinners

- (1) A hotelier, registered club or licensee, or an employee of a hotelier, registered club or licensee, must not publish or cause to be published anything which identifies any person who:
- (a) wins a prize of more than \$1,000 in value from playing an approved gaming machine in a hotel or club, and
 - (b) when claiming the prize, requests in writing to the hotelier, club or licensee, or to an employee of the hotelier, club or licensee, that anything disclosing the person's identity not be published.

Maximum penalty: 50 penalty units.

Note. Publishing the identity of a prizewinner (regardless of whether the publication complies with this clause) is gambling-related advertising for the purposes of section 43 of the Act, and accordingly the publication cannot be seen or heard otherwise than inside the venue concerned.

- (2) A person who makes a request referred to in subclause (1) (b) may at any time revoke the request.
- (3) Subclause (1) does not apply to:
- (a) a request that has been revoked by the prizewinner concerned, or
 - (b) the publication, inside the venue where the prize is won, of information:
 - (i) relating to the type or value of the prize won, and
 - (ii) that identifies the venue, or geographic location of the venue, where it was won.

Gaming Machines Regulation 2002

Clause 50

Responsible gambling practices and other harm minimisation measures
MiscellaneousPart 3
Division 4

(4) In this clause:

licensee means the holder of a links licence or investment licence.*publish* includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, the Internet or television).**51 Training of hoteliers, club secretaries and employees associated with gaming machine activities**

(1) The Board is to refuse any application by a hotelier or registered club under section 57 of the Act:

- (a) to keep an approved gaming machine, or
- (b) to vary an existing authorisation to keep an approved gaming machine,

unless the Board is satisfied that the hotelier or the secretary of the club has satisfactorily completed the approved training course.

(2) If a hotelier keeps any approved gaming machines, the hotelier is guilty of an offence unless the hotelier has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

(3) If a registered club keeps any approved gaming machines, the club and the secretary of the club are each guilty of an offence unless the secretary has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

(4) A hotelier or registered club must not employ, or continue to employ, a person whose duties are concerned in the conduct of activities involving approved gaming machines in the hotel or club unless the person has satisfactorily completed the approved training course.

Maximum penalty: 50 penalty units.

(5) In a provision of this clause, *approved training course* means a course of training approved by the Board for the purposes of the provision concerned and conducted by a training provider approved by the Board under clause 52.

(6) The Board may, for the purposes of a provision of this clause, approve any course of training that the Board considers will promote responsible practices in the conduct of activities involving approved gaming machines in hotels and registered clubs.

Clause 52 Gaming Machines Regulation 2002

Part 3 Responsible gambling practices and other harm minimisation measures
Division 4 Miscellaneous

52 Approval of training providers

- (1) A registered provider may apply to the Board to be approved as a training provider for the purposes of clause 51.
- (2) The Board may, after considering an application for approval:
 - (a) grant the application, or
 - (b) refuse the application.
- (3) The Board may impose conditions on an approval.
- (4) In addition to any conditions imposed by the Board on an approval, it is a condition of an approval that any person conducting the approved training course under the approval must:
 - (a) hold a Certificate IV in Assessment and Workplace Training awarded by a registered provider, or have such other qualification as the Board considers to be equivalent, and
 - (b) have at least 3 years experience as the holder of a managerial or supervisory position in a hotel or registered club (being a position with duties in relation to the conduct of gaming machine activities), or have such other experience as the Board considers to be equivalent, and
 - (c) have attended a seminar, conducted by or on behalf of the Board, on the appropriate delivery of the course.
- (5) If the Board grants an approval, it must issue the applicant with a written approval that sets out any conditions to which the approval is subject.
- (6) If the Board refuses an application for approval, it must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.
- (7) The Board may vary any condition imposed by the Board on an approval under this clause, or suspend or cancel such an approval, but only after giving the holder of the approval an opportunity to make submissions.
- (8) However, an opportunity to make submissions is not required to be given if the registered provider concerned no longer employs or engages a person who has the qualifications and experience referred to in subclause (4).

Gaming Machines Regulation 2002

Clause 52

Responsible gambling practices and other harm minimisation measures

Part 3

Miscellaneous

Division 4

-
- (9) A variation of the conditions of, or the suspension or cancellation of, an approval under this clause:
- (a) must be by notice in writing, and
 - (b) must be served on the person to whom the approval relates, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.
- (10) Except during any period of suspension, an approval under this clause remains in force unless sooner cancelled.
- (11) In this clause, **registered provider** has the same meaning as in the *Vocational Education and Training Accreditation Act 1990*.

Clause 53 Gaming Machines Regulation 2002

Part 4 Gaming-related licences

Part 4 Gaming-related licences

53 Lodgment of applications for gaming-related licences generally

- (1) An application for a gaming-related licence must be lodged with the Principal Registrar in triplicate.
- (2) If the application is required to be advertised, the notice of hearing of the application must be lodged in quadruplicate.
- (3) An application must be accompanied by an affidavit setting out the facts on which the applicant proposes to rely.
- (4) Any affidavit required by this Regulation or the Act to accompany an application must be lodged in triplicate.
- (5) Immediately after fixing the date for the hearing of an application, the Principal Registrar or registrar must send a copy of the application to the Commissioner of Police and the Director.

54 Applications by dealers

- (1) In this clause:
application means an application for a dealer's licence.
relevant premises means the premises from which an applicant proposes to carry on the business or other activity authorised by a dealer's licence.
- (2) An applicant must advertise the application:
 - (a) in a newspaper that circulates throughout New South Wales, and
 - (b) in a local newspaper that circulates in the area in which the relevant premises are located.
- (3) The advertisement must:
 - (a) be published 14 clear days before the date fixed by the registrar for the hearing of the application, and
 - (b) include the following:
 - (i) the full name and address of the applicant,
 - (ii) the purpose of the application,
 - (iii) the name and location of the relevant premises,
 - (iv) the date and place fixed for the hearing of the application.

Gaming Machines Regulation 2002

Clause 54

Gaming-related licences

Part 4

-
- (4) An applicant must serve a copy of the application, with the date of hearing inserted in it, on the local council for the area in which the relevant premises are located. The copy must be served not later than 14 days before the date of hearing of the application.
 - (5) A copy of an application, with the hearing date inserted in it, must be fixed by the applicant to the relevant premises. The copy must be at least of the same print and paper size as the application.
 - (6) The copy must be fixed to the relevant premises for the whole of the period of 14 days before the hearing date.
 - (7) If the relevant premises have not been erected, the requirement to fix a copy of an application to the relevant premises may be satisfied by fixing the copy to a notice board erected on the land on which it is proposed to erect the premises.
 - (8) A copy of an application is not fixed to premises or land in accordance with this clause unless:
 - (a) it is fixed to the relevant premises or land in such a position that it is legible to members of the public passing the premises or land, and
 - (b) if the Board has directed that it also be fixed in another specified position—it is also fixed in that other position.

55 Applications for technician's or adviser's licences

In accordance with section 88 (5) of the Act, an application for a technician's licence or adviser's licence may be made only by a natural person.

56 Allocation of serial numbers for gaming machines

- (1) A dealer must allocate a serial number to each approved gaming machine manufactured, assembled or sold by the dealer.

Maximum penalty: 50 penalty units.
- (2) The Board is, from time to time, to allocate to a dealer a code consisting of 2 alphabetical characters that are unique to the dealer.
- (3) For the purpose of this clause, serial numbers consist of 8 alphanumeric characters (preceded by the letter "X") of the form "DDnnnnnn". "DD" represents the unique dealer code referred to in subclause (2), and "nnnnnn" represents unique numbers allocated by the dealer.

Clause 56 Gaming Machines Regulation 2002

Part 4 Gaming-related licences

- (4) Under special circumstances the Board may require additional information to be included in a serial number.

57 Manufacture, assembly and repair of gaming machines

- (1) A dealer must not permit the manufacture, assembly or repair of an approved gaming machine to be undertaken on the dealer's premises except under the supervision of a technician.
- (2) A person must not remove a memory chip from a logic board unless the person is a technician employed by a dealer and does so in the course of the person's employment.

Maximum penalty: 20 penalty units.

58 Records and returns

- (1) A dealer must keep a record, in the form approved by the Board, in respect of every approved gaming machine or logic board sold by the dealer.
- (2) The record must contain such of the following information as is relevant to the activities carried on by the dealer under the authority of the licence:
- (a) the serial number of each approved gaming machine,
 - (b) the month and year of manufacture and assembly of each approved gaming machine or logic board,
 - (c) the name of the person to whom each approved gaming machine or logic board is sold,
 - (d) the date of sale, and the sale price, of each approved gaming machine or logic board,
 - (e) if an approved gaming machine or logic board that has not been sold leaves the dealer's premises:
 - (i) the reason why it is not on the premises, and
 - (ii) the name of the person who took it away, and
 - (iii) a description of any licence or other authority which authorises that person to have possession of the gaming machine or logic board under the Act.
- (3) At such times as the Board may determine and notify by notice in writing served on the dealer, a dealer must:
- (a) extract from the record made by the dealer under this clause such particulars as may be required by the notice, and

Gaming Machines Regulation 2002

Clause 58

Gaming-related licences

Part 4

-
- (b) furnish to the Board:
 - (i) those particulars, and
 - (ii) a certificate that they are true and correct.

Maximum penalty: 20 penalty units.

59 Use of gaming machines or logic boards for sales promotions

A dealer must not permit the sales promotion, by a seller, of an approved gaming machine or logic board under an arrangement by which the dealer parts with possession of the gaming machine or board for more than one month.

Maximum penalty: 20 penalty units.

60 Dealers must notify Board of defects, malfunctions and other irregularities

A dealer must, in respect of any approved gaming machine manufactured, assembled or sold by the dealer, notify the Board as soon as the dealer becomes aware of either or both of the following:

- (a) any defect or malfunction in any such gaming machine that could adversely affect the security or integrity of the gaming machine,
- (b) if any such gaming machine has been manipulated by any person for fraudulent purposes.

Maximum penalty: 50 penalty units.

61 Technician's place of business

- (1) A technician must not, without the approval of the Board, conduct the technician's business on or from premises other than the premises approved by the Licensing Court, at the time of grant of the technician's licence, as being the premises on or from which the activities authorised by the licence are to be carried on.

Maximum penalty: 20 penalty units.

- (2) This clause does not prevent:
 - (a) a technician from conducting business at or from premises approved by the Board, or

Clause 61 Gaming Machines Regulation 2002

Part 4 Gaming-related licences

- (b) a technician from carrying out the service, repair or maintenance of an approved gaming machine at a place where the gaming machine is lawfully in the possession of:
 - (i) the holder of a gaming-related licence, or
 - (ii) a hotelier or registered club.

62 Replacement of malfunctioning meters

A technician must not, except with the approval of the Board, remove and replace any meter that has been installed in respect of an approved gaming machine unless the meter is not working properly.

Maximum penalty: 20 penalty units.

63 Security of gaming machines

A gaming-related licence is subject to a condition that the licensee must take all reasonable steps to ensure that approved gaming machines in the licensee's possession are stored in a secure manner.

64 Notification of cessation of employment of licensee

For the purposes of section 123 of the Act, the prescribed notification is a notification in writing containing the following particulars:

- (a) the name of the employer concerned,
- (b) if the employer is a registered club:
 - (i) its registration number, and
 - (ii) the name of its secretary,
- (c) the date of termination of the contract and the reason for termination.

65 Notification of change in the state of affairs of gaming-related licensee

For the purposes of section 125 of the Act:

- (a) a prescribed change in the state of affairs of the holder of a gaming-related licence is any change referred to in Column 1 of Schedule 1 that the licensee is aware of, and
- (b) the prescribed particulars in respect of that change are those particulars set out next to the change concerned in Column 2 of Schedule 1 that the licensee knows or could find out by reasonable inquiry.

Gaming Machines Regulation 2002

Clause 66

Gaming-related licences

Part 4

66 Consignment of poker machines and devices for development and testing before approval

A dealer who consigns a poker machine or a device that is in the nature of an approved amusement device to a person for the provision of services in relation to its (or its components') development and testing before it is submitted to the Board for approval must, in respect of the poker machine or device, make and keep a written record of the following:

- (a) a description of the poker machine or device,
- (b) the name and address of the person who is to provide the services,
- (c) the date and time of the delivery of the poker machine or device from the dealer to the person,
- (d) the nature of the work to be undertaken in relation to the poker machine or device,
- (e) the premises where the work is to be performed,
- (f) the date and time of the return of the poker machine or device from the person to the dealer.

Maximum penalty: 20 penalty units.

Clause 67 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 1 Preliminary

Part 5 Intra-venue progressive gaming machines and progressive systems

Division 1 Preliminary

67 Definitions

In this Part:

authorised progressive gaming machine means a progressive gaming machine which the Board has authorised a hotelier or registered club to keep in the hotel or club.

authorised progressive system means a progressive system which the Board has authorised a hotelier or registered club to operate in the hotel or club.

instalment period means an instalment period within the meaning of the *Gaming Machine Tax Act 2001*.

progressive gaming machine means an approved gaming machine that:

- (a) contributes a percentage of the money wagered on it to a separate progressive jackpot pool or pools, and
- (b) complies with the technical standards for progressive gaming machines issued by the Board, and
- (c) is specially approved by the Board for the purposes of this Part, and
- (d) has not been declared by the Board as having ceased to be a progressive gaming machine.

progressive system means 2 or more approved gaming machines that:

- (a) are linked electronically to contribute a percentage of the money wagered on them to a separate progressive jackpot pool, and
- (b) comply with the guidelines for linked progressive systems of approved gaming machines issued by the Board, and

Gaming Machines Regulation 2002

Clause 67

Intra-venue progressive gaming machines and progressive systems
PreliminaryPart 5
Division 1

- (c) are specially approved by the Board for the purposes of this Part, or are within a class of linked progressive systems of approved gaming machines specially approved by the Board for the purposes of this Part, and
 - (d) have not been declared by the Board as having ceased to be a progressive system,
- but does not include an authorised linked gaming system within the meaning of Part 10 of the Act.

Division 2 General provisions

68 Keeping of progressive gaming machines and progressive systems

A hotelier or registered club must not:

- (a) keep a progressive gaming machine that is not an authorised progressive gaming machine, or
- (b) keep a progressive system that is not an authorised progressive system, or
- (c) deliberately remove from play an authorised progressive gaming machine or authorised progressive system and in so doing deny players the opportunity to win existing progressive jackpots, unless removed under clause 69 or 71.

Maximum penalty: 50 penalty units.

69 Malfunction of progressive gaming machines or progressive systems

- (1) A hotelier or registered club must not permit the operation of an authorised progressive gaming machine or authorised progressive system that does not function properly.
- (2) In the event of malfunction, the hotelier or club must cause the gaming machine or system to be removed from play immediately and to be repaired as soon as practicable.

Clause 69 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 2 General provisions

- (3) If a turnover or progressive meter of an approved gaming machine that is an authorised progressive gaming machine or is linked to an authorised progressive system operated by a hotelier or registered club ceases to function or malfunctions, the hotelier or club must cause the approved gaming machine to be removed from play immediately and to be repaired as soon as practicable.

Maximum penalty: 50 penalty units.

70 Access to authorised progressive gaming machines or systems

A hotelier or registered club must not permit a person to access an authorised progressive gaming machine or authorised progressive system to correct minor faults, clear money or carry out any of the other functions required by or under any Act or regulation unless that person:

- (a) has been nominated by the hotelier or by the club's board or committee or its delegate, or
- (b) is a technician, or
- (c) is a special inspector, or
- (d) has the prior written approval of the Board to do so.

Maximum penalty: 50 penalty units.

71 Disposal of authorised progressive gaming machines or systems

- (1) A hotelier or registered club must not:
- (a) dispose of an authorised progressive gaming machine, or
 - (b) dispose of an authorised progressive system, or
 - (c) dispose of any accumulated progressive jackpot amounts on any such gaming machine or system, or
 - (d) make alternative use of any such progressive jackpot amounts, unless the hotelier or club has received the Board's written approval to do so.

Maximum penalty: 50 penalty units.

- (2) A hotelier or registered club must not dispose of an authorised progressive gaming machine or authorised progressive system unless:
- (a) all progressive jackpot amounts accumulated on the progressive gaming machine or progressive system have been won, or

Gaming Machines Regulation 2002

Clause 71

Intra-venue progressive gaming machines and progressive systems

Part 5

General provisions

Division 2

- (b) any accumulated progressive jackpot amounts are transferred to another authorised progressive gaming machine or other authorised progressive system in the hotel or club, or
- (c) any accumulated progressive jackpot amounts are, in accordance with subclause (3), applied to pay additional prizes on another approved gaming machine in the hotel or club, or
- (d) the Board, in exceptional circumstances, approves of an alternative proposal to use any accumulated progressive jackpot amounts and the Board is satisfied that those amounts are to be used in accordance with that proposal.

Maximum penalty: 50 penalty units.

- (3) The application of accumulated progressive jackpot amounts under subclause (2) (c) is subject to the following:
 - (a) the hotelier or registered club must deduct from the value of the accumulated jackpot prize the amount provided by the hotelier or club to initially start up the prize offered,
 - (b) the hotelier or registered club must ensure that adequate safeguards exist to control any scheme devised,
 - (c) the hotelier or registered club must include information as to the method of dispersing accumulated progressive jackpot amounts from the prize pool of the authorised progressive gaming machine or authorised progressive system being disposed of with the records required to be reported to the Board in accordance with this Division.

72 Details to be provided to Board in connection with the disposal of authorised progressive gaming machines or systems

- (1) A hotelier or registered club must comply with the requirements of this clause.

Maximum penalty: 50 penalty units.

- (2) In seeking approval to dispose of an authorised progressive gaming machine or authorised progressive system, or for an alternative proposal for use of accumulated progressive jackpot amounts, a hotelier or registered club must submit details of each proposal to the Board.

Clause 72 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 2 General provisions

- (3) Any application by a hotelier or registered club to dispose of an authorised progressive gaming machine or authorised progressive system and to disperse accumulated progressive jackpot amounts must clearly indicate the proposed method of dispersing the amounts and include a time frame for the dispersal. The time frame is to be within 6 months of the disposal of the gaming machine or system.
- (4) In seeking approval for an alternative proposal for use of accumulated progressive jackpot amounts, a hotelier or registered club must also describe the nature of any exceptional circumstances on which basis the proposal is made.

Division 3 Provisions applying specifically to hoteliers

73 Records and requirements relating to prizewinners

A hotelier must keep or cause to be kept a written record with respect to the award or payment of each progressive jackpot prize won on any authorised progressive gaming machine or authorised progressive system kept or operated by the hotelier (other than monetary payments released directly by the gaming machine or system) and that contains the following particulars:

- (a) the date of the award or payment,
- (b) the serial number of the gaming machine on which the award or payment was made,
- (c) the prize-winning combination or the number of credits accumulated that are to be redeemed,
- (d) the amount of the prize or the value of the credits,
- (e) the name, address and signature of the person to whom the award or payment was made,
- (f) the names and signatures of 2 nominees of the hotelier certifying that each of them has seen the prize-winning combination and that the record made in accordance with this clause is correct in all details.

Maximum penalty: 50 penalty units.

Gaming Machines Regulation 2002

Clause 74

Intra-venue progressive gaming machines and progressive systems

Part 5

Provisions applying specifically to hoteliers

Division 3

74 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations

- (1) A hotelier must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.
- (2) A hotelier must cause to be read and recorded in a form and manner approved by the Board:
 - (a) monthly, the turnover meters (both electro-mechanical and electronic) of the authorised progressive gaming machines that are kept in the hotel, and
 - (b) monthly, the amount shown on the progressive meters of those authorised progressive machines, and
 - (c) the amount shown on the progressive meter of each such authorised progressive machine at the time the progressive jackpot is won.
- (3) A hotelier must carry out a monthly progressive jackpot reconciliation in respect of the authorised progressive machines that are kept in the hotel.
- (4) A record of the progressive jackpot reconciliation must be made and kept by the hotelier in a form approved by the Board.
- (5) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with an authorised progressive gaming machine, the Board may determine and direct the hotelier to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable. The hotelier must comply with any such direction.
- (6) The information contained in a record referred to in subclause (4) must be reported by the hotelier to the Board in the form approved by the Board within 21 days after the end of each instalment period.

75 Authorised progressive systems—reading and recording of meters and jackpot reconciliations

- (1) A hotelier must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.

Clause 75 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 3 Provisions applying specifically to hoteliers

- (2) A hotelier must cause to be read and recorded in a form and manner approved by the Board:
 - (a) monthly, the turnover meters (both electro-mechanical and electronic) of an authorised progressive system that is operated in the hotel, and
 - (b) monthly, the amount shown on the progressive meters of any such authorised progressive system, and
 - (c) the amount shown on the progressive meter of any such authorised progressive system at the time the progressive jackpot is won.
- (3) A hotelier must carry out a monthly progressive jackpot reconciliation in respect of an authorised progressive system that is operated by the hotelier.
- (4) The progressive jackpot reconciliation must be in or to the effect of a form approved by the Board and must be retained by the hotelier for not less than 3 years after the reconciliation is carried out.
- (5) On installation of a variation of an authorised progressive system, reconciliations of the jackpots accumulated as at the close of business on the first day of its operation in the hotel must be carried out by the hotelier on or by the next day on which the hotel is open for business. In addition, the first jackpots of each type paid and subsequent start-up values must be fully reconciled and accord with the characteristics of the system as approved and authorised by the Board.
- (6) If the reconciliation referred to in subclause (3) indicates that a malfunction has occurred with an authorised progressive system, the Board may determine and direct the hotelier to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable. The hotelier must comply with any such direction.
- (7) The information referred to in subclause (4) must be reported by the hotelier to the Board in a form approved by the Board within 21 days after the end of each instalment period.

76 Guarantee of prize payments from authorised progressive machines and systems

- (1) A hotelier must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.

Gaming Machines Regulation 2002

Clause 76

Intra-venue progressive gaming machines and progressive systems

Part 5

Provisions applying specifically to hoteliers

Division 3

- (2) If the prize pool on an authorised progressive gaming machine or authorised progressive system in a hotel exceeds \$10,000, the hotelier must:
 - (a) establish with a financial institution a special account which is to have, at the time of each progressive jackpot reconciliation that is required under this Division, a balance equal to or greater than the total value of the progressive meters on each such authorised progressive gaming machine or system, or
 - (b) obtain, on the installation of the authorised progressive gaming machine or system, a formal guarantee from a financial institution, or from a person or body approved by the Board, for an amount equal to the maximum jackpot on each such gaming machine or system, or
 - (c) enter into such other arrangements, as may be approved by the Board, in order to guarantee the payment of prizes.
- (3) A hotelier must keep a written record, in a form approved by the Board, of:
 - (a) any special account established under subclause (2) (a), or
 - (b) any guarantee obtained under subclause (2) (b), or
 - (c) any arrangement entered into under subclause (2) (c).
- (4) The information contained in a record referred to in subclause (3) must be reported by the hotelier to the Board in a form approved by the Board within 21 days after the end of each instalment period.

Division 4 Provisions applying specifically to clubs

77 Authorised progressive gaming machines—reading and recording of meters and jackpot reconciliations

- (1) A registered club must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.
- (2) A registered club must cause to be read and recorded in a form and manner approved by the Board:
 - (a) monthly, the turnover meters (both electro-mechanical and electronic) of the authorised progressive gaming machines kept in the club, and

Clause 77 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems
Division 4 Provisions applying specifically to clubs

- (b) monthly, the amount shown on the progressive meters of those authorised progressive machines, and
 - (c) the amount shown on the progressive meter of each such authorised progressive machine at the time the progressive jackpot is won.
- (3) A registered club must keep or cause to be kept a monthly written record of the readings made under subclause (2) (a) and (b) in a form approved by the Board containing the following particulars:
 - (a) the serial number of each authorised progressive machine,
 - (b) the date of the reading,
 - (c) the turnover meter reading,
 - (d) the amount shown on the progressive meter.
- (4) A registered club must carry out a monthly progressive jackpot reconciliation in respect of the authorised progressive machines kept in the club.
- (5) The progressive jackpot reconciliation must be in or to the effect of a form approved by the Board and must be retained by the registered club for not less than 3 years after the reconciliation is carried out.
- (6) If the reconciliation referred to in subclause (4) indicates that a malfunction has occurred with an authorised progressive gaming machine, the Board may determine and direct the registered club to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable. The club must comply with any such direction.
- (7) The information referred to in subclause (5) must be reported to the registered club's board or committee at least once in each month.
- (8) The registered club must ensure the results of authorised progressive gaming machines are, in any net analysis report, kept separate from the results of all other approved gaming machines in the club.

78 Authorised progressive systems—reading and recording of meters and jackpot reconciliations

- (1) A registered club must comply with the requirements of this clause.
Maximum penalty: 50 penalty units.

Gaming Machines Regulation 2002

Clause 78

Intra-venue progressive gaming machines and progressive systems

Part 5

Provisions applying specifically to clubs

Division 4

-
- (2) A registered club must cause to be read and recorded in a form and manner approved by the Board:
- (a) monthly, the turnover meters (both electro-mechanical and electronic) of the approved gaming machines comprising any authorised progressive system operated in the club, and
 - (b) monthly, the amount shown on the progressive meters of the authorised progressive system, and
 - (c) the amount shown on the progressive meter of the authorised progressive system at the time the progressive jackpot is won.
- (3) A registered club must keep or cause to be kept a monthly written record of the readings made under subclause (2) (a) and (b) in a form approved by the Board containing the following particulars:
- (a) the serial numbers of the approved gaming machines comprising the authorised progressive system,
 - (b) the date of the reading,
 - (c) the turnover meter reading,
 - (d) the amount shown on the progressive meters.
- (4) A registered club must carry out a monthly progressive jackpot reconciliation in respect of any authorised progressive system operated in the club.
- (5) The progressive jackpot reconciliation must be in or to the effect of a form approved by the Board and must be retained by the registered club for not less than 3 years after the reconciliation is carried out.
- (6) On installation of a variation of any authorised progressive system in a registered club, reconciliations of the jackpots accumulated as at the close of business on the first day of its operation in the club must be carried out by the club on or by the next day on which the club is open for business. In addition, the first jackpots of each type paid and subsequent start-up values must be fully reconciled and accord with the characteristics of the system as approved and authorised by the Board.
- (7) If the reconciliation referred to in subclause (4) indicates that a malfunction has occurred with an authorised progressive system in the club, the Board may determine and direct the registered club to adjust the progressive jackpot amount and pay an additional amount to a jackpot recipient, if applicable. The club must comply with any such direction.
-

Clause 78 Gaming Machines Regulation 2002

Part 5 Intra-venue progressive gaming machines and progressive systems

Division 4 Provisions applying specifically to clubs

- (8) The information referred to in subclause (5) must be reported to the registered club's board or committee at least once in each month.
- (9) A registered club must ensure that the results of approved gaming machines in respect of an authorised progressive system in the club are, in any net analysis report, kept separate from the results of all other approved gaming machines in the club.

79 Guarantee of prize payments from authorised progressive machines and systems

If the prize pool on an authorised progressive gaming machine or authorised progressive system in a registered club exceeds \$20,000, the club must:

- (a) establish with a financial institution a special account which is to have, at the time of each progressive jackpot reconciliation required under this Division, a balance equal to or greater than the total value of the progressive meters on each such authorised progressive gaming machine or system, or
- (b) obtain, on the installation of the authorised progressive gaming machine or system, a formal guarantee from a financial institution for an amount equal to the maximum jackpot on each such gaming machine or system.

Maximum penalty: 50 penalty units.

Gaming Machines Regulation 2002

Clause 80

Player cards and accounts

Part 6

Part 6 Player cards and accounts

80 Definitions

In this Part:

account card means a card:

- (a) issued by a hotelier or registered club to a person when the person opens up a player account with the hotelier or club, and
- (b) through which the person can access money held in the player account for the purposes of operating electronic payment gaming machines in the hotel or club.

electronic payment gaming machine means an approved gaming machine that can be operated by means of a player card.

player account means an account opened by a person with a hotelier or registered club for the purposes of operating electronic payment gaming machines in the hotel or club.

player card means:

- (a) an account card, or
- (b) a Smartcard.

Smartcard means a card:

- (a) issued by a hotelier or registered club, and
- (b) on which information and credit in relation to the operation of electronic payment gaming machines can be stored electronically.

81 Compliance with requirements of this Part

A hotelier or registered club must comply with the requirements of this Part.

Maximum penalty: 50 penalty units.

82 Issuing of player cards

- (1) A player card must not be issued to a person who is under the age of 18 years.
- (2) A player card must not be issued to a person unless the person provides a responsible person for the hotel or registered club with documentary proof of the person's identity.

Clause 82 Gaming Machines Regulation 2002

Part 6 Player cards and accounts

- (3) Only one player card per person may be issued by a hotelier or registered club. However, this subclause does not prevent a hotelier or club from issuing a person with another player card as a replacement for one that has been lost, stolen or destroyed.
- (4) A hotelier or registered club must not issue a player card to a person unless the warning and information contained in the gambling warning notice and problem gambling notice under clause 25 is provided to the person.
- (5) A hotelier or registered club must not issue a player card to a person unless the G-line information referred to in clause 25 (6) appears on the card.

83 Participation in player reward schemes

- (1) If:
 - (a) a hotelier or registered club conducts a player reward scheme within the meaning of section 45 of the Act, and
 - (b) any of the approved gaming machines used in connection with the player reward scheme are electronic payment gaming machines,any person to whom the hotelier or club issues a player card must be given the option of choosing whether or not to participate in the player reward scheme.
- (2) The option must be made available at all times to the person.

84 Player accounts

- (1) A hotelier or registered club must not allow a person to open more than one player account with the hotelier or club at the one time.
- (2) The hotelier or registered club must not extend a cash advance or any other form of credit in respect of a player account.
- (3) The following information must be provided to a person in writing at the time the person opens a player account:

The security of money in player accounts is the responsibility of the both the *hotelier/*registered club (**delete whichever is inapplicable*) and the account holder. The government and its agencies take no responsibility for any losses that might occur from the account.

Gaming Machines Regulation 2002

Clause 84

Player cards and accounts

Part 6

An account holder is solely responsible for ensuring that the account holder's personal identification number ("PIN") is kept confidential and that no other person has access to the account holder's player card. The account holder is liable for any losses that might arise from, or in connection with, the account holder's failure to comply with such responsibilities.

- (4) Player information (within the meaning of clause 22) must be provided to a person when the person opens a player account.
- (5) Any money that is held by a hotelier or registered club in a player account must:
 - (a) be kept separate from any other funds or accounts held or maintained by the hotelier or registered club, and
 - (b) not be used by the hotelier or registered club for any purpose.

85 Maximum amount held in player accounts or stored on Smartcards

- (1) The amount of money that can be held in a player account or stored on a Smartcard must not exceed \$200.
- (2) However, the Board may, on application by a hotelier or registered club, increase the maximum amount of money that can be held in a player account or stored on a Smartcard to an amount exceeding \$200 (but not exceeding \$1,000) but only if the Board is satisfied that the hotelier or club has in place a system, as approved by the Board, for the safeguarding of the money held or stored.

86 Transaction records—player accounts

- (1) A transaction record must be provided on each occasion any money is paid into or withdrawn from a player account.
- (2) The transaction record must include the following information:
 - (a) the type of transaction completed,
 - (b) the amount of money involved,
 - (c) the time and date of the transaction,
 - (d) the current balance in the player account.
- (3) Subclause (2) does not limit the information that may be included in a transaction record.

Clause 87 Gaming Machines Regulation 2002

Part 6 Player cards and accounts

87 Player activity statements—player accounts

- (1) Information to the effect that player activity statements are available on request must:
 - (a) be given to each person at the time the person is issued with a player card, and
 - (b) be included in any promotional material displayed in the hotel or registered club in relation to electronic payment gaming machines.
- (2) A player activity statement must, on the request of a person who has a player account with a hotelier or registered club, be provided by the hotelier or club on a monthly basis.
- (3) The following information, provided in the form approved by the Board, is the minimum information that must be included in a player activity statement for the period covered by the statement:
 - (a) a list of each transaction involving the depositing of money into the player account at the cashier,
 - (b) a list of each transaction involving the paying of credits into the player account as a result of playing electronic payment gaming machines,
 - (c) a list of each transaction involving the withdrawal of money from the player account at the cashier,
 - (d) the total amount of turnover by the player during the monthly period covered by the statement,
 - (e) the total wins recorded during the monthly period,
 - (f) the net expenditure (ie turnover less wins) during the monthly period,
 - (g) the total length of time over each 24-hour period during the monthly period when the person's player card was inserted in electronic payment gaming machines in the hotel or club (*the daily record*),
 - (h) the total length of time that the person's player card was inserted in electronic payment gaming machines in hotel or club during the monthly period.
- (4) The daily record is required to be included in the player activity statement only in respect of those days that the person's player card was used.

Gaming Machines Regulation 2002

Clause 87

Player cards and accounts

Part 6

-
- (5) A player activity statement is to also include a note stating that the information detailed in the statement:
- (a) only relates to the occasions on which the player used his or her player account to play an electronic payment gaming machine, and
 - (b) does not necessarily relate to all of the player's gaming machine activity during the monthly period, and
 - (c) may not include information about wins from playing gaming machines that are part of a linked gaming system within the meaning of Part 10 of the Act.
- (6) A player activity statement, if requested to be provided, is to be available from the cashier or other appropriate outlet at the hotel or club concerned.
- (7) A player activity statement is to be provided in respect of a monthly period only if the player account has actually been used during that period.
- (8) Player activity statements must be provided free of charge by the hotelier or registered club. However, if a player requests a subsequent player activity statement to be provided in respect of a monthly period, the hotelier or club may charge for providing the subsequent statement in accordance with the scale of charges approved by the Board.

88 Weekly account limits

- (1) A person who opens a player account may, by written notice to the hotelier or registered club, set a limit on the amount of net expenditure (ie turnover less wins) per week from the account (***weekly account limit***). The setting of a weekly account limit may also include arrangements for the deactivation of the account card.
- (2) The person is to be advised in writing at the time the player account is opened that a weekly account limit may be set.
- (3) If a weekly account limit is set, the person may alter the limit by written notice to the hotelier or registered club.
- (4) If the notice is to decrease the weekly account limit, the hotelier or registered club is to give effect to alteration as soon as practicable (but not later than 24 hours in any case).

Clause 88 Gaming Machines Regulation 2002

Part 6 Player cards and accounts

- (5) If the notice is to increase the weekly account limit, the increase does not take effect until 48 hours after the notice is given to the hotelier or registered club.
- (6) Information about altering the weekly account limit is to be provided to the person in writing at the time the player account is opened.

89 Disclosure of information in relation to players

- (1) Any information obtained by a hotelier or registered club in relation to any person to whom the hotelier or club has issued a player card must not be disclosed except:
 - (a) with the consent of the person to whom the information relates, or
 - (b) for the purposes of law enforcement, or
 - (c) to any person (including a special inspector) who is lawfully entitled to have access to the information.
- (2) Any person who acquires any information contained in a player activity statement under this Part must not disclose the information to any person unless the person disclosing the information:
 - (a) is the person to whom the information relates, or
 - (b) is authorised or required to do so by law.

Maximum penalty: 100 penalty units.

90 Report by Director-General on operation of this Part

The Director-General is, as soon as practicable after 2 April 2003, to provide a written report to the Minister on the operation of this Part.

Gaming Machines Regulation 2002

Clause 91

Gaming machine tickets

Part 7

Part 7 Gaming machine tickets

91 Definitions

(1) In this Part:

authorised person means a person who:

- (a) is authorised in writing by a hotelier to redeem gaming machine tickets issued in the hotel, or
- (b) is authorised in writing by a registered club to redeem gaming machine tickets on its behalf.

gaming machine ticket means a ticket that:

- (a) is issued from an approved gaming machine (or equipment subsidiary to the gaming machine that is installed for the purpose of issuing tickets) to a player of the gaming machine, and
- (b) shows the value of the credits accumulated and not otherwise redeemed in the course of play on that gaming machine.

unclaimed gaming machine ticket means a gaming machine ticket that has not been redeemed.

- (2) For the purposes of this Part, a hotelier or registered club ***redeems*** a gaming machine ticket if the hotelier or club causes money to the total value of the accumulated credits represented by the ticket to be paid to a person claiming (whether by way of presentation of the ticket or otherwise) in respect of the ticket.

92 Compliance with this Part

A hotelier or registered club is guilty of an offence if the requirements of this Part with respect to any gaming machine ticket issued by the hotelier or club are not complied with.

Maximum penalty: 50 penalty units.

93 Information on gaming machine tickets

The following must be clearly legible on a gaming machine ticket:

- (a) the value, in dollars and cents, of the accumulated credits represented by the gaming machine ticket,
- (b) the unique identification number of the gaming machine ticket.

Clause 94 Gaming Machines Regulation 2002

Part 7 Gaming machine tickets

94 Issue of certain gaming machine tickets

- (1) An approved gaming machine (or equipment subsidiary to the gaming machine that is installed for the purpose of issuing gaming machine tickets) must be so designed and constructed as to require the release of a lock or other security mechanism on the machine or equipment before the machine or equipment can issue a gaming machine ticket representing accumulated credits to a monetary value of more than \$10,000.
- (2) In the case of a hotel, only the hotelier or an authorised person may release such security mechanisms.
- (3) In the case of a registered club, only an authorised person may release such security mechanisms.

95 Records of gaming machine tickets issued

- (1) The approved gaming machine (or subsidiary equipment) from which a gaming machine ticket is issued must keep a record of the following:
 - (a) the Gaming Machine Identification number issued by the Board in respect of that gaming machine,
 - (b) the unique identification number of the gaming machine ticket,
 - (c) the value, in dollars and cents, of the accumulated credits represented by the gaming machine ticket,
 - (d) the date and time of issue of the gaming machine ticket.
- (2) A gaming machine ticket must include the following information:
 - (a) the name of the hotel or registered club issuing the ticket,
 - (b) the G-line information as referred to in clause 25 (6).

96 Redemption of gaming machine tickets

- (1) A hotelier or registered club must designate (whether by signs or otherwise) a place in the hotel or club as a place at which gaming machine tickets may be redeemed.
- (2) In the case of a registered club, a gaming machine ticket may be redeemed by payment in the form of cash or a cheque, or both cash and a cheque.

Gaming Machines Regulation 2002

Clause 96

Gaming machine tickets

Part 7

-
- (3) A hotelier or registered club may refuse to redeem a gaming machine ticket if:
- (a) the hotelier or club is not satisfied that the person claiming in respect of the ticket is entitled to the ticket, or
 - (b) the person claiming in respect of the ticket does not provide the relevant information, documentary proof of identity and signature required for the records referred to in this Part.

97 Persons authorised to redeem gaming machine tickets

- (1) In the case of a hotel, only the hotelier or an authorised person may redeem a gaming machine ticket issued in the hotel.
- (2) A registered club may authorise persons from any one or more of the following categories to redeem gaming machine tickets on its behalf:
 - (a) the secretary of the club,
 - (b) a member of the governing body of the club,
 - (c) an employee of the club,
 - (d) a member of the club.
- (3) Only a person so authorised may redeem gaming machine tickets on behalf of the registered club. However, an authorised person referred to in subclause (2) (d) may not redeem gaming machine tickets on behalf of the club except at a time when no duly authorised person referred to in subclause (2) (a), (b) or (c) is available to do so.
- (4) A hotelier or registered club must keep a record (whether or not as part of another record) of the name, address and date of birth of each person who is authorised by the hotelier or club as an authorised person.
- (5) A hotelier or registered club must ensure that, at all times during which the hotel or club is trading, there is at least one person available in the hotel or club to redeem gaming machine tickets.

98 Records to be made on redemption

- (1) A hotelier or registered club must cause a record to be made in accordance with this clause when a gaming machine ticket is redeemed.

Clause 98 Gaming Machines Regulation 2002

Part 7 Gaming machine tickets

- (2) The record:
- (a) must contain the name, address and signature of the person claiming in respect of the ticket, and
 - (b) must specify the nature and identifying numbers or letters of the documentary proof of identity produced by that person, and
 - (c) must specify the time and date of the redemption, and
 - (d) must contain the name and signature of the person who redeems the ticket.
- (3) However, if a gaming machine ticket is redeemed on the day on which it was issued or on the next day:
- (a) a record is not required to be made under this clause unless the total value of the accumulated credits represented by the ticket is \$500 or more, and
 - (b) documentary proof of the identity of the claimant is not required.

99 Separate records of certain gaming machine tickets

A hotelier or registered club must keep or cause to be kept a separate monthly record of each of the following:

- (a) all gaming machine tickets redeemed on the day on which they were issued or on the next day,
- (b) all gaming machine tickets redeemed after that time,
- (c) all unclaimed gaming machine tickets.

100 Unclaimed gaming machine tickets

- (1) A hotelier or registered club must post in a conspicuous place in the hotel or club a notice, in a form approved by the Board, listing all unclaimed gaming machine tickets that were issued more than 12 months previously.
- (2) The notice must be displayed for at least 7 consecutive days.
- (3) The notice must make it clear that a claim in respect of an unclaimed gaming machine ticket may be made against the hotel or club at any time.

Gaming Machines Regulation 2002

Clause 101

Gaming machine tickets

Part 7

101 Disposal of money payable in respect of unclaimed gaming machine tickets

- (1) A hotelier or registered club must not dispose of money payable in respect of an unclaimed gaming machine ticket for any purpose unless:
 - (a) at least 12 months have elapsed since the ticket was issued, and
 - (b) a notice concerning the ticket has been displayed in the hotel or club in accordance with clause 100, and
 - (c) the Board has approved in writing of the disposal of the money for that purpose.
- (2) Disposal of money under this clause in respect of an unclaimed gaming machine ticket does not extinguish the right of any person to make a claim in respect of the ticket.

102 Records and other material

- (1) A record required by this Part must be in a form approved by the Board.
- (2) Gaming machine tickets that have been redeemed on presentation are taken to be records for the purposes of this Regulation and are required to be kept by the hotelier or registered club concerned.
- (3) Any such records and gaming machine tickets must be made available for inspection by a special inspector during the period that they are required to be retained by the hotelier or club.

Clause 103	Gaming Machines Regulation 2002
Part 8	Provisions relating to authorised CMS and inter-venue linked gaming systems
Division 1	Authorised CMS

Part 8 Provisions relating to authorised CMS and inter-venue linked gaming systems

Division 1 Authorised CMS

103 Control of information obtained by CMS licensee

In accordance with section 139 of the Act, the divulging of CMS information to any of the following persons or bodies is authorised:

- (a) the Board,
- (b) the Director,
- (c) an inspector,
- (d) the Commissioner of Police,
- (e) the Director-General,
- (f) the Minister,
- (g) the hotelier or registered club from whom the CMS information has been acquired in the course of the operation of the authorised CMS,
- (h) the holder of a links licence (but only to the extent that the CMS information relates to approved gaming machines that are part of the linked gaming system operated by the licensee),
- (i) the holder of a testing facility licence (but only to the extent that the CMS information is disclosed to the licensee for the purposes of exercising the functions authorised under the licence),
- (j) the holder of a work permit issued under section 89 of the Act in relation to an application for a testing facility licence (but only to the extent that the CMS information is disclosed to the permit holder for the purposes of exercising the functions authorised under the permit).

Gaming Machines Regulation 2002

Clause 104

Provisions relating to authorised CMS and inter-venue linked gaming systems

Part 8

Authorised CMS

Division 1

104 Illegal advantage with respect to authorised CMS

- (1) A person must not, during the design, manufacture, assembly, installation, maintenance or repair of an authorised CMS, dishonestly make provision to gain an advantage (whether or not for another person) in the operation of the CMS.
- (2) A person who, as a result of gross negligence during the design, manufacture, assembly, installation, maintenance or repair of an authorised CMS, makes provision to gain an advantage (whether or not for another person) in the operation of the CMS is guilty of an offence.
- (3) A person must not do anything to an authorised CMS in order to conceal anything that is an offence under subclause (1) or (2).
- (4) A person must not authorise or permit another person to act in a way that is an offence under another provision of this clause.

Maximum penalty: 50 penalty units.

105 Removal of authorised CMS

- (1) A person (including a hotelier or registered club) must not, without the consent of the Minister, remove, or cause to be removed, an authorised CMS that has been installed in any hotel or registered club.

Maximum penalty: 50 penalty units.

- (2) Subclause (1) does not apply to:

- (a) the CMS licensee who is operating the authorised CMS, or
- (b) a person approved by the CMS licensee to remove the CMS.

106 Disposing or failing to keep safe part of authorised CMS

- (1) A hotelier, registered club or other person (other than the CMS licensee) who has possession or control of any device or equipment that forms part of an authorised CMS:
 - (a) must store, and keep safe, the device or equipment in accordance with the approved directions of the CMS licensee, and
 - (b) must not dispose of the device or equipment otherwise than in accordance with the approved directions of the CMS licensee.

Maximum penalty: 50 penalty units.

Clause 106 Gaming Machines Regulation 2002

Part 8 Provisions relating to authorised CMS and inter-venue linked gaming systems

Division 1 Authorised CMS

- (2) In this clause, *approved directions* of the CMS licensee means directions, approved by the Minister, relating to the storage, safety and disposal of devices or equipment that form part of an authorised CMS:
- (a) to a hotelier, registered club or other person who has possession or control of any such device or equipment, or
 - (b) to a class of hoteliers, registered clubs or other persons who have possession or control of any such device or equipment.

Division 2 Inter-hotel and inter-club linked gaming systems

107 Specially approved gaming machines

An approved gaming machine is a specially approved gaming machine for the purposes of Part 10 of the Act if it is of a class of gaming machines that is for the time being specially approved by the Board in accordance with this Division.

108 Application for special approval

- (1) A person may apply to the Board for the Board's special approval of a class of approved gaming machines for the purposes of Part 10 of the Act.
- (2) The Board may:
 - (a) investigate the application, or authorise its investigation, in order to determine whether the class of approved gaming machines is suitable for special approval, and
 - (b) require the applicant to meet the costs of the investigation as determined by the Board.
- (3) This clause does not:
 - (a) confer a right to have a class of approved gaming machines investigated, or
 - (b) prevent the Board from terminating at its discretion an investigation of a class of approved gaming machines.

Gaming Machines Regulation 2002	Clause 109
Provisions relating to authorised CMS and inter-venue linked gaming systems	Part 8
Inter-hotel and inter-club linked gaming systems	Division 2

109 Approval process

- (1) The Board may:
 - (a) specially approve a class of approved gaming machines for the purposes of Part 10 of the Act, or
 - (b) refuse to specially approve a class of approved gaming machines that is the subject of an application under clause 108.
- (2) The special approval of a class of approved gaming machines may be an interim approval pending final determination of an application under clause 108.
- (3) Without affecting the Board's discretion, the Board may have regard to the following matters in determining whether or not to specially approve a class of approved gaming machines for the purposes of Part 10 of the Act:
 - (a) whether, in the opinion of the Board, the class of approved gaming machines concerned meets such technical standards as the Board considers necessary to ensure gaming integrity,
 - (b) any guidelines issued by the Board relating to linked gaming systems.

110 Revocation of special approval

- (1) The Board may revoke the special approval of a class of approved gaming machines under this Division:
 - (a) if the Board considers that it should do so in the public interest, or
 - (b) if the Board is satisfied that any one of the approved gaming machines of the class so specially approved has been modified without the approval of the Board, or
 - (c) for such other reason as the Board thinks appropriate.
- (2) Subclause (1) (b) does not apply if, in the opinion of the Board, the modification is of a minor or insignificant nature and does not affect the approved gaming machine's security or integrity or the manner in which the approved gaming machine was designed and programmed to function.

Clause 110	Gaming Machines Regulation 2002
Part 8	Provisions relating to authorised CMS and inter-venue linked gaming systems
Division 2	Inter-hotel and inter-club linked gaming systems

- (3) Revocation of the Board's special approval of a class of approved gaming machines takes effect when written notice of the revocation is given to the holder of the links licence concerned and to the participating hoteliers or registered club concerned, or on a later date specified in the notice.

111 Submissions by applicant

- (1) The Board may not:
- (a) terminate the investigation of an application by a person for the Board's special approval of a class of approved gaming machines for the purposes of Part 10 of the Act, or
 - (b) refuse any such application, or
 - (c) revoke the special approval of any such class of approved gaming machines,
- unless this clause is complied with before it decides to do so.
- (2) The Board must serve on the applicant a notice in writing that:
- (a) specifies the reasons why the Board is considering taking the action specified in the notice, and
 - (b) gives the applicant an opportunity to show cause within such period of at least 14 days as is specified in the notice why the Board should not take that action.
- (3) The applicant may, within the period allowed by the notice, arrange with the Board for the making of submissions to the Board as to why the proposed action should not be taken. The Board is to consider any such submissions.
- (4) After considering any submissions made by the applicant, or if no submissions are made, the Board may proceed with the proposed action, or refrain from taking the proposed action.
- (5) The Board's decision takes effect when written notice of its decision is given to the applicant, or on a later date specified in the notice.

Gaming Machines Regulation 2002	Clause 112
Provisions relating to authorised CMS and inter-venue linked gaming systems	Part 8
Regulation of operation of authorised CMS and linked gaming systems	Division 3

Division 3 Regulation of operation of authorised CMS and linked gaming systems

112 Definitions

In this Division:

authorised linked gaming system means:

- (a) an authorised inter-hotel linked gaming system, or
- (b) an authorised inter-club linked gaming system.

contractor means a person who:

- (a) under a contract or other arrangement with a CMS licensee, performs any service in connection with the operation of an authorised CMS (whether or not the service is performed for fee, gain or reward) and includes an employee of the CMS licensee and an agent of the CMS licensee, or
- (b) under a contract or other arrangement with the holder of a links licence, performs any service in connection with the operation of an authorised linked gaming system (whether or not the service is performed for fee, gain or reward) and includes an employee of the holder of the links licence concerned and an agent of the holder of that licence.

key employee means a person (whether or not appointed under a contract of service) who is:

- (a) employed:
 - (i) by a CMS licensee or contractor in a managerial or supervisory capacity in relation to the operation of an authorised CMS, or
 - (ii) by the holder of a links licence, or by a participating hotelier or participating club, in a managerial or supervisory capacity in relation to the operation of an authorised linked gaming system, or
- (b) authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of:
 - (i) a CMS licensee in relation to an authorised CMS conducted by the CMS licensee or contractor, or

Clause 112	Gaming Machines Regulation 2002
Part 8	Provisions relating to authorised CMS and inter-venue linked gaming systems
Division 3	Regulation of operation of authorised CMS and linked gaming systems

- (ii) the holder of a links licence, or a participating hotelier or participating club, in relation to an authorised linked gaming system operated by the holder of the licence, or
- (c) otherwise concerned or engaged in the operation of:
 - (i) an authorised CMS by a CMS licensee or contractor, or
 - (ii) an authorised linked gaming system by the holder of a links licence.

licensee means:

- (a) a CMS licensee, or
- (b) the holder of a links licence.

relevant contract means any kind of agreement or arrangement relating to the supply of goods or services to a licensee in connection with the operation of an authorised CMS or authorised linked gaming system and that is:

- (a) for the purchase or servicing (or both) of any device or equipment used in connection with the authorised CMS or linked gaming system or the security arrangements in relation to the operation of the authorised CMS or linked gaming system, or
- (b) for a total consideration of more than \$1,000,000, or
- (c) a contract, or class of contract, that the Minister has specified in the conditions of the CMS licence or links licence because it involves the public interest.

113 Licensee to inform Minister of changed circumstances

If a change of a kind specified in the Table to this clause occurs in the circumstances that existed in relation to a licensee at the time the licensee was granted the licence concerned, the licensee must notify the Minister in writing, not later than 14 days after the change occurs, of the particulars relating to the change that are specified in the Table in respect of that kind of change.

Gaming Machines Regulation 2002	Clause 113
Provisions relating to authorised CMS and inter-venue linked gaming systems	Part 8
Regulation of operation of authorised CMS and linked gaming systems	Division 3

Table

Kinds of change	Particulars to be notified
Any change in the name of the licensee, the licensee's principal business address or postal address, telephone number or facsimile number.	Particulars of those matters as changed.
Any change in the membership of the board of directors of the licensee.	Particulars of the name, address and date of birth of any new director.
Any change in the name or address of any member of the board of directors of the licensee.	Particulars of the new name or address of the director.
Any change in any direct or indirect financial interest held by the licensee in any business or enterprise, including the acquisition or disposal of such an interest.	Particulars of the interest both before and after the change.

114 Minister may require information relating to licensees and other persons

(1) In this clause:

party means any person who is a party to a relevant contract.

(2) The Minister may, by notice in writing, require a licensee, party or contractor, or a person who, in the opinion of the Minister, has a direct or indirect association with a licensee, party or contractor:

- (a) to provide the Minister or a special inspector, in accordance with directions in the notice, with the information relevant to the licensee, party or contractor or to that association, that is specified in the notice, or
- (b) to produce to the Minister or a special inspector, in accordance with directions in the notice, the documents relevant to the licensee, party or contractor or to that association that are specified in the notice and to permit examination of the documents, the taking of extracts and notes from the documents, and the making of copies of them, or

Clause 114	Gaming Machines Regulation 2002
Part 8	Provisions relating to authorised CMS and inter-venue linked gaming systems
Division 3	Regulation of operation of authorised CMS and linked gaming systems

- (c) to attend before the Minister or a special inspector for examination in relation to any matters relevant to the licensee, party or contractor or to that association and to answer any questions relating to those matters.
- (3) A person who fails to comply with a requirement of a notice under this clause is guilty of an offence.
Maximum penalty: 50 penalty units.
- (4) A natural person is not excused from complying with a notice under this clause on the ground that compliance might tend to incriminate the person. However, if the person claims, before complying with the notice, that compliance might tend to incriminate the person, information provided in compliance with the notice is not admissible in evidence against the person in criminal proceedings other than proceedings under the Act.
- (5) If documents are produced under this clause, the Minister or special inspector to whom they are produced may retain possession of them for a reasonable period so that they may be examined and extracts taken from, or copies made of, them.
- (6) The Minister or special inspector must permit inspection of the documents, at any reasonable time during which they are retained under this clause, by a person who would be entitled to inspect them if they were not in the possession of the Minister or inspector.
- (7) A person who complies with a requirement of a notice under this clause does not on that account incur a liability to another person.

115 Minister may require particulars concerning key employees

- (1) The Minister may, by notice in writing served on a person (including a licensee or contractor), require the person to provide the Minister, within a reasonable time specified in the notice, with the following:
 - (a) the names of all persons who are key employees of the person,
 - (b) the positions held by, and the duties of, those employees,
 - (c) any other relevant particulars relating to those employees as are specified in the notice.
- (2) A person who fails to comply with a requirement of a notice under this clause is guilty of an offence.
Maximum penalty: 50 penalty units.

Gaming Machines Regulation 2002	Clause 116
Provisions relating to authorised CMS and inter-venue linked gaming systems	Part 8
Regulation of operation of authorised CMS and linked gaming systems	Division 3

116 Minister may require key employees to provide information

- (1) The Minister may, by notice in writing served on a key employee, require the key employee:
 - (a) to consent, in accordance with directions in the notice, to having his or her photograph, finger prints and palm prints taken, and
 - (b) to provide, in accordance with directions in the notice, the information (verified by statutory declaration) relevant to the key employee that is specified in the notice, and
 - (c) to produce, in accordance with directions in the notice, the documents relevant to the key employee that are specified in the notice and to permit examination of the documents and the taking of extracts from, and the making of copies of, them, and
 - (d) to provide any consent that the Minister may require for the purpose of obtaining further information (including financial and other confidential information) from other persons and institutions.
- (2) The Minister is to refer to the Commissioner of Police copies of photographs, finger prints and palm prints obtained in respect of a key employee under this clause and with any supporting information that the Minister considers should be referred to the Commissioner.
- (3) The Commissioner of Police is to inquire into, and report to the Minister on, any matters concerning the key employee that the Minister may request.
- (4) A key employee is not excused from complying with a notice under this clause on the ground that compliance might tend to incriminate the employee. However, if the employee claims, before complying with the notice, that compliance might tend to incriminate the employee, information provided in compliance with the notice is not admissible in evidence against the employee in any criminal proceedings other than proceedings under the Act.
- (5) A key employee who complies with a requirement of a notice under this clause does not on that account incur a liability to another person.

Clause 117	Gaming Machines Regulation 2002
Part 8	Provisions relating to authorised CMS and inter-venue linked gaming systems
Division 3	Regulation of operation of authorised CMS and linked gaming systems

117 Failure of key employee to provide information

- (1) The Minister may, if a key employee refuses or fails to comply with a requirement of a notice served on the key employee under clause 116, by notice in writing, direct the licensee or other person concerned to terminate immediately and not to renew the employment or arrangement by reason of which the key employee is a key employee of the licensee or other person.
- (2) A person who does not give effect to a direction given to the person under this clause is guilty of an offence.

Maximum penalty: 50 penalty units.

118 Power to terminate employment of key employee at Minister's direction

- (1) This clause applies in respect of a direction given by the Minister under this Division to an employer to terminate the employment of a key employee or the other arrangement by reason of which a key employee is a key employee of the employer.
- (2) It is taken to be a condition of any agreement or other arrangement entered into between an employer and a key employee that the employer has the rights required to enable the employer to give effect to a direction to which this clause applies.
- (3) Any such termination of an employment or arrangement has effect accordingly, and the employer or the State does not incur any liability by reason of that termination.
- (4) In this clause, *employer* means a licensee, contractor or other person to whom a direction to which this clause applies is given.

119 Destruction of finger and palm prints of former key employees

- (1) Any finger prints or palm prints obtained under this Division, and any copies of them, are to be destroyed as soon as the key employee from whom they were obtained is no longer a key employee.
- (2) A person:
 - (a) who has possession of finger prints or palm prints obtained by the Minister under this Division, or copies of them, and

Gaming Machines Regulation 2002	Clause 119
Provisions relating to authorised CMS and inter-venue linked gaming systems	Part 8
Regulation of operation of authorised CMS and linked gaming systems	Division 3

- (b) who fails to deliver them to the Minister, in accordance with the written directions of the Minister, to enable subclause (1) to be complied with,

is guilty of an offence.

Maximum penalty: 20 penalty units.

120 Prejudice to integrity of operation of authorised CMS or linked gaming systems

- (1) The Minister may give a direction under this clause if the Minister is of the opinion that the integrity or apparent integrity of an authorised CMS or authorised linked gaming system is likely to be seriously prejudiced because of:
- (a) any irregularity or alleged irregularity of any kind, or
 - (b) the character or reputation of any person concerned in the operation of the authorised CMS or authorised linked gaming system, or
 - (c) any other fact or circumstance reported to the Minister.
- (2) The Minister may, for the purpose of avoiding the prejudice referred to in this clause, by notice in writing, direct:
- (a) the licensee, or
 - (b) a contractor, or
 - (c) any other person concerned, in whatever capacity, in the management or supervision of an authorised CMS or authorised linked gaming system,
- to take (or to refrain from taking) any action specified in the notice.
- (3) A person who does not comply with a direction given to the person under this clause is guilty of an offence.
- Maximum penalty: 50 penalty units.

121 Minister may direct licensee to terminate certain contractual arrangements

- (1) If a person who is a contractor of a licensee does not comply with a direction given to the person under clause 120, the Minister may, by notice in writing, direct the licensee to terminate, within a time specified in the notice, the contract or other arrangement under which the person is a contractor of the licensee.

Clause 121	Gaming Machines Regulation 2002
Part 8	Provisions relating to authorised CMS and inter-venue linked gaming systems
Division 3	Regulation of operation of authorised CMS and linked gaming systems

- (2) A licensee who does not comply with a notice given to the licensee under this clause is guilty of an offence.

Maximum penalty: 50 penalty units.

- (3) It is taken to be a condition of any contract or other arrangement entered into between a licensee and a contractor that the licensee has the rights required to enable the licensee to give effect to a direction to which this clause applies.
- (4) Any such termination of a contract or other arrangement has effect accordingly, and neither the State nor the Minister incurs any liability by reason of that termination.
- (5) The Minister may exempt specified contracts or other arrangements or specified classes of contracts or other arrangements from the operation of this clause. The effect of such an exemption is that a contract or other arrangement to which the exemption applies cannot be the subject of a direction under this clause.

122 Prejudice to integrity of authorised CMS or linked gaming system involving key employee

- (1) The Minister may give a direction under this clause if the Minister is of the opinion that the integrity or apparent integrity of an authorised CMS or authorised linked gaming system operated by a licensee is likely to be seriously prejudiced because of:
- (a) the criminal record of a key employee, or
 - (b) the character or reputation of a key employee.
- (2) The Minister may, by notice in writing, direct:
- (a) the licensee, or
 - (b) a contractor, or
 - (c) any other appropriate person,
- to terminate immediately and not to renew the employment or arrangement by reason of which the key employee is a key employee of the licensee, contractor or other person.
- (3) A person who does not comply with a direction given to the person under this clause is guilty of an offence.

Maximum penalty: 50 penalty units.

Gaming Machines Regulation 2002	Clause 123
Provisions relating to authorised CMS and inter-venue linked gaming systems	Part 8
Regulation of operation of authorised CMS and linked gaming systems	Division 3

123 Notice of proposed relevant contracts or variations of relevant contracts to be given

- (1) This clause applies only to relevant contracts that the conditions of the CMS licence or links licence require to be notified to the Minister.
- (2) A licensee must not enter into or become a party to a relevant contract, or the variation of a relevant contract, to which this clause applies until the licensee has given the Minister written notice of the details of the proposed contract or variation of contract that are specified in the conditions of the licence and the investigation time that the Minister is allowed by this clause has elapsed.
- (3) The notice must be accompanied by the fee (if any) specified by the conditions of the licence.
- (4) The Minister may object to the proposed contract or variation of contract by notice in writing given to the licensee during the investigation time that the Minister is allowed by this clause, in which case the licensee must not enter into or become a party to the contract or variation of contract.
- (5) The Minister is not required, despite any rule of law to the contrary, to give reasons for an objection made under subclause (4).
- (6) The Minister is allowed 28 days investigation time (starting from when the notice under subclause (2) is given to the Minister) but that time can be shortened or extended in a particular case by the Minister by notice in writing to the licensee.
- (7) Investigation time is not to be extended unless the Minister is of the opinion that the special circumstances of the case (such as, for example, the complex nature of the inquiries that need to be made or the need to consult other persons or bodies) make the extension necessary or desirable and that public interest considerations justify the extension.
- (8) Investigation time can be extended more than once but cannot in any case be extended to more than 6 months after the notice was given to the Minister.
- (9) It is a condition of a CMS licence or links licence that the licensee must comply with this clause.
- (10) Failure to comply with this clause does not affect the validity of any contract or variation of contract.

Clause 124	Gaming Machines Regulation 2002
Part 8	Provisions relating to authorised CMS and inter-venue linked gaming systems
Division 3	Regulation of operation of authorised CMS and linked gaming systems

124 Notice to show cause why relevant contract should not be terminated

- (1) The Minister may serve on each party to a relevant contract a notice in writing giving the party an opportunity to show cause within 14 days why the contract should not be terminated on the ground that it is not in the public interest for the contract to remain in force.
- (2) The notice is to specify the reasons why it is considered that it is not in the public interest for the contract to remain in force.
- (3) A party to the contract may, within the period specified in the notice, arrange with the Minister for the making of submissions as to why the contract should not be terminated.
- (4) The Minister may:
 - (a) after considering any submissions so made, or
 - (b) if no arrangements are made within the period specified in the notice, or no submissions are received in accordance with arrangements made,
 by notice in writing served on each party to the contract, require the contract to be terminated within a time specified in the notice.
- (5) If a contract is not terminated as required by a notice, it is terminated as and from the expiration of the time specified in the notice for the termination of the contract.
- (6) This clause applies to relevant contracts whether entered into before or after 2 April 2002.

125 Effect of termination

- (1) If a relevant contract is terminated in accordance with this Division:
 - (a) the termination does not affect a right acquired, or a liability incurred, before the termination by a person who was a party to the contract, as a result of the performance before the termination of any obligation imposed by the contract, and
 - (b) no liability for breach of contract is, by reason only of that termination, incurred by a person who was a party to the contract, and
 - (c) neither the State nor the Minister incurs any liability by reason of that termination.

Gaming Machines Regulation 2002	Clause 125
Provisions relating to authorised CMS and inter-venue linked gaming systems	Part 8
Regulation of operation of authorised CMS and linked gaming systems	Division 3

- (2) A party to a relevant contract terminated in accordance with this Division who gives further effect to the contract is guilty of an offence.
Maximum penalty: 50 penalty units.

126 Investigations

- (1) The Minister may appoint a person to investigate and report on matters and circumstances specified by the Minister relating to:
- (a) the operation of an authorised CMS or authorised linked gaming system, or
 - (b) a licensee, or a person who, in the opinion of the Minister, is an associate of a licensee, or
 - (c) a specified person who, or a specified class of persons which includes persons who, in the opinion of the Minister, could affect the operation of an authorised CMS or authorised linked gaming system, or
 - (d) a specified person who, or a specified class of persons which includes persons who, in the opinion of the Minister, could be in a position to exercise direct or indirect control over a licensee in relation to the operation of an authorised CMS or authorised linked gaming system.
- (2) A person appointed to carry out an investigation may, for the purpose of the investigation, exercise:
- (a) the functions conferred by clause 114 on the Minister, and
 - (b) any other functions of the Minister specified by the Minister in the instrument of appointment.
- (3) The exercise of functions under this clause by a person other than the Minister has effect as if the functions had been exercised by the Minister.

Clause 127	Gaming Machines Regulation 2002
Part 9	Fees
Division 1	Gaming-related licences and work permits

Part 9 Fees

Division 1 Gaming-related licences and work permits

127 Application fee for gaming-related licence

For the purposes of section 88 (3) (b) of the Act, the fee to accompany an application for:

- (a) a dealer's licence is \$1,000, or
- (b) any other type of gaming-related licence is \$100.

128 Fees for grant of gaming-related licence

- (1) In accordance with section 101 (1) (a) of the Act, the following fees are prescribed:
 - (a) for the grant of a dealer's licence—\$10,000,
 - (b) for the grant of a seller's licence—\$500,
 - (c) for the grant of a technician's licence—\$200,
 - (d) for the grant of an adviser's licence—\$500,
 - (e) for the grant of a testing facility licence—\$1,000.
- (2) The fee payable for the grant of a gaming-related licence is to be reduced by the amount of the fee lodged with the application for the licence.

129 Periods in respect of which periodic licence fees are payable (licensing periods)

For the purposes of section 108 (1) of the Act, a period of one year that commences on 16 February (other than the period of one year during which the gaming-related licence concerned is granted) is prescribed in respect of gaming-related licences.

130 Amount of periodic licence fees

- (1) In accordance with section 108 (2) of the Act, the following periodic licence fees are prescribed:
 - (a) for a dealer's licence—\$10,000,
 - (b) for a seller's licence—\$500,

Gaming Machines Regulation 2002

Clause 130

Fees

Part 9

Gaming-related licences and work permits

Division 1

- (c) for a technician's licence—\$200,
 - (d) for an adviser's licence—\$500,
 - (e) for a testing facility licence—\$1,000.
- (2) A periodic licence fee payable in respect of a licensing period must be paid in full on or before the commencement of that period.

131 Periods in respect of which periodic work permit fees are payable

For the purposes of section 108 (1) of the Act, the following periods are prescribed in respect of a work permit:

- (a) a period that commences on the date of issue of the work permit and ends on the following 15 February,
- (b) a period of one year that commences on 16 February (other than the period of one year during which the permit was issued).

132 Amount of periodic work permit fees

- (1) In accordance with section 108 (2) of the Act, \$50 is prescribed as the periodic fee payable for a work permit.
- (2) A periodic permit fee payable in respect of a permit period must be paid in full on or before the commencement of that period.

Division 2 Other fees**133 Application for Board's approval of transfer of poker machine entitlements**

For the purposes of section 19 (3) (a) of the Act, the prescribed application fee is \$250.

Clause 134 Gaming Machines Regulation 2002

Part 10 Miscellaneous provisions

Part 10 Miscellaneous provisions

134 Clubs exempt from requirement for authorisation to keep certain poker machines

- (1) This clause applies to an approved poker machine:
 - (a) that is electro-mechanical or mechanical, and
 - (b) that is not operated for paying out money or tokens or for registering a right to an amount of money or money's worth available to be paid out or claimed, and
 - (c) the reel strips of which have been changed to numerical cards.
- (2) A registered club is exempt from the requirement under section 56 of the Act to be authorised to keep an approved poker machine to which this clause applies but only if no more than 2 such poker machines are kept by the club at any one time.

135 Authorised possession of poker machines and devices before approval

For the purposes of section 69 (2) (d) of the Act, the following circumstances are prescribed:

- (a) the person in possession of the poker machine or device has been requested by a dealer to provide services in relation to the development or testing of the poker machine or device, or its components, before it is submitted to the Board for approval,
- (b) the person has possession of the poker machine or device in order to provide those services,
- (c) the person has written evidence of the request to provide the services.

136 Board's approval

If the Board is required or permitted by a provision of this Regulation to approve of any matter or thing or the form of any matter or thing, the Board:

- (a) may approve of the matter, thing or form generally in relation to all persons to whom the provision applies, or
- (b) may approve of different matters, things or forms according to different circumstances specified in relation to persons to whom the provision applies, or

Gaming Machines Regulation 2002

Clause 136

Miscellaneous provisions

Part 10

- (c) if, in relation to any such provision, an approval in accordance with paragraph (a) or (b) has not been given in relation to a particular person, may approve of the matter, thing or form in relation to that person, or
- (d) may withdraw any such approval.

137 General requirement for records to be kept for 3 years

- (1) A person who is required by this Regulation to keep a record must keep the record for a period of at least 3 years after it is made and provide for its safe keeping throughout that time.

Maximum penalty: 20 penalty units.

- (2) A person who is a dealer, hotelier or technician must keep any records relating to the person's business (in so far as the person's business relates to approved gaming machines) at the dealer's premises, the hotelier's licensed premises or the technician's place of business, or at such other place as the Board approves.

Maximum penalty: 20 penalty units.

- (3) Subclause (1) does not apply to the keeping of a record under a provision of this Regulation that provides for the record to be kept for a different period.

138 Exclusion of Sydney CBD from definition of "retail shopping centre"

- (1) A retail shopping centre that fronts onto any part of the boundary specified in Schedule 2 (Sydney Central Business District) or that is situated within the boundary specified in that Schedule is excluded from the definition of *retail shopping centre* in section 60 of the Act.
- (2) For the purposes of this clause, a retail shopping centre that fronts onto any part of the boundary specified in Schedule 2 includes a retail shopping centre built over water that is joined to any part of the Sydney Harbour waterfront that is part of the boundary.

139 Furnishing of records, reports or other information

- (1) Any requirement under this Regulation to furnish particulars of any record or to furnish a report or any other information, or any certificate, to the Board may be complied with by delivering or posting a written statement of the particulars or the report or other information, or the certificate, to the Secretary of the Board.

Clause 139 Gaming Machines Regulation 2002

Part 10 Miscellaneous provisions

- (2) Any particulars that are stored wholly or partly by electronic means must be reduced to writing before being furnished to the Board.
- (3) The particulars, information, report or certificate must be furnished in a form approved by the Board if the Board so requires.

140 Disclosure of information

- (1) For the purposes of section 206 (2) (c) of the Act, the following persons and authorities are prescribed:
 - (a) the Director,
 - (b) the Director-General,
 - (c) the Casino Control Authority.
- (2) For the purposes of section 206 (5) (e) of the Act, a person who makes or is proposing to make an application to which Division 1 of Part 4 of the Act applies is prescribed but only in relation to the disclosure of such information as is necessary to enable the person to provide a social impact assessment in accordance with the Act and this Regulation.

141 Evidence of age

A document of one of the following classes is, for the purposes of section 54 of the Act, acceptable evidence that a person holding the document is at least 18 years of age, but only if the document bears a photograph of the person and indicates (by reference to the person's date of birth or otherwise) that the person is of or above that age (and only if the document has not expired and otherwise appears to be in force):

- (a) a motor vehicles drivers licence or riders licence or permit issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth, of some other State or Territory or of some other country,
- (b) a "proof of age" card issued by the Roads and Traffic Authority or by the corresponding public authority of the Commonwealth of some other State or Territory,
- (c) a passport issued by the Commonwealth or under the law of some other country.

Gaming Machines Regulation 2002

Clause 142

Miscellaneous provisions

Part 10

142 Appeals to Licensing Court

- (1) An appeal under section 189 of the Act must be made by:
 - (a) lodging written notice of the appeal with the Principal Registrar not later than 21 days after the adjudication appealed against, and
 - (b) serving copies of that notice on all other parties to the proceedings.
- (2) The copies of the notice must be served not later than 7 days after lodgment of the appeal.
- (3) A fee of \$100 is payable on lodgment of an appeal.

143 Affidavits

- (1) An affidavit for use in proceedings before the Licensing Court must:
 - (a) identify the proceedings to which it relates, and
 - (b) if a solicitor is acting in the proceedings for the party who files the affidavit—contain the name, address and telephone number of the solicitor, and
 - (c) be signed at the end, and on each page, by the deponent and the person before whom it is sworn, and
 - (d) have each alteration, interlineation or erasure initialled by the deponent and the person before whom it is sworn, and
 - (e) have any annexure or attachment certified by the person before whom it is sworn.
- (2) The name of the person before whom an affidavit is sworn must be written or printed legibly below the person's signature at the end of the affidavit.
- (3) The Licensing Court may order any material in an affidavit to be struck out.
- (4) Except to the extent that the Licensing Court otherwise directs, an affidavit may be admitted in evidence despite any irregularity in its form.

Clause 144 Gaming Machines Regulation 2002

Part 10 Miscellaneous provisions

144 Admissions

- (1) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, admit, in favour of that other party and for the purpose only of the proceedings, facts specified in the notice.
- (2) A party to proceedings before the Licensing Court (other than proceedings for an offence) may, by notice served on another party, require that other party to admit, in favour of the party serving the notice and for the purpose only of the proceedings, facts specified in the notice.
- (3) A fact specified in a notice served under subclause (2) is, in favour of the party who served the notice and for the purpose only of the proceedings to which the notice relates, admitted by the party on whom the notice was served unless, within the period of 14 days after that service, that party serves on the party who served the notice a notice disputing the fact.
- (4) A party to proceedings who serves a notice disputing a fact which is later proved in the proceedings is liable for the costs of proving the fact (except to the extent that the Licensing Court otherwise directs).
- (5) An admission under this clause for the purpose of any proceedings must not be used:
 - (a) against the admitting party in any other proceedings, or
 - (b) in favour of any person other than the person in whose favour the admission is made.

145 Procedural directions

- (1) In relation to any proceedings before the Licensing Court (other than proceedings for an offence):
 - (a) a licensing magistrate may, before hearing the proceedings, and
 - (b) the Licensing Court may, of its own motion or on application, give such directions (not inconsistent with the Act or this Regulation) as the licensing magistrate or Court thinks necessary or desirable for the proper disposal of the proceedings.
- (2) The directions may include a direction that an application be heard and determined with any other specified application, even though the applications to which the direction relates:
 - (a) are subject to objections that are based on different grounds, or

Gaming Machines Regulation 2002

Clause 145

Miscellaneous provisions

Part 10

-
- (b) are subject to objections that are based on the same grounds for different reasons, or
 - (c) were made on different dates.
- (3) The Licensing Court may give directions under this clause in respect of a class of proceedings.

146 Remedial orders

- (1) For the purposes of section 199 of the Act, offences under the following provisions of this Regulation are prescribed offences:
- (a) clause 21 (Display of information concerning chances of winning prizes on gaming machines),
 - (b) clause 23 (Provision of player information brochures),
 - (c) clause 24 (Provision of player information brochures in community languages),
 - (d) clause 25 (Dangers of gambling—notice to be displayed on gaming machines),
 - (e) clause 26 (Counselling signage—notice to be displayed),
 - (f) clause 27 (ATM signage),
 - (g) clause 28 (Display of clocks),
 - (h) clause 29 (Prohibitions on dealings with cheques),
 - (i) clause 30 (Payment of prize money by cheque or electronic funds transfer),
 - (j) clause 31 (Location of cash dispensing facilities away from gaming machines),
 - (k) clause 48 (Gambling inducements),
 - (l) clause 50 (Publicity for prizewinners).

147 Penalty notice offences

- (1) For the purposes of section 203 of the Act:
- (a) each offence created by a provision of the Act or this Regulation specified in Column 1 of Schedule 3 is stated to be an offence to which that section applies (*a penalty notice offence*), and

Clause 147 Gaming Machines Regulation 2002

Part 10 Miscellaneous provisions

- (b) the prescribed penalty payable for a penalty notice offence if dealt with under section 203 of the Act is the amount specified in Column 3 of Schedule 3.
- (2) The expression set out in Column 2 of Schedule 3 in relation to a penalty notice offence (or so much of the expression as is relevant to the offence concerned) may be used to describe the penalty notice offence in general terms.

148 General savings provision

Any thing done under a provision of the *Liquor Regulation 1996* or the *Registered Clubs Regulation 1996* that had any force or effect immediately before 2 April 2002 is, to the extent that it could have been done or given effect to under this Regulation, taken to be in force under this Regulation.

Gaming Machines Regulation 2002

Gaming-related licensees—

Schedule 1

Schedule 1 Gaming-related licensees—prescribed changes and particulars

(Clause 65)

Column 1	Column 2
Prescribed change	Prescribed particulars
A change in: (a) the name of the licensee, or (b) the principal residential address of the licensee, or (c) the business or private telephone number of the licensee.	Particulars of those matters as changed.
In the case of a seller or technician, a change in the business address of the seller or technician.	Particulars of the address as changed.
The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which the licensee is a party.	Particulars of: (a) the nature of the proceedings, and (b) the names and addresses of the other parties to the proceedings, and (c) the date of the commencement, settlement, discontinuance or finalisation of the proceedings, and (d) the terms of the settlement (unless the terms of settlement are prohibited from being disclosed) or the result of the finalisation of the proceedings (including the making of an order under section 10 of the <i>Crimes (Sentencing Procedure) Act 1999</i>).
A change consisting of: (a) the obtaining of judgment against the licensee, or (b) the creation of a charge over any property of the licensee, or (c) repossession of any property of the licensee.	Particulars giving: (a) the terms of the judgment or charge, and (b) the reasons for and circumstances of the repossession, and (c) a description of the property affected.

Gaming Machines Regulation 2002

Schedule 1 Gaming-related licensees—

Column 1	Column 2
Prescribed change	Prescribed particulars
The licensee: (a) becomes bankrupt, or (b) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or (c) compounds with creditors or makes an assignment of remuneration for their benefit, or (d) enters into a compromise or scheme of arrangement with creditors. A person obtains a direct or indirect interest in the business that is carried on under the authority of the licence.	Particulars of: (a) the terms, and (b) the date, of the bankruptcy, application, compounding, assignment, compromise or scheme of arrangement. Particulars of: (a) the name of the person obtaining the direct or indirect interest, and (b) that person's date of birth, and (c) that person's residential address, and (d) the nature of that person's interest, and (e) the details of any offence that person has been convicted of (in New South Wales or elsewhere), other than parking and traffic offences, and (f) the details of any charges pending against that person (in New South Wales or elsewhere), other than parking or traffic charges.

Gaming Machines Regulation 2002

Sydney Central Business District

Schedule 2

Schedule 2 Sydney Central Business District

(Clause 138)

The boundary referred to in clause 138 is as follows:

Wentworth Avenue, from its intersection with Elizabeth Street, north and east to its intersection with Liverpool Street, Oxford Street and College Street,

College Street, from its intersection with Wentworth Avenue, Liverpool Street and Oxford Street, north to its intersection with Prince Albert Road,

Prince Albert Road, from its intersection with College Street, generally northwest to its intersection with St James Road and Macquarie Street,

Macquarie Street, from its intersection with Prince Albert Road and St James Road, to its northern extent,

a line running due west, from the northern extent of Macquarie Street, to its point of intersection with the Sydney Harbour waterfront,

along the Sydney Harbour waterfront (including along the Sydney Cove waterfront to the Dawes Point waterfront, the Dawes Point waterfront to the Millers Point waterfront, and the Millers Point waterfront to the Cockle Bay waterfront), from that point of intersection, to the point at which the western end of Pyrmont Bridge crosses over the Cockle Bay waterfront,

Pyrmont Bridge, from that point, west to its western extent,

a line running generally southeast, from the western extent of Pyrmont Bridge, to its most northernmost point of intersection with Darling Drive and the line of the route of the Darling Harbour monorail transport system,

Darling Drive, from that point of intersection, generally south to its intersection with the route of the Ultimo/Pyrmont Light Rail Transit System,

the route of the Ultimo/Pyrmont Light Rail Transit System, from its intersection with Darling Drive, east to its intersection with Hay Street,

Hay Street, from its intersection with the route of the Ultimo/Pyrmont Light Rail Transit System, east to its intersection with Elizabeth Street,

Elizabeth Street, from its intersection with Hay Street, north to its intersection with Wentworth Avenue.

Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Schedule 3 Penalty notice offences

(Clause 147)

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 38 (1)	Allow gaming machine to operate during interim shutdown period	\$1,100
Section 39 (1)	Allow gaming machine to operate during general shutdown period	\$1,100
Section 40 (2)	Allow gaming machine to operate during 3-hour shut down period	\$1,100
Section 41 (4)	Allow gaming machine to operate during approved shutdown period	\$1,100
Section 43 (1)	Publish gambling related advertising	\$1,100
Section 43 (3)	Enter into/extend duration of contract/arrangement for gambling-related advertising	\$1,100
Section 44 (1) (a)	Display gambling-related sign outside/in vicinity of hotel/club	\$1,100
Section 44 (1) (b)	Display gambling-related sign inside hotel/club that is visible outside hotel/club	\$1,100
Section 44 (3)	Enter into/extend duration of contract/arrangement for gambling-related sign	\$1,100
Section 45 (2) (a)	Offer/present promotional prize as cash	\$1,100
Section 45 (2) (b)	Offer/present promotional prize over \$1,000 in value	\$1,100
Section 45 (2) (c)	Permit patron to exchange promotional prize for cash	\$1,100

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 45 (2) (d)	Permit bonus or reward points under player reward scheme to be redeemed for cash	\$1,100
Section 45 (4)	Fail to provide player activity statement	\$1,100
Section 50 (1)	Minor operate gaming machine in hotel/club	\$55
Section 51 (1) (a)	Minor operate gaming machine in hotel (offence by hotelier)	\$550
Section 51 (1) (b)	Minor operate gaming machine in club (offence by club and secretary of club)	\$550
Section 52 (1)	Minor enter/being in club gaming machine area	\$55
Section 52 (2)	Fail to remove minor from club gaming machine area	\$550
Section 52 (3)	Minor in club gaming machine area (offence by member)	\$220
Section 53 (2) (a)	Suspected minor refuse/fail to state name or address	\$55
Section 53 (2) (b)	Suspected minor refuse/fail to produce evidence of age	\$110
Section 54 (2)	Minor provide false/misleading information to obtain age evidence	\$110
Section 56 (1)	Unlawful keeping/disposal of gaming machine	\$1,100
Section 57 (2)	Fail to provide particulars of change in information provided in application for authorisation/variation of authorisation	\$550
Section 59 (5)	Fail to comply with direction	\$1,100

Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 61 (4)	Keep MTGM that exceeds bet/prize limit	\$1,100
Section 68 (a)	Keep more than 5 gaming machines in general bar area of hotel	\$1,100
Section 68 (b)	Fail to locate gaming machines in hotel gaming room	\$1,100
Section 69 (1) (a)	Possess poker machine that is not approved	\$1,100
Section 69 (1) (b)	Possess amusement device that is not approved	\$1,100
Section 70 (1)	Unauthorised possession of gaming machine	\$1,100
Section 71 (1)	Supply/offer to supply gaming machine except by way of sale	\$1,100
Section 71 (2)	Unauthorised purchase/offer to purchase gaming machine	\$1,100
Section 71 (3)	Supply gaming machine to hotelier/club if keeping unlawful	\$550
Section 71 (4)	Supply/offer to supply gaming machine if possession unlawful	\$1,100
Section 75	Gaming machine capable of providing cash or credit otherwise than as prize	\$1,100
Section 76 (1)	Gaming machine fails to function as designed and programmed	\$1,100
Section 77 (1) (a)	Break seal securing computer cabinet/gain access to computer cabinet	\$1,100
Section 77 (1) (b)	Affix seal to computer cabinet	\$1,100
Section 77 (1) (c)	Remove/replace/interfere with computer cabinet	\$1,100

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 77 (1) (d)	Break seal protecting integrity of game program	\$1,100
Section 77 (1) (e)	Remove/interfere with security device on gaming machine	\$1,100
Section 77 (1) (f)	Remove/interfere with housing protecting meters of gaming machine	\$1,100
Section 77 (1) (g)	Remove/disconnect/interfere with meter of gaming machine	\$1,100
Section 77 (1) (h)	Interfere with information received/stored/transmitted by gaming machine	\$1,100
Section 77 (1) (i)	Remove/interfere with mark/seal affixed to gaming machine	\$1,100
Section 77 (2)	Fail to replace broken seal	\$1,100
Section 77 (3)	Remove/alter/interfere with compliance plate	\$1,100
Section 77 (5)	Authorise/permit other person to act unlawfully	\$1,100
Section 78 (1)	Unlawful modification of gaming machine	\$1,100
Section 78 (2)	Fail to return converted components to supplier	\$1,100
Section 79 (1)	Fail to notify Director of particulars of consignment or movement of gaming machine	\$550
Section 85 (1)	Sale of gaming machine by unlicensed person	\$1,100
Section 85 (4)	Sale of gaming machine by dealer/seller/adviser not authorised	\$1,100

Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 87 (1)	Act as gaming machine adviser without licence	\$1,100
Section 87 (2)	Dealer/adviser act as gaming machine adviser without authority	\$1,100
Section 92	Fail to notify of change in information provided in application for gaming-related licence	\$220
Section 104 (3)	Fail to comply with conditions of gaming-related licence	\$1,100
Section 106 (3)	Fail to allow dealer/technician access to gaming machine	\$550
Section 109 (2)	Fail to return cancelled gaming-related licence	\$55
Section 121 (1)	Compliance plate not attached to gaming machine	\$1,100
Section 122 (1)	Enter into transaction without Board approval	\$220
Section 122 (2)	Vary term or condition of transaction without Board approval	\$220
Section 122 (3)	Fail to notify Board of change in approved financial arrangements approved by Board	\$220
Section 123	Fail to notify Board of termination of contract of service	\$220
Section 124	Fail to notify Principal Registrar of commencement/cessation of employment	\$220
Section 125	Fail to notify Director of change in state of affairs of licence holder	\$220

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under the Act

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Section 126 (1)	Fail to wear approved form of identification	\$220
Section 133 (2)	Fail to ensure gaming machine connected to authorised CMS	\$1,100
Section 133 (3)	Fail to permit employee or agent of CMS licensee to have access to gaming machines/fail to assist employee or agent of CMS licensee	\$1,100
Section 134 (1)	Fail to pay CMS monitoring fee	\$1,100
Section 180 (6)	Delay or obstruct police officer/Director/special inspector	\$550
Section 180 (7)	Refuse to permit/assist exercise of powers of police officer/Director/special inspector	\$550
Section 182 (2)	Fail to comply with requirement of special inspector	\$550
Section 183 (11)	Fail to comply with summons	\$550
Section 183 (12)	Break temporary seal affixed to gaming machine	\$1,100
Section 199 (2)	Fail to comply with order	\$220

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 5 (2)	Install/keep MTGM in hotel	\$550
Clause 10 (1) (a)	Gaming machine not located in restricted area of hotel	\$1,100

Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 10 (1) (b)	Permit gaming machine to be operated outside hotel trading hours	\$1,100
Clause 12 (a)	Fail to switch off faulty gaming machine	\$550
Clause 12 (b)	Fail to attach notice to faulty gaming machine	\$550
Clause 12 (c)	Permit faulty gaming machine to be played	\$550
Clause 12 (d)	Fail to repair faulty gaming machine	\$550
Clause 13 (1)	Fail to award/pay gaming machine prize	\$1,100
Clause 14 (1)	Vary prize schedule without approval	\$550
Clause 14 (2)	Value of gaming machine prizes below required percentage	\$550
Clause 14 (3)	Information about non-monetary prizes not accessible	\$550
Clause 14 (4)	Fail to purchase item as required	\$550
Clause 15	Fail to keep record of prize	\$550
Clause 17 (1)	Fail to establish account/obtain guarantee to cover MTGM jackpot prizes	\$550
Clause 17 (2)	Fail to keep record of account/guarantee	\$550
Clause 18 (1)	Fail to comply with meter requirements	\$550
Clause 19 (1)	Fail to make gaming machine record	\$550
Clause 20 (1)	Gaming machines not cleared	\$550
Clause 20 (2)	Fail to make record of clearance	\$550
Clause 20 (3)	Gaming machines not refilled	\$550
Clause 20 (4)	Fail to make record of refill	\$550

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 21 (1)	Fail to display winning chances	\$550
Clause 23 (1)	Fail to make player information available	\$550
Clause 24 (2)	Fail to supply community language player information	\$550
Clause 25 (2)	Fail to display gambling warning notice/problem gambling notice	\$550
Clause 26 (1)	Fail to display counselling notice	\$550
Clause 27 (1)	Fail to display notice on ATM	\$550
Clause 28	Fail to display clock	\$550
Clause 29 (1) (a)	Exchange cheque not made out to hotelier/owner/club	\$550
Clause 29 (1) (b)	Exchange cheque for more than \$400 cash	\$550
Clause 29 (1) (c)	Exchange more than one cheque per person per day for cash	\$550
Clause 29 (1) (d)	Exchange cheque for cash if previous cheque not met	\$550
Clause 30 (1)	Fail to pay prize money by cheque/EFT	\$550
Clause 30 (2)	Fail to pay prize money below \$1,000 by cheque/EFT at request of prizewinner	\$550
Clause 31	Cash dispensing facilities located in gaming area	\$550
Clause 43	Fail to keep record or copy of player activity statement	\$550
Clause 44 (2)	Disclose information in player activity statement (offence by hotelier/club)	\$1,100

Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 44 (3)	Disclose information in player activity statement (offence by other person)	\$1,100
Clause 46 (5)	Fail to display counselling service notice	\$550
Clause 48 (a)	Offer/supply free/discounted liquor as inducement to play gaming machines	\$550
Clause 48 (b)	Offer free credits as inducement to play gaming machines	\$550
Clause 49 (3)	Fail to display sign relating to gaming machine area of club	\$550
Clause 50 (1)	Publish/cause to be published prizewinner's identity	\$550
Clause 51 (2)	Hotelier fail to complete approved training course	\$550
Clause 51 (3)	Club secretary fail to complete approved training course	\$550
Clause 51 (4)	Employ unqualified gaming staff	\$550
Clause 56 (1)	Fail to allocate serial number to gaming machine	\$550
Clause 57 (1)	Permit manufacture/assembly/repair of gaming machine without supervision	\$220
Clause 57 (2)	Unauthorised removal of memory chip from logic board	\$220
Clause 58 (1)	Fail to keep record of gaming machine/logic board sold by dealer	\$220
Clause 58 (2)	Fail to record required information	\$220
Clause 58 (3)	Fail to extract particulars/furnish particulars/furnish certificate	\$220

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 59	Permit use of gaming machine/logic board for sales promotion	\$220
Clause 60	Fail to notify Board of defect or malfunction/of fraudulent manipulation of gaming machine	\$550
Clause 61 (1)	Business premises not approved	\$220
Clause 62	Remove and replace meter in gaming machine	\$220
Clause 66	Fail to make/keep consignment record	\$220
Clause 68 (a)	Keep unauthorised progressive gaming machine	\$550
Clause 68 (b)	Keep unauthorised progressive system	\$550
Clause 68 (c)	Remove progressive gaming machine/system from play	\$550
Clause 69 (1)	Permit operation of malfunctioning progressive gaming machine/system	\$550
Clause 69 (2)	Fail to remove malfunctioning progressive gaming machine/system from play	\$550
Clause 69 (3)	Fail to remove gaming machine from play/repair gaming machine	\$550
Clause 70	Permit unauthorised person to access progressive gaming machine/system	\$550
Clause 71 (1) (a)	Dispose of progressive gaming machine	\$550
Clause 71 (1) (b)	Dispose of progressive system	\$550
Clause 71 (1) (c)	Dispose of progressive jackpots	\$550
Clause 71 (1) (d)	Make use of progressive jackpots	\$550

Gaming Machines Regulation 2002

Schedule 3 Penalty notice offences

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 71 (2)	Fail to comply with requirements for disposal of progressive gaming machine/system	\$550
Clause 72 (1)	Fail to comply with requirements to provide details relating to disposal of progressive gaming machine/system	\$550
Clause 73	Fail to keep record relating to prizes won on progressive gaming machine/system	\$550
Clause 74 (1)	Fail to comply with requirements relating to progressive gaming machines	\$550
Clause 75 (1)	Fail to comply with requirements relating to progressive systems	\$550
Clause 76 (1)	Fail to comply with requirements relating to prize payments from progressive machine/system	\$550
Clause 77 (1)	Fail to comply with requirements relating to progressive gaming machines	\$550
Clause 78 (1)	Fail to comply with requirements relating to progressive systems	\$550
Clause 79	Fail to establish account/obtain guarantee to cover prizes won on progressive machines/systems	\$550
Clause 81	Fail to comply with player card and account requirements	\$550
Clause 89 (1)	Disclose information in player activity statement (offence by hotelier/club)	\$1,100
Clause 89 (2)	Disclose information in player activity statement (offence by other person)	\$1,100
Clause 92	Fail to comply with gaming machine ticket requirements	\$550

Gaming Machines Regulation 2002

Penalty notice offences

Schedule 3

Offences under this Regulation

Column 1	Column 2	Column 3
Offence	Short description	Penalty
Clause 137 (2)	Fail to keep records at place of business/approved place	\$220

Gaming Machines (Savings and Transitional) Amendment Regulation 2002

under the

Gaming Machines Act 2001

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Gaming Machines Act 2001*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

Under section 41 of the *Gaming Machines Act 2001*, a hotel or registered club that is an “early opener” may apply for the Liquor Administration Board’s approval of the hotel or club having a different 3-hour shutdown period to the mandatory 6 am to 9 am shutdown period for gaming machine operations in hotels and clubs.

The object of this Regulation is to provide for a transitional period in which early opening hotels and clubs that close for a consecutive period of at least 3 hours are taken to have the Board’s approval for a shutdown period other than between 6 am and 9 am. The Regulation will enable the early openers to comply with the 3-hour shutdown period until their applications for the Board’s approval are determined.

This Regulation is made under the *Gaming Machines Act 2001*, including clause 1 of Schedule 1.

Clause 1 Gaming Machines (Savings and Transitional) Amendment
Regulation 2002

Gaming Machines (Savings and Transitional) Amendment Regulation 2002

1 Name of Regulation

This Regulation is the *Gaming Machines (Savings and Transitional) Amendment Regulation 2002*.

2 Commencement

This Regulation commences on 2 April 2002.

3 Amendment of Gaming Machines (Savings and Transitional) Regulation 2002

The *Gaming Machines (Savings and Transitional) Regulation 2002* is amended as set out in Schedule 1.

Gaming Machines (Savings and Transitional) Amendment
Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 5

Insert after clause 4:

5 Approval of different shutdown periods for “early openers”

- (1) If a hotel or registered club to which section 41 of the Act applies closes, on any particular day of the week, for a consecutive period of at least 3 hours (*the closure period*), any 3-hour consecutive period that falls within the closure period is, for the purposes of that section, taken to be the different 3-hour shutdown period for that day as approved by the Board in respect of the hotel or club.
- (2) Subclause (1) ceases to apply in relation to any such hotel or registered club on 2 June 2002.
- (3) However, if an application is made under section 41 of the Act before 2 June 2002 for the Board’s approval of the hotel or club having a different 3-hour shutdown period from the interim 3-hour shutdown referred to in section 38 of the Act, subclause (1) continues to apply in relation to the hotel or club for the particular day concerned until such time as the application is determined by the Board.

Home Building Amendment (Insurance) Regulation 2002

under the

Home Building Act 1989

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

JOHN AQUILINA, M.P.,
Minister for Fair Trading

Explanatory note

The objects of this Regulation are:

- (a) to exempt the holder of, or an applicant for, a contractor licence from the requirement to show insurance has been obtained if the contract price does not exceed \$12,000, and
- (b) to increase from \$5,000 to \$12,000 the threshold above which building work, the supply of a kit home and owner-builder work must be insured, and
- (c) to provide that all holders of contractor licences are entitled to apply for an exemption from the insurance requirements of the Act in relation to residential building work and the supply of kit homes.

This Regulation is made under the *Home Building Act 1989*, including sections 92 (5), 93 (4), 95 (5) and 96 (4) (regarding thresholds), section 97 (1A) (regarding exemptions) and section 140 (the general regulation-making power).

Clause 1 Home Building Amendment (Insurance) Regulation 2002

Home Building Amendment (Insurance) Regulation 2002

1 **Name of Regulation**

This Regulation is the *Home Building Amendment (Insurance) Regulation 2002*.

2 **Commencement**

This Regulation commences on 2 April 2002.

3 **Amendment of Home Building Regulation 1997**

The *Home Building Regulation 1997* is amended as set out in Schedule 1.

Home Building Amendment (Insurance) Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 38A Exemption from requirement to show insurance has been obtained

Omit “\$5,000” wherever occurring in clause 38A (2).

Insert instead “\$12,000”.

[2] Clause 57AB

Insert after clause 57AA:

57AB Insurance thresholds

- (1) For the purposes of section 92 (3) of the Act, \$12,000 is prescribed.
- (2) For the purposes of section 93 (3) of the Act, \$12,000 is prescribed.
- (3) For the purposes of section 95 (3) (b) of the Act, \$12,000 is prescribed.
- (4) For the purposes of section 96 (3) (e) of the Act, \$12,000 is prescribed.

[3] Clause 57B

Omit the clause. Insert instead:

57B Persons entitled to apply for exemptions from insurance requirements

For the purposes of section 97 (1A) of the Act, contractors doing residential building work or supplying kit homes are prescribed as entitled to apply in relation to that work for the exemption referred to in that provision.

Liquor Amendment (Gaming Machines) Regulation 2002

under the

Liquor Act 1982

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 1982*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

The *Gaming Machines Act 2001*, which commences on 2 April 2002, includes amendments to the *Liquor Act 1982* that remove the provisions in that Act relating to the keeping and operation of gaming machines in hotels. The object of this Regulation is to amend the *Liquor Regulation 1996* as a consequence of those amendments to the *Liquor Act 1982*.

This Regulation is made under the *Liquor Act 1982*, including section 156 (the general regulation-making power).

Clause 1 Liquor Amendment (Gaming Machines) Regulation 2002

Liquor Amendment (Gaming Machines) Regulation 2002

1 Name of Regulation

This Regulation is the *Liquor Amendment (Gaming Machines) Regulation 2002*.

2 Commencement

This Regulation commences on 2 April 2002.

3 Amendment of Liquor Regulation 1996

The *Liquor Regulation 1996* is amended as set out in Schedule 1.

Liquor Amendment (Gaming Machines) Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 10 Plans to accompany certain applications

Omit clause 10 (a) (iv).

[2] Clause 11 Application fees (sections 37 (4) and 111E of the Act)

Omit the following matter:

Application for amusement device dealer's licence	\$500
---	-------

[3] Clause 12 Lodgment of applications

Omit clause 12 (2).

[4] Clause 15 Definition

Omit paragraph (a) (ii) of the definition of *application* in clause 15 (1).

[5] Clause 15 (1)

Omit paragraph (c) of the definition of *application*. Insert instead:

(c) an application for revocation or variation of a condition of a licence, or

[6] Clause 21 Display of licence

Omit “(other than a gaming-related licence)” from clause 21 (1).

[7] Part 5 Approved gaming devices

Omit the Part.

[8] Part 6 Fees

Omit Divisions 2 and 3.

[9] Clause 73 Payment of fees

Omit “or duties”.

Page 3

Liquor Amendment (Gaming Machines) Regulation 2002

Schedule 1 Amendments

[10] Part 6A Monitoring of approved gaming devices

Omit the Part.

[11] Clause 86C Gaming or liquor-related services

Omit “a centralised monitoring system, or an authorised linked gaming system,” from clause 86C (1).

Insert instead “an authorised CMS within the meaning of the *Gaming Machines Act 2001*, or an authorised inter-hotel linked gaming system within the meaning of Part 9 of that Act,”.

[12] Clause 86C (2)

Omit the subclause. Insert instead:

(2) In this clause:

gaming machine means an approved gaming machine within the meaning of the *Gaming Machines Act 2001*.

[13] Part 9 Inter-hotel linked gaming systems

Omit the Part.

[14] Schedule 2 Prescribed changes and particulars

Omit the Schedule.

[15] Schedule 3 Penalty notice offences

Omit the matter relating to sections 86L, 91A, 92, 117C and 117D of the *Liquor Act 1982* and all of the matter relating to the *Liquor Regulation 1996*.

[16] Schedule 4 Provisions of Registered Clubs Act 1976 relating to poker machines

Omit the Schedule.

[17] Schedule 5 The applied provisions

Omit the Schedule.

Public Lotteries Amendment (Gambling Inducements) Regulation 2002

under the

Public Lotteries Act 1996

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Lotteries Act 1996*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to prohibit the offering or supply of free or discounted liquor as an inducement to participate in any public lottery conducted under the *Public Lotteries Act 1996* (which include games of chance such as lotto and keno).

This Regulation is made under the *Public Lotteries Act 1996*, including sections 83 (the general regulation-making power) and 83A.

Clause 1

Public Lotteries Amendment (Gambling Inducements) Regulation 2002

Public Lotteries Amendment (Gambling Inducements) Regulation 2002

1 Name of Regulation

This Regulation is the *Public Lotteries Amendment (Gambling Inducements) Regulation 2002*.

2 Commencement

This Regulation commences on 2 April 2002.

3 Amendment of Public Lotteries Regulation 1996

The *Public Lotteries Regulation 1996* is amended as set out in Schedule 1.

Public Lotteries Amendment (Gambling Inducements) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 7H

Insert after clause 7G:

7H Gambling inducements

- (1) A licensee or agent of a licensee, or an employee of a licensee or agent of a licensee, must not offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in any public lottery conducted by the licensee.

Maximum penalty: 50 penalty units.

- (2) In subclause (1), *liquor* has the same meaning as in the *Liquor Act 1982*.

Registered Clubs Amendment (Gaming Machines) Regulation 2002

under the

Registered Clubs Act 1976

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Registered Clubs Act 1976*.

J. RICHARD FACE, M.P.,
Minister for Gaming and Racing

Explanatory note

The *Gaming Machines Act 2001*, which commences on 2 April 2002, contains amendments to the *Registered Clubs Act 1976* that remove the provisions in that Act relating to the keeping and operation of gaming machines in registered clubs.

The object of this Regulation is amend the *Registered Clubs Regulation 1996* as a consequence of those amendments to the *Registered Clubs Act 1976*.

This Regulation also provides that registered clubs that were committed, before 26 July 2001, to an amalgamation with another club are taken to have complied with the new amalgamation requirements under sections 17AD and 17AE of the Act (which require a deed of amalgamation to be entered into, and club members to be notified, before the amalgamation can be approved by the Licensing Court). In addition, section 17AH of the Act (which will restrict club amalgamations to clubs situated in the same area) will not apply to or in respect of proposed amalgamations by “pre-committed” clubs.

This Regulation is made under the *Registered Clubs Act 1976*, including section 73 (the general regulation-making power) and clause 1A of Schedule 2.

Clause 1 Registered Clubs Amendment (Gaming Machines) Regulation 2002

Registered Clubs Amendment (Gaming Machines) Regulation 2002

1 Name of Regulation

This Regulation is the *Registered Clubs Amendment (Gaming Machines) Regulation 2002*.

2 Commencement

This Regulation commences on 2 April 2002.

3 Amendment of Registered Clubs Regulation 1996

The *Registered Clubs Regulation 1996* is amended as set out in Schedule 1.

Registered Clubs Amendment (Gaming Machines) Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of *gaming-related licence* from clause 3 (1).

[2] Clause 7 Definition

Omit paragraph (g) of the definition of *application*.

[3] Clause 9 Fixing of copies of applications to premises

Omit clause 9 (1) (e).

[4] Clause 10 Service of copies of applications on local authorities

Omit clause 10 (1) (d).

[5] Clause 12 Prescribed notices

Omit clause 12 (2) and (4).

[6] Clause 12 (3)

Omit “or poker machine area”.

[7] Part 4 Approved gaming devices

Omit the Part.

[8] Clause 31 Application fees

Omit the matter relating to poker machine dealers’ licences and other gaming-related licences.

[9] Part 5, Divisions 3 and 4

Omit the Divisions.

Registered Clubs Amendment (Gaming Machines) Regulation 2002

Schedule 1 Amendments

[10] Clause 53A

Insert after clause 53:

53A Transitional provision—application of club amalgamation provisions to “pre-committed” clubs

- (1) A registered club that is a party to a proposed amalgamation under section 17A of the Act is taken to have complied with the requirements of sections 17AD and 17AE of the Act (as inserted by Schedule 3 [15] to the *Gaming Machines Act 2001*) with respect to the proposed amalgamation if:
 - (a) an application under section 17A of the Act in relation to the proposed amalgamation was made before 26 July 2001, or
 - (b) the Board is satisfied that the members of the clubs proposing to amalgamate had voted, before that date, in support of the proposed amalgamation, or
 - (c) the Board is satisfied that there is documentary evidence, made or prepared before that date, of an intention to amalgamate (such as a memorandum of understanding between the clubs proposing to amalgamate).
- (2) Accordingly, sections 17AD and 17AE of the Act do not apply to an application under section 17A of the Act if the parties to the proposed amalgamation are taken, as provided by subclause (1), to have complied with the requirements of those sections.
- (3) Section 17AH of the Act (as inserted by Schedule 3 [15] to the *Gaming Machines Act 2001*) does not apply to an application under section 17A of the Act if the parties to the proposed amalgamation are taken, as provided by subclause (1), to have complied with the requirements of sections 17AD and 17AE of the Act.

[11] Clause 55 Transitional provision—assessment of duty for period 1 March 1997 to 30 November 1997

Omit the clause.

Registered Clubs Amendment (Gaming Machines) Regulation 2002

Amendments

Schedule 1

[12] Clause 56 Transitional provision—registered clubs authorised to keep approved amusement devices before 1 April 1997

Omit the clause.

[13] Clause 56B Transitional provision—clubs receiving concession under section 87G not to be taken to be separate clubs under section 85 (1A)

Omit the clause.

[14] Clause 56C Transitional provision—multi-game machines

Omit the clause.

[15] Part 8 Inter-club linked gaming systems

Omit the Part.

[16] Schedule 1 Prescribed changes and particulars

Omit the Schedule.

[17] Schedule 2 Conditions relating to approved gaming devices

Omit the Schedule.

[18] Schedule 3 Penalty notice offences

Omit the matter relating to sections 48A (3), 50A, 51 (1) (d) and (e), 78 and 79 of the *Registered Clubs Act 1976* and all of the matter relating to the *Registered Clubs Regulation 1996*.

[19] Schedule 3

Omit “/poker machine area” from the matter relating to section 50B (1) of the *Registered Clubs Act 1976*.

[20] Schedule 4 Provisions of Liquor Act 1982 relating to approved amusement devices

Omit the Schedule.

Registered Clubs Amendment (Gaming Machines) Regulation 2002

Schedule 1 Amendments

[21] Schedule 5 The applied provisions

Omit the Schedule.

Summary Offences Amendment (Minors in Sex Clubs) Regulation 2002

under the

Summary Offences Act 1988

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Summary Offences Act 1988*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

Section 21E of the *Summary Offences Act 1988* requires the manager of a declared sex club to ensure that there is continuously displayed at each entry point of the club a notice stating that persons under the age of 18 years are not permitted to enter the club. The object of this Regulation is to make provision as to the content and size of such notices.

This Regulation is made under the *Summary Offences Act 1988*, including sections 21E and 35 (the general regulation-making power).

Clause 1 Summary Offences Amendment (Minors in Sex Clubs) Regulation 2002

Summary Offences Amendment (Minors in Sex Clubs) Regulation 2002

1 Name of Regulation

This Regulation is the *Summary Offences Amendment (Minors in Sex Clubs) Regulation 2002*.

2 Commencement

This Regulation commences on 1 April 2002.

3 Amendment of Summary Offences Regulation 2000

The *Summary Offences Regulation 2000* is amended as set out in Schedule 1.

Summary Offences Amendment (Minors in Sex Clubs) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 3)

Clause 14A

Insert after clause 14:

14A Declared sex clubs—notice to be displayed

- (1) A notice referred to in section 21E (1) of the Act must contain the following:

SUMMARY OFFENCES ACT 1988



IF YOU ARE UNDER 18 YOU ARE NOT PERMITTED TO
ENTER THIS CLUB

- (2) The words contained in the notice must be in capital letters not less than one centimetre in height.

Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002

under the

Superannuation Administration Act 1996

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Superannuation Administration Act 1996*.

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

The object of this Regulation is to provide for the transfer of certain employees who are currently members of the State Superannuation Scheme, the State Authorities Superannuation Scheme, the State Authorities Non-contributory Superannuation Scheme and the First State Superannuation Scheme to the Local Government Superannuation Scheme. The employees are to be transferred into Divisions of the Local Government Superannuation Scheme having equivalent benefits and rights to the schemes from which they are transferred. This results from the transfer of employees of Jobsupport Inc. to a non-government body.

This Regulation is made under the *Superannuation Administration Act 1996*, including sections 128A, 128B and 129 (the general regulation-making power).

Clause 1 Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002

Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002

1 Name of Regulation

This Regulation is the *Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002*.

2 Commencement

This Regulation commences on 28 March 2002.

3 Amendment of Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Regulation 1997

The *Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Regulation 1997* is amended as set out in Schedule 1.

Superannuation Administration (Local Government Superannuation
Scheme Transitional Provisions) Amendment (Transfer of Employees)
Regulation 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit “paragraphs (b) and (c)” from paragraph (a) of the definition of *transfer day*.

Insert instead “paragraphs (b), (c) and (d)”.

[2] Clause 3, definition of “transfer day”

Insert at the end of paragraph (c) of the definition:

, or

- (d) in relation to an employee of Jobsupport Inc. transferred under Division 2 of Part 2, 28 July 2000.

[3] Clause 3, definition of “transferred member”

Omit “clause 5 or 11” from the definition. Insert instead “Part 2”.

[4] Part 2, Division 1, heading

Insert before clause 5:

Division 1 Initial transfer of employees and other beneficiaries

[5] Part 2, Division 2

Insert after clause 12:

Division 2 Transfer of additional employees

12A Definition

In this Division:

employee means a person who was an employee of Jobsupport Inc. (ARBN 054 350 793) immediately before 28 July 2000.

Superannuation Administration (Local Government Superannuation
Scheme Transitional Provisions) Amendment (Transfer of Employees)
Regulation 2002

Schedule 1

Amendments

12B Transfer of employees

- (1) On and from the transfer day, the following employees are transferred from the superannuation schemes referred to in subclauses (3), (4), (5) and (6) to the following Divisions of the local government superannuation scheme:
 - (a) an employee described in subclause (3) is to be a member of Division A,
 - (b) an employee described in subclause (4) is to be a member of Division B,
 - (c) an employee described in subclause (5) is to be a member of Division C,
 - (d) an employee described in subclause (6) is to be a member of Division D.
- (2) A employee who is described in more than subclause may be a member of one or more Divisions of the local government superannuation scheme.
- (3) This subclause describes the following employees:
 - (a) an employee who was, at any time within the period of 6 months immediately preceding the transfer day, a full member of the First State Superannuation Scheme,
 - (b) an optional member of the First State Superannuation Scheme who is also an employee referred to in subclause (4) or (6).
- (4) This subclause describes an employee who, immediately before the transfer day, was a contributor to the State Authorities Superannuation Scheme.
- (5) This subclause describes a employee who, immediately before the transfer day, was a contributing employee, under the State Authorities Non-contributory Superannuation Scheme, within the meaning of section 26C of the *State Authorities Non-contributory Superannuation Act 1987* and who is an officer described in subclause (4) or (6).

Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Transfer of Employees) Regulation 2002

Amendments

Schedule 1

- (6) This subclause describes an employee who, immediately before the transfer day, was a contributor to the State Superannuation Scheme.

Division 3 Miscellaneous

[6] Clause 16 Transfer of assets to LGSS

Insert “Division 1 of” before “Part 2” whenever occurring in clause 16 (1) and (3) (b).

[7] Clause 16AA

Insert after clause 16:

16AA Transfer of assets relating to additional employees

- (1) FTC and STC must transfer to LGSS Pty Ltd, as the trustee of the local government superannuation scheme, assets equivalent to an amount calculated in accordance with this clause in respect of the assets of the FTC or STC scheme or fund attributable in respect of transferred members under Division 2 of Part 2 (*additional employees*).
- (2) The assets are to be transferred and calculated in accordance with the transfer agreements entered into between FTC and STC with LGSS Pty Ltd, in connection with the transfer of additional employees under Division 2 of Part 2.
- (3) Every asset of FTC and STC in the nature of a right, entitlement, privilege, claim or chose in action against a person who is:
 - (a) an additional employee, or
 - (b) a claimant against FTC or STC through any such employee,

that arises by virtue of the employment of the employee is by this subclause transferred to LGSS Pty Ltd as the trustee of the local government superannuation scheme.

Superannuation Administration (Local Government Superannuation
Scheme Transitional Provisions) Amendment (Transfer of Employees)
Regulation 2002

Schedule 1 Amendments

- (4) Every asset of FTC and STC in the nature of a right, entitlement, privilege, claim or chose in action against the employer (or the predecessor of the employer) of an additional employee is by this subclause transferred to LGSS Pty Ltd as the trustee of the local government superannuation scheme.
- (5) Nothing in this clause transfers a right, entitlement, privilege, claim or chose in action for the enforcement of which any proceedings were instituted before the commencement of this subclause.

[8] Clause 16A Transfer of liabilities

Omit “clause 16” from clause 16A (2). Insert instead “clause 16 or 16AA”.

[9] Schedule 1 Transferred employers

Insert at the end of the Schedule:

Jobsupport Inc.

Water Management (Elections) Regulation 2002

under the

Water Management Act 2000

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to make provision for the conduct of elections of members of private irrigation boards, private drainage boards and private water trusts under the *Water Management Act 2000*.

This Regulation repeals and remakes the *Water Management (Private Drainage Boards—Elections) Regulation 1995*, the *Water Management (Private Water Trusts—Elections) Regulation 1995* and the *Water Management (Private Irrigation Boards) Regulation 2000*.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general regulation-making power) and sections 148 (4), 201 (4) and 223 (4).

This Regulation comprises matter of a machinery nature.

Water Management (Elections) Regulation 2002

Contents

Page

Contents

Page

Part 1 Preliminary

1	Name of Regulation	5
2	Commencement	5
3	Definitions	5
4	Notes	6

Part 2 Division of private irrigation districts into zones

5	Division of private irrigation districts into zones	7
---	---	---

Part 3 Who is eligible to be elected at an election?

6	Eligibility for election as a member of a private irrigation board	8
7	Eligibility for election as director of a private drainage board	8
8	Eligibility for election as member of a private water trust	8

Part 4 Who is entitled to vote in an election?

9	Persons entitled to vote in election of members of a private irrigation board	9
10	Persons entitled to vote in election of directors of a private drainage board	9
11	Persons entitled to vote in election of members of a private water trust	10
12	No other persons entitled to vote	11
13	Enrolment of representatives	11

Part 5 Who is the returning officer?

14	Returning officer for election of members of a private water trust or directors of a private drainage board	12
15	Returning officer for election of members of a private irrigation board	12

Water Management (Elections) Regulation 2002

Contents

	Page
Part 6 Rolls	
Division 1 Preparation and exhibition of preliminary roll	
16 Preparation of preliminary roll	13
17 Exhibition of preliminary roll	13
Division 2 Preparation of final roll	
18 Applications for enrolment by persons not already enrolled	14
19 Objections to enrolment	14
20 Postponement of ballot not to affect final roll	15
Part 7 Calling of the election	
21 Final roll must be prepared before election called	16
22 Notice of election	16
23 Postponement of nomination day	17
Part 8 Nominations	
24 Eligibility for nomination	18
25 Nomination of candidates	18
26 Uncontested elections	18
27 Contested elections	18
Part 9 Calling of the ballot	
28 Notice of ballot	19
29 Postponement of ballot	19
Part 10 The ballot	
30 Printing of ballot-papers	20
31 Distribution of ballot-papers	20
32 Duplicate ballot-papers	21
33 Recording of votes	21
Part 11 The scrutiny	
34 Receipt of ballot-papers	22
35 Ascertaining result of ballot	22
36 Poll clerks	22
37 Scrutineers	23
38 Scrutiny of votes	23
39 Counting of votes	24

Water Management (Elections) Regulation 2002

Contents

	Page
40 Notice of result of election	24
Part 12 General	
41 Election of directors of private drainage boards or members of private water trusts	25
42 Decisions of returning officer final	25
43 Disposal of election papers	25
44 Offences	26
45 Repeals and savings	26
Schedule 1 Forms	
	27

Water Management (Elections) Regulation 2002

Clause 1

Preliminary

Part 1

Water Management (Elections) Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (Elections) Regulation 2002*.

2 Commencement

This Regulation commences on 1 April 2002.

3 Definitions

(1) In this Regulation:

calling of the ballot for an election means the date on which a notice is first published for the election under clause 28.

calling of the election for an election means the date on which a notice is published for the election under clause 22.

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

close of exhibition of the roll for an election means the final time and date fixed by the returning officer for the exhibition of the roll in the election.

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

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

election means:

- (a) an election of members of a private irrigation board referred to in Part 2 of Chapter 4 of the Act, or
- (b) an election of directors of a private drainage board referred to in Part 3 of Chapter 4 of the Act, or
- (c) an election of members of a private water trust referred to in Part 4 of Chapter 4 of the Act.

Clause 3 Water Management (Elections) Regulation 2002

Part 1 Preliminary

final roll for an election means the roll prepared by the returning officer under Division 2 of Part 6.

preliminary roll for an election means the roll prepared by the returning officer under clause 16.

returning officer means:

- (a) in the case of an election of members of a private irrigation board—the person appointed under clause 15 to be the returning officer for the election, and
- (b) in the case of an election of directors of a private drainage board—the person appointed under clause 14 to be the returning officer for the election, and
- (c) in the case of an election of members of a private water trust—the person appointed under clause 14 to be the returning officer for the election.

the Act means the *Water Management Act 2000*.

- (2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

Note. Certain other terms used in this Regulation, including **owner** are defined in the *Water Management Act 2000*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Water Management (Elections) Regulation 2002

Clause 5

Division of private irrigation districts into zones

Part 2

Part 2 Division of private irrigation districts into zones

5 Division of private irrigation districts into zones

- (1) For the purposes of the first election of members of a private irrigation board, the Minister may divide a private irrigation district into zones.
- (2) For the purposes of the second and any later election of members of a private irrigation board, the private irrigation board may divide a private irrigation district into zones.
- (3) If a private irrigation district is divided into zones, the Minister or the board must:
 - (a) subject to section 148 (3) of the Act, determine the number of members to be elected by the voters of each zone, and
 - (b) show the zones on the plan of the private irrigation district exhibited as referred to in section 143 (3) (c) of the Act.

Clause 6 Water Management (Elections) Regulation 2002

Part 3 Who is eligible to be elected at an election?

Part 3 Who is eligible to be elected at an election?

6 Eligibility for election as a member of a private irrigation board

A person (including a corporation) is eligible to be elected as a member of a private irrigation board if the person is entitled to vote in the election.

7 Eligibility for election as director of a private drainage board

- (1) A person is eligible to be elected as director of a private drainage board if the person is entitled to vote in the election.
- (2) However, a person is ineligible for election if the person:
 - (a) has not before nomination paid all moneys that were at any time before the end of the month preceding that in which nomination day falls, due by the person to the board, or
 - (b) has been convicted in New South Wales of a serious indictable offence or has been convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be a serious indictable offence.

8 Eligibility for election as member of a private water trust

- (1) A person is eligible to be elected as a member of a private water trust if the person is entitled to vote in the election.
- (2) However, a person who has been convicted of any serious indictable offence is ineligible to be elected as a member of a private water trust or to act as a member of a private water trust.

Water Management (Elections) Regulation 2002

Clause 9

Who is entitled to vote in an election?

Part 4

Part 4 Who is entitled to vote in an election?

9 Persons entitled to vote in election of members of a private irrigation board

- (1) A person is entitled to vote in an election of members of a private irrigation board if the person is an owner of land within the private irrigation district of that board.
- (2) Except as provided by subclauses (3) and (4), at any such election:
 - (a) the owner of a non-irrigated holding is entitled to one vote, and
 - (b) the owner of an irrigated holding is entitled to:
 - (i) 2 votes where the area irrigated does not exceed 80 hectares, or
 - (ii) 3 votes where the area irrigated exceeds 80 hectares.
- (3) At an election for the West Corrigan Private Domestic and Stock Water Supply and Irrigation District:
 - (a) the owner of a non-irrigated holding is entitled to one vote, and
 - (b) the owner of an irrigated holding is entitled to:
 - (i) 2 votes where the quantity of water allocated to the holding is up to 200 megalitres, or
 - (ii) 3 votes where the quantity of water allocated to the holding is over 200 megalitres.
- (4) At an election for the Narromine Private Domestic and Stock Water Supply and Irrigation District:
 - (a) the owner of a non-irrigated holding is entitled to one vote, and
 - (b) the owner of an irrigated holding is entitled to:
 - (i) 2 votes where the allocation is up to 150 megalitres, and
 - (ii) one vote for each 150 megalitres by which the allocation exceeds 150 megalitres,

but only to a maximum of 10 votes.

10 Persons entitled to vote in election of directors of a private drainage board

- (1) A person is entitled to vote in an election of directors of a private drainage board if the person is the owner of land within the drainage district of that board.

Clause 10 Water Management (Elections) Regulation 2002

Part 4 Who is entitled to vote in an election?

- (2) At any such election:
 - (a) the owner of land not exceeding 20 hectares is entitled to one vote, and
 - (b) the owner of land exceeding 20 hectares but not exceeding 120 hectares is entitled to 2 votes, and
 - (c) the owner of land exceeding 120 hectares is entitled to 3 votes.
- (3) If the Crown is in the roll of voters the votes may be exercised by:
 - (a) any director appointed to the board by the Minister, or
 - (b) if a director has not been appointed to the board by the Minister, by a public servant authorised in writing for that purpose by the Ministerial Corporation.

11 Persons entitled to vote in election of members of a private water trust

- (1) A person is entitled to vote in an election of members of a private water trust if the person is the owner of land within the water supply district of the trust.
- (2) At an election of members of a private water trust placed in charge of irrigation works, or works for the prevention of floods or the control of floodwaters within the Murray Basin:
 - (a) the owner of an area of land not exceeding 20 hectares is entitled to one vote, and
 - (b) the owner of an area of land exceeding 20 hectares, but not exceeding 120 hectares, is entitled to 2 votes, and
 - (c) the owner of an area of land exceeding 120 hectares is entitled to 3 votes.
- (3) At an election of members of a private water trust in charge of water supplies for domestic and stock purposes:
 - (a) the owner of an area of land not exceeding 800 hectares is entitled to one vote, and
 - (b) the owner of an area of land exceeding 800 hectares, but not exceeding 4,000 hectares, is entitled to 2 votes, and
 - (c) the owner of an area of land exceeding 4,000 hectares is entitled to 3 votes.

Water Management (Elections) Regulation 2002

Clause 11

Who is entitled to vote in an election?

Part 4

-
- (4) A person who is entitled to vote under this clause may by instrument in writing authorise the trustees to place on the roll of voters the name of some other person instead of the person's own name. In such a case, the name of the other person is to be placed on the roll instead of the name of the person.
 - (5) For the purposes of this clause, a person whose name is on the roll pursuant to an authority of the owner of a property is to be taken to be the owner of the area of land included in the property.

12 No other persons entitled to vote

A person is entitled to vote in an election only if:

- (a) the person has an entitlement set out in this Part, and
- (b) as at the close of enrolments, the person's name is included in the final roll for the election.

13 Enrolment of representatives

- (1) If land is owned:
 - (a) by a corporation—the corporation is taken to be included in the final roll for an election only if the secretary of the corporation or some other nominee is included in that roll as the representative of the corporation, or
 - (b) by more than one trustee or legal personal representative (whether as administrators or executors) on behalf of the estate of a person—the trustees are, or the estate is, taken to be included in the final roll for an election only if a nominee of those trustees or legal personal representatives is so included in that roll as the representative of the trustees or estate.
- (2) Only one person may be nominated to vote in the election as a representative of the corporation, trustees or estate concerned.

Clause 14 Water Management (Elections) Regulation 2002

Part 5 Who is the returning officer?

Part 5 Who is the returning officer?

14 Returning officer for election of members of a private water trust or directors of a private drainage board

- (1) For the purpose of an election of members of a private water trust or directors of a private drainage board, the returning officer is the person appointed by the trust or board (as the case requires) to be the returning officer for the election.
- (2) Without limiting subclause (1), the secretary of a private drainage board may be appointed as the returning officer for an election.

15 Returning officer for election of members of a private irrigation board

- (1) For the purposes of the first election of members of a private irrigation board after the commencement of section 149 of the Act, the Minister is to appoint a returning officer.
- (2) For the purpose of any other election of members of a private irrigation board, the returning officer is to be appointed by the board.
- (3) Without limiting subclause (2), the secretary of a private irrigation board may be appointed as the returning officer for an election.

Water Management (Elections) Regulation 2002

Clause 16

Rolls

Part 6

Preparation and exhibition of preliminary roll

Division 1

Part 6 Rolls

Division 1 Preparation and exhibition of preliminary roll

16 Preparation of preliminary roll

- (1) The returning officer for an election must prepare and keep:
 - (a) a preliminary roll of the persons who, in the opinion of the returning officer, are eligible to vote in the election, and
 - (b) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.
- (2) The preliminary roll:
 - (a) must contain the names and last known addresses of each sole owner of land within the district, and
 - (b) if there is more than one owner of any such land—must contain the name and last known address of any one of them who was, by notice in writing given to the returning officer, last nominated for the purposes of this paragraph by all the owners of the land, and
 - (c) must describe the area of land held by each, and
 - (d) must contain the number of votes to which each is entitled, and
 - (e) must be certified by the returning officer in accordance with Form 1.
- (3) This clause does not apply to an election held as a consequence of an earlier election that has failed if a preliminary roll for the earlier election has already been prepared by the returning officer.

17 Exhibition of preliminary roll

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

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

Clause 18 Water Management (Elections) Regulation 2002

Part 6 Rolls

Division 2 Preparation of final roll

Division 2 Preparation of final roll

18 Applications for enrolment by persons not already enrolled

- (1) A person whose name does not appear on the preliminary roll for an election may apply for enrolment in the final roll for the election.
- (2) The application must be in Form 2 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
 - (a) if satisfied that the applicant is entitled to vote, must accept the application and enter the name and address of the applicant in the final roll, or
 - (b) if not so satisfied, must reject the application and inform the applicant in writing that the application has been rejected, or
 - (c) if the application is not in the proper form or is incomplete, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

19 Objections to enrolment

- (1) Before the close of enrolments, the returning officer and any person who is entitled to vote in an election may object to the inclusion of the name of any person in the final roll.
- (2) An objection:
 - (a) must be in Form 3, and
 - (b) must state the grounds on which it is made, and
 - (c) must be signed by the objector, and
 - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent to that person.
- (5) The returning officer must consider each objection, and any reply received within that 14-day period, and may make such inquiries as the returning officer thinks fit.

Water Management (Elections) Regulation 2002

Clause 19

Rolls

Part 6

Preparation of final roll

Division 2

- (6) The returning officer may accept or reject an objection.
- (7) If the returning officer accepts an objection, the returning officer must exclude from the final roll for the election the name of the person to whom the objection relates and must inform that person and the objector, in writing, that the person's name is so excluded.
- (8) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
- (9) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.
- (10) For the purpose of enabling the returning officer to make a decision to accept or reject an objection to the inclusion of the name of a person in the final roll, the returning officer may require a person to furnish the returning officer with such information regarding the person objected to as the returning officer may specify.

20 Postponement of ballot not to affect final roll

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

Clause 21 Water Management (Elections) Regulation 2002

Part 7 Calling of the election

Part 7 Calling of the election

21 Final roll must be prepared before election called

- (1) The final roll in relation to an election must be prepared in accordance with Part 6 before the calling of an election.
- (2) This clause does not apply to an election held as a consequence of an earlier election that has failed if a final roll for the earlier election has already been prepared by the returning officer.

22 Notice of election

- (1) The returning officer must fix a time and place for an election and cause notice of that fact:
 - (a) to be posted to every person eligible to vote at the election, or
 - (b) to be published in a newspaper circulating generally throughout the relevant board or trust's district.
- (2) The notice:
 - (a) must state that an election is to be held for the purpose specified, and
 - (b) must call for nominations of candidates, and
 - (c) must specify the date (the ***nomination day***) and time for the close of nominations, and
 - (d) must advise where nomination forms can be obtained, and
 - (e) must advise where nominations may be lodged, and
 - (f) must, in the case of a notice sent to eligible voters, contain a nomination form, and
 - (g) must advise when and where the final roll for the election will be available on public exhibition.
- (3) The time specified in the notice for the close of nominations must be at least 14 days after notice is given.

Water Management (Elections) Regulation 2002

Clause 23

Calling of the election

Part 7

23 Postponement of nomination day

- (1) Despite clause 22 (3), the returning officer may postpone the nomination day for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner as, a notice referred to in clause 22 (1).
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Clause 24 Water Management (Elections) Regulation 2002

Part 8 Nominations

Part 8 Nominations

24 Eligibility for nomination

Any person is eligible for nomination as a candidate for election if the person is eligible, under Part 3, to be elected.

25 Nomination of candidates

- (1) A nomination of a candidate:
 - (a) must be in Form 4, and
 - (b) must be made by at least 2 persons (other than the candidate) who each are eligible to vote in the election, and
 - (c) must be endorsed with, or accompanied by, the consent of the nominee, and
 - (d) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of persons by whom a candidate has been nominated are eligible to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

26 Uncontested elections

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

27 Contested elections

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

Water Management (Elections) Regulation 2002

Clause 28

Calling of the ballot

Part 9

Part 9 Calling of the ballot

28 Notice of ballot

- (1) As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be taken in respect of an election, the returning officer must cause notice that a ballot is to be taken:
 - (a) to be published in at least one newspaper circulating locally in the area to which the election relates, or
 - (b) to be sent by post to each person whose name is included in the final roll at the address shown on the roll.
- (2) The notice:
 - (a) must state that a ballot is to be taken, and
 - (b) must fix a time and date for the close of the ballot, and
 - (c) must, in the case of a notice in a newspaper, advise where copies of the final roll will be exhibited.
- (3) The notice must also state that it is compulsory for persons who wish to vote in the election to be enrolled in the final roll for the election.
- (4) The close of the ballot must not be earlier than 28 days after the calling of the ballot.

29 Postponement of ballot

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

Clause 30 Water Management (Elections) Regulation 2002

Part 10 The ballot

Part 10 The ballot

30 Printing of ballot-papers

- (1) As soon as practicable after the close of enrolments in an election, the returning officer:
 - (a) must determine the order in which the candidates' names are to be listed on a ballot-paper by means of a lot, and
 - (b) must cause sufficient ballot-papers to be printed to enable a ballot-paper to be sent to each person included in the final roll for the election.
- (2) A ballot-paper for an election must contain:
 - (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and
 - (b) if the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
 - (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that the voter must record a vote by placing a cross in the square set opposite the name of each candidate for whom he or she votes.

31 Distribution of ballot-papers

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

- (a) a ballot-paper that is initialled by the returning officer, and
- (b) an unsealed envelope (the *voter's envelope*) addressed to the returning officer and bearing on the back the words "NAME AND ADDRESS OF VOTER" and "SIGNATURE OF VOTER", together with appropriate spaces for the insertion of a name, address and signature, and

Water Management (Elections) Regulation 2002

Clause 31

The ballot

Part 10

-
- (c) another unsealed envelope (the *posting envelope*) that:
 - (i) is large enough to accommodate the voter's envelope if that envelope is folded, and
 - (ii) is addressed to the returning officer, and
 - (iii) is reply-paid.

32 Duplicate ballot-papers

- (1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot-paper and envelope if the voter satisfies the returning officer by statutory declaration:
 - (a) that the original ballot-paper has been spoilt, lost or destroyed, and
 - (b) that the voter has not already voted in the election to which the ballot-paper relates.
- (2) The returning officer must maintain a record of all duplicate ballot-papers issued under this clause.

33 Recording of votes

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must vote for no more than the number of persons to be elected, and
- (c) must place the completed ballot-paper (folded so that the vote cannot be seen) in the voter's envelope, and
- (d) must seal the voter's envelope, and
- (e) must complete the person's full name and address on, and must sign, the back of the voter's envelope, and
- (f) must seal the voter's envelope in the posting envelope, and
- (g) must return the envelopes to the returning officer so as to be received before the close of the ballot.

Clause 34 Water Management (Elections) Regulation 2002

Part 11 The scrutiny

Part 11 The scrutiny

34 Receipt of ballot-papers

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

35 Ascertaining result of ballot

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

36 Poll clerks

- (1) The returning officer may appoint poll clerks if required.
- (2) A candidate must not be a poll clerk.

Water Management (Elections) Regulation 2002

Clause 37

The scrutiny

Part 11

37 Scrutineers

- (1) Each voter in a ballot is entitled to request, by notice in writing given to the returning officer at any time after the close of enrolments for the ballot, the appointment of a person specified in the notice (who may, but need not, be the voter concerned) as a scrutineer for the purposes of the ballot.
- (2) The returning officer may appoint a maximum of 10 persons as scrutineers for a ballot.
- (3) The persons are to be appointed in the order in which the requests for their appointments were received by the returning officer in accordance with subclause (1).
- (4) A person must not be appointed as a scrutineer unless the person consents to the appointment.
- (5) A candidate must not be appointed as a scrutineer.
- (6) A scrutineer's functions include scrutinising the receipt of ballot-papers under clause 34.

38 Scrutiny of votes

- (1) The scrutiny of votes in a ballot is to be conducted as follows:
 - (a) the returning officer is to produce, unopened, the voter's envelopes containing the ballot-papers accepted for scrutiny,
 - (b) in the case of an election of members of a private irrigation board—the returning officer is to ascertain the zone to which the vote relates (where applicable) and place the voter's envelope with other such envelopes for that zone,
 - (c) the returning officer is then to open each such envelope, extract the ballot-paper and (without unfolding it) place it in an appropriate box or other container, with (in the case of an election of members of a private irrigation board) separate boxes or other containers for each zone (where applicable),
 - (d) when the ballot-papers from all the voter's envelopes have been placed in the box or other container, the returning officer is then to open the box or other container and remove the ballot-papers,
 - (e) the returning officer is then to examine each ballot-paper and reject those that are informal,

Clause 38 Water Management (Elections) Regulation 2002

Part 11 The scrutiny

- (f) the returning officer is then to proceed to count the votes and ascertain the result of the election.
- (2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal if:
 - (a) it is not initialled by the returning officer, or
 - (b) it has on it any mark or writing that the returning officer considers could enable any person to identify the voter who completed it, or
 - (c) it has not been completed in accordance with the directions shown on it.
- (3) A ballot-paper is not to be rejected as informal merely because of any mark or writing on it that is not authorised or required by this Regulation if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper.

39 Counting of votes

The result of a ballot for an election must be ascertained (zone by zone, where applicable) by the returning officer as follows:

- (a) if there is one person to be elected in the election—the candidate who received the highest number of votes is to be declared to be elected,
- (b) if there are 2 or more persons to be elected in the election—the candidates, not exceeding in number the number of persons to be elected, who received the highest number of votes are to be declared to be elected,
- (c) if there is an equality of votes—the returning officer is to determine by lot the candidate to be elected.

40 Notice of result of election

- (1) As soon as practicable after a candidate in an election has been elected, the returning officer must notify the Minister in writing of the name of the candidate elected.
- (2) As soon as practicable after declaration of a poll, the returning officer must issue to each person elected a notice in writing of the result of the election.

Water Management (Elections) Regulation 2002

Clause 41

General

Part 12

Part 12 General

41 Election of directors of private drainage boards or members of private water trusts

- (1) An election of directors of a private drainage board must be held:
 - (a) in the case of the first election held under this Regulation, on the third anniversary of the election of the board immediately before 1 April 2002, and
 - (b) every 3 years after that.
- (2) An election of the members of a private water trust must be held:
 - (a) in the case of the first election held under this Regulation, on the third anniversary of the election of the board immediately before 1 April 2002, and
 - (b) every 3 years after that.
- (3) Each person who, immediately before 1 April 2002, was a director of a private drainage board or a member of a private water trust is taken to have continued in office as a director of a private drainage board or a member of a private water trust for the residue of the term for which the person was elected.

Note. In relation to private drainage boards, the first election under this Regulation is due in 2002.

42 Decisions of returning officer final

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

43 Disposal of election papers

After the declaration of a ballot, the returning officer must keep all papers connected with the election for at least 12 months after the election.

Clause 44 Water Management (Elections) Regulation 2002

Part 12 General

44 Offences

A person must not:

- (a) vote, or attempt to vote, more than once in any election, or
- (b) vote, or attempt to vote, in any election in which the person is not entitled to vote, or
- (c) make a false or wilfully misleading statement (not being a statement verified by statutory declaration):
 - (i) to the returning officer in connection with any election, or
 - (ii) in any document that the person furnishes for the purposes of any election, or
- (d) apply for enrolment in respect of any election in respect of which the person is already enrolled.

Maximum penalty: 1 penalty unit.

45 Repeals and savings

- (1) The following regulations are repealed:
 - (a) the *Water Management (Private Drainage Boards—Elections) Regulation 1995*,
 - (b) the *Water Management (Private Water Trusts—Elections) Regulation 1995*,
 - (c) the *Water Management (Private Irrigation Boards) Regulation 2000*.
- (2) Any act, matter or thing that, immediately before the repeal of the *Water Management (Private Drainage Boards—Elections) Regulation 1995*, the *Water Management (Private Water Trusts—Elections) Regulation 1995* and the *Water Management (Private Irrigation Boards) Regulation 2000*, had effect under a provision of the Regulation concerned is taken to have effect under the corresponding provision of this Regulation.

Water Management (Elections) Regulation 2002

Forms

Schedule 1

Schedule 1 Forms

(Clause 3 (2))

Form 1 Certificate

(Water Management (Elections) Regulation 2002, clause 16 (2) (e))

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

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

First Entry:

No:

Name:

Address:

Last Entry:

No:

Name:

Address:

Dated:

Signed:

Water Management (Elections) Regulation 2002

Schedule 1

Forms

Form 2 Application for enrolment

(Water Management (Elections) Regulation 2002, clause 18 (2))

Surname:

Given Names:

Postal Address:

Postcode:

Telephone No:

Address of property on which enrolment is based:

Local government area in which the property is situated:

I apply to be enrolled in the final roll for the following election and in any subsequent election (specify the election to which the application relates).

I am applying for enrolment:

- (a) *as the sole owner of property,
- (b) *as the representative of a corporation on behalf of which the property is owned,
- (c) *as the representative of the trustees or legal personal representatives of a person or estate.

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

Name:

Postal Address:

I declare that *I have/*the person that I represent has, as at the calling of the election, the qualifications to vote.

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

Dated:

Signed:

* Delete whichever is inapplicable.

Water Management (Elections) Regulation 2002

Forms

Schedule 1

Form 3 Objection to enrolment

(Water Management (Elections) Regulation 2002, clause 19 (2) (a))

I object to the inclusion in the final roll for the following election: (specify the election to which the objection relates) of the name of (name in full) of (postal address).

This objection is based on the following grounds: (specify the grounds of the objection)

Name of objector:

Postal Address:

Telephone No:

Dated:

Signed:

Water Management (Elections) Regulation 2002

Schedule 1

Forms

Form 4 Nomination of candidate

(Water Management (Elections) Regulation 2002, clause 25 (1) (a))

We nominate (name in full) of (postal address) as a candidate for the following election: (specify the election to which the nomination relates and any zone in which the election is to be held).

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

Name in full:

Address:

Signature:

1

2

3

4

5

6

Note. This nomination must be completed by not fewer than 2 persons (other than the candidate), each of whom is qualified to vote under the *Water Management (Elections) Regulation 2002* in respect of the election.

I, (name in full) consent to being a candidate at the election to which this nomination relates.

Postal address:

Telephone No:

Date of birth:

Dated:

Signed:

Water Management (General) Regulation 2002

under the

Water Management Act 2000

His Excellency the Lieutenant-Governor, with the advice of the Executive Council,
has made the following Regulation under the *Water Management Act 2000*.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to remake and consolidate certain Regulations, and certain provisions of other Regulations, currently in force under the *Water Management Act 2000*.

This Regulation remakes the following:

- (a) without substantial alteration—the *Water Management (Hunter Valley Flood Mitigation) Regulation 1997*, the *Water Management (Lowbidgee Flood Control and Irrigation Works) Regulation 1996* and the *Water Management (Private Drainage Boards—General) Regulation 1995*, and
- (b) with necessary modifications—the provisions of the *Water Management (Private Water Trusts—General) Regulation 1995*, other than such of those provisions as are of a savings or transitional nature.

This Regulation makes provision for the following matters:

- (a) private drainage boards (Part 2),
- (b) private water trusts (Part 3),
- (c) Hunter Valley flood mitigation works (Part 4),

Water Management (General) Regulation 2002

Explanatory note

- (d) Lowbidgee flood control and irrigation works (Part 5),
- (e) other minor, consequential and ancillary matters (Parts 1 and 6).

This Regulation is made under the *Water Management Act 2000*, including sections 206, 209, 224–226, 263, 266, 277 and 400 (the general regulation-making power) and clauses 37 and 48 of Schedule 9 (which carry over regulations made under repealed Acts).

Water Management (General) Regulation 2002

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	5
2 Commencement	5
3 Definition	5
Part 2 Private drainage boards	
Division 1 Constitution and procedure	
4 Quorum	6
Division 2 Finance	
5 Rate book	6
6 Rates	7
7 Keeping of books and accounts	7
8 Banking	7
Part 3 Private water trusts	
Division 1 Constitution and procedure	
9 Meetings of members of a private water trust	8
10 Special general meetings	8
11 Quorum	8
12 Chairperson	8
13 Voting	9
14 Minutes	9
15 Special general meetings of voters	9
Division 2 Finance	
16 Rate book	9
17 Correction of rate book	9

Water Management (General) Regulation 2002

Contents

18	Payment of rates	10
19	Appeals	10
Division 3 Miscellaneous		
20	Members of a private water trust's accounts	10
Part 4	Hunter Valley flood mitigation works	
21	Statement of particulars of program of works	11
22	Statement of cost of maintenance and compensation	12
Part 5	Lowbidgee flood control and irrigation works	
23	Payment of rates	13
Part 6	Miscellaneous	
24	Amendment of Water Management (Irrigation Corporations) Regulation 1995	14
25	Amendment of Water Management (Private Water Trusts—General) Regulation 1995	14
26	Repeal	14
27	Savings	14

Water Management (General) Regulation 2002

Clause 1

Preliminary

Part 1

Water Management (General) Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (General) Regulation 2002*.

2 Commencement

This Regulation commences on 1 April 2002.

3 Definition

In this Regulation:

the Act means the *Water Management Act 2000*.

Clause 4 Water Management (General) Regulation 2002

Part 2 Private drainage boards
Division 1 Constitution and procedure

Part 2 Private drainage boards

Division 1 Constitution and procedure

4 Quorum

The number of directors that constitute a quorum for a private drainage board is:

- (a) if the board consists of 3 directors—2, or
- (b) if the board consists of 4 or 5 directors—3, or
- (c) if the board consists of 6 or 7 directors—4.

Division 2 Finance

5 Rate book

- (1) For the purposes of section 209 of the Act, a rate book is to be in a form containing the following particulars:
 - (a) assessment number,
 - (b) name of ratepayer,
 - (c) additional charges for current year,
 - (d) payment received,
 - (e) receipt number,
 - (f) date of payment,
 - (g) current rates,
 - (h) arrears of rates carried forward,
 - (i) arrears,
 - (j) total,
 - (k) total due.
- (2) For the purposes of section 209 (2) of the Act, any particular relating to a rate may be altered.

Water Management (General) Regulation 2002

Clause 5

Private drainage boards

Part 2

Finance

Division 2

- (3) For the purposes of section 209 (4) of the Act, an alteration or amendment in a rate book is to be made, signed and dated by the private drainage board's Secretary and countersigned by the chairperson.

6 Rates

Rate notices by which rates are levied under section 206 of the Act must be in a form approved by the Ministerial Corporation.

7 Keeping of books and accounts

A private drainage board is to keep proper books and accounts that show full, true and regular accountings of all money received and paid by the private drainage board and the purposes for which money has been received or paid.

8 Banking

Money received by a private drainage board must be paid into an authorised deposit-taking institution to the credit of an account in the name of the private drainage board.

Clause 9 Water Management (General) Regulation 2002

Part 3 Private water trusts

Division 1 Constitution and procedure

Part 3 Private water trusts

Division 1 Constitution and procedure

9 Meetings of members of a private water trust

- (1) Ordinary meetings of members of a private water trust are to be held at any time that the members from time to time determine.
- (2) The chairperson of a private water trust, or a majority of the members of a private water trust, may at any time call a special meeting of members of a private water trust.
- (3) Seven days notice of an ordinary meeting, and reasonable notice of a special meeting, must be given in writing to each member of a private water trust.
- (4) No business, other than the business stated in the notice of the meeting, is to be transacted at the special meeting.

10 Special general meetings

For the purposes of sections 224 (2), 225 (2) and 226 of the Act, the prescribed manner of giving notice is:

- (a) by personal delivery, or
- (b) by post, or
- (c) by facsimile transmission, or
- (d) by e-mail.

11 Quorum

The quorum for a meeting of a private water trust is:

- (a) if the trust comprises 3 members—2 members, or
- (b) if the trust comprises 5 members—3 members.

12 Chairperson

- (1) The chairperson is to preside at a meeting of members of a private water trust.
- (2) If the chairperson is not present, the members of a private water trust then present are to appoint one of their number to act as chairperson.

Water Management (General) Regulation 2002

Clause 13

Private water trusts

Part 3

Constitution and procedure

Division 1

13 Voting

- (1) Any question arising at a meeting of members of a private water trust is to be decided by a majority of votes of the members present.
- (2) In the case of an equality of votes the chairperson has a casting vote.

14 Minutes

- (1) The members of a private water trust must cause minutes of the proceedings of each meeting to be kept.
- (2) The minute books are to be open for inspection by the members of a private water trust and any ratepayer within the water supply district at any reasonable time.

15 Special general meetings of voters

- (1) The chairperson is to preside at a special general meeting of voters.
- (2) In the absence of the chairperson an appointed member of the private water trust may preside at the meeting or, if there is no appointed member of the private water trust present, an elected member of the private water trust selected by the members of the private water trust present may preside.

Division 2 Finance

16 Rate book

- (1) On fixing rates under section 232 of the Act on land in a water supply district the members of a private water trust must enter the rates in a rate book.
- (2) The rate book is to be kept in a form approved by the Ministerial Corporation.

17 Correction of rate book

- (1) Any necessary corrections of the rate book must be made at a meeting of the members of a private water trust and be signed and dated by the Chairperson.
- (2) A correction affecting the amount of a rate must not be made after notice of the amount has been given to the person liable (except in the case of a correction arising from an appeal).

Clause 18 Water Management (General) Regulation 2002

Part 3 Private water trusts

Division 2 Finance

18 Payment of rates

- (1) Rates are payable by instalments if the members of a private water trust so decide.
- (2) A rate or an instalment of a rate is not recoverable until 30 days after notice of the amount due has been served on the ratepayer at the ratepayer's last known or usual address.

19 Appeals

- (1) An appeal by a landholder under section 232 (6) of the Act against the amount at which the landholder is rated must be lodged within 21 days after notice of the amount has been given to the landholder.
- (2) Notice of the appeal, in a form approved by the Ministerial Corporation, must be given to a Magistrate having jurisdiction in any part of the private water trust district and to the Secretary of the trust.

Division 3 Miscellaneous

20 Members of a private water trust's accounts

- (1) Money received by members of a private water trust in the operation of a private water trust must be paid into an authorised deposit-taking institution to the credit of an account in the name of the members of the private water trust.
- (2) All expenses incurred by members of a private water trust in the discharge of duties imposed on them by the Act are payable out of the funds at the disposal of the members of the private water trust under the Act.

Water Management (General) Regulation 2002

Clause 21

Hunter Valley flood mitigation works

Part 4

Part 4 Hunter Valley flood mitigation works

21 Statement of particulars of program of works

The additional particulars to be set out in a statement under section 263 (3) of the Act are as follows:

- (a) an estimate of the cost to be incurred during the financial year to which the statement relates in respect of each work included in the program of flood works referred to in section 263 (1) of the Act,
- (b) an estimate of the amount of any compensation payable or likely to become payable during that financial year as a consequence of the undertaking of each such work,
- (c) an estimate of the cost of maintenance work in respect of works previously completed that the Minister considers should be carried out during that financial year,
- (d) an estimate of the amount of any compensation (other than compensation in respect of the works referred to in paragraph (a)) payable or to become payable by the Minister during that financial year,
- (e) an estimate of the amount of any payment to be made by the Minister during that financial year under section 261 (2) of the Act,
- (f) the percentage of the cost of the construction, carrying out and maintenance of any of the works referred to in paragraph (a), and of the amount of compensation payable or likely to become payable by the Minister as a consequence of the construction, carrying out and maintenance of such work, that a council will be liable to contribute under section 260 of the Act,
- (g) an estimate of the amount of any payments that a council will be required to make during that financial year under section 265 of the Act,
- (h) an estimate of the amount of any payment that is likely to be received during that financial year under section 261 of the Act from a public authority in respect of any work referred to in paragraph (a),

Clause 21 Water Management (General) Regulation 2002

Part 4 Hunter Valley flood mitigation works

- (i) the amount (if any) of any payment made by the Hunter Catchment Management Trust under section 262 of the Act during the previous financial year that remained unexpended at the close of that year.

22 Statement of cost of maintenance and compensation

The additional particulars to be set out in a statement under section 266 (1) of the Act are as follows:

- (a) an estimate of the cost of any maintenance that the Minister considers should be undertaken during the financial year to which the statement relates in respect of each work referred to in section 265 of the Act,
- (b) an estimate of the amount of any compensation likely to become payable during that financial year by the Minister as a consequence of any such maintenance,
- (c) an estimate of the amount of compensation payable or likely to become payable during that financial year by the Minister as a consequence of any maintenance of each work referred to in paragraph (a) carried out during any previous financial year,
- (d) the percentage that, under section 260 of the Act, the Minister has determined that the council should contribute to the cost of any such construction and maintenance,
- (e) the amount (if any) of any payment made by the council under section 265 of the Act during any previous financial year that remained unexpended at the end of the immediately preceding financial year.

Water Management (General) Regulation 2002

Clause 23

Lowbidgee flood control and irrigation works

Part 5

Part 5 Lowbidgee flood control and irrigation works

23 Payment of rates

- (1) A landholder in respect of a holding within the Lowbidgee district within the meaning of Part 3 of Chapter 5 of the Act is to be notified, by means of a notice of assessment, of:
 - (a) the rate fixed by the Minister for the current year, and
 - (b) the amount payable by the landholder, in accordance with that rate (subject to any variation by the Minister), for the year commencing on 1 July to which the notice relates.
- (2) The amount specified in the notice is to be paid to the Minister on or before the date for payment specified in the notice. That date must not be less than 28 days after the date of issue of the notice.
- (3) If a holding first becomes subject to a rate after 1 July in any year, the amount of the rate is to be apportioned, for the period from the date from which the holding becomes subject to the rate until the 30 June next following, on the basis of the proportion of the rate that that period bears to the whole year.

Clause 24 Water Management (General) Regulation 2002

Part 6 Miscellaneous

Part 6 Miscellaneous

24 Amendment of Water Management (Irrigation Corporations) Regulation 1995

The *Water Management (Irrigation Corporations) Regulation 1995* is amended by inserting “Savings and Transitional” before “Regulation” where secondly occurring in clause 1.

25 Amendment of Water Management (Private Water Trusts—General) Regulation 1995

The *Water Management (Private Water Trusts—General) Regulation 1995* is amended as follows:

- (a) by inserting “Savings and Transitional” before “Regulation” where secondly occurring in clause 1,
- (b) by omitting clauses 5–15 and 18.

26 Repeal

The following regulations are repealed:

- (a) the *Water Management (Hunter Valley Flood Mitigation) Regulation 1997*,
- (b) the *Water Management (Lowbidgee Flood Control and Irrigation Works) Regulation 1996*,
- (c) the *Water Management (Private Drainage Boards—General) Regulation 1995*.

27 Savings

(1) In this clause, **repealed provision** means:

- (a) a provision of the *Water Management (Hunter Valley Flood Mitigation) Regulation 1997*, and
- (b) a provision of the *Water Management (Lowbidgee Flood Control and Irrigation Works) Regulation 1996*, and
- (c) a provision of the *Water Management (Private Drainage Boards—General) Regulation 1995*, and
- (d) clauses 5–15 and 18 of the *Water Management (Private Water Trusts—General) Regulation 1995*.

Water Management (General) Regulation 2002

Clause 27

Miscellaneous

Part 6

- (2) Any act, matter or thing that, immediately before the repeal of a repealed provision, had effect under a repealed provision is taken to have effect under this Regulation.

Workers Compensation (General) Amendment (Miscellaneous) Regulation 2002

under the

Workers Compensation Act 1987

His Excellency the Lieutenant Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation Act 1987*.

JOHN DELLA BOSCA, M.L.C.,
Special Minister of State

Explanatory note

The object of this Regulation is to amend the *Workers Compensation (General) Regulation 1995* to clarify and fine-tune the operation of amendments to workers compensation legislation made by the *Workers Compensation Legislation Amendment Act 2001* and the *Workers Compensation Legislation Further Amendment Act 2001* (**the amending Acts**).

Schedule 1 [1] makes it clear that an application for determination of a claim that is pending in the Compensation Court on 1 April 2002 may be amended after that day in relation to the same injury.

Schedule 1 [2] makes it clear that a reference to a judgment, order or award in clause 93 (3) (a) is a reference to a judgment, award or order of the Compensation Court. Schedule 1 [3] inserts a missing word.

Schedule 1 [8] deals with the situation where a medical dispute was referred to an approved medical specialist, medical panel or medical referee before 1 April 2002, but a certificate was not issued in respect of the dispute before that date. The amendment allows a certificate to be issued on or after 1 April 2002 that is

Workers Compensation (General) Amendment (Miscellaneous) Regulation 2002

Explanatory note

admissible in proceedings before the Workers Compensation Commission. Schedule 1 [4]–[7] make amendments to clause 94 to ensure consistency with the amendment made by Schedule 1 [8].

Schedule 1 [9] modifies certain sections of the workers compensation legislation that are based on the concept of “permanent impairment” to provide for them to apply more aptly to a claim for lump sum compensation made under the workers compensation legislation before its amendment by the amending Acts.

This Regulation is made under the *Workers Compensation Act 1987*, including section 280 (the general regulation-making power) and clauses 5 and 8 of Part 18C of Schedule 6.

Workers Compensation (General) Amendment (Miscellaneous)
Regulation 2002

Clause 1

Workers Compensation (General) Amendment (Miscellaneous) Regulation 2002

1 Name of Regulation

This Regulation is the *Workers Compensation (General) Amendment (Miscellaneous) Regulation 2002*.

2 Commencement

This Regulation commences on 1 April 2002.

3 Amendment of Workers Compensation (General) Regulation 1995

The *Workers Compensation (General) Regulation 1995* is amended as set out in Schedule 1.

Workers Compensation (General) Amendment (Miscellaneous)
Regulation 2002

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 93 Transfer of existing claims

Insert after clause 93 (2):

- (2A) An application for determination by the Compensation Court that is pending on 1 April 2002 may be amended after that day if the amendment relates to the injury in respect of which the application for determination is made.

[2] Clause 93 (3) (a)

Insert “of the Compensation Court” after “judgment, award or order” where firstly occurring.

[3] Clause 93 (3) (c)

Insert “days” after “28”.

[4] Clause 94 Transitional provision—certificates

Omit “binding medical” wherever occurring in clause 94 (1) and (2).

[5] Clause 94 (1)

Insert “medical” before “dispute” where firstly occurring.

[6] Clause 94 (1) (a)

Omit “conclusively presumed to be correct”.

Insert instead “conclusive evidence”.

[7] Clause 94 (1) (b)

Omit “the dispute”.

Insert instead “a medical dispute about a matter as to which the certificate is conclusive evidence”.

Workers Compensation (General) Amendment (Miscellaneous)
Regulation 2002

Amendments

Schedule 1

[8] Clause 94 (1A) and (1B)

Insert after clause 94 (1):

(1A) If:

- (a) a medical dispute with respect to an existing claim was referred to an approved medical specialist under section 121 of the 1998 Act, or to a medical panel or medical referee under section 122 of the 1998 Act, before 1 April 2002, and
- (b) a certificate was not given for the dispute before 1 April 2002,

then after that day the specialist, panel or referee may proceed to (or continue to) make an assessment of the dispute and give a certificate as to findings on the dispute under the relevant section.

(1B) If a certificate is given as referred to in subclause (1A):

- (a) the certificate continues on and from 1 April 2002 to be conclusive evidence as to a matter on which it would have been conclusive evidence under section 121 or 122 of the 1998 Act or section 72 of the 1987 Act (as in force before its repeal by the *Workers Compensation Legislation Amendment Act 2001*), and
- (b) the certificate is admissible after that day in proceedings before the Commission, and
- (c) a medical dispute about a matter as to which the certificate is conclusive evidence is not required to be assessed under Part 7 of Chapter 7 of the 1998 Act (despite section 293 of the 1998 Act and clause 4 of Part 18C of Schedule 6 to the 1987 Act).

Workers Compensation (General) Amendment (Miscellaneous)
Regulation 2002

Schedule 1 Amendments

[9] Clauses 94A and 94B

Insert after clause 94:

94A Modification of sec 281 of 1998 Act

Section 281 of the 1998 Act, as it applies to a claim in respect of an injury received before 1 January 2002, is modified for the purposes of clause 8 of Part 18C of Schedule 6 to the 1987 Act by replacing subsections (2) and (2A) with the following subsection:

- (2) A claim must be so determined within 2 months after the claimant has provided to the insurer all relevant particulars about the claim.

94B Modification of sec 282 of 1998 Act

Section 282 of the 1998 Act is modified for the purposes of clause 8 of Part 18C of Schedule 6 to the 1987 Act by inserting at the end of the section:

- (5) In the application of this section to a claim in respect of an injury received before 1 January 2002, a reference in subsection (1) to “impairment” or “permanent impairment” is to be read as a reference to “loss” within the meaning of Division 4 of Part 3 of the 1987 Act (as in force before the commencement of the amendments made to that Division by the *Workers Compensation Legislation Amendment Act 2001* and the *Workers Compensation Legislation Further Amendment Act 2001*).

WATER (PART 2 – GENERAL) AMENDMENT REGULATION 2002

Erratum

THE Water (Part 2 – General) Amendment Regulation 2002 published in the Government Gazette of 22 March 2002 No. 65 starting from folio 1720 contained an incorrect signature:

RICHARD AMERY, M.P.,
Minister for Land and Water Conservation

this should have read

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

This erratum amends that error.

Rules

District Court Amendment (Criminal Procedure) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 20 February 2002.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend Part 53 of the *District Court Rules 1973* to update certain references to provisions of the *Criminal Procedure Act 1986*.

Clause 1

District Court Amendment (Criminal Procedure) Rule 2002

District Court Amendment (Criminal Procedure) Rule 2002

1 Name of Rule

This Rule is the *District Court Amendment (Criminal Procedure) Rule 2002*.

2 Commencement

- (1) This Rule commences on the day on which it is published in the Gazette, except as provided by subclauses (2) and (3).
- (2) Schedule 1 [2] commences:
 - (a) if Schedule 1 [59] to the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001* commences on or before the day on which this Rule is published in the Gazette—on the day on which this Rule is published in the Gazette, or
 - (b) if Schedule 1 [59] to the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001* has not commenced on or before the day on which this Rule is published in the Gazette—on the day on which Schedule 1 [59] to that Act commences.
- (3) Schedule 1 [3] and [4] commence:
 - (a) if Schedule 1 [55] to the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001* commences on or before the day on which this Rule is published in the Gazette—on the day on which this Rule is published in the Gazette, or
 - (b) if Schedule 1 [55] to the *Criminal Procedure Amendment (Justices and Local Courts) Act 2001* has not commenced on or before the day on which this Rule is published in the Gazette—on the day on which Schedule 1 [55] to that Act commences.

3 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Amendment (Criminal Procedure) Rule 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Part 53, rule 10A

Omit “section 19 (2) of the *Criminal Procedure Act 1986*” from rule 10A (1).

Insert instead “section 43 (2) of the *Crimes (Sentencing Procedure) Act 1999*”.

[2] Part 53, rule 10B

Omit “section 32” wherever occurring. Insert instead “section 132”.

[3] Part 53, rule 10E

Omit “section 54” from rule 10E (1). Insert instead “section 129”.

[4] Part 53, rule 10F Applications for orders under section 129 (3) (b) of Criminal Procedure Act 1986

Omit “section 54”. Insert instead “section 129”.

District Court Amendment (Particulars) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 20 February 2002.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend Part 9, rule 26 of the *District Court Rules 1973* to enable the Court to order particulars to be given in proceedings brought in the Court even if those proceedings do require the filing of pleadings.

Clause 1 District Court Amendment (Particulars) Rule 2002

District Court Amendment (Particulars) Rule 2002

1 Name of Rule

This Rule is the *District Court Amendment (Particulars) Rule 2002*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Amendment (Particulars) Rule 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Part 9, rule 26

Insert after rule 26 (1):

- (1A) The Court may, on terms, order a party to proceedings commenced other than by statement of claim to serve and file on any other party such particulars relating to the proceedings as may be specified in the order.

[2] Part 9, rule 26

Insert “relating to proceedings commenced by statement of claim” after “order under this rule” from rule 26 (4).

District Court Amendment (Striking Out Orders) Rule 2002

under the

District Court Act 1973

The District Court Rule Committee made the following rule of court under the *District Court Act 1973* on 20 February 2002.

J G Cowen

Secretary to the Rule Committee

Explanatory note

The object of this Rule is to amend the *District Court Rules 1973* to make it clear that the Court and registrar have the power in certain circumstances to strike out certain pleadings and other matters of their own motion as well as on the application of a party to the proceedings.

Clause 1 District Court Amendment (Striking Out Orders) Rule 2002

District Court Amendment (Striking Out Orders) Rule 2002

1 Name of Rule

This Rule is the *District Court Amendment (Striking Out Orders) Rule 2002*.

2 Amendment of District Court Rules 1973

The *District Court Rules 1973* are amended as set out in Schedule 1.

District Court Amendment (Striking Out Orders) Rule 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Part 9, rule 17

Insert “, on the application of a party or of its own motion,” after “the Court may” in rule 17 (1).

[2] Part 9, rule 26

Insert “(on the application of a party or of its own motion)” after “it may” in rule 26 (3).

[3] Part 30, rule 8

Insert “, on the application of a party or of the Court’s or the registrar’s own motion,” after “registrar may” in rule 8.

[4] Part 40, rule 1

Insert “(on the application of a party or of its own motion)” after “the Court may” in rule 1 (5).

[5] Part 46, rule 3

Insert “, on the application of a party or of its own motion,” after “the Court may” in rule 3 (3).

[6] Part 47, rule 7

Insert “, on the application of a party or of its own motion,” after “the Court may” in rule 7.

[7] Part 51A, rule 5B

Insert “, whether on the application of a party or of its own motion” after “thinks fit” in rule 5B (2).

Orders

Public Sector Management (State Debt Recovery Office) Order 2002

under the

Public Sector Management Act 1988

JAMES JACOB SPIGELMAN, Lieutenant Governor

I, the Honourable James Jacob Spigelman, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of Part 3A of the *Public Sector Management Act 1988*, make the following Order.

Signed and sealed at Sydney, this 27th day of March 2002.

By His Excellency's Command,

ANDREW REFSHAUGE, M.P.,
Acting Premier

Clause 1 Public Sector Management (State Debt Recovery Office) Order 2002

Public Sector Management (State Debt Recovery Office) Order 2002

1 Name of Order

This Order is the *Public Sector Management (State Debt Recovery Office) Order 2002*.

2 Commencement

This Order commences on 2 April 2002.

3 Transfer of branch

The group of staff attached to the State Debt Recovery Office are removed from the Attorney General's Department and added to the Treasury.

4 Construction of reference to Attorney General's Department

The reference in section 113 (3) of the *Fines Act 1996* to the Attorney-General's Department is to be construed as a reference to the Treasury.

OFFICIAL NOTICES

Appointments

ABORIGINAL LAND RIGHTS ACT 1983

PROCLAMATION

JAMES JACOB SPIGELMAN, Lieutenant Governor

I, THE Honourable JAMES JACOB SPIGELMAN, Lieutenant Governor of the State of New South Wales in the Commonwealth of Australia, on the advice of the Executive Council following consultation between the Minister for Aboriginal Affairs and the New South Wales Aboriginal Land Council, do, by this Proclamation pursuant to section 57 (1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Peter Scolari as Administrator to the Wellington Local Aboriginal Land Council for a maximum period of twelve (12) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 12(1) of the Act.

Signed and Sealed this 27th day of March 2002.

By Her Excellency's Command

ANDREW JOHN REFSHAUGUE, M.P.,
Minister For Aboriginal Affairs

GOD SAVE THE QUEEN

PUBLIC SECTOR MANAGEMENT ACT 1988

Appointment of Acting Director-General, NSW
Agriculture and Acting Chief Executive, Rural Assistance
Authority Board

HER Excellency the Governor with the advice of the Executive Council and pursuant to section 10B of the Public Sector Management Act 1988, has been pleased to appoint:

- (i) Dr Richard Frederick SHELDRAKE as Acting Director-General of NSW Agriculture; and
- (ii) Stephen John GRIFFITH as Acting Chief Executive of the Rural Assistance Authority Board,

during the absence of Dr Kevin Patrick Sheridan from 6 April 2002 to 26 April 2002 inclusive.

Dated this 20th day of March 2002.

RICHARD AMERY, M.P.,
Minister for Agriculture

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board

Appointment of Member

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the appointment of John Joseph WHELAN, OAM, as a community member of the Parole Board for a period of three (3) years dating from 20 March 2002 until 19 March 2005.

RICHARD AMERY, M.P.,
Minister for Corrective Services and
Minister for Agriculture

Department of Land and Water Conservation

Land Conservation

GOULBURN OFFICE

Department of Land and Water Conservation
159 Auburn Street (PO Box 748), Goulburn, NSW 2580
Phone: (02) 4828 6725 Fax: (02) 4828 6730

ROADS ACT 1993

ORDER

Transfer Of Crown Road To A Council

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

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE 1

Environs: Young	Land District: Young
Parish: Young	LGA: Young Shire
County: Monteagle	

DESCRIPTION: Lot 1 DP 1039219

DLWC Reference: GB 01 H 432

SCHEDULE 2

Roads Authority: The Council of the Shire of Young
(Council's Ref: AR:AR:19194).

NOTIFICATION OF CLOSING OF A ROAD

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

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

SCHEDULE 1

Environs: Young	Land District: Young
Parish: Young	LGA: Young Shire
County: Monteagle	

DESCRIPTION: Lot 1 DP 1039219 (being land not under the Real Property Act)

DLWC Reference: GB 01 H 432.TC

Note: On closing, the title for the land in Lot 1 remains vested in Young Shire Council as operational land.

NOWRA OFFICE
Department of Land and Water Conservation
64 North Street (PO Box 309), Nowra, NSW 2541
Phone: (02) 4423 0122 Fax: (02) 4423 3011

NOTIFICATION OF CLOSING OF ROAD

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

J. J. AQUILINA, M.P.,
Minister for Land and Water Conservation
and Minister for Fair Trading

Land District – Kiama;
LGA – Kiama

Lot 70, DP1038692 at Kiama, Parish Kiama and County Camden (not being land under the Real Property Act), NA01H65.

Note: On closing, the land remains vested in Kiama Council as “Operational land” (PR555.410).

SYDNEY METROPOLITAN OFFICE
Department of Land and Water Conservation
2-10 Wentworth Street (PO Box 3935), Parramatta, NSW 2124
Phone: (02) 9895 7503 Fax: (02) 9895 6227

NOTIFICATION OF CLOSING OF ROAD

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

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Descriptions

Land District – Metropolitan;
L.G.A. – Randwick

Lots 1 and 2, DP 1037861 at Little Bay, Parish Botany (Sheet 8), County Cumberland, (not being land under the Real Property Act).

MN99H127.

Note: On closing, titles for the land in lots 1 and 2 remain vested in the Crown.

NOTIFICATION OF CLOSING OF ROAD

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

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation

Descriptions

Land District – Metropolitan;
L.G.A. – Warringah

Lot 561, DP 1039310 at Cottage Point, Parish Broken Bay, County Cumberland (being land in CT Vol 1851 Folio 34).

MN00H319.

Note: On closing, title for the land in lot 561 remains vested in Warringah Council as operational land.

TAREE OFFICE
Department of Land and Water Conservation
102-112 Victoria Street (PO Box 440), Taree, NSW 2430
Phone: (02) 6552 2788 Fax: (02) 6552 2816

ROADS ACT 1993

IN pursuance to part 2, Section 12 of the Roads Act 1993, the Crown Land specified in Schedule 1 is opened as public road and the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice, is declared to be the Roads Authority for the said public road.

JOHN AQUILINA, M.P.,
Minister for Land and Water Conservation
and Minister for Fair Trading

SCHEDULE 1

Land District – Port Macquarie;
Local Government Area – Hastings Council

The Crown land comprising Lots 715 & 716 DP823793 being part William Street and Pacific Drive at Port Macquarie, Parish Macquarie, County Macquarie.

SCHEDULE 2

Roads Authority: Hastings Council.

File No: TE80R10.

Water Conservation

WATER ACT 1912

AN APPLICATION under Part 2 of the Water Act 1912, being within a Proclaimed (declared) local area under section 5 (4) of the Act.

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

Barwon/Darling River Valley

Daryl Francis SMITH and Margaret Jean SMITH for 1 pump on the Darling River Lot 7/755354, Parish of Barritt, County of Perry, (Karoola Station) for water supply for stock and domestic purposes (replacement licence – due to replacement of authority and additional lands – no increase in commitment to Lower Darling River storages) (Ref: 60SL0853623) (GA2:499512).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty-eight (28) days as provided by the Act.

P. WINTON,
Natural Resource Project Officer
Murray Region

Department of Land and Water Conservation
PO Box 363, 32 Enterprise Way, BURONGA NSW 2739
Ph: (03) 5021 9400

WATER ACT 1912

AN APPLICATION for an authority under Part 2 of the Water Act 1912 being within a proclaimed (declared) local area under section 5 (4) of the Act.

An application for an authority under section 20 of Part 2 of the Water Act has been received as follows:

Lachlan River Valley

Stephen Francis GREEN for a pump on the Lachlan River on Lot 20/753105, Parish of Moonbia, County of Gipps, for Water supply for irrigation of 12.5 hectares (New Licence – allocation obtained by way of Permanent Transfer Scheme.) (GA2:494405) (Ref:70SL090786).

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

D. THOMAS,
A/Senior Natural Resource Officer
Central West Region

Department of Land and Water Conservation
PO Box 136, FORBES NSW 2871 (02) 6852 1222

NOTICE UNDER SECTION 22B OF THE WATER ACT 1912

Pumping Restrictions

Cudgera Creek, Crabbes Creek, Burringbar Creek
and their tributaries

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Cudgera Creek, Crabbes Creek, Burringbar Creek and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Saturday 23 March 2002 and until further notice, the right to pump water from Cudgera Creek, Crabbes Creek, Burringbar Creek and their tributaries is RESTRICTED to a maximum of six hours per day between the hours of 7am to 10am and 4pm to 7pm.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation – 200 penalty units.
- (b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00.

Dated this 23rd day of March 2002.

G. LOLLBACK,
Resource Access Manager
North Coast Region
GRAFTON

GA2: 343327

NOTICE UNDER SECTION 22B OF THE WATER ACT 1912

Pumping Suspensions

Tweed River, Oxley River, Rous River,
Bilambil Creek, Duroby Creek, Cobaki Creek,
Hopping Dicks Creek and their tributaries

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Tweed River, Oxley River, Rous River, Bilambil Creek, Duroby Creek, Cobaki Creek, Hopping Dicks Creek and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Saturday 23 March 2002 and until further notice, the right to pump water from the abovementioned streams and their tributaries is SUSPENDED.

This suspension excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- a) where the offence was committed by a Corporation – 200 penalty units.
- b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00.

Dated this 23rd day of March 2002.

G. LOLLBACK,
Resource Access Manager
North Coast Region
GRAFTON

GA2: 343327

WATER ACT 1912

AN application under Part 2, being within a proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

An application for a licence for works within a proclaimed local area as generally described hereunder has been received as follows:

Gwydir River Valley

THE UNIVERSITY OF SYDNEY for a pump on the Mehi River on Lot 2/751792, Parish of Wallanol, County of Courallie for water supply for stock purposes and irrigation of 324 hectares (fodder, grains, oilseeds). (To replace an existing entitlement by way of increase in pumping capacity – no increase in irrigation entitlement). L.O. Papers 90SL100595. GA2493705.

MORETON PASTORAL CO for a pump on the Mehi River on Lot 11/751796 and Lot 20/751796, Parish of Whittaker, County of Courallie for water supply for stock purposes and irrigation of 679 hectares (cotton). (To replace an existing entitlement by way of the permanent transfer of 21 hectares of existing Mehi River entitlement). L.O. Papers 90SL100596. GA2493706.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550, TAMWORTH NSW 2340

NOTICE UNDER SECTION 22B OF THE WATER ACT 1912

Pumping Restrictions

Wilsons River above Boatharbour Reserve and its Tributaries

THE Department of Land and Water Conservation pursuant to section 22B of the Water Act 1912, is satisfied that the quantity of water available in Wilsons River above Boatharbour Reserve and its tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Saturday 23 March 2002 and until further notice, the right to pump water from Wilsons River above Boatharbour Reserve and its tributaries is RESTRICTED to a maximum of six hours per day in any twenty four hour period.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- (a) where the offence was committed by a Corporation – 200 penalty units.
- (b) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00.

DATED this twenty third day of March 2002.

G. LOLLBACK,
Resource Access Manager

North Coast Region
GRAFTON
GA2: 343328

WATER ACT 1912

AN APPLICATION under Part 2 of the Water Act 1912 being within a Proclaimed (declared) local area under section 5 (4) of the Act.

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

Murray River Valley

Geoffrey Allan HOLLAND and Margaret Jean HOLLAND for 1 pump on the Murray River, Crown Reserve 78909, Parish of Wentworth, County of Wentworth, for water supply for irrigation of 1ha (fresh licence due to permanent transfer of water entitlement - no increase in commitment to Murray River storages) (Ref: 60SL085363) (GA2:499513).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty-eight (28) days as provided by the Act.

P.WINTON,
Natural Resource Project Officer

Murray Region
Department of Land and Water Conservation
PO Box 363
32 Enterprise Way
BURONGA NSW 2739
Ph: (03)50219400

WATER ACT 1912

Section 5(1)(h) — Order

THE Water Administration Ministerial Corporation declares pursuant to section 5(1)(h) of the Water Act 1912 that the outlet works of the Dams/Weirs shown in the Schedule at which mini hydro electric power stations are/shall be connected are not works to which Part 2 of the Water Act 1912 extends, by this Order which shall commence on the date of its publication in the Gazette.

Schedule

Column 1	Column 2
Wyangala Dam	
Burrendong Dam	
Split Rock Dam	
Glenbawn Dam	
Pindari Dam	
Copeton Dam	
Carcoar Dam	
Chaffey Dam	
Blowering Dam	
Windamere Dam	
Lostock Dam	
Brogo Dam	
Toonumbar Dam	
Glennies Creek Dam	
Burrinjuck Dam	
Keepit Dam	
Hay Weir	
Berembed Weir	
Gogeldrie Weir	
Redbank Weir	
Yanco Weir	
Maude Weir	
Stevens Weir	

Dated this eighth day of March 2002.

Signed for the Water Administration) JOHN J. AQUILINA,
Ministerial Corporation) Minister for Land and
By) Water Conservation

WATER ACT 1912

APPLICATIONS under Part 2, within proclaimed (declared) local areas under section 5 (4) of the Act 1912.

APPLICATIONS for licences under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Darling River Valley

NORTH BOURKE GROWERS GINNING COMPANY PTY LIMITED for 1 pump on the Darling River, Lot 6709, DP 822028, Parish of Pera, County of Gunderbooka for water supply for industrial purposes (cotton ginning) the subject application is a transfer of an existing industrial water entitlement authorised by licence. 80SL048298 (80SL096028).

John Oswald and Therese Ann BENNETT for 1 pump and 2 block dams on the Darling River, Lots 67, 64, 63, 69, DP 751867, Parish of East Bourke, County of Cowper for water supply and augmentation, and water conservation for stock and domestic purposes and irrigation of 50Ha (cotton and maize) (replacement licence transfer of part of existing entitlement authorised under 80SL095172, works previously authorised under 80SL028099 no increase in water volume). (80SL095984).

Written objections to the applications specifying grounds thereof, may be made to any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Office at Bourke, within twenty-eight (28) days as prescribed by the Act.

Any enquires regarding the above should be directed to the undersigned (telephone 6872 2144) GA2:494455.

ALLAN AMOS,
Natural Resource Project Officer
(Resource Access)

Department of Land and Water Conservation
P O Box 342
Bourke NSW 2840

WATER ACT 1912

AN application under Part 2, being within a proclaimed (declared) local area under section 20E (2) of the Water Act 1912, as amended.

An application for an Amended Authority for a Joint Water Supply Scheme within a proclaimed local area as generally described hereunder has been received as follows:

Gwydir River Valley

Peter James HARRIS and Malcolm David HARRIS for three (3) pumps on the Gil Gil Creek on Part Lot 14/750462, Part Lot 15/750462, Parish of Galloway and Part Lot 22/750488, Parish of Narrawall, all County of Benarba for stock purposes and irrigation of 810 hectares (irrigated cash crops). Transfer of 972 megalitres of existing entitlement by way of permanent transfer. L.O. paers 90SA11657. GA2493707.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
P O Box 550
Tamworth NSW 2340

WATER ACT 1912

AN application under Part 2, being within a proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

An application for a Licence within a proclaimed local area as generally described hereunder has been received as follows:

Macintyre-Barwon Valley

Murray James ANDERSON and Laurie Anne ANDERSON for two (2) pumps and an overshot dam (existing work) on Doondunna Creek on Lot 97/750518 and Lot 98/750518, Parish of Yarouah, County of Benarba for irrigation of 81 hectares (cotton). (Replacement licence due to an additional pump – replaces an existing entitlement). L.O. Papers 90SL100597. GA2493708.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
P O Box 550
Tamworth NSW 2340

WATER ACT 1912

APPLICATIONS under Part 2 within a Proclaimed (declared) Local Area under Section 5(4) of the Water Act, 1912.

Applications for a licence under Section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

Murrumbidgee Valley

JOHN ANTHONY MANNING AND DONELLA WINIFRED NANCE MANNING for a bywash dam on an Unnamed Watercourse, Lot 125 DP757217, Parish of Book Book, County of Wynyard, for conservation of water for soil conservation and stock watering purposes . (Reference: 40SL70775.)

Any enquiries regarding the above should be directed to the undersigned (telephone 0269 530700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department at Leeton within the 28 days as fixed by the Act.

S. F. WEBB,
Resource Access Manager
Murrumbidgee Region

Department of Land & Water Conservation
P.O. Box 156, LEETON NSW 2705

Department of Mineral Resources

NOTICE is given that the following application has been received:

EXPLORATION LICENCE APPLICATION

(T02-0039)

No. 1882, RANGE RIVER GOLD NL (ACN 065 480 453), area of 69 units, for Group 1, dated 19 March 2002. (Orange Mining Division).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

MINERAL CLAIM APPLICATIONS

(T00-0160)

Orange No. 69, now Mineral Claim No. 272 (Act 1992), ROBERT GEORGE ANDERSON, Parish of Carroll, County of Wellington, area of about 2 hectares to mine for gold, dated 28 February 2002, for a term until 27 February 2007.

(T00-0161)

Orange No. 70, now Mineral Claim No. 273 (Act 1992), ROBERT GEORGE ANDERSON, Parish of Carroll, County of Wellington, area of about 2 hectares to mine for gold, dated 28 February 2002, for a term until 27 February 2007.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATIONS

(T01-0222)

No. 1837, YARDARINO LTD (ACN 009 256 535), County of Rous, Map Sheet (9541). Withdrawal took effect on 21 March 2002.

(T01-0224)

No. 1839, YARDARINO LTD (ACN 009 256 535), County of Clive and County of Gough, Map Sheet (9238, 9239). Withdrawal took effect on 21 March 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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

(T98-1120)

Exploration Licence No. 5702, NSW GOLD NL (ACN 003 307 702), area of 20 units. Application for renewal received 18 March 2002.

(T98-1120)

Exploration Licence No. 5703, NSW GOLD NL (ACN 003 307 702), area of 48 units. Application for renewal received 18 March 2002.

(T99-0713)

Exploration Licence No. 5705, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 24 units. Application for renewal received 18 March 2002.

(T99-0231)

Exploration Licence No. 5706, RIMFIRE PACIFIC MINING NL (ACN 006 911 744), area of 15 units. Application for renewal received 18 March 2002.

(T99-0203)

Exploration Licence No. 5709, ILUKA RESOURCES LIMITED (ACN 008 675 018), area of 106 units. Application for renewal received 20 March 2002.

(T99-0238)

Exploration Licence No. 5714, MALACHITE RESOURCES NL (ACN 075 613 268), area of 43 units. Application for renewal received 13 March 2002.

(T00-0018)

Exploration Licence No. 5721, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 100 units. Application for renewal received 19 March 2002.

(T99-0216)

Exploration Licence No. 5722, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 16 units. Application for renewal received 19 March 2002.

(T01-0299)

Mining Purposes Lease No. 284 (Act 1973), JEFFREY MICHIEL DOOLEY, area of 2.898 hectares. Application for renewal received 19 March 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T87-0330)

Exploration Licence No. 2984, CLIMAX AUSTRALIA PTY LIMITED (ACN 002 164 598), County of Bathurst, Map Sheet (8731), area of 16 units, for a further term until 10 January 2004. Renewal effective on and from 8 March 2002.

(T97-1277)

Exploration Licence No. 5374, MOONLIGHT MINING NL (ACN 075 662 654), County of Dowling, Map Sheet (8131), area of 11 units, for a further term until 3 November 2003. Renewal effective on and from 8 March 2002.

(T99-0100)

Exploration Licence No. 5648, UAL PTY LTD (ACN 008 755 155), Counties of Cunningham and Kennedy, Map Sheet (8332, 8432), area of 15 units, for a further term until 24 November 2003. Renewal effective on and from 8 March 2002.

(T99-0101)

Exploration Licence No. 5655, TRIAKO RESOURCES LIMITED (ACN 008 498 119), Counties of Cunningham, Flinders and Kennedy, Map Sheet (8232, 8233, 8332), area of 51 units, for a further term until 13 December 2003. Renewal effective on and from 8 March 2002.

(T99-0143)

Exploration Licence No. 5660, LFB RESOURCES NL (ACN 073 478 574), County of Ashburnham, Map Sheet (8631), area of 2 units, for a further term until 23 December 2003. Renewal effective on and from 8 March 2002.

(T99-0648)

Mining Lease No. 875 (Act 1973), MONIER PGH HOLDINGS LIMITED (ACN 008 631 356), Parish of Maitland, County of Northumberland, Map Sheet (9232-3-N), area of 1.04 hectares, for a further term until 30 June 2021. Renewal effective on and from 14 March 2002.

(T00-0674)

Mineral Lease No. 2843 (Act 1906), MONIER PGH HOLDINGS LIMITED (ACN 008 631 356), Parish of Maitland, County of Northumberland, Map Sheet (9232-3-N), area of 3.05 hectares, for a further term until 30 June 2021. Renewal effective on and from 14 March 2002.

(T99-0613)

Mineral Lease No. 4589 (Act 1906), MONIER PGH HOLDINGS LIMITED (ACN 008 631 356), Parish of Maitland, County of Northumberland, Map Sheet (9232-3-N), area of 7.309 hectares, for a further term until 30 June 2021. Renewal effective on and from 14 March 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

WITHDRAWAL OF APPLICATIONS FOR RENEWAL

NOTICE is given that the applications for renewal in respect of the following authorities have been withdrawn:

(T99-0164)

Exploration Licence No. 5690, KINGS MINERALS NL (ACN 006 381 684), County of Nandewar, Map Sheet (8837, 8937), area of 26 units. The authority ceased to have effect on 20 March 2002.

(T97-0542)

Mining Lease No. 661 (Act 1973), PETER ROBERT LIDGERWOOD and LORETTA GERALDINE LIDGERWOOD, Parish of Ross, County of Gough, Map Sheet (9138-2-N), area of 32 hectares. The authority ceased to have effect on 22 March 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T00-0002)

Exploration Licence No. 5715, TABLELANDS EXPLORATION PTY LIMITED (ACN 087 427 030), County of Darling and County of Murchison, Map Sheet (9037), area of 20 units. Cancellation took effect on 20 March 2002.

(T00-0003)

Exploration Licence No. 5716, TABLELANDS EXPLORATION PTY LIMITED (ACN 087 427 030), County of Darling, Map Sheet (9036), area of 8 units. Cancellation took effect on 20 March 2002.

(T00-0088)

Exploration Licence No. 5789, PASMINGO AUSTRALIA LIMITED (ACN 004 074 962), County of Farnell and County of Yancowinna, Map Sheet (7134, 7135), area of 83 units. Cancellation took effect on 21 March 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

TRANSFERS

(C01-0101)

Authorisation No. 256, formerly held by ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813), MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), SHOWA COAL (NSW) PTY LTD (ACN 061 747 108) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), has been transferred to MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986). The transfer was registered on 21 March 2002.

(C01-0101)

Coal Lease No. 386 (Act 1973), formerly held by ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813), MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), SHOWA COAL (NSW) PTY LTD (ACN 061 747 108) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), has been transferred to MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986). The transfer was registered on 21 March 2002.

(C01-0101)

Exploration Licence No. 4574, formerly held by ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813), MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), SHOWA COAL (NSW) PTY LTD (ACN 061 747 108) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), has been transferred to MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986). The transfer was registered on 21 March 2002.

(C01-0101)

Exploration Licence No. 4575, formerly held by ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813), MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), SHOWA COAL (NSW) PTY LTD (ACN 061 747 108) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), has been transferred to MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986). The transfer was registered on 21 March 2002.

(C01-0101)

Exploration Licence No. 5525, formerly held by ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813), MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), SHOWA COAL (NSW) PTY LTD (ACN 061 747 108) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), has been transferred to MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986). The transfer was registered on 21 March 2002.

(T01-0644)

Exploration Licence No. 5547, formerly held by DORAL MINERAL INDUSTRIES LTD (ACN 008 902 841) and PORTMAN INVESTMENTS PTY LTD (ACN 010 104 408), has been transferred to QUAESTUS LIMITED (ACN 094 265 746). The transfer was registered on 21 March 2002.

(T01-0644)

Exploration Licence No. 5661, formerly held by PORTMAN INVESTMENTS PTY LTD (ACN 010 104 408), has been transferred to QUAESTUS LIMITED (ACN 094 265 746). The transfer was registered on 21 March 2002.

(C01-0101)

Mining Lease No. 1381 (Act 1992), formerly held by ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813), MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), SHOWA COAL (NSW) PTY LTD (ACN 061 747 108) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), has been transferred to MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986). The transfer was registered on 21 March 2002.

(C01-0101)

Mining Lease No. 1456 (Act 1992), formerly held by ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813), MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), SHOWA COAL (NSW) PTY LTD (ACN 061 747 108) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986), has been transferred to MARUBENI THERMAL COAL PTY LTD (ACN 061 468 620), ANGLO COAL (DARTBROOK) PTY LTD (ACN 000 012 813) and SSANGYONG RESOURCES PTY LIMITED (ACN 071 744 986). The transfer was registered on 21 March 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

EXPIRY

Mining Lease No. 921 (Act 1973), SAMUEL JOHN LACEY (Deceased) and KEVIN DOUGLAS WILLIAMS, Parish of Metz, County of Sandon. This title expired on 17 March 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

MINING ACT 1992

Order Under Section 175 Specifying the Conditions that are to Apply to Mineral Claims within the Lightning Ridge Mineral Claims District

I, EDWARD OBEID, M.L.C., Minister for Mineral Resources, in exercise of the powers vested in me by section 175 of the Mining Act 1992, revoke the Order published in the *Government Gazette* dated 21 March 1997, specifying the conditions applying to mineral claims granted over land within the Lightning Ridge Mineral Claims District and do, by this my Order, specify the following as conditions that are to apply to mineral claims granted over land within that District.

1. The Shape and Size of Mineral Claims that may be Granted.
 - (a) Subject to paragraphs (b) and (c) the area of land granted under a mineral claim must be square in shape and no greater than 50 metres by 50 metres except where the external boundaries of the land available for grant make such a shape impractical in which case the maximum area must not exceed 2,500 square metres.
 - (b) A mineral claim exceeding 2,500 square metres, but no greater than two hectares, may be granted to a person who was, at the time of lodgement of the application for the mineral claim, the holder of an opal prospecting licence over the land.
 - (c) a mineral claim for mining purpose/s only, may be granted for "opal puddling" and/or for "the stockpiling or depositing of overburden, ore or tailings" but its area may not exceed two hectares.
 - (d) mineral claims granted for mining purposes can only be used for the specified mining purposes.
 - (e) mineral claims granted for mining purposes must not abut, be contiguous with or in close proximity to other mineral claims granted for mining purposes.
2. The Minerals in Respect of which Mineral Claims may be Granted.
Mineral claims may be granted for opal mineral.
3. The Maximum Number of Mineral Claims that may be held by any one Person.

Subject to sections 175 (6) and 202 of the Mining Act 1992 and any such other exceptional circumstances relating to previously devolved claims as the Minister in his discretion thinks fit, the maximum number of mineral claims that may be held by any one person or company will be two except in the case of the Lightning Ridge Miners' Association Limited and the Glengarry, Grawin, Sheepyard Miners Association Inc in respect of mineral claims granted for a mining purpose(s) where the maximum number that may be held will be ten.

4. The Nature and Extent of Prospecting and Mining Operations that may be Carried Out in respect of Mineral Claims.

- (i) A mineral claim holder must not (unless following application to the Warden to conduct open cut operations and with the written approval of the Warden and subject to such conditions as he may require including the lodgement of an additional security deposit);

- * use in a mineral claim area a wet rumbler or other motorised revolving drum for the purpose of opal puddling,
- * prospect, mine or use for a mining purpose, in a mineral claim area, equipment or machinery including a bulldozer, ripper (whether self propelled or towed), backhoe, dragline, cable scraper, face shovel, front end or overhead loader, skimmer, grab, bucketwheel excavator, trench cutter, grader or suction pump,

but not including any -

- * hand held pneumatic or electric pick, hammer or road breaker;
- * shaft sinking equipment or machinery or drilling or boring equipment or machinery when used to sink a vertical or near vertical shaft or exploratory shaft, drill hole or borehole;
- * windlass winch or elevator for transporting mined or excavated material to the surface; or,
- * equipment or machinery used to; load and transport previously mined or excavated material to a treatment plant; fill in, make safe or securely protect any shaft or excavation; or carry out any works directed to be done by any Regional Inspector of Mines, Opal Field Management Officer or Mining Registrar.

- (ii) An underground digger may be used if its use has been approved by a Regional Inspector of Mines.

- (iii) A mineral claim will not be granted over any land between 200 metres and 500 metres of the principal homestead of a property without the written consent of the owner. If an owner gives consent to any person or company then this prohibition will no longer apply to the particular homestead.

- (iv) A mineral claim will not be granted over any land within a distance of 200 metres of any dam or stock tank (other than a dam or stock tank constructed or used for mining purposes) without the written consent of the owner. If an owner gives consent to any person or company then this prohibition will no longer apply to the particular dam or stock tank.

5. The Security Deposits to be Lodged in respect of the Granting of Mineral Claims.

Any security must be in such amount and form as the Mining Registrar may require.

The Mining Registrar on renewing and on transferring a mineral claim may require the applicant/transferee to give security for the fulfilment of the obligations arising in relation to the mineral claim in such amount and form as the Mining Registrar may require.

6. The Compensation payable in respect of the Carrying Out of Prospecting and Mining Operations.

Compensation shall be payable in respect of each mineral claim in accordance with the provisions of the Act and the Regulations and any policies and practices recommended by the Lightning Ridge Mining Board and endorsed by the Minister.

7. The Obligations of the Holders of Mineral Claims as to the Rehabilitation of Land on which Prospecting or Mining Operations have been Carried Out.

The Mining Registrar when granting, renewing or transferring a mineral claim may impose conditions for the rehabilitation, levelling, regrassing, reforestation or contouring of the land and the filling in, sealing or fencing off of excavations, shafts and tunnels.

8. Miscellaneous.

- (i) A mineral claim shall not be granted or renewed unless the applicant satisfies the Opal Field Management Officer, in accordance with policy, that the applicant has sufficient experience or has completed a course of instruction in mining that is approved by the Chief Inspector of Mines.

- (ii) The Mining Registrar when granting, renewing or transferring a mineral claim may impose such conditions as may be necessary for administrative purposes, or for the protection of private and public interests, for the conservation and protection of the flora, fauna, fish, fisheries and scenic attractions and features of Aboriginal, architectural, archaeological, historical or geological interest.

- (iii) The holder of a mineral claim must:

- (a) within 14 days of the date of the grant of a mineral claim fix to each picket or post defining the area of the mineral claim a tag on which is legibly stamped the number of the mineral claim.
- (b) comply with the requirements of any applicable "Management Plan for the Opal Fields."
- (c) comply with the relevant provisions of the publication of the Department of Mineral Resources titled "A Code of Conduct for Landholders and Opal Miners and Prospectors in the Narran-Warrambool Reserve Lightning Ridge".

Dated this 22nd day of February 2002.

EDWARD OBEID,
Minister for Mineral Resources

Department of Planning

Baulkham Hills Local Environmental Plan 1991 (Amendment No 89)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (P00/00077/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Baulkham Hills Local Environmental Plan 1991 (Amendment No 89)

Baulkham Hills Local Environmental Plan 1991 (Amendment No 89)

1 Name of plan

This plan is *Baulkham Hills Local Environmental Plan 1991 (Amendment No 89)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies, from partly Light Industry 4 (b) and partly Residential 2 (a) to Residential 2 (a1) under *Baulkham Hills Local Environmental Plan 1991*, so as to enable the carrying out of development on the land for the purpose of apartment buildings.

3 Land to which plan applies

This plan applies to land situated in the Baulkham Hills local government area, being Lot 2, DP 247452, Lot 101, DP 617754, Lot 2, DP 721567, Lots 2 and 3, DP 22931 and Lot 1, DP 127003, and known as Nos 27–29 North Rocks Road, North Rocks, as shown edged heavy black on the map marked “Baulkham Hills Local Environmental Plan 1991 (Amendment No 89)” deposited in the office of Baulkham Hills Council.

4 Amendment of Baulkham Hills Local Environmental Plan 1991

Baulkham Hills Local Environmental Plan 1991 is amended by inserting in appropriate order in the definition of *the map* in clause 5 (1) the following words:

Baulkham Hills Local Environmental Plan 1991 (Amendment No 89)

Blacktown Local Environmental Plan 1988 (Amendment No 146)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (P00/00471/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Blacktown Local Environmental Plan 1988 (Amendment No 146)

Blacktown Local Environmental Plan 1988 (Amendment No 146)

1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 146)*.

2 Aims of plan

This plan aims to rezone the land to which this plan applies to partly the Residential “A” Zone, partly the Residential “C” Zone and partly the Special Business Zone under *Blacktown Local Environmental Plan 1988* to allow the land to be used for those purposes which are permissible under those zones.

3 Land to which plan applies

This plan applies to land situated in the City of Blacktown, in the vicinity of Windsor and Merriville Roads, Kellyville, as shown edged heavy black on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 146)” deposited in the office of the Council of the City of Blacktown.

4 Amendment of Blacktown Local Environmental Plan 1988

Blacktown Local Environmental Plan 1988 is amended by inserting in appropriate order in the definition of *the map* in clause 6 (1) the following words:

Blacktown Local Environmental Plan 1988 (Amendment No 146)

Canterbury Local Environmental Plan No 138—Canterbury Precinct (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (No S00/01811/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Canterbury Local Environmental Plan No 138—Canterbury Precinct
(Amendment No 6)

Canterbury Local Environmental Plan No 138— Canterbury Precinct (Amendment No 6)

1 Name of plan

This plan is *Canterbury Local Environmental Plan No 138—
Canterbury Precinct (Amendment No 6)*.

2 Aims of plan

This plan aims to rezone the land to which it applies to the Residential
“C” Zone to enable the land to be redeveloped for residential
purposes.

3 Land to which plan applies

This plan applies to land known as 20 Close Street, Canterbury, as
shown edged heavy black on the map marked “Canterbury Local
Environmental Plan No 138—Canterbury Precinct (Amendment
No 6)”.

4 Amendment of Canterbury Local Environmental Plan No 138 Canterbury Precinct

Canterbury Local Environmental Plan No 138—Canterbury Precinct
is amended as set out in Schedule 1.

Canterbury Local Environmental Plan No 138—Canterbury Precinct
(Amendment No 6)

Schedule 1 Amendment

(Clause 4)

[1] Clause 5 Terms used in the plan

Insert at the end of the definition of *the map* in clause 5:

Canterbury Local Environmental Plan No 138—Canterbury
Precinct (Amendment No 6)

[2] Clause 28A

Insert after clause 28:

28A Restrictions on development

Despite any other provision of this plan, consent must not be granted to development specified in Column 2 of Schedule 4 on land specified in Column 1 of Schedule 4 in relation to that development unless such conditions or other requirements as may be specified in Column 3 of Schedule 4 in relation to that development are complied with.

Canterbury Local Environmental Plan No 138—Canterbury Precinct
(Amendment No 6)

[3] **Schedule 4**

Insert after Schedule 3:

Schedule 4 Restrictions on development (Clause 28A)

Column 1	Column 2	Column 3
20 Close Street Canterbury, shown edged heavy black on the map marked “Canterbury Local Environmental Plan No 138 —Canterbury Precinct (Amendment No 6)”	Any development	The Council: (a) has considered a report by a qualified acoustic engineer that analyses noise levels on the land and their effect on the amenity and acoustic privacy of the proposed development, and (b) has considered whether or not, and (if so) the extent to which, the proposed development should provide for noise mitigation measures

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (N98/00283/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone*.

2 Aims of plan

This plan aims:

- (a) to create new zones under *Cessnock Local Environmental Plan 1989*, including the Hunter Employment Zone, so as to facilitate major industrial or employment-generating development and to provide for environmental protection, national parks and nature reserves and special uses of land, and
- (b) to regulate development in the Hunter Employment Zone and the other new zones, and
- (c) to rezone certain land to those new zones, and
- (d) to allow development for the purposes of environmental facilities to be carried out with consent in certain zones, and
- (e) to add certain items of the environmental heritage to Schedule 3 to *Cessnock Local Environmental Plan 1989*.

3 Land to which plan applies

(1) This plan applies:

- (a) to the extent that it rezones land—to the land shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” deposited in the office of Cessnock City Council, and
- (b) to the extent that it does other things—to all land to which *Cessnock Local Environmental Plan 1989* applies.

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Clause 3

-
- (2) However, this plan does not apply to land shown hatched on that map which has been excluded from this plan by Cessnock City Council under section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

4 Amendment of Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 1989 is amended as set out in Schedule 1.

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

environmental facilities means:

- (a) structures or works that provide for nature or scientific study or display or interpretation facilities (such as walking tracks, board walks, observation decks or bird hides), or
- (b) environmental management or restoration works (such as those for bush regeneration, wetland restoration, noxious weed control or feral animal control).

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Cessnock Local Environmental Plan 1989 (Amendment
No 60)—Hunter Employment Zone

[3] Clause 8 Zones indicated on the map

Insert in appropriate order:

- Zone No 4 (h) (Hunter Employment Zone)—black edging and lettered “4 (h)”.
- Zone No 7 (b) (Environmental Protection (Conservation) Zone)—black edging and lettered “7 (b)”.
- Zone No 8 (a) (National Parks and Nature Reserves Zone)—black edging and lettered “8 (a)”.

[4] Clause 9 Zone objectives and development control table

Insert “environmental facilities;” in alphabetical order in item 3 (Only with consent) of the matter relating to Zones Nos 1 (a1), 1 (c1), 1 (f), 1 (v), 2 (c), 3 (b), 6 (a), 6 (b) and 6 (c1) in the Table to the clause.

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Amendments

Schedule 1

[5] Clause 9, Table

Insert after the matter relating to Zone No 4 (b):

Zone No 4 (h) Hunter Employment Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to encourage sustainable major industrial development or major employment-generating development that is conveniently accessible to urban centres and that has good road and rail access links, and
- (b) to encourage ecologically sustainable development by prohibiting development that contributes to the degradation of the Wallis and Fishery Creeks water catchments, and
- (c) to permit other development that is complementary, ancillary or related to existing development within the zone, and
- (d) to prohibit development that exposes residences and the natural environment to unacceptable levels of pollution or hazard risk, and
- (e) to minimise the clearing of native vegetation, and
- (f) to facilitate the movement and survival of native fauna and flora by conserving native vegetation corridors.

2 Without consent

Nil.

3 Only with consent

Any purpose other than a purpose included in item 4.

4 Prohibited

Art galleries; bed and breakfast accommodation; boarding houses; brothels; caravan parks; commercial premises and shops (other than those ordinarily incidental or ancillary to industry, or which are primarily intended to serve persons

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Schedule 1 Amendments

occupied or employed in land uses otherwise permitted in this zone); commercial vineyards; dwelling-houses (other than those ancillary to land uses permitted in this zone); hazardous industries, hazardous storage establishments, offensive industries or offensive storage establishments (within the meaning of each of those four terms in *State Environmental Planning Policy No 33—Hazardous and Offensive Development*); hospitals; institutions; integrated tourist development; places of assembly; places of public worship; reception establishments; residential flat buildings; roadside stalls; tourist recreation facilities; tourist related craft shops; tourist accommodation buildings.

[6] Clause 9, Table

Insert after the matter relating to Zone No 6 (c1):

Zone No 7 (b) Environmental Protection (Conservation) Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to maintain the ecological integrity and viability of areas of conservation value, and
- (b) to conserve biological diversity, and
- (c) to conserve native ecosystems, and
- (d) to prohibit development that would adversely impact on the conservation of native ecosystems and biological diversity, and
- (e) to minimise the clearing of native vegetation, and
- (f) to facilitate the movement and survival of native fauna and flora by conserving native vegetation corridors, and
- (g) to protect the Aboriginal heritage values of land, and
- (h) to protect the scenic qualities of land, and
- (i) to prohibit the further subdivision of land within the zone.

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Amendments

Schedule 1

2 Without consent

Nil.

3 Only with consent

Dwelling-houses; environmental facilities; picnic areas; railway undertakings; roads; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 3.

[7] Clause 9, Table

Insert after the matter relating to Zone No 7 (d1):

Zone No 8 (a) National Parks and Nature Reserves Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to allow for the management and appropriate use of land as provided for under that Act.

2 Without consent

Development for any purpose authorised by or under the *National Parks and Wildlife Act 1974* and any land use incidental or ancillary thereto.

3 Only with consent

Nil.

4 Prohibited

Any purpose other than a purpose included in item 2.

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Schedule 1 Amendments

**[8] Clause 10 General development principles—rural and environmental
protection zones and Hunter Employment Zone**

Insert after clause 10 (2):

- (3) Before granting consent to the carrying out of development on land within Zone No 4 (h), the Council shall have regard to the following general principles:
 - (a) development should introduce new or innovative technologies to the State of New South Wales or to the Hunter Region,
 - (b) development should introduce new or cutting-edge research, development or production skills to NSW with potential for increasing the skills of workforces across the State or the Hunter Region,
 - (c) development should provide an integral part of the value-adding chain of an economic activity that is of State economic significance,
 - (d) development should involve research that is part of a long-term research or development program undertaken in collaboration with a tertiary institution,
 - (e) development should recycle or use a significant proportion of the core-business waste product of existing development in the zone and require proximity to that existing development so as to be economically viable,
 - (f) development should require separation from existing settlement or workplaces to comply with acceptable safety margins but not so as to consume so much land that other objectives of the zone are prejudiced,
 - (g) development should require proximity to the 330kv electricity transmission line for its economic viability,
 - (h) development should require proximity to the Sydney-Brisbane trunk fibre-optic cable for its economic viability,
 - (i) development should require direct access to rail-freight services provided by the South Maitland or Richmond Vale Railways,

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Amendments

Schedule 1

- (j) development should require access to high-capacity road networks for access to the ports of Newcastle and Sydney,
- (k) development should encourage interactive relationships between different forms of development with the aim of optimising the use of energy and resources and minimising pollution and waste products produced by development so as to progressively achieve a closed cycle of resource use,
- (l) development should maintain the ecological integrity and viability of areas of conservation value,
- (m) development should protect the Aboriginal and European heritage values of land.

[9] Clauses 17A, 17B and 17C

Insert after clause 17:

17A Subdivision of land within Zone No 7 (b)

Consent shall not be granted to the subdivision of land within Zone No 7 (b).

17B Dwelling-houses within Zone No 7 (b)

Consent may be granted to the erection of one, but not more than one, dwelling-house on land within Zone No 7 (b), but only if the land has an area of not less than 40 hectares and there is no dwelling-house on the land.

17C Earthworks within Zone No 7 (b)

- (1) In this clause:

earthworks means the addition or removal of any solid material on, to or from land, or any other work that will substantially alter the existing ground level or character of the surface of the land.

- (2) A person may, with the consent of the consent authority, carry out development for the purpose of earthworks on land within Zone No 7 (b).

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Schedule 1 Amendments

[10] Clause 20 Clearing

Omit clause 20 (1). Insert instead:

- (1) In this clause:

clearing means the damage or destruction of a tree, shrub or other plant on land (other than any damage or destruction exempted by a Tree Preservation Order adopted by the Council) and includes the severing, ringbarking or lopping of branches, limbs, stems or trunks of a tree, shrub or other plant.

[11] Clause 20A

Insert after clause 20:

20A Clearing of land within Zone No 4 (h), 5 (a) or 7 (b)

- (1) In this clause:

clearing means the damage or destruction of a tree, shrub or other plant on land (other than any damage or destruction exempted by a Tree Preservation Order adopted by the Council) and includes the severing, ringbarking or lopping of branches, limbs, stems or trunks of a tree, shrub or other plant.

- (2) A person must not clear land within Zone No 4 (h), 5 (a) or 7 (b) unless:
- (a) the clearing is carried out in relation to:
 - (i) other development for which consent has been granted, or
 - (ii) air navigation safety, bushfire hazard reduction, land survey, geotechnical or similar investigation, or fencing, and
 - (b) the consent authority has consented to the clearing.

[12] Clause 26 Advertisements

Omit “or 7 (d1)” from clause 26 (1). Insert instead “7 (b), 7 (d1) or 8 (a)”.

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Amendments

Schedule 1

[13] Clauses 56–60

Insert after clause 55:

56 Hunter Employment Zone—Subdivision of land within Zone No 4 (h), 5 (a) or 7 (b)

- (1) This clause applies to land that is shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” and that is within Zone No 4 (h), 5 (a) or 7 (b).
- (2) Consent must not be granted to the subdivision of land within Zone No 4 (h) or 5 (a) to which this clause applies unless the subdivision specifically relates to the use of the land for which consent has previously been or will concurrently be granted.
- (3) Despite clause 17A and subclause (2), consent may be granted to the subdivision of land to which this clause applies solely for the purpose of subdividing areas of land within Zone No 4 (h), 5 (a) or 7 (b) along zone boundaries.

57 Hunter Employment Zone—General development of land within Zone No 4 (h), 5 (a) or 7 (b)

- (1) This clause applies to land that is shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” and that is within Zone No 4 (h), 5 (a) or 7 (b).
- (2) In this clause, *the management plans* means management plans of the kind referred to in Part 2 of *Development Control Plan No 47—Hunter Employment Zone*.
- (3) Consent must not be granted to development of land to which this clause applies unless drafts of the management plans have been publicly exhibited, and those plans have been approved, as if they were development control plans.
- (4) However, if any of the management plans has not been approved within 6 months after the gazettal of *Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone*, consent may be granted to development of land to which this clause applies despite subclause (3).

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Schedule 1

Amendments

-
- (5) Consent must not be granted to development of land to which this clause applies unless:
- (a) the consent authority has had regard to *Development Control Plan No 47—Hunter Employment Zone* and such of the management plans (if any) as have been approved for the time being, and
 - (b) each of three locations, nominated by the National Parks and Wildlife Service, in areas shown hatched on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” has been subject to an archaeology retrieval excavation undertaken by a person that the consent authority is satisfied is accredited as an archaeologist of Aboriginal heritage and the consent authority is satisfied that the excavations have been carried out in consultation with the relevant Aboriginal community group, and
 - (c) a surface inspection of the land to which this clause applies has been undertaken that the consent authority is satisfied was undertaken in conjunction with the relevant Aboriginal community group and the consent authority has had regard to the results of that inspection to the extent they relate to issues of Aboriginal heritage.
- (6) Consent must not be granted to development of land to which this clause applies that, in the opinion of the consent authority, will or will be likely to generate additional vehicular traffic until the consent authority has received written advice from the Roads and Traffic Authority that arrangements satisfactory to that Authority have been made relating to improvements and additions to road infrastructure on and in the vicinity of the land to which this clause applies.

58 Hunter Employment Zone—Shops within Zone No 4 (h)

Development for the purpose of a shop may, with development consent, be carried out within Zone No 4 (h) if, in the opinion of the consent authority, by virtue of its nature, the service provided, or the products produced, distributed or sold, the shop is appropriately located in the zone.

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Amendments

Schedule 1

59 Hunter Employment Zone—Dwelling-houses within Zone No 7 (b)

- (1) This clause applies to land that is shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” and that is within Zone No 7 (b).
- (2) Despite clause 17B, consent may be granted to development of land to which this clause applies for the purposes of one, but not more than one, dwelling-house, but only if the land has an area of not less than 25 hectares and there is no dwelling-house on the land.

60 Permissibility of mining

- (1) This clause applies to land that is shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” and that is within Zone No 4 (h) or 7 (b).
- (2) Despite clause 9, consent may be granted to development on the land to which this clause applies for the purposes of coal mining.

[14] Schedule 3 Items of the environmental heritage

Insert at the end of the Schedule:

- 16 Hebburn Dam.
- 17 All earthworks, structures and ancillary equipment along the railway formation from Hebburn Dam to Elrington including a corridor 40 metres wide centred on the railway trackbed centreline.
- 18 All earthworks, structures and ancillary equipment along the South Maitland Railway including a corridor of land 100 metres wide centred on the railway trackbed centreline.
- 19 All earthworks, structures and ancillary equipment along the Richmond Vale Railway formation including a corridor of land 100 metres wide centred on the railway trackbed centreline.
- 20 Pelaw Main Colliery Precinct.
- 21 Abermain No 1 Colliery Precinct.

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Schedule 1

Amendments

- 22 Hebburn No 1 Colliery Precinct.
- 23 Hebburn No 2 Colliery Precinct.
- 24 Richmond Main Colliery Precinct.

Drummoyne Local Environmental Plan 1986 (Amendment No 55)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S01/01510/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1

Drummoyne Local Environmental Plan 1986 (Amendment No 55)

Drummoyne Local Environmental Plan 1986 (Amendment No 55)

1 Name of plan

This plan is *Drummoyne Local Environmental Plan 1986 (Amendment No 55)*.

2 Aims of plan

This plan aims

- (a) to rezone the land to which this plan applies (being the former Energy Australia site at Five Dock) to Zone No 2 (b) (the Residential “B” Zone) under *Drummoyne Local Environmental Plan 1986* so as to enable development for residential purposes, and
- (b) to regulate the carrying out of residential development of the land having regard to the provisions of *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.

3 Land to which plan applies

This plan applies to land known as the former Energy Australia site, being Lots 1–5, DP 22943 (48 Great North Road, Five Dock) and Lots 1–4, DP 18635 (57–63 Fairlight Street, Five Dock), as shown edged heavy black on the map marked “Drummoyne Local Environmental Plan 1986 (Amendment No 55)” deposited in the office of the Council of the City of Canada Bay.

4 Amendment of Drummoyne Local Environmental Plan 1986

Drummoyne Local Environmental Plan 1986 is amended as set out in Schedule 1.

Drummoyne Local Environmental Plan 1986 (Amendment No 55)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

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

Drummoyne Local Environmental Plan 1986 (Amendment No 55)

[2] Clause 24B

Insert after clause 24A:

24B Development of the former Energy Australia site, Five Dock

- (1) This clause applies to land known as the former Energy Australia site, being Lots 1–5, DP 22943 (48 Great North Road, Five Dock) and Lots 1–4, DP 18635 (57–63 Fairlight Street, Five Dock), as shown edged heavy black on the map marked “Drummoyne Local Environmental Plan 1986 (Amendment No 55)”.
- (2) Despite any other provision of this plan, the Council must not grant consent to the carrying out of residential development of the land to which this clause applies unless it is satisfied that 10 per cent of the gross floor space complies with the provisions of *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.
- (3) Nothing in this plan prevents the carrying out of development of the whole of the land to which this clause applies for the purpose of housing for older people or people with a disability in accordance with the provisions of *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability*.

Gosford Local Environmental Plan No 424

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (N01/00022/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1

Gosford Local Environmental Plan No 424

Gosford Local Environmental Plan No 424

1 Name of plan

This plan is *Gosford Local Environmental Plan No 424*.

2 Aims of plan

- (1) This plan aims to rezone the land to which this plan applies so as:
 - (a) to better reflect the role of the land as a buffer to the Kincumber Sewage Treatment Works, and
 - (b) to allow a small part of the land to be used for community, sporting and recreation facilities.
- (2) This plan also corrects a minor anomaly in a provision in *Interim Development Order No 122—Gosford*.

3 Land to which plan applies

This plan applies to:

- (a) Lots 31 and 32, DP 771756, Lot 2, DP 533501, Lot A, DP 394493 and part of Lot 3, DP 367928, Doyle Street, Kincumber, as shown edged heavy black on Sheet 1 of the map marked “Gosford Local Environmental Plan No 424” deposited in the office of the Council of the City of Gosford, and
- (b) Lot 1, DP 586909, Brushwood Avenue, Kincumber, as shown edged heavy black on Sheet 2 of that map.

4 Amendment of Interim Development Order No 122—Gosford

Interim Development Order No 122—Gosford is amended in the manner set out in Schedule 1.

Gosford Local Environmental Plan No 424

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 3

Insert in appropriate order in the definition of *I.D.C. Map* in clause 3 (1):
Gosford Local Environmental Plan No 424

[2] Clause 22B Development of certain land—Bambara Road and Rees Street, Kariong

Omit “plan applies” from clause 22B (1). Insert instead “clause applies”.

Inverell Local Environmental Plan 1988 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S99/00503/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Inverell Local Environmental Plan 1988 (Amendment No 5)

Inverell Local Environmental Plan 1988 (Amendment No 5)

1 Name of plan

This plan is *Inverell Local Environmental Plan 1988 (Amendment No 5)*.

2 Aims of plan

This plan aims to provide for the creation of an integrated community on the land to which the plan applies, subject to the consent of Inverell Council.

3 Land to which plan applies

This plan applies to Lot 2, DP 840398.

4 Amendment of Inverell Local Environmental Plan 1988

Inverell Local Environmental Plan 1988 is amended as set out in Schedule 1.

Inverell Local Environmental Plan 1988 (Amendment No 5)

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 4)

Clause 39

Insert after clause 38:

39 Development of an integrated Bruderhof community

(1) In this clause:

integrated community means a collection of buildings that are used for the purpose of accommodating and providing support services and employment for a group of no more than 400 people where:

- (a) those people live together in a community that operates on a communal basis, and
- (b) there is no individual ownership, or entitlement to ownership, of separate parts of the land involved.

survey plan means the plan of survey numbered 13,627/5 prepared by Registered Surveyor J I Noad & Co on 17 June 2001 and held in the offices of the Council.

- (2) This clause applies to Lot 2, DP 840398.
- (3) Despite any other provision of this plan, a person may, with the consent of the Council, carry out development of the land identified with the letter “A” on the survey plan for the purposes of any or all of the following:
 - (a) the construction of buildings as part of an integrated community,
 - (b) the provision of services as part of an integrated community,
 - (c) the construction of infrastructure as part of an integrated community.
- (4) The Council must not determine any application for development consent referred to in subclause (3) unless:
 - (a) the Council has consulted the Director-General of the Department of Agriculture in relation to:

Page 3

Inverell Local Environmental Plan 1988 (Amendment No 5)

Schedule 1

Amendment

-
- (i) the creation and operation of the effluent irrigation area associated with the development, and
 - (ii) the content of any plan of management relating to the development, and
 - (b) has taken into consideration any opinions expressed by that Director-General.
- (5) The Council must not determine any application for development consent referred to in subclause (3) unless the Council has forwarded written notice of the lodgment of the application to the owners of the land adjoining land consolidated under subclause (8) (a) and has taken into consideration any submissions received from those landowners as a result of the notice. The notice must include:
- (a) a copy of any plans accompanying the application that show the external configuration of any proposed buildings or other structures, and
 - (b) advice that if the landowner so wishes the landowner may inspect the development application at the Council's offices and make a written submission to the Council on the application within a period of 14 days of the notice being issued.
- (6) In considering any application for development consent referred to in subclause (3), the Council must take into consideration the following matters:
- (a) the proposed means of ownership of the land concerned,
 - (b) the location of the proposed development and its impact on prime crop and pasture land,
 - (c) the likely impact of the development on the viability of the better classes of agricultural land within the land consolidated under subclause (8) (a) or adjoining land in the same ownership,
 - (d) the likely impact of the development, including any associated light industry, on nearby agricultural land, including the need for separation and buffers to avoid land-use conflict with existing and proposed agricultural development on nearby land,

Inverell Local Environmental Plan 1988 (Amendment No 5)

Amendment

Schedule 1

-
- (e) the need for any development for community use that is supplementary to the agricultural use of the land consolidated under clause 8 (a),
 - (f) the design and siting of buildings for living, working and congregating,
 - (g) the proposed means of access to the land concerned from the adjoining Gwydir Highway,
 - (h) the availability of a water supply to the land concerned for domestic, agricultural and fire-fighting purposes and the likely effect of such supply on nearby land owners,
 - (i) provisions for, or the availability of facilities for, the disposal of both solid and liquid wastes, whether on the land or not,
 - (j) the impact on the vegetation cover of the land concerned and any measures proposed for environmental protection, site rehabilitation or reforestation,
 - (k) the adequacy of any measures proposed to protect occupants, buildings, roads, service installations and land adjoining the development from bush fires,
 - (l) the visual impact of the development on nearby land, including the impact of night lighting,
 - (m) the impact of the development on any heritage item, relic or site or on the curtilage of any heritage item, relic or site on land to which this clause applies,
 - (n) the effect of the proposed development on the quality of water resources in the vicinity.
- (7) The Council must not grant any application for development consent referred to in subclause (3) unless the Council has considered whether or not the development is consistent with a plan of management of the proposed development that makes adequate provision for the following matters:
- (a) the on-going operation and management of the land consolidated under clause 8 (a) for agricultural purposes so as to ensure the viability of agriculture operations and to improve environmental outcomes compared to the previous management regime,

Inverell Local Environmental Plan 1988 (Amendment No 5)

Schedule 1

Amendment

- (b) facilities for the collection and storage of water, whether on the land or not,
 - (c) water management, including monitoring,
 - (d) waste management, including independent monitoring of the effluent field, whether on the land or not,
 - (e) the prevention, control and management of soil erosion,
 - (f) bush fire management,
 - (g) flora and fauna management, including the control of noxious weeds and noxious animals and the management of domestic pets,
 - (h) the provision and maintenance of internal roads and access roads, including any proposed upgrading,
 - (i) boundary fences,
 - (j) the provision of an annual report to the Council outlining:
 - (i) the activities undertaken on the land and the actions taken to ensure that the principles outlined in the plan of management are being adhered to, and
 - (ii) the results of environmental monitoring,
 - (k) the continuing integration of the land identified with the letter "A" on the survey plan with the agricultural activities on the balance of the land consolidated under subclause (8) (a),
 - (l) any other issue considered necessary by the Council.
- (8) The Council must not grant any application for development consent referred to in subclause (3) unless:
- (a) the whole of the land to which this clause applies is to be consolidated with Lots 3 and 4, DP 1002820 into a single title, and
 - (b) the proposed development will have no additional impact on the water regime of Swan Brook Creek, and
 - (c) riparian and ground water use in relation to the proposed development is proposed to be monitored, and

Inverell Local Environmental Plan 1988 (Amendment No 5)

Amendment

Schedule 1

-
- (d) any residential buildings associated with the integrated development are proposed to be erected more than 300 metres from the land consolidated under subclause (8) (a).

Kogarah Local Environmental Plan 1998 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S01/01571/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1

Kogarah Local Environmental Plan 1998 (Amendment No 24)

Kogarah Local Environmental Plan 1998 (Amendment No 24)

1 Name of plan

This plan is *Kogarah Local Environmental Plan 1998 (Amendment No 24)*.

2 Aims of plan

This plan aims to increase housing choice by permitting extended family unit development in the Residential 2 (a)—Residential (Low Density) Zone under *Kogarah Local Environmental Plan 1998*.

3 Land to which plan applies

This plan applies to all land within the local government area of Kogarah.

4 Amendment of Kogarah Local Environmental Plan 1998

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

Kogarah Local Environmental Plan 1998 (Amendment No 24)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 7 Zoning control table

Insert “extended family units (only permitted where the extended family unit is ancillary to a principal dwelling house and only one such unit is permitted on any existing allotment);” in alphabetical order in item 3 (Only with development consent) for the Residential 2 (a)—Residential (Low Density) Zone in the Table to the clause.

[2] Clause 12 Subdivision

Insert after clause 12 (3):

Subdivision of extended family units

- (4) Consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from an extended family unit development.

[3] Clause 25 Dictionary

Insert “, but does not include an extended family unit” after “allotment” in the definition of *dual occupancy* in clause 25 (1).

[4] Clause 25 (1)

Insert in alphabetical order:

extended family unit means a dwelling or part of a building no larger than 65 square metres in area that is attached to or within another dwelling and in which facilities for cooking, sleeping and washing are included, but where clothes washing facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (Q98/00037/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

1 Name of plan

This plan is *Queanbeyan Local Environmental Plan 1998 (Amendment No 25)*.

2 Aims of plan

This plan aims:

- (a) to update references to *Development Control Plan No 49 Exempt and Complying Development* in *Queanbeyan Local Environmental Plan 1991*, *Yarrowlumla Local Environmental Plan 1993* and *Queanbeyan Local Environmental Plan 1998* following amendments to this development control plan, and
- (b) to insert references to exempt development into the development control tables of *Queanbeyan Local Environmental Plan 1991*, *Yarrowlumla Local Environmental Plan 1993* and *Queanbeyan Local Environmental Plan 1998*, and
- (c) to alter or repeal certain provisions of *Queanbeyan Local Environmental Plan 1998* as these provisions have been inserted into the provisions in *Development Control Plan No 49 Exempt and Complying Development* for exempt development, and
- (d) to alter or repeal certain provisions of *Queanbeyan Local Environmental Plan 1998* as these provisions have become redundant with the gazettal of *State Environmental Planning Policy No 64—Advertising and Signage*, and
- (e) to insert new provisions which clarify that development consent is not required for certain types of development, and
- (f) to insert new definitions into *Queanbeyan Local Environmental Plan 1991*, *Yarrowlumla Local Environmental Plan 1993* and *Queanbeyan Local Environmental Plan 1998* which define certain types of exempt development, and
- (g) to broaden the types of development that can be complying development.

Page 2

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Clause 3

3 Land to which plan applies

This plan applies to all land within the City of Queanbeyan.

4 Amendment of environmental planning instruments

Queanbeyan Local Environmental Plan 1991, Yarrowlumla Local Environmental Plan 1993 and Queanbeyan Local Environmental Plan 1998 are amended as set out in Schedules 1–3 respectively.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 1 Amendment of Queanbeyan Local Environmental Plan 1991

Schedule 1 Amendment of Queanbeyan Local Environmental Plan 1991

(Clause 4)

[1] Clause 5 Model Provisions

Insert “*home occupation,*” after “*home industry*”.

[2] Clause 5A Exempt development

Omit “Tables 1 to 5 of *Development Control Plan No 49 Exempt and Complying Development* and adopted by the Council on 7 July 1999”.

Insert instead “Tables 1 to 6 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 19 September 2001”.

[3] Clause 5B Complying development

Omit clause 5B (1) (b). Insert instead:

- (b) the erection or construction and use of barbecues and associated works (unroofed), cabanas, cubby houses, decks, fern houses, garages, gazebos, greenhouses, patios, pergolas, private playground equipment, swimming pools and workshops ancillary to dwelling-houses on land in Zone No 2 (d), and

[4] Clause 5B (2) (a)

Omit “Tables 6 to 8 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 7 July 1999”.

Insert instead “Tables 7 to 9 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 19 September 2001”.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Queanbeyan Local Environmental Plan 1991

Schedule 1

[5] Clause 6 Definitions

Insert in appropriate order in clause 6 (1):

awning means a fixed or retractable canvas or metal roof-like covering to shelter persons or protect parts of a building from the effects of sun or rain, usually erected in front of a window or door, or over a balcony or deck.

balcony means an open or covered elevated horizontal platform attached to the upper floor of a building, projecting from or recessed into the face of the wall, accessible from an adjacent room, and protected by a railing or balustrade.

barbecue means an outdoor facility, located in a backyard or courtyard, for domestic cooking.

cabana means a covered structure which is often but not always used as a pool-side shelter or change room or both.

canopy means an ornamental roof-like covering or projection, which may be for the purpose of providing shade or shelter, either suspended or supported on brackets, corbels or columns, over a door, window, niche or balcony.

carport means a roofed, open or semi-enclosed structure for the sheltering of motor vehicles, attached to, adjacent to, or near a dwelling-house.

cladding means the outer non-load bearing covering of the external walls or roof of a framed building or structure, applied for weather-proofing or decorative purposes or both.

cubby house means a small scale replica of a dwelling-house, usually of simple construction and located in the backyard or courtyard, which is used primarily by children for the purposes of play.

deck means a horizontal platform which may or may not be roofed and, usually at or slightly above ground level, attached to, or forming part of, a building.

driveway means a defined area within a property used by vehicles travelling between a carriageway and a property adjacent to or near a road.

excavation* or *filling means works which alter the ground level.

garden shed means a small building, usually of metal or timber construction, for the storage of garden implements and the like.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 1

Amendment of Queanbeyan Local Environmental Plan 1991

gazebo means a structure, usually roofed, and used for outdoor activities or entertaining, particularly during warm weather.

greenhouse means a building, usually constructed chiefly of glass or other transparent material, for the cultivation or protection of plants that will not survive in outdoor conditions.

patio means a ground level, unroofed paved area, surrounded by portions of a dwelling or building, and forming part of the living area.

pergola means an open-roofed framework over a path, terrace or patio, supported on posts or columns, and sometimes covered with plants trained over members.

playground equipment means equipment such as swings and slides, designed primarily for use by children for the purposes of play.

[6] Clause 6 (1), definition of “business identification sign”

Omit the definition. Insert instead:

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person, and
 - (ii) the business carried on by the person,at the premises or place at which the sign is displayed, and
 - (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,
- but that does not include any advertising relating to a person who does not carry on business at the premises or place.

[7] Clause 6 (1), definition of “home occupation”

Omit the definition. Insert instead:

home occupation means any occupation or pursuit carried out in a room or a number of rooms forming part of, or within the curtilage of, a dwelling-house on an allotment, or in another building for which consent has been granted situated on the same allotment as a dwelling-house, where:

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Queanbeyan Local Environmental Plan 1991

Schedule 1

-
- (a) only goods made or produced, or services offered, as a result of the occupation or pursuit are displayed, sold or provided, and
 - (b) the primary use of the dwelling is residential, and
 - (c) the gross floor area where the occupation or pursuit is carried out does not exceed 30 square metres, and
 - (d) the occupation or pursuit does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
 - (ii) involve exposure to view from any public place of any matter, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
 - (iv) involve the exhibition of an advertising structure and the display of an advertisement on it or an advertisement that is not an advertising structure other than as exempt development, or
 - (v) involve a change in the appearance of the dwelling-house, or the land on which the dwelling-house is erected, that is, in the opinion of the Council, out of character with the appearance of the adjoining area, or
 - (vi) involve prostitution, and
 - (e) any retail sales are ancillary to the occupation or pursuit.

[8] Clause 6 (1), definition of “utility undertaking”

Omit paragraphs (c) and (d) (where secondly occurring) and paragraphs (e)–(h).

[9] Clause 7A

Insert after clause 7:

7A Development that does not require development consent

- (1) A person may carry out the following development on any land to which this plan applies without development consent:

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 1 Amendment of Queanbeyan Local Environmental Plan 1991

- (a) exempt development,
 - (b) development of any description specified in Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*,
 - (c) use of existing buildings of the Crown by the Crown.
- (2) Nothing in this plan affects the requirement for determining authorities to consider the impact on the environment of an activity in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*.

[10] Clause 9 Zone objectives and development control table

Omit item 2 of the matter relating to Zone No 1 (a) from the Table to the clause.

Insert instead:

2 Without development consent

Development for the purpose of:

Agriculture (other than animal boarding, breeding or training establishments, pig keeping establishments, feed lots or poultry farming establishments); stables.

Exempt development.

[11] Clause 9, Table

Omit item 2 of the matter relating to Zones Nos 1 (c1), 2 (a), 2 (b), 2 (c1), 2 (c2), 2 (d), 2 (d1), 6 (b) and 7 (d).

Insert instead:

2 Without development consent

Exempt development.

[12] Clause 9, Table

Insert “2 or” after “item” wherever occurring in item 4 of the matter relating to Zones Nos 1 (c1), 2 (d1) and 7 (d).

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Queanbeyan Local Environmental Plan 1991

Schedule 1

[13] Clauses 24B and 25

Omit the clauses. Insert instead:

24B Advertised development

- (1) The following development is identified as advertised development:
 - (a) the demolition of a heritage item or a building, work, relic, tree or place in a heritage conservation area,
 - (b) development for the purpose of:
 - (i) utility undertakings within Zone No 1 (c1) or 7 (d), or
 - (ii) home industries, hospitals, places of public worship or residential flat buildings.
- (2) Subclause (1) (a) does not apply to the partial demolition of a heritage item or of a building or work within a heritage conservation area if, in the opinion of the consent authority, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, building or work in relation to the environmental heritage of the land to which this plan applies.

24C Notification of demolition to the Heritage Council

Before granting consent for the demolition of a heritage item identified in this plan as being of State significance, the consent authority must notify the Heritage Council about the application and take into consideration any comments received in response within 28 days after the notice is sent.

[14] Clause 45 Advertisements not requiring development consent

Omit the clause.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 1

Amendment of Queanbeyan Local Environmental Plan 1991

[15] Clause 46

Omit the clause. Insert instead:

46 Advertising structures and displays requiring development consent

- (1) Notwithstanding any other clause in this plan, development consent is required for the erection of any advertising structure and the display of an advertisement on it, and for the display of an advertisement that is not on an advertising structure, which:
 - (a) covers any mechanical ventilation inlet or outlet; or
 - (b) is less than 600 millimetres from the kerb or edge of the carriageway of any road.
- (2) Nothing in this plan affects *State Environmental Planning Policy No 64—Advertising and Signage*.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Yarrowlumla Local Environmental Plan 1993

Schedule 2

Schedule 2 Amendment of Yarrowlumla Local Environmental Plan 1993

(Clause 4)

[1] Clause 6 Interpretation

Insert the following definitions in appropriate order in clause 6 (1):

awning means a fixed or retractable canvas or metal roof-like covering to shelter persons or protect parts of a building from the effects of sun or rain, usually erected in front of a window or door, or over a balcony or deck.

balcony means an open or covered elevated horizontal platform attached to the upper floor of a building, projecting or recessed into the face of the wall, accessible from an adjacent room, and protected by a railing or balustrade.

barbecue means an outdoor facility, located in a backyard or courtyard, for domestic cooking.

cabana means a covered structure which is often but not always used as a pool side shelter or change room or both.

canopy means an ornamental roof-like covering or projection, which may be for the purpose of providing shade or shelter, either suspended or supported on brackets, corbels or columns, over a door, window, niche or balcony.

carport means a roofed, open or semi-enclosed structure for the sheltering of motor vehicles, attached to, adjacent to, or near a dwelling-house.

cladding means the outer non-load bearing covering of external walls or roof of a framed building or structure, applied for weather-proofing or decorative purposes or both.

cubby house means a small scale replica of a dwelling-house, usually of simple construction and located in the backyard or courtyard, which is used primarily by children for the purposes of play.

deck means a horizontal platform which may or may not be roofed and, usually at or slightly above ground level, attached to, or forming part of, a building.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 2

Amendment of Yarrowlumla Local Environmental Plan 1993

driveway means a defined area within a property used by vehicles travelling between a carriageway and a property adjacent to or near a road.

excavation or filling means works which alter the ground level.

garden shed means a small building, usually of metal or timber construction, for the storage of garden implements and the like.

gazebo means a structure, usually roofed, and used for outdoor activities or entertaining, particularly during warm weather.

greenhouse means a building, usually constructed chiefly of glass or other transparent material, for the cultivation or protection of plants that will not survive in outdoor conditions.

home occupation means any occupation or pursuit carried out in a room or a number of rooms forming part of, or within the curtilage of, a dwelling-house on an allotment, or in another building for which consent has been granted situated on the same allotment as a dwelling-house, where:

- (a) only goods made or produced, or services offered, as a result of the occupation or pursuit are displayed, sold or provided, and
- (b) the primary use of the dwelling is residential, and
- (c) the gross floor area where the occupation or pursuit is carried out does not exceed 30 square metres, and
- (d) the occupation or pursuit does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
 - (ii) involve exposure to view from any public place of any matter, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
 - (iv) involve the exhibition of an advertising structure and the display of an advertisement on it or an advertisement that is not an advertising structure other than as exempt development, or

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Yarrowlumla Local Environmental Plan 1993

Schedule 2

- (v) involve a change in the appearance of the dwelling-house, or the land on which the dwelling-house is erected, that is, in the opinion of the Council, out of character with the appearance of the adjoining area, or
 - (vi) involve prostitution, and
 - (e) any retail sales are ancillary to the occupation or pursuit.
- patio** means a ground level, unroofed paved area, surrounded by portions of a dwelling or building, and forming part of the living area.
- pergola** means an open-roofed framework over a path, terrace or patio, supported on posts or columns, and sometimes covered with plants trained over members.
- playground equipment** means equipment such as swings and slides, designed primarily for use by children for the purposes of play.

[2] Clause 6A Exempt development

Omit “Tables 1 to 5 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 7 July 1999”.

Insert instead “Tables 1 to 6 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 19 September 2001”.

[3] Clause 6B Complying development

Omit clause 6B (1) (b). Insert instead:

- (b) the erection or construction and use of barbecues and associated works (unroofed), cabanas, cubby houses, decks, fern houses, garages, gazebos, greenhouses, patios, pergolas, private playground equipment, swimming pools and workshops ancillary to dwelling-houses in Zone No 1 (a) or 1 (d), and

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 2

Amendment of Yarrowlumla Local Environmental Plan 1993

[4] Clause 6B (2) (a)

Omit “Tables 6 to 8 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 7 July 1999”.

Insert instead “Tables 7 to 9 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 19 September 2001”.

[5] Clause 7 Adoption of 1980 Model Provisions

Insert “*home occupation*,” after “*general store*,”.

[6] Clause 8A

Insert after clause 8:

8A Development that does not require development consent

- (1) A person may carry out the following development on any land to which this plan applies without development consent:
 - (a) exempt development,
 - (b) development of any description specified in Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*,
 - (c) use of existing buildings of the Crown by the Crown.
- (2) Nothing in this plan affects the requirement for determining authorities to consider the impact on the environment of an activity in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*.

[7] Clause 10 Zone objectives and development control table

Omit item 2 of the matter relating to Zone No 1 (a) from the Table to the clause. Insert instead:

2 Without development consent

Development for the purpose of:

Agriculture (other than animal boarding establishments, animal breeding or training establishments or intensive livestock keeping establishments); forestry; tree farming.

Exempt development.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Yarrowlumla Local Environmental Plan 1993

Schedule 2

[8] Clause 10, Table

Omit item 2 of the matter relating to Zone No 1 (d). Insert instead:

2 Without development consent

Development for the purpose of:

Agriculture (other than intensive livestock keeping establishments); home occupations; tree farming.

Exempt development.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 3

Amendment of Queanbeyan Local Environmental Plan 1998

Schedule 3 Amendment of Queanbeyan Local Environmental Plan 1998

(Clause 4)

[1] Clause 6A

Insert after clause 6:

6A Development that does not require development consent

- (1) A person may carry out the following development on any land to which this plan applies without development consent:
 - (a) exempt development,
 - (b) development of any description specified in Schedule 1 to the *Environmental Planning and Assessment Model Provisions 1980*,
 - (c) use of existing buildings of the Crown by the Crown.
- (2) Nothing in this plan affects the requirement for determining authorities to consider the impact on the environment of an activity in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*.

[2] Clause 7A Exempt development

Omit “Tables 1 to 5 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 7 July 1999”.

Instead insert “Tables 1 to 6 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 19 September 2001”.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Queanbeyan Local Environmental Plan 1998

Schedule 3

[3] Clause 7B Complying development

Omit clause 7B (1) (b). Insert instead:

- (b) the erection or construction and use of barbecues and associated works (unroofed), cabanas, cubby houses, decks, fern houses, garages, gazebos, greenhouses, patios, pergolas, private playground equipment, swimming pools and workshops ancillary to dwelling-houses in Zones Nos 2 (a), 2 (b), 2 (c) and 2 (d), and

[4] Clause 7B (2) (a)

Omit “Tables 6 to 8 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 7 July 1999”.

Insert instead “Tables 7 to 9 of *Development Control Plan No 49 Exempt and Complying Development* as adopted by the Council on 19 September 2001”.

[5] Clause 9 Temporary use of land

Omit the clause.

[6] Clauses 14, 15, 16, 19, 20, 21, 22, 27, 28, 29, 34, 35, 40, 42, 43, 44, 45, 48 and 49

Omit subclause (2) from each clause. Insert instead:

- (2) **Development allowed without development consent**
Exempt development.

[7] Clauses 14, 15, and 16

Insert “(2) or” after “subclause” wherever occurring in subclause (4).

[8] Clauses 27, 28, 29 and 35

Insert “(2) or” after “subclause” wherever occurring in subclause (3).

[9] Clause 34 General development controls—Zone 4 (a) Industrial A

Insert “not included in subclause (2)” after “development” in clause 34 (3).

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 3

Amendment of Queanbeyan Local Environmental Plan 1998

[10] Clause 41 Use of schools, tertiary Institutions and other community facilities for community purposes

Omit the clause.

[11] Clause 50 Advertising structures and displays not requiring development consent

Omit the clause.

[12] Clause 51

Omit the clause. Insert instead:

51 Advertising structures and displays requiring development consent

- (1) Regardless of any other clause in this plan, development consent is required for the erection of any advertising structure and the display of an advertisement on it, and for the display of an advertisement that is not on an advertising structure, which:
 - (a) covers any mechanical ventilation inlet or outlet; or
 - (b) is less than 600 millimetres from the kerb or edge of the carriageway of any road.
- (2) Nothing in this plan affects *State Environmental Planning Policy No 64—Advertising and Signage*.

[13] Clause 57 Development of heritage items or development within a heritage conservation area requiring development consent

Omit “within a heritage conservation area” from paragraph (c).

[14] Clause 59 Development of heritage items or development within a heritage conservation area not requiring development consent

Omit the clause.

[15] Clause 75 Clearing, excavation or filling

Omit the clause.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Queanbeyan Local Environmental Plan 1998

Schedule 3

[16] Schedule 1 Dictionary

Insert in appropriate order:

awning means a fixed or retractable canvas or metal roof-like covering to shelter persons or protect parts of a building from the effects of sun or rain, usually erected in front of a window or door, or over a balcony or deck.

balcony means an open or covered elevated horizontal platform attached to the upper floor of a building, projecting or recessed into the face of the wall, accessible from an adjacent room, and protected by a railing or balustrade.

barbecue means an outdoor facility, located in a backyard or courtyard, for domestic cooking.

cabana means a covered structure which is often but not always used as a pool side shelter or change room or both.

canopy means an ornamental roof-like covering or projection, which may be for the purpose of providing shade or shelter, either suspended or supported on brackets, corbels or columns, over a door, window, niche or balcony.

carport means a roofed, open or semi-enclosed structure for the sheltering of motor vehicles, attached to, adjacent to, or near a dwelling-house.

cladding means the outer non-load bearing covering of external walls or roof of a framed building or structure, applied for weather-proofing or decorative purposes or both.

cubby house means a small scale replica of a dwelling-house, usually of simple construction and located in the backyard or courtyard, which is used primarily by children for the purposes of play.

deck means a horizontal platform which may or may not be roofed and, usually at or slightly above ground level, attached to, or forming part of, a building.

driveway means a defined area within a property used by vehicles travelling between a carriageway and a property adjacent to or near a road.

garden shed means a small building, usually of metal or timber construction, for the storage of garden implements and the like.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Schedule 3

Amendment of Queanbeyan Local Environmental Plan 1998

gazebo means a structure, usually roofed, and used for outdoor activities or entertaining, particularly during warm weather.

greenhouse means a building, usually constructed chiefly of glass or other transparent material, for the cultivation or protection of plants that will not survive in outdoor conditions.

home occupation means any occupation or pursuit carried out in a room or a number of rooms forming part of, or within the curtilage of, a dwelling-house on an allotment, or in another building for which consent has been granted situated on the same allotment as a dwelling-house, where:

- (a) only goods made or produced, or services offered, as a result of the occupation or pursuit are displayed, sold or provided, and
- (b) the primary use of the dwelling is residential, and
- (c) the gross floor area where the occupation or pursuit is carried out does not exceed 30 square metres, and
- (d) the occupation or pursuit does not:
 - (i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, or
 - (ii) involve exposure to view from any public place of any matter, or
 - (iii) require the provision of any essential service main of a greater capacity than that available in the locality, or
 - (iv) involve the exhibition of an advertising structure and the display of an advertisement on it or an advertisement that is not an advertising structure other than as exempt development, or
 - (v) involve a change in the appearance of the dwelling-house, or the land on which the dwelling-house is erected, that is, in the opinion of the Council, out of character with the appearance of the adjoining area, or
 - (vi) involve prostitution, and
- (e) any retail sales are ancillary to the occupation or pursuit.

Queanbeyan Local Environmental Plan 1998 (Amendment No 25)

Amendment of Queanbeyan Local Environmental Plan 1998

Schedule 3

patio means a ground level, unroofed paved area, surrounded by portions of a dwelling or building, and forming part of the living area.

pergola means an open-roofed framework over a path, terrace or patio, supported on posts or columns, and sometimes covered with plants trained over members.

playground equipment means equipment such as swings and slides, designed primarily for use by children for the purposes of play.

[17] Schedule 1, definition of “business identification sign”

Omit the definition. Insert instead:

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person, and
 - (ii) the business carried on by the person,at the premises or place at which the sign is displayed, and
 - (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,
- but that does not include any advertising relating to a person who does not carry on business at the premises or place.

[18] Schedule 1, definition of “excavation” or “filling”

Omit the definition. Insert instead:

excavation or ***filling*** means works which alter the ground level.

Strathfield Local Environmental Plan No 98

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S02/00018/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1

Strathfield Local Environmental Plan No 98

Strathfield Local Environmental Plan No 98

1 Name of plan

This plan is *Strathfield Local Environmental Plan No 98*.

2 Aims of plan

This plan aims to allow, with the consent of the Strathfield Municipal Council, the carrying out of development for the purpose of a library on the land to which this plan applies.

3 Land to which plan applies

This plan applies to Lot 1, DP 311277, known as 67 Rochester Street, Homebush, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No 98" deposited in the office of the Strathfield Municipal Council.

4 Amendment of Strathfield Planning Scheme Ordinance

Strathfield Planning Scheme Ordinance is amended by inserting at the end of the Table to clause 61A in Columns 1 and 2, respectively, the following matter:

Lot 1, DP 311277, known as 67 Rochester Street, Homebush, as shown edged heavy black on the map marked "Strathfield Local Environmental Plan No 98" deposited in the office of the Council.	Library.
--	----------

Roads and Traffic Authority

ROADS ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land and Leases of Land at Beverly Hills, Kingsgrove and Earlwood in the Canterbury City Council area, at Kingsgrove in the Hurstville City Council area and at Bexley North, Bardwell Park and Arncliffe in the Rockdale City Council area.

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land and interests in land described in Schedules 1 to 6 inclusive below are acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

D J Lorsch
Manager, Statutory Processes
Roads and Traffic Authority of New South Wales

SCHEDULE 1

All those pieces or parcels of land shown on RTA Plan 6005 078 SS 0396 and being:

Lots 901, 1345 and 1469 Deposited Plan 13705 being the whole of the land in the correspondingly numbered Certificates of Title,

Lots 67 and 68 Deposited Plan 14705 being the whole of the land in Certificate of Title Auto Consol 6599-147,

Lots 198, 199, 200, 201, 202 and 264 Deposited Plan 14705 being the whole of the land in the correspondingly numbered Certificates of Title,

Lot 270 Deposited Plan 16265 being the whole of the land in Certificate of Title 270/16265,

Lot 2 Deposited Plan 547732 being the whole of the land in Certificate of Title 2/547732,

Lot 28 Deposited Plan 15293 being the whole of the land in Certificate of Title 28/15293,

Lot C Deposited Plan 396304 being the whole of the land in Certificate of Title C/396304, and

Lot 13 Deposited Plan 1038625 (shown as Lot 13 RTA Plan 6005 204 SS 0395) being part of the land in Certificate of Title 1462/13705.

The land is said to be in the possession of Canterbury City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

Also all those pieces or parcels of land shown on Deposited Plan 1038625 and being:

Lots 755, 756, 757, 759 and 762 Deposited Plan 13496 being the whole of the land in Certificate of Title Auto Consol 5427-231,

Lots 700, 758, 760 and 761 Deposited Plan 13496 being the whole of the land in the correspondingly numbered Certificates of Title,

Lot 838 Deposited Plan 13496 being part of the land in Certificate of Title Auto Consol 7599-38,

Lots 24, 23, 22, 21, 20, 19, 18, 17, 16 and 14 Deposited Plan 1038625 being parts of the land in Certificates of Title 702 to 710 inclusive and 716/13496 respectively, and

Lot 15 Deposited Plan 1038625 being part of the land in Certificate of Title Auto Consol 5116-147.

The land is said to be in the possession of Hurstville City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

Also all that piece or parcel of land shown on RTA Plan 6005 386 SS 0397 and being Lot 23 Deposited Plan 9259 being the whole of the land remaining in Certificate of Title Volume 1407 Folio 70.

The land is said to be in the possession of Rockdale City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

SCHEDULE 2

All those pieces or parcels of land shown on RTA Plan 6005 078 SS 0396 and being:

Lots 904, 919, 1004, 1005, 1074, 1080, 1081, 1082, 1097 and 1098 Deposited Plan 13705 being the whole of the land in the correspondingly numbered Certificates of Title,

Lot 41 Deposited Plan 15737 being the whole of the land in Certificate of Title 41/15737,

Lots 69 and 70 Deposited Plan 14705 being the whole of the land in Certificate of Title Auto Consol 4498-204,

Lots 71 and 72 Deposited Plan 14705 being the whole of the land in Certificate of Title Auto Consol 4709-114,

Lot 190 Deposited Plan 14705 being part of the land in Certificate of Title Auto Consol 5378-217,

Lots 80, 196, 197 and 206 Deposited Plan 14705 being the whole of the land in the correspondingly numbered Certificates of Title,

Lots 111 and 112 Deposited Plan 16265 being the whole of the land in Certificate of Title Auto Consol 4725-123,

Lot 113 Deposited Plan 16265 being the whole of the land in Certificate of Title 113/16265 and

Lot 25 Deposited Plan 15293 being the whole of the land in Certificate of Title 25/15293.

The land is said to be in the possession of Canterbury City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

Also all that piece or parcel of land shown on RTA Plan 6005 386 SS 0397 and being Lot 1 Deposited Plan 666370 being the whole of the land in Certificate of Title 1/666370.

The land is said to be in the possession of Rockdale City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

SCHEDULE 3

A lease as described in Memorandum 7796130 recorded at Land and Property Information NSW over all those pieces or parcels of land shown on RTA Plan 6005 078 SS 0396 and being:

Lot 1348 Deposited Plan 13705 being part of the land in Certificate of Title Auto Consol 8363-175,

Lot 81 Deposited Plan 14705 being the whole of the land in Certificate of Title 81/14705,

Lot 29 Deposited Plan 15293 being the whole of the land in Certificate of Title 29/15293 and

Lot 39 Deposited Plan 20617 being the whole of the land in Certificate of Title 39/20617.

Also a lease as described in Memorandum 7796130 recorded at Land and Property Information NSW over all that piece or parcel of land shown as Lot 12 RTA Plan 6005 386 SS 0359 (also shown on RTA Plan 6005 078 SS 0396) being part of the land in Certificate of Title 2/547347.

Also a lease as described in Memorandum 7796130 recorded at Land and Property Information NSW over all those pieces or parcels of land shown on RTA Plan 6005 078 SS 0396 as:

Lot 2 being part of the land in Certificate of Title 10/231025,

Lot 3 being part of the land in Certificate of Title 305/16265 and

Lot 4 being part of the land in Certificate of Title 30/15293.

The land is said to be in the possession of Canterbury City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

Also a lease as described in Memorandum 7796130 recorded at Land and Property Information NSW over all those pieces or parcels of land shown on RTA Plan 6005 386 SS 0359 as:

Lots 26, 28, 29 and 30 being parts of the land in Certificate of Title Auto Consol 10561-36,

Lot 32 being parts of the land in Certificates of Title Volume 4920 Folios 208 and 210,

Lot 33 being parts of the land in Certificates of Title 14/18600 and 1/449124.

Also a lease as described in Memorandum 7796130 recorded at Land and Property Information NSW over all that piece or parcel of land shown as Lot 2 RTA Plan 6005 386 SS 0397 being part of the land in Certificate of Title 1/120449.

The land is said to be in the possession of Rockdale City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

SCHEDULE 4

A lease as described in Memorandum 3724188 recorded at Land and Property Information NSW over all those pieces or parcels of land shown on RTA Plan 6005 078 SS 0396 and being:

part of Lot A Deposited Plan 357281 being the whole of the land in Certificate of Title A/357281,

part of Lot B Deposited Plan 357281 being the whole of the land in Certificate of Title B/357281,

Lots 1033, 1044, 1045, 1061 and 1062 Deposited Plan 13705 being the whole of the land in the correspondingly numbered Certificates of Title,

Lot 35 Deposited Plan 15737 being the whole of the land in Certificate of Title 35/15737,

Lots 59 and 60 Deposited Plan 14705 being the whole of the land in the correspondingly numbered Certificates of Title,

Lot 189 Deposited Plan 14705 being part of the land in Certificate of Title Auto Consol 5378-217 and

Lot 25 Deposited Plan 20617 being the whole of the land in Certificate of Title 25/20617.

Also a lease as described in Memorandum 3724188 recorded at Land and Property Information NSW over all that piece or parcel of land shown as Lot 1 RTA Plan 6005 078 SS 0396 being part of the land in Certificate of Title D/433436.

The land is said to be in the possession of Canterbury City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

Also a lease as described in Memorandum 3724188 recorded at Land and Property Information NSW over all that piece or parcel of land shown as Lot 1 RTA Plan 6005 386 SS 0397 being part of the land in Certificate of Title 147/663385.

The land is said to be in the possession of Rockdale City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

SCHEDULE 5

A lease as described in Memorandum 3724188 recorded at Land and Property Information NSW over all those sub-surface strata of land, limited in height but unlimited in depth as defined on RTA Plan 6005 386 SS 0359 and shown on that Plan as:

Lots 35 and 37 being parts of the land in Certificate of Title Auto Consol 2624-225,

Lot 36 being part of the land in Certificate of Title 95/12744 and

Lot 38 being part of the land in Certificate of Title 2/534736.

The land is said to be in the possession of Canterbury City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

Also a lease as described in Memorandum 3724188 recorded at Land and Property Information NSW over all those sub-surface strata of land, limited in height but unlimited in depth as defined on RTA Plan 6005 386 SS 0359 and shown on that Plan as:

Lot 39 being part of the land in Certificate of Title 1/18335,

Lot 40 being part of the land in Certificate of Title 226/15625,

Lot 41 being part of the land in Certificate of Title Auto Consol 7835-162,

Lot 42 being part of the land in Certificate of Title 223/15625,

Lot 43 being parts of the land in Certificates of Title Volume 8381 Folio 127, Auto Consol 8433-226 and Volume 1114 Folio 102 and

Lot 44 being parts of the land in Certificates of Title 48/222779 and 3/232421.

The land is said to be in the possession of Rockdale City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

SCHEDULE 6

A lease as described in Memorandum 3724188 recorded at Land and Property Information NSW over all that sub-surface strata of public road, limited in height but unlimited in depth as defined on RTA Plan 6005 386 SS 0358 and shown on that Plan as Lot 1.

The land is said to be in the possession of Canterbury City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

Also a lease as described in Memorandum 3724188 recorded at Land and Property Information NSW over all those sub-surface strata of public road, limited in height but unlimited in depth as defined on RTA Plan 6005 386 SS 0358 and shown on that Plan as Lots 2 to 19 inclusive.

The land is said to be in the possession of Rockdale City Council (registered proprietor) and the Roads and Traffic Authority of New South Wales (lessee).

(RTA Papers FPP 98M1918)

Sydney Water

SEWER MAINS

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

BAULKHAM HILLS, at BELLA VISTA: Contract No. 966989S4. Project No. 3001012. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving LEXINGTON DRIVE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VICKI MAWBY,
Developer Activity Officer,
Blacktown.

Dated: 28 March 2002.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY OF PENRITH, at ST MARYS: Contract No. 974641S8. Project No. 3002476. Lines 1 to 5 inclusive and their appurtenant junctions, sidelines and inlets serving SHEPHERD STREET and HARWELL PLACE.

CITY OF PENRITH, at CAMBRIDGE PARK: Contract No. 973471S4. Project No. 3002574. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving RICHMOND ROAD, STAR CIRCUIT and BOOMERANG PLACE.

CITY OF PENRITH, at KINGSWOOD: Contract No. 976250S9. Project No. 3002986. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving JONES STREET and SECOND AVENUE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 29 March 2002.

SYDNEY WATER

Sewer Mains

NOTICE is hereby given that sewer mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for sewerage to be discharged.

CITY/MUNICIPALITY OF PARRAMATTA, at DUNDAS: Contract No. 965236SA. Project No. 3002651. Line 1 to Line 7 inclusive and their appurtenant junctions, sidelines and inlets serving PRIVATE ROAD.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

MARTHA AMADOR,
Developer Activity Officer,
Chatswood.

Dated: 28 March 2002.

WATER MAINS

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

BLACKTOWN CITY OF, at KELLYVILLE: Contract No. 967076W4. Project No. 7000066. Recycled water mains are now laid and capable of serving identified properties at COACHMAN CRESCENT, DUCHESS STREET, MOAT STREET and BUCKINGHAM STREET.

BLACKTOWN CITY OF, at KELLYVILLE: Contract No. 967076W4. Project No. 1000478. Water mains are now laid and capable of serving identified properties at COACHMAN CRESCENT, DUCHESS STREET, MOAT STREET and BUCKINGHAM STREET.

BLACKTOWN CITY OF, at KELLYVILLE: Contract No. 967076W4. Project No. 1000556. Water mains are now laid and capable of serving identified properties at DUCHESS STREET, MARSCAY STREET and PALACE STREET.

BLACKTOWN CITY OF, at KELLYVILLE: Contract No. 967076W4. Project No. 7000082. Recycled water mains are now laid and capable of serving identified properties at DUCHESS STREET, MARSCAY STREET and PALACE STREET.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

VICKI MAWBY,
Developer Activity Officer,
Blacktown.

Dated: 28 March 2002.

SYDNEY WATER

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Office shown below and at the Head Office of Sydney Water Corporation, have been laid and are available for connections.

Notice is also given that, in the opinion of Sydney Water, for the identified properties on the plans, it is reasonably practical for water to be supplied.

CITY OF PENRITH, at ST MARYS: Contract No. 974641W0. Project No. 1001101. Water mains are now laid and capable of serving identified properties in SHEPHERD STREET and HARWELL PLACE.

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on the plans will be liable for payment of sewerage service charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 29 March 2002.

Other Notices

CASINO CONTROL ACT 1992

Order

PURSUANT to section 66 (1) of the Casino Control Act 1992, the Casino Control Authority does, by this Order, approve the following amendments to the rules for the playing of the games of "Blackjack", "Baccarat" and "Mini Baccarat" in the casino operated by Star City Pty Limited under licence granted by the Casino Control Authority on 14 December 1994:

(1) Amendments to the rules for the playing of "Blackjack"

- (a) Blackjack sub-rule 16.8 is repealed and in substitution therefor, the following new sub-rule 16.8 is approved:

16.8 Subject to rule 5.5, where a player makes a wager in accordance with rule 5 and fails within a reasonable period, or refuses or is not present, to make decisions with regard to the cards dealt to the playing area containing the wager, cards shall be dealt to the playing area in turn by the dealer until the point total of the cards exceeds 11.

- (b) Blackjack sub-rule 18.15.2 is repealed and in substitution therefor, the following new sub-rule 18.15.2 is approved:

18.15.2 Subject to rule 5.5, where a player makes a wager in accordance with rule 5 and fails within a reasonable period, or refuses or is not present, to make decisions with regard to the cards dealt to the playing area containing the wager, no further cards shall be dealt to that playing area.

- (c) Blackjack sub-rule 18.14.12 is repealed and in substitution therefor, the following new sub-rule 18.14.12 is approved:

18.14.12 Where a player with a valid Pontoon Pandemonium declines to press the jackpot button, or to nominate a person to activate the jackpot button on his or her behalf, or is not present to activate the jackpot button, a casino supervisor shall activate the jackpot button.

(2) Amendments to the rules for the playing of "Baccarat"

- (a) The following new Baccarat sub-rule 13.9 is approved:

13.9 Should the dealer forget to burn the first and/or any additional cards from the card shoe or shuffling device in accordance with rule 4.7, then play shall continue with those cards remaining in play.

(3) Amendments to the rules for the playing of "Mini Baccarat"

- (a) The following new Mini Baccarat sub-rule 12.9 is approved:

12.9 Should the dealer forget to burn the first and/or any additional cards from the card shoe or shuffling device in accordance with rule 4.7, then play shall continue with those cards remaining in play.

This Order shall take effect on and from the date of publication in the *New South Wales Government Gazette*.

Signed at Sydney, this 22nd day of March 2002.

BRIAN FARRELL,
Chief Executive,
for and on behalf of the
Casino Control Authority

PESTICIDES ACT 1999

Notice Under Section 48 (4)

NOTICE is hereby given, pursuant to section 48 (4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,
Manager,
Dangerous Goods,
Environment Protection Authority
by delegation

SCHEDULE

Pilot (Pesticide Rating) Licence

Name and address of Licensee	Date of Granting of Licence
Anthony Kevin WARREN, 6 Light Road, Cummins, SA 5631.	22 March 2002.
Garry Allan MAHONEY, 2 Bluepark Lane, Feilding, NZ 0000.	22 March 2002.

PIPELINES ACT 1967

Notification of Grant of Renewal of Pipeline Licence No. 4

The Shell Company of Australia Limited

IT is hereby notified that, Her Excellency the Governor, with the advice of the Executive Council, has pursuant to section 16 of the Pipelines Act 1967, approved of the renewal to The Shell Company of Australia Limited (ACN 004 610 459), Pipeline Licence No. 4 for the period of twenty one (21) years effective from the 14th day of December 1998.

KIM YEADON, M.P.,
Minister for Energy

PIPELINES ACT 1967

Notification of Grant of Renewal of Pipeline Licence No. 5

The Shell Company of Australia Limited

IT is hereby notified that, Her Excellency the Governor, with the advice of the Executive Council, has pursuant to section 16 of the Pipelines Act 1967, approved of the renewal to The Shell Company of Australia Limited (ACN 004 610 459), Pipeline Licence No. 5 for the period of twenty one (21) years effective from the 14th day of December 1998.

KIM YEADON, M.P.,
Minister for Energy

**POISONS AND THERAPEUTIC GOODS ACT
1966**

Restoration of Drug Authority

IN accordance with the provisions of Clause 151 (1) of the Poisons and Therapeutic Goods Regulation 1994, a direction has been issued that the withdrawal of authority of Kerry Anne ADAMS of 4 Weemala Drive, Waterview Heights 2460, to be in possession of or supply drugs of addiction as authorised by Clauses 103 and 105 of the Regulation for the purposes of her profession as a nurse, shall cease to operate from 26 March 2002.

ROBERT MCGREGOR,
Acting Director-General

Department of Health, New South Wales,
Sydney, 21 March 2002.

**PROPERTY, STOCK AND BUSINESS AGENTS
ACT 1941**

NOTIFICATION

I, JOHN JOSEPH AQUILINA, M.P., Minister for Fair Trading, in pursuance of section 36AA (2) of the Property, Stock and Business Agents Act 1941, have determined that the Reserve Bank of Australia target cash rate will apply in relation to the calculation of interest on moneys held in trust accounts kept by the City Coast Credit Union in accordance with the provisions of the Act.

JOHN AQUILINA, M.P.,
Minister

RETENTION OF TITLE

HER Excellency the Governor, by deputation of Her Majesty the Queen, has been pleased to approve of the retention of the title "Honourable" by Mr BARRIE HUNGERFORD, following his retirement as a Deputy President and Judicial Member of the Industrial Relations Commission of New South Wales on 31 May 2002.

SURVEYORS ACT 1929

Restoration to the Register of Surveyors

PURSUANT to the provisions of section 9B of the Surveyors Act 1929, the undermentioned persons have been restored to the Register of Surveyors with the effective dates of restoration as shown.

Name	Address	Effective Date of Restoration	Original Date of Registration
BENNETT, Anthony John	158 King Street, Newtown NSW 2042	21 December 2001	25 March 1994
BAKER, Peter John	7 Larnook Close, Oatlands NSW 2117	13 February 2002	21 March 1978
CUSACK, Timothy John	PO Box 216, Pyrmont NSW 2009	1 February 2002	15 September 1989
HART, Anthony Peter	PO Box 1134, Lismore NSW 2480	28 February 2002	18 September 1986
HARVEY, Bruce Raymond	25 Greenbank Street, Hurstville NSW 2220	22 February 2002	25 September 1981
HERN, Gregory Rex	125 Princeton Avenue, Adamstown Heights NSW 2289	1 March 2002	5 October 1977
JENKINS, David William	PO Box 2298, Wagga Wagga NSW 2650	22 February 2002	19 March 1993
MICHAEL, Kenneth Edgar	3/23 Britannia Avenue, Broadbeach QLD 4218	6 March 2002	8 December 1983
MORRISON, Christopher Brian	11 Coolibah Drive, Mount Nasura WA 6112	5 February 2002	19 March 1993
STYNES, Michael John	PO Box 132, Bondi Junction NSW 2022	22 February 2002	23 September 1971
TUCKER, Brian	PO Box 137, Alexandria NSW 2015	22 February 2002	23 March 1984

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

SURVEYORS ACT 1929

Registration of Surveyors

PURSUANT to the provisions of section 8 of the Surveyors Act 1929, the undermentioned person has been Registered as a Surveyor in New South Wales from the date shown.

Name	Address	Effective Date
OLIVIER, Jeremius Cornelius	PO Box 963, Maroochydore QLD 4558	4 February 2002

W. A. WATKINS,
President

G. K. A. LEATHERLAND,
Registrar

SURVEYORS ACT 1929

Removal of Name from the Register of Surveyors

PURSUANT to the provisions of section 9 of the Surveyors Act 1929, the undermentioned Surveyor has been removed from the Register of Surveyors for the reason shown.

Name	Date of Removal	Reason	Original Registration Date
FORBES, Lester John	14 January 2002	at own request	30 September 1968
W. A. WATKINS, President			
G. K. A. LEATHERLAND, Registrar			

SURVEYORS (GENERAL) REGULATION 1999

Granting of Emeritus Status

PURSUANT to the provisions of Clause 32 (1) of the Surveyors (General) Regulation 1999, the undermentioned Surveyor has been granted Emeritus Status in recognition of his long service and contribution to the surveying profession in New South Wales, with effect 14 March 2002.

Name	Date of Original Registration	Removed from Register
FORBES, Lester John	30 September 1968	14 January 2002
W. A. WATKINS, President		
G. K. A. LEATHERLAND, Registrar		

THREATENED SPECIES CONSERVATION ACT 1995

NSW National Parks and Wildlife Service

Notice of Exhibition of the Draft Threat Abatement Plan
for the listed key threatening process Predation by
Gambusia holbrooki – The Plague Minnow

THE National Parks and Wildlife Service hereby gives notice of the exhibition of the draft Threat Abatement Plan - Predation by *Gambusia holbrooki* – The Plague Minnow. Public submissions are invited from 2 April to 14 May 2002. Exhibition details will be published on 2 April 2002 in the *Sydney Morning Herald*.

Dr CAROLINE LEMERLE,
Manager,
Biodiversity Research and Management Division,
Policy and Science Directorate

THREATENED SPECIES CONSERVATION ACT 1995

NSW Scientific Committee

Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to list the following in the relevant Schedules of the Act.

Endangered Species (Part 1 of Schedule 1)

Fat-tailed Diplodactylus, *Diplodactylus conspicillatus*
Hygrocybe austropratensis A.M. Young, an agaric fungus
Hygrocybe lanecovensensis A.M. Young, an agaric fungus
Camarophyllopsis kearneyi A.M. Young, an agaric fungus

The Committee is of the opinion that these species are likely to become extinct in nature in NSW unless the circumstances and factors threatening their survival or evolutionary development cease to operate.

Endangered Population (Part 2 of Schedule 1)

Pultenaea villifera Sieber ex DC. in the Blue Mountains Local Government Area

The Committee is on the opinion that the population's habitat has been so drastically reduced that it is in immediate danger of extinction and it is not a population of a species already listed in Schedule 1 and it is disjunct and at or near the limit of its geographic range.

Vulnerable Species (Schedule 2)

Hygrocybe anomala var. *inanthinomarginata* M.A. Young, an agaric fungus

The Committee is of the opinion that this species is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Any person may make a written submission regarding these Preliminary Determinations, which should be forwarded to:

Director General
National Parks and Wildlife Service
PO Box 1967
Hurstville NSW 2220

Attention: Suzanne Chate, Executive Officer, Scientific Committee.

Submissions must be received by 3rd May 2002.

Copies of these Determinations may be inspected at the National Parks Centre, 102 George Street, The Rocks, Sydney and at NPWS Area Offices or Visitors Centres during business hours.

Dr CHRIS DICKMAN,
Chairperson

TENDERS

Department of Public Works and Services

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, N.S.W. 2000, up til 9.30 am on the dates shown below:

2 April 2002

S01/00407(994) CLEANING FOR RANDWICK BUS DEPOT-SYDNEY BUSES. CATEGORY C.
INSPECTION DATE & TIME: 12/03/2002 @ 10:45 AM SHARP. AREA: 878 SQ. METERS.
DOCUMENTS: \$27.50 PER SET.

3 April 2002

022/7251 SUPPLY, INSTALLATION AND COMMISSIONING OF SCANNING ELECTRON MICROSCOPE.
DOCUMENTS: \$110.00 PER SET.

9 April 2002

02/7254 EXAMINATION WRITING BOOKLETS - 2002 HSC. DOCUMENTS: \$110.00 PER SET.

024/7245 SUPPLY OF FRESH AND PROCESSED VEGETABLES. DOCUMENTS: \$110.00 PER SET.

10 April 2002

024/3007 BOTTLED DRINKING WATER. DOCUMENTS: \$110.00 PER SET.

11 April 2002

025/7523 MOBILE AND / OR FIXED PERSONAL DURESS ALARM SYSTEMS.
DOCUMENTS: \$110.00 PER SET.

027/7248 AUDIT AND FINANCIAL/ECONOMIC ADVICE SERVICES. DOCUMENTS: \$110.00 PER SET.

17 April 2002

024/7246 PRINTING AND DISTRIBUTION SERVICES. DOCUMENTS: \$55.00 PER SET.

15 May 2002

025/7243 SUPPLY/INSTALL OF ALARM SYSTEMS - DEPARTMENT OF EDUCATION & TRAINING.
DOCUMENTS: \$550.00 PER SET.

TENDER DOCUMENT FEE

Tender documents for inspection and purchase, and application forms for Expression of Interest are available at the address above. Where charges apply for tender documents, they are not refundable, cheques and credit cards (Bankcard, Mastercard and Visa) only are acceptable, payable to Department of Public Works and Services. NO CASH payments will be accepted. Documents can be Express Posted on request at an extra cost. Non attendance of mandatory site meetings will render tenders informal.

Further Information is available on the Internet (<http://www.dpws.nsw.gov.au/tenders>)

Government Printing Service**TENDERS FOR PRINTING**

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Government Printer Unit 5 Block V 391 Park Road REGENTS PARK NSW 2143, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

Tenders close 9.30 a.m. on Monday, 8th April 2002

Tender No. 26957

Tenders are invited on behalf of TAFE NSW for the film, printing, binding of The Tafe Handbook 2003 and Bookmarks.

Tender documents will be available the 25th March at the Government Printing Service. Job consists of 440pp + cover for 80,000 copies and 80,000 Bookmarks.

For further information contact Gavin Potter 9743 8777.



PROJECT MANAGERS OF:

- ANNUAL REPORTS • ROYAL COMMISSION REPORTS
- TRAINING MANUALS • OPERATIONS MANUALS
- TECHNICAL MANUALS • NEWSLETTERS
- MONTHLY MAGAZINES • TEST PAPERS
- ANSWER BOOKLETS • EDUCATIONAL MATERIALS

- ***ALL WORK UNDERTAKEN IS PRODUCED IN A SECURE ENVIRONMENT***

ON DEMAND BOOK OR MANUAL PRODUCTION IS AFFORDABLE TO GOVERNMENT CUSTOMERS

The Government Printing Service has the latest high speed document publishing systems installed at various sites throughout the state: Goulburn, Regents Park and three city locations have Xerox DocuTech production publishing systems in operation.

These machines are supported via head office and are fully networked. We can accept your job in a large range of formats whether they be in hard copy or electronic files. The GPS can prepare your job according to your specification and have it produced on-demand at a location best suited for your requirements. Documents can be produced in run lengths from one to thousands for a very low unit cost.

To finish off your document, we can offer a number of binding formats to enhance the final product. You may just want a ring binder, the GPS can supply these also.

Index tabs can be set, printed and inserted very economically.

Gone are the days of a minimum run, have 10, 20, 30 copies and re-order when you require more.

Contact Mick O'Shea or David Brendish for further details on 9743 8777.



A business unit of the
Department of Public
Works and Services

N.S.W. GOVERNMENT PRINTING SERVICE

Unit 5, Block V,
391 Park Road,
Regents Park 2143
Telephone: (02) 9743 8777
Fax: (02) 9743 8588
Email: gps.ondemand@dpws.nsw.gov.au
www.gps.dpws.nsw.gov.au



NSW DEPARTMENT
OF PUBLIC WORKS
AND SERVICES

You can arrange to have a copy of the
NSW Government Gazette delivered
each week by telephoning Kerry Wain
on **9743 8777**

This space is now available for advertising

For further information please contact:

David Brendish or Denis Helm on:

Telephone: 9743 8777

Fax: 9743 8203

www.gps.dpws.nsw.gov.au

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ARMIDALE DUMARESQ COUNCIL

Declaration of Bush Fire Danger Period

I, BRIAN CHETWYND, Mayor of the Council of Armidale Dumaresq, in accordance with the powers delegated to me under the provisions of Section 226 of the Local Government Act, 1993, and in accordance with the provisions of Section 82 of the Rural Fires Act, 1997, by this instrument in writing declare that the period from Midnight on Sunday 31st March, 2002 to Midnight on Tuesday, 30th April, 2002, be declared a BUSH FIRE DANGER PERIOD for the WHOLE of ARMIDALE DUMARESQ COUNCIL AREA. CR BRIAN CHETWYND, Mayor, Armidale Dumaresq Council, 26 March 2002.

[0240]

GILGANDRA SHIRE COUNCIL

UNDER the terms of the Gilgandra Service Level Agreement Criteria 11 the Superintendent of the Gilgandra NSWFRS District has declared that the Bushfire Danger Period is extended from midnight on 31 March 2002 until midnight on 30 April 2002.

[0232]

KEMPSEY SHIRE COUNCIL

Notice Of Extension Of Statutory Bush Fire Danger Period

NOTICE is hereby given that a delegate of Kempsey Shire Council on 26th March 2002, by instrument declared that the Statutory Bush Fire Danger Period be extended within the Shire of Kempsey from midnight Sunday 30th March 2002 to midnight Tuesday 30th April 2002. This has been deemed necessary due to the continuing dry conditions throughout the Macleay Valley. This extension may be revoked if reasonable rainfalls occur throughout the valley prior to 30 April. TONY JARRETT, Acting Fire Control Officer, Kempsey Rural Fire District.

[0244]

MACLEAN SHIRE COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Maclean Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993. Dated at Maclean, 19th March 2001. R. W. BRYANT, General Manager, Maclean Shire Council, PO Box 171, Maclean, NSW 2463.

Schedule

Land in Certificate of Title Volume 1237 Folio 22.

[0229]

MURRAY SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Murray Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of a radio transmitting tower. Dated at Mathoura this 18th day of March 2002.

Schedule

Lot 69 in DP 1012118.

[0231]

QUIRINDI SHIRE COUNCIL

Renaming of Public Road – Roads (General) Regulation, 2000

NOTICE is hereby given in accordance with Section 162 of the Roads Act 1993 and Clause 9 of the Roads (General) Regulation 2000, that Council has renamed the following road:

Previous Name:	Tuinga Road	
Description:	East off Pandora Pass Road	
New Name:	Telargra Road	[0235]

SNOWY RIVER SHIRE COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Snowy River Shire Council, at its meeting of 20 October 1998 Minute No. 152/98, resolved that the land described in the Schedule below be acquired for road. The land has been acquired and is hereby dedicated as Council Public Road pursuant to Section 10 of the Roads Act, 1993. H R McKINNEY, General Manager, Snowy River Shire Council, 2 Myack Street, Berridale, NSW 2628.

Schedule

Lots 1 to 8 (inclusive), DP 1035279, Parish of Clyde, County of Wallace.

[0227]

MANLY COUNCIL**Sale of Land for Overdue Rates
(Section 713) Local Government Act, 1993**

NOTICE is hereby given to the persons named hereunder that the Council of Manly has resolved in pursuance of section 713 of the Local Government Act, 1993 to sell the land described hereunder of which the persons named appear to be the owners or in which they appear to have an interest and on which the amount of rates stated is overdue for more than five years.

Ass No.	Owners or persons having an interest in the land	Description of Land (Lot, Section, Street etc.)	Amount of overdue rates
9110420	Estate of late Edwin George ROGERS	Lot 5, DP 939161, 40 Pine Street, Manly, being 12.19m x 8.13/9.07m, with an area of 101.2m ² approximately	\$18,791.21

In default of payment to the Council of an overdue rate and all other rates due and in arrears, or an arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for sale, the said land is to be offered for sale by public auction by Richardson & Wrench Limited, Auctioneers, of 9 Sydney Road, Manly, at that address, on Saturday 15th June, 2002, at 10am. W. A. COLLINS, General Manager.

[0241]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of ELSIE EDITH MAY, late of Maroubra, in the State of New South Wales, widow, who died on 17th October 2001, must send particulars of his/her claim to the executor, Wayne John Butcher, c.o. Mervyn Finlay, Thorburn & Marshall, Solicitors, 2/225 Macquarie Street, Sydney, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 13th March 2001. MERVYN FINLAY, THORBURN & MARSHALL, Solicitors, 2/225 Macquarie Street, Sydney NSW 2000 (DX 796, Sydney), tel.: (02) 9223 6544. [0233]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of VALENTINE DEWE NEALE, late of Maroubra, in the State of New South Wales, retired technician, who died on 25th October 2001, must send particulars of his/her claim to the executor, Wayne John Carrington Butcher, c.o. Mervyn Finlay, Thorburn & Marshall, Solicitors, 2/225 Macquarie Street, Sydney, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 13th March 2001. MERVYN FINLAY, THORBURN & MARSHALL, Solicitors, 2/225 Macquarie Street, Sydney NSW 2000 (DX 796, Sydney), tel.: (02) 9223 6544. [0234]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of MAVIS IRENE GURNEY, late of 12 Ella Street, Adamstown, in the State of New South Wales, domestic duties, who died on 19th November 2001, must send particulars of his/her claim to the executors, Maxwell Lyons and John Patrick Quinn, c.o. Lockhart Quinn & Co., 5 Library Lane, Charlestown, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 29th January 2002. LOCKHART QUINN & CO., Solicitors, 5 Library Lane, Charlestown NSW 2290 (DX 12611, Charlestown), tel.: (02) 4942 3222. [0228]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LESTER WEBB, late of Kincumber, in the State of New South Wales, retired, who died on 10th February 2002, must send particulars of his/her claim to the executrix, Carol Ann Hayden, c.o. John G. Burton & Associates, 16 Adelaide Street, East Gosford, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate was granted in New South Wales on 18th March 2002. JOHN G. BURTON & ASSOCIATES, Solicitors, 16 Adelaide Street, East Gosford, NSW 2250 (DX 7263, Gosford), tel.: (02) 4323 4899. [0237]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LAURENCE AUSTIN MASON, late of 9/35 Anzac Road, Long Jetty, in the State of New South Wales, who died on 30th October 2001, must send particulars of his/her claim to the executor, Wayne Laurence Mason, c.o. Maclarens, Solicitors, 232 Merrylands Road, Merrylands, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 12th March 2002. MACLARENS, Solicitors, 232 Merrylands Road, Merrylands, NSW 2160 (DX 25406, Merrylands), tel.: (02) 9682 3777. [0243]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of RONALD BRUCE CHENEY, late of 50 Orana Avenue, Seven Hills, in the State of New South Wales, retired, who died on 12th March 2000, must send particulars of his/her claim to the executor, Merrilyn Joy Cheney, c.o. Low Doherty & Stratford, Solicitors, 9 Campbell Street, Blacktown, within one (1) calendar month from publication of this notice. After that time the executor may distribute the assets of the estate having regard only to the claims of which at the time of distribution he has notice. Probate was granted in New South Wales on 19th March 2002. LOW DOHERTY & STRATFORD, Solicitors, 9 Campbell Street, Blacktown, NSW 2148 (DX 8109, Blacktown), tel.: (02) 9622 4644. [0239]

COMPANY NOTICES

NOTICE of general meeting.—VIDEO EZY ALBURY PTY LIMITED (In Liquidation) A.C.N. 069 773 888.—At a general meeting, in pursuance of section 509 of the Corporations Law, convened and held at 9-15 Barnes Street, Cootamundra, in the State of New South Wales, on 25th January 2002 the following was duly passed as a special resolution in accordance with a recommendation by the directors: "That the company be wound up voluntarily and that Matthew McNamara of 9-15 Barnes Street, Cootamundra be appointed liquidator". Dated 2nd March 2002. DAWSON & PARTNERS, Chartered Accountants, 9-15 Barnes Street, Cootamundra NSW 2590, tel.: (02) 6942 1711. [0230]

NOTICE of final meeting.—LEGENDRE PTY LIMITED (In Liquidation).—Notice is hereby given that a final meeting of Legendre Pty Limited (In Liquidation) will be held at Suite 1, Level 2, 1 York Street, Sydney, at 10.30 a.m. on 27th March 2002. The object of the meeting is to present accounts in relation to the fully wound-up affairs of the company and the final report on liquidation. MITCHELL & PARTNERS, Chartered Accountants, Suite 1, Level 2, 1 York Street, Sydney NSW 2000, tel.: (02) 9251 3838. [0242]

NOTICE of dissolution of partnership.—Notice is hereby given that Marilyn Ann De Ruyter and Peter Neil De Ruyter have dissolved their business partnership in relation to the Tyagarah Service Station. All correspondence in relation to business should be addressed to Marilyn Anne De Ruyter, Lot 1, Pacific Highway, Tyagarah, NSW 2481. PETER A SMITH, Solicitor, Shop 5, Ocean Village Rajah Road, Ocean Shores, NSW 2483, tel.: (02) 6680 2888. [0236]

NOTICE under Schedule 2 Partnership Act (cl. 6.5) – Cedenco Australia.—Menu Master Pty Limited (ACN 002 103 353) of 92-96 Station Road, Seven Hills, NSW 2147 hereby gives notice that effective 15 March 2002 it sold its interest in the Joint Venture established by way of a partnership between it and Cedenco JV Australia Limited (ARBN 075 836 010) (trading as Cedenco Australia) to SK Foods Australia Pty Limited ACN 099 245 735, having its registered Australian office at 505 Bourke Street, Melbourne, Victoria, 3000, a wholly owned subsidiary of SK Foods LP. Accordingly, Menu Master Pty Limited shall not be responsible for any debts or other liabilities of the Cedenco Australia Partnership incurred or arising after 15 March 2002. As a result, effective from 15 March 2002 Cedenco JV Australia Limited and SK Foods Australia Pty have established a new partnership between them, also trading as Cedenco Australia. Notwithstanding the continued use by the business of the name Cedenco Australia, Menu Master Pty Limited advises that neither it nor any of its related bodies corporate have any interest in the business conducted by Cedenco JV Australia Limited and SK Foods Australia Pty Limited and shall not be in any way responsible for any debts or other liabilities of the business incurred or arising after 15 March 2002. [0238]



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 68

Thursday, 28 March 2002

Published under authority by the Government Printing Service

PUBLIC SECTOR NOTICES

APPOINTMENT ON PROBATION

HER Excellency the Governor, with the advice of the Executive Council, pursuant to the provisions of section 28 of the Public Sector Management Act 1988, and upon recommendation of the appropriate Department Head, has approved the appointment on probation of the following, with effect from the date shown:

NSW Rural Fire Service

Violeta VILLANUEVA, RFS Level 3/4 [7 January 2002].
Robert SCIGLITANO, RFS Level 4/5 [14 January 2002].
Mark KENNEDY, RFS Level 4/5 [22 January 2002].

Office of the Director of Public Prosecutions

Jyotesh MEHTA, Prosecution Officer (Lawyer) Level 1 [12 November 2001].
Donna Maree MAPLEDORAM, Prosecution Officer (Lawyer) Level 1 [12 November 2001].
Gabrielle STEEDMAN, Prosecution Officer (Lawyer) Level 1 [10 December 2001].
Katherine Anne NIGHTINGALE, Prosecution Officer (Lawyer) Level 1 [11 December 2001].
Andrew Hume MACDONALD, Prosecution Officer (Lawyer) Level 1 [14 December 2001].
Christopher Raymond WHITE, Prosecution Officer (Lawyer) Level 1 [2 January 2002].
Michelle Shalini FERNANDO, Prosecution Officer (Lawyer) Level 1 [2 January 2002].
Marcelo Fernando VALERIO, Prosecution Officer (Administrative) Level 2 [21 January 2002].
Daniel Anthony Walter JOYCE, Prosecution Officer (Lawyer) Level 1 [18 January 2002].

CONFIRMATION OF APPOINTMENTS

HER Excellency the Governor, with the advice of the Executive Council and upon recommendation of the Department Head, has approved the confirmation of appointments in pursuance of section 29 of the Public Sector Management Act 1988, of the following:

Office of the Director of Public Prosecutions

Gareth Roy HARRISON; Ju Shu ZHU; Paul Alfred CLARK; Michelle Antionette MONKS; Gareth Andrew CHRISTOFI; Soruban IVALOGANATHAN; Rhonda Helen HOLMES; Rosa IULIANO; Shiva Ghazavi RICH; Helen Ruth ROBERTS.

Motor Accidents Authority

Eric Ntim TWENEBOA; Kathryn HOLMES.

NSW Rural Fire Service

Beth Annette BLANCH.

RESIGNATION

THE Department Head of the respective Departments listed below has accepted the following resignations from the Public Service, pursuant to the Public Sector Management Act 1988 and the last day of service being indicated within brackets:

Office of the Director of Public Prosecutions

Minh Chang LUONG, Prosecution Officer (Administrative) Level 6 [28 January 2002].
Faye Janelle WHEELER, Prosecution Officer (Administrative) Level 2 [31 January 2002].
Vijaya LAWRENCE, Prosecution Officer (Administrative) Level 3 [23 January 2002].
Delvene Claris KNOTT, Prosecution Officer (Lawyer) Level 1 [8 February 2002].
Roger Harold William COLE, Prosecution Officer (Lawyer) Level 2 [15 February 2002].
Susan Elizabeth DAVIES, Prosecution Officer (Lawyer) Level 2 [22 February 2002].
Helen BARBALICH, Prosecution Officer (Lawyer) Level 1 [25 February 2002].
Alison Margaret WALSH, Prosecution Officer (Lawyer) Level 1 [20 March 2002].

MEDICAL RETIREMENTS

THE following medical retirement from the Public Service is hereby notified, pursuant to section 36 of the Public Sector Management Act 1988, under which the medical retirement is effected and/or the last day of service being indicated within brackets:

Department of Gaming and Racing

Shane Christopher SIMPSON, Clerk [8 February 2002].

APPOINTMENTS

HIS Excellency the Governor, with the advice of the Executive Council and upon the recommendation of the appropriate Department Head, in pursuance of the provisions of section 25 of the Public Sector Management Act 1988, has approved on the following appointments set out in the Schedule hereunder.

<i>Administrative Unit</i>	<i>Position</i>	<i>Appointed Officer</i>		
		<i>Name</i>	<i>Administrative Unit</i>	<i>Present Position</i>
Motor Accidents Authority	Principal Impairment Assessment Officer, Motor Accidents Assessment Services Division, Clerk Grade 11/12	Jennifer KIRKBY	Motor Accidents Authority	Disputes Officer ñ Impairment, Motor Accidents Assessment Services Division, Clerk Grade 9/10
	Principal Treatment Assessment Officer, Motor Accidents Assessment Services Division, Clerk Grade 11/12	Tina BIDESE		Disputes Officer ñ Treatment, Motor Accidents Assessment Services Division, Clerk Grade 9/10
NSW Rural Fire Service	Community Safety Officer ñ Penrith RFS Level 8/9	John Gregory NORRIS	NSW Rural Fire Service	Planning Officer Central East, RFS Level 6/7
	Regional Business Manager ñ Penrith RFS Level 10/11	Steve George YORKE		Deputy Fire Control Officer Warringah/ Pittwater, RFS Level 8/9
	Regional Operations Officer ñ Penrith RFS Level 10/11	Brian John GRAHAM		Deputy Regional Co-ordinator Central East, RFS Level 8/9
	Fire Control Officer ñ Tweed RFS Level 8/9	David James COOK		Deputy Fire Control Officer Byron, RFS Level 4/5
	Regional Business Officer ñ West RFS Level 6/7	Tracey Lee ANDERSON		Regional Assistant Central, RFS Level 2/3
	Strategic Projects Officer RFS Level 6/7	Helen GIOVAS		Personal Assistant Strategic Development, RFS Level 2/3

BOB CARR,
Premier.

Authorised to be printed

ISSN 0155-6320

R. J. MILLIGAN, Government Printer.



GPS FASTFORMS

a division of the N.S.W. GOVERNMENT PRINTING SERVICE

PROJECT MANAGERS OF:

- LEAVE FORMS • APPLICATION FOR EMPLOYMENT
- SHORTHAND NOTEBOOKS • PETTY CASH VOUCHERS
- INTERNAL MAIL ENVELOPES • A4 AND A5 MEMO PADS
- MINISTER'S SIGNATURE STICKERS
- FOR APPROVAL STICKERS
- TELEPHONE MESSAGE PADS

- **ASK FOR *FastForms***

DO YOU STORE FORMS AND DOCUMENTS IN YOUR OFFICE???

Common use forms — pads — books

The Government Printing Service carries a comprehensive range of standard usage State government forms at its security warehouse located at Regents Park. How do you get them? Just send a fax to our FastForms control centre and the goods will be on the way to you in 24 hours.

Facility Management of your documents

The GPS helps many areas of government by taking over and managing the range of forms used. Departments and Agencies are achieving full “user pays” benefits by engaging FastForms to manage and replenish the forms range used. This allows funds that are tied up in in-house inventory to be released for departmental core functions.

For further information on FastForms' range and services, please contact our FastForms Co-ordinator, Kristina Shingles.



A business unit of the
Department of Public
Works and Services

N.S.W. GOVERNMENT PRINTING SERVICE

Unit 5A, Block V,
391 Park Road,
Regents Park 2143

Telephone: (02) 9743 8777

Fax: (02) 9743 8603

Email: gps.fastforms@dpws.nsw.gov.au

www.gps.dpws.nsw.gov.au



NSW DEPARTMENT
OF PUBLIC WORKS
AND SERVICES