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OF THE STATE OF

NEW SOUTH WALES

**Part 2**

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# Government Gazette

OF THE STATE OF

NEW SOUTH WALES

**Number 132**

**Friday, 31 August 2001**

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# LEGISLATION

## Regulations — *continued*

# Passenger Transport (Private Hire Vehicle Services) Regulation 2001

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

CARL SCULLY, M.P.,
Minister for Transport

## Explanatory note

The object of this Regulation is to replace, without substantial alteration but with additional matter, the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The additional matter in this Regulation:

(a) sets out the criteria to be met by applicants for various accreditations and authorisations under the *Passenger Transport Act 1990* (such as an accreditation to carry on private hire vehicle services), and

(b) prescribes certain fees in relation to those accreditations and authorisations, and

(c) specifies certain conditions to which those accreditations and authorisations are subject.

This Regulation also deals with the following matters:

(a) the operation of private hire vehicle services (Part 2), including:

  (i) provisions with respect to private hire vehicle operators (Division 1), and

  (ii) provisions with respect to private hire vehicle drivers (Division 2),

(b) private hire vehicle hirings (Part 3),

(c) the conduct of passengers in private hire vehicles (Part 4),

(d) ancillary, consequential and formal matters (Parts 1 and 5).

This Regulation is made under the *Passenger Transport Act 1990* and, in particular, under section 63 (the general regulation-making power) and various other sections referred to in the Regulation (including sections that are to be inserted in the *Passenger Transport Act 1990* by the *Passenger Transport Amendment Act 2000* (as amended by the *Statute Law (Miscellaneous Provisions) Act 2001*), which is to commence at the same time as the Regulation).

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# Passenger Transport (Private Hire Vehicle Services) Regulation 2001

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Passenger Transport (Private Hire Vehicle Services) Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

In this Regulation:

***accredited private hire vehicle operator*** has the same meaning as it has in section 36A of the Act.

***authorised officer*** includes a person authorised by the Director-General for the purposes of this Regulation.

***authorised private hire vehicle driver*** has the same meaning as it has in section 36A of the Act.

***drive*** a private hire vehicle includes cause or allow the private hire vehicle to stand.

***driver*** of a private hire vehicle means an authorised private hire vehicle driver.

***driver licence*** has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

***driver's authority card*** means an authority card issued under clause 40.

***non-compliance notice*** means a notice referred to in clause 37.

***operator*** means:

(a) in relation to a private hire vehicle service, the accredited private hire vehicle operator for the service, and

(b) in relation to a private hire vehicle, the accredited private hire vehicle operator for the service to which the private hire vehicle belongs.

***qualified accountant*** means either of the following:

(a) a Certified Practising Accountant member of CPA Australia, New South Wales Division, or

(b) a member of the Institute of Chartered Accountants in Australia, New South Wales Branch, who holds a Certificate of Public Practice issued by that Institute.

***the Act*** means the *Passenger Transport Act 1990*.

### 4 Notes

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

# Part 2 Operation of private hire vehicle services

## Division 1 Operators of private hire vehicle services and private hire vehicles

### 5 Criteria to be met by applicants for accreditation to carry on private hire vehicle services

(1) An applicant for accreditation under Division 3 of Part 4A of the Act (that is, accreditation to carry on a private hire vehicle service) must meet, to the satisfaction of the Director-General, the criteria set forth in this clause.

(2) If the applicant is a corporation, the directors or managers of the corporation who are nominated as designated directors or managers under section 41 of the Act must meet, to the satisfaction of the Director-General, the criteria set forth in this clause (other than the criteria specifically to be met by corporation applicants).

(3) **Applicant to be of good repute**
The applicant must be of good repute. Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons of any class approved by the Director-General) who have known the applicant for at least 2 years.

(4) **Applicant to be fit and proper person to carry on private hire vehicle service**
The applicant must be a fit and proper person to carry on a private hire vehicle service. The applicant must declare in writing that the applicant is aware of the following:

(a) accreditation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act*, from managing corporations,

(b) accreditation may be refused if the applicant (or a director or manager of an applicant corporation) has been the subject of proceedings under section 588G (Director's duty to prevent insolvent trading by company) or 592 (Incurring of certain debts, fraudulent conduct) of the *Corporations Act*,

(c) if the applicant:
  (i) is the director of a company that has been, or is in the course of being, wound up under Part 5.4 (Winding up in insolvency) of the *Corporations Act*, or
  (ii) discloses any convictions or charges in accordance with subclause (5),

the Director-General may, for the purpose of determining the applicant's fitness to be an accredited private hire vehicle operator, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.

(5) The applicant must give the Director-General written notice of the following:

(a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the 5 years immediately preceding the date of the application,

(b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction) but only if, as at the date of the application, proceedings are pending in respect of the charge.

(6) If there are no convictions or pending proceedings against the applicant (as referred to in subclause (5)), the applicant must give the Director-General a written statement to that effect.

(7) **Applicant to be competent to carry on private hire vehicle service**
The applicant must demonstrate that the applicant has the necessary knowledge and competence to carry on a private hire vehicle service. In particular, the applicant must satisfy the Director-General as to the applicant's knowledge of the following:

(a) the relevant provisions of the Act and this Regulation,

(b) other laws relating to traffic,

(c) the relevant provisions of the *Occupational Health and Safety Act 2000*.

(8) **Applicant to be financially capable of carrying on private hire vehicle service**
The applicant must be financially capable of carrying on a private hire vehicle service. Evidence of the applicant's financial standing is to be provided in the form of a signed statement from a qualified accountant (on the accountant's business letterhead) containing the following:

(a) a report on the applicant's financial capacity to carry on a private hire vehicle service, with specific reference to the applicant's financial ability to meet the requirements of this Regulation and other relevant laws as to:
   (i) vehicle maintenance and roadworthiness, and
   (ii) the safety of drivers, passengers and the public, and
   (iii) the operation of a business,

(b) a statement specifying the number of private hire vehicles that, in the opinion of the accountant, can be accommodated by the private hire vehicle service proposed to be carried on by the applicant,

(c) if the applicant is a corporation—a statement of the accountant's opinion as to the solvency and general financial standing of the corporation.

(9) **Applicant to have access to garaging and maintenance facilities for private hire vehicles**

The applicant must have access to adequate garaging and maintenance facilities for the vehicles intended to be used to provide the private hire vehicle service. The applicant must provide the Director-General with full details of the following:

(a) the garaging to be provided for the vehicles,

(b) the premises to be used for the maintenance and repair of the vehicles,

(c) the repairer's licence issued under the *Motor Vehicle Repairs Act 1980* in respect of both the person who will be carrying out any necessary repairs on the vehicles (whether or not that person is the applicant) and the premises on which those repairs will be carried out,

(d) if the repairs are to be carried out by a person or persons other than the applicant—the name, address and telephone number of the person or persons concerned.

(10) In this clause, ***Corporations Act*** means the *Corporations Act 2001* of the Commonwealth.

### 6 Conditions of accreditation to carry on private hire vehicle services

(1) The conditions set forth in this clause are prescribed for the purposes of section 38D (1) (a) of the Act (that is, they are conditions to which an accreditation to carry on private hire vehicle services is subject).

(2) **Safety of drivers, passengers and the public**
The accredited private hire vehicle operator must:

(a) ensure that the vehicles used to provide the private hire vehicle service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness, and

(b) ensure that persons engaged to drive the private hire vehicles are authorised private hire vehicle drivers and hold an appropriate driver licence.

(3) **Records concerning roadworthiness of private hire vehicles**
The accredited private hire vehicle operator must make and keep, for at least 2 years after they are made, records concerning the roadworthiness of the private hire vehicles used to provide the private hire vehicle service.

(4) The records must take the form of a detailed roadworthiness assurance plan or system that:

(a) is consistent with the private hire vehicle manufacturer's maintenance standards and with the Roadworthiness Assurance Guidelines published by the Director-General, and

(b) specifies the steps taken to ensure that the private hire vehicles are roadworthy, and

(c) specifies the way in which the private hire vehicles are maintained, and

(d) is capable of being audited.

(5) **Management of day-to-day operation of private hire vehicle services provided by corporation**
If the accredited private hire vehicle operator is a corporation, it must not suffer or permit any person other than a designated director or manager to have management of the day-to-day operations of the private hire vehicle service provided by the corporation (except for a person appointed, under any law, to manage the affairs of the corporation).

### 7 Specifications for private hire vehicles

(1) The Director-General may, by notice published in the Gazette, do any one or more of the following:

(a) specify the makes, models or types of vehicles that may be operated as private hire vehicles,

(b) set out specifications with which a private hire vehicle must comply,

(c) set out criteria that a private hire vehicle must meet,

(d) prohibit the operation as private hire vehicles of vehicles of specified types,

(e) prohibit the operation as a private hire vehicle of a vehicle that is older than the age specified in the notice (either generally or in relation to a particular make, model or type of vehicle).

(2) A notice under this clause:

(a) may apply to private hire cars generally or apply differently according to different factors of a specified kind, and

(b) may contain provisions of a savings or transitional nature.

(3) The Director-General may vary or revoke a notice under this clause by further notice published in the Gazette.

(4) A person must not operate a vehicle as a private hire vehicle unless the vehicle meets the requirements of any notice under this clause that is in force.

Maximum penalty: 20 penalty units.

(5) For the purposes of this clause, the age of a vehicle is to be measured from the date that is 6 months after the date on which:

(a) an identification plate is fitted to the vehicle, or

(b) an operations plate is installed in the vehicle, or

(c) a certificate of approved operations is issued in respect of the vehicle,

in accordance with the *Road Transport (Vehicle Registration) Regulation 1998*, whichever first occurs.

### 8 Condition of private hire vehicles

The operator of a private hire vehicle must ensure that, while the private hire vehicle is in use, its interior, exterior and fittings (including seats, seat covers and floor coverings and any device required by or under the Act to be fitted to the private hire vehicle) are clean, undamaged and in good repair.

Maximum penalty: 5 penalty units.

### 9 Alteration of a private hire vehicle

The operator of a private hire vehicle that is altered in respect of any particulars contained in the licence for the vehicle must, no later than 7 days after the alteration takes place, give written notice of the alteration to the Director-General.

Maximum penalty: 5 penalty units.

### 10 Non-compliance notices

The operator of a private hire vehicle must not allow the vehicle to be driven if:

(a) the expiry date of a non-compliance notice affixed to the vehicle has passed, or

(b) a non-compliance notice has been unlawfully removed from the vehicle.

Maximum penalty: 10 penalty units.

### 11 Records of drivers

(1) The operator of a private hire vehicle must not permit a person to drive the private hire vehicle unless satisfied that the person is the holder of:

(a) an appropriate authorisation, and

(b) an appropriate licence under the *Road Transport (Driver Licensing) Act 1998*.

Maximum penalty: 10 penalty units.

(2) The operator of a private hire vehicle must keep a written record of the following particulars for each person who drives the private hire vehicle:

(a) the person’s full name and residential address,

(b) the dates and times during which the private hire vehicle was driven by the person.

Maximum penalty: 10 penalty units.

(3) This clause does not apply to a private hire vehicle that is driven otherwise than for hire.

### 12 Retention of books and records in relation to the operation of a private hire vehicle

A person who is or has been an operator of a private hire vehicle:

(a) must keep in the English language any record required to be kept by the person under the Act or this Regulation, and

(b) must retain the record for a period of at least 2 years after the date of the last entry in it, and

(c) must, on demand by an authorised officer, produce it for inspection, and

(d) must, if required by the Director-General in writing to do so, deliver it to the Director-General when required.

Maximum penalty: 10 penalty units.

### 13 Third party property insurance

(1) The operator of a private hire vehicle must maintain an insurance policy in accordance with this clause.

Maximum penalty: 10 penalty units.

(2) The policy:

(a) must provide cover of at least $5,000,000 against liability for damage to property caused by or arising out of the use of the private hire vehicle, and

(b) must be maintained with a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.

## Division 2 Private hire vehicle drivers

### 14 Criteria for authorisation to drive private hire vehicles

(1) The object of this clause is to set forth, for the purposes of section 40B (2) of the Act, the criteria that an applicant for an authorisation to drive private hire vehicles must meet before the application is granted.

(2) The applicant:

(a) must have attained the age of 20 years, and

(b) must hold a driver licence, and

(c) must have passed an examination or assessment, at a level determined by the Director-General, of medical fitness, and

(d) must satisfy the Director-General that he or she:

(i) is of good repute and in all other respects a fit and proper person to be the driver of a private hire vehicle, and

(ii) has sufficient responsibility to drive a private hire vehicle in accordance with law and custom.

(3) In this clause:

***driver licence*** means a driver licence excluding a conditional licence (other than a conditional licence the sole condition of which is that the holder must wear corrective lenses at all times while driving), learner licence, probationary licence, provisional licence, restricted licence and driver licence receipt.

**15 Driver to notify Director-General of alleged offence**

(1) The driver of a private hire vehicle must, in accordance with this clause, furnish the Director-General with written details of the following:

(a) any alleged offence (other than a parking offence) with which the driver is charged by a police officer,

(b) any penalty notice issued to the driver in respect of an alleged offence (other than a parking offence) that relates to the driving of a motor vehicle.

Maximum penalty: 10 penalty units.

(2) If, on the commencement of this clause:

(a) proceedings against a driver of a private hire vehicle in respect of an offence referred to in subclause (1) (a) are pending—details of the charge are to be furnished within 48 hours after that commencement, unless the driver of the private hire vehicle is acquitted of the charge within 24 hours after that commencement, or

(b) a penalty notice of the kind referred to in subclause (1) (b) is in force against a driver of a private hire vehicle—details of the penalty notice are to be furnished within 48 hours after that commencement.

(3) In the case of a charge that is laid by a police officer, or a penalty notice relating to the driving of a motor vehicle that is issued, on or after the commencement of this clause (other than a charge or a penalty notice in respect of a parking offence), the details are to be furnished within 7 days after the laying of the charge or the issue of the notice.

### 16 Driver to produce driver's authority card

The driver of a private hire vehicle must not fail to produce the appropriate driver's authority card for inspection on demand made by an authorised officer.

Maximum penalty: 5 penalty units.

### 17 Private hire vehicle to be clean

The driver of a private hire vehicle must ensure that the vehicle is clean and tidy.

Maximum penalty: 2 penalty units.

### 18 Non-compliance notices

A driver must not drive a private hire vehicle if:

(a) the expiry date of a non-compliance notice affixed to the vehicle has passed, or

(b) the driver is aware that a non-compliance notice has been unlawfully removed from the vehicle.

Maximum penalty: 10 penalty units.

### 19 Carriage of goods

The driver of a private hire vehicle must not permit any person to place or carry in or on the vehicle any article that is of such size or has such dimensions that it cannot be accommodated in or on the vehicle without inconvenience or danger to any other person.

Maximum penalty: 2 penalty units.

### 20 Lost property given to drivers

A driver who is given lost property under clause 36 or who finds such property, must, within 24 hours after being given or finding the property, give it to the operator of the private hire vehicle service to which the driver's private hire vehicle belongs.

Maximum penalty: 5 penalty units.

### 21 Behaviour of drivers

(1) The driver of a private hire vehicle must not do any of the following:

(a) smoke tobacco or any other substance while in the private hire vehicle, whether or not the vehicle is being driven in the course of the provision of a private hire vehicle service,

(b) eat or drink in the private hire vehicle while the vehicle is hired or available for hire,

(c) move the vehicle while the doors are open,

(d) negligently or wilfully move or cause the vehicle to be moved so that any passenger or intending passenger is subjected to the risk of injury.

Maximum penalty: 5 penalty units.

(2) Nothing in this clause prohibits a driver of a private hire vehicle from eating or drinking in the vehicle for medical reasons.

(3) In this clause, ***smoke*** includes be in possession of a lighted cigarette, cigar, pipe or similar article.

### 22 Medical condition of driver

(1) The driver of a private hire vehicle must, at the driver's own expense, furnish the Director-General:

(a) at intervals of 36 months until the driver attains the age of 60 years, and

(b) at intervals of 12 months on and after attaining that age,

with a certificate from a medical practitioner containing the medical practitioner's assessment, in accordance with any requirements of the Director-General, of the driver's medical condition.

Maximum penalty: 10 penalty units.

(2) The Director-General may, by notice in writing, require a driver of a private hire vehicle to attend a medical practitioner specified in the notice, by the date specified in the notice, for the purposes of undergoing a medical fitness examination.

(3) The driver of a private hire vehicle must (in so far as the driver is capable of doing so) furnish the Director-General, within 48 hours after any change in the physical or mental condition of the driver of which the driver is aware that may affect the driver's ability to drive private hire vehicles safely, with written details of the change.

Maximum penalty: 10 penalty units.

### 23 Dress and conduct of drivers

The driver of a private hire vehicle must not fail to do the following:

(a) be clean and tidy and wear clean and tidy clothes when driving the vehicle as part of a private hire vehicle service,

(b) behave in an orderly manner and with civility and propriety towards any passenger, intending passenger, driver of another private hire vehicle or authorised officer,

(c) comply with every reasonable requirement of any passenger.

Maximum penalty:10 penalty units.

## Part 3 Private hire vehicle hirings

### 24 No touting or soliciting for passengers or hirings

(1) A person must not tout or solicit for passengers for, or for a hiring of, a private hire vehicle.

Maximum penalty: 5 penalty units.

(2) The driver of a private hire vehicle must not, by the driver's employee, agent or contractor, tout or solicit for passengers for, or for a hiring of, a private hire vehicle.

Maximum penalty: 5 penalty units.

### 25 No plying or standing for hire

The driver of a private hire vehicle must not:

(a) ply or stand the vehicle for hire on any road or road-related area, or

(b) use the vehicle to carry out a hiring other than a pre-booked hiring.

Maximum penalty: 50 penalty units.

### 26 Manner in which hiring to be carried out

(1) The driver of a private hire vehicle:

(a) must not refuse or fail to carry out punctually any hiring accepted, and

(b) must drive the vehicle by the shortest practicable route to any place specified by the hirer, unless the hirer requests that the vehicle be driven to that place by some other route.

Maximum penalty: 5 penalty units.

(2) The driver of a private hire vehicle must not stop the vehicle on a road or road related area for the purpose of setting down or picking up passengers otherwise than close to and parallel with the side of the carriageway of the road or area.

Maximum penalty: 5 penalty units.

(3) The driver of a private hire vehicle may refuse to stop the vehicle at any place at which stopping the vehicle would be unlawful or, in the opinion of the driver, unsafe.

**27 Termination of hiring by hirer**

The hirer of a private hire vehicle may discharge the hire at any time.

**28 Additional passengers**

The driver of a private hire vehicle must not:

(a) permit any person to ride in the vehicle without the consent of the hirer, or

(b) do or allow to be done any act or thing intended to result in any person's entering or riding in the vehicle in contravention of this clause.

Maximum penalty: 5 penalty units.

**29 Fares not to be charged for avoidable delays**

The driver of a private hire vehicle must not demand the amount of a charge made for any period during which the vehicle is delayed:

(a) because of any shortage of fuel or any accident to the tyres, mechanism or any other portion of the vehicle, or

(b) from any cause that it is in the power of the driver to prevent.

Maximum penalty: 5 penalty units.

**30 Payment of fares for hiring private hire vehicles**

(1) The hirer of a private hire vehicle must, after the termination of the hiring, pay the driver of the vehicle the fare for the hiring, except as provided by subclause (3).

Maximum penalty: 5 penalty units.

(2) The fare cannot exceed the amount notified to the hirer before the hiring.

(3) If a person has entered into an arrangement with an operator with respect to the ongoing hire of any one or more private hire vehicles, the person must pay the fare or fares in accordance with the arrangement.

Maximum penalty: 5 penalty units.

(4) In this clause:

***fare*** means the amount charged for the hiring of a private hire vehicle, and includes any amount charged for the conveying of luggage or goods.

# Part 4 Conduct of passengers

### 31 Offensive behaviour or language

A passenger must not, in a private hire vehicle:

(a) behave in an offensive manner, or

(b) use any offensive language.

Maximum penalty: 10 penalty units.

### 32 Smoking

(1) A passenger must not smoke tobacco or any other substance in any private hire vehicle.

Maximum penalty: 5 penalty units.

(2) In this clause, ***smoke*** includes be in possession of a lighted cigarette, cigar, pipe or similar article.

### 33 Luggage and soiled clothing

(1) If, in the opinion of the driver of a private hire vehicle or an authorised officer, a passenger's or an intending passenger's clothing or luggage (or any other thing on or carried by the passenger or intending passenger):

(a) may soil or damage the private hire vehicle or the clothing or luggage of other passengers, or

(b) is of such a size or has such dimensions that it cannot be accommodated in the private hire vehicle without inconvenience or danger to other persons,

the driver or authorised officer may direct the person concerned to leave, or not to enter, the private hire vehicle.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

### 34 Passengers who are causing nuisance

(1) If, in the opinion of the driver of a private hire vehicle or an authorised officer, a passenger or intending passenger is causing, or is likely to cause, a nuisance or annoyance to the driver or other passengers, the driver or authorised officer may direct the person concerned to leave, or not to enter, the private hire vehicle.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

### 35 Leaving vehicle when directed

(1) If, in the opinion of the driver of a private hire vehicle or an authorised officer, a passenger is committing an offence under this Part, the driver or authorised officer may direct the passenger to leave the vehicle.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

### 36 Lost property

A passenger who finds any article in or on a private hire vehicle must:

(a) return it to its owner, or

(b) give it to the driver of the private hire vehicle.

Maximum penalty: 5 penalty units.

# Part 5 Miscellaneous

### 37 Non-compliance notices

(1) An authorised officer, or a person carrying out an inspection of a private hire vehicle under section 55A of the Act, may affix a notice (a ***non-compliance notice***) to the vehicle if it appears to the authorised officer or other person that the vehicle does not comply with a notice issued under clause 7 or meet the requirements set out in clause 8.

(2) The notice is to specify:

(a) the action necessary to be taken in order for the vehicle to meet the relevant requirements, and

(b) an expiry date after which the vehicle must not be used to provide a private hire vehicle service unless the notice has been removed by an authorised officer.

(3) An authorised officer may remove a non-compliance notice from a private hire vehicle if satisfied on inspection of the vehicle that the necessary action specified in the notice has been taken.

(4) A person who is not an authorised officer must not remove a non-compliance notice from a private hire vehicle.

Maximum penalty: 10 penalty units.

### 38 Reduced fees for licences

The Director-General, in accordance with section 39I (2) of the Act, may fix a licence fee at less than the current value of the licence on the open market or may decide not to impose a licence fee for the licence in circumstances where, in the opinion of the Director-General, the service concerned would for economic or other reasons be unlikely to be provided if the full licence fee were to be imposed.

### 39 Change of address or name of operator or driver

If:

(a) an operator of a private hire vehicle service, or

(b) a driver of a private hire vehicle,

changes his or her name or residential address, the operator or driver concerned must, within 7 days after the change, give written notice of the fact and of the new name or address to the Director-General.

Maximum penalty: 5 penalty units.

### 40 Driver's authority cards

(1) The Director-General may issue an authority card to the holder of an authorisation to drive private hire vehicles.

(2) A driver's authority card must display:

(a) a photograph of the person, and

(b) the number of the authority, and

(c) the expiry date for the card.

(3) A driver's authority card expires at midnight on the date specified on the card as the expiry date.

(4) A person's authority to drive private hire vehicles and driver's authority card do not have any effect, either for the purposes of Division 5 of Part 4A of the Act or for the purposes of this Regulation, while the person's driver licence is cancelled or suspended.

### 41 Misuse of authorities and authority cards

(1) This clause applies to authorities to drive private hire vehicles and to drivers' authority cards.

(2) A person must not:

(a) alter or deface any authority or driver's authority card, or

(b) lend or part with any authority or driver's authority card.

Maximum penalty: 5 penalty units.

(3) An authority or driver's authority card that has been altered or defaced is void and may be returned to the Director-General for replacement.

(4) On the return of an authority or driver's authority card, or on proof to the satisfaction of the Director-General that an authority or driver's authority card has been destroyed, stolen or lost, the Director-General may cause a duplicate of it to be issued, and any such duplicate then becomes, for the purposes of the Act and this Regulation, the authority or driver's authority card in respect of which the duplicate is issued, and the original authority or driver's authority card, if it is not already void, becomes void.

### 42 Fees

(1) For the purposes of section 38A (2) of the Act, the prescribed fee for consideration of an application for an accreditation to carry on a private hire vehicle service is $100.

(2) For the purposes of section 38C (2) of the Act, the prescribed fee for the renewal of an accreditation to carry on a private hire vehicle service is $45.

(3) For the purposes of section 40A (2) of the Act, the prescribed fee for consideration of an application for an authorisation to drive private hire vehicles is $45.

(4) For the purposes of section 40C (2) of the Act, the prescribed fee for the renewal of an authorisation to drive private hire vehicles is $45.

### 43 Lost property given to operator of private hire vehicle service

Any lost property given to the operator of a private hire vehicle service is to be dealt with according to directions given by the Director-General and may, if the Director-General thinks fit, be disposed of in accordance with directions given in that behalf.

### 44 Service of notices

Any notice required to be served or given under this Regulation is sufficiently served on any person if it is:

(a) served personally, or

(b) left at the last known place of residence or business of the person to be served, or

(c) sent by prepaid letter or post to the person at the person's last known place of residence or business (in which case notice is to be taken to be served on the date on which the letter would in the ordinary course of post be delivered to the place to which it is addressed).

### 45 Penalty notice offences

(1) For the purposes of section 59 of the Act:

(a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and

(b) the prescribed penalty for such an offence is the amount specified in Column 4 of Schedule 1.

(2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

### 46 Short descriptions

(1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 consists of consists of:

(a) if one or more IPB Codes are set out in relation to the offence in Column 2 of Schedule 1, any of the IPB Codes together with:

(i) the text set out in relation to the offence in Column 3 of that Schedule, or

(ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or

(b) if no IPB Code is set out in relation to the offence in Column 2 of Schedule 1:

(i) the text set out in relation to the offence in Column 3 of that Schedule, or

(ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.

(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

(5) In this clause:

(a) ***Infringement Processing Bureau*** means the Infringement Processing Bureau within the Police Service.

(b) ***IPB Code***, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

### 47 Saving

Any act, matter or thing that had effect under the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

# Schedule 1 Penalty notice offences

(Clauses 45 and 46)

## Part 1 Offences under the Passenger Transport Act 1990

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Section 37 (1) (a) | 8717 2446 | unaccredited person carry on hire car service | $ 1,000 |
| Section 37 (1) (b) | 8719 2447 | use unlicensed hire car to carry on service | $ 1,000 |
| Section 38D (3) | 4377 2448 | hire car operator contravene condition of accreditation | $ 500 |
| Section 40 (2) | 8723 2449 | unauthorised person drive hire car | $ 500 |
| Section 53B (1) | 8724 2450 | not return authority/licence relating to hire car | $ 500 |
| Section 53B (2) | 5064 2451 | not return hire car number-plates relating to cancelled/suspended/discontinued licence | $ 500 |

## Part 2 Offences under the Passenger Transport (Private Hire Vehicle Services) Regulation 2001

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 7 (4) | 8726 2438 | use non-complying vehicle as hire car | $ 500 |
| Clause 8 | 4378 1796 | interior/exterior/fittings of hire car dirty/damaged/not in good repair | $ 150 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 9 | 8727 1797 | fail to notify modification to hire car | $ 200 |
| Clause 10 (a) | 5045 2144 | allow hire car be driven after expiry non-compliance notice | $ 200 |
| Clause 10 (b) | 5046 2145 | allow hire car be driven after unlawful removal notice | $ 200 |
| Clause 11 (1) (a) | 5047 2146 | allow unauthorised person drive hire car | $ 200 |
| Clause 11 (1) (b) | 5048 2147 | allow unlicensed person drive hire car | $ 200 |
| Clause 11 (2) (a) | 5049 2148 | not keep record hire car driver's name/address | $ 150 |
| Clause 11 (2) (b) | 5050 2149 | not keep record hire car driver's dates/times of driving | $ 200 |
| Clause 12 (b) | 5051 2150 | not retain hire car record | $ 200 |
| Clause 12 (c) | 5052 2151 | not produce hire car record to authorised officer | $ 200 |
| Clause 12 (d) | 5053 2152 | not deliver hire car record to Director-General | $ 200 |
| Clause 13 | 5054 2153 | hire car operator not maintain required insurance | $ 300 |
| Clause 16 | 8728 2154 | hire car driver not produce authority card | $ 150 |
| Clause 17 | 4380 1798 | driver not ensure hire car is clean and tidy | $ 150 |
| Clause 18 (a) | 5056 2155 | drive hire car after expiry non-compliance notice | $ 200 |
| Clause 18 (b) | 5057 2156 | drive hire car after unlawful removal non-compliance notice | $ 200 |
| Clause 19 | 5058 2157 | allow hire car carry article inconvenient to other person | $ 150 |
| Clause 20 | 8730 2439 | driver fail to give lost property to operator | $ 100 |

Passenger Transport (Private Hire Vehicle Services) Regulation 2001

Schedule 1 Penalty notice offences

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 21 (1) (a) | 9277 2464 | driver smoke in hire car | $ 150 |
| Clause 21 (1) (b) | 9278 2465 | driver eat/drink in hired hire car/hire car available for hire | $ 150 |
| Clause 21 (1) (c) | 4383 1801 | move hire car with doors open | $ 150 |
| Clause 21 (1) (d) | 4384 1802 | risk safety of hire car passengers | $ 200 |
| Clause 23 (a) | 4385 1803 | hire car driver not clean/tidy/wearing clean/tidy clothes | $ 75 |
| Clause 23 (b) | 4386 1804 | hire car driver fail to behave in orderly manner/with civility/propriety | $ 200 |
| Clause 23 (c) | 4387 1805 | fail to comply with requirement of hire car passenger | $ 150 |
| Clause 24 (1) | 8737 1800 | tout/solicit for passengers for/hiring of hire car | $ 150 |
| Clause 24 (2) | 9279 2466 | driver of hire car by employer/agent/contractor tout/solicit for passengers for/hiring of hire car | $ 150 |
| Clause 25 (a) | 8758 2440 | ply/stand hire car for hire on road/road-related area | $750 |
| Clause 25 (b) | 8770 2441 | use hire car to carry out unbooked hiring | $ 750 |
| Clause 26 (1) (a) | 4388 1806 | hire car driver refuse/fail to carry out hiring punctually | $ 150 |
| Clause 26 (1) (b) | 4389 1807 | hire car driver fail to drive by shortest route | $ 150 |
| Clause 28 (a) | 4390 1808 | take additional hire car passenger without hirer’s consent | $ 150 |
| Clause 29 (a) | 5060 2158 | charge fare when hire car delayed by fuel shortage/accident | $ 150 |
| Clause 29 (b) | 5061 2159 | charge fare when hire car delayed by avoidable cause | $ 150 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 30 (1) | 8772 2442 | hire car passenger fail to pay fare | $ 100 |
| Clause 30 (3) | 8773 2443 | fail to pay arranged fare | $ 100 |
| Clause 31 (a) | 4391 1809 | offensive behaviour in hire car | $ 200 |
| Clause 31 (b) | 4392 1810 | offensive language in hire car | $ 200 |
| Clause 32 | 4393 1811 | passenger smoke in hire car | $ 150 |
| Clause 33 (2) | 4394 1812 | person with soiled clothing/bulky luggage fail to leave hire car when directed | $ 100 |
| Clause 34 (2) | 4395 1813 | intoxicated/offensive person fail to leave hire car when directed | $ 100 |
| Clause 35 (2) | 4396 1814 | person committing offence fail to leave hire car when directed | $ 100 |
| Clause 36 | 5062 2160 | passenger not deal properly with property found in hire car | $ 100 |
| Clause 37 (4) | 5063 2161 | unauthorised person remove non-compliance notice | $ 300 |
| Clause 39 (a) | 4397 1815 | hire car service operator fail to notify change of address | $ 150 |
| Clause 39 (b) | 4399 2444 | hire car driver fail to notify change of address | $ 150 |
| Clause 41 (2) (a) | 4398 1816 | alter/deface hire car authority/authority card | $ 150 |
| Clause 41 (2) (b) | 5055 2445 | lend/part with hire car authority/authority card | $ 150 |

# Passenger Transport (Taxi-cab Services) Regulation 2001

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

CARL SCULLY, M.P.,
Minister for Transport

## Explanatory note

The object of this Regulation is to replace, without substantial alteration but with additional matter, the *Passenger Transport (Taxi-cab Services) Regulation 1995*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The additional matter in this Regulation:

(a) sets out the criteria to be met by applicants for various accreditations and authorisations under the *Passenger Transport Act 1990* (such as an accreditation to carry on taxi-cab services and an authorisation to drive a taxi-cab), and

(b) prescribes certain fees in relation to those accreditations and authorisations, and

(c) specifies certain conditions to which those accreditations and authorisations are subject.

This Regulation refers to the Australian/New Zealand Standard called *Child restraint systems for use in motor vehicles* and numbered AS/NZS 1754:2000, published on 1 February 2000 by Standards Australia and Standards New Zealand and to Amendment 1 to that Standard published on 27 April 2001.

This Regulation is made under the *Passenger Transport Act 1990* and, in particular, under section 63 (the general regulation-making power) and the sections specifically referred to in the Regulation (including sections that are to be inserted in the *Passenger Transport Act 1990* by the *Passenger Transport Amendment Act 2000* (as amended by the *Statute Law (Miscellaneous Provisions) Act 2001*), which is to commence at the same time as the Regulation).

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# Passenger Transport (Taxi-cab Services) Regulation 2001

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Passenger Transport (Taxi-cab Services) Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *Passenger Transport (Taxi-cab Services) Regulation 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

In this Regulation:

***accredited taxi-cab operator*** has the same meaning as it has in section 29A of the Act.

***alarm*** means a security device referred to in clause 12.

***approved***, in relation to:

(a) a driver protection screen, a security camera system or a vehicle tracking device—means complying with requirements established for the time being by the Director-General by order published in the Gazette, and

(b) a network uniform—means a uniform of a design and colour scheme approved by the Director-General in connection with the network.

***area of operations*** of a taxi-cab means the area within which the taxi-cab is authorised by its licence to ply for hire.

***assistance animal*** means an animal referred to in section 9 (Disability discrimination—guide dogs, hearing assistance dogs and trained animals) of the *Disability Discrimination Act 1992* of the Commonwealth.

***authorised fare***, in relation to the hiring of a taxi-cab, means:

(a) if the hiring is not a multiple hiring, the amount chargeable for the hiring in accordance with:

  (i) the fare determined (or the arrangement for remuneration approved) by the Director-General under section 60A of the Act, or

  (ii) if no such fare or arrangement is determined or approved—the conditions of the licence for the taxi-cab, and

(b) if the hiring is a multiple hiring—75% of the amount referred to in paragraph (a),

and includes the night-time surcharge rate.

***authorised officer*** includes a person authorised by the Director-General for the purposes of this Regulation.

***authorised taxi-cab driver*** has the same meaning as it has in section 29A of the Act.

***authorised taxi-cab network provider*** has the same meaning as it has in section 29A of the Act.

***child restraint*** means a child restraint that complies with the requirements of the Australian/New Zealand Standard called *Child restraint systems for use in motor vehicles* and numbered AS/NZS 1754:2000, published on 1 February 2000 by Standards Australia and Standards New Zealand, as amended by Amendment 1 published on 27 April 2001.

***Corporations Act*** means the *Corporations Act 2001* of the Commonwealth.

***drive*** a taxi-cab includes cause or allow the taxi-cab to stand.

***driver*** of a taxi-cab means an authorised taxi-cab driver.

***driver licence*** has the same meaning as it has in the *Road Transport (Driver Licensing) Act 1998*.

***driver protection screen*** means a screen that is designed to protect the driver of a taxi-cab from attack from behind by other persons in the taxi-cab.

***driver's authority card*** means an authority card in force under clause 79.

***hirer*** of a taxi-cab means the person by whom the taxi-cab is hired.

***hiring*** of a taxi-cab includes a hiring:

(a) by means of a taxi-cab booking service, or

(b) from a taxi zone, or

(c) by the hailing of a taxi-cab on the street.

***maxi-cab*** means a taxi-cab that has seating accommodation for 6 or more adult persons other than the driver.

***multiple hiring***, in relation to a taxi-cab, means a hiring under clause 68 (1).

***night-time surcharge rate***, in relation to the authorised fare for the hiring of a taxi-cab, means the rate, if any, that the Director-General from time to time specifies, by notice published in the Gazette under section 60A of the Act, as the night-time surcharge.

***non-compliance notice*** means a notice referred to in clause 81.

***operator of a taxi-cab*** means the accredited taxi-cab operator of the taxi-cab service to which the taxi-cab belongs.

***qualified accountant*** means either of the following:

(a) a Certified Practising Accountant member of CPA Australia, New South Wales Division, or

(b) a member of the Institute of Chartered Accountants in Australia, New South Wales Branch, who holds a Certificate of Public Practice issued by that Institute.

***receiver*** means a receiver referred to in section 31G of the Act.

***registration number*** has the same meaning as it has under the *Road Transport (Vehicle Registration) Act 1997*.

***road*** has the same meaning as it has in the *Road Transport (General) Act 1999*.

***RTA*** means the Roads and Traffic Authority constituted by the *Transport Administration Act 1988*.

***security camera system*** means a system that records images of persons in or about a taxi-cab.

***stand-by taxi-cab*** means a motor vehicle that is, in accordance with section 32K of the Act, being operated in place of a taxi-cab that is out of operation while undergoing repair or service.

***taxi-cab booking service*** has the same meaning as it has in section 29A of the Act.

***taxi-cab network*** has the same meaning as it has in section 29A of the Act.

***taxi-cab service*** has the same meaning as it has in section 29A of the Act.

***taxi zone*** means a zone designated by a traffic sign of the kind referred to in rule 182 of the *Australian Road Rules*, whether the zone is appointed or approved under clause 80 of this Regulation or under another law.

***the Act*** means the *Passenger Transport Act 1990*.

***transport district*** means a transport district referred to in section 108 of the *Transport Administration Act 1988*.

***vehicle tracking device*** means a device by which the whereabouts of a taxi-cab can be followed by means of the vehicle tracking system operated by the taxi-cab network to which the taxi-cab belongs.

***wheelchair accessible taxi-cab*** means a taxi-cab that has wheelchair access.

**4 Notes**

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

# Part 2 Operation of taxi-cab services

## Division 1 Operators of taxi-cab services and taxi-cabs

### 5 Criteria to be met by applicants for accreditation to carry on taxi-cab services

(1) An applicant for accreditation under Division 3 of Part 4 of the Act (that is, accreditation to carry on a taxi-cab service) must meet, to the satisfaction of the Director-General, the criteria set forth in this clause.

(2) If the applicant is a corporation, the directors or managers of the corporation who are nominated as designated directors or managers under section 35 of the Act must meet, to the satisfaction of the Director-General, the criteria set forth in this clause (other than the criteria specifically to be met by corporation applicants).

(3) **Applicant to be of good repute**
The applicant must be of good repute. Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons of any class approved by the Director-General) who have known the applicant for at least 2 years.

(4) **Applicant to be fit and proper person to carry on taxi-cab services**
The applicant must be a fit and proper person to carry on a taxi-cab service. The applicant must declare in writing that the applicant is aware of the following:

(a) accreditation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act*, from managing corporations,

(b) accreditation may be refused if the applicant (or a director or manager of an applicant corporation) has been the subject of proceedings under section 588G (Director's duty to prevent insolvent trading by company) or 592 (Incurring of certain debts, fraudulent conduct) of the *Corporations Act*,

(c) if the applicant:

(i) is the director of a company that has been, or is in the course of being, wound up under Part 5.4 (Winding up in insolvency) of the *Corporations Act*, or

(ii) discloses any convictions or charges in accordance with subclause (5),

the Director-General may, for the purpose of determining the applicant's fitness to be an accredited taxi-cab operator, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.

(5) The applicant must give the Director-General written notice of the following:

(a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the 5 years immediately preceding the date of the application,

(b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction) but only if, as at the date of the application, proceedings are pending in respect of the charge.

(6) If there are no convictions or pending proceedings against the applicant (as referred to in subclause (5)), the applicant must give the Director-General a written statement to that effect.

(7) **Applicant to be competent to carry on taxi-cab services**

The applicant must demonstrate that the applicant has the necessary knowledge and competence to carry on a taxi-cab service. In particular, the applicant must:

(a) satisfy the Director-General as to the applicant's knowledge of the following:

(i) the relevant provisions of the Act and this Regulation,

(ii) other laws relating to traffic,

(iii) laws relating to bailment of motor vehicles,

(iv) the relevant provisions of the *Occupational Health and Safety Act 2000*, and

(b) undertake and successfully complete (or pass an examination in respect of) such course relating to the operation of taxi-cab services as is approved by the Director-General and conducted by a person or body so approved.

(8) **Applicant to be financially capable of carrying on taxi-cab services**

The applicant must be financially capable of carrying on a taxi-cab service. Evidence of the applicant's financial standing is to be provided in the form of a signed statement from a qualified accountant (on the accountant's business letterhead) containing the following:

(a) a report on the applicant's financial capacity to carry on taxi-cab services, with specific reference to the applicant's financial ability to meet the requirements of this Regulation and other relevant laws as to:

(i) vehicle maintenance and roadworthiness, and

(ii) the safety of drivers, passengers and the public, and

(iii) the operation of a business,

(b) a statement specifying the number of taxi-cabs that, in the opinion of the accountant, can be accommodated by the taxi-cab services proposed to be carried on by the applicant,

(c) if the applicant is a corporation—a statement of the accountant's opinion as to the solvency and general financial standing of the corporation.

(9) **Applicant to have access to maintenance facilities for taxi-cabs**

The applicant must have access to adequate maintenance facilities for the vehicles intended to be used to provide the taxi-cab service. The applicant must provide the Director-General with full details of the following:

(a) the premises at which the taxi-cabs will normally be kept when not available for hire,

(b) the premises to be used for the maintenance and repair of the vehicles,

(c) the repairer's licence issued under the *Motor Vehicle Repairs Act 1980* in respect of both the person who will be carrying out any necessary repairs on the vehicles (whether or not that person is the applicant) and the premises on which those repairs will be carried out,

(d) if the repairs are to be carried out by a person or persons other than the applicant—the name, address and telephone number of the person or persons concerned.

### 6 Conditions of accreditation to carry on taxi-cab services

(1) The conditions set forth in this clause are prescribed for the purposes of section 31D (1) (b) of the Act (that is, they are conditions to which an accreditation to carry on taxi-cab services is subject).

(2) **Safety of drivers, passengers and the public**
The accredited taxi-cab operator must:

(a) ensure that the vehicles used to provide the taxi-cab service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness, and

(b) ensure that persons engaged to drive the taxi-cabs are authorised taxi-cab drivers and hold an appropriate driver licence, and

(c) take part in any driver monitoring program of the taxi-cab network to which the operator is affiliated, so as to permit the counselling and (if necessary) disciplining of any of the operator's taxi-cab drivers who fail to comply with any requirement to which, as authorised taxi-cab drivers, they are subject.

(3) **Records concerning roadworthiness of taxi-cabs**
The accredited taxi-cab operator must make and keep, for at least 2 years after they are made, records concerning the roadworthiness of the taxi-cabs used to provide the taxi-cab service.

(4) The records must take the form of a detailed roadworthiness assurance plan or system that:

(a) is consistent with the taxi-cab manufacturer's maintenance standards and with the Roadworthiness Assurance Guidelines published by the Director-General, and

(b) specifies the steps taken to ensure that the taxi-cabs are roadworthy, and

(c) specifies the way in which the taxi-cabs are maintained, and

(d) is capable of being audited.

(5) **Cleaning of taxi-cabs**
The accredited taxi-cab operator must maintain a cleaning program so as to ensure that the interior, exterior and fittings (including seats, seat covers and floor covers and any device that is required by or under the Act to be fitted to the taxi-cab) of the taxi-cab are clean, undamaged and in good condition.

(6) **Identification of taxi-cabs**
The accredited taxi-cab operator must notify the Director-General in writing of the registration number of each taxi-cab used to provide the taxi-cab service.

(7) **Changes to information provided**
The accredited taxi-cab operator must notify the Director-General in writing of any of the following changes within the time specified in relation to the change:

(a) a change in the registration number of a taxi-cab used to provide the taxi-cab service—no later than 48 hours after the change,

(b) a change of address of the premises from which the taxi-cab service is carried on—no later than 7 days after the change,

(c) a change of address of the premises at which the taxi-cabs are kept—no later than 7 days after the change.

(8) **Management of day-to-day operation of taxi-cab services provided by corporation**
If the accredited taxi-cab operator is a corporation, it must not suffer or permit any person other than a designated director or manager to have management of the day-to-day operations of the taxi-cab services provided by the corporation (except for a person appointed, under any law, to manage the affairs of the corporation).

## 7 Operator training

(1) An accredited taxi-cab operator must, whenever reasonably required to do so by the Director-General, undertake and satisfactorily complete (or pass an examination in respect of) such course, or refresher course, relating to the operation of taxi-cab services as is approved by the Director-General and conducted by a person or body so approved.

(2) The Director-General may:

(a) suspend an accreditation issued to an accredited taxi-cab operator pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or

(b) determine (either generally or in a particular case) that an accreditation issued to an accredited taxi-cab operator will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

### 8 Wheelchair accessible taxi-cabs

An accredited taxi-cab operator whose taxi-cab service involves the use of a wheelchair accessible taxi-cab must ensure that the taxi-cab concerned:

(a) is capable of being fitted with, and (at all times that it is available for hire) carries, a child restraint, and

(b) is not driven by more than one person between the hours of 12 midday and 5 pm on any day, and

(c) is driven only by a person who has successfully completed a course of training and instruction (approved by the Director-General and conducted by a person or body approved by the Director-General) in respect of the care and transport of persons with physical disabilities.

Maximum penalty: 40 penalty units.

### 9 Accommodation standard for taxi-cabs

(1) The operator of a taxi-cab must ensure that the taxi-cab complies with this clause.

Maximum penalty: 5 penalty units.

(2) A vehicle that is used as a taxi-cab must have seating accommodation for the driver and for at least 4 and not more than 11 other adult persons.

(3) The vehicle must have at least 4 side doors.

(4) Subclause (2) does not apply to a maxi-cab and subclauses (2) and (3) do not apply to a wheelchair accessible taxi-cab.

(5) The distance between the back of one seat and the front of the seat behind it must be at least 180 mm (when the rear seat is unoccupied).

(6) For the purposes of subclause (5), any approved driver-protection screen installed in the vehicle is to be ignored.

(7) Each seating position in the vehicle must be such that it is adequate when assessed in accordance with section 7.2 of the *Single Uniform Type Inspection (SUTI) Manual for Third Edition Australian Design Rules* as published in January 1988 by the Australian Motor Vehicle Certification Board.

(8) A station-wagon that is used as a taxi-cab must not have any seat (other than a seat installed when the vehicle was manufactured) installed in the part of the station wagon that is designed or intended for the conveyance of goods.

(9) Subclause (8) does not apply to a station wagon that:

(a) had such a seat installed, and

(b) was being used as a taxi-cab,

immediately before the commencement of this clause.

### 10 Maximum age of taxi-cabs

(1) A person must not operate a vehicle licensed as a taxi-cab in respect of the Metropolitan transport district if the vehicle is more than 6 years old.

Maximum penalty: 10 penalty units.

(2) A person must not operate a vehicle licensed as a taxi-cab in respect of an area other than the Metropolitan transport district if the vehicle is more than 8 years old.

Maximum penalty: 10 penalty units.

(3) Despite subclauses (1) and (2), a person may operate a wheelchair accessible taxi-cab that is more than 6 or 8 years old, but only if it is no more than10 years old.

(4) The Director-General may grant written approval to extend the period referred to in subclause (1), (2) or (3) or may in writing exempt an operator or class of operators from the operation of any or all of those subclauses.

(5) An approval or exemption under this clause may be revoked or varied by the Director-General in the same manner as it was granted or given.

(6) For the purposes of this clause, the age of a vehicle is to be measured from 6 months after the date on which:

(a) an identification plate is fitted to the vehicle, or

(b) an operations plate is installed in the vehicle, or

(c) a certificate of approved operations is issued in respect of the vehicle,

in accordance with the *Road Transport (Vehicle Registration) Regulation 1998*, whichever first occurs.

### 11 Taxi-meters

(1) The operator of a taxi-cab must not allow the taxi-cab to be driven unless the taxi-cab is fitted with a taxi-meter that complies with the standards for taxi-meters published by the Director-General.

Maximum penalty: 10 penalty units.

(2) The Director-General may by instrument in writing exempt a taxi-cab from the provisions of subclause (1).

(3) If any such exemption is granted, the licence for the taxi-cab is to be endorsed accordingly.

(4) The operator of a taxi-cab must ensure that all fares and other figures displayed on the face of the taxi-meter must be clearly visible at all times to all persons in the taxi-cab, whether on the taxi-meter itself or by means of an auxiliary display unit connected to the taxi-meter.

Maximum penalty: 5 penalty units.

(5) A person must not interfere with, or permit any interference with, a taxi-meter fitted to a taxi-cab, any seal attached to the taxi-meter or any portion of the mechanism controlling the taxi-meter so as to prevent the proper working of the taxi-meter.

Maximum penalty: 10 penalty units.

(6) An exemption under this clause may be revoked or varied by the Director-General in the same manner as it was given.

(7) Without limiting the standards for taxi-meters that the Director-General may publish, the standards may include standards relating specifically to taxi-meters to be fitted to wheelchair accessible taxi-cabs.

### 12 Security devices

(1) The operator of a taxi-cab that is connected to a taxi-cab network must ensure that the taxi-cab is fitted with a security device (of a kind declared by the Director-General, by order published in the Gazette, to be a mandatory security device for taxi-cabs of that type) in the form of an alarm by which the driver can, in a discreet manner, notify the driver's whereabouts to the network from anywhere within the taxi-cab's area of operations.

Maximum penalty: 10 penalty units.

(2) The operator must ensure that a taxi-cab that has a fully enclosed boot compartment is equipped with a lock release device that complies with subclause (3).

Maximum penalty: 10 penalty units.

(3) The lock release device:

(a) must enable the boot compartment to be opened from inside the compartment, and

(b) must have a distinctively coloured and easily accessible handle, and

(c) must not be able to be rendered inoperable from outside the compartment when the boot is closed.

**13 Vehicle tracking devices**

(1) The operator of a taxi-cab that:

(a) is operating in the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area, and

(b) is connected to a taxi-cab network,

must ensure that the taxi-cab is fitted with an approved vehicle tracking device.

Maximum penalty: 10 penalty units.

(2) An approved vehicle tracking device is taken to be a security device of the kind required by clause 12 (1).

(3) A person must not knowingly:

(a) interfere with any part of an approved vehicle tracking device fitted to a taxi-cab, or

(b) cause or permit any such interference,

in such a manner as to prevent or impede the proper working of the device.

Maximum penalty: 10 penalty units.

(4) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a vehicle tracking device.

### 14 Driver protection screens and security cameras

(1) The operator of a taxi-cab:

(a) that operates within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area, and

(b) that is connected to a taxi-cab network,

must ensure that the taxi-cab is fitted with either an approved driver protection screen or an approved security camera system.

Maximum penalty: 10 penalty units.

(2) The operator of a taxi-cab:

(a) that operates within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area, and

(b) in respect of which the operator has been exempted by the Director-General from the provisions of section 31G (a) of the Act,

must ensure that the taxi-cab is fitted with an approved driver protection screen.

Maximum penalty: 10 penalty units.

(3) A person must not deliberately:

(a) interfere with an approved driver protection screen fitted to a taxi-cab, or

(b) cause or permit any such interference,

in such a manner as to remove or reduce the protection it affords to the driver of the taxi-cab.

Maximum penalty: 10 penalty units.

(4) A person must not deliberately:

(a) interfere with any part of an approved security camera system fitted to a taxi-cab, or

(b) cause or permit any such interference,

in such a manner as to prevent or impede the proper working of the system.

Maximum penalty: 10 penalty units.

(5) Schedule 1 has effect in relation to any security camera system with which a taxi-cab is fitted (whether or not pursuant to this clause).

(6) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a driver protection screen or a security camera system.

### 15 Air-conditioning

The operator of a taxi-cab must ensure that the taxi-cab is fitted with an air-conditioning system that is fully operational and in good repair.

Maximum penalty: 10 penalty units.

### 16 Condition of taxi-cabs

The operator of a taxi-cab must ensure that, while the taxi-cab is being driven for hire:

(a) its interior (including the interior of the boot compartment), and

(b) its exterior (including the body and door panels, the bumper bars, the trim, the wheels and the network decals), and

(c) its fittings (including the seats, the seat covers, the floor coverings and any device or equipment required by this Regulation to be fitted to the taxi-cab),

are clean and undamaged and (in the case of its fittings) are duly fitted, securely in place and (in the case of devices, equipment, interior lights and window winding mechanisms) in good condition and fully operational.

Maximum penalty: 5 penalty units.

### 17 Information in taxi-cabs

(1) The operator of a taxi-cab must ensure that information is displayed inside the taxi-cab in accordance with this clause while the taxi-cab is in use.

Maximum penalty: 5 penalty units.

(2) The following information must be displayed:

(a) a summary of the rights and obligations of the hirer,

(b) brief details (including a telephone number) as to how complaints relating to taxi-cab services might be made,

(c) the maximum fares and charges (as determined for the time being by the Director-General) on which the authorised fare for hiring is calculated,

(d) the maximum number of passengers that may be carried in the taxi-cab,

(e) a summary of the obligations of the driver,

(f) the registration number of the taxi-cab.

(3) The information must be:

(a) approved by the Director-General, and

(b) displayed:

(i) in a form approved by the Director-General, and

(ii) in a position where it may easily be read by any passenger.

(4) The reference to a registration number in subclause (2) (f) is, in the case of a stand-by taxi-cab, a reference to the normal registration number of the vehicle that is being used as a stand-by taxi-cab.

### 18 Certificate of inspection to be displayed

The operator of a taxi-cab must ensure that the current certificate of inspection (that is, the certificate issued by or on behalf of the RTA in connection with the periodic inspections carried out on the taxi-cab) is prominently affixed next to the taxi-cab's registration label.

Maximum penalty: 10 penalty units.

### 19 Child restraint anchorage bolts in taxi-cabs

The operator of a taxi-cab must ensure that the taxi-cab is fitted with a child restraint anchorage bolt or bolts that is or are capable of securing any child restraint.

Maximum penalty: 5 penalty units.

### 20 Signs and lights on taxi-cabs

(1) A taxi-cab must be fitted with a roof sign:

(a) made of opaque plastic or some other substance approved by the Director-General, and

(b) enclosing a lamp capable of showing a white light, and

(c) displaying the word "TAXI" on the front and back of the sign in black capital letters at least 70 mm high.

(2) The roof sign must have positioned on its top an amber lamp the light from which is capable of being clearly seen in daylight at a distance of 40 metres.

(3) A taxi-cab that is authorised by its licence to ply for hire in an urban area must also have positioned on the rear face of its roof sign (or in another position approved by the Director-General) a red lamp the light from which:

(a) is capable of being clearly seen in daylight from the rear of the taxi-cab at a distance of 40 metres at any point within an arc of 90 degrees (45 degrees on either side of the taxi-cab) extending from the middle of the roof of the taxi-cab, and

(b) is not visible from the front of the taxi-cab.

(4) Subclause (3) does not apply to or in respect of a taxi-cab that is the subject of an exemption under clause 11 (2) from the provisions of clause 11 (1) (that is, from the requirement that the taxi-cab be fitted with a taxi-meter that complies with the standards for taxi-meters published by the Director-General).

(5) In the case of a taxi-cab that is fitted with a taxi-meter, the lamp enclosed by the roof sign, the red lamp (if fitted) and the amber lamp must all be wired to the taxi-meter so that:

(a) while the taxi-cab is not for hire, all the lamps will be extinguished, and

(b) while the taxi-cab is available for hire, both the lamp enclosed by the roof sign and the amber lamp will be illuminated, and

(c) while the taxi-cab is engaged:

(i) both the lamp enclosed by the roof sign and the amber lamp will be extinguished, and

(ii) if the meter is computing the fare at the night-time surcharge rate, the red lamp will be illuminated.

(6) In the case of a taxi-cab the subject of an exemption under clause 11 (2) from the provisions of clause 11 (1) (that is, from the requirement that the taxi-cab be fitted with a taxi-meter that complies with the standards for taxi-meters published by the Director-General), the roof sign lamp and amber lamp must each be operated so that:

(a) while the taxi-cab is engaged or not for hire, both the roof sign lamp and the amber lamp will be extinguished, and

(b) while the taxi-cab is available for hire, both the roof sign lamp and the amber lamp will be illuminated.

(7) Except as permitted by this clause, a taxi-cab must not display any word, letter or sign that indicates that it is available for hire.

(8) The operator must ensure that a taxi-cab is fitted with all the equipment necessary for compliance with this clause and that the equipment is properly connected, wired and adjusted.

Maximum penalty: 5 penalty units.

(9) A person must not deliberately:

(a) interfere with any equipment (or the connection, wiring or adjustment of the equipment) necessary for compliance with this clause, or

(b) cause or permit any such interference,

in such a manner as to prevent or impede the proper working of the equipment.

Maximum penalty: 5 penalty units.

(10) In this clause:

***urban area*** means an area that the Director-General from time to time specifies, by notice published in the Gazette under section 60A of the Act, as an urban area in respect of taxi-cab fares.

### 21 Network decals and livery

(1) The operator of a taxi-cab that is connected to a taxi-cab network must ensure that:

(a) the taxi-cab is fitted with a network decal sign (being a decal sign approved by the Director-General in relation to the network) securely mounted on each of the front doors of the taxi-cab, and

(b) the taxi-cab is painted in the colours approved by the Director-General in relation to the network.

Maximum penalty: 5 penalty units.

(2) Relevant network decal signs additional to those mounted on the front doors of the taxi-cab may, with the approval of the Director-General, be mounted on other parts of the taxi-cab.

**22 Taxi-cabs to display registration details**

(1) The operator of a taxi-cab that is authorised by its licence to ply for hire within the Metropolitan transport district must ensure that, on and from 1 January 2002, the taxi-cab displays, in accordance with this clause, the numbers corresponding to the vehicle registration number of the taxi-cab shown on the number-plates of the taxi-cab.

Maximum penalty: 5 penalty units.

(2) The numbers must be displayed as follows:

(a) on both the front nearside and offside panels of the taxi-cab,

(b) as far back as possible,

(c) in numbers at least 50 millimetres high,

(d) in such a manner as to be clearly readable from a distance of 5 metres.

(3) This clause does not apply to or in respect of a stand-by taxi-cab.

**23 Advertisements within or on outside of taxi-cabs**

The operator of a taxi-cab must not display, affix or install, or permit a person to display, affix or install, any advertisement within or on the outside of the taxi-cab unless the advertisement and its location has been approved by the Director-General.

Maximum penalty: 5 penalty units.

**24 Stand-by taxi-cabs**

(1) The operator of a stand-by taxi-cab that is connected to a taxi-cab network must not operate the taxi-cab without giving prior notice to the network of the operator's intention to do so.

Maximum penalty: 5 penalty units.

(2) The operator of a stand-by taxi-cab must maintain a record of the operation of the stand-by taxi-cab in a form approved by the Director-General.

Maximum penalty: 5 penalty units.

(3) The operator of a stand-by taxi-cab must, while the taxi-cab is operating as such, display on it a sign with the words “STAND-BY TAXI” clearly visible from the front of the taxi-cab.

Maximum penalty: 5 penalty units.

(4) A motor vehicle that is operated as a stand-by taxi-cab must, at the time of its last registration under the *Road Transport (Vehicle Registration) Act 1997*, have complied with any standards for the time being applied by the RTA for the registration of vehicles intended to be used as taxi-cabs.

(5) A motor vehicle that is operated as a stand-by taxi-cab in place of a wheelchair accessible taxi-cab must meet all the requirements of a wheelchair accessible taxi-cab specified in clause 8 (a)–(c).

(6) A motor vehicle that is operated as a stand-by taxi-cab in place of a taxi-cab that is connected to a taxi-cab network must:

(a) have mounted on the front doors of the motor vehicle the decal signs approved by the Director-General in relation to the network concerned, and

(b) be painted in the colours approved by the Director-General in relation to that network, and

(c) be fitted with the following (but only to the extent to which the taxi-cab that the stand-by taxi-cab is replacing was required to be so fitted):

(i) a receiver that has continuous access to receivers forming part of the network,

(ii) an approved vehicle tracking device connected to the vehicle tracking system operated by the network,

(iii) a security device by which the driver can (in a discreet manner) notify the driver’s whereabouts to the network from anywhere within the vehicle’s area of operations, and

(d) be driven by a person wearing the approved network uniform relating to the network .

(7) The requirements of subclauses (4), (5) and (6) are prescribed for the purposes of section 32K (2) (g) of the Act.

(8) The other provisions of this Division apply to a stand-by taxi-cab in the same way as they apply to any other taxi-cab.

### 25 Taxi-cabs to comply with on-road standards when inspected

The operator of a taxi-cab must ensure that, at the time any inspection of the taxi-cab is carried out under section 55A of the Act:

(a) the taxi-cab complies in all respects with the requirements of clause 9, and

(b) the taxi-cab does not exceed the maximum permissible age as specified in clause 10 (1) or (2) (as appropriate), and

(c) the taxi-cab is duly fitted with a taxi-meter of the kind referred to in clause 11 (unless the taxi-cab is exempted under clause 11 (2)), and

(d) the taxi-cab is duly fitted with a security device and lock release device as required by clause 12, and

(e) the taxi-cab is fitted with an approved tracking device as required by clause 13, and

(f) the taxi-cab is duly fitted with any approved driver protection screen or approved security camera system required by clause 14, and

(g) the taxi-cab is fitted with an air-conditioning system as required by clause 15, and

(h) the interior, exterior and fittings of the taxi-cab comply in all respects with the requirements of clause 16, and

(i) the information required by clause 17 is duly displayed in the taxi-cab, and

(j) the taxi-cab is duly fitted with the child restraint anchorage bolt or bolts required by clause 19, and

(k) the taxi-cab is duly fitted with the roof sign lamp and other roof lamps required by clause 20, and

(l) if the taxi-cab is connected to a taxi-cab network:
   (i) the taxi-cab is duly fitted with a receiver, and
   (ii) the decal signs required by clause 21 (1) (a) are mounted on the taxi-cab, and
   (iii) the taxi-cab is painted as required by clause 21 (1) (b).

Maximum penalty: 5 penalty units.

### 26 Alteration of a taxi-cab

The operator of a taxi-cab that is altered in respect of any particulars contained in the licence for the taxi-cab must, no later than 7 days after the alteration takes place, give written notice of the alteration to the Director-General.

Maximum penalty: 5 penalty units.

### 27 Non-compliance notices: operator

The operator of a taxi-cab must not allow the taxi-cab to be driven if:

(a) the expiry date or expiry time of a non-compliance notice affixed to the taxi-cab has passed, or

(b) a non-compliance notice has been unlawfully removed from the taxi-cab.

Maximum penalty: 10 penalty units.

### 28 Network uniforms

The operator of a taxi-cab that is connected to a taxi-cab network must provide approved network uniforms for the use of persons who drive the taxi-cab for hire.

Maximum penalty: 10 penalty units.

### 29 Driver's authority card holders

The operator of a taxi-cab must ensure that the taxi-cab is fitted with a device suitable for holding the driver's authority card in such a manner as to enable the driver to display the card as required by clause 35.

Maximum penalty: 10 penalty units.

### 30 Records of drivers

(1) The operator of a taxi-cab must not permit a person to drive the taxi-cab unless satisfied that the person is the holder of:

(a) an appropriate authorisation, and

(b) an appropriate licence under the *Road Transport (Driver Licensing) Act 1998*.

Maximum penalty: 10 penalty units.

(2) The operator of a taxi-cab must keep a record in written or electronic form of the following particulars for each person who drives the taxi-cab:

(a) the person's full name and residential address,

(b) the dates and times during which the taxi-cab was driven by the person,

(c) the person's driver's authority number (that is, the number allocated by the Director-General and displayed on the front of the person's driver's authority card).

Maximum penalty: 10 penalty units.

(3) The operator of a taxi-cab must provide each person who drives the taxi-cab with blank drivers' worksheets, of a kind approved by the Director-General, for the person to complete in accordance with the requirements of clause 38.

Maximum penalty: 10 penalty units.

(4) This clause does not apply to a taxi-cab that is driven otherwise than for hire.

**31 Retention of records and worksheets in relation to operation of taxi-cab**

A person who is or has been an operator of a taxi-cab:

(a) must keep in the English language any record (including any worksheet given to the person as referred to in clause 38 (2) (b)) required to be kept by the person under the Act or this Regulation, and

(b) must retain the record for a period of at least 2 years after the date of the last entry in it, and

(c) must, on demand by an authorised officer, produce it in written form for inspection, and

(d) must, if required by the Director-General in writing to do so, deliver it to the Director-General when required.

Maximum penalty: 10 penalty units.

### 32 Insurance

(1) The operator of a taxi-cab must maintain insurance policies, and provide evidence of their currency, in accordance with this clause.

Maximum penalty: 10 penalty units.

(2) The operator must maintain one or more policies that:

(a) provide cover of at least $5,000,000 against liability for damage to property caused by or arising out of the use of the taxi-cab, and

(b) indemnify the driver for the time being of a taxi-cab in relation to any damage (including any excess payable on a claim) arising out of the use of the taxi-cab.

(3) The policies must be maintained with a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.

(4) The operator must provide an authorised officer, on request, with evidence that the policies are current.

(5) The operator must ensure that evidence that the policy referred to in subclause (2) (b) is current and is carried in the taxi-cab at all times.

## Division 2 Taxi-cab drivers

### 33 Criteria for authorisation to drive taxi-cabs

(1) The object of this clause is to set forth, for the purposes of section 33B (2) of the Act, the criteria that an applicant for an authorisation to drive taxi-cabs must meet before the application is granted.

(2) The applicant:

(a) must be at least 20 years of age, and

(b) must hold a driver licence, and

(c) must have successfully completed a taxi-cab driver training course approved by the Director-General (or must have such competence as a driver of a taxi-cab as the Director-General considers appropriate), and

(d) must have passed an examination or assessment, at a level determined by the Director-General, in the following:
  (i) geographical knowledge of areas in which taxis ply for hire,
  (ii) medical fitness,
  (iii) knowledge of this Regulation, and

(e) must have passed an examination or assessment, at a level determined by the Director-General, in both written and oral communication in the English language (or must have such competence in that language as the Director-General considers equivalent to that level), and

(f) must satisfy the Director-General that he or she:
  (i) is of good repute and in all other respects a fit and proper person to be the driver of a taxi-cab, and
  (ii) has sufficient responsibility to drive a taxi-cab in accordance with law and custom.

(3) In this clause:

***driver licence*** means a driver licence excluding a conditional licence (other than a conditional licence the sole condition of which is that the holder must wear corrective lenses at all times while driving), learner licence, probationary licence, provisional licence, restricted licence and driver licence receipt.

### 34 Driver of wheelchair accessible taxi-cab to be trained

A person must not drive a wheelchair accessible taxi-cab that is hired or for hire unless the person has successfully completed a course of training and instruction (approved by the Director-General and conducted by a person or body approved by the Director-General) in respect of the care and transport of persons with physical disabilities.

Maximum penalty: 40 penalty units.

### 35 Driver to display driver's authority card

(1) The driver of a taxi-cab must not drive the taxi-cab unless the appropriate driver's authority card:

(a) is contained in a holder firmly affixed to the interior of the taxi-cab, and

(b) is displayed so that its face can be easily seen by any passenger in the taxi-cab.

Maximum penalty: 5 penalty units.

(2) The driver of a taxi-cab must not fail to produce the appropriate driver's authority card for inspection on demand made by an authorised officer.

Maximum penalty: 5 penalty units.

**36 Driver to notify Director-General of alleged offence**

(1) The driver of a taxi-cab must, in accordance with this clause, furnish the Director-General with written details of the following:

(a) any alleged offence (other than a parking offence) with which the driver is charged by a police officer,

(b) any penalty notice issued to the driver in respect of an alleged offence (other than a parking offence) that relates to the driving of a motor vehicle.

Maximum penalty: 10 penalty units.

(2) If, on the commencement of this clause:

(a) proceedings against a driver of a taxi-cab in respect of an offence referred to in subclause (1) (a) are pending—details of the charge are to be furnished within 48 hours after that commencement, unless the driver of the taxi-cab is acquitted of the charge within 24 hours after that commencement, or

(b) a penalty notice of the kind referred to in subclause (1) (b) is in force against a driver of a taxi-cab—details of the penalty notice are to be furnished within 48 hours after that commencement.

(3) In the case of a charge that is laid by a police officer, or a penalty notice relating to the driving of a motor vehicle that is issued, on or after the commencement of this clause (other than a charge or a penalty notice in respect of a parking offence), the details are to be furnished within 7 days after the laying of the charge or the issue of the notice.

### 37 Driver training

(1) The driver of a taxi-cab must, whenever reasonably required to do so by the Director-General, undertake and satisfactorily complete (or pass an examination in respect of) a taxi-cab driver training or refresher course approved by the Director-General.

(2) The Director-General may:

(a) suspend a driver's authorisation to drive taxi-cabs pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or

(b) determine (either generally or in a particular case) that a driver's authorisation to drive taxi-cabs will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

### 38 Drivers' worksheets

(1) The driver of a taxi-cab must enter on a driver's worksheet:

(a) when beginning a driving shift:

(i) the driver's name, driver licence number and driver's authority card number, and

(ii) the date and time the shift began, and

(b) when beginning a break of 30 minutes or more during a driving shift, the time the break began, and

(c) when ending a break of 30 minutes or more during a driving shift, the time the break ended, and

(d) when ending a driving shift:

(i) a brief description of any faults in the taxi-cab or its equipment that have come to the driver's attention during the shift, and

(ii) the date and time the shift ended.

Maximum penalty: 5 penalty units.

(2) The driver of a taxi-cab:

(a) must, on demand by an authorised officer during a driving shift, produce his or her driver's worksheet for that shift for inspection, and

(b) must, at the end of each driving shift, give his or her driver's worksheet for that shift to the operator of the taxi-cab.

Maximum penalty: 5 penalty units.

(3) In this clause, ***driver's worksheet*** means a driver's worksheet of a kind supplied in accordance with clause 30 (3).

### 39 Taxi-cab to be clean

The driver of a taxi-cab must ensure that the taxi-cab is clean and tidy.

Maximum penalty: 2 penalty units.

### 40 Non-compliance notices: driver

A driver must not drive a taxi-cab if:

(a) the expiry date or expiry time of a non-compliance notice affixed to the taxi-cab has passed, or

(b) the driver is aware that a non-compliance notice has been unlawfully removed from the taxi-cab.

Maximum penalty: 10 penalty units.

### 41 Carriage of goods and animals

(1) The driver of a taxi-cab must not permit any person to place or carry in or on the taxi-cab any article that is of such size or has such dimensions that it cannot be accommodated in or on the taxi-cab without inconvenience or danger to any other person.

Maximum penalty: 2 penalty units.

(2) The driver of a taxi-cab must not permit any person to place or carry in or on the taxi-cab any dog, cat, bird or other animal unless it is suitably confined in a box, basket or other container.

Maximum penalty: 2 penalty units.

(3) Subclause (2) does not apply to an assistance animal or an assistance animal in training.

(4) The driver of a taxi-cab must not refuse to carry an assistance animal (or an assistance animal in training) in the taxi-cab.

Maximum penalty: 10 penalty units.

### 42 Lost property given to drivers

A driver who is given lost property under clause 77 or who finds such property, must, within 24 hours after being given or finding the property:

(a) give the property to the operator of the network to which the driver's taxi-cab is connected, or

(b) if the operator has been exempted by the Director-General from the provisions of section 31G (a) of the Act—give the property to the accredited operator of the taxi-cab or to a police officer at a police station.

Maximum penalty: 5 penalty units.

### 43 Behaviour of drivers

(1) The driver of a taxi-cab must not do any of the following:

(a) cause or allow the taxi-meter in the taxi-cab to display the night-time surcharge rate at a time when that rate is not applicable,

(b) display, affix or install, or permit a person to display, affix or install, any advertisement within or on the outside of the taxi-cab unless the advertisement has been approved by the Director-General,

(c) smoke tobacco or any other substance while in the taxi-cab, whether or not the taxi-cab is being driven for hire,

(d) eat or drink in the taxi-cab while the taxi-cab is hired or available for hire,

(e) move the taxi-cab while the doors are open,

(f) negligently or wilfully move or cause the taxi-cab to be moved so that any passenger or intending passenger is subjected to the risk of injury.

Maximum penalty: 5 penalty units.

(2) Nothing in this clause prohibits a driver of a taxi-cab from eating or drinking in the taxi-cab for medical reasons.

(3) In this clause, ***smoke*** includes be in possession of a lighted cigarette, cigar, pipe or similar article.

### 44 Medical condition of driver

(1) The driver of a taxi-cab must, at the driver's own expense, furnish the Director-General:

(a) at intervals of 36 months until the driver attains the age of 60 years, and

(b) at intervals of 12 months on and after attaining that age,

with a certificate from a medical practitioner containing the medical practitioner's assessment, in accordance with any requirements of the Director-General, of the driver's medical condition.

Maximum penalty: 10 penalty units.

(2) The Director-General may, by notice in writing, require a driver of a taxi-cab to attend a medical practitioner specified in the notice, by a date specified in the notice, for the purposes of undergoing a medical fitness examination.

(3) The driver of a taxi-cab must (in so far as the driver is capable of doing so) furnish the Director-General, within 48 hours after any change in the physical or mental condition of the driver of which the driver is aware that may affect the driver's ability to drive taxi-cabs safely, with written details of the change.

Maximum penalty: 10 penalty units.

### 45 Dress and conduct of drivers

The driver of a taxi-cab must not fail to do the following:

(a) be clean and tidy and wear clean and tidy clothes when driving the taxi-cab for hire,

(b) behave in an orderly manner and with civility and propriety towards any passenger, intending passenger, driver of another taxi-cab or authorised officer,

(c) comply with every reasonable requirement of any passenger.

Maximum penalty: 10 penalty units.

### 46 Drivers to wear uniforms

The driver of a taxi-cab that is connected to a taxi-cab network must wear an approved network uniform at all times while driving the cab for hire.

Maximum penalty: 5 penalty units.

### 47 Driver to remain with taxi-cab

The driver of a taxi-cab must not, without reasonable excuse, move more than 3 metres from the taxi-cab.

Maximum penalty: 5 penalty units.

### 48 Taxi zones

(1) The driver of a taxi-cab must not cause or allow the taxi-cab to stand in a taxi zone if the taxi-cab is hired or is not available for hire.

Maximum penalty: 5 penalty units.

(2) Unless otherwise directed by an authorised officer, the driver of a taxi-cab, on arriving at a taxi zone that contains positions for 2 or more taxi-cabs, must place and keep the taxi-cab in the first available vacant position in the taxi zone.

Maximum penalty: 5 penalty units.

(3) Subclause (2) does not apply if the taxi zone provides for angle or parallel parking.

(4) If more than one taxi-cab is in a taxi zone, the first taxi-cab in the taxi zone has a right to the hiring unless the person hiring selects a particular taxi-cab.

(5) At any place where taxi-cabs are congregated, a police officer may appoint temporary taxi zones and every driver must use the taxi zones as directed by a police officer.

Maximum penalty: 5 penalty units.

(6) The driver of a taxi-cab must not cause or allow the taxi-cab to leave a taxi zone, or to leave any other place where passengers are picked up or set down, in contravention of a direction given by an authorised officer.

Maximum penalty: 5 penalty units.

(7) The driver of a taxi-cab may set down a passenger in a taxi zone only if the taxi-cab concerned occupies the last available vacant position in the taxi zone.

### 49 Standing otherwise than in a taxi zone

The driver of a taxi-cab must not permit the taxi-cab to stand otherwise than in a taxi zone, except as follows:

(a) while loading or unloading luggage or goods or taking up or setting down passengers,

(b) by the direction or with the consent of a police officer,

(c) while hired,

(d) while not available for hire.

Maximum penalty: 5 penalty units.

### 50 Use of taxi-cab network

The driver of a taxi-cab:

(a) must use the taxi-cab's receiver in accordance with procedures for the taxi-cab network to which the taxi-cab belongs, and

(b) must otherwise observe the published rules and by-laws of the network, and

(c) must comply with all reasonable requests of the network in relation to the provision of public passenger services.

Maximum penalty: 5 penalty units.

### 51 Display of destination sign on taxi-cab at end of driving shift

(1) A taxi-cab that is available for hire may display a sign approved by the Director-General showing the name of the locality to which the driver is proceeding.

(2) The sign:

(a) may be displayed only when the driver is proceeding between the hours of:

(i) 1.30 am and 4.30 am, or

(ii) 12.30 pm and 4.30 pm,

in the general direction of the locality shown on the sign for the purpose of terminating a driving shift, and

(b) must:
  (i) be of a type, size and material, and
  (ii) contain only the wording, and
  (iii) be located in a position,

  approved by the Director-General.

(3) The driver of a taxi-cab to which such a sign is affixed:

(a) must immediately proceed in the general direction of the locality shown on the sign, and

(b) must remove the sign when the taxi-cab is hired, on arrival at the place in that locality or at 4.30 am or 4.30 pm (as appropriate), whichever is the sooner.

Maximum penalty: 5 penalty units.

## Division 3 Taxi-cab networks

### 52 Criteria to be met by applicants for authorisation to operate taxi-cab networks

(1) An applicant for authorisation under Division 6 of Part 4 of the Act (that is, authorisation to operate a taxi-cab network) must meet, to the satisfaction of the Director-General, the criteria set forth in this clause.

(2) If the applicant is a corporation, the directors or managers of the corporation who are nominated as designated directors or managers under section 35 of the Act must meet, to the satisfaction of the Director-General, the criteria set forth in this clause (other than the criteria specifically to be met by corporation applicants).

(3) **Applicant to be of good repute**
The applicant must be of good repute. Evidence of the applicant's good repute is to be provided in the form of references from 2 persons (being persons of any class approved by the Director-General) who have known the applicant for at least 2 years.

(4) **Applicant to be fit and proper person to operate taxi-cab network**
The applicant must be a fit and proper person to operate a taxi-cab network. The applicant must declare in writing that the applicant is aware of the following:

(a) authorisation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act*, from managing corporations,

(b) authorisation may be refused if the applicant (or a director or manager of an applicant corporation) has been the subject of proceedings under section 588G (Director's duty to prevent insolvent trading by company) or 592 (Incurring of certain debts, fraudulent conduct) of the *Corporations Act*,

(c) if the applicant:

(i) is the director of a company that has been, or is in the course of being, wound up under Part 5.4 (Winding up in insolvency) of the *Corporations Act*, or

(ii) discloses any convictions or charges in accordance with subclause (5),

the Director-General may, for the purpose of determining the applicant's fitness to be an authorised taxi-cab network provider, cause any investigation that the Director-General considers appropriate to be made into the winding up, conviction or charge concerned.

(5) The applicant must give the Director-General written notice of the following:

(a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the 5 years immediately preceding the date of the application,

(b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction), but only if, as at the date of the application, proceedings are pending in respect of the charge.

(6) If there are no convictions or pending proceedings against the applicant (as referred to in subclause (5)), the applicant must give the Director-General a written statement to that effect.

(7) **Applicant to have technical competence to operate taxi-cab network**

The applicant must demonstrate that the applicant has the necessary technical knowledge, equipment and competence to operate a taxi-cab network. In particular, the applicant must:

(a) provide the Director-General with the following:

   (i) a copy of the applicant's licence to operate a radio network issued by the Australian Communications Authority,

   (ii) full details and specifications of the equipment to be used by the network, together with a report from a qualified communications engineer certifying that, in the opinion of the engineer, the equipment is reliable and will provide adequate transmission and reception throughout the areas of operations of the taxi-cabs to be connected to the network,

   (iii) full details of a regular maintenance program for the equipment,

   (iv) full details of the method by which the network will register the activation of alarms in taxi-cabs and identify the location of the taxi-cabs concerned,

   (v) if any taxi-cab to be connected to the network is required by clause 14 to be fitted with an approved driver protection screen or an approved security camera system—full details of the applicant's facilities for the receipt, storage, reproduction and disposal of video recordings from security camera systems, and

(b) satisfy the Director-General that:

   (i) appropriate technicians (whether employees or contractors of the applicant) will be available at all times to ensure that, as far as possible, faults in transmission can be rectified within an hour after they occur, and

   (ii) the network will have in place arrangements that will, in the event of a breakdown in the central transmitter, permit continuous access to and from the network by all the taxi-cabs of the accredited taxi-cab operators affiliated to the network,

   (iii) appropriate facilities (whether those of the applicant or of a contractor of the applicant) will be available to service and repair the network's equipment expeditiously.

(8) **Applicant to have financial competence to operate taxi-cab network**
The applicant must be financially capable of operating a taxi-cab network. Evidence of the applicant's financial standing is to be provided in the form of the following:

(a) a report from a qualified accountant on the applicant's financial capacity to operate a taxi-cab network,

(b) a statement from the applicant's banker setting out the bank's credit assessment of the applicant (or the applicant's relevant business),

(c) if the applicant is:
    (i) a corporation—copies of its annual financial reports, as lodged with the Australian Securities and Investments Commission, or
    (ii) a co-operative—copies of its annual reports, as lodged with the Director-General of the Department of Fair Trading,

for the immediately preceding 5 years (or, if the corporation or co-operative has been in existence for less than 5 years, for all the preceding years of its existence).

(9) **Applicant to have managerial competence to operate taxi-cab network**
The applicant must satisfy the Director-General that the applicant has the necessary managerial skills and expertise to operate a taxi-cab network. The applicant must:

(a) provide the Director-General with full details of:
    (i) a training program, to be undertaken by drivers of taxi-cabs and other users of the network, covering customer relations and the use of the communications equipment, alarms, vehicle tracking devices and security cameras, and
    (ii) the standards and rules that will govern the operation of the taxi-cab network (including standards and rules concerning the booking and despatching procedures and the operation of communications equipment by drivers of taxi-cabs), and

(b) satisfy the Director-General that the applicant has the ability and the willingness to discipline any user of the network who fails to meet the standards or comply with the rules referred to in subclause (a) (ii).

### 53 Conditions of authorisation to operate taxi-cab network

(1) The conditions set forth in this clause are prescribed for the purposes of section 34D (1) (b) of the Act (that is, they are conditions to which an authorisation to operate a taxi-cab network is subject).

(2) **Driver safety**

The authorised taxi-cab network provider must ensure that:

(a) the equipment of the network is maintained, and users of the equipment are trained, to a level that ensures, as far as is possible, the efficient operation of alarms in taxi-cabs and the prompt response of network operators when such an alarm is activated, and

(b) equipment that registers the activation of alarms in taxi-cabs is monitored at all times that taxi-cabs connected to the network are being used as taxi-cabs, and

(c) if any taxi-cab connected to the network is required by clause 14 to be fitted with an approved driver protection screen or an approved security camera system—the equipment of the network is capable of producing video recordings from any such camera at all times while the taxi-cab to which it is fitted is being used as a taxi-cab.

(3) **Operator of taxi-cab service to be given access to booking service**

The authorised taxi-cab network provider must not:

(a) unreasonably (in the opinion of the Director-General) refuse to provide access to its taxi-cab booking service to an accredited taxi-cab operator, or

(b) impose such charges for, or conditions on, access to its taxi-cab booking service as are, in the opinion of the Director-General, so unreasonable as to be intended to prevent or limit access to the service.

(4) **Child restraints to be carried in at least 10% of taxi-cabs**

The authorised taxi-cab network provider must ensure that on every day:

(a) in the case of a taxi-cab network that has fewer than 10 taxi-cabs using its taxi-cab booking service—at least one of the taxi-cabs, and

(b) in the case of a taxi-cab network that has 10 or more taxi-cabs using its taxi-cab booking service—at least one out of every 10 taxi-cabs using the service (disregarding any number of those taxi-cabs that exceeds the maximum number of them that is divisible by 10),

is capable of being fitted with, and carries, a child restraint.

(5) **Wheelchair accessible taxi-cabs**
The authorised taxi-cab network provider must ensure that every person who books a wheelchair accessible taxi-cab through the network is advised, within a reasonable time, of the time at which it is estimated that the taxi-cab will arrive at the nominated collection point.

(6) **Lost property**
The authorised taxi-cab network provider must ensure that it has adequate facilities (including a secure storage area and sufficient staff) for dealing with lost property in accordance with procedures approved by the Director-General.

(7) Any lost property given to an operator of a taxi-cab network is to be dealt with according to directions given by the Director-General and may, if the Director-General thinks fit, be disposed of in accordance with directions given in that behalf.

(8) **Affiliates of network**
The authorised taxi-cab network provider must give the Director-General written notice of the following:

(a) within 7 days after being requested to do so by the Director-General—full details (including the name, address and place of business) of all accredited taxi-cab operators who are affiliated to the network,

(b) within 48 hours after a new accredited taxi-cab operator becomes affiliated to the network (whether by way of transfer from another network or otherwise)—full details (including the name, address, place of business and accreditation number) of that accredited taxi-cab operator,

(c) within 7 days after an accredited taxi-cab operator who is affiliated to the network connects a new taxi-cab to the network—the registration number of the taxi-cab concerned.

(9) **Drivers to be authorised and affiliates to be accredited**

The authorised taxi-cab network provider:

(a) must not allow a taxi-cab to operate through the network unless the taxi-cab:
   (i) is operated by an accredited taxi-cab operator, and
   (ii) is driven by an authorised taxi-cab driver, and

(b) must not accept a person as an affiliate of the network unless the person is an accredited taxi-cab operator.

(10) **Use of network equipment**

The authorised taxi-cab network provider:

(a) must not adopt any radio procedures that are likely to disadvantage the public, and

(b) must provide the Director-General with written details of:
   (i) any zones established in the network in relation to the despatch of taxi-cabs in response to bookings, and
   (ii) the method of identifying those zones.

## Part 3 Taxi-cab hirings

### 54 No touting or soliciting for passengers or hirings

(1) A person must not tout or solicit for passengers for, or for a hiring of, a taxi-cab.

Maximum penalty: 5 penalty units.

(2) The driver of a taxi-cab must not, by the driver's employee, agent or contractor, tout or solicit for passengers for, or for a hiring of, a taxi-cab.

Maximum penalty: 5 penalty units.

(3) The Director-General may by instrument in writing exempt a person or a class of persons from the provisions of subclause (1) or (2).

### 55 Driver of taxi-cab to accept hiring

(1) Subject to this clause, the driver of a taxi-cab that is available for hire must accept a hiring immediately when offered.

Maximum penalty: 5 penalty units.

(2) The driver of a taxi-cab may refuse to accept a hiring:

(a) if acceptance of the hiring would result in the number of passengers in the taxi-cab exceeding the maximum number of passengers that may be carried in the taxi-cab, or

(b) if acceptance of the hiring would cause the driver to contravene the provisions of clause 41 (Carriage of goods and animals), or

(c) in the case of a taxi-cab that is displaying a sign in accordance with clause 51 (Display of destination sign on taxi-cab at end of driving shift), if the intending passenger indicates that he or she wishes to be taken to a location that is not on the way to the destination displayed by the sign, or

(d) if the intending passenger indicates that he or she wishes to be taken to a location that is outside the taxi-cab's area of operations, or

(e) if the intending passenger is smoking (within the meaning of clause 72), eating or drinking and refuses to stop doing so, or

(f) if the intending passenger is a person referred to in clause 74 (Luggage and soiled clothing) or 75 (Passengers who are causing nuisance), or

(g) if one of the intending passengers is under the age of 1 year and neither the driver of the taxi-cab nor any other intending passenger is carrying a child restraint, or

(h) if the intending passenger cannot, on request, satisfy the driver that the person is able to pay the estimated fare.

### 56 Driver of wheelchair accessible taxi-cab to give preference to person using wheelchair

(1) The driver of a wheelchair accessible taxi-cab that is available for hire must accept a hiring offered by a person using a wheelchair in preference to a hiring offered by a person not using a wheelchair.

Maximum penalty: 5 penalty units.

(2) The driver of a wheelchair accessible taxi-cab must accept a hiring offered by a person using a wheelchair even if the driver has already accepted the offer of a person not using a wheelchair unless one or more intending passengers are already seated in the taxi-cab at the time the person using a wheelchair offers to hire the taxi-cab.

Maximum penalty: 5 penalty units.

### 57 Police officer may direct driver to accept hiring

(1) A police officer may direct the driver of a taxi-cab to accept a hiring, even though clause 55 (2) would otherwise allow the driver to refuse the hiring, but may not do so if the carrying out of the hiring would involve the driver in committing an offence (other than an offence against this Regulation).

(2) The driver of the taxi-cab to whom such a direction is given must not, without reasonable excuse, fail to carry out the hiring in accordance with the direction.

Maximum penalty: 5 penalty units.

(3) In the event that the driver of a taxi-cab carries out a hiring in accordance with a direction under this clause:

(a) the driver is exempt from any provision of this Regulation that would otherwise prohibit the driver from carrying out the hiring, and

(b) the police officer by whom the direction was given is liable to pay the driver, in addition to the authorised fare, reasonable compensation for any damage, injury, loss of time or other detriment consequent on the hiring.

### 58 Manner in which hiring to be carried out

(1) The driver of a taxi-cab:

(a) must not refuse or fail to carry out punctually any hiring accepted, and

(b) must drive the taxi-cab by the shortest practicable route to any place specified by the hirer that is within the taxi-cab's area of operations, unless the hirer requests that the taxi-cab be driven to that place by some other route.

Maximum penalty: 5 penalty units.

(2) The hirer of a taxi-cab may at any time during the hiring direct the driver to carry the hirer to any place within the taxi-cab's area of operations, even if that place was not originally specified by the hirer, and the driver must not, without reasonable excuse, fail to comply with that direction.

Maximum penalty: 5 penalty units.

(3) The driver of a taxi-cab must not stop the taxi-cab on a road or road related area for the purpose of setting down or picking up passengers otherwise than close to and parallel with the side of the carriageway of the road or area.

Maximum penalty: 5 penalty units.

(4) The driver of a taxi-cab:

(a) must refuse to stop the taxi-cab at any place at which stopping the taxi-cab would be unlawful, and

(b) may refuse to stop the taxi-cab at any place at which stopping the taxi-cab would be, in the opinion of the driver, unsafe.

### 59 Wheelchair to be safely and securely attached to taxi-cab

The driver of a wheelchair accessible taxi-cab who is conveying a person using a wheelchair must ensure that the wheelchair is safely and securely attached to the taxi-cab throughout the hiring.

Maximum penalty: 10 penalty units.

### 60 Operation of taxi-cab's air conditioning

The driver of a taxi-cab must, on request made by the hirer, cause the taxi-cab's air-conditioning system to operate.

Maximum penalty: 5 penalty units.

### 61 Journey by taxi-cab to pick-up point

(1) If a taxi-cab travels to a specified place to convey a hirer or the hirer's luggage or goods from that place, the following provisions apply:

(a) the driver must, on arrival at the specified place, advise the hirer personally of such arrival or arrange for the hirer to be advised by telephone of the actual or imminent arrival of the taxi-cab at that place,

(b) unless the hirer and the driver otherwise agree, the hiring is to be regarded as commencing at the time the taxi-cab has arrived at the specified place and the hirer has been advised of its arrival, or at the time appointed for the arrival of the taxi-cab at the specified place, whichever of those times is the later,

(c) if a taxi-meter is affixed to the taxi-cab, the driver must set the taxi-meter in operation at the time the hiring commences,

(d) if the fares and charges specified in the conditions of the licence for the taxi-cab include a booking fee, the booking fee is payable.

Maximum penalty: 5 penalty units.

(2) Nothing in this clause requires the driver of a taxi-cab to comply with the request of a person to travel to another place to pick up a passenger, luggage or goods unless that person agrees to commence the hiring immediately.

(3) While a taxi-cab is travelling to a specified place as referred to in subclause (1), the taxi-cab is to be taken for the purposes of clause 20 to be hired and not available for hire.

### 62 Carriage of luggage and goods

(1) Subject to this clause, the driver of a taxi-cab must, when requested by a hirer, convey in or on the taxi-cab any luggage or goods.

Maximum penalty: 5 penalty units.

(2) The driver of a taxi-cab may refuse to convey any luggage or goods if by doing so the driver would contravene the provisions of clause 41 (Carriage of goods and animals).

(3) The driver of a taxi-cab must not:

(a) except with the consent of the hirer, convey any luggage or goods on the roof of the taxi-cab,

(b) convey in any portion of the taxi-cab that is provided for the accommodation of passengers, any goods (except luggage) of an aggregate weight exceeding 25 kg.

Maximum penalty: 5 penalty units.

(4) The driver of a taxi-cab must afford every reasonable assistance in loading and removing luggage or goods from or to any door or entrance of any house, station, wharf or place where the hiring of the taxi-cab commences or terminates, as the case may be, or in the near vicinity of it, and must take due care with and of the luggage or goods.

Maximum penalty: 5 penalty units.

(5) The driver of a taxi-cab removing luggage or goods must promptly deliver the luggage or goods in the condition in which the driver received them.

Maximum penalty: 5 penalty units.

**63 Driver waiting or instructed to return**

(1) If the hirer of a taxi-cab requests the driver to wait, the driver must wait for a period not exceeding 15 minutes, unless a shorter or longer period is agreed on, in which case the driver must wait for the period agreed.

Maximum penalty: 5 penalty units.

(2) On arriving at a point at which the hirer requests the driver to wait, the driver may refuse to wait unless the hirer pays the authorised fare to that point and the authorised fare for waiting time.

(3) The driver of a taxi-cab, on being discharged at any place and instructed to return, may claim the authorised fare to the time of discharge and is not obliged to accept the hiring to return.

**64 Termination of hiring by hirer**

The hirer of a taxi-cab may discharge the hire at any time.

### 65 Termination of hiring by driver

(1) The driver of a taxi-cab may terminate a hiring in the following circumstances:

(a) on any ground on which the driver could refuse to accept a hiring, as referred to in clause 55 (2),

(b) if a passenger behaves in an offensive manner or uses offensive language in contravention of clause 71,

(c) if any passenger who is 16 years of age or younger is not wearing a seat belt or other restraint that is properly adjusted and securely fastened.

(2) If the driver of a taxi-cab terminates a hiring under this clause, the hirer must, on demand, pay the authorised fare to the place where the hiring was terminated.

Maximum penalty: 5 penalty units.

### 66 Additional passengers

The driver of a taxi-cab must not:

(a) permit any person to ride in the taxi-cab without the consent of the hirer, or

(b) do or allow to be done any act or thing intended to result in any person's entering or riding in the taxi-cab in contravention of this clause.

Maximum penalty: 5 penalty units.

### 67 Sharing of taxi-cabs

(1) At the commencement of (or during) a hiring of a taxi-cab, the hirer may require the driver:

(a) to permit other persons to share the taxi-cab with the hirer, and

(b) to drive one or more of the other persons to a destination other than the hirer's destination before driving the hirer to his or her destination.

(2) The driver of the taxi-cab must comply with any such requirement.

Maximum penalty: 5 penalty units.

(3) The driver of a shared taxi-cab must not demand payment from any passenger other than the hirer.

Maximum penalty: 5 penalty units.

### 68 Multiple hiring of taxi-cabs

(1) The driver of a taxi-cab may accept separate hirings from 2 or more persons concurrently if:

(a) all of the hirers commence the hiring of the taxi-cab at the same time, and

(b) each of the hirers agrees that the driver may accept the other hirings, and

(c) all of the hirers are travelling to destinations in the same general locality or the same general direction.

(2) A driver of a taxi-cab must not accept separate hirings from 2 or more persons concurrently otherwise than in accordance with subclause (1).

Maximum penalty: 5 penalty units.

### 69 Operation of meter by taxi-cab driver

(1) The driver of a taxi-cab to which a taxi-meter is fitted:

(a) must not set the taxi-meter in motion before the taxi-cab is hired, and

(b) as soon as the taxi-cab is hired, must set the taxi-meter in motion, and

(c) during any hiring, must keep the taxi-meter in motion, and

(d) during any hiring, must stop the taxi-meter for as long as may be necessary to prevent it from registering a charge during any period during which:

(i) a hirer in a multiple hire is paying the authorised fare for his or her hire and getting out of the taxi-cab, or

(ii) the taxi-cab is delayed for a reason mentioned in clause 70 (5), and

(e) on the termination of any hiring (other than a hiring that is not the last hiring in a multiple hiring), must operate the taxi-meter so that the fare indicators return to zero.

Maximum penalty: 5 penalty units.

(2) For the purposes of this clause, the hiring of a wheelchair accessible taxi-cab by a person using a wheelchair terminates (unless it is sooner terminated) when the taxi-cab stops at the hirer's destination. The driver of the taxi-cab must not demand payment in respect of any period during which the wheelchair:

(a) is being released from its attachments in the taxi-cab, or

(b) is being manoeuvred (with or without the assistance of the driver of the taxi-cab) from the taxi-cab to a place at the hirer's destination such as a bus stop, railway station or wharf or the ground level entrance or door to a residence, hotel, surgery, hospital, office, factory or the like.

Maximum penalty: 5 penalty units.

(3) Before receiving payment in respect of any hiring, the driver of a taxi-cab to which a taxi-meter is fitted:

(a) must cause the amount recorded on the taxi-meter to be displayed so that it may be easily read by the hirer (and, if necessary for that purpose, must cause the face of the taxi-meter to be illuminated), and

(b) must state the amount of any extra charge for luggage, goods, tolls or charges.

Maximum penalty: 5 penalty units.

(4) This clause does not apply to a hiring of a kind referred to in clause 68 (1).

### 70 Fares for taxi-cabs

(1) The driver of a taxi-cab must not demand (or enter into an agreement to accept) more than the authorised fare for any hiring of the taxi-cab, unless:

(a) the taxi-cab is hired to convey a passenger to a place outside the taxi-cab's area of operations, or

(b) the taxi-cab is a maxi-cab hired (otherwise than by way of a multiple hiring) to carry more than 5 passengers,

and the fare is negotiated and agreed with the hirer before the start of the journey.

Maximum penalty: 5 penalty units.

(2) After the termination of a hiring (or on leaving the taxi-cab in compliance with a direction given under clause 76), the hirer must pay to the driver of the taxi-cab the authorised fare for the hiring.

Maximum penalty: 5 penalty units.

(3) The driver of the taxi-cab must not, without reasonable cause, fail to offer the correct change if given money of greater value than the amount of the authorised fare for the hiring.

Maximum penalty: 5 penalty units.

(4) The driver of a wheelchair accessible taxi-cab must, on receiving payment of the authorised fare for a hiring of the taxi-cab by or on behalf of a person using a wheelchair, provide the person with a receipt.

Maximum penalty: 5 penalty units.

(5) The driver of a taxi-cab must not demand the amount of a charge made for any period during which the taxi-cab is delayed:

(a) because of any shortage of fuel or any accident to the tyres, mechanism or any other portion of the taxi-cab, or

(b) from any cause that it is in the power of the driver to prevent.

Maximum penalty: 5 penalty units.

(6) If a passenger soils a taxi-cab in such a manner that it would cause a driver to contravene clause 39, the driver of the taxi-cab is entitled to collect, and the hirer must pay, a cleaning fee equivalent to one hour of the waiting time fee determined by the Director-General under section 60A of the Act or, if no such fee is determined, a fee equivalent to one hour of the waiting time fee specified in the conditions document of the taxi-cab licence.

(7) A hirer who fails to comply with the requirements of subclause (6) is guilty of an offence.

Maximum penalty: 5 penalty units.

## Part 4 Conduct of passengers

### 71 Offensive behaviour or language

A passenger must not, in a taxi-cab:

(a) behave in an offensive manner, or

(b) use any offensive language.

Maximum penalty: 10 penalty units.

### 72 Passenger not to smoke, eat or drink in taxi-cab

(1) A passenger must not smoke tobacco or any other substance in any taxi-cab.

Maximum penalty: 5 penalty units.

(2) A passenger must not eat or drink in any taxi-cab.

Maximum penalty: 5 penalty units.

(3) Nothing in this clause prohibits a passenger from eating or drinking in a taxi-cab for medical reasons.

(4) In this clause, ***smoke*** includes be in possession of a lighted cigarette, cigar, pipe or similar article.

### 73 Animals

(1) A passenger must not take into any taxi-cab any dog, cat, bird or other animal unless it is suitably confined in a box, basket or other container.

Maximum penalty: 5 penalty units.

(2) Subclause (1) does not apply to an assistance animal or an assistance animal in training.

### 74 Luggage and soiled clothing

(1) If, in the opinion of the driver of a taxi-cab or an authorised officer, a passenger's or an intending passenger's body, clothing or luggage (or any other thing on or carried by the passenger or intending passenger) may:

(a) soil or damage the taxi-cab or the clothing or luggage of other passengers, or

(b) is of such a size or has such dimensions that it cannot be accommodated in the taxi-cab without inconvenience to other passengers,

the driver or authorised officer may direct the person concerned not to enter or to leave the taxi-cab.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

### 75 Passengers who are causing nuisance

(1) If, in the opinion of the driver of a taxi-cab or an authorised officer, a passenger or an intending passenger is causing, or is likely to cause, a nuisance or annoyance to the driver or to other passengers, the driver or authorised officer may direct the person concerned not to enter or to leave the taxi-cab.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

### 76 Leaving taxi-cab when directed

(1) If, in the opinion of the driver of a taxi-cab or an authorised officer, a passenger is committing an offence under this Part, the driver or authorised officer may direct the person to leave the taxi-cab.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

### 77 Lost property

A passenger who finds any article in or on a taxi-cab:

(a) must return it to its owner, or

(b) must give it to the driver of the taxi-cab.

Maximum penalty: 5 penalty units.

# Part 5 Miscellaneous

### 78 Drivers of wheelchair accessible taxi-cabs

A person who successfully completes a course of training and instruction referred to in clause 8 (c) must ensure that the Director-General is notified, in writing, of the person's completion of the course within 7 days after the person completes the course.

### 79 Driver's authority cards

(1) The Director-General may issue a driver's authority card to an authorised taxi-cab driver.

(2) A driver's authority card must display:

(a) a photograph of the authorised taxi-cab driver, and

(b) the number of the authority, and

(c) the expiry date for the card.

(3) A driver's authority card:

(a) may display such additional information or endorsement as the Director-General considers appropriate (either generally or in a particular case), and

(b) is to be in a form approved by the Director-General.

(4) A driver's authority card expires at midnight on the date specified on the card as the expiry date.

(5) A person's authority to drive taxi-cabs and driver's authority card do not have any effect, either for the purposes of Division 5 of Part 4 of the Act or for the purposes of this Regulation, while the person's driver licence is cancelled or suspended.

### 80 Appointment of taxi zones

(1) The Director-General may appoint taxi zones for taxi-cabs.

(2) Taxi zones are to be indicated by signs erected on or near a road.

(3) A sign referred to in this clause may specify the class or classes of taxi-cabs that may use the taxi zone to which it relates.

(4) If times are specified on a sign referred to in this clause, the sign operates only during those times, but if no times are so specified the sign operates at all times.

(5) The wording on a sign referred to in this clause is to be approved by the RTA.

### 81 Non-compliance notices

(1) An authorised officer, or a person carrying out an inspection of a taxi-cab under section 55A of the Act, may affix a notice (a ***non-compliance notice***) to the taxi-cab if it appears to the authorised officer or other person that the taxi-cab does not meet the requirements set out in clause 25.

(2) The notice is to specify:

(a) the action necessary to be taken in order for the taxi-cab to meet the relevant requirements, and

(b) an expiry date or expiry time after which the taxi-cab must not be used to provide a taxi-cab service unless the notice has been removed by an authorised officer.

(3) An authorised officer may remove a non-compliance notice from a taxi-cab if satisfied on inspection of the taxi-cab that the necessary action specified in the notice has been taken.

(4) A person who is not an authorised officer must not remove a non-compliance notice from a taxi-cab.

Maximum penalty: 10 penalty units.

### 82 Reduced fees for licences

(1) The Director-General, in accordance with section 32I (2) of the Act, may fix a licence fee at less than the current value of the licence on the open market or may decide not to impose a licence fee for the licence in circumstances where, in the opinion of the Director-General, the service concerned would for economic or other reasons be unlikely to be provided if the full licence fee were to be imposed.

(2) Without limiting the generality of subclause (1), circumstances of the kind referred to in that subclause may include the following:

(a) if the service is to be provided for the benefit of persons who have disabilities,

(b) if the service is to be provided in a fringe area of a transport district or outside such a district.

### 83 Director-General to be notified of lease of licence for taxi-cab

(1) The holder of a licence for a taxi-cab who lets the licence to another person must cause written notice of the letting to be given to the Director-General in accordance with this clause.

Maximum penalty: 10 penalty units.

(2) The notice must be given no later than 7 days after the licence is let.

(3) The notice must specify:

(a) the name, date of birth, residential address, telephone number and facsimile number (if any) of the lessee, and

(b) the commencement date of the lease.

(4) This clause applies to a lessee of a licence who sublets the licence in the same way as it applies to the lessor of the licence.

### 84 Change of address or name of operator or driver

(1) An accredited taxi-cab operator or an authorised taxi-cab driver who changes his or her name or residential address must, within 7 days after the change, give written notice of the change and of the new name or address to the Director-General.

Maximum penalty: 5 penalty units.

(2) The authorised taxi-cab driver must also give the written notice required by subclause (1) to the accredited operator of each of the taxi-cabs that the driver drives.

Maximum penalty: 5 penalty units.

### 85 Misuse of authorities and authority cards

(1) This clause applies to authorities to drive taxi-cabs and to drivers' authority cards.

(2) A person must not:

(a) alter or deface any authority or driver's authority card, or

(b) lend or part with any authority or driver's authority card, or

(c) fraudulently obtain a driver's authority card, or assist another person to obtain such a card fraudulently.

Maximum penalty: 5 penalty units.

### 86 Replacement of authorities and authority cards

(1) An authority or driver's authority card that has been altered or defaced is void and may be returned to the Director-General for replacement.

(2) On the return of an authority or driver's authority card, or on proof to the satisfaction of the Director-General that an authority or driver's authority card has been destroyed, stolen or lost, the Director-General may cause a duplicate of it to be issued, and any such duplicate then becomes, for the purposes of the Act and this Regulation, the authority or driver's authority card in respect of which the duplicate is issued, and the original authority or driver's authority card, if it is not already void, becomes void.

### 87 Fees

(1) For the purposes of section 31A (2) of the Act, the prescribed fee for consideration of an application for an accreditation to carry on a taxi-cab service is $100.

(2) For the purposes of section 33A (2) of the Act, the prescribed fee for consideration of an application for an authorisation to drive taxi-cabs is $100.

(3) For the purposes of section 33C (2) of the Act, the prescribed fee for the renewal of an authorisation to drive taxi-cabs is $120.

(4) For the purposes of section 34A (2) of the Act, the prescribed fee for consideration of an application for an authorisation to operate a taxi-cab network is $500.

(5) For the purposes of section 34C (2) of the Act, the prescribed fee for the renewal of an authorisation to operate a taxi-cab network is $300.

### 88 Fee for renewal of accreditation to carry on taxi-cab services

(1) For the purposes of section 31C (2) of the Act, the prescribed fee for the renewal of an accreditation to carry on taxi-cab services (that is, an accreditation under Division 3 of Part 4 of the Act) is as follows:

(a) except as provided by paragraph (b), the amount calculated in accordance with the following rate:

$5 for each week of the period during which the accreditation is in force, multiplied by the number of taxi-cabs managed (as at the assessment date) by the accredited taxi-cab operator,

(b) if no taxi-cabs are managed by the accredited taxi-cab operator as at the assessment date—$260.

(2) An accreditation under Division 3 of Part 4 of the Act can be renewed only if the prescribed renewal fee is paid before the end of the period during which the accreditation is in force.

(3) In this clause:

***assessment date*** means a date, as determined by the Director-General, occurring during the period during which the accreditation concerned is in force.

### 89 Service of notices

Any notice required to be served or given under this Regulation is sufficiently served on any person if it is:

(a) served personally, or

(b) left at the last known place of residence or business of the person to be served, or

(c) sent by prepaid letter or post to the person at the person's last known place of residence or business (in which case notice is to be taken to be served on the date on which the letter would in the ordinary course of post be delivered to the place to which it is addressed).

### 90 Penalty notice offences

(1) For the purposes of section 59 of the Act:

(a) each offence created by a provision specified in Column 1 of Schedule 2 is declared to be a penalty notice offence, and

(b) the prescribed penalty for such an offence is the amount specified in Column 4 of Schedule 2.

(2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

### 91 Short descriptions

(1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 2 consists of:

(a) if one or more IPB Codes are set out in relation to the offence in Column 2 of Schedule 2, any of the IPB Codes together with:

(i) the text set out in relation to the offence in Column 3 of that Schedule, or

(ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or

(b) if no IPB Code is set out in relation to the offence in Column 2 of Schedule 2:

(i) the text set out in relation to the offence in Column 3 of that Schedule, or

(ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.

(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

(5) In this clause:

(a) ***Infringement Processing Bureau*** means the Infringement Processing Bureau within the Police Service.

(b) ***IPB Code***, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

**92 Saving**

Any act, matter or thing that had effect under the *Passenger Transport (Taxi-cab Services) Regulation 1995* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

## Schedule 1 Approved security camera systems

(Clause 14 (5))

### 1 Definitions

In this Schedule:

***authorised purpose***, in relation to the use of a video recording made by a security camera system, means the purpose of, or any purpose in connection with, prosecution of, or the issue of a penalty notice in respect of, an offence committed in or about a taxi-cab.

***video recording*** includes:

(a) any electronically stored information from which a recorded image can be generated, and

(b) any print-out or other reproduction of the recorded image.

### 2 Use of recording for unauthorised purpose

A person must not use a video recording made by a security camera system for a purpose other than an authorised purpose.

Maximum penalty: 20 penalty units.

### 3 Presence of camera in taxi-cab to be indicated

The operator of a taxi-cab must ensure that signs are conspicuously placed within and on the outside of a taxi-cab that is fitted with a security camera system, advising persons that they may be under video surveillance while in or about the taxi-cab.

Maximum penalty: 5 penalty units.

### 4 Storage of recordings made by security camera

(1) The operator of a taxi-cab network must cause:

(a) such security safeguards as the Director-General may specify, and

(b) such other security safeguards as are reasonable in the circumstances,

to be taken, to ensure that any video recordings made by a security camera system are protected against misplacement and against use for unauthorised purposes, until disposed of in accordance with clause 5.

Maximum penalty: 5 penalty units.

(2) The Director-General may, by notice in writing to the operator of a taxi-cab network, specify reasonable security safeguards for the purposes of subclause (1) (a).

**5 Disposal of recordings made by security camera**

(1) The operator of a taxi-cab network must cause any video recording made by a security camera system to be disposed of in accordance with subclause (2) within 30 days after the recording was made.

Maximum penalty: 5 penalty units.

(2) The recording may be disposed of by destroying it by deletion or otherwise or, if it is to be used for an authorised purpose, by giving it to:

(a) a police officer, or

(b) an officer of the Department of Transport authorised by the Director-General to receive it.

(3) It is the duty of the Commissioner of Police or the Director-General (as the case requires) to ensure the destruction of any video recording that was given to a police officer or to an officer of the Department of Transport but which is not to be used for an authorised purpose.

(4) Subclause (1) does not apply in respect of a video recording made during the installation or testing of the security camera.

# Schedule 2 Penalty notice offences

(Clauses 90 and 91)

## Part 1 Offences under the Passenger Transport Act 1990

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Section 30 (1) (a) | 8776 1569 | unaccredited person carry on taxi-cab service | $1,000 |
| Section 30 (1) (b) | 8777 1570 | use unlicensed taxi-cab to carry on taxi-cab service | $1,000 |
| Section 31D (3) | 8781 1614 | taxi-cab operator contravene condition of accreditation | $500 |
| Section 33 (2) | 8782 1652 | unauthorised person drive taxi-cab | $500 |
| Section 34D (3) | 8783 1655 | taxi-cab network provider contravene condition of authorisation | $1,000 |
| Section 53B (1) | 7980 1656 | not return authority/licence relating to taxi-cab | $500 |
| Section 53B (2) | 4940 1657 | not return number-plates relating to cancelled/suspended/ discontinued licence | $500 |

## Part 2 Offences under the Passenger Transport (Taxi-cab Services) Regulation 2001

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 8 (a) | 7292<br>1177 | wheelchair accessible taxi not able be fitted with restraint/not carry restraint | $400 |
| Clause 8 (b) | 7295<br>1179 | wheelchair accessible taxi driven by more than one person | $400 |
| Clause 8 (c) | 7296<br>1180 | wheelchair accessible taxi driven by untrained driver | $400 |
| Clause 9 (1) | 8784<br>1958 | taxi operator operate non-complying taxi | $200 |
| Clause 10 (1) | 8785<br>1750 | operate taxi beyond maximum age (metro area) | $300 |
| Clause 10 (2) | 8787<br>1658 | operate taxi beyond maximum age (non-metro area) | $300 |
| Clause 11 (1) | 8788<br>1751 | operate taxi without meter/with non-conforming meter | $300 |
| Clause 11 (5) | 4403<br>1752 | interfere/permit interference with taxi-meter | $300 |
| Clause 12 (1) | 4404<br>1659 | taxi operator not fit mandatory security device | $300 |
| Clause 12 (2) | 8789<br>1754 | taxi operator not fit complying emergency boot-lock release | $300 |
| Clause 13 (1) | 4919<br>1959 | taxi operator not fit vehicle tracking device | $300 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 13 (3) | 8790<br>1665 | interfere/cause/permit interference with vehicle tracking device | $300 |
| Clause 14 (1) | 8791<br>1666 | network taxi operator not fit security screen or camera | $300 |
| Clause 14 (2) | 8792<br>1669 | non-network taxi operator not fit security screen | $300 |
| Clause 14 (3) | 8793<br>1670 | interfere/cause/permit interference with driver protection screen | $300 |
| Clause 14 (4) | 8794<br>1671 | interfere/cause/permit interference with security camera system | $300 |
| Clause 15 | 4921<br>1961 | taxi operator not fit air conditioning | $300 |
| Clause 16 | 8795<br>1755 | interior/exterior/fittings of taxi dirty/damaged/not good repair | $150 |
| Clause 17 (1) | 4407<br>1756 | taxi operator not display information | $150 |
| Clause 18 | 8796<br>1962 | taxi operator not display current certificate of inspection | $300 |
| Clause 19 | 8798<br>1963 | taxi operator not fit complying child restraint anchorage bolts | $200 |
| Clause 20 (8) | 7981<br>1672 | taxi operator not ensure necessary equipment fitted/properly connected/wired/adjusted | $200 |
| Clause 20 (9) | 8015<br>2452 | interfere/cause/permit interference with necessary equipment/connections/wiring/adjustments | $300 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 21 (1) (a) | 8799<br>1673 | taxi operator not ensure taxi fitted with approved decal signs | $150 |
| Clause 21 (1) (b) | 8800<br>1674 | taxi operator not ensure taxi painted in approved colours | $150 |
| Clause 22 (1) | 8016<br>2453 | taxi operator not display registration number as required | $150 |
| Clause 23 | 9257<br>1005<br>1006 | taxi operator display/affix/install advertisement/permit display/affixing/ installation of advertisement | $150 |
| Clause 24 (2) | 4924<br>1964 | taxi operator not maintain stand-by taxi records | $200 |
| Clause 24 (3) | 4409<br>1758 | taxi operator not correctly display stand-by taxi sign | $100 |
| Clause 25 | 8801<br>1759 | taxi not comply on inspection | $150 |
| Clause 26 | 4411<br>1760 | taxi operator not give notice of alteration to taxi | $200 |
| Clause 27 (a) | 8802<br>1675 | operator allow taxi be driven after expiry of notice | $200 |
| Clause 27 (b) | 8803<br>1676 | operator allow taxi be driven after removal of notice | $200 |
| Clause 28 | 8804<br>1677 | operator not provide approved uniforms | $200 |
| Clause 30 (1) | 8805<br>1678 | operator allow non-authorised person drive taxi | $200 |

Passenger Transport (Taxi-cab Services) Regulation 2001

Schedule 2 Penalty notice offences

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 30 (2) (a) | 4925<br>1682 | operator not keep record of taxi driver's name and address | $150 |
| Clause 30 (2) (b) | 8806<br>1683 | operator not keep record of taxi driver's driving times | $200 |
| Clause 30 (2) (c) | 9260<br>2454 | operator not keep record of taxi driver's driver's authority number | $200 |
| Clause 30 (3) | 8807<br>1684 | operator not provide worksheets | $150 |
| Clause 31 | 8808<br>1685 | operator not keep/retain/produce/ deliver records | $200 |
| Clause 32 (1) | 8809<br>1686 | operator not maintain/produce insurance policies | $300 |
| Clause 34 | 9261<br>2455 | non-trained driver drive wheelchair accessible taxi-cab | $400 |
| Clause 35 (1) | 8810<br>1687 | taxi driver not keep authority card in holder/display authority card correctly | $150 |
| Clause 35 (2) | 8811<br>1688 | taxi driver not produce driver's authority card | $150 |
| Clause 36 (1) | 9004<br>1819 | taxi driver not notify details of charge/penalty notice | $300 |
| Clause 38 (1) | 9006<br>1838 | taxi driver not complete worksheet | $75 |
| Clause 38 (2) | 9012<br>1840 | taxi driver not produce worksheet/give worksheet to operator | $75 |
| Clause 39 | 9262<br>2456 | driver not ensure taxi clean and tidy | $150 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 40 (a) | 9013 1971 | taxi driver drive taxi after expiry of notice | $200 |
| Clause 40 (b) | 9014 1841 | taxi driver drive taxi after removal of notice | $200 |
| Clause 41 (1) | 9016 1876 | taxi driver allow inconvenient goods in taxi | $200 |
| Clause 41 (2) | 9018 1892 | taxi driver allow unconfined animal in taxi | $150 |
| Clause 41 (4) | 9019 1893 | taxi driver refuse to carry assistance animal in taxi | $200 |
| Clause 42 | 9264 2457 | taxi driver not deal with lost property as required | $150 |
| Clause 43 (1) (a) | 9022 1903 | taxi driver display surcharge rate when not payable | $150 |
| Clause 43 (1) (b) | 9306 1908 | taxi driver display/affix/install advertisement/permit display/affixing/installation of advertisement | $150 |
| Clause 43 (1) (c) | 9265 2458 | taxi driver smoke in taxi | $75 |
| Clause 43 (1) (d) | 9269 2460 | taxi driver eat/drink in hired taxi/taxi available for hire | $75 |
| Clause 43 (1) (e) | 9024 1915 | move taxi with doors open | $150 |
| Clause 43 (1) (f) | 4417 1922 | risk safety of taxi passengers | $200 |

Passenger Transport (Taxi-cab Services) Regulation 2001

Schedule 2 Penalty notice offences

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 45 (a) | 4418<br>1923 | taxi driver not clean and tidy | $75 |
| Clause 45 (b) | 9025<br>2034 | taxi driver not behave in orderly manner/with civility and propriety | $200 |
| Clause 45 (c) | 9026<br>2035 | taxi driver not comply with requirement of passenger | $150 |
| Clause 46 | 9027<br>2036 | taxi driver not wear proper uniform | $75 |
| Clause 47 | 4421<br>2037 | taxi driver not remain with taxi | $150 |
| Clause 48 (1) | 9028<br>1771 | illegally place/keep taxi in taxi zone | $150 |
| Clause 48 (2) | 4423<br>1772 | fail to close up on stand | $150 |
| Clause 48 (6) | 9029<br>1973 | taxi driver leave taxi zone/pick-up area/set-down area contrary to direction | $200 |
| Clause 49 | 9030<br>2038 | taxi driver stand taxi otherwise than in taxi zone | $150 |
| Clause 50 (a) | 9031<br>2039 | taxi driver use receiver incorrectly | $150 |
| Clause 50 (b) | 9032<br>2040 | taxi driver not observe network's rules | $150 |
| Clause 50 (c) | 9033<br>2049 | taxi driver not comply with network's requests | $150 |
| Clause 51 (3) (a) | 4424<br>2061 | taxi driver not proceed in direction indicated by destination | $150 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 51 (3) (b) | 9054 2065 | taxi driver show destination sign when taxi hired/after 4.30am/after 4.30pm | $150 |
| Clause 54 (1) | 9055 1764 | tout/solicit for passengers for/hiring of taxi-cab | $150 |
| Clause 54 (2) | 9271 2461 | driver of taxi-cab by employer/agent/contractor tout/solicit for passengers/hiring | $150 |
| Clause 55 (1) | 9189 1774 | taxi driver not accept hiring immediately | $150 |
| Clause 56 (1) | 7297 1182 | not prefer hiring offered by person in wheelchair | $150 |
| Clause 56 (2) | 9258 1183 | not accept hiring offered by person in wheelchair | $150 |
| Clause 57 (2) | 4935 2081 | taxi driver not carry out hiring as directed by police officer | $150 |
| Clause 58 (1) (a) | 9259 1775 | taxi driver refuse/fail to carry out hiring punctually | $150 |
| Clause 58 (1) (b) | 4427 1776 | taxi driver not drive by shortest route | $150 |
| Clause 58 (3) | 4936 2093 | taxi driver set down/pick up passengers otherwise than close to/parallel to kerb | $150 |
| Clause 59 | 9267 2094 | taxi driver not ensure wheelchair secured to taxi-cab | $200 |
| Clause 60 | 9272 2098 | taxi driver refuse to operate air-conditioning | $150 |

Passenger Transport (Taxi-cab Services) Regulation 2001

Schedule 2 Penalty notice offences

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 62 (1) | 4428<br>2408 | taxi driver not convey luggage on request | $150 |
| Clause 62 (3) | 9273<br>2423 | taxi driver not convey luggage correctly | $150 |
| Clause 63 (1) | 4429<br>2462 | taxi driver fail to wait | $150 |
| Clause 65 (2) | 4937<br>1977 | hirer fail to pay fare after driver terminates hiring | $150 |
| Clause 66 (a) | 9275<br>1779 | extra person in taxi without hirer's consent | $150 |
| Clause 66 (b) | 9276<br>2424 | action intended to result in extra person in taxi | $150 |
| Clause 67 (2) | 9280<br>2425 | not comply with hirer's request concerning passengers | $150 |
| Clause 67 (3) | 9284<br>2426 | unauthorised demand for payment from passenger in shared cab | $150 |
| Clause 68 (2) | 9292<br>2427 | unauthorised multiple hiring | $150 |
| Clause 69 (1) | 4431<br>1780 | taxi driver fail to operate meter correctly | $150 |
| Clause 70 (1) | 9294<br>1784 | taxi driver demand more than correct fare | $150 |
| Clause 70 (2) | 9295<br>2428 | taxi passenger fail to pay fare | $100 |
| Clause 70 (3) | 4434<br>1783 | taxi driver fail to offer change | $150 |

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 70 (4) | 7299 1184 | not give receipt to person in wheelchair | $150 |
| Clause 70 (7) | 4938 2429 | hirer fail to pay for taxi cleaning | $150 |
| Clause 71 (a) | 4436 1785 | offensive behaviour in taxi | $200 |
| Clause 71 (b) | 4437 1786 | offensive language in taxi | $200 |
| Clause 72 (1) | 4438 1787 | taxi passenger smoke | $150 |
| Clause 72 (2) | 9296 2430 | taxi passenger eat/drink | $150 |
| Clause 73 | 9297 2431 | passenger take unconfined animal into taxi | $50 |
| Clause 74 (2) | 4439 1788 | person with soiled clothing/ bulky luggage fail to leave taxi when directed | $100 |
| Clause 75 (2) | 4440 2433 | offensive person fail to leave taxi when directed | $100 |
| Clause 76 (2) | 4441 1790 | person committing offence fail to leave taxi when directed | $100 |
| Clause 81 (4) | 4939 1979 | unlawfully remove non-compliance notice from taxi | $300 |
| Clause 83 | 9298 2434 | licensee not advise Director-General of lease of licence | $200 |
| Clause 84 (1) | 4941 1791 | taxi operator/driver fail to notify change of address to Director-General | $150 |

Passenger Transport (Taxi-cab Services) Regulation 2001

Schedule 2 Penalty notice offences

| Column 1 | Column 2 | Column 3 | Column 4 |
|---|---|---|---|
| **Provision** | **IPB Code** | **Short description** | **Penalty** |
| Clause 84 (2) | 9274<br>2463 | taxi driver fail to notify change of address to taxi operator | $150 |
| Clause 85 (2) | 4443<br>1792 | alter/deface/lend authorisation/authority card | $150 |
| Schedule 1, clause 2 | 9299<br>2435 | unauthorised use of video recording | $500 |
| Schedule 1, clause 3 | 9300<br>2436 | no proper surveillance signs | $200 |
| Schedule 1, clause 4 (1) | 9330<br>2437 | not take safeguards against misplacement/<br>unauthorised use of recording | $200 |

# Police Service Amendment (IPB Fees and Charges) Regulation 2001

under the

Police Service Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Police Service Act 1990*.

PAUL WHELAN, M.P.,
Minister for Police

## Explanatory note

The object of this Regulation is to make provision with respect to the imposition of fees and charges for services provided by the Police Service.

This Regulation is made under the *Police Service Act 1990*, including section 219 (the general power to make regulations) and section 208.

# Police Service Amendment (IPB Fees and Charges) Regulation 2001

### 1 Name of Regulation

This Regulation is the *Police Service Amendment (IPB Fees and Charges) Regulation 2001*.

### 2 Amendment of Police Service Regulation 2000

The *Police Service Regulation 2000* is amended as set out in Schedule 1.

### 3 Notes

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendment

(Clause 2)

### Clause 106

Omit the clause. Insert instead:

**106 Fees and charges payable to Commissioner under section 208**

(1) The Commissioner is entitled to demand from a person (including a public authority or local council) such fees and charges as the Commissioner may from time to time determine with respect to the following services provided to the person, at the person's request, by a member of the Police Service:

(a) the processing, on behalf of the person, of penalty notices issued by or on behalf of the person,

(b) the provision to the person of training services in connection with the procedures to be followed in relation to the issuing of penalty notices.

(2) In this clause, ***penalty notice*** has the same meaning as it has in the *Fines Act 1996*.

# State Emergency Service Regulation 2001

under the

State Emergency Service Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *State Emergency Service Act 1989*.

BOB DEBUS, M.P.,
Minister for Emergency Services

## Explanatory note

The object of this Regulation is to remake, without substantial alteration, the *State Emergency Service Regulation 1996*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

- the term of appointment, revocation of appointment and annual review of division controllers, local controllers and unit controllers (clause 5),
- the appointment and revocation of appointment of deputy controllers (clause 6),
- the establishment of division headquarters units (clause 7),
- the control of SES units (clause 8),
- the granting of membership to, the suspension of membership of, and the withdrawal of membership from, SES units (clause 9),
- the keeping of records of donations to SES units (clause 10),
- other minor, consequential and ancillary matters (clauses 1–4 and 11).

This Regulation relates to matters of a machinery nature.

State Emergency Service Regulation 2001

Explanatory note

This Regulation is made under the *State Emergency Service Act 1989*, and, in particular, under section 29 (the general regulation-making power).

# Contents

# State Emergency Service Regulation 2001

## 1 Name of Regulation

This Regulation is the *State Emergency Service Regulation 2001*.

## 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *State Emergency Service Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

## 3 Definitions

In this Regulation:

***controller*** means a division controller, a local controller or a unit controller.

***Service*** means the State Emergency Service.

***the Act*** means the *State Emergency Service Act 1989*.

## 4 Notes

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

## 5 Controllers

(1) A controller is to be appointed for such term (not exceeding 2 years) as is specified in his or her instrument of appointment, but is, at the end of that term, eligible for re-appointment.

(2) The Director-General may revoke the appointment of a controller at any time and for any reason.

(3) The Director-General is to ensure that each controller is subject to an annual review and report.

## 6 Deputy controllers

(1) A controller may appoint a person as his or her deputy.

(2) A controller may revoke the appointment of his or her deputy at any time and for any reason.

(3) The functions of a controller may be exercised by his or her deputy during any absence from duty of the controller.

### 7 Division headquarters

(1) The Service may make available such of its staff and facilities as the Director-General considers appropriate to establish a headquarters for a division.

(2) A division controller, together with:

(a) the staff of the Service attached to the headquarters for the division, and

(b) any volunteers assisting in the running of the headquarters,

may be registered as an SES unit (as a ***division headquarters unit***).

(3) The functions of a division headquarters unit are to assist the division controller in the exercise of his or her responsibilities.

### 8 Control of units

(1) The unit controller of an SES unit is responsible for the control and co-ordination of the activities of the unit.

(2) In exercising those responsibilities, the unit controller is subject to the directions of the Director-General, the relevant division controller and the relevant local controller.

(3) In the case of a local government area for which there is only one SES unit, the unit controller for that unit is the local controller for that area.

### 9 Granting, suspension and withdrawal of membership

(1) Membership of an SES unit may be granted, suspended or withdrawn:

(a) by the Director-General, or

(b) by a controller.

(2) Membership of an SES unit:

(a) may be withdrawn at any time and for any reason, and

(b) may be suspended at any time, but only for the purpose of conducting an investigation into:

(i) the member’s alleged offence against any law, or

(ii) the member’s alleged contravention of, or failure to comply with, the procedures or instructions of the Service.

(3) A person whose membership of an SES unit is withdrawn may appeal to the Director-General against that action.

(4) The procedures for:

(a) suspending or withdrawing membership of an SES unit, and

(b) appealing against the withdrawal of membership of an SES unit,

are to be as set out in the procedure manuals maintained by the Service.

**10 Donations of financial or material support**

(1) The unit controller of an SES unit must keep written records of any donations of financial or material support provided to the unit.

(2) A copy of those records is to be furnished to the Director-General immediately on request.

**11 Savings**

Any act, matter or thing that, immediately before the repeal of the *State Emergency Service Regulation 1996*, had effect under that Regulation continues to have effect under this Regulation.

# Strata Schemes Management Amendment (Residential Tribunal) Regulation 2001

under the

Strata Schemes Management Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Strata Schemes Management Act 1996*.

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

## Explanatory note

On the commencement of the amendment to section 222 of the *Strata Schemes Management Act 1996* (***the Strata Act***) by Schedule 1.27 [8] to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2000*, the provisions of the *Residential Tribunal Act 1998* and the regulations made under that Act will apply in relation to proceedings under the Strata Act before the Residential Tribunal, subject to any modifications prescribed by the regulations under the Strata Act.

The object of this Regulation is to amend the *Strata Schemes Management Regulation 1997* to provide that:

(a) certain provisions of the *Residential Tribunal Act 1998* and the *Residential Tribunal Regulation 1999* that relate to representation of parties, costs and procedural matters do not apply to proceedings under the Strata Act before the Residential Tribunal, and

(b) section 25 (2) of the *Residential Tribunal Act 1998* (which concerns service of process) applies to those proceedings, but in a modified manner.

This Regulation is made under the *Strata Schemes Management Act 1996*, including sections 222 and 246 (the general regulation-making power).

# Strata Schemes Management Amendment (Residential Tribunal) Regulation 2001

## 1 Name of Regulation

This Regulation is the *Strata Schemes Management Amendment (Residential Tribunal) Regulation 2001*.

## 2 Commencement

This Regulation commences on the commencement of Schedule 1.27 to the *Statute Law (Miscellaneous Provisions) Act (No 2) 2000*.

## 3 Amendment of Strata Schemes Management Regulation 1997

The *Strata Schemes Management Regulation 1997* is amended as set out in Schedule 1.

## 4 Notes

The explanatory note does not form part of this Regulation.

# Schedule 1 Amendments

(Clause 3)

**[1] Clause 19 Conduct of proceedings before Tribunal**

Insert after clause 19 (2):

(3) This clause is a modification of the provisions of the *Residential Tribunal Act 1998*, and of the regulations under that Act, for the purposes of section 222 (1) of the *Strata Schemes Management Act 1996*.

**[2] Clause 19A**

Insert after clause 19:

**19A Modification of applied provisions of Residential Tribunal Act 1998 and regulations: section 222 (1)**

(1) The following provisions do not apply in relation to proceedings before the Tribunal under the Act:

(a) sections 27 (5) (g) and (h), 33 and 48 of the *Residential Tribunal Act 1998*,

(b) Part 5 (being clauses 11 to 15) and clauses 16 and 26 of the *Residential Tribunal Regulation 1999*.

(2) Section 25 (2) of the *Residential Tribunal Act 1998* applies in relation to notices of application for an order in addition to section 135 of the *Strata Schemes Management Act 1996*, and for that purpose the words "this section" in that subsection are taken to refer to section 135 (1) of the *Strata Schemes Management Act 1996*.

**Note.** Section 222 (1) of the Act provides that the provisions of the *Residential Tribunal Act 1998*, and of the regulations made under that Act, apply in relation to proceedings under the *Strata Schemes Management Act 1996* before the Residential Tribunal, subject to any modifications prescribed by the regulations.

Various provisions of the Act (for example, Parts 1 and 2, Divisions 1–11 of Part 4 and Division 3 of Part 5 of Chapter 5 of the Act) do not relate to proceedings before the Residential Tribunal and therefore are not affected by section 222 (1).

# Surveyors (Practice) Regulation 2001

under the

Surveyors Act 1929

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Surveyors Act 1929*.

KIM YEADON, M.P.,
Minister for Information Technology

## Explanatory note

The object of this Regulation is to replace, without substantial alteration, the provisions of the *Surveyors (Practice) Regulation 1996*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

(a) duties of surveyors,

(b) procedures and standards in relation to different types of surveys,

(c) adoption of a datum line,

(d) survey marks,

(e) field notes,

(f) special procedures when water is a boundary.

This Regulation is made under the *Surveyors Act 1929* and, in particular, under section 23 (the general regulation-making power) and various other provisions of the Act referred to in the Regulation.

# Contents

Surveyors (Practice) Regulation 2001

Contents

# Surveyors (Practice) Regulation 2001

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Surveyors (Practice) Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *Surveyors (Practice) Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Application of Regulation

This Regulation applies to every survey made after the commencement of this Regulation, whether or not the survey was started before that commencement.

### 4 Interpretation

(1) In this Regulation:

***AHD*** means Australian Height Datum, that is, a system of control points for height based on a network of levelling measurements that covered the whole of Australia and that was fitted to mean sea level, as measured at tide gauges distributed around the Australian coast, over the period 1968–1970.

***appropriate accuracy*** means such accuracy as is reasonably practicable to attain in any particular survey.

***approved*** means approved by the Surveyor-General.

***chisel mark*** means a wing or pair of wings cut in solid rock, concrete or fixed timber 80mm long and 20mm wide and not less than 10mm deep.

***established permanent mark*** means a permanent mark the horizontal position of which is precisely determined as approved by the Surveyor-General.

***level or undulating terrain*** means terrain with slopes that are generally 10 degrees or less.

***MGA*** means Map Grid of Australia, that is, a rectangular co-ordinate system using a Transverse Mercator projection with zones 6 degrees wide and based on the Geocentric Datum of Australia (within the meaning of the *Survey (Geocentric Datum of Australia) Act 1999*).

***monument*** means a natural or artificial object, or a point on it, or a mark, used for the purpose of locating or relocating a boundary or a point in a survey.

***permanent mark*** means a permanent mark placed in accordance with the provisions of the *Survey Co-ordination Act 1949* and connected by measurement to a survey mark.

***plan of survey*** means a representation or drawing of land surveyed, prepared from particulars recorded in the field book of the survey and carried out for delivery to or lodgment with any government department or public authority or person as evidence of a survey, but does not include plans compiled from previous surveys or sketches in illustration of any report or similar document prepared in explanation of or arising from any survey.

***ppm*** means parts per million.

***reference mark*** means a survey mark of a durable nature placed or situated within 30 metres of, and connected by measurement to, only one corner, angle, line mark or tangent point of any survey.

***road*** includes any road, street, laneway, pathway or parcel of land used for access in a community scheme, either existing or being created by the subject survey.

***rural survey*** means a survey that is not an urban survey.

***State Control Survey*** means a comprehensive set of points marked, under the supervision of the Surveyor-General, by monuments of standard form, being points of known horizontal position or height (or both) throughout the State.

***steep or mountainous terrain*** means terrain with slopes that are generally greater than 10 degrees.

***survey mark*** means a permanent mark, reference mark, or corner mark, as referred to in Part 5.

***the Act*** means the *Surveyors Act 1929*.

***urban survey*** means a survey of land:

(a) that is within a zone identified in an environmental planning instrument, within the meaning of the *Environmental Planning and Assessment Act 1979*, as being residential, rural residential, commercial or industrial, or

(b) on which development for residential, rural residential, commercial or industrial purposes is permitted by or under that Act to be carried out.

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

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

## Part 2 General duties of surveyor

### 5 Surveys under supervision of surveyor

Nothing in this Regulation prevents a survey being made under the supervision of a surveyor.

### 6 Nature of supervision

When a survey is made under the supervision of a surveyor, the surveyor must:

(a) personally attend on the ground for such time during the making of the survey, and

(b) exercise such immediate oversight and personal direction of the work,

as will ensure that the surveyor has a comprehensive knowledge of all aspects of the survey and that the survey has been carried out in accordance with sound professional practice and this Regulation.

### 7 General principles of survey

When carrying out a survey, a surveyor must, in accordance with this Regulation:

(a) ascertain the positions of monuments relevant to the survey, and

(b) locate or relocate the boundaries of the land surveyed, and

(c) mark the survey as required by this Regulation, and

(d) make complete field notes of the survey, and

(e) if the purpose of the survey so requires, prepare a plan of survey of the land.

### 8 Surveyor to indicate type of survey

A surveyor must indicate on each plan of survey whether the survey is an urban or rural survey.

### 9 Surveyor to record nature of boundaries

(1) A surveyor must show on a plan of survey:

(a) the nature of the boundaries at the time of the survey, whether defined by survey marks, lockspits, lines, fences, roads, natural or artificial features or buildings or walls, and

(b) the width of all walls used in common and the position of the boundaries in those walls, and

(c) the description (including the age, nature, construction material and relationship to the boundary) of any substantial structure within 1 metre of the boundary or otherwise relevant to the boundary definition.

(2) If a boundary is the face of a wall, the boundary must be described in the plan of survey as “face of wall”.

(3) A wall must not be described with the expression “party wall” unless:

(a) it is the subject of such easements as are referred to in relation to party walls in the *Conveyancing Act 1919*, or

(b) the plan of survey is intended to create such easements in respect of the wall.

### 10 Surveyor to furnish certificate

(1) When a surveyor furnishes a plan of survey, the surveyor must:

(a) endorse a certificate in Form 1 on the plan of survey, or

(b) provide a certificate in Form 1 with the plan of survey.

(2) The certificate may be incorporated in any other certificate that must be endorsed or provided in accordance with any other Act or instrument made under an Act.

### 11 Notice of entry

(1) The prescribed notice for the purposes of section 13 of the Act is Form 2.

(2) The notice must be given prior to entry:

(a) by delivering the notice to a person apparently in occupation of the land to be entered, or

(b) if the land to be entered is apparently unoccupied, by attaching the notice to a place of residence, or some conspicuous object, on the land.

### 12 Surveyor to meet requisitions

A surveyor must promptly answer, or comply with, requisitions from the Surveyor-General or Registrar-General.

# Part 3 Measurement and calculations

### 13 Surveyor to obtain information

A surveyor must obtain all relevant information on public record with government departments and public authorities necessary to locate or relocate the boundaries of any land to be surveyed.

### 14 Equipment for measurement of surveys

(1) A surveyor must make every survey with appropriate equipment.

(2) A surveyor must not use any equipment in making a survey unless the surveyor knows the accuracy obtained by its use. That accuracy must be determined in relation to:

(a) the Australian primary standard of measurement of length, within the meaning of the *National Measurement Act 1960* of the Commonwealth, or

(b) the State primary standard of measurement of length, within the meaning of that Act, that is under the control of the Surveyor-General.

(3) A surveyor must not use any steel or invar band in making a survey unless it is verified at least once every 2 years and immediately after repair.

(4) A surveyor must not use any electronic distance measuring equipment in making a survey unless it is verified against the State primary standard of measurement of length (as referred to above), by using pillared testlines, at least once each year and immediately after service or repair.

(5) The accuracy and method of verification must be as approved.

### 15 Measurement of boundaries and lines

A surveyor must measure boundaries and lines by the most direct method that is reasonable and practicable.

### 16 Measurement by remote-sensing methods

(1) A surveyor may use measurements derived from photogrammetry or approved remote-sensing methods.

(2) If any methods referred to in subclause (1) are used, the surveyor must indicate the methods on the plan of survey.

### 17 Partial surveys

If a survey embraces only part of the land in a document of title, the surveyor must connect the terminals of the survey to monuments or points having a known relation to the corners of the land in the document so as to confirm the position of each terminal.

### 18 Surveys for easement purposes only

(1) If a survey is carried out for the purpose of defining an easement, the surveyor must connect the site of the easement by measurement to relevant monuments.

(2) Wherever the easement intersects a boundary of land held in different ownership or terminates on any current parcel boundary, the surveyor must redefine the existing parcel boundary and show connections on the plan of survey from the easement to the nearest parcel corner.

(3) The surveyor need not mark easement corners in the manner specified by clauses 34 and 42.

(4) The surveyor must:

(a) ensure that the survey has one reference mark:

(i) for easements less than or equal to 200 metres in length—at one terminal of the easement, or

(ii) for easements greater than 200 metres in length—at each terminal of the easement, and

(b) show on the plan of survey by bearing and distance the essential dimensions of the site and note the site on the plan as “easement” or “proposed easement” (as applicable), and

(c) adopt a datum line in accordance with clause 30.

(5) In addition, the survey must have:

(a) for an urban survey—reference marks at intervals not exceeding 500 metres, or

(b) for a rural survey—reference marks at intervals not exceeding 1,000 metres.

(6) If an easement is to be created over existing pipes and conduits that are underground or within a building and the precise location of those pipes and conduits cannot reasonably be determined, subclauses (3) and (4) do not apply, but the approximate positions must be shown on the plan of survey together with appropriate notations.

**19 Re-survey of property boundaries**

(1) If a surveyor makes a re-survey, the surveyor must adopt the boundaries as originally marked on the ground as the true boundaries unless there is sufficient evidence to show that the marks were incorrectly placed or have been disturbed.

(2) The surveyor must disclose on the plan of survey:

(a) the extent of any discrepancy in the marking of boundaries, and

(b) if the marks are shown on an original Crown survey plan, the surveyor must advise the Surveyor-General of the discrepancy in writing within two months of the completion of the survey.

**20 Surveys involving boundaries that include natural features**

(1) For the purpose of determining a boundary that is or includes a natural feature, the traverse lines of the survey must be positioned so that each change of course or direction of the boundary can be determined with appropriate accuracy.

(2) Despite subclause (1), a surveyor may use remote sensing methods for the purpose of determining such a boundary and may use discretion as to the distance that the ground control of the survey is from the boundary.

(3) If physical or environmental circumstances prevent compliance with the methods referred to in subclause (1) or (2) for determining such a boundary, a surveyor may use such other approved methods as will permit the survey determining the boundary to be of appropriate accuracy.

(4) If any of the methods specified in subclause (2) or (3) are used, the surveyor must indicate the methods on the plan of survey.

### 21 Procedure if crooked fence defines boundary

(1) If a crooked fence is used to define a boundary in a survey, the surveyor must survey the crooked fence and place the angle points of the boundary in such a way that the boundary line does not leave the material of the fence at the surface of the ground.

(2) The surveyor must mark the angle points and show the nature of the points on the plan of survey. The surveyor must indicate on the plan of survey the age, type and condition of the fence at the date of the survey.

### 22 Calculation of areas of land

Areas of land must be computed by a method that provides appropriate accuracy and is recognised by surveyors as good practice.

### 23 Surveys using global positioning system (GPS)

When making a survey using global positioning system equipment, a surveyor must use an approved global positioning system surveying technique that will achieve an accuracy of Class "B" or better as specified in the *Standards & Practices for Control Surveys (SP1)—Version 1.4* published in November 2000 by the Inter-Governmental Advisory Committee on Surveying and Mapping.

### 24 Surveyor to check angular work

(1) A surveyor who makes a survey in which the total length of surveyed boundaries exceeds 10,000 metres on level or undulating terrain or 6,000 metres on steep or mountainous terrain must check the angular work in the survey by astronomical observation or by a complete angular close or by a comparison with the State Control Survey.

(2) Any such comparison must be shown on the plan of survey.

(3) A surveyor must not, for the purposes of this clause, interpolate any angular measurement by another surveyor.

### 25 Determination of angular close

(1) Whenever practicable, a complete angular close must be obtained.

(2) The observed angular misclose must not exceed 20 seconds plus $10\sqrt{n}$ seconds or 2 minutes (whichever is the lesser):

(a) for the whole surround, and

(b) between stations at which astronomical observations for azimuth have been made, and

(c) between pairs of established permanent marks.

(3) In subclause (2), “n” is the number of traverse angular stations.

### 26 Checking and accuracy of all measurements

(1) A surveyor must, if the nature of a survey permits, check all measurements made in a survey by closure of the eastings and northings of the lines in all surrounds in the survey computed in metres to 3 decimal places.

(2) The internal closure of any survey must be such that the length of the misclose vector must not exceed:

(a) 15mm + 100ppm of the perimeter, for boundaries crossing level or undulating terrain, or

(b) 15mm + 150ppm of the perimeter, for boundaries crossing steep or mountainous terrain.

(3) The misclose vector must be determined as $\sqrt{(a^2 + b^2)}$, where “a” is the misclose in eastings and “b” is the misclose in northings.

### 27 Accuracy of length measurements

When making a survey, a surveyor must measure all lengths to an accuracy of 6mm + 30ppm or better at a confidence level of 95%.

### 28 Identification or re-marking surveys

(1) A surveyor may make a survey of a parcel of land for the purpose of redefining the boundaries of the parcel, or of locating the parcel in relation to adjoining lands, in such manner as may be required by the nature of the survey.

(2) A surveyor may make a survey requiring the re-marking of a parcel of land in such manner and with such marks in such positions as may be specially required by the relevant client, but such a survey must not be used for the purpose of any disposition of land or any interest in land.

(3) Of this Regulation, only this clause and clauses 1–6, 7 (a), (b) and (d), 11, 13, 14, 23, 27, 31, 39 and 48–53 apply to a survey referred to in this clause.

## 29 Surveys not requiring strict accuracy

(1) A surveyor may make a survey for a purpose not requiring strict accuracy under arrangements with a client, and in such a manner and with such marking as are agreed on between the surveyor and the client.

(2) The plan of such a survey must show monuments as approximately located.

(3) The surveyor must:

(a) endorse a certificate in Form 3 on the plan of the survey, or

(b) provide a certificate in Form 3 with the plan of the survey.

(4) Of this Regulation, only this clause and clauses 1–6, 7 (d), 11, 13, 31, 39 and 48–53 apply to a survey referred to in this clause.

(5) In addition, if the survey is to be lodged on public record and:

(a) the survey is of a class specified in the Surveyor-General's published directions to surveyors—the survey must comply with those directions, or

(b) the survey is not of a class so specified—the surveyor must obtain the Surveyor-General's approval for the survey and the survey must comply with the conditions of the approval.

# Part 4 Datum line

### 30 Procedure for adopting datum line

(1) A surveyor must determine, specifically for each survey, the position of the marks defining the datum line for the survey.

(2) The bearing used for the orientation must be adopted from the grid bearing derived from the MGA co-ordinates of established permanent marks if the survey is within 300 metres of two established permanent marks (for an urban survey) or 1,000 metres of two established permanent marks (for a rural survey).

(3) That bearing must be verified by angular, and (if practicable) distance, connection to at least one other established permanent mark.

(4) If a comparison of those connections reveals differences exceeding 20mm + 100ppm, the surveyor must show on the plan of survey all the observed and calculated bearings and distances and:

(a) include an additional connection to at least one other established permanent mark, or

(b) forward a report of the survey to the Surveyor-General.

(5) If the survey does not fall within subclause (2), the bearing used for the orientation must be taken from a survey for which a plan or description is filed or recorded at a government department or public authority, or from astronomical observations or satellite observations, and the surveyor must state the origin of the orientation on the plan of survey.

### 31 Surveyor to record datum line in field notes

A surveyor must clearly indicate in the field notes the datum line of the survey and the origin of the orientation adopted.

### 32 Method of recording datum line on plan of survey

(1) A surveyor must show the datum line of a survey on the plan of survey by distinguishing characters placed at the terminals of the datum line and must also note on that plan the nature of the marks defining the datum line.

(2) If the orientation of the survey is adopted from the MGA co-ordinates, the co-ordinate values together with the zone, accuracy class and order, date, combined scale factor, and source, of all the established permanent marks used for orientation purposes are to be shown in a schedule on the plan of survey.

(3) If astronomical or satellite observations are used to determine or confirm the orientation of the survey, the results of the observations are to be shown in a table on the plan of survey under the headings “Occupied station”, “Observed station” and “Astronomical body” or “Satellite system”, together with the derived bearing between the occupied and observed stations.

# Part 5 Monuments and reference marks

## 33 Connection of surveys and marks

(1) A survey for any purpose (resulting in a plan of survey lodged on public record with a government department or public authority) must:

(a) for an urban survey—connect by measurement to at least 2 existing permanent marks if the marks are within 300 metres of the land surveyed, or

(b) for a rural survey—connect by measurement to at least 2 existing permanent marks if the marks are within 1,000 metres of the land surveyed.

(2) If there are two established permanent marks within the relevant distance specified in subclause (1) (a) or (b), the connection referred to in that subclause must be made to those established permanent marks in preference to non-established permanent marks even if the latter are closer to the survey.

(3) A survey that redefines or creates parcels of land must have, within 300 metres (for an urban survey) or 1,000 metres (for a rural survey), no less than the following number of permanent marks in relation to the following numbers of parcels:

(a) 1–10 parcels—2 marks,

(b) 11–20 parcels—3 marks,

(c) more than 20 parcels—4 marks plus 1 mark for every 20 (or part of 20) by which the number of parcels exceeds 40.

(4) A maximum of two permanent marks connected in accordance with subclause (1) (a) or (b) may be included in the total number of marks required by subclause (3).

(5) A survey that redefines a road frontage or that is conducted for the purposes of creating a road under any Act must have 2 or more permanent marks for each interval of 1,000 metres (for an urban survey) or 2,000 metres (for a rural survey).

(6) A survey for the purposes of creating an easement must have 2 or more permanent marks for each interval of 2,000 metres (for an urban survey) or 4,000 metres (for a rural survey).

(7) Measurements between all permanent marks found or placed, and connections to the survey, must be proved by closed survey and shown on the plan of survey.

(8) If two permanent marks connected in accordance with subclause (1) (a) have accurate AHD values, the locality sketch plan of each additional permanent mark placed in accordance with subclause (3), (5) or (6) must show:

(a) the AHD value derived by closed height differences to an accuracy of Class "LD" or "B" or better (as specified in the *Standards & Practices for Control Surveys (SP1)—Version 1.4* published in November 2000 by the Inter-Governmental Advisory Committee on Surveying and Mapping), and

(b) the AHD values, and the nature and source, of the 2 connected permanent marks.

(9) A permanent mark placed in accordance with subclause (3), (5) or (6) must:

(a) be so located as to be suitable for an orientation of the survey and for redefinition of the survey, and

(b) be so located at road junctions, road intersections, road angles or crests of hills as to be visible between other permanent marks without obstruction, and to be suitable for subsequent inclusion in the State Control Survey, and

(c) be identified in location by a sketch plan that meets approved standards.

(10) A sketch plan referred to in subclause (9) must be forwarded to the Surveyor-General within 2 months of the placement of the permanent mark.

### 34 Placement of pegs or marks

(1) If a surveyor makes a survey other than a survey of a kind referred to in clause 28 (Identification or re-marking surveys) or clause 29 (Surveys not requiring strict accuracy), the surveyor must when possible firmly mark each corner (including corners of each parcel of land in a subdivision) with a peg or mark of the type prescribed by clause 42.

(2) If it is not practicable to place such a peg or mark, a reference mark must be placed and the surveyor must note on the plan of survey that the corner was not marked.

(3) In a rural survey, if a fence post is on a corner at which a reference mark has been placed and reference is made to that post on the plan of survey, no further marking of the corner is required.

### 35 Urban surveys

In any urban survey, the survey must:

(a) if the land abuts a road—have a reference mark at each extremity of the land and at intervals of not more than 100 metres throughout the length of the road frontage of the survey where there are intervening side boundaries, or

(b) if the land does not abut a road—have at least 2 reference marks at suitable locations in relation to the land being surveyed.

### 36 Rural surveys

(1) In a rural survey, a surveyor must mark definitely and durably all lines that form or are to form the boundaries between parcels. The marking is to be done with a peg or mark of the type prescribed by clause 42.

(2) In addition, if a boundary is unfenced, the lines that form it must also be marked with lockspits cut in the direction of the boundary from each corner and angle or, if an obstacle exists at a corner or angle, with a suitable reference mark near that corner or angle.

(3) On unfenced boundaries, the pegs and lockspits, or marks and lockspits, must be placed at intervals of not more than 200 metres, except where one peg or mark can be seen from the next. In that case, the distance can be increased to a maximum of 500 metres. The plan of survey must show the type and position of any line mark so placed.

(4) Unless environmental considerations dictate otherwise, an unfenced boundary must be reasonably cleared and any tree that has a trunk diameter greater than 100mm and is within 500mm of the unfenced boundary must be blazed or, if situated on any boundary, must be double blazed.

(5) The surveyor must connect or place and connect at least 2 reference marks for each parcel shown on the plan of survey in selected positions suitable for redefinition of the survey.

(6) If a boundary (other than a road frontage) of the land exceeds 2,400 metres, a surveyor must place additional reference marks along the boundary at intervals of not more than 1,500 metres.

(7) If a boundary required to be marked is a road frontage, a surveyor must place reference marks in accordance with clause 37 (5).

(8) This clause does not apply to a survey referred to in clause 18 (Surveys for easement purposes only).

(9) In this clause, to ***blaze*** and to ***double blaze*** a tree means to mark the tree with cuts in the approved manner.

### 37 Placement of reference marks for roads

(1) If a surveyor makes a survey for the purpose of the creation, redefinition or widening of a road under any Act, the surveyor must place reference marks in the positions prescribed by this clause and must show the type and location of the reference marks in the plan of the survey.

(2) If the survey is an urban survey, reference marks must be placed:

(a) at the junction or intersection of roads:

(i) if a triangle is cut off from the corner formed by the intersection of the road boundaries, so as to refer to either end of the base line of the triangle, or

(ii) if the corner is rounded off, so as to refer to either tangent point, or

(iii) if the corner is not cut off or rounded off, so as to refer to the point of intersection of the road boundaries, and

(b) at the terminals of a road, and

(c) as far as is practicable, on the same side of the road, and

(d) if placed in a road that is variable in width, with connections made to both sides of the road, and

(e) at each angle and each tangent point or terminal of a series of chords of a regular curve in a road.

(3) The requirement of subclause (2) (e) is subject to the condition that a reference mark need not be placed within 30 metres of another reference mark.

**Note.** Clause 35 (a) provides that in any urban survey, if the land abuts a road, the survey must have a reference mark at each extremity of the land and at intervals of not more than 100 metres throughout the length of the road frontage of the survey where there are intervening side boundaries.

(4) If a reference mark placed in accordance with this clause is of the type prescribed by clause 43 (1) (e) (ie a drill hole and wing) and is to be placed in a concrete kerb cast in situ, there must be 2 such marks.

(5) If the survey is a rural survey, reference marks must be placed so as to refer to the terminals of the road surveyed, to each junction or intersection of any roads and in pairs suitable for orientation purposes throughout the whole length of the road in selected positions so that the maximum distance between any 2 successive reference marks does not exceed 1,000 metres.

(6) If a road being created joins or intersects an existing road and reference marks have already been placed in the existing road in accordance with this clause or with any Act or any instrument made under an Act, those marks must be connected by survey with the reference marks placed in the road being created and the orientation of one series of reference marks must be compared with the orientation of the other series of reference marks and the comparison shown on the plan of survey.

### 38 Procedure on finding existing corner peg and reference mark

If a corner peg and reference mark are found together, a surveyor must determine the bearing and distance between them, and if a difference from the original reference is disclosed, the surveyor must decide from other evidence which of the monuments to adopt, and must note details of any difference on the plan of survey.

### 39 Procedure if monuments of original survey missing

To the extent that the relevant monuments of an original survey are missing, a surveyor must determine the boundaries and corners of the land being surveyed by measurement in correct relation to boundaries of adjacent parcels of land and parcels of land on opposite sides of roads, and to fences, and to such other evidence of correct location as may be found after full investigation and inquiry.

### 40 Procedure if differences exist between measured and recorded lengths

(1) If a measurement discloses a boundary of land surveyed to be different from that indicated in the document of title to the land, the surveyor must verify the length of the boundary and make appropriate entries in the surveyor's field notes and show in the notes and on any plan of survey the monuments adopted.

(2) In the absence of monuments defining the land surveyed, the surveyor must indicate on the plan of survey whether there is sufficient land available to permit the adoption of the measurement referred to in subclause (1) without causing any encroachment on any road or on any adjoining or adjacent parcel of land.

## 41 Surveyor to note nature and position of all monuments

(1) A surveyor must indicate in the field notes and on the plan of survey:

(a) the nature and position of any survey mark, object or monument found by the surveyor, and

(b) the nature of any survey mark (other than a peg) placed by the surveyor, and

(c) the essential measurements from any reference mark, permanent mark, object or monument to the nearest corner, angle or line mark.

(2) If reference marks are placed or found at depths of more than 150mm below the existing surface of the ground, the surveyor must indicate the depths on the plan of survey.

(3) If reference marks are found, the surveyor must note their origin on the plan of survey by reference to the number of the plan on which the marks first occur.

(4) A monument that is important for the definition of the land must be shown on the plan of survey and in the surveyor's field notes with the annotation "found", "not found", "gone", "disturbed" or "inaccessible" as appropriate.

(5) A monument must not be recorded as "gone" unless a thorough search for the monument has been made and the measurements of its probable site recorded in the field notes.

## 42 Marking of surveys

(1) The marking of surveyed boundaries of land must be done so that the boundaries are readily and unambiguously discernible on the ground.

(2) The marking of points must be done with a peg or drill hole in rock or concrete or other similar material or with a chisel mark or non-corrodible nail in fixed timber.

(3) If lockspits are used, the lockspits must consist of trenches one metre long, 200mm wide and 150mm deep dug in the direction of the boundary lines and commencing 300mm from each corner or angle, or may consist of stones packed to similar or greater dimensions. However, if the type of soil renders trenches ineffective, direction stakes not less than 50mm by 30mm by 450mm may be placed in the direction of the boundary lines 4 metres distant from the corner or angle instead of trenches.

(4) If a corner or angle is marked with a drill hole or non-corrodible nail in fixed timber:

(a) if practicable—wings must be cut in solid rock or concrete or fixed timber 80mm long, 20mm wide and not less than 10mm deep commencing 50mm from and directed to the corner, or

(b) if the surface makes wings impracticable—lines at least 300mm long and 20mm wide may be painted on the surface in the direction of the boundary lines.

(5) For:

(a) rural surveys—pegs must be of sound durable hardwood or white cypress pine at least 450mm long and not less than 75mm by 75mm nominal section at the top end, or

(b) urban surveys—pegs must be of sound durable hardwood or white cypress pine at least 350mm long and not less than 75mm by 35mm nominal section at the top end.

(6) Pegs must be pointed for about two-thirds of their length.

(7) The centre of the top of a peg must represent the survey point except that, if conditions prevent the correct centring of a peg, the survey point may be represented by a non-corrodible tack or nail driven into the peg.

(8) Pegs must be placed upright in the ground, point downwards, so that their tops are not more than 80mm above the ground level. The earth surrounding them must be securely compacted.

(9) If a peg projecting above the surface of the ground could be hazardous or inconvenient to the public the peg may, at the discretion of the surveyor, be placed flush with the surface of the ground. If that is done, the fact must be noted on the plan of survey.

(10) If the depth of soil is insufficient to permit the conventional placement of a peg, the peg may be driven to the point of refusal and then:

(a) if there is sound rock under the peg, a drill hole and wing, a spike and wing or a chisel mark must be placed in the rock beneath the peg, or

(b) if there is no sound rock under the peg, a cairn of rocks must be built around the peg above the surface of the soil.

(11) If drill holes, chisel marks or similar marks are to be placed in an ornamental wall or ornamental path or similar structure, the size of the mark placed may be reduced at the discretion of the surveyor to avoid undue damage to the wall, path or other structure being marked, but only if the marking is durable and readily and unambiguously discernible.

(12) The Surveyor-General may approve other types of marks for specific terrain.

### 43 Requirements relating to reference marks

(1) Reference marks required to be placed by this Regulation must consist of:

(a) a permanent mark, or

(b) a reinforced concrete block in the form of a truncated pyramid 400mm long, 150mm square at the lower end and 100mm square at the upper end with a non-corrodible metal nail, peg or plug not less than 80mm long inserted at least 75mm into the block, or

(c) a galvanised iron pipe not less than 300mm long and 20mm internal diameter with a rim wall thickness of not less than 3mm, or

(d) a galvanised iron spike 100mm long driven completely into fixed timber with a wing 80mm long cut into the timber and directed to the spike, or

(e) a drill hole cut into a kerb or other substantial structure not less than 6mm in diameter and not less than 10mm deep with a wing 80mm long and directed to the drill hole, or

(f) if bedrock exists within 300mm of the natural surface of the ground, a drill hole not less than 10mm in diameter and 30mm deep cut into bedrock with a wing 80mm long directed to the drill hole, or

(g) a wing 80mm long cut into the sound wood of a suitable tree, facing directly towards the relevant corner and at a convenient height above ground level, the point of the wing or arrow being the reference point, or

(h) an approved mark of a durable character, or a specific point, on a permanent or substantial structure.

(2) The marks referred to in subclause (1) (b) and (c) must be placed vertically with the tops of the marks at least 80mm below the existing surface of the ground or, if placed on a boundary on which fencing is likely to be erected, sufficiently deep to permit the erection of the fence without disturbance of the mark.

**44 Placement of reference marks**

A reference mark that this Regulation requires to be placed must be located in such a position as to preserve the mark from disturbance.

**45 Use of broad arrows**

In any case in which the use of a broad arrow is authorised under the *Survey Marks Act 1902*, the marking may be used instead of a wing in the placement of a corner mark or reference mark (or both) in connection with the marking of a survey.

**46 Datum used for levelling**

(1) All levels shown on a plan of survey must be related to AHD or such other datum as is approved.

(2) AHD must be verified by closed height difference between 2 bench marks the heights of which have an approved accuracy.

(3) All height differences verified or derived for a survey must attain an accuracy of Class “LD” or “B” or better as specified in the *Standards & Practices for Control Surveys (SP1)—Version 1.4* published in November 2000 by the Inter-Governmental Advisory Committee on Surveying and Mapping.

(4) The plan of survey must specify the datum of the levels and the value, nature, accuracy class and order of the bench marks used to establish and verify that datum.

**47 Bench marks**

(1) In a survey for the purpose of a limitation in height or depth (or both), the surveyor must relate the survey to 2 or more bench marks of which one or more must be external to the relevant parcel.

(2) The value, nature, origin, accuracy class and position of the bench marks must be stated on the plan of survey.

(3) The external bench mark, or any one of the external bench marks, must be:

(a) an existing permanent mark within 300 metres of the parcel, or

(b) if it is impracticable to use an existing permanent mark, a mark placed by the surveyor in accordance with the requirements of clause 33 (9) for permanent marks within 300 metres of the parcel.

(4) If a surveyor is required to place a bench mark in accordance with this Regulation, the bench mark must be a permanent mark or a mark of durable nature as approved.

# Part 6 Field notes

## 48 Surveyor to make field notes

(1) A surveyor must make field notes and record in them any facts, readings and observations immediately after they are ascertained.

(2) Field notes must be neat, precise, complete and readily intelligible in accordance with the usage of surveyors.

(3) A surveyor must keep an archive of:

(a) all field notes made by the surveyor with indices and cross references set out in a manner that facilitates the preparation of a complete and accurate plan of survey, and

(b) all other information and documentation relevant to those field notes.

## 49 Electronic records

If a survey has been recorded in whole or in part by electronic methods, an electronic copy (in the same form as the recording) and a paper copy of the reduced and formatted data must be retained in a manner that facilitates the preparation of a complete and accurate plan of survey.

## 50 Surveyor to record astronomical observations

If a surveyor makes an astronomical observation in the course of a survey, the surveyor must enter in the field notes the time and date and the latitude of the relevant station together with full particulars of all observations.

## 51 Method of recording bearings

A surveyor must observe and record all angles or, if appropriate, bearings in the field notes in degrees, minutes and seconds of arc, and all bearings must be reckoned and expressed clockwise from zero to 360 degrees.

## 52 Surveyor to record landmarks

A surveyor must enter in the field notes the names of estates, houses, roads, rivers, creeks, lakes and the like, and house numbers, as far as material to the survey and ascertainable by the surveyor.

### 53 Surveyor to sign and date field notes

(1) A surveyor must personally sign and date each page or sheet of the field notes (or, in the case of a survey recorded by electronic means, of the reduced and formatted data) of a survey that has been performed by the surveyor personally or under the surveyor's supervision.

(2) Before signing each page or sheet, the surveyor must be satisfied that the notes on it are accurate and that the date when the work recorded on it was performed appears on it.

### 54 Report by surveyor

A surveyor must disclose any doubt, discrepancy, difficulty or difference suggested by or encountered in a survey on the plan of survey or in an accompanying comprehensive report.

# Part 7 Water as a boundary

### 55 Location and relocation of mean high-water mark boundary

(1) If, since the date of a previous survey, there has been a change in the position of a high-water mark forming a boundary of land to be surveyed and that change has been caused otherwise than by natural, gradual and imperceptible accretion or erosion, in any subsequent survey the position of the mean high-water mark as it was immediately before the change must be adopted.

(2) For the purposes of preparing a plan of survey containing a high-water mark that forms a boundary of land, a reference in any previous plan of survey or description of land to a high-water mark is, unless a contrary intention appears, to be taken to be a reference to a mean high-water mark (that is, the line of mean high tide between the ordinary high-water spring and ordinary high-water neap tides).

(3) For the purposes of preparing a plan of survey containing a high-water mark that forms a boundary of land, a reference to, or description of, a boundary of land that abuts tidal water in any previous plan of survey or description of land is, unless a contrary intention appears, to be taken to be a reference to, or a description of, the mean high-water mark.

(4) The mean high-water mark must be determined with appropriate accuracy by a surveyor.

(5) A surveyor must show on a plan of survey the description and relationship of any sea wall and reclaimed land adjacent to the mean high-water mark boundary.

(6) If a surveyor determines a location of mean high-water mark in relation to land, approval of the determination must be obtained from:

(a) if the adjoining land below the mean high-water mark is Crown land—the Minister administering the *Crown Lands Act 1989* (or a person authorised by that Minister), or

(b) in any other case—the owner of that adjoining land,

unless a prior determination of that location of that mean high-water mark has been approved in accordance with this clause or a corresponding provision of a previous regulation under the Act.

### 56 Location and relocation of banks of non-tidal streams or lakes

(1) If, since the date of a previous survey, there has been a change in the position of a bank of any non-tidal stream forming a boundary of land to be surveyed and that change has been caused otherwise than by natural, gradual and imperceptible accretion or erosion, in any subsequent survey the position of the bank as it was immediately before the change must be adopted.

(2) The position of the boundary between adjoining land and any non-tidal lake is not subject to change by the doctrine of accretion or erosion.

(3) For the purposes of this clause, the bed of a lake or stream includes that portion:

(a) that is alternately covered and left bare with an increase or diminution in the supply of water, and

(b) that is adequate to contain the lake or stream at its average or mean stage without reference to extraordinary freshets in time of flood or to extreme droughts.

(4) For the purposes of this clause, a lake includes a permanent or temporary lagoon or similar collection of water not contained in an artificial work.

(5) For the purposes of preparing a plan of survey containing a bank of a non-tidal lake or stream that forms a boundary of land, in any previous plan of survey or description relating to that land a reference to, or description of, a bank is, unless a contrary intention appears, to be taken to be a reference to, or description of, the limit of the bed of a non-tidal lake or stream.

(6) The middle line of a stream need not be marked unless the purpose for which the survey is made so requires.

(7) The natural feature boundary must be surveyed so that each change of course or direction of the boundary is determined with appropriate accuracy.

(8) A surveyor must provide a comprehensive report to the Minister administering the *Crown Lands Act 1989* (or a person authorised by that Minister) regarding a determination of a boundary, and obtain the approval of that Minister (or that person) to the determination, if:

(a) the location of the boundary is the bank of a non-tidal lake or stream,

(b) the bed of the lake or stream is Crown land, and

(c) a prior determination of the boundary has not been approved in accordance with this clause or a corresponding provision of a previous regulation under the Act.

(9) A surveyor must provide a comprehensive report regarding a determination of a boundary to the Surveyor-General if:

(a) the location of the boundary is the bank of a non-tidal stream, and

(b) that boundary has been previously determined by survey, and

(c) the bank of the non-tidal stream has moved since that determination.

The comprehensive report must include the reason for the change and the process by which that change took place.

(10) A comprehensive report referred to in subclauses (8) and (9) must include:

(a) the basis and method of determining the location of the bank of the non-tidal lake or stream, and

(b) photographs, documentation, evidence, and any other information, relevant to the location of the boundary, as is reasonably required by the person to whom the report is to be provided.

### 57 Determination of landward boundary of reservation or Crown road fronting a natural feature

(1) If the landward boundary of an existing reservation of stipulated width fronting tidal waters has not been defined by survey, on redefinition or subdivision of the adjoining land by a survey, the boundary must be defined by right lines approximately parallel to the position of the mean high-water mark as originally defined.

(2) If the landward boundary between a parcel of land and an existing reservation or Crown road of stipulated width along a non-tidal stream or lake or other natural feature has not been defined by survey, on redefinition or subdivision of the adjoining land by a survey:

(a) the boundary must be defined by right lines approximately parallel to the position of that feature as originally defined, and

(b) the location of the natural feature as it existed at the time of the survey must be determined and shown on the plan of survey, and

(c) the boundary need not be marked in accordance with clauses 34 and 42, but reference marks must be placed at the terminals of the boundary and at intervals of not more than 1,000 metres along the boundary.

(3) If a surveyor determines a landward boundary of a reservation or Crown road and there has not been a prior determination of that boundary approved in accordance with this clause or a corresponding provision of a previous regulation under the Act, the approval of the Minister administering the *Crown Lands Act 1989* (or a person authorised by that Minister) to the determination must be obtained.

### 58 Approval of Minister or adjoining owner to water boundary changes

(1) A surveyor must, when seeking approval from the Minister administering the *Crown Lands Act 1989* (or a person authorised by that Minister) or an adjoining owner to the determination of:

(a) the landward boundary of a reservation or Crown road fronting a water boundary, or

(b) a mean high water mark boundary that has changed or does not currently have such approval,

provide to the person concerned a comprehensive report regarding the determination.

(2) The comprehensive report must include:

(a) the basis and method of determining the location of the bank of the stream or lake or the mean high-water mark, and

(b) an opinion, supported by photographs, documentation and evidence, as to the reason for the change and the process by which that change took place, and

(c) such other information, relevant to the location of the boundary, as is reasonably required by the person concerned.

### 59 Calculation of areas of land abutting a natural feature

(1) The area of land abutting a natural feature, such as a mean high-water mark or a non-tidal stream, must be ascertained by the surveyor with appropriate accuracy and must include all land to the natural feature.

(2) If a natural feature forms a boundary of land, appropriate details describing the natural feature must be shown on the plan of survey.

(3) Bearings and distances between the end points of the radiations or offsets used to determine the location and the area of land abutting the natural feature must be shown on the plan of survey.

# Part 8 Miscellaneous

### 60 Deferment of placement of survey marks

(1) If it is likely that construction or development will disturb any survey marks placed on land that is the subject of a survey, a surveyor may defer the placement of the survey marks required by this Regulation on that land.

(2) In such a case, the surveyor must:

(a) notify the Surveyor-General of the deferment, and

(b) deposit with the Surveyor-General an amount equivalent to 2 penalty units for each survey mark deferred (but not less than 5 penalty units for each survey), and

(c) comply with any requirement of the Surveyor-General, notice of which is served on the surveyor within 30 days of the date on which the surveyor notified the Surveyor-General of the deferment.

(3) On completion of the construction or development, the surveyor must:

(a) place the deferred survey marks, and

(b) have their nature and position noted on the plan of survey in the manner approved by the Registrar-General, and

(c) inform the Surveyor-General that the survey has been carried out in compliance with this Regulation.

(4) If the Surveyor-General is satisfied that the survey has been satisfactorily completed, the deposit must be returned to the surveyor less an administrative charge not exceeding 15 per cent of the amount deposited.

(5) If the placement of survey marks has been deferred under this clause, the marks must be placed no later than the earlier of the following days:

(a) the day that falls 6 months after the completion of the survey, or

(b) the day that falls 28 days after the completion of the construction or development.

### 61 Exemption by Surveyor-General

(1) If the Surveyor-General is of the opinion that it is not practicable or necessary to comply with a requirement under this Regulation in relation to a survey, the Surveyor-General may in writing exempt the surveyor conducting the survey from complying with the requirement.

(2) A surveyor who obtains an exemption under this clause must record the exemption number or type, and the clause or clauses that the exemption relates to, on the plan of survey.

### 62 Effect of contravention

If a survey or surveyor fails to comply with a provision of this Regulation, that failure does not constitute an offence, but, subject to section 14 of the Act (Power of board to deal with offences), constitutes a ground for action by the board under that section against the relevant surveyor.

### 63 Savings provision

Any act, matter or thing that had effect under the *Survey (Practice) Regulation 1996* immediately before the repeal of that Regulation by the *Subordinate Legislation Act 1989* is taken to have effect under this Regulation.

# Schedule 1 Forms

(Clause 4 (2))

## Form 1 Survey certificate

(Surveyors (Practice) Regulation 2001—Clause 10)

I, [Insert Name] of [Insert Address], a surveyor registered under the *Surveyors Act 1929*, certify that the survey represented in this plan is accurate, has been made in accordance with the *Surveyors (Practice) Regulation 2001* and was completed on: [Insert date of completion of survey].

The survey relates to: [Specify the land actually surveyed, or specify any land shown in the plan that is not the subject of the survey]

Dated:

(Signature)

Surveyor registered under

the *Surveyors Act 1929*

## Form 2 Notice of entry

(Surveyors (Practice) Regulation 2001—Clause 11)

To the occupier of: [Insert reference to land proposed to be entered]

I, [Insert Name] of [Insert Address], a surveyor registered under the *Surveyors Act 1929*, give notice under section 13 of the *Surveyors Act 1929* that I intend to enter the land referred to above on: [Insert dates of proposed entry] together with my assistants for purposes relating to the making of a survey.

Dated:

(Signature)

Surveyor registered under

the *Surveyors Act 1929*

## Form 3 Certificate as to survey not requiring strict accuracy

(Surveyors (Practice) Regulation 2001—Clause 29)

I, [Insert Name] of [Insert Address], a surveyor registered under the *Surveyors Act 1929*, certify that the survey represented in this plan (or sketch) was made in accordance with clause 29 of the *Surveyors (Practice) Regulation 2001* and [is/is not]* a survey to be lodged on public record as referred to in that clause.

(Signature)

Surveyor registered under

the *Surveyors Act 1929*

* Strike out inappropriate words.

# Transport Administration (Staff) Amendment (Review and Probation) Regulation 2001

under the

Transport Administration Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Transport Administration Act 1988*.

CARL SCULLY, M.P.,
Minister for Transport

## Explanatory note

The object of this Regulation is to amend the *Transport Administration (Staff) Regulation 2000*:

(a) to omit the entitlement to an internal review by the SRA of an appointment to an SRA officer's position while preserving the right to appeal to a Transport Appeal Board in respect of such an appointment, and

(b) to enable a person appointed on probation as an SRA officer to be appointed to a probation period of less than 6 months, and

(c) to preserve an internal review or an entitlement to appeal existing immediately before the amendment.

This Regulation is made under the *Transport Administration Act 1988*, including sections 58 (Regulations relating to staff) and 119 (the general regulation-making power).

# Transport Administration (Staff) Amendment (Review and Probation) Regulation 2001

### 1 Name of Regulation

This Regulation is the *Transport Administration (Staff) Amendment (Review and Probation) Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

### 3 Amendment of Transport Administration (Staff) Regulation 2000

The *Transport Administration (Staff) Regulation 2000* is amended as set out in Schedule 1.

### 4 Notes

The explanatory note does not form part of this Regulation.

# Schedule 1 Amendments

(Clause 3)

### [1] Clause 8

Omit clause 8. Insert instead:

#### 8 Promotion appeals

(1) For the purposes of this clause, an appointment to a position is ***subject to appeal*** if:

(a) the appointment is to an SRA officer's position with a maximum salary that is below the minimum salary for the position of Management Level 1, and

(b) the vacancy in the position was advertised.

(2) An SRA officer may appeal to a Transport Appeal Board against the appointment of an SRA officer to a position that is subject to appeal.

(3) An appeal may be lodged only by an SRA officer who was an unsuccessful applicant for the vacant position.

(4) Despite subclause (1), a decision to appoint:

(a) an SRA officer to a position that was not advertised (or that the SRA filled under clause 5 (5) as if it had not been advertised), or

(b) a person who is not an SRA officer to any position,

is not subject to appeal to a Transport Appeal Board.

(5) The only ground on which an SRA officer may, under this clause, appeal to a Transport Appeal Board is that the merit of the officer is greater than that of the officer selected.

**Note.** Part 3 of the *Transport Appeal Boards Act 1980* applies to appeals to a Transport Appeal Board.

### [2] Clause 9 Appointment on probation

Insert "or such shorter period as the SRA determines" after "6 months" in clause 9 (1).

**[3] Clause 9 (4)**

Omit "any such total period of 12 months".
Insert instead "a period of probation under this clause".

**[4] Clause 38**

Insert after clause 37:

**38 Provisions consequent on making of Transport Administration (Staff) Amendment (Review and Probation) Regulation 2001**

(1) In this clause, ***amending Regulation*** means the *Transport Administration (Staff) Amendment (Review and Probation) Regulation 2001*.

(2) Clause 8, as in force immediately before its amendment by the amending Regulation, continues to apply:

(a) to and in respect of any review under that clause that was not completed before that clause was amended, and

(b) to and in respect of any entitlement to appeal that had accrued under that clause before it was amended,

as if that clause had not been amended.

# Travel Agents Regulation 2001

under the

## Travel Agents Act 1986

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Travel Agents Act 1986*.

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

## Explanatory note

This Regulation replaces the *Travel Agents Regulation 1995* which is repealed on 1 September 2001 by section 10 of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the following matters:

(a) the fees payable under the *Travel Agents Act 1986* (including fees in relation to a travel agent's licence) (clauses 7, 8 and 13–15),

(b) the matter that is to be included in an application for a travel agent's licence (clause 9),

(c) requirements in relation to licences, including conditions and duration of a licence (clause 10),

(d) the particulars and qualifications of a person in charge of a travel agent (clauses 11 and 18),

(e) the particulars that are to be displayed at a travel agent (clause 17),

(f) the particulars that are to be contained in certain registers (clauses 12 and 16)

(g) a scheme for compensating persons who suffer pecuniary loss as a result of an act or omission by a travel agent (clause 20 and Schedule 1)

(h) other miscellaneous matters (clauses 1–6, 19 and 21).

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

This Regulation is made under the *Travel Agents Act 1986*, including section 57 (the general power to make regulations).

# Contents

# Travel Agents Regulation 2001

### 1 Name of Regulation

This Regulation is the *Travel Agents Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *Travel Agents Regulation 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

In this Regulation:

***Director-General*** means the Director-General of the Department of Fair Trading.

***the Act*** means the *Travel Agents Act 1986*.

### 4 Notes

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

### 5 Conveyances to which section 4 of Act does not apply

For the purposes of section 4 (1) (a) and (c) of the Act, a conveyance is a prescribed conveyance when it is intended to be, and is, used solely for the purpose of carrying passengers from a place and returning them to that place on the same day.

### 6 Business as travel agent includes making of travel related arrangement

(1) For the purposes of section 4 (1) (d) of the Act, the making, by a person who carries on an activity referred to in section 4 (1) (a), (b) or (c) of the Act, of a travel related arrangement, either separately from or in conjunction with the activity, is a prescribed activity.

(2) In this clause, ***travel related arrangement*** means an arrangement that may commonly be made in connection with an activity referred to in section 4 (1) (a), (b) or (c) of the Act, such as an arrangement for hotel

or other accommodation, car hire or the provision of travellers cheques.

### 7 Application fee

For the purposes of section 8 (3) of the Act, the prescribed fee for an application is $64.

### 8 Licence fees

(1) For the purposes of sections 8 (3), 10 (7) and 17 (1) of the Act, the prescribed fee for a licence is $310 for each place in which the applicant proposes to carry on, or the licensee carries on, business as a travel agent.

(2) The prescribed fee payable under section 17 of the Act, in the case of 2 or more persons who carry on business in partnership with each other, is to be paid on the anniversary of the date, or the earlier or earliest of the dates, on which, at the commencement of the carrying on of the business in partnership, licences had been granted to the partners in the business, whether or not all those persons were at that date partners.

### 9 Matters to be included in applications for licences

(1) For the purposes of section 8 (4) (h) and (i) of the Act, an application for a licence is to include the following matters:

(a) the date of registration, under the *Business Names Act 1962*, of any business name under which it is intended to carry on the business of a travel agent,

(b) a description of the proposed business,

(c) date and place of birth of the applicant, if the applicant is a natural person,

(d) date and place of birth of any person it is proposed to have in charge of the day-to-day conduct of the business at each place at which it is intended to carry on the business of a travel agent,

(e) whether or not any one or more of the matters referred to in section 10 (3) of the Act applies to the applicant or any proposed person in charge,

(f) particulars of courses attended by, and the qualifications and experience of, any proposed person in charge,

(g) if the applicant or a proposed partner of the applicant is a corporation—the name and address, and the date and place of birth, of each person who, within the meaning of the *Corporations Act 2001* of the Commonwealth, is a director, secretary or executive officer of the corporation,

(h) particulars of any application to contribute to the compensation scheme,

(i) such other information and particulars as the Director-General may reasonably require in respect of the application.

### 10 Duration of approval for licence

For the purposes of section 10B (3) of the Act, a period of 6 weeks, beginning on the date on which the approval is granted, is prescribed as the period for which an approval for a licence remains in force.

### 11 Prescribed particulars of person in charge

For the purposes of section 14 (2) of the Act, the prescribed particulars relating to a person it is proposed to have in charge at a place of business are those specified in clause 9 (d)–(f) in relation to such a person.

### 12 Register of licensees

For the purposes of section 15 (2) of the Act, the prescribed particulars to be contained in the register of licensees kept by the Director-General in relation to a licensee are the following:

(a) the licensee's name,

(b) the licence number,

(c) the date on which the licence was granted,

(d) the conditions and restrictions, if any, to which the licence is subject,

(e) if any partner of the licensee is a natural person—the name and address of that person,

(f) if the licensee or a partner of the licensee is a corporation—the address of its registered office and the names and addresses of each person who, within the meaning of the *Corporations Act 2001* of the Commonwealth, is a director, secretary or executive officer of the corporation,

(g) the name under which the licensee carries on business as a travel agent.

**13 Fee for search of register of licensees**

For the purposes of section 15 (4) of the Act, the prescribed fee is $17.

**14 Late fee**

For the purposes of section 17 (8) of the Act, the prescribed late fee is $43.

**15 Fee for duplicate licence**

For the purposes of section 19 (1) of the Act, the prescribed fee for the issue of a duplicate licence is $23.

**16 Register of Undertakings**

The prescribed particulars to be contained in the Register of Undertakings kept by the Director-General under section 30 (2) of the Act are the following:

(a) the name and address of the person executing the deed,

(b) the name in which the person carries on business,

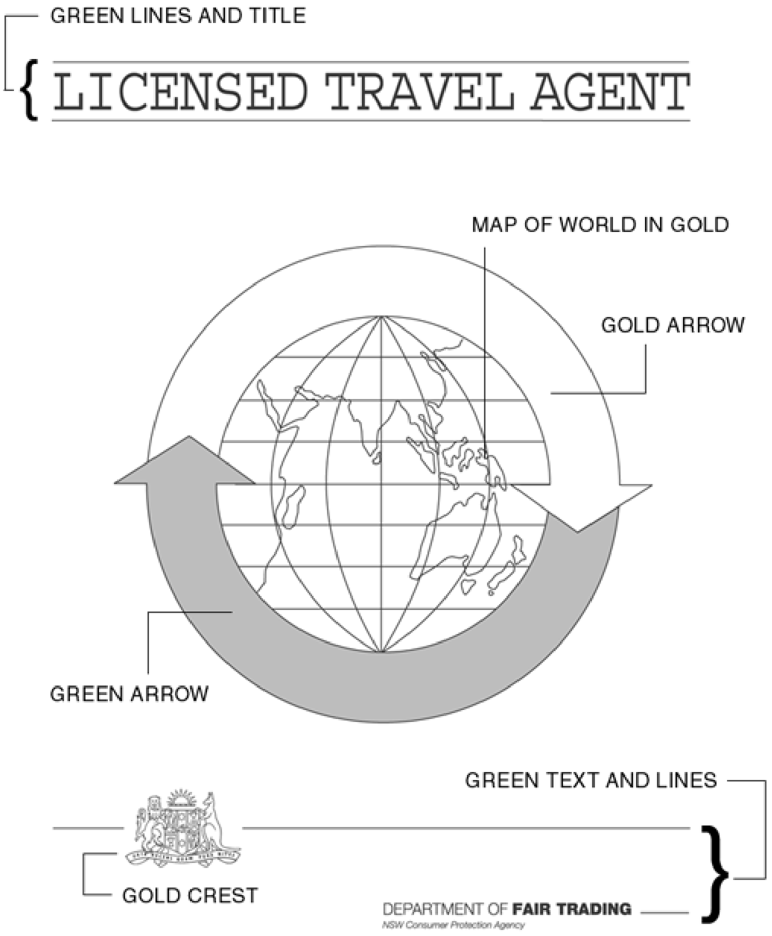
(c) the date on which the deed was executed,

(d) brief particulars of the circumstances and unjust conduct the subject of the deed,

(e) a summary of the undertakings given by the person.

### 17 Particulars to be displayed

For the purposes of section 33 of the Act, the prescribed form of notice is a notice in the form set out below and the prescribed particulars are those required by the form:




ALL COLOURS ON WHITE BACKGROUND

DIMENSIONS: NOT LESS THAN 200MM IN LENGTH AND HEIGHT

### 18 Qualifications of person in charge

(1) For the purposes of section 36 of the Act, the prescribed qualifications for a person in charge of the day-to-day conduct of the business of a travel agent are the following:

(a) if the business involves the sale of tickets or the arrangement of rights of passage by aircraft to or from a place outside Australia, whether or not it also involves the sale of tickets or arrangements referred to in paragraph (b) or (c), or both:

(i) 5 years of experience in the selling of tickets or the arrangement of rights of passage by aircraft to or from a place outside Australia, or

(ii) 2 years of experience in the selling of tickets or the arrangement of rights of passage by aircraft to or from a place outside Australia, together with the qualification set out in subclause (2),

(b) if the business involves the sale of tickets or the arrangement of rights of passage for travel (other than by aircraft) to or from a place outside Australia, whether or not it also involves the sale of tickets or arrangements referred to in paragraph (c):

(i) any of the qualifications referred to in paragraph (a), or

(ii) 2 years of experience in the selling of tickets or the arrangement of rights of passage for travel to or from a place outside Australia,

(c) if the business involves the sale of tickets or the arrangement of rights of passage by aircraft to or from a place within Australia:

(i) any of the qualifications referred to in paragraph (a) or (b), or

(ii) 1 year of experience in the selling of tickets or the arrangement of rights of passage by aircraft to or from a place within Australia.

(2) The qualification referred to in subclause (1) (a) (ii) is completion of a travel agent’s course that deals (whether wholly or in part) with the selling of tickets or the arrangement of rights of passage by aircraft to or from a place outside Australia and:

(a) was recognised by the Australian Travel Training Review Panel (or any similar national body that succeeds that Panel) at the time the course was completed, or

(b) is approved by the Director-General.

**19 Proceedings for offences**

For the purposes of section 49 (1) (b) of the Act, the Director-General is a prescribed officer.

**20 Compensation scheme**

(1) For the purposes of section 57 (2) of the Act, the compensation scheme for compensating persons who suffer a pecuniary loss by reason of an act or omission by a person who carries on, or carried on, business as a travel agent is the compensation scheme established by the trust deed made on 12 December 1986 by Deirdre Mary Grusovin, Peter Cornelis Spyker, Christopher John Sumner and Keith James Wilson, including all amendments to that deed that have taken effect on or before 3 March 2000.

(2) Schedule 1 comprises a copy of the trust deed referred to in subclause (1), as amended by the amendments referred to in that subclause.

**21 Savings**

Any act, matter or thing that had effect under the *Travel Agents Regulation 1995* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

# Schedule 1 Compensation scheme

(Clause 20)

**THIS DEED** is made the **TWELFTH** day of **DECEMBER** 1986 by:

**DEIRDRE MARY GRUSOVIN** of 1 Oxford Street, Darlinghurst in the State of New South Wales (being the Minister for Consumer Affairs in that State) for the Crown in the right of that State,

**PETER CORNELIS SPYKER** of 500 Bourke Street, Melbourne in the State of Victoria (being the Minister for Consumer Affairs in that State) for the Crown in the right of that State,

**CHRISTOPHER JOHN SUMNER** of 25 Grenfell Street, Adelaide in the State of South Australia (being the Minister for Public and Consumer Affairs in that State) for the Crown in the right of that State,

**KEITH JAMES WILSON** of 600 Murray Street, West Perth in the State of Western Australia (being the Minister for Consumer Affairs in that State) for the Crown in the right of that State,

hereinafter referred to as “the settlors”.

**WHEREAS**

A. The Governments of the States of New South Wales, Victoria, South Australia and Western Australia have entered into a Participation Agreement dated the 19th day of September 1986 (hereinafter referred to as “the Participation Agreement”) relating to the licensing of persons carrying on or intending to carry on business as travel agents and the regulation of their operations,

B. Reference is made in the Participation Agreement to a compensation fund,

C. The settlors are the Ministers of the Crown who will be respectively responsible for the Act in each State,

D. The settlors by this Deed appoint the persons named in this Deed to act as Trustees of the trust to be created upon the terms set out in this Deed in respect of a fund to be known as the Travel Compensation Fund and to be responsible for administration of the Scheme provided for in this Deed with a view to the Fund becoming the fund referred to in the Participation Agreement:

**NOW THIS DEED WITNESSES** as follows–

I. The settlors hereby declare that the Trust shall be established on the terms and conditions which are set out in the Schedule hereto and that this Deed includes that Schedule (as it may be amended from time to time).

II The settlors appoint the following persons to act as Trustees:

(i) as the nominee of the New South Wales Minister under clause 4.1, John William Andrew Holloway of 39 Carcoola Avenue, Chipping Norton in the State of New South Wales,

(ii) as the nominee of the Victorian Minister under clause 4.1, John David Hall of 70 Scott Street, Beaumaris in the State of Victoria,

(iii) as the nominee of the South Australian Minister under clause 4.1, Philip Herschel Nicholls of 5 Robert Street, Unley in the State of South Australia,

(iv) as the nominee of the Western Australian Minister under clause 4.1, Paul Richard Glanville of Unit 5, 286 Mill Point Road, South Perth in the State of Western Australia,

(v) as the nominees of the Ministers under clause 4.1, Osmond Francis William Pitts of 18 Greenfield Avenue, Middle Cove in the State of New South Wales,

(vi) Allen Charles Corbett of 2 Singleton Road, North Balwyn in the State of Victoria,

(vii) Michael Anthony Gilmour Thompson of 103 Monmouth Street, North Perth in the State of Western Australia,

(viii) Francis William O'Gorman of 77 Rugby Street, Malvern in the State of South Australia, and

(ix) as the nominee of the Ministers under clause 4.3, Neil Francis Francey of Unit 6, 59 Kirribilli Avenue, Kirribilli in the State of New South Wales.

III. This Deed shall come into force and effect when it is executed by each of the settlors and when the persons appointed to act as Trustees under clause II have consented so to act.

IV. As soon as this Deed comes into force and effect the settlors shall lodge with the Trustees the sum of one hundred dollars to be held by them on the trusts set out in this Deed.

**IN WITNESS WHEREOF** the settlors have executed this Deed on the date stated above.

| | |
|---|---|
| **SIGNED, SEALED AND** DELIVERED by the said DEIRDRE MARY GRUSOVIN | **DEIRDRE M GRUSOVIN** |

**in the presence of: M ROELANDTS**

| | |
|---|---|
| **SIGNED, SEALED AND** DELIVERED by the said PETER CORNELIS SPIKER | **PETER SPYKER** |

**in the presence of: P VAN DYK**

| | |
|---|---|
| **SIGNED, SEALED AND** DELIVERED by the said CHRISTOPHER JOHN SUMNER | **C J SUMNER** |

**in the presence of: ALAN MARTIN**

| | |
|---|---|
| **SIGNED, SEALED AND** DELIVERED by the said KEITH JAMES WILSON | **KEITH WILSON** |

**in the presence of: E RUSSELL**

SCHEDULE

## 1 INTERPRETATION

1.1 In this Deed and in any document or statement issued under it, unless a different meaning is indicated—

***"Act"*** means—

(a) the *Agents Act 1968* in force in the Australian Capital Territory, and

(b) the *Travel Agents Act* in force in any other State,

***"AFTA"*** means the Australian Federation of Travel Agents Limited,

***"agency"*** means the government body administering the Act,

***"Appeal Committee"*** means the committee established under clause 22,

***"bank"*** means a bank—

(a) as defined in the *Banking Act 1959* of the Commonwealth of Australia, or

(b) that carries on banking business on behalf of a State under the authority of the laws of that State,

***"Board"*** means the Board of Trustees referred to in clause 4,

***"Chief Executive Officer"*** means the person employed as such under clause 4A.1 (c),

***"claim"*** means a claim for compensation made under clause 16,

***"client account"*** means an account that only holds money received in advance in respect of travel arrangements or travel-related arrangements,

***"contribution"*** means any contribution determined by the Board under clause 6,

***"direct pecuniary loss"*** means the loss of the money or other valuable consideration actually paid to the travel agent,

***"fee"*** means a fee determined by the Board under clause 6,

***"Fund"*** means the Travel Compensation Fund referred to in clause 5,

***"levy"*** means a levy determined by the Board under clause 6,

***"licensing authority"*** means the person or body in a State responsible for licensing travel agents under the Act,

***"management"*** includes direction, conduct and control,

***"Management Committee"*** means the committee established under clause 20,

***"member"*** means—

(a) a member of a committee, or

(b) a member of a Management Committee,

***"Minister"*** means the Minister of the Crown in a State responsible for the Act,

***"Ministerial Council"*** means the Ministerial Council established under the Participation Agreement,

***"notice"*** includes a notification,

***"operator"*** means a person who operates—

(a) any transport system or transport facility, or

(b) any hotel, lodging house or other place of accommodation, or

(c) any restaurant or other eating or drinking place, or

(d) any place of entertainment, leisure or study, or

(e) any other facility or place in respect of which any travel arrangement or travel-related arrangement is made,

***"participant"*** means a person who is—

(a) accepted as a participant of the Fund under clause 10, or

(b) declared to be a participant of the Fund under clause 11,

***"Participation Agreement"*** means the Agreement made on 19 September 1986 between certain States to establish the scheme,

***"person"*** includes a body corporate, firm, partnership or other body,

***"scheme"*** means the co-operative scheme referred to in the Participation Agreement,

***"Standing Committee"*** means the Standing Committee of Officials of Consumer Affairs,

***"State"*** means a State or Territory that participates in the scheme,

***"travel agent"*** means a person who carries on business as a travel agent in a State within the meaning of the Act of that State,

***"travel arrangement"*** means any arrangement entered into in a State with a travel agent for the provision of services which in that State constitutes the carrying on of business as a travel agent in that State,

***"travel-related arrangement"*** means—

(a) any arrangement relating to—
   (i) hotel and airport transfers, or
   (ii) accommodation and meals, or
   (iii) car hire, or
   (iv) theatre and entertainment tickets, or
   (v) travellers cheques drawn against someone other than the person providing them, and

(b) any other arrangement that in the opinion of the Board is normally incidental to travel arrangements,

***"Trust"*** means the Trust established under clause 2,

***"Trustee"*** means a person appointed as a Trustee under clause 4,

***"year"*** means the period from 1 January to the next succeeding 31 December.

1.2 A person who enters into a contract to provide services of which some are travel arrangements or travel-related arrangements and others are provided by the person as an operator is not an operator for the purpose of this Deed in respect of any of the services referred to in that contract.

1.3 Any parts of speech or grammatical forms of a word or expression defined in this Deed have corresponding meanings.

1.4 Words in the singular include the plural and words in the plural include the singular.

1.5 A reference to—

(a) Parts and clauses is a reference to Parts and clauses, including subclauses and paragraphs, of this Schedule, and

(b) the Schedule is a reference to the Schedule to this Deed.

1.6 A reference to a statute is a reference to—

(a) the statute as amended, consolidated or replaced by any other statute, and

(b) any orders, ordinances, regulations, rules and by-laws made under the statute.

1.7 A heading does not affect the interpretation of this Deed.

**2 TITLE AND OBJECTS OF THE TRUST**

2.1 The trust established by this Deed shall be known as the Travel Compensation Fund.

2.2 The object of the Trust is to provide a trust fund for the benefit of—

(a) the Crown in the right of a State, and

(b) any person who entrusts money or other valuable consideration to a travel agent in respect of any travel arrangement or travel-related arrangement if—

(i) the travel agent fails to account for that money or consideration, or

(ii) the travel agent passes all or part of that money or consideration to another travel agent who fails to account for that money or consideration in the capacity as a travel agent.

**3 PURPOSES OF TRUST**

3.1 The purposes of the Trust are—

(a) to provide compensation to certain people who deal with travel agents, and

(b) to provide for the operation of the Fund, and

(c) to ensure that only persons who have sufficient financial resources to enable them to carry on business as a travel agent are participants of the Fund.

**4 TRUSTEES**

4.1 The Trust is to be operated by a Board of Trustees consisting of 11 Trustees appointed by the Ministerial Council of whom—

(a) one is the chairperson, and

(b) 2 are persons who have knowledge of the interests of travel consumers, and

(c) 2 are persons who have knowledge and experience of the travel industry, and

(d) 2 are other persons who have knowledge and experience of the travel industry, and

(e) 4 are persons representing the Ministerial Council.

4.2 The Trustees are to be appointed by the Ministerial Council in the following manner:

(a) the appointment of chairperson is to be made from applications submitted as a result of public advertisement of the position,

(b) the appointments of the 2 persons referred to in clause 4.1 (b) are to be made from—

(i) applications submitted as a result of public advertisement of the positions, and

(ii) nominations made by the Australian Consumers Association and the Consumers Federation of Australia,

(c) the appointments of the 2 persons referred to in clause 4.1 (c) are to be made from at least 4 nominations made by AFTA from its members,

(d) the appointment of the persons referred to in clause 4.1 (d) is to be made from—
   (i) applications submitted as a result of public advertisement of the position, and
   (ii) nominations made by travel agents not affiliated with AFTA submitted as the result of public advertisement of the position, and
   (iii) nominations made by the Inbound Tourism Organisation of Australia Limited from its inbound tour operator members,

(e) the appointments of the 4 persons referred to in clause 4.1 (e) are to be made—
   (i) in respect of the first person, of a representative of the agency of New South Wales, and
   (ii) in respect of the second person, of a representative of the agency of Victoria, and
   (iii) in respect of the third person, of a representative of the agency of Queensland or Western Australia on a rotating basis, and
   (iv) in respect of the fourth person, a representative of the agency of South Australia, Tasmania or the Australian Capital Territory on a rotating basis.

4.3 Nominations for the appointments of Trustees are to be—

(a) made by the closing date as fixed by the Ministerial Council, and

(b) lodged with the Standing Committee.

4.4 The Standing Committee is to—

(a) consider all nominations, and

(b) submit to the Ministerial Council a list of suitable persons from those nominations within 4 weeks after the closing date.

4.5 The Ministerial Council may reject any nomination and call for further nominations.

4.6 The Ministerial Council is to ensure that as far as practicable membership of the Board represents all the States.

4.7 The term of office of a Trustee is—

(a) a period not exceeding 3 years from the date of the appointment as specified in the instrument of appointment for a Trustee appointed under clause 4.2 (a), (b), (c) or (d), and

(b) a period not exceeding 2 years from the date of the appointment as specified in the instrument of appointment for a Trustee appointed under clause 4.2 (e).

4.8 A Trustee is eligible for re-appointment.

4.9 A Trustee—

(a) may resign by notice in writing to the Board, and

(b) is taken to have resigned if absent without leave from 3 consecutive meetings of the Board.

4.10 The Ministerial Council may remove a Trustee from office if the Trustee—

(a) becomes bankrupt or makes any arrangement or composition with the Trustee's creditors generally, or

(b) becomes of unsound mind or the Trustee's estate is liable to be dealt with in any way under the law relating to mental health that applies in the State where the Trustee resides, or

(c) is subject to any penalty in the Act or any Act relating to trustees, or

(d) being a participant, is found by the Board not to be eligible to remain a participant, or

(e) is an officer of a body corporate participant that is found by the Board not to be eligible to remain a participant, or

(f) is convicted, or proven guilty, of a criminal offence punishable on conviction by imprisonment for 2 years or more, or

(g) is for any other reason not fit to continue to be a Trustee.

4.11 The Ministerial Council may appoint a person to replace a Trustee if the Trustee resigns or is removed before the Trustee's term of office expires—

(a) from any nominations previously made in respect of that office, or

(b) in any other manner it considers appropriate.

4.12 The Ministerial Council may extend the term of office of a Trustee for a period not exceeding one year.

4.13 A Trustee appointed under clause 4.2 (e) (iii) and (iv) representing an agency in a State must consult at regular intervals with a representative of the other agency or agencies referred to in the relevant subparagraph of that clause.

**4A GENERAL POWERS AND DUTIES OF BOARD**

4A.1 The Board has the following duties:

(a) to pay out of the Fund any claim admitted under clause 16.7,

(b) to pay out of the Fund any costs, charges and expenses incurred in—

(i) managing the Trust, or

(ii) exercising any of its powers, or

(iii) carrying out the purposes of the Trust, or

(iv) terminating the Trust, or

(v) paying the legal costs of the Board or a Trustee reasonably incurred in carrying out duties and exercising powers under this Deed,

(c) to employ a person as a Chief Executive Officer to manage the administration of the Fund,

(d) to give receipts and discharges for money received by or on behalf of the Board or otherwise relating to any matter provided for in this Deed,

(e) to pay a Trustee the expenses, fees and allowances to which the Trustee is entitled,

(f) to pay the expenses or costs, not otherwise provided for in this Deed that the Board determines to be reasonable,

(g) to advise the Ministerial Council on any matter arising from its powers and duties that may affect any policy matter relating to the scheme,

(h) to publish information concerning the operations of the Trust.

4A.2 The Board has the following powers:

(a) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments,

(b) for the purpose of conducting the affairs of the Trust, to raise money and secure over the whole or any part of the Fund the payment of money to any person, firm, association, body or bank in any manner or on any terms the Board thinks fit,

(c) to insure or re-insure the Board and all past and present Trustees against any claims made upon or against them under this Deed and to settle the terms of the insurance and to pay from the Fund the premiums and charges for that insurance,

(d) to give a guarantee or indemnity for the payment of money or the performance of a contract, obligation or undertaking by a person, firm or association, and to give any security over the assets of the Fund for the guarantee or indemnity,

(e) to deal with any real or personal property or any interest in it,

(f) to execute and release mortgages,

(g) to open and operate upon any account with any bank or other financial institution,

(h) to take any action the Board considers necessary—

(i) to adequately protect the Fund, or

(ii) to recover a debt owing to it, or

(iii) to release or compound that debt, or to give time for the payment of that debt,

(i) to appear in any appeal brought against a decision made by the Board,

(j) to institute or defend legal proceedings in the name of the Trust,

(k) to make arrangements and enter into contracts to underwrite any part of the liabilities of the Trust,

(l) to deposit securities included in the Fund with a bank,

(m) to appoint actuaries, accountants, solicitors, barristers and other professional advisers to represent, advise and act on behalf of the Board,

(n) to employ any persons to assist in the administration of the Fund or anything required or permitted to be done by the Board,

(o) to do anything incidental to the performance of its functions.

4A.3 The Board, in exercising any power or performing any duty, must take into account any relevant decision of the Ministerial Council.

4A.4 The Board may delegate—

(a) powers and duties relating to the administration of the Fund to the Management Committee, and

(b) powers and duties relating to the administration of the Fund to the Chief Executive Officer other than the powers and duties under clauses 4A.1 (c), 4A.2 (b), 4A.2 (d), 4A.4, 9, 15.3, 20, 21, 25, 27, 29 and 30.1.

4A.5 A Trustee is not liable to a participant or any other person bound by this Deed for—

(a) any losses incurred in performing any duty or exercising any power as a Trustee other than those arising from the Trustee's own wilful neglect or default, or

(b) the acts or defaults of any other Trustee, or

(c) an act done in good faith and in conformity with the decisions of the Board.

4A.6 The Board is not liable for the neglect or default of any actuary, accountant, auditor, legal practitioner, banker or other agent employed or appointed in good faith by the Board.

4A.6 A Trustee—

(a) is to be indemnified against any liability incurred in execution of the duties of the Trustee, other than if it arises from the Trustee's wilful neglect or default, and

(b) has a lien on the Fund for that indemnity.

**5 THE FUND**

5.1 There shall be established a fund called the Travel Compensation Fund which shall be held and applied by the Trustees for the purposes of this Trust.

5.2 The Fund consists of the following:

(a) any money or property transferred to, acquired, received or held by the Board for the purposes of the Trust,

(b) any contributions, fees, levies and penalties,

(c) any investments in the name of the Trust,

(d) any income earned on money invested by the Board,

(e) any money paid by an insurer under a contract of insurance or indemnity entered into by the Board,

(f) any money recovered by the Board under this Deed or by some other action lawfully taken by it,

(g) any other money lawfully paid into the Fund.

5.3 The Board may cause the books of account of the Fund to show separately money and property received and held for the purposes of meeting claims and administrative expenses of the Fund.

5.4 The Board is not prevented from transferring funds or property between separate accounts if it considers it to be appropriate.

**6 CONTRIBUTIONS, FEES, LEVIES AND PENALTIES**

6.1 The Board is to determine the amount, method of calculation and manner of collection of all contributions, fees, levies and penalties payable to the Fund by participants and any other persons applying to be participants of the Fund.

6.2 The Board may fix any or all of the following:

(a) an initial contribution payable upon application,

(b) an additional contribution or special levy if it is of the opinion that the Fund is insufficient to meet the existing or potential liabilities of the Trust,

(c) an application fee,

(d) an administration fee,

(e) an annual renewal fee,

(f) an additional fee or late filing fee or penalty fee for any participant who fails to meet obligations under this Deed,

(g) an additional fee, contribution or special levy for each location at which a participant carries on business as a travel agent in addition to the participant's first location.

6.3 The Board may waive or refund in part or whole any contribution, fee, levy or penalty if it considers the circumstances justify it.

**7 INVESTMENT OF MONEY**

7.1 The Board is to pay any money received by it into any account kept by it.

7.2 The Board is to invest any of the Fund that is not required for the immediate purposes of the Trust in any one or more of the following:

(a) bank-accepted bills and interest-bearing deposits with banks,

(b) bonds or securities issued or guaranteed by a State Government or the Commonwealth Government,

(c) units in cash trusts or other negotiable investment forms that—

(i) are guaranteed by, or have full recourse to, a bank, or

(ii) consist solely of investments guaranteed by a bank or investments specified in clause 7.2 (a) and (b),

(d) any other investments which trustees may lawfully make in the State where the investment is made.

7.3 The Board may realise investments at any time.

7.4 Any document relating to the operation of any account or investment is to be signed in the manner the Board directs.

7.5 The Board may authorise any person to make deposits to any account kept by it.

**8 APPLICATION FOR ELIGIBILITY AS PARTICIPANT**

8.1 A person who intends to operate as a travel agent may apply in writing to the Board for a determination that the person is eligible to be a participant of the Fund.

8.2 An application is to be—

(a) in a form specified by the Board, and

(b) accompanied by the relevant contribution and application and administration fees.

8.3 The Board may require a person to supply any further information it reasonably requires to enable it to determine whether the person is eligible to be a participant.

8.4 If a person fails to comply with a requirement by the Board to supply further information within 3 months after the requirement is made, the application lapses.

8.5 If a person, in making an application or providing information, makes a statement that is false or misleading, the Board may require the person to show just cause why it should not determine that the person is not eligible to be a participant.

**9 ELIGIBILITY CRITERIA AS PARTICIPANT**

9.1 A person is eligible to be a participant if the Board considers that the person has, and is likely to continue to have, sufficient financial resources to enable the person to carry on business as a travel agent and enter into travel arrangements and travel-related arrangements.

9.2 In determining whether a person is eligible to be a participant, the Board may take into account whether the person, an employee of that person or, if the person is a body corporate, an officer of that body corporate—

(a) has experience in the management of the financial affairs of a business, and

(b) has been involved in the management of a failed travel agency, and

(c) has been involved in the management of a travel agency in respect of which a claim has been made under this Deed, and

(d) is or has been a travel agent in respect of whom a claim has been made under this Deed, and

(e) has previously failed to meet a criterion in guidelines issued under clause 9.4, and

(f) has been involved in the management of another business, and

(g) has previously applied to be a participant.

9.3 In determining a matter under clause 9.1 or 9.2, the Board may take into account the financial resources of any legal entity with which a person or an employee of the person is or has been associated.

9.4 The Board is to develop and publish from time to time guidelines as to the criteria it may use to determine whether a person is eligible to be a participant.

9.5 In developing the guidelines, the Board is to have regard to the risk of potential claims involved in particular types of operations carried out in the business of a travel agent.

9.6 If the Board is not satisfied that a person is eligible to be a participant, it may require the person to comply with any one or more of the following conditions in order to be satisfied that the person is eligible as a participant:

(a) that the person maintain and operate the business as a travel agent in a manner specified by the Board,

(b) that the person—

(i) maintain a trust account or client account in respect of any money received in the course of that business, or

(ii) increase the capital of that business, or

(iii) reduce the debt of that business, or

(iv) provide in favour of the Board any security it requires in any form it determines, or

(v) pay any costs incurred in connection with providing or releasing that security,

(c) that the business be guaranteed or insured in a manner, or by a person or class of person, specified by the Board,

(d) that the person maintain and operate books of account and other accounting records of the business in a manner specified by the Board,

(e) that a report be obtained at the expense of the person from a duly qualified auditor or accountant nominated by the Board—

(i) stating that the accounting records of the business give a true and fair view of the financial position of the business, or

(ii) providing any other information the Board requires to determine whether the person has sufficient financial resources to carry on the business,

(f) that the person provide full disclosure of the identity of any other person involved in the business.

9.7 The Board may—

(a) determine a reasonable date or period of time for compliance with any condition referred to in clause 9.6, and

(b) authorise payment of the cost of obtaining any report under clause 9.6 (e) from the Fund if it considers it appropriate to do so.

## 10 ACCEPTANCE AS PARTICIPANT

10.1 If the Board determines that an applicant is eligible to be a participant, the Board, on payment of the initial contribution and relevant fees, must—

(a) accept that applicant as a participant, and

(b) notify the relevant licensing authority that the person is a participant.

10.2 If the Board determines that an applicant is not eligible to be a participant, it must—

(a) refuse the application, and

(b) give notice to the relevant licensing authority and the applicant of—
(i) the refusal, and
(ii) the matters taken into account in making the determination.

## 11 DECLARED PARTICIPANT

10.1 The Board is to declare that a person is a participant without determining the person's eligibility if the person—

(a) is exempt from the requirement to hold a licence under section 3 (2) of the Act in New South Wales or the equivalent provision in an Act of another State, and

(b) gives written notice to the Board of the wish to be a participant, and

(c) pays any relevant contribution.

11.2 The Board must declare that a person is no longer a participant under this clause if the person—

(a) ceases to be exempt from the requirement to hold a licence under the Act, or

(b) fails to pay a contribution when it is due, or

(c) gives notice to the Board that the person wishes to cease to be a participant.

11.3 A person who is a participant under this clause is not required to comply with any other provision of this Deed.

## 12 INFORMATION BY PARTICIPANT

12.1 A participant must provide the Board, on or before a date fixed by the Board, with any information the Board reasonably requires about the participant's financial resources.

12.2 The Board may vary the date on which a participant is required to provide the information.

12.3 If a participant, in providing information, makes a statement that is false or misleading, the Board may require the participant to show cause why it should not determine that the participant is no longer eligible to be a participant.

12.4 A participant must notify the Board of any of the following relevant changes within 14 days after they occur:

(a) any changes in the structure of the ownership or management of the participant's business,

(b) any changes in the statutory officers of the participant's business,

(c) any changes in the place of business of the participant's business.

12.5 A participant must notify the Board of any of the following events within 14 days after they occur—

(a) the participant becomes bankrupt or makes any arrangement or composition with creditors,

(b) the winding up, receivership or administration of, or deed of administration in respect of, the participant's business.

### 12A REMAINING ELIGIBLE AS PARTICIPANT

12A.1 The Board may at any time determine whether a person remains eligible to be a participant.

12A.2 In order to determine whether a person remains eligible to be a participant, the Board may require the person to—

(a) comply with any one or more of the conditions specified in clause 9.6, and

(b) provide any information it reasonably considers necessary for that purpose, and

(c) allow an employee or agent of the Board to examine, make or print copies of, or take extracts from, any books, documents or records relating to the person's business, and

(d) give any assistance reasonably necessary for that purpose.

12A.3 The Board is to certify to the relevant licensing authority that a person remains eligible to be a participant if—

(a) the Board so determines, and

(b) the person pays any relevant contribution, fee, levy and penalty.

12A.4 If the Board determines that a person is no longer eligible to remain a participant, it is to give notice as soon as practicable to the relevant licensing authority and to the person—

(a) of the determination, and

(b) of the matters taken into account in making it.

### 12B CEASING TO BE PARTICIPANT

12B.1 A participant must pay the annual renewal fee on or before the date fixed by the Board.

12B.2 If a participant fails to pay any contribution, fee, levy or penalty within 2 months of the due date or any further period the Board may allow, the Board may determine that the participant ceases to be a participant.

12B.3 If a participant fails to provide information required under clause 12 within 3 months or any other period the Board allows, the Board may determine that the participant ceases to be a participant.

12B.4 If the Board determines under clause 12A that a person is no longer eligible to remain a participant, the person ceases to be a participant as at the date of that determination.

12B.5 The Board may determine that a participant ceases to be a participant if—

(a) the participant has not shown cause when required to do so under clause 12.3, or

(b) it appears to the Board that the participant—

(i) has abandoned any premises from which the business of that participant is conducted, or

(ii) has ceased to carry on that business, or

(c) any claims have been or, in the opinion of the Board, are likely to be made in respect of the business conducted by the participant.

12B.6 The Board may take into safe custody any books, records, property, client files, ticket stocks and other material a participant referred to in clause 12B.5 (b) and (c) uses or has used in the business as a travel agent.

12B.7 A participant ceases to be a participant when the participant's licence under the Act is surrendered, revoked or cancelled.

**12C REINSTATEMENT AS PARTICIPANT**

12C.1 The Board, on the written application of a person who ceased to be a participant, may reinstate that person as a participant.

12C.2 Before reinstating a person as a participant, the Board may require the person—

(a) to pay part or all of the relevant application and administration fees and any relevant fee, levy, contribution or penalty, and

(b) to provide the Board with any information that it reasonably requires about the person's financial resources.

12C.3 The Board is to notify the relevant licensing authority and the person of the reinstatement of the person as a participant.

12C.4 The Board is not to reinstate a person as a participant if the person has ceased to be a participant for a period exceeding 2 months.

**13 HEARINGS AND APPEALS**

13.1 Before the Trustees—

(a) determine that an applicant is not eligible to be a contributor to the Fund under clause 9.8,

(b) determine under clause 11.5 that a participant is no longer eligible to be a contributor to the Fund, or

(c) pursuant to clause 12.2, make their determination that an applicant or participant is eligible to be a contributor to the Fund conditional on any conduct—

they shall allow the applicant or participant a reasonable opportunity to be heard.

13.2 Notwithstanding any other provision of this Deed, where the Trustees make any determination or take any action referred to in paragraphs (a) to (c) of clause 13.1, and where an Act creates in or confers on the person a right so to do, a person who was the applicant or participant may—

(a) if the person was an applicant or participant in New South Wales, appeal to the Administrative Decisions Tribunal,

(b) if the person was an applicant or participant in Victoria, apply for a review of the decision to the Victorian Civil and Administrative Tribunal,

(c) if the person was an applicant or participant in South Australia, appeal to the Administrative and Disciplinary Division of the District Court of that State,

(d) if the person was an applicant or participant in Western Australia, appeal to the District Court of that State,

(e) if the person was an applicant or participant in Tasmania, appeal to a magistrate of that State,

(f) if the person was an applicant or participant in Queensland, appeal to the District court in that State,

(g) if the person was an applicant or participant in the Australian Capital Territory, appeal to the Australian Capital Territory Administrative Appeals Tribunal.

13.3 The Trustees shall give effect forthwith to a decision of a court or tribunal referred to in clause 13.2, notwithstanding that an appeal or application to another court or tribunal named in that clause remains to be determined.

## 14 REGISTER OF PARTICIPANTS

14.1 The Board is to keep a register of participants that includes—

(a) the names and addresses of each participant, and

(b) any variation or change in the name or business name of a participant that is approved and notified by the relevant licensing authority, and

(c) any other details the Board considers necessary.

14.2 A participant must notify the Board within 14 days of any variation or change—

(a) in the name or business name of that participant, or

(b) in the address of the place at which business as a travel agent is carried out.

14.3 Any person may inspect the register on payment of a fee determined by the Board.

### 15 PAYMENT OF COMPENSATION

15.1 The Board must pay compensation out of the Fund to a person who—

(a) enters into travel arrangements or travel-related arrangements directly or indirectly with a participant, and

(b) has suffered or may suffer direct pecuniary loss arising from a failure to account by the participant for money or other valuable consideration paid by the person, and

(c) is not protected against the loss by a policy of insurance.

15.2 The Board may pay compensation to—

(a) a person referred to in clause 15.1 in relation to other pecuniary loss arising from a failure to account as referred to in that clause, or

(b) a person who has suffered direct pecuniary loss or other pecuniary loss arising from a failure to account for money or other valuable consideration in relation to any travel arrangement or travel-related arrangement by a travel agent who is not a participant.

15.3 The Board may develop and publish guidelines that apply to the payment of compensation arising under clause 15.2.

15.4 The Board must not pay compensation to a person in respect of loss referred to in this clause that arises before the commencement of the Act in the appropriate State.

15.5 Compensation payable under this clause is payable—

(a) to a person who is a resident of Australia in respect of any travel arrangements or travel-related arrangements, or

(b) to a person who is not a resident of Australia in respect of travel arrangements or travel-related arrangements within Australia.

15.6 A travel agent or an operator who carries on or carried on a business comprising or including the provision of travel arrangements or travel-related arrangements may be paid compensation under this clause only if the travel agent or operator is exercising the right of a person to claim or receive compensation out of the Fund that has been assigned to the travel agent or operator.

15.7 The Board may pay compensation under this clause to a person in consideration of, or subject to, the assignment to the Board of the person's right and entitlement against another person.

15.8 The Board may pay compensation in instalments in any manner it determines.

### 16 CLAIMS FOR COMPENSATION

16.1 A person is not entitled to compensation from the Fund unless the person makes a claim under this clause within 12 months after the failure to account for money or other valuable consideration to which the claim relates.

16.2 The Board may accept a claim made later than 12 months if it considers it appropriate to do so.

16.3 A claim for compensation is to be made in a form specified by the Board.

16.4 The Board, if it is reasonably necessary to do so, may require that a person provide—

(a) additional information relating to the claim, and

(b) copies of any document in the possession or under the control of the person that relate to the claim.

16.5 The Board may require that—

(a) information be provided by statutory declaration or in any other manner, and

(b) copies of documents be verified in a particular manner.

16.6 The Board is not liable to make any payment for compensation to a person who has not complied with a requirement under clause 16.4 or 16.5.

16.7 The Board may decide—

(a) to admit a claim in whole or in part, or

(b) to reject a claim.

16.8 Within 14 days of making a decision under clause 16.7, the Board is to notify in writing its decision to the person who made the claim of—

(a) its decision, and

(b) the right of appeal under clause 19.

### 17 AMOUNT OF COMPENSATION

17.1 The Board must—

(a) determine the amount of compensation payable to a person under clause 15.1, and

(b) determine the amount of compensation payable to a person under clause 15.2.

17.2 The amount of compensation is not to exceed the pecuniary loss suffered.

### 18 EMERGENCY COMPENSATION

18.1 If a participant fails to meet, or, in the opinion of the Board, is unlikely to meet, an obligation to a person, the Board may pay out of the Fund the amount it determines is necessary to meet in whole or in part the emergency requirements of the person arising from the failure.

18.2 The Board must attempt to ensure that it does not make a payment prohibited by clause 15.

18.3 The Board is not liable for anything done in good faith under this clause.

### 19 APPEALS

19.1 A person may appeal against a decision of the Board under clause 16.7 that relates to any compensation referred to in clause 15.1—

(a) if the person resides in Queensland or the matter to which the appeal relates is alleged to have taken place in Queensland, to a judge of the District Court at Brisbane in that State, or

(b) if the person resides in South Australia or the matter to which the appeal relates is alleged to have taken place in South Australia, to a judge of the District Court at Adelaide in that State, or

(c) if the person resides in Western Australia or the matter to which the appeal relates is alleged to have taken place in Western Australia, to a judge of the District Court at Perth in that State, or

(d) if the person resides in New South Wales or the matter to which the appeal relates is alleged to have taken place in New South Wales, to the Fair Trading Tribunal of New South Wales, or

(e) if the person resides in any other State or the matter to which the appeal relates is alleged to have taken place in any other State, to the Appeal Committee in either State.

19.2 An appeal is to be instituted within 1 month after receiving notice of the decision of the Board.

19.3 An appeal by a person referred to in clause 19.1 (a), (b), (c) or (d) is to be heard under the relevant Act as if it were an appeal relating to a refusal of participation in the compensation scheme under that Act.

19.4 An appeal by a person referred to in clause 19.1 (e) is to be heard by the relevant Appeal Committee as a new hearing.

19.5 In the hearing and the determining of an appeal—

(a) an Appeal Committee has the powers of the Board specified in clause 16, and

(b) an Appeal Committee may determine its own rules and procedures, and

(c) the decision of an Appeal Committee may be by majority, and

(d) all questions of law are to be determined by the chairperson of an Appeal Committee.

## 20 MANAGEMENT COMMITTEE

20.1 The Board may establish a Management Committee to assist it in the administration of the Fund consisting of—

(a) the chairperson of the Board who is to be the chairperson of the Management Committee, and

(b) the Chief Executive Officer, and

(c) at least 2 Trustees.

20.2 The Board may delegate to the Management Committee any of its powers and duties under this Deed other than those under clauses 4A.1 (c), 4A.2 (b), 4A.2 (d), 4A.4, 20, 21.1, 21.4, 25, 27, 29 and 30.1.

20.3 A member of the Management Committee is not liable for any action in respect of performing any duty or exercising any power in good faith as such a member.

## 21 COMMITTEES

21.1 The Board may establish committees to assist it in its powers and duties consisting of at least 3 Trustees each.

21.2 The Board may vary the membership of a committee from time to time.

21.3 The Board may nominate one or more Trustee to act in the absence of a Trustee appointed to a committee.

21.4 The Board, by instrument in writing, may delegate to a committee any of its powers and duties under this Deed other than those under clauses 4A.1 (c), 4A.2 (b), 4A.2 (d), 4A.4, 20, 21.1, 21.4, 25, 27, 29 and 30.1.

21.5 A committee must exercise any delegated powers in accordance with any directions and subject to any conditions the Board specifies and a power so exercised is taken to be exercised by the Board.

21.6 A committee is to appoint one of its members who is a Trustee as chairperson of that committee.

21.7 A member of a committee is not liable for any action in respect of performing any duty or exercising any power in good faith as such a member.

## 21A CONDUCT OF MEETINGS

21A.1 The Board is to meet at least twice a year.

21A.2 A committee or a Management Committee is to meet as often as it considers necessary.

21A.3 The Board, a committee or Management Committee, may—

(a) determine the procedure for the calling of meetings and conduct of business at those meetings, and

(b) adjourn any meeting as it considers appropriate.

21A.4 Any 3 Trustees, by notice to the other Trustees, may call a meeting of the Board.

21A.5 The Board, a committee or a Management Committee may conduct a meeting—

(a) in person, or

(b) by audio or video conference facility, or

(c) by facsimile transmission, or

(d) by electronic mail, or

(e) by any other electronic medium approved by the Board.

21A.6 A Trustee or member who is not attending a meeting in person is taken to be present at the meeting if the Trustee or member—

(a) is able to hear the entire meeting and is able to be heard by all the others attending the meeting, or

(b) participates by facsimile transmission, electronic mail or any other electronic medium approved under clause 21A.5 (e).

21A.7 A meeting conducted otherwise than in person is taken to be held at a place agreed to by the Trustees or members present at the meeting if at least one of the Trustees or members was present during the whole of the meeting at that place.

21A.8 The quorum at a meeting—

(a) of the Board, is 6 Trustees, and

(b) of the Management Committee, is 2 Trustees, and

(c) of a committee, is one-half of the total number of members or, if that is not a whole number, the next highest number.

21A.9 If the chairperson is absent from a meeting—

(a) the Board may elect a Trustee who is present to chair the meeting, or

(b) the members present at that meeting may elect one of their number who is a Trustee to chair that meeting.

21A.10 Any question arising at a meeting is to be decided by a simple majority of votes of the Trustees or members present and voting.

21A.11 In the case of an equality of votes, the person chairing a meeting has a deliberative and a casting vote.

21A.12 A written resolution—

(a) may consist of several identical copies of the same document each signed by one or more of the Trustees or members, and

(b) if signed by the majority of the Trustees or members, is valid as if it had been passed at a meeting duly convened and held.

21A.13 The Board, a committee and a Management Committee is to keep full and accurate minutes of proceedings at meetings.

21A.14 A Trustee is entitled to expenses, fees and allowances for attending meetings and transacting the business of the Board, a committee or a Management Committee as fixed by the Ministerial Council.

## 22 APPEAL COMMITTEE

22.1 An Appeal Committee is appointed by a Minister to hear and determine an appeal made under clause 19.1 (e).

22.2 An Appeal Committee consists of 3 members one of whom is a legal practitioner of at least 7 years' standing who is the chairperson of the Appeal Committee.

22.3 A Trustee is not eligible to be a member of an Appeal Committee.

22.4 A member of an Appeal Committee is entitled to any expenses, fees and allowances the Board determines.

**23 SECRECY**

23.1 A person who is or has been a Trustee must not, either directly or indirectly, make a record of or communicate any information about another person acquired as a result of being a Trustee unless the information is recorded or communicated—

(a) in performing a duty or exercising a power under this Deed, or

(b) for the purposes of the Act or this Deed to a person employed in the administration of the Act, or

(c) in giving evidence or producing a document to a person or body that is entitled to hear or determine an application or an appeal relating to a licence under the Act, or

(d) in giving evidence or producing a document to a court or tribunal that is hearing any criminal or civil proceedings, or

(e) at the request of, and provided to, an agency of the Commonwealth of Australia or a State of the Commonwealth under a law of the Commonwealth or of that State, or

(f) with the written authority of that other person.

23.2 A contract with a person by which the person is employed in, or concerned with, the administration of the Trust, must provide that the person—

(a) is bound by provisions of this clause as if the person were a Trustee, and

(b) if entering into a subcontract with another person, is to provide in that subcontract that the other person is bound by the provisions of this clause.

### 24 ACCOUNTS AND AUDIT

24.1 The Board must cause—

(a) proper books of account to be kept in relation to all of the dealings and operations of the Trust, and

(b) the accounts of the Trust to be audited and a balance sheet, statement of income and expenditure, funds statement, supporting information and an auditor's certificate to be presented to the Board within 90 days after the end of each year.

24.2 The Board may appoint and determine the remuneration of the auditors of the Trust.

### 25 ANNUAL REPORT

25.1 The Board must forward a report of the financial and operational activities of the Trust for each year to—

(a) each Minister within 4 months after the end of that year, and

(b) each participant within 6 months after the end of that year.

### 26 NOTICES

26.1 The Board is to publish in the Government Gazette of each State a postal or facsimile address to which notices can be delivered or sent.

26.2 A notice to the Board is duly given if it is—

(a) delivered or sent by prepaid post to an address published under clause 26.1, or

(b) sent by facsimile address to an address published under clause 26.1.

26.3 A notice sent by post is taken to have been delivered on the third day following the day on which it was posted.

26.4 In proving delivery of a notice sent by post it is sufficient to prove that the letter containing the notice was properly addressed and posted.

26.5 A notice sent to a facsimile address is taken to have been delivered on the next business day after it was sent.

**27 TERMINATION OF TRUST**

27.1 The Trust may be terminated by—

(a) the unanimous resolution of the Board, or

(b) the unanimous decision of the Ministerial Council, or

(c) an order of the Supreme Court of New South Wales.

27.2 Upon termination of the Trust, any money standing to the credit of the Fund is to be applied as follows:

(a) firstly, in the payment of all the liabilities of the Trust, including any liability arising from a failure to account after the termination of the Trust for money or other valuable consideration entrusted to another person before the termination of the Trust,

(b) secondly, in the payment of any balance to the States in proportions equivalent to the total number of participants in each State at the date of termination.

**28 TRUST FUNDS NOT PAYABLE TO PARTICIPANTS**

28.1 The Board must not distribute among, or pay to all or any of, the participants any part of the Fund otherwise than as provided under this Deed.

**29 SUBSTITUTION OF DEED**

29.1 This Deed may be substituted by another trust deed by—

(a) the Ministerial Council at its own discretion, or

(b) the Board by resolution passed by at least 75% of the Trustees and with the approval of the Ministerial Council.

29.2 If this Deed is substituted by another trust deed, any reference to this Deed or a provision of this Deed in any document, contract or agreement is to be read as a reference to the substituted trust deed or the equivalent provision of the substituted trust deed.

**30 AMENDMENT OF TRUST DEED**

30.1 Subject to this Part, this Deed may be amended by a resolution (in this Part called **"an amendment resolution"**) passed by not less than seventy five per centum of the Trustees.

30.2 Part 13 (except by adding or deleting paragraphs in clause 13.2), clauses 30.1 and 31.3 and this clause may not be amended.

30.3 Immediately upon the passing of an amendment resolution the Trustees shall notify each Minister of it.

30.4 Where, within four weeks of an amendment resolution being passed, the Ministerial Council resolves that the amendment is rejected by the Ministerial Council, the amendment resolution lapses and is of no effect for any purpose.

30.5 An amendment resolution shall specify a date which shall be no earlier than six weeks after the date on which it is passed as the date on which the amendment is to take effect and this Deed shall be amended in accordance with that resolution as from and including that date.

30.6 An amendment to this Deed may be made and expressed so as to save from being void or of no effect a matter or thing done prior to the amendment.

## 31 GOVERNING LAW AND JURISDICTION

31.1 The Trust Fund shall be maintained in New South Wales.

31.2 The Trust shall be administered in New South Wales.

31.3 This Deed shall be governed by and construed in accordance with the laws of New South Wales.

31.4 A legal action or proceeding relating to this Deed or arising out of an action taken or omitted to be taken by the Trustees under this Deed may be brought in any State and the Trustees shall not raise any objection in regard to such an action or proceeding on the ground of venue or forum non conveniens or a similar ground.

## 32 CONSEQUENTIAL PROVISIONS RESULTING FROM AMENDMENTS

32.1 A reference in clause 13.1 (a) to a contributor under clause 9.8 is to be read as a reference to a participant under clause 10.2.

32.2 A reference in clause 13.1 (b) to clause 11.5 is to be read as a reference to clause 12A.4.

32.3 A reference in clause 13.1 (c) to clause 12.2 is to be read as a reference to clause 12A.2.

32.4 The Ministerial Council may terminate or extend the term of office of a person who is a Trustee immediately before the substitution of clause 4 takes effect to ensure that the membership of the Board reflects the matters referred to in clause 4.2.

32.5 A person who is a Trustee immediately before the substitution of clause 4 takes effect continues as a Trustee until—

(a) the Ministerial Council terminates the Trustee's term of office under clause 32.4, or

(b) the Trustee's term of office expires.

# Valuation of Land Regulation 2001

under the

Valuation of Land Act 1916

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Valuation of Land Act 1916*.

KIM YEADON, M.P.,
Minister for Information Technology

## Explanatory note

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the *Valuation of Land Regulation 1996*.

The new Regulation provides for the following:

(a) the refund of any fee paid in connection with an application for a valuation or certificate of valuation if the application is withdrawn,

(b) the procedure for lodging an objection to a valuation and for withdrawing any such objection,

(c) additional classes of Crown lease to which section 58F of the Act applies (section 58F requires the Valuer-General to provide land rating factors when furnishing a valuation),

(d) other matters of a minor, consequential or ancillary nature.

The Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the *Valuation of Land Act 1916*, including section 81 (the general regulation-making power) and the sections referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

# Contents

# Valuation of Land Regulation 2001

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Valuation of Land Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *Valuation of Land Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

In this Regulation:

***the Act*** means the *Valuation of Land Act 1916*.

### 4 Notes

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

# Part 2 Valuations and objections

### 5 Refunds

If an application for a valuation or a certificate of valuation is lodged and subsequently withdrawn, the Valuer-General may refund the fee lodged with the application, less such expenses as the Valuer-General estimates have been incurred in connection with the application.

### 6 Lodgment of objections: sections 31 and 35

(1) For the purposes of section 31 (1) of the Act, the prescribed time is the period of 60 days referred to in section 35 (1) of the Act.

(2) For the purposes of section 35 (1) of the Act, an objection to a valuation, allowance or apportionment factor may be lodged:

(a) at the office of the Valuer-General, or

(b) in the case of a valuation, allowance or apportionment factor for which notice under section 29 of the Act has been given by a rating or taxing authority on behalf of the Valuer-General, at the office of that authority.

### 7 Withdrawal of objections

An objector may withdraw an objection under section 29 or 31 of the Act by written notice served on the Valuer-General.

## Part 3 Miscellaneous

### 8 Land rating factors—certain classes of lease from the Crown

For the purposes of section 58F (1) (g) of the Act, the prescribed classes or descriptions of leases are leases for agricultural or pastoral purposes but only when the land subject to the leases is owned by or vested in any of the following bodies on behalf of the Crown:

(a) the New South Wales Land and Housing Corporation,

(b) the corporation sole with the corporate name of "Minister administering the *Environmental Planning and Assessment Act 1979*",

(c) the Albury-Wodonga (New South Wales) Corporation,

(d) the Ministerial Development Corporation constituted under the *Growth Centres (Development Corporations) Act 1974*,

(e) the Roads and Traffic Authority,

(f) the Sydney Water Corporation,

(g) the Hunter Water Corporation.

### 9 Affixing of marks to documents

(1) If under the Act or this Regulation a document is required to be signed by a person who is blind or is unable to read or write, the person must affix the person's mark to the document in the presence of a witness.

(2) The witness must certify that:

(a) the document was previously read over or explained to the person by the witness, and

(b) the person appeared fully to understand the nature and effect of the document.

### 10 Service of notices

Notices required by the Act or this Regulation may be served personally or by post.

### 11 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Valuation of Land Regulation 1996*, had effect under that Regulation continues to have effect under this Regulation.

# Valuers Registration Regulation 2001

under the

Valuers Registration Act 1975

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Valuers Registration Act 1975*.

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

## Explanatory note

The object of this Regulation is to replace, with minor amendments, the *Valuers Registration Regulation 1993* which is repealed on 1 September 2001 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the following matters:

(a) the fees payable under the *Valuers Registration Act 1975* (clauses 5–7),

(b) the period of training in valuing land that a person is required to complete before applying to become a real estate valuer (clause 8),

(c) the requirements in relation to the display of a certificate of registration and the surrender, in certain circumstances, of that certificate by a real estate valuer (clauses 10 and 11),

(d) the rules of conduct to be observed by a practising real estate valuer (clause 12 and Schedule 1),

(e) other miscellaneous matters (clauses 1–4, 9 and 13)

This Regulation is made under the *Valuers Registration Act 1975*, including section 30 (the general power to make regulations).

# Contents

# Valuers Registration Regulation 2001

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Valuers Registration Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *Valuers Registration Regulation 1993* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

In this Regulation:

***Register*** means the Register of Real Estate Valuers kept by the Director-General under section 12 of the Act.

***the Act*** means the *Valuers Registration Act 1975*.

### 4 Notes

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

# Part 2 Registration

### 5 Fees for copy of entries in the Register

For the purposes of section 12 of the Act, the prescribed fee for obtaining a copy of entries in the Register is the sum of the following amounts:

(a) $24 for dealing with the application,

(b) $11 for each of the first 10 pages supplied,

(c) $2 for each succeeding page supplied.

### 6 Applications for registration

For the purposes of section 13 (2) (b) of the Act, the prescribed fee to accompany an application for registration as a valuer is:

(a) $136, in the case of an application for registration as a practising real estate valuer, an associate real estate valuer, a valuer of licensed premises or an associate valuer of licensed premises, and

(b) $78, in the case of an application for registration as a non-practising real estate valuer.

### 7 Applications for renewal of registration

An application under section 16 of the Act for renewal of registration as a valuer must be made within 1 month before the registration expires and must be accompanied by a renewal fee of $84.

### 8 Period of training

(1) For the purposes of sections 15 (1) (b) (i) and 15A (b) (i) of the Act, the prescribed period of training in valuing land is:

(a) 1 month, in relation to residential land, and

(b) 440 working days, in relation to any other land.

(2) For the purposes of this clause, ***residential land*** means:

(a) residential property within the meaning of Division 8 of Part 4 of the *Conveyancing Act 1919*, or

(b) a community development lot within the meaning of the *Community Land Development Act 1989*.

### 9 Lost or destroyed certificate of registration

If satisfied that a certificate of registration has been lost or destroyed, the Director-General may issue a duplicate certificate on payment of a fee of $30.

### 10 Display of certificate of registration

A registered real estate valuer must, unless the valuer has reasonable cause not to do so, display the certificate of registration of the valuer at the principal place of business of the valuer so that it is visible to, and may be read by, a member of the public visiting the place during business hours.

Maximum penalty: 5 penalty units.

### 11 Surrender of certificate of registration

(1) The Director-General may, by notice served on a real estate valuer, direct the valuer to surrender the valuer's certificate of registration to the Director-General in the following circumstances:

(a) if a limitation imposed by the Director-General on the valuer's right to practise is varied under section 16A of the Act,

(b) if the valuer's registration is suspended under section 20 (1) (e) of the Act,

(c) if the name of the valuer is removed from the Register under section 20 (1) (f) of the Act.

(2) Such a notice may be served personally or by post.

(3) A real estate valuer on whom such a notice is served must comply with the direction contained in the notice within 14 days after service of the notice.

Maximum penalty: 10 penalty units.

## Part 3 Miscellaneous

### 12 Rules of conduct

A person who is registered as a real estate valuer (other than a non-practising real estate valuer) must, in the course of practice as a real estate valuer, observe the rules of conduct set out in Schedule 1, unless the valuer has a reasonable excuse for not doing so.

Maximum penalty: 10 penalty units

### 13 Savings and transitional

(1) Any act, matter or thing that, immediately before the repeal of the *Valuers Registration Regulation 1993*, had effect under that Regulation is taken to have effect under this Regulation.

(2) The requirement to keep and produce instructions as referred to in Item 4 of Schedule 1 applies only to instructions received after the commencement of this Regulation.

## Schedule 1 Rules of conduct

(Clause 12)

1 The valuer must at all times act faithfully and conscientiously in the best interests of the client.

2 Before accepting instructions from a client to value a property in which the valuer has a direct or indirect interest, the valuer must disclose the interest to the client.

3 The valuer must not accept instructions from a client to undertake valuation work unless:

(a) those instructions are in writing, or

(b) the valuer has confirmed those instructions back to the client in writing in sufficient detail to avoid any misinterpretation.

Any variations or extensions of the client's instructions must similarly be given or confirmed in writing.

4 The valuer must confirm in writing to the client:

(a) the fee to be charged for undertaking the valuation work, or

(b) the basis on which such a fee is to be determined,

and whether the fee includes items such as disbursements and travel expenses.

5 The valuer must:

(a) keep:

(i) instructions to undertake valuation work, and

(ii) adequate file notes and documentation that substantiate a valuation by way of inquiry, objective comparison, deduction, calculation and opinions formed by the valuer in the preparation of the valuation,

for a period of not less than 6 years after the preparation of the valuation, and

(b) produce the instructions, file notes and documentation for inspection when requested to do so by the Director-General.

6 The valuer must not accept instructions to undertake valuation work which is contingent on a predetermined result or finding.

7 If retained to make a valuation which will, or may, be used to determine or assess monetary compensation, the valuer must not require payment of a fee the amount of which is contingent on, or a percentage of, the amount of the compensation.

8 The valuer must not disclose a valuation to another person unless authorised by the client or required by law to do so.

9 The valuer must not value a particular class of land if the valuer is not qualified to make a valuation of land of that class and is not experienced to make such a valuation. This rule does not prevent a valuer from valuing land in conjunction with, or under the supervision of, a valuer qualified to make the valuation and who is experienced in making valuations of that kind if, before doing so, the valuer discloses this to the client.

10 If the valuer makes a written valuation or report or is responsible for a written valuation or report in conjunction with, or as a supervisor of, another valuer, he or she must:

(a) sign the valuation or report, and

(b) add any relevant qualification, and

(c) state whether or not he or she is registered to value the property.

# Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001

under the

Water Management Act 2000

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

## Explanatory note

The object of this Regulation is to provide for a number of matters relating to the Benerembah Irrigation District Environment Protection Trust, such as:

(a) its area of operations, and

(b) factors for classifying land, and

(c) bases for levying service charges, and

(d) payments for service charges.

This Regulation replaces the *Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 1996*, which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.This Regulation is substantially the same as the repealed Regulation.

This Regulation is made under the *Water Management Act 2000*, including Part 2 of Chapter 6 and section 400 (the general regulation-making power).

# Contents

# Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

### 3 Definitions

In this Regulation:

***the Act*** means the *Water Management Act 2000*.

***Trust*** means Benerembah Irrigation District Environment Protection Trust.

### 4 Notes

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

### 5 Area of operations of Trust

Pursuant to section 289 (1) of the Act, the area of operations of the Trust is the area shown bounded by a red line on the map numbered 123—630 and deposited in the Parramatta office of the Department of Land and Water Conservation.

### 6 Function of Trust

Pursuant to section 289 (2) of the Act, the Trust has, and may exercise in its area, only the function of assessing, levying and recovering drainage service charges in connection with the provision of drainage services within the area of operations of the Trust.

# Part 2 Fees, drainage service charges and other charges

### 7 Fees and charges other than drainage service charges

For the purposes of section 310 (2) of the Act, the fees and charges (other than drainage service charges) that the Trust may impose for a thing supplied or provided are to be determined by resolution of the Trust's Board.

### 8 Classification of land for purpose of levying drainage service charges

For the purposes of section 313 of the Act, the Trust may classify land for the purpose of levying drainage service charges according to one or more of the following factors:

(a) the nature and extent of the water supply to the land,

(b) the nature and extent of the drainage from the land,

(c) the purpose for which the land is actually being used,

(d) the intensity with which the land is being used for that purpose.

### 9 Basis of levying service charges

For the purposes of section 314 of the Act, the Trust may levy drainage service charges on land according to either or both of the following bases:

(a) the assessment by the Trust of the cost of providing the land with the service,

(b) the Member's Base Allocation in respect of the land, as shown in the Murrumbidgee Irrigation Limited's Member Contract.

### 10 Determinations by Trust

For the purposes of section 315 (1) of the Act, a determination of the Trust referred to in that subsection is to be made by resolution of the Trust's Board.

### 11 Payment to Trust

Payment to the Trust of a drainage service charge or other charge:

(a) is due within the time notified by the Trust when giving notice of the charge, and

(b) may be made in any manner so notified.

### 12 Payment by instalments

(1) The Trust must notify a person liable to pay drainage service charges levied, or other charges imposed, that payment of the charges may be made to the Trust by a stated number of instalments of specified amounts.

(2) If there is a failure to make a payment in accordance with the notification, the total unpaid balance may be treated by the Trust as an overdue amount of drainage service charges or other charges even if payment by instalments had commenced.

### 13 General power to defer or waive payment

(1) The Trust may, if of the opinion that reasonable cause has been shown:

(a) defer payment of a drainage service charge, or any other charge or fee, on such conditions as it thinks fit, or

(b) waive such a payment or any part of it.

(2) The Trust may establish an account from which to fund any such deferral or waiver.

## Part 3 Miscellaneous

### 14 Cutting off access to drainage works

The Trust may cut off access from land to drainage works:

(a) if any drainage service charges or other charges relating to the land are overdue (but only if at least 7 days' notice of the intention to cut off access has been given to the person liable for payment of the charges concerned), or

(b) if the Trust is of the opinion that it is unavoidably necessary to do so,

(c) if the owner or occupier of the land fails to do anything that, under a provision of the Act or of a regulation made under the Act, is required to be done to prevent pollution or contamination of the water in the drainage works, or

(d) if the owner or occupier obstructs an officer of the Trust in the exercise of his or her functions.

### 15 Recording of drainage service charge

(1) The Trust must keep such records relating to each drainage service charge as required by the Minister and must keep the records in a manner approved by the Minister.

(2) An amendment of the records kept under this clause may be made by:

(a) inserting the name of a person who claims to be, and is, entitled to be recorded as owner or occupier, or

(b) inserting the name of a person to whom an account for a drainage service charge should have been rendered or who has, since the levying of a drainage service charge, become liable to pay it, or

(c) omitting the name of a person whose name should not have been, or should no longer be, recorded, or

(d) increasing or reducing the amount of a drainage service charge as a result of an error in recording or notifying it, or

(e) inserting particulars of land that should have been the subject of a drainage service charge, or

(f) making such other amendments as will ensure conformity of the records with the Act.

(3) A liability to make a payment as a result of an amendment accrues on the making of the amendment, but the payment is not overdue if made within one month after notice of the amendment and of the resulting liability has been given to the person liable.

### 16 Savings

Any act, matter or thing that, immediately before the repeal of the *Water Management (Benerembah Irrigation District Environment Protection Trust) Regulation 1996*, had effect under that Regulation is taken to have effect under this Regulation.

# Water Traffic Amendment (Fees) Regulation 2001

under the

Maritime Services Act 1935

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Maritime Services Act 1935*.

CARL SCULLY, M.P.,
Minister for Transport

## Explanatory note

The object of this Regulation is to amend the *Water Traffic Regulations—NSW* to increase certain fees relating to aquatic licences, the registration of vessels and the licensing of drivers of vessels.

These fee increases take account of the annual increase in the Consumer Price Index and, in some cases, double certain fees.

This Regulation is made under the *Maritime Services Act 1935*, including section 38 (the general regulation-making power), in particular section 38 (3) (b) and (c).

# Water Traffic Amendment (Fees) Regulation 2001

### 1 Name of Regulation

This Regulation is the *Water Traffic Amendment (Fees) Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 October 2001.

### 3 Amendment of Water Traffic Regulations—NSW

The *Water Traffic Regulations—NSW* are amended as set out in Schedule 1.

### 4 Notes

The explanatory note does not form part of this Regulation.

# Schedule 1 Amendments

(Clause 3)

**[1] Regulation 8 Aquatic licences**

Omit “$62” from Regulation 8 (3) (g) (i). Insert instead “$64”.

**[2] Regulation 8 (3) (g) (ii)**

Omit “$93”. Insert instead “$96”.

**[3] Regulation 8 (3) (g) (iii)**

Omit “$246”. Insert instead “$255”.

**[4] Regulation 8 (3) (g) (iv)**

Omit “$494”. Insert instead “$511”.

**[5] Regulation 11 Registration of vessels**

Omit “$105” from Regulation 11 (3A) (a). Insert instead “$217”.

**[6] Regulation 11 (3A) (b)**

Omit “$53”. Insert instead “$54”.

**[7] Regulation 11 (3A) (c) (i) and (ii)**

Omit “$36” wherever occurring. Insert instead “$37”.

**[8] Regulation 11 (3A) (c) (ii)**

Omit “$6.70” and “$404.50”.
Insert instead “$6.90” and “$419.20” respectively.

**[9] Regulation 11 (8)**

Omit “$13”. Insert instead “$14”.

**[10] Regulation 15H Requirements for grant of initial licence**

Omit “$35” from Regulation 15H (2) (e) (i). Insert instead “$36”.

**[11] Regulation 15L Fees for licences**

Omit “$55” from Regulation 15L (a). Insert instead “$115”.

**[12] Regulation 15L (b)**

Omit “$27”. Insert instead “$56”.

**[13] Regulation 15L (c)**

Omit “$31”. Insert instead “$33”.

**[14] Regulation 15L (d)**

Omit “$14”. Insert instead “$15”.

**[15] Regulation 15M Concessional fees for licences**

Omit “$109” from Regulation 15M (2) (a). Insert instead “$228”.

**[16] Regulation 15M (2) (b)**

Omit “$77”. Insert instead “$82”.

**[17] Regulation 15M (3) (a)**

Omit “$13”. Insert instead “$27”.

**[18] Regulation 15N Special provisions concerning personal watercraft licences**

Omit “$11” from Regulation 15N (1). Insert instead “$12”.

**[19] Regulation 15N (3) (a)**

Omit “$32”. Insert instead “$33”.

**[20] Regulation 15N (3) (b)**

Omit “$10”. Insert instead “$11”.

**[21] Regulation 15Q Duplicate licences**

Omit "$13". Insert instead "$14".

# Witness Protection Regulation 2001

under the

Witness Protection Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Witness Protection Act 1995*.

PAUL WHELAN, M.P.,
Minister for Police

## Explanatory note

The object of this Regulation is to prescribe the forms to be used to permit a participant in a witness protection program (established and maintained under the *Witness Protection Act 1995* or under a law of the Commonwealth, another State or a Territory) who has been provided with a new identity not to disclose his or her former identity if the participant would otherwise be required by law to do so.

This Regulation replaces, without substantial variation, the *Witness Protection Regulation 1996*. That Regulation will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation is made under the *Witness Protection Act 1995* and, in particular, under sections 24 (Non-disclosure of former identity of participant) and 42 (the general regulation-making power).

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

# Contents

# Witness Protection Regulation 2001

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Witness Protection Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *Witness Protection Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

***the Act*** means the *Witness Protection Act 1995*.

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

### 4 Notes

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

## Part 2 Prescription of forms

**5 Form permitting non-disclosure of former identity (participant under NSW witness protection program)**

For the purposes of section 24 (1) of the Act, the prescribed form is Form 1.

**6 Form permitting non-disclosure of former identity (participant under complementary witness protection law)**

For the purposes of section 24 (5) of the Act, the prescribed form is Form 2.

# Part 3 Savings

## 7 Saving

Any act, matter or thing that had effect under the *Witness Protection Regulation 1996* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

# Schedule 1 Forms

## Form 1 Permission for non-disclosure of former identity (participant under NSW witness protection program)

(Clause 5)

(Witness Protection Act 1995, section 24 (1))

On (date), (new identity of participant) ("the participant") was provided with a new identity under the witness protection program operating in New South Wales.

The participant is required by or under (law that requires disclosure, including section number of Act if relevant) to disclose the participant's former identity for the purpose of (purpose).

Pursuant to the *Witness Protection Act 1995*, I, (name, rank and position), the duly appointed delegate of the Commissioner of Police, give the participant permission not to disclose the participant's former identity to any person as required by that law for that purpose.

Signed:

Date:

**Note.** Section 24 of the Act enables permission to be given to a participant who has been provided with a new identity not to disclose his or her former identity if the participant would otherwise be required by law to do so. In such a case, it is lawful for the participant in any proceedings or for any purpose in respect of the law concerned to claim that the participant's new identity is his or her only identity.

This permission remains valid while the participant retains that new identity even though the participant's participation in the witness protection program may have been terminated.

This document must be surrendered by the participant in accordance with any notice issued under section 21 (5) of the Act if the participant's participation in the program is terminated and action is taken by the Commissioner of Police to restore the participant's former identity.

## Form 2 Permission for non-disclosure of former identity (Participant under a complementary witness protection law)

(Clause 6)

(Witness Protection Act 1995, Section 24 (5))

On (date), (new identity of participant) ("the participant") was provided with a new identity under the witness protection program operating under (complementary witness protection law).

The participant is required by or under (law that requires disclosure, including section number of Act if relevant) to disclose the participant's former identity for the purpose of (purpose).

Pursuant to the *Witness Protection Act 1995*, I, (name, rank and position), the duly appointed delegate of the Commissioner of Police, give the participant permission not to disclose the participant's former identity to any person as required by that law for that purpose.

Signed:

Date:

**Note.** This permission remains valid while the participant retains his or her new identity even though the participant's participation in the witness protection program concerned may have been terminated.

This permission is subject to the complementary witness protection law referred to above.

# Rules

## LEGAL PROFESSION ACT 1987

**Rules 28, 29, 30, 31 and 32** are deleted.

**The following rules** are inserted:

28.1) The Board may register a person as a Student-at-Law.
2) The Board may refuse to register a person as a Student-at-Law if it is not satisfied that the person is of good fame and character and otherwise suitable for registration.

29.A person is qualified for registration as a Student-at-Law if he or she:
a) has passed the Special Tertiary Admissions Test (STAT) with a mark of 152 or above;
b) holds a degree from a university;
c) has completed the NSW Higher School Certificate achieving the levels set out in the table hereunder;

| Year | Minimum Level | Minimum English mark calculated as an average of HSC examination and assessment marks | |
|---|---|---|---|
| Before 1986 | Aggregate of 253 | 2 Unit General/2 Unit A<br>2 Unit | 60<br>53 |
| 1986-90 | TES of 253 | 2 Unit General<br>2 Unit | 60<br>53 |
| 1990-99 | TER of 50 | 2 Unit Contemporary<br>2 Unit Related/General | 60<br>53 |
| 1999-2000 | UAI of 66 | 2 Unit Contemporary<br>2 Unit Related/General | 60<br>53 |
| 2001- | UAI of 66 | Standard/Advanced<br>ESL | 60<br>70 |

d) completed the equivalent of the NSW Higher School Certificate examination in Australia or New Zealand, achieving a level equivalent to one of the levels set out in the table in clause “c” above;
e) holds a diploma, advanced diploma or associate diploma from an Australian university or TAFE college;
f) has passed the International Baccalaureate examination with a result of 30 points or more and a result in English A of at least 4 points at the Higher Level or 5 points at the Standard level;
g) has been admitted to candidature for a degree in an Australian or New Zealand university;
h) has qualified in a TAFE college or elsewhere for the award of a Certificate III or Certificate IV as assessed by the Australian Qualifications Framework;
i) has gained qualifications outside Australia equivalent to a Diploma, Advanced Diploma, Certificate III or Certificate IV;
j) has been employed as a paralegal or a legal secretary undertaking actual legal work under supervision for at least three years; or
k) has been either a police officer or a registered nurse who has passed some examinations in either of those professions.

30.1) An application for registration as a Student-at-Law shall be in and to the effect of form 1.
2) An application in form 1 shall be lodged with all required attachments no less than 14 days before the date of the Board meeting which is to decide it.

**Rule 34(1)(a)** is amended by deleting the words “as a probationary Student-at-Law or”.

**Rule 99** is amended to read as follows:

99. (1) An applicant for admission who has not previously been admitted as a lawyer in any jurisdiction shall apply in and to the effect of Form 10 and shall provide to the Board two certificates of character in and to the effect of form 3.

. (2) An applicant for admission who has previously been admitted as a lawyer in a jurisdiction outside Australia and New Zealand shall apply in Form 11 and shall provide to the Board two certificates of character in and to the effect of form 3A.

(3) An applicant for admission whose name has been ordered by the Court or by a disciplinary tribunal to be removed from the Roll of Barristers, the Roll of Solicitors or the Roll of Legal Practitioners in New South Wales shall apply for re-admission in Form 12 and shall provide a copy of his or her application to the New South Wales Bar Association and the Law Society of New South Wales.

**Forms 1 and 2** in the First Schedule are deleted.

**Form 1** in the First Schedule is inserted as hereunder:

**Legal Practitioners Admission Board**

Application for

# Registration as a Student-at-Law

Form 1

*NB. The contents of this application may be disclosed to Law admitting authorities and Law regulatory bodies*

## 1 Applicant

**full name** surname ______ given names ______

**title** ______

**date of birth** ______

**address** (it must be in Australia) ______

**telephone** home ______ work ______

mobile ______ fax ______

**email address** ______

## 2 Qualifications for Entry

(a) I wish to sit the Special Tertiary Admission Test (STAT) as follows:

*Date* ______ *Examination location* ______

OR

(b) I have sat the STAT within the last 12 months and attained a result of 152 or greater. I have attached my results advice. ☐

OR

(c) I meet the requirements for Entry Category No. ☐ and have attached the required documentation.

## 3 Exemptions

I have received academic exemptions from the Legal Practitioners Admission Board and have attached a copy of the Board's exemption letter. Yes /No

FORM 1 CONTINUES OVER PAGE

Form 1 (continued)

## 4 Declaration

4.1 The information I have given in this form is true and complete.

4.2 I have never been registered as a Student-at-Law before.

4.3 I am residing in Australia and expect to continue residing in Australia during my candidature for the Admission Board's examinations.

4.4 I realise that candidature for the Admission Board's examinations does not confer any visa entitlement.

4.5 I have not done anything likely to affect adversely my good reputation and character, and am not aware of any circumstance that might affect my fitness to be admitted as a Student-at-Law ***(you must CROSS OUT the following words if you do not have anything to disclose)*** unless the Board considers that my good reputation and character or my fitness may be affected adversely by the circumstances in the attached "Disclosure" signed by me.

**Signature of applicant** ☐ date ☐

## Checklist of documents to be attached

**(Original certificates will be returned by registered mail)**

- **Fee:** $120.00. Make cheques and money orders payable to "Legal Practitioners Admission Board" ☐
- **Question 2(b):** Original of your STAT results notice (if applicable). ☐
- **Question 2(c):** Original documentation supporting your nominated entry category (if applicable). ☐
- **Question 3:** Copy of Board's academic exemption letter (if applicable). ☐
- **Question 4:** Original of any "Disclosure" signed by applicant (if applicable). ☐

## How to return your application

1. Put the cheque for the fee on top, then the application form, and then any attachments
2. Return form and attachments to:

**Legal Practitioners Admission Board**

**GPO Box 3980**
**Sydney NSW 2001**

*or*

**DX 602**
**Sydney**

*or*

*By hand only*
**Level 4**
**Elizabeth Street**
**Sydney**

FORM 1: STUDENT-AT-LAW APPLICATION

# Supreme Court Rules (Amendment No 352) 2001

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 20 August 2001.

Steven Jupp

Secretary of the Rule Committee

## Explanatory note

The object of these Rules is to amend Part 76, rule 29 of the *Supreme Court Rules 1970* to provide that the Protective Commissioner may direct a person who has the custody or control of any testamentary paper of a protected person to deposit that document in the registry.

# Supreme Court Rules (Amendment No 352) 2001

### 1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 352) 2001*.

### 2 Notes

The explanatory note does not form part of these Rules.

### 3 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended by inserting "protected person or" after "testamentary paper of a" in Part 76, rule 29 (2).

# Supreme Court Rules (Amendment No 353) 2001

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 20 August 2001.

Steven Jupp

Secretary to the Rule Committee

## Explanatory note

The object of these Rules is to update references to the name and location of the Exhibits Office in the Supreme Court in a number of subpoena forms set out in the *Supreme Court Rules 1970*.

# Supreme Court Rules (Amendment No 353) 2001

### 1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 353) 2001*.

### 2 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

### 3 Notes

The explanatory note does not form part of these Rules.

## Schedule 1 Amendments

(Rule 2)

**[1] Schedule F, Form 45A**

Omit "Exhibits Office, Level 4" from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5".

**[2] Schedule F, Form 45A**

Omit "Prothonotary's Office, Level 4," from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5,".

**[3] Schedule F, Form 45B**

Omit "Exhibits Office, Level 4" from the matter relating to note (2).
Insert instead "Exhibits Office, Level 5".

**[4] Schedule F, Form 45B**

Omit "Prothonotary's Office, Level 4," from the matter relating to note (2).
Insert instead "Exhibits Office, Level 5,".

**[5] Schedule F, Form 45C**

Omit "Exhibits Office, Level 4" from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5".

**[6] Schedule F, Form 45C**

Omit "Prothonotary's Office, Level 4," from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5,".

**[7] Schedule F, Form 45E**

Omit "Exhibits Office, Level 4" from the matter relating to note (3) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5".

**[8] Schedule F, Form 45E**

Omit "Prothonotary's Office, Level 4," from the matter relating to note (3) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5,".

**[9] Schedule F, Form 46**

Omit "Exhibits Office, Level 4" from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5".

**[10] Schedule F, Form 46**

Omit "Prothonotary's Office, Level 4," from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5,".

**[11] Schedule F, Form 46A**

Omit "Exhibits Office, Level 4" from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5".

**[12] Schedule F, Form 46A**

Omit "Prothonotary's Office, Level 4," from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5,".

**[13] Schedule F, Form 46B**

Omit "Exhibits Office, Level 4" from the matter relating to note (2) on the reverse page of the form.
Insert instead "Exhibits Office, Level 5".

### [14] Schedule F, Form 46B

Omit "Prothonotary's Office, Level 4," from the matter relating to note (2) on the reverse page of the form.

Insert instead "Exhibits Office, Level 5,".

### [15] Schedule F, Form 48

Omit "Exhibits Office, Level 4" from the matter relating to note (3) on the reverse page of the form.

Insert instead "Exhibits Office, Level 5".

### [16] Schedule F, Form 48

Omit "Prothonotary's Office, Level 4," from the matter relating to note (3) on the reverse page of the form.

Insert instead "Exhibits Office, Level 5,".

# Supreme Court Rules (Amendment No 354) 2001

under the

## Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 20 August 2001.

Steven Jupp

Secretary of the Rule Committee

## Explanatory note

The object of these Rules is to change the rate of interest payable on judgments (and in respect of certain other matters) in relation to the period after 1 September 2001 from 11% to 10% per annum.

# Supreme Court Rules (Amendment No 354) 2001

### 1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 354) 2001*.

### 2 Notes

The explanatory note does not form part of these Rules.

### 3 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended by omitting the following matter from Schedule J to those Rules:

| | |
|---|---|
| after 31 August 2000 | 11 |

and by inserting instead:

| | |
|---|---|
| the beginning of 1 September 2000 to the end of 31 August 2001 | 11 |
| after 31 August 2001 | 10 |

# Orders

## Subordinate Legislation Act 1989—Order

MARIE BASHIR, Governor

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 11 of the *Subordinate Legislation Act 1989*, do, by this my Order, postpone from 1 September 2001 to 1 September 2002 the date on which the following statutory rules are repealed by section 10 of that Act:

*Aboriginal Land Rights Regulation 1996*

*Adoption Information Regulation 1996*

*Adoption of Children Regulation 1995*

*Animal Research Regulation 1995*

*Apiaries Regulation 1995*

*Architects (Elections and Appointments) Regulation 1995*

*Architects (General) Regulation 1995*

*Children (Care and Protection) Regulation 1996*

*Children (Care and Protection—Review of Child Deaths) Regulation 1996*

*Coastal Protection (Non-Local Government Areas) Regulation 1994*

*Community Services (Complaints, Appeals and Monitoring) Regulation 1996*

*Confiscation of Proceeds of Crime Regulation 1996*

*Country Industries (Pay-roll Tax Rebates) Regulation 1994*

*Day Procedure Centres Regulation 1996*

*Dentists (Elections) Regulation 1996*

Subordinate Legislation Act 1989—Order

*Dentists (General) Regulation 1996*

*Disability Services Regulation 1993*

*Driving Instructors Regulation 1993*

*Entertainment Industry Regulation 1995*

*Exhibited Animals Protection Regulation 1995*

*Family Day Care and Home Based Child Care Services Regulation 1996*

*Landlord and Tenant Regulation 1994*

*Landlord and Tenant (Rental Bonds) Regulation 1993*

*Legal Profession Regulation 1994*

*Legal Profession (Solicitor Corporations) Regulation 1996*

*Liquor Regulation 1996*

*Local Government (Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 1995*

*Local Government (Manufactured Home Estates and Manufactured Homes) Regulation 1995*

*Lord Howe Island (General) Regulation 1994*

*Mines Rescue Regulation 1996*

*Murray Valley Citrus Marketing (Polls) Regulation 1996*

*Necropolis Regulation 1996*

*Noxious Weeds Regulation 1993*

*Nursing Homes Regulation 1996*

*Optometrists Regulation 1995*

*Physiotherapists Registration Regulation 1995*

*Plant Diseases Regulation 1996*

*Podiatrists Regulation 1995*

*Poisons and Therapeutic Goods Regulation 1994*

*Ports Corporatisation (Staff Director Elections) Regulation 1995*

*Poultry Meat Industry Regulation 1995*

*Prevention of Cruelty to Animals (Animal Trades) Regulation 1996*

*Prevention of Cruelty to Animals (General) Regulation 1996*

Subordinate Legislation Act 1989—Order

*Private Hospitals Regulation 1996*

*Property, Stock and Business Agents (General) Regulation 1993*

*Protected Estates Regulation 1995*

*Public Health Regulation 1991*

*Public Sector Management (General) Regulation 1996*

*Radiation Control Regulation 1993*

*Registered Clubs Regulation 1996*

*Residential Tenancies (Residential Premises) Regulation 1995*

*Road Transport (Mass, Loading and Access) Regulation 1996*

*Rural Lands Protection Regulation 1995*

*Seeds Regulation 1994*

*Small Businesses' Loans Guarantee Regulation 1994*

*State Owned Corporations (National Electricity Market) Regulation 1996*

*Stock (Artificial Breeding) Regulation 1995*

*Stock (Chemical Residues) Regulation 1995*

*Stock Medicines Regulation 1995*

*Veterinary Surgeons Regulation 1995*

*Water (Part 5—Bore Licences) Regulation 1995*

*Water (Part 5—Drillers' Licences) Regulation 1995*

*Water (Part 8—General) Regulation 1995*

*Water Management (Irrigation Corporations) Regulation 1995*

*Water Management (Lowbidgee Flood Control and Irrigation Works) Regulation 1996*

*Water Management (Private Drainage Boards—Elections) Regulation 1995*

*Water Management (Private Drainage Boards—General) Regulation 1995*

*Water Management (Private Water Trusts—Elections) Regulation 1995*

*Water Management (Private Water Trusts—General) Regulation 1995*

*Water Management (Water Supply Authorities—Finance) Regulation 1996*

*Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1995*

Subordinate Legislation Act 1989—Order

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*Workers Compensation (General) Regulation 1995*
*Workers Compensation (Insurance Premiums) Regulation 1995*
*Workers Compensation (Workplace Injury Management) Regulation 1995*

Signed at Sydney, this 30th day of August 2001.

By Her Excellency's Command,

BOB CARR, M.P.,
Premier

# Subordinate Legislation Act 1989—Order

MARIE BASHIR, Governor

I, Professor Marie Bashir, AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 11 of the *Subordinate Legislation Act 1989*, do, by this my Order, postpone from 1 September 2001 to 1 September 2002 the date on which the following statutory rules are repealed by section 10 of that Act:

*Fisheries Management (Aquaculture) Regulation 1995*

*Fisheries Management (Aquatic Reserves) Regulation 1995*

*Fisheries Management (General) Regulation 1995*

*National Parks and Wildlife (Administration) Regulation 1995*

*National Parks and Wildlife (Land Management) Regulation 1995*

Signed at Sydney, this 30th day of August 2001.

By Her Excellency's Command,

BOB CARR, M.P.,
Premier

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# By-Law

# Crown Lands (General Reserves) By-law 2001

under the

Crown Lands Act 1989

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Crown Lands Act 1989*.

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

## Explanatory note

This By-law replaces the *Crown Lands (General Reserves) By-law 1995* which is repealed on 1 September 2001 by section 10 (2) of the *Subordinate Legislation Act 1989*. This By-law makes provision for the following matters:

(a) the administration of the various reserves, including meetings of the trust board for a reserve trust that manages a reserve under the *Crown Lands Act 1989*, the appointment of staff of a reserve trust, the duties of the secretary and the treasurer of a reserve trust, accounting matters and other general administrative matters,

(b) the regulation of the entry of persons into reserves and the conduct of persons in reserves,

(c) other minor, consequential and ancillary matters.

This By-law is made under the *Crown Lands Act 1989*, including section 128 (the general power to make by-laws).

# Contents

Crown Lands (General Reserves) By-law 2001

Contents

# Crown Lands (General Reserves) By-law 2001

## Part 1 Preliminary

### 1 Name of By-law

This By-law is the *Crown Lands (General Reserves) By-law 2001*.

### 2 Commencement

This By-law commences on 1 September 2001.

**Note.** This By-law replaces the *Crown Lands (General Reserves) By-law 1995* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Application

This By-law applies to a reserve specified in Schedule 1, except as specifically provided by other clauses of this By-law.

### 4 Definitions

(1) In this By-law:

***authorised person***, in relation to a reserve trust, means:

(a) a member of the trust board of the reserve trust, or

(b) an administrator of the affairs of the reserve trust, or

(c) a ranger or other person appointed by the reserve trust, or

(d) where a council has been appointed to manage the affairs of the reserve trust, any officer, employee of the council or other person appointed as an authorised person by the council.

***building*** includes part of a building.

***council*** has the same meaning as in the *Local Government Act 1993*.

***mooring*** means the anchoring of any vessel or the securing of any vessel to any post, stake, pile, float, pontoon, wall, wharf, jetty or other landing stage.

***reserve*** means a reserve to which this By-law applies, and includes part of a reserve.

***reserve trust***, in relation to a reserve, means the reserve trust that is the trustee of the reserve under the Act.

***secretary***, in relation to a reserve trust, means the secretary of the reserve trust.

***the Act*** means the *Crown Lands Act 1989*.

***vehicle*** includes:

(a) a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity, and

(b) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things, and

(c) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things, and

(d) an apparatus propelled on land, snow or ice by human or animal power or by the wind, and

(e) a trailer or caravan, whether or not it is in the course of being towed.

(2) The explanatory note, table of contents and notes in the text of this By-law do not form part of this By-law.

# Part 2 Administration

## Division 1 Trust boards

### 5 Operation of Division

This Division applies to the reserve trust of a reserve to which this By-law applies, where the reserve trust is managed by a trust board.

### 6 Meetings

(1) The trust board is to meet at least 4 times a year at the places and times as determined by the board.

(2) At one such meeting, to be termed the annual general meeting, the trust board is to elect:

(a) a chairperson and a deputy chairperson, and

(b) a person or persons as secretary and treasurer unless those positions are filled by a person or persons appointed and employed under clause 13.

(3) A person elected under subclause (2) is to hold office until the next annual general meeting of the trust board.

(4) A statement of accounts is to be presented to the annual general meeting of the trust board.

### 7 Special meetings

On receipt by the chairperson of a written request for a meeting of the trust board, the chairperson, if the request is signed by at least 2 members of the board and specifies the purpose of the meeting, is to call a special meeting to be held within 28 days after receipt of the request at the place and time specified by the chairperson.

### 8 Prior notice of meetings

(1) Subject to subclause (2), the chairperson, not later than 10 days before the day appointed for a meeting referred to in clause 6 or 7, is to forward to each member of the trust board a notice in writing setting out the place and time of the meeting and the agenda for that meeting.

(2) If the chairperson is of the opinion that a special meeting should be held as soon as possible, the chairperson may give such notice of the place and time of, and the agenda for, the meeting as the chairperson considers appropriate.

### 9 Casual vacancy

If a casual vacancy occurs in the office of the chairperson, deputy chairperson, secretary or treasurer, the trust board, at the first meeting held after the occurrence of the casual vacancy, is to elect or appoint, as the case requires, a person to fill the vacancy and the person so elected or appointed is entitled to hold office for the unexpired part of the term of office of that person's predecessor.

### 10 Conduct of meetings

(1) At a meeting of the trust board, the chairperson or, in the absence of the chairperson, the deputy chairperson, is to preside.

(2) In the absence of the chairperson and the deputy chairperson, the members of the trust board present are to elect a person from among their number to preside at the meeting and the person so elected is to preside.

(3) The person presiding at a meeting of the trust board is to have a deliberative vote and, in the event of an equality of votes, is to have a second or casting vote.

### 11 Committees

(1) The trust board may form one or more committees to carry out such works or perform such duties as the board determines.

(2) All such committees must consist of members of the trust board.

## Division 2 General administrative matters

### 12 Operation of Division

This Division applies to the reserve trust of a reserve to which this By-law applies.

### 13 Officers and employees

(1) The reserve trust may appoint and employ a secretary, a treasurer, rangers and such other officers and employees as may be necessary for the efficient operation of the reserve.

(2) One person may be appointed to the positions of secretary to, and treasurer of, the reserve trust.

(3) If there is a trust board, a member of the trust board may be appointed and employed under this clause.

### 14 Duties of secretary and treasurer

(1) The secretary is:

(a) to keep and maintain minutes of each meeting of the reserve trust, and

(b) to keep and maintain the book (disclosure of pecuniary interests of members of a trust board) required by clause 1 (3) of Schedule 4 to the Act, and

(c) to perform other duties as directed by the reserve trust.

(2) The treasurer is:

(a) to be responsible to the reserve trust for the keeping and maintaining of proper financial records, and

(b) to keep and maintain the records required to be kept by the reserve trust under Schedule 4 to the *Crown Lands Regulation 2000*.

### 15 Financial year

The reserve trust's financial year is the year ending on 30 June.

### 16 Receipts and disbursements

(1) All money received by the reserve trust is to be deposited to the credit of an account established with any authorised deposit-taking institution in the name of the reserve trust.

(2) Each item of expenditure by or on behalf of the reserve trust is to be authorised or confirmed for payment, at a duly convened and constituted meeting of the reserve trust by tabling and approval of a report by the treasurer relating to that item of expenditure.

(3) Cheques drawn on the reserve trust's account are to be signed by one member of the reserve trust and one other person approved by the trust.

(4) If an administrator of a reserve trust has been appointed under the Act, cheques are to be signed by the administrator and one other person chosen by the administrator.

## 17 Common seal

(1) The common seal of the reserve trust is to be kept by the secretary or, if there is no secretary, by such other person as may be appointed by the trust.

(2) A trust's seal may be affixed to an instrument or document only:

(a) following a resolution to do so passed at a meeting of the trust, and

(b) in the presence of the secretary or a member of the trust board, and

(c) with an attestation by the signature of the secretary or member of the fact of the affixing of the seal.

(3) If an administrator of a trust has been appointed, the trust's seal may be affixed and attested by the administrator alone.

# Part 3 Regulation of use of reserves

## Division 1 Use of reserves generally

### 18 Public access to reserve

(1) Subject to subclause (2), the reserve is to be open to the public during such times as the reserve trust may specify in a public notice displayed at or adjacent to each entrance to the reserve.

(2) The reserve trust, by a public notice displayed at or adjacent to each entrance to the reserve, may do any of the following:

(a) close to the public the reserve, any part of the reserve, or any building, structure or enclosure,

(b) restrict or otherwise regulate the purposes for which the reserve, any part of the reserve or any building, structure or enclosure may be used,

(c) prohibit the use of the reserve, any part of the reserve or any building, structure or enclosure for any purpose specified in the notice.

(3) A person must not enter or use the reserve, any part of the reserve or any building, structure or enclosure in the reserve contrary to a public notice displayed under this clause.

Maximum penalty: 5 penalty units.

### 19 Reserve trust may set aside parts of reserve for certain uses

Subject to and consistent with any plan of management for a reserve, the reserve trust may set aside any part of the reserve, including any building, structure or enclosure, for any purpose for which the reserve may be used.

### 20 Fees and charges

(1) The reserve trust may from time to time determine the fees or charges payable in respect of any one or more of the following:

(a) use of the whole or any part of the reserve and any building, structure or enclosure in the reserve,

(b) parking or use of any vehicle or class of vehicles on the reserve,

(c) use of electricity, gas and water,

(d) rubbish disposal and cleaning of the reserve,

(e) removal of effluent.

(2) The reserve trust of a reserve (other than a reserve for a cemetery) may from time to time determine the fees or charges payable in respect of entry to the whole or any part of the reserve and any building, structure or enclosure in the reserve.

(3) The reserve trust of a reserve for a cemetery may from time to time determine the fees or charges payable for the services provided in respect of the cemetery.

(4) In determining fees and charges, the reserve trust is to have regard to any contractual arrangements entered into by the reserve trust.

(5) The fees or charges payable under subclause (1) or (2) must be displayed in a public notice erected at or adjacent to each entrance to the reserve or part of the reserve or building, structure or enclosure to which the fees or charges relate.

(6) The fees or charges payable under subclause (3) must be displayed in a public notice outside the office of the reserve trust.

(7) The reserve trust may in any particular case waive payment of a fee or charge.

(8) The Minister may serve notice on the reserve trust disallowing or varying any fee or charge as set out in the notice and the reserve trust is to give effect to the Minister's notice.

## 21 Entry

(1) A person who enters the reserve or a part of the reserve or any building, structure or enclosure in the reserve, whether on payment of an entrance fee or otherwise, enters subject to such conditions as may be determined from time to time by the reserve trust and as are displayed in public notices erected at or adjacent to each entrance to the reserve or part or the building, structure or enclosure.

(2) The reserve trust may designate entrance and exit points to and from the reserve, any part of the reserve or any building, structure or enclosure in the reserve by public notices displayed at or near those points.

(3) Where the reserve trust has designated any entrances and exits, a person must not enter or leave the reserve or part or the building, structure or enclosure otherwise than through an entrance or exit as designated by public notices displayed at or adjacent to the entrance or exit.

Maximum penalty: 5 penalty units.

(4) Where the reserve trust has designated an entrance and determined an entrance fee, a person must not enter the reserve or part or the building, structure or enclosure unless:

(a) the person pays that entrance fee, and

(b) the person enters as directed by public notices displayed at or adjacent to an entrance where any entrance fee demanded is payable.

Maximum penalty: 5 penalty units.

### 22 Vehicles on reserve

(1) The reserve trust may give such directions as to the bringing of vehicles into, and the use and parking or mooring of vehicles in, the reserve as the reserve trust thinks fit, and any such direction:

(a) may be limited as to time, place or subject-matter, and

(b) may be varied or revoked by the reserve trust.

(2) A direction given under subclause (1) has effect only where it appears in a public notice displayed on or near the reserve or part to which the direction relates.

(3) The direction appearing in a public notice that is displayed on or near a reserve or part with the authority of the reserve trust has effect as a direction, for the time being in force, given under subclause (1) in relation to the reserve or part and the notice is, for the purposes of subclause (2), notice of that direction.

(4) A person must not contravene a direction having effect under this clause.

Maximum penalty: 5 penalty units.

(5) A person must not interfere with, alter or remove any public notice displayed with the authority of the reserve trust under subclause (2).

Maximum penalty: 5 penalty units.

(6) Nothing in this clause affects any provision of the Act or any other Act or any other provision of this By-law so far as the provision has effect in relation to conduct on a reserve.

### 23 Regulation of conduct in reserve

(1) A person must not make use of a reserve or carry on a specified activity in the reserve if that use or specified activity is prohibited by a public notice displayed on the reserve.

Maximum penalty: 5 penalty units.

(2) For the purposes of subclause (1), the specified activities are as follows:

(a) entering the reserve at a time when the reserve is not open to the public,

(b) entering any building, structure or enclosure or part of the reserve not open to the public,

(c) holding a meeting or performance or conducting an entertainment,

(d) taking part in any gathering, meeting or assembly (except, in the case of a cemetery, for the purpose of a religious or other ceremony of burial or commemoration),

(e) selling, offering or exposing for sale any article or thing,

(f) displaying or causing any bill or poster to be displayed,

(g) distributing any circular, advertisement, paper or other printed, drawn, written or photographic matter,

(h) having or operating television, cinematographic or photographic equipment for commercial purposes,

(i) camping or permanently residing,

(j) planting any tree, shrub, vine, flower or other plant,

(k) damaging, picking or removing any tree, shrub, plant, vine, flower or other vegetation (whether dead or alive), except as permitted by paragraphs (l) and (m),

(l) removing any dead timber, log or stump, whether standing or fallen, except for the purpose of cooking food in the reserve,

(m) damaging any lawn, playing field or green, except in the course of and as a normal incident of any recreational or sporting activity,

(n) defacing or removing or disturbing any rock, soil, sand, stone or similar substance,

(o) lighting a fire:

(i) at any time when the lighting of fires in the reserve is prohibited under the *Rural Fires Act 1997*, or

(ii) at any other time except in a fire-place provided by the reserve trust or in portable cooking equipment,

(p) climbing any tree, building, fence, seat, table, enclosure or other structure,

(q) destroying, capturing, injuring, annoying or interfering with, or interfering with the habitat of, any animal, bird or other fauna, whether native or introduced,

(r) having or keeping any dog or other animal, or allowing any animal under the person's control to depasture,

(s) carrying, laying or setting any trap, snare or poison bait, or dropping from any aircraft any trap, snare or poison bait,

(t) placing any beehive,

(u) carrying or having in a person's possession a firearm within the meaning of the *Firearms Act 1996* or a prohibited weapon within the meaning of the *Weapons Prohibition Act 1998*, unless that person is a police officer acting in connection with the performance of that person's duties as such an officer,

(v) discharging fireworks,

(w) having in possession, selling, serving or consuming any intoxicants,

(x) having or using any axe, saw or similar tool or implement,

(y) assembling or using a hang-glider or landing a helicopter,

(z) flying a mechanically propelled model aircraft or similar thing,

(aa) breaking any glass or throwing or projecting any stone, missile or other object,

(bb) operating a radio, cassette, record player or electronic sound system at a volume likely to cause a nuisance to any person or animal,

(cc) conducting or taking part in any sporting activity that forms part of any organised competition or tournament, (dd) riding on or using a skateboard, roller skates, roller blades, scooter or similar apparatus,

(ee) jetskiing or surfboarding,

(ff) fishing.

(3) Nothing in this clause prohibits a person with a disability (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth) from being accompanied by an assistance animal (that is, an animal referred to in section 9 of that Act).

(4) A person must not interfere with, alter or remove any public notice displayed with the authority of the reserve trust under subclause (1).

Maximum penalty: 5 penalty units.

(5) Nothing in this clause affects any provision of the Act or any other Act or any other provision of this By-law so far as the provision has effect in relation to conduct on a reserve.

## 24 Conduct prohibited in reserve

(1) A person must not:

(a) leave any rubbish or litter in the reserve, except in receptacles provided by the reserve trust for the purpose, or

(b) damage, deface or interfere with any structure, sign, public notice, descriptive plate, label, machinery or equipment in the reserve, or

(c) obstruct any authorised person or employee of, or contractor to, the reserve trust in the performance of the authorised person's duty or the employee's or contractor's work in the reserve, or

(d) pollute any fresh water, tank, reservoir, pool or stream in the reserve, or

(e) bring onto the reserve any diseased animal or any noxious animal, or

(f) walk over, mark, scratch or otherwise mutilate, deface, injure, interfere with, remove or destroy any Aboriginal rock carving, its surrounds or any other Aboriginal relic in the reserve, or

(g) deface with graffiti or other form of writing, picture, or symbol, any trees, building, fence, seat, table, public notice, enclosure or other structure in the reserve, or

(h) drive or ride any animal or act contrary to any public notice erected by the reserve trust that regulates the use or movement or confinement of animals in the reserve, or

(i) remain in the reserve or any part of the reserve or any building, structure or enclosure in the reserve when requested to leave by an authorised person, or

(j) bring into or leave in the reserve any refuse, scrap metal (including any vehicle or vehicle part), rock, soil, sand, stone or other such substance.

Maximum penalty: 5 penalty units.

(2) A person must not in a reserve for a cemetery:

(a) interfere with any grave or monument, or

(b) open any coffin, or

(c) disturb or interrupt any service, procession, cortege, gathering, meeting or assembly, or

(d) bury any human remains (whether cremated or not).

Maximum penalty: 5 penalty units.

## Division 2 Additional provisions in regard to crematoriums and cemeteries

### 25 Application of this Division

(1) This Division applies to a crematorium, general cemetery or portion of a general cemetery specified in Part 2 of Schedule 1.

(2) In the application of this Division to a portion of a cemetery:

(a) a reference to a cemetery is taken to include a reference to a portion of a cemetery, and

(b) a reference to a reserve trust in relation to a cemetery is taken to be a reference to a reserve trust for a portion of a cemetery.

(3) This Division does not affect the operation of any regulations under the *Public Health Act 1991* relating to cemeteries.

### 26 Definitions

In this Division:

***burial place*** means a grave site, vault site, crypt site or other place for the disposition of the remains of the dead.

***exclusive right of burial*** means an exclusive right of burial granted by a reserve trust in respect of a burial place.

***holder***, in relation to an exclusive right of burial, means the person recorded, in the register kept by the reserve trust, as the person entitled to the exclusive right.

### 27 Planning, conduct and maintenance

A reserve trust may make such provision as it considers necessary for the following:

(a) the setting aside of sections for different types and classes of burials,

(b) the establishment of standards of construction and design for monuments and structures,

(c) the size, multiple use and location of burial places,

(d) burials in vaults,

(e) the erection or installation of structures and the making of inscriptions,

(f) the carrying out of work by monumental masons,

(g) the qualifications required by, and the security deposits required to be lodged by, monumental masons,

(h) the removal, replacement and maintenance of structures,

(i) the placing of vases, statuettes, jars, bottles or other items of embellishment on or near graves, monuments, crypts or vaults,

(j) the improvement and maintenance of the cemetery,

(k) the making of arrangements for the care of burial places on an annual or other basis,

(l) the supply of goods and services incidental to the conduct of burials and other matters relating to the cemetery,

(m) the conduct of religious or other ceremonies of burial or commemoration.

### 28 Grant of exclusive rights of burial

(1) A reserve trust may grant an exclusive right of burial in respect of a burial place in the cemetery.

(2) An application for an exclusive right of burial must be in the form approved by the reserve trust and accompanied by the appropriate fee.

(3) An exclusive right of burial may be granted to one person or to two or more persons as joint holders.

(4) An exclusive right of burial entitles the person or persons to whom it is granted to the exclusive right of burial in the burial place in respect of which it is granted.

### 29 Transfer of exclusive rights of burial

(1) A reserve trust may, on application made by the holder of an exclusive right of burial, transfer an exclusive right of burial from one or more persons to one or more other persons.

(2) An application for the transfer of an exclusive right of burial must be in the form approved by the reserve trust and accompanied by the appropriate fee.

### 30 Grant or transfer of exclusive rights of burial may be refused

A reserve trust may refuse to grant or transfer an exclusive right of burial if, in its opinion, the grant or transfer would tend to create a monopoly or encourage dealing in such rights as a business.

### 31 Exclusive rights of burial may be bequeathed

(1) The holder of an exclusive right of burial may bequeath the right as if it were the holder's personal estate.

(2) A person to whom an exclusive right of burial devolves as a result of a bequest does not become the holder of the right until the register is amended to indicate that fact.

(3) On application made by a person to whom an exclusive right of burial has devolved as a result of a bequest, a reserve trust must amend the register so as to indicate that the person has become the holder of the right.

(4) An application under this clause must be in the form approved by the reserve trust and accompanied by the appropriate fee.

### 32 Burials in burial places in respect of which exclusive rights have been granted

(1) The remains of a deceased person may not be buried in a burial place in respect of which an exclusive right of burial has been granted unless:

(a) the person was the holder of the right immediately before he or she died, or

(b) the holder of the right gives written consent to the person's remains being buried in the burial place.

(2) On the death of the spouse or a child of the holder of an exclusive right of burial, the remains of the spouse or child may be buried in the burial place to which the right relates without the written consent of the holder of the right if the reserve trust is satisfied:

(a) that the holder is not available to give consent to the burial, and

(b) that consent to the burial would be given if the holder were available.

(3) The only compensation that the reserve trust is liable to pay to the holder of an exclusive right of burial in the event that it permits the holder's spouse or child to be buried in the burial place without the consent of the holder is an amount equivalent to the fee currently charged by the trust for the grant of an exclusive right of burial in respect of a comparable burial place.

### 33 Register of burial places

(1) A reserve trust must cause a register of burial places to be kept in respect of all burial places in the cemetery in accordance with the regulations under the *Public Health Act 1991*.

(2) The register may be kept in electronic or written form.

(3) A reserve trust may amend its register from time to time so as to remove any inaccuracies contained in it.

(4) A reserve trust must, on application made by any person, make available to the person a copy of any entry made in the register in relation to a burial place.

(5) Such an application must be in the form approved by the reserve trust and accompanied by the appropriate fee.

(6) The register is admissible in any proceedings as evidence of the identity of the holder of an exclusive right of burial that has been granted in respect of any particular burial site.

### 34 Certificates of exclusive rights of burial

(1) A reserve trust may issue to the holder of an exclusive right of burial a certificate of exclusive right of burial in relation to the burial place concerned.

(2) An application for such a certificate must be in the form approved by the reserve trust and accompanied by the appropriate fee.

(3) A certificate under this clause is to be in such form as the reserve trust may from time to time determine.

### 35 Order for burial

(1) A burial must not take place in a cemetery unless the reserve trust has issued an order for burial.

(2) A reserve trust may set down the procedure to be followed to obtain an order for burial.

### 36 Hours of burial

Burials are not to take place except at such times as the reserve trust may from time to time determine.

### 37 Exhumations

(1) Exhumations are not to take place unless:

(a) prior written approval has been obtained from the Director-General of the Department of Health in accordance with the regulations under the *Public Health Act 1991*, and

(b) an order for exhumation has been issued by the reserve trust.

(2) This clause does not apply if an exhumation order has been issued by a Court.

# Part 4 Miscellaneous

### 38 Destruction or taking of plants or animals

Nothing in this By-law prevents the reserve trust from authorising:

(a) the destruction in the reserve of any noxious weed or any feral or pest animal, or

(b) subject to the provisions of the *National Parks and Wildlife Act 1974*, the taking from the reserve of any plant or animal that, in the opinion of the trustees, has assumed pest proportions or is required for scientific purposes.

### 39 Certain acts and omissions not to be offences

(1) A person does not commit an offence under this By-law if the act or omission giving rise to the offence was done or omitted:

(a) by a member of the reserve trust, an authorised person or an officer or employee of the reserve trust in the exercise of his or her duty as a member, authorised person, officer or employee, or

(b) in accordance with the conditions (whether express or implied) of a lease or licence granted by the reserve trust, or

(c) under the direction or with the written consent of the reserve trust.

(2) The consent of the reserve trust referred to in this clause may be given generally or in a particular case.

(3) Nothing in this clause permits the reserve trust to consent to the doing of any thing in the reserve which is otherwise prohibited by any other law.

### 40 Authorised person may demand name and address

(1) An authorised person who suspects that a person who is on a reserve has contravened a provision of this By-law may direct the person to provide his or her full name and residential address to the authorised person.

(2) A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 5 penalty units.

(3) A person is not guilty of an offence under this clause unless the person was warned, when the direction was given, that failure to comply with the direction would constitute an offence.

**41 Savings**

Any act, matter or thing that, immediately before the repeal of the *Crown Lands (General Reserves) By-law 1995* by the operation of section 10 (2) of the *Subordinate Legislation Act 1989*, had effect under that By-law is taken to have effect under this By-law.

# Schedule 1 Reserves to which this By-law applies

(Clauses 3 and 25)

## Part 1 Reserves other than reserves for general cemeteries

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| NE NSW | 8 reserves named: Yurammie, Polblue, Bradley, Teagan, Bundjalung, Corymbia, Banyabba and Yuraygir | Lands dedicated for the purpose of public recreation, conservation and mineral and petroleum exploration pursuant to section 9 of the *Forestry and National Park Estate Act 1998* | National Parks and Wildlife Reserve Trust |
| SE NSW | 19 reserves named: Berlang, Bundundah, Livingstone, Tallaganda, Tumblong, Wereboldera, Woomargama, Berlang, Brindabella, Frogs Hole, Kybeyan, Livingstone, Macanally, Majors Creek, Mullengandra, Tallaganda, Tongarra, Yanununbeyan and Brindabella | Lands dedicated for the purpose of public recreation, conservation and mineral and petroleum exploration pursuant to section 8 of the *National Park Estate (Southern Region Reservations) Act 2000* | National Parks and Wildlife Reserve Trust |
| NE NSW | 5 reserves named: Bungawalbin, Gurranang, Wombat Creek, Bayabba and Currys Gap | R.1002887, 1002888, 1002890, 1002891 and 1002896 for public recreation, conservation and mineral and petroleum exploration (notified 17 December 1999) and any additions | National Parks and Wildlife Reserve Trust No 2 |

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Schedule 1 Reserves to which this by-law applies

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Adaminaby | Adaminaby Racecourse and Showground Reserve | R.84984 for racecourse and showground (notified 21 August 1964) and any additions thereto | Adaminaby Racecourse and Showground Trust |
| Albury | Albury Showground | 22.4471 hectares dedicated for showground at Albury (notified 26 November 1948) and any additions thereto, now assigned the number D620063 in the records of the Department of Land and Water Conservation | Albury Showground Trust |
| Alumy Creek | Alumy Creek Reserve | R.140020 for public recreation and museum (notified 26 June 1987) and any additions thereto | Alumy Creek Reserve Trust |
| Armidale | Armidale Showground Reserve | R.110029 for showground (notified 22 December 1989) and any additions thereto | Armidale Showground Reserve Trust |
| Armidale | Armidale Tennis Courts Reserve | R.89699 for public recreation (notified 24 December 1975) and any additions thereto | Armidale Tennis Courts Reserve Trust |
| Bathurst | Bathurst Showground | 16.4042 hectares dedicated for showground at Bathurst (notified 19 October 1877) and any additions thereto, now assigned the number D590074 in the records of the Department of Land and Water Conservation | Bathurst Showground Trust |
| Bega | Reserve 97856 | R.97856 for public recreation and parking (notified 2 August 1985) and any additions thereto | Zingel Place (R.97856) Reserve Trust |
| Bellingen | Bellingen Showground | 4.86 hectares dedicated for showground at Bellingen (notified 26 July 1911) and any additions thereto, now assigned the number D540022 in the records of the Department of Land and Water Conservation | Bellingen Showground Trust |
| Bemboka | Bemboka Showground Reserve | R.40788 for showground (notified 22 August 1906) and any additions thereto | Bemboka Showground Trust |

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Bigga | Grabine Lakeside State Park | D1001354 for public recreation (notified 1 June 1997) and any additions thereto | Grabine Lakeside State Park Trust |
| Bonshaw | Bonshaw Racecourse Reserve | R.42857 for racecourse (notified 8 July 1908) and any additions thereto | Bonshaw Racecourse Reserve Trust |
| Bowling Alley Point | Chaffey Dam Reserve | R.96568 for public recreation (notified 28 January 1983) and any additions thereto | Bowling Alley Point Recreation Reserve Trust |
| Broadmeadow | District Park Tennis Courts | 3.53 hectares dedicated for tennis courts at Broadmeadow (notified 18 October 1935) and any additions thereto, now assigned the number D570095 in the records of the Department of Land and Water Conservation | District Park Tennis Courts Trust |
| Broken Head | Broken Head Reserve | R.24495 for public recreation (notified 25 July 1896) and any additions thereto | Broken Head Reserve Trust |
| Broken Hill | Broken Hill Arid Zone Study Area | R.230092 for the public purpose of environmental protection, heritage purposes and public recreation (notified 7 October 1994) and any additions thereto | Broken Hill Arid Zone Study Area Reserve Trust |
| Brooms Head | Brooms Head Reserve | R.65975 for resting place and public recreation (notified 15 May 1936) and any additions thereto | Brooms Head Recreation Reserve Trust |
| Brunswick Heads | Brunswick Heads Reserve | R.80457 for public recreation (notified 21 March 1958) and any additions thereto | Brunswick Heads (R.80457) Public Recreation Reserve Trust |
| Brunswick Heads | Brunswick Heads Reserve | R.97139 for public recreation (notified 20 January 1984) and any additions thereto | Brunswick Heads (R.97139) Public Recreation Reserve Trust |
| Brunswick Heads | Ferry Reserve | R.74701 for public recreation (notified 18 January 1952) and any additions thereto | Ferry Reserve Trust |

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Schedule 1 Reserves to which this by-law applies

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Brunswick Heads | Massey Green Reserve | R.91536 for caravan and camping park (notified 17 August 1979) and any additions thereto | Massey Green Reserve Trust |
| Brunswick Heads | Terrace Reserve Caravan Park | R.82999 for resting place and public recreation (notified 6 January 1961) and any additions thereto | Terrace Reserve Trust |
| Bulli Pass | Bulli Pass Scenic Reserve | R.67711 for public recreation (notified 1 July 1938) and any additions thereto | Bulli Pass Scenic Reserve Trust |
| Bundarra | Bundarra Community Centre | R.110007 for community purposes (notified 27 March 1987) and any additions thereto | Bundarra Community Purposes Reserve Trust |
| Bundarra | Bundarra Racecourse Reserve | R.42217 for racecourse (notified 27 November 1907) and any additions thereto | Bundarra Racecourse Reserve Trust |
| Bundarra | Bundarra Showground | 7.158 hectares dedicated for showground and public recreation at Bundarra (notified 15 September 1909) and any additions thereto, now assigned the number D510031 in the records of the Department of Land and Water Conservation | Bundarra Showground Trust |
| Byron Bay | Lighthouse Hill Reserve | R.49122 for public recreation and preservation of native flora (notified 30 July 1913) and any additions thereto | Clarkes Beach Reserve Trust |
| Canowindra | Canowindra Showground and Racecourse Reserve | R.47413 for showground and racecourse (notified 24 January 1912) and any additions thereto | Canowindra Showground and Racecourse Trust |
| Cobargo | Cobargo Showground | 14.5069 hectares dedicated for showground at Cobargo (notified 20 December 1887) and any additions thereto, now assigned the number D580107 in the records of the Department of Land and Water Conservation | Cobargo Showground Trust |

Crown Lands (General Reserves) By-law 2001

Reserves to which this by-law applies Schedule 1

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Coffs Harbour | Coffs Harbour Racecourse | 50.77 hectares dedicated for racecourse and public recreation at Coffs Harbour (notified 7 December 1956) and any additions thereto, now assigned the number D540023 in the records of the Department of Land and Water Conservation | Coffs Harbour Racecourse and Public Recreation Trust |
| Coffs Harbour | Coffs Harbour Showground | 17.6109 hectares dedicated for showground and public recreation at Coffs Harbour (notified 31 March 1967) and any additions thereto, now assigned the number D540030 in the records of the Department of Land and Water Conservation | Coffs Harbour Showground and Public Recreation Trust |
| Coffs Harbour | Park Beach Reserve | R.63966 for resting place and public recreation (notified 2 June 1933), R.81703 for resting place and public recreation (notified 19 June 1959), R.140089 for caravan park (notified 26 May 1995) and any additions thereto | Coffs Coast State Park Trust |
| Coonabarabran | Coonabarabran Showground Reserve | R.85201 for showground and public recreation (notified 22 January 1965) and any additions thereto | Coonabarabran Showground Trust |
| Cowra | Cowra Racecourse and Showground | 39.1513 hectares dedicated for showground and racecourse at Cowra (notified 17 February 1909) and any additions thereto, now assigned the number D590004 in the records of the Department of Land and Water Conservation | Cowra Showground Racecourse and Paceway Trust |
| Cowra | Wyangala Waters State Park | D1001342 for public recreation (notified 1 June 1997) and any additions thereto | Wyangala Waters State Park Trust |
| Deepwater | Deepwater Public Hall Reserve | R.110017 for public hall (notified 25 March 1988) and any additions thereto | Deepwater Public Hall Trust |

Crown Lands (General Reserves) By-law 2001

Schedule 1 Reserves to which this by-law applies

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Delungra | Delungra Recreation Ground Reserve | R.82061 for public recreation (notified 9 October 1959) and any additions thereto | Delungra Recreation Reserve Trust |
| Dubbo | Dubbo Showground Reserve | R.84662 for showground and public recreation (notified 6 December 1963) and any additions thereto | Dubbo Showground Trust |
| Dubbo | Dubbo Small Bore Rifle Club Reserve | R.97620 for non-profit making organisations (notified 14 December 1984) and any additions thereto | Dubbo Small Bore Rifle Club Trust |
| Eureka | Eureka Public Recreation Reserve | R.86949 for public recreation (notified 8 November 1968) and any additions thereto | Eureka Public Recreation Reserve Trust |
| Evans Head | Dirawong Reserve | R.140012 for public recreation, preservation of native flora, preservation of fauna, conservation of Aboriginal heritage (notified 9 January 1987) and any additions thereto | Dirawong Reserve Trust |
| Evans Head | Evans Head Public Recreation Reserve | R.82910 for public recreation (notified 18 November 1960) and any additions thereto | Evans Head (R.82910) Public Recreation Reserve Trust |
| Forbes | Forbes Showground | 5.71 hectares dedicated for showground at Forbes (notified 2 December 1899) and any additions thereto, now assigned the numbers D590010 and R.1002245 in the records of the Department of Land and Water Conservation | Forbes Showground Trust |
| Gilgai | Gilgai Public Hall and Recreation Reserves | R.37860 for public recreation (notified 25 June 1904) R.77683 for public recreation (notified 10 June 1955) R.89717 for public recreation and public hall (notified 30 January 1976) and any additions thereto | Gilgai Public Hall and Recreation Reserves Trust |

Crown Lands (General Reserves) By-law 2001

Reserves to which this by-law applies Schedule 1

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Glen Innes | Glen Innes Showground | 10.6918 hectares dedicated for showground at Glen Innes (notified 22 May 1877) and any additions thereto, now assigned the number D510036 in the records of the Department of Land and Water Conservation | Glen Innes Showground Trust |
| Gore Hill | Gore Hill Memorial Cemetery | 5.07 hectares dedicated as an historic cemetery at Gore Hill (notified 1 July 1987) and any additions thereto, now assigned the number D500620 in the records of the Department of Land and Water Conservation | Gore Hill Memorial Cemetery Trust |
| Grafton | Grafton Racecourse and Recreation Reserve | R.84958 for racecourse and public recreation (notified 24 July 1964) and any additions thereto | Grafton Racecourse and Recreation Reserve Trust |
| Greenwell Point | Greenwell Point Wharf Reserve | R.180017 for wharf facility (notified 24 April 1987) and any additions thereto | Greenwell Point Fishermen's Wharf Trust |
| Gulgong | Gulgong Racecourse Reserve | 94.32 hectares dedicated for racecourse and public recreation at Gulgong (notified 22 January 1960) and any additions thereto, now assigned the number D520071 in the records of the Department of Land and Water Conservation | Gulgong Racecourse Reserve Trust |
| Gunnedah | Riverside Racecourse Reserve | R.72486 for racecourse (notified 31 October 1947) and any additions thereto | Gunnedah Racecourse Reserve Trust |
| Hampton | Hampton Park | 4.047 hectares dedicated for the purpose of Park (notified 16 July 1904) and any additions thereto, now assigned the number D590012 in the records of the Department of Land and Water Conservation | Hampton Park Reserve Trust |
| Iluka | Iluka Koala Reserve | R.140072 for environmental protection (notified 13 December 1991) and any additions thereto | Iluka Koala Reserve Trust |

Crown Lands (General Reserves) By-law 2001

Schedule 1 Reserves to which this by-law applies

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Iluka | Iluka Park Reserve | R.89830 for caravan and camping park (notified 4 June 1976) and any additions thereto | Iluka Caravan Park Reserve Trust |
| Inverell | Copeton Waters State Park | D1001341 for public recreation (notified 1 June 1997) and any additions thereto | Copeton Waters State Park Trust |
| Inverell | Goonoowigall Bushland Reserve | R.89639 for public recreation and preservation of native flora (notified 6 February 1976) and any additions thereto | Goonoowigall Bushland Reserve Trust |
| Inverell | Inverell Pioneer Village Reserve | R.87505 for museum (notified 14 November 1969) and any additions thereto | Inverell Pioneer Village Reserve Trust |
| Inverell | Inverell Speedway Reserve | R.97964 for public recreation (speedway) (notified 25 October 1985) and any additions thereto | Inverell Speedway Reserve Trust |
| Katoomba-Jenolan | Six Foot Track Heritage Reserve | R.1001056 for environmental protection, heritage purposes and public recreation (notified 27 February 1998) and any additions thereto | Six Foot Track Heritage Trust |
| Lawrence | Lawrence Recreation Reserve | R.96692 for public recreation (notified 8 April 1983) and any additions thereto | Lawrence (R.96692) Public Recreation Reserve Trust |
| Lithgow | Zig Zag Reserve | 202.7 hectares dedicated for public recreation at Lithgow (notified 14 March 1881) and any additions thereto, now assigned the number D590044 in the records of the Department of Land and Water Conservation | Zig Zag Reserve Trust |
| Maclean | Wooloweyah Foreshore Reserve | R.95841 for public recreation and preservation of native flora (notified 5 March 1982) and any additions thereto | Wooloweyah (R. 95841) Foreshore Reserve Trust |
| Manilla | Split Rock Dam Recreation Reserve | R.200020 for public recreation (notified 2 March 1990) and any additions thereto | Split Rock Dam Recreation Reserve Trust |
| Mendooran | Mendooran Racecourse Reserve | R.43605 for racecourse (notified 10 March 1909) and any additions thereto | Mendooran Racecourse Trust |

Crown Lands (General Reserves) By-law 2001

Reserves to which this by-law applies Schedule 1

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Moonee Beach | Moonee Beach | R.64933 for resting place and public recreation (notified 23 November 1934) and any additions thereto | Moonee Beach Public Recreation Reserve Trust Reserve |
| Mudgee | Mudgee Memorial Combined Sports Ground | R.81127 for showground, race-course and public recreation (notified 3 October 1958) and any additions thereto | Mudgee Combined Sportsground Trust |
| Mumbil | Burrendong Arboretum | R.120082 for arboretum (notified 22 June 1990) and any additions thereto | Burrendong Arboretum Trust |
| Mumbil | Lake Burrendong State Park | D1001355 for public recreation (notified 1 June 1997) and any additions thereto | Lake Burrendong State Park Trust |
| Nambucca Heads | Bellwood Park Reserve | R.77534 for public recreation (notified 15 April 1955) and any additions thereto | Nambucca Heads Bellwood Park Reserve Trust |
| Nambucca Heads | Headland Reserve | R.63811 for resting place and public recreation (notified 3 March 1933) and any additions thereto | Nambucca Heads (R.63811) Headland Reserve Trust |
| Nambucca Heads | Reserve 69215 | R.69215 for public recreation and access (notified 10 May 1940) and any additions thereto | Nambucca Heads (R.69215) Swimming Creek Reserve Trust |
| Nambucca Heads | Reserve 85113 | R.85113 for public recreation (notified 20 November 1964) and any additions thereto | Nambucca Heads (R.85113) Public Recreation Reserve Trust |
| Nambucca Heads | Stuarts Island Reserve | R.77566 for public recreation (notified 22 April 1955) and any additions thereto | Nambucca Heads Stuarts Island Reserve Trust |
| Nambucca Heads | Swimming Creek Reserve | R.81006 for public recreation (notified 22 August 1958) and any additions thereto | Nambucca Heads (R.81006) Swimming Creek Public Recreation Reserve Trust |
| Nambucca Heads | Valley Valley Recreation Reserve | R.88941 for public recreation and preservation of native flora (notified 29 June 1973) and any additions thereto | Nambucca Heads (R.88941) Public Recreation Reserve Trust |

Crown Lands (General Reserves) By-law 2001

Schedule 1 Reserves to which this by-law applies

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Newton Boyd | Newton Boyd Reserve | R.90728 for public recreation and public hall (notified 11 March 1977) and any additions thereto | Newton Boyd Hall Reserve Trust |
| Nymboida | Chambigne Recreation Reserve | R.86968 for public recreation (notified 22 November 1968) and any additions thereto | Chambigne (R.86968) Public Recreation Reserve Trust |
| Nymboida | Eatonsville Public Recreation Reserve | R.86394 for public recreation (notified 25 August 1967) and any additions thereto | Eatonsville (R.86394) Public Recreation Reserve Trust |
| Nymboida | Nymboida Recreation Reserve | R.91555 for public recreation (notified 7 September 1979) and any additions thereto | Nymboida (R.91555) Public Recreation Reserve Trust |
| Nymboida | Towallum Recreation Reserve | R.91347 for public recreation (notified 15 December 1978) and any additions thereto | Towallum (R.91347) Public Recreation Reserve Trust |
| Oberon | Oberon Showground | 4.388 hectares dedicated for showground at Oberon (notified 9 September 1899) and any additions thereto, now assigned the number D590080 in the records of the Department of Land and Water Conservation | Oberon Showground Trust |
| Orange | Central Tablelands Heritage Lands Reserve | R.81412 for public recreation (notified 20 February 1959) and R.190027 for public recreation (notified 30 January 1987) and any additions thereto | Central Tablelands Heritage Lands Trust |
| Orange | Ophir Memorial Reserve | R.65909 for public recreation (notified 3 April 1936) and any additions thereto | Ophir (R.65909) Reserve Trust |
| Orange | Orange Racecourse | 117.26 hectares dedicated for racecourse at Orange (notified 1 July 1873) and any additions thereto, now assigned the numbers D590050 and D590136 in the records of the Department of Land and Water Conservation | Orange Racecourse Trust |

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Reserves to which this by-law applies Schedule 1

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Pambula | Pambula Recreation Reserve | R.98164 for showground and public recreation (notified 9 May 1986) and any additions thereto | Pambula Recreation and Showground (R. 98164) Reserve Trust |
| Parkes | Parkes Racecourse Reserve | R.15223 for racecourse (notified 13 February 1892) and any additions thereto | Parkes Racecourse Trust |
| Peak Hill | Peak Hill Showground | 26.87 hectares dedicated for showground at Peak Hill (notified 19 October 1894) and any additions thereto, now assigned the number D590055 in the records of the Department of Land and Water Conservation | Peak Hill Showground Trust |
| Peel | Peel Native Flora and Fauna Reserve | R.91214 for promotion of the study and the preservation of native flora and fauna (notified 4 August 1978) and any additions | Peel Native Flora and Fauna Reserve Trust |
| Quaama | Quaama Sports Ground | 2.6589 hectares dedicated for racecourse and public recreation at Quaama (notified 31 October 1947) and any additions thereto, now assigned the number D580101 in the records of the Department of Land and Water Conservation | Quaama Sports Ground Trust |
| Quirindi | Quirindi Racecourse Reserve | R.72708 for showground, race-course and public recreation (notified 21 May 1948) and any additions thereto | Quirindi Racecourse Reserve Trust |
| Red Rock | Red Rock Recreation Reserve | R.64746 for public recreation and resting place (notified 14 September 1934) and any additions thereto | Red Rock Public Recreation Reserve Trust |
| Rushcutters Bay | Sir David Martin Reserve | R.100076 for public recreation and maritime purposes (notified 16 January 1987) and any additions thereto | Rushcutters Bay Maritime Reserve Trust |
| Rylstone | Ferntree Gully Reserve | R.190113 for environmental protection (notified 19 August 1994) and any additions thereto | Ferntree Gully Reserve Trust |

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Schedule 1 Reserves to which this by-law applies

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Sawtell | Boambee Creek Park | R.84835 for public recreation (notified 10 April 1964) and any additions thereto | Boambee Creek Park Reserve Trust |
| Scone | Lake Glenbawn State Park | D1001337 for public recreation (notified 1 June 1997) and any additions thereto | Lake Glenbawn State Park Trust |
| Scotts Head | Scotts Head Reserve | R.65963 for resting place and public recreation (notified 8 May 1936) and any additions thereto | Scotts Head Reserve Trust |
| Shellharbour | Killalea State Park | D1001339 for public recreation (notified 1 June 1997) and any additions thereto | Killalea State Park Trust |
| Tamworth | Lake Keepit State Park | D1001338 for public recreation (notified 1 June 1997) and any additions thereto | Lake Keepit State Park Trust |
| Temora | Temora Showground | 21.25 hectares dedicated for showground at Temora (notified 10 September 1886) and any additions thereto, now assigned the number D620071 in the records of the Department of Land and Water Conservation | Temora Showground Trust |
| Tenterfield | Tenterfield Showground | 10.75 hectares dedicated for showground at Tenterfield (notified 28 January 1879) and any additions thereto, now assigned the numbers D510045 to D510048 in the records of the Department of Land and Water Conservation | Tenterfield Showground Trust |
| Tingha | Tingha Caravan Park and Recreation Reserve | R.110016 for public recreation, caravan and camping park (notified 5 February 1988) and any additions thereto | Tingha Caravan Park and Recreation Reserve Trust |
| Torrington | Torrington Regional Reserve | R.110107 for rural services, public recreation, environmental protection (notified 29 May 1992) and any additions thereto | Torrington Regional Reserve (R.110107) Reserve Trust |
| Ulladulla | Ulladulla Wildflower Reserve | R.95755 for preservation of native flora (notified 24 December 1981) and any additions thereto | Ulladulla Wildflower Reserve Trust |

Crown Lands (General Reserves) By-law 2001

Reserves to which this by-law applies Schedule 1

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Urunga | Urunga Heads Caravan Park | R.82452 for public recreation (notified 1 April 1960) and any additions thereto | Morgo Street Reserve Trust |
| Valla Beach | Valla Beach Recreation Reserve | R.82967 for public recreation (notified 16 December 1960) and any additions thereto | Valla Beach (R.82967) Public Recreation Reserve Trust |
| Walcha | Walcha Tennis Courts Reserve | R.82902 for tennis courts (notified 11 November 1960) and any additions thereto | Walcha Tennis Courts Reserve Trust |
| Wattle Flat | Wattle Flat Recreation Reserve | R.190105 for environmental protection and public recreation (notified 24 December 1992) and any additions thereto | Wattle Flat Heritage Lands Trust |
| Wee Jasper | Goodradigbee and Goobarragandra Reserves | R.60618 for public recreation (notified 27 July 1928), R.130005 to 130010 for public recreation (notified 12 December 1986), R.130064 for public recreation (notified 14 May 1993), R.87128 for preservation of caves (notified 3 April 1969) and R.220011 for public recreation (notified 20 March 1987) and any additions thereto | Goodradigbee and Goobarragandra Reserves Trust |
| Wingham | Wingham Showground | 10.12 hectares dedicated for showground at Wingham (notified 15 July 1884) and any additions thereto, now assigned the number D610034 in the records of the Department of Land and Water Conservation | Wingham Showground Trust |
| Woolgoolga | Woolgoolga Beach and Lakes Reserve | R.63076 for resting place and public recreation (notified 27 November 1931) and any additions thereto | Woolgoolga Beach Reserve Trust |
| Yarrie Lake | Yarrie Lake Flora and Fauna Reserve | R.86842 for public recreation and preservation of native flora and fauna (notified 30 August 1968) and any additions thereto | Yarrie Lake Flora and Fauna Reserve Trust |
| Yass | Burrinjuck Waters State Park | D1001340 for public recreation (notified 1 June 1997) and any additions thereto | Burrinjuck Waters State Park Trust |

Crown Lands (General Reserves) By-law 2001

Schedule 1 Reserves to which this by-law applies

| Location | Reserve name | Number, purpose, date | Corporate name |
|---|---|---|---|
| Young | Young Showground | 19.4526 hectares dedicated for Showground at Young (notified 6 April 1895) and any additions thereto, now assigned the number D530011 in the records of the Department of Land and Water Conservation | Young Showground Trust |

## Part 2 Reserves for crematoriums, general cemeteries or portions of general cemeteries

Botany Cemetery

Eastern Suburbs Crematorium

Field of Mars Catholic Cemetery

Field of Mars General Cemetery, Baptist Portion

Field of Mars General Cemetery, Church of England Portion

Field of Mars General Cemetery, Uniting Church Portion

Field of Mars General Cemetery, Presbyterian Portion

Field of Mars Independent (Congregational) Cemetery

Frenchs Forest General Cemetery

Liverpool General Cemetery, Baptist Portion

Liverpool General Cemetery, Catholic Portion

Liverpool General Cemetery, Church of England Portion

Liverpool General Cemetery, Muslim Portion

Liverpool General Cemetery, Presbyterian Portion

Liverpool General Cemetery, Seventh-day Adventist Portion

Liverpool General Cemetery, Uniting Church Portion

Northern Suburbs General Cemetery

Sandgate General Cemetery

Woronora General Cemetery

# OFFICIAL NOTICES

## Appointments

### EDUCATION ACT 1990

NOTIFICATION OF APPOINTMENT OF MEMBERS
BOARD OF STUDIES

I, JOHN JOSEPH AQUILINA, Minister for Education and Training, in pursuance of Schedule 1, Clause 8 of the Education Act 1990, appoint the following persons as Members of the Board of Studies, being nominees provided under section 100(3)(k), for a term commencing on and from 15 August 2001 to 14 August 2004.

Ms Susan Gazis
Dr James McMorrow

JOHN JOSEPH AQUILINA, M.P.,
Minister for Education and Training

### EDUCATION ACT 1990

NOTIFICATION OF APPOINTMENT
BOARD OF STUDIES

I, JOHN JOSEPH AQUILINA, Minister for Education and Training, in pursuance of Schedule 1, Clause 8 of the Education Act 1990, appoint Professor Anthony Blake as a member of the Board of Studies, being a nominee provided under section 100(3)(k), for a term commencing on and from 21 July 2001 to 20 July 2004.

JOHN JOSEPH AQUILINA, M.P.,
Minister for Education and Training

# NSW Fisheries

**FISHERIES MANAGEMENT ACT 1994**

**FISHERIES MANAGEMENT (AQUACULTURE) REGULATIONS 1995**

Clause 33 (3) — Notice of Granting of Class 1 Aquaculture Lease

THE Minister has granted the following Class 1 Aquaculture Lease:

OL84/194 within the estuary of Wallis Lake having an area of 0.1614 hectares to Mr Peter WARNER of Nabiac, NSW, for a term of 15 years expiring on 16 August 2016.

The Hon. EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

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**FISHERIES MANAGEMENT ACT 1994**

Section 163 — Notice of Receipt of Application for Aquaculture Lease

THE following applications for a Class 1 Aquaculture Lease has been made by:

Mr Christopher James MUNN of Greenwell Point, for an area of 2.0021 hectares, situated in the Crookhaven River Parish of Numbaa, County of St. Vincent.

Specific details of the proposed leases can be obtained by contacting NSW Fisheries at Port Stephens.

Written submissions to the granting of the above leases may be lodged with the Aquaculture Administration Section, NSW Fisheries, Private Bag 1, Nelson Bay, NSW 2315, within thirty (30) days from the date of publication of this notice.

The Hon. EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

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**FISHERIES MANAGEMENT ACT 1994**

**FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 1995**

Clause 35 (4) — Notice of Aquaculture Lease Renewal

THE Minister has renewed the following Class 1 Aquaculture Leases:

OL85/090 within the estuary of the Bellinger River having an area of 0.2 hectares to Edward Thomas DURIE of Repton, NSW, for a term of 15 years, expiring on 8 May 2016.

OL69/455 within the estuary of the Crookhaven River having an area of 1.9580 hectares to Norman Paul SCHULZ and Gail SCHULZ of Greenwell Point, NSW, for a term of 15 years, expiring on 5 October 2014.

OL86/022 within the estuary of Wallis Lake having an area of 0.3981 hectares to Mr John M. LEITCH and Mrs Marie A. LEITCH of Forster, NSW, for a term of 15 years, expiring on 5 April 2016.

OL86/008 within the estuary of Port Stephens having an area of 0.7470 hectares to Kenneth Brian LILLEY of Swan Bay, NSW, for a term of 15 years, expiring on 5 November 2016.

OL84/194 within the estuary of Wallis Lake having an area of 0.1614 hectares to Mr Peter WARNER of Nabiac, NSW, for a term of 15 years, expiring on 16 August 2016.

OL86/227 within the estuary of the Crookhaven River having an area of 3.8780 hectares to Reginald RUNDLE of Greenwell Point, NSW, for a term of 15 years, expiring on 29 June 2016.

OL85/206 within the estuary of Manning River having an area of 0.0536 hectares to Alison COLVILL of Manning Point, NSW, for a term of 15 years, expiring on 23 January 2016.

OL85/184 within the estuary of Wapengo Lake having an area of 4.2218 hectares to Mr Terry BRITTON and Ms Marjorie J. BRITTON of Tathra, NSW, for a term of 15 years, expiring on 7 March 2016.

OL81/226 within the estuary of Port Stephens having an area of 2.6950 hectares to Mr Richard HAMLYN-HARRIS and Ms Pamela HAMLYN-HARRIS of Lemon Tree Passage, NSW, for a term of 15 years, expiring on 8 May 2016.

OL87/083 within the estuary of Pambula River having an area of 2.0962 hectares to Mr James YOUNG and Ms Megan YOUNG of Millingandi, NSW, for a term of 15 years, expiring on 31 December 2016.

OL86/169 within the estuary of Pambula River having an area of 2.0962 hectares to Mr James YOUNG and Ms Megan YOUNG of Millingandi, NSW, for a term of 15 years, expiring on 31 December 2016.

OL70/453 within the estuary of the Macleay River having an area of 0.4950 hectares to Thomas E. LANGE of Arakoon, NSW, for a term of 15 years, expiring on 22 December 2015.

OL85/097 within the estuary of the Macleay River having an area of 0.2429 hectares to Thomas E. LANGE of Arakoon, NSW, for a term of 15 years, expiring on 31 August 2015.

OL72/123 within the estuary of the Clyde River having an area of 0.5792 hectares to Christopher RALSTON of Batemans Bay, NSW, for a term of 15 years, expiring on 21 April 2017.

OL86/118 within the estuary of the Clyde River having an area of 2.1109 hectares to Christopher RALSTON of Batemans Bay, NSW, for a term of 15 years, expiring on 31 December 2016.

OL86/251 within the estuary of the Clyde River having an area of 2.3200 hectares to John Timothy WISE of Batehaven, NSW, for a term of 15 years, expiring on 31 December 2016.

OL70/260 within the estuary of the Manning River having an area of 0.4875 hectares to John Gardiner MacDONALD and Mavis Doreen MacDONALD of Harrington, NSW, for a term of 15 years, expiring on 13 June 2016.

OL84/127 within the estuary of the Clyde River having an area of 0.717 hectares to Isidoris PASCHALIDIS and Maria PASCHALIDIS of Batemans Bay, NSW, for a term of 15 years, expiring on 28 October 2016.

The Hon. EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

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**FISHERIES MANAGEMENT ACT 1994**

PURSUANT of section 178, subsection 1, of the Fisheries Management Act 1994, the Minister has reserved the following area of Public Water Land.

Previously identified as OL95/016 within the estuary of Wagonga Inlet, having an area of 0.3712 hectares.

The Hon. EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

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**FISHERIES MANAGEMENT ACT 1994**

**FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 1995**

Section 177© — Notice of Aquaculture Lease Cancellation

THE Minister has cancelled the following aquaculture lease:

OL93/015 within the estuary of the Crookhaven River having an area of 1.2248 hectares formerly leased by Mr Owen MACNAMARA.

The Hon. EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

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**FISHERIES MANAGEMENT ACT 1994**

Section 163 — Notice of Receipt of Application for Aquaculture Lease

THE following application for a Class 1 Aquaculture Lease has been made by:

SOUTHERN MANAGEMENT CONSULTANTS PTY LTD of Australian Capitol Territory for an area of 6.2004 hectares situated in Tuross Lake, Parish of Bodella, County of Dampier.

Specific details of the proposed lease can be obtained by contacting NSW Fisheries at Port Stephens.

Submissions supporting or objecting to the proposal may be lodged with NSW Fisheries, Private Bag 1, Nelson Bay, NSW 2315, within 30 days from the date of publication of this notice.

The Hon. EDWARD OBIED, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

## FISHERIES MANAGEMENT ACT 1994

Section 8 Notification — Fishing Closure
Botany Bay

I, EDWARD OBEID, prohibit the taking of fish for sale by the methods of commercial fishing described in Column 1 of Schedule to this Notification, from the waters described in Column 2, during the period specified in Column 3, respectively, of that Schedule. This Notification will be effective from 1 May 2002, for a period of five (5) years. This Notification replaces all other commercial fishing closures currently in force in the waters of Botany Bay prescribed in the schedule below.

SCHEDULE

Botany Bay

| *Column 1* **Methods** | *Column 2* **Waters** | *Column 3* **Period** |
|---|---|---|
| All methods, with the exception that lobsters and abalone may be taken by in accordance with the relevant share management fishery management plans. | The whole of the waters of Botany Bay, together with all its tributaries, creeks, bays and inlets. | For a period of five years. |

The Hon. Edward Obeid, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

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## FISHERIES MANAGEMENT ACT 1994

Section 8 Notification — Fishing Closure
Lake Macquarie

I, EDWARD OBEID, prohibit the taking of fish for sale by the methods of commercial fishing described in Column 1 of Schedule to this Notification, from the waters described in Column 2, during the period specified in Column 3, respectively, of that Schedule. This Notification will be effective from 1 May 2002 for a period of five (5) years. This Notification replaces all other commercial fishing closures currently in force in the waters of Lake Macquarie prescribed in the Schedule below.

SCHEDULE

Lake Macquarie

| *Column 1* **Methods** | *Column 2* **Waters** | *Column 3* **Period** |
|---|---|---|
| All methods. | The whole of the waters of Lake Macquarie, together with all its tributaries, creeks, bays and inlets. | For a period of five years. |

The Hon. EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

# Department of Land and Water Conservation

## Land Conservation

**DUBBO OFFICE**
**Department of Land and Water Conservation**
**142 Brisbane Street (PO Box 865), Dubbo, NSW 2830**
**Phone: (02) 6841 5200 Fax: (02) 6841 5231**

### APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|---|---|---|
| James Barry BAKER (reappointment) Robert John HOLLOW (new member) Ross Leslie KURTZ (reappointment) Ian Christopher KURTZ (re-appointment) Craig Joseph LANG (re-appointment) James Michael LYNCH (re-appointment) Joyce Mildred PURTLE (re-appointment) The person for the time being holding the office of COMMITTEE MEMBER, Cooyal Park Tennis Club (ex-officio member) | Cooyal Park (R120102) Reserve Trust | Reserve No. 120102 Public Purpose: Public Recreation and Community Purposes Notified: 17 November 1995 Locality: Cooyal File Reference: DB81 R 200 |

For a term commencing 12 October 2001 and expiring 11 October 2006.

SCHEDULE 2

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|---|---|---|
| Lindsay John Sevicke JONES (new member) Desmond Mathew KENNEDY (new member) Wayne McCARROLL (new member) Walter Jeffry Thomas MOORE (new member) Colin Herbert SHAPLAND (new member) William David SUTTOR (re-appointment) Colleen Jane WALKER (new member) The person for the time being holding the position of Director, Technical Services, Wellington Council (ex-officio member) The person for the time being holding the position of Chairman, Burrendong Dam Cudgegong Siteholders Association Inc. (ex-officio member) | Cudgegong River Park Trust | Reserve No. 84236 Public Purpose: Public Recreation Notified: 14 June 1963 Locality: Mudgee File Reference: DB80R65 |

For a term commencing 31 August 2001 and expiring 30 August 2006.

# 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.

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

SCHEDULE 1

*Parish: Burra; County: Murray;*
*Land District: Queanbeyan; Shire: Yarrowlumla*

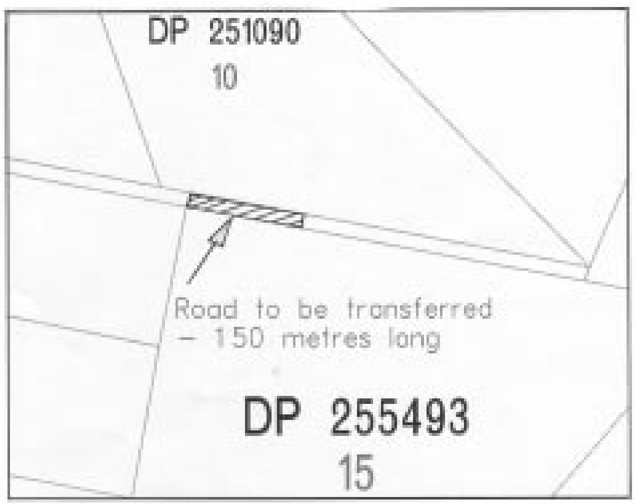
Description: Crown road north Lot 15 DP 255493 extending 150 metres from north western corner of that lot.

SCHEDULE 2

Roads Authority: The Council of the Shire of Yarrowlumla

(Council's Ref: 2001/CA-241)

Reference: GB01H310.JK




## ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parish: Gundaroo; County: Murray;*
*Land District: Queanbeyan; Shire: Gunning*

Description: Crown road within Lute Street, Gundaroo and between Lot 80 DP 754883 and 7 metres wide as shown hatch on diagram below.

SCHEDULE 2

Roads Authority: The Council of the Shire of Gunning.

(Council's Ref: 6.2A.P)

Reference: GB 01 H 298.JK

# GRAFTON OFFICE

## Department of Land and Water Conservation

## 76 Victoria Street (Locked Bag 10), Grafton, NSW 2460

## Phone: (02) 6640 2000 Fax: (02) 6640 2035

### ROADS ACT 1993

ORDER

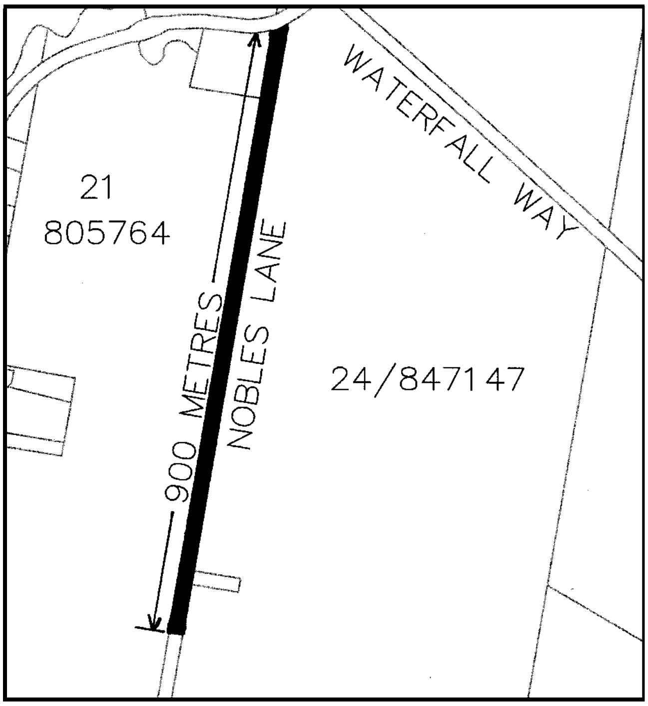
Transfer of a Crown road to a Council

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

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

SCHEDULE 1

The Crown public road (Nobles Lane) shown by black colour on the diagram hereunder at Bellingen, Parish South Bellingen, County Raleigh.




Not to scale

Diagrammatic representation only

SCHEDULE 2

Roads Authority: Bellingen Shire Council

Papers: GF01 H70.

Councils Ref: R.1-6 KIW:ROD

### DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to section 138 of the Crown Lands Act 1989, the lands described in the Schedules hereunder, are declared to be Crown land within the meaning of that Act. [File No. GF95 R 5]

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

SCHEDULE 1

*Land District: Grafton;*
*Local Government Area: Maclean Shire Council;*
*Parish: Yamba; County: Clarence*

Locality: Yamba

| Lot | Sec. | DP No. |
|---|---|---|
| 1 | * | 90838 |

Area: 404.7 square metres

SCHEDULE 2

*Land District: Lismore;*
*Local Government Area: Richmond Valley Council;*
*Parish: Riley; County: Richmond*

Locality: Evans Head

| Lot | Sec. | DP No. |
|---|---|---|
| 1 | * | 607302 |

Area: 400 square metres

SCHEDULE 3

*Land District: Lismore;*
*Local Government Area: Ballina Shire Council;*
*Parish: Ballina; County: Rous*

Locality: East Ballina

| Lot | Sec. | DP No. |
|---|---|---|
| 5 | 78 | 758047 |
| 6 | 78 | 758047 |

Area: 815.7 square metres

SCHEDULE 4

*Land District: Murwillumbah;*
*Local Government Area: Tweed Shire Council;*
*Parish: Terranora; County: Rous*

Locality: Fingal Head

| Lot | Sec. | DP No. |
|---|---|---|
| 1 | * | 847751 |
| 2 | * | 847751 |
| 3 | * | 847751 |

Area: 1.619 hectares

SCHEDULE 5

*Land District: Port Macquarie;*
*Local Government Area: Hastings;*
*Parish: Macquarie; County: Macquarie*

Locality: Tacking Point

| Lot | Sec. | DP No. |
|---|---|---|
| 1 | * | 859841 |
| 2 | * | 859841 |
| 3 | * | 859841 |

Area: 1.422 hectares

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**ROADS ACT 1993**

ORDER

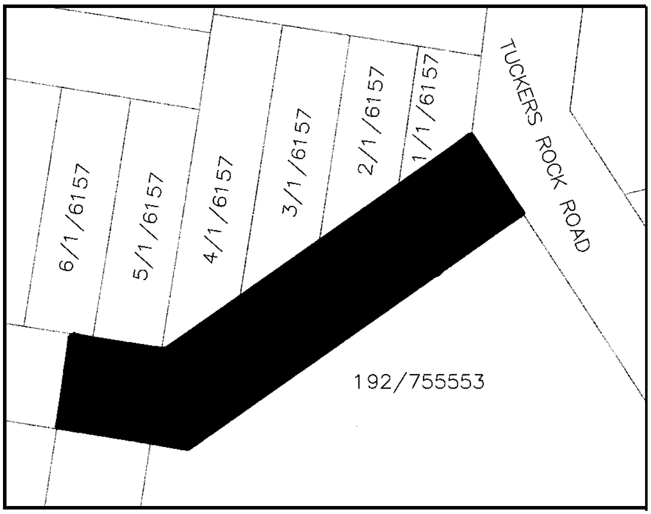
Transfer of a Crown road to a Council

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

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

SCHEDULE 1

The Crown public road (Woodward Street) shown by black colour on the diagram hereunder at Repton, Parish North Bellingen, County Raleigh.




Not to scale

Diagrammatic representation only

SCHEDULE 2

Roads Authority: Bellingen Shire Council

Papers: GF01 H296.

Councils Ref: R.1-6 KIW:ROD

**ROADS ACT 1993**

ORDER

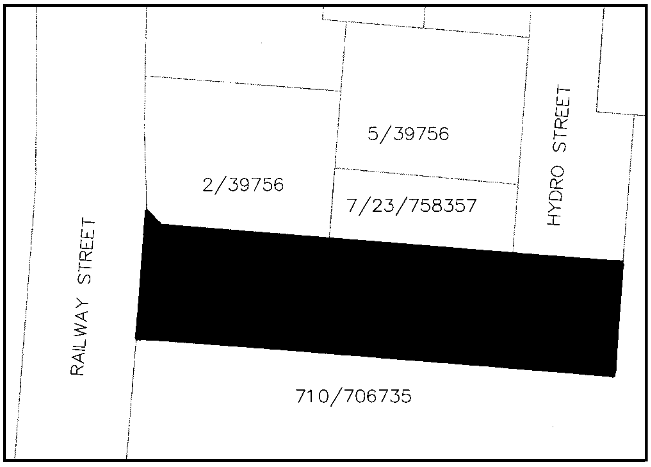
Transfer of a Crown road to a Council

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

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

SCHEDULE 1

The Crown public road shown by black colour on the diagram hereunder at Dorrigo, Parish Bligh, County Raleigh.




Not to scale

Diagrammatic representation only

SCHEDULE 2

Roads Authority: Bellingen Shire Council

Papers: GF01 H253.

SCHEDULE 1

The Crown public road 20.115 metres wide within Lot 224 DP 832402 at Sherwood,

Parish Sherwood, County Rous

SCHEDULE 2

Roads Authority: Kyogle Council

Papers: GF01 H267

Councils Ref: GAK:MF/Roads-General

## NOTIFICATION OF CLOSING OF ROAD

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

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

Description

*Land District - Lismore; Shire - Ballina*

Road Closed: Lot 1 DP 1029668 (not being land under the Real Property Act) at Wollongbar, Parish Tuckombil, County Rous. File Reference: GF00 H314.

Note: On closing, the land within the former road remains land vested in Ballina 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

## DRAFT ASSESSMENT OF LAND UNDER PART 3 OF THE CROWN LANDS ACT, 1989, AND THE CROWN LANDS REGULATIONS, 2001.

THE Minister for Land and Water Conservation has prepared a draft land assessment for the Crown land described hereunder.

Inspection of this draft assessment can be made at the Nowra Office of the Department of Land and Water Conservation, 64 North Street, Nowra and at the Shoalhaven City Council Chambers, Bridge Road, Nowra during normal business hours.

Representations are invited on the draft assessment and may be made in writing for a period commencing from 31 August until 15 October, 2001 and should be sent to the Land Assessment Officer, Department of Land and Water Conservation, PO Box 309, Nowra 2541.

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

Description

About 175 hectares of Crown land below the mean high water mark of Currambene Creek to the tidal limit and the adjoining riparian reserve being Reserve 78755 for Public Recreation, parish of Currambene, county of St Vincent within Shoalhaven City Council local government area.

**Reason for assessment:** to assist in the consideration of appropriate future land use and management options.

**Contact:** Mr Rob Micheli (phone: (02) 4429 2909)

**Reference:** NA99 H174

## APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|---|---|---|
| Carmel Jacinta DUFTY (new member) | Narira Park Trust | Reserve No. 83297<br>Public Purpose: Public Recreation<br>Notified: 28 July 1961<br>Locality: Cobargo<br>File: NA79 R 107 |

For a term commencing this day and expiring 27 November 2002.

## APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE 1

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|---|---|---|
| Carmel Jacinta DUFTY (new member) | Narira Park Trust | Reserve No. 83297<br>Public Purpose: Public Recreation<br>Notified: 28 July 1961<br>Locality: Cobargo<br>File Reference: NA79R107 |

For a term commencing this day and expiring 27 November 2002.

## ORANGE OFFICE
## Department of Land and Water Conservation
## 92 Kite Street (PO Box 2146), Orange, NSW 2800
## Phone: (02) 6360 8395 Fax: (02) 6362 3896

### NOTIFICATION OF PROPOSED CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, I propose to consider the closing of the road hereunder described.

All persons interested are hereby called upon to set forth in writing and forward to the officer specified in the notice for the purpose, within one month from the date of publication of this notice, any objections or submissions which may appear to them to exist to this proposal.

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

Description

*Land District – Orange; Shire - Cabonne*

Cabonne Shire Council. Proposed closing of the part of the public road being lot 91 in DP 1018994, Parish of Beneree, County of Bathurst. Objections/submissions should be forwarded to the Manager, Resource Access and Compliance, Department of Land and Water Conservation, PO Box 2146, Orange 2800. File reference: OE01H270.

## 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.

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

Descriptions

*Land District – Metropolitan; L.G.A – Canada Bay*

Lot 4, DP 515344 at Abbotsford, Parish Concord (Sheet 2), County Cumberland (being land in CT Vol 3459 Folio 152)

MN01H106

Note: On closing, title for the land in lot 4 remains vested in City of Canada Bay Council as operational land.

### ASSIGNMENT OF NAME TO A RESERVE TRUST

PURSUANT to paragraph 4 (3) of Schedule 8 of the Crown Lands Act 1989 the name specified in Column 1 of the Schedule is assigned to the reserve trust constituted as trustee for the reserve specified in Column 2 of the Schedule.

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

SCHEDULE

| COLUMN 1 | COLUMN 2 |
| --- | --- |
| The Duffy's Corner Occasional Child Care Centre (R100121) Reserve Trust | Reserve No. 100121 at Maroubra notified for Community purposes in the *Government Gazette* on 25 September 1987. File No.: MN86R1 |

# 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:

*Murray River Valley*

HOWLONG COUNTRY GOLF CLUB LIMITED, for a pump on an Anabranch of the Murray River on part of Howlong Common, Reserve No. 620089, Parish of Howlong, County of Hume, for recreational purposes (new licence due to the permanent transfer of water right) (Reference: 50SL075437) (GA2:470048).

Any enquiries regarding the above should be directed to the undersigned (telephone [02] 6041 6777).

Written objections to the application specifying the grounds thereof, may be made by any statutory authority or local occupier within the proclaimed area whose interests may be affected, and must be lodged with the Department's Office at Albury by no later than the 26 September 2001.

A. C. Latta,
Resource Access Manager,
Murray Region.

Department of Land and Water Conservation,
PO Box 829, Albury, NSW 2640.

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## 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*

WAKOOL SHIRE COUNCIL for a pump on the Murray River on part Lot 1, DP 859813, Parish of Yellymong, County of Wakool, for water supply for domestic purposes (town water supply), for the township of Murray Downs (new licence) (Reference: 50SL75451) (GA2:504513).

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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 an authority under section 20 of Part 2 of the Water Act 1912, has been received as follows:

*Murray River Valley*

Wayne Sydney ROE for a pump on the Edward River, on part Lot 26, DP 756352, Parish of Yalama, County of Townsend, for water supply for stock and domestic purposes and irrigation of 24 hectares (replacement authority due to permanent transfer) (Reference: 50SA6587) (GA2:504514).

Any enquiries regarding the above should be directed to the undersigned (telephone: [03] 5881 2122).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged at the Department's Office at Deniliquin within twenty-eight (28) days of the date of this publication.

L. J. HOLDEN,
Acting Senior Natural Resource Officer,
Murray Region.

Department of Land and Water Conservation,
PO Box 205, Deniliquin, NSW 2710.

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## WATER ACT 1912

APPLICATIONS under Part 8, being within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

Applications for an approval of controlled works under section 167, within the proclaimed (declared) local areas described hereunder, have been received from:

*Macquarie River Valley*

BATHURST CITY COUNCIL for a levee on the Macquarie River, Lot 5, DP 1015387, Lot 4, DP 601543, Lot 1, DP 195013, Lot 3, DP 587686, Havannah Street, Baillie Street, Durham Street, Bryant Street and Railway Land, Parish of Bathurst, County of Bathurst, for the prevention of inundation of land by floodwaters (new approval) (in lieu of advertisement on 11 September 2000) (Reference: 80CW809629).

BATHURST CITY COUNCIL for a levee on the Macquarie River and an unnamed watercourse, Lot 1, DP 126051, William Street, Lot 2, section 90, Lots 1 and 2, section 150, Lot 1, section 152, all DP 758065, Lot 2, DP 257276, Lot 1, DP 863087, Bridge Street and Havannah Street, all Parish of Bathurst, County of Bathurst, for the prevention of inundation of land by floodwaters (new approval) (Reference: 80CW809639).

BATHURST CITY COUNCIL for a levee on the Macquarie River and Queen Charlottes Creek, Lot 3, DP 1006386, Lot 1, DP 603567, Alpha Street, Russell Street, Acheron Street, Upfold Street, Lot A, DP 340792 and Railway Land, all Parish of Bathurst, County of Bathurst, for the prevention of inundation of land by floodwaters (new approval) (Reference: 80CW809640).

Any inquiries regarding the above should be directed to the undersigned (telephone: 6884 2560).

Written objections to the applications specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, by 28 September 2001, as prescribed by the Act.

FRED HUNDY,
Water Access Manager,
Macquarie.

Department of Land and Water Conservation,
PO Box 717, Dubbo, NSW 2830.

## WATER ACT 1912

AN application under Part 2, within proclaimed (declared) local areas under section 5 (4) of the Water Act 1912.

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder have been received from:

*Macquarie River Valley*

BEBOP PTY LTD for two pumps on the Macquarie River, Lots 3, 47 and 53, DP 752600, Parish of Wirrigai, County of Ewenmar, for irrigation of 121.5 hectares (lucerne and improved pasture) (replacement licence) (in lieu of advertisement on 14 May 2001) (Reference: 80SL95847).

Any inquiries regarding the above should be directed to the undersigned (telephone: 6884 2560).

Written objections to the application specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local (declared) area and must be lodged with the Departments Regional Office at Dubbo, within twenty-eight (28) days as prescribed by the Act.

FRED HUNDY,
Water Access Manager,
Macquarie.

Department of Land and Water Conservation,
PO Box 717, Dubbo, NSW 2830.

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## WATER ACT 1912

THE Department proposes to refuse the following applications for the issue of new licences for irrigation purposes due to limited water resource availability and to ensure resource sustainability.

The applications are being advertised as a necessary procedure to enable refusal, as required by the Water Act 1912.

Ian GODDEN for a dam and a pump on an unnamed watercourse, Lot 4, DP 248558, Parish of Dubbo, County of Gordon, for irrigation of 4 hectares (olives) (new licence) (Reference: 80SL95587).

Gordon Leonard TINK and Helen Margaret TINK for a dam and a pump on an unnamed watercourse and a pump on the Borenore Creek, Lot 22, DP 738010, Parish of Boreenore, County of Wellington and Parish of Boree Nyrang, County of Ashburnham, for conservation of water and water supply for stock and domestic purposes and irrigation of 10 hectares (olives and lucerne) (new licence) (in lieu of advertisement on 24 August 1998) (Reference: 80SL95556) (GA2:311294).

Any inquiries regarding the above should be directed to the undersigned (telephone: 6884 2560).

FRED HUNDY,
Water Access Manager,
Macquarie.

Department of Land and Water Conservation,
PO Box 717, Dubbo, NSW 2830.

## WATER ACT 1912

AN application for a licence 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:

*Lachlan River Valley*

John Clifford and Patricia Jeanette LAWSON for a pump on the Lachlan River on Lot 2, DP 1003353, Parish of Cudgelong, County of Forbes, for water supply for stock and domestic purposes (new licence) (Reference: 70SL090744) (GA2:494355).

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 twenty-eight (28) days of the date of this publication as prescribed by the Act.

DAVID THOMAS,
Acting Senior Natural Resource Officer,
Central West Region.

Department of Land and Water Conservation,
PO Box 136, Forbes NSW 2871, telephone: (02) 6852 1222.

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## WATER ACT 1912

APPLICATIONS under Part 2 within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

Applications for licences under section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

*Murrumbidgee Valley*

Ronald William EVANS for a bywash dam and pump on an unnamed watercourse, Lot 62, DP 754881, Parish of Googong, County of Murray, for the conservation of water for a rural residential water supply (Mt. Campbell Subdivision) (new licence) (Reference: 40SL70700).

John Colin SHIELS and Morna Louise SHIELS for an existing bywash dam on an unnamed watercourse, Lot 8, DP 252579, Parish of Urialla, County of Murray, for the conservation of water for domestic purposes (new licence) (Reference: 40SL70650).

WAGGA WAGGA RURAL LANDS PROTECTION BOARD for a bywash dam on an unnamed watercourse, Travelling Stock Reserve 220053, Parish of North Wagga, County of Clarendon, for the conservation of water for stock watering purposes (new licence) (Reference: 40SL70699).

Guy Alfred MICHEL for a bywash dam on an unnamed watercourse, Lot 1, DP 1017778, Parish of Winifred, County of Beresford, for the conservation of water for domestic and stock watering purposes (new licence) (Reference: 40SL70698).

Any enquiries regarding the above should be directed to the undersigned (telephone: [02] 6953 0700).

Formal objections to the applications 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 twenty-eight (28) days as fixed by the Act.

S. F. WEBB,
Resource Access Manager,
Murrumbidgee Region.

Department of Land and Water Conservation,
PO Box 156, Leeton, NSW 2705.

## WATER ACT 1912

AN application under Part 2 within a proclaimed (declared) local area under section 5 (4) of the Water Act 1912.

An application for a licence under section 10 for works within a proclaimed (declared) local area as generally described hereunder has been received from:

*Murrumbidgee Valley*

Barry John WILSON and Betty Violet WILSON for a dam and pump on Spring Grove Gully, Lot 124, DP 754112, Parish of Deringullen, County of King, for a water supply for stock and domestic purposes and the irrigation of 10 hectares (viticulture) (new licence) (Reference: 40SL70355).

This application is duly advertised as a necessary procedure to enable refusal, as required by the Water Act 1912.

The application is to be refused following the introduction of a statutory embargo on the issue of new licences for irrigation purposes due to resource sustainability.

Any enquiries regarding the above should be directed to the undersigned (telephone: [02] 6953 0700).

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 twenty-eight (28) days as fixed by the Act.

S. F. WEBB,
Resource Access Manager,
Murrumbidgee Region.

Department of Land and Water Conservation,
PO Box 156, Leeton, NSW 2705.

## WATER ACT 1912

AN application for a licence under Part 5 of the Water Act 1912, as amended, has been received as follows:

*Murrumbidgee Valley*

Ronald William EVANS for a bore on Lot 62, DP 754881, Parish of Googong, County of Murray, for a water supply for a rural residential water supply (Mt. Campbell Subdivision) (replacement licence — upgrade of existing licence) (Reference: 40BL188373).

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 28 September 2001, as prescribed by the Act.

S. F. WEBB,
Resource Access Manager,
Murrumbidgee Region.

Department of Land and Water Conservation,
PO Box 156, Leeton, NSW 2705.

## WATER ACT 1912

APPLICATIONS for licences under the section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

John Alexander GOOD for a pump on Sawyers Creek being 103/1001685, Parish of Cambewarra, County of Camden, for the irrigation of 10.0 hectares (pasture) (new additional licence) (Reference: 10SL55918) (GA2:493018).

Ronald C., Marion F. and Mark P. BICE for a pump on Tuross River, being 1/794098, Parish of Bodalla, County of Dampier, for farming purposes (dairy washdown) (new licence) (Reference: 10SL55923) (GA2:509118) (Lodged under the 1998 NSW Water Amnesty).

Written objections specifying grounds thereof must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

Natural Resource Project Officer,
Sydney/South Coast Region.

Department of Land and Water Conservation,
PO Box 3935, Parramatta, NSW 2124.

## 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 the proclaimed local area as generally described hereunder has been received as follows:

*Macintyre-Dumaresq River Valley*

RMI PTY LIMITED for ten (10) pumps on the Macintyre River on Lots 10/756021 and 11/756021, Parish of Trinkey and Lot 21/755990, Parish of Carroby, all County of Stapylton, for water supply for stock and irrigation of 31,771 megalitres (cotton) (there will be no alteration to the existing pump stations on “Trinkey” and “Carbucky”, the application is a permanent transfer of a further 4,959 megalitres of existing Macintyre/Dumaresq allocation) (L.O. Papers: 90SL100568) (GA2:493669).

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 twenty-eight (28) days as specified in the Act

GEOFF CAMERON,
Manager Resource Access.

Department of Land and Water Conservation,
PO Box 550, Tamworth, NSW 2340.

# Department of Mineral Resources

**COAL MINES REGULATION ACT 1982**

REVOCATION OF APPROVAL

Revoked Approval No.: MDA Ex ia 14078.
File No.: C94/0479.
Date: 13 July 2001.

IT is hereby notified that the Chief Inspector of Coal Mines, pursuant to the provisions of Clause 70 of the Coal Mines (General) Regulation 1999, has REVOKED the approval number quoted herein. This means that the apparatus to which that approval number applied can no longer be used in or be supplied to a coal mine in New South Wales.

*Description:* Solenoid Valve Actuator.

*Identification:* Tiefenbach, type iE27/1R.

This approval was issued to:

*Name:* BARTIM PTY LIMITED.

*Address:* Unit 3 / 59D Darvall Road, West Ryde, NSW 2114.

The approval was notified in the *Government Gazette* No. 11, dated 3 February 1995.

J. F. WAUDBY,
Senior Inspector of Electrical Engineering
for Chief Inspector of Coal Mines.

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**COAL MINES REGULATION ACT 1982**

REVOCATION OF APPROVAL

Revoked Approval No.: MDA Ex d 17000.
File No.: C01/0070.
Date: 14 August 2001.

IT is hereby notified that the Chief Inspector of Coal Mines, pursuant to the provisions of Clause 70 of the Coal Mines (General) Regulation 1999, has REVOKED the approval number quoted herein. This means that the apparatus to which that approval number applied can no longer be used in or be supplied to a coal mine in New South Wales.

*Description:* 1000V / 60kW Water Cooled Induction Motor.

*Identification:* Hertz, type HT60WC.

This approval was issued to:

*Name:* ENGART AUSTRALASIA.

*Address:* Unit 3b / 88 Munibung Road, Cardiff, NSW 2285.

The approval was notified in the *Government Gazette* No. 54, dated 16 March 2001.

J. F. WAUDBY,
Senior Inspector of Electrical Engineering
for Chief Inspector of Coal Mines.

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NOTICE is given that the following applications have been received:

**EXPLORATION LICENCE APPLICATION**

(T01-0187)

No. 1807, PASMINCO AUSTRALIA LIMITED (ACN 004 074 962), area of 13 units, for Group 1, dated 22 August 2001. (Cobar Mining Division).

**MINING LEASE APPLICATIONS**

(T01-0186)

No. 184, MACAPIKA PTY LTD (ACN 083 661 401), area of about 8.75 square kilometres, to mine for gypsum, dated 21 August 2001. (Broken Hill Mining Division).

(C01-0442)

No. 185, SAXONVALE COAL PTY LIMITED (ACN 003 526 467) and NIPPON STEEL AUSTRALIA PTY LIMITED (ACN 001 445 049), area of about 5.71 hectares, to mine for coal, dated 22 August 2001. (Singleton Mining Division).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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NOTICE is given that the following applications have been granted:

**EXPLORATION LICENCE APPLICATION**

(T00-0151)

No. 1690, now Exploration Licence No. 5884, GOLDFIELDS EXPLORATION PTY LIMITED (ACN 067 813 932), County of Bland, Map Sheet (8329), area of 8 units, for Group 1, dated 16 August 2001, for a term until 15 August 2003.

**PETROLEUM APPLICATION**

(C00-0010)

No. 54, now Petroleum Exploration Licence No. 438, PANNONIAN INTERNATIONAL LTD (ARBN 096 672 972), APPLEGATE EXPLORATION, LLC (ARBN 096 675 937), CHRISTOPHER R. PORTER and PANGEA HYDROCARBON EXPLORATION, LLC (ARBN 096 975 704), area of 98 blocks, for petroleum, dated 21 August 2001, for a term until 20 August 2007. For exact location details refer to the Department's NSW State Map of Petroleum Titles.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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NOTICE is given that the following applications have been withdrawn:

**EXPLORATION LICENCE APPLICATION**

(T01-0170)

No. 1805, MOUNT CONQUEROR MINERALS NL (ACN 003 312 721) and CENTRAL WEST GOLD NL (ACN 003 178 591), County of Gough, Map Sheet (9239). Withdrawal took effect on 17 August 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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

(C96-1007)

Exploration Licence No. 5291, COAL AND ALLIED OPERATIONS PTY LIMITED (ACN 000 023 656), area of 3758 hectares. Application for renewal received 22 August 2001.

(T98-1244)

Exploration Licence No. 5629, RICHARD HINE, area of 4 units. Application for renewal received 20 August 2001.

(T00-0710)

Mining Purposes Lease No. 275 (Act 1973), ALEXANDER AMOS ALLEN, area of 2.003 hectares. Application for renewal received 23 August 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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**RENEWAL OF CERTAIN AUTHORITIES**

NOTICE is given that the following authorities have been renewed:

(T95-0388)

Mining Purposes Lease No. 290 (Act 1973), GARY DOUGLAS STONE, Parish of Wallangulla, County of Finch, Map Sheet (8439-2-S), area of 2.5 hectares, for a further term until 21 June 2006. Renewal effective on and from 21 August 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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**WITHDRAWAL OF APPLICATIONS FOR RENEWAL**

NOTICE is given that the applications for renewal in respect of the following authorities have been withdrawn:

(T97-0085)

Mining Lease No. 572 (Act 1973), RUTILE & ZIRCON MINES (NEWCASTLE) LIMITED (ACN 000 393 135), Parish of Stockton, County of Gloucester, Map Sheet (9232-2-N), area of 159.62 hectares. The authority ceased to have effect on 17 August 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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**CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS**

NOTICE is given that the following authorities have been cancelled:

(T95-0182)

Exploration Licence No. 4894, LFB RESOURCES NL (ACN 073 478 574), County of Flinders, Map Sheet (8233, 8234, 8333, 8334), area of 21 units. Cancellation took effect on 20 August 2001.

(T95-0126)

Exploration Licence No. 4943, LFB RESOURCES NL (ACN 073 478 574), County of Flinders and County of Oxley, Map Sheet (8234, 8334), area of 40 units. Cancellation took effect on 20 August 2001.

(T99-0095)

Exploration Licence No. 5622, STRAITS EXPLORATION (AUSTRALIA) PTY LTD (ACN 061 614 695), Counties of Cunningham and Kennedy, Map Sheet (8332), area of 77 units. Cancellation took effect on 21 August 2001.

(T00-0105)

Exploration Licence No. 5822, JERVOIS MINING NL (ACN 007 626 575), County of Monteagle, Map Sheet (8529, 8629), area of 28 units. Cancellation took effect on 21 August 2001.

(C01-0134)

Petroleum Exploration Licence No. 421 (Act 1991), EASTERN ENERGY AUSTRALIA PTY LIMITED (ACN 009 321 662), area of 136 blocks. Cancellation took effect on 3 August 2001.

(C01-0134)

Petroleum Exploration Licence No. 423 (Act 1991), EASTERN ENERGY AUSTRALIA PTY LIMITED (ACN 009 321 662), area of 86 blocks. Cancellation took effect on 3 August 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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## PART CANCELLATIONS

NOTICE is given that the following authorities have been cancelled in part:

(C01-0134)

Petroleum Exploration Licence No. 422, EASTERN ENERGY AUSTRALIA PTY LIMITED (ACN 009 321 662).

Description of area cancelled:

An area of 49 blocks. For further information contact Titles Branch.

Part cancellation took effect on 3 August 2001.

The authority now embraces an area of 59 blocks.

(C01-0134)

Petroleum Exploration Licence No. 424, EASTERN ENERGY AUSTRALIA PTY LIMITED (ACN 009 321 662).

Description of area cancelled:

An area of 41 blocks. For further information contact Titles Branch.

Part cancellation took effect on 3 August 2001.

The authority now embraces an area of 82 blocks.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

## TRANSFERS

(T01-0328)

Mining Lease No. 1177 (Act 1973), formerly held by MLOP PTY LTD (ACN 000 015 172), has been transferred to GOSFORD QUARRIES (PROPERTIES) PTY LIMITED (ACN 001 226 875). The transfer was registered on 21 August 2001.

(T01-0328)

Mining Lease No. 1224 (Act 1973), formerly held by MLOP PTY LTD (ACN 000 015 172), has been transferred to GOSFORD QUARRIES (PROPERTIES) PTY LIMITED (ACN 001 226 875). The transfer was registered on 21 August 2001.

(T01-0328)

Mining Lease No. 1329 (Act 1992), formerly held by MLOP PTY LTD (ACN 000 015 172), has been transferred to GOSFORD QUARRIES (PROPERTIES) PTY LIMITED (ACN 001 226 875). The transfer was registered on 21 August 2001.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

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## ERRATUM

THE notice appearing in *Government Gazette* No. 124, Folio No. 6052, dated 17 August 2001, relating to the grant of Exploration Licence No. 5852, is revoked and it should be noted that Exploration Licence No. 5852 is void.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

# Department of Urban Affairs and Planning

# Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following regional environmental plan under the *Environmental Planning and Assessment Act 1979*. (P99/00109/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme (Amendment No 5)

## 1 Name of plan

This plan is *Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme (Amendment No 5)*.

## 2 Aims of plan

This plan aims to permit, with the Minister's consent, subdivision and other development of land to which this plan applies, for the purposes of a community facility.

## 3 Land to which plan applies

This plan applies to the land identified as Lot 2 and Lot 4 DP 579006 Cranebrook Road, Cranebrook, as shown edged heavy black on the map marked "Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme (Amendment No 5)" deposited in the Parramatta office of the Department of Urban Affairs and Planning.

## 4 Amendment of Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme

*Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme* is amended:

(a) by inserting after the definition of ***agriculture*** in clause 5:

***community facility*** means a building, place or any other facility, whether or not provided by a local government council, provided for use by groups having similar physical, cultural, social, recreational, ethnic or other interests or beliefs, but does not include a club that is registered under the *Registered Clubs Act 1976*.

(b) by inserting after clause 11:

**11A Development for the purposes of a community facility**

(1) Nothing in this plan prevents a person, with the Minister's consent, from carrying out subdivision and other development, for the purposes of a community facility, on Lots 2 and 4 DP 579006 Cranebrook Road, Cranebrook, as shown edged heavy black on the map marked "Sydney Regional Environmental Plan No 11—Penrith Lakes Scheme (Amendment No 5)".

(2) When determining an application to carry out subdivision or other development for the purposes of a community facility, the consent authority must take into consideration the implementation of the Penrith Lakes Scheme and the structure plan.

# Armidale Local Environmental Plan 1988 (Amendment No 24)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/00225/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

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# Armidale Local Environmental Plan 1988 (Amendment No 24)

## 1 Name of plan

This plan is *Armidale Local Environmental Plan 1988 (Amendment No 24)*.

## 2 Aims of plan

This plan aims:

(a) to introduce a new development zone into *Armidale Local Environmental Plan 1988* to facilitate development for a mixture of commercial, retail and residential purposes, and

(b) to rezone land at the north east corner of Markham and Dumaresq Streets, Armidale, from residential to the new zone.

## 3 Land to which plan applies

This plan (to the extent it rezones land) applies to Lot 10 DP 808357 and Lot 1 DP 779786 at the north east corner of Markham and Dumaresq Streets, Armidale, shown coloured light blue with black edging on the map marked "Armidale Local Environmental Plan 1988 (Amendment No 24)" deposited in the offices of Armidale Dumaresq Council.

## 4 Amendment of Armidale Local Environmental Plan 1988

*Armidale Local Environmental Plan 1988* is amended as set out in Schedule 1.

# Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

Insert in appropriate order at the end of the definition of ***zoning map*** in clause 5 (1):

Armidale Local Environmental Plan 1988 (Amendment No 24)

### [2] Clause 8 Zones indicated on the map

Insert in appropriate order in the list of zones:

Zone No 3 (a) (Mixed Use)—coloured light blue with black edging and black notation 3 (a).

### [3] Clause 9 Zones objectives and development controls

Insert in appropriate order in the Table to clause 9:

## Zone No 3 (a) (Mixed use)

### 1 Zone objectives

The objectives of the zone are:

(a) to allow a mixture of compatible land uses (being residential, retail and commercial land uses), and

(b) to locate mutually supportive and compatible uses (such as residential uses, places of employment and retail), in close proximity to each other, and in peripheral Central Business District locations well serviced by community facilities and infrastructure, and

(c) to ensure that development in the zone does not compromise the viability of the Central Business District as the main focus for commercial and retail activity in Armidale, while allowing commercial activities which cannot be appropriately accommodated in the City centre, such as bulky goods retailing.

### 2 Without development consent

Development for the purposes of:

agriculture (other than intensive livestock or intensive plant agriculture)

bushfire hazard reduction

maintenance dredging

utility installations

Exempt development

### 3 Only with development consent

Development not included in Item 2 or 4.

### 4 Prohibited

Development for the purposes of:

agriculture
animal boarding or training establishments
aquaculture
caravan parks
cemeteries
commercial premises (with a floor space greater than 500 square metres)
extractive industries
forestry
hazardous industries
hazardous storage establishments
heliports
highway service centres
industries (with a floor space greater than 500 square metres)
institutions
intensive livestock agriculture
intensive plant agriculture
landfills
light industries (with a floor space greater than 500 square metres)
manufactured home estates
mining
offensive industries
offensive storage establishments
roadside stalls
road transport terminals
rural industries
rural workers' dwellings
sawmills
stock and saleyards
warehouse or distribution centres

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

## BLACKTOWN LOCAL ENVIRONMENTAL PLAN 1988

## (AMENDMENT No. 159)

I, the Minister for Urban Affairs and Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (P00/00179/S69)

ANDREW REFSHAUGE MP

Minister for Urban Affairs and Planning.

Sydney, 24 August 2001.

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**Citation**

**1.** This plan may be cited as Blacktown Local Environmental Plan 1988 (Amendment No.159).

**Aims, objectives etc.**

**2.** This plan aims to rezone the land to which this plan applies to the Residential "A" Zone under Blacktown Local Environmental Plan 1988.

**Land to which plan applies**

**3.** This plan applies to land, being part of Lot 24, Section 2, DP 6796, Walters Road, Blacktown, as shown edged heavy black on the map marked "Blacktown Local Environmental Plan 1988 (Amendment No. 159)" deposited in the office of the Council of the City of Blacktown.

**Relationship to other environmental planning instruments**

**4.** This plan amends Blacktown Local Environmental Plan 1988 in the manner set out in clause 5.

**Amendment of Blacktown Local Environmental Plan 1988**

**5.** Blacktown Local Environmental Plan 1988 is amended by inserting, in appropriate order, at the end of the definition of "the map" in clause 6(1) the following words:

Blacktown Local Environmental Plan 1988
(Amendment No. 159).

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# Blacktown Local Environmental Plan 1988 (Amendment No 161)

under the

## Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P96/00140/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

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# Blacktown Local Environmental Plan 1988 (Amendment No 161)

### 1 Name of plan

This plan is *Blacktown Local Environmental Plan 1988 (Amendment No 161)*.

### 2 Aims of plan

This plan aims to further regulate bulky goods retail establishments within the City of Blacktown.

### 3 Land to which plan applies

This plan applies to all land within the City of Blacktown under *Blacktown Local Environmental Plan 1988*.

### 4 Amendment of Blacktown Local Environmental Plan 1988

*Blacktown Local Environmental Plan 1988* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

**[1] Clause 9 Zone objectives and development control table**

Insert "bulky goods retail establishments;" in alphabetical order in the Table to the clause in Item 4 of the matter relating to Zones Nos 1 (a), 3 (c), 4 (a), 4 (b) and 4 (d).

**[2] Clause 9, Table**

Omit "retailing of bulky goods" from Item 1 (b) of the matter relating to Zone No 3 (b).

Insert instead "the purposes of bulky goods retail establishments".

**[3] Clause 9, Table**

Omit "retailing of bulky goods" from Item 1 (a) of the matter relating to Zone No 4 (c).

Insert instead "bulky goods retail establishments".

**[4] Clause 9, Table**

Omit "retailing of bulky goods" from Item 1 (d) of the matter relating to Zone No 4 (c).

Insert instead "purposes of bulky goods retail establishments".

**[5] Schedule 1**

Insert "Bulky goods retail establishments" in alphabetical order.

# Canterbury Local Environmental Plan No 195

under the

## Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S01/00122/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Canterbury Local Environmental Plan No 195

## 1 Name of plan

This plan is *Canterbury Local Environmental Plan No 195*.

## 2 Aims of plan

(1) This plan aims:

(a) to reclassify part of the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993*, and

(b) to zone part of the land reserved for county open space to Open Space (Private Recreation) under *Canterbury Planning Scheme Ordinance*, and

(c) to rezone part of the land from Open Space (Existing Recreation) to Open Space (Private Recreation) under the Ordinance.

(2) This plan incidentally makes more extensive provisions in *Canterbury Planning Scheme Ordinance* for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land as operational) of the *Local Government Act 1993*.

## 3 Land to which plan applies

(1) To that extent that this plan reclassifies land, it applies to part of 63 Moxon Road, Punchbowl, being part of Lot 1, DP 521106, as shown coloured dark green and edged black on the map marked “Canterbury Local Environmental Plan No 195” deposited in the office of Canterbury City Council.

(2) To the extent that this plan zones and rezones land, it applies to 61 and part of 63 Moxon Road, Punchbowl, being Lot 1, DP 223338 and part of Lot 1, DP 521106, respectively, as shown coloured dark green and edged yellow on that map.

## 4 Amendment of Canterbury Planning Scheme Ordinance

*Canterbury Planning Scheme Ordinance* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 4 Interpretation

Insert in appropriate order in the definition of "Scheme map" in clause 4 (1):

Canterbury Local Environmental Plan No 195

### [2] Clause 76

Omit the clause. Insert instead:

**76 Classification and reclassification of public land as operational land**

(1) The public land described in Schedule 10 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.

(2) The amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993* do not apply to the land described in Part 1 of Schedule 10.

(3) Land described in Part 2 of Schedule 10:

(a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and

(b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as operational land.

(4) Land described in Columns 1 and 2 of Part 3 of Schedule 10, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those (if any) specified opposite the land in Column 3 of Part 3 of Schedule 10.

(5) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 10, means the local environmental plan cited at the end of the description of the land.

(6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 10, the Governor approved of subclause (4) applying to the land.

**[3] Schedule 10 Classification and reclassification of public land as operational land**

Insert after the heading to the Schedule:

## Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

**[4] Schedule 10, Parts 2 and 3**

Insert at the end of the Schedule:

## Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

## Part 3 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests changed

| Column 1 | Column 2 | Column 3 |
|---|---|---|
| **Locality** | **Description** | **Trusts etc not discharged** |
| **Punchbowl** | | |
| Part of 63 Moxon Road | Part of Lot 1, DP 521106, as shown coloured dark green and edged heavy black on the map marked “Canterbury Local Environmental Plan No 195”—*Canterbury Local Environmental Plan No 195* | The notifications in force in respect of Lot 1, DP 521106, as specified in the Second Schedule to the folio of the Register, being Folio Identifier 1/521106. |

# Kempsey Local Environmental Plan 1987 (Amendment No 77)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (G00/00184/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Kempsey Local Environmental Plan 1987 (Amendment No 77)

## 1 Name of plan

This plan is *Kempsey Local Environmental Plan 1987 (Amendment No 77)*.

## 2 Aims of plan

This plan aims to amend *Kempsey Local Environmental Plan 1987* so as to permit, with the consent of Kempsey Shire Council, the carrying out of development for the purpose of a hardware store on the land to which this plan applies.

## 3 Land to which plan applies

This plan applies to Lot 17, DP 90125, Smith Street, Kempsey, as shown edged heavy black on the map marked "Kempsey Local Environmental Plan 1987 (Amendment No 77)" deposited in the office of Kempsey Shire Council.

## 4 Amendment of Kempsey Local Environmental Plan 1987

*Kempsey Local Environmental Plan 1987* is amended by inserting at the end of the Schedule to clause 37 in Columns 1 and 2, respectively, the following matter:

| | |
|---|---|
| Lot 17, DP 90125, Smith Street, Kempsey. | Hardware store. |

# Manly Local Environmental Plan 1988 (Amendment No 33)

under the

## Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S99/00343/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Manly Local Environmental Plan 1988 (Amendment No 33)

### 1 Name of plan

This plan is *Manly Local Environmental Plan 1988 (Amendment No 33)*.

### 2 Aims of plan

This plan aims to redefine the boundary of the Tourist Area under *Manly Local Environmental Plan 1988*.

### 3 Land to which plan applies

This plan applies to land situated in the local government area of Manly, being land within the Tourist Area in Manly, as shown edged heavy black with heavy black dots on the map marked "Manly Local Environmental Plan 1988 (Amendment No 33)" deposited in the office of Manly Council.

### 4 Amendment of Manly Local Environmental Plan 1988

*Manly Local Environmental Plan 1988* is amended by inserting in appropriate order in the definition of ***the map*** in clause 7 (1) the following words:

Manly Local Environmental Plan 1988 (Amendment No 33)

# Marrickville Local Environmental Plan 2001 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S99/00573/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Marrickville Local Environmental Plan 2001 (Amendment No 1)

## 1 Name of plan

This plan is *Marrickville Local Environmental Plan 2001 (Amendment No 1)*.

## 2 Aims of plan

This plan aims:

(a) to encourage the orderly and economic use of the land to which this plan applies, and

(b) to define access to, the bulk, height and scale of, and the maximum number of dwellings within, any development on that land, and

(c) to provide for the retention and adaptive re-use of identified heritage items and the retention of streetscape and landscape features of significance on the former Eversleigh Hospital site as a reminder of the site's past, and

(d) to retain the current scale and profile of the open space fronting the main Hospital building, including a direct visual and physical linkage with both Addison Road and Coronation Avenue frontages and the landscaped open space garden forecourt of the Nurses Home and the recapturing of its visual connection with Coronation Avenue.

## 3 Land to which plan applies

This plan applies to land situated in the area of Marrickville, comprising the properties known as 1–3 Coronation Avenue in Petersham, being:

Lot 1 DP 4012, Lot 2 DP 4012, Lot 3 DP 4012, Part Lot 4 DP 4012, Part Lot 5 DP 4012, Part Lot 6 DP 4012, Part Lot 7 DP 4012, Part Lot 8 DP 4012, Lot 1 DP 927536, Lot 1 DP 927545, Lot B DP 182453, Lot 1 DP 305709, Lot C DP 182453, Lot 1 DP 122209, Lot 1 DP 983521, Part Lot 37/38 Bayswater Estate.

**4 Amendment of Marrickville Local Environmental Plan 2001**

*Marrickville Local Environmental Plan 2001* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 1 Definitions

Insert at the end of the definition of ***heritage item***:

> , as amended by the maps, or specified sheets of maps, marked as follows:
>
> Sheet 2 of the map marked "Marrickville Local Environmental Plan 2001 (Amendment No 1)"

### [2] Schedule 2 Additional development

Insert at the end of Schedule 2 in Columns 1 and 2, respectively:

| | |
|---|---|
| **1–3 Coronation Avenue, Petersham**<br>Lot 1 DP 4012<br>Lot 2 DP 4012<br>Lot 3 DP 4012<br>Part Lot 4 DP 4012<br>Part Lot 5 DP 4012<br>Part Lot 6 DP 4012<br>Part Lot 7 DP 4012<br>Part Lot 8 DP 4012<br>Lot 1 DP 927536<br>Lot 1 DP 927545<br>Lot B DP 182453<br>Lot 1 DP 305709<br>Lot C DP 182453<br>Lot 1 DP 122209<br>Lot 1 DP 983521<br>Part Lot 37/38 Bayswater Estate<br>(as shown marked Residential 2C on sheet 1 of the map marked "Marrickville Local Environmental Plan 2001 (Amendment No 1)" | Development for residential purposes but only if:<br>(a) the floor space ratio of all buildings on the land after the development has been carried out will not exceed 1.15:1, and<br>(b) the total number of dwellings on the land does not exceed 109, and<br>(c) the uppermost habitable space of any building on the land does not project above an imaginary ceiling above the land as specified on sheet 3 of the map marked "Marrickville Local Environmental Plan (Amendment No 1)", and<br>(d) vehicle access to the land is from both Coronation Avenue and McRae Street. |

**[3] Schedule 5 Identification of heritage items**

Insert in Part 1 under the heading "Hospitals" before the matter relating to West Street, Petersham:

| | | | |
|---|---|---|---|
| Coronation Avenue, Petersham (Former Eversleigh Hospital) | 1–3 | (a) original components of the main hospital building,<br>(b) open space forecourt to main hospital building in the northeast corner of the site bounded by Addison Road and Coronation Avenue,<br>(c) original components of the former Nurses' Home,<br>(d) open space garden forecourt between the east facade of the former Nurses' Home and Coronation Avenue,<br>as shown coloured yellow on sheet 2 of the map marked "Marrickville Local Environmental Plan 2001 (Amendment No 1)". | — |

# Port Stephens Local Environmental Plan 2000 (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N01/00083/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Port Stephens Local Environmental Plan 2000 (Amendment No 2)

## 1 Name of plan

This plan is *Port Stephens Local Environmental Plan 2000 (Amendment No 2)*.

## 2 Aims of plan

This plan aims to prohibit the carrying out of development for the purpose of bulky goods salesrooms or showrooms on land within the Rural Agricultural "A" Zone under *Port Stephens Local Environmental Plan 2000*.

## 3 Land to which plan applies

This plan applies to all land within the Rural Agricultural "A" Zone under *Port Stephens Local Environmental Plan 2000*.

## 4 Amendment of Port Stephens Local Environmental Plan 2000

*Port Stephens Local Environmental Plan 2000* is amended by inserting in alphabetical order in Item 5 of the matter relating to Zone No 1 (a) in the development control table to clause 11 the following matter:

- bulky goods salesrooms or showrooms,

# Singleton Local Environmental Plan 1996 (Amendment No 17)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N99/00194/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Singleton Local Environmental Plan 1996 (Amendment No 17)

## 1 Name of plan

This plan is *Singleton Local Environmental Plan 1996 (Amendment No 17)*.

## 2 Aim of plan

The aim of this plan is to identify a farm cottage at Broke, known as Albert Hall, as a heritage item of local significance under *Singleton Local Environmental Plan 1996*.

## 3 Land to which plan applies

This plan applies to Part Lot 59, DP 755270, Parish of Wollombi, Broke Road, Broke.

## 4 Amendment of Singleton Local Environmental Plan 1996

*Singleton Local Environmental Plan 1996* is amended by inserting in alphabetical order in Part 3 of Schedule 3 under the heading "BROKE":

Broke Road

Albert Hall

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

## SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 (AMENDMENT No. 21)

I, the Minister for Urban Affairs and Planning, in pursuance of Section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out hereunder. (N00/00228/S69).

ANDREW REFSHAUGE MP
Minister for Urban Affairs and Planning.

Sydney, 23 August 2001.

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**Citation**

1. This plan may be cited as Singleton Local Environmental Plan 1996 (Amendment No. 21).

**Aims, objectives etc.**

2. This plan aims to amend Singleton Local Environmental Plan 1996, to permit development for the purposes of a tile shop and motor showrooms on certain land within Zone 2 (the Residential Zone), subject to development consent, notwithstanding the provisions of the zone. The plan also aims to correct the reference to the clause number in Schedule 4 to Singleton Local Environmental Plan 1996.

**Land to which plan applies**

3. This plan applies to Lot 421 DP 618632, being No. 152 George Street, Singleton.

**Relationship to other environmental planning instruments**

4. This plan amends Singleton Local Environmental Plan 1996 in the manner set out in clause 5.

**Amendment of Singleton Local Environmental Plan 1996**

5. Singleton Local Environmental Plan 1996 is amended:

   a) by omitting from Schedule 4 the matter "(Clause 36)" and by inserting instead the matter "(Clause 35)";

   b) by inserting at the end of Schedule 4 the following matter:

Land being Lot 421, DP 618632, Parish of Whittingham, 152 George Street Singleton – tile shop and motor showrooms.

# Singleton Local Environmental Plan 1996 (Amendment No 25)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N01/00078/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Singleton Local Environmental Plan 1996 (Amendment No 25)

## 1 Name of plan

This plan is *Singleton Local Environmental Plan 1996 (Amendment No 25)*.

## 2 Aims of plan

This plan aims to rezone the land to which this plan applies to the Business Zone under *Singleton Local Environmental Plan 1996*.

## 3 Land to which plan applies

This plan applies to land situated within the local government area of Singleton, being Lots 2 and 3, DP 783092 and Lot B, DP 758906, Parish of Whittingham and County of Northumberland, and fronting Argyle and Harriett Streets, Singleton, as shown edged heavy black and lettered "3" on the map marked "Singleton Local Environmental Plan 1996 (Amendment No 25)" deposited in the office of Singleton Shire Council.

## 4 Amendment of Singleton Local Environmental Plan 1996

*Singleton Local Environmental Plan 1996* is amended by inserting in appropriate order in the definition of ***the map*** in clause 9 (1) the following words:

Singleton Local Environmental Plan 1996 (Amendment No 25)

# Warringah Local Environmental Plan 2000 (Land Reclassifications)—(Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S99/01446/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

e99-655-p02.809

# Warringah Local Environmental Plan 2000 (Land Reclassifications)—(Amendment No 2)

## 1 Name of plan

This plan is *Warringah Local Environmental Plan 2000 (Land Reclassifications)—(Amendment No 2)*.

## 2 Aims of plan

This plan aims to reclassify public land from community land to operational land within the meaning of the *Local Government Act 1993*.

## 3 Land to which plan applies

This plan applies to land as listed in Schedule 1.

## 4 Amendment of Warringah Local Environmental Plan 2000 (Land Reclassifications)

*Warringah Local Environmental Plan 2000 (Land Reclassifications)* is amended as set out in Schedule 1.

## Schedule 1 Amendment

(Clause 4)

**Schedule 1 Reclassification of public land as operational land**

Insert in alphabetical order of suburb:

| | | |
|---|---|---|
| **Cromer**<br>Fisher Road North | So much of Lot 61, DP 869675 as is shown edged heavy black on Sheet 6 of the map marked "Warringah Local Environmental Plan 2000 (Land Reclassifications)"—*Warringah Local Environmental Plan 2000 (Land Reclassifications)—(Amendment No 2).* | Nil |

# Wentworth Local Environmental Plan 1993 (Amendment No 10)

under the

## Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S98/01472/PC)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

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# Wentworth Local Environmental Plan 1993 (Amendment No 10)

## 1 Name of plan

This plan is *Wentworth Local Environmental Plan 1993 (Amendment No 10)*.

## 2 Aims of plan

This plan aims:

(a) to allow development that is permissible in the Village or Urban Zone to be carried out with the consent of Wentworth Shire Council on certain lands within Buronga and Gol Gol within two years of this plan being made, and

(b) to rezone certain land within Buronga and Gol Gol from the General Rural Zone and the Future Urban Zone to the Village or Urban Zone.

## 3 Land to which plan applies

This plan applies to land shown edged heavy black and diagonally hatched on the maps marked "Wentworth Local Environmental Plan 1993 (Amendment No 10)" deposited at the office of Wentworth Shire Council.

## 4 Amendment of Wentworth Local Environmental Plan 1993

The *Wentworth Local Environmental Plan 1993* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

Insert at the end of the definition of ***the map*** in clause 5 (1):

Wentworth Local Environmental Plan 1993 (Amendment No 10)—Sheet 2 of 2.

### [2] Clause 17E

Insert after clause 17D:

**17E Development of certain land within Zone No 1 (d)—Buronga and Gol Gol**

(1) This clause applies to land, being Lot 6, DP 822090, Lot 3, DP 878007, Lot 198, DP 756946, Lot 1, DP 874274, Lots 1 and 2, DP 1005470, Lot 1, DP 848480 and Lot 1 DP 846062, Parish of Gol Gol, County of Wentworth, as shown edged heavy black and diagonally hatched on the map marked "Wentworth Local Environmental Plan 1993 (Amendment No 10)—Sheet 1 of 2".

(2) Notwithstanding clause 16, development that may be carried out on land within Zone No 2 (v) (with or without the consent of the Council) may be carried out with the consent of the Council on land to which this clause applies.

(3) The Council is not to grant consent to such development on Lot 1, DP 846062 unless it is satisfied that the proposed development and the density of the proposed development are appropriate after giving consideration to the flood prone nature of the land.

(4) This clause does not apply so as to allow any development that has not substantially commenced within 2 years after the commencement of this clause.

# Wollondilly Local Environmental Plan 1991 (Amendment No 47)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P01/00093/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Wollondilly Local Environmental Plan 1991 (Amendment No 47)

## 1 Name of plan

This plan is *Wollondilly Local Environmental Plan 1991 (Amendment No 47)*.

## 2 Aims of plan

This plan aims to permit plant and hire equipment with the consent of Wollondilly Shire Council on land within Zone No 3 (a) (the Business Zone) or Zone No 4 (a) (the Industrial Zone) under *Wollondilly Local Environmental Plan 1991*.

## 3 Land to which plan applies

This plan applies to all land within the local government area of Wollondilly under *Wollondilly Local Environmental Plan 1991*.

## 4 Amendment of Wollondilly Local Environmental Plan 1991

*Wollondilly Local Environmental Plan 1991* is amended:

(a) by inserting in alphabetical order in clause 6 (1) the following definition:

***plant and equipment hire*** means a building or place used to hire out tools, plant and equipment used by builders and do-it-yourselfers and for the service and maintenance of the tools, plant and equipment. It includes a building or place used for the hire of party/function equipment which requires a large area for handling and storage and easy and direct vehicular access for collection of party/function hire equipment by customers.

(b) by inserting in alphabetical order in Item 4 of the matter relating to Zones Nos 1 (a), 1 (a1), 1 (a2), 1 (a3), 1 (b), 1 (c1) (i), 1 (c1) (ii), 1 (c1) (iii), 1 (c2), 2 (a), 2 (d), 4 (c), 7 (c) and 7 (d) in the Table to clause 10 the words “plant and equipment hire;”.

# Wyong Local Environmental Plan 1991 (Amendment No 133)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N01/00014/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

e01-048-p01.846

# Wyong Local Environmental Plan 1991 (Amendment No 133)

### 1 Name of plan

This plan is *Wyong Local Environmental Plan 1991 (Amendment No 133)*.

### 2 Aims of plan

This plan aims to enable legitimate boundary adjustments in rural areas to be approved where certain criteria are met.

### 3 Land to which plan applies

This plan applies to land within Wyong local government area.

### 4 Amendment of Wyong Local Environmental Plan 1991

*Wyong Local Environmental Plan 1991* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 13 Subdivision of land—generally

Insert after clause 13 (2):

(3) Notwithstanding any other provisions of this plan, including the provisions of clause 14, the Council may consent to a subdivision of land for the purposes of a minor adjustment of the boundary between two lots provided that:

(a) the configuration of the allotments remains substantially the same, and

(b) the area of each allotment proposed is varied by no more than 10 per cent, and

(c) the Council is satisfied that the boundary adjustment is necessary in the circumstances of the case.

(4) A subdivision under subclause (3) may include land which is partly within one zone and partly within another zone.

### [2] Clause 15

Omit the clause.

# Young Local Environmental Plan 1991—Urban Lands (Amendment No 20)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q00/00028/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Young Local Environmental Plan 1991—Urban Lands (Amendment No 20)

## 1 Name of plan

This plan is *Young Local Environmental Plan 1991—Urban Lands (Amendment No 20)*.

## 2 Aims of plan

This plan aims to provide for additional development standards for exempt and complying development on land in the local government area of Young to which *Young Local Environmental Plan 1991—Urban Lands* applies.

## 3 Land to which plan applies

This plan applies to all land within the local government area of Young to which *Young Local Environmental Plan 1991—Urban Lands* applies.

## 4 Amendment of Young Local Environmental Plan 1991—Urban Lands

*Young Local Environmental Plan 1991—Urban Lands* is amended by omitting from clause 9A the matter “22 September 1999” wherever occurring and by inserting instead the matter “15 August 2001”.

# Young Local Environmental Rural Plan 1993 (Amendment No 12)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q00/00027/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

# Young Local Environmental Rural Plan 1993 (Amendment No 12)

## 1 Name of plan

This plan is *Young Local Environmental Rural Plan 1993 (Amendment No 12)*.

## 2 Aims of plan

This plan aims to provide for additional development standards for exempt and complying development on land in the local government area of Young to which *Young Local Environmental Rural Plan 1993* applies.

## 3 Land to which plan applies

This plan applies to all land within the local government area of Young to which *Young Local Environmental Rural Plan 1993* applies.

## 4 Amendment of Young Local Environmental Rural Plan 1993

*Young Local Environmental Rural Plan 1993* is amended by omitting from clause 9A the matter "22 September 1999" wherever occurring and by inserting instead the matter "15 August 2001".

# Roads and Traffic Authority

## Roads Act 1993

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

Murrurundi Shire Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**Mr J.J. Griffiths**
**General Manager**
**Murrurundi Shire Council**
**(by delegation from the Minister for Roads)**

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## Schedule

### *1. Citation*

This Notice may be cited as the Murrurundi Shire Council B-Doubles Notice No 1 2001

### *2. Commencement*

This Notice takes effect on the date of gazettal.

### *3. Effect*

This Notice remains in force until 5 years unless it is amended or repealed earlier.

### *4. Application*

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

### *5. Routes*

**B-Double routes within the Murrurundi Shire (name) Council**

| Type | Road No | Road Name | Starting point | Finishing point | Conditions |
|---|---|---|---|---|---|
| 25 | 29 | Kamilaroi Highway | New England Highway (SH9), Willow Tree | Oxley Highway (SH11), Gunnedah | |
| 25 | 9 | New England Highway | Pacific Highway (SH10), Hexam | N.S.W/QLD border at Wallangarra | |

| | | | | | |
|---|---|---|---|---|---|
| 25 | 358 | Willow Tree to Merriwa Road | New England Highway at Willow Tree | Millers Creek Property access | |
| 25 | 000 | Blackville Road, West of Willow Tree | MR358 – Willow Tree to Merriwa Road | Boundary with Qurindi Shire | |
| 25 | 000 | Little Jacks Creek Road, West of Willow Tree | MR358 – Willow Tree to Merriwa Road | End of Carriageway | |
| 25 | 000 | Warrah Creek Road, West of Willow Tree | MR358 – Willow Tree to Merriwa Road | Parraweena Highlands Property access | |
| 25 | 000 | Warrah Ridge Road, West of Willow Tree | MR358 – Willow Tree to Merriwa Road | Boundary with Qurindi Shire | |
| 25 | 000 | McDonalds Creek Road, West of Willow Tree | Blackville Road | Glasston Road | |
| 25 | 000 | Cattle Creek Road, West of Willow Tree | Blackville Road | Phillips Creek Road | |

# Roads Act 1993

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

Grafton City Council, in pursuance of Division 2 of Part 3 of the *Road Transport (Mass, Loading and Access) Regulation 1996*, by this Notice, specify the routes and areas on or in which B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

**Ray Smith**
**General Manager**
**Grafton City Council**
**(by delegation from the Minister for Roads)**

## Schedule

### 1. *Citation*

This Notice may be cited as the Grafton City Council B-Doubles Notice No 2001/3.

### 2. *Commencement*

This Notice takes effect from date of gazettal.

### 3. *Effect*

This Notice remains in force until August 2005 unless it is amended or repealed earlier.

### 4. *Application*

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

### 5. *Routes*

**B-Double routes within the Grafton City Council (Local road System)**

| Type | Road No | Road Name | Starting point | Finishing point | Conditions |
|---|---|---|---|---|---|
| 25m | Local | Armidale Road, Grafton | Grafton Abattoirs | Lilypool Road | NIL |
| 25m | Local | Lilypool Road, Grafton | Armidale Road | Swallow Road | NIL |
| 25m | Local | Swallow Road, Grafton | Tyson Street | Lilypool Road | NIL |
| 25m | Local | Tyson Street, Grafton | Pacific Highway | Swallow Road | NIL |

**ROADS ACT 1993**

Order - Section 67

Wingecarribee Shire Council area

Removal of a specified point of access to or from the South Western Freeway at Chalkerville Road at Aylmerton.

I, the Minister for Roads, hereby amend the Order notified in Government Gazette No 43 of 29 April 1977 on page 1614 by removing the specified point of access shown in Schedule 2 of the said Order between points N and A shown on Sheet 1 of Deposited Plan 245418, those point also being shown on RTA Plan 6005 495 AC 0380.

CARL SCULLY, MP.,
Minister for Roads

(RTA Papers F5/495.1113)

# 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 connection.

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 BLACKTOWN, at ROOTY HILL: Contract No. 969238S4. Project No. 3001641. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving LISTER PLACE and SPENCER STREET.*

*CITY OF BLACKTOWN, at EASTERN CREEK: Contract No. 967681SB. Project No. 3002139. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving GREAT WESTERN HIGHWAY and BRABHAM DRIVE.*

*CITY OF BLUE MOUNTAINS, at BLACKHEATH: Contract No. 412024F1. Project No. 362043. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving CONNAUGHT ROAD, HILLIER AVENUE and GOVETTS LEAP ROAD.*

*CITY OF PENRITH, at PENRITH: Contract No. 969051S3. Project No. 3001477. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving NEPEAN AVENUE and OLD FERRY ROAD.*

*CITY OF PENRITH, at PENRITH: Contract No. 974597S1. Project No. 3002387. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving VICTORY STREET and JAMISON 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.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 31 August 2001.

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**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 practicable for sewage to be discharged.

*CITY/MUNICIPALITY OF HORNSBY, at EPPING: Contract No. 972748SA. Project No. 3002027. Line 1 and Property Connection Line 1 inclusive and their appurtenant junctions, sidelines and inlets serving MALTON ROAD.*

*CITY/MUNICIPALITY OF PITTWATER, at WARRIEWOOD: Contract No. 972568S8. Project No. 3001691. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving PROSPERITY PARADE.*

*CITY/MUNICIPALITY OF RYDE, at MARSFIELD: Contract No. 972342S0. Project No. 3001441. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving MAWARRA CRESCENT.*

*CITY/MUNICIPALITY OF PARRAMATTA, at WENTWORTHVILLE: Contract No. 974192S8. Project No. 3002283. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving FULTON AVENUE.*

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being the identified properties on the plans will be liable for payment of sewage charges on and from the date of this publication of this notice.

MARTHA AMADOR,
Developer Activity Officer,
Chatswood.

Dated: Sydney, 31 August 2001.

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**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 connection.

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 WOLLONGONG, at CORRIMAL: Contract No. 958785S1. Project No. 390460. Sideline 1 inclusive and its appurtenant junctions, sidelines and inlets serving LAKE PARADE.*

*CITY OF SHELLHARBOUR, at ALBION PARK (Woodbridge Estate Stage 3A): Contract No. 970586S6. Project No. 3002302. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving DRYSDALE 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 connection to these mains.

MARGARET McTAINSH,
Developer Activity Officer,
Illawarra Region.

Dated: 31 August 2001.

**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 connection.

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.

*THE COUNCIL OF CAMDEN, at SMEATON GRANGE: Contract No. 970958S2. Project No. 3001705. Line 1-5 inclusive and their appurtenant junctions, sidelines and inlets serving ANZAC AVENUE and ANDERSON 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.

MITCHELL HOFFMANN,
Developer Activity Officer,
Urban Development,
Liverpool Regional Office.

Dated: 31 August 2001.

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**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 connection.

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 LIVERPOOL, at LURNEA: Contract No. 9719346S2. Project No. 3002348. Property Connection Sewer Line 1 inclusive and its appurtenant junctions serving WHEELER 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.

VALDIS VIKSNE,
Developer Activity Officer,
Liverpool Commercial Centre.

Dated: 31 August 2001.

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**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 connection.

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 CAMPBELLTOWN, at INGLEBURN: Contract No. 971114S6. Project No. 3002254. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving WOLSELEY 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.

MITKO BALALOVSKI,
Developer Activity Officer,
Urban Development,
Liverpool Regional Office.

Dated: 31 August 2001.

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**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 connection.

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 LIVERPOOL, at HORNINGSEA PARK: Contract No. 971930S6. Project No. 3002368. Line 1 inclusive and its appurtenant junctions, sidelines and inlets serving TABLETOP CIRCUIT.*

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.

KEVIN HASTIE,
Developer Activity Officer,
Liverpool Commercial Centre.

Dated: 30 August 2001.

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## 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 connection.

Notice is also given, that in the opinion of Sydney Water, for the identified properties on plans, it is reasonably practical for water to be supplied.

*CITY OF BLACKTOWN, at ROOTY HILL: Contract No. 969238W8. Project No. 1000717. Water mains are now laid and capable of serving identified properties in LISTER PLACE and SPENCER STREET.*

Subject to the provisions of the Water Board Act 1994, the owners of all lands being identified properties on plans will become liable for payment of water charges on and from the date of publication of this notice.

ROBERT ROACH,
Developer Activity Officer,
Blacktown Commercial Centre.

Dated: 31 August 2001.

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**SYDNEY WATER**

Water Mains

**ERRATUM**

THE following appeared in *Government Gazette* for the 31 August 2001:

*CITY/MUNICIPALITY OF PITTWATER, at WARRIEWOOD: Contract No. 972331W0. Project No. 1000736. Water mains are now laid and capable of serving identified properties in PROSPERITY PARADE.*

This should have read:

*CITY/MUNICIPALITY OF PITTWATER, at WARRIEWOOD: Contract No. 972330W0. Project No. 1000736. Water mains are now laid and capable of serving identified properties in PROSPERITY PARADE.*

MARTHA AMADOR,
Developer Activity Officer,
Chatswood.

Dated: Sydney, 31 August 2000.

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**SYDNEY WATER**

Water Mains

NOTICE is hereby given that water mains as described below and shown on plans which may be inspected at the Regional 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 practicable for water to be supplied.

*CITY/MUNICIPALITY OF PITTWATER, at WARRIEWOOD: Contract No. 972331W0. Project No. 1000736. Water mains are now laid and capable of serving identified properties in PROSPERITY PARADE.*

*CITY/MUNICIPALITY OF WILLOUGHBY, at ST LEONARDS: Contract No. 969907WA. Project No. 1000625. Water mains are now laid and capable of serving identified properties in PACIFIC HIGHWAY.*

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being the identified properties on the plans will become liable for payment of water charges on and from the date of publication of this notice.

MARTHA AMADOR,
Developer Activity Officer,
Chatswood.

Dated: Sydney, 31 August 2000.

**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 connection.

Notice is also given, that in the opinion of Sydney Water, for the identified properties on plans, it is reasonably practical for water to be supplied.

*THE COUNCIL OF CAMDEN, at SMEATON GRANGE: Contract No. 970958W6. Project No. 1000742. Water mains are now laid and capable of serving identified properties in ANZAC AVENUE and ANDERSON ROAD.*

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on plans will become liable for payment of water charges on and from the date of publication of this notice.

MITCHELL HOFFMANN,
Developer Activity Officer,
Urban Development,
Liverpool Regional Office.

Dated: 31 August 2001.

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**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 connection.

Notice is also given, that in the opinion of Sydney Water, for the identified properties on plans, it is reasonably practical for water to be supplied.

*CITY OF CAMPBELLTOWN, at INGLEBURN: Contract No. 971114 WA. Project No. 1001003. Water mains are now laid and capable of serving identified properties in WOLSELEY PLACE.*

Subject to the provisions of the Sydney Water Act 1994, the owners of all lands being identified properties on plans will become liable for payment of water charges on and from the date of publication of this notice.

MITKO BALALOVSKI,
Developer Activity Officer,
Urban Development,
Liverpool Regional Office.

Dated: 31 August 2001.

# Other Notices

## CHARITABLE TRUSTS ACT 1993

NOTICE UNDER SECTION 15

PROPOSED CY-PRES SCHEME RELATING TO THE ESTATE OF THE LATE CONSTANCE JANET WILCOX

THE deceased, Constance Janet Wilcox, died on 12 October 1989. In her will dated 8 June 1982, for which probate was granted on 29 January 1990, the testatrix made the following bequest of the balance of her residuary estate on trust:

*'…to pay and transfer the same equally between the Multiple Sclerosis Society of New South Wales for the purposes of that Society and the Australian Arthritis and Rheumatism Foundation for research into arthritic and rheumatic diseases'.*

This gift is the basis of an application for a cy-pres scheme. There has never been an organisation named 'the Australian Arthritis and Rheumatism Foundation'. There is currently in existence a body known as 'The Arthritis Foundation of New South Wales' which, in 1982 when the will was made, was known as 'The Arthritis and Rheumatism Council'. In 1985 that organisation's name was changed to 'The Arthritis Foundation of Australia (NSW)' and changed again to its present name in 1991. The Arthritis Foundation of New South Wales is the only charity actively working in New South Wales to assist people with arthritis.

The Solicitor General, under delegation from the Attorney General in and for the State of New South Wales, has formed the view that the gift to the Australian Arthritis and Rheumatism Foundation in the testatrix's will is a gift for charitable purposes, and has approved a recommendation that the Attorney General establish a cy-pres scheme pursuant to section 12(1)(a) of the *Charitable Trusts Act* 1993.

The scheme is to be applied to give effect to the gift cy-pres to be held on trust and applied to the benefit of the Arthritis Foundation of New South Wales.

Take note that within one month after the publication of this notice any person may make representations or suggestions to the Attorney General in respect of the proposed scheme.

A copy of the proposed scheme may be inspected, by appointment, during business hours at Level 9, Goodsell Building, 8-12 Chifley Square, Sydney. Please telephone 9228-7883 for an appointment.

W. GRANT,
Deputy Director General
Attorney General's Department

## CHILD PROTECTION (OFFENDERS REGISTRATION) REGULATION 2001

REGULATORY IMPACT STATEMENT

THE New South Wales Government intends to make the above Regulation.

The object of the Regulation is to support the effective operation of the *Child Protection (Offenders Registration) Act 2000*, as amended by the *Child Protection (Offenders Registration) Amendment Act 2001*, principally by:

- specifying which public authorities are responsible for notifying relevant offenders of their obligations under the Act;
- specifying some of the content of notices given under the Act, and the manner in which those notices may be given;
- providing additional support to relevant offenders who are children or forensic patients, or who have a disability or other special needs; and
- requiring relevant offenders, and persons giving information to police on their behalf, to satisfy police as to their identity.

Public comment is sought on the terms of the proposed Regulation. Copies of the Acts, the proposed Regulation and the accompanying Regulatory Impact Statement can be obtained from the Ministry for Police on (02) 9339 0600 from 9 a.m. to 5 p.m., Monday to Friday.

Comments should be provided in writing and posted to the following address by 24 September 2001:

*The Director General*
*Ministry for Police*
*Box 45, GPO*
*SYDNEY NSW 2001*

## DISTRICT COURT OF NEW SOUTH WALES

DIRECTION

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

*Taree, 10.00 a.m., 29 January 2002 (6 weeks)*

in lieu of 18 February (3 weeks)

Dated this 28th day of August 2001.

R. O. BLANCH,
Chief Judge

ERRATUM

THE following Erratum Notice which appeared in the *Government Gazette* No. 129 on the 24 August 2001 pages 6527 to 6529, was published in a incorrect sequence. The Erratum Notice is now republished in full to correct this error.

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**ELECTRICITY SUPPLY ACT 1995**

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

TRANSGRID

IT is hereby notified as follows:

1. On 8th August 2001, Her Excellency the Governor signed Executive Council Minute No. 31 dated 7th August 2001, and thereby approved the declaration by TransGrid of the acquisition by it of the interests (hereinafter called "certain interests") described in the form of notice attached to the Minute, by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

2. On 15th August 2001, with the approval of the Governor, TransGrid, by Notice of Compulsory Acquisition of Easement signed by me as TransGrid's delegate, declared that certain interests were acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

3. The notice signed on 15th August 2001 by me as TransGrid's delegate was published on page 6102 of the *Government Gazette* of 17th August 2001.

4. On 22nd August 2001, the Governor, by signing Executive Council Minute No. 33 of 22nd August 2001 :

   first, revoked the approval which she had given on 8th August 2001 (by her signing of Executive Council Minute No. 31 dated 7th August 2001) for TransGrid's acquisition by compulsory process of certain interests; and
   second, approved the declaration by TransGrid of the acquisition by it of the interests described in the Minute (hereinafter called "the amended interests") by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

5. On 23rd August 2001, with the approval of the Governor, TransGrid, by Notice of Compulsory Acquisition of Easement signed by me as TransGrid's delegate, declared that the amended interests were acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

6. The notice signed on 23rd August 2001 by me as TransGrid's delegate is published below in this edition of the *Government Gazette*.

Dated at Sydney, this 23rd day of August 2001.

JOSEPH PETER ZAHRA,
Manager/Corporate,
TransGrid.

**ELECTRICITY SUPPLY ACT 1995**

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

TRANSGRID

Notice of Compulsory Acquisition of Easements

TRANSGRID, by its delegate Joseph Peter ZAHRA, declares, with the approval of Her Excellency the Governor, that the interest/interests described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is/are acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 23rd day of August, 2001.

J. P. ZAHRA,
Manager/Corporate.

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SCHEDULE 1

Easement rights as described under the heading "3 Easement for access" in Memorandum No.7753746 filed in the Land Titles Office pursuant to Section 80A of the Real Property Act, 1900.

SCHEDULE 2

All that piece or parcel of land situate in the Local Government Area of Nambucca, Parish of Valley Valley and County of Raleigh being that part of Lot 4, Deposited Plan 864043 (F.I. 4/864043), comprised within the site of the proposed easement for access 10 metres wide and that part of Lot 4, Deposited Plan 864043 (F.I. 4/864043), comprised within the site of the proposed easement for access over track in use as shown in Deposited Plan 1018279 and said to be in the possession of A R & L L Waddell. (P.50207)

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**ELECTRICITY SUPPLY ACT 1995**

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

TRANSGRID

Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter ZAHRA, declares, with the approval of Her Excellency the Governor, that the interest/interests described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is/are acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Electricity Supply Act 1995.

Dated at Sydney, this 23rd day of August, 2001.

J. P. ZAHRA,
Manager/Corporate.

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SCHEDULE 1

Easement rights as described under the heading "1 Easement for overhead electricity transmission line" in Memorandum No.7314519D filed in the Land Titles Office pursuant to Section 80A of the Real Property Act, 1900.

SCHEDULE 2

All that piece or parcel of Crown land situate in the Local Government Area of Nambucca, Parish of Valley Valley and County of Raleigh being that part of the reserved road 20.115 metres wide separating Lot 1, Deposited Plan 835277 from Lot 19, Deposited Plan 755560, that part of Lot 3, Deposited Plan 704275 ( closed road ) and that part of the bed of Deep Creek separating Lot 4, Deposited Plan 723048 from Lot 59, Deposited Plan 755560, comprised within the site of the proposed easement for transmission line 45 metres wide as shown in Deposited Plan 1008558. (P. 50180)

Also, all that piece or parcel of Crown land situate in the Local Government Area of Bellingen, Parish of Newry and County of Raleigh being that part of Travelling Stock Reserve 17481 and that part of the bed of Dalhousie Creek, comprised within the site of the proposed easement for transmission line 45 metres wide and variable width as shown in Deposited Plan 1009105. (P. 50181)

Also, all that piece or parcel of Crown land situate in the Local Government Area of Bellingen, Parish of Newry and County of Raleigh being that part of the road 20.115 metres wide separating Lot 236, Deposited Plan 755552 and a northern side of the Pacific Highway from Lot 29, Deposited Plan 755552 and that part of the bed of the Kalang River separating Lot 26, Deposited Plan 755552 from Lot 70 of that plan, comprised within the site of the proposed easement for transmission line 45 metres wide and variable width as shown in Deposited Plan 1014476. (P.50189)

And also, all that piece or parcel of Crown land situate in the Local Government Area of Bellingen, Parish of South Bellingen and County of Raleigh being that part of the bed of the Kalang River separating Lots 24 and 25, Deposited Plan 749731 from Lots 23 and 24, Deposited Plan 847318, comprised within the site of the proposed easement for transmission line 30 metres wide and variable width as shown in Deposited Plan1005430. (P.50155/1 & 2) (File PS/1085).

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## ELECTRICITY SUPPLY ACT 1995

## LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

TRANSGRID
Notice of Compulsory Acquisition of Easement

TRANSGRID, by its delegate Joseph Peter ZAHRA, declares, with the approval of Her Excellency the Governor, that the interest/interests described in Schedule 1 to this notice in the land described in Schedule 2 to this notice is/are acquired by compulsory process under the Land Acquisition (Just Terms Compensation) Act, 1991 for the purposes of the Electricity Supply Act, 1995.

Dated at Sydney, this 23rd day of August, 2001 .

J. P. ZAHRA,
Manager/Corporate.

SCHEDULE 1

Easement rights as described under the heading "1 Easement for overhead electricity transmission line" in Memorandum No.7314519D filed in the Land Titles Office pursuant to Section 80A of the Real Property Act, 1900.

SCHEDULE 2

All that piece or parcel of land situate in the Local Government Area of Nambucca, Parish of Valley Valley and County of Raleigh being that part of Lot 11, Deposited Plan 1017930 (F.I.11/1017930), comprised within the site of the proposed easement for transmission line 45 metres wide as shown in Deposited Plan 1019158 and said to be in the possession of G. K and M. Silvia. (P.50206)

Also, all that piece or parcel of land situate in the Local Government Area of Nambucca, Parish of Valley Valley and County of Raleigh being that part of Lot 1, Deposited Plan 835277, now known as Lot 11, Deposited Plan 1017930 (F.I.11/1017930), that part of Lot 19, Deposited Plan 755560 (F.I. 19/755560), that part of Lot 832, Deposited Plan 736673 (F.I. 832/736673), that part of Lot 21, Deposited Plan 585768 (F.I. 21/585768), that part of Lot 101, Deposited Plan 825215 (F.I. 101/825215), that part of Lot 26, Deposited Plan 755560 (F.I. 26/755560), that part of Lot 4, Deposited Plan 723048 (F.I. 4/723048), that part of Lot 59, Deposited Plan 755560 (F.I. 59/755560), that part of Lot 2, Deposited Plan 872699 (F.I. 2/872699) and that part of Lot 105, Deposited Plan 614977 (F.I. 105 / 614977), comprised within the site of the proposed easement for transmission line 45 metres wide and variable width as shown in Deposited Plan 1008558 and said to be in the possession of the Estate of R.A. Welsh, D.J. and M.A. Donoghue and others. (P. 50180)

Also, all that piece or parcel of land situate in the Local Government Area of Nambucca, Parishes of Valley Valley and Newry and County of Raleigh being that part of Lot 4, Deposited Plan 864043 ( F.I. 4/864043 ), that part of Lot 2, Deposited Plan 572926 ( F.I. 2/572926 ), that part of Lots 6 and 7, Deposited Plan 872834 ( F.I.'s 6 & 7/872834 ), that part of Lot 4, Deposited Plan 856438 ( F.I. 4/856438 ) and that part of Lot 178, Deposited Plan 755552 ( F.I. 178/755552 ), comprised within the site of the proposed easement for transmission line 45 metres wide as shown in Deposited Plan 1005401 and said to be in the possession of A.R. & L.L. Waddell., T.J. & J.A. Nelson and others. (P.50154)

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## FORESTRY ACT 1916

PROCLAMATION

(L.S.) MARIE BASHIR, Governor

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales in pursuance of the provisions of the Forestry Act 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

Signed and sealed at Sydney, this 22nd day of August, 2001.

By Her Excellency's Command,

KIM YEADON, M.P.,
Minister for Forestry

GOD SAVE THE QUEEN!

SCHEDULE

EASTERN DIVISION

Land District Of Casino; Kyogle Council Area;
North East Forestry Region

Eden Creek State Forest No. 1013, No. 8 Extension. An area of about 596 hectares in the Parish of Dyraaba County of Rous, being the land within Portions 32, 33 and 34 delineated on plan catalogued 1200 – 1759 in the Department of Information Technology and Management, Sydney, TOGETHER WITH the land within Lot 15 in Deposited Plan 112824, Lot 113 in Deposited Plan 135068, Lot 4 in Deposited Plan 878572 and Lots 13 and 15 in Deposited Plan 883421. ( 52819 )

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**FORESTRY ACT 1916**

PROCLAMATION

(L.S.) MARIE BASHIR, Governor

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales in pursuance of the provisions of the Forestry Act 1916, and with the advice of the Executive Council, do, by this my Proclamation, declare that the land described in the Schedule hereto is dedicated as a State Forest.

Signed and sealed at Sydney, this 22nd day of August, 2001.

By Her Excellency's Command,

KIM YEADON, M.P.,
Minister for Forestry

GOD SAVE THE QUEEN!

SCHEDULE

EASTERN DIVISION

Land District Of Lithgow; Oberon Council Area;
Macquarie Forestry Region

Vulcan State Forest No. 621, No. 43 Extension. An area of about 401.5 hectares in the Parish of Garrynian, County of Georgiana, being the land within Lot 1 in Deposited Plan 860427 and Portion 74 delineated on plan catalogued 6693-1506 in the Department of Information, Technology and Management, Sydney. ( 37814 )

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**GEOGRAPHICAL NAMES ACT 1966**

Notice Of Proposal To Amend A Locality Boundarym
Within Nambucca Shire

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the boundary between Talarm and South Arm, increasing the extent of Talarm as shown on map GNB3791/A. The map may be viewed at Nambucca Shire Council Chambers, Macksville Library and the office of the Geographical Names Board, Land and Property Information, Panorama Avenue, Bathurst.

Any person objecting to this proposal may within one (1) month of the date of this notice, give to the Secretary of the Board notice in writing of the objection, setting out the grounds of the objection.

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

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**GEOGRAPHICAL NAMES ACT 1966**

Notice Of Proposal To Amend A Suburb Boundary
Within Coffs Harbour City

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the boundary between Sawtell and Toormina, increasing the extent of Sawtell, as shown on map GNB3749/A. The map may be viewed at Coffs Harbour City Council Administration Building, Toormina Library, Sawtell Post Office, Toormina Post Office and the office of the Geographical Names Board, Land and Property Information, Panorama Avenue, Bathurst.

Any person objecting to this proposal may within one (1) month of the date of this notice, give to the Secretary of the Board notice in writing of the objection, setting out the grounds of the objection.

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

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**GEOGRAPHICAL NAMES ACT 1966**

Notice Of Proposal To Create Two New Localities And
Amend Eight Locality Boundaries
Within Tweed Shire

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to create two new localities, *Casuarina* and *Kings Forest*, decreasing the extent of Kingscliff, Cudgen and Duranbah; further to amend the boundaries between Bogangar, Cabarita Beach, Pottsville, Hastings Point and Round Mountain, decreasing the extent of Hastings Point and Round Mountain and increasing the extent of Bogangar, Cabarita Beach and Pottsville, as shown on map GNB3810/A. The map may be viewed at Tweed Shire Council Civic and Cultural Centre, Murwillumbah, Tweed Shire Council offices in Tweed Heads, Murwillumbah Library and the office of the Geographical Names Board, Land and Property Information, Panorama Avenue, Bathurst.

Any person objecting to this proposal may within one (1) month of the date of this notice, give to the Secretary of the Board notice in writing of the objection, setting out the grounds of the objection.

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

## GEOGRAPHICAL NAMES ACT 1966

Notice Of Proposal To Amend A Suburb Boundary Within Port Stephens Council Area

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to amend the boundary between Fern Bay and Fullerton Cove, increasing the extent of Fern Bay as shown on map GNB3712/B. The map may be viewed at Port Stephens Council Chambers, Raymond Terrace Library, Council's Mobile Library and the office of the Geographical Names Board, Land and Property Information, Panorama Avenue, Bathurst.

Any person objecting to this proposal may within one (1) month of the date of this notice, give to the Secretary of the Board notice in writing of the objection, setting out the grounds of the objection.

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

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## GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder.

| | |
|---|---|
| Assigned Name: | Kelehear Point |
| Designation: | Point |
| L.G.A.: | Singleton Council |
| Parish: | Gotha |
| County: | Durham |
| Latitude: | 32° 20' 11" |
| Longitude: | 151° 17' 30" |
| L.P.I. Map: | Carrowbrook |
| 100,000 Map: | Camberwell 9133 |
| Reference: | GNB 4819 |

| | |
|---|---|
| Assigned Name: | Walker Bay |
| Designation: | Water Feature |
| L.G.A.: | Singleton Council |
| Parish: | Liebeg |
| County: | Durham |
| Latitude: | 32° 19' 08" |
| Longitude: | 151° 16' 59" |
| L.P.I. Map: | Carrowbrook |
| 100,000 Map: | Camberwell 9133 |
| Reference: | GNB 4819 |

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

## ERRATUM

IN the notices referring to the assignment of names and boundaries for localities in Tumut Council area, Folio 2319, 17 July 1996 and Folio 9164, 27 November 1998. The notices were in error and should be replaced by the following notice:

**Notice of Assignment of Geographical Names for Localities in Tumut Council Area**

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed below as Localities to be used as an address to the areas indicated on map GNB3809.

The names are;

*Adelong, Argalong, Bogong Peaks Wilderness, Bangadang, Batlow, Black Creek, Blowering, Bombowlee Creek, Bombowlee, Brungle, Brungle Creek, Cabramurra, Califat, Couragago, Darlow, Ellerslie, Gadara, Gilmore, Gocup, Goobarragandra, Grahamstown, Jones Bridge, Killimicat, Kunama, Lacmalac, Little River, Long Plain, Lower Bago, Minjary, Mount Horeb, Mundongo, Pinbeyan, Red Hill, Sandy gully, Sharps Creek, Talbingo, Tumorrama, Tumut, Tumut Plains, Wereboldera, Wermatong, Westwood, Windowie, Wondalga, Wyangle, Yarrangobilly, Yaven Creek.*

Subsequent to the determination of names and boundaries of localities in Tumut Council area, the following geographical names are also assigned and designated as follows:

| *Geographical Name* | *Designation* | *Geographical Name* | *Designation* |
|---|---|---|---|
| Adelong | Town | Batlow | Town |
| Talbingo | Town | Tumut | Town |
| Brungle | Village | Cabramurra | Village |
| Bogong Peaks Wilderness Area | Historic Area | Long Plain | Historic Area |
| Argalong | Rural Place | Califat | Rural Place |
| Couragago | Rural Place | Darlow | Rural Place |
| Ellersie | Rural Place | Gilmore | Rural Place |
| Gocup | Rural Place | Goobarragandra | Rural Place |
| Grahamstown | Rural Place | Gadara | Rural Place |
| Killimicat | Rural Place | Kunama | Rural Place |
| Lacmalac | Rural Place | Lower Bago | Rural Place |
| Mount Horeb | Rural Place | Tumorrama | Rural Place |
| Tumut Plains | Rural Place | Wereboldera | Rural Place |
| Windowie | Rural Place | Wondalga | Rural Place |
| Yarrangobilly | Rural Place | Yaven Creek | Rural Place |
| Minjary | Rural Place | Black Creek | Rural Place |
| Blowering | Rural Place | Bombowlee | Rural Place |
| Bombowlee Creek | Rural Place | Brungle Creek | Rural Place |
| Jones Bridge | Rural Place | Little River | Rural Place |
| Pinebeyan | Rural Place | Red Hill | Rural Place |
| Sharps Creek | Rural Place | Wermatong | Rural Place |
| Westwood | Rural Place | Wyangle | Rural Place |

| *Geographical Name* | *Designation* | *Geographical Name* | *Designation* |
|---|---|---|---|
| Bangadang | Rural Place | Mundongo | Rural Place |
| Sandy Gully | Rural Place | Mount Adrah | Rural Place |
| Cooleys Creek | Rural Place | Laurel Hill | Rural Place |
| Ardrossan | Historical Area | Bondo | Historical Area |
| Broken Cart | Historical Area | Buddong Falls | Historical Area |
| Diamond Hill Hut | Historical Area | Dubbo Flat | Historical Area |
| Ellerslie Dip | Historical Area | Halls Block | Historical Area |
| Happy Go Lucky Flat | Historical Area | Kings Cross | Historical Area |
| Lampes | Historical Area | Long Flat | Historical Area |
| Long Flat Hut Corner | Historical Area | Long Plain Hut | Historical |
| Midway | Historical Area | Milk Shanty | Historical Area |
| Pethers Hut | Historical Area | Ravine | Historical Area |
| Rockey Flat | Historical Area | Rules Point | Historical Area |
| Shaking Bog | Historical Area | Shepardstown | Historical Area |
| Simpsons Diggings | Historical Area | Starvation Point | Historical Area |
| The Flat | Historical Area | The Hole | Historical Area |

This notice is to supersede the notice in Folio 2319, 17 July 1996 and Folio 9164, 27 November 1998.

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

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## INDUSTRIAL AND COMMERCIAL TRAINING ACT 1989

NOTICE OF MAKING OF A VOCATIONAL TRAINING ORDER

NOTICE is given that the Director-General, Department of Education and Training, in pursuance of section 22 of the Industrial and Commercial Training Act 1989, has made the following Vocational Training Order in relation to the declared calling of Aeroskills.

**CITATION**

The order is cited as the Aeroskills Order.

**ORDER**

A summary of the Order is given below.

(a) Term of Training

**(i) Full-time**

Training shall be given for a nominal period of 12 months for Certificate II and 48 months for Certificate IV in Aeroskills or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

**(ii) Part-time**

The nominal term for a part time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

School based traineeships

In the case of school-based part-time traineeships, where the nominal full-time term is twelve (12) months, training shall be for nominal terms up to 30 months within which period(s) trainees shall be required to demonstrate competencies relevant to the Vocational Training Order. Training may extend to 36 months where the Higher School Certificate is being delivered over a three (3) year period.

Students may work full-time during school vacations. They are not required to attend on-the-job or off-the-job training for more than 7.6 hours per week during examination periods or exam preparation periods.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

| Full-time Traineeship Term | 6 mths | 12 mths | 18 mths | 24 mths | 30 mths | 36 mths | 48 mths |
|---|---|---|---|---|---|---|---|
| Weekly Hours | Nominal Term Required (Months) | | | | | | |
| 15 | 15 | 30 | 45 | Not Allowable | | | |
| 16 | 15 | 29 | 44 | | | | |
| 17 | 14 | 28 | 42 | | | | |
| 18 | 14 | 27 | 41 | | | | |
| 19 | 13 | 26 | 39 | | | | |
| 20 | 13 | 25 | 38 | | | | |
| 21 | 12 | 24 | 36 | 48 | | | |
| 22 | 12 | 23 | 35 | 46 | | | |
| 23 | 11 | 22 | 33 | 44 | 55 | | |
| 24 | 11 | 21 | 32 | 42 | 53 | | |
| 25 | 10 | 20 | 30 | 40 | 50 | 60 | |
| 26 | 10 | 19 | 29 | 38 | 48 | 57 | |
| 27 | 9 | 18 | 27 | 36 | 45 | 54 | 72 |
| 28 | 9 | 17 | 26 | 34 | 43 | 51 | 68 |
| 29 | 8 | 16 | 24 | 32 | 40 | 48 | 64 |
| 30 | 8 | 15 | 23 | 30 | 38 | 45 | 60 |
| 31 | Not Allowable | | 22 | 28 | 35 | 42 | 56 |
| 32 | | | 20 | 26 | 33 | 39 | 52 |

(b) Competency Outcomes

Trainees will be trained in and achieve competence in the units of competence specified in the Aeroskills Training Package MEA97 and the new Certificate II in Aeroskills (MEA20401)

(c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:

Certificate II in Aeroskills MEA20401

Certificate IV in Aeroskills (Aircraft Maintenance Engineering-Avionics) MEA40197

Certificate IV in Aeroskills (Aircraft Mechanics – Avionics) MEA40297

Certificate IV in Aeroskills (Aircraft Maintenance Engineering – Mechanical) MEA40397

Certificate IV in Aeroskills (Aircraft Mechanics – Mechanical) MEA40497

Certificate IV in Aeroskill (Aircraft Maintenance Engineering – Structures Maintenance) MEA40597

**AVAILABILITY TO PURCHASE/INSPECT**

A copy of the Vocational Training Order may be obtained from any Industry Training Services Centre of the Department of Education and Training.

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## MOTOR VEHICLE REPAIRS ACT 1980

Section 8(3)

ORDER

Whereas NRMA Limited, being the body referred to in section 8(1)(b) of the Motor Vehicle Repairs Act 1980, has changed its name to National Roads and Motorists' Association Limited, I John Watkins MP, Minister for Fair Trading, pursuant to section 8(3) of the Act, by this order certify that I am satisfied that the change of name is not accompanied by any change in the nature of the body.

Signed this 18th day of August 2001.

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

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## NATIONAL PARKS AND WILDLIFE ACT 1974

PROCLAMATION

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of the powers vested in me under section 49 (2) of the National Parks and Wildlife Act 1974, do, on the recommendation of the Director-General of National Parks and Wildlife, by this my Proclamation dedicate the lands described hereunder as part of Tuckean Nature Reserve for the purposes of section 49 (3) of that Act.

Signed and sealed at Sydney this 15th day of August 2001.

MARIE BASHIR
Governor,

By Her Excellency's Command

ANDREW REFSHAUGE, M.P.,
Minister for the Environment

GOD SAVE THE QUEEN

Description

*L.G.A. – Lismore; Land District – Lismore*

County Rous, Parish Broadwater, about 2.5 hectares, being the Crown public roads separating Lots 130, 131 and 135, DP 755691 from Lots 67 and 114, DP 755691. NPWS A/6341.

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## NSW SCIENTIFIC COMMITTEE

Notice of Preliminary Determinations

THE Scientific Committee, established by the Threatened Species Conservation Act, has made Preliminary Determinations to support proposals to list the following in the relevant Schedules of the Act.

**Endangered Species** (Part 1 of Schedule 1)
*Belvisia mucronata* (Fée) Copel, a fern

The Committee is of the opinion that this species is likely to become extinct in nature in NSW unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

**Endangered Ecological Community** (Part 3 of Schedule 1)
Brigalow within the Brigalow Belt South and Darling Riverine Plains Bioregions
Sun Valley Cabbage Gum Forest in the Sydney Basin Bioregion

The Committee is of the opinion that these Ecological Communities are likely to become extinct in nature in NSW unless the circumstances and factors threatening their survival or evolutionary development cease to operate.

**Vulnerable Species** (Schedule 2)
*Eucalyptus corticosa* L.A.S. Johnson, a tree

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 & Wildlife Service*
*PO Box 1967*
*Hurstville NSW 2220*
*Attention: Suzanne Chate, Executive Officer, Scientific Committee*

Submissions must be received by 5 October, 2001.

Copies of these Determinations may be inspected at the National Parks Centre 102 George St, The Rocks, Sydney and at all NPWS Area Offices/Visitors Centres during business hours.

Dr CHRIS DICKMAN,
Chairperson

## NEW SOUTH WALES SERVICE MEDAL PRESENTATION

FRIDAY 10 AUGUST 2001

MR GEORGE E. AUNGLE
MR EDWARD M. BATTY
MR TONY BEALE
MR JOHN F. BECKE
MR FRANK BIDDLE
MR KENNETH M. BROWN
MR TERRANCE R. BURKE
MR PETER R. CAMERON
MS CARMEL A. CRAWFORD
MR GEORGE W. CURR
MR TERENCE G. DOOLEY
MR RICHARD D. EVANS
MS PATRICIA FEENEY
MR KENNETH FISHPOOL
MR RONALD J. FLOOD
MS JOYCE R. FORD
MR MICHAEL GALLAGHER
MR GEOFFERY J. GIBBESON
MR COLIN HARDMAN
MR COLIN HARRISON
MR KEVIN W. HARTLEY
MR EUGENE HAVILAH
MR NORMAN T. HEFFERNAN
MR DAVID P. JOHNS
MR ANDY KAJONS
MR PETER KASTROPIL
MR STEPHEN S. KINSELA
MR ROBERT H. KITCHENER
MR TERENCE E. LAUNDERS
MR DAVID R. LEECE
MR PATRICK J. LEWIS
MR DENNIS MAYBURY
MR JOHN A. MCGLYNN
MR JAMES W. MELVILLE
MS JENNIFER A. MODEREGGER
MR PETER T. MYERS
MR HOWARD G. PICKERING
MR ALEXANDER W. RAMSLAND
MR WILLIAM REGAN
MS HELEN ROBIN
MS SUSAN C RUDENKO
MR BARRE SCHEITZWER
MR ALLAN J. SIMPSON
MS CARLIE J. SPENCER
MR BARRY SWANN
MS HELEN WAGHORN
MR RICHARD J. WALKER
MR BOYD E J. WALLACE
MR BRUCE H. WARE
MR DOUGLAS WATT
MR JOSEPH M C. WONG

## PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48(4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

ALAN RITCHIE,
Manager Dangerous Goods
Environment Protection Authority
by delegation

### SCHEDULE

Pilot (Pesticide Rating) Licence

| Name and address of Licensee | Date of Granting of Licence |
|---|---|
| RURAL AIR WORK PTY LTD<br>LOT 35 KOOROOGAMMA RD<br>MOREE NSW 2400 | 29 August 2001 |

## 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 Pilot (Pesticide Rating) Licences, particulars of which are stated in the Schedule.

ALAN RITCHIE,
Manager Dangerous Goods
Environment Protection Authority
by delegation

### SCHEDULE

Pilot (Pesticide Rating) Licences

| Name and address of Licensee | Date of Granting of Licence |
|---|---|
| Mr JASON GUY NEUTZE<br>FARM 510 HUTCHINGS RD<br>COLEAMBALLY NSW 2707 | 24 August 2001 |
| Ms LEA JEROMSON<br>19 WORTHY ST<br>LEONGATHA VIC 3953 | 28 August 2001 |

## POISONS AND THERAPEUTIC GOODS ACT 1966

ORDER UNDER CLAUSE 151(1),

## POISONS AND THERAPEUTIC GOODS REGULATION 1994.

WITHDRAWAL OF DRUG AUTHRITY

IN accordance with the provisions of clause 151(1) of the Poisons and Therapeutic Goods Regulation 1994 an order has been made on Jennifer Maree Stenhouse of 5/46 Birrell Street, Bondi Junction 2022, prohibiting her, until further notice, as a nurse from having possession of and supplying drugs of addiction as authorised by clauses 103 and 105 of the Regulation. This order is to take effect on and from Wednesday 29 August 2001.

MICHAEL REID,
Director-General

Department of Health, New South Wales.
Sydney, Friday 24 August 2001.

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## PUBLIC WORKS ACT 1912

## LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

COMPULSORY ACQUISITION

Hastings District Water Supply Augmentation

THE Minister for Land and Water Conservation, with the approval of His Excellency the Governor, declares that the interest in land described in the Schedule hereto, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for a public work.

On publication of this notice in the *Government Gazette*, the interest in land, is vested in the Minister for Land and Water Conservation as Constructing Authority under section 4 of the Public Works Act 1912.

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

SCHEDULE

INTEREST IN LAND

Easement rights as described under the heading Water Pipeline in Memorandum E931212 filed in the Land Titles Office over the sites shown in:

Deposited Plan 1021725 (SB55109) as:

'(A) PROPOSED EASEMENT FOR WATER PIPELINE 10 WIDE'

'(B) PROPOSED EASEMENT FOR WATER PIPELINE 8 WIDE'

DPWS Reference 116

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## RACING ADMINISTRATION ACT 1998

ORDER

BOOKMAKER SPORTS BETTING -GENERAL CONDITIONS ON AUTHORITIES

I, JACK RICHARD FACE, Minister for Gaming and Racing, in pursuance of section 20(1)(b) of the Racing Administration Act 1998, hereby impose the General Conditions on bookmaker sports betting authorities as set out hereunder.

These conditions replace the General Sports Betting Conditions gazetted on 9 April 1999.

Dated at Sydney this 22nd day of August 2001.

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

(31 August 2001)

## New South Wales Bookmaker Sports Betting General Conditions

## RACING ADMINISTRATION ACT 1998

### 1 PRELIMINARY

1.1 These general conditions are imposed by the Minister under section 20(1)(b) of the Racing Administration Act 1998 on all bookmaker sports betting authorities.

### 2 DEFINITIONS

In these general conditions:

**Act** means the Racing Administration Act 1998.

**Authorised person** means a person authorised by the Minister under section 21 of the Act to perform functions such as the conduct of inspections.

**Bet back** means a bet placed by a sports bookmaker to reduce his or her liability on a specific outcome. The amount of the claimed bet back is not to exceed the total of bets held on the same outcome.

**Casual sports bookmaker** means an authorised sports bookmaker who is limited in terms of clauses 3.7(b) and 3.8 herein.

**Sports Bet** means any bets or wager made with a sports bookmaker on a sports betting event.

**Bookmaker Sports Betting Rules** means the rules made and approved from time to time under section 23 of the Act.

### 3 GENERAL

3.1 Sports bets may only be accepted by a bookmaker holding a current written sports betting authority from the Minister under section 19(1) of the Act. Bookmakers applying to the Minister for an authority to conduct sports betting must:

(a) be licensed by one or more of the NSW controlling bodies for racing;

(b) hold a current NSW tax receipt; and

(c) hold a financial guarantee from the NSW Bookmakers' Co-Operative Limited for sports betting.

A bookmaker sports betting authority is no longer valid if any of the above three prerequisites lapse.

3.2 Subject to clause 3.3 herein, an authorised sports bookmaker may conduct sports betting:

(a) at any time on any day in an authorised betting auditorium under section 24 of the Act; or

(b) at any time on any day in accordance with a sports betting authority issued by the Minister to a race club.

3.3 Sports betting is not permitted on Christmas Day.

3.4 A race club which is authorised to conduct a betting auditorium or sports betting on a racecourse may charge a sports betting bookmaker a fee not exceeding 0.25% of turnover on sports betting.

3.5 Sports bets may only be accepted on sports betting events declared by the Minister under section 18 of the Act from time to time and which are included as a schedule to the Bookmaker Sports Betting Rules.

3.6 Sports bets shall be in accordance with the approved forms of betting imposed by the Minister under section 20(1) of the Act from time to time and which are included as a schedule of the Bookmakers Sports Betting Rules.

3.7 Sports bookmakers are authorised to accept bets relating to sports betting events scheduled for determination:

(a) up to thirteen months from the date the bet is placed (in the case of bookmakers who hold a sports betting guarantee with the NSW Bookmakers' Co-operative Limited for a minimum of $100,000); or

(b) up to twenty-eight days from the date the bet is placed (in the case of a casual sports bookmaker, ie one who holds only a race betting guarantee with the NSW Bookmakers' Co-operative Limited).

3.8 A casual sports bookmaker is limited to sports betting turnover not exceeding $250,000 in any twelve month period.

3.9 Authorised sports bookmakers (other than casual sports bookmakers) shall maintain a sports betting holding account with an approved financial institution for the holding of stakes in relation to bets on sports betting events where the scheduled date of determination is more than 28 days from the date of the bet. Sports Betting Holding Accounts are to be structured so as debits (including fees, taxes and charges) and credits (including interest) do not appear on periodic account statements.

**4 MAINTENANCE AND RETENTION OF RECORDS**

4.1 Sports betting conducted other than by face-to-face transactions in an authorised betting auditorium or during the running of a race meeting shall be by means of a telephone or approved electronic device which the sports bookmaker has been authorised to use by the Minister under section 16 of the Act.

4.2 In accordance with section 17(1), (2) and (3) of the Betting Tax Act 2001, sports bookmakers shall keep a record of each sports bet accepted.

4.3 In addition to any form of record approved by the Chief Commissioner of State Revenue, sports bookmakers shall maintain the following records:

(a) specific location where bet accepted (racecourse, office, auditorium);

(b) whether transacted by case, credit, telephone or electronic;

(c) customer name (credit, telephone or electronic);

(d) time and date of bet;

(e) ticket number or serial number of transaction;

(f) details of sports betting event, including scheduled date of determination:

(g) approved form of bet (eg head-to-head, handicap);

(h) details of competitor(s) backed;

(i) amount and liability of bet;

(j) amount of any allowable bet back and details of recipient;

(k) details of any cancellation, where applicable;

(l) daily total of bets accepted on each sport;

(m) calculation of tax due (including rebate for bets back)

4.4 While it is preferred that the records detailed in clause 4.3 herein be maintained in an approved computerised form, alternatively the manual form of official bookmaker ledger may be adapted. In the event of computer malfunction, an adapted manual form shall be used.

4.5 Sports bookmakers must maintain detailed records of all transactions involving the sports betting holding account and make them available for inspection to an authorised person as required. Each turnover tax return must be accompanied by a report (on form SB97H) of moneys held in the account and transactions through the account during the relevant week.

4.6 In accordance with section 17(4) of the Betting Tax Act 2001, records of all sports bets shall be retained by a sports bookmaker for a minimum of 5 years from the date of determination of the relevant sports betting event.

4.7 Sports bookmakers shall make available for inspection by an authorised person all records, accounts and documents relating to sports bets.

4.8 Sports bookmakers shall provide copies of sports betting records to the relevant race club or racing controlling body as required.

**5 TAXATION OF SPORTS BETS**

5.1 Turnover tax is payable on all sports bets in accordance with section 7(2) of the Betting Tax Act 2001. Sports bookmakers shall remit tax in accordance with section 7(4) of the Betting Tax Act 2001.

5.2 Each remittance of tax shall be accompanied by:

(a) a completed turnover tax declaration form (as approved by OSR);

(b) (i) original computer printouts:

(ii) approved electronic transmission of bet records; or

(iii) original betting ledger sheets;

(c) telephone betting summary (SB97TB);

(d) bets back summary (SB97B); and

(e) summary of Sports Betting Holding Account transactions (where relevant) (SB97H)

5.3 A rebate of turnover tax will apply where:

(a) a sports betting event is cancelled and bets are refunded; or

(b) a bet back is made on account with a licensed NSW sports betting operator to reduce the liability on a single outcome – under section 11(2) of the Betting Tax Act 2001.

**6 DURATION AND CANCELLATION OF SPORTS BETTING AUTHORISATION**

6.1 Under section 22 of the Act a bookmaker sports betting authority remains in force until it is cancelled by the Minister.

**7 DISPUTES**

7.1 In the event of a dispute with a customer a sports bookmaker shall endeavour to resolve the matter promptly.

7.2 Under part 7 of the Rules a sports bookmaker or customer may refer a dispute to the Sports Betting Disputes Panel. Upon request from the Panel, sports bookmakers shall tender all relevant records and documents. Sports bookmakers shall provide the Panel with all reasonable assistance and co operation to facilitate resolution and determination of disputes.

7.3 Sports bookmakers shall abide by a decision of the Sports Betting Disputes Panel. Failure to do so may result in reference of the circumstances to the Bookmakers Revision Committee.

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## ROADS ACT 1993

PROCLAMATION

Marie Bashir, Governor.

I, Professor MARIE BASHIR AC, Governor of the State of New South Wales, with the advice of the Executive Council, on the recommendation of the Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs and Minister for Housing and in pursuance of section 13 of the Roads Act 1993, do, by this my Proclamation, dedicate as public road the parcels of land referred to in the Schedule to this Proclamation.

Signed and sealed at Sydney this 8th day of August 2001

By Her Excellency's Command,

ANDREW REFSHAUGE, M.P.,
Deputy Premier
Minister for Urban Affairs and Planning
Minister for Aboriginal Affairs
Minister for Housing

GOD SAVE THE QUEEN!

SCHEDULE

New roadways (inclusive of splay corners) shown on the plan of land at Seven Hills, in the City of Blacktown, Parish of Prospect, County of Cumberland. Registered at the Land Titles Office as Deposited Plan No. 746909 (Landcom Project 12901).

New roadways (inclusive of road widening, pathway and splay corners) shown on the plan of land at Blacktown, in the City of Blacktown, Parish of Prospect, County of Cumberland. Registered at the Land Titles Office as Deposited Plan No. 815687 (Landcom Project 12402).

New roadways (being pathway shown as “England Walk”) shown on the plan of land at Lalor Park, in the City of Blacktown, Parish of Prospect, County of Cumberland. Registered at the Land Titles Office as Deposited Plan No. 32027 (Landcom Project 2364).

New roadways (inclusive of splay corners and subject to right of carriageway) shown on the plan of land at Minchinbury, in the City of Blacktown, Parish of Melville, County of Cumberland. Registered at the Land Titles Office as Deposited Plan No. 793433 (Landcom Project 12191).

New roadways being pathways and lot 7110 (inclusive of splay corners and subject to right of carriageway) shown on the plan of land at Minchinbury, in the City of Blacktown, Parish of Melville, County of Cumberland. Registered at the Land Titles Office as Deposited Plan No. 801118 (Landcom Project 12191).

New roadways shown as pathways and Jellie Place (inclusive of splay corners) shown on the plan of land at Plumpton, in the City of Blacktown, Parish of Rooty Hill, County of Cumberland. Registered at the Land Titles Office as Deposited Plan No. 774527 (Landcom Project 12058).

New roadways shown as Parrella Grove (inclusive of splay corners) shown on the plan of land at Glendenning, in the City of Blacktown, Parish of Rooty Hill, County of Cumberland. Registered at the Land Titles Office as Deposited Plan No. 802878 (Landcom Project 12230).

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## SPORTING INJURIES INSURANCE ACT 1978

Order of Declaration under Section 5

In pursuance of section 5 of the Sporting Injuries Insurance Act, 1978, I declare be this order the

KEMPSEY RECREATION CLUB

to be a sporting organisation, for the purposes of the provisions of the Act, in respect of the activities of **Indoor Netball.**

JOHN GARBUTT,
Acting Chairperson

Sporting Injuries Committee
Sydney, 22 August 2001

## MEDICAL ASSESSMENT GUIDELINES

### EXPLANATORY NOTE

These guidelines are made pursuant to section 44(1)(d) of the Motor Accident Compensation Act 1999 ("the Act"). They apply in respect of a motor vehicle accident occurring on or after 5 October 1999.

**These guidelines replace the Medical Assessment Guidelines gazetted on 17 December 1999 and will apply to applications for assessment received after 1 October 2001 and all current matters after that date.**

The guidelines explain the operation of those sections of the Act relating to the Medical Assessment Service ("MAS"). MAS has been established by the Motor Accidents Authority ("the MAA") to resolve medical disputes as they arise during the course of a claim and before Claims Assessment Resolution Service ("CARS") or Court proceedings are commenced. It is intended this will assist in the reduction of costs for the Motor Accidents Compensation Scheme and will therefore help maintain the affordability of premiums. It is intended that the MAs process will speed up the settlement of claims to the benefit of all parties.

These Guidelines set out the procedures for the referral of medical disputes for assessment or review of assessments and the procedure for assessment under Part 3.4 of the Act.

These Guidelines are primarily intended to a guide the officers of the MAA, the members of the legal profession and the insurance industry. Easy to understand information directed towards claimants who wish to represent themselves will be available from the MAA.

Questions about MAS and these Guidelines should be directed to the Proper Officer at the Authority.

David Bowen
General Manager
Motor Accidents Authority
Dated:

## CHAPTER 1 INTERPRETATION

1.1 The following abbreviations are used in these guidelines:-

| | |
|---|---|
| CARS | Claims Assessment Resolution Service |
| CAS | Claims Advisory Service |
| CTP | Compulsory Third Party |
| DX Box | Exchange box in the Australian Document Exchange Pty Limited |
| HIC | Health Insurance Commission |
| The Act | Motor Accidents Compensation Act 1999 |
| The Authority | The Motor Accidents Authority |

1.2 A reference in these guidelines to MAS is a reference to the Medical Assessment Service, which is a unit of the Authority established to manage the resolution of medical disputes.

1.3 A reference in these guidelines to the applicant is a reference to the party (either claimant or insurer) lodging the application.

1.4 A reference in these guidelines to the respondent is a reference to the party (either claimant or insurer) replying or responding to the application.

1.5 A reference in these guidelines to a number of days is a reference to a number of working days.

1.6 A reference in these guidelines to an assessor means a reference to a medical assessor.

1.7 A reference in these guidelines to a medical assessment is, unless stated otherwise a reference to multiple assessments.

1.8 A reference in these guidelines to an officer of MAS is a reference to an employee of the Authority working in the MAS unit.

1.9 A reference in these guidelines to a service copy of material is a reference to a separate set of the documents that are attached to and lodged with an application or reply form.

## CHAPTER 2 JURISDICTION

2.1 An application may be made to MAS in relation to a dispute, disagreement or issue between a claimant and an insurer about any of the following matters:-

2.1.1 Whether the treatment provided or to be provided to the injured person was or is reasonable and necessary in the circumstances (a “reasonable and necessary treatment dispute”)

2.1.2 Whether any such treatment relates to the injury caused by the motor accident (a “causation of treatment dispute”)

2.1.3 Whether an injury has stabilised (a “stabilisation dispute”)

2.1.4 The degree of impairment of the injured person as a result of the injury caused by the motor accident (a “permanent impairment dispute”)

2.1.5 The degree of impairment of the earning capacity of the injured person as a result of the injury caused by the motor accident (an “impairment of earning capacity dispute”).

2.2 An officer of MAS may reject an application as not duly made if the application:-

2.2.1 Does not disclose that it relates to one of the above 5 types of disputes or

2.2.2 Relates to a dispute that is not one of the above 5 types of disputes.

**CHAPTER 3 REGISTERY**

3.1 MAS shall establish and maintain a registry.

3.1.1 For the purposes of delivery of documents the address of the registry is:-

The Proper Officer
Medical Assessment Service
Motor Accidents Authority of NSW
Level 21
580 George Street
Sydney NSW 2000

3.1.2 For the purposes of sending of documents the address of the registry is:-

The Proper Officer
Medical Assessment Service
Motor Accidents Authority of NSW
Level 22
580 George Street
Sydney NSW 2000
or
DX 1517 Sydney

3.2 Except on Saturdays, Sundays and other holidays, the registry shall be open to the public for lodgement of documents between 9.30 in the morning and 4.30 in the afternoon.

3.3 The registry shall, notwithstanding clause 3.2 above, be kept open to the public for business or closed for business, at such times and on such days as the Proper Officer shall direct.

3.4 It is sufficient notification or service for any document or correspondence directed to the Proper Officer, an assessor or MAS to be left in the DX box of the Authority **DX 1517 Sydney**, or at another DX box for transmission to that exchange box.

3.5 The Proper Officer shall arrange for all applications made under these guidelines to be allocated a file number and registered. All correspondence concerning the application is to quote the file number.

3.6 All correspondence to and communication with an assessor must, unless the assessor directs otherwise, be directed to the assessor care of the registry.

3.7 If a legal practitioner or agent represents the claimant;

3.7.1 It is sufficient notification for the Proper Officer, an officer of MAS or an insurer to send any document required to be sent to the claimant, to the legal practitioner or agent.

3.7.2 The Proper Officer or an officer of MAS may contact the claimant direct in relation to the medical assessment.

3.8 If a legal practitioner or agent represents the insurer, it is sufficient notification for the Proper Officer, an officer of MAS or a claimant to send any document required to be sent to the insurer, to the legal practitioner or agent.

3.9 If a party, represented by a legal practitioner or agent, requests MAS to do so, the Proper Officer or an officer of MAS is to send any document required to be sent to that party, to the party in addition to the party's legal representative or agent.

3.10 The Authority will provide and maintain a Claims Advisory Service to assist un-represented claimants, solicitors and insurers in respect of their rights and obligations under the Act and these guidelines.

## CHAPTER 3A GENERAL PROCEDURAL MATTERS

3A.1 An officer of MAS may reject any application or reply form that does not substantially comply with these guidelines

3A.2 An officer of MAS shall issue a rejection notice setting out brief reasons for the rejection

3A.3 If documents in support of any application are not listed in accordance with the requirements of the form, an officer of MAS may reject the application

3A.4 If documents in support of any reply form are not listed in accordance with the requirements of the form, an officer of MAS may reject the reply

3A.5 If documents are listed in accordance with the requirements of the form but are not provided , an officer of MAS may:

3A.5.1 Reject the application or reply form in accordance with clause 3A.1 or
3A.5.2 Notify the parties that the documents were not attached and deal with the matter in the absence of the documents

## CHAPTER 4 APPLICATION FOR ASSESSMENT

4.1 An application for assessment form cannot raise disputes relating to more than one injured person.

***Application***

4.2 An application by either party for assessment of a reasonable and necessary treatment dispute **must**;

4.2.1 Be in the form approved by the Authority, and
4.2.2 Set out or be accompanied by such particulars and information as may be required by that form.

4.3 An application by either party for assessment of a causation of treatment dispute **must**;

4.3.1 Be in the form approved by the Authority, and
4.3.2 Set out or be accompanied by such particulars and information as may be required by that form.

4.4 An application by either party for assessment of a stabilisation dispute **must**;

4.4.1 Be in the form approved by the Authority, and
4.4.2 Set out or be accompanied by such particulars and information as may be required by that form.

4.5 An application by either party for assessment of a permanent impairment dispute **must**;

4.5.1 Be in the form approved by the Authority, and
4.5.2 Set out or be accompanied by such particulars and information as may be required by that form.

4.6 An application by either party for assessment of an impairment of earning capacity dispute **must**;

4.6.1 Be in the form approved by the Authority, and
4.6.2 Set out or be accompanied by such particulars and information as may be required by that form.

4.7 An officer of MAS is to send a copy of the application together with the service copy of material in support of the application provided by the applicant, to the respondent within 10 days of receipt of the application in the registry.

***Reply***

4.8 The respondent must reply to the Proper Officer within 15 days of the date of sending by MAS of a copy of the application. The Proper Officer may deal with the matter in the absence of a reply.

4.9 The reply by either party to any application **must**;

4.9.1 Be in the form approved by the Authority, and
4.9.2 Set out or be accompanied by such particulars and information as may be required by that form.

4.10 An officer of MAS is to send a copy of the reply together with the service copy of material in support of the reply provided by the respondent, to the applicant within 10 days of receipt of the reply in the registry.

***See assessment process chapter 7 and following***

## CHAPTER 5 REFERRAL FOR MEDICAL ASSESSMENT BY CARS OR COURT

5.1 In the case of a matter referred by CARS for an initial or further assessment, an officer of MAS;

5.1.1 Shall arrange for a preliminary assessment of the matter within 10 days of receipt of the referral;
5.1.2 Advise the parties to the CARS assessment of the date of the preliminary assessment forthwith.

5.2 In the case of a matter referred by the Court, for an initial assessment, an application for medical assessment;

5.2.1 Must be made on the form or forms appropriate to the nature of the medical dispute or disputes and in accordance with Chapter 4 above; and
5.2.2 Will be dealt with by MAS in accordance with the procedures set out in Chapter 4 above.

5.3 In the case of a matter referred by the Court for a further assessment, an application;

5.3.1 Must be made on the appropriate form and in accordance with Chapter 6 below; and
5.3.2 Will be dealt with by MAS in accordance with the procedures set out in Chapter 6 below.

***See assessment process chapter 7 and following***

## CHAPTER 6 FURTHER MEDICAL ASSESSMENT

6.1. A party may, under section 62(1) apply for further medical assessment or be referred by CARS or the Court for further medical assessment.

6.2. In the case of a further application for medical assessment by a party the application **must**;

6.2.1 Be in the form approved by the Authority, and
6.2.2 Set out or be accompanied by such particulars and information as may be required by that form.

6.3 In either case, an officer of MAS is to send a copy of the application together with the service copy of material in support of the application provided by the applicant, to the respondent within 10 days of receipt of the application in the registry.

6.4 The respondent must reply to the Proper Officer within 15 days of the date of sending by MAS of a copy of the application. The Proper Officer may deal with the matter in the absence of a reply.

6.5 The reply by either party to an application for further assessment **must**;

6.5.1 Be in the form approved by the Authority, and
6.5.2 Set out or be accompanied by such particulars and information as may be required by that form.

6.6 An officer of MAS is to send a copy of the reply together with the service copy of material in support of the reply provided by the respondent, to the applicant within 10 days of receipt of the reply in the registry.

6.7 In determining whether to refer a matter for further assessment under section 62(1)(a), the Proper Officer shall have regard to:-

6.7.1 The matters set out in section 62(1)(a) and
6.7.2 The objects of the Act.

6.8 The Proper Officer may allocate a matter referred for further assessment to the original assessor if available, or to a different assessor.

6.9 An officer of MAS will provide the assessor with copies of:-

6.9.1 The original application for assessment and supporting documents;
6.9.2 The original reply and supporting documents;
6.9.3 The original assessment certificate and report;
6.9.4 All documentation and material submitted in respect of the further assessment.

***See assessment process chapter 7 and following***

## CHAPTER 7 PRELIMINARY ASSESSMENT

***File Review***

7.1 Within 15 days of the date due for receipt in the registry of any reply to an application, the Proper Officer is to arrange for the preliminary assessment of the matter to:-

7.1.1 Determine the eligibility of the dispute for assessment
7.1.2 Determine whether further information or documentation is required
7.1.3 Determine whether a matter is ready for assessment or whether the assessment should be declined or deferred
7.1.4 Determine the way in which an assessment is to proceed

***Eligibility of the dispute***

7.2 If the application or reply discloses that:
7.2.1 The issues in dispute do not fall within the class of matters listed in section 58, the Proper Officer is to reject the dispute and advise the parties forthwith
7.2.2 One or more but not all of the issues in dispute do not fall within the class of matters listed in section 58, the Proper Officer is to reject that part of the dispute and advise the parties forthwith

*Further information required*

7.3 If any further information or documentation is required, an officer of MAS may request it and notify the other party forthwith and allow a period of up to 15 days from the date of sending the request for the furnishing of that information or documentation.

7.4 An officer of MAS may proceed in the absence of the requested further information.

7.5 An officer of MAS may, with the permission of all parties, communicate with any of the injured person's treatment or service providers to clarify the matter or matters in dispute.

*Defer Assessment*

7.6 The Proper Officer may defer the allocation for assessment in the following circumstances:-

7.6.1 The Proper Officer is of the opinion that there are other issues in dispute or likely to be in dispute which would more conveniently be determined at the same time

7.6.2 The Proper Officer is of the opinion that there has not been a genuine attempt to settle the matter and that the matter is capable of early resolution

7.6.3 The application or reply discloses other reasons why it is not appropriate for the matter to be allocated

7.7 If, in the opinion of the Proper Officer, there are other issues in dispute or likely to be in dispute which would be more conveniently determined at the same time, the Proper Officer may adjourn the allocation of such a matter for assessment for a period not exceeding 6 months. The Proper Officer is to advise the parties forthwith.

7.8 If in the opinion of the Proper Officer, it appears there has not been a genuine attempt to settle a dispute that may be capable of early resolution, the Proper Officer may adjourn the allocation of such a matter for assessment for a period not exceeding 2 months to allow the parties an opportunity to settle the matter. The Proper Officer is to advise the parties forthwith. Either party can apply to the Proper Officer to proceed with the assessment at any time if settlement negotiations fail.

7.9 If, in the opinion of the Proper Officer it appears the application or reply discloses there are other reasons why it is appropriate that the matter is not allocated, the Proper Officer may adjourn the allocation of such a matter for assessment for a period not exceeding 12 months. The Proper Officer is to advise the parties forthwith.

*Way in which the assessment is to proceed*

7.10 In respect of a matter which is found to be suitable for assessment an officer of MAS shall determine the way in which an assessment is to proceed and may:-

7.10.1 Request a claimant attend a medical or other examination or examinations

7.10.2 Request a medical assessor, assess the disagreement on the material provided

7.10.3 Request one or both of the parties attend an interview with an officer of MAS to clarify the issues in dispute

7.10.4 Enquire as to whether the parties would consent to attend an informal conference to explore settlement of the dispute

7.11 In the case of clause 7.10.1 and 7.10.2 above, the Proper Officer shall refer the disagreement to one or more medical assessors from the Authority's list of medical assessors having regard to the nature of the injury and any continuing disabilities, the nature of the dispute and the specialty of the assessor.

7.12 In the case of clause 7.10.1 above, an officer of the MAS is, on the day of the preliminary assessment or as soon as is practicable, to arrange a medical or other examination or examinations and is to notify the parties of the time, date and location of the examination or examinations within 5 days of the making of the examination or examinations.

7.13 In allocating a matter the officer of MAS is to have regard to the location, most convenient to the parties and MAS, for the assessment to take place.

7.14 In the case of 7.10.2 above, an officer of MAS may arrange an assessment without a medical examination if satisfied that the information provided by the parties is sufficient to enable the assessor to make a determination of the issues the subject of the assessment. In exercising the discretion not to hold a medical examination, the officer of MAS must have regard to:-

7.14.1 The nature and complexity of the issue
7.14.2 The likely impact of issue on the quantum of the claim
7.14.3 The extent and detail of the information provided
7.14.4 The urgency of the matter
7.14.5 Whether the credit of the claimant is in issue
7.14.6 Any submission by the parties as to why a medical examination is required.

7.15 In the case of 7.10.2 above if the assessor is of the view that an assessment without a medical examination cannot be done then the assessor is to advise the officer of MAS who is to arrange forthwith a medical examination with that or any other assessor.

7.16 Where the credit of the claimant is in issue and in the case of a permanent impairment dispute a medical examination or examinations should take place.

7.17 An assessor to whom a matter has been allocated must not consider the matter if there is a conflict of interest. If the assessor believes that there may be a conflict of interest the matter is to be returned to the proper officer for reallocation forthwith.

7.18 A party may, within 10 days of receipt of notification of the name and contact details of the assessor apply to the Proper Officer to have the matter reallocated on the grounds that the assessor to whom the matter has been allocated has a conflict of interest or may not be impartial. Such an application must be made in writing and be accompanied by detailed reasons. The Proper Officer shall make a decision on such an application within 10 days and must re-allocate the matter if of the opinion that there are reasonable grounds for believing that the assessor may have a conflict of interest or may not be impartial.

## CHAPTER 8 ASSESSMENT PROCEDURE

8.1 The Proper Officer, an officer of MAS or an assessor including members of any review panel are not bound by the rules of evidence and may conduct any preliminary assessment or assessment in such manner as they think fit, subject to the rules of procedural fairness. In particular the Proper Officer and the assessor should abide by the following principles:-

8.1.1 Evidence should be logical and probative
8.1.2 Evidence should be relevant to the facts in issue and the issues in dispute
8.1.3 Evidence based on speculation or assumptions that are not substantiated must not be accepted
8.1.4 Unqualified medical opinions should not normally be accepted.

8.2 The Proper Officer, an officer of MAS and an assessor are to take such measures as are reasonably practicable:-

8.2.1 To ensure that the parties to the application understand the nature of the application
8.2.2 To explain to the parties any aspect of the procedure of the assessment, or any decision or ruling made by the Proper Officer or Assessor, that relates to the application; and
8.2.3 To ensure that the parties have the fullest opportunity practicable to have their submissions considered and
8.2.4 To ensure that the parties have had the opportunity to explore the settlement of the dispute.

8.3 The Proper Officer, an officer or MAS and an assessor are to act as quickly as is practicable in any preliminary assessment or assessment of a matter.

8.4 The Proper Officer, an officer of MAS and an assessor are to ensure that all relevant material is available so as to enable all of the relevant facts in issue to be determined.

**CHAPTER 9 DOCUMENTATION AND OTHER SUPPORTING MATERIAL**

9.1 In the case of all documents and other material including video-tapes, film or photographs a party seeks to attach to or lodge with, or in support of either an application or a reply document, the party lodging the material must lodge one additional copy of the material for each respondent to the application.

9.2 In the case of video surveillance film, any investigator's or loss adjuster's report concerning that video surveillance film must be lodged with the film.

9.3 Where the claimant does not have legal representation, only one copy of the material attached to the application or reply document needs to be lodged.

9.4 In the case of X-rays, Computerised Tomography (CT or CAT scans), Magnetic Resonance Imaging or other radiological investigations:-

9.4.1 Original film or scans are not to be submitted to the MAS Registry;
9.4.2 Original films or scans can be taken by the claimant or sent by the insurer, to any medical examination with a MAS assessor.

9.5 An officer of MAS may request from the parties to the assessment, the production of documents or the furnishing of information in addition to what is attached to the application or reply form for the purpose of the assessment.

9.5.1 An officer of MAS is, at the same time, to advise any other parties to the assessment of the nature of the request made
9.5.2 Any documents or information requested are to be provided to the an officer of MAS, within 15 days of the date of sending the request
9.5.3 If documents or information cannot be supplied within that time, the party must as soon as is practicable, apply to the Proper Officer for an extension of time, in which case the proper officer may set a further date
9.5.4 Only copies of documents are to be provided to MAS.

9.6 An officer of MAS is to send a copy of any documents or information provided to the parties to the assessment.

9.7 An officer of MAS, the Proper Officer or any assessor is not to take into consideration, in the course of the assessment, any documentation or information that is not shared between the parties.

9.8 The following documents or information are exempted from the operation of clause 9.6 above:-

9.8.1 Material irrelevant to the case of the claimant (and having no adverse effect) to either party;
9.8.2 Confidential material where there is a threat to life or the author of the report advises the report should not be made available to the claimant

9.9 The submission of any document or provision of information by the claimant or an insurer or their legal representatives or agents to MAS, the Proper Officer or an assessor does not in any way waive the claimant's or the insurer's right to claim any privilege, including legal professional privilege in relation to the document or information.

## CHAPTER 10 CERTIFICATE AND REASONS FOR DECISION

10.1 Upon completion of the assessment the assessor is to prepare a clear, accurate and complete report concerning the dispute or disputes between the claimant and the insurer.

10.2 The report must be in the form approved by the Authority and must include in all cases a list of all the documents reviewed and considered by the medical assessor.

10.3 In the case of a reasonable and necessary treatment dispute the report is to include:-

10.3.1.1. A brief history of the accident
10.3.1.2. A summary of all the treatment provided to the claimant
10.3.1.3. A summary of any progress made by the claimant
10.3.1.4. A summary of the nature of the past or proposed treatment in dispute
10.3.1.5. Details of any clinical evaluation and diagnoses
10.3.1.6. Details of current functional status
10.3.1.7. The assessor's decision as to whether or not the treatment is reasonable supported by a brief statement of reasons.

10.4 In the case of a causation of treatment dispute

10.4.1. A brief history of the accident
10.4.2. Brief details of any previous relevant conditions accidents or injuries
10.4.3. A summary of all the treatment provided to the claimant before and after the accident
10.4.4. A summary of the nature of the past or proposed treatment in dispute
10.4.5. Details of any clinical evaluation and diagnoses
10.4.6. Details of current functional status
10.4.7. The assessor's decision as to whether or not the motor vehicle accident caused the injury to which the past or proposed treatment relates and if relevant any apportionment between the motor vehicle accident and any other cause.

10.5 In the case of a stabilisation dispute the report is to include:-

10.5.1. A brief history of the accident
10.5.2. Brief details of any previous relevant conditions accidents or injuries
10.5.3. A summary of the treatment provided
10.5.4. A summary of any progress made
10.5.5. Details of any clinical evaluation and diagnoses
10.5.6. Details of current functional status
10.5.7. The assessor's decision as to whether the injury caused by the accident is stabilised and not likely to improve with surgical intervention or active medical treatment, and if not what is the prognosis for future stabilisation.

10.6 In the case of a permanent impairment dispute the report is to include:-

10.6.1. A brief history of the accident
10.6.2. Brief details of any previous relevant conditions accidents or injuries
10.6.3. A summary of the treatment provided
10.6.4. A summary of any progress made
10.6.5. Details of any clinical evaluation and diagnoses
10.6.6. Current functional status
10.6.7. Prognosis for future recovery or deterioration
10.6.8. The assessor's evaluation of impairment according to the MAA Guides to the evaluation of permanent impairment.

10.7 In the case of an impairment of earning capacity dispute the report is to include:-

10.7.1. A brief history of the accident
10.7.2. Details of the claimant's employment history including hours worked and duties fulfilled
10.7.3. Brief details of any previous relevant conditions accidents or injuries
10.7.4. A summary of the treatment provided
10.7.5. A summary of any progress made
10.7.6. Details of any clinical evaluation and diagnoses
10.7.7. Details of current functional status

10.7.8. An indication of whether the claimant has any impairment to earning capacity and if so what is the degree of that impairment

10.7.9. If, in the view of the assessor, the claimant has any impairment to earning capacity:

10.7.9.1. Whether or not such impairment is permanent and the likely duration of that impairment

10.7.9.2. The nature of the impairment

10.8 The assessor is to give a certificate as to the matters referred for assessment. The certificate shall certify;

10.8.1. In the case of a reasonable and necessary treatment dispute, whether the particular treatment in dispute provided or to be provided to the injured person was or is reasonable and necessary in the circumstances;

10.8.2. In the case of a causation of treatment dispute, whether the particular treatment in dispute relates to the injury caused by the motor accident;

10.8.3. In the case of a stabilisation of injury dispute, a list of the injuries sustained in the accident which were assessed by the assessor and whether each listed injury is or is not stabilised

10.8.4. In the case of a permanent impairment dispute, a list of the injuries found by the assessor to have been caused by the accident and whether or not the degree of permanent impairment of the injured person is or is not greater than 10%

10.8.5. In the case of an earning capacity dispute, whether there is an impairment to the earning capacity of the injured person as a result of the injury caused by the motor accident and the degree of any impairment.

10.9 In the case of an assessment of permanent impairment where more than one medical examination is to take place, the Proper Officer shall forward all the reports to one of the assessors who has undertaken an assessment of the claimant for the preparation of the certificate.

10.10 A draft copy of the report and certificate is to be provided to the Proper Officer within 15 days of the conclusion of an assessment.

10.11 An assessor may, at his or her own motion or at the request of an officer of MAS, correct or request the correction of an error in the draft report or certificate.

10.12 If the draft report or certificate is so altered, the altered draft report or certificate may be executed by the assessor.

10.13 Examples of errors in the certificate or report are where:

10.13.1. There is an obvious clerical or typographical error;

10.13.2. There is an error arising from an accidental slip;

10.13.3. There is an error arising from an omission;

10.13.4. There is a defect of form;

10.13.5. In the case of a certificate or report concerning the assessment of permanent impairment the assessor has not followed the prescribed method of assessment as set out in the AMA Guides to the Evaluation of Permanent Impairment 4th edition or the Authority's Guidelines for the assessment of permanent impairment of a person injured as a result of a motor vehicle accident.

10.14 An officer of MAS shall forward a copy of the final certificate and report to all parties within 5 days of the receipt in the registry of the final certificate and report signed by the assessor.

10.15 Where a CARS assessor has referred a matter to MAS (see Chapter 5) the Proper Officer shall forward a copy of the final certificate and report to CARS.

10.16 The Proper Officer may, at any time, issue a certificate in accordance with an agreed settlement, provided the terms of the agreed settlement are reduced to writing, signed by or on behalf of the parties and lodged with the Proper Officer, and the Proper Officer is satisfied that the terms of the agreed settlement are matters upon which the Proper Officer has power to make an assessment. In those circumstances an assessor need not provide a report

**CHAPTER 11 REVIEW**

11.1 Following receipt of a certificate and statement of reasons or report, either party may apply for a review under section 63(1).

11.2 An application for review **must**:

11.2.1 Be in the form approved by the Authority and
11.2.2 Set out or be accompanied by such particulars and information as may be required in that form:

11.3 An application for review must be made within 20 days of the date of sending of the certificate to the parties by the registry.

11.4 An officer of MAS is to send a copy of the application for review to the respondent within 10 days of receipt of the application in the registry.

11.5 The respondent must reply to the Proper Officer within 15 days of the date of sending of a copy of the application for review by the registry. The Proper Officer may consider the matter in the absence of a reply.

11.6 The reply to an application for review **must**:

11.6.1 Be in the form approved by the Authority and
11.6.2 Set out or be accompanied by such particulars and information as may be required by that:

11.7 An officer of MAS is to send a copy of the reply to the applicant within 10 days of receipt of the reply in the registry.

11.8 The Proper Officer is to consider the application within 10 days of the date due for receipt in the registry of any reply.

11.9 In determining whether the Proper Officer is satisfied that there is reasonable cause to suspect an assessment is incorrect in a material respect the Proper Officer shall have regard to:-

11.9.1 The matters set out in section 63(3) of the Act and
11.9.2 The objects of the Act.

11.10 Having considered the application the Proper Officer is to advise the parties of the decision supported by a brief statement of reasons.

11.11 If the Proper Officer is satisfied that there are reasonable grounds to suspect that the assessment was incorrect in a material respect as alleged by the review applicant, the Proper Officer is to:

11.11.1 Arrange for a panel of review of at least 3 assessors to undertake the review
11.11.2 Appoint a secretary to the panel as soon as is practicable and advise the parties of the arrangements for the review within 10 days of the arrangement of the panel.

11.12 The secretary to the panel may be an officer of MAS or the Proper Officer and shall;

11.12.1 Establish what material was before the original assessor and forward copies to the members of the review panel;
11.12.2 Forward a copy of the certificate and report of the original assessor to the members of the review panel;

11.12.3 Forward a copy of the application for review, any supporting submissions or documents and any reply to the members of the review panel
11.12.4 Provide administrative support to the review panel

11.13 Meetings of the panel may be;

11.13.1 Face to face or conducted by telephone conference and
11.13.2 Shall be held at the place and time decided by the panel, or if there is no decision, as the secretary to the panel directs.

11.14 If there is disagreement among the members of the panel:

11.14.1 In the case of an odd numbered panel, a decision of the panel is that of the majority of its members
11.14.2 In the case of an even numbered panel, the chairperson of the panel will have a casting vote

11.15 The assessors who are to constitute a panel must appoint from their number a chairperson of that panel. In the absence of a nomination the Proper Officer may nominate an assessor to:

11.15.1 Preside over the meetings of the panel
11.15.2 Prepare the report of the panel providing brief reasons for the decision of the panel
11.15.3 Sign any new certificate on behalf of the panel

11.16 The panel may:

11.16.1 Review the assessment on the papers provided to the original assessor
11.16.2 If the members of the review panel are of the view that a review without a medical examination should not be done, then the secretary to the panel is to arrange forthwith a medical examination or examinations with the members of the panel
11.16.3 Confirm the certificate or
11.16.4 Revoke the certificate and issue a new certificate

11.17 The Proper Officer is to send a copy of the panel's decision and any amended certificate to:

11.17.1 The parties to the assessment
11.17.2 The original assessor

**CHAPTER 12 INTERPRETERS**

12.1 Only interpreters accredited by NAATI (National Accreditation Authority for Translators) may be used during the course of a medical assessment or review.

**CHAPTER 13 PERSONS WHO MAY ACCOMPANY CLAIMANTS TO MAS**

13.1 A parent, carer or other support person may accompany the claimant to a medical assessment or review if it is reasonable and necessary in the circumstances of the matter.

13.2 A parent, carer or other support person may be present during a medical assessment or review if it is reasonable and necessary in the circumstances

13.3 A claimant's legal or medical representative may not accompany a person to a medical assessment or review at all unless by a prior agreement with the Proper Officer and the Proper Officer is of the view the circumstances warrant the attendance of a legal practitioner.

## CHAPTER 14 NON-ATTENDANCE

14.1 If the claimant fails to attend a medical or other examination for the purposes of an assessment then the claimant must pay any non-attendance or other fee unless, in the opinion of the Proper Officer, the claimant provides a reasonable excuse for the non-attendance.

14.2 Any non-attendance or other fee to be paid by the claimant must be paid within 28 days of the non-attendance except with the leave of the Proper Officer.

14.3 If the claimant cancels a medical or other examination for the purpose of an assessment less than 2 full working days before the examination, thereby incurring a cancellation fee, then the claimant must pay any such fee unless, in the opinion of the Proper Officer, the claimant provides a reasonable excuse for the cancellation at short notice.

14.4 Any cancellation fee to be paid by the claimant must be paid within 28 days of the cancellation except with the leave of the Proper Officer.

## CHAPTER 15 TIME

15.1 Abridgement or extension of time

15.1.1 The Proper Officer may, if the circumstances justify, and on terms, abridge or extend any time limit fixed by these guidelines, including any time limit affecting the Proper Officer or an assessor

15.1.2 The Proper Officer may extend time under clause 16.1.1 above after the time expires, whether or not an application for the extension is made before the time expires or at all.

15.2 Reckoning of time:-

15.2.1 Any period of time fixed by these guidelines for the doing of any act or in connection with any assessment or directed by the Proper Officer or an assessor shall be reckoned in accordance with this paragraph

15.2.2 Where a time of one day or a longer time is to be reckoned by reference to a given day or event, the given day or the day of the given event shall not be counted

15.2.3 Where, apart from this sub-clause, the period in question, being a period of five days or less, would include a day on which the registry is closed, that day shall be excluded

15.2.4 Where the last day for doing a thing is a day on which the registry is closed, the thing may be done on the next day on which the registry is open.

## CHAPTER 16 SERVICE

16.1 Where a claimant or insurer notifies, in any document lodged, an address for service, then leaving a copy at that address shall be taken to be good service on the person.

16.2 Sending a copy of any document lodged by pre-paid post addressed to the claimant person, insurer or their respective solicitors or agents shall be taken to be good service on a day five days after the copy is so sent.

16.3 Where the address for service of a claimant, an insurer or their respective solicitors or agents includes an exchange box in the Australian Document Exchange Pty Limited, leaving a copy, addressed to that claimant, insurer, solicitor or agent, in that exchange box or at another exchange box for transmission to that exchange box, shall be taken to be good service on a day two days after the copy is so left.

## CHAPTER 17 COSTS OF ASSESSMENT

17.1 The insurer will pay the reasonable expenses of the claimant and any accompanying person (see clause 14.1) attending a medical or other examination arranged by MAS.

# 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, NSW 2000, up til 9.30 am on the dates shown below:

**4 September 2001**

**01/2765** EOI FOR A CUSTOMER DECISION TOOL FOR PERSONAL COMPUTERS. DOCUMENTS: $220.00 PER SET

**5 September 2001**

**014/7189** SCANNING DOCUMENTS FOR THE DEPARTMENT MINERAL RESOURCES. DOCUMENTS: $110.00 PER SET

**016/7190** ALUMINIUM V-HULL AND HEAVY DUTY FLAT BOTTOM BOATS (INCLUDING TRAILERS). DOCUMENTS: $110.00 PER SET

**12 September 2001**

**012/7146** PROVISION OF MEDIA MONITORING SERVICES. DOCUMENTS: $110.00 PER SET

**016/7179** SPONSORSHIP SERVICES. DOCUMENTS: $110.00 PER SET

**013/7203** PROVISION OF SHIPPING SERVICES TO LORD HOWE ISLAND. DOCUMENTS: $110.00 PER SET

**18 September 2001**

**S01/00325 (48)** LAND AND PROPERTY INFORMATION NSW, DITM – CATERING CONTRACT. DOCUMENTS: $165.00 PER SET

**025/7191** PRINTING OF 'THE SCHOOL MAGAZINE'. DOCUMENTS: $110.00 PER SET

**01/7201** SUPPLY OR LEASE/PURCHASE OF ICP ATOMIC EMISSION SPECTROMETER. DOCUMENTS: $110.00 PER SET

**01/7212** WAVELENGTH DISPERSIVE X-RAY SPECTROMETER. DOCUMENTS: $110.00 PER SET

**19 September 2001**

**003/7112** SPECIAL FLUORESCENT LUMINAIRES. DOCUMENTS: $110.00 PER SET

**20 September 2001**

**016/7181** AERIAL LADDER PLATFORM VEHICLES. DOCUMENTS: $110.00 PER SET

**S01/00108 (1020)** CLEANING FOR DEPARTMENT OF HOUSING – LIVERPOOL. CATEGORY B. INSPECTION DATE AND TIME: 28 AUGUST 2001 AT 10:45 AM SHARP. AREA: 18,801.2 SQUARE METERS. DOCUMENTS: $55.00 PER SET

**25 September 2001**

**S0172563** 2001 HSC SECURITY CENTRES GREATER SYDNEY METRO AREA. DOCUMENTS: $110.00 PER SET

**27 September 2001**

**S01/00305 (906)** CLEANING OF WESTMEAD CORONER'S COURT. CATEGORY D. INSPECTION DATE AND TIME: 13 SEPTEMBER 2001 AT 11:30 AM SHARP. AREA: 611 SQUARE METERS. DOCUMENTS: $27.50 PER SET

**00/7136** REHABILITATION OF OYSTER LEASES IN GEORGES RIVER ESTUARY. DOCUMENTS: $110.00 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

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BAULKHAM HILLS SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Baulkham Hills Shire Council declares, with the approval of His Excellency the Governor, that the land described in the Schedule below, excluding mines and deposits of minerals within the land, is acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of public open space. Dated at Sydney, 20th August, 2001. D. MEAD, General Manager, Baulkham Hills Shire Council, PO Box 75, Castle Hill, NSW 1765.

SCHEDULE A

Lot 11, DP 833069

SCHEDULE B

Easement for transmission lines affecting Lot 11, DP 833069 shown so burdened on S.B.D. 63/120 notified in *Government Gazette* dated 20th September, 1963 Folio 2760/01 and shown on DP 643549. [0749]

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### FAIRFIELD CITY COUNCIL

Roads Act 1993, Section 116

Proposed Vehicle Access Restriction – Freedom Plaza (Park Road between John Street and Arthur Street)

NOTICE is hereby given that Council intends to restrict vehicle access to Freedom Plaza, Cabramatta, between 9.30 a.m. and 3.30 p.m. every day. The proposal is to improve safety and amenity of pedestrians in Freedom Plaza. Council is now seeking comments on the proposal from the public and interested organisations. Submissions, in writing, either by way of support or objection to the proposal, must reach Council by Friday, 28th September, 2001 (please quote Council's reference number G10-06-640). For further information, please telephone Council's Traffic and Road Safety Branch on (02) 9725 0874. A. YOUNG, City Manager, Fairfield City Council, PO Box 21, Fairfield, NSW 1860. [0750]

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### KEMPSEY SHIRE COUNCIL

Kempsey Rural Fire Service

Notice of Declaration of Bush Fire Danger Period

NOTICE is hereby given that a delegate of Council on 29th August, 2001 by instrument declared that the statutory bush fire danger period be imposed within the Kempsey Shire for the period midnight Friday, 31st August, 2001 to midnight Sunday, 30th September, 2001 inclusive. This declaration will bring forward the statutory bush fire danger period with permit requirements continuing after midnight Sunday, 30th September, 2001 to midnight Sunday, 31st March, 2002. This declaration comes in response to recommendations by the Kempsey Bush Fire Management Committee and is imposed due to the prevailing dry weather conditions and persistent high winds. Allocation of bush fire permits will be subject to compliance with the usual conditions, including notification to neighbouring landholders and a guarantee that sufficient firefighting apparatus and personnel will be on hand to manage the fire. This declaration has the full concurrence of National Parks and Wildlife Service and State Forests of NSW. Dated 29th August, 2001. R. Haigh, Fire Control Officer, Kempsey Rural Fire District. KEMPSEY SHIRE COUNCIL, PO Box 78, West Kempsey, NSW 2440. [0759]

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### PRISTINE WATERS COUNCIL

Rural Fires Act 1997

New South Wales Rural Fire Service

Notice of Declaration of Bush Fire Danger Period – Clarence Valley Zone

NOTICE is hereby given that pursuant to section 82 of the Rural Fires Act 1997, a bush fire danger period has been declared throughout the Clarence Valley Zone (Copmanhurst, Grafton City, Maclean and Pristine Waters Councils) commencing midnight 24th August, 2001 until 31st March, 2002. B. Condie, Zone Manager, NSW Rural Fire Service. PRISTINE WATERS COUNCIL, PO Box 13, Ulmarra, NSW 2462. [0751]

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### RICHMOND VALLEY COUNCIL

Rural Fires Act 1997

New South Wales Rural Fire Service

Declaration of Bush Fire Danger Period – Richmond Valley District

IN accordance with section 82 of the Rural Fires Act 1997, the bush fire danger period for the Richmond Valley Local Government area will commence at 1.00 a.m. on Friday, 24th August, 2001. This requires that any person wishing to light a fire from 24th August, 2001 must obtain a fire permit in accordance with section 87 of the Rural Fires Act 1997. B. Townsend, Fire Control Officer, Richmond Valley District. RICHMOND VALLEY COUNCIL, Locked Bag 10, Casino, NSW 2470. [0752]

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### SOUTH SYDNEY COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Within the Former ACI Development Site at 782–822 Bourke Street, Waterloo

NOTICE is hereby given that South Sydney Council by Resolution dated 15th August, 2001, and pursuant to section 162, Division 4 of the Roads Act 1993, has named the public roads as follows:

| *Description* | *Road Names* |
|---|---|
| Roads within the development site bounded by Bourke Street, Crescent Street, South Dowling Street and Lachlan Street, Zetland. (Plan No. S6-280/261). | Crystal Street; Potter Street; Broome Street; Danks Street (extension of existing street); Gadigal Avenue (extension of existing street). |

J. W. BOURKE, General Manager, South Sydney City Council, Locked Bag 5000, Strawberry Hills, NSW 2012. [0758]

**TWEED SHIRE COUNCIL**

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 2nd October, 1996 has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

SCHEDULE

Lot 4 in Deposited Plan 837715. [0753]

**TWEED SHIRE COUNCIL**

Roads Act 1993, Section 10

Dedication of Lands as Public Road

NOTICE is hereby given that the Tweed Shire Council, by resolution of the Council dated 2nd May, 2001 has resolved to dedicate the land described hereunder as public road pursuant to section 10 of the Roads Act 1993. J. F. GRIFFIN, General Manager, Tweed Shire Council, PO Box 816, Murwillumbah, NSW 2484.

SCHEDULE

Lots 1 and 2, DP 1024097. [0754]

## ESTATE NOTICES

NOTICE of intended distribution of estate.–Any person having any claim upon the estate of GORDON CAMPBELL ROSS, late of 59 Noorilla Street, Griffith, in the State of New South Wales, retired, who died on 25th May, 2001, must send particulars of his claim to the executors, Colin Ross and Kevin Dole, c.o. Olliffe & McRae, Solicitors, PO Box 874, Griffith, 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 13th July, 2001. OLLIFFE & McRAE, Solicitors, PO Box 874, Griffith, NSW 2680 (DX 5901, Griffith), tel.: (02) 6962 1744. [0755]

NOTICE of intended distribution of estate.–Any person having any claim upon the estate of ELVENA MARY MUDDLE, late of Woy Woy, in the State of New South Wales, retired, who died on 9th July, 2001, must send particulars of his claim to the executor, John Darryll Turnell, c.o. Peninsula Law, Solicitors, 103-105 Blackwall Road, Woy Woy or their agents Turner Whelan, Solicitors, Level 2, 162 Goulburn 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 20th August, 2001. PENINSULA LAW, Solicitors, 103-105 Blackwall Road, Woy Woy, NSW 2256 (DX 8806 and 8807, Woy Woy), tel.: (02) 4342 1111. [0761]

## COMPANY NOTICES

NOTICE of final meeting.–BOWGALL PTY LIMITED (In voluntary liquidation), ACN 062 079 529.–Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the company will be held at 92 Cooper Street, Cootamundra on 28th September, 2001 at 2.00 p.m. for the purpose of the liquidator laying before the meeting an account of the winding up and the giving of any explanation thereof. Dated 24th August, 2001. M. McNAMARA, Liquidator, c.o. Dawson & Partners, Chartered Accountants, Jindalee House, 92 Cooper Street, Cootamundra, NSW 2590, tel.: (02) 6942 1711. [0756]

NOTICE of final meeting.–PRETAN PTY LIMITED (In voluntary liquidation), ACN 062 079 752.–Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the company will be held at 92 Cooper Street, Cootamundra on 28th September, 2001 at 2.00 p.m. for the purpose of the liquidator laying before the meeting an account of the winding up and the giving of any explanation thereof. Dated 24th August, 2001. M. McNAMARA, Liquidator, c.o. Dawson & Partners, Chartered Accountants, Jindalee House, 92 Cooper Street, Cootamundra, NSW 2590, tel.: (02) 6942 1711. [0757]

NOTICE convening final meeting of members and creditors.–ACN 002 244 153 PTY LIMITED (In liquidation), ACN 002 244 153.–Notice is hereby given that the final general meeting of the abovenamed company will be held at the office of Lower, Russell & Farr, corner Henry and Lawson Streets, Penrith on 19th September, 2001 at 10.00 a.m. for the purpose of having an account laid before them showing the manner in which the winding up has been conducted and the property of the company disposed of and of hearing any explanations that may be given by the liquidator. Persons claiming to be creditors are required to prove their debt by no later than 4.00 p.m. of the previous day. In default they will be excluded from the benefit of the dividend. Dated 29th August, 2001. S. H. LOWER, Liquidator, c.o. Lower, Russell & Farr, Chartered Accountants, corner Henry and Lawson Streets, Penrith, NSW 2751, tel.: (02) 4732 3033. [0760]

# Government Gazette

OF THE STATE OF

NEW SOUTH WALES

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# PUBLIC SECTOR NOTICES

## APPOINTMENT ON PROBATION

HIS 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:

### Auditor General

PALETHORPE, Hugh Nigel, Trainee Auditor, Clerk, Grade 1/2 [9 July 2001].

SVENSSON, Gary John, Trainee Auditor, Clerk, Grade 1/2 [29 July 2001].

### Department of Mineral Resources

HAMBERGER, Michelle Jacqueline, Project Officer, Clerk 9/10 [28 May, 2001].

MOORE, Michael Thomas, Geologist, Grade I/II [18 June 2001].

### Motor Accidents Authority

HOLMES, Kathryn Elizabeth, Assistant Disputes Officer – Treatment, Medical Assessment Service, Clerk, Grade 5/6 [13 July 2001].

DAVIS, Dale, Assistant Disputes Officer – Impairment, Medical Assessment Service, Clerk, Grade 5/6 [13 July 2001].

### NSW Fire Brigades

OVERELL, Hew, Documentation and Change Manager, Clerk, Grade 9/10 [16 July 2001].

### Office of the Ombudsman

COUGHLAN, Janette, Team Assistant, Clerical Officer, Grade 1/2 [30 July 2001].

### Tourism New South Wales

ROFE, Malcolm Internet Project Officer, Clerk, Grade 5/6 [26 June 2001].

## CONFIRMATION OF APPOINTMENTS

HIS 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:

### NSW Fire Brigades

Fional Hamilton BELL; Vicki Lorraine SMITH.

### Office of the Ombudsman

Joanne SCOTT.

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## 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:

### Department of Industrial Relations

WILKIE, Christine Caroline, Industry Consultant, Clerk, Grade 7/8, Workplace Advice [17 August 2001].

### Office of the Ombudsman

PRADHAN, Leena, Investigation Officer, Clerk, Grade 7/8 [27 July 2001].

## 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 26 of the Public Sector Management Act 1988, has approved on the following appointments set out in the Schedule hereunder.

| *Administrative Unit* | *Position* | *Appointed Officer* | | |
|---|---|---|---|---|
| | | *Name* | *Administrative Unit* | *Present Position* |
| State Emergency Service | Learning & Development Officer, Clerk, Grade 6/7, Southern Eastern, Goulburn | ORCHARD, Richard Llewellyn | State Emergency Service | Division Executive Officer, Clerk, Grade 5/6 Southern Highlands, Goulburn |

BOB CARR,
Premier.

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