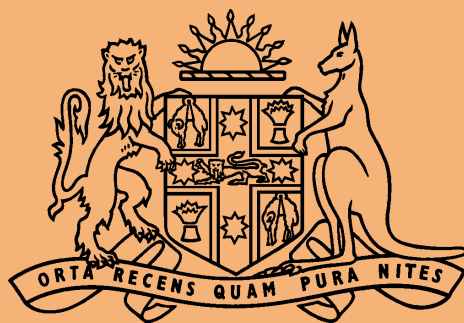




Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Week No. 35/2002 — Part 3

Friday, 30 August 2002

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

*Containing numbers 135 and 136
Pages 7493 - 7846*

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GOVERNMENT PRINTING SERVICE

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

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

Email:

nswgazette@dpws.nsw.gov.au

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Close of business every Wednesday

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

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 135
Friday, 30 August 2002

Published under authority by the Government Printing Service

LEGISLATION

Regulations – *continued*



New South Wales

Partnership Amendment (Fees) Regulation 2002

under the

Partnership Act 1892

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Partnership Act 1892*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase certain fees payable under the *Partnership Act 1892* in line with increases in the Consumer Price Index. Those fees that were last adjusted on 11 August 2001 (the fees in items 1, 2 and 6 of the accompanying table) are increased by approximately 3.2% and those fees that were last adjusted on 4 August 2000 (the fees in items 3 and 5) are increased by approximately 6.61%.

This Regulation is made under section 81 (2) of the *Partnership Act 1892*, which provides for the making of regulations prescribing fees.

Clause 1 Partnership Amendment (Fees) Regulation 2002

Partnership Amendment (Fees) Regulation 2002

under the

Partnership Act 1892

1 Name of Regulation

This is the *Partnership Amendment (Fees) Regulation 2002*.

2 Amendment of Partnership Regulation 2002

The *Partnership Regulation 2002* is amended as set out in Schedule 1.

Partnership Amendment (Fees) Regulation 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Clause 2)

Schedule 2

Omit the Schedule. Insert instead:

Schedule 2 Fees

(Clause 7)

- | | | |
|----|---|---|
| 1. | Fee to accompany a statement under section 54 (1) of the Act (application for registration of limited partnership) | \$670 |
| 2. | Fee to accompany a statement under section 56 (1) of the Act (notification of change in relation to registered particulars of limited partnership) | \$31 for up to 10 changes, plus \$1 for each additional change |
| 3. | Fee for inspection of Register of Limited Partnerships under section 57 (3) of the Act | \$13 per limited partnership inspected, plus \$1 per page for printed copy of any particulars relating to the partnership |
| 4. | Fee for issue under section 58 (1) of the Act of certificate as to formation and composition of limited partnership on registration or change in composition of partnership | Nil |
| 5. | Fee for issue under section 58 (2) of the Act, on application, of certificate as to formation and composition of limited partnership | \$13, plus \$1 per page for each page in excess of 5 pages |
| 6. | Fee for issue under section 58 (2) of the Act of certificate as to any other particulars recorded in the Register | \$25, plus \$1 per page for each page other than the first page |

Protection of the Environment Operations (Clean Air) Regulation 2002

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

This Regulation replaces the *Clean Air (Domestic Solid Fuel Heaters) Regulation 1997* and the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997* which are repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

Part 1 of the Regulation contains preliminary provisions.

Part 2 of the Regulation applies to certain solid fuel burning appliances for domestic use (referred to as **heaters**). That Part:

- (a) prohibits heaters from being sold unless they are marked in accordance with a specified Standard and there is a relevant certificate of compliance in force that has been issued by a body approved by the Environment Protection Authority, and
- (b) prohibits a person from altering certain aspects of a heater of a particular model for which a certificate of compliance is in force, or from marking on a heater that it complies with a specified Standard if there is no relevant certificate of compliance in force.

Protection of the Environment Operations (Clean Air) Regulation 2002

Explanatory note

Part 3 of the Regulation:

- (a) specifies what is to be taken to be the emission of excessive air impurities from a motor vehicle for the purposes of the *Protection of the Environment Operations Act 1997*, and
- (b) makes the owner of a motor vehicle guilty of an offence if the motor vehicle emits excessive air impurities while being used, and
- (c) prescribes certain devices as anti-pollution devices for the purposes of the *Protection of the Environment Operations Act 1997*, and
- (d) requires certain motor vehicles to be fitted with specified anti-pollution devices, and
- (e) requires certain motor vehicles to be maintained in a specified manner, and
- (f) makes the owner of a motor vehicle guilty of an offence if the motor vehicle is used without having fitted any required anti-pollution device, and
- (g) makes the owner of a motor vehicle guilty of an offence if the motor vehicle is used and has not been serviced, maintained or adjusted as required, and
- (h) makes the owner of a motor vehicle guilty of an offence if the motor vehicle is used and any anti-pollution device fitted to it has been removed, or adjusted so as to cause excessive air impurities to be emitted, and
- (i) prescribes the form of labels that may be affixed to defective motor vehicles by authorised officers under the *Protection of the Environment Operations Act 1997*, and
- (j) prescribes requirements in relation to the transfer of petrol into a motor vehicle's fuel tank.

Part 4 of the Regulation contains savings and transitional provisions and gives effect to Schedule 2 which amends the *Protection of the Environment Operations (Penalty Notices) Regulation 1999* to enable penalty notices to be issued for the offences referred to in Part 3 of the Regulation.

Reference is made in the Regulation to:

- (a) the document entitled "AS/NZS 4013: 1999, *Domestic solid fuel burning appliances—Method for determination of flue gas emission*" published by Standards Australia, and
- (b) *Australian Design Rules*, being national standards under the *Motor Vehicle Standards Act 1989* of the Commonwealth and, in particular, to *Australian Design Rule 80/01*, and

Protection of the Environment Operations (Clean Air) Regulation 2002

Explanatory note

- (c) the *Approved Methods Publication*, being the document entitled “Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales” prepared by the Environment Protection Authority and published in the Gazette.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 323 (the general regulation-making power), various other sections referred to in the Regulation and clauses 4, 6A, 6B and 15 of Schedule 2.

Protection of the Environment Operations (Clean Air) Regulation 2002

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Protection of the Environment Operations (Clean Air) Regulation 2002

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Clause 1 Protection of the Environment Operations (Clean Air) Regulation 2002

Part 1 Preliminary

Protection of the Environment Operations (Clean Air) Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Clean Air) Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces the *Clean Air (Domestic Solid Fuel Heaters) Regulation 1997* and the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997* which are repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions and notes

(1) In this Regulation:

the Act means the *Protection of the Environment Operations Act 1997*.

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

Protection of the Environment Operations (Clean Air) Regulation 2002

Clause 4

Domestic solid fuel heaters

Part 2

Part 2 Domestic solid fuel heaters

4 Interpretation and application of Part

(1) In this Part:

central heating appliance has the meaning given to it in Standard 4013.

certificate of compliance means a certificate issued by a body approved by the EPA, being a certificate certifying that all heaters of a particular model comply with Standard 4013.

certificate of exemption means a certificate issued by a body approved by the EPA, being a certificate exempting all heaters of a particular model from compliance with Standard 4013.

heater—see subclause (2).

model of heater means a particular design of heater made by a particular manufacturer.

sell—see the Dictionary to the Act.

Standard 4013 means the document entitled “AS/NZS 4013:1999, *Domestic solid fuel burning appliances—Method for determination of flue gas emission*”, published by Standards Australia and as in force from time to time.

(2) This Part applies to any solid fuel burning appliance that is designed, manufactured or adapted for domestic use (referred to in this Part as a **heater**).

(3) This Part applies to the wholesale and retail sale of heaters, other than heaters of the following kind:

- (a) any masonry appliance built on site,
- (b) any central heating appliance,
- (c) any cooking stove appliance as defined in Standard 4013,
- (d) any appliance intended for use solely for heating water,
- (e) any appliance intended for use solely for distributing heat through ducts.

Clause 5 Protection of the Environment Operations (Clean Air) Regulation 2002

Part 2 Domestic solid fuel heaters

5 Requirement for certificates of compliance

- (1) A person must not sell a heater to any other person unless:
- (a) the heater is marked in accordance with Standard 4013, and
 - (b) a certificate of compliance is in force in relation to heaters of the same model as that heater, and
 - (c) in the case of a sale to a person whose business includes the wholesale or retail sale of heaters, a copy of the certificate is given to the purchaser.

Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in the case of an individual.

- (2) Subclause (1) (c) does not require a copy of a certificate to be given to a person to whom a copy of the certificate has previously been given.
- (3) This clause does not apply to a heater of a model for which a certificate of exemption is in force.

6 Interference with heaters

- (1) A person must not:
- (a) alter the structure, exhaust system or inlet air system of any heater of a model to which a certificate of compliance or certificate of exemption relates, or
 - (b) mark on a heater that it complies with Standard 4013 if the heater is not of a model that is the subject of a certificate of compliance.

Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in the case of an individual.

- (2) This clause extends to any person who causes or permits the doing of a thing that is prohibited under this clause.
- (3) Nothing in this clause makes it an offence for a person to carry out any repair work on any heater (including repairs or alterations in accordance with a notice under section 96 of the Act).

Protection of the Environment Operations (Clean Air) Regulation 2002

Clause 7

Motor vehicles and motor vehicle fuels
Interpretation

Part 3
Division 1

Part 3 Motor vehicles and motor vehicle fuels

Division 1 Interpretation

7 Definitions

In this Part:

ADR or **Australian Design Rule** means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth as in force from time to time.

Approved Methods Publication means the document entitled “Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales” prepared by the EPA and published in the Gazette, as in force from time to time.

diesel engine means an engine that is designed to operate on automotive diesel fuel.

goods vehicle means a motor vehicle constructed primarily for the carriage of goods, but does not include a special purpose motor vehicle.

manufacturer’s gross vehicle mass, in relation to a vehicle, means the maximum loaded mass of the vehicle:

- (a) specified by the manufacturer, or
- (b) specified by the Roads and Traffic Authority in circumstances in which:
 - (i) the manufacturer is unknown, or
 - (ii) the manufacturer has failed to specify a maximum loaded mass for the vehicle, or
 - (iii) the manufacturer has specified a maximum loaded mass for the vehicle, but the vehicle has been modified to the extent that the manufacturer’s specification is no longer appropriate for the vehicle.

motor bus means a passenger vehicle that seats more than 9 adult persons (including the driver).

motor cycle includes a motor tricycle and a motor cycle combination.

passenger vehicle means a motor vehicle constructed primarily for the carriage of persons, but does not include a motor cycle.

Clause 7 Protection of the Environment Operations (Clean Air) Regulation 2002

Part 3 Motor vehicles and motor vehicle fuels

Division 1 Interpretation

petrol has the same meaning as in section 154 (1) of the Act.

registered, in relation to a motor vehicle, means registered under the *Road Transport (Vehicle Registration) Act 1997*.

spark-ignition engine means an engine that is designed to operate on petrol, liquefied petroleum gas or compressed natural gas, being an engine that has its air-fuel mixture ignited by means of an electrical spark.

special purpose motor vehicle means a fork lift truck or motor vehicle constructed principally for off-road agricultural use or for use in road or building site construction work, and includes:

- (a) a tractor, harvester, header, thresher, swather, baler, cuber, loader, digger, bulldozer, excavator, grader, scraper and roller, and
- (b) a mobile crane the engine of which is used for the purpose of both lifting loads and propelling the vehicle,

but does not include any vehicle constructed on a chassis of a type normally used in the construction of a goods vehicle.

Test Method, together with a number, means a test method of that number prescribed by the Approved Methods Publication.

Division 2 Air impurities

8 Definition of excessive air impurities: section 154

- (1) This clause applies to motor vehicles propelled by a spark-ignition or diesel engine.
- (2) A motor vehicle emits excessive air impurities as referred to in section 154 (2) (a) of the Act if, when in operation, it emits air impurities in excess of such a standard of concentration that air impurities are visible for a continuous period of more than 10 seconds when determined in accordance with Test Method 31.
- (3) A motor vehicle emits excessive air impurities as referred to in section 154 (2) (b) of the Act if, when tested in accordance with Test Method 31, it emits air impurities in excess of an amount per test that results in air impurities being visible for a continuous period of more than 10 seconds.

Protection of the Environment Operations (Clean Air) Regulation 2002

Clause 9

Motor vehicles and motor vehicle fuels

Part 3

Air impurities

Division 2

9 Motor vehicles emitting excessive air impurities

- (1) An owner of a motor vehicle is guilty of an offence if the vehicle emits excessive air impurities while being used.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (2) It is a defence to a prosecution for an offence under this clause if the owner proves that the motor vehicle was at the time of the commission of the offence a stolen motor vehicle or a motor vehicle illegally taken or used.
- (3) It is a defence to a prosecution for an offence under this clause if the defendant proves that the motor vehicle:
- (a) was constructed or has been modified solely for use in motor racing or off-road motor sport, and
 - (b) was not registrable under the *Road Transport (Vehicle Registration) Act 1997*.
- (4) For the purposes of this clause, a motor vehicle ***emits excessive air impurities*** if it emits air impurities in the circumstances described in section 154 (2) of the Act.

Division 3 Prescribed anti-pollution devices

10 Prescribed anti-pollution devices: section 154

For the purposes of the definition of ***prescribed anti-pollution device*** in section 154 (1) of the Act, each of the following devices is prescribed as a device that is designed or intended to minimise air pollution caused by motor vehicles:

- (a) an ***evaporative emission control system***, that is, a system of devices and equipment that is designed to trap the evaporative emissions from a motor vehicle's fuel tank and fuel supply system and so restrict their release to the atmosphere,
- (b) a ***fuel supply system***, that is, a system of devices and equipment that is designed:
 - (i) to convey fuel to a direct injection engine, or
 - (ii) to convey fuel to an engine's air intake system, to mix the fuel with air and to convey the mixture of fuel and air into the engine,

Clause 10 Protection of the Environment Operations (Clean Air) Regulation 2002

Part 3 Motor vehicles and motor vehicle fuels

Division 3 Prescribed anti-pollution devices

- (c) an **engine ignition system**, that is, a system of devices and equipment that is designed to ignite the fuel, or the mixture of fuel and air, in a motor vehicle's engine,
- (d) an **engine management system**, that is, a system of devices and equipment that is designed to control the operation of a motor vehicle's fuel supply system and engine ignition system,
- (e) a **smoke-limiting throttle control system**, that is, a system of devices and equipment that is designed to limit the maximum rate at which fuel can go into a diesel-engined motor vehicle and so reduce the amount of smoke emitted by the motor vehicle while it is being accelerated,
- (f) an **exhaust gas recirculation system**, that is, a system of devices and equipment that is designed to convey exhaust gases from a spark ignition engine to the engine's air intake system for the purpose of reducing the amount of oxygen in the mixture of air and fuel going into the engine and so reducing the amount of oxides of nitrogen emitted by the engine,
- (g) a **catalytic converter system**, that is, a system of devices and equipment that is designed to induce a catalytic reaction between the various exhaust gases that are emitted from a motor vehicle's engine and so reduce the emission of air impurities by the motor vehicle,
- (h) a **complying exhaust pipe**, that is, an exhaust pipe that complies with the requirements of clause 11.

11 Fitting of certain anti-pollution devices to be compulsory: sections 156 and 161 and clause 15

A motor vehicle that is propelled by a diesel engine and that has a manufacturer's gross vehicle mass of more than 4.5 tonnes must be fitted with:

- (a) in the case of a motor vehicle for which, as at the date of its manufacture, an Australian Design Rule prescribed requirements with respect to the exhaust pipe to be fitted to it, a vertical exhaust pipe that complies with those requirements, or
- (b) in any other case, an exhaust pipe:
 - (i) that terminates 150 millimetres or more above the highest part of the vehicle's cab, and

Protection of the Environment Operations (Clean Air) Regulation 2002

Clause 11

Motor vehicles and motor vehicle fuels

Part 3

Prescribed anti-pollution devices

Division 3

- (ii) whose exhaust vent is directed upwards (within 30 degrees of the vertical) and away from the nearside of the vehicle.

12 Automatic exemption of certain vehicles from clause 11

- (1) Clause 11 does not apply to:
 - (a) any motor vehicle that is registered outside New South Wales, or
 - (b) any motor vehicle that is sold in New South Wales for delivery outside New South Wales.
- (2) Clause 11 does not apply to the following motor vehicles sold or registered in New South Wales:
 - (a) a motor vehicle that was manufactured before 1 January 1976,
 - (b) a motor vehicle that was ordered from the manufacturer before 1 July 1974,
 - (c) a motor bus that was manufactured before 1 January 1977,
 - (d) a special purpose motor vehicle,
 - (e) a motor vehicle used exclusively for the control of bush fires,
 - (f) a motor vehicle fitted with hydraulically operated elevating work platforms,
 - (g) a motor vehicle used exclusively to fuel aircraft,
 - (h) a motor vehicle having a diesel engine of a type certified in writing by the EPA as not requiring an exhaust pipe of the kind referred to in clause 11,
 - (i) a motor vehicle manufactured before 1 January 2007 of a model certified in writing by the EPA as complying with ADR 80/01,
 - (j) a motor vehicle manufactured on or after 1 January 2007 in compliance with ADR 80/01.

13 EPA may exempt rural table-top trucks from clause 11

- (1) On application by the owner of a motor vehicle, the EPA may, by instrument in writing, exempt the vehicle from the operation of clause 11 if satisfied that the vehicle:
 - (a) is a rigid table-top truck, and

Clause 13 Protection of the Environment Operations (Clean Air) Regulation 2002

Part 3 Motor vehicles and motor vehicle fuels

Division 3 Prescribed anti-pollution devices

- (b) is used predominantly to transport hay or other flammable farm produce, and
 - (c) is usually garaged on a farm.
- (2) An application for such an exemption must be in the approved form and must be accompanied by a fee of \$50.
- (3) An exemption under this clause may be granted unconditionally or subject to conditions.
- (4) An exemption under this clause applies only while the motor vehicle to which it relates is owned by the person in whose name the exemption was granted.
- (5) A person who, in relation to any application under this clause, wilfully makes any statement or furnishes any information that is false or misleading in a material respect is guilty of an offence.
Maximum penalty: 100 penalty units in the case of a corporation, or 10 penalty units in the case of an individual.
- (6) Clause 11 does not apply to a vehicle to which an exemption under this clause relates, but only so long as any conditions to which the exemption is subject are complied with.
- (7) On payment of a fee of \$25, the EPA may issue a replacement instrument of exemption if it is satisfied that the instrument it replaces has been lost or destroyed.

Division 4 Use and maintenance of motor vehicles

14 Maintenance of vehicles: section 159 and clause 16

For the purposes of section 159 of the Act and clause 16, a motor vehicle to which clause 11 applies must be maintained so that the exhaust pipe of the vehicle is free of holes (other than holes necessary for the effective operation of the exhaust system).

15 Use of motor vehicle without prescribed anti-pollution device prohibited

- (1) An owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if:
 - (a) this Regulation requires motor vehicles of the class to which it belongs to be fitted with a prescribed anti-pollution device, and

Protection of the Environment Operations (Clean Air) Regulation 2002

Clause 15

Motor vehicles and motor vehicle fuels
Use and maintenance of motor vehicles

Part 3
Division 4

- (b) the vehicle is not fitted in the prescribed manner with such a device.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (2) It is a defence to a prosecution for an offence under this clause if the defendant proves that, at the time the offence was committed:
 - (a) the defendant had reasonable grounds to believe, and did believe, that the motor vehicle was fitted with every prescribed anti-pollution device required by this Regulation to be fitted to the motor vehicle, and
 - (b) the defendant took all reasonable steps to ensure that every such device was fitted in the prescribed manner.
- (3) It is a defence to a prosecution for an offence under this clause if the defendant proves that the motor vehicle:
 - (a) was constructed or has been modified solely for use in motor racing or off-road motor sport, and
 - (b) was not registrable under the *Road Transport (Vehicle Registration) Act 1997*.
- (4) In this clause, **prescribed anti-pollution device** has the same meaning as in section 154 of the Act.

16 Maintenance, service and adjustment of motor vehicles

- (1) An owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if:
 - (a) this Regulation requires motor vehicles of the class to which it belongs to be serviced, maintained, or adjusted in a specified manner, and
 - (b) the vehicle has not been serviced, maintained or adjusted in that manner.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (2) It is a defence to a prosecution for an offence under this clause if the defendant proves that the defendant took all reasonable steps to ensure that the motor vehicle was serviced, maintained or adjusted as required by this Regulation.

Clause 17 Protection of the Environment Operations (Clean Air) Regulation 2002

Part 3 Motor vehicles and motor vehicle fuels

Division 4 Use and maintenance of motor vehicles

17 Removal or adjustment of anti-pollution devices

- (1) The owner of a motor vehicle who uses the motor vehicle, or causes or allows it to be used, is guilty of an offence if:
- (a) an anti-pollution device had been fitted to the motor vehicle, and
 - (b) at the time of that use the device had been:
 - (i) removed, disconnected or impaired, or
 - (ii) adjusted or modified and the adjustment or modification results in the emission of excessive air impurities by the motor vehicle.

Maximum penalty: 400 penalty units in the case of a corporation, or 200 penalty units in the case of an individual.

- (2) It is a defence to a prosecution for an offence under this clause if the defendant proves:
- (a) that the removal, disconnection, impairment, adjustment or modification was done:
 - (i) in order to service, repair or replace the anti-pollution device or to improve its efficiency with respect to minimising air pollution, or
 - (ii) in order to facilitate the use of a motor vehicle for motor racing or off-road motor sport (being a motor vehicle that immediately before that removal or other action was not registrable under the *Road Transport (Vehicle Registration) Act 1997*) and that the vehicle is to be used in that condition only in the competition itself, or
 - (b) that, at the time the offence was committed:
 - (i) the defendant had reasonable grounds to believe, and did believe, that any anti-pollution device that had been fitted to the motor vehicle continued to be fitted to the motor vehicle, and
 - (ii) the defendant took all reasonable steps to ensure that the device was properly maintained.
- (3) For the purposes of this clause, a motor vehicle ***emits excessive air impurities*** if it emits air impurities in the circumstances described in section 154 (2) of the Act.

Protection of the Environment Operations (Clean Air) Regulation 2002

Clause 17

Motor vehicles and motor vehicle fuels

Part 3

Use and maintenance of motor vehicles

Division 4

- (4) In this clause, ***anti-pollution device*** means a prescribed anti-pollution device within the meaning of section 154 of the Act or any other device that is designed to minimise air pollution.

18 Notices to repair motor vehicles: section 161

For the purposes of section 161 (5) and (7) of the Act, the prescribed label is a label in or to the effect of Form 1 in Schedule 1.

Division 5 Petrol

19 Transfer of petrol into fuel tanks of motor vehicles

- (1) This clause applies to all premises from which petrol is sold to the public.
- (2) The occupier of premises to which this clause applies must not, at those premises:
- (a) transfer any petrol into a motor vehicle's fuel tank, or
 - (b) cause or allow any petrol to be transferred into a motor vehicle's fuel tank,

except by means of a petrol delivery hose whose nozzle is fitted with an automatic over-fill protection device.

Maximum penalty: 40 penalty units.

- (3) A person must not, at premises to which this clause applies, transfer petrol into the fuel tank of a motor vehicle by means of a petrol delivery hose unless the nozzle of the hose is inserted as far as it will go into the fuel tank's fill-pipe.

Maximum penalty: 8 penalty units.

- (4) In this clause, ***automatic over-fill protection device*** means a device:
- (a) that immediately cuts off the flow of petrol into the fuel tank when the tip of the nozzle becomes immersed in petrol, and
 - (b) that is properly installed and efficiently maintained.

Clause 20 Protection of the Environment Operations (Clean Air) Regulation 2002

Part 4 Miscellaneous

Part 4 Miscellaneous

20 Savings relating to domestic solid fuel heaters

- (1) Subject to subclause (2), any act, matter or thing that, immediately before the repeal of the *Clean Air (Domestic Solid Fuel Heaters) Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.
- (2) A certificate of compliance or certificate of exemption issued under the *Clean Air (Domestic Solid Fuel Heaters) Regulation 1997* and in force immediately before the repeal of that Regulation is taken to be a certificate of compliance or certificate of exemption (as the case requires) for the purposes of Part 2 of this Regulation until 1 September 2003.

21 Savings relating to motor vehicles and motor vehicle fuels

- (1) Any act, matter or thing that, immediately before the repeal of the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.
- (2) Without limiting the generality of subclause (1), any exemption or certificate issued under a provision of the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997* and in force immediately before the repeal of that Regulation is taken to have been issued under the corresponding provision of this Regulation and is subject to the same terms and conditions on which it was issued.

22 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999

The *Protection of the Environment Operations (Penalty Notices) Regulation 1999* is amended as set out in Schedule 2.

Protection of the Environment Operations (Clean Air) Regulation 2002

Forms

Schedule 1

Schedule 1 Forms

(Clause 18)

Form 1

[Front of label]

DEFECTIVE VEHICLE

This vehicle is in a defective condition and must not be used after the date shown on the back of this label unless the repairs, reconnections or readjustments shown on the back of the label have been properly effected and the defective vehicle notice given in relation to this vehicle has been cleared.

You must not use this vehicle or allow it to be used while that notice is in force. PENALTY UP TO \$6,600. However, it is not an offence to drive the vehicle to or from a place of repair or inspection.

This label must not be removed or interfered with except by an authorised officer of the Environment Protection Authority or with the authority of such an officer. PENALTY UP TO \$6,600.

Failure to comply with the defective vehicle notice may result in this vehicle's registration under the *Road Transport (Vehicle Registration) Act 1997* being suspended or cancelled.

[Back of label]

Defect Notice No:

Registration/Chassis/Engine No of vehicle:

Date for completion of repairs, reconnections or readjustments:

The following repairs, reconnections or readjustments must be carried out:

.....
.....
.....

Page 19

Protection of the Environment Operations (Clean Air) Regulation 2002

Schedule 1

Forms

After the above repairs, reconnections or readjustments have been carried out, this vehicle must be inspected by an authorised officer of the Environment Protection Authority in order for this label to be removed. Inspection may be arranged by telephoning the following number between 9 am and 4 pm Monday to Friday:

Issued on:

Signature of authorised officer:

Protection of the Environment Operations (Clean Air) Regulation 2002

Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999 Schedule 2

Schedule 2 Amendment of Protection of the Environment Operations (Penalty Notices) Regulation 1999

(Clause 22)

Schedule 1 Penalty notice offences

Omit all the matter relating to the *Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997*.

Insert instead:

Protection of the Environment Operations (Clean Air) Regulation 2002

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Officer	Penalty for individuals (and corporations where no penalty in Column 4)	Penalty for corporations
Clause 9 (1)	2	\$200	\$400
Clause 15 (1): in relation to a failure to have a vertical exhaust pipe fitted so that the exhaust vent is directed away from the nearside of the vehicle	2	\$200	
Clause 15 (1): in any other case	2	\$300	
Clause 16 (1)	2	\$300	
Clause 17 (1)	2	\$300	
Clause 19 (2)	2	\$300	
Clause 19 (3)	2	\$300	

Public Health (Disposal of Bodies) Regulation 2002

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

The object of this Regulation is to remake, with some revision, Part 5 of the *Public Health Regulation 1991*. That Regulation will be repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the handling of bodies for cremation and burial, the exhumation of bodies and the registration of mortuaries and crematories.

This Regulation is made under the *Public Health Act 1991*, including section 82 (the general regulation-making power).

Public Health (Disposal of Bodies) Regulation 2002

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Public Health (Disposal of Bodies) Regulation 2002

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Clause 1 Public Health (Disposal of Bodies) Regulation 2002

Part 1 Preliminary

Public Health (Disposal of Bodies) Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Public Health (Disposal of Bodies) Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces Part 5 of the *Public Health Regulation 1991* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

attending practitioner, in relation to a dead person, means a medical practitioner who attended the person immediately before, or during the illness terminating in, the death of the person.

body means a body of a dead person.

body preparation room means that part of a mortuary that is used for the preparation of bodies for burial or cremation.

burial includes putting in a vault.

cemetery authority means the person or body of persons (including a council) by whom the cemetery's operations are directed.

chief executive officer, in relation to a hospital, has the same meaning as it has in Division 2 of Part 7 of the Act.

coroner means a person who exercises or performs the functions of a coroner in accordance with the *Coroners Act 1980*.

cremation authority, in relation to a crematory, means the person or body of persons by whom the crematory's operations are directed.

dead person includes a still-born child.

death certificate means a certificate given by a medical practitioner as to the cause of death.

Public Health (Disposal of Bodies) Regulation 2002

Clause 3

Preliminary

Part 1

disinfectant means a hospital grade disinfectant as defined in clause 2 of the *Therapeutic Goods Regulations 1990* of the Commonwealth.

embalming means the process of preserving a body by means of the removal of body fluids and arterially injecting the body with embalming fluids, or other means approved by the Director-General.

exhumation means the removal of the remains of a dead person from a grave or vault but does not include the removal of remains from a vault in a cemetery for immediate transfer to another vault in the same cemetery.

funeral director means a person (other than the operator of a mortuary transport service) who, in the conduct of the person's business, engages, for the purpose of burial, cremation or transport, in the collection, transport, storage, preparation or embalming of bodies or engages in the conduct of exhumations.

holding room means a room that includes refrigerated body storage facilities for at least 2 adult bodies but does not include a body preparation room.

hospital has the same meaning as it has in Division 2 of Part 7 of the Act.

List A disease means any one or more of the following conditions:

Creutzfeldt-Jakob disease

Hepatitis C

Human immunodeficiency virus infection (HIV infection).

List B disease means any one or more of the following diseases:

Diphtheria

Plague

Respiratory anthrax

Smallpox

Tuberculosis

Any viral haemorrhagic fever (including Lassa, Marburg, Ebola and Congo-Crimean fevers).

medical referee means a person qualified or appointed under clause 42 to be a medical referee.

Clause 3 Public Health (Disposal of Bodies) Regulation 2002

Part 1 Preliminary

mortuary means that part of premises that is used, or intended to be used, for the preparation or storage of bodies before their burial or cremation.

mortuary transport service means a service that, for fee, gain or reward, transports bodies for funeral directors.

nearest surviving relative means:

- (a) in relation to a still-born child—a parent, or sibling at or above the age of 16 years, of the child, and
- (b) in relation to a dead person who is not a still-born child—the spouse of the dead person, a person with whom the dead person had a de facto relationship (within the meaning of the *Property (Relationships) Act 1984*) immediately before death, a parent of the dead person, a child at or above the age of 16 years of the dead person or any relative of the dead person who was residing with the dead person when he or she died.

refrigerated body storage facility means a storage facility for bodies maintained at between 1 and 5 degrees Celsius.

the Act means the *Public Health Act 1991*.

- (2) A reference in this Regulation to a publication is a reference to the publication as in force for the time being.

4 Notes

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

Public Health (Disposal of Bodies) Regulation 2002

Clause 5

Facilities

Part 2

Part 2 Facilities

5 Premises for handling of bodies

- (1) A person must not, without the approval of the Director-General, use any premises other than a mortuary approved under the *Local Government Act 1993* for the embalming, or other preparation, of bodies for burial or cremation or for the placing of bodies in coffins for burial or cremation.
 - (2) A person must not, without the approval of the Director-General, use any premises other than a holding room or a mortuary for the storage of bodies for burial or cremation.
 - (3) A person must not store a body in a vehicle except during the transport of the body or with the approval of the Director-General.
 - (4) A person must not use a holding room for any purpose other than the storage of bodies.
 - (5) A person must not, without the approval of the Director-General, use the facilities of a hospital for the purpose of the business of a funeral director or of the operator of a mortuary transport service except for the removal of bodies of persons who died in the hospital.
 - (6) The Director-General may give approval:
 - (a) under subclause (1), (2) or (3)—either generally or in a particular case, or
 - (b) under subclause (5)—in a particular case.
- Maximum penalty: 15 penalty units.

6 Facilities of body preparation rooms

- (1) A person must not use a body preparation room unless it has the following:
 - (a) a vehicle reception area adjacent to it and so designed that the transfer of uncoffined bodies from area to room and room to area is screened from public view,
 - (b) at least one hand wash basin, with an adequate supply of hot and cold water and fitted with elbow operated, foot operated or hands-free taps,

Clause 6 Public Health (Disposal of Bodies) Regulation 2002

Part 2 Facilities

- (c) sufficient slabs, tables and other fittings for the preparation of bodies for burial or cremation constructed of smooth impervious material and so designed as to facilitate draining and their cleaning,
 - (d) refrigerated body storage facilities big enough for 2 adult bodies,
 - (e) one or more impervious containers, each fitted with an elbow operated or foot operated close-fitting cover or lid, for the reception and storage of all solid wastes arising from the preparation of bodies and for the reception and storage of all screenings from floor drains.
- (2) A person must not use the refrigerated body storage facilities in a body preparation room or holding room except to store bodies.
- Maximum penalty: 15 penalty units.

7 Waste disposal

A person must not dispose of any solid waste arising from the preparation of bodies for burial or cremation except as contaminated waste in a manner approved by the Director-General.

Maximum penalty: 10 penalty units.

8 Vehicles

- (1) A funeral director must, for use in connection with the funeral director's business, provide:
 - (a) at least 1 hearse, and
 - (b) at least 1 body-collection vehicle.
- (2) Subclause (1) (b) is satisfied if a funeral director causes the bodies that the funeral director conveys to be transported by a mortuary transport service or public vehicle operated by a carrier of freight.
- (3) A funeral director or the operator of a mortuary transport service must not use for the transport of bodies the part of a vehicle that is used by the funeral director or service for other purposes.
- (4) A funeral director or the operator of a mortuary transport service must not use for any other purpose the part of a vehicle that is used by the funeral director or service for the transport of bodies.

Public Health (Disposal of Bodies) Regulation 2002

Clause 8

Facilities

Part 2

-
- (5) If part of a vehicle has been used to transport a body, a person must not use, or permit the use of, that part for the transport of another body until it has been cleaned of any exudates from the first body.
 - (6) A person must not dispose of a vehicle that that person has used for the transport of a body unless the vehicle has been cleaned since that use to remove any body exudates.
 - (7) A person must not transport an unembalmed body unless:
 - (a) during that transport, the body is refrigerated so that it is exposed continuously to a temperature of less than 10 degrees Celsius, or
 - (b) the duration of the transport is 8 hours or less and the person has reason to believe that transporting the body without refrigeration will not prejudice public health or amenity.

Maximum penalty: 5 penalty units.

Clause 9 Public Health (Disposal of Bodies) Regulation 2002

Part 3 Handling of bodies

Part 3 Handling of bodies

9 Retention of bodies by a person who is not a funeral director

- (1) A person who is not a funeral director must not retain a body if more than 5 days have passed since death.
- (2) The Director-General may approve, in a particular case, of a body being retained for a longer time than that permitted by this clause, subject to any conditions that the Director-General considers appropriate.
- (3) Subclause (1) does not apply to a body that has been removed to premises licensed under the *Anatomy Act 1977* or that is the subject of an inquest under the *Coroners Act 1980*.

Maximum penalty: 20 penalty units.

10 Retention of bodies by a funeral director

- (1) A funeral director must not retain a body other than in a mortuary or holding room.
- (2) A funeral director who retains a body in a mortuary for more than 48 hours must ensure that the body is kept in a refrigerated body storage facility within the mortuary.
- (3) However, a funeral director may cause the body to be removed from a refrigerated body storage facility:
 - (a) to another part of the mortuary, for a maximum of 8 hours a day for the purposes of preparing the body for burial or cremation, embalming the body or viewing of the body by mourners, or
 - (b) for the purpose of transporting the body for burial, interment or cremation, or
 - (c) for the purpose of transporting the body to another mortuary.
- (4) A funeral director must not retain a body, other than a body that has been embalmed, for more than 7 working days after the issue of a death certificate, a burial permit issued by a coroner or a cremation permit issued by a coroner in relation to the body.
- (5) The Director-General may approve, in a particular case, of a body being retained for a longer time than that permitted by this clause,

Public Health (Disposal of Bodies) Regulation 2002

Clause 10

Handling of bodies

Part 3

subject to any conditions that the Director-General considers appropriate.

Maximum penalty: 20 penalty units.

11 Embalming of bodies

- (1) A person must not embalm a body unless that person has a certificate of proficiency of, or equivalent to, Certificate IV standard, issued by an institute approved by the Director-General.
- (2) A person must not embalm a body that the person has reason to believe is infected with a List B disease.

Maximum penalty: 20 penalty units.

12 Invasive body preparation procedures

- (1) A person must not carry out a procedure on a body infected with a List A disease in which the dermis is pierced or cut unless the person has completed a training course, or a series of training courses, in mortuary practice, infection control procedures and occupational health and safety, being a course or course approved by the Director-General.

Maximum penalty: 15 penalty units.

- (2) This clause has effect on and from 1 March 2003.

13 Bodies to be placed in body bags

- (1) A person must not remove the body of a dead person from a place unless:
 - (a) the body has been placed and secured in a bag approved by the Director-General or a wrapping so approved in such a manner as to prevent the leakage of any body exudate or substance, and
 - (b) the name of, or an identification of, the dead person is clearly and indelibly written on the top outer surface of the bag or wrapping, and
 - (c) if subclause (3) or (4) applies—that subclause has also been complied with.

Maximum penalty: 15 penalty units.

- (2) The body bag or wrapping referred to in subclause (1):
 - (a) is to be made of low density polyethylene film of not less than 150 micrometres in thickness, and

Clause 13 Public Health (Disposal of Bodies) Regulation 2002

Part 3 Handling of bodies

- (b) if the bag is used for enclosing the body of an adult it is to be (when flat) not less than 2.4 metres in length and 1 metre in width, or if for enclosing the body of a child, not less than 1.5 metres in length, and
 - (c) if a wrapping is used for enclosing the body of an adult it is to be (when opened and flat) not less than 2.4 metres in length and 2 metres in width, or if for enclosing the body of a child, not less than 1.5 metres in length.
- (3) If a person has reason to believe that a body is infected with a List A disease, the person must ensure that the bag or wrapping referred to in subclause (1) (a), and any bag or wrapping used to replace that bag or wrapping, is clearly and indelibly marked with the words “INFECTIOUS DISEASE—LIST A—HANDLE WITH CARE”.
- (4) If a person has reason to believe that a body is infected with a List B disease, the person must ensure that the bag or wrapping referred to in subclause (1) (a), and any bag or wrapping used to replace that bag or wrapping, is clearly and indelibly marked with the words “INFECTIOUS DISEASE—LIST B—HANDLE WITH CARE”.
- (5) The person responsible for complying with this clause is:
 - (a) if the body is at a hospital—the chief executive officer, or
 - (b) if the body is at any other premises or place—the funeral director or other person removing the body.

14 Protective clothing

- (1) A person engaged in placing in a plastic bag or wrapping a body that the person has reason to believe is infected with an infectious disease must wear:
 - (a) a clean protective outer garment such as a gown, overalls or jumpsuit, and
 - (b) a clean pair of disposable gloves, and
 - (c) a disposable mask and appropriate eye protection.
- (2) The person who wears those items must ensure that they are placed, immediately after use, in a clean plastic bag and then laundered as soon as practicable or, if disposable, disposed of as soon as practicable as contaminated waste.

Maximum penalty: 5 penalty units.

Public Health (Disposal of Bodies) Regulation 2002

Clause 15

Handling of bodies

Part 3

15 Removal of bodies from body bags

- (1) A funeral director may remove from a body bag a body that the funeral director has no reason to believe is infected with a List A disease or a List B disease for the purpose of:
 - (a) embalming the body, or
 - (b) preparing the body for viewing, transport, burial or cremation, or
 - (c) transferring the body to a coffin.
- (2) A funeral director may remove from a body bag a body that the funeral director has reason to believe is infected with a List A disease for the purpose of:
 - (a) preparing the body for viewing, transport, burial or cremation, or
 - (b) transferring the body to a coffin.
- (3) After a funeral director has embalmed or prepared a body, the funeral director must place it in a coffin or in a new body bag approved by the Director-General.

Maximum penalty: 10 penalty units.
- (4) A person must not remove from a body bag required under clause 13 (4) a body that the person has reason to believe is infected with a List B disease.

Maximum penalty: 10 penalty units.

16 Body viewing

- (1) A funeral director may make a body available for viewing by mourners.
- (2) However, a funeral director must not make available for viewing a body infected with a List B disease or a body that the funeral director has reason to believe is infected with a List B disease.

Maximum penalty: 10 penalty units.
- (3) A funeral director who makes an unembalmed body available for viewing:
 - (a) must not remove the body from refrigeration for a period longer than is necessary for making it available for viewing, and

Clause 16 Public Health (Disposal of Bodies) Regulation 2002

Part 3 Handling of bodies

- (b) unless the body is to be buried or cremated immediately, must replace the body under refrigeration after the viewing, and
- (c) must not allow the body to remain unrefrigerated for a period exceeding 8 hours in any day.

Maximum penalty: 5 penalty units.

17 48 hours' holding

- (1) A person must not keep a body in a holding room for more than 48 hours.
- (2) A person who keeps a body in a holding room and who has reason to believe that not refrigerating the body will prejudice public health or amenity must put the body in the refrigerated body storage facility of the holding room.

Maximum penalty: 15 penalty units.

18 Register of bodies prepared in a mortuary

- (1) A person who operates a mortuary must maintain a register of all bodies prepared in the mortuary.
- (2) The person must make an entry in the register relating to each body immediately after the body is prepared.
- (3) Each entry must include the following:
 - (a) the name, age and last address of the person whose body was prepared,
 - (b) the date of the person's death,
 - (c) the date the body was received,
 - (d) the date the body was removed from the mortuary,
 - (e) the name of the cemetery or crematory to which, or the person to whom, the body was delivered.

Maximum penalty: 10 penalty units.

19 Bodies to be placed in coffins

Unless otherwise approved by the Director-General generally or in a particular case, a person must not bury or cremate a body unless:

- (a) the body has been placed in a coffin, and

Public Health (Disposal of Bodies) Regulation 2002

Clause 19

Handling of bodies

Part 3

- (b) the lid of the coffin has been securely sealed.

Maximum penalty: 10 penalty units.

20 Burial of bodies

Unless otherwise approved by the Director-General in a particular case, a person who buries a body contained in a coffin must place the coffin so that its upper surface is not less than 900 millimetres below the natural surface level of the soil where it is buried.

Maximum penalty: 5 penalty units.

21 Bagging of bodies for freighting

- (1) A person must not use, or agree to the use of, a vehicle (other than a hearse or body collection vehicle) for transporting a body that the person has reason to believe is infected with an infectious disease without informing the owner or driver of the vehicle that the body is so infected.
- (2) A funeral director must, before despatching a body by a carrier other than a funeral director or the operator of a mortuary transport service:
 - (a) comply with the procedure in clause 13 (4) in relation to the body as if the funeral director has reason to believe the body is infected with a List B disease, and
 - (b) enclose the body in a watertight coffin.

Maximum penalty: 10 penalty units.

22 Burials in certain areas prohibited

- (1) A person must not place a body in any grave or vault unless that grave or vault is located:
 - (a) in a public cemetery, or
 - (b) in a private cemetery or other place approved for that purpose by a local authority, or
 - (c) on private land, where the area of landholding is 5 hectares or more and the location has been approved for that purpose by a local authority.

Clause 22 Public Health (Disposal of Bodies) Regulation 2002

Part 3 Handling of bodies

- (2) A person must not bury a body in or on any land if to do so would make likely the contamination of a drinking water supply or a domestic water supply.

Maximum penalty: 10 penalty units.

23 Burials in vaults

- (1) A person must not place a body in a vault unless:
- (a) the body has been embalmed, then hermetically enclosed with material approved by the Director-General without any viewing panel in the enclosure and the body and enclosure placed in a coffin and the lid secured in position, or
 - (b) the conditions approved in relation to the body under subclause (2) are met.

Maximum penalty: 5 penalty units.

- (2) The Director-General may, generally or in a particular case, approve other conditions under which a body may be placed in a vault.

24 Register of burials

- (1) A cemetery authority must maintain a register of all burials carried out in the cemetery the operations of which it directs.
- (2) The cemetery authority must make in the register an entry relating to each burial immediately after the burial has been carried out.
- (3) Each entry must include the following:
- (a) the name, age and last address of the person whose body or remains have been buried,
 - (b) the date of the person's death,
 - (c) the date of the burial,
 - (d) the section and allotment where the burial has been made,
 - (e) the name of the person (if any) who continues to hold any right of burial in that allotment,
 - (f) the name of the funeral director who transported the body to the cemetery,
 - (g) the fees paid to the cemetery authority for the burial.

Public Health (Disposal of Bodies) Regulation 2002

Clause 24

Handling of bodies

Part 3

-
- (4) If a cemetery authority ceases to exist, the person who was its last chief executive officer must ensure that the register is sent to the Director-General or otherwise disposed of as the Director-General may direct.

Maximum penalty: 10 penalty units.

Clause 25 Public Health (Disposal of Bodies) Regulation 2002

Part 4 Exhumations

Part 4 Exhumations

25 Exhumation of remains without approval prohibited

A person must not exhume the remains of a body unless the exhumation of those remains has been:

- (a) ordered by a coroner, or
- (b) approved by the Director-General.

Maximum penalty: 10 penalty units.

26 Application to exhume remains

- (1) An application for approval to exhume the remains of the body of a dead person may be made to the Director-General by:
 - (a) an executor of the estate of the dead person, or
 - (b) the nearest surviving relative of the dead person, or
 - (c) if there is no such executor or relative available to make the application—a person who, in the opinion of the Director-General, is a proper person in all the circumstances to make the application.
- (2) Such an application is to be made to the Director-General in the approved form and is to be accompanied by:
 - (a) a certified copy of the death certificate relating to the dead person, and
 - (b) a statutory declaration as to the relationship of the applicant to the dead person and the dead person's wishes, if any, regarding the disposal of his or her body (so far as any such wishes are known to the applicant), and
 - (c) an application fee of \$245.

27 Approval to exhume remains

- (1) The Director-General may:
 - (a) grant an approval to exhume the remains of a body, subject to such conditions as may be specified in the approval, or
 - (b) refuse the application.

Public Health (Disposal of Bodies) Regulation 2002

Clause 27

Exhumations

Part 4

-
- (2) An approval granted under this clause lapses at the expiration of 3 months after the date of the approval or within any longer time agreed to by the Director-General.

28 Exhumations not to take place without officer present

- (1) A person must not proceed with an exhumation unless an officer of the Department of Health or an environmental health officer (whether an officer of the Department of Health or otherwise) is present at the exhumation.
- (2) A person must not proceed with an exhumation if an officer of the Department of Health, or an environmental health officer, present has ordered the exhumation to stop.

Maximum penalty: 10 penalty units.

Clause 29 Public Health (Disposal of Bodies) Regulation 2002

Part 5 Crematories

Part 5 Crematories

29 Cleanliness

A cremation authority must keep a crematory whose operations it directs clean, tidy and in good working order.

Maximum penalty: 5 penalty units.

30 Closing of crematories

- (1) The Minister may, on giving 28 days' notice in writing to a cremation authority, order the closing of a crematory whose operations are directed by the authority.
- (2) A cremation authority must not direct or permit the operation of a crematory the subject of an order under this clause after the expiration of the 28-day period until the order is revoked by the Minister.
- (3) Except where an order has been given pursuant to subclause (1), a cremation authority must, not less than 28 days before temporarily or permanently closing a crematory whose operations it directs:
 - (a) forward to the Minister notice of the intended closure, and
 - (b) publish a notice giving details of the intended closure in a newspaper circulating in the district where the crematory is located, and
 - (c) prominently display a copy of the notice at the entrance of the crematory.
- (4) A person must not re-open a crematory closed by a cremation authority without the approval of the Minister.

Maximum penalty: 20 penalty units.

Public Health (Disposal of Bodies) Regulation 2002

Clause 31

Cremation

Part 6

Part 6 Cremation

31 No refusal to cremate

A cremation authority must not, without lawful excuse, refuse to accept a body for cremation.

Maximum penalty: 10 penalty units.

32 One body at a time

A person must not cremate more than one body in the same crematory retort at any one time, except with the approval of the Director-General.

Maximum penalty: 10 penalty units.

33 Cremation within 4 hours

A cremation authority must commence cremating a body within 4 hours of the delivery of the body to the crematory, unless it places the body in a holding room.

Maximum penalty: 5 penalty units.

34 No cremation against dead person's wishes

A person must not cremate the body of a dead person if informed that the latter has left a written direction that his or her body was not to be cremated or that it was to be disposed of by some other means.

Maximum penalty: 10 penalty units.

35 No cremation without documentation

- (1) A person must not cremate the remains of a body that has not been identified.
- (2) A cremation authority must not cremate the body of a dead person who is not a still-born child unless the authority has in its possession:
 - (a) an application for cremation under clause 36, and
 - (b) except where a cremation permit has been issued by a coroner under clause 40—a cremation certificate issued under clause 38, and
 - (c) a cremation permit issued under clause 39 or 40.

Clause 35 Public Health (Disposal of Bodies) Regulation 2002

Part 6 Cremation

(3) A cremation authority must not cremate a still-born child unless the authority has in its possession:

- (a) an application for cremation under clause 37, and
- (b) a cremation permit issued under clause 41.

Maximum penalty: 20 penalty units.

36 Cremation application: dead persons other than still-born children

- (1) An application for cremation of a dead person who is not a still-born child is to be made in the approved form to a medical referee or coroner.
- (2) The form may require any information contained in the form to be supported by a statutory declaration.
- (3) The application may be made by:
 - (a) an executor of the estate of the dead person, or
 - (b) a nearest surviving relative of the dead person, or
 - (c) where there is no such executor or relative available to make the application—a person who, in the opinion of the medical referee or coroner, is a proper person in all the circumstances to make the application.

37 Cremation application: still-born children

- (1) An application for cremation of a still-born child is to be made in the approved form to a medical referee.
- (2) The form may require any information contained in the form to be supported by a statutory declaration.
- (3) The application may be made by:
 - (a) a nearest surviving relative of the child, or
 - (b) where there is no such relative available to make the application—a person who, in the opinion of the medical referee, is a proper person in all the circumstances to make the application.

Public Health (Disposal of Bodies) Regulation 2002

Clause 38

Cremation

Part 6

38 Cremation certificate

- (1) An attending practitioner may issue a cremation certificate for the body of a dead person:
 - (a) if the certificate is in the approved form, and
 - (b) if the practitioner is able to certify definitely the cause of death of the person, and
 - (c) if the person is not one whose death is examinable under the *Coroners Act 1980* by a coroner.
- (2) A medical practitioner expert in anatomical pathology may issue a cremation certificate for the body of a dead person:
 - (a) if the certificate is in the approved form, and
 - (b) if the practitioner has carried out a post-mortem examination of the body, and
 - (c) if the person is not one whose death is examinable under the *Coroners Act 1980* by a coroner.
- (3) A cremation certificate issued for the body of a dead person by a person registered as a medical practitioner in another State or Territory, under legislation of that State or Territory regulating the cremation of bodies, is taken to have been issued under this clause.

39 Medical referee's cremation permit: dead persons who are not still-born children

- (1) A medical referee who receives:
 - (a) an application for cremation of the body of a dead person made under clause 36, and
 - (b) a cremation certificate issued under clause 38 for the body, may issue a cremation permit for the body in the approved form.
- (2) However, a medical referee must not issue a cremation permit for the body of a dead person if:
 - (a) the death of the person is examinable under the *Coroners Act 1980* by a coroner, or
 - (b) the person left a written direction that his or her body was not to be cremated or that it was to be disposed of by some other means, or

Clause 39 Public Health (Disposal of Bodies) Regulation 2002

Part 6 Cremation

- (c) the medical referee has not made an external examination of the body, or
- (d) the medical referee is not satisfied that the identity of the body has been correctly disclosed in the application for cremation or in the cremation certificate, or
- (e) the medical referee is not satisfied that the cause of death has been correctly disclosed in the cremation certificate, or
- (f) the application for cremation or the cremation certificate appears to the medical referee to be otherwise incorrect or incomplete, or
- (g) the same medical referee issued a cremation certificate in respect of the body.

40 Coroner's cremation permit

- (1) A coroner who receives an application for cremation of the body of a person whose death is examinable under the *Coroners Act 1980* by the coroner may issue a cremation permit in the approved form.
- (2) However, a coroner must not issue a cremation permit for the body of a dead person if:
 - (a) the person left a written direction that his or her body was not to be cremated or that it was to be disposed of by some other means, or
 - (b) the application for cremation appears to the coroner to be incorrect or incomplete.
- (3) A cremation permit issued for the body of a dead person by a person who exercises or performs the functions of a coroner in another State or Territory, under legislation of that State or Territory regulating the cremation of bodies, is taken to have been issued under this clause.

41 Medical referee's permit: still-born children

- (1) A medical referee who receives an application made under clause 37 for cremation of the body of a still-born child may issue a cremation permit in the approved form.

Public Health (Disposal of Bodies) Regulation 2002

Clause 41

Cremation

Part 6

-
- (2) However, a medical referee must not issue a cremation permit for the body of a still-born child unless:
- (a) the child has been certified to be still-born by a medical practitioner who was in attendance at the delivery of the child, or
 - (b) the medical referee is satisfied, after such inquiries as the medical referee thinks necessary, that the child was still-born.

42 Medical referees

A person may perform the functions of a medical referee under this Part if the person is:

- (a) a medical officer of health, or
- (b) a medical superintendent of a public hospital (within the meaning of the *Health Services Act 1997*), or
- (c) a medical practitioner who has been appointed by the Director-General as a medical referee for the purposes of clauses 39 and 41.

43 Ashes

- (1) After cremating the body of a dead person, a cremation authority must, in accordance with the reasonable written directions of the person (or with the reasonable directions of the applicant for the cremation):
 - (a) give the ashes to the applicant, or
 - (b) dispose of the ashes in a burial ground or in land adjoining the crematory reserved for the burial of ashes, or
 - (c) otherwise retain or dispose of the ashes.
- (2) If ashes are, in accordance with subclause (1), to be given by a cremation authority to the applicant, and the applicant does not take them within a reasonable time, the cremation authority must give 14 days' notice to the applicant of its intention to dispose of the ashes before it does dispose of them.

Maximum penalty: 10 penalty units.

44 Register of cremations

- (1) A cremation authority must maintain in the approved form a register of all cremations carried out by it.

Clause 44 Public Health (Disposal of Bodies) Regulation 2002

Part 6 Cremation

- (2) A cremation authority must make in the register an entry relating to each cremation immediately after the cremation has taken place, except that it must enter details relating to the disposal of ashes as soon as the ashes have been disposed of.

Maximum penalty: 10 penalty units.

45 Keeping of register and documents

- (1) A cremation authority must keep all applications, certificates, permits and other documents relating to any cremation carried out by it and mark them with a number corresponding to the number in the register referred to in clause 44, and file them.
- (2) The documents referred to in subclause (1) (but not the register of cremations or any part of it) may be destroyed by the cremation authority after the expiration of 15 years from the date of the cremation to which they relate.
- (3) When a crematory is closed, its cremation authority must send all registers and documents relating to the cremations that have taken place there to the Director-General or otherwise dispose of them as the Director-General may direct.

Maximum penalty: 20 penalty units.

46 Fee for approval of equipment for a crematory

- (1) A fee of \$495 is payable when an application is made for the purposes of section 52 of the Act.
- (2) A fee of \$245 is payable when an application is made for the variation of an approval given for the purposes of section 52 of the Act.

Public Health (Disposal of Bodies) Regulation 2002

Clause 47

Register of mortuaries and crematories

Part 7

Part 7 Register of mortuaries and crematories

47 Register of mortuaries and crematories

The Department is to maintain a register of mortuaries and crematories.

48 Notification of details of mortuaries and crematories

(1) A person who operates a mortuary or crematory must notify the Department of the following matters for inclusion on the register:

- (a) the name and location of the mortuary or crematory,
- (b) the name and address of the person who operates the mortuary or crematory,
- (c) the telephone number of the mortuary or crematory or of the person who operates the mortuary or crematory,
- (d) in the case of a mortuary—the name and address of any funeral director that has access to the mortuary.

(2) A notification must be accompanied by:

- (a) in the case of a mortuary—a copy of the approval under section 68 of the *Local Government Act 1993* in relation to the mortuary, and
- (b) a fee of \$50.

Maximum penalty: 20 penalty units.

(3) If any of the details notified in relation to a mortuary or crematory change, the person who operates the mortuary or crematory must notify the Department of that change, within 28 days after the change. No fee is payable in relation to the notification.

Maximum penalty: 20 penalty units.

(4) This clause has effect on and from 1 January 2003.

Clause 49 Public Health (Disposal of Bodies) Regulation 2002

Part 8 General

Part 8 General

49 Inspection

- (1) An environmental health officer may enter and inspect a mortuary or premises that the officer has reason to suspect are mortuaries.
- (2) An environmental health officer may enter a crematory and inspect any equipment or apparatus at the crematory.
- (3) An environmental health officer may enter a cemetery and inspect any part of the cemetery.
- (4) An environmental health officer may inspect any register or other record or document at a mortuary, crematory or cemetery and take copies of or extracts from the register, record or document.
- (5) An environmental health officer may enter any premises used by a mortuary transport service and may inspect any records, equipment or apparatus used by the mortuary transport service.

50 Public access to registers

- (1) A cemetery authority must allow members of the public to inspect the register of burials maintained by the authority.
- (2) A cremation authority must allow members of the public to inspect the register of cremations maintained by the authority.
- (3) An authority must do so:
 - (a) without charge to the public, and
 - (b) during the normal business hours of the authority.
- (4) An authority must also provide copies of entries in the register maintained by it on request by members of the public, but may charge them the reasonable cost of providing the copies.

51 Guidelines as defence

It is a defence to a prosecution for an offence against this Regulation if the defendant satisfies the court that the act or omission constituting the offence was done in compliance with any guidelines published by the Department of Health.

Public Health (Disposal of Bodies) Regulation 2002

Clause 52

General

Part 8

52 Saving

Anything done or omitted under Part 5 of the *Public Health Regulation 1991* is taken to have been done or omitted under this Regulation.

Public Health (General) Regulation 2002

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

CRAIG KNOWLES, M.P.,
Minister for Health

Explanatory note

This Regulation deals with the following matters:

- (a) the provision of information to patients in relation to sexually transmissible medical conditions (clause 5),
- (b) the keeping of records in relation to scheduled medical conditions and the notification of test results in relation to certain scheduled medical conditions (clauses 6–13),
- (c) the control of vaccine preventable diseases (clauses 14–17),
- (d) other miscellaneous and technical matters.

The Regulation replaces, without any changes in substance, the provisions of Parts 2, 2A and 7 of the *Public Health Regulation 1991*. That Regulation will be repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

Public Health (General) Regulation 1999

Explanatory note

This Regulation is made under the *Public Health Act 1991*, including section 82 (the general regulation-making power).

Clauses 1–13, 18–20, 24 and 25 of this Regulation comprise matters of a machinery nature.

Public Health (General) Regulation 1999

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Public Health (General) Regulation 2002

Clause 1

Preliminary

Part 1

Public Health (General) Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Public Health (General) Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces Parts 2, 2A and 7 of the *Public Health Regulation 1991* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

Department means the Department of Health.

the Act means the *Public Health Act 1991*.

(2) A reference in this Regulation to a publication is a reference to the publication as in force for the time being.

4 Notes

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

Clause 5 Public Health (General) Regulation 2002

Part 2 Sexually transmissible medical conditions

Part 2 Sexually transmissible medical conditions

5 Information to patients

For the purposes of section 12 (1) of the Act, a medical practitioner is required in relation to a sexually transmissible medical condition to provide information to the patient on such of the following matters as are relevant in a particular case:

- (a) means of minimising the risk of infecting other people,
- (b) public health implications of the condition,
- (c) any responsibilities under section 11 of the Act, including any precautions considered reasonable,
- (d) responsibilities under section 13 of the Act,
- (e) diagnosis and prognosis,
- (f) treatment options.

Public Health (General) Regulation 2002

Clause 6

Scheduled medical conditions

Part 3

Part 3 Scheduled medical conditions

6 Records of scheduled medical conditions

For the purposes of section 14 (2) (a) of the Act, the following particulars are required to be recorded in relation to the scheduled medical condition indicated:

- (a) in relation to birth—the particulars required for the completion of the “NSW Midwives Data Collection Form” published by the Department,
- (b) in relation to perinatal death—the particulars in Schedule 1,
- (c) in relation to sudden infant death syndrome—the particulars in Schedule 2,
- (d) in relation to all Category 2 medical conditions (including AIDS)—the particulars required for the completion of the “Doctor/Hospital Notification Form” published by the Department,
- (e) in relation to AIDS—the particulars required for the completion of the “AIDS Notification Form” published by the Department,
- (f) in relation to a congenital malformation, cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria in a child under the age of 1 year or pregnancy with a child having a congenital malformation, cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria—the particulars required for the completion of the “NSW Birth Defects Register Notification of Birth Defect Form” or the “NSW Birth Defects Register Notification of Pregnancy with a Baby Affected by Congenital Malformation Form”, as applicable, both published by the Department.

7 Period for keeping of records

For the purposes of section 14 (2) (b) of the Act, the prescribed period is, where the person about whom the particulars have been recorded:

- (a) was 18 years of age or over—10 years, or
- (b) was less than 18 years of age—10 years starting on the person’s eighteenth birthday, or
- (c) was still-born—10 years starting on the date of birth, or

Clause 7 Public Health (General) Regulation 2002

Part 3 Scheduled medical conditions

- (d) died before turning 18—10 years starting on the date of the person's death.

8 Notification of test results—prescribed tests

For the purposes of section 16 (1) (a) of the Act, any diagnostic test on the following substances, or any constituent of the following substances, is a prescribed test:

- (a) human blood,
- (b) human cells,
- (c) human tissue,
- (d) other bodily substances.

9 Notification of test results—time limit for providing information

For the purposes of section 16 (4) of the Act, the prescribed period is 72 hours from the time when the person requested to carry out the test has asked the medical practitioner concerned to provide the relevant information.

10 Protection of identity—exceptions

- (1) For the purposes of section 17 (1) (b) of the Act, the prescribed exception exists when the patient:
 - (a) is receiving hospital services or other health services provided by a public hospital, or
 - (b) is a patient within the meaning of the *Private Hospitals and Day Procedure Centres Act 1988*, or
 - (c) consents to the disclosure of his or her name and address in the communication.
- (2) For the purposes of section 17 (3) (e) of the Act, information may be disclosed by a person to the Director-General if the person has reasonable grounds to believe that failure to provide the information could place the health of the public at risk.

11 Notification of death from scheduled medical condition

For the purposes of section 20 (c) of the Act, the prescribed additional particulars are:

- (a) the date of birth and the sex of the deceased, and

Public Health (General) Regulation 2002

Clause 11

Scheduled medical conditions

Part 3

- (b) the date, place and cause of death, and
- (c) the address of the person who certified the cause of death.

12 Advice to Category 2 or 3 patients

The Director-General, or a registered medical practitioner authorised under this clause by the Director-General, may notify a person suffering from a Category 2 or 3 medical condition of measures to be taken, and activities to be avoided, in order to minimise the danger of passing the medical condition to another person.

13 Advice to Category 2, 3 or 4 contacts

The Director-General may notify a person who the Director-General believes may have been in contact with a person suffering from a Category 2, 3 or 4 medical condition of measures to be taken, and activities to be avoided, in order to minimise the danger of the first person contracting the condition or passing it to a third person.

Clause 14 Public Health (General) Regulation 2002

Part 4 Control of vaccine preventable diseases

Part 4 Control of vaccine preventable diseases

14 Classes of children to which Part 3A of the Act applies

For the purposes of Part 3A of the Act, the following classes of children are prescribed:

- (a) children who enrol, or have enrolled, for attendance at a kindergarten class in a school after 1 January 1994,
- (b) children who enrol, or have enrolled, for attendance at a child care facility after that date.

15 Additional child care facilities for the purposes of Part 3A of the Act

For the purposes of Part 3A of the Act, the following are declared to be child care facilities:

- (a) a playgroup affiliated to the Playgroup Association of N.S.W. Incorporated,
- (b) a child care service for pre-school children to which Division 1 of Part 3 of the *Children (Care and Protection) Act 1987* would apply but for the fact that the service is provided at the premises of a government school or non-government school.

16 Period for which immunisation certificates and register entries are to be retained

- (1) For the purposes of section 42B (5) of the Act, the period for which a principal of a school must retain an immunisation certificate is 2 years from the date on which the child concerned has ceased to attend the school, unless the principal is earlier required to forward the certificate under section 42B (2) of the Act.
- (2) For the purposes of section 42C (5) of the Act, the period for which a director of a child care facility must retain an entry in the register to be kept by the director is 2 years from the date on which the child concerned has ceased to attend the facility.

17 Responsibilities of directors of child care centres with respect to immunisation

- (1) For the purposes of section 42C (1) of the Act, a subsequent occasion is whenever the child concerned reaches the age, designated by the Director-General for a specified vaccine preventable disease, at which

Public Health (General) Regulation 2002

Clause 17

Control of vaccine preventable diseases

Part 4

it is appropriate for a child to be immunised or further immunised against that disease.

- (2) On designating a subsequent occasion for the purposes of section 42C (1) of the Act, the Director-General must notify the designation to the directors of all child care facilities likely to be affected by it. The notification may be by such means as the Director-General considers appropriate.

Clause 18 Public Health (General) Regulation 2002

Part 5 Miscellaneous

Part 5 Miscellaneous

18 Public authorities to notify public health risks

If a public authority considers, on reasonable grounds, that a situation has arisen in which the health of the public is, or is likely to be, at risk, the public authority is to notify the Medical Officer of Health of the district in which the area for which the public authority is responsible is located.

19 Particulars of notifiable diseases

For the purposes of section 69 of the Act, a chief executive officer of a hospital is to provide the Director-General:

- (a) concerning persons suffering from cancer—with the particulars required for the completion of the “Cancer Notification Form” published by the New South Wales State Cancer Council, or
- (b) concerning children under the age of 1 year who have a congenital malformation, cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria or persons who are or were pregnant with a child having a congenital malformation, cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria—with the particulars required for the completion of the “NSW Birth Defects Register Notification of Birth Defect Form” or the “NSW Birth Defects Register Notification of Pregnancy with a Baby Affected by Congenital Malformation Form”, as applicable, both published by the Department, or
- (c) concerning persons who have any other notifiable disease—with the particulars required for the completion of the “Doctor/Hospital Notification Form” published by the Department.

20 Disclosure of information—lawful excuse

For the purposes of section 75 (2) (e) of the Act, circumstances in which it is a lawful excuse to disclose information include circumstances where the Chief Health Officer, Department of Health,

Public Health (General) Regulation 2002

Clause 20

Miscellaneous

Part 5

has approved (with or without conditions) the disclosure to a specified person or class of persons of information consisting of epidemiological data of a specified kind and the disclosure is in accordance with that approval.

21 Vermin

An occupier of premises must take reasonable measures to keep the premises free from fleas, other disease-carrying insects, rats and mice (except any such animals kept as pets).

Maximum penalty: 20 penalty units.

22 Sleeping rooms

- (1) The occupier of premises must not allow any room or cubicle within the premises to be used for the purposes of sleeping accommodation unless:
 - (a) the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case), or
 - (b) the room or cubicle has been exempted by the Minister under subclause (2) and complies with any conditions attached to the exemption, or
 - (c) the premises are private domestic premises.
- Maximum penalty: 5 penalty units.
- (2) The Minister may, by order in writing, exempt an occupier in relation to any room or cubicle from the requirements of subclause (1), either conditionally or unconditionally, if satisfied that the exemption will not result in any adverse effect on the health of persons sleeping in the room or cubicle.
 - (3) In this clause, a reference to long-term sleeping accommodation is a reference to accommodation that is in fact provided to the same person or persons for a period of more than 28 consecutive days, or that is the subject of an agreement for its provision to the same person or persons for a period of more than 28 consecutive days.

Clause 23 Public Health (General) Regulation 2002

Part 5 Miscellaneous

23 Anthrax

A person must not sell, offer for sale, consign, transmit, deliver for sale, use in any manufacturing process, or receive for the purposes of business any hide, portion of a hide, hair or wool of any animal which is suffering, or which has died, from anthrax.

Maximum penalty: 20 penalty units.

24 Approvals by Director-General

- (1) An application for an approval by the Director-General under this Regulation is to be accompanied by such information relevant to the application as is required by the Director-General.
- (2) An approval given by the Director-General for the purposes of this Regulation:
 - (a) may be given subject to conditions specified in the instrument giving the approval, and
 - (b) does not operate, or ceases to operate, if there is a failure to comply with any such conditions.

25 Guidelines and codes

A copy of any guideline, or code of practice, published by the Department and referred to in this Regulation is to be made available by the Department (on the payment of such reasonable charge (if any) as the Director-General determines) to any member of the public who requests it.

26 Savings

Anything done or omitted under Part 2, 2A or 7 of the *Public Health Regulation 1991* is taken to have been done or omitted under this Regulation.

Public Health (General) Regulation 2002

Perinatal deaths: particulars

Schedule 1

Schedule 1 Perinatal deaths: particulars

(Clause 6 (b))

1 Particulars

- (1) Full name of mother of deceased infant.
- (2) Usual residential address of mother at time of birth of deceased infant.
- (3) Date of birth of mother.
- (4) Date of first day of mother's last menstrual period (if known) and estimated gestational age of deceased infant at time of birth.
- (5) Date of birth of infant.
- (6) Vital status at time of birth: liveborn or stillborn.
- (7) Date of death (if liveborn).
- (8) Name of hospital of birth, or address of place of birth (if not a hospital).
- (9) For liveborn infant, name of hospital where death occurred, or address of place of death (if not a hospital).
- (10) Sex of infant.
- (11) Plurality: single or multiple birth.
- (12) If multiple birth: total number of infants at that birth.
- (13) If multiple birth: the number of the deceased infant in the birth order.
- (14) Birth weight in grams.
- (15) Cause of death, as recorded on Medical Certificate of Cause of Perinatal Death.

Public Health (General) Regulation 2002

Schedule 2 Sudden infant death syndrome: particulars

Schedule 2 Sudden infant death syndrome: particulars

(Clause 6 (c))

1 Particulars

- (1) Full name of mother of deceased infant.
- (2) Usual residential address of mother at time of birth of infant.
- (3) Date of birth of mother.
- (4) Full name of infant.
- (5) Date of birth of infant.
- (6) Name of hospital of birth, or address of place of birth (if not a hospital).
- (7) Sex of infant.
- (8) Usual residential address of infant.
- (9) Address of place at which infant was found deceased or moribund.
- (10) Date of death of infant.

Public Lotteries Regulation 2002

under the

Public Lotteries Act 1996

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

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

Explanatory note

The object of this Regulation is to remake the *Public Lotteries Regulation 1996*. That Regulation will be repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation:

- (a) provides for the disposal of certain unclaimed public lottery prizes and of certain money in prize funds, and
- (b) provides for an entrant in a public lottery to request anonymity, and
- (c) makes provision for responsible practices in the conduct of public lotteries, and
- (d) prescribes certain people as key employees in relation to Keno, and
- (e) prescribes the changes of circumstances in relation to licensees for public lotteries that need to be notified to the Minister, and
- (f) prescribes certain contracts in relation to games of Keno as exempt contracts, and
- (g) prescribes the fee for the review of a controlled contract, and
- (h) makes other miscellaneous provisions.

Public Lotteries Regulation 2002

Explanatory note

This Regulation is made under section 83 (the general regulation-making power) and section 83A (Responsible conduct of gambling activities) of the *Public Lotteries Act 1996*.

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Public Lotteries Regulation 2002

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Clause 1 Public Lotteries Regulation 2002

Part 1 Preliminary

Public Lotteries Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Public Lotteries Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces the *Public Lotteries Regulation 1996* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Public Lotteries Act 1996*.

(2) Notes included in this Regulation are explanatory notes and do not form part of this Regulation.

Public Lotteries Regulation 2002

Clause 4

Prizes

Part 2

Part 2 Prizes

4 Unclaimed public lottery prizes

- (1) In this clause, ***unclaimed prize*** means a prize that remains unclaimed by the prizewinner for a period of one year after the date on which the public lottery to which the prize relates is last conducted.
- (2) An unclaimed prize won in a public lottery may be disposed of by the licensee who conducted the public lottery in a manner and for a purpose approved by the Minister for the benefit of subscribers to public lotteries conducted by the licensee, or, in the case of an unclaimed Keno prize, for any other purpose approved of by the Minister.
- (3) The disposal of an unclaimed prize under this clause does not affect a prizewinner's entitlement to the prize.

5 Disposal of certain money in prize fund if licence not in force

The Minister may, with the approval of the Treasurer, distribute money to which section 27 (10) of the Act refers for the benefit of subscribers to public lotteries generally, by payment to the Consolidated Fund or for such other purposes as the Minister determines.

6 Publicity concerning prizewinners

For the purposes of section 38 (2) of the Act, an entrant in a public lottery may request anonymity:

- (a) by having the request for anonymity recorded by the licensee in accordance with the rules of the public lottery, or
- (b) by indicating to the licensee (or an employee of the licensee) when claiming a prize that the person does not want his or her identity published.

Clause 7 Public Lotteries Regulation 2002

Part 3 Responsible gambling practices

Part 3 Responsible gambling practices

7 Approval of English and other community language player information brochures

- (1) In this clause, **player information** means the following:
 - (a) information concerning the chances of winning a major prize in a public lottery,
 - (b) the G-line (NSW) helpline phone number operated under contractual arrangements made by the Department of Gaming and Racing.
- (2) The Minister may approve one or more pamphlets or brochures containing player information in the English language (a **player information brochure**).
- (3) The Minister may approve one or more pamphlets or brochures containing advice in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:
 - (a) indicates the substance of the player information contained in a player information brochure, and
 - (b) advises that the information will be supplied by the licensee or an agent of the licensee in the relevant language on request.
- (4) A pamphlet or brochure approved under subclause (3) may be combined with the player information brochure to which it relates.
- (5) The Minister may approve one or more pamphlets or brochures (a **community language player information brochure**) containing player information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages.
- (6) The Minister may vary or withdraw any approval given under this clause.

8 Provision of player information brochures

- (1) A licensee must:
 - (a) as soon as practicable after the requirements of subclause (2) first apply in relation to an agent of the licensee, provide to the agent sufficient copies of the player information brochures

Public Lotteries Regulation 2002

Clause 8

Responsible gambling practices

Part 3

approved by the Minister under clause 7 (2) to enable the agent to comply with those requirements, and

- (b) provide further copies of the brochures to an agent of the licensee in accordance with a request by the agent.

Maximum penalty: 50 penalty units.

- (2) An agent of a licensee must ensure that:

- (a) copies of at least one type of player information brochure approved by the Minister under clause 7 (2) are made available at each point of sale (under the control of the agent) for tickets or entries in, or subscriptions to, each public lottery conducted by the licensee, and
- (b) those copies are displayed in such a manner and in such a place that it would be reasonable to expect that a person purchasing a ticket or entry in, or subscribing to, such a lottery at that point of sale would be alerted to their presence.

Maximum penalty: 50 penalty units.

9 Provision of player information brochures in community languages

- (1) A person may request a licensee or agent of a licensee to supply a community language player information brochure approved under clause 7 (5) in one of the languages specified in that subclause.
- (2) A licensee or agent of a licensee must supply a brochure in accordance with a request made under subclause (1) as soon as practicable after being requested to do so.

Maximum penalty: 50 penalty units.

10 Gambling information and warnings

- (1) A licensee must ensure that each printed entry form (however described) and ticket in a public lottery conducted by the licensee contains the following:

Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635

Maximum penalty: 50 penalty units.

- (2) Subclause (1) does not apply to instant lottery tickets (commonly known as “scratchies”).

Clause 10 Public Lotteries Regulation 2002

Part 3 Responsible gambling practices

(3) A licensee must ensure that any written material provided by the licensee to explain to the public how to enter a public lottery contains:

- (a) an explanation of the chances of winning a major prize in the public lottery or, if there are different prize divisions in the public lottery, an explanation in relation to each of those divisions of the chances of winning a prize in that division, and
- (b) the following:

Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635

Maximum penalty: 50 penalty units.

(4) Subclauses (1) and (3) do not apply to any printed entry form, ticket or written material supplied to the licensee concerned under a contract or arrangement entered into before 9 November 2001.

(5) A licensee or agent of a licensee must not extend the duration of any contract or arrangement entered into before 9 November 2001 for the supply of entry forms or tickets that do not contain the matter required by subclause (1).

Maximum penalty: 50 penalty units.

(6) A licensee or agent of a licensee must not extend the duration of any contract or arrangement entered into before 9 November 2001 for the supply of written material referred to in subclause (3) that does not contain the matter required by that subclause.

Maximum penalty: 50 penalty units.

(7) A licensee must include the following information on any website used by the licensee to promote or provide information about a public lottery conducted by the licensee:

- (a) the information contained in a player information brochure approved by the Minister under clause 7 (2),
- (b) an explanation of the chances of winning a major prize in the public lottery or, if there are different prize divisions in the public lottery, an explanation in relation to each of those divisions of the chances of winning a prize in that division.

Maximum penalty: 50 penalty units.

Public Lotteries Regulation 2002

Clause 11

Responsible gambling practices

Part 3

11 Counselling signage—notice to be displayed

(1) A licensee must:

- (a) as soon as practicable after the requirements of subclause (2) first apply in relation to an agent of the licensee, provide to the agent sufficient copies of a notice that complies with this clause to enable the agent to comply with those requirements, and
- (b) provide further copies of the notice in accordance with a request by an agent of the licensee.

Maximum penalty: 50 penalty units.

(2) An agent of a licensee must:

- (a) display a notice that complies with this clause at each point of sale (under the control of the agent) for tickets or entries in, or subscriptions to, each public lottery conducted by the licensee, or in the vicinity of each such point of sale, and
- (b) display each such notice in such a manner that it would be reasonable to expect that a person in the vicinity of the point of sale in relation to which the notice is displayed would be alerted to its contents.

Maximum penalty: 50 penalty units.

(3) The notice must contain the following:

Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635

(4) Subclause (3) does not prevent a notice under this clause containing other information.

(5) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.

12 Advertising of public lotteries

(1) The requirements of subclauses (2) and (3) are prescribed as requirements for the purposes of section 39 (1) (b) of the Act.

Note. Section 39 of the Act makes it an offence for a licensee or other person to publish, or cause to be published, any public lottery advertising that is false, misleading or deceptive or is in contravention of a requirement of the regulations. The maximum penalty for the offence is 50 penalty units.

Clause 12 Public Lotteries Regulation 2002

Part 3 Responsible gambling practices

- (2) A licensee or agent of a licensee must not publish, or cause to be published, any public lottery advertising that:
- (a) encourages a breach of the law, or
 - (b) depicts children, or
 - (c) suggests that winning will be a definite outcome of participating in a public lottery, or
 - (d) suggests that entering a public lottery will definitely improve a person's financial prospects, or
 - (e) is not conducted in accordance with decency, dignity and good taste and in accordance with the Commercial Television Industry Code of Practice as in force at the time the public lottery advertising is published.
- (3) A licensee or agent of a licensee must ensure that any public lottery advertising in writing published or caused to be published, by the licensee or agent in a newspaper, magazine, poster or other printed document contains the following:
- Is gambling a problem for you? CALL G-line (NSW) counselling service 1800 633 635
- (4) Subclauses (2) and (3) do not apply to the publication of any public lottery advertising under a contract or arrangement entered into before 9 November 2001.
- (5) A licensee or agent of a licensee must not enter into or extend the duration of any contract or arrangement for the publication of public lottery advertising that does any of the things referred to in subclause (2) (a)–(e).
- Maximum penalty: 50 penalty units.
- (6) In this clause:
- public lottery advertising** means advertising that is directly related to the conduct of a public lottery.
- publish** includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio or television).

Public Lotteries Regulation 2002

Clause 13

Responsible gambling practices

Part 3

13 Payment of prize money by cheque or electronic funds transfer

- (1) If in a game of keno the prize money payable to a person at the end of a customer session exceeds \$1,000, the licensee or agent of the licensee responsible for paying the prize money:
- (a) if the person so requests, must pay the total prize money by means of:
 - (i) a crossed cheque payable to the person, or
 - (ii) an electronic funds transfer to an account nominated by the person (if those means are available), and
 - (b) must pay so much of the total prize money as exceeds \$1,000 by means of:
 - (i) a crossed cheque payable to the person, or
 - (ii) if the person so requests and those means are available, by means of electronic funds transfer to an account nominated by the person.

Maximum penalty: 50 penalty units.

- (2) If in a public lottery (other than a game of keno) the total prize money payable to a person exceeds \$1,000, the licensee or agent of the licensee responsible for paying the prize money must pay the total prize money by means of:
- (a) a crossed cheque payable to the person, or
 - (b) if the person so requests, by means of electronic funds transfer to an account nominated by the person.

Maximum penalty: 50 penalty units.

- (3) In this clause:
customer session means the period of time starting when a subscriber:

- (a) makes an entry in a game of Keno, or
- (b) checks a receipt ticket in a game of Keno, or
- (c) cancels an entry into a game of Keno,

and ending when the End Customer terminal key is activated.

crossed cheque means a cheque crossed as referred to in section 53 of the *Cheques Act 1986* of the Commonwealth as in force on 1 March 2002.

Clause 13 Public Lotteries Regulation 2002

Part 3 Responsible gambling practices

total prize money means the total amount of money payable to a person as a result of the person winning money in respect of a single entry in a public lottery (whether or not that entry relates to one, or more than one, game in the public lottery).

14 Gambling inducements

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

Maximum penalty: 50 penalty units.

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

Public Lotteries Regulation 2002

Clause 15

Miscellaneous

Part 4

Part 4 Miscellaneous

15 Key employees (Keno)

- (1) Any person who is concerned in any of the following ways in the conduct of games of Keno by a Keno licensee is a key employee for the purposes of paragraph (c) of the definition of **key employee** in section 4 (1) of the Act:
 - (a) involvement, on behalf of the licensee, in the development or operation of any computer systems in relation to those games,
 - (b) involvement, on behalf of the licensee, in the financial or accounting aspects of the conduct of those games.
- (2) Any of the following persons who are concerned or engaged in the conduct of games of Keno by a Keno licensee are also key employees for the purposes of paragraph (c) of the definition of **key employee** in section 4 (1) of the Act:
 - (a) any person who is employed by or on behalf of Jupiters Gaming (NSW) Pty Limited in the capacity of, or who performs the duties of, general manager, systems manager, sales and marketing manager, contracts and distribution manager, operations manager or financial controller of that company,
 - (b) any person who is employed by or on behalf of Club Gaming Systems (Holdings) Pty Ltd in the capacity of, or who performs the duties of, sales executive or training manager of that company,
 - (c) any person involved, on behalf of Club Gaming Systems (Holdings) Pty Ltd, in the development or operation of any computer systems in relation to games of Keno conducted by a licensee,
 - (d) any person involved, on behalf of Club Gaming Systems (Holdings) Pty Ltd, in the financial or accounting aspects of the conduct of such games.

16 Notification of change of circumstances in relation to licensees

- (1) The kinds of changes set out in Schedule 1 are prescribed for the purposes of section 52 of the Act in relation to licensees for public lotteries.

Clause 16 Public Lotteries Regulation 2002

Part 4 Miscellaneous

- (2) The particulars to be notified under section 52 of the Act in relation to each kind of change are as set out in Schedule 1 in respect of that kind of change.

17 **Exempt contracts (Keno)**

The class of instruments comprising the following agreements and arrangements is prescribed, in relation to games of Keno, for the purposes of paragraph (b) of the definition of *exempt contract* in section 62 of the Act:

- (a) the Secured Facility Agreement entered into on 30 October 1991, the Secured Facility Agreement entered into on 19 November 1992, and the Secured Facility Agreement entered into on 18 February 1994, between Club Gaming Systems (Holdings) Pty Ltd, Club Gaming Systems Pty Ltd and the State Bank of New South Wales Ltd,
- (b) the deed of charge entered into on 30 October 1991 between Club Gaming Systems (Holdings) Pty Ltd and the State Bank of New South Wales Ltd,
- (c) the deed of charge entered into on 30 October 1991 between Club Gaming Systems Pty Ltd and the State Bank of New South Wales Ltd,
- (d) the deed of subordination and priority entered into on 30 October 1991, the deed of subordination and priority and the deed of consent entered into on 19 November 1992, and the deed of subordination and priority and the deed of consent entered into on 18 February 1994, between Club Gaming Systems (Holdings) Pty Ltd, Club Gaming Systems Pty Ltd, AWA Ltd and the State Bank of New South Wales Ltd,
- (e) the Clubkeno Holdings Pty Ltd deed of consent entered into on 30 October 1991, the Clubkeno Holdings Pty Ltd deed of consent entered into on 19 November 1992, and the Clubkeno Holdings Pty Ltd deed of consent entered into on 18 February 1994, between Clubkeno Holdings Pty Ltd, Club Gaming Systems (Holdings) Pty Ltd, Club Gaming Systems Pty Ltd and the State Bank of New South Wales Ltd,
- (f) the power of attorney made by Clubkeno Holdings Pty Ltd on 30 October 1991,

Public Lotteries Regulation 2002

Clause 17

Miscellaneous

Part 4

-
- (g) the AWA Ltd deed of consent entered into on 30 October 1991, the AWA Ltd undertaking and deed of consent entered into on 19 November 1992, and the AWA Ltd undertaking and deed of consent entered into on 18 February 1994, between AWA Ltd, Club Gaming Systems Pty Ltd and the State Bank of New South Wales Ltd.

18 Review of controlled contracts

For the purposes of section 63 (3) of the Act, \$2,000 is prescribed as the fee for the review of each controlled contract.

19 Construction of certain references

- (1) A reference in an Act (other than the *Public Lotteries Act 1996*), in any instrument made under an Act or in any other document to a repealed Act or Regulation, or to rules made under a repealed Act, is to be read:
- (a) as including a reference to the *Public Lotteries Act 1996*, the regulations and rules made under that Act and any instrument (including a licence) issued under that Act (as applicable) unless it relates to a matter that continues, by reason of the operation of Schedule 2 to that Act, to be dealt with by a repealed Act or Regulation or rules made under a repealed Act, or
 - (b) if it relates to such a matter as a reference to the applicable repealed Act or Regulation or rules made under the applicable repealed Act.
- (2) In this clause, **repealed Act or Regulation** means an Act or Regulation repealed by section 84 of the *Public Lotteries Act 1996*.

Public Lotteries Regulation 2002

Schedule 1 Change of circumstances to be notified

Schedule 1 Change of circumstances to be notified

(Clause 16)

Kinds of change	Particulars to be notified
Any change in the name of the licensee, the licensee's principal business address or postal address, e-mail address, website address, telephone number or facsimile number.	Particulars of those matters as changed.
Any change in the membership of the board of directors of the licensee.	Particulars of the name, address and date of birth of any new director.
Any change in the name or address of any member of the board of directors of the licensee.	Particulars of the new name or address of the director.
The licensee commencing to remunerate an employee of the licensee at a remuneration level of \$150,000 per year or more, whether as salary or remuneration package.	Particulars of the name, address and date of birth of the employee.
Any change in the information entered in the register of members of the licensee.	Particulars of the change, including any addition to or deletion from that information.
Any change in the proportion of the paid up capital of the licensee in which a person holds a beneficial interest and any acquisition by a person of a beneficial interest in the paid up capital of the licensee.	Particulars of the name and address of the person and the proportion of the paid up capital in which the person holds a beneficial interest as changed or acquired.
Any change in the nominal or paid up capital of the licensee.	Particulars of the nominal or paid up capital as changed.
Any change in the objectives or main activities of the licensee.	Particulars of those objectives or main activities as changed.
Any change in any direct or indirect financial interests held by the licensee in any business or enterprise, including the acquisition or disposal of such an interest.	Particulars of the interest both before and after the change.

Public Lotteries Regulation 2002

Change of circumstances to be notified

Schedule 1

Kinds of change	Particulars to be notified
Any other business or enterprise commencing to have the same registered office as the licensee.	Particulars of the name of the other business or enterprise and the activities in which it engages.
The licensee commencing to carry on any other business or enterprise at any place or the appointment of a person to carry on any other business or enterprise on the licensee's behalf.	Particulars of the address of the place and the business or enterprise carried on there or the name of the person appointed and the business or enterprise to be carried on by the person on the licensee's behalf.
The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which the licensee is a party.	Particulars of the nature of the proceedings, the names and addresses of the other parties to civil proceedings, the date of commencement, settlement, discontinuance or finalisation and the terms of settlement (unless terms of settlement are prohibited from being disclosed) or the result of finalisation.
The obtaining of judgment against the licensee, the creation of any charge over any property of the licensee or repossession of any property of the licensee.	Particulars of the terms of the judgment or charge or the reasons for and circumstances of the repossession, and a description of any property affected.
Any amendment under any law of the Commonwealth of an assessment relating to the licensee under taxation legislation of the Commonwealth.	Particulars of the amendment.
Any change in the key employees employed by or on behalf of the licensee.	Particulars of the name and address of a person who becomes or ceases to be a key employee and the date that occurs.
The commencement, settlement, discontinuance or finalisation of civil or criminal proceedings to which a key employee of the licensee is a party and of which the licensee is aware.	Particulars of the nature of the proceedings, the names and addresses of the other parties to the proceedings, the date of commencement, settlement, discontinuance or finalisation and the terms of settlement (unless terms of settlement are prohibited from being disclosed) or the result of finalisation.
Each increase of more than \$500,000 in the debts of the licensee.	Particulars of to whom the debt is owed, the amount of the debt as increased, the amount of the increase and the reason for the increase.

Public Lotteries Regulation 2002

Schedule 1 Change of circumstances to be notified

Kinds of change	Particulars to be notified
Any failure by the licensee to make due payments under a loan or other financing arrangement.	Particulars of the loan or financing arrangement, the amount due and unpaid and the reason for the failure to pay.
The commencement of the winding up of the licensee or the placement of the licensee under official management.	Particulars of the date on which the winding up or official management commenced.
The licensee entering into a compromise or scheme of arrangement with the licensee's creditors.	Particulars of the date on which it was entered into and the terms of the compromise or scheme.
The appointment of a receiver or manager, whether by the Supreme Court or otherwise, in respect of the property of the licensee.	Particulars of the date and terms of the appointment.



New South Wales

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Royal Botanic Gardens and Domain Trust) Regulation 2002

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

CARL SCULLY, M.P.,
Minister for Roads

Explanatory note

The object of this Regulation is to declare the Royal Botanic Gardens and Domain Trust a **declared organisation** within the meaning of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999 (the Regulation)* and to specify its area of operations. As a result, the Royal Botanic Gardens and Domain Trust will be a **parking authority** within the meaning of the Regulation and will be empowered to establish and operate pay parking schemes (under Part 4 of the Regulation) and to issue parking permits (under Part 6 of the Regulation) in relation to its area of operations.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and clause 2 of Schedule 1.

Clause 1 Road Transport (Safety and Traffic Management) (Road Rules)
Amendment (Royal Botanic Gardens and Domain Trust) Regulation 2002

Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Royal Botanic Gardens and Domain Trust) Regulation 2002

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Regulation

This Regulation is the *Road Transport (Safety and Traffic Management) (Road Rules) Amendment (Royal Botanic Gardens and Domain Trust) Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

3 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

The *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* is amended by inserting the following in alphabetical order of organisations in Schedule 3:

Royal Botanic Gardens and Domain Trust	The Royal Botanic Gardens and The Domain (being those parts of the Trust lands, within the meaning of the <i>Royal Botanic Gardens and Domain Trust Act 1980</i> , that are described in Parts 1 and 2 of Schedule 2 to that Act, and including Art Gallery Road, Mrs Macquaries Road and Hospital Road).
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Rural Fires Regulation 2002

under the

Rural Fires Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rural Fires Act 1997*.

BOB DEBUS, M.P.,
Minister for Emergency Services

Explanatory note

This Regulation (the **new Regulation**) replaces the *Rural Fires Regulation 1997* (the **old Regulation**) which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation restates with some modifications the provisions of the old Regulation and contains new provisions relating to bush fire prone land and bush fire hazard reduction (as a result of recent amendments made to the *Rural Fires Act 1997* by the *Rural Fires and Environmental Assessment Legislation Amendment Act 2002*). The new Regulation includes provisions relating to the following:

- (a) the constitution and membership of rural fire brigades,
- (b) the discipline of officers and members of rural fire brigades and groups of rural fire brigades and removal from membership,
- (c) the constitution, membership and procedure of Bush Fire Management Committees,
- (d) fire prevention,
- (e) the giving of notices required under the Act,
- (f) the identification of members of the Service and bravery and other awards,
- (g) voluntary work that may be undertaken by rural fire brigades,
- (h) the conditions of fire permits,

Rural Fires Regulation 2002

Explanatory note

- (i) the formal requirements for applications for bush fire safety authorities and bush fires hazard reduction certificates,
- (j) the issue of penalty notices.

This Regulation refers to the following publications:

- (a) the Australian Standard entitled AS 1019—2000, *Internal combustion engines—Spark emission control devices*, published by Standards Australia on 1 August 2000,
- (b) the document entitled *Planning for Bushfire Protection*, ISBN 0 9585987 8 9, prepared by Planning & Environment Services, NSW Rural Fire Service in co-operation with the Department of Planning, and dated December 2001.

This Regulation is made under the *Rural Fires Act 1997*, including section 135 (the general power to make regulations) and the sections referred to in this Regulation.

Rural Fires Regulation 2002

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Clause 1 Rural Fires Regulation 2002

Part 1 Preliminary

Rural Fires Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Rural Fires Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces the *Rural Fires Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

In this Regulation:

appropriate appeal authority means:

- (a) if the responsible authority concerned is a local authority—the Commissioner, or
- (b) if the responsible authority concerned is the Commissioner—the Minister.

appropriate authority—see section 85 of the Act.

appropriate disciplinary authority means:

- (a) in the case of a disciplinary action against an officer of a rural fire brigade or group of rural fire brigades for a rural fire district—the fire control officer for the district, or
- (b) in the case of a disciplinary action against a member (other than an officer) of a rural fire brigade or group of rural fire brigades—the officer in charge of the rural fire brigade or group of rural fire brigades, or
- (c) if the constitution of a rural fire brigade provides for disciplinary action to be taken against an officer or member by a panel of persons constituted in accordance with the constitution—a panel so constituted.

brigade register means the register for a rural fire brigade required to be kept under section 20 of the Act.

Rural Fires Regulation 2002

Clause 3

Preliminary

Part 1

combustible matter—see the Dictionary at the end of the Act.

forestry land means land dedicated or reserved, or acquired for the purpose of dedication or reservation, under the *Forestry Act 1916*, or in respect of which the Forestry Commission has obtained the benefit of a forestry right as referred to in section 11 (1) (m) (ia) of that Act.

light a fire—see section 85 of the Act.

motorised machine includes any vehicle or machine (including a steam-powered machine) that is operated by means of an internal combustion engine or other fuel burning engine.

NPWS land means land dedicated or reserved, or acquired for the purpose of dedication or reservation, under the *National Parks and Wildlife Act 1974*.

responsible authority, in relation to a rural fire brigade for a rural fire district, means:

- (a) if the brigade is formed by a local authority under section 15 (1) of the Act—the local authority, or
- (b) if the brigade is jointly formed by two or more local authorities under section 15 (2) of the Act—the local authority nominated by an agreement in writing by the local authorities forming the brigade as the responsible authority, or
- (c) if the brigade is formed by the Commissioner—the Commissioner.

Service Standards—see the Dictionary at the end of the Act.

steam-powered machine means any machine that is operated by means of an engine that burns wood, coal or coke.

the Act means the *Rural Fires Act 1997*.

4 Notes

Notes included in this Regulation do not form part of this Regulation.

Clause 5 Rural Fires Regulation 2002

Part 2 Rural fire brigades and groups of rural fire brigades

Part 2 Rural fire brigades and groups of rural fire brigades

5 Constitution for rural fire brigade

- (1) The constitution for a rural fire brigade is to be in a form approved by the responsible authority and is to make provision for the following matters:
 - (a) the council or other governing body (however described) of the brigade and its office bearers,
 - (b) the name of the brigade,
 - (c) the classification of members of the brigade other than officers,
 - (d) arrangements for meetings of the brigade,
 - (e) the voting rights of members of the brigade,
 - (f) the conduct of fundraising appeals by the brigade and the application of any money or benefit received in the course of such an appeal.
- (2) The members of a rural fire brigade are to review the constitution for the brigade annually to determine whether it should be amended. In determining whether the constitution should be amended, the members are to take into consideration any relevant Service Standards.

6 Membership of rural fire brigades

A person is eligible to be listed on the brigade register if the person:

- (a) complies with the procedures (if any) for attaining membership set out in the constitution for the rural fire brigade, and
- (b) satisfies the requirements (if any) for attaining membership of a rural fire brigade determined by the responsible authority.

Note. Under section 20 of the Act, the persons listed on the register for a rural fire brigade required to be kept under that section are the members of the brigade.

7 Probationary membership

- (1) Unless the responsible authority otherwise determines, membership of a rural fire brigade is initially to be for a probationary period of 6 months.

Rural Fires Regulation 2002

Clause 7

Rural fire brigades and groups of rural fire brigades

Part 2

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- (2) The responsible authority may remove a person's name from the brigade register if, at the end of the period, the person:
- (a) has not achieved a satisfactory level of competency required by the Service Standards, or
 - (b) does not satisfy any requirements for the confirmation of membership set out in the constitution of the brigade.

8 Removal from membership

- (1) The responsible authority must remove the name of a person from the brigade register if the person:
- (a) has died, or
 - (b) applies in writing to have his or her name removed from the brigade register.
- (2) The responsible authority may remove the name of a person from the brigade register if the person:
- (a) is found guilty of a breach of discipline under clause 10, or
 - (b) becomes a mentally incapacitated person, or
 - (c) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
 - (d) in the opinion of the responsible authority, is no longer a fit and proper person to be a member of the rural fire brigade.
- (3) Without limiting the generality of subclause (2) (d), the responsible authority may form an opinion that a person is no longer a fit and proper person to be a member of the rural fire brigade if:
- (a) the person is listed on the brigade register but has ceased to be an active member for a period of 12 months or more, or
 - (b) the person has not paid his or her annual subscription in accordance with the brigade's constitution.
- (4) The responsible authority is to give notice to a person before removing the person's name from the brigade register under subclause (2) (b), (c) or (d).
- (5) The removal takes effect, subject to clause 9 (3), 21 days after the notice is given.

Clause 9 Rural Fires Regulation 2002

Part 2 Rural fire brigades and groups of rural fire brigades

9 Appeals relating to membership

- (1) If the responsible authority refuses to list a person's name on the brigade register or decides to remove the person's name from the register under clause 8 (2) (b), (c) or (d) the person may, within 21 days of being notified of the decision, appeal in writing to the appropriate appeal authority.
- (2) After hearing the appeal, the appropriate appeal authority may:
 - (a) confirm the decision to refuse to list the person's name on the brigade register or remove it from the register, or
 - (b) order the responsible authority to list the person's name on the brigade register.
- (3) The removal of a person's name that is the subject of an appeal does not take effect until the appeal is either withdrawn or finally determined by the appropriate appeal authority.

10 Disciplinary action

- (1) An officer or member of a rural fire brigade or group of rural fire brigades is guilty of a breach of discipline if the officer or member:
 - (a) contravenes the Act or a provision of this Regulation, or
 - (b) is negligent, careless, inefficient or incompetent in the discharge of his or her duties, or
 - (c) fails to follow Service Standards.
- (2) An appropriate disciplinary authority may take disciplinary action against an officer or member of a rural fire brigade or group of rural fire brigades if:
 - (a) an alleged breach of discipline is dealt with in accordance with the procedure set out in the Service Standards and notice has been given in accordance with clause 11 (1), and
 - (b) the officer or member concerned is found to have committed the breach.
- (3) The appropriate disciplinary authority may take the following disciplinary action:
 - (a) reprimand the officer or member,
 - (b) suspend the officer or member from service with the rural fire brigade or group of rural fire brigades for a specified period,

Rural Fires Regulation 2002

Clause 10

Rural fire brigades and groups of rural fire brigades

Part 2

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- (c) recommend to the responsible authority that the responsible authority:
 - (i) demote the officer or member, or
 - (ii) disqualify the officer or member from holding rank in the brigade or group, or
 - (iii) remove the officer's or member's name from the brigade register.

11 Appeals concerning disciplinary action

- (1) Before taking disciplinary action under clause 10, the appropriate disciplinary authority must investigate the alleged breach of discipline and give the officer or member at least 14 days notice in writing of the findings of the investigation and of the disciplinary action that the appropriate disciplinary authority proposes to take in respect of the officer or member.
- (2) The officer or member may, within 14 days of receiving the notice, appeal to the responsible authority against the findings of the appropriate disciplinary authority, or against any disciplinary action that the appropriate disciplinary authority proposes to take.
- (3) On an appeal, the responsible authority:
 - (a) may confirm the decision of the appropriate disciplinary authority, or
 - (b) may recommend that no action, or that other disciplinary action, be taken against the officer or member.

12 Incident reports

- (1) When a rural fire brigade attends a fire or other incident or emergency, the officer in charge of that brigade must ensure that the fire control officer is furnished with a report on the incident.
- (2) A report must:
 - (a) be furnished to the fire control officer within the time required by the Service Standards, and
 - (b) include any matters required to be covered in such a report by the Service Standards.

13 Period for compliance with notice to form rural fire brigades

For the purposes of section 15 (4) of the Act, the prescribed period is 3 months after the request to form a rural fire brigade is made.

Clause 14 Rural Fires Regulation 2002

Part 3 Bush Fire Management Committees

Part 3 Bush Fire Management Committees

14 Constitution of Bush Fire Management Committees

A Bush Fire Management Committee is not to be incorporated and is not to become a committee of a council under the *Local Government Act 1993*.

15 Eligibility for membership of Bush Fire Management Committees

Unless the Bush Fire Co-ordinating Committee determines otherwise, the following persons are to be invited to become members of a Bush Fire Management Committee:

- (a) a person nominated by each local authority whose area comprises land in the Bush Fire Management Committee's area, being (in the case of a local authority that is a council) the Mayor or a councillor of the council,
- (b) a person nominated by each of the following organisations as being in charge of its affairs in the Bush Fire Management Committee's area:
 - (i) the Roads and Traffic Authority,
 - (ii) the Department of Land and Water Conservation,
 - (iii) the New South Wales Fire Brigades,
 - (iv) NSW Police,
 - (v) each distribution network service provider listed in Schedule 3 to the *Electricity Supply Act 1995* having a distribution district comprising land in the Bush Fire Management Committee's area,
 - (vi) each rural lands protection board established for any rural lands protection district comprising land in the Bush Fire Management Committee's area,
 - (vii) the State Rail Authority,
 - (viii) Rail Access Corporation,
- (c) a person or persons nominated by the National Parks and Wildlife Service as being in charge of its affairs in the Bush Fire Management Committee's area,
- (d) a person or persons nominated by the Forestry Commission of New South Wales as being in charge of its affairs in the Bush Fire Management Committee's area,

Rural Fires Regulation 2002

Clause 15

Bush Fire Management Committees

Part 3

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- (e) a person nominated by each local authority for the Bush Fire Management Committee's area as having responsibilities for the performance of the local authority's functions respecting the environment,
 - (f) a person nominated by the Nature Conservation Council of New South Wales,
 - (g) not more than 2 persons chosen by rural fire brigades operating in the area,
 - (h) a rural land holder nominated by the NSW Farmers Association or, if the Association does not nominate a rural land holder, by the local authority for the area,
 - (i) a person nominated by each Local Aboriginal Land Council for any Local Aboriginal Land Council area comprising land located in the Bush Fire Management Committee's area,
 - (j) any other person or persons approved by the Bush Fire Co-ordinating Committee.

16 Functions of Bush Fire Management Committees

- (1) A Bush Fire Management Committee must, at the request of the Bush Fire Co-ordinating Committee:
 - (a) assist the Bush Fire Co-ordinating Committee in the performance of its functions under section 48 of the Act, and
 - (b) assist the Bush Fire Co-ordinating Committee in the performance of its functions under sections 60 (2) and 63 (4) of the Act.
- (2) A Bush Fire Management Committee may draw to the attention of:
 - (a) the Bush Fire Co-ordinating Committee, or
 - (b) the Commissioner, or
 - (c) a public authority exercising its functions in the Bush Fire Management Committee's area,any matter it considers relevant to the protection of land, life, property or the environment in that area from the impact of bush fires.
- (3) A Bush Fire Management Committee has no power to conduct or take part in fire fighting or fire prevention operations authorised by the Act, this Regulation or any other Act or statutory instrument.

Clause 17 Rural Fires Regulation 2002

Part 3 Bush Fire Management Committees

17 Procedure for meetings of Bush Fire Management Committees

- (1) A Bush Fire Management Committee is to meet in such manner and at such times as the Bush Fire Co-ordinating Committee may determine.
- (2) The procedure for the calling of the meetings and the conduct of business of a Bush Fire Management Committee is, subject to any rules made by the Bush Fire Co-ordinating Committee, to be as determined by the Bush Fire Management Committee.

18 Chairperson

- (1) At its first meeting, a Bush Fire Management Committee is to elect one of its members (not being its Executive Officer and not being a member referred to in clause 15 (b), (c), (d) or (e)) to be Chairperson of the Committee.
- (2) The Chairperson (or in the absence of the Chairperson, another member elected to chair the meeting by the members present) is to preside at a meeting of the Bush Fire Management Committee.
- (3) On the expiration of the term of office of the Chairperson or if the Chairperson ceases to be a member of the Bush Fire Management Committee or resigns office as Chairperson, the Bush Fire Management Committee is to elect one of its other members (not being its Executive Officer and not being a member referred to in clause 15 (b), (c), (d) or (e)) to be Chairperson of the Committee.
- (4) A Chairperson elected under this clause holds office as Chairperson, subject to any rules made by the Bush Fire Co-ordinating Committee, for a period of 12 months but is eligible (if otherwise qualified) for re-election.

19 Executive Officer

- (1) Each Bush Fire Management Committee is to have an Executive Officer.
- (2) The Executive Officer of a Bush Fire Management Committee is a member of the Committee.
- (3) The Executive Officer of a Bush Fire Management Committee constituted under section 50 (1) of the Act is to be the fire control officer for the Bush Fire Management Committee's area.

Rural Fires Regulation 2002

Clause 19

Bush Fire Management Committees

Part 3

- (4) The Executive Officer of a Bush Fire Management Committee constituted under section 50 (1A) of the Act is to be a member of NSW Fire Brigades nominated as Executive Officer by the Commissioner of NSW Fire Brigades.
- (5) The Executive Officer of a Bush Fire Management Committee constituted under section 50 (2) of the Act is to be a member of the Service nominated as Executive Officer by the Commissioner.
- (6) The Executive Officer of a Bush Fire Management Committee constituted under section 50 (3) of the Act:
 - (a) for groups of rural fire districts, is to be a fire control officer nominated as Executive Officer by the Commissioner, and
 - (b) for groups of fire districts, is to be a member of NSW Fire Brigades nominated as Executive Officer by the Commissioner of NSW Fire Brigades.
- (7) The Commissioner may revoke a nomination made for the purposes of subclause (5) or (6).

Clause 20 Rural Fires Regulation 2002

Part 4 Fire prevention

Division 1 General

Part 4 Fire prevention

Division 1 General

20 Burning to demolish buildings

A person must not light a fire on land for or in connection with:

- (a) the demolition of a building, or
- (b) the destruction of old building materials, or
- (c) any like purpose,

except in accordance with the conditions set out in a permit obtained from the appropriate authority for the area.

Maximum penalty: 20 penalty units.

21 Burning to destroy sawmill waste material

- (1) A person must not light a fire to destroy sawmill waste material unless the fire is lit:

- (a) in an incinerator designed to prevent the escape of sparks and burning material, or
- (b) on ground enclosed by a fence of galvanised iron or other fire resistant material not less than 1.8 metres high so that the top of the waste to be burned is not less than 600 millimetres below the level of the top of the fence, or
- (c) in a pit dug for the purpose so that the top of the waste to be burned is not less than 600 millimetres below the top of the edge of the pit, or
- (d) in accordance with the conditions set out in a permit issued by the appropriate authority.

Maximum penalty: 20 penalty units.

- (2) A person who lights a fire in accordance with the conditions set out in subclause (1) (b) or (c) must ensure that the ground within 9 metres of any part of the fence or edge of the pit is cleared of combustible matter

Rural Fires Regulation 2002

Clause 21

Fire prevention

Part 4

General

Division 1

and that at least 2 knapsack spray pumps each of 16 litre minimum capacity and a supply of not less than 450 litres of water are readily available for use on the fire.

Maximum penalty: 20 penalty units.

22 Use of spark arresters

- (1) A person must not (in connection with any agricultural, pastoral, railway or other land use) drive or use any steam-powered machine unless:
 - (a) the smoke box is fitted with a spark arrester constructed of a mesh not exceeding 3.2 millimetres, and
 - (b) the fire box is fitted with a tray constructed in such a manner as to prevent the escape from the fire box of any sparks or burning material, and
 - (c) the spark arrester and tray are maintained in a good and serviceable condition and comply with AS 1019—2000.

Maximum penalty: 20 penalty units.

- (2) In this clause:

AS 1019—2000 means the Australian Standard entitled AS 1019—2000, *Internal combustion engines—Spark emission control devices*, published by Standards Australia on 1 August 2000.

23 Other safety requirements

- (1) A person must not (in connection with any agricultural, pastoral or other land use) drive or use in any grass, crop or stubble land any motorised machine unless:
 - (a) the machine is constructed so that any heated areas will not come into contact with combustible matter, and
 - (b) the machine is maintained in a good and serviceable condition so as to prevent the outbreak of fire.

Maximum penalty: 20 penalty units.

- (2) A person must not (in connection with any agricultural, pastoral or other land use):
 - (a) drive or use in any grass, crop or stubble land a motorised machine on which it is practicable to carry prescribed fire safety equipment, or

Clause 23 Rural Fires Regulation 2002

Part 4 Fire prevention

Division 1 General

- (b) carry out welding operations or use explosives or an angle grinder or any other implement that is likely to generate sparks, unless the person carries on the machine, or has in the vicinity, prescribed fire safety equipment and that equipment is maintained in a serviceable condition.

Maximum penalty: 20 penalty units.

- (3) In this clause:

prescribed fire safety equipment means:

- (a) a knapsack spray pump of 16 litre minimum capacity filled with water, or
- (b) a fire extinguisher (liquid type) of 9 litre minimum capacity, or
- (c) a dry powder type extinguisher of 0.9 kg minimum capacity.

24 Roadside fire protection

- (1) A prescribed authority may, for the purposes of bush fire hazard reduction work:
 - (a) light a fire on a road, or on the verge of a road, and
 - (b) while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along a road.
- (2) Subclause (1) authorises a prescribed authority to light a fire on land comprising a road or the verge of a road only if to do so is consistent with any bush fire management plan applying to the land.
- (3) In this clause:

prescribed authority means a public authority that has the care, control or management of a road, or of roadside vegetation.

Division 2 Bush fire danger periods

25 Application of Division

This Division applies during bush fire danger periods.

Rural Fires Regulation 2002

Clause 26

Fire prevention

Part 4

Bush fire danger periods

Division 2

26 Lighting fires for cooking etc

A person must not light a fire in the open to cook, heat or prepare meals or to boil water or for any like purpose unless the fire is lit at a site surrounded by ground that is clear of all combustible matter for a distance of at least 2 metres.

Maximum penalty: 20 penalty units.

27 Burning garbage and refuse

- (1) A person must not light a fire to destroy garbage or refuse at a garbage depot unless the site of the fire is surrounded by ground that is clear of all combustible matter for a distance of at least 30 metres.

Maximum penalty: 20 penalty units.

- (2) A person must not light a fire to destroy household garbage or refuse otherwise than at a garbage depot unless the fire is lit:

- (a) in an incinerator designed to prevent the escape of sparks and burning material, or
- (b) in accordance with the conditions set out in a permit issued by the appropriate authority,

and, in any case, unless the site of the fire is surrounded by ground that is clear of all combustible matter for a distance of at least 5 metres.

Maximum penalty: 20 penalty units.

- (3) Nothing in subclause (1) or (2) affects the operation of any law that prohibits or regulates the lighting of fires.

28 Lighting fires to produce charcoal etc

- (1) A person must not light a fire for or in connection with:

- (a) charcoal production, or
- (b) the distillation of eucalyptus or other oils,

except at a site that is surrounded by ground that is clear of all combustible matter for a distance of at least 30 metres.

Maximum penalty: 20 penalty units.

- (2) A person must not light a fire to burn waste products resulting from the activities referred to in subclause (1) unless:

- (a) all conditions set out in a permit obtained from the appropriate authority for the area are complied with, and

Clause 28 Rural Fires Regulation 2002

Part 4 Fire prevention

Division 2 Bush fire danger periods

- (b) the fire is lit at least 30 metres from the site of any other fire lit in connection with the distillation of eucalyptus or other oils.

Maximum penalty: 20 penalty units.

- (3) In this clause, a reference to ***combustible matter*** does not include a reference to any timber to be reduced to charcoal, any charcoal so produced, any material used for the distillation of eucalyptus or other oils or any building or fence.

29 Offence to light, use or carry tobacco product

- (1) A person must not, without lawful authority:
 - (a) light any tobacco product, match or other material, or
 - (b) use or carry any lighted tobacco product, match or other material,

within 15 metres of any stack of grain, hay, corn or straw or any standing crop, dry grass or stubble field.

Maximum penalty: 50 penalty units.

- (2) A person must not, without lawful authority, leave or deposit a lighted tobacco product, match or any incandescent material on any land, or on any bridge, wharf, pontoon or similar structure.

Maximum penalty: 50 penalty units.

Rural Fires Regulation 2002

Clause 30

Notices

Part 5

Part 5 Notices

30 Public notice of draft bush fire risk management plans

- (1) The period of public exhibition of a draft bush fire risk management plan must not be less than 42 days, during which submissions may be made to the Bush Fire Management Committee or Commissioner, as the case requires.
- (2) The Bush Fire Management Committee or Commissioner must, in accordance with the public notice of a draft bush fire risk management plan, exhibit the draft plan together with any other matter that the Committee or Commissioner considers appropriate or necessary to better enable the draft plan and its implications to be understood.

31 Destruction of notices

A person who, without lawful authority, destroys, defaces or removes any notice displayed under the Act or this Regulation or under the authority of the Minister, the Commissioner, the Bush Fire Co-ordinating Committee or any public authority in pursuance of the Act is guilty of an offence.

Maximum penalty: 5 penalty units.

32 Bush fire hazard reduction work required by local authorities

For the purposes of section 69 (2) of the Act, a local authority that by a bush fire hazard reduction notice requires the occupier or owner of any land to burn fire breaks or combustible matter or other material on land that is within 8 kilometres (or such other distance as may be specified in a bush fire management plan applying to the land) of NPWS land or forestry land, must, within 24 hours after the notice has been given, send a copy of the bush fire hazard reduction notice to an officer of the National Parks and Wildlife Service or Forestry Commission responsible for the NPWS land or forestry land.

33 Bush fire hazard reduction work in default of compliance with notice

If any employees or agents of a local authority or any officers or members of a fire brigade or rural fire brigade are authorised under section 70 of the Act to enter any land and light any fire on land that is within 8 kilometres (or such other distance as may be specified in a bush fire management plan applying to the land) of NPWS land or

Clause 33 Rural Fires Regulation 2002

Part 5 Notices

forestry land, a notification in writing stating the time at which or the period within which such fire is to be lit must, at least 24 hours before the land is to be entered, be sent by the local authority, officer or member to an officer of the National Parks and Wildlife Service or Forestry Commission responsible for the NPWS land or forestry land.

34 Notice of intention to burn off or burn firebreak

- (1) For the purposes of section 86 of the Act, the prescribed notice is a written or oral notice that includes particulars of the location, purpose, period and time of the fire proposed to be lit.
- (2) The notice must be given to each of the persons referred to in subclause (3) at least 24 hours before the fire is lit.
- (3) For the purposes of section 86 of the Act, the prescribed persons are:
 - (a) the occupiers (or, if there are no occupiers, the owners) of all land contiguous to, or that is separated merely by a lane, road or waterway (whether fenced or unfenced) from, the land on which the fire is to be lit, and
 - (b) if the land on which the fire is to be lit is in a rural fire district, the fire control officer for the district, and
 - (c) if the land on which the fire is to be lit is in a fire district, the officer in charge of the fire station that is nearest to the land.

35 Notice of issue of fire permit

For the purposes of section 94 of the Act, an appropriate authority who issues a fire permit to light a fire on land within 8 kilometres (or such other distance as may be specified in a bush fire management plan applying to the land) of NPWS land or forestry land must, within 24 hours of issuing the fire permit, give notice to an officer of the National Parks and Wildlife Service or Forestry Commission responsible for the NPWS land or forestry land.

36 Notice to public authority not to light fires during a bush fire danger period

- (1) For the purposes of section 95 (2) (a) of the Act, a notice in writing to a public authority that contains or has attached to it a copy of the relevant determination must be given at least 24 hours before the period specified in the notice begins.

Rural Fires Regulation 2002

Clause 36

Notices

Part 5

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- (2) The notice is to be given:
- (a) by serving a copy of the notice on an officer or employee of the public authority whom the public authority has notified to the local authority as being authorised to receive the notice, or
 - (b) by sending a copy of the notice to the head office of the public authority by post, lettergram, telex, email, facsimile transmission or document exchange facility.

37 Notices of fire prohibition in specified zones

- (1) Each weather forecast district referred to in Schedule 1 (comprising the administrative areas and divisions listed in relation to each such district) is a zone for the purposes of any notification or direction under section 99 of the Act.
- (2) For the purposes of any such notification or direction, the boundaries of any such area or division are those current when the notification is published or the direction is given.

38 Persons to whom notice of bush fire hazard reduction work must be given

- (1) For the purposes of section 100F (6) (c) of the Act, the following are prescribed persons to whom notice of bush fire hazard reduction work must be given:

If the bush fire hazard reduction work is to be carried out on land in a fire district, the officer in charge of the fire station that is nearest to the land on which the work is to be carried out.

- (2) For the purposes of section 100G (1) (c) of the Act, the following are prescribed persons to whom notice of bush fire hazard reduction work must be given:

If the bush fire hazard reduction work is to be carried out on land in a fire district, the officer in charge of the fire station that is nearest to the land on which the work is to be carried out.

39 Giving of notices

- (1) For the purposes of section 130 of the Act, a notice or direction required by or under the Act to be served on a person may be served as follows (except as otherwise expressly provided by the Act or this Regulation):
 - (a) by delivering the notice to the person personally,

Clause 39 Rural Fires Regulation 2002

Part 5 Notices

- (b) by delivering the notice at or on the premises at which the person to be served lives or carries on business, and leaving it with any person apparently above the age of 14 years resident or employed at the premises,
 - (c) by posting the notice by prepaid letter addressed to the last known place of residence or business or post office box of the person to be served,
 - (d) by facsimile transmission to a number specified by the person (on correspondence or otherwise) as a number to which facsimile transmissions to that person may be sent,
 - (e) by email to an email address specified by the person (on correspondence or otherwise) as an address to which emails to that person may be sent,
 - (f) by fixing the notice on any conspicuous part of the land, building or premises owned or occupied by the person,
 - (g) in the case of an offence involving a vehicle, by attaching the notice to the vehicle,
 - (h) if the person to be served maintains a box at a document exchange established in New South Wales, by depositing the notice in that box or leaving it at another such exchange for transmission to the first mentioned exchange for deposit in that box.
- (2) If a notice is deposited in a box, or left at a document exchange, service of the notice is, until the contrary is proved, taken to be effected 2 days after the day on which the notice is so deposited or left.
- (3) In addition to the means of service prescribed by subclause (1):
- (a) in any case where the person to be served is, or after inquiry appears to be, absent from New South Wales, the service may be on the agent of the person by any of the means prescribed by subclause (1) (a), (b), (d) or (e), and
 - (b) in any case where the land, building or premises are unoccupied and the owner or the owner's address or place of residence is not known to the person seeking to serve the notice, the service may be by advertisement in the approved form published in a newspaper circulating in the district in which the land, building or premises are situated.

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Clause 39

Notices

Part 5

- (4) The notice may be addressed by the description of “occupier” or “owner” of the land, building or premises (naming or otherwise sufficiently indicating the same) in respect of which the notice is served, and without further name or description.
- (5) The notice may be wholly printed, wholly written or partly printed and partly written.
- (6) If a notice has been served by any of the means prescribed by this clause, all inquiries required under this clause are taken to have been made, and the service is conclusive evidence of them.
- (7) For the purposes of this clause, a justice of the peace is authorised to take and receive an affidavit, whether any matter to which the affidavit relates is or is not pending in any court.

Clause 40 Rural Fires Regulation 2002

Part 6 Miscellaneous

Part 6 Miscellaneous

40 Use of apparel, emblems and insignia

- (1) A person who is not a member of the Service must not, without the approval of the Commissioner (which approval may be given unconditionally or subject to conditions determined by the Commissioner), wear a uniform or other apparel in circumstances where to do so could lead to reasonable belief that he or she is a member of the Service.

Maximum penalty: 20 penalty units.

- (2) A person must not, without the approval of the Commissioner (which approval may be given unconditionally or subject to conditions determined by the Commissioner):

- (a) use or display an official emblem of the Service, or
- (b) sell, hire, lend or otherwise surrender possession of an insignia of the Service to a person who is not a member of the Service.

Maximum penalty: 20 penalty units.

41 Bravery and other awards

The Commissioner is to keep a register of the names of each member of the Service who is given a commendation or award for long service, bravery or other forms of meritorious service and details of the commendation or award.

42 Voluntary work by rural fire brigades

- (1) For the purposes of section 33 of the Act, a function of a public authority is a prescribed function if:
- (a) it is a function described in subclause (2), and
 - (b) in the case of a function described in subclause (2) (c)—it is exercised in accordance with an agreement between the fire control officer for the rural fire district in which the rural fire brigade concerned operates and the Commissioner of NSW Fire Brigades or between the Commissioner of the NSW Rural Fire Service and the Commissioner of NSW Fire Brigades.

Rural Fires Regulation 2002

Clause 42

Miscellaneous

Part 6

(2) The functions referred to in subclause (1) (a) are:

- (a) in the case of any public authority—a function that may be exercised by the public authority under the *State Emergency and Rescue Management Act 1989*, and
- (b) in the case of a public authority—a function that may be exercised by the public authority in relation to the prevention and suppression of bush fires and other fires, and
- (c) in the case of the Commissioner of NSW Fire Brigades—a function of the Commissioner in relation to hazardous materials and like matters, and
- (d) in the case of NSW Police—traffic control by a police officer.

43 Reduction of fire hazards on managed land

The following is prescribed as managed land for the purposes of paragraph (e) of the definition of ***managed land*** in the Dictionary at the end of the Act in the application of the definition to section 65 of the Act:

- (a) land dedicated for a public purpose and owned by a local authority or vested in, or under the control of, a local authority as trustee,
- (b) community land under the *Local Government Act 1993*,
- (c) a road vested in a local authority,
- (d) a freeway or motorway.

44 Conditions of fire permit

For the purposes of section 92 of the Act, the following conditions are prescribed as conditions of a fire permit:

- (a) unless the fire permit provides otherwise—at least one person must be present at the site of the fire from the time it is lit until such time as it is extinguished,
- (b) a fire may be lit on land only if to do so is consistent with any bush fire risk management plan applying to the land,
- (c) a fire may be lit on land only in accordance with any direction given to the holder of the permit by the appropriate authority.

Clause 45 Rural Fires Regulation 2002

Part 6 Miscellaneous

45 Section 100A definition of “excluded land”

The following is prescribed as excluded land for the purposes of paragraph (c) of the definition of ***excluded land*** in section 100A (1) of the Act:

Land declared by the Minister for the Environment under section 47 of the *Threatened Species Conservation Act 1995* to be the critical habitat of an endangered species, population or ecological community.

Land within Lord Howe Island.

46 Application for bush fire safety authority

- (1) For the purposes of section 100B (4) of the Act, an application for a bush fire safety authority must be in writing and include the following:
- (a) a description (including the address) of the property on which the development the subject of the application is to be carried out,
 - (b) a classification of the vegetation on and surrounding the property (out to a distance of 140 metres from the boundaries of the property) in accordance with the system for classification of vegetation contained in *Planning for Bushfire Protection*,
 - (c) an assessment of the slope of the land on and surrounding the property (out to a distance of 100 metres from the boundaries of the property),
 - (d) identification of any significant environmental features on the property,
 - (e) the details of any threatened species, population or ecological community identified under the *Threatened Species Conservation Act 1995* that is known to the applicant to exist on the property,
 - (f) the details and location of any Aboriginal relic (being a relic within the meaning of the *National Parks and Wildlife Act 1974*) or Aboriginal place (within the meaning of that Act) that is known to the applicant to be situated on the property,
 - (g) a bush fire assessment for the proposed development (including the methodology used in the assessment) that addresses the following matters:
 - (i) the extent to which the development is to provide for setbacks, including asset protection zones,

Rural Fires Regulation 2002

Clause 46

Miscellaneous

Part 6

-
- (ii) the siting and adequacy of water supplies for fire fighting,
 - (iii) the capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency,
 - (iv) whether or not public roads in the vicinity that link with the fire trail network have two-way access,
 - (v) the adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response,
 - (vi) the adequacy of bush fire maintenance plans and fire emergency procedures for the development site,
 - (vii) the construction standards to be used for building elements in the development,
 - (viii) the adequacy of sprinkler systems and other fire protection measures to be incorporated into the development,
- (h) an assessment of the extent to which the proposed development conforms with or deviates from the specifications set out in Chapter 4 (Bushfire provisions—development stage) of *Planning for Bushfire Protection*.
- (2) In this clause, a reference to *Planning for Bushfire Protection* is a reference to the document so entitled, ISBN 0 9585987 8 9, prepared by Planning & Environment Services, NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2001.

47 Application for bush fire hazard reduction certificate

For the purposes of section 100F (1) of the Act, an application for a bush fire hazard reduction certificate must be in writing and include the following:

- (a) a description (including the address) of the property on which the development the subject of the application is to be carried out,
- (b) the purpose or purposes for which the certificate is required,
- (c) details of the means by which, the time within which, and the places where, the proposed bush fire hazard reduction work the subject of the application is to be carried out,
- (d) details of any provision of the following that applies to the property and that relates to bush fire hazard reduction work:

Clause 47 Rural Fires Regulation 2002

Part 6 Miscellaneous

- (i) any conservation agreement entered into under Division 12 of Part 4 of the *National Parks and Wildlife Act 1974*,
- (ii) any property agreement entered into under Part 5 of the *Native Vegetation Conservation Act 1997*,
- (iii) any Trust agreement entered into under Part 3 of the *Nature Conservation Trust Act 2001*,
- (iv) any property management plan approved by the Director-General of National Parks and Wildlife under section 91 of the *Threatened Species Conservation Act 1995*,
- (e) the details of any threatened species, population or ecological community identified under the *Threatened Species Conservation Act 1995* that is known to the applicant to exist on the property,
- (f) the details and location of any Aboriginal relic (being a relic within the meaning of the *National Parks and Wildlife Act 1974*) or Aboriginal place (within the meaning of that Act) that is known to the applicant to be situated on the property,
- (g) the written consent to the proposed bush fire hazard reduction work of the owner or occupier of the land concerned.

48 Penalty notices

- (1) For the purposes of section 131 (6) 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 2 of Schedule 2.
- (2) For the purposes of section 131 (9) of the Act, the following are authorised officers in relation to all penalty notice offences:
 - (a) a police officer,
 - (b) a person authorised by a local authority for the purposes of this paragraph.

Rural Fires Regulation 2002

Clause 49

Miscellaneous

Part 6

49 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Rural Fires Regulation 1997* had effect under that Regulation, is taken to have effect under this Regulation (but only to the extent that it is not inconsistent with this Regulation and the acts, matters or things done under this Regulation).

Rural Fires Regulation 2002

Schedule 1 Fire prohibition zones

Schedule 1 Fire prohibition zones

(Clause 37)

Upper Western Weather Forecast District

City of Broken Hill,

Local government areas of Bourke, Brewarrina, Central Darling, Cobar, Walgett,

That part of the Western Division north of the Barrier Highway.

Lower Western Weather Forecast District

City of Broken Hill,

Local government areas of Balranald, Carrathool, Central Darling, Cobar, Wentworth,

That part of the Western Division south of the Barrier Highway.

Riverina Weather Forecast District

Cities of Albury, Wagga Wagga,

Local government areas of Berrigan, Bland, Carrathool, Conargo, Coolamon, Corowa, Culcairn, Deniliquin, Griffith, Hay, Hume, Jerilderie, Lachlan, Leeton, Lockhart, Murray, Murrumbidgee, Narrandera, Temora, Urana, Wakool, Windouran.

South West Slopes Weather Forecast District

Cities of Albury, Wagga Wagga,

Local government areas of Bland, Boorowa, Cootamundra, Gundagai, Harden, Holbrook, Hume, Junee, Temora, Tumbarumba, Tumut, Weddin, Yass, Young.

Southern Tablelands Weather Forecast District

Cities of Goulburn, Queanbeyan,

Local government areas of Bombala, Boorowa, Cooma-Monaro, Crookwell, Gunning, Mulwaree, Snowy River, Tallaganda, Yarrowlumla, Yass.

South Coast Weather Forecast District

City of Shoalhaven,

Local government areas of Bega Valley, Eurobodalla, Tallaganda.

Rural Fires Regulation 2002

Fire prohibition zones

Schedule 1

Illawarra Weather Forecast District

Cities of Shoalhaven, Wollongong,

Local government areas of Kiama, Shellharbour, Wingecarribee, Wollondilly.

Central West Plains Weather Forecast District

Local government areas of Bland, Bogan, Coonamble, Forbes, Gilgandra, Lachlan, Narromine, Parkes, Walgett, Warren, Weddin.

Central West Slopes Weather Forecast District

City of Dubbo,

Local government areas of Cabonne, Coolah, Coonabarabran, Cowra, Forbes, Gilgandra, Parkes, Weddin, Wellington.

Central Tablelands Weather Forecast District

Cities of Bathurst, Blue Mountains, Goulburn, Greater Lithgow, Hawkesbury, Orange,

Local government areas of Blayney, Cowra, Crookwell, Evans, Merriwa, Mudgee, Mulwaree, Oberon, Rylstone, Wellington, Wollondilly.

North West Plains Weather Forecast District

Local government areas of Coonabarabran, Moree Plains, Narrabri, Walgett, Yallaro.

North West Slopes Weather Forecast District

City of Tamworth,

Local government areas of Barraba, Bingara, Coonabarabran, Gunnedah, Inverell, Manilla, Murrumbidgee, Narrabri, Nundle, Parry, Quirindi, Yallaro.

Northern Tablelands Weather Forecast District

Local government areas of Copmanhurst, Armidale Dumaresq, Glen Innes, Guyra, Inverell, Kyogle, Pristine Waters, Severn, Tenterfield, Uralla, Walcha.

Northern Rivers Weather Forecast District

Cities of Grafton, Lismore,

Local government areas of Ballina, Byron, Copmanhurst, Kyogle, Maclean, Pristine Waters, Richmond Valley, Tweed.

Rural Fires Regulation 2002

Schedule 1

Fire prohibition zones

Mid North Coast Weather Forecast District

City of Greater Taree,

Local government areas of Bellingen, Coffs Harbour, Gloucester, Great Lakes, Hastings, Kempsey, Nambucca, Pristine Waters.

Hunter Weather Forecast District

Cities of Gosford, Cessnock, Hawkesbury, Lake Macquarie, Maitland, Newcastle,

Local government areas of Dungog, Great Lakes, Merriwa, Murrurundi, Muswellbrook, Port Stephens, Scone, Singleton, Wyong.

Metropolitan Weather Forecast District

Cities of Bankstown, Blacktown, Botany Bay, Campbelltown, Canada Bay, Canterbury, Fairfield, Hawkesbury, Holroyd, Hurstville, Liverpool, Parramatta, Penrith, Randwick, Rockdale, Ryde, South Sydney, Sydney, Willoughby,

Local government areas of Ashfield, Auburn, Baulkham Hills, Burwood, Camden, Hornsby, Hunters Hill, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Manly, Marrickville, Mosman, North Sydney, Pittwater, Strathfield, Sutherland, Warringah, Waverley, Woollahra.

Rural Fires Regulation 2002

Penalty notice offences

Schedule 2

Schedule 2 Penalty notice offences

(Clause 48)

Part 1 Offences under Rural Fires Act 1997

Column 1	Column 2
Provision	Penalty \$
Section 64	220
Section 66 (7)	220
Section 86 (1) (a)	550
Section 86 (1) (b)	550
Section 86 (1A)	550
Section 87	550
Section 88	550
Section 92 (2)	550
Section 99 (6)	550
Section 100 (2)	550
Section 132 (3)	220

Rural Fires Regulation 2002

Schedule 2

Penalty notice offences

Part 2 Offences under Rural Fires Regulation 2002

Column 1	Column 2
Provision	Penalty \$
Clause 20	330
Clause 21 (1)	330
Clause 21 (2)	330
Clause 22	330
Clause 23 (1)	330
Clause 23 (2) (a)	330
Clause 23 (2) (b)	330
Clause 26	330
Clause 27 (1)	330
Clause 27 (2)	330
Clause 28 (1) (a)	330
Clause 28 (1) (b)	330
Clause 28 (2)	330
Clause 29 (1) (a)	330
Clause 29 (1) (b)	330
Clause 29 (2)	330

Shops (Trading) Regulation 2002

under the

Shops and Industries Act 1962

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Shops and Industries Act 1962*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to remake, without substantial alteration, the *Shops (Trading Hours) Regulation 1997*. That Regulation will be repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) prescribes the trades that are, for the purposes of Part 4 (Restriction of hours of trade or work in certain industries) of the *Shops and Industries Act 1962*, taken to be those usually carried on in specified classes of shops (clause 5 and Schedule 1), and
- (b) classifies all shops other than scheduled shops as **general shops** for the purposes of the definition of that term in section 78 of the Act (clause 6), and
- (c) prescribes the manner in which an application for exemption from any or all of the provisions of Division 3 (Opening and closing hours of shops and warehouses) of Part 4 of the Act, and of the regulations made for the purposes of that Division, may be made and the fee that must accompany the application (clause 7), and
- (d) prescribes the way in which certain goods may be partitioned off from each other in mixed shops (clause 8), and

Shops (Trading) Regulation 2002

Explanatory note

(e) provides for technical matters (clauses 1–4 and 9).

This Regulation is made under the *Shops and Industries Act 1962* and, in particular, under sections 78 (1), 78A (2), 82 (1) (a) and 102 (the general regulation-making power relating to Part 4 of the Act).

Shops (Trading) Regulation 2002

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Clause 1 Shops (Trading) Regulation 2002

Shops (Trading) Regulation 2002

1 Name of Regulation

This Regulation is the *Shops (Trading) Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces the *Shops (Trading Hours) Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

In this Regulation:

the Act means the *Shops and Industries Act 1962*.

4 Notes

Notes included in this Regulation do not form part of this Regulation.

5 Trades taken to be usually carried on in certain shops

For the purposes of Part 4 of the Act:

- (a) the trade that consists primarily of the hiring out of pre-recorded video cassettes, video tapes and DVDs is taken to be the trade usually carried on in the class of shops known as video shops, and
- (b) in respect of each class of shops specified in Schedule 1, the trade that consists primarily of the sale of goods of a kind specified in that Schedule in respect of that class of shops is taken to be the trade usually carried on in that class of shops, and
- (c) no trade other than a trade specified in this clause or in Schedule 1 in respect of a particular class of shops is to be taken to be a trade usually carried on in the class of shops concerned.

6 General shops

For the purposes of the definition of *general shop* in section 78 (1) of the Act, all shops (other than scheduled shops) are classified as general shops.

7 Exemption from Division 3 of Part 4 of the Act

- (1) An application under section 78A (1) of the Act:
 - (a) must be in writing, and
 - (b) must specify whether the exemption is sought:
 - (i) from all of the provisions of Division 3 of Part 4 of the Act and of the provisions of the regulations made for the purposes of that Division, or
 - (ii) from such provisions only of that Division or of those regulations as are specified in the application, and
 - (c) must specify the grounds on which the exemption is sought.
- (2) The fee to accompany an application under section 78A (1) of the Act is \$100.

8 Partitioning off of goods in mixed shops

- (1) For the purposes of section 82 of the Act, the prescribed manner of partitioning off goods is by enclosing the goods behind a partition that is constructed from strong and durable materials and is of sufficient height to prevent access from the part of the shop that is kept open.
- (2) The Director-General may from time to time approve materials for use in the construction of partitioning, and the dimensions of partitions to be used, for the purposes of this clause.
- (3) A partition that is constructed from approved materials and is of approved dimensions is taken to comply with the requirements of subclause (1).

9 Savings

- (1) Any act, matter or thing that, immediately before the repeal of the *Shops (Trading Hours) Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.

Clause 9 Shops (Trading) Regulation 2002

- (2) In any award, agreement, order or determination in force under the *Industrial Relations Act 1996* immediately before the commencement of this Regulation, a reference to a class of shops referred to in:
- (a) Schedule 2 to the *Shops (Registration and Opening and Closing Hours) Regulations*, or
 - (b) Schedule 1 to the *Shops (Trading Hours) Regulation 1992*, or
 - (c) Schedule 1 to the *Shops (Trading Hours) Regulation 1997*,
- continues to be a reference to the class of shops so referred to as if those Regulations had not been repealed.

Shops (Trading) Regulation 2002

Trades taken to be usually carried on in certain shops

Schedule 1

Schedule 1 Trades taken to be usually carried on in certain shops

(Clause 5)

Classes of shops	Kinds of goods
Audio shops	Records, compact discs or blank or pre-recorded audio cassettes or audio tapes
Book shops	Books, periodicals or magazines, whether or not sold in conjunction with the sale of stationery requisites
Chemists' shops	Drugs, chemicals, medicines or other pharmaceutical goods, where sold by a registered pharmacist under the <i>Pharmacy Act 1964</i>
Confectioners' shops	Confectionery
Cooked food shops, being:	
(a) cake and pastry shops	Cakes, pastries or pies
(b) cooked provision shops	Cooked or other processed meats, poultry or preserves
(c) refreshment shops	Light refreshments, milk, soft drinks, hot beverages or confectionery
(d) restaurants	Meals, snacks or hot or cold beverages, where sold for consumption on the premises
(e) take-away food shops	Meals, snacks or hot or cold beverages, where sold for consumption elsewhere than on the premises
Fish shops	Cooked or uncooked fish or shellfish
Flower shops	Cut flowers, plants, seeds, seedlings, wreaths, bouquets or other floral emblems
Fruit and vegetable shops	Fresh fruit or vegetables
Garden plant shops	Garden plants or shrubs, seeds, garden equipment or associated products

Shops (Trading) Regulation 2002

Schedule 1 Trades taken to be usually carried on in certain shops

Classes of shops	Kinds of goods
General shops	Any goods other than those prescribed in respect of: (a) video shops (as referred to in clause 5 (a)), or (b) any other class of shops specified in this Schedule
Newsagencies	Newspapers, periodicals and magazines, whether or not sold in conjunction with the sale of books, stationery, cards, educational requisites or souvenirs
Pet shops	Live animals, birds, reptiles, fish, pet food or pet accessories
Souvenir shops	Souvenirs and gift items
Tobacconists' shops	Tobacco, cigarettes or cigars, whether or not sold in conjunction with the sale of pipes or other smoking requisites or accessories
Vehicle service shops	Motor spirit, motor oil or vehicle accessories
Vehicle shops	Cars, trucks, motorcycles, boats, caravans or trailers, whether or not sold in conjunction with the sale of accessories or parts



New South Wales

Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Blood Service) Regulation 2002

under the

Superannuation Administration Act 1996

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

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

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

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

Clause 1 Superannuation Administration (Local Government Superannuation
Scheme Transitional Provisions) Amendment (Blood Service) Regulation
2002

Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Blood Service) Regulation 2002

under the

Superannuation Administration Act 1996

1 Name of Regulation

This Regulation is the *Superannuation Administration (Local Government Superannuation Scheme Transitional Provisions) Amendment (Blood Service) Regulation 2002*.

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

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

Superannuation Administration (Local Government Superannuation
Scheme Transitional Provisions) Amendment (Blood Service) Regulation
2002

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 3 Definitions

Insert “or Australian Red Cross Blood Service” after “Murrumbidgee Irrigation Limited” in paragraph (c) (iii) of the definition of *transfer day*.

[2] Clause 12A Definition

Insert after paragraph (c) in the definition of *employee*:

- (d) a person who was an employee of Australian Red Cross Blood Service immediately before 1 September 2002.

[3] Schedule 1 Transferred employers

Insert at the end of the Schedule:

Australian Red Cross Blood Service

Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002

under the

Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.

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

Explanatory note

The object of this Regulation is to provide for the following matters:

- (a) persons who are emergency service workers and rescue association workers,
- (b) activities that are authorised activities in relation to emergency service workers and rescue association workers,
- (c) the circumstances in which emergency service workers injured outside New South Wales (but within the Commonwealth of Australia) are covered by workers compensation provisions under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*,
- (d) activities that are associated operations or works in relation to fighting bushfires.

This Regulation replaces the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1995*, which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002

Explanatory Note

This Regulation is substantially the same as the repealed Regulation. This Regulation differs from the repealed Regulation in that:

- (a) the definition of ***authorised activities*** for certain rescue association workers has been expanded to include activities relating to assistance at accidents, ski patrols and other safety patrols and recovery of bodies, and
- (b) the application of certain provisions of the *Workplace Injury Management and Workers Compensation Act 1998* recently inserted in that Act is modified.

The Regulation is made under the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, including sections 8, 15, 23, 25, 29 and 32 (1A), and section 34 (the general regulation making power).

Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002

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Clause 1 Workers Compensation (Bush Fire, Emergency and Rescue Services)
 Regulation 2002

Part 1 Preliminary

Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. The *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1995* is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions and notes

(1) In this Regulation:

fire control officer has the same meaning as in the *Rural Fires Act 1997*.

the Act means the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*.

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

Workers Compensation (Bush Fire, Emergency and Rescue Services)
Regulation 2002

Clause 4

Emergency service and rescue association workers

Part 2

Part 2 Emergency service and rescue association workers

4 Additional persons prescribed as emergency service workers

The following persons are prescribed for the purposes of Part 3 of the Act as being emergency service workers:

- (a) a member of an S.E.S unit under the *State Emergency Service Act 1989*,
- (b) persons who are genuine members of organisations affiliated with the State Emergency Service under the approval of the Director-General of the State Emergency Service.

5 Emergency service workers—authorised activities

For the purposes of paragraph (a) of the definition of **authorised activity** in section 23 of the Act, the following are authorised activities in relation to emergency service workers if they are duly authorised under the *State Emergency Service Act 1989* or the *State Emergency and Rescue Management Act 1989*, or the regulations under those Acts, and are carried out without remuneration or reward, voluntarily and without obligation:

- (a) relief assistance and other operations in relation to any emergency as defined in section 4 of the *State Emergency and Rescue Management Act 1989*,
- (b) activities carried out under section 8 of the *State Emergency Service Act 1989*,
- (c) training and preparatory activities genuinely related to those operations or activities,
- (d) fund-raising.

6 Additional persons prescribed as rescue association workers

Duly registered or accepted members of a rescue squad or other organisation affiliated with the New South Wales Volunteer Rescue Association are prescribed for the purposes of Part 3 of the Act as being rescue association workers.

Clause 7 Workers Compensation (Bush Fire, Emergency and Rescue Services)
Regulation 2002

Part 2 Emergency service and rescue association workers

7 Rescue association workers—authorised activities

For the purposes of paragraph (b) of the definition of **authorised activity** in section 23 of the Act, the following are authorised activities in relation to rescue association workers if they are carried out without remuneration or reward, voluntarily and without obligation:

- (a) in relation to executive members of the New South Wales Volunteer Rescue Association—meetings and other activities genuinely related to the business of that Association,
- (b) in relation to surf life savers—surf life-saving operations, training and preparatory activities genuinely related to those operations and fund-raising, being activities duly authorised under arrangements approved by Surf Life Saving New South Wales Incorporated,
- (c) in relation to the persons referred to in clause 6—assistance at accidents, ski patrol operations and other safety patrol operations, search and rescue operations, recovery of bodies, training and preparatory activities genuinely related to those operations and fund-raising, being activities duly authorised under arrangements approved by the New South Wales Volunteer Rescue Association,
- (d) in relation to persons deemed to be rescue association workers as referred to in paragraph (c) of the definition of **rescue association worker** in section 23 of the Act—any activity which, in the opinion of the Authority, is or is similar to an activity referred to in paragraph (a) or (b).

8 Emergency service workers covered outside the State

Pursuant to section 25 of the Act, Part 3 of the Act applies to and in respect of injury sustained within the Commonwealth and its Territories but outside New South Wales by emergency service workers:

- (a) while carrying out operations as members of S.E.S. units pursuant to arrangements under section 23 (Arrangements for inter-state co-operation in emergencies) of the *State Emergency Service Act 1989*, or

Workers Compensation (Bush Fire, Emergency and Rescue Services)
Regulation 2002

Clause 8

Emergency service and rescue association workers

Part 2

-
- (b) while carrying out operations as members of accredited rescue units under arrangements made under section 58 (Arrangements for inter-State co-operation in rescue) of the *State Emergency and Rescue Management Act 1989*.

9 Notice of injury and making of claims

For the purposes of section 29 (2) of the Act, the requirements of Division 1 of Part 3 of Chapter 7 of the 1998 Act do not apply to the giving of notice of injury or damage to property or the making of claims for compensation under Part 3 of the Act.

Clause 10 Workers Compensation (Bush Fire, Emergency and Rescue Services)
 Regulation 2002

Part 3 Bush fire fighters

Part 3 Bush fire fighters

10 Associated operation or work—fund-raising activities

For the purposes of section 8 (1) (c) of the Act, fund-raising for a rural fire brigade by an official fire fighter that is authorised by a fire control officer is an associated operation or work if that fund-raising is carried out voluntarily and without remuneration or reward.

11 Notice of injury and making of claims

For the purposes of section 15 (2) of the Act, the requirements of Division 1 of Part 3 of Chapter 7 of the 1998 Act do not apply to the giving of notice of injury or damage to property or the making of claims for compensation under Part 2 of the Act.

Workers Compensation (Bush Fire, Emergency and Rescue Services)
Regulation 2002

Clause 12

Miscellaneous

Part 4

Part 4 Miscellaneous

12 Application of provisions relating to medical examinations and disputes

For the purposes of section 32 (1A) of the Act, Division 7 of Part 2 of Chapter 4 of the 1998 Act is modified by omitting section 118A.

13 Saving

Any act, matter or thing that, immediately before the repeal of the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.

Workplace Injury Management and Workers Compensation Regulation 2002

under the

Workplace Injury Management and Workers Compensation Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Workplace Injury Management and Workers Compensation Act 1998*.

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

Explanatory note

The object of this Regulation is to provide for the following matters:

- (a) modification of certain provisions of the *Workplace Injury Management and Workers Compensation Act 1998* as they apply to self-insurers,
- (b) requirements with respect to the establishment and notification of return-to-work programs,
- (c) requirements with respect to the engagement of return-to-work co-ordinators and the functions of those co-ordinators,
- (d) offences for failure to comply with certain provisions of this Regulation and Chapter 3 (Workplace injury management) of the *Workplace Injury Management and Workers Compensation Act 1998*,
- (e) the accreditation of rehabilitation providers,
- (f) penalty notices and penalty amounts for offences under this Regulation.

Workplace Injury Management and Workers Compensation Regulation 2002

Explanatory note

The Regulation replaces the *Workers Compensation (Workplace Injury Management) Regulation 1995*, which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*. This Regulation is substantially the same as the repealed Regulation.

The Regulation also repeals the *Workplace Injury Management and Workers Compensation Regulation 1999*. That Regulation, which exempts certain insurers from a requirement as to calculation of risk premiums, became obsolete when the uncommenced provisions of the *Workplace Injury Management and Workers Compensation Act 1998* for underwriting of the workers compensation scheme by private insurance arrangements were repealed in 2001.

The Regulation is made under the *Workplace Injury Management and Workers Compensation Act 1998*, including section 248 (the general regulation-making power) and Chapter 3.

Workplace Injury Management and Workers Compensation Regulation 2002

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Workplace Injury Management and Workers Compensation Regulation 2002

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Workplace Injury Management and Workers Compensation Regulation
2002

Clause 1

Preliminary

Part 1

Workplace Injury Management and Workers Compensation Regulation 2002

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Workplace Injury Management and Workers Compensation Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces the *Workers Compensation (Workplace Injury Management) Regulation 1995*, which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

accreditation means accreditation as a provider of rehabilitation services.

category 1 employer means:

- (a) an employer insured under a policy of insurance to which the insurance premiums order for the time being in force applies and whose basic tariff premium (within the meaning of that order) for that policy would exceed \$50,000, if the period of insurance to which the premium relates were 12 months, or
- (b) an employer insured under more than one policy of insurance to which the insurance premiums order for the time being in force applies and whose combined basic tariff premiums (within the meaning of that order) for those policies would exceed \$50,000, if the period of insurance to which each premium relates were 12 months, or
- (c) an employer who is self-insured, or
- (d) an employer who is insured with a specialised insurer and who employs more than 20 workers.

Clause 3	Workplace Injury Management and Workers Compensation Regulation 2002
Part 1	Preliminary

category 2 employer means an employer who is not a category 1 employer.

guidelines means the guidelines under section 52 (2) (a) of the 1998 Act.

return-to-work program means a return-to-work program established under section 52 of the 1998 Act with respect to policies and procedures (consistent with the injury management plan of the employer's insurer) for the rehabilitation (and, if necessary, vocational re-education) of any injured workers of the employer.

standards for rehabilitation providers means standards relating to the provision of rehabilitation services approved by the Authority.

the 1987 Act means the *Workers Compensation Act 1987*.

the 1998 Act means the *Workplace Injury Management and Workers Compensation Act 1998*.

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

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 4

Modification of provisions applying to self-insurers

Part 2

Part 2 Modification of provisions applying to self-insurers

4 Interpretation

- (1) When one or more subsidiaries of the holder of a licence as a self-insurer under the 1987 Act is endorsed on the licence, each of those endorsed subsidiaries and the licence holder are **group self-insurers** for the purposes of this Part.
- (2) The holder of a licence as a group self-insurer may for the purposes of this Part, by notice in writing to the Authority from time to time, designate any one or more of the group self-insurers covered by the licence as **designated insurer** for some or all of the group self-insurers. The licence holder can designate itself as a designated insurer.
- (3) Except where otherwise expressly provided, this Part provides for the modification of provisions of Chapter 3 of the 1998 Act in their application to the following self-insurers:
 - (a) a self-insurer who is a Government employer covered for the time being by the Government's managed fund scheme,
 - (b) a group self-insurer for whom there is a designated insurer.

5 References to "insurer"

- (1) Sections 43, 44, 45, 47, 52 and 57 of the 1998 Act are to be read as if:
 - (a) a reference to **insurer** were, in the case of a self-insurer who is a Government employer covered for the time being by the Government's managed fund scheme, a reference to the Insurance Ministerial Corporation, and
 - (b) a reference to **insurer** were, in the case of a self-insurer for whom there is a designated insurer, a reference to that designated insurer, and
 - (c) the Insurance Ministerial Corporation were the insurer of each employer who is a Government employer covered for the time being by the Government's managed fund scheme, and
 - (d) the designated insurer for a group self-insurer were the insurer of the group self-insurer.

Clause 5 Workplace Injury Management and Workers Compensation Regulation 2002

Part 2 Modification of provisions applying to self-insurers

- (2) A reference in sections 50 and 58 of the 1998 Act to **insurer** is to be read as including a reference:
- (a) to the Insurance Ministerial Corporation, when the insurer is a Government employer covered for the time being by the Government's managed fund scheme, and
 - (b) when the insurer is a group self-insurer for whom there is a designated insurer, to that designated insurer.

6 Modification of exceptions for self-insurers

The following modifications are to be made to the 1998 Act:

- (a) section 43 (3)—omit “This subsection does not apply to a self-insurer.”,
- (b) section 43 (4)—omit “(except when the insurer is a self-insurer)”,
- (c) section 43 (5)—omit “This subsection does not apply when the employer is a self-insurer.”,
- (d) omit section 44 (4),
- (e) section 45 (2)—omit “(except when the insurer is a self-insurer)”,
- (f) section 45 (5)—omit “This subsection does not apply when the insurer is a self-insurer.”,
- (g) omit section 46 (3).

7 Preparation of injury management plan

Section 45 (1) of the 1998 Act is replaced with the following subsection:

- (a) When it appears that a workplace injury is a significant injury, an injury management plan must be established for the injured worker by:
 - (i) the Insurance Ministerial Corporation, when the self-insurer who is or may be liable to pay compensation to the injured worker is a Government employer covered for the time being by the Government's managed fund scheme, or

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 7

Modification of provisions applying to self-insurers

Part 2

- (ii) when the insurer who is or may be liable to pay compensation to the injured worker is a group self-insurer for whom there is a designated insurer, that designated insurer.

8 Self-insurer's licence

- (1) A reference in section 55 of the 1998 Act to *insurer's licence* is, in the application of that section to a group self-insurer (whether or not a group self-insurer for whom there is a designated insurer), to be read as a reference to the licence as a self-insurer on which the group self-insurer is endorsed.
- (2) It is a condition of a licence as a self-insurer that the holder of the licence must ensure that any subsidiary of the holder endorsed on the licence complies with the subsidiary's obligations under Chapter 3 of the 1998 Act.

Clause 9 Workplace Injury Management and Workers Compensation Regulation
 2002

Part 3 Offences against Chapter 3 of the 1998 Act

Part 3 Offences against Chapter 3 of the 1998 Act

9 Employer must give early notification of significant workplace injury

A person who fails to comply with section 44 (2) of the 1998 Act is guilty of an offence.

Maximum penalty: 20 penalty units.

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 10

Return-to-work programs

Part 4

Part 4 Return-to-work programs

10 Time within which program to be established

- (1) A return-to-work program required to be established by a category 1 employer must be established before the expiration of the period of 12 months after the employer becomes a category 1 employer.
- (2) A return-to-work program required to be established by a category 2 employer must be established before the expiration of the period of 12 months after the employer becomes a category 2 employer.
- (3) The Authority may, in a particular case, extend the period during which a return-to-work program is required to be established.

Note. Section 52 (2) (b) of the 1998 Act requires a return-to-work program to be developed by an employer in consultation with workers of the employer and any industrial union of employees representing those workers.

11 Offence—failure to establish program

An employer who fails to establish a return-to-work program under section 52 of the 1998 Act within the period required by this Regulation is guilty of an offence.

Maximum penalty:

- (a) in the case of a category 2 employer, 5 penalty units,
- (b) in the case of a category 1 employer, 20 penalty units.

12 Standard return-to-work programs for category 2 employers

- (1) The Authority may prepare (in accordance with the guidelines) standard return-to-work programs for category 2 employers generally or for different kinds of category 2 employers.
- (2) A category 2 employer who does not establish a separate return-to-work program in accordance with the 1998 Act may establish a return-to-work program by adopting a relevant standard return-to-work program prepared under this clause.
- (3) The Authority may include in a compensation claim form approved by the Authority under section 65 (1) (b) of the 1998 Act a copy of any standard return-to-work program prepared under this clause.

Clause 13 Workplace Injury Management and Workers Compensation Regulation 2002

Part 4 Return-to-work programs

13 Program to comply with guidelines etc

- (1) An employer is not to be regarded as having established a return-to-work program unless the program complies with the guidelines and any directions under or requirements of this Regulation.
- (2) A category 2 employer who adopts a relevant standard return-to-work program under clause 12 is to be regarded as having duly established a return-to-work program.

14 Guidelines for programs—directions

- (1) The Authority may give an employer directions in writing in connection with any return-to-work program established, or to be established, by the employer to ensure that the program complies with the guidelines.
- (2) The Authority is to review a direction given by it under this clause if the employer concerned requests a review but need not review any particular direction more than once.

15 Nomination in programs of accredited providers of rehabilitation services

- (1) A return-to-work program must, if the guidelines so require, nominate an accredited provider of rehabilitation services (or a list of such accredited providers) for the purposes of the program.
- (2) Consultation on the nomination of an accredited provider of rehabilitation services is to be carried out in such circumstances and in such manner as the guidelines may provide.

16 Offence—failure to display or notify program

An employer who fails to display or notify a return-to-work program in accordance with section 52 (2) (c) of the 1998 Act at the places of work under the employer's control is guilty of an offence.

Maximum penalty:

- (a) in the case of a category 2 employer, 2 penalty units,
- (b) in the case of a category 1 employer, 10 penalty units.

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 17

Return-to-work programs

Part 4

17 Notification etc of program by category 2 employer

A category 2 employer is not required to display or notify a return-to-work program at the places of work under the employer's control:

- (a) if the employer provides a copy of the program to any worker who requests a copy or who applies for compensation for any injury, or
- (b) if the employer makes other satisfactory arrangements to ensure that workers have access to a copy of the program.

18 Category 1 employers must have return-to-work co-ordinator

- (1) A category 1 employer must:
 - (a) employ a person to be a return-to-work co-ordinator for injured workers of the employer, being a person who has undergone such training as the guidelines may require, or
 - (b) engage a person in accordance with such arrangements as the guidelines may from time to time permit to be a return-to-work co-ordinator for injured workers of the employer.

Maximum penalty: 20 penalty units.

- (2) The following are examples of the arrangements that the guidelines can permit for the purposes of this clause:
 - (a) the engagement of a person under an arrangement with a person or organisation that provides return-to-work co-ordinators to employers,
 - (b) an arrangement under which a person is engaged on a shared basis by 2 or more employers.
- (3) The guidelines can require an employer to obtain the approval of the Authority before entering into an arrangement for the purposes of subclause (1) (b).
- (4) The guidelines can impose requirements with respect to the training, qualifications and experience of persons who may be engaged to be return-to-work co-ordinators under subclause (1) (b).

19 Functions of return-to-work co-ordinators

An employer's return-to-work co-ordinator has such functions as may be specified in the guidelines.

Clause 20 Workplace Injury Management and Workers Compensation Regulation
2002

Part 4 Return-to-work programs

20 Shared return-to-work programs

- (1) For the purposes of section 52 (5) of the 1998 Act, a group of 2 or more employers may establish a single return-to-work program for the members of the group if:
 - (a) those employers have engaged a person to be a return-to-work co-ordinator for injured workers of those employers on a shared basis, and
 - (b) in the opinion of the Authority:
 - (i) those employers are engaged in the same business, or
 - (ii) those employers operate in the same locality, or
 - (iii) those employers satisfy any requirements of the guidelines imposed for the purposes of this paragraph, and
 - (c) in the opinion of the Authority, those employers have complied with all of the requirements of the guidelines with respect to the establishment of a single return-to-work program for groups of employers.
- (2) The guidelines can require employers to obtain the approval of the Authority for:
 - (a) the establishment of a single return-to-work program for a group of employers, and
 - (b) the terms of a single return-to-work program and any revisions or amendments to those terms.

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 21

Accreditation of rehabilitation providers

Part 5

Part 5 Accreditation of rehabilitation providers

21 Application for certificate of accreditation

- (1) A person may apply to the Authority for a certificate of accreditation.
- (2) Two or more persons jointly providing, or intending to jointly provide, rehabilitation services may (but are not required to) apply for a joint certificate of accreditation.
- (3) An application must:
 - (a) be in the form approved by the Authority, and
 - (b) contain such particulars and be accompanied by such documents as may be required by that form, and
 - (c) be accompanied by such fee as the Authority may determine.

22 Determination of application

- (1) The Authority is to determine an application for a certificate of accreditation:
 - (a) by granting a certificate to the applicant in the applicant's name, or, if there is more than one applicant, in their joint names, or
 - (b) by refusing to grant a certificate.
- (2) In determining an application for a certificate of accreditation, the Authority is to have regard to:
 - (a) the application, and
 - (b) in relation to the applicant or each applicant (if more than one):
 - (i) if the applicant is a natural person—the desirability of granting individual accreditation to natural persons, and
 - (ii) the capacity of the applicant to comply with the standards for rehabilitation providers, and
 - (iii) any information supplied by a trade union or employer organisation relating to the applicant's provision of rehabilitation services, and
 - (iv) any complaint lodged with the Authority against the applicant by a client of the applicant, and

Clause 22 Workplace Injury Management and Workers Compensation Regulation 2002

Part 5 Accreditation of rehabilitation providers

- (v) information procured in the course of any interviews with or examination of premises used by the applicant, and
 - (vi) verification of any references supplied by the applicant, and
- (c) any relevant information relating to workers compensation costs and statistics concerning the return to work of injured workers, and
- (d) such other matters as the Authority thinks fit.
- (3) Before dealing with an application under this clause, the Authority may refer the application to the Council for a report and recommendation.
- (4) The Authority must not grant a certificate unless:
 - (a) the Authority has considered the Council's report and recommendation (if any) on the application, and
 - (b) in the case of an application by a natural person or natural persons—the Authority is of the opinion that the applicant or each applicant is a fit and proper person to hold a certificate and is of or above the age of 18 years, and
 - (c) in the case of an application by a corporation:
 - (i) the Authority is of the opinion that the corporation is a fit and proper person to hold a certificate, and
 - (ii) each director of the corporation would, if the application had been made by the director, be a fit and proper person to be granted a certificate.

23 Form of certificate of accreditation

- (1) A person may be granted a certificate of accreditation in respect of one or more of the following classes of accreditation:
 - (a) a workplace based occupational rehabilitation provider,
 - (b) a regional occupational rehabilitation centre,
 - (c) a specialist occupational rehabilitation provider.
- (2) A certificate is to be in the form approved by the Authority and is to specify:
 - (a) the name of the person or, in the case of a joint certificate, the names of the persons to whom the certificate is granted, and

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 23

Accreditation of rehabilitation providers

Part 5

- (b) the class or classes of accreditation for which the certificate is granted, and
- (c) in the case of a certificate in respect of the class referred to in subclause (1) (b)—the premises comprising the regional occupational rehabilitation centre.

24 Conditions of certificate

- (1) It is a condition of every certificate of accreditation that the holder of the certificate must:
 - (a) comply with the standards for rehabilitation providers which are appropriate for the class or classes of accreditation for which the certificate is granted, being standards of which the holder has been notified, and
 - (b) in the case of a certificate in respect of the class referred to in clause 23 (1) (b)—give the Council at least 1 month's notice of any proposed change of address of the regional occupational rehabilitation centre.
- (2) A certificate may be granted subject to such other conditions as may be specified in the certificate.
- (3) The Authority may, by notice in writing served on the holder of a certificate, amend or revoke the conditions specified in the certificate or add to those conditions.
- (4) Any such amendment, revocation or addition takes effect on and from a date specified in the Authority's notice, being a date at least 7 days after the notice is served on the holder of the certificate.

25 Amendment of certificate

- (1) If a person who does not hold a certificate of accreditation proposes to provide a rehabilitation service jointly with the holder of a certificate, the person may apply to the Authority for the certificate to be amended by the addition of that person as a joint holder of the certificate.
- (2) If a joint holder of a certificate ceases to provide rehabilitation services with any other joint holder of the certificate, any of the joint holders may apply to the Authority for the amendment of the certificate by the deletion of the name of a joint holder.

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 26

Accreditation of rehabilitation providers

Part 5

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- (2) In the case of a joint application, it is a sufficient compliance with subclause (1) if the notice of refusal is served on any one of the applicants.
 - (3) The Authority is taken to have refused to grant or amend a certificate (and is taken to have notified the applicant accordingly) if the Authority does not give a decision on an application within 4 months after the date of lodgment of the application.

27 Duration of certificates

- (1) A certificate of accreditation remains in force, unless sooner cancelled or surrendered, for such period as may be determined by the Authority and specified in the certificate.
- (2) A certificate may be renewed from time to time by the grant of a further certificate.

28 Surrender of certificates

A holder of a certificate of accreditation may surrender it by delivering it to the Authority with notice in writing that the certificate is surrendered.

29 Duplicate certificates

If the Authority is satisfied that a certificate of accreditation has been lost or destroyed, the Authority may, on payment of a fee of \$10, issue a duplicate certificate.

30 Register of certificates

- (1) The Authority is to cause a register of certificates of accreditation to be kept, in such form as the Authority determines, and is to cause to be recorded in the register in respect of each certificate:
 - (a) the matters which by this Regulation are required to be specified in the certificate, and
 - (b) particulars of any amendment of the certificate, and
 - (c) particulars of any cancellation, suspension or surrender of the certificate, and
 - (d) such other matters as the Authority thinks fit.
- (2) The Authority may cause to be made such alterations of the register as are necessary to ensure that the register is an accurate record.

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 32

Accreditation of rehabilitation providers

Part 5

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- (f) that the holder of the certificate has not provided rehabilitation services for a continuous period of 3 months or more, or
 - (g) that the holder of the certificate is for any other reason not a fit and proper person to hold a certificate, or
 - (h) in the case of a holder of a certificate, being a corporation—that any director of the corporation:
 - (i) has been convicted of an offence referred to in paragraph (c), or
 - (ii) for any other reason would not be a fit and proper person to hold a certificate, if the certificate were held by the person.
- (2) Before determining whether a certificate of accreditation should be cancelled or suspended, the Authority may refer the matter to the Council for a report and recommendation.
 - (3) The grounds referred to in subclause (1) (except paragraph (f)) are taken to exist:
 - (a) in the case of a joint certificate—if those grounds apply to any holder of that certificate, or
 - (b) in the case of 2 or more certificates held by persons providing rehabilitation services in partnership—if those grounds apply to any holder of any of those certificates.
 - (4) Before cancelling or suspending a certificate, the Authority must give the holder of the certificate an opportunity of showing cause why the certificate should not be cancelled or suspended on such grounds as are notified to the holder.
 - (5) The cancellation or suspension of a certificate does not take effect until notice in writing of the cancellation or suspension has been served on the holder of the certificate.

33 False claim of accreditation

A person must not falsely hold himself or herself out as being the holder of a certificate of accreditation.

Maximum penalty: 20 penalty units.

Clause 34 Workplace Injury Management and Workers Compensation Regulation 2002

Part 6 Miscellaneous

Part 6 Miscellaneous

34 Penalty notice offences

For the purposes of section 246 of the 1998 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 opposite it in Column 2 of Schedule 1, and
- (c) the following persons are declared to be authorised officers:
 - (i) each officer of the Authority authorised by the Authority for the purposes of section 238 of the 1998 Act,
 - (ii) each inspector appointed under section 47 of the *Occupational Health and Safety Act 2000*.

35 Exemptions

The following classes of employers, to the extent indicated, are exempt from the requirement to establish a return-to-work program under section 52 of the 1998 Act and from clause 18:

- (a) employers (including bodies corporate for strata schemes or strata (leasehold) schemes) who employ domestic or similar workers otherwise than for the purposes of the employer's trade or business (but only to the extent of the workers concerned),
- (b) employers who hold owner-builders' permits under the *Home Building Act 1989* (but only to the extent of workers employed for the purposes of the work to which the permits relate),
- (c) employers (being corporations) who only employ workers who are directors of the corporation,
- (d) employers who only employ workers who are members of the employer's family,
- (e) employers who only employ workers who perform work while outside New South Wales,
- (f) employers exempted in writing by the Authority (but only to the extent specified in the exemption).

Workplace Injury Management and Workers Compensation Regulation
2002

Clause 36

Miscellaneous

Part 6

36 Savings and transitional provisions

- (1) Any act, matter or thing that, immediately before the repeal of the *Workers Compensation (Workplace Injury Management) Regulation 1995*, had effect under that Regulation is taken to have effect under this Regulation.
- (2) A workplace rehabilitation program established under section 152 of the 1987 Act and in force immediately before the repeal of that section is taken to be a return-to-work program established under section 52 of the 1998 Act. However, any such program does not have effect to the extent that it is inconsistent with the injury management program of the employer's insurer.
- (3) Part 2A (Return to work plans) of the *Workers Compensation (Workplace Injury Management) Regulation 1995*, as in force immediately before the repeal of that Part, continues to have effect in respect of injuries that happened before the commencement of Chapter 3 of the 1998 Act.
- (4) If an injury management plan has been prepared in compliance with section 45 of the 1998 Act in respect of an injury to a worker that happened before the commencement of Chapter 3 of the 1998 Act (and has been so prepared within the time within which a return-to-work plan under Part 2A of the *Workers Compensation (Workplace Injury Management) Regulation 1995* would have otherwise been required to be prepared):
 - (a) subclause (3) does not apply in respect of the injury, and
 - (b) despite section 41 (2) of the 1998 Act, sections 45 (7), 46, 47, 55, 56 and 57 of the 1998 Act apply in respect of the injury.
- (5) Despite section 41 (2) of the 1998 Act, a reference in section 52, 53 and 54 of the 1998 Act to an injured worker is to be read as including a reference to an injured worker when the injury happened before the commencement of Chapter 3 of the 1998 Act.

37 Repeal

The *Workplace Injury Management and Workers Compensation Regulation 1999* is repealed.

Workplace Injury Management and Workers Compensation Regulation
2002

Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clause 34)

Column 1	Column 2
Provision	Penalty \$
Clause 9	250 (category 2 employer) 500 (category 1 employer)
Clause 11	50 (category 2 employer) 200 (category 1 employer)
Clause 16	20 (category 2 employer) 100 (category 1 employer)

Rules

PUBLIC LOTTERIES ACT 1996 SECTION 23

KENO – APPROVAL OF RULES

The following rules for the game of keno, being a game of chance within the meaning of section 5(1)(c) of the Public Lotteries Act 1996, have been approved by the Honourable J Richard Face MP, Minister for Gaming and Racing, under section 23(1) of the Act and, at the request of the joint licensees Club Gaming Systems Pty Limited and Clubkeno Holdings Pty Limited, are published in the Government Gazette, such rules to take effect on and from 01 September 2002.

The following rules amend, on and from 01 September 2002, the rules for the conduct of the game of keno as notified in the Government Gazette of 20 November 1998 (as amended by addenda dated 17th May 1999, 13th September 1999, 1st July 2000, 25th May 2001 and 1st March 2002).

RULE ADDENDUM FOR KENO CHANGE OF NAME FOR KENO JOINT LICENSEE AND OPERATING COMPANY AND GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING)

The Keno Rules dated 23rd November 1998 (as amended by addenda dated 17th May 1999, 13th September 1999, 1st July 2000, 25th May 2001 and 1st March 2002) are further amended as set out in this Addendum. This Addendum is effective on and from 1st September 2002.

1. Definition of “Customer Session”

Insert the following as a new definition:

“Customer Session” means the period of time when a Subscriber either:

- (i) makes an Entry in a Game of Keno; or
 - (ii) checks a Receipt Ticket; or
 - (iii) cancels an Entry in a Game of Keno
- to that time when the End Customer Terminal key is activated;

2. Definition of “Licensees”

Delete current definition and insert the following as the new definition:

“Licensees” means Clubkeno Holdings Pty Limited ABN 51 002 821 570 and Jupiters Gaming (NSW) Pty Limited ABN 16 003 992 327;

Delete current definition and insert the following as the new definition:

“Operating Company” means Jupiters Gaming (NSW) Pty Limited ABN 16 003 992 327;

4. Definition of “Total Prize Money”

Delete current definition and insert the following as the new definition:

“Total Prize Money” means the total amount of money payable to a person, as a result of the person winning money in respect of a Customer Session in a Game of Keno (whether or not that Customer Session relates to one, or more than one, game or entry in the Game of Keno);

5. Rule 16(b)

Delete existing Rule 16(b) and replace it with the following:

A cheque for \$5 made payable to Jupiters Gaming (NSW) Pty Limited must accompany the Unclaimed Prize Claim Form. The \$5 shall be refunded in the event of a prize payment. In the event of a dispute, the decision of the Inspector will be final.

6. Rule 17(a)

Delete existing Rule 17(a) and replace it with the following:

If a Receipt Ticket, submitted by a Subscriber for processing, is unable to be read by a Terminal or the Writer, or the Receipt Ticket has been lost, a claim for payment may be made by the submission of an Unclaimed Prize Claim Form. A cheque for \$5 made payable to Jupiters Gaming (NSW) Pty Limited must accompany the Unclaimed Prize Claim Form. The \$5 shall be refunded in the event of a prize payment.



New South Wales

Supreme Court Rules (Amendment No 362) 2002

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 19 August 2002.

Steven Jupp

Secretary of the Rule Committee

Explanatory note

The object of these Rules is to amend Part 2 of Schedule E to the *Supreme Court Rules 1970*:

- (a) to enable registrars to exercise certain new powers under the *Corporations Act 2001* of the Commonwealth, and
- (b) to replace outdated references to the *Corporations Law* with references to the *Corporations Act 2001* and remove other outdated references to that Law.

Rule 1 Supreme Court Rules (Amendment No 362) 2002

Supreme Court Rules (Amendment No 362) 2002

under the

Supreme Court Act 1970

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 362) 2002*.

2 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 362) 2002

Amendments

Schedule 1

Schedule 1 Amendments

(Rule 2)

[1] Schedule E

Omit “*Corporations Law*” from paragraphs 28, 30 and 31 in Part 2 wherever occurring.

Insert instead “*Corporations Act 2001* of the Commonwealth”.

[2] Schedule E, Part 2, paragraph 28

Insert after paragraph 28 (aa):

- (aaa) section 440D (1) (which relates to leave to proceed against a company under administration) where the claim against the company is, or includes, a claim for damages for personal injury,

[3] Schedule E, Part 2, paragraph 28

Omit paragraph 28 (b).

[4] Schedule E, Part 2, paragraph 28

Omit paragraph 28 (c). Insert instead:

- (bc) section 465B (which relates to substitution of applicants for winding up),
- (c) section 471B (which relates to leave to proceed against a company in liquidation) where the claim against the company is, or includes, a claim for damages for personal injury,

[5] Schedule E, Part 2, paragraph 28 (l)

Omit paragraph 28 (l).

[6] Schedule E, Part 2, paragraph 32

Omit the paragraph.

Supreme Court Rules (Amendment No 363) 2002

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on the 19 August 2002.

Steven Jupp

Secretary to the Rule Committee

Explanatory note

The object of these Rules is to extend to criminal trials, with some modification, the Rules relating to conferences between expert witnesses that presently apply in civil trials. In particular these Rules:

- (a) require an expert witness to read and be bound by the expert witness code of conduct found in Schedule K of the Rules, and
- (b) require a party that engages an expert witness to serve any supplementary report by the expert on any other party, if that party has been served an earlier report by the expert and the expert has changed his or her opinion on a material matter contained in that report, and
- (c) permit the Court, with the consent of the parties, to:
 - (i) direct expert witnesses to confer before or during the trial, and
 - (ii) specify the matters on which they are to confer, and
 - (iii) require them to provide the Court with a joint report specifying matters agreed, matters not agreed and the reasons for non agreement, and

Supreme Court Rules (Amendment No 363) Rule 2002

Explanatory note

- (iv) make directions as to whether the legal representatives of the parties are to be permitted at a conference between expert witnesses, and
- (v) give any additional directions as may be considered necessary, and
- (d) prohibit a party from adducing expert evidence inconsistent with a matter that has been agreed on pursuant to these new Rules unless that party is granted leave by the Court.

Supreme Court Rules (Amendment No 363) 2002

Clause 1

Supreme Court Rules (Amendment No 363) 2002

1 Name of Rules

These Rules are the *Supreme Court Rules (Amendment No 363) 2002*.

2 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 363) 2002

Schedule 1 Amendment

Schedule 1 Amendment

(Rule 2)

Part 75—Criminal Proceedings

Insert after rule 3I:

3J Expert witnesses

- (1) This rule and rule 3K apply to all criminal proceedings in the Court (including those specified in the Third Schedule to the Act).

- (2) For the purposes of this rule and rule 3K:

expert witness means an expert engaged for the purpose of:

- (a) providing a report as to his or her opinion for use as evidence in proceedings or proposed proceedings, or
- (b) giving opinion evidence in proceedings or proposed proceedings,

the code means the expert witness code of conduct in Schedule K.

- (3) Unless the Court otherwise orders:

- (a) at or as soon as practicable after the engagement of an expert as a witness, whether to give oral evidence or to provide a report for use as evidence, the person engaging the expert must provide the expert with a copy of the code, and
- (b) unless an expert witness's report contains an acknowledgment by the expert witness that he or she has read the code and agrees to be bound by it:
 - (i) service of the report by the party who engaged the expert witness is not valid service for the purposes of the rules or of any order or practice note, and
 - (ii) the report is not to be admitted into evidence, and

Supreme Court Rules (Amendment No 363) 2002

Amendment

Schedule 1

-
- (c) oral evidence is not to be received from an expert witness unless:
 - (i) he or she has acknowledged in writing, whether in a report relating to the proposed evidence or otherwise in relation to the proceedings, that he or she has read the code and agrees to be bound by it, and
 - (ii) a copy of the acknowledgment has been served on all parties affected by the evidence.
 - (4) If an expert witness furnishes to the engaging party a supplementary report, including any report indicating that the expert witness has changed his or her opinion on a material matter expressed in an earlier report by the expert witness:
 - (a) the engaging party must forthwith serve the supplementary report on all parties on whom the engaging party has served the earlier report, and
 - (b) the earlier report must not be used in the proceedings by the engaging party, or by any party in the same interest as the engaging party on the question to which the earlier report relates, unless paragraph (a) is complied with.
 - (5) This rule does not apply to an expert engaged before this rule commences.

3K Conference between experts

- (1) The Court may do any or all of the following, with the consent of the parties:
 - (a) direct expert witnesses to confer (whether before or during a trial or other proceedings),
 - (b) specify the matters on which they are to confer,
 - (c) direct that they provide the Court with a joint report specifying matters agreed and matters not agreed and the reasons for any non agreement,
 - (d) direct that such conference be held with or without the attendance of the legal representatives of the parties affected, or with or without the attendance of legal representatives at the option of the parties respectively,

Supreme Court Rules (Amendment No 363) 2002

Schedule 1

Amendment

- (e) give any additional directions as may be considered necessary.
- (2) An expert who is the subject of an order made under subrule (1) may apply to the Court for further directions.
- (3) The content of the conference between the expert witnesses is not to be referred to at the hearing or trial unless the parties affected agree.
- (4) The parties may agree, at any time, to be bound by agreement on any specified matter. In that event, the joint report may be tendered at the trial as evidence of the matter agreed. Otherwise, the joint report may be used or tendered at the trial only in accordance with the rules of evidence and the practices of the Court.
- (5) Where, pursuant to this rule, expert witnesses have conferred and have provided a joint report agreeing on any matter, a party affected may not, without leave of the Court, adduce expert evidence inconsistent with the matter agreed.



New South Wales

Supreme Court Rules (Amendment No 364) 2002

under the

Supreme Court Act 1970

The Supreme Court Rule Committee made the following rules of court under the *Supreme Court Act 1970* on 19 August 2002.

Steven Jupp

Secretary of the Rule Committee

Explanatory note

Part 52A rule 42 (1) of the *Supreme Court Rules 1970* provides that a trustee or mortgagee who is a party to proceedings in the Supreme Court in the capacity of trustee or mortgagee is entitled to pay the costs of the proceedings out of the fund held by the trustee or out of the mortgaged property, unless the Court orders otherwise.

Part 52A rule 42 (2) provides that the Court may only order otherwise where the trustee or mortgagee has acted unreasonably or (in the case of a trustee) has acted for the trustee's own benefit rather than for the benefit of the fund.

The object of these Rules is to amend the *Supreme Court Rules 1970* so as to enable a Registrar of the Court to exercise the power of the Court to make an order as to costs under Part 52A rule 42. A Registrar will only be able to exercise the power in proceedings that are in the Possession List (which comprises certain proceedings on a claim for possession of land).

Clause 1 Supreme Court Rules (Amendment No 364) 2002

Supreme Court Rules (Amendment No 364) 2002

under the

Supreme Court Act 1970

1 Name of rules

These rules are the *Supreme Court Rules (Amendment No 364) 2002*.

2 Amendment of Supreme Court Rules 1970

The *Supreme Court Rules 1970* are amended as set out in Schedule 1.

Supreme Court Rules (Amendment No 364) 2002

Amendment

Schedule 1

Schedule 1 Amendment

(Rule 2)

Schedule E

Insert in numerical order in Part 1 of Schedule E in the matter relating to Part 52A:

Rule 42	Costs against trustee or mortgagee	Restricted to proceedings in the Possession List
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Orders

Revenue Laws (Reciprocal Powers) Order 2002

under the

Revenue Laws (Reciprocal Powers) Act 1987

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 3 of the *Revenue Laws (Reciprocal Powers) Act 1987*, make the following Order.

Dated, this 14th day of August 2002.

By Her Excellency's Command,

MICHAEL EGAN, M.L.C.,
Treasurer

Explanatory note

Section 3 (3) of the *Revenue Laws (Reciprocal Powers) Act 1987* provides that the Governor may by order declare a law of the Commonwealth or another State (which is defined to include the Northern Territory and the Australian Capital Territory) that provides for the levying and collection of a tax, fee, duty or other impost to be a recognised revenue law for the purposes of the Act. Such an order may also declare:

- (a) an office established for the purpose of administering or executing that law to be the designated Commonwealth or State revenue office in respect of that law, and

Revenue Laws (Reciprocal Powers) Order 2002

Explanatory note

- (b) an office established for the purpose of administering or executing a New South Wales revenue law to be the relevant principal New South Wales revenue office in respect of that law.

The objects of this Order are:

- (a) to make an order under section 3 (3) of the Act relating to certain revenue laws of the Commonwealth, the Australian Capital Territory, the Northern Territory, Queensland, South Australia, Tasmania, Victoria and Western Australia, and
- (b) to repeal the *Revenue Laws (Reciprocal Powers) Order 2000* (***the existing Order***) in respect of certain revenue laws of those jurisdictions.

The implied power to repeal the existing Order is pursuant to section 43 (2) of the *Interpretation Act 1987*.

Revenue Laws (Reciprocal Powers) Order 2002

Clause 1

Revenue Laws (Reciprocal Powers) Order 2002

1 Name of Order

This Order is the *Revenue Laws (Reciprocal Powers) Order 2002*.

2 Recognised revenue laws

It is declared that:

- (a) each law described in Column 1 of Schedule 1 to this Order is a recognised revenue law for the purposes of the *Revenue Laws (Reciprocal Powers) Act 1987*, and
- (b) each office described in Column 2 of Schedule 1 to this Order is the designated revenue office in respect of the corresponding recognised revenue law described in Column 1 of that Schedule, and
- (c) each office described in Column 3 of Schedule 1 to this Order is the relevant principal New South Wales revenue office in respect of the corresponding recognised revenue law described in Column 1 of that Schedule.

3 Repeal

The *Revenue Laws (Reciprocal Powers) Order 2000* published in Gazette No 22 of 11 February 2000 (at pages 818–827) is repealed.

Revenue Laws (Reciprocal Powers) Order 2002

Schedule 1 Recognised revenue laws

Schedule 1 Recognised revenue laws

(Clause 2)

Column 1	Column 2	Column 3
Recognised revenue law	Designated revenue office	Principal New South Wales revenue office
Commonwealth		
<i>Debits Tax Administration Act 1982</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Fringe Benefits Tax Act 1986</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Fringe Benefits Tax Assessment Act 1986</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Higher Education Funding Act 1988</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Income Tax Assessment Act 1936</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Income Tax Assessment Act 1997</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Medicare Levy Act 1986</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Petroleum Resource Rent Tax Assessment Act 1987</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Sales Tax Assessment Acts (Nos 1–9) 1930</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Sales Tax Assessment Acts (Nos 10 and 11) 1985</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Sales Tax Assessment Act 1992</i>	Commissioner of Taxation	Chief Commissioner of State Revenue

Revenue Laws (Reciprocal Powers) Order 2002

Recognised revenue laws

Schedule 1

Column 1	Column 2	Column 3
Recognised revenue law	Designated revenue office	Principal New South Wales revenue office
<i>Superannuation Guarantee (Administration) Act 1992</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Superannuation Guarantee Charge Act 1992</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Taxation (Unpaid Company Tax) Assessment Act 1982</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Tobacco Charges Assessment Act 1955</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Trust Recoupment Tax Assessment Act 1985</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
<i>Wool Tax (Administration) Act 1964</i>	Commissioner of Taxation	Chief Commissioner of State Revenue
Australian Capital Territory		
<i>Ambulance Service Levy Act 1990</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Debits Tax Act 1997</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Duties Act 1999</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Duties (Consequential and Transitional Provisions) Act 1999</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Financial Institutions Duty Act 1987</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue

Revenue Laws (Reciprocal Powers) Order 2002

Schedule 1 Recognised revenue laws

Column 1	Column 2	Column 3
Recognised revenue law	Designated revenue office	Principal New South Wales revenue office
<i>Gaming Machine Act 1987</i>	Commissioner for Australian Capital Territory Revenue	Secretary of the Liquor Administration Board
<i>Insurance Levy Act 1998</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Interactive Gambling Act 1998</i>	Commissioner for Australian Capital Territory Revenue	Secretary of the Liquor Administration Board
<i>Payroll Tax Act 1987</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Stamp Duties and Taxes Act 1987</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Subsidies (Liquor and Diesel) Act 1998</i>	Commissioner for Australian Capital Territory Revenue	Secretary of the Liquor Administration Board in respect of liquor and Chief Commissioner of State Revenue in respect of diesel
<i>Taxation Administration Act 1999</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Taxation Administration (Consequential and Transitional Provisions) Act 1999</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue
<i>Tobacco Licensing Act 1984</i>	Commissioner for Australian Capital Territory Revenue	Chief Commissioner of State Revenue

Revenue Laws (Reciprocal Powers) Order 2002

Recognised revenue laws

Schedule 1

Column 1	Column 2	Column 3
Recognised revenue law	Designated revenue office	Principal New South Wales revenue office
Northern Territory		
<i>Business Franchise Act</i>	Commissioner of Taxes	Chief Commissioner of State Revenue
<i>Debits Tax Act</i>	Commissioner of Taxes	Chief Commissioner of State Revenue
<i>Financial Institutions Duty Act</i>	Commissioner of Taxes	Chief Commissioner of State Revenue
<i>Pay-roll Tax Act</i>	Commissioner of Taxes	Chief Commissioner of State Revenue
<i>Stamp Duty Act</i>	Commissioner of Taxes	Chief Commissioner of State Revenue
<i>Taxation (Administration) Act</i>	Commissioner of Taxes	Chief Commissioner of State Revenue
Queensland		
<i>Debits Tax Act 1990</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Duties Act 2001</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Fuel Subsidy Act 1997</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Land Tax Act 1915</i>	Assistant Commissioner of Land Tax	Chief Commissioner of State Revenue
<i>Pay-roll Tax Act 1971</i>	Commissioner of Pay-roll Tax	Chief Commissioner of State Revenue
<i>Stamp Act 1894</i>	Commissioner of Stamp Duties	Chief Commissioner of State Revenue

Revenue Laws (Reciprocal Powers) Order 2002

Schedule 1 Recognised revenue laws

Column 1	Column 2	Column 3
Recognised revenue law	Designated revenue office	Principal New South Wales revenue office
<i>Taxation Administration Act 2001</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Tobacco Products (Licensing) Act 1988</i>	Commissioner of Tobacco Products Licensing	Chief Commissioner of State Revenue
South Australia		
<i>Debts Tax Act 1994</i>	Commissioner of State Taxation	Chief Commissioner of State Revenue
<i>Financial Institutions Duty Act 1983</i>	Commissioner of State Taxation	Chief Commissioner of State Revenue
<i>Land Tax Act 1936</i>	Commissioner of State Taxation	Chief Commissioner of State Revenue
<i>Pay-roll Tax Act 1971</i>	Commissioner of State Taxation	Chief Commissioner of State Revenue
<i>Petroleum Products Regulation Act 1995</i>	Commissioner of State Taxation	Chief Commissioner of State Revenue
<i>Stamp Duties Act 1923</i>	Commissioner of State Taxation	Chief Commissioner of State Revenue
<i>Taxation Administration Act 1996</i>	Commissioner of State Taxation	Chief Commissioner of State Revenue
<i>Tobacco Products Regulation Act 1997</i>	Commissioner of State Taxation	Chief Commissioner of State Revenue
Tasmania		
<i>Debts Duties Act 2001</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Duties Act 2001</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue

Revenue Laws (Reciprocal Powers) Order 2002

Recognised revenue laws

Schedule 1

Column 1	Column 2	Column 3
Recognised revenue law	Designated revenue office	Principal New South Wales revenue office
<i>Financial Institutions Duty Act 1986</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Land and Income Taxation Act 1910</i>	Commissioner of Taxes	Chief Commissioner of State Revenue
<i>Land Tax Act 2000</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Pay-roll Tax Act 1971</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Stamp Duties Act 1931</i>	Commissioner of Stamp Duties	Chief Commissioner of State Revenue
<i>Taxation Administration Act 1997</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
Victoria		
<i>Business Franchise (Petroleum Products) Act 1979</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Business Franchise (Tobacco) Act 1974</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Debits Tax Act 1990</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Financial Institutions Duty Act 1982</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Land Tax Act 1958</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Liquor Control Reform Act 1998</i>	Commissioner of State Revenue	Secretary of the Liquor Administration Board
<i>Pay-roll Tax Act 1971</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue

Revenue Laws (Reciprocal Powers) Order 2002

Schedule 1 Recognised revenue laws

Column 1	Column 2	Column 3
Recognised revenue law	Designated revenue office	Principal New South Wales revenue office
<i>Stamps Act 1958</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Taxation Administration Act 1997</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
Western Australia		
<i>Debts Tax Assessment Act 1990</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Financial Institutions Duty Act 1983</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Fuel Suppliers Licensing Act 1997</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Land Tax Assessment Act 1976</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Pay-roll Tax Assessment Act 1971</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Stamp Act 1921</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue
<i>Tobacco Sellers Licensing Act 1975</i>	Commissioner of State Revenue	Chief Commissioner of State Revenue

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 2002 to 1 September 2003 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

Centre Based and Mobile Child Care Services Regulation (No 2) 1996

Children (Care and Protection) Regulation 1996

Children (Care and Protection—Review of Child Deaths) Regulation 1996

Clean Air (Plant and Equipment) Regulation 1997

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 (General) Regulation 1996

Subordinate Legislation Act 1989—Order

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
Fire Brigades (General) Regulation 1997
Firearms (General) Regulation 1997
Gas Supply (General) Regulation 1997
Hairdressing Regulation 1997
Home Building Regulation 1997
Hunter Catchment Management Trust Regulation 1997
Hunter Water (Special Areas) Regulation 1997
Landlord and Tenant Regulation 1994
Landlord and Tenant (Rental Bonds) Regulation 1993
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
Mining (General) Regulation 1997
Murray Valley Citrus Marketing (Polls) Regulation 1996
Non-Indigenous Animals Regulation 1997
Noxious Weeds Regulation 1993
Nurses (General) Regulation 1997
Nursing Homes Regulation 1996
Optometrists Regulation 1995
Ozone Protection Regulation 1997
Parking Space Levy Regulation 1997
Pawnbrokers and Second-hand Dealers Regulation 1997

Page 2

Subordinate Legislation Act 1989—Order

Physiotherapists Registration Regulation 1995
Plant Diseases Regulation 1996
Podiatrists Regulation 1995
Poultry Meat Industry Regulation 1995
Prevention of Cruelty to Animals (Animal Trades) Regulation 1996
Prevention of Cruelty to Animals (General) Regulation 1996
Private Hospitals Regulation 1996
Property, Stock and Business Agents (General) Regulation 1993
Protected Estates Regulation 1995
Protection of the Environment Operations (Waste) Regulation 1996
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
Seeds Regulation 1994
Small Businesses' Loans Guarantee Regulation 1994
Stock (Artificial Breeding) Regulation 1995
Stock (Chemical Residues) Regulation 1995
Stock Diseases (General) Regulation 1997
Stock Foods Regulation 1997
Stock Medicines Regulation 1995
Strata Schemes Management Regulation 1997
Taxation Administration Regulation 1996
Veterinary Surgeons Regulation 1995
Victims Compensation Regulation 1997
Water (Part 2—General) Regulation 1997
Water (Part 5—Bore Licences) Regulation 1995
Water (Part 5—Drillers' Licences) Regulation 1995

Subordinate Legislation Act 1989—Order

Water (Part 8—General) Regulation 1995

Water Management (Broken Hill Water Supply—General) Regulation 1997

Water Management (Broken Hill Water Supply—Special Areas) Regulation 1997

Water Management (Broken Hill Water Supply—Water, Sewerage and Trade Waste) Regulation 1997

Water Management (Water Supply Authorities—Finance) Regulation 1996

Western Lands Regulation 1997

Workers Compensation (General) Regulation 1995

Workers Compensation (Insurance Premiums) Regulation 1995

Signed at Sydney, this 28th day of August 2002.

By Her Excellency's Command,

BOB CARR, M.P.,
Premier

OFFICIAL NOTICES

Appointments

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board

Extension of appointment of Chairperson

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the extension of the appointment of William Kenneth Fisher as Chairperson of the Parole Board on and from 22 July 2002 up to and including 27 July 2002.

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

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board

Re-appointment of Member

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the re-appointment of John Haigh as a community member of the Parole Board on and from 8 August 2002 up to and including 21 August 2002.

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

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board

Re-appointment of Member

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the re-appointment of John Haigh as a community member of the Parole Board on and from 21 August 2002 up to and including 7 August 2005.

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

CRIMES (ADMINISTRATION OF SENTENCES) ACT 1999

Parole Board

Appointment of Member

HER Excellency the Governor, on the advice of the Executive Council and pursuant to the provisions of the Crimes (Administration of Sentences) Act 1999, has approved the

appointment of Brenda Jean Smith as a community member of the Parole Board for a period of three (3) years on and from 1 October 2002 up to and including 30 September 2005.

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

INDUSTRIAL RELATIONS ACT 1996

Appointment Of Commissioner Of Industrial
Relations Commission

HER Excellency the Governor, with the advice of the Executive Council, and in pursuance of section 148 of the Industrial Relations Act 1996, has approved the appointment of David Wallace Ritchie as a Commissioner of the Industrial Relations Commission of New South Wales, with effect on and from 6 September 2002.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

RURAL FIRES ACT 1997

Appointment of Members

Bush Fire Coordinating Committee

I, ROBERT JOHN DEBUS, Minister for Emergency Services, in pursuance of section 47 (1) (g) of the Rural Fires Act 1997, appoint the following person as a Member of the Bush Fire Coordinating Committee:

PETER KINKEAD,
Superintendent

for the remainder of the five year period expiring 1 March 2003.

BOB DEBUS, M.P.,
Minister for Emergency Services

RURAL FIRES ACT 1997

Appointment of Members

Rural Fire Service Advisory Council

I, ROBERT JOHN DEBUS, Minister for Emergency Services, in pursuance of section 123(1) (e) of the Rural Fires Act 1997, appoint the following persons as Members of the Rural Fire Service Advisory Council:

WARWICK DONALD ROCHE,
Superintendent

JOHN ANDREW JAFFRAY,
Group Captain

for the remainder of the five year period expiring 1 March 2003

BOB DEBUS, M.P.,
Minister for Emergency Services

FISHERIES MANAGEMENT ACT 1994

Fisheries Management (General) Regulation 1995

Elected Industry Members to Management Advisory Committee

I, Steve Dunn, pursuant of clause 256(2) of the Fisheries Management (General) Regulation 1995, publish written notice of the appointment of the elected industry members to the relevant Management Advisory Committees as set out in the schedule below.

STEVE DUNN,
Director, NSW Fisheries

Schedule

Management Advisory Committee (MAC)	Name	Region	Expiry of Term
Ocean Haul MAC	Paul Gibson	1	February 2005
	Ron Prindable	2	February 2005
	Vince Jordan	3	February 2005
	Edward Allan	5	February 2005
Ocean Prawn Trawl MAC	Ian Craig	4	February 2005

NSW Agriculture

STOCK DISEASES ACT 1923

Notification No. 1730 – OJD

“High Forest” Quarantine Area – Nerriga

I, RICHARD AMERY MP, Minister for Agriculture, pursuant to section 10 of the Stock Diseases Act 1923 (‘the Act’), declare the land described in the Schedule to be a quarantine area on account of the presence or suspected presence of Johnne’s disease in sheep, goats, and deer (other than fallow deer) (“the stock”).

Note: It is an offence under section 20C(1)(c) of the Act to move any of the stock or cause or permit any of the stock to be moved out of a quarantine area, unless they are moved in accordance with a permit under section 7(6) or an order under section 8(1)(b) or when all of the conditions set out in section 20C(3) are satisfied.

The course of action to be taken by the owner or occupier of the land in the quarantine area or the owner or person in charge of the stock in the quarantine area shall be as ordered by an inspector.

SCHEDULE

Owner: David John VAN ESSEN and Margaret VAN
ESSEN
Shire: Talaganda
County: St Vincent
Parish: Meangora
Land: Lots 50, 54, 78, 79, 80 and 135 in DP 755944.

Dated this 20th day of August 2002.

RICHARD AMERY M.P.,
Minister for Agriculture

NSW Fisheries

ERRATUM

THE following gazettal which appeared in the NSW *Government Gazette* No. 133 of 23 August 2002, folio 6452, was published with an error. (General) Regulation 1995. which appeared under Column 2 should have appeared under Column 1. The notice is re-published below:

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification — Fishing Closure Clarence River

I, Edward OBEID, prohibit the taking of fish by all methods of commercial fishing from the waters of the Clarence River and its tributaries described in Schedule 1 of this notification. An exception to this prohibition is the method of commercial fishing described in Schedule 2 in the waters and for the period specified in Schedule 2.

This notification will be effective from 1 September 2002 for a period of five (5) years.

This notification replaces all other commercial fishing closures currently in force in the waters of the Clarence River described in Schedule 1, below.

The Hon. EDWARD OBEID, OAM, M.L.C.,
Minister for Mineral Resources
and Minister for Fisheries

Note: This closure does not apply to fishing gear on board licensed fishing boats when travelling through these waters by the most direct route or when moored near the south western shore of Oyster Channel on the downstream side of the Oyster Channel Road Bridge. Fishing gear must be secured at all times within the closures.

SCHEDULE 1

Waters where Commercial Fishing is Prohibited

Waters

The whole of the waters of the Clarence River from a line drawn across the river entrance from the eastern extremity of the northern breakwall, to the eastern extremity of the southern breakwall, and then upstream to a line drawn from the NSW Waterways Authority Front Lead Beacon number 122 at mean high water on the northern side of Hickey Island, then northwesterly to the NSW Waterways Authority navigation Aid number 097 located on the downstream side of the most easterly opening in Middle Wall, and then northeasterly across to the western extremity of Moriartys Wall.

The whole of the waters of Oyster Channel from a line drawn from the NSW Fisheries marker post RFH1, located on the southern shore adjacent to the intersection of Micalo and Yamba Roads, northeasterly to the NSW Fisheries marker post RFH2 located on the shore north of Whyna Island, then following mean high water upstream to a NSW Fisheries marker post RFH3 beneath the second set of powerlines crossing Oyster Channel, located approximately 420m upstream of the Oyster Channel Road Bridge, then westerly following the powerlines to a NSW Fisheries post marker RFH4 on the shore of Micalo Island.

The whole of the waters of Romiaka Channel south from a line drawn from the NSW Fisheries marker post RFH5, located on the shore of the northern extremity of Romiaka Island, northerly across to the NSW Fisheries marker post RFH6 on the shore at Palmers Island, west of Ungundam Island, and then upstream to a line drawn from the NSW Fisheries marker post RFH7 located on the shore of Romiaka Island at the southern end of the rock retaining wall on "Burn's farm", then westerly across Romiaka Channel to the NSW Fisheries marker post RFH8 on the shore of Palmers Island.

The whole of the waters of the North Arm of the Clarence River within the following boundaries, commencing at the NSW Fisheries marker post RFH9 located on the shore beneath the multiple overhead powerlines crossing the waters of the North Arm near Marandowie Drive, Iluka, then westerly directly beneath those powerlines for 100 metres, then upstream and parallel to the shore to a line parallel to the powerlines drawn from the NSW Fisheries marker post RFH10 located on the shore near the northern end of the rock retaining wall at the entrance to Saltwater Inlet.

SCHEDULE 2

Exception to Schedule 1

Column 1 Methods

Hauling net (general purpose) as prescribed by clause 23 of the Fisheries Management (General) Regulation 1995.

Column 2 Waters

The waters adjacent to Wave Trap Beach located at the western end of the northern breakwall at the entrance of the Clarence River.

NB: this Schedule only applies between 1 April and 31 August each year, inclusive.

FISHERIES MANAGEMENT ACT 1994

Section 8 Notification

Fishing Closure – Belmore River

I, Edward Obeid, prohibit the taking of fish by the methods of fishing specified in Column 1 of the Schedule to this notification, from waters specified in Column 2 of the schedule. This notification will be effective for a period of five (5) years from the date of publication.

The Hon EDWARD OBEID OAM, MLC,
Minister for Mineral Resources
and Minister for Fisheries

Schedule

Column 1 <i>Methods</i>	Column 2 <i>Waters</i>
All methods with the exception of a single rod and line or handline, with not more than two hooks attached to the line.	County of Macquarie; Parishes of Kinchela, Kempsey and Beranghi: The waters of that part of the Belmore River and its creeks, tributaries and inlets, from its source, downstream to the road bridge at Gladstone.

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) 68415200 Fax: (02) 68415231

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

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

Description

*Land District of Warren;
 Local Government Area of Warren*

Lot 1 DP 1040261, Parish of Holybon, County of Gregory (not being land under the Real Property Act). File No: DB01H510

Note: On closing, the title for Lot 1 shall vest in Council as Operational Land.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

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

Description

*Land District of Mudgee;
 Local Government Area of Merriwa*

Lot 1 DP 1031644, Parish of Munmurra, County of Bligh (not being land under the Real Property Act). File No: DB00H35

Note: On closing, the title for Lot 1 shall vest in Council as Operational Land.

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

The Crown Public Road which is Lot 6 DP 881081 near the town of Rocky Glen, Parish Borah, County White.

SCHEDULE 2

Roads Authority: Coonabarabran Shire Council. Papers DB01H541.

ROADS ACT 1993

ORDER

Transfer of a Crown Road to a Council

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

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

SCHEDULE 1

The Crown Public Road which is the part of Shepherd's Land west of Lots 1 and 2 DP 1006125 in the town of Gulgong, Parish Guntawang, County Phillip.

SCHEDULE 2

Roads Authority: Mudgee Shire Council. Papers DB02H307. Councils Ref. File: CP F0780017.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

COLUMN 1
 Land District: Coonamble
 Local Government Area:
 Coonamble
 Parish: Moolambong
 County: Leichhardt
 Locality: Moolambong
 Reserve No.: 89583
 Purpose: Future Public
 Requirements
 Notified: 5 September 1975
 File Ref: Th02h23.

COLUMN 2
 The whole being Lot 53 in DP
 722789 in the Parish of
 Moolambong, County of
 Leichhardt of an area of 2.5
 hectares.

FAR WEST REGIONAL OFFICE
Department of Land and Water Conservation
45 Wingewarra Street (PO Box 1840), Dubbo, NSW 2830
Phone: (02) 6883 3000 Fax: (02) 6883 3099

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

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

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

*Administrative District – Bourke; Shire – Bourke;
Parishes –Gibson; Wapweelah County – Irrara*

The purpose of Western Lands Leases 537, 1641 and 1737, being the land contained within Folio Identifiers 6029/768886, 6025/768882 and 2/790314 have been altered from “Pastoral Purposes” to “Pastoral Purposes, Film Making and Recreational Hunting” effective from 20 August 2002.

Annual rental and lease conditions remain unaltered as a consequence of the change of purpose except for the addition of those special conditions published in the *Government Gazette* of 8 March 2002, Folios 1478-1482.

DECLARATION OF LAND TO BE CROWN LAND

PURSUANT to section 138 of the Crown Lands Act 1989, the land described in the Schedule hereunder is declared to be Crown land within the meaning of that Act.

(WLL 3604)

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

SCHEDULE

All that parcel of land resumed by notification in the *Government Gazette* of 26 October 1897, under the Public Works Act of 1888, 51 Victoria No.37, being Portion 3 in the Parish of Nalticomebee, County of Landsborough of 2023 square metres. Folio Identifier 3/754165

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

IT is hereby notified that in pursuance of the provisions of section 18J, Western Lands Act 1901, the purpose of the undermentioned Western Lands Leases have been altered as shown.

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

*Administrative District – Wentworth; Shire – Wentworth
Parish – Moorna and others; County –Wentworth*

The conditions of Western Lands Leases 2550, 2551, 2552, 2553, 2554 and 4282 being the land contained within Folio Identifiers 6/756181, 7/756181, 11/756181, 12/756181, 44/756181, 45/756181, 580/761592, 5080/705035, 5081/705036, 5082/705037 and 5178/761488 have been altered as follows.

**CONDITIONS AND RESERVATIONS REMOVED FROM
WESTERN LANDS LEASES 2550, 2551, 2552, 2553, 2554
and 4282**

1. Should the lease be held by a proprietary company the said proprietary company shall remain constituted as such and shall not:
 - (i) be converted into a public company;
 - (ii) issue any shares therein or consent to or allow the transfer or transmission of any shares already issued therein without the consent in writing of the Minister for Lands;
 - (iii) amend the Company’s Memorandum and Articles of association any respect without the consent in writing of the Minister for Lands;

**CONDITIONS AND RESERVATIONS ADDED TO
WESTERN LANDS LEASES 2550, 2551, 2552, 2553, 2554
and 4282**

1. The Lessee will advise the Lessor of the name, address and telephone number of the Lessee’s company secretary, that person being a person nominated as a representative of the company in respect of any dealings to be had with the company. The Lessee agrees to advise the Lessor of any changes in these details.
2. Any change in the shareholding of the Lessee’s company which alters its effective control of the lease from that previously known to the Commissioner shall be deemed an assignment by the Lessee.
3. Where any notice or other communication is required to be served or given or which may be convenient to be served or given under or in connection with this lease it shall be sufficiently executed if it is signed by the company secretary.
4. A copy of the company’s annual financial balance sheet or other financial statement which gives a true and fair view of the company’s state of affairs as at the end of each financial year is to be submitted to the Minister upon request.

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

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.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Robyn Lea VENESS (new member)	RYE Park Showground Trust	Reserve No. 82961 Public Purpose: Showground Public Recreation Notified: 16 December 1960 File Reference: GB80R174

For a term commencing the date of this notice and expiring 28 July 2004.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Michael McMAHON (new member) John Fredrick WALKER (new member) Thomas Maxwell HOLMES (new member)	Young Community Purposes (Cadet Training) Reserve Trust	Reserve No. 96330 Public Purpose: Community Purposes Notified: 10 September 1982 File Reference: GB82R28

For a term commencing the date of this notice and expiring 29 August 2007.

ROADS ACT 1993

ORDER

CORRECTION OF DEFECTIVE INSTRUMENT

IN pursuance of the provisions of the Roads Act 1993, Section 257 the Instrument contained within Government Gazette No. 25 dated 18 January 2002, Folio 209, being Notification of Closing of a Road in the Parish of Bong Bong, County of Camden, "(being land in CT Vol 2129 Folio 87)" should be deleted and replaced with "(being land in CT Volume 2129 Folio 87 and part of the land in Acknowledgment Book 591 No 550)".

ROADS ACT 1993

ORDER

Transfer of Crown Road to a Council

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

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

SCHEDULE 1

*Parish — Jinden;
County — Dampier;
Land District — Braidwood;
Shire — Tallaganda*

DESCRIPTION: Crown road through Lot 52 DP 752149 (providing access to Lot 33, DP 7522149).

SCHEDULE 2

Roads Authority: The Council of the Shire of Tallaganda
(Council's Ref: EN.19.32.1)
Reference: GB 00 H 296.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

**PLANS OF MANAGEMENT FOR A CROWN
 RESERVE UNDER DIVISION 6 OF PART 5 OF
 THE CROWN LANDS ACT 1989 AND CROWN
 LANDS REGULATION 1990**

A DRAFT Management Strategy for the Clarence Coast Reserves and five Draft Plans of Management have been prepared for the Crown reserves described hereunder, which are under the trusteeship of the Clarence Coast Reserve Trust.

Flinders Park (R85724); Ford Park (R81523); South Head Park (R82611); Yamba Boatharbour Reserve (R140085) and Yamba Bay Park (R87315).

Inspection of the strategy and draft plans can be made during normal business hours at the following premises:

1. Department of Land and Water Conservation
76 Victoria Street, Grafton NSW 2460;
2. Maclean Shire Council Chambers
50 River Street, Maclean 2463
2. Clarence Regional Library
Cnr Duke and Micalo Streets, Iluka NSW 2466
3. Clarence Regional Library
9 Stanley Street, Maclean NSW 2463
4. Clarence Regional Library
Wooli Street, Yamba NSW 2464
5. Yamba Community Health Centre
Treeland Drive, Yamba 2464

Representations are invited from the public on the draft plans. These may be made in writing from 2 September 2002 until submissions close on 14 October 2002. Submissions should be sent to the Manager Strategic Planning Maclean Shire Council, PO Box 171 Maclean NSW 2463.

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

DESCRIPTION OF RESERVES

*Parish: Yamba; County: Clarence;
 Land District: Grafton;
 Local Government Area: Maclean Shire*

Reserve 85724 (Flinders Park) notified in the *Government Gazette* of 1 April 1966; Reserve Purpose: Public Recreation and Public Hall. Location: Yamba Comprising: Allotments 1A, 1, 10, 11, 12 Section 1 DP 759130; Lot 1 Section 18 DP 759130 Lot 7031 DP 751395 File No: GF 94 R 59.

Reserve 81523 (Ford Park) notified in the *Government Gazette* of 10 April 1959; Reserve Purpose: Public Recreation and Resting Place Location: Yamba Road, Yamba Comprising: Lots 7032 & 7035 DP 751359 Lots 202 & 203 DP 727454 Lot 266 DP 822794 File No: GF80 R 283.

Reserve 82611 (South Head Park) notified in the *Government Gazette* of 8 July 1960; Reserve Purpose: Public Recreation Location: Yamba Comprising: Lots 113 & 7022 DP 751395 File No: GF99 R 51.

Reserve 140085 (Yamba Boatharbour Reserve) notified in the *Government Gazette* of 7 October 1994. Reserve Purpose: Public Recreation. Location: North section between Yamba Road and Urara Street. South section between Urara Street and Mulgi Street, Yamba. Comprising: Lots 262 & 225 DP 822829 File No: GF02 R 22.

R87315 (Yamba Bay Park) notified in the *Government Gazette* of 8 August 1969. Reserve Purpose: Public Recreation. Location: Yamba Road, Yamba. Comprising: Lots 7018, 7019 & 164 DP 751395 File No: GF97 R 93.

**ESTABLISHMENT OF A RESERVE TRUST AND
 APPOINTMENT OF CORPORATION TO MANAGE
 RESERVE TRUST**

1. PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 2 of the Schedule is established under the name stated in that column and is appointed as trustee of the reserves specified in Column 1 of the Schedule.
2. PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 3 of the Schedule is appointed to manage the affairs of the reserve trust specified in Column 2.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Reserve No. 57670 for the purpose of Public Recreation, notified 12 December 1924	Lumley Park Reserve Trust	Ballina Shire Council

File No.: GF01R38.

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.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Wayne Grantley Nancarrow (new member)	Bilbul Recreation Reserve Trust	Reserve No. 55678 Public Purpose: Public Recreation Notified: 22 September 1922 File Reference: GH87R3/2

For a term commencing this day and expiring 30 November 2005.

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.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Norma Loraine O'Hara (new member)	Nericon (R1003016)	Reserve No. 1003016 Public Purpose: Environmental Protection
Steven Richard Merideth (new member)	Reserve Trust	Notified: 28 September 2001 File Reference: GH01R10/1
Peter John McHugh (new member)		
Desmond Allan George OHara (new member)		

For a term commencing this day and expiring 29 August 2007.

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.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Elsie Florence Nancarrow (new member)	Post School Options/Ningana (R.83392)	Reserve No. 83392 Public Purpose: School for Sub-Normal Children
Colleen De Saxe (new member)	Reserve Trust	Notified: 11 August 1961 File Reference: GH93R45/1
Karen Harrison (new member)		
Fiona Joy Durham (new member)		

For a term commencing this day and expiring 29 August 2007.

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.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Gordon Harold Clarke (re-appointment)	Iluka Koala Reserve Trust	Reserve No. 140072 Public Purpose: Environmental Protection
Norman Leonard Tidbury (re-appointment)		Notified: 13 December 1991 File Reference: GF91R28
Kay Annette Jeffery (re-appointment)		
Raymond William Peters (new member)		
Henry Albert Stevens (new member)		
Marje Minchin (new member)		
Jane G Bronotte (new member)		
For a term commencing the date of this notice and expiring 29 August 2007.		

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
John Michael Linton (re-appointment)	Tintenbar Recreation Reserve Trust	Reserve No. 54223 Public Purpose: Public Recreation
Ronald Victor Warburton (re-appointment)		Notified: 15 October 1920 File Reference: GF81R319
Peter Francis Brady (new member)		
Michael Joseph Murphy (re-appointment)		
Norman Elwyn Parry (re-appointment)		
Evan John Connick (re-appointment)		
Desmond John Healey (re-appointment)		
For a term commencing the date of this notice and expiring 29 August 2007.		

**PLAN OF MANAGEMENT FOR A CROWN
RESERVE UNDER DIVISION 6 OF PART 5 OF
THE CROWN LANDS ACT 1989 AND CROWN
LANDS REGULATION 1990**

A draft plan of management has been prepared for the Crown reserves described in the Schedule hereunder and other Crown lands listed in the Plan of Management.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Ballina Shire Holiday Parks Reserve Trust	Reserve No. 82783 for Public Recreation, notified 9 September 1960	Ballina Shire Council
	Reserve No. 84107 for Public Recreation and Resting Place, notified 14 December 1962	
Lennox Head Surfing Reserve Reserve Trust	Reserve No. 83506 for Public Recreation, notified 13 October 1961	Ballina Shire Council
Ballina Shelley Beach Reserve Reserve Trust	Reserve No. 82765 for Public Recreation and Protection from Sand Drift, notified 26 August 1960	Ballina Shire Council
Ballina Lighthouse Hill Reserve Reserve Trust	Reserve No. 65048 for Public Recreation, notified 18 January 1935	Ballina Shire Council
Lighthouse Beach (R90859) Reserve Trust	Reserve No. 90859 for Parking, notified 12 August 1977	Ballina Shire Council
Shaws Bay (R94492) Public Recreation Reserve Trust	Reserve No. 94492 for Public Recreation, notified 6 April 1981	Ballina Shire Council

Inspection of the draft plan can be made during normal business hours at:

1. Department of Land and Water Conservation, 76 Victoria Street, Grafton,
2. Ballina Shire Council Chambers, Cnr Cherry & Tamar Streets, Ballina,

Representations are invited from the public on the draft plan. These may be made in writing for a period of 28 days commencing from Monday 2 September 2002, and should be sent to: Land Access Manager, Land Access Unit, Department of Land and Water Conservation, Locked Bag 10, Grafton 2460.

ORANGE OFFICE
Department of Land and Water Conservation
92 Kite Street (PO Box 2146), Orange NSW 2800
Phone: (02) 6393 4300 Fax: (02) 6362 3896

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified 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.

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

—————
SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
John Joseph WHITE (re-appointment)	Peel Native Flora & Fauna Reserve Trust	Reserve No. 91214 Public Purpose: Promotion Of The Study And The Preservation Of Native Flora And Fauna Notified: 4 August 1978 File Reference: OE90R17/2
Geoffrey Francis DENMEAD (new member)		
Robert Kim TAYLOR (new member)		
Stewart William ENEVER (new member)		
Britt CULLEN-WARD (new member)		
Judith Anne SARGEANT (new member)		

For a term commencing the date of this notice and expiring 29 August 2007.

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.

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

—————
SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Raymond Dudley Blackley (new member)	Cullen Bullen Recreation Reserve Trust	Reserve No. 55154 Public Purpose: Public Recreation Notified: 3 February 1922 File Reference: OE80R60/3
Robert Thomas Dobson (new member)		
Arthur Eric Smith (re-appointment)		
Mervyn Jack Crane (re-appointment)		
Edward Laurence Banks (re-appointment)		
Frederick Spencer Gilson (re-appointment)		
Dennis L Roberts (re-appointment)		

For a term commencing this day and expiring 29 August 2007.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

—————
SCHEDULE

COLUMN 1	COLUMN 2
Land District: Bathurst Local Government Area: Oberon Council Locality: Adderley Reserve No. 95298 Public Purpose: Future Public Requirements Notified: 19 June 1981 File Reference: OE01H396	The whole being Lot 51, D.P. No. 757034, Parish Adderley, County Westmoreland of an area of 182.7ha

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

**APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to Section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Andrew James McANESPIE	Six Foot Track Heritage Trust	Reserve No. 1001056 Public Purpose: Public Recreation Environmental Protection Heritage Purposes Notified: 27 February 1998 File Ref.: MN02R5

For a term commencing 01 September 2002 and expiring 28 February 2003.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the person whose name is specified in Column 1 of the Schedule hereunder is appointed, for the term office specified in that column, as a member 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.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Gordon McKENZIE	French's Forest Bushland Cemetery	Area at Frenchs Forest dedicated for the public purpose of general cemetery in the Gazette of 8 October 1937 Dedication No. D500580

Term of Office: For a period expiring on 18 July 2004
File No.: MN84R131

ROADS ACT 1993

ORDER

Transfer of a Crown Road to 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.

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

SCHEDULE 1

*Land District – Penrith; Local Government Area – Penrith;
Parish – Castlereagh; County – Cumberland*

The unformed Crown public road 20.115 wide at Agnes Banks adjoining the northern boundary of lot 43 D.P. 585210 for a distance of 50 metres easterly of its intersection with Castlereagh Road.

SCHEDULE 2

Roads Authority: Penrith City Council

File No.: MN02H257

TAMWORTH OFFICE
Department of Land and Water Conservation
25–27 Fitzroy Street (PO Box 535), Tamworth, NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

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.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Alan James	Bowling Alley	Reserve No. 96568
Fullbrook	Point Recreation	Public Purpose:
(new member)	Reserve Trust	Public Recreation
		Notified: 28 January 1983
		File Reference: TH89R16/2

For a term commencing the date of this notice and expiring
12 June 2003.

TAREE OFFICE
Department of Land and Water Conservation
102-112 Victoria Street (PO Box 440), Taree, NSW 2430
Phone: (02) 6552 2788 Fax: (02) 6552 2816

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2
Land District: Newcastle	Reserve No: 1003848
Local Government Area: Great Lakes Council	Public Purpose: Port Facilities and Services
Locality: Tea Gardens	
Lot DP Parish	
156 823709 Fens	
1 1041647 Fens	
1 1019073 Coweambah	
County: Gloucester	
Area: 3751m2	
File: TE02R53	

Note: The affected parts of Reserves 56146 from Sale or Lease Generally notified 11 May 1923 and R93622 for Future Public Requirements notified 12 September 1980 are hereby revoked by this notification.

DISSOLUTION OF RESERVE TRUST

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

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

SCHEDULE

COLUMN 1	COLUMN 2
Macksville Kindergarten (R89589) Reserve Trust	Reserve No: 89589 Public Purpose: Kindergarten Notified: 12 September 1975 File: TE83R3

**APPOINTMENT OF ADMINISTRATOR TO
MANAGE A RESERVE TRUST**

PURSUANT to Section 117, Crown Lands Act, 1989, the person specified in Column 1 of the Schedule hereunder is appointed as administrator for the term also specified in Column 1, of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Karen Ann Lambley	Collombatti Public Hall Trust	Dedication No. 610016 Public Purpose: Public Hall Notified: 19 July 1918 File Reference: TE80R351/2

For a term commencing 30 August 2002 and expiring 27 February 2003.

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.

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

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Peter James Wildblood (new member) Colin Ray Cowan (new member) Sherry Stumm (new member) Colin Roy Sheather (re-appointment) John Arthur Hicks (re-appointment)	Hannam Vale Recreation Reserve Trust	Reserve No. 80942 Public Purpose: Public Recreation Notified: 15 August 1958 File Reference: TE80R197/2

For a term commencing the date of this notice and expiring 29 August 2007.

**DRAFT ASSESSMENT OF LAND UNDER PART 3
OF THE CROWN LANDS ACT 1989 AND CROWN
LANDS REGULATION 1995**

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 Department of Land and Water Conservation, 102-112 Victoria Street, Taree and at the Offices of Hastings Council during normal business hours.

Representations are invited from the public on the draft assessment. These may be made in writing for a period commencing from 30 August 2002 to 30 September 2002 and should be sent to the Manager, Resource Knowledge, Department of Land and Water Conservation, P.O. Box 440,

Taree, 2430. Telephone enquiries should be directed to the Taree office on 02 6552 2788.

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

Description: Part of northwestern bed of Camden Haven Inlet south of Seymour Street, Laurieton, adjoining Crown land being Public Recreation Reserve 80714 under the care and control of Hastings Council.

Reason: Consideration of application for commercial licence for jetty and pontoon to replace existing timber jetty held under Licence 311082 and concrete boat ramp.

Contact Officer: Bob Birse
(File No. TE83 H 751).

Water Conservation

WATER ACT 1912

APPLICATIONS under Part 2 of the Water Act 1912, being within a Proclaimed (declared) Local Area under Section 5 (4) of the Act.

Applications for licences under Section 10 of Part 2 of the Water Act 1912, have been received as follows:

Murray River Valley

John Arthur WOODHEAD for 1 pump on Dry Lake Lot 1/1003527, Parish of Taila, County of Taila, for domestic purposes (fresh licence – domestic purpose only) (Ref: 60SL085395) (GA2:499539).

John Arthur WOODHEAD for 1 pump on Dry Lake Lot 1/1003527, Parish of Taila, County of Taila, for domestic purposes (fresh licence – domestic purpose only) (Ref: 60SL085396) (GA2:499539).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty-eight (28) days as provided by the Act.

P. WINTON,
Natural Resource Project Officer
Murray Region

Department of Land and Water Conservation
PO Box 363, 32 Enterprise Way, BURONGA NSW 2739

WATER ACT 1912

APPLICATION under Part 2 of the Water Act 1912 being within a proclaimed (declared) local area under Section 5(4) of the Act.

Application for an Authority, under Section 20 of Part 2 of the Water Act 1912 has been received as follows:

Murray River Valley

Anthony Rupert WATSON and SAMMY ONE PTY LTD for a pump on Deep Creek, on Lot 7 DP270076, Parish of Benarca, County of Cadell, for water supply for irrigation (division of existing entitlement – no increase in entitlement or area) (GA2: 504546) (Ref: 50SA6602).

Any enquiries regarding the above should be directed to the undersigned (PH: [03] 5881-2122).

Written 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 at the Department's Office at Deniliquin within 28 days of the date of this publication.

L. J. HOLDEN,
A/Senior Natural Resource Officer
Murray Region

Department of Land and Water Conservation
PO Box 205, DENILIQUIN NSW 2710

WATER ACT 1912

APPLICATIONS for licences under Part 5 of the Water Act, 1912, as amended, have been received as follows:

Lachlan River Valley

Ian Francis CASHMERE for a bore on Lot 30 DP 755185, Parish of Mullion, County of Nicholson for a water supply for the irrigation of 400 hectares (vegetables, fodder crops). New Licence – 70BL226881.

Lila ROSENDAHL for a bore on Lot 3 DP 13589, Parish of Weepool, County of Nicholson for a water supply for the irrigation of 400 hectares (improved pastures). New Licence – 70BL226907.

Giuseppe Mario SARTOR for a bore on Lot 3217 DP 765422, Parish of Goolagunni, County of Franklin for a water supply for the irrigation of 257 hectares (wheat, canola). New Licence – 70BL226956.

Keith William HORNEMAN for a bore on Lot 2370 DP 764333, Parish of Hadyn, County of Franklin for a water supply for the irrigation of 800 hectares (corn). New Licence – 70BL226992.

Donald James ROBERTSON for a bore on Lot 4635 DP 767799, Parish of Nellywanna, County of Franklin for water supply for the irrigation of 400 hectares (crops). New Licence – 70BL226993.

Paul Frederick STORRIER for a bore on Lot 3906 DP 766379, Parish of Goolagunni, County of Franklin for water supply for irrigation of 100 hectares (summer and winter crops). New Licence – 70BL226996.

Richard Arthur KALJO for a bore on Lot 3214 DP 765419, Parish of Uranaway, County of Blaxland for water supply for the irrigation of 400 hectares (summer and winter crops). New Licence – 70BL226999.

Aldur KALJO for a bore on Lot 4982 DP 43243, Parish of Torcobil, County of Blaxland for a water supply for the irrigation of 1700 hectares (maize, sorghum, wheat). New Licence – 70BL227000.

Paul Frederick STORRIER for a bore on Lot 2 DP 1021758, Parish of Gonowlia, County of Franklin for water supply for the irrigation of 200 hectares (summer crops). New Licence – 70BL227043.

Thomas Andrew STALLEY for a bore on Lot 1 DP752986, Parish of Moolbong, County of Franklin for water supply for stock and domestic purposes and irrigation of 1000 hectares (crops). New Licence – 70BL227045.

Aubrey James CASHMERE and Alan Jeffrey CAHMERE for a bore on Lot 346 DP 755189, Parish of Redbank, County of Nicholson for water supply for stock purposes and irrigation of 50 hectares (lucerne). New Licence – 70BL227053.

Richard KALJO for a bore on Lot 4986 DP 43245, Parish of Buckley, County of Blaxland for a water supply for the irrigation of 1500 hectares (corn, wheat, sorghum). New Licence – 70BL227061.

SHEAFFE BROTHERS LIMITED for a bore on Lot 3 DP 755202, Parish of Yandumblin, County of Nicholson for water supply for irrigation of crops. New Licence – 70BL227066.

INI PTY LIMITED for a bore on Lot 6729 DP822022, Parish of Ini, County of Franklin for a water supply for the irrigation of 1500 hectares (crops). New Licence – 70BL227071.

Peter Lindsay MILTHORPE for a bore on Lot 1871 DP763753, Parish of Salamagundia, County of Blaxland for a water supply for the irrigation of 160 hectares (horticulture). New Licence – 70BL227090.

RON POTTER FARMS PTY LTD for a bore on Lot 37 DP 752315, Parish of Carilla, County of Dowling for a water supply for the irrigation of 700 hectares (improved pastures, cereals). New Licence – 70BL227148.

RON POTTER FARMS PTY LTD for a bore on Lot 23 DP 752315, Parish of Carilla, County of Dowling for a water supply for the irrigation of 1400 hectares (cereals). New Licence – 70BL227150.

RED LAGOON PTY LIMITED for a bore on Lot 4949 DP 41051, Parish of Jundrie, County Blaxland for a water supply for the irrigation of 700 hectares (crops). New Licence – 70BL227151.

Santo Peter TRIPODINA for a bore on Lot 1043 DP 762265, Parish of Gunnagi, County of Blaxland for a water supply for the irrigation of 8095 hectares (wheat, canola). New Licence – 70BL227170.

Donald Lloyd JONES for a bore on Lot 4 DP752986, Parish of Moolbong, County of Franklin for a water supply for farming purposes and irrigation of 259 hectares (lucerne, clover, oats). New Licence – 70BL227196.

Donald Lloyd JONES for a bore on Lot 5976 DP 768852, Parish of Roeta, County of Franklin for a water supply for farming purposes and irrigation of 1100 hectares (forage crops). New Licence – 70BL227197.

Michael Gordon MILTHORPE for a bore on Lot 6348 DP 769240, Parish of Uranaway, County of Blaxland for a water supply for irrigation of 160 hectares (improved pastures). New Licence – 70BL227198.

MILTHORPE PASTORAL COMPANY for a bore on Lot 7 DP 755196, Parish of Wallanthery, County of Nicholson for a water supply for the irrigation of 300 hectares (crops). New Licence – 70BL227199.

Michael Gordon MILTHORPE for a bore on Lot 2362 DP 764325, Parish of Torcobil, County of Blaxland for a water supply for the irrigation of 160 hectares (crops). New Licence – 70BL227200.

HILLSTON CENTRAL SCHOOL for a bore on Lot 1 Section 24 DP 758521, Parish of Redbank, County of Nicholson for a water supply for domestic and recreational purposes. New Licence – 70BL227261.

Ian Walter SHELLY and Susanne Andrea SHELLY for a bore on Lot 25 DP 755198, Parish of Weenya, County of Nicholson for water supply for the irrigation of 500 hectares (crops). New Licence – 70BL227276.

Ian Walter SHELLY and Susanne Andrea SHELLY for a bore on Lot 6 DP 755157, Parish of East Marowie, County of Nicholson for a water supply for the irrigation of 750 hectares (crops). New Licence – 70BL227277.

Lila ROSENDAHL for a bore on Lot 3 DP 13589, Parish of Weepool, County of Nicholson for test bore. New Licence – 70BL227279.

Andrew Robert RATHMELL and Margaret June RATHMELL for a bore on Lot 28 DP 755188, Parish of Parker, county of Nicholson for water supply for the irrigation of 500 hectares (cereals, improved Pastures). New Licence – 70BL227047. GA2 – 494446.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 27 September, 2002 as prescribed by the Act.

VIV RUSSELL,
Resource Access Manager
Central West Region – Lachlan

Department of Land and Water Conservation
PO Box 136, Forbes NSW 2871

NOTICE UNDER SECTION 22B OF THE WATER ACT 1912

Pumping Restrictions

Richmond River From Casino To The Risk And Its Tributaries

THE Department of Land and Water Conservation pursuant to Section 22B of the Water Act 1912, is satisfied that the quantity of water available in Richmond River from Casino to the Risk and its tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Tuesday 27 August 2002 and until further notice, the right to pump water from Richmond River from Casino to the Risk and its tributaries is RESTRICTED to a maximum of twelve hours in any twenty-four hour period between the hours of 4pm and 10am.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- where the offence was committed by a Corporation – 200 penalty units.
- where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00.

DATED this twenty-seventh day of August 2002.

G. LOLLBACK,
Resource Access Manager
North Coast Region
Grafton

GA2: 343369

NOTICE UNDER SECTION 22B OF THE WATER ACT 1912

Pumping Restrictions

Fawcetts Creek, Upper Richmond River, Terrace Creek, Long Creek, Roseberry Creek, Findon Creek And Their Tributaries

THE Department of Land and Water Conservation pursuant to Section 22B of the Water Act 1912, is satisfied that the quantity of water available in Fawcetts Creek, Upper Richmond River, Terrace Creek, Long Creek, Roseberry Creek, Findon Creek and their tributaries is insufficient to meet all requirements and hereby gives notice to all holders of permits, authorities and licenses under Part 2 of the Act that from Tuesday 27 August 2002 and until further notice, the right to pump water from the abovementioned watercourses and their tributaries is RESTRICTED to a maximum of ten hours in any forty-eight hour period between the hours of 4pm and 10am.

This restriction excludes water supply for town water supply, stock, domestic and farming (fruit washing and dairy washdown) purposes.

Any person who contravenes the restrictions imposed by this notice is guilty of an offence and is liable on conviction to a penalty not exceeding:

- c) where the offence was committed by a Corporation – 200 penalty units.
- d) where the offence was committed by any other person – 100 penalty units.

One penalty unit = \$110.00.

DATED this twenty-seventh day of August 2002.

G. LOLLBACK,
Resource Access Manager
North Coast Region
Grafton

GA2: 343369

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

HOLLIDEN PTY LIMITED for a bore on Lot 20 DP 757239, Parish Livingstone, County of Wynyard for a water supply for industrial (feedlot) purposes. Existing bore – change of purpose. 40BL188679.

HOLLIDEN PTY LTD for a bore on Lot 20 DP 757239, Parish Livingstone, County of Wynyard for a water supply for industrial (feedlot) purposes. Existing bore – change of purpose. 40BL188743.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 27th September 2002 as prescribed by the Act.

S.F. WEBB,
Resource Access Manager
Murrumbidgee Region

Department of Land & 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

William Robert FREDERICKS and Edina Julia FREDERICKS for a bore on Lot 357 DP753624, Parish of Murrumbidgee, County of Harden for a water supply for the irrigation of 2.5 hectares (Lucerne). New Licence. 40BL188817.

Written submissions of support or objections with grounds stating how your interest may be affected must be lodged before 3 October 2002 as prescribed by the Act.

S.F. WEBB,
Resource Access Manager
Murrumbidgee Region

Department of Land & Water Conservation
PO Box 156, LEETON NSW 2705

WATER ACT 1912

APPLICATIONS 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

FLYNN CONSTRUCTION (QLD) PTY LTD for a bywash dam on an Unnamed Watercourse, lot 10 DP1018640, Parish of Talagandra, County of Murray, for the conservation of water for irrigation purposes (40 hectares of Olives). The dam exceeds the "Harvestable Right" of the property and extraction will be restricted to the allowable "Harvestable Right". New Licence. Reference: 40SL70819.

Any enquiries regarding the above should be directed to the undersigned (telephone 0269 530700).

Formal objections to the application specifying the grounds thereof, may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged with the Department at Leeton within the 28 days as fixed by the Act.

S.F. WEBB,
Resource Access Manager
Murrumbidgee Region

Department of Land & Water Conservation
PO Box 156, LEETON NSW 2705

WATER ACT 1912

AN application for an Authority for a joint water scheme under section 20 of Part 2 of the Water Act 1912, as amended, has been received as follows:

John James STARR and others for a pump on Grose River on 19//250448, Parish of Kurrajong, County of Cook for water supply for stock and domestic purposes and irrigation of 19.5 hectares (improved pastures) (existing works) (to replace existing licence 10SL34064 – no increase in area – no increase in Volumetric Entitlement) (not subject to the

Hawkesbury/Nepean Embargo) (Ref: 10SA2525) (GA2:460638).

In lieu of previous notice appearing in *Government Gazette* No 133 dated 23rd August, 2002.

Written objections specifying grounds thereof must be lodged with the Department within 28 days of the date of this publication as prescribed by the Act.

Wayne CONNERS,
A/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 a proclaimed local area as generally described hereunder has been received as follows:

Macintyre-Dumaresq River Valley

Darvall Humphrey HICKSON for a pump on the Macintyre River on Part T S & C R 32649 and a pump and diversion channel on Tarpaulin Creek on Lot 13/750431, both Parish of Boronga, County of Benarba for irrigation of 360.5 hectares (cotton). The works are unaltered; the purpose of the application is a permanent transfer of 119 megalitres of existing entitlement from the Severn River to "Bywanna". L.O. Papers 90SL100624.

GA2493743.

Written objections to the application specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550, TAMWORTH NSW 2340

WATER ACT 1912

APPLICATIONS under Part 2, being within a proclaimed (declared) local area under Section 10 of the Water Act 1912, as amended.

Applications for Licences within a proclaimed local area as generally described hereunder have been received as follows:

Gwydir River Valley

1. SUNDOWN PASTORAL CO PTY LIMITED to amend 90SA11628 for six (6) pumps and a weir on Lot 1/751793, Parish of Wathagar, Pt Lot 13/751782, Parish of Nepickallina, three (3) regulators and six (6) diversion channels on Tarran Creek on Lots 20/751793, 17/751793, 31/751793, 32/751793, 16/751793, 36/751793, 38/751793, 39/751793, 22/751793, Lot 1/822882, Parish of Wathagar, County of Courallie for conservation and supply of water for stock and domestic purposes and irrigation of 5,219 hectares (to include 229.5 hectares of existing valley entitlement by way of permanent transfer). L.O. Papers 90SA11667.
2. William John SEERY and Ada SEERY for a pump on the Mehi River on Lot 22/751792 and a diversion pipe on Tycannah Creek on Lot 1/930112, Parishes of Wallanol and Combadelo, both County of Courallie, for water supply for stock and domestic purposes and irrigation of 619.5 hectares. (Permanent transfer of valley allocation to "Clifton"; works as authorised remain unchanged). L.O. Papers 90SL100608.

GA2493742.

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within 28 days as specified in the Act.

GEOFF CAMERON,
Manager Resource Access

Department of Land and Water Conservation
PO Box 550, Tamworth NSW 2340

Department of Mineral Resources

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T02-0393)

No. 1965, AUSTMINEX NL (ACN 005 470 799), area of 165 units, for Group 1, dated 19 August, 2002. (Sydney Mining Division).

(T02-0394)

No. 1966, ANDROMEDA EXPLORATION LTD (ACN 101 667 672), area of 53 units, for Group 1, dated 20 August, 2002. (Coffs Harbour Mining Division).

(T02-0395)

No. 1967, PLATSEARCH NL (ACN 003 254 395), area of 22 units, for Group 1, dated 20 August, 2002. (Broken Hill Mining Division).

(T02-0396)

No. 1968, BALRANALD GYPSUM PTY LTD (ACN 081 196 947), area of 4 units, for Group 2, dated 20 August, 2002. (Broken Hill Mining Division).

MINING LEASE APPLICATION

(C02-0434)

No. 214, MAITLAND MAIN COLLIERIES PTY LTD (ACN 000 012 652) and CONSOL ENERGY AUSTRALIA PTY LTD (ACN 097 238 349), area of about 3.99 hectares, to mine for coal, dated 29 July, 2002. (Singleton Mining Division).

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(T02-0014)

No. 1859, now Exploration Licence No. 5972, GEMSTAR DIAMONDS LIMITED (ACN 097302675), Counties of Bligh and Wellington, Map Sheet (8732), area of 17 units, for Group 6, dated 15 August, 2002, for a term until 14 August, 2004.

(T02-0026)

No. 1870, now Exploration Licence No. 5975, PASMINCO AUSTRALIA LIMITED (ACN 004 074 962), County of Mouramba, Map Sheet (8133), area of 3 units, for Group 1, dated 20 August, 2002, for a term until 19 August, 2004.

(C02-0097)

No. 1875, now Exploration Licence No. 5967, WHITEHAVEN COAL MINING PTY LIMITED (ACN 086 426 253), County of Nandewar, Map Sheet (8936), area of 5848 hectares, for Group 9, dated 24 July, 2002, for a term until 23 July, 2007. As a result of the grant of this title, Authorisation No. 216 has partly ceased to have effect.

(C02-0123)

No. 1893, now Exploration Licence No. 5967, WHITEHAVEN COAL MINING PTY LIMITED (ACN 086 426 253), County of Nandewar, Map Sheet (8936), area of 5848 hectares, for Group 9, dated 24 July, 2002, for a term until 23 July, 2007. As a result of the grant of this title, Authorisation No. 216 has partly ceased to have effect.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following application has been withdrawn:

EXPLORATION LICENCE APPLICATION

(T02-0381)

No. 1954, GRAHAM JAMES BARCLAY, JAMES HILTON BROADLEY, KAY ANNETTE BARCLAY, KEITH JOHN HERDEGEN and RESTCARD PTY LIMITED (ACN 064 733 553), County of Gloucester, Map Sheet (9333). Withdrawal took effect on 19 August, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

NOTICE is given that the following application for renewal has been received:

(T96-0229)

Mining Purposes Lease No. 316 (Act 1973), JOSEPH WALTER JAKITSCH and WOLFGANG HORST MOOSMUELLER, area of 2 hectares. Application for renewal received 19 August, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(C88-0211)

Authorisation No. 406, NAMOI VALLEY COAL PTY LIMITED (ACN 001 234 000), County of Nandewar, Map Sheet (8936), area of 2493 hectares, for a further term until 18 November, 2006. Renewal effective on and from 5 August, 2002.

(C91-0454)

Authorisation No. 447, SAXONVALE COAL PTY LIMITED (ACN 003 526 467), County of Northumberland, Map Sheet (9132), area of 322.8 hectares, for a further term until 1 September, 2006. Renewal effective on and from 15 August, 2002.

(T90-0302)

Exploration Licence No. 3856, NEWCREST MINING LIMITED (ACN 005 683 625), Counties of Ashburnham and Bathurst, Map Sheet (8630, 8631, 8731), area of 43 units, for

a further term until 20 May, 2004. Renewal effective on and from 20 August, 2002.

(T95-1085)

Exploration Licence No. 4933, LFB RESOURCES NL (ACN 073 478 574), Counties of Cunningham and Kennedy, Map Sheet (8432), area of 25 units, for a further term until 6 February, 2004. Renewal effective on and from 20 August, 2002.

(T97-1321)

Exploration Licence No. 5447, WAYNE EDWARD DUNFORD, County of Ashburnham, Map Sheet (8431), area of 1 unit, for a further term until 8 March, 2003. Renewal effective on and from 20 August, 2002.

(T99-0133)

Exploration Licence No. 5707, LIMESTONE MINING LIMITED (ACN 089 190 198), County of Lincoln, Map Sheet (8633), area of 6 units, for a further term until 22 March, 2004. Renewal effective on and from 20 August, 2002.

(C97-0446)

Exploration Licence No. 5712, LITHGOW COAL COMPANY PTY LIMITED (ACN 073 632 952), County of Roxburgh, Map Sheet (8831), area of 333.5 hectares, for a further term until 9 April, 2004. Renewal effective on and from 19 August, 2002.

(T99-0216)

Exploration Licence No. 5722, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), Counties of Ashburnham and Wellington, Map Sheet (8631, 8632), area of 16 units, for a further term until 4 May, 2004. Renewal effective on and from 20 August, 2002.

(T98-1144)

Exploration Licence No. 5741, ALKANE EXPLORATION LTD (ACN 000 689 216), County of Narromine, Map Sheet (8532), area of 2 units, for a further term until 8 June, 2004. Renewal effective on and from 20 August, 2002.

(T00-0026)

Exploration Licence No. 5748, GOLDEN CROSS OPERATIONS PTY. LTD. (ACN 050 212 827), Counties of Bathurst and Georgiana, Map Sheet (8730), area of 43 units, for a further term until 27 June, 2004. Renewal effective on and from 20 August, 2002.

(T74-1892)

Exploration (Prospecting) Licence No. 1024, NEWCREST OPERATIONS LIMITED (ACN 009 221 505), County of Bathurst, Map Sheet (8731), area of 6 units, for a further term until 20 May, 2004. Renewal effective on and from 20 August, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

WITHDRAWAL OF APPLICATION FOR RENEWAL

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

(T99-0220)

Exploration Licence No. 5739, TRIAKO RESOURCES LIMITED (ACN 008 498 119), County of Yancowinna, Map Sheet (7134, 7234), area of 27 units. The authority ceased to have effect on 19 August, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(T00-0089)

Exploration Licence No. 5775, PASMINCO AUSTRALIA LIMITED (ACN 004 074 962), County of Farnell and County of Mootwingee, Map Sheet (7235), area of 32 units. Cancellation took effect on 26 July, 2002.

EDWARD OBEID, M.L.C.,
Minister for Mineral Resources

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Exia 10229**
ISSUE : **A2586-00**
DATE : **16 July 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved Item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements, and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 71 of the Coal Mines Regulation (General) Regulation 1999.

This APPROVAL is issued to : **Ringway Holdings Pty Ltd ABN 47 087 315 179**
Address of Approval Holder : **4/6 Third Ave, UNANDERRA NSW 2526**
Description of Item/s : **Ringway Machine and Traffic Alarm System**
Manufacturer : **Ringway Holdings Pty Ltd - NSW**
Model/Type : **As listed in the Schedule**
C.M.R.A Regulation : **Coal Mines (Underground) Regulation 1999** Clause: **140 (1)**
Specific Approval Category : **Explosion Protected – Intrinsically Safe**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the approved item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, all drawings as listed in the schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

L. R. JEGO,
Accredited Assessing Authority (MDA-A2586)
For Chief Inspector of Coal Mines

Dept. File No: **C02 / 0304**

Page 1 of 4

Approval Holder : **Ringway Holdings Pty Ltd**

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex ib 10230**
ISSUE : **A2586-00**
DATE : **19 July 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved Item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate standards or requirements, and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 71 of the Coal Mines Regulation (General) Regulation 1999.

This APPROVAL is issued to : **DBT Australia Pty Ltd ABN 68 001 253 470**
Address of Approval Holder : **10-14 Kellogg Road, ROOTY HILL NSW 2766**
Description of Item/s : **Pressure Transducer**
Manufacturer : **Hydrostar Mebtechnik Gmbh - Germany**
Model/Type : **DAN6021, DAN6022, DAN6024**
C.M.R.A Regulation : **Coal Mines (Underground) Regulation 1999** Clause: **140 (1)**
Specific Approval Category : **Explosion Protected – Intrinsically Safe**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the approved item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, all drawings as listed in the schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

L. R. JEGO,
Accredited Assessing Authority (MDA-A2586)
For Chief Inspector of Coal Mines

Dept. File No: **C02 / 0417**

Page 1 of 3

Approval Holder : **DBT Australia Pty Ltd**

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex d 17039
(Issue o)**
ISSUE : **C02/0357**
DATE : **24 July 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Toshiba International Corporation Pty Ltd. ABN 29 001 555 068**
Address of Approval Holder : **2 Morton Street, Parramatta, NSW 2124**
Description of Item/s & Variations : **Range of FLP Induction Motors**
Manufacturer and model / type : **Felten & Guilleaume, Helgolander Damm 75, D26945 NORDENHAM
Frame Sizes CD 315 -L2 and CD 450**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Flameproof (Ex d)**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the approved item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, all drawings as listed in the schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0357**
Doc No : d\wes\appmaster\ToshibaExd17039priapp.doc
Page 2 of 4
App Holder : Toshiba International CorporationG Pty Ltd.

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex d 17038
(Issue 0)**
ISSUE : **C02/0358**
DATE : **27 June 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Toshiba International Corporation Pty Ltd. ABN 29 001 555 068**
Address of Approval Holder : **2 Morton Street, Parramatta, NSW 2124**
Description of Item/s & Variations : **Range of FLP Induction Motors**
Manufacturer and model / type : **Felten & Guillaume, Helgolander Damm 75, D26945 NORDENHAM
Frame Sizes CD 200, CD225, CD250, CD280, CD315-S.M.L1 and
CD 355.**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Flameproof (Ex d)**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the approved item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, all drawings as listed in the schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0358**
Doc No : d:\wes\appmaster\ToshibaExd17038priapp.doc
Page 2 of 5
App Holder : Toshiba International Corporation Pty Ltd.

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA (Ex ib) 17030
(Issue 0)**
ISSUE : **C02/0381**
DATE : **12 July 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Ampcontrol Pty Ltd (ACN 001 737 533)**
Address of Approval Holder : **250 Macquarie Road, WARNERS BAY, NSW 2282**
Description of Item/s & Variations : **Signal Line System**
Manufacturer and model / type : **Ampcontrol Pty Ltd / Type SLD / SRD**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Intrinsically Safe (Ex ib)**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

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A copy of the Approval Documentation shall be supplied to each user of the approved item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, all drawings as listed in the schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0381**
Doc No : d:\wes\appmaster\AMPSLDExib17030priapp.doc
Page 2 of 4
App Holder : Ampcontrol Pty Ltd

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex d 17040
(Issue 0)**
ISSUE : **C02/0424**
DATE : **22 July 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Ampcontrol Pty Ltd (ACN 001 737 533)**
Address of Approval Holder : **6 Martin Drive, TOMAGO. NSW 2322**
Description of Item/s & Variations : **FLPDCB / Low Tension Enclosure**
Manufacturer and model / type : **Ampcontrol Pty Ltd / Type RF-W-2xx modular assembly**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Intrinsically Safe (Ex d)**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0424**
Doc No : d:\wes\appmaster\AmpRFW2xx\Exd17040priapp.doc
Page 2 of 4
App Holder : Ampcontrol Pty Ltd

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA (Exia) 17029
(Issue 0)**
ISSUE : **C02/0382**
DATE : **12 July 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Ampcontrol Pty Ltd (ACN 001 737 533)**
Address of Approval Holder : **250 Macquarie Road, WARNERS BAY, NSW 2282**
Description of Item/s & Variations : **Earth Continuity Relay**
Manufacturer and model / type : **Ampcontrol Pty Ltd / Type R.O.C.**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Intrinsically Safe (Ex ia)**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0382**
Doc No : d:\wes\appmaster\AMPROCExia17029priapp.doc
Page 2 of 3
App Holder : Ampcontrol Pty Ltd

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Exd 17037
(Issue 0)**
ISSUE : **C02/0359**
DATE : **24 July 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Toshiba International Corporation Pty Ltd. ABN 29 001 555 068**
Address of Approval Holder : **2 Morton Street, Parramatta, NSW 2124**
Description of Item/s & Variations : **Range of FLP Induction Motors**
Manufacturer and model / type : **Felten & Guilleaume, Helgolander Damm 75, D26945 NORDENHAM
Frame Sizes CD 63 to CD 180**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Flameproof (Ex d)**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0359**
Doc No : d\wes\appmaster\ToshibaExd17037priapp.doc
Page 2 of 4
App Holder : Toshiba International Corporation Pty Ltd.

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex[ib] 17047
(Issue 0)**
 ISSUE : **C02/0486**
 DATE : **19 August 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Nautitech Mining Services Pty Ltd (ABN 40 094 272 616)**
 Address of Approval Holder : **Unit 9/6 Anella Ave., CASTLE HILL. NSW 2154**
 Description of Item/s & Variations : **Communication Barrier**
 Manufacturer and model / type : **Nautitech Mining Services Pty Ltd / Type NMS 01**
 C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
 Specific Approval Category : **Explosion Protected – Intrinsically Safe Ex[ib]**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 For Chief Inspector of Coal Mines

Dept File No : **C02/0486**
 Doc No : d:\wes\appmaster\NMS01\Exib17047priapp.doc
 Page 2 of 3
 App Holder : Nautitech Mining Services Pty Ltd

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex ia 17046
(Issue 0)**
ISSUE : **C02/0485**
DATE : **17 August 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Mann Industries Pty Ltd (ABN 50 002 931 731)**
Address of Approval Holder : **4/26 Leighton Place, HORNSBY. NSW 2077**
Description of Item/s & Variations : **Two Wire Head Mounted Transmitter**
Manufacturer and model / type : **Mann Industries Pty Ltd / Type NTX/H/RTD/IS**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Intrinsically Safe Ex ia**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0485**
Doc No : d:\wes\appmaster\Mann\Exib17046priapp.doc
Page 2 of 4
App Holder : Mann Industries Pty Ltd

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex ib 17043
(Issue 0)**
ISSUE : **C02/0451**
DATE : **16 August 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Voith Australia Pty Ltd (ABN 48 008 763 808)**
Address of Approval Holder : **11 Sleigh Place, WETHERILL PARK. NSW 2164**
Description of Item/s & Variations : **Solenoid Actuators**
Manufacturer and model / type : **Valvex Ventiltechnik Gmbh / Type V-i-AS**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Intrinsically Safe Ex ib**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

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Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0451**

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Page 2 of 3

App Holder : Voith Australia Pty Ltd

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex ib 17022
(Issue 0)**
ISSUE : **C02/0452**
DATE : **7 August 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Bosch Rexroth Pty Ltd (ABN 89 003 258 384)**
Address of Approval Holder : **3 Valediction Road, KINGS PARK. NSW 2148**
Description of Item/s & Variations : **Solenoid Actuators**
Manufacturer and model / type : **Bosch Rexroth Pty Ltd / Type GE35-2-A, GE45-2-A and GE60-7-A**
C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
Specific Approval Category : **Explosion Protected – Intrinsically Safe Ex ib**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the approved item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, all drawings as listed in the schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
Accredited Assessing Authority (MDA A2516)
For Chief Inspector of Coal Mines

Dept File No : **C02/0452**
Doc No : d:\wes\appmaster\Rexroth\Exib17022priapp.doc
Page 2 of 4
App Holder : Bosch Rexroth Pty Ltd

COAL MINES REGULATION ACT 1982

APPROVAL No. : **MDA Ex ib 17028
(Issue 0)**
 ISSUE : **C02/0282**
 DATE : **17 June 2002**

NOTICE OF PRIMARY APPROVAL

IT is hereby notified that the Approved item listed herein has been assessed for compliance with the Coal Mines Regulation Act and appropriate Standards or requirements and is hereby APPROVED in accordance with the requirements of the COAL MINES REGULATION ACT 1982. This approval is issued pursuant to the provisions of Clause 70 and 73 of the Coal Mines (General) Regulation, 1999.

This APPROVAL is issued to : **Forced Potato Pty Ltd**
 Address of Approval Holder : **Unit 3 / 13 Hoyle Avenue CASTLE HILL NSW 2154**
 Description of Item/s & Variations : **I.S. Control System**
 Manufacturer and model / type : **Forced Potato Pty Ltd / Type Jagannath**
 C.M.R.A Regulation : **Electrical Underground Clause 140 (I)**
 Specific Approval Category : **Explosion Protected – Intrinsically Safe Ex ib**

This Approval is issued subject to compliance with the requirements of the Occupational Health and Safety Act 2000.

The Authority issuing this Approval has, for the purpose of the Occupational Health and Safety Act 2000, appended a list of conditions (including drawings, documents, etc.) that are applicable to this approved item, as identified during test and/or assessment, to assist the Approval Holder and User to comply with the obligations of the Occupational Health and Safety Act 2000. The onus is on the Supplier and/or User to ensure the Approved Item, and any deviation from the list of conditions, in reference to that item is not inferior in any way to the item tested and/or assessed, this includes the supply, installation and continuing use of the approved item.

The Approval Number shall appear in a conspicuous place and in a legible manner on each approved item, unless specifically excluded.

A copy of the Approval Documentation shall be supplied to each user of the approved item and shall comprise the number of pages listed in the footer block together with supplementary documentation as listed in the Schedule and in respect to drawings, all drawings as listed in the schedule or those drawings specifically nominated for the purposes of repair and maintenance.

Any Maintenance, Repair or Overhaul of Approved Items shall be carried out in accordance with the requirements of the Coal Mines Regulation Act 1982.

G. L. M. WARING
 Accredited Assessing Authority (MDA A2516)
 For Chief Inspector of Coal Mines

Dept File No : **C02/0282**
 Doc No : d\wes\appmaster\ForcedPotatoExib17028priapp.doc
 Page 2 of 8
 App Holder : Forced Potato Pty Ltd

Department of Planning

Ryde Local Environmental Plan No 97

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S98/00948/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning,

Clause 1 Ryde Local Environmental Plan No 97

Ryde Local Environmental Plan No 97

1 Name of plan

This plan is *Ryde Local Environmental Plan No 97*.

2 Aims of plan

(1) This plan aims:

- (a) reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993 (the 1993 Act)*, and
- (b) to rezone the land to Zone No 2 (a) Residential “A” under the *Ryde Planning Scheme Ordinance (the Ordinance)*.

(2) This plan incidentally makes more extensive provisions in the Ordinance for the classification or reclassification of public land as operational land as a consequence of major changes made to the statutory scheme in section 30 (Reclassification of community land as operational) of the 1993 Act.

3 Land to which plan applies

This plan applies to land situated in the City of Ryde, being part of Lot 35, DP 236893, and known as part of Kittys Creek Reserve, East Ryde, as shown edged heavy black on Sheet 2 of the map marked “Ryde Local Environmental Plan No 97” deposited in the office of Ryde City Council.

4 Amendment of Ryde Planning Scheme Ordinance

The *Ryde Planning Scheme Ordinance* is amended as set out in Schedule 1.

Ryde Local Environmental Plan No 97

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 4)

[1] Clause 3 Interpretation

Insert in appropriate order in the definition of *scheme map* in clause 3 (1):
Ryde Local Environmental Plan No 97—Sheet 1

[2] Clause 72MA

Omit the clause. Insert instead:

72MA Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 13 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 13.
- (3) Land described in Part 2 of Schedule 13:
 - (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 13, 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 13.

Ryde Local Environmental Plan No 97

Schedule 1 Amendments

-
- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 13, means this plan or, if the description of the land is inserted in that Part by another local environmental plan, that plan.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 13, the Governor approved of subclause (4) applying to the land.

[3] Schedule 13 Classification and reclassification of public land as operational land

Insert after the new heading to the Schedule:

Part 1 Land classified, or reclassified, under original section 30 of Local Government Act 1993

[4] Schedule 13, Parts 2 and 3

Insert at the end of the Schedule the following Parts:

Part 2 Land classified, or reclassified, under amended section 30 of Local Government Act 1993—interests not changed

Column 1	Column 2
Locality	Description

Ryde Local Environmental Plan No 97

Amendments

Schedule 1

**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
East Ryde		
Part of Kittys Creek Reserve	Part of Lot 35, DP 236893, as shown edged heavy black on Sheet 1 of the map marked "Ryde Local Environmental Plan No 97" deposited in the office of the Council.	Nil.

Woollahra Local Environmental Plan 1995 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (S02/00593/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

Clause 1 Woollahra Local Environmental Plan 1995 (Amendment No 42)

Woollahra Local Environmental Plan 1995 (Amendment No 42)

1 Name of plan

This plan is *Woollahra Local Environmental Plan 1995 (Amendment No 42)*.

2 Aims of plan

This plan aims to amend *Woollahra Local Environmental Plan 1995* by amending the description of No 198 Queen Street, Woollahra, as a heritage item.

3 Land to which plan applies

This plan applies to Lot 1, DP 178026 and known as No 198 Queen Street, Woollahra.

4 Amendment of Woollahra Local Environmental Plan 1995

Woollahra Local Environmental Plan 1995 is amended by omitting from Schedule 3 in the matter relating to No 198 Queen Street, Woollahra, under the heading **Description of the heritage item** the word “House” and by inserting instead the words “The former schoolhouse, being an outbuilding at the rear of the property”.

Roads and Traffic Authority

Roads Act 1993

Notice under Clause 17 of the Road Transport (Mass, Loading and Access) Regulation, 1996

Goulburn 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.

I Aldridge
Manager Engineering Services
for
Mr D Cooper
General Manager
Goulburn City Council
(by delegation from the Minister for Roads)

Schedule

Citation

This Notice may be cited as the Goulburn City Council B-Doubles Notice No. 1/2002.

Commencement

This Notice takes effect from the date of gazettal.

Effect

This Notice remains in force until 1 December 2007, unless it is amended or repealed earlier.

Application

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.

Routes

B-Double routes within the Goulburn City Council

Type	Road No	Road Name	Starting point	Finishing point	Conditions
25m	000	Union Street, Goulburn	Lagoon St (Sydney Rd MR676)	Reynolds St	
25m	000	Reynolds St, Goulburn	Union St	Grafton St	
25m	000	Grafton St, Goulburn	Reynolds St	Sloane St	
25m	000 & 079	Sloane St, Goulburn	Grafton St	Garroorigang Rd	

Roads Act 1993

Notice under the Road Transport (Mass, Loading and Access) Regulation 1996

I, Paul Forward, Chief Executive of the Roads and Traffic Authority, in pursuance of Clause 10 of the Road Transport (Mass, Loading and Access) Regulation 1996, do by this Notice, permit vehicles, that are described in clause 1.5 of the Schedule to this Notice, to stand and operate on roads and road related areas subject to the conditions set out in the Schedule hereto.

Paul Forward
Chief Executive
Roads and Traffic Authority

Schedule

Citation

1.1 This Notice may be cited as the Special Purpose Emergency Vehicle Stand and Operate Notice 2002.

Commencement

1.2 This Notice takes effect on the date of gazettal.

Effect

1.3 This Notice remains in force until 1 August 2007 unless it is amended or repealed earlier.

Interpretations

1.4 Unless stated otherwise, words and expressions used in this Notice that are defined in clause 1.8 of this Notice or the Dictionary forming part of the Road Transport (Mass, Loading and Access) Regulation 1996 (the MLA Regulation), have the same meaning as those set out in that clause or that Dictionary.

Application

1.5 (1) This Notice applies to any standing special purpose emergency vehicle that exceeds a dimension limit specified in Table 3 of Schedule 2 to the MLA Regulation or the corresponding limit in the Road Transport (Vehicle Registration) Regulation 1998 or Schedule 1 to the MLA Regulation while such vehicle is standing and operating upon a road or road related area in New South Wales.

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

NOTE:

This Notice extends to standing special purpose emergency vehicles that are standing and operating with booms, jibs, masts, platforms and stabiliser outriggers extended beyond the prescribed limits.

Conditions and Operating requirements

1.6 The dimension limits specified in Part 2 of Schedule 1 to the MLA Regulation do not apply to a standing special purpose emergency vehicle while such vehicle is standing or operating in accordance with a Notice published in the Government Gazette.

Mass and Dimension Limit

1.7 (1) When not standing and operating, travel is only permitted on a road or road related area if the standing special purpose emergency vehicle does not exceed a mass or dimension limit specified in Schedule 2 to the MLA Regulation, or the corresponding limit in the Road Transport (Vehicle Registration) Regulation 1998 or Schedule 1 to the MLA Regulation, unless it is exempt from such limit by a Class 1 Notice or a Class 1 Permit and is travelling in accordance therewith.

(2) When a standing special purpose emergency vehicle is standing and operating then any booms, jibs, masts, platforms and stabiliser outriggers that are incidental to such use must only be used in accordance with the manufacturer's recommendations.

Definitions

1.8 In this Notice:

“authorised officer” means a person employed by the Roads and Traffic Authority as an enforcement officer.

“standing and operating” means using in a stationary position or between positions in close proximity to one another for the purpose for which a standing special purpose vehicle is designed and standing as incidental to such use.

“standing special purpose emergency vehicle” means a aerial appliance, elevated travel tower, scissor lift or other vehicle used by the NSW Fire Brigade or other emergency service.

ROADS ACT 1993

Section 10

Notice of Dedication of Land as Public Road at
Faulconbridge in the Blue Mountains City Council area

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

D J Lorsch
Manager, Statutory Processes
Roads and Traffic Authority of New South Wales

SCHEDULE

ALL those pieces or parcels of land situated in the Blue
Mountains City Council area, Parishes of Coomassie and
Magdala and County of Cook, shown as:

Lots 1 to 4 inclusive Deposited Plan 97303;
Lots 13 to 24 inclusive Deposited Plan 773938;
Lot 1 Deposited Plan 337993;
Lot 11 Deposited Plan 818708;
Lots 13 to 20 inclusive Deposited Plan 791169;
Lots 14 to 22 inclusive Deposited Plan 800430;
Lots 102 and 103 Deposited Plan 883518;
Lots 10 to 18 inclusive Deposited Plan 873810;
Lot 2 Deposited Plan 866671;
Lots 102 and 103 Deposited Plan 1042097;
Lots 6, 46, 50, 53 to 57 inclusive and 60 to 64 inclusive
Deposited Plan 226639;
Lot 13 Deposited Plan 865745;
Lots 3 and 4 Deposited Plan 878267;
Lots 17 to 20 inclusive Deposited Plan 873996;
Lots 2, 3, 4, 6, 44 to 49 inclusive and 51 to 57 inclusive
Deposited Plan 226643;
Lots 10 to 18 Deposited Plan 793479; and
Lot 1 Deposited Plan 502087.

(RTA Papers FPP 5/44.1358)

Other Notices

ANTI-DISCRIMINATION ACT 1977

EXEMPTION ORDER

UNDER the provisions of Section 126 of the Anti-Discrimination Act 1977, and on the recommendation of the Anti-Discrimination Board, an exemption is given from the provisions of sections 8, 25 and 51 of the Anti-Discrimination Act 1977 to the Northern Rivers Community Legal Centre to designate and recruit an Indigenous woman as the Indigenous Assistant Coordinator of the Women's Domestic Violence Court Assistance Scheme.

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

Dated this 22nd day of August 2002

BOB DEBUS, M.P.,
Attorney General

APPRENTICESHIP AND TRAINEESHIP ACT 2001

ORDER

I, Pam Christie, Commissioner for Vocational Training, in pursuance of section 5 of the *Apprenticeship and Traineeship Act 2001*, make the Order set forth hereunder.

PAM CHRISTIE,
Commissioner for Vocational Training

Commencement

1. This Order takes effect from the date of publication in the NSW Government Gazette.

Amendment

2. The Apprenticeship and Traineeship Order 2001 is amended by:

inserting in Schedule 1 in appropriate alphabetical order the following vocation which is designated as a recognised traineeship vocation for the purposes of the *Apprenticeship and Traineeship Act 2001*:

Media Journalism

APPRENTICESHIP AND TRAINEESHIP ACT 2001

Notice of making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the *Apprenticeship and Traineeship Act 2001*, has made the following Vocational Training Order in relation to the recognised traineeship vocation Media Journalism.

CITATION

The order is cited as the Media Journalism 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 a Certificate II outcome and for a Certificate III outcome 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 that 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) Courses of Study to be Undertaken

Trainees will undertake the following courses of study:

Certificate II in Media Journalism (National Code 3638)
Certificate III in News Media (National Code 90859 NSW)

AVAILABILITY TO INSPECT

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

CO-OPERATIVES ACT 1992

**NOTICE UNDER SECTION 601AA OF THE
CORPORATIONS LAW AS APPLIED BY SECTION 325
OF THE CO-OPERATIVES ACT 1992**

NOTICE is hereby given that the Co-operative mentioned below will be deregistered when two months have passed since the publication of this notice.

NAME OF CO-OPERATIVE

NARRABEEN LAKE PARK CO-OPERATIVE LTD

Dated this twenty-eighth day of August 2002.

C. GOWLAND,
Delegate Of The Registrar Of Co-operatives

DISTRICT COURT RULES 1973**DIRECTION**

BY this direction made under Part 51A rule 1(2) of the District Court Rules 1973, I specify Port Macquarie to be a prescribed place for the purpose of section 63A of the District Court Act 1973, for the week commencing 23 September 2002.

Dated this 22 day of August 2002

R. O. BLANCH,
Chief Judge

ELECTRICITY SAFETY ACT 1945**Order under Section 21**

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and pursuant to sections 21 (1) and 21 (2) of the Electricity Safety Act 1945, do, by this my Order, declare the electrical articles of the class described in Schedule 1 to be, on and from 17 August 2002, electrical articles to which Part 4C of the Electricity Safety Act 1945 applies and the specifications, including modifications, specified in the schedule to the Order to be those applicable to electrical articles of that class.

This Order revokes, on and from 17 August 2002, the Order dated 18 July 2001 published in the Government Gazette of 27 July 2001, No 117.

Signed at Sydney, this 14th day of August 2002.

MARIE BASHIR, Governor

By Her Excellency's Command,

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

GEOGRAPHICAL NAMES ACT 1966

Notice of proposal to create a new locality and amend a boundary within Tumbarumba 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 the new locality Welaregang, reducing the extent of Tooma, as indicated on map GNB3808/C. The map may be viewed at Tumbarumba Shire Council Chambers, Tumbarumba Library and the office of the Geographical Names Board, Land and Property Information NSW, Panorama Avenue, Bathurst.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

W. WATKINS,
Chairperson

Geographical Names Board
PO Box 143, BATHURST NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 7 (1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder in the Lachlan Local Government Area.

Moore Creek, Til Creek.

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Boards Web Site at www.lpi.nsw.gov.au/geog/.

WARWICK WATKINS,
Chairman

Geographical Names Board
PO Box 143, Bathurst 2795

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 name listed hereunder.

Assigned Name:	Sydney Olympic Park
Designation:	Urban Place
L.G.A.:	Auburn Council
Parish:	St John
County:	Cumberland
L.P.I. Map:	Parramatta River
1:100,000 Map:	Sydney 9130
Reference:	GNB4878

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

WARWICK WATKINS,
Chairperson

Geographical Names Board
PO Box 143, Bathurst NSW 2795

HARNESS RACING ACT 2002

Notice

I, JACK RICHARD FACE, Minister for Gaming and Racing, pursuant to clause 5(6) of Schedule 6 to the Harness Racing Act 2002, do hereby appoint Monday 2 September 2002 as the constitution day of Harness Racing New South Wales.

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

EXPLANATORY NOTE

The Harness Racing Act 2002 provides, inter alia, that Harness Racing New South Wales is formally constituted on a day (the constitution day) appointed by the Minister by notice published in the *Gazette*.

HEALTH ADMINISTRATION ACT 1982

Land Acquisition (Just Terms Compensation) Act 1991

Notice of acquisition of land by compulsory process for the purposes of the Health Administration Act 1982

PURSUANT to section 10 of the Health Administration Act 1982 and section 19(1) of the Land Acquisition (Just Terms Compensation) Act 1991, the Health Administration Corporation by its delegate declares, with the approval of the Governor, that the land described in the Schedule below, excluding mines and minerals within such land, is by this notice acquired by compulsory process for the purposes of the Health Administration Act 1982.

Signed at Sydney this twenty-eighth day of August 2002.

Director, Asset and Procurement Management
Department of Health
a duly authorised delegate of the Health
Administration Corporation

SCHEDULE

ALL THAT piece or parcel of land situated at Nowra, Parish of Nowra and County of St Vincent being Lot 1 in Deposited Plan 1043088.

HERITAGE ACT 1977**INTERIM HERITAGE ORDER NO. 57**

IN pursuance of Section 24 of the Heritage Act 1977, I, the Minister for Urban Affairs and Planning, do, by this my order:

- (i) make an interim heritage order in respect of the item of the environmental heritage specified or described in Schedule 'A'; and
- (ii) declare that the interim heritage order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 27 August 2002

SCHEDULE 'A'

The properties known as 5, 7, 9 and 11 Raglan Street, Mosman on the land described in Schedule 'B'.

SCHEDULE 'B'

All those pieces or parcels of land known as Lot 1 DP 104765; Lot 1 DP 540158; Lot 2 DP 540158; and Lot 1 DP 922602.

LAND AND ENVIRONMENT COURT**CITATION OF AUTHORITIES PRACTICE DIRECTION**

This Practice Direction commences on 1 October 2002

Explanation

1. In recent years there has been a substantial growth in the number and availability of reports of judgments in this and other jurisdictions, such reports being available either in published reports or in electronic form. The current weight of available material, whilst increasing the knowledge of the work and decisions of the courts, causes problems both for advocates and for the Court in properly limiting the nature and amount of material used in the preparation of and submissions in subsequent cases.
2. Recent and continuing efforts to increase the efficiency and thus reduce the cost of litigation, whilst maintaining the interest of justice, will be hindered if the Court is burdened by weight of inappropriate and unnecessary authority. The Court has experienced the following:
 - (i) Long lists of authorities, but only a small number from the list being referred to by the advocate;
 - (ii) The citation of a number of authorities for a single proposition when only one authority (namely the most recent or the most authoritative) would be sufficient;
 - (iii) The failure to state the proposition of law for which the authority is cited;
 - (iv) The failure to identify the part or parts of the judgment that support the proposition; and
 - (v) Authorities referred to in electronic form when the authorised report is available.
3. This practice direction is made with a view to limiting the citation of previous authority to cases that are relevant and useful to the Court and to lay down the manner in which that cited material should be handled by advocates.

Citation of Authorities

4. (a) Subject to paragraph 4(b), the authorised report of a judgement should be cited as far as practicable, if it is available in that form. Parallel citation of any medium neutral citation, allocated by a court at the time of delivery of judgment, will maximise accessibility.

The authorised reports of the High Court are the Commonwealth Law Reports (CLR). If a High Court judgment is to be cited then the citation should be CLR, even if the judgment may be reported elsewhere. (For example, the citation of *Oshlack v Richmond River Council* should be 193 CLR 72, not 96 LGERA 173).

Similarly, the authorised reports of the Supreme Court are the New South Wales Law Reports (NSWL R). If a Supreme Court judgement is to be cited then the citation should be from that series even if the judgment may be reported elsewhere. (For example, the citation of the Court of Appeal's decision in *Timbarra Protection Coalition Inc v Ross Mining NL* should be 46 NSWLR 55, not 102 LGERA 52)

(b) The citation of a judgment reported in the Local Government and Environmental Reports of Australia (LGERA) will be accepted.

5. Citation of judgments in only electronic format should, as far as practicable, be done only if not reported in any of the published series of reports. They should be cited in medium neutral form.
6. A party who intends to cite an unreported judgment shall provide photocopies for the Court and for the other parties.
7. Pinpoint citations should refer to both page and paragraph numbers. Example: *Blacktown City Council v Wilkie* (2001) 119 LGERA 255 at 273 [60].
8. It will remain the duty of advocates to draw the attention of the Court to any relevant authority not cited by an opponent which is adverse to the case being advanced.
9. Advocates will be required to state, in respect of each authority that they wish to cite, the proposition of law which the authority demonstrates and the parts of the judgment that support that proposition. If it is sought to cite more than one authority in support of a given proposition, advocates must state the reason for taking that course.
10. The demonstration referred to in par [9] may be contained in any written outline of submissions.

The statements referred to in par [9] should not materially add to the length of submissions or any written outline of submissions.

MAHLAL PEARLMAN AM,
Chief Judge

9 August 2002

LAND AND ENVIRONMENT COURT

AMENDMENT TO PRACTICE DIRECTION CONCERNING EXPERT WITNESSES

1. This Amendment commences on 1 October 2002.
2. The Practice Direction made on 12 August 1999 concerning expert witnesses is amended by omitting paragraphs 5 and 6 from the Schedule and by inserting instead the following paragraphs—
 - 5(1) The Court may, on application by a party or of its own motion, direct expert witnesses to:
 - (a) confer and may specify the matters on which they are to confer;
 - (b) endeavour to reach agreement on outstanding technical matters within their expertise; and

- (c) provide the Court with a joint report specifying matters agreed and matters not agreed and the reasons for any non agreement.

(2) The objectives of such directions for a joint conference of experts include the following:

- (a) the just, quick and cost effective disposal of the proceedings.
- (b) the identification and narrowing of issues in the proceedings during preparation for such a conference and by discussion between the experts at the conference. The joint report may be tendered by consent as evidence of matters agreed and/or to identify and limit the issues on which contested expert evidence will be called.
- (c) the consequential shortening of the trial and enhanced prospects of settlement.
- (d) apprising the Court of the issues for determination.
- (e) binding experts to their position on issues, thereby enhancing certainty as to how the expert evidence will come out at the trial. (The joint report may, if necessary, be used in cross-examination of a participating expert called at the trial who seeks to depart from what was agreed.)
- (f) avoiding or reducing the need for experts to attend court to give evidence.

(3) Where, pursuant to this paragraph, expert witnesses have conferred and have provided a joint report agreeing on any matter, a party affected may not, without leave of the Court, adduce expert evidence inconsistent with the matter agreed.

6 Unless otherwise directed by the Court where a direction is given pursuant to paragraph 5(1), the parties shall agree on the following matters:

- (a) the experts to attend.
- (b) the questions to be answered.
- (c) the materials to be placed before the experts.

7 The experts to attend should be those specified in the Court's direction. If none are so specified, the parties should arrange for experts to attend who have expertise pertinent to the questions to be asked. Separate conferences may be required between experts in different specialities in relation to different issues arising in the case.

8 The questions to be answered should be those specified by the Court or those agreed by the parties as relevant and any other question which any party wishes to submit for consideration.

9 The questions to be answered should be framed to resolve an issue or issues in the proceedings. If possible, questions should be capable of being answered Yes or No, or (if not) by a very brief response.

10 The materials to be provided to each of the participating experts should include:

- (a) this practice note;
- (b) an agreed chronology, if appropriate;
- (c) relevant witness statements or, preferably, a joint statement of the assumptions to be made by the experts, including any competing assumptions to be made by them in the alternative (which should be specified clearly as such);
- (d) copies of all expert opinions already exchanged between the parties and all other expert opinions and reports upon which a party intends to rely; and
- (e) such records and other documents as may be agreed between the parties or ordered by the Court.

11 The participating experts should each be provided, 7 days in advance, with the questions and materials referred to in paragraphs 8 to 10 above.

12 Subject to any directions given by the Court concerning the range of dates for the convening of the conference, the parties should communicate amongst themselves to fix a mutually convenient date, time and place for the conference.

13 The conference should take the form of a personal meeting. Alternatively the participants may choose to hold the conference by teleconference, videolink or similar means if a personal meeting is not practicable.

14 The Court may direct that the conference be held with or without the attendance of the legal representatives of the parties affected, or with or without the attendance of legal representatives at the option of the parties respectively.

15 The experts should be given a reasonable opportunity to prepare for the conference by ensuring that before the conference the experts have:

- (a) an opportunity to seek clarification from the instructing lawyers or the Court concerning any question put to them; and
- (b) access to any additional materials which the parties are able to provide and which the experts consider to be relevant.

16 The experts should provide their respective opinions in response to the questions asked based on the witness statements or assumptions provided. Where alternative assumptions are

provided the experts should provide their respective opinions on the alternative assumptions.

17 The experts may specify in their joint report other questions which they believe it would be useful for them to consider.

18 An expert witness must exercise his or her independent, professional judgment in relation to such a conference and joint report, and must not act on any instruction or request to withhold or avoid agreement. An expert should not assume the role of advocate for any party during the course of discussions at the joint conference. If, for whatever reason, an expert is unable to reach agreement with the other experts on any matter, that expert should be free to express his or her disagreement with the other experts on that matter.

19 The experts should accept as fact the matters stated in witness statements or assumptions submitted to them. It is not their role to decide any disputed question of fact or the credibility of any witness. Where there are competing assumptions to be made in the alternative, alternative answers may have to be provided to a question or questions, specifying which of the assumptions are adopted for each answer.

20 The conference should be conducted in a manner which is flexible, free from undue complexity (so far as is practicable) and fair to all parties.

21 The participating experts may appoint one of their number as a chairperson. If one of them so requests and the parties agree or the court orders, some other person may be appointed to act as chairperson.

22 Secretarial or administrative assistance should be provided by the parties if so requested by the experts.

23 If the participating experts agree, one of them or a secretarial assistant may be appointed to make a note at the conference of matters agreed, matters not agreed and reasons for disagreement.

24 The conference may be adjourned for no more than 7 days and reconvened as may be thought necessary by those participating.

25 The joint report should specify matters agreed and matters not agreed and the reasons for non agreement.

26 The joint report should, if possible, be signed by all participating experts immediately at the conclusion of the conference and, otherwise, as soon as practicable thereafter.

27 Prior to signing of a joint report, the participating experts should not seek advice or guidance from the parties or their legal representatives except as provided for in this Practice Note. Thereafter, the experts may provide a copy of the report to a party or his or her legal representative and may communicate what transpired at the meeting in detail if they wish.

28 The report of the joint conference should be composed by the experts and not the representatives of the parties. The report should be set out in numbered paragraphs and should be divided into the following sections:

- (a) statement of agreed opinion in respect of each matter calling for report;
- (b) statement of matters not agreed between experts with short reasons why agreement has not been reached;
- (c) statement in respect of which no opinions could be given eg issues involving credibility of testimony;
- (d) any suggestion by the participating experts as to any other matter which they believe could usefully be submitted to them for their opinion; and
- (e) disclosure of any circumstances by reason of which an expert may be unable to give impartial consideration to the matter.

29 The joint report, when signed by all participating experts, should be forwarded to the Court.

30 Legal representatives who attend a conference pursuant to an order of the Court or who are approached for advice or guidance by a participating expert should respond jointly and not individually, unless authorised to do so by the legal representatives for all other parties with an interest in the conference.

Such advice or guidance may be provided by:

- (a) responding to any questions in relation to the legal process applicable to the case;
- (b) identifying relevant documents;
- (c) providing further materials on request; and
- (d) correcting any misapprehensions of fact or an misunderstanding concerning the conference process;
- (e) recommended amendments to plans.

31 The legal representatives of the parties should perform any other role the Court may direct.

32 The legal representatives of the parties should inform the Court of the date of a conference when arranged, the names of the participating experts and the questions submitted.

33 It is not intended that the joint report provided to the Court or that information provided to the Court concerning a conference will be evidence in the proceedings unless admitted into evidence in the ordinary way.

The content of the conference between the expert witnesses shall not be referred to at the hearing or trial unless the parties affected agree.

34 An expert directed to confer may apply to the Court for further directions. That may be done, at the expert's election, by arrangement with the Court. A party may also apply for further directions in relation to a directed conference.

MAHLA L PEARLMAN AM,
Chief Judge

28 August 2002

LOCAL GOVERNMENT ACT 1993

Mathoura Sewerage Augmentation

THE Minister for Land and Water Conservation of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Mathoura Sewerage Augmentation Scheme are vested in Murray Shire Council.

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

SCHEDULE

Works of sewerage for the town of Mathoura comprising reticulation mains, rising mains, pumping stations, treatment works and all works incidental thereto.

DPWS reference S808.

LOCAL GOVERNMENT ACT 1993

Angourie Sewerage

THE Minister for Land and Water Conservation of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of Angourie Sewerage Scheme are vested in Maclean Shire Council.

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

SCHEDULE

Works of sewerage for the villages of Angourie and Wooloweyah comprising reticulation trunk mains, rising mains, new pumping stations, overflows and upgrading of sewage collection system for West Yamba comprising new pumping station with odour bed, new rising mains, new switch gear and control gear assemblies at nine existing pumping stations, a new inlet/balance tank at the Yamba Treatment Works, a telemetry system and all works incidental thereto.

DPWS reference S851.

LOCAL GOVERNMENT ACT 1993

Barham Water Supply Augmentation

THE Minister for Land and Water Conservation of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were

constructed for the purpose of Barham Water Supply Augmentation Scheme are vested in Wakool Shire Council.

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

SCHEDULE

Works of water supply for the town of Barham comprising raw water pumping station, water treatment plant and clear water pumping station, reticulation mains, rising mains, domestic meters, service connections, power supply, chlorination equipment and all works incidental thereto.

DPWS reference W586.

LOCAL GOVERNMENT ACT 1993

East Jindabyne Sewerage

THE Minister for Land and Water Conservation of the State of New South Wales, declares that all right, title and interest in the works described in the Schedule hereto, which were constructed for the purpose of East Jindabyne Sewerage Scheme are vested in Snowy River Shire Council.

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

SCHEDULE

Works of sewerage for the town of East Jindabyne comprising sewer reticulation, rising and gravity mains, pumping stations, telemetry and electrical power supply and all works incidental thereto.

DPWS reference S844.

Certificate No. 001/02

OCCUPATIONAL HEALTH AND SAFETY REGULATION 2001

EXEMPTION ORDER

I, Margaret Michele Patterson, Assistant General Manager of the Occupational Health and Safety Division, under the delegation assigned by WorkCover NSW and pursuant to *clause 348* [exemptions for classes of persons or things] of the *Occupational Health and Safety Regulation 2001* (the Regulation), being satisfied that the application of the provisions in *clause 113(3)(d)* [payment of fee] and *clause 118* [annual item of plant registration] of the Regulation is inappropriate and unnecessary in the circumstances, hereby exempt the person who has control of the plant specified in Schedule 1 from complying with clauses *113(3)(d)* and *118* of the Regulation, subject to the conditions specified in Schedule 2.

SCHEDULE 1

Lifts installed within a private dwelling, except where the lift is used by a member of the public as a means of access to or egress from the dwelling.

SCHEDULE 2

1. Private use of lifts

The lifts are not to be available for unrestricted use by the general public as a means of access to or egress from the dwelling.

2. Access arrangement for Emergencies and Periodic Maintenance

A satisfactory arrangement, which ensures access to all floors for emergency and maintenance reasons, is to be negotiated between the dwelling owner and the lift servicing company.

3. Notification of Changes

WorkCover NSW is to be given notice in writing of change of ownership of the lift, alteration to the lift or change of use of the building which could result in the building being used for purposes other than as a private dwelling.

Note: Clause 117 provides that if ownership of the lift changes, and WorkCover NSW is not notified, registration of the plant is automatically cancelled.

Dated this day of August, 2002.

MARGARET MICHELE PATTERSON,
Assistant General Manager
WorkCover NSW

Please note under Clause 349 of the *Occupational Health and Safety Regulation 2001*, a Register of Exemptions must be kept by WorkCover NSW and be available for public inspection upon request.

POISONS AND THERAPEUTIC GOODS ACT 1966

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 Minister for Health and in pursuance of section 8(6) of the Poisons and Therapeutic Goods Act 1966, do, by this my Proclamation, amend the Poisons List in the manner set out in the Schedule hereunder with effect on and from 1 September 2002.

Signed and sealed at Sydney, this twenty-eighth day of August 2002.

By Her Excellency's Command,

CRAIG KNOWLES, M.P.,
Minister for Health

GOD SAVE THE QUEEN!

SCHEDULE

The Poisons List is hereby amended as follows:

- Omit from the additional entries in Schedule 4 the following entry:
PENTAZOCINE.
- Omit from the additional entries in Schedule 7 the following entries:

PHENYLACETIC ACID AND SALTS AND ESTERS
OF PHENYLACETIC ACID, AS SUCH.
1-PHENYL-2-CHLOROPROPANE, AS SUCH.
1-PHENYL-2-NITROPROPENE, AS SUCH.
1-PHENYL-2-PROPANOL, AS SUCH.
1-PHENYL-2-PROPANONE, AS SUCH.
1-PHENYL-2-PROPANONE OXIME, AS SUCH.

3. Omit from the excepted entries in Schedule 8 the following entry:
PENTAZOCINE.

RURAL FIRES ACT 2002

PURSUANT to Section 82 of the Rural Fires Act 2002 as amended, the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of variation: Numbucca Local Government Area

The Local Bush Fire Danger period has been extended for the period 1 August 2002 until 31 August 2002.

During this period permits pursuant to Section 87 of the Rural Fires Act 2002 as amended, will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated 15 August 2002.

SHANE FITZSIMMONS, AFSM,
Executive Director Operations
Delegate

RURAL FIRES ACT 2002

PURSUANT to Section 82 of the Rural Fires Act 1997 (as amended), the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of variation: Lithgow Local Government Area

The Local Bush Fire Danger period has been extended for the period 1 September 2002 until 30 September 2002.

During this period permits pursuant to Section 87 of the Rural Fires Act 1997 (as amended), will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated 19 August 2002.

SHANE FITZSIMMONS, AFSM,
Executive Director Operations
Delegate

RURAL FIRES ACT 2002

PURSUANT to Section 82 of the Rural Fires Act 1997 (as amended), the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of variation: Sutherland Local Government Area

The Local Bush Fire Danger period has been extended for the period 1 September 2002 until 30 September 2002.

During this period permits pursuant to Section 87 of the Rural Fires Act 1997 (as amended), will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated 23 August 2002.

SHANE FITZSIMMONS, AFSM,
Executive Director Operations
Delegate

RURAL FIRES ACT 2002

PURSUANT to Section 82 of the Rural Fires Act 1997 (as amended), the Commissioner of the NSW Rural Fire Service, following consultation with the local stakeholders, declares the following Local Bush Fire Danger Period Variation:

Area of variation: Kempsey Local Government Area

The Local Bush Fire Danger period has been extended for the period 1 September 2002 until 30 September 2002.

During this period permits pursuant to Section 87 of the Rural Fires Act 1997 (as amended), will be required for the lighting of fire for the purposes of land clearance or fire breaks.

Dated 23 August 2002.

SHANE FITZSIMMONS, AFSM,
Executive Director Operations
Delegate

THREATENED SPECIES CONSERVATION ACT

Notice of Preliminary Determination

Proposed Addition to Schedules

THE Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the following in the relevant Schedule of the Act.

Key Threatening Process (Schedule 3)

Removal of dead wood, dead trees and log.

The Committee is of the opinion this threatening process adversely affects two or more threatened species, populations or ecological communities or could cause species, populations or ecological communities that are not threatened to become threatened.

Notice of Preliminary Determination

Proposed Amendment to Schedules

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Preliminary Determination to support a proposal to list the shrub *Zieria citriodora* J.A. Armstrong ms. as an ENDANGERED SPECIES in Part 1 of Schedule 1 of the Act, and as a consequence, to omit reference to *Zieria citriodora* J.A. Armstrong ms. from Schedule 2 (Vulnerable Species) of the Act.

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.

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: Kelly Taylor
Acting Executive Officer,
Scientific Committee

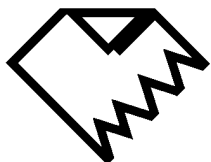
Submissions must be received by 4th October, 2002.

DR CHRIS DICKMAN,
Chairperson
Scientific Committee

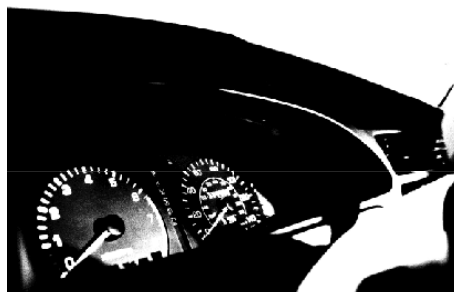


**Treatment, Rehabilitation and
Attendant Care Guidelines for
CTP Insurers with Conditional
Licenses (non-underwriters)**

July 2002



**MOTOR ACCIDENTS
AUTHORITY**



Introduction

The Motor Accidents Compensation Act 1999 (MACA) and the Motor Accidents Act 1988 place responsibilities concerning treatment, rehabilitation and attendant care on the Motor Accidents Authority of NSW (MAA), the CTP insurers and claimants.

The main goal of the Treatment, Rehabilitation and Attendant Care (TRAC) Guidelines is to ensure that there is consistency in the decision making within an insurer about the provision of treatment, rehabilitation and attendant care services for claimants, notwithstanding that these insurers no longer underwrite CTP business in NSW.

For claims prior to 5 October 1999, these guidelines define 'rehabilitation' as it appears in Section 35 of the Motor Accidents Act 1988.

The following set of Treatment, Rehabilitation and Attendant Care (TRAC) Guidelines developed by the MAA aim to promote best practice and facilitate consistency in the decision making within an insurer about the provision of treatment, rehabilitation and attendant care services to claimants. They are designed to ensure CTP insurers address the ongoing needs of claimants by facilitating their access to appropriate treatment, rehabilitation and attendant care, and apply throughout the lifetime of a claim.

These Guidelines are applicable to CTP insurers with suspended CTP licenses, and apply to claims arising from policies under both the Motor Accidents Compensation Act 1999 and the Motor Accidents Act 1988. They also apply to CTP insurers with a current license who are managing "tail" or "run-off" claims, which have not been subsumed into the insurer's regular claims' management system.

The objectives of the Motor Accidents Compensation Act 1999 include the encouragement of early and appropriate treatment and rehabilitation to achieve optimum recovery (section 4). An objective of the Motor Accidents Act 1988 is to encourage and support recovery from injury and the use of early and appropriate rehabilitation to assist injured people return as far as possible to their pre-injury lifestyle (section 34A).

Insurers are obliged to pay for treatment, rehabilitation and attendant care on an as incurred basis once liability has been admitted. However, the insurer is only obliged to pay for treatment, rehabilitation and attendant care costs that are reasonable and necessary, properly verified and relate to injuries resulting from the motor vehicle accident (section 45 of the Motor Accidents Act and section 83 of Motor Accidents Compensation Act). Claimants are under a duty to do everything possible to recover from their injuries (section 39 of the Motor Accidents Act and section 136 of Motor Accidents Compensation Act).

Decisions about whether treatment, rehabilitation and attendant care services are reasonable and necessary for the recovery or long-term support of the claimant should be based on assessments and information from treating and independent practitioners and any other relevant and objective information.

The Guidelines provide standards and criteria against which insurers can measure their performance and demonstrate they are meeting the objectives and their responsibilities under the Motor Accidents Compensation Act 1999 and the Motor

Accidents Act 1988. The associated auditing process enables objective and external verification of achievement of the standards and continuous improvement in performance.

These Guidelines apply from the date they are gazetted to injuries arising from accidents under both the Motor Accidents Act 1988 and the Motor Accidents Compensation Act 1999.

These Guidelines are issued pursuant to Section 44 of the Motor Accidents Compensation Act 1999 and apply by Chapter 3 of that Act in respect of an injury caused by a motor accident. Further, these guidelines, so far as rehabilitation is concerned, apply in relation to insurers' obligations under Section 84 of the Motor Accidents Compensation Act 1999. Sections 44 and 84 of the Motor Accidents Compensation Act 1999 apply in relation to treatment of injuries whether the injuries were sustained in accidents occurring before 5 October 1999, or on or after 5 October 1999.

General Principles

The implementation of the Treatment, Rehabilitation and Attendant Care Guidelines for insurers requires **demonstrated** consideration and acceptance of the following general principles:

- 1 Addressing the needs of claimants by facilitating their access to rehabilitation and attendant care is an integral part of the Motor Accidents Scheme.
- 2 Effective treatment, rehabilitation and attendant care is a collaborative arrangement requiring communication and cooperation between the claimant, the provider and the insurer.
- 3 It is vital that treatment and rehabilitation are regularly monitored until conclusion. While not all CTP claimants will need rehabilitation services, it should be facilitated when required for all age groups, including children and older people.
- 4 Wherever possible, claimants should exercise choice about the selection of their treatment, rehabilitation and /or attendant care service provider. However, the insurer is only obliged to pay for treatment, rehabilitation and attendant care costs that are reasonable and necessary, properly verified and relate to injuries resulting from the motor vehicle accident.
- 5 The selection of a service provider should be determined by the claimant's needs and the service best able to meet these needs. Any commercial relationship between the insurer and the service provider is not a factor to be considered when selecting a service provider.
- 6 Claimants should be encouraged to be involved in the development and ongoing review and modification of their treatment, rehabilitation and attendant care plans.
- 7 The insurer is not responsible for developing treatment, rehabilitation or attendant care plans. This is the responsibility of relevant service providers.
- 8 There should be consistency in the decision making process about treatment, rehabilitation and attendant care issues between claims and rehabilitation staff.
- 9 All rehabilitation and claims staff actively seek to minimise the risk of disputes associated with managing the treatment, rehabilitation and attendant care needs of claimants. They should be proactive in seeking resolution of disputes by facilitating referral to insurer's internal complaints and disputes resolution processes, and when necessary, the appropriate external disputes resolution services.
- 10 Relevant ongoing professional development, support, and performance review are provided for employed rehabilitation advisers, and a system of review is in place for contracted rehabilitation advisers.
- 11 Relevant ongoing training for rehabilitation advisers and claims officers is provided regarding the application of these treatment, rehabilitation and attendant care guidelines.

- 12 When there is a need to coordinate services or when there are differences of opinion about claimants' programs, the insurer considers the use of case conferences involving rehabilitation advisers and/or providers, treating practitioners, attendant care agencies and claimants.

Explanatory notes

Attendant care

Attendant care assists people with disabilities to perform tasks they would normally be doing for themselves. Attendant care services aim to provide assistance to people with everyday tasks and include, for example, personal assistance, nursing, home maintenance and domestic services. They enable individuals to live independently and to exercise basic rights about choice of lifestyle.

Attendant care plan

An attendant care plan should normally outline the claimant's present condition, functional capacity, role of attendant carer, goals and specified activities of the program and hours of care required. Attendant care plans are developed collaboratively between the attendant care agency, the rehabilitation provider involved, the claimant and their family, as well as the insurer.

For simple domestic assistance, the attendant care plan may take the form of a brief proposal. At a minimum this type of plan should include timeframes, costs and type of services.

Claims officer

The role of a claims officer employed by a CTP insurer, as related to these Guidelines, may include:

- Responding to requests and paying accounts in a timely fashion;
- Ensuring the appropriate involvement of the rehabilitation adviser in facilitating assessment of the rehabilitation and attendant care needs of claimants;
- Where appropriate, establishing whether the proposed interventions and programs are 'reasonable and necessary' in consultation with the rehabilitation adviser.

The statements in these Guidelines are not designed to limit the scope of the role of claims officers.

Days

Refers to working days.

Insurer

These Guidelines apply to all insurers who insure the person against the person's liability for damages in respect of a claim, whether or not under a third party policy (section 42 of the Motor Accidents Compensation Act 1999). However, for the purpose of the audit, the insurer refers to all insurers who were licensed by the MAA and manage NSW Compulsory Third Party (CTP) claims, including insurers acting as agent for the Nominal Defendant.

Rehabilitation

The Guidelines reflect the definition of rehabilitation used in both the Motor Accidents Act 1988 (Section 35) and Motor Accidents Compensation Act 1999 (Section 3).

Rehabilitation, in relation to an injured person, means the process of restoring or attempting to restore the person, through the combined and coordinated use of medical, social, educational and vocational measures, to the maximum level of functioning of which the person is capable or which the person wishes to achieve and includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living.

The Guidelines support the philosophy that rehabilitation is the process of restoring an injured person as close as possible to their pre-injury level of functioning and to a quality of life comparable with their pre-injury level. Where function cannot be restored, the aim of rehabilitation becomes the acquisition of new functional or vocational skills.

Rehabilitation Adviser

The role of the insurer's rehabilitation adviser may include:

- Facilitating the assessment of the treatment, rehabilitation and attendant care needs of claimants;
- Facilitating access of claimants to services if considered necessary;
- Establishing whether the proposed interventions and programs are reasonable and necessary;
- Providing a point of contact for the claimant, treating practitioners and rehabilitation providers;
- Undertaking a coordinating role between all involved stakeholders;
- Advising claims officers and managers on rehabilitation issues; and
- Assisting the insurer to develop a consistent approach to decision making regarding 'reasonable and necessary'.

Insurers either employ permanent or contract health professional staff in the role of rehabilitation advisers. Rehabilitation advisers do not provide direct services to claimants.

The statements in these Guidelines are not designed to limit the scope of the role of the rehabilitation adviser. The term 'rehabilitation adviser' is used variously by the insurers. The roles and titles may vary from insurer to insurer.

Rehabilitation plan

A rehabilitation plan is a formal document which identifies the assessed needs of the claimant, the goals or outcomes to be achieved, the proposed interventions or strategies to achieve these goals, time frames for achievement, periodic evaluation and reporting, and associated costings.

Rehabilitation Provider

A rehabilitation provider delivers direct services to the claimant. A rehabilitation provider may be a multidisciplinary organisation or an individual health practitioner in either the public or the private sectors.

Service Provider

A service provider delivers direct services to the claimant. A service provider may be a multidisciplinary organisation or an individual. The services provided may include rehabilitation and attendant care.

Treatment

Treatment is defined in Section 42 of the Motor Accidents Compensation Act 1999. An insurer has a responsibility to deal with requests for treatment. These requests should be dealt with in a timely fashion with reference to 'reasonable and necessary'. CTP insurers are responsible for having a system in place for responding to such requests.

Format of the Guidelines

Phases

The revised MAA Guidelines for insurers divides the management of motor accident injuries into three phases. Claimants may move in and out of the different phases during their recovery and resettlement. The elements of treatment, rehabilitation and attendant care are addressed in each phase.

Each phase has an underpinning **standard**. Objective **criteria** in each phase assist in the application of the **standard and in the measurement of achievement**.

Phase 1	Phase 2	Phase 3
Assignment of claims and rehabilitation staff.	Identification and review of treatment, rehabilitation and attendant care needs.	Management of treatment, rehabilitation and attendant care needs.

Standard

Each phase has a standard from which the criteria arise.

Criteria

The criteria are statements that act to clarify the standard and provide practical advice on implementation. In the process of self-assessment and external audit of these Guidelines, the criteria provide the basis for assessing levels of achievement or compliance.

Phase 1 Assignment of claims and rehabilitation staff**Standard**

The insurer assigns rehabilitation staff to claimants who may require rehabilitation and/or attendant care services in order to oversee their assessment, rehabilitation and resettlement and to facilitate effective communication between all parties.

Criteria

The insurer must:

- 1.1 Allocate and document in the claim file a rehabilitation adviser to each claimant requiring rehabilitation.
- 1.2 Ensure that all rehabilitation advisers have a health professional background and qualifications and rehabilitation experience relevant to the role.
- 1.3 Identify any potential conflicts of interest, advise the claimant in writing and document in the claim file. Possible situations include :
 - A rehabilitation adviser who is employed by a service provider. If a claimant is referred by the insurer to the service provider then the claimant must be informed:
 - o Of the relationship between the insurer/rehabilitation adviser and the service provider
 - o That the insurer or the claimant's medical practitioner can refer the claimant to another service provider.
 - o How to arrange a referral to another service provider.
 - An insurer which has an interest in a service provider. If a claimant is referred by the insurer to the service provider, then the claimant must be informed:
 - o Of the relationship between the insurer / rehabilitation adviser and the service provider.
 - o That the insurer or their medical practitioner can refer the claimant to another service provider.
 - o How to arrange a referral to another service provider.
- 1.4 Document in the claim file the date and summary of all verbal communications about treatment, rehabilitation or attendant care between claimants/claimant's solicitor or service providers by rehabilitation advisers. A copy of any written correspondence must be kept on the claim file.

Phase 2 Identification and review of treatment, rehabilitation and attendant care needs

Standard

The insurer identifies the ongoing treatment, rehabilitation and attendant care needs of claimants.

Criteria

The insurer must:

- 2.1 Have a documented procedure for determining the need for rehabilitation and attendant care services. This procedure will have indicators to identify claimants who may be in need of rehabilitation and attendant care services. Some indicators may include, but are not limited to:
 - Reported head injury
 - Reported spinal cord injury
 - Reported multiple orthopaedic injuries
 - Reported severe leg fractures
 - Reported burns
 - Amputations
 - Chronic disabling pain
 - Loss of sight/hearing
 - Difficulties with Activities of Daily Living
 - Reported severe psychological reactions
 - Reported soft tissue injuries where the claimant's work capacity is affected
 - Reported brachial plexus injuries
 - Where the claimant has returned to work under duress or with restrictions to normal duties due to work capacity being affected
 - Where a claimant has not returned to work
 - An elderly claimant where difficulties at home are reported
 - Parents who indicate difficulty in caring for a child
 - If the covering solicitor's letter indicates rehabilitation requirements
 - If medical, treatment or rehabilitation advice indicates that the claimant will not return to full function
 - Where there has been a change in medical condition
 - When a transition between education facilities (for example between primary and high school), or from education to employment, is imminent for claimants with head injuries or spinal cord injuries.
- 2.2 Review, at least every six months, using the documented procedure to establish any rehabilitation needs, every file involving:
 - Children or adolescents
 - Claimants with brain or spinal cord injuries
 - Claimants receiving current treatment, rehabilitation or attendant care, or where there is current involvement of a service provider
 - Where there may be an ongoing need for rehabilitation.

Record the date of the review, and if necessary, refer the claimant to a rehabilitation adviser within 10 working days of identifying the need.
- 2.3 This regular review process may cease if the rehabilitation adviser is satisfied that no further rehabilitation is likely to be required. If this occurs it should be clearly stated in the claim file, 'signed off' by the rehabilitation adviser and dated.

- 2.4 Have a management system that ensures all claimants have an up-to-date, retrievable and secure file. This must include all correspondence relating to the ongoing treatment, rehabilitation, and attendant care of claimants.
- 2.5 Code all claims according to the Abbreviated Injury Scale (AIS) Revision adopted by the MAA and using the 'Guidelines and Handbook for Injury Coders' published by the MAA.
- 2.6 Ensure that all AIS Injury Coders are appropriately trained by MAA approved trainers.
- 2.7 Ensure that for all claims:
- The injury codes are reviewed by an injury coder throughout the life of the claim, with a maximum interval of 12 months between reviews. The date of each review should be noted in the claim file
 - This regular review process may cease if the injury coder is satisfied all injuries have been coded and that it is unlikely that any further medical information which would alter the injury coding will be received. If this occurs it should be clearly stated in the claim file, 'signed off' by the coder and dated
 - The injury codes are reviewed within one month prior to file closure if they have not already been signed off by the coder. The date of this review should be noted in the claim file.
- 2.8 Ensure that written communications with claimants are:
- Personalised, tailored to the claimant's circumstances
 - Written in plain English, understandable to the claimant
 - Written for a specific purpose
 - Kept as copies in the claim file.
- 2.9 Send information to claimants who have been identified as requiring rehabilitation services on the role of rehabilitation advisers; how to contact them; and their rights and responsibilities, within 10 working days of the identification (MAA brochure 'Rehabilitation and the Motor Accidents Scheme' or insurer's own brochure with relevant information).
- 2.10 Ensure that claimants currently receiving treatment, rehabilitation or attendant care are informed when there is a change in rehabilitation adviser or contact at the insurer, and that this is recorded in the claim file. The service provider should also be informed of this change.

Phase 3 Management of treatment, rehabilitation and attendant care needs**Standard**

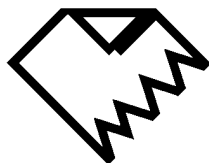
The insurer has a system in place for managing the treatment, rehabilitation and attendant care progress of claimants, and achievement of their outcomes in meeting their continuing needs.

Criteria

The insurer must:

- 3.1 Refer claimants it has identified as requiring treatment, rehabilitation or attendant care services to an appropriate assessor or service provider within 10 working days of the identification. This may arise from a file review, or a request from:
 - The claimant or their solicitor
 - The claimant's service provider
 - The claimant's school or educational facility
 - A hospital.
- 3.2 Review the claimant's rehabilitation plans and/or attendant care plans to ensure that all the needs resulting from the motor vehicle accident have been addressed in the relevant plans.
 - To facilitate the claimant's rehabilitation, the insurer must request rehabilitation plans that identify goals, time frames and progress evaluation.
 - In the case of serious injuries, the insurer should normally request attendant care plans that specify goals, time frames, specific activities, hours of care, frequency and cost of services. However, for simple domestic assistance, the attendant care plan may take the form of a simple proposal for care and/or support services to be provided to the claimant.
- 3.3 Advise in writing, within 10 working days of receipt of the request or plan, about:
 - The acceptability of all treatment, rehabilitation or attendant care requests and plans.
 - The treatment, rehabilitation and attendant care costs the insurer has agreed to meet. A return fax of the plan indicating the insurer's decision is sufficient. The insurer must keep a copy of this correspondence in the claim file.
- 3.4 Provide written feedback to providers clearly outlining why the insurer considers the plan, or components of the plan, not to be reasonable and necessary within 20 working days of receipt of the plan by the insurer. The decisions are informed by assessments and information from treating professionals, independent practitioners and any other objective information. The insurer must keep a copy of this correspondence in the claim file.
- 3.5 Have a documented procedure on how decisions are made on whether a service is considered reasonable and necessary.
 - Staff are trained in the process.
 - Monitoring and review demonstrate consistency in decision making.

- 3.6 Inform the claimant and/or their solicitor when the insurer declines to pay for/terminates the claimant's treatment, rehabilitation, attendant care, equipment or modifications. It must:
- Advise the service provider by telephone or confirmed fax that they will no longer meet the costs of the service from that date or a specified future date
 - Advise the claimant and/or solicitor within the same day
 - Document the advice and correspondence in the claim file.
- 3.7 Inform the claimant and/or their solicitor of their options for resolving the dispute when the insurer declines to pay for the claimant's treatment, rehabilitation, attendant care, equipment or modifications, within 10 working days of making the decision. (Sending the MAA brochure 'Resolving Medical Disputes' will meet this requirement.)
- For accidents occurring before 5 October 1999, the options for resolving the dispute are to refer the matter to:
 - o The insurer's internal complaints and disputes processes, and
 - o The Motor Accidents Authority.
 - For accidents occurring on or after 5 October 1999, the options for resolving the dispute are to refer the matter to:
 - o The insurer's internal complaints and disputes processes, and
 - o The Motor Accidents Assessment Service of the MAA.
- 3.8 Ensure that the claimant's progress is reviewed by the rehabilitation adviser and/or the designated claims officer.
- The insurer must establish with each provider an agreed time frame for reports, as well as the level of detail required and evidence of the claimant's progress according to their individual plans and agreed outcomes.
 - Time frames for submission of progress reports may vary according to the nature of service and the nature and complexity of the claim.
 - Copies of progress reports must be kept in the claim file.
- 3.9 Achieve the following timelines:
- a) Equipment requests acknowledged within 10 working days of receipt of request
 - b) A written response to equipment requests indicating approval or rejection within 20 working days of receipt of request
 - c) Home modification requests acknowledged within 10 working days
 - d) A written response to home modification requests indicating approval or rejection within three months.
- 3.10 Pay accounts for approved treatment, rehabilitation, attendant care and equipment within 20 working days of receipt.



**MOTOR ACCIDENTS
AUTHORITY**

**Treatment, Rehabilitation and Attendant Care Guidelines for
Currently Licensed CTP Insurers**

July 2002



Initially issued January 1998
Reviewed November 2000

Introduction

The Motor Accidents Compensation Act 1999 (MACA) and the Motor Accidents Act 1988 place responsibilities concerning treatment, rehabilitation and attendant care on the Motor Accidents Authority of NSW (MAA), the CTP insurers and claimants.

The main goal of the Treatment, Rehabilitation and Attendant Care (TRAC) Guidelines is to ensure that there is consistency in the decision making within an insurer about the provision of treatment, rehabilitation and attendant care services for claimants. This is regardless of whether the decision is made by the rehabilitation adviser or by the claims officer handling the claim.

The following set of Guidelines developed by the MAA aim to promote best practice and facilitate consistency in the management of motor accident injuries by CTP insurers. They are designed to ensure CTP insurers address the needs of claimants by facilitating their access to appropriate treatment, rehabilitation and attendant care, and apply throughout the lifetime of a claim.

The objectives of the Motor Accidents Compensation Act 1999 include the encouragement of early and appropriate treatment and rehabilitation to achieve optimum recovery (section 4). An objective of the Motor Accidents Act 1988 is to encourage and support recovery from injury and the use of early and appropriate rehabilitation to assist injured people return as far as possible to their pre-injury lifestyle (section 34A).

Insurers are obliged to pay for treatment, rehabilitation and attendant care on an as incurred basis once liability has been admitted. However, the insurer is only obliged to pay for treatment, rehabilitation and attendant care costs that are reasonable and necessary, properly verified and relate to injuries resulting from the motor vehicle accident (section 45 of the Motor Accidents Act and section 83 of Motor Accidents Compensation Act). Claimants are under a duty to do everything possible to recover from their injuries (section 39 of the Motor Accidents Act and section 136 of Motor Accidents Compensation Act).

Decisions about whether treatment, rehabilitation and attendant care services are reasonable and necessary for the recovery of the claimant should be based on assessments and information from treating and independent practitioners and any other relevant and objective information.

The Guidelines provide standards and criteria against which insurers can measure their performance and demonstrate they are meeting the objectives and their responsibilities under the Motor Accidents Compensation Act 1999 and the Motor Accidents Act 1988. The associated auditing process enables objective, external verification of achievement of the standards and continuous improvement in performance.

These Guidelines apply from the date they are gazetted to injuries arising from accidents under both the Motor Accidents Act 1988 and the Motor Accidents Compensation Act 1999.

These Guidelines are issued pursuant to Section 44 of the Motor Accidents Compensation Act 1999 and apply by Chapter 3 of that Act in respect of an injury

caused by a motor accident. Further, these guidelines, so far as rehabilitation is concerned, apply in relation to insurers' obligations under Section 84 of the Motor Accidents Compensation Act 1999. Sections 44 and 84 of the Motor Accidents Compensation Act 1999 apply in relation to treatment of injuries whether the injuries were sustained in accidents occurring before 5 October 1999, or on or after 5 October 1999.

General Principles

The implementation of the Treatment, Rehabilitation and Attendant Care Guidelines for insurers requires demonstrated consideration and acceptance of the following general principles:

- 1 Addressing the rehabilitation needs of claimants by facilitating their access to rehabilitation and attendant care is an integral part of the Motor Accidents Scheme.
- 2 Effective treatment, rehabilitation and attendant care is a collaborative arrangement requiring communication and cooperation between the claimant, the provider and the insurer.
- 3 The aim of rehabilitation is to maximise early recovery from injuries and promote independence and function.
- 4 It is vital that treatment and rehabilitation are commenced as early as possible and are regularly monitored until conclusion. While not all CTP claimants will need rehabilitation services, it should be facilitated when required for all age groups, including children and older people.
- 5 Wherever possible, claimants should exercise choice about the selection of their treatment, rehabilitation and /or attendant care service provider. However, the insurer is only obliged to pay for treatment, rehabilitation and attendant care costs that are reasonable and necessary, properly verified and relate to injuries resulting from the motor vehicle accident.
- 6 The selection of a service provider should be determined by the claimant's needs, not the relationship between the insurer and the service provider. Any commercial relationship between the insurer and the service provider is not a factor to be considered when selecting a service provider.
- 7 Claimants should be encouraged to be involved in the development and ongoing review and modification of their treatment, rehabilitation and attendant care plans.
- 8 The insurer is not responsible for developing treatment, rehabilitation or attendant care plans. This is the responsibility of relevant service providers.
- 9 There should be consistency in the decision making process about treatment, rehabilitation and attendant care issues between claims and rehabilitation staff.
- 10 Successful implementation of the Guidelines relies on management support and teamwork between rehabilitation and claims staff employed in CTP insurers, and general acceptance of the notion of continuous improvement.
- 11 All rehabilitation and claims staff actively seek to minimise the risk of disputes associated with managing the treatment, rehabilitation and attendant care needs of claimants. They should be proactive in seeking resolution of disputes by facilitating referral to insurer's internal complaints and disputes resolution

processes, and when necessary, the appropriate external disputes resolution services.

Explanatory notes

Attendant care

Attendant care assists people with disabilities to perform tasks they would normally be doing for themselves. Attendant care services aim to provide assistance to people with everyday tasks and include, for example, personal assistance, nursing, home maintenance and domestic services. They enable individuals to live independently and to exercise basic rights about choice of lifestyle.

Attendant care plan

An attendant care plan should normally outline the claimant's present condition, functional capacity, role of attendant carer, goals and specified activities of the program and hours of care required. Attendant care plans are developed collaboratively between the attendant care agency, the rehabilitation provider involved, the claimant and their family, as well as the insurer.

For simple domestic assistance, the attendant care plan may take the form of a brief proposal. At a minimum this type of plan should include timeframes, costs and type of services.

Claims officer

The role of a claims officer employed by a CTP insurer, as related to these Guidelines, may include:

- Responding to requests and paying accounts in a timely fashion;
- Ensuring the appropriate involvement of the rehabilitation adviser in facilitating assessment of the rehabilitation and attendant care needs of claimants;
- Where appropriate, establishing whether the proposed interventions and programs are 'reasonable and necessary' in consultation with the rehabilitation adviser.

The statements in these Guidelines are not designed to limit the scope of the role of claims officers.

Days

Refers to working days.

Insurer

These Guidelines apply to all insurers who insure the person against the person's liability for damages in respect of a claim, whether or not under a third party policy (section 42 of the Motor Accidents Compensation Act 1999). However, for the purpose of the audit, the insurer refers to all insurers who are licensed by the MAA and provide Compulsory Third Party (CTP) insurance in NSW, including insurers acting as agent for the Nominal Defendant.

Rehabilitation

The Guidelines reflect the definition of rehabilitation used in both the Motor Accidents Act 1988 (Section 35) and Motor Accidents Compensation Act 1999 (Section 3).

Rehabilitation, in relation to an injured person, means the process of restoring or attempting to restore the person, through the combined and coordinated use of medical, social, educational and vocational measures, to the maximum level of functioning of which the person is capable or which the person wishes to achieve and includes placement in employment and all forms of social rehabilitation such as family counselling, leisure counselling and training for independent living.

The Guidelines support the philosophy that rehabilitation is the process of restoring an injured person as close as possible to their pre-injury level of functioning and to a quality of life comparable with their pre-injury level. Where function cannot be restored, the aim of rehabilitation becomes the acquisition of new functional or vocational skills.

Rehabilitation Adviser

The role of the insurer's rehabilitation adviser may include:

- Facilitating the assessment of the treatment, rehabilitation and attendant care needs of claimants;
- Facilitating access of claimants to services if considered necessary;
- Establishing whether the proposed interventions and programs are reasonable and necessary;
- Providing a point of contact for the claimant, treating practitioners and rehabilitation providers;
- Undertaking a coordinating role between all involved stakeholders;
- Advising claims officers and managers on rehabilitation issues; and
- Assisting the insurer to develop a consistent approach to decision making regarding 'reasonable and necessary'.

Insurers either employ permanent or contract health professional staff in the role of rehabilitation advisers. Rehabilitation advisers do not provide direct services to claimants.

The statements in these Guidelines are not designed to limit the scope of the role of the rehabilitation adviser. The term 'rehabilitation adviser' is used variously by the insurers. The roles and titles may vary from insurer to insurer.

Rehabilitation plan

A rehabilitation plan is a formal document which identifies the assessed needs of the claimant, the goals or outcomes to be achieved, the proposed interventions or strategies to achieve these goals, time frames for achievement, periodic evaluation and reporting, and associated costings.

Rehabilitation Provider

A rehabilitation provider delivers direct services to the claimant. A rehabilitation provider may be a multidisciplinary organisation or an individual health practitioner in either the public or the private sectors.

Service Provider

A service provider delivers direct services to the claimant. A service provider may be a multidisciplinary organisation or an individual. The services provided may include rehabilitation and attendant care.

Treatment

Treatment is defined in Section 42 of the Motor Accidents Compensation Act 1999. An insurer has a responsibility to deal with requests for treatment. These requests should be dealt with in a timely fashion with reference to 'reasonable and necessary'. CTP insurers are responsible for having a system in place for responding to such requests.

Format of the Guidelines

Phases

The revised MAA Guidelines for insurers divides the management of motor accident injuries into four phases. Claimants may move in and out of the different phases during their recovery and resettlement. The elements of treatment, rehabilitation and attendant care are addressed in each phase.

Each phase has an underpinning **principle**, followed by a **standard**. Objective **criteria** under each principle assist in the application of the **standard and in the measurement of achievement**.

Phase 1	Phase 2	Phase 3	Phase 4
Early identification of treatment, rehabilitation and attendant care needs.	Assignment of insurer's claims and rehabilitation staff.	Coordination of assessment and planning of treatment, rehabilitation and attendant care needs.	Monitoring and evaluation of treatment, rehabilitation and attendant care programs.

Principle

Each phase has a principle that outlines the basic tenet from which the standards and criteria derive. The principles are not measurable but act to encapsulate the beliefs of the particular phase.

Standard

Under each principle is a standard that is the overall standard for the phase. The criteria derive from the standard.

Criteria

The criteria are statements that act to clarify the standard and provide practical advice on implementation. In the process of self-assessment and external audit of these Guidelines, the criteria provide the basis for assessing levels of achievement or compliance.

Phase 1	Identification of treatment, rehabilitation and attendant care needs
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Principle

Early identification of the need for services optimises clinical outcomes for claimants and provides the best opportunity for cost effective treatment, rehabilitation and attendant care.

Standard

The insurer has an effective system for the early identification of the needs of claimants and for the accurate coding of their injuries.

Criteria

Policies and practices ensure:

- 1.1 A screening system is in place which identifies claimants:
 - Who may need rehabilitation services.
 - With serious injuries who may need attendant care services.
- 1.2 Health care professionals are involved in the process of screening and determining the rehabilitation and/or attendant care needs of claimants.
- 1.3 Consistency in the process of determining the need for rehabilitation and attendant care services, encompassing:
 - Use of internally agreed indicators to identify claimants in need of rehabilitation and attendant care services;
 - Accurate identification of extent and type of injury;
 - Ongoing monitoring of changing needs of claimant.
- 1.4 Any contact, including verbal, about treatment, rehabilitation or attendant care between claimants/claimant's solicitor or service providers is documented and dated in the claim file. A copy of any written correspondence must be kept on the claim file.
- 1.5 There is a file management system that ensures all claimants have a current, complete, accurate, retrievable and secure rehabilitation file encompassing all aspects of treatment, rehabilitation and attendant care.
- 1.6 All claims are coded according to the Abbreviated Injury Scale (AIS) Revision adopted by the MAA and using the 'Guidelines and Handbook for Injury Coders' published by the MAA. All Accident Notification Forms (ANFs) are coded with a Provisional Injury Code, using the 'ANF Coding Guidelines for Provisional Injury Codes' published by the MAA.
- 1.7 All AIS Injury Coders are appropriately trained by MAA approved trainers.
- 1.8 For all claims (including claims converted from ANFs):
 - The injury codes are reviewed by an injury coder throughout the life of the claim, with a maximum interval of six months between reviews. The date of each review should be noted in the claim file.
 - This regular review process may cease if the injury coder is satisfied all injuries have been coded and that it is unlikely that any further medical information which would alter the injury coding will be received. If this

- occurs it should be clearly stated in the claim file, 'signed off' by the coder and dated.
- All claims must have been signed off by an injury coder before finalisation. The date of the sign off should be noted in the claim file.
- 1.9 For ANFs, insurers provide a provisional injury code for each ANF within one month of lodgement. The date the code is assigned should be noted in the claim file.
- 1.10 The identification of rehabilitation and attendant care needs of claimants are completed in a timely fashion.
- Initial determination and documentation of claimant's likely need for rehabilitation services within 20 working days of receipt of the claim by the insurer.
 - Regular review of the need for rehabilitation and attendant care services.
- 1.11 Written communications with claimants are:
- Personalised, tailored to the claimant's circumstances.
 - Written in plain English, understandable to the claimant.
 - Written for a specific purpose.
- 1.12 Information is sent to those claimants who have been identified as requiring rehabilitation services on the role of rehabilitation advisers; how to contact them; and their rights and responsibilities (MAA brochure 'Rehabilitation and the Motor Accidents Scheme' or insurer's own brochure with relevant information).
- 1.13 There are processes for the ongoing review of claimant files, re-assessment of their needs, and updating of injury coding.

Phase 2	Assignment of the insurer's claims and rehabilitation staff
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Principle

The assignment of claims and rehabilitation staff by the insurer promotes the provision and coordination of treatment, rehabilitation and attendant care services. Claimants requiring services need to know who to contact at the insurer and how to contact them.

Standard

The insurer assigns rehabilitation staff to claimants who may require rehabilitation and/or attendant care services in order to oversee their assessment, rehabilitation and resettlement and to facilitate effective communication between all parties.

Criteria

Policies and practices ensure:

- 2.1 A system is in place to identify claimants who should be assigned a rehabilitation adviser. For claimants who have been identified as requiring rehabilitation should have a rehabilitation adviser assigned to them within 10 working days of the identification.
- 2.2 All rehabilitation advisers have a health professional background and qualifications and rehabilitation experience relevant to the role.
- 2.3 Potential conflicts of interest are identified and addressed. Possible situations include:
 - A rehabilitation adviser who also works elsewhere as a rehabilitation provider. The rehabilitation adviser should undertake not to refer any claimants to their own service.
 - A rehabilitation adviser who is employed by a service provider. If a claimant is referred by the insurer to the service provider then the claimant should be informed:
 - o Of the relationship between the insurer and the service provider.
 - o That the insurer or their medical practitioner can refer the claimant to another service provider.
 - o How to arrange a referral to another service provider.
 - An insurer which has an interest in a service provider. If a claimant is referred by the insurer to the service provider, then the claimant should be informed:
 - o Of the relationship between the insurer / rehabilitation adviser and the service provider.
 - o That the insurer or their medical practitioner can refer the claimant to another service provider.
 - o How to arrange a referral to another service provider.
- 2.4 Relevant ongoing professional development, support, and performance review are provided for employed Rehabilitation Advisers, and a system of performance review is in place for contracted rehabilitation advisers.

- 2.5 Relevant ongoing training for claims officers regarding the application of these treatment, rehabilitation and attendant care guidelines.
- 2.6 The insurer continues to meet its treatment, rehabilitation and attendant care responsibilities during periods of staff absence.

Phase 3	Coordination of assessment and planning of treatment, rehabilitation and attendant care needs
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Principle

Effective assessment and planning is essential and aims to ensure all parties involved are aware of the overall plan, their role, and the roles and responsibilities of others involved in the process.

Standard

The insurer refers claimants to appropriate providers, when necessary, for assessment of their rehabilitation and attendant care needs and responds to requests for treatment, rehabilitation and attendant care in a timely fashion.

Criteria

Policies and practices ensure:

- 3.1 A system is in place for responding to treatment requests. Feedback must be provided regarding requests for treatment within 10 working days of receipt of the treatment request by the insurer.
- 3.2 Claimants who have been identified as requiring treatment, rehabilitation or attendant care assessments or services must be referred to an appropriate provider within 10 working days of the identification.
- 3.3 Plans identifying the rehabilitation and/or attendant care needs of claimants are reviewed by rehabilitation advisers and/or designated claims officers to ensure all the needs resulting from the motor vehicle accident have been addressed in the relevant plans.
 - To facilitate the claimant's rehabilitation, the insurer should request rehabilitation plans that identify goals, time frames and progress evaluation.
 - In the case of serious injuries, the insurer should normally request attendant care plans that specify goals, time frames, specific activities, hours of care, frequency and cost of services. However, for simple domestic assistance, the attendant care plan may take the form of a simple proposal for care and/or support services to be provided to the claimant.
- 3.4 Specialised assessments are negotiated and approved according to the claimant's needs for such assessments; for example, functional, psychological and/or vocational assessments.
- 3.5 Decisions on whether the proposed plan is reasonable and necessary are informed by assessments and information from treating and independent practitioners and any other relevant and objective information.
- 3.6 Consistency in the determination of what constitutes 'reasonable and necessary' services.
 - Staff are trained in the process.
 - Monitoring and review demonstrate consistency in decision making.

- 3.7 Feedback to providers about the acceptability of their rehabilitation and attendant care plans within 10 working days of receipt of the plan by the insurer.
- Early discussions about any concerns relating to management plans with the relevant providers are encouraged.
- 3.8 Claimants and/or service providers are advised in writing as soon as the decision is made, but within 10 days of receipt of plan, about the rehabilitation and attendant care costs the insurer has agreed to meet. A return fax of the plan indicating the insurer's decision is sufficient.
- 3.9 Written feedback to providers clearly outlining why the insurer considers a plan, or components of a plan, not to be reasonable and necessary within 20 working days of receipt of the plan or request by the insurer.
- 3.10 When the insurer declines to pay for or terminates the claimant's treatment, rehabilitation, attendant care, equipment or modifications, it must:
- Advise the service provider by telephone or confirmed fax that they will no longer meet the costs of the service from that date or a specified future date.
 - Advise the claimant and/or solicitor immediately.
- 3.11 When the insurer declines to pay for the claimant's treatment, rehabilitation, attendant care, equipment or modifications, it must inform the claimant and/or solicitor of their options for reviewing the decision within 10 working days of the decision. (Sending the MAA brochure 'Resolving Medical Disputes' will meet this requirement.) This is not necessary if the insurer revises or negotiates a new plan which is satisfactory to the claimant.
- For accidents occurring before 5 October 1999, the options for resolving the dispute are to refer the matter to:
 - o The insurer's internal complaints and disputes processes, and
 - o The Motor Accidents Authority
 - For accidents occurring on or after 5 October 1999, the options for resolving the dispute are to refer the matter to:
 - o The insurer's internal complaints and disputes processes, and
 - o The Motor Accidents Assessment Service of the MAA.

Phase 4	Monitoring and evaluation of treatment, rehabilitation and attendant care programs
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Principle

Ongoing monitoring and evaluation ensures that treatment, rehabilitation and attendant care programs continue to address the needs of claimants to maximise their independence.

Standard

The insurer has an effective system for monitoring the progress of claimants and for reviewing their continuing treatment, rehabilitation and attendant care needs and achievement of agreed outcomes.

Criteria

Policies and practices ensure:

- 4.1 The claimant's progress is documented and regularly monitored by the rehabilitation adviser and/or the designated claims officer.
 - The insurer should establish a system governing the regular submission of reports by providers, the level of detail required and evidence of the claimant's progress according to their individual plans and agreed outcomes.
 - Time frames for submission of progress reports may vary according to the nature of service and the nature and complexity of the claim.
- 4.2 When there is a need to coordinate services or when there are differences of opinion about claimants' programs, the insurer considers the use of case conferences involving rehabilitation advisers and/or providers, treating practitioners, attendant care agencies and claimants.
- 4.3 The insurer achieves the following timelines:
 - a) Equipment requests acknowledged within 10 working days of receipt of request.
 - b) A written response to equipment requests indicating approval or rejection within 20 working days of receipt of request.
 - c) Home modification requests acknowledged within 10 working days.
 - d) A written response to home modification requests indicating approval or rejection within three months.
- 4.4 Approved treatment, rehabilitation, attendant care and equipment accounts paid within 20 working days of receipt.
- 4.5 There is the opportunity to review and/or reopen any case after completion of rehabilitation programs and prior to settlement where there has been a change in circumstances.
 - There should be an appropriate follow-up system in place where review of a case after 6-12 months is indicated.
 - The review and reopening of cases should be in accordance with established criteria.
 - There must be an appropriate monitoring system to review all claim files where there may be a change in circumstances. All claims involving either a spinal cord or brain injury must be reviewed at least every six months. For

example, when a transition between education facilities (i.e., between primary and high school), or from education to employment, is imminent for claimants with head injuries or spinal cord injuries.

Code of Practice for the fluoridation of public water supplies

Fluoridation of Public Water Supplies Act 1957

**Oral Health Branch
NSW Department of Health**

August 2002

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Contacting NSW Health

Contact the NSW Health Water Unit for further information on the Code of Practice. The Water Unit will refer enquiries to Chief Dental Officer for consideration as appropriate. Correspondence should be addressed to:

Manager, Water Unit
NSW Department of Health
PO Box 798
GLADESVILLE NSW 2111

Telephone 02 9816 0589 Fax 02 9816 0377 email: waterqual@doh.health.nsw.gov.au

1 Introduction - water fluoridation

Fluoridation of drinking water at optimal levels remains the most significant dental public health program in New South Wales and Australia. Water fluoridation delivers the most effective, cost effective and socially equitable means of achieving community wide exposure to the dental caries (decay) preventive effects of fluoride. The optimal level of fluoridation is the level of fluoride in the community water supply that is associated with the maximum reduction of dental decay in the population and the minimal occurrence of any adverse dental effects.

Australian children had among the highest level of dental decay experience in the 1940s and 1950s with only 1 per cent of 12-year-old children free of dental decay. The level of dental decay began to decrease in the mid 1960s coinciding with the introduction of water fluoridation and the use of fluoride toothpaste. By 1993 over half of the children in Australia had no experience of dental decay. Today, only a minority of children in Australia experience dental decay. The percentage decrease in disease prevalence attributed to water fluoridation was 70 per cent, while 26 per cent was attributed to fluoride toothpaste and only 2 per cent to fluoride tablets (Spencer 1986). In adults, water fluoridation has also contributed to improving oral health and decline in edentulism (no natural teeth remaining in the mouth).

The advantage of water fluoridation is that the entire community benefits from the preventive measure, regardless of age, socioeconomic level, educational achievement, individual motivation, or the availability of a dental workforce. Water fluoridation is one of the few public health measures that results in true cost savings (ie the measure saves more money than it cost to operate). As early as 1958, the World Health Organisation has recognised the importance of water fluoridation and has repeatedly endorsed the fluoridation of drinking water as a desirable public health policy based on numerous scientific studies carried out throughout the world. As a result of the oral health and economic benefits it confers, water fluoridation has also been endorsed and recommended by more than 150 scientific, health and political organisations throughout the world including the National Health and Medical Research Council of Australia. The National Health and Medical Research Council has recently conducted extensive reviews of recent literature in Australia and overseas and concluded that water fluoridation at optimal levels continues to provide significant benefits in the prevention of dental caries. The National Health and Medical Research Council and the Australian Water Resources Council have jointly recommended ranges for fluoride concentration in drinking water based on the annual average maximum daily air temperature to secure most of the dental caries preventive effect, with no or minimal adverse dental effects. Communities that have ceased water fluoridation have a demonstrated increase in dental caries experience. There is also no evidence of adverse health effects attributable to fluoride in communities exposed to a combination of appropriately fluoridated water and discretionary sources of fluoride (such as that obtained from fluoride toothpastes).

Spencer A.J. (1986) Contribution of fluoride vehicles to change in caries severity in Australian adolescents *Community Dent Oral Epidemiol* 14:238-41

2. Legislative framework

Legislation providing for water fluoridation in New South Wales is described as permissive or enabling legislation. The legislation, first passed in 1957 (Fluoridation of Public Water Supplies Act 1957), permits the NSW Department of Health to define the conditions when fluoride may be added to a water supply. The Act provides for the establishment of the Fluoridation of Public Water Supplies Advisory Committee with the power to initiate and refer to the Minister proposals concerning the addition of fluoride to public water supplies. The Fluoridation for Public Water Supplies Regulation 2002 under the Fluoridation of Public Water Supplies Act 1957 deals with the procedures for keeping records of the addition of fluoride, analysing the water for fluoride content, qualifications of the operators, as well as precautions to be taken by water supply authorities to protect the operators.

The Code of Practice includes generally technical material, which has not been specified in the Act or in the Fluoridation of Public Water Supplies Regulation 2002. The material in this Code therefore either forms part of the regulatory framework which water supply authorities that fluoridate are required to follow, or is part of an advisory guide to water supply authorities as to the source of other relevant material or legislation (such as that governing occupational health and safety).

The NSW Department of Health recognises that water fluoridation, when implemented, must be effectively managed to achieve maximum oral health benefits and to minimise any risks associated with water fluoridation. The aim of this Code of Practice is to achieve best practice in the establishment and operation of fluoridation plants in New South Wales, in order to meet the technical, occupational health and safety, and environmental requirements of the relevant legislation. It applies to all new and existing plants in New South Wales and it is the responsibility of the fluoridating water supply authorities to ensure that they comply with this Code of Practice.

There are potential aesthetic, health and environmental risks associated with the use of fluoridation chemicals. These risks need to be effectively managed. The application of risk control measures should be applied systematically to all identified risks based on a hierarchy of control.

The Fluoridation of Public Water Supplies Act and the associated Regulations and this Code of Practice are the key documents for the communication and implementation of this risk control strategy. This Code of Practice is a supporting document to the Fluoridation of Public Water Supplies Act and associated Regulations prepared by Department of Health to assist water supply authorities in interpreting and complying with the Act and Regulations. This Code of Practice will be updated from time to time as considered necessary by the NSW Department of Health in consultation with key stakeholders.

The NSW Department of Health is committed to improving the oral health of all New South Wales' population and continues to strongly support water fluoridation as an important public health policy.

3 Structure of the Code of Practice document

This Code of Practice covers a number of areas. Within each area there will be statements of the *Outcomes* required within those areas. These *Outcomes* are the fundamental intent of the controls required in this Code of Practice, and as such, should remain the focus of Water Supply Authorities at all times.

Under these *Outcomes* will be listed various requirements which are considered necessary to achieve the required Outcomes. These requirements are in effect *Minimum Standards*. All *Minimum Standards* must be complied with unless NSW Health has approved otherwise.

Simple compliance with these *Minimum Standards* however, does not relieve the fundamental requirement for a Water Supply Authority to focus on achieving the stated *Outcomes*. Compliance with the *Minimum Standards* and achievement of the stated *Outcomes* are the basis on which NSW Health will assess whether a Water Supply Authority meets the requirements of the Fluoridation Act and Regulations.

In some places there will be *Guide Notes* that are inserted to more fully explain a specific requirement. These *Guide Notes* may also include suggestions for improving performance or reducing risk beyond the Minimum Standard requirements for consideration by Water Authorities. The Guide Notes are not legislative requirements under the Fluoridation Act but rather a means of providing further clarification, lessons learnt from past experience, and an indication of current best practice as appropriate.

Within this document:

3.1.1 Required Outcomes are printed in bold typeface.

3.1.1.1 Minimum Standards are listed under an Outcome in italic typeface.

Guide Notes are indented under the Minimum Standards in plain typeface.

4 Application and approval to fluoridate

4.1 New Applications to Fluoridate a Water Supply

4.1.1 Systematic and appropriate risk control measures are in place at each fluoridation facility within NSW to minimise the potential for over and under dosing of fluoride

4.1.1.1 A Water Supply Authority shall obtain approval from NSW Health prior to fluoridating any water supply.

The process for a Water Supply Authority to gain an approval to fluoridate is set out in the protocol, and Application Form 1 attached as Appendix A. This process includes the initial application, the detailed design of the fluoridation plant, through to commissioning of the plant.

It is expected that a Water Supply Authority would have carried out a public consultation process prior to the Application to Fluoridate being made to NSW Health.

As part of the process, NSW Health may, at its discretion, consider a request for subsidy towards the cost of a new plant up to a limit of “dollar for dollar” of direct capital costs (that is, not including project management or other overhead costs).

4.1.1.2 A Water Supply Authority shall not commence fluoridating until a formal Instrument of Approval is received from NSW Health and all NSW Health requirements are in place and operational.

The formal Instrument of Approval from NSW Health will specify:

- The name of the Water Supply Authority
- The water supply to be fluoridated
- The fluoridation plant name and location
- The design water flow range to be treated.
- The allowable fluoride concentration operating range
- The plant fluoride concentration operating target dose rate
- The fluoridating agent(s) that can be used
- Any conditions of approval (eg the Water Supply Authority shall not permanently cease fluoridation without the express approval of NSW Health).
- Any additional plant-specific requirements.

4.1.1.3 A Water Supply Authority must not commence fluoridation of a water supply prior to the consumers within that supply area being given adequate warning of the commencement date.

It is important that consumers are aware of the intention to fluoridate, both in terms of keeping the public informed, and to prevent excessive intake of fluoride by those who may currently be taking fluoride tablets.

4.2 Fluoridation Plant and Water Supply System Upgrades

4.2.1 Initial design risk control measures shall not be degraded through subsequent modifications of the fluoridation plant and/or the water supply system.

4.2.1.1 For any water supply system capacity upgrade or major fluoridation plant upgrade, NSW Health must be consulted in advance and, if required by NSW Health, the Water Supply Authority must submit a new Application to Fluoridate form (refer to Appendix A).

Where a Water Supply Authority replaces equipment items within a fluoridation plant, without changing the sizing of the equipment or negatively impacting on any existing control measures (eg. interlocks etc) then NSW Health need not be informed.

It is good practice however to maintain a record of all changes made to the fluoridation plant (eg. in a plant register, or via maintenance management systems).

4.2.2 Relevant staff of a Water Supply Authority have an awareness of the key design risk control measures to prevent over and under dosing of fluoride.

4.2.2.1 The Water Supply Authority shall display a current copy of the Instrument of Approval at the plant, and provide relevant staff with easy access to a copy of this Code of Practice.

A visible “approval document” helps maintain staff awareness of key control limits on the fluoridation plant design and that NSW Health has a direct interest in its operation.

The Code of Practice provides a useful educational tool and easy reference source.

4.3 Permanent Cessation of Fluoridation of a Water Supply

4.3.1 The community receives water that is fluoridated to the optimal level so that oral health is not compromised.

4.3.1.1 A Water Supply Authority shall not permanently cease fluoridating a water supply without the written approval of NSW Health

This requirement does not refer to short-term stoppages due to breakdowns or maintenance work – refer to Section 11.

5 Design controls for fluoridation facilities

5.1 General Design Criteria

5.1.1 The design of the fluoridation plant shall ensure it can consistently achieve an overall accuracy of within $\pm 5\%$ of the required fluoride target dose rate over the full water flow rate range approved by NSW Health. For example, to consistently achieve between 0.95 to 1.05 mg/L of fluoride in the treated water for a target of 1.00 mg/L F.

5.1.1.1 The fluoridation chemical feeding equipment shall be designed to dose fluoride at the target dose rate specified in the Director General's Instrument of Approval within $\pm 5\%$ over the full water flow rate range approved by NSW Health.

5.1.1.2 Water flowmeter(s) must be provided to measure and integrate the water flow, and to pace the fluoride dosing equipment where the plant design calls for such, over the full water flow rate range approved by NSW Health.

A flow meter must be provided to measure the water flow. This is critical to the accuracy and reliability of the whole process. Where possible the use of electromagnetic flowmeters is recommended as they can achieve an accuracy of $\pm 1\text{-}2\%$ of rate over a large turn down range.

5.1.2 The design of the fluoridation plant shall ensure reliable automatic operation. That is, it must reliably stop and start with the water flow being dosed.

5.1.2.1 Two discreet physical indications of water flow shall be 'hard' wired in series, either directly or via PLC (programmable logic controller) coding, in the control loop for starting and stopping of the fluoridation plant. One indication shall be from upstream of the fluoride injection point and one shall be downstream.

Reliance on a single primary flow sensing device (eg. flow switches, flowmeter etc) can significantly increase the risk of overdosing, as a fault/failure could lead to the fluoridation plant continuing to dose after the water flow as actually stopped. The use of two devices in series should significantly reduce this risk, as it would require both devices to give false positive readings at the same time. The failure of one of the devices will stop the fluoridation plant dosing when it should, but this is a much more acceptable situation than overdosing which could create an acute health risk – refer Section 11 re short term stoppages. Care should be taken in selecting the most appropriate devices for this duty (eg. flow switches have a significant history of sticking) Use of flow sensing devices, which are remote to the fluoridation plant via telemetry, may have a higher risk of failure.

5.1.2.2 All key components of the fluoride dosing system shall be electrically interlocked to ensure total fluoride dosing system shutdown on the failure of any individual equipment item.

It is good design practice for discrepancy alarms and interlocks to be provided where possible to minimise the possibility of overdosing. A risk assessment of the possible causes of overdosing should be carried out on the plant design and, where feasible, appropriate interlocks and alarms designed into the system. This will minimise both, the risk of overdosing occurring, and the length of time for which the condition exists before plant staff intervention. This assessment should be documented, stored, and made available upon request.

The key components would include stop/start/pacing signals, feeders, dosing pumps, solution transfer pumps, solution tank levels, mixers, dilution water pumps etc.

The failure of any key component should result in alarms being generated and operational staff responding.

5.1.2.3 Any solution water supply shall have a backflow prevention device fitted upstream of where the fluoridating agent is diluted (eg mixing tanks) or injected (eg dosing pumps). Where relevant the device should comply with the current Australian Standard.

It is important that fluoridating agent is not syphoned backwards into the solution water system should a failure of the solution water system occur. This possibility could cause problems to other equipment, create a health hazard, or result in an environmental release. In some situations this can be achieved simply through use of an air gap.

5.1.2.4 For dry fluoridating agent systems a water softener should be included if the solution water hardness exceeds 75 mg/L as calcium carbonate.

If the solution water is too hard then operating problems due to precipitation of calcium fluoride may cause operational problems and result in variation in the treated water fluoride concentration.

5.1.3 The design of the fluoridation plant shall minimise the risk of overdosing due to human error wherever possible.

5.1.3.1 The maximum physical dosing capacity of the fluoridation chemical feeding equipment shall be limited by design to a maximum value equivalent to 110% of the operating target dose rate specified in the Director General's instrument of approval at the maximum water flow rate approved by NSW Health.

5.1.3.2 It shall be made physically impossible for any component of the fluoridation feeding or control equipment to be manually plugged into standard electrical outlets for continuous operation.

It is not uncommon for dosing pumps, electrical controls etc at small plants to be wired with standard single or three phase power plugs to facilitate removal for maintenance by non-electrical staff.

Unfortunately, in terms of overdosing risks, this significantly increases the reliance on the human factor as the equipment could be easily left operating continuously independent of the water flow.

5.1.3.3 Any manual mode (or 'test') switch for the fluoridation chemical feeding equipment shall not permit permanent selection (eg spring loaded switches) and must return to the off position when released to prevent unattended manual operation.

Manual operation of equipment needs to be carefully controlled as it is totally reliant on the human factor. For example the ability to plug a dosing pump directly into a power outlet and operate it manually creates a high risk of overdosing should the plant flow stop and the operating staff be unaware of it, or if they simply forget to turn it off.

This requirement is focussed on the design of local control panels. Where PLC/SCADA (supervisory control and data acquisition) systems are provided then the Water Supply Authority may need to consider other controls in the PLC and SCADA software to minimise this risk. The approach to be taken may need to be negotiated with NSW Health.

5.1.4 The design of the fluoridation plant shall provide plant operational staff with all that is required to measure and control the fluoridation process (and equipment) accurately and consistently in a timely manner.

5.1.4.1 The plant design must provide the ability to measure:

- *the instantaneous water flow and fluoride dose rates*
- *the total amount of water treated and fluoridating agent used over a 24 hour period*

The calculation of instantaneous and average 24 hour calculated doses shall not have errors greater than $\pm 5\%$

The use of large storage tanks, inappropriately designed drop test tubes, and poor choice of integrated water flow units can significantly increase measurement errors to a point where they become meaningless for daily process control.

Not providing plant operators with the ability to accurately monitor their plant performance is counter productive and only increases risk to the Water Supply Authority and consumers.

5.1.4.2 All necessary local indications shall be provided to allow the operator to assess whether the process and equipment are running satisfactorily.

Not providing plant operators with the ability to accurately monitor their plant and equipment performance is counter productive and only increases risk to the Water Supply Authority. Local indicators which need to be considered would include water flow, integrators,

fluoridating agent feed rate, pressure and level indicators, storage levels, equipment status, alarms, ammeters, hours run, etc.

5.1.5 The design of the fluoridation plant shall provide a safe working environment and facilitate safe working practices to protect both plant operations staff and the public (refer also to Section 6).

5.1.5.1 Where hydrofluosilicic acid is used electrical control cubicles for the fluoridation plant shall be located to minimise deterioration due to corrosion and to minimise the need for staff to enter the fluoridation room.

This requirement is focused on minimising the need for entry into the fluoridation plant room for operational and maintenance staff, and reducing risk to the fluoridation process due to breakdowns from increased corrosion problems (particularly plants using hydrofluosilicic acid), as well as improving general asset life of the control equipment. It is suggested that the control cubicles should be in a separate room beside the room containing the fluoridating agent dosing equipment. The two rooms would have separate entry doors, a window in the common wall but no inter-connecting door or other means of air to pass between the rooms (eg unsealed electrical conduits or chases). The location/orientation of the control cubicles and fluoride dosing equipment should allow operators to have a clear view of the dosing equipment when operating the control panel.

5.1.5.2 The installation (eg. relative locations, mounting height, all round access etc.) of all equipment, valves, controls and access points shall facilitate easy access for all expected operational and maintenance requirements.

Careful thought needs to be given to the finished physical layout of equipment within the fluoridation plant room (ie. the sum of the design and the installation phases) so that safety risks are minimised. This includes providing clear access to equipment for both operational duties as well as for maintenance staff. For example, not creating trip hazards, or locating items which people may walk into or hit their head on, locating all valves and controls such that they are easily accessible and operated, etc.

5.1.5.3 Where a dry fluoridating agent is used there must be an appropriate dust extraction system(s) to prevent escape of powder into the fluoridation room and to maintain an acceptable breathing atmosphere. The dust extraction equipment shall operate from the time the bags are opened to when it is dissolved into water as a minimum.

The design of the dust extraction systems should take into account the total process from when the bags are unloaded into storage hoppers, powder transport from the hoppers to the feeders and from the feeders into the dosing solution.

In some situations the use of two dust extraction systems may need to be considered – one for the bag loading and hopper equipment, and one for the atmosphere in the fluoridation room.

5.1.5.4 Where a dry fluoridating agent is used the design of the fluoridation plant room shall remove any potential for build up of powder from air deposition over time wherever possible.

The design of the fluoridation room should ensure:

- smooth ceilings and walls coved to the floor (eg. brick walls would need to be rendered smooth) and painted with gloss paint,
- no horizontal or gently sloping surfaces such as window ledges or steel beams,
- smooth cement floor (but including some appropriate preparation to provide a non slip surface eg steel trowelled incorporating carborundum) sloped to a drain or sump,
- use of flush surfaces (eg. windows and doors flush with walls, design of internal structures and equipment mountings etc.)

5.1.5.5 Where hydrofluosilicic acid is used the associated corrosive fumes shall be removed from the fluoridation plant room via mechanical ventilation and venting of fume sources (eg. internal storage tanks) to an appropriate outside location.

Hydrofluosilicic acid is quite corrosive and will give off acidic fumes, which will both affect the atmosphere in the fluoridation plant room as well as significantly increasing corrosion rates of equipment in the room. Firstly the source of fumes from any permanent internal storage tank should be minimised through sealing of the tank, extending the vent outside the building, and possibly putting a water seal on the tank overflow outlet (if the bunded area is internal to the room). Similarly drop tubes and pressure relief lines etc need to be enclosed and piped back to the main storage or day tanks. Secondly an acid resistant exhaust fan should be installed to remove the fumes from the fluoridation plant room. The location of the fan and room vents should be chosen to maximise cross flow ventilation of the room.

5.1.5.6 The fluoridation room shall be designed to allow easy cleaning and removal of spilt fluoridation chemical through hosing down of the lower walls and floor. Refer to Section 7 below concerning requirements on the fate of this water.

A tap and hose should be provided in the fluoridation plant to facilitate cleaning and decontamination of spilt fluoridating agent as required. If any liquid waste is collected in a bunded area then a sump should be provided to allow complete removal via a sump pump. The location of the sump shall not require access into the bunded area to operate, and preferably should be at an accessible edge of the bunded area if feasible.

5.1.5.7 Where a dry fluoridating agent is used, the design of the plant shall minimise the need for any manual handling. Where manual handling is appropriate the design shall minimise the number of lifts required, the amount of bending, and the distance and height through which bags are lifted.

The design should consider the use of hand operated pallet forklifts, the matching of the height of the fluoride loading floor with the tray of the delivery truck, use of self raising pallet systems to maintain the same 'lifting' level as bags are taken off a pallet for loading into the storage hopper – this minimises the need to bend further the emptier the pallet becomes.

5.1.5.8 Access to the fluoridation room shall be restricted through provision of a security locking system.

Control of access to the fluoridation chemicals and dosing equipment is an effective control measure to minimise risks to untrained staff and the public, as well as minimising the potential for unauthorised changes to the fluoridation dose rate.

5.1.5.9 Appropriate signage shall be provided to indicate the presence of the fluoridating agent, and that authorised entry only is permitted.

Signage is required under various legislation (Dangerous Goods Act 1975, OH&S Act 2000, and associated Regulations) depending on the chemical and quantities stored.

5.1.5.10 Fluoride shall not be allowed to flow to lagoons where supernatant is returned to the head of the works.

It is not uncommon for general drainage from chemical handling areas etc to flow to sludge lagoons as a way of providing emergency containment. In the event of a major spill this arrangement can lead to overdosing of the treated water if the plant returns its supernatant to the head of the works. This requirement refers primarily to handling of fluoridating agent spillages and does not apply to fluoridated treated water used to backwash filters.

5.1.5.11 The plant design shall allow for any requirements identified under Section 6 of this Code.

5.1.6 The design of the plant shall minimise the risk of fluoridating agents escaping to the environment (refer also to Section 7).

5.1.6.1 Where a liquid fluoridating agent is used then appropriate bunding shall be provided to contain any spillage. The design of bunding must facilitate the safe removal of any spillage.

Design of environmental containment should take into consideration the potential spillage volumes during delivery and unloading, the maximum volumes stored on site, the volume that may spill if the dosing pump suction or delivery pipe work should fracture. Apart from being easier for operational staff, the provision of accessible pump out sumps to allow effective removal of spills can also be an important safety requirement.

5.1.6.2 Where dry fluoridating agents are used powder should not be allowed to escape from the fluoridation room to the external atmosphere.

The use of doors with rubber seals and airtight windows should be considered. The use of dust extraction should effectively deal with this issue.

5.1.6.3 The location and design of absorption trenches shall not allow fluoride to be carried into a water supply well or be a hazard to stock or local wildlife.

The use of absorption trenches should be considered a last resort for disposal of concentrated fluoride spillage.

5.1.6.4 The plant design shall allow for any requirements identified under Section 7 of this Code.

5.1.7 The fluoridation plant complies with all legislative requirements.

5.1.7.1 The Water Supply Authority shall ensure the fluoridation plant complies with all legislative requirements.

The Fluoridation Act, Regulation and Code of Practice does not contain or reference all legislative requirements that a Water Supply Authority may have to comply with in the design, construction and operation of a fluoridation plant (for example building codes). The responsibility for identification of, and compliance with, relevant legislative requirements lies with the Water Supply Authority.

5.2 Description and specific requirements for typical Fluoride Feed Systems

Typically four generic types of fluoride dosing systems are in use. Generic fluoridation plant process and instrumentation diagrams are contained in Appendix C. The choice of which to use includes issues such as size, availability of fluoridating agent, costs, staffing availability/limitations, ease of operation, management limitations etc. The minimum requirements for each of these four are described below:

5.2.1 Dry fluoridating agent feed systems

5.2.1.1 Dry fluoride feed systems shall include a dust extractor system, a bag loader, a storage/feed hopper, a volumetric or gravimetric dry feeder, a dissolving tank with mechanical stirrer, a weight loss system to monitor the weight of fluoridating agent used, a potable or filtered dilution water source, and a solution transfer pump (if not gravity fed).

5.2.1.2 For this type of system a direct dust extraction capability from the bag loader when it is opened for manually filling the storage hopper must be available.

5.2.1.3 *The storage hopper must have a minimum capacity of 36 hours operation at the maximum water flow rate approved by NSW Health.*

5.2.1.4 *The dry feeder, tank solution level, mixer, and transfer pump must be electrically interlocked to ensure total fluoride dosing system shut down.*

5.2.2 Fluoride solution feed systems

5.2.2.1 *Fluoride solution feed systems shall include two batching tanks with mechanical mixers, a dilution water meter, a potable or filtered dilution water source, a graduated calibration tube, and a metering pump with pressure relief and a loading valve on the delivery side of the pump.*

5.2.2.2 *Each batching tank must have a minimum capacity of 36 hours operation at the maximum water flow rate approved by NSW Health.*

5.2.2.3 *The solution tank and the metering pump must be electrically interlocked to ensure total system shut down when the tank is empty.*

5.2.3 Fluoride saturator systems

5.2.3.1 *Fluoride saturator systems shall include a saturator tank with powder support media, a bag loader system, a dilution water meter, a potable or filtered dilution water source, a graduated calibration tube, and a metering pump with pressure relief and a loading valve on the delivery side of the pump.*

5.2.3.2 *The saturator tank must have the ability to visually check the level of undissolved fluoridating agent in the tank.*

5.2.4 Hydrofluosilicic acid dosing systems

5.2.4.1 *Hydrofluosilicic acid dosing systems shall include either:
For small plants a direct feed arrangement from carboys/drums, a weighing platform for the acid container, a graduated calibration tube, a metering pump with pressure relief and a loading valve on the delivery side of the pump, and a potable or filtered dilution water source, or
For larger plants a bulk storage tank, a day tank, weighing platform for the day tank, a graduated calibration tube, a metering pump with pressure relief and a loading valve on the delivery side of the pump, and a potable or filtered dilution water source.*

5.2.4.2 *Carboys, drums, day tanks, indoor bulk storage tanks, and graduated calibration tubes should be sealed and vented back to the bulk storage tank, or directly to the outside of the fluoridation plant building.*

6 Occupational Health and Safety

6.1 Primary Requirement

6.1.1 The Water Supply Authority shall provide a safe working environment and safe working practices for both plant operators and untrained staff/public.

7.1.1.1 The Water Supply Authority must comply with the Occupational Health and Safety Act 2000, the Dangerous Goods Act 1975, and associated regulations (Occupational Health and Safety Regulation 2001, Dangerous Goods (General) Regulation 1999).

These Acts and Regulations will impact all aspects of the fluoridation plant, including design, operational and maintenance procedures, training, auditing, and record keeping. Water Supply Authorities need to regularly review the requirements of these Acts and Regulations to ensure compliance.

In the area of safety, and the handling and storage of dangerous goods, these Acts and Regulations will have precedence over the Fluoridation Act, Regulation and Code of Practice. If clarification is required in these areas then WorkCover NSW will provide the defining interpretation. On this basis no other minimum standards are stated under this section.

The following guide notes in this section of the Code however provide a basis for a water supply authority to assess what control measures it should employ to manage occupational and safety risks associated with fluoridation systems. The issues and control measures discussed are focussed on meeting some of the key elements of the Acts and Regulations involved. They are in no way exhaustive, and the use of these control measures in no way infers that this is sufficient to comply with these Acts and Regulations.

The issues and control measures discussed are presented under the following dot points:

- ◆ The Water Supply Authority should carry out and document a site-specific safety hazard risk assessment covering all aspects associated with the design and operation of the fluoridation plant. Where risks are identified appropriate control measures (based on the hierarchy of controls) should be implemented.

Based on the hierarchy of controls hazards should be eliminated wherever possible, followed by use of engineering controls. Fluoridation plant designers should only rely on personal protective equipment as a risk control measure as a last resort.

Where feasible the involvement of a range of people in the hazard assessment (eg plant operators, managers and technical experts etc) may provide an improved end result over that achieved by one person. Such hazard assessments should be done as part of the design and commissioning processes for new plants.

The hazard risk assessment for the fluoridation plant and the effectiveness of implemented control measures should be reviewed on a regular basis.

- ◆ The Water Supply Authority should control access to the fluoridation plant and equipment in order to minimise the risk of untrained staff or public being injured.

The fluoridation plant (plant room/building, fluoridating agent storage areas) should be of sufficiently solid construction to minimise the risk of unauthorised entry. These areas should be kept locked when unattended to prevent unauthorised entry.

In particular the carrying out of maintenance work needs to be controlled to prevent injury to maintenance staff. Determining control measures under this requirement should normally be considered at the same time as those required for protecting the process from being impacted (refer Section 11.2). Best practice would involve the use of some form of work permit system that includes a systematic hazard risk assessment of the work to be done.

In this regard the operator and the maintenance staff should assess the hazards together and agree on any special controls required while the work is being carried out (eg isolation of the storage tank, draining or release of pressure in dosing pumps and lines, mechanical and electrical isolation, use of personal protective equipment, not working alone, etc). The degree of control required may also reflect the knowledge and training of the maintenance staff (eg. are they experienced internal staff, under long term maintenance contracts, or “one off” contractor who has never previously been to the plant etc).

- ◆ The Water Supply Authority should ensure standard operating procedures required by this Code include all relevant safety requirements (refer Section 11.2).
- ◆ The Water Supply Authority should ensure the plant operators are adequately trained as to the hazards associated with the fluoridating agent, and should ensure a current Material Safety Data Sheet for the fluoridating agent is easily available to staff on site at all times.
- ◆ The Water Supply Authority should ensure the atmosphere in any area where the fluoridating agent is stored or used is acceptable for staff to work in. For dry fluoridating agents the fluoride dust concentration should not exceed the recommended exposure limit specified by the National Occupational Health and Safety Commission.

The current recommended exposure limit is 2.5 mg/m³. These exposure limits are called up by the OH&S 2000 Act and associated Regulation.

This requirement will generally require dust extraction for both the fluoridation plant room and any powder bag loader in order to comply (typically two separate units). If the Water Supply Authority is concerned about the air quality air sampling and analysis can be performed. Experience to date would tend to indicate air testing would not be required on a routine basis if the fluoridation plant were operating as designed. For hydrofluosilicic acid plants exhaust fans should be used to ventilate the fluoridation plant room. This will not only benefit the air quality for staff but should also reduce corrosion rates due to the acidic fumes.

- ◆ The Water Supply Authority should ensure operators are supplied with appropriate personal protective equipment, and that operators are trained in its use.

When selecting appropriate PPE consideration of the following items should be included:

- Elbow length impervious rubber or plastic gloves,
- Long sleeve shirt, trousers, and full length impervious rubber or plastic apron, or as an alternative, a disposable full suit system,
- Impervious rubber or plastic boots
- for plants using dry fluoridating agents, a full face mask with type 3 respiratory filters (as per AS/NZS 1715 1994), or as an alternative, a chemical goggle and a half mask with P3 type respiratory filter (as per AS/NZS 1715 1994)
- for plants using liquid fluoridating agents, a full face shield or splash proof safety goggles

Where respirators are used it is important that they are changed regularly and that an adequate stock of filters are kept on site. Irrespective of condition filters should be changed after 13 weeks of usage.

- ◆ The Water Supply Authority should provide adequate routine washing and emergency eyewash/shower decontamination facilities at the fluoridation plant site using a potable water supply.

Emergency eyewash/showers should be available where ever fluoridating agents are stored and handled. The water supply to these units should be permanently connected. The supply pipe work should not create additional risks (eg burns due to pipe work being exposed to the direct sun etc).

When handling fluoridating agents PPE and clothing can become contaminated, particularly in plants using dry fluoridating agents. It is important that PPE, and clothing in particular, is routinely cleaned and kept free of contamination due to the fluoridating agent (eg rinsing of rubber/plastic equipment, washing of clothing etc).

Care should also be taken in preventing any fluoridating agent contamination being carried into other parts of the plant where staff/public frequent, such as control rooms, lunchrooms, vehicles etc. This may necessitate changing clothing after handling the fluoridating agent.

Similarly operators should be aware of the importance of effectively removing any fluoridating agent on their hands. The use of soap and nail brushes after contact with dry fluoridating agents is suggested.

7 Environmental safety

7.1 Primary Requirements

7.1.1 The environment is protected from impact due to the fluoridation plant.

7.1.1.1 The Water Supply Authority must comply with the Protection of Environment Operation Act 2000, the Dangerous Goods Act 1975, and associated regulations (Regulation 2001, Dangerous Goods (General) Regulation 1999).

These Acts and Regulations may impact all aspects of the fluoridation plant, including design, operational and maintenance procedures, training, auditing, and record keeping. Water Supply Authorities need to regularly review the requirements of these Acts and Regulations to ensure compliance.

In the area of protection of the environment these Acts and Regulations will have precedence over the Fluoridation Act, Regulation and Code of Practice. If clarification is required in these areas then the NSW Environment Protection Authority and WorkCover NSW will provide the defining interpretations. On this basis no other minimum standards are stated under this section.

The following guide notes in this section of the Code however provide a basis for a water supply authority to assess what control measures it should employ to manage environmental risks associated with fluoridation systems. The issues and control measures discussed are focussed on meeting some of the key elements of the Acts and Regulations involved. They are in no way exhaustive, and the use of these control measures in no way infers that this is sufficient to comply with these Acts and Regulations.

The issues and control measures discussed are presented under the following dot points:

- ◆ The Water Supply Authority should carry out and document a site-specific environmental hazard risk assessment covering all aspects associated with the design and operation of the fluoridation plant. Where risks are identified appropriate control measures (based on the hierarchy of controls) should be implemented.

Where ever possible hazards should be eliminated, followed by use of engineering controls. Reliance on procedural controls alone should be a last resort.

Where feasible the involvement of a range of people in the hazard assessment (eg plant operators, managers and technical experts etc) may provide an improved end result over that achieved by one person.

Such hazard assessments should be done as part of the design and commissioning processes for new plants. The hazard risk assessment for the fluoridation plant and the effectiveness of implemented control measures should be reviewed on a regular basis.

- ◆ The Water Supply Authority should ensure the fluoridation plant and equipment is designed and operated to both minimise the risk of fluoridating agent spills or leaks and to contain any spills or leaks should they occur.

The fluoridating agent should be stored in a designated storage area separate from other chemicals. The Dangerous Goods Act and Regulation specify various requirements on storage (administered by WorkCover NSW) of the fluoridating agent, such as bunding, signage, and licensing.

In designing the fluoridation plant, the inclusion of all elements containing concentrated fluoridating agent handling (including the feeding equipment) in the storage bund area may be an effective way of reducing environmental risks.

Where powdered fluoridating agents are used then both the bag loading equipment and the fluoride plant building atmospheres should be contained and filtered. If powder is spilt then it should be removed either by hosing down, or preferably by vacuuming rather than by sweeping.

The plant design must also take into consideration the fluoridating agent transport and unloading risks, which can be substantial. Drainage of the unloading area may be needed.

Where procedural controls are to be used they should be included in the routine operational SOPs (refer to Section 11.2).

Where appropriate an emergency response plan should also be developed (refer to Section 11.3).

- ◆ The Water Supply Authority should control access to the fluoridation plant and equipment in order to minimise the risk of untrained staff or public causing a fluoride spill to the environment.

The fluoridation plant (plant room/building, fluoridating agent storage areas) should be of sufficiently solid construction to minimise the risk of unauthorised entry. These areas should be kept locked when unattended to prevent unauthorised entry.

In particular the carrying out of maintenance work needs to be controlled to prevent accidental release of fluoride to the environment. Determining control measures under this requirement should normally be considered at the same time as those required for protecting the process from being impacted (refer Section 11.2). Best practice would involve the use of some form of work permit system that includes a systematic hazard risk assessment of the work to be done.

In this regard the operator and the maintenance staff should assess the hazards together and agree on any special controls required while the

work is being carried out (eg isolation of the storage tank, draining or release of pressure in dosing pumps and lines, temporary bunding, etc). The degree of control required may also reflect the knowledge and training of the maintenance staff (eg. are they experienced internal staff, under long term maintenance contracts, or “one off” contractor who has never previously been to the plant etc).

- ◆ The Water Supply Authority should prepare, document and implement an environmental waste disposal plan for fluoridating agent spills and leaks, contaminated fluoridating agent and fluoridating agent containers.

The options for disposal of fluoridating agent containers varies from returning them to the supplier, engagement of a waste disposal contractor, local waste tips, to that of internal disposal on site by burial. Concentrated fluoride powder is poisonous to wildlife and thus care must be taken with some disposal options. The plan should follow the waste fluoridating agent and containers to their final disposal irrespective of whether private waste disposal contractors are employed or not.

- ◆ The Water Supply Authority should ensure standard operating procedures required by this Code (refer to Section 10.2) include all relevant environmental control requirements.

8 Control of fluoridating agent

8.1 Procurement of Fluoridating Agent

8.1.1 Any impurities in the fluoridating agent shall not cause health problems for consumers or result in non-compliance with the Australian Drinking Water Guidelines. Physical characteristics and variations in strength should not significantly increase risk of reliably maintaining the required fluoride concentration in the treated water.

8.1.1.1 The Water Supply Authority shall develop and use a suitable chemical specification for purchasing the required fluoridating agent. The latest American Waterworks Association standard specifications for the various fluoridating agents are to be treated as a minimum requirement.

Metals are the main impurities of health significance to be found in fluoride chemicals, particularly with hydrofluosilicic acid where the levels of various metals can vary significantly.

The presence of moisture in powdered chemicals can lead to unreliable feeder operation. The level of insoluble matter can increase turbidity levels in the final water.

The following specification requirements are provided for consideration (1).

	NaF**	H ₂ SiF ₆ **	Na ₂ SiF ₆ **
Product purity, % by weight	min 97 (dry basis)	20-30	min 98 (dry basis)
Moisture, % by weight	max 0.5		max 0.5
Insoluble matter, % by weight	max 0.6		max 0.5
Heavy metals, % by weight as lead *	max 0.04	max 0.02	max 0.05
Hydrogen fluoride (HF), % by weight		max 1.0	

* These levels should ensure that at a fluoride ion dose of 1.00 mg/L the maximum concentration of metals added to the water would be in the order of 1 µg/L expressed as lead. The Australian Drinking Water Guidelines set a guideline value for lead of 10 µg/L.

** NaF Sodium Fluoride
 H₂SiF₆ Hydrofluosilicic Acid
 Na₂SiF₆ Sodium Silicofluoride

Water Supply Authorities should include the requirement for regular full chemical analysis by suppliers in supply contracts. It is also good practice to periodically obtain independent chemical analysis.

1. Queensland Health (2000) Code of practice for fluoridation of public water supplies

8.2 Storage of Fluoridating Agent

8.2.1 Fluoridation plants shall not run out of fluoridating agent.

8.2.1.1 A minimum of 3 months storage of fluoridating agent shall be maintained.

The supply risk is a function of a number of issues including the quantities involved, transport distance, procurement strategy and general availability of the agent. Thus for some plants more than three months storage may be warranted.

For larger plants where the supply risks are low, long-term procurement contracts are maintained, and the cost of storage infrastructure significant, NSW Health may consider reducing this requirement.

8.2.2 Fluoridating Agents are appropriately stored to minimise deterioration.

8.2.2.1 Dry fluoridating agents must be stored in a secure dry environment.

When bags of powdered fluoridating agent become damp or wet they can be very difficult to use in the fluoridation equipment, often leading to increased maintenance and variable fluoride concentrations in the treated water. In more extreme circumstances the bags can become unusable and would need to be disposed of.

In some situations the use of room heaters can minimise such problems.

9 Measurement of fluoride in the treated water

9.1 Sample requirements

9.1.1 A representative sample of treated water that directly reflects the real time dosing performance of the fluoridation plant shall be available at all times.

9.1.1.1 The sampling point location should be far enough downstream of the fluoride injection point to ensure the fluoride is well mixed, but prior to any service reservoir or tank if possible.

For good control the plant operator needs to be able to directly relate the measured fluoride level to plant settings at a given point of time, in order to know how much to adjust the dosing settings. If the sample point is too far downstream, or if the sample is from or after a service reservoir then this becomes more difficult.

Pipe wall effects can impact the sample quality. It is good practice to use a stainless steel insertion probe, particularly if the sample point is also used for other parameters such as microbiological indicators.

Where long sample lines are used it is good practice to carry out regular checks to ensure the sample line is not affecting the sample water quality (eg. compare results taken from each end of the sample line).

9.2 Analytical requirements

9.2.1 A reliable method for determining fluoride concentration in the treated water shall be provided on site at all times.

9.2.1.1 An appropriate permanent bench area shall be provided at, or in close proximity to, the fluoridation plant to allow routine fluoride concentration analyses to be performed.

The area should have adequate bench space to leave the analytical equipment permanently set up. It will require a sink with both water supply and waste, and sufficient storage for consumables (glassware, chemicals, spare parts etc.). If possible the area should not be exposed directly to sun or high temperature extremes – air conditioning is preferred. It is good practice to provide a small fridge for storing samples and reagents at a constant low temperature.

9.2.1.2 Unless otherwise approved the ion selective electrode method shall be used for determining the fluoride concentration in treated water. The method should conform to that described in the latest edition of Standard Methods for the Examination of Water and Wastewater.

The ion selective method is preferred as it is reliable, less technique sensitive, and less impacted by interfering substances.

9.2.1.3 The minimum requirements for equipment and reagents to carry out analyses are:

- *An ion selective meter that can be used for fluoride and temperature probes, and that can display in millivolts (and preferably fluoride concentration), and degrees Celsius as required.*
- *Fluoride electrodes (either a combined electrode, or separate measuring and reference electrodes)*
- *Temperature probe (for measuring temperature of sample being tested)*
- *A magnetic stirrer with insulated top, moveable arm stand with probe holder for fluoride and temperature probes, and Teflon coated stirrer bars*
- *Laboratory plastic ware (beakers, measuring cylinders and sample/storage bottles)*
- *Timer and thermometer*
- *Reagents (total ionic strength adjuster, and electrode filling solution)*
- *Calibration standards (0.20 and 2.00 mg/L standard fluoride solutions, 1.00 mg/L may also be used)*

Appropriate spare equipment/parts should be available on site such that measurement capability should not be lost for more than a day or two due to failures. Where a Water Supply Authority makes up or dilutes its own solutions then additional facilities to those above will be required and normal laboratory good practice should apply.

Only plastic beakers, sample bottles etc should be used for fluoride samples as the use of glassware may lead to lower results due to fluoride interacting with the glass.

If the plant operators also need to measure pH then there is an advantage in using an identical meter to that used for fluoride probes in that it in effect provides a backup meter for both parameters.

9.2.2 The calibration standards are accurate, the quality of the total ionic strength adjuster and electrode filling solutions and the operation of the fluoride meter are reliable.

9.2.2.1 Appropriate regular quality assurance checks and balances are in place to ensure the accuracy and reliability of fluoride measurements in the treated water.

Whether the fluoride standards and chemical reagents are bought or made up by a Water Supply Authority it is good practice to carry out regular quality assurance checks. Simple checks such as keeping track of batch numbers, age of the chemicals, comparison of results when changing from one batch to another, asking for quality assurance documentation from the manufacturers etc, all help to give confidence in the fluoride results obtained.

Similarly keeping calibration records including the slope and sensitivity readings on the meter display can help identify whether a fluoride meter/electrodes have changed in performance and will

require maintenance or replacement. If requested NSW Health can assist in the development of these checks.

9.2.3 All operating staff at a fluoride plant follow the same procedure when calibrating the fluoride meter and analysing fluoride samples.

9.2.3.1 The Water Supply Authority must develop, train, and implement standard operating procedures (SOPs) for carrying out calibration of the fluoride meter, and for routinely determining the fluoride concentration in a treated water sample. All operators must be competent in carrying out these SOPs.

The use of Standard Operating Procedures (SOPs) is a clear outcome of integrating quality management principles into routine duties. The use of pictures in SOPs can be quite useful and effective. If requested NSW Health can assist in the development of these SOPs. A sample SOP is attached as Appendix D.

9.2.4 The potential for incorrect fluoride results due to temperature differences between the calibration standards and the treated water samples is minimised.

9.2.4.1 The analysis procedure should ensure the fluoride calibration standard(s) and the treated water sample are at the same temperature before proceeding with the analysis.

A significant error can occur when the meter has been calibrated using fluoride standards at a different temperature to that of the treated water sample. There are two typical solutions to this issue. Either keep the calibration standards at room temperature and wait for the treated water sample to come to room temperature before analysis, or keep the calibration standards in a water bath using a continuously running treated water sample, in which case the analysis is done immediately. The potential impact of this issue is greatest where the diurnal temperature range is large and the laboratory area is not air-conditioned. The error can be as large as 2% per degree of temperature difference.

10 Plant operation and process control

10.1 Fluoridation Plant operating targets

10.1.1 The fluoridation plant is operated to maintain a consistent fluoride concentration through out the distribution system.

10.1.1.1 The Water Supply Authority shall

- *Use a fluoride operating target of 1.00 mg/L in treated water, unless otherwise specified by NSW Health in the Instrument of Approval.*
- *at no time allow the fluoride concentration to exceed 1.50 mg/L.*
- *set a target that, over a calendar year, greater than 95% of all routine fluoride samples (both treated water and distribution) fall within the fluoride concentration operating range of 0.90 to 1.50 mg/L, unless otherwise specified by NSW Health in the Instrument of Approval.*

These three targets are the default requirements unless NSW Health approve otherwise.

One important issue for a Water Supply Authority is how a failure to dose (or under dosing) due to equipment breakdown might be handled in determining the 95% compliance of all samples. A short-term stoppage will not appreciably affect the oral health benefit. However NSW Health expects a Water Supply Authority to operate in a professional and competent manner and such stoppages should not occur on a frequent basis. Consequently NSW Health considers the non-compliance allowance of 5% of samples over a year to be reasonable. Based on this the Water Supply Authority will need to make business decisions as to whether it wishes to reduce the risk of non-compliance (eg. installing stand-by equipment, increased sampling frequency etc.).

However, should a particular situation arise where either, the Water Supply Authority believes the monitoring results do not adequately reflect the plant performance, or, there has been a significant failure to dose due to largely uncontrollable problems (eg damage to plant from fire etc) then NSW Health will consider an exemption from normal compliance targets upon request.

10.2 Routine operational requirements

10.2.1 The fluoridation plant reliably achieves the required fluoride concentration in the treated water on a continuous basis with no over or under dosing.

10.2.1.1 The Water Supply Authority shall carry out regular plant inspections and checks to assess whether the process performance has been satisfactory, and in particular whether any significant overdosing has occurred which would require emergency action to be taken. The frequency shall be daily

unless the Water Supply Authority gains approval otherwise from NSW Health (based on effective risk control measures being in place).

Regular plant inspections are necessary to ensure effective process control (eg. target fluoride dose = instantaneous fluoride dose via drop tests = calculated average daily fluoride dose), to identify whether equipment is operating normally (eg. pressure and level readings), and to identify the need for maintenance (eg. leaks, change in sound and vibration of operating pumps, mixers etc).

10.2.1.2 The Water Supply Authority shall maintain a daily record (irrespective of any approved change to the daily inspection requirement) of

- The volume of water treated*
- The quantity of fluoridating agent added over the same time period*
- The corresponding average calculated fluoride dose*
- The fluoride analysis result from the treated water sample taken during this time period*
- The stock of fluoridating agent on hand*

This information shall be recorded on either the standard forms attached in Appendix B (Form 2 for solution feed systems, or Form 3 for dry feed systems, and Form 4 for the treated water analysis) or on a site-specific plant log sheet. The records may be in paper or electronic form but must be maintained by the Water Supply Authority (refer to Section 13).

It is the responsibility of the Water Supply Authority to ensure the fluoridation process is adequately monitored and maintained such that any discrepancy, equipment reliability issue, or unacceptable variability in the final fluoride concentration is quickly identified and effectively rectified.

10.2.1.3 The Water Supply Authority shall ensure that the fluoridation plant and equipment is adequately maintained to achieve reliable operation.

There are various strategies used to manage maintenance. Good practice would encourage the use of routine condition monitoring/assessment, preventative maintenance, stand-by equipment, critical spares inventory, and reliable maintenance records.

10.2.1.4 For fluoride saturator systems specifically the level of fluoridating agent in the saturator must not be allowed to fall below 150 mm above the support media.

10.2.2 Fluoride concentrations reaching consumers in the distribution system match the treatment plant operating target.

10.2.2.1 Unless otherwise approved by NSW Health the Water Supply Authority shall collect and analyse a minimum of two samples that are well separated in the system per week. The results shall be recorded on Form 4 (refer Appendix B) or on a site-specific form. The records may be in paper or electronic form but must be maintained by the Water Supply Authority (refer to Section 13).

10.2.2.2 Unless otherwise approved by NSW Health the Water Supply Authority shall send a duplicate of one of its distribution water samples to the Division of Analytical Laboratories (Water Chemistry Laboratory) within the first week of each month. A NSW Health Drinking Water Monitoring Program label is to be attached to the sample (either an Allocated Chemical – Comprehensive, an Allocated Chemical – Standard, an Allocated Chemical – Monthly, or an Allocated Fluoride label type). The fluoride result obtained by the Water Supply Authority shall be recorded on the label.

This sample provides both quality assurance on analyses carried out by the Water Supply Authority, as well as an independent assessment of fluoride levels across NSW. The results will be available on the NSW Drinking Water Database.

10.2.3 All operating staff at a fluoride plant follow the same procedures when carrying out routine operational duties.

10.2.3.1 The Water Supply Authority must develop, train, and implement standard operating procedures (SOPs) for carrying out routine operational duties within the fluoridation plant. All operators must be competent in carrying out these SOPs

The use of Standard Operating Procedures (SOPs) is a clear outcome of integrating quality management principles into routine duties. The use of pictures in SOPs can be quite useful and effective. The SOPs should cover routine daily inspections, management of fluoridating agent (eg. topping up of day tanks, hoppers, saturators, ordering new stocks etc.), process control decisions, dose corrections, and record keeping.

10.2.4 The fluoridation plant and equipment shall not be operated by unqualified persons.

10.2.4.1 Only qualified operators shall operate the fluoridation plant and equipment. Access to the fluoridation plant and equipment shall be controlled to minimise the risk of impacting the treated water fluoride concentration from incorrect operation of the fluoridation equipment, or damage to the facility, from unauthorised persons.

The fluoridation plant (plant room/building, fluoridating agent storage areas, dosing lines etc) should be of sufficiently solid construction to minimise the risk of damage to equipment due to vandalism. The plant design should minimise the risk of accidental damage to equipment such as dosing lines, valves etc. where feasible.

The fluoridation plant should be kept locked when unattended to prevent unauthorised entry. Entry to the fluoridation plant by untrained persons (staff and public) needs to be controlled both for protection of the process (and for their own safety).

In particular the carrying out of maintenance work needs to be carefully controlled to prevent impacts on the fluoridation process. The responsibility lies directly with the Water Supply Authority and plant operator(s) to ensure maintenance staff do not impact or put the fluoridation process at risk (or put themselves or the environment at risk – refer Sections 6 and 7). Determining controls measures under this requirement should normally be considered at the same time as those required for safety management. Best practice would involve the use of some form of work permit system that includes a systematic risk assessment of the potential impact on the fluoridation process from the work to be done.

In this regard the operator and the maintenance staff should assess the risks together and agree on any special controls required while the work is being carried out (eg work carried out while water flow is off, maintenance staff will not switch dosing equipment on or off for testing without the knowledge of the operator etc). The degree of control required (eg, whether maintenance staff are left unsupervised or not) will depend on the knowledge and training of the maintenance staff (eg, are they experienced internal staff, under long term maintenance contracts, or “one off” contractor who have never previously been to the plant etc). Irrespective of what control measures are put in place however, maintenance staff shall not be allowed to operate the fluoridation plant. In some circumstances it may be beneficial for key maintenance staff to obtain the Fluoride Plant Operators Certificate.

10.2.4.2 The Water Supply Authority shall ensure that it has a sufficient number of qualified people available to enable operation of the fluoridation plant at all times. A minimum of two qualified people is required.

The number of qualified people required will depend on the particular staffing arrangements used by a Water Supply Authority (eg, single operator, team based etc). As a minimum two qualified operators are required to ensure periods of sickness, annual leave, weekends, and other issues such as training and meetings are covered.

It is also recommended that the fluoridation plant operator’s supervisor (or other appropriate manager) obtain the operators qualification in order to provide a detailed awareness of requirements under the Fluoridation Act within the management structure of the Water Supply Authority (as well as providing operational support in an emergency).

10.3 Emergency response requirements

10.3.1 Consumers should not receive fluoride concentrations over 1.5 mg/L. Any over or under dosing incidents are quickly identified and effectively managed to minimise any impact on consumers.

10.3.1.1 The Water Supply Authority shall develop an emergency response plan to minimise (or preferably prevent) fluoride concentrations over 1.5 mg/L reaching consumers in the event of an overdosing incident. The response plan should form part of the Water Supply Authority's overall emergency management strategy and plans, and must include liaison with the local Public Health Unit (refer to Fluoride Communication Protocol flow diagram).

In approaching emergency response planning it is suggested that Emergency Risk Management principles be followed. These can be summarised as a cyclic process involving Hazard Analysis, Prevention, Preparation, Response, and Recovery.

The options to respond effectively to an overdosing incident are often related to how the distribution system is designed and operated, in particular the location and size of service reservoirs that can dilute small events. The ability to quickly remove water from the system can be affected by environmental considerations such as quantity of water involved and chlorine residual levels. The most important element in many cases involves how quickly a problem is identified after it occurs, and in this regard a small amount of careful planning in the design of both the plant and routine operational duties can significantly reduce the impact of an overdosing incident.

NSW Health requires that the Water Supply Authority liaise with the local Public Health Unit in developing the emergency response plan, and where appropriate in its execution.

The responsibility to respond in an emergency lies primarily with the Water Supply Authority.

11 Reporting requirements

11.1 Routine Reporting and Communication requirements

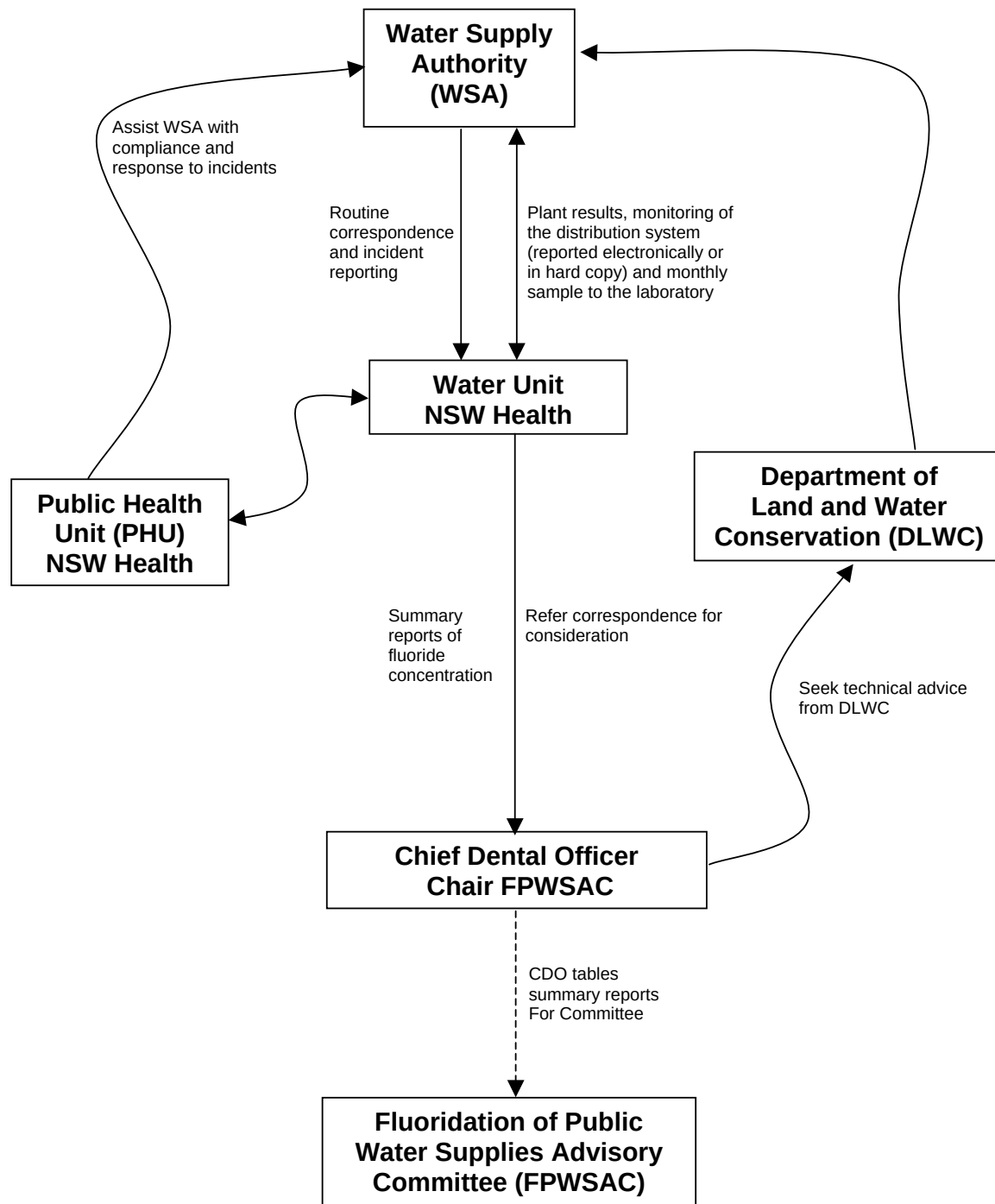
11.1.1 Effective routine communication is maintained between NSW Health and Water Supply Authorities

11.1.1.1 Water Supply Authorities shall follow the Fluoride Communication Protocol diagram for routine reporting and communication with NSW Health. Water Supply Authorities shall follow Appendix A of this Code of Practice when approval is sought to fluoridate for the first time or to modify an existing plant.

Routine correspondence and enquiries relating to the Code of Practice should be directed to the NSW Health Water Unit. The Water Unit will refer enquiries to Chief Dental Officer for consideration as appropriate. Correspondence should be addressed to:

Manager, Water Unit
NSW Department of Health
PO Box 798
GLADESVILLE NSW 2111

Telephone 02 9816 0589
Fax 02 9816 0377
email: waterqual@doh.health.nsw.gov.au

FLUORIDE COMMUNICATION PROTOCOL

11.1.2 Routine fluoridation plant performance data is provided to NSW Health in a timely manner.

11.1.2.1 Unless otherwise approved by NSW Health, the Water Supply Authority shall report to NSW Health within the first week of each month the results of all fluoride analyses carried out for the previous month, that is, results for the treated water samples leaving the fluoridation plant and samples taken in the distribution system recorded on Form 4 (or its equivalent). Where possible this data should be directly entered into the on-line NSW Drinking Water Database. If this is not possible the Water Supply Authority must submit a paper copy of Form 4 (or its equivalent) to the NSW Health Water Unit.

The use of the on-line NSW Drinking Water Database provides some additional benefits over paper records in that there is the capacity for a Water Supply Authority to generate standard reports in electronic form which it can use for internal assessment and management reporting,

11.1.3 Exception reports are provided to NSW Health in a timely manner.

11.1.3.1 The Water Supply Authority shall advise NSW Health Water Unit in writing within three working days of any:

- *overdosing incident that resulted in the fluoride concentration exceeding 1.5 mg/L in the treated water entering the distribution system,*
- *any failure to fluoridate or maintain the fluoride concentration above the minimum fluoride concentration stated in the Instrument of Approval that extends for a period greater than 24 hours.*

The notification should include details of the incident (extent, times, water volume affected etc), what remedial action has been taken, and what actions the Water Supply Authority intends to take to minimise the risk of the same event occurring again.

Information gathered over time will assist NSW Health in identifying risks and improvements, which may be relevant to other Water Supply Authorities as well as providing input into future reviews of the Code of Practice.

12 Operator training and qualification

12.1 Training requirements

12.1.1 Fluoridation plant operators are competent to operate a fluoridation plant.

12.1.1.1 A Qualified Operator is an operator who holds a Fluoride Plant Operator's Certificate issued by NSW Health. All fluoridation plant operators must obtain this certificate.

NSW Health will issue a Fluoride Plant Operators Certificate to those persons who

- (a) Have passed a fluoride training course conducted by NSW Health, or
- (b) Have successfully completed the Water Industry Operations (Water Treatment) Certificate II course (9244) provided by NSW TAFE (OTEN), or
- (c) Successfully completed such other fluoridation training courses as may be approved by the Director-General as being the equivalent of (a) or (b).

12.1.1.2 The Water Supply Authority shall provide on the job training under the direct supervision of a qualified operator in how to operate the fluoridation plant. Unless approval is gained from NSW Health, operators being trained shall not operate the fluoridation plant by themselves and must attend the next available NSW Health training course.

In the normal course of events it is expected that new operators would receive on the job training until they can attend a NSW Health operators training course.

Should an emergency situation arise due to sudden departure of qualified staff NSW Health will consider interim conditional approval to operate for a new operator on a case-by-case basis until the next training course. The Water Supply Authority would need to provide details of the person's relevant experience, and controls put in place to support that person.

13 Records keeping and availability

13.1 Record keeping requirements

13.1.1 Appropriate records documenting the fluoridation plant performance are maintained.

13.1.1.1 The Water Supply Authority shall maintain the key records corresponding to the information recorded on Forms 2,3 and 4 for two (2) years. The records may be in electronic or hardcopy form.

Care needs to be taken to ensure electronic records are reliably backed up, and paper records are kept in an appropriate environment that will minimise deterioration.

13.1.1.2 The Water Supply Authority shall ensure all records created are in an auditable form.

In applying quality management principles it is important that records are traceable to the date they were created and to those who generated the records.

13.1.2 Records of the fluoridation plant performance are available to NSW Health

13.1.2.1 The Water Supply Authority shall make all records associated with the fluoridation plant available to NSW Health upon request.

14 Quality assurance and auditing

14.1 Audit requirements

14.1.1 The Water Supply Authority complies with the requirements of the Fluoridation Act, Regulations, and the requirements of this Code of Practice on an on-going basis.

14.1.1.1 The Water Supply Authority shall carry out and document an audit to assess compliance with the latest version of the Fluoridation Act, Regulation, and Code of Practice on a regular basis. These audits shall be stored and made available to NSW Health on request.

Regular auditing is a key part of quality management principles in that it helps to maintain an initial level of performance, identify risks and associated control measures that may need to be reassessed, and identify opportunities for improvement. It is suggested that this process be carried out every two to three years or when the Code has been changed whichever is the least.

An important part of the process is the inclusion of all stakeholders (plant operators, supervisors, managers, technical experts, etc) in the analysis of the results and the development of any identified opportunities for improvement. This process is also useful as a training refresher for operating staff as to the requirements of the Code.

14.1.1.2 NSW Health may from time to time carry out an independent audit of the Water Supply Authority's compliance. The Water Supply Authority shall provide such assistance as may be required.

Glossary of Terms

Fluoridating Agent

The substance that is added to drinking water to achieve fluoridation. Fluoridating agents include the dry (or powder) fluoridating agents Sodium Fluorosilicate (Na_2SiF_6) and Sodium Fluoride (NaF) as well as “liquid fluoride” or “fluoride acid” Hydrofluosilicic Acid (H_2SiF_6).

Fluoridation

The addition of fluoride to drinking water for the purpose of oral health benefit. Fluoridation involves the controlled addition of a fluoridating agent to a public water supply to increase the fluoride to a level that effectively prevents tooth decay.

Fluoridation Act

The NSW Fluoridation of Public Water Supplies Act 1957 sets out the composition and functions of Fluoridation of Public Water Supplies Advisory Committee (the Committee). Under the Act, the Committee has powers to approve and regulate fluoridation by public water supply authorities.

Fluoridation Regulation

The NSW Fluoridation of Public Water Supplies Regulation 2002 sets out requirements for risk minimisation, accuracy of dosing, and reporting requirements and refers to detailed requirements under this Code.

Fluoridation Code of Practice

The NSW Code of Practice for the Fluoridation of Public Water Supplies 2002 sets out the details of requirements for risk minimisation, accuracy of dosing, and reporting requirements as required by the Fluoridation Regulation.

Fluoridation Plant

The building and equipment involved in fluoridation of drinking water, including chemical storage areas, dosing and control equipment, safety equipment and any other fixtures used for, or associated with, the purpose of fluoridation.

Required Outcome

The Required Outcomes are the fundamental intent of the controls required in the Fluoridation Code. The required outcome for each section of this Code is set out in bold.

Minimum Standard

Minimum Standards are the minimum requirements considered necessary to achieve the Required Outcomes. Minimum Standards are set out in *Italic font*. Achievement of the Minimum Standard in the Fluoridation Code is a legislative requirement under the Fluoridation Act and Regulation.

Guide Note

Guide Notes include explanatory notes for the Minimum Standard requirements. They may also include suggestions regarding surpassing the good practice. Also included in the guide notes, for information, are some requirements covered other legislation, such as the Dangerous Goods Regulations. The guide notes are not legislative requirements under the Fluoridation Act.

Instrument of Approval

The document issued by the Department of Health, and published in the Government Gazette, which sets out details and conditions of approval under which a Water Supply Authority may fluoridate a water supply.

Water Supply Authority

A Water Supply Authority is a Major Utility or Water Supply Authority as defined under the Water Management Act 2000.

APPENDIX A

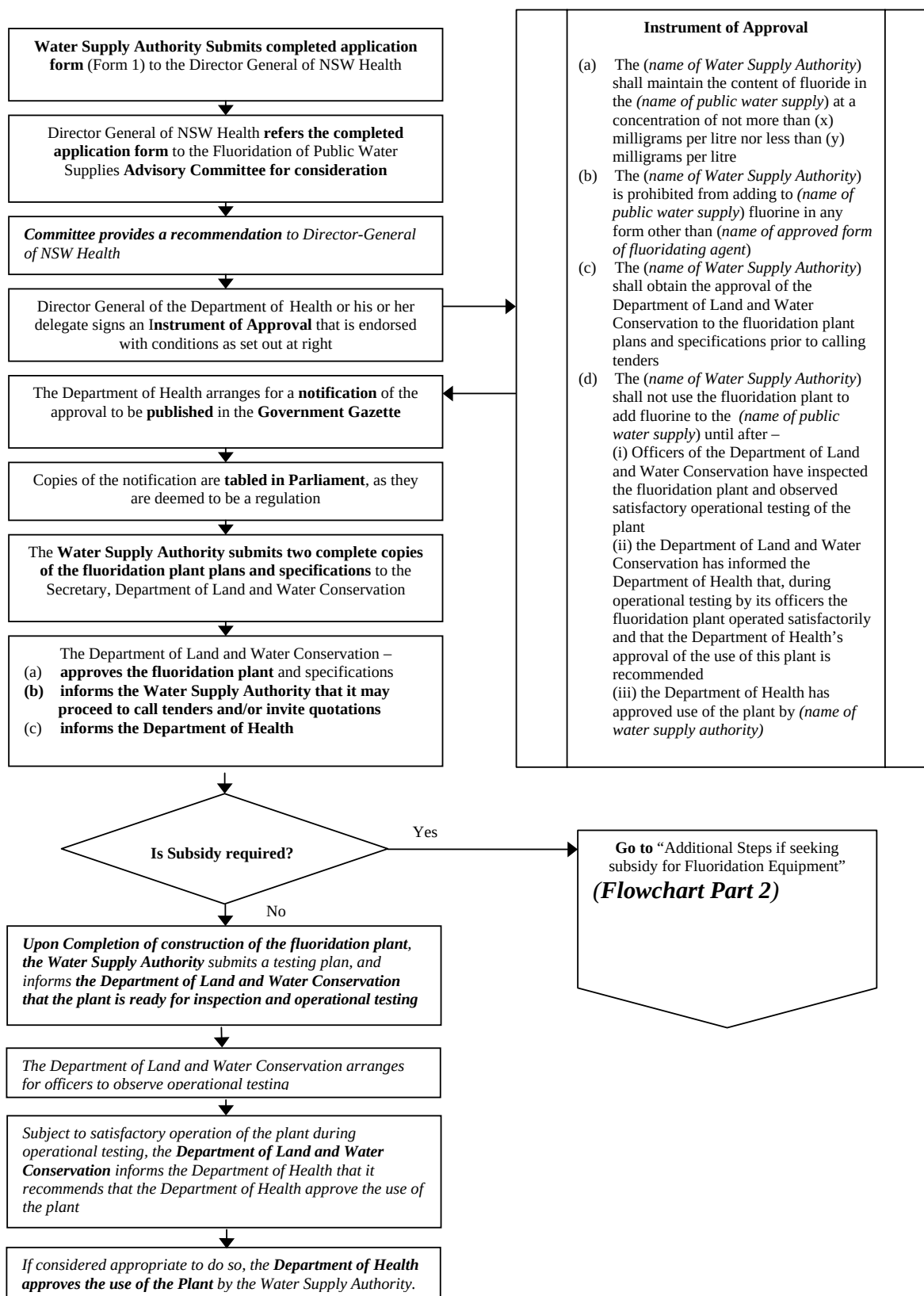
Protocol and Application Form 1

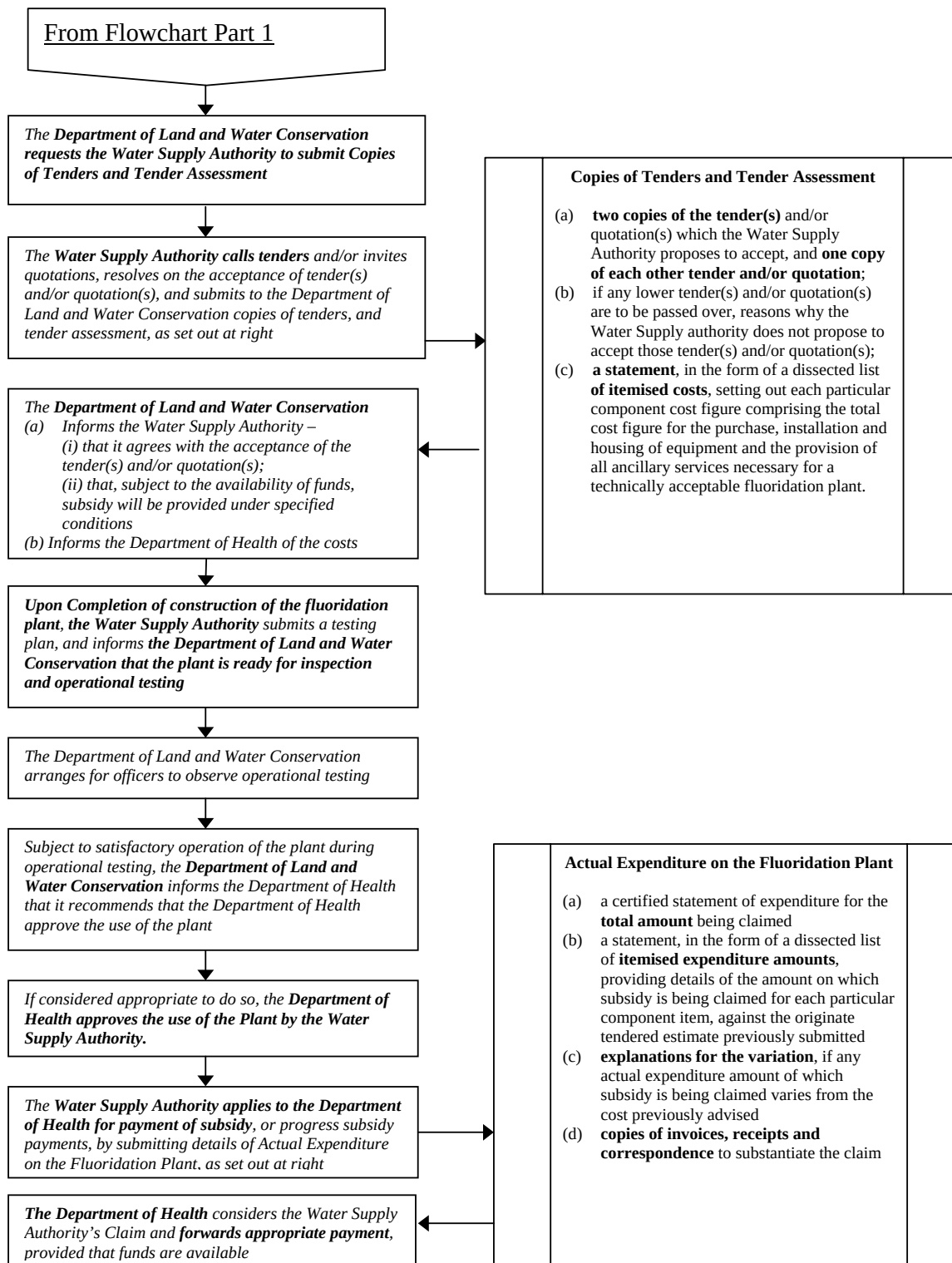
For a water supply authority seeking approval to:

Fluoridate a water supply for the first time

or

Modify an existing fluoridation plant

Flow Chart Part 1:**Protocol for Seeking Approval to Fluoridate or to Modify an Existing Fluoridation Plant**

Flow Chart Part 2:**Additional Steps if applying for subsidy for Fluoridation Equipment**

Form 1

APPLICATION FORM
(Fluoridation of Public Water Supplies Act 1957)

Application for the approval of the NSW Department of Health under Section 6 of the Fluoridation of Public Water Supplies Act 1957 to add fluoride to a Public Water Supply.

Upgrade of Existing Fluoride System, ie Water Supply is currently fluoridated ☐ *or*
New Fluoride System, ie Water Supply is **not** currently fluoridated ☐

To the Director-General
NSW Department of Health
Locked Mail Bag 961
NORTH SYDNEY NSW 2060

Application is hereby made by _____

(Name of Water Supply Authority)

for approval for the fluoridation of the water supply in accordance with the accompanying plans and specifications of equipment and installation.

Designing Engineer

Name: _____

Address: _____

1. Employee responsible for supervision of addition of fluorine:

Name: _____

Qualifications: _____

2. Name of proposed operator or operators: _____

List qualifications of each proposed operator: _____

3. Approximate number of persons to be served: _____

4. Towns and municipalities to be served: _____

5. Estimated water consumption in cubic metres per day:

Min. _____ Avge. _____ Max. _____

6. Instantaneous flow rate at point of fluoridation with plant operating:

Min. _____ Avge. _____ Max. _____

7. Gravity or pumped supply: _____

Form 1, p.2.

8. List of other chemicals now used in treatment of supply: _____

9. What provision, if any, exists for the testing and control of the water supply: _____

10. Proposed location of fluoridation equipment: _____
11. Location of precise point of fluoridation: _____
12. Method to be followed in preventing back-siphonage or backflow of fluorine solution into potable water supply serving chemical feeder: _____

13. Name of manufacturer of equipment: _____
14. Is the equipment to be manually controlled? _____ If not, describe method to be used to provide automatic control of the equipment (describe type of meter to be used and other hydraulic details pertaining to the automatic control of specific fluoridation equipment not clearly shown on plans).

15. Dry feed fluoridation equipment: Capacity in kg/24 hrs with plant operating
Min. _____ Max. _____
16. Solution feed fluoridation equipment: Capacity in dm³/24 hrs with plant operating
Min. _____ Max. _____
17. Fluoridation chemical to be used: _____
18. Type of toxic dust respirators to be used: _____
19. (a) Details of equipment used for metering quantity of water fluoridated:

(b) Date of installation of metering equipment: _____
20. Method to be used in testing water for fluoride content: _____

- Signature: _____
Official Title: _____
Postal Address: _____

- Date: _____

APPENDIX B

Fluoridation records: Forms 2 to 4

Form 2: Daily log sheet for solution feed system

Form 3: Daily log sheet for dry feed system

Form 4: Daily analysis of fluoride ion content

Form 2

(for solution feed system)

DAILY LOG SHEET
(Fluoridation of Public Water Supplies Act 1957)

Water Supply Authority _____

Fluoridation Plant _____ Operation Log For The Week Ending _____

Sun	Mon	Tue	Wed	Thur	Fri	Sat	Weekly Summary	Day
								Date
								Time
								No.1 Meter Today
								No.1 Meter Yesterday
								Water Throughput
								No.2 Meter Today
								No.2 Meter Yesterday
								Water Throughput
								Total Water Treated
								No.1 Tank Yesterday
								No.1 Tank Today
								Usage No.1 Tank
								No.2 Tank Yesterday
								No.2 Tank Today
								Usage No.2 Tank
								Total Usage
								No.1 Tank Additions
								Total In No.1 Tank
								No.2 Tank Additions
								Total In No.2 Tank
								Total Additions
								Tank Cleaning Losses
								Unopened Bulk Stock
								Container In Use
								Additions To Stock
								Spillage or Weight
								Total Today
								Feeder Setting
								Calculated
								Raw or Clear
								Treated Water
								1.
								2.
								3.
								4.
								5.
								Operators Initials

Fluoride Chemical Used Source Purity

Remarks

Operator Supervisor

This form is to be retained by the water authority for two years (do not send to NSW Health)

Form 3 (for dry feed system)

DAILY LOG SHEET (Fluoridation of Public Water Supplies Act 1957)

Water Supply Authority

Fluoridation Plant

Operation Log For Week Ending

[illegible]

Fluoride Chemical Used

Source.....

Purity

Fluoride Chemical Used	Source	Purity
Remarks		

Operator Supervisor

This form is to be retained by the water authority for two years (do not send to NSW Health)

DAILY ANALYSIS OF FLUORIDE ION CONTENT (Fluoridation of Public Water Supplies Act 1957)

Month _____ Year _____ Operator's Signature _____

[illegible]

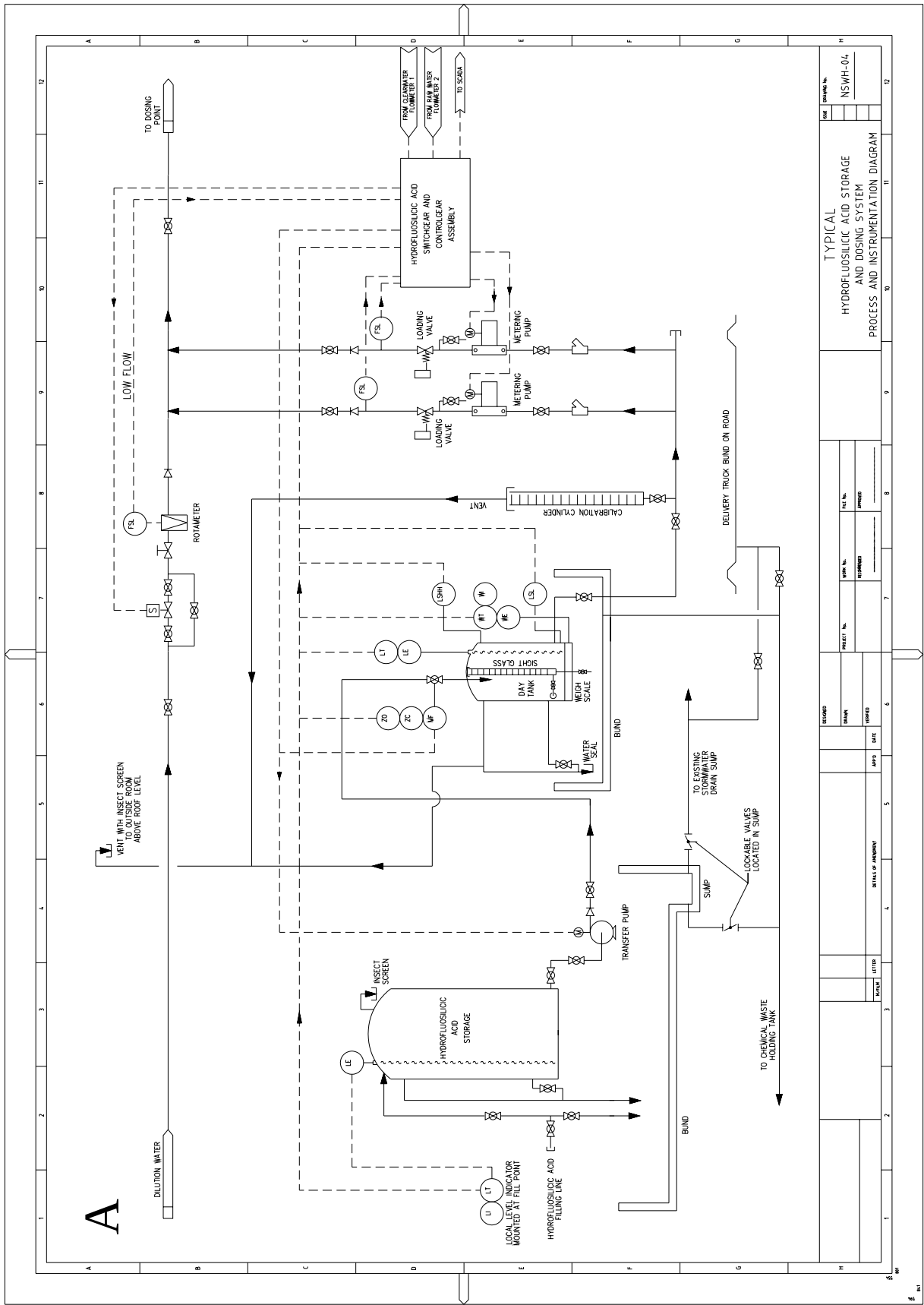
The Clerical Officer
Water Unit, NSW Health
PO Box 798
GLADESVILLE NSW 2111

A copy of this form is to be retained by the water authority for two years.

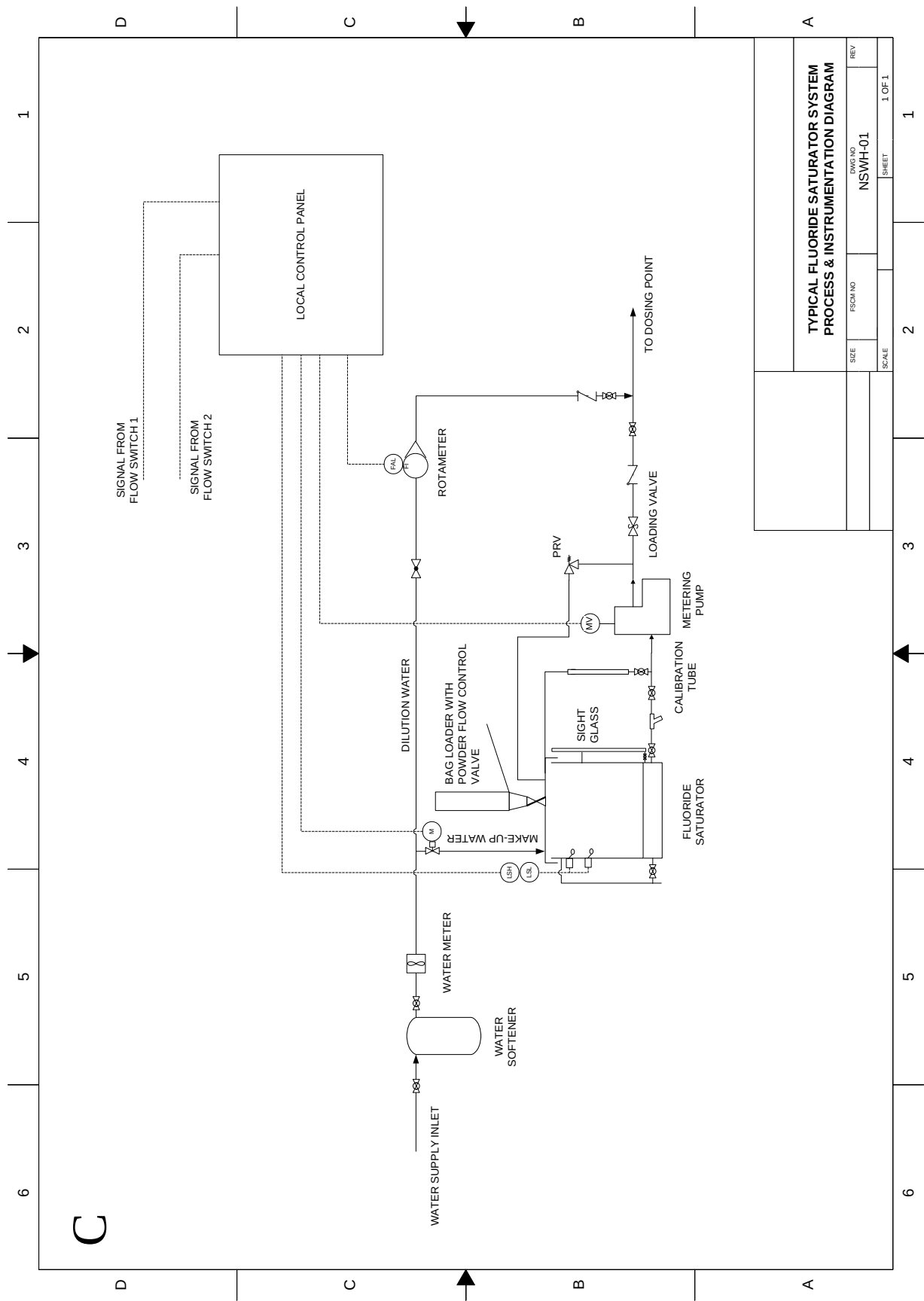
APPENDIX C

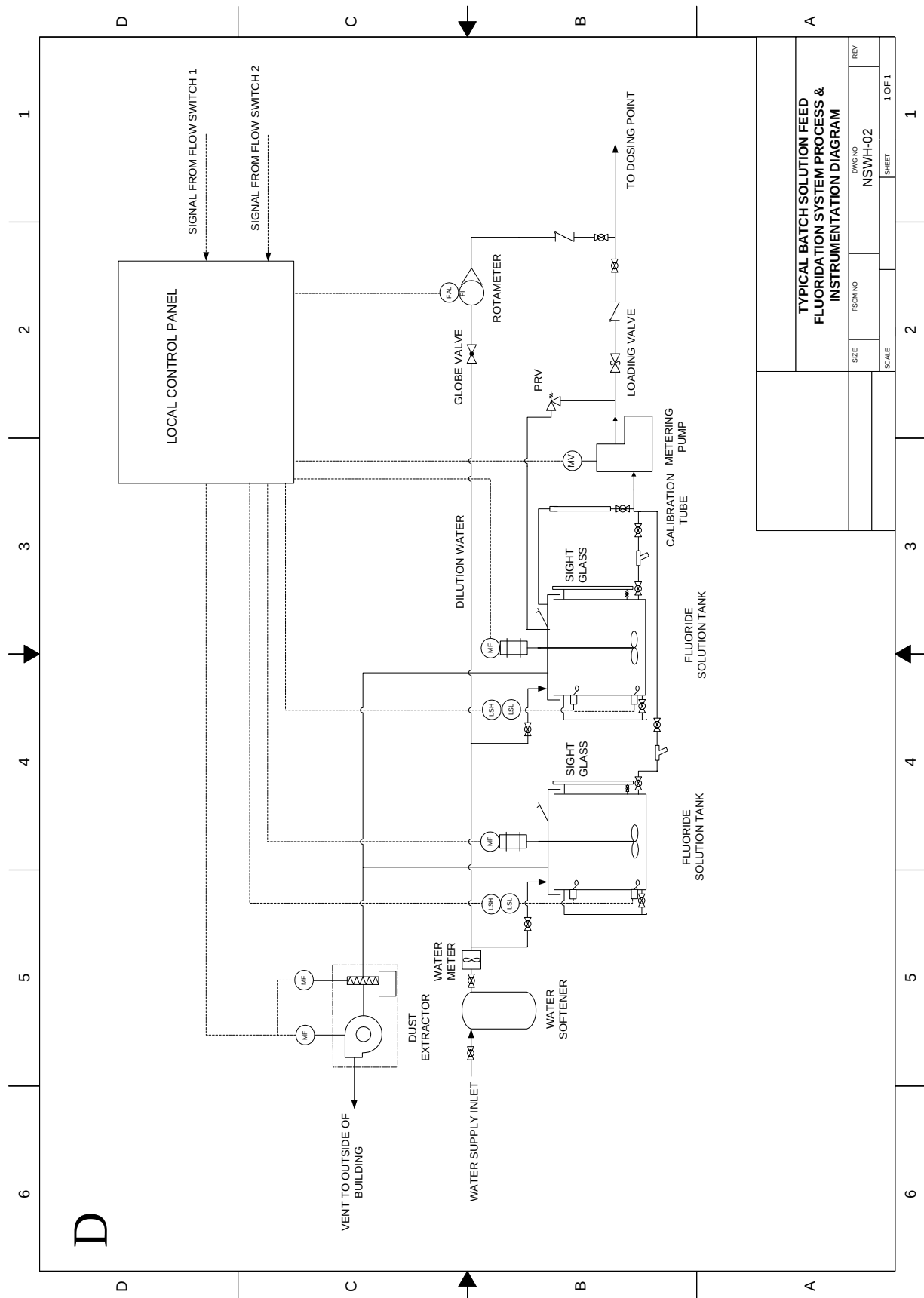
Generic fluoridation plant process and instrumentation diagrams (P&IDs)

- A Hydrofluosilicic acid storage and dosing system
- B Dry powder fluoride feeding system
- C Fluoride saturator system
- D Batch solution feed fluoridation system









APPENDIX D

Sample standard operating procedure (SOP) for fluoride
measurement

Standard Operating Procedure (SOP)

Title: Determination of fluoride in drinking water by the method of ion selective electrode (ISE)

a. Introduction

These procedures are designed to give general instructions on how to perform the determination of fluoride in drinking water. They represent best practice.

Due to the large variety of instruments capable of performing this determination, these procedures cannot give specific instructions on the use of such instruments. The user must refer to and become familiar with the operating manual(s) of the specific instrument used in the plant.

b. Principles

The fluoride electrode has a single crystal of an insoluble fluoride salt at its base. When this sensing element comes into contact with a solution containing free fluoride ions, a potential develops across it and it is measured against a reference electrode immersed in the same solution.

The fraction of free fluoride ions to total fluoride ions in solution is dependent on the total ionic strength of the solution. By keeping the ionic strength high and constant the measured free fluoride ions is proportional to the concentration of fluoride in solution.

The presence of metal ions (e.g. iron and aluminium) cause interferences. The addition of appropriate buffers containing complexing agents limits the effect of interferences.

c. Minimum Equipment Requirement

- i. Meter: either Direct Readout or a pH/mV meter with a resolution of 0.1 mV;
- ii. Fluoride ISE with connectors suitable for Meter above;
- iii. Reference Electrode with connectors suitable for Meter above;
- iv. Reference Electrode refilling solution;
- v. Magnetic Stirrer with electrode holder;
- vi. Magnetic teflon coated stir bars ;
- vii. 12 x 150 or 200 mL beakers, preferably made of plastic;
- viii. De-ionised or distilled water;
- ix. Fluoride standards;
- x. Buffer;
- xi. 100 mL measuring cylinder;
- xii. 5 or 10 mL dispensing pipette;
- xiii. 12 x 100 – 250 mL plastic storage bottle with tight fitting cap;
- xiv. 4 cycle semi-log graph paper (not required for Direct Readout meters);
- xv. thermometer.

NB: Combined fluoride electrodes incorporate the ISE and Reference electrodes (ii & iii above) into a single unit.

d. Type of Meters

Two types of meters are available: Direct Readout and pH/mV Readout.

Direct Readout: Once calibrated these instruments display the actual concentration of fluoride in solution.

pH/mV: These instrument display the potential difference in mV between the ISE and the reference electrode. The readings (in mV) for the standards are plotted on semi-log graph paper from which fluoride concentrations for samples are extrapolated.

e. Recommended Checks Prior to Analysis

- i. The electrolyte level in the reference electrode must be kept between 5 mm and 20 mm of the filling hole. Refill with the solution recommended by the electrode supplier.
- ii. Ensure that the level of electrolyte in the electrode is always at least 20mm above the top of the solution being measured.
- iii. Ensure that all the filler holes are unplugged prior to measurements. Replace plugs at completion of testing (to ensure free flow of electrolyte).
- iv. Wipe the base of the ISE clean with a soft tissue, make sure to remove any crystallised material present.
- v. Inspect the base of the ISE. The base should be free of any scratch or other mechanical damage. Replace electrode if damage is present.
- vi. If the ISE has been stored dry, immerse it in a solution containing the High Standard for 10-15 minutes before analysis. This conditions the electrode.

f. Recommended Calibration Standards

Accurate standards of known fluoride concentration are essential for the proper determination of fluoride in drinking water.

A minimum of two standards are necessary to calibrate the ISE instrument. The fluoride concentration in the High Standard should be close to the upper limits of the sought concentration. The fluoride concentration in the Low Standard should be $1/10^{\text{th}}$ of that of the High Standard.

The most practical standards are:

- i. **High Standard:** 2.0 mg/L fluoride
- ii. **Low Standard:** 0.2 mg/L fluoride (Note: this standard can be prepared by diluting the High Standard 10 times, i.e. 100 mL High Standard diluted to 1000 mL with de-ionised or distilled water)

Calibration standards should be replaced monthly. Upon receiving a new set of standards, decant at least 100 mL into a plastic storage bottle, cap the bottle tightly and keep in the fridge. These can be used whenever contamination of standards is suspected.

When not in use, keep standards in a fridge. Remove from fridge and allow to reach room temperature before use for calibration.

The above standards can be purchased through the Division of Analytical Laboratories, phone 02 9646 0424.

g. Recommended Quality Control Standards

The Quality Control (QC) standards are used to check the meter and procedures. They need to be independent of the standards used for calibration and have to be close to the fluoride concentration sought.

The most practical QC standard is 1.0 mg/L fluoride.

QC standard should be replaced every 6 months. Upon receiving a new QC standard, decant at least 100 mL into a plastic storage bottle, cap the bottle tightly and keep in the fridge. This can be used whenever contamination of the QC standard is suspected.

When not in use, keep QC standard in a fridge. Remove from fridge and allow to reach room temperature before use.

The above QC Standard can be purchased through the Division of Analytical Laboratories, phone 02 9646 0424.

h. The Function of Buffers

Buffers, often abbreviated to TISAB (Total Ion Strength Adjuster Buffer) in fluoride determination have three distinct functions, they:

- i. Adjust and maintain constant pH of solution;
- ii. Adjust and maintain high ionic strength of solution; and
- iii. Free fluoride ions from complexes thus making them available for determination.

The principal cause of error in fluoride determination by ISE is the failure of the buffer to perform one or more of the above tasks.

The strength and hence the volume ratio of sample to buffer are critical factors.

i. Recommended Buffers

Two buffers are in common use: **Low Level TISAB** and **High Level TISAB**

Low Level TISAB (also known as **TISAB II**) is recommended only for fluoride concentrations less than 0.4 mg/L and in the absence of iron and aluminium. It is used in the ratio of 1:1, i.e. 50 mL sample and 50 mL buffer.

High Level TISAB (also known as **TISAB IV**) is recommended for general use for samples containing up to 2 mg/L fluoride. It is suitable for samples containing up to 100 mg/L of iron and aluminium. Because of its considerably higher strength, the ratio of buffer to sample can be reduced to 1 in 50, i.e. 2 mL of buffer to 100 mL of sample or standard. It is the recommended buffer for fluoride determination.

TISAB IV can be purchased through the Division of Analytical Laboratories, phone 02 9646 0424.

j. Preparation of Buffers

The preparation of buffers involves using hazardous chemicals. It should be attempted only by competent and trained personnel skilled in handling concentrated acids and alkali. It must be carried out in a laboratory equipped with analytical balances, glassware and pH meter.

Due to the criticality of buffers, it is recommended that they be purchased ready-to-use.

Follow the instruction below to prepare buffers.

- i. **Low Level TISAB (TISAB II):** To 500 mL of distilled water in a 1L beaker add 57 mL of Glacial Acetic Acid and 58 g of reagent grade Sodium Chloride. Allow the solution to cool to room temperature and using a calibrated pH meter adjust the pH of the solution to 5.0 – 5.5 using 5M Sodium Hydroxide. Pour into a 1 L volumetric flask and make to the mark with distilled water.
- iii. **High Level TISAB (TISAB IV):** To 500 mL of distilled water in a 1 L beaker add 84 mL of concentrated Hydrochloric Acid (36-38%), 242 g of Tris (Hydroxymethyl) Amino Methane and 230 g of reagent grade Sodium Tartrate. Stir to dissolve and allow the solution to cool to room temperature. Pour into a 1 L volumetric flask and make to the mark with distilled water.

k. Calibration and Measurements Using Direct Readout Meters

Consult the meter Instruction Manual to ensure that electrodes are connected properly and all the functions of the meter are understood.

i Using High Level TISAB IV

1. Measure 100 mL of the Low Standard, transfer it to a beaker and add 2 mL of buffer.
2. Add a magnetic stir bar to the beaker, rinse electrodes with deionised water, blot them dry and immerse them in the solution. Start stirring and wait for a stable reading.
3. Follow instructions set out in the Instrument Manual on how to adjust the meter so that it reads the value of the Low Standard.
4. Repeat procedures from 1. to 3. using the High Standard.
5. Measure 100 mL of the QC Standard, transfer to a beaker and add 2 mL of buffer.
6. Add a magnetic stir bar to the beaker, rinse electrodes with deionised water, blot them dry and immerse them in the solution. Start stirring and wait for a stable reading.
7. The reading should be within 5% of stated value, e.g. acceptable values for a 1mg/L QC Standard are within the range 0.95 – 1.05 mg/L. Repeat calibration and Steps 5. and 6. till such time QC Standard falls within the acceptable range.
8. Continue with sample measurements using 100 mL of sample and 2 mL of TISAB IV. Record concentration of fluoride in mg/L.
9. When testing multiple samples, re-measure the QC Standard prepared in Step 5. above every 10 samples and after the last sample. The acceptance criteria stated in 7. above should be met. If they are not met, then ignore results, repeat calibration and sample measurements.

ii Using Low Level TISAB II

Follow identical steps as above but use equal volume of buffer to standard and sample (e.g. 50 mL of buffer with 50 mL standard or sample).

At the conclusion of testing plug all the electrode holes and store the electrodes in a solution containing about 1 mg/L of fluoride (e.g. the High Standard solution used for calibration). In the event that the electrodes are not to be used for over a week, drain them and store them dry in their original container.

l. Calibration and Measurements Using mV/pH Meters

Consult the meter Instruction Manual to ensure that electrodes are connected properly and all the functions of the meter are understood.

i Using High Level TISAB IV

1. Measure 100 mL of the Low Standard, transfer it to a beaker and add 2 mL of buffer.
2. Add a magnetic stir bar to the beaker, rinse electrodes with deionised water, blot them dry and immerse them in the solution. Start stirring and wait for a stable reading.
3. Record the mV reading.
4. Repeat procedures from 1. to 3. using the High Standard.
5. Subtract one reading from the other. A value between 55 and 60 mV indicates that the meter is working correctly otherwise check meters, electrodes and repeat calibration.
6. Plot the mV reading of each standard against the standard concentration. The standard concentrations are plotted on the log scale of the graph. Draw a straight line between the points.
7. Measure 100 mL of the QC Standard, transfer to a beaker and add 2 mL of buffer.
8. Add a magnetic stir bar, rinse electrodes with water, blot them dry and immerse them in the solution. Start stirring and wait for a stable reading.

9. Record the mV reading and extrapolate the concentration of the QC Standard from the graph prepared in 6.
10. The concentration should be within 5% of stated value (e.g. acceptable values for a 1mg/L QC Standard would be 0.95 – 1.05 mg/L). Repeat calibration and steps 7. to 9. till such time QC Standard falls within the acceptable range.
11. Continue with sample measurements using 100 mL of sample and 2 mL of TISAB IV. Record the mV of each sample and extrapolate the fluoride concentration in mg/L from the plotted graph.
12. When testing multiple samples, re-measure the QC Standard prepared in Step 7. above every 10 samples and after the last sample. The acceptance criteria stated in 10. above should be met. If they are not met, then ignore results, repeat calibration and sample measurements.

ii **Using Low Level TISAB II**

Follow identical steps as above but use equal volume of buffer to standard and sample (e.g. 50 mL of buffer with 50 mL standard or sample).

m. Troubleshooting

Due to the large variety of instruments available for this type of analysis, it is not possible to provide detailed causes and solutions for all possible problems or symptoms. Please refer to instrument manual for details. Below are some of the common symptoms, their possible cause and possible remedies.

Symptom	Possible Cause	Remedy
Wrong QC results but calibration curve appears OK	Incorrect QC Standard used	Check QC Standard, use stored QC Standard
	Incorrect use of the calibration standards	Check calibration standards, use stored standards if not able to correct problem (e.g. if standards are contaminated)
	Incorrect use of TISAB or no TISAB added	Use TISAB in the same ratio for Standards as per QC Standard
	Incorrect use of semilog paper	Plot mV on the linear axis and make sure that the concentration on the log axis are properly marked, e.g. the distance between the point marked 0.5 and 1.0 MUST be the same as that marked 1.0 and 2.0.
	Incorrect recording of mV readings	Make sure that you record the sign of the mV (it can be +ve and -ve!)
Low or No Slope	Contaminated standards	Check calibration standards, use stored standards if not able to correct problem (e.g. if standards are contaminated)
	TISAB was not used	Use TISAB in the correct proportion to sample
	Electrode malfunction	Check electrode, electrolyte levels and replace electrode/s if necessary
Noisy and/or unstable readings	Problems with the reference electrode or wrong electrode used	Check for correct electrode to be used with the specific fluoride electrode; air bubbles in electrode or incorrect electrolyte used. Empty and refill electrode
	TISAB was not used	Use TISAB in the correct proportion to sample
	Defective meter or poorly grounded	Check meter, see meter instruction manual
Reading slowly drifting in one direction only	Standard and samples not at room temperature and/or at different temperature	Allow sufficient time for solutions to reach steady room temperature
	Fluoride electrode dirty	Check and clean electrode, refer to instructions supplied with the meter
	Incorrect reference electrode filling solution used	Empty electrode and refill with correct solution
Meter will not read or reading off scale	Defective meter	Check meter, see meter instruction manual
	Electrodes not plugged in properly	Check connections of electrodes to meter
	Electrodes not in solution	Make sure electrodes are in solution and just few mm above stirring bar
	Reference electrode empty	Refill with correct solution
	Static electricity	Ground the meter correctly

TENDERS

Department of Public Works and Services

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

TENDERS for the undermentioned Period Contracts, Supplies and Services, required for the use of the Public Service, will be received by the Department of Public Works and Services, Level 3, McKell Building, 2-24 Rawson Place, Sydney, N.S.W. 2000, up til 9.30 am on the dates shown below:

3 September 2002

038/904 INTRAVENOUS & IRRIGATING SOLUTIONS. DOCUMENTS: \$0.00 PER SET

4 September 2002

2006b COMPUTER PERIPHERALS AND ASSOCIATED EQUIPMENT. DOCUMENTS: \$220.00 PER SET
025/7255 SUPPLY OF ELECTRONIC SECURITY EQUIPMENT. DOCUMENTS: \$110.00 PER SET
023/7306 SUPPLY OF INFLUENZA VACCINE FOR NEW SOUTH WALES DEPARTMENT OF HEALTH. DOCUMENTS: \$110.00 PER SET

11 September 2002

025/7315 PRINTING SERVICES FOR THE SYDNEY OPERA HOUSE. DOCUMENTS: \$110.00 PER SET
014/318b MEDICAL GAS ADMINISTRATION EQUIPMENT AND ACCESSORIES - SUPPLEMENTARY. DOCUMENTS: \$110.00 PER SET

18 September 2002

022/7289 PRE EMPLOYMENT MEDICAL EXAMINATION SERVICE FOR NSW POLICE. DOCUMENTS: \$110.00 PER SET
022/7284 DEVELOPMENT & DELIVERY OF NSW GOVT. EXECUTIVE DEVELOPMENT PROGRAMS. DOCUMENTS: \$110.00 PER SET
025/7309 TEACHER RETRAINING & ACCELERATED TEACHER TRAINING PROGRAMS. DOCUMENTS: \$110.00 PER SET
EOI 025/7312 SUPPLY OF EQUIPMENT BELTS FOR TRIAL BY NSW POLICE. DOCUMENTS: \$55.00 PER SET

19 September 2002

036/7285 BANKING AND PURCHASING CARD FACILITIES TO NSW GOVT, AND SCHOOL BANKING. DOCUMENTS: \$1,650.00 PER SET
S02/00154 (869) CC869 CLEANING FOR DPWS - HERITAGE & BLDG SERVICES, DOONSIDE 0205. CATEGORY D. INSPECTION DATE & TIME: 05/09/2002 @ 11:00 AM SHARP. AREA: 1645 SQ. METERS. DOCUMENTS: \$27.50 PER SET
S02/00116 LAUNDRY AND LINEN HIRE/LEASE SERVICES - PARLIAMENT HOUSE. DOCUMENTS: \$110.00 PER SET

25 September 2002

022/7303 PURCHASE OF ONE FRONT END LOADER WITH BACKHOE ATTACHMENT. DOCUMENTS: \$110.00 PER SET

2 October 2002

016/7162-1 AIRBORNE REMOTE SENSING SYSTEM FOR BUSHFIRE MAPPING. DOCUMENTS: \$110.00 PER SET

3 October 2002

S02/00181 (6030) HENRY DEANE BLDG, JFG/CROWN PORTFOLIO. CATEGORY B. INSPECTION DATE & TIME: 12/09/2002 @ 10:30 AM SHARP. AREA: 10945 SQ. METERS. DOCUMENTS: \$55.00 PER SET

10 October 2002

IT02/2783 SUPPLY OF NSW GOVERNMENT LICENSING SYSTEM (GLS). DOCUMENTS: \$1,650.00 PER SET

23 October 2002

025/7299 TYPE 1 PUMPER FIREFIGHTING VEHICLE. 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>).



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COUNCIL NOTICES

BERRIGAN SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads – Wise Court and Erskine Road

NOTICE is hereby given that in pursuance of section 162 of the Roads Act 1993, the Council has named the following roads as follows:

<i>Location</i>	<i>Name</i>
North of Tuppal Road, Tocumwal, being a subdivision of Lot 4, DP 1024841.	Wise Court.

West of Newell Highway, bisecting Lot 304, DP 722039 and Lot 311, DP 48551.	Erskine Road.
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BERRIGAN SHIRE COUNCIL, PO Box 137, Berrigan, NSW 2712.

[0711]

BLUE MOUNTAINS CITY COUNCIL

Roads Act 1993, Section 162

Naming of Public Road – Seiberi Close

IN accordance with the provisions of the Roads Act 1993 notice is hereby given that the new road to be created in the subdivision of Lot 2, DP 746674, No.154 Evans Lookout Road, Blackheath will be called "Seiberi Close". The new road is located off Evans Lookout Road, Blackheath. This notice was approved on 28th August 2002 under the authority of David Johnson, Manager, Land Use Management Team, BLUE MOUNTAINS CITY COUNCIL, Locked Bag 5, Katoomba, NSW 2780.

[0712]

BYRON SHIRE COUNCIL

Rural Fires Act 1997

Declaration of Bush Fire Danger Period

IN accordance with section 82 of the Rural Fires Act 1997, the Bush Fire Danger Period for the Byron Shire Local Government area will commence on 27th July, 2002 and remain in force until 30th September, 2002. Pursuant to section 87 of the Rural Fires Act 1997, any person wishing to light any fire in the open, for any purpose, must obtain a permit to do so, from their local authority. Failure to comply, can result in fines, under the Rural Fires Act 1997. ROBYN READ, General Manager, Byron Shire Council, PO Box 219, Mullumbimby, NSW 2482.

[0701]

GUNDAGAI SHIRE COUNCIL

Roads Act 1993

Naming of Public Road – Tard Lane

THE Gundagai Shire Council in pursuance of section 162 of the abovementioned Act, and the Roads (General) Regulation 2000 has resolved to name the road as shown hereunder:

Description

The road that goes in a northerly direction from the Brungle Road approximately 70 metres west of Tarrabandra Road at Jackalass through Lot 140, DP 864768.

Proposed Name

Tard Lane.

Authorised by resolution of Council on 13th August, 2002. Dated 26th August, 2002. G. A. J. TICKNER, General Manager, Gundagai Shire Council, PO Box 34, Gundagai, NSW 2722.

[0702]

HORNSBY SHIRE COUNCIL

Roads Act 1993

Light Traffic Thoroughfares

THE Council hereby advises that, in accordance with the Roads Act 1993, it proposes to control and regulate the use by heavy traffic of public roads in the following location. It is intended that this road be restricted to a maximum loaded weight of three (3) tonnes gross. (1) David Road, Castle Hill. It should be noted that the load limits do not apply to buses or commercial vehicles in excess of the limit who; (a) Wish to gain access to properties in the street defined above and; (b) Must use the street, there being no other street to gain access to the desired street. A period of twenty-eight (28) days from 29th August, 2002 is allowed for persons to lodge a submission regarding the proposal to impose the load limits. Further information regarding the proposal may be obtained by contacting the Traffic and Road Safety Branch between the hours of 8.30 a.m. and 5.00 p.m., Monday to Friday on (02) 9847 6754. R. J. BALL, General Manager, Hornsby Shire Council, PO Box 37, Hornsby, NSW 2077.

[0703]

NARRABRI SHIRE COUNCIL

Roads Act 1993

Naming of Public Roads - Hill Street, Newtons Road and Mount View Road

THE Narrabri Shire Council in pursuance of section 162 of the abovementioned Act and in accordance with Clause 9, Division 2 – Part 2 of the Roads (General) Regulation 2000, has resolved that the following roads in the township of Boggabri be named as follows:

Description

Unnamed road commencing at the north-eastern corner of Lot 211, DP 755475 and running to the north-west corner of Lot 172, DP 755475.

Name

Hill Street.

Unnamed road off MR 7709 adjacent to Lots 195 and 193, DP 755475 and finishing at the north-east corner of Lot 193, DP 755475.

Newtons Road.

Unnamed road off MR 7709
adjacent to Lots 189 and 186,
DP 755475 and finishing at the
north-east corner of Lot 186,
DP 755475.

Mount View Road.

No objections to the proposed names were received within the prescribed period of time. I. R. McCALLUM, General Manager, Narrabri Shire Council, PO Box 261, Narrabri, NSW 2390. [0704]

RYLSTONE SHIRE COUNCIL

Erratum

THE notice appearing in *Government Gazette* No. 48 of 22nd February, 2002, Folio 1175, under the heading "Rylstone Shire Council", regarding a Notice of Compulsory Acquisition of Land described as Lots 1-8 in Deposited Plan 1030302 for road purposes, is a duplicate of the notice of compulsory acquisition of that land previously published in *Government Gazette* No. 38 of 8 February, 2002 and is hereby deleted. JOHN A. SUMMERS, General Manager, Rylstone Shire Council, PO Box 42, Rylstone, NSW 2849. [0713]

SOUTH SYDNEY CITY COUNCIL

Roads Act 1993, Part 10 Division 2

Proposed Lease – Part of William Street, Potts Point
PUBLIC NOTICE is hereby given that South Sydney City Council has received a request for the renewal of the lease to Repeller Nominees an adjoining land owner, for a period of five (5) years, part of William Street, Potts Point adjacent to No. 248 William Street which is the area occupied by the existing building. Full particulars of the proposal are shown on Plan No. S4-130/392B which is available at Council's Administrative Offices at 280 Elizabeth Street, Surry Hills. Any objections to the abovementioned proposal may be lodged with Council in writing within thirty (30) days of the date hereof. (Council Papers 2015357). MICHAEL WHITAKER, General Manager, South Sydney City Council, 280 Elizabeth Street, Surry Hills, NSW 2010. [0705]

TWEED SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Tweed Shire Council declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below excluding mines and deposits of minerals within the land, is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purpose of a water supply reservoir. Dated on 28th May, 2002 at Murwillumbah. TWEED SHIRE COUNCIL, PO Box 816, Murwillumbah, NSW 2484.

SCHEDULE

Lot 430 in DP 755740.

[0706]

WYONG SHIRE COUNCIL

Local Government Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

THE Wyong 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 under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of a Works Depot. J. S. DAWSON, General Manager, Wyong Shire Council, PO Box 20, Wyong, NSW 2259.

SCHEDULE

Lot 520 as shown in DP 821134.

[0714]

CABONNE COUNCIL

Local Government Act 1993, Section 713

Sale of Land For Overdue Rates

NOTICE is hereby given to the person(s) named hereunder that the Council of Cabonne has resolved, in pursuance of Section 713 of the Local Government Act 1993, to sell the land described hereunder of which the person(s) named are known to the Council to be the owner(s) or to have interest in the land on which the amount of rates and charges stated in each case, as at 31th July, 2002, is due:

	Assess Number Owner(s) or person(s) having interest in the land	Description of land	Amount of rates (including extra charges) overdue for more than five (5) years (\$)	Amount of all other rates and (including extra charges) due and in arrears (\$)	Total (\$)
	(a)	(b)	(c)	(d)	(e)
611	GAVIN, Roland Henry BROOKS, Charles Aaron LESSLIE, William Wallace Estate of the late Gene	Lot 190 DP 750141 Parish Brymedura	275.41	1930.17	2205.58
699	DAWSON, Brenton Mark	Lot 1 DP 377148 Parish of Buckinbah	4898.46	5504.39	10402.85
1016	ROBERTSON, Peter Douglas	Lot 5 DP 3946 Section 4 Miller Street Village of Cumnock Parish of Burrawong	1018.83	5307.93	6326.76

1056	THE MANAGER RURAL DEVELOPMENT CORP	Lot 10 DP 13271 Section A Obley Street Village of Cumnock Parish of Burrawong	1025.21	4796.14	5821.35
2952.01	MCGILL, Leslie John MCGILL, Shirley May	Lot 201 DP 750182 Kareena Street Town of Eugowra Parish of Trajere	647.29	4356.74	5004.03
2957	MONAHAN, Linda	Lot 177 DP 750182 Kareena Street Town of Eugowra Parish of Trajere	620.68	4357.39	4978.07
951.4	NECHEVSKI, Poncho NECHEVSKI, Rozica	Lot 15 DP 7016 Cudumple Road Village of Cumnock Parish of Burrawong	Nil	3034.39	3034.39
1230	HUDSON, Leo	Lot 20 Section 20 DP 758821 Lynn Street Town of Canowindra Parish of Canowindra	3475.67	4717.78	8193.45
1743.01	BOWD, Ross William BOWD, Janet Marion	Lots 13, 14, 15, DP 32505 Eugowra Rd Canowindra Parish of Collett	Nil	4062.47	4062.47
282.05	BLOMFIELD, Frank Aubyn	Lot 1 DP 103777 Parish of Boomey	Nil	622.50	622.50
2913.5	WALTON, Herbert William	Lot 211 DP 750182 Grevillea Ave Town of Eugowra Parish of Goimbla	Nil	730.09	730.09
3161	PINE FORESTS OF AUSTRALIA	Lot 194 DP 550490 Long Point Road Mullion Creek Parish of Forbes	Nil	3700.59	3700.59
3701	PINE FORESTS OF AUSTRALIA	Lot 4 DP 565136 Mullion Creek Parish of Lewis	Nil	4030.54	4030.54
3857.01	WILKINSON, Phillip Murray	Lot 1 DP 254336 Clergate Parish of March	Nil	1720.92	1720.92
5286	CROWE, Susan Marie	Lot 5 DP 758984 Section 15 Forbes Street Toogong Parish of Toogong	1046.46	2247.68	3294.14
4981.52	CONNOR, James Edward	Lots 10, 11, 4 & Pt 3 DP 758806 & Lot 1 DP 122519 Parish of Obley	261.40	2199.16	2460.56
4981.4	COADY, John	Lot 1 DP 653084 Village of Obley Parish of Obley	887.02	2442.56	3329.58
4981.45	BLOOMFIELD, William Josiah	Lot 5 DP 758806 Section 1 Village of Obley Parish of Obley	Nil	1029.07	1029.07
4981.2	EMBLEMEN, Jeremiah	Part Lot 7 DP 758806 Section 1 Village of Obley Parish of Obley	Nil	1029.07	1029.07
4981.31	GARDNER, Thomas	Lot 1 DP 652105 Pt Lot 6 DP 758806 Section 1 Village of Obley Parish of Obley	1013.96	2315.57	3329.53
23	PINE FORESTS OF AUSTRALIA	Lot 53 DP 750353 Parish of Anson	Nil	5746.89	5746.89
2834	MONAHAN, Linda	Lot 1 DP 758396 Section 2A Broad Street Town of Eugowra Parish of Wauhan	316.31	2326.29	2642.60
2841	WATSON, Bruce Malcolm WATSON, Karen Margaret	Lot A DP 342046 Broad Street Town of Eugowra Parish of Wauhan	Nil	3649.69	3649.69
2503	NASTOSKA, Biljana	Lot 3 DP 758311 Section 11 Boree Street Village of Cudal Parish of Boree Cabonne	Nil	3167.91	3167.91
4020	ESTATE OF THE LATE M WELDON	Lot 27 DP 977127 Section A Betts Street Town of Molong Parish of Gamboola	Nil	8303.96	8303.96
4288	DEMPSEY, Ian Winston DEMPSEY, Tracy Ann	Lot 2 DP 212602 Lee Street Molong Town of Molong	1744.36	11709.02	11709.02
4137	EVERS, Mrs Elsie Genevieve	Lot 1 DP 758693 Section 33 George Street Town of Molong Parish of Molong	23641.35	32858.46	32858.46

In default of payment to the Council of the amount stated in Column (e) above and any other rates (including extra charges) becoming due and payable after the publication of this notice, or any arrangement satisfactory to the Council for payment of all such rates being entered into by the rateable person, before the time fixed for sale, the said land will be offered for sale by public auction at Cabonne Council Office, Canowindra by Allan Gray & Co P/L on Saturday the 7th of December 2002 commencing at 11.00am and at Cabonne Council Office Molong by McCarron Cullinane P/L at 2pm. G. L. P. FLEMING, General Manager, Cabonne Council, PO Box 17, Molong NSW 2866. [0716]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LOIS THERESE AGNES O'CONNOR, late of 278 Nelson Street, Annandale, in the State of New South Wales, retired telegraphist, who died on 28th April, 2002 must send particulars of his claim to the executrix, Helen Galbraith Grier, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South, NSW 1235, within one (1) calendar month from publication of this notice. After that time the executrix may distribute the assets of the estate having regard only to the claims of which at the time of distribution she has notice. Probate No. 112316/02 was granted in New South Wales on 13th August, 2002. STEVE MASSELOS & CO., A Solicitor Corporation, Level 2, 114-120 Castlereagh Street (PO Box A988, Sydney South, NSW 1235), Sydney, NSW 2000 (DX 305, Sydney), tel.: (02) 9264 7022. [0707]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of LEO DARCY BROWN, late of 3 Bayview Avenue, Mosman, in the State of New South Wales, retired carpenter, who died on 15th April, 2002 must send particulars of his claim to the executor, Christopher Darcy Brown, c.o. Steve Masselos & Co., Solicitors, PO Box A988, Sydney South, NSW 1235, 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 No. 112315/02 was granted in New South Wales on 12th August, 2002. STEVE MASSELOS & CO., A Solicitor Corporation, Level 2, 114-120 Castlereagh Street (PO Box A988, Sydney South, NSW 1235), Sydney, NSW 2000 (DX 305, Sydney), tel.: (02) 9264 7022. [0708]

COMPANY NOTICES

NOTICE of voluntary winding up.—CHUSAN HOLDINGS PTY LIMITED, ACN 000 783 451.—Notice is hereby given that at a general meeting of the abovementioned company, duly convened and held on 22nd August, 2002, the following special resolution was duly passed: "That the company be wound up voluntarily". Mr J. W. Friedland of Heman, Friedland and Associates, Chartered Accountants of 103/44 Mountain Street, Broadway was appointed liquidator of the company. Dated this 22nd August, 2002. J. W. FRIEDLAND, c.o. Heman, Friedland and Associates, Chartered Accountants, 103/44 Mountain Street, Broadway, NSW 2007, tel.: (02) 9281 2533. [0709]

OTHER NOTICES**AUSTRALIAN INLAND ENERGY AND WATER
(AUSTRALIAN INLAND)****Erratum**

THE notice in *Government Gazette* No. 125 of 2nd August, 2002, Folio 5834, under the heading "Determination of Service Charges for Year Commencing 1st July, 2002" is hereby altered by deleting from Schedule 2 paragraphs a), a) iii), b) and b) ii) and inserting the following in lieu thereof.

Sewerage Charges in Respect of Lands Exempt under Schedule 6

- a) The charge for sewerage services rendered, unless otherwise provided by separate assessment by Australian Inland Energy and Water of the cost of providing the service, in respect of -
 - iii) land which belongs to a religious body and which is occupied and used in connection with any church or other building used or occupied for public worship; shall be sixty eight dollars fifty cents per annum for each water closet on the premises. In any case where a urinal is installed an additional seventy seven dollars fifty cents per annum for each cistern serving such urinal may be made.
- b) The charge for sewerage services rendered in respect of -
 - ii) lands, other than lands referred to in paragraph (iii) of clause (a) above, belonging to a religious body which is exempt under Schedule 6 of the Act; shall be sixty-eight dollars fifty cents per annum for each water closet on the premises. In any case where a urinal is installed an additional seventy-seven dollars fifty cents per annum for each cistern serving such urinal may be made.

J. FLYNN, Managing Director, Australian Inland, PO Box 800, Broken Hill, NSW 2880. [0710]

IN the Local Court of New South Wales.—ALLAN FIELD and HEATHER FIELD – vs – ROWLAND EDWARDS.—On Friday, 27th September, 2002 at 11.00 a.m., unless the Writ of Execution herein be previously satisfied, the Sheriff will cause to be sold by public auction at "Ramsay Park", Coolabah, NSW 2831, all the right, title and interest of Rowland Edwards, the defendant herein, of, in and to: All that equity of redemption and all other right, title and interest (if any) of the said defendant of, and to all the piece of land situated at "Ramsay Park", Coolabah, NSW 2831, being described as Lot 3 in Deposited Plan 751874 in the Parish of Garfield, County of Cowper. Title Folio Identifier 3/751874. Intending purchasers should make their own searches and enquiries. A. MANN, Sheriff's Officer, Office of the Sheriff, Court House, Brisbane Street, Dubbo, NSW 2830. [0715]



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 136

Friday, 30 August 2002

Published under authority by the Government Printing Service

PUBLIC SECTOR NOTICES

SENIOR EXECUTIVE SERVICE APPOINTMENT UNDER SECTION 13

HER Excellency the Governor and the Executive Council in pursuance of the provisions of section 13 of the Public Sector Management Act 1988, has approved that the following officers be appointed to the senior executive service positions shown, effective from the dates shown within the brackets:

The Audit Office of NSW

Eric LUMLEY, Assistant Auditor-General [21 August 2002].

Department of State and Regional Development

Michael William O'SULLIVAN, Executive Director, Industry [5 August 2002].

APPOINTMENT ON PROBATION

HER Excellency the Governor, with the advice of the Executive Council, pursuant to the provisions of section 28 of the Public Sector Management Act 1988, and upon recommendation of the appropriate Department Head, has approved the appointment on probation of the following, with effect from the date shown:

Department of Community Services

Metro West Area

Christine FOSTER, Child Protection Caseworker [20 May 2002].

Lisa MULCAHY, Child Protection Caseworker [20 May 2002].

Jo-Anne WOODS, Child Protection Caseworker [20 May 2002].

Edmundo APON, Child Protection Caseworker [20 May 2002].

Chantelle BARKER, Child Protection Caseworker [20 May 2002].

Rosette AZZI, Child Protection Caseworker [20 May 2002].

Janet MELVIN, Child Protection Caseworker [20 May 2002].

Michelle ALLAN, Child Protection Caseworker [20 May 2002].

Fay LAWLER, Child Protection Caseworker [20 May 2002].

Abhinav PATEL, Child Protection Caseworker [20 May 2002].

Metro South East Area

Liesa HERBERT, Child Protection Caseworker [14 May 2002].

Hunter Area

Donna BLACKBURN, Support Services Officer [24 July 2000].

Department of Corrective Services

Head Office

Roman BLYCHA, Clerk Grade 7/8 [15 July 2002].

Suzanne Marjorie HARVEY, Clerical Officer Grade 1/2 [26 July 2002].

Garry WHITTAKER, Clerk Grade 7/8 [29 July 2002].

South West Regional Office

Gregory KINGSTON, Alcohol & Other Drug Worker [4 June 2002].

Rodney WOOD, Clerical Officer, Grade 1/2 [3 June 2002].

APPOINTMENT WITHOUT PROBATION

HER Excellency the Governor, with the advice of the Executive Council, pursuant to the provisions of section 28(2) of the Public Sector Management Act 1988, and upon recommendation of the appropriate Department Head, has approved the appointment without probation of the following, with effect from the date shown:

Department of Community Services

Metro South West Area

Dianne RENSHAW, Residential Support Worker [22 October 1999].

Seymour CARMEN, Caseworker (Aboriginal) [4 June 2001].

ERRATUM

NSW Fire Brigades

THE appointment on probation of Jennefier Ursula KOZMAN was published in the *Government Gazette* No. 86 on Friday 10 May 2002, folio 2940, the name was incorrect. The correct name is Jennifer Ursula KOZMAN.

ERRATUM

The Audit Office of NSW

THE appointment on probation of Josephine Carmen CAMILLERI was published in the *Government Gazette* No. 131 on Friday 16 August 2002, folio 6161, the name was incorrect. The correct name is Josephine Carmen CAMILLERI.

CONFIRMATION OF APPOINTMENTS

HER Excellency the Governor, with the advice of the Executive Council and upon recommendation of the Department Head, has approved the confirmation of appointments in pursuance of section 29 of the Public Sector Management Act 1988, of the following:

Department of Community Services

Metro South West Area

Leonie SCHELLER; Paul SWEENEY; Tamara O'SULLIVAN; Scott BEAVEN; Ron MORRELL; Graham WRIGHT; Dinh LE; Christopher ANDREW; Julia SCHWARZ; Leyla BAZZI; Jian LIU; Jacoba VANDORRESTEYN; Usha KUMBLA; Cheryl APOSTOL; Cecilia LLANOS; Maria SARANTOPOULOS; Sharin MORRISON; Siraj SARGUROH; Margaret JENKINS; Benedicta OLAWALE; Maria COSTA; Ka Ian WONG; Tracey SAMMUT; Andres ULLOA; Philippa CRISTAUDO; Maralen McGLEW; Joanne WARNE; Mona MOUBARAK.

Metro South East Area

Mark TREVASKIS.

Hunter Area

Cathy WILLMOT; Fiona ANN; Angela MURRAY; Tracey McFARLANE; Margot BROWNE; Chrishna MADDRELL; Renee KERSLAKE; Joanne McKENNA; Derek BOWIE; James DEAN; Deidre HEARNE; Jeng KIM; Robert MATHIESON; Phillip SEYMOUR; Cherie TWYMAN; Anna ARMSTRONG; Grahame AUSTON; Vicki BAILLIE; Wendy GRIFFITH; Wendy MELMOUTH; Tracy NISZCZOT; Kim REDMAN; Shirley RINKIN; Christine STANBURY; Tracey WAUGH; Kathleen WORELL (nee Webb); Julie WILLS; Peter HILLERY; Anthony CHAPPELL; Kerrie FISHER (nee Dawson); Michael JUPP; Louise HENDERSON; Paul WILSON; Anthony McNAMARA.

Office of the Board of Studies

Kerrie McVICKER.

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:

Teacher Housing Authority of NSW

Darren Anthony FORD, Clerk, Grade 7/8 [23 August 2002].

ANNULMENT OF APPOINTMENT ON PROBATION

HER Excellency the Governor and with the advice of the Executive Council, upon recommendation of the Department Head has approved, in pursuance of section 29(1)(b) of the provisions of the Public Sector Management Act 1988, that the appointment of Nicole PAPWORTH, Correctional Officer, Department of Community Services, be annulled with the last day of service being 11 July 2002.

DISPENSATION OF SERVICE

HER Excellency the Governor, with the advice of the Executive Council, in pursuance of section 54 of the Public Sector Management Act 1988, has approved the dismissal of the following officers effective from the date indicated in brackets.

Department of Community Services

Metro West Area

Carlos LLANOS, Child Protection Caseworker (Multicultural) [5 March 2002].
George SHEARER, Casework Manager [7 March 2002].
Ian ROBINSON, Assistant Manager (Programming) [29 April 2002].

DISPENSATION OF SERVICE

HER Excellency the Governor, with the advice of the Executive Council, in pursuance of section 75(3) of the Public Sector Management Act 1988, has approved the dispensation of the services of the following officers effective from the date indicated in brackets.

Department of Public Works and Services

Gordon Cleal DARNELL [21 June 2002].

APPOINTMENTS

HER Excellency the Governor, with the advice of the Executive Council and upon the recommendation of the appropriate Department Head, in pursuance of the provisions of section 25 of the Public Sector Management Act 1988, has approved on the following appointments set out in the Schedule hereunder.

<i>Administrative Unit</i>	<i>Position</i>	<i>Appointed Officer</i>		
		<i>Name</i>	<i>Administrative Unit</i>	<i>Present Position</i>
Department of Community Services	House Manager	ROWLAND, Kerrie	Leichhardt DDS	Community Nurse
	Registered Nurse	PLATER, John	Newtown CSC	District Officer, Disability
	Psychologist	BAKER, Kerrie	Leichhardt DDS	Psychologist
	Director of Nursing	CARROLL, Janice	Metro South West Area	Director, Disabilities
Department of Ageing, Disability and Home Care	Senior Business Analyst, Clerk Grade 9/10	SCIBBERAS, Marlyn	WorkCover Authority	Convenor, Industry Reference Group, Clerk Grade 9/10
	Senior Legal Officer, Grade V	MACNAB, Jenna	Department of Ageing, Disability and Home Care	Senior Project Officer, Clerk Grade 9/10
Department of Aboriginal Affairs	Supervisor Records and Correspondence, Clerk Grade 3/4	ALI, Zaidun Nisha	Department of Aboriginal Affairs	Records Officer, Clerk Grade 2
Commission for Children and Young People	Co-ordinator, Prohibited Employment, Clerk Grade 7/8	WARWICKER, Craig	Department of Community Services	Child Protection Caseworker, Grade 3/7
	Manager, Research Clerk Grade 11/12	MALINS, Trish	Department of Community Services	Child and Family Manager, Clerk Grade 11/12

BOB CARR,
Premier.

ISSN 0155-6320

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