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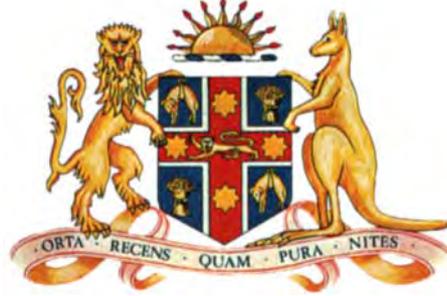
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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 122

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SPECIAL SUPPLEMENT

REPORT

and

DETERMINATION

under

SECTION 24C

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT 1975

CHIEF EXECUTIVE AND SENIOR EXECUTIVE SERVICES

9 November 2012

Chief Executive Service and Senior Executive Service

Introduction

Ms Jade Novakovic, who undertook the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the SOOR Act) did not seek reappointment when her term expired on 30 June 2012. This position is currently vacant and the Tribunal has undertaken the 2012 review without this additional assistance. The Tribunal would also like to acknowledge and express its appreciation of the considerable contribution of Mr Emanuel Sklavounos who undertook the role of Executive Officer to the Tribunal for a period of over ten years until his retirement in December 2011.

Section 1 Background

1. Section 24C of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act) provides for the Tribunal to determine annual remuneration packages for the Chief Executive Service and Senior Executive Service (SES)¹ to take effect on and from 1 October in that year.

2. The SES was introduced in the NSW public sector in 1989. The key features of the SES are:
 - classification into 8 remuneration levels
 - minimum and maximum of each remuneration level determined by the Tribunal
 - conditions of employment being fixed by contract
 - individual performance agreements
 - annual increases in remuneration based on performance assessment

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

Chief Executive Service and Senior Executive Service

- remuneration packages expressed as total cost of employment, whether the amount is monetary remuneration for the executive office holder, or partly that remuneration and partly as the cost to the employer of the executive office holder of employment benefits.

Section 2 2011 Review

3. The 2011 annual review was conducted against the background of a significant legislative change which impacted on the Tribunal's ability to determine remuneration increases for certain office holders.
4. In determining the remuneration for SES officers, and following amendments to the SOOR Act in 2011, the Tribunal was required pursuant to Section 6AA to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employee.
5. The current policy on wages pursuant to section 146(1)(a) of the *Industrial Relations Act 1996* is specified in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded subject to the requirement that sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.
6. The Tribunal noted that unlike other public sector employees, the SES is not an employee group which can achieve collective employee related savings. In previous years when the Tribunal has awarded increases in excess of the wage policy of 2.5 per cent these increases have been awarded on the basis that it is the SES, as leaders in the sector, who are responsible for driving savings outcomes.

Chief Executive Service and Senior Executive Service

7. The Tribunal advised that it would seek advice and assistance from the Government in developing a methodology to assist in the assessment of employee-related cost savings that will be sufficiently robust for the Tribunal to be satisfied as to the quantum of employee-related cost savings that have been achieved, and which may justify an increase beyond 2.5 per cent where appropriate, and also how widely or narrowly the cost savings should be attributed within any given group.
8. The Tribunal's 2011 annual determination dated 12 October 2011 provided for a 2.5 per cent increase for each SES officer, subject to satisfactory performance.

Section 3 Submissions

Government submission

9. The Government's Submission recommends that the Tribunal approve an increase of 2.5 per cent for the SES. This recommendation is consistent with NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011.
10. The Government submission provides an overview of the recent economic performance and outlook for the State.
11. Leading in to the 2012-13 State Budget, there was a deterioration in the global economic outlook and a downgrade to the Australian outlook. Since mid-year, forecasts for Australian growth have also been revised down for 2013. The Reserve Bank of Australia at its October board meeting lowered the cash rate by 25 basis points and indicated that the 'labour market has generally softened somewhat in recent months' and 'on the back of international developments, the growth outlook for next year looked weaker'. For NSW, partial indicators of activity have

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lost momentum since mid-year and labour market conditions appear more subdued than was expected at Budget time.

12. The fiscal challenge faced by the Government, as highlighted in the Final Report of the Commission of Audit, is to return State finances to a sustainable position following a decade of expenses growth exceeding revenue growth. As the Commission of Audit report highlights:

“In relation to expenditure the NSW Public Service has felt under siege since 2005-06. At that time the State budget began deteriorating significantly and continued to do so, given the growth in expenditure which is well in excess of the growth in revenue. In response the Government established the Commission of Audit to review and benchmark current operating and capital expenditure. The objective of the Commission has been to identify opportunities to deliver improved services to the people of NSW in a more efficient and cost effective manner and to provide a sustainable budget position going forward”².

13. The 2011-12 Budget introduced a series of savings initiatives which lowered the forecast expenses growth to levels not seen in the prior decade. For the 2011-12 fiscal year the government expected to achieve expense growth approaching 2 percentage points below what was forecast for 2011-12. Lower expenses growth is expected again in 2012-13, with increases averaging just 3.3 per cent per annum over the four years to 2015-16.
14. The turnaround is required to provide the capacity to meet the Government’s key objectives of providing high quality services, while rebuilding the State’s economic and social infrastructure within sustainable fiscal settings. The foundation of the Government’s fiscal strategy is the new *Fiscal Responsibility Act 2012*. The object of the new Act is to retain the State’s triple-A credit rating.

² NSW Commission of Audit Government Expenditure, NSW Government, 4 May 2012, page 7.

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15. With employee related expenses accounting for nearly one-half of budget expenses, this area continues to be a key focus in the Government's expense restraint. Growth in this area of expenses is driven by increasing rates of pay, increased size of the workforce and changing composition of the workforce. The 2012-13 Budget provides for a further round of measures to better control employee expenses. The Labour Expense Cap strengthens the control over employee expense growth that started last year with the NSW Public Sector Wages Policy 2011.
16. The Government submission also makes the following comment about the challenges facing the SES over the coming year:

"The challenge for Chief and Senior Executive Service Officers in the NSW public sector over the upcoming year is delivering improved citizen-centric services to the people of NSW in a more efficient and cost effective manner while at the same time delivering the major reforms contained in NSW 2021.

Meeting this challenge is necessary to enable the Government to return to a sufficiently large operating surplus to fund a significant part of capital expenditure, build a buffer against adversity and ensure a gradual decline in state debt and unfunded super.

In this regard, there is a need for the CES and SES, like the rest of the NSW public sector, to demonstrate wage restraint and contribute to containment of expense growth."

17. The Government submission advises that the Public Service Commission is presently developing reform proposals for the executive structure of the NSW public service. The reforms are a response to the NSW Commission of Audit recommendation that the structure of executive employment required fundamental overhaul and that:

"the Public Service Commission should present reform proposals to the Government regarding the executive structure of the NSW public service (SES, Senior Officer and other executives) to:

- *establish a separate structure for clusters Directors General*

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- *create a new executive structure combining the SES and the Senior Officer classification and, as appropriate, other executive groupings' (Recommendation #45)."*
18. The Government has also advised that once the new executive arrangements are in place, consideration will be given to the development of a methodology to assist the Tribunal in assessing employee related savings that are advanced to justify an increase beyond 2.5 per cent for CES/SES.
19. The Government further recommends that there be no increase to the minimum and maximum rates of Recruitment and Retention Allowances.

Section 4 2012 Review

20. The introduction of section 6AA to the SOOR Act has had a significant impact on the way this Tribunal makes its determinations. The effect of the amendments to the SOOR Act in 2011 is to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for office holders other than judicial officers (within the meaning of the *Judicial Officers Act 1986*) unless there are sufficient employee-related cost savings to offset the additional employee-related costs.
21. The validity of the amendments to the *Industrial Relations Act 1996* was considered by the Industrial Relations Commission during 2011. The Public Service Association (PSA) applied for a declaration that the Amendment Act, or alternatively the Regulation, was invalid. On 31 October 2011 the Full Bench of the Industrial Court (Walton, Kavanagh & Backman JJ) unanimously dismissed the PSA's application (*The Public Service Association & Professional Officers' Association Amalgamated of NSW v Director of Public Employment & ORS Industrial Court of NSW [2011] NSWIRComm 143*). The matter is presently the subject of consideration by the High Court: *The Public Service Association & Professional Officers' Association Amalgamated of NSW v Director of Public Employment & ORS (S127/2012)*, but unless and until the High Court decides

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- otherwise, the legislation has effect and the Tribunal is obliged to apply the same policies on increases in remuneration as the IRC is obliged to apply.
22. Complexities arise because of the differences in the nature and functioning of the Tribunal (which usually makes determinations 'on the papers') and the IRC (which makes orders and awards following arbitrated proceedings), as well as differences in the types of decisions they make. The IRC makes generally applicable orders and awards to broad categories of employees. The Tribunal does likewise in respect of the Senior Executive Service, but for some public and statutory offices it makes specific determinations for individual offices.
 23. During the 2011 review the Tribunal identified the need to develop a methodology to assess whether officers affected by this determination can and have achieved employee related costs savings which may justify increases beyond 2.5 per cent.
 24. Prior to the amendments to the legislation the Tribunal, in determining the annual general increase, had regard to a number of factors including salary adjustments across both public and private sectors and movements in key economic indicators.
 25. The Tribunal previously has been able to determine increases greater than 2.5 per cent, and those increases have been based on productivity savings achieved across an organisation.
 26. However Section 146C and Regulation 2011 require something different from and greater than the kind of productivity savings which in the past, may have been claimed to have been achieved. Savings attributable only to productivity factors will not be sufficient to meet the policy requirements specified in the Regulation.
 27. Paragraph 8 of the Regulation defines "employee-related costs" as "costs related to the salary, wages, allowances and other remuneration payable to the employees and the superannuation and other personal employment benefits payable to or in respect of the employees".

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28. Paragraph 9 defines "employee-related cost savings" and whilst the language used is directed to the particular processes of the Industrial Relations Commission, much of it can be given a purposive interpretation to apply to the deliberations of the Tribunal, and the Tribunal must apply the same policies as the IRC must apply. Paragraph 6(1)(b) clarifies that there must be sufficient employee-related cost savings to fully offset any increased employee-related costs. In other words, any pay increase beyond 2.5 per cent must be matched by cost savings which neutralise the cost of the increase. Paragraph 6(1)(c) suggests the kinds of employee-related cost savings which may be relevant, in that it contemplates reduction (with the agreement of the relevant parties) in "existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment".
29. The Tribunal has sought legal advice and has also met with judicial members of the Industrial Relations Commission to discuss and consider how these matters or some of them might be addressed. The Tribunal places on record its thanks to the Hon Justice Michael Walton, Vice President, and the Hon Justice Conrad Staff, of the Industrial Relations Commission for their assistance.
30. In making a submission in support of any increase above 2.5 per cent, it appears that the SES will need to find employee-related costs savings, such as the elimination of leave loading, reduction of travelling allowances - anything which is not protected as a minimum condition of employment.
31. SES Officers are not employed under an industrial instrument. Their conditions of employment are outlined in the relevant legislation or in the contract of employment. Any changes to these conditions aimed at reducing employee-related costs and contributing to savings, would need to apply to all affected SES office holders, would require consent of those office holders, and may require legislative change.

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32. Further, the Tribunal notes that the Industrial Relations Commission of NSW on 15 October 2012 ruled that any increases greater than 2.5 per cent in salaries payable on and from a particular date can only be offset by employee-related cost savings made after (not before) that date: *HSU East and Director-General, Department of Finance and Services [2012] NSWIRComm 112*. Para 36 of that ruling is as follows:

"These provisions tend to indicate that the savings must be achieved in a period or at a time corresponding with any wage adjustment made in conformity with the Regulation. We note that in industrial parlance the expression "fully offset" means that a given wage increase would be matched by cost savings or other savings having the effect of neutralizing the cost of the adjustment after the commencement of its operation (which would normally be prospective)."

33. The Tribunal understands that during the coming year the Government will provide assistance to the Tribunal to develop a methodology to assess employee-related cost savings which may justify a "general increase" above 2.5 per cent in appropriate circumstances. If and when an appropriate methodology is so established, the Tribunal will advise office holders. For the purposes of the 2013 review, and whether or not any such methodology has been established, but in order to provide office holders with sufficient opportunity to identify and demonstrate potential employee-related cost savings, the Tribunal will seek submissions much earlier in 2013 than has been past practice.

Recruitment Allowance and Retention Allowance

34. There will be no increase in the minimum and maximum rates of the Recruitment Allowance or the Retention Allowance at this time.

Chief Executive Service and Senior Executive Service

Chief Executive Positions

35. During the 2011 annual review the Tribunal determined that three Chief Executive positions would receive remuneration in excess of the maximum of SES Level 8: the Director General of the Department of Premier and Cabinet, the Chief Executive Officer and Co-ordinator General of Infrastructure NSW and the Director General, Department of Trade and Investment, Regional Infrastructure and Services.
36. The Tribunal continues to support the view that additional remuneration for these positions is warranted and will determine an increase of 2.5 per cent consistent with section 6AA of the SOOR Act. The result of the Tribunal's determination in respect of these positions is contained in Determinations 2 to 4.

Section 5 Conclusion

37. The Tribunal after considering the views of the Assessor and having regard to the provisions of section 6AA of the SOOR Act, determines an increase of 2.5 per cent for all SES officers, effective on and from 1 October 2012.
38. Payment of the increase is subject to certification of an officer's satisfactory performance by the officer's CEO or in the case of CEOs the relevant Minister.

The Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 9 November 2012

Determinations of the Remuneration Packages of the Chief Executive Service and Senior Executive Service Effective on and from 1 October 2012

Determination No 1- Remuneration Package Ranges

The remuneration package ranges for executive office holders shall be:

CES/SES	Per annum range		
Remuneration Level 8	\$412,201	to	\$476,200
Remuneration Level 7	\$328,651	to	\$412,200
Remuneration Level 6	\$292,451	to	\$328,650
Remuneration Level 5	\$253,501	to	\$292,450
Remuneration Level 4	\$232,501	to	\$253,500
Remuneration Level 3	\$204,701	to	\$232,500
Remuneration Level 2	\$190,851	to	\$204,700
Remuneration Level 1	\$163,000	to	\$190,850

Determination No 2 – Director General, Department of Premier and Cabinet

The Tribunal determines that the remuneration package for the Director General Department of Premier and Cabinet shall be \$545,800 pa effective on and from 1 October 2012.

Determination No 3 – Chief Executive Officer and Co-ordinator General, Infrastructure NSW

The Tribunal determines that the remuneration package for the Chief Executive Officer and Co-ordinator General, Infrastructure NSW shall be \$525,315 pa effective on and from 1 October 2012.

Determinations of the Remuneration Packages of the Chief Executive Service and Senior Executive Service Effective on and from 1 October 2012

Determination No 4 – Director General, Department of Trade and Investment, Regional Infrastructure and Services

The Tribunal determines that the remuneration package for the Director General, Department of Trade and Investment, Regional Infrastructure and Services shall be \$521,375 pa effective on and from 1 October 2012.

Determination No 5 - Recruitment Allowance

To the remuneration package amounts determined above there may be added a Recruitment Allowance up to the maximum for each level as set out hereunder, subject to the approval of the Public Service Commissioner. The Allowance will apply for new SES offices and appointment renewals, where it has been established that a specific skill is necessary for recruitment purposes and the performance of the duties of the position.

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

CES/SES	Maximum Allowance	
Levels 7 and 8	up to	\$43,000
Levels 5 and 6	up to	\$30,000
Levels 3 and 4	up to	\$23,000
Levels 1 and 2	up to	\$19,000

Determinations of the Remuneration Packages of the Chief Executive Service and Senior Executive Service Effective on and from 1 October 2012

Determination No 6 - Retention Allowance

SES Officers shall be eligible for a Retention Allowance up to the maximum for each level as set out hereunder. The Allowance will apply on and from the date of approval by the Public Service Commissioner and will accrue on an annual basis or part thereof and the total amount will be payable upon the completion of the term of appointment.

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

CES/SES	Maximum Allowance	
Levels 7 and 8	up to	\$43,000
Levels 5 and 6	up to	\$30,000
Levels 3 and 4	up to	\$23,000
Levels 1 and 2	up to	\$19,000

Determination No 7 - Specialist Medical Skills

The Tribunal determines that the remuneration package ranges for offices identified as requiring specialist medical skills shall be:

Specialist Medical Skills	Per annum range		
Remuneration Level 6	\$301,250	to	\$369,000
Remuneration Level 5	\$299,950	to	\$355,500
Remuneration Level 4	\$294,800	to	\$342,200
Remuneration Level 3	\$281,300	to	\$326,450
Remuneration Level 2	\$264,000	to	\$306,350
Remuneration Level 1	\$243,500	to	\$279,550

Determinations of the Remuneration Packages of the Chief Executive Service and Senior Executive Service Effective on and from 1 October 2012

Determination No 8 – General Medical Skills

The Tribunal further determines that the remuneration package ranges for offices identified as requiring general medical skills shall be:

General Medical Skills	Per annum range		
Remuneration Level 2	\$211,950	to	\$245,950
Remuneration Level 1	\$194,850	to	\$223,600

The Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 9 November 2012

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT 1975

JUDGES AND MAGISTRATES GROUP

9 November 2012

www.remtribunals.nsw.gov.au

Judges and Magistrates Group

Introduction

Ms Jade Novakovic, who undertook the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the SOOR Act) did not seek reappointment when her term expired on 30 June 2012. This position is currently vacant and the Tribunal has undertaken the 2012 review without this additional assistance. The Tribunal would also like to acknowledge and express its appreciation of the considerable contribution of Mr Emanuel Sklavounos who undertook the role of Executive Officer to the Tribunal for a period of over ten years until his retirement in December 2011.

Section 1: Background

1. Section 13 of the Act requires the Statutory and Other Offices Remuneration Tribunal (the Tribunal), each year, to make a determination on the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in Section 10A as salary or allowances payable in money.
2. A principal feature of remuneration for Judges has been the Agreement between Federal and State Governments, reached in 1989, on the relativities between the remuneration of State Supreme Court Judges and Federal Court Judges with the remuneration of a Justice of the High Court. This Agreement provides that the salary of a Judge of the Federal Court and a Judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia. The Tribunal has consistently held that this relativity remains acceptable only if and whilst the remuneration of a Justice of the High Court of Australia remains at an appropriate level, and that the Tribunal should have regard to the base salary plus non financial benefits (such as motor vehicles) when determining judicial remuneration.
3. Since that Agreement was reached the New South Wales Tribunal has maintained the remuneration of a State Supreme Court Judge at approximately 85 per cent of the remuneration of a Justice of the High Court. The Tribunal's determination of 2011

Judges and Magistrates Group

provided a general increase of 6 per cent for NSW Supreme Court Judges and related office holders with effect from 1 October 2011. The 6 percent comprised the third and the final of four 1.5 per cent increases remaining from the 2009 work value increase for Federal Judges, plus the 3 per cent increase awarded to Federal Judges by the Commonwealth Remuneration Tribunal in 2011.

4. The Commonwealth Remuneration Tribunal has determined an increase in salary of 3 percent for Federal Judges and Magistrates effective from 1 July 2012. As is the usual practice, prior to the Tribunal making her Reports and Determinations, the Tribunal invited submissions from office holders. For the 2012 review office holders in the Judges and Magistrates Group were also asked to comment on matters raised in a letter received by the Tribunal from the President of the Commonwealth Remuneration Tribunal, Mr John Conde AO, in relation to the relativity between the salary of Supreme Court Judges and that of a High Court Judge. In that correspondence, Mr Conde proposed that Supreme Court salaries in NSW be linked to the Federal Court rather than to High Court salaries. The Director General of the Department of Attorney General and Justice, Mr Laurie Glanfield, was also asked to comment on the Commonwealth Remuneration Tribunal proposal.

Section 2 Submissions Received

Judges and Magistrates Group

5. As part of the current review the Tribunal received 5 submissions from offices within the Judges and Magistrates Group. The Tribunal also met with Judges of the Supreme Court. Once again the Tribunal thanks the office holders for their time and the effort they have put in to the current review.
6. Submissions have generally supported retaining the nexus between a Judge of the Supreme Court and the salary payable to a Justice of the High Court of Australia, an increase to the conveyance allowance, the provision of other benefits received by Judges in the Federal jurisdiction including as to the timing of annual increases, and support for the existing internal relativities within the Judges and Magistrates Group.

Judges and Magistrates Group

Commonwealth Remuneration Tribunal proposal

7. In respect of the proposal outlined in Mr Conde's letter, the Supreme Court judges oppose the proposal to link the salaries of Supreme Court judges to the Federal Court rather than the High Court.
8. As stated in the Supreme Court Judges' submission:

"The 1989 agreement reflects the structure of the judicial system in Australia. The High Court exercises supervisory jurisdiction over both the Supreme Court and the Federal Court. That is why it was recognised that both the salaries of the State Supreme Court judges and the Federal Court judges should be fixed by reference to the salaries of High Court judges, while fixed at an appropriate level.

The relationship between the salaries of judicial officers at various levels in the New South Wales judicial hierarchy has been the subject of repeated consideration by the Tribunal in the past. The High Court sits at the apex of the Australian judiciary and the salary paid to the judges of that Court, is a matter which the Tribunal will have to consider in the future, as it has done in the past, in undertaking its statutory obligations in relation to the settling of the salaries of the judges of the Supreme Court.

It must be remembered that both Queensland and Victoria have legislated with knowledge of the existing agreement. If the relationship between a Federal Court judge's salary and the salary of a High Court judge is broken the assumption made by each State Parliament that the legislation would ensure their State judges will be adequately remunerated would prove unfounded.

Australia has a national judiciary under the High Court administering a single Australian common law. If Federal Court judges' salaries are in future to be fixed without maintaining relativity with the salary of a judge of the High Court and the salary of a State Supreme Court judge fixed by reference only to the salary of a judge of the Federal Court, the fundamental principles of the 1989 agreement will be lost. Mr Conde's letter does not address that issue. For that reason the judges of the New South Wales Supreme Court oppose Mr Conde's suggestion."

9. Submissions received from the Chief Judge of the District Court and the President of the Industrial Relations Commission support the views expressed in the Supreme Court submission as they relate to Mr Conde's proposal. The Chief Judge of the Land and Environment Court also adopts that submission on behalf of the Judges of the Land and

Judges and Magistrates Group

Environment Court, and has expressly supported retention of the existing salary relativity between judges of the Supreme Court and the High Court.

10. The Chief Magistrate made the following comments in respect of Mr Conde's proposal:

"It is difficult to comment upon a proposal that is presented without knowing the basis upon which it is raised.

Mindful of that qualification I do not see any material difficulty in the proposal provided it does not result in financial detriment to the judiciary of New South Wales."

11. The President of the Workers Compensation Commission has commented that:

"I fail to see how the implementation of his suggestion would make any significant difference to current arrangements and for that reason would suggest that the status quo be preserved."

12. The Director General of the Department of Attorney General and Justice, Mr Laurie Glanfield, in his letter of 12 September 2012, provided the following comments in relation to the Commonwealth Remuneration Tribunal proposal, and other matters:

"The link between the remuneration of Federal Court judges and Supreme Court judges has underpinned the continued application of the practice that the salary of judges in Supreme Courts and in the Federal Court should not exceed 85% of the salary of a High Court judge. Given this existing link between the remuneration of Federal Court judges and Supreme Court judges, I agree with the proposal of the President of the CRT (Commonwealth Remuneration Tribunal).

However, the imposition of the 85% maximum was the result of an agreement between Federal and State Governments more than twenty years ago. It is not clear whether the proposal by the President of the CRT intends that this maximum no longer apply. If so, comments should also be sought from State, Territory and Federal governments.

Finally, and notwithstanding the above, the Government has now determined that the NSW Government Wages Policy should apply to judicial officers. The Government is of the view that the nexus between the NSW judiciary and its Federal counterparts should only be maintained provided the increases above the 2.5 per cent are offset by achieved savings."

Judges and Magistrates Group

Government Submission

13. The Government submission contains the views of the Director General of the Department of Justice and Attorney General. His view, which is supported by the Government submission, is that the NSW Government Wages Policy should now apply to judicial officers. As articulated in the Government's submission to the Tribunal:

"While the Department has traditionally supported the nexus with federal judges, in particular a link between the remuneration of Federal Court Judges and Supreme Court Judges, current circumstances give rise to a range of considerations that have not previously been present, including the government's wages policy.

"The Government is of the view that the nexus between the NSW judiciary and its Federal counterparts should only be maintained provided that the increases above 2.5 per cent are offset by achieved savings."

Section 3: 2012 Review

Proposal to link the salaries of Supreme Court Judges to the Federal Court rather than the High Court.

14. The current arrangement whereby the salary of a judge of the Federal Court and a judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia, known as the Nexus, has existed since 1989. The history and reasoning behind the nexus has been published in the Tribunal's reports and determinations on numerous occasions since then. The retention of the Nexus has had the support of the Tribunal and successive Governments since its inception.

Judges and Magistrates Group

15. The history of the Nexus was summarised most recently in the Tribunal's Report and Determination of the Judges, Magistrates and Related Group of 30 July 2010. An extract is provided below:

"Section 2 The History of the Nexus

17. The Nexus has been in place since 1989. Australian Governments since 1989, have acknowledged that first, the Justices of the High Court should receive the highest level of judicial remuneration; secondly that State Supreme Courts and the Federal Court are superior courts of record and that the remuneration of judges of these courts should not exceed 85 per cent of the remuneration of a Justice of the High Court. Remuneration Tribunals across Australia have generally accepted these principles and continue to do so to the present time. This arrangement has had the desired effect of eliminating the former practice of leap frogging in judicial remuneration across jurisdictions. It has also ensured that remuneration differences between the two courts would not be an overriding factor in the minds of prospective candidates in considering appointments to the Bench. In NSW the Government has informed the Tribunal annually of its desire to maintain the 85 percent nexus.

18. It should be noted, however, that the 85 percent nexus is not absolute. The original agreement imposed two caveats ie the nexus would be maintained whilst ever the salaries of High Court Justices were deemed appropriate and that in considering the 85 percent 'cap' regard could be had to the differences in benefits provided to Federal Court Judges but not available to State Supreme Court Judges. The principal difference for NSW Judges was that Federal Court Judges received, and continue to have access to a fully maintained private plated motor vehicle whereas no such provision exists for the State. For this reason there has been determined by the Tribunal, since the introduction of the Nexus, an additional amount to cater for the motor vehicle. In NSW this is currently provided as the Conveyance Allowance. "

16. In 2010 the Tribunal undertook a comprehensive review of the remuneration arrangements for office holders within the then Judges, Magistrates and Related Group. The findings of that review are outlined in the report and determination of 30 July 2010. The review was undertaken following a special reference from the then Minister for Public Sector Reform. The Minister's reference requested that the Tribunal consider a number of matters including, but not limited to:

Judges and Magistrates Group

“the appropriateness of legislating for salary parity between Supreme Court Judges and Federal Court Judges, similar to legislative provisions which currently exist in Victoria and Queensland, arising from the move to provide these Judges with dual commissions”

17. In undertaking that review the Tribunal, consistent with normal procedures, sought submissions from all relevant office holders, and in particular, sought comments on whether the remuneration of State Court judges and Federal Court judges should be linked by way of legislation.
18. Submissions received from the Supreme Court, the Land and Environment Court, the Industrial Relations Commission and the District Court all indicated support for the introduction of legislation to establish parity of remuneration between the Supreme Court and the Federal Court.
19. At the request of the Minister, the Tribunal also provided comment to the Government on its views on a statutory link between the salaries of Federal Court Judges and State Supreme Court Judges. The Tribunal’s views were expressed as follows.

“80. The Tribunal has been asked to express its view on the appropriateness of legislating for salary parity between Supreme Court Judges and Federal Court Judges arising from the move to provide State Judges with dual commissions. Similar legislative provisions currently exist in Victoria and Queensland.

81. The Tribunal has considered this matter carefully and has already noted how the Supreme Court also administers Commonwealth laws. The fact that the Supreme Court and Federal Court are both considered superior Courts of record also suggests a commonality between them. In addition, the Tribunal has noted that the Supreme Court and Federal Court recruit from the same group of barristers. Finally, while most State and Territory Tribunals make their own inquiries before determining judicial remuneration, none have ever made such determinations without having regard to the 85 percent Nexus. What the Tribunal is being asked to comment upon, in effect, is formalising the Nexus through legislation.

Judges and Magistrates Group

82. *This is not uncommon within the current remuneration framework for Judges in New South Wales. Judges of the Land and Environment Court and the Industrial Relations Commission are linked by statute to the remuneration of a Supreme Court Judge. Similar statutory arrangements are in place for the Chief Judge of the District Court.*
83. *It is envisaged that legislation introduced would formally link the salary of a Supreme Court Judge to a Federal Court Judge. There is also precedent for such cross jurisdictional arrangements. The salaries of Members of NSW Parliament are directly linked to the salaries of their federal counterparts. Section 4 of the Parliamentary Remuneration Act 1989 provides that,*

“...The basic salary is, for the purposes of this Act, the amount of the annual allowance by way of salary payable under the law of the Commonwealth to a Member of the House of Representatives who is not entitled to any additional salary, less \$500.”

84. *The Tribunal therefore supports linking the salaries of Supreme Court Judges to the salaries of Federal Court Judges by legislation. The Tribunal also considers that such linkage should apply to the other two Courts within the State jurisdiction i.e. the District Court and the Local Court. Given the interconnectedness of the court system in this State, the Tribunal considers there is a compelling case to link the salaries of the various Courts through legislation. The Tribunal would be prepared to offer its assistance in facilitating such an initiative. “*

20. It is not clear from Mr Conde’s proposal is if there is any intention to change the 85 per cent relativity between the salary of a High Court judge and that of a Federal Court Judge. Nor is it clear that the Commonwealth Remuneration Tribunal has adverted to the differences between non-salary benefits provided to Judges of the Federal Court and those available to Judges of the NSW Supreme Court.
21. The Tribunal agrees with Mr Glanfield’s submission, namely that if it is intended that the 85 per cent maximum no longer apply, then comments should be sought from the State, Territory and Federal governments.
22. Providing the Commonwealth Remuneration Tribunal with power to determine NSW salaries, or formally linking NSW salaries to those of the Federal Court as determined by the Commonwealth Remuneration Tribunal, will require legislation.

Judges and Magistrates Group

23. Unless and until there is any such legislative change the Tribunal will continue to implement the existing intergovernmental agreement, whereby the salary of a judge of a State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia.

Application of the NSW Government Wages Policy

24. The Government submission and the submission from Mr Glanfield indicate that the Government is of the view that the NSW Government Wages Policy should now apply to judicial office holders. The Government is also of the view that the Nexus between the NSW judiciary and its Federal counterparts should only be maintained provided that any increases above 2.5 per cent are offset by "achieved savings". The Tribunal notes in passing that this language is not identical with the language of the legislation which applies to the IRC and, consequently, to the Tribunal.

25. In 2011 the SOOR Act was amended to require the Tribunal to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.

26. The current policy on wages pursuant to section 146(1)(a) of the *Industrial Relations Act 1996* is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded subject to the requirement that sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.

27. However, these amendments explicitly exclude judicial officers as defined by the *Judicial Officer Act 1986*:

Judges and Magistrates Group

“6AA Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) This section applies to the following determinations of the Tribunal:

- (a) the determination under Part 3 of any alteration in the remuneration to be paid to office holders,*
- (b) the determination under Part 3A of any alteration in the remuneration packages for executive office holders.*

This section does not apply to determinations relating to judicial officers (within the meaning of the [Judicial Officers Act 1986](#)) or to determinations relating to any office while held by a specified person.

(2) In making a determination to which this section applies, the Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C.”

28. The Hon. Greg Pearce MLC (Minister for Finance and Services, and Minister for the Illawarra) in the Minister’s Second Reading Speech: Legislative Council, *Parliamentary Debates* (Hansard), 22 June 2011 at p. 3101 on the amendments to the Act, outlined the reason for excluding judges and magistrates from the bill:

“I mention briefly that judges and magistrates have been excluded from the bill. Although the salaries of New South Wales judicial officers are determined by the Statutory and Other Offices Remuneration Tribunal, it is generally accepted that there should be broad consistency of pay between Federal and State judiciaries. That said, it is concerning that in recent times salary increases for judicial officers have significantly outpaced those for all other public sector officers. For the time being, it is appropriate that judicial officers, as defined, be excluded from the bill. This will ensure that appropriate relativities across Federal and State judiciaries can be maintained. We will, however, continue to monitor increases in judicial salaries to ensure that these do not place undue pressure on State finances.”

29. There have been no further amendments to the SOOR Act, but the Government has made clear its position that the NSW Government Wages Policy should now apply to judicial office holders. Taking the Minister's Second Reading Speech as having indicated

Judges and Magistrates Group

the basis on which the Parliament excluded judicial officers from the amendments to the SOOR Act, it is incumbent on the Tribunal to now consider the balance between maintaining appropriate relativities across Federal and State judiciaries, and "undue pressure on State finances".

30. As outlined in the Government submission:

"With employee related expenses accounting for nearly one-half of budget expenses, this area continues to be a key focus in the Government's expense restraint. Growth in this area is driven by increasing rates of pay, increased size of the workforce and changing composition of the workforce. The 2012-13 Budget provides for a further round of measures to better control employee expenses.

The Labour Expense Cap strengthens the control over employee expense growth that started last year with the NSW Public Sector Wages Policy 2011."

31. The Labour Expense Cap is explained in detail in the 2012-13 Budget Paper Number 2. In summary, the Labour Expense Cap has been introduced to limit employee related and contractor expenses across the whole of government. The cap will limit employee related and contractor expenses which account for almost half of all expenditure. The cap is expected to reduce the rate of growth and avoid additional labour costs of around \$2.2 billion over the forward estimates period, which equates to around 1.2 per cent per annum.

32. The Tribunal respects the Government's concern with fiscal rectitude and notes that wage restraints have been imposed by legislation across the whole of the public sector with the exception only of judicial officers. The Tribunal notes also that the current rate of inflation is unusually low and an increase of 2.5% in this year would appear to be quite reasonable.

33. The submission of the Judges of the Supreme Court includes the following:

"If appointees to the Supreme Court do not continue to be lawyers, including commercial lawyers, of the highest caliber the standard of work of the Court would diminish, with the potential to damage the State in its aim to be an internationally recognized financial services centre. Confidence in the dispute resolution capacity of the Court is essential before overseas corporations will invest capital and conduct business within the jurisdiction. Sydney has begun to develop an international reputation in dispute resolution. If that reputation is to grow the work of the Supreme Court must be of the highest standard."

Judges and Magistrates Group

34. The Tribunal accepts that reasoning and again notes the comment in the Minister's Second Reading speech that the exclusion of judicial officers from the operation of Section 6AA was "to ensure that appropriate relativities across Federal and State judiciaries can be maintained". The reason for maintaining those relativities has not changed: potential appointees to the Supreme Court are drawn from the same pool of qualified persons as are potential appointees to the Federal Court, and it is in the interests of the State of New South Wales that the best available people will accept appointment to the Supreme Court.
35. The Tribunal will determine a 3 per cent increase in the salary of a Judge of the State Supreme Court, which is equivalent to that provided by the Commonwealth Remuneration Tribunal to federal judicial office holders in July 2012. This increase will necessarily flow to those judicial officers whose remuneration is linked by legislation to the remuneration of a Judge of the Supreme Court.

Retention of Internal Relativities

36. Given the Government's concerns with respect to the State's budget and its view that the NSW Government Wages Policy should now apply to judicial office holders, the Tribunal considers it appropriate to review the internal relativities within the Judges and Magistrates Group.
37. Several long-standing relativities in the Judges and Magistrates Group have already been severed by the 2011 Section 6AA amendments to the SOOR Act for officers who were not "judicial officers" as defined.
38. Since 1975 the salaries of judicial officers in NSW have been set by the Tribunal as a percentage of the salary of a Supreme Court Judge. The relativities between positions within the Judges and Magistrate Group have been reviewed from time to time, and where there have been changes in jurisdiction the Tribunal has adjusted the relativity. Those changes have recognised the devolutions of jurisdiction from the Supreme Court to the District Court and from the District Court to the Local Court that have occurred over time.

Judges and Magistrates Group

39. In 2000 the Tribunal reduced the relativity gap between the District Court and the Supreme Court over two years, from 87 per cent of the Supreme Court to 90 per cent of the Supreme Court.
40. A determination to limit judicial officer increases to 2.5 per cent except for the Supreme Court (and legislatively related judicial officers) would open that gap again slightly, but by less than 0.5 per cent.
41. Notwithstanding its historical commitment to ensuring that remuneration relativities within the Judges and Magistrates Group should so far as possible reflect relative responsibilities, the Tribunal, having regard to the current economic climate and the need for fiscal restraint, and the effectiveness of the Government's implementation of its wages policy across the whole of the public sector, has determined that increases for judicial officers other than the Supreme Court (and legislatively related judicial officers) will be 2.5 per cent.
42. The following table outlines the salary relativities which will arise from such a determination for the current year.

Judicial Office Holders	2011 salary % with Supreme Court Judge	2012 salary % with Supreme Court Judge
Judge of the District Court	90.00%	89.56%
Associate Judge	90.00%	89.56%
Chief Magistrate	90.00%	89.56%
Deputy Chief Magistrate	76.05%	75.68%
State Coroner	76.05%	75.68%
Chief Industrial Magistrate	73.26%	72.90%
Magistrate	72.00%	71.65%
Chairperson Victims Compensation Tribunal	72.00%	71.65%
Children's Magistrate	72.00%	71.65%
Deputy State Coroner	72.00%	71.65%
Commissioner, Industrial Relations Commission	66.00%	65.68%

Judges and Magistrates Group

43. The Tribunal notes that immediately the current climate of fiscal restraint is relaxed to any extent, it would intend to review the position in other States as it did in 2000, and to consider restoring the relativities which existed prior to this 2012 determination.
44. With respect to those other long-standing relativities within the former Judges, Magistrates and Related Group which were altered in 2011 by the Section 6AA legislation, again the Tribunal notes that, immediately the current climate of fiscal restraint is relaxed to any extent, it would be the Tribunal's intent to review and to consider restoring the original relativities, if legislation does not prohibit the Tribunal from so doing.

Employee related cost savings: increases above 2.5 per cent

45. The wages policy that applies to the IRC and to the Tribunal is that: *“Public sector employees may be awarded increases in remuneration or other conditions of employment that do not increase employee-related costs by more than 2.5 per cent per annum.”*
46. The question that arises is whether a work value increase, that is, an increase that the Tribunal considers appropriate because of a change in a particular office's role and responsibilities, is subject to the wages policy and, in particular, to the 2.5 per cent cap on remuneration increases.
47. Although not free from doubt, it seems that it is open to the Tribunal to approach its determinations on the basis that the 2.5 per cent cap does not necessarily apply in such cases.
48. The existence of the policy does not mean that any individual public sector employee or group of employees cannot receive an increase in remuneration above 2.5 per cent. For example, an individual public sector employee may be entitled to a greater than 2.5 per cent increase if the individual moves up within the salary band for his or her position, if his or her position is re-graded or if he or she is appointed to a more highly-graded position.

Judges and Magistrates Group

49. By analogy, it would seem reasonable to the Tribunal that an increase in remuneration for a particular office that is attributable solely to a change in role or responsibilities is not different from a re-grading of a public sector position or, where the change is significant, a change of position.
50. On that basis, the Tribunal considers that it is not precluded from making a determination to increase the remuneration payable to a judicial office holder or group of office holders in an amount greater than 2.5 per cent, where changes in work value warrant an increase greater than 2.5 per cent.
51. Nevertheless the Tribunal is aware that, although Section 11(3) of the SOOR Act provides for an automatic appropriation from the Consolidated Fund to pay remuneration determined under the SOOR Act for office holders listed in Schedule 1, that does not necessarily mean that employee related budgets will be increased to take account of increased remuneration payable. Therefore a determination based on a "work value" increase will not necessarily cut across the objective of the Government's wages policy, because it may well be that an organisation's budget will not be increased by the amount of increased employee-related cost greater than 2.5 per cent that would result from a work value increase determined by the Tribunal, unless employee-related cost savings sufficient to offset that increase are found within the relevant organisation.
52. The Tribunal understands that during the coming year a review currently being undertaken by Government into the relativities between SES and Senior Officers will be finalised, and assistance will then be provided to the Tribunal to develop a methodology to assess employee-related cost savings (as defined in Regulation 2011) which may justify an increase above 2.5 per cent in appropriate circumstances. This methodology may also assist the Tribunal to assess savings relating to the employee-related costs of judicial officers, for the purposes of determining any increase above 2.5 per cent in their remuneration.

Judges and Magistrates Group

53. In this regard the Tribunal notes that the Industrial Relations Commission of NSW on 15 October 2012 ruled that any increases greater than 2.5 per cent in salaries payable on and from a particular date can only be offset by employee-related cost savings made after (not before) that date: *HSU East and Director-General, Department of Finance and Services [2012] NSWIRComm 112*. Para 36 of that ruling is as follows:

"These provisions tend to indicate that the savings must be achieved in a period or at a time corresponding with any wage adjustment made in conformity with the Regulation. We note that in industrial parlance the expression "fully offset" means that a given wage increase would be matched by cost savings or other savings having the effect of neutralizing the cost of the adjustment after the commencement of its operation (which would normally be prospective)."

Other matters

Workers Compensation Commission, President

54. The office of President, Workers Compensation Commission is not defined as a "judicial officer" in accordance with the *Judicial Officers Act 1986*. This is anomalous as the *Workplace Injury Management and Workers Compensation Act 1998* stipulates that to be eligible for appointment as President the person must be a Judge of a Court of Record, ie a judicial officer.

55. On that basis the Tribunal has included the office of President of the Workers Compensation Commission in the Judges and Magistrates Determination for the purpose of determining the remuneration for this office. The Tribunal highlighted this anomaly in its 2011 report and determination and again requests that the Government review the legislation to address this matter.

Conveyance Allowance

56. The Tribunal has undertaken a review of the conveyance allowance. In determining the quantum of this allowance the Tribunal applies the average of leasing, on road and running costs for a range of vehicles leased by NSW Judges and Magistrates.

Judges and Magistrates Group

57. Analysis has shown that there has been no substantial change in the total costs for leasing the sample motor vehicles over the last 12 months and consequently the Allowance will not be increased at this time.

Section 4: Conclusion

58. The Tribunal, after carefully considering but notwithstanding the views of the Assessor (noting that there is presently only one Assessor, rather than two) and, pursuant to Section 13 of the *Statutory and Other Offices Remuneration Act 1975* as amended, determines that the remuneration to be paid to the office holders in Determination 1 will be increased by 3 per cent with effect from 1 October 2012. Office holders listed in Determination 2 will be provided with a 2.5 per cent increase with effect from 1 October 2012. The new rates are as set out in Determinations Nos 1-5.

59. The Tribunal has also made a Report and Determination on Travel Allowances for NSW Judges and Magistrates. The Report and Determination are as set out in Determination No 6.

The Statutory and Other Offices Remuneration Tribunal

Helen Wright
Dated: 9 November 2012

Determinations for the Judges and Magistrates Group

Determination No 1

Determination of the Remuneration for Judicial Officers as Defined in the *Judicial Officers Act 1986* being judicial officers of the Supreme Court and judicial officers linked by legislation to the remuneration of the Supreme Court

Effective on and From 1 October 2012

Salary	\$ per annum
Chief Justice of the Supreme Court	\$450,750
President of the Court of Appeal	\$422,070
President of the Industrial Relations Commission	\$422,070
Chief Judge of the Land and Environment Court	\$422,070
Judge of the Supreme Court	\$402,810
Vice-President of the Industrial Relations Commission	\$402,810
Judge of the Land and Environment Court	\$402,810
Deputy President of the Industrial Relations Commission (being a judicial member)	\$402,810

Determinations for the Judges and Magistrates Group

Determination No 2

Determination of the Remuneration for Judicial Officers as Defined in the *Judicial Officers Act 1986* but not referred to in Determination 1

Effective on and From 1 October 2012

Salary	\$ per annum
Deputy President of the Industrial Relations Commission (not being a judicial member)	\$400,860
Judge of the District Court	\$360,770
Associate Judge or acting Associate Judge (under the Supreme Court Act 1970)	\$360,770
Chief Magistrate	\$360,770
Deputy Chief Magistrate	\$304,850
State Coroner	\$304,850
Chief Industrial Magistrate	\$293,670
Magistrate	\$288,620
Chairperson Victims Compensation Tribunal (NOTE 2)	\$288,620
Children's Magistrate	\$288,620
Deputy State Coroner	\$288,620
Commissioner Industrial Relations Commission	\$264,560

NOTE 2: When a more senior Magistrate is appointed to the office then he or she shall retain his or her present salary level.

Determinations for the Judges and Magistrates Group

Determination No 3

Determination of the Remuneration to be Paid to the President of the Workers Compensation Commission (Pursuant To Section 369 of the *Workplace Injury Management And Workers Compensation Act 1988*) Effective on and From 1 October 2012

A person is eligible to be appointed as President only if the person is a Judge of a court of record. In accordance with Schedule 5 of the *Workplace Injury Management and Workers Compensation Act 1988*, when a judicial officer is holding office as member the person's rank, title, status, remuneration or other rights or privileges as the holder of that judicial office are not affected.

On that basis the appointee shall receive a salary equivalent to the remuneration that applies to their judicial appointment.

Determinations for the Judges and Magistrates Group

Determination No 4

ACTING JUDGES

Supreme Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties.

Acting Judge of the Supreme Court	\$1,745 per day
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District Court

The following rate shall be paid for each ordinary court working day on which the Acting Judge is occupied in the performance of judicial duties as designated by the Chief Judge in the District Court.

Acting Judge of the District Court	\$1,565 per day
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Determination No 5

Conveyance Allowance

Full time Office Holders receiving salary equivalent to a Supreme Court Judge or higher shall be entitled to a Conveyance Allowance of \$22,550 pa.

Full time Office Holders receiving salary equivalent to a District Court Judge shall be entitled to a Conveyance Allowance of \$20,330 pa.

Full time Office Holders receiving salary below that of a District Court Judge shall be entitled to a Conveyance Allowance of \$16,235 pa.

The Conveyance Allowance determined here shall not count towards Judges' pension or for superannuation purposes.

Determinations for the Judges and Magistrates Group

Determination No 6

Annual Leave Loading Of Judges, Magistrates and Related Group Effective on and From 1 October 2012

Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-15.11 to 6-15.16 of the Personnel Handbook, to each of the following office holders:

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

The Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 9 November 2012

Report and Determination on Travel Allowances for NSW Judges and Magistrates

Section 1 Background

1. 'Remuneration' is defined in the Statutory and Other Offices Remuneration Act 1975, as salary and allowances payable to office holders. Judges and magistrates are holders of offices specified in Schedule 1 of the Act.

2. 'Allowance' is defined as follows:

allowance does not include a travelling or subsistence allowance, but includes a travelling or subsistence allowance for travel within Australia by the holder of an office specified in Schedule 1 who is:

a Judge or Acting Judge of a court, or

any other judicial officer (within the meaning of the Judicial Officers Act 1986) nominated by the Minister by notice in writing to the Tribunal for the purposes of this definition.

3. The Tribunal in this determination will be setting rates for overnight stays in capital cities, for overnight stays in areas other than capital cities and meal rates for day or part of day absences from headquarters. The Tribunal has also determined the conditions upon which the rates are to be paid.

Section 2 2012 Review

4. Historically the Tribunal has regard to movements in the travel rates as adopted for the NSW Public Sector generally. These rates are based on the reasonable travel allowances as determined by the Australian Taxation Office (ATO). The ATO has made a new determination for 2012 (TD 2012/17) and these rates have been adopted for the NSW Public Sector. On that basis the Tribunal has determined the rates that are based on ATO TD 2012/17.

Section 3 Principles Adopted

5. In making its determinations on travel allowance rates the Tribunal has adopted a number of guiding principles as set out hereunder.
 - (a) Travelling allowances are intended to meet the costs necessarily incurred by Judges and Magistrates who are required to travel away from home/place of work on official business. Such costs include accommodation, meals and incidental expenses.

Report and Determination on Travel Allowances for NSW Judges and Magistrates

- (b) Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business.
- (c) Office holders are not expected to gain or lose financially as a result of travelling on official business.
- (d) Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.

Section 4 Conclusion

6. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2012/17. Non metropolitan accommodation rates and meal rates have also been adjusted as set out in the Determination.
7. After reviewing the survey of intra state accommodation and meal costs, the Tribunal makes the following determination (Determination No 7) effective on and from 1 October 2012.

Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 9 November 2012

Report and Determination on Travel Allowances for NSW Judges and Magistrates

Determination No 7

Travel Allowances for Judges and Magistrates Effective on and From 1 October 2012

Pursuant to section 13 of the Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 October 2012.

A. Travel necessitating an overnight stay

Travel Allowances

Capital City Rates	
Adelaide	\$372.05
Brisbane	\$399.05
Canberra	\$395.05
Hobart	\$358.05
Perth	\$472.05
Darwin	\$477.05
Melbourne, Sydney	\$428.05
Newcastle and Wollongong	\$353.05
Other Areas	\$353.05

Conditions

General conditions are to be as determined from time to time by the Attorney General.

- In addition the following specific conditions will apply.

The full daily travel allowance rate is to be paid only where the judge/magistrate stays overnight at commercial accommodation. Where the judge/magistrate stays overnight at non commercial accommodation then one third of the daily rate is to be paid.

Report and Determination on Travel Allowances for NSW Judges and Magistrates

- Where travel is for a period in excess of 24 hours then meal expenses for the final part day are to be paid.

B. Travel not involving an overnight stay

Meal Allowances for travel NOT involving an overnight stay

Breakfast	\$24.35
Lunch	\$27.35
Dinner	\$46.70

Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 9 November 2012

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT 1975

PUBLIC OFFICE HOLDERS GROUP

9 November 2012

www.remtribunals.nsw.gov.au

Public Office Holders Group

Introduction

Ms Jade Novakovic, who undertook the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the SOOR Act) did not seek reappointment when her term expired on 30 June 2012. This position is currently vacant and the Tribunal has undertaken the 2012 review without this additional assistance. The Tribunal would also like to acknowledge and express its appreciation of the considerable contribution of Mr Emanuel Sklavounos who undertook the role of Executive Officer to the Tribunal for a period of over ten years until his retirement in December 2011.

Section 1 Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975*, (the SOOR Act), requires the Statutory and Other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Court Related Officers Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for the majority of office holders in this Group is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Levy, are additional to the salary amount determined. This Group also comprises a small number of office holders who, pursuant to Section 11A of the Act, have elected to receive, and for whom the Minister has approved access to, remuneration packaging arrangements identical to the SES.
3. In determining the remuneration for office holders in this group, and following amendments to the SOOR Act in 2011, the Tribunal is now required (pursuant to Section 6AA) to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under

Public Office Holders Group

section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.

4. The current policy on wages pursuant to section 146(1)(a) of the *Industrial Relations Act 1996* is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded subject to the requirement that sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.
5. The Tribunal's Report and Determination of 2011 for the Public Office Holders Group provided a general increase of 2.5 per cent which was consistent with the NSW Wages Policy and reflected the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011.
6. During the past year the Tribunal has made three special determinations in respect of three new offices in the Public Office Holders Group: the Workcover Independent Review Officer, the Public Service Commissioner, and the Mental Health Commissioner.
7. The above special determinations of the Tribunal were published in the Government Gazette and tabled in Parliament.

Section 2 Submissions Received

Government Submission

8. The Government's submission recommends that this Group receive an increase of 2.5 per cent.
9. That recommendation is consistent with the NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011.

Public Office Holders Group

Ombudsman

10. The Ombudsman has requested that the Tribunal review the remuneration for this position having regard to changes that have occurred in the role and responsibilities since the Tribunal last reviewed the position in 2004. The Ombudsman submits that since 2004 significant changes, including new responsibilities associated with public interest disclosures and convening and supporting the NSW Child Death Review Team, have had an impact on both the office and the position of Ombudsman.

Section 3 2012 Review

11. The introduction of section 6AA to the SOOR Act has had a significant impact on the way this Tribunal makes its determinations. The effect of the amendments to the SOOR Act in 2011 is to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for office holders other than judicial officers (within the meaning of the *Judicial Officers Act 1986*) unless there are sufficient employee-related cost savings to offset the additional employee-related costs.

12. The validity of the amendments to the *Industrial Relations Act 1996* was considered by the Industrial Relations Commission during 2011. The Public Service Association (PSA) applied for a declaration that the Amendment Act, or alternatively the Regulation, was invalid. On 31 October 2011 the Full Bench of the Industrial Court (Walton, Kavanagh & Backman JJ) unanimously dismissed the PSA's application (*The Public Service Association & Professional Officers' Association Amalgamated of NSW v Director of Public Employment & ORS Industrial Court of NSW [2011] NSWIRComm 143*). The matter is presently the subject of consideration by the High Court (*The Public Service Association & Professional Officers' Association Amalgamated of NSW v Director of Public Employment & ORS (S127/2012)*), but unless and until the High Court decides otherwise, the legislation has effect and the Tribunal is obliged to apply the same policies on increases in remuneration as the IRC is obliged to apply.

13. Complexities arise because of the differences in the nature and functioning of the Tribunal (which usually makes determinations 'on the papers') and the IRC (which makes orders and awards following arbitrated proceedings), as well as differences in the types of decisions they make. The IRC makes generally applicable orders and

Public Office Holders Group

awards to broad categories of employees. The Tribunal does likewise in respect of the Senior Executive Service, but for some public and statutory offices it makes specific determinations for individual offices.

14. During the 2011 review the Tribunal identified the need to develop a methodology to assess whether officers affected by this determination can and have achieved employee related costs savings which may justify increases beyond 2.5 per cent. The Tribunal also identified the need to address whether the amendments to the SOOR Act preclude the Tribunal from making any further adjustments in remuneration based on changes in work value. Historically, the annual determination has provided for a general increase to all eligible office holders ("general increase") and, where warranted, an additional increase for a particular office based on changes in its role or responsibilities ("work value increase").
15. Prior to the amendments to the legislation the Tribunal, in determining the annual general increase, had regard to a number of factors including salary adjustments across both public and private sectors and movements in key economic indicators.
16. The Tribunal previously has been able to determine increases greater than 2.5 per cent, and those increases may have been granted to individual office holders or groups of office holders based on productivity savings achieved across an organisation. Submissions received this year from individual office holders and on behalf of groups of office holders argued that increases beyond 2.5 per cent could be funded from a reduction in employee related costs and/or productivity savings.
17. However Section 146C and Regulation 2011 require something different from and greater than the kind of productivity savings which, in the past, may have been claimed to have been achieved. Submissions outlining savings attributable only to productivity factors will not be sufficient to meet the policy requirements specified in the Regulation.
18. Paragraph 8 of the Regulation defines "employee-related costs" as "costs related to the salary, wages, allowances and other remuneration payable to the employees and the superannuation and other personal employment benefits payable to or in respect of the employees".

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19. Paragraph 9 defines "employee-related cost savings" and whilst the language used is directed to the particular processes of the Industrial Relations Commission, much of it can be given a purposive interpretation to apply to the deliberations of the Tribunal, and the Tribunal must apply the same policies as the IRC must apply. Paragraph 6(1)(b) clarifies that there must be sufficient employee-related cost savings to fully offset any increased employee-related costs. In other words, any pay increase beyond 2.5 per cent must be matched by cost savings which neutralise the cost of the increase. Paragraph 6(1)(c) suggests the kinds of employee-related cost savings which may be relevant, in that it contemplates reduction (with the agreement of the relevant parties) in "existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment".
20. In finding savings sufficient to fund increases above 2.5 per cent, it appears that public office holders will need to find employee-related costs savings, such as changes to leave entitlements, elimination of leave loading, reduction of travelling allowances etc.
21. Office holders within the Public Office Holders Group are not employed under an industrial instrument. Their conditions of employment are determined by the relevant legislation and, in some instances, negotiated with the relevant Minister at the time of appointment. Any changes to these conditions aimed at reducing employee-related costs and contributing to savings, would need to be approved by the relevant Minister and, in some cases, may need to be effected by legislative amendments.
22. Further, the Tribunal notes that the Industrial Relations Commission of NSW on 15 October 2012 ruled that any increases greater than 2.5 per cent in salaries payable on and from a particular date can only be offset by employee-related cost savings made after (not before) that date: *HSU East and Director-General, Department of Finance and Services [2012] NSWIRComm 112*. Para 36 of that ruling is as follows:

"These provisions tend to indicate that the savings must be achieved in a period or at a time corresponding with any wage adjustment made in conformity with the Regulation. We note that in industrial parlance the expression "fully offset" means that a given wage increase would be matched by cost savings or other savings having the effect of neutralizing the cost of

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the adjustment after the commencement of its operation (which would normally be prospective)."

23. The Tribunal has sought legal advice and has also met with judicial members of the Industrial Relations Commission to discuss and consider how these matters or some of them might be addressed. The Tribunal places on record its thanks to the Hon Justice Michael Walton, Vice President, and the Hon Justice Conrad Staff, of the Industrial Relations Commission for their assistance.
24. No office holder has made a submission regarding employee-related cost savings for consideration by the Tribunal in its 2012 review. The Tribunal understands that during the coming year the Government will provide assistance to the Tribunal to develop a methodology to assess employee-related cost savings which may justify a "general increase" above 2.5 per cent in appropriate circumstances. If and when an appropriate methodology is so established, the Tribunal will advise office holders. For the purposes of the 2013 review, and whether or not any such methodology has been established, but in order to provide office holders with sufficient opportunity to identify and demonstrate potential employee-related cost savings, the Tribunal will seek submissions much earlier in 2013 than has been past practice.
25. In respect of whether the Tribunal may, having regard to the amendments to the SOOR Act, also consider any possible increase in remuneration based on a "work value increase" as distinct from a "general increase" Mr Chris Eccles, Director General of the Department of Premier and Cabinet, in correspondence of 18 October 2012, provided the following views in his capacity as Assessor assisting the Tribunal:

"As you will be aware, the objective of the Government's wages policy is to limit the increase in overall public sector employee-related costs to 2.5 per cent, and to apply this policy equitably across all public sector employees and other public officials.

With that in mind, the Government considers that it would be open to the SOORT to determine a 'work value' increase in the remuneration for a particular office holder beyond the 2.5 per cent where this is appropriate having regard to significant changes in the particular office's role and responsibilities.

However, to ensure consistency with the wages policy, any such increase will not of itself result in any corresponding increase in the allocation for

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employee-related costs provided to the relevant organisation. In effect, this means that while a work value increase beyond 2.5 per cent may be made, it would need to be offset by employee-related costs savings elsewhere.”

26. The wages policy that applies to the IRC and to the Tribunal is that: *“Public sector employees may be awarded increases in remuneration or other conditions of employment that do not increase employee-related costs by more than 2.5 per cent per annum”*.
27. The question that arises is whether a work value increase, that is, an increase that the Tribunal considers appropriate because of a change in a particular office’s role and responsibilities, is subject to the wages policy and, in particular, to the 2.5 per cent cap on remuneration increases.
28. Although not free from doubt, it seems that it is open to the Tribunal to approach its determinations on the basis that the 2.5 per cent cap does not necessarily apply in such cases.
29. The existence of the policy does not mean that any individual public sector employee or group of employees cannot receive an increase in remuneration above 2.5 per cent. For example, an individual public sector employee may be entitled to a greater than 2.5 per cent increase if the individual moves up within the salary band for his or her position, if his or her position is re-graded or if he or she is appointed to a more highly-graded position.
30. By analogy it would seem reasonable to the Tribunal that an increase in remuneration for a particular office that is attributable solely to a change in role or responsibilities is not different from a re-grading of a public sector position or, where the change is significant, even a change of position.
31. On that basis, the Tribunal considers that it is not precluded from making a determination to increase the remuneration payable to a public office holder or group of office holders in an amount greater than 2.5 per cent, where changes in work value warrant an increase greater than 2.5 per cent.

Public Office Holders Group

32. Nevertheless the Tribunal is aware that, although Section 11(3) of the SOOR Act provides for an automatic appropriation from the Consolidated Fund to pay remuneration determined under the SOOR Act (for office holders listed in Schedule 1), that does not necessarily mean that employee related budgets will be increased to take account of increased remuneration payable. Therefore a determination based on a “work value’ increase will not necessarily cut across the objective of the Government’s wages policy, because an organisation’s budget may not be increased by the amount of increased employee-related cost greater than 2.5 per cent that would result from a work value increase determined by the Tribunal, unless employee-related cost savings sufficient to offset that increase are found within the relevant organisation.
33. The Tribunal will, as requested by the Ombudsman, engage external experts to carry out a work value assessment of the current role of the Ombudsman. This may take some time and it would be appropriate for the result of that review to be considered during the 2013 review (which will commence earlier than previously), together with those requests deferred during the 2011 review if the relevant office holders choose to again lodge submissions for consideration.

Section 11A Office Holders

34. Historically, when an officer has elected to receive employment benefits pursuant to section 11A of the SOOR Act, the Tribunal has determined a total remuneration package payable to that office holder. Determinations which provide for a total remuneration package are listed separately (Determination No.2) from those determinations which are expressed as a salary only (Determination No.1).
35. For the 2012 determination the Tribunal will continue to identify, in Determination No.2 of the Public Office Holders report and determination, those offices which are held by individuals who have elected to receive a total remuneration package pursuant to section 11A. The Tribunal will also make a salary-only determination for those particular offices and list that salary in the general determination for Public Office Holders in Determination No. 1. This is to ensure that a current determination exists for these roles should the incumbent officer revoke his/her election or if a new officer is appointed to the role.

Public Office Holders Group

Section 4 Conclusion

36. Section 6AA has had a significant impact on the way this Tribunal makes its determinations. The Tribunal, after considering the views of the Assessor, considers that an increase of 2.5 per cent is appropriate and so determines.

37. Pursuant to Section 13 of the Statutory and Other Offices Remuneration Act 1975, as amended, the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2012 shall be as specified in Determination 1 in respect of the Public Office Holders and Determination 2 in respect of Section 11A Office Holders.

The Statutory and Other Offices

Remuneration Tribunal

Helen Wright

Dated: 9 November 2012

Determinations for the Public Office Holders Group

Determination No 1

Determination of the remuneration the Public Office Holders Group Effective on and from 1 October 2012

Salary	\$ per annum
Public Service Commissioner	\$460,045
Commissioner Police Integrity Commission	\$438,725
Auditor General	\$427,955
Ombudsman	\$426,855
Commissioner, NSW Crime Commission (Note 1)	\$423,540
Assistant Commissioner, NSW Crime Commission	\$401,255
Full time Member and CEO, Independent Pricing and Regulatory Tribunal (Note 1)	\$381,465
President, Mental Health Review Tribunal	\$346,355
Electoral Commissioner (Note 1)	\$333,115
Valuer General (Note 1)	\$308,150
Workcover Independent Review Officer	\$307,500
Deputy President Mental Health Review Tribunal	\$303,025
Information Commissioner	\$300,480
Privacy Commissioner	\$289,975
Chairperson, Consumer Trader and Tenancy Tribunal	\$281,500
Mental Health Commissioner	\$278,800
President, Guardianship Tribunal	\$275,625
Parliamentary Budget Officer	\$274,790
Principal Claims Assessor (Motor Accidents Compensation Act)	\$273,725
Deputy Chairperson Consumer Trader and Tenancy Tribunal	\$260,350
Deputy Chairperson, Law Reform Commission	\$258,475
Commissioner, Law Reform Commission	\$247,890
Deputy President Administrative Decisions Tribunal	\$247,890
Clerk of the Legislative Assembly	\$241,330
Clerk of the Parliaments	\$241,330
Executive Manager, Parliamentary Services	\$241,330

Determinations for the Public Office Holders Group

Salary	\$ per annum
Registrar Workers Compensation Commission	\$241,330
Senior Arbitrator, Workers Compensation Commission (legally qualified)	\$223,995
Deputy President, Guardianship Tribunal	\$215,640
Senior Member, Consumer Trader and Tenancy Tribunal	\$212,490
Deputy Clerk, Legislative Assembly	\$207,170
Deputy Clerk, Legislative Council	\$207,170
Senior Arbitrator, Workers Compensation Commission (not legally qualified)	\$206,295
Arbitrator, Workers Compensation Commission (legally qualified)	\$197,770
Chairperson, Local Land Boards	\$197,730
Registrar, Aboriginal Land Rights Act 1983	\$191,390
Assessor (Civil Claims)	\$183,125
Member, Consumer Trader and Tenancy Tribunal	\$183,125
Arbitrator, Workers Compensation Commission (not legally qualified)	\$177,795
Chairperson, Board of the Aboriginal Housing Office	\$142,895
Member of the New South Wales Aboriginal Land Council (Note 2)	\$127,485
Chairperson, Infrastructure NSW	\$73,545
President Mental Health Review Tribunal (part time daily rate)	\$1,440
Deputy President Mental Health Review Tribunal (part time daily rate)	\$1,260
Senior Member, Consumer Trader and Tenancy Tribunal (part time daily rate)	\$880
Assessor Civil Claims (daily rate)	\$760
Member, Consumer Trader and Tenancy Tribunal (part time daily rate)	\$760

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

Note 2 The Chairperson shall receive an allowance of 10% (i.e. a total of \$140,230 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$133,860 per annum).

Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-15.11 to 6-15.16 of the Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

Determinations for the Public Office Holders Group

Determination No 2

Determination of Remuneration of Public Office Holders Who Have Elected to be Provided With Employment Benefits Pursuant to Section 11a of the Act Effective on and from 1 October 2012

The Tribunal determines that the remuneration packages per annum for Public Office Holders who have elected to be provided with employment benefits pursuant to section 11A of the Act shall be:

Public Office Holder	Remuneration
Commissioner, NSW Crime Commission	\$441,690
Full time Member and CEO, Independent Pricing and Regulatory Tribunal	\$398,880
Electoral Commissioner	\$350,530
Valuer General	\$325,565

The Statutory and Other Offices

Remuneration Tribunal

Helen Wright

Dated: 9 November 2012

REPORT

and

DETERMINATION

under

SECTION 13

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT 1975

COURT AND RELATED OFFICERS GROUP

9 November 2012

www.remtribunals.nsw.gov.au

Court and Related Officers Group

Introduction

Ms Jade Novakovic, who undertook the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the SOOR Act) did not seek reappointment when her term expired on 30 June 2012. This position is currently vacant and the Tribunal has undertaken the 2012 review without this additional assistance. The Tribunal would also like to acknowledge and express its appreciation of the considerable contribution of Mr Emanuel Sklavounos who undertook the role of Executive Officer to the Tribunal for a period of over ten years until his retirement in December 2011.

Section 1 Background

1. Section 13 of the *Statutory and Other Offices Remuneration Act 1975*, (the SOOR Act), requires the Statutory and other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Court and Related Officers Group comprises those public offices, listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Public Office Holders Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for these office holders is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Levy, are additional to the salary amount determined.
3. In determining the remuneration for office holders in this group, and following amendments to the SOOR Act in 2011, the Tribunal is now required (pursuant to Section 6AA) to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.

Court and Related Officers Group

4. The current policy on wages pursuant to section 146(1)(a) of the *Industrial Relations Act 1996* is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011. The effect of the Regulation is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded subject to the requirement that sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.
5. Prior to the 2011 determinations, the court and related office holders, such as the Director of Public Prosecutions and the Crown Prosecutors, were included in the Judges, Magistrates and Related Group for remuneration purposes. As a consequence of that grouping the court and related office holders received remuneration increases identical to the percentage increases received by judges and magistrates.
6. The amendments to the SOORT Act, which provide for the Tribunal to apply the same public sector wages cap that binds the Industrial Relations Commission, explicitly exclude Judicial Office Holders as defined by the *Judicial Officers Act 1986*. For this reason, for the 2011 determinations the Tribunal separated the officers previously grouped as the Judges, Magistrates and Related Group into two separate groups being those defined as judicial office holders by the *Judicial Officers Act 1986* in the Judges and Magistrates Group, and the remaining office holders forming the new Court and Related Officers Group.
7. The Tribunal's Report and Determination of 2011 for the Court and Related Officers Group provided a general increase of 2.5 per cent which was consistent with the NSW Wages Policy and reflected the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011.

Court and Related Officers Group

Section 2 Submissions Received

Government Submission

8. The Government submission recommends the Tribunal approve an increase of 2.5 per cent for the Court and Related Officers Group.
9. This recommendation is consistent with the NSW Wages Policy and reflects the NSW Governments' intent, pursuant to section 6AA of the SOOR Act and the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011.

Director of Public Prosecutions

10. The Director of Public Prosecutions has requested that the offices of the Director of Public Prosecutions and the Solicitor General receive the same salary as a Supreme Court Judge. This arrangement would reinstate the previous salary relativity that existed between these positions but has subsequently been broken as a result of the provisions of section 6AA. This salary relativity had existed since the creation of the position in 1986. The Director of Public Prosecutions has advised that there are good reasons for that historical nexus and for continuing it into the future. The Director of Public Prosecutions also submits that it is not practical for individual office holders, such as himself and the Solicitor General, to demonstrate employee-related cost savings.

"It is clear from the Regulation that the demonstration of employee-related savings would normally occur in the context of proceedings on behalf of large groups of employees before the Industrial Relations Commission. Such proceedings will never be commenced by single statutory office holders such as the Director of Public Prosecutions and the Solicitor General."

Solicitor General

11. The Solicitor General's submission states that it would be highly desirable to re-align the remuneration of the Solicitor General and the Director of Public Prosecutions with that of a judge of the Supreme Court. There were good reasons for this alignment including the status of the two offices in question and the fact that these

Court and Related Officers Group

are the only non-judicial offices that provide an entitlement to the judicial pension under the *Judges' Pensions Act 1953*.

Deputy Directors of Public Prosecutions, Crown Prosecutors

12. The Deputy Directors submit their appropriate remuneration should be the same as the percentage relative to judicial office holders before the enactment of section 6AA of the SOOR Act. This would have equated to the remuneration level of a District Court Judge.
13. The Senior Crown Prosecutor, Deputy Senior Crown Prosecutors and Crown Prosecutors submit their appropriate remuneration should be at the same percentage level as previously existed relative to the remuneration of the Director of Public Prosecutions.
14. The joint submission highlights that the salary relativities which previously existed between officers in the Judges and Magistrates Group and the Court and Related Officers Group were severed following the 2011 amendments to the SOORT Act. The submission makes the following statement in respect of how those changes have impacted upon the relativities within the Court and Related Officers Group:

"The Director of Public Prosecutions has always (until last year) been remunerated at the same level of a Justice of the Supreme Court. Deputy Directors were remunerated at 90% of the Directors remuneration. This percentage equated to the remuneration of a District Court Judge. Without any consultation the amending legislation has resulted in a substantial difference in the remuneration levels between the Deputy Directors and District Court Judges. The difference occurred without any identifiable change in our "work value or responsibilities" when compared to that of judicial officers."

15. The submission also states:

"SOORT recognised that the Government's legislation had altered the status quo by removing us from the judicial category. SOORT also raised, but left unanswered, the question of how and in what circumstances employee-related cost savings could be demonstrated, so as to justify an increase above the 2.5% ceiling...."

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We respectfully ask SOORT to undertake a work value assessment between the various office holders or alternatively devise a system consistent with the intentions outlined in last year's determination."

Solicitor for Public Prosecutions

16. The submission outlines the role of the Solicitor for Public Prosecutions and details operational efficiencies that have been achieved. Mr Kavanagh also advised:

"The fact that we have been able to meet these increased demands with reduced resources is indicative of greater efficiency in the allocation of resources. I am confident that savings in real terms in employee-related costs will be readily identifiable whichever system of methodology is ultimately adopted...."

It is hoped that in the near future the Tribunal will work with Government to develop such a methodology, and that the process will enable the Tribunal to undertake a retrospective assessment for the 2011-2012 year as well as for the future."

The Tribunal notes from Mr. Kavanagh's submission that the Office of the Director of Public Prosecutions has since 2008 been implementing recommendations made by the Auditor General to describe, count, measure and analyse its work to better explain its efficiency, and by 2010 the Public Accounts Committee was able to report that *"The Committee considers that the changes that have been made in relation to improving information management and management practices places the ODPP in a better position to be able to demonstrate its efficiency and encourages the Office to continue"*. The Public Defenders have given an example of changes in work practices which have achieved significant cost savings over the alternative of using private barristers funded by Legal Aid.

Court and Related Officers Group

Section 3 2012 Review

17. The introduction of section 6AA to the SOOR Act has had a significant impact on the way this Tribunal makes its determinations. The effect of the amendments to the SOOR Act in 2011 is to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for office holders other than judicial officers (within the meaning of the *Judicial Officers Act 1986*) unless there are sufficient employee-related cost savings to meet the additional employee-related costs.
18. The validity of the amendments to the *Industrial Relations Act 1996* was considered by the Industrial Relations Commission during 2011. The Public Service Association (PSA) applied for a declaration that the Amendment Act, or alternatively the Regulation, was invalid. On 31 October 2011 the Full Bench of the Industrial Court (Walton, Kavanagh & Backman JJ) unanimously dismissed the PSA's application (*The Public Service Association & Professional Officers' Association Amalgamated of NSW v Director of Public Employment & ORS Industrial Court of NSW [2011] NSWIRComm 143*). The matter is presently the subject of consideration by the High Court (*The Public Service Association & Professional Officers' Association Amalgamated of NSW v Director of Public Employment & ORS (S127/2012)*), but unless and until the High Court decides otherwise, the legislation has effect and the Tribunal is obliged to apply the same policies on increases in remuneration as the IRC is obliged to apply.
19. Complexities arise because of the differences in the nature and functioning of the Tribunal (which usually makes determinations 'on the papers') and the IRC (which makes orders and awards following arbitrated proceedings), as well as differences in the types of decisions they make. The IRC makes generally applicable orders and awards to broad categories of employees. The Tribunal does likewise in respect of the Senior Executive Service, but for some public and statutory offices it makes specific determinations for individual offices.
20. During the 2011 review the Tribunal identified the need to develop a methodology to assess whether officers affected by this determination can and have achieved employee related costs savings which may justify increases beyond 2.5 per cent. The

Court and Related Officers Group

Tribunal also identified the need to address whether the amendments to the SOOR Act preclude the Tribunal from making any further adjustments in remuneration based on changes in work value. Historically, the annual determination has provided for a general increase to all eligible office holders ("general increase") and, where warranted, an additional increase for a particular office based on changes in its role or responsibilities ("work value increase").

21. Prior to the amendments to the legislation the Tribunal, in determining the annual general increase, had regard to a number of factors including salary adjustments across both public and private sectors and movements in key economic indicators.
22. The Tribunal previously has been able to determine increases greater than 2.5 per cent, and those increases may have been granted to individual office holders or groups of office holders based on productivity savings achieved across an organisation. Submissions received this year from individual office holders and on behalf of groups of office holders argued that increases beyond 2.5 per cent could be funded from a reduction in employee related costs and/or productivity savings.
23. However Section 146C and Regulation 2011 require something different from and greater than the kind of productivity savings which, in the past, may have been claimed to have been achieved. Submissions outlining savings attributable only to productivity factors will not be sufficient to meet the policy requirements specified in the Regulation.
24. Paragraph 8 of the Regulation defines "employee-related costs" as "costs related to the salary, wages, allowances and other remuneration payable to the employees and the superannuation and other personal employment benefits payable to or in respect of the employees".
25. Paragraph 9 defines "employee-related cost savings" and whilst the language used is directed to the particular processes of the Industrial Relations Commission, much of it can be given a purposive interpretation to apply to the deliberations of the Tribunal, and the Tribunal must apply the same policies as the IRC must apply. Paragraph 6(1)(b) clarifies that there must be sufficient employee-related cost savings to fully

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offset any increased employee-related costs. In other words, any pay increase beyond 2.5 per cent must be matched by cost savings which neutralise the cost of the increase. Paragraph 6(1)(c) suggests the kinds of employee-related cost savings which may be relevant, in that it contemplates reduction (with the agreement of the relevant parties) in "existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment".

26. In finding savings sufficient to fund increases above 2.5 per cent, it appears that court and related office holders will need to find employee-related costs savings, such as changes to leave entitlements, elimination of leave loading, reduction of travelling allowances etc.
27. Office holders within the Court and Related Officers Group are not employed under an industrial instrument. Their conditions of employment are determined by the relevant legislation and, in some instances, negotiated with the relevant Minister at the time of appointment. Any changes to these conditions aimed at reducing employee-related costs and contributing to savings, would need to be approved by the relevant Minister and, in some cases, may need to be effected by legislative amendments.
28. Further, the Tribunal notes that the Industrial Relations Commission of NSW on 15 October 2012 ruled that any increases greater than 2.5 per cent in salaries payable on and from a particular date can only be offset by employee-related cost savings made after (not before) that date: *HSU East and Director-General, Department of Finance and Services [2012] NSWIRComm 112*. Para 36 of that ruling is as follows:

"These provisions tend to indicate that the savings must be achieved in a period or at a time corresponding with any wage adjustment made in conformity with the Regulation. We note that in industrial parlance the expression "fully offset" means that a given wage increase would be matched by cost savings or other savings having the effect of neutralizing the cost of the adjustment after the commencement of its operation (which would normally be prospective)."

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29. The Tribunal has sought legal advice and has also met with judicial members of the Industrial Relations Commission to discuss and consider how these matters or some of them might be addressed. The Tribunal places on record its thanks to the Hon Justice Michael Walton, Vice President, and the Hon Justice Conrad Staff, of the Industrial Relations Commission for their assistance.
30. The Tribunal understands that during the coming year the Government will provide assistance to the Tribunal to develop a methodology to assess employee-related cost savings which may justify a "general increase" above 2.5 per cent in appropriate circumstances. If and when an appropriate methodology is so established, the Tribunal will advise office holders. For the purposes of the 2013 review, and whether or not any such methodology has been established, but in order to provide office holders with sufficient opportunity to identify and demonstrate potential employee-related cost savings, the Tribunal will seek submissions much earlier in 2013 than has been past practice.
31. In respect of whether the Tribunal may, having regard to the amendments to the SOOR Act, also consider any possible increase in remuneration based on a "work value increase" as distinct from a "general increase", the following views were provided in correspondence of 18 October 2012 by Mr Chris Eccles, Director General of the Department of Premier and Cabinet, in his capacity as Assessor assisting the Tribunal:

"As you will be aware, the objective of the Government's wages policy is to limit the increase in overall public sector employee-related costs to 2.5 per cent, and to apply this policy equitably across all public sector employees and other public officials.

With that in mind, the Government considers that it would be open to the SOORT to determine a 'work value' increase in the remuneration for a particular office holder beyond the 2.5 per cent where this is appropriate having regard to significant changes in the particular office's role and responsibilities.

However, to ensure consistency with the wages policy, any such increase will not of itself result in any corresponding increase in the allocation for employee-related costs provided to the relevant organisation. In effect, this

Court and Related Officers Group

means that while a work value increase beyond 2.5 per cent may be made, it would need to be offset by employee-related costs savings elsewhere."

32. The wages policy that applies to the IRC and to the Tribunal is that: *"Public sector employees may be awarded increases in remuneration or other conditions of employment that do not increase employee-related costs by more than 2.5 per cent per annum"*.
33. The question that arises is whether a work value increase, that is, an increase that the Tribunal considers appropriate because of a change in a particular office's role and responsibilities, is subject to the wages policy and, in particular, to the 2.5 per cent cap on remuneration increases.
34. Although not free from doubt, it seems that it is open to the Tribunal to approach its determinations on the basis that the 2.5 per cent cap does not necessarily apply in such cases.
35. The existence of the policy does not mean that any individual public sector employee or group of employees cannot receive an increase in remuneration above 2.5 per cent. For example, an individual public sector employee may be entitled to a greater than 2.5 per cent increase if the individual moves up within the salary band for his or her position, if his or her position is re-graded or if he or she is appointed to a more highly-graded position.
36. By analogy it would seem reasonable to the Tribunal that an increase in remuneration for a particular office that is attributable solely to a change in role or responsibilities is not different from a re-grading of a public sector position or, where the change is significant, a change of position.
37. On that basis, the Tribunal considers that it is not precluded from making a determination to increase the remuneration payable to a court and related office holder or group of office holders in an amount greater than 2.5 per cent, where changes in work value warrant an increase greater than 2.5 per cent.

Court and Related Officers Group

38. Nevertheless the Tribunal is aware that, although Section 11(3) of the SOOR Act provides for an automatic appropriation from the Consolidated Fund to pay remuneration determined under the SOOR Act (for office holders listed in Schedule 1), that does not necessarily mean that employee related budgets will be increased to take account of increased remuneration payable. Therefore a determination based on a “work value’ increase will not necessarily cut across the objective of the Government's wages policy, because an organisation’s budget may not be increased by the amount of increased employee-related cost greater than 2.5 per cent that would result from a work value increase determined by the Tribunal, unless employee-related cost savings sufficient to offset that increase are found within the relevant organisation.

Workers Compensation Commission, President

39. The office of President, Workers Compensation Commission is not defined as a “judicial officer” in accordance with the *Judicial Officers Act 1986*. This is anomalous as the *Workplace Injury Management and Workers Compensation Act 1998* stipulates that to be eligible for appointment as President the person must be a Judge of a Court of Record, ie a judicial officer.

40. While this office is not a judicial officer within the definition contained in the *Judicial Officers Act 1983*, it is clear that the office holder must be a judicial officer to hold the appointment as President of the Commission. The Tribunal considers, therefore that the exclusion of the President from the definition in the *Judicial Officers Act 1986* is clearly an anomaly and would again urge the Government to review this matter. The Tribunal has determined an annual increase for this office consistent with the levels of increase provided to other judicial officers. The remuneration for the President of the Workers Compensation Commission is listed in the Judges and Magistrates Determination.

Court and Related Officers Group

Conveyance Allowance

41. The Tribunal has undertaken a review of the conveyance allowance. In determining the quantum of this allowance the Tribunal applies the average of leasing, on road and running costs for a range of vehicles which may be leased by office holders in the Court and Related Officers Group.
42. The Tribunal's analysis has shown that there has been no substantial change in the costs for leasing the sample motor vehicles over the last 12 months and considers that the Allowance should not be increased at this time.

Section 4 Conclusion

43. Section 6AA has had a significant impact on the way this Tribunal makes its determination. The Tribunal notes that the legislation has been passed by Parliament and it is the obligation of the Tribunal to undertake its duties consistently with the legislation. On that basis the Tribunal, after considering the views of the Assessor, considers that an increase of 2.5 per cent is appropriate and so determines.
44. Pursuant to Section 13 of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2012 shall be as specified in Determination 1.

The Statutory and Other Offices

Remuneration Tribunal

Helen Wright

9 November 2012

**Determination of the Remuneration of Court and Related Officers Group
Effective on and From 1 October 2012**

Determination No 1

Salary	\$ per annum	Conveyance Allowance (1)
Chairperson, Law Reform Commission	\$387,200	\$22,550
Director of Public Prosecutions	\$387,200	\$22,550
Solicitor-General	\$387,200	\$22,550
Crown Advocate	\$348,480	\$20,330
Deputy Director of Public Prosecutions	\$348,480	\$20,330
Senior Crown Prosecutor	\$313,630	\$16,235
Senior Public Defender	\$313,630	\$16,235
Deputy Presidents, Workers Compensation Commission	\$282,260	\$16,235
Deputy Senior Crown Prosecutor	\$282,260	\$16,235
Deputy Senior Public Defender	\$282,260	\$16,235
Solicitor for Public Prosecutions	\$282,260	\$16,235
Senior Commissioner Land and Environment Court	\$271,040	\$16,235
Crown Prosecutor	\$257,880	\$16,235
Public Defender	\$257,880	\$16,235
Commissioner Land and Environment Court	\$255,550	\$16,235
Acting Deputy President Workers Compensation Commission	\$1,170 per day	-

Conveyance Allowance

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

Determination of the Remuneration of Court and Related Officers Group Effective on and From 1 October 2012

Determination No 2

Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-15.11 to 6-15.16 of the Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

The Statutory and Other Offices

Remuneration Tribunal

Helen Wright

9 November 2012

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SPECIAL SUPPLEMENT

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

ORDER – Section 21

Declaration of Control Area (Maitland)

I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me pursuant to section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 ('the Act') and pursuant to section 21 of the Act and being of the opinion that it is reasonably necessary for the purpose of preventing the spread of the emergency animal disease avian influenza, do hereby declare the area described in the Schedule 1 to be a control area.

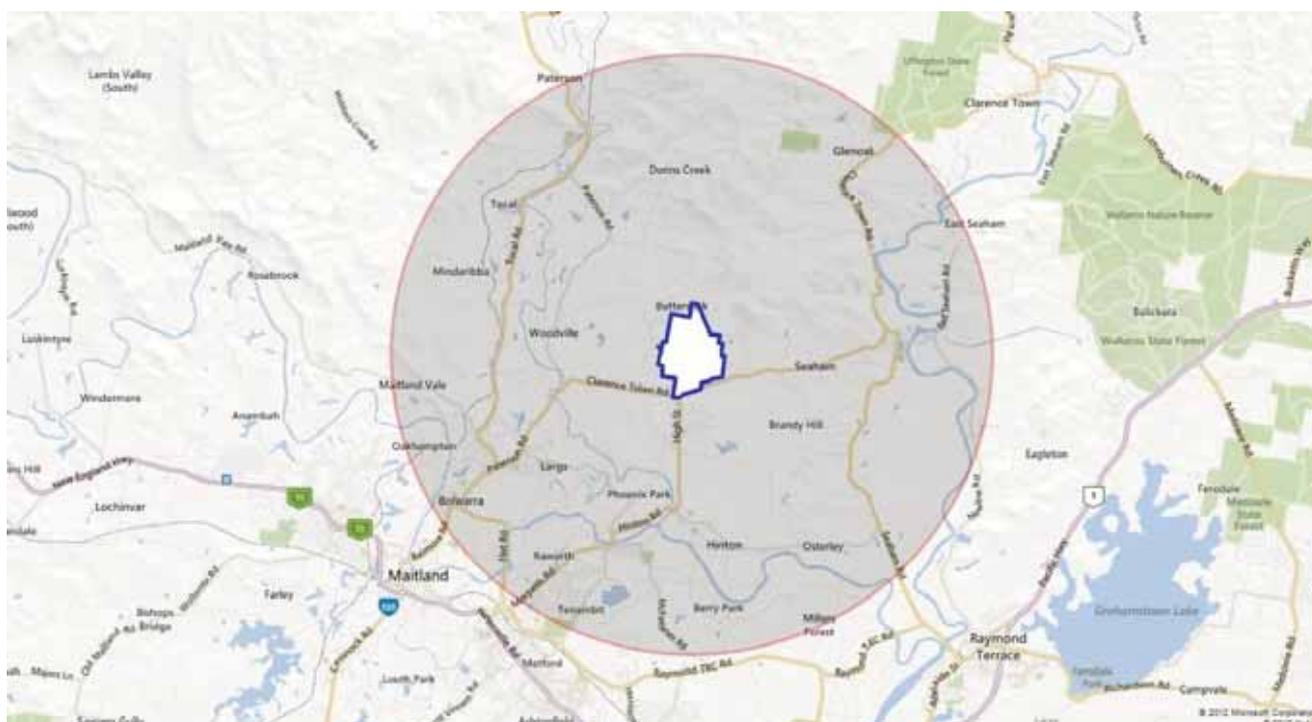
SCHEDULE 1

Control Area (Maitland)

The area within a 10 kilometre radius of the coordinates decimal degrees -32.66703 South and 151.65470 East excluding the restricted area declared pursuant to section 15 of the Act by an Order titled "Declaration of Wallalong Restricted Area" and dated 15 November 2012 as represented by the shaded area on the map in Schedule 2 below.

SCHEDULE 2

Map of Control Area (Maitland)



In this Order, the map in Schedule 2 is for information purposes and does not limit the description of the area in Schedule 1.

Dated this the 15th day of November 2012.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

Section 22 Control Order (Maitland)

I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me pursuant to section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 ('the Act') and pursuant to section 22 of the Act hereby:

1. prohibit the movement of any:
 - a. birds;
 - b. bird products;
 - c. bird fodder and bird fittings that have come into contact with birds or bird products;
 - d. soil that has come into contact with anything described above in paragraphs (a), (b) or (c);into, within or out of the Control Area;
2. prohibit the holding of markets, fairs, sales, shows, parades, race meetings or other gatherings or competitions involving birds or bird products within the Control Area;
3. prohibit the presence or exposure of birds at any place within the Control Area where birds are exposed for exhibition, parade, race meetings or any form of recreation or competition;
4. order all persons within the Control Area who are in control of birds to take the following measures to contain or eradicate avian influenza:
 - a. report any unexplained increases in mortalities in the birds under their control to the Department of Primary Industries or an inspector;
 - b. make the birds under their control available for testing if requested by the Department of Primary Industries or an inspector;
5. order all persons within the Control Area who are in control of a vehicle that has been in contact with birds or bird product (other than bird product obtained from a Retail Outlet or bird product from outside the Control Area) to disinfect the vehicle prior to moving the vehicle within or out of the Control Area to contain or eradicate avian influenza;
6. order all persons within the Control Area who are in control of bird fittings that have been in contact with birds or bird product (other than bird product obtained from a Retail Outlet or bird product from outside the Control Area) to disinfect the bird fittings prior to moving them within or out of the Control Area to contain or eradicate avian influenza;
7. order all persons within the Control Area who have been in contact with birds or bird product (other than bird product obtained from a Retail Outlet or bird product from outside the Control Area) to wash all exposed skin and hair in warm, soapy water to remove all traces of bird product; and
 - a. launder all the person's clothing in warm, soapy water to remove all traces of bird product; or
 - b. change into clean clothing; or
 - c. if full personal protective clothing has been worn, remove the personal protective clothing; prior to moving within or out of the Control Area to contain or eradicate avian influenza.

Definitions:

In this Control Order:

Act means the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991

bird means any animal of the avian species.

bird fittings means any fittings, as defined by the Act, in relation to birds.

bird fodder means any fodder, as defined by the Act, in relation to birds.

bird product means any animal product, as defined by the Act, in relation to birds.

Control Area means a control area that has been declared, or may be declared, pursuant to section 21 of the Act, in relation to the emergency animal disease avian influenza.

disinfect means bathe with a disinfectant chemical or heat, irradiate, fumigate or otherwise treat so as to destroy all avian influenza virus present.

inspector means an inspector as defined by the Act.

Retail Outlet means any person or business that sells bird product but does not include any person or business within the Control Area or Restricted Area that sells bird product directly from the farm gate.

Restricted Area means a restricted area that has been declared, or may be declared, pursuant to section 15 of the Act, in relation to the emergency animal disease avian influenza .

Dated this 15th day of November 2012.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

NOTICE – Section 18

Entry and exit points for Wallalong Restricted Area

THIS is to notify all persons in New South Wales that any movement into or out of the Wallalong Restricted Area of birds, bird product, fodder, fittings, soil or vehicle described in Schedule 3 to the Wallalong Restricted Area Order must be made only through the following Entry and Exit points:

All roads into and out of the Wallalong Restricted Area.

In this Order:

Wallalong Restricted Area means the area described in Schedule 1 to the Wallalong Restricted Area Order.

Wallalong Restricted Area Order means the Order made pursuant to section 15 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 titled ‘Declaration of Wallalong Restricted Area’ and dated 15 November 2012.

Note: 1. Any movements of birds, bird products, fodder, fittings, soil or vehicles to which the Wallalong Restricted Area Order applies must be in accordance with a permit issued by an inspector under section 24 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991.

2. Substantial penalties apply for breaches of these restrictions.

Dated: 15 November 2012.

THERESE MARGARET WRIGHT,
Inspector

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

AREA RESTRICTION ORDER – Section 20

Restricted Area (Wallalong)

I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me pursuant to section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 (‘the Act’) and pursuant to section 20 of the Act for the purpose of controlling, eradicating or preventing the spread of avian influenza hereby:

1. order all persons within the Restricted Area who are in control of birds to take the following measures:
 - a. report any unexplained increases in mortalities in the birds under their control to the Department of Primary Industries or an inspector;
 - b. make the birds under their control available for testing if requested by the Department of Primary Industries or an inspector;
2. order all persons within the Restricted Area who have been in contact with birds or bird product (other than bird product obtained from a Retail Outlet or bird product obtained from outside the Control Area) to wash all exposed skin and hair in warm, soapy water to remove all traces of bird product; and
 - a. launder all the person’s clothing in warm, soapy water to remove all traces of bird product; or
 - b. change into clean clothing; or
 - c. if full personal protective clothing has been worn, remove the personal protective clothing; prior to moving within or out of the Restricted Area.

Definitions

In this Permit:

Act means the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991

bird means any animal of the avian species.

bird product means any animal product, as defined by the Act, in relation to birds.

Control Area means a control area that has been declared, or may be declared, pursuant to section 21 of the Act, in relation to the emergency animal disease avian influenza.

disinfect means bathe with a disinfectant chemical or heat, irradiate, fumigate or otherwise treat so as to destroy all avian influenza virus present.

inspector means an inspector as defined by the Act.

Restricted Area means a restricted area that has been declared, or may be declared, pursuant to section 15 of the Act, in relation to the emergency animal disease avian influenza .

Retail Outlet means any person or business that sells bird product but does not include any person or business within the Restricted Area or Control Area that sells bird product directly from the farm gate.

Dated this the 15th day of November 2012.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

ORDER – Section 15

Declaration of Wallalong Restricted Area

I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me pursuant to section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 and pursuant to section 15 of the Act being of the opinion that the area specified in Schedule 1 may be or become infected with the emergency animal disease avian influenza hereby declare:

1. the area specified in Schedule 1 to be a restricted area known as the “Wallalong Restricted Area”; and
2. the classes of animals, animal products, fodder, fittings, soil or vehicles to which this order applies are those described in Schedule 3.

In this Order:

the Act means the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991

bird means any animal of the avian species

bird fittings means any fittings, as defined by the Act, in relation to birds.

bird fodder means any fodder, as defined by the Act, in relation to birds.

bird product means any animal product, as defined by the Act, in relation to birds.

SCHEDULE 1

Wallalong Restricted Area

All land contained in the Folio Identifiers specified in the Table below as represented by the map in Schedule 2.

Folio Identifier
14/846633
2/869830
4/1039582
1/1039582
2/1090826
4/1090826
5/1090826
1/1054627
7001/1053992
1/869830
91/864438
6/1045232

Folio Identifier
13/846633
5/1039582
3/1039582
2/1039582
3/1090826
67/752451
66/752451
65/752451
68/752451
91/752451
92/864438
5/869830
12/846633
51/1069432

SCHEDULE 2

Map of Wallalong Restricted Area



In this Order, this map is for information purposes and does not limit the description of the area in Schedule 1 above.

SCHEDULE 3

Class of Animals

All birds.

Class of Animal Products

All bird products.

Class of Fodder and Fittings

All bird fodder and bird fittings.

Class of Soil

All soil that has come into contact with any birds, bird products, bird fodder or bird fittings.

Class of Vehicles

All vehicles that have been used in connection with any birds, bird products, bird fodder, bird fittings or soil described in this Schedule.

Note: Section 16 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 prohibits the movement into, within or out of the Wallalong Restricted Area of the animals, animal products, fodder, fittings, soil and vehicles described in Schedule 3 to this Order unless authorised by a permit and the movement complies with any condition set out in the permit.

Dated: 15 November 2012.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991**ORDER – Section 76**

Certification that an outbreak of the emergency animal disease avian influenza exists in part of New South Wales

I, MARK I. PATERSON, AO, Director General of the Department of Trade and Investment, Regional Infrastructure and Services, with the powers the Minister has delegated to me pursuant to section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 (“the Act”) and pursuant to section 76 of the Act, certify that an outbreak of the emergency animal disease avian influenza exists in an area near Wallalong in New South Wales.

Dated this the 16th day of November 2012.

MARK I. PATERSON, AO,
Director General,
Department of Trade and Investment, Regional Infrastructure and Services

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

General Permit to move specified animal products, fodder, fittings and vehicles into, within or out of a Restricted Area (section 24)

TO all persons in New South Wales

Pursuant to section 24 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 I hereby permit:

1. any birds to move through (into, within and out of) the Restricted Area on condition that they are not unloaded within the Restricted Area;
2. any bird product to move through (into, within and out of) the Restricted Area on condition that it is not unloaded within the Restricted Area;
3. any bird product obtained from a Retail Outlet outside the Restricted Area to move into the Restricted Area;
4. any bird product obtained from outside the Control Area to move into the Restricted Area;
5. any vehicle to move into the Restricted Area;
6. any vehicle that has not been in contact with any bird or bird product to move within and out of the Restricted Area;
7. any vehicle that has been in contact with:
 - a. bird product obtained from a Retail Outlet; or
 - b. bird product obtained from outside the Control Area; to move within and out of the Restricted Area;
8. any vehicle that has been in contact with bird or bird product (other than bird product obtained from a Retail Outlet or bird product obtained from outside the Control Area) to move within and out of the Restricted Area on the condition that the vehicle is disinfected prior to movement;
9. any bird fodder to move into the Restricted Area;
10. any bird fittings to move into the Restricted Area;
11. any soil from outside the Control Area to move into the Restricted Area.

Definitions

In this Permit:

Act means the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991

bird means any animal of the avian species.

bird fittings means any fittings, as defined by the Act, in relation to birds.

bird fodder means any fodder, as defined by the Act, in relation to birds.

bird product means any animal product, as defined by the Act, in relation to birds.

Control Area means a control area that has been declared, or may be declared, pursuant to section 21 of the Act, in relation to the emergency animal disease avian influenza.

disinfect means bathe with a disinfectant chemical or heat, irradiate, fumigate or otherwise treat so as to destroy all avian influenza virus present.

Restricted Area means a restricted area that has been declared, or may be declared, pursuant to section 15 of the Act, in relation to the emergency animal disease avian influenza.

Retail Outlet means any person or business that sells bird product but does not include any person or business within the Control Area or Restricted Area that sells bird product directly from the farm gate.

This Permit has effect immediately and remains in force until further notice.

Dated this the 15th day of November 2012.

THERESE MARGARET WRIGHT,
Inspector

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

PERMIT – Section 24

Control Area (Maitland)

TO any person in New South Wales,

I permit, pursuant to section 24 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991:

1. any birds to move through (into, within and out of) the Control Area on condition that they are not unloaded within the Control Area;
2. any bird product to move through (into, within and out of) the Control Area on condition that it is not unloaded within the Control Area;
3. any bird product obtained from outside the Control Area to move into the Control Area;
4. any bird product obtained from a Retail Outlet to move into, within or out of the Control Area;
5. any bird fittings to move into the Control Area;
6. any bird fittings that have been in contact with birds or bird product to move within and out of the Control Area on the condition that the fittings are disinfected prior to movement;
7. any bird fodder to move into the Control Area;
8. any soil to move into the Control Area.

Definitions

In this Permit:

Act means the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991

bird means any animal of the avian species.

bird fittings means any fittings, as defined by the Act, in relation to birds.

bird fodder means any fodder, as defined by the Act, in relation to birds.

bird product means any animal product, as defined by the Act, in relation to birds.

Control Area means a control area that has been declared, or may be declared, pursuant to section 21 of the Act, in relation to the emergency animal disease avian influenza.

disinfect means bathe with a disinfectant chemical or heat, irradiate, fumigate or otherwise treat so as to destroy all avian influenza virus present.

Retail Outlet means any person or business that sells bird product but does not include any person or business within the Control Area or Restricted Area that sells bird product directly from the farm gate.

Restricted Area means a restricted area that has been declared, or may be declared, pursuant to section 15 of the Act, in relation to the emergency animal disease avian influenza.

This Permit has effect immediately and remains in force until further notice.

Dated this the 15th day of November 2012.

THERESE MARGARET WRIGHT,
Inspector

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

PERMIT – Section 24

Infected Place (Wallalong)

TO any person in New South Wales, pursuant to sections 12 and 24 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 (“the Act”) I:

1. revoke the permit made under section 24 of the Act titled “Permit Section 24 - Infected Place (Wallalong)” and dated 15 November 2012;
2. permit:
 - (a) any person who works at the Infected Place to move into the Infected Place;
 - (b) any person who is part of the team responding to the outbreak of the emergency animal disease avian influenza pursuant to powers under the Act, to move into the Infected Place;
 - (c) any person to move out of the Infected Place on condition that immediately prior to exiting the Infected Place:
 - a. the person washes all exposed skin and hair in warm, soapy water to remove all traces of bird product; and
 - b. the person’s clothing is laundered in warm, soapy water to remove all traces of bird product or, the person changes into clean clothing or, if full personal protective clothing has been worn, the personal protective clothing is removed;
 - (d) any animal other than a bird to move into or within the Infected Place;
 - (e) any animal other than a bird to move out of the Infected Place on the condition that, immediately prior to exiting the Infected Place, the animal is washed in warm, soapy water to remove all traces of bird product;
 - (f) any vehicle to move into or within the Infected Place;
 - (g) any vehicle to move out of the Infected Place on condition that it is disinfected;
 - (h) any bird fittings to move into or within the Infected Place;
 - (i) any bird fittings that have not been in contact with any birds or bird product to move out of the Infected Place on condition that the bird fittings are disinfected prior to exiting the Infected Place;
 - (j) any bird fodder to move into or within the Infected Place;
 - (k) any bird product to move into or within the Infected Place.

Definitions

In this Permit:

Act means the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991

bird means any animal of the avian species.

bird fittings means any fittings, as defined by the Act, in relation to birds.

bird fodder means any fodder, as defined by the Act, in relation to birds.

bird product means any animal product, as defined by the Act, in relation to birds.

disinfected means bathed with a disinfectant chemical or heated, irradiated, fumigated or otherwise treated so as to destroy all avian influenza virus present.

Infected Place means the area declared to be an infected place pursuant to section 10 of the Act by the Order titled “Declaration of Infected Place (Wallalong)” and dated 15 November 2012.

This permit has effect immediately and remains in force until further notice.

Dated this 17th day of November 2012.

THERESE MARGARET WRIGHT,
Inspector

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NEW SOUTH WALES

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LEGISLATION

Online notification of the making of statutory instruments

Week beginning 12 November 2012

THE following instruments were officially notified on the NSW legislation website (www.legislation.nsw.gov.au) on the dates indicated:

Regulations and other statutory instruments

[Electronic Transactions \(ECM Courts\) Amendment \(Local Court and Children's Court\) Order 2012 \(2012-557\)](#) — published LW 16 November 2012

Environmental Planning Instruments

[Camden Local Environmental Plan 2010 \(Amendment No 6\) \(2012-558\)](#) — published LW 16 November 2012

[Moree Plains Local Environmental Plan 2011 \(Amendment No 1\) \(2012-559\)](#) — published LW 16 November 2012

[Tweed Local Environmental Plan 2000 \(Amendment No 93\) \(2012-560\)](#) — published LW 16 November 2012

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office, Sydney, 20 November 2012

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

Act No. 86, 2012 – An Act to amend the Road Transport (General) Act 2005 in relation to disclosure of information by Roads and Maritime Services in connection with the recovery of private car park fees. [**Road Transport (General) Amendment (Private Car Parks) Act 2012**]

Act No. 87, 2012 – An Act to amend the Bail Act 1978 to make further provision in relation to the bail conditions that may be imposed on an accused person. [**Bail Amendment (Enforcement Conditions) Bill 2012**]

Act No. 88, 2012 – An Act to adopt in New South Wales a national law relating to electronic conveyancing. [**Electronic Conveyancing (Adoption of National Law) Bill 2012**]

Act No. 89, 2012 – An Act to make miscellaneous amendments to legislation relating to stock food and medicine, beekeeping and fisheries; and for other purposes. [**Primary Industries Legislation Amendment Bill 2012**]

Act No. 90, 2012 – An Act to amend the Marine Safety Act 1998 to apply as a law of this State a national law relating to domestic commercial vessels; to make consequential amendments to that Act and to other legislation; and for other purposes. [**Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Bill 2012**]

DAVID BLUNT,
Clerk of the Parliaments

ACT OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 20 November 2012

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

Act No. 91– An Act to amend the Liquor Act 2007 and other legislation to implement the first stage of a plan of management in relation to the Kings Cross precinct. [**Liquor Amendment (Kings Cross Plan of Management) Bill**]

Ronda Miller,
Clerk of the Legislative Assembly

ACTS OF PARLIAMENT ASSENTED TO

Legislative Council Office, Sydney, 21 November 2012

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

Act No. 96, 2012 – An Act to provide for the dedication, management and use of State forests and other Crown-timber land for forestry and other purposes; to constitute the Forestry Corporation of New South Wales as a statutory State owned corporation and to specify its objectives and functions; to repeal the Forestry Act 1916 and the Timber Marketing Act 1977 and to amend certain other legislation; and for related purposes. [**Forestry Act 2012**]

DAVID BLUNT,
Clerk of the Parliaments

OFFICIAL NOTICES**Appointments**

SYDNEY OPERA HOUSE TRUST ACT 1961

NSW Trade and Investment

Appointment of Trustees
Sydney Opera House Trust

HER Excellency the Governor, with the advice of the Executive Council, has approved, pursuant to section 6 of the Sydney Opera House Trust Act 1961, the appointment of the following persons as trustees of the Sydney Opera House Trust from 1 January 2013 to 31 December 2015 (inclusive):

Ms Catherine BRENNER (reappointment),

Mr Wayne BLAIR (new appointment and section 6(2) appointee as a person who has knowledge or, or experience in, the performing arts), and

Mr Robert Wilson WANNAN (new appointment).

The Hon. GEORGE SOURIS, M.P.,
Minister for the Arts

Department of Planning

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land in the Local Government Area of Penrith

THE Minister administering the Environmental Planning and Assessment Act 1979 declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Environmental Planning and Assessment Act 1979.

Dated at Sydney, this 25th day of July 2012.

By Her Excellency's Command,

The Hon. BRAD HAZZARD, M.P.,
Minister for Planning and Infrastructure

SCHEDULE

All that piece or parcel of land situated at Cranebrook, City of Penrith, Parish of Castlereagh, County of Cumberland, being Lot 1, Deposited Plan 1092607 in Plan of Acquisition for part of Old Castlereagh Road, Castlereagh, said to be in the ownership of Penrith City Council.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DECLARATION

I, the Minister for Planning and Infrastructure, under Clause 276 of the Environmental Planning and Assessment Regulation 2000, declare the part of the precinct referred to in the Schedule to be released for urban development.

Dated at Sydney, 7th November 2012.

The Hon. BRAD HAZZARD, M.P.,
Minister for Planning and Infrastructure

SCHEDULE

1. The part of the Catherine Fields North Precinct shown with red hatching on the map held at the Department of Planning and Infrastructure, dated October 2012 and marked:
Catherine Fields North Precinct – Part Precinct Release – Boundary Map.

Roads and Maritime Services

ROAD TRANSPORT (GENERAL) ACT 2005

Ministerial Declaration (Livestock Loading Scheme) Order 2012

I, DUNCAN GAY, Minister for Roads and Ports, pursuant to section 16 of the Road Transport (General) Act 2005, make the following Order.

Dated this 22nd day of November 2012.

DUNCAN GAY, M.L.C.,
Minister for Roads and Ports

PART 1 – PRELIMINARY

1. Citation

This Order may be cited as the Ministerial Declaration (NSW Livestock Loading Scheme) Order 2012.

2. Commencement

This Order takes effect on and from 1 December 2012.

3. Effect

This Order remains in effect until it is revoked.

4. Interpretation

Unless otherwise stated, words and expressions used in this Order have the same meaning as those defined in the Road Transport (General) Act 2005.

5. Definitions

In this Order:

certified road friendly suspension means a road friendly suspension system certified in accordance with Vehicle Standards Bulletin No 11 issued by the Department of Transport and Regional Services of the Commonwealth.

NSW Livestock Loading Scheme means the Scheme of that name approved for the purposes of Part 6 of the Road Transport (Mass, Loading and Access) Regulation 2005.

6. Declaration

(a) The axle mass limits in Table 1 and the total combinations mass limits in clause 6 of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005 are declared not to apply to a combination described in Part 2 of this Order, provided the combination complies with the mass limits set out in Part 3 of this Order and the operating conditions set out in Part 4 of this Order.

(b) The requirements of clause 69(4) of the Road Transport (Mass, Loading and Access) Regulation 2005 are declared not to apply to the NSW Livestock Loading Scheme.

PART 2 – APPLICATION

7. Eligible combinations

The following types of combinations may operate in accordance with this Order:

(a) Single articulated vehicles which consist of a prime mover and a semi-trailer, and have a deck length available for the carriage of animals not exceeding 12.5 metres;

(b) B-doubles that have an overall length not exceeding 19.0 metres and a combined deck length available for the carriage of animals not exceeding 15.0 metres; and

(c) B-doubles that have an overall length not exceeding 26.0 metres and a combined deck length available for the carriage of animals not exceeding 18.8 metres; and

(d) Road trains that have an overall length not exceeding 36.5 metres, and a minimum distance between the centres of the outermost axles of a road train of at least 26.5m metres, and a combined deck length available for the carriage of animals not exceeding 25.0 metres.

(e) B-triples that consist of a prime mover and three semi-trailers and have a combined deck length available for the carriage of animals not exceeding 28.2 metres.

(f) AB-triples that consist of a prime mover and semi-trailer combination connected, by a converter dolly, to two semi-trailers which are connected by a fifth wheel coupling, that have a combined deck length available for the carriage of animals not exceeding 28.2 metres.

8. Vehicle standards

Combinations operating in accordance with this Order must have:

(a) a prime mover with a tandem axle drive group, and

- (b) semi-trailer(s) with either tandem axle or tri-axle group(s), or in the case of a B-double not exceeding 19.0 metres in length, semi-trailers with tandem axle groups only; and
- (c) in the case of a road train or an AB-triple, either a tandem axle or tri-axle group on the converter dolly, and
- (d) either single tyres with section width of at least 375 mm, dual tyres, or a combination of those tyres, on all axle groups, and
- (e) certified road friendly suspension fitted and maintained in working order on all axle groups of all semi-trailers.
- (f) in the case of a B-Triple or AB-triple, certified road friendly suspension fitted and maintained in working order on all axle groups.

Note: Certified road friendly suspension is optional for prime movers on single trailer combinations, B-doubles and road trains, and for the converter dolly on a road train. Lower mass limits apply to axle groups not fitted with certified road friendly suspension.

9. Intelligent Access Program

B-triples and AB-triples may only operate under this Order if they are enrolled in the Intelligent Access Program and are operating in accordance with the operating conditions on their Intelligent Access Program permit.

Note: Operating conditions for B-triples and AB-triples operating under the NSW Livestock Loading Scheme are published on the RMS website.

PART 3 – MASS LIMITS

10. Mass limits apply when carrying livestock loads

The mass limits set out in this Part apply to combinations described in Part 2 of this Order when carrying loads of cattle, sheep, pigs or goats.

11. Total mass limits – combinations

The total mass of a combination must not exceed the lowest of the following:

- (a) the sum of the axle and axle group mass limits in Clause 12, or
- (b) the GCM limit specified by the prime mover manufacturer, or
- (c) the sum of the GVMs for the prime mover and the trailer or trailers it is towing.

12. Axle and axle group mass limits

The mass on an axle or axle group must not exceed the limits set out in Table A of this Order, except as provided for by Clause 12.

Table A – Axle and axle group mass limits

STEER AXLE GROUPS	MASS LIMIT
Single steer axle	6.0 tonnes
NON-STEER AXLE GROUPS	
Tandem axle group not fitted with certified road friendly suspension	16.5 tonnes
Tandem axle group fitted certified road friendly suspension	17.0 tonnes
Tri-axle group not fitted with certified road friendly suspension (converter dollies only)	16.5 tonnes
Tri-axle group fitted with certified road friendly suspension	22.5 tonnes

Note: Prime movers that comply with the Class 3 Single Steer Axle Mass Limit Exemption Notice may exceed the 6.0 tonnes mass limit for a single steer axle by 0.5 tonnes.

13. Floating 0.5 tonne tri-axle mass limit concession

The mass on a tri-axle group of a semi trailer may exceed the limit set out in Table A by up to 0.5 tonne, as long as the total mass of the combination does not exceed the total mass limit specified in Clause 11.

14. Mass limits related to axle spacing

Combinations operating in accordance with this Order may exceed the mass limits related to axle spacing set out in clause 3 and Table 2 of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005 by:

- (a) 0.5 tonnes for each tandem axle groups fitted with certified road friendly suspension and;
- (b) 2.5 tonnes for each tri-axle group fitted with certified road friendly suspension.

PART 4 – OPERATING CONDITIONS

15. Vehicle labels or plates

- (a) All vehicles operating under this Order must display a NSW Livestock Loading Scheme label issued by NSW Roads and Maritime Services.

- (b) The requirement in subclause 15(a) does not apply to vehicles registered in another State or Territory if they comply with the following requirements:
 - (i) In the case of vehicles registered in Victoria, the vehicle displays a Victorian Livestock Loading Scheme plate, and the driver carries a copy of the Victorian Livestock Loading Scheme certificate issued by VicRoads.
 - (ii) In the case of vehicles registered in Queensland, the vehicle has a modification plate that displays the vehicle's maximum axle capacities, tare mass, king pin rating and the code s10.
 - (iii) In the case of vehicles registered in South Australia, the vehicle displays a current Transport SA Livestock Loading label.
 - (iv) In the case of vehicles registered in Western Australia, the driver carries a current Concessional Livestock Loading permit issued by Main Roads Western Australia.
 - (v) In the case of vehicles registered in the Northern Territory, the driver carries a current Northern Territory Livestock Loading permit.

16. Driver training

- (a) From 1 April 2013, drivers of combinations operating under this Order must have successfully completed the NSW Livestock Loading Scheme driver training course approved by NSW Roads and Maritime Services.
- (b) The requirement in subclause 16 (a) does not apply to drivers who have successfully completed the Victorian Livestock Loading Scheme driver training course.
- (c) The driver must carry a copy of the certificate issued by the provider of the NSW Livestock Loading Scheme training course, or a copy of the certificate issued by the provider of the Victorian Livestock Loading Scheme training course.

17. Approved routes

Combinations operating under this Order may operate on the following routes, except where prohibited by a load limit specified for a road, bridge or causeway by a sign or notice.

- (a) Single articulated vehicles may operate on the routes approved for Higher Mass Limits short combinations, as shown on the Higher Mass Limits maps published on the RMS website.
- (b) B-doubles not exceeding 19.0 metres in length may operate on routes approved for 19m B-doubles with a total combination mass exceeding 50 tonnes, as shown on the Restricted Access Vehicle maps published on the RMS website.
- (c) B-doubles exceeding 19.0 metres in length but not exceeding 26.0 metres in length may operate on the routes approved for Higher Mass Limits B-doubles, as shown on the Higher Mass Limits maps published on the RMS website.
- (d) Road trains not exceeding 36.5 metres in length may operate on the routes approved for Higher Mass Limits road trains, as shown on the Higher Mass Limits maps published on the RMS website.
- (e) B-triples may operate on routes approved for Higher Mass Limits B-triples, as shown on the B-triple and AB-triple maps published on the RMS website.
- (f) AB-triples may operate on routes approved for Higher Mass Limits AB-triples, as shown on the B-triple and AB-triple maps published on the RMS website.

Note: This Order will be amended in early 2013 to extend the NSW Livestock Loading Scheme to other NSW roads provided that vehicles comply with applicable approved Restricted Access Vehicle routes.

ROAD TRANSPORT (MASS, LOADING AND ACCESS) REGULATION 2005

New South Wales Livestock Loading Scheme

I, DUNCAN GAY, Minister for Roads and Ports, pursuant to the definition of mass management accreditation scheme in the Dictionary to the Road Transport (Mass, Loading and Access) Regulation 2005, hereby approve the New South Wales Livestock Loading Scheme, as described in the Business Rules in the Schedule to this Notice, as a mass management accreditation scheme for the purposes of Part 6 of the Road Transport (Mass, Loading and Access) Regulation 2005.

Dated this 22 day of November 2012.

DUNCAN GAY, M.L.C.,
Minister for Roads and Ports

SCHEDULE
NSW LIVESTOCK LOADING SCHEME BUSINESS RULES**1. ABOUT THESE BUSINESS RULES****1.1 Purpose**

The purpose of these Business Rules is to provide a framework for the administration of the New South Wales Livestock Loading Scheme.

To avoid confusion between this Scheme and the National Heavy Vehicle Accreditation Scheme, these Business Rules uses the term “enrolment” rather than “accreditation” when referring to this Scheme.

1.2 How the Business Rules will be amended

These Rules will be periodically amended to reflect changes in the Scheme, new requirements and suggestions from users. Amendments may constitute a part or the whole of this document.

2. LEGAL FRAMEWORK

The legal framework for the Scheme includes:

- ▶ Road Transport (Mass, Loading and Access) Regulation 2005, Part 6.
- ▶ The NSW Livestock Loading Scheme Business Rules.
- ▶ Ministerial Declaration (NSW Livestock Loading Scheme) Order 2012.

2.1 Road Transport (Mass, Loading and Access) Regulation 2005

Part 6 (clauses 68-72) of this Regulation provide for:

- ▶ the approval of mass management accreditation schemes.
- ▶ the approval of applications for accreditation and the collection of application fees.
- ▶ the granting, refusal, variation, suspension or cancellation of accreditation.
- ▶ the internal review of decisions concerning accreditations.
- ▶ labels to be affixed to vehicles nominated under mass management accreditation schemes.

2.2 Scheme Business Rules

The Business Rules set out the following requirements of the Scheme:

- ▶ requirements and approved forms for applications for enrolment and amendments to enrolment.
- ▶ sanctions that may be applied by Roads and Maritime Services (RMS) for non-compliance with the Scheme’s mass limits and operating conditions.

2.3 Ministerial Declaration (NSW Livestock Loading Scheme) Order 2012

The Road Transport (Mass, Loading and Access) Regulation 2005, establishes mass limits for heavy vehicles, combinations, axles and axle groups.

The Ministerial Declaration (NSW Livestock Loading Scheme) Order 2012:

- ▶ declares the regulated mass limits do not apply to specified types of combinations which comply with the mass limits and operations conditions set out in the Order.
- ▶ includes as an operating condition that vehicles must display a NSW Livestock Loading Scheme label or display or carry or evidence of a corresponding Scheme of another jurisdiction.
- ▶ declares that Road Transport (Mass, Loading and Access) Regulation 2005 clause 69(4) provisions limiting the duration of an “accreditation” do not apply to enrolments in the NSW Livestock Loading Scheme.

3. APPLICATIONS FOR SCHEME ENROLMENT

3.1 Eligibility for Scheme enrolment

An operator may apply for enrolment in the Scheme including an operator that is:

- ▶ a company registered with the Australian Securities and Investment Commission.
- ▶ an individual.
- ▶ a partnership.

A company, partnership or individual may only apply for Scheme membership once under any one ACN or ABN.

3.2 Application for Scheme enrolment

An operator seeking Scheme enrolment must provide the following to the RMS:

- ▶ a membership application form.
- ▶ the applicable application fee.

Applications may be submitted in writing, using an application form approved by the RMS.

3.3 Application Form

The approved application form must include the following information:

(a) Operator details

- ▶ the applicant's name.
- ▶ the applicant's ACN and/or ABN.
- ▶ the applicant's RMS customer number.
- ▶ the applicant's registered business or trading name.
- ▶ the applicant's registered office or business address.
- ▶ the street and postal address of the place where vehicle inspections may be undertaken.

(b) Contact person details

- ▶ the name, title, telephone and facsimile numbers and email address of a contact person.

(c) Nominated vehicle list

- ▶ details of the vehicles nominated for enrolment in the Scheme, including:
 - vehicle make.
 - registration number.
 - State or Territory of registration.
 - Gross Vehicle Mass (GVM).
 - vehicle identification number (VIN) of chassis number.
 - if the vehicle is registered in a different name from the applicant, the name of the registered owner of the vehicle.

(d) Applicant declaration

- ▶ the name of a person authorised by the applicant to make the declaration on behalf of the applicant.
- ▶ the signature of that person.
- ▶ the date signed.
- ▶ a declaration that the operator agrees to comply with the requirements of the NSW Livestock Loading Scheme and understands that non-compliance with these requirements can result in fines.
- ▶ a declaration that the RMS is authorised to disclose information and documentation relating to the enrolment in accordance with these Business Rules.
- ▶ a declaration that the information provided in the application is true and correct.

(e) Penalties for providing false information an offence

- ▶ a statement that providing false or misleading information to an RMS is an offence and may result in a financial penalty or other sanction.

The approved application form must be available on the RMS website.

3.4 Enrolment application fees

Applications are subject to the fee prescribed in clause 68 of the Road Transport (Mass, Loading and Access) Regulation 2005, as amended from time to time.

The application fee is not required to be submitted with the application form. Once an application is received and processed by the RMS, the applicant will be issued with an invoice for the fee.

3.5 Granting of enrolment

The RMS will determine applications for Scheme membership, as soon as practicable after a completed application is lodged.

If an application is approved, the applicant will be issued with a confirmation letter which contains the following information:

- ▶ the applicant's name.
- ▶ the date of commencement of enrolment.
- ▶ that the enrolment is subject to compliance with the Scheme's mass limits and operating conditions.

The operator will also be issued with identification labels for each nominated vehicle to identify them on the road.

3.6 Enrolment period

Enrolment commences at the date indicated on the confirmation letter.

Enrolment is not subject to periodic renewal.

3.7 Refusal to approve an application

The Road Transport (Mass. Loading and Access) Regulation 2005, clause 69 provides that the RMS may refuse to approve an application if RMS is not satisfied that the applicant or the nominated vehicles meet the requirements of the Scheme.

The RMS may refuse to enrol a particular vehicle nominated in an application if the RMS considers that the vehicle does not comply with the requirements of the Scheme.

If the RMS refuses to approve an application and/or refuses to accept a nominated vehicle, the RMS will provide the applicant with:

- ▶ written reasons for the refusal.
- ▶ details of how the applicant can apply for an internal review of the decision.

4. MAINTAINING SCHEME ENROLMENT

4.1 Amendments to enrolment

Operators must notify the RMS of amendments to their details or nominated vehicles within 14 days of the change taking place. This includes:

- ▶ changes to the operator's name, address and/or contact details.
- ▶ new vehicles to be enrolled.
- ▶ enrolled vehicles to be deleted.
- ▶ changes to vehicle registration plate.
- ▶ replacement of lost or damaged vehicle identification labels.

Amendments to an operator's details or nominated vehicles may be submitted in writing, using an amendment form approved by the RMS, and available on the RMS website.

4.2 Enrolment amendment form

The approved amendment form must include the following items of information:

(a) Operator details

- ▶ name.
- ▶ RMS customer number.
- ▶ ACN.

(b) Amendment details

- ▶ any changes to the operator's name or contact details.
- ▶ any changes to nominated vehicle list, including new or deleted vehicles or changes to registration plates.
- ▶ if replacement Scheme vehicle labels are required.

(c) Operator declaration

- ▶ the name of a person authorised by the operator to make the declaration on behalf of the applicant.
- ▶ the signature of that person.
- ▶ the date signed.
- ▶ a declaration that the operator agrees to comply with the requirements of the NSW Livestock Loading Scheme and understands that non-compliance with these requirements can result in fines.
- ▶ a declaration that the RMS is authorised to disclose information and documentation relating to the enrolment in accordance with these Business Rules.
- ▶ a declaration that the information provided in the application is true and correct.

- (d) Penalties for providing false information an offence
- ▶ a statement that providing false or misleading information to an RMS is an offence and may result in a financial penalty or other sanction.

The approved enrolment amendment form must be available on the RMS website.

4.3 Enrolment amendment fees

Amendments are subject to the fee prescribed in clause 68 of the Road Transport (Mass, Loading and Access) Regulation 2005, as amended from time to time.

The fee is not required to be submitted with the application form. Once an application is received and processed by the RMS, the applicant will be issued with an invoice for the fee.

4.4 Acceptance of amendments

Once an amendment form is submitted and processed, the RMS will issue the operator with:

- ▶ an acknowledgement that the amendments are accepted.
- ▶ an invoice for the amendment fee.
- ▶ an updated list of nominated vehicles (if relevant).
- ▶ new or replacement identification labels (if relevant).

4.5 Complaint investigations

A complaint about the compliance of an operator with the mass limits and conditions set out in the Ministerial Order may be made to the RMS by any person, either verbally or in writing.

If a complaint is made in writing, the RMS must respond to the complainant in writing. The RMS has the discretion not to act on complaints which are vexatious or anonymous.

The RMS may carry out an inspection or investigation in response to a complaint. The inspection or investigation should be carried out by a person who has knowledge and experience relevant to the nature of the complaint.

While a complaint is being investigated, the RMS may choose not to advise the operator of the complaint. If the RMS decides to take action after investigation, the operator must be advised in writing of the complaint.

If, after inspection or investigation, the complaint is substantiated, the RMS may take action against the operator.

If action is taken, the RMS must keep a record of the incident and action taken, which must be filed with other information about the operator.

4.6 Random compliance checks

Random compliance checks are carried out to gather information on a Scheme member's level of compliance. These checks cover compliance with the Scheme's mass limits and operating conditions and the road transport legislation generally.

Random compliance checks may include:

- ▶ on-road intercepts.
- ▶ triggered or random inspections.

(a) On-road intercepts

On-road intercepts may provide information about compliance with the Scheme's mass limits and operating conditions and road transport legislation generally. On-road intercepts can be carried out by authorised officers or Police officers.

(b) Inspections

RMS may order an inspection of a vehicle to be carried out at the operator's premises.

A report is to be produced at the time of an inspection indicating any findings and if any action is recommended. A copy of the report is to be provided to the operator.

If an inspection indicates non-compliance with the Scheme's operating conditions or the road transport legislation, the RMS may take action against the operator.

4.7 Surrender of enrolment

An operator may voluntarily surrender their enrolment at any time by advising the RMS in writing that:

- ▶ they wish to do so.
- ▶ the date by which the proposed variation, suspension or cancellation takes effect.

An operator that voluntarily surrenders their enrolment must remove any Scheme identification labels from their vehicles.

5. ENROLMENT SANCTIONS

5.1 When enrolment sanctions may be applied

The RMS may apply sanctions to an operator if:

- ▶ the operator has failed to comply with the requirements of the Scheme.
- ▶ a nominated vehicle of the operator does not comply with the requirements of the Scheme.

5.2 Types of sanctions

Sanctions that the RMS can impose on an operator in relation to their participation in the Scheme:

- ▶ issuing a formal warning or improvement notice (as provided for in the Road Transport (General) Act 2005).
- ▶ varying, suspending or cancelling enrolment.

5.3 Notice of variation, suspension or cancellation of enrolment

Before varying, suspending or cancelling an operator's enrolment, the RMS must comply with the requirements of clause 72 of the Road Transport (Mass, Loading and Access) Regulation 2005.

This clause requires the RMS to provide the operator with written notice of:

- ▶ the proposed variation, suspension or cancellation.
- ▶ any actions to be taken by the operator within 28 days, in order to avoid the proposed variation, suspension or cancellation
- ▶ the date by which the proposed variation, suspension or cancellation takes effect
- ▶ details of how the operator can apply for an internal review of the decision as set out in clause 72 of the Road Transport (Mass, Loading and Access) Regulation 2005.
- ▶ details of how the operator can apply for a review of the decision by a Local Court, after the internal review, as provided for by clause 28 of the Road Transport (General) Regulation 2005.

The variation, suspension or cancellation of enrolment takes effect from the date specified on the written notice to the operator.

However, if the operator lodges an internal review or an appeal to the Local Court, the variation, suspension or cancellation does not take effect until the review or appeal is determined.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

CESSNOCK CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 15 October 2012.

M. BRADY,
Acting General Manager,
Cessnock City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as the Cessnock City Council 25 metre B-Double Route Notice No. 2/2012.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1st September 2015, unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25.	McGarva Avenue, Loxford.	Hart Road.	Horton Road.	Access permitted only for the duration of the construction of the Hunter Expressway.
25.	Horton Road, Loxford.	McGarva Avenue.	Scales Avenue.	Access permitted only for the duration of the construction of the Hunter Expressway.
25.	Scales Avenue, Loxford.	Horton Road.	Hart Road.	Access permitted only for the duration of the construction of the Hunter Expressway.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

Gilgandra Shire Council, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road Train Vehicles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 19 November 2012.

P. A. MANN,
General Manager,
Gilgandra Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Gilgandra Shire Council's Road Train Vehicle Route Notice No. 1/2012.

2. Commencement

This Notice takes effect on the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Notice remains in force until 31 December 2012, unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2010 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Conditions</i>
RT.	000.	Gilgandra Shire Council Area.	<p>All local roads west of the Newell Highway (H17). Balladoran Road east of the Newell Highway to the Balladoran Silos. Narromine-Eumungerie Road (RR572). Travel is not permitted during the following hours on school days: 7.45am to 9am and 3.30pm to 4.45pm. There is no road train access from local roads to the Newell Highway (H17) north of Gilgandra. There is no road train access through the Wambeldig Creek bypass on National Park Road at Gumin Gumin. There is no road train access over the Terrabile Creek Bridge on National Park Road at Curban. Routes will operate from 1 November 2011 to 31 December 2011.</p>

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

LEETON SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road Train Vehicles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 20 November 2012.

JOHN BATCHELOR,
General Manager,
Leeton Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as Leeton Shire Council Road Train Notice No. 04/2012.

2. Commencement

This Notice takes effect on the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Notice remains in force until 30th September 2015, unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2010 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
36.5m.	Ridley Avenue.	Chaffey Avenue.	250m south of Chaffey Avenue intersection.	Nil.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under the Road Transport (Mass, Loading and Access) Regulation 2005

LEETON SHIRE COUNCIL, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, makes the amendment in the Schedule to the routes and areas previously specified on or in which 36.5m road train vehicles may be used.

Dated: 20 November 2012.

JOHN BATCHELOR,
General Manager,
Leeton Shire Council
(by delegation from the Minister for Roads)

SCHEDULE

1. Citation

This Notice may be cited as the Leeton Shire Council, 36.5m Road Train Vehicle Route Repeal Notice No. 01/2012.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1 September 2015, unless it is amended or repealed earlier.

4. Application

The General B-Double Permit Notice 2005 is amended by omitting the following from Appendix 2 of that Notice.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
36.5m.	Wilga Road.	MR80 Olympic Highway.	Matthews Road.	Remove school day times travel restrictions.
36.5m.	Murrami Road (north).	MR80 Olympic Highway.	North to Wattle Street, Murrami.	Remove school day times travel restrictions.
36.5m.	Murrami Road (south).	MR80 Olympic Highway.	South to Houghton Road.	Remove school day times travel restrictions.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

LEETON SHIRE COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road Train Vehicles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 20 November 2012.

JOHN BATCHELOR,
General Manager,
Leeton Shire Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited as Leeton Shire Council Road Train Notice No. 04/2012.

2. Commencement

This Notice takes effect on the date of publication in the *New South Wales Government Gazette*.

3. Effect

This Notice remains in force until 30th September 2015, unless it is amended or repealed earlier.

4. Application

This Notice applies to those Road Train vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2010 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
36.5m.	Wilga Road.	MR80 Olympic Highway.	Matthews Road.	Nil.
36.5m.	Murrami Road.	MR80 Olympic Highway.	North to Wattle Street, Murrami.	Nil.
36.5m.	Murrami Road.	MR80 Olympic Highway.	South to Houghton Road.	Nil.

ROAD TRANSPORT (GENERAL) ACT 2005

Notice under Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005

WAGGA WAGGA CITY COUNCIL, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 25 October 2012.

HEINZ KAUSCHE,
General Manager,
Wagga Wagga City Council
(by delegation from the Minister for Roads)

SCHEDULE**1. Citation**

This Notice may be cited Wagga Wagga City Council 25 Metre B-Double Route Notice No. 03/2012.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

This Notice remains in force until 1st September 2015, unless it is amended or repealed earlier.

4. Application

This Notice applies to those 25 metre B-Double vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2010 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

5. Routes

<i>Type</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25m.	Shepherd Siding Road.	MR78 Olympic Highway.	3.8 kilometres east of the MR78 Olympic Highway.	No loading or unloading of vehicles to take place within the road reserve.

ROADS ACT 1993

Notice of Dedication of Land as Public Road at
Carramar in the Fairfield City Council area

Roads and Maritime Services, by its delegate, dedicates the land described in the schedule below as public road under section 10 of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

SCHEDULE

ALL those pieces or parcels of land situated in the Fairfield City Council area, Parish of St John and County of Cumberland, shown as:

- Lot 37 Deposited Plan 9468;
- Lot 20 Deposited Plan 13071;
- Lot 343 Deposited Plan 16186;
- Lots A and B Deposited Plan 368828;
- Lot 1 Deposited Plan 438229;
- Lot 1 Deposited Plan 509055;
- Lot 38 Deposited Plan 657131;
- Lot 1 Deposited Plan 724481;
- Lots 2 and 4 to 8 inclusive Deposited Plan 839819;
- Lot 55 Deposited Plan 880781;
- Lot 1 Deposited Plan 979570;
- Lots 14 to 26 inclusive Deposited Plan 1024664; and
- Lots 1 and 2 Deposited Plan 1140246.

(RMS Papers: 8M4104 (Vol 5); RO 156.12343 (Vol 2))

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land
at Barraganyatti in the Kempsey Shire Council area

Roads and Maritime Services by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

SCHEDULE

ALL that piece or parcel of land situated in the Kempsey Shire Council area, Parish of Barraganyatti and County of Dudley, shown as Lot 90 Deposited Plan 1175557, being part of the land in Certificate of Title 5/715087, excluding any existing easements from the compulsory acquisition of the said Lot 90.

The land is said to be in the possession of Nancy Clare Smith (registered proprietor) and Permanent Mortgages Pty Limited (mortgagee).

(RMS Papers: SF2012/13033)

ROADS ACT 1993**LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991**

Notice of Compulsory Acquisition of Land at
Leppington in the Liverpool City Council area

Roads and Maritime Services by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

T D Craig
Manager, Compulsory Acquisition & Road Dedication
Roads and Maritime Services

SCHEDULE

ALL those pieces or parcels of Crown land situated in the Liverpool City Council area, Parish of Minto and County of Cumberland, shown as Lot 110 Deposited Plan 1176542 and Lot 110 Deposited Plan 1175246, being parts of the land in Notice of Acquisition Book 257 No 934 of 30 October 1882, excluding any existing easements from the compulsory acquisition of the said Lots.

(RMS papers: SF2012/42115; RO 259.12493)

Department of Trade and Investment, Regional Infrastructure and Services

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(T12-1268)

No. 4712, Michael John KIELY, area of 2 units, for Group 1, Group 2, Group 3 and Group 5, dated 14 November 2012. (Singleton Mining Division).

(T12-1272)

No. 4713, WILSON GEMS & INVESTMENTS PTY LTD (ACN 001 155 755), area of 6 units, for Group 6, dated 14 November 2012. (Inverell Mining Division).

(T12-1274)

No. 4714, BORAL LIMITED (ACN 008 421 761), area of 1 units, for Group 5, dated 16 November 2012. (Sydney Mining Division).

(T12-1275)

No. 4715, Lincoln McCLATCHIE, area of 15 units, for Group 1, dated 19 November 2012. (Wagga Wagga Mining Division).

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

(04-0577)

Exploration Licence No. 6346, TRITTON RESOURCES PTY LTD (ACN 100 095 494), area of 78 units. Application for renewal received 15 November 2012.

(06-0105)

Exploration Licence No. 6663, AWATI RESOURCES PTY LTD (ACN 106 020 419), area of 12 units. Application for renewal received 16 November 2012.

(12-5502)

Exploration Licence No. 6964, DONALDSON COAL PTY LTD (ACN 073 088 945), area of 1255 hectares. Application for renewal received 19 November 2012.

(T10-0059)

Exploration Licence No. 7664, JERVOIS MINING LIMITED (ACN 007 626 575), area of 22 units. Application for renewal received 16 November 2012.

(T10-0050)

Exploration Licence No. 7674, NEWNES KAOLIN PTY LTD (ACN 065 564 794), area of 3 units. Application for renewal received 15 November 2012.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

NOTICE is given that the following applications have been refused:

EXPLORATION LICENCE APPLICATIONS

(T12-1011)

No. 4468, AUSTRALIAN DIAMOND CORPORATION PTY LTD (ACN 115 211 984), County of Yungnulgra, Map Sheet (7436). Refusal took effect on 31 October 2012.

(T12-1013)

No. 4470, AUSTRALIAN DIAMOND CORPORATION PTY LTD (ACN 115 211 984), County of Mootwingee, Map Sheet (7336). Refusal took effect on 31 October 2012.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(12-2829)

Exploration Licence No. 5933, PEAK GOLD MINES PTY LTD (ACN 001 533 777), County of Robinson, Map Sheet (8034, 8035), area of 95 units, for a further term until 16 April 2015. Renewal effective on and from 14 November 2012.

(T03-0006)

Exploration Licence No. 6140, ISOKIND PTY LIMITED (ACN 081 732 498), Counties of Mouramba and Robinson, Map Sheet (8134), area of 46 units, for a further term until 21 October 2013. Renewal effective on and from 14 November 2012.

(T03-0081)

Exploration Licence No. 6149, PEAK GOLD MINES PTY LTD (ACN 001 533 777), County of Mouramba, Map Sheet (8134), area of 8 units, for a further term until 16 November 2013. Renewal effective on and from 14 November 2012.

(T03-0973)

Exploration Licence No. 6223, AURICULA MINES PTY LIMITED (ACN 108 362 027), County of Mouramba, Map Sheet (8133), area of 13 units, for a further term until 4 April 2014. Renewal effective on and from 19 November 2012.

(05-0246)

Exploration Licence No. 6501, ISOKIND PTY LIMITED (ACN 081 732 498), County of Mouramba, Map Sheet (8134), area of 18 units, for a further term until 4 January 2014. Renewal effective on and from 14 November 2012.

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATION

(T12-1058)

No. 4513, RENISON CONSOLIDATED MINES NL (ACN 003 049 714), County of Gresham, Map Sheet (9338, 9438). Withdrawal took effect on 9 November 2012.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

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

(C04-0050)

Exploration Licence No. 6169, WILPINJONG COAL PTY LTD (ACN 104 594 694), area of 1436 hectares. Application for renewal received 15 November 2012.

(05-0263)

Exploration Licence No. 6525, NEW SOUTH RESOURCES LIMITED (ACN 119 557 416), County of Westmoreland, Map Sheet (8830), area of 89 units, for a further term until 7 May 2014. Renewal effective on and from 14 November 2012.

(07-0275)

Exploration Licence No. 7023, TRI ORIGIN MINING PTY LIMITED (ACN 115 529 112), County of Ashburnham, Map Sheet (8531), area of 12 units, for a further term until 20 January 2014. Renewal effective on and from 14 November 2012.

(T09-0198)

Exploration Licence No. 7535, CROWL CREEK EXPLORATION LIMITED (ACN 139 933 109), County of Flinders, Map Sheet (8134, 8234), area of 39 units, for a further term until 5 May 2014. Renewal effective on and from 14 November 2012.

(T09-0199)

Exploration Licence No. 7536, CROWL CREEK EXPLORATION LIMITED (ACN 139 933 109), County of Kennedy, Map Sheet (8332, 8333, 8432, 8433), area of 81 units, for a further term until 5 May 2014. Renewal effective on and from 14 November 2012.

(T09-0200)

Exploration Licence No. 7537, CROWL CREEK EXPLORATION LIMITED (ACN 139 933 109), Counties of Cunningham and Kennedy, Map Sheet (8232), area of 9 units, for a further term until 5 May 2014. Renewal effective on and from 14 November 2012.

(T09-0201)

Exploration Licence No. 7538, CROWL CREEK EXPLORATION LIMITED (ACN 139 933 109), Counties of Cunningham and Kennedy, Map Sheet (8332), area of 12 units, for a further term until 5 May 2014. Renewal effective on and from 14 November 2012.

(T09-0202)

Exploration Licence No. 7539, CROWL CREEK EXPLORATION LIMITED (ACN 139 933 109), County of Kennedy, Map Sheet (8333), area of 11 units, for a further term until 5 May 2014. Renewal effective on and from 14 November 2012.

(T09-0203)

Exploration Licence No. 7540, CROWL CREEK EXPLORATION LIMITED (ACN 139 933 109), County of Kennedy, Map Sheet (8332), area of 9 units, for a further term until 5 May 2014. Renewal effective on and from 14 November 2012.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

REFUSAL OF APPLICATIONS FOR RENEWAL

NOTICE is given that the applications for renewal in respect of the following authorities have been refused:

(05-0167)

Exploration Licence No. 6425, LADY BURBETT MINING PTY LIMITED (ACN 109 556 158), Counties of Ashburnham and Wellington, Map Sheet (8631), area of 10 units. The authority ceased to have effect on 19 November 2012.

(06-0056)

Exploration Licence No. 6674, GUM RIDGE MINING PTY LIMITED (ACN 108 530 650), Counties of Bathurst and Wellington, Map Sheet (8631, 8731), area of 46 units. The authority ceased to have effect on 19 November 2012.

(06-0129)

Exploration Licence No. 7052, GOLD AND COPPER RESOURCES PTY LIMITED (ACN 124 534 863), Counties of Bathurst and Wellington, Map Sheet (8731), area of 11 units. The authority ceased to have effect on 19 November 2012.

(T07-0502)

Exploration Licence No. 7206, IMPERIAL GOLD 1 PTY LTD (ACN 131 379 096), County of Ashburnham, Map Sheet (8631), area of 16 units. The authority ceased to have effect on 19 November 2012.

(T08-0054)

Exploration Licence No. 7231, IMPERIAL GOLD 1 PTY LTD (ACN 131 379 096), Counties of Ashburnham and Wellington, Map Sheet (8631), area of 12 units. The authority ceased to have effect on 19 November 2012.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T97-0468)

Mining Lease No. 636 (Act 1973), Kurt PONGRATZ and Amelia Valencia PONGRATZ, Parish of Gnupa, County of Auckland and Parish of Gnupa, County of Auckland, Map Sheet (8824-2-S, 8824-2-S), area of 19.84 hectares. Cancellation took effect on 7 November 2012.

(T91-0401)

Mineral Lease No. 5264 (Act 1906), Kurt PONGRATZ and Amelia Valencia PONGRATZ, Parish of Gnupa, County of Auckland and Parish of Gnupa, County of Auckland, Map Sheet (8824-2-S, 8824-2-S), area of 2.1 hectares. Cancellation took effect on 7 November 2012.

(T96-0004)

Mineral Lease No. 5565 (Act 1906), Kurt PONGRATZ and Amelia Valencia PONGRATZ, Parish of Gnupa, County of Auckland and Parish of Gnupa, County of Auckland, Map Sheet (8824-2-S, 8824-2-S), area of 2.2 hectares. Cancellation took effect on 7 November 2012.

(T96-0005)

Mineral Lease No. 5566 (Act 1906), Kurt PONGRATZ and Amelia Valencia PONGRATZ, Parish of Gnupa, County of Auckland and Parish of Gnupa, County of Auckland, Map Sheet (8824-2-S, 8824-2-S), area of 6.07 hectares. Cancellation took effect on 7 November 2012.

(T96-0083)

Mineral Lease No. 5615 (Act 1906), Kurt PONGRATZ and Amelia Valencia PONGRATZ, Parish of Gnupa, County of Auckland and Parish of Gnupa, County of Auckland, Map Sheet (8824-2-S, 8824-2-S), area of 1.97 hectares. Cancellation took effect on 7 November 2012.

(T91-0402)

Mineral Lease No. 6333 (Act 1906), Kurt PONGRATZ and Amelia Valencia PONGRATZ, Parish of Gnupa, County of Auckland and Parish of Gnupa, County of Auckland, Map Sheet (8824-2-S, 8824-2-S), area of 2.246 hectares. Cancellation took effect on 7 November 2012.

(T91-0309)

Mineral Lease No. 6339 (Act 1906), Kurt PONGRATZ and Amelia Valencia PONGRATZ, Parish of Gnupa, County of Auckland and Parish of Gnupa, County of Auckland, Map Sheet (8824-2-S, 8824-2-S), area of 29.95 hectares. Cancellation took effect on 7 November 2012.

(T96-0087)

Mining Purposes Lease No. 114 (Act 1973), Kurt PONGRATZ and Amelia Valencia PONGRATZ, Parish of Gnupa, County of Auckland, Map Sheet (8824-2-S), area of 29.035 hectares. Cancellation took effect on 7 November 2012.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

PART CANCELLATIONS

NOTICE is given that the following authorities have been cancelled in part:

(T11-0199)

Exploration Licence No. 7859, PINNACLE GOLD PTY LTD (ACN 151 778 424).

Description of area cancelled:

An area of 50 units has been cancelled. For further information contact Titles Branch.

Part cancellation took effect on 6 November 2012.

The authority now embraces an area of 50 units.

(08-7970)

Petroleum Exploration Licence No. 4, AGL UPSTREAM INVESTMENTS PTY LIMITED (ACN 115 063 744).

Description of area cancelled:

An area of 17 blocks has been cancelled. For further information contact Titles Branch.

Part cancellation took effect on 19 November 2012.

The authority now embraces an area of 53 blocks.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

TRANSFERS

(T08-0060)

Exploration Licence No. 6196, formerly held by MALACHITE RESOURCES LIMITED (ACN 075 613 268) has been transferred to ELSMORE RESOURCES LIMITED (ACN 145 701 033). The transfer was registered on 14 November 2012.

(11-5413)

Exploration Licence No. 6414, formerly held by ROBUST OPERATIONS PTY LIMITED (ACN 106 964 881) has been transferred to GOSSAN HILL GOLD LIMITED (ACN 147 329 833). The transfer was registered on 3 September 2012.

(T08-0060)

Exploration Licence No. 7177, formerly held by MALACHITE RESOURCES LIMITED (ACN 075 613 268) has been transferred to ELSMORE RESOURCES LIMITED (ACN 145 701 033). The transfer was registered on 14 November 2012.

The Hon. CHRIS HARTCHER, M.P.,
Minister for Resources and Energy

PRIMARY INDUSTRIES**C B ALEXANDER FOUNDATION**

Retrospective Instrument of Appointment of Members of
the C B Alexander Foundation

I, KATRINA ANN HODGKINSON, M.P., Minister for
Primary Industries, in accordance with section 3 of the C.B.
Alexander Foundation Incorporation Act 1969 and section
43 of the Interpretation Act 1987, do by this instrument:

1. appoint Timothy Kilgour ROBERTS as a member of
the C.B. Alexander Foundation for a term of office
commencing on the date hereof and expiring on
30 November 2014.
2. appoint Robyn Mary PARKER as a member of the
C.B. Alexander Foundation for a term of office
commencing on the date hereof and expiring on 30
November 2014.

Dated this 14th day of November 2012.

KATRINA ANN HODGKINSON, M.P.,
Minister for Primary Industries

LANDS

ARMIDALE CROWN LANDS OFFICE
108 Faulkner Street (PO Box 199A), Armidale NSW 2350
Phone: (02) 6770 3100 Fax (02) 6771 5348

**ORDER – AUTHORISATION OF ADDITIONAL
PURPOSE UNDER S121A**

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

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Environmental protection.	Reserve No.: 1015929. Public Purpose: Public recreation. Notified: 5 December 2008. File No.: 08/9093.

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

*Parish – Glen Elgin; County – Clive;
Land District – Glen Innes; L.G.A. – Glen Innes Severn*

Road Closed: Lots 1-3, DP 1177521.

File No.: AE07 H 74.

Schedule

On closing, the land within Lots 1-3, DP 1177521 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Winterbourne; County – Vernon;
Land District – Walcha; L.G.A. – Walcha*

Road Closed: Lot 2, DP 1175912.

File No.: 08/7275.

Schedule

On closing, the land within Lot 2, DP 1175912 remains vested in the State of New South Wales as Crown Land.

DUBBO CROWN LANDS OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 3300 Fax: (02) 6884 2067

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

*Parish – Windurong; County – Gowen;
Land District – Coonamble; L.G.A. – Gilgandra*

Road Closed: Lot 5, DP 1174318.

File No.: 09/19015.

Schedule

On closing, the land within Lot 5, DP 1174318 remains vested in the State of New South Wales as Crown Land.

Description

*Parish – Yaminba; County – White;
Land District – Coonabarabran; L.G.A. – Warrumbungle*

Road Closed: Lot 2, DP 1174317.

File No.: 10/16937.

Schedule

On closing, the land within Lot 2, DP 1174317 remains vested in the State of New South Wales as Crown Land.

GRAFTON OFFICE
49-51 Victoria Street (PO Box 272), Grafton NSW 2460
Phone: (02) 6640 3400 Fax: (02) 6642 5375

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

Parish – Moonpar; County – Fitzroy;
Land District – Grafton; L.G.A. – Clarence Valley

Road Closed: Lots 1-4, DP 1178650.

File No.: GF06 H 198.

Schedule

On closing, the land within Lots 1-4, DP 1178650 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Moonpar; County – Fitzroy;
Land District – Grafton; L.G.A. – Clarence Valley

Road Closed: Lots 5-6, DP 1178650.

File No.: GF06 H 198.

Schedule

On closing, the land within Lots 5-6, DP 1178650 remains vested in the State of New South Wales as Crown Land.

GRIFFITH OFFICE
2nd Floor, Griffith City Plaza,
120–130 Banna Avenue (PO Box 1030), Griffith NSW 2680
Phone: (02) 6960 3600 Fax: (02) 6962 5670

**ORDER – AUTHORISATION OF ADDITIONAL
PURPOSE UNDER S121A**

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

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Environmental protection.	Reserve No.: 57737. Public Purpose: Public recreation. Notified: 23 January 1925. File No.: 12/07390.

HAY OFFICE
126 Lachlan Street (PO Box 182), Hay NSW 2711
Phone: (02) 6990 1800 Fax: (02) 6993 1135

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, 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.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Joseph Bortolo DALBROI (new member). Lydia DALBROI (re-appointment). Ian BRAITHWAITE (re-appointment).	Warrawidgee Hall Trust.	Reserve No.: 83127. Public Purpose: Public recreation. Notified: 14 April 1961. File No.: HY79 R 32.

Term of Office

For a term commencing 1 July 2012 and expiring
 30 November 2014.

MAITLAND OFFICE**Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323****Phone: (02) 4937 9300 Fax: (02) 4934 2252****ESTABLISHMENT OF RESERVE TRUST**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Gosford Park (D570048) Recreation Reserve Trust.	Dedication No.: 570048. Public Purpose: Public recreation. Notified: 18 March 1887. File No.: 12/07782.

NEWCASTLE OFFICE
437 Hunter Street, Newcastle NSW 2300 (PO Box 2185, Dangar NSW 2309)
Phone: (02) 4925 4104 Fax: (02) 4925 3517

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

*Parish – Wongajong; County – Forbes;
Land District – Forbes; L.G.A. – Forbes*

Road Closed: Lots 1-2, DP 1177963 (subject to easement/
right of carriageway created by Deposited Plan 1177963).

File No.: 08/8902.

Schedule

On closing, the land within Lots 1-2, DP 1177963 remains
vested in the State of New South Wales as Crown Land.

NOWRA OFFICE
5 O'Keefe Avenue (PO Box 309), Nowra NSW 2541
Phone: (02) 4428 9100 Fax: (02) 4421 2172

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

Parish – Bumbalong; County – Cowley;
Land District – Queanbeyan; L.G.A. – Cooma-Monaro

Road Closed: Lot 4, DP 1178266.

File No.: 11/00869.

Schedule

On closing, the land within Lot 4, DP 1178266 remains vested in the State of New South Wales as Crown Land.

Description

Parish – Warri; County – Murray;
Land District – Braidwood; L.G.A. – Palerang

Road Closed: Lot 2, DP 1179836 (subject to easement/
right of carriageway created by Deposited Plan 1179836).

File No.: GB06 H 1.

Schedule

On closing, the land within Lot 2, DP 1179836 remains vested in the State of New South Wales as Crown Land.

SYDNEY METROPOLITAN OFFICE
Level 12, Macquarie Tower, 10 Valentine Avenue, Parramatta 2150
(PO Box 3935, Parramatta NSW 2124)
Phone: (02) 8836 5300 Fax: (02) 8836 5365

ROADS ACT 1993

ORDER

Transfer of a Crown Road to Council

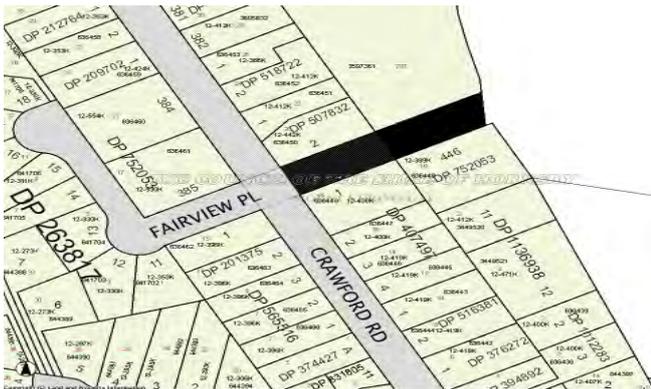
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown roads specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be Crown roads.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

SCHEDULE 1

*Land District – Metropolitan;
 Local Government Area – Hornsby;
 Parish – South Colah; County – Cumberland*

The part of the Crown public road known as Fairview Place, Mount Kuring-gai, as shown by solid black shading on the diagram hereunder.



SCHEDULE 2

Roads Authority: Hornsby Council.

File No.: 11/06376.

Council's Reference: David Lousick.

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.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Metropolitan.	Reserve No.: 1036828.
Local Government Area: Hornsby Shire Council.	Public Purpose: Public recreation and community purposes.
Locality: Hornsby.	

Column 1

Lot 1020, DP 752053.
 Parish: South Colah.
 County: Cumberland.
 Area: About 7221 square metres.
 File No.: 12/01812.

Column 2

ESTABLISHMENT OF RESERVE TRUST

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is established under the name stated in that Column and is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

SCHEDULE

Column 1

PCYC Hornsby Reserve
 Trust.

Column 2

Reserve No.: 1036828.
 Public Purpose: Public
 recreation and community
 purposes.
 Notified: This day.
 File No.: 12/01812.

**APPOINTMENT OF CORPORATION TO MANAGE
 RESERVE TRUST**

PURSUANT to section 95 of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2, which is trustee of the reserve referred to in Column 3 of the Schedule.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

SCHEDULE

Column 1

Police Citizens
 Youth Clubs
 NSW Ltd.

Column 2

PCYC Hornsby
 Reserve Trust.

Column 3

Reserve No.: 1036828.
 Public Purpose: Public
 recreation and community
 purposes.
 Notified: This day.
 File No.: 12/01812.

For a term commencing the date of this notice.

**ALTERATION OF CORPORATE NAME OF
 RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

ANDREW STONER, M.P.,
 Minister for Regional Infrastructure and Services

SCHEDULE 1

Brush Road (R.65997 and R.83194) Reserve Trust.

SCHEDULE 2

Reserve No.: 83194.

Public Purpose: Public recreation.

Notified: 26 May 1961.

File No.: 12/07517.

SCHEDULE 3

Brush Road (R.83194) Reserve Trust.

**APPOINTMENT OF RESERVE TRUST AS TRUSTEE
OF A RESERVE**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder, is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

Column 1

Burnum Burnum Sanctuary
and Jannali (D500398,
D1000479 and R100010)
Reserve Trust.

Column 2

Reserve No.: 70999.
Public Purpose: Public
recreation.
Notified: 8 October 1943.
File No.: MN79 R 132.

TAMWORTH OFFICE
25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340
Phone: (02) 6764 5100 Fax: (02) 6766 3805

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

*Parish – Boggabri; County – Pottinger;
Land District – Gunnedah; L.G.A. – Narrabri*

Road Closed: Lot 1, DP 1172360.

File No.: 08/1771.

Schedule

On closing, the land within Lot 1, DP 1172360 remains vested in the State of New South Wales as Crown Land.

TAREE OFFICE
98 Victoria Street (PO Box 440), Taree NSW 2430
Phone: (02) 6591 3500 Fax: (02) 6552 2816

NOTIFICATION OF CLOSING OF A ROAD

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

*Parish – Nerong; County – Gloucester;
Land District – Gloucester; L.G.A. – Great Lakes*

Road Closed: Lots 1-3, DP 1177323.

File No.: 08/5143.

Schedule

On closing, the land within Lots 1-3, DP 1177323 remains vested in the State of New South Wales as Crown Land.

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act 1993, the road hereunder described is closed and the lands comprised therein cease to be public road and the rights of passage and access that previously existed in relation to the road is extinguished. Upon closing, title to the land, comprising the former public road, vests in the body specified in the Schedule hereunder.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Description

*Parishes – Creighton and Morven; County – Hume;
Land District – Albury; L.G.A. – Greater Hume*

Road Closed: Lots 1-3, DP 1177418 (subject to easement created by Deposited Plan 1177418).

File No.: 10/18520.

Schedule

On closing, the land within Lots 1-3, DP 1177418 remains vested in the State of New South Wales as Crown Land.

ROADS ACT 1993**ORDER**

Transfer of Crown Road to a Council

IN pursuance of the provisions of section 151, Roads Act 1993, the Crown public 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 and as from that date, the roads specified in Schedule 1 cease to be Crown public road.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE 1

*Parish – South Wagga Wagga; County – Wynyard;
Land District – Wagga Wagga;
L.G.A. – Wagga Wagga City Council*

Crown public roads being south of Lots 22 and 23, DP 1161836; Lot 10, DP 259053 and Lot 1, DP 203235.

SCHEDULE 2

Roads Authority: Wagga Wagga City Council.

File No.: 10/12093.

Reference: W468934.

WESTERN REGION OFFICE
45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830
Phone: (02) 6883 5400 Fax: (02) 6884 2067

GRANTING OF A WESTERN LANDS LEASE

IT is hereby notified that under the provisions of section 28A of the Western Lands Act 1901, the Western Lands Leases of the lands specified in the following Schedule have been granted to the undermentioned persons.

The leases are subject to the provisions of the Western Lands Act 1901 and the Regulations thereunder. The land is to be used only for the purpose of **Residence**.

Initial rent will be \$100.00 per annum and re-assessed thereafter annually on 1st April of each year.

The Conditions and Reservations annexed to such leases are those Conditions published in the *New South Wales Government Gazette* of 20 March 2009, Folios 1416-1418.

All amounts due and payable to the Crown *must* be paid to the Department of Primary Industries, Crown Lands by the due date.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

SCHEDULE

Administrative District – Walgett North; Shire – Walgett; Parish – Wallangulla/Mebea; County – Finch

WLL No.	Name of Lessee	File No.	Folio Identifier	Area (m ²)	Term of Lease	
					From	To
WLL 15152	Peter Neil HOWARD	12/02953	37/1065215	2755	20 November 2012	19 November 2032

ALTERATION OF PURPOSE/CONDITIONS OF A WESTERN LANDS LEASE

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

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

*Administrative District – Cobar; Shire – Cobar;
Parish of Baroora; County of Robinson*

The purpose/conditions of Western Lands Lease 2796 being the land contained within Folio Identifiers 870/761942 and 4202/766769 have been altered from “Pastoral” to “Grazing and Cultivation (Dryland)” effective from 19 November, 2012.

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

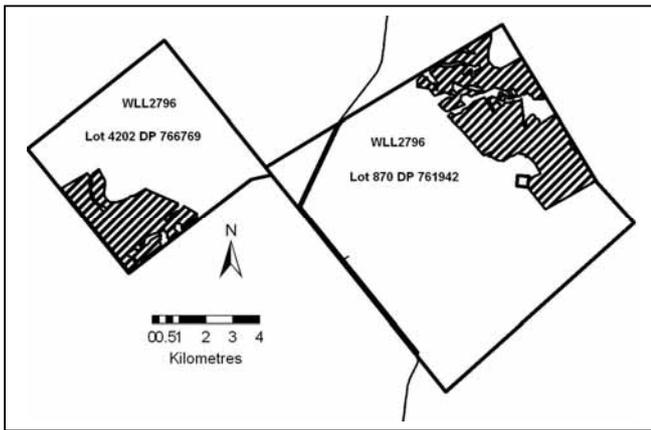
The conditions previously annexed to Western Lands Lease 2796 have been revoked and the following conditions have been annexed thereto.

CONDITIONS AND RESERVATIONS ATTACHED TO WESTERN LANDS LEASE No. 2796

- (1) In the conditions annexed to the lease, the expression “the Minister” means the Minister administering the Western Lands Act 1901, and any power, authority, duty or function conferred or imposed upon the Minister by or under those conditions may be exercised or performed either by the Minister or by such officers of the Department of Primary Industries as the Minister may from time to time approve.
- (2) In these conditions and reservations the expression “the Commissioner” means the Commissioner charged with the administration of the Western Lands Act 1901 (“the Act”) in accordance with section 4(2) of the Act.
- (3)
 - (a) For the purposes of this clause the term Lessor shall include Her Majesty the Queen Her Heirs and Successors the Minister and the agents servants employees and contractors of the Lessor Her Majesty Her Majesty’s Heirs and Successors and the Minister.
 - (b) The lessee covenants with the Lessor to indemnify and keep indemnified the Lessor from and against all claims for injury loss or damage suffered by any person or body using or being in or upon the Premises or any adjoining land or premises of the Lessor arising out of the Holder’s use of the Premises and against all liabilities for costs charges and expenses incurred by the Lessor in respect of the claim of any such person or body except to the extent that any such claims and demands arise wholly from any negligence or wilful act or omission on the part of the Lessor.
 - (c) The indemnity contained in this clause applies notwithstanding that this Lease authorised or required the lessee to undertake or perform the activity giving rise to any claim for injury loss or damage.
 - (d) The lessee expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or sooner determination of this Lease in respect of any act deed matter or thing occurring before such expiration or determination.
- (4) The rent of the lease shall be assessed in accordance with Part 6 of the Western Lands Act 1901.

- (5) The rent shall be due and payable annually in advance on 1 July in each year.
- (6) (a) "GST" means any tax on goods and/or services, including any value-added tax, broad-based consumption tax or other similar tax introduced in Australia.
 "GST law" includes any Act, order, ruling or regulation, which imposes or otherwise deals with the administration or imposition of a GST in Australia.
- (b) Notwithstanding any other provision of this Agreement:
- (i) If a GST applies to any supply made by either party under or in connection with this Agreement, the consideration provided or to be provided for that supply will be increased by an amount equal to the GST liability properly incurred by the party making the supply.
- (ii) If the imposition of a GST or any subsequent change in the GST law is accompanied by or undertaken in connection with the abolition of or reduction in any existing taxes, duties or statutory charges (in this clause "taxes"), the consideration payable by the recipient of the supply made under this Agreement will be reduced by the actual costs of the party making the supply that are reduced directly or indirectly as a consequence of the abolition of or reduction in taxes.
- (7) The lessee must pay all rates and taxes assessed on or in respect of the land leased during the currency of the lease.
- (8) The lessee must hold and use the land leased bona fide for the lessee's own exclusive benefit and must not transfer, convey or assign the land or any portion thereof without having first obtained the written consent of the Minister.
- (9) The lessee must not enter into a sublease of the land leased unless the sublease specifies the purpose for which the land may be used under the sublease, and it is a purpose which is consistent with the purpose for which the land may be used under this lease.
- (10) If the lessee enters into a sublease of the land leased, the lessee must notify the Commissioner of the granting of the sublease within 28 days after it is granted.
- (11) The land leased must be used only for the purpose of **Grazing & Cultivation (Dryland)**.
- (12) The lessee must maintain and keep in reasonable repair all improvements on the land leased during the currency of the lease and shall permit the Minister or the Commissioner or any person authorised by the Minister or the Commissioner at all times to enter upon and examine the whole or any part of the land leased and the buildings or other improvements thereon.
- (13) The lessee must not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry licence under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (14) The lessee must not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except in accordance with plans and specifications approved by the Council of the local government area.
- (15) The lessee must ensure that the land leased is kept in a neat and tidy condition to the satisfaction of the Commissioner and not permit refuse to accumulate on the land.
- (16) Upon termination or forfeiture of the lease the Commissioner may direct that the former lessee remove any structure or material from the land at his own cost and without compensation. Where such a direction has been given the former lessee must leave the land in a clean and tidy condition free from rubbish and debris.
- (17) The lessee must, within 1 year from the date of commencement of the lease or such further period as the Commissioner may allow, enclose the land leased, either separately or conjointly with other lands held in the same interest, with a suitable fence to the satisfaction of the Commissioner.
- (18) The lessee must not obstruct or interfere with any reserves, roads or tracks or the use thereof by any person.
- (19) The lessee must erect gates on roads within the land leased when and where directed by the Commissioner for public use and must maintain those gates together with approaches thereto in good order to the satisfaction of the Commissioner.
- (20) Any part of a reserve for travelling stock, camping or water supply within the land leased must, during the whole currency of the lease, be open to the use of bona fide travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee must post in a conspicuous place on the reserve a notice board indicating for public information the purpose of such reserve and, in fencing the land leased, the lessee must provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others. The notice board, gates and facilities must be erected and maintained to the satisfaction of the Commissioner. The lessee must not overstock, wholly or in part, the areas leased within the reserve, the decision as to overstocking resting with the Commissioner.
- (21) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
- (22) The lessee must comply with requirements of section 18DA of the Western Lands Act 1901 which provides that except in circumstances referred to in subsection (3) of that section, cultivation of the land leased or occupied may not be carried out unless the written consent of the Authority has first been obtained and any condition to which the consent is subject under sub section (6) is complied with.

- (23) The lessee must undertake any fuel management and/or provision of fire trail access in accordance with fire mitigation measures to the satisfaction of the NSW Rural Fire Service.
- (24) The lessee must, as the Commissioner may from time to time direct, foster and cultivate on the land leased such edible shrubs and plants as the Commissioner may consider can be advantageously and successfully cultivated.
- (25) Whenever so directed by the Commissioner, the lessee must, on such part or parts of the land leased as shall be specified in the direction, carry out agricultural practices, or refrain from agricultural practices, of such types and for such periods as the Commissioner may in the direction specify.
- (26) The lessee must not overstock, or permit or allow to be overstocked, the land leased and the decision of the Commissioner as to what constitutes overstocking shall be final and the lessee must comply with any directions of the Commissioner to prevent or discontinue overstocking.
- (27) The lessee must, if the Commissioner so directs, prevent the use by stock of any part of the land leased for such periods as the Commissioner considers necessary to permit of the natural reseedling and regeneration of vegetation and, for that purpose, the lessee must erect within the time appointed by the Commissioner such fencing as the Commissioner may consider necessary.
- (28) The lessee must furnish such returns and statements as the Commissioner may from time to time require on any matter connected with the land leased or any other land (whether within or outside the Western Division) in which the lessee has an interest.
- (29) The lessee must, within such time as may be specified by the Commissioner take such steps and measures as the Commissioner shall direct to destroy vermin and such animals and weeds as may, under any Act, from time to time be declared (by declaration covering the land leased) noxious in the Gazette and must keep the land free of such vermin and noxious animals and weeds during the currency of the lease to the satisfaction of the Commissioner.
- (30) The lessee must not remove or permit any person to remove gravel, stone, clay, shells or other material for the purpose of sale from the land leased unless the lessee or the person is the holder of a quarry license under regulations made under the Crown Lands Act 1989 or, in respect of land in a State forest, unless the lessee or the person is the holder of a forest materials licence under the Forestry Act 1916, and has obtained the special authority of the Minister to operate on the land, but the lessee may, with the approval of the Commissioner, take from the land such gravel, stone, clay, shells or other material for building and other purposes upon the land as may be required by the lessee.
- (31) If the lessee is an Australian registered company then the following conditions shall apply:
- I The Lessee will advise the Commissioner 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 Commissioner of any changes in these details.
- II 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.
- III 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.
- IV 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 Commissioner upon request.
- (32) The lessee must ensure incised drainage lines, other than manmade structures which carry water after storms are left uncultivated in the channels and for a distance of at least 20 metres on either side of the banks of the channels, except when the Commissioner specifies otherwise.
- (33) The lessee must ensure that all access tracks to the area to be cultivated must be arranged in such a manner as to minimise the disturbance of any land surface or native vegetation and ensure direct access through the area.
- (34) The lessee must establish windbreaks at his/her own expense as may be ordered by Commissioner to provide adequate protection of the soil.
- (35) The lessee must undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
- (36) The lessee must ensure stubble is retained on the soil surface and must not be burnt, except with the approval of the Commissioner or his delegate.
- (37) The lessee must ensure that sand hills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the commissioner.
- (38) The lessee must ensure that areas with a slope greater than 2% remain uncultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee's expense.
- (39) The lessee must ensure that land within 60 metres of any texture contrast or duplex soil area remains uncultivated except in accordance with a plan approved by the Commissioner. Texture contrast (or duplex) soils are soil types which have sandy to loamy topsoil abruptly overlying a clay subsoil and are prone to scalding (producing clay pans and hummocks).
- (40) The lessee must only **dryland cultivate** an area of **2525 ha** as indicated by the hatched area on the diagram hereunder.
- (41) Cultivation is permitted over the whole area covered by this Consent unless the Commissioner has required that specific areas remain uncultivated.



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 conditions of the undermentioned Western Lands Leases have been altered as shown.

ANDREW STONER, M.P.,
Minister for Regional Infrastructure and Services

Various Administrative Districts and Counties; Unincorporated Area

That condition of the Western Lands Leases listed in the Schedule below has been altered, effective 21 November 2012, from:

“that the lessee shall not obstruct or interfere with any reserves, roads or tracks or the lawful use thereof by any person” OR “that the lessee shall not obstruct or interfere with any reserves, roads or tracks or the use thereof by any person”

to the following extent:

“that the lessee shall not obstruct or interfere with any reserves or roads or the use thereof by any person”.

SCHEDULE

57	1057	1964	2962	3997	5450	6924	12793
82	1069	1998	2963	3998	5628	6927	12795
204	1074	1999	2964	3999	5629	6928	12798
207	1079	2018	2966	4000	5632	6989	12850
221	1080	2024	2969	4003	5633	7022	12851
281	1081	2045	2971	4004	5635	7063	13056
304	1082	2094	2972	4151	5643	7718	13058
319	1085	2101	2973	4200	5876	7971	13215
336	1095	2108	2974	4205	5882	7972	13216
402	1123	2171	2975	4206	5952	8112	13226
403	1141	2236	2976	4208	5953	8179	13295
405	1178	2240	3025	4209	5977	8214	13296
427	1180	2308	3034	4210	5978	8310	13445
429	1184	2319	3094	4279	5978	8317	13447
430	1196	2422	3106	4301	5979	8319	13579
432	1201	2473	3109	4305	5995	8334	13834
433	1202	2507	3130	4306	6021	8347	13835

458	1205	2508	3136	4307	6022	8357	14260
468	1214	2516	3138	4308	6023	8378	14313
489	1217	2517	3146	4309	6025	8751	14340
498	1219	2518	3147	4431	6027	8752	14347
502	1249	2519	3149	4432	6028	9263	14354
519	1272	2523	3151	4433	6031	9277	16178
532	1389	2525	3153	4434	6035	9382	
545	1391	2529	3156	4435	6036	9484	
566	1440	2566	3159	4436	6037	9530	
571	1489	2576	3160	4437	6038	9640	
580	1491	2577	3162	4440	6039	9642	
602	1528	2578	3170	4491	6041	9659	
666	1567	2579	3174	4568	6042	10194	
736	1569	2623	3239	4569	6043	10638	
745	1655	2624	3240	4571	6044	10639	
759	1658	2625	3241	4596	6177	10955	
762	1663	2634	3247	4597	6178	11093	
778	1680	2658	3249	4664	6179	11094	
783	1722	2688	3252	4670	6253	11529	
854	1739	2697	3253	4731	6256	11754	
855	1743	2749	3254	4733	6258	11899	
856	1758	2750	3256	4776	6259	11905	
857	1760	2766	3257	4807	6265	11918	
877	1803	2873	3280	4913	6267	11919	
943	1804	2917	3311	4914	6598	11920	
970	1821	2919	3316	4933	6600	11923	
971	1852	2954	3317	5039	6602	12185	
982	1858	2955	3340	5326	6603	12713	
985	1909	2956	3348	5442	6604	12714	
986	1911	2957	3463	5444	6788	12716	
1019	1938	2959	3597	5445	6919	12718	
1051	1962	2960	3871	5446	6922	12786	
1052	1963	2961	3917	5449	6923	12788	

File No.: 08/2056.

WATER**WATER ACT 1912**

AN application for a licence under section 113 of Part 5 of the Water Act 1912, as amended, has been received as follows:

WILLIAM A RANKEN INVESTMENTS PTY LIMITED & ORS for a bore on Lot 55, DP 1141136, Parish of Nattery, County of Argyle, for water supply for stock and domestic purposes and the irrigation of 20.0 hectares (improved pasture) (requested entitlement of 100.0 megalitres) (new licence). (Reference: 10BL604796).

Any inquiries should be directed to (02) 8838 7531.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interests are affected, must be lodged with the NSW Office of Water, PO Box 3720, Parramatta NSW 2124, within 28 days of this publication.

WAYNE CONNERS,
Senior Licensing Officer

Other Notices

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Incorporation pursuant to Section 72

TAKE notice that the incorporation of the following associations is cancelled by this notice pursuant to section 72 of the Associations Incorporation Act 2009.

Cancellation is effective as at the date of gazettal.

Australian Outback 4x4 Extreme Incorporated – INC9893478

Woolshed Creek Community Group Incorporated – INC9883110

Vision Christian Church Incorporated – INC9892669

Australian Turkish Scholarship Fund Incorporated – INC9890055

Fuchsia Club of NSW Incorporated – INC9885753

Narrabri Truckin' 4 Kids Inc – INC9891363

Blue Mountains Woodcraft Centre Inc – INC9891375

Insight Ministries International Incorporated – INC9883694

Lions Club of Moree Plains Inc – Y0674320

Greater Port Macquarie Startup Business Development Program Inc – INC9894397

Tumbarumba Endurance Incorporated – INC9883704

Alma Park/Pleasant Hills Landcare Group Incorporated – Y1543138

Australian Chaldean Democratic Forum Incorporated – INC9883953

Murwillumbah Nursing Home Auxiliary Incorporated – Y2061302

Bega Eco Neighbourhood Developers Incorporated – INC9879015

Dated 20th day of November 2012.

ANTHONY DONOVAN,
A/Manager,
Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of Registration pursuant to Section 80

TAKE notice that JOHN COLET SCHOOLS INC (Y1631535) became registered under the Corporations Act 2001 as JOHN COLET SCHOOLS – ACN 161 185 413, a public company limited by guarantee on 12 November 2012 and accordingly its registration under the Associations Incorporation Act 2009, is cancelled as of that date.

Dated: 21 November 2012.

SUSAN McLOUGHLIN,
NSW Fair Trading

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association pursuant to Section 84

TAKE notice that the incorporation of COOMA AUSTRALIAN FOOTBALL CLUB INCORPORATED, Y1754709, cancelled on 28 November 2008, is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 19th day November of 2012.

ANTHONY DONOVAN,
A/Manager,
Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association pursuant to Section 84

TAKE notice that the incorporation of YOUNG ENTREPRENEURS ORGANISATION - SYDNEY INCORPORATED, Y2603045, cancelled on 20 March 2009, is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 22nd day August of 2012.

ROBYNE LUNNEY,
Manager,
Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association pursuant to Section 84

TAKE notice that the incorporation of PENRITH CRICKET CLUB INC, Y0839948, cancelled on 4 March 2011, is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 19th day November of 2012.

ANTHONY DONOVAN,
A/Manager,
Case Management,
Registry of Co-operatives & Associations,
NSW Fair Trading,
Department of Finance & Services

BUILDING PROFESSIONALS ACT 2005

NOTICE

UNDER section 4 (7) of the Building Professionals Act 2005, the amendments to the Building Professionals Board Accreditation Scheme set out in the Schedule are adopted.

The amendments are to commence upon the publication of this Notice in the *New South Wales Government Gazette*.

Dated: Sydney, 21 November 2012.

NEIL COCKS,
Director,
Building Professionals Board

SCHEDULE

Amendment 1

Schedule 2 – Accreditation Statement – Category A1

In the right hand column, adjacent the heading in the left hand column:

“Authorities conferred”

insert “the demolition or removal of a building” after “building work” where first occurring.

Amendment 2

Schedule 2 – Accreditation Statement – Category A2

In the right hand column, adjacent the heading in the left hand column:

“Authorities conferred”

insert “the demolition or removal of a building” after “building work” where first occurring.

Amendment 3

Schedule 2 – Accreditation Statement – Category A3

In the right hand column, adjacent the heading in the left hand column:

“Authorities conferred”

insert “the demolition or removal of a building” after “building work” where first occurring.

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Declaration of Significantly Contaminated Land
(Section 11 of the Contaminated Land Management Act
1997)

Declaration Number 20121106; Area Number 3313

THE Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under the Contaminated Land Management Act 1997 (“the Act”):

1. Land to which this declaration applies (“the site”)

This declaration applies to Lot 11, section A, DP 22316 known as 251 to 253 Goonoo Goonoo Road, Tamworth NSW, in the local government area of Tamworth Regional Council. A map of the site is available for inspection at the offices of the Environment Protection Authority, 59 Goulburn Street, Sydney NSW.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances (“the contaminants”):

- Total Petroleum Hydrocarbons (TPH); and,
- Benzene, Toluene, Ethyl benzene, Xylene (BTEX).

In particular the EPA has found:

- A significant thickness of Phase Separated Hydrocarbon has been identified on the site.

3. Nature of harm that the contaminants have caused:

The EPA has considered the matters in s.12 of the Act and for the following reasons has determined that the land is contaminated and that the contamination is significant enough to warrant regulation under the Act:

- Petroleum hydrocarbons have been detected in groundwater at concentrations exceeding guideline levels;
- the contamination is migrating offsite towards residential properties and users of the aquifer; and,
- exposure to the contaminants may occur through the inhalation of volatile chemicals or through the use of groundwater in the region.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of voluntary management of the site and any person may submit a voluntary management proposal for the site to the EPA.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a management order in relation to the site; or
- Any other matter concerning the site.

Submissions should be made in writing to:

Manager Contaminated Sites,
Environment Protection Authority,
PO Box A290,
Sydney South NSW 1232,
or faxed to (02) 9995 5930.

by not later than 21 December 2012.

Dated: 16 November 2012.

NIALL JOHNSTON,
Manager,
Contaminated Sites,
Environment Protection Authority

Note:

Management order may follow

If management of the site or part of the site is required, the EPA may issue a management order under s.14 of the Act.

Amendment/Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The subsequent declaration must state the reasons for the amendment or repeal (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act 1979 that the land is declared significantly contaminated land. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

CONTAMINATED LAND MANAGEMENT ACT 1997

Environment Protection Authority

Declaration of Significantly Contaminated Land
(Section 11 of the Contaminated Land Management Act 1997)

Declaration Number 20121108; Area Number 3315

THE Environment Protection Authority (EPA) declares the following land to be significantly contaminated land under the Contaminated Land Management Act 1997 ("the Act"):

1. Land to which this declaration applies ("the site")

This declaration applies to the land that is located at 2 Gidley Street, Molong and is identified as Lots 1 and 2 in DP 38264 and Lot 1 in DP 162915, within the local government area of Cabonne Council.

2. Nature of contamination affecting the site:

The EPA has found that the site is contaminated with the following substances ("the contaminants"):

- Petroleum Hydrocarbons (TPH);
- Benzene, Toluene, Ethylbenzene and Xylene (BTEX); and
- Naphthalene.

3. Nature of harm that the contaminants may cause:

The EPA has considered the matters in s.12 of the Act and for the following reasons has determined that the land is contaminated and that the contamination is significant enough to warrant regulation under the Act:

- The groundwater is contaminated with dissolved phase hydrocarbons and phase separate hydrocarbons. The contamination has migrated beyond the boundaries of the site, and the extent of the phase separate hydrocarbon not been delineated off-site;
- The contaminated groundwater may continue to migrate off-site and potentially impact nearby residential areas, regional users of the groundwater and Molong Creek; and
- The contaminated groundwater may pose a vapour risk to nearby building occupants (residential and commercial) and offsite workers accessing underground utilities and excavations. There is also the potential risk of explosion should vapours accumulate in any confined space.

4. Further action under the Act

The making of this declaration does not prevent the carrying out of voluntary management of the site and any person may submit a voluntary management proposal for the site to the EPA. If the proposal satisfies the requirements of s.17 of the Act, the EPA may agree not to issue a management order to the person or persons bringing the proposal.

5. Submissions invited

The public may make written submissions to the EPA on:

- Whether the EPA should issue a management order in relation to the site; or

- Any other matter concerning the site.

Submissions should be made in writing to:

Manager, Contaminated Sites,
Department of Environment, Climate Change and
Water,
PO Box A290,
Sydney South NSW 1232,
or faxed to (02) 9995 5930,

by not later than 14 December 2012.

Dated: 16 November 2012.

NIALL JOHNSTON,
Manager,
Contaminated Sites,
Environment Protection Authority

Note:

Management order may follow

If management of the site or part of the site is required, the EPA may issue a management order under s.14 of the Act.

Amendment/Repeal

This declaration may be amended or repealed. It remains in force until it is otherwise amended or repealed. The subsequent declaration must state the reasons for the amendment or repeal (s.44 of the Act).

Information recorded by the EPA

Section 58 of the Act requires the EPA to maintain a public record. A copy of this significantly contaminated land declaration will be included in the public record.

Information recorded by councils

Section 59 of the Act requires the EPA to give a copy of this declaration to the relevant local council. The council is then required to note on its planning certificate issued pursuant to s.149 (2) of the Environmental Planning and Assessment Act that the land is declared significantly contaminated land. The EPA is required to notify council as soon as practicable when the declaration is no longer in force and the notation on the s.149 (2) certificate is no longer required.

Relationship to other regulatory instrument

This declaration does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Hera Notification Area

THE Dams Safety Committee pursuant to section 369 of the Mining Act 1992, hereby declares that with regard to Hera Tailings, being a prescribed dam under Dams Safety Act 1978, the land described in the schedule hereto is the notification area of the said dam.

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on maps NYMANS, NYMAGEE 8133N 1:100000; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGAEast</i>	<i>MGANorth</i>
1	438300	6444700
2	438300	6447500
3	435600	6447500
4	435600	6444700

Map Grid Australia (MGA) co-ordinates for the above points, as well as plan NA-233 showing the area, are available from the Dams Safety Committee.

BRIAN COOPER,
Chairman

Dams Safety Committee,
PO Box 3720, Parramatta NSW 2124.

GEOGRAPHICAL NAMES ACT 1966

Erratum

IN the notice referring to the assignment of the name 'Wheatley Park' in the Campbelltown Local Government Area, Folio 3751, 5th December 1986, the reserve name is incorrectly stated. The correct reserve name is 'Kevin Wheatley Reserve'. This notice corrects that error.

The position and extent for this feature is recorded and shown in the Geographical Names Register of New South Wales, which can be viewed on the Geographical Names Board internet site at www.gnb.nsw.gov.au.

K. RICHARDS,
A/Secretary

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 7A (1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the recorded names 'Tanilba Peace Park' and 'Murulla Reserve' with the designation of Reserve in the Port Stephens Local Government Area.

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 Board's website at www.gnb.nsw.gov.au.

K. RICHARDS,
A/Secretary

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 7A (1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the recorded name 'Bosley Memorial Park' with the designation of Reserve in the Wagga Wagga Local Government Area.

The position and the extent of this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au.

K. RICHARDS,
A/Secretary

Geographical Names Board,
PO Box 143, Bathurst NSW 2795.

NATIONAL PARKS AND WILDLIFE ACT 1974

Broken Head Nature Reserve
Southern Richmond Range Group
Solitary Islands Group of Reserves
The Crookwell Reserves

Draft Plans of Management

DRAFT plans of management for the above parks and reserves have been prepared and are on exhibition until 25 February 2013.

The Broken Head plan may be viewed at the NPWS office, Tallow Beach Road, Byron Bay. The Southern Richmond Range plan may be viewed at the NPWS offices at Level 4, 49 Victoria Street, Grafton and 75 Main Street, Alstonville. The Solitary Islands plan may be viewed at the NPWS offices at 32 Marina Drive, Coffs Harbour and Level 4, 49 Victoria Street, Grafton as well as Woolgoolga Library, Ganderton Street, Woolgoolga. The Crookwell Reserves plan may be viewed at the NPWS office, 11 Farrer Place, Queanbeyan and Upper Lachlan Council, 44 Spring Street, Crookwell. The plans are also on the website: www.environment.nsw.gov.au (use the 'quicklinks' to 'park management plans').

Written submissions on these plans must be received at the address on the Invitation to Comment page of the relevant plan or through the website by Monday, 25 February 2013.

All submissions received by NPWS are a matter of public record and are available for inspection upon request. Your comments on these plans may contain information that is defined as "personal information" under the NSW Privacy and Personal Information Protection Act 1998. The submission of personal information with your comments is voluntary.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Maria National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 24th day of October 2012.

MARIE BASHIR,
Governor

By Her Excellency's Command,

ROBYN PARKER, M.P.,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

Land District – Kempsey; L.G.A. – Kempsey

County Macquarie, Parishes Beranghi, Lincoln and Palmerston, about 54 hectares, being Lot 149, DP 754400 inclusive of Crown public road within Lot 149; the Crown public roads within Lots 135, 199 and 200, DP 754400 and Lots 56 and 57, DP 754431; the Crown public roads separating Lot 199 from Lot 149, Lot 214 from Lots 215 and 211, DP 754400; Lot 57 from Lot 15, DP 754431 and Lot 56, DP 754431 from the Maria River; the strip of Crown Land 20 metres wide adjacent to the north western boundary of Lot 214, DP 754400; the access road (Extension Road) vested in the Minister administering the National Parks and Wildlife Act 1974, shown by heavy black line in Diagram 32 in *New South Wales Government Gazette* dated 31 December 2004, Folio 9934; those parts of the bed of Maria River, within Maria National Park, extending downstream from Stumpy Creek to the southern boundary of Lot 214, DP 754400 and extending downstream from the northern boundary of Lot 188, DP 754441 to Dots Creek and that part of the bed of Reedy Creek separating Lot 111, DP 754441 from Lots 192 and 150, DP 754441.

Papers: OEH/FIL 10/4153.

NATIONAL PARKS AND WILDLIFE ACT 1974

Notice of Reservation of a National Park

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below, as part of Mungo National Park, under the provisions of section 30A(1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney, this 10th day of October 2012.

MARIE BASHIR,
Governor

By Her Excellency's Command,

ROBYN PARKER, M.P.,
Minister for the Environment

GOD SAVE THE QUEEN!

SCHEDULE

*Western Division Administrative District;
L.G.A. – Wentworth*

County Wentworth, 692.6 hectares, being Lot 1 in DP 1158414.

Papers: OEH/FIL 07/7376.

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48(4) of the Pesticides Act 1999, that I have granted an Aircraft (Pesticide Applicator) Licence, particulars of which are stated in the Schedule.

SEAN NUNAN,
Team Leader,
Chemicals and Radiation Licensing,
Hazardous Materials, Chemicals and Radiation Section,
Environment Protection Authority
(by delegation)

SCHEDULE

Aircraft (Pesticide Applicator) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
RIVERINA CROP CARE PTY LTD "CUMMINS", Wakool NSW 2710.	16 November 2012.

PESTICIDES ACT 1999

Notice under Section 48 (4)

NOTICE is hereby given, pursuant to section 48(4) of the Pesticides Act 1999, that I have granted a Pilot (Pesticide Rating) Licence, particulars of which are stated in the Schedule.

SEAN NUNAN,
Team Leader,
Chemicals and Radiation Licensing
(by delegation)

SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Dustin BOURN, PO Box 350, Parkes NSW 2870.	19 November 2012.

**STATUTORY AND OTHER OFFICES
REMUNERATION ACT 1975**

Statutory and Other Offices Remuneration Tribunal

Report and Determination pursuant to
Section 14(2) of the Act**Report:**

- On 15 October 2012, the Premier requested the Statutory and Other Offices Remuneration Tribunal (the Tribunal) to make a determination in respect of the remuneration payable to the office of the Inspector of Custodial Services.
- The Premier advised that the Statutory and Other Offices Remuneration Act 1975 (the SOOR Act) will be amended to include this office in the list in the Schedules. This is a new position and the Tribunal has not previously made a determination on the remuneration payable for this office.
- The Inspector of Custodial Services is an independent statutory position created by the Inspector of Custodial Services Act 2012 (ICS Act). The role has been created to monitor standards in correctional facilities across NSW.
- The Inspector will have jurisdiction over all correctional facilities, including public and private sector prisons and juvenile justice centres, court custody centres, police cells managed by Corrective Services NSW, transitional centres, prisoner transport

and support centres. The Inspector will be able to review correctional and juvenile justice facilities at any time and make recommendations about issues of concern.

5. As broadly outlined in the ICS Act the principal functions of the Inspector are:
 - to inspect and report to Parliament on each adult correctional facility at least once every five years.
 - to inspect and report to Parliament on each Juvenile Justice and juvenile correctional facility at least once every three years.
 - to oversee Official Visitor programs conducted under the Crimes (Administration of Sentences) Act 1999 and the Children (Detention Centres) Act 1987.
6. In undertaking that role the Inspector will independently exercise investigatory powers under the Act including:
 - accessing custodial centres and their resources (with or without notice).
 - requiring the production of information or documents.
 - requiring staff to attend to answer questions.
 - accessing inmates for the purpose of communicating with them.
7. The Inspector will manage the Office of the Inspector, which will reside within the Attorney General's Division of the Department of Attorney General and Justice. The Office of the Inspector will support the Inspector in its administration and investigatory functions. The Inspector will report to Parliament and will be subject to oversight by the Parliamentary Joint Committee on the Office of the Ombudsman and Police Integrity Commission.
8. The Inspector will take a proactive, rather than a reactive, approach to improving custodial services. The Inspector will be expected to focus on systematic issues in correctional facilities to bring about change, rather than simply reacting to individual incidents after they occur.
9. In determining the remuneration for this position the Tribunal has had regard to an independent job evaluation of the position, and also to relevant comparators. The Tribunal is of the view that the Inspector of Custodial Services should receive an annual salary of \$265,000 and so determines.

Determination:

Pursuant to section 14(2) of the Statutory and Other Offices Remuneration Act 1975, the Tribunal determines that the office of Inspector of Custodial Services receive a salary of \$265,000 per annum with effect from the date of the proclamation of the Inspector of Custodial Services Act 2012.

Dated: 14 November 2012.

HELEN WRIGHT,
Statutory and Other Offices Remuneration Tribunal

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Transport for New South Wales

Erratum

THE notice published in the *New South Wales Government Gazette* No. 119, of the 9 November 2012, Folio 4653, contained an error.

The deposited plan number in the Schedule of that notice being "Deposited Plan 117189" should have read "Deposited Plan 1179189".

The gazettal date remains 9 November 2012.

Dated at Newcastle, this 21st day of November 2012.

GENERAL MANAGER,
Country Rail Contracts,
Transport Services Division

TRANSPORT ADMINISTRATION ACT 1988

Section 99D(2)

ORDER

I, GLADYS BEREJIKLIAN, M.P., Minister for Transport, make the following Order under section 99D(2) of the Transport Administration Act 1988 (Act):

1. Subject to Clause 5 of Schedule 1, and section 88L, of the Act:
 - a. Rail Corporation New South Wales is responsible for network control (as defined in the Act) with respect to that part of the NSW rail network specified in the Schedule; and
 - b. Transport for New South Wales is responsible for network control in those parts of the NSW rail network that fall outside the areas specified in the Schedule.
2. This order is effective on and from 21 November 2012.

Dated this 20th day of November 2012.

The Hon. GLADYS BEREJIKLIAN, M.P.,
Minister for Transport

SCHEDULE

The freight network and the CityRail suburban network bounded by Newcastle (in the north), Lithgow (in the west), Macarthur (in the southwest) and Bomaderry (in the south), and all connection lines and sidings within these areas.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the purposes of Transport for NSW

TRANSPORT for NSW, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Transport for NSW, as authorised by the Transport Administration Act 1988.

Dated this 14th day of November 2012.

TERRY BRADY,
General Manager,
Country Rail Contracts,
Transport Services Division

SCHEDULE

All that piece or parcel of land situated at Whittingham in the Local Government Area of Singleton, Parish of Whittingham, County of Northumberland and State of New South Wales, being identified as Lot 12, Deposited Plan 1129004, and having an area of 124.7 square metres and said to be in the ownership of the Estate of William Rickford Collett.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the
purposes of Transport for NSW

TRANSPORT for NSW, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Transport for NSW, as authorised by the Transport Administration Act 1988.

Dated this 14th day of November 2012.

TERRY BRADY,
General Manager,
Country Rail Contracts,
Transport Services Division

SCHEDULE

All that piece or parcel of land situated at Greta in the Local Government Area of Cessnock, Parish of Branxton, County of Northumberland and State of New South Wales, being identified as Lot 2 in Deposited Plan 1148650, Parish of Branxton, County of Northumberland and having an area of 2,058 square metres, Lot 802 in Deposited Plan 1141528, Parish of Branxton, County of Northumberland and having an area of 17.5 square metres, and Lot 804 in Deposited Plan 1141582, Parish of Branxton, County of Northumberland and having an area of 658.2 square metres and said to be in the ownership of the Estate of Samuel Clift.

TRANSPORT ADMINISTRATION ACT 1988

LAND ACQUISITION (JUST TERMS
COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land for the
purposes of Transport for NSW

TRANSPORT for NSW, with the approval of Her Excellency the Governor, declares that the land described in the Schedule hereto is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Transport for NSW, as authorised by the Transport Administration Act 1988.

Dated this 14th day of November 2012.

TERRY BRADY,
General Manager,
Country Rail Contracts,
Transport Services Division

SCHEDULE

All those pieces or parcels of land situated at Harpers Hill in the Local Government Area of Maitland, Parish of Branxton, County of Northumberland and State of New South Wales, being identified as Lot 1003, Deposited Plan 1141530, and having an area of 252.7 square metres and said to be in the ownership of the Estate of William Harper.

VEXATIOUS PROCEEDINGS ACT 2008

Miguela Alvarez Macatangay

ON 15 November 2012, the Court of Appeal (comprising Macfarlan JA; Sackville AJA; Tobias AJA) ordered that pursuant to s 8(7) of the Vexatious Proceedings Act 2008:

- (a) all proceedings in New South Wales already instituted by the applicant in matters Nos 20144 of 2005 and 269316 of 2005 ("the Matters") be stayed; and
- (b) the applicant be prohibited from instituting any further proceedings in New South Wales relating to any of the claims or complaints made by her in the Matters.

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

ALBURY CITY COUNCIL

Section 162(1), Roads Act 1993

Road Naming

PURSUANT to section 162(1) of the Roads Act 1993, Council has named the following Road:

Claremont Place.

The entrance to Claremont Place is approximately 1,450m east along Tynan Road from the Gerogery and Tynan Roads intersection. Claremont Place comes off the north side of Tynan Road.

MICHAEL KEYS, Acting General Manager, Albury City Council, 553 Kiewa Street, Albury NSW 2640. [6749]

ALBURY CITY COUNCIL

Section 162(1), Roads Act 1993

Road Naming

PURSUANT to section 162(1) of the Roads Act 1993, Council has named the following Road:

Winzer Lane.

Winzer Lane generally abuts the rear boundaries of properties fronting David and Macauley Streets between Guinea and Perry Streets, Albury.

MICHAEL KEYS, Acting General Manager, Albury City Council, 553 Kiewa Street, Albury NSW 2640. [6750]

CAMDEN COUNCIL

Erratum

Road Act 1993 – Naming of Council Road

THE road originally gazetted in the *New South Wales Government Gazette* of 10th June 2011, road name as Hampshire Ave should be as “Hampshire Boulevard”. GREG WRIGHT, General Manager, Camden Council, PO Box 183, Camden NSW 2570. [6751]

HORNSBY SHIRE COUNCIL

Notice under Section 16 (2) Roads Act 1993 of Dedication of Roads as Public Road

IN pursuance of s.16(2), Roads Act 1993, the lands hereunder described are dedicated as public road.

Description

*Parish – South Colah; County – Cumberland;
Land District – Metropolitan; Shire – Hornsby*

The land shown in Deposited Plan 4989 as “Yardley Avenue”.

S. PHILLIPS, General Manager, Hornsby Shire Council, PO Box 37, Hornsby NSW 1630. [6752]

THE CITY OF NEWCASTLE

Roads Act 1993, Section 162

Roads Regulation 2008, Part 2, Division 2

Naming of a Public Road

THE City of Newcastle gives notice that the following public roads are hereby named.

Road to be Named:

Unnamed Lane No. 80691, a lane from Moira Road to Curley Road, at Broadmeadow, inclusive of the road widening in DP 1148367.

Adopted Name:

Moira Road, Broadmeadow.

Road to be Named:

Unnamed Lane No. 83264, a lane between Civic Station and Worth Place, at Newcastle, being south of the Great Northern Railway.

Adopted Name:

Civic Lane, Newcastle.

Authorised by resolution of Council on 17 July 2012. GENERAL MANAGER, The City of Newcastle PO Box 489, Newcastle NSW 2300. [6753]

PALERANG COUNCIL

Public Road Naming

NOTICE is hereby given that Palerang Council, in pursuance of section 162 of the Roads Act 1993, has approved the following new road name for gazettal:

<i>Description</i>	<i>New Road Name</i>
New road created as part of subdivision of Lot 1, DP 237898.	Alchin Lane.

PETER BASCOMB, General Manager, Palerang Council, PO Box 368, Bungendore NSW 2621. [6754]

TWEED SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, has approved the name of the road to be dedicated in a plan of subdivision of Lot 200 in DP 1001310 at Tanglewood, in the Shire of Tweed as shown below:

North Hill Court.

Authorised by the delegated officer. GENERAL MANAGER, Tweed Shire Council, Civic Centre, Tumbulgum Road, Murwillumbah NSW 2484. [6755]

WELLINGTON COUNCIL

Notice of Dedication of Land as Public Road at
Mount Arthur in the Wellington Council Area

WELLINGTON COUNCIL dedicates the land described in the Schedule below as public road under section 10 of the Roads Act 1993. MICHAEL TOLHURST, General Manager, Wellington Council, PO Box 62, Wellington NSW 2820.

SCHEDULE

All those pieces or parcels of land situated in the Wellington Council Area, Parish of Curra and County of Gordon, shown as Lots 1, 2, 3 and 4 in Deposited Plan 1115256. [6756]

ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of DOMENICA SIMONETTA (also known as Mimma Simonetta), late of North Manly, in the State of New South Wales, home duties, who died on 13 January 2012, must send particulars of his claim to the executors, c.o. Cara Marasco & Company, Suite 3, 515 Pittwater Road, Brookvale NSW 2100, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution they have notice. Probate was granted in New South Wales on 31 August 2012. CARA MARASCO & COMPANY, Suite 3, 515 Pittwater Road, Brookvale NSW 2100, tel.: (02) 9939 6900. [6757]

OTHER NOTICES**MAITLAND PRESBYTERIAN CHURCH LANDS
ACT 1870**

THE Trustees of the Presbyterian Glebe Lands constituted by the Maitland Presbyterian Church Lands Act 1870, notify that on 14th August 2012, Darrell Norman ANDREWS has been appointed as a Trustee in place of Shirley MONTGOMERY pursuant to the provisions of the above Act. MRM THOMPSON NORRIE, 9 Church Street, Maitland NSW 2320 (DX 21605, Maitland). [6758]

Authorised to be printed

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TONY DUCKMANTON, Government Printer.