



# *Government Gazette*

OF THE STATE OF

NEW SOUTH WALES

**Week No. 50/2010**

**Friday, 17 December 2010**

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### GOVERNMENT GAZETTE DEADLINES

#### Close of business every Wednesday

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

#### *Christmas deadlines*

Due to the Public Holidays over the Christmas and New Year period the *deadlines for inclusion in the Government Gazette* are:

*Christmas* – Gazette will be published on the 24th December 2010 the deadline will be close of business on the 22 December 2010.

*New Year* – Gazette will be published on the 7th January 2011 the deadline will be close of business on the 5th January 2011.

#### Please Note:

- ***Only electronic lodgement of Gazette contributions will be accepted. If you have not received a reply confirming acceptance of your email by the close of business on that day please phone 9372 7447.***

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# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 134**

**Tuesday, 14 December 2010**

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## SPECIAL SUPPLEMENT

### MENTAL HEALTH ACT 2007

#### Section 109

I, PROFESSOR DEBORA PICONE AM, Director-General of the NSW Department of Health, pursuant to section 109 of the Mental Health Act 2007, and section 43 of the Interpretation Act 1987, DO HEREBY

- (a) REVOKE the order published in the Government Gazette No. 124 of 1 November 2010, declaring certain premises of Bloomfield Mental Health Service Centre to be a declared mental health facility;
- (b) REVOKE the Order published in the Government Gazette of 21 November 1986, declaring certain premises of Bloomfield Hospital to be an admission centre and a mental hospital for the purposes of the Mental Health Act 1958 (which was taken to be a hospital in accordance with clause 4(1) of Schedule 7 of the Mental Health Act 1990, which, in turn, was taken to be a declared mental health facility in accordance with clause 5(1) of Schedule 6 of the Mental Health Act 2007);
- (b) DECLARE the following premises to be a declared mental health facility for the purposes of the Mental Health Act 2007:
  - Bloomfield Mental Health Service Centre, Orange Health, Forest Road, Orange NSW 2800, comprising the following units:
    - Lachlan Building
    - Amaroo
    - Canobolas Clinic
    - Manara Clinic
    - Turon House
    - Moonya, consisting of 5 cottages
    - The Poplars
    - Wattle Grove
    - Castlereagh Unit, located within the Windermere Building
    - Macquarie Unit, located within the Windermere Building
- (c) DECLARE this facility to be designated as a “mental health assessment and inpatient treatment” facility.

Signed, this 13th day of December 2010.

Professor DEBORA PICONE, AM,  
Director-General

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# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

**Number 135**  
**Friday, 17 December 2010**

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## LEGISLATION

### Online notification of the making of statutory instruments

Week beginning 6 December 2010

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

#### Proclamations commencing Acts

[Plantations and Reafforestation Amendment Act 2010 No 90 \(2010-671\)](#) — published LW 10 December 2010

#### Regulations and other statutory instruments

[Criminal Case Conferencing Trial Further Amendment \(Extension\) Regulation 2010 \(2010-672\)](#) — published LW 10 December 2010

[Food Amendment \(Food Standards Code\) Regulation 2010 \(2010-673\)](#) — published LW 10 December 2010

[Home Building Amendment \(Temporary Exemption\) Regulation 2010 \(2010-674\)](#) — published LW 10 December 2010

[Liquor Amendment \(Transfer Fee\) Regulation 2010 \(2010-675\)](#) — published LW 10 December 2010

[Plantations and Reafforestation \(Code\) Amendment Regulation 2010 \(2010-676\)](#) — published LW 10 December 2010

[Retail Leases Amendment Regulation 2010 \(2010-677\)](#) — published LW 10 December 2010

[Uniform Civil Procedure Rules \(Amendment No 39\) 2010 \(2010-678\)](#) — published LW 10 December 2010

[Veterinary Practice Amendment \(Annual Returns\) Regulation 2010 \(2010-679\)](#) — published LW 10 December 2010

#### Environmental Planning Instruments

[Ballina Local Environmental Plan 1987 \(Amendment No 112\) \(2010-681\)](#) — published LW 10 December 2010

[Berrigan Local Environmental Plan 1992 \(Amendment No 7\) \(2010-682\)](#) — published LW 10 December 2010

[Bourke Local Environmental Plan 1998 \(Amendment No 2\) \(2010-683\)](#) — published LW 10 December 2010

Fairfield Local Environmental Plan 1994 (Amendment No 121) (2010-684) —  
published LW 10 December 2010

Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 3) (2010-685) —  
published LW 10 December 2010

Murray Local Environmental Plan 1989 (Amendment No 16) (2010-686) —  
published LW 10 December 2010

Narrabri Local Environmental Plan No 50 (2010-687) — published LW 10 December 2010

Port Stephens Local Environmental Plan (Kings Hill, North Raymond Terrace) 2010 (2010-688) —  
published LW 10 December 2010

Singleton Local Environmental Plan 1996 (Amendment No 56) (2010-689) —  
published LW 10 December 2010

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment  
2010 (2010-680) — published LW 10 December 2010

Waverley Local Environmental Plan (Bondi Junction Centre) 2010 (Amendment No 1) (2010-690) —  
published LW 10 December 2010

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## Orders

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New South Wales

# Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Further Interim Order 2010

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 8th day of December 2010.

STEVEN WHAN, M.P.,  
Minister for Primary Industries

### Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River is listed as an endangered ecological community under the *Fisheries Management Act 1994* (*the Act*).

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to a threatened species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2010* to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Darling River to continue for a further period of 6 months. The activities may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act.

The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

[http://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0010/208297/FR22-Darling-River-EEC.pdf](http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0010/208297/FR22-Darling-River-EEC.pdf).

This Order is made under section 221IG of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Further Interim Order 2010

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## **Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Further Interim Order 2010**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Further Interim Order 2010*.

### **2 Commencement**

This Order:

- (a) commences on the day on which it is published in the Gazette, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

### **3 Repeal of previous order**

The *Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Interim Order 2010* is repealed.

### **4 Continuation of existing activities**

- (1) The activities referred to in subclauses (2)–(4) may continue in the Lowland Darling River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment or may carry out any routine activity in connection with any such taking or possession:
  - (a) *Paratya australiensis* (freshwater shrimp),
  - (b) *Macrobrachium australiense* (freshwater prawn),
  - (c) *Caridina mccullochi* (freshwater shrimp),
  - (d) *Cherax destructor* (yabby),
  - (e) *Maccullochella peelii peelii* (Murray cod),
  - (f) *Macquaria ambigua* (golden perch),

Fisheries Management (Continuation of Activities in Lowland Darling River Catchment) Further Interim Order 2010

Clause 4

- 
- (g) *Nematalosa erebi* (bony bream),  
(h) *Leiopotherapon unicolor* (spangled perch).
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Darling River Catchment, or  
(b) possess or sell *Cherax destructor* (yabby) taken from the Lowland Darling River Catchment, or  
(c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) A broodstock collector may take from the Lowland Darling River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Darling River Catchment or may carry out any routine activity in connection with any such taking or possession:
- (a) *Cherax destructor* (yabby),  
(b) *Maccullochella peelii peelii* (Murray cod),  
(c) *Macquaria ambigua* (golden perch).

- (5) In this clause:

***applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.

***broodstock collector*** means a person who takes fish under the authority of a permit issued under section 37 of the *Fisheries Management Act 1994* for aquaculture purposes.

***inland restricted fishery*** has the same meaning as it has in the *Fisheries Management (General) Regulation 2010*.

***Lowland Darling River Catchment*** means the aquatic ecological community in the natural drainage system of the lowland catchment of the Darling River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community as the area covered by that recommendation).



New South Wales

# Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Further Interim Order 2010

under the

Fisheries Management Act 1994

I, the Minister for Primary Industries, in pursuance of section 221IG of the *Fisheries Management Act 1994*, make the following Order.

Dated, this 8th day of December 2010.  
~~Dated, this~~ day of December 2010.

STEVEN WHAN, M.P.,  
Minister for Primary Industries

## Explanatory note

The aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River is listed as an endangered ecological community under the *Fisheries Management Act 1994* (*the Act*).

However, the Act enables the Minister to make an order authorising a class of persons to carry out an activity that may result in harm to a threatened species, population or ecological community or damage to its habitat. While such a proposed order is being assessed under the Act, the Minister may make an interim order lasting up to 6 months to allow an existing activity to be continued.

The object of this interim Order is to remake the *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2010* to allow certain recreational and commercial fishing activities in the natural drainage system of the lowland catchment of the Lachlan River to continue for a further period of 6 months. The activities may only continue subject to compliance with any applicable fishing regulatory controls imposed by or under the Act.

The recommendation of the Fisheries Scientific Committee referred to in this interim Order is available on the Internet at:

[http://www.dpi.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/208291/FR25-Lachlan-River-EEC.pdf](http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0004/208291/FR25-Lachlan-River-EEC.pdf).

This Order is made under section 221IG of the *Fisheries Management Act 1994*.

Clause 1 Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Further Interim Order 2010

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## **Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Further Interim Order 2010**

under the

Fisheries Management Act 1994

### **1 Name of Order**

This Order is the *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Further Interim Order 2010*.

### **2 Commencement**

This Order:

- (a) commences on the day on which it is published in the Gazette, and
- (b) has effect for 6 months, and
- (c) is repealed at the end of the last day on which it has effect.

### **3 Repeal of previous order**

The *Fisheries Management (Continuation of Activities in Lowland Lachlan River Catchment) Interim Order 2010* is repealed.

### **4 Continuation of existing activities**

- (1) The activities referred to in subclauses (2)–(4) may continue in the Lowland Lachlan River Catchment subject to compliance with any applicable fishing regulatory controls.
- (2) A recreational fisher may take from the Lowland Lachlan River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Lachlan River Catchment or may carry out any routine activity in connection with any such taking or possession:
  - (a) *Paratya australiensis* (freshwater shrimp),
  - (b) *Macrobrachium australiense* (freshwater prawn),
  - (c) *Cherax destructor* (yabby),
  - (d) *Maccullochella peelii peelii* (Murray cod),
  - (e) *Macquaria ambigua* (golden perch),
  - (f) *Nematalosa erebi* (bony bream),

- 
- (g) *Leiopotherapon unicolor* (spangled perch).
- (3) A person holding a commercial fishing licence that has a Class A: Yabby and carp endorsement (transferable) in the inland restricted fishery may:
- (a) take *Cherax destructor* (yabby) from the Lowland Lachlan River Catchment, or
  - (b) possess or sell *Cherax destructor* (yabby) taken from the Lowland Lachlan River Catchment, or
  - (c) carry out any routine activities in connection with any such taking, possession or sale.
- (4) A broodstock collector may take from the Lowland Lachlan River Catchment any of the following species of fish, may possess any such species of fish taken from the Lowland Lachlan River Catchment or may carry out any routine activity in connection with any such taking or possession:
- (a) *Cherax destructor* (yabby),
  - (b) *Maccullochella peelii peelii* (Murray cod),
  - (c) *Macquaria ambigua* (golden perch).

- (5) In this clause:

***applicable fishing regulatory controls*** means requirements imposed by or under the *Fisheries Management Act 1994* that apply to or in respect of the activities concerned.

***broodstock collector*** means a person who takes fish under the authority of a permit issued under section 37 of the *Fisheries Management Act 1994* for aquaculture purposes.

***inland restricted fishery*** has the same meaning as it has in the *Fisheries Management (General) Regulation 2010*.

***Lowland Lachlan River Catchment*** means the aquatic ecological community in the natural drainage system of the lowland catchment of the Lachlan River (described in the recommendation of the Fisheries Scientific Committee to list that aquatic ecological community as the area covered by that recommendation).

## Other Legislation

### NSW SCIENTIFIC COMMITTEE

#### Determination to make a minor amendment to Part 3 of Schedule 1 of the Threatened Species Conservation Act

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (as described in the final determination to list the ecological community) which was published on pages 9406 to 9411 in the NSW Government Gazette No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

The Scientific Committee is of the opinion that the amendment is necessary or desirable to correct an omission in the Determination in relation to the Thackway and Cresswell (1995) reference.

The Scientific Committee has found that:

1. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is the name given to the ecological community associated with periodic or semi-permanent inundation by freshwater, although there may be minor saline influence in some wetlands. They typically occur on silts, muds or humic loams in depressions, flats, drainage lines, backswamps, lagoons and lakes associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). Freshwater Wetlands on Coastal Floodplains generally occur below 20 m elevation in the NSW North Coast, Sydney Basin and South East Corner bioregions. The structure of the community may vary from sedgeland and reedlands to herbfields, and woody species of plants are generally scarce. Typically these wetlands form mosaics with other floodplain communities, and often they include or are associated with ephemeral or semi-permanent standing water (e.g. Goodrick 1970).

The composition of Freshwater Wetlands on Coastal Floodplains is primarily determined by the frequency, duration and depth of waterlogging and may be influenced by the level of nutrients and salinity in the water and substrate. The community is characterised by the following assemblage of species:

<i>Alisma plantago-aquatica</i>	<i>Azolla filiculoides</i> var. <i>rubra</i>
<i>Azolla pinnata</i>	<i>Baumea articulata</i>
<i>Baumea rubiginosa</i>	<i>Bolboschoenus caldwellii</i>
<i>Bolboschoenus fluviatilis</i>	<i>Brasenia schreiberi</i>
<i>Carex appressa</i>	<i>Centipeda minima</i>
<i>Ceratophyllum demersum</i>	<i>Cyperus lucidus</i>
<i>Eclipta platyglossa</i>	<i>Eclipta prostrata</i>
<i>Eleocharis acuta</i>	<i>Eleocharis equisetina</i>
<i>Eleocharis minuta</i>	<i>Eleocharis sphacelata</i>
<i>Fimbristylis dichotoma</i>	<i>Gratiola pedunculata</i>
<i>Hemarthria uncinata</i>	<i>Hydrilla verticillata</i>
<i>Hydrocharis dubia</i>	<i>Juncus polyanthemus</i>
<i>Juncus usitatus</i>	<i>Leersia hexandra</i>
<i>Lemna</i> spp.	<i>Lepironia articulata</i>
<i>Ludwigia peploides</i> subsp. <i>montevidensis</i>	<i>Marsilea mutica</i>
<i>Maundia triglochoides</i>	<i>Myriophyllum crispatum</i>
<i>Myriophyllum latifolium</i>	<i>Myriophyllum propinquum</i>
<i>Myriophyllum variifolium</i>	<i>Najas marina</i>
<i>Najas tenuifolia</i>	<i>Nymphaea gigantea</i>
<i>Nymphoides geminata</i>	<i>Nymphoides indica</i>
<i>Ottelia ovalifolia</i>	<i>Panicum obseptum</i>
<i>Panicum vaginatum</i>	<i>Paspalum distichum</i>
<i>Persicaria attenuata</i>	<i>Persicaria decipiens</i>
<i>Persicaria hydropiper</i>	<i>Persicaria lapathifolia</i>
<i>Persicaria strigosa</i>	<i>Philydrum lanuginosum</i>
<i>Phragmites australis</i>	<i>Potamogeton crispus</i>
<i>Potamogeton ochreatus</i>	<i>Potamogeton perfoliatus</i>

*Potamogeton tricarlinatus*  
*Ranunculus inundatus*  
*Schoenoplectus mucronatus*  
*Spirodella* spp.  
*Typha orientalis*  
*Vallisneria* spp.

*Pseudoraphis spinescens*  
*Schoenoplectus litoralis*  
*Schoenoplectus validus*  
*Triglochin procera sensu lato*  
*Utricularia australis*  
*Wolffia* spp.

2. The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance history (including grazing, flooding, land clearing and pollution in the catchment). The number and relative abundance of species will change with time since flooding or significant rainfall, and may also change in response to changes in grazing regimes and land use in the catchment. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
3. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes, Port Stephens, Maitland, Newcastle, Cessnock, Lake Macquarie, Wyong, Gosford, Hawkesbury, Baulkham Hills, Blacktown, Penrith, Fairfield, Liverpool, Wollondilly, Camden, Campbelltown, Wollongong, Shellharbour, Kiama, Shoalhaven, Eurobodalla and Bega Valley but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Cresswell (1995). Examples include Swan Bay, Gundurimba wetland, Bungawalbin Swamp, Dyraaba Creek and Tuckean Swamp on the Richmond floodplain; Southgate wetlands and Trenayr Swamp on the Clarence floodplain; Seven Oaks Swamp, Swan Pool, Kinchela Creek and Upper Belmore Swamp on the Macleay floodplain; Great Swamp on the Manning floodplain; Wentworth Swamp, Hexham Swamp, Wallis Creek and Ellalong Lagoon on the Hunter floodplain; Bushells, Pitt Town, Long Neck and Broadwater Lagoons on the Hawkesbury floodplain; Coomonderry Swamp on the Shoalhaven floodplain; Pedro and Old Man Bed Swamps on the Moruya floodplain; and Jellat Jellat Swamp on the Bega floodplain (Goodrick 1970).
4. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is dominated by herbaceous plants and have very few woody species. The structure and composition of the community varies both spatially and temporally depending on the water regime (Yen and Myerscough 1989, Boulton and Brock 1999). Wetlands or parts of wetlands that lack standing water most of the time are usually dominated by dense grassland or sedgeland vegetation, often forming a turf less than 0.5 metre tall and dominated by amphibious plants including *Paspalum distichum* (water couch), *Leersia hexandra* (swamp rice-grass), *Pseudoraphis spinescens* (mud grass) and *Carex appressa* (tussock sedge). Wetlands or parts of wetlands subject to regular inundation and drying may include large emergent sedges over 1 metre tall, such as *Baumea articulata*, *Eleocharis equisetina* and *Lepironia articulata*, as well as emergent or floating herbs such as *Hydrocharis dubia* (frogbit), *Philydrum lanuginosum* (frogsmouth), *Ludwigia peploides* subsp. *montevicensis* (water primrose), *Marsilea mutica* (nardoo) and *Myriophyllum* spp. (milfoils). As standing water becomes deeper or more permanent, amphibious and emergent plants become less abundant, while floating and submerged aquatic herbs become more abundant. These latter species include *Azolla filiculoides* var. *rubra*, *Ceratophyllum demersum* (hornwort), *Hydrilla verticillata* (water thyme), *Lemna* spp. (duckweeds), *Nymphaea gigantea* (giant waterlily), *Nymphoides indica* (water snowflake), *Ottelia ovalifolia* (swamp lily) and *Potamogeton* spp. (pondweeds). The threatened aquatic plants, *Aldrovanda vesiculosa* and *Najas marina*, also occur within this community. The composition and structure of the vegetation is also influenced by grazing history, changes to hydrology and soil salinity, catchment runoff and disturbance, and may have a substantial component of exotic grasses and forbs. Artificial wetlands created on previously dry land specifically for purposes such as sewerage treatment, stormwater management and farm production, are not regarded as part of this community, although they may provide habitat for threatened species.
5. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has a distinctive fauna that includes frogs, fish, freshwater tortoises, waterbirds and a diversity of micro- and macro-invertebrates. The frog families represented are Myobatrachidae (southern frogs) and Hylidae (tree frogs), including the threatened Green and Golden Bell Frog (*Litoria aurea*). Waterbirds include Black Swan (*Cygnus atratus*), Pacific Black Duck (*Anas superciliosa*), Australian Grey Teal (*Anas gracilis*), Pacific Heron (*Ardea pacifica*), White-faced Heron (*Ardea novaehollandiae*), Great Egret (*Ardea alba*), Intermediate Egret (*Ardea intermedia*), Little Egret (*Ardea garzetta*), Straw-necked Ibis (*Threskiornis spinicollis*), Sacred Ibis (*Threskiornis aethiopicus*), Black-necked Stork (*Ephippiorhynchus asiaticus*), Royal Spoonbill (*Platalea*

*regia*), Yellow-billed Spoonbill (*Platalea flavipes*), Japanese Snipe (*Gallinago hardwickii*), Black-winged Stilt (*Himantopus himantopus*), Dusky Moorhen (*Gallinula tenebrosa*), Comb-crested Jacana (*Jacana gallinacea*) and Purple swamphen (*Porphyrio porphyrio*).

6. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions forms part of a complex of forested wetland and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified several types of forested wetlands that are distinct from this treeless wetland community (Keith and Scott 2005). The combination of features that distinguish Freshwater Wetlands on Coastal Floodplains from other endangered ecological communities on the coastal floodplains include its scarcity or complete absence of woody plant species and the presence of amphibious, emergent, floating or submerged aquatic forbs, grasses or sedges. It generally occupies low-lying parts of floodplains, alluvial flats, depressions, drainage lines, backswamps, lagoons and lakes; habitats where flooding is periodic and standing fresh water persists for at least part of the year in most years. The community also occurs in backbarrier landforms where floodplains adjoin coastal sandplains (e.g. Pressey and Griffith 1992). However, it is distinct from Sydney Freshwater Wetlands, which may include a component of woody plant species and are associated with sandplains in the Sydney Basin bioregion.
7. Freshwater Wetlands on Coastal Floodplains may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, Subtropical Floodplain Forest of the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-flat Forest in the Sydney Basin bioregion), Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest Complex in the Sydney Basin bioregion) and Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, Freshwater Wetlands on Coastal Floodplains are sometimes fringed by trees, such as *Casuarina glauca* (swamp oak) and *Melaleuca quinquenervia* (paperbark), indicating transitional zones to forested communities of the floodplains. The boundaries between these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices (e.g. Johnston *et al.* 2003, Stevenson 2003). In addition, Freshwater Wetlands on Coastal Floodplains may adjoin or intergrade with Coastal Saltmarsh of the NSW North Coast, Sydney Basin and South East Corner bioregions and Sydney Freshwater Wetlands of the Sydney Basin bioregion. The Determinations for these communities collectively encompass the full range of intermediate assemblages.
8. A number of vegetation surveys and mapping studies have been conducted across the range of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. This community includes 'Fresh meadows', 'Seasonal fresh swamps', 'Semi-permanent fresh swamps', and 'Open fresh waters' in the general coastal wetlands classification of Goodrick (1970). In the Tweed valley lowlands, this community includes '*Eleocharis equisetina* tall closed sedgeland' (E2) and '*Triglochin procerum* tall forbland to tall open forbland' (E3) of Pressey and Griffith (1992) and parts of the 'Floodplain Wetland Complex' (FL) that are dominated by herbaceous plants (Pressey and Griffith 1992). In the lower Hunter valley, 'Freshwater Wetland Complex' (map unit 46) of NPWS (2000) falls within this community. In the Sydney region, this community includes 'Freshwater wetlands on the floodplains' of Benson and Howell (1990); 'Freshwater reed swamps' (map unit 28a) of Benson (1992) and Ryan *et al.* (1996) in the Penrith-St Albans district; '*Lepironia* freshwater swamp' (map unit 75 and part of map unit 79) of NPWS (2002a) in the Warragamba area; and 'Freshwater wetlands' (map unit 36) of Tozer (2003) on the Cumberland Plain. On the Illawarra plain, this community includes 'Floodplain Wetland' (map unit 54) of NPWS (2002b). In the Comprehensive Regional Assessment of southern New South Wales (Thomas *et al.* 2000), this community includes 'Coastal alluvial valley floor wetlands' (map unit 189). This community also includes those parts of 'Coastal freshwater lagoon' (map unit 313) of Tindall *et al.* (2004), on the south coast of NSW, and parts of 'Floodplain Wetlands' (map unit 60) of Keith and Bedward (1999), in the Eden region, that are dominated by herbaceous aquatic plants. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is included within the 'Coastal Freshwater Lagoons' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Freshwater Wetlands on Coastal Floodplains within and beyond these surveyed areas.
9. The extent of the Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions prior to European settlement has not been mapped across its entire range. Estimates of wetland area also vary, depending on the scale of mapping (coarse scale maps may exclude many

small wetlands), wetland definition and the occurrence of recent flooding. Mapping carried out by Kingsford *et al.* (2004), for example, focused on areas of open water and thus excluded many wetlands attributable to this community. One estimate based on a compilation of regional vegetation maps suggests that Coastal Freshwater Lagoons, which include Freshwater Wetlands on Coastal Floodplains, currently cover 90-160 km<sup>2</sup>, representing less than 60-90% of the original extent of this broadly defined vegetation class (Keith 2004). However, the remaining area of Freshwater Wetlands on Coastal Floodplains is likely to represent much less than 60-90% of its original range, because this combined estimate for the Coastal Freshwater Wetlands class (Keith 2004) is likely to include a considerable area of freshwater wetlands on coastal sandplains, which are excluded from this Determination. Goodrick (1970) estimated that approximately 21 700 ha of 'Fresh meadows', 'Seasonal fresh swamps', 'Semi-permanent fresh swamps', and 'Open fresh waters' remained on NSW coastal floodplains in 1969, representing less than 39% of their original area. Continued clearing and drainage works in the 35 years since Goodrick's (1970) survey are likely to have resulted in a substantial diminution of Freshwater Wetlands on Coastal Floodplains. More detailed surveys have identified the following areas attributable to Freshwater Wetlands on Coastal Floodplains: less than 150 ha on the Tweed lowlands in 1985 (Pressey and Griffith 1992); about 10 600 ha on the lower Clarence floodplain in 1982 (Pressey 1989a); about 11 200 ha on the lower Macleay floodplain in 1983 (Pressey 1989b); about 3500 ha in the lower Hunter – central Hunter region in 1990s (NPWS 2000); less than 2700 ha on the NSW south coast from Sydney to Moruya in the mid 1990s (Tindall *et al.* 2004), including about 660 ha on the Cumberland Plain in 1998 (Tozer 2003) and about 100 ha on the Illawarra Plain in 2001 (NPWS 2002); and less than 1000 ha in the Eden region in 1990 (Keith and Bedward 1999). The wetlands included in these estimates exist in various states of modification.

10. Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands remained in 1985. Similar estimates are likely to apply to Freshwater Wetlands on Coastal Floodplains in other parts of the NSW North Coast bioregion (Pressey 1989a, 1989b). In the lower Hunter – central coast region, about two-thirds was estimated to have remained during the 1990s (NPWS 2000), while approximately 40% remained on the Cumberland Plain in 1998 (Tozer 2003). In the Sydney – South Coast region, about 70% was estimated to remain in the mid 1990s (Tindall *et al.* 2004), in the Eden region about 30% was estimated to remain during the 1990s (Keith and Bedward 1999).
11. Land clearing continues to threaten Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. A small minority of the remaining area occurs on public land (e.g. Pressey 1989a, b; Pressey and Griffith 1992), with most occurring on productive agricultural land or in close proximity to rural centres. The remaining stands are severely fragmented by past clearing and are further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, filling associated with urban and industrial development, pollution and eutrophication from urban and agricultural runoff, weed invasion, overgrazing, trampling by livestock, soil disturbance by pigs, activation of 'acid sulfate soils' and rubbish dumping (e.g. Goodrick 1970; Pressey 1989a, b; Pressey and Griffith 1992; Boulton and Brock 1999, Johnston *et al.* 2003). The native fauna of Freshwater Wetlands on Coastal Floodplains is threatened by predation, particularly by mosquito fish and cane toads. Anthropogenic climate change may also threaten Freshwater Wetlands on Coastal Floodplains if sea levels rise and future flooding regimes change as predicted (IPCC 2001; Hughes 2003). Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; and Anthropogenic climate change are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Large areas of habitat formerly occupied by Freshwater Wetlands on Coastal Floodplains have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). By the early 1900s, drainage unions or trusts were formed on the major floodplains to enable adjacent landholders to arrange for co-ordinated drainage systems, which were designed and constructed by the former NSW Department of Public Works. Additional areas that have not been directly drained may have been altered hydrologically by changed patterns of flooding and drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* and *Casuarina glauca* into open floodplain swamps has been attributed to artificial drainage and shortening of the hydroperiod (Johnston *et al.* 2003, Stevenson 2003). These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston *et al.* 2003). Conversely, alteration of tidal flows may have led to decreased soil salinity and localised expansion of Freshwater Wetland into areas that previously supported Coastal Saltmarsh

or mangroves (Stevenson 2003). Re-instatement of tidal flows and other natural hydrological processes may therefore lead to contraction of Freshwater Wetlands. In addition, sedimentation and eutrophication of wetlands is associated with development of their catchments for intensive agriculture or urban or industrial infrastructure. Harmful runoff from developed catchments may include herbicides, pesticides, fertilisers, sewerage, industrial waste and polluted stormwater. The widespread degradation of Freshwater Wetlands on Coastal Floodplains has led to regional declines in their dependent fauna including Magpie Geese (*Anseranas semipalmata*), Cotton Pygmy Geese (*Nettapus coromandelianus*), Hardhead (*Aythya australis*), Black-necked Stork (*Ephippiorhynchus asiaticus*), and Wandering Whistling Duck (*Dendrocygna arcuata*).

13. Very few examples of Freshwater Wetlands on Coastal Floodplains remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community; the dumping of landfill, rubbish and garden refuse; eutrophication and polluted runoff from urban and agricultural areas; construction of roads and other utilities; soil disturbance by feral pigs and grazing by domestic livestock. In addition, mechanical and chemical methods of controlling aquatic weeds may threaten native components of the flora. The principal weed species affecting Freshwater Wetlands on Coastal Floodplains include *Alternanthera philoxeroides* (alligatorweed), *Baccharis halimifolia* (groundsel bush), *Echinochloa crus-galli* (barnyard grass), *Eichhornia crassipes* (water hyacinth), *Hygrophila costata* (glush weed), *Ludwigia longifolia*, *L. peruviana*, *Nymphaea capensis* (Cape waterlily), *Panicum repens* (torpedo grass), *Pennisetum clandestinum* (kikuyu) and *Salvinia molesta*, (Sainty and Jacobs 1981).
14. Small areas of Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions are contained within existing conservation reserves, including Ukerebagh, Tuckean, Tabbimoble Swamp, Hexham Swamp, Pambalong and Pitt Town Nature Reserves and Bungawalbin, Scheyville and Seven Mile Beach National Parks, although these are unevenly distributed throughout the range and unlikely to represent the full diversity of the community. In addition, wetlands within protected areas are exposed to hydrological changes that were, and continue to be initiated outside their boundaries. Some Freshwater Wetlands on Coastal Floodplains are protected by State Environmental Planning Policy 14, although this has not always precluded impacts on wetlands from the development of major infrastructure.
15. Given the dynamic hydrological relationship between Freshwater Wetlands on Coastal Floodplains, Coastal Saltmarsh and other endangered ecological communities on coastal floodplains, future management of water and tidal flows may result in the expansion of some communities at the expense of others. Proposals for the restoration of natural hydrological regimes and for the rehabilitation of acid sulfate soils may also result in changes to the distribution and composition of floodplain communities. Co-ordinated planning and management approaches across whole catchments will be required to address and resolve priorities between different management objectives.
16. In view of the above the Scientific Committee is of the opinion that Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr Richard Major

Chairperson

Scientific Committee

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## NSW SCIENTIFIC COMMITTEE

**Determination to make a minor amendment to Part 3 of Schedule 1  
of the Threatened Species Conservation Act**

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Determination to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions (as described in the final determination to list the ecological community) which was published on pages 9414 to 9419 in the NSW government Gazette No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

The Scientific Committee is of the opinion that the amendment is necessary or desirable to correct an omission in the Determination in relation to the Thackway and Cresswell (1995) reference.

The Scientific Committee has found that:

1. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is the name given to the plant community associated with accumulated peaty or organic-mineral sediments on poorly drained flats in the headwaters of streams. It occurs on undulating tablelands and plateaus, above 400-500 m elevation, generally in catchments with basic volcanic or fine-grained sedimentary substrates or, occasionally, granite. Montane Peatlands and Swamps is characterised by the assemblage of species listed in paragraph 2 and comprises a dense, open or sparse layer of shrubs with soft-leaved sedges, grasses and forbs. It is the only type of wetland that may contain more than trace amounts of *Sphagnum* spp., the hummock peat-forming mosses. Small trees may be present as scattered emergents or absent from the community.
2. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is characterised by following assemblage of species:

<i>Acaena novae-zelandiae</i>	<i>Arthropodium milleflorum</i>
<i>Asperula gunnii</i>	<i>Baeckea gunniana</i>
<i>Baeckea utilis</i>	<i>Baloskion australe</i>
<i>Baloskion stenocoleum</i>	<i>Baumea rubiginosa</i>
<i>Blechnum nudum</i>	<i>Blechnum penna-marina</i>
<i>Brachyscome graminea</i>	<i>Callistemon pityoides</i>
<i>Carex appressa</i>	<i>Carex fascicularis</i>
<i>Carex gaudichaudiana</i>	<i>Comesperma retusum</i>
<i>Deyeuxia gunniana</i>	<i>Deyeuxia quadriseta</i>
<i>Drosera binata</i>	<i>Drosera peltata</i>
<i>Eleocharis acuta</i>	<i>Eleocharis sphacelata</i>
<i>Empodisma minus</i>	<i>Epacris breviflora</i>
<i>Epacris microphylla</i>	<i>Epacris paludosa</i>
<i>Epilobium billardierianum</i>	<i>Epilobium gunnianum</i>
<i>Eucalyptus ovata</i>	<i>Eucalyptus pauciflora</i>
<i>Eucalyptus stellulata</i>	<i>Gahnia sieberiana</i>
<i>Geranium neglectum</i>	<i>Gleichenia dicarpa</i>
<i>Gonocarpus micranthus</i>	<i>Gratiola latifolia</i>
<i>Gratiola peruviana</i>	<i>Hakea microcarpa</i>
<i>Hydrocotyle peduncularis</i>	<i>Hypericum gramineum</i>
<i>Hypericum japonicum</i>	<i>Hypoxis hygrometrica</i>
<i>Isotoma fluviatilis</i>	<i>Juncus falcatus</i>
<i>Juncus planifolius</i>	<i>Juncus sarophorus</i>
<i>Lagenifera stipitata</i>	<i>Leptospermum juniperinum</i>
<i>Leptospermum lanigerum</i>	<i>Leptospermum myrtifolium</i>
<i>Leptospermum obovatum</i>	<i>Leptospermum polygalifolium</i> subsp. <i>polygalifolium</i>
<i>Lepyrodia anarthria</i>	<i>Lythrum salicaria</i>
<i>Mitrasacme serpyllifolia</i>	<i>Myriophyllum pedunculatum</i>
<i>Myriophyllum propinquum</i>	<i>Neopaxia australasica</i>
<i>Oreobolis ambiguus</i>	<i>Oreomyrrhis ciliata</i>
<i>Phragmites australis</i>	<i>Poa costiniana</i>
<i>Poa labillardieri</i>	<i>Poa sieberiana</i> var. <i>sieberiana</i>
<i>Prasophyllum canaliculatum</i>	<i>Pratia pedunculata</i>
<i>Prunella vulgaris</i>	<i>Pteridium esculentum</i>
<i>Ranunculus lappaceus</i>	<i>Ranunculus pimpinellifolius</i>

*Scaevola hookeri*  
*Scirpus polystachyus*  
*Sphagnum novo-zelandicum*  
*Stellaria pungens*  
*Utricularia dichotoma*  
*Viola caleyana*  
*Wahlenbergia ceracea*

*Schoenus apogon*  
*Sphagnum cristatum*  
*Spiranthes sinensis subsp. australis*  
*Stylidium graminifolium*  
*Viola betonicifolia*  
*Viola hederacea*  
*Xerochrysum palustre*

3. The total species list of the community is larger than that given above, with many species present only in one or two sites, or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including grazing, land clearing and fire) history. The number and relative abundance of species will change with time since fire, and may also change in response to changes in fire frequency or water regime. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is mainly of vascular plant species, however the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.
4. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions typically has an open to very sparse layer of shrubs, 1-5 m tall, including species of *Baeckea*, *Callistemon* and *Leptospermum*. Species of *Epacris* and *Hakea microcarpa* are also common shrubs. In some peatlands and swamps, particularly those with a history of disturbance to vegetation, soils or hydrology, the shrub layer comprises dense thickets of *Leptospermum* species. In other peatlands and swamps with a history of grazing by domestic livestock, the shrub layer may be very sparse or absent. Montane Peatlands typically have a dense groundcover of sedges, grasses and forbs, except where a dense cover of tall shrubs casts deep shade. Soft-leaved species of *Carex* and *Poa* typically make up most of the groundcover biomass, while other common sedges include *Baloskion* spp., *Baumea rubiginosa*, *Empodisma minus*, *Juncus* spp. and *Schoenus apogon*. Forbs growing amongst the sedges include *Drosera* spp., *Geranium neglectum*, *Gratiola* spp., *Mitrasacme serpyllifolia*, *Ranunculus* spp. and *Viola* spp. Hummocks of *Sphagnum* moss may occur amongst other components of the ground layer. The continuity of the ground layer may be interrupted by erosion, trampling, partial clearing or earthworks. There may be considerable variation in soils and species composition between and within individual peatlands and swamps. Regionally, a number of species are confined to the northern or southern parts of the community's distribution. Locally, toward the margins of any particular peatland or swamp, the average watertable depth typically declines, the mineral content of surface soils increases and hydrophilic plant species are replaced by species that are less tolerant of waterlogged conditions.
5. Montane Peatlands and Swamps may be distinguished from Upland Wetlands of the Drainage Divide of the New England Tableland bioregion, also listed on Schedule 1 of the Threatened Species Conservation Act 1995, by several biological and physical characteristics. The latter community has fewer woody plants, a greater component of aquatic herbs, is based on substrates with less peat and higher mineral content, and has shallow temporary to near-permanent standing water, *cf.* a varying depth of seeping water within Montane Peatlands and Swamps.
6. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions provides habitat for a number of endangered plant species including *Carex klaphakei*, *Diuris pedunculata*, *Eucalyptus approximans*, *Euphrasia scabra*, *Gentiana baueriana*, *G. bredboensis*, *G. wingecarribiensis*, *Grevillea acanthifolia* subsp. *paludosa*, *Lysimachia vulgaris* var. *davurica* and *Prasophyllum uroglossum*; and vulnerable plant species including *Baloskion longipes*, *Boronia deanei*, *Callitris oblonga*, *Diuris venosa*, *Eucalyptus aquatica*, *Leptospermum thompsonii*, *Prasophyllum fuscum*, *Pultenaea parrisiae* subsp. *parrisiae*, *Ranunculus anemoneus*, *Tasmania purpurascens* and *T. glaucifolia*. Some of these species are associated with ecotones of adjoining forests or watercourses. Montane peatlands and swamps provide habitat for a range of threatened fauna, particularly amphibians and, notably the Northern and Southern corroboree frogs (*Pseudophryne pengilleyi* and *P. corroboree*) and the Giant Dragonfly (*Petalura gigantea*).
7. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is currently known from parts of the Local Government Areas of Armidale Dumaresq, Bega Valley, Bellingen, Blue Mountains, Bombala, Cooma-Monaro, Eastern Capital City, Eurobodalla, Gloucester, Greater Argyle, Guyra, Hawkesbury, Lithgow, Oberon, Severn, Shoalhaven, Snowy River, Tenterfield, Tumbarumba, Tumut, Upper Lachlan and Wingecarribee but may occur elsewhere in these bioregions. Bioregions are defined in Thackway and Cresswell (1995).

8. A number of vegetation surveys and mapping studies have been conducted across the range of Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions. In Whinam and Chilcott's (2002) classification of peatland vegetation, this community includes 'Tea-tree *Sphagnum* Peatlands' (Group 3), 'Shrubby herbaceous *Sphagnum* peatlands' (Group 4), 'Shrubby-sedgey *Sphagnum* peatlands' (Group 5), 'Heathy *Sphagnum* Peatlands' (Group 6), 'Barrington drainage line *Sphagnum* Swamps' (Group 7), 'Degraded *Sphagnum* Moss Beds' (Group 8) and 'Alpine *Sphagnum* peatlands' (Group 9). In the New England bioregion, this community includes 'Heath Swamps on Leucogranite and Granite' (map unit 20) of Benson and Ashby (2000), 'Plateau Wet Herbfield' (map unit 1) and 'Wet Heath' (map unit 5) of Clarke *et al.* (2000), and the *Sphagnum* bogs described by Millington (1954). In the Barrington Tops area, this community includes the swamps described by Mort (1983), 'Sedgeland' (Community 12) of Zoete (2000) and 'Subalpine bogs' of Fraser & Vickery (1939). On the central tablelands, this community includes 'Coxs River swamps' (map unit 20b) and 'Boyd plateau bogs' (map unit 26b) of Keith & Benson (1988) and Benson & Keith (1990); 'Highlands peat swamp' (map unit 25a) and 'Bindook highlands grassland' (map unit 18) of NPWS (2003); and the swamps and bogs described by Black (1976) and Kodela *et al.* (1996). On the southern tablelands, this community includes peatlands described by Hope & Southern (1981), including Wingecarribee swamp (Kodela *et al.* 2001); 'Montane Wet Heath/Bog' (map unit 123), 'Western Montane Wet Heath/Herb Grass Woodland' (map unit 124), 'Montane Wet Heath/Herb Grassland' (map unit 125), and 'Montane Wet Sedgeland' (map unit 126) of Thomas *et al.* (2000); and 'Tableland Bog' (map unit 53) and 'Shrubby Swamp Meadow' (map unit 5557) of Tindall *et al.* (2004); 'Subalpine Bog' (map unit 59) of Keith & Bedward (1999); and '*Carex gaudichaudiana* Alliance', '*Epacris paludosa* – *Sphagnum cymbifolium* Alliance' and '*Carex gaudichaudiana* – *Sphagnum cymbifolium* Alliance' of Costin (1954). In the Kosciusko-Monaro district, this community also includes the *Sphagnum* peatlands of Clarke & Martin (1999), the '*Carex gaudichaudiana*' and '*Epacris paludosa*' alliances of Costin (1954), 'Bog and Fen' (map unit 9) of Wimbush & Costin (1973) and the '*Poa* association', '*Poa-Restio* ecotone', '*Restio* associates', '*Hypolaena* associates', '*Richea* associates', '*Epacris* associates', '*Callistemon* consociation' and '*Baeckea* consociation' of McLuckie & Petrie (1927). Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions included within the 'Montane Bogs and Fens' and 'Alpine Bogs and Fens' vegetation classes of Keith (2002, 2004). There may be additional or unmapped occurrences of Montane Peatlands and Swamps within and beyond these surveyed areas.
9. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions are threatened by land clearing; grazing, trampling and soil disturbance caused by feral pigs, goats, deer, horses and domestic livestock; damage to vegetation and soils by off-road vehicles; peat mining; frequent or high-intensity fires; pollution and eutrophication from urban areas, cropping and improved pastures in the catchment; weed invasion; changes to water tables and surface flows caused by drainage works or altered flows in the catchment; erosion and sedimentation; and climate change.
10. Losses of Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions due to land clearing are difficult to estimate. However, estimates vary from about 20% in the Guyra district (Benson and Ashby 2000) to more than 75% in the far southeast of NSW (Keith and Bedward 1999). Clearing of catchments for pastures or plantations, and earthworks associated with road or track construction may also adversely affect peatlands by causing erosion, sedimentation or changes in hydrology (Whinam & Chilcott 2002). Clearing of native vegetation is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
11. Overgrazing may cause changes in species composition by reducing the abundance of the most palatable plants, as well as woody species with poor regenerative capacity (Whinam & Chilcott (2002). Trampling by hooved animals, such as pigs, goats, deer, horses or cattle, causes channelling of water flow, which may lead to erosion or drying in different parts of a peatland (Whinam & Chilcott 2002). Digging and rooting by feral pigs and horses may also cause severe damage to vegetation and soils, even in conservation reserves, such as Kosciuszko and Kanangra-Boyd National Parks, where control measures are carried out (Whinam & Chilcott 2002). Predation, habitat destruction, competition and disease transmission by feral pigs, Competition and habitat degradation by feral goats, and Herbivory and environmental degradation caused by feral deer are listed as a Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Peat mining, although localised, may have catastrophic impacts on the hydrology and ecological function of Montane Peatlands and Swamps. For example, peat was extracted from Wingecarribee Swamp, the largest peatland on mainland Australia, for 25 years until it underwent a massive structural collapse in 1998 (Arachchi & Lambkin 1999). The collapse left only 20% of the swamp intact, with the remainder affected by drying, fissuring and oxidation of the peat, loss of *Sphagnum* and herbaceous flora and the expansion of

*Leptospermum juniperinum* and exotic woody species such as *Rubus fruticosus* agg. and *Salix* spp. (Kodala *et al.* 2001). Underground mining of coal may also affect the hydrology of Montane Peatlands and Swamps where subsidence causes fissuring and subsequent drying or erosion (Young 1982), or where mine water is disposed into swamps and alters surface flows or causes erosion or sedimentation. Changes to hydrology may also result from the construction of drainage channels for agricultural land use or earthworks associated with infrastructure, such as roads, pipelines or other constructions. Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).

13. Some areas of Montane Peatlands and Swamps are exposed to high frequency fire, which alters species composition by favouring fire-tolerant sedges at the expense of woody plants that are slow to regenerate after fire (Keith 1996) and by creating exposed conditions unsuitable for the recovery of *Sphagnum* (Whinam *et al.* 1989, 2001). Survival of rhizomatous species, such as *Baloskion australe* and *Empodisma minus*, and tussock sedges, such as *Carex gaudichaudiana*, is important for the maintenance of substrate integrity after fire. Elimination of woody species by frequent burning is likely to be accelerated by grazing. Under dry conditions, fires may consume peat, resulting in the complete death of surface vegetation and seed banks, and exposure of the remaining substrate to further erosion. Changes that follow peat fires may therefore be long-lasting (Keith 1996). High frequency fire is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
14. Pollution and eutrophication of peatlands is caused by run off or drift of fertilisers, pesticides, waste water, storm water and other pollutants from adjacent pastures and developed industrial or urban areas. This results in the replacement of native peatland vegetation by exotic weeds at a rate determined by the chemical composition and input rate of the pollutants. Common weed species include *Rubus fruticosus* agg. (blackberries), *Salix* spp. (willows), *Pinus radiata*, *Dactylis glomerata* (cocksfoot), *Cirsium vulgare* (spear thistle), *Conyza bonariensis* (fleabane), *Hypochaeris radicata* (cats ear), *Lotus uliginosus*, *Ranunculus repens* (creeping buttercup), *Taraxicum officinale* (dandelion), *Anthoxanthum odoratum* (sweet vernal grass), *Holcus lanatus* (Yorkshire fog), *Paspalum dilatatum*, *Juncus articulatus*. Invasion of native plant communities by exotic perennial grasses is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
15. Climate change may threaten the persistence of Montane Peatlands and Swamps through the alteration of hydrological budgets (Hughes 2003). Reduced precipitation and increased evaporation rates are likely to cause drying and contraction of peatlands (Whinam *et al.* 2003). There may also be indirect impacts if climate change results in higher fire frequencies and greater incidence of peat fires. Anthropogenic climate change is listed as a Key Threatening Process under the Threatened Species Conservation Act (1995).
16. Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is currently known from conservation reserves including Werrikimbee, Barrington, Kanangra-Boyd, Monga, Wadbilliga, South East Forests and Kosciusko National Parks. However, these examples are generally small, unrepresentative of the range of variation in the community, affected by past disturbances and continue to be threatened by some of the processes described above (Whinam & Chilcott 2002, Whinam *et al.* 2003). Analogous communities occur in Victoria, where the community is listed as threatened under the Flora and Fauna Guarantee Act, and in the Australian Capital Territory.
17. In view of the above, the Scientific Committee is of the opinion that Montane Peatlands and Swamps of the of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps bioregions is facing a high risk of becoming extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr Richard Major

Chairperson

Scientific Committee

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## NSW SCIENTIFIC COMMITTEE

**Determination to make a minor amendment to Part 3 of Schedule 1  
of the Threatened Species Conservation Act**

The Scientific Committee, established by the Threatened Species Conservation Act, has made a to make a minor amendment to Part 3 of Schedule 1 (Endangered ecological communities) of the Act by inserting the Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion (as described in the determination of the Scientific Committee under Division 5 Part 2) and as a consequence to omit reference to the Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion (as described in the final determination to list the ecological community) which was published on pages 9427 to 9431 in the NSW Government Gazette No. 200 dated 17 December 2004. Minor amendments to the Schedules are provided for by Division 5 of Part 2 of the Act.

The Scientific Committee is of the opinion that the amendment is necessary or desirable to correct an omission in the Determination in relation to the Thackway and Cresswell (1995) reference.

The Scientific Committee has found that:

1. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is the name given to the ecological community associated with clay-loams and sandy loams, on periodically inundated alluvial flats, drainage lines and river terraces associated with coastal floodplains. Floodplains are level landform patterns on which there may be active erosion and aggradation by channelled and overbank stream flow with an average recurrence interval of 100 years or less (adapted from Speight 1990). Subtropical Coastal Floodplain Forest generally occurs below 50 m, but may occur on localised river flats up to 250 m elevation in the NSW North Coast bioregion. The structure of the community may vary from tall open forests to woodlands, although partial clearing may have reduced the canopy to scattered trees. Typically these forests and woodlands form mosaics with other floodplain forest communities and treeless wetlands, and often they fringe treeless floodplain lagoons or wetlands with semi-permanent standing water (e.g. Pressey 1989a).

The composition of Subtropical Coastal Floodplain Forest is primarily determined by the frequency and duration of waterlogging and the texture, nutrient and moisture content of the soil. Composition also varies with latitude. The community is characterised by the following assemblage of species:

<i>Acacia concurrens</i>	<i>Acacia disparrima</i> subsp. <i>disparrima</i>
<i>Allocasuarina torulosa</i>	<i>Alphitonia excelsa</i>
<i>Angophora paludosa</i>	<i>Angophora subvelutina</i>
<i>Angophora woodsiana</i>	<i>Aristida vagans</i>
<i>Brachychiton populneus</i> subsp. <i>populneus</i>	<i>Breynia oblongifolia</i>
<i>Brunoniella australis</i>	<i>Callistemon salignus</i>
<i>Callistemon viminalis</i>	<i>Callitris columellaris</i>
<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>	<i>Casuarina glauca</i>
<i>Centella asiatica</i>	<i>Cheilanthes sieberi</i> subsp. <i>sieberi</i>
<i>Cissus hypoglauca</i>	<i>Commelina cyanea</i>
<i>Commersonia bartramia</i>	<i>Commersonia fraseri</i>
<i>Cordyline congesta</i>	<i>Corymbia intermedia</i>
<i>Cupaniopsis anacardioides</i>	<i>Cupaniopsis parviflora</i>
<i>Cymbidium suave</i>	<i>Cymbopogon refractus</i>
<i>Cyperus enervis</i>	<i>Desmodium rhytidophyllum</i>
<i>Desmodium varians</i>	<i>Dianella caerulea</i>
<i>Dianella longifolia</i>	<i>Dichelachne micrantha</i>
<i>Dichondra repens</i>	<i>Digitaria parviflora</i>
<i>Drypetes australasica</i>	<i>Echinopogon caespitosus</i> var. <i>caespitosus</i>
<i>Elaeocarpus reticulatus</i>	<i>Entolasia marginata</i>
<i>Entolasia stricta</i>	<i>Eragrostis leptostachya</i>
<i>Eucalyptus acmeniodes</i>	<i>Eucalyptus amplifolia</i>
<i>Eucalyptus moluccana</i>	<i>Eucalyptus propinqua</i>
<i>Eucalyptus resinifera</i> subsp. <i>hemilampra</i>	<i>Eucalyptus robusta</i>
<i>Eucalyptus seeana</i>	<i>Eucalyptus siderophloia</i>
<i>Eucalyptus tereticornis</i>	<i>Eustrephus latifolius</i>
<i>Ficus macrophylla</i> subsp. <i>macrophylla</i>	<i>Ficus obliqua</i>
<i>Ficus superba</i> var. <i>henneana</i>	<i>Gahnia aspera</i>
<i>Gahnia clarkei</i>	<i>Geitonoplesium cymosum</i>
<i>Glochidion ferdinandii</i>	<i>Glycine clandestina</i>
<i>Hardenbergia violacea</i>	<i>Hibbertia scandens</i>
<i>Hibiscus diversifolius</i>	<i>Hibiscus tiliaceus</i>
<i>Hovea acutifolia</i>	<i>Imperata cylindrica</i> var. <i>major</i>
<i>Kennedia rubicunda</i>	<i>Lagenifera stipitata</i>
<i>Laxmannia gracilis</i>	<i>Lomandra filiformis</i>
<i>Lomandra longifolia</i>	<i>Lomandra multiflora</i> subsp. <i>multiflora</i>
<i>Lophostemon suaveolens</i>	<i>Maclura cochinchinensis</i>
<i>Mallotus philippensis</i>	<i>Melaleuca alternifolia</i>
<i>Melaleuca decora</i>	<i>Melaleuca nodosa</i>

<i>Melaleuca quinquenervia</i>	<i>Melaleuca styphelioides</i>
<i>Microlaena stipoides</i> var. <i>stipoides</i>	<i>Morinda jasminoides</i>
<i>Notelaea longifolia</i>	<i>Oplismenus aemulus</i>
<i>Oplismenus imbecillis</i>	<i>Panicum simile</i>
<i>Parsonsia straminea</i>	<i>Persoonia stradbrokeensis</i>
<i>Phyllanthus virgatus</i>	<i>Pimelea linifolia</i>
<i>Pittosporum revolutum</i>	<i>Pratia purpurascens</i>
<i>Pteridium esculentum</i>	<i>Sigesbeckia orientalis</i>
<i>Smilax australis</i>	<i>Smilax glycyphylla</i>
<i>Stephania japonica</i> var. <i>discolor</i>	<i>Themeda australis</i>
<i>Tricoryne elatior</i>	<i>Vernonia cinerea</i>
<i>Viola hederacea</i>	<i>Wikstroemia indica</i>

- The total species list of the community is considerably larger than that given above, with many species present at only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought conditions and by its disturbance (including fire, grazing, flooding and land clearing) history. The number and relative abundance of species will change with time since fire, flooding or significant rainfall, and may also change in response to changes in grazing regimes. At any one time, above-ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species, the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. Some of these components of the community are poorly documented.
- Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is known from parts of the Local Government Areas of Tweed, Byron, Lismore, Ballina, Richmond Valley, Clarence Valley, Coffs Harbour, Bellingen, Nambucca, Kempsey, Hastings, Greater Taree, Great Lakes and Port Stephens, but may occur elsewhere in this bioregion. Bioregions are defined in Thackway and Cresswell (1995). Major examples once occurred on the floodplains of the Tweed, Richmond, Clarence, Macleay, Hastings and Manning Rivers, although smaller floodplains would have also supported considerable areas of this community.
- Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be considerably shorter in regrowth stands or under conditions of lower site quality. While the composition of the tree stratum varies considerably, the most widespread and abundant dominant trees include *Eucalyptus tereticornis* (forest red gum), *E. siderophloia* (grey ironbark), *Corymbia intermedia* (pink bloodwood) and, north of the Macleay floodplain, *Lophostemon suaveolens* (swamp turpentine). Other trees may be scattered throughout at low abundance or locally common at few sites, particularly where there is an influence from lithic substrates upslope. These include *Eucalyptus moluccana* (grey box), *E. propinqua* (grey gum), *E. seeana* (narrow-leaved red gum), *Angophora subvelutina* (broad-leaved apple), *E. robusta* (swamp mahogany), *Eucalyptus resinifera* subsp. *hemilampra* (red mahogany), *E. acmenoides* (white mahogany), *Angophora woodsiana*, *A. paludosa* and rainforest trees such as *Ficus* spp. (figs) and *Cupaniopsis* spp (tuckeroos). A layer of small trees may be present, including *Allocasuarina torulosa* (forest oak), *Alphitonia excelsa* (red ash), *Glochidion ferdinandi* (cheese tree), *Callistemon* spp. (bottlebrushes), *Melaleuca* spp. (paperbarks) and *Casuarina glauca* (swamp oak). Scattered shrubs include *Breyntia oblongifolia* (coffee bush), *Acacia concurrens* (curracabah), *Commersonia* spp., and *Hibiscus* spp. Occasional vines include *Eustrephus latifolius* (wombat berry), *Parsonsia straminea* (common silkpod) and *Geitonoplesium cymosum* (scrambling lily). The groundcover is composed of abundant forbs, scramblers and grasses including *Imperata cylindrica* var. *major* (blady grass), *Themeda australis* (kangaroo grass), *Vernonia cinerea*, *Dianella caerulea* (blue flax lily), *Pratia purpurascens* (whiteroot), *Cheilanthes sieberi* subsp. *sieberi*, and *Dichondra repens* (kidney weed). The composition and structure of the understorey is influenced by grazing and fire history, changes to hydrology and soil salinity and other disturbance, and may have a substantial component of exotic grasses, vines and forbs.
- Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion provides habitat for a broad range of animals, including many that are dependent on trees for food, nesting or roosting (Law *et al.* 2000). These include species of Cormorant (*Phalacrocorax* spp.) and Egret (*Ardea* spp. and *Egretta* spp.), the Black-necked Stork (*Ephippiorhynchus asiaticus*), Osprey (*Pandion haliaetus*), Brahminy Kite (*Haliastur indus*), Whistling Kite (*Haliastur sphenurus*), White-bellied Sea-eagle (*Haliaeetus leucogaster*), as well as the Brush-tailed Phascogale (*Phascogale tapoatafa*), Squirrel Glider (*Petaurus norfolcensis*), Common Blossum Bat (*Syconycteris australis*) (Law 1994) and Grey-headed Flying Fox (*Pteropus poliocephalus*). The fauna of Subtropical Coastal Floodplain Forest also includes several species of southern frog (family Myobatrachidae) and tree frog (family Hylidae), such as the threatened *Litoria brevipalmata*, , and many species of forest birds including honeyeaters, kingfishers, cuckoos, owls, doves, whistlers and fantails.
- Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion forms part of a complex of forested and treeless wetland communities found throughout the coastal floodplains of NSW. A recent analysis of available quadrat data from these habitats identified a distinct grouping of vegetation samples attributable to this community (Keith and Scott 2005). The combination of features that distinguish Subtropical Coastal Floodplain Forest from other endangered ecological communities on the coastal floodplains include: its dominance by a mixed eucalypt canopy, often with *Lophostemon suaveolens*; the presence of rainforest elements as scattered trees or understorey plants; the relatively low abundance or sub-dominance of *Casuarina* and *Melaleuca* species; the relatively low abundance of *Eucalyptus robusta*; and the prominent groundcover of soft-leaved forbs and grasses. It may occupy central or marginal parts of floodplains and sandy

flats, including Pleistocene back-barrier flats (Pressey and Griffith 1992); habitats where flooding is periodic and soils are rich in silt and sand, sometimes humic, and show little influence of saline ground water.

7. Subtropical Coastal Floodplain Forest may adjoin or intergrade with several other endangered ecological communities, which collectively cover all remaining native vegetation on the coastal floodplains of New South Wales. These include Lowland Rainforest on Floodplain in the NSW North Coast bioregion, River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal River-flat Forest in the Sydney Basin bioregion), Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions (including the formerly listed Sydney Coastal Estuary Swamp Forest in the Sydney Basin bioregion), Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions and Freshwater Wetlands on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. For example, south from the Manning valley, Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion may adjoin or intergrade with River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. As soil salinity increases Subtropical Coastal Floodplain Forest may intergrade with, and be replaced by, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions. As soils become sandier and more waterlogged, Subtropical Coastal Floodplain Forest may intergrade with, and be replaced by, Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. The boundaries between all of these communities are dynamic and may shift in response to changes in hydrological regimes, fire regimes or land management practices. The Determinations for these communities collectively encompass the full range of intermediate assemblages in transitional habitats.
8. A number of vegetation surveys and mapping studies have been conducted across the range of Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion. In the Comprehensive Regional Assessment of the north-eastern NSW (NPWS 1999), areas mapped as 'Forest Ecosystem 46, Eastern Red Gum', and those parts of areas mapped as 'Forest Ecosystem 73, Lowland Red Gum' on coastal floodplains are included within this community. On the Tweed lowlands, this community includes *Eucalyptus tereticornis*-*E. intermedia*-*Lophostemon suaveolens* tall to very tall open forest' (F5) of Pressey and Griffith (1992) and parts of the 'Floodplain Wetland Complex' (FL) dominated by eucalypts or *Lophostemon suaveolens* (Pressey and Griffith 1992). Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is included within the 'Coastal Floodplain Wetlands' vegetation class of Keith (2002, 2004). There may be additional or unmapped occurrences of Subtropical Floodplain Forest within and beyond these surveyed areas.
9. The extent of the Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion prior to European settlement has not been mapped across its entire range. However, one estimate based on a compilation of regional vegetation maps suggests that Coastal Floodplain Wetlands, which include Subtropical Coastal Floodplain Forest, currently cover 800-1400 km<sup>2</sup>, representing less than 30% of the original extent of this broadly defined vegetation class (Keith 2004). Compared to this combined estimate, the remaining area of Subtropical Coastal Floodplain Forest is likely to be considerably smaller and is likely to represent much less than 30% of its original range. For example, there were less than 350 ha of native floodplain vegetation on the Tweed lowlands in 1985 (Pressey and Griffith 1992).
10. Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion has been extensively cleared and modified. Large areas that formerly supported this community are occupied by exotic pastures grazed by cattle, market gardens, other cropping enterprises (e.g. sorghum, corn, poplars, etc.) and, on the far north coast, canefields and tea-tree plantations. On the Tweed lowlands, Pressey and Griffith (1992) estimated that less than 3% of the original Floodplain Wetlands and Floodplain Forest remained in 1985. Similar estimates are likely to apply to Subtropical Coastal Floodplain Forest in other parts of the NSW North Coast bioregion (Goodrick 1970, Pressey 1989a, 1989b, NPWS 1999).
11. Land clearing continues to threaten Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion. Little of the remaining area occurs on public land (e.g. Pressey and Griffith 1992), with most occurring on productive agricultural land or in close proximity to rural centres. Conversion of grazing farms to cropping often involves removal of isolated paddock trees and disturbed patches of vegetation, which locally may be the only remnants of the community. The remaining stands are severely fragmented by past clearing and further threatened by continuing fragmentation and degradation, flood mitigation and drainage works, landfilling and earthworks associated with urban and industrial development, pollution from urban and agricultural runoff, weed invasion, inappropriate grazing, trampling and other soil disturbance by domestic livestock and feral animals including pigs, activation of 'acid sulfate soils' and rubbish dumping (e.g. Pressey 1989a, b; Pressey and Griffith 1992, Boulton and Brock 1999). Anthropogenic climate change may also threaten Subtropical Coastal Floodplain Forest if future flooding regimes are affected (IPCC 2001, Hughes 2003). Localised areas, particularly those within urbanised regions, may also be exposed to frequent burning which reduces the diversity of woody plant species. Clearing of native vegetation; Alteration to the natural flow regimes of rivers, streams, floodplains and wetlands; Invasion of native plant communities by exotic perennial grasses; Predation, habitat destruction, competition and disease transmission by feral pigs; Anthropogenic climate change; High frequency fire and Removal of dead wood and dead trees are listed as Key Threatening Processes under the Threatened Species Conservation Act (1995).
12. Large areas of habitat formerly occupied by Subtropical Coastal Floodplain Forest have been directly drained by construction of artificial channels (e.g. Pressey 1989a, Boulton and Brock 1999). By the early 1900s, drainage unions or trusts were formed on the major floodplains to enable adjacent landholders to arrange for co-ordinated drainage systems, which were designed and constructed by the NSW Department of Public Works. Additional areas that have not been

directly drained may have been altered hydrologically by changed patterns of flooding and drainage following flood mitigation works, particularly the construction of drains, levees and floodgates (Pressey and Griffith 1992). On the north coast of NSW, expansion of *Melaleuca quinquenervia* and *Casuarina glauca* has been attributed to artificial drainage and shortening of the hydroperiod (Johnston *et al.* 2003). These changes appear to be closely associated with enhanced acidity, altered ionic ratios, increased dissolved organic carbon and sulfide oxidation in the soil profile (Johnston *et al.* 2003).

13. Very few examples of Subtropical Coastal Floodplain Forest remain unaffected by weeds. The causes of weed invasion include physical disturbance to the vegetation structure of the community, dumping of landfill rubbish and garden refuse, polluted runoff from urban and agricultural areas, construction of roads and other utilities, and grazing by domestic livestock. The principal weed species affecting Subtropical Coastal Floodplain Forest include *Araujia sericiflora* (moth plant), *Asparagus asparagoides* (bridal creeper), *A. plumosus* (climbing asparagus fern), *Axonopus* spp. (carpet grasses), *Baccharis halimifolia* (groundsel bush), *Bidens pilosa* (cobble's peg), *Cinnamomum camphora* (camphor laurel), *Conyza* spp. (fleabanes), *Hypochaeris radicata* (catsear), *Ipomoea* spp. (morning glories), *Lantana camara*, *Ligustrum sinense* (small-leaved privet), *L. lucidum* (large-leaved privet), *Lonicera japonica* (Japanese honeysuckle), *Olea europaea* subsp. *cuspidata* (African olive), *Paspalum dilatatum* (paspalum), *Pennisetum clandestinum* (kikuyu), *Rubus fruticosus* agg. (blackberries), *Senecio madagascariensis* (fireweed), *Setaria parviflora* (slender pigeon grass), *Sida rhombifolia* (Paddy's lucerne), *Solanum mauritianum* (wild tobacco bush), *S. nigrum* (black-berry nightshade), *Tradescantia fluminensis* (wandering jew) and *Verbena bonariensis* (purpletop) (Keith and Scott 2005).
14. Small areas of Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion are contained within existing conservation reserves, including Stotts Island, Ukerebagh and Limeburners Creek Nature Reserves and Bundjalung and Myall Lakes National Parks, and these are unevenly distributed throughout the range and unlikely to represent the full diversity of the community.
15. In view of the above the Scientific Committee is of the opinion that Subtropical Coastal Floodplain Forest of the NSW North Coast bioregion is likely to become extinct in nature in New South Wales unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

Dr Richard Major

Chairperson

Scientific Committee

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# OFFICIAL NOTICES

## Appointments

### CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Minister for Transport and Minister for the Central Coast

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable M J Daley MP, Minister for Police and Minister for Finance, to act for and on behalf of the Minister for Transport and Minister for the Central Coast, as on and from 25 December 2010, with a view to his performing the duties of the Honourable J C Robertson MLC, during his absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

### CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Minister for Police, and Minister for Finance

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon A B Kelly MLC, Minister for Planning, Minister for Infrastructure, and Minister for Lands to act for and on behalf of the Minister for Police, and Minister for Finance, on and from 10 January 2011, with a view to his performing the duties of the Honourable M J Daley MP, during his absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

### CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Minister for Roads and Minister for Western Sydney

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable P T Primrose, Minister for Ageing, Minister for Disability Services, Minister for Volunteering, and Minister for Youth, to act for and on behalf of the Minister for Roads and Minister for Western Sydney, as on and from 25 December 2010, with a view to his performing the duties of the Honourable D L Borger MP, during his absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

### CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Minister Education and Training

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J Hatzistergos, Attorney General, Minister for Citizenship, Minister for Regulatory Reform, and Vice President of the Executive Council, to act for and on behalf of the Minister for Education and Training, as on and from 24 December 2010, with a view to his performing the duties of the Honourable V H Firth MP, during her absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

### CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Minister for the State Plan, and Minister for Community Services

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised The Hon P T Primrose B, Minister for Ageing, Minister for Disability Services, Minister for Volunteering, and Minister for Youth to act for and on behalf of the Minister for the State Plan, and Minister for Community Services, on and from 17 December 2010, with a view to his performing the duties of The Honourable L J Burney MP, during her absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

### CONSTITUTION ACT 1902

Ministerial arrangements during the absence of the Minister for Gaming and Racing, Minister for Sport and Recreation and Minister for Major Events

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised The Hon A B Kelly MLC, Minister for Planning, Minister for Infrastructure, and Minister for Lands to act for and on behalf of the Minister for Gaming and Racing, Minister for Sport and Recreation and Minister for Major Events, on and from 7 January 2011, with a view to his performing the duties of The Honourable K P Greene MP, during his absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

**CONSTITUTION ACT 1902**

Ministerial arrangements during the absence of the  
Minister for Citizenship and  
Minister for Regulatory Reform

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon V H Firth MP, Minister for Education and Training, to act for and on behalf of the Minister for Citizenship and Minister for Regulatory Reform, on and from 10 January 2011, with a view to her performing the duties of the Honourable J Hatzistergos, during his absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

**CONSTITUTION ACT 1902**

Ministerial arrangements during the absence of the  
Minister for Planning, Minister for Infrastructure,  
and Minister for Lands

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised The Hon K P Greene MP, Minister for Gaming and Racing, Minister for Sport and Recreation, and Minister for Major Events to act for and on behalf of the Minister for Planning, Minister for Infrastructure, and Minister for Lands, on and from 21 December 2010, with a view to his performing the duties of The Honourable A B Kelly MLC, during his absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

**CONSTITUTION ACT 1902**

Minister for Industrial Relations, Minister for Commerce,  
Minister for Energy, Minister for Public Sector Reform,  
and Minister for Aboriginal Affairs

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised The Honourable P J Costa MP, Minister for Water, and Minister for Corrective Services, to act for and on behalf of the Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs, on and from 20 December 2010, and The Hon P T Primrose, Minister for Ageing, Minister for Disability Services, Minister for Volunteering, and Minister for Youth, to act on and from 7 January 2011 with a view to performing the duties of The Honourable P G Lynch MP, during his absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

**CONSTITUTION ACT 1902**

Ministerial arrangements during the absence of the  
Minister for Local Government, Minister for Juvenile  
Justice, Minister Assisting the Minister for Planning, and  
Minister Assisting the Minister for Health (Mental Health)

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Hon J L McKay MP, Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister for Women, to act for and on behalf of the Minister for Local Government, Minister for Juvenile Justice, Minister Assisting the Minister for Planning, and Minister Assisting the Minister for Health (Mental Health), as on and from 19 December 2010, with a view to his performing the duties of the Honourable B M Perry MP, during her absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

**CONSTITUTION ACT 1902**

Ministerial arrangements during the absence from duty of  
the Premier, and Minister for Redfern Waterloo

PURSUANT to section 36 of the Constitution Act, 1902, Her Excellency the Governor, with the advice of the Executive Council, has authorised the Honourable J Hatzistergos, Attorney General, Minister for Citizenship, Minister for Regulatory Reform, and Vice President of the Executive Council, to act for and on behalf of the Premier, and Minister for Redfern Waterloo, commencing on and from 11 July 2010 until 14 July 2010, inclusive, with a view to his performing the duties of the offices of the Premier, and Minister for Redfern Waterloo during my absence from duty.

KRISTINA KENEALLY, M.P.,  
Premier

Department of Premier and Cabinet, Sydney  
15 December 2010

# Department of Industry and Investment

## FISHERIES MANAGEMENT ACT 1994

### Section 8 Notification – Fishing Closure

#### Identification of certain set fishing gear

I, PAUL O’CONNOR, Principal Director, Fisheries and Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 (“the Act”) and pursuant to section 8 of the Act, do by this notification prohibit the taking of any species of fish from any waters by the class of persons specified in column 1 of Schedule 1 below, by the methods of fishing specified in Column 2 unless the fishing gear used for that method is identified in the manner specified in Column 3.

This fishing closure takes effect on publication and remains in force until 30 June 2011.

#### SCHEDULE 1

<i>Column 2</i> <i>Class of Person</i>	<i>Column 2</i> <i>Method</i>	<i>Column 3</i> <i>Manner of Identification</i>
Recreational fishers	Hand held lines when left unattended	Having securely attached to a part of the gear which is at or above water level, a tag with dimensions of at least 80mm by 25mm on which are legibly and durably displayed in capital letters the person’s name and residential address or boat registration number.
Commercial fishers holding any of the following types of endorsements: <ol style="list-style-type: none"> <li>1. a handline and hauling crew endorsement (all regions) in the Estuary General Fishery;</li> <li>2. a line fishing western zone endorsement in the Ocean Trap and Line Fishery;</li> <li>3. a line fishing eastern zone endorsement in the Ocean Trap and Line Fishery; or</li> <li>4. a school and gummy shark endorsement in the Ocean Trap and Line Fishery</li> </ol>	Set lines and drift lines when left unattended.	Having securely attached to a part of the gear which is at or above water level, a tag with dimensions of at least 80mm by 25mm on which are legibly and durably displayed in capital letters the person’s name and the number indicated on the person’s commercial fishing licence as the number of the licence, or, if the person is the holder of a fishing boat licence, the letters “LFB” and the fishing boat number allotted to the boat by the Director-General, as noted on the licence.

In this fishing closure:

“drift line” has the same meaning as in clause 2 of the Fisheries Management (Estuary General Share Management Plan) Regulation 2006 and clause 2 of the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

“hand held line” means a rod and line or handline.

“set line” has the same meaning as in clause 2 of the Fisheries Management (Estuary General Share Management Plan) Regulation 2006 and clause 2 of the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006

Note: This fishing closure does not affect the operation of clause 46 of the Fisheries Management (General) Regulation 2010, clauses 33 and 34 of the Appendix to the Fisheries Management (Estuary General Share Management Plan) Regulation 2006 and clauses 7D, 7E and 7F of the Appendix to the Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006.

Dated this 15<sup>th</sup> day of December 2010.

PAUL O’CONNOR,  
Principal Director,  
Fisheries and Compliance,  
Department of Industry and Investment

**FISHERIES MANAGEMENT ACT 1994**Section 8 Notification  
Urgent Recreational Fishing Closure

## Wagonga Inlet

I, PAUL O'CONNOR, Principal Director, Fisheries and Compliance, with the delegated authority of the Minister for Primary Industries and the Director-General of the Department of Industry and Investment pursuant to sections 227 and 228 of the Fisheries Management Act 1994 ("the Act") and pursuant to section 8 of the Act, do by this notification prohibit the taking of the species of fish specified in Column 1 of the Schedule below by all recreational fishers, by the methods of fishing specified in Column 2 of the Schedule, from the waters described in Column 3 of the Schedule.

This prohibition is effective immediately and remains in effect until 23 January 2011, unless sooner amended or revoked.

## SCHEDULE

## Wagonga Inlet

<i>Column 1 Species</i>	<i>Column 2 Methods</i>	<i>Column 3 Waters</i>
All species of mollusca (excluding cephalopods) and all barnacles.	All methods.	All waters of Wagonga Inlet including all creeks flowing into or from Wagonga Inlet.

Dated this 10th day of December 2010.

PAUL O'CONNOR,  
Principal Director,  
Fisheries and Compliance,  
Department of Industry and Investment

**MINERAL RESOURCES**

NOTICE is given that the following applications have been received:

**REQUEST FOR CANCELLATION OF AUTHORITY**

(T09-0141)

Exploration Licence No. 7417, UNIMIN AUSTRALIA LTD (ACN 000 971 844), County of Phillip, area of 1 unit. Application for Cancellation was received on 14 December 2010

**EXPLORATION LICENCE APPLICATIONS**

(T10-0245)

No. 4105, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), area of 50 units, for Group 1, dated 29 October 2010. (Broken Hill Mining Division).

(T10-0290)

No. 4134, OROYA MINING LIMITED (ACN 009 146 794), area of 7 units, for Group 1, dated 8 December 2010. (Orange Mining Division).

(T10-0291)

No. 4135, Jamie GOUGH, area of 43 units, for Group 1, dated 9 December 2010. (Wagga Wagga Mining Division).

(T10-0292)

No. 4136, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), area of 145 units, for Group 1, dated 10 December 2010. (Broken Hill Mining Division).

(T10-0293)

No. 4137, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), area of 73 units, for Group 1, dated 10 December 2010. (Cobar Mining Division).

(T10-0294)

No. 4138, PANGAEA MINERALS PTY LIMITED (ACN 120 631 316), area of 55 units, for Group 1, dated 10 December 2010. (Cobar Mining Division).

(T10-0295)

No. 4139, GEOMEX NATURAL RESOURCES PTY LTD (ACN 139 714 284), area of 100 units, for Group 1, dated 13 December 2010. (Sydney Mining Division).

(T10-0296)

No. 4140, GOLD FIELDS AUSTRALASIA PTY LTD (ACN 087 624 600), area of 44 units, for Group 1, dated 14 December 2010. (Orange Mining Division).

STEVE WHAN, M.P.,  
Minister for Primary Industries

NOTICE is given that the following applications have been granted:

**EXPLORATION LICENCE APPLICATIONS**

(T10-0061)

No. 3931, now Exploration Licence No. 7649, THOMSON RESOURCES LTD (ACN 138 358 728), County of Yanda, Map Sheet (7936), area of 100 units, for Group 1, dated 8 December 2010, for a term until 8 December 2012.

(T10-0153)

No. 4024, now Exploration Licence No. 7641, ABX2 PTY LTD (ACN 139 791 478), Counties of Cunningham and Kennedy, Map Sheet (8432), area of 76 units, for Group 2, dated 2 December 2010, for a term until 2 December 2012.

(T10-0175)

No. 4043, now Exploration Licence No. 7642, THOMSON RESOURCES LTD (ACN 138 358 728), County of Cowper, Map Sheet (8036, 8136), area of 100 units, for Group 1, dated 2 December 2010, for a term until 2 December 2012.

(T10-0176)

No. 4044, now Exploration Licence No. 7643, THOMSON RESOURCES LTD (ACN 138 358 728), County of Cowper, Map Sheet (8136, 8137), area of 100 units, for Group 1, dated 2 December 2010, for a term until 2 December 2012.

(T10-0178)

No. 4046, now Exploration Licence No. 7644, PLATINA RESOURCES LIMITED (ACN 119 007 939), County of Kennedy, Map Sheet (8332, 8432), area of 26 units, for Group 1, dated 2 December 2010, for a term until 2 December 2012. As a result of the grant of this title, Exploration Licence No. 6228 has ceased to have effect.

STEVE WHAN, M.P.,  
Minister for Primary Industries

NOTICE is given that the following applications have been withdrawn:

#### ASSESSMENT LEASE APPLICATIONS

(T08-0103)

No. 43, JERVOIS MINING LIMITED (ACN 007 626 575), Parish of Coreen, County of Canbelego; Parish of Gilgoenbon, County of Canbelego; Parish of Gilgai, County of Flinders; Parish of Honeybugle, County of Flinders; Parish of Miandetta, County of Flinders; Parish of Quondong, County of Flinders; Parish of Regan, County of Flinders and Parish of Whitbarrow, County of Flinders.

Withdrawal took effect on 8 December 2010.

(T08-0104)

No. 44, JERVOIS MINING LIMITED (ACN 007 626 575), Parish of Memagong, County of Bland; Parish of Milong, County of Bland; Parish of Tubbul, County of Bland; Parish of Bribaree, County of Monteagle; Parish of Coba, County of Monteagle; Parish of Coolegong, County of Monteagle; Parish of Kikiamah, County of Monteagle; Parish of Thuddungara, County of Monteagle; Parish of Tyagong, County of Monteagle and Parish of Weddin, County of Monteagle.

Withdrawal took effect on 8 December 2010.

#### EXPLORATION LICENCE APPLICATION

(T10-0198)

No. 4066, David CRITTLE, County of Yungnulgra, Map Sheet (7436, 7437). Withdrawal took effect on 7 December 2010.

STEVE WHAN, M.P.,  
Minister for Primary Industries

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

(10-9018)

Exploration Licence No. 4918, WHITE MINING (NSW) PTY LIMITED (ACN 089 414 595), AUSTRAL-ASIA COAL HOLDINGS PTY LTD (ACN 113 038 663) and ICRA ASHTON PTY LTD (ACN 097 499 780), area of 370 hectares. Application for renewal received 14 December 2010.

(06-4088)

Exploration Licence No. 6699, STANNUM PTY LTD (ACN 121 771 695), area of 25 units. Application for renewal received 9 December 2010.

(T08-0189)

Exploration Licence No. 7259, CLAYMOR RESOURCES PTY LTD (ACN 009 282 777), area of 45 units. Application for renewal received 14 December 2010.

(T08-0190)

Exploration Licence No. 7260, CLAYMOR RESOURCES PTY LTD (ACN 009 282 777), area of 48 units. Application for renewal received 14 December 2010.

(T08-0191)

Exploration Licence No. 7261, CLAYMOR RESOURCES PTY LTD (ACN 009 282 777), area of 44 units. Application for renewal received 14 December 2010.

STEVE WHAN, M.P.,  
Minister for Primary Industries

#### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(T04-0005)

Exploration Licence No. 6263, MALACHITE RESOURCES LIMITED (ACN 075 613 268), County of Buller, Map Sheet (9340), area of 25 units, for a further term until 1 July 2012. Renewal effective on and from 8 December 2010.

(06-0106)

Exploration Licence No. 6570, TIRONZ PTY LIMITED (ACN 118 491 581), Counties of Richmond and Rous, Map Sheet (9539, 9540), area of 34 units, for a further term until 7 June 2012. Renewal effective on and from 9 December 2010.

(07-0155)

Exploration Licence No. 6839, TEN STAR MINING PTY LTD (ACN 113 022 914), County of Gough, Map Sheet (9239), area of 13 units, for a further term until 24 July 2011. Renewal effective on and from 8 December 2010.

(T08-0067)

Exploration Licence No. 7208, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), County of Menindee, Map Sheet (7132, 7133), area of 100 units, for a further term until 22 September 2012. Renewal effective on and from 9 December 2010.

STEVE WHAN, M.P.,  
Minister for Primary Industries

#### REFUSAL OF APPLICATIONS FOR RENEWAL

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

(07-0277)

Exploration Licence No. 6949, Anthony Gilbert MARTIN, County of Beresford, Map Sheet (8725), area of 29 units. The authority ceased to have effect on 6 December 2010.

(07-0279)

Exploration Licence No. 7107, DIGGERS EXPLORATION PTY LTD (ACN 127 658 280), Counties of Forbes and Monteagle, Map Sheet (8629), area of 43 units. The authority ceased to have effect on 2 December 2010.

(07-0072)

Exploration Licence No. 7110, DIGGERS EXPLORATION PTY LTD (ACN 127 658 280), Counties of Forbes and Monteagle, Map Sheet (8629), area of 100 units. The authority ceased to have effect on 2 December 2010.

STEVE WHAN, M.P.,  
Minister for Primary Industries

#### TRANSFERS

(10-8005)

Exploration Licence No. 6671, formerly held by EASTERN IRON LIMITED (ACN 126 678 037) and PLATSEARCH NL (ACN 003 254 395) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6672, formerly held by EASTERN IRON LIMITED (ACN 126 678 037) and PLATSEARCH NL (ACN 003 254 395) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6710, formerly held by EASTERN IRON LIMITED (ACN 126 678 037) and PLATSEARCH NL (ACN 003 254 395) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6952, formerly held by PLATSEARCH NL (ACN 003 254 395) and EASTERN IRON LIMITED (ACN 126 678 037) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6953, formerly held by PLATSEARCH NL (ACN 003 254 395) and EASTERN IRON LIMITED (ACN 126 678 037) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6957, formerly held by PLATSEARCH NL (ACN 003 254 395) and EASTERN IRON LIMITED (ACN 126 678 037) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6958, formerly held by PLATSEARCH NL (ACN 003 254 395) and EASTERN IRON LIMITED (ACN 126 678 037) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6959, formerly held by PLATSEARCH NL (ACN 003 254 395) and EASTERN IRON LIMITED (ACN 126 678 037) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6960, formerly held by PLATSEARCH NL (ACN 003 254 395) and EASTERN IRON LIMITED (ACN 126 678 037) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6961, formerly held by PLATSEARCH NL (ACN 003 254 395) and EASTERN IRON LIMITED (ACN 126 678 037) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

(10-8005)

Exploration Licence No. 6962, formerly held by PLATSEARCH NL (ACN 003 254 395) and EASTERN IRON LIMITED (ACN 126 678 037) has been transferred to EASTERN IRON LIMITED (ACN 126 678 037). The transfer was registered on 6 December 2010.

STEVE WHAN, M.P.,  
Minister for Primary Industries

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### PLANT DISEASES ACT 1924

#### Appointment of Inspector

I, ROBERT BRUCE BOWMAN, Acting Director, Agricultural Compliance of the Department of Industry and Investment, pursuant to section 11(1) of the Plant Diseases Act 1924 ("the Act") and with the delegated authority of the Director-General of the Department of Industry and Investment pursuant to section 28C of the Act, hereby appoint Amie HIBBERD as an inspector for the purposes of the Act.

Dated this 14<sup>th</sup> day of December 2010.

R. B. BOWMAN,  
Acting Director,  
Agricultural Compliance,  
Department of Industry and Investment

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### PLANT DISEASES ACT 1924

#### Appointment of Inspectors

I, ROBERT BRUCE BOWMAN, Acting Director, Agricultural Compliance of the Department of Industry and Investment, pursuant to section 11(1) of the Plant Diseases Act 1924 ("the Act") and with the delegated authority of the Director-General of the Department of Industry and Investment pursuant to section 28C of the Act, hereby appoint Peter Anthony MCDUGALL, Neil BARKER and Hussin Al HASSNAWY as inspectors for the purposes of the Act.

Dated this 15<sup>th</sup> day of December 2010.

R. B. BOWMAN,  
Acting Director,  
Agricultural Compliance,  
Department of Industry and Investment

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### STOCK DISEASES ACT 1923

#### Appointment of Inspector

#### Notification No. 526

I, ANDREW COLIN SANGER, Director, Agricultural Compliance of the Department of Industry and Investment, pursuant to section 6(1) of the Stock Diseases Act 1923 ("the Act") and with the delegated authority of the Director-General of the Department of Industry and Investment pursuant to section 22C of the Act, hereby appoint Emma TIGHE as an inspector for the purposes of the Act.

Dated this 10<sup>th</sup> day of December 2010.

A. C. SANGER,  
Director,  
Agricultural Compliance,  
Department of Industry and Investment

**PLANTATIONS AND REAFFORESTATION ACT 1999**

## Section 11(2)(b)

## Instrument of Determination of Application Fees for Authorisation of Plantations

I, STEVE WHAN, M.P., Minister for Primary Industries, pursuant to section 11(2)(b) of the Plantations and Reafforestation Act 1999 (“the Act”), do by this instrument of determination hereby determine the fees for an application for the authorisation of a plantation or proposed plantation under the Act as follows:

1. the fee for an application made from 1 January 2011 to 31 December 2011 for authorisation of a Timber Plantation is:
  - (a) for a Timber Plantation having a total area of land within the range specified in Column 1 of Schedule 1, the amount specified opposite in Column 2 of Schedule 1; plus
  - (b) in respect of the net plantation area of that Timber Plantation being within the range specified in Column 3 of Schedule 1, the amount per hectare of the net plantation area specified opposite in Column 4 of Schedule 1;
2. the fee for an application made from 1 January 2012 to 31 December 2012 for authorisation of a Timber Plantation is:
  - (a) for a Timber Plantation having a total area of land within the range specified in Column 1 of Schedule 2, the amount specified opposite in Column 2 of Schedule 2; plus
  - (b) in respect of the net plantation area of that Timber Plantation being within the range specified in Column 3 of Schedule 2, the amount per hectare of the net plantation area specified opposite in Column 4 of Schedule 2;
3. the fee for an application made after 31 December 2012 for authorisation of a Timber Plantation is:
  - (a) for a Timber Plantation having a total area of land within the range specified in Column 1 of Schedule 3, the amount specified opposite in Column 2 of Schedule 3; plus
  - (b) in respect of the net plantation area of that Timber Plantation being within the range specified in Column 3 of Schedule 3, the amount per hectare of the net plantation area specified opposite in Column 4 of Schedule 3;
4. the fee for an application made from 1 January 2011 to 31 December 2011 for authorisation of a Plantation (other than a Timber Plantation) is:
  - (a) for a Plantation (other than a Timber Plantation) having a total area of land within the range specified in Column 1 of Schedule 4, the amount specified opposite in Column 2 of Schedule 4; plus
  - (b) in respect of the net plantation area of that Plantation (other than a Timber Plantation) being within the range specified in Column 3 of Schedule 4, the amount per hectare of the net plantation area specified opposite in Column 4 of Schedule 4;
5. the fee for an application made from 1 January 2012 to 31 December 2012 for authorisation of a Plantation (other than a Timber Plantation) is:
  - (a) for a Plantation (other than a Timber Plantation) having a total area of land within the range specified in Column 1 of Schedule 5, the amount specified opposite in Column 2 of Schedule 5; plus
  - (b) in respect of the net plantation area of that Plantation (other than a Timber Plantation) being within the range specified in Column 3 of Schedule 5, the amount per hectare of the net plantation area specified opposite in Column 4 of Schedule 5;
6. the fee for an application made after 31 December 2012 for authorisation of a Plantation (other than a Timber Plantation) is:
  - (a) for a Plantation (other than a Timber Plantation) having a total area of land within the range specified in Column 1 of Schedule 6, the amount specified in Column 2 of Schedule 6; plus
  - (b) in respect of the net plantation area of that Plantation (other than a Timber Plantation) being within the range specified in Column 3 of Schedule 6, the amount per hectare of the net plantation area specified opposite in Column 4 of Schedule 6;
7. in respect of an application made in accordance with section 17C(2) of the Act after 31 December 2010 for authorisation of part of an authorised plantation which has undergone a significant change (within the meaning of section 17C(1) of the Act), the fee is \$250.

In this instrument of determination:

“*authorised plantation*” has the same meaning as in section 4(1) of the Act.

“*net plantation area*” means the total area of land of the plantation or proposed plantation excluding any areas protected from clearing under clauses 21 and 22 of the Plantations and Reafforestation Code set out in the Appendix to the Plantations and Reafforestation (Code) Regulation 2001.

“*Plantation (other than a Timber Plantation)*” means a plantation or proposed plantation other than a Timber Plantation.

“*plantation*” has the same meaning as in section 5 of the Act.

“*Timber Plantation*” means a plantation or proposed plantation for the purpose of timber production.

Made this 11th day of December 2010.

STEVE WHAN, M.P.,  
Minister for Primary Industries

SCHEDULE 1

Timber Plantation – 1 January 2011 to 31 December 2011			
<i>Column 1</i> Total plantation area (hectares)	<i>Column 2</i> Base fee (\$)	<i>Column 3</i> Net plantation area (hectares)	<i>Column 4</i> Fee per hectare of net plantation area (\$)
Up to and including 100	500	Up to and including 100	3.50
101 - 500	850	101 - 500	2.75
501 – 1,000	2,225	501 – 1,000	1.25
Greater than 1,000	3,475	Greater than 1,000	0.25

SCHEDULE 2

Timber Plantation – 1 January 2012 to 31 December 2012			
<i>Column 1</i> Total plantation area (hectares)	<i>Column 2</i> Base fee (\$)	<i>Column 3</i> Net plantation area (hectares)	<i>Column 4</i> Fee per hectare of net plantation area (\$)
Up to and including 100	765	Up to and including 100	5.35
101 - 500	1,300	101 - 500	4.20
501 – 1,000	3,400	501 – 1,000	2.00
Greater than 1,000	5,400	Greater than 1,000	0.40

SCHEDULE 3

Timber Plantation – After 31 December 2012			
<i>Column 1</i> Total plantation area (hectares)	<i>Column 2</i> Base fee (\$)	<i>Column 3</i> Net plantation area (hectares)	<i>Column 4</i> Fee per hectare of net plantation area (\$)
Up to and including 100	1,030	Up to and including 100	7.20
101 - 500	1,780	101 - 500	5.70
501 – 1,000	4,630	501 – 1,000	2.60
Greater than 1,000	7,230	Greater than 1,000	0.50

SCHEDULE 4

Plantation (other than a Timber Plantation) – 1 January 2011 to 31 December 2011			
<i>Column 1</i> Total plantation area (hectares)	<i>Column 2</i> Base fee (\$)	<i>Column 3</i> Net plantation area (hectares)	<i>Column 4</i> Fee per hectare of net plantation area (\$)
Up to and including 30	500	Up to and including 30	Nil
31 - 100	500	31 - 100	2.00
101 - 500	700	101 - 500	2.00
501 – 1,000	1,700	501 – 1,000	1.00
Greater than 1,000	2,700	Greater than 1,000	0.10

## SCHEDULE 5

Plantation (other than a Timber Plantation) – 1 January 2012 to 31 December 2012			
<i>Column 1</i> <i>Total plantation area</i> <i>(hectares)</i>	<i>Column 2</i> <i>Base fee (\$)</i>	<i>Column 3</i> <i>Net plantation area</i> <i>(hectares)</i>	<i>Column 4</i> <i>Fee per hectare of net</i> <i>plantation area (\$)</i>
Up to and including 30	765	Up to and including 30	Nil
31 - 100	765	31 - 100	3.10
101 - 500	1,070	101 - 500	3.10
501 – 1,000	2,620	501 – 1,000	1.55
Greater than 1,000	4,170	Greater than 1,000	0.20

## SCHEDULE 6

Plantation (other than a Timber Plantation) – After 31 December 2012			
<i>Column 1</i> <i>Total plantation area</i> <i>(hectares)</i>	<i>Column 2</i> <i>Base fee (\$)</i>	<i>Column 3</i> <i>Net plantation area</i> <i>(hectares)</i>	<i>Column 4</i> <i>Fee per hectare of net</i> <i>plantation area (\$)</i>
Up to and including 30	1,030	Up to and including 30	Nil
31 - 100	1,030	31 - 100	4.15
101 - 500	1,445	101 - 500	4.15
501 – 1,000	3,520	501 – 1,000	2.10
Greater than 1,000	5,620	Greater than 1,000	0.20

## Land and Property Management Authority

### BOARD OF SURVEYING AND SPATIAL INFORMATION

**Panorama Avenue (PO Box 143), Bathurst NSW 2795**

**Phone: (02) 6332 8238 Fax: (02) 6332 8240**

#### SURVEYING AND SPATIAL INFORMATION ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying and Spatial Information Act 2002, section 10A (3), the undermentioned Land Surveyors has been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
David John GROUNDWATER.	17 March 1969.	1 September 2010.	8 November 2010.
Craig John WHITE.	23 July 1999.	1 September 2010.	27 October 2010.

W. A. WATKINS, AM,  
President

S. G. GLENCORSE,  
Registrar

#### SURVEYING AND SPATIAL INFORMATION ACT 2002

Restoration of Name to the Register of Surveyors

PURSUANT to the provisions of the Surveying and Spatial Information Act 2002, section 10A (3), the undermentioned Mining Surveyors (Unrestricted) has been restored to the Register of Surveyors.

<i>Name</i>	<i>Date of Original Registration</i>	<i>Removal Date</i>	<i>Restoration Date</i>
Paul Brian WILLIAMS.	8 September 2003.	28 October 2004.	19 October 2010.

W. A. WATKINS, AM,  
President

S. G. GLENCORSE,  
Registrar

#### SURVEYING AND SPATIAL INFORMATION ACT 2002

Registration of Surveyors

PURSUANT to the provisions of the Surveying and Spatial Information Act 2002, section 10 (1) (a), the undermentioned persons have been Registered as Land Surveyors in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
Michael James BISSETT.	Bissett & Wright Pty Ltd, Suite 3, 71A Victoria Street, East Gosford NSW 2250.	23 November 2010.
Ryan George FIFIELD.	RTA, 90 Crown Street, Wollongong NSW 2500.	3 November 2010.
Matthew York FRIEND.	Railcorp, 16-24 Elsie Street, Burwood NSW 2134.	12 November 2010.
Adrian HOBSON.	Hard & Forester, 23-25 Frederick Street, Rockdale NSW 2216.	8 November 2010.
Ahmed Samim (Sam) NAEBKHIL.	Railcorp, 6 Herb Elliot Avenue, Homebush Bay NSW 2127.	18 November 2010.
Matthew John OWEN.	ADW Johnson Pty Ltd, 2 Bounty Close, Tuggerah NSW 2259.	8 November 2010.
Narelle Marie UNDERWOOD.	RTA, 90 Crown Street, Wollongong NSW 2500.	1 November 2010.
Jean-Francois VALERO.	Watkinson Apperley, 51 Graham Street, Nowra NSW 2541.	10 November 2010.
John Joseph WILSON.	CR Hutchison & Co Pty Ltd, 19 Grainger Street, Lambton NSW 2299.	5 November 2010.

W. A. WATKINS, AM,  
President

S. G. GLENCORSE,  
Registrar

**SURVEYING AND SPATIAL INFORMATION ACT 2002**

## Registration of Surveyors

PURSUANT to the provisions of the Surveying and Spatial Information Act 2002, section 10 (1) (a), the undermentioned persons have been Registered as Land Surveyors in New South Wales from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
Clint Nathan ALLEN.	Centennial Coal Pty Ltd, PO Box 1000, Toronto NSW 2283.	8 November 2010.
Karl Denis HARISSON.	Springvale Coal, Mudgee Road, Lisdale NSW 2790.	5 November 2010.
Tinos MUTYIRI.	Peak Gold Mines, Hillston Road, Cobar NSW 2835.	19 November 2010.
Justin Terrance WYNNE.	Xstrata, The Broadway, Killingworth NSW 2278.	1 November 2010.

W. A. WATKINS, AM,  
President

S. G. GLENCORSE,  
Registrar

**SURVEYING AND SPATIAL INFORMATION ACT 2002**

## Registration of Surveyors

PURSUANT to the provisions of the Surveying and Spatial Information Act 2002, section 10 (1) (a), the undermentioned persons have been Registered as Mining Surveyor (Unrestricted) in New South Wales under the Mutual Recognition Act, 1993 from the dates shown.

<i>Name</i>	<i>Address</i>	<i>Effective Date</i>
David Colin THOMASSON.	BHP Billiton, Debdrobium Mine, PO Box 275, Unanderra NSW 2526.	9 November 2010.

W. A. WATKINS, AM,  
President

S. G. GLENCORSE,  
Registrar

**SURVEYING AND SPATIAL INFORMATION ACT 2002**

## Removal of Name from the Register of Surveyors

PURSUANT to the provisions of the Surveying and Spatial Information ACT 2002, section 10A (1), the undermentioned Land Surveyors have been removed from the Register of Surveyors

<i>Name</i>	<i>Date of Removal</i>	<i>Date of Registration</i>
Bevan Leslie E. ASHER.	25 November 2010.	9 October 1970.

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**GOULBURN OFFICE**  
**159 Auburn Street (PO Box 748), Goulburn NSW 2580**  
**Phone: (02) 4824 3700      Fax: (02) 4822 4287**

**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.

TONY KELLY, M.L.C.,  
Minister for Lands

Description

*Parish – Young; County – Monteagle;  
Land District – Young; L.G.A. – Young*

Lot 1, DP 1154988 (not being land under the Real Property Act).

File No.: 08/6061:JK.

Schedule

On closing, the title for the land in Lot 1, DP 1154988 remains vested in the State of New South Wales as Crown Land.

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

**RESERVATION OF CROWN LAND**

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedules hereunder, is reserved as specified opposite thereto in Column 2 of the Schedules and will take effect as at 1st January 2011.

TONY KELLY, M.L.C.,  
Minister for Lands

**SCHEDULE 1**

<i>Column 1</i>	<i>Column 2</i>
Land District: Forbes.	Reserve No.: 1030828.
Local Government Area: Forbes.	Public Purpose: Nature conservation.
Locality: Cumbijowa.	
Lot 7307, DP No. 1160280, Parish Cumbijowa, County Forbes.	
Lot 7309, DP No. 1160280, Parish Cumbijowa, County Forbes.	
Lot 7310, DP No. 1160280, Parish Cumbijowa, County Forbes.	
Lot 137, DP No. 752936, Parish Cumbijowa, County Forbes.	
Area: About 271 hectares.	
File No.: 10/19146.	

**SCHEDULE 2**

<i>Column 1</i>	<i>Column 2</i>
Land District: Dubbo.	Reserve No.: 1030808.
Local Government Area: Narromine.	Public Purpose: Nature conservation.
Locality: Gin Gin.	
Lot 7310, DP No. 1160283, Parish Carrigan, County Ewenmar.	
Area: About 30 hectares.	
File No.: 10/19142.	

**SCHEDULE 3**

<i>Column 1</i>	<i>Column 2</i>
Land District: Warren.	Reserve No.: 1030788.
Local Government Area: Warren.	Public Purpose: Nature conservation.
Locality: Tenandra.	
Lot 23, DP No. 820773, Parish Holybon, County Gregory.	
Area: About 110 hectares.	
File No.: 10/19141.	

**SCHEDULE 4**

<i>Column 1</i>	<i>Column 2</i>
Land District: Deniliquin.	Reserve No.: 1030748.
Local Government Area: Jerilderie.	Public Purpose: Nature conservation.
Locality: Jerilderie.	
Lot 7306, DP No. 1160282, Parish Jerilderie North, County Urana.	
Lot 7307, DP No. 1160282, Parish Jerilderie South, County Urana.	
Area: About 24 hectares.	
File No.: 10/19137.	

**SCHEDULE 5**

<i>Column 1</i>	<i>Column 2</i>
Land District: Temora.	Reserve No.: 1030728.
Local Government Area: Temora.	Public Purpose: Nature conservation.
Locality: Reefton.	
Lot 65, DP No. 750602, Parish Gidgingidginbung, County Bland.	
Lot 77, DP No. 750602, Parish Gidgingidginbung, County Bland.	
Lot 7302, DP No. 1160281, Parish Gidgingidginbung, County Bland.	
Area: About 312 hectares.	
File No.: 10/15193.	

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

TONY KELLY, M.L.C.,  
Minister for Lands

**Description**

*Land District of Deniliquin; L.G.A. – Urana*

Lots 1 and 2 in DP 1150300, Parishes of Bingagong and Betts, County of Urana.

File No.: HY99 H 190.

**Schedule**

On closing, title for the land comprised in Lots 1 and 2 in DP 1150300 remains vested in the State of New South Wales as Crown Land.

## Description

*Land District of Balranald South; L.G.A. – Wakool*

Lot 1 in DP 1158350, Parish of Cunninyeuk, County of Wakool.

File No.: HY06 H 70.

## Schedule

On closing, title for the land comprised in Lot 1, DP 1158350 remains vested in the State of New South Wales as Crown Land.

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## MAITLAND OFFICE

Corner Newcastle Road and Banks Street (PO Box 6), East Maitland NSW 2323

Phone: (02) 4937 9306 Fax: (02) 4934 8417

## ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

## SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Newcastle. Local Government Area: Lake Macquarie City Council. Locality: Between Redhead and Blacksmiths. Lot 7125, DP No. 755233#, Parish Kahibah, County Northumberland. Area: 26 hectares. File No.: 10/05712.	Reserve No.: 1011388. Public Purpose: Tourist facilities and services, public recreation and coastal environmental protection. Notified: 3 March 2006. Lot 3, DP No. 211142, Parish Kahibah, County Northumberland. Lot 22, DP No. 709388, Parish Kahibah, County Northumberland. Lot 2064, DP No. 823738, Parish Kahibah, County Northumberland. Lot 23, DP No. 709388, Parish Kahibah, County Northumberland. Lot 20, DP No. 817883, Parish Kahibah, County Northumberland. Lot 2, DP No. 105964, Parish Kahibah, County Northumberland. Lot 1, DP No. 208758, Parish Kahibah, County Northumberland. Lot 1, DP No. 208759, Parish Kahibah, County Northumberland. New Area: 540.14 hectares.

Disclaimer: Please note that the above Lot numbers marked # are for Departmental use only.

## NOTIFICATION OF CLOSING OF PUBLIC ROAD

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

TONY KELLY, M.L.C.,  
Minister for Lands

## Description

*Parish – Yango; County – Northumberland;  
Land District – Maitland; L.G.A. – Cessnock*

Road Closed: Lot 1, DP 1155057 Right of Carriageway created by Deposited Plan 1155057 (not being land under the Real Property Act).

File No.: 09/00734.

## Schedule

On closing, the land within Lot 1, DP 1155057 remains vested in the State of New South Wales as Crown Land.

## Description

*Parish – St Julian; County – Durham;  
Land District – Dungog; L.G.A. – Dungog*

Road Closed: Lot 1, DP 1158983 (not being land under the Real Property Act).

File No.: 08/8292.

## Schedule

On closing, the land within Lot 1, DP 1158983 remains vested in the State of New South Wales as Crown Land.

**MOREE OFFICE****Frome Street (PO Box 388), Moree NSW 2400****Phone: (02) 6750 6400 Fax: (02) 6752 1707****NOTIFICATION OF CLOSING OF ROADS**

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

TONY KELLY, M.L.C.,  
Minister for Lands

## Description

*Land District – Warialda; Council – Moree Plains Shire;  
Parishes – Limebon and Wonga; County – Staphylton*

Roads Closed: Lots 1 and 2 in DP 1158571.

File No.: ME05 H 199.

## Schedule

On closing, title to the land within Lots 1 and 2 in DP 1158571 remains vested in the State of New South Wales as Crown land.

## Description

*Land District – Moree; Council – Moree Plains Shire;  
Parishes – Canary and Carroby; County Staphylton*

Roads Closed: Lot 1 in DP 1131645.

File No.: ME05 H 373.

## Schedule

On closing, title to the land within Lot 1 in DP 1131645 remains vested in the State of New South Wales as Crown Land.

## Description

*Land District – Moree; Council – Moree Plains;  
Parish – Boyanga; County – Benarba*

Roads Closed: Lot 1 in DP 1159161.

File No.: 07/3784.

## Schedule

On closing, title to the land within Lot 1 in DP 1159161 remains vested in the State of New South Wales as Crown Land.

## Description

*Land District – Warialda; Council – Gwydir;  
Parish – Gravesend; County – Burnett*

Roads Closed: Lot 1 in DP 1159164.

File No.: ME06 H 27.

## Schedule

On closing, title to the land within Lot 1 in DP 1159164 remains vested in the State of New South Wales as Crown Land.

## Description

*Land District – Bingara; Council – Gwydir;  
Parishes Wyndham and Delingera; County – Murchison*

Roads Closed: Lot 1 in DP 1159163.

File No.: ME06 H 88.

## Schedule

On closing, title to the land within Lot 1 in DP 1159163 remains vested in the State of New South Wales as Crown Land.

## Description

*Land District – Narrabri; Council – Narrabri Shire*

Road Closed: Lot 1 in DP 1158974 at Narrabri, Parish Cooma, County White.

File No.: 08/10710.

## Schedule

On closing, the land within Lot 1 in DP 1158974 remains vested in Narrabri Shire Council as operational land for the purposes of the Local Government Act 1993.

**NOTIFICATION OF CLOSING OF A ROAD**

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

TONY KELLY, M.L.C.,  
Minister for Lands

## Description

*Locality – Narrabri; Land District – Narrabri;  
L.G.A. – Narrabri*

Road Closed: Lots 5 and 6 in Deposited Plan 1154624, Parish Cooma, County White.

File No.: 09/07008.

Note: On closing, title to the land comprised in Lots 5 and 6 will remain vested in the State of New South Wales as Crown Land.

**REVOCATION OF RESERVATION OF CROWN LAND**

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

TONY KELLY, M.L.C.,  
Minister for Lands

## SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Narrabri. Local Government Area: Narrabri Shire Council. Locality: Narrabri. Reserve No.: 9489. Public Purpose: Travelling stock. Notified: 10 August 1889. File No.: 09/07008.	The part being Lots 1 to 6, DP No. 1154624, Parish Cooma, County White (and the area shown as road in Deposited Plan 1154624), total area of about 6.3 hectares.

Note: Subsequent to this revocation it is intended that Lots 1 to 6 in Deposited Plan 1154624 be sold to Narrabri Shire Council who is the licensed occupier of this land under Licence 453931.

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**WITHDRAWAL OF RESERVE FROM CONTROL OF  
LIVESTOCK HEALTH AND PEST AUTHORITY**

PURSUANT to section 86(1) of the Rural Lands Protection Act 1998, the part of the reserve specified in Column 1 of the Schedule hereunder, is withdrawn from the control of the authority specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister for Lands

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SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
Land District: Narrabri. Livestock Health and Pest Authority District: North West. Local Government Area: Narrabri Shire Council. Locality: Narrabri. Part Reserve No. 9489, for the public purpose of travelling stock, notified in the <i>New South Wales Government Gazette</i> of 10 August 1889, being an area of about 6.3 hectares and identified by Lots 1 to 6, DP 1154624, Parish of Cooma, County of White (and the area shown as road in Deposited Plan 1154624), revoked this day. File No.: 09/07008.	North West Livestock Health and Pest Authority.

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

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

TONY KELLY, M.L.C.,  
Minister for Lands

## Description

*Parish – Brogo; County – Auckland; Land District – Bega;  
Local Government Area – Bega Valley*

Road Closed: Lot 2, DP 1157794 at Angledale.

File No.: 09/17840.

## Schedule

On closing, the land within Lot 2, DP 1157794 remains vested in the State of New South Wales as Crown Land.

## Description

*Parish – Murrabrine; County – Dampier;  
Land District – Bega;  
Local Government Area – Bega Valley*

Road Closed: Lot 1, DP 1158992 at Cobargo subject to an easement created by DP 1158992.

File No.: 09/09597.

## Schedule

On closing, the land within Lot 1, DP 1158992 remains vested in the State of New South Wales as Crown Land.

## Description

*Parish – Bermagui; County – Dampier;  
Land District – Bega;  
Local Government Area – Bega Valley*

Road Closed: Lot 1, DP 1158248 at Bermagui subject to an easement created by DP 1158248.

File No.: NA07 H 168.

## Schedule

On closing, the land within Lot 1, DP 1158248 remains vested in the State of New South Wales as Crown Land.

**ORANGE OFFICE**  
**92 Kite Street (PO Box 2146), Orange NSW 2800**  
**Phone: (02) 6391 4300 Fax: (02) 6362 3896**

**NOTIFICATION OF CLOSING OF PUBLIC ROAD**

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

TONY KELLY, M.L.C.,  
Minister for Lands

Description

*Parish – Hartley; County – Cook;  
Land District – Lithgow; L.G.A. – Lithgow*

Road Closed: Lots 1 and 2 in Deposited Plan 1159166.  
File No.: 07/5542.

Schedule

On closing, title to the land comprised in Lots 1 and 2 remains vest in the Crown as Crown Land.

Description

*Land District – Bathurst; L.G.A. – Bathurst Regional*

Road Closed: Lot 1, DP 1147986 at Fitzgeralds Mount, Parish Cole, County Bathurst.

File No.: 09/17716.

Schedule

On closing, the land within Lot 1, DP 1147986 remains vested in the State of New South Wales as Crown Land.

**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.

TONY KELLY, M.L.C.,  
Minister for Lands

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Benedict Patrick KERIN (new member), Denyelle Elizabeth WRIGHT (new member), Helen QUADE (new member).	Trundle Racecourse Trust.	Reserve No.: 17583. Public Purpose: Racecourse. Notified: 27 May 1893. File No.: OE80 R 320.

Term of Office

For a term commencing the date of this notice and expiring 23 September 2015.

**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**

**DECLARATION OF LAND TO BE CROWN LAND**

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

TONY KELLY, M.L.C.,  
 Minister for Lands

\_\_\_\_\_  
 SCHEDULE

Land in the ownership of Landcom

*Land District – Metropolitan;  
 Local Government Area – Randwick City Council;  
 Parish – Botany; County – Cumberland*

1.373 hectares being Lot 45, DP 270427; Lot 46, DP 270427; Lot 47, DP 270427; Lot 90, DP 270427 and Lot 91, DP 270427, at Little Bay.

File No.: 08/5167.

Note: The easements, restrictions, covenants and leases recorded on the second schedule of the certificates of title pertaining to the abovementioned land are not extinguished by this notification.

**ADDITION TO RESERVED CROWN LAND**

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedule hereunder, is added to the reserved land as specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
 Minister for Lands

\_\_\_\_\_  
 SCHEDULE

*Column 1*

Land District: Metropolitan.  
 Local Government Area:  
 Randwick City Council.  
 Locality: Little Bay.  
 Lot 45, DP 270427.  
 Lot 46, DP 270427.  
 Lot 47, DP 270427.  
 Lot 90, DP 270427.  
 Lot 91, DP 270427.  
 Parish: Botany.  
 County: Cumberland.  
 Area: Approx 1.373 hectares.  
 File No.: 08/5167.

*Column 2*

Reserve No.: 1014868.  
 Public Purpose: Community purposes and heritage purposes.  
 Notified: 24 December 2009.  
 Lot 41, DP 270427.  
 Lot 49, DP 270427.  
 Lot 95, DP 270427.  
 Lot 94, DP 270427.  
 Lot 64, DP 270427.  
 Lot 44, DP 270427.  
 Lot 25, DP 270427.  
 Parish: Botany.  
 County: Cumberland.  
 New Area: Approx 2.465 hectares.

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

TONY KELLY, M.L.C.,  
Minister for Lands

\_\_\_\_\_  
Description

*Locality – Rashes Creek; Land District – Tamworth;  
L.G.A. – Tamworth Regional*

Roads Closed: Lots 1-2 in Deposited Plan 1156418,  
Parishes Keepit and Baldwin, County Darling.

File No.: 06/8778.

Note: On closing, title to the land comprised in Lots 1-2  
will remain vested in the State of New South Wales  
as Crown Land.

**NOTIFICATION OF CLOSING OF ROAD**

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

TONY KELLY, M.L.C.,  
Minister for Lands

\_\_\_\_\_  
Description

*Land District – Gunnedah; L.G.A. – Warrumbungle*

Road Closed: Lot 1, DP 1147879 at Rocky Glen and  
Napier Lane, Parish Garrawilla, County Pottinger.

File No.: TH06 H 56.

Schedule

On closing, the land within Lot 1, DP 1147879 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 ROAD**

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

TONY KELLY, M.L.C.,  
Minister for Lands

Description

*Land District – Port Macquarie;*  
*L.G.A. – Port Macquarie-Hastings*

Road Closed: Lot 1, DP 1141072 at Sancrox, Parish Macquarie, County Macquarie.

File No.: 07/4357.

Schedule

On closing, the land within Lot 1, DP 1141072 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 specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
Minister for Lands

\_\_\_\_\_  
Description

*Parish – Coffin Rock; County – Mitchell;  
Land District – Wagga Wagga; L.G.A. – Wagga Wagga*

Lot 2 in DP 1159051 at Mangoplah.

File No.: WA07 H 73.

Note: On closing, the land within Lot 2 in DP 1159051 remains vested in the State of New South Wales as Crown Land.

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

**WITHDRAWAL OF LANDS FROM WESTERN LANDS LEASES**

PURSUANT to section 35Q of the Western Lands Act 1901, the lands described in Column 1 of the Schedule hereunder, are withdrawn from the leases described in Column 2 of the Schedule for the purpose of being dedicated as public roads.

TONY KELLY, M.L.C.,  
Minister for Lands

SCHEDULE

*Counties of Irrara, Barrona and Gunderbooka; Administrative District of Bourke; Shire of Bourke*

<i>Column 1 Land Withdrawn From Lease (Lot/DP)</i>	<i>Column 2 Lease Affected by Withdrawal</i>	<i>Column 3 Title affected</i>	<i>Column 4 Area Withdrawn from Lease (ha)</i>	<i>Column 5 Lease Area Following Withdrawal (ha)</i>
6/1157717	WLL 4933	2885/765045	8.635	495.6
7/1157717	WLL 2917	990/762224	52.43	15598
8/1157717	WLL 4279	991/762225	37.19	22737
10/1157717 16/1157717	WLL 12539	1106/762354	12.79	9657
14/1157717	WLL 3920	1412/768963	7.126	4396
17/1157717	WLL 12540	4792/768066	44.85	9988
19/1157717	WLL 8327	3914/766387	48.29	14719
20/1157717 22/1157717	WLL 8326	3842/766285	42.61	18697
21/1157717	WLL 8286	3975/766448	23.07	12090
24/1157717	WLL 8109	3976/766449	3.354	9037
26/1157717	WLL 3919	1774/763682	5.663	787.1
28/1157717	WLL 12699	4663/767827	52.18	1230
29/1157717	WLL 13977	4664/720118	16.39	5316
30/1157717	WLL 1200	6208/769060	2.759	1481
31/1157717	WLL 584	6035/768892	30.00	4067
35/1157717	WLL 4280	3397/765685	11.77	2263
39/1157717	WLL 1554	4670/768680	13.52	5491
42/1157717	WLL 2739	792/762114	55.41	16819
45/1157717	WLL 8275	4151/766656	63.10	11592
52/1157717	WLL 4032	4224/766851	1.819	6286
54/1157717 57/1157717	WLL 4752	2533/764496	45.69	20920
59/1157717	WLL 14176	6720/820495	18.61	3853
60/1157717	WLL 10423	72/1040450	37.80	4301
61/1157717	WLL 9428	6709/822028	36.18	4242

File No.: 10/14118.

### DEDICATION OF CROWN LAND AS PUBLIC ROAD

PURSUANT to section 12 of the Roads Act 1993, the Crown Land described hereunder is, from the date of publication of this notice, dedicated as public road. The public road hereby dedicated is declared not to be Crown road within the meaning of the Roads Act 1993.

TONY KELLY, M.L.C.,  
Minister for Lands

#### DESCRIPTIONS

*Counties of Irrara, Barrona and Gunderbooka;  
Administrative District of Bourke; Shire of Bourke*

Lot 1, DP 1157717; Lot 6, DP 1157717; Lot 7, DP 1157717; Lot 8, DP 1157717; Lot 9, DP 1157717; Lot 10, DP 1157717; Lot 11, DP 1157717; Lot 12, DP 1157717; Lot 13, DP 1157717; Lot 14, DP 1157717; Lot 15, DP 1157717; Lot 16, DP 1157717; Lot 17, DP 1157717; Lot 18, DP 1157717; Lot 19, DP 1157717; Lot 20, DP 1157717; Lot 21, DP 1157717; Lot 22, DP 1157717; Lot 23, DP 1157717; Lot 24, DP 1157717; Lot 25, DP 1157717; Lot 26, DP 1157717; Lot 27, DP 1157717; Lot 28, DP 1157717; Lot 29, DP 1157717; Lot 30, DP 1157717; Lot 31, DP 1157717; Lot 32, DP 1157717; Lot 33, DP 1157717; Lot 34, DP 1157717; Lot 35, DP 1157717; Lot 36, DP 1157717; Lot 37, DP 1157717; Lot 38, DP 1157717; Lot 39, DP 1157717; Lot 40, DP 1157717; Lot 41, DP 1157717; Lot 42, DP 1157717; Lot 43, DP 1157717; Lot 44, DP 1157717; Lot 45, DP 1157717; Lot 46, DP 1157717; Lot 47, DP 1157717; Lot 49, DP 1157717; Lot 50, DP 1157717; Lot 51, DP 1157717; Lot 52, DP 1157717; Lot 53, DP 1157717; Lot 54, DP 1157717; Lot 55, DP 1157717; Lot 56, DP 1157717; Lot 57, DP 1157717; Lot 58, DP 1157717; Lot 59, DP 1157717; Lot 60, DP 1157717; Lot 61, DP 1157717 and Lot 62, DP 1157717.

Note: Affected parts of Crown reserves 160, 935, 8787, 12873, 24934, 66644, 84352, 85247 and 230065 are hereby revoked.

File No.: 10/14118.

### 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 Land & Property Management Authority by the due date.

TONY KELLY, M.L.C.,  
Minister for Lands

#### SCHEDULE

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

WLL No.	Name of Lessee	File No.	Folio Identifier	Area (m <sup>2</sup> )	Term of Lease	
					From	To
WLL 16211	Raymond Ralph JENKINS.	08/8562	180/1120765	2414	13 December 2010	12 December 2030
WLL 16296	Antony GUEDELHA.	09/01037	347/1076808	2538	13 December 2010	12 December 2030

### ALTERATION OF CONDITIONS OF A WESTERN LANDS LEASE

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

TONY KELLY, M.L.C.,  
Minister for Lands

*Administrative District – Wentworth; Shire – Wentworth;  
Parishes – Para and Sturt; County – Wentworth*

The conditions of Western Lands Lease 11475, being the land contained within Folio Identifier 2/1093102 have been altered effective from 8 December 2010.

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

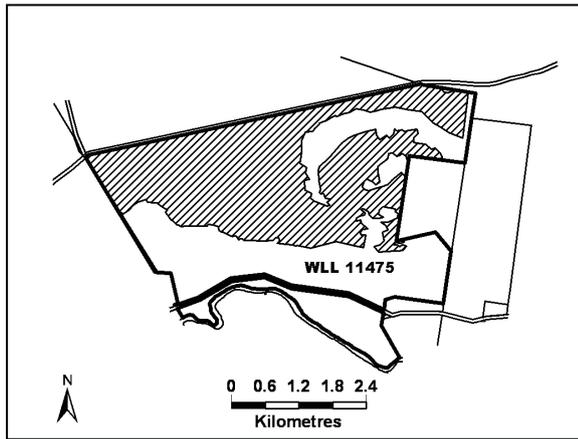
The conditions previously annexed to Western Lands Lease 11475 have been revoked and the following conditions have been annexed thereto.

Conditions to be Annexed to Western Lands Lease 11475

- (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 Land and Property Management Authority 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 and Cultivation.
- (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) All minerals within the meaning of the Mining Act 1992, and all other metals, gemstones and semiprecious stones, which may be in, under or upon the land leased are reserved to the Crown and the lessee shall permit any person duly authorised in that behalf to enter upon

- the land leased and search, work, win and remove all or any minerals, metals, gemstones and semiprecious stones in, under or upon the land leased.
- (14) Mining operations may be carried on, upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below those lands and metals and minerals may be removed therefrom and the Crown and any lessee or lessees under any Mining Act or Acts shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage occasioned by the letting down, subsidence or lateral movement of the land leased or any part thereof or otherwise by reason of the following acts and matters, that is to say, by reason of the Crown or any person on behalf of the Crown or any lessee or lessees, having worked now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for, worked, won or removed or now or hereafter searching for, working, winning or removing any metals or minerals under, in or from the lands lying beneath the land leased or any part thereof, or on, in, under or from any other lands situated laterally to the land leased or any part thereof or the lands lying beneath those lands, and whether on or below the surface of those other lands and by reason of those acts and matters or in the course thereof the Crown reserves the liberty and authority for the Crown, any person on behalf of the Crown and any lessee or lessees from time to time to let down without payment of any compensation any part of the land leased or of the surface thereof.
  - (15) The lessee must comply with the provisions of the Local Government Act 1993, and of the ordinances made thereunder.
  - (16) The lessee must comply with the provisions of the Water Management Act 2000 and any regulations made in pursuance of that Act.
  - (17) The lessee must not erect or permit any person to erect any buildings or extend any existing buildings on the land leased except to the satisfaction of the Commissioner.
  - (18) 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.
  - (19) 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.
  - (20) 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.
  - (21) The lessee must not obstruct or interfere with any reserves, roads or tracks on the land leased, or the lawful use thereof by any person.
  - (22) 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.
  - (23) The right is reserved to the public of free access to, and passage along, the bank of any watercourse adjoining the land leased and the lessee must not obstruct access or passage by any member of the public to or along the bank.
  - (24) 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.
  - (25) The Crown shall not be responsible to the lessee or the lessee's successors in title for provision of access to the land leased.
  - (26) The lessee must comply with the provisions of the Native Vegetation Act 2003 and any regulations made in pursuance of that Act.
  - (27) 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.
  - (28) Notwithstanding any other condition annexed to the lease, the lessee must, in removing timber for the purpose of building, fencing or firewood, comply with the routine agricultural management activities listed in the Native Vegetation Act 2003.
  - (29) The lessee must not interfere with the timber on any of the land leased which is within a State forest, timber reserve or flora reserve unless authorisation has been obtained under the provisions of the Forestry Act 1916 and must not prevent any person or persons duly authorised in that behalf from taking timber on the land leased. The lessee shall not have any property right in the timber on the land leased and must not ringbark, kill, destroy or permit the killing or destruction of any timber unless authorised under the Forestry Act 1916 or unless approval has been issued in accordance with the Native Vegetation Act 2003, but the lessee may take such timber as the lessee may reasonably require for use on the land leased, or on any contiguous land held in the same interest, for building, fencing or firewood.
  - (30) 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.

- (31) 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.
- (32) 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.
- (33) 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.
- (34) 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 reseeded 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.
- (35) 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.
- (36) 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.
- (37) 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.
- (38) The lessee is authorised to conduct dryland cultivation (1008 ha shown hatched on the attached diagram). Cultivation outside this area will only be allowable with the written consent of the Commissioner or Minister.
- (39) The lessee must ensure that cultivation and associated activities do not interfere with any road formation within the allowable area.
- (40) The lessee must not cultivate within the channel of incised drainage lines (other than man made structures) which carry water after storms in the channels, nor cultivate within a distance of 20 metres on either side of the banks of the channels, except when otherwise specified by the Western Lands Commissioner.
- (41) The lessee must cease work immediately should any Aboriginal archaeological relics or sites be uncovered during the proposed works (Aboriginal Sites are protected under the National Parks and Wildlife Act 1974, and are extremely vulnerable to many kinds of agricultural development.).
- (42) The lessee must consider the requirements of the National Parks and Wildlife Act 1974 with regard to Aboriginal relics. Under Section 90 it is an offence to damage or destroy relics without prior consent of the Director General of the Department of Environment, Climate Change and Water. If a site is discovered the lessee must contact the Manager, Cultural Heritage Unit, Department of Environment, Climate Change and Water on Phone (02) 6883 5324 or at 58 62 Wingewarra St, Dubbo.
- (43) The lessee must establish windbreaks at his/her own expense, as may be ordered by the Western Lands Commissioner to provide adequate protection of the soil.
- (44) The lessee must ensure that stubble and other crop residue is retained on the soil surface and shall not be burnt, except with the written approval of the Western Lands Commissioner or his delegate. Where such approval is granted, stubble burning must be carried out with the approval as per requirements of the NSW Rural Fire Services.
- (45) The lessee must undertake any appropriate measures, at his/her own expense, ordered by the Commissioner to rehabilitate any degraded cultivated areas.
- (46) The lessee must ensure that sandhills and other soils with a surface texture of loamy sand or coarser are left uncultivated unless specifically approved by the commissioner.
- (47) Texture contrast (or duplex) soils are soil types which have a sandy to loamy topsoil abruptly overlaying a clay subsoil and are prone to scolding (producing claypans and hummocks). Land within 60 metres of any texture contrast or duplex soil area must not be cultivated except in accordance with a plan approved by the Commissioner.
- (48) Areas with a slope greater than 2% must not be cultivated until any soil conservation measures documented in a plan approved by the Commissioner have been implemented at the lessee' expense.
- (49) The lessee must ensure that Cultivation and cropping do not alter the natural flood regime or obstruct the reasonable passage of floodwaters Crops are not to be protected by levees.



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### ERRATUM

IN the *New South Wales Government Gazette* of 10 December 2010, Folio 5789, under the heading “Withdrawal of Lands from Western Lands Leases”, the reference in Column 5 to area 14584 should have read 14389.

TONY KELLY, M.L.C.,  
Minister for Lands

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# Department of Planning

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### ORDER

I, the Minister for Planning, in pursuance of section 75P(2)(d) of the Environmental Planning and Assessment Act 1979, do by this my Order, declare that the development within the Cobaki Estate site (as identified in Schedule 1 to this Order) that satisfies the requirements for exempt or complying development specified in Part A - Exempt and Complying Development in Cobaki Estate Development Code, 15 November 2010, is exempt or complying development, as appropriate.

Dated, this 6th day of December 2010.

ANTHONY (TONY) KELLY, M.L.C.,  
Minister for Planning,  
Sydney

### SCHEDULE 1

The site known as 'Cobaki Estate' as shown edged heavy black on the map marked Cobaki Estate – Cadastre within the Tweed Shire Local Government Area.

Cobaki Estate – Cadastre



**BUILDING PROFESSIONALS ACT 2005**

## NOTICE

I, the Minister for Planning, under section 4 (7) of the Building Professionals Act 2005, amend the Building Professionals Board Accreditation Scheme by adopting the amendments set out in the Schedule.

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

TONY KELLY, M.P.,  
Minister for Planning

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SCHEDULE

## Schedule 2-Accreditation Statement-Category A4

Under the heading “Pathway 2-Student or Qualified Builder or Pre-Purchase Inspector” appearing in the right-hand column, beside the left-hand column titled “Experience and qualification requirements”:

Delete the heading “Student Training Requirement” and the paragraph below the heading and insert in its place:

Student Supervision and Study Requirement

Supervision Requirement

Working and continuing to work under the supervision of a Category A1, A2 or A3 accredited certifier or of a person who has applied for accreditation in Category A1, A2 or A3.

Study Requirement

- (i) Enrolment prior to 1 March 2010 in a course that leads to one of the qualifications listed in Pathway 1 above or a qualification listed in Part 2 of Schedule 3 for Categories A1, A2 and A3, or
- (ii) Enrolment on or after 1 March 2010 in a course leading to a qualification listed in Part 2 of Schedule 3 for Categories A1, A2 and A3, or
- (iii) Enrolment on or after 1 March 2010, but prior to 1 September 2013, in the Diploma of Local Government (Health and Building Assessment) course provided by LGTI or TAFE NSW.

Note: Applicants must successfully complete either BCGSV5011A-Apply Building Codes and Standards to Residential Buildings, or BCGSV5012A- Assess Timber Framed Designs for One and Two Storey Building, as part of the Diploma course in order to be eligible to apply under Pathway 1-Qualified and to be able to work without supervision at the end of the period of study.

## Roads and Traffic Authority

### ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) ACT 1999

#### Order Fixing Fees

I, MICHAEL BUSHBY, Chief Executive of the Roads and Traffic Authority, pursuant to Clause 126E of the Road Transport (Safety and Traffic Management) Regulation 1999, do by this Order fix the fees set out in the Schedule to this Order in respect of the services shown adjacent to them.

This Order takes effect on 1 January 2011.

MICHAEL BUSHBY,  
Chief Executive,  
Roads and Traffic Authority

Note: This Order replaces the Order published in New South Wales Government Gazette No. 90 of 2 July 2010, at page 3236.

#### SCHEDULE

<b>Services</b>	<b>\$</b>
Fee for the issue of an individual or organisational mobility parking scheme authority (except where the applicant is an eligible pensioner)	\$35 per authority
Fee for the issue of a temporary mobility parking scheme authority (except where the applicant is an eligible pensioner)	\$12 per authority
Fee for the issue of a replacement mobility parking scheme authority (except where the applicant is an eligible pensioner)	\$12 per authority
Fee for the issue of a replacement mobility parking scheme authority where the applicant is an eligible pensioner	\$6 per authority

In this Schedule, an eligible pensioner means a person:

- (a) who is entitled to hold any of the following cards issued by the Commonwealth:
  - (i) a card known as a pensioner concession card,
  - (ii) a card known as a gold repatriation health card that is embossed with TPI, EDA, WAR WIDOW or WAR WIDOWER,  
 Note. TPI refers to totally and permanently incapacitated and EDA refers to extreme disablement adjustment.
  - (iii) a card prescribed by the regulations as being equivalent to any of those cards, or
- (b) who is entitled to receive, in respect of any injury or disease, a pension, or other amount, approved by the Authority that is payable under the Veterans' Entitlements Act 1986 of the Commonwealth or the Military Rehabilitation and Compensation Act 2004 of the Commonwealth, or
- (c) who is a war widow or war widower (within the meaning of section 5E of the Veterans' Entitlements Act 1986 of the Commonwealth), or
- (d) who is under 16 years of age and named as a dependant on the current New South Wales Pensioner Concession Card in (a) above.

**ROADS AND TRAFFIC AUTHORITY**

Notice pursuant to Road Transport (Mass, Loading and Access) Regulation 2005

Class 2 Converter Dolly Combination Notice 2010

I, ANN KING, Acting Chief Executive of the Roads and Traffic Authority, in pursuance Division 4 of Part 2 of the Road Transport (Mass, Loading and Access) Regulations 2005, hereby specify the areas and routes on which the vehicles as described in Part 2 of the Schedule of this Notice, may be used, subject to any conditions set out in the Schedule.

ANN KING,  
Acting Chief Executive,  
Roads and Traffic Authority

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**SCHEDULE**

Explanatory Note:

This Notice replaces the Converter Dolly Combination Notice 2005 that was published in the *New South Wales Government Gazette* No. 87 of 31 December 2004, at pages 9883 to 9887.

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**PART 1 – PRELIMINARY****1.1 Citation**

This Notice may be cited as the Class 2 Converter Dolly Combination Notice 2011.

**1.2 Commencement**

This Notice takes effect on the 1 January 2011.

**1.3 Effect**

This Notice has effect up to and including 31 December 2015 unless it is amended or repealed earlier.

**1.4 Interpretation**

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

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**PART 2 – APPLICATION****2.1 This Notice applies to:**

- (a) A combination, with an overall length not exceeding 26 metres, comprising a prime mover and semi trailer combination not exceeding 19 metres in length, towing an unladen converter dolly.
- (b) A combination, with an overall length not exceeding 36.5 metres in length, comprising a B-Double towing an unladen converter dolly.

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**PART 3 – OPERATING AND TRAVEL CONDITIONS****3.1 Operating conditions:**

- 3.1.1 A copy of this Notice, excluding **APPENDIX 1**, must be carried in the driving compartment whenever the vehicle is operating under this Notice, and must be produced when requested to do so by a police officer or an authorised officer.

**3.2 Approved roads**

- 3.2.1 A combination referred to in 2.1 (a) may only operate on the roads and areas listed in Class 2 B-Double Notice 2010, and must observe all travel conditions which apply to an approved road or area as set out in that notice.
- 3.2.2 A combination referred to in 2.1 (b) may only operate on the roads and areas specified in Part 1 of Appendix 1 Class 2 Road Train Notice 2010 and must observe all travel conditions which apply to an approved road or area as set out in that notice.

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

INVERELL 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 25 metre B-Double vehicles may be used.

Dated: 7th December 2010.

PAUL HENRY, PSM,  
General Manager,  
Inverell Shire Council  
(by delegation from the Minister for Roads)

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SCHEDULE

**1. Citation**

This Notice may be cited as the. Inverell Shire Council 25metre B-Double Repeal Notice No. 01/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Amendment**

The General B Double Permit Notice 2005 is amended by omitting the following from appendix 2 of that Notice:

<i>Type</i>	<i>Road</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	Vivian Street.	Captain Cook Drive.	Sweaney Street.
25.	Sweaney Street.	Vivian Street.	Lawrence Street.

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

INVERELL 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 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 7th December 2010.

PAUL HENRY, PSM,  
General Manager,  
Inverell Shire Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as Inverell Shire Council 25 Metre B-Double Route Notice No. 02/2010.

**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**

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.	Captain Cook Drive.	Lawrence Street.	Mansfield Street.	Nil.
25.	Captain Cook Drive.	Mansfield Street.	Wood Street.	Nil.
25.	Wood Street.	Captain Cook Drive.	Byron Street.	Nil.
25.	Mansfield Street.	Captain Cook Drive.	Sweaney Street.	Nil.
25.	Killean Street.	Swan Book Road.	Brissett Street.	Nil.

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

GREATER TAREE 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: 10 December 2010.

GERARD JOSE,  
General Manager,  
Greater Taree City Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as Greater Taree City Council 25 metre B-Double Route Notice No. 3/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 15th April 2011 unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those 25 metre B-Doubles 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.	Pulteney Street, Taree.	York Street.	Cornwall Street.	25m B-Double route trial until 15 April 2011.

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

I, ANN KING, Acting Chief Executive of the Roads and Traffic Authority, in pursuance of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which Road Trains may be used subject to any requirements or conditions set out in the Schedule.

ANN KING,  
Acting Chief Executive,  
Roads and Traffic Authority

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SCHEDULE

**1. Citation**

This Notice may be cited as the Roads and Traffic Authority Road Train Notice No. 4/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 30 September 2015 from the date of gazettal unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those Road Train vehicles which comply with the Class 2 Road Train Notice 2010, 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 No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
RT.	17.	Newell Highway, West Wyalong.	Tallimba Road.	MR639 Showground Road (West Wyalong Bypass).	Travel permitted 1 November to 28 February

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

MOREE PLAINS SHIRE, 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: 14 December 2010.

DAVID ABER,  
General Manager,  
Moree Plains Shire Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as Moree Plains Shire Council Road Train Vehicle Route Notice No. 2/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**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 2005 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>Starting Point</i>	<i>Finishing Point</i>
RT.	000.	Boggabilla Road, Moree.	Carnarvon Highway (H28).	Gwydir Street.

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

MOREE PLAINS 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 25 metre B-Doubles may be used subject to any requirements or conditions set out in the Schedule.

Dated: 14 December 2010.

DAVID ABER,  
General Manager,  
Moree Plains Shire Council  
(by delegation from the Minister for Roads)

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**SCHEDULE**
**1. Citation**

This Notice may be cited as Moree Plains Shire Council 25 Metre B-Double route Notice No. 1/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until 30 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 No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	000.	Boggabilla Road, Moree.	Carnarvon Highway (H28).	Gwydir Street.

**ROAD TRANSPORT (GENERAL) ACT 2005**

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

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

Dated: 15 December 2010.

Mr PHIL MARSHALL,  
General Manager,  
Narrabri Shire Council  
(by delegation from the Minister for Roads)

**SCHEDULE****1. Citation**

This Notice may be cited as Narrabri Shire Council 25 Metre B-Double route Notice No. 1/2010.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**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 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 No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>
25.	000.	Clarke Street, Narrabri.	Newell Highway (H17).	Peele Street.
25.	000.	Peele Street, Narrabri.	Clarke Street.	Fraser Street.
25.	000.	Fraser Street, Narrabri.	Peele Street.	Newell Highway (H17).

## ROADS ACT 1993

Notice of Dedication of Land as Public Road at Mays Hill and Westmead in the Holroyd City Council area

THE Roads and Traffic Authority of New South Wales, 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 Traffic Authority of New South Wales

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SCHEDULE

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

<u>Description of Land</u>	<u>Title Particulars</u>
The area of 36 ½ perches delineated on Deposited Plan 108499, being part of the land referred to in Notice of Resumption of Land Dealing H626905 and being also part of the land resumed by the Commissioner for Main Roads by notification in Government Gazette No 61 dated 22 May 1959, page 1542	Certificate of Titles: Volume 465 Folio 45; and Volume 721 Folio 195
The area of 9 ½ perches delineated on Deposited Plan 417997, being the whole of the land referred to in Memorandum of Transfer Dealing H609337	Certificate of Title Volume 7102 Folio 115
Lot 26 Deposited Plan 1038290	Folio Identifier 26 / 1038290
Lot 25 Deposited Plan 1038290	Folio Identifier 25 / 1038290
Lot 24 Deposited Plan 1038290	Folio Identifier 24 / 1038290
Lot 23 Deposited Plan 1038290	Folio Identifier 23 / 1038290
Lot 22 Deposited Plan 1038290	Folio Identifier 22 / 1038290
Lot 21 Deposited Plan 1038290	Folio Identifier 21 / 1038290
Lot 20 Deposited Plan 1038290	Folio Identifier 20 / 1038290
Lot 19 Deposited Plan 1038290	Folio Identifier 19 / 1038290
Lot 18 Deposited Plan 1038290	Folio Identifier 18 / 1038290
Lot 17 Deposited Plan 1038290	Folio Identifier 17 / 1038290
Lot 16 Deposited Plan 1038290	Folio Identifier 16 / 1038290
Lot 15 Deposited Plan 1038290	Folio Identifier 15 / 1038290
Lot 14 Deposited Plan 1038290	Folio Identifier 14 / 1038290
Lot 15 Deposited Plan 1052755	Folio Identifier 15 / 1052755
Lot 14 Deposited Plan 1052755	Folio Identifier 14 / 1052755
Lot 13 Deposited Plan 1052755	Folio Identifier 13 / 1052755
Lot 12 Deposited Plan 1038265	Folio Identifier 12 / 1038265
Lot 38 Deposited Plan 1075176	Folio Identifier 38 / 1075176
Lot 37 Deposited Plan 1075176	Folio Identifier 37 / 1075176
Lot 36 Deposited Plan 1075176	Folio Identifier 36 / 1075176
Lot 35 Deposited Plan 1075176	Folio Identifier 35 / 1075176
Lot 34 Deposited Plan 1075176	Folio Identifier 34 / 1075176
Lot 1 Deposited Plan 431004	Certificate of Title Volume 4992 Folio 24

*(Continued over page)*

(Continued from previous page)

SCHEDULE

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

<u>Description of Land</u>	<u>Title Particulars</u>
That part of the land delineated on Deposited Plan 188923 which is exclusive of Lots A, B, C and D Deposited Plan 434504, being part of the land resumed by the Commissioner for Main Roads by notification in Government Gazette No 86 dated 3 June 1938, page 2179 and 2180 and also being part of the land referred to in Notice of Resumption Dealing C703570.	Certificate of Title Volume 4790 Folio 189
The area of 3 ½ perches delineated on Deposited Plan 433984, being parts of Lots A and B Deposited Plan 434504, being also the whole of the land referred to in Memorandum of Transfer Dealing K964964	Certificate of Title Volume 6683 Folio 33
The area of 4 ¼ perches delineated and edged red on the plan marked 'X' annexed to Notice of Resumption of Land Dealing F125592, being part of Portion 287 in the said Parish resumed and vested in the Commissioner for Main Roads by notification in Government Gazette dated 9 September 1949, page 2667, being also part of Lot B Deposited Plan 319728	Certificate of Title Volume 4838 Folio 243
Lots 1 and 2 Deposited Plan 188539	Certificate of Title Volume 4121 Folio 165

*Please Note: The Notice of Resumption of Land and Memorandum of Transfer Dealings, Deposited Plans and Title Particulars referred to in the preceding schedule are available at Land and Property Management Authority of New South Wales*

(RTA Papers: 9M3019 (Vol 6); RO 205.11119)

**ROADS ACT 1993**

Order

Liverpool City Council area

Repeal of Classification as Tollway of parts of the M5  
Motorway at Casula and Dedication of Land  
as Public Road

I, the Minister for Roads, by this order, hereby: -

1. repeal the order published in Government Gazette No 72 dated 30 June 1993 on page 3337 which declared to be tollwork (now tollway) a proposed work between Campbelltown Road at Glenfield and the Main Southern Railway at Liverpool, but only in so far as the order pertains to any parts of the land described in the schedule below; and
2. dedicate the land described in the schedule below as public road, pursuant to Section 54(4) of the Roads Act 1993.

**HON DAVID BORGER MP**  
**MINISTER FOR ROADS**

—————  
SCHEDULE

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

Lots 7 to 11 inclusive Deposited Plan 847277; and

Lots 7, 8 and 9 Deposited Plan 846610.

(RTA Papers: F5/259.1695)

**ROADS ACT 1993**

Order - Sections 52

The Hills Shire, Parramatta City, Hornsby Shire and  
Ryde City Council areas

Declaration as tollway of parts of the proposed M2  
Motorway Upgrade at Baulkham Hills, Beecroft and  
Macquarie Park

I, the Minister for Roads, pursuant to Section 52 of the Roads Act, 1993, by this order declare to be tollway the proposed road described in the Schedule under.

**HON DAVID BORGER MP**  
**MINISTER FOR ROADS**

—————  
SCHEDULE

The proposed road comprising the land shown as Lots 1 and 2 in RTA plan 6002 031 AC 4001, Lot 3 in RTA plan 6002 201 AC 4004 and Lot 4 in RTA plan 6002 387 AC 4005, and shown on the said plans as proposed road to be declared tollway.

(RTA Papers F2/201.11393)

## Office of Water

### RICHMOND REGULATED RIVER ORDER 2010 UNDER THE WATER MANAGEMENT ACT 2000

I, the Minister for Water, in pursuance of the definition of "regulated river" in the Dictionary to the Water Management Act 2000, do, by this Order, declare the rivers specified in Schedule 1 to be regulated rivers.

This Order commences on the day on which it is published in the *New South Wales Government Gazette*.

Dated at Sydney, this 14th day of December 2010.

PHILLIP COSTA, M.P.,  
Minister for Water

#### SCHEDULE 1

Iron Pot Creek from the high water mark of Toonumbar Dam to its confluence with Eden Creek.

Eden Creek from its confluence with Iron Pot Creek to its confluence with the Richmond River.

### WATER ACT 1912

Order under Section 20Z

Water Allocations for 2010/11 Water Year

Belubula River Catchment water source  
(General Security entitlements only)

PURSUANT to section 20Z of the Water Act 1912, I, PAUL SIMPSON, having delegated authority from the Water Administration Ministerial Corporation, do, by this Order:

1. repeal that part of the order made under section 20Z of the Water Act 1912 dated 29 June 2010 and published in the *New South Wales Government Gazette* number 89 by special supplement at page 3140 on 30 July 2010, which reduced water allocations in the Belubula River Catchment water source for General Security entitlements to zero for the 2010/11 water year; and
2. being satisfied that the water source specified in Schedule 1, which is subject to a scheme, is unlikely to have sufficient water available to meet the requirements, during the 2010 / 2011 water year, of the persons authorised by law to take water from the water source and such other requirements for water from the water source as are determined by the Water Administration Ministerial Corporation, reduce the water allocations under the scheme for the water source specified in Schedule 1, as specified in Schedule 2.

This Order takes effect upon being published in the *New South Wales Government Gazette* and in a newspaper circulating in the district in which the water source is located, and remains in force until 30 June 2011, unless repealed or modified by further order.

Dated at Sydney, this 15th day of December 2010.

PAUL SIMPSON,  
Acting Director,  
Water Management and Implementation,  
NSW Office of Water  
Signed for the Water Administration  
Ministerial Corporation  
(by delegation)

#### SCHEDULE 1

This Order applies to the Belubula River Catchment water source, including the Belubula River, from the upper limit of Carcoar Dam storage downstream to its junction with the Lachlan River.

Note. This water source was declared to be subject to a volumetric water allocations scheme by order made under section 20W of the Water Act 1912 and published in the *New South Wales Government Gazette* No. 115 at page 4340 on 14 August 1981.

#### SCHEDULE 2

The water allocation for the class of entitlement specified in Column 1 of the table below is reduced by the amount specified adjacent in Column 2.

<i>COLUMN 1</i> <i>Class of entitlement</i>	<i>COLUMN 2</i> <i>Percentage proportion reduction in water allocation</i>
General Security	50%

Notes:

- (1) This order allows holders of General Security entitlements to access up to 50% of their water allocation for the 2010 / 2011 water year.
- (2) Holders of High Security entitlements may already access up to 100% of their water allocation for the 2010 / 2011 water year (refer to the order made under section 20Z of the Water Act 1912 and published in the *New South Wales Government Gazette* number 119 at page 5094 on 8 October 2010).

### WATER ACT 1912

AN application for a licence under section 10 of Part 2 of the Water Act 1912, as amended, has been received as follows:

Steven James RYAN for a pump on Sandy Beach Creek being Lot 1, DP 34573, Parish of Bournda, County of Auckland, for water supply for industrial (accommodation) and irrigation of 0.5 hectare (market garden) (new licence – partly replacing 10SL051060 due to the permanent transfer of 1.0 megalitre – not subject to the 2007 South Coast Unregulated Rivers embargo) (Reference: 10SL056957) (GA1813397).

Any inquiries should be directed to (02) 4429 4442.

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 309, Nowra NSW 2541, within 28 days of the date of this publication.

WAYNE RYAN,  
Licensing Officer

## Other Notices

### APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has made Vocational Training Orders for the recognised traineeship vocations of:

- Building and Construction (Building)
- Building and Construction (Contract Administration)
- Building and Construction (Estimating)
- Building and Construction (Sales)
- Building and Construction (Site Management)
- Building and Construction (Specialist Trades)
- Building and Construction (Trade Contracting)
- Building and Construction (Swimming Pool and Spa Building)
- Building (Surveying)
- Building and Construction (Management),

under Section 6 of the Apprenticeship and Traineeship Act 2001.

The Orders specify a number of matters relating to the required training for these vocations, including the term/s of training, probationary period/s, and course/s of study to be undertaken.

The Orders will take effect from the date of publication in the NSW Government Gazette.

A copy of the Orders may be inspected at any State Training Services Regional Office of the Department of Education and Training or on the Internet at [https://www.training.nsw.gov.au/cib\\_vto/cibs/cib\\_488.html](https://www.training.nsw.gov.au/cib_vto/cibs/cib_488.html)

### ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to Section 84

THE incorporation of GRANVILLE KEWPIE SOCCER AND SPORTS CLUB INCORPORATED (Y2479940) cancelled on 21 August 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 13th day of December 2010.

CHRISTINE GOWLAND,  
General Manager  
Registry of Co-operatives & Associations  
NSW Fair Trading

### ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to Section 84

THE incorporation of INDEPENDENCE ULLADULLA INC (Y1426044) cancelled on 30 January 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 13th day of December 2010.

CHRISTINE GOWLAND,  
General Manager  
Registry of Co-operatives & Associations  
NSW Fair Trading

### ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to Section 84

THE incorporation of GLENWOOD COMMUNITY ASSOCIATION INCORPORATED (INC9874402) cancelled on 19 June 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 13th day of December 2010.

CHRISTINE GOWLAND,  
General Manager  
Registry of Co-operatives & Associations  
NSW Fair Trading

### ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to Section 84

THE incorporation of KHMER KROM AND AUSTRALIAN BUDDHIST ASSOCIATION INCORPORATED (Y2371724) cancelled on 16 October 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 15th day of December 2010.

CHRISTINE GOWLAND,  
General Manager  
Registry of Co-operatives & Associations  
NSW Fair Trading

### ASSOCIATIONS INCORPORATION ACT 2009

Cancellation of incorporation pursuant to section 76

TAKE NOTICE that the incorporation of the following associations is cancelled by this notice pursuant to section 76 of the Associations Incorporation Act, 2009.

Cancellation is effective as at the date of gazettal.

Warradale Netball Club Incorporated Inc9893365  
Bangladesh Christian Society of Australia Incorporated Inc9877025  
Bakers Swamp Landcare Group Incorporated Y2535032  
Burrill Lake and Districts Progress Association Incorporated Y2520541  
Bundanoon Hockey Club Inc Y1078234  
Australia Hazara Association Incorporated Inc9877443  
Windale Meals on Wheels Inc Y0851327  
Western Suburbs Baseball Club Incorporated Y1325640  
Walla Walla Meals on Wheels Association Incorporated Y1883401  
Tenterfield Touch Association Incorporated Inc9875017  
Tenterfield Senior Soccer Club Incorporated Inc9881612  
Tenterfield Summer Soccer Association Incorporated Inc9882448  
Tenterfield Local Volleyball Incorporated Inc9885855  
Tenterfield Terrier Club of N.S.W. Incorporated Y2457023

Tenterfield Writers Ink Incorporated Y2623919  
 Truckin Angels Incorporated Inc9886150  
 Siphon Hills Landcare Group Incorporated Y2948244  
 Riverlands Association of Gyroscopic Enthusiasts Incorporated Inc9877447  
 Professors World Peace Academy Australia Incorporated Inc9876110  
 Queanbeyan St Andrew Incorporated Inc9880186  
 Multiculture Australian Women's Association Incorporated Inc9886415  
 Mittagong Basketball Association Incorporated Inc9878038  
 Tocumwal and District Charitable Organization Incorporated Y2941510

Dated 15 December 2010.

CHRISTINE GOWLAND,  
 General Manager  
 Registry of Co-operatives & Associations  
 Office of Fair Trading

Department of Services, Technology & Administration

Friday, 18 February 2011

That part of the County of Camden, the Parish of Cambewarra and those portions of the Parishes of Burrawang, Bugong, Yarrawa and Wallawa, situated within the Shoalhaven City Council area

Friday, 18 March 2011

Lake Macquarie City Council and Newcastle City Council areas

After noon, Monday, 21 March 2011

Armidale Dumaresq Council area

After noon, Friday, 25 March 2011

Albury City Council area

After noon, Wednesday, 11 May 2011

Police Patrol Districts of Maclean, Yamba and Iluka within the Clarence Valley Council area

After noon, Wednesday, 11 May 2011

Kempsey Shire Council area

After noon, Thursday, 12 May 2011

Kempsey Shire Council area

After noon, Friday, 13 May 2011

Towns of Aberdeen, Blandford, Bunnan, Ellerston, Gundy, Moonan Brook, Moonan Flat, Murrurundi, Parkville, Scone, Rouchel, Timor and Wingen within the Upper Hunter Shire Council area

Tuesday, 17 May 2011

That portion of the township of Yeoval which is in the Cabonne Council area

#### ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of cancelled association pursuant to Section 84

THE incorporation of COOMA SCHOOLS MINISTRY ASSOCIATION INCORPORATED (Y2355230) cancelled on 20 March 2009 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated 15th day of December 2010.

CHRISTINE GOWLAND,  
 General Manager  
 Registry of Co-operatives & Associations  
 NSW Fair Trading

After noon, Monday, 23 May 2011

Bogan Shire Council area

Wednesday, 25 May 2011

Gilgandra Shire Council area

Wednesday, 1 June 2011

Coonamble Shire Council area

After noon, Wednesday, 13 July 2011

City of Grafton within the Clarence Valley Council area

After noon, Thursday, 14 July 2011

City of Grafton within the Clarence Valley Council area

After noon, Thursday, 4 August 2011

Coffs Harbour City Council area

Wednesday, 17 August 2011

Town of Trundle within the Parkes Shire Council area

Wednesday, 24 August 2011

Town of Peak Hill within the Parkes Shire Council area

After noon, Tuesday, 30 August 2011

Town of Parkes within the Parkes Shire Council area

After noon, Wednesday, 7 September 2011

West Wyalong/Wyalong Town

Improvement District and the Police Patrol District of Tallimba within the Bland Shire Council area

After noon, Thursday, 8 September 2011

Ballina Shire Council area

After noon, Friday, 9 September 2011

Forbes Shire Council area

After noon, Tuesday, 27 September 2011

Young Shire Council area

After noon, Tuesday, 1 November 2011

Muswellbrook Shire Council area

After noon, Thursday, 3 November 2011

City of Grafton within the Clarence Valley Council area

#### BANKS AND BANK HOLIDAYS ACT 1912

Notice

I, PAUL GERARD LYNCH, Minister for Industrial Relations, in pursuance of section 19(3) of the Banks and Bank Holidays Act 1912, appoint the special days and parts of special days specified in Column 1 of the Schedule to be observed as public holidays and public half-holidays (as the case may be) in those parts of New South Wales specified in Column 2 of that Schedule opposite each such special day or part of a special day.

Dated at Sydney, this 14th day of December, 2010.

PAUL GERARD LYNCH, M.P.,  
 Minister for Industrial Relations

#### SCHEDULE

Column 1

After noon, Friday,  
 11 February 2011

Column 2

Walcha Council area

**CHARITABLE TRUSTS ACT 1993****ERRATUM**

IN the notice appearing in the New South Wales Government Gazette No. 133 of 10 December, 2010, Folio 5812, under the heading "Charitable Trusts Act 1993", the notice contained an incorrect date

"3 December 2010"

this should read

"7 December 2010".

This notice corrects the error and the gazettal date remains the same.

**DAMS SAFETY ACT 1978 AND MINING ACT 1992**

Order under Section 369 of the Mining Act 1992

Cadia Northern Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Cadia Tailings Dam, being a prescribed dam under the 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 7 ordered points on map Cudal, Canowindra, Millthorpe, Carcoar: 8631-II & III, 8630- I & IV, 8731-III-S, 8730-IV-S 1:25,000; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	684300	6292500
2	685100	6292500
3	687100	6291500
4	687800	6290800
5	687200	6289500
6	685500	6289500
7	683700	6291100

Map Grid Australia (MGA) co-ordinates for the above points, as well as plan NA-212 showing the area, are available from the Dams Safety Committee.

BRIAN COOPER,  
Chairman

Dams Safety Committee  
P.O. Box 3720 Parramatta NSW 2124

**DAMS SAFETY ACT 1978 AND MINING ACT 1992**

Order under Section 369 of the Mining Act 1992

Cadia Southern Notification Area

THE Dams Safety Committee pursuant to Section 369 of the Mining Act 1992, hereby declares that with regard to Cadia Southern Tailings Dam, being a prescribed dam under the 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 6 Canowindra & Carcoar 8630- I & IV & 8730-4-S ordered points on map Canowindra, & Carcoar, 8630- I & IV, 8730-

IV-S 1:25,000; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55;

<i>Point</i>	<i>MGA94 East</i>	<i>MGA94 North</i>
1	684100	6290200
2	685700	6289900
3	686300	6289000
4	685900	6287900
5	685000	6287700
6	683300	6288600

Map Grid Australia (MGA) co-ordinates for the above points, as well as plan NA-213 showing the area, are available from the Dams Safety Committee.

BRIAN COOPER,  
Chairman

Dams Safety Committee  
P.O. Box 3720 Parramatta NSW 2124

**ENVIRONMENT AND CLIMATE CHANGE****ERRATUM**

IN the notice published in the NSW Government Gazette dated 3 December 2010, folio 5678, reserving land as part of Murrumbidgee Valley National Park, in the description the text "3,443 hectares" should be deleted and replaced with "3,204 hectares" and the lot number "1" in DP1109149, should be deleted from the description.

DIRECTOR-GENERAL  
Department of Environment  
and Climate Change

**GEOGRAPHICAL NAMES ACT 1966****Erratum**

IN the notices referring to the assignment of the name Doyles Rock (locality), Folio 8103, 3 November 1978 and Doyles Rock (historical locality), Folio 2383, 24 February 2000 the name Doyles Rock was incorrect and should read Poiles Rock.

This notice corrects these errors.

WARWICK WATKINS, AM,  
Chairman

Geographical Names Board  
P O Box 143  
BATHURST NSW 2795

**GEOGRAPHICAL NAMES ACT 1966**

PURSUANT to the provisions of Section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the name listed hereunder as a geographical name.

Assigned Name:	Halloran Park
Designation:	Reserve
LGA:	Port Stephens Council
Parish:	Sutton
County:	Gloucester
LPI Map:	Karuah
1:100 000 Map:	Newcastle 9232
Reference:	GNB 5450

The position and the extent for this feature is recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's Web Site at [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

WARWICK WATKINS, AM,  
Chairperson

Geographical Names Board  
PO Box 143  
Bathurst NSW

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### HEALTH INSURANCE LEVIES ACT 1982

#### Notice of Prescribed Rate

PURSUANT to the Health Insurance Levies Act 1982, the prescribed rate for the purposes of the Act for the period commencing 1 February 2011 will be \$1.24.

Dated 6 December 2010.

T. NEWBURY,  
Chief Commissioner of State Revenue

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### LAND TAX MANAGEMENT ACT 1956

#### Land Tax Returns for 2011 Tax Year

1. This Order is made under section 12(1) of the Land Tax Management Act 1956. The purpose of this Order is to advise persons who own land in New South Wales if and when they are required to lodge an initial return or a variation return in relation to the 2011 land tax year or an earlier tax year.

#### Persons Who Must Lodge an Initial Return

2. The requirement to lodge an initial land tax return in 2011, as specified in this Order, applies to certain "persons" who are "owners" of land in New South Wales at midnight on 31 December 2010 (or any previous year if paragraph 5 applies). The reference to an "owner" includes a reference to a person who is an owner of land or is deemed to be an owner for land tax purposes by the Land Tax Management Act 1956. A "person" includes a company, a trustee, a beneficiary of a trust and a natural person.
3. Persons who own land in New South Wales at midnight on 31 December 2010 which is not exempt from land tax must lodge an initial return unless they were assessed and received a land tax notice of assessment for the 2010 land tax year.
4. Persons who have received a land tax notice of assessment for any land tax year prior to 2011 showing nil tax payable and who have subsequently acquired additional land or an additional interest in land and are the owners of land at midnight 31 December 2010 which is not exempt from land tax must lodge an initial return.
5. Persons who are liable to be assessed for land tax for any tax year prior to 2010 and have not previously lodged a return for that year, or have not received a land tax notice of assessment for that tax year must also lodge an initial return.
6. Persons who own land that has previously been exempt from land tax in any tax year prior to 2011 but is not exempt for the 2011 tax year must lodge an initial return.

7. Where land is subject to a trust, and the trustee has not previously lodged a land tax return, the trustee must lodge an initial return on behalf of the trust. If the trustee fails to lodge a return, or fails to provide the information specified on the form about the beneficiaries of the trust, the trust may be assessed as if it were a special trust.
8. A Land Tax Registration Form is an initial return for the purposes of section 12.

#### Due Date for Lodgement of Initial Returns

9. Any person who is required by this Order to lodge an initial return must do so by 31 March 2011.
10. Penalty tax and interest may be imposed under the Land Tax Management Act 1956 and the Taxation Administration Act 1996 for failing to lodge a return by the due date.

#### Persons Who Must Lodge a Variation Return

11. A variation return is required to be lodged by a person who receives an incorrect notice of assessment of land tax. Errors on the notice which may result in an incorrect notice of assessment of land tax may include:
  - (a) details of land owned by the person as shown on the notice are incorrect (including but not limited to inclusion of land disposed of prior to 31 December 2010; land acquired prior to 31 December has not been included in the assessment; the percentage interest in land is incorrect for land that is jointly owned; land shown in assessment is owned in capacity of trustee; or an incorrect property description is shown);
  - (b) exempt land has been incorrectly assessed as liable for land tax;
  - (c) liable land has been incorrectly classified as exempt;
  - (d) the calculation of tax contains errors;
  - (e) a special trust has been incorrectly assessed as if it were a fixed trust;
  - (f) a fixed trust has been incorrectly assessed as if it were a special trust;
  - (g) the beneficial owners of land owned by a family unit trust have changed since 31 December 2005;
  - (h) additional land has been acquired by a family unit trust, so that the total liable land owned by the trust has a taxable value of over \$1 million;
  - (i) a group constituted under section 29 of the Land Tax Management Act 1956 does not have a member classified as a concessional company;
  - (j) a group constituted under section 29 of the Land Tax Management Act 1956 has more than one member classified and separately assessed as a concessional company (note that two or more companies can be correctly classified as joint concessional companies and jointly assessed as such);
  - (k) an error in the calculation of the average value of a parcel of land.
12. A variation return is required if the trustee of a trust that has an interest in land has not previously advised the Chief Commissioner of the existence of the trust, or if the trust is incorrectly classified as either a fixed or special trust.

13. A variation return disclosing details of the beneficiaries must be lodged by a trustee of a trust, other than a special trust, if the trustee has not previously advised the Chief Commissioner of the beneficiaries of the trust or the beneficial owners of land owned by the trust. If a trustee fails to comply with this requirement, the Chief Commissioner may assess the trust as if it were a special trust.

#### Due Date for Lodgement of Variation Returns

14. A variation return is required to be lodged by the first instalment date shown on the notice of assessment. If the notice of assessment shows that no tax is payable, the due date for lodgement of a variation return is 40 days after the "Issue Date" shown on the notice.

15. Penalty tax and interest may be imposed under the Land Tax Management Act 1956 and the Taxation Administration Act 1996 for failing to lodge a return by the due date.

#### How to Lodge a Return

16. A person, including an agent or trustee can satisfy the obligation to lodge an initial return or a variation return:

- by lodging a return form electronically via the Office of State Revenue's Website at [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au), or
- by providing the relevant information by telephone to the OSR's telephone inquiry service on 1300 139 816, or
- by lodging a written return form with OSR.

17. Note that in some cases lodging by webform or telephone will not be possible and a written return form may still be required. Under section 12(2) of the Land Tax Management Act 1956, the Chief Commissioner may require any person to lodge a return or a further return.

#### Other Matters

18. A requirement to lodge a return specified in this notice does not affect a requirement to lodge a return by an earlier date specified by the Chief Commissioner under section 12(2) of the Act or an earlier date specified in any previous Order made under section 12(1).

19. Land tax information brochures are available on the Office of State Revenue's Website at [www.osr.nsw.gov.au](http://www.osr.nsw.gov.au).

Dated 13 December 2010.

T. NEWBURY,  
Chief Commissioner of State Revenue

### LOCAL GOVERNMENT ACT 1993

#### ORDER

THE Independent Pricing and Regulatory Tribunal, delegate of the Minister for Local Government, pursuant to the delegation dated 6 September 2010, by this Order:

- (a) under section 506 of the Local Government Act 1993, specify that the maximum percentage by which councils' general income (as defined under section 505(a) of the Local Government Act 1993), for the year 1 July 2011 to 30 June 2012 may increase is 2.8%.

(b) under 508 (7) of the Local Government Act 1993, specify that no limitation is to apply to the annual charges made by councils under section 507 for domestic waste management services for the year 1 July 2011 to 30 June 2012.

Dated this 8th day of December 2010.

Mr ROD SIMS,  
Chairperson  
The Independent Pricing and Regulatory Tribunal

### MOTOR ACCIDENTS COMPENSATION ACT 1999

#### MOTOR ACCIDENTS COMPENSATION REGULATION 2005

Clause 4(2) – Notice of replacement AMA List

PURSUANT to the provisions of clause 4(2) of the Motor Accidents Compensation Regulation 2005, notice is given that the document called the List of Medical Services and Fees published by the Australian Medical Association and dated 1 November 2010 is recognised as the AMA List and replaces the document called the List of Medical Services and Fees published by the Australian Medical Association and dated 1 November 2009.

This notice is to take effect on and from 17 December 2010.

Motor Accidents Authority, Sydney, 3 December 2010.

ANDREW NICHOLLS,  
Acting General Manager

### NATIONAL PARKS AND WILDLIFE ACT, 1974

Notice of Reservation of a Nature Reserve

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Wiarborough Nature Reserve under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,  
Governor,  
By Her Excellency's Command,

FRANK SARTOR, M.P.,  
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

#### DESCRIPTION

*Land District – Lithgow;  
LGA – Oberon*

County Georgiana, Parish Werong, 204.2 hectares, being Lot 4 in DP261105; exclusive of roads and Werong Creek: DECCW/07/15690.

**NATIONAL PARKS AND WILDLIFE ACT 1974**

## Notice of Reservation of a Nature Reserve

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, as part of Billinudgel Nature Reserve, under the provisions of Section 30A(1) of the National Parks and Wildlife Act 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,  
Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

## DESCRIPTION

*Land District – Murwillumbah;  
LGA – Byron*

County Rous, Parish Billinudgel, 7.92 hectares, being Lot 49 in DP1006418: DECCW/07/1970.

**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 Warrabah National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,  
Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

## SCHEDULE

*Land District – Tamworth;  
LGA – Tamworth Regional*

County Darling, Parish Alfred, 749.1 hectares, being lot 60 DP44203, excluding the Crown Public Road within lot 60 DP44203.: NPWS/08/8789.

**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, part of Boonoo Boonoo National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,  
Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

## SCHEDULE

*Land District and LGA – Tenterfield*

County Buller, Parishes Carroll and Corry, about 390 hectares, being lot 2 DP1143868 and lot 75 DP751056; including the Crown Public Road separating lot 2 DP1143868 and lot 75 DP751056 from Boonoo Boonoo National Park.: NPWS/07/6186.

**NATIONAL PARKS AND WILDLIFE ACT, 1974**

## Notice of Reservation of a State Conservation Area

I, Professor Marie Bashir AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, reserve the land described in the Schedule below, and assign to that land the name Cooleburba State Conservation Area, under the provisions of Section 30A(1) and 30A(2) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,  
Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

## SCHEDULE

*Land District – Coonabarabran;  
LGA – Warrumbungle*

County Gowen, Parish Coonabarabran, 434.6 hectares, being lot 397 DP753378.: NPWS/07/18431.

**NATIONAL PARKS AND WILDLIFE ACT, 1974**

## Notice of Reservation of a Historic Site

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 Innes Ruins Historic Site, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,  
Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

## SCHEDULE

*Land District – Bellingen ;  
LGA – Hastings*

County Macquarie, Parishes Macquarie, 16.3 hectares, being the residue of lot 2 DP826241 not reserved as Innes Ruins Historic Site by notice in the NSW Government Gazette on 14th March 2003.: NPWS/10/9029.

**NATIONAL PARKS AND WILDLIFE ACT, 1974**  
 Notice of Reservation of a Nature Reserve  
 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, part of Kemp's Creek Nature Reserve, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,  
 Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
 Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

SCHEDULE

*Land District – Metropolitan;  
 LGA – Liverpool*

County Cumberland, Parishes Cabramatta, 68.03 hectares, being lot 3 DP875790.: NPWS/07/18370.

Note: The above reservation for Kemp's Creek Nature Reserve is restricted to a depth of 100 metres.

**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 Wollemi National Park, under the provisions of Section 30A(1) of the National Parks and Wildlife Act, 1974.

Signed and sealed at Sydney this 15th day of December, 2010.

MARIE BASHIR,  
 Governor,

By Her Excellency's Command,

FRANK SARTOR, M.P.,  
 Minister for Climate Change and the Environment

GOD SAVE THE QUEEN

SCHEDULE

*Land District – Lithgow;  
 LGA – Greater Lithgow*

County Cook, Parishes Gindantherie & Barton, Village Newnes, about 4.8 hectares, being:

1. the whole of Sections 4 & 37 and part Section 7 (in 2 parts) bounded by Umbiella Street, Airlie Street, Capertee Street & lot 7 Section 7.
2. the lots described in the following table, (papers: FIL09/11533).

TABLE

LOT	SECT	DP
7	7	758770
3	8	758770

5	8	758770
6	8	758770
8	8	758770
2	9	758770
10	9	758770
11	9	758770
12	9	758770
14	9	758770
16	9	758770
17	9	758770
19	9	758770
20	9	758770
4	10	758770
5	10	758770
6	10	758770
7	10	758770
8	10	758770
9	10	758770
10	10	758770
3	20	758770
4	20	758770
1	24	758770
2	24	758770
3	24	758770
5	24	758770
6	24	758770
1	27	758770
2	27	758770
4	27	758770
5	27	758770
6	28	758770
11	30	758770
20	30	758770
8	31	758770
9	31	758770
10	32	758770
14	32	758770
15	32	758770
2	33	758770
5	35	758770

**NATIONAL PARKS AND WILDLIFE ACT 1974**

Sydney Harbour National Park

Draft Plan of Management

A draft plan of management for Sydney Harbour National Park has been prepared and is available on the website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au). Copies of the plan may also be viewed at the following locations:

- Manly Council Library, Market Place, Manly
- Manly Environment Centre, 41 Belgrave St, Manly
- NPWS Harbour North Area Office, Governors Road, Middle Head
- Sydney Harbour Federation Trust Office, Best Ave, Mosman
- Mosman Council Library, Library Walk, just off Military Road, Mosman
- North Sydney Council's Stanton Library, 234 Miller Street, North Sydney
- Watsons Bay Library, The Tea Gardens, 8 Marine Parade, Watsons Bay
- Greycliffe House, Greycliffe Ave, Nielsen Park, Vaucluse
- Double Bay Central Library, 548 New South Head Road, Double Bay
- Customs House Library, 31 Alfred Street, Circular Quay

- DECCW Information Centre, Level 14, 59-61 Goulburn St, Sydney
- NPWS Metropolitan Branch Office, Level 1, 10 Valentine Ave, Parramatta.

Written submissions on the plan must be received by The Planner, PO Box 95, Parramatta, 2124 by 30 April 2011. Representations may also be submitted through the web site.

All submissions received by NPWS are a matter of public record and are available for public inspection upon request. Your comments 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

Camerons Gorge Nature Reserve and State Conservation Area

Warragai Creek Nature Reserve  
Glenrock State Conservation Area  
Budelah Nature Reserve  
Plans of Management

PLANS OF MANAGEMENT for Camerons Gorge Nature Reserve and SCA and for Warragai Nature Reserve were adopted by the Minister for Climate Change and the Environment on 2nd August 2010. A plan for the Glenrock SCA was adopted on 15th September 2010, and a plan for Budelah Nature Reserve was adopted on 17th November 2010.

Copies of the Camerons Gorge and of the Glenrock plan may be obtained from the NPWS office at Level 1, 12b Teramby Road, Nelson Bay (phone 4984 8200). Copies of the Warragai Creek plan may be obtained from NPWS office at Level 3, 49 Victoria Street, Grafton (6641 1500). Copies of the Budelah plan may be obtained from the NPWS office at 100 Maitland Street, Narrabri (6792 7300). The plans are also available on the web site: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

#### NSW ELECTORAL COMMISSION

ABORIGINAL LAND RIGHTS REGULATION 2002

2010 NSW Aboriginal Land Council Election  
North Coast Region

FOLLOWING the close of the poll on Saturday 11 December 2010 for the election of one Councillor to represent the North Coast Region on the New South Wales Aboriginal Land Council, the following person is declared elected:

Dallas Donnelly

MICHAEL NEVIN,  
Returning Officer  
2010 NSW Aboriginal Land Council  
North Coast Region Election  
13 December 2010

#### 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 Licensing and Registration  
by delegation

#### SCHEDULE

Pilot (Pesticide Rating) Licence

<i>Name and address of Licensee</i>	<i>Date of Granting of Licence</i>
Garry REUSCH Private Bag 25 BALLARAT VIC 3353	14 December 2010

#### PUBLIC HEALTH (TOBACCO) ACT 2008

Notice under section 29 of the  
Public Health (Tobacco) Act 2008

I, Carmel Tebbutt MP, Minister for Health, in accordance with section 29 of the Public Health (Tobacco) Act 2008, being satisfied that the following tobacco products, or the smoke of those tobacco products, possesses a distinctive fruity, sweet or confectionery-like character, that might encourage a minor to smoke, do hereby declare that the following tobacco products are prohibited tobacco products:

- (a) the following tobacco products manufactured by Blunt Wrap USA or manufactured by another person under a licence agreement with Blunt Wrap USA:
  - i. Blunt LOADED – Apple Blunt Wrap;
  - ii. Blunt LOADED – Apple Cigarilos;
  - iii. Blunt LOADED – Blueberry Blunt Wrap;
  - iv. Blunt LOADED – Blueberry Cigarilos;
  - v. Blunt LOADED – Grape Blunt Wrap;
  - vi. Blunt LOADED – Grape Cigarilos;
  - vii. Blunt LOADED – Peach Blunt Wrap;
  - viii. Blunt LOADED – Peach Cigarilos Wrap;
  - ix. Blunt LOADED – Strawberry Blunt Wrap;
  - x. Blunt LOADED – Strawberry Cigarilos;
  - xi. Blunt LOADED – Sweet Blunt Wrap;
  - xii. Blunt LOADED – Sweet Cigarilos;
  - xiii. Blunt 2X LOADED – Apple Blunt Wrap;
  - xiv. Blunt 2X LOADED – Apple Cigarilos;
  - xv. Blunt 2X LOADED – Blueberry Blunt Wrap;
  - xvi. Blunt 2X LOADED – Blueberry Cigarilos;
  - xvii. Blunt 2X LOADED – Grape Blunt Wrap;
  - xviii. Blunt 2X LOADED – Grape Cigarilos;
  - xix. Blunt 2X LOADED – Peach Blunt Wrap;
  - xx. Blunt 2X LOADED – Peach Cigarilos Wrap;
  - xxi. Blunt 2X LOADED – Strawberry Blunt Wrap;
  - xxii. Blunt 2X LOADED – Strawberry Cigarilos;
  - xxiii. Blunt 2X LOADED – Sweet Blunt Wrap;
  - xxiv. Blunt 2X LOADED – Sweet Cigarilos;
  - xxv. Blunt Master Triple Wrapper – Blueberry;
  - xxvi. Blunt Master Triple Wrapper – Honey;
  - xxvii. Blunt Master Triple Wrapper – Vanilla;
  - xxviii. Blunt Master Triple Wrapper – Watermelon;
  - xxix. Blunt Magnum – Apple Martini;

- xxx. Blunt Magnum – Berries;
- xxxi. Blunt Magnum – Chocolate;
- xxxii. Blunt Magnum – Coconut Vanilla;
- xxxiii. Blunt Magnum – Mint Chocolate;
- xxxiv. Blunt Magnum – Strawberry Kiwi;
- xxxv. Blunt Magnum – Wild Honey;
- xxxvi. Blunt Magnum – XO Cognac;
- xxxvii. Blunt Magnum Double Roll – Apple Martini;
- xxxviii. Blunt Magnum Double Roll – Berries;
- xxxix. Blunt Magnum Double Roll – Chocolate;
  - xl. Blunt Magnum Double Roll – Coconut Vanilla;
  - xli. Blunt Magnum Double Roll – Mint Chocolate;
  - xlii. Blunt Magnum Double Roll – Strawberry Kiwi;
  - xliii. Blunt Magnum Double Roll – Wild Honey;
  - xliv. Blunt Magnum Double Roll – XO Cognac;
  - xlv. Blunt Wrap Double Platinum – Apple Martini;
  - xlvi. Blunt Wrap Double Platinum – Berries;
  - xlvii. Blunt Wrap Double Platinum – Blueberry Burst;
  - xlviii. Blunt Wrap Double Platinum – Champagne;
  - xlix. Blunt Wrap Double Platinum – Chocolate;
    - l. Blunt Wrap Double Platinum – Cosmopolitan;
    - li. Blunt Wrap Double Platinum – French Vanilla;
    - lii. Blunt Wrap Double Platinum – Gin and Juice;
    - liii. Blunt Wrap Double Platinum – Grape-A-Licious;
    - liv. Blunt Wrap Double Platinum – Kush
    - lv. Blunt Wrap Double Platinum – Mello Mango;
    - lvi. Blunt Wrap Double Platinum – Mojito
    - lvii. Blunt Wrap Double Platinum – Peach Passion;
    - lviii. Blunt Wrap Double Platinum – Pina Colada;
    - lix. Blunt Wrap Double Platinum – Purple
    - lx. Blunt Wrap Double Platinum – Strawberry Kiwi;
    - lxi. Blunt Wrap Double Platinum – Watermelon;
    - lxii. Blunt Wrap Double Platinum – Wet Cherry;
    - lxiii. Blunt Wrap Double Platinum – Wild Honey;
    - lxiv. Blunt Wrap Double Platinum – XO Cognac;
    - lxv. Blunt Wrap Double Platinum – Zero;
    - lxvi. Blunt Wrap Platinum – Apple Martini;
    - lxvii. Blunt Wrap Platinum – Berries;
    - lxviii. Blunt Wrap Platinum – Blueberry Burst;
    - lxix. Blunt Wrap Platinum – Champagne;
    - lxx. Blunt Wrap Platinum – Chocolate;
    - lxxi. Blunt Wrap Platinum – Cosmopolitan;
    - lxxii. Blunt Wrap Platinum – French Vanilla;
    - lxxiii. Blunt Wrap Platinum – Gin and Juice;
    - lxxiv. Blunt Wrap Platinum – Grape-A-Licious;
    - lxxv. Blunt Wrap Platinum – Kush
    - lxxvi. Blunt Wrap Platinum – Mello Mango;
    - lxxvii. Blunt Wrap Platinum – Mojito
    - lxxviii. Blunt Wrap Platinum – Peach Passion;
    - lxxix. Blunt Wrap Platinum – Pina Colada;

- lxxx. Blunt Wrap Platinum – Purple
- lxxxi. Blunt Wrap Platinum – Strawberry Kiwi;
- lxxxii. Blunt Wrap Platinum – Watermelon;
- lxxxiii. Blunt Wrap Platinum – Wet Cherry;
- lxxxiv. Blunt Wrap Platinum – Wild Honey;
- lxxxv. Blunt Wrap Platinum – XO Cognac; and
- lxxxvi. Blunt Wrap Platinum – Zero.

This order has effect on and from 1 February 2011.

Signed this 8th day of December 2010.

CARMEL TEBBUTT, M.P.,  
Minister for Health

### TOTALIZATOR ACT 1997

#### Notice of Approval

#### Tab Fixed Price Racing Betting

I, Kevin Greene MP, Minister for Gaming and Racing, in accordance with the provisions of section 13 of the Totalizator Act 1997, approve of TAB Limited (TAB) conducting fixed price racing betting on horse racing, harness racing, and greyhound racing events or contingencies. This approval is to take effect on and from 31 December 2010.

This Notice of Approval supersedes the Notice published in the Government Gazette on 2 October 2009.

Dated at Sydney, this 9th day of December 2010.

KEVIN GREENE, M.P.,  
Minister for Gaming and Racing

### WORKCOVER NSW

#### 2010 WorkCover Assist

#### Work Health and Safety Legislation Implementation Program

WORKCOVER NSW invites NSW employer associations, registered trade unions and registered not for profit group training organisations to apply for a funding grant under the Work Health and Safety Legislation Implementation Program. Other organisations wishing to be involved in the program may do so in partnership with one of these organisations.

The funding is being made available to assist target groups to better understand and adopt key requirements arising from the new Work Health and Safety legislation. The available grants are comprised of a number of stages that will run from March 2011 to June 2012.

Further detail of the program stages, application forms and detailed guidelines on how to submit an application are available on the WorkCover website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au). Please note that only those applications that fully address the criteria set out in the application form and guidelines will be considered for funding.

An information seminar will be held on 13 January 2011. For registration and further enquiries email [workcover.assist@workcover.nsw.gov.au](mailto:workcover.assist@workcover.nsw.gov.au).

Closing Date for Applications: COB 21 January 2011.

**WORKCOVER NSW**

2010 WorkCover Assist High Risk Area Grants Program

WORKCOVER NSW invites NSW employer associations, registered trade unions and registered not for profit group training organisations to apply for a funding grant under the WorkCover Assist High Risk Area Grants Program. Other organisations wishing to be involved in the program may do so in partnership with one of these organisations.

The funding grants will enable key target groups to develop and deliver innovative, evidence-based initiatives to address one of the following high risk areas:

- Manual Handling
- Falls
- Psychosocial issues
- Return to Work initiatives

A limit of up to \$150,000 per educational initiative is available for eligible organisations to address these key areas. To obtain an application form, guidelines and information on how to submit an application, visit the WorkCover website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

An information seminar will be held on 13 January 2011. For registration and further enquiries email [workcover.assist@workcover.nsw.gov.au](mailto:workcover.assist@workcover.nsw.gov.au).

Closing Date for Applications: COB 4 February 2011.

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**WORKERS COMPENSATION ACT 1987****ORDER**

I, Michael DALEY, MP, Minister for Finance, pursuant to section 226 of the Workers Compensation Act 1987, being satisfied that by Order of the Federal Court of Australia dated 25 October 2010 liquidators have been appointed in respect of ACN 000 007 492 Limited (formerly Rural and General Insurance Limited) which was a former licensed insurer under the Workers Compensation Act 1926, by this Order declare that company to be an insolvent insurer for the purposes of Division 7 (Insurers' Guarantee Fund) of Part 7 of the Workers Compensation Act 1987.

Dated this 9 day of December 2010.

MICHAEL DALEY, M.P.,  
Minister for Finance

**ENVIRONMENT PROTECTION AUTHORITY**

Declaration of significantly contaminated land

(Section 11 of the Contaminated Land Management Act 1997)

Declaration Number 20101104; Area Number 3120

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)**

Lot 21 in DP 825328, Lot 2 in DP 533668, part of Lot 4 in DP 739554 and part of the southern verge to Megalong Street, Katoomba NSW, in the local government area of Blue Mountains (see attached Figure 1).

**2. Nature of contamination affecting the site:**

The EPA has found that groundwater and soil at the site is contaminated with the following substances:

- Gasworks wastes including coal tar and polycyclic aromatic hydrocarbons; and
- Petroleum hydrocarbons including benzene, toluene and naphthalene.

**3. Nature of harm that the contaminants may cause:**

The EPA has considered the matters in section 12 of the Act and has determined that contamination at the site is significant enough to warrant regulation under the Act for the following reasons:

1. Soil and groundwater at the site are contaminated with gasworks waste at concentrations exceeding relevant guidelines;
2. The contamination is migrating offsite in shallow groundwater;
3. Contamination has impacted water in a stormwater drain in Megalong Street; and
4. Several exposure pathways exist from the contaminants to the public and the environment.

**4. Further action under the Act**

The making of this declaration does not prevent the carrying out of a 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 29 January 2011

ERWIN BENKER,  
Acting Manager Contaminated Sites  
Environment Protection and Regulation

Date: Signed 9/12/2010.

**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.

**Variation/Revocation**

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.



**ENVIRONMENT PROTECTION AUTHORITY**

Declaration of significantly contaminated land  
(Section 11 of the Contaminated Land Management Act 1997)  
Declaration Number 2010119; Area Number 3291

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 42-44 Victoria Street, East Gosford, NSW (Lots 1 in DP 124027 within the local Government Area of Gosford City Council). The land to which this declaration applies is shown on the attached figure.

**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:

- Groundwater is contaminated with petroleum hydrocarbons, benzene, toluene, ethylbenzene, xylene and naphthalene at concentrations exceeding beneficial uses, human health and environmentally based criteria.
- Contaminated groundwater is present at shallow depth near the site boundaries and may migrate off site towards adjoining residential areas and ultimately Brisbane Water.

**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 29 January 2011

ERWIN BENKER,  
Acting Manager Contaminated Sites  
Department of Environment, Climate Change and Water

Date: 13/12/2010.

**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.



## GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of Section 7(1) of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the geographical names listed hereunder:

<i>Name</i>	<i>Designation</i>	<i>Local Government Area</i>	<i>County</i>	<i>Parish</i>	<i>1:25000 Topo Map</i>
ACACIA RIDGE	Ridge	Mid-Western Regional	Phillip	Bylong	Talooby
ACROSTIC RIDGE	Ridge	Mid-Western Regional	Phillip	Bylong	Talooby
APPLETREE RIDGE	Ridge	Singleton	Hunter	Coonbaralba	Doyles Creek
BACKPACK RIDGE	Ridge	Muswellbrook	Phillip	Pomany	Mount Pomany
BAERAMI RANGE	Range	Muswellbrook	Hunter	Tomalpin	Glen Gallic
BAKER RIDGE	Ridge	Muswellbrook	Phillip	Pomany	Mount Pomany
BASS RIDGE	Ridge	Muswellbrook	Phillip	Widden	Mount Pomany
BRUMBY RIDGE	Ridge	Muswellbrook	Phillip	Widden	Mount Pomany
BYLONG RANGE	Range	Mid-Western Regional	Phillip	Bylong	Talooby
CORIADAY RANGE	Range	Muswellbrook	Hunter	Blackwater	Mount Pomany
COUSINS RANGE	Range	Mid-Western Regional	Phillip	Bylong	Talooby
DONOGHUE SPUR	Spur	Muswellbrook	Phillip	Widden	Widden
DOYLES RANGE	Range	Singleton	Hunter	Coonbaralba	Doyles Creek
ELYL RIDGE	Ridge	Muswellbrook	Hunter	Mirrie	Widden
EMU RIDGE	Ridge	Mid-Western Regional	Phillip	Simpson	Growee
GROWEE RANGE	Range	Mid-Western Regional	Phillip	Nullo	Growee
GUNGALWA RANGE	Range	Muswellbrook	Hunter	White	Glen Gallic
HORSESHOE RANGE	Range	Muswellbrook	Hunter	Gungalwa	Glen Gallic
JAMES RANGE	Range	Muswellbrook	Hunter	Hungerford	Glen Gallic
KERRY RIDGE	Ridge	Muswellbrook	Hunter	Blackwater	Mount Pomany
MARAWANCAL RIDGE	Ridge	Muswellbrook	Phillip	Pomany	Mount Pomany
MARTINDALE RANGE	Range	Muswellbrook	Hunter	Tongo	Doyles Creek
MILBRODALE RIDGE	Ridge	Singleton	Hunter	Whybrow	Parnell
MINARET RIDGE	Ridge	Mid-Western Regional	Phillip	Simpson	Widden
MONUNDILLA RANGE	Range	Muswellbrook	Hunter	Mirrie	Mount Pomany
NULLO RANGE	Range	Mid-Western Regional	Phillip	Nullo	Growee
PARSONS RIDGE	Ridge	Singleton	Hunter	Parnell	Parnell
PINNACLE RIDGE	Ridge	Muswellbrook	Phillip	Pomany	Mount Pomany
POMANY RANGE	Range	Mid-Western Regional	Phillip	Widden	Mount Pomany
PORCUPINE RANGE	Range	Mid-Western Regional	Phillip	Barigan	Talooby
RACEHORSE RIDGE	Ridge	Muswellbrook	Phillip	Widden	Widden
RAMPART RIDGE	Ridge	Muswellbrook	Hunter	Blackwater	Mount Pomany
SHEEP STATION SPUR	Spur	Muswellbrook	Phillip	Pomany	Mount Pomany
STOCKHORSE RIDGE	Ridge	Muswellbrook	Phillip	Widden	Widden
STORMY RIDGE	Ridge	Mid-Western Regional	Phillip	Growee	Talooby
TABLE BAY RIDGE	Ridge	Muswellbrook	Hunter	Blackwater	Mount Pomany
TAL TAL RANGE	Range	Mid-Western Regional	Phillip	Nullo	Talooby
TIDBINNINGS SPUR	Spur	Muswellbrook	Phillip	Simpson	Widden
TIGHTROPE RIDGE	Ridge	Mid-Western Regional	Phillip	Bylong	Talooby
WAMBO RIDGE	Ridge	Singleton	Hunter	Coonbaralba	Doyles Creek
WASPEN RIDGE	Ridge	Mid-Western Regional	Phillip	Simpson	Mount Pomany
WHITE BOX RIDGE	Ridge	Mid-Western Regional	Phillip	Bylong	Talooby
WILPEN RANGE	Range	Muswellbrook	Hunter	Wilpen	Widden
YODELLERS RANGE	Range	Muswellbrook	Phillip	Simpson	Widden
TENOR RIDGE	Ridge	Muswellbrook	Phillip	Simpson	Widden
PUZZLE CREEK	Creek	Mid-Western Regional	Phillip	Bylong	Talooby
EMU VALE CREEK	Creek	Muswellbrook	Phillip	Simpson	Widden

<i>Name</i>	<i>Designation</i>	<i>Local Government Area</i>	<i>County</i>	<i>Parish</i>	<i>1:25000 Topo Map</i>
POMANY CREEK	Creek	Muswellbrook	Phillip	Widden	Mount Pomany
LOG CABIN GULLY	Gully	Muswellbrook	Phillip	Widden	Mount Pomany
BRUMBY CREEK	Creek	Muswellbrook	Phillip	Widden	Mount Pomany
BACKPACK CREEK	Creek	Muswellbrook	Phillip	Pomany	Mount Pomany
GAMBLERS GULLY	Gully	Muswellbrook	Hunter	Nullo	Mount Pomany
BLARNEY GULLY	Gully	Muswellbrook	Hunter	Nullo	Mount Pomany
RAMPART CREEK	Creek	Muswellbrook	Hunter	Nullo	Mount Pomany
GUNYAWARILDA CREEK	Creek	Muswellbrook	Hunter	Blackwater	Mount Pomany
ADIGO PEAK	Peak	Muswellbrook	Hunter	Tomalpin	Widden
ALTO SADDLE	Saddle	Muswellbrook	Phillip	Simpson	Mount Pomany
ANDREANY MOUNTAIN	Mountain	Muswellbrook	Phillip	Kerrabee	Widden
ARABIAN NIGHTS CRATER	Amphitheatre	Mid-Western Regional	Phillip	Simpson	Mount Pomany
ARPEGGIO CRATER	Amphitheatre	Mid-Western Regional	Phillip	Bylong	Talooby
ARPEGGIO SADDLE	Saddle	Mid-Western Regional	Phillip	Bylong	Talooby
BAERAMI MOUNTAIN	Mountain	Muswellbrook	Hunter	Tomalpin	Widden
BARAMUL SADDLE	Saddle	Muswellbrook	Hunter	Caroora	Widden
BARITONE CRATER	Amphitheatre	Mid-Western Regional	Phillip	Simpson	Mount Pomany
BASS CRATER	Amphitheatre	Muswellbrook	Phillip	Widden	Mount Pomany
BLUE YODELLERS MOUNTAIN	Mountain	Muswellbrook	Phillip	McDonald	Widden
BYLONG CROWN	Hill	Mid-Western Regional	Phillip	Bylong	Talooby
CASBAH CRATER	Amphitheatre	Mid-Western Regional	Phillip	Simpson	Mount Pomany
CLEF CRATER	Amphitheatre	Mid-Western Regional	Phillip	Nullo	Talooby
COUNTER TENOR SADDLE	Saddle	Mid-Western Regional	Phillip	McDonald	Widden
CROCHET SADDLE	Saddle	Mid-Western Regional	Phillip	Nullo	Growee
CROMACH PEAK	Peak	Muswellbrook	Hunter	Blackwater	Mount Pomany
CROSSWORD PEAK	Peak	Mid-Western Regional	Phillip	Bylong	Talooby
CRYPTIC SADDLE	Saddle	Mid-Western Regional	Phillip	Bylong	Talooby
DAVIDS MOUNTAIN	Mountain	Mid-Western Regional	Phillip	Growee	Talooby
DOUBLE GAP HILL	Hill	Muswellbrook	Phillip	Blackwater	Mount Pomany
DUET SADDLE	Saddle	Mid-Western Regional	Phillip	Nullo	Growee
ELYL GAP	Gap	Muswellbrook	Hunter	Caroora	Widden
EUREKA CRATER	Amphitheatre	Mid-Western Regional	Phillip	Simpson	Mount Pomany
FALSETTO GAP	Gap	Muswellbrook	Phillip	McDonald	Widden
FLYING FOX SADDLE	Saddle	Muswellbrook	Phillip	Mirrie	Mount Pomany
GROWEE MOUNTAIN	Mountain	Mid-Western Regional	Phillip	Growee	Talooby
GUNYAWARILDI GAP	Gap	Muswellbrook	Hunter	Blackwater	Mount Pomany
HAPPY AND FREE PEAK	Peak	Muswellbrook	Phillip	Kerrabee	Widden
HOME CALL MOUNTAIN	Mountain	Muswellbrook	Phillip	Kerrabee	Widden
HOOL 'EM BOY GAP	Gap	Mid-Western Regional	Phillip	Simpson	Mount Pomany
HORSESHOE HILL	Hill	Muswellbrook	Phillip	Kerrabee	Widden
KEY CRATER	Amphitheatre	Mid-Western Regional	Phillip	Nullo	Talooby
KEY SADDLE	Saddle	Mid-Western Regional	Phillip	Nullo	Talooby
LARGO PEAK	Peak	Muswellbrook	Hunter	Tomalpin	Widden
LIVERY STABLE SADDLE	Saddle	Mid-Western Regional	Phillip	Nullo	Talooby
LOST CHORD CRATER	Amphitheatre	Mid-Western Regional	Phillip	Nullo	Talooby
LOST CHORD SADDLE	Saddle	Mid-Western Regional	Phillip	Nullo	Talooby
LOST WORLD CRATER	Amphitheatre	Mid-Western Regional	Phillip	Simpson	Mount Pomany
MARAWANCAL HEAD	Bluff	Muswellbrook	Phillip	Pomany	Mount Pomany
MINARET PEAK	Peak	Muswellbrook	Phillip	Simpson	Widden
MINIM GAP	Gap	Muswellbrook	Phillip	Kerrabee	Widden

<i>Name</i>	<i>Designation</i>	<i>Local Government Area</i>	<i>County</i>	<i>Parish</i>	<i>1:25000 Topo Map</i>
MOSQUE MOUNTAIN	Mountain	Mid-Western Regional	Phillip	Simpson	Mount Pomany
MOUNT HARRIS	Mountain	Muswellbrook	Hunter	Blackwater	Mount Pomany
MYRTLE GAP	Gap	Muswellbrook	Phillip	Kerrabee	Widden
MYRTLE PEAK	Gap	Mid-Western Regional	Phillip	McDonald	Talooby
OAKLAND PEAKS	Peak	Muswellbrook	Phillip	McDonald	Widden
OCTAVE GAP	Gap	Muswellbrook	Phillip	McDonald	Widden
PRESTO PEAK	Peak	Muswellbrook	Hunter	Wilpen	Widden
PUZZLE MOUNTAIN	Mountain	Mid-Western Regional	Phillip	Bylong	Talooby
QUAVER SADDLE	Saddle	Mid-Western Regional	Phillip	Bylong	Talooby
RAZOR BLADE SADDLE	Saddle	Muswellbrook	Hunter	Mirrie	Mount Pomany
RAZOR GAP	Gap	Muswellbrook	Hunter	Tomalpin	Widden
REUBENS PEAK	Peak	Muswellbrook	Hunter	Caroora	Widden
REUBENS CRATER	Amphitheatre	Muswellbrook	Hunter	Caroora	Widden
REUBENS GAP	Gap	Muswellbrook	Hunter	Mirrie	Widden
REVERELLI MOUNTAIN	Mountain	Muswellbrook	Phillip	McDonald	Widden
SEMITONE SADDLE	Saddle	Muswellbrook	Phillip	Kerrabee	Widden
SOPRANO PEAK	Peak	Muswellbrook	Phillip	Simpson	Mount Pomany
SPRING MOUNTAIN	Mountain	Mid-Western Regional	Phillip	Dabee	Growee
STAVE SADDLE	Saddle	Mid-Western Regional	Phillip	Nullo	Talooby
STOCKYARD GAP	Gap	Mid-Western Regional	Phillip	Bylong	Talooby
TEMPO MOUNTAIN	Mountain	Muswellbrook	Hunter	Wilpen	Widden
TENOR SADDLE	Saddle	Muswellbrook	Phillip	Simpson	Widden
THE SENTINELS	Peak	Muswellbrook	Phillip	Blackwater	Mount Pomany
THE STOCKADE	Bluff	Mid-Western Regional	Phillip	Simpson	Mount Pomany
TIGHTROPE SADDLE	Saddle	Mid-Western Regional	Phillip	Bylong	Talooby
TINDALE HEAD	Bluff	Muswellbrook	Hunter	Blackwater	Mount Pomany
TORBANITE MOUNTAIN	Mountain	Muswellbrook	Hunter	Caroora	Widden
TORRANI MOUNTAIN	Mountain	Muswellbrook	Phillip	McDonald	Widden
TURON BASIN	Amphitheatre	Mid-Western Regional	Phillip	Simpson	Mount Pomany
VAN DYKE MOUNTAIN	Mountain	Muswellbrook	Phillip	Kerrabee	Widden
WARRIGAL CASTLE	Mountain	Mid-Western Regional	Phillip	Pomany	Mount Pomany
WATTS MOUNTAIN	Mountain	Muswellbrook	Phillip	McDonald	Widden
WIDDEN MOUNTAIN	Mountain	Muswellbrook	Phillip	Widden	Widden
WILPEN SADDLE	Saddle	Muswellbrook	Hunter	Caroora	Widden

WARWICK WATKINS, AM,  
Chairperson

Geographical Names Board  
PO Box 143, Bathurst NSW 2795



Independent Pricing and Regulatory Tribunal

## **Rural and regional bus fares from January 2011**

Maximum fares for regular bus passenger services in  
rural and regional NSW

**Transport — Determination**  
December 2010



Independent Pricing and Regulatory Tribunal

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## **Rural and Regional Bus Services**

**Determination No. 6, 2010**

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## Preliminary

### 1 Background

#### 1.1 Passenger Transport Act 1990 (NSW)

- (a) Section 28J(2) of the *Passenger Transport Act 1990* (NSW) (the **Passenger Transport Act**) permits IPART to conduct investigations and make reports to the Minister on the determination of appropriate maximum fares for Regular Bus Services supplied under a Bus Service Contract.
- (b) Rural Bus Services and Country Town Bus Services are supplied under a Bus Service Contract (**Regulated Bus Services**).
- (c) In investigating and reporting on the maximum fares for Regulated Bus Services, IPART has had regard to a broad range of matters, including the criteria set out in section 28J(5) of the Passenger Transport Act.
- (d) By section 28J(6) of the Passenger Transport Act, a Bus Service Contract is taken to include a term that a passenger must not be charged a fare exceeding the relevant maximum fare determined under section 28J of the Passenger Transport Act.

### 2 Application of this determination

This determination:

- (a) sets the maximum fares for all Regulated Bus Services;
- (b) commences on the later of 2 January 2011 and the date that it is published in the NSW Government Gazette (**Commencement Date**); and
- (c) applies from the Commencement Date to the date on which this determination is replaced.

### 3 Replacement of Determination No. 11 of 2009

This determination replaces Determination No. 11 of 2009 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 11 of 2009.

| Preliminary

#### **4 Schedules**

- (a) Schedule 1 and the table in that schedule set out the maximum fares for Rural Bus Services.
- (b) Schedule 2 and the table in that schedule set out the maximum fares for Country Town Bus Services.
- (c) Schedule 3 sets out the definitions and interpretation provisions.

## Schedule 1 Maximum fares for Rural Bus Services

### **1 Application**

This schedule sets the maximum fares for Rural Bus Services.

### **2 Maximum fares for Rural Bus Services**

The maximum fares that may be charged by Bus Operators for Rural Bus Services are set out in Table 1.

## Table 1

**Table 1 Maximum fares<sup>a</sup> for Rural Bus Services**

<b>Single Ride</b>	<b>Adult Fare</b>	<b>Concession Fare</b>
1 Section	\$2.40	\$1.20
2 Sections	\$3.50	\$1.70
3 Sections	\$4.30	\$2.10
4 Sections	\$5.10	\$2.50
5 Sections	\$5.80	\$2.90
6 Sections	\$6.40	\$3.20
7 Sections	\$6.90	\$3.40
8 Sections	\$7.50	\$3.70
9 Sections	\$8.00	\$4.00
10 Sections	\$8.50	\$4.20
11 Sections	\$8.90	\$4.40
12 Sections	\$9.40	\$4.70
13 Sections	\$9.80	\$4.90
14 Sections	\$10.20	\$5.10
15 Sections	\$10.60	\$5.30
16 Sections	\$11.00	\$5.50
17 Sections	\$11.40	\$5.70
18 Sections	\$11.70	\$5.80
19 Sections	\$12.10	\$6.00
20 Sections	\$12.40	\$6.20
21 Sections	\$12.80	\$6.40
22 Sections	\$13.10	\$6.50
23 Sections	\$13.50	\$6.70
24 Sections	\$13.80	\$6.90
25 Sections	\$14.10	\$7.00
26 Sections	\$14.40	\$7.20
27 Sections	\$14.80	\$7.40
28 Sections	\$15.00	\$7.50
29 Sections	\$15.30	\$7.60
30 Sections	\$15.60	\$7.80
31 Sections	\$15.90	\$7.90
32 Sections	\$16.20	\$8.10
33 Sections	\$16.40	\$8.20
34 Sections	\$16.70	\$8.30
35 Sections	\$17.00	\$8.50
36 Sections	\$17.30	\$8.60

Table 1

<b>Single Ride</b>	<b>Adult Fare</b>	<b>Concession Fare</b>
37 Sections	\$17.50	\$8.70
38 Sections	\$17.80	\$8.90
39 Sections	\$18.00	\$9.00
40 Sections	\$18.30	\$9.10
41 Sections	\$18.60	\$9.30
42 Sections	\$18.80	\$9.40
43 Sections	\$19.10	\$9.50
44 Sections	\$19.30	\$9.60
45 Sections	\$19.50	\$9.70
46 Sections	\$19.80	\$9.90
47 Sections	\$20.00	\$10.00
48 Sections	\$20.20	\$10.10
49 Sections	\$20.50	\$10.20
50 Sections	\$20.70	\$10.30
51 Sections	\$21.00	\$10.50
52 Sections	\$21.20	\$10.60
53 Sections	\$21.40	\$10.70
54 Sections	\$21.60	\$10.80
55 Sections	\$21.80	\$10.90
56 Sections	\$22.10	\$11.00
57 Sections	\$22.30	\$11.10
58 Sections	\$22.50	\$11.20
59 Sections	\$22.70	\$11.30
60 Sections	\$22.90	\$11.40
61 Sections	\$23.10	\$11.50
62 Sections	\$23.30	\$11.60
63 Sections	\$23.50	\$11.70
64 Sections	\$23.80	\$11.90
65 Sections	\$24.00	\$12.00
66 Sections	\$24.20	\$12.10
67 Sections	\$24.40	\$12.20
68 Sections	\$24.60	\$12.30
69 Sections	\$24.80	\$12.40
70 Sections	\$25.00	\$12.50

<sup>a</sup> Children under the age of 4 years are entitled to travel free on all Rural Bus Services.

Schedule 2 Maximum fares for Country Town Bus Services

## Schedule 2 Maximum fares for Country Town Bus Services

### **1 Application**

This schedule sets the maximum fares for Country Town Bus Services.

### **2 Maximum fares for Country Town Bus Services**

The maximum fares that may be charged by Bus Operators for Country Town Bus Services are set out in Table 2.

## Table 2

**Table 2 Maximum fares<sup>a</sup> for Country Town Bus Services**

<b>Single Ride</b>	<b>Adult Fare</b>	<b>Concession Fare</b>
1 Section	\$2.10	\$1.00
2 Sections	\$3.10	\$1.50
3 Sections	\$3.90	\$1.90
4 Sections	\$4.60	\$2.30
5 Sections	\$5.20	\$2.60
6 Sections	\$5.80	\$2.90
7 Sections	\$6.20	\$3.10
8 Sections	\$6.70	\$3.30
9 Sections	\$7.20	\$3.60
10 Sections	\$7.60	\$3.80
11 Sections	\$8.00	\$4.00
12 Sections	\$8.40	\$4.20
13 Sections	\$8.80	\$4.40
14 Sections	\$9.20	\$4.60
15 Sections	\$9.60	\$4.80
16 Sections	\$9.80	\$4.90
17 Sections	\$10.20	\$5.10
18 Sections	\$10.60	\$5.30
19 Sections	\$10.80	\$5.40
20 Sections	\$11.20	\$5.60
21 Sections	\$11.50	\$5.70
22 Sections	\$11.80	\$5.90
23 Sections	\$12.10	\$6.00
24 Sections	\$12.40	\$6.20
25 Sections	\$12.70	\$6.30
26 Sections	\$12.90	\$6.40
27 Sections	\$13.20	\$6.60
28 Sections	\$13.50	\$6.70
29 Sections	\$13.70	\$6.80
30 Sections	\$14.00	\$7.00
31 Sections	\$14.30	\$7.10
32 Sections	\$14.50	\$7.20
33 Sections	\$14.80	\$7.40
34 Sections	\$15.00	\$7.50
35 Sections	\$15.30	\$7.60
36 Sections	\$15.50	\$7.70

Table 2

<b>Single Ride</b>	<b>Adult Fare</b>	<b>Concession Fare</b>
37 Sections	\$15.70	\$7.80
38 Sections	\$16.00	\$8.00
39 Sections	\$16.20	\$8.10
40 Sections	\$16.50	\$8.20
41 Sections	\$16.70	\$8.30
42 Sections	\$16.90	\$8.40
43 Sections	\$17.10	\$8.50
44 Sections	\$17.30	\$8.60
45 Sections	\$17.50	\$8.70
46 Sections	\$17.80	\$8.90
47 Sections	\$18.00	\$9.00
48 Sections	\$18.20	\$9.10
49 Sections	\$18.40	\$9.20
50 Sections	\$18.60	\$9.30
51 Sections	\$18.80	\$9.40
52 Sections	\$19.00	\$9.50
53 Sections	\$19.20	\$9.60
54 Sections	\$19.40	\$9.70
55 Sections	\$19.60	\$9.80
56 Sections	\$19.80	\$9.90
57 Sections	\$20.00	\$10.00
58 Sections	\$20.20	\$10.10
59 Sections	\$20.40	\$10.20
60 Sections	\$20.60	\$10.30
61 Sections	\$20.80	\$10.40
62 Sections	\$21.00	\$10.50
63 Sections	\$21.20	\$10.60
64 Sections	\$21.30	\$10.60
65 Sections	\$21.60	\$10.80
66 Sections	\$21.70	\$10.80
67 Sections	\$21.90	\$10.90
68 Sections	\$22.10	\$11.00
69 Sections	\$22.20	\$11.10
70 Sections	\$22.50	\$11.20

<sup>a</sup> Children under the age of 4 years are entitled to travel free on Country Town Bus Services.

## Schedule 3 Definitions and interpretation

### 1 Definitions

#### 1.1 General definitions

In this determination:

**Adult Fare** means the maximum fare that may be charged to a person who is aged 16 years or over.

**Bus Operator** means a bus operator who holds a Bus Service Contract.

**Bus Service Contract** means a contract with the Director-General of Transport NSW under Division 3 of Part 3 of the Passenger Transport Act for the provision of a Regular Bus Service in a Rural and Regional Contract Region.

**Commencement Date** means the Commencement Date defined in clause 2(b) of the section of this determination entitled "Preliminary".

**Concession Fare** means the maximum fare that may be charged to a person who:

- (a) is aged between 4 and 15 years; or
- (b) is aged 16 years or over and is the holder of a valid concession card of a type that has been approved by Transport NSW.

**Country Town Contract Region** means a region marked as a "Contract B Service Region" in the maps numbered 1 to 51 in Appendix B to this determination.

**Country Town Bus Route** means the route travelled by a bus service provided pursuant to a Bus Service Contract:

- (a) between Coffs Harbour and Sawtell; or
- (b) between North Nowra and Bomaderry.

**Country Town Bus Service** means a Regular Bus Service where:

- (a) the origin and destination of the passenger's journey is within the boundary of a Country Town Contract Region; or
- (b) the passenger's journey is solely on a Country Town Bus Route.

**GST** means the Goods and Services Tax as defined in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**IPART** means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

**IPART Act** means the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW).

**Passenger Transport Act** means the *Passenger Transport Act 1990* (NSW).

**Regular Bus Service** has the meaning given to that term in the Passenger Transport Act.

**Regulated Bus Services** means the services defined in clause 1.1(b) of the section of this determination entitled "Preliminary".

**Rural and Regional Contract Region** means all areas of New South Wales other than the regions numbered and labelled "Metro Bus Contract/Region" or "Outer Metro Bus Contract/Region" in the map attached as Appendix A to this determination.

**Rural Bus Service** means a Regular Bus Service in a Rural and Regional Contract Region that is not a Country Town Bus Service.

**Section** means a distance of approximately 1.6 kilometres into which a bus route is divided up for calculating fares.

**Transport NSW** means the New South Wales government department of that name with primary responsibility for transport policy, planning and coordination and includes the government departments having responsibility for those functions prior to the formation of Transport NSW.

## 2 Interpretation

### 2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, annexure, clause or table is a reference to a schedule, annexure, clause or table in this determination;
- (c) words importing the singular include the plural and vice versa;
- (d) a reference to a law or statute includes all amendments or replacements of that law or statute;

- (e) a reference to a person includes a company, partnership, joint venture, association, corporation, other body corporate or government agency;
- (f) a reference to an officer includes a reference to the officer who replaces him or her, or who substantially succeeds to his or her powers or functions; and
- (g) a reference to a body, whether statutory or not:
  - (1) which ceases to exist; or
  - (2) whose powers or functions are transferred to another body,

is a reference to the body which replaces it or which substantially succeeds to its powers or functions.

## **2.2 Explanatory notes and clarification notice**

- (a) Explanatory notes do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) IPART may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination as if that clarification notice formed part of this determination.

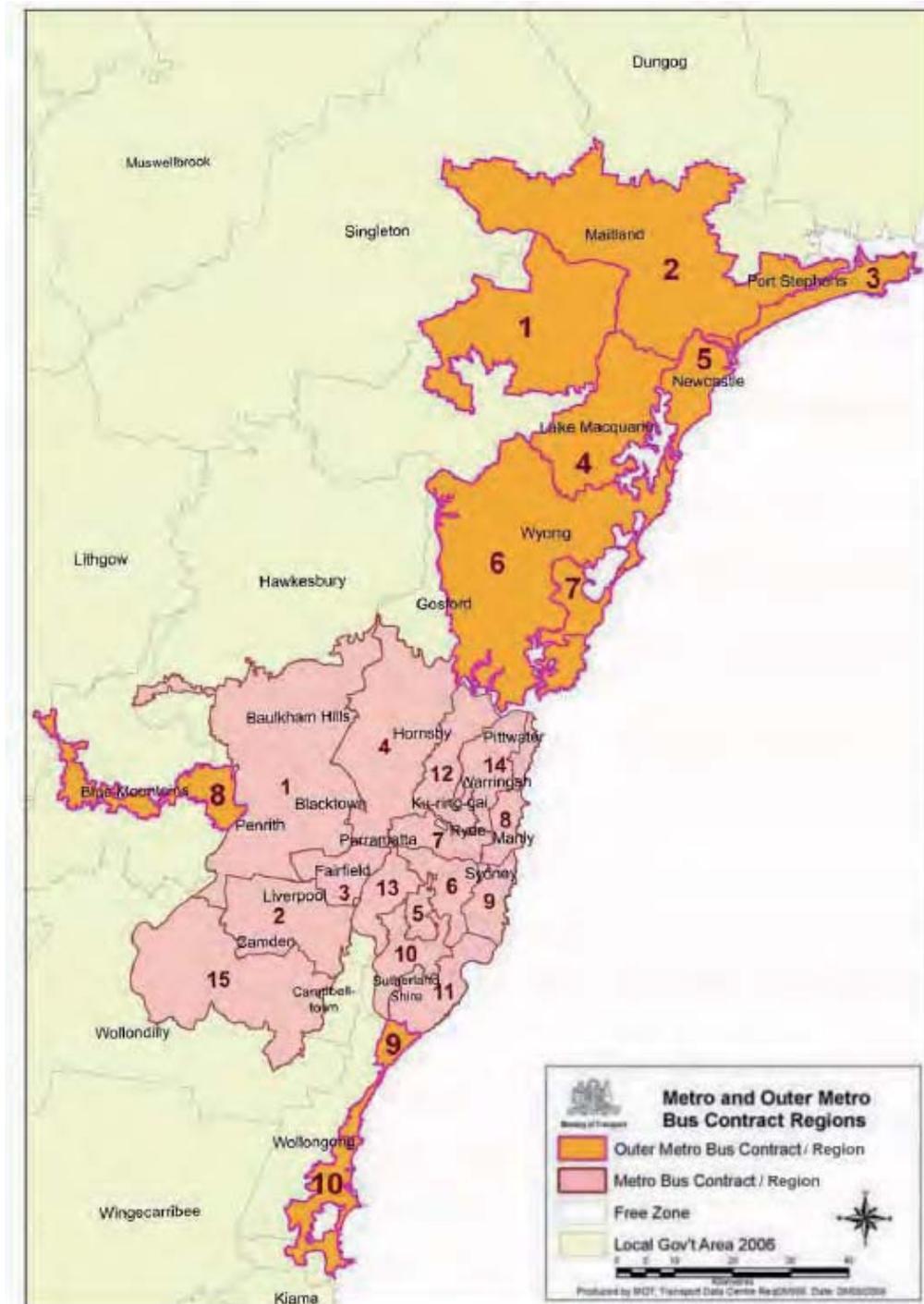
## **2.3 Fares inclusive of GST**

Fares specified in this determination include GST.



## Appendices

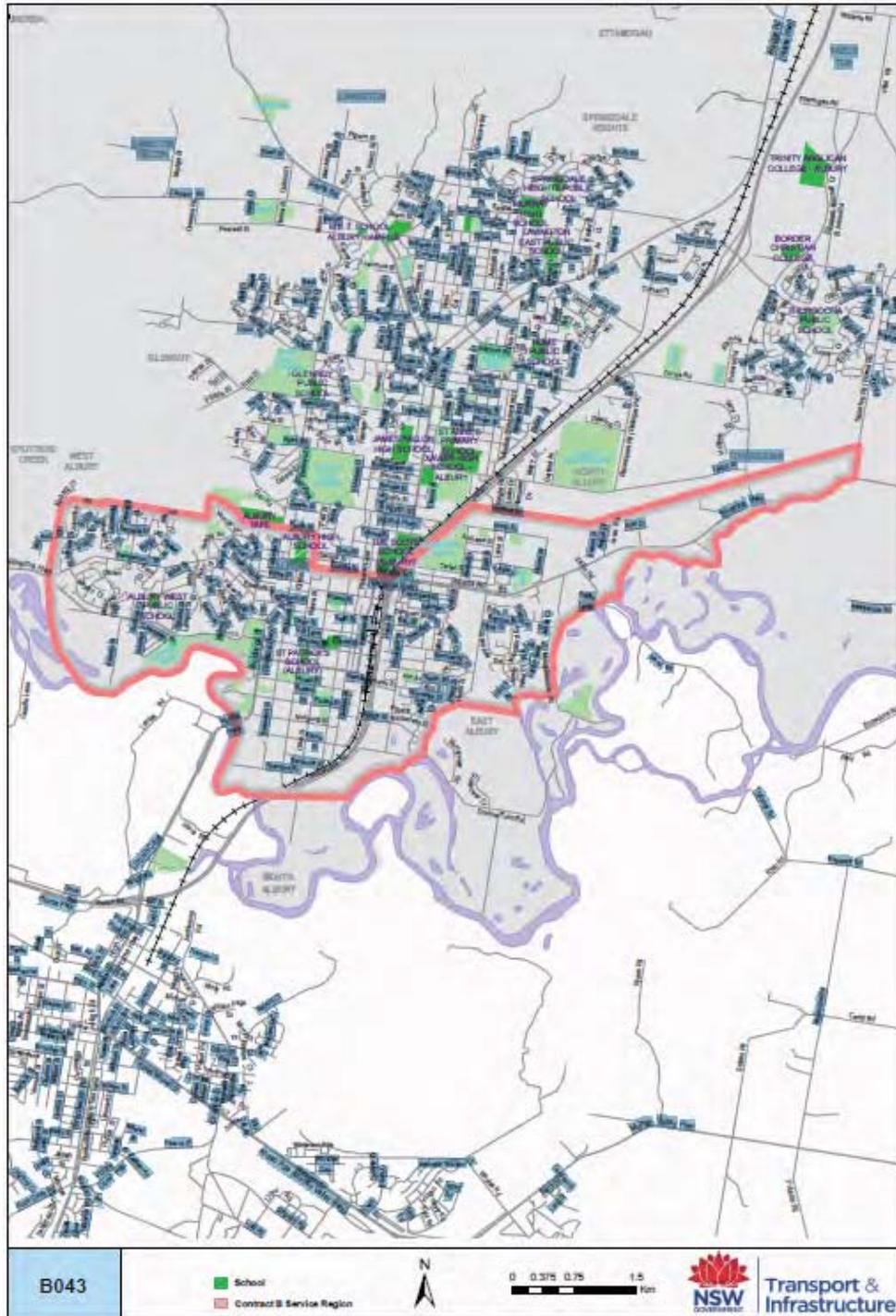
## A Metro and Outer Metro Contract Region Map



Note: A Rural and Regional Contract Region is an area of New South Wales that is not a Metro Bus Contract/Region or an Outer Metro Bus Contract/Region.

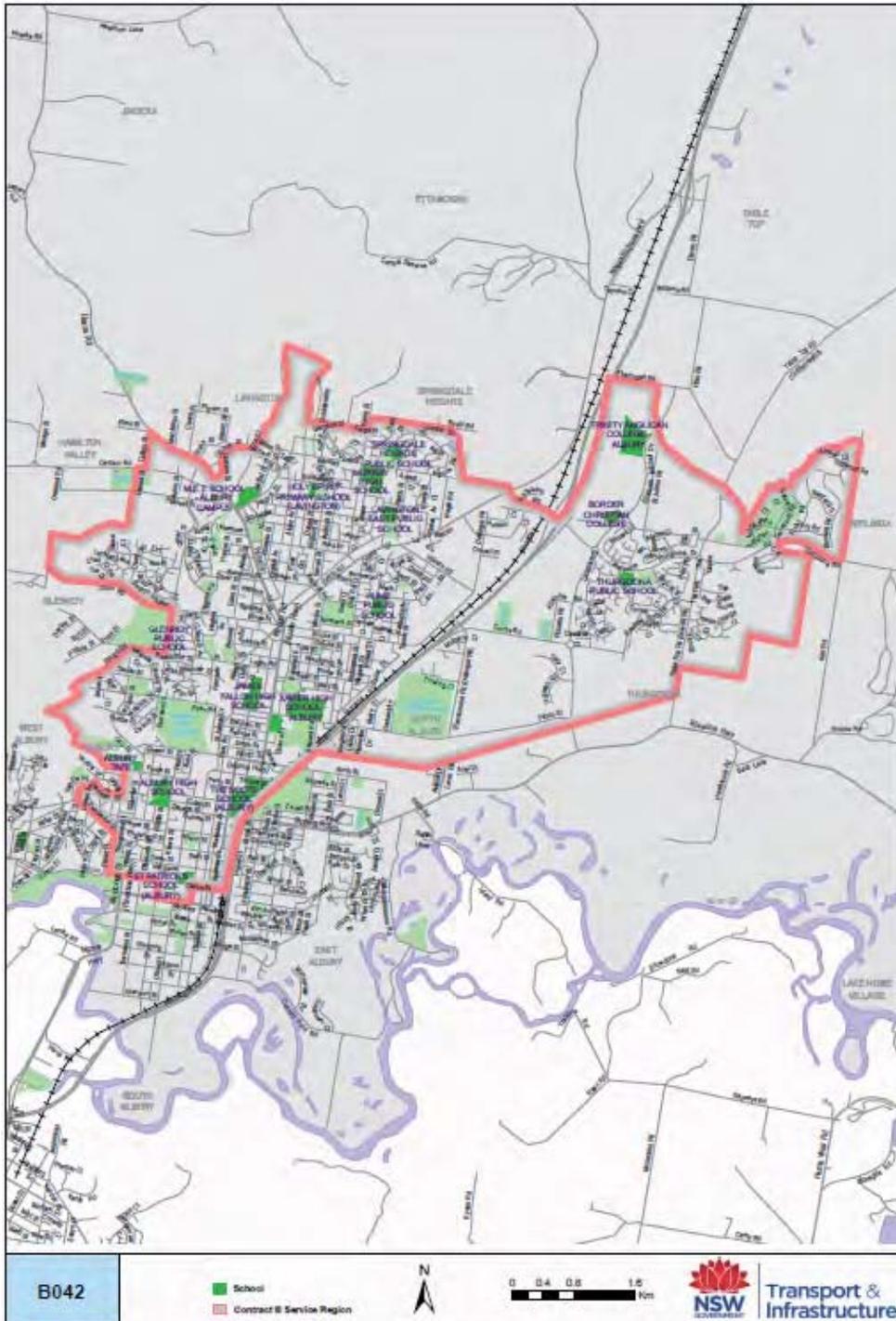
## B Country Town Contract Region Maps

Map 1: Albury (A)



B Country Town Contract Region Maps

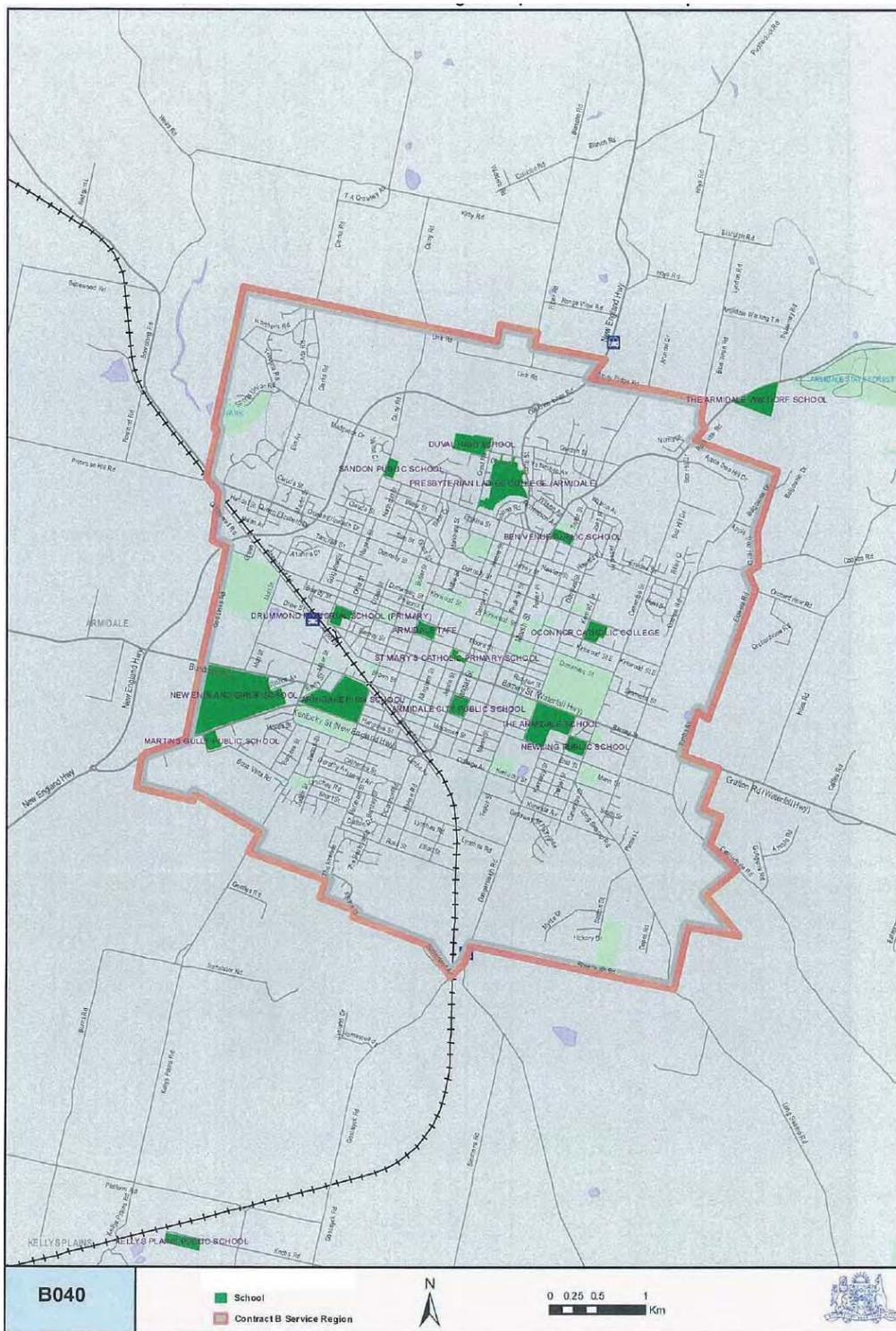
Map 2: Albury (B)



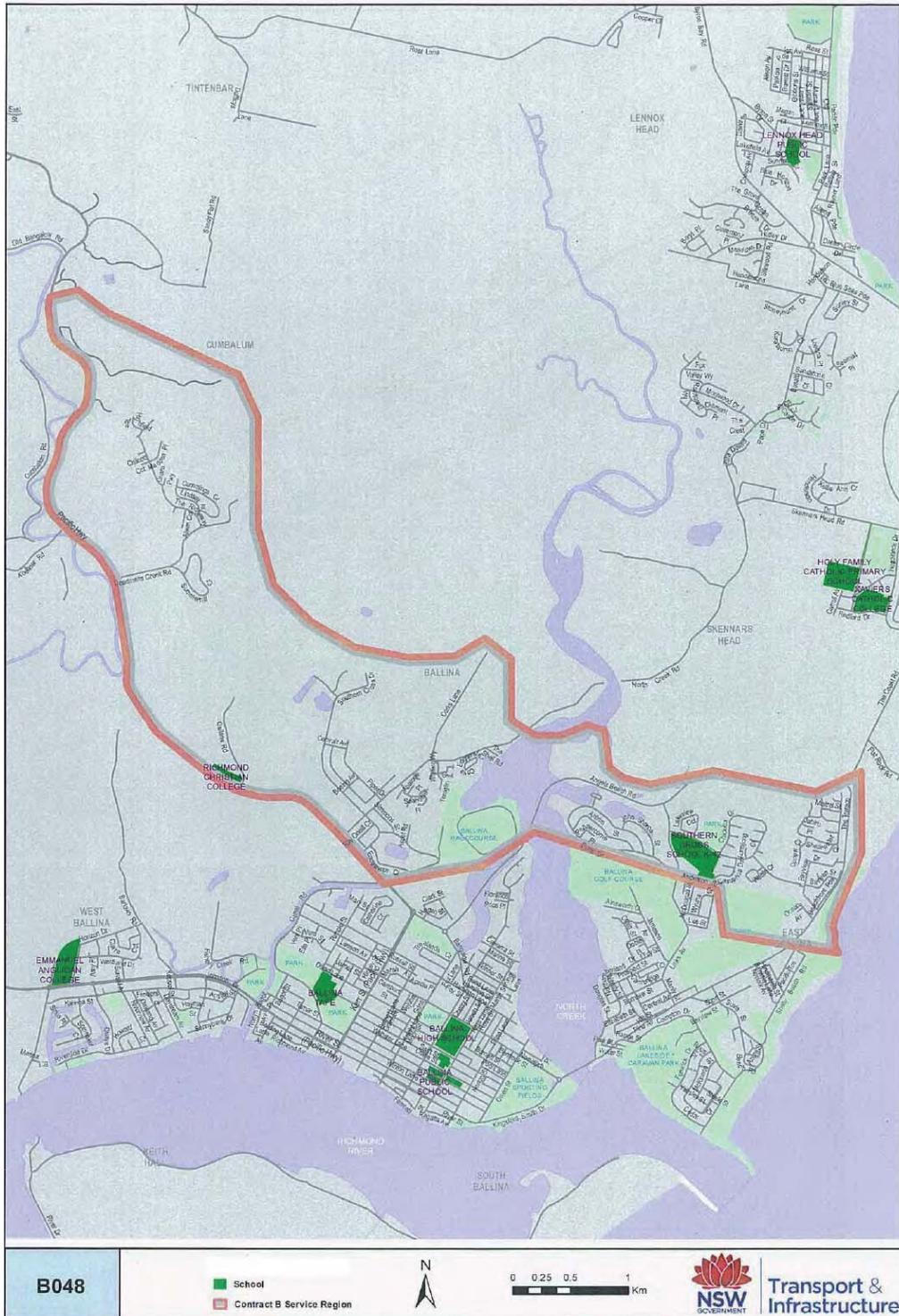


B Country Town Contract Region Maps

Map 4: Armidale



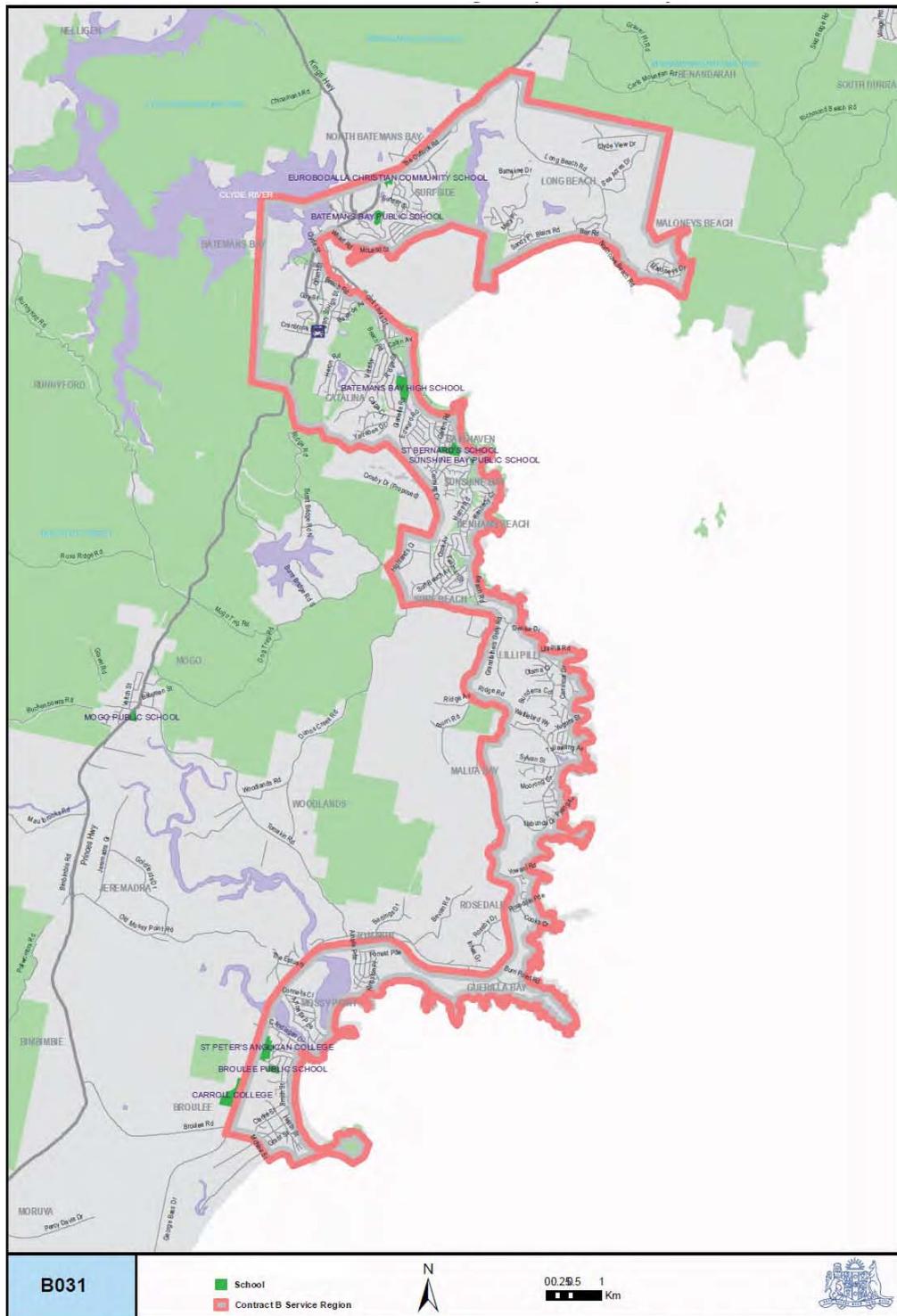
Map 5: Ballina (A)





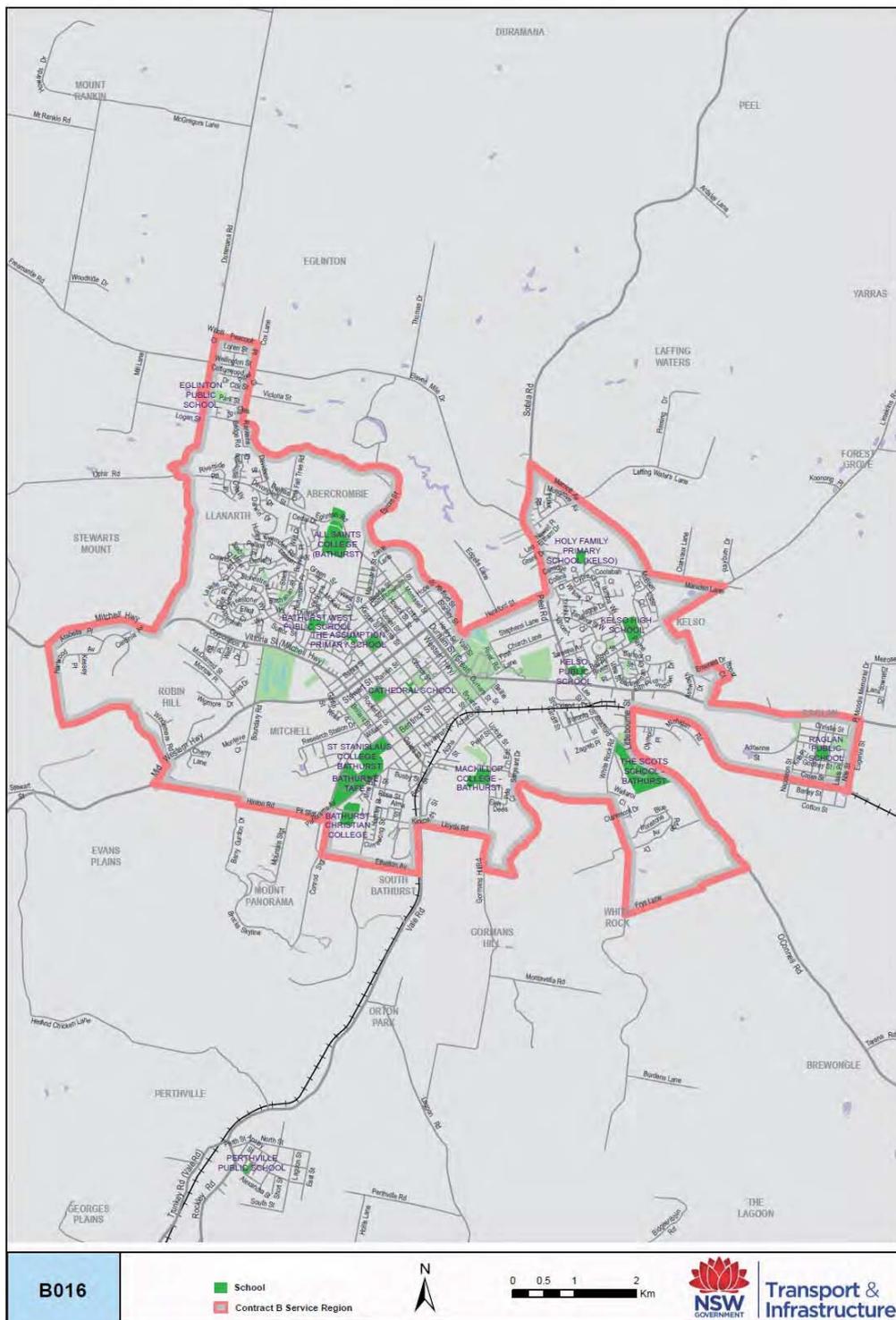
B Country Town Contract Region Maps

Map 7: Batemans Bay



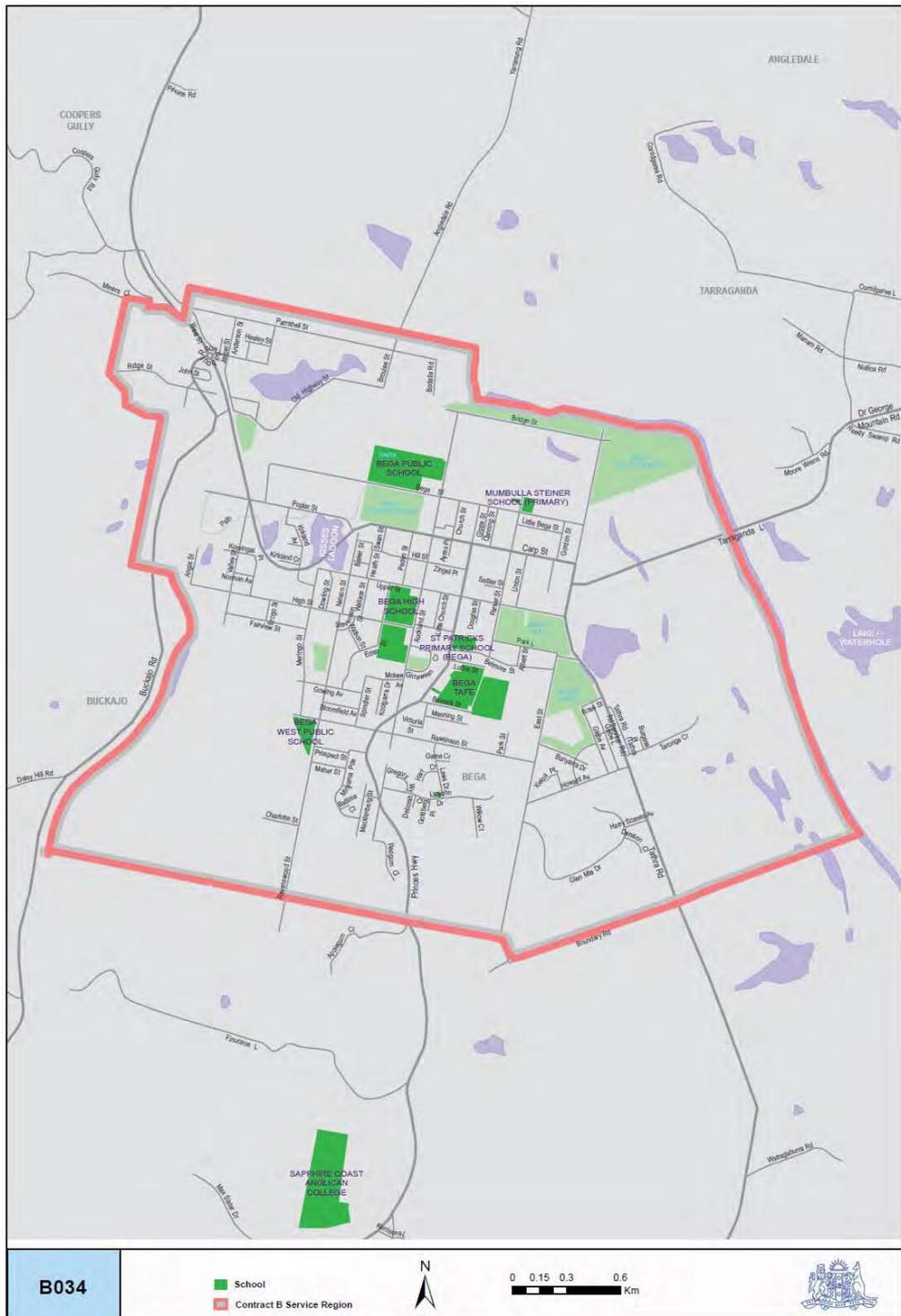
B Country Town Contract Region Maps

Map 8: Bathurst



B Country Town Contract Region Maps

Map 9: Bega

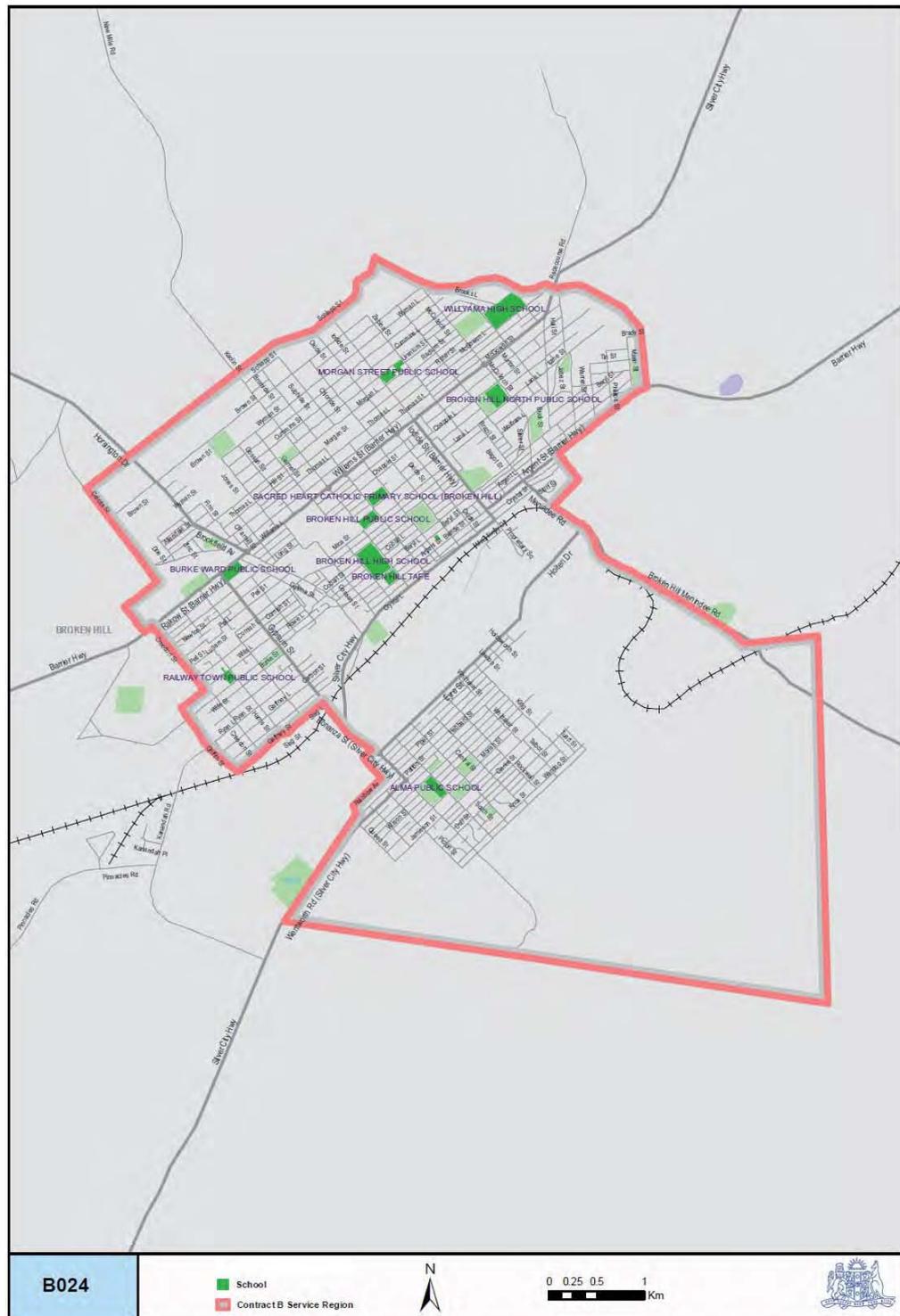


B Country Town Contract Region Maps

Map 10: Blayney

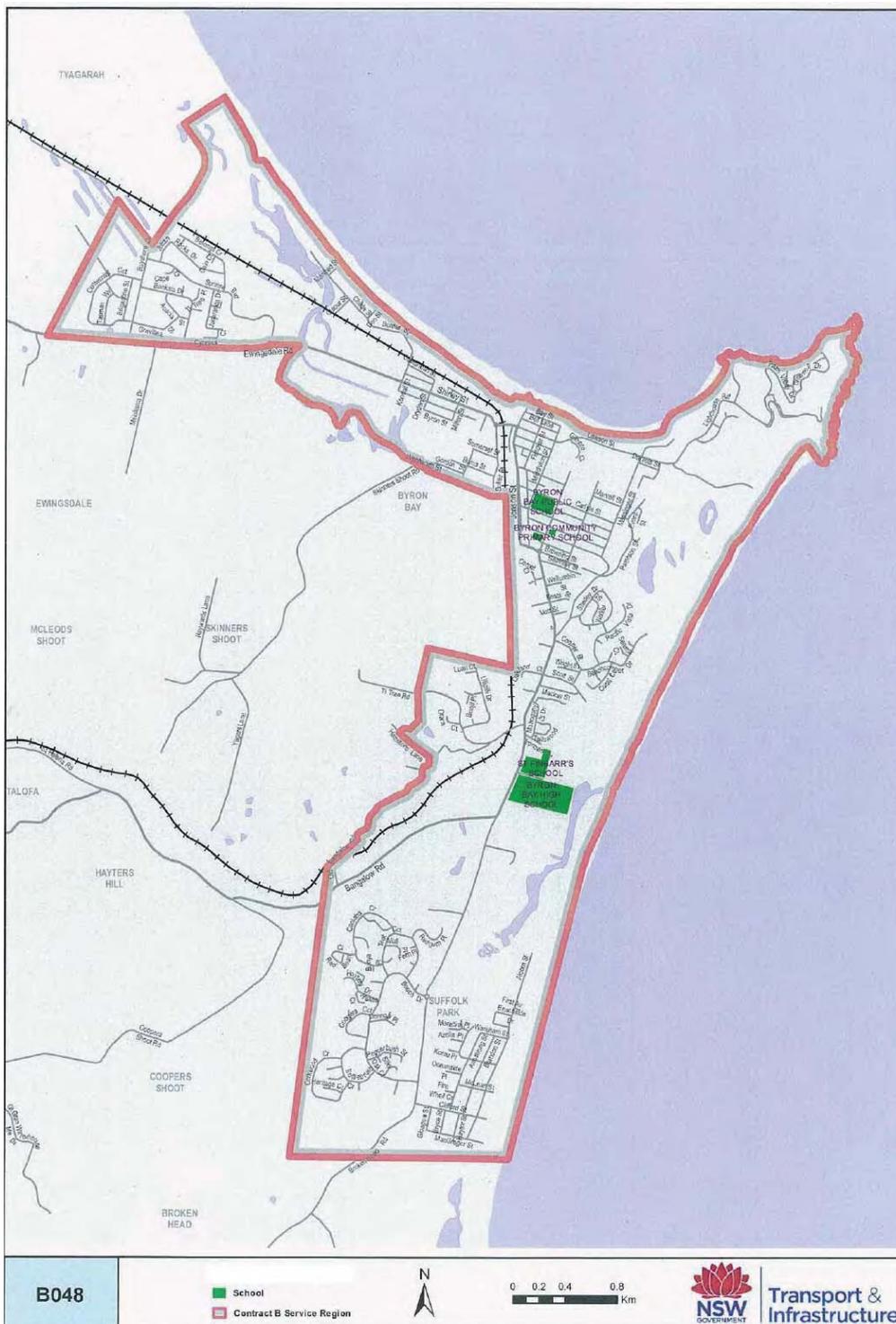


Map 11: Broken Hill

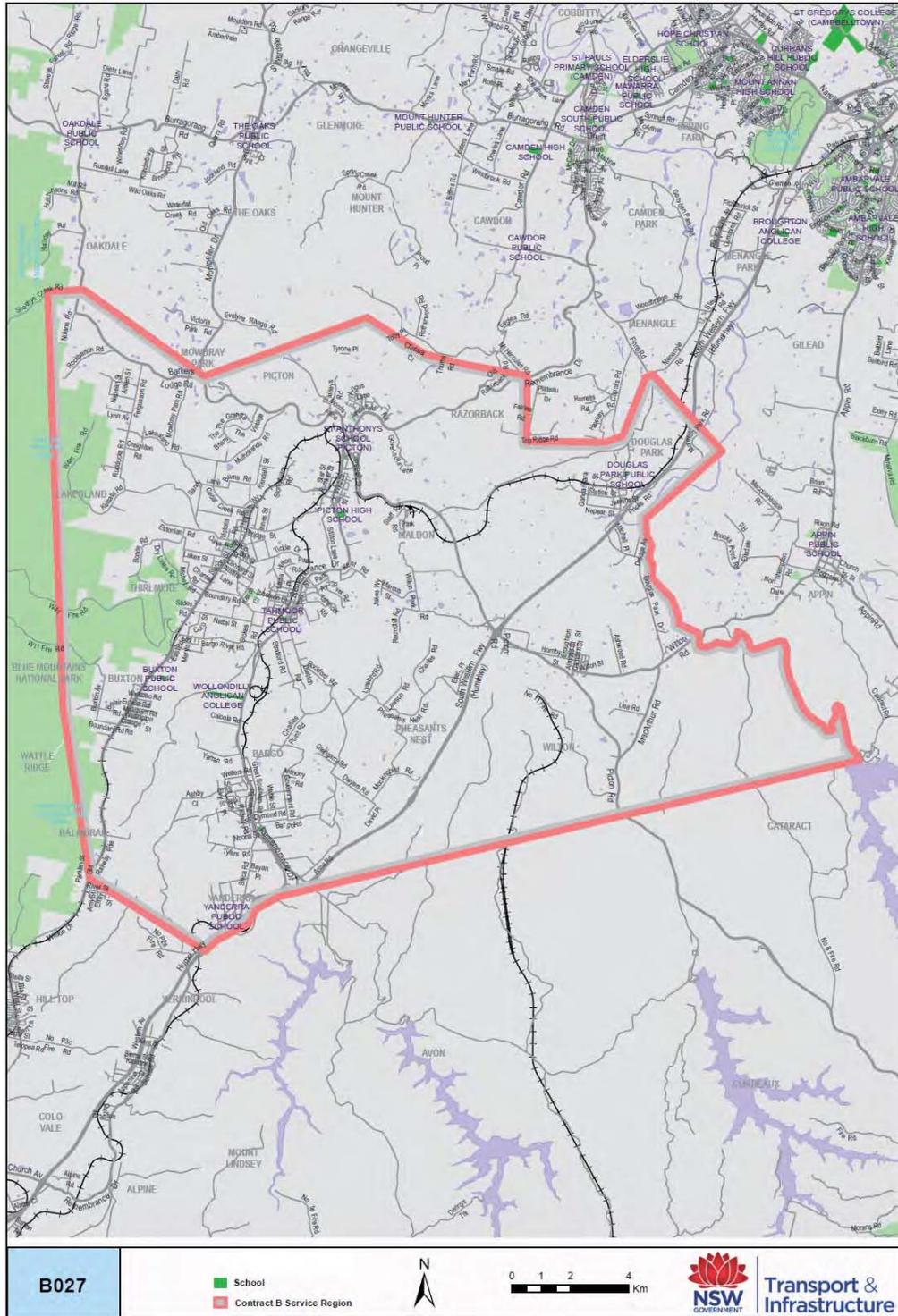


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Map 12: Byron Bay

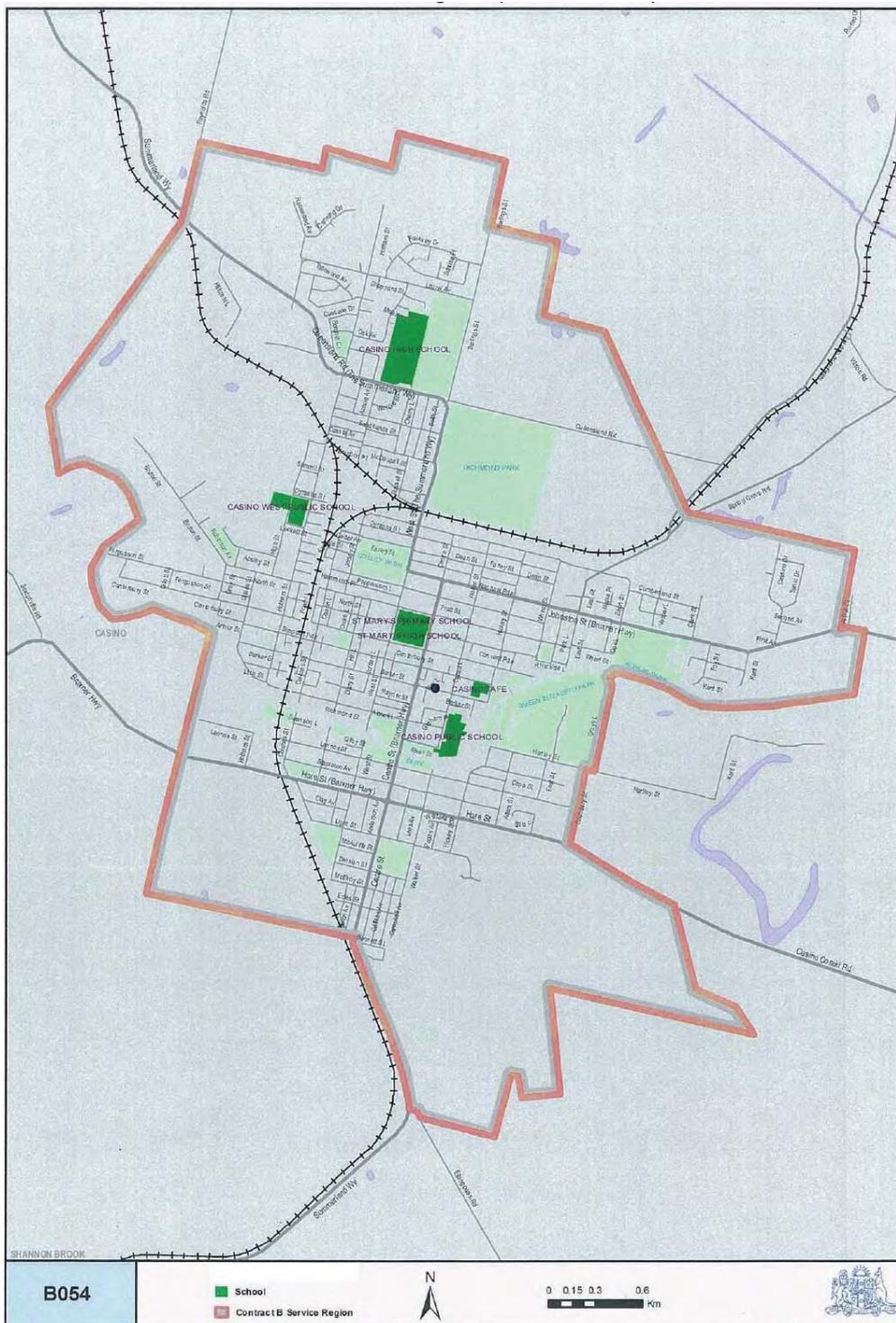


Map 13: Camden – Picton – Campbelltown



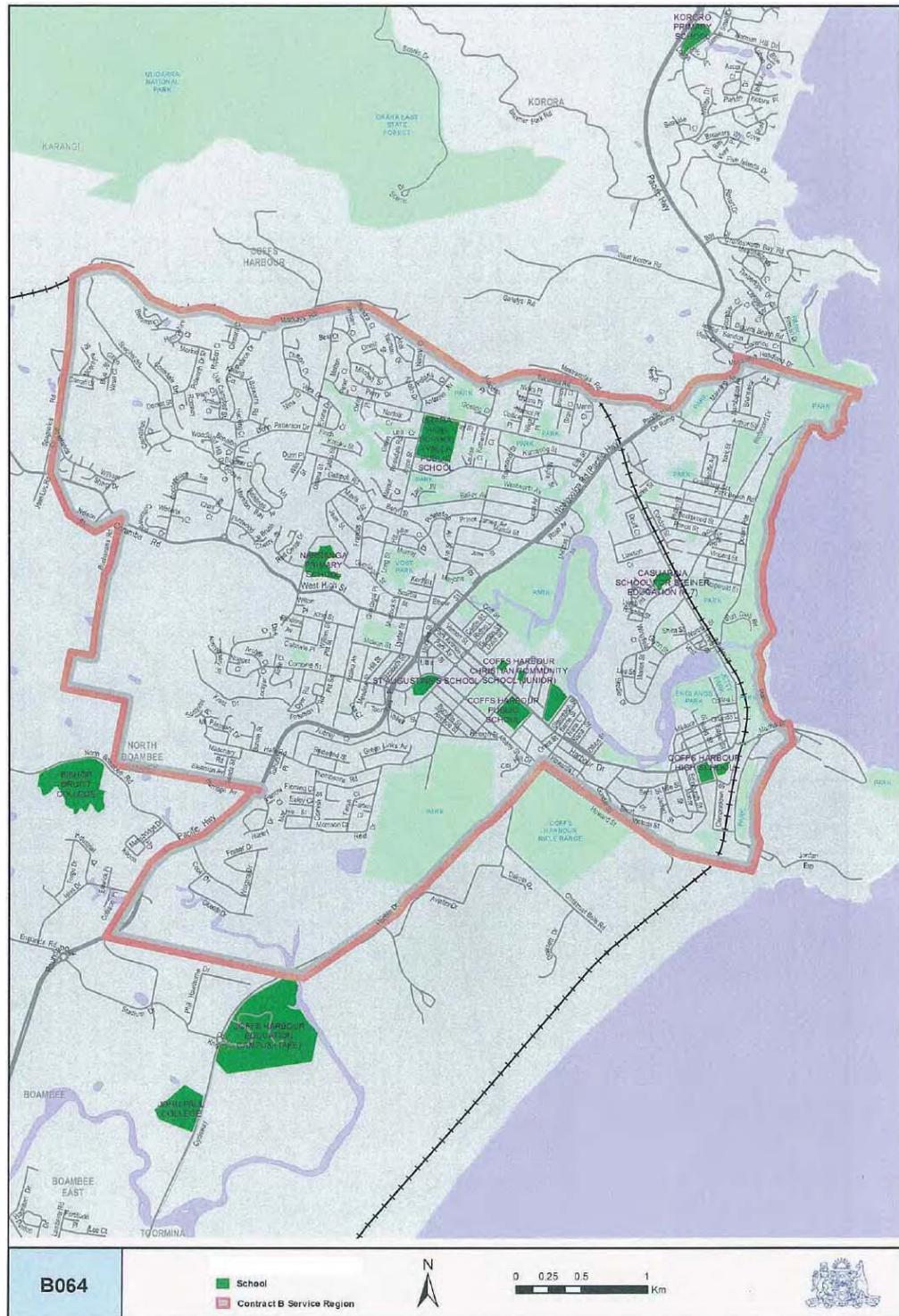
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Map 14: Casino



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Map 15: Coffs Harbour (A)

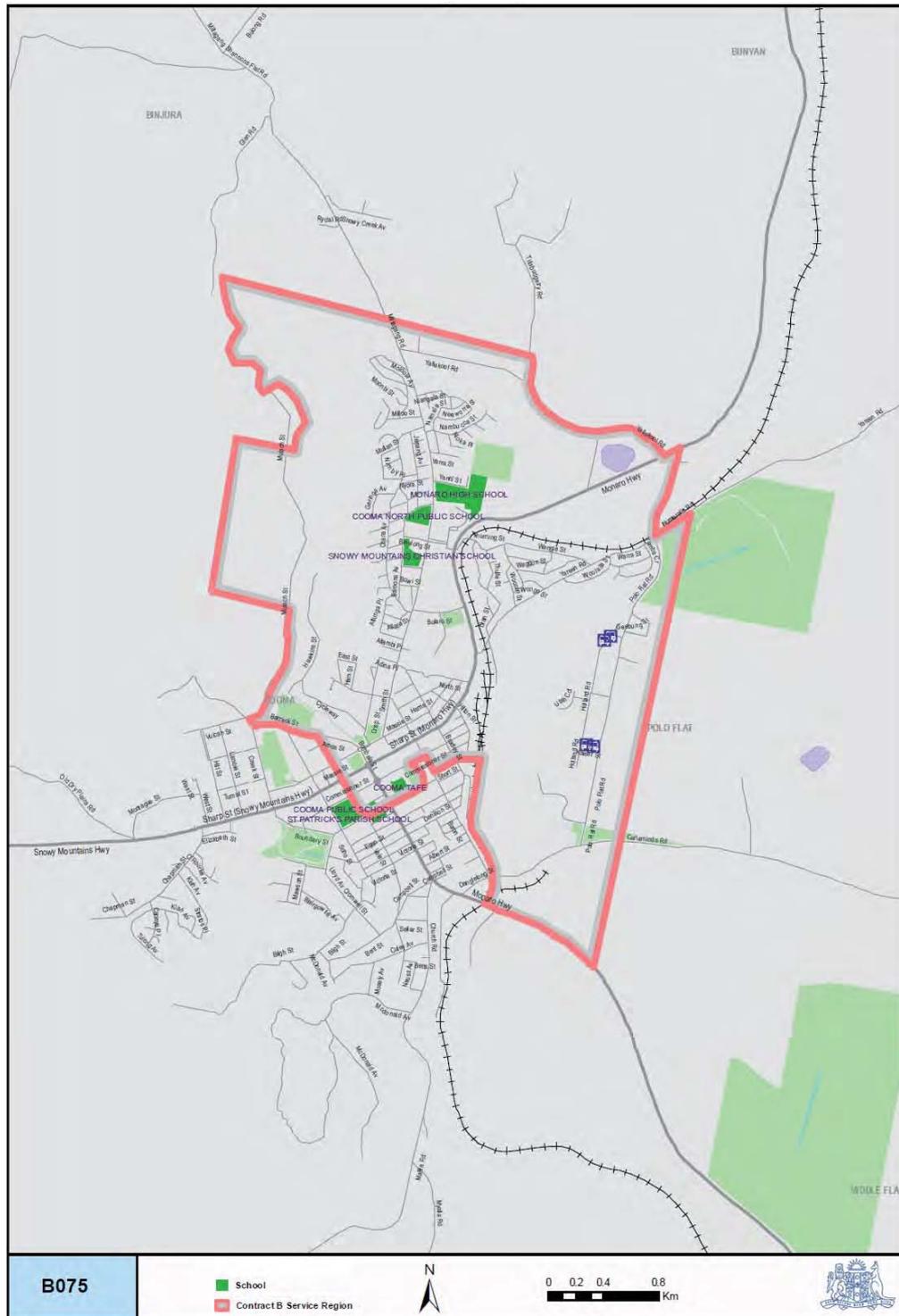


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Map 16: Coffs Harbour (B)

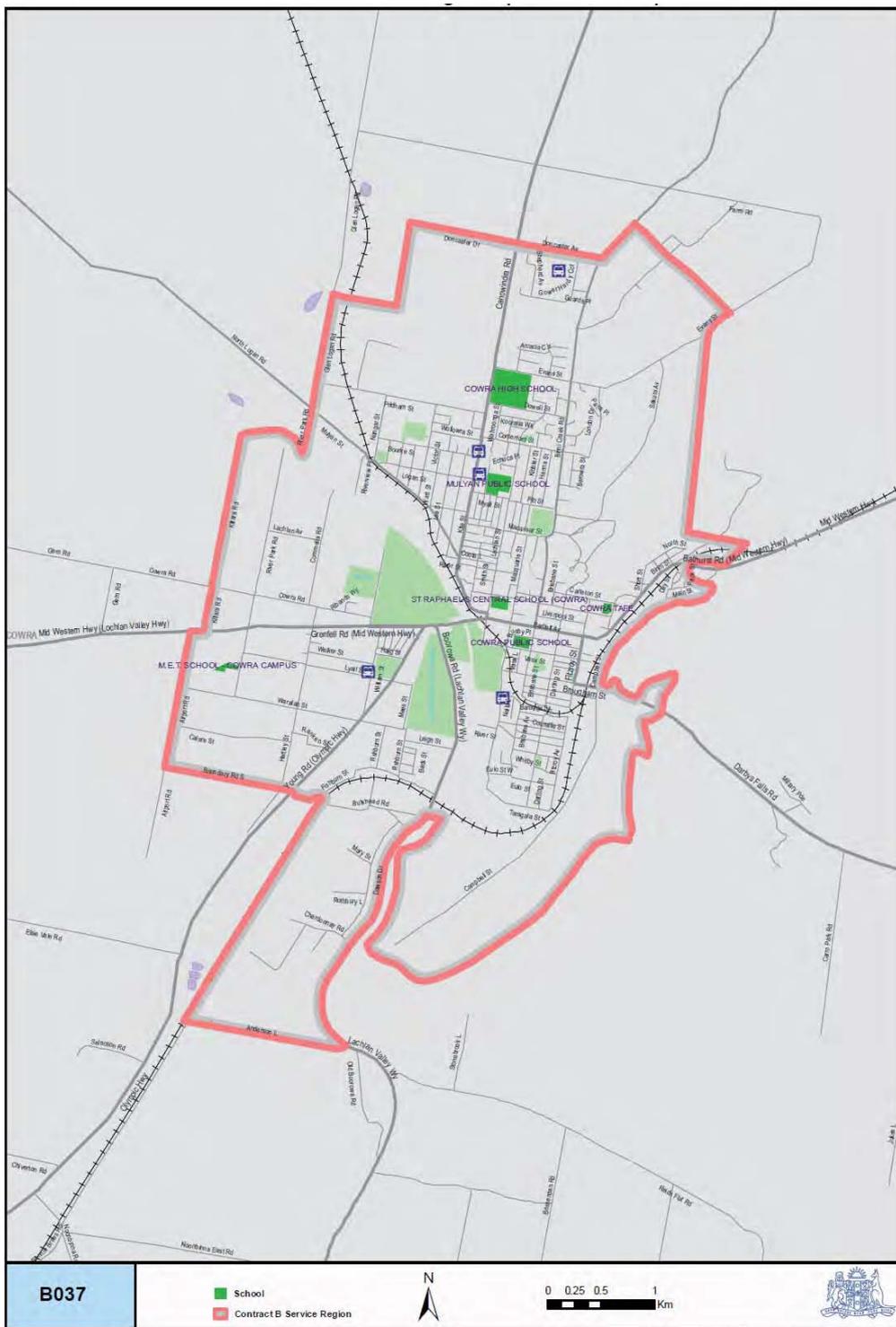


Map 17: Cooma

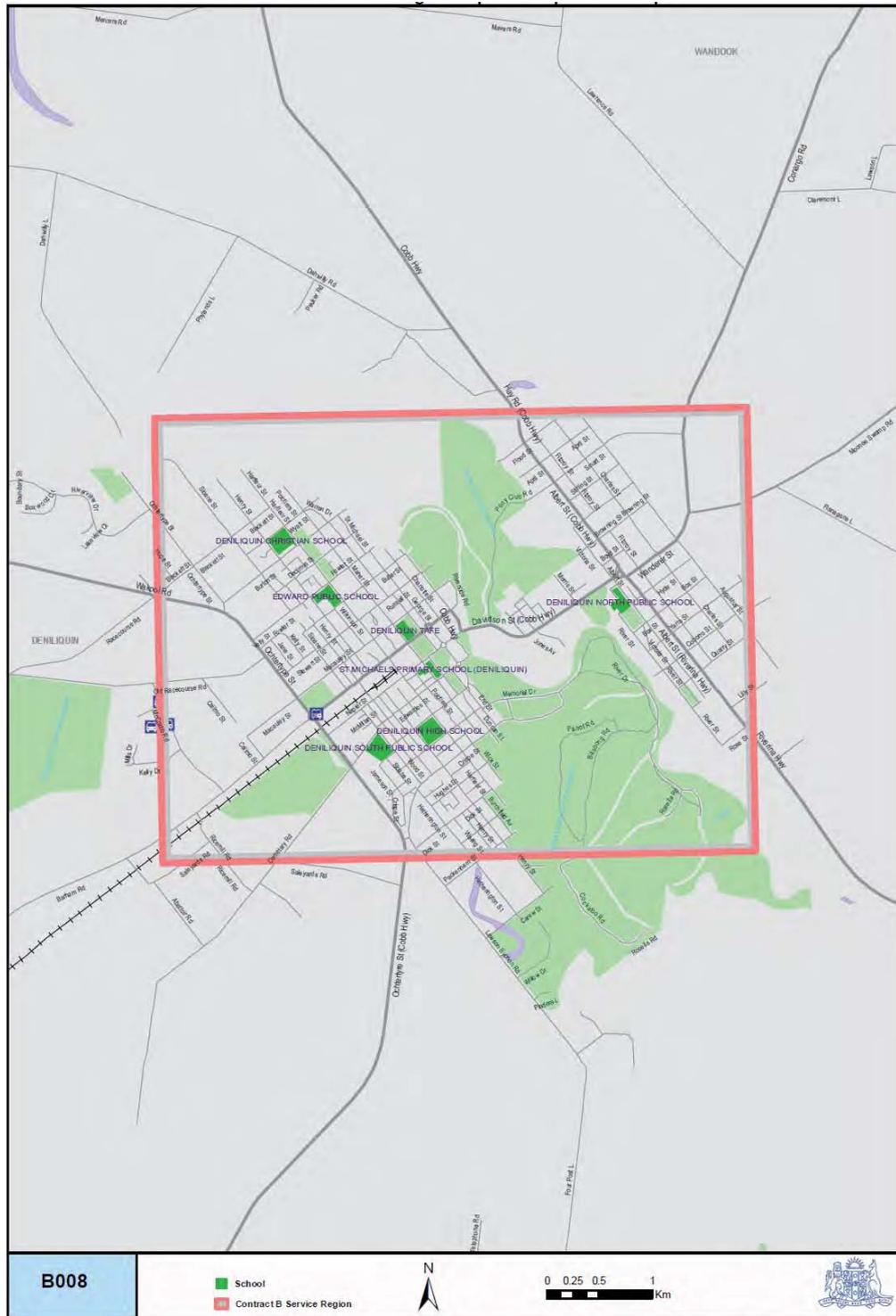


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Map 18: Cowra

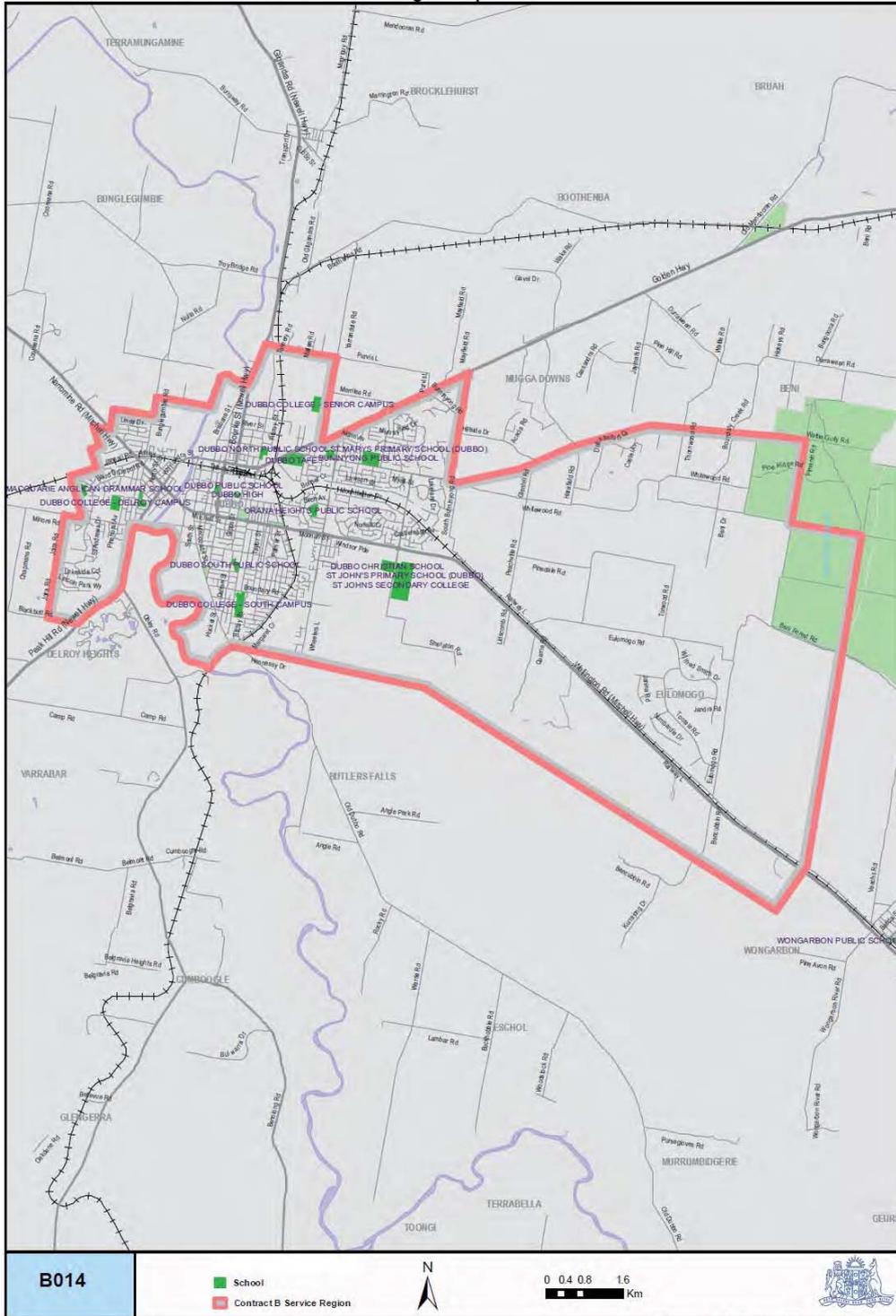


Map 19: Deniliquin

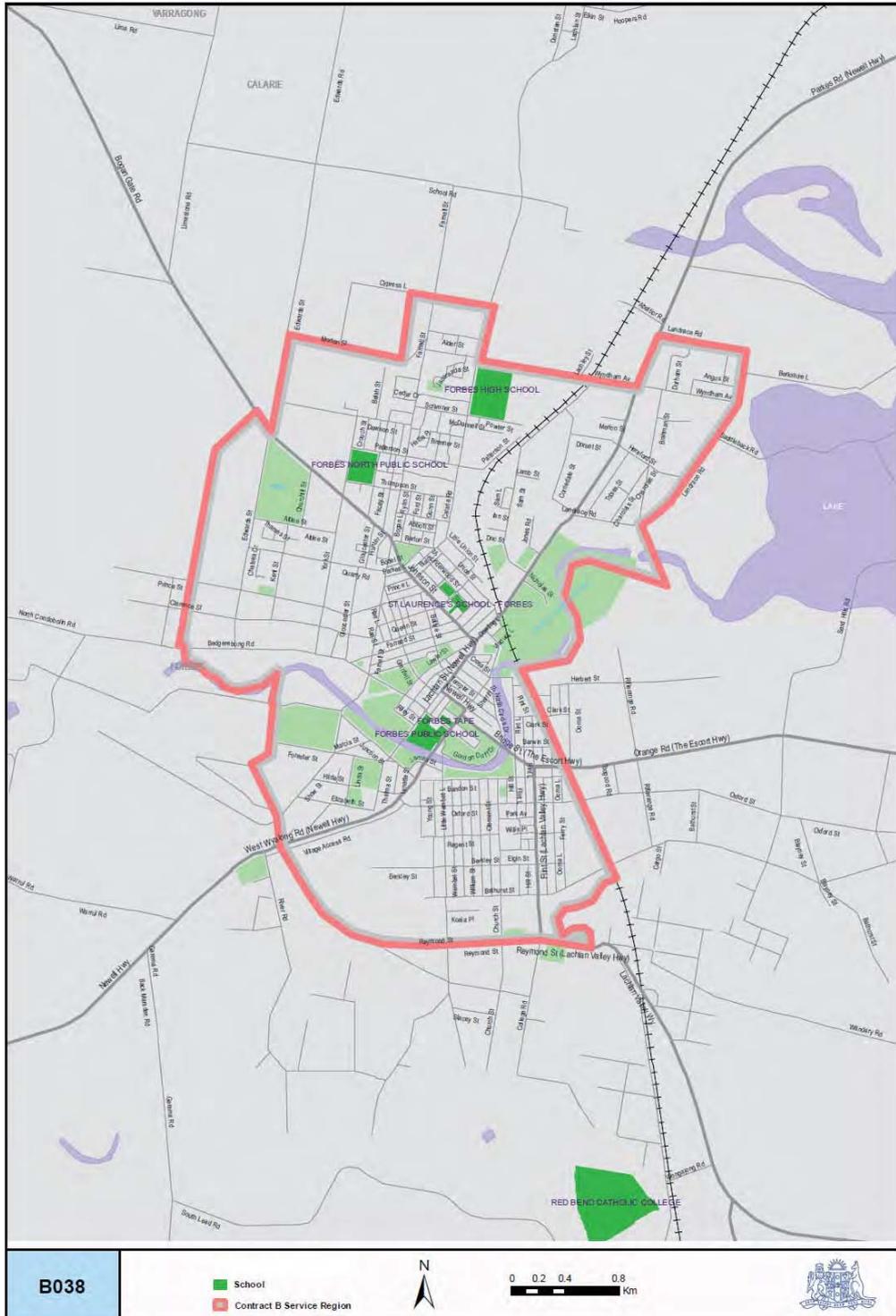


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Map 20: Dubbo

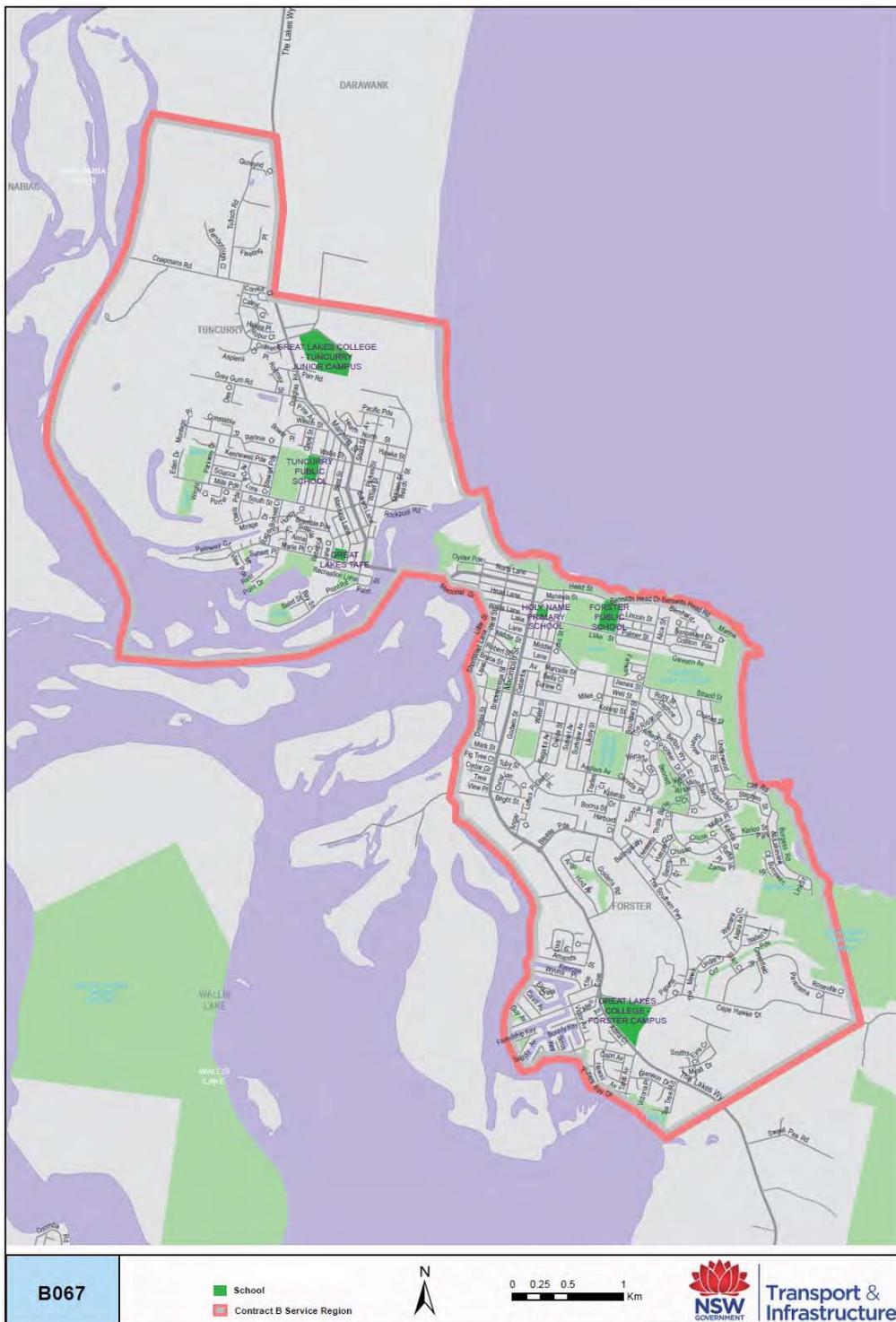


Map 21: Forbes

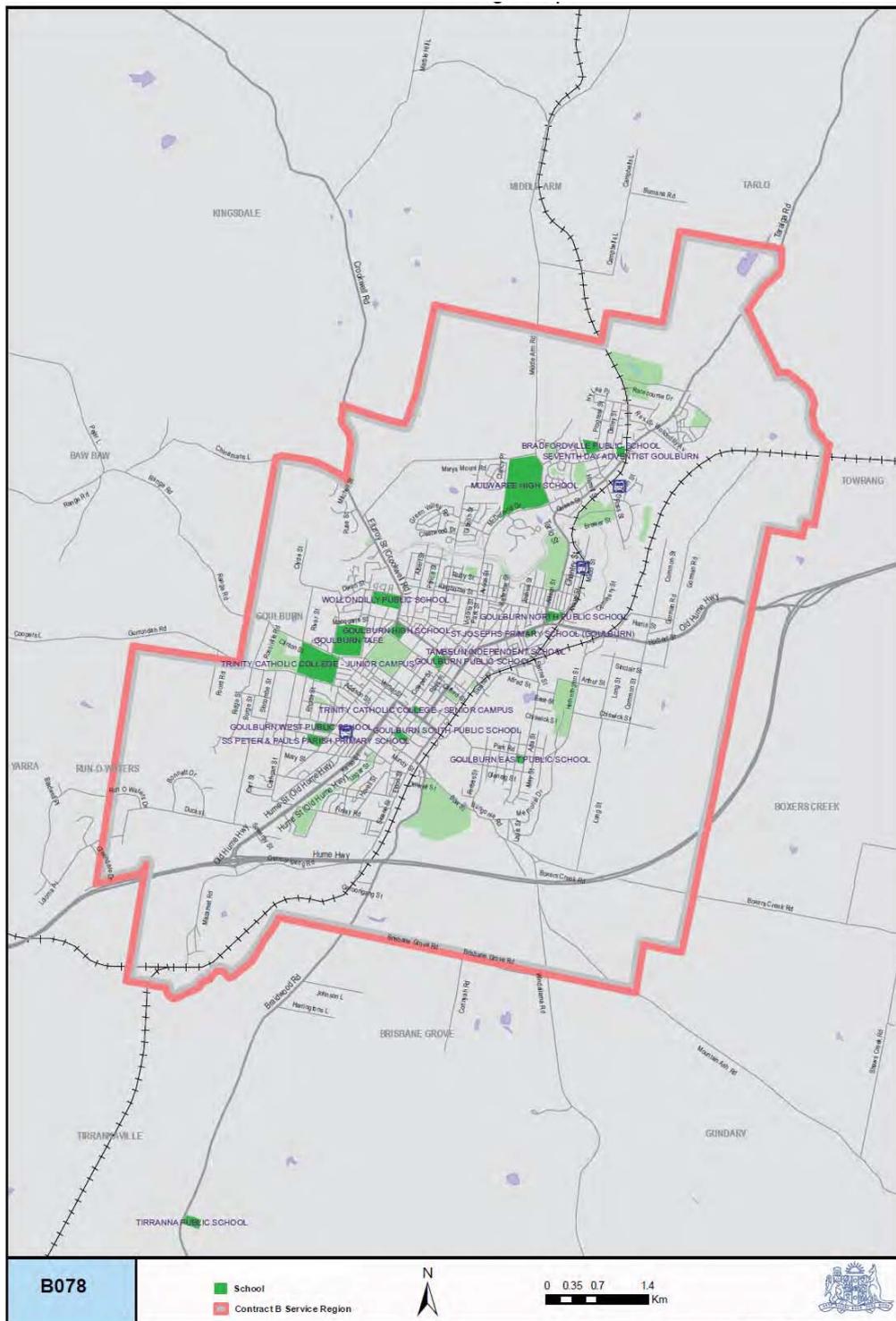


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Map 22: Forster - Tuncurry

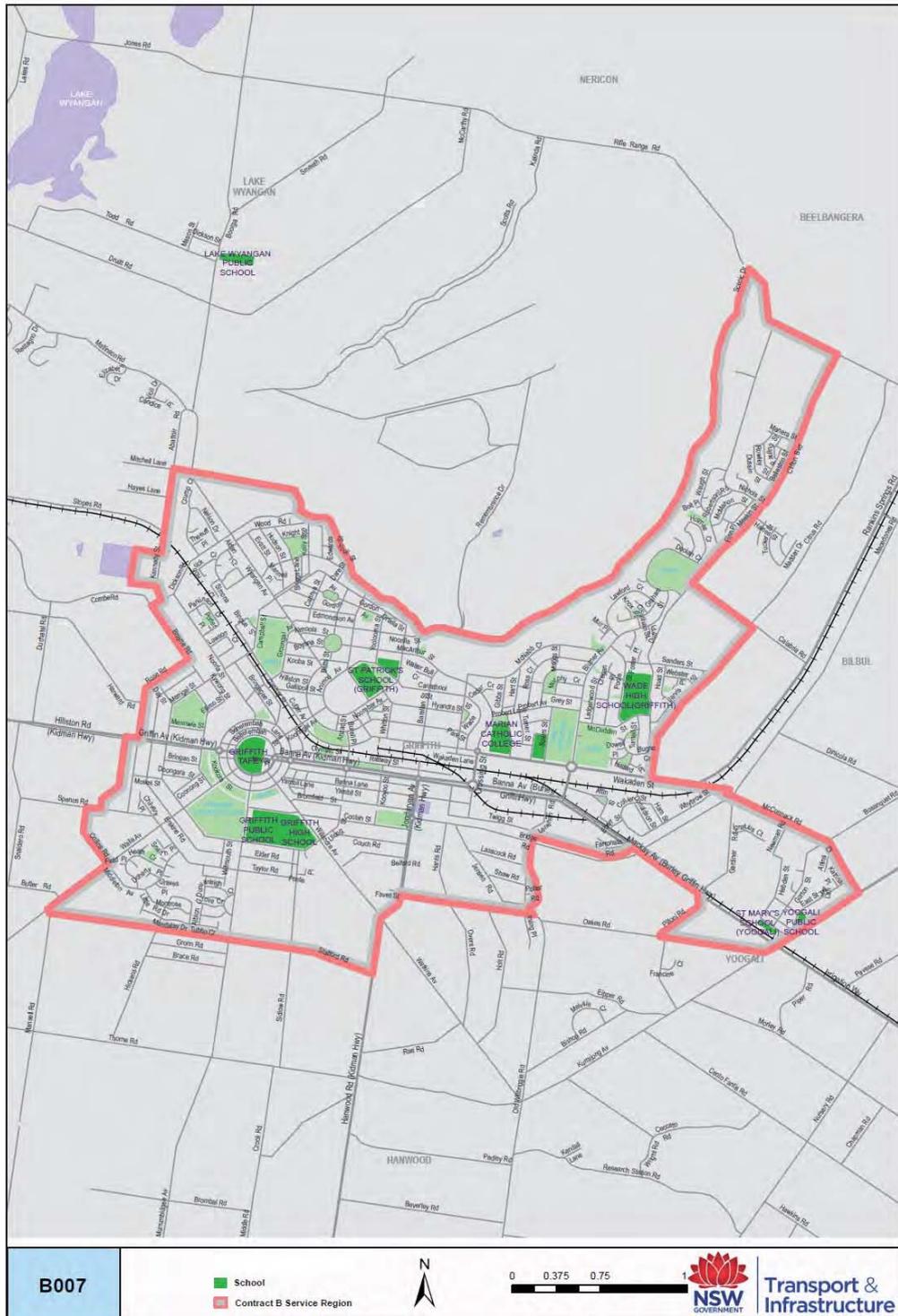


Map 23: Goulburn





Map 25: Griffith

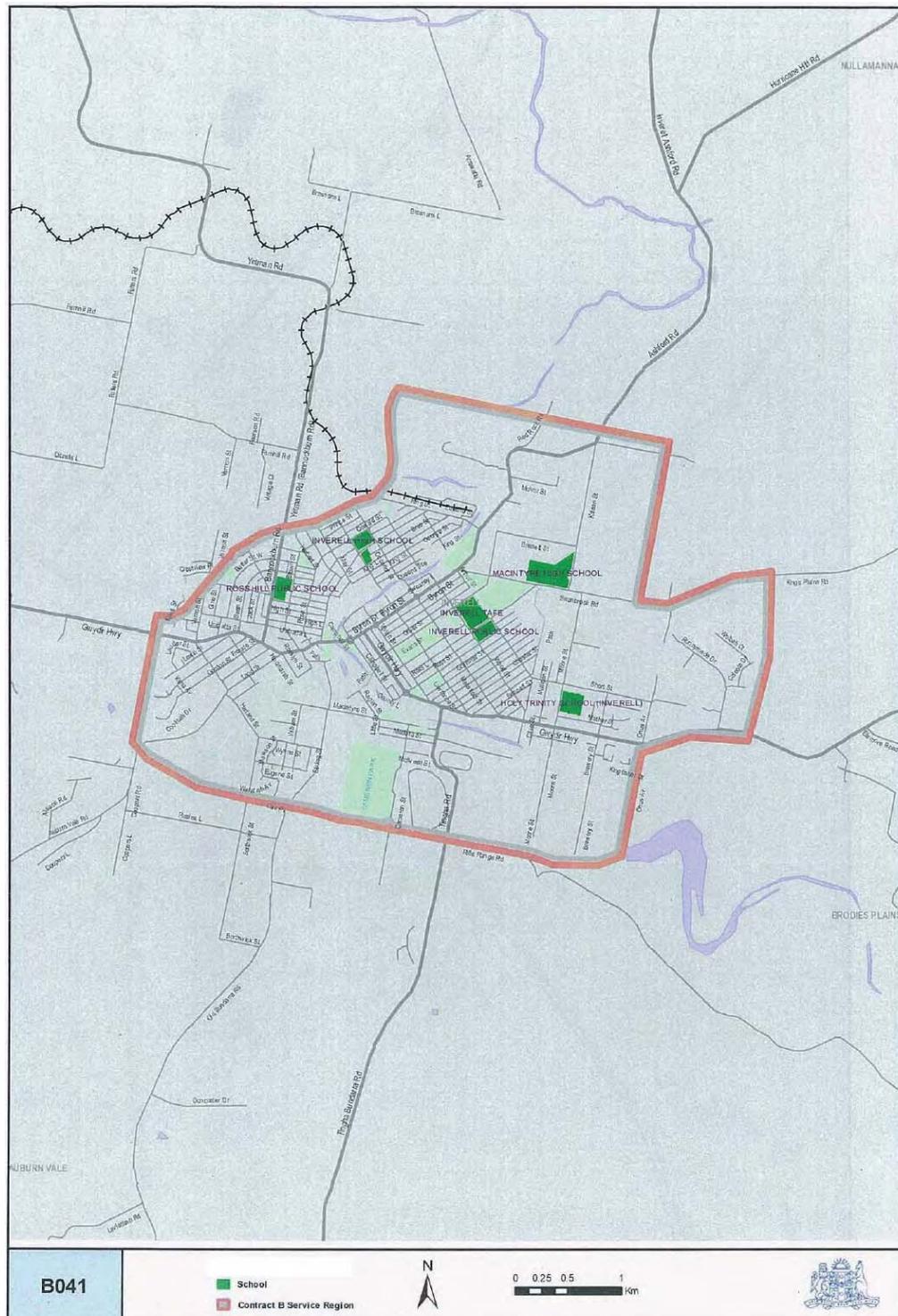


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Map 26 : Gunnedah

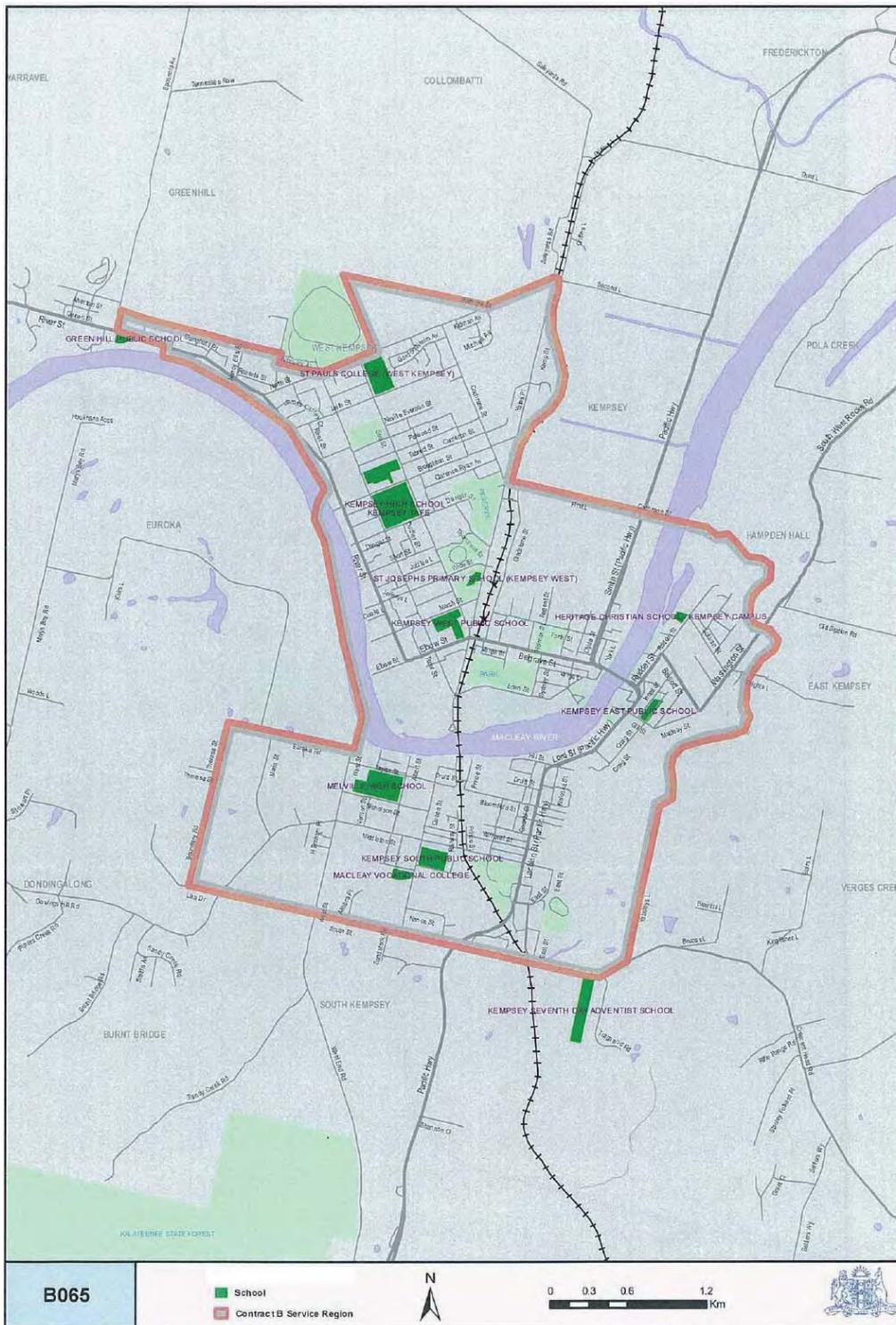


Map 27: Inverell

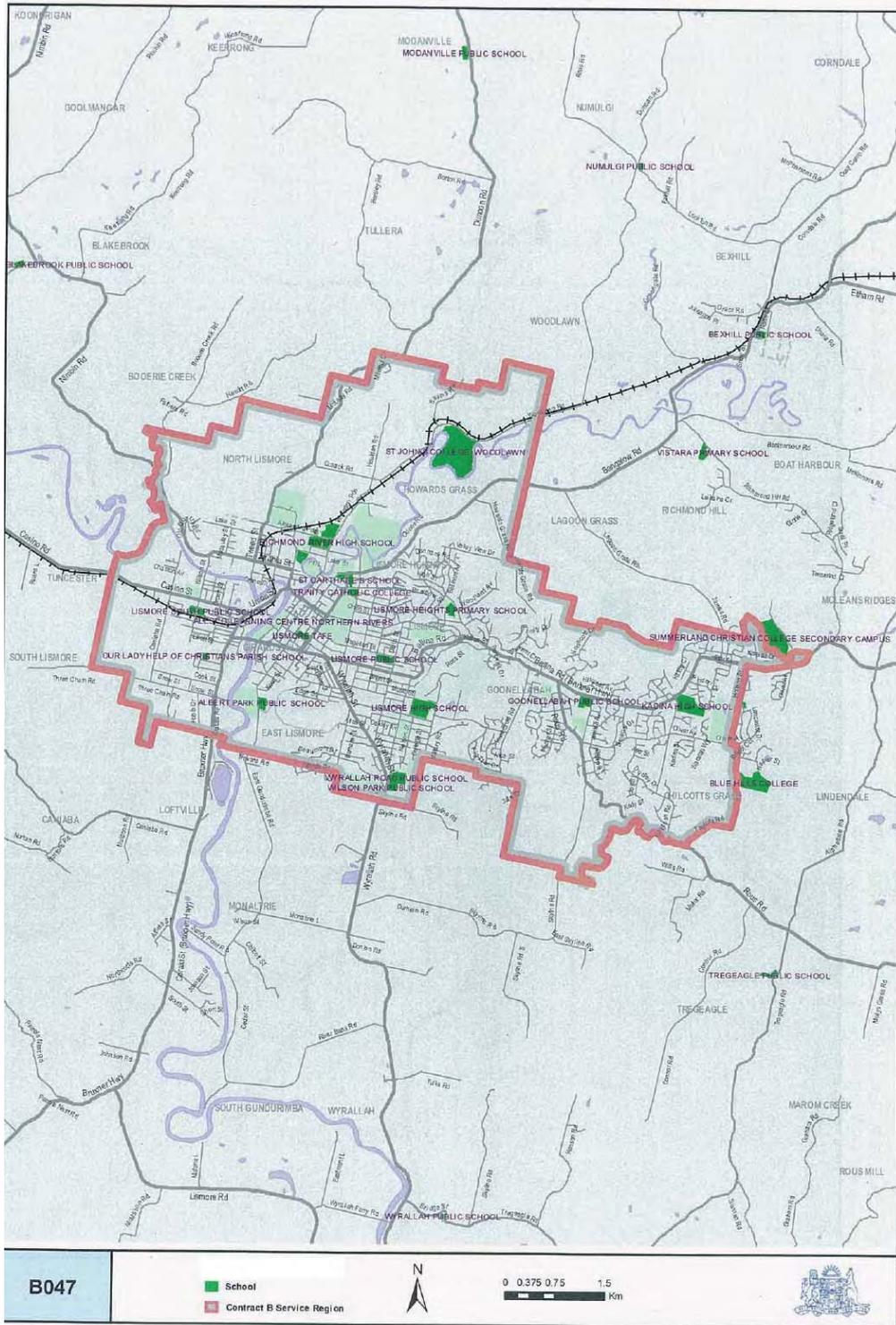


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Map 28: Kempsey

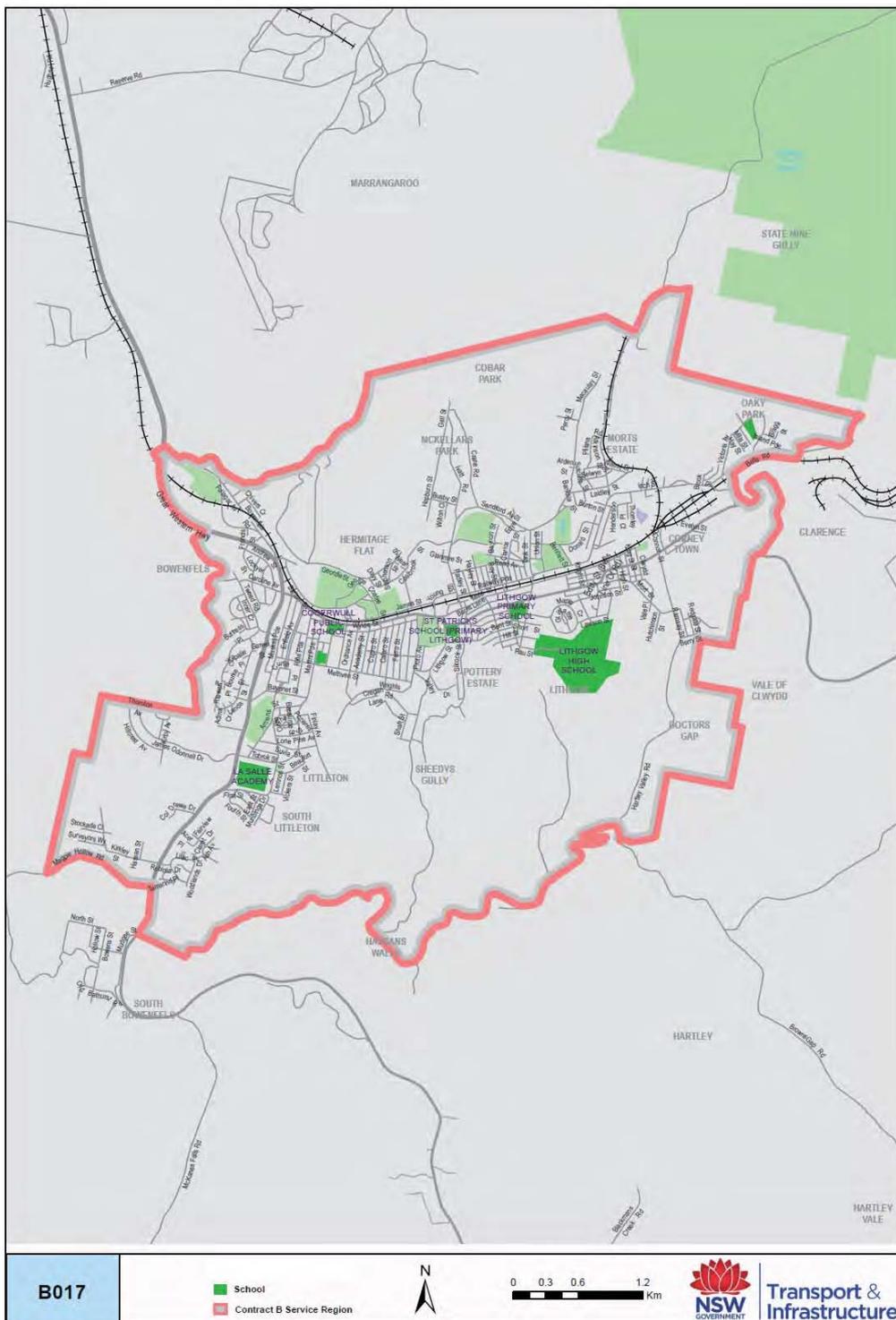


Map 29: Lismore

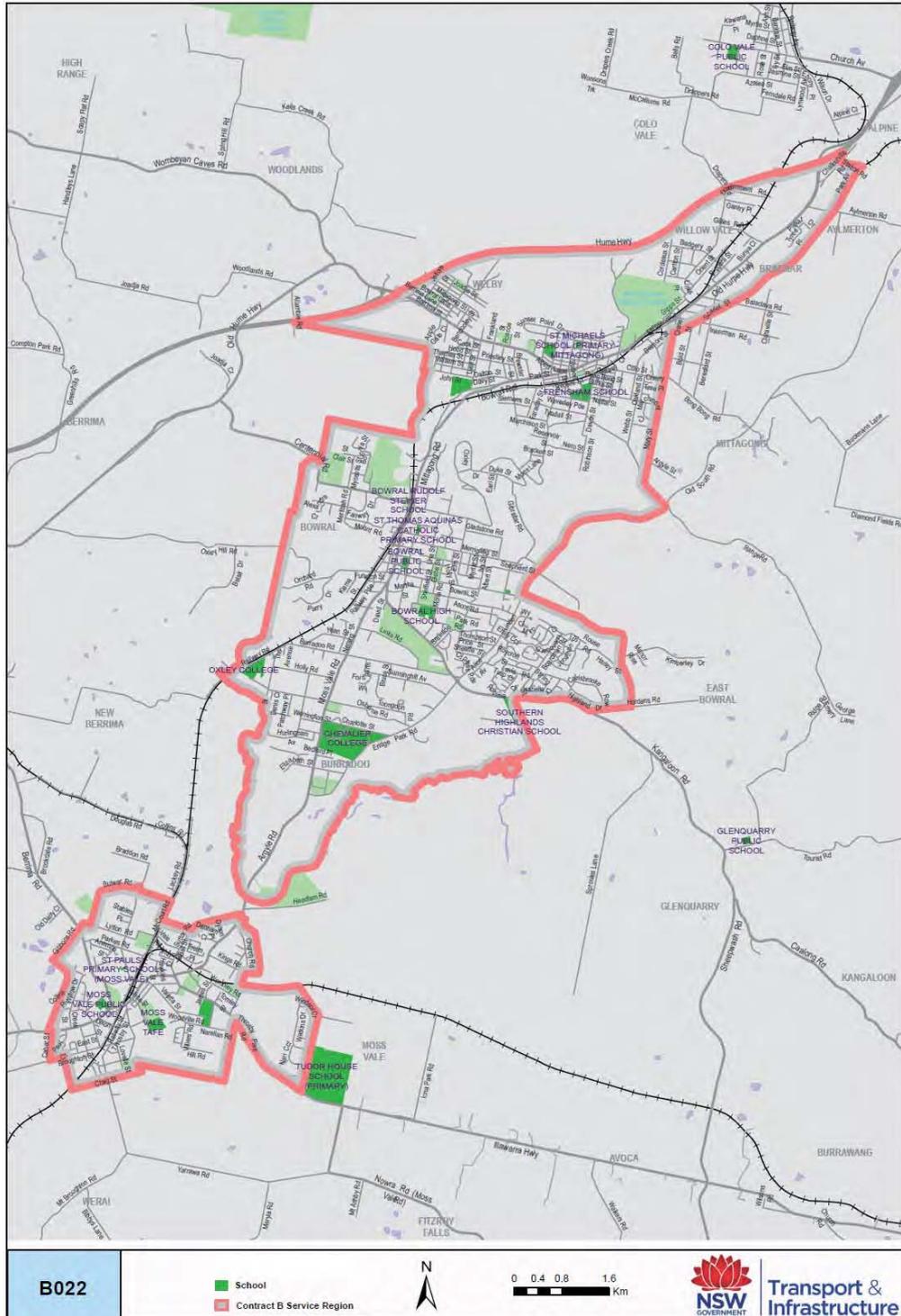


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Map 30: Lithgow

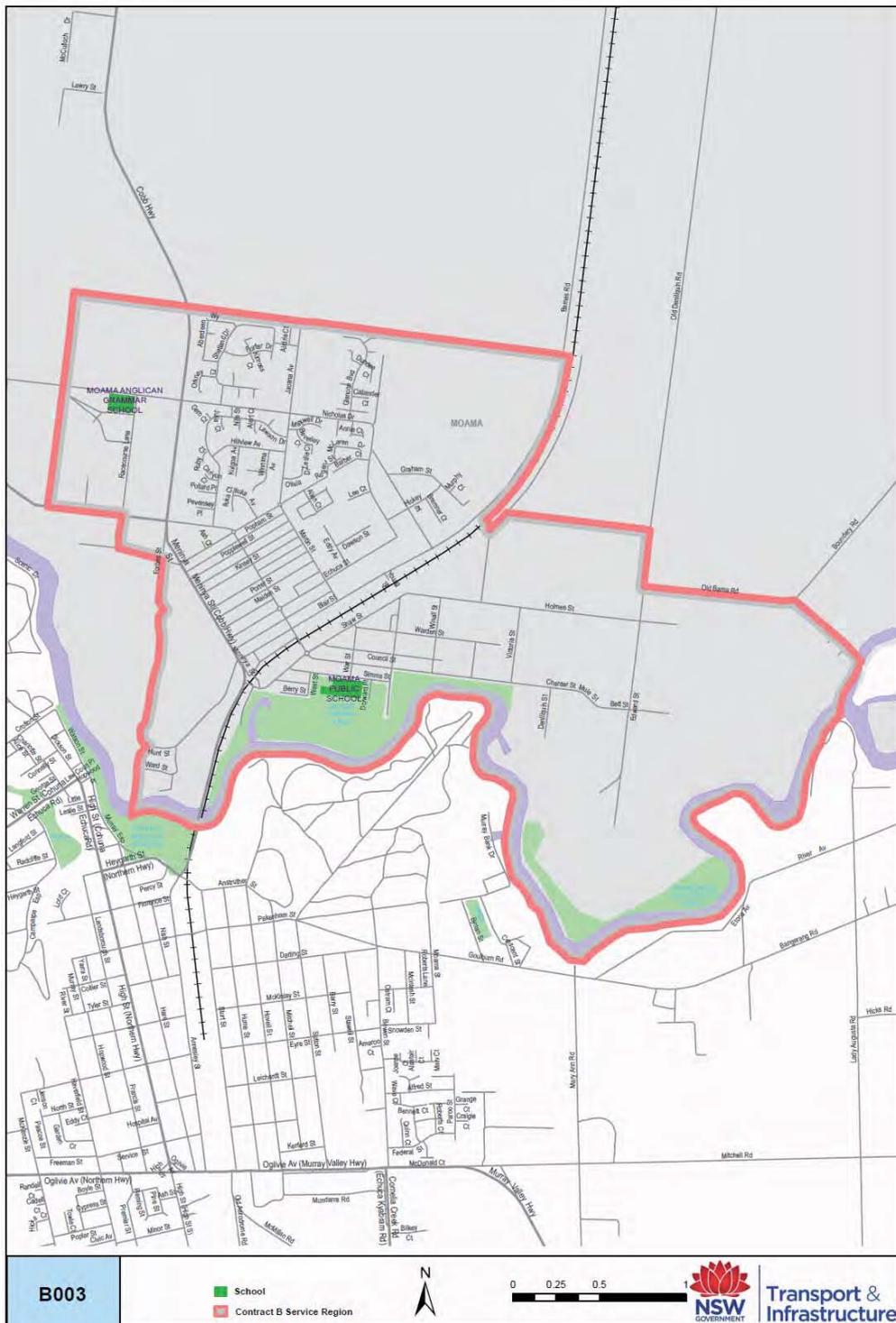


Map 31: Mittagong - Bowral - Moss Vale

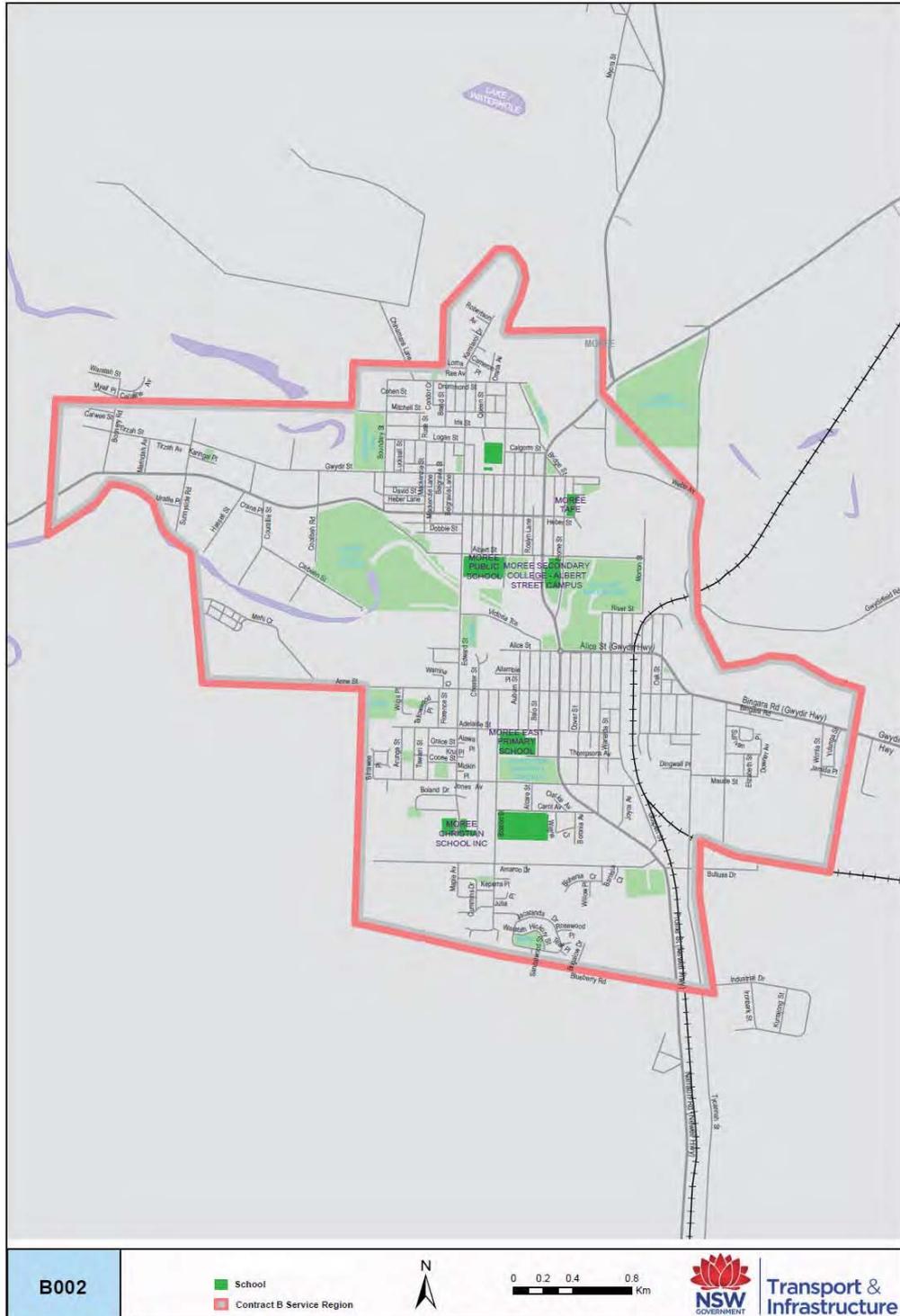


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Map 32: Moama

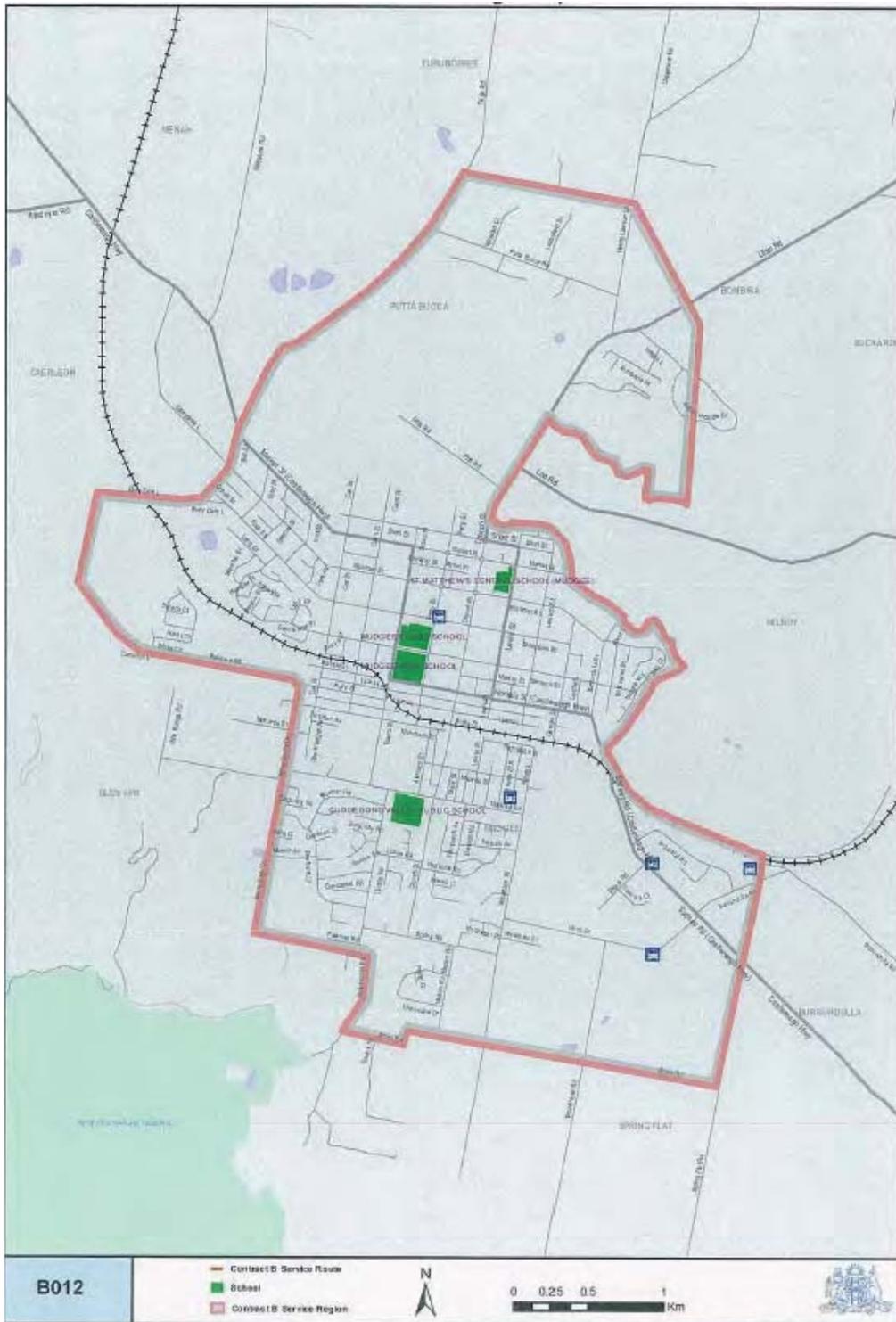


Map 33: Moree

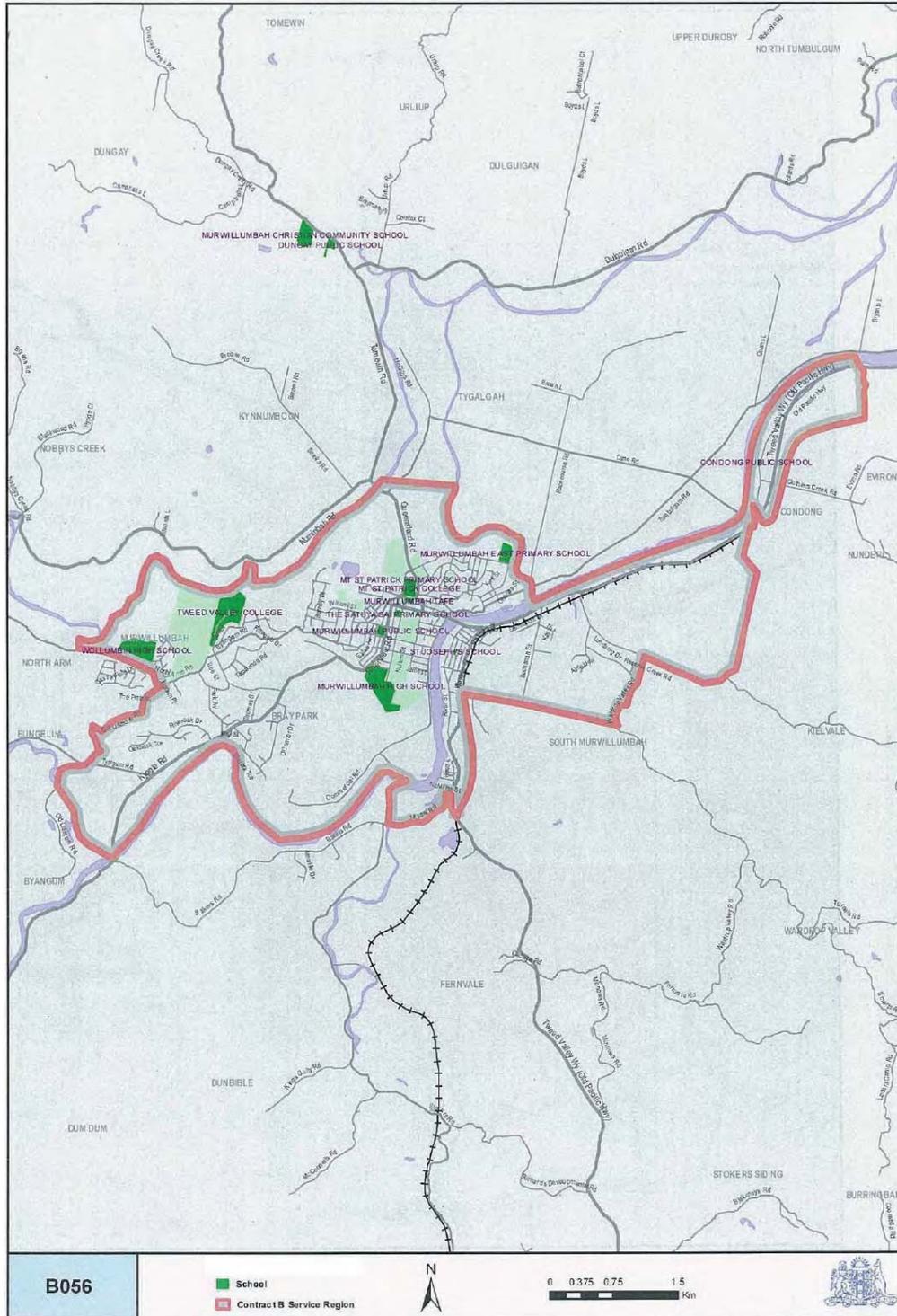


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Map 34: Mudgee

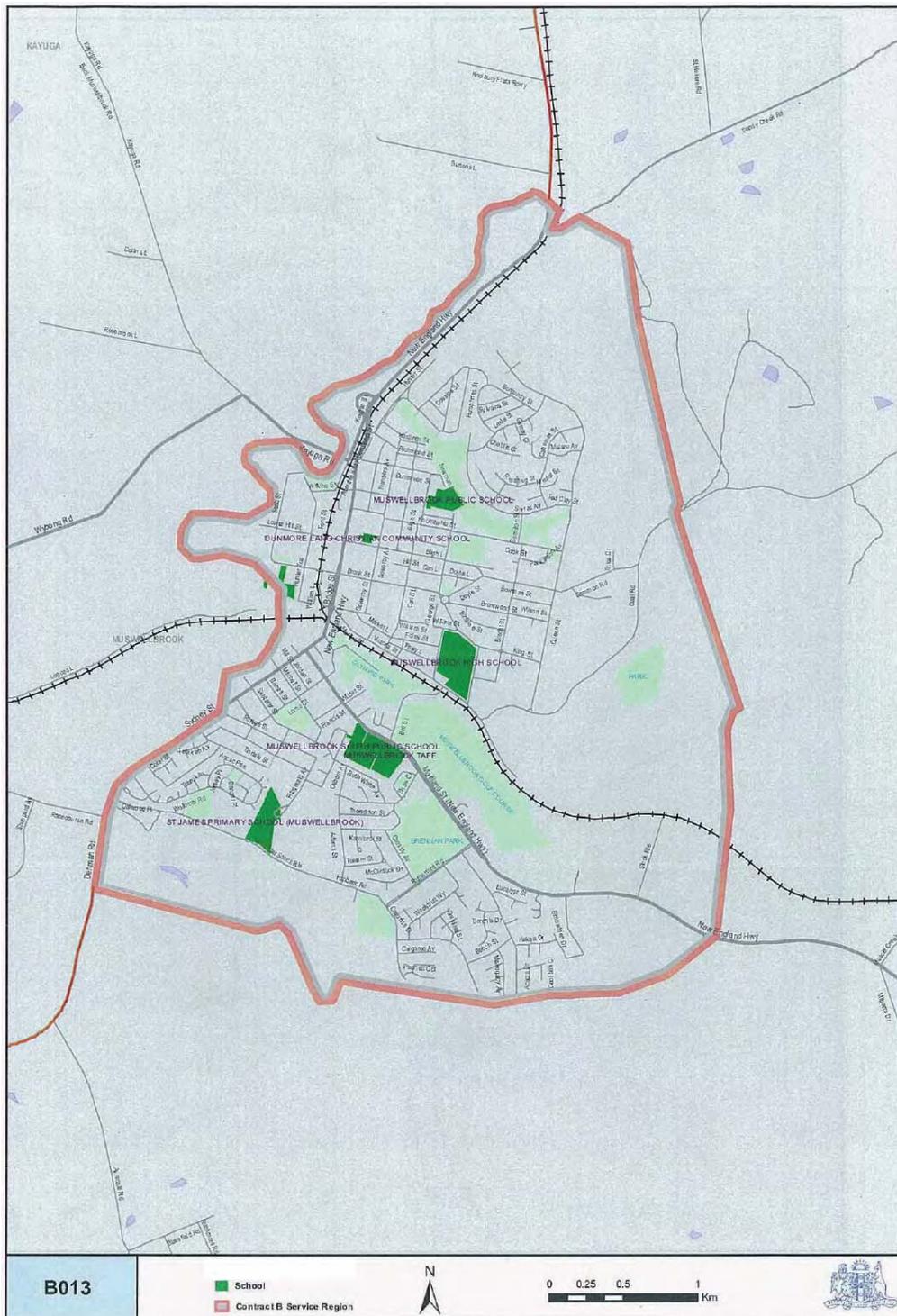


Map 35: Murwillumbah

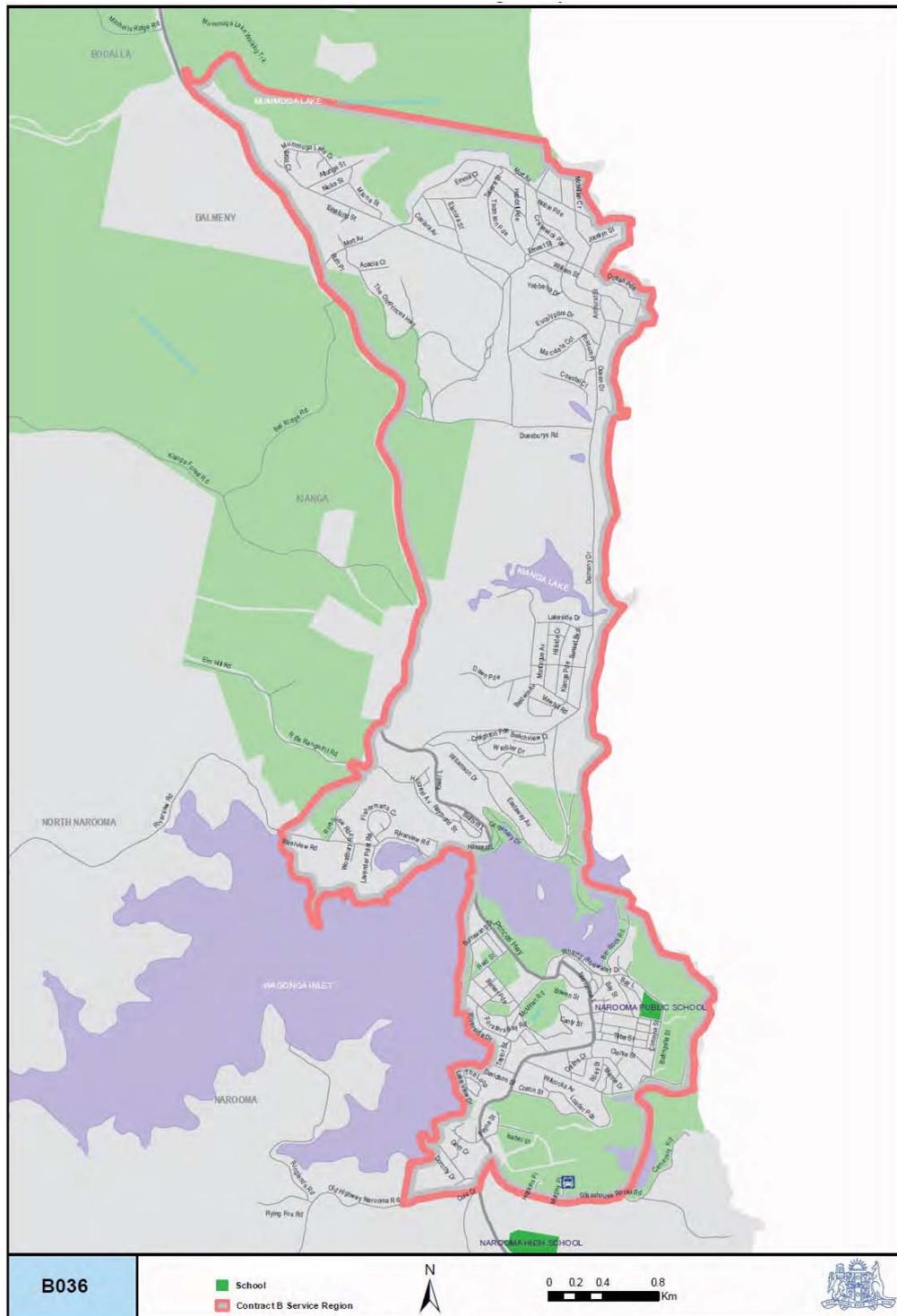


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Map 36: Muswellbrook – Scone - Aberdeen

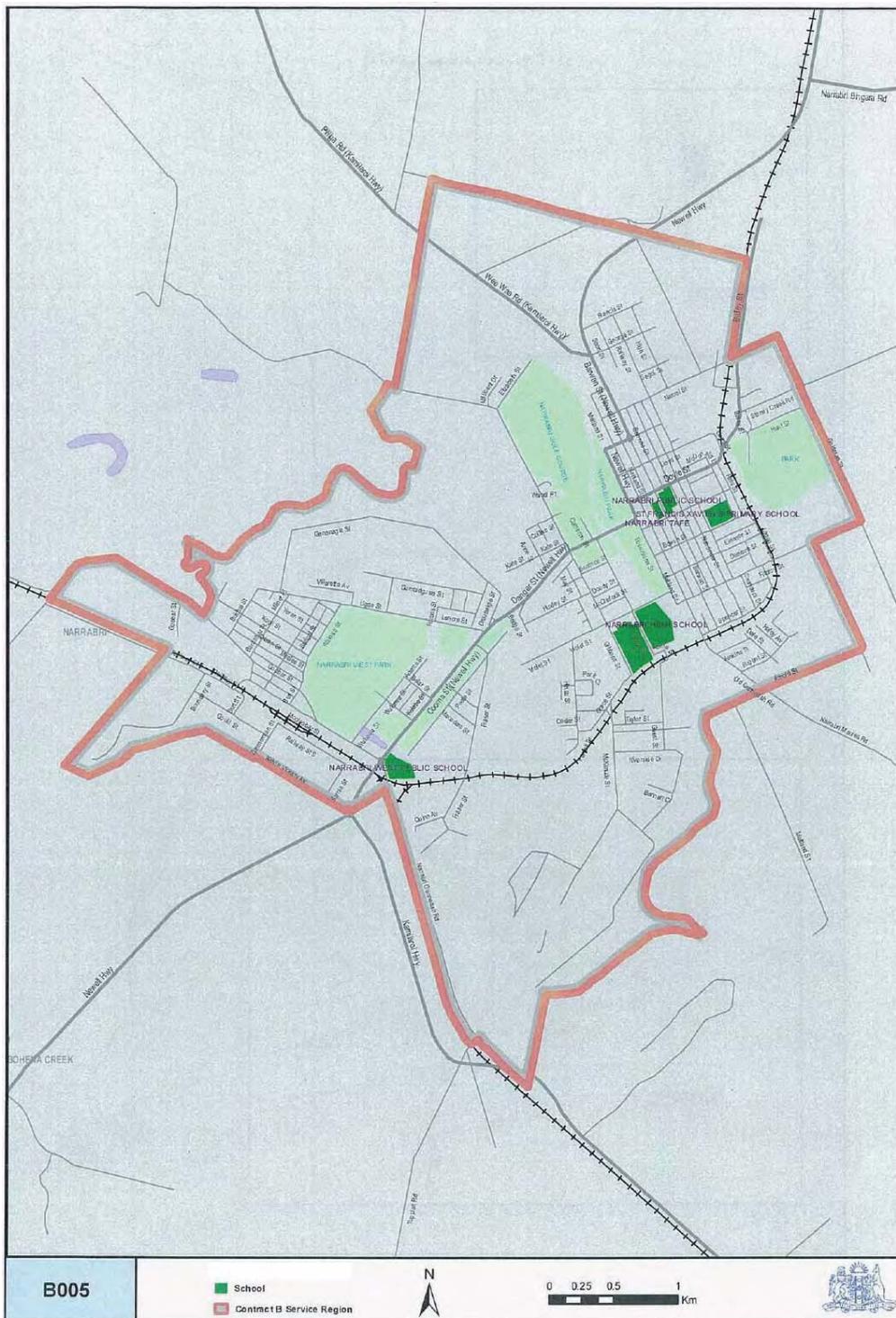


Map 37: Narooma



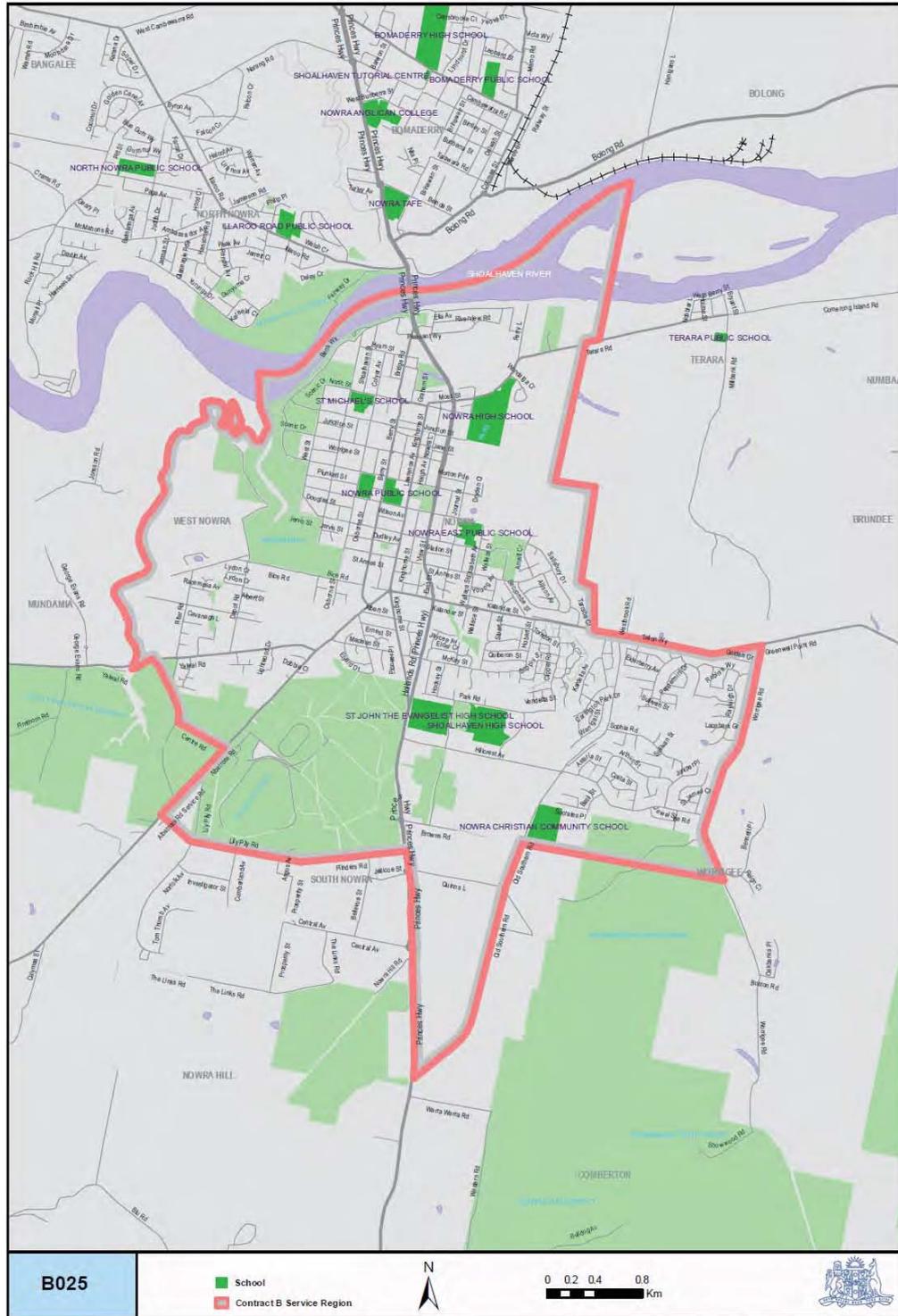
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Map 38: Narrabri



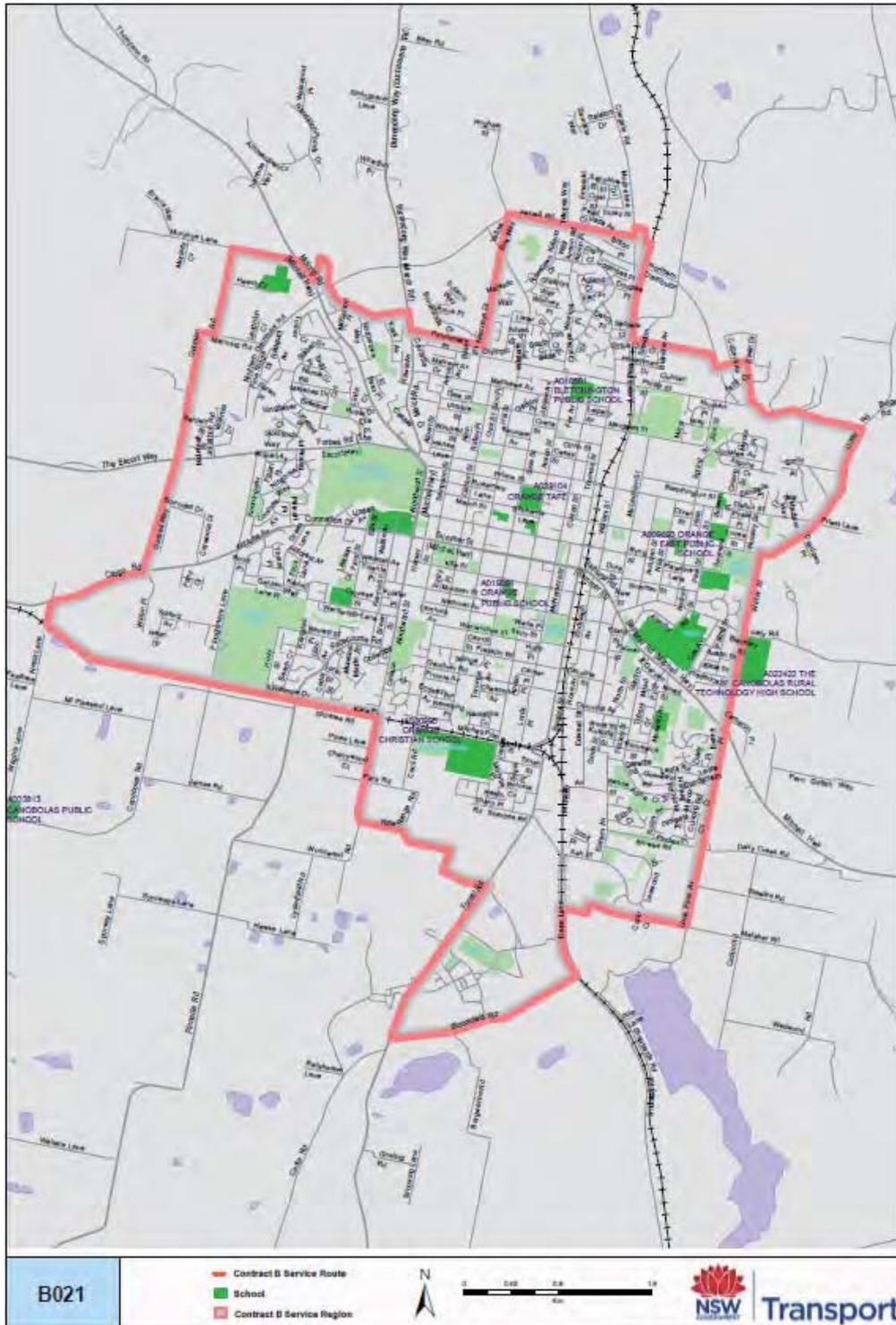
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Map 39: Nowra

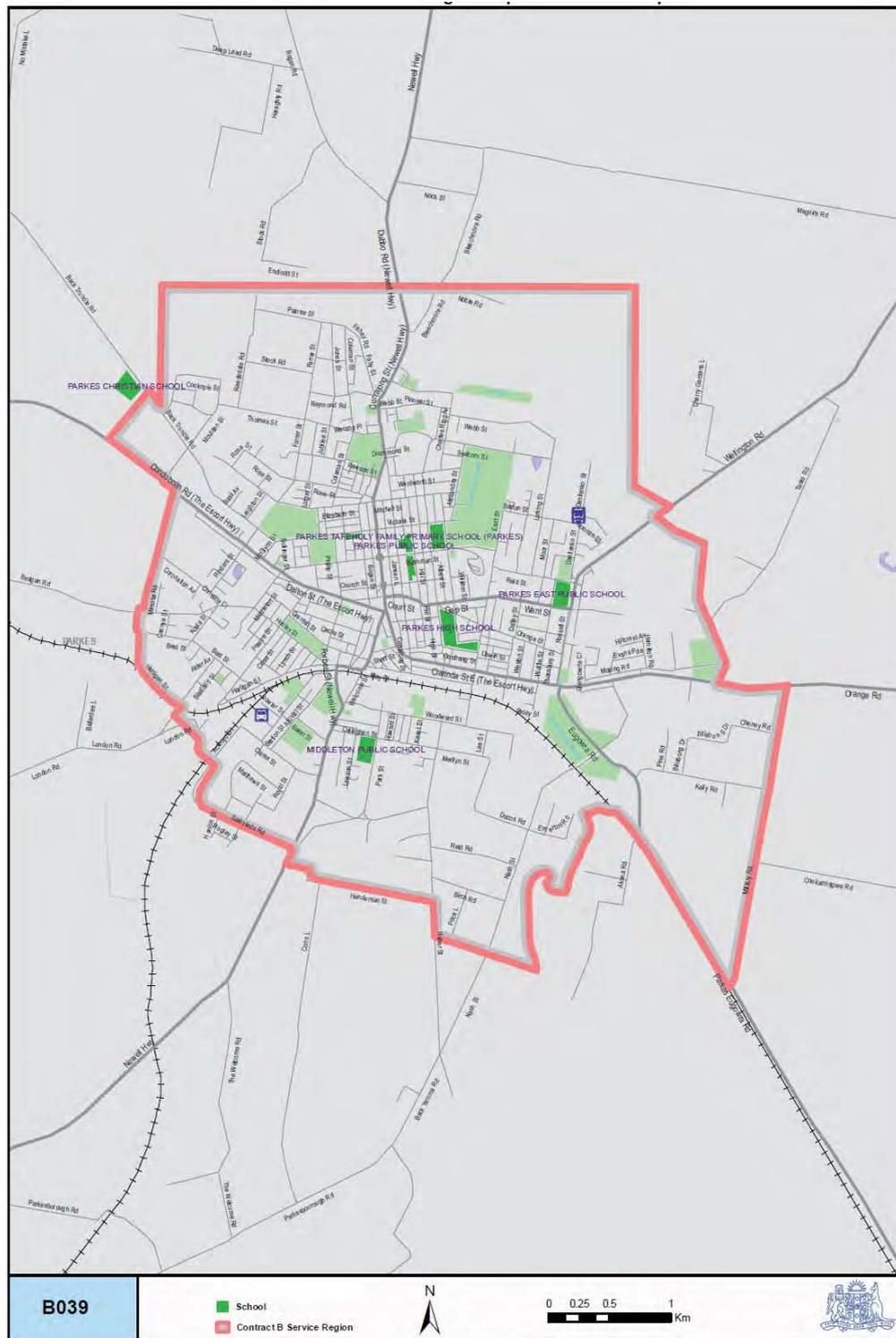


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Map 40: Orange

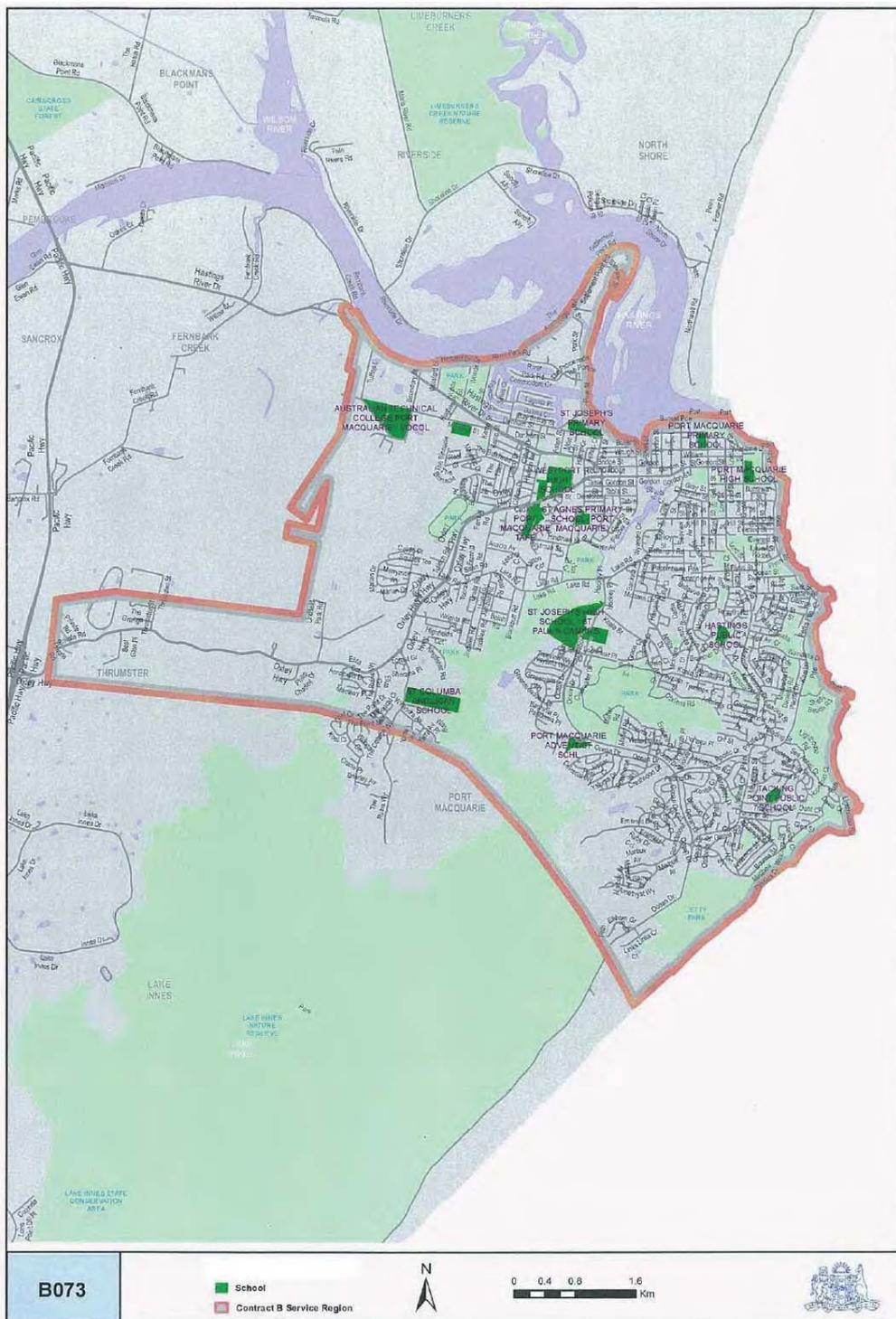


Map 41: Parkes

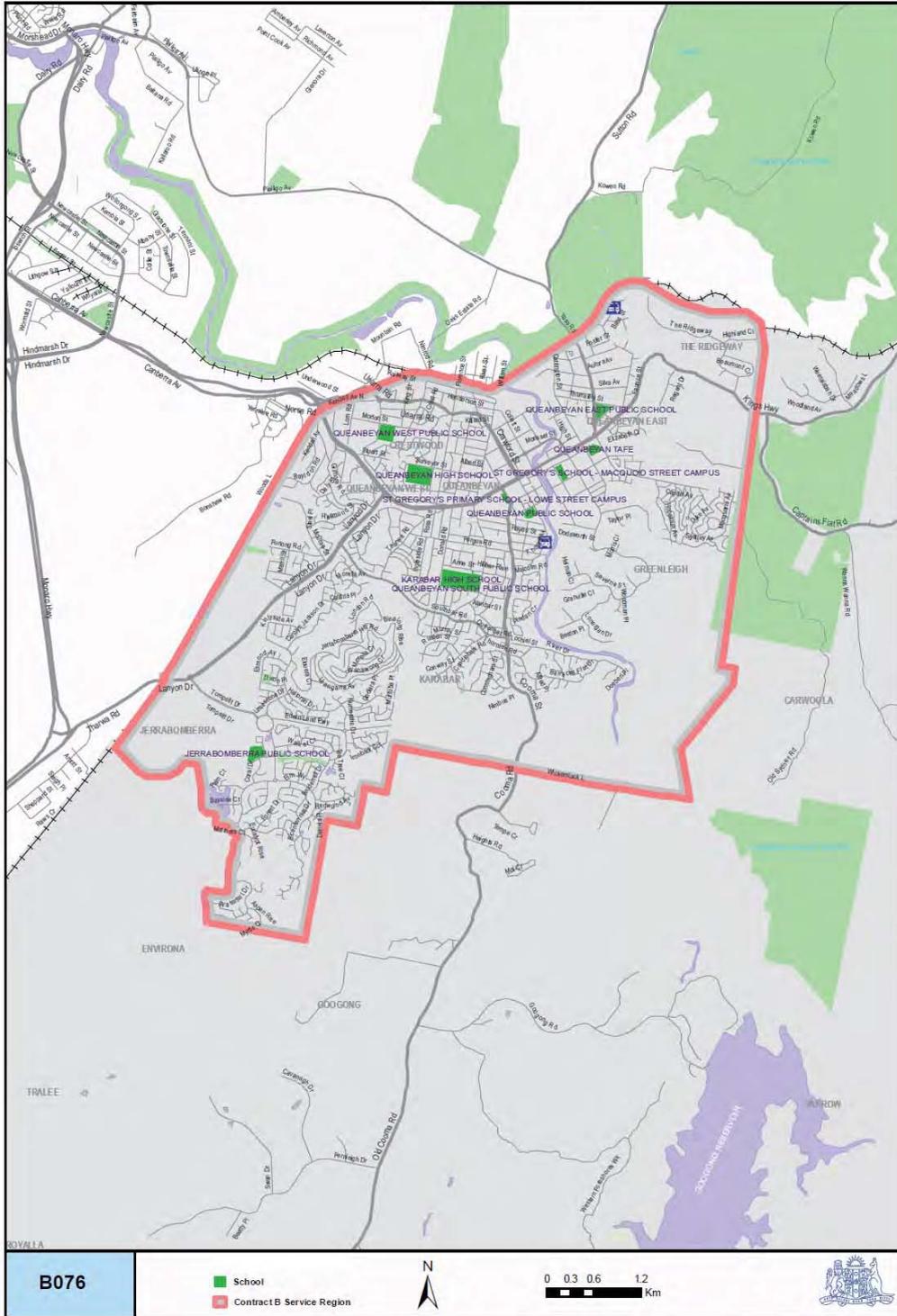


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Map 42: Port Macquarie

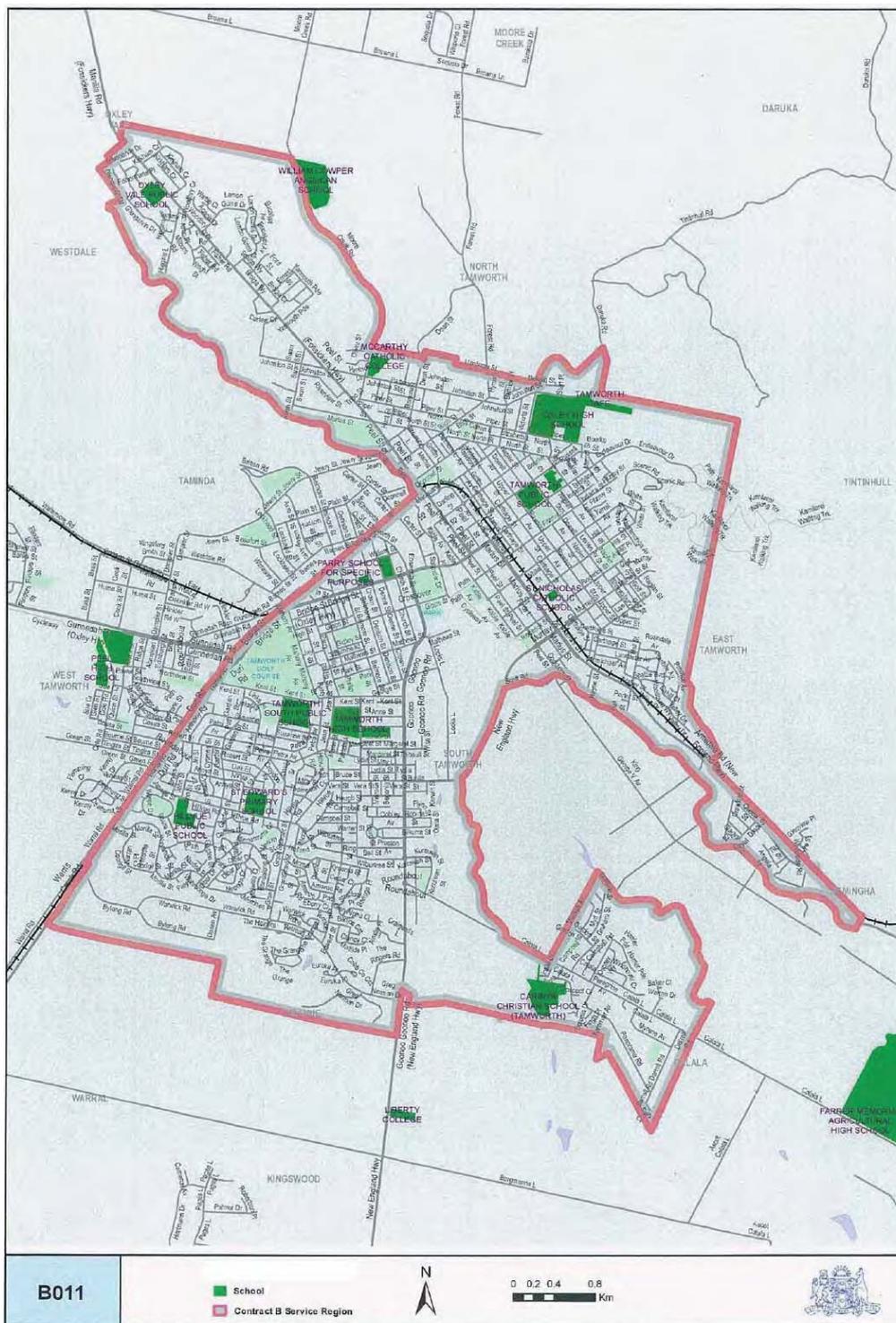


Map 43: Queanbeyan



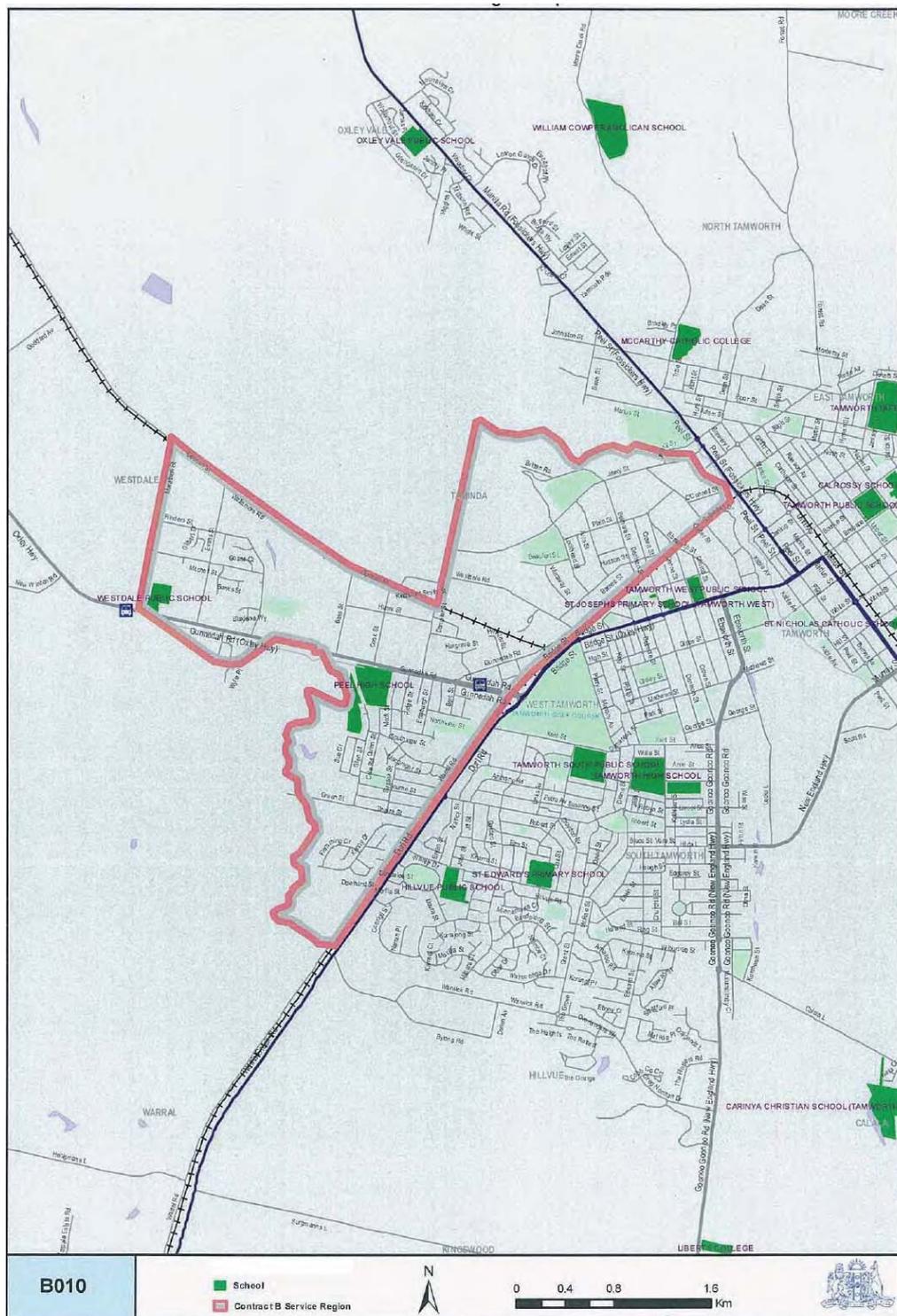
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Map 44: Tamworth (A)



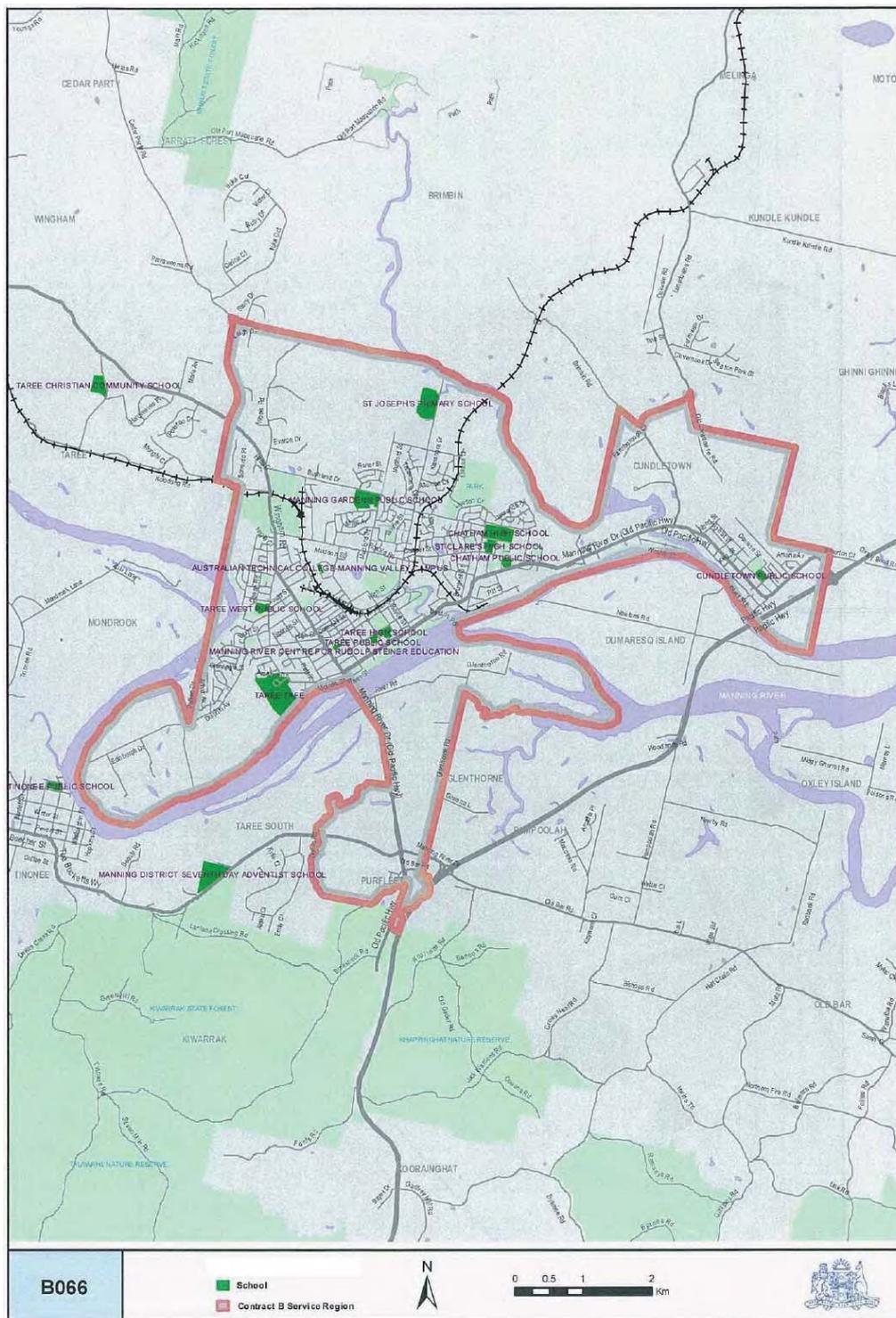
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Map 45: Tamworth (B)

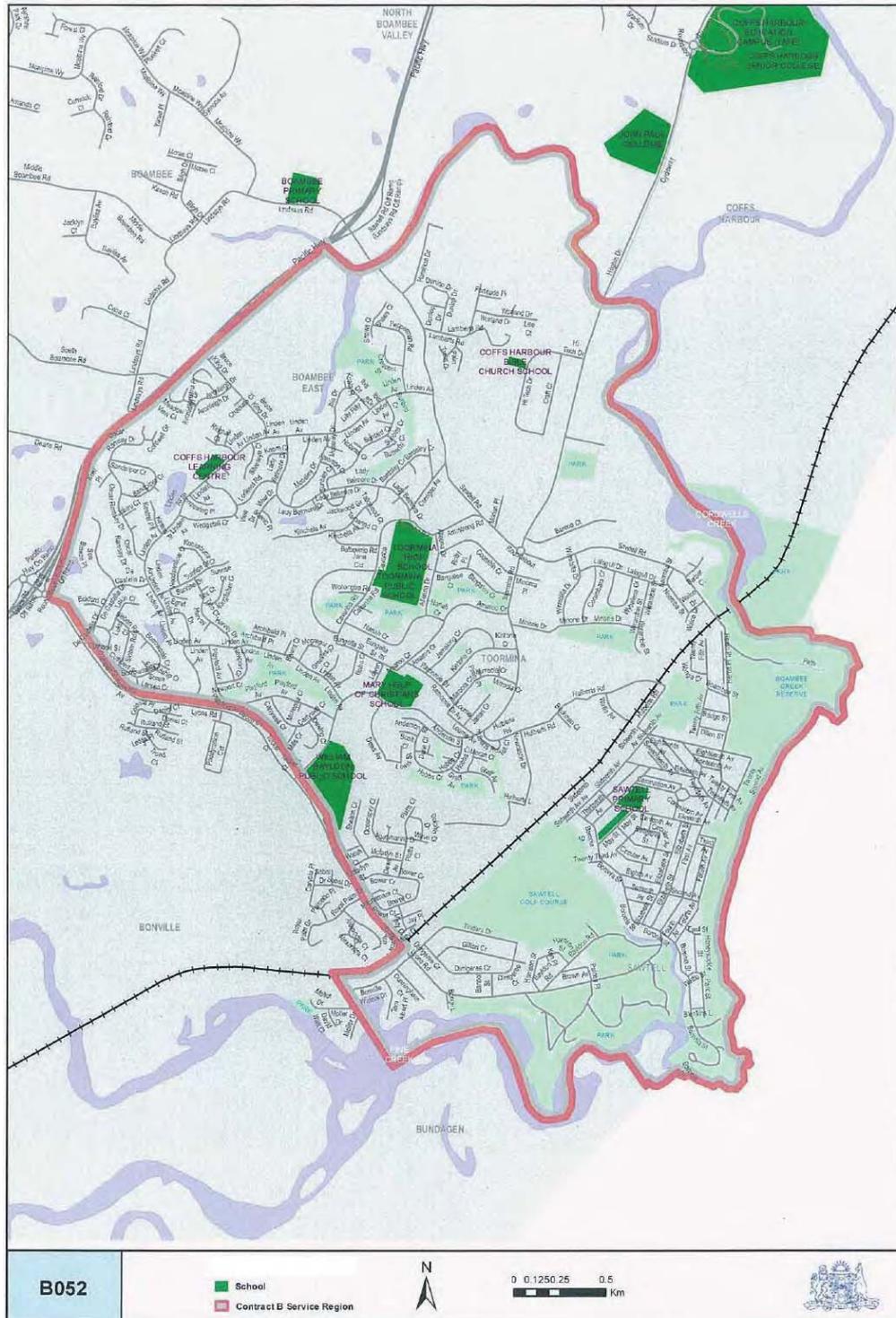


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Map 46: Taree

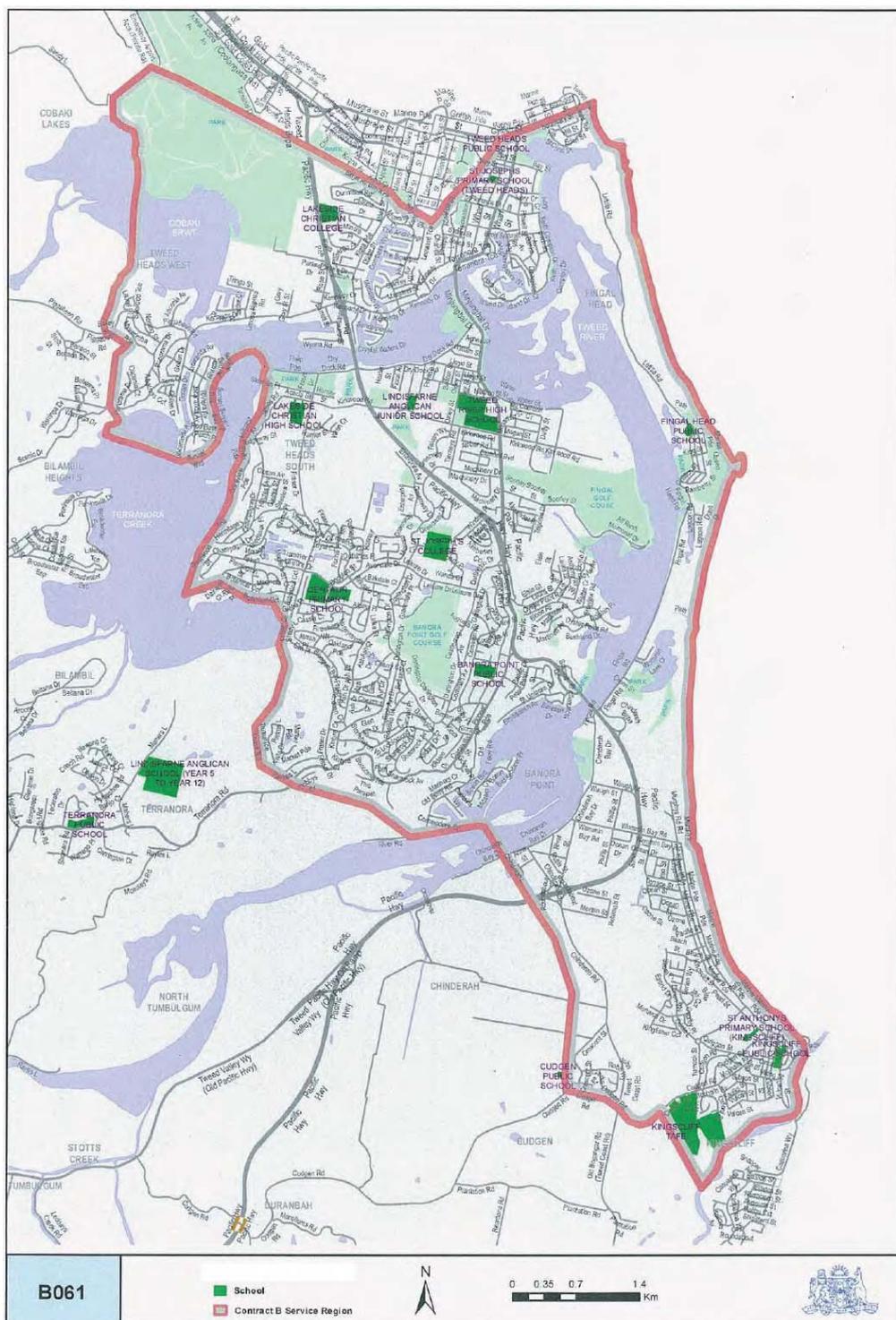


Map 47: Toormina - Sawtell

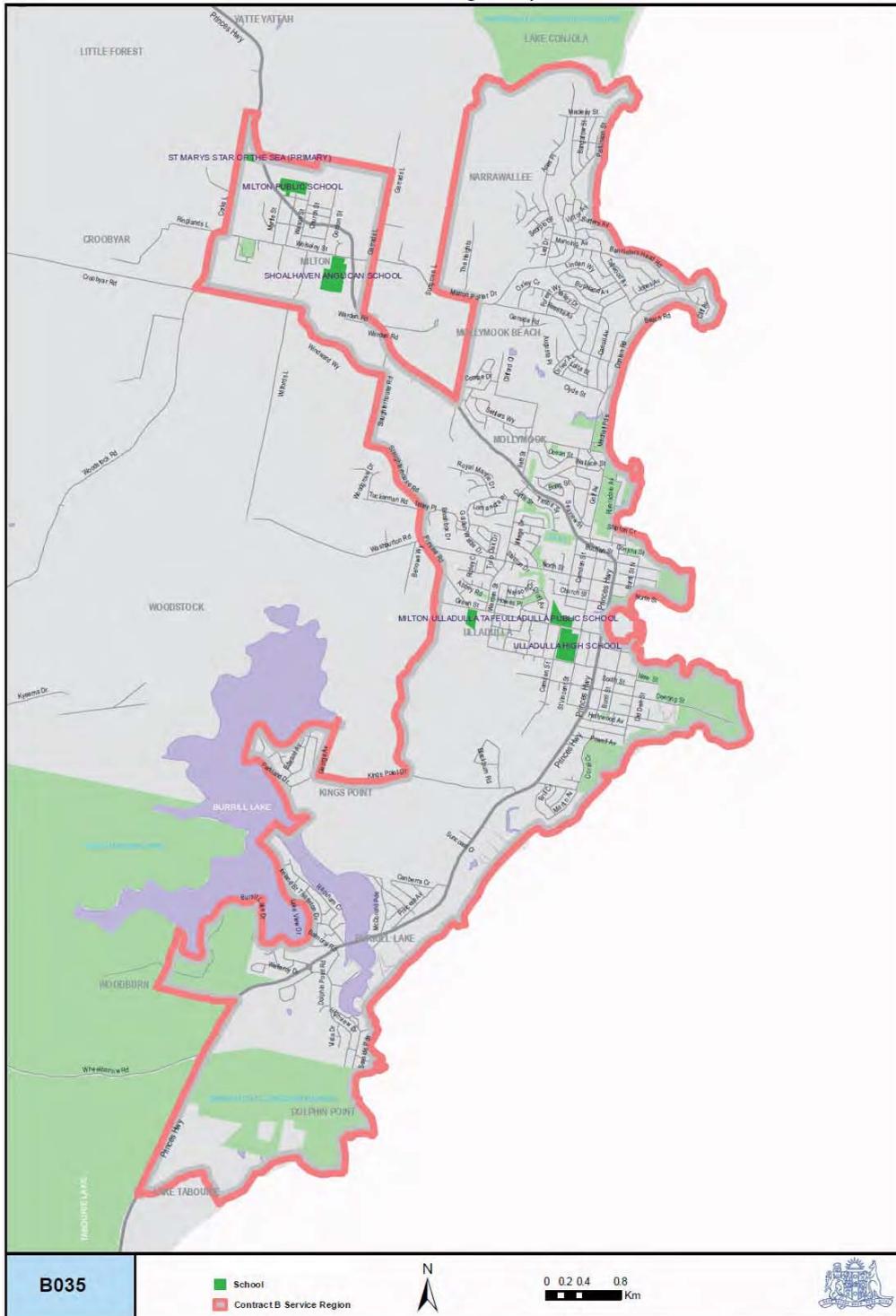


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Map 48: Tweed Heads - Banora Point

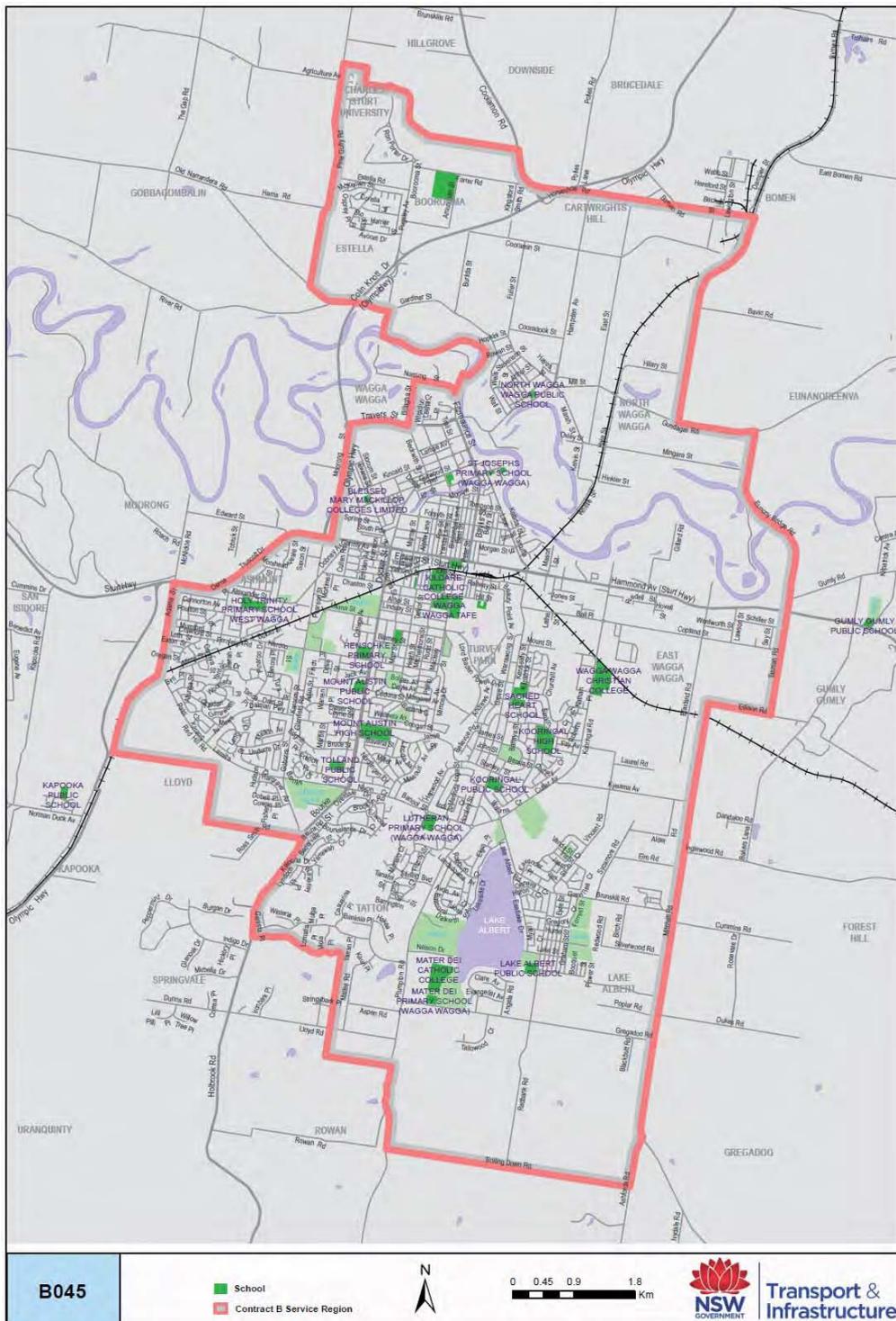


Map 49: Ulladulla - Milton

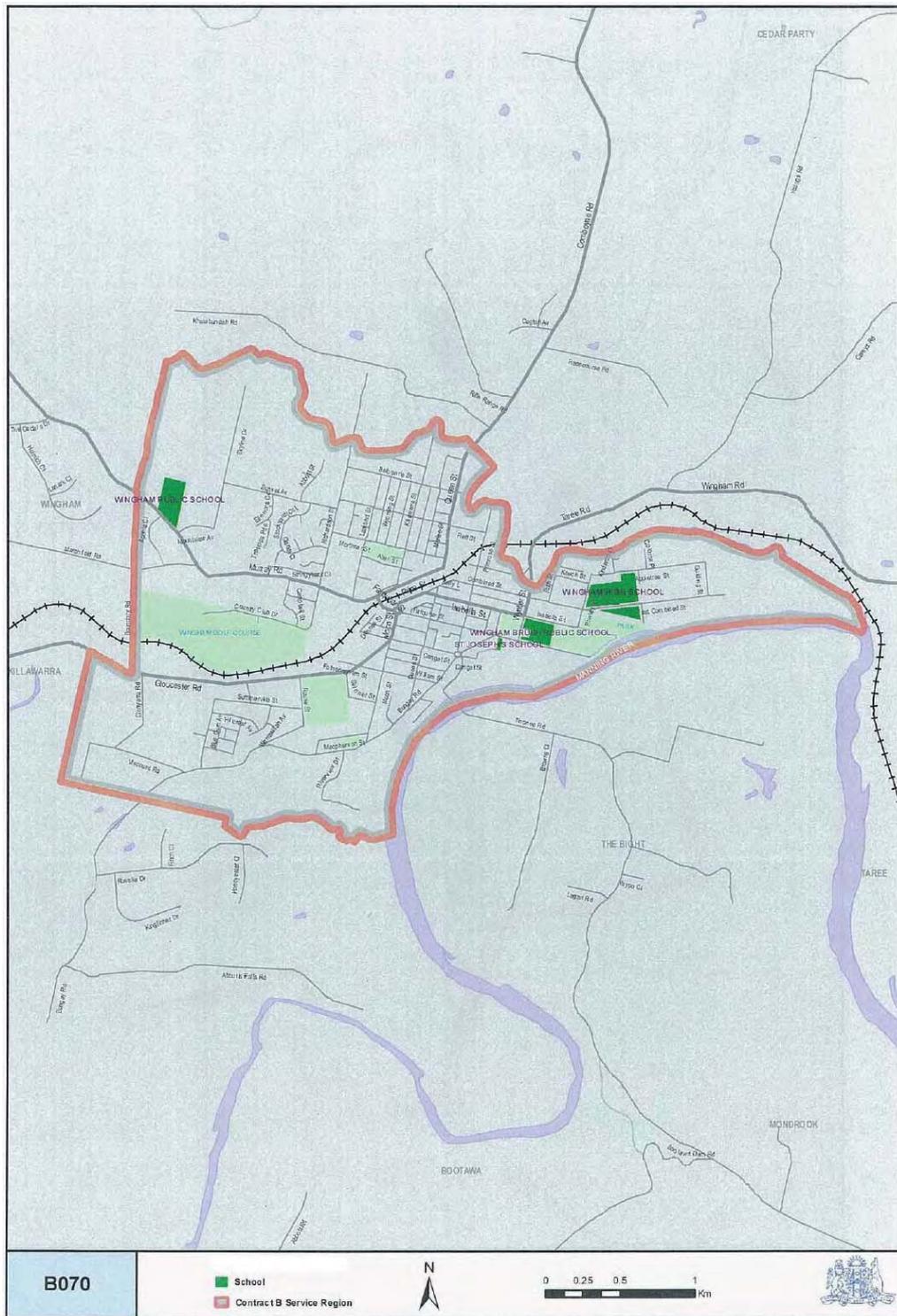


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Map 50: Wagga Wagga



Map 51: Wingham - Bungay





Major hazard facilities  
performance report  
2009/2010

WORK SAFE ▶ HOME SAFE

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This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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## 1. BACKGROUND

In 2008, the Independent Pricing and Regulatory Tribunal (IPART) was engaged to review the fees for major hazard facilities (MHFs) and recommend an equitable fee schedule sufficient to cover WorkCover's reasonable costs of administering Chapter 6B of the *Occupational Health and Safety Regulation 2001* (OHS Regulation). IPART recommended a fixed annual fee to cover all non-registration based costs and variable fees to cover all registration-based costs.

IPART's final report *Review of WorkCover's proposed fee schedule for regulating major hazard facilities*<sup>1</sup> (IPART Report) was released on 25 May 2009. The NSW Government accepted all recommendations in the report, including that WorkCover should publish annual measures of the MHF Team's performance (Recommendation 9), which forms the basis for this report.

Extract from IPART Report, 1.3 List of recommendations, page 4:

- 9 WorkCover should publish annual measures of the MHF Unit's performance including:
- statement of income and expenditure
  - outcome measures for each of the major drivers in the costing analysis used in this review to determine recommended fee levels (including number of MHFs, number of staff, revenue from base and variable fees and labour activity analysis for those fees)
  - statistics of written objections (if any) by MHF companies to costs charged by WorkCover or to time taken to complete work and indications of how objections were handled.

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## 2. INCOME AND EXPENDITURE

A summary of the MHF Team's income and expenditure for July 2009 to June 2010 is presented in Table 1 below.

Table 1: Summary of income and expenditure July 2009 to June 2010

	Q1 Jul – Sep09	Q2 Oct – Dec09	Q3 Jan – Mar10	Q4 Apr – Jun10	Total Jul09 – Jun10
Income	\$0	\$0	\$0	\$1,021,065	\$1,021,065
Expenditure	\$186,456	\$267,093	\$269,087	\$315,717	\$1,038,353
Operating result	(\$186,456)	(\$267,093)	(\$269,087)	\$705,348	(\$17,288)

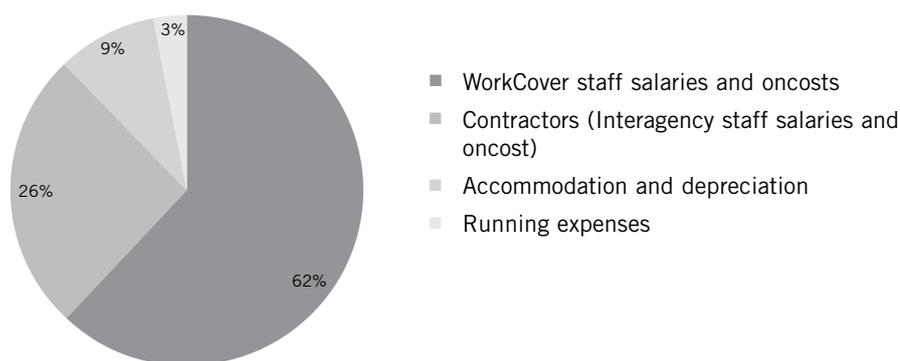
The operating result is considered to be immaterial and will not be recouped from MHF operators. It is anticipated that each year the operating result will be an immaterial amount, which may fluctuate either way. It is expected that over the years this will result in a balanced operating result.

<sup>1</sup> IPART's final report *Review of WorkCover's proposed fee schedule for regulating major hazard facilities* is available at [www.ipart.nsw.gov.au](http://www.ipart.nsw.gov.au)

A summary of expenditure for July 2009 to June 2010 is presented in Chart 1 below. Contractors include staff seconded to WorkCover's MHF Team from other agencies, including:

- NSW Police
- NSW Fire Brigades
- Department of Planning and
- Department of Environment, Climate Change and Water.

Chart 1: Major Hazard Facilities Team Expenditure July 2009 to June 2010



### 3. OUTCOME MEASURES FOR EACH OF THE MAJOR DRIVERS IN THE COSTING ANALYSIS

The following tables provide quarterly data on the outcome measures for each of the major drivers in the costing analysis used in the IPART Review to determine recommended fee levels. This includes the number of MHFs, number of staff, and revenue from base and variable fees.

Table 2: MHF provisional registrations and registrations

	Q1 Jul – Sep09	Q2 Oct – Dec09	Q3 Jan – Mar10	Q4 Apr – Jun10
Provisionally registered MHFs	45	45	43	41
Registered MHFs	–	–	–	–
Provisional registrations cancelled	–	–	2	2
Exemption requests	1	–	–	–

#### Notes to Table 2:

1. The exemption request sought an exemption from the major hazard facilities requirements. The exemption request was declined by WorkCover NSW on the basis that an exemption would mean not all relevant aspects of the MHF requirements would be complied with, such as safety management systems, safety report, emergency plan and security plan which aim to protect people both on-site and off-site from the risk of a major accident.
2. Two provisional registrations were cancelled in the third quarter. The first cancellation was due to Schedule 8 materials being reduced to levels below MHF threshold quantities. The second cancellation was due to all Schedule 8 materials being removed from the facility.
3. Two provisional registrations were cancelled in the fourth quarter, both due to Schedule 8 materials being reduced to levels below MHF threshold quantities.

Table 3: MHF Team establishment

Quarter 1	July 09	August 09	September 09
FTE	5.0	5.5	6.5
Quarter 2	October 09	November 09	December 09
FTE	7.0	7.0	7.0
Quarter 3	January 10	February 10	March 10
FTE	8.0	9.0	9.0
Quarter 4	April 10	May 10	June 10
FTE	9.0	9.0	8.5

**Notes to Table 3:**

1. The increase in FTE in the first quarter reflects the commencement of the Administration Officer in mid-August and an Inspector from NSW Police in mid-September.
2. The increase in FTE in the third quarter reflects the commencement of the Fire Brigades Officer and Department of Planning Officer in mid-January.
3. The decrease in FTE in the fourth quarter reflects the Senior Inspector leaving the MHF Team in mid-June.

Table 4: Revenue from MHF fees

	Q1 Jul – Sep09	Q2 Oct – Dec09	Q3 Jan – Mar10	Q4 Apr – Jun10	Total Jul09 – Jun10
Base fees	\$0	\$0	\$0	\$1,021,065	\$1,021,065
Variable fees	\$0	\$0	\$0	\$0	\$0

**Notes to Table 4:**

1. Base fees cover all non-registration costs. Charging of base fees occurs annually at the end of each financial year.
2. Variable fees cover all registration based costs. Charging of variable fees will occur at the end of each quarter and is expected to commence when registration activities commence in February 2012.
3. See Appendix A for definitions of base and variable fee activities.

## 4. COSTING ANALYSIS

### Base fees

The maximum base annual fee IPART recommended WorkCover charge to each facility for 2009/10 was \$39,100 per facility<sup>2</sup>. However, the actual amount charged was \$22,690 per facility.

The reduction in the base annual fee charged to MHFs was due to two main factors:

- The actual number of provisionally registered MHFs was higher than the number IPART based their fee calculations on in the IPART Report when calculating maximum fees, therefore reducing the amount charged per facility.
- The actual cost of WorkCover administering Chapter 6B of the OHS Regulations was materially lower than that which IPART estimated. This was due to an extension to the timeframes for submission of safety report plans and safety reports for registration, in response to industry feedback on the need for clear and practical guidance and sufficient time to complete those processes, once the guidance was available. This allowed for a deferral of recruitment of some MHF Team positions, given that assessment processes would be delayed to correspond to the new date for registration. As shown in Table 3, recruitment of staff to the MHF Team progressed with the FTE count increasing over the financial year from 5.0 FTE to 9.0 FTE. However by the end of the financial year, 7.0 FTE positions remained vacant. Three interagency staff positions were vacant due to lack of resources to second from the Department of Planning and Department of Environment, Water and Climate Change. Three MHF Team Inspector positions remained vacant due to one Inspector accepting a lateral transfer and lack of availability of WorkCover Inspectors with the appropriate skills and knowledge to recruit to the MHF Team. One Senior Safety Analyst position was vacant and under recruitment.

### Variable fees

Variable fees were not charged during 2009/2010.

The due date for operators of MHFs that were provisionally registered as at 1 August 2009 to submit registration documents is 28 February 2012. Therefore, commencement of the assessment of registration documents will not occur until January 2012, and so the first variable fee invoices will not be issued before the end of the January to March 2012 quarter.

<sup>2</sup> IPART Report p4: 1.3 List of recommendations – Recommendation 7.

## 5. LABOUR ACTIVITY ANALYSIS

Table 6 provides a comparison of the actual labour activity hours recorded by MHF Team members against the hours projected in the IPART Report for 2009/10. Labour activity categories are as provided in the IPART Report<sup>3</sup> and definitions are provided in Appendix A.

Table 6: Comparison of MHF Team actual labour activity hours to IPART Report projections

Labour activities	MHF Team actuals Jul09 – Jun10 (hours)	IPART projections Jul09 – Jun10 (hours)
Notification	1148.60	483.00
Provisional emergency plan assessment	50.00	1480.00
Provisional security plan assessment	–	1480.00
Safety report plan assessment	–	2220.00
Emergency plan assessment	–	4,200.00
Security plan assessment	–	4,200.00
Safety management system assessment	–	–
Safety report assessment	–	–
Post-Registration oversight	–	–
General advice and support	740.25	2023.00
Guidance material development	1279.00	1053.00
Research and development	777.00	385.00
Technical skills development	226.75	790.00
Non-chargeable work	7499.75	4,446.00
<b>TOTAL</b>	<b>11,721.00</b>	<b>22,760.00</b>

The main difference in MHF Team actual hours and projections provided in the IPART Report for assessment of provisional emergency plans, provisional security plans, safety report plans, emergency plans and security plans is due to the change in the MHF regulation timeline. On 26 November 2009, in response to industry concerns, WorkCover approved the extension of the due dates for submission of provisional registration and registration documents for MHFs that were provisionally registered as at 1 August 2009.

The aim of the extension was to ensure operators of MHF were provided with clear and practical guidance and assistance, particularly through greater involvement of staff from partner agencies. This was always the intention, but because of delays in finalising secondment arrangements, was not possible with the existing timeline. The extension also allowed operators sufficient time to complete their submissions to an acceptable standard. The new timeline meant that:

- submission of provisional emergency arrangements and provisional security arrangements was delayed until the end of the second and third quarters in 2009/10
- submission of safety report plans was delayed until August 2010
- submission of registration documents is now due by February 2012.

The projections provided in the IPART Report for these activities in 2009/10 do not take into account the changes to the MHF regulation timeline and therefore are not accurate.

<sup>3</sup> IPART Report p66: Table E.1 IPART Revised labour activity hours.

To ensure consistency within the MHF Team in tracking time against labour activities, specific definitions were developed (see Appendix A). If the work undertaken could not clearly be allocated to one of the activities, it was recorded under 'non-chargeable work'<sup>4</sup>. This resulted in a great deal of work being allocated to 'non-chargeable work', as reflected in Table 6. Non-chargeable work is not included in variable fee calculations but is a chargeable activity which is included in base fee calculations. Indicative activities which were included in this category include:

- recruitment activities for MHF Team and secondment of interagency staff
- development of internal MHF policies and procedures, including *Permissioning control framework acceptance criteria notification by major hazard facilities (MHFs), potential MHFs and other facilities, and registration of MHFs* and the technical and administrative procedures to support permissioning policies
- development of agreements with NSW Fire Brigades and NSW Police regarding simplified administrative arrangements for provisional emergency and security arrangement submissions
- executive and ministerial submissions on activities of the MHF Team, including recommendations to extend due dates for MHF submissions and removal of the requirement for potential MHFs to re-notify annually, as recommended by IPART<sup>5</sup>
- provision of information sessions on Safety Report Plans to operators of MHFs
- consultation with MHF operators regarding security and emergency requirements including site visits to all MHFs in metro and regional areas and provision of a presentation to industry on the NSW Police Strategic Plan for the development and assessment of security issues and concerns at MHFs
- registration of all MHFs on the NSW Police database 'Operate Communicate Act' (OCA)
- progression of the NSW Fire Brigades program to ensure comprehensive pre-incident planning (PIP) by all MHFs
- internal and external meetings including MHF Consultative Committee meetings
- input into drafting of national Work Health and Safety legislation
- dangerous goods advice and assistance to MHF operators
- enhancements to the MHF Database including time tracking and fee functions
- administrative requirements eg reporting, planning activities etc.

The other main focus was on development of guidance material, which included development and publication of the following WorkCover guides:

- *Provisional emergency arrangements for major hazard facilities: Guide* (Catalogue No. WC02246)
- *Provisional security arrangements for major hazard facilities: Guide* (Catalogue No. WC02379)
- *Developing a plan for the preparation of a safety report: A guide for major hazard facilities* (Catalogue No. WC02764)
- *Preparation of a safety report: A guide for major hazard facilities* (Catalogue No. WC02765)

<sup>4</sup> The IPART Report defines non-chargeable work as follows: 'Non-chargeable work includes such activities as travel time and planning activities etc.' p66.

<sup>5</sup> IPART Report p4: 1.3 List of recommendations – Recommendation 10.

Additionally, interagency staff seconded to the MHF Team were involved in development of MHF guidance material published by their home agencies as follows:

- The Inspector from NSW Police was involved in the development and publication of the NSW Police Security Handbook
- Negotiations commenced with the NSW Fire Brigades and Department of Planning on amendments to existing and draft emergency publications so they were appropriate guidance material for referral to MHF operators to meet Emergency Plan requirements under the OHS Regulation.

The labour activity 'notification' included evaluation of notifications submitted by MHFs and potential MHFs and review of compliance with information provided in response to conditions of provisional registration under clause 1750(1)(c). The difference in the MHF Team actual hours to the IPART Report projections is accounted for as follows:

- Review of notifications is a two-person procedure. A total of 335 notifications had been received by the end of financial year and the MHF Team had completed 100 per cent of first round reviews and 94 per cent of second round reviews.
- On review of notifications, the MHF Team found a majority of facilities did not provide all information required. This resulted in additional time following up with facilities with requests for information not provided in their notifications.
- The MHF Team also found that a number of facilities advised quantities of Schedule 8 materials which differed from those notified under Dangerous Goods legislation. This again required additional time to resolve the differences and clarify the correct amounts.
- Under conditions of provisional registration, 39 facilities received facility specific conditions requiring clarification of various information submitted with their notification.
- By the end of the financial year, the MHF Team had completed 31 per cent of reviews of compliance with information provided in response to conditions of provisional registration under clause 1750(1)(c).

The total time recorded against research and development is 777 hours. This is in line with commencement of officers from NSW Police, NSW Fire Brigades and Department of Planning in 2009/10, rather than in 2008/09, on which IPART had based their projections<sup>6</sup>.

The time recorded against 'general advice and support' was lower than projected, as the focus remained on finalising notification review and hence time was recorded against 'notification'. However, many of the activities recorded as 'non-chargeable work' had a significant advice and support component. 'General advice and support' included that provided to anyone requesting information related to MHF or MHF requirements, regardless of their status, or if they were part of the MHF regime.

Advice and support provided to MHF operators included the following:

- advice and support provided to facilities during the preparation of their provisional emergency and security arrangements and safety report plans
- general dangerous goods, OHS, explosives or other advice
- administrative tasks related to provisional registration or registration.

<sup>6</sup> IPART Report p23: Table 3.3 MHF Unit – Staffing proposed by WorkCover.

Technical skills development included hazard and operability study (HAZOP) training for MHF technical staff and general technical skill development of interagency staff as they commenced with the MHF Team.

Review of provisional emergency arrangement submissions commenced towards the end of the financial year following development of acceptance and assessment criteria. Review of provisional security arrangement submissions was put on hold to focus on development and publication of the NSW Police Security Handbook, to provide operators of MHFs with assistance in developing and implementing security plans. Review will commence in 2010/11 and feedback will be provided to operators.

When comparing the MHF Team actual total hours to the projections provided in the IPART Report, the difference can be explained by the staffing levels. At the start of the financial year, the MHF team had 5.0 FTE staff, which increased to 8.0 FTE by the end of the year. In the IPART Report, the projected labour activity hours are calculated based on 15 FTE<sup>7</sup>. The difference provides an explanation as to why the total actual time for 2009/10 is approximately half of that projected in the IPART Report.

## **6. STATISTICS OF WRITTEN OBJECTIONS (IF ANY) BY MHF COMPANIES TO COSTS CHARGED BY WORKCOVER OR TO TIME TAKEN TO COMPLETE WORK AND INDICATIONS OF HOW OBJECTIONS WERE HANDLED**

Written objections received in 2009/10 include:

- objections to costs charged by WorkCover: 1
- objections to time taken to complete work: nil

One written objection was opposed to full cost recovery, believing it to be *'a major burden on NSW industry which will impede competition, productivity, investment and innovation.'* Additional concerns included whether the variable fee would be capped, and if the Government accepted all recommendations in the IPART Report to costs charged by WorkCover.

The complainant was advised that the NSW Government had accepted all recommendations in the IPART Report. The response also highlighted that the fee charged for 2008/09 was less than half the maximum fee recommended by IPART, reflecting IPART's statement that *'Lower fees could be applied during the course of the current fee setting period in the event that actual costs are materially lower than those that IPART has estimated'*. The complainant was also advised that IPART considered and rejected capped variable fees.

Additional to the objection to costs received, two facilities objected to the 14 day period for invoice payments as being too short. WorkCover will reassess the payment timeframe prior to issuing invoices to MHFs for 2009/10 annual fees.

<sup>7</sup> IPART Report p23: Table 3.3 MHF Unit – Staffing proposed by WorkCover.

## APPENDIX A: BASE AND VARIABLE FEE ACTIVITIES

### 1. Base fee activities

Base fees are charged annually to provisionally registered or registered MHFs and cover all non-registration based costs. The annual base fee is only charged to MHFs, however the base fee activities relate to any facility registered in the MHF Database ie who submitted a MHF Notification form, regardless of their status.

Base fee activities are the non-registration activities accounted for in the base fee charged annually (based on the IPART Report)<sup>8</sup>.

There are two groupings of base fee activities – general and facility-related. Following are definitions of the activities.

Table 1: Definitions of facility-related activities

Activity	Definition
Notification	Any facility specific work or advice and support regarding Notification (any facility in our database, regardless of status) including review of facility specific provisional registration condition information.
Provisional Emergency Plan assessment	Any facility specific work or advice and support during assessment of Provisional Emergency arrangements.
Provisional Security Plan assessment	Any facility specific work or advice and support during assessment of Provisional Security arrangements.
Safety Report Plan assessment	Any facility specific work or advice and support during assessment of Safety Report Plan.
Post-Registration oversight	Any facility specific work or advice and support following full registration.
General advice and support	<ol style="list-style-type: none"> <li>1. Any advice and support you give to a facility, regardless of their status, which doesn't fall under one of the categories above, including: <ol style="list-style-type: none"> <li>a. general dangerous goods, occupational health and safety, explosives or other advice</li> <li>b. advice and support provided to a facility during the preparation of their Provisional Emergency and Security arrangements or Safety Report Plan ie prior to submission</li> <li>c. advice and support provided to a facility during the preparation of their Emergency Plan, SMS, Safety Report or Security Plan ie prior to submission.</li> </ol> </li> <li>2. Administrative work related to provisional registration or registration.</li> </ol>

<sup>8</sup> IPART Report p66: Table E.1 IPART Revised labour activity hours.

Table 2: Definitions of general activities

Activity	Definition
General advice and support	General advice and support related to MHF or MHF requirements given to anyone other than a facility listed in the MHF Database.
Guidance material development	Time spent on development and maintenance of MHF guidance material.
Technical skill development	Technical training, conferences, seminars, workshops etc related to MHF issues.
Research and development	General research, reading etc related to MHF issues.
Non-chargeable work	Everything else that is part of being in WorkCover – dangerous goods advice and assistance, travel time, planning sessions, meetings, administrative requirements eg motor vehicle running sheets, mobile phone bills, flex sheets etc.

## 2. Variable fee activities

Clause 175P of the OHS Regulation requires operators of MHFs in NSW to submit the following documents to WorkCover during the registration stage:

- application for registration
- security plan
- emergency plan
- safety report (including safety management system information).

The IPART Report lists assessment of these registration documents as activities for which costs are to be recovered by the variable fee.

Extract from IPART Report, page 39:

<p>The following costs are to be recovered by the recommended variable fee:</p> <ul style="list-style-type: none"> <li>▼ Fit and proper person assessment.</li> <li>▼ Emergency Plan assessment.</li> <li>▼ Security Plan assessment.</li> <li>▼ Safety Management System assessment.</li> <li>▼ Safety Report assessment<sup>64</sup>.</li> </ul>
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MHFs operators will be charged variable fees quarterly. The amount will be calculated based on the time spent on registration activities for their facility. Following are definitions of the activities.

Table 3: Definitions of variable fee activities

Activity	Definition
Fit and proper person assessment	Any facility specific work or advice and support during assessment of fit and proper person.
Emergency Plan assessment	Any facility specific work or advice and support during assessment of Emergency Plan.
Security Plan assessment	Any facility specific work or advice and support during assessment of Security Plan.
Safety Management System assessment	Any facility specific work or advice and support during assessment of Safety Management System.
Safety Report assessment	Any facility specific work or advice and support during assessment of Safety Report.



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**WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION (INJURY  
MANAGEMENT CONSULTANTS)  
ORDER 2011**

**under the Workplace Injury Management and Workers Compensation Act 1998**

I, LISA HUNT, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Workplace Injury Management and Workers Compensation (Injury Management Consultants)  
Order 2011**

**Part 1 Preliminary**

**1. Name of Order**

This order is the *Workplace Injury Management and Workers Compensation (Injury Management Consultants) Order 2011*.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this order:

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

**GST** means the goods and services tax payable under the GST Law; and

**GST Law** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

**Injury management consultant** is a medical practitioner appointed by the WorkCover Authority under section 45A of the Act to perform the functions as outlined in the *Guidelines on injury management consultants (2011)*.

**Medical practitioner** means a person registered under the *Health Practitioner Regulation National Law (NSW) No 86a* in the medical profession, who is appointed by the WorkCover Authority of New South Wales as an injury management consultants under s45A of the Act.

#### 4. Application of order

This Order applies to an examination or report provided on or after the commencement date of this Order, whether it relates to an injury received before, on or after that date.

### Part 2 Fees for injury management consultants

#### 5. Fees for injury management consultants

- a) For the purposes of section 339 of the Act, the maximum hourly fee for the provision of services by an injury management consultant in respect of the provision of any report for use in connection with a claim for compensation or work injury damages and an appearance as a witness in proceedings before the Workers Compensation Commission or a court in connection with a claim for compensation or work injury damages is as set out in Schedule 1; and
- b) An injury management consultant may not charge for more than 3 hours of work in the absence of express written agreement from the relevant insurer or the Workers Compensation Commission.
- c) An injury management consultant may charge a cancellation fee specified in item IIN 106 where a worker provides 2 days' notice of cancellation.
- d) An injury management consultant may charge a cancellation fee specified in item IIN 107 where a worker provides less than 2 days' notice of cancellation or fails to attend their scheduled appointment without notice.
- e) An injury management consultant's report is to be provided to the referrer within 10 working days of the examination, or in the case where no examination has been conducted, within 10 working days of the request having been received, or within a different timeframe if agreed between the parties.

#### 6. GST

An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit a Medical Practitioner to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

### Schedule 1

#### Rates for injury management consultants

Payment Classification Code	Service description	Fee
IIN 105	Assessments, examinations, discussions and report	\$276.00 per hour to a maximum of 3 hours unless authorised by the insurer or Workers Compensation Commission.
IIN 106	Cancellation with 2 days notice	\$138.00
IIN 107	Cancellation with less than 2 days notice or non attendance at scheduled appointment	\$276.00

**WORKERS COMPENSATION (MEDICAL PRACTITIONER FEES)  
ORDER 2011**

**under the Workers Compensation Act 1987**

I, LISA HUNT, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 61 (2) of the *Workers Compensation Act 1987*.

Dated this 14 day of December, 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a medical practitioner is one of the categories of medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a medical practitioner of an injured worker's work-related injury.

The effect of the Order is to prevent a medical practitioner from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

The Order does not apply to services provided by a specialist surgeon.

The Order adopts the *List of Medical Services and Fees* published by the Australian Medical Association (AMA). To bill an AMA item, a medical practitioner must be confident that they have fulfilled the service requirements as specified in the item descriptor. Where a comprehensive item is used, separate items should not be claimed for any of the individual items included in the comprehensive service.

To bill an AMA item number a medical practitioner must be confident they have fulfilled the service requirements as specified in the item descriptor. Where a comprehensive item number is used, separate items should not be claimed for any of the individual items included in the comprehensive service.

The incorrect use of AMA items can result in penalties, including the medical provider being asked to repay monies to WorkCover that the provider has incorrectly received

**Workers Compensation (Medical Practitioner Fees) Order 2011**

**1. Name of Order**

This Order is the *Workers Compensation (Medical Practitioner Fees) Order 2011*

**2. Commencement**

This Order commences on 1 January 2011.

### 3. Definitions

In this Order:

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

**After hours services** applies in an emergency where the clinic is not normally open at that time, and urgent treatment is provided. This fee is not to be utilised in the situation where a consultation is conducted within the advertised hours of a clinic.

**AMA list** means the document entitled *List of Medical Services and Fees* published by the Australian Medical Association and dated 1 November 2010.

**Assistant at operation** means a medical practitioner, but only where an assistant's fee is allowed for in the Commonwealth Medical Benefits Schedule, or where indicated in the WorkCover Order or approved in advance by the insurer. An assistant fee may only be applicable for surgical procedures EA010 to MY115.

In accordance with NSW health policy (File No. C17061), assistant fees cannot be charged for WorkCover cases performed in a public hospital when the assistant is a registrar. If the registrar is on rotation to an approved private hospital training rotation, the relevant assistant fee may be charged. Payment of these fees is to be directed into a hospital or departmental trust fund account and the invoice should include details of this account. Workcover reserves the right to conduct an audit of assistant fee payments to ensure their proper distribution into the named trust fund.

**GST** means the goods and services tax payable under the GST Law; and

**GST Law** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**Medical practitioner** means a person registered under the *Health Practitioner Regulation National Law (NSW) No 86a* in the medical profession who is not a Specialist Surgeon.

**Specialist surgeon** means a medical practitioner who holds a fellowship of the Royal Australian College of Surgeons.

### 4. Application of Order

This Order applies to treatment provided on or after the commencement date of this Order, whether it relates to an injury received before, on or after that date.

### 5. Maximum fees for medical practitioners

- (1) This clause applies to medical and related treatment provided by a medical practitioner in respect of which a fee is specified in the AMA List, except:
  - (a) Medical services identified in the AMA List by AMA numbers AC500, AC510, AC520, AC530, AC600 and AC610 (Professional Attendances by a Specialist), if these medical services are provided by a specialist surgeon;
  - (b) Medical services identified in the AMA List by AMA Numbers EA010 to MZ705 (Surgical Operations) if these medical services are provided by a specialist surgeon;
  - (c) Medical services identified in the AMA List by AMA Number MZ900 (assistant surgeon's fee);

- (d) Medical services identified in the AMA List by AMA numbers OP200, OP210 and OP220 (magnetic resonance imaging – MRI).
- (2) The maximum amount payable for magnetic resonance imaging (MRI) is \$700 for a single region or two contiguous regions, and \$1050 for more than two contiguous regions.
- (3) The maximum amount payable for a medical certificate is \$20.00.
- (4) The maximum hourly rate payable to a General Practitioner is \$ 234.00. The maximum hourly rate payable to a specialist is \$324.00. The hourly rate may cover, for example, case conferences, visits to worksites and additional reports requested from treating doctors. These should be billed under the WorkCover payment classification code WCO002.
- (5) The maximum fee for providing copies of medical records (including specialists notes and reports) is \$30 (for 33 pages or less) and an additional \$1.00 per page if more than 33 pages.
- (6) Subject to subclauses (1), (2), (3), (4), (5), and clause 7 (Nil fee for certain medical services), the maximum amount for which an employer is liable under the Act for any claim for medical or related treatment to which this clause applies is the fee listed, in respect of the medical or related treatment concerned, in the AMA List.

## 6. Specialist consultations

The initial specialist consultation fee includes the first consultation and report to the referring general practitioner copied to the insurer.

The report will contain:

- The patient's diagnosis and present condition
- The patient's likely fitness for pre-injury work or alternate duties
- The need for treatment or additional rehabilitation; and
- Collateral conditions that are likely to impact on the management of the worker's condition (in accordance with privacy considerations)

Additional reports requested that do not relate to the routine management of a worker's injury and are not required as part of a dispute or potential dispute should be billed under WCO002 and at a rate of \$324.10/hour (plus GST) for specialists. . If the report is requested as part of a current or potential dispute, then the *Workplace Injury Management and Workers Compensation (Medical Examination and Reports) Order 2011* applies.

## 7. Nil fee for certain medical services

The AMA List includes items that are not relevant to medical services provided to injured workers. As such, the fee set for the following items is nil:

- (a) General practitioner - Urgent attendances after hours items (Medical services identified in the AMA List by AMA number AA007)

- (b) All time based General Practitioner fees items (Medical services identified in the AMA List by AMA numbers AA190 – AA320)
- (c) Enhanced primary care items (Medical services identified in the AMA List by AMA numbers AA501 – AA850)
- (d) Telehealth items (Medical services identified in the AMA List by AMA numbers AP050 – AP105)

**8. GST**

An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit a medical practitioner to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

**WORKERS COMPENSATION  
(ORTHOPAEDIC SURGEON FEES) ORDER 2011**

**under the Workers Compensation Act 1987**

I, LISA HUNT, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 61 (2) of the *Workers Compensation Act 1987*.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a medical practitioner who is an orthopaedic surgeon is a medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by an orthopaedic surgeon of an injured worker's work-related injury.

The effect of the Order is to prevent an orthopaedic surgeon from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

The Order adopts the items listed as Orthopaedic Procedures in the *List of Medical Services and Fees* published by the Australian Medical Association (AMA).

To bill an AMA item number a surgeon must be confident they have fulfilled the service requirements as specified in the item descriptor. Where a comprehensive item number is used, separate items should not be claimed for any of the individual items included in the comprehensive service.

Where only one service is rendered, only one item should be billed. Where more than one service is rendered on one occasion of service, the appropriate item for each discrete service may be billed, provided that each item fully meets the item descriptor. Where an operation comprises a combination of procedures which are commonly performed together and for which there is an AMA item that specifically describes the combination of procedures then only that item should be billed. The invoice should cover the total episode of treatment.

All surgical invoices must be accompanied by a detailed operation report clearly outlining the mechanism of injury, intra-operative findings and the procedures performed.

The incorrect use of AMA items can result in penalties, including the medical provider being asked to repay monies to WorkCover that the provider has incorrectly received.

**Workers Compensation (Orthopaedic Surgeon Fees) Order 2011**

**1. Name of Order**

This Order is the *Workers Compensation (Orthopaedic Surgeon Fees) Order 2011*.

## 2. Commencement

This Order commences on 1 January 2011.

## 3. Definitions

In this Order (including Schedule A):

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

**Aftercare visits** has the same meaning as in the AMA List and is covered by the surgical procedure fee during the first six weeks following the date of surgery or until wound healing has occurred. However, unrelated visits or incidental reasons for visits that are not regarded as routine aftercare should be explained with accounts rendered. The consulting surgeon will issue a "certificate" detailing the worker's fitness for work and anticipated after-care on discharge from hospital or after the first post injury consultation.

**After hours consultations** means call-outs to a public or private hospital or a private home for urgent cases before 8.00am or after 6:00pm. This fee is not to be utilised where a consultation is conducted for non-urgent cases outside of these hours.

**Assistant at operation** means a medical practitioner, but only where an assistant's fee is allowed for in the Commonwealth medical benefits schedule, or where indicated in the WorkCover schedule or approved in advance by the insurer. An assistant fee may only be applicable for surgical procedures EA010 to MY115.

In accordance with NSW health policy (File No. C17061), assistant fees cannot be charged for WorkCover cases performed in a public hospital when the assistant is a registrar. If the registrar is on rotation to an approved private hospital training rotation, the relevant assistant fee may be charged. Payment of these fees is to be directed into a hospital or departmental trust fund account and the invoice should include details of this account. Workcover reserves the right to conduct an audit of assistant fee payments to ensure their proper distribution into the named trust fund.

**AMA list** means the document entitled *List of Medical Services and Fees* published by the Australian Medical Association and dated 1 November 2010.

**Extended initial consultation** means a consultation involving significant multiple trauma or complex "red flag" spinal conditions (systemic pathology, carcinoma, infection, fracture or nerve impingement) involving a lengthy consultation and extensive physical examination.

**GST** means the goods and services tax payable under the GST Law; and

**GST Law** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**Initial consultation and report** covers the first consultation and the report to the referring General Practitioner and insurer.

The report will contain:

- the patient's diagnosis and present condition;
- the patient's likely fitness for pre-injury work or for alternate duties;
- the need for treatment or additional rehabilitation; and
- collateral conditions that are likely to impact on the management of the worker's condition (in accordance with privacy considerations).

Receipt of this information and "certificates" post treatment will provide sufficient information for insurers, employers and rehabilitation providers to develop management plans.

**Instrument fee** covers procedures where the surgeon supplies all the equipment or a substantial number of specialised instruments in exceptional circumstances and must be justified. This fee does not apply for all operations or if only incidental instruments (non critical) are supplied by the surgeon. Routine items such as loupes are not included.

**Medical practitioner** means a person registered under the *Health Practitioner Regulation National Law (NSW) No 86a* in the medical profession.

**Multiple operations or injuries** refers to situations that require two or more operations or for the treatment of two or more injuries carried out at the same time. The fee for the main operation or injury is to be paid in full as per Schedule A and 75% of the charge specified in Schedule A for each additional operation or injury is payable, unless specifically listed in the Schedule as a multiple procedure item.

**Opinion on file request** includes retrieval of a file from whatever source, reading time, and reporting where a request for such an opinion has been made in writing to the orthopaedic surgeon by the insurer/lawyer. Fees for this service will not be pre-paid in whole or part.

**Orthopaedic procedures** are those listed in the AMA list but do not include the cost of bandages, dressings, plaster of Paris bandages, splints, metallic fixation agents, and prosthetic implants which may be charged in addition to the fee set out in the Schedule A, if purchased by the surgeon. The fee for orthopaedic procedures includes aftercare visits.

**Orthopaedic surgeon** means a medical practitioner who is currently a Fellow of the Australian Orthopaedic Association or who is recognised by Medicare Australia as a specialist in orthopaedic surgery. It includes an orthopaedic surgeon who is a staff member at a public hospital providing services at the hospital.

**Revision surgery** refers to a procedure carried out to correct earlier surgery. This attracts a fee of 50% of the amount for the principal procedure in the initial surgery and the fee payable for the new procedure, except where the new procedure is specified as a revision procedure in the AMA list.

**Subsequent consultation** is a consultation not included in the normal aftercare that applies following surgery. The cost of the latter is included in the fee for the orthopaedic procedure.

#### 4. Application of Order

This Order applies to treatment provided on or after the commencement date of this Order, whether it relates to an injury received before, on or after that date.

#### 5. Maximum fees for treatment by orthopaedic surgeon

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by an orthopaedic surgeon, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 3 of that Schedule.
- (2) A fee charged by an orthopaedic surgeon for a patient's treatment (including the management of fractures and other conditions) will be in addition to the fee in Schedule A for the original examination and report.

#### 6. Billing items for hand surgery (Schedule B)

Schedule B provides guidelines for billing items used in hand and wrist surgery only:

Table 1 details items that are not applicable to hand surgery procedures.

Table 2 details items with restricted application for hand surgery and where clinical justification is required that they are reasonably necessary given the circumstances of the case.

## 7. GST

An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit a medical practitioner to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

### Schedule A Maximum fees for orthopaedic surgeon

Item	Column 1 Type of service	Column 2 AMA Item(s)	Column 3 Maximum amount
<u>Consultations</u>			
1.	Initial consultation and report	AC500 (MBS 104)	\$270.00
2.	Extended initial consultation and report	AC500 (MBS104)	\$372.00
3.	Subsequent consultation	AC510 (MBS 105)	\$186.00
4.	After hours consultation		\$156.00 in addition to consultation fee
<u>Procedures</u>			
5.	Orthopaedic procedures	ML005 (MBS 46300) to MY115 (MBS 50130)	150% of AMA Schedule
6.	Instrument fee	WCO003	\$186.00
7.	Assistant at operation	MZ900	\$312.00 or 20% of the fee for surgical procedures where the assistant fee applies, whichever is greater
8.	Multiple operations or injuries		Primary operation is to be paid in full, and additional operations at 75% of scheduled fee
9.	Aftercare visits		As per AMA Schedule

Insurer/lawyer requests

10	Opinion on file request	\$186.00
11.	Telephone requests	\$36.00 per 3-5 minute phone call
12.	Lost reports and reprints	\$126.00 per report
13.	Treating Specialist Report (where additional information that is not related to the routine injury management of the patient, is requested by either party to a potential or current dispute)	Please refer to the <i>Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2011 Schedule 2</i>
14.	Fees for providing copies of clinical notes and records	Please refer to the <i>Workers Compensation (Medical Practitioners Fees) Order 2011 – Section 5(5)</i>

**Schedule B - Billing items used in hand surgery****Table 1: Item numbers and descriptors no longer applicable to hand surgery procedures**

CMBS item code	AMA item code	Descriptor	Reason for decline
Nil	CV233  CV082	INJECTION OF AN ANAESTHETIC AGENT, ulnar, radial or median nerve of main trunk, one or more of, not being associated with a brachial plexus block  MINOR NERVE BLOCK (specify type) to provide post operative pain relief (this does not include subcutaneous infiltration)	The MBS does not allow a claim for nerve blocks performed as a method of postoperative analgesia. Infiltration is included in both the anaesthetic schedule AND in the surgical item number fee if performed by the surgeon. This item can only be used in circumstances where a formal nerve block is performed by the surgeon as the only form of anaesthesia and no charge is raised for another anaesthetic service.
45051	MG540	CONTOUR RECONSTRUCTION for pathological deformity, insertion of foreign implant (non biological but excluding injection of liquid or semisolid material) by open operation	This relates to the insertion of foreign implant for pathological deformity by an open operation i.e. facial reconstruction and was not intended for usage in hand surgery.
45445	MH480	FREE GRAFTING (split skin) as inlay graft to 1 defect including elective dissection using a mould (including insertion of and removal of mould)	The appropriate item number is 45448, MH490.
47954	MR170	TENDON, repair of, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.

47966	MR210	TENDON OR LIGAMENT TRANSFER, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
47969	MR220	TENOSYNOVECTOMY, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
47972	MR230	TENDON SHEATH, open operation for teno-vaginitis, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
48403	MS015	PHALANX OR METATARSAL, osteotomy or osteectomy of, with internal fixation	This item is from the orthopaedic group of item numbers and relates to foot surgery only. There already exist appropriate item numbers in the hand surgery section.
50103	MY015	JOINT, arthrotomy of, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
50104	MY025	JOINT, synovectomy of, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
50109	MY045	JOINT, arthrodesis of, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
50127	MY105	JOINT OR JOINTS, arthroplasty of, by any technique not being a service to which another item applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
60506	OF820	FLUOROSCOPY using a mobile image intensifier, in conjunction with a surgical procedure lasting less than 1 hour, not being a service to which another item in this table applies (R)	This item cannot be claimed for use of image intensification when operated by the surgeon in the absence of a radiographer.
60509	OF824	FLUOROSCOPY using a mobile image intensifier, in conjunction with a surgical procedure lasting 1 hour or more, not being a service associated with a service to which another item in this table applies (R)	This item cannot be claimed for use of image intensification when operated by the surgeon in the absence of a radiographer.
	900001	Workcover certificate	This is for general practitioners and not treating specialists.

Table 2: Item numbers with restricted application for hand surgery – clinical justification required

CMBS item code	AMA item code	Descriptor	Clinical indication
105	AC510	Each attendance SUBSEQUENT to the first in a single course of treatment	Follow up consultations will not be paid within the 6 week period following a procedure as this is included in normal aftercare.
30023	EA075	WOUND OF SOFT TISSUE, traumatic, deep or extensively contaminated, debridement of, under general anaesthesia or regional or field nerve block, including suturing of that wound when performed (Assist.)	This item applies to heavily contaminated wounds and removal of devitalized tissue in deep wounds. The majority of clean lacerations in acute hand injuries will attract item number EA095/30029. Debridements are also not applicable when removing percutaneous wire fixation. There will be a limit of one debridement per digit.
30029	EA095	SKIN AND SUBCUTANEOUS TISSUE OR MUCOUS MEMBRANE, REPAIR OF WOUND OF, other than wound closure at time of surgery, not on face or neck, small (NOT MORE THAN 7CM IN LENGTH), involving deeper tissue, not being a service to which another item in Group 3.4 applies.	This item is for use in wound suture when no other vital tissue is involved. It cannot be used in conjunction with 30023 (EA075) for the same wound/zone of injury, nor when repair of a deeper structure is also performed and claimed for.
30223	EA755	LARGE HAEMATOMA, LARGE ABSCESS, CARBUNCLE, CELLULITIS OR SIMILAR LESION, requiring admission to hospital or day-hospital facility, INCISION WITH DRAINAGE OF (excluding aftercare)	This item cannot be used in conjunction with 30023 (EA075) for the same wound/zone of injury.
30238	EA825	FASCIA, DEEP, repair of, FOR HERNIATED MUSCLE	This item is rarely indicated and cannot be used in conjunction with: 30023 (EA075), 47975 (MR240), 47978 (MR250), 47981 (MR260).
39324	LN790	NEURECTOMY, NEUROTOMY or removal of tumour from superficial peripheral nerve, by open operation	This item cannot be used additionally in conjunction with nerve repair/neurolysis/nerve grafting in the setting of secondary nerve surgery.
39330	LN810	NEUROLYSIS by open operation without transposition, not being a service associated with a service to which Item TLN740 applies	This item is not for the identification of nerves during surgical exposure. It is not to be used in combination with LN700. This item is not to be used in conjunction with MU400: Wrist carpal tunnel release (division of

			<p>transverse carpal ligament) by open procedure. However, LN810 and MU400 can be used together for combined open carpal tunnel release and cubital tunnel release surgery.</p> <p>This item is not to be used in conjunction with ML235 Tendon sheath of hand/wrist open operation for stenosing tenovaginitis.</p>
39312	LN 740	NEUROLYSIS, internal (interfascicular) neurolysis of using microsurgical techniques	<p>This item is never indicated in acute trauma. It is rarely indicated in elective surgery and is reserved for use in revision nerve decompression surgery. This item is not to be used in conjunction with MU400: Wrist carpal tunnel release (division of transverse carpal ligament), by open procedure.</p>
45203	MH115	SINGLE STAGE LOCAL FLAP, where indicated to repair 1 defect, complicated or large, and excluding flap for male pattern baldness and excluding H-flap or double advancement flap	<p>This item is rarely indicated in the hand and wrist as a large defect will not be readily amenable to a local flap reconstruction. It is not to be used for suturing of traumatic skin flaps.</p>
45206	MH125	SINGLE STAGE LOCAL FLAP where indicated to repair 1 defect, on eyelid, nose, lip, ear, neck, hand, thumb, finger or genitals, excluding H-flap or double advancement flap	<p>This item can only be used once for a z-plasty.</p>
45500	MJ025	MICROVASCULAR REPAIR using microsurgical techniques, with restoration of continuity of artery or vein of distal extremity or digit	<p>This item relates to microvascular repair of an artery or vein. This item will not be paid for repair of dorsal veins with volar skin intact, branches of digital arteries, branches of radial/ulnar vessels and venae comitantes of major arteries.</p> <p>Microvascular repairs distal to the metacarpophalangeal joint will also require clinical documentation of appropriate surgical technique utilising an operating microscope.</p>
45501/45502	MJ030/MJ035	MICROVASCULAR ANASTOMOSIS of artery using microsurgical techniques, for re-implantation of limb or digit/ MICROVASCULAR ANASTOMOSIS of vein using microsurgical techniques, for re-implantation of limb or digit	<p>These items specifically relate to replantation of limb and digit i.e. The amputated portion must be completely detached.</p>

45503	MJ045	MICRO-ARTERIAL or MICRO-VEIN graft using microsurgical techniques	This item includes the remuneration for harvesting the graft and performing any microvascular anastomoses to the graft.
45515	MJ075	SCAR, other than on face or neck, NOT MORE THAN 7 CMS IN LENGTH, revision of, as an independent procedure, where undertaken in the operating theatre of a hospital or approved day hospital facility, or where performed by a specialist in the practice of his or her specialty	This item cannot be used in conjunction with other items e.g. nerve repair, tendon repair, flap repair (i.e. intended to be an independent procedure).
45563	MJ245	NEUROVASCULAR ISLAND FLAP, including direct repair of secondary cutaneous defect if performed, excluding flap for male pattern baldness	This item is for a true island flap, elevated on a neurovascular pedicle for an existing traumatic defect. This item is not to be claimed for VY advancement flaps where 45206/MH125 is applicable.
46325	ML105	CARPAL BONE replacement or resection arthroplasty using adjacent tendon or other soft tissue including associated tendon transfer or realignment when performed	This item is primarily intended for use in reconstruction for basal thumb arthritis. It is not approved for excision of the pisiform.
46327	ML115	INTER-PHALANGEAL JOINT or METACARPOPHALANGEAL JOINT, arthrotomy of	This item is not to be used in addition to 30023 (EA075) when arthrotomy is performed to facilitate joint lavage within an open wound.
46330	ML125	INTER-PHALANGEAL JOINT or METACARPOPHALANGEAL JOINT, ligamentous or capsular repair with or without arthrotomy	This item is only permitted for repair of named ligaments where preoperative or intraoperative findings document significant joint instability.
46333	ML135	INTER-PHALANGEAL JOINT or METACARPOPHALANGEAL JOINT, ligamentous repair of using free tissue graft or implant	This item is only permitted for repair of named ligaments using free grafts or alloplast where preoperative or intraoperative findings document significant joint instability.
46336	ML145	INTER-PHALANGEAL JOINT or METACARPOPHALANGEAL JOINT, synovectomy, capsulectomy or debridement of, not being a service associated with any other procedure related to that joint	This item cannot be claimed in conjunction with any other item or procedure related to the joint. This item cannot be used in conjunction with 30023 (EA075).
46339	ML155	EXTENSOR tendons or FLEXOR tendons of hand or wrist synovectomy of	This item is <u>not</u> indicated for use with surgery for de Quervain's tenosynovitis 46363 (ML235) and

			is rarely indicated in routine carpal tunnel surgery.
46396	ML345	PHALANX or METACARPAL of the hand, osteotomy or osteectomy of	This item is applicable for removing excess bone formation in an <i>intact</i> bone. This is no longer to be applied to removal of loose pieces of bone in trauma or bone shortening for terminalisation or replantation. This is part of the debridement and is included in EA075/30023 if applicable.
46420	ML425	Extensor tendon or hand or wrist, primary repair	This item should not be claimed for repair of an extensor tendon split as part of access to phalangeal fractures/osteotomies.
46438	ML485	MALLET FINGER, closed pin fixation of	This item is not to be used in conjunction with 47300 (MP005)
46450/46453	ML535/ML545	EXTENSOR TENDON, TENOLYSIS OF, following tendon injury, repair or graft FLEXOR TENDON, TENOLYSIS OF, following tendon injury, repair or graft	These items are applicable for freeing tendons from scar following previous surgery or trauma. They are not indicated in an acute hand injury. ML545 cannot be claimed in conjunction with release of trigger finger.
46504	ML765	NEUROVASCULAR ISLAND FLAP, for pulp innervation	These items are only to be used for a heterodigital neurovascular island flap used to resurface pulp loss (e.g. Littler flap, first dorsal metacarpal artery or Kite flap).
46513/46516	ML795/ML805	Digital nail of finger or thumb removal of	This item should not be used in association with nailbed repair (46486/ML665 or 46489/ML675)
46516	ML804	DIGITAL NAIL OF FINGER This item is OR THUMB, removal of in the operating theatre of a hospital or approved day hospital facility	This item is not to be used in association with primary or secondary nail bed repair (46486,46489/ML665,ML675)
46522	ML825	FLEXOR TENDON SHEATH OF FINGER OR THUMB - open operation and drainage for infection	This item is applicable only for drainage of suppurative flexor tenosynovitis It does not apply to washout of flexor sheath in acute injury.
45206	MP025	Distal PHALANX of FINGER or THUMB treatment of by open reduction	This item is not appropriate to be used in conjunction with 46486 (ML665) where a distal tuft fracture is manipulated into position.
47920	MR088	BONE GROWTH STIMULATOR, insertion of	This is only indicated where a mechanical bone growth stimulator has been inserted. It is not for the insertion of OP1 or other bone morphogenic proteins in the setting of hand surgery
47921	MR090	ORTHOPAEDIC PIN OR WIRE, insertion of, as an independent procedure	This item cannot be claimed when the k-wire has been used as part of fracture fixation.

47927	MR110	BURIED WIRE, PIN OR SCREW, 1 or more of, which were inserted for internal fixation purposes, removal of, in the operating theatre of a hospital or approved day hospital facility - per bone	This item applies for removal of <i>buried</i> k-wire. Where a k-wire or wires cross more than 2 bones, only 1 item number is claimable.
48400	MS005	PHALANX, METATARSAL, ACCESSORY BONE OR SESAMOID BONE, osteotomy or osteectomy of, excluding services to which Item MX660 or MX670 applies	This item is only applicable to sesamoidectomy.
48406	MS205	FIBULA, RADIUS, ULNA, CLAVICLE, SCAPULA (other than acromion), RIB, TARSUS OR CARPUS, osteotomy or osteectomy of	This item <u>is</u> the appropriate number for excision of the pisiform. This item is <u>not</u> appropriate for simple removal of bone prominence, osteophytes or small quantities of excess bone.
49212	MU470	WRIST, arthrotomy of	This item is not to be used in conjunction with excision of primary or recurrent wrist ganglia. (46500,46503/ML725,ML755)
50106	MY035	JOINT, stabilisation of, involving 1 or more of: repair of capsule, repair of ligament or internal fixation, not being a service to which another item in this Group applies	This item is applicable for stabilization of CMC joints only.

#### **Additional assistance:**

1. Where questions arise in individual clinical situations supply of additional information will be considered to assist in determinations.
2. In an open fracture wound that requires debridement, a 50% loading for open fracture fixation can be applied. Debridement item 30023/EA075 is not to be used when applying this loading
3. After hours loading for cases only applies when a surgeon is called back to perform a procedure(s) in isolation rather than for cases scheduled after 6.00 pm on a weekday or a routine weekend operating list.

#### **Requirements for claims for payment**

All claims for payment will need to be accompanied by the following

1. Detailed operation record including a description of the initial injury, structures that were repaired including the anatomic location and technique of repair.
2. Usage of any of the restricted item numbers (Table 2) should be accompanied by clinical justification in order to process the claim.
3. For any proposed surgery – a list of proposed applicable item numbers will need to be provided prior to approval being given.
4. WorkCover reserves the right to insist on independent clinical assessment prior to the payment of invoices and approvals for surgical procedures.

**WORKERS COMPENSATION  
(SURGEON FEES) ORDER 2011**

**under the Workers Compensation Act 1987**

I, LISA HUNT Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 61 (2) of the *Workers Compensation Act 1987*.

Dated this 14 day of December, 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a medical practitioner who is a surgeon is a medical or related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a surgeon of an injured worker's work-related injury.

(Note: Treatment by an orthopaedic surgeon is covered by the *Workers Compensation (Orthopaedic Surgeon Fees) Order 2011*. However, maximum fees under this Order may apply to procedures carried out by an orthopaedic surgeon which are covered by the *Workers Compensation (Orthopaedic Surgeon Fees) Order 2011*).

The effect of the Order is to prevent a surgeon from recovering from the injured worker or employer any extra charge for treatments covered by the Order.

The Order adopts the items listed as Surgical Procedures in the *List of Medical Services and Fees* published by the Australian Medical Association (AMA).

To bill an AMA item number a surgeon must be confident they have fulfilled the service requirements as specified in the item descriptor. Where a comprehensive item number is used, separate items should not be claimed for any of the individual items included in the comprehensive service.

Where only one service is rendered, only one item should be billed. Where more than one service is rendered on one occasion of service, the appropriate item for each discrete service may be billed, provided that each item fully meets the item descriptor. Where an operation comprises a combination of procedures, which are commonly performed together, and for which there is an AMA item that specifically describes the combination of procedures, then only that item should be billed. The invoice should cover the total episode of treatment.

All surgical invoices must be accompanied by a detailed operation report clearly outlining the mechanism of injury, intra-operative findings and the procedures performed.

The incorrect use of AMA items can result in penalties, including the medical provider being asked to repay monies to WorkCover that the provider has incorrectly received.

## Workers Compensation (Surgeon Fees) Order 2011

### 1. Name of Order

This Order is the *Workers Compensation (Surgeon Fees) Order 2011*.

### 2. Commencement

This Order commences on 1 January 2011.

### 3. Definitions

In this Order (including Schedule A):

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

**Aftercare visits** has the same meaning as in the AMA List and is covered by the surgical procedure fee during the first six weeks following the date of surgery or until wound healing has occurred. However unrelated visits or incidental reasons for visits that are not regarded as routine aftercare should be explained with accounts rendered. The consulting surgeon will issue a "certificate" detailing the worker's fitness for work and anticipated aftercare, on discharge from hospital or after the first post injury consultation.

**After hours consultations** means call-outs to a public or private hospital or a private home for urgent cases before 8.00am or after 6:00pm. This fee is not to be utilised where a consultation is conducted for non-urgent cases outside of these hours.

**Assistant at operation** means a medical practitioner but only where an assistant's fee is allowed for in the Commonwealth Medical Benefits Schedule, or where indicated in the WorkCover schedule or approved in advance by the insurer.

In accordance with NSW health policy (File No. C17061), assistant fees cannot be charged for WorkCover cases performed in a public hospital when the assistant is a registrar. If the registrar is on rotation to an approved private hospital training rotation, the relevant assistant fee may be charged. Payment of these fees is to be directed into a hospital or departmental trust fund account and the invoice should include details of this account. Workcover reserves the right to conduct an audit of assistant fee payments to ensure their proper distribution into the named trust fund.

**AMA list** means the document entitled *List of Medical Services and Fees* published by the Australian Medical Association and dated 1 November 2010.

**Extended initial consultation** means a consultation involving significant multiple trauma or complex "red flag" spinal conditions (systemic pathology, carcinoma, infection, fracture or nerve impingement) involving a lengthy consultation and extensive physical examination.

**GST** means the goods and services tax payable under the GST Law; and

**GST Law** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**Initial consultation and report** covers the first consultation and the report to the referring General Practitioner and insurer.

The report will contain:

- the patient's diagnosis and present condition;
- the patient's likely fitness for pre-injury work or for alternate duties;

- the need for treatment or additional rehabilitation; and
- collateral conditions that are likely to impact on the management of the worker's condition (in accordance with privacy considerations).

Receipt of this information and "certificates" post treatment will provide sufficient information for insurers, employers and rehabilitation providers to develop management plans.

**Instrument fee** covers procedures where the surgeon supplies all the equipment or a substantial number of specialised instruments in exceptional circumstances and must be justified. This fee does not apply for all operations or if only incidental instruments (non critical) are supplied by the surgeon. Routine items such as loupes are not included.

**Medical practitioner** means a person registered under the *Health Practitioner Regulation National Law (NSW) No 86a* in the medical profession.

**Multiple operations or injuries** refers to situations that require two or more operations or for the treatment of two or more injuries carried out at the same time. The fee for the main operation or injury is to be paid in full as per Schedule A and 75% of the charge specified in Schedule A for each additional operation or injury is payable, unless specifically listed in the Schedule as a multiple procedure item.

**Opinion on file request** includes retrieval of a file from whatever source, reading time, and reporting where a request for such an opinion has been made in writing to the surgeon by the insurer/lawyer. Fees for this service will not be pre-paid in whole or part.

**Revision surgery** refers to a procedure carried out to revise earlier surgery. This attracts a fee of 50% of the amount for the principal procedure in the initial surgery and the fee payable for the new procedure, except where the new procedure is specified as a revision procedure in the AMA list.

**Surgical procedures** are those listed in the AMA list but do not include the cost of bandages, dressings, plaster of Paris bandages, splints, metallic fixation agents, and prosthetic implants which may be charged in addition to the fee set out in the Schedule A, if purchased by the surgeon. The fee for surgical procedures includes aftercare visits.

**Subsequent consultation** is a consultation not included in the normal aftercare that applies following surgery. The cost of the latter is included in the fee for the surgical procedure.

**Surgeon** means a medical practitioner who is currently a Fellow of the Australasian College of Surgeon or who is recognised by Medicare Australia as a specialist. It includes a surgeon who is a staff member at a public hospital providing services at the hospital.

#### 4. Application of Order

This Order applies to treatment provided on or after the commencement date of this Order, whether it relates to an injury received before, on or after that date.

#### 5. Maximum fees for treatment by surgeon

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a surgeon, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 3 of that Schedule.
- (2) A fee charged by a surgeon for a patient's treatment (including the management of fractures and other conditions) will be in addition to the fee in Schedule A for the original examination and report.

## 6. Billing items for hand surgery (Schedule B)

Schedule B provides guidelines for billing items used in hand and wrist surgery only:

Table 1 details items that are not applicable to hand surgery procedures.

Table 2 details items with restricted application for hand surgery and where clinical justification is required that they are reasonably necessary given the circumstances of the case.

## 7. GST

An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit a medical practitioner to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

### Schedule A Maximum fees for surgeon

Item	Column 1 Type of service	Column 2 AMA Item(s)	Column 3 Maximum amount
<u>Consultations</u>			
1.	Initial consultation and report	AC500 (MBS 104)  AC600 (MBS6007)	\$270.00
2.	Extended initial consultation and report	AC500 (MBS104)  AC600 (MBS6007)	\$372.00
3.	Subsequent consultation	AC510 (MBS 105)  AC610 (MBS6009)	\$186.00
4.	After hours consultation		\$156.00 in addition to consultation fee
<u>Procedures</u>			
5.	Surgical procedures	EA010 (MBS 30001) to MY115 (MBS 50130)	150% of AMA Schedule
6.	Instrument fee	WCO003	\$186.00
7.	Assistant at operation	MZ900	\$312.00 or 20% of the fee for

surgical procedures where the assistant fee applies, whichever is greater

8. Multiple operations or injuries Primary operation is to be paid in full, and additional operations at 75% of scheduled fee
9. Aftercare visits As per AMA Schedule

Insurer/lawyer requests

10. Opinion on file request \$186.00
11. Telephone requests \$36.00 per 3-5 minute phone call
12. Lost reports and reprints \$126.00 per report
13. Treating specialist reports (where additional information that is not related to the routine injury management of the patient, is requested by either party to a potential or current dispute). Please refer to the *Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2011 Schedule 2*
14. Fees for providing copies of clinical notes and records Please refer to the *Workers Compensation (Medical Practitioners Fees) Order 2011 – Section 5(5)*

**Schedule B - Billing items used in hand surgery**

**Table 1 : Item numbers and descriptors no longer applicable to hand surgery procedures**

CMBS item code	AMA item code	Descriptor	Reason for decline
Nil	CV233	INJECTION OF AN ANAESTHETIC AGENT, ulnar, radial or median nerve of main trunk, one or more of, not being associated with a brachial plexus block	The MBS does not allow a claim for nerve blocks performed as a method of postoperative analgesia. Infiltration is included in both the anaesthetic schedule AND in the surgical item number fee if performed by the surgeon. This item can only be used in circumstances where a formal nerve block is performed by the surgeon as the only form of anaesthesia and no charge is raised for another anaesthetic service.
	CV082	MINOR NERVE BLOCK (specify type) to provide post operative pain relief (this does not include subcutaneous infiltration)	
45051	MG540	CONTOUR	This relates to the insertion of

		RECONSTRUCTION for pathological deformity, insertion of foreign implant (non biological but excluding injection of liquid or semisolid material) by open operation	foreign implant for pathological deformity by an open operation i.e. facial reconstruction and was not intended for usage in hand surgery.
45445	MH480	FREE GRAFTING (split skin) as inlay graft to 1 defect including elective dissection using a mould (including insertion of and removal of mould)	The appropriate item number is 45448, MH490.
47954	MR170	TENDON, repair of, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
47966	MR210	TENDON OR LIGAMENT TRANSFER, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
47969	MR220	TENOSYNOVECTOMY, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
47972	MR230	TENDON SHEATH, open operation for teno-vaginitis, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
48403	MS015	PHALANX OR METATARSAL, osteotomy or osteectomy of, with internal fixation	This item is from the orthopaedic group of item numbers and relates to foot surgery only. There already exist appropriate item numbers in the hand surgery section.
50103	MY015	JOINT, arthrotomy of, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
50104	MY025	JOINT, synovectomy of, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
50109	MY045	JOINT, arthrodesis of, not being a service to which another item in this Group applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.
50127	MY105	JOINT OR JOINTS, arthroplasty of, by any technique not being a service to which another item applies	This item is from the orthopaedic group of item numbers. There already exist appropriate item numbers in the hand surgery section.

60506	OF820	FLUOROSCOPY using a mobile image intensifier, in conjunction with a surgical procedure lasting less than 1 hour, not being a service to which another item in this table applies (R)	This item cannot be claimed for use of image intensification when operated by the surgeon in the absence of a radiographer.
60509	OF824	FLUOROSCOPY using a mobile image intensifier, in conjunction with a surgical procedure lasting 1 hour or more, not being a service associated with a service to which another item in this table applies (R)	This item cannot be claimed for use of image intensification when operated by the surgeon in the absence of a radiographer.
	900001	Workcover certificate	This is for general practitioners and not treating specialists.

**Table 2 : Item numbers with restricted application for hand surgery – clinical justification required**

CMBS item code	AMA item code	Descriptor	Clinical indication
105	AC510	Each attendance SUBSEQUENT to the first in a single course of treatment	Follow up consultations will not be paid within the 6 week period following a procedure as this is included in normal aftercare.
30023	EA075	WOUND OF SOFT TISSUE, traumatic, deep or extensively contaminated, debridement of, under general anaesthesia or regional or field nerve block, including suturing of that wound when performed (Assist.)	This item applies to heavily contaminated wounds and removal of devitalized tissue in deep wounds. The majority of clean lacerations in acute hand injuries will attract item number EA095/30029. Debridements are also not applicable when removing percutaneous wire fixation. There will be a limit of one debridement per digit.
30029	EA095	SKIN AND SUBCUTANEOUS TISSUE OR MUCOUS MEMBRANE, REPAIR OF WOUND OF, other than wound closure at time of surgery, not on face or neck, small (NOT MORE THAN 7CM IN LENGTH), involving deeper tissue, not being a service to which another item in Group 3.4 applies.	This item is for use in wound suture when no other vital tissue is involved. It cannot be used in conjunction with 30023 (EA075) for the same wound/zone of injury, nor when repair of a deeper structure is also performed and claimed for.
30223	EA755	LARGE HAEMATOMA, LARGE ABSCESS, CARBUNCLE, CELLULITIS OR SIMILAR LESION, requiring admission to hospital or day-hospital facility, INCISION WITH DRAINAGE OF (excluding aftercare)	This item cannot be used in conjunction with 30023 (EA075) for the same wound/zone of injury.

30238	EA825	FASCIA, DEEP, repair of, FOR HERNIATED MUSCLE	This item is rarely indicated and cannot be used in conjunction with: 30023 (EA075), 47975 (MR240), 47978 (MR250), 47981 (MR260).
39324	LN790	NEURECTOMY, NEUROTOMY or removal of tumour from superficial peripheral nerve, by open operation	This item cannot be used additionally in conjunction with nerve repair/neurolysis/nerve grafting in the setting of secondary nerve surgery.
39330	LN810	NEUROLYSIS by open operation without transposition, not being a service associated with a service to which Item TLN740 applies	This item is not for the identification of nerves during surgical exposure. It is not to be used in combination with LN700. This item is not to be used in conjunction with MU400: Wrist carpal tunnel release (division of transverse carpal ligament) by open procedure. However, LN810 and MU400 can be used together for combined open carpal tunnel release and cubital tunnel release surgery. This item is not to be used in conjunction with ML235 Tendon sheath of hand/wrist open operation for stenosing tenovaginitis.
39312	LN 740	NEUROLYSIS, internal (interfascicular) neurolysis of using microsurgical techniques	This item is never indicated in acute trauma. It is rarely indicated in elective surgery and is reserved for use in revision nerve decompression surgery. This item is not to be used in conjunction with MU400: Wrist carpal tunnel release (division of transverse carpal ligament), by open procedure.
45203	MH115	SINGLE STAGE LOCAL FLAP, where indicated to repair 1 defect, complicated or large, and excluding flap for male pattern baldness and excluding H-flap or double advancement flap	This item is rarely indicated in the hand and wrist as a large defect will not be readily amenable to a local flap reconstruction. It is not to be used for suturing of traumatic skin flaps.
45206	MH125	SINGLE STAGE LOCAL FLAP where indicated to repair 1 defect, on eyelid, nose, lip, ear, neck, hand, thumb, finger or genitals, excluding H-flap or double advancement flap	This item can only be used once for a z-plasty.
45500	MJ025	MICROVASCULAR REPAIR using microsurgical techniques, with restoration of continuity of artery or vein of distal extremity or digit	This item relates to microvascular repair of an artery or vein. This item will not be paid for repair of dorsal veins with volar skin intact, branches of digital arteries, branches of radial/ulnar vessels and venae comitantes of major

			arteries. Microvascular repairs distal to the metacarpophalangeal joint will also require clinical documentation of appropriate surgical technique utilising an operating microscope.
45501/45502	MJ030/MJ035	MICROVASCULAR ANASTOMOSIS of artery using microsurgical techniques, for re-implantation of limb or digit/ MICROVASCULAR ANASTOMOSIS of vein using microsurgical techniques, for re-implantation of limb or digit	These items specifically relate to replantation of limb and digit i.e. The amputated portion must be completely detached.
45503	MJ045	MICRO-ARTERIAL or MICRO-VEINOUS graft using microsurgical techniques	This item includes the remuneration for harvesting the graft and performing any microvascular anastomoses to the graft.
45515	MJ075	SCAR, other than on face or neck, NOT MORE THAN 7 CMS IN LENGTH, revision of, as an independent procedure, where undertaken in the operating theatre of a hospital or approved day hospital facility, or where performed by a specialist in the practice of his or her specialty	This item cannot be used in conjunction with other items e.g. nerve repair, tendon repair, flap repair (i.e. intended to be an independent procedure).
45563	MJ245	NEUROVASCULAR ISLAND FLAP, including direct repair of secondary cutaneous defect if performed, excluding flap for male pattern baldness	This item is for a true island flap, elevated on a neurovascular pedicle for an existing traumatic defect. This item is not to be claimed for VY advancement flaps where 45206/MH125 is applicable.
46325	ML105	CARPAL BONE replacement or resection arthroplasty using adjacent tendon or other soft tissue including associated tendon transfer or realignment when performed	This item is primarily intended for use in reconstruction for basal thumb arthritis. It is not approved for excision of the pisiform.
46327	ML115	INTER-PHALANGEAL JOINT or METACARPOPHALANGEAL JOINT, arthrotomy of	This item is not to be used in addition to 30023 (EA075) when arthrotomy is performed to facilitate joint lavage within an open wound.
46330	ML125	INTER-PHALANGEAL JOINT or METACARPOPHALANGEAL JOINT, ligamentous or capsular repair with or without arthrotomy	This item is only permitted for repair of named ligaments where preoperative or intraoperative findings document significant joint instability.
46333	ML135	INTER-PHALANGEAL	This item is only permitted for

		JOINT or METACARPOPHALANGEAL JOINT, ligamentous repair of using free tissue graft of implant	repair of named ligaments using free grafts or alloplast where preoperative or intraoperative findings document significant joint instability.
46336	ML145	INTER-PHALANGEAL JOINT or METACARPOPHALANGEAL JOINT, synovectomy, capsulectomy or debridement of, not being a service associated with any other procedure related to that joint	This item cannot be claimed in conjunction with any other item or procedure related to the joint. This item cannot be used in conjunction with 30023 (EA075).
46339	ML155	EXTENSOR tendons or FLEXOR tendons of hand or wrist synovectomy of	This item is <u>not</u> indicated for use with surgery for de Quervain's tenovaginitis 46363 (ML235) and is rarely indicated in routine carpal tunnel surgery.
46396	ML345	PHALANX or METACARPAL of the hand, osteotomy or osteectomy of	This item is applicable for removing excess bone formation in an <i>intact</i> bone. This is no longer to be applied to removal of loose pieces of bone in trauma or bone shortening for terminalisation or replantation. This is part of the debridement and is included in EA075/30023 if applicable.
46420	ML425	Extensor tendon or hand or wrist, primary repair	This item should not be claimed for repair of an extensor tendon split as part of access to phalangeal fractures/osteotomies.
46438	ML485	MALLET FINGER, closed pin fixation of	This item is not to be used in conjunction with 47300 (MP005)
46450/46453	ML535/ML545	EXTENSOR TENDON, TENOLYSIS OF, following tendon injury, repair or graft FLEXOR TENDON, TENOLYSIS OF, following tendon injury, repair or graft	These items are applicable for freeing tendons from scar following previous surgery or trauma. They are not indicated in an acute hand injury. ML545 cannot be claimed in conjunction with release of trigger finger.
46504	ML765	NEUROVASCULAR ISLAND FLAP, for pulp innervation	These items are only to be used for a heterodigital neurovascular island flap used to resurface pulp loss (e.g. Littler flap, first dorsal metacarpal artery or Kite flap).
46513/46516	ML795/ML805	Digital nail of finger or thumb removal of	This item should not be used in association with nailbed repair (46486/ML665 or 46489/ML675)
46516	ML804	DIGITAL NAIL OF FINGER This item is OR THUMB, removal of in the operating theatre of a hospital or approved day hospital facility	This item is not to be used in association with primary or secondary nail bed repair (46486,46489/ML665,ML675)
46522	ML825	FLEXOR TENDON SHEATH OF FINGER OR THUMB -	This item is applicable only for drainage of suppurative flexor

		open operation and drainage for infection	tenosynovitis It does not apply to washout of flexor sheath in acute injury.
45206	MP025	Distal PHALANX of FINGER or THUMB treatment of by open reduction	This item is not appropriate to be used in conjunction with 46486 (ML665) where a distal tuft fracture is manipulated into position.
47920	MR088	BONE GROWTH STIMULATOR, insertion of	This is only indicated where a mechanical bone growth stimulator has been inserted. It is not for the insertion of OP1 or other bone morphogenic proteins in the setting of hand surgery
47921	MR090	ORTHOPAEDIC PIN OR WIRE, insertion of, as an independent procedure	This item cannot be claimed when the k-wire has been used as part of fracture fixation.
47927	MR110	BURIED WIRE, PIN OR SCREW, 1 or more of, which were inserted for internal fixation purposes, removal of, in the operating theatre of a hospital or approved day hospital facility - per bone	This item applies for removal of <i>buried</i> k-wire. Where a k-wire or wires cross more than 2 bones, only 1 item number is claimable.
48400	MS005	PHALANX, METATARSAL, ACCESSORY BONE OR SESAMOID BONE, osteotomy or osteectomy of, excluding services to which Item MX660 or MX670 applies	This item is only applicable to sesamoidectomy.
48406	MS205	FIBULA, RADIUS, ULNA, CLAVICLE, SCAPULA (other than acromion), RIB, TARSUS OR CARPUS, osteotomy or osteectomy of	This item is the appropriate number for excision of the pisiform. This item is <u>not</u> appropriate for simple removal of bone prominence, osteophytes or small quantities of excess bone.
49212	MU470	WRIST, arthrotomy of	This item is not to be used in conjunction with excision of primary or recurrent wrist ganglia. (46500,46503/ML725,ML755)
50106	MY035	JOINT, stabilisation of, involving 1 or more of: repair of capsule, repair of ligament or internal fixation, not being a service to which another item in this Group applies	This item is applicable for stabilization of CMC joints only.

**Additional assistance:**

1. Where questions arise in individual clinical situations supply of additional information will be considered to assist in determinations.
2. In an open fracture wound that requires debridement, a 50% loading for open fracture fixation can be applied. Debridement item 30023/EA075 is not to be used when applying this loading

3. After hours loading for cases only applies when a surgeon is called back to perform a procedure(s) in isolation rather than for cases scheduled after 6.00 pm on a weekday or a routine weekend operating list.

**Requirements for claims for payment**

All claims for payment will need to be accompanied by the following

1. Detailed operation record including a description of the initial injury, structures that were repaired including the anatomic location and technique of repair.
2. Usage of any of the restricted item numbers (Table 2) should be accompanied by clinical justification in order to process the claim.
3. For any proposed surgery – a list of proposed applicable item numbers will need to be provided prior to approval being given.
4. WorkCover reserves the right to insist on independent clinical assessment prior to the payment of invoices and approvals for surgical procedures.

**WORKPLACE INJURY MANAGEMENT AND WORKERS COMPENSATION (MEDICAL EXAMINATIONS AND REPORTS) ORDER 2011**

under the

**Workplace Injury Management and Workers Compensation Act 1998**

I, LISA HUNT, Chief Executive Officer of the WorkCover Authority of New South Wales, make the following Order pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*.

Dated this 14 day of December, 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2011**

**Part 1 Preliminary**

**1. Name of Order**

This order is the *Workplace Injury Management and Workers Compensation (Medical Examinations and Reports) Order 2011*.

## 2. Commencement

This Order commences on 1 January 2011.

## 3. Definitions

In this Order:

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

**Approved medical specialist** means an Approved Medical Specialist appointed by the President of the Workers Compensation Commission conducting an examination as part of dispute resolution proceedings at the Workers Compensation Commission. Schedules 3 and 4 of this Order apply.

**File review** means a review of the file when the practitioner is able to provide a report on the basis of a file review alone.

**GST** means the goods and services tax payable under the GST Law;

**GST Law** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*;

**Guidelines** mean the *WorkCover Guidelines on Independent Medical Examinations and Reports* in effect from 1 May 2009; and

**Late attendance** means that the worker or interpreter arrives **unreasonably** late, to the degree that a full examination is prevented from being conducted in the time allocated.

**Medical examination report** means an examination and report completed by an independent medical examiner or a treating Medical Practitioner where additional information is required by either party to a current or potential dispute. This **does not** include reports on the routine management of the worker's injury. Fees for this type of communication are included in the relevant treatment fees order.

Medical Examination Reports may be requested to assist decision making on any part of the claim when the management reports available do not adequately address the issue. Schedules 1 and 2 of this Order apply. Medical Examination Reports are categorised as follows:

- a. **Standard reports** are reports relating solely to a single event or injury in relation to—
  - Causation; or
  - Fitness for work; or
  - Treatment; or
  - Simple permanent impairment assessment of one body system.
  
- b. **Moderately complex reports** are—
  - reports relating to issues involving a **combination of two** of the following:
    - Causation
    - Fitness for Work
    - Treatment
    - Simple permanent impairment assessment of one body system

or

  - reports of simple permanent impairment assessment of two body systems or more than one injury to a single body system

c. **Complex reports** are –

- reports relating to issues involving a **combination of 3 or more** of the following:
  - Causation
  - Fitness for Work
  - Treatment
  - Permanent impairment assessment of one body system

or

- A complex method of permanent impairment assessment on single body system or multiple injuries involving more than one body system.

**Medical practitioner** means a person registered under the *Health Practitioner Regulation National Law (NSW) No 86a* in the medical profession.

#### 4. **Application of order**

This Order applies to an examination or report provided on or after the commencement date of this Order, whether it relates to an injury received before, on or after that date.

### Part 2 **Fees for medical assessments**

#### 5. **Fees for medical assessments**

For the purposes of section 339 of the Act, the maximum fees for the provision by health service providers of any report for use in connection with a claim for compensation or work injury damages and an appearance as a witness in proceedings before the Workers Compensation Commission or a court in connection with a claim for compensation or work injury damages is as follows:

- a) the rate of fees for a medical examination by general practitioners as set out in Schedule 1,
- b) the rate of fees for a medical examination by medical specialists as set out in Schedule 2,
- c) the rate of fees for a medical examination carried out by an Approved Medical Specialist on referral by the Workers Compensation Commission as set out in Schedule 3,
- d) the rate of fees for a medical examination carried out by an Approved Medical Specialist on an appeal panel as set out in Schedule 4.

#### 6. **GST**

An amount fixed by this Order is exclusive of GST. An amount fixed by this Order may be increased by the amount of any GST payable in respect of the service to which the cost relates, and the cost so increased is taken to be the amount fixed by this Order. This clause does not permit a Medical Practitioner to charge or recover more than the amount of GST payable in respect of the service to which the cost relates.

**7. PAYMENTS UNDER SCHEDULES 1 & 2**

- (1) The party requesting a report as listed in these schedules is to either:
- a. Agree the category of report being requested with the doctor and confirm the request in writing indicating that payment will be made within 10 days of receipt of a properly completed report and invoice; or
  - b. Pay in accordance with a contractual arrangement between the medical practice and the referring body on receipt of a properly completed tax invoice.

The contractual arrangement cannot agree to a fee above the maximum fee prescribed in this Order.

Schedules 1 and 2 apply to reports obtained for the purpose of proving or disproving an entitlement or the extent of an entitlement to workers compensation or work injury damages. Schedules 1 and 2 do not apply to medical or related treatment reports. Fees for those reports are fixed under section 61 of the *Workers Compensation Act 1987*.

- (2) Fees fixed in these Schedules are recoverable only where the conditions for payment as set out in Part C of Schedule 6 of the *Workers Compensation Regulation 2003* have been complied with.

Part C item 4 (which applies to a treating Medical Practitioner report) provides:

“If a claim or dispute is resolved whether before or after proceedings commenced:

Claimant

(a) nil fee payable, unless paragraph (b) applies, or

(b) fee allowed in accordance with any applicable fee order where:

(i) request for report made to insurer; and

(ii) either:

- insurer does not provide report within 14 days, or
- report supplied by insurer does not address the report requirements of the claimant, and

(iii) report is served on insurer

Insurer:

(a) fee allowed in accordance with any applicable fee order”

Part C item 6 (which applies to clinical notes and records), provides conditions for payment in similar terms as above for item 4, but the period of time for an insurer to provide clinical records is fixed at 7 days.

In accordance with section 339 of the *Workplace Injury Management and Workers Compensation Act 1998*, a medical practitioner is not entitled to be paid or recover any fee for providing a service that exceeds the fee fixed under this Order.

## Schedule 1

## Rates for Medical Examination by General Practitioners

Payment Classification Code	Service description	Fee
IMG001 or WIG001	Examination and report in accordance with the Guidelines - standard case (see definition of medical examination)	\$478.70
IMG002 or WIG002	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (see definition of medical examination)	\$534.60
IMG005 or WIG005	Non-attendance or cancellation with less than 7 days notice	\$117.00
IMG006 or WIG006	File review	\$354.40
IMG007 or WIG007	Supplementary report where additional information is provided and requested	\$236.30
IMG008 or WIG008	Update examination and report of worker previously reviewed, where there is no intervening incident	\$298.40
IMG009 or WIG009	Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i>

## Schedule 2

## Rates for Medical Examination by Medical Specialists

Payment Classification Code	Service description	Fee
IMS001 or WIS001	Examination and report in accordance with the Guidelines - standard case (see definition of medical examination)	\$646.80
IMS002 or WIS002	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (see definition of medical examination)	\$807.60
IMS003 or WIS003	ENT report (includes audiological testing), in accordance with the Guidelines - standard case (see definition of medical examination)	\$646.80
IMS031 or WIS 031	ENT report (includes audiological testing) when examination has been conducted with the assistance of an interpreter and report in accordance with Guidelines – standard case (see definition of medical examination)	\$807.60
IMS004 or WIS004	Examination and report in accordance with the Guidelines - moderate complexity including ENT reports (see definition of medical examination)	\$969.60
IMS005 or WIS005	Examination conducted with the assistance of an interpreter and report in accordance with Guidelines – moderate complexity including ENT reports (see definition of medical examination)	\$1131.60
IMS006 or WIS006	Examination and report in accordance with Guidelines – complex case (see definition of medical examination)	\$1286.40
IMS007 or WIS007	Examination and report in accordance with Guidelines – complex case (see definition of medical examination) with the	\$1610.40

Payment Classification Code	Service description	Fee
	assistance of an Interpreter.	
IMS008 or WIS008	Examination and report in accordance with the Guidelines – psychiatric	\$1131.60
IMS091 or WIS091	Cancellation with 2 days notice	\$162.10
IMS092 or WIS092	Cancellation with less than 2 working days notice, non attendance at scheduled appointment or <b>unreasonably</b> late attendance by worker or interpreter that prevents full examination being conducted	\$324.10
IMS010 or WIS010	File review and report	\$484.80
IMS011 or WIS011	Supplementary report where additional information is provided and requested	\$322.80
IMS012 or WIS012	Update examination and report of worker previously reviewed, where there is no intervening incident	\$478.80
IMS013 or WIS013	Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i>

### Schedule 3

#### Rates for Approved Medical Specialists

These rates are payable to an Approved Medical Specialist on referral from the Workers Compensation Commission for the purpose of resolving a dispute

Service description	Fee
Examination and report in accordance with Workers Compensation Commission standards – standard case	\$1155.60
Examination and report in accordance with Workers Compensation Commission standards - multiple medical assessments e.g. for permanent impairment and general medical disputes	\$1548.00
Ear, nose and throat, includes audiological testing	\$1354.80
Examination and report in accordance with the Workers Compensation Commission standards -Psychiatric	\$1933.20
Cancellation with less than 7 calendar days notice	\$385.20
Non-attendance or cancellation with less than 2 working days notice	\$770.40
Consolidation of medical assessment certificates by lead assessor	\$385.20
Re-examination + medical assessment certificate or reconsideration at request of Commission	\$578.40
When interpreter present at examination	Plus \$198.10
Miscellaneous Fee at the discretion of the Registrar or delegate	\$385.20 per hour
Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i> .

#### Schedule 4

##### Rates for Approved Medical Specialists on Appeal Panels

These rates are payable to an Approved Medical Specialist when participating as a member of an Appeal Panel at the Workers Compensation Commission.

Service description	Fee
Assessment, initial telephone conference and decision on papers	\$770.40
Examination of worker and report by AMS	Fee as per Schedule 3 applies
Cancellation with less than 7 calendar days notice	\$385.30
Non-attendance or cancellation with less than 2 working days notice	\$770.50
Assessment, telephone conference, appeal hearing and decision	\$1740.00
Additional Hearing or teleconference when convened by arbitrator	\$385.20 per hour
Travel	Reimbursed in accordance with the travelling allowances set out in Table 1 (Allowances) to Part B (Monetary Rates) of the <i>Crown Employees (Public Service Conditions of Employment) Award 2009</i> .

#### Schedule 5

##### Rates for Senior Approved Medical Specialists

These rates are payable to Senior Approved Medical Specialists appointed by the Workers Compensation Commission.

Service Description	Fee
Provision of professional development to Approved Medical Specialists; input into relevant practice and procedures at the Workers Compensation Commission	\$500.00 per hour

**WORKERS COMPENSATION (CHIROPRACTIC FEES) ORDER 2011**

under the

***Workers Compensation Act 1987***

I, Lisa Hunt, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

| Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a registered chiropractor is one of the categories of medical and related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a chiropractor of an injured worker's work related injury.

Schedule A to this Order provides for maximum fees for chiropractors generally. Schedule B to this Order provides higher maximum fee levels for WorkCover approved chiropractors. WorkCover approved chiropractors have participated in training courses approved or run by WorkCover.

This Order makes provision for chiropractic management plans and the approval by workers compensation insurers of certain chiropractic services.

**1. Name of Order**

This Order is the *Workers Compensation (Chiropractic Fees) Order 2011*.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this Order:

**Case Conference** means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the chiropractor's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

**Chiropractor** means a chiropractor registered under the Health Practitioner Regulation National Law (NSW) No 86a.

**Chiropractic management plan** means a document used by the chiropractor to indicate treatment timeframes and anticipated outcomes for an injured worker to the relevant workers compensation insurer.

A chiropractic management plan provides the mechanism to request approval from the relevant workers compensation insurer for treatment beyond:

- (a) the initial eight (8) consultations (when an injured worker has not attended for any previous treatment of a physical nature for this injury) or
- (b) the initial consultation/treatment (when an injured worker has attended for previous treatment of a physical nature for this injury).

A chiropractic management plan can request approval for up to an additional eight (8) chiropractic consultations unless otherwise approved by the insurer.

**Chiropractic services** refer to all treatment services provided by a chiropractor and listed in the fee schedule.

**Complex treatment:** means treatment related to complex pathology and clinical presentation including, but not limited to, extensive burns, complicated hand injuries involving multiple joints and tissues and some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires pre-approval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

**Group/class intervention** occurs where a chiropractor delivers a common service to more than one person at the same time. Examples are exercise and education groups. Maximum class size is six (6) participants. A Chiropractic Management Plan is required for each worker participant.

**GST** has the same meaning as in the *New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

**Initial consultation and treatment** means the first session provided by the chiropractor in respect of an injury which includes:

- history taking,
- physical assessment,
- diagnostic formulation,
- goal setting and planning treatment,
- treatment/service,
- clinical recording,
- communication with referrer, and
- preparation of a chiropractic management plan when indicated.

**Normal practice** means premises in or from which a chiropractor regularly operates a chiropractic practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis.

**Report Writing** occurs when a chiropractor is requested to compile a written report other than the chiropractic management plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

**Standard consultation and treatment** means treatment sessions provided subsequent to the initial session and includes:

- re-assessment,
- treatment/service,
- clinical recording, and preparation of a Chiropractic Management Plan when indicated.

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

**Travel** occurs when the most appropriate clinical management of the patient requires the chiropractor to travel away from their usual practice. Travel costs do not apply where the chiropractor provides contracted service to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. The insurer must provide pre-approval for such a service.

**Two (2) distinct areas** means where two (2) separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

**WorkCover** means the WorkCover Authority of New South Wales.

**WorkCover approved chiropractor** means a chiropractor who has participated in the WorkCover Training Courses and any other course approved by WorkCover (if any) for the purpose of this Order.

**Work related activity assessment, consultation and treatment** means a one hour session provided on a 1:1 basis for Work Related Activity delivered to a patient that is new to the practice and includes:

- review of the previous treatment,
- assessment of current condition including functional status,
- goal setting,
- treatment / work related activity planning,
- clinical recording,
- communication with key parties, and
- preparation of a management plan when indicated.

#### **4. Application of Order**

This Order applies to treatment provided on or after 1 January 2011 whether it relates to an injury received before, on or after that date.

#### **5. Maximum fees for chiropractic treatment generally**

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a chiropractor, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a chiropractor to provide treatment of a type specified in any of items CHX005, CHX006, CHX071, CHX072 or CHX073 in Schedule A at a place other than their normal practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item CHX009 in Column 2 of Schedule A.
- (3) This clause does not apply to treatment by a WorkCover approved chiropractor.

#### **6. Higher maximum fees for treatment by WorkCover approved chiropractors**

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a chiropractor, who is a WorkCover approved chiropractor, being treatment of a type specified in Column 1 of Schedule B to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a chiropractor to provide treatment of a type specified in any of items CHA005, CHA006, CHA071, CHA072 or CHA073 in Schedule B at a place other than their normal practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item CHA009 in Column 2 of Schedule B.

**7. Goods and Services Tax**

- (1) Chiropractic treatment services provided by a registered Chiropractor directly to a worker are GST free.
- (2) Case conference, report writing and travel services provided by a chiropractor are subject to GST. .

**SCHEDULE A Maximum fees for Chiropractors generally**

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
<b>Normal Practice</b>		
CHX001	Initial consultation and treatment	50
CHX002	Standard consultation and treatment	40
CHX031	Initial consultation and treatment of two (2) distinct areas	75
CHX032	Standard consultation and treatment of two (2) distinct areas	60
CHX033	Complex treatment	80
CHX010	Group/class intervention	30/participant
CHX004	Spine X-rays performed by a chiropractor	99.20
<b>Treatment at a place other than the normal practice</b>		
CHX005	Initial consultation and treatment	62
CHX006	Standard consultation and treatment	50
CHX071	Initial consultation and treatment of two (2) distinct areas	94
CHX072	Standard consultation and treatment of two (2) distinct areas	75
CHX073	Complex treatment	100
<b>Other</b>		
CHX081	Case conference	100/hour
CHX082	Report writing	100 (maximum)
CHX009	Travel	1.00 per kilometre

**SCHEDULE B Maximum fees for WorkCover approved Chiropractors**

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
<b>Normal Practice</b>		
CHA001	Initial consultation and treatment	78.00
CHA002	Standard consultation and treatment	66.00
CHA031	Initial consultation and treatment of two (2) distinct areas	117.60
CHA032	Standard consultation and treatment of two (2) distinct areas	99.60
CHA033	Complex treatment	132.00
CHA010	Group/class intervention	46.80 /participant
CHA004	Spine X-rays performed by a chiropractor	119.10
<b>Treatment at a place other than the normal practice</b>		
CHA005	Initial consultation and treatment	96.00
CHA006	Standard consultation and treatment	76.80
CHA071	Initial consultation and treatment of two (2) distinct areas	141.60
CHA072	Standard consultation and treatment of two (2) distinct areas	121.20
CHA073	Complex treatment	156.00
<b>Other</b>		
CHA081	Case conference, Report writing	156.00/hour 156.00 (maximum)
CHA082	Work Related Activity assessment, consultation and treatment	156.00 (maximum)
CHA009	Travel	1.45/kilometre

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

**WORKERS COMPENSATION (COUNSELLING FEES) ORDER 2011**  
under the  
***Workers Compensation Act 1987***

I, Lisa Hunt, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a counsellor is one of the categories of medical and related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by counsellor of an injured worker's work related injury.

This Order makes provision for psychology/counselling management plans and the approval by workers compensation insurers of certain counselling services. No fees are payable for counselling treatment provided by a person who is not a WorkCover approved counsellor.

**Workers Compensation (Counselling Fees) Order 2011**

**1. Name of Order**

This order is the *Workers Compensation (Counselling Fees) Order 2011*.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this Order:

**Case conference means** a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the counsellor's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

**Counselling services** refers to all counselling services delivered by a WorkCover approved counsellor and each service is to be billed according to Schedule A.

**Counsellor** means a WorkCover approved counsellor.

**Group intervention** occurs where a counsellor delivers a common service to more than one person at the same time, for example; group therapy. Maximum class size is six (6) participants. A Psychology/Counselling Management Plan is required for each worker.

**GST** has the same meaning as in the *New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**Initial consultation** means the first session provided by the WorkCover approved counsellor in respect of an injury and may include: -

- history taking
- assessment
- goal setting and treatment planning
- treatment
- clinical recording
- communication with referrer and insurer.

The service is 1:1 for the entire session.

**Psychology/counselling management plan** means the document used by the counsellor to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. A psychology/counselling management plan provides the mechanism to request approval from the relevant workers compensation insurer for up to six (6) consultations after the first six sessions have been provided.

**Report writing** occurs when a counsellor is requested to compile a written report, other than the management plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

**Standard consultation** means a session provided subsequent to the initial consultation by the WorkCover approved counsellor in respect of an injured worker and may include:

- reassessment
- treatment
- clinical recording and preparation of a psychology/counselling management plan where indicated.

The service is 1:1 for the entire session.

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

**Travel** occurs when the most appropriate management of the injured worker requires the counsellor to travel away from their normal practice. Travel costs do not apply where the counsellor provides contracted services to facilities such as a private hospital or workplace. The insurer must provide pre-approval for such a service.

**WorkCover** means the WorkCover Authority of New South Wales.

**WorkCover approved** means a counsellor who has, either before or after the commencement of this Order, by a date notified by WorkCover, been approved by WorkCover to provide counselling services for the purpose of this Order.

#### 4. Application of Order

This Order applies to treatment provided on or after 1 January 2011, whether it relates to an injury received before, on or after that date.

### 5. Maximum fees for counselling services

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a counsellor, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a counsellor to provide treatment of a type specified in any of items COU002, COU003 or COU005 in Schedule A at a place other than their usual practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometer (for the number of kilometres of travel reasonably involved) specified for item COU006 in Column 2 of Schedule A.
- (3) No fees are payable by or on behalf of an employer for treatment provided by a person who is not a WorkCover approved counsellor.

### 6. Goods and Services Tax (GST)

Counselling services provided by a counsellor are subject to GST.

#### Schedule A Maximum fees for counsellors

Item	Column 1 Type of Treatment	Column 2 Maximum Amount (\$) (excl GST)
COU002	Initial consultation	138
COU003	Standard consultation	124
COU004	Report Writing	124/hour (max 1 hour)
COU005	Case Conferencing	124/hour pro rata
COU006	Travel	1.45 per kilometer
COU007	Group	39.30/participant

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

**WORKERS COMPENSATION (PSYCHOLOGY FEES) ORDER 2011**  
under the  
***Workers Compensation Act 1987***

I, Lisa Hunt, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a psychologist is one of the categories of medical and related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a psychologist of an injured worker's work related injury.

This Order makes provision for psychology/counselling management plans and the approval by workers compensation insurers of certain psychology services. No fees are payable for psychology treatment provided by a person who is not a WorkCover approved psychologist.

**Workers Compensation (Psychology Fees) Order 2011**

**1. Name of Order**

This order is the *Workers Compensation (Psychology Fees) Order 2011*.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this Order:

**Case Conference means** a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the psychologists' records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

**Group intervention** occurs where a psychologist delivers a common service to more than one person at the same time, for example; Group Therapy. Maximum class size is 6 participants. A psychology/counselling management plan is required for each worker.

**GST** has the same meaning as in the *New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**Initial consultation** means the first session provided by the WorkCover approved psychologist in respect of an injury and may include: -

- history taking
- assessment
- goal setting and treatment planning
- treatment
- clinical recording
- communication with referrer and insurer.

The service is 1:1 for the entire session.

**Psychologist** means a WorkCover approved psychologist.

**Psychology/counselling management plan** means the document used by the psychologist to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. A psychology/counselling management plan provides the mechanism to request approval from the relevant workers compensation insurer for up to 6 consultations after the first six sessions have been provided.

**Psychology services** refers to all treatment services delivered by a WorkCover approved psychologist and each service is to be billed according to Schedule A.

**Report writing** occurs when a psychologist is requested to compile a written report, other than the Management Plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

**Standard consultation** means a session provided subsequent to the initial consultation by the WorkCover approved psychologist in respect of an injured worker and may include:

- reassessment
- treatment
- clinical recording and preparation of a psychology management plan (if required)

The service is 1:1 for the entire session.

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

**Travel** occurs when the most appropriate management of the injured worker requires the psychologist to travel away from their usual practice. Travel costs do not apply where the psychologist provides contracted services to facilities such as a private hospital or workplace. The insurer must provide preapproval for such a service.

**WorkCover** means the WorkCover Authority of New South Wales.

**WorkCover approved** means a psychologist who has, either before or after the commencement of this Order, by a date notified by WorkCover, been approved by WorkCover to provide psychology services for the purpose of this Order.

#### 4. Application of Order

This Order applies to treatment provided on or after 1 January 2011, whether it relates to an injury received before, on or after that date.

#### 5. Maximum fees for psychology treatment

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a psychologist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.

- (2) If it is reasonably necessary for a psychologist to provide treatment of a type specified in any of items 1, 2 or 4 in Schedule A at a place other than their usual practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item PSY005 in Column 2 of Schedule A.
- (3) No fees are payable by or on behalf of an employer for treatment provided by a person who is not a WorkCover approved psychologist.

#### 6. Goods and Services Tax

- (1) Psychology treatment services provided by a registered psychologist directly to the injured worker, are GST free.
- (2) Case conference, report writing and travel services provided by a psychologist in relation to treatment of an injured worker are subject to GST. .

#### Schedule A Maximum fees for psychologists

Item	Column 1 Type of Treatment	Column 2 Maximum Amount (\$) (excl GST)
PSY001	Initial consultation	186
PSY002	Standard consultation	155
PSY003	Report Writing	155/hour (max 1 hour)
PSY004	Case Conferencing	155/hour pro rata
PSY005	Travel	1.45 per kilometre
PSY006	Group	46.50/participant

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

**WORKPLACE INJURY MANAGEMENT AND WORKER'S COMPENSATION  
(INDEPENDENT CONSULTANTS) FEES ORDER 2011**

under the

**Workplace Injury Management and Workers Compensation Act 1998**

I, Lisa Hunt, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 339 of the *Workplace Injury Management and Workers Compensation Act 1988*, make the following Order.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Workplace Injury Management and Workers Compensation (Independent Consultants)  
Fees Order 2011**

**1. Name of Order**

This order is the Workplace Injury Management and Workers Compensation (Independent Consultants) Fees Order 2011.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this Order:

**GST** means the goods and services tax payable under the GST Law.

**Independent consultant** means an allied health practitioner appointed by WorkCover for the purposes of providing independent consultations.

**Independent consultation** means a review of the treatment provided by an allied health practitioner in consultation with the treating allied health practitioner for the purposes of determining whether treatment is reasonably necessary and may include review of relevant documentation, discussion with the allied health practitioner, interview and examination of the injured worker and provision of a report.

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

**WorkCover** means the WorkCover Authority of New South Wales.

#### 4. Application of Order

This order only applies to independent physiotherapy, psychology, counseling, chiropractic and osteopathy consultants services provided on or after 1 January 2011, whether it relates to an injury received before, on or after that date.

#### 5. Fees for Independent Consultants

- (a) This clause applies to maximum fees, which may be charged and recovered by independent consultants.
- (b) For the purposes of section 339 of the Act, the maximum fee for provision of services in respect of the provision of any report for use in connection with a claim for compensation or an appearance as a witness in proceedings before the Workers Compensation Commission or a court in connection with a claim for compensation is as set out in Schedule 1.

#### 6. Goods and Services Tax

Services provided by an Independent consultant are subject to GST.

#### Schedule 1

<i>Item</i>	Service description fee	<b>Maximum fee (\$) Excl GST</b>
IIN101	Independent Consultation (may include assessment, interview, examination, discussion and report)	\$183.70 per hour
IIN101	Cancellation with notice of 2 business days or more	\$91.90
IIN101	Non-attendance or cancellation with less than 2 business days notice	\$183.70

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

**WORKERS COMPENSATION (OSTEOPATHY FEES) ORDER 2011**

under the

***Workers Compensation Act 1987***

I, Lisa Hunt, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a registered osteopath is one of the categories of medical and related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by an osteopath of an injured worker's work related injury.

Schedule A to this Order provides for maximum fees for osteopaths generally. Schedule B to this Order provides higher maximum fee levels for WorkCover approved osteopaths. WorkCover approved osteopaths have participated in training courses approved or run by WorkCover.

This Order makes provision for osteopathy management plans and the approval by workers compensation insurers of certain osteopathy services.

**Workers Compensation (Osteopathy Fees) Order 2011****1. Name of Order**

This Order is the *Workers Compensation (Osteopathy Fees) Order 2011*.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this Order:

**Case Conference** means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the osteopath's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

**Complex treatment** means treatment related to complex pathology and clinical presentation including, but not limited to, extensive burns, complicated hand injuries involving multiple joints and tissues and some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires pre-approval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

**Group/class intervention** occurs where a osteopath delivers a common service to more than one person at the same time. Examples are exercise and education groups. Maximum class size is six (6) participants. An osteopathy management plan is required for each worker participant.

**GST** has the same meaning as in the *New Tax System (Goods and Services Tax) Act 1999* (Cth).

**Initial consultation and treatment** means the first session provided by the osteopath in respect of an injury which includes:

- history taking,
- physical assessment,
- diagnostic formulation,
- goal setting and planning treatment,
- treatment/service,
- clinical recording,
- communication with referrer, and
- preparation of a management plan when indicated.

**Normal practice** means premises in or from which an osteopath regularly operates a osteopathy practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a gymnasium, private hospital or workplace.

**Osteopath** means an osteopath registered under the Health Practitioner Regulation National Law (NSW) No 86a..

**Osteopathy management plan** means the document used by the osteopath to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. An osteopathy management plan provides the mechanism to request approval from the relevant workers compensation insurer for treatment beyond:

- (a) the initial 8 consultations (when an injured worker has not attended for any previous treatment of a physical nature for this injury) or
- (b) the initial consultation/treatment (when an injured worker has attended for previous treatment of a physical nature for this injury).

An osteopathy management plan can request approval for up to an additional 8 osteopathy consultations unless otherwise approved by the insurer.

**Osteopathy services** refers to all treatment services provided by an osteopath and listed in the fees schedule.

**Report Writing** occurs when an osteopath is requested to compile a written report, other than the Osteopathy Management Plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

**Standard consultation and treatment** means treatment sessions provided subsequent to the initial session and includes:

- re-assessment,
- intervention/treatment,
- clinical recording, and
- preparation of a osteopathy management plan when indicated.

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

**Travel** occurs when the most appropriate clinical management of the patient requires the osteopath to travel away from their normal practice. Travel costs do not apply where the osteopath provides contracted service to facilities such as a private hospital, workplace or gymnasium. The insurer must provide pre-approval for such a service.

**2 distinct areas** means where 2 separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

**WorkCover** means the WorkCover Authority of New South Wales.

**WorkCover approved osteopath** means an osteopath who has, either before or after the commencement of this Order, by a date notified by WorkCover, participated in the WorkCover Training Courses and any other course approved by WorkCover for the purpose of this Order.

**Work related activity assessment, consultation and treatment** means a one hour session provided on a one to one basis for work related activity delivered to a patient that is new to the practice and includes:

- review of the previous treatment,
- assessment of current condition including functional status,
- goal setting,
- treatment and work related activity planning
- clinical recording,
- communication with key parties, and
- preparation of a management plan when indicated.

#### **4. Application of Order**

This Order applies to treatment provided on or after 1 January 2011 whether it relates to an injury received before, on or after that date.

#### **5. Maximum fees for osteopathy treatment generally**

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a osteopath, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a osteopath to provide treatment of a type specified in any of items OSX007 to OSX011 in Schedule A at a place other than their usual practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item OSX014 in Column 2 of Schedule A.
- (3) This clause does not apply to treatment by a WorkCover approved osteopath.

#### **6. Higher maximum fees for WorkCover approved osteopaths**

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a osteopath, who is a WorkCover approved osteopath, being treatment of a type specified in Column 1 of Schedule B to this Order, is the corresponding amount specified in Column 2 of that Schedule.

- (2) If it is reasonably necessary for an osteopath to provide treatment of a type specified in any of items OSA007 to OSA011 in Schedule B at a place other than their normal practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item OSA014 in Column 2 of Schedule B.

#### 7. Goods and Services Tax

- (1) Osteopathy services provided by a registered osteopath directly to the injured worker, are GST free.
- (2) Case conference, report writing and travel services provided by an osteopath in relation to their treatment of a worker are subject to GST.

#### SCHEDULE A Maximum fees for Osteopaths generally

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
<b>Normal Practice</b>		
OSX001	Initial consultation and treatment	50
OSX002	Standard consultation and treatment	40
OSX003	Initial consultation and treatment of two (2) distinct areas	75
OSX004	Standard consultation and treatment of two (2) distinct areas	60
OSX005	Complex treatment	80
OSX006	Group/class intervention	30/participant
<b>Treatment at a place other than their normal practice</b>		
OSX007	Initial consultation and treatment	62
OSX008	Standard consultation and treatment	50
OSX009	Initial consultation and treatment of two (2) distinct areas	94
OSX010	Standard consultation and treatment of two (2) distinct areas	75
OSX011	Complex treatment	100
<b>Other</b>		
OSX012	Case conference	100/hour
OSX013	Report writing	100 (maximum)
OSX014	Travel	1.00 per kilometre

**SCHEDULE B Maximum fees for WorkCover approved Osteopaths**

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
<b>Normal practice</b>		
OSA001	Initial consultation and treatment	78.00
OSA002	Standard consultation and treatment	66.00
OSA003	Initial consultation and treatment of two (2) distinct areas	117.60
OSA004	Standard consultation and treatment of two (2) distinct areas	99.60
OSA005	Complex treatment	132.00
OSA006	Group/class intervention	46.80 /participant
<b>Treatment at a place other than normal practice</b>		
OSA007	Initial consultation and treatment	96.00
OSA008	Standard consultation and treatment	76.80
OSA009	Initial consultation and treatment of two (2) distinct areas	141.60
OSA010	Standard consultation and treatment of two (2) distinct areas	121.20
OSA011	Complex treatment	156.00
<b>Other</b>		
OSA012	Case conference, Report writing	156.00/hour 156.00 (maximum)
OSA013	Work Related Activity assessment, consultation and treatment	156.00 (maximum)
OSA014	Travel	1.45/kilometre

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

**WORKERS COMPENSATION (PHYSIOTHERAPY FEES) ORDER 2011**

under the

***Workers Compensation Act 1987***

I, Lisa Hunt, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a registered physiotherapist is one of the categories of medical and related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a physiotherapist of an injured worker's work related injury.

Schedule A to this Order provides for maximum fees for physiotherapists generally. Schedule B to this Order provides higher maximum fee levels for WorkCover approved physiotherapists. WorkCover approved physiotherapists have participated in training courses approved or run by WorkCover.

This Order makes provision for physiotherapy management plans and the approval by workers compensation insurers of certain physiotherapy services.

**Workers Compensation (Physiotherapy Fees) Order 2011****1. Name of Order**

This Order is the *Workers Compensation (Physiotherapy Fees) Order 2011*.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this Order:

**Case Conference** means a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the physiotherapist's records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

**Complex treatment** means treatment related to complex pathology and clinical presentation including, but not limited to, extensive burns, complicated hand injuries involving multiple joints and tissues and some complex neurological conditions, spinal cord injuries, head injuries and major trauma. Provision of complex treatment requires preapproval from the insurer. It is expected that only a small number of claimants will require treatment falling within this category.

**Group/class intervention** occurs where a physiotherapist delivers a common service to more than one person at the same time. Examples are aquatic physiotherapy classes and exercise groups. Maximum class size is six (6) participants. A physiotherapy management plan is required for each worker participant.

**GST** has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 (Cth).

**Initial consultation and treatment** means the first session provided by the physiotherapist in respect of an injury which includes:

- history taking,
- physical assessment,
- diagnostic formulation,
- goal setting and planning treatment,
- treatment/service,
- clinical recording,
- communication with referrer, and
- preparation of a physiotherapy management plan when indicated.

**Normal practice** means premises in or from which a physiotherapist regularly operates a physiotherapy practice and treats patients. It also includes facilities where service may be delivered on a regular or contract basis such as a hydrotherapy pool, gymnasium, private hospital or workplace.

**Physiotherapist** means a physiotherapist registered under the Health Practitioner Regulation National Law (NSW) No 86a.

**Physiotherapy management plan** means the document used by the physiotherapist to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. A Physiotherapy Management Plan provides the mechanism to request approval from the relevant workers compensation insurer for treatment beyond:

- (a) the initial eight (8) consultations (when an injured worker has not attended for any previous treatment of a physical nature for this injury) or
- (b) the initial consultation/treatment (when an injured worker has attended for previous treatment of a physical nature for this injury).

A physiotherapy management plan can request approval for up to an additional eight (8) physiotherapy consultations unless otherwise approved by the insurer.

**Physiotherapy services** refers to all treatment services delivered by a registered physiotherapist and listed in the fee schedule.

**Report writing** occurs when a physiotherapist is requested to compile a written report, other than the physiotherapy management plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

**Standard consultation and treatment** means treatment sessions provided subsequent to the initial session and includes:

- re-assessment,
- intervention/treatment,
- clinical recording, and
- preparation of a Physiotherapy Management Plan when indicated.

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

**Travel** occurs when the most appropriate clinical management of the patient requires the physiotherapist to travel away from their normal practice. Travel costs do not apply where the physiotherapist provides contracted services to facilities such as a private hospital, hydrotherapy pool, workplace or gymnasium. The insurer must provide pre-approval for such a service.

**Two (2) distinct areas** means where two (2) entirely separate compensable injuries or conditions are assessed and treated and where treatment applied to one condition does not affect the symptoms of the other injury e.g. neck condition plus post fracture wrist. It does not include a condition with referred symptoms to another area.

**WorkCover** means the WorkCover Authority of New South Wales.

**WorkCover approved physiotherapist** means a physiotherapist who has, either before or after the commencement of this Order, by a date notified by WorkCover, participated in the WorkCover Training Courses and any other course approved by WorkCover (if any) for the purpose of this Order.

**Work related activity assessment, consultation and treatment** means a one hour session provided on a one to one basis for a work related activity delivered to a patient that is new to the practice and includes:

- review of the previous treatment,
- assessment of current condition including functional status,
- goal setting,
- treatment planning / work related activity planning,
- clinical recording,
- communication with key parties, and
- preparation of a management plan when indicated.

#### **4. Application of Order**

This Order applies to treatment provided on or after 1 January 2011 whether it relates to an injury received before, on or after that date.

#### **5. Maximum fees for physiotherapy treatment generally**

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a physiotherapist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) If it is reasonably necessary for a physiotherapist to provide treatment of a type specified in any of items PTX007 to PTX011 in Schedule A at a place other than their normal practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item PTX014 in Column 2 of Schedule A.
- (3) This clause does not apply to treatment by a WorkCover approved physiotherapist.

#### **6. Higher maximum fees for WorkCover approved physiotherapists**

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a physiotherapist, who is a WorkCover approved physiotherapist, being treatment of a type specified in Column 1 of Schedule B to this Order, is the corresponding amount specified in Column 2 of that Schedule.

- (2) If it is reasonably necessary for a physiotherapist to provide treatment of a type specified in any of items PTA007 to PTA011 in Schedule B at a place other than their normal practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item PTA014 in Column 2 of Schedule B.

#### **7. Goods and Services Tax**

- (1) Physiotherapy treatment services provided by a registered physiotherapist directly to a worker are GST free.
- (2) Case conference, report writing and travel services provided by a physiotherapist in relation to treatment of a worker are subject to GST.

**SCHEDULE A Maximum fees for Physiotherapists generally**

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
<b>Normal Practice</b>		
PTX001	Initial consultation and treatment	50
PTX002	Standard consultation and treatment	40
PTX003	Initial consultation and treatment of two (2) distinct areas	75
PTX004	Standard consultation and treatment of two (2) distinct areas	60
PTX005	Complex treatment	80
PTX006	Group/class intervention	30/participant
<b>Treatment at a place other than the normal practice</b>		
PTX007	Initial consultation and treatment	62
PTX008	Standard consultation and treatment	50
PTX009	Initial consultation and treatment of two (2) distinct areas	94
PTX010	Standard consultation and treatment of two (2) distinct areas	75
PTX011	Complex treatment	100
<b>Other</b>		
PTX012	Case conference	100/hour
PTX013	Report writing	100 (maximum)
PTX014	Travel	1.00 per kilometre

**SCHEDULE B Maximum fees for WorkCover approved Physiotherapists**

<i>Item</i>	<i>Column 1 Type of Treatment</i>	<i>Column 2 Maximum Amount (\$) (excl GST)</i>
<b>Normal Practice</b>		
PTA001	Initial consultation and treatment	78.00
PTA002	Standard consultation and treatment	66.00
PTA003	Initial consultation and treatment of two (2) distinct areas	117.60
PTA004	Standard consultation and treatment of two (2) distinct areas	99.60
PTA005	Complex treatment	132.00
PTA006	Group/class intervention	46.80 /participant
<b>Treatment at a place other than normal practice</b>		
PTA007	Initial consultation and treatment	96.00
PTA008	Standard consultation and treatment	76.80
PTA009	Initial consultation and treatment of two (2) distinct areas	141.60
PTA010	Standard consultation and treatment of two (2) distinct areas	121.20
PTA011	Complex treatment	156.00
<b>Other</b>		
PTA012	Case conference, Report writing	156.00/hour 156.00 (maximum)
PTA013	Work Related Activity assessment, consultation and treatment	156.00 (maximum)
PTA014	Travel	1.45/kilometre

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

**WORKERS COMPENSATION (PSYCHOLOGY FEES) ORDER 2011**  
under the  
***Workers Compensation Act 1987***

I, Lisa Hunt, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a psychologist is one of the categories of medical and related treatment covered under the *Workers Compensation Act 1987*. This Order sets the maximum fees for which an employer is liable under the Act for treatment by a psychologist of an injured worker's work related injury.

This Order makes provision for psychology/counselling management plans and the approval by workers compensation insurers of certain psychology services. No fees are payable for psychology treatment provided by a person who is not a WorkCover approved psychologist.

**Workers Compensation (Psychology Fees) Order 2011**

**1. Name of Order**

This order is the *Workers Compensation (Psychology Fees) Order 2011*.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this Order:

**Case Conference means** a face-to-face meeting or teleconference with the nominated treating doctor, workplace rehabilitation provider, employer, insurer and/or worker to discuss a worker's return to work plan and / or strategies to improve a worker's ability to return to work. File notes of case conferences are to be documented in the psychologists' records indicating discussion and outcomes. This information may be required for invoicing purposes. Discussions between treating doctors and practitioners relating to treatment are considered a normal interaction between referring doctor and practitioner and are not to be charged as a case conference item.

**Group intervention** occurs where a psychologist delivers a common service to more than one person at the same time, for example; Group Therapy. Maximum class size is 6 participants. A psychology/counselling management plan is required for each worker.

**GST** has the same meaning as in the *New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

**Initial consultation** means the first session provided by the WorkCover approved psychologist in respect of an injury and may include: -

- history taking
- assessment
- goal setting and treatment planning
- treatment
- clinical recording
- communication with referrer and insurer.

The service is 1:1 for the entire session.

**Psychologist** means a WorkCover approved psychologist.

**Psychology/counselling management plan** means the document used by the psychologist to indicate treatment timeframe and anticipated outcomes for an injured worker to the relevant workers compensation insurer. A psychology/counselling management plan provides the mechanism to request approval from the relevant workers compensation insurer for up to 6 consultations after the first six sessions have been provided.

**Psychology services** refers to all treatment services delivered by a WorkCover approved psychologist and each service is to be billed according to Schedule A.

**Report writing** occurs when a psychologist is requested to compile a written report, other than the Management Plan, providing details of the worker's treatment, progress and work capacity. The insurer must provide pre-approval for such a service.

**Standard consultation** means a session provided subsequent to the initial consultation by the WorkCover approved psychologist in respect of an injured worker and may include:

- reassessment
- treatment
- clinical recording and preparation of a psychology management plan (if required)

The service is 1:1 for the entire session.

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

**Travel** occurs when the most appropriate management of the injured worker requires the psychologist to travel away from their usual practice. Travel costs do not apply where the psychologist provides contracted services to facilities such as a private hospital or workplace. The insurer must provide preapproval for such a service.

**WorkCover** means the WorkCover Authority of New South Wales.

**WorkCover approved** means a psychologist who has, either before or after the commencement of this Order, by a date notified by WorkCover, been approved by WorkCover to provide psychology services for the purpose of this Order.

#### 4. Application of Order

This Order applies to treatment provided on or after 1 January 2011, whether it relates to an injury received before, on or after that date.

#### 5. Maximum fees for psychology treatment

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a psychologist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.

- (2) If it is reasonably necessary for a psychologist to provide treatment of a type specified in any of items 1, 2 or 4 in Schedule A at a place other than their usual practice, the maximum fee amount for which an employer would otherwise be liable under the Act for that type of treatment is increased by an amount calculated at the rate per kilometre (for the number of kilometres of travel reasonably involved) specified for item PSY005 in Column 2 of Schedule A.
- (3) No fees are payable by or on behalf of an employer for treatment provided by a person who is not a WorkCover approved psychologist.

#### 6. Goods and Services Tax

- (1) Psychology treatment services provided by a registered psychologist directly to the injured worker, are GST free.
- (2) Case conference, report writing and travel services provided by a psychologist in relation to treatment of an injured worker are subject to GST. .

#### Schedule A Maximum fees for psychologists

Item	Column 1 Type of Treatment	Column 2 Maximum Amount (\$) (excl GST)
PSY001	Initial consultation	186
PSY002	Standard consultation	155
PSY003	Report Writing	155/hour (max 1 hour)
PSY004	Case Conferencing	155/hour pro rata
PSY005	Travel	1.45 per kilometre
PSY006	Group	46.50/participant

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

**WORKERS COMPENSATION (REMEDIAL MASSAGE THERAPY SERVICES FEES)  
ORDER 2011**  
under the  
***Workers Compensation Act 1987***

I, Lisa Hunt, Chief Executive Officer of the WorkCover Authority of New South Wales, pursuant to section 61 of the *Workers Compensation Act 1987*, make the following Order.

Dated this 14 day of December 2010.

LISA HUNT,  
Chief Executive Officer  
WorkCover Authority

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**Explanatory Note**

Treatment by a “masseur” is one of the categories of medical and related treatment covered under the *Workers Compensation Act 1987*. For the purposes of this Order, the term masseur is interchangeable with remedial massage therapist. This Order sets the maximum fees for which an employer is liable under the Act for reasonably necessary treatment by a WorkCover approved remedial massage therapist of an injured worker’s work related injury.

No fees are payable for remedial massage therapy provided by a person who is not a WorkCover approved remedial massage therapist.

**Workers Compensation (Remedial Massage Therapy Services Fees) Order 2011**

**1. Name of Order**

This Order is the *Workers Compensation (Remedial Massage Therapy Services Fees) Order 2011*.

**2. Commencement**

This Order commences on 1 January 2011.

**3. Definitions**

In this order:

**GST** has the same meaning as in the New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

**Remedial Massage Therapist** means a WorkCover approved remedial massage therapist.

**Remedial massage therapy services** refers to treatment services provided by a WorkCover approved remedial massage therapist and is limited to soft tissue massage targeting specific musculoskeletal injuries.

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

**WorkCover** means the WorkCover Authority of New South Wales.

**WorkCover approved** means a remedial massage therapist who, at the time when the services are provided, is approved by WorkCover to provide remedial massage therapy services.

#### 4. Application of Order

This Order applies to treatment provided on or after 1 January 2011, whether it relates to an injury received before, on or after that date.

#### 5. Maximum fees for remedial massage therapy

- (1) The maximum fee amount for which an employer is liable under the Act for treatment of an injured worker by a remedial massage therapist, being treatment of a type specified in Column 1 of Schedule A to this Order, is the corresponding amount specified in Column 2 of that Schedule.
- (2) No fees are payable by or on behalf of an employer for treatment provided by a person who is not a WorkCover approved remedial massage therapist.

#### 6. Goods and Services Tax (GST)

- (1) Remedial massage therapy services are subject to GST.

#### Schedule A

##### 1. Maximum fees for WorkCover approved remedial massage therapists

Column 1		Column 2
Item	Type of Treatment	Maximum Amount (\$) (excl GST)
RMA 001	Consultation and treatment (60 minutes duration)	\$68.00
RMA 002	Consultation and treatment (45 minutes duration)	\$51.00
RMA 003	Consultation and treatment (30 minutes duration)	\$34.00

Note: Where fees are incorrectly claimed, WorkCover may take action to recover the amount of the overpayment. Fees will only be paid after services have been rendered.

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### AUBURN CITY COUNCIL

Roads Act 1993, Section 162(1)

Roads (General) Regulation 2000, Clause 9

Naming of Public Roads – Sketchley Way and Macdermott Way

NOTICE is hereby given that Auburn City Council by resolution of the Council dated 8 December 2010 and pursuant to the above mentioned Act and Regulations, has named newly constructed roads within the new residential subdivision on the former Lidcombe Hospital site, Joseph Street, Lidcombe, as Sketchley Way and Macdermott Way. J. BURGESS, General Manager, Auburn City Council, PO Box 118, Auburn NSW 1835. [5619]

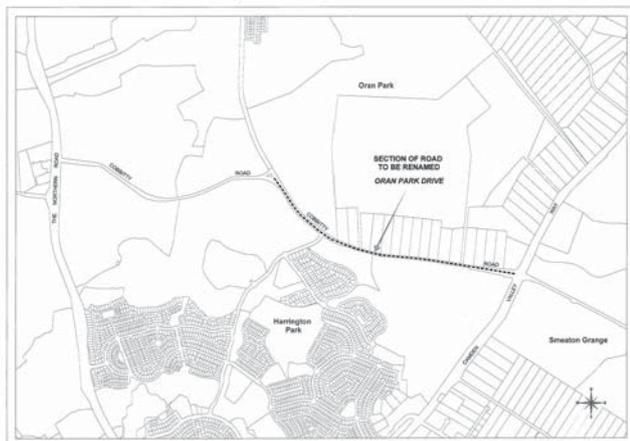
### CAMDEN COUNCIL

Roads Act 1993, Section 162

Re-Naming of Road

NOTICE is hereby given that Camden Council, in pursuance of section 162 of the Roads Act 1993, has renamed a section of Cobbitty Road, to Oran Park Drive, Oran Park. (See location site map). GREG WRIGHT, General Manager, PO Box 183, Camden NSW 2570.

<i>Current Road Name/Location</i>	<i>New Road Name</i>
Cobbitty Road, from Camden Valley Way to the entry of the new Oran Park development.	Oran Park Drive.



[5620]

### CITY OF CANTERBURY COUNCIL

Heritage Act 1977

Interim Heritage Order No. 1

St John's Catholic Church, 12 Balmoral Avenue, Croydon Park

UNDER section 25 of the Heritage Act 1977, City of Canterbury Council does by this order:

- (i) make an interim heritage order to cover the item of the environmental heritage specified or described in Schedule 'A'; and
- (ii) declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse six months from the date that it is made unless the City of Canterbury Council has passed a resolution before that date either:

- (1) in the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- (2) in the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Dated at Campsie, this 14th day of December 2010.

Mr J. MONTAGUE, P.S.M.,  
General Manager,  
City of Canterbury

#### SCHEDULE "A"

The property known as St John's Catholic Church, situated at 12 Balmoral Avenue, Croydon Park, on the land described in Schedule "B".

#### SCHEDULE "B"

All those pieces or parcels of land known as Lots 10 and 11, section C, DP 876 in the Parish of Concord, County of Cumberland. [5621]

### GOULBURN MULWAREE COUNCIL

Roads Act 1993

Roads (General) Regulation 2000

Renaming of Public Roads

NOTICE is hereby given that the Council at its meeting of 21 September 2010, resolved to rename the road hereunder. The road currently known as Gibson Street, Goulburn from Monastery Drive to Marys Mount Road, be renamed Poidevin Place. CHRIS BERRY, General Manager, Goulburn Mulwaree Council, Council Chambers, Goulburn NSW 2580. [5622]

**THE HILLS SHIRE COUNCIL**

Roads Act 1993, Section 10

NOTICE is hereby given that The Hills Shire Council dedicates the lands described in the Schedule below as public road under section 10 of the Roads Act 1993. GENERAL MANAGER, The Hills Shire Council, 129 Showground Road, Castle Hill NSW 2154.

**SCHEDULE**

All that piece or parcel of land known as Lot 15 in DP 545236 in The Hills Shire Council, Parish of Castle Hill, County of Cumberland and as described in Folio Identifier 15/545236.

All that piece or parcel of land known as Lot 24 in DP 1124076 in The Hills Shire Council, Parish of Castle Hill, County of Cumberland and as described in Folio Identifier Vol. 8408, Folios 59 and 60. [5623]

**LISMORE CITY COUNCIL**

Roads Act 1993, Section 16

Notice of Dedication of Land as Public Road

NOTICE is hereby given by Lismore City Council in pursuance of section 16, Division 2 of Part 2 of the Roads Act 1993, that the lands described in the Schedule below are hereby dedicated as public road. Dated at Lismore, 14 December 2010. PAUL G. O'SULLIVAN, General Manager, Lismore City Council, PO Box 23A, Lismore NSW 2480.

**SCHEDULE**

Land being identified as Hume Street, North Lismore and separating Lot 80, DP 863031 from Lot 81, DP 809579, Parish of North Lismore, County of Rous. [5624]

**MAITLAND CITY COUNCIL**

Naming of Public Roads

NOTICE is hereby given that Maitland City Council, in pursuance of section 162 of the Roads Act 1993 and Part 2 of The Roads (General) Regulation 2000, has approved the following new road name/s for gazettal:

<i>Deposited Plan/ Location</i>	<i>Road Name</i>
DP 1150734, off Radiant Avenue, Largs.	Reo Street.

The above road names have been advertised and notified. No objections to the proposed name/s have been received during the prescribed 28 day period. DAVID EVANS, General Manager, Maitland City Council, High Street (PO Box 220), Maitland NSW 2320. [5625]

**PORT MACQUARIE-HASTINGS COUNCIL**

Roads Act 1993

Section 10 – Dedication of Land as Public Road

NOTICE is hereby given that the Port Macquarie-Hastings Council in pursuance of section 10 of the Roads Act 1993, dedicates the land described in the Schedule below to the public as road. ANDREW ROACH, General Manager, Port Macquarie-Hastings Council, Corner Lord and Burrawan Streets, Port Macquarie NSW 2444.

**SCHEDULE**

Lot 6, Deposited Plan 1122022, Parish and County of Macquarie, being land situated adjacent to 37 Ocean Drive, Port Macquarie.

Lots 101 and 102, Deposited Plan 1135493, Parish of Koree, County of Macquarie, being land situated along Beechwood Road at Yippin Creek. [5626]

**SHIRE OF CONARGO**

Sale of Land for Overdue Rates

NOTICE is hereby given to the persons named hereunder that the Council of the Shire of Conargo has resolved, in pursuance of section 713 of the Local Government Act 1993, to sell the land described hereunder of which the person named appear to be owners or in which they appear to have an interest, and on which the rates stated in each case, as at 15 December 2010, is due:

<i>Assessment No.</i>	<i>Owners or Persons having an Interest in the Land</i>	<i>Description of Land</i>	<i>Amount of Rates (including Extra Charges) Overdue for more than Five Years</i>	<i>Amount of All Other rates (including Extra Charges) Due and in Arrears</i>	<i>Outstanding Rates and Charges</i>	<i>Total</i>
	(a)	(b)	(c)	(d)	(e)	(g)
360	Peppin, F., Harrison-Lamond, W. and Gibson, R.	Lot 9, section 45, DP 759045	\$250.00	\$1,400.42	\$1,650.42	\$1,650.42
1085	Wren, M.	Lot 6, section 16, DP 759045	\$250.00	\$1,394.79	\$1,644.79	\$1,644.79
1095	Reilly, R. T.	Lot 2, section 16, DP 759045	\$250.00	\$1,394.79	\$1,644.79	\$1,644.79

In default of payment to the Council of the amount stated in Column (e) above and any other Rates (including extra charges) becoming due and payable after publication of this notice, before the time fixed for the sale, the said Land will be offered for sale by Public Auction in the Pretty Pine Hall on Friday, 25th March 2011, commencing at 10:00 a.m. BARRY BARLOW, General Manager, Conargo Shire Council, PO Box 56, Deniliquin NSW 2710. [5627]

## ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of BEVERLEY JEAN CRAVEN, late of 6 Helena Place, Albion Park (formerly of 41 Hollings Drive, Kiama Downs), in the State of New South Wales, who died on 12th September 2010, must send particulars of this claim to the executrices, Kay Beverley Spencer and Sheree Anne Johnson (also known as Cheree Anne Johnson), c.o. Denis M. Anderson, Solicitor, 10 Regent Street, Kogarah NSW 2217, 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 the distribution he has notice. Probate was granted in New South Wales on 7th December 2010. DENIS M. ANDERSON, Solicitor, 10 Regent Street, Kogarah NSW 2217 (PO Box 148, Kogarah NSW 1485), tel.: (02) 9587 0440. [5628]

## OTHER NOTICES

### COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easements for Electricity Transmission Line from Koolkhan to Maclean COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that the Interest in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 17th day of December 2010.

TERRI BENSON,  
Managing Director

Country Energy,  
PO Box 718, Queanbeyan NSW 2620.

#### SCHEDULE 1

Locality: Southgate.

L.G.A.: Clarence Valley.

Interest in Land: Easement for overhead powerlines 50 wide affecting Lot 17 and Lot 2 in DP 241364 shown as "Proposed Easement for Transmission Line 50 wide" in DP 1138182.

Parish: Southgate.

County: Clarence.

#### SCHEDULE 2

Terms of Easement:

The easement for overhead powerlines in Schedule 1 is on the terms set out in Part A of Memorandum AA26009 amended by adding a new clause 4A as follows:

"4A. Despite clause 4, the Landowner may carry out the agricultural activity of sugar cane growing within the easement site, where such sugar cane growing involves the:

4A.1 laser levelling of land within the easement site;

4A.2 general cultivation and planting of sugar cane;  
4A.3 maintenance of the sugar cane crop; and  
4A.4 harvesting of the sugar cane,

provided that loading pads must not be constructed within the easement site and in all other instances such activities are carried out in accordance with:

4A.5 good and accepted industry and pastoral practice;

4A.6 the relevant guidelines or codes of practice published from time to time in relation to working in, on, under or near Overhead Equipment; and

4A.7 Country Energy's network management plan which:

(a) allows equipment associated with sugar cane growing (such as cane harvesters and/or multi-lift cane trucks) to work safely underneath the overhead electrical wires to a maximum of ten (10) metres above ground level. This clearance has been calculated on the basis that 85°C is the maximum operating temperature for the 66kV line and 65°C is the maximum operating temperature for an 11kV line where the 11kV line is underslung;

(b) prohibits the Landowner from approaching or coming within 3m of the Overhead Equipment;

(c) prohibits any vehicle or part of any vehicle approaching or coming within 2.1m of the Overhead Equipment."

[5629]

### COUNTRY ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easements for Electricity Transmission Line from Koolkhan to Maclean

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that the Interest in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 17th day of December 2010.

TERRI BENSON  
Managing Director

Country Energy,  
PO Box 718, Queanbeyan NSW 2620.

#### SCHEDULE 1

Locality: South Arm.

L.G.A.: Clarence Valley.

Interest in Land: Easement for overhead powerlines 30 wide affecting Lots 55 and 56 in DP 751392 and Lot 525 in DP 1118832 shown as "Proposed Easement for Transmission Line 30 Wide" in DP 1139979.

Parish: Woodford.

County: Clarence.

SCHEDULE 2

Terms of Easement:

The easement for overhead powerlines in Schedule 1 is on the terms set out in Part A of Memorandum No. AA26009 registered at Land and Property Management Authority.

[5630]

**COUNTRY ENERGY**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easements for Electricity Transmission Line from Lismore to Mullumbimby

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that the interests in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 17th day of December 2010.

TERRI BENSON,  
Managing Director

Country Energy, PO Box 718, Queanbeyan NSW 2620.

SCHEDULE 1

<i>No.</i>	<i>Locality</i>	<i>L.G.A.</i>	<i>Interests in Land</i>	<i>Parish</i>	<i>County</i>
1.	Lismore.	Lismore.	Easement for overhead powerlines 45 wide affecting Lots 1 and 3 in DP 1070260 shown as "Proposed Easement for Transmission Line 45 Wide" in DP1153480.	Lismore.	Rous.

SCHEDULE 2

Terms of Easements:

The easements for overhead powerlines in schedule 1 are on the terms set out in Part A of Memorandum No. AA26009 registered at Land and Property Management Authority.

[5631]

**COUNTRY ENERGY**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easements for Electricity Transmission Line from Lismore to Mullumbimby

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that the interests in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie, this 17th day of December 2010.

TERRI BENSON,  
Managing Director

Country Energy, PO Box 718, Queanbeyan NSW 2620.

## SCHEDULE 1

<i>No.</i>	<i>Locality</i>	<i>L.G.A.</i>	<i>Interests in Land</i>	<i>Parish</i>	<i>County</i>
1.	Lismore.	Lismore.	Easement for overhead powerlines 30 wide and variable width affecting Lot 29 in DP 755718 shown as "Proposed Easement for Transmission Line 30 Wide & Variable Width" in DP 1153840..	Lismore.	Rous.

## SCHEDULE 2

## Terms of Easements:

The easements for overhead powerlines in Schedule 1 are on the terms set out in Part A of Memorandum No. AA26009 registered at Land and Property Management Authority. [5632]

**COUNTRY ENERGY**

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Easements for Electricity Transmission Line from Koolkhan to Maclean

COUNTRY ENERGY declares, with the approval of Her Excellency the Governor and the Executive Council that the Interests in Land described in Schedule 1 to this notice the terms of which are described in Schedule 2 to this notice are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Electricity Supply Act 1995.

Dated at Port Macquarie this 17th day of December 2010.

TERRI BENSON,  
Managing Director

Country Energy, PO Box 718, Queanbeyan NSW 2620.

## SCHEDULE 1

<i>No.</i>	<i>Locality</i>	<i>L.G.A.</i>	<i>Interests in Land</i>	<i>Parish</i>	<i>County</i>
1.	Maclean / Gulmarrad / Taloumbi	Clarence Valley	Easement for overhead powerlines 30 wide affecting Lot 10 DP 849374, Lot 171 DP 1134269 and Lot 2 DP 610919 shown as "Proposed Easement for Transmission Line 30 Wide" in DP1141489	Gulmarrad	Clarence
2.	Maclean / Gulmarrad / Taloumbi	Clarence Valley	Easement for overhead powerlines 30 wide affecting Lot 22 DP 794013 shown as "Proposed Easement for Transmission Line 30 Wide" in DP1141489 excepting the easement for water supply 3 wide created by DP596166 and excepting the right of carriageway 8 wide created by DP596166.	Gulmarrad	Clarence
3.	Gulmarrad / Taloumbi	Clarence Valley	Easement for overhead powerlines 15 wide affecting Lot 112 DP842062 shown as "Proposed Easement for Transmission Line 15 Wide" in DP1141489	Gulmarrad	Clarence
4.	Maclean / Gulmarrad / Taloumbi	Clarence Valley	Easement for overhead powerlines 30 wide and variable affecting Lot 112 DP842062 shown as "Proposed Easement for Transmission Line 30 Wide" in DP1141489	Gulmarrad	Clarence

## SCHEDULE 2

## Terms of Easements:

The easements for overhead powerlines in schedule 1 is on the terms set out in Part A of Memorandum AA26009 amended by adding a new clause 4A as follows:

“4A. Despite clause 4, the Landowner may carry out the agricultural activity of sugar cane growing within the easement site, where such sugar cane growing involves the:

- 4A.1 laser levelling of land within the easement site;
- 4A.2 general cultivation and planting of sugar cane;
- 4A.3 maintenance of the sugar cane crop; and
- 4A.4 harvesting of the sugar cane,

provided that loading pads must not be constructed within the easement site and in all other instances such activities are carried out in accordance with:

- 4A.5 good and accepted industry and pastoral practice;
- 4A.6 the relevant guidelines or codes of practice published from time to time in relation to working in, on, under or near Overhead Equipment; and
- 4A.7 Country Energy’s network management plan which:

- (a) allows equipment associated with sugar cane growing (such as cane harvesters and/or multi-lift cane trucks) to work safely underneath the overhead electrical wires to a maximum of ten (10) metres above ground level. This clearance has been calculated on the basis that 85°C is the maximum operating temperature for the 66kV line and 65°C is the maximum operating temperature for an 11kV line where the 11kV line is underslung;
- (b) prohibits the Landowner from approaching or coming within 3m of the Overhead Equipment;
- (c) prohibits any vehicle or part of any vehicle approaching or coming within 2.1m of the Overhead Equipment.”

[5633]

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