



Government Gazette

OF THE STATE OF

NEW SOUTH WALES

Week No. 46/2013

Friday, 15 November 2013

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Government Gazette inquiry times are:

Monday to Friday: 8.30 am to 4.30 pm

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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.

Special Supplements

A Special Supplement or Extraordinary Supplement is a document which has a legal requirement to commence on a certain date and time. Release of Publication is required on the same day. The request for a Supplement is received from the department to the *Government Gazette* by telephone. The copy must be accompanied by a letter or email requesting the Supplement and signed by a Minister or Head of a Department.

NOTE: Advance notice of a Special Supplement is essential as early as possible on the day required. On Thursdays early notice is a priority and when possible notice should be given a day prior being the Wednesday.

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 9321 3356.*

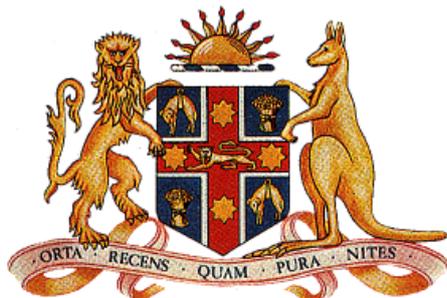
Department of Finance and Services Tenders

SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE

Information in relation to the Department of Finance and Services proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

SEE the Government Gazette website at:
<http://nsw.gov.au/gazette>



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 152
Friday, 8 November 2013

Published under authority by the Department of Premier and Cabinet

RURAL FIRES ACT 1997

NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by section 99 of the Rural Fires Act 1997, I, SHANE ALAN FITZSIMMONS, Commissioner of NSW Rural Fire Service, under delegation dated 20 February 2012, from the Hon. Michael Gallacher, M.L.C., Minister for Police and Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 00:01 hours to 23:59 hours on Friday, 8 November 2013.

Dated: 8 November 2013.

SHANE FITZSIMMONS, A.F.S.M.,
Commissioner

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SCHEDULE 1

Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire; or for urgent repairs and/or maintenance of any firefighting or associated plant or equipment; or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

SCHEDULE 2

Emergency Operations

Fire lit, maintained or used in association with any cutting, welding and/or grinding apparatus used by an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 (NSW) for the purpose of any emergency operations provided that, as far as is practicable:

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

SCHEDULE 3

Fireworks

Fireworks lit and maintained during a Total Fire Ban as part of an organised public display, theatrical display or technical non-display purpose, provided that;

- the person in charge of the display (“the responsible person”) holds a current Pyrotechnicians Licence or a Fireworks Single Use Licence (FSUL) issued by WorkCover NSW and;

- (b) the responsible person complies with the requirements of the WorkCover NSW publication “Operational Conditions FIREWORKS Pyrotechnics and Single Use Licence Holders” and;
- (c) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (d) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (e) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;

The abovementioned requirements stipulate that the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:

- (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
- (ii) the Officer In Charge of the nearest Fire and Rescue NSW fire station if the place where the display is to be held is within a fire district.

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

SCHEDULE 4

Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a “Carols by Candlelight” celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
 - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
 - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and
- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less

than six hours prior to the commencement of the ceremony or celebration, notify:

- (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
- (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

SCHEDULE 5

Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 6

Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

SCHEDULE 7

Sugar Cane Harvesting

Fire lit, maintained or used between the hours of 7 p.m. and 7 a.m. Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act 1997.

SCHEDULE 8

Bitumen Roadworks

Fire lit or maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 9

Disposal of Diseased Animal Carcasses

Fire lit or maintained or used for the purposes of disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify:
 - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
 - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

SCHEDULE 10

Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;

- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

SCHEDULE 11

Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on a gas or electric appliance provided that:
 - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
 - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
 - (c) a system of applying an adequate stream of water is available for immediate and continuous use; and
 - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
 - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
 - the council of the area or;
 - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
 - if the land is within a state forest, Forests NSW.

SCHEDULE 12

Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 13

Mining Operations

Fire lit, maintained or used in association with the cutting, welding and/or grinding apparatus used for the purpose of the urgent and essential maintenance and repair of mining equipment provided that:

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 14

Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire; and
- (c) if the work is to be carried out above the normal ground or floor level the area below the works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
 - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
 - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

SCHEDULE 15

Exhaust Stacks for Gas Exploration, Collection, Drainage, Refining Facilities, Oil Refineries and Steel Works

Fire lit, maintained or used to dispose of gaseous exhaust emissions through a chimney in connection with the exploration, collection, drainage, refining, manufacture or purification of gas, oil or metal provided that: the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning materials from the site of the exploration, collection, drainage, refining or manufacturing facility.

SCHEDULE 16

Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
 - (i) the NSW Rural Fire Service State Operations Centre on 1800 679 737 of the proposed flight; and
 - (ii) the NSW Rural Fire Service Zone or District Manager for the launch site if within the rural fire district and for each rural fire district on the proposed flight path; and
 - (iii) the NSWFB Officer in Charge of the nearest NSW Fire Brigades fire station if the launch site is within the NSWFB fire district,

and comply with any direction or additional condition, which may be, imposed by the RFS or NSWFB, which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager/s may be obtained from the RFS State Operations Centre on 1800 679 737 and the contact details for NSWFB may be obtained from the NSWFB Communications Centre on 1800 422 281;

- (b) at the time the balloon is launched:
 - (i) the ambient air temperature is less than 30 degrees Celsius; and
 - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (e) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (f) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (g) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

SCHEDULE 17

Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

SCHEDULE 18

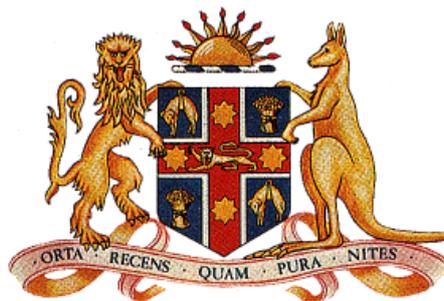
Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

SCHEDULE A

Greater Sydney Region

Authorised to be printed



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 153
Monday, 11 November 2013

Published under authority by the Department of Premier and Cabinet

RURAL FIRES ACT 1997

NOTIFICATION UNDER SECTION 99

IN pursuance of the powers conferred upon me by section 99 of the Rural Fires Act 1997, I, SHANE ALAN FITZSIMMONS, Commissioner of NSW Rural Fire Service, under delegation dated 20 February 2012, from the Hon. Michael Gallacher, M.L.C., Minister for Police and Emergency Services, do, by this notification direct that the lighting, maintenance or use of all fires in the open air, with the exception of the classes of fire as specified in Schedules 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 hereto, is prohibited in the parts of the State set out in Schedule A hereto, from 00:01 hours to 23:59 hours on Saturday, 9 November 2013.

Dated: 9 November 2013.

SHANE FITZSIMMONS, A.F.S.M.,
Commissioner

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SCHEDULE 1

Fire Fighting Activities

Fire lit, maintained or used for the purpose of suppressing or controlling any existing bush fire; or for urgent repairs and/or maintenance of any firefighting or associated plant or equipment; or to provide food and refreshments for fire fighting personnel where such fire is lit, maintained or used under the direction of the Commissioner of the NSW Rural Fire Service, any officer of the NSW Fire Brigades, any officer authorised by the State Forests of New South Wales, any officer authorised by the Director General of the NSW National Parks and Wildlife Service, or any NSW Rural Fire Service Deputy Captain, Captain, Deputy Group Captain, Group Captain or Officer of the rank of Inspector or above, appointed pursuant to the provisions of the Rural Fires Act 1997 (NSW).

SCHEDULE 2

Emergency Operations

Fire lit, maintained or used in association with any cutting, welding and/or grinding apparatus used by an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 (NSW) for the purpose of any emergency operations provided that, as far as is practicable:

- the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the emergency; and
- adequate fire fighting equipment is provided at the site of the emergency to prevent the escape or spread of the fire.

SCHEDULE 3

Fireworks

Fireworks lit and maintained during a Total Fire Ban as part of an organised public display, theatrical display or technical non-display purpose, provided that;

- the person in charge of the display (“the responsible person”) holds a current Pyrotechnicians Licence or a Fireworks Single Use Licence (FSUL) issued by WorkCover NSW and;

- (b) the responsible person complies with the requirements of the WorkCover NSW publication “Operational Conditions FIREWORKS Pyrotechnics and Single Use Licence Holders” and;
- (c) all fire, sparks or incandescent or burning material is extinguished at the conclusion of the display and prior to the responsible person leaving the site;
- (d) the display is conducted in a manner, which minimises the likelihood that fire, sparks or burning or incandescent material will impact on the land surrounding the display causing a fire;
- (e) precautions are taken to prevent the escape of fire, sparks or incandescent or burning material from the surrounding area;

The abovementioned requirements stipulate that the responsible person must notify, during business hours, not less than forty eight hours prior to the commencement of the fireworks display:

- (i) the NSW Rural Fire Service Zone or District Manager for that District if the place where the display is to be held is within a rural fire district; or
- (ii) the Officer In Charge of the nearest Fire and Rescue NSW fire station if the place where the display is to be held is within a fire district.

and comply with any direction or additional condition which may be imposed by that Officer, which may include a direction that the fireworks not be lit.

SCHEDULE 4

Religious/Sacred Ceremonies

Fire lit, maintained or used as part of a religious or sacred ceremony, including candles lit or maintained as part of a “Carols by Candlelight” celebration, provided that:

- (a) approval to use of the land on which the ceremony or celebration is to be held has been obtained in writing from:
 - (i) the local authority for the area in which the land is located, if the land is controlled or managed by a local authority; or
 - (ii) in any other case, the owner or occupier of the land on which site the ceremony or celebration will be held;
- (b) the ceremony or celebration is held on an open area of land so that any naked flame is surrounded by ground that is clear of all combustible material for a distance of at least 20 metres;
- (c) each fire or flame is constantly under the direct control or supervision of a responsible adult person;
- (d) each fire or flame is extinguished at the conclusion of the ceremony or celebration and prior to the person having control or supervision of the fire or flame leaving the site;
- (e) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must ensure that all necessary steps are taken to prevent the escape of fire, sparks or incandescent or burning material from the site; and
- (f) the person who obtained the consent of the local authority or the owner or occupier of the land to conduct the ceremony or celebration must, not less

than six hours prior to the commencement of the ceremony or celebration, notify:

- (i) the NSW Rural Fire Service Zone or District Manager for that district, If the place where the ceremony or celebration is to be held is within a rural fire district; or
- (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the ceremony or celebration is to be held is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire or candles not to be lit.

SCHEDULE 5

Services & Utilities – Essential Repairs/Maintenance

Fire lit, maintained or used by, or under the authority of, a provider of energy, telecommunications, water, transport or waste removal/disposal services, in connection with the urgent and essential:

- (a) repairs; or
- (b) maintenance

of facilities or equipment required for the continuation of the supply or provision of power, light, heat, cooling, refrigeration, communication, water, transport or sewerage provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 6

Disposal of Waste/Putrescent Material

Fire lit, maintained or used by a public authority as defined in the dictionary of the Rural Fires Act 1997 (NSW), for the disposal of waste or putrescent material likely to cause a health hazard provided that the fire is lit in a properly constructed incinerator designed to prevent the escape of fire, sparks or incandescent or burning material therefrom.

SCHEDULE 7

Sugar Cane Harvesting

Fire lit, maintained or used between the hours of 7 p.m. and 7 a.m. Australian Eastern Standard Summer Time for a purpose associated with the harvesting of sugar cane provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the area of cane which is to be harvested; and,
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire,
- (c) the fire is under the direct control of a responsible adult person, present at all times until it is fully extinguished.
- (d) the person who lights the fire has complied with the requirements of section 87 of the Rural Fires Act 1997.

SCHEDULE 8

Bitumen Roadworks

Fire lit or maintained or used for the purpose of heating bitumen in tankers, sprayers, storage units, mobile asphalt plants, mobile asphalt pavers and pavement recycling machines for road repair and construction works provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the equipment; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 9

Disposal of Diseased Animal Carcasses

Fire lit or maintained or used for the purposes of disposal of diseased sheep, cattle, chicken or other deceased stock carcasses provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the fire;
- (b) adequate fire fighting equipment is provided at the site of the fire to prevent the escape or spread of the fire;
- (c) the site of the fire is surrounded by ground that is clear of all combustible material for a distance of at least 30 metres;
- (d) a responsible adult person is present at the site of the fire at all times while it is burning; and
- (e) prior to lighting such a fire, the person in charge of the operation must notify:
 - (i) the NSW Rural Fire Service Zone or District Manager for that district if the place where the fire is to be lit is within a rural fire district; or
 - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the place where the fire is to be lit is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not be lit.

SCHEDULE 10

Bee Hive "Smokers"

Fire lit and maintained in a metal canister, known as a "bee hive smoker" used by apiarists to produce smoke for use in connection with the management of bees and bee hives, provided that:

- (a) the canister is a commercially available "bee hive smoker" designed to prevent the escape of sparks or incandescent or burning material;
- (b) the fuel for the canister is lit inside a building or vehicle by a responsible adult person and the canister is sealed prior to leaving the building or vehicle and being taken to the hives;
- (c) fire, sparks or incandescent or burning material is not permitted to escape from the canister in the open air;

- (d) the canister is not to be left unattended while it is alight;
- (e) the fuel is totally extinguished inside a building or vehicle by the responsible adult person at the completion of use.

SCHEDULE 11

Electric or Gas Barbeques

1. Fire lit, maintained or used for the purpose of food preparation on a gas or electric appliance provided that:
 - (a) the appliance is under the direct control of a responsible adult person, present at all times while it is operating;
 - (b) no combustible material of any kind is allowed within two metres of the appliance while it is operating;
 - (c) a system of applying an adequate stream of water is available for immediate and continuous use; and
 - (i) the appliance is located on land on which is erected a permanent private dwelling and is not more than twenty metres from that dwelling; or
 - (ii) where the appliance is not on land on which is erected a permanent private dwelling, both the appliance and the land on which it is located have been approved for the purpose by:
 - the council of the area or;
 - if the land is acquired or reserved under the National Parks and Wildlife Act 1974, the National Parks and Wildlife Service; or
 - if the land is within a state forest, Forests NSW.

SCHEDULE 12

Charcoal Production

Fire lit, maintained or used in accordance with Regulation 28 (1) (a) of the Rural Fires Regulation 2002 (NSW), for the production of charcoal (but not for the destruction of waste arising therefrom) provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 13

Mining Operations

Fire lit, maintained or used in association with the cutting, welding and/or grinding apparatus used for the purpose of the urgent and essential maintenance and repair of mining equipment provided that:

- (a) the cutting, welding and/or grinding apparatus is used in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works; and
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire.

SCHEDULE 14

Building Construction/Demolition – Urgent and Essential

Fire lit, maintained or used in association with welding, cutting and grinding work undertaken in the course of urgent and essential construction or demolition of buildings provided that:

- (a) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the site of the works;
- (b) adequate fire fighting equipment is provided at the site of the works to prevent the escape or spread of the fire; and
- (c) if the work is to be carried out above the normal ground or floor level the area below the works must be totally free of combustible material and any fire, spark or incandescent material must be prevented from falling to that area.
- (d) prior to lighting the fire, the person in charge of the work must notify:
 - (i) the NSW Rural Fire Service Zone or District Manager for that district, If the site of the work is within a rural fire district; or
 - (ii) the Officer in Charge of the nearest NSW Fire Brigades fire station if the site of the work is within a fire district

and comply with any direction or additional condition which may be imposed by that officer which may include a direction that the fire not to be lit.

SCHEDULE 15

Exhaust Stacks for Gas Exploration, Collection, Drainage, Refining Facilities, Oil Refineries and Steel Works

Fire lit, maintained or used to dispose of gaseous exhaust emissions through a chimney in connection with the exploration, collection, drainage, refining, manufacture or purification of gas, oil or metal provided that: the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning materials from the site of the exploration, collection, drainage, refining or manufacturing facility.

SCHEDULE 16

Hot Air Balloons

Fire lit, maintained or used in order to conduct commercial hot air balloon flying operations provided that:

- (a) not more than twelve hours prior to lighting such a fire the pilot must notify:
 - (i) the NSW Rural Fire Service State Operations Centre on 1800 679 737 of the proposed flight; and
 - (ii) the NSW Rural Fire Service Zone or District Manager for the launch site if within the rural fire district and for each rural fire district on the proposed flight path; and
 - (iii) the NSWFB Officer in Charge of the nearest NSW Fire Brigades fire station if the launch site is within the NSWFB fire district,

and comply with any direction or additional condition, which may be, imposed by the RFS or NSWFB, which may include a direction that the fire is not to be lit. The contact details for the RFS Zone or District Manager/s may be obtained from the RFS State Operations Centre on 1800 679 737 and the contact details for NSWFB may be obtained from the NSWFB Communications Centre on 1800 422 281;

- (b) at the time the balloon is launched:
 - (i) the ambient air temperature is less than 30 degrees Celsius; and
 - (ii) the average wind speed measured at ground level is less than 20 kilometres per hour;
- (c) the take off site is clear of all combustible material within a 3 metre radius of the balloon burner;
- (d) the balloon has landed and all burners and pilot lights are extinguished by no later than 2 hours after sunrise;
- (e) any sighting of smoke or fire observed from the air is immediately reported to the NSW Fire Brigades via the Telstra “000” emergency system;
- (f) the fire is lit and maintained in a manner which will prevent the escape of fire, sparks or incandescent or burning material from the balloon; and
- (g) adequate fire fighting equipment is carried in the balloon and by the ground/retrieval party to prevent the escape or spread of the fire.

SCHEDULE 17

Olympic Cauldron

Fire lit and maintained by the Sydney Olympic Park Authority in the “Olympic Cauldron” erected at Sydney Olympic Park.

SCHEDULE 18

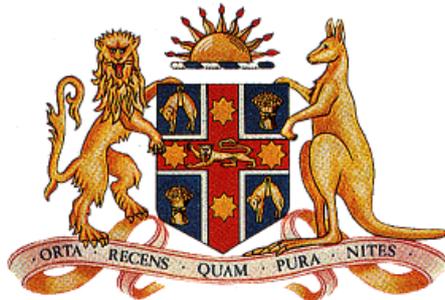
Any Other Fire Approved by NSW RFS Commissioner

Any fire, the lighting or maintenance of which is approved in writing by the Commissioner of the NSW Rural Fire Service, provided that the person who lights or maintains the fire complies with any conditions imposed by the Commissioner in relation to that fire.

SCHEDULE A

Greater Hunter

Authorised to be printed



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 154

Monday, 11 November 2013

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SPECIAL SUPPLEMENT

NOTICE OF PURPOSE OTHER THAN THE DECLARED PURPOSE PURSUANT TO SECTION 34A(2) OF THE CROWN LANDS ACT 1989

PURSUANT to section 34A(2)(b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedules, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedules.

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

SCHEDULE 1

Column 1

Film Making (Relevant Interest - S34A licence - RI 524540).

Column 2

Reserve No.: 76397.
Public Purpose: Future public requirements.
Notified: 20 November 1953.
File No.: 13/14946.

SCHEDULE 2

Column 1

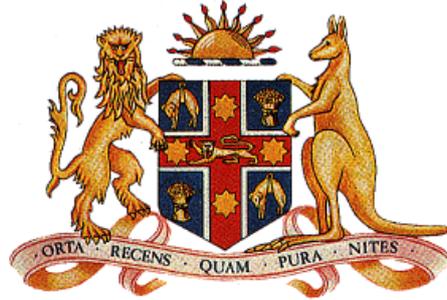
Film Making (Relevant Interest - S34A Licence - RI 524540).

Column 2

Reserve No.: 84750.
Public Purpose: Future public requirements.
Notified: 14 February 1964.
File No.: 13/14946.

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TONY DUCKMANTON, Government Printer.



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 155
Tuesday, 12 November 2013

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SPECIAL SUPPLEMENT

REPORT

and

DETERMINATION

under

SECTION 24C

of the

STATUTORY AND OTHER OFFICES

REMUNERATION ACT, 1975

CHIEF EXECUTIVE AND SENIOR EXECUTIVE SERVICES

27 September 2013

Chief Executive Service and Senior Executive Service

Section 1

Introduction

Mr Ken Baxter was appointed to the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act)) for a term of up to three years commencing 20 March 2013.

Background

1. Section 24C of the SOOR Act provides for the Tribunal to determine annual remuneration packages for the Chief Executive Service and Senior Executive Service (SES)¹ to take effect on and from 1 October in that year.
2. The SES was introduced in the NSW public sector in 1989. The key features of the SES are:
 - classification into 8 remuneration levels
 - minimum and maximum of each remuneration level determined by the Tribunal
 - conditions of employment being fixed by contract
 - individual performance agreements
 - annual increases in remuneration based on performance assessment
 - remuneration packages expressed as total cost of employment, whether the amount is monetary remuneration for the executive office holder, or partly that remuneration and partly as the cost to the employer of the executive office holder of employment benefits.

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

Chief Executive Service and Senior Executive Service

3. In determining the remuneration for SES officers, and following amendments to the SOOR Act in 2011, the Tribunal is required pursuant to Section 6AA to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employee.
4. The current policy on wages pursuant to section 146(1)(a) of the IR Act is specified in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 (the IR Regulation 2011). The effect of the IR Regulation 2011 is that public sector wages cannot increase by more than 2.5 per cent. Any increase beyond 2.5 per cent can only be awarded subject to the requirement that sufficient employee-related cost savings have been achieved to fully offset the increased employee-related costs.

Section 2

2012 Review

5. In undertaking the 2012 review the Tribunal noted the significant impact that section 6AA of the SOOR Act had on the way the Tribunal made its determinations. The effect of the amendments to the SOOR Act in 2011 was to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for office holders unless there were sufficient employee-related cost savings to offset the additional employee-related costs.
6. In 2012 the Tribunal examined the issue of employee-related cost savings. As part of that review the Tribunal received legal advice and met with judicial members of the Industrial Relations Commission.

Chief Executive Service and Senior Executive Service

7. The Tribunal found that section 146C and the IR Regulation 2011 required a new approach to identifying savings not previously contemplated. Increases provided on the basis of productivity savings achieved across an organisation, which was the basis for awarding previous increases across the SES Group, will not be sufficient to meet the policy requirements specified in the IR Regulation 2011.
8. Having regard to the definitions contained in the IR Regulation 2011 of "employee-related costs" and "employee-related cost savings", the Tribunal was of the view that any pay increase which may be awarded to the SES above 2.5 per cent must be matched by cost savings which neutralise the cost of the increase. Clause 6(1)(c) suggests the kinds of employee-related cost savings which may be relevant, in that it contemplates reduction (with the agreement of the relevant parties) in "existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment".
9. In making a submission in support of any increase above 2.5 per cent, the Tribunal found that the SES would need to find employee-related costs savings, such as the elimination of leave loading, reduction of travelling allowances - anything which is not protected as a minimum condition of employment.
10. As SES Officers are not employed under an industrial instrument their conditions of employment are outlined in the relevant legislation or in the contract of employment. Any changes to these conditions aimed at reducing employee-related costs and contributing to savings, would need to apply to all affected SES office holders, would require consent of those office holders, and may require legislative change.
11. The Tribunal identified, as it did during the 2011 review, the need to develop a methodology to assess employee-related cost savings which may justify a "general increase" above 2.5 per cent in appropriate circumstances.

Chief Executive Service and Senior Executive Service

12. Historically the Tribunal has not called for or received submissions from individual SES Officers. Instead, the Tribunal has regard to information contained in the Government's submission in respect of the SES.
13. The Government's Submission for 2012 recommended that the Tribunal approve an increase of 2.5 per cent for the SES. That recommendation was consistent with the NSW Wages Policy and reflected the NSW Government's intent, pursuant to section 6AA and the IR Regulation 2011.
14. The 2012 Government submission also advised that the Public Service Commission was developing reform proposals for the executive structure of the NSW public service. The reforms were a response to the NSW Commission of Audit recommendation that the structure of executive employment required fundamental overhaul and that:

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

- *establish a separate structure for clusters Directors General*
- *create a new executive structure combining the SES and the Senior Officer classification and, as appropriate, other executive groupings'*

(Recommendation #45)."

15. The Government advised that once the new executive arrangements were in place, consideration would be given to the development of a methodology to assist the Tribunal in assessing employee related savings that were advanced to justify an increase beyond 2.5 per cent for the SES.

Chief Executive Service and Senior Executive Service

16. The Tribunal's 2012 annual determination dated 9 November 2012 provided for a 2.5 per cent increase for each SES officer, subject to satisfactory performance.

Section 3

Government submission

17. The Government Submission recommends that the Tribunal approve an increase of 2.5 per cent for the SES. This recommendation is consistent with NSW Wages Policy and reflects the NSW Government's intent, pursuant to section 6AA of the SOOR Act and the IR Regulation 2011.
18. The Government submission notes that the challenge for the Chief and Senior Executive Service Officers in the NSW public sector over the upcoming year remains the delivery of improved citizen-centric services to the people of NSW in a more efficient and cost effective manner, while at the same time delivering the major reforms contained in *NSW 2021*.
19. Meeting this challenge is necessary to enable the Government to return to a sufficiently large operating surplus to fund a significant part of capital expenditure, build a buffer against adversity and ensure a gradual decline in state debt and unfunded super. In this regard, there is a need for the CES and SES, like the rest of the NSW public sector, to demonstrate wage restraint and contribute to containment of expenses growth.
20. The Government submission provides an overview of the recent economic performance and outlook for the State and the Government's 2013-14 Budget.
21. For 2012-13, NSW real economic growth has been revised up by 0.5 of a percentage point to 2.5 per cent, due to stronger than expected growth in household consumption, engineering construction (mining related), net exports

Chief Executive Service and Senior Executive Service

and non-residential building. Interest rate sensitive sectors of the economy have started to improve, as evident in partial indicators such as retail sales, investor housing finance and dwelling approvals. Growth in these indicators for NSW has generally outperformed national growth recently, in part reflecting the greater sensitivity of NSW households to interest rates. NSW economic growth is expected to improve in 2013-14 and remain steady in 2014-15.

22. Employment growth has been revised up by 0.75 of a percentage point to 1.5 per cent. Employment growth has been stronger than expected and above trend through 2012-13 to date, and stronger than it has been nationally, but is forecast to ease slightly in the near term, consistent with leading indicators of labor demand. The NSW unemployment rate remains relatively low by both historical standards and compared with most other states, averaging 5.2 per cent in 2012-13 to date.
23. The 2013-14 Budget delivers on the Government's fiscal strategy of returning the State's finances to a sustainable position, through continuing expense control, proceeds from asset transactions and modest revenue measures.
24. The Government's fiscal strategy is enshrined in the *Fiscal Responsibility Act 2012* with the key objective being to maintain operating balances and debt positions that are consistent with the State's triple-A credit rating.
25. The 2013-14 Budget forecasts modest traditional deficits in 2012-13 and 2013-14 before returning to surplus in 2014-15, with growing surpluses thereafter. The surpluses now in prospect reflect the benefits of improved financial management. Expenses growth has been brought under control by delivering on the expense savings measures announced in the previous two Budgets.
26. Controlling employee-related expenses continues to be a key focus in the Government's expense restraint. The 2013-14 Budget continues to deliver the

Chief Executive Service and Senior Executive Service

benefits of the *NSW Public Sector Wages Policy 2011*. The policy provides for remuneration increases of 2.5 per cent per annum, with increases above this amount funded by realised employee-related cost savings. The Government has also implemented policies relating to better management of excess employees, a labour expense cap and more stringent controls on excessive annual leave accruals.

27. In 2013-14, employee expenses are estimated to be 47.5 per cent of the total expenses, including superannuation expenses (6.1 per cent) and other employee expenses (41.4 per cent) composed principally of wages and salaries.
28. The Government submission has also provided an overview of the current key economic indicators. The NSW Wages Price Index grew at a below trend annual rate of 3 per cent in the March quarter 2013, driven by below trend growth in both private sector and public sector wages. Wages growth is expected to be 3.25 per cent in 2013-14 before picking up to 3.5 per cent in 2014-15, in line with trend output growth, a solid labour market, and moderate inflation. The Government's wages policy will continue to assist in moderating public sector wages growth.
29. The latest Consumer Price Index (CPI) figures for the June quarter 2013 show annual CPI growth of 2.6 per cent in Sydney, and 2.4 per cent across the average of 8 capital cities. In year average terms, the Sydney CPI rose by 2.5 per cent in 2011-12. Over the next two years, domestic price pressures are expected to ease slightly, consistent with moderate wages growth and the recent improvement in productivity growth. A lower exchange rate will offset this easing in domestic pressures. The outlook for headline inflation, according to NSW and Commonwealth Treasury forecasts, is for inflation to remain within the Reserve Bank of Australia's 2-3 per cent target band over the forecast period (with Commonwealth Treasury forecast at the lower end at 2.25 per cent.)

Chief Executive Service and Senior Executive Service

30. The Government Submission also provides an overview of the reforms proposed to the executive structure of the NSW public sector, in response to the NSW Commission of Audit recommendations. The *Government Sector Employment Act 2013* (the GSE Act) was assented to on 25 June 2013 and reflects and builds on the Government's reform program for the public sector. The GSE Act provides a new and simpler statutory framework devoted solely to NSW Government sector employment and workforce management. It also introduces new structural and employment arrangements for all NSW Public Service senior executives. Further details in relation to these changes and their impact on the functions of the Tribunal are outlined in more detail in section 4 of this report.
31. The Government submission also addresses the impact of the Superannuation Guarantee Contribution (SGC) increase of 0.25 per cent with effect from 1 July 2013, in accordance with the *Superannuation Guarantee (Administration) Act 1992* (*C'wth*). The Government has advised that the SGC increase does not affect the Tribunal's ability to determine a remuneration increase of up to 2.5 per cent for chief and senior executive service officers as they receive a total remuneration package.
32. The Government further recommends that there be no increase to the minimum and maximum rates of Recruitment and Retention Allowances.

Chief Executive Service and Senior Executive Service

Section 4

2013 Review

33. In January 2013 the Tribunal wrote to the Director General of the Department of Premier and Cabinet (DPC) and the Secretary of NSW Treasury to seek their assistance in the development of an appropriate methodology to assess employee-related cost savings, as they relate to office holders subject to the determinations of the Tribunal.
34. Subsequently the Tribunal met with officers from both the DPC and the Treasury to discuss the development of such a methodology. The Tribunal acknowledges the assistance given at that time.
35. In February 2013 the Government introduced into the Parliament the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013. The Bill signalled the Government's intent to extend the wages policy to judicial office holders, who were exempt under the legislation at that time.
36. On 22 May 2013, the Parliament passed the amendments to the SOOR Act which now require the Tribunal, when making determinations under Part 3 of the Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations, rather than those policies that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act. In addition, any policy concerning the remuneration of office holders as declared by the regulations will now also extend to judicial office holders, who previously had been excluded under the SOOR Act. The new provisions commenced on 1 July 2013.
37. New section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and

Chief Executive Service and Senior Executive Service

Related Officers Group and the Public Office Holders Group. Government policy concerning the remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013 (the SOOR Regulation 2013).

38. The impact of the changes to the SOOR Act and the introduction of the SOOR Regulation 2013 on office holders to which Part 3 applies will be outlined in more detail in the determinations for those office holder groups.
39. These new arrangements do not apply to determinations under Part 3A - remuneration packages for chief executive and senior executive office holders. For these determinations the Tribunal will continue to be required to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act.
40. While the amendments to the SOOR Act and the SOOR Regulation 2013 have guided the Tribunal in the development of a methodology to assess office related cost savings for Part 3 office holders, it remains to be determined whether an appropriate methodology to assess employee-related cost savings for Part 3A Office Holders can be developed.
41. The Public Service Commission is presently developing reform proposals for the executive structure of the NSW Public Service. The Government has advised, as it did in 2011, that once the new executive arrangements are in place, consideration will be given to the development of a methodology to assist the Tribunal in assessing employee related savings that are advanced to justify an increase beyond 2.5 per cent for the SES.
42. The Tribunal acknowledges that since making its 2012 determination considerable progress has been made in relation to executive structure reform.

Chief Executive Service and Senior Executive Service

43. The *Government Sector Employment Act 2013* (the GSE Act) is expected to commence early in 2014. The GSE Act introduces a new structure and employment arrangements for all NSW Public Service senior executives. Covered by the reforms will be the Chief and Senior Executive Service, Transport Senior Service and Senior Officer positions.
44. The existing Chief Executive Service, eight-level Senior Executive Service, and award-based Senior Officer structure and equivalents, will be replaced by a single executive structure across the public sector. The new executive structure will provide for a single NSW Public Service Senior Executive.
45. The Tribunal has been advised that, under the new legislation, the Premier will determine a new simpler executive structure which will comprise of four broad bands being;
- State Executive – Department Secretaries
 - Senior Executive Band 3 – Deputy Secretaries and Agency Heads
 - Senior Executive Band 2 – Executive Directors and Agency Heads
 - Senior Executive Band 1 – Directors
46. In accordance with section 40 of the GSE Act (to be proclaimed) the Tribunal will make annual determinations on the remuneration ranges for the Secretaries and for the senior executive bands. The SOOR Act will be amended to provide for a new Part 3B (Remuneration Packages for Public Service Senior Executives) to allow the Tribunal to make these determinations.
47. Until it is in a position to make the proposed new Part 3B determinations the Tribunal will continue to make determinations for the existing Senior Executive Service under Part 3A. The Tribunal will also continue to determine remuneration for a small number of specialist senior executive roles that need to be remunerated in line with global market rates.

Chief Executive Service and Senior Executive Service

48. All determinations of the Tribunal will apply from 1 July each year once the GSE Act commences. The SOOR Act will be amended upon proclamation of the GSE Act. Clause 7 of Schedule 6 of the GSE Act will amend section 13 of the SOOR Act to change the commencement date of the Tribunal's annual determinations from 1 October to 1 July. Section 17 of the SOOR Act will also be amended to allow the Tribunal to commence its inquiries on 1 January instead of 1 April.
49. The NSW Public Sector Wages Policy 2011 will continue to apply to determinations made in accordance with Part 3A and so far as the Tribunal is presently aware, will continue to apply to determinations made in accordance with Part 3B.
50. As advised in the 2013 Government submission, once the new executive arrangements are in place, consideration will again be given to the development of a methodology to assist the Tribunal in assessing employee related cost savings.
51. Given the complexity of the reforms it is appropriate that the Tribunal should delay further consideration of a methodology for this group until the new executive structure and the new legislation and amendments to the SOOR Act have commenced.
52. For the time being, and in the absence of any methodology to assess otherwise, the Tribunal will only consider what increase, if any, will apply to the SES up to the maximum permitted of 2.5 per cent.
53. In determining the appropriate increase the Tribunal has had regard to recent changes to the Superannuation Guarantee Contribution (SGC). The SGC – made in compliance with the *Superannuation Guarantee (Administration) Act 1992* (C'wth) – was increased by 0.25 per cent with effect from 1 July 2013.

Chief Executive Service and Senior Executive Service

54. In accordance with Section 24C of the SOOR Act the Tribunal determines remuneration packages for the SES. Section 24A of the SOOR Act provides for the following definition of a remuneration package for chief executive and senior executive office holders.

“s. 24A *remuneration package* means the annual amount payable under section 74 of the *Public Sector Employment and Management Act 2002* or section 46 of the *Police Act 1990*:

(a) as monetary remuneration for the executive office holder, or

(b) partly as that remuneration and partly as the cost to the employer of the executive office holder of employment benefits.”

55. Section 74 of the *Public Sector Employment and Management Act 2002* (PSEM Act) outlines the monetary remuneration and employment benefits for executive officers. These include:

“s. 74 (2) Contributions payable to a superannuation scheme by an executive officer’s employer in respect of the officer that are required to be made by the employer under a law of the State relating to superannuation are, until provided for by the officer’s contract of employment, taken to be an employment benefit provided in the contract.”

56. Section 73 of the PSEM Act defines employment benefits as:

“*employment benefit* means:

(a) contributions payable to a superannuation scheme by an executive officer’s employer in respect of the officer, including any liability of that employer to make any such contributions or to pay approved costs associated with that scheme, or...”

57. In May the Government advised that it was its intention that the SGC increase be funded from within the existing wages cap of 2.5 per cent. The Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales, which had filed applications to vary the salaries of certain public sector awards by 2.5 per cent, opposed the SGC being funded from the existing

Chief Executive Service and Senior Executive Service

wages cap of 2.5 per cent. This issue was referred to a Full Bench of the Industrial Relations Commission of New South Wales for determination.

58. In its decision made on 25 June 2013, the Full Bench found that the increases in remuneration or other conditions of employment, referred to in clause 6(1)(a) of the IR Regulation 2011, are only those increases resulting from an award or order made or varied by the Commission either by consent or in arbitration proceedings: *Re Crown Employees Wages Staff (Rates of Pay) Award 2011 & Ors* [2013] NSWIRComm 53.
59. Subsequent to the decision of the Full Bench on 28 June 2013 the Government amended the IR Regulation 2011 to make clear the Government's public sector policies for the purposes of section 146 of the IR Act, and to clarify the application of those policies in relation to the impact of increases in superannuation employment benefits.
60. The effect of the amendments to the IR Regulation 2011 was that SGC increases would be funded from within the existing wages cap of 2.5 per cent. It was intended that the cost of the SCG increase will be borne by the employee rather than the employer. Under the IR Regulation 2011, as amended, those arrangements applied to all public sector employees and office holders subject to the IR Regulation 2011, including Members of Parliament.
61. The amendments to the IR Regulation 2011, which clarified the application of the policies articulated in the IR Regulation 2011 in relation to the impact of increases in superannuation employment benefits, were disallowed by the Legislative Council on 21 August 2013. This has the effect of restoring the original *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* immediately.
62. Similarly on 22 August 2013, the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*, which applied to

Chief Executive Service and Senior Executive Service

those determinations of the Tribunal pursuant to Part 3A of the SOOR Act, was also disallowed by the Legislative Council.

63. Following the disallowance of the SOOR Amendment Regulation, the Tribunal received a supplementary submission from the Secretary of The Treasury, Mr Philip Gaetjens. The Supplementary submission states that:

“Notwithstanding the disallowance, the Government intends to ensure the 2.5 per cent remuneration policy requirement is met and is currently considering options available to it.”

64. As the SES receive remuneration packages which are inclusive of employment benefits, which pursuant to section 73 of the PSEM Act, include contributions payable to a superannuation scheme by an executive officer’s employer, the SES will be required to fund the 0.25 percentage increase from their total remuneration package. As the Tribunal is not able to determine an increase of more than 2.5 per cent, unless sufficient employee related costs are found to fund such an increase, the 0.25 per cent increase in the SGC must be absorbed into any increase awarded by the Tribunal.
65. An assessment of the key economic indicators would suggest that the maximum increase available to the Tribunal of 2.5 per cent is warranted. The Tribunal notes that the NSW Wages Price Index was 3 per cent for the March quarter 2013 and is expected to grow to 3.25 per cent in 2013-14 and 3.5 per cent in 2014-15. The Consumer Price Index (CPI) figures for the June quarter 2013 show annual CPI growth of 2.6 per cent in Sydney, and 2.4 per cent across the average of 8 capital cities. In year average terms, the Sydney CPI rose by 2.5 percent in 2011-12. The outlook for headline inflation, according to NSW and Commonwealth Treasury forecasts, is for inflation to remain within the Reserve Bank of Australia’s 2-3 per cent target band over the forecast period.

Chief Executive Service and Senior Executive Service

66. Having regard to the additional cost to employees of the SGC increase and the key economic indicators the Tribunal finds that the maximum increase of 2.5 per cent is appropriate and so determines.

Recruitment Allowance and Retention Allowance

67. There will be no increase in the minimum and maximum rates of the Recruitment Allowance or the Retention Allowance. Recruitment and Retention Allowances will not be available to new Public Service Senior executives under the GSE Act. While no new allowances will be offered, the Tribunal will continue to determine these allowances for existing SES officers currently in receipt of these allowances until such time as the transition arrangements are complete and Part 3 of the SOOR Act is repealed.

Chief Executive Positions

68. During the 2012 annual review the Tribunal determined that three Chief Executive positions would receive remuneration in excess of the maximum of SES Level 8: the Director General of the Department of Premier and Cabinet, the Chief Executive Officer and Co-ordinator General of Infrastructure NSW and the Director General, Department of Trade and Investment, Regional Infrastructure and Services.
69. The Tribunal continues to support the view that additional remuneration for these positions is warranted and determines an increase of 2.5 per cent consistent with section 6AA of the SOOR Act. The result of the Tribunal's determination in respect of these positions is contained in Determinations 2 to 4.

Chief Executive Service and Senior Executive Service

2014 Review

70. The GSE Act was assented to on 25 June 2013 and reflects and builds on the Government's reform program for the public sector. The GSE Act provides a new and simpler statutory framework devoted solely to NSW Government sector employment and workforce management.
71. All determinations of the Tribunal will apply from 1 July each year once the GSE Act commences. The SOOR Act will be amended upon proclamation of the GSE Act. Clause 7 of Schedule 6 of the GSE Act will amend section 13 of the SOOR Act to change the commencement date of the Tribunal's annual determinations from 1 October to 1 July. Section 17 of the SOOR Act will also be amended to allow the Tribunal to commence its inquiries on 1 January instead of 1 April.
72. On that basis the Tribunal will commence the 2014 annual review earlier than usual (but not before 1 January) to ensure sufficient time is available to complete the determinations on or as close to 1 July 2014 as possible.

Section 5

Conclusion

73. The Tribunal after considering the views of the Assessors and having regard to the provisions of section 6AA of the SOOR Act, determines an increase of 2.5 per cent for all SES officers, effective on and from 1 October 2013. The new rates are as set out in Determinations Nos 1-8.
74. Payment of the increase is subject to certification of an officer's satisfactory performance by the officer's CEO or in the case of CEOs the relevant Minister.

Chief Executive Service and Senior Executive Service

The Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

Determinations of the Remuneration Packages of the Chief Executive Service and Senior Executive Service Effective on and from 1 October 2013

Determination No 1- Remuneration Package Ranges

The remuneration package ranges for executive office holders shall be:

| CES/SES | Per annum range | | |
|----------------------|-----------------|----|-----------|
| Remuneration Level 8 | \$422,501 | to | \$488,100 |
| Remuneration Level 7 | \$336,851 | to | \$422,500 |
| Remuneration Level 6 | \$299,751 | to | \$336,850 |
| Remuneration Level 5 | \$259,851 | to | \$299,750 |
| Remuneration Level 4 | \$238,301 | to | \$259,850 |
| Remuneration Level 3 | \$209,801 | to | \$238,300 |
| Remuneration Level 2 | \$195,601 | to | \$209,800 |
| Remuneration Level 1 | \$167,100 | to | \$195,600 |

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

The Tribunal determines that the remuneration package for the Director General Department of Premier and Cabinet shall be \$559,445 pa effective on and from 1 October 2013.

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

The Tribunal determines that the remuneration package for the Chief Executive Officer and Co-ordinator General, Infrastructure NSW shall be \$538,450 pa effective on and from 1 October 2013.

Determinations of the Remuneration Packages of the Chief Executive Service and Senior Executive Service Effective on and from 1 October 2013

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

The Tribunal determines that the remuneration package for the Director General, Department of Trade and Investment, Regional Infrastructure and Services shall be \$534,410 pa effective on and from 1 October 2013.

Determination No 5 - Recruitment Allowance

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

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

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

Determinations of the Remuneration Packages of the Chief Executive Service and Senior Executive Service Effective on and from 1 October 2013

Determination No 6 - Retention Allowance

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

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

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

Determination No 7 - Specialist Medical Skills

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

| Specialist Medical Skills | Per annum range | | |
|---------------------------|-----------------|----|-----------|
| Remuneration Level 6 | \$308,800 | to | \$378,200 |
| Remuneration Level 5 | \$307,450 | to | \$364,400 |
| Remuneration Level 4 | \$302,150 | to | \$350,750 |
| Remuneration Level 3 | \$288,350 | to | \$334,600 |
| Remuneration Level 2 | \$270,600 | to | \$314,000 |
| Remuneration Level 1 | \$249,600 | to | \$286,550 |

Determinations of the Remuneration Packages of the Chief Executive Service and Senior Executive Service Effective on and from 1 October 2013

Determination No 8 – General Medical Skills

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

| General Medical Skills | Per annum range | | |
|------------------------|-----------------|----|-----------|
| Remuneration Level 2 | \$217,250 | to | \$252,100 |
| Remuneration Level 1 | \$199,700 | to | \$229,200 |

The Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

REPORT
and
DETERMINATION
under
SECTION 13
of the
STATUTORY AND OTHER OFFICES
REMUNERATION ACT, 1975

COURT AND RELATED OFFICERS GROUP

27 September 2013

www.remtribunals.nsw.gov.au

Court and Related Officers Group

Section 1

Introduction

Mr Ken Baxter was appointed to the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the *Statutory and Other Offices Remuneration Act 1975*, (the SOOR Act)) for a term of up to three years commencing 20 March 2013.

Background

1. Section 13 of the SOOR Act, requires the Statutory and Other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Court and Related Officers Group comprises those public offices, listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Public Office Holders Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for these office holders is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution, are additional to the salary amount determined.

Section 2

2012 Review

3. In undertaking the 2012 review the Tribunal was required (pursuant to Section 6AA) to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employees.

Court and Related Officers Group

4. The current policy on wages pursuant to section 146(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 (the IR Regulation 2011).
5. The Tribunal noted the significant impact that section 6AA of the SOOR Act had on the way the Tribunal made its determinations. The effect of the amendments to the SOOR Act in 2011 was to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for office holders unless there were sufficient employee-related cost savings to offset the additional employee-related costs.
6. In 2012 the Tribunal examined the issue of employee-related cost savings. As part of that review the Tribunal received legal advice and met with judicial members of the Industrial Relations Commission.
7. The Tribunal found that section 146C and the IR Regulation 2011 required a new approach to identifying savings not previously contemplated. Increases provided to individual office holders or groups of office holders based on productivity savings achieved across an organisation would no longer be sufficient to meet the policy requirements specified in the IR Regulation 2011.
8. Having regard to the definitions contained in the IR Regulation 2011 of "employee-related costs" and "employee-related cost savings", the Tribunal was of the view that any pay increase which may be awarded to the Court and Related Officers Group above 2.5 per cent must be matched by cost savings which neutralise the cost of the increase. Clause 6(1)(c) suggests the kinds of employee-related cost savings which may be relevant, in that it contemplates reduction (with the agreement of the relevant parties) in "existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment".
9. In making a submission in support of any increase above 2.5 per cent, the Tribunal found that the court and related office holders would need to find employee-related costs savings, such as changes to leave entitlements, elimination of leave loading, reduction of travelling allowances etc.

Court and Related Officers Group

10. Office holders within the Court and Related Officers Group are not employed under an industrial instrument. Their conditions of employment are outlined in the relevant legislation or, in some instances, negotiated with the relevant Minister at the time of appointment. Any changes to these conditions aimed at reducing employee-related costs and contributing to savings, would need to be approved by the relevant Minister, and in some cases, may need to be effected by legislative amendment.
11. In 2012 the Tribunal identified, as it did during the 2011 review, the need to develop a methodology to assess employee-related cost savings which may warrant a "general increase" above 2.5 per cent in appropriate circumstances.
12. The Government's Submission for 2012 recommended that the Tribunal approve an increase of 2.5 per cent for the Court and Related Officer Group. That recommendation was consistent with the NSW Wages Policy and reflected the NSW Government's intent, pursuant to section 6AA and the IR Regulation 2011.
13. The Tribunal's 2012 annual determination dated 9 November 2012 provided for a 2.5 per cent increase for each court and related office holder.

Section 3

2013 Review

14. In January 2013 the Tribunal wrote to the Director General of the Department of Premier and Cabinet (DPC) and the Secretary of NSW Treasury to seek their assistance in the development of an appropriate methodology to assess officer-related cost savings as, as they related to office holders subject to the determinations of the Tribunal.
15. Subsequently, the Tribunal met with officers from both the DPC and the Treasury to discuss the development of such a methodology. The Tribunal acknowledges the assistance given at that time.

Court and Related Officers Group

16. In February 2013 the Government introduced into the Parliament the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013. The Bill signalled the Government's intent to extend the wages policy to judicial office holders, who were exempt under the legislation at that time.
17. On 22 May 2013, the Parliament passed the amendments to the SOOR Act which now require the Tribunal, when making determinations under Part 3 of the Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations, rather than those policies that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act. In addition, any policy concerning the remuneration of office holders as declared by the regulations will now also extend to judicial office holders, who previously had been excluded under the SOOR Act. The new provisions commenced on 1 July 2013.
18. New section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Offices Group and the Public Office Holders Group.

6AB *Tribunal to give effect to declared government policy on remuneration of office holders under Part 3*

- 1) *This section applies to the determination under Part 3 (Remuneration of office holders (other than chief executive or senior executive office holders)) of any alteration in the remuneration to be paid to office holders within the meaning of that Part.*
- 2) *The Tribunal must, when making a determination to which this section applies, give effect to any policy concerning the remuneration of office holders:*
 - (a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Tribunal, and*
 - (b) that applies to the matter to which the determination relates.*
- 3) *Any such regulation may declare a policy by setting out the*

Court and Related Officers Group

policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.

- 4) *This section extends to any inquiries that are pending in the Tribunal on the commencement of this section. A regulation made under this section extends to any inquiries that are pending in the Tribunal on the commencement of the regulation, unless the regulation otherwise provides.*
- 5) *This section has effect despite any other provisions of this Act (other than section 16(6) and 21) or any other Act.*

19. Government policy concerning the remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the SOOR Regulation 2013).

5 *Paramount policy*

It is declared that equal remuneration for men and women doing work of equal or comparable value is a paramount policy.

6 *Other policies*

- 1) *The following policies are also declared, but are subject to compliance with the declared paramount policy:*
 - (a) *an office holder may be awarded increases in remuneration that do not increase the officer-related costs for the office holder by more than 2.5% per annum,*
 - (b) *increases in remuneration that increase the officer-related costs for the office holder by more than 2.5% per annum can be awarded, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs.*
- 2) *For the purposes of subclause (1) (b):*
 - (a) *whether relevant officer-related cost savings have been achieved is to be determined by the Tribunal, and*
 - (b) *the office, organisation or other agency for which the office holder is to be treated as belonging in connection with the relevant officer-related cost savings (the relevant agency for an office holder) is also to be determined by the Tribunal, and*
 - (c) *increases may be awarded before the relevant officer-related cost savings have been achieved, but are not payable until they are achieved, and*

Court and Related Officers Group

(d) the full officer-related cost savings are not required to be awarded as increases in remuneration.

- 3) *For the avoidance of doubt, the Tribunal may take into account any additional functions conferred or imposed on the office held by an office holder in determining the remuneration of the officer holder. However, any such additional functions cannot be used as a basis for awarding an office holder an increase in remuneration that increases the officer-related costs for the office holder by more than 2.5% per annum without offsetting relevant officer-related cost savings.*

7 *Meaning of "officer-related cost savings"*

- 1) *For the purposes of this Regulation, officer-related cost savings for an office holder are savings:*
- a) that are identified in the determination of the Tribunal that relies on those savings, and*
 - b) that involve any or all of the following:*
 - (i) savings resulting from a change in the work practices, terms of appointment, employment entitlements or personal appointment benefits of the office holder (other than savings from a reduction of the kind referred to in paragraph (c) (i)),*
 - (ii) savings resulting from structural changes to the relevant agency for the office holder, but only if the office holder managed the implementation of the whole or any part of those changes or participated in or otherwise contributed to those savings (whether directly or indirectly),*
 - (iii) savings resulting from changes to the work practices of the relevant agency for the office holder, or persons working for that agency, but only if the office holder managed the implementation of the whole or any part of those changes or participated in or otherwise contributed to those savings (whether directly or indirectly), and*
 - c) that are not achieved by a reduction in any of the following:*
 - (i) an amount payable or provided as a term of the appointment, or as an employment entitlement or personal appointment benefit, of the office holder if legislation requires that amount (or at least that amount) to be paid or provided to the office holder in connection with the officer's appointment,*
 - (ii) employment entitlements of any other persons working (whether as an employee or as an officer holder) in the same relevant agency for the office holder, and*
 - d) that are not existing savings (as defined in subclause (2)), and*
 - e) that are additional to whole of Government savings measures (such as efficiency dividends).*
- 2) *Savings are existing savings:*
- a) if and to the extent that:*

Court and Related Officers Group

- (i) *the savings have been identified in a determination of the Tribunal made under the Act before the relevant policy application day for the office holder concerned, and*
- (ii) *the savings have been relied on by that determination and the remuneration specified in the determination has been paid (whether or not the savings have been achieved and whether or not they were or are achieved during the term of the determination), or*

b) *if and to the extent that:*

- (i) *the savings have been identified in an industrial instrument of the Industrial Relations Commission made before the commencement of the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 (or in an agreement contemplated by such an instrument), and*
- (ii) *the savings have been relied on by that instrument (whether or not the savings have been achieved and whether or not they were or are achieved during the term of the instrument).*

3) *In this clause:*

relevant policy application day for an office holder means:

- a) *in the case of a judicial officer within the meaning of the Judicial Officers Act 1986—the day on which this Regulation commenced, and*
- b) *in any other case—27 June 2011 (being the day on which the Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011 commenced).*

20. In accordance with the SOOR Regulation 2013 any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs resulting from increased payment.

21. These new arrangements do not apply to determinations under Part 3A -remuneration packages for chief executive and senior executive office holders. For those determinations the Tribunal will continue to be required to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act.

Court and Related Officers Group

Changes to the Superannuation Guarantee Contribution

22. The Superannuation Guarantee Contribution (SGC) – made in compliance with the *Superannuation Guarantee (Administration) Act 1992* (C'wth) – was increased by 0.25 per cent with effect from 1 July 2013.

23. The SOOR Regulation 2013, which was first published on 21 June 2013, outlined the declared government policy on remuneration of office holders under Part 3. In accordance with Clause 6:

6 Other policies

(1) The following policies are also declared, but are subject to compliance with the declared paramount policy:

(a) an office holder may be awarded increases in remuneration that do not increase the officer-related costs for the office holder by more than 2.5% per annum,

(b) increases in remuneration that increase the officer-related costs for the office holder by more than 2.5% per annum can be awarded, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased.

24. The policy, as drafted at the time, reflected the intent of the original IR Regulation 2011 which continues to apply to the SES determination, and previously applied to the Tribunal's determinations pursuant to section 6AA, with the exception of Judicial Office Holders.

25. In May 2013 the Government advised that it was its intention that the SGC increase be funded from within the existing wages cap of 2.5 per cent. The Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales, which had filed applications to vary the salaries of certain public sector awards by 2.5 per cent, opposed the SGC being funded from the existing wages cap of 2.5 per cent. This issue was referred to a Full Bench of the Industrial Relations Commission of New South Wales for determination.

26. In its decision made on 25 June 2013, the Full Bench found that the increases in remuneration or other conditions of employment, referred to in clause 6(1)(a) of the IR Regulation 2011, are only those increases resulting from an award or order made or

Court and Related Officers Group

varied by the Commission either by consent or in arbitration proceedings: Re Crown Employees Wages Staff (Rates of Pay) Award 2011 & Ors [2013] NSWIRComm 53.

27. Subsequent to the decision of the Full Bench on 28 June 2013 the Government amended the IR Regulation 2011 to make clear the Government's public sector policies for the purposes of section 146 of the IR Act, and to clarify the application of those policies in relation to the impact of increases in superannuation employment benefits.

28. Clause 6 (1)(a) of the IR Regulation 2011 as amended provided;

"...Other policies

(1) *The following policies are also declared, but are subject to compliance with the declared paramount policies:*

(a) *Public sector employees may be awarded increases in remuneration or other conditions of employment, but only if employee-related costs in respect of those employees are not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment benefits provided (or to be provided) to the employees since their remuneration or other conditions of employment were last determined."*

29. Clause 8 of the IR Regulation 2011, as amended, provided;

".... Meaning of employee-related costs

(1) *For the purposes of this Regulation, employee-related costs are the costs to the employer of the employment of public sector employees, being costs related to the salary, wages, allowances and other remuneration payable to the employees and the superannuation and other personal employment benefits payable to or in respect of the employees.*

(2) *In subsection (1), superannuation benefits include any payments by the employer to a superannuation fund of an employee as a consequence of the enactment of or amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987."*

30. The effect of the amendments to the IR Regulation 2011 was that SGC increases were to be funded from within the existing wages cap of 2.5 per cent. These arrangements applied to the Tribunal's determinations pursuant to Part 3A, the SES, and all other

Court and Related Officers Group

public sector employees and office holders subject to the IR Regulation 2011, including Members of Parliament.

31. To ensure the same conditions applied to the Tribunal's determination pursuant to Part 3 of the SOOR Act - being the Judges and Magistrates, Court and Related Officers and Public Office Holders - the Government also amended the SOOR Regulation 2013 on 9 August 2013 to re-declare the Government's policies the Tribunal is required to give effect to when determining the remuneration of office holders. The re-declaration clarified the application of those policies in relation to the impact of increases in superannuation employment benefits and followed the similar re-declaration in relation to public sector remuneration made by the IR Regulation 2011.
32. The amendments to the IR Regulation 2011, which clarified the application of the policies articulated in the IR Regulation 2011 in relation to the impact of increases in superannuation employment benefits, were disallowed by the Legislative Council on 21 August 2013. This had the effect of restoring the original *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* immediately.
33. Similarly on 22 August 2013, the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*, which applied to those determinations of the Tribunal pursuant to Part 3A of the SOOR Act, was also disallowed by the Legislative Council. This had the effect of restoring the original *Statutory and Other Office Remuneration (Judicial and Other Office Holders) Regulation 2013* immediately.

Submissions Received

Government Submission

34. The Government submission recommends the Tribunal approve an increase of 2.25 per cent for the Court and Related Officers Group.
35. The Government submission states:

Court and Related Officers Group

"This recommendation is consistent with the NSW Wages Policy and reflects the NSW Governments' intent, pursuant to section 6AB of the SOOR Act and the SOOR Regulation 2013."

36. The Government recommends a 2.25 per cent increase, rather than a 2.5 per cent increase, to reflect the intent of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*. That Regulation, now disallowed, provided that under section 6(1)(a):

"an office holder may be awarded increases in remuneration, but only if officer-related costs for the office holder are not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment entitlements provided (or to be provided) to the office holder since his or her remuneration was last determined."

37. Following the disallowance of the SOOR Amendment Regulation, the Tribunal received a supplementary submission from the Secretary of The Treasury, Mr Philip Gaetjens. The Supplementary submission states that:

"Notwithstanding the disallowance, the Government intends to ensure the 2.5 per cent remuneration policy requirement is met and is currently considering options available to it."

Other Submissions

38. As is the usual practice, prior to the Tribunal making her Reports and Determinations, the Tribunal invited submissions from office holders. For the 2013 review office holders in the Court and Related Officers Group were advised that if they wished to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the officer-related cost savings which it or they intend to achieve.
39. As part of the current review the Tribunal received four submissions from offices within the Court and Related Officers Group. Those submissions generally sought an increase of 2.5 per cent with an appropriate adjustment in the conveyance allowance. The Tribunal did not receive a request for an increase above 2.5 per cent.

Court and Related Officers Group

40. The submissions also addressed the impacts of the amendments to the SOOR Act, the IR Regulation 2011 (and now the SOOR Regulation 2013) and the relativities between office holders within the group.
41. The Solicitor General's submission acknowledges the Tribunal's obligations under s146C of the IR Act (now section 6AB of the SOOR Act). The Solicitor General seeks a restoration of the previous salary relativity between the remuneration paid to the Solicitor General and the Director of Public Prosecutions with that of a judge of the Supreme Court. Noting that there were good reasons for this alignment, including the status of the two offices in question and the fact that these are the only non-judicial offices that provide an entitlement to the judicial pension under the *Judges' Pensions Act 1953*.
42. The Public Defenders have expressed the view that parity in salary between Public Defenders and Crown Prosecutors should be maintained.

2013 Increase

43. The Tribunal did not receive any submissions requesting an increase of greater than of 2.5 per cent. On that basis the Tribunal will only consider what general increase, if any, of up to 2.5 per cent is warranted.
44. An assessment of the key economic indicators would suggest that an increase of 2.5 per cent is warranted. The Tribunal notes that the NSW Wages Price Index was 3 per cent for the March quarter 2013 and is expected to grow to 3.25 per cent in 2013-14 and 3.5 per cent in 2014-15. The Consumer Price Index (CPI) figures for the June quarter 2013 show annual CPI growth of 2.6 per cent in Sydney, and 2.4 per cent across the average of 8 capital cities. In year average terms, the Sydney CPI rose by 2.5 percent in 2011-12. The outlook for headline inflation, according to NSW and Commonwealth Treasury forecasts, is for inflation to remain within the Reserve Bank of Australia's 2-3 per cent target band over the forecast period.
45. Having regard to the Parliament's disallowance of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013* and to the approach adopted by the Industrial Relations Commission in arbitration proceedings:

Court and Related Officers Group

Re Crown Employees Wages Staff (Rates of Pay) Award 2011 & Ors [2013] NSWIRComm 53, the Tribunal understands that the intent of the Parliament is clear, and does not propose to discount any remuneration increase it determines in remuneration to take account of the increase in the Superannuation Guarantee Contribution.

46. Also, the Tribunal will not make any changes to the existing relativities between office holders in the Court and Related Officers Group. In respect of the Solicitor General's submission the Tribunal notes, as it has in previous years, that immediately the current climate of fiscal restraint is relaxed to any extent, it would review and consider restoring the original long-standing relativities that existed within the former Judges, Magistrates and Related Group, if legislation does not prohibit the Tribunal from so doing.

Conveyance Allowance

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

2014 Review

49. The *Government Sector Employment Act 2013* (the GSE Act) was assented to on 25 June 2013 and reflects and builds on the Government's reform program for the public sector. The GSE Act provides a new and simpler statutory framework devoted solely to NSW Government sector employment and workforce management.
50. All determinations of the Tribunal will apply from 1 July each year once the GSE Act commences. The SOOR Act will be amended upon proclamation of the GSE Act. Clause 7 of Schedule 6 of the GSE Act will amend section 13 of the SOOR Act to change the commencement date of the Tribunal's annual determinations from 1 October to 1 July.

Court and Related Officers Group

Section 17 of the SOOR Act will also be amended to allow the Tribunal to commence its inquiries on 1 January instead of 1 April.

51. On that basis the Tribunal will commence the 2014 annual review earlier than usual (but not before 1 January) to ensure sufficient time is available to complete the determinations on or as close to 1 July 2014 as possible.

Section 4

Conclusion

52. The amendments to the SOOR Act (Section 6AB) and the introduction of the SOOR Regulation 2013 had a further impact on the way this Tribunal makes its determinations. It is the obligation of the Tribunal to undertake its duties consistent with the legislation. On that basis the Tribunal, after considering the views of the Assessors, considers that an increase of 2.5 per cent is appropriate and so determines.

53. Pursuant to Section 13 of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2013 shall be as specified in Determination 1.

The Statutory and Other Offices

Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

**Determination of the Remuneration of Court and Related Officers Group
Effective on and From 1 October 2013**

Determination No 1

| Salary | \$ per annum | Conveyance Allowance (1) |
|---|-----------------|--------------------------|
| Chairperson, Law Reform Commission | \$396,880 | \$22,550 |
| Director of Public Prosecutions | \$396,880 | \$22,550 |
| Solicitor-General | \$396,880 | \$22,550 |
| Crown Advocate | \$357,190 | \$20,330 |
| Deputy Director of Public Prosecutions | \$357,190 | \$20,330 |
| Senior Crown Prosecutor | \$321,470 | \$16,235 |
| Senior Public Defender | \$321,470 | \$16,235 |
| Deputy Presidents, Workers Compensation Commission | \$289,320 | \$16,235 |
| Deputy Senior Crown Prosecutor | \$289,320 | \$16,235 |
| Deputy Senior Public Defender | \$289,320 | \$16,235 |
| Solicitor for Public Prosecutions | \$289,320 | \$16,235 |
| Senior Commissioner Land and Environment Court | \$277,820 | \$16,235 |
| Crown Prosecutor | \$264,330 | \$16,235 |
| Public Defender | \$264,330 | \$16,235 |
| Commissioner Land and Environment Court | \$261,940 | \$16,235 |
| Acting Deputy President Workers Compensation Commission | \$1,200 per day | - |

Conveyance Allowance

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

**Determination of the Remuneration of Court and Related Officers Group
Effective on and From 1 October 2013**

Determination No 2

Leave Loading

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

The Statutory and Other Offices

Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

REPORT
and
DETERMINATION
under
SECTION 13
of the
STATUTORY AND OTHER OFFICES
REMUNERATION ACT, 1975

JUDGES AND MAGISTRATES GROUP

27 September 2013

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Judges and Magistrates Group

Section 1

Introduction

Mr Ken Baxter was appointed to the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the *Statutory and Other Offices Remuneration Act 1975* (the SOOR Act)) for a term of up to three years commencing 20 March 2013.

Background

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

2012 Review

4. For the 2012 review the Tribunal, as is the usual practice, invited submissions from office holders. Office holders in the Judges and Magistrates Group were also asked to

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make comment on the Commonwealth Remuneration Tribunal's proposal that Supreme Court salaries in NSW be linked to the Federal Court rather than to High Court salaries.

5. In respect of the Commonwealth Remuneration Tribunal's proposal, the Tribunal found that such an arrangement may require legislative change and unless and until such a change is made the Tribunal will continue to implement the existing intergovernmental agreement, whereby the salary of a judge of the State Supreme Court should not exceed 85 per cent of the salary of a Justice of the High Court of Australia.
6. The Tribunal also had regard to the Government submission which expressed the view that the NSW Government Wages Policy should also apply to judicial office holders. The Government was also of the view that the Nexus between the NSW judiciary and its Federal counterparts should only be maintained provided that any increases above 2.5 per cent are offset by "achieved savings".
7. The Tribunal noted that amendments to the SOOR Act requiring the Tribunal to give effect to the same public sector wages cap that binds the Industrial Relations Commission explicitly excluded Judicial officers as defined by the *Judicial officer Act 1986*. Also, that in making those amendments the Government, as outlined in the then Minister's second reading speech, expressed the view that there should be broad consistency of pay between Federal and State judiciaries and that relativities should be maintained. While the Tribunal acknowledged the Government's view that the NSW Government Wages Policy should now apply to judicial office holders, the Tribunal found good reason for maintaining relativities between Federal and State jurisdictions:

"The reason for maintaining those relativities has not changed; potential appointees to the Supreme Court are drawn from the same pool of qualified persons as are potential appointees to the Federal Court, and it is in the interests of the State of New South Wales that the best available people will accept appointment to the Supreme Court."

8. The Tribunal determined an increase of 3 per cent would apply to the salary of a Judge of the Supreme Court, an increase equivalent to that provided by the Commonwealth Remuneration Tribunal to federal judicial office holders in July 2012. This increase would

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also apply to those judicial officers whose remuneration is linked by legislation to the remuneration of a Judge of the Supreme Court.

9. The Tribunal also reviewed the internal relativities within the Judges and Magistrates Group. The Tribunal noted that since 1975, the salaries of judicial officers in NSW have been set by the Tribunal as a percentage of the salary of a Supreme Court Judge or other judicial office holder, with reviews and adjustments from time to time. The Tribunal having regard to the economic climate, the need for fiscal restraint, and the effectiveness of the Government's implementation of its wages policy across the whole of the public sector, determined that increases for judicial officers other than the Supreme Court (and legislatively related judicial officers) would be restricted to 2.5 per cent. The Tribunal found that a determination to limit judicial officer increases to 2.5 per cent would open a slight relativity gap of less than 0.5 per cent.
10. In doing so the Tribunal noted that immediately the current climate of fiscal restraint is relaxed to any extent it would consider restoring the relativities which existed prior to the 2012 determination. The Tribunal would also consider restoring other long-standing relativities within the former Judges, Magistrates and Related Group which were altered in 2011 by the Section 6AA legislation, if legislation did not prohibit the Tribunal from doing so.
11. The Tribunal also noted that the Government indicated its intention to provide assistance to the Tribunal to develop a methodology to assess employee-related cost savings which may justify a "general increase" above 2.5 per cent in appropriate circumstances. While the Tribunal was not bound by the Government's wages policy in respect of the 2.5 per cent wages cap for judicial officers, it noted that any such methodology may assist the Tribunal to assess savings relating to the employee-related costs of judicial officers.

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Section 2

Amendments to the Statutory and Other Offices Remuneration Act 1975

12. On 22 May 2013 the Parliament passed amendments to the SOOR Act which required the Tribunal, when making determinations under Part 3 of the Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations, rather than those policies that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act). In addition, any policy concerning the remuneration of office holders as declared by the regulations would now also extend to judicial office holders, who previously had been excluded under the SOOR Act. The new provision commenced on 1 July 2013.
13. New section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Offices Group and the Public Office Holders Group:

6AB *Tribunal to give effect to declared government policy on remuneration of office holders under Part 3*

- 1) *This section applies to the determination under Part 3 (Remuneration of office holders (other than chief executive or senior executive office holders)) of any alteration in the remuneration to be paid to office holders within the meaning of that Part.*
- 2) *The Tribunal must, when making a determination to which this section applies, give effect to any policy concerning the remuneration of office holders:*
 - (a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Tribunal, and*
 - (b) that applies to the matter to which the determination relates.*
- 3) *Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a*

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relevant document referred to in the regulation.

- 4) *This section extends to any inquiries that are pending in the Tribunal on the commencement of this section. A regulation made under this section extends to any inquiries that are pending in the Tribunal on the commencement of the regulation, unless the regulation otherwise provides.*
- 5) *This section has effect despite any other provisions of this Act (other than section 16(6) and 21) or any other Act.*

14. The Government's decision to extend the wages cap to Judicial officers was outlined by the Hon Mike Baird MP (Treasurer and Minister for Industrial Relations) in the Treasurer's second reading speech: Legislative Assembly, Parliamentary Debates (Hansard), 21 February 2013 at p. 17862 on the amendments to the Act where he stated;

"In recent times judicial salary increases have significantly outpaced those of all other public sector officers. Since 2011, the Industrial Relations Commission and the Statutory and Other Offices Remuneration Tribunal [SOORT] have been required to apply the wages policy to salary determinations for the public service and certain statutory office holders, while an absolute cap of 2.5 per cent applies to increases of remuneration for members of Parliament, mayors and local councillors. Currently, however, the Statutory and Other Offices Remuneration Tribunal is not required to apply the wages policy when it determines the remuneration of judicial officers. It is appropriate to extend the wages policy to judicial officers who are also paid from the public purse and, therefore, to require the Statutory and Other Offices Remuneration Tribunal to apply the wages policy when it determines the remuneration of judicial officers. The bill will enable this to be done. The bill will amend the Statutory and Other Offices Remuneration Act 1975 to require the Statutory and Other Offices Remuneration Tribunal to give effect to any policy concerning the remuneration of office holders declared by the regulations when making certain determinations under part 3 of the Act regarding the remuneration of judicial and other office holders. A regulation is being prepared to declare the wages policy for this purpose. This will mean that, like public service and statutory office holders, the Statutory and Other Offices Remuneration Tribunal will only be able to award increases in remuneration for a judicial officer that increase certain costs by more than 2.5 per cent per annum, if sufficient savings for the judicial officer have been achieved to offset the increased cost

The Government supports an independent judiciary, and this bill does not affect their independence. I note that the Statutory and Other Offices Remuneration Tribunal is already required to apply the wages policy to other independent office holders, such

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as the Ombudsman and the Director of Public Prosecutions. In addition, the bill will maintain existing requirements to ensure that the Statutory and Other Offices Remuneration Tribunal cannot reduce the rate at which remuneration is paid to a judicial officer and cannot make a determination that applies differently to two or more persons holding the same judicial office. Given the pressures on the State's budget, it is fair then to extend the wages policy to judicial officers. It is important that persons paid from the public purse be subject to the wages policy in order to deliver fair wage increases while also ensuring that the State's budget can be brought under control to facilitate the delivery of infrastructure and services."

15. Government policy concerning the remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the SOOR Regulation 2013).

5 *Paramount policy*

It is declared that equal remuneration for men and women doing work of equal or comparable value is a paramount policy.

6 *Other policies*

- 1) *The following policies are also declared, but are subject to compliance with the declared paramount policy:*

- (a) *an office holder may be awarded increases in remuneration that do not increase the officer-related costs for the office holder by more than 2.5% per annum,*
 (b) *increases in remuneration that increase the officer-related costs for the office holder by more than 2.5% per annum can be awarded, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs.*

- 2) *For the purposes of subclause (1) (b):*

- (a) *whether relevant officer-related cost savings have been achieved is to be determined by the Tribunal, and*
 (b) *the office, organisation or other agency for which the office holder is to be treated as belonging in connection with the relevant officer-related cost savings (the relevant agency for an office holder) is also to be determined by the Tribunal, and*
 (c) *increases may be awarded before the relevant officer-related cost savings have been achieved, but are not payable until they are achieved, and*
 (d) *the full officer-related cost savings are not required to be awarded as increases in remuneration.*

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3) *For the avoidance of doubt, the Tribunal may take into account any additional functions conferred or imposed on the office held by an office holder in determining the remuneration of the officer holder. However, any such additional functions cannot be used as a basis for awarding an office holder an increase in remuneration that increases the officer-related costs for the office holder by more than 2.5% per annum without offsetting relevant officer-related cost savings.*

7 *Meaning of "officer-related cost savings"*

- 1) *For the purposes of this Regulation, officer-related cost savings for an office holder are savings:*
- a) *that are identified in the determination of the Tribunal that relies on those savings, and*
 - b) *that involve any or all of the following:*
 - (i) *savings resulting from a change in the work practices, terms of appointment, employment entitlements or personal appointment benefits of the office holder (other than savings from a reduction of the kind referred to in paragraph (c) (i)),*
 - (ii) *savings resulting from structural changes to the relevant agency for the office holder, but only if the office holder managed the implementation of the whole or any part of those changes or participated in or otherwise contributed to those savings (whether directly or indirectly),*
 - (iii) *savings resulting from changes to the work practices of the relevant agency for the office holder, or persons working for that agency, but only if the office holder managed the implementation of the whole or any part of those changes or participated in or otherwise contributed to those savings (whether directly or indirectly), and*
 - c) *that are not achieved by a reduction in any of the following:*
 - (i) *an amount payable or provided as a term of the appointment, or as an employment entitlement or personal appointment benefit, of the office holder if legislation requires that amount (or at least that amount) to be paid or provided to the office holder in connection with the officer's appointment,*
 - (ii) *employment entitlements of any other persons working (whether as an employee or as an officer holder) in the same relevant agency for the office holder, and*
 - d) *that are not existing savings (as defined in subclause (2)), and*
 - e) *that are additional to whole of Government savings measures (such as efficiency dividends).*
- 2) *Savings are existing savings:*
- a) *if and to the extent that:*
 - (i) *the savings have been identified in a determination of the Tribunal made under the Act before the relevant policy application day for the office holder concerned, and*

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(ii) *the savings have been relied on by that determination and the remuneration specified in the determination has been paid (whether or not the savings have been achieved and whether or not they were or are achieved during the term of the determination), or*

b) *if and to the extent that:*

(i) *the savings have been identified in an industrial instrument of the Industrial Relations Commission made before the commencement of the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 (or in an agreement contemplated by such an instrument), and*

(ii) *the savings have been relied on by that instrument (whether or not the savings have been achieved and whether or not they were or are achieved during the term of the instrument).*

3) *In this clause:*

relevant policy application day for an office holder means:

a) *in the case of a judicial officer within the meaning of the Judicial Officers Act 1986—the day on which this Regulation commenced, and*

b) *in any other case—27 June 2011 (being the day on which the Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011 commenced).*

16. In accordance with the SOOR Regulation 2013 any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs resulting from increased payment.

17. These new arrangements do not apply to determinations under PART 3A -remuneration packages for chief executive and senior executive office holders. For those determinations the Tribunal will continue to be required to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act.

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Changes to the Superannuation Guarantee Contribution

18. The Superannuation Guarantee Contribution (SGC) – made in compliance with the *Superannuation Guarantee (Administration) Act 1992* (C'wth) – was increased by 0.25 per cent with effect from 1 July 2013.

19. The SOOR Regulation 2013, which was first published on 21 June 2013, outlined the declared government policy on remuneration of office holders under Part 3. In accordance with Clause 6:

6 Other policies

(1) The following policies are also declared, but are subject to compliance with the declared paramount policy:

(a) an office holder may be awarded increases in remuneration that do not increase the officer-related costs for the office holder by more than 2.5% per annum,

(b) increases in remuneration that increase the officer-related costs for the office holder by more than 2.5% per annum can be awarded, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increase.

20. The policy, as drafted at the time, reflected the intent of the original *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* (the IR Regulation 2011) which continues to apply to the SES determination, and previously applied to the Tribunal's determinations pursuant to section 6AA, with the exception of Judicial Office Holders.

21. In May 2013 the Government advised that it was its intention that the SGC increase be funded from within the existing wages cap of 2.5 per cent. The Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales, who had filed applications to vary the salaries of certain public sector awards by 2.5 per cent, opposed the SGC being funded from the existing wages cap of 2.5 per cent. This issue was referred to a Full Bench of the Industrial Relations Commission of New South Wales for determination.

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22. In its decision made on 25 June 2013, the Full Bench found that the increases in remuneration or other conditions of employment, referred to in clause 6(1)(a) of the IR Regulation 2011, are only those increases resulting from an award or order made or varied by the Commission either by consent or in arbitration proceedings: *Re Crown Employees Wages Staff (Rates of Pay) Award 2011 & Ors [2013] NSWIRComm 53*.
23. Subsequent to the decision of the Full Bench on 28 June 2013 the Government amended the IR Regulation 2011 to make clear the Government's public sector policies for the purposes of section 146 of the IR Act, and clarify the application of those policies in relation to the impact of increases in superannuation employment benefits.

24. Clause 6 (1)(a) of the IR Regulation 2011 as amended provided;

"...Other policies

- (1) *The following policies are also declared, but are subject to compliance with the declared paramount policies:*

- (a) *Public sector employees may be awarded increases in remuneration or other conditions of employment, but only if employee-related costs in respect of those employees are not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment benefits provided (or to be provided) to the employees since their remuneration or other conditions of employment were last determined."*

25. Clause 8 of the IR Regulation 2011, as amended, provided;

".... Meaning of employee-related costs

- (1) *For the purposes of this Regulation, employee-related costs are the costs to the employer of the employment of public sector employees, being costs related to the salary, wages, allowances and other remuneration payable to the employees and the superannuation and other personal employment benefits payable to or in respect of the employees.*
- (2) *In subsection (1), superannuation benefits include any payments by the employer to a superannuation fund of an employee as a consequence of the enactment of or amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987."*

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26. The effect of the amendments to the IR Regulation 2011 was that SGC increases were to be funded from within the existing wages cap of 2.5 per cent. These arrangements applied to the Tribunal's determinations pursuant to Part 3A, the SES, and all other public sector employees and office holders subject to the IR Regulation, including Members of Parliament.
27. To ensure the same conditions applied to the Tribunal's determination pursuant to Part 3 of the SOOR Act - being the Judges and Magistrates, Court and Related Officers and Public Office Holders - the Government also amended the SOOR Regulation 2013 on 9 August 2013 to re-declare the Government's policies the Tribunal is required to give effect to when determining the remuneration of office holders. The re-declaration clarified the application of those policies in relation to the impact of the increases in superannuation employment benefits and followed the similar re-declaration in relation to public sector remuneration made by the IR Regulation 2011.
28. The amendments to the IR Regulation 2011, which clarified the application of the policies articulated in the IR Regulation 2011 in relation to the impact of increases in superannuation employment benefits, were disallowed by the Legislative Council on 21 August 2013. This had the effect of restoring the original *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* immediately.
29. Similarly on 22 August 2013, the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*, which applied to those determinations of the Tribunal pursuant to Part 3A of the SOOR Act, was also disallowed by the Legislative Council. This had the effect of restoring the original *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* immediately.

Submissions

30. As is the usual practice, prior to the Tribunal making her Reports and Determinations, the Tribunal invited submissions from office holders. For the 2013 review office holders in the Judges and Magistrates Group were advised that if they wished to submit that an

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increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the officer-related cost savings which it or they intend to achieve.

31. As part of the current review the Tribunal received six submissions from offices within the Judges and Magistrates Group. The Tribunal also met with Judges of the Supreme Court, the President of the Industrial Relations Commission and the Chief Judge of the District Court. Once again the Tribunal thanks the office holders for their time and the effort they have put in to the current review.
32. Submissions have generally supported retaining the nexus between a Judge of the Supreme Court and the salary payable to a Justice of the High Court of Australia, and increasing the conveyance and travelling allowances.
33. The submissions have also requested that the Tribunal defer finalisation of its determination until after the Commonwealth Remuneration Tribunal's 2013 review of judicial salaries has been concluded.
34. On 25 July 2013 the Commonwealth Remuneration Tribunal determined that Holders of Public Office, including Judges and Related Offices, would receive a remuneration increase of 2.4 per cent with effect from 1 July 2013. In making those determinations the Commonwealth Remuneration Tribunal noted, in its 2013 Review of Remuneration for Holders of Public Office Statement, that:

"The Tribunal will monitor remuneration outcomes in the coming months and will make a further assessment of the situation in December 2013 when the Tribunal expects to have finalised its review of remuneration in its part-time office jurisdiction and of some office holders. If the Tribunal decides that a further general increase is required before 1 July 2014, it will make an appropriate determination."

35. The submission from the Supreme Court Judges also addresses the policy as articulated in the Regulation and suggests

"12. It is respectfully submitted that the Tribunal's approach may be based on a misapprehension of the Regulation and warrants further consideration".

36. The Regulation defines officer related costs as follows:

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officer-related costs for an office holder are the costs to the State of the appointment of the office holder, being costs related to each of the following:

- (a) the remuneration payable to the office holder,*
- (b) the employment entitlements of the office holder,*
- (c) the personal appointment benefits of the office holder.*

37. The submission from the Supreme Court Judges notes that:

"14 The "costs to the State" that are "related to" the office holder's remuneration, employment entitlements and personal appointment benefits, will no doubt vary depending upon numerous matters including the financial reporting responsibilities of the relevant agencies and the way in which any increase in remuneration is structured. It is not presently possible to identify the limit of the increase in remuneration that would result in an increase in officer related costs for the office holder by more than 2.5 per cent per annum. These are matters that may require further submissions in due course."

38. The Supreme Court Judges also submit that the relativities established by the intergovernmental agreement, "the nexus", remain relevant. In particular, that judicial remuneration in NSW should remain competitive in order to attract and retain Judges.

"38 The pool from which recent appointments to the Federal Court have been made, the ranks of the Judges of the Supreme Courts of Victoria and South Australia, underscores the ongoing importance of timely and adequate adjustments of judicial salaries in this State to prevent a diminution in the available pool of candidates for appointment and indeed a leakage to other jurisdictions."

39. The Supreme Court Judges also seek an adjustment in the conveyance allowance and request that the commencement date for determinations be changed to 1 July, instead of 1 October.

40. Submissions received from the Chief Judge of the District Court, the Chief Judge of the Land and Environment Court and the President of the Industrial Relations Commission support the views expressed in the Supreme Court submission.

41. The President of the Industrial Relations Commission also requested that the historical nexus which existed between the judicial and non-judicial members of the Commission be restored.

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42. The Chief Judge of the District Court provided the Tribunal with details of costs savings achieved by the District Court in the past 12 months. The submission advised that the District Court has assumed additional responsibilities, but there has been no appointment of extra judges to undertake this work. In addition, the number of District Court Judges decreased by one in 2012/13 and is expected to decrease by a further one in 2013/14 and again in 2014/15.
43. In addition, in response to the Tribunal's 2012 determination, which reduced the ratio of the salary of District Court Judges to Supreme Court Judges from 90% to 89.56%, the Chief Judge also requested that the relativities should be restored because of both extra work absorbed by the District Court and the demonstrated efficiency and cost effectiveness in the operations of the Court.
44. The Chief Magistrate's submission has acknowledged that the Tribunal is constrained in the breadth of its deliberations by section 6AB of its governing legislation. The Chief Magistrate has highlighted the difficulty in valuing the work of a magistrate. In particular, the work undertaken by the Local Courts and any savings resulting from that work being applied to "officer savings" referred to in the Regulation. The Chief Magistrate has also advised that the Magistracy has contributed over the years to mitigating the rising cost of criminal and civil litigation. Savings have been achieved through a combination of legislative change, Practice Notes and the use of technology. These and other initiatives represent recurrent savings in the administration of justice and contribute to the Court's demonstrated capacity to streamline court procedures. The Court's success in managing caseloads has been noted by the Productivity Commission which for 10 successive years identified the NSW Local Courts as the best performing Court against time standards within the Commonwealth. The Chief Magistrate has advised:

"I accept and understand the difficulty for the Tribunal in assessing individual work value for the judiciary in a hierarchical structure, it cannot be said that the magistracy has not made its presence felt in the areas of innovation and achievement over the years."

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45. The President of the Workers Compensation Commission has again requested that the remuneration payable to the President of the WCC should continue to be linked to that of a Supreme Court Judge. This position is consistent with the Tribunal's determination of 2012.

Government Submission

46. The Government submission was received on 22 August 2013 and, in respect of the Judges and Magistrate Group, reflects the views of the former Director General of the Department of Attorney General and Justice. As articulated in the Government's submission to the Tribunal:

"The Department (Attorney General and Justice) notes that since the commencement on 1 July 2013 of the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Act 2013, SOORT is now required to give effect to declared Government policy concerning the remuneration of office holders, including judicial office holders. In effect this limits remuneration increases to 2.5 per cent, unless sufficient officer-related cost savings for the officer have been achieved to fully offset increased officer-related costs above 2.5 per cent.

However the Department advises that within the bounds of this limitation, they continue to support the nexus with Federal Court judges and Supreme Court judges. The Department notes that while the Commonwealth Remuneration Tribunal has recently awarded Federal judicial officers a remuneration increase of 2.4 per cent, this is subject to further assessment in December 2013, with the possibility of another increase prior to 1 July 2014...

...Consistent with advice given in previous years, the Department is of the view that the internal relativities maintained between judges and magistrates up to 2012 remain appropriate, regardless of whether there have been any changes in the productivity of particular courts. The Department notes that the internal relativity between Supreme Court judges and District Court judges was changed by the Tribunal in 2012, although the Tribunal noted it would consider restoring the internal relativity in the future.

The Department also advised that the Tribunal should consider the increase in the compulsory superannuation guarantee rate from 9 per cent to 9.25 per cent in relation to acting judges who are not entitled to a pension under the Judges' Pension Act 1953, as necessary.

The Superannuation Guarantee Contribution (SGC) was increased by 0.25 per cent with effect from 1 July 2013, in accordance with the Superannuation Guarantee (Administration) Act 1992 (C'wth). As the SGC is not payable in respect of those judicial officers who are entitled to a pension under the Judges' Pension Act 1953,

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they will not receive the 0.25 per cent SGC increase separately to any increases determined by the Tribunal. However, other judicial officers including magistrates (other than the Chief Magistrate), acting Supreme Court and District Court judges (not otherwise already in receipt of a judges pension) and judges who do not end up being eligible for a judges pension (because they do not meet the criteria, for instance if they retire before 60) will receive the 0.25 per cent SCG increase separately to any remuneration increases determined by the Tribunal.

Differences in superannuation entitlements notwithstanding, under section 16(6) of the SOOR Act 1975, the Tribunal cannot make a determination that applies differently between two or more persons holding the same office, for those offices listed in Schedule 1 of the SOOR Act 1975. Schedule 1 includes the offices in the Judges and Magistrates Group.

Magistrates, the Deputy President of the Industrial Relations Commission (not being a judicial member), and Commissioners, Industrial Relations Commission are currently entitled to leave loading on the same basis as employees of the NSW Public Service. Although superannuation is not payable on leave loading, the difference of 0.25 per cent on the capped leave loading amount is negligible and should not affect the determinations of the Tribunal in respect of this Group”.

47. Given the issues outlined above, the Government submission proposed that the Tribunal should approve an increase of 2.4 per cent for judicial officers who are entitled to a pension under the *Judges’ Pension Act 1953* and an increase of 2.15 per cent for judicial officers who are not entitled to a pension under the *Judges’ Pension Act 1953*.
48. Following the disallowance of the SOOR Amendment Regulation, the Tribunal received a supplementary submission from the Secretary of The Treasury, Mr Philip Gaetjens. The Supplementary submission notes that:

“Notwithstanding the disallowance, the Government intends to ensure the 2.5 per cent remuneration policy requirement is met and is currently considering options available to it.”

2013 Review

49. The written and oral submissions raised a number of matters which required further clarification. In reviewing these matters the Tribunal is grateful for reasoning received from the Supreme Court and advice received from the Crown Solicitor’s Office.

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50. In respect of a general increase, judicial office holders have supported retaining the nexus between a Judge of the Supreme Court and the salary payable to a Justice of the High Court of Australia. The Commonwealth Remuneration Tribunal determined that holders of public office, which includes judicial office holders, would receive an increase of 2.4 per cent with effect from 1 July 2013. In making that determination the Commonwealth Remuneration Tribunal noted that it intends to review the economic and wage data available at the end of the calendar year, as well as forecasts, to assess whether any further increase should be determined before the next scheduled annual adjustment on 1 July 2014.
51. As the Commonwealth Remuneration Tribunal has indicated that it may undertake a further review, which may or may not alter the existing determination, the submissions have requested that the Tribunal make an "initial" determination of 2.4 per cent with effect from 1 October 2013 to reflect the Commonwealth Remuneration Tribunal's current determination and to maintain the nexus, and for the Tribunal to make a further and final determination after the completion of the Commonwealth Remuneration Tribunal's review if that review determines a further increase.
52. The Government submission also supported an increase of 2.4 per cent but it did not propose that the Tribunal delay making its determination to have regard to the outcome of any further Commonwealth Remuneration Tribunal review.
53. The Tribunal sought advice as to whether, in making its determinations under section 13 and section 24C of the SOOR Act, it may vary a determination after it has been made, or whether it may issue both an "interim" and a subsequent determination during the period from 1 October to 30 September the following year. The request for advice related to substantial variations and not minor amendments to correct or to clarify the terms of the original determination.
54. The Tribunal has been advised that it has no power to make a variation to a determination made under sections 13 or 24C of the SOOR Act. In his advice of 11 September 2013 the Acting Crown Solicitor, Mr Peter Anet, advised that the Tribunal does not have the power to make a variation to a determination made under section 13 or 24C of the SOOR Act.

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- “3.7 *The Act expressly provides that a determination (which includes a determination made under s. 13) may be altered by the Tribunal, where the Minister so directs pursuant to s. 14. Section 15 authorises the Tribunal to make a determination as to whether any determination already made should be altered.*
- 3.8 *Section 24D provides (in terms similar to s. 14) for the alteration of a determination of the remuneration packages for executive office holders under s.24C where the Minister so directs.*
- 3.9 *The fact that ss. 14, 15 and 23D specify particular circumstances in which a determination made under s. 13 or s. 24C can be altered is in my view indicative of a legislative "intention" contrary to the application of a more general, and apparently unconfined, power to amend or repeal an order under s. 43(2) of the Interpretation Act 1987.*
- 3.10 *This conclusion is in my view made plain by the terms of ss. 20 and 24J of the SOOR Act, which provide for the operation of determinations made by the Tribunal. The effect of s. 20 is that a determination made under s. 13 (the report of which is published in the Gazette under s. 19 (1)) shall:*
- (i) subject to the Act, come into force, or be deemed to have come into force, on 1 October in the year in which it is made (s. 20(1)(b));*
 - (ii) subject to the Act, remain in force until and including 30 September next (year) following the day on which it comes into force (s. 20(2)); and*
 - (iii) have effect subject to any alteration made to it by a determination that was made under section 14 or 15 and that is in force (ss. 20(2B); 20(3)),*

Similarly, the effect of s.24J is that a determination made under s.24C ("Annual Determinations") shall, subject to Part 3A of the Act:

- (i) come into force, or be deemed to have come into force, on 1 October in the year in which it is made (s. 24J(1)(b));*
 - (ii) continue in force until and including 30 September next (year) following the day on which it comes into force (s.24J(2); and*
 - (iii) have effect subject to any determination made under s. 24D and that is in force.*
- 3.11 *The Act therefore expressly provides for certain specified circumstances in which a determination under s. 13 or s.24C may be varied, and also that a determination under ss. 13 and 24C shall (subject to any alteration in the specified circumstances) remain in force for one year. In my view these specific provisions plainly demonstrate a contrary intention so as to exclude the operation of s. 43(2) of the Interpretation Act. In this context I do not think that Parliament*

Judges and Magistrates Group

could be taken to have "intended" that the Tribunal could, at its general discretion, amend or repeal its determinations under s. 13 or s. 24C from time to time as the Tribunal thought fit

3.12 *I would add that, in case I am wrong about the application of s.43(2) of the Interpretation Act, and that s. 48 were to apply instead, I would reach the same conclusion as to a contrary intention".*

55. The Tribunal's 2014 annual determination is expected to take effect from 1 July 2014, assuming that the Government's proposed changes to the SOOR Act will be enacted. Consequently- the Tribunal will commence its 2014 determination earlier than previously it has done. That process will commence at approximately the same time as the Commonwealth Remuneration Tribunal will commence its proposed review. On that basis the Tribunal does not intend to defer the making of the 2013 determination. As the Tribunal is advised it is unable to make an interim determination and then a subsequent determination the 2013 determination will be made having regard to the information currently before the Tribunal. Should circumstances change in any significant way, it would be open to the Premier to request that the Tribunal make a special determination (pursuant to section 14(1)) to alter this determination.
56. In undertaking the 2013 review the Tribunal advised office holders that it would consider a general increase for all judicial offices of up to or, if warranted, above 2.5 per cent. It would also consider requests from individual office holders or groups of office holders for increases above 2.5 per cent based on work value assessment. Office holders were advised that in both instances, any increase in excess of 2.5 per cent could only be paid if sufficient officer-related cost savings for the office holder had been achieved or were expected to be achieved, to fully offset the increased officer-related costs resulting from the increased payment.
57. Office holders were advised that, should any office holder or group of office holders wish to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the "officer-related cost savings" (as defined) which it or they intended to

Judges and Magistrates Group

achieve. In due course the Tribunal would be responsible for determining whether or not those savings had been achieved.

58. The submission from the Chief Justice of the Supreme Court has questioned the Tribunal's assumptions as to the meaning of "officer-related costs". The Acting Crown Solicitor, in his advice of 11 September 2013, has agreed with that submission and has advised that it would be open to the Tribunal to determine an increase in remuneration of more than 2.5 per cent that does not cause more than a 2.5 per cent per annum in officer-related costs.

59. The Regulation defines officer related costs as follows:

officer-related costs for an office holder are the costs to the State of the appointment of the office holder, being costs related to each of the following:

- (a) the remuneration payable to the office holder,*
- (b) the employment entitlements of the office holder,*
- (c) the personal appointment benefits of the office holder.*

60. Under the current arrangements the Tribunal only determines the salary, conveyance allowance and travelling allowances for officers in the Judges and Magistrates Group. Information on the employment entitlements and personal appointment benefits provided to individual judicial office holders, or to groups of office holders, has not been made available to the Tribunal.

61. To make an assessment of whether an increase in remuneration of more than 2.5 per cent would result in an increase in officer-related costs of more or less than 2.5 per cent would require an assessment of all officer-related costs.

62. The Acting Crown Solicitor has noted that:

"4.18 ...s. 6AB of the Act, in requiring the Tribunal to give effect to the policy declared by the regulations, is subject to s. 16(6) of the Act, which provides that, in relation to the offices specified in Schedule 1 (which includes judicial officers), a determination may not apply differently between two or more persons holding the same office.

Judges and Magistrates Group

4.19 *In my view, in relation to these judicial officers, the "officer-related costs for the office holder" (and "officer-related costs savings" if appropriate) could only be determined on an average or aggregate basis for all judicial officers holding the same office. This construction (which might be supported on the basis that the singular includes the plural in the absence of any contrary intention) appears to be the only way in which clauses 6 and 7 can be given effect to for Schedule 1 office holders without infringing s. 16(6) of the Act."*

63. The Tribunal has not been asked to consider an increase, either a general increase or an increase based on work value assessment, in excess of 2.5 per cent. Consequently the Tribunal is not presently required to come to a concluded view on how officer-related costs and officer-related cost saving would be calculated for the purposes of determining any increase in remuneration of more than 2.5 per cent. The Tribunal will consider these matters further before calling for submissions for the 2014 annual review.

64. The Tribunal has consistently supported maintaining the 85 per cent nexus between the salary of a Supreme Court Judge and the salary of a High Court Judge. As outlined in the 2012 report and determination:

"34 The reason for maintaining those relativities has not changed: potential appointees to the Supreme Court are drawn from the same pool of qualified persons as are potential appointees to the Federal Court, and it is in the interests of the State of New South Wales that the best available people will accept appointment to the Supreme Court."

65. The Government submission has advised it also continues to support the nexus and has recommended an increase of 2.4 per cent which is equivalent to the increase the Commonwealth Remuneration Tribunal has awarded Federal judicial officers. For 2013 the retention of the nexus is possible as the recommended increase is below 2.5 per cent. Should the Commonwealth Remuneration Tribunal, at any stage, determine an increase of more than 2.5 percent, retention of the nexus will only be possible if judicial office holders can find sufficient officer-related cost savings sufficient to fund any additional increase.

Judges and Magistrates Group

66. The Government's decision to extend the wages cap to judicial officers, effectively limiting increases in remuneration to 2.5 per cent unless sufficient officer-related savings can be found to offset any additional increase, would appear to contravene the long-standing intergovernmental agreement in relation to salary relativities between judicial office holders in NSW and the Federal Courts. Should the Government intend that the Tribunal no longer have regard to the long standing intergovernmental agreement, referred to as the nexus, and now having regard to the requirements of the SOOR Act and SOOR Regulation 2013, the Tribunal would appreciate clarification of the Government's position in relation to this matter. That clarification should be provided in the Government's submission to the Tribunal for the 2014 annual review.
67. In determining the general increase the Tribunal has had regard to the submissions received, the key economic indicators, the salary relativity with Commonwealth judicial office holders, and the impact of the amendments to the SOOR Act and the introduction of the SOOR Regulation 2013.
68. While the submissions have only requested an increase of 2.4 per cent, that request would appear to be based on an expectation that the Commonwealth Remuneration Tribunal may, before making its annual determination for 2014, provide a further increase to Federal judicial office holders, and that the Tribunal could reflect any such further increase in another or an amended determination.
69. Should the Commonwealth Remuneration Tribunal award Federal office holders a further increase, the Tribunal is advised it will not be able to make a new or alter its existing determination without a special reference from the Premier. Further should the increase be more than 2.5 per cent judicial office holders would be required to make sufficient officer-related cost savings to fund the additional increase.
70. The Tribunal finds that the amendments to the SOOR Act and the new SOOR Regulation 2013 will make it difficult for office holders, and in particular groups of office holders, to demonstrate that sufficient officer-related cost savings can be achieved to justify and increase of more than 2.5 per cent.

Judges and Magistrates Group

71. As it is open to the Tribunal to determine an increase of 2.5 per cent, without the need for office holders to demonstrate officer-related cost savings, the Tribunal finds that the maximum increase is appropriate and so determines.
72. A 2.5 per cent increase will result in a NSW supreme court judge receiving a salary which is \$330 more than that of a Federal Court Judge. However, the increase in NSW will not take effect until 1 October 2013 and the annual salary is not expected to exceed that of a federal court judge.
73. An increase of 2.5 per cent is warranted having regard to the significant role judicial office holders undertake in the State's justice system, including but not limited to, their achievements in delivering reforms and initiatives which have demonstrated productivity improvements. Those achievements are highlighted in the Australian Productivity Commission's Report on Government Services 2013 which, in related to the NSW Courts, states:

" NSW continues to improve its performance. The NSW Supreme Court reduced the percentage of civil appeal matters older than 12 and 24 months. District Court civil and criminal non-appeal 12 months backlogs declined. The Local and Children's Courts continued the excellent level of backlog performance for criminal matters achieved over the last two years. The Coroner's Court also continued the outstanding performance from last year, reducing by more than fifty per cent the percentage of matters older than 12 months. Overall clearance rates for all NSW Courts improved, with all NSW Courts achieving clearance rates in excess of 100 per cent. This is exceptional achievement, indicating the high level of efficiency within NSW Courts.

NSW continued to utilise technology to improve its quality of services. In 2011-12 over 63,000 videoconferencing sessions were held, and \$1.35 million was invested in remote witness facilities. The Multi-Court Remote Monitoring pilot program was launched, allowing up to four courts to be monitored simultaneously by one person, generating both productivity savings and opportunity for improvements in service delivery."

(Productivity Commission Report on Government Services 2013 Volume 1, Part C, Chapter 7 Courts.)

74. The 2.5 per cent will apply to all office holders in the Judges and Magistrates Group.
75. The Tribunal's 2012 determination, as a result of the Tribunal's decision to award an increase of 3 per cent to Judges of the Supreme Court (and legislatively related judicial

Judges and Magistrates Group

officers) and 2.5 per cent to other office holders, broke several long-standing salary relativities within the Judges and Magistrates Group.

76. While the Tribunal was not bound to the wages cap when making determinations for judicial office holders, the decision to limit the increase for some office holders to 2.5 per cent was made having regard to the current economic climate and the need for fiscal restraint, and the effectiveness of the Government's implementation of its wages policy across the whole of the public sector. The Government has now formalised its position in regard to wages policy through amendments to the SOOR Act and the introduction of the SOOR Regulation 2013.
77. The decision to limit judicial officer increases to 2.5 per cent, except for the Supreme Court (and legislatively related judicial officers), was in no way intended to imply that the Tribunal considered that the role and standing of those offices had diminished in any way.
78. As outlined in the Tribunal's 2012 determination as soon as the current climate of fiscal restraint is relaxed to any extent, and if the legislation does not prohibit the Tribunal from doing so, the Tribunal will immediately consider restoring the original relativities between office holders within this group and with those that existed with certain office holders in the Court and Related Officer Group

Other matters

Workers Compensation Commission, President

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

Judges and Magistrates Group

80. On that basis the Tribunal continues to include the office of President of the Workers Compensation Commission in the Judges and Magistrates Determination for the purpose of determining the remuneration for this office.

Conveyance Allowance

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

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

2014 Review

83. The *Government Sector Employment Act 2013* (the GSE Act) was assented to on 25 June 2013 and reflects and builds on the Government's reform program for the public sector. The GSE Act provides a new and simpler statutory framework devoted solely to NSW Government sector employment and workforce management.

84. All determinations of the Tribunal will apply from 1 July each year once the GSE Act commences. The SOOR Act will be amended upon proclamation of the GSE Act. Clause 7 of Schedule 6 of the GSE Act will amend section 13 of the SOOR Act to change the commencement date of the Tribunal's annual determinations from 1 October to 1 July. Section 17 of the SOOR Act will also be amended to allow the Tribunal to commence its inquiries on 1 January instead of 1 April.

85. On that basis the Tribunal will commence the 2014 annual review earlier than usual (but not before 1 January) to ensure sufficient time is available to complete the determinations on or as close to 1 July 2014 as possible.

Judges and Magistrates Group

Section 4

Conclusion

86. The amendments to the SOOR Act (Section 6AB) and the introduction of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* have had a further impact on the way this Tribunal makes its determinations. It is the obligation of the Tribunal to undertake its duties consistent with the legislation. On that basis the Tribunal, after considering the views of the Assessors, considers that an increase of 2.5 per cent is appropriate and so determines. The new rates are as set out in Determinations Nos 1-5.

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

The Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

Determinations for the Judges and Magistrates Group

Determination No 1

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

Effective on and from 1 October 2013

| Position | Salary per annum | Conveyance Allowance (1) |
|---|------------------|--------------------------|
| Chief Justice of the Supreme Court | \$462,020 | \$22,550 |
| President of the Court of Appeal | \$432,620 | \$22,550 |
| President of the Industrial Relations Commission | \$432,620 | \$22,550 |
| Chief Judge of the Land and Environment Court | \$432,620 | \$22,550 |
| Judge of the Supreme Court | \$412,880 | \$22,550 |
| Vice-President of the Industrial Relations Commission | \$412,880 | \$22,550 |
| Judge of the Land and Environment Court | \$412,880 | \$22,550 |
| Deputy President of the Industrial Relations Commission (being a judicial member) | \$412,880 | \$22,550 |

Note 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes

Determinations for the Judges and Magistrates Group

Determination No 2

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

Effective on and from 1 October 2013

| Position | Salary per annum | Conveyance Allowance (1) |
|---|------------------|--------------------------|
| Deputy President of the Industrial Relations Commission (not being a judicial member) | \$410,880 | \$22,550 |
| Judge of the District Court | \$369,790 | \$20,330 |
| Associate Judge or acting Associate Judge (under the Supreme Court Act 1970) | \$369,790 | \$20,330 |
| Chief Magistrate | \$369,790 | \$20,330 |
| Deputy Chief Magistrate | \$312,470 | \$16,235 |
| State Coroner | \$312,470 | \$16,235 |
| Chief Industrial Magistrate | \$301,010 | \$16,235 |
| Magistrate | \$295,830 | \$16,235 |
| Chairperson Victims Compensation Tribunal (NOTE 2) | \$295,830 | \$16,235 |
| Children's Magistrate | \$295,830 | \$16,235 |
| Deputy State Coroner | \$295,830 | \$16,235 |
| Commissioner Industrial Relations Commission | \$271,180 | \$16,235 |

Note 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes

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

Determinations for the Judges and Magistrates Group

Determination No 3

Determination of the Remuneration to be Paid to the President of the Workers Compensation Commission (Pursuant To Section 369 of the *Workplace Injury Management And Workers Compensation Act 1988*) Effective on and from 1 October 2013

| Position | Salary per annum | Conveyance Allowance (1) |
|--|------------------|--------------------------|
| President, Workers Compensation Commission | \$412,880 | \$22,550 |

Note 1 The Conveyance Allowance determined here shall not count towards pension or for superannuation purposes

Determination No 4

ACTING JUDGES

Supreme Court

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

Acting Judge of the Supreme Court \$1,790 per day

District Court

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

Acting Judge of the District Court \$1,600 per day

Determinations for the Judges and Magistrates Group

Determination No 5

Annual Leave Loading Of Judges, Magistrates and Related Group Effective on and From 1 October 2013

Leave Loading

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

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

The Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

Report and Determination on Travel Allowances for NSW Judges and Magistrates

Section 1

Background

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

2. 'Allowance' is defined as follows:

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

a Judge or Acting Judge of a court, or

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

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

Section 2

2013 Review

4. Historically the Tribunal has regard to movements in the travel rates as adopted for the NSW Public Sector generally. These rates are based on the reasonable travel allowances as determined by the Australian Taxation Office (ATO). The ATO has made a new determination for 2013 (TD 2013/16) and these rates will be adopted for the NSW Public Sector. On that basis the Tribunal has determined the rates that are based on ATO TD 2013/16.

Report and Determination on Travel Allowances for NSW Judges and Magistrates

Section 3

Principles Adopted

5. In making its determinations on travel allowance rates the Tribunal has adopted a number of guiding principles as set out hereunder.
 - (a) Travelling allowances are intended to meet the costs necessarily incurred by Judges and Magistrates who are required to travel away from home/place of work on official business. Such costs include accommodation, meals and incidental expenses.
 - (b) Allowances are provided to ensure that an officer is not financially disadvantaged as a result of having to travel on official business.
 - (c) Office holders are not expected to gain or lose financially as a result of travelling on official business.
 - (d) Where an office holder is accommodated in private, non-commercial accommodation such as the home of a family member or friend, a rate of one third of the specified rate is payable, rounded upwards to the nearest dollar.

Section 4

Conclusion

6. In making its determination the Tribunal has had regard to the current travel allowance rates contained in Taxation Ruling 2013/16. Non metropolitan accommodation rates and meal rates have also been adjusted as set out in the Determination.
7. After reviewing the survey of intra state accommodation and meal costs, the Tribunal makes the following determination (Determination No 7) effective on and from 1 October 2013.

Report and Determination on Travel Allowances for NSW Judges and Magistrates

Statutory and Other Offices
Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

Determination No 7

Travel Allowances for Judges and Magistrates Effective on and From 1 October 2013

Pursuant to section 13 of the SOOR Act the Tribunal determines that the travel allowances for Judges and Magistrates will be as follows effective on and from 1 October 2013.

A. Travel necessitating an overnight stay

Travel Allowances

| Capital City Rates | |
|--------------------------|----------|
| Adelaide | \$375.70 |
| Brisbane | \$418.70 |
| Canberra | \$412.70 |
| Hobart | \$361.70 |
| Perth | \$492.70 |
| Darwin | \$450.70 |
| Melbourne, Sydney | \$431.70 |
| Newcastle and Wollongong | \$356.70 |
| Other Areas | \$356.70 |

Report and Determination on Travel Allowances for NSW Judges and Magistrates

Conditions

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

- In addition the following specific conditions will apply.

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

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

B. Travel not involving an overnight stay

Meal Allowances for travel NOT involving an overnight stay

| | |
|-----------|---------|
| Breakfast | \$24.90 |
| Lunch | \$28.00 |
| Dinner | \$47.75 |

Statutory and Other Offices Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

REPORT
and
DETERMINATION
under
SECTION 13
of the
STATUTORY AND OTHER OFFICES
REMUNERATION ACT, 1975

PUBLIC OFFICE HOLDERS GROUP

27 September 2013

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Public Office Holders Group

Section 1

Introduction

Mr Ken Baxter was appointed to the role of Assessor to the Tribunal (pursuant to section 7(1)(b) of the *Statutory and Other Offices Remuneration Act 1975*, (the SOOR Act)) for a term of up to three years commencing 20 March 2013.

Background

1. Section 13 of the SOOR Act, requires the Statutory and Other Offices Remuneration Tribunal to make a determination of the remuneration to be paid to office holders on and from 1 October in that year. "Remuneration" is defined in section 10A as salary or allowances paid in money.
2. The Public Office Holders Group comprises those public offices listed in the Schedules of the Act (except for the Judges and Magistrates Group and the Court Related Officers Group), which have been grouped together by the Tribunal for remuneration purposes. The remuneration for the majority of office holders in this Group is determined as a fixed salary amount. Employer on-costs, such as the Superannuation Guarantee Contribution, are additional to the salary amount determined. This Group also comprises a small number of office holders who, pursuant to Section 11A of the Act, have elected to receive, and for whom the Minister has approved access to, remuneration packaging arrangements identical to the SES.
3. During the past year the Tribunal has made two special determinations in respect of two new offices in the Public Office Holders Group: the Inspector of Custodial Services, Corrective Services NSW and the Small Business Commissioner.
4. The above special determinations of the Tribunal were published in the Government Gazette and tabled in Parliament.
5. The special determination for the Small Business Commissioner was made on 12 September 2013. Given the proximity of the special determination to the 2013 annual review, in considering the appropriate remuneration for the Small Business Commissioner the Tribunal had regard to - amongst other factors - the likely

Public Office Holders Group

general increase to be provided across the public office holder group. Therefore, the office of Small Business Commissioner will receive no further increase with effect from 1 October 2013.

Section 2

2012 Review

6. In undertaking the 2012 review the Tribunal was required (pursuant to Section 6AA) to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (the IR Act) when making or varying awards or orders relating to the conditions of employment of public sector employees.
7. The current policy on wages pursuant to section 146(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* (IR Regulation 2011).
8. The Tribunal noted the significant impact that section 6AA of the SOOR Act had on the way the Tribunal made its determinations. The effect of the amendments to the SOOR Act in 2011 was to remove the Tribunal's discretion to determine any increase beyond 2.5 per cent for office holders unless there were sufficient employee-related cost savings to offset the additional employee-related costs.
9. In 2012 the Tribunal examined the issue of employee-related cost savings. As part of that review the Tribunal received legal advice and met with judicial members of the Industrial Relations Commission.
10. The Tribunal found that section 146C and the IR Regulation 2011 required a new approach to identifying savings not previously contemplated. Increases provided to individual office holders or groups of office holders based on productivity savings achieved across an organisation would no longer be sufficient to meet the policy requirements specified in the IR Regulation 2011.
11. Having regard to the definitions contained in the IR Regulation 2011 of "employee-related costs" and "employee-related cost savings", the Tribunal was of the view

Public Office Holders Group

that any pay increase which may be awarded to the Public Office Holders Group above 2.5 per cent must be matched by cost savings which neutralise the cost of the increase. Clause 6(1)(c) suggests the kinds of employee-related cost savings which may be relevant, in that it contemplates reduction (with the agreement of the relevant parties) in "existing conditions of employment of the kind but in excess of the guaranteed minimum conditions of employment".

12. In making a submission in support of any increase above 2.5 per cent, the Tribunal found that public office holders would need to find employee-related costs savings, such as changes to leave entitlements, elimination of leave loading, reduction of travelling allowances etc.
13. Office holders within the Public Office Holders Group are not employed under an industrial instrument. Their conditions of employment are outlined in the relevant legislation or, in some instances, negotiated with the relevant Minister at the time of appointment. Any changes to these conditions aimed at reducing employee-related costs and contributing to savings, would need to be approved by the relevant Minister, and in some cases, may need to be effected by legislative amendment.
14. In 2012 the Tribunal identified, as it did during the 2011 review, the need to develop a methodology to assess employee-related cost savings which may warrant a "general increase" above 2.5 per cent in appropriate circumstances.
15. The 2012 Government submission recommended that the Tribunal approve an increase of 2.5 per cent for the Public Office Holders Group. That recommendation was consistent with the NSW Wages Policy and reflected the NSW Government's intent, pursuant to section 6AA and the IR Regulation 2011.
16. The Tribunal's 2012 annual determination dated 9 November 2012 provided for a 2.5 per cent increase for each public office holder.

Public Office Holders Group

Section 3

2013 Review

17. In January 2013 the Tribunal wrote to the Director General of the Department of Premier and Cabinet (DPC) and the Secretary of NSW Treasury to seek their assistance in the development of an appropriate methodology to assess officer-related cost savings, as they relate to the office holders subject to the determinations of the Tribunal.
18. Subsequently the Tribunal met with officers from both the DPC and the Treasury to discuss the development of such a methodology. The Tribunal acknowledges the assistance given at that time.
19. In February 2013 the Government introduced into the Parliament the Statutory and Other Offices Remuneration Amendment (Judicial and Other Office Holders) Bill 2013. The Bill signalled the Government's intent to extend the wages policy to judicial office holders, who were exempt under the legislation at that time.
20. On 22 May 2013, the Parliament passed the amendments to the SOOR Act which now require the Tribunal, when making determinations under Part 3 of the Act, to give effect to any policy concerning the remuneration of office holders as declared by the regulations, rather than those policies that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act. In addition, any policy concerning the remuneration of office holders as declared by the regulations will now also extend to judicial office holders, who previously had been excluded under the SOOR Act. The new provisions commenced on 1 July 2013.
21. New section 6AB of the SOOR Act applies to the Tribunal's determinations in respect of office holders in the Judges and Magistrates Group, the Court and Related Officers Group and the Public Office Holders Group.

6AB *Tribunal to give effect to declared government policy on remuneration of office holders under Part 3*

- 1) *This section applies to the determination under Part 3 (Remuneration of office holders (other than chief executive or*

Public Office Holders Group

senior executive office holders)) of any alteration in the remuneration to be paid to office holders within the meaning of that Part.

- 2) *The Tribunal must, when making a determination to which this section applies, give effect to any policy concerning the remuneration of office holders:

 - (a) *that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Tribunal, and*
 - (b) *that applies to the matter to which the determination relates.**
- 3) *Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.*
- 4) *This section extends to any inquiries that are pending in the Tribunal on the commencement of this section. A regulation made under this section extends to any inquiries that are pending in the Tribunal on the commencement of the regulation, unless the regulation otherwise provides.*
- 5) *This section has effect despite any other provisions of this Act (other than section 16(6) and 21) or any other Act.*

22. Government policy concerning the remuneration of office holders to which Part 3 of the SOOR Act applies is declared in the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* (the SOOR Regulation 2013).

5 *Paramount policy*

It is declared that equal remuneration for men and women doing work of equal or comparable value is a paramount policy.

6 *Other policies*

- 1) *The following policies are also declared, but are subject to compliance with the declared paramount policy:

 - (a) *an office holder may be awarded increases in remuneration that do not increase the officer-related costs for the office holder by more than 2.5% per annum,*
 - (b) *increases in remuneration that increase the officer-related costs for the office holder by more than 2.5% per annum can be awarded, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs.**
- 2) *For the purposes of subclause (1) (b):*

Public Office Holders Group

- (a) *whether relevant officer-related cost savings have been achieved is to be determined by the Tribunal, and*
 - (b) *the office, organisation or other agency for which the office holder is to be treated as belonging in connection with the relevant officer-related cost savings (the relevant agency for an office holder) is also to be determined by the Tribunal, and*
 - (c) *increases may be awarded before the relevant officer-related cost savings have been achieved, but are not payable until they are achieved, and*
 - (d) *the full officer-related cost savings are not required to be awarded as increases in remuneration.*
- 3) *For the avoidance of doubt, the Tribunal may take into account any additional functions conferred or imposed on the office held by an office holder in determining the remuneration of the officer holder. However, any such additional functions cannot be used as a basis for awarding an office holder an increase in remuneration that increases the officer-related costs for the office holder by more than 2.5% per annum without offsetting relevant officer-related cost savings.*

7 *Meaning of "officer-related cost savings"*

- 1) *For the purposes of this Regulation, officer-related cost savings for an office holder are savings:*
- a) *that are identified in the determination of the Tribunal that relies on those savings, and*
 - b) *that involve any or all of the following:*
 - (i) *savings resulting from a change in the work practices, terms of appointment, employment entitlements or personal appointment benefits of the office holder (other than savings from a reduction of the kind referred to in paragraph (c) (i)),*
 - (ii) *savings resulting from structural changes to the relevant agency for the office holder, but only if the office holder managed the implementation of the whole or any part of those changes or participated in or otherwise contributed to those savings (whether directly or indirectly),*
 - (iii) *savings resulting from changes to the work practices of the relevant agency for the office holder, or persons working for that agency, but only if the office holder managed the implementation of the whole or any part of those changes or participated in or otherwise contributed to those savings (whether directly or indirectly), and*
 - c) *that are not achieved by a reduction in any of the following:*
 - (i) *an amount payable or provided as a term of the appointment, or as an employment entitlement or personal appointment benefit, of the office holder if legislation requires that amount (or at least that amount) to be paid or provided to the office holder in connection with the officer's appointment,*

Public Office Holders Group

- (ii) *employment entitlements of any other persons working (whether as an employee or as an officer holder) in the same relevant agency for the office holder, and*
 - d) *that are not existing savings (as defined in subclause (2)), and*
 - e) *that are additional to whole of Government savings measures (such as efficiency dividends).*
- 2) *Savings are existing savings:*
- a) *if and to the extent that:*
 - (i) *the savings have been identified in a determination of the Tribunal made under the Act before the relevant policy application day for the office holder concerned, and*
 - (ii) *the savings have been relied on by that determination and the remuneration specified in the determination has been paid (whether or not the savings have been achieved and whether or not they were or are achieved during the term of the determination), or*
 - b) *if and to the extent that:*
 - (i) *the savings have been identified in an industrial instrument of the Industrial Relations Commission made before the commencement of the Industrial Relations (Public Sector Conditions of Employment) Regulation 2011 (or in an agreement contemplated by such an instrument), and*
 - (ii) *the savings have been relied on by that instrument (whether or not the savings have been achieved and whether or not they were or are achieved during the term of the instrument).*
- 3) *In this clause:*
- relevant policy application day*** *for an office holder means:*
- a) *in the case of a judicial officer within the meaning of the Judicial Officers Act 1986—the day on which this Regulation commenced, and*
 - b) *in any other case—27 June 2011 (being the day on which the Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Act 2011 commenced).*

23. In accordance with the SOOR Regulation 2013 any increase the Tribunal may determine in excess of 2.5 per cent, be it a general increase available to all office holders, or an increase provided to an individual office holder or group of office holders based on changes in work value, can only be paid if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increased officer-related costs resulting from increased payment.

24. These new arrangements do not apply to determinations under Part 3A - remuneration packages for chief executive and senior executive office holders. For those determinations the Tribunal will continue to be required to give effect to the

Public Office Holders Group

same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the IR Act.

Changes to the Superannuation Guarantee Contribution

25. The Superannuation Guarantee Contribution (SGC) – made in compliance with the *Superannuation Guarantee (Administration) Act 1992* (C'wth) – was increased by 0.25 per cent with effect from 1 July 2013.

26. The SOOR Regulation 2013, which was first published on 21 June 2013, outlined the declared government policy on remuneration of office holders under Part 3. In accordance with Clause 6:

6 Other policies

(1) The following policies are also declared, but are subject to compliance with the declared paramount policy:

(a) an office holder may be awarded increases in remuneration that do not increase the officer-related costs for the office holder by more than 2.5% per annum,

(b) increases in remuneration that increase the officer-related costs for the office holder by more than 2.5% per annum can be awarded, but only if sufficient officer-related cost savings for the office holder have been achieved to fully offset the increase.

27. The policy, as drafted at the time, reflected the intent of the original IR Regulation 2011 which continues to apply to the SES determination, and previously applied to the Tribunal's determinations pursuant to section 6AA, with the exception of Judicial Office Holders.

28. In May 2013 the Government advised that it was its intention that the SGC increase be funded from within the existing wages cap of 2.5 per cent. The Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales, which had filed applications to vary the salaries of certain public sector awards by 2.5 per cent, opposed the SGC being funded from the existing wages cap of 2.5 per cent. This issue was referred to a Full Bench of the Industrial Relations Commission of New South Wales for determination.

29. In its decision made on 25 June 2013, the Full Bench found that the increases in remuneration or other conditions of employment, referred to in clause 6(1)(a) of the

Public Office Holders Group

IR Regulation 2011, are only those increases resulting from an award or order made or varied by the Commission either by consent or in arbitration proceedings: Re Crown Employees Wages Staff (Rates of Pay) Award 2011 & Ors [2013] NSWIRComm 53.

30. Subsequent to the decision of the Full Bench on 28 June 2013 the Government amended the IR Regulation 2011 to make clear the Government's public sector policies for the purposes of section 146 of the IR Act, and to clarify the application of those policies in relation to the impact of increases in superannuation employment benefits.

31. Clause 6 (1)(a) of the IR Regulation 2011 as amended provided;

"...Other policies

(1) *The following policies are also declared, but are subject to compliance with the declared paramount policies:*

(a) *Public sector employees may be awarded increases in remuneration or other conditions of employment, but only if employee-related costs in respect of those employees are not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment benefits provided (or to be provided) to the employees since their remuneration or other conditions of employment were last determined."*

32. Clause 8 of the IR Regulation 2011, as amended, provided;

".... Meaning of employee-related costs

(1) *For the purposes of this Regulation, employee-related costs are the costs to the employer of the employment of public sector employees, being costs related to the salary, wages, allowances and other remuneration payable to the employees and the superannuation and other personal employment benefits payable to or in respect of the employees.*

(2) *In subsection (1), superannuation benefits include any payments by the employer to a superannuation fund of an employee as a consequence of the enactment of or amendments to the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth or the State Authorities Non-contributory Superannuation Act 1987."*

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33. The effect of the amendments to the IR Regulation 2011 was that SGC increases were to be funded from within the existing wages cap of 2.5 per cent. These arrangements applied to the Tribunal's determinations pursuant to Part 3A, the SES, and all other public sector employees and office holders subject to the IR Regulation 2011, including Members of Parliament.
34. To ensure the same conditions applied to the Tribunal's determination pursuant to Part 3 of the SOOR Act - being the Judges and Magistrates, Court and Related Offices and Public Office Holders - the Government also amended the SOOR Regulation 2013 on 9 August 2013 to re-declare the Government's policies the Tribunal is required to give effect to when determining the remuneration of office holders. The re-declaration clarified the application of those policies in relation to the impact of increases in superannuation employment benefits and followed the similar re-declaration in relation to public sector remuneration made by the IR Regulation 2011.
35. The amendments to the IR Regulation 2011, which clarified the application of the policies articulated in the IR Regulation 2011 in relation to the impact of increases in superannuation employment benefits, were disallowed by the Legislative Council on 21 August 2013. This had the effect of restoring the original *Industrial Relations (Public Sector Conditions of Employment) Regulation 2011* immediately.
36. Similarly on 22 August 2013, the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*, which applied to those determinations of the Tribunal pursuant to Part 3A of the SOOR Act, was also disallowed by the Legislative Council. This had the effect of restoring the original *Statutory and Other Office Holders Regulation 2013* immediately.

Submissions Received

Government Submission

37. The Government submission recommends the Tribunal approve an increase of 2.25 per cent for the Public Office Holders Group. Those office holders to whom a section 11A determination applies should receive an increase of 2.5 per cent.

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38. The Government submission states:

"This recommendation is consistent with the NSW Wages Policy and reflects the NSW Governments' intent, pursuant to section 6AB of the SOOR Act and the SOOR Regulation 2013."

39. The Government recommends a 2.25 per cent increase, rather than a 2.5 per cent increase, to reflect the intent of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*. That regulation, now disallowed, provided that under section 6(1)(a):

"an office holder may be awarded increases in remuneration, but only if officer-related costs for the office holder are not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment entitlements provided (or to be provided) to the office holder since his or her remuneration was last determined."

40. Following the disallowance of the SOOR Amendment Regulation, the Tribunal received a supplementary submission from the Secretary of The Treasury, Mr Philip Gaetjens. The Supplementary submission states that:

"Notwithstanding the disallowance, the Government intends to ensure the 2.5 per cent remuneration policy requirement is met and is currently considering options available to it."

Other Submissions

41. As is the usual practice, prior to the Tribunal making her Reports and Determinations, the Tribunal invited submissions from office holders. For the 2013 review office holders in the Public Office Holders Group were advised that if they wished to submit that an increase in excess of 2.5 per cent was warranted, it would be necessary for such office holder or group of office holders to identify and propose to the Tribunal the officer-related cost savings which it or they intend to achieve.

42. As part of the current review the Tribunal received four submissions from offices within the Public Office Holders Group. Three of those submissions sought an increase of 2.5 per cent only.

43. The WorkCover Independent Review Officer (WIRO) made a submission requesting an (unspecified) increase of more than 2.5 per cent based on the achievement of

Public Office Holders Group

officer-related cost savings which related to savings resulting from changes in work practices (pursuant to Clause 7(1)(b)(i) of the SOOR Regulation 2013). The WIRO has requested that the Tribunal review the remuneration for this position having regard to changes that have occurred in the responsibilities and management of the office since it became operational on 1 October 2012. The WIRO submits that the additional responsibility for managing a new legal assistance and review service (the ILARS) has had an impact on the office and the position of WIRO. Also, that the new office (established June 2012) had no comparative office elsewhere in the NSW Government or other Australian jurisdiction. By establishing work practices such as electronic communications and a paperless office, the WIRO submits that cost savings have been achieved. The WIRO has provided the Tribunal with an estimate of cost savings achieved to 30 June 2013.

2013 Increase

44. The WIRO submits that certain decisions made by him, in establishing work practices for himself and the agency, provide sufficient officer-related cost savings to warrant an additional increase in remuneration. The savings identified in the submission relate to the period prior to 1 July 2013.
45. The Tribunal has considered the WIRO's submission carefully, but finds that the tests for officer-related cost savings, set out in clause 7 of the SOOR Regulation 2013, are not met. The requirement is that any savings result from changes in work practices. As the work practices described in the submission are initial practices – established in a new office and where none had existed previously – they cannot reasonably be characterised as changes.
46. Based on the information provided the Tribunal is unable to consider the WIRO's request for an increase of more than 2.5 per cent. Therefore the Tribunal will only consider what general increase, if any, of up to 2.5 per cent is warranted.
47. An assessment of the key economic indicators would suggest that an increase of 2.5 per cent is warranted. The Tribunal notes that the NSW Wages Price Index was 3 per cent for the March quarter 2013 and is expected to grow to 3.25 per cent in 2013-14

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and 3.5 per cent in 2014-15. The Consumer Price Index (CPI) figures for the June quarter 2013 show annual CPI growth of 2.6 per cent in Sydney, and 2.4 per cent across the average of 8 capital cities. In year average terms, the Sydney CPI rose by 2.5 percent in 2011-12. The outlook for headline inflation, according to NSW and Commonwealth Treasury forecasts, is for inflation to remain within the Reserve Bank of Australia's 2-3 per cent target band over the forecast period.

48. Having regard to the Parliament's disallowance of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Amendment Regulation 2013*, and to the approach adopted by the Industrial Relations Commission in arbitration proceedings: *Re Crown Employees Wages Staff (Rates of Pay) Award 2011 & Ors [2013] NSWIRComm 53*, the Tribunal understands that the intent of the Parliament is clear, and does not propose to discount any remuneration increase it determines to take account of the increase in the Superannuation Guarantee Contribution.

Section 11A Office Holders

49. Historically, when an officer has elected to receive employment benefits pursuant to section 11A of the SOOR Act, the Tribunal has determined a total remuneration package payable to that office holder. Determinations which provide for a total remuneration package are listed separately (Determination No.2) from those determinations which are expressed as a salary only (Determination No.1).
50. For the 2013 determination the Tribunal will continue to identify, in Determination No.2 of the Public Office Holders report and determination, those offices which are held by individuals who have elected to receive a total remuneration package pursuant to section 11A. The Tribunal will also make a salary-only determination for those particular offices and list that salary in the general determination for Public Office Holders in Determination No. 1. This is to ensure that a current determination exists for these roles should the incumbent officer revoke his/her election or if a new officer is appointed to the role.

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2014 Review

51. The *Government Sector Employment Act 2013* (the GSE Act) was assented to on 25 June 2013 and reflects and builds on the Government's reform program for the public sector. The GSE Act provides a new and simpler statutory framework devoted solely to NSW Government sector employment and workforce management.
52. All determinations of the Tribunal will apply from 1 July each year once the GSE Act commences. The SOOR Act will be amended upon proclamation of the GSE Act. Clause 7 of Schedule 6 of the GSE Act will amend section 13 of the SOOR Act to change the commencement date of the Tribunal's annual determinations from 1 October to 1 July. Section 17 of the SOOR Act will also be amended to allow the Tribunal to commence its inquiries on 1 January instead of 1 April.
53. On that basis the Tribunal will commence the 2014 annual review earlier than usual (but not before 1 January 2014) to ensure sufficient time is available to complete the determinations before or as close to 1 July as possible.

Section 4

Conclusion

54. The amendments to the SOOR Act (Section 6AB) and the introduction of the *Statutory and Other Offices Remuneration (Judicial and Other Office Holders) Regulation 2013* have had a further impact on the way this Tribunal makes its determinations. It is the obligation of the Tribunal to undertake its duties consistent with the legislation. On that basis the Tribunal, after considering the views of the Assessors, considers that an increase of 2.5 per cent is appropriate and so determines.
55. Pursuant to Section 13 of the *Statutory and Other Offices Remuneration Act 1975* the Tribunal determines that the remuneration to be paid to office holders on and from 1 October 2013 shall be as specified in Determination 1 in respect of the Public Office Holders and Determination 2 in respect of Section 11A Office Holders.

Public Office Holders Group

The Statutory and Other Offices

Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

Public Office Holders Group

Determination No 1

Determination of the remuneration the Public Office Holders Group Effective on and from 1 October 2013

| Salary | \$ per annum |
|---|--------------|
| Public Service Commissioner | \$471,545 |
| Commissioner Police Integrity Commission | \$449,695 |
| Auditor General | \$438,655 |
| Ombudsman | \$437,525 |
| Commissioner, NSW Crime Commission (Note 1) | \$434,130 |
| Assistant Commissioner, NSW Crime Commission | \$411,285 |
| Full time Member and CEO, Independent Pricing and Regulatory Tribunal | \$391,000 |
| President, Mental Health Review Tribunal | \$355,015 |
| Electoral Commissioner (Note 1) | \$341,445 |
| Valuer General (Note 1) | \$315,885 |
| Workcover Independent Review Officer | \$315,190 |
| Deputy President Mental Health Review Tribunal | \$310,600 |
| Information Commissioner | \$307,990 |
| Privacy Commissioner | \$297,225 |
| Chairperson, Consumer Trader and Tenancy Tribunal | \$288,540 |
| Mental Health Commissioner | \$285,770 |
| President, Guardianship Tribunal | \$282,515 |
| Parliamentary Budget Officer | \$281,660 |
| Principal Claims Assessor (Motor Accidents Compensation Act) | \$280,570 |
| Inspector of Custodial Services | \$271,625 |
| Small Business Commissioner | \$267,000 |
| Deputy Chairperson Consumer Trader and Tenancy Tribunal | \$266,860 |
| Deputy Chairperson, Law Reform Commission | \$264,935 |
| Commissioner, Law Reform Commission | \$254,085 |
| Deputy President Administrative Decisions Tribunal | \$254,085 |
| Clerk of the Legislative Assembly | \$247,365 |
| Clerk of the Parliaments | \$247,365 |

Public Office Holders Group

| Salary | \$ per annum |
|--|--------------|
| Executive Manager, Parliamentary Services | \$247,365 |
| Registrar Workers Compensation Commission | \$247,365 |
| Senior Arbitrator, Workers Compensation Commission (legally qualified) | \$229,595 |
| Deputy President, Guardianship Tribunal | \$221,030 |
| Senior Member, Consumer Trader and Tenancy Tribunal | \$217,800 |
| Deputy Clerk, Legislative Assembly | \$212,350 |
| Deputy Clerk, Legislative Council | \$212,350 |
| Senior Arbitrator, Workers Compensation Commission (not legally qualified) | \$211,450 |
| Arbitrator, Workers Compensation Commission (legally qualified) | \$202,715 |
| Chairperson, Local Land Boards | \$202,675 |
| Registrar, Aboriginal Land Rights Act 1983 | \$196,175 |
| Assessor (Civil Claims) | \$187,705 |
| Member, Consumer Trader and Tenancy Tribunal | \$187,705 |
| Arbitrator, Workers Compensation Commission (not legally qualified) | \$182,240 |
| Chairperson, Board of the Aboriginal Housing Office | \$146,465 |
| Member of the New South Wales Aboriginal Land Council (Note 2) | \$130,670 |
| Chairperson, Infrastructure NSW | \$75,385 |
| President Mental Health Review Tribunal (part time daily rate) | \$1,475 |
| Deputy President Mental Health Review Tribunal (part time daily rate) | \$1,290 |
| Senior Member, Consumer Trader and Tenancy Tribunal (part time daily rate) | \$905 |
| Assessor Civil Claims (daily rate) | \$780 |
| Member, Consumer Trader and Tenancy Tribunal (part time daily rate) | \$780 |

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

Note 2 The Chairperson shall receive an allowance of 10% (i.e. a total of \$143,737 per annum) and the Deputy Chairperson shall receive an allowance of 5% (i.e. a total of \$137,204 per annum).

Leave Loading

An annual leave loading shall be payable on the same terms and conditions as are applicable to officers and employees of the Public Service of New South Wales, as set out in Section 6-

Public Office Holders Group

15.11 to 6-15.16 of the Personnel Handbook, to each of the office holders listed above who are provided, as a condition of their employment with approved annual leave.

Determination No 2

Determination of Remuneration of Public Office Holders Who Have Elected to be Provided with Employment Benefits Pursuant to Section 11a of the Act Effective on and from 1 October 2013

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

| Public Office Holder | Remuneration |
|------------------------------------|--------------|
| Commissioner, NSW Crime Commission | \$452,730 |
| Electoral Commissioner | \$359,295 |
| Valuer General | \$333,705 |

The Statutory and Other Offices

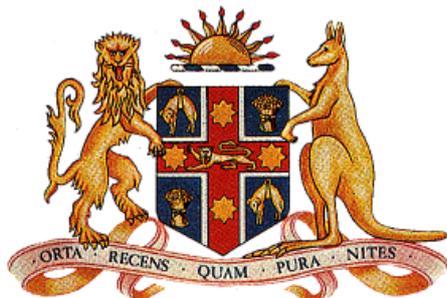
Remuneration Tribunal

Helen Wright

Dated: 27 September 2013

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Government Gazette

OF THE STATE OF
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SPECIAL SUPPLEMENT

AVIAN INFLUENZA INSTRUMENT OF REVOCATION (No. 2) 2013

under the

Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991

I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer and Inspector, with the powers the Minister has delegated to me under section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 ("the Act") and pursuant to sections 15, 18, 21, 22 and 24 of the Act, make the following Instrument of Revocation.

Dated this 13th day of November 2013.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer and Inspector

1 Name of Instrument

This Instrument is the Avian Influenza Instrument of Revocation (No. 2) 2013.

2 Commencement

This Instrument commences on the date on which it is published.

3 Revocations

Pursuant to the sections of the Act specified in Column 1 of the Schedule, the instruments specified in Column 2 of the Schedule are revoked, as is any instrument revived as a result of these revocations.

SCHEDULE – REVOKED INSTRUMENTS

| <i>Column 1 Section</i> | <i>Column 2 Instrument</i> |
|-----------------------------|--|
| 21 | Control Area (Avian Influenza) Order (No. 1) 2013 dated 16 October 2013 and published in <i>NSW Government Gazette</i> No. 135 on 16 October 2013 at page 4505. |
| 22 | Control (Avian Influenza) Order (No. 1) 2013 dated 16 October 2013 and published in <i>NSW Government Gazette</i> No. 135 on 16 October 2013 at pages 4506 to 4507. |
| 24 | Control Area (Avian Influenza) General Permit (No. 1) 2013 dated 16 October 2013 and published in <i>NSW Government Gazette</i> No. 135 on 16 October 2013 at pages 4503 to 4504. |
| 15 | Restricted Area (Avian Influenza) Order (No. 1A) 2013 dated 2 November 2013 and published in <i>NSW Government Gazette</i> No. 148 on 2 November 2013 at pages 5079 to 5081. |
| 18 | Restricted Area (Avian Influenza) Entry and Exit Points Notice (No. 1A) 2013 dated 2 November 2013 and published in <i>NSW Government Gazette</i> No. 148 on 2 November 2013 at page 5082. |

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Government Gazette

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NEW SOUTH WALES

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LEGISLATION

Online notification of the making of statutory instruments

Week beginning 4 November 2013

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

Proclamations commencing Acts

Government Sector Employment Act 2013 No 40 (2013-631) — published LW 8 November 2013

Marine Safety Act 1998 No 121 (2013-632) — published LW 8 November 2013

Regulations and other statutory instruments

Registered Clubs Amendment (Governing Body) Regulation 2013 (2013-633) — published LW 8 November 2013

Road Transport (Vehicle Registration) Amendment (Vehicle Standards) Regulation 2013 (2013-634) — published LW 8 November 2013

Environmental Planning Instruments

Albury Local Environmental Plan 2010 (Amendment No 9) (2013-635) — published LW 8 November 2013

Blacktown Local Environmental Plan Amendment (Western Sydney Employment Area) 2013 (2013-636) — published LW 8 November 2013

Canterbury Local Environmental Plan 2012 (Amendment No 1) (2013-642) — published LW 8 November 2013

Goulburn Mulwaree Local Environmental Plan 2009 (Amendment No 4) (2013-637) — published LW 8 November 2013

Nambucca Local Environmental Plan 2010 (Amendment No 13) (2013-638) — published LW 8 November 2013

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) Amendment (Resource Significance) 2013 (2013-630) — published LW 4 November 2013

The Hills Local Environmental Plan 2012 (Amendment No 10) (2013-639) — published LW 8 November 2013

Wellington Local Environmental Plan 2012 (Amendment No 1) (2013-640) — published LW 8 November 2013

Wollongong Local Environmental Plan 2009 (Amendment No 14) (2013-641) — published LW 8 November 2013

Assents to Acts

ACTS OF PARLIAMENT ASSENTED TO

Legislative Assembly Office, Sydney, 11 November 2013

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

Act No. 86 – An Act to amend the Companion Animals Act 1998 to make further provision with respect to menacing, dangerous and restricted dogs and the duties and responsibilities of their owners; and for other purposes. [**Companion Animals Amendment Bill**]

Act No. 87 – An Act to amend the Crimes (Domestic and Personal Violence) Act 2007 with respect to the making of provisional orders and apprehended personal violence orders; and for other purposes. [**Crimes (Domestic and Personal Violence) Amendment Bill**]

RONDA MILLER,
Clerk of the Legislative Assembly

OFFICIAL NOTICES

Roads and Maritime Services

ROAD TRANSPORT (GENERAL) ACT 2005

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

BLAYNEY SHIRE COUNCIL, pursuant to Clause 58 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the 19 metre B-Double Mass Limit Notice 2010, as published in *New South Wales Government Gazette* No. 111 on 3 September 2010, at pages 4336 to 4353, as set out in the Schedule of this Notice.

GLENN WILCOX,
General Manager,
Blayney Shire Council
(by delegation of the Minister for Roads)

SCHEDULE

1. Citation

This Notice is the Blayney Shire Council 19 metre B-Double Mass Limit (Amendment) Notice No. 3/2013.

2. Commencement

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

3. Effect

This Notice remains in force up to and including 1 September 2015, unless it is repealed earlier.

4. Amendment

Delete the following route from the table at Appendix 1, under the heading Blayney Shire Council.

| Type | Road No. | Road Name | Starting Point | Finishing Point | Conditions |
|------|----------|--------------------|-----------------|----------------------|--|
| 19. | 452. | Hobbys Yards Road. | Shire Boundary. | Three Brothers Road. | (a) That this approval be given subject to Bathurst Regional Council providing access along Hobbys Yards Road. |

Insert the following route into the table at Appendix 1, under the heading Blayney Shire Council.

| Type | Road No. | Road Name | Starting Point | Finishing Point | Conditions |
|------|----------|--------------------|------------------------------------|----------------------|------------|
| 19. | 452. | Hobbys Yards Road. | Blayney/Bathurst Council boundary. | Three Brothers Road. | |

ROAD TRANSPORT (GENERAL) ACT 2005

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

DUBBO CITY COUNCIL pursuant to Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the Class 2 B-Double Notice 2010, as published in the *New South Wales Government Gazette* No. 108 on 27 August 2010, at pages 4033 to 4284, as set out in the Schedule of this Notice.

MARK RILEY,
General Manager,
Dubbo City Council,
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Dubbo City Council B-Double (Amendment) Notice No. 04/2013.

2. Commencement

This Notice takes effect at 6:00 a.m., on 2 December 2013.

3. Effect

This Notice remains in force till 6:00 p.m., 2 December 2013.

4. Amendment

Insert the following routes for the council into the table at Appendix 1.

| <i>Type</i> | <i>Road No.</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|-----------------|--------------------------|-----------------------|-----------------------------------|
| 25m. | 000. | Macquarie Street, Dubbo. | Newell Highway. | Dubbo Visitor Information Centre. |
| 25m. | 000. | Bligh Street, Dubbo. | Newell Highway. | Dubbo Visitor Information Centre. |

ROAD TRANSPORT (GENERAL) ACT 2005

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

DUBBO CITY COUNCIL, pursuant to Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the Class 2 B-Double Notice 2010, as published in the *New South Wales Government Gazette* No. 108 on 27 August 2010, at pages 4033 to 4284, as set out in the Schedule of this Notice.

MARK RILEY,
General Manager,
Dubbo City Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Dubbo City Council B-Double (Amendment) Notice No. 05/2013.

2. Commencement

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

3. Effect

This Notice remains in force up to and including 1 September 2015, unless it is repealed earlier.

4. Amendment

Delete the following route for the council from the table at Appendix 1.

| <i>Type</i> | <i>Road No.</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|-----------------|------------------------|-----------------------|---|
| 25m. | 000. | Old Dubbo Road, Dubbo. | Macquarie Street. | “Mirambee” Feedlot – a distance of 12kms south of the intersection of Macquarie and Margaret Streets. |

Insert the following routes for the council into the table at Appendix 1.

| <i>Type</i> | <i>Road No.</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|-----------------|------------------------|-----------------------|--|
| 25m. | 000. | Old Dubbo Road, Dubbo. | Macquarie Street. | Property “Murrumbidgee” a distance of 17.5kms south of the intersection of Macquarie and Margaret Streets. |
| 25. | 000. | Cumboogle Road, Dubbo. | Obley Road. | To its conclusion and return. |
| 25. | 000. | Obley Road, Dubbo. | Newell Highway. | Benolong Road. |
| 25. | 000. | Benolong Road. | Obley Road. | Property “Cumboogle” and return. |

ROAD TRANSPORT (GENERAL) ACT 2005

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

PARKES SHIRE COUNCIL, pursuant to Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the Class 2 B-Double Notice 2010, as published in the *New South Wales Government Gazette* No. 108 on 27 August 2010, at pages 4033 to 4284, as set out in the Schedule of this Notice.

KENT BOYD,
General Manager,
Parkes Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as the Parkes Shire Council B-Double (Amendment) Notice No. 5/2013.

2. Commencement

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

3. Effect

This Notice remains in force up to and including 1 September 2015, unless it is repealed earlier.

4. Amendment

Insert the following routes for the council into the table at Appendix 1.

| <i>Type</i> | <i>Road No.</i> | <i>Road Name</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|-----------------|---------------------------|-----------------------|--------------------------------------|
| 25m. | U600. | Caledonia Street, Parkes. | Short Street, Parkes. | Lot 11-27, Caledonia Street, Parkes. |

ROAD TRANSPORT (VEHICLE AND DRIVER MANAGEMENT) ACT 2005

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

I, PETER WELLS, Director, Safety and Compliance, Roads and Maritime Services, pursuant to Clause 58 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the 19 metre B-Double Mass Limit Notice 2010, as published in the *New South Wales Government Gazette* No. 20 on 20 May 2011, at pages 2992 to 3009, as set out in the Schedule of this Notice.

PETER WELLS,
Director,
Safety and Compliance,
Roads and Maritime Services

SCHEDULE
1. Citation

This Notice is the Roads and Maritime Services 19 metre B-Double Mass Limit (Amendment) Notice No. 2/2013.

2. Commencement

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

3. Effect

This Notice remains in force up to and including 1 September 2015, unless it is repealed earlier.

4. Amendment

Delete the following routes from the table at Appendix 1, under the heading Part 6 Southern Region State Routes.

| <i>Type</i> | <i>Road No.</i> | <i>Approved Road</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|-----------------|------------------------|-----------------------|----------------------------|
| 19. | 1. | Princes Highway, Bega. | Kerrisons Lane, Bega. | Greendale Road, Greendale. |

Insert the following routes into the table at Appendix 1, under the heading Part 6 Southern Region

| <i>Type</i> | <i>Road No.</i> | <i>Approved Road</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|-----------------|----------------------|------------------------------|----------------------------|
| 19. | 1. | Princes Highway. | HW4 Snowy Mountains Highway. | Greendale Road, Greendale. |

ROAD TRANSPORT (VEHICLE AND DRIVER MANAGEMENT) ACT 2005

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

I, PETER WELLS, Director, Customer and Compliance Division, Roads and Maritime Services, pursuant to Clause 20 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby amend the Class 2 B-Double Notice 2010, as published in the *New South Wales Government Gazette* No. 108 on 27 August 2010, at pages 4033 to 4284, as set out in the Schedule of this Notice.

PETER WELLS,
Director,
Safety and Compliance,
Roads and Maritime Services

SCHEDULE
1. Citation

This Notice is the Roads and Maritime Services Class 2 B-Double (Amendment) Notice No. 5/2013.

2. Effect

This Notice remains in force from 30 November 2013 to 10 December 2013, unless it is revoked earlier.

3. Amendment

Insert the following routes into the table at Appendix 1, under the heading Part 1 – Sydney Region OTHER ROAD AUTHORITIES Sydney Olympic Park Authority.

| <i>Type</i> | <i>Approved Road</i> | <i>Starting Point</i> | <i>Finishing Point</i> |
|-------------|---------------------------|---|--|
| 25/26. | Australia Avenue. | Homebush Bay Drive, Homebush. | Kevin Coombs Avenue, Sydney Olympic Park. |
| 25/26. | Bennelong Parkway. | Australia Avenue, Sydney Olympic Park. | Marjorie Jackson Parkway, Sydney Olympic Park. |
| 25/26. | Marjorie Jackson Parkway. | Bennelong Parkway, Sydney Olympic Park. | Australia Avenue, Sydney Olympic Park. |
| 25/26. | Kevin Coombs Avenue. | Australia Avenue, Sydney Olympic Park. | Olympic Boulevard, Sydney Olympic Park. |
| 25/26. | Olympic Boulevard. | Sarah Durack Avenue, Sydney Olympic Park. | Kevin Coombs Avenue, Sydney Olympic Park. |
| 25/26. | Grand Parade. | Olympic Boulevard, Sydney Olympic Park. | Australia Avenue, Sydney Olympic Park. |
| 25/26. | Sarah Durack Avenue. | Olympic Boulevard, Sydney Olympic Park. | Australia Avenue, Sydney Olympic Park. |
| 25/26. | Herb Elliott Avenue. | Olympic Boulevard, Sydney Olympic Park. | Showground Road, Sydney Olympic Park. |
| 25/26. | Showground Road. | Herb Elliott Avenue, Sydney Olympic Park. | Grand Parade, Sydney Olympic Park. |
| 25/26. | Orana Parade. | Grand Parade, Sydney Olympic Park. | Kevin Coombs Avenue, Sydney Olympic Park. |
| 25/26. | Murray Rose Avenue. | Showground Road, Sydney Olympic Park. | Park Street, Sydney Olympic Park. |
| 25/26. | Park Street. | Murray Rose Avenue, Sydney Olympic Park. | Herb Elliott Avenue, Sydney Olympic Park. |
| 25/26. | Herb Elliott Avenue. | Park Street, Sydney Olympic Park. | Australia Avenue, Sydney Olympic Park. |
| 25/26. | Hawkesbury Street. | Grand Parade. | Kevin Coombs Avenue, Sydney Olympic Park. |

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Seven Hills in the Blacktown City Council area

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

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

SCHEDULE

ALL those pieces or parcels of land situated in the Blacktown City Council area, Parish of Prospect and County of Cumberland, shown as Lots 178 and 179 Deposited Plan 242049.

(RMS Papers: SF2013/170289/1; RO SF2013/004414)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Jerrabomberra in the Queanbeyan City Council area

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

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

SCHEDULE

ALL that piece or parcel of land situated in the Queanbeyan City Council area, Parish of Queanbeyan and County of Murray, shown as Lot 13 Deposited Plan 1135538.

(RMS Papers: SF2013/171696/1; RO SF2013/170978)

ROADS ACT 1993

Notice of Dedication of Land as Public Road at Thirroul in the Wollongong City Council area

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

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

SCHEDULE

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

Lot 1 Deposited Plan 341902; and

Lots 5, 6 and 7 Deposited Plan 1181407.

(RMS Papers: 1/497.1706)

Department of Trade and Investment, Regional Infrastructure and Services

COAL MINE HEALTH AND SAFETY ACT 2002

Instrument of Appointment

I, BRAD MULLARD, Executive Director, Mineral Resources, Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 145 (1) (c) of the Coal Mine Health and Safety Act 2002 (the Act), hereby appoint Stewart Ronald John ARMSTRONG as a Mine Safety Officer.

Dated this 1st day of November 2013.

BRAD MULLARD,
Executive Director, Mineral Resources,
Department of Trade and Investment,
Regional Infrastructure and Services
(in exercise of the Minister's function under
section 145 (1) (c), delegated with authority to
sub-delegate to the Director-General of the
Department of Trade and Investment,
Regional Infrastructure and Services, under
section 212 (1) and subdelegated under section 214 (2))

COAL MINE HEALTH AND SAFETY ACT 2002

Instrument of Appointment

I, BRAD MULLARD, Executive Director, Mineral Resources, Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 145 (1) (b) of the Coal Mine Health and Safety Act 2002 (the Act), hereby appoint Andrew Kenneth BRODBECK as an Inspector.

Dated this 1st day of November 2013.

BRAD MULLARD,
Executive Director, Mineral Resources,
Department of Trade and Investment,
Regional Infrastructure and Services
(under subdelegation from Director-General of
authority delegated by the Minister)

COAL MINE HEALTH AND SAFETY ACT 2002

Instrument of Appointment

I, BRAD MULLARD, Executive Director, Mineral Resources, Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 145 (1) (c) of the Coal Mine Health and Safety Act 2002 (the Act), hereby appoint Georgina Eileen MASON as a Mine Safety Officer.

Dated this 1st day of November 2013.

BRAD MULLARD,
Executive Director, Mineral Resources,
Department of Trade and Investment,,
Regional Infrastructure and Services
(in exercise of the Minister's function under
section 145 (1) (c), delegated with authority to
sub-delegate to the Director-General of the
Department of Trade and Investment,
Regional Infrastructure and Services, under
section 212 (1) and subdelegated under section 214 (2))

EXPLOSIVES ACT 2003

Appointment of Inspector under Section 25

I, MARK I. PATERSON, A.O., Director General, Department of Trade and Investment, Regional Infrastructure and Services, being the regulatory authority for coal workplaces and mining workplaces pursuant to Clause 6 of the Explosives Regulation 2005 and to section 25 of the Explosives Act 2003 ('the Act'), hereby appoint Stewart Ronald John ARMSTRONG as an inspector in relation to coal workplaces and mining workplaces.

Dated this 10th day of November 2013.

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

EXPLOSIVES ACT 2003

Appointment of Inspector under Section 25

I, MARK I. PATERSON, A.O., Director General, Department of Trade and Investment, Regional Infrastructure and Services, being the regulatory authority for coal workplaces and mining workplaces pursuant to Clause 6 of the Explosives Regulation 2005 and to section 25 of the Explosives Act 2003 ('the Act'), hereby appoint Andrew Kenneth BRODBECK as an inspector in relation to coal workplaces and mining workplaces.

Dated this 10th day of November 2013.

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

EXPLOSIVES ACT 2003

Appointment of Inspector under Section 25

I, MARK I. PATERSON, A.O., Director General, Department of Trade and Investment, Regional Infrastructure and Services, being the regulatory authority for coal workplaces and mining workplaces pursuant to Clause 6 of the Explosives Regulation 2005 and to section 25 of the Explosives Act 2003 ('the Act'), hereby appoint Georgina Eileen MASON as an inspector in relation to coal workplaces and mining workplaces.

Dated this 10th day of November 2013.

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

MINE HEALTH AND SAFETY ACT 2004

Instrument of Appointment

I, BRAD MULLARD, Executive Director, Mineral Resources, Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 127 (1) (b) of the Mine Health and Safety Act 2004 (the Act), hereby appoint Andrew Kenneth BRODBECK as an Inspector.

Dated this 1st day of November 2013.

BRAD MULLARD,
Executive Director, Mineral Resources,
Department of Trade and Investment,
Regional Infrastructure and Services
(in exercise of the Minister's function under
section 127 (1) (b), delegated with authority to
sub-delegate to the Director-General of the
Department of Trade and Investment,
Regional Infrastructure and Services, under
section 182 and subdelegated under section 184 (2))

MINE HEALTH AND SAFETY ACT 2004

Instrument of Appointment

I, BRAD MULLARD, Executive Director, Mineral Resources, Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 127 (1) (c) of the Mine Health and Safety Act 2004, hereby appoint Stewart Ronald John ARMSTRONG as a Mine Safety Officer.

Dated this 1st day of November 2013.

BRAD MULLARD,
Executive Director, Mineral Resources,
Department of Trade and Investment,
Regional Infrastructure and Services
(in exercise of the Minister's function under
section 127 (1) (c) of the Act,
delegated with authority to sub-delegate to the
Director-General under section 182 and
sub-delegated under section 184 (2))

MINE HEALTH AND SAFETY ACT 2004

Instrument of Appointment

I, BRAD MULLARD, Executive Director, Mineral Resources, Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 127 (1) (c) of the Mine Health and Safety Act 2004, hereby appoint Georgina Eileen MASON as a Mine Safety Officer.

Dated this 1st day of November 2013.

BRAD MULLARD,
Executive Director, Mineral Resources,
Department of Trade and Investment,
Regional Infrastructure and Services
(in exercise of the Minister's function under
section 127 (1) (c) of the Act,
delegated with authority to sub-delegate to the
Director-General under section 182 and
sub-delegated under section 184 (2))

MINERAL RESOURCES

NOTICE is given that the following applications have been received:

EXPLORATION LICENCE APPLICATIONS

(13-0929)

No. 4917, LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386), area of 656.2 hectares, for Group 9, dated 31 October 2013. (Sydney Mining Division).

(T13-1183)

No. 4922, AWATI RESOURCES PTY LTD (ACN 106 020 419), area of 48 units, for Group 1, dated 7 November 2013. (Broken Hill Mining Division).

(T13-1184)

No. 4923, EMX EXPLORATION PTY LTD (ACN 139 612 427), area of 30 units, for Group 1, dated 11 November 2013. (Broken Hill Mining Division).

MINING LEASE APPLICATIONS

(13-3742)

No. 461, ANGLO COAL (DRAYTON SOUTH) PTY LTD (ACN 081 072 755), ANGLO COAL (DRAYTON) NO. 2 PTY LIMITED (ACN 004 917 177), DAESUNG AUSTRALIA PTY LIMITED (ACN 002 011 967), HYUNDAI AUSTRALIA PTY LTD (ACN 002 008 657), MITSUI DRAYTON INVESTMENT PTY LTD (ACN 082 138 529) and NCE AUSTRALIA PTY LTD (ACN 001 799 444), area of about 4278 hectares, to mine for coal, dated 4 November 2013. (Singleton Mining Division).

(T13-1602)

No. 462, WYONG COAL PTY LIMITED (ACN 074 778 699), area of about .9951 hectares, for the purpose of all purposes, dated 5 November 2013. (Sydney Mining Division).

(T13-1603)

No. 463, CENTENNIAL SPRINGVALE PTY LIMITED (ACN 052 096 812) and SPRINGVALE SK KORES PTY LIMITED (ACN 051 015 402), area of about 158.8 hectares, to mine for coal, dated 6 November 2013. (Orange Mining Division).

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

NOTICE is given that the following applications have been granted:

EXPLORATION LICENCE APPLICATIONS

(11-2191)

No. 4719, now Exploration Licence No. 8188, CENTENNIAL SPRINGVALE PTY LIMITED (ACN 052 096 812) and SPRINGVALE SK KORES PTY LIMITED (ACN 051 015 402), County of Cook, Map Sheet (8931), area of 835.6 hectares, for Group 9, dated 16 October 2013, for a term until 16 October 2016.

(T13-1083)

No. 4823, now Exploration Licence No. 8176, SIBELCO AUSTRALIA LIMITED (ACN 000 971 844), County of Inglis, Map Sheet (9036), area of 4 units, for Group 2, dated 15 October 2013, for a term until 15 October 2015. As a result of the grant of this title, Exploration Licence No. 7978 has partly ceased to have effect.

(T13-1117)

No. 4855, now Exploration Licence No. 8191, EMX BROKEN HILL PTY LTD (ACN 164 990 452), County of Yancowinna, Map Sheet (7234), area of 19 units, for Group 1, dated 30 October 2013, for a term until 30 October 2016.

(T13-1123)

No. 4861, now Exploration Licence No. 8197, ANGLO AMERICAN EXPLORATION (AUSTRALIA) PTY LTD (ACN 006 195 982), Counties of Tandora and Yancowinna, Map Sheet (7233, 7333, 7334), area of 200 units, for Group 1, dated 5 November 2013, for a term until 5 November 2015.

(T13-1124)

No. 4862, now Exploration Licence No. 8198, ANGLO AMERICAN EXPLORATION (AUSTRALIA) PTY LTD (ACN 006 195 982), Counties of Menindee, Tandora and Yancowinna, Map Sheet (7233, 7333), area of 200 units, for Group 1, dated 5 November 2013, for a term until 5 November 2015.

(T13-1125)

No. 4863, now Exploration Licence No. 8199, ANGLO AMERICAN EXPLORATION (AUSTRALIA) PTY LTD (ACN 006 195 982), County of Menindee, Map Sheet (7132, 7133, 7232, 7233), area of 200 units, for Group 1, dated 5 November 2013, for a term until 5 November 2015.

(T13-1126)

No. 4864, now Exploration Licence No. 8200, ANGLO AMERICAN EXPLORATION (AUSTRALIA) PTY LTD (ACN 006 195 982), Counties of Menindee and Windeyer, Map Sheet (7132, 7232), area of 200 units, for Group 1, dated 5 November 2013, for a term until 5 November 2015.

(T13-1129)

No. 4867, now Exploration Licence No. 8189, CARPENTARIA EXPLORATION LIMITED (ACN 095 117 981), Counties of Bourke and Cooper, Map Sheet (8228, 8229), area of 148 units, for Group 1, dated 29 October 2013, for a term until 29 October 2016.

MINING LEASE APPLICATION

(T12-1514)

Armidale No. 441, now Mining Lease No. 1693 (Act 1992), WHITEHAVEN COAL MINING LIMITED (ACN 086 426 253) and BOGGABRI COAL PTY LIMITED (ACN 122 087 398), Parish of Leard, County of Nandewar and Parish of Wean, County of Nandewar, Map Sheet (8936-4-S), area of 409.8 hectares, to mine for coal, dated 14 October 2013, for a term until 14 October 2034. As a result of the grant of this title, Exploration Licence No. 5967 has partly ceased to have effect.

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

NOTICE is given that the following applications have been refused:

EXPLORATION LICENCE APPLICATIONS

(T13-1111)

No. 4849, SANDFIRE RESOURCES NL (ACN 105 154 185), County of Gipps, Map Sheet (8430). Refusal took effect on 11 November 2013.

(T13-1112)

No. 4850, SANDFIRE RESOURCES NL (ACN 105 154 185), County of Bland and County of Gipps, Map Sheet (8330). Refusal took effect on 11 November 2013.

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

NOTICE is given that the following applications have been withdrawn:

EXPLORATION LICENCE APPLICATIONS

(T13-1098)

No. 4837, OCHRE RESOURCES PTY LTD (ACN 112 833 351), County of Argyle and County of Murray, Map Sheet (8727, 8827, 8828). Withdrawal took effect on 15 October 2013.

(T13-1158)

No. 4896, OCHRE RESOURCES PTY LTD (ACN 112 833 351), County of Argyle and County of Murray, Map Sheet (8727, 8827, 8828). Withdrawal took effect on 22 October 2013.

(13-0929)

No. 4917, LAKECOAL PTY LTD (ACN 094 084 787) and FASSI COAL PTY LTD (ACN 147 642 386), County of Northumberland, Map Sheet (9231). Withdrawal took effect on 11 November 2013.

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

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

(11-5907)

Exploration Licence No. 5793, GOLDEN REEF ENTERPRISES PTY LTD (ACN 008 138 136) and TRIAKO RESOURCES PTY LTD (ACN 008 498 119), area of 8 units. Application for renewal received 11 November 2013.

(07-0119)

Exploration Licence No. 6937, GOLD FIELDS AUSTRALASIA PTY LTD (ACN 087 624 600), area of 28 units. Application for renewal received 6 November 2013.

(08-0112)

Exploration Licence No. 7242, AGRICULTURAL EQUITY INVESTMENTS PTY LIMITED (ACN 064 646 108), area of 18 units. Application for renewal received 6 November 2013.

(T11-0235)

Exploration Licence No. 7862, GOSSAN HILL GOLD LIMITED (ACN 147 329 833), area of 41 units. Application for renewal received 8 November 2013.

(T11-0236)

Exploration Licence No. 7863, GOSSAN HILL GOLD LIMITED (ACN 147 329 833), area of 19 units. Application for renewal received 8 November 2013.

(T90-0649)

Mining Purposes Lease No. 330 (Act 1973), ROSS SLACK-SMITH and Genise Janet SLACK-SMITH, area of 4.23 hectares. Application for renewal received 12 November 2013.

(T90-0652)

Mining Purposes Lease No. 333 (Act 1973), Ross SLACK-SMITH and Genise Janet SLACK-SMITH, area of 3.88 hectares. Application for renewal received 12 November 2013.

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

RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(13-1929)

Exploration Licence No. 6424, GREAT WESTERN MINERALS PTY LTD (ACN 138 476 874), County of Yungnulgra, Map Sheet (7436), area of 26 units, for a further term until 25 May 2015. Renewal effective on and from 6 November 2013.

(11-5008)

Exploration Licence No. 6465, SCORPIO RESOURCES PTY LTD (ACN 109 158 769), Counties of Fitzroy and Gresham, Map Sheet (9337, 9437), area of 27 units, for a further term until 28 September 2016. Renewal effective on and from 6 November 2013.

(T10-0159)

Exploration Licence No. 7646, VINCENT RESOURCES PTY LTD (ACN 142 721 579), Counties of Menindee and Windeyer, Map Sheet (7132, 7133), area of 131 units, for a further term until 6 December 2014. Renewal effective on and from 4 November 2013.

(T09-0296)

Exploration Licence No. 7688, ANCIENT RIVER DIAMONDS PTY LTD (ACN 126 290 168), Counties of Hardinge and Murchison, Map Sheet (9038), area of 64 units, for a further term until 20 January 2015. Renewal effective on and from 6 November 2013.

(T94-0682)

Mining Lease No. 1395 (Act 1992), CASTLE MOUNTAIN ENTERPRISES PTY LIMITED (ACN 003 274 539), Parish of Quirindi, County of Buckland, Map Sheet (9034-4-N), area of 152.8 hectares, for a further term until 3 June 2032. Renewal effective on and from 18 October 2013.

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

CANCELLATION OF AUTHORITY AT REQUEST OF HOLDER

NOTICE is given that the following authority has been cancelled:

(T13-1004)

Exploration Licence No. 8142, SANDFIRE RESOURCES NL (ACN 105 154 185), County of Ashburnham, Map Sheet (8631), area of 7 units. Cancellation took effect on 5 November 2013.

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

TRANSFER

(T11-0069)

Exploration Licence No. 7768, formerly held by IRGS NORTHERN GOLD PTY LTD (ACN 149 177 999) has been transferred to SUGEC RESOURCES LIMITED (ACN 162 033 098). The transfer was registered on 6 November 2013.

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

EXPIRY

(T91-0575)

Private Lands Lease No. 1312 (Act 1924), MUDGEES DOLOMITE & LIME PTY. LIMITED (ACN 076 313 034), Parish of Bara, County of Phillip. This title expired on 10 November 2013.

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

ERRATUM

(13-0538)

NOTICE was given in error in *New South Wales Government Gazette* dated 8 November 2013, of the registration of transfer of Exploration Licence No. 7266 from JACARANDA MINERALS LTD (ACN 117 264 570) and MINERALS AUSTRALIA PTY LTD (ACN 124 475 538) to MINERALS AUSTRALIA PTY LTD (ACN 124 475 538).

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

PRIMARY INDUSTRIES

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

Section 28

Further Extension of Importation Order Abalone (No. 10)

I, JULIET ANNE CORISH, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me pursuant to section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 ('the Act') and pursuant to sections 28 and 29 of the Act extend the operation of the importation order titled "Importation Order – Abalone (No. 10)" dated 20 September 2013 and published in the *New South Wales Government Gazette* No. 115 on 23 September 2013, at pages 4177-4179 for a further period of 30 days from the date this notice is published in the *New South Wales Government Gazette*.

Dated this 12th day of November 2013.

JULIET ANNE CORISH,
Deputy Chief Veterinary Officer

Note: The importation order titled "Importation Order – Abalone (No. 10)" dated 20 September 2013, was previously extended by the extension notice titled "Extension of Importation Order – Abalone (No. 10)" dated 14 October 2013 and published in *New South Wales Government Gazette* No. 138 on 18 October 2013, at page 4560.

RICE MARKETING ACT 1983

Appointment of Nominated Members to the Rice Marketing Board

Her Excellency Professor MARIE BASHIR, A.C., C.V.O.,
Governor

I, Professor MARIE BASHIR, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council and in pursuance of section 11 of the Rice Marketing Act 1983, hereby appoint Ms Robyn CLUBB and Ms Victoria TAYLOR as nominated members of the Rice Marketing Board for a term of office of two years commencing on 14 December 2013.

Signed and sealed at Sydney, this 30th day of October 2013.

By Her Excellency's Command,
KATRINA ANN HODGKINSON, M.P.,
Minister for Primary Industries

GOD SAVE THE QUEEN!

STOCK DISEASES ACT 1923

Appointment of Inspector

Notification No. 554

I, ANDREW COLIN SANGER, Director, Biosecurity Compliance, with the delegated authority of the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 22C of the Stock Diseases Act 1923 ("the Act") and pursuant to section 6 (1) of the Act, hereby appoint Sarah Elizabeth BRITTON as an inspector for the purposes of the Act.

Dated this the 12th day of November 2013.

A. C. SANGER,
Director,
Biosecurity Compliance,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services)

STOCK MEDICINES ACT 1989

ORDER

Authorisation of Inspector

I, ANDREW COLIN SANGER, Director, Biosecurity Compliance, with the delegated authority of the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, pursuant to section 64 of the Stock Medicines Act 1989 ("the Act") and pursuant to section 48 of the Act, hereby authorise Sarah Elizabeth BRITTON, to be an inspector for the purposes of the Act.

Dated this 12th day of November 2013.

A. C. SANGER,
Director,
Biosecurity Compliance,
Department of Primary Industries
(an office within the Department of Trade and
Investment, Regional Infrastructure and Services)

LANDS

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

**NOTICE OF PURPOSE OTHER THAN
 THE DECLARED PURPOSE PURSUANT
 TO SECTION 34A (2) OF THE
 CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

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

SCHEDULE

Column 1

Jetty (Relevant Interest –
 Section 34a Licence –
 RI 515390
 File Reference – 13/10889);
 Grazing (Relevant Interest –
 Section 34a Licence –
 RI 517768
 File Reference – 13/11850);
 Pipeline (Relevant Interest –
 Section 34a Licence –
 RI 517768
 File Reference – 13/11850)

Column 2

Reserve No. 56146
 Public Purpose: generally
 Notified: 11 May 1923

SCHEDULE

Column 1

Jetty (Relevant Interest –
 Section 34a Licence –
 RI 515390
 File Reference – 13/10889);

Jetty (Relevant Interest –
 S34a Licence – RI 524674 –
 File Reference 13/04224);

Pipeline (Relevant Interest –
 Section 34a Licence –
 RI 517768
 File Reference – 13/11850);

Grazing (Relevant Interest –
 Section 34a Licence –
 RI 517768
 File Reference – 13/11850);

Jetty (Relevant Interest –
 Section 34a Licence –
 RI 516374

File Reference – NA07h58);

Ramp (Relevant Interest –
 Section 34a Licence –
 RI 516374

File Reference – NA07h58);

Public Access (Relevant Interest –
 Section 34a Licence –
 RI 516374

File Reference – NA07h58);

Column 2

Reserve No. 1011268
 Public Purpose: future
 public requirements
 Notified: 3 February 2006

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

**NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|---|
| Grazing (Relevant Interest – S34a Licence – RI 504309) | Reserve No. 755416 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 12/05395 |

GOULBURN OFFICE
159 Auburn Street, Goulburn NSW 2580
(PO Box 2215, Dangar NSW 2309)
Phone: (02) 4824 3700 Fax: (02) 4822 4287

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|--------------------------------------|---|--|
| Lisa LEONARD (re-appointment) | Grabben Gullen | Reserve No. 65615 Public Purpose: public hall |
| Dal Michael HAYES (new member) | Hall and Recreation Reserve Trust | Notified: 15 November 1935 Reserve No. 71160 Public Purpose: public recreation Notified: 10 March 1944 Dedication No. 530124 Public Purpose: public recreation Notified: 9 June 1897 File Ref: GB80R57-002 |

For a term commencing
 the date of this notice and
 expiring 21 March 2018.

GRAFTON OFFICE
49-51 Victoria Street, Grafton NSW 2460
(PO Box 2185, Dangar NSW 2309)
Phone: 1300 886 235 Fax: (02) 6642 5375

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

Parish – Glen Innes; County – Gough;
Land District – Glen Innes;
L.G.A. – Glen Innes Severn Shire

Road Closed: Lot 8, DP 1188704.
File No.: AE07 H 135.

Schedule

On closing, the land within Lot 8, DP 1188704 remains vested in the State of New South Wales as Crown land.

Description

Parish – Carumbi; County – Bland;
Land District – Temora; L.G.A. – Temora

Road Closed: Lot 1, DP 1189264.
File No.: WA07 H 334.

Schedule

On closing, the land within Lot 1, DP 1189264 remains vested in the State of New South Wales as Crown land.

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

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---|----------------------------|---|
| Helen Lorraine TEMPLETON (re-appointment) | Naradhan Reserves Trust | Reserve No. 62045 Public Purpose: public recreation Notified: 15 August 1930 |
| Robert John HADDRILL (new member) | | Reserve No. 62061 Public Purpose: public hall Notified: 22 August 1930 |
| Robert Neil TEMPLETON (new member) | | Reserve No. 62527 Public Purpose: public hall Notified: 20 February 1931 |
| Margaret Anne MOULDS (new member) | | File Reference: GH89R134-003 |
| Kerrie June JOHNSTON (re-appointment) | | |
| Thomas Herbert TEMPLETON (re-appointment) | | |
| Alan Joseph JOHNSTON (new member) | | |

For a term commencing
 the date of this notice and
 expiring 14 November 2018.

MAITLAND OFFICE
141 Newcastle Road, East Maitland NSW 2323
(PO Box 2215, Dangar NSW 2309)
Phone: (02) 1300 886 235 Fax: (02) 4934 2252

ROADS ACT 1993
ORDER

Transfer of a Crown Road to a Council

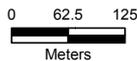
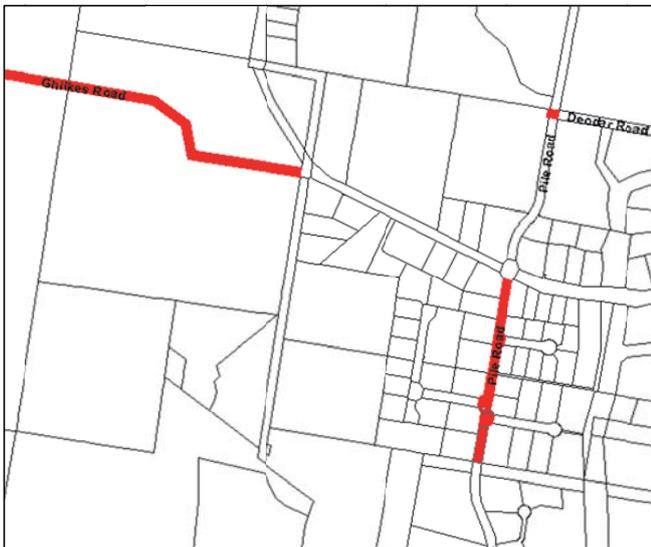
IN pursuance of the provisions of section 151, Roads Act 1993, the Crown road specified in Schedule 1 is transferred to the Roads Authority specified in Schedule 2 hereunder, as from the date of publication of this notice and as from that date, the road specified in Schedule 1 ceases to be a Crown road.

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

SCHEDULE 1

*Parish – Narara; County – Northumberland;
 Land District – Gosford; LGA – Gosford*

The Crown section of public road being Pile Road, Somersby (south of Somersby Falls Road to frontage of Lot 9, DP 803648), approximately 23m wide and 421m in length, Pile Road, Somersby (at intersection with Deodar Road) and Ghilkes Road, Somersby, approximately 22m wide and 788m in length (as highlighted in the diagram below).



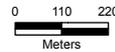
SCHEDULE 2

Roads Authority: Gosford Council.
 Council's Reference: 10591788.
 Lands File Reference: 13/13404, 13/13405 and 13/13407.

SCHEDULE 1

*Parish – Gosford; County – Northumberland;
 Land District – Gosford; LGA – Gosford*

The Crown section of part public road being Kangoo Road, Somersby, approximately 23m wide and 788m in length, from Wella Way to Arcacia Road (as highlighted in the diagram below).



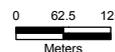
SCHEDULE 2

Roads Authority: Gosford Council.
 Council's Reference: 10591788.
 Lands File Reference: 13/13408.

SCHEDULE 1

*Parish – Gosford; County – Northumberland;
 Land District – Gosford; LGA – Gosford*

The Crown section of public road being Gonaro Road, West Gosford, approximately 22m wide and 107m in length, part Brisbane Water Drive, West Gosford, approximately 20m wide and Yallabee Road, West Gosford, approximately 21m wide and 271m in length (as highlighted in the diagram below).



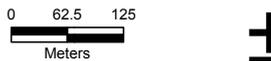
SCHEDULE 2

Roads Authority: Gosford Council.
 Council's Reference: 10591788.
 Lands File Reference: 13/13410, 13/13411 and 13/13412.

SCHEDULE 1

*Parish – Patonga; County – Northumberland;
Land District – Gosford; LGA – Gosford*

The Crown section of public road being Giralong Avenue, Point Clare, approximately 22m wide and 239m in length (as highlighted in the diagram below).



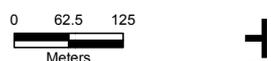
SCHEDULE 2

Roads Authority: Gosford Council.
Council's Reference: 10591788.
Lands File Reference: 13/13413.

SCHEDULE 1

*Parish – Patonga; County – Northumberland;
Land District – Gosford; LGA – Gosford*

The Crown section of public road being Melba Road, Woy Woy, approximately 20m wide and 331m in length and Brief Street, Woy Woy, approximately 20m wide and 27m in length (as highlighted in the diagram below).



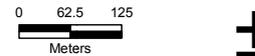
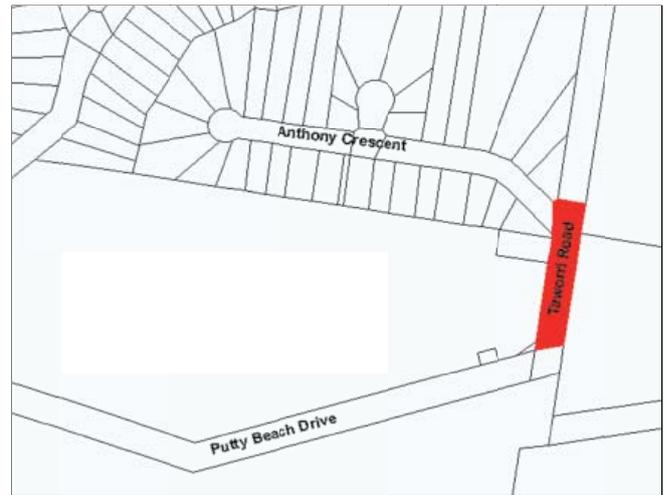
SCHEDULE 2

Roads Authority: Gosford Council.
Council's Reference: 10591788.
Lands File Reference: 13/13414 and 13/13378.

SCHEDULE 1

*Parish – Kincumber; County – Northumberland;
Land District – Gosford; LGA – Gosford*

The Crown section of public road being Taworri Road, Killcare, approximately 20.115m wide and 110m in length (as highlighted in the diagram below).



SCHEDULE 2

Roads Authority: Gosford Council.
Council's Reference: 10591788.
Lands File Reference: 13/13415.

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

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

SCHEDULE

| Column 1 | Column 2 | Column 3 |
|--|----------------------------|---|
| Margaret Susan STRONG (re-appointment) The person for the time being holding the office of Officer Representing, Bunnan Sports Club (ex-officio member) | Bunnan Memorial Hall Trust | Reserve No. 97784 Public Purpose: public hall Notified: 10 May 1985 File Ref.: MD86R19 |

Helena Joyce
DAVIS
(re-appointment)
Gaudern
Raymond
PIKE
(re-appointment)
Peter David
BRENNAN
(new member)
Errol Keith
BATES
(re-appointment)
Beryl June
BATES
(re-appointment)
Pauline Joan
PIKE
(re-appointment)
For a term commencing
the date of this notice and
expiring 14 November 2018.

MOREE OFFICE
Frome Street (PO Box 388), Moree NSW 2400
Phone: (02) 6752 5055 Fax: (02) 6752 1707

**NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|----------------------------------|
| Pump Station (Relevant Interest – Section 34A Licence – RI 510676); | Reserve No. 23475 |
| Fuel Tank (Relevant Interest – Section 34A Licence – RI 510676); | Public Purpose: travelling stock |
| Irrigation Channel (Relevant Interest – Section 34A Licence – RI 510676); | Notified: 4 January 1896 |
| Pipeline (Relevant Interest – Section 34A Licence – RI 510676) | File Reference: 13/03443 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|----------------------------------|
| Pump Station (Relevant Interest – Section 34a Licence – RI 510676); | Reserve No. 27179 |
| Fuel Tank (Relevant Interest – Section 34a Licence – RI 510676); | Public Purpose: travelling stock |
| Irrigation Channel (Relevant Interest – Section 34a Licence – RI 510676); | Notified: 22 January 1898 |
| Pipeline (Relevant Interest – Section 34A Licence – RI 510676) | File Reference: 13/03443 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|----------------------------------|
| Pump Station (Relevant Interest – Section 34a Licence – RI 510676); | Reserve No. 66308 |
| Fuel Tank (Relevant Interest – Section 34a Licence – RI 510676); | Public Purpose: night soil depot |
| Irrigation Channel (Relevant Interest – Section 34a Licence – RI 510676); | Notified: 9 October 1936 |
| Pipeline (Relevant Interest – Section 34A Licence – RI 510676) | File Reference: 13/03443 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| Agriculture (Relevant Interest – S34A Licence – RI 515574) | Reserve No. 751089 |
| | Public Purpose: future public requirements |
| | Notified: 29 June 2007 |
| | File Reference: 13/09996 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--------------------------------------|
| Pump Station (Relevant Interest – Section 34a Licence – RI 510676); | Reserve No. 1353 |
| Fuel Tank (Relevant Interest – Section 34a Licence – RI 510676); | Public Purpose: camping water supply |
| Irrigation Channel (Relevant Interest – Section 34a Licence – RI 510676); | Notified: 16 June 1884 |
| Pipeline (Relevant Interest – Section 34A Licence – RI 510676) | File Reference: 13/03443 |

Description

*Parishes – Mickibri and Houston; County – Kennedy;
Land District – Parkes; L.G.A. – Parkes*

Road Closed: Lot 1, DP 1188491 and Lot 2, DP 1189029
(subject to easement created by Deposited Plan DP 1188491).

File No.: CL/00774.

Schedule

On closing, the land within Lot 1, DP 1188491 and Lot 2, DP 1189029 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Mead; County – Roxburgh;
Land District – Rylstone; L.G.A. – Mid-Western Regional*

Road Closed: Lot 1, DP 1189507.

File No.: 08/4673.

Schedule

On closing, the land within Lot 1, DP 1189507 remains vested in the State of New South Wales as Crown land.

Description

*Parishes – Currajong and Goonumbla;
County – Ashburnham;
Land District – Parkes; L.G.A. – Parkes*

Road Closed: Lot 1, DP 1190293 (subject to right of carriageway created by Deposited Plan DP 1190293).

File No.: CL/00624.

Schedule

On closing, the land within Lot 1, DP 1190293 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Blenheim; County – Westmoreland;
Land District – Bathurst; L.G.A. – Oberon*

Road Closed: Lot 2, DP 1188764.

File No.: 12/04989.

Schedule

On closing, the land within Lot 2, DP 1188764 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Elong Elong; County – Lincoln;
Land District – Dubbo; L.G.A. – Wellington*

Road Closed: Lot 1, DP 1173895.

File No.: 10/15840.

Schedule

On closing, the land within Lot 1, DP 1173895 remains vested in the State of New South Wales as Crown land.

Description

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

Road Closed: Lot 4, DP 1187773.

File No.: CL/00826.

Schedule

On closing, the land within Lot 4, DP 1187773 remains vested in the State of New South Wales as Crown land.

Description

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

Road Closed: Lots 1-3, DP 1187773 (subject to easement created by Deposited Plan DP 1187773).

File No.: CL/00826.

Schedule

On closing, the land within Lots 1-3, DP 1187773 remains vested in the State of New South Wales as Crown land.

Description

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

Road Closed: Lots 6-8, DP 1187773.

File No.: CL/00826.

Schedule

On closing, the land within Lots 6-8, DP 1187773 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Toogong; County – Ashburnham
Land District – Molong; LGA – Cabonne*

Road Closed: Lot 1, DP 1178072.

File No.: CL/00577

Schedule

On closing, the land within Lot 1, DP 1178072 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Neville; County – Bathurst
Land District – Blayney; LGA – Blayney*

Road Closed: Lot 1, DP 1188969.

File No.: CL/00904

Schedule

On closing, the land within Lot 1, DP 1188969 remains vested in the State of New South Wales as Crown land.

Description

*Parish – Melyra; County – Forbes
Land District – Grenfell; LGA – Weddin*

Road Closed: Lot 2, DP 1189571.

File No.: 09/17754

Schedule

On closing, the land within Lot 2, DP 1189571 remains vested in the State of New South Wales as Crown land.

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

**NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Jetty (Relevant Interest – Section 34A Licence – RI 515390) | Reserve No. 180022 Public Purpose: public recreation Notified: 25 September 1987 File Reference: 13/10889 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| Environmental Protection and Sustainable Grazing (Relevant Interest – Section 34A Licence – RI 508041) | Reserve No. 752151 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 13/00479 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|---|
| Public Access (Relevant Interest – Section 34a Licence – RI 516374); Jetty (Relevant Interest – Section 34a Licence – RI 516374); Ramp (Relevant Interest – Section 34A Licence – RI 516374) | Reserve No. 1012608 Public Purpose: access and public requirements, rural services, tourism purposes and environmental and heritage conservation Notified: 3 November 2006 File Reference: NA07H58 |

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

ESTABLISHMENT OF RESERVE TRUST

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|---|
| Browns Bay Wharf (R1037888) Reserve Trust | Reserve No. 1037888 Public Purpose: access Notified: This day File Reference: 13/15265 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|---|
| Towlers/Morning Bay Wharf (R1037928) Reserve Trust | Reserve No. 1037928 Public Purpose: access Notified: This day File Reference: 13/15266 |

APPOINTMENT OF CORPORATION TO MANAGE RESERVE TRUST

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

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|-------------------|---|--|
| Pittwater Council | Browns Bay Wharf (R1037888) Reserve Trust | Reserve No. 1037888 Public Purpose: access Notified: This day File Ref.: 13/15265 |

For a term commencing the date of this notice.

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|-------------------|--|--|
| Pittwater Council | Towlers/Morning Bay Wharf (R1037928) Reserve Trust | Reserve No. 1037928 Public Purpose: access Notified: This day File Ref.: 13/15266 |

For a term commencing the date of this notice.

RESERVATION OF CROWN LAND

PURSUANT to section 87 of the Crown Lands Act 1989, the Crown land specified in Column 1 of the schedule hereunder is reserved as specified opposite thereto in Column 2 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|---|
| Land District: Metropolitan Local Government Area: Pittwater Council Locality: Pittwater Lot 7349, DP 1187839 #, Parish: Narrabeen, County: Cumberland Area: About 53m ² File Reference: 13/15265 | Reserve No. 1037888 Public Purpose: access |

Notes: The existing reserves affected by this notification are not auto revoked by this notice and will continue to co-exist with this reserve

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|---|
| Land District: Metropolitan Local Government Area: Pittwater Council Locality: Pittwater Lot 7317, DP 1187840 #, Parish: Broken Bay, County: Cumberland Area: About 725m ² File Reference: 13/15266 | Reserve No. 1037928 Public Purpose: access |

Notes: The existing reserves affected by this notification are not auto revoked by this notice and will continue to co-exist with this reserve

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

TAMWORTH OFFICE**25-27 Fitzroy Street (PO Box 535), Tamworth NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****ROADS ACT 1993****ORDER**

Transfer of Crown Road to Council

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

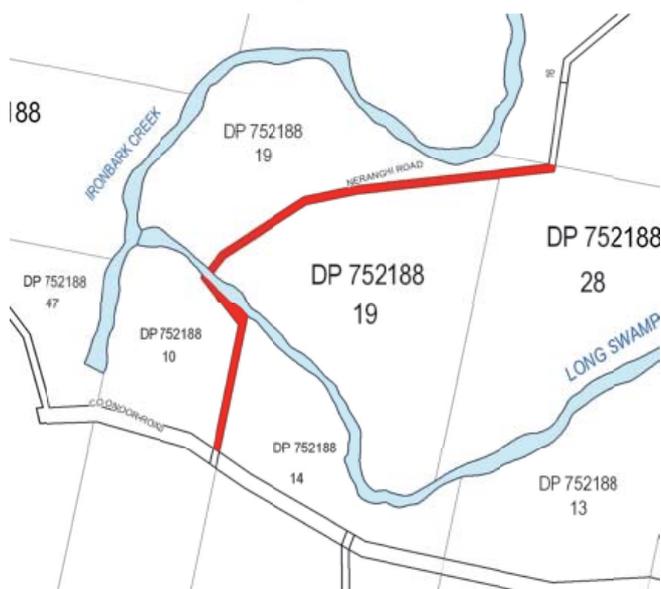
ANDREW STONER, M.P.,

Minister for Regional Infrastructure and Services

SCHEDULE 1

*Parish – Ironbark; County – Darling;
Land District – Tamworth; L.G.A. – Tamworth Regional*

Crown public road east and north-east Lot 10, DP 752188, road within and separating Lot 19 from Lot 28, DP 752188 as shown in red on the diagram hereunder.

**SCHEDULE 2**

Roads Authority: Tamworth Regional Council.

File No.: 07/1595.

Council's Reference: MR/kd/LF2356 (153113/2013).

APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

ANDREW STONER, M.P.,

Minister for Regional Infrastructure and Services

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> | <i>Column 3</i> |
|---------------------------------------|---|---|
| Edward Mark LEYDEN (re-appointment) | Public Recreation at Manilla (Brady Park) Trust | Reserve No. 76443 Public Purpose: public recreation Notified: 11 December 1953 File Reference: TH80R29-002 |
| David Roy MEISSNER (new member) | | |
| Rodney Edwin NORTHEY (re-appointment) | | |

For a term commencing
1 December 2013 and
expiring 30 November 2018.

WAGGA WAGGA OFFICE**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga NSW 2650****Phone: (02) 6937 2700 Fax: (02) 6921 1851****NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| Environmental Protection and Sustainable Grazing (Relevant Interest – Section 34A Licence – RI 507491) | Reserve No. 93841 Public Purpose: future public requirements Notified: 17 October 1980 File Reference: 13/03260 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| Environmental Protection and Sustainable Grazing (Relevant Interest – Section 34A Licence – RI 512218) | Reserve No. 750818 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 13/04016 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|--|--|
| Environmental Protection and Sustainable Grazing (Relevant Interest – Section 34A Licence – RI 507491) | Reserve No. 754536 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 13/03260 |

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

**NOTICE OF PURPOSE OTHER THAN
THE DECLARED PURPOSE PURSUANT
TO SECTION 34A (2) OF THE
CROWN LANDS ACT 1989**

PURSUANT to section 34A (2) (b) of the Crown Lands Act 1989, the Crown reserve with the declared public purpose specified in Column 2 of the Schedule, is to be used or occupied for a purpose other than the declared purpose specified in Column 1 of the Schedule.

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

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|---|
| Pump and Pipeline (Relevant Interest – Section 34A Licence – RI 516711) | Reserve No. 84334 Public Purpose: generally Notified: 22 March 1963 File Reference: 13/11014 |

SCHEDULE

| <i>Column 1</i> | <i>Column 2</i> |
|---|--|
| Pump and Pipeline (Relevant Interest – Section 34A Licence – RI 516711) | Reserve No. 1013826 Public Purpose: future public requirements Notified: 29 June 2007 File Reference: 13/11014 |

WATER

WATER ACT 1912

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

Jochen ENGELHARDT and Sonja Katharina ENGELHARDT for a pump on Urumbilum River on Lot 7, DP 1147836, County Fitzroy, Parish Comlaroi, for irrigation of 0.5 hectare (2 megalitres) (entitlement by way of permanent transfer). (Reference: 30SL067252).

Any inquiries should be directed to (02) 6641 6500.

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, Locked Bag 10, Grafton NSW 2460, within 28 days of this publication.

TRACEY LAWSON,
Water Regulation Officer

WATER ACT 1912

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

SNOWY MOUNTAINS FORESTS PTY LIMITED for a pump on Hastings River on Lot 17, DP 754424, County Macquarie, Parish Kindee, for irrigation of 7 hectares (30 megalitres) (split of existing entitlement). (Reference: 30SL067255).

Any inquiries should be directed to (02) 6641 6500.

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, Locked Bag 10, Grafton NSW 2460, within 28 days of this publication.

TRACEY LAWSON,
Water Regulation Officer

WATER ACT 1912

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

John ATTARD, for a pump on Hartys Creek on Lot 1/DP 131869 and Lot 114/DP 754453, Parish Walibree, County Macquarie, for stock and domestic purposes and irrigation of Lot 235/754453 (9 megalitres) (alternative pump site only). (Reference: 30SL067254).

Any inquiries should be directed to (02) 6641 6500.

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, Locked Bag 10, Grafton NSW 2460.

J. FINDLAY,
Senior Water Regulation Officer

WATER ACT 1912

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

Trevor Robert McLENNAN for a pump on Daltons Creek on Lot 1, DP 742815 and on Great Marlow Drain No. 2 on Lot 12, DP 620048, both Parish of Great Marlow, County of Clarence, for Irrigation of 2 hectares (10 megalitres) (Allocation is by way of permanent transfer – no increase in river entitlement). (Reference: 613429A).

Any inquiries should be direct to (02) 6641 6500.

Written objections, from any local occupier or statutory authority, specifying grounds and how their interest are affected, must be lodged with the NSW Office of Water, Locked Bag 10, Grafton NSW 2460, within 28 days of this publication.

J. FINDLAY,
Senior Water Regulation Officer

WATER ACT 1912

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

CHARLOTTE PASS VILLAGE P/L for two pumps on Spencer Creek being Lots 16 and 6, DP 756705 and Lot 26, DP 45184, Parish of Kosciusko, County of Wallace, for water supply for industrial purposes (snow making) (replacement licence – replacing 10SL055347 due to the permanent transfer of 10.0 megalitres from 10SL040453 and the addition of an extra pump – exempt from the 2007 South Coast Rivers embargo). (Reference: 10SL057227).

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,
Water Regulation Officer

Other Notices

APPRENTICESHIP AND TRAINEESHIP ACT 2001

NOTICE is given that the Commissioner for Vocational Training has established and made new Vocational Training Orders for the recognised trade vocations of:

- Forest and Forest Products – Forest Operations
- Forest and Forest Products – Timber Processing
- Forest and Forest Products – Forest and Forest Products
- Forest and Forest Products – Timber Truss & Frame Design & Manufacturing

under section 6 of the Apprenticeship and Traineeship Act 2001.

The Order specifies a number of matters relating to the required training for the vocation including the terms of apprenticeship, probationary periods and qualifications to be undertaken.

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

Copies of the Order may be inspected at any State Training Services Regional office of the Department of Education and Communities or on the Internet at:

https://www.training.nsw.gov.au/cib_vto/cibs/cib_603.html

ASSOCIATIONS INCORPORATION ACT 2009

Reinstatement of Cancelled Association Pursuant to Section 84

TAKE notice that the incorporation of NORTH SYDNEY DISTRICT CRICKET CLUB INC (Y0827713) cancelled on 22 February 2008 is reinstated pursuant to section 84 of the Associations Incorporation Act 2009.

Dated this 13th day November of 2013.

CHRISTINE GOWLAND,
Delegate of the Commissioner,
NSW Fair Trading

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Safer Community Compact – Order

I, the Honourable Greg Smith, S.C., Attorney General and Minister for Justice of the State of New South Wales, in pursuance of section 39 (1) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, approve Sutherland Shire Council's Crime Prevention Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 22 October 2013 and remains in force until 21 October 2016.

Signed at Sydney, this 22nd day of October 2013.

GREG SMITH, M.P.,
Attorney General and Minister for Justice

CHILDREN (PROTECTION AND PARENTAL RESPONSIBILITY) ACT 1997

Safer Community Compact – Order

I, the Honourable Greg Smith, S.C., Attorney General and Minister for Justice of the State of New South Wales, in pursuance of section 39 (1) of the Children (Protection and Parental Responsibility) Act 1997, do, by this my Order, approve Clarence Valley Council's Crime Prevention Plan as a Safer Community Compact for the purposes of Division 3 of Part 4 of that Act.

This Order takes effect on 22 October 2013 and remains in force until 21 October 2016.

Signed at Sydney, this 22nd day of October 2013.

GREG SMITH, M.P.,
Attorney General and Minister for Justice

COMPANION ANIMALS REGULATION 2008

Order

Approval of Greyhound Re-training Program under Clause 33B (1) (a) of the Companion Animals Regulation 2008

PURSUANT to Clause 33B (1) (a) of the Companion Animals Regulation 2008, I hereby approve the body listed in Schedule 1 as a greyhound re-training program, subject to the conditions listed in Schedule 2.

SCHEDULE 1

| <i>Name of body</i> | <i>Address of body</i> | <i>Name of contact officer</i> |
|---|--|--------------------------------|
| Greyhound Re-homing Centre Incorporated | 999 Clothiers Creek Road, Clothiers Creek NSW 2484 | Dr Karen Cunnington |

SCHEDULE 2

1. Approval as a greyhound re-training program under Clause 33B (1) (a) of the Companion Animals Regulation 2008 applies to the body listed in Schedule 1 for purposes consistent with the clause.
2. Approval as a greyhound re-training program applies to the body listed in Schedule 1 only if the body continues to comply with the requirements of sections 7.2, 7.3, 7.7, 7.11, 7.12 and 7.13 of the Guidelines for approval as a greyhound re-training program under Clause 33B (1) (a) of the Companion Animals Regulation 2008.
3. This approval expires five years from the date of this Order unless revoked or varied earlier.

Date: 5 November 2013.

ROSS WOODWARD,
Chief Executive, Local Government,
Delegate of the Director General,
Department of Premier and Cabinet

GAS SUPPLY ACT 1996

Application for Variation of Gas Distributor's Licence

Invitation for Submissions

IPART has received an application from Origin Energy Limited for its wholly-owned subsidiary Origin Energy LPG Limited (ACN 000 508 369) for a variation to its Gas Distributor's Licence issued under the Gas Supply Act 1996.

If approved, the variation would add the following areas to those areas in which the company is currently licensed to reticulate liquefied petroleum gas and other gases, not including natural gas:

- The area contained within a radius of 5 kilometres from the Lennox Head Post Office, located at 74 Ballina Street, Lennox Heads NSW.
- The area contained within a radius of 5 kilometres from the Cooranbong Post Office, located at 6/559 Freemans Drive, Cooranbong NSW.
- The area contained within a radius of 7 kilometres from the Murrumbateman Post Office, located 18 East Street, Murrumbateman NSW.

A summary of the application details can be obtained from the IPART's website at www.ipart.nsw.gov.au. Public submissions on the application are invited and should be submitted by 13 January 2014.

Inquiries should be directed to Nicole Ikenberg on (02) 9113 7732, (02) 9290 8400, or ipart@ipart.nsw.gov.au.

FIONA TOWERS,
Acting Chief Executive Officer,
Independent Pricing and Regulatory Tribunal
PO Box Q290,
QVB Post Office NSW 1230

GEOGRAPHICAL NAMES ACT 1966

Public Comment Sought on the Proposed Name of Bundian Way

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board is seeking comment on a proposal by Eden Local Aboriginal Land Council to assign the name "Bundian Way" for a walking track in the Tumbarumba, Snowy River, Bombala and Bega Valley Local Government Areas.

The "Bundian Way" is a rare surviving ancient pathway that follows an old pass, the Bundian Pass. The path connects the highest part of the Australian continent at Mount Kosciuszko to the south-eastern coast at Eden.

Submissions may be lodged on the Geographical Names Board website at www.gnb.nsw.gov.au.

Any person wishing to make comment upon this proposal may prior to Friday, 20 December 2013 write to the Secretary of the Board with that comment. All submissions lodged in accordance with section 9 of the Geographical Names Act 1966 may be subject to a freedom of information application and may be viewed by a third party to assist the Board in considering this proposal.

D. MOONEY,
Chairman

Geographical Names Board,
PO Box 143, Bathurst NSW 2795

HOUSING ACT 2001

Erratum

THE Executive Order published in the *NSW Government Gazette* on 16 August 2013 on folio 3776 to vest land in Bridge Community Housing Ltd had incorrect details for the property listed in the Order as 1-9 Tempe Street, Greenacre. The correct property address is 16-18 Tempe Street, Greenacre, being Lot 20 in Deposited Plan 1169333, Parish of Bankstown, County of Cumberland.

Date: 12 November 2013.

ROBERT NITTOLO,
Manager, Contracts,
Community & Private Market Housing,
Housing NSW,
Family and Community Services

PESTICIDE REGULATION 2009

Pesticide Use Notification Plan

TO comply with the Pesticide Regulation 2009, Forestry Corporation of NSW has prepared a Pesticide Use Notification Plan that sets out how, when and where it will notify the general public of any recent or intended pesticide applications to prescribed public places under its control.

The Pesticide Use Notification Plan has now been finalised. Copies of the plan are available online at www.forestrycorporation.com.au, at Forestry Corporation of NSW's Head Office, 121-131 Oratava Avenue, West Pennant Hills, or by contacting:

The Manager,
Compliance and Improvement,
Softwood Plantations Division,
Forestry Corporation of NSW,
PO Box 143, Bathurst NSW 2795

Phone: (02) 6631 2044

Fax: (02) 6332 5528

Email: info@fcns.com.au

POISONS AND THERAPEUTIC GOODS ACT 1966Order Under Clause 175 (1),
Poisons and Therapeutic Goods Regulation 2008

Withdrawal of Drug Authority

IN accordance with the provisions of Clause 175 (1) of the Poisons and Therapeutic Goods Regulation 2008 an Order has been made on Dr Christine DALY (MED0001020191) of 176 Kinghorn Street, Nowra NSW 2541, prohibiting her, until further notice, as a medical practitioner from supplying or having possession of drugs of addiction as authorised by Clause 101 of the Regulation and issuing a prescription for a drug of addiction as authorised by Clause 77 of the Regulation.

This Order is to take effect on and from 14 November 2013.

Dated at Sydney, 8 November 2013.

DR MARY FOLEY,
Director-General,
Ministry of Health, New South Wales

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

BLACKTOWN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as a Public Road

NOTICE is hereby given that in accordance with section 10 of the Roads Act 1993, the lands described in the Schedule below are dedicated to the public as road, KERRY ROBINSON, General Manager, Blacktown City Council, PO Box 63, Blacktown NSW 2148.

SCHEDULE

Lots 1 and 2 in DP 1184538, Burdekin Road, Quakers Hill.

Lots 1 and 2 in DP 1187290, Burdekin Road, Quakers Hill.

[7266]

LAKE MACQUARIE CITY COUNCIL

Naming of Roads

LAKE MACQUARIE CITY COUNCIL advises that in accordance with section 162.1 of the Roads Act 1993 and Part 2, Division 2, Clauses 7-10, Roads Regulations 2008, it has named the following road:

| <i>Location/Description</i> | <i>Name</i> |
|--|------------------|
| Subdivision of Lot 6, DP 1188749, off Lonus Avenue, Whitebridge. | Vivienne Street. |

Origin of Name: Named in honour of their late mother Vivienne Edith Godden who passed away in 2009.

No objections to the proposed names were received within the advertising period. BRIAN BELL, General Manager, Lake Macquarie City Council, Box 1906, Hunter Region Mail Centre NSW 2310.

[7267]

WAGGA WAGGA CITY COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

WAGGA WAGGA CITY COUNCIL declares with the approval of Her Excellency the Governor that the lands described in the Schedule below, excluding any mines or deposits of minerals in the lands are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for a public road. Dated at Wagga Wagga, this 7th day of November 2013. PHIL PINYON, General Manager, Wagga Wagga City Council, PO Box 20, Wagga Wagga NSW 2650.

SCHEDULE

Lot 12, DP 1177748.

Lot 17, DP 1177748.

[7268]

ESTATE NOTICES

NOTICE of intended distribution of estate. – Estate of BLUMA KAMERMAN, New South Wales Grant made 13 March 2013. – Any person having any claim upon the estate of Bluma Kamerman, late of Bondi, in the State of New South Wales, who died on 24 May 2012, must send particulars of the claim to the legal representative for the estate, c.o. Lobban McNally, Lawyers, PO Box Q1768, QVB NSW 1230, within 30 days from publication of this notice. After that time the legal representative intends to distribute the property in the estate having regard only to the claims of which the legal representative had notice at the time of distribution. LOBBAN McNALLY, Lawyers, Level 3, 65 York Street, Sydney NSW 2000, tel.: (02) 9299 8438.

[7269]

COMPANY NOTICES

NOTICE of dissolution of partnership. – CLEAN MY REALESTATE. – Notice is hereby given pursuant to section 36 (b) and section 41 of the Partnership Act 1958, that the partnership previously subsisting between ICG Financial Planning Pty Ltd (ACN 124 948 956), as Trustee for The Pero Family Trust and Vanessa Milne, as Trustee for The Enlim Family Trust, trading as Clean My Realestate, 2/58 Budgeree Drive, Aberglasslyn NSW 2320, in the state of New South Wales, conducted a business of cleaning, created by Deed of Partnership dated 30 June 2012. The partnership has been dissolved from 1 July 2013. The dissolution is a result of end of partnership which terminated 1 July 2013. Dated 1 July 2013. D. PERO, Director, ICG Financial Planning Pty Ltd, 71 Rathdowne Street, Carlton Vic 3053, tel.: (03) 9611 1600. VANESSA MILNE, Manager, 2/58 Budgeree Drive, Aberglasslyn NSW 2320, tel.: 0438 611 720.

[7270]

NOTICE of final meeting. – MILITARY ENGINEERING HERITAGE COMPANY, ACN 096 343 869 (In voluntary liquidation). – Notice is hereby given that pursuant to section 509 of the Corporations Act 2001, that the final meeting of members of the above company will be held at the office of Pringle Moriarty & Co., Suite 12C, 44 Oxford Road, Ingleburn, on 16 December 2013, at 11:00 a.m., for the purpose of laying before the meeting the liquidators final account and report and giving any explanation thereof. Dated 12 November 2013. STANLEY MORIARTY, Liquidator, c.o. Pringle Moriarty & Co., Chartered Accountants, Suite 12C, 44 Oxford Road, Ingleburn NSW 2565, tel.: (02) 9605 1344.

[7271]

OTHER NOTICES

NOTICE of Election of Trustee. – ANGLICAN DIOCESE OF NEWCASTLE. – In pursuance of the provisions of the Anglican Church of Australia Trust Property Act 1917, it is hereby notified that a vacancy of a Trustee occurred by reason of the expiration of term of office of Mr John Charles Price. In accordance with the Church Trust Property 2012 Ordinance (Diocese of Newcastle), it is hereby notified that

Mr Allan Geoffrey Seccombe was, on 24 October 2013, elected a member of the Trustees of Church Property for the Diocese of Newcastle. The appointment is to take effect on 1 November 2013. Peter Stuart, Bishop Administrator of the Anglican Diocese of Newcastle. John Cleary, Diocesan Business Manager, Anglican Diocese of Newcastle, Diocesan Office, 134 King Street, Newcastle NSW 2300. [7272]

ESSENTIAL ENERGY

Electricity Supply Act 1995

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of an Easement
for Electricity Purposes at Kootingal

ESSENTIAL ENERGY declares, with the approval of Her Excellency the Governor, with the advice of 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 is 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 Sydney this 15th day of November 2013. Vince Graham, Chief Executive Officer, Essential Energy, PO Box 718, Queanbeyan NSW 2620.

SCHEDULE 1

Interest in Land Easement for overhead powerlines 20 wide and variable affecting Lot 7310 in DP 1163595 shown as "Proposed Easement for overhead powerlines 20 wide and variable width" on DP 1182483.

Locality Kootingal

LGA Tamworth Regional

Parish Tamworth

County Inglis

SCHEDULE 2

The easement for overhead powerlines listed in Schedule 1 is on the terms set out in Part A of Memorandum No. AG189384 registered on the Register held under the Real Property Act 1900.

In so far as any Native Title rights and interests may exist over the Crown land affected by the easement, the "non-extinguishment principle" as defined in section 238 of the Native Title Act 1993 (Cth) applies to the acquisition of the Interest in Land. [7273]

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