



Government Gazette

OF THE STATE OF

NEW SOUTH WALES

Week No. 52/2012

Friday, 28 December 2012

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DEADLINES

Attention Advertisers . . .

Government Gazette inquiry times are:

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Phone: (02) 9228 3120 Fax: (02) 9372 7422

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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 9228 3120.*

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 132
Friday, 21 December 2012

Published under authority by the Department of Premier and Cabinet

SPECIAL SUPPLEMENT

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

Revocation of Permit – Section 24
Control Area (Maitland)

I, THERESE MARGARET WRIGHT, Inspector, pursuant to section 24 (3) of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 revoke the permit titled 'PERMIT – Section 24 Control Area (Maitland)' issued by me on 15 November 2012 and published in *NSW Government Gazette* No. 123 on 19 November 2012 at pages 4803-4804.

Dated this 21st day of December 2012.

THERESE MARGARET WRIGHT,
Inspector

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

Revocation of Permit – Section 24
Infected Place (Wallalong)

I, THERESE MARGARET WRIGHT, Inspector, pursuant to section 24 (3) of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 revoke:

1. the permit titled 'PERMIT – Section 24 Infected Place (Wallalong)' issued by me on 17 November 2012 and published in *New South Wales Government Gazette* No. 123 on 19 November 2012 at page 4804, and
2. any permit revived as a result of this revocation.

Dated this 21st day of December 2012.

THERESE MARGARET WRIGHT,
Inspector

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

Repeal of Order – Section 15
Declaration of Wallalong Restricted Area

I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me under section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 and pursuant to section 15 of that Act and section 43 (2) of the Interpretation Act 1987 repeal the order titled 'ORDER – Section 15 Declaration of Wallalong Restricted Area' dated 15 November 2012 and published in *New South Wales Government Gazette* No. 123 on 19 November 2012 at pages 4800-4802 inclusive.

Dated this 21st day of December 2012.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991Repeal of Area Restriction Order – Section 20
Restricted Area (Wallalong)

I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me under section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 and pursuant to section 20 of that Act and section 43 (2) of the Interpretation Act 1987 repeal the order titled 'AREA RESTRICTION ORDER – Section 20 Restricted Area Wallalong' dated 15 November 2012 and published in *New South Wales Government Gazette* No. 123 on 19 November 2012 at pages 4799-4800.

Dated this 21st day of December 2012.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

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

I, THERESE MARGARET WRIGHT, Inspector, pursuant to section 24 (3) of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 revoke the permit titled 'General Permit to move specified animal products, fodder, fittings and vehicles into, within or out of a Restricted Area (section 24)' issued by me on 15 November 2012 and published in *NSW Government Gazette* No. 123 on 19 November 2012 at pages 4802-4803.

Dated this 21st day of December 2012.

THERESE MARGARET WRIGHT,
Inspector

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991Repeal of Notice – Section 18
Entry and Exit Points for Wallalong Restricted Area

I, THERESE MARGARET WRIGHT, Inspector, pursuant to section 18 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 repeal the Notice titled 'NOTICE – Section 18 Entry and exit points for Wallalong Restricted Area' issued by me on 15 November 2012 and published in *NSW Government Gazette* No. 123 on 19 November 2012 at page 4799.

Dated this 21st day of December 2012.

THERESE MARGARET WRIGHT,
Inspector

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991Repeal of Order – Section 21
Declaration of Control Area (Maitland)

I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me under section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 and pursuant to section 21 of that Act and section 43 (2) of the Interpretation Act 1987 repeal the order titled 'ORDER – Section 21 Declaration of control area (Maitland)' dated 15 November 2012 and published in *New South Wales Government Gazette* No. 123 on 19 November 2012 at pages 4797-4798 inclusive.

Dated this 21st day of December 2012.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer

ANIMAL DISEASES AND ANIMAL PESTS (EMERGENCY OUTBREAKS) ACT 1991

Repeal of Section 22 Control Order (Maitland)

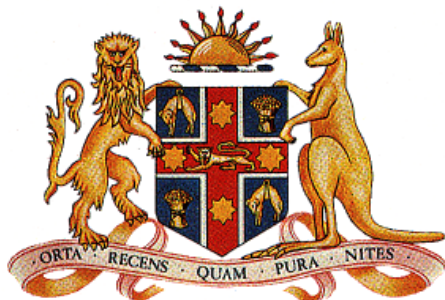
I, THERESE MARGARET WRIGHT, Deputy Chief Veterinary Officer, with the powers the Minister has delegated to me under section 67 of the Animal Diseases and Animal Pests (Emergency Outbreaks) Act 1991 and pursuant to section 22 of that Act and section 43 (2) of the Interpretation Act 1987 repeal the order titled 'Section 22 Control Order (Maitland)' dated 15 November 2012 and published in *New South Wales Government Gazette* No. 123 on 19 November 2012 at pages 4798-4799.

Dated this 21st day of December 2012.

THERESE MARGARET WRIGHT,
Deputy Chief Veterinary Officer

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Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 133

Monday, 24 December 2012

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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 Sunday, 23 December 2012.

Dated 24 December 2012.

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

Schedule 1	Fire Fighting Activities
Schedule 2	Emergency Operations
Schedule 3	Fireworks
Schedule 4	Religious/Sacred Ceremonies
Schedule 5	Services and Utilities – Essential Repairs/ Maintenance
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Schedule 17	Olympic Cauldron
Schedule 18	Any Other Fire Approved by NSW RFS Commissioner

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 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

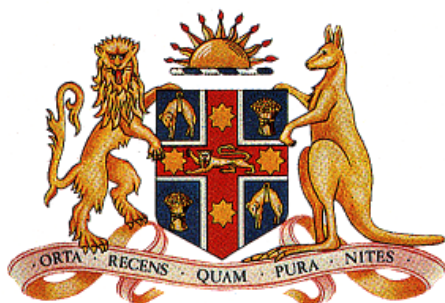
Any Other Fire Approved by NSW RFS Commissioner

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

Southern Riverina

Authorised to be printed



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 134
Monday, 24 December 2012

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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 Monday, 24 December 2012.

Dated 24 December 2012.

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

Schedule 1	Fire Fighting Activities
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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 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

Eastern Riverina
Southern Riverina
Northern Riverina

Authorised to be printed



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 135
Friday, 28 December 2012

Published under authority by the Department of Premier and Cabinet

LEGISLATION

Online notification of the making of statutory instruments

Week beginning 17 December 2012

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

Proclamations commencing Acts

Biofuels Further Amendment Act 2012 No 92 (2012-666) — published LW 21 December 2012

Boarding Houses Act 2012 No 74 (2012-642) — published LW 21 December 2012

Coastal Protection Amendment Act 2012 No 71 (2012-643) — published LW 21 December 2012

Electronic Conveyancing (Adoption of National Law) Act 2012 No 88 (2012-644) — published LW 21 December 2012

Forestry Act 2012 No 96 (2012-680) — published LW 21 December 2012

Local Government Amendment (Conduct) Act 2012 No 94 (2012-645) — published LW 21 December 2012

Petroleum (Onshore) Amendment (Royalties and Penalties) Act 2012 No 84 (2012-667) — published LW 21 December 2012

Rail Safety (Adoption of National Law) Act 2012 No 82 (2012-646) — published LW 21 December 2012

Regulations and other statutory instruments

Allocation of the Administration of Acts 2012 (No 5—Amendment) (2012-647) — published LW 21 December 2012

Associations Incorporation Amendment (Unacceptable Names) Regulation 2012 (2012-648) — published LW 21 December 2012

Civil Procedure Amendment (Notice Fees) Regulation 2012 (2012-649) — published LW 21 December 2012

Civil Procedure Further Amendment (Fees) Regulation 2012 (2012-650) — published LW 21 December 2012

Coastal Protection Amendment (Code of Practice) Regulation 2012 (2012-651) — published LW 21 December 2012

Court Security Amendment (Surrender of Property) Regulation 2012 (2012-652) — published LW 21 December 2012

Environmental Planning and Assessment Amendment (Fire Sprinkler Systems) Regulation 2012 (2012-668) — published LW 21 December 2012

- Food Amendment (Egg Food Safety Scheme) Regulation 2012 (2012-653) — published
LW 21 December 2012
- Food Amendment (Poultry Meat Safety Scheme) Regulation 2012 (2012-654) — published
LW 21 December 2012
- Forestry Regulation 2012 (2012-681) — published LW 21 December 2012
- Liquor Further Amendment (Extension of Freeze Period) Regulation 2012 (2012-656) — published
LW 21 December 2012
- Liquor Amendment (Kings Cross Late Trading Venues) Regulation 2012 (2012-655) — published
LW 21 December 2012
- Local Government (General) Amendment (Conduct) Regulation 2012 (2012-657) — published
LW 21 December 2012
- Mine Subsidence Compensation Amendment Regulation 2012 (2012-669) — published
LW 21 December 2012
- Passenger Transport Amendment (Rail Safety National Law) Regulation 2012 (2012-658) — published
LW 21 December 2012
- Public Health Amendment (Miscellaneous) Regulation 2012 (2012-659) — published LW 21 December 2012
- Public Sector Employment and Management (Office of the UrbanGrowth NSW Development Corporation
and Other Matters) Order 2012 (2012-661) — published LW 21 December 2012
- Public Sector Employment and Management Amendment (Additional Appointment) Regulation 2012
(2012-660) — published LW 21 December 2012
- Rail Safety (Adoption of National Law) Regulation 2012 (2012-662) — published LW 21 December 2012
- Roman Catholic Church Communities' Lands Amendment (Personal Ordinariate of Our Lady of the Southern
Cross) Proclamation 2012 (2012-638) — published LW 21 December 2012
- Victims Support and Rehabilitation Amendment Rule 2012 (2012-682) — published LW 21 December 2012
- Water Sharing Plan for the Gwydir Unregulated and Alluvial Water Sources Amendment Order 2012
(2012-635) — published LW 21 December 2012
- Water Sharing Plan for the Lachlan Regulated River Water Source Amendment Order 2012 (2012-641) —
published LW 21 December 2012
- Work Health and Safety Amendment (Dangerous Goods at Ports) Regulation 2012 (2012-663) — published
LW 21 December 2012
- Work Health and Safety Amendment (Transitional) Regulation 2012 (2012-664) — published
LW 21 December 2012
- Workers Compensation Amendment (Further Transitional) Regulation 2012 (2012-665) — published
LW 21 December 2012

Environmental Planning Instruments

- Camden Local Environmental Plan Amendment (Sydney Region Growth Centres—Turner Road Precinct)
2010 (2012-672) — published LW 21 December 2012
- Canterbury Local Environmental Plan 2012 (2012-673) — published LW 21 December 2012
- Gosford Local Environmental Plan No 478 (2012-639) — published LW 21 December 2012
- June Local Environmental Plan 2012 (2012-674) — published LW 21 December 2012
- Leichhardt Local Environmental Plan 2000 (Amendment No 19) (2012-675) — published
LW 21 December 2012
- Lockhart Local Environmental Plan 2012 (2012-676) — published LW 21 December 2012
- Narrabri Local Environmental Plan 2012 (2012-636) — published LW 21 December 2012
- Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 17) (2012-640) — published
LW 21 December 2012
- State Environmental Planning Policy (Major Development) Amendment (UTS Ku-ring-gai Campus and
Wahroonga Estate) 2012 (2012-671) — published LW 21 December 2012

State Environmental Planning Policy Amendment (Fire Sprinkler Systems) 2012 (2012-670) — published LW 21 December 2012

Tumut Local Environmental Plan 2012 (2012-637) — published LW 21 December 2012

Tweed Local Environmental Plan 2000 (Amendment No 35) (2012-677) — published LW 21 December 2012

Warren Local Environmental Plan 2012 (2012-678) — published LW 21 December 2012

Willoughby Local Environmental Plan 2012 (2012-679) — published LW 21 December 2012

OFFICIAL NOTICES**Appointments****LOCAL GOVERNMENT ACT 1993**

Appointment as a Member of the
Local Government Remuneration Tribunal

PROFESSOR MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council, in pursuance of section 237 and Schedule 1 to the Local Government Act 1993, has re-appointed Helen Irwin WRIGHT as a Member of the Local Government Remuneration Tribunal commencing 13 December 2012 and expiring on 30 June 2014.

DON PAGE, M.P.,
Minister for Local Government

LOCAL GOVERNMENT ACT 1993

Appointment as the Deputy Chairperson of the
NSW Local Government Grants Commission

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 614 and Schedule 5 of the Local Government Act 1993, have appointed Grahame GIBBS, as the Deputy Chairperson of the NSW Local Government Grants Commission for the period commencing on 1 January 2013 and expiring on 30 June 2014.

DON PAGE, M.P.,
Minister for Local Government

LOCAL GOVERNMENT ACT 1993

Appointment as a Member of the
NSW Local Government Grants Commission

I, Professor MARIE BASHIR, AC, CVO, Governor of the State of New South Wales, with the advice of the Executive Council and pursuant to section 614 and Schedule 5 of the Local Government Act 1993, have appointed Graeme FLEMING, as a Member of the NSW Local Government Grants Commission for the period commencing on 1 January 2013 and expiring on 30 June 2014.

DON PAGE, M.P.,
Minister for Local Government

**ROYAL BOTANIC GARDENS AND DOMAIN TRUST
ACT 1980**

Appointment
Royal Botanic Gardens and Domain Trust

HER Excellency the Governor, with the advice of the Executive Council, in pursuance of section 6 of the Royal Botanic Gardens and Domain Trust Act 1980, has approved the appointment of Ms Sandra HOOK as a member of the Royal Botanic Gardens and Domain Trust, from 7 November 2012 to 6 November 2015.

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

Roads and Maritime Services

ROADS ACT 1993

ORDER

I, Peter Duncan, Chief Executive of Roads and Maritime Services, pursuant to section 215 of the Roads Act 1993, make the Order set forth hereunder.

Dated: 28 December 2012.

PETER DUNCAN,
Chief Executive,
Roads and Maritime Services

Citation

1. This Order may be cited as the Roads (Sydney Harbour Bridge Toll) Order 2013.

Commencement

2. This Order takes effect on 1 January 2013.

Repeal

3. The Roads (Sydney Harbour Bridge Toll) Order 2012 dated 20 December 2011 (published in *NSW Government Gazette* No. 132 of 23 December 2011 at pages 7326 to 7328 is repealed on and from 1 January 2013).

Tolls

4. The toll payable for a motor vehicle that uses the Sydney Harbour Bridge travelling in a southerly direction is the amount specified in Schedule 1 of this Order in respect of the vehicle.

ERider periodic toll pass

5. (1) ERider periodic toll pass –
 - (a) is issued by Roads and Maritime Services on payment of the appropriate charge as set out in Schedule 2, Schedule 3, Schedule 4 or Schedule 5; and
 - (b) authorises travel by the motor cycle to which the pass relates across the Sydney Harbour Bridge without payment of a toll while the pass is in force for the respective quarter.
- (2) The ERider periodic toll pass is in force on and from the day, month and year detailed upon purchase of pass. Schedule 2, Schedule 3, Schedule 4 or Schedule 5 in respect of the charge paid for the pass as the date the pass may first be used, up to and including the expiry date of the pass as specified in Schedule 2, Schedule 3, Schedule 4 or Schedule 5.

Video image transactions

6. For a motor vehicle whereby No. tag is detected when using the Sydney Harbour Bridge travelling in a southerly direction, then an image of the vehicle's licence plate number (LPN) is taken and either matched to a tag account or a toll notice paid by a tag account. The fee payable is the amount in schedule 6 of this Order in respect of this vehicle.

Charges payable by owner of vehicle if toll not paid

7. In accordance with Clause 23 (5) of the Roads Regulation 2008, the following administrative charges are payable by the owner of a motor vehicle referred to in item 1 or 2 in Schedule 1 between the period 1 January 2013 and 31 December 2013 where:
 - (a) a first pre-penalty notice letter of demand is issued to the owner seeking recovery of the unpaid toll and relevant administrative charge \$10.00
 - and
 - (b) a second pre-penalty notice letter of demand is issued to the owner seeking recovery of the unpaid toll and relevant administrative charges, an administrative charge additional to the amount specified in sub-clause (a) of this clause \$10.00

Note: The words "penalty notice" appearing in Clause 6 relate to Clause 80 and Schedule 1 of the Roads Regulation 2008.

SCHEDULE 1

Tolls

<i>Class of vehicles</i>	<i>Toll</i>
1. Commencing on and including 1 January 2013, any motor vehicle, other than a vehicle referred to in item 2, 3 or 4 of this Schedule, which passes the toll point:	
(a) During an off-peak period	\$2.50
(b) During a peak period	\$4.00
(c) During a shoulder period	\$3.00

In this Schedule

Off-peak period is, on a weekday, the period between midnight and 6.30 am and between 7.00 pm and midnight and, on Saturday and Sunday or on a public holiday, the period between midnight and 8.00 am and between 8.00 pm and midnight.

Peak Period is, on a weekday, the period after 6.30 am and before 9.30 am and after 4.00 pm and before 7.00 pm

Shoulder period is, on a weekday, the period between 9.30 am and 4.00 pm and, on Saturday and Sunday or on a public holiday, the period after 8.00 am and before 8.00 pm

Weekday is any day in the period commencing on a Monday and ending on Friday, including both those days, and that is not a public holiday

Public Holiday is a day declared to be a public holiday for New South Wales pursuant to Part 2 of the Public holidays Act 2010.

2. Any motor vehicle that consists of –
 - (a) a vehicle that is the property of Roads and Maritime Services, that is readily identifiable as such and that is being used either for the purpose of maintenance work on the Bridge or for the purpose of removing vehicles from the Bridge;
 - (b) a police vehicle that is readily identifiable as such;
 - (c) a vehicle that is the property of the Fire and Rescue NSW and that is readily identifiable as such;
 - (d) an ambulance or rescue vehicle that is readily identifiable as such;
 - (e) a vehicle that is the property of the NSW Red Cross Blood Transfusion Service (Blood Bank), that is readily identifiable as such and that is fitted with a roof mounted red flashing light and siren or similar warning device;
 - (f) a vehicle that is being driven by a person to whom a disabled person's toll exemption pass or tag has been issued by Roads and Maritime Services, being a pass or tag that exempts the person from payment of tolls and charges in respect of travelling across the Bridge;
 - (g) a vehicle in which the driver or passenger is a person to whom an incapacitated ex-service person's toll exemption pass or tag has been issued by Roads and Maritime Services, being a pass or tag that exempts the person from payment of tolls and charges in respect of travelling across the Bridge.
 - (h) a Defence Force vehicle that is readily identifiable as such; or
 - (i) a vehicle driven by a person who produces evidence that he or she or a passenger is a member of the Diplomatic or Consular Corps Nil
3. Any motor vehicle that is attached to or carried or drawn by, another vehicle Nil
4. Any motor cycle in respect of which a periodic toll pass is in force and displayed in accordance with any directions of Roads and Maritime Services Nil

Notes:

The "toll point" is the point designated by a toll operator (by signs or otherwise) as the point at which the liability to pay a toll is incurred for driving a motor vehicle on a tollway or a particular lane of a tollway.

A reference to "between" or "period between" any two times is inclusive of both those times.

SCHEDULE 2

Charge Payable to the RMS for an ERider Periodic Toll Pass or Tag
Toll Pass or Tag Expiring on 31 March 2013

<i>Date pass may first be used</i>	<i>Charge for Motor Cycle</i>
1 January 2013	\$90.00
4 January 2013	\$87.00
10 January 2013	\$79.00
17 January 2013	\$72.00
24 January 2013	\$65.00
31 January 2013	\$58.00
7 February 2013	\$51.00
14 February 2013	\$44.00
21 February 2013	\$37.00
28 February 2013	\$30.00

SCHEDULE 3

Charge Payable to the RMS for an ERider Periodic Toll Pass or Tag
Toll Pass or Tag Expiring on 30 June 2013

<i>Date Pass may first be used</i>	<i>Charge for Motor Cycle</i>
1 April 2013	\$90.00
4 April 2013	\$87.00
11 April 2013	\$79.00
18 April 2013	\$72.00
27 April 2013	\$65.00
2 May 2013	\$58.00
9 May 2013	\$51.00
16 May 2013	\$44.00
23 May 2013	\$37.00
30 May 2013	\$30.00

SCHEDULE 4

Charge Payable to the RMS for an ERider Periodic Toll Pass or Tag
Toll Pass or Tag Expiring on 30 September 2013

<i>Date pass may first be used</i>	<i>Charge for Motor Cycle</i>
1 July 2013	\$90.00
4 July 2013	\$87.00
11 July 2013	\$79.00
18 July 2013	\$72.00
25 July 2013	\$65.00
1 August 2013	\$58.00
8 August 2013	\$51.00
15 August 2013	\$44.00
22 August 2013	\$37.00
29 August 2013	\$30.00

SCHEDULE 5

Charge Payable to the RMS for an ERider Periodic Toll Pass or Tag
Toll Pass or Tag Expiring on 31 December 2013

<i>Date pass may first be used</i>	<i>Charge for Motor Cycle</i>
1 October 2013	\$90.00
4 October 2013	\$87.00
10 October 2013	\$79.00
17 October 2013	\$72.00
24 October 2013	\$65.00
31 October 2013	\$58.00
7 November 2013	\$51.00
14 November 2013	\$44.00
21 November 2013	\$37.00
28 November 2013	\$30.00

SCHEDULE 6

Charge Payable to the RMS for a Video Image Matching Transaction

<i>Toll Road</i>	<i>Fee for LPN matching on a tag account</i>	<i>Fee for payment per toll notice with tag account</i>
Sydney Harbour Bridge	\$0.55	\$1.10

ROAD TRANSPORT (GENERAL) ACT 2005

Class 3 Refrigerated Semi-Trailer Exemption Notice 2013

I, Peter Duncan, Chief Executive of Roads and Maritime Services pursuant to clause 25 of the Road Transport (Mass, Loading and Access) Regulation 2005 and clause 10 of Schedule 2 to the Road Transport (Vehicle Registration) Regulation 2007, hereby exempt from the dimension limits set out both in Clause 8 (1) Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005 and in Clause 73 (1) of Schedule 2 to the Road Transport (Vehicle Registration) Regulation 2007, the vehicles described in Part 2 of the Schedule subject to any condition or requirement set out in that Schedule.

PETER DUNCAN,
Chief Executive,
Roads and Maritime Services

SCHEDULE

PART 1 – PRELIMINARY

1.1 Citation

This Notice may be cited as the Class 3 Refrigerated Semi-Trailer Exemption Notice 2013.

1.2 Commencement

This Notice takes effect on 1 January 2013.

1.3 Effect

This Notice remains in force, subject to any amendments, until 31 December 2017, unless it is revoked earlier.

1.4 Interpretation

Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in the Dictionary to the Road Transport (Mass, Loading and Access) Regulation 2005.

1.5 Definition

In this Notice refrigerated semi-trailer means a rigid walled, insulated semi trailer that is used to transport chilled or frozen goods.

PART 2 – APPLICATION

2.1 Application

This Notice applies to a refrigerated semi-trailer that exceeds any of the dimension limits specified in Clause 73 (1) of Schedule 2 to the Road Transport (Vehicle Registration) Regulation 2007, but does not exceed the dimension limits specified in Diagram 1 and Table 1 to this Notice.

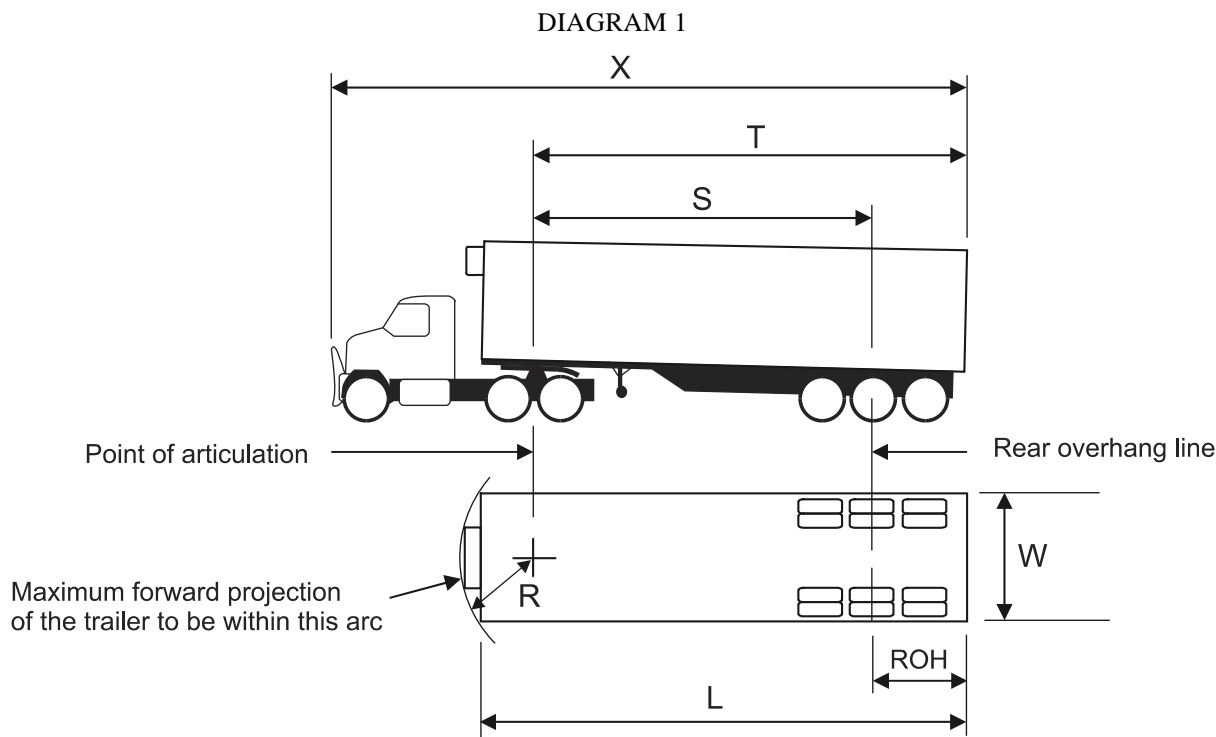


TABLE 1

MAXIMUM DIMENSIONS						
<i>L</i>	<i>R</i>	<i>S</i>	<i>T</i>	<i>W</i>	<i>X</i>	<i>ROH</i>
14.9 m	1.9 m	9.9 m	13.6 m	2.5 m	19.0 m	3.7 m

Note: The length of the refrigerated semi-trailer does not include any refrigeration or other auxiliary equipment or any loading space of a reduced width at the front of the semi-trailer.

PART 3 – OPERATION AND TRAVEL REQUIREMENTS

3.1 Copy of Notice not required to be carried

Clause 73 (1) of the Road Transport (Mass, Loading and Access) Regulation 2005 does not apply to vehicles operating under this Notice. A copy of this Notice is not required to be carried in the vehicle.

3.2 Compliance plate denoting overdimension

A refrigerated semi-trailer to which this Notice applies must be fitted with a compliance plate (being a plate of the description contained in Clause 63 of Schedule 2 to the Road Transport (Vehicle Registration) Regulation 2007) denoting that the vehicle is overdimension.

3.3 Refrigerated semi-trailer not to be used in B-Double or Road Train

A refrigerated semi-trailer operating under this Notice cannot be used as part of a B-Double or Road Train combination.

ROAD TRANSPORT (GENERAL) ACT 2005

Agricultural Machine Combination Notice 2013

I, Peter Duncan, Chief Executive of Roads and Maritime Services, pursuant to Clause 58 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby fix the maximum mass limit and other load limits for agricultural machine combinations that comply with the requirements of the Road Transport (Mass, Loading and Access) Regulation 2005 and the operating requirements set out in the Schedule to this Notice.

PETER DUNCAN,
Chief Executive,
Roads and Maritime Services

SCHEDULE

PART 1 – PRELIMINARY

1.1 Citation

This Notice may be cited as the Agricultural Machine Combination Notice 2013.

1.2 Commencement

This Notice takes effect on 1 January 2013.

1.3 Effect

This Notice remains in force, subject to any amendments, until 31 December 2017, unless it is revoked earlier.

1.4 Interpretation

1.4.1 Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in the Dictionary to the Road Transport (Mass, Loading and Access) Regulation 2005.

1.4.2 In this Notice;

agricultural machine combination means a combination consisting of an agricultural machine and a trailer.

amber rotating beacon means a rotating amber or yellow flashing light with at least a 55 watt globe, producing 120 to 200 light pulsations per minute, that can be clearly seen from a distance of 500 metres in any direction.

1.5 Application

This Notice applies to agricultural machine combinations in excess of 4.5 tonnes Gross Combination Mass (GCM) used for carting primary produce, comprising fruit and vegetables.

PART 2 – ROADS

2.1 Approved roads

2.1.1 A combination to which this Notice applies must not travel on a road, road related area, bridge or structure where any posted mass or dimension limit would be exceeded.

PART 3 – VEHICLE MASS AND DIMENSION LIMITS

3.1 Mass

3.1.1 The gross mass of the combination must not exceed 15 tonnes.

3.1.2 The loaded mass of the trailer must not exceed the loaded mass of the towing vehicle by more than 50%.

3.1.3 The manufacturer's GCM for the hauling unit must not be exceeded.

3.1.4 The manufacturer's ratings for any component of the combination must not be exceeded.

3.1.5 Notwithstanding the definition of GCM, for the purpose of this Notice, where the GCM is not specified by the manufacturer of the hauling unit, the GCM will be deemed to be 1.67 times the Gross Vehicle Mass (GVM) of the hauling unit.

3.1.6 For the purpose of this Notice, for agricultural machines, where the GVM is not specified by the manufacturer, the tare mass of the vehicle will be deemed to be the GVM.

3.1.7 Notwithstanding the definition of GVM, a hauling unit registered before 1 January 1995 and continuously registered thereafter is, for the purpose of this Notice, taken to have a GVM equivalent to any aggregate weight that was in force for the vehicle under Regulation 120A of the Motor Traffic Regulations 1935 (repealed) immediately before that date.

Note: However, if since 1 January 1995 the vehicle has been altered or the registration has not continued without a break, including continuation by renewal or re-issue of such registration, the mass limit of the vehicle is the mass limit determined in accordance with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005.

3.2 Dimensions

3.2.1 The agricultural machine combination must not be more than 19 metres long.

3.2.2 The agricultural machine combination must not exceed 2.5 metres in width.

3.2.3 The agricultural machine combination must not exceed 4.3 metres in height.

PART 4 – OPERATING REQUIREMENTS

4.1 Braking

4.1.1 The hauling unit must have the mass and braking capability to stop the combination from a speed of 35 km/h, within a distance of 16.5 metres.

4.2 Speed limit

4.2.1 The combination must not travel at a speed greater than the lesser of:

- (a) 20 km/h less than the speed limit applying to the section of road on which the combination is travelling; and
- (b) 50 km/h.

4.3 Conspicuity

4.3.1 In daylight, at least one amber rotating beacon is to be fitted at the highest point in the combination, or a removable light board (which has brake, tail and turn lights and reflectors) must be fitted to the rear of the combination.

4.3.2 At night, a removable light board must be fitted to the rear of the combination and an amber rotating beacon must be fitted at the highest point in the combination.

PART 5 – MISCELLANEOUS

5.1 Copy of Notice to be carried

5.1.1 No person shall stand or drive on roads or road related areas, a combination to which this Notice applies, unless:

- (a) a copy of this Notice; and
- (b) if required by the Notice, a completed copy of Annexure A – Calculation of GTM for Agricultural Trailers not fitted with a Compliance Plate or Trailer Plate; and
- (c) where required by Annexure A, a duly completed Declaration in or to the effect of the form comprising Annexure B – Owners Declaration of Coupling Capacity,

are carried and produced to a police officer or an authorised officer if requested to do so.

ANNEXURE A

CALCULATION OF GTM FOR AN AGRICULTURAL TRAILER NOT FITTED WITH A COMPLIANCE PLATE OR TRAILER PLATE

(Trailer plates for trailers up to 4.5 tonnes GTM or
compliance plate for trailers exceeding 4.5 tonnes GTM)

Gross Trailer Mass (GTM) Calculation

(a) Drawbar

1. Is the Gross Load Rating (GLR) displayed on the drawbar?

- Yes What is the GLR? _____ kg
 No, go to 2

2. What certification document for drawbar rating is attached?

- Letter from the drawbar or trailer manufacturer. Show rating below.
 Engineer's Certification. What is the rating? _____ kg

For trailers with drawbars not stamped with a GLR or trailers not issued with a letter from the drawbar/trailer manufacturer or engineer's certificate, a statutory declaration may be accepted. The owner must declare as to the maximum loaded mass that the trailer can be operated at using the fitted drawbar (see Annexure B).

- Statutory Declaration. What is the declared rating? _____ kg

(b) Tyres

What is the sum of the tyre load ratings? _____ kg

(Where load ratings are unequal, multiple number of tyres by lowest load rating)

(c) Allowable GTM is the lesser of (a) and (b) _____ kg

NOTE: Trailers must be fitted with safety chains which meet the specifications below.

The aggregate trailer mass is the GTM as calculated at (c) above, plus the downward load the trailer exerts on the coupling.

Aggregate Trailer Mass (tonnes)	Chain Size (millimetres)	Minimum Chain Breaking Load (tonnes)
Over 3.4 and up to 4.3	7.1	6.4
Over 4.3 and up to 7.5	9.5	11.6
Over 7.5 and up to 13.5	12.7	20.4
Over 13.5 and up to 21.5	15.9	32.0

ANNEXURE B

OWNERS DECLARATION OF COUPLING CAPACITY

I, (a) _____ of (b) _____
in the State of New South Wales, (c) _____ do solemnly and sincerely declare
as follows

- 1. I own the trailer described below.
- 2. The maximum drawbar capacity of that trailer is _____ kilograms.
- 3. The following is an accurate and complete description of the said trailer:

Make: (eg Homemade) _____

Model: (in full - name, letters and/or numbers) _____

- _____

Model Year: _____

Vin or Chassis/ frame Number: _____

Additional identifying features: _____

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900.

Subscribed and declared at (d)

This _____ day of _____ 20.....

before me

.....

Justice of the Peace/Solicitor

NOTES

- (a) Full Name
- (b) Residential address
- (c) Occupation
- (d) Name of city, town or suburb where Declaration made.

ROAD TRANSPORT (GENERAL) ACT 2005

Class 1 Special Purpose Vehicle Stand and Operate Notice 2013

I, Peter Duncan, Chief Executive of Roads and Maritime Services, pursuant to Clause 12 of the Road Transport (Mass, Loading and Access) Regulation 2005, do by this Notice, exempt vehicles that are described in Part 2 of the Schedule to this Notice, from the dimension limits specified in Schedule 1 and Table 3 of Schedule 2 to the Road Transport (Mass, Loading and Access) Regulation 2005 while standing and operating on roads and road related areas, subject to the conditions set out in the Schedule to this Notice.

PETER DUNCAN,
Chief Executive,
Roads and Maritime Services

SCHEDULE

PART 1 – PRELIMINARY

1.1 Citation

This Notice may be cited as the Class 1 Special Purpose Vehicle Stand and Operate Notice 2013.

1.2 Commencement

This Notice takes effect on 1 January 2013.

1.3 Effect

This Notice remains in force, subject to any amendments, until 31 December 2017, unless it is revoked earlier.

1.4 Interpretations

- 1.4.1 Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in Road Transport (General) Act 2005.
- 1.4.2 In this Notice, standing special purpose vehicle means a mobile crane, elevated travel tower, telehandler, scissor lift or mobile concrete pump that is built for a purpose other than carrying a load, except for water in the case of concrete pumps.
- 1.4.3 Notes in the text of this Notice do not form part of this Notice.

PART 2 – APPLICATION

2.1 Application

This Notice applies to a standing special purpose vehicle that exceeds a dimension limit specified in Table 3 of Schedule 2 to the MLA Regulation or Schedule 1 to the MLA Regulation, while the vehicle is standing and operating on a road or road related area.

Note: Standing special purpose vehicles that exceed regulated dimension limits may only travel on roads in accordance with the Class 1 Special Purpose Vehicle Notice or a Class 1 Special Purpose Vehicle permit.

PART 3 – APPROVAL AND NOTIFICATIONS

3.1 Approval to stand and operate on public road

A standing special purpose vehicle to which this Notice applies may only stand or operate on a public road with the approval of the roads authority for the road, and in accordance with any conditions required by the roads authority.

Note: Section 138 of the Roads Act 1993 requires the consent of the relevant road authority before work is carried out in, on or over a public road.

The Roads and Maritime Services provide consent by issuing a Roads Occupancy Licence (ROL). In cases where a reduction to speed limits is required, an application to RMS must be made for a Speed Zone Authorisation (SZA).

For the Sydney metropolitan region, ROLs and SZAs are issued by Transport Management Centre (TMC). For other NSW regions, ROLs and SZAs are issued by the relevant RMS regional office.

ROL and SZA application forms, and contact details for TMC and RMS regional offices, are available on the RMS website (www.rms.nsw.gov.au). Applications take approximately 10 business days to process.

Local council approval may also be required. Contact the relevant local council for information on approval requirements for that council area.

3.2 Notification of road closures and traffic disruptions

A standing special purpose vehicle to which this Notice applies may only stand or operate on a road or road related area if:

- (a) in the case of temporary closure or disruption of traffic flow on a public road, the relevant NSW Police Local Area Command is notified,
- (b) in the case of the temporary closure or disruption of traffic flow on a public road, the NSW Transport Management Centre is notified,

- (c) in the case of a temporary closure of a public road, the NSW Fire and Rescue Service, the NSW Rural Fire Service and the NSW Ambulance Service are notified.
- (d) in the case of a temporary closure or disruption of traffic flow on a public road that is used by a regular passenger bus service, the operator of the regular passenger bus service is notified.

PART 4 – OPERATIONAL REQUIREMENTS

4.1 Traffic control

A standing special purpose vehicle to which this Notice applies may only stand and operate on a road or road related area, if:

- (a) suitable warning signs and barriers are erected in the area where the standing special purpose vehicle is standing and operating, and
- (b) all traffic control measures required by the relevant roads authority are implemented and comply with any relevant requirements of:
 - (i) Part 3 Traffic Control for Works on Roads of Australian Standard AS1742 Manual of Uniform Traffic Control Devices, as amended from time to time, and
 - (ii) Part 3 Traffic Control for Works on Roads of the Roads and Maritime Services Supplement to AS1742, as amended from time to time, and

Note: The RMS supplement to Australian Standard AS1742 Manual of Uniform Traffic Control Devices, is available on the RMS website.
- (c) the driver or operator of the standing special purpose vehicle complies with any reasonable direction of a Police Officer or an authorised officer concerning the location and operation of the standing special purpose vehicle and any warning signs or barrier, and any traffic control measures.

4.2 Warning Lights

A standing special purpose vehicle to which this Notice applies must have warning lights fitted on the foremost and rearmost extremities of the vehicle that are operating at all times the vehicle is standing or operating on a road or road related area.

4.3 Markings

A standing special purpose vehicle to which this Notice applies must display the following markings when standing and operating on a road or road related area:

- (a) a rear marker plate complying with ADR 13/00 on the rearmost part of the body of the vehicle; and
- (b) a pattern covering an area of at least 0.16 square metres and consisting of diagonal stripes at least 150mm wide and alternately coloured either red and white, or black and white, on the left and right sides of any rigid projection extending more than 1.2 metres in front of the body of the vehicle, if it is practicable to do so.

4.4 Compliance with manufacturer's recommendations

When a standing special purpose vehicle to which this Notice applies is standing and operating, any booms, jibs, masts, platforms and stabiliser outriggers that are incidental to the operation of the vehicle must be used in accordance with the manufacturer's recommendations.

4.5 Copy of Notice to be carried

A copy of this Notice must be carried in the driving compartment whenever the vehicle is standing and operating, and must be produced when requested by a Police Officer or an authorised officer.

ROAD TRANSPORT (GENERAL) ACT 2005

Class 3 Gas Powered Ultra Low Floor Bus Mass Limit Exemption Notice 2013

I, Peter Duncan, Chief Executive of Roads and Maritime Services pursuant to Clause 25 of the Road Transport (Mass, Loading and Access) Regulation 2005, hereby exempt the vehicles described in Part 2 of the Schedule to this Notice from the total mass limit specified in Clause 2 (6) (b) of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005, subject to any conditions set out in the Schedule to this Notice.

PETER DUNCAN,
Chief Executive,
Roads and Maritime Services

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

This Notice may be cited as the Class 3 Gas Powered Ultra Low Floor Bus Mass Limit Exemption Notice 2013.

1.2 Commencement

This Notice takes effect on 1 January 2013.

1.3 Effect

This Notice remains in force, subject to any amendments, until 31 December 2017, unless it is revoked earlier.

1.4 Interpretation

1.4.1 Unless stated otherwise, words and expressions used in this Notice have the same meaning as those defined in the Dictionary to the Road Transport (Mass, Loading and Access) Regulation 2005 (“the Regulation”).

1.4.2 In this Notice, ultra-low floor bus means a bus that:

- (a) is equipped with a stairless entry, and
- (b) is designed to be accessible by wheelchairs, and
- (c) is licensed to carry standing passengers

PART 2 – APPLICATION**2.1 Application**

This Notice applies to gas-powered ultra low floor buses that have no axle groups and only two single axles.

PART 3 – OPERATION AND TRAVEL CONDITIONS**3.1 Mass Limits**

Buses to which this Notice applies must not exceed the following mass limits;

- (a) 6 tonnes on the front axle;
- (b) 11 tonnes on the rear axle; and
- (c) 16.65 tonnes total mass when loaded.

3.2 Copy of Notice not required to be carried

Clause 73 (1) of the Road Transport (Mass, Loading and Access) Regulation 2005 does not apply to buses operating under this Notice. A copy of this Notice is not required to be carried in the driving compartment of a vehicle, operating under this Notice.

ROAD TRANSPORT (GENERAL) ACT 2005

Class 3 Rear Overhang Limit Notice 2013

I, Peter Duncan, Chief Executive of Roads and Maritime Services, pursuant to Clause 25 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Clause 10 of Schedule 2 to the Road Transport (Vehicle Registration) Regulation 2007, hereby exempt vehicles that are described in Clause 1.4 of the Schedule to this Notice, from the dimensions set out in Clause 8 (2) of Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005, and Clause 75 of Schedule 2 to the Road Transport (Vehicle Registration) Regulation 2007 subject to any conditions or requirements set out in the Schedule to this Notice.

PETER DUNCAN,
Chief Executive,
Roads and Maritime Services

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

This Notice may be cited as the Class 3 Rear Overhang Limit Notice 2013.

1.2 Commencement

This Notice takes effect on 1 January 2013.

1.3 Effect

This Notice remains in force, subject to any amendments, until 31 December 2017, unless it is revoked earlier.

1.4 Application

This Notice applies to a motor vehicle or any trailer that has a manufacturer's gross vehicle mass greater than 4.5 tonnes and that has a fork lift truck attached to the rear of the motor vehicle or trailer for the sole purpose of loading and unloading goods on and off such motor vehicle or trailer.

PART 2 – DIMENSION LIMITS

- 2.1** Except as provided in clauses 2.2 and 2.3 or any other law, a motor vehicle or trailer to which this Notice applies must comply with the dimension limits specified in Schedule 1 to the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 to the Road Transport (Vehicle Registration) Regulation 2007.
- 2.2** If a fork lift truck is attached to the rear of a motor vehicle or trailer that exceeds 9.5 metres in length, the fork lift truck shall not project to the rear of the vehicle or trailer beyond a point which is 4 metres from the rear overhang line.
- 2.3** Any fork lift truck attached to the rear of a motor vehicle or trailer, may project more than 1.2 metres to the rear of the motor vehicle or trailer if there is displayed at the rear of the load or equipment:
- (a) a 300 mm square brightly coloured flag or piece of material; or
 - (b) in the case of night travel, a red light visible at a distance of 200 metres.

PART 3 – GENERAL REQUIREMENT**3.1 Copy of Notice not required to be carried**

Clause 73 (1) of the Road Transport (Mass, Loading and Access) Regulation 2005 does not apply to vehicles operating under this Notice. A copy of this Notice is not required to be carried in the vehicle.

PART 4 – SPECIAL REQUIREMENTS**4.1 Number Plate Visibility**

A number plate must be clearly visible from the rear of the vehicle at all times.

- 4.2** If the number plate is obscured on the rear of the transporting vehicle by the fork lift truck and the fork lift truck is conditionally registered, the number plate of the fork lift truck may be used in place of the transporting vehicle's number plate so long as the fork lift truck's number plate is clearly visible from the rear of the vehicle.
- 4.3** If the fork lift truck is not conditionally registered, the number plate of the transporting vehicle must be relocated so that it is clearly visible from the rear of the vehicle.

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

SCOTT GREENSILL,
General Manager,
Clarence Valley Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as Clarence Valley Council 25 Metre B-Double Route Notice No. 03/2012.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

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

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25		Ryan Street, South Grafton	Armidale Street	Federation Street	
25		Federation Street, South Grafton	Ryan Street	Cambridge Street	
25		Cambridge Street, South Grafton	Federation Street	Mackay Street	
25		Mackay Street, South Grafton	Cambridge Street	Norrie Street	

ROAD TRANSPORT (GENERAL) ACT 2005

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

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

Date: 10 December 2012.

JANE MICHE,
Acting General Manager,
Uralla Shire Council
(by delegation from the Minister for Roads)

SCHEDULE
1. Citation

This Notice may be cited as Uralla Shire Council 25 Metre B-Double Route Notice No. 4/2012.

2. Commencement

This Notice takes effect on the date of gazettal.

3. Effect

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

4. Application

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

5. Routes

<i>Type</i>	<i>Road No.</i>	<i>Road Name</i>	<i>Starting Point</i>	<i>Finishing Point</i>	<i>Conditions</i>
25		Bakers Creek Road	Bundarra		nil

Department of Trade and Investment, Regional Infrastructure and Services

LANDS

DUBBO CROWN LANDS OFFICE

45 Wingewarra Street (PO Box 1840), Dubbo NSW 2830

Phone: (02) 6883 3300 Fax: (02) 6884 2067

NOTIFICATION OF CLOSING OF A ROAD

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

ANDREW STONER, M.P.,

Minister for Regional Infrastructure and Services

Description

Parish – Bobarah; County – Ewenmar;

Land District – Coonamble; L.G.A. – Gilgandra

Road Closed: Lot 106, DP 1142079.

File No.: 10/15427.

Schedule

On closing, the land within Lot 106, DP 1142079 remains vested in the State of New South Wales as Crown Land.

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

NOTIFICATION OF CLOSING OF ROAD

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

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

Description

Land District – Bellingen; L.G.A. – Nambucca

Roads Closed: Lot 1 and 2, DP 1173090 at Burrupine, Parish Medlow, County Raleigh.

DPI File No.: GF06 H 333.

Schedule

On closing, the land within Lot 1 and 2, DP 1173090 will remain vested in Nambucca Shire Council as operational land for the purposes of the Local Government Act 1993.

Councils Reference: SF632 and CD2003/606.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Gary NOCHOLLS (re-appointment) Ted James HODDINOTT (new member) Robert Dunbar LOWREY (re-appointment) John Arthur DOMAN (new member) Gordon Raymond SERONE (new member) Anthony James DAVIS (new member) Christopher Bede PRATT (re-appointment)	Bentley Public Hall Reserve Trust	Reserve No. 82429 Public Purpose: public hall Notified: 18 March 1960 File Ref.: GF81R375

For a term commencing 22 February 2013 and expiring 21 February 2018.

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.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Dianna PAYNE (new member) Dennis HILL (new member) Daryl MAGEEAN (new member) William Ross HOFFMAN (new member)	Urbenville (R83461) Reserve Trust	Reserve No. 83461 Public Purpose: public recreation, showground Notified: 22 September 1961 File Ref.: GF80R219

For a term commencing the date of this notice and expiring 3 April 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

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.

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Peter Anthony McDONALD (new member) Allan Raymond BROWN (re-appointment) Patricia Marie ALBANESE (new member) Peter Mark LEGGE (new member) Rachel Jane TREVASKIS (new member) Ian William DAWES (re-appointment) Barbara Anne O'REILLY (new member)	Murwillumbah Showground Trust	Dedication No. 540097 Public Purpose: showground addition Notified: 30 August 1911 File Ref.: 12/07418

For a term commencing the date of this notice and expiring 27 December 2017.

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>
Janice Maree Martin (re-appointment)	Mount Burrell Community Centre Reserve Trust	Reserve No. 140080 Public Purpose: community purposes Notified: 5 March 1993 File Ref.: GF93R11
Russell James Schubring (re-appointment)		
Karen Louise Cobbett (re-appointment)		

For a term commencing the date of this notice and expiring 27 December 2017.

APPOINTMENT OF TRUST BOARD MEMBERS

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

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Elena Cambridge MARTY (new member)	Dirawong Reserve Trust	Reserve No.: 140012 Public Purpose: Conservation of aboriginal heritage, preservation of native flora, preservation of fauna and public recreation Notified: 9 January 1987 File No.: 08/0981

For a term commencing the date of this notice and expiring 1 May 2013.

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

NOTIFICATION OF CLOSING OF A ROAD

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

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

Description

Parish – Rowan; County – Durham;
Land District – Muswellbrook; L.G.A. – Muswellbrook

Road Closed: Lot 3, DP 1178473 (subject to easement for electricity and other purposes created by Deposited Plan 1178473).

File No.: 12/02289.

Schedule

On closing, the land within Lot 3, DP 1178473 remains vested in the State of New South Wales as Crown Land.

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

NOTIFICATION OF CLOSING OF 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 – Goonumbla; County – Ashburnham;
 Land District – Parkes; L.G.A. – Parkes*

Road Closed: Lot 1, DP 1178988 (subject to right of carriageway created by Deposited Plan 1178988).

File No.: 11/10195.

Schedule

On closing, the land within Lot 1, DP 1178988 remains vested in the State of New South Wales as Crown land.

REVOCATION OF RESERVATION OF CROWN LAND

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

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

SCHEDULE

Column 1

Land District: Parkes.
 Local Government Area:
 Parkes.
 Reserve No.: 750161.
 Public Purpose: Future
 public requirements.
 Notified: 29 June 2007.
 File No.: 11/10195.

Column 2

The part being Lots 3-6 and 11, section 1, DP No. 758464; Lots 3, 4 and 6-8, section 6, DP No. 758464; Lots 1-16, section 2, DP No. 758464; Lots 1-10, section 5, DP No. 758464; Lot 1, section 3, DP No. 758464 and Lots 7302-7308, DP No. 1152657, Parish Goonumbla, County Ashburnham, of an area of approximately 42.8 hectares.

Note: Subsequent to this revocation it is intended that the lands be sold by Private Treaty following revocation of part Reserve.

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

**APPOINTMENT OF CORPORATION TO
 MANAGE RESERVE TRUST**

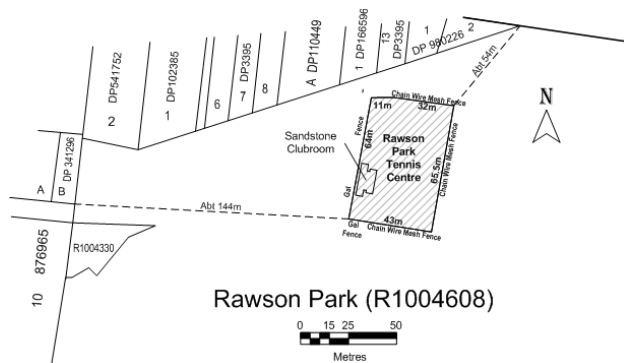
PURSUANT to section 92 (6B) of the Crown Lands Act 1989, the corporation specified in Column 1 of the Schedule hereunder, is appointed to manage the affairs of the reserve trust specified opposite thereto in Column 2 for that part of the reserve referred to in Column 3 of the Schedule.

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

SCHEDULE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Lands Administration Ministerial Corporation	Mosman Sporting Fields Reserves Lands Trust	Part Reserve No. 1004608 for the public purpose of public recreation and environmental protection notified in the <i>New South Wales Government Gazette</i> of 30 May 2003, being the tennis court complex comprising four tennis courts, a clubhouse and surrounding enclosed land having an area of about 2780 square metres as shown by hatching on diagram hereunder File No.: MN81 R 85/3.

For a term commencing the date of this notice.



Other Notices

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Wonawinta Notification Area

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

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on maps LACHLAN DOWNS 8033 1:100000; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGAEast</i>	<i>MGANorth</i>
1	383200	6432100
2	383200	6434900
3	380400	6434900
4	380400	6432100

Map Grid Australia (MGA) co-ordinates for the above points, as well as plan NA-236 showing the area, are available from the Dams Safety Committee.

BRIAN COOPER,
Chairman

Dams Safety Committee,
PO Box 3720,
Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Dargues Reef Notification Area

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

SCHEDULE

The area bounded by straight lines joining the following 4 ordered points on maps BENDOURA 88264N 1:25000 and MONGA 88261N 1:25000; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 55:

<i>Point</i>	<i>MGAEast</i>	<i>MGANorth</i>
1	750500	6062100
2	750500	6064400
3	748100	6064400
4	748100	6062100

Map Grid Australia (MGA) co-ordinates for the above points, as well as plan NA-234 showing the area, are available from the Dams Safety Committee.

BRIAN COOPER,
Chairman

Dams Safety Committee,
PO Box 3720,
Parramatta NSW 2124

DAMS SAFETY ACT 1978 AND MINING ACT 1992

Order under Section 369 of the Mining Act 1992

Wambo South Notification Area

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

SCHEDULE

The area bounded by straight lines joining the following 6 ordered points on maps DOYLES CREEK 90321N 1:25000; the points are specified by Map Grid of Australia 1994 co-ordinates in Zone 56:

<i>Point</i>	<i>MGAEast</i>	<i>MGANorth</i>
1	309900	6391200
2	310900	6392400
3	311500	6392500
4	312000	6392000
5	312000	6391700
6	310900	6390400

Map Grid Australia (MGA) co-ordinates for the above points, as well as plan NA-235 showing the area, are available from the Dams Safety Committee.

BRIAN COOPER,
Chairman

Dams Safety Committee
PO Box 3720,
Parramatta NSW 2124

POISONS AND THERAPEUTIC GOODS ACT 1966

Authorisation to Supply Restricted Substances

UNDER the provisions of Clauses 170 and 171 of the Poisons and Therapeutic Goods Regulation 2008, I, Bruce Battye, as a duly appointed delegate of the Director-General of the Ministry of Health, do hereby issue authority to a registered nurse appointed as the Director of Nursing at a nursing home, hereby specified as a class of persons, to supply those restricted substances listed in the Schedule hereunder either singularly or in combination, pursuant to Clause 53 of that Regulation and subject to the following conditions:

- (1) The restricted substances are obtained only from the State Vaccine Centre, and,
 - (2) The restricted substances are securely stored at the nursing home within the temperature range included on the manufacturer's pack, and,
 - (3) The administration of the restricted substances is only to residents of the nursing home, and,
 - (4) The restricted substances are administered by a registered nurse employed at the nursing home, an Authorised Nurse Immuniser, or a medical practitioner, and,
 - (5) An emergency kit containing adrenaline is available at the nursing home, and the administration of adrenaline is at all times undertaken in accordance with the procedures specified in the National Health and Medical Research Council's 'The Australian Immunisation Handbook', as in force from time to time, and,
 - (6) The administration of the restricted substance and adrenaline by a registered nurse employed at the nursing home, other than an Authorised Nurse Immuniser, is in accordance with a written order, signed and dated by a medical practitioner, and,
 - (7) The person who administers the restricted substance or adrenaline records the administration on the patient's medication record.
- B. CIRCEA has made an application to the Professional Standards Council, appointed under the Professional Standards Act 1994 (NSW) (the Act), for a scheme under the Act.
 - C. The scheme is prepared for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
 - D. The scheme is to apply to all ordinary members of CIRCEA.
 - E. CIRCEA has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
 - F. The scheme is intended to commence on 1 December 2012 and remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases or it is extended pursuant to section 32 (2) of the Act.
 - G. The scheme is also intended to apply in the Australian Capital Territory, Victoria, South Australia, Western Australia, the Northern Territory, and Queensland.

**THE COLLEGE OF INVESTIGATIVE AND
REMEDIAL CONSULTING ENGINEERS AUSTRALIA
PROFESSIONAL STANDARDS SCHEME**

1. Occupational association

1. The College of Investigative and Remedial Consulting Engineers Australia Professional Standards Scheme (the scheme) is a scheme under the Professional Standards Act 1994 (NSW) (the Act) prepared for College of Investigative and Remedial Consulting Engineers Australia (CIRCEA) whose business address is Suite 54, Technopark, 6 Herbert Street, St Leonards NSW 2066.
2. The scheme is intended to apply in New South Wales, the Australian Capital Territory, Victoria, South Australia, Western Australia, the Northern Territory and Queensland.

2. Persons to Whom the Scheme Applies¹

1. Subject to any exemption under Clause 2.3 of the scheme, the scheme applies to all ordinary members of CIRCEA who have the benefit of an insurance policy under which the amount payable in respect of occupational liability is not less than the maximum amount of liability applicable to that person at the relevant time, which insurance complies with standards set from time to time by CIRCEA in accordance with section 27 of the Act².

SCHEDULE

influenza vaccine
pneumococcal vaccine
oseltamivir
zanamivir

Dated at Sydney, 21 December 2012.

BRUCE BATTYE,
Acting Chief Pharmacist,
Delegate of the Director-General,
Ministry of Health, New South Wales

PROFESSIONAL STANDARDS ACT 1994

Notification Pursuant to Section 13

PURSUANT to section 13 of the Professional Standards Act 1994, I authorise the publication of the College of Investigative and Remedial Consulting Engineers Australia Professional Standards Scheme. The Scheme will commence 2 months after the date of its publication.

GREG SMITH,
Attorney General

THE PROFESSIONAL STANDARDS ACT 1994 (NSW)

The College of Investigative and Remedial
Consulting Engineers Australia
Professional Standards Scheme

Preamble

- A. The College of Investigative and Remedial Consulting Engineers Australia (CIRCEA) is an occupational association.

¹ Section 17 of the Act provides that a scheme applies to all persons within an occupational association or to a specified class or classes of persons within an occupational association. The relevant sections of legislation in other jurisdictions in which the scheme is intended to apply under mutual recognition are: Civil Law (Wrongs) Act 2002 (ACT) Schedule 4 Professional Standards subsection 4.15; Professional Standards Act 2004 (NT) subsection 18; Professional Standards Act 2004 (Qld) subsection 19; Professional Standards Act 2003 (Vic) subsection 19; Professional Standards Act 1997 (WA) subsection 30; Professional Standards Act 2004 (SA) subsection 19.

² Equivalent sections of legislation in other jurisdictions in which the scheme is intended to apply under mutual recognition are: Civil Law (Wrongs) Act 2002 (ACT) Schedule 4 Professional Standards section 4.23; Professional Standards Act 2004 (NT) section 28; Professional Standards Act 2004 (Qld) section 28; Professional Standards Act 2003 (Vic) section 29; Professional Standards Act 1997 (WA) section 40; Professional Standards Act 2004 (SA) section 29.

2. The scheme may apply to other persons who are officers, partners, employees or associates of persons who are covered by the scheme³³.
3. A person to whom the scheme applies, other than persons described under Clause 2.2 of the scheme, may, on written application to the Board of CIRCEA, be exempted from the scheme by the Board.

3. Limitation of liability

- 3.1 This scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding \$1,000,000.
- 3.2 If a person, who was at the time of the act or omission giving rise to occupational liability, a person to whom the scheme applied, against whom a proceeding relating to occupational liability is brought, is able to satisfy the court that such person has the benefit of an insurance policy:
 - a. of a kind which complies with the standards determined by CIRCEA;
 - b. insuring such person against that occupational liability; and
 - c. under which the amount payable in respect of that occupational liability is not less than the monetary ceiling specified in this scheme,
 that person is not liable in damages, in relation to that cause of action, above the monetary ceiling specified in this scheme.
- 3.3 The monetary ceiling required for the purposes of limitation of liability under this scheme at the time at which the act or omission giving rise to the cause of action occurred is to be determined according to the following table:

<i>Class</i>	<i>Description</i>	<i>Monetary ceiling</i>
1	Category A member	\$1,000,000
2	Category B member	\$5,000,000
3	Category C member	Such amount specified pursuant to clause 4.1 in excess of the monetary ceiling in respect of either Category A member or a Category B member but not exceeding \$10,000,000.

³³ Sections 18 and 19 of the Act provide that if the scheme applies to a body corporate, the scheme also applies to each officer of the body corporate and if the scheme applies to a person, the scheme also applies to each partner of the person, and if the scheme applies to a person the scheme also applies to each employee of the person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 20 provides that the scheme may also apply to other persons as specified in that section. Section 20A extends the limitation of liability of persons to whom the scheme applies by virtue of sections 18 to 20. Equivalent sections of legislation in other jurisdictions in which the scheme is intended to apply under mutual recognition are: Civil Law (Wrongs) Act 2002 (ACT) Schedule 4 Professional Standards section 4.15; Professional Standards Act 2004 (NT) section 18; Professional Standards Act 2004 (Qld) section 19, section 21A; Professional Standards Act 2003 (Vic) section 19; Professional Standards Act 1997 (WA) section 31, section 32; Professional Standards Act 2004 (SA) section 20, section 21.

- 3.4 Relevant definitions for the purposes of this clause are as follows:

“**Category A member**” means a person who is an ordinary member of CIRCEA to whom the scheme applies, who provides advice other than as a Category B member.

“**Category B member**” means a person who is an ordinary member of CIRCEA to whom the scheme applies, and who provides advice predominantly in the geotechnical engineering field.

“**Category C member**” means a person who is an ordinary member of CIRCEA to whom the scheme applies and who has sought a higher limit of liability under clause 4.1 of the scheme.

- 3.5 Notwithstanding anything to the contrary contained in this scheme if, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this scheme should be capped both by this scheme and also by any other scheme under professional standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

4. Conferral of discretionary authority

- 4.1 Pursuant to section 24⁴ of the Act this scheme confers on CIRCEA a discretionary authority to specify, on written application of a member of CIRCEA to whom the scheme applies, in relation to that member, a monetary ceiling in excess of the monetary ceiling that would otherwise apply, but not exceeding \$10 million, in relation to the member either in all cases or in any specified case or class of case.

5. Duration

- 5.1 This scheme will be in force for a period of 5 years from the date of commencement.

6. Commencement

- 6.1 This scheme will commence on 1 December 2012. In the event the scheme or a notice relating to the scheme, is published in the *NSW Government Gazette* of any jurisdiction after 1 December 2012, the scheme will commence on such day 2 months after the date of its publication in that jurisdiction.

PROFESSIONAL STANDARDS ACT 1994

Notification Pursuant to Section 13

PURSUANT to section 13 of the Professional Standards Act 1994, I authorise the publication of the Institute of Public Accountants Professional Standards Scheme. The Scheme will commence on 1 January 2013.

GREG SMITH,
Attorney General

⁴ Equivalent sections of legislation in other jurisdictions in which the scheme is intended to apply under mutual recognition are: Civil Law (Wrongs) Act 2002 (ACT) Schedule 4 Professional Standards section 4.20; Professional Standards Act 2004 (NT) section 25; Professional Standards Act 2004 (Qld) section 25; Professional Standards Act 2003 (Vic) section 26; Professional Standards Act 1997 (WA) section 37; Professional Standards Act 2004 (SA) section 26.

PROFESSIONAL STANDARDS ACT 1994 (NSW)

The Institute of Public Accountants
Professional Standards Scheme

Preamble

- A. The Institute of Public Accountants (IPA) is an occupational association.
- B. The IPA has made an application to the Professional Standards Council, appointed under the Professional Standards Act 1994 (NSW) (the Act), for a scheme under the Act.
- C. The scheme is prepared by the IPA for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The scheme propounded by the IPA is to apply to all members of the IPA who are ordinarily resident in NSW and who hold a current Public Practice Certificate issued by the IPA, and who are not otherwise excluded.
- E. The IPA has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. The scheme is intended to commence on 1 January 2013 and remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases or it is extended pursuant to section 32 the Act.
- G. The scheme is not intended to apply in other jurisdictions at the time of lodgement.

THE INSTITUTE OF PUBLIC ACCOUNTANTS
PROFESSIONAL STANDARDS SCHEME

1. Occupational association

1.1 The Institute of Public Accountants Professional Standards Scheme (the scheme) is a scheme under the Professional Standards Act 1994 (NSW) (the Act) prepared by the Institute of Public Accountants (IPA) whose business address is: Level 6, 555 Lonsdale Street, Melbourne Victoria 3000.

2. Persons to whom the scheme applies

2.1 The scheme applies to all members of Institute of Public Accountants who are all members of the IPA who are ordinarily resident in NSW and who hold a current Public Practice Certificate issued by the IPA, and who are not otherwise excluded.

2.2 No person to whom the scheme applies may be exempted from the scheme other than a person who, on application to the IPA Board of Directors, is able to satisfy the Board that he/she is also a participating member of another occupational association that is covered by a scheme limiting liability and has not opted out of that scheme.

2.3 This scheme also applies to all persons to whom the scheme applied under clause 2.1 at the time of any act or omission giving rise to occupational liability.

2.4 The scheme does not apply to financial services licensees.

3. Limitation of liability

3.1 This scheme only affects the liability for damages arising from a single cause of action to the extent

to which the liability results in damages exceeding \$1,000,000.

3.2 If a person, who was at the time of the act or omission giving rise to occupational liability, a person to whom the scheme applied, against whom a proceeding relating to occupational liability is brought, is able to satisfy the court that such person has the benefit of an insurance policy:

- (a) of a kind which complies with the standards determined by the IPA,
- (b) insuring such person against that occupational liability, and
- (c) under which the amount payable in respect of that occupational liability is not less than the monetary ceiling specified in this scheme.

that person is not liable in damages in relation to that cause of action above the monetary ceiling specified in this scheme.

3.3 The monetary ceiling is \$1,000,000.

3.4 Clause 3.2 does not limit the amount of damages to which a person to whom the scheme applies is liable if the amount is less than the amount specified for the purpose in this scheme in relation to a person to whom the scheme applies.

3.5 This scheme limits the occupational liability in respect of a cause of action founded on an act or omission occurring during the period when the scheme was in force of any person to whom the scheme applied at the time the act or omission occurred.

4. Conferral of Discretionary Amount

4.1 Pursuant to section 24 of the Act this scheme confers on IPA a discretionary authority to specify, on application by a person to whom the scheme applies, in relation to that person, a higher monetary ceiling (maximum amount of liability) not exceeding \$20,000,000 in relation to that person either in all cases or in any specified case or class of case.

5. Duration

5.1 This scheme will be in force for a period of 5 years from the date of commencement.

6. Commencement

6.1 This scheme will commence on 1 January 2013. In the event the Scheme or a Notice relating to the Scheme is published in the *NSW Government Gazette* after 1 January 2013, the Scheme will commence on such day 2 months after the date of its publication.

PROFESSIONAL STANDARDS ACT 1994

Notification Pursuant to Section 13

PURSUANT to section 13 of the Professional Standards Act 1994, I authorise the publication of the Engineers Australia (Victoria) Professional Standards Scheme. The Scheme will commence on 24 February 2013.

GREG SMITH,
Attorney General

Amended on 7 December 2012

PROFESSIONAL STANDARDS ACT 2003 (VICTORIA)

Engineers Australia Victoria
Professional Standards Scheme

Preamble

- A. The Institution of Engineers Australia (Engineers Australia) is an occupational association.
- B. Engineers Australia has made an application to the Professional Standards Council (the Council), appointed under the Professional Standards Act 2003 (Vic) (Act), for approval of a scheme under the Act.
- C. The scheme is propounded by Engineers Australia for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The scheme propounded by Engineers Australia is to apply to members of Engineers Australia who are also members of The Engineering Science and Technology Professional Standards Society (Society).
- E. All of the Society’s Professional Members are members of Engineers Australia, being those members of Engineers Australia who are from time to time admitted to the membership of the Society by the Society’s Management Committee.
- F. Engineers Australia has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- G. The scheme is intended to remain in force for five (5) years from its commencement unless prior to that time it is revoked, its operation ceases or it is extended pursuant to section 34 of the Act.

ENGINEERS AUSTRALIA VICTORIA
PROFESSIONAL STANDARDS SCHEME

1. Occupational Association

- 1.1 The Engineers Australia Victoria Professional Standards Scheme (scheme) is a scheme under the Act prepared by Engineers Australia whose business address is 11 National Circuit, Barton, ACT 2600.
- 1.2 The scheme is intended to operate in Victoria and in New South Wales.

2. Persons to Whom the scheme Applies¹

- 2.1 The scheme applies to all members of Engineers Australia who are at the same time also members of the Engineering Science and Technology Professional Standards Society (Society).
- 2.2 This scheme also applies to all persons to whom the scheme applied under Clause 2.1 at the time of any act or omission giving rise to occupational liability².

¹ Sections 20 and 21 of the Act provide that if the scheme applies to a body corporate, the scheme also applies to each officer of the body corporate and if the scheme applies to a person, the scheme also applies to each partner of the person, and if the scheme applies to a person the scheme also applies to each employee of the person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. ‘Partner’ and ‘Officer’ have particular meanings as defined in the Act. Section 22 provides that the scheme may also apply to other persons as specified in that section.

² The definition of ‘occupational liability’ in section 4 of the Act, applies in this scheme. By that definition, ‘occupational liability’ means ‘civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted to be done by a member of an occupational association acting in the performance of his or her occupation’. However, section 5 (1) of the Act relevantly provides that

3 Limitation of liability

3.1 If a person to whom this scheme applies who was at the time of the act or omission giving rise to occupational liability a category A member or a category B member or a category C member or a category D member against whom a proceeding relating to occupational liability is brought is able to satisfy the court³ that:

- (a) such member has the benefit of an insurance policy insuring the member against the occupational liability to which the cause of action relates, and
- (b) the amount payable under the policy in respect of that occupational liability⁴ is not less than the amount of the monetary ceiling (maximum amount of liability) specified in clause 3.2 hereof as applying to such members at the time at which the act or omission giving rise to the cause of action occurred,

the member is not liable in damages in relation to that cause of action above the amount of that monetary ceiling (maximum amount of liability).

3.2 The monetary ceiling (maximum amount of liability) required for the purposes of limitation of liability under this scheme at the time at which the act or omission giving rise to the cause of action occurred is to be determined according to the following table:

<i>Class</i>	<i>Description</i>	<i>Monetary ceiling (maximum amount of liability)</i>
1	Category A member	\$1.5 million
2	Category B member	\$4 million

the Act does not apply to liability for damages arising from the death of, or personal injury to, a person, , a breach of trust, fraud or dishonesty. Section 5 (2) of the Act also provides that ‘the Act does not apply to liability which may be the subject of proceedings under section 110 of the Transfer of Land Act 1958’ (Victoria).

The definition of ‘occupational association’ in section 4 of the Act, applies in this scheme. By that definition ‘occupational association’ means ‘a body corporate – (a) which represents the interests of persons who are members of the same occupational group; and (b) the membership of which is limited principally to members of that occupational group.’

The definition of ‘occupational group’ in section 4 of the Act, applies in this scheme. By that definition ‘occupational group’ includes ‘a professional group and a trade group’.

The definition of ‘Damages’ in section 4 of the Act, applies in this scheme. By that definition, ‘damages’ means

- (a) damages awarded in respect of a claim or counter-claim or claim by way of set-off; or
- (b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant); or
- (c) any interest payable on the amount of those damages or costs.

³ The definition of ‘court’ in section 4 of the Act, applies in this scheme. By that definition, ‘court’ ‘includes a tribunal and an arbitrator’.

⁴ Clause 3.1 invokes 23 of the Act. Section 4 (2) of the Act provides that ‘a reference in the Act to the amount payable under an insurance policy in respect of an occupational liability’ (referred to in clause 3.1 of this scheme and s 23 of the Act) ‘includes a reference to –

- (a) defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for time spent in relation to the claim), but only if those costs are payable out of the one sum insured under the policy in respect of the occupational liability; and
- (b) the amount payable under or in relation to the policy by way of excess.’

Class	Description	Monetary ceiling (maximum amount of liability)
3	Category C member	\$8 million
4	Category D member	\$20 million

3.3 This scheme limits the occupational liability in respect of a cause of action founded on an act or omission occurring during the period when the scheme was in force of any person to whom the scheme applied at the time the act or omission occurred.

3.4 Relevant definitions for the purposes of this clause 3 are as follows:

“total annual fee income” means the amount charged during a financial year for services provided by or on behalf of:

- (a) a body corporate who is a member of Engineers Australia to whom the scheme applies;
- (b) a partnership some of whose members are members of Engineers Australia to whom the scheme applies ;
- (c) a sole trader who is a member of Engineers Australia to whom this scheme applies.

“financial year” means a financial accounting period ending 30 June.

“category A member” means a person who is a member of Engineers Australia to whom the scheme applies and who is:

- (a) a body corporate whose total annual fee income for the most recent financial year is less than \$1million;
- (b) an individual who is a member of a partnership, where the total annual fee income of such partnership for the most recent financial year is less than \$1million; or
- (c) a sole trader whose total annual fee income for the most recent financial year is less than \$1 million.

“category B member” means a person who is a member of Engineers Australia to whom the scheme applies and who is:

- (a) a body corporate whose total annual fee income for the most recent financial year is \$1 million or more, but is less than \$3 million;
- (b) an individual who is a member of a partnership, where the total annual fee income of such partnership for the most recent financial year is \$1 million or more, but is less than \$3 million; or
- (c) a sole trader whose total annual fee income for the most recent financial year is \$1million or more, but is less than \$3 million.

“category C member” means a person who is a member of Engineers Australia to whom the scheme applies and who is:

- (a) a body corporate whose total annual fee income for the most recent financial year is \$3 million or more, but is less than \$10 million;
- (b) an individual who is a member of a partnership, where the total annual fee income of such partnership for the most recent financial year is \$3 million or more, but is less than \$10 million; or
- (c) a sole trader whose total annual fee income for the most recent financial year is \$3 million or more, but is less than \$10 million.

“category D member” means a person who is a member of Engineers Australia to whom the scheme applies and who is:

- (a) a body corporate whose total annual fee income for the most recent financial year is \$10 million or more, but is less than \$20 million;
- (b) an individual who is a member of a partnership, where the total annual fee income of such partnership for the most recent financial year is \$10 million or more, but is less than \$20 million; or
- (c) a sole trader whose total annual fee income for the most recent financial year is \$10 million or more, but is less than \$20 million.

3.5 This scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding \$1,500,000.

3.6 Notwithstanding anything to the contrary contained in this scheme, if in particular circumstances giving rise to occupational liability the liability of any person who is subject to this scheme should be capped both by this scheme and also by any other scheme under Professional Standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and if the amount of such caps should differ then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

4 Conferral of discretionary authority

4.1 Pursuant to section 26 (b) of the Act this scheme confers on Engineers Australia a discretionary authority to specify, on application of a member of Engineers Australia to whom the scheme applies, a higher monetary ceiling (maximum amount of liability) not exceeding \$20 million than would otherwise apply under this scheme in relation to the person, either in all cases or in any specified case or class of case.

4.2 If in the exercise of its discretion under clause 4.1, Engineers Australia has specified a higher monetary ceiling (maximum amount of liability) than would otherwise apply under the scheme in relation to a person, the maximum amount of liability in relation to that person is that higher maximum amount.

5 Commencement

5.1 This scheme commences on 19 January 2010 in Victoria and on 24 February 2013 in New South Wales with the authorisation of the Minister.

6 Duration

6.1 This scheme will be in force for a period of five years from the date of commencement in Victoria unless, before the end of this period, it is revoked, its operation is extended by notice from the Minister under section 34 of the Act or its operation ceases because of the operation of another Act.

SUPREME COURT PRACTICE NOTE SC EQ 7

Supreme Court Equity Division – Family Provision

Commencement

1. This Practice Note was issued on 20 December 2012 and commences on 1 March 2013.

Application

2. This Practice Note applies to all applications under the Family Provision Act 1982 and/or Chapter 3 of the Succession Act 2006 (family provision applications).

List Management

3. From 1 March 2013 all family provision applications will be managed by the Family Provision List Judge in the Family Provision List each Friday. Notices of Motion will be listed at 9.30 am. Directions will be listed from 10.00 am. Practitioners must check the published list for the allocated times.

Definition

4. In this Practice Note administrator includes executor and, where appropriate, the person appointed to represent the estate of the deceased for the purposes of the hearing.

Plaintiff's Documents

5. The Summons commencing the family provision application, which should identify the date of death of the deceased in respect of whose estate the application is being made, will be made returnable before the Family Provision List Judge no later than the first Friday after 28 days of the date of its filing (the first directions hearing).
6. The plaintiff must file and serve the following documents with the Summons:
 - (a) A copy of the affidavit of the plaintiff adapted from the form in Annexure 1 to this Practice Note.
 - (b) A notice of eligible persons, including the name and, if known, the address of any person who is, or who may be, an eligible person. A copy of the notice is to be attached to the Summons or to the plaintiff's principal affidavit.
 - (c) A copy of an affidavit setting out an estimate of the plaintiff's costs and disbursements, calculated on the ordinary basis, up to, and including, the completion of a mediation.
7. If the prescribed period for making the family provision application is about to expire and the proceedings are being commenced to preserve rights, the plaintiff must file and serve the two affidavits and the notice referred to in paragraph 6, no later than 5 working days before the first directions hearing or at such other time as the Court may order.

The first directions hearing

8. At the first directions hearing the Court will give directions for the purpose of making information available at the earliest practicable date so that all parties may make realistic assessment of their respective cases. The Court will also give directions to encourage the early resolution of the proceedings including by referring the matter to mediation at a suitable time. The parties are expected to confer for the purpose of providing to the Court a timetable for the preparation of the matter for this purpose.
9. At the first directions hearing the Court may make directions including in relation to the service, by the administrator, of the following:
 - 9.1 An administrator's affidavit which is to include:
 - a. A copy of the deceased's Will and the probate or letters of administration, if granted (if a copy is not already annexed to the plaintiff's affidavit);
 - b. A description of the nature and value of the assets and liabilities of the deceased at the date of death (A copy of the inventory of property attached to the probate or letters of administration will suffice so far as the property of the deceased at the date of death unless other assets have been discovered);
 - c. What is, or is likely to be, the nature, and an estimate of the value, of:
 - (i) The assets and liabilities of the deceased at the date of swearing the affidavit;
 - (ii) Any property of the deceased that has been distributed at any time after the death of the deceased and the date of the distribution of that property;
 - (iii) The gross distributable estate (omitting the costs of the proceedings).
 - d. A description of the nature, and an estimate of the value of any property which, in the administrator's opinion, is, or may be, the subject of any prescribed transaction or relevant property transaction;
 - e. The name and address of every person who, in the administrator's opinion, is holding property as trustee, or otherwise which is, or may be, the subject of any prescribed transaction or relevant property transaction;
 - f. Any testamentary and other expenses, or other liabilities of the estate that have been paid out of the estate of the deceased, including the amount, if any, paid for, or on account of, the administrator's costs of the proceedings.
 - g. Whether any commission is to be sought by the administrator, and if so, an estimate of the amount proposed to be sought.
 - h. The names and address of every person who, in the administrator's opinion, is, or who may be:
 - (i) An eligible person;
 - (ii) An eligible person under a legal incapacity;
 - (iii) A person beneficially entitled to the distributable estate;
 - (iv) A person holding property as trustee or otherwise;

- 9.2 An affidavit of service setting out the name and address of every person to whom notice of the plaintiff's application, has been given, including any person who is, or who may be, an eligible person, as well as any person beneficially entitled to the distributable estate, and any person holding property as trustee or otherwise, and the method by which such notice has been given (e.g. personal service, by post etc);
- 9.3 One affidavit in reply to the plaintiff's affidavit in chief, which affidavit may include allegations of facts contradicting facts alleged in the plaintiff's affidavit in chief or any other matters of fact to be relied upon by the administrator;
- 9.4 An affidavit, if necessary on information and belief, which identifies each beneficiary who is raising, or is likely to raise, his, her, or its, financial, material, or other, circumstances as a competing claimant, and each beneficiary who is not raising, or is not likely to raise, those circumstances;
- 9.5 An affidavit setting out an estimate of the administrator's costs and disbursements, calculated on the indemnity basis, up to, and including, the completion of a mediation.

Mediation

10. Unless ordered otherwise, all proceedings involving a family provision application will be referred to mediation.
11. If the parties settle the proceedings at a court annexed mediation, and if the orders proposed do not require court approval, or an order extending time for the making of the application, the registrar/mediator will make the orders and vacate the next directions hearing before the Family Provision List Judge.

Between first directions hearing and the mediation

12. If the matter is referred to court annexed mediation, the original of the administrator's affidavits are to be filed in the Registry no later than 7 days before the date of the Mediation with a covering letter confirming the date of the mediation.
13. If the matter is referred to private mediation, the original of the administrator's affidavits are to be filed in Court at the directions hearing following the mediation.
14. The administrator's legal representative is to advise the plaintiff's legal representative, in writing, of any beneficiary who is known to wish to attend the mediation, no later than 7 working days prior to the mediation.
15. If it is necessary to adjourn a mediation, the parties are expected to relist the matter before the Family Provision List Judge for the purpose of adjusting any timetable. Alternatively the parties may file Consent Orders adjusting the timetable with the List Judge's Associate for the making of Orders in Chambers.

Directions hearing following Mediation

16. If the parties settle the proceedings before a private mediator, the Court will make the necessary orders at the directions hearing following the mediation. If no approval of the court is required, or there is no order extending the time for the making of the application, and if the original of the orders, signed by the parties or his, her or their, legal representative, the orders may be made, in Chambers, by the Family Provision List Judge, provided that those

orders are received before noon on the day before the date of the directions hearing, in which event that date will be vacated.

17. If the matter has not settled, a timetable will be made for the preparation of the matter for final hearing. The timetable is to include provision for filing and service of a costs affidavit and any updating affidavit of any party or beneficiary:
 - 17.1 The plaintiff's final affidavit as to costs and disbursements should identify the costs and disbursements calculated on the indemnity basis and those costs and disbursements calculated on the ordinary basis and the amount, if any, already paid on account of costs and disbursements. If there is any uplift factor included in the calculation of the plaintiff's costs, or any agreement that provides for such an uplift factor, the quantum thereof and the terms of any such fee agreement should be identified in the costs affidavit.
 - 17.2 The administrator's affidavit as to costs and disbursements should identify the costs and disbursements calculated on the indemnity basis and the amount, if any, already paid out of the estate, or otherwise, on account of costs and disbursements.
18. The Court may set the matter down for hearing at this directions hearing or bring the matter back for a further directions hearing at which time the matter will be set down for hearing. Directions will also be given for the filing and service of a list of the affidavits of the respective parties, an agreed chronology, a joint statement of assets and liabilities and a short outline of submissions.

Consent Orders

19. Consent Orders finalising proceedings are to include the following provisions:
 - (a) The application was made within time;
 - (b) The plaintiff is an eligible person;
 - (c) The plaintiff has served a notice identifying all other eligible persons on the administrator at the time of serving the Summons;
 - (d) The administrator has filed the administrator's affidavit and the affidavit of service of the notice of the plaintiff's claim on any person who is, or who may be an eligible person, as well as upon any person beneficially entitled to the distributable estate, and any person holding property of the estate, as trustee or otherwise;
 - (e) The administrator has filed an Appearance.
20. Consent orders requiring approval of a compromise, or of approval of a release, or an order extending time for the making of an application, will be listed before the Family Provision List Judge on a Friday only after all affidavits to be relied upon, as well as the pro forma document for approval of releases (whether inter vivos or involving the estate) have been completed and delivered to the Family Provision List Judge.

Proof of certain matters

21. Unless the court orders otherwise, or reasonable notice is given that strict proof is necessary, parties may give evidence as follows:
 - (a) A kerbside appraisal by a real estate agent of any real property.

- (b) An estimate of the value, or a monetary amount, for the non-monetary assets of the estate other than real estate.
- (c) Internet, or other media, advertisements of the asking price of real estate.
- (d) The plaintiff's, or beneficiary's best estimate of costs or expenses of items the plaintiff or the beneficiary wishes to acquire.
- (e) The plaintiff's, or the beneficiary's, best estimate of costs or expenses of any renovation or refurbishment of property the plaintiff or the beneficiary wishes to incur;
- (f) A description by the plaintiff, or by the beneficiary, of any physical, intellectual, or mental, disability, from which it is alleged the plaintiff, or the beneficiary, or any dependant of the plaintiff or beneficiary, is suffering, together with a copy of any medical, or other, report, in support of the condition alleged.

Expert Evidence

22. Practice Note SC Eq 5 – Expert Evidence in the Equity Division applies with any necessary adaptations, if expert evidence is necessary to assist the Court.

After the making of Orders

23. If a family provision order is made, whether by consent or otherwise, an administrator must, unless the Court otherwise orders, within 28 days after the order is recorded in the Court's computerised court record system, lodge in the Probate registry:
- (a) the probate, letters of administration or copy of election, or any reseal of probate granted in another jurisdiction, as the case may require, bearing a copy of the order; and
 - (b) a copy of the order.

Costs

24. Orders may be made capping the costs that may be recovered by a party in circumstances including, but not limited to, cases in which the net distributable value of the estate (excluding costs of the proceedings) is less than \$500,000.

General Matters

25. In all family provision applications the Court expects that:
- 25.1 Each party not appearing in person, shall be represented, at any hearing before the Family Provision List Judge, by a legal practitioner familiar with the subject matter of the proceedings and with instructions sufficient to enable all appropriate orders and directions to be made.
 - 25.2 Legal practitioners will have communicated with a view to reaching agreement on Short Minutes recording the directions to be made in accordance with this Practice Note.
 - 25.3 The resources of the estate and of the Court will not be used in a manner that is out of proportion to the size of the estate and the provision that may be made.

Dated: 20 December 2012.

T. F. BATHURST,
Chief Justice of New South Wales,

Related Information

Practice Note SC Eq 5 – Expert Evidence in the Equity Division

Chapter 3 of the Succession Act 2006

Family Provision Act 1982

Amendment history:

20 December 2012: the Practice Note issued on 14 May 2009 is replaced.

14 May 2009: Practice Note SC Eq 7 is issued with a commencement date of 1 June 2009.

ANNEXURE 1

I [#say on oath #affirm]:

1. I am the plaintiff.
2. I believe that the contents of this affidavit are true.

Deceased's information

3. I have referred to [name of the deceased] as "the deceased" in this affidavit.
4. The deceased:
 - a. Was born on [date] and died on [date] aged [number] years
 - b. #Left a will dated [date] /Did not leave a will.
5. #Probate/#letters of administration of the deceased's estate was granted to [name/s] on [date].
 - a. #The Court has not granted probate or letters of administration in relation to the deceased's estate.

Eligibility to make a Claim

- 6 I am (insert as appropriate):
 - (a) a person who was the wife or husband of the deceased person at the time of the deceased person's death,
 - (b) a person with whom the deceased person was living in a de facto relationship at the time of the deceased person's death,
 - (c) a child of the deceased person,
 - (d) a former wife or husband of the deceased person,
 - (e) a person:
 - (i) who was, at any particular time, wholly or partly dependent on the deceased person, and
 - (ii) who is a grandchild of the deceased person or was, at that particular time or at any other time, a member of the household of which the deceased person was a member,
 - (f) a person with whom the deceased person was living in a close personal relationship at the time of the deceased person's death.

any family or other relationship between the plaintiff and the deceased person, including the nature and duration of the relationship

7 Insert details

the nature and extent of any obligations or responsibilities owed by the deceased person to the plaintiff

8 Insert details

the nature and extent of the deceased person’s estate (including any property that is, or could be, designated as notional estate of the deceased person) and of any liabilities or charges to which the estate is subject, as in existence when the application is being considered.

8 Annexed hereto and marked “###” is a true copy of the Probate, the deceased’s will and the inventory of property attached to the Probate document.

or

9 The deceased died intestate. Annexed hereto and marked “###” is a true copy of the letters of administration and the inventory of property. The persons entitled on intestacy are:

Insert details

the financial resources (including earning capacity) and financial needs, both present and future, of the plaintiff

10. Annexed hereto and marked “###” is a summary of my assets and liabilities (including superannuation).

11. Annexed hereto and marked “###” is a summary of assets that I hold with another person.

12. My current gross monthly income is \$###. My current net monthly income is \$###.

13. Annexed hereto and marked “###” is a summary of my (or my family’s) monthly expenditure.

14. I shall produce documents sought by the administrator in accordance with the Practice Note applicable to my application.

15. I purchased or sold the following real estate in the last 3 years:

<i>Purchase/sale date</i>	<i>Purchase or sale</i>	<i>Property details</i>	<i>Purchase price/sale price</i>

16. I purchased or sold the following shares in public companies in the last 3 years:

<i>Purchase/sale date</i>	<i>Purchase or sale</i>	<i>Share details</i>	<i>Purchase price/sale price</i>

17. I made the following gifts of amounts \$1,000 or more in the last 3 years:

<i>Date of gift</i>	<i>Amount of gift</i>	<i>Person or organisation to whom gift was given</i>

18. I sold the following property for \$1,000 or more in the last 3 years:

<i>Sale date</i>	<i>Sale price</i>	<i>Value of property</i>	<i>Description</i>

19. I have the following interests in the following companies or trusts:

Insert details

20. Annexed hereto and marked “###” is a diagram that shows my ownership and control of the companies and trusts referred to in the previous paragraph and their underlying assets.

21. Insert details of needs both present and likely future needs of the plaintiff

If the plaintiff is cohabiting with another person-the financial circumstances of the other person

22. Insert details

The age of the plaintiff when the application is being considered

23. I believe I was born on (insert date of birth) and am currently aged ### years.

Any physical, intellectual or mental disability of the plaintiff that is in existence when the application is being considered or that may reasonably be anticipated

24. Insert details

25. Annexed hereto and marked “###” is a true copy of a report dated ### from my general medical practitioner which discloses my current state of health.

Any contribution (whether financial or otherwise) by the plaintiff to the acquisition, conservation and improvement of the estate of the deceased person or to the welfare of the deceased person or the deceased person’s family, whether made before or after the deceased person’s death, for which adequate consideration (not including any pension or other benefit) was not received, by the plaintiff

26. Insert details

Any provision made for the plaintiff by the deceased person, either during the deceased person’s lifetime or made from the deceased person’s estate

27. Insert details

Any evidence of the testamentary intentions of the deceased person, including evidence of statements made by the deceased person

28. Insert details

Whether the plaintiff was being maintained, either wholly or partly, by the deceased person before the deceased person’s death and the extent to, and the basis on, which the deceased person did so

29. Insert details

Whether any other person is liable to support the plaintiff.

30. Insert details

The character and conduct of the plaintiff before and after the date of the death of the deceased person

31. Insert details

The conduct of any other person before and after the date of the death of the deceased person

32. Insert details

Any relevant Aboriginal or Torres Strait Islander customary law

33. Insert details if appropriate

#SWORN #AFFIRMED at

Signature of deponent

Signature of witness

Name of witness

Address of witness

Capacity of witness [#Justice of the peace
 #Solicitor #Barrister
 #Commissioner for affidavits
 #Notary public]

Note:

- (a) Please ensure that the affidavit is sworn or affirmed. The deponent and witness must sign each page of the affidavit.
- (b) Each page of the affidavit, including annexures, should be consecutively paginated on the top right hand corner of each page.



Independent Pricing and Regulatory Tribunal

Stockton Ferry Service

Determination No. 8, 2012

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The Tribunal members for this review are:

Dr Peter J Boxall AO, Chairman

Mr James Cox, Chief Executive Officer and Full Time Member

Mr Simon Draper, Part Time Member

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Preliminary

1 Background

- (a) The Newcastle Buses and Ferries Services division of the State Transit Authority (STA) provides a ferry service in Newcastle (**Stockton Ferry Service**).
- (b) Section 11 of the *Independent Pricing and Regulatory Tribunal Act 1992* (**IPART Act**) provides IPART with a standing reference to conduct investigations and make reports to the Minister on the determination of the pricing of a government monopoly service supplied by a government agency specified in Schedule 1 of the IPART Act.
- (c) The STA (but excluding any bus services provided by the STA under a service contract to which section 28J of the *Passenger Transport Act 1990* applies) is listed as a government agency for the purposes of Schedule 1 of the IPART Act. The services of the STA declared as monopoly services (**Monopoly Services**) under the *Independent Pricing and Regulatory Tribunal (Passenger Transport Services) Order 1998* (NSW) are the regular passenger services (within the meaning of the *Passenger Transport Act 1990*) supplied by the STA but excluding the following:
 - (1) services supplied in accordance with the ticket known as the "Sydney Pass"; and
 - (2) the bus service known as the "Airport Express"; and
 - (3) the bus service known as the "Sydney Explorer", the bus service known as the "Bondi & Bay Explorer" and any other similar bus services operating in any other areas.
- (d) The Monopoly Services include the Stockton Ferry Service. Accordingly, IPART may determine maximum prices for the Stockton Ferry Service.
- (e) In accordance with section 13A of the IPART Act, IPART has fixed the maximum price for the Stockton Ferry Service.
- (f) In investigating and reporting on the pricing of the Stockton Ferry Service, IPART has had regard to a broad range of matters, including the matters set out in section 15 (1) of the IPART Act.
- (g) By section 18 (2) of the IPART Act, the STA may not fix a price below that determined by IPART for the Stockton Ferry Service without the approval of the Treasurer.

Preliminary

2 Application of this determination

This determination:

- (a) fixes the maximum price that the STA may charge for the Stockton Ferry Service;
- (b) commences on the later of
 - (1) 6 January 2013; and
 - (2) the date that it is published in the NSW Government Gazette (**Commencement Date**); and
- (c) applies from the Commencement Date to the date on which this determination is replaced.

3 Replacement of Determination No. 4 of 2011

This determination replaces Determination No. 4 of 2011 from the Commencement Date. The replacement does not affect anything done or omitted to be done, or rights or obligations accrued, under Determination No. 4 of 2011 prior to its replacement.

4 Schedules

- (a) The maximum price that the STA may charge for the Stockton Ferry Service is set out in Table 1 in Schedule 1.
- (b) Definitions and interpretation provisions used in this determination are set out in Schedule 2.

5 Monitoring

IPART may monitor the performance of the STA for the purposes of:

- (a) establishing and reporting on the level of compliance by the STA with this determination; and
- (b) preparing a periodic review of pricing policies in respect of the Stockton Ferry Service supplied by the STA.

Schedule 1 Maximum price

1 Application

This schedule sets the maximum price that the STA may charge for the Stockton Ferry Service.

2 Maximum price for the Stockton Ferry Service

The maximum price that may be charged by the STA for the Stockton Ferry Service is set out in Table 1.

Table 1 Maximum price for the Stockton Ferry Service^a

Ticket	Maximum price (\$)
Stockton Ferry Service - Single Ticket	2.50

^a As at the date of this determination, the NSW Government sets the concession fare at 50% of the maximum fare and the fare for children under the age of 4 years at nil.

Schedule 2 Definitions and interpretation

1 Definitions

In this determination:

Commencement Date means the Commencement Date defined in Clause 2 (b) of the Preliminary section of this determination.

GST has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

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

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

Monopoly Services means the Monopoly Services defined in Clause 1 (c) of the Preliminary section of this determination.

Single Ticket means a ticket for a single ferry journey from either Newcastle to Stockton or Stockton to Newcastle. The journey must be completed on the day on which the ticket is validated on the ferry.

STA means the State Transit Authority constituted under the *Transport Administration Act 1988* and defined in Clause 1 (a) of the Preliminary section of this determination.

Stockton Ferry Service means the Stockton Ferry Service defined in Clause 1 (a) of the Preliminary section of this determination.

Transport for NSW means Transport for NSW as constituted under the *Transport Administration Act 1988*.

2 Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, clause or table is a reference to a schedule, clause or table to this determination;
- (c) words importing the singular include the plural and vice versa;

- (d) a reference to a law or statute includes all amendments or replacements of that law or statute;
- (e) a reference to an officer includes a reference to the officer who replaces him or her, or who substantially succeeds to his or her powers or functions; and
- (f) a reference to a body, whether statutory or not:
 - (1) which ceases to exist; or
 - (2) whose powers or functions are transferred to another body,is a reference to the body which replaces it or which substantially succeeds to its powers or functions.

2.2 Explanatory notes and clarification notice

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

2.3 Prices inclusive of GST

Prices specified in this determination include GST.

PRIVATE ADVERTISEMENTS

OTHER NOTICES

ANGLICAN DIOCESE OF NEWCASTLE

IN pursuance of the provisions of the Diocese of Newcastle Clerical Ministry Ordinance 2009, it is hereby notified that due to the retirement of The Right Reverend Dr Brian FARRAN as Bishop of Newcastle, The Right Reverend Dr Peter STUART has been appointed as Administrator of the Diocese of Newcastle in accordance with the provisions of the said Ordinance. JOHN CLEARY, Diocesan Business Manager, Anglican Diocese of Newcastle, Diocesan Office, 134 King Street, Newcastle NSW 2300. [6834]

ANGLICAN DIOCESE OF NEWCASTLE

IN pursuance of the provisions of the Anglican Church of Australia Trust Property Act 1917, it is hereby notified that the Church Trust Property Ordinance 2012, was passed by the Synod of the Anglican Diocese of Newcastle on 28 October 2012 and assented to by the Bishop of Newcastle, Brian FARRAN, on 28 October 2012.

In accordance with Clause 12 and Schedule 1 of the Ordinance, it is hereby notified that the terms of the following members of the Trustees of Church Property were amended and now expire as follows:

Mr John PRICE, A.M. [1 November 2013].

Mr William Keith ALLEN [1 November 2014].

Mr John KILPATRICK, O.A.M. [1 November 2015].

Mr Malcolm McDONALD [1 November 2016].

Mrs Valerie Joyne DRINKWATER [1 November 2017].

JOHN CLEARY, Secretary to the Trustees of Church Property and Diocesan Business Manager, Anglican Diocese of Newcastle, Diocesan Office, 134 King Street, Newcastle NSW 2300. [6835]

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