

## Department of Primary Industries

### ANIMAL DISEASES (EMERGENCY OUTBREAKS) ACT 1991

#### ORDER – Section 6A

Declaration of Emergency Animal Diseases for the  
Purposes of the Animal Diseases (Emergency Outbreaks)  
Act 1991

I, MARK I. PATERSON, A.O., Director General of the Department of Trade and Investment, Regional Infrastructure and Services, with the powers the Minister has delegated to me pursuant to section 67 of the Animal Diseases (Emergency Outbreaks) Act 1991 (“the Act”) and pursuant to section 6A of the Animal Diseases (Emergency Outbreaks) Act 1991 (“the Act”) declare the disease Avian Paramyxo virus to be an emergency animal disease for the purposes of the Animal Diseases (Emergency Outbreaks) Act 1991.

Dated this 10th day of September 2011.

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

### FERTILISERS ACT 1985

#### Instrument of Authorisation

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of section 23 (2) of the Fertilisers Act 1985 (“the Act”), hereby authorise Michael Leslie THOMPSON to exercise all the functions of an inspector for the purposes of the Act.

Dated this 6th day of September 2011.

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

### FISHERIES MANAGEMENT ACT 1994

#### Section 8 and section 11 Notification – Fishing Closure

#### QX Disease

I, DR GEOFF ALLAN, Acting Principal Director, Fisheries, with the delegated authority of the Minister for Primary Industries and the Director-General pursuant to sections 227 and 228 of the Fisheries Management Act 1994 (“the Act”), do by this notification:

1. pursuant to section 11 of the Act revoke the fishing closure notification titled “Fishing Closure QX Disease” published in *New South Wales Government Gazette* No. 87 on 11 July 2008, at pages 6994-6996 and any fishing closure notification revived as a result of this revocation; and
2. pursuant to section 8 of the Act prohibit the taking of oysters for movement from an estuary within the waters described in Column 1 of Schedule 1 to this notification to another estuary except in accordance with the conditions specified opposite in Column 2 of Schedule 1.

For the purposes of this notification, the term “taking of oysters for movement” does not include the taking of

oysters destined for direct sale for human consumption (i.e. packaged, purified, market grade oysters, consigned to a wholesaler or retailer) BUT DOES INCLUDE the taking of oysters for the purpose of relocating and relaying oysters between estuaries.

#### SCHEDULE 1

In this Schedule:

Category 1 Estuary means the Richmond River, Clarence River, Macleay River, Bellinger River, Kalang River, Hawkesbury River and Georges River

Category 2 Estuary means the Tweed River and Brunswick River

Category 3 Estuary means all oyster producing estuaries in NSW other than a Category 1 Estuary or a Category 2 Estuary.

A reference to an estuary includes a reference to all creeks, rivers, lakes, lagoons and tributaries flowing into or from that estuary.

<i>Column 1 Waters</i>	<i>Column 2 Conditions</i>
Category 1 Estuaries	The taking of oysters for the purposes of movement between Category 1 Estuaries is permitted.
Category 2 Estuaries	The taking of oysters for the purposes of movement between Category 2 Estuaries is permitted.  The taking of oysters for the purposes of movement to a Category 1 Estuary is permitted.  The taking of oysters for the purposes of movement to a Category 3 Estuary is permitted only if all leaseholders in the Category 3 Estuary agree to accept the oysters from that Category 2 Estuary under a risk minimisation strategy approved by me.  Note: Where a Category 3 Estuary has accepted oysters from a Category 2 Estuary, it is proposed that that Category 3 Estuary will be elevated to Category 2 Estuary.

NOTE:

1. The taking of oysters from a Category 1 Estuary or a Category 2 Estuary is also subject to a Quarantine Order made under section 183 of the Act.
2. The taking of oysters for the purposes of movement is also subject to the provisions of the Pacific Oyster closure and any other oyster closure established under the Fisheries Management Act 1994. The Pacific Oyster closure includes requirements regarding the Oyster Shipment Logbook System.
3. For clarification, this fishing closure does not prohibit the movement of oysters within an individual estuary and does not prohibit the movement of oysters from a Category 3 Estuary.

This fishing closure notification takes effect on publication in the *NSW Government Gazette* and remains in force for a period of five (5) years.

Dated this 14th day of September 2011

DR GEOFF ALLAN,  
Acting Principal Director, Fisheries,  
Department of Primary Industries  
(an office within the Department of Trade  
and Investment, Regional Infrastructure and Services)

### FISHERIES MANAGEMENT ACT 1994

#### Section 76

Instrument of Determination of Management Charge  
for 1 July 2011 to 30 June 2012

#### Lobster Fishery

I, DR GEOFF ALLAN, Acting Principal Director, Fisheries, with the delegated authority of the Minister for Primary Industries and the Director-General pursuant to sections 227 and 228 of the Fisheries Management Act 1994 (“the Act”) and pursuant to sections 76 (1) and (2) of the Act do hereby determine the management charge for the period 1 July 2011 to 30 June 2012 payable by holders of shares in the lobster fishery (as described in Schedule 1 to the Act) to be \$44.21 per share.

This determination is intended to operate retrospectively.

Made this 14th day of September 2011.

DR GEOFF ALLAN,  
Acting Principal Director, Fisheries,  
Department of Primary Industries  
(an office of the Department of Trade and Investment,  
Regional Infrastructure and Services)

### OCCUPATIONAL HEALTH AND SAFETY ACT 2000

Notice under Clause 107 (2) (ii) of Occupational Health  
and Safety Regulation 2001

Requirements for Design Registration for Gas Detection  
and Monitoring Plant and Items

I, ROBERT REGAN, Chief Inspector under the Coal Mine Health and Safety Act 2002 (the Act), pursuant to clause 107 (2) (ii) of the Occupational Health and Safety Regulation 2001 (the Regulation), by this notice:

1. Revoke the notice titled “Requirements for design registration for gas detection and monitoring plant and items” published in *New South Wales Government Gazette* No. 75 of 22 May 2009, at pages 2309-2310, and
2. Specify in the Schedule the standards that must be met for registration of a plant design for portable or hand-held plant or items used to determine or monitor the presence of gases for the purposes of the Act and used in underground mines at a coal workplace.

In this notice, “items used to determine or monitor the presence of gases” include gas detection and monitoring equipment of fixed installations, installations on mobile or transportable plant and within a mine, excluding tube bundle systems when the analyser is installed on the surface.

### SCHEDULE

#### 1. Design and Performance Requirements

- 1.1 The following tests must be carried out prior to design registration. The design registration will only remain valid for gas detection and monitoring plant and items manufactured during a set period, typically five (5) years, and where there is no change in the design or change in the location or method of manufacture. Should the manufacture of design registered plant be required beyond the set registration period, a further application will be required and the application is to be accompanied with a further review of the plant with the currency of gazetted requirements and associated compliance standard.

Note: Electrically powered gas detection and monitoring plant and items that are required for use in the hazardous zone must also be of a gazetted type under clause 19 (1) (c) of the Coal Mine Health and Safety Regulation 2006.

#### 1.2 Flammable gas detection and monitoring plant and items

Only flammable gas detection and monitoring plant and items that conform to the following requirements in respect to construction and performance shall be considered suitable for design registration and permitted for use underground at a coal workplace. Flammable gas detection and monitoring plant must:

- (a) Conform to AS/NZS 60079.29.1:2008 Electrical apparatus for the detection and measurement of flammable gases Part 1: General requirements and test methods with the exception of clause 5.4.24.2 other gases; and
- (b) Conform to the requirements of the following additional test criteria:
  - (i) Poisons (additional to AS/NZS 60079.29.1 clause 5.4.24.1)
    - (1) The apparatus shall be exposed to a volume fraction of 2% methane in air mixture containing a volume fraction of 50ppm hydrogen sulphide for 20 minutes for continuous duty apparatus or 100 tests for spot reading apparatus. The following minimum acceptable performance requirements must be achieved:
      - (A) For apparatus indicating zero to five percent methane, the variation in indication from the standard test gas concentration shall not exceed a volume fraction  $\pm 0.2\%$  methane.
      - (B) For apparatus indicating zero to one hundred percent methane, the variation in indication from the standard test gas concentration shall not exceed a volume fraction  $\pm 0.3\%$  methane.
    - (ii) Effect of Other Gases (replaces AS/NZS 60079.29.1 clause 5.4.24.2)
      - (1) Apparatus indicating up to a volume fraction of 5% methane in air shall be tested separately with the following gas mixtures: