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The date of publication of this Gazette is 24 August 2011

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NOTICE OF RATES OF EXCHANGE - section 161J CUSTOMS ACT 1901

I, Thomas Lees, delegate of the Chief Executive Officer of Customs, hereby specify, pursuant to section 161J of the Customs Act 1901, that the amounts set out in Columns 3 to 9 hereunder are the ruling rates of exchange, on the dates specified, for the purposes of ascertaining the value of imported goods under the provisions of Division 2 of Part VIII of the Customs Act 1901.

SCHEDULE

(\text{Foreign Currency} = \text{AUS} \$1)

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Thomas Lees
Delegate of the Chief Executive Officer of Customs
Canberra ACT
15/08/2011
COMMONWEALTH OF AUSTRALIA
CUSTOMS ACT 1901

NOTICE OF RATES OF EXCHANGE - section 161J CUSTOMS ACT 1901

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<td>0.6313</td>
<td>0.6358</td>
<td>0.6358</td>
<td>0.6358</td>
<td>0.6388</td>
</tr>
<tr>
<td>USA</td>
<td>Dollar</td>
<td>1.0108</td>
<td>1.0348</td>
<td>1.02</td>
<td>1.0311</td>
<td>1.0311</td>
<td>1.0311</td>
<td>1.0409</td>
</tr>
</tbody>
</table>

Mark Collidge
Delegate of the Chief Executive Officer of Customs
Canberra ACT
17/08/2011
Radiocommunications (Communication with Space Object) Class Licence Variation 2011 (No. 2)

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Variation under section 134 of the Radiocommunications Act 1992.

Dated 16th August 2011

Australian Communications and Media Authority

1 Name of Instrument
This instrument is the Radiocommunications (Communication with Space Object) Class Licence Variation 2011 (No. 2).

2 Commencement
This Variation commences on the later of:
(a) the day after it is registered; and
(b) the day on which it is published in the Gazette.

Note All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See http://www.frii.gov.au.
Section 3

3 Variation of Radiocommunications (Communication with Space Object) Class Licence 1998

Schedule 1 varies the Radiocommunications (Communication with Space Object) Class Licence 1998.

Schedule 1 Variations
(section 3)

[1] Paragraph 6(2)(h)

_ substitute_

(h) 28.5 to 29.1 GHz; or
(i) 29.5 to 30 GHz.

[2] Paragraph 6(3)(o)

_ substitute_

(o) 18.8 to 19.3 GHz; or
(p) 19.7 to 20.2 GHz.
NOTICE UNDER SECTION 35 OF THE BROADCASTING SERVICE ACT 1992

Under subsection 25(2) of the Broadcasting Services Act 1992, on 8 August 2011, the Australian Communications and Media Authority varied the frequency allotment plan for the VHF-FM Band determined on 10 August 1994 in so far as they relate to the R9 – Illawarra, SE NSW and ACT.

Under subsection 26(2) of the Broadcasting Services Act 1992, on 8 August 2011, the Australian Communications and Media Authority varied the licence area plan for Cooma Radio that determined the number and characteristics, including technical specifications, of radio broadcasting services that are to be available in the Cooma region with the use of the broadcasting services bands.

Copies of the varied Cooma licence area plan can be obtained free from the Australian Communications and Media Authority as follows:

Email: rps@acma.gov.au
Mail: Variation to Cooma LAP – No 1 of 2011
RPS/TPEB/DTD
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

Telephone: 1800 226 667
Defence DETERMINATIONS

Defence Act 1903

NOTICE OF THE MAKING OF DETERMINATIONS UNDER SECTION 58B

NOTICE is hereby given that the following determinations have been made under section 58B of the Defence Act 1903. Copies of the Determinations are available on www.defence.gov.au/dpe/pac. For further information contact the Directorate of Conditions Information and Policy Services on pacman@defence.gov.au.

<table>
<thead>
<tr>
<th>Year/Det</th>
<th>Title</th>
<th>Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/37</td>
<td>Post indexes – amendment</td>
<td>16/08/2011</td>
</tr>
</tbody>
</table>
NOTICE OF APPLICATION FOR CONSENT TO CHANGE THE NAME OF AN ORGANISATION

(D2011/2507)

NOTICE is given that an application has been made by The Motor Trade Association of South Australia under the Fair Work (Registered Organisations) Act 2009 for consent to change the name of the organisation to:

The Motor Trade Association of South Australia Incorporated

A copy of the application has been published on the website of Fair Work Australia at: http://www.fwa.gov.au (under Registered Organisations, click on Gazette Notices).

Alternatively, a copy of the application may be obtained on request from Fair Work Australia. Requests should be directed to Ms Melisa Lopez, FWA Tribunal Services and Organisations, GPO Box 1994, Melbourne Victoria, 3001 (fax: (03) 9655 0410 or email: melisa.lopez@fwa.gov.au).

Any interested organisation registered under the Fair Work (Registered Organisations) Act 2009, association or person who desires to object to the application may do so by lodging with Fair Work Australia, marked to the attention of Ms Melisa Lopez, a notice of objection, complying with the requirements of Regulation 14 of the Fair Work (Registered Organisations) Regulations 2009, no later than thirty-five (35) days after the publication of this advertisement and by serving on the organisation, whose address for service is:

Ms Chanel Brown
Associate
Minter Ellison Lawyers
25 Grenfell Street
Adelaide SA 5000

within seven (7) days after the notice of objection has been lodged, a copy of the notice of objection so lodged.

Tim Lee
General Manager
Fair Work Australia
NOTICE OF APPLICATION FOR CONSENT TO ALTERATION OF ELIGIBILITY RULES OF AN ORGANISATION

(D2011/2505)

NOTICE is given that an application has been made under the *Fair Work (Registered Organisations) Act 2009* for consent to an alteration of the eligibility rules of the **Master Builders’ Association of Victoria**.

A copy of the application has been published on the website of Fair Work Australia at: http://www.fwa.gov.au (under Registered Organisations, click on Gazette Notices).

Alternatively, a copy of the application can be obtained on request from Fair Work Australia. Requests should be directed to Mr Andrew Schultz, FWA Tribunal Services and Organisations, GPO Box 1994, Melbourne Victoria, 3001 (fax: (03) 9655 0410 or email: andrew.schultz@fwa.gov.au).

Any interested organisation registered under the *Fair Work (Registered Organisations) Act 2009*, association or person who desires to object to the application may do so by lodging with Fair Work Australia, marked to the attention of Mr Andrew Schultz, a notice of objection, complying with the requirements of Regulation 14 of the *Fair Work (Registered Organisations) Regulations 2009*, no later than thirty-five (35) days after the publication of this advertisement and by serving on the organisation, whose address for service is:

Mr Tim Lange
Partner
Hunt & Hunt Lawyers
Level 26, 385 Bourke Street
MELBOURNE VIC 3000

within seven (7) days after the notice of objection has been lodged, a copy of the notice of objection so lodged.

Tim Lee
General Manager
Fair Work Australia
The Australian Electoral Commission (AEC) has received the following application for registration as a political party under the provisions of the *Commonwealth Electoral Act 1918* (the Electoral Act).

Name of Parliamentary Party: **Katter’s Australian Party**  
Abbreviation of party name: no abbreviation requested  
Proposed registered officer: Matthew Rowe  
Address: 3/138 Buchanan Road  
BANYO QLD 4014

The above application is made by the secretary and states that the party wishes to receive electoral funding.

If you believe that either party should not be registered because, under the Electoral Act:

- the party does not meet the eligibility criteria for registration; or  
- the party’s application has not been correctly made; or  
- the party’s name and/or abbreviation are prohibited,

you may lodge an objection. Objections must be received by the AEC by 26 September 2011, must be in writing and include your name, street address, signature and the grounds for your objection. Objections can be sent to the:

- Registrar of Political Parties  
- Australian Electoral Commission  
- PO Box 6172  
- Kingston ACT 2604 or  
- faxed to (02) 6271 4555 or  
- scanned and emailed to fad@aec.gov.au

For more detailed information on objecting to an application for the registration of a political party, please consult the AEC website at the following link, or contact the AEC by fax or email as above, or by phone on (02) 6271 4607.


Sue Sayer  
Director, Funding and Disclosure  
Delegate of the Australian Electoral Commission
THERAPEUTIC GOODS ACT 1989

SECTIONS 14 and 14A NOTICE

On 21 July 2011, the delegate of the Secretary of the Department of Health and Ageing for the purposes of subsection 14 and 14A of the Therapeutic Goods Act 1989 ("the Act") gave his consent to the following:

(a) the supply of the product – Minulet tablets (AUST R 47377) by Pfizer Australia Pty Ltd, of 38-42 Wharf Road, West Ryde, NSW ("the Company"); AND

(b) for the above product to not conform with clause 3(2)(l) of TGO 69, in that the sponsor details are those of Wyeth Australia (the old sponsor) instead of Pfizer Australia (the new sponsor).

Pursuant to subsection 15(1) of the Act, the consent given by the delegate of the Secretary as described above is subject to the following conditions:

1. The exemption applies until 23 July 2012, to the 84-pack tablets.

2. No other changes have been made to the product. The exempted labels are those supplied with the letter from Pfizer Australia Pty Ltd on 2 June 2011.

3. Arrangements are in place for prompt re-direction of customer queries or complaints to the new sponsor.
THERAPEUTIC GOODS ACT 1989

SECTIONS 14 and 14A NOTICE

On 21 July 2011, the delegate of the Secretary of the Department of Health and Ageing for the purposes of subsection 14 and 14A of the Therapeutic Goods Act 1989 (“the Act”) gave his consent to the following:

(a) the supply of the product - Auro-Simvastatin 5 [ARTG no. 150145], Auro-Simvastatin 10 [ARTG no. 150154], Auro-Simvastatin 20 [ARTG no. 150155], Auro-Simvastatin 40 [ARTG no. 150156] and Auro-Simvastatin 80 [ARTG no. 150157] by Aurobindo Pharma Australia Pty Ltd, of Level 7, Strathfield Plaza, 11 The Boulevard, Strathfield, NSW (“the Company”); AND

(b) for the above products to not conform with the BP Monograph for Simvastatin Tablets with regards to the limit for the BP impurity A

Pursuant to subsection 15(1) of the Act, the consent given by the delegate of the Secretary as described above is subject to the following conditions:

1. The exemption applies for a period of 12 months from the 25 June 2010.

2. The limits for BP Impurity A applying to these products are those included in the specifications supplied with the application letter dated 20 May 2009.

3. No other changes have been made to the product.
PUBLICATION OF CANCELLATION OF ENTRIES FOR KINDS OF MEDICAL DEVICES FROM THE AUSTRALIAN REGISTER OF THERAPEUTIC GOODS SECTION 41GP OF THE THERAPEUTIC GOODS ACT 1989

I, Linda Punyer, delegate of the Secretary to the Department of Health and Ageing for the purposes of section 41GP of the Therapeutic Goods Act 1989 (the Act), hereby publish particulars of the cancellation of the following entry of a kind of medical device from the Australian Register of Therapeutic Goods under subsection 41GN(1) (c) of the Act:

ARTG entry of a kind of medical device: Sterilizer, moist heat, wrapped goods

ARTG number: 109358
Sponsor: Gunz Dental Pty Ltd
Manufacturer: Tuttnauer Co Ltd (Israel)
Date cancelled: 17 August 2011
Date of effect of the cancellation: 15 September 2011
Reason:
(c) The sponsor of the device has not complied with a notice given to the sponsor by the Secretary under section 41JA of the Act requiring the sponsor to give the Secretary information relating to the kind of medical device mentioned above.

(signed by)
Linda Punyer
Delegate of the Secretary to the Department of Health and Ageing

17 August 2011
PUBLICATION OF CANCELLATION OF ENTRIES FOR KINDS OF MEDICAL DEVICES
FROM THE AUSTRALIAN REGISTER OF THERAPEUTIC GOODS
SECTION 41GP OF THE THERAPEUTIC GOODS ACT 1989

I, Andrea Kunca, delegate of the Secretary to the Department of Health and Ageing for the purposes of section 41GP of the Therapeutic Goods Act 1989 (the Act), hereby publish particulars of the cancellation of the following entry of a kind of medical device from the Australian Register of Therapeutic Goods under section 41GN(1) of the Act:

ARTG entry of a kind of medical device: Electrical Impedance Scanner

ARTG number: 181980

Sponsor: Safe Breast Imaging Pty Ltd

Manufacturer: SIM-technika (Russia)

Date cancelled: 9 August 2011

Date of effect of Cancellation: 7 September 2011

Reasons:
The sponsor has failed to demonstrate compliance with the conditions of inclusion for ARTG entry 181980 as it has not provided information to demonstrate compliance with the Essential Principles. The ARTG entry is therefore cancelled under subsection 41GN(1)(b) of the Act.

The sponsor of the device has not complied with a notice under section 41JA of the Act requiring the sponsor to give the Secretary information relating to the kind of medical device mentioned above. The ARTG entry is therefore cancelled under subsection 41GN(1)(c) of the Act.

The sponsor has failed to demonstrate compliance with the Essential Principles for the kind of medical device and as such its certification made under subsections 41FD (d) and (e)(i) and (ii) of the Act in relation to the device application DV-2010-DA-15435-3 are no longer correct. The ARTG entry is therefore cancelled under subsection 41GN(1)(f) of the Act.

(signed by)

Andrea Kunca
Delegate of the Secretary to the Department of Health and Ageing
15 August 2011
THERAPEUTIC GOODS ACT 1989

SECTIONS 14 and 14A NOTICE

On 27 July 2011, the delegate of the Secretary of the Department of Health and Ageing for the purposes of subsection 14 and 14A of the Therapeutic Goods Act 1989 (“the Act”) gave his consent to the following:

(a) the supply of the products – GLUCOSE 5% FREEFLEX glucose 5g/100mL and 12.5g/250mL injection bag (Aust R 144671 & 144672) by Fresenius Kabi Australia Pty Ltd, of 964 Pacific Highway, Pymble, NSW (“the Company”); AND

(b) for the above products to not conform with clause 3(2)(l) of TGO 69, in that the sponsor details are not those currently approved.

Pursuant to subsection 15(1) of the Act, the consent given by the delegate of the Secretary as described above is subject to the following conditions:

1. The exemption applies to the batches tabulated below (44,360 units of the 100 mL presentation and 53,100 units of the 250 mL presentation)

<table>
<thead>
<tr>
<th>Product</th>
<th>Affected Batches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glucose 5% Freeflex 100 mL</td>
<td>12ECH11</td>
</tr>
<tr>
<td></td>
<td>12EDH37</td>
</tr>
<tr>
<td></td>
<td>12EFH13</td>
</tr>
<tr>
<td></td>
<td>12DKH08</td>
</tr>
<tr>
<td>Glucose 5% Freeflex 250 mL</td>
<td>12EBH30</td>
</tr>
<tr>
<td></td>
<td>12EDH26</td>
</tr>
</tbody>
</table>

2. No other changes have been made to the products. The exempted labels are those supplied with the letter from Fresenius Kabi Australia Pty Ltd on the 1 July 2011, where the sponsor details are given as ‘Pharmatel Fresenius Kabi’ instead of the approved ‘Fresenius Kabi’, and the logos differ.
THERAPEUTIC GOODS ACT 1989

SECTIONS 14 and 14A NOTICE

On 27 July 2011, the delegate of the Secretary of the Department of Health and Ageing for the purposes of subsection 14 and 14A of the Therapeutic Goods Act 1989 ("the Act") gave his consent to the following:

(a) the supply of the products – SODIUM CHLORIDE 0.9% FREEFLEX sodium chloride 450 mg/ 50mL, 900 mg/100 mL and 2.25 g/250 mL injection bag (Aust R 144596, 144609 & 144632) by Fresenius Kabi Australia Pty Ltd, of 964 Pacific Highway, Pymble, NSW ("the Company"); AND

(b) for the above products to not conform with clause 3(2)(l) of TGO 69, in that the sponsor details are not those currently approved.

Pursuant to subsection 15(1) of the Act, the consent given by the delegate of the Secretary as described above is subject to the following conditions:

1. The exemption applies to the batches tabulated below (129,600 units of the 50 mL presentation, 319,200 units of the 100 mL presentation and 151,380 units of the 250 mL presentation)

<table>
<thead>
<tr>
<th>Sodium Chloride 0.9% Freeflex 50 mL</th>
<th>12ECH07</th>
<th>12EDH31</th>
<th>12EFH07</th>
<th>12DEH12</th>
<th>12DFH30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sodium Chloride 0.9% Freeflex 100 mL</td>
<td>12EAH15</td>
<td>12ECH13</td>
<td>12EDH36</td>
<td>12EFH18</td>
<td></td>
</tr>
<tr>
<td>Sodium Chloride 0.9% Freeflex 250 mL</td>
<td>12EBH32</td>
<td>12EDH28</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. No other changes have been made to the products. The exempted labels are those supplied with the letter from Fresenius Kabi Australia Pty Ltd on the 1st July 2011, where the sponsor details are given as ‘Pharmatel Fresenius Kabi’ instead of the approved ‘Fresenius Kabi’, and the logos differ.
THERAPEUTIC GOODS ACT 1989

SECTIONS 14 and 14A NOTICE

On 4 July 2011, the delegate of the Secretary of the Department of Health and Ageing for the purposes of subsection 14 and 14A of the Therapeutic Goods Act 1989 ("the Act") gave his consent to the following:

(a) the supply of the products – desvenlafaxine (as succinate) (Pristiq) modified release tablets 50mg and 100mg in blister packs (Aust R 170674 and 170696) and venlafaxine (as hydrochloride) (Efexor-XR) modified release capsules 37.5mg, 75mg and 150mg in blister packs (Aust R 99802, 60858 & 60859) by Pfizer Australia Pty Ltd, of 38-42 Wharf Road, West Ryde, NSW ("the Company"); AND

(b) for the above product to not conform with sub-clause 3(2)(l) of Therapeutic Goods Order No. 69 (General requirements for labels for medicines).

Pursuant to subsection 15(1) of the Act, the consent given by the delegate of the Secretary as described above is subject to the following conditions:

1. The exemption applies for a period of 12 months from the 4 July 2011.

2. The labels for use are those submitted with the application from Pfizer Australia Pty Ltd dated 10 June 2011 bearing details of the previous sponsor of the products.

3. No other changes have been made to the products.

4. Details of the process in place to ensure continuous customer contact with your company as the new sponsor are as described in the application letter from Pfizer Australia Pty Ltd dated 10 June 2011.
THERAPEUTIC GOODS ACT 1989

SECTIONS 14 and 14A NOTICE

On 4 July 2011, the delegate of the Secretary of the Department of Health and Ageing for the purposes of subsection 14 and 14A of the Therapeutic Goods Act 1989 ("the Act") gave his consent to the following:

(a) the supply of the products -- methylaltrexone bromide (Relistor) injection 12mg in 0.6ml vial (AUST R 144062) by Pfizer Australia Pty Ltd, of 38-42 Wharf Road, West Ryde, NSW ("the Company"); AND

(b) for the above product to not conform with sub-clause 3(2)(l) of Therapeutic Goods Order No. 69 (General requirements for labels for medicines).

Pursuant to subsection 15(1) of the Act, the consent given by the delegate of the Secretary as described above is subject to the following conditions:

1. The exemption applies for a period of 12 months from the 4 July 2011.

2. The labels for use are those submitted with the application from Pfizer Australia Pty Ltd dated 20 June 2011 bearing details of the previous sponsor of the products.

3. No other changes have been made to the products.

4. Details of the process in place to ensure continuous customer contact with your company as the new sponsor are as described in the application letter from Pfizer Australia Pty Ltd dated 20 June 2011.
Form 6   Permit for unlicensed ship - continuing
(regulation 6)

Navigation Act 1912
PERMIT FOR UNLICENSED SHIP - CONTINUING

I, Philippa Power, in exercise of the power delegated to me by the Minister under section 9 of the Navigation Act 1912, grant, under section 286 of the Act, permission for the ship specified in this permit to carry passengers or cargo or both between the ports specified, subject to any conditions set out on this permit.

This permit remains in force from 03/09/2011 to 02/12/2011

Details about ship

Name of ship: KATSURAGI  Port of registry: PANAMA
IMO No. of ship: 8910419  Name of Owner: NYK SHIPMANAGEMENT

Name of ports for which permit issued

From Brisbane to Fremantle. From Brisbane to Sydney. From Brisbane to Melbourne. From Sydney to Adelaide. From Sydney to Fremantle. From Melbourne to Adelaide. From Melbourne to Fremantle. From Adelaide to Fremantle.

Permit conditions

1. That the Department is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
3. General Cargo: may only be carried.
4. The cargo may only be carried from the ports outlined in the section 'Name of ports for which permit issued'.
5. If there is a change in schedule the Department must be advised before the vessel sails.
6. This permit is issued on condition that the ship named in the permit complies with all the standards of safety and marine environment protection of international conventions and agreements to which Australia is party.
7. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board of discharging any cargo or passengers carried under permit.
8. This permit is subject to the condition that coasta l cargo is carried by the permit holder only if:
   (a) there is no licensed ship available for such carriage;
   (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage;
   and in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal cargo.
9. The permit holder must check the availability of relevant licensed vessels on routes served by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so.

Contact details of relevant licensed operators are available on request from the Department.

Signature of delegate:  
Date: 12 Aug 2011
Form 6  Permit for unlicensed ship - continuing  (regulation 6)

No: 9733

Navigation Act 1912
PERMIT FOR UNLICENSED SHIP - CONTINUING

I, Philippa Power, in exercise of the power delegated to me by the
Minister under section 9 of the Navigation Act 1912, grant, under section 286 of the Act, permission for the
ship specified in this permit to carry passengers or cargo or both between the ports specified, subject to any
conditions set out on this permit.

This permit remains in force from 24/08/2011 to 23/11/2011

Details about ship

Name of ship: Rathboyne  Port of registry: Bergen
IMO No. of ship: 9142502  Name of Owner: Kristian Gerard Jebsen Skipsrederi
A/S Bergen Norway

Name of ports for which permit issued

From Newcastle to Portland. From Whyalla to Newcastle. From Newcastle to Gladstone.

Permit conditions

1. That the Department is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
3. Other Bulk Liquids: may only be carried.
4. The cargo may only be carried from the ports outlined in the section 'Name of ports for which permit issued'.
5. If there is a change in schedule the Department must be advised before the vessel sails.
6. This permit is issued on condition that the ship named in the permit complies with all the standards of safety and marine environment protection of international conventions and agreements to which Australia is party.
7. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.
8. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
   (a) there is no licensed ship available for that carriage; or
   (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister’s delegate, not adequate for the proposed carriage;
   and in the opinion of the Minister’s delegate, it is in the public interest for the permit holder to carry the coastal cargo.
9. The permit holder must check the availability of relevant licensed vessels on route serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so.

Contact details of relevant licensed operators are available on request from the Department.

Signature of delegate:  Date: 16 August 2011
Commonwealth of Australia

Public Service Act 1999

Order to Establish the Interim Independent Hospital Pricing Authority As an Executive Agency

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, under section 65 of the Public Service Act 1999:

(a) establish the Interim Independent Hospital Pricing Authority as an Executive Agency;

(b) allocate the name Interim Independent Hospital Pricing Authority to the Executive Agency;

(c) allocate the name Pricing Authority CEO to the Head of the Executive Agency;

(d) identify the Minister for Health and Ageing as the Minister responsible for the Executive Agency; and

(e) specify that the functions of the Interim Independent Hospital Pricing Authority be as follows:

(i) to determine the national efficient price for health care services provided by public hospitals where the services are funded on an activity basis;

(ii) to determine the efficient cost for health care services provided by public hospitals where the services are block funded;

(iii) to develop and specify classification systems for health care and other services provided by public hospitals;

(iv) to determine adjustments to the national efficient price to reflect legitimate and unavoidable variations in the costs of delivering health care services;

(v) to formulate standards and requirements in relation to data relating to public hospital functions that are to be provided by States and Territories;

(vi) except where otherwise agreed between the Commonwealth and a State or Territory—to determine the public hospital functions that are to be funded in the State or Territory by the Commonwealth;

(vii) to publish a report setting out the national efficient price for the coming year and any other information that would support the efficient funding of public hospitals;
(viii) to advise the Commonwealth, the States and the Territories in relation to funding models for hospitals; and in relation to the costs of providing health care services in the future;

(ix) on request from the Minister, following a request from a State or Territory Health Minister, to undertake investigations and make recommendations about a cross-border dispute between jurisdictions;

(x) to advise the Commonwealth of adjustments to funding necessary to give effect to cross-border dispute recommendations if within 3 months the recommendations referred to in paragraph (ix) above have not been complied with by the relevant State or Territory;

(xi) on request from the Minister, following a request from a State or Territory Health Minister, undertake investigations and make assessments about a cost-shifting dispute between jurisdictions;

(xii) to publish its assessment about a cost-shifting dispute where it considers that cost-shifting has occurred;

(xiii) to publish (whether on the Internet or otherwise) reports and papers relating to its functions;

(xiv) to call for and accept, on an annual basis, public submissions in relation to the functions set out in paragraphs (i) to (vi);

(xv) to provide secretariat and policy support to a committee appointed by the Minister to provide advice to governments on hospital financing issues;

(xvi) such functions (if any) as are specified in a written instrument given by the Minister to the Pricing Authority CEO with the agreement of COAG;

(xvii) to do anything incidental to or conducive to the performance of any of the above functions.

2. For the purposes of this Order;

(1) A **Cost-shifting dispute** arises if:

   (a) the Minister or a State or Territory Health Minister believes that costs to his or her jurisdiction in relation to health care services are attributable to one or more changes that have been made to the policies, programs or practices of another jurisdiction (the **second jurisdiction**); and

   (b) within 2 months after being requested to do so, the second jurisdiction has not reimbursed those costs.

(2) A **cross-border dispute** arises if:

   (a) a State or Territory Health Minister believes that:

      (i) costs to his or her jurisdiction in relation to health care services are attributable to the provision of public hospital services to residents of another jurisdiction (the **second jurisdiction**); and

      (ii) an intergovernmental agreement, or an agreement between States or States and Territories, provides for those costs to be reimbursed, wholly or partly, by the second jurisdiction; and
(b) after being requested to do so, the second jurisdiction has not reimbursed those costs:
   (i) within 2 months after the jurisdictions agree on the number of health care services involved; or
   (ii) within 6 months after the last of those services was provided.

(3) Where the National Health Reform Agreement, as agreed to by the COAG on 2 August 2011, and as amended from time to time, sets out processes to be followed, or conditions or requirements to be met, by the Pricing Authority in performing a function, the Interim Independent Hospital Pricing Authority must follow the processes, or meet the conditions or requirements, in performing the function.

3. This order will commence on 1 September 2011

Dated 17 AUG 2011

Quentin Bryce
Governor-General

By Her Excellency’s Command

Prime Minister
COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

1, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities, pursuant to subsection 303DC(1) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by revoking the conditions to which the inclusion of the following item in the list on 24 November 2010 is subject:

- Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the Tasmanian Scallop Fishery,

and imposing the following conditions to which inclusion of the specimens in the list is subject:

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and

- the specimens are included in the list until 30 January 2012.

Dated this 11th day of August 2011

[Signature]

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities
Commonwealth of Australia

Environment Protection and Biodiversity Conservation Act 1999 (the Act)

Notice under section 278 of the Act that a threat abatement plan has been made

I, TONY BURKE, Minister for Sustainability, Environment, Water, Population and Communities hereby give notice under section 278(1) of the Act that I have made the Threat Abatement Plan for the biological effects, including lethal toxic ingestion, caused by cane toads, (the Plan) under section 270B(2) of the Act.

The Plan referred to above came into force on 5 July 2011, with the registration on the Federal Register of Legislative Instruments (F2011L01416).


Copies of the Plan can also be requested from the Department of Sustainability, Environment, Water, Population and Communities’ Community Information Unit by emailing ciu@environment.gov.au, by post to the Australian Government Department of Sustainability, Environment, Water, Population and Communities GPO Box 787, Canberra ACT 2601 or by phone on 1800 803 772.
The Water Efficiency Labelling and Standards Regulator Notice Under Subsection 28(1) of the Water Efficiency Labelling and Standards Act 2005

I, Graeme Marshall, Assistant Secretary, Water Efficiency Labelling and Standards (WELS) Branch, pursuant to section 25 of the Water Efficiency Labelling and Standards Act 2005 (the WELS Act), register the following WELS product(s) under subsection 28(1) of the WELS Act. WELS registrations are subject to the conditions set out in subsections 4.5, 4.6 and 4.7 of AS/ANZ 6400.2:2005 Water efficient products—rating and labelling.

Registered WELS Products

<table>
<thead>
<tr>
<th>Brand name</th>
<th>Product type</th>
<th>Family name / Product name and/or Model reference</th>
<th>Registration number</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHOENIX</td>
<td>Tap and tap outlet set</td>
<td>Family: Tap Mixer 6 Model: Vivid Slim Line Mixer</td>
<td>R001996J</td>
</tr>
<tr>
<td>PHOENIX</td>
<td>Tap and tap outlet set</td>
<td>Family: Tap Mixer 6 Model: Nonad Low Profile Mixer</td>
<td>R001996K</td>
</tr>
<tr>
<td>AXA-WHITE STONE</td>
<td>WC pan only</td>
<td>Family: AXA WALL PAN Model: AXA ONE WALL PAN, AXA DUE WALL PAN</td>
<td>R002418</td>
</tr>
<tr>
<td>BRITEX</td>
<td>Combination of a WC pan and cistern</td>
<td>Family: S5 Pans Model: SPTSGP (cistern), BRITEX PG (pan); SPTSGS (cistern), BRITEX PG (pan); SPTSDGP (cistern), BRITEX PC (pan); SPTSDCS (cistern), BRITEX PC (pan); SPTSDS (cistern), BRITEX PC (pan); SPTSCS (cistern), BRITEX PC (pan); SPTSC (cistern), BRITEX PG (pan); PTSGP (cistern), BRITEX PG (pan)</td>
<td>R001997C</td>
</tr>
<tr>
<td>DORF CLARK IND</td>
<td>Tap and tap outlet set</td>
<td>Family: SL-CD-CA-AS-38 Model: Caroma - Saracom - 98031C - Set, Caroma - Cirrus - 98063C4A, Caroma - Saracom - 98032C4A</td>
<td>R002331B</td>
</tr>
<tr>
<td>LINSOL</td>
<td>Tap outlet only</td>
<td>Family: TERESA BASIN Model: Talia Basin Spout, Damian Basin Spout, Euro Basin Spout</td>
<td>R001578B</td>
</tr>
<tr>
<td>LINSOL</td>
<td>Tap outlet only</td>
<td>Family: TERESA BASIN Model: Teresa, Dom, Dom Lever, Quattro, Trepa, Zaccaria</td>
<td>R001578C</td>
</tr>
<tr>
<td>FORENO</td>
<td>Shower</td>
<td>Family: FORENO 3 Star Shower Model: APSQC, 4x4K, IFACWR, IFWR, 4x4L, APRDC, IFAPC, IFAPW, IFCR, FSR6</td>
<td>R000966L</td>
</tr>
<tr>
<td>HUDIA</td>
<td>Tap only</td>
<td>Family: HD Models: HDAS0081-AS, HDAS0093-AS</td>
<td>R000242</td>
</tr>
<tr>
<td>MIZU</td>
<td>Shower</td>
<td>Family: MIZU Model: S111069A, Overhead shower</td>
<td>R000241</td>
</tr>
<tr>
<td>DORF CLARK IND</td>
<td>Shower</td>
<td>Family: CD-DN-3S-GNT392 Model: Donson - 100 Series (Set) 8843323A</td>
<td>R000242</td>
</tr>
<tr>
<td>CAROMA</td>
<td>Urinal only</td>
<td>Family: Caroma 3 Star Urinals Model: Ledal wall hung 3S 1.8 L Urinal 67210, 67310, 678320</td>
<td>R000001U</td>
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<tr>
<td>CAROMA</td>
<td>WC cistern only</td>
<td>Family: Caroma 4 Star Model: Neo CC 4S BE Cistern, 627907</td>
<td>R000008CH</td>
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<tr>
<td>CAROMA</td>
<td>WC cistern only</td>
<td>Family: Caroma 4 Star Model: Aire ULP 4.5/3L, Aire Ultra Low Pressure 4.5/3L</td>
<td>R000008CG</td>
</tr>
<tr>
<td>ROCA</td>
<td>Toilet suite</td>
<td>Family: ROCA Toilets - 4 stars Model: 34265W (pan), 34165T (cistern)</td>
<td>R002238A</td>
</tr>
<tr>
<td>CASA LUSSO</td>
<td>Toilet Suite</td>
<td>Family: Allure Model: CLT-002, CLT-003</td>
<td>R001901C</td>
</tr>
<tr>
<td>SOLIDO</td>
<td>Tap and tap outlet set</td>
<td>Family: Forza01 Model: FH8082, 5H40DP, 5H40DM, SHGMCY, CT1202-1, SHPC, CT1110, BD35MP, CT1111-L</td>
<td>R002423</td>
</tr>
<tr>
<td>CASA LUSSO</td>
<td>Toilet suite</td>
<td>Family: Allure Model: CT-1030</td>
<td>R001901D</td>
</tr>
<tr>
<td>BOSCH</td>
<td>Dishwasher</td>
<td>Family: GV600B-13 Model: SMU50605AU</td>
<td>R002424</td>
</tr>
<tr>
<td>BOSCH</td>
<td>Dishwasher</td>
<td>Family: GV600B-14 Model: SMU55032AU, SMU55032AU, SMU55032AU, SMU55032AU</td>
<td>R002421</td>
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<tr>
<td>OMEGA</td>
<td>Dishwasher</td>
<td>Family: ODW702WB Model: ODWS06WB, ODWS06X8, ODWS07TWB, ODWS07X8, ODW702WB</td>
<td>R002427</td>
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<tr>
<td>CAROMA</td>
<td>Urinal suite(cistern)</td>
<td>Family: Caroma 3 Star Urinals Model: Torres Invisi Ji 3S Urinal Suite</td>
<td>R000001V</td>
</tr>
<tr>
<td>BRASSHARDS</td>
<td>Flow controller</td>
<td>Family: FLOW CONTROLLERS Model: RV008</td>
<td>R002428</td>
</tr>
<tr>
<td>POZZI GINORI</td>
<td>Toilet Suite</td>
<td>Family: Pozzi Gini 03 Model: 04476 500</td>
<td>R002376A</td>
</tr>
<tr>
<td>Brand name</td>
<td>Product type</td>
<td>Family name / Product name and/or Model reference</td>
<td>Registration number</td>
</tr>
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<td>--------------------------------------------------</td>
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</tr>
<tr>
<td>CONTAP</td>
<td>Tap and tap outlet set</td>
<td>Family: TAPWAREI Model: EPOCA, TORINO LEVER, TORINO, MOSMAN, SAVANA T, RE:ROSE, GEMINI, CITY, STELLINA T, MIRAGE, ARIETTE</td>
<td>R000745D</td>
</tr>
<tr>
<td>DORF CLARK IND</td>
<td>Tap and tap outlet set</td>
<td>Family: PC-CD-ST-SS-24S Model: Stylus - Venecia - 631001CSA</td>
<td>R002310A</td>
</tr>
<tr>
<td>REECE PTY LTD</td>
<td>Tap and tap outlet set</td>
<td>Family: Reece Models: 9503000 110830006, 9503002 110870003, 9503003 110870602</td>
<td>R002425</td>
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<tr>
<td>DORF CLARK IND</td>
<td>Tap and tap outlet set</td>
<td>Family: SL-CD-CA-SS-TT Model: Caroma citrus 98052CSA 200MM</td>
<td>R002426</td>
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<tr>
<td>CASA LUSSO</td>
<td>Shower</td>
<td>Family: Monsoon Model: QUADRA, QDA104</td>
<td>R001911D</td>
</tr>
<tr>
<td>RADA</td>
<td>Showers</td>
<td>Family: Rada Vandal Resistant Showerheads Model: Rada VR2-RRS, Rada VR2-CC, Rada VR2-ES, Rada LR Head, Rada VR105, Rada VR106</td>
<td>R002429</td>
</tr>
<tr>
<td>R K</td>
<td>Toilet Suite</td>
<td>Family: 4 Star Toilets Model: BELLA LINK</td>
<td>R002162O</td>
</tr>
<tr>
<td>R K</td>
<td>Toilet Suite</td>
<td>Family: 4 Star Toilets Model: HAMILTON LINK</td>
<td>R002162P</td>
</tr>
<tr>
<td>R K</td>
<td>Toilet Suite</td>
<td>Family: 4 Star Toilets Model: HERON LINK</td>
<td>R002162Q</td>
</tr>
<tr>
<td>R K</td>
<td>Toilet Suite</td>
<td>Family: 4 Star Toilets Model: FLAIZER, FLAIZER</td>
<td>R002162R</td>
</tr>
<tr>
<td>R K</td>
<td>Toilet Suite</td>
<td>Family: 4 Star Toilets Model: BRIBIE</td>
<td>R002162S</td>
</tr>
<tr>
<td>R K</td>
<td>Toilet Suite</td>
<td>Family: 4 Star Toilets Model: RONDO</td>
<td>R002162T</td>
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</tbody>
</table>

Re-registered WELS products

<table>
<thead>
<tr>
<th>Brand name</th>
<th>Product type</th>
<th>Family name / Product name and/or Model reference</th>
<th>Effective from</th>
<th>Registration number</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAUFEN</td>
<td>Combination of a WC pan and cistern</td>
<td>Family: Floorstanding WC combination Models: Alessi 2697.1 (cistern), Alessi 2297.6 (pan); Form 2767.0 (cistern), Form 2367.6 (pan); Laufen Pro 2695.0/2 (cistern), Laufen Pro 2495.7 (pan); Laufen pro 2695.0/2 (cistern), Laufen pro 2495.6 (pan); Living 2643.0/2 (cistern), Living 2443.6 (pan); Mylife 2694.1 (cistern), Mylife 2294.3 (pan); Object 2616.0/2 (cistern), Object 2126.0 (pan)</td>
<td>20/09/2011</td>
<td>S000673</td>
</tr>
<tr>
<td>DUNNINGS</td>
<td>Showers</td>
<td>Family: DESZeroShower Model: Dunnings Unstyled</td>
<td>24/08/2011</td>
<td>S000477</td>
</tr>
<tr>
<td>KOHLER</td>
<td>Toilet Suite</td>
<td>Family: Kohler 3 star toilet suites Model: Escale, Freelance, Odeon, Presquile</td>
<td>24/08/2011</td>
<td>S000535</td>
</tr>
<tr>
<td>ENGLEFIELD</td>
<td>Toilet Suite</td>
<td>Family: Englefield 3 star toilet suites Model: Delano, Domani Elite Pan / Alpha Cistern, Milano, Mirage</td>
<td>24/08/2011</td>
<td>S000536</td>
</tr>
<tr>
<td>DUNNINGS</td>
<td>Tap-outlet only</td>
<td>Family: DESZeroTap Model: Dunnings Unstyled</td>
<td>24/08/2011</td>
<td>S000476</td>
</tr>
<tr>
<td>SCHELL ARMAT/RENTEC 1 NOLOGIE</td>
<td>WC Flushing valve only</td>
<td>Family: WC flush valves Model: 01 149 03 99, 02 237 03 99, 01 172 00 99</td>
<td>11/10/2011</td>
<td>S000697</td>
</tr>
<tr>
<td>VITRA</td>
<td>Combination of a WC pan and cistern</td>
<td>Family: EYAP-VITRA Model: Lido 6656 (cistern), Lido 5213 (pan)</td>
<td>24/08/2011</td>
<td>S000614B</td>
</tr>
<tr>
<td>CONTAP</td>
<td>Tap and tap outlet set</td>
<td>Family: TAPWAREI Model: RIALTO, RIALTO LEVER</td>
<td>29/11/2011</td>
<td>S000745</td>
</tr>
<tr>
<td>CONTAP</td>
<td>Tap and tap outlet set</td>
<td>Family: TAPWAREI Model: MAXIMA, VERONA</td>
<td>29/11/2011</td>
<td>S000745A</td>
</tr>
<tr>
<td>GRACOTT INDUSTRIES</td>
<td>Showers</td>
<td>Family: Showers Model: Cabreo Wall shower</td>
<td>25/10/2011</td>
<td>S000482A</td>
</tr>
</tbody>
</table>

Pending Gazettal publication on 24 August 2011

Delegate of the Water Efficiency Labelling and Standards Regulator

August 2011
COMMONWEALTH OF AUSTRALIA

Fuel Quality Standards Act 2000

Section 13

GRANT OF APPROVAL

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water, pursuant to section 13 of the Fuel Quality Standards Act 2000 (the Act), having consulted with the Fuel Standards Consultative Committee as required by section 24A of the Act, grant this approval to Petrochem Carless Limited (approval holder).

This approval varies the fuel standard for petrol set out in the Fuel Standard (Petrol) Determination 2001 (the Petrol Determination) so that specialist unleaded racing fuel containing either or both of the following parameters:

- methyl tertiary-butyl ether (MTBE) up to 14.0 per cent v/v; and
- phosphorous up to 0.0260 g/L,

will be taken to comply with the MTBE and phosphorus parameters specified in the Petrol Determination in respect of the supply of the fuel for use in legitimate motor sport activities.

This approval applies to petrol supplied by the approval holder and the regulated persons specified in Annexure 1.

This approval is granted subject to the conditions specified in section 17 of the Act and the conditions specified in Annexure 2 of this approval.

This approval comes into force on the date of signing and remains in force until 15 September 2011 (the approval period).

Dated 16th August 2011

[Signature]

Parliamentary Secretary for Sustainability and Urban Water

Grant of Approval – Petrochem Carless Limited, Page 1 of 3
Regulated persons

The following are regulated persons under paragraph 13(1)(b) of the Fuel Quality Standards Act 2000:

Vital Equipment Limited, Orchard Lea, Pontrilas, Hereford, HR2 0EL, UK
Conditions of approval

The approval is subject to the following conditions:

1. The fuel may only be supplied:
   (a) to an individual who has been issued with and presents a valid and current motor sport organisation licence and/or identification card; or
   (b) to an individual for the purpose of testing or tuning an engine used in legitimate motor sport activities.

2. The approval holder must provide a report on the quantity of fuel supplied from the date of the approval until the end of the approval period, to the Department of Sustainability, Environment, Water, Population and Communities by the end of January 2012.

3. The fuel may only be supplied in sealed containers of up to 205 litres capacity.

4. Fuel containing greater than 1.0 per cent MTBE must not be supplied for use in watercraft on fresh water lakes and waterways.

5. The fuel must be accompanied by written information relating to the safe handling of the fuel, including (without limitation) that fuel containing greater than 1.0 per cent MTBE must not to be used in watercraft on fresh water lakes and waterways.
PARLIAMENTARY SECRETARY FOR SUSTAINABILITY AND URBAN WATER

NOTICE UNDER SECTION 17A OF THE FUEL QUALITY STANDARDS ACT 2000 CONCERNING A DECISION UNDER SECTION 13 OF THAT ACT FOR AN APPROVAL FOR A VARIATION OF THE FUEL STANDARD (PETROL) DETERMINATION 2001

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water, provide the following information concerning my decision to grant an approval under section 13 of the Fuel Quality Standards Act 2000 (the Act).

Name of approval holder

Petrochem Carless Limited (PCL)

Period of operation

The period of operation of the approval is from the date of signing of the instrument of approval until 15 September 2011.

Details of the approval

The approval varies the fuel standard for petrol set out in the Fuel Standard (Petrol) Determination 2001 (the Petrol Determination) so that specialist unleaded racing fuel containing either or both of the following parameters:

(a) methyl tertiary-butyl ether (MTBE) up to 14.0 per cent v/v; and
(b) phosphorous up to 0.0260 g/L,

will be taken to comply with the MTBE and phosphorus parameters specified in the Petrol Determination in respect of the supply of the fuel for use in legitimate motor sport activities.

The approval applies to fuel supplied by PCL and the regulated persons specified in Annexure 1 to the approval instrument.

The approval is subject to conditions set out in Annexure 2 to the approval instrument and in section 17 of the Act.
Background

Section 13 of the Act provides that I may grant to any person an approval that varies a fuel standard in a specified way in respect of specified supplies of the fuel by that person and any other person specified in the instrument of approval (a regulated person).

Section 15 of the Act provides that I must have regard to the following criteria when deciding whether or not to grant an approval:

(a) the protection of the environment;
(b) the protection of occupational and public health and safety;
(c) the interests of consumers; and
(d) the impact on economic and regional development.

I may also have regard to any other matters I consider relevant.

Section 16 of the Act provides that an approval is subject to the conditions set out in section 17 and any conditions specified in the approval. In specifying any conditions, I must be satisfied that the condition(s) promote the objects of the Act.

Section 24A of the Act provides that I must consult, and have regard to the recommendations of, the Fuel Standards Consultative Committee (the Committee) before granting an approval under section 13. Before signing the instrument granting the approval, I consulted with the Committee and had regard to the recommendations it made in July 2011.

Findings on material questions of fact

(a) The protection of the environment

The fuel subject to the approval is used in small quantities for motor sport activities. In this context, they are not expected to impact significantly on ambient air quality.

The consequences of even a small amount of MTBE contaminating water sources can be significant. The approval granted to PCL is subject to a condition that the fuel not be supplied for use in activities occurring on fresh water lakes and waterways. This is a standard condition of s. 13 approvals for fuel containing MTBE above the limit specified in the Fuel Standard (Petrol) Determination 2001 and its purpose is to prevent intentional use or accidental spillage or leakage of the fuel into fresh water environments. The condition promotes the objects of the Act relating to reducing the level of pollutants that may cause environmental and health problems.

The fuel is expensive compared with normal fuels and the price provides a strong disincentive for any waste, misuse or spillage. Permitting the supply of the fuels covered by the approval for motor sport activities is not expected to have an adverse effect on the environment.

(b) The protection of occupational and public health and safety

The fuel subject to the approval is not likely to have any impact on the health and safety of users as the volume of fuel used is minimal and for specific events. The fuel will be used by a small number of competitors and no contact with the general public is expected. Specialist racing fuels are supplied in sealed containers of up to 205 litres capacity and are used in small quantities, primarily in off-road activities, and in widely dispersed locations. The approval is
subject to conditions regarding, the supply of the fuel in sealed containers of up to 205 litres capacity and, the provision of information on the safe handling of the fuel. These conditions will assist to reduce the level of pollutants that may cause environmental or health problems. Consequently, I do not expect any significant occupational and public health and safety risks to result from use of these fuels.

(c) **The interests of consumers**

Specialist unleaded racing fuels meet the needs of a niche market. The consumers using these fuels seek the performance and operability characteristics provided by these fuels. Without them, motor sport competitors may not be able to operate their vehicles effectively. The conditions and timeframe of the approval limit supply of the fuel to legitimate motor sport activities and this will control the level of pollutants that may cause environmental and health problems.

(d) **The impact on economic and regional development**

Many racing venues are located outside major population areas. Motor sport events provide an ongoing financial benefit to these regional communities. A decision not to allow the continued and controlled supply of specialist unleaded racing fuels may have an adverse impact on national motor sport competitions and the economic benefits that flow from them.

**Summary of reasons for the approval**

In summary, I have granted the approval because:

(a) the supply of the fuel is unlikely to impact on ambient air quality or occupational and public health and safety because it will be used in small quantities in motor or water sport activities and supplied to regulated users in small quantities;

(b) the fuel is expensive compared with normal fuels available to the public and the price provides a strong disincentive for any waste, misuse or spillage;

(c) conditions have been attached to the approval to mitigate the risk of water contamination from MTBE and ensure safe handling of the fuel;

(d) the supply of the fuel is required to meet the needs of a niche market and conditions have been attached to the approval to ensure the supply is limited to consumers in that market; and

(e) motor sport events provide an ongoing financial benefit to regional communities and it is not expected that use of small volumes of fuels which are the subject of the approval will have a significant effect on the environment;

Parliamentary Secretary for Sustainability and Urban Water

16th August 2011
COMMONWEALTH OF AUSTRALIA

Fuel Quality Standards Act 2000

Section 13

GRANT OF APPROVAL

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water, pursuant to section 13 of the Fuel Quality Standards Act 2000 (the Act), having consulted with the Fuel Standards Consultative Committee as required by section 24A of the Act, grant this approval to Kifuel Pty Ltd (approval holder).

This approval varies the fuel standard for automotive diesel set out in the Fuel Standard (Automotive Diesel) Determination 2001 (the Diesel Determination) so that automotive diesel containing more than five per cent volume by volume biodiesel but not more than 20 per cent volume by volume biodiesel (diesel/biodiesel blend) will be taken to comply with the biodiesel parameter specified in the Diesel Determination.

This approval applies to diesel/biodiesel blends supplied by the approval holder and the regulated persons specified in Annexure 1.

This approval is granted subject to the conditions specified in section 17 of the Act and the conditions specified in Annexure 2 of this approval.

This approval comes into force on the date of signing and remains in force until 30 June 2012.

Dated 16th August 2011

[Signature]

Parliamentary Secretary for Sustainability and Urban Water
Annexure 1

Regulated persons

The following are regulated persons under paragraph 13(1)(b) of the 
*Fuel Quality Standards Act 2000*:

Australian Renewable Fuels Adelaide Pty Ltd 166 Elder Road, Largs Bay SA 5016
Annexure 2

Conditions of approval

1. The automotive diesel and biodiesel used to create a diesel/biodiesel blend covered by this approval must:

   (a) in the case of the automotive diesel – comply with the fuel standard for automotive diesel (other than the density parameter) specified in the Diesel Determination; and

   (b) in the case of biodiesel – comply with the fuel standard for biodiesel specified in the Fuel Standard (Biodiesel) Determination 2003,

before the two fuels are blended to create the diesel/biodiesel blend.

[Note: the diesel/biodiesel blend must comply with the density requirements specified in the Diesel Determination].

2. Users must be informed prior to entering into contractual arrangements for supply of the fuel that the fuel varies from the fuel standard for automotive diesel and how it varies.

3. The diesel/biodiesel blends subject to this approval must be clearly labelled at the point of sale or supply identifying the fuel as a blend of diesel and biodiesel.

4. The diesel/biodiesel blends subject to this approval must not be represented as being suitable for all diesel vehicles.

5. Any fuel pump dispensing a diesel/biodiesel blend that is subject to this approval must clearly display the following words:

   – ‘Contains up to x% biodiesel’, where x is no less than the percentage of biodiesel in the blend; or

   – ‘Contains y% biodiesel’, where y is the percentage of biodiesel in the blend.

6. The approval holder must provide reports to the Department of Sustainability, Environment, Water, Population and Communities (the department) specifying:

   (a) the volume of diesel/biodiesel blends supplied under the approval;

   (b) the volume of lower density automotive diesel (i.e. less than 820 kg/m³) used to produce the diesel/biodiesel blends; and

   (c) in the case of the lower density automotive diesel used (i.e. less than 820 kg/m³), the lowest density contained in that diesel.

The reporting periods are: 1 July 2011 to 31 August 2011, 1 September 2011 to 29 February 2012 and 1 March 2012 to 30 June 2012. The reports must be provided to the department within one month after the end of each reporting period.
PARLIAMENTARY SECRETARY FOR SUSTAINABILITY AND URBAN WATER

NOTICE UNDER SECTION 17A OF THE FUEL QUALITY STANDARDS ACT 2000
CONCERNING A DECISION UNDER SECTION 13 OF THAT ACT FOR AN
APPROVAL FOR A VARIATION OF THE
FUEL STANDARD (AUTOMOTIVE DIESEL) DETERMINATION 2001

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water, provide the following information concerning my decision to grant an approval under section 13 of the Fuel Quality Standards Act 2000 (the Act).

Name of approval holder
Approval has been granted to Kifuel Pty Ltd (Kifuel).

Period of operation
The period of operation of the approval is from the date of signing of the instrument of approval until 30 June 2012.

Details of the approval
This approval varies the fuel standard for diesel set out in the Fuel Standard (Automotive Diesel) Determination 2001 (the Diesel Determination) such that automotive diesel containing more than five per cent volume by volume, biodiesel but not more than 20 per cent volume by volume biodiesel will be taken to comply with the Determination.

The approval applies to automotive diesel supplied by Kifuel and the regulated persons specified in Annexure 1 to the approval instrument.

The approval is subject to conditions set out in Annexure 2 to the approval instrument and in section 17 of the Act.

Background
Section 13 of the Act provides that I may grant to any person an approval that varies a fuel standard in a specified way in respect of specified supplies of the fuel by that person and any other person specified in the instrument of approval (a regulated person).

Section 15 of the Act provides that I must have regard to the following criteria when deciding whether or not to grant or amend an approval:
(a) the protection of the environment;
(b) the protection of occupational and public health and safety;
(c) the interests of consumers; and
(d) the impact on economic and regional development.

I may also have regard to any other matters I consider relevant.

Section 16 of the Act provides that an approval is subject to the conditions set out in section 17 and any conditions specified in the approval. In specifying any conditions, I must be satisfied that the condition(s) promote the objects of the Act.
Section 24A of the Act provides that I must consult, and have regard to the recommendations of, the Fuel Standards Consultative Committee (the Committee) before granting an approval under section 13. Before signing the instrument granting the approval, I consulted with the Committee and had regard to the recommendations it made in July 2011.

Findings on material questions of fact

(a) **The protection of the environment**

Tailpipe emissions from diesel/biodiesel blend use, compared with diesel, will have both positive and negative impacts on air quality as the level of biodiesel in the blend increases. In general, emissions of nitrogen oxides increase but particulate matter, hydrocarbons and carbon monoxide emissions all decrease.

(b) **The protection of occupational and public health and safety**

In terms of safety data, diesel containing up to 20 per cent biodiesel has shown to be similar to diesel. The use of diesel/biodiesel blends generally results in a decrease in particulate matter and carbon monoxide and a small increase in oxides of nitrogen, when compared with diesel. The flashpoint of diesel/biodiesel blends usually tends to the lower value of the components, namely that of the diesel. Therefore, the impact on occupational and public health and safety from the use of these blends should be no greater than diesel already supplied to the market.

(c) **The interests of consumers**

Vehicle warranties may be affected by the use of the diesel biodiesel blends subject to the approval and it is important that consumers are advised of the biodiesel content before they use the fuel. It is a condition of the approval that fuel dispensers will be clearly labelled to advise consumers that the diesel contains biodiesel and the percentage of the blend (i.e. more than five per cent volume by volume but not more than 20 per cent volume by volume, biodiesel). Any potential warranty issues for vehicles will, therefore, be addressed and the condition promotes the object of the Act concerning the provision of information about fuel when it is supplied.

(d) **The impact on economic and regional development**

As the level of biodiesel allowed in diesel has been capped at five per cent, the industry cannot legally supply blends higher than five per cent. This results in a barrier to the development of an alternative fuels market in Australia. If the approvals are not granted, the restriction of blend levels could have a negative effect on the development of the Australian biodiesel industry.

Summary of reasons for the approval

In summary, I have granted the approval because:

(a) **diesel/biodiesel blends are already being supplied to the market and the approval is required to allow suppliers to continue supplying blends to existing and potential customers;**

(b) **the approval only relates to the variation of the biodiesel content in the Diesel Determination for blends above five per cent and up to 20 per cent;**

(c) **the diesel/biodiesel blends are unlikely to have any greater impact on the environment, or occupational and public health and safety than is the case with diesel;**

(d) **the labelling condition will provide information for consumers about the biodiesel content in the diesel on fuel dispensers; and**
(e) there could be a detrimental effect on the biodiesel industry if the approval is not granted.

Parliamentary Secretary for Sustainability and Urban Water

[Signature]

16th August 2011
COMMONWEALTH OF AUSTRALIA

Fuel Quality Standards Act 2000

Section 17G

REVOCATION OF APPROVAL

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water, pursuant to section 17G of the Fuel Quality Standards Act 2000 (the Act), having consulted with the Fuel Standards Consultative Committee as required by section 24A of the Act, revoke the approval granted to IOR Energy Pty Ltd (approval holder) on 17 October 2005 varying the fuel standard for automotive diesel set out in the Fuel Standard (Automotive Diesel) Determination 2001 (the Diesel Determination) so that automotive diesel having a density value not less than 790 kg/m$^3$ would be taken to comply with the density parameters specified in the Diesel Determination.

This revocation comes into force on the date of signing.

Dated 16th August 2011

[Signature]

Parliamentary Secretary for Sustainability and Urban Water

Note: Section 17 of the Act makes it a condition of an approval that the approval holder inform any regulated persons of the revocation of the approval.
COMMONWEALTH OF AUSTRALIA

Fuel Quality Standards Act 2000

Section 13

GRANT OF APPROVAL

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water, pursuant to section 13 of the Fuel Quality Standards Act 2000 (the Act), having consulted with the Fuel Standards Consultative Committee as required by section 24A of the Act, grant this approval to IOR Energy Pty Ltd (IOR or the approval holder).

This approval varies the fuel standard for automotive diesel set out in the Fuel Standard (Automotive Diesel) Determination 2001 (the Diesel Determination) so that:

(a) automotive diesel containing a minimum density of 790 kg/m³ will be taken to comply with the density parameter specified in the Diesel Determination in respect of the supply of automotive diesel under contract to commercial users for use in underground mining applications; and

(b) automotive diesel containing a minimum density of 800 kg/m³ and a maximum sulfur content of 50 mg/kg will be taken to comply with the density and sulfur parameters specified in the Diesel Determination in respect of the supply of automotive diesel under contract to commercial users through IOR’s outlets in regional areas of western Queensland and north western New South Wales.

This approval applies to automotive diesel supplied by the approval holder; and

(c) in the case of the supplies specified in paragraph (a) – the regulated persons specified in Annexure 1 for those supplies; and

(d) in the case of the supplies specified in paragraph (b) – the regulated persons specified in Annexure 1 for those supplies.

This approval is granted subject to the conditions specified in section 17 of the Act; and

(e) in the case of the supplies described in paragraph (a) – the conditions specified in Annexure 2 for those supplies; and

(f) in the case of the supplies specified in paragraph (b) – the conditions specified in Annexure 2 for those supplies.
This approval comes into force on the date of signing and remains in force until 31 December 2013 (approval period).

Dated 16th August 2011

[Signature]

Parliamentary Secretary for Sustainability and Urban Water
Regulated persons

The following are regulated persons under paragraph 13(1)(b) of the *Fuel Quality Standards Act 2000* in respect of supplies of automotive diesel under contract to commercial users for use in underground mining applications:

<table>
<thead>
<tr>
<th>Company</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>IOR Energy Pty Ltd</td>
<td>39 Byron Street</td>
<td>Bulimba</td>
<td>QLD</td>
<td>4171</td>
</tr>
<tr>
<td>IOR Petroleum Pty Ltd</td>
<td>39 Byron Street</td>
<td>Bulimba</td>
<td>QLD</td>
<td>4171</td>
</tr>
<tr>
<td>BP Australia Limited</td>
<td>GPO Box 5222 BB</td>
<td>Melbourne</td>
<td>VIC</td>
<td>3001</td>
</tr>
<tr>
<td>Castlyn Pty Ltd trading as Inland Petroleum Pty Ltd</td>
<td>105 Erskine St</td>
<td>Dubbo</td>
<td>NSW</td>
<td>2830</td>
</tr>
<tr>
<td>Jack Simpson Fuel Supplies Pty Ltd</td>
<td>225 Saunders Road</td>
<td>Oakville</td>
<td>NSW</td>
<td>2765</td>
</tr>
</tbody>
</table>

The following are regulated persons under paragraph 13(1)(b) of the *Fuel Quality Standards Act 2000* in respect of supplies of automotive diesel under contract to commercial users through IOR’s outlets in regional areas of western Queensland and north western New South Wales:

<table>
<thead>
<tr>
<th>Company</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td>IOR Energy Pty Ltd</td>
<td>39 Byron Street</td>
<td>Bulimba</td>
<td>QLD</td>
<td>4171</td>
</tr>
<tr>
<td>IOR Petroleum Pty Ltd</td>
<td>39 Byron Street</td>
<td>Bulimba</td>
<td>QLD</td>
<td>4171</td>
</tr>
</tbody>
</table>
Conditions of approval

The approval in respect of the supply of automotive diesel under contract to commercial users for use in underground mining applications is subject to the following conditions:

1. Users must be informed prior to entering into contractual arrangements for supply of the fuel that the fuel varies from the fuel standard for automotive diesel and how it varies.

2. The approval holder must provide quarterly reports to the Department of Sustainability, Environment, Water, Population and Communities (the department) on the amount of fuel supplied under this approval. The reporting periods are for supply during 1 January to 31 March, 1 April to 30 June, 1 July to 30 September, and 1 October to 31 December, each year, to the extent these periods fall inside the approval period. The approval holder must provide the reports to the department within one month of the end of each reporting period. The first report is due on 31 October 2011.

3. The approval holder must provide six-monthly reports to the department on its progress towards achieving compliance with the density parameter in the automotive diesel standard. The reporting periods are for supply during 1 January to 30 June, 1 July to 31 December, each year, to the extent these periods fall inside the approval period. The approval holder must provide the reports to the department within one month of the end of each reporting period. The first report is due on 31 January 2012.

The approval in respect of the supply of automotive diesel under contract to commercial users through IOR’s outlets in regional areas of western Queensland and north western New South Wales is subject to the following conditions:

1. Users must be informed in writing before the fuel is supplied that the fuel contains up to 50 mg/kg sulfur and is not recommended for use in vehicles certified to ADR80/03 as it may affect vehicle warranties.

2. Diesel pumps dispensing this fuel must clearly display the words ‘Contains up to 50 mg/kg sulfur’.

3. The approval holder must provide quarterly reports to the department on the amount of automotive diesel supplied under this approval. The reporting periods are for supply during 1 January to 31 March, 1 April to 30 June, 1 July to 30 September, and 1 October to 31 December, each year, to the extent these periods fall inside the approval period. The approval holder must provide the reports to the department within one month of the end of each reporting period. The first report is due on 31 October 2011.

4. The approval holder must provide six-monthly reports to the department on its progress towards achieving compliance with the sulfur and density parameters in the automotive diesel standard. The reporting periods are for supply during 1 January to 30 June, 1 July to 31 December, each year, to the extent these periods fall inside the approval period. The approval holder must provide the reports to the department within one month of the end of each reporting period. The first report is due on 31 January 2012.
PARLIAMENTARY SECRETARY FOR SUSTAINABILITY AND URBAN WATER

NOTICE UNDER SECTION 17A AND 17G OF THE FUEL QUALITY STANDARDS ACT 2000 CONCERNING DECISIONS UNDER SECTIONS 13 AND 17G OF THAT ACT FOR AN APPROVAL FOR A VARIATION OF THE FUEL STANDARD (AUTOMOTIVE DIESEL) DETERMINATION 2001 AND A REVOCAUTION OF AN EXISTING APPROVAL

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water provide the following information concerning my decision to grant an approval under section 13 of the Fuel Quality Standards Act 2000 (the Act) and to revoke an existing approval under section 17G of the Act.

Name of approval holder
IOR Energy Pty Ltd (IOR).

Period of operation
The period of operation of the approval is from the date of signing of the instrument of approval until 31 December 2013.

Details of the approval
The approval varies the fuel standard for automotive diesel set out in the Fuel Standard (Automotive Diesel) Determination 2001 (the Diesel Determination) so that:

(a) automotive diesel containing a minimum density of 790 kg/m³ will be taken to comply with the density parameter specified in the Diesel Determination in respect of the supply of automotive diesel under contract to commercial users for use in underground mining applications; and

(b) automotive diesel containing a minimum density of 800 kg/m³ and a maximum sulfur content of 50 mg/kg will be taken to comply with the density and sulfur parameters specified in the Diesel Determination in respect of the supply of automotive diesel under contract to commercial users through IOR's outlets in regional areas of western Queensland and north western New South Wales.

The approval applies to automotive diesel supplied by IOR and the regulated persons specified in Annexure 1 to the approval instrument.

The approval is subject to conditions set out in Annexure 2 to the approval instrument and in section 17 of the Act.

Details of the revocation
I have decided to revoke an approval granted to IOR on 17 October 2005 for the supply of diesel containing a minimum density of 790 kg/m³, which is superseded by my decision to grant a new approval. The revocation of an existing approval held by IOR is made only to avoid the existence of concurrent approvals.
Background
Section 13 of the Act provides that I may grant to any person an approval that varies a fuel standard in a specified way in respect of specified supplies of the fuel by that person and any other person specified in the instrument of approval (a regulated person).
Section 15 of the Act provides that I must have regard to the following criteria when deciding whether or not to grant an approval:
(a) the protection of the environment;
(b) the protection of occupational and public health and safety;
(c) the interests of consumers; and
(d) the impact on economic and regional development.
I may also have regard to any other matters I consider relevant.
Section 16 of the Act provides that an approval is subject to the conditions set out in section 17 and any conditions specified in the approval. In specifying any conditions, I must be satisfied that the condition(s) promote the objects of the Act.
Section 17G of the Act provides that I may revoke an approval in accordance with subsection 33(3) of the Acts Interpretation Act 1901 (the Interpretation Act). Section 33(3) of the Interpretation Act requires the revocation of an approval, to occur in a like manner and subject to like conditions (if any) to the grant of an approval.
Section 24A of the Act provides that I must consult, and have regard to the recommendations of, the Fuel Standards Consultative Committee (the Committee) before granting an approval under section 13 and revoking an approval under section 17G. Before signing the instrument granting the approval, I consulted with the Committee and had regard to the recommendations it made in July 2011, including its recommendation to revoke an approval granted to IOR on 17 October 2005 for the supply of diesel containing a minimum density of 790 kg/m$^3$, which is superseded by the new approval. The revocation of an existing approval held by IOR is made only to avoid the existence of concurrent approvals.

Findings on material questions of fact
(a) The protection of the environment
The use of IOR's Eromanga Underground Mining Fuel will be geographically limited to underground mining applications in NSW and Queensland and the fuel generally produces less carbon dioxide, carbon monoxide and oxides of nitrogen, when compared with other automotive diesel. Emissions in underground mines are closely regulated by State governments. Under these circumstances it is unlikely that there will be any significant impact on the environment from the use of this fuel.

The diesel supplied by IOR to its commercial road users appears to be of a high environmental quality with low aromatics and high cetane. It seems to be a relatively clean fuel that would contribute to reducing some toxic emissions, therefore assisting in the protection of the environment.

(b) The protection of occupational and public health and safety
Monitoring of emissions in underground mines is undertaken to ensure the health of all workers in confined mine environments is protected. Equipment and vehicles using IOR's Eromanga Underground Mining Fuel in underground mining applications must meet State emission standards.

High levels of sulfur in diesel increase emissions of particulates into the atmosphere. A number of studies have indicated that diesel particles are mutagenic and carriers of compounds which are suspected of contributing to the rise in cancer cases in city areas with a large proportion of diesel fuelled vehicles. As the proposed coverage area of the supply of
fuel to commercial road customers is remote areas of Queensland and New South Wales, it is not expected that there will be any adverse impacts on occupational and public health and safety from the approval.

(c) The interests of consumers

It is in the interests of consumers to have a choice of products available for use. Eromanga Underground Mining Fuel provides an alternative to fuels supplied by other companies and is apparently preferred by some mine operators.

The introduction of a 10 mg/kg sulfur limit for automotive diesel in January 2009 enabled introduction of ADR80/03 (Euro 5) emission standards for heavy vehicles. The use of diesel containing greater than 10 mg/kg sulfur in vehicles certified to ADR80/03 may affect vehicle warranties and is not recommended. The approval granted to IOR is subject to conditions that aim to mitigate any impact on the interests of consumers including, limiting sale of the product to contracted commercial purchasers and providing consumer information, which supports the objects of the Act by providing information about fuel when it is supplied.

(d) The impact on economic and regional development

IOR refineries and plants contribute to the viability of regional economies by acquiring goods and services and provide employment opportunities for the local community in a regional area of Queensland.

Summary of reasons for the approval

In summary, I have granted the approval because:

(a) the supply of fuel subject to this approval is not expected to have any significant additional impact on the environment as its use is limited to remote parts of Queensland and New South Wales and, in the case of the fuel supplied to road users, may have some environmental benefits;

(b) the supply of the fuel subject to this approval is not expected to adversely impact occupational and public health safety due to the limited area of supply and the regulation of occupational health and safety in underground mine environments by State governments;

(c) the approval is subject to conditions, including limiting sale of the product to contracted commercial purchasers and provision of consumer information, which will mitigate any impact on consumers arising from the incompatibility between the fuel and ADR 80/03 vehicles;

(d) the supply of fuel subject to this approval will provide choice for consumers, including through supply of a fuel preferred by some mining operators; and

(e) IOR contributes to economic and regional development in remote areas of Australia by consuming goods and services and providing employment opportunities.

Summary of reasons for the revocation

I have decided to revoke an approval granted to IOR on 17 October 2005 only to avoid the existence of concurrent approvals.

[Signature]

Parliamentary Secretary for Sustainability and Urban Water

August 2011
COMMONWEALTH OF AUSTRALIA

Fuel Quality Standards Act 2000

Section 13

GRANT OF APPROVAL

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water, pursuant to section 13 of the Fuel Quality Standards Act 2000 (the Act), having consulted with the Fuel Standards Consultative Committee as required by section 24A of the Act, grant this approval to The Shell Company of Australia Limited (the approval holder).

This approval varies the fuel standard for automotive diesel set out in the Fuel Standard (Automotive Diesel) Determination 2001 (the Diesel Determination) so that automotive diesel containing a maximum sulfur content of 40 mg/kg will be taken to comply with the sulfur parameter specified in the Diesel Determination in respect of the supply of that fuel for use on the Cocos (Keeling) Islands.

This approval applies to automotive diesel supplied by the approval holder and the regulated persons specified in Annexure 1.

This approval is granted subject to the conditions specified in section 17 of the Act and the conditions specified in Annexure 2 of this approval.

This approval comes into force on the date of signing and remains in force until 30 June 2013.

Dated 16th August 2011

[Signature]

Parliamentary Secretary for Sustainability and Urban Water
### Annexure 1

**Regulated persons**

The following are regulated persons under paragraph 13(1)(b) of the *Fuel Quality Standards Act 2000*:

<table>
<thead>
<tr>
<th>Island Petroleum Services Pty Ltd</th>
<th>PO Box 40</th>
<th>Cocos (Keeling) Islands</th>
<th>6799</th>
</tr>
</thead>
</table>
Conditions of approval

The approval is subject to the following conditions:

1. Consumers must be advised before or at the point of supply that the fuel may vary from the Diesel Determination and may contain up to 40 mg/kg sulfur;

2. The total volume of high sulfur automotive diesel supplied under the approval must not exceed 300 000 litres;

3. The approval holder must provide annual reports to the Department of Sustainability, Environment, Water, Population and Communities (the department) on the amount of automotive diesel supplied under the approval, including the date of each supply and the sulfur content (if known). The approval holder must provide each report to the department within one month of the end of the financial year in which the fuel is supplied; and

4. The approval holder must provide the department with its strategy on achieving compliance with the sulfur parameter in the Diesel Determination by 31 December 2012. The report must include options to duplicate the approval holder's undersea fuel delivery pipeline and consideration of environmental protection issues regarding any option.
PARLIAMENTARY SECRETARY FOR SUSTAINABILITY AND URBAN WATER

NOTICE UNDER SECTION 17A OF THE FUEL QUALITY STANDARDS ACT 2000 CONCERNING A DECISION UNDER SECTION 13 OF THAT ACT FOR AN APPROVAL FOR A VARIATION OF THE FUEL STANDARD (AUTOMOTIVE DIESEL) DETERMINATION 2001

I, Don Farrell, Parliamentary Secretary for Sustainability and Urban Water, provide the following information concerning my decision to grant an approval under section 13 of the Fuel Quality Standards Act 2000 (the Act).

Name of approval holder

The Shell Company of Australia Limited (Shell).

Period of operation

The period of operation of the approval is from the date of signing of the instrument of approval until 30 June 2013.

Details of the approval

This approval varies the fuel standard for automotive diesel set out in the Fuel Standard (Automotive Diesel) Determination 2001 (the Diesel Determination) so that automotive diesel containing a maximum sulfur content of 40 mg/kg will be taken to comply with the sulfur parameter specified in the Diesel Determination in respect of the supply of automotive diesel for use on the Cocos (Keeling) Islands.

The approval applies to automotive diesel supplied by Shell and the regulated persons specified in Annexure 1 to the approval instrument.

The approval is subject to conditions set out in Annexure 2 to the approval instrument and in section 17 of the Act.

Background

Section 13 of the Act provides that I may grant to any person an approval that varies a fuel standard in a specified way in respect of specified supplies of the fuel by that person and any other person specified in the instrument of approval (a regulated person).

Section 15 of the Act provides that I must have regard to the following criteria when deciding whether or not to grant an approval:

(a) the protection of the environment;
(b) the protection of occupational and public health and safety;
(c) the interests of consumers; and
(d) the impact on economic and regional development.
I may also have regard to any other matters I consider relevant.

Section 16 of the Act provides that an approval is subject to the conditions set out in section 17 and any conditions specified in the approval. In specifying any conditions, I must be satisfied that the condition(s) promote the objects of the Act.

Section 24A of the Act provides that I must consult, and have regard to the recommendations of, the Fuel Standards Consultative Committee (the Committee) before granting an approval under section 13. Before signing the instrument granting the approval, I consulted with the Committee and had regard to the recommendations it made in July 2011.

Findings on material questions of fact

(a) The protection of the environment

The volume of diesel consumed on the Cocos (Keeling) Islands is approximately 1.65 million litres per year; however, only a small amount of the fuel is used for automotive applications. High sulfur levels in diesel fuel can adversely affect modern vehicle emissions control equipment and cause increases in fine particulate matter emissions. However, considering the geographic isolation of the island and the relatively small amount of fuel subject to the approval, it is not expected that the supply of automotive diesel with a maximum sulfur content of 40 mg/kg will impact adversely on the environment, including that of Pulu Keeling National Park, located approximately 30 kilometres north of the inhabited islands in the Cocos (Keeling) Group.

(b) The protection of occupational and public health and safety

High levels of sulfur in diesel increase emissions of particulates into the atmosphere. A number of studies have indicated that diesel particles are mutagenic and carriers of compounds which are suspected of contributing to the rise in cancer cases in city areas with a large proportion of diesel fuelled vehicles.

The majority of automotive diesel supplied to the Cocos (Keeling) Islands is used for power generation purposes. In comparison, the supply of fuel for on-road applications and subject to the approval is small and it is not expected that there will be any adverse impacts on occupational and public health and safety from the approval.

(c) The interests of consumers

If the approval is not granted and automotive diesel cannot be supplied, the generation of electricity on the Cocos (Keeling) Islands could be compromised. As it is not expected that there will be diesel vehicles on the islands requiring 10 mg/kg sulfur fuel, the operability impacts of the higher sulphur diesel should not be an issue. The approval granted to Shell is subject to a condition that information be provided to consumers regarding the high sulfur content of the fuel; this will mitigate any operability concerns. The condition addresses the objects the Act specifically relating to providing information about fuel when it is supplied.

(d) The impact on economic and regional development

The approval is required to avoid a potential energy supply shortfall which would have adverse impacts on the Cocos (Keeling) Islands' economy.
Summary of reasons for the approval

In summary, I have granted the approval because:

(a) the approval is required to avoid a potential energy supply shortfall on the Cocos (Keeling) Islands and the special circumstances of the islands warrant an approval in this instance;

(b) granting of the approval is not expected to result in a significant impact to the environment, to occupational and public health and safety or to consumers;

(c) the approval has been granted subject to conditions to mitigate any potential risks to consumers arising from the use of high sulfur diesel.

[Signature]

Parliamentary Secretary for Sustainability and Urban Water

[Date], August 2011
NOTICE OF APPLICATION RECEIVED UNDER THE HAZARDOUS WASTE
(REGULATION OF EXPORTS AND IMPORTS) ACT 1989

Pursuant to Section 33 of the Hazardous Waste (Regulation of Exports and Imports) Act 1989, notice is given that an application has been received from Tomago Aluminium Company Pty Ltd (Tomago), Tomago Road, Tomago, New South Wales 2324 in Australia to export up to 18,000 tonnes of second cut spent pot lining to Befesa Escorias Salinas, S.A. (Befesa), 47011 Valladolid in Spain for R5 operations “Recycling/reclamation of other inorganic materials”.

The UN Number for this material is 3170 “Aluminium smelting by-products or aluminium remelting by-products”, and it has hazardous characteristic H4.3 “Substances or wastes which, in contact with water emit flammable gases.”

The waste would be packaged in two tonne bulker bags, palletised and loaded into twenty foot containers, with ten bulker bags per container. The containers would then be transported by road from the Tomago facility to the Port of Newcastle for vessel loading onto a ship that transits the Suez Canal in Egypt on its voyage to the Port of Gijon in Spain. The containers would be unloaded and stored at the Port of Gijon and transported at a rate of approximately 600 tonnes per day by road to the Befesa plant in Valladolid in Spain.

The export would take place in two (2) shipments commencing from the date of the permit, if granted, with no further movements after 31 July 2012.

Dr Barry Reville
Assistant Secretary
Environment Protection Branch
6 August 2011
DEPARTMENT OF SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION and COMMUNITIES
Environment Protection and Biodiversity Conservation Act 1999

For further information see the referrals list at http://www.environment.gov.au/epbc/notices
and type the reference number in the Search box

ACTIONS DETERMINED AS REQUIRING APPROVAL (EPBC ACT S.75)

<table>
<thead>
<tr>
<th>Reference</th>
<th>Title</th>
<th>Controlling Provisions</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011/6024</td>
<td>Department of Transport and Main Roads/Transport - land/Between Cooyar and Federal/QLD/Bruce Highway Upgrade - Section A</td>
<td>• Listed threatened species and communities (sections 18 &amp; 18A)</td>
<td>8-Aug-2011</td>
</tr>
<tr>
<td>2011/6005</td>
<td>Mackay City Council/Water management and use/Lot 5, Smiths Road, Armstrong Beach /QLD/Sarina Water Recycling Facility</td>
<td>• National Heritage places (sections 15B &amp; 15C) • World Heritage properties (sections 12 &amp; 15A) • Great Barrier Reef Marine Park (sections 24B &amp; 24C)</td>
<td>12-Aug-2011</td>
</tr>
<tr>
<td>2011/6040</td>
<td>Stocklands WA Development Pty Ltd/Commercial development/16km north Perth &amp; 12km east Hilary's Boat Harbour/WA/Residential Subdivision development</td>
<td>Listed threatened species and communities (sections 18 &amp; 18A)</td>
<td>17-Aug-2011</td>
</tr>
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ACTIONS DETERMINED AS NOT REQUIRING APPROVAL (EPBC ACT S.75)

<table>
<thead>
<tr>
<th>Reference</th>
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<tr>
<td>2011/605*</td>
<td>Department of Defence/Commonwealth/Gallipoli Barracks, Enoggera/QLD/Demolition of four buildings</td>
<td>10-Aug-2011</td>
</tr>
<tr>
<td>2011/6042*</td>
<td>St Marys Rugby League Club/Commercial Development/ Approx 8km east of Penrith /NSW/St Mary's Rugby League Club upgrade</td>
<td>12-Aug-2011</td>
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<tr>
<td>2011/6043</td>
<td>Willowie Pastoral Company /Residential development/Approx 4km east of Inverell /NSW/Ruins Height Estates - Final Stages</td>
<td>12-Aug-2011</td>
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<tr>
<td>2011/5974</td>
<td>Raddas Property Pty Ltd/Residential development/260 Penna Road, Midway Point/ TAS/30 Lot Subdivision and Stormwater Upgrade</td>
<td>15-Aug-2011</td>
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<td>2011/6046</td>
<td>Downer Australia Pty Ltd/Transport - land/Between Gheringhap Loop and Maroona, 145 km NW of Geelong/VIC/Westmere Loop, Gheringhap to Maroona Rail Project, VIC</td>
<td>17-Aug-2011</td>
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<tr>
<td>2011/5868</td>
<td>Pyrenees Shire Council/Natural resources management/Yam Holes Creek, Garibaldi Creek, Cemetery Creek, Beaurevoir/VIC/Biannual Maintenance to Waterways</td>
<td>17-Aug-2011</td>
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ASSESSMENT APPROACH (EPBC ACT S.87)

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<tr>
<td>2011/6024</td>
<td>Department of Transport and Main Roads/Transport – land/Between Cooyar and Federal/QLD/Bruce Highway Upgrade – Section A</td>
<td>Referral information</td>
<td>8-Aug-2011</td>
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<tr>
<td>2011/6005</td>
<td>Mackay City Council/Water management and use/Lot 5, Smiths Road, Armstrong Beach /QLD/Sarina Water Recycling Facility</td>
<td>Referral information</td>
<td>12-Aug-2011</td>
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<td>2011/6040</td>
<td>Stocklands WA Development Pty Ltd/Commercial development/16km north Perth &amp; 12km east Hilary's Boat Harbour/WA/Residential Subdivision development</td>
<td>Preliminary documentation</td>
<td>17-Aug-2011</td>
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DECISION ON APPROVAL (EPBC ACT S.133)

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<tr>
<th>Reference</th>
<th>Title</th>
<th>Approval Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/4439</td>
<td>Shire of Busselton/Tourism and recreation/Busselton Wetlands 10 km from Busselton/WA/Develop Trails and a Wetlands Demonstration Site and Centre</td>
<td>Approved with conditions</td>
<td>27-May-2011</td>
</tr>
<tr>
<td>2010/5758</td>
<td>Tamala Park Regional Council/Residential development/Marmion Av, Clarkson, 34km North of Perth/WA/Catalina Residential Development</td>
<td>Approved with conditions</td>
<td>10-Aug-2011</td>
</tr>
<tr>
<td>2010/5706</td>
<td>Fortescue Metals Group Limited/Mining/East Pilbara 100km North East of Newman/WA/Christmas Creek Water Management Scheme</td>
<td>Approved with conditions</td>
<td>11-Aug-2011</td>
</tr>
<tr>
<td>2010/5733</td>
<td>Spatial Property Group on behalf of the Carcione Group of Companies/Residential development/Baldivis and Ingram road/WA/Baldivis Residential development on lots 98, 323,529 and 530</td>
<td>Approved with conditions</td>
<td>17-Aug-2011</td>
</tr>
</tbody>
</table>

VARIATION OF CONDITIONS OF APPROVAL (EPBC ACT S.143)

<table>
<thead>
<tr>
<th>Reference</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/4497</td>
<td>Port of Townsville-Transport - water/south of Benwell Road Beach, Ross River, Townsville/QLD/Townsville Commercial Marine Precinct</td>
<td>9-Aug-2011</td>
</tr>
</tbody>
</table>

NOTICE OF EXTENSION OF TIME (EPBC Act s.130(4))

<table>
<thead>
<tr>
<th>Reference</th>
<th>Title</th>
<th>Extended by (Days)</th>
<th>Date</th>
</tr>
</thead>
</table>
NOTICE OF APPLICATION RECEIVED UNDER THE HAZARDOUS WASTE
(REGULATION OF EXPORTS AND IMPORTS) ACT 1989

Pursuant to Section 33 of the Hazardous Waste (Regulation of Exports and Imports) Act 1989, notice is given that an application has been received from NQ Resource Recovery (NQRR), 77-103 Enterprise Street, Bohle in Queensland 4814 in Australia, to import up to 13,000 litres of surplus grease (open gear lubricant composed of petroleum hydrocarbons and assorted additives) from Mobil Oil New Guinea Ltd, Port Moresby in Papua New Guinea to NQ Resource Recovery (NQRR), 77-103 Enterprise Street, Bohle, Queensland 4814 in Australia for use as a fuel.

The material is destined for R1 operations, namely the use as a fuel (other than direct incineration) or other means to generate energy. The material has hazardous characteristics H4.1 "inflammable solids", and H12 "Ecotoxic".

The waste will be packed into suitable 200 litre drums. The drums are then packed into international shipping containers. The containers will then be moved directly to Port Moresby for loading. The waste would depart Port Moresby in Papua New Guinea and be transported by sea to the port of Townsville in Australia. From there, the waste will be transported by road to the disposal facility.

The movement will not transit any other port or roadstead on its voyage from Papua New Guinea.

The export would take place in one (1) shipment over twelve (12) months commencing from the date of the permit, if granted.

Dr Barry Reville
Assistant Secretary
Environment Protection Branch
12 August 2011
NOTICE OF DISQUALIFICATION
Superannuation Industry (Supervision) Act 1993

To: Guy Colquhoun
U 305, 2 New Quay Promenade
Docklands VIC 3008

I, Tracey Rodgers, a delegate of the Commissioner of Taxation, give you notice as required by subsection 126A(6) of the Superannuation Industry (Supervision) Act 1993 (SIS Act), that I have made a decision to disqualify you from being a trustee or a responsible officer of a body corporate that is a trustee, investment manager or custodian, of a superannuation entity.

I have disqualified you under subsection 126A(2) of the SIS Act as I am satisfied that the corporate trustee has contravened the SIS Act on one or more occasions, and at the time of the contraventions you were a responsible officer of the corporate trustee and the nature, seriousness and number of the contraventions provides grounds for disqualifying you.

The disqualification order takes effect on the day on which this notice is made.
Dated: 16 August 2011

Tracey Rodgers
Assistant Commissioner of Taxation
Note 1:
In accordance with subsection 126A(7) of the SIS Act, particulars of this disqualification notice will be published in the Gazette.

Note 2:
In accordance with subsection 126A(5) of the SIS Act, we may revoke this disqualification order on our own initiative or on written application made by you.

Note 3:
In accordance with section 344 of the SIS Act, if you are a person who is affected by this decision and you are dissatisfied with it, you may ask the Commissioner to reconsider this decision. Such a request must be made in writing within 21 days of the day on which you received notice of the decision and must also give the reasons for making the request.
NOTICE OF DISQUALIFICATION
Superannuation Industry (Supervision) Act 1993

To:
Mr Frank Krinks
C/- R C Maughan
1860 Mt Mee Road
MOUNT MEE QLD 4521

I, Tracey Rodgers, a delegate of the Commissioner of Taxation, give you notice as required by subsection 126A(6) of the Superannuation Industry (Supervision) Act 1993 (SIS Act), that I have made a decision to disqualify you from being a trustee or a responsible officer of a body corporate that is a trustee, investment manager or custodian, of a superannuation entity.

I have disqualified you under subsection 126A(1) of the SIS Act as I am satisfied that you have contravened the SIS Act on one or more occasions and the nature, seriousness and number of the contraventions provides grounds for disqualifying you.

The disqualification order takes effect on the day on which this notice is made.

Dated: 16 August 2011

Tracey Rodgers,
Assistant Commissioner of Taxation
Note 1:
In accordance with subsection 126A(7) of the SIS Act, particulars of this disqualification notice will be published in the Gazette.

Note 2:
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NOTICE OF DISQUALIFICATION
Superannuation Industry (Supervision) Act 1993

To:
Mrs Anne J Krinks
C/- R C Maughan
1860 Mt Mee Road
MOUNT MEE QLD 4521

I, Tracey Rodgers, a delegate of the Commissioner of Taxation, give you notice as required by subsection 126A(6) of the Superannuation Industry (Supervision) Act 1993 (SIS Act), that I have made a decision to disqualify you from being a trustee or a responsible officer of a body corporate that is a trustee, investment manager or custodian, of a superannuation entity.

I have disqualified you under subsection 126A(1) of the SIS Act as I am satisfied that you have contravened the SIS Act on one or more occasions and the nature, seriousness and number of the contraventions provides grounds for disqualifying you.

The disqualification order takes effect on the day on which this notice is made.
Dated: 16 August 2011

Tracey Rodgers,
Assistant Commissioner of Taxation
**Note 1:**
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NOTICE OF DISQUALIFICATION
Superannuation Industry (Supervision) Act 1993

To:
Mr Glen J Fuller
3 Helm Court
NOOSAVILLE QLD 4566

I, Tracey Rodgers, a delegate of the Commissioner of Taxation, give you notice as required by subsection 126A(6) of the Superannuation Industry (Supervision) Act 1993 (SIS Act), that I have made a decision to disqualify you from being a trustee or a responsible officer of a body corporate that is a trustee, investment manager or custodian, of a superannuation entity.

I have disqualified you under subsection 126A(2) of the SIS Act as I am satisfied that the corporate trustee has contravened the SIS Act on one or more occasions, and at the time of the contraventions you were a responsible officer of the corporate trustee and the nature, seriousness and the number of the contraventions provides grounds for disqualifying you.

The disqualification order takes effect on the day on which this notice is made.
Dated: 17 August 2011

Tracey Rodgers
Assistant Commissioner of Taxation
Note 1:
In accordance with subsection 126A(7) of the SIS Act, particulars of this disqualification notice will be published in the Gazette.

Note 2:
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NOTICE OF DISQUALIFICATION
Superannuation Industry (Supervision) Act 1993

To:
Mrs Gail N Fuller
3 Helm Court
NOOSAVILLE QLD 4566

I, Tracey Rodgers, a delegate of the Commissioner of Taxation, give you notice as required by subsection 126A(6) of the Superannuation Industry (Supervision) Act 1993 (SIS Act), that I have made a decision to disqualify you from being a trustee or a responsible officer of a body corporate that is a trustee, investment manager or custodian, of a superannuation entity.

I have disqualified you under subsection 126A(2) of the SIS Act as I am satisfied that the corporate trustee has contravened the SIS Act on one or more occasions, and at the time of the contraventions you were a responsible officer of the corporate trustee and the nature, seriousness and the number of the contraventions provides grounds for disqualifying you.

The disqualification order takes effect on the day on which this notice is made.
Dated: 17 August 2011

Tracey Rodgers
Assistant Commissioner of Taxation
Note 1:
In accordance with subsection 126A(7) of the SIS Act, particulars of this disqualification notice will be published in the Gazette.

Note 2:
In accordance with subsection 126A(5) of the SIS Act, we may revoke this disqualification order on our own initiative or on written application made by you.

Note 3:
In accordance with section 344 of the SIS Act, if you are a person who is affected by this decision and you are dissatisfied with it, you may ask the Commissioner to reconsider this decision. Such a request must be made in writing within 21 days of the day on which you received notice of the decision and must also give the reasons for making the request.
NOTICE OF DISQUALIFICATION
Superannuation Industry (Supervision) Act 1993

To:
Craig Buckley
3 Milperra Road
ROCHEDALE QLD 4123

I, Tracey Rodgers a delegate of the Commissioner of Taxation, give you notice as required by subsection 126A(6) of the Superannuation Industry (Supervision) Act 1993 (SIS Act), that I have made a decision to disqualify you from being a trustee or a responsible officer of a body corporate that is a trustee, investment manager or custodian, of a superannuation entity.

I have disqualified you under subsection 126A(1) of the SIS Act as I am satisfied that you have contravened the SIS Act on one or more occasions and the nature, serious and number of the contraventions provides grounds for disqualifying you.

The disqualification order takes effect on the day on which this notice is made.
Dated: 18 August 2011

Tracey Rodgers
Assistant Commissioner of Taxation
Note 1:
In accordance with subsection 126A(7) of the SIS Act, particulars of this disqualification notice will be published in the Gazette.

Note 2:
In accordance with subsection 126A(5) of the SIS Act, we may revoke this disqualification order on our own initiative or on written application made by you.

Note 3:
In accordance with section 344 of the SIS Act, if you are a person who is affected by this decision and you are dissatisfied with it, you may ask the Commissioner to reconsider this decision. Such a request must be made in writing within 21 days of the day on which you received notice of the decision and must also give the reasons for making the request.
NOTICE OF DISQUALIFICATION
Superannuation Industry (Supervision) Act 1993

To:
Ann Buckley
3 Milperra Road
ROCHEDALE QLD 4123

I, Tracey Rodgers a delegate of the Commissioner of Taxation, give you notice as required by subsection 126A(6) of the Superannuation Industry (Supervision) Act 1993 (SIS Act), that I have made a decision to disqualify you from being a trustee or a responsible officer of a body corporate that is a trustee, investment manager or custodian, of a superannuation entity.

I have disqualified you under subsection 126A(1) of the SIS Act as I am satisfied that you have contravened the SIS Act on one or more occasions and the nature, serious and number of the contraventions provides grounds for disqualifying you.

The disqualification order takes effect on the day on which this notice is made.
Dated: 18 August 2011

Tracey Rodgers
Assistant Commissioner of Taxation
Note 1:
In accordance with subsection 126A(7) of the SIS Act, particulars of this disqualification notice will be published in the Gazette.

Note 2:
In accordance with subsection 126A(5) of the SIS Act, we may revoke this disqualification order on our own initiative or on written application made by you.

Note 3:
In accordance with section 344 of the SIS Act, if you are a person who is affected by this decision and you are dissatisfied with it, you may ask the Commissioner to reconsider this decision. Such a request must be made in writing within 21 days of the day on which you received notice of the decision and must also give the reasons for making the request.
COMMISSIONER OF TAXATION

The Commissioner of Taxation, Michael D'Ascenzo, gives notice of the following Rulings, copies of which can be obtained from Branches of the Australian Taxation Office or at http://law.ato.gov.au.

## NOTICE OF RULINGS

<table>
<thead>
<tr>
<th>Ruling Number</th>
<th>Subject</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TD 2011/22</td>
<td>Income tax: can Part IVA of the Income Tax Assessment Act 1936 apply to a scheme designed to convert otherwise assessable interest income into non-assessable non-exempt dividends?</td>
<td>This Determination concludes that whilst the application of Part IVA of the Income Tax Assessment Act 1936 to any particular arrangement depends on a careful weighing of all the relevant circumstances, Part IVA is likely to have application to arrangements similar to that described in this Determination. This Determination applies to years of income commencing both before and after its date of issue.</td>
</tr>
<tr>
<td>CR 2011/79</td>
<td>Income tax: BHP Billiton Limited – Employee Long Term Incentive Plan</td>
<td>This Ruling outlines the taxation consequences for employees of BHP Billiton Limited (BHP) and its subsidiaries (the BHP group) who: accept or are deemed to have accepted an invitation to participate in the Long Term Incentive Plan (the Plan); have been or will in the future be granted options and/or conditional rights to acquire fully paid ordinary shares in BHP (performance shares) under the Plan; and, if they were granted performance shares under the Plan prior to 1 July 2009, have not ceased employment with the BHP group prior to 1 July 2009 due to an uncontrollable event. This Ruling applies from the year ended 30 June 2005.</td>
</tr>
</tbody>
</table>

## NOTICE OF WITHDRAWALS

<table>
<thead>
<tr>
<th>Ruling Number</th>
<th>Subject</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>IT 328</td>
<td>Income tax: trusts: interpretation of section 101 in relation to sections 99 and 99A under 1964 amending legislation</td>
<td>IT 328 is withdrawn with effect from 1 September 2011. IT 328 deals with the circumstances in which a beneficiary will be ‘presently entitled to the income of the trust estate’ for the purposes of Division 6 of Part III of the Income Tax Assessment Act 1936. The administrative practice discussed in IT 328 is contrary to the legislative requirement and IT 328 is accordingly withdrawn.</td>
</tr>
<tr>
<td>IT 329</td>
<td>Income tax: discretionary trusts: section 101 – resolution of trustee</td>
<td>IT 329 is withdrawn with effect from 1 September 2011. IT 329 deals with the extent to which a resolution by a trustee appointing income of a trust estate is, of itself, sufficient evidence of payment to, or application of that income for the benefit of, a beneficiary for the purposes of section 101 of the Income Tax Assessment Act 1936. The administrative practice discussed in IT 329 is contrary to the legislative requirement and IT 329 is accordingly withdrawn.</td>
</tr>
</tbody>
</table>
TD 94/93 | Income tax: are second schedule charges incurred by a motor vehicle dealer, upon the acquisition from the manufacturer/importer of a new vehicle, components of cost price for the purposes of calculating the value of that vehicle in terms of subsection 31(1) of the *Income Tax Assessment Act 1936*?
---|---
TD 94/93 is withdrawn with effect from today. TD 94/93 provides the Commissioner’s view on whether certain components of the cost of new motor vehicles acquired by dealers are included in the vehicles’ cost price at the end of a year of income for trading stock purposes under the *Income Tax Assessment Act 1936*. The provisions referred to in TD 94/93 have been repealed and TD 94/93 is accordingly withdrawn.

TD 94/94 | Income tax: can subsection 51(2A) of the *Income Tax Assessment Act 1936* operate to deny a tax deduction, available to a motor vehicle dealer, for second schedule charges incurred when acquiring new vehicle trading stock?
---|---
TD 94/94 is withdrawn with effect from today. TD 94/94 explains the operation of subsection 51(2A) of the *Income Tax Assessment Act 1936* in relation to certain selling arrangements for new motor vehicles. The provision referred to in TD 94/94 has been repealed and TD 94/94 is accordingly withdrawn.

TD 2003/2 | Income tax: can a private company be taken to have paid a dividend under either section 109C or section 109D of the *Income Tax Assessment Act 1936* (*the Act*) in respect of a payment or loan taken to have been made to a target entity by way of section 109T of the *Act* where the private company is taken to have made a loan to the interposed entity by way of former section 109UB of the *Act*?
---|---
TD 2003/2 is withdrawn with effect from today. TD 2003/2 outlines the Commissioner’s view on whether a payment or loan is taken to have been made to a target entity by way of section 109T of the *Income Tax Assessment Act 1936* (ITAA 1936), in situations where the private company is taken to have made a loan to the interposed entity by way of former section 109UB of the ITAA 1936. As the law has been amended, TD 2003/2 is no longer current and is withdrawn.

TR 96/10 | Income tax: section 110C of the *Income Tax Assessment Act 1936*: calculation of exempt income and deductions
---|---
TR 96/10 is withdrawn with effect from today. TR 96/10 explains how a life assurance company calculates the amount of its income which is exempt under section 110C of the *Income Tax Assessment Act 1936*. The provision referred to in TR 96/10 has been repealed and TR 96/10 is accordingly withdrawn.

**NOTICE OF ADDENDUM**

<table>
<thead>
<tr>
<th>Ruling Number</th>
<th>Subject</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TD 94/84</td>
<td>Income tax: is (a) a late lodgement fee under the Corporations (Fees) Regulations; and (b) a penalty for an offence under the Corporations Law an 'amount payable, or expressed to be payable, by way of penalty' within the meaning of that phrase in paragraph 51(4)(a) of the <em>Income Tax Assessment Act 1936</em> (ITAA)?</td>
<td>TD 94/84 is amended to reflect the changes to the law caused by the repeal of inoperative provisions. This Addendum applies on and from 14 September 2006.</td>
</tr>
</tbody>
</table>
COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities, pursuant to subsection 303DC(1) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by revoking the conditions to which the inclusion of the following item in the list on 20 February 2008 is subject:

- Cast bull kelp (Durvillaea potatorum), harvested from specified beaches of King Island, Tasmania by a number of licensed harvesters under the Tasmanian Living Marine Resources Management Act 1995 and processed by Kelp Industries Pty Ltd.

and imposing the following conditions to which inclusion of the specimens in the list is subject:

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and

- the specimens are included in the list until 17 August 2016.

Dated this 15th day of August 2011

Deputy of the Minister for Sustainability, Environment, Water, Population and Communities
COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities, pursuant to subsection 303DC(1) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by deleting from the list the following item that was included in the list on 1 December 2004 and any associated notations:

- Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the Queensland Fin Fish (Stout Whiting) Trawl Fishery.

Dated this 16th day of August 2011

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities
COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities pursuant to subsection 303DC(1) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by including in the list the following:

- specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the Queensland Fin Fish (Stout Whiting) Trawl Fishery

with a notation that inclusion of the specimens in the list is subject to the following restrictions or conditions:

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and
- the specimens are covered by the declaration of an approved wildlife trade operation under section 303FN of the EPBC Act in relation to the fishery.

Dated this 16th day of August 2011

[Signature]

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities
COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for Sustainability, Environment, Water, Population and Communities, having satisfied myself on the matters set out in section 303FN of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), declare the operation specified in column 1 of Table 1 to be an approved wildlife trade operation under subsection 303FN (2) of the EPBC Act, but only to the extent the operation relates to the class of specimens in column 2 of Table 1.

<table>
<thead>
<tr>
<th>Operation</th>
<th>Class of Specimens</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Queensland Fin Fish (Stout Whiting) Trawl Fishery comprising: (a) the 'commercial trawl fishery (fin fish)' (as defined in the Fisheries Regulation 2008 (Qld)); and (b) the activities by way of fishing: (i) carried out in the area described in Schedule 2; and (ii) authorised under a valid general fisheries permit issued pursuant to section 204 of the Fisheries Regulation 2008 (Qld) to the holder of a valid Fin Fish (Stout) Whiting Trawl Fishery Licence endorsed with a 'T4' symbol.</td>
<td>Specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act.</td>
</tr>
</tbody>
</table>

This declaration:

a) is valid until 15 August 2014 and;
b) is subject to the conditions under section 303FT of the EPBC Act specified in the Schedule 1.

Dated this 16th day of August 2011

Delegate of the Minister for Sustainability, Environment, Water, Population and Communities

Under the Administrative Appeals Tribunal Act 1975, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to the Director of the Sustainability, Environment, Water, Population and Communities within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section.
SCHEDULE 1

Declaration of the harvest operations of the Queensland Fin Fish (Stout Whiting) Trawl Fishery as an approved wildlife trade operation, August 2011

ADDITIONAL PROVISIONS (section 303FT)

Relating to the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), taken in the Queensland Fin Fish (Stout Whiting) Trawl Fishery:

1. Operation of the Queensland Fin Fish (Stout Whiting) Trawl Fishery will be carried out in accordance with the management regime for the fishery in force under the Queensland Fisheries Act 1994 and the Queensland Fisheries Regulation 2008.

2. Fisheries Queensland to inform the Department of Sustainability, Environment, Water, Population and Communities of any intended amendments to the Queensland Fin Fish (Stout Whiting) Trawl Fishery management arrangements that may affect the assessment of the fishery against the criteria on which Environment Protection and Biodiversity Conservation Act 1999 decisions are based.

3. Fisheries Queensland to produce and present reports to the Department of Sustainability, Environment, Water, Population and Communities annually as per Appendix B to the Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition.
SCHEDULE 2

The ‘defined Trial Expansion Area’ for the Queensland Fin Fish (Stout Whiting) Trawl Fishery area consists of all tidal waters within the following boundary –

- from the 20 fathom depth contour east of Caloundra Head (26.800 South, 153.234 East), east to the 50 fathom depth contour (26.800 South, 153.524 East),
- along the 50 fathom depth contour to east of the New South Wales state border (28.135 South, 153.758 East),
- west to the 20 fathom depth contour (28.135 South, 153.601 East), and
- along the 20 fathom depth contour to east of Caloundra Head (26.800 South, 153.234 East).
Obtaining copies of Commonwealth Acts and Legislative Instruments

Copies of Commonwealth Acts, Legislative Instruments and related legislative material can be purchased at the following locations or ordered online or by mail or telephone.

**Over the counter**

Copies are available for sale or order at:

<table>
<thead>
<tr>
<th>Location</th>
<th>Contact Information</th>
<th>Telephone</th>
<th>Facsimile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide</td>
<td>Service SA Government Legislation Outlet 108 North Terrace, Adelaide SA 5000</td>
<td>13 2324</td>
<td>(08) 8204 1909</td>
</tr>
<tr>
<td>Brisbane</td>
<td>Contact CanPrint Information Services</td>
<td>1300 889 873</td>
<td>(02) 6293 8388</td>
</tr>
<tr>
<td>Canberra</td>
<td>CanPrint Communications 16 Nyrrang Street, Fyshwick ACT 2609</td>
<td>1300 889 873</td>
<td>(02) 6293 8388</td>
</tr>
<tr>
<td>Hobart</td>
<td>Printing Authority of Tasmania 123 Collins Street, Hobart TAS 7000</td>
<td>1800 030 940</td>
<td>(03) 6216 4294</td>
</tr>
<tr>
<td>Melbourne</td>
<td>Information Victoria 505 Little Collins Street, Melbourne VIC 3000</td>
<td>1300 366 356</td>
<td>(03) 9603 9940</td>
</tr>
<tr>
<td>Perth</td>
<td>Contact CanPrint Information Services</td>
<td>1300 889 873</td>
<td>(02) 6293 8388</td>
</tr>
<tr>
<td>Sydney</td>
<td>Contact CanPrint Information Services</td>
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<td>(02) 6293 8388</td>
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</tbody>
</table>

Other resellers:

- **National** University Co-operative Bookshops  
  (go to [http://www.coop-bookshop.com.au](http://www.coop-bookshop.com.au) for location and contact details)

**Mail Order**

Mail order sales can be arranged by writing to:  
CanPrint Information Services  
PO Box 7456  
Canberra MC ACT 2610

or by faxing to  
(02) 6293 8333.

**Online sales and enquiries**


**Telesales**

Telephone orders can be arranged by phoning 1300 889 873.

**Subscriptions and standing orders**

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