



Commonwealth  
of Australia

# Gazette

No. GN 31, Wednesday, 10 August 1994

Published by the Australian Government Publishing Service, Canberra

GOVERNMENT NOTICES

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The date of publication of this Gazette is 10 August 1994

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Gazette Officer, Australian Government Publishing Service, GPO Box 4007, Canberra ACT 2601.  
Telephone (06) 295 4661

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Adelaide: Level 3, Myer Centre, Rundle Mall  
Tel. (08) 213 0144

Brisbane: City Plaza, cnr Adelaide and  
George Sts, tel. (07) 229 6822

Canberra: 70 Alinga St, tel. (06) 247 7211

Hobart: 31 Criterion St, tel. (002) 34 1403

Melbourne: 347 Swanston St, tel. (03) 663 3010

Parramatta: Horwood Pl, tel. (02) 893 8466

Perth: 469 Wellington St, tel. (09) 322 4737

Sydney: 32 York St, tel. (02) 299 6737

Townsville: 277 Flinders Mall, tel. (077) 21 5212

### Agents:

Albury: DAS Regional Office, 512 Swift St,  
tel. (060) 41 3788

Darwin: Northern Territory Government Publishing,  
13 Smith St, tel. (089) 89 7152

Commonwealth Acts and Statutory Rules, Australian Capital Territory Ordinances and Regulations, and other Commonwealth Government publications may also be purchased at these addresses.

**ALL REMITTANCES** should be made payable to;

Collector of Public Moneys, Australian Government Publishing Service.

### OTHER ISSUES OF THE GAZETTE

**Public Service** issues contain notices concerning administrative matters, including examinations, vacancies, transfers and promotions within the Australian Public Service and the Services of the Australian Postal Corporation and Defence Force appointments etc. These issues are published weekly at 10.30 am on Thursday, and sold at \$8.95 each or on subscription of \$395.00 (50 issues), \$206.00 (25 issues) or \$103.00 (12 issues).

**Business** issues, published each Tuesday, containing Notices under the Corporations Law, Bankruptcy Act and Private Notices and sold at \$4.95 each or on subscription of \$220.00 (50 issues), \$116.00 (25 issues).

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**Special** issues include notices which require urgent publication. All costs associated with producing Specials will be borne by the responsible department or authority. A limited number of Special Gazettes will be made available for sale from the Commonwealth Government Bookshop, Canberra, on the day of publication. General distribution of these notices will be by their inclusion in the next published issue of the Government Notices *Gazette* or *Business Gazette* as well as in the next published issue of the series of the *Gazette* in which the notice would normally have been published.

**Tariff concessions** issues contain notices of tariff concessions proposed, granted or revoked in accordance with the provisions of Part XVA of the *Customs Act 1901*. These issues are published each Wednesday and are sold at \$2.95 or on subscription only at \$115.00 for 50 issues including surface postage.

**Periodic** issues contain lengthy notices of a non-urgent nature, including the following: Australian Public Service conditions of entry and advancement; holders of import licences and tariff quotas; notification by Australian Securities Commission of intention to deregister defunct companies. Issues are made at irregular intervals as required, at individual prices according to size. Advice of availability is given in the

Government Notices and Business issues immediately following the day of publication. Periodic issues are not available on subscription, but standing orders are accepted for all selected issues.

**Purchasing and Disposals** issues of the *Gazette* provide information on Commonwealth purchases and disposals and other matters of general interest to persons buying from or selling to the Commonwealth. These issues are published each Wednesday and sold at \$3.95 or on subscription of \$220.00 including postage for 50 issues.

**Index issues** contain references to entries in the Government Notices and the related Special and Periodic issues. Index issues are published quarterly, are available over the counter from Commonwealth Government Bookshops and are supplied without charge to annual subscribers to the Government Notices issues.

**Chemicals** issues of the *Gazette* provide information on the National Industrial Chemicals Notification and Assessment Scheme (NICNAS). These issues are published monthly and the cost is variable.

**National Registration Authority** issues of the *Gazette* contain details of the certificates for registration of chemical products issued by the National Registration Authority for Agricultural and Veterinary Chemicals. These issues are published monthly and the cost is variable.

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ISSUE OF PERIODIC GAZETTES

The following Periodic issues of the *Gazette* have been published.

Copies may be purchased from Commonwealth Government Bookshops or by mail from the relevant address given on the front page of this *Gazette*.

<i>Gazette number</i>	<i>Date of Publication</i>	<i>Subject</i>
P1	12.1.94	Notice by the Australian Securities Commission of intention to deregister defunct companies.
P2	17.1.94	<i>Great Barrier Reef Marine Park Act 1975</i> . Particulars of permits granted, refused, suspended or revoked for the period 1.9.93 to 30.11.93.
P3	10.2.94	Determination Under Section 66(2) of the <i>Civil Aviation Act 1988</i> .
P4	11.2.94	Tariff Quotas—Quota Transactions Processed in the Period 1 July 1993 to 31 December 1993.
P5	25.2.94	<i>Great Barrier Reef Marine Park Act 1975</i> . Particulars of permits granted, refused, suspended or revoked for the period 1.10.93 to 31.10.93.
P6	8.3.94	<i>Australian Heritage Commission Act 197</i> . Notice of intention to enter places in the register of the National Estate. Notice of decision not to enter places and parts of places in the register of the National Estate. Notice of intention to remove places and parts of places from the register of the National Estate.
P7	4.3.94	Notice by the Australian Securities Commission of intention to deregister defunct companies.
P8	8.3.94	Money or Property Unclaimed by Dissenting Shareholders.
P9	9.3.94	National Food Authority—Amendment No. 19 to the Food Standards Code.
P10	28.3.94	Instruments made under Part VII of the <i>National Health Act 1953</i> .
P11	26.4.94	Notice by the Australian Securities Commission of intention to deregister defunct companies.
P12	5.5.94	<i>Insurance (Agents and Brokers) Act 1984</i>
P13	11.5.94	National Food Authority—Amendment No. 20 to the Food Standards Code.
P14	25.5.94	Money or Property Unclaimed by Dissenting Shareholders.
P15	31.5.94	Conditions of Entry and Advancement in the Public Service Commission
P16	2.6.94	Notice by the Australian Securities Commission of intention to deregister defunct companies.
P17	2.6.94	Commonwealth of Australia <i>Therapeutic Goods Act 1989</i> —Cancellations of Listings and Registrations from the Australian Register of Therapeutic Goods.
P18	29.6.94	National Health and Medical Research Council—An Invitation to Make Submissions About Draft Guidelines.
P19	28.6.94	Money or Property Unclaimed by Dissenting Shareholders.
P20	6.7.94	Notice by the Australian Securities Commission of intention to deregister defunct companies.
P21	27.7.94	Money or Property Unclaimed by Dissenting Shareholders.
P22	27.7.94	National Food Authority—Amendment No. 21 to the Food Standards Code.
P23	29.7.94	Instruments made under Part VII of the <i>National Health Act 1953</i> .

Gazette number	Date of Publication	Subject
*P24	5.8.94	<i>Great Barrier Reef Marine Park Act 1975</i> . Particulars of permits granted, refused, suspended or revoked for the period 1.1.94 to 31.3.94.
*P25	5.8.94	<i>Great Barrier Reef Marine Park Act 1975</i> . Particulars of permissions granted, refused, suspended or revoked for the period 1.4.94 to 31.5.94 and not previously Gazetted and particulars of some permissions granted, refused, suspended or revoked for the following periods: 1.6.94 to 30.6.94; 1.7.94 to 31.7.94.

\* First time notified

N.N.—94028884

# Government Departments

## Administrative Services

### COMMONWEALTH OF AUSTRALIA

#### Lands Acquisition Act 1989

#### DECLARATION

I hereby declare, pursuant to the provisions of Section 41 of the Lands Acquisition Act 1989, that the land described hereunder is acquired by The Commonwealth of Australia by compulsory process for the following public purpose:-

Defence.

Dated this *12<sup>th</sup>* day of *July* ~~June~~ 1994

File No. 92/790

  
Minister of State for Administrative Services

#### DESCRIPTION OF LAND

About 575.45 hectares of Crown Land in the Local Government area of Muswellbrook, Parish of Denman, County of Brisbane, being Lots 88 and 89 in plan registered in the Land Titles Office of New South Wales as Deposited Plan 838337.

9402859

## AUSTRALIAN ELECTORAL COMMISSION

*Aboriginal and Torres Strait Islander Commission Act 1989*

*Regional Council Election Rules*

### DECLARATION OF HOSPITALS TO BE SPECIAL HOSPITALS FOR THE PURPOSES OF TAKING VOTES IN A SPECIFIED ELECTION

PURSUANT to Rule 69(1) of the Regional Council Election Rules, made by the Minister for Aboriginal and Torres Strait Islander Affairs under the *Aboriginal and Torres Strait Islander Commission Act 1989*, and as delegate of the Australian Electoral Commission, I hereby declare the whole of the Chan Park Nursing Home Palmerston to be a special hospital for the purposes of taking votes in the further election for Ward 2 of the Darwin Region.



B Cox  
Electoral Commissioner

29 July 1994

**AUSTRALIAN ELECTORAL COMMISSION***Aboriginal and Torres Strait Islander Commission Act 1989**Regional Council Election Rules***DETERMINATION OF PLACES, DAYS AND TIMES OF VISITS TO BE MADE BY  
MOBILE TEAMS FOR THE PURPOSES OF TAKING THE VOTES OF ELECTORS**

**PURSUANT** to Rule 71(5) of the Regional Council Election Rules, made by the Minister for Aboriginal and Torres Strait Islander Affairs under the *Aboriginal and Torres Strait Islander Commission Act 1989*, and as delegate of the Australian Electoral Commission, I determine the place, day and times listed in the Schedule to be the place, day and times for a visit to be made by a mobile team for the purposes of taking votes in the further election for Ward 2 of the Darwin Region.



B Cox  
Electoral Commissioner

29 July 1994

**SCHEDULE**

Column 1 Place	Column 2 Day	Column 3 Times
15 Mile Community Howard Springs	Tuesday 23/08/94	9.00 am to 12 noon

9402860



AUSTRALIAN ELECTORAL COMMISSION

I HAVE ascertained and set out in the schedule for each State and Territory the number of electors enrolled in each Division as at the date indicated and for each State and the Australian Capital Territory have determined the average divisional enrolment and the extent to which the number of electors enrolled in each Division differs from the average divisional enrolment.

B COX  
Electoral Commissioner

THE SCHEDULE

New South Wales as at 31 July, 1994

Division	Enrolment	% Deviation from average divisional enrolment
BANKS	79768	3.31
BARTON	80755	4.59
BENNELONG	79912	3.49
BEROWRA	80091	3.73
BLAXLAND	77186	-0.03
BRADFIELD	79555	3.03
CALARE	76480	-0.94
CHARLTON	79865	3.43
CHIFLEY	77177	-0.04
COOK	78377	1.51
COMPER	75377	-2.37
CUNNINGHAM	75394	-2.35
DOBELL	74976	-2.89
EDEN-MONARO	74122	-3.99
FARRER	74439	-3.58
FOHLER	78905	2.19
GILMORE	71831	-6.96
GRAYNDLER	80632	4.43
GREENHAY	76781	-0.55
GHYDIR	76407	-1.04
HUGHES	77614	0.52
HUME	75843	-1.77
HUNTER	75944	-1.63
KINGSFORD-SMITH	77172	-0.04
LINDSAY	75881	-1.72
LOME	79222	2.60
LYNE	76039	-1.51
MACARTHUR	77104	-0.13
MACKELLAR	79308	2.71
MACQUARIE	75475	-2.24
MITCHELL	72833	-5.66
NEWCASTLE	77470	0.33
NEW ENGLAND	74726	-3.21
NORTH SYDNEY	82448	6.78
PAGE	78497	1.66
PARKES	79935	3.52
PARRAMATTA	77733	0.67
PATERSON	75263	-2.52
PROSPECT	75350	-2.40
REID	78429	1.57
RICHMOND	76275	-1.21
RIVERINA	78117	1.17
ROBERTSON	74800	-3.12
SHORTLAND	74632	-3.33
SYDNEY	80547	4.32
THROSBY	74406	-3.63
MARRINGAH	78121	1.17
WATSON	76839	-0.48
WENTWORTH	80646	4.45
MERRIMA	75814	-1.80
Totals	3860513 ( Average: 77210 )	

Victoria as at 31 July, 1994

Division	Enrolment	% Deviation from average divisional enrolment
ASTON	79515	4.49
BALLARAT	72886	-4.21
BATHMAN	75218	-1.15
BENDIGO	75852	-0.31
BRUCE	73615	-3.25
BURKE	77146	1.38
CALWELL	83370	9.56
CASEY	77844	2.29
CHISHOLM	74766	-1.74
CORANGAMITE	75267	-1.08
CORINELLA	85310	12.10
CORIO	75436	-0.86
DEAKIN	75143	-1.25
DUNKLEY	70824	-6.92
FLINDERS	72788	-4.34
GELLIBRAND	73840	-2.96
GIPPSLAND	75974	-0.15
GOLDSTEIN	76030	-0.08
HIGGINS	74908	-1.55
HOLT	72784	-4.35
HOTHAM	75708	-0.50
INDI	75450	-0.84
ISAACS	73853	-2.94
JAGAJAGA	70746	-7.02
KOOYONG	72536	-4.67
LALOR	79683	4.71
LA TROBE	77301	1.58
MCEWEN	81298	6.83
MCMILLAN	77970	2.46
MALLEE	76723	0.82
MARIBYRNONG	77070	1.28
MELBOURNE	78135	2.68
MELBOURNE PORTS	75745	-0.45
MENZIES	72882	-4.22
MURRAY	76901	1.05
SCULLIN	80763	6.13
WANNON	75500	-0.78
MILLS	74840	-1.64
Totals	2891620 ( Average: 76095 )	

Queensland as at 31 July, 1994

Division	Enrolment	% Deviation from average divisional enrolment
BOWMAN	77759	-2.47
BRISBANE	78608	-1.41
CAPRICORNIA	80197	0.58
DAWSON	81269	1.92
DICKSON	79216	-0.64
FADDEN	74411	-6.67
FAIRFAX	80735	1.25
FISHER	80596	1.08
FORDE	76997	-3.43
GRIFFITH	81034	1.63
GROOM	81138	1.76
HERBERT	83911	5.23
HINKLER	83737	5.02
KENNEDY	79665	-0.08
LEICHHARDT	77488	-2.81
LILLEY	77633	-2.63
MCPHERSON	75704	-5.05
MARANOA	83460	4.67
MONCRIEFF	76800	-3.67
MORETON	78245	-1.86
OXLEY	79127	-0.76
PETRIE	80007	0.34
RANKIN	79906	0.21
RYAN	83710	4.98
WIDE BAY	82014	2.85
Totals	1993367 ( Average: 79734 )	

Western Australia as at 31 July, 1994

Division	Enrolment	% Deviation from average divisional enrolment
BRAND	82614	11.16
CANNING	71426	-3.88
COMAN	75334	1.37
CURTIN	72742	-2.11
FORREST	76518	2.96
FREMANTLE	74328	0.01
KALGOORLIE	73832	-0.64
MOORE	78336	5.41
O'CONNOR	74586	0.36
PEARCE	72732	-2.12
PERTH	72659	-2.22
STIRLING	72004	-3.10
SWAN	70960	-4.51
TANGNEY	72335	-2.66
Totals	1040406 ( Average: 74314 )	

## South Australia as at 31 July, 1994

Division	Enrolment	% Deviation from average divisional enrolment
ADELAIDE	82411	-1.76
BARKER	84238	0.41
BONYTHON	77189	-7.98
BOOTHBY	83250	-0.76
GREY	86391	2.98
HINDMARSH	86482	3.08
KINGSTON	83849	-0.04
MAKIN	85981	2.49
MAYO	86532	3.14
PORT ADELAIDE	84430	0.64
STURT	79672	-5.02
WAKEFIELD	86262	2.82
Totals	1006687 ( Average: 83890 )	

## Tasmania as at 31 July, 1994

Division	Enrolment	% Deviation from average divisional enrolment
BASS	63753	0.34
BRADDON	62041	-2.34
DENISON	64785	1.97
FRANKLIN	61789	-2.74
LYONS	65297	2.77
Totals	317665 ( Average: 63533 )	

## Australian Capital Territory as at 31 July, 1994

Division	Enrolment	% Deviation from average divisional enrolment
CANBERRA	95974	-0.20
FRASER	96375	0.20
Totals	192349 ( Average: 96174 )	

## Northern Territory as at 31 July, 1994

Division	Enrolment	% Deviation from average divisional enrolment
NORTHERN TERRITORY	97980	
Totals	97980 ( Average: 97980 )	

TOTAL FOR AUSTRALIA 11 400 587

## Communications and the Arts

### BROADCASTING SERVICES ACT 1992

#### AUSTRALIAN BROADCASTING AUTHORITY

#### NOTICE PURSUANT TO PARAGRAPH 87(2)(c) OF THE BROADCASTING SERVICES ACT 1992 OF PROPOSED REVOCATION OF LICENCE CONDITIONS

Paragraph 87(2)(c) of the Broadcasting Services Act 1992 (the Act) requires the Australian Broadcasting Authority (ABA) to publish proposed changes to a community broadcasting licence in the Gazette.

Accordingly, the Australian Broadcasting Authority (ABA) hereby gives notice that it proposes to revoke conditions 1 and 3 of the community radio broadcasting licence held by Canberra and District Racing & Sporting Broadcasters Ltd (CDRSB) which has the call sign 1SSS and has licence identifier number PR-63/1990.

The conditions which the ABA proposes to revoke provide as follows:

- Condition 1. The licensee shall reach and maintain a level of 40% sport content, excluding racing, in its program format within two years of the date of licence renewal.
- Condition 3. The licensee shall provide all necessary assistance for the production and presentation of the programs detailed in paragraphs 4 and 7 of its Promise of Performance.

9402862



**Australian  
Broadcasting  
Authority**

**Head Office**  
Level 15 Darling Park  
201 Sussex St  
Sydney  
PO Box Q500  
Queen Victoria Building  
NSW 2000  
Phone (02) 334 7700  
Fax (02) 334 7799  
DX 11531 Syd. Downtown

**OPINION ON CATEGORY OF BROADCASTING SERVICE**

We have considered the information provided by Lot 101 Ltd, in an application made under section 21 of the Broadcasting Services Act 1992 ("the Act") for an opinion to be formed by the Australian Broadcasting Authority ("ABA") in relation to the category of broadcasting service proposed by the applicant.

It is our opinion that the proposed service falls within the open narrowcasting category. This opinion is given having regard to the criteria set down in sections 18 and 22 of the Act. Matters considered by the ABA in reaching this opinion include:

that the service will be available only to a limited location, that is, the 100 residential lots within the coverage area of approximately 20 hectares at The Sanctuary - Pelican Point, Western Australia.

Under subsection 21(5)(a) of the Act, this opinion is binding for five years while the circumstances relating to the broadcasting service remain substantially the same as those advised to the ABA in relation to the application for the opinion.

**BRIAN JOHNS**  
Chairman

**PETER WEBB**  
Deputy Chairman

**TIM O'KEEFE**  
Member

dated this 23<sup>rd</sup> day of November 1993

File N<sup>o</sup>: 93/2469

9402863

## Employment, Education and Training

### NOTIFICATION OF NON-GOVERNMENT SCHOOLS SEEKING ELIGIBILITY FOR COMMONWEALTH FINANCIAL ASSISTANCE

The following schools have notified their intention to seek eligibility for Commonwealth financial assistance in respect of their proposed commencement or, in the case of existing non-government schools, their proposed change in operation.

Interested parties have the opportunity to make submissions about particular proposals. Such submissions should be made no later than four weeks following publication of the Gazette and must address specific issues or matters of concern within the school's proposal. The submission should be based on the criteria against which the funding priority of the proposal will be assessed. Submissions received within the four week period will be considered by the New Schools Committees when recommending a funding priority. They will also be made available to proponents of new schools or schools changing operations.

Interested parties should note that submissions received after the four week period are considered at the discretion of the Committees.

#### Submissions should be directed to:

The Director  
Schools Programs (New Schools)  
Commonwealth Department of Employment,  
Education and Training  
GPO Box 9880  
Canberra ACT 2601

1995

#### VICTORIA

#### School seeking a revision of maximum enrolments at the primary and junior secondary levels of education

School Name:	Girton Grammar School
Town/Suburb:	Bendigo
School level:	Primary, Junior Secondary, Senior Secondary
Proj enrol 1995:	P: 180 JS: 220
Max enrolments:	P: 210 JS: 300

9402864

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**Environment, Sport and Territories**

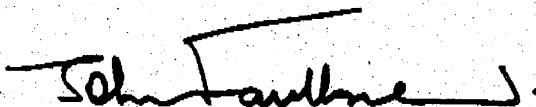
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**COMMONWEALTH OF AUSTRALIA***Wildlife Protection (Regulation of Exports and Imports) Act 1982***DECLARATION OF CONTROLLED SPECIMENS**

I, JOHN PHILIP FAULKNER, Minister for the Environment, Sport and Territories, having considered comments as required by subsection 9B(3) of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* (the Act) and having taken into account advice from the Designated Authority on those matters specified in subsection 10A(5) of the Act, hereby declare *Sticherus flabellatus* (umbrella fern) fronds, harvested from the Mapleton, Mt Mee and Bellthorpe State Forests, Queensland, by Cedar Hill Orchids Pty Ltd, to be 'controlled specimens' for the purposes of subsection 10A(2) of the Act, subject to the following conditions:

1. Harvesting is to be in accordance with conditions stipulated on the sales permits issued by the Queensland Department of Primary Industries - Forest Service.
2. Harvesting operations are to be carried out in accordance with the document entitled "Proposal for Harvest and Export of Native Wildlife Under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* - *Sticherus flabellatus* (umbrella fern) fronds" by Cedar Hill Orchids Pty Ltd dated 31 March 1994.
3. Monitoring and recording of yearly harvest figures are to be undertaken as specified by the Designated Authority.
4. The results of monitoring and yearly harvest figures are to be submitted annually to the Designated Authority.
5. This declaration is valid until 31 October 1995, subject to the issue of sales permits by the Queensland Department of Primary Industries - Forest Service.

Dated this 1st day of August 1994



Minister for the Environment, Sport and Territories



COMMONWEALTH OF AUSTRALIA

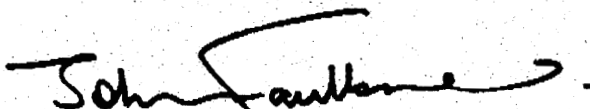
*Wildlife Protection (Regulation of Exports and Imports) Act 1982*

**DECLARATION OF CONTROLLED SPECIMENS**

I, JOHN PHILIP FAULKNER, Minister for the Environment, Sport and Territories, having considered comments as required by subsection 9B(3) of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* (the Act) and having taken into account advice from the Designated Authority on those matters specified in subsection 10A(5) of the Act, hereby declare *Gahnia sieberiana* (sword grass) flowers, harvested from the Mapleton, Tewantin, Mt Mee and Bellthorpe State Forests, Queensland, by Cedar Hill Orchids Pty Ltd, to be 'controlled specimens' for the purposes of subsection 10A(2) of the Act, subject to the following conditions:

1. Harvesting is to be in accordance with conditions stipulated on the sales permits issued by the Queensland Department of Primary Industries - Forest Service.
2. Harvesting operations are to be carried out in accordance with the document entitled "Proposal for Harvest and Export of Native Wildlife Under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982 - Gahnia sieberiana* (sword grass) flowers" by Cedar Hill Orchids Pty Ltd dated 31 March 1994.
3. Monitoring and recording of yearly harvest figures are to be undertaken as specified by the Designated Authority.
4. The results of monitoring and yearly harvest figures are to be submitted annually to the Designated Authority.
5. This declaration is valid until 31 October 1996, subject to the issue of sales permits by the Queensland Department of Primary Industries - Forest Service.

Dated this 1st day of August 1994



Minister for the Environment, Sport and Territories

## COMMONWEALTH OF AUSTRALIA

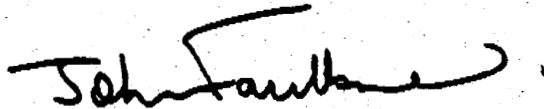
*Wildlife Protection (Regulation of Exports and Imports) Act 1982*

## DECLARATION OF CONTROLLED SPECIMENS

I, JOHN PHILIP FAULKNER, Minister for the Environment, Sport and Territories, having considered comments as required by subsection 9B(3) of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* (the Act) and having taken into account advice from the Designated Authority on those matters specified in subsection 10A(5) of the Act, hereby declare *Pultenaea villosa* (*Pultenaea*) stems and flowers, harvested from the Mapleton, Mt Mee and Bellthorpe State Forests, Queensland, by Cedar Hill Orchids Pty Ltd, to be 'controlled specimens' for the purposes of subsection 10A(2) of the Act, subject to the following conditions:

1. Harvesting is to be in accordance with conditions stipulated on the sales permits issued by the Queensland Department of Primary Industries - Forest Service.
2. Harvesting operations are to be carried out in accordance with the document entitled "Proposal for Harvest and Export of Native Wildlife Under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982 - Pultenaea villosa* (*Pultenaea*) stems and flowers" by Cedar Hill Orchids Pty Ltd dated 31 March 1994.
3. Monitoring and recording of yearly harvest figures are to be undertaken as specified by the Designated Authority.
4. The results of monitoring and yearly harvest figures are to be submitted annually to the Designated Authority.
5. This declaration is valid until 31 October 1996, subject to the issue of sales permits by the Queensland Department of Primary Industries - Forest Service.

Dated this 1st day of August 1994



Minister for the Environment, Sport and Territories

COMMONWEALTH OF AUSTRALIA

*Wildlife Protection (Regulation of Exports and Imports) Act 1982*

DECLARATION OF CONTROLLED SPECIMENS

I, JOHN PHILIP FAULKNER, Minister for the Environment, Sport and Territories, having considered comments as required by subsection 9B(3) of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* (the Act) and having taken into account advice from the Designated Authority on those matters specified in subsection 10A(5) of the Act, hereby declare *Xanthorrhoea australis* (grass tree) leaves, harvested from the Mapleton, Mt Mee and Bellthorpe State Forests, Queensland, by Cedar Hill Orchids Pty Ltd, to be 'controlled specimens' for the purposes of subsection 10A(2) of the Act, subject to the following conditions:

1. Harvesting is to be in accordance with conditions stipulated on the sales permits issued by the Queensland Department of Primary Industries - Forest Service.
2. Harvesting operations are to be carried out in accordance with the document entitled "Proposal for Harvest and Export of Native Wildlife Under the *Wildlife Protection (Regulation of Exports and Imports) Act 1982* - *Xanthorrhoea australis* (grass tree) leaves" by Cedar Hill Orchids Pty Ltd dated 31 March 1994.
3. Monitoring and recording of yearly harvest figures are to be undertaken as specified by the Designated Authority.
4. The results of monitoring and yearly harvest figures are to be submitted annually to the Designated Authority.
5. This declaration is valid until 31 October 1996, subject to the issue of sales permits by the Queensland Department of Primary Industries - Forest Service.

Dated this 1st day of August 1994



Minister for the Environment, Sport and Territories

9402865

**COMMONWEALTH OF AUSTRALIA**  
**OZONE PROTECTION ACT 1989**  
**GRANT OF EXEMPTION UNDER SECTION 40**

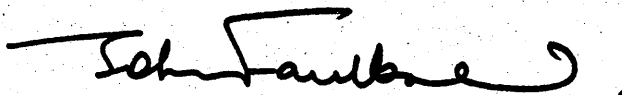
**I, John Philip Faulkner**, Minister for the Environment, Sport and Territories, pursuant to subsection 40(3) of the Commonwealth *Ozone Protection Act 1989*, hereby grant an exemption to Callington Haven Pty Ltd in respect of the manufacture of the products:

Aerosol Pre-Spray Insecticide  
Aircraft Multishot/Aerosol Insecticide

for the period 1 July 1994 to 31 December 1994.

Dated

27th June 1994

A handwritten signature in black ink, appearing to read 'John Faulkner', followed by a period.

Minister for the Environment, Sport and Territories

COMMONWEALTH OF AUSTRALIA

OZONE PROTECTION ACT 1989

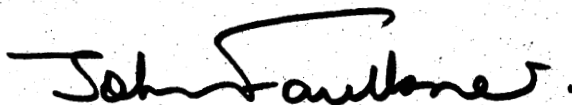
GRANT OF EXEMPTION UNDER SECTION 40

I, JOHN FAULKNER, Minister of State for the Environment, Sport and Territories, pursuant to subsection 40(3) of the Ozone Protection Act 1989, hereby grant an exemption to ASTRA PHARMACEUTICALS PTY LTD to import in respect of the product

- Xylocaine Topical Spray
- for 15,000 50 ml cans
- only from Montreal Protocol countries

for the period 1 July 1994 to 31 December 1995.

Dated 12th July, 1994.



Minister for the Environment,  
Sport and Territories

9402866

## COMMONWEALTH OF AUSTRALIA

*Environment Protection (Impact of Proposals) Act 1974*AN INQUIRY INTO THE ESTABLISHMENT OF THE EAST COAST  
ARMAMENTS COMPLEX

## Direction Under Section 11

## PREAMBLE

The Commonwealth Government has made a decision to cease the ammunitioning operations using the Sydney ammunition "pipeline". This decision includes the closure of the RAN Armaments Depot Newington and establishment of a new complex at Point Wilson in Victoria. The Minister for Defence has identified the decision to move to Point Wilson as environmentally significant within the meaning of Section 5 of the *Environment Protection (Impact of Proposals) Act 1974*. The Government has agreed that a public inquiry under that legislation is the most appropriate means of assessing the potential impacts of the proposal and making appropriate recommendations to Government.

---

I, JOHN PHILIP FAULKNER, Minister for the Environment, Sport and Territories:

- (a) under subsection 11 (1) of the *Environment Protection (Impact of Proposals) Act 1974*, direct that an inquiry be conducted in respect of the environmental aspects of the establishment of the East Coast Armaments Complex at Point Wilson, Victoria, being a matter referred to in section 5 of that Act, in accordance with the Terms of Reference set out in the Schedule; and
  - (b) under subsection 11 (2) of the Act appoint John Thomas Woodward, Kenneth Allan Doolan and Margaret Blakers as Commissioners to conduct the Inquiry; and
  - (c) under subsection 11 (3) of the Act, appoint John Thomas Woodward to preside at the Inquiry; and
  - (d) under subsection 11 (3A) of the Act:
    - (i) direct the Commission to report its findings and recommendations within 12 months of commencement of the Inquiry; and
    - (ii) if, during the course of the Inquiry, any environmental, engineering or safety impediment to the establishment of the Complex is identified, direct the Commission to provide an interim report as a matter of urgency.
-

## SCHEDULE

### TERMS OF REFERENCE

#### Nature of inquiry

1. The Terms of Reference are that the Commission inquire into the establishment of the East Coast Armaments Complex ("the Complex") at Point Wilson, Victoria.

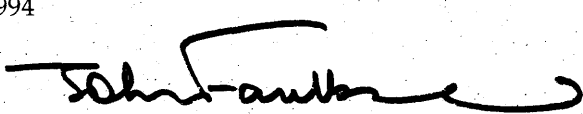
2. Without limiting the generality of Clause 1, in conducting its inquiry, the Commission will take into account:

- (a) the current state of the environment at and in the vicinity of Point Wilson;
- (b) the potential impacts of the establishment of the Complex on the terrestrial and marine environments and the strategies for ameliorating those impacts;
- (c) the configuration of the Complex, including locations of the wharf, depot and disposal areas;
- (d) potential hazards and risks associated with the Complex including, but not limited to, the safety of occupiers and users of land adjacent to the Complex and land adjacent to transport routes serving the Complex;
- (e) the potential impact of establishment of the Complex on wildlife, with particular reference to migratory birds and threatened species and the implications for Australia's obligations under the Ramsar Convention on Wetlands of International Importance, Especially as Waterfowl Habitat;
- (f) the potential impacts and limitations on the use of land adjacent to the Complex and the desirability of the Commonwealth acquiring buffer areas to ensure the compatibility of future land use in these areas;
- (g) the potential impact of the Complex on Aboriginal and non-Aboriginal cultural heritage, communities and land tenure and use;
- (h) the potential social and economic impact of the Complex on local communities and the State of Victoria;
- (i) potential impacts on the Complex arising out of the proposal to establish a port and chemical storage facility at Point Lillias, and any cumulative impacts of the two facilities;
- (j) any issues incidental to the matters listed above.

#### Cooperation with Victorian Government

3. In conducting its inquiry, the Commission will be cognisant of the need for coordination with Victoria's Environmental Effects Statement process being conducted under section 9 of the *Environmental Effects Act 1978* (Victoria), for the development of a new port and chemical storage facility at Point Lillias to replace the Coode Island chemical storage facility, to avoid duplication of effort and to assist cooperation.

Dated 30th July 1994

  
Minister for the Environment, Sport and Territories

9402867

## Housing and Regional Development

### Draft Amending Series No.12 Russell

Notice is given pursuant to Section 15 (1) and Section 23 of the **Australian Capital Territory (Planning and Land Management) Act 1988** that Draft Amending Series 12 of the National Capital Plan has been prepared.

Draft Amending Series No.12 proposes the following changes for Russell in the Australian Capital Territory:

- A revision to **Figure 12 of the National Capital Plan** showing the permitted land uses in Russell;
- A new statement of Land Use Policy for Russell; and,
- A new Appendix that includes the Russell Master Plan as Detailed Conditions of Planning and Design Development.

#### ADDITIONAL INFORMATION

The National Capital Planning Authority has prepared two supporting documents to the Draft Amendment. Unlike the Draft Amendment, these documents are not statutory or legally binding. They are provided for reference to clarify the meaning and intent of the Draft Amendment.

The **Explanatory Report** outlines the Russell Master Plan's planning and design intentions.

The **Background Report** provides a description of the Master Plan's context and the factors underlying its preparation.

Copies of **Draft Amending Series No 12** and the **Explanatory** and **Background** Reports will be available from:

**National Capital Planning Authority**

10-12 Brisbane Avenue, Barton ACT

between 9.00am and 4.00pm Monday to Friday until  
30 September 1994.

Further information is also available from the Authority's Acting Director of Planning Projects, Keith Burnham on (06) 271 2863 or by Facsimile (06) 273 4427.

Individuals and organisations are invited to comment on Draft Amendment 12. Comments in writing should be forwarded by close of business on Friday 30 September 1994 to:

**The Executive Director  
(Planning and Development Control)**

National Capital Planning Authority

GPO Box 373

CANBERRA ACT 2601

or 10-12 Brisbane Avenue Barton ACT 2600



**National Capital Planning Authority**

DRAFT AMENDMENT TO NATIONAL CAPITAL PLAN



## Human Services and Health

### COMMONWEALTH OF AUSTRALIA

### THERAPEUTIC GOODS ACT 1989

### SECTION 14 NOTICE

I, BRENLEY MILSOM, delegate to the Secretary of the Department of Human Services and Health, under s. 14(1) of the Therapeutic Goods Act 1989, grant **Alcon Laboratories (Australia) Pty. Ltd.** exemption from the requirements of Therapeutic Goods Order (TGO) Number 16 "Standard for Absorbable Sutures" for the therapeutic goods identified below:

**"Biosorb" sutures**  
**"Biosorb C" sutures**

This exemption is granted with the condition that Alcon Laboratories (Australia) Pty. Ltd. provide evidence that "Biosorb" sutures and "Biosorb C" sutures comply with the following monographs as published in the most recent edition of the publication entitled the United States Pharmacopoeia (USP):

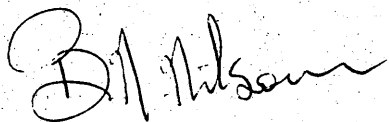
Absorbable Surgical Suture  
<861> Sutures-Diameter  
<871> Sutures-Needle Attachment  
<881> Tensile Strength.

An acceptable test certificate demonstrating compliance to the above requirements for a batch typical to those which will be supplied in Australia must be provided for each of the "Biosorb" and "Biosorb C" product range when an application to "list" this product range on the Australian Register of Therapeutic Goods is made.

"Biosorb" and Biosorb C" sutures must comply with the requirements of Therapeutic Goods Order Number 37 "General Requirements for Labels for Therapeutic Devices".

The exemption detailed in this notice will remain effective until cancelled by the Secretary (or his delegate) or until TGO 16 is revoked.

Signed this 21st day of July, 1994



BRENLEY MILSOM  
HEAD

SECRETARIAT AND ADMINISTRATION SECTION  
THERAPEUTIC DEVICES BRANCH

9402869

**Immigration and Ethnic Affairs****Department of Immigration and Ethnic Affairs****Migration Agents Registration Scheme****Notice under section 114Q(1) of the Migration Act 1958**

Notice is hereby given that the persons whose details appear below have applied to be registered as migration agents. Any person may lodge an objection to the registration of any applicant appearing below. Objections must be in writing and received not later than six (6) weeks after the date of this notice. Objections should be addressed to:

The Secretary  
Department of Immigration and Ethnic Affairs  
PO Box 25  
Belconnen ACT 2617

A written statement should be provided which outlines the nature of the objection and clearly identifies the person against whom the objection has been made.

NAME	DATE OF BIRTH	BUSINESS NAME	BUSINESS ADDRESS	PROVIDES FREE SERVICE OR CHARGES FEES?
<b>CALHAEM</b> Rodney Malcolm	29/5/1968	Barlow & Co	Level 8 171 Latrobe Street MELBOURNE 3000	CHARGES
<b>FOSTER</b> Michelle	7/1/1972	Refugee Advice & Casework Service	Heart Foundation House Lvl 5, 343-349 Riley Str SURRY HILLS 2010	FREE SERVICE
<b>HAM</b> Anthony Julian	6/8/1970	Refugee Advice & Casework Service - Vic	161 Fitzroy Street ST KILDA 3182	FREE SERVICE
<b>HUMPHREYS</b> Douglas John	14/9/1957	Legal Aid Commission of NSW	11-23 Rawson Place SYDNEY 2000	FREE SERVICE
<b>LEONG</b> Michelle	28/11/1969	Carter Newell	Level 35, Riverside Cent 123 Eagle Street BRISBANE 4000	CHARGES
<b>MCPHAIL</b> Lachlan Robert	30/8/1966	Hamilton Watts International Migration Servic	Suite 35 486 St Kilda Road MELBOURNE 3004	CHARGES
<b>MUIR</b> Eric Anthony	22/7/1950	Eric Muir Solicitor	3rd Floor 46 Cavill Avenue SURFERS PARADISE 4217	CHARGES
<b>NEWHOUSE</b> George Benjamin	14/8/1961	George Newhouse & Associates	Level 8 377-383 Sussex Street SYDNEY 2000	CHARGES
<b>PAK</b> Un-Dok	28/11/1962	Katsounis & Kwon Solicitors	227 Campsie Street CAMPSIE 2194	CHARGES
<b>SHEN</b> Han Bing	2/11/1968	McDonells Solicitors	Level 7, KMS Building 8-24 Kippax Street SURRY HILLS 2010	CHARGES

  
for SECRETARY  
10 August 1994

9402870

## Industrial Relations

### AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

#### Industrial Relations Act 1988

#### NOTICE UNDER SUB-SECTION 142(4) IN RELATION TO VARIATION OF A COMMON RULE

IN the matter of

CHEMISTS (AUSTRALIAN CAPITAL TERRITORY) AWARD 1983

C No. 20456 of 1994

Dated the 2nd day of November 1983

AND in the matter of the variation of the above award

Notice is hereby given-

- (a) That on 29 July 1994, the Commission varied the term/s of the above-mentioned award referred to in the Schedule below;
- (b) that the variation will be a common rule of the Australian Capital Territory in the industry in respect of which the dispute arose with effect from 22 July 1994; and
- (c) that any person or organisation interested and having an objection to the variation binding that person or organisation and wanting to be heard in relation to the abovementioned variation is invited to lodge with the Commission a notice of that objection.

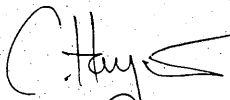
A copy of the award may be inspected at the Australian Industrial Registry at Level 4, CML Building, University Avenue, Canberra.

#### SCHEDULE OF TERMS TO BE VARIED

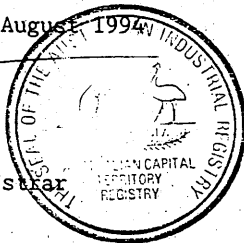
C0066 V023  
PRINT NO. L4549

Clause No.	Subject	Substance of variation
6	Wages	Safety net adjustment - \$8.00

Dated this 5th day of August 1994



Christine Hayward  
Deputy Industrial Registrar



9402871

FORM K16

Regulation 23

## Industrial Relations Act 1988

## AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

## NOTICE OF VARIATION OF COMMON RULE AWARD

IN the matter of:

TRANSPORT WORKERS AWARD 1983

(C No 32246 of 1993)

DATED 17 June 1983

AND in the matter of the variation of the award

Notice is hereby given:

- (a) That on 12 July 1994, the Commission varied the term [or terms] of the above-mentioned award referred to in the Schedule below
- (b) that the variation will be a common rule of the Northern Territory with effect from 3 June 1994;
- and
- (c) that any organisation or person interested and having an objection to the variation binding that person or organisation and wanting to be heard in relation to the above-mentioned variation is invited to lodge with the Commission a notice of that objection.

A copy of the award may be inspected at the Australian Industrial Registry, 1 Briggs Street, Darwin free of charge.

## SCHEDULE

## TERMS TO BE VARIED

T0140CRN V119 S PRINT L4204

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Clause No.	Subject	Substance of Variation
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(Roping-in No. 5) Award 1994

Responsibility

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Dated 2 August 1994LYNDALL SOETENS  
DEPUTY INDUSTRIAL REGISTRAR

FORM R10

Regulation 23

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

NOTICE OF VARIATION OF COMMON RULE AWARD

IN the matter of:

TRANSPORT WORKERS AWARD 1983

(C No 31645 of 1993)

DATED 17 June 1983

AND in the matter of the variation of the award

Notice is hereby given:

- (a) That on 12 July 1994, the Commission varied the term [or terms] of the above-mentioned award referred to in the Schedule below
- (b) that the variation will be a common rule of the Northern Territory with effect from 28 June 1994;
- and
- (c) that any organisation or person interested and having an objection to the variation binding that person or organisation and wanting to be heard in relation to the above-mentioned variation is invited to lodge with the Commission a notice of that objection.

A copy of the award may be inspected at the Australian Industrial Registry, 1 Briggs Street, Darwin free of charge.

SCHEDULE

TERMS TO BE VARIED

T0140CRN V120 S PRINT L4252

Clause No.	Subject	Substance of Variation
(Roping-in No. 6) Award 1994		Responsency

Dated 2 August 1994

LYNDALL SOETENS  
DEPUTY INDUSTRIAL REGISTRAR

## Industrial Relations Act 1988

## AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

## NOTICE OF VARIATION OF COMMON RULE AWARD

IN the matter of:

TRANSPORT WORKERS (PASSENGER VEHICLES) AWARD 1984

(C No 32246 of 1993)

DATED 26 March 1985

AND in the matter of the variation of the award

Notice is hereby given:

- (a) That on 12 July 1994, the Commission varied the term [or terms] of the above-mentioned award referred to in the Schedule below
- (b) that the variation will be a common rule of the Northern Territory with effect from 17 June 1994;
- and
- (c) that any organisation or person interested and having an objection to the variation binding that person or organisation and wanting to be heard in relation to the above-mentioned variation is invited to lodge with the Commission a notice of that objection.

A copy of the award may be inspected at the Australian Industrial Registry, 1 Briggs Street, Darwin free of charge.

## SCHEDULE

## TERMS TO BE VARIED

T0091CR V068 S PRINT L4202

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Clause No.	Subject	Substance of Variation
<hr/>		
(Roping-in No. 2) Award 1994		Responsency

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Dated 2 August 1994

LYNDALL SOETENS  
DEPUTY INDUSTRIAL REGISTRAR

FORM R10

Regulation 23

Industrial Relations Act 1988

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

NOTICE OF VARIATION OF COMMON RULE AWARD

IN the matter of:

TRANSPORT WORKERS' (REFUSE) AWARD, 1988

(C No 32246 of 1993)

DATED 6 March 1989

AND in the matter of the variation of the award

Notice is hereby given:

- (a) That on 12 July 1994, the Commission varied the term [or terms] of the above-mentioned award referred to in the Schedule below
- (b) that the variation will be a common rule of the Northern Territory with effect from 3 June 1994;
- and
- (c) that any organisation or person interested and having an objection to the variation binding that person or organisation and wanting to be heard in relation to the above-mentioned variation is invited to lodge with the Commission a notice of that objection.

A copy of the award may be inspected at the Australian Industrial Registry, 1 Briggs Street, Darwin free of charge.

SCHEDULE  
TERMS TO BE VARIED  
T107CRN V037 S PRINT L4205

Clause No.	Subject	Substance of Variation
(Roping-in No. 1) Award 1994		Responsency

Dated 2 August 1994

LYNDALL SOETENS  
DEPUTY INDUSTRIAL REGISTRAR

9402872

*The National Occupational Health and Safety Commission Act 1985*

Section 38(1)

**NATIONAL CODE OF PRACTICE FOR THE PREVENTION OF OCCUPATIONAL OVERUSE SYNDROME [NOHSC:2013(1994)]**

Pursuant to sub-section 38(1) of the *National Occupational Health and Safety Commission Act 1985* (Cwlth), the National Occupational Health and Safety Commission hereby gives notice that it has declared a *National Code of Practice for the Prevention of Occupational Overuse Syndrome* [NOHSC:2013(1994)].

**TITLE**

This national code of practice may be cited as the *National Code of Practice for the Prevention of Occupational Overuse Syndrome* [NOHSC:2013(1994)].

**OBJECTIVE**

This national code of practice replaces the *National Code of Practice for the Prevention and Management of Occupational Overuse Syndrome* [NOHSC:2001(1990)].

The purpose of this national code of practice is to provide practical guidance in meeting the requirements of the *National Standard for Manual Handling* [NOHSC:1001(1990)] with respect to the prevention of risks, and the identification, assessment and control of risks arising from tasks undertaken in the workplace which involve:

- (a) repetitive or forceful movement or both; and/or
- (b) maintenance of constrained or awkward postures.

**HOW COPIES MAY BE OBTAINED**

Copies of the national code of practice may be purchased from Commonwealth Government Bookshops and agencies in all capital cities as well as Albury and Townsville.

9402873



# Industry, Science and Technology

## COMMONWEALTH OF AUSTRALIA CUSTOMS ACT 1901

### NOTICE OF RATES OF EXCHANGE - s161J CUSTOMS ACT 1901

I, REIN PRAKS, delegate of the Comptroller-General of Customs, hereby specify, pursuant to s161J 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		(Foreign Currency = AUS \$1)						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Currency	27/07/94	28/07/94	29/07/94	30/07/94	31/07/94	01/08/94	02/08/94
Austria	Schillings	8.2476	8.1635	8.2291	8.2291	8.2291	8.2570	8.1758
Belgium/Lux	Francs	24.1400	23.8800	24.1500	24.1500	24.1500	23.9200	23.9300
Brazil	Reals	.6900	.6900	.6900	.6900	.6900	.6900	.6800
Canada	Dollars	1.0224	1.0176	1.0201	1.0201	1.0201	1.0220	1.0228
China	Yuan	6.3801	6.3455	6.3532	6.3532	6.3532	6.3442	6.3404
Denmark	Kroner	4.6050	4.5606	4.6146	4.6146	4.6146	4.5620	4.5720
EC	ECU	.6134	.6076	.6113	.6113	.6113	.6083	.6076
Fiji	Dollar	1.0685	1.0649	1.0717	1.0717	1.0717	1.0681	1.0673
Finland	Markka	3.8590	3.8168	3.8659	3.8659	3.8659	3.8192	3.8252
France	Francs	4.0040	3.9664	4.0106	4.0106	4.0106	3.9729	3.9767
Germany	Deutschmark	1.1720	1.1601	1.1743	1.1743	1.1743	1.1601	1.1628
Greece	Drachmae	177.1900	175.3300	177.4800	177.4800	177.4800	176.2400	175.7400
Hong Kong	Dollars	5.7226	5.6931	5.7019	5.7019	5.7019	5.6939	5.6930
India	Rupees	23.2367	23.1166	23.1579	23.1579	23.1579	23.1253	23.1197
Indonesia	Rupiah	1603.1000	1594.9000	1597.2000	1597.2000	1597.2000	1596.6000	1595.6000
Ireland	Pounds	.4892	.4860	.4910	.4910	.4910	.4844	.4828
Israel	Shekel	2.2604	2.2465	2.2576	2.2576	2.2576	2.2388	2.2462
Italy	Lire	1175.5300	1168.0300	1180.5500	1180.5500	1180.5500	1166.8000	1168.8500
Japan	Yen	72.6500	72.5400	73.6500	73.6500	73.6500	72.8000	73.2300
Korea	Won	594.4500	591.3600	592.3400	592.3400	592.3400	591.7200	591.5200
Malaysia	Dollar	1.9201	1.9104	1.9149	1.9149	1.9149	1.9109	1.9095
Netherlands	Guilder	1.3154	1.3015	1.3182	1.3182	1.3182	1.3047	1.3052
New Zealand	Dollar	1.2261	1.2269	1.2267	1.2267	1.2267	1.2223	1.2189
Norway	Kroner	5.1073	5.0598	5.1199	5.1199	5.1199	5.0622	5.0719
Pakistan	Rupee	22.4300	22.3200	22.3500	22.3500	22.3500	22.3200	22.3200
Papua NG	Kina	.6932	.6910	.6931	.6931	.6931	.6913	.6915
Philippines	Peso	19.3200	19.2100	19.4600	19.4600	19.4600	19.2000	19.4600
Portugal	Escudo	119.9600	118.5800	120.0200	120.0200	120.0200	118.6700	118.2300
Singapore	Dollar	1.1182	1.1122	1.1159	1.1159	1.1159	1.1116	1.1108
Solomon Is.	Dollar	2.4384	2.4259	2.4320	2.4320	2.4320	2.4287	2.4283
South Africa	Rand	2.7384	2.7022	2.7136	2.7136	2.7136	2.7066	2.6908
Spain	Peseta	96.5500	95.5900	96.6400	96.6400	96.6400	95.7100	95.6900
Sri Lanka	Rupee	35.4000	35.2000	35.2500	35.2500	35.2500	35.2600	35.2000
Sweden	Krona	5.7449	5.7025	5.7905	5.7905	5.7905	5.6947	5.7116
Switzerland	Franc	.9951	.9833	.9958	.9958	.9958	.9825	.9810
Taiwan	Dollar	19.6900	19.5900	19.6200	19.6200	19.6200	19.5700	19.5600
Thailand	Baht	18.5000	18.3900	18.4400	18.4400	18.4400	18.4000	18.4000
UK	Pounds	.4851	.4808	.4832	.4832	.4832	.4761	.4793
USA	Dollar	.7408	.7370	.7381	.7381	.7381	.7371	.7370

REIN PRAKS  
Delegate of the  
Comptroller-General of Customs  
CANNBERRA A.C.T.  
03/08/94

9402874

## Primary Industries and Energy

### COMMONWEALTH OF AUSTRALIA

#### *Primary Industries and Energy Research and Development Act 1989*

#### Fisheries Research and Development Corporation Regulations

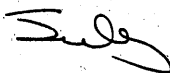
#### DETERMINATION OF THE COMMONWEALTH GVP FOR 1994-95

Pursuant to sub-section 30A(4) of the *Primary Industries and Energy Research and Development Act 1989* and Regulation 4C of the Fisheries Research and Development Corporation Regulations, I, ALISON JUDITH TURNER, Assistant Secretary of the Fisheries Policy Branch, being authorised for this purpose by the instrument of authorisation approved in December 1993 by Senator the Hon Nick Sherry, Parliamentary Secretary to the Minister for Primary Industries and Energy, hereby determine that the Commonwealth GVP for the financial year 1994-95, being the gross value of production for that financial year of the goods that are the produce of that part of the fishing industry that is managed by or on behalf of the Commonwealth, is \$303 million.

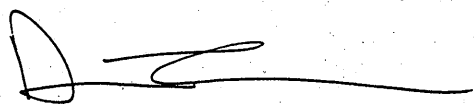
Dated this

27

day of



1994



ALISON TURNER

9402875

COMMONWEALTH OF AUSTRALIA

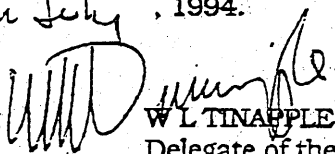
*Petroleum (submerged Lands) Act*

NOTICE OF SURRENDER OF BALANCE OF  
EXPLORATION PERMIT AC/P12

Permit AC/P12 which now contains the blocks described in the Schedule, of which Santos Limited, Asisun Pty Limited and Norcen International Ltd are the registered holders, has been surrendered.

Dated

29th July, 1994.



W L TINAPPLE

Delegate of the Designated Authority

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SCHEDULE

In the adjacent area in respect of the Ashmore and Cartier Islands:-

**BRUNSWICK BAY sheet SD51** prepared and published by the Northern Territory Department of Mines and Energy for the purposes of the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth of Australia.

Block Nos

418	420	421	422 part A
490	491	492	493 part A
494 part B	561	562	563
564 part A	565 part A	633	634
635	636 part A	704	705
706	707 part A	708 part B	776
777	778 part A	779 part A	847
848	849	850 part A	918
919	920	921 part A	922 part B
990	991	992 part A	993 part A
1062	1063 part A	1064 part A	1134 part A
1135 part A			

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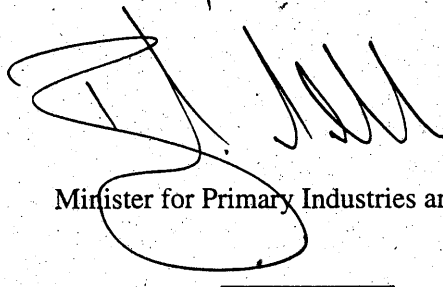
# Commonwealth of Australia

*Horticultural Policy Council Act 1987*

## Horticultural Policy Council Orders (No. 1 of 1994)

I, ROBERT LINDSAY COLLINS, Minister for Primary Industries and Energy, make the following Orders under section 3 of the Horticultural Policy Council Regulations.

Dated 29/7/1994.



Minister for Primary Industries and Energy

### Citation

1. These orders may be cited as the Horticultural Policy Council Orders (No. 1 of 1994).

### Commencement

2. These orders commence on Gazettal.

### Interpretation

3. In these orders, unless the contrary intention appears:  
"Act" means the *Horticultural Policy Council Act 1987*.

*Horticultural Policy Council Orders (No. 1 of 1994)*

[NOTE: Unless the contrary intention appears, terms defined in the *Horticultural Policy Council Act 1987* have the same meanings in these Orders as in that Act.]

**Amendment of section 9 of Act (Constitution of Council)**

4. Section 9 of the Act is amended:
- (a) by omitting from paragraph (1)(b) "5" and substituting "4";
  - (b) by omitting from paragraph (1)(c) "2 members" and substituting "1 member";
  - (c) by omitting paragraph (1)(e) and substituting the following paragraph:
    - "(e) 1 member nominated by the Agriculture and Resource Management Council of Australia and New Zealand;"
  - (d) by omitting from paragraph (1)(f) "2 members" and substituting "1 member";
  - (e) by adding at the end of subsection (1) the following paragraph:
    - "(j) 1 member to represent exporters of Australian horticultural products, appointed on the nomination, subject to and in accordance with the regulations, of bodies prescribed for the purposes of this paragraph."

**Amendment of section 22 of Act (Meetings)**

5. Section 22 of the Act is amended by omitting paragraph (5)(a) and substituting the following paragraph:
- "(a) 5 members (of whom at least 2 are members referred to in paragraph 9 (1)(b), and at least 1 is a member referred to in paragraph 9 (1)(c), (d), (g) or (j)), constitute a quorum;"

**Nominations and representation**

6. (1) For the purposes of paragraph 9 (1)(b) of the Act, the Australian Horticultural Growers' Council must, at the request of the Minister, nominate persons to represent growers and producers of Australian horticultural products.

*Horticultural Policy Council Orders (No. 1 of 1994)*

(2) For the purposes of paragraph 9 (1)(c) of the Act, the Australian Cannery Association and Grocery Manufacturers of Australia Limited, acting jointly, must, at the request of the Minister, nominate a person to represent processors of fruits and vegetables;

(3) For the purposes of paragraph 9 (1)(d) of the Act, the Australian United Fresh Fruit and Vegetable Association must, at the request of the Minister, nominate a person to represent persons engaged in marketing of Australian horticultural products;

(4) For the purposes of paragraph 9 (1)(j) of the Act, the Australian Horticultural Exporters' Association must, at the request of the Minister, nominate a person to represent exporters of Australian horticultural products.

**Consultation**

7. (1) Before making a nomination, the Australian Horticultural Growers' Council must:

- (a) consult with any organisation of horticultural growers and producers which it considers appropriate to consult, other than those which otherwise have a right of nomination; and
- (b) take into account the views of organisations consulted.

(2) Before making a nomination, Grocery Manufacturers of Australia Limited must:

- (a) consult with any organisation of horticultural vegetable processors which it considers appropriate to consult, other than those which otherwise have a right of nomination; and
- (b) take into account the views of organisations consulted.

(3) Before making a nomination, the Australian Cannery Association must:

- (a) consult with any organisation of horticultural fruit processors which it considers appropriate to consult, other than those which otherwise have a right of nomination; and
- (b) take into account the views of organisations consulted.

(4) When making a nomination to the Minister, the Australian Horticultural Growers' Council, Grocery Manufacturers

*Horticultural Policy Council Orders (No. 1 of 1994)*

of Australia Limited or the Australian Canners' Association, as the case requires, must give the Minister a written list of organisations consulted.

**Revocation**

8. Horticultural Policy Council Orders No. 1 of 1988 and No. 2 of 1988 made under section 3 of the Horticultural Policy Council Regulations and published in the *Gazette* on 27 April 1988 are revoked.

9402877



Australian Fisheries Management Authority

## FISHERIES MANAGEMENT REGULATIONS

### LOGBOOK NOTICE NO. SEF 4

#### LOGBOOKS FOR TRAWLING IN THE SOUTH EAST FISHERY

I, Richard Andrew Stevens, delegate of the Australian Fisheries Management Authority, make the following Determination under subregulations 32 (1) and (3) of the Fisheries Management Regulations.

Dated 29 July 1994.

Managing Director,  
Australian Fisheries Management Authority

#### Citation

1. This Determination may be cited as Logbook Notice No. SEF 4.

#### Commencement

2. This Determination commences 14 days after the day on which, or the later of the days on which, it is published in the *Gazette* and the Australian Newspaper circulating throughout Australia.

#### Interpretation

3. In this Determination:

"the SEF 1 Daily Catch Log" means the form of logbook published by AFMA in early 1993 and republished in June 1994, the full title of which is "SEF 1 Form, Daily Catch Log for the South East Fishery, *Fisheries Management Act 1991* and Fisheries Management Regulations";

"the SEF 2 Catch Disposal Record" means the form of logbook published by AFMA in early 1993 and republished in June 1994, the full title of which is "SEF 2 Form, Catch Disposal Record for the South East Fishery, *Fisheries Management Act 1991* and Fisheries Management Regulations"; and

"the SEF 3 Transit Form" means the form of logbook published by AFMA in early 1993 and republished in June 1994, the full title of which is "SEF 3 - Transit Form for the South East Fishery, *Fisheries Management Act 1991* and Fisheries Management Regulations".

[Note: Terms defined in the *Fisheries Management Act 1991* have the same meanings in this determination.]



*Logbook Notice No. SEF 4*

**Which logbooks must be used?**

4. When fish are taken by a boat by trawling or seining (except purse-seining) in the area of waters specified in the Schedule:

- (a) the SEF 1 Daily Catch Log must be used to record information about the taking of the fish;
- (b) the SEF 2 Catch Disposal Record must be used to record information about the sale or disposal of the fish; and
- (c) if more than one vehicle is used to carry the fish from the boat to the first person who receives them after they have been landed - the SEF 3 Transit Form must be used to record information about the carrying of the fish.

**When must the logbooks be used?**

5. Subregulations 33(1), 33(2) and 33(3) of the Fisheries Management Regulations apply in respect of the SEF 1 Daily Catch Log, the SEF 2 Catch Disposal Record and the SEF 3 Transit Form during the period beginning on the commencement of this Determination and ending at midnight on 21 July 1997.

**Where can copies of the logbooks be obtained?**

6. Copies of the SEF 1 Daily Catch Log, the SEF 2 Catch Disposal Record and the SEF 3 Transit Form can be obtained during ordinary business hours from the Australian Fisheries Management Authority, Burns Centre, 28 National Circuit, FORREST, ACT, 2603.

**Revocation**

7. The following Determinations are revoked:
- (a) Logbook Notice No. SEF 1, published in Gazette No. S 387 on 22 December 1992;
  - (b) Logbook Notice No. SEF 2, published in Gazette No. S 386 on 22 December 1992; and
  - (c) Logbook Notice No. SEF 3, published in Gazette No. S 89 on 19 March 1993.

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**SCHEDULE**

**AREA OF THE SOUTH EAST FISHERY**

The area within the Australian fishing zone and also within the area bounded by a line:

- (a) beginning at the point of intersection of the eastern coastline of Australia and the parallel of Latitude 33° 35' South; and
- (b) running:
  - (i) from there east along the parallel of Latitude 33°35' South to its intersection with the outer limit of the Australian fishing zone;
  - (ii) from there generally south and west along that outer limit to its first intersection south of Australia with the meridian of Longitude 138°08' East;
  - (iii) from there north along the meridian of Longitude 138°08' East to its intersection with the southern coastline of Australia; and
  - (iv) from there generally east and north along that coastline to the point where the line begins.

**Prime Minister**

## ATTACHMENT A

**NOTIFICATION OF THE MAKING OF DETERMINATIONS UNDER THE  
*Aboriginal And Torres Strait Islander Commission Act 1989.***

Notice is hereby given that the Minister for Aboriginal and Torres Strait Islander Affairs has made the undermentioned Determinations. Copies can be obtained from the Aboriginal and Torres Strait Islander Commission, Woden, ACT (06) 289 3452.

REFERENCE	DESCRIPTION OF DETERMINATION	DATE MADE
No.1 of 1994 - section 144J	Allowances, General Manager Torres Strait Regional Authority	1 July 1994
section 144Q	Terms and Conditions, General Manager Torres Strait Regional Authority	1 July 1994
No.1 of 1994 - section 143K	Allowances, Chairperson of the Torres Strait Regional Authority	1 July 1994
section 143V	Terms and Conditions, Chairperson of the Torres Strait Regional Authority	1 July 1994
No.1 of 1994 - section 144ZG	Allowances, Administrator of the Torres Strait Regional Authority	1 July 1994
section 144ZL	Terms and Conditions, Administrator of the Torres Strait Regional Authority	1 July 1994
No.1 of 1994 - section 143K	Allowances, Deputy Chairperson and Members of the Torres Strait Regional Authority	1 July 1994
section 143V	Terms and Conditions, Deputy Chairperson and Members of the Torres Strait Regional Authority	1 July 1994
No.1 of 1994 - section 142M(3)	Allowances, Members of the Torres Strait Regional Authority Advisory Committees	1 July 1994

ATTACHMENT B

NOTIFICATION OF THE MAKING OF DETERMINATIONS UNDER THE  
*Aboriginal And Torres Strait Islander Commission Act 1989.*

Notice is hereby given that the Torres Strait Regional Authority has made the undermentioned Determination. Copies can be obtained from the Aboriginal and Torres Strait Islander Commission, Woden, ACT (06) 289 3452.

REFERENCE	DESCRIPTION OF DETERMINATION	DATE MADE
section 142M(4)	Terms and Conditions, Members of the Torres Strait Regional Authority Advisory Committees	1 July 1994

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## Transport



### CIVIL AVIATION REGULATIONS

#### NOTICE UNDER REGULATION 22F OF ISSUE OF CERTIFICATES OF TYPE APPROVAL

On 15 July 1994, the Civil Aviation Authority issued a certificate of type approval under regulation 22 of the Civil Aviation Regulations for the model BAe 146-100A, 146-200A and BAe 146-300A aeroplanes, and under regulation 22A of the Regulations for the model BAe 146-100, BAe 146-200 and BAe 146-300 aeroplanes manufactured by British Aerospace (Regional Aircraft) Ltd, of Woodford, Cheshire, U.K..

On 29 July 1994, the Authority issued a certificate of type approval under regulation 22A of the Regulations for the model ZLIN Z 242 L aeroplane, manufactured by MORAVAN Incorporated, of Otrokovice, Czech Republic.

On 2 August 1994, the Authority issued a certificate of type approval under regulation 22 of the Regulations for the model C-77 hot air balloon, manufactured by Kavanagh Balloons Limited, of Wahroonga NSW Australia.

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## Treasurer

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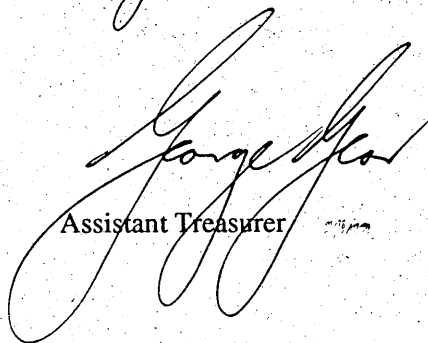
### COMMONWEALTH OF AUSTRALIA

#### Foreign Acquisitions and Takeovers Act 1975

#### ORDER UNDER SECTION 23

I, GEORGE GEAR, Assistant Treasurer, for and on behalf of the Treasurer, pursuant to section 23 of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act'), hereby REVOKE the interim order made pursuant to subsection 22(1) of the Act on 22 June 1994 and published in the Commonwealth of Australia Gazette on 28 June 1994 prohibiting the acquisition by Feng Xing Gi of certain interests in freehold Australian urban land.

Dated this 2<sup>nd</sup> day of August 1994

  
Assistant Treasurer

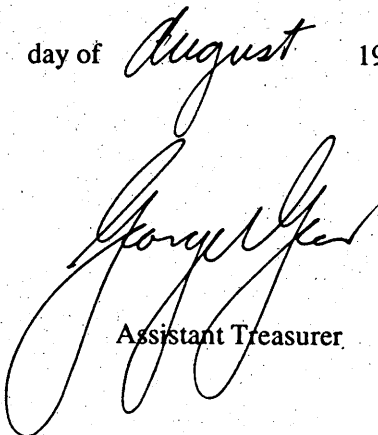
COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SECTION 23

I, GEORGE GEAR, Assistant Treasurer, for and on behalf of the Treasurer, pursuant to section 23 of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act'), hereby REVOKE the interim order made pursuant to subsection 22(1) of the Act on 22 June 1994 and published in the Commonwealth of Australia Gazette on 28 June 1994 prohibiting the acquisition by Liang Yan Zhen of certain interests in freehold Australian urban land.

Dated this 2<sup>ND</sup> day of August 1994

  
Assistant Treasurer

9402881

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS —

- (A) Australian Medical Enterprises Limited ACN 053 639 160 is a foreign person for the purposes of subsection 4(6) and section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Australian Medical Enterprises Limited proposes to acquire such interests in Australian urban land in the State of New South Wales as specified in the notice received on 1 July 1994 furnished on behalf of Australian Medical Enterprises Limited and AME Medical Services Pty Ltd ACN 009 136 118 under section 25 of the Act;

NOW THEREFORE I, George Gear, Assistant Treasurer, acting for and on behalf of the Treasurer, being satisfied that:

- (i) Australian Medical Enterprises Limited proposes to acquire interests in Australian urban land; and
- (ii) the proposed acquisition would be contrary to the national interest;

PROHIBIT the proposed acquisition pursuant to subsection 21A(2) of the Act.

Dated this

15

day of

August

1994

  
Assistant Treasurer

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS —

- (A) AME Medical Services Pty Ltd ACN 009 136 118 is a foreign person for the purposes of subsection 4(6) and section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) AME Medical Services Pty Ltd proposes to acquire such interests in Australian urban land in the State of New South Wales as specified in the notice received on 1 July 1994 furnished on behalf of Australian Medical Enterprises Limited ACN 053 639 160 and AME Medical Services Pty Ltd under section 25 of the Act;

NOW THEREFORE I, George Gear, Assistant Treasurer, acting for and on behalf of the Treasurer, being satisfied that:

- (i) AME Medical Services Pty Ltd proposes to acquire interests in Australian urban land; and
- (ii) the proposed acquisition would be contrary to the national interest;

PROHIBIT the proposed acquisition pursuant to subsection 21A(2) of the Act.

Dated this

1<sup>st</sup>

day of

August

1994

  
Assistant Treasurer



COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 19(2)

WHEREAS—

- (A) AME Medical Services Pty Ltd ACN 009 136 118 is a foreign person for the purposes of subsection 19(1) of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Hanly Moir Pathology Pty Ltd ACN 001 818 548 is a prescribed corporation for the purposes of subsection 13(1) of the Act;
- (C) AME Medical Services Pty Ltd proposes to acquire assets of the Australian business carried on by Hanly Moir Pathology Pty Ltd as specified in the notice received on 1 July 1994 furnished on behalf of Australian Medical Enterprises Limited ACN 053 639 160 and AME Medical Services Pty Ltd under section 25 of the Act;

NOW THEREFORE I, GEORGE GEAR, Assistant Treasurer, for and on behalf of the Treasurer, being satisfied that:

- (i) AME Medical Services Pty Ltd proposes to acquire assets of the Australian business carried on by Hanly Moir Pathology Pty Ltd;
- (ii) the proposed acquisition would have the result that the business would be controlled by foreign persons; and
- (iii) the proposed acquisition would be contrary to the national interest;

PROHIBIT the proposed acquisition pursuant to subsection 19(2) of the Act.

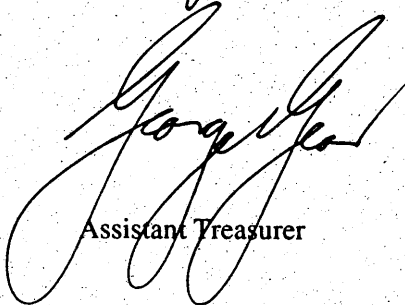
Dated this

1<sup>st</sup>

day of

August

1994



Assistant Treasurer

## COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

## ORDER UNDER SUBSECTION 19(2)

## WHEREAS—

- (A) Australian Medical Enterprises Limited ACN 053 639 160 is a foreign person for the purposes of subsection 19(1) of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Hanly Moir Pathology Pty Ltd ACN 001 818 548 is a prescribed corporation for the purposes of subsection 13(1) of the Act;
- (C) Australian Medical Enterprises Limited proposes to acquire such interests in the assets of the Australian business carried on by Hanly Moir Pathology Pty Ltd as specified in the notice received on 1 July 1994 furnished on behalf of Australian Medical Enterprises Limited and AME Medical Services Pty Ltd ACN 009 136 118 under section 25 of the Act;

NOW THEREFORE I, GEORGE GEAR, Assistant Treasurer, for and on behalf of the Treasurer, being satisfied that:

- (i) Australian Medical Enterprises Limited proposes to acquire assets of the Australian business carried on by Hanly Moir Pathology Pty Ltd;
- (ii) the proposed acquisition would have the result that the business would be controlled by foreign persons; and
- (iii) the proposed acquisition would be contrary to the national interest;

PROHIBIT the proposed acquisition pursuant to subsection 19(2) of the Act.

Dated this

1<sup>ST</sup>

day of

August

1994

  
Assistant Treasurer

9402882



*Superannuation Industry (Supervision) Act 1993*

**TEMPORARY MODIFICATION DECLARATION No 5**

I, Frederick George Herbert Pooley, Insurance and Superannuation Commissioner, pursuant to subsection 333(1) of the *Superannuation Industry (Supervision) Act 1993* ("the Act"), DECLARE that section 50 of the Act is to have effect, in relation to superannuation funds, and their trustees, as if it were modified:

**1.** By omitting the heading "28 days late" above subsection 50(1) and substituting "*Superannuation funds generally*"

**2.** By omitting paragraph 50(1)(b) and inserting in its place the following:

- " (b) the lodgment day is after the end of the fund's 1993-94 year of income and before:
- (i) if the fund is a public offer superannuation fund at any time during the pre-lodgment period - 29 July 1994;
  - (ii) in every other case - 1 November 1994; and "

**3.** By omitting paragraph 50(2)(b) and inserting in its place the following:

- " (b) the lodgment day is after the end of the fund's 1993-94 year of income and before whichever is the earlier of:
- (i) 1 April 1995; or
  - (ii) the beginning of the fund's 1995-96 year of income; and "

**4.** By omitting subparagraph 50(4)(b) and inserting in its place the following:

- " (b) the lodgment day is:

- (i) after:
  - (A) if the fund is a public offer superannuation fund at any time during the pre-lodgment period - 28 July 1994;
  - (B) in every other case - 31 October 1994; and
- (ii) before whichever is the earlier of:
  - (A) 1 January 1995; or
  - (B) the beginning of the fund's 1995-96 year of income; and "

**5. By** adding "unless the Commissioner otherwise permits in writing," at the beginning of paragraph 50(4)(d)

**6. By** inserting after subsection 50(4) the following:

" *Meaning of "public offer superannuation fund"*

**(4A)** In this section, "**public offer superannuation fund**" means a superannuation fund to which either of the following paragraphs applies:

- (a) it is a superannuation fund that is not a standard employer-sponsored fund;
- (b) it is a standard employer-sponsored fund that has at least one member:
  - (i) who is not a standard employer-sponsored member; and
  - (ii) who is not a former standard employer-sponsored member who, since ceasing to be a standard employer-sponsored member, either:
    - (A) has not made any contributions to the fund; or
    - (B) has made contributions to the fund in the 2-year period commencing on the day following the day on which the member ceased to be a standard employer-sponsored member, but has not made any contributions after the end of that period.

**(4B)** In subsection (4A) and this subsection:

- (a) "**standard employer-sponsored fund**" means a superannuation fund that has at least one standard employer-sponsor;
- (b) "**standard employer-sponsored member**" means a member of a superannuation fund in respect of whom an employer-sponsor contributes, or would contribute, as mentioned in paragraph (c) wholly or partly pursuant to an arrangement between the employer-sponsor and the trustee of the fund;
- (c) "**employer-sponsor**" means an employer who:
  - (i) contributes to a superannuation fund; or
  - (ii) would, apart from a temporary cessation of contributions, contribute to the fund;for the benefit of:
  - (iii) a member of the fund who is an employee of:
    - (A) the employer; or
    - (B) an associate of the employer; or

- (iv) the dependants of such a member in the event of the death of the member;
- (d) "standard employer-sponsor" means an employer who contributes, or would contribute, to a superannuation fund in respect of a member as mentioned in paragraph (c) wholly or partly pursuant to an arrangement between the employer and the trustee of the fund (as opposed to only contributing to the fund pursuant to arrangements between the employer and a member or members of the fund). "

This declaration:

- i. is taken to have commenced to have effect on 1 December 1993;
- ii. ceases to have effect on 30 June 1996.

Dated 29 July 1994

F G H Pooley  
Commissioner



## *Superannuation Industry (Supervision) Act 1993*

### TEMPORARY MODIFICATION DECLARATION No 5

## EXPLANATORY MEMORANDUM

#### ELECTION TO BECOME A REGULATED SUPERANNUATION FUND

1. Most of the provisions of the *Superannuation Industry (Supervision) Act 1993* ("the Act" or "the SIS Act") which pertain to superannuation funds only apply to regulated superannuation funds, and the effect of sections 42(1)(a) and 45 is that only regulated superannuation funds will be entitled to concessional tax treatment in respect of their 1994-95 and later years of income.
2. Section 19 of the Act contains the definition of "regulated superannuation fund" and makes provision for the trustees of superannuation funds to elect for their funds to become regulated under the Act. Subsections 19(1) to (4) provide that a superannuation fund is a regulated superannuation fund if:
  - it has a trustee; and
  - either:
    - its trustee is a constitutional corporation pursuant to a requirement contained in the fund's governing rules; or
    - the fund's governing rules provide that the sole or primary purpose of the fund is the provision of old-age pensions; and
  - the trustee or trustees have given the Commissioner a written notice in the approved form electing that the SIS Act is to apply in relation to the fund.
3. Subsection 19(7) provides that the trustee of a superannuation fund in respect of which the conditions set out in that subsection are satisfied must use his or her best endeavours to ensure that the fund becomes a regulated superannuation fund at or before the beginning of its 1994-95 year of income. The conditions are that:
  - the fund has a trustee; and
  - either:
    - the trustee is a constitutional corporation; or
    - the governing rules provide that the sole or primary purpose of the

- fund is the provision of old age pensions; and
  - the fund is not a public sector superannuation scheme; and
  - the fund has been given a notice of compliance under sections 12 or 13 of the *Occupational Superannuation Standards Act 1987*; and
  - the fund has not subsequently been given a notice of non-compliance under those sections which is still in force.
4. As soon as a fund becomes a regulated superannuation fund, all the obligations and restrictions which the SIS Act imposes on regulated superannuation funds begin to apply to it. Intentional or reckless breach of many of those obligations and restrictions can result in the trustee becoming liable to civil penalties or criminal sanctions. Hence, before they elect for their funds to become regulated, trustees will attempt to ensure that their funds are ready and able to comply with the SIS Act.

#### SECTION 50 - TRANSITIONAL PROVISIONS APPLICABLE TO FUNDS MAKING LATE ELECTIONS

5. When the Act was enacted, it was recognised that many funds would have difficulty in fulfilling the conditions in subsections 19(1) to (4) before the beginning of their 1994-95 year of income. Transitional provisions were therefore made in section 50 to cater for funds that elected to become regulated *after* the commencement of their 1994-95 year of income.
6. The effect of section 50 is that if a superannuation fund:
- (a) makes its election to become regulated under the SIS Act after the beginning of its 1994-95 year of income but before the particular date specified in whichever of subsections 50(1), (2), (3) and (4) is applicable to it; and
  - (b) satisfies (or is treated as having satisfied) the transitional superannuation fund conditions during the period between the beginning of its 1994-95 year of income and the time when it makes its election,
- it will be deemed to be a regulated superannuation fund during that period, for the purposes of the relevant "complying fund status" provisions of the Act (ie sections 41(3), 42(1)(a) and 45(2)). This will enable it to obtain complying fund status in relation to 1994-95 (provided that it complies with all the requirements of the SIS Act for the balance of its 1994-95 year of income after it makes its election to become regulated).
7. The transitional superannuation fund conditions are essentially a modified version of the requirements applying to superannuation funds set out in the *Occupational Superannuation Standards Act 1987* and the *Occupational Superannuation Standards Regulations*. The transitional superannuation fund conditions are contained in the *Superannuation Industry (Supervision) (Transitional Provisions) Regulations*.

8. At present, the extended time limits set out in section 50 by which funds have to make their election to become regulated are as follows:
- in relation to superannuation funds which are not excluded superannuation funds or public sector superannuation schemes - 28 July 1994 (see subsection 50(1));
  - in relation to excluded superannuation funds - 31 December 1994 or the end of the fund's 1994-95 year of income (whichever first occurs) (see subsection 50(2));
  - in relation to public sector superannuation schemes - 1 July 1995 or such later date as the Commissioner allows (see subsection 50(3));
  - in relation to superannuation funds which can satisfy the Commissioner that special circumstances apply to them - 31 December 1994 or the end of the fund's 1994-95 year of income (whichever first occurs) (see subsection 50(4)).
9. "Excluded superannuation fund" is defined in section 10 as a superannuation fund with fewer than five members.

#### MANY FUNDS ARE HAVING DIFFICULTY IN MEETING THE LATE ELECTION DEADLINES IN SECTION 50

10. The Commissioner has recently become aware that many funds will not, despite their best efforts, be able to elect to be regulated by the extended dates in section 50. Not all funds that wish to become regulated have been able to amend their governing rules by 28 July 1994 (or, in the case of excluded funds, by 31 December 1994). Also, changes need to be made to systems and procedures for funds to function under the new regime and to comply with the requirements of the SIS Act. This is proving to be a significant task for some funds, especially the larger ones.
11. Some funds are in a position where they *will* be able to meet the deadlines in section 50, but at a disproportionately high cost in time and resources. This extra cost will often ultimately have to be borne by the members. These problems are creating uncertainty on the part of many funds and their members.

#### THE DECISION TO MODIFY SECTION 50

12. All of the funds experiencing the problems described in paragraph 10 above, and many of the funds experiencing the problems described in paragraph 11 above, would be able to take advantage of subsection 50(4), which enables funds which satisfy the Commissioner that special circumstances apply to them to lodge their election up until 31 December 1994 or the beginning of their 1995-96 year of income (whichever first occurs) and to still obtain deemed regulated fund status as provided for in the subsection. However, having to rely solely on the exercise of the



Commissioner's discretion under subsection 50(4) would still cause a lot of uncertainty for funds and their members, as well as giving rise to the administrative costs of making the application for the exercise of the discretion and informing members about the situation (as required by paragraph 50(4)(d)). The availability of subsection 50(4) also does not solve the problem described in paragraph 11 of funds incurring disproportionate expense in meeting the deadlines in whichever of subsections 50(1) and (2) applies to them.

13. The Commissioner is satisfied that the problems referred to in paragraphs 10 and 11 are genuine and widespread, and believes that, in view of the considerations referred to in paragraph 12, the most appropriate solution is to make a temporary modification declaration extending, by approximately three months, the deadlines for lodging elections that are laid down in paragraphs 50(1)(b) and 50(2)(b). However, the extension of the deadline in paragraph 50(1)(b) will not apply to public offer superannuation funds (for the reasons explained below). Although the effect of these extensions will be that the application to some funds of the new and more beneficial provisions of the SIS Act will be delayed for a relatively short time, the Commissioner considers that this potential disadvantage does not outweigh the advantages of granting the extensions. In this regard, it needs to be kept in mind that funds availing themselves of the extensions will be obliged to comply with the transitional superannuation fund conditions during the period prior to electing, and that they will have a very strong incentive to comply with those conditions because non-compliance will (unless the Commissioner exercises discretion in the fund's favour) result in loss of the fund's concessional tax treatment.

#### THE DEADLINE IN SUBSECTION 50(1) IS NOT EXTENDED FOR PUBLIC OFFER FUNDS

14. The Commissioner has decided that the three-month extension of the deadline in paragraph 50(1)(b) will not be available to public offer superannuation funds. These funds will remain subject to the existing deadline in paragraph 50(1)(b), namely 29 July 1994, (unless they are excluded funds, in which case they will be subject to the new deadline in paragraph 50(2)(b), namely 1 April 1995).
15. "Public offer superannuation fund" is defined in section 18 as (basically) a regulated superannuation fund which is:
  - not a standard employer-sponsored fund; or
  - a standard employer-sponsored fund which has at least one member who is not a standard employer-sponsored member.
16. "Standard employer-sponsored fund" is defined in section 16(4) as a superannuation fund which has at least one standard employer-sponsor. "Standard employer-sponsor" is defined in section 16(2) as an employer

who contributes to a fund in respect of a member wholly or partly pursuant to an arrangement between the employer and the trustee of the fund.

17. Subsection 152(2) prohibits the trustee of a public offer entity (which includes a public offer superannuation fund) from issuing, offering to issue or inviting the making of applications for the issue of interests in the entity unless the trustee is an approved trustee and is the only trustee of the entity, and the entity is constituted by deed as a trust. Because of subsection 152(2), all public offer funds that issue new interests (which is likely to include the vast majority) will need to have a trustee who has been approved by the Commissioner pursuant to section 26.
18. Many intending public offer superannuation funds have already applied to and have been given approval by the Commissioner under section 26, and are in the process of electing to become regulated. In these circumstances, to grant the three-month extension of the deadline in subsection 50(1) to public offer funds would tend to create two classes of public offer funds. One of those classes would consist of funds that had obtained trustee approval and made their election punctually; the other would consist of those that would in effect be given a three-month extension of time to seek approval under section 26 and to elect to become regulated and that would in the mean time be allowed to operate without having to comply with the new and more rigorous requirements of the SIS Act relating to the protection of the interests of members and prospective members of public offer entities (see especially Parts 19 and 20). This would be unfair to the funds that had obtained trustee approval and made their election on time, and would result in different disclosure regimes applying to the two categories of funds. It would also result in the consumer protections in the Act not applying, during that period, to persons who were invited to join the tardy funds. For these reasons, the Commissioner has decided that there should be no extension of the subsection 50(1) deadline for public offer superannuation funds. Any of these funds which are unable to meet the existing deadline of 29 July 1994 because of special circumstances will be able to make an individual application to the Commissioner under subsection 50(4).
19. The deadline in subsection 50(2) (which applies to excluded funds) is being extended for *all* funds, including public offer funds which are excluded funds. Excluded funds are usually either family ("mum and dad") funds or very small workplace funds. They are excluded from many of the substantive requirements that the Act imposes on other funds. Accordingly, the Commissioner has decided that the new extended deadline in subsection 50(2) should apply equally to all excluded funds, including those that are public offer.

## EXPLANATION OF THE TEMPORARY MODIFICATION DECLARATION

20. Temporary modification declaration number 5 is largely self-explanatory and will not be paraphrased here.
21. The declaration replaces paragraph 50(1)(b), which presently provides a deadline of 29 July 1994 before which superannuation funds generally (ie those to which paragraphs 50(2) and (3) do not apply) must elect to become regulated, with a new paragraph 50(1)(b), which maintains the existing deadline for funds which are "public offer superannuation funds" at any time during the pre-lodgment period, but which provides a new deadline of 1 November 1994 before which non-public offer funds must elect to become regulated. ("Pre-lodgment period" means the period between the commencement of the fund's 1994-95 year of income and the date the trustee of the fund elects to become regulated, being a date not later than the deadline stipulated in the relevant subsection of section 50.)
22. The declaration also replaces paragraph 50(2)(b), which presently provides a deadline of the first to occur of 1 January 1995 or the beginning of the fund's 1995-96 year of income before which excluded funds must elect to become regulated, with a new paragraph 50(2)(b) which provides a new deadline of the first to occur of 1 April 1995 or the beginning of the fund's 1995-96 year of income before which excluded funds must elect to become regulated.
23. A consequential change is made to the dates in paragraph 50(4)(b).
24. The temporary modification declaration also inserts in section 50 a new subsections (4A), which defines "public offer superannuation fund" for the purposes of section 50. The definition is materially identical to the definition contained in subparagraphs 18(1)(a)(i) and (ii), except that it omits that part of the definition which stipulates that a public offer superannuation fund is a regulated superannuation fund: obviously, no fund can be a regulated superannuation fund during its pre-lodgment period, because at that point it will not have elected to become regulated.
25. Subparagraph (4A)(b)(ii) incorporates the substance of regulation 3.01 of the *Superannuation Industry (Supervision) Regulations*.
26. Subsection (4B) sets out definitions of various terms relating to employer-sponsorship which are relevant to the definition of "public offer superannuation fund" in subsection (4A). The definitions are based on those in section 16.

## GIVING THE COMMISSIONER A DISCRETION TO WAIVE THE REQUIREMENT IN PARAGRAPH 50(4)(d) TO NOTIFY MEMBERS OF THE DELAY IN ELECTION

27. Paragraph 50(4)(d) imposes a condition with which funds desiring to avail themselves of the "special circumstances" extension in subsection 50(4) have to comply. The condition is that the trustee has to have complied with the requirements in the regulations relating to notifying the members of the fund about the delay in lodging the election and the reasons for the delay.
28. The relevant requirements in the regulations are set out in regulation 3A of the *Superannuation Industry (Supervision) (Transitional Provisions) Regulations*. Regulation 3A provides that the notification to members of the delay and the reasons for it must be:
- in accordance with the Form set out in Schedule 3 to the regulations; and
  - written or printed on one side only of A4 size paper which has nothing else written or printed on it; and
  - delivered or posted to each member so as to reach each member not later than the day which is the lodgment day under paragraph 50(4)(b); and
  - packaged or presented so that on receipt it is likely to be more prominent than any other material with which it may be included.
29. The requirement to notify members in paragraph 50(4)(d) is an important one. Members have a right to be told about their trustee's delay in electing for their fund to become regulated, because the delay means that the greater rights and remedies which the SIS Act gives to the members of regulated funds are commensurately delayed.
30. However, situations can be envisaged where it is desirable to waive the member notification requirement in paragraph 50(4)(d). An example might be where the trustee of a large fund has to delay making its election for a short period beyond the relevant deadline because of some technical problem which the trustee has told the Commissioner about. The Commissioner may be satisfied in the particular circumstances that the cost to the fund of notifying all the members would outweigh the likely benefit to the members of being told.
31. The temporary modification declaration therefore inserts at the beginning of paragraph 50(4)(d) the words "unless the Commissioner otherwise permits in writing,". This will enable the Commissioner, in an appropriate case, to waive the member notification requirement in the paragraph, in relation to a particular fund. The writing will of course be given by the Commissioner to the trustee of the fund.

32. The Commissioner will be able to impose such conditions as he considers appropriate in respect of the waiver. For instance, the Commissioner might, as a condition of granting the waiver, require the trustee to notify the members at some later time (for example, when they are next sent routine member information).
33. The power to waive the requirement in paragraph 50(4)(d) will be used sparingly. Anyone applying to the Commissioner to exercise the power will have to demonstrate that exceptional circumstances exist which justify a waiver.

#### DURATION OF THE TEMPORARY MODIFICATION DECLARATION

34. By force of section 333(2), temporary modification declaration number 5 will have no effect after 30 June 1996.

29 July 1994

(Published by authority of the Insurance and Superannuation Commissioner)



## *Superannuation Industry (Supervision) Act 1993*

### **MODIFICATION DECLARATION No 2**

I, Frederick George Herbert Pooley, Insurance and Superannuation Commissioner, pursuant to section 332 of the *Superannuation Industry (Supervision) Act 1993* ("the Act"), DECLARE that Part 9 of the Act is to have effect, in relation to standard employer-sponsored funds, and their trustees, as if it were modified:

**1.** By omitting the heading of section 90 and substituting "Pre-1 July 1995 rules - funds with more than 4 but fewer than 200 members"

**2.** By omitting "with fewer than 200 members" from subsection 90(1) and substituting "with more than 4 but fewer than 200 members"

**3.** By omitting paragraph 90(1)(c) and inserting in its place the following:

- " (c) all the following subparagraphs apply to the fund:
- (i) there are 2 or more standard employer-sponsors of the fund;
  - (ii) at least one standard employer-sponsor of the fund is not an associate of any other standard employer-sponsor of the fund;
  - (iii) at least one person has become a standard employer-sponsor of the fund during the period:
    - (A) beginning on whichever is the earlier of:
      - (I) the day on which the fund became a regulated superannuation fund;
      - or
      - (II) 29 July 1994; and
    - (B) ending on 30 June 1995. "

**4.** By inserting after subsection 90(4) the following:

" *Transitional*

- (5) If, at a particular time, the number of members of a fund increases from 4 or less to more than 4 but less than 200, the fund does not have to comply with this section during the following 90 days. "

5. By omitting paragraph 91(1)(c) and inserting in its place the following:

- " (c) all the following subparagraphs apply to the fund:
- (i) there are 2 or more standard employer-sponsors of the fund;
  - (ii) at least one standard employer-sponsor of the fund is not an associate of any other standard employer-sponsor of the fund;
  - (iii) at least one person has become a standard employer-sponsor of the fund during the period:
    - (A) beginning on whichever is the earlier of:
      - (I) the day on which the fund became a regulated superannuation fund;
      - or
      - (II) 29 July 1994; and
    - (B) ending on 30 June 1995. "

This declaration is taken to have commenced to have effect on 1 December 1993.

Dated 3 August 1994

F G H Pooley  
Commissioner



## *Superannuation Industry (Supervision) Act 1993*

### **MODIFICATION DECLARATION No 2**

## **EXPLANATORY MEMORANDUM**

### **GENERAL BACKGROUND**

1. Part 9 of the *Superannuation Industry (Supervision) Act 1993* ("the Act" or "the SIS Act"), which contains sections 86 to 93 and (modified) section 93A, sets out rules about equal representation of employers and members in relation to the management and control of standard employer-sponsored funds. Different rules apply before 1 July 1995 than apply on and from that date, and the rules also differ according to the size of a fund's membership. The equal representation rules in Part 9 only apply to standard employer-sponsored funds.
2. A "standard employer-sponsored fund" is defined in section 16(4) as a regulated superannuation fund which has at least one standard employer-sponsor. A "standard employer-sponsor" of a fund is defined in section 16(2) as an employer-sponsor who contributes to the fund wholly or partly pursuant to an arrangement between the employer-sponsor and the trustee of the fund.
3. Sections 90 and 91 set out the equal representation rules that are applicable prior to 1 July 1995. Section 90 applies to funds with fewer than 200 members, while section 91 applies to funds with 200 or more members.

**SECTIONS 90(1)(c) AND 91(1)(c) APPLY EQUAL REPRESENTATION RULES TO PRE-16 DECEMBER 1985 PRIVATE SECTOR FUNDS AND PRE-25 MAY 1988 PUBLIC SECTOR FUNDS FOR THE FIRST TIME**

4. Apart from paragraphs 90(1)(c) and 91(1)(c), the equal representation rules imposed by sections 90 and 91 are very similar, in both content and scope of application, to the equal representation rules imposed by regulations 15 and 13 (respectively) of the *Occupational Superannuation Standards Regulations* ("the OSS regulations"). The OSS regulations apply in respect of funds' 1993-94 and earlier years of income. However, one major



difference is that regulations 15 and 13 do not apply at all to private sector funds established before 16 December 1985 or to public sector funds established before 25 May 1988 (these two categories of funds will be referred to as "early funds"), whereas, by virtue of paragraphs 90(1)(c) and 91(1)(c), sections 90 and 91 do apply to early funds which have two or more standard employer-sponsors at least one of whom is not an associate of any other standard employer-sponsor of the fund.

5. Early funds have never before been subject to equal representation requirements.
6. Sections 90 and 91 only apply until 1 July 1995. From that date, all standard employer-sponsored funds, other than excluded funds, will have to comply with the equal representation rules. There will be no distinction between funds established before and after 16 December 1985 (or, in the case of public sector funds, 25 May 1988).
7. To secure equal representation of members and employers on the governing bodies of standard employer-sponsored funds is an important objective of the SIS Act. Equal representation empowers members to have a say in how their funds are run and how their superannuation savings are invested, and it empowers contributing employer-sponsors to have a say in the running of the funds to which they contribute for the benefit of their employees. It also has prudential implications, in that members and employer-sponsors can, through their representatives on the governing body of the fund, monitor the management of the fund and forestall imprudent acts and practices and other potential abuse. Paragraphs 90(1)(c) and 91(1)(c) reflect a desire to extend equal representation to multi-employer funds as quickly as possible.

#### MANY EARLY FUNDS FACE DIFFICULTIES IN CHANGING OVER TO EQUAL REPRESENTATION FROM 1 JULY 1994

8. A problem has arisen in that, because of the relatively short lead time between the enactment of the SIS Act and 1 July 1994 (which is the date from which the substantive obligations in the SIS Act commence to apply to most funds), many early funds face difficulties in complying with the equal representation rules laid down in sections 90 and 91. These difficulties range from the legal to the practical. For example, in many cases trust deeds and company articles need to be amended to allow for equal representation, procedures and mechanisms for the nomination and election of representatives need to be put in place, and, where the funds concerned are public offer funds with 200 or more members, the trustees need to meet the stringent requirement of independence laid down in section 91(3)(a). (Section 10 defines "independent trustee" as a trustee who is neither a member nor an employer-sponsor of the fund, is not an associate of an employer-sponsor of the fund, is not an employee of either

an employer-sponsor or of an associate of an employer-sponsor, and is not in any capacity a representative of any union or organisation which represents the interests of any employer-sponsors or members of the fund.) There is also in some cases a further practical difficulty in actually finding, in a short time, persons who are willing and able to serve as member and employer representatives. It needs to be emphasised that the funds in question have never before been subject to equal representation requirements in any form, and many of them are set up in such a way as to make the transition to equal representation administratively and practically difficult.

9. The Commissioner is satisfied that such difficulties facing many early funds are genuine.
10. The Commissioner is also satisfied that the modifications to sections 90(1)(c) and 91(1)(c) made by modification declaration number 2 will not unduly detract from or "water down" the policy objective of extending equal representation to multi-employer funds. In this context it should be remembered that the modifications necessarily only have temporary effect, because sections 90 and 91 themselves only have effect until 1 July 1995, from which date *all* standard employer-sponsored funds (other than excluded funds) will be subject to new and comprehensive equal representation rules contained in sections 92 and 93. It should also be remembered that those early funds which do not fulfil the criteria in paragraphs 90(1)(c) and 91(1)(c) - a large proportion - are not, in any case, under any obligation to implement equal representation prior to 1 July 1995.

#### EFFECT OF THE MODIFICATIONS TO SECTIONS 90(1)(c) AND 91(1)(c)

11. The modification declaration replaces the existing paragraphs 90(1)(c) and 91(1)(c) with new paragraphs, which are identical to each other. They will be referred to here as "the new paragraph (c)".
12. Subparagraphs (i) and (ii) of the new paragraph (c) reproduce the substance of the old paragraph (c), that is, they specify that the fund has to have two or more standard employer-sponsors at least one of whom is not associated with any other standard employer-sponsor. Subparagraph (iii) introduces a new criterion, namely that at least one person has become a standard employer-sponsor of the fund between the first to occur of 29 July 1994 or the day the fund became a regulated superannuation fund and 30 June 1995. (A fund becomes a regulated superannuation fund when the trustee of the fund gives the Commissioner a notice under section 19(4) electing that the SIS Act is to apply in relation to the fund.) Basically, the effect of the new paragraph (c) is that early funds which have multiple independent standard employer-sponsors will now *not* have to comply with the equal representation rules in sections 90 and 91,

*provided that they do not admit any new standard employer-sponsors to the fund between 29 July 1994 or the time they elect to become regulated under the SIS Act (whichever first occurs) and 30 June 1995.*

13. Funds which have multiple independent standard employer-sponsors tend to be either industry funds (funds established by unions or employers which are not operated for profit and which are open to employees who work in particular industries) or commercial public offer funds (funds established and operated by professional superannuation providers which are open to the public and which are operated on a commercial basis). Under the new paragraph (c), all such funds having multiple independent standard employer-sponsors will be obliged to comply with the equal representation rules contained in whichever of sections 90 and 91 is applicable to them if they acquire any new standard employer-sponsors between 29 July 1994 or the time they become regulated under the SIS Act (whichever first occurs) and 30 June 1995. If they do not acquire any new standard employer-sponsors within that period, then they will, if they are early funds, be entitled to continue on without equal representation until 1 July 1995. Many commercial public offer funds catering for standard employer-sponsors will recruit new standard employer-sponsors during 1994-95, will therefore not fulfil subparagraph (iii) of the new paragraph (c), and will have to comply with the equal representation rules in section 90 or 91. The main beneficiaries of the modifications to paragraphs 90(1)(c) and 91(1)(c) are expected to be early industry funds which have a static employer sponsorship. The Commissioner considers that, in view of the difficulties faced by many early funds in complying with the equal representation rules, it is reasonable that those rules should continue not to apply (until 1 July 1995) to such of those funds as do not recruit any new standard employer-sponsors during the year prior to that date but merely continue in operation with their existing standard employer-sponsors.

#### EXPLANATION OF THE MODIFICATIONS TO SECTIONS 90(1)(c) AND 91(1)(c)

14. The new paragraphs 90(1)(c) and 91(1)(c) are largely self-explanatory and will not be paraphrased here.
15. "Associate", which appears in subparagraphs 90(1)(c)(ii) and 91(1)(c)(ii), is defined in section 12 by reference to the Corporations Law. In brief, an associate of a person is someone who is in partnership with the person, or who is a trustee of a trust under which the person benefits, or who is a director of a company of which the person is also a director, or who acts or proposes to act with or is or proposes to be associated with the person in respect of a particular matter to which the statutory provision in which reference is made to "associate" relates.

16. The equal representation rules in sections 90 and 91 only apply to a fund while it fulfils the criteria in subparagraphs (1)(c)(i) and (ii) of those sections. If one or both of those criteria cease to be fulfilled, the equal representation rules in those sections will cease to apply to the fund. However, subparagraphs 90(1)(c)(iii) and 91(1)(c)(iii) are different, in that they are fulfilled once and for all - that is, if an employer becomes a standard employer-sponsor of the fund at any time between 29 July 1994 or the day the fund becomes a regulated fund (whichever first occurs) and 30 June 1995, from that time onwards subparagraph (iii) will be fulfilled in relation to the fund, even if the employer subsequently ceases to be an employer-sponsor of the fund.
17. "Person" in subparagraphs 90(1)(c)(iii) and 91(1)(c)(iii) includes a natural person and a body corporate: *Acts Interpretation Act 1901* section 22.
18. The period beginning on the earlier of 29 July 1994 or the day on which the fund becomes a regulated superannuation fund and ending on 30 June 1995 which is referred to in subparagraph (1)(c)(iii) of sections 90 and 91 includes the whole of 29 July 1994 or the day on which the fund becomes a regulated superannuation fund (as the case may be) and also the whole of 30 June 1995.

MODIFYING SECTION 90 SO THAT THE EQUAL REPRESENTATION RULES DO NOT APPLY TO SUPERANNUATION FUNDS WITH LESS THAN 5 MEMBERS

19. Superannuation funds with less than 5 members are called "excluded superannuation funds" (section 10). These funds are usually either family ("mum and dad") funds or very small workplace funds. They are excluded from many of the substantive requirements that the Act imposes on other funds.
20. As presently drafted, section 90 applies to all funds with less than 200 members, including excluded funds.
21. The Commissioner believes that it is appropriate to modify section 90 so that it does not apply to excluded funds, for several reasons:
  - Because of the very character and small size of excluded funds, the members of most of them are likely, in practice, to have a say in how they are run.
  - The cost of implementing formal mechanisms for equal representation may, in the case of such funds, outweigh the benefits of those mechanisms.
  - After 1 July 1995, excluded funds will not be subject to equal representation rules (see sections 92(1) and 93(1)). In these circumstances, it would be unreasonable to force these funds to comply with the equal representation rules for only one year (from 1 July 1994 to 30 June 1995).

22. Modification declaration number 2 therefore amends the heading of section 90, and the opening words of subsection 90(1), so that it does not apply to funds with less than 5 members.
23. The declaration also inserts a new subsection 90(5), the effect of which is that if the number of members of a fund increases from 4 or less to more than 4 but less than 200, so that section 90 commences to apply to it, the fund has 90 days within which to comply with the equal representation rules.

3 August 1994

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No. S 294, Tuesday, 2 August 1994

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**SPECIAL**

**NOTIFICATION OF THE MAKING OF STATUTORY RULES**

The following Statutory Rules have been made and copies may be purchased at the Commonwealth Government Bookshop, 70 Alinga St, Canberra City, ACT.

Act under which the Statutory Rules were made	Description of the Statutory Rules	Year and number of the Statutory Rules
<i>Family Law Act 1975</i>	Family Law (Child Abduction Convention) Regulations (Amendment)	1994 No. 275
<i>Health Insurance Act 1973</i>	Health Insurance (Pathology Review Committee) Regulations	1994 No. 276
<i>Insurance Act 1973</i>	Insurance Regulations (Amendment)	1994 No. 277





**Commonwealth  
of Australia**

**Gazette**

No. S 295, Thursday, 4 August 1994

Published by the Australian Government Publishing Service, Canberra

**SPECIAL**

**NOTICE OF APPLICATION RELATING TO**

**EDSLO PTY LTD**

**ACN 002 629 950**

The Deputy Commissioner of Taxation will apply to the Supreme Court of New South Wales at 11 am on 9 August 1994 at the Registrar's Court, Court 7A, Level 7, Supreme Court, Queen's Square, Sydney for an order that Edslo Pty Ltd be wound up in insolvency under section 459A.

Any person intending to appear at the hearing must file a notice of appearance in the prescribed form and serve that notice on the applicant at its address for service shown below not later than 5 August 1994.

**AUSTRALIAN GOVERNMENT SOLICITOR  
PICCADILLY TOWER  
133 CASTLEREAGH STREET SYDNEY  
DX 444  
SYDNEY**

**TELEPHONE: (02) 581 7487**



**NOTICE OF APPLICATION RELATING TO  
IAN LIDDELL PTY LTD**

**ACN 003 213 161**

The Deputy Commissioner of Taxation will apply to the Supreme Court of New South Wales at 11 am on 11 August 1994 at the Registrar's Court, Court 7A, Level 7, Supreme Court, Queen's Square, Sydney for an order that Ian Liddell Pty Ltd be wound up in insolvency under section 459A.

Any person intending to appear at the hearing must file a notice of appearance in the prescribed form and serve that notice on the applicant at its address for service shown below not later than 9 August 1994.

**AUSTRALIAN GOVERNMENT SOLICITOR  
PICCADILLY TOWER  
133 CASTLEREAGH STREET SYDNEY  
DX 444  
SYDNEY**

**TELEPHONE: (02) 581 7487**





**Commonwealth  
of Australia**

**Gazette**

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**SPECIAL**



**Civil Aviation Authority  
AUSTRALIA**

**NOTIFICATION OF THE MAKING OF ORDERS UNDER THE  
CIVIL AVIATION REGULATIONS**

Notice is hereby given that the following amendment to Civil Aviation Orders Part 105 will become effective on 5 August 1994:

**AD/BELL 214/14 - UPPER PLANETARY CARRIER**

Copies of the Order are available for inspection and may be purchased over the counter from the :

Civil Aviation Authority  
Publications Centre  
607 Swanston Street  
CARLTON SOUTH VIC 3053

or by mail from :

Civil Aviation Authority  
Publications Centre  
PO Box 1986  
CARLTON SOUTH VIC 3053



9 780644 337342



***Redistribution 1994***

**Redistribution of Federal Electoral Boundaries Victoria**

**PROPOSED BOUNDARIES AND NAMES FOR FEDERAL ELECTORAL DIVISIONS IN VICTORIA**

Members of the public, political parties and other organisations are invited to inspect the suggestions and comments lodged with the Redistribution Committee for Victoria on changes to the boundaries and names of Electoral Divisions in Victoria for the House of Representatives, the statement by the Redistribution Committee giving reasons for the proposed redistribution, the detailed maps showing the names and boundaries of each proposed Electoral Division and statistical summaries showing the composition of the proposed Divisions.

**WHY IS A REDISTRIBUTION BEING HELD?**

On 4 March 1994 the Electoral Commissioner determined that, as a result of population changes between the States, Victoria will be entitled to 37 Members of the House of Representatives at the next general election. Currently, Victoria has 38 Members. The Australian Electoral Commission appointed the Redistribution Committee for Victoria to propose electoral boundaries for the 37 Electoral Divisions.

The Redistribution Committee for Victoria consists of the Electoral Commissioner (Mr Brian Cox), the Australian Electoral Officer for Victoria (Dr David Muffet), the Victorian State Surveyor-General (Mr John Parker) and the Victorian State Auditor-General (Mr Ches Baragwanath).

On 12 April 1994, the Redistribution Committee invited interested persons or organisations to make suggestions regarding the redistribution, particularly possible boundaries or names of Divisions. The suggestions period ended on 12 May 1994. On 13 May 1994 the suggestions that had been received were made available for public inspection and comment. The comments period ended on 26 May 1994.

**THE PROPOSED REDISTRIBUTION**

Having considered the public suggestions and comments, the Redistribution Committee for Victoria has prepared a proposed redistribution of Federal electoral boundaries for Victoria.

Outline maps of the proposed redistribution were advertised in the *Herald Sun* and in *The Age* on 6 August 1994.

The suggestions, comments, detailed maps, statement of reasons and statistical summaries can be viewed at the Office of the Australian Electoral Officer for Victoria or any Divisional Office of the Australian Electoral Commission within the State, as well as the Commission's Central Office in Canberra and Head Offices in each capital city. Copies of the reasons, maps and statistical summaries can also be obtained from the Australian Electoral Officer for Victoria.

The addresses of Australian Electoral Commission Offices are contained in telephone books.

**OBJECTIONS TO THE PROPOSED REDISTRIBUTION**

Interested persons or organisations may lodge **written objections** against the proposed redistribution with the Australian Electoral Commission. Objections must be lodged with the Australian Electoral Commission on or before **5 September 1994** at:

**The Australian Electoral Commission**  
C/- The Australian Electoral Officer for Victoria  
15th Floor  
2 Lonsdale Street  
MELBOURNE VIC 3000

Telephone: (03) 285 7055 (Dr David Muffet)

**Postal Address:**  
PO Box 768G  
MELBOURNE VIC 3001

Fax: (03) 285 7058



**LEGAL REQUIREMENTS FOR A REDISTRIBUTION**

In making its proposed redistribution, the Redistribution Committee is bound by section 66(3) of the *Commonwealth Electoral Act 1918*, which provides that the Redistribution Committee:

- (a) shall, as far as practicable, endeavour to ensure that, if the State or Territory were redistributed in accordance with the proposed redistribution, the number of electors enrolled in each Electoral Division in the State or Territory would not, 3 years and 6 months after the State or Territory had been redistributed, be less than 98% or more than 102% of the average divisional enrolment of that State or Territory at that time; and
- (b) subject to paragraph (a), shall give due consideration, in relation to each proposed Electoral Division, to -
  - (i) community of interests within the proposed Electoral Division, including economic, social and regional interests;
  - (ii) means of communication and travel within the proposed Electoral Division;
  - (iv) the physical features and area of the proposed Electoral Division; and
  - (v) the boundaries of existing Divisions in the State or Territory

and that the number of electors in each proposed Division must not deviate by more than 10% above or below the average enrolment for the redistributed number of Divisions in the State or Territory, as at 26 May 1994.

Persons or organisations making objections to the proposed redistribution are urged to take account of the requirements of the *Commonwealth Electoral Act 1918*. Copies of the Commonwealth Electoral Act can be obtained from Commonwealth Government Bookshops.

**WHO CONSIDERS OBJECTIONS TO THE PROPOSED REDISTRIBUTION?**

Objections to the Redistribution Committee's proposals will be considered by the augmented Electoral Commission for Victoria - that is, the members of the Redistribution Committee plus the Chairperson of the Electoral Commission (the Hon. Trevor Morling QC) and the non-judicial Commissioner (Mr Ian Castles, Australian Statistician). The augmented Electoral Commission may hold public hearings into objections to the proposed redistribution.

After it has considered all the initial objections lodged, the augmented Electoral Commission makes its own proposed redistribution.

**FURTHER OBJECTIONS**

If the augmented Commission's proposed redistribution is significantly different from the Redistribution Committee's proposals, the augmented Electoral Commission will invite further objections from those persons or organisations who submitted suggestions, comments and/or initial objections.

**THE FINAL DETERMINATION OF ELECTORAL DIVISIONS**

Having considered both the initial and any further objections, the augmented Electoral Commission will make a final determination of boundaries and names of the Electoral Divisions in the State.

Brian Cox

David Muffet

John Parker

Ches Baragwanath

**REDISTRIBUTION COMMITTEE FOR VICTORIA**



**Commonwealth  
of Australia**

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**SPECIAL**



**AUSTRALIAN  
CUSTOMS SERVICE**

**AUSTRALIAN CUSTOMS SERVICE  
CUSTOMS ACT 1901 - PART XVB  
SPECIAL PROVISIONS RELATING TO ANTI-DUMPING DUTIES.**

**NOTIFICATION OF A REVIEW OF ANTI DUMPING MEASURES  
APPLYING TO IMPORTATIONS OF GLACÉ CHERRIES FROM  
FRANCE AND ITALY.**

In March 1992 following recommendations to the Minister by the Anti-Dumping Authority, anti-dumping and countervailing measures were applied to exports of glacé cherries from France and Italy. These measures remain in place and are due to expire in 1997.

From information provided to it, the Australian Customs Service (Customs) has decided to commence a review of the level of the non-injurious free-on-board prices applying to glacé cherries from France and Italy. The review is expected to be completed on or before 16 November 1994.

Customs invites interested parties to lodge submissions no later than the close of business on 19 September 1994 with the Director, Dumping Operations 3, Australian Customs Service, Customs House, 5 Constitution Avenue, Canberra City, ACT 2601.

Any inquiries regarding this review can be directed to Mr. Barry Haraldson, Assistant Director Dumping Operations, on telephone 06-275 6150 or Mr. Adrian Tatham, Senior Inspector, Dumping Operations on telephone 06-275 6016 or by facsimile on 06-275 6990.

Graham Edward Cruttenden  
Director Dumping Operations  
Canberra ACT 2601

8 August 1994

(Dumping Operations C94/05651)

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