

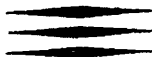


CONTENTS

Commercial advertising	2203
General Information	2203
Government departments	2206
Special Gazette Nos. S 306, S 307, S 308, S 309, S 310, S 311, S 312, S 313, S 314, S 315, S 316, S 317, S 318, S 319, S 320, S 321, S 322, S 323, S 324, S 325, S 326, S 327, S 328, S 329, S 330, S 331, S 332, S 333, S 334 and S 335 are herewith	

The date of publication of this Gazette is 8 July 1998

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Gazette Officer, AusInfo, GPO Box 4007, Canberra ACT 2601. Telephone (02) 6295 4608

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Mail Order Sales, AusInfo, GPO Box 84, Canberra ACT 2601

or over the counter from Government Info Shops at:

Adelaide:	60 Waymouth Street, tel. (08) 8231 0144, fax (08) 8231 0135
Brisbane:	City Plaza, cnr Adelaide and George Streets, tel. (07) 3229 6822, fax (07) 3229 1387
Canberra:	10 Mort Street, tel. (02) 6247 7211, fax (02) 6257 1797
Hobart:	31 Criterion Street, tel. (03) 6234 1403, fax (03) 6234 1364
Melbourne:	190 Queen Street, tel. (03) 9670 4224, fax (03) 9670 4115
Parramatta:	Shop 24, Horwood Place (off Macquarie Street), tel. (02) 9893 8466, fax (02) 9893 8213
Perth:	469 Wellington Street, tel. (08) 9322 4737, fax (08) 9481 4412
Sydney:	32 York Street, tel. (02) 9299 6737, fax (02) 9262 1219
Townsville:	271 Flinders Mall, tel. (077) 21 5212, fax (077) 21 5217

Agent:

Darwin: Northern Territory Government
Publications, 13 Smith Street,
tel. (08) 8989 7152

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

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Collector of Public Moneys, AusInfo.

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).

Australian Securities Commission issues contain Notices under the Corporations Law and are published on the first Tuesday of each month and are sold at \$14.95 each or on subscription of \$132.00 (12 issues).

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.

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 Info Shops or by mail from: Mail Order Sales, AusInfo, GPO Box 84, Canberra ACT 2601.

Gazette number	Date of Publication	Subject
P1	16.1.98	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.11.97 to 30.11.97 and not previously gazetted Particulars of some permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.12.97 to 31.12.97
P2	16.1.98	Instruments made under Part VII of the <i>National Health Act 1953</i>
P3	27.1.98	Road Vehicle (National Standards) Determination No. 2 of 1997
P4	20.2.98	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.12.97 to 30.12.97 and not previously gazetted Particulars of some permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.11.97 to 31.11.97
P5	27.2.98	Notice by the Australian Securities Commission of intention to deregister defunct companies.
P6	13.3.98	Amendment No. 38 to the Food Standards Code.
P7	3.4.98	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of Permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.1.98 to 28.2.98 and 1.11.97 to 31.12.97
P8	24.4.98	Instruments made under Part VII of the <i>National Health Act 1953</i>
P9	29.4.98	Notice by the Australian Securities Commission of intention to deregister defunct companies.
P10	29.5.98	Great Barrier Reef Marine Park Authority Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.5.98 to 30.5.98 not previously gazetted and for the period 1.3.98 to 31.3.98 not previously gazetted
P11	9.6.98	Notice by the Australian Securities Commission of intention to deregister defunct companies.
*P12	3.7.98	Notice of intention to deregister defunct companies

* First time notified

N.N.—9609410

Government Departments

Communications and the Arts

AUSTRALIAN BROADCASTING AUTHORITY

NOTICE UNDER SECTION 35 OF THE *BROADCASTING SERVICES ACT 1992*

VARIATION OF LICENCE AREA PLANS AND FREQUENCY ALLOTMENT PLANS

Pursuant to section 26(2) of the *Broadcasting Services Act 1992*, on 25 June 1998, the Australian Broadcasting Authority varied the licence area plans and frequency allotment plans for the Katanning and Narrogin areas of the South West Western Australia region of October 1996 that determine the number and characteristics, including technical specifications, of radio broadcasting services to be made available in the regions with the use of the broadcasting services bands.

Copies of the variations to the licence area plans and frequency allotment plans are available free from:

The Planning Officer for Katanning and Narrogin
Australian Broadcasting Authority
PO Box 34
BELCONNEN ACT 2616

or by telephoning Freecall 1800 810 241.

9609411

AUSTRALIAN BROADCASTING AUTHORITY

NOTICE UNDER SECTION 35 OF THE *BROADCASTING SERVICES ACT 1992*

PREPARATION OF LICENCE AREA PLAN

DESIGNATION OF LICENCE AREA

VARIATION OF FREQUENCY ALLOTMENT PLAN

Pursuant to section 26(1) of the *Broadcasting Services Act 1992*, on 25 June 1998, the Australian Broadcasting Authority prepared the licence area plan that determines the number and characteristics, including technical specifications, of radio broadcasting services that are to be available in the Inverell area with the use of the broadcasting services bands.

Pursuant to section 29(1) of the *Broadcasting Services Act 1992*, on 25 June 1998, the Australian Broadcasting Authority designated the areas described in the above licence area plan to be the licence areas of the licences for the commercial and community radio broadcasting services that are to be available in the Inverell area.

Pursuant to section 25(2) of the *Broadcasting Services Act 1992*, on 25 June 1998, the Australian Broadcasting Authority varied the frequency allotment plan for the AM and FM radio bands in so far as it relates to the Inverell area.

Copies of the licence area plan, the licence area designations, and variation to the frequency allotment plan are available free from:

The Planning Officer for Inverell
Australian Broadcasting Authority
PO Box 34
BELCONNEN ACT 2616

or by telephoning Freecall 1800 810 241.

9609412



**Australian
Communications
Authority**

Radiocommunications Act 1992

NOTIFICATION OF THE MAKING OF A DISALLOWABLE INSTRUMENT

The following disallowable instrument was made under section 134 of the *Radiocommunications Act 1992* on 30 June 1998.

- Radiocommunications Class Licence (Infrared Devices) Amendment (No. 1) 1998

Copies may be obtained at the Australian Communications Authority, Purple Building, Benjamin Offices, Chan Street Belconnen, Canberra, ACT.

Copies of the instruments may also be requested by contacting:

The Legal Group,
Australian Communications Authority,
PO Box 78,
Belconnen, ACT 2616.

Telephone: (06) 6256 5204

Facsimile: (06) 6256 5499

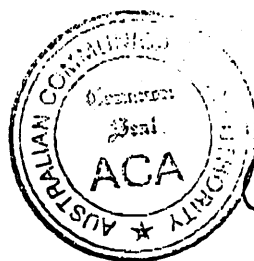
AUSTRALIAN COMMUNICATIONS AUTHORITY

Telecommunications Act 1997

Telecommunications (Approved Auditors) Determination No. 1 of 1998

The AUSTRALIAN COMMUNICATIONS AUTHORITY, under subsection 148 (1) of the *Telecommunications Act 1997* ('the Act'), makes the following determination.

Dated 30 June 1998



[Signature]
Chairman

R. Hutton
Deputy Chairman

Australian Communications Authority

Commencement

1. This determination commences on gazettal.

Approved Auditors

2. The ACA specifies Auditors registered under section 1280 of the *Corporations Law* as a class of persons for the purposes of subsection 148 (1) of the Act.

9609413

Employment, Education, Training and Youth Affairs

**DEPARTMENT OF EMPLOYMENT, EDUCATION,
TRAINING AND YOUTH AFFAIRS****NOTIFICATION OF THE MAKING OF GUIDELINES
UNDER THE *HIGHER EDUCATION FUNDING ACT 1988***

The following guidelines have been made under the *Higher Education Funding Act 1988*. A copy can be obtained from the Director, Private Funding Section, Higher Education Division, Department of Employment, Education, Training and Youth Affairs, 16-18 Mort Street, Canberra City, ACT, 2601, or by telephoning (02) 6240 9695.

Number/ Year	Section	Description	Date Made
G7-98	15	The amended guidelines for Fee-Paying Domestic Undergraduate and Postgraduate Students in Award Courses.	23/6/98

9609414

Environment

COMMONWEALTH OF AUSTRALIA

National Environment Protection Council Act 1994

Notice of the making of the National Environment Protection Measure for Ambient Air Quality

On 26 June 1998, the National Environment Protection Council (NEPC), in accordance with the requirements of the *National Environment Protection Council Act 1994* of the Commonwealth and the equivalent provisions in the corresponding Acts of the participating jurisdictions, made the National Environment Protection Measure for Ambient Air Quality.

Copies of the National Environment Protection Measure for Ambient Air Quality may be obtained from:

**NEPC Service Corporation
Level 5, 81 Flinders Street
Adelaide SA 5000**

Ph: (08) 8419 1200 Fax: (08) 8224 0912

COMMONWEALTH OF AUSTRALIA

National Environment Protection Council Act 1994

**Notice of the making of the National Environment Protection Measure
for the Movement of Controlled Waste Between States and Territories**

On 26 June 1998, the National Environment Protection Council (NEPC), in accordance with the requirements of the *National Environment Protection Council Act 1994* of the Commonwealth and the equivalent provisions in the corresponding Acts of the participating jurisdictions, made the National Environment Protection Measure for the Movement of Controlled Waste Between States and Territories.

Copies of the National Environment Protection Measure for the Movement of Controlled Waste Between States and Territories may be obtained from:

**NEPC Service Corporation
Level 5, 81 Flinders Street
Adelaide SA 5000**

Ph: (08) 8419 1200 Fax: (08) 8224 0912

9609415

1998

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COMMONWEALTH OF AUSTRALIA

Wildlife Protection (Regulation of Exports and Imports) Act 1982

DECLARATION OF CONTROLLED SPECIMENS

I, ROBERT MURRAY HILL, Minister for the Environment, 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 specimens of the Class Holothuroidea (beche-de-mer, trepang, sea cucumber) to be 'controlled specimens' for the purposes of subsection 10A(2) of the Act, subject to the following conditions:

1. operation of the fishery will be carried out in accordance with the document entitled "Statement of Management Arrangements - Queensland East coast, Torres Strait and Gulf of Carpentaria beche-de-mer fisheries" dated March 1998;
2. for waters within the Torres Strait Protected Zone:
 - a) this declaration is valid while management of the fishery falls within the jurisdiction of the *Queensland Fisheries Act 1994* or 30 June 2001, whichever is the earliest;
 - b) the Total Allowable Catch for the fishery is as follows:
 - sand fish, *Holothuria scabra*, in the Torres Strait - zero for the financial years 1998/1999 to 2000/2001;
 - for other species - as outlined in the management arrangements;
3. this approval does not include approval of operations in the Gulf of Carpentaria;
4. for the east coast fishery:
 - a) the Total Allowable Catch for the financial years 1998/1999 and 1999/2000 will be a maximum of 380 tonnes (wet weight) comprising:
 - a maximum of 188 tonnes black teat fish, *Holothuria nobilis*, and,
 - a maximum of 192 tonnes for other sea cucumber species;
 - b) Quotas for 2000/2001 to be agreed with the Designated Authority;
5. the following species specific minimum sizes will apply for the east coast and Torres Strait fisheries:

- <i>Holothuria nobilis</i> , black teatfish	25 cm	<i>Actinopyga echinites</i> , deep water redfish	12 cm
- <i>H. nobilis</i> , white teat fish	32 cm	<i>Thelenota ananas</i> , prickly redfish	30 cm
- <i>H. atra</i> , lollyfish	15 cm	<i>H. fuscopunctata</i> , elephant's trunk fish	24 cm

 - for all other sea cucumber species will be as agreed between the Queensland Fisheries Management Authority and the Designated Authority;
6. for the east coast fishery, minimum size for sandfish, *Holothuria scabra*, will be 15 cm;
7. Reports are to be provided by the Queensland Fisheries Management Authority to the Designated Authority and to include:
 - a six monthly report on total catch (number of specimens and wet weight) and catch per unit effort, by species, area and month for the half year ending December to be submitted by 31 March; and
 - an annual report to be submitted by 31 October each year incorporating an overall assessment of the fishery including, but not limited to, compliance issues, research, and review of the progress in achieving the objectives of the management arrangements;
8. any replacement management arrangements for the fishery will be a statutory management plan under the *Queensland Fisheries Act 1994*;
9. this declaration is only for Queensland waters and expires on 30 June 2001.

Dated this

30 day of

1998

Minister for the Environment

Subject to the *Administrative Appeals Tribunal Act 1975*, a person or persons whose interests are affected by this declaration may, within 28 days, make an application in writing to Environment Australia for the reasons for the decision. An application for independent review of the decision may be made to the Administrative Appeals Tribunal, on payment of the relevant fee, by or on behalf of the person or persons whose interests are affected, either within 28 days of receipt of the reasons for the decision, or within 28 days of this declaration if reasons for the decision are not sought. Further information may be obtained from:

Director, Wildlife Population Assessment Section
Environment Australia - Biodiversity Group
GPO Box 636 CANBERRA ACT 2601
Telephone: (02) 6250 0200 Facsimile: (02) 6250 0303

9609416

TERRITORY OF HEARD ISLAND AND McDONALD ISLANDS
Environment Protection and Management Ordinance 1987**APPLICATION FOR AND GRANT OF PERMIT UNDER SECTION 15**

I, REX LEONARD MONCUR, Delegate of the Minister for the Environment, in accordance with section 17 of the Heard Island and McDonald Islands Environment Protection and Management Ordinance 1987, give particulars of the following application for and grant of permit under section 15 of the Ordinance:

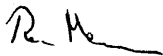
On 19 June 1998 an application was received and Permit No 98/2 was granted to Mr Martin Exel, c/-Austral Fisheries Pty Ltd, 14 Neil Street, Osborne Park, Western Australia 6017, subject to conditions, to enter the Territory and sail vessels in the Territory during the period, 18 June 1998 until repairs have been effected to the *Sil* or there is no further requirement to use the sheltered waters of Heard Island in connection with these events.

The purpose of the permit is to allow the *Sil* and other vessels, as required, to enter the Territorial seas to enable the *Sil* to be towed to a safe anchorage off Heard Island.

Other persons included in the permit are:

all those persons included on the crew and passenger manifests of the *Sil* and other vessels as required.

Copies of the permit may be obtained from the Permits Officer, Antarctic Division, Channel Highway, Kingston, Tasmania 7050.



Rex Moncur
Delegate of the Minister for the Environment

19 June 1998

Subject to the Administrative Appeals Tribunal Act 1975, a person or persons whose interests are affected by this decision may, within 28 days, make an application in writing to the Antarctic Division of the Department of the Environment for the reasons for the decision. An application for independent review of the decision may be made to the Administrative Appeals Tribunal, on payment of the relevant fee, by or on behalf of the person or persons whose interests are affected, either within 28 days of receipt of the reasons for the decision, or within 28 days of this notice if reasons for the decision are not sought. Further information may be obtained from:

The Policy Section
Antarctic Division
Channel Highway
KINGSTON TAS 7050

Telephone (03) 62 323 504
Facsimile (03) 62 323 500

9609417

Finance and Administration

AUSTRALIAN ELECTORAL COMMISSION

Register of Political Parties

The Australian Electoral Commission has received the following application to change party details in the *Register of Political Parties* under the provisions of the *Commonwealth Electoral Act 1918* (the Act):

Name of Party: **One Australia Party**

Nature of change: To change the abbreviation of the party to
One Australia

The above application was made by 3 members of the party.

If you believe that the party should not be allowed to change its abbreviation:

- because the application does not comply with section 134 of the Act; or
- because the party's abbreviation is likely to be confused with the name or abbreviation of another registered party (one that is not related to the applicant party);

you may formally object by writing to the Australian Electoral Commission within one month after the date of this notification, i.e. by 8 August 1998. Objections, which must be signed and contain your address, should be sent to the Commission (marked to the attention of the Registrar of Political Parties), PO Box E201, Kingston, ACT 2604.

Please contact Brad Edgman on (02) 6271 4413 if you wish to have a copy of section 134. Objections will be made available to the applicants for comment.

W J Gray
Electoral Commissioner

9609418

AUSTRALIAN ELECTORAL COMMISSION*Commonwealth Electoral Act 1918***APPOINTMENT OF POLLING PLACES**

I, as delegate of the Australian Electoral Commission, and pursuant to paragraph 80(1)(a) of the Commonwealth Electoral Act 1918, appoint the polling places named in Column 2 of the Schedule, to be polling places for the Divisions specified in Column 1.



Frances Mary Howat
Australian Electoral Officer
for New South Wales

22 June 1998

SCHEDULE

Column 1
Electoral Division

Column 2
Polling Place

New South Wales

CHARLTON

Ambleside

DOBELL

Mardi

MACQUARIE

Bligh Park East

WERRIWA

Prestons West

AUSTRALIAN ELECTORAL COMMISSION

Commonwealth Electoral Act 1918

ABOLITION OF POLLING PLACES

I, as delegate of the Australian Electoral Commission, and pursuant to paragraph 80(1)(c) of the Commonwealth Electoral Act 1918, abolish the polling places named in Column 2 of the Schedule, being polling places for the Divisions specified in Column 1.



Frances Mary Howat
Australian Electoral Officer
for New South Wales

22 June 1998

SCHEDULE

Column 1
Electoral Division

Column 2
Polling Place

New South Wales

CHARLTON

Boolaroo
Edgeworth Heights
Eraring
Holmesville
Marmong Point
Morisset Park

MACARTHUR

Menangle Park

AUSTRALIAN ELECTORAL COMMISSION

Commonwealth Electoral Act 1918

APPOINTMENT OF POLLING PLACES

I, as delegate of the Australian Electoral Commission, and pursuant to paragraph 80(1)(a) of the Commonwealth Electoral Act 1918, appoint the polling places named in Column 2 of the Schedule, to be polling places for the Division specified in Column 1.

Tim Glanville

Tim Glanville
Australian Electoral Officer
for Victoria

29 June 1998

SCHEDULE

Column 1
Electoral Division

Column 2
Polling Place

Victoria

CORANGAMITE

Grovedale East
Highton

AUSTRALIAN ELECTORAL COMMISSION

Commonwealth Electoral Act 1918

ABOLITION OF POLLING PLACES

I, as delegate of the Australian Electoral Commission, and pursuant to paragraph 80(1)(c) of the Commonwealth Electoral Act 1918, abolish the polling places named in Column 2 of the Schedule, being polling places for the Divisions specified in Column 1.

Tim Glanville

Tim Glanville
Australian Electoral Officer
for Victoria

29 June 1998

SCHEDULE

Column 1
Electoral Division

Column 2
Polling Place

Victoria

BRUCE

Waverley Park

DEAKIN

Heathmont West
Southwood

AUSTRALIAN ELECTORAL COMMISSION*Commonwealth Electoral Act 1918***CHANGE OF NAME OF POLLING PLACES**

I, as delegate of the Australian Electoral Commission, and pursuant to paragraph 80(1)(a) of the Commonwealth Electoral Act 1918, change the names of the polling places named in Column 2 of the Schedule, to that shown in Column 3, for the Divisions specified in Column 1.

J S Glanville

Tim Glanville
Australian Electoral Officer
for Victoria

29 June 1998

SCHEDULE

Column 1 Electoral Division	Column 2 Previous name of polling place	Column 3 New name of polling place
Victoria		
CORANGAMITE	Drysdale North	Drysdale (Corangamite)
DEAKIN	Nunawading East	Mitcham North
MENZIES	Waldau	Doncaster Gardens

AUSTRALIAN ELECTORAL COMMISSION

Commonwealth Electoral Act 1918

APPOINTMENT OF POLLING PLACES

I, as delegate of the Australian Electoral Commission, and pursuant to paragraph 80(1)(a) of the *Commonwealth Electoral Act 1918*, appoint the polling places named in Column 2 of the Schedule, to be polling places for the Divisions specified in Column 1.



W J Gray
Electoral Commissioner

1 July 1998

SCHEDULE

Column 1 Electoral Division	Column 2 Polling Place	Column 1 Electoral Division	Column 2 Polling Place
--------------------------------	---------------------------	--------------------------------	---------------------------

Australian Capital Territory

Division of CANBERRA

Bonython
Calwell
Canberra Hospital
Chapman
Chifley
Chisholm
Conder
Curtin
Deakin
Duffy
Fadden
Farrer
Gilmore
Gordon
Gowrie
Holder
Hughes
Isabella Plains
Kambah East
Kambah North
Kambah South
Kambah West
Lyons
Mawson

Division of CANBERRA (cont)

Monash
Oaks Estate
Pearce
Red Hill
Richardson
Rivett
Tharwa
Theodore
Uriarra
Wanniassa
Wanniassa Hills
Waramanga
Weston
Yarralumla

Division of FRASER

Ainslie
Ainslie North
Aranda
Baker Gardens
Barton
Belconnen
Bruce

Column 1	Column 2
Electoral Division	Polling Place

Column 1	Column 2
Electoral Division	Polling Place

Division of FRASER (cont)

Campbell
Charnwood
City
Dickson
Downer
Evatt
Evatt South
Florey
Flynn
Giralang
Griffith
Hall
Higgins
Holt
Jervis Bay
Kalcen
Kalcen South
Latham
Lynchem
Macgregor
Macquarie
Melba
Narrabundah
Ngunnawal
Nicholls
Page
Palmerston
Reid
Scullin
Spence
Turner
Watson
Weetangera
Wreck Bay

9609419

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.

M J GRAY
Electoral Commissioner

THE SCHEDULE

New South Wales as at 30 June, 1998

Division	Enrolment	% Deviation from average divisional enrolment
BANKS	80719	-0.44
BARTON	83530	3.02
BENNELONG	83418	2.88
BEROWRA	86007	6.07
BLAXLAND	80695	-0.47
BRADFIELD	81180	0.12
CALARE	77066	-4.95
CHARLTON	85705	5.70
CHIFLEY	82626	1.90
COOK	80301	-0.96
COMPER	78306	-3.42
CUNNINGHAM	77331	-4.62
DOBELL	81973	1.10
EDEN-MONARO	77765	-4.08
FARRER	74864	-7.66
FOWLER	90029	11.03
GILMORE	78286	-3.44
GRAYNDLER	85285	5.18
GREENHAY	86311	6.45
GHYDIR	73079	-9.86
HUGHES	87830	8.32
HUME	74963	-7.54
HUNTER	76232	-5.97
KINGSFORD-SMITH	80511	-0.70
LINDSAY	83285	2.71
LOWE	81443	0.44
LYNE	81341	0.32
MACARTHUR	90117	11.14
MACKELLAR	80933	-0.18
MACQUARIE	81113	0.04
MITCHELL	81970	1.09
NEWCASTLE	78258	-3.48
NEW ENGLAND	73950	-8.79
NORTH SYDNEY	88116	8.67
PAGE	79737	-1.65
PARKES	78543	-3.12
PARRAMATTA	77631	-4.25
PATERSON	80931	-0.18
PROSPECT	78370	-3.34
REID	83063	2.44
RICHMOND	86494	6.67
RIVERINA	79584	-1.84
ROBERTSON	80172	-1.11
SHORTLAND	78779	-2.83
SYDNEY	84922	4.73
THROSBY	78059	-3.72
WARRINGAH	78230	-3.51
WATSON	81243	0.20
WENTWORTH	81491	0.50
WERRIWA	82216	1.40
Totals	4054003 (Average: 81080)	

Victoria as at 30 June, 1998

Division	Enrolment	% Deviation from average divisional enrolment
ASTON	83161	2.04
BALLARAT	79434	-2.53
BATMAN	86528	6.17
BENDIGO	82057	0.68
BRUCE	83119	1.99
BURKE	78065	-4.21
CALWELL	85185	4.52
CASEY	78543	-3.62
CHISHOLM	83442	2.38
CORANGAMITE	77948	-4.35
CORIO	80362	-1.39
DEAKIN	81692	0.23
DUNKLEY	79924	-1.93
FLINDERS	82734	1.51
GELLIBRAND	83858	2.89
GIPPSLAND	79393	-2.58
GOLDSTEIN	86131	5.68
HIGGINS	82154	0.80
HOLT	79042	-3.01
HOTHAM	86873	6.59
INDI	80450	-1.28
ISAACS	77201	-5.27
JAGAJAGA	84672	3.89
KOOYONG	82320	1.00
LALOR	79473	-2.48
LA TROBE	77185	-5.29
MCEWEN	79201	-2.81
MCMILLAN	80305	-1.46
MALLEE	79715	-2.18
MARIBYRNONG	80976	-0.63
MELBOURNE	85137	4.46
MELBOURNE PORTS	79200	-2.81
MENZIES	79843	-2.02
MURRAY	83000	1.84
SCULLIN	81462	-0.04
HANNON	80136	-1.67
HILLS	85484	4.89
Totals	3015405 (Average: 81497)	

Queensland as at 30 June, 1998

Division	Enrolment	% Deviation from average divisional enrolment
BLAIR	73027	-8.07
BOWMAN	79179	-0.33
BRISBANE	86472	8.84
CAPRICORNIA	79652	0.26
DAWSON	82082	3.32
DICKSON	78235	-1.52
FADDEN	77573	-2.35
FAIRFAX	74363	-6.39
FISHER	74094	-6.73
FORDE	75448	-5.02
GRIFFITH	84717	6.63
GROOM	78985	-0.57
HERBERT	82577	3.94
HINKLER	77484	-2.46
KENNEDY	82325	3.62
LEICHHARDT	77817	-2.04
LILLEY	84900	6.86
LONGMAN	74083	-6.74
MCPHERSON	80224	0.98
MARANOA	82256	3.54
MONCRIEFF	79435	-0.01
MORETON	84232	6.02
OXLEY	77616	-2.29
PETRIE	83348	4.91
RANKIN	76396	-3.83
RYAN	81861	3.04
WIDE BAY	76600	-3.57
Totals	2144981 (Average: 79443)	

Western Australia as at 30 June, 1998

Division	Enrolment	% Deviation from average divisional enrolment
BRAND	74377	-7.43
CANNING	78708	-2.04
COWAN	76175	-5.19
CURTIN	82926	3.20
FORREST	81280	1.15
FREMANTLE	80672	0.40
KALGOORLIE	79214	-1.41
MOORE	76118	-5.26
O'CONNOR	82643	2.85
PEARCE	78860	-1.85
PERTH	83116	3.44
STIRLING	84335	4.95
SWAN	84102	4.66
TANGNEY	82384	2.53
Totals	1124910 (Average: 80350)	

South Australia as at 30 June, 1998

Division	Enrolment	% Deviation from average divisional enrolment
ADELAIDE	79347	-3.81
BARKER	82917	0.51
BONYTHON	76607	-7.13
BOOTHBY	79463	-3.66
GREY	81817	-0.81
HINDMARSH	81504	-1.19
KINGSTON	86231	4.53
MAKIN	87776	6.40
MAYO	88516	7.30
PORT ADELAIDE	80543	-2.36
STURT	77280	-6.31
WAKEFIELD	87883	6.53
Totals	989884 (Average: 82490)	

Tasmania as at 30 June, 1998

Division	Enrolment	% Deviation from average divisional enrolment
BASS	64291	0.30
BRADDON	60698	-5.29
DENISON	65010	1.42
FRANKLIN	63829	-0.41
LYONS	66651	3.98
Totals	320479 (Average: 64095)	

Australian Capital Territory as at 30 June, 1998

Division	Enrolment	% Deviation from average divisional enrolment
CANBERRA	103997	1.29
FRASER	101331	-1.29
Totals	205328 (Average: 102664)	

Northern Territory as at 30 June, 1998

Division	Enrolment	% Deviation from average divisional enrolment
NORTHERN TERRITORY	104648	0.00
Totals	104648 (Average: 104648)	

TOTAL FOR AUSTRALIA 11 959 638

COMMONWEALTH OF AUSTRALIA

SUPERANNUATION ACT 1976

DETERMINATION

The CSS Board, pursuant to section 154A of the Superannuation Act 1976, and for the purposes of Division 2A of Part V, Part VIAA and section 156A of that Act, DETERMINES as follows:

Citation

1. This determination may be cited as the "Superannuation Act 1976 (Interest) Determination No. 33".

Commencement

2. This determination shall take effect from and including 1 June 1998.

Principal Determination

3. In this determination "the Principal Determination" means the determination, as amended, in force by virtue of paragraph 154A(4)(b) of the Superannuation Act 1976.

Amendments to the Principal Determination

4. Clause 6 of the Principal Determination is amended by deleting from subclauses (1) and (2) "5.7%" (wherever occurring) and inserting in its stead "11.3%".

Application

5. (1) The provisions of the Principal Determination, as amended by this determination, apply in relation to interest payable or notional interest calculable (as the case may be) in respect of an amount that is a prescribed amount in relation to a person:

- (a) if deferred benefits become payable in respect of the person - after the date of the commencement of this determination; or
- (b) if:
 - (i) deferred benefits cease to be applicable in respect of the person; or
 - (ii) in the case of a person to whom deferred benefits are not applicable - the person ceases to be an eligible employee;

on or after that date.

(2) An expression used in subclause 5(1) that is defined in the Principal Determination has the same meaning for the purposes of that subclause as it has in that determination.

Signed on the twenty seventh day of May 1998 by M.N. Dawson (Secretary of the Board) and K.J. McCullagh (Authorised Signatory).

COMMONWEALTH OF AUSTRALIA

SUPERANNUATION ACT 1976

DETERMINATION

The CSS Board, pursuant to subsections 154AB(1) and (2) of the *Superannuation Act 1976* and for the purposes of subsections 80D(1), (2) and 136(2) of that Act, DETERMINES as follows:

Citation

1. This determination may be cited as the "Superannuation (CSS) (Surcharge Deduction Amount - Conversion Factors) Determination No. 1".

Commencement

2. This determination shall take effect from and including 15 May 1998.

Purpose

3. The purpose of this determination is to determine, in accordance with advice from the Australian Government Actuary, conversion factors to be used when calculating pension reductions in order to discharge surcharge deduction amounts.

Interpretation

- 4.(1) In this determination, "Act" means the *Superannuation Act 1976*.
- (2) Words and expressions defined in the Act have the same meaning in this determination.

Schedule

[Conversion factors to be used when calculating amounts to be deducted from indexed pensions and deferred benefits payable as indexed pensions]

5. The conversion factors for the purposes of subsection 154AB(1) of the Act are set out in Table 1 in the Schedule to this determination.

[Conversion factors to be used when calculating amounts to be deducted from non-indexed pensions and deferred benefits payable as non-indexed pensions]

6. The conversion factors for the purposes of subsection 154AB(2) of the Act are set out in Table 2 in the Schedule to this determination.

Signed on the fourth day of June 1998 by R.L. Brown (Chairperson), P. Reynolds, G.J. Kelly, W.Hall, J.A. Flitcroft and J. Palmer (Members).

SCHEDULE

TABLE 1

CONVERSION FACTORS REQUIRED UNDER
SUBSECTION 154AB(1) OF THE ACT

Age in completed years at date of commencement of pension	Conversion factor
15	23.8
16	23.8
17	23.8
18	23.7
19	23.6
20	23.6
21	23.5
22	23.4
23	23.3
24	23.3
25	23.2
26	23.1
27	23.0
28	22.9
29	22.8
30	22.7
31	22.6
32	22.4
33	22.3
34	22.2
35	22.1
36	21.9
37	21.8
38	21.6
39	21.5
40	21.3
41	21.1
42	21.0
43	20.8
44	20.6
45	20.4

SCHEDULE (cont.)**TABLE 1 (cont.)****CONVERSION FACTORS REQUIRED UNDER
SUBSECTION 154AB(1) OF THE ACT**

Age in completed years at date of commencement of pension	Conversion factor
46	20.2
47	20.0
48	19.7
49	19.5
50	19.3
51	19.0
52	18.8
53	18.5
54	18.2
55	17.9
56	17.7
57	17.3
58	17.0
59	16.7
60	16.4
61	16.0
62	15.7
63	15.3
64	15.0
65	14.6
66	14.2
67	13.8
68	13.4
69	13.0
70	12.6

SCHEDULE (cont.)

TABLE 2

**CONVERSION FACTORS REQUIRED UNDER
SUBSECTION 154AB(2) OF THE ACT**

Age in completed years at date of commencement of pension	Conversion factor
15	14.6
16	14.6
17	14.6
18	14.5
19	14.5
20	14.5
21	14.5
22	14.5
23	14.5
24	14.5
25	14.5
26	14.4
27	14.4
28	14.4
29	14.4
30	14.4
31	14.3
32	14.3
33	14.3
34	14.3
35	14.2
36	14.2
37	14.1
38	14.1
39	14.1
40	14.0
41	14.0
42	13.9
43	13.8
44	13.8
45	13.7

SCHEDULE (cont.)**TABLE 2 (cont.)****CONVERSION FACTORS REQUIRED UNDER
SUBSECTION 154AB(2) OF THE ACT**

Age in completed years at date of commencement of pension	Conversion factor
46	13.6
47	13.6
48	13.5
49	13.4
50	13.3
51	13.2
52	13.1
53	13.0
54	12.9
55	12.7
56	12.6
57	12.5
58	12.3
59	12.2
60	12.0
61	11.8
62	11.6
63	11.5
64	11.3
65	11.0
66	10.8
67	10.6
68	10.4
69	10.1
70	9.9



COMMONWEALTH OF AUSTRALIA

**JANDAKOT AIRPORT
TRANSFER INSTRUMENT**

**DECLARATIONS MADE BY THE MINISTER FOR FINANCE AND
ADMINISTRATION UNDER THE AIRPORTS (TRANSITIONAL) ACT 1996**

JANDAKOT AIRPORT

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

Unless the context otherwise requires, words and phrases used in this instrument which are defined in the *Airports (Transitional) Act 1996* or the *Airports Act 1996* have the same meaning when used in this instrument. In addition:

"**Airport**" means Jandakot airport located on the Airport Site.

"**Airport Lease**" has the meaning given to that expression in the Sale Agreement.

"**Airport Site**" has the meaning given to that expression in the Airport Lease.

"**FAC Act**" means the *Federal Airports Corporation Act 1986* and any By-laws made under that Act.

"**Grant**" means the grant of an airport lease for the Airport Site to the Transferee pursuant to section 22 of the Transitional Act.

"**Grant Time**" has the meaning given to that expression in the Airport Lease.

"**Sale Agreement**" means the Jandakot Airport Sale Agreement dated 21 April 1998 and entered into between the Commonwealth, the Transferee and others.

"**Specified Asset**" means an asset specified in Part 1 of Schedule A, but does not include an asset specified in Part 2 of Schedule A.

"**Specified Contract**" means a contract specified in Part 1 of Schedule B, but does not include a contract specified in Part 2 of Schedule B.

"**Specified Commonwealth Asset**" means a sublease of part of the Airport Site under which the FAC was a sublessee immediately before a declaration under section 11 of the Transitional Act in relation to Jandakot Airport takes effect.

"**Specified Employee**" means a person who immediately before the Grant Time is an employee of the FAC and whose name is specified in Schedule D.

"**Specified Instrument**" means an instrument but does not include:

- (a) a statute (other than the FAC Act), or an instrument made, granted or issued under a statute (other than an instrument made, granted or issued

under the FAC Act, the *Airports (Business Concessions) Act 1959* or a similar Commonwealth law);

- (b) a statutory licence, permit or other authority (other than a statutory licence, permit or other authority issued under the FAC Act, the *Airports (Business Concessions) Act 1959* or a similar Commonwealth law); or
- (c) a register kept by an official under a Commonwealth, State or Territory law.

"Specified Liability" means a liability specified in Part 1 of Schedule C, but does not include a liability specified in Part 2 of Schedule C.

"Structure" has the meaning given to that expression in the Airport Lease.

"Transferee" means Jandakot Airport Holdings Pty Ltd (ACN 081 643 156).

"Transitional Act" means the *Airports (Transitional) Act 1996*.

1.2 Interpretation

Unless the context otherwise requires, references to paragraphs, Schedules and Exhibits are references to paragraphs, Schedules and Exhibits of or to this instrument.

2. DECLARATIONS

I, John Joseph Fahey, Minister for Finance and Administration, hereby declare, pursuant to the Transitional Act, that in the event that the Grant occurs:

2.1 Section 30 (Assets)

- (a) each Specified Asset vests in the Transferee immediately after the Grant Time without any conveyance, transfer or assignment;
- (b) each Specified Instrument relating to a Specified Asset continues to have effect after the Specified Asset vests in the Transferee as if a reference in the instrument to the FAC or to the Commonwealth (in its capacity as predecessor to the FAC as the operator of the Airport) were a reference to the Transferee; and
- (c) the Transferee becomes the FAC's successor in law in relation to each Specified Asset immediately after the Specified Asset vests in the Transferee.

2.2 Section 31 (Contracts)

- (a) the FAC's rights and obligations under each Specified Contract cease to be rights and obligations of the FAC immediately after the Grant Time and become rights and obligations of the Transferee immediately after the Grant Time;

- (b) each Specified Contract continues to have effect after the Grant Time as if a reference in the Specified Contract to the FAC or to the Commonwealth (in its capacity as predecessor to the FAC as the operator of the Airport) were a reference to the Transferee;
- (c) each Specified Instrument relating to a Specified Contract continues to have effect, after the FAC's rights and obligations under the Specified Contract become rights and obligations of the Transferee, as if a reference in the instrument to the FAC or to the Commonwealth (in its capacity as predecessor to the FAC as the operator of the Airport) were a reference to the Transferee; and
- (d) the Transferee becomes the FAC's successor in law, in relation to the FAC's rights and obligations under each Specified Contract, immediately after the FAC's rights and obligations under the Specified Contract become the rights and obligations of the Transferee.

2.3 **Section 33 (Liabilities)**

- (a) each Specified Liability ceases to be a liability of the FAC immediately after the Grant Time and becomes a liability of the Transferee immediately after the Grant Time;
- (b) each Specified Instrument creating a Specified Liability continues to have effect after the Specified Liability becomes a liability of the Transferee as if a reference in the instrument to the FAC or to the Commonwealth (in its capacity as predecessor to the FAC as the operator of the Airport) were a reference to the Transferee; and
- (c) the Transferee becomes the FAC's successor in law in relation to each Specified Liability immediately after the Specified Liability becomes a liability of the Transferee.

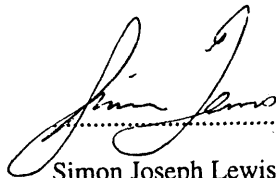
2.4 **Section 58 (Employees)**

each Specified Employee ceases to be employed by the FAC immediately after the Grant Time and is taken to have been engaged by the Transferee as an employee of the Transferee immediately after the Grant Time.

2.5 **Section 23 (Transfers from the Commonwealth – assets)**

- (a) each Specified Commonwealth Asset vests in the Transferee immediately after the Grant Time without any conveyance, transfer or assignment;
- (b) each Specified Instrument relating to a Specified Commonwealth Asset continues to have effect after the Specified Commonwealth Asset vests in the Transferee as if a reference in the instrument to the Commonwealth or the FAC were a reference to the Transferee; and
- (c) the Transferee becomes the Commonwealth's successor in law in relation to the Commonwealth's right, title and interest in each Specified Commonwealth Asset immediately after the Specified Commonwealth Asset vests in the Transferee.

DATED: 20 June 1998.

A handwritten signature in black ink, appearing to read 'Simon Lewis', is written over a horizontal dotted line.

Simon Joseph Lewis,
Executive Director, Aviation and Defence Industries Sales Group,
Office of Asset Sales and IT Outsourcing,
for and on behalf of the Minister for Finance and Administration
of the Commonwealth of Australia

SCHEDULE A**(Specified Assets)****PART 1****1. Tangible property**

Any physical object which:

- (a) is owned by the FAC; and
- (b) is used by the FAC exclusively in the operation of the Airport Site or otherwise exclusively relates to the Airport Site.

2. Aeronautical charges

(a) Any amount which:

- (i) is due and payable to the FAC; or
- (ii) would become due and payable to the FAC after the Grant Time with the giving of notice or passage of time, or both,

under section 56 of the FAC Act in respect of the Airport Site and which is in relation to or arises from an event which occurred before the Grant Time and which is unpaid immediately before the Grant Time.

(b) Any amount which:

- (i) is owed to the FAC; or
- (ii) would become owing to the FAC after the Grant Time with the giving of notice or passage of time, or both,

by way of a penalty in respect of, or that may arise in relation to, an amount referred to in paragraph (a).

- (c) Without limiting paragraphs (a) or (b), any rights of the FAC which are necessary or convenient to impose an obligation to pay, or to collect, an amount referred to in paragraph (a) or (b), including but not limited to, the right to issue invoices.

3. By-law payments

Any amount which is owed to the FAC under By-laws made under the FAC Act in respect of the Airport Site and which is in relation to or arises from an event which occurred before the Grant Time and which is unpaid immediately before the Grant Time.

PART 2

1. **Structures**

Any asset which immediately before the Grant Time is a Structure.

2. **Records**

Any record of the FAC within the meaning of the *Archives Act 1983*.

3. **Litigation**

Any amount referred to in paragraph 2 of Part 1 of Schedule A which immediately before the Grant Time is the subject of proceedings to which the FAC is a party in any court or tribunal.

SCHEDULE B
(Specified Contracts)

PART 1

1. **Nominated contracts**

Nil.

2. **Other contracts**

Any contract (other than a contract of employment) not specified in paragraph 1 to which the FAC is a party and which:

- (a) was entered into by the FAC or the Commonwealth (in its capacity as predecessor to the FAC as the operator of the Airport) at any time before the Grant Time; and
- (b) exclusively relates to:
 - (i) a Specified Asset;
 - (ii) a Specified Liability;
 - (iii) a Specified Employee;
 - (iv) the operation of the Airport Site; or
 - (v) any land or Structure the subject of the Airport Lease,or any combination of the above.

PART 2

All existing leases in relation to the Airport Site (within the meaning of subsection 26(1) of the Transitional Act).

SCHEDULE C
(Specified Liabilities)

PART 1

Any liability of the FAC (other than a liability under a contract or a liability to refund all or part of an aeronautical charge which arises as a result of litigation) in respect of, in relation to, in connection with or which arises from:

- (a) a Specified Asset, a Specified Contract or a Specified Employee;
- (b) any land or Structure the subject of the Airport Lease; or
- (c) the ownership, occupation or operation of the Airport Site by the FAC at any time before the Grant Time,

or any combination of the above.

PART 2

1. Tax

Any liability of the FAC to pay any income tax (including capital gains tax), sales tax, interest withholding tax, superannuation guarantee levy, pay-as-you-earn remittances, customs duty, payroll-tax, fringe benefits tax, and any penalties, interest, fines or other costs relating thereto.

2. Litigation

Any liability of the FAC in respect of, in relation to or which arises from the following litigation:

Parties	Name of Proceeding / Reference number
Any proceeding which is being conducted in the name of the FAC by one of its insurers under subrogation rights.	Various.

3. FAC's own actions after the Grant

Any liability to the extent that the liability is a result of, in respect of or arises from any act, omission, transaction or arrangement of or on behalf of the FAC after the Grant Time.

SCHEDULE D
(Specified Employees)

Payroll No.	Name
J0023	Anne Watson
J0024	Julien Harris
J0035	Stephen Bolton
J0040	Shane Hart



COMMONWEALTH OF AUSTRALIA

**JANDAKOT AIRPORT
SECTION 11 DECLARATION**

**DECLARATIONS MADE BY THE MINISTER FOR FINANCE AND
ADMINISTRATION UNDER SECTION 11 OF THE
AIRPORTS (TRANSITIONAL) ACT 1996**

JANDAKOT AIRPORT

1. DEFINITIONS AND INTERPRETATION

Unless the context otherwise requires, words and phrases used in this instrument which are defined in the *Airports (Transitional) Act 1996* ("Transitional Act") or the *Airports Act 1996* ("Airports Act") have the same meaning when used in this instrument. In addition:

"Specified Land" means the land referred to in Part 1.10 of Schedule 1 and more fully described in the relevant Note at the end of Schedule 1 of the Airports Regulations 1996;

"Specified Instrument" means an instrument, but does not include:

- (a) a statute, or an instrument made, granted or issued under a statute (other than a lease);
- (b) a statutory licence, permit or other authority (other than a lease);
- (c) a register kept by an official under a Commonwealth, State or Territory law.

"Specified Liability" means a liability specified in the Schedule.

2. DECLARATIONS

I, John Joseph Fahey, Minister for Finance and Administration, hereby declare pursuant to section 11 of the Transitional Act that subject to paragraph 3:

- (a) the FAC's right, title and interest in the Specified Land vests in the Commonwealth without any conveyance, transfer or assignment;
- (b) each Specified Instrument relating to the Specified Land (including for the avoidance of doubt existing leases) continues to have effect after the FAC's right, title and interest in the Specified Land vests in the Commonwealth as if a reference in the instrument to the FAC were a reference to the Commonwealth;
- (c) the Commonwealth becomes the FAC's successor in law in relation to the FAC's right, title and interest in the Specified Land immediately after the FAC's right, title and interest in the land vests in the Commonwealth.

3. SPECIFIED LIABILITIES

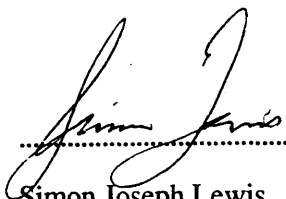
This declaration is not intended to have the effect of:

- (a) transferring to the Commonwealth a Specified Liability;
- (b) making the Commonwealth liable in relation to a Specified Liability; or
- (c) making the Commonwealth the successor in law of the FAC in relation to a Specified Liability.

4. COMMENCEMENT

This declaration comes into operation on 1 July 1998,

DATED: 30 June 1998.



.....

Simon Joseph Lewis,
Executive Director, Aviation and Defence Industries Sales Group,
Office of Asset Sales and IT Outsourcing,
for and on behalf of the Minister for Finance and Administration
of the Commonwealth of Australia

Schedule - Specified Liabilities

JANDAKOT AIRPORT

Any liability of the FAC in respect of, in relation to or which arises from:

- (a) an asset, contract or employee of the FAC;
- (b) the ownership or occupation of the Specified Land;
- (c) the operation of Jandakot Airport; or
- (d) a fixture on the Specified Land;

other than an obligation or benefit under, or connected with, an existing lease.

9609422

Health and Family Services



Therapeutic
Goods
Administration

PO Box 100 Woden ACT 2606 Australia

□ Woden Telephone: (06) 289 1555 Facsimile: (06) 289 7222

□ Symonston Telephone: (06) 232 8444 Facsimile: (06) 232 8241



Commonwealth Department of
**Health and
Family Services**

THERAPEUTIC GOODS ACT 1989

CONSENT UNDER SUBSECTION 14(1)

I, Nicholas Medveczky, delegate of the Secretary to the Department of Health and Family Services for the purpose of the exercise of the Secretary's powers under Section 14 of the Therapeutic Goods Act 1989, acting under subsection 14(1), **CONSENT** to the request that CSL Limited be granted an exemption from the requirements of Therapeutic Goods Order No 48 - "General requirements for labels for drug products" in respect of the BIKEN Japanese Encephalitis Vaccine lyophilised (AUST R 49681), supplied to CSL Limited by Pasteur Merieux Serums & Vaccins, with United States labelling. This exemption is valid until Dec 31, 1998.

A large, stylized handwritten signature in black ink, which appears to read 'Nicholas Medveczky'.

Nicholas Medveczky
ag Head, Immunobiology Section
TGA Laboratories Branch
Therapeutic Goods Administration
(Delegate of the Secretary to the
Department of Health and Family Services)
29 June 1998

COMMONWEALTH OF AUSTRALIA

Therapeutic Goods Act 1989

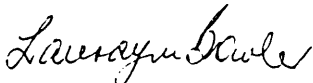
THERAPEUTIC GOODS ORDER NO 62.

AMENDMENT TO THERAPEUTIC GOODS ORDER NO. 48 - "GENERAL
REQUIREMENTS FOR LABELS FOR DRUG PRODUCTS"

I LAURAYNE BOWLER, delegate of the Minister for Health and Family Services for the purposes of the exercise of the Minister's powers under section 10 of the *Therapeutic Goods Act 1989*, and acting under that section, having consulted with the Therapeutic Goods Committee in accordance with subsection 10(4) of the said Act, HEREBY AMEND Therapeutic Goods Order No. 48 - "General Requirements for Labels for Drug Products", made on 15 April 1994 and published in the *Gazette* No. GN 19, dated 18 May 1994, ("the Order"), as follows -

- (a) in the Second Schedule to the Order, by adding to the schedule
- Maltose (see 'NOTE: (b)' below)
Maltodextrin (see 'NOTE: (b)' below)
- (a) in the Second Schedule to the Order -
- "Ethanol" to read "Ethanol (see 'NOTE: (a)' below)"
"Fructose" to read "Fructose (see 'NOTE: (b)' below)"
"Galactose" to read "Galactose (see 'NOTE: (b)' below)"
"Glucose" to read "Glucose (see 'NOTE: (b)' below)"
"Invert Sugar" to read "Invert Sugar (see 'NOTE: (b)' below)"
"Lactose" to read "Lactose (see 'NOTE: (b)' below)"
"Sucrose" to read "Sucrose (see 'NOTE: (b)' below)"
- (b) in the Second Schedule to the Order, by inserting "(a)" after "NOTE:" and before "The presence of 'Ethanol'..."
- (c) at the end of the Second Schedule to the Order, by inserting, after "NOTE: (a)....." -
- "(b) the presence of sugars (fructose, galactose, glucose, invert sugar, lactose, maltose, maltodextrin and sucrose), included in the Second Schedule to the Order is only required to be disclosed on a label where the total amount of sugars in the maximum dose of the drug product recommended exceeds 50 mg."

Dated this 24 day of June 1998



LAURAYNE BOWLER
A/g Director, Chemicals & Non Prescription Drugs Branch
Therapeutic Goods Administration
(Delegate of the Minister for Health and Family Services)



PO Box 100 Woden ACT 2606 Australia
☐ Woden Telephone: (02) 6289 1555 Facsimile: (06) 289 8709
☐ Symonston Telephone: (02) 6232 8444 Facsimile: (06) 232 8605



Commonwealth Department of
**Health and
Family Services**

**COMMONWEALTH OF AUSTRALIA
THERAPEUTIC GOODS ACT 1989
NOTICE UNDER SECTION 30(6)(b): CANCELLATION OF LISTING OF GOODS
IN THE AUSTRALIAN REGISTER OF THERAPEUTIC GOODS**

Pursuant to Section 30 (6)(b) of the *Therapeutic Goods Act 1989* notice is hereby given that the listing in the Australian Register of Therapeutic Goods (ARTG) of the goods specified below was cancelled on 19 May 1998. Particulars of the cancellation are as follows:

SPONSOR: ALLWORTH MW, INGRAM CJ, MCGRATH AG, MEWETT BG & BAKER NJ (T/A KPMG)
ARTG NAME OF GOODS: CHAFE BLOCK Gel bottle
ARTG NUMBER: 64365
REASON FOR CANCELLATION: The listing was cancelled under Section 30(1)(e) of the said Act because the certification provided under Section 26A(2)(a) was incorrect in that the goods are not eligible for listing.

SPONSOR: HERBAL GOLD INTERNATIONAL PTY LTD
ARTG NAME OF GOODS: HERBAL GOLD CHEL 50 MAX Tablet - film coated bottle
ARTG NUMBER: 63921
REASON FOR CANCELLATION: The listing was cancelled under Section 30(1)(e) of the said Act because the certification provided under Section 26A(2)(a) was incorrect in that the goods are not eligible for listing.

SPONSOR: STRATAGEM LIFESTYLES CORPORATION
ARTG NAME OF GOODS: STRATAGEM LIFESTYLES CHEL 50 MAX Tablet - film coated bottle
ARTG NUMBER: 63922
REASON FOR CANCELLATION: The listing was cancelled under Section 30(1)(e) of the said Act because the certification provided under Section 26A(2)(a) was incorrect in that the goods are not eligible for listing.

dated this 19th day of May 1998

A handwritten signature in cursive script, appearing to read 'Helen A Brown'.

Helen A Brown
Delegate of the Secretary
to the Department of Health & Family Services

NATIONAL DRUGS AND POISONS SCHEDULE COMMITTEE

PROPOSALS FOR ALTERATIONS TO THE STANDARD FOR THE UNIFORM SCHEDULING OF DRUGS AND POISONS

Preamble

The National Drugs and Poisons Schedule Committee intends to consider regulatory proposals about the above Standard as outlined in the accompanying document.

The proposals set forth in the Schedule below are to be considered by the National Drugs and Poisons Schedule Committee at its next meeting on 18-20 August 1998.

You are invited to make a submission to the National Drugs and Poisons Schedule Committee about the proposals.

How to make your submission

Please make your submission in writing, and include your name and an address at which we can contact you.

Please send your submission to:

The Secretary
National Drugs and Poisons Schedule Committee
PO Box 100
WODEN ACT 2606

Closing Date

The closing date for submissions is 6 August 1998.

Further information

Further information on the proposals may be obtained by telephoning (02) 6232 8749 during business hours.

SCHEDULE

1. PROPOSED CHANGES/ADDITIONS TO THE STANDARD FOR THE UNIFORM SCHEDULING OF DRUGS AND POISONS.

- (a) Diphenhydramine - Schedule 3 to Schedule 2 when in preparations used as sleep aids for the relief of sleeplessness.
- (b) Levocabastine - Schedule 4 to Schedule 2 when in preparations for topical use.
- (c) Ibuprofen - Schedule 2 entry for ibuprofen to be amended to allow for the Schedule 2 classification of divided dosage units containing 200 mg of ibuprofen and 30 mg of pseudoephedrine.

2. MATTERS REFERRED BY AUSTRALIAN DRUG EVALUATION COMMITTEE (ADEC)

- (a) Trovafloxacin - New Drug - Schedule required
- (b) Alatrofloxacin - New Drug - Schedule required
- (c) Zafirlukast - New Drug - Schedule required
- (d) Valsartan - New Drug - Schedule required
- (e) Rituximab - New Drug - Schedule required
- (f) Imiquimod - New Drug - Schedule required

3. MATTERS REFERRED BY THE NATIONAL REGISTRATION AUTHORITY FOR AGRICULTURAL AND VETERINARY CHEMICALS

- (a) Gonadotropin Releasing Hormone (GnRH) vaccines - Review of Scheduling
- (b) Mecoprop - Review of Scheduling
- (c) Dichlorprop - New chemical entity - Schedule required
- (d) Carfentrazone-ethyl - New chemical entity - Schedule required

4. OTHER MATTERS FOR CONSIDERATION

- (a) Advertising of Schedule 3 substances - The brand advertising of products containing the following substances will be considered with respect to the advertising guidelines provided by the National Co-ordinating Committee on Therapeutic Goods:

Cetirizine	Fexofenadine	Miconazole
Clotrimazole	Folic acid	Minoxidil
Dimenhydrinate	Hydrocortisone	Nicotine
Diphenhydramine	Hyoscine butylbromide	Nystatin
Econazole	Loratadine	Ranitidine

Interested parties should note that public comment will not be sought during the usual post-meeting consultation period in consideration of the extensive consultation which has already taken place on brand advertising of Schedule 3 substances. Each of these substances has been included in Schedule 3 following decisions made at

past meetings and these processes have been subject to public consultation. This one-off change in procedures will allow relevant decisions to be implemented in the amendments to the SUSDP which come into effect on 19 December 1998. In this instance, therefore, all comments should be provided during the pre-meeting consultation period.

- (b) Sub-classification of prescription veterinary medicines - Comment is sought on the feasibility of introducing a scheme classifying veterinary prescription only medicines in a similar way to New Zealand.
- (c) Introduction to the SUSDP - Amendment to this Section of the SUSDP to better reflect the scheduling criteria used by the NDPSC. The following wording will be considered:

Schedule 1 -

Schedule 2 - Drugs or preparations for which pharmacist advice on use may be required by the consumer, which should be available to the public, without a prescription, from a pharmacy or, where a pharmacy service is not available, from a licensed person.

Schedule 3 - Drugs or preparations that require professional advice on use, which should be available to the public from a pharmacist without a prescription.

Schedule 4 - Drugs and preparations, the use, supply and prescribing of which should be by registered medical, veterinary and dental practitioners, or the supply of which by a pharmacist should be on prescription.

Schedule 5 - Poisons and preparations which have low toxicity or a low concentration, and a low to moderate hazard, which should be freely available, but which may require any potential harm to be reduced through the use of appropriate packaging, with simple label warnings, safety directions and/or child resistant packaging, where appropriate.

Schedule 6 - Poisons and preparations with moderate to high toxicity, which should be freely available for agricultural, commercial, domestic, horticultural and industrial purposes with minimum restrictions, but which require potential harm to be reduced through the use of distinctive packaging, with strong label restrictions, more extensive safety directions than for a Schedule 5 poison, and/or child resistant packaging, where appropriate.

Schedule 7 - Poisons and preparations with high to extremely high toxicity, or which can cause death or severe injury at low exposures, which require special precautions in their manufacture, handling or use. These poisons or preparations should have a restricted availability to the general public, but should be available to specialised or authorised users who have the skills necessary to handle them safely. Special regulations restricting their availability, possession or use may be required.

Schedule 8 - Drugs which should be available for medicinal use with restrictions on manufacturing, trade, distribution, possession and use, to prevent abuse, addiction and dependence.

Schedule 9 - Poisons which are drugs of abuse, the manufacture, possession, sale or use of which should be prohibited by law except for amounts which may be necessary for analytical purposes, or for medical or scientific research conducted with the approval of Commonwealth and/or State or Territory Health Authorities.

COMMONWEALTH OF AUSTRALIA

DECLARATION UNDER SECTION 21 OF THE HEALTH INSURANCE
COMMISSION (REFORM AND SEPARATION OF FUNCTIONS) ACT 1997

Declaration of Commission Employee transfer time

1. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this instrument which are defined in the *Health Insurance Commission (Reform and Separation of Functions) Act 1997* have the same meaning when used in this instrument.

In Addition :

"Act" means the *Health Insurance Commission (Reform and Separation of Functions) Act 1997*;

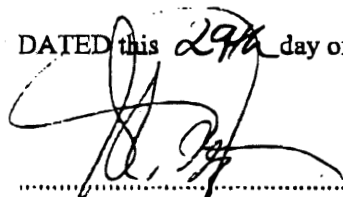
"Specified Employee" means an employee of the Commission specified in the Schedule of Transfer.

2. DECLARATION

Pursuant to section 21(2) of the Act, we, the undersigned, being delegates of the Minister for Health and Family Services, hereby declare that on the date specified in the Schedule as that employee's transfer time :

- (a) each Specified Employee ceases to be employed by the Commission; and
- (b) each Specified Employee is taken to have been engaged by Medibank Private Limited as an employee of Medibank Private Limited.

DATED this 29th day of June 1998



Human Resources Manager,
Health Insurance Commission.



Human Resources Manager,
Medibank Private Limited.

COMMONWEALTH OF AUSTRALIA

**DECLARATION UNDER SECTION 28 OF THE HEALTH INSURANCE
COMMISSION (REFORM AND SEPARATION OF FUNCTIONS) ACT 1997**

Declaration of Medibank Private Limited Employee Re-transfer Time

1. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this instrument which are defined in the *Health Insurance Commission (Reform and Separation of Functions) Act 1997* have the same meaning when used in this instrument.

In Addition :

"Act" means the *Health Insurance Commission (Reform and Separation of Functions) Act 1997*;

2. DECLARATION

Pursuant to section 28(2) of the Act, we, the undersigned, being delegates of the Minister for Health and Family Services, hereby declare that Kim Hiew ("the employee"):

- (a) ceases to be employed by Medibank Private Limited on 25 June 1998 (the employee's re-transfer time); and
- (b) is taken to have been engaged by the Commission as an employee of the Commission at the employee's re-transfer time.

DATED this 29th day of June 1998


.....
Human Resources Manager,
Health Insurance Commission.


.....
Human Resources Manager,
Medibank Private Limited.

Schedule of Transfer

Specified Employee		Transfer Date	Specified Employee		Transfer Date
Anes	Jean	25/06/98	Forder	Susan	25/06/98
Avery	Wendy	25/06/98	Fraser	Nicole	25/06/98
Bailey	Karen	25/06/98	Gabellone	Soile	25/06/98
Bernard	Linda	25/06/98	Gray	Mary	25/06/98
Bettess	Karren	25/06/98	Gray	Vera	25/06/98
Blackbourne	Danie	25/06/98	Green	Valerie	25/06/98
Bogdanovic	Louise	25/06/98	Gullock	Gordon	25/06/98
Brockie	Maureen	25/06/98	Harding	Robyne	25/06/98
Brogan	Eleanor	25/06/98	Harris	Jodie	25/06/98
Brown	Lester	25/06/98	Illanes	Christine	25/06/98
Broxholme	Laura	25/06/98	James	Natalie	25/06/98
Brunton	Helen	25/06/98	Jaron	Sonia	25/06/98
Cantelmi	Santina	25/06/98	Jensen	Gaylene	25/06/98
Clarke	Patricia	25/06/98	Johnson	Beryl	25/06/98
Colville	Judith	25/06/98	Kilkeary	Margaret	25/06/98
Conduit	Toni	25/06/98	Kitching	Lillian	25/06/98
Constantino	Christine	25/06/98	Kopel	Vera	25/06/98
Coulson	Stacey	25/06/98	La Forgia	Domenic	25/06/98
Cox	David	25/06/98	Lasslett	Barbara	25/06/98
Cox	Helen	25/06/98	Lawlor	Myriam	25/06/98
Crowther	Kylie	25/06/98	Ludlow	Michelle	25/06/98
Dench	Nicole	25/06/98	Marsh	Melinda	25/06/98
Dennis	Deborah	25/06/98	Martin	Amanda	25/06/98
DiLorio	Maria	25/06/98	Millar	Annette	25/06/98
Dodd	Megan	25/06/98	Morrison	Alexis	25/06/98
Dowling	Kerrie	25/06/98	Murnane	Narelle	25/06/98
Doyle	Lisa	25/06/98	Murray	Suzette	25/06/98
Duffin	Tonie	25/06/98	McAvoy	Jan	25/06/98
Duthill	Marie-Anne	25/06/98	McGregor	Sandra	25/06/98
Dyson-Holland	Debbie	25/06/98	McHale	Sandra	25/06/98
Elias	Claudette	25/06/98	McLennan	Michelle	25/06/98
Fairlie	Fiona	25/06/98	Murphy	Glenn	25/06/98
Falzon-Ede	Karen	25/06/98	Newcombe	Jean	25/06/98

STAYING AT HOME COMMUNITY AGED CARE PACKAGE ROUND 1997-98

Allocation of Places by State

New South Wales	165
Victoria	105
Queensland	130
Western Australia	75
South Australia	25
Total	500

9609426

House of Representatives

Act of Parliament assented to

It is hereby notified, for general information, that His Excellency the Governor-General, in the name of Her Majesty, assented on 23 June 1998 to the undermentioned Act passed by the Senate and the House of Representatives in the Parliament assembled, viz.:

No. 47 of 1998—An Act to amend the law relating to taxation, and for related purposes.
(*Taxation Laws Amendment Act (No. 3) 1998*).

I C HARRIS
Clerk of the House of Representatives

9609427

Industry, Science and Tourism

The policies contained in the Information Kit for Carriers, in particular the policies relating to:

- the suggested structure for a telecommunications carrier Industry Development Plan; and
- activities which would be regarded as acceptable research and development,

are relevant in formulating an Industry Development Plan or a variation of an Industry Development Plan.

Telecommunications Carrier Industry Development Plans

Information Kit for Carriers

Issued: May 1998

Contents of this package:

1. Introduction
2. The Industry Development Plan process
3. Template for IDPs
4. Explanatory notes
5. Research and development
6. Extract from the *Telecommunications Act 1997*
7. Checklist

1. INTRODUCTION

This guide has been produced to assist carriers to prepare their Industry Development Plans (IDP) in a manner consistent with the legislation and the Government's objectives. The guide includes advice on:

- the Government's goals and objectives of the carrier IDP program;
- the structure of a carrier IDP;
- the content to be included in a carrier IDP;
- the process that is followed in obtaining approval of a carrier IDP; and
- obligations that a carrier will have after their IDP has been approved by the Industry Minister.

The principal goal of the telecommunications carrier IDP arrangements is to assist development of the Australian telecommunications industry by encouraging carriers to undertake activities which contribute to the growth of the industry, while recognising that the carriers' actions must remain fundamentally strategic and commercial in nature.

The Government's broad policy objectives are to:

- promote the development of an Australian telecommunications industry that is efficient, competitive and responsive to the needs of the Australian community;
- promote effective participation by all sectors of the Australian telecommunications industry in markets, whether in Australia or elsewhere;
- assist small businesses to develop skills and relationships which will aid them in accessing international markets and building international competitiveness;
- promoting the development of:
 - ⇒ strategic commercial relationships between organisations in the domestic and international telecommunications industries;
 - ⇒ technical capabilities and skills of the Australian telecommunications industry;
 - ⇒ value-adding and export-oriented activities of the Australian telecommunications industry;
 - ⇒ research and development that contributes to the growth of the Australian telecommunications industry; and
 - ⇒ activities to address the telecommunications needs of people with disabilities.

These objectives are consistent with the Government's December 1997 Industry Statement, '*Investing for Growth*', which aims to enhance the prospects for growth and strengthen the capacity of Australian industries by:

- increasing support for innovation and business research and development;
- making investment in Australia more attractive;
- providing more effective support for Australian exporters in accessing overseas markets;
- further improving the attractiveness of Australia as a financial centre; and
- helping ensure that governments, business and the community maximise the opportunities to contribute to and benefit from the global information revolution.

The carrier IDP arrangements build on other industry development programs, in particular the Endorsed Supplier Arrangements (ESA) and the Partnerships for Development/Fixed Term Arrangements (Pfd/FTA) program. Carriers seeking to become an endorsed supplier to Government under the ESA program can meet the industry development criterion (criterion J) by having an approved carrier IDP. A number of Pfd/FTA firms contribute substantial industry development activity as major suppliers to telecommunications carriers.

The carrier IDP arrangements are consistent with World Trade Organization national treatment principles.

The legislative basis for carrier IDPs is the *Telecommunications Act 1997*. The Act states that the Australian Communications Authority must not grant a carrier licence unless the applicant has a current IDP that has been approved by the Industry Minister. The IDP must meet the requirements set out in the legislation.

Where a telecommunications network unit is owned by one or more persons, and the unit is used to supply a telecommunications carriage service to the public, the owner(s) of the unit must either hold a carrier licence or demonstrate that there is a *nominated carrier declaration*¹ in relation to the unit. Special exemptions apply to this rule where the network units are used solely or principally for certain purposes including defence, transport, electricity supply and broadcasting. Enquiries regarding carrier licensing matters should be addressed to the Australian

¹ The owner(s) of a network unit may arrange for a carrier to accept carrier-related responsibilities and become the nominated carrier in relation to the unit (Division 4 of Part 3 of the *Telecommunications Act 1997*).

Communications Authority. For further information, the "Guide to Carrier Licence and Nominated Carrier Declaration" can be obtained from the ACA's website at:
http: www.aca.gov.au spectrum/licence/frameset.htm

Where a carrier is related, under Corporations Law, to another carrier which has an approved IDP, the first carrier may be exempt from needing an IDP². If a carrier chooses to take advantage of this exemption, the related carrier with an existing IDP must address the industry development activities of the first carrier (the applicant) in that IDP. Applicants wishing to explore this possibility should consult with DIST.

A suggested structure for an industry development plan is shown on page 7. Sections 2, 3, 6 and 7 of an IDP relate to the requirements of the legislation, while the remaining Sections contain an overview of the carrier's activities and provide context for assessing the plan.

The period of the plan must be clearly stated (Section 2) and the ownership of the company seeking the carrier licence must be clearly specified (Section 3). The legislation requires that any relevant particulars relating to items (i) to (v) in Section 6 be included in the plan. In all cases, the size, scope, market and other circumstances relating to the carrier's business as a carrier are taken into account when considering the activities addressed in a plan.

The legislation requires that a carrier IDP must in all cases include a research and development plan that meets the requirements of clauses 6 (1) (b) and 6 (3) of Part 2 of Schedule 1 to the Act. A carrier must comply with its IDP in so far as the plan relates to the carrier's research and development activities.

Section 7 confirms that the carrier is aware of the reporting requirements set out in the legislation.

Sections 4 and 5 relating to the carrier's strategic business intent and procurement activities are included to provide additional background and context for the Minister when considering the plan.

² Declaration made by the Hon Peter McGauran MP when acting as Minister for Industry on 23 June 1997, under clause 5 to Part 2 of Schedule 1 to the *Telecommunications Act 1997 - Industry Development Plan Exemption Declaration 1997*.

The plans are examined by the Australian Government Solicitor to confirm that the legislative requirements have been met, and the Department of Foreign Affairs and Trade to confirm that World Trade Organization and other international obligations are not violated. From time to time other Government agencies, such as the Department of Communications and the Arts, may also need to be consulted in relation to an IDP.

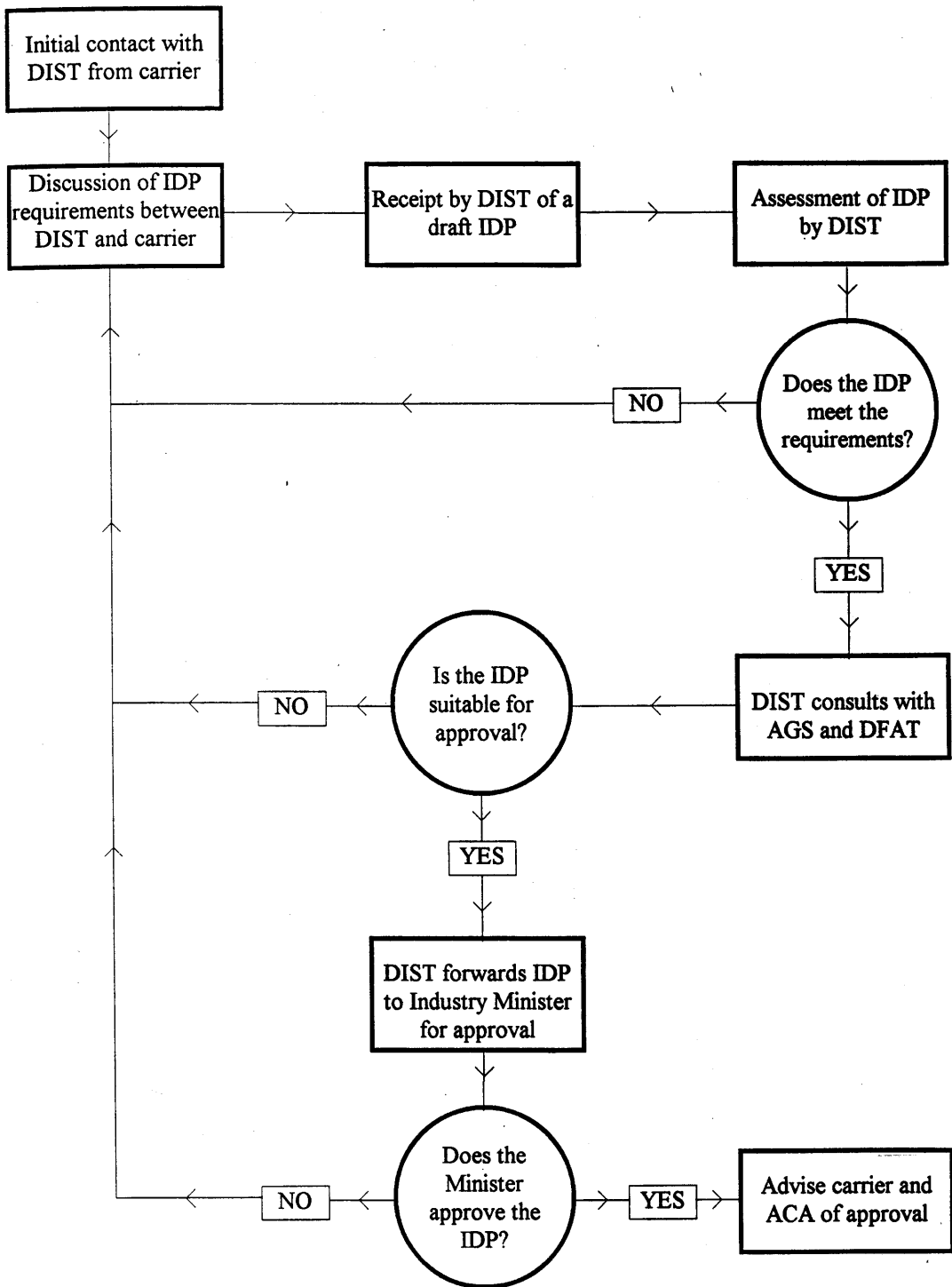
The provisions in the legislation for a carrier to vary its plan, and to have a new plan approved prior to the expiry of an existing plan, are aimed at ensuring IDPs continue to provide a current reflection of a carrier's activities. In each case, a carrier must continue to comply with the IDP so far as the plan relates to the carrier's research and development activities.

In all cases strict commercial-in-confidence principles will be observed during Government handling of carrier industry development plans.

Contact Details:

Department of Industry, Science and Tourism	Australian Communications Authority
Mr Greg Piko Manager, Communications Industry Development Information Industries and Online Taskforce 40 Allara Street, Canberra ACT 2601 GPO Box 9839, Canberra ACT 2601 Tel: (02) 6213 6344; Fax: (02) 6213 7252 website: www.dist.gov.au	Licensing and Infrastructure Team Level 13 200 Queen Street Melbourne VIC 8010 GPO Box 13112, Law Courts, Melbourne VIC 8010 Tel: (03) 9963 6800; Fax: (03) 9963 6899 website: www.aca.gov.au

2. THE INDUSTRY DEVELOPMENT PLAN APPROVAL PROCESS



3. TEMPLATE FOR INDUSTRY DEVELOPMENT PLANS

This template contains a suggested basic structure for an industry development plan. The template is a suggestion only, and is not intended to be a prescriptive format.

Suggested structure for industry development plan

i. Cover page - (include full company name, Australian Company Number, and period of plan)

1. Table of contents

2. Period of the plan

3. Statement of ownership

4. Strategic statement

5. Telecommunications and information technology procurement

6. Industry development

i. Strategic commercial relationships

ii. Research and development

iii. Export development

iv. Employment and training

v. Disabilities (Strategic relationships, research and development and exports relating to the needs of people with disabilities.)

7. Reporting and consultation

4. EXPLANATORY NOTES

All references to legislation made within this section refer to Part 2 of Schedule 1 to the *Telecommunications Act 1997*.

Elements of Industry Development Plan	Key features	Notes
<p>Table of contents.</p> <p><i>Aim: To aid clarity and to ensure that all relevant information in the IDP is readily accessible.</i></p>	<p>The table of contents should include:</p> <ul style="list-style-type: none"> • heading for each major element, including headings for each legislative requirement; and • cross references where appropriate. 	<p>The table of contents should aid clarity and assist in identifying the various elements of the IDP.</p>
<p>Clause 6(6) Period of the plan.</p> <p><i>Aim: To specify the period to which the IDP relates.</i></p>	<p>The carrier must clearly specify a start and finish date for the IDP.</p> <p>The dates should be in dd/mm/yy format.</p> <p>A plan must run for at least 12 months.</p>	<p>IDP duration should be realistic and consider the nature of the carrier's maturity in the market. A new entrant may submit a one or two year plan to keep forecasts realistic, but established carriers are encouraged to submit three to five year IDPs.</p>
<p>Statement of ownership of the carrier.</p> <p><i>Aim: To provide the Industry Minister with an understanding of the carrier's company structure.</i></p>	<p>A statement of the ownership structure of the carrier, including details of related, parent and subsidiary companies.</p> <p>If the carrier intends to have the industry development activities of a related carrier addressed in their IDP, this intention should be clarified.</p>	<p>To facilitate understanding of the carrier's relationships within its company group and the industry, and to clarify which legal entity is applying for a carrier licence.</p>
<p>General strategic statement.</p> <p><i>Aim: To provide the Industry Minister with an understanding of the business, its current activities and future directions.</i></p>	<p>A statement of the carrier's:</p> <ul style="list-style-type: none"> • mission statement; • short history; • linkages with related companies; • strategic intent; • products and services to be provided; • target markets; • revenue forecasts; and • possible future plans. 	<p>This statement should provide a comprehensive background to the IDP.</p>

Elements of Industry Development Plan	Key features	Notes
<p>IT&T and other capital procurement.</p> <p><i>Aim: To provide the Minister with an understanding of the carrier's investment direction and potential contribution to the industry.</i></p>	<p>A statement of investment and infrastructure plans per year over the life of the IDP.</p> <p>Quantifiable details of major equipment purchases and rollouts.</p>	<p>There should be sufficient discussion and detail to facilitate identification of the carrier's expected capital outlays.</p>
INDUSTRY DEVELOPMENT ACTIVITIES		
<p><i>Clause 6(2)</i> Strategic commercial relationships.³</p> <p><i>Aim: To provide the Industry Minister with an understanding of the carrier's links with the wider industry.</i></p>	<p>Statement of the carrier's strategic commercial relationships.</p> <p>Include particulars such as:</p> <ul style="list-style-type: none"> • global or annual value; • names of the companies involved; • nature of the relationship; and • services or products involved. 	<p>Level of detail will vary depending on the size and scope of the carrier's business and strategic commercial relationships.</p>
<p><i>Clause 6(3)</i> Research and development activities.³</p> <p><i>Aim: To provide the Industry Minister with an understanding of the carrier's R&D activities and the direction of development, capability and potential in Australian industry.</i></p>	<p>Statement of the carrier's research and development activities.</p> <p>Include particulars such as:</p> <ul style="list-style-type: none"> • global or annual value of each project; • the services or products involved; • a description of the nature of the R&D project(s); • potential benefit to be derived from results of R&D; • arrangements for technology transfers throughout the industry; • arrangements for retaining intellectual property in Australia; • the location of R&D activity and under whose direction; and • names of other organisations involved and the nature of their relationships with the carrier. 	<p>The legislation requires that carrier IDPs must include an R&D plan. <i>Clause 6(1b)</i></p> <p>Level of detail will vary depending on the size and scope of the carrier's business, the nature of the research, and the scale of the project(s).</p> <p>The legislation requires compliance with the IDP in so far as it relates to R&D activity. <i>Clause 12</i></p>

³ There are particular references in subclauses 6(2)(e), 6(3)(e) and 6(4) to strategic relationships, research and development and exports relating to the needs of people with disabilities.

(continued)		
Elements of Industry Development Plan	Key features	Notes
<p><i>Clause 6(4)</i> Export development plans.³</p> <p><i>Aim: To provide the Industry Minister with an understanding of the carrier's export oriented activities and opportunities for Australian industry in the global market.</i></p>	<p>Statement of the carrier's export development plans.</p> <p>Include particulars such as:</p> <ul style="list-style-type: none"> • forecast global or annual value; • nature of the export opportunity; • services or products involved; and • names of other organisations involved. 	<p>Level of detail will vary depending on the size and scope of the carrier's business, and the scale of the export activity.</p>
<p><i>Clause 6(5)</i> Encouraging employment and training activities.</p> <p><i>Aim: To provide the Industry Minister with an understanding of the carrier's activities aimed at encouraging employment and training opportunities in Australian industry.</i></p>	<p>A statement of directly facilitated downstream employment creation, if available.</p> <p>Plans that the carrier has for in-house and external training of staff and any training of other organisations' employees, including:</p> <ul style="list-style-type: none"> • statement of the carrier's plans and/or steps the carrier is taking to encourage employment; • numbers of staff involved; • projected cost of training; and • the nature of any relationships with educational institutions aimed at improving the skills base for Australian industry. 	<p>Level of detail will vary depending on the size and scope of the carrier's business, the scale of the employment and/or training activity.</p>

Elements of Industry Development Plan	Key features	Notes
<p><i>Clause 6(2)(e), (3)(e), (4)</i> Disabilities issue within the IDP framework.</p> <p><i>Aim: To provide the Industry Minister with an understanding of the carrier's activities to improve access, services and equipment for people with disabilities.</i></p>	<p>A statement of the carrier's plans to improve access to the communications services by disabled users.</p> <p>This should include:</p> <ul style="list-style-type: none"> • the carrier's relationships in connection with the production and supply of equipment for use by people with disabilities; • research and development to address the needs of people with disabilities; • export development plans relating to equipment for use by people with disabilities; • the nature of the activities; • services or products involved; • companies or bodies involved in the projects; and • global or annual values of the projects. 	<p>The carrier must comply with the IDP in so far as it relates to R&D activity, including that which addresses the needs of people with disabilities.</p>
<p>Reporting and Consultation Requirements.</p> <p><i>Aim: To provide the Industry Minister with an assurance that the requirements, as mentioned in the legislation (clauses 8,9,13,14), will be fulfilled.</i></p>	<p>A statement of the carrier's intent to fulfil reporting requirements:</p> <ul style="list-style-type: none"> • publish a public summary of the carrier's IDP; • a written notice to the Industry Minister of any matters that may affect the achievement of the IDP, if and when required; • submitting an annual report; • publishing a public summary of that annual report; • submitting a variation to the IDP if appropriate; and • appropriate timeframes for all of the above. 	<p>The carrier should agree to release the public summary of an IDP (or of a variation to an IDP) by a certain date, preferably within 90 days of IDP approval.</p>

The following is a summary of other legislative obligations upon the carrier which will need to be met after an IDP has received approval from the Industry Minister.

Other legislative obligations (Actions required of carriers after the Industry Minister has approved the carrier's plan).	Key features	Notes
<p><i>Clause 8</i> Publication of industry development plan.</p> <p><i>Aim: To provide information to interested parties regarding the carrier's industry development activities.</i></p>	<p>As soon as practicable after approval of an IDP, a carrier must make a summary of the IDP available to the public.</p> <p>The public version of the IDP need not contain any commercially sensitive information.</p>	<p>The carrier should include as much detail as possible, with due consideration to commercially sensitive information.</p> <p>DIST would appreciate an opportunity to comment on the public summary of the carrier's plan before it is released to the public.</p>
<p><i>Clause 9</i> Variations to an industry development plan must be approved by the Industry Minister and a summary made publicly available.</p> <p><i>Aim: To ensure the IDP reflects the carrier's current and foreseeable industry development activities.</i></p>	<p>Any variation to a carrier's IDP must be submitted to the Industry Minister for approval.</p> <p>The public summary of a variation need not contain any commercially sensitive information.</p>	<p>DIST would appreciate an opportunity to comment on the public summary of the carrier's varied IDP before it is released to the public.</p>

<p><i>(continued)</i></p> <p>Other legislative obligations (Actions required of carriers after the Industry Minister has approved the carrier's plan)</p>	<p>Key features</p>	<p>Notes</p>
<p><i>Clause 13</i> Notification of matters that may affect the achievement of a carrier's industry development plan.</p> <p><i>Aim: To ensure the IDP reflects the carrier's current and foreseeable industry development activities.</i></p>	<p>As soon as practicable after becoming aware of any matter that may affect its industry development activities, the carrier must advise the Industry Minister in writing.</p> <p>A variation to the plan may also be required (refer clause 9).</p>	<p>Such advice will be taken into account when reviewing the carrier's annual reporting on their industry development activities.</p>
<p><i>Clause 14</i> Annual reporting on implementation of the carrier's industry development plan.</p> <p><i>Aim: To provide the Industry Minister with a detailed report on the carrier's progress in implementing its industry development plan, so as to enable the Industry Minister to report this progress to Parliament.</i></p>	<p>Carriers must provide a report to the Industry Minister within 90 days of the end of the Commonwealth's financial year (30 June).</p> <p>A public summary of the annual report must be made available within the same time frame.</p>	<p>This enables the Industry Minister to report to Parliament within 6 months of the end of financial year.⁴</p> <p>DIST would appreciate an opportunity to comment on the public summary of the carrier's annual report before it is released to the public.</p>

⁴ Clause 15 directs the Industry Minister to cause to be prepared a report relating to the progress made by carriers in implementing current industry development plans during the financial year, and cause copies of this report to be laid before each House of Parliament.

5. RESEARCH AND DEVELOPMENT

The Government is interested in promoting a range of research and development (R&D) activities through the IDP process. R&D activities that are generally likely to be regarded as acceptable are described below

Research and development is considered to include systematic investigative and experimental activities involving innovation or high levels of technical risk, the outcome of which is new knowledge, with or without a specific practical application or new or improved materials, products, devices, processes or services.

In these terms, the elements of research and development would include:

- (a) basic research, namely, experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts, without any particular application or use in view;
- (b) applied research, namely, work undertaken for the advancement of knowledge with a specific practical application in view; and
- (c) experimental development, namely, systematic work using the results of basic or applied research and/or practical experience for the purpose of creating new, or improving existing materials, devices, products, processes or services.

Technical risk in relation to research and development refers to the principle of uncertainty, that is, it requires that the probability of obtaining a given technical outcome cannot be predicted at the outset with certainty on the basis of current knowledge or experience.

The following may be included where such activities are undertaken directly in support of activities described in paragraphs (a), (b) or (c) above:

- Industrial design
- Mathematical design
- Production engineering
- Operations research
- Mathematical modelling and analysis
- Computer software development
- Development of broadband business and consumer services (PfD/FTA and telecommunications carrier IDP purposes only)
- Content development for the Information Superhighway (PfD/FTA and telecommunications carrier IDP purposes only).

Within the broader definition it is intended to include, but not be limited by, the following:

- (a) the design, construction and operation of prototypes where the primary objective is technical testing or to make technical improvements;
- (b) feedback R&D directed at problem solving beyond the R&D phase, eg technical problems arising during initial production runs; and
- (c) development of computer software and multimedia 'content' which is in the nature of products intended for multiple sale to multiple clients.

Some activities that are generally unlikely to be regarded as acceptable R&D activities are:

- (a) market research, testing, development or sales promotion, including consumer surveys and advertising;
- (b) routine quality control; routine testing of materials, devices or products except where such activities are part of the R&D process;
- (c) pre-production activities such as planning or demonstration of commercial viability, tooling up, trial and production runs;
- (d) the commercial production of a new or improved material, device or product or the commercial use of a new or improved process;
- (e) cosmetic modifications or style changes to existing commercial products, processes, commercial production lines, or other ongoing operations;
- (f) routine data collection except where such activities are part of the R&D process;
- (g) routine computer programming or in-house computer software development not otherwise associated with an R&D activity in paragraph 2(a), (b) or (c);
- (h) preparation for teaching;
- (i) the commercial, legal and administrative aspects of patenting, copyrighting or licensing activities;
- (j) standardisation and standards compliance;
- (k) management studies and efficiency surveys; and
- (l) any duplication of existing commercial products or processes.

The eligibility of software research and development which forms part of another research and development project generally will be dependent on the eligibility of the project of which it forms a part.

Provided the definition of research and development activities is satisfied, computer software including multimedia content developed for the purpose of sale, rent, licence, hire or lease to multiple clients may qualify in its own right:

- routine computer programming or in-house software development would generally not satisfy the requirement; and
- similarly, the routine adaptation of an existing software product to meet the needs of a particular client would generally be excluded.

6. EXTRACT FROM THE TELECOMMUNICATIONS ACT 1997

Part 2 of Schedule 1 - Industry Development Plans

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2 Simplified outline

The following is a simplified outline of this Part

- A carrier must have an industry development plan
- An industry development plan is a plan for the development in Australia, in connection with the carrier's business as a carrier, of:
 - (a) industries involved in the manufacture, development or supply of facilities; and
 - (b) research and development activities relating to an industry referred to in paragraph (a).
- An industry development plan must be given to the Industry Minister.
- A summary of an industry development plan must be made available to the public.
- A carrier must comply with its industry development plan, in so far as the plan relates to its research and development activities.

3 Definitions

In this Part:

current industry development plan has the meaning given by clause 7.

industry development plan has the meaning given by clause 6.

Industry Minister means the Minister for Industry, Science and Tourism.

4 Carriers must have a current industry development plan

- (1) The ACA must not grant a carrier licence unless the applicant has given a current industry development plan to the Industry Minister and the Industry Minister has approved the plan.

- (2) A carrier must at all times have a current industry development plan.
- (3) For the purposes of subclause (2), a carrier has a current industry development plan if the carrier has given the plan to the Industry Minister and the Industry Minister has approved the plan.

5 Exemptions from industry development plan requirements

- (1) The Industry Minister may, by written instrument, declare that this Part does not apply to a specified kind of carrier.
- (2) The declaration has effect accordingly.
- (3) An instrument under subclause (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

6 Contents of industry development plan

- (1) For the purposes of this Part an *industry development plan* for a carrier is a plan for the development in Australia, in connection with the carrier's business as a carrier, of:
 - (a) industries involved in the manufacture, development or supply of facilities; and
 - (b) research and development activities relating to an industry referred to in paragraph (a).
- (2) The plan must include any relevant particulars of the carrier's strategic commercial relationships, including (but not limited to):
 - (a) the carrier's relationships in connection with the production and supply of facilities; and
 - (b) the carrier's relationships in connection with investment in, and development of, Australian manufacturing and supply capabilities; and
 - (c) the carrier's strategic alliances with Australian companies; and
 - (d) the carrier's strategic alliances with multinational companies; and
 - (e) the carrier's relationships in connection with the production and supply of equipment for use by people with disabilities.
- (3) The plan must include any relevant particulars of the carrier's activities in relation to research and development, including (but not limited to) matters in connection with:
 - (a) investment in research and development capabilities; and
 - (b) research into, and development of, new technologies; and
 - (c) arrangements for maintaining Australian ownership of intellectual property; and
 - (d) arrangements relating to technology transfers to Australian industry; and
 - (e) research and development to address the needs of people with disabilities.
- (4) The plan must include any relevant particulars of the carrier's export development plans, including (but not limited to) export development plans relating to equipment for use by people with disabilities.

- (5) The plan must include any relevant particulars of the carrier's arrangements aimed at encouraging employment in industries involved in the manufacture, development or supply of facilities, including (but not limited to) arrangements aimed at encouraging:
 - (a) employment opportunities relevant to those industries; and
 - (b) training relevant to those industries.
- (6) The plan must specify the period to which it relates. That period must run for at least 12 months.
- (7) In this clause:
disability has the same meaning as in the Disability Discrimination Act 1992.
facility includes any system (whether software-based or otherwise) used in connection with the supply of a carriage service or a content service.

7 Current industry development plan

For the purposes of this Part, an industry development plan is current at a particular time if, and only if, that time is included in the period to which the plan relates.

8 Publication of industry development plan

- (1) As soon as practicable after the Industry Minister has approved a carrier's industry development plan, the carrier must make a summary of the plan available to the public.
- (2) However, the summary need not contain any commercially sensitive information.

9 Variation of industry development plan

- (1) A carrier may vary an industry development plan if the carrier has given a copy of the proposed variation to the Industry Minister and the Industry Minister has approved it.
- (1A) As soon as practicable after varying an industry development plan under subclause (1), a carrier must make a summary of the variation available to the public.
- (2) However, the summary need not contain any commercially sensitive information.

10 Requirements relating to research and development activities

- (1) The Industry Minister may, by written instrument, impose requirements that must be complied with by industry development plans in so far as those plans relate to the research and development activities of carriers.
- (2) An industry development plan must not be made or varied in contravention of that instrument.

- (3) If a purported plan or variation contravenes subclause (2), it is of no effect.
- (4) If an industry development plan is in existence at the time (the *imposition time*) when an instrument under subclause (1) imposes a requirement in relation to the plan:
 - (a) the requirement does not have any effect on the validity of the plan during the 180-day period beginning at the imposition time; and
 - (b) if, at the end of that 180-day period, the plan is current but contravenes the requirement - the period to which the plan relates terminates immediately after the end of that period.
- (5) An instrument under subclause (1) is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

11 Formulation of plan or variation - Commonwealth government policy about industry development

- 1) The Industry Minister may, by notice published in the *Gazette*, declare that a particular Commonwealth government policy (the *declared policy*) is relevant in formulating an industry development plan or a variation of an industry development plan.
- (2) The notice:
 - (a) may include the whole or a summary of the declared policy; and
 - (b) if the whole of the declared policy is not included in the notice - must state where and when a copy of the declared policy can be obtained.
- (3) An applicant for a carrier licence must have regard to the declared policy when formulating an industry development plan.
- (4) A carrier must have regard to the declared policy when formulating a variation of an industry development plan.

12 Compliance with provisions of plan relating to research and development activities

If an industry development plan of a carrier is current, the carrier must comply with the plan in so far as the plan relates to the carrier's research and development activities.

13 Notification of matters that may affect the achievement of an industry development plan

If a carrier becomes aware that a particular matter may affect the achievement of its current industry development plan, the carrier must, as soon as practicable, give the Industry Minister a written notice:

- (a) setting out the particulars of the matter; and
- (b) explaining the effect of the matter on the achievement of the plan.

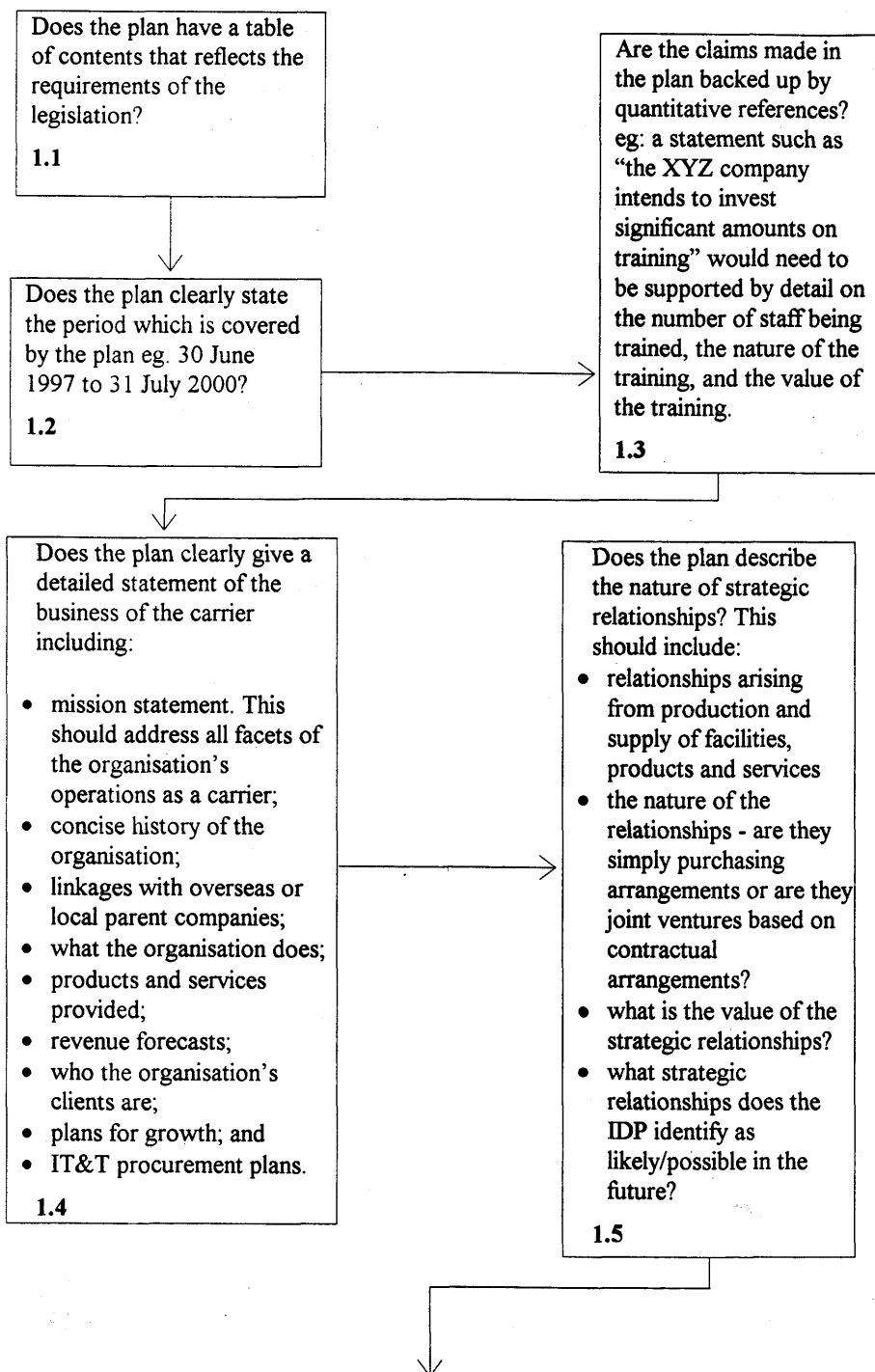
14 Annual report on implementation of industry development plan

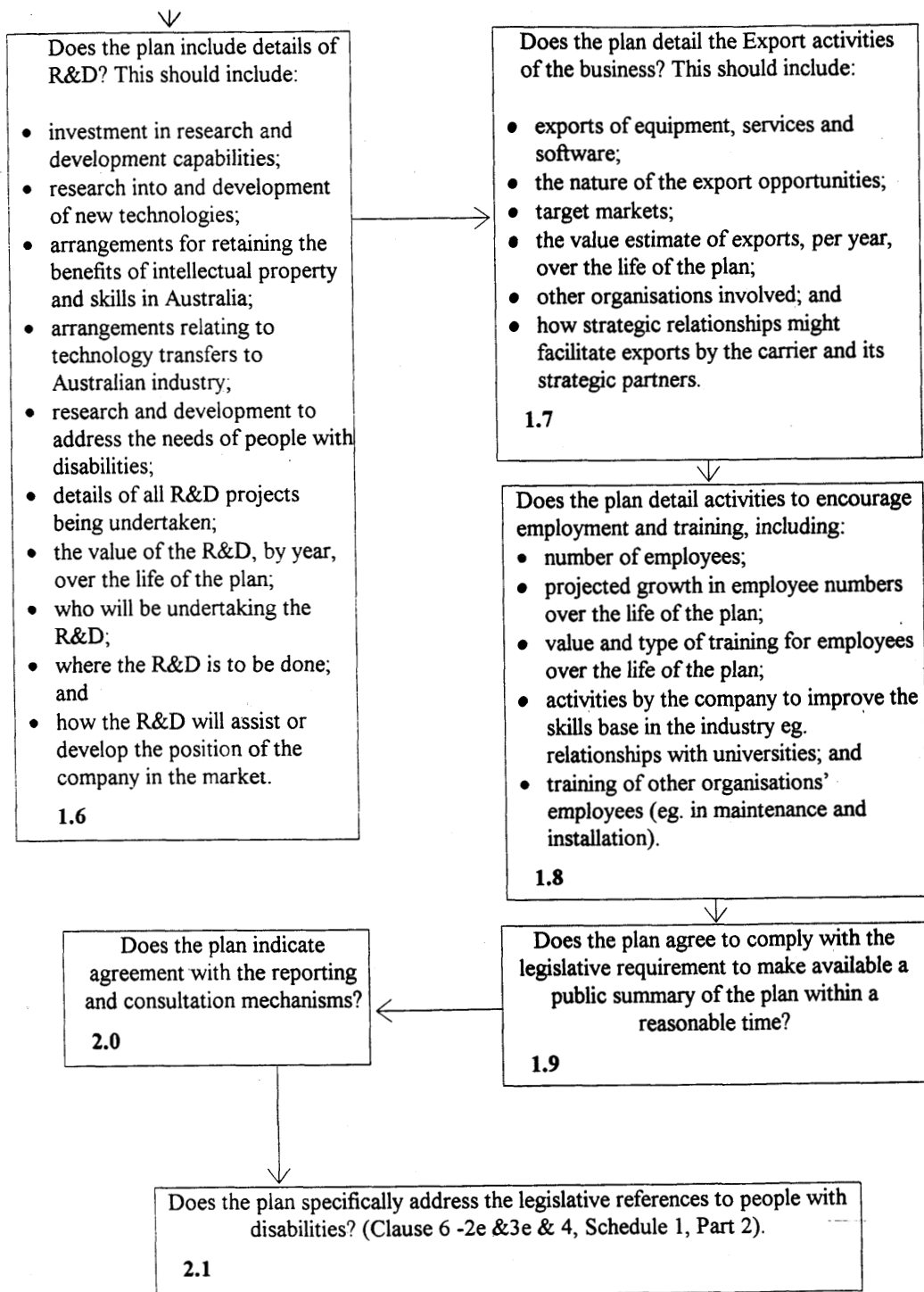
- (1) This clause applies if a carrier has a current industry development plan
- (2) As soon as practicable, and in any event within 90 days, after the end of each financial year, the carrier must:
 - (a) give the Industry Minister a report setting out particulars of the progress made by the carrier in implementing the plan during that year, and
 - (b) make a summary of the report available to the public.
- (3) However, the summary need not contain any commercially sensitive information.

15 Annual report by Industry Minister

- (1) The Industry Minister must, as soon as practicable after the end of each financial year (and in any event, within 6 months after the end of the financial year), cause to be prepared a report relating to the progress made by carriers in implementing current industry development plans during the financial year.
- (2) The Industry Minister must cause copies of a report prepared under subclause (1) to be laid before each House of the Parliament with 15 sitting days of that House after the completion of the preparation of the report.

7. CHECKLIST FOR PREPARATION OF AN INDUSTRY DEVELOPMENT PLAN





COMMONWEALTH OF AUSTRALIA**STATES GRANTS (PETROLEUM PRODUCTS) ACT 1965****AMENDMENT NO. 98/1**

I, **WARREN ERROL TRUSS**, Minister for Customs and Consumer Affairs, acting for and on behalf of the Minister for Transport and Regional Development, in accordance with Section 4 of the States Grants (Petroleum Products) Act 1965, HEREBY AMEND the Scheme formulated in pursuance of the said Section in relation to the State of Queensland, as follows:

QUEENSLAND

By deleting the following location and rates of subsidies:

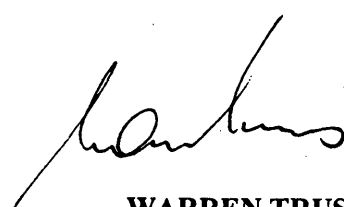
	Motor Spirit	Auto Dist	Av Gas	Av Tur
Badu Island (Seatainer)	19.8	0.0	0.0	0.0

and inserting the following:

	Motor Spirit	Auto Dist	Av Gas	Av Tur
Badu Island (Seatainer)	19.8	0.0	37.7	0.0

This amendment is to take effect in respect of the aforesaid Scheme on and from the 1st day of June 1998.

Dated this 22nd day of June 1998



WARREN TRUSS
Minister for Customs and
Consumer Affairs
acting for and on behalf of
the Minister for Transport
and Regional Development

COMMONWEALTH OF AUSTRALIA
CUSTOMS ACT 1901

NOTICE OF RATES OF EXCHANGE - s161J CUSTOMS ACT 1901

I, MICHAEL POLITI, delegate of the Chief Executive Officer 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	24/06/98	25/06/98	26/06/98	27/06/98	28/06/98	29/06/98	30/06/98
<hr/>								
Austria	Schillings	7.6917	7.6055	7.6500	7.6500	7.6500	7.6706	7.7646
Belgium/Lux	Francs	22.5400	22.2700	22.4100	22.4100	22.4100	22.4800	22.7700
Brazil	Reals	.7002	.6941	.6989	.6989	.6989	.6969	.7053
Canada	Dollars	.8926	.8821	.8875	.8875	.8875	.8856	.8970
China	Yuan	5.0217	4.9737	5.0085	5.0085	5.0085	4.9902	5.0507
Denmark	Kroner	4.1642	4.1152	4.1406	4.1406	4.1406	4.1540	4.2029
EC	ECU	.5525	.5455	.5486	.5486	.5486	.5504	.5578
Fiji	Dollar	1.2365	1.2267	1.2340	1.2340	1.2340	1.2404	1.2472
Finland	Markka	3.3218	3.2822	3.3021	3.3021	3.3021	3.3138	3.3529
France	Francs	3.6660	3.6217	3.6432	3.6432	3.6432	3.6563	3.6995
Germany	Deutschmark	1.0931	1.0805	1.0872	1.0872	1.0872	1.0910	1.1034
Greece	Drachmae	183.8000	181.9200	183.5400	183.5400	183.5400	183.7300	185.8100
Hong Kong	Dollars	4.6963	4.6520	4.6862	4.6862	4.6862	4.6699	4.7266
India	Rupees	25.9941	25.6404	25.8287	25.8287	25.8287	25.6841	25.9377
Indonesia	Rupiah	8980.0000	8864.0000	9143.0000	9143.0000	9143.0000	9095.0000	9062.0000
Ireland	Pounds	.4340	.4289	.4316	.4316	.4316	.4324	.4381
Israel	Shekel	2.2170	2.1984	2.2180	2.2180	2.2180	2.2122	2.2337
Italy	Lire	1076.8900	1063.9500	1070.5200	1070.5200	1070.5200	1075.0800	1087.6000
Japan	Yen	84.8300	84.7700	86.0200	86.0200	86.0200	85.6500	86.1500
Korea	Won	840.5600	826.8600	834.5600	834.5600	834.5600	835.9900	842.2100
Malaysia	Ringgit	2.3999	2.3845	2.4433	2.4433	2.4433	2.4547	2.5469
Netherlands	Guilder	1.2324	1.2178	1.2250	1.2250	1.2250	1.2296	1.2441
New Zealand	Dollar	1.1792	1.1697	1.1863	1.1863	1.1863	1.1871	1.1945
Norway	Kroner	4.6088	4.5593	4.5967	4.5967	4.5967	4.6290	4.6793
Pakistan	Rupee	26.9500	26.6100	26.8600	26.8600	26.8600	27.7500	28.0900
Papua NG	Kina	1.2809	1.2727	1.2793	1.2793	1.2793	1.2760	1.2951
Philippines	Peso	25.1000	24.9100	25.4300	25.4300	25.4300	25.3700	25.5300
Portugal	Escudo	111.7300	110.8900	111.1200	111.1200	111.1200	111.3600	112.9800
Singapore	Dollar	1.0014	.9972	1.0134	1.0134	1.0134	1.0150	1.0446
Solomon Is.	Dollar	2.8950	2.8700	2.8887	2.8887	2.8887	2.8810	2.9145
South Africa	Rand	3.3282	3.2700	3.4053	3.4053	3.4053	3.5469	3.5782
Spain	Peseta	92.8000	91.7000	92.3200	92.3200	92.3200	92.5600	93.6500
Sri Lanka	Rupee	39.2300	38.9100	39.3800	39.3800	39.3800	39.1500	39.7000
Sweden	Krona	4.8043	4.7385	4.7583	4.7583	4.7583	4.8082	4.8615
Switzerland	Franc	.9127	.9044	.9158	.9158	.9158	.9202	.9283
Taiwan	Dollar	20.8500	20.6900	20.9400	20.9400	20.9400	20.8500	21.0500
Thailand	Baht	24.9400	24.6800	25.1100	25.1100	25.1100	25.2300	25.8700
UK	Pounds	.3640	.3596	.3616	.3616	.3616	.3626	.3659
USA	Dollar	.6065	.6007	.6049	.6049	.6049	.6027	.6100

MICHAEL POLITI
Delegate of the
Chief Executive Officer of Customs
CANBERRA A.C.T.
1/07/98

9609430

ANTI-DUMPING AUTHORITY

CERTAIN STEEL DEMOUNTABLE TUBELESS TRUCK WHEEL RIMS FROM CANADA AND THE REPUBLIC OF SOUTH AFRICA

The Anti-Dumping Authority has completed its inquiry into certain steel demountable tubeless truck wheel rims exported to Australia by Accuride Canada Inc. (Accuride) of Canada and Guestro Wheels (Guestro) of South Africa.

In its report to the Minister, the Authority found that:

- imports of truck wheel rims from Accuride of Canada and Guestro of South Africa had been dumped;
- the Australian industry producing truck wheel rims had suffered material injury;
- dumped imports from Accuride of Canada had not caused, nor did they threaten to cause, material injury to the Australian industry; and
- dumped imports from Guestro of South Africa had caused, and threatened to cause, material injury to the Australian industry.

In light of the above, the Authority recommended that the Minister not take anti-dumping action against imports of truck wheel rims from Accuride of Canada but that he accept the price undertaking offered by Guestro of South Africa.

The Minister has now accepted the Authority's recommendations.

Requests for copies of the Authority's Report no. 187 should be addressed to the Information Officer, Ms Margaret McLeod, at the Authority on telephone (02) 6213 6754 or email MMCLEOD@dist.gov.au.

Customs Act 1901

NOTICE PURSUANT TO SUBSECTION 269TL(1)

I, WARREN ERROL TRUSS, Minister of State for Customs and Consumer Affairs, pursuant to subsection 269TL(1) of the *Customs Act 1901*, having received and had regard to a recommendation from the Anti-Dumping Authority regarding the imposition of dumping duties on certain steel, demountable, tubeless truck wheel rims (the goods) exported to Australia from Canada by Accuride Canada Inc., have DECIDED not to declare those goods to be goods to which section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* applies.

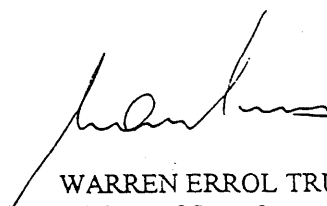
Dated this

24th

day of

June

1998.



WARREN ERROL TRUSS
Minister of State for
Customs and Consumer Affairs

Customs Act 1901

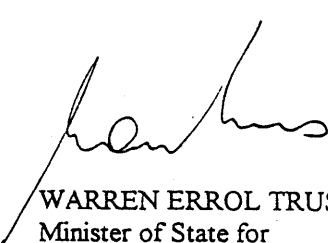
ACCEPTANCE PURSUANT TO PARAGRAPH 269TG(6)(b)

I, WARREN ERROL TRUSS, Minister of State for Customs and Consumer Affairs, pursuant to paragraph 269TG(6)(b) of the *Customs Act 1901*, ACCEPT the undertaking given by Gjestro Wheels of the Republic of South Africa that it will so conduct its future export trade to Australia in like goods to certain steel, demountable, tubeless truck wheel rims so as to avoid causing or threatening material injury to the Australian industry producing like goods.

The acceptance of the undertaking is subject to the condition that the export price set out in the Table attached to the undertaking may be subject to review from time to time.

A true copy of the undertaking dated 18 May 1998 is annexed to this acceptance.

Dated this 24th day of June 1998.



WARREN ERROL TRUSS
Minister of State for
Customs and Consumer Affairs

Note: Because of confidentiality, a copy of the undertaking will not be published.

Customs Tariff (Anti-Dumping) Act 1975

DIRECTION PURSUANT TO SUBSECTION 8(5)

I, WARREN ERROL TRUSS, Minister of State for Customs and Consumer Affairs, pursuant to subsection 8(5) of the *Customs Tariff (Anti-Dumping) Act 1975* ('the Act'), after having regard to subsection 8(5A) of the Act, DIRECT that:

- (a) the interim dumping duty payable on certain steel, demountable, tubeless truck wheel rims exported to Australia from the Republic of South Africa by Guestro Wheels, the subject of a notice under subsection 269TG(1) of the *Customs Act 1901*,

is an amount equal to the sum of:

- (i) the difference between the export price of goods of that kind as ascertained shown in Column 2 and the non-injurious price of goods of that kind as so ascertained shown in Column 1 of the attached Table; and
- (ii) if the export price of those particular goods is lower than the export price of the goods of that kind as ascertained, the amount by which the latter export price exceeds the former; and
- (b) the element of the interim dumping duty referred to in (a)(i) above in respect of those particular goods as ascertained by reference to unit being a measure of the quantity of those particular goods.

The interim dumping duty applies to goods entered for home consumption after 22 October 1997.

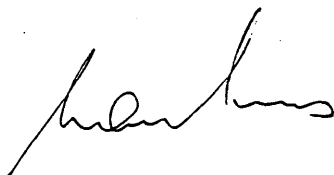
Dated this

24th

day of

June

1998.



WARREN ERROL TRUSS
Minister of State for
Small Business and Consumer Affairs

*Customs Act 1901*DECLARATION PURSUANT TO SUBSECTION 269TG(1)

I, WARREN ERROL TRUSS, Minister of State for Customs and Consumer Affairs, pursuant to subsection 269TG(1) of the *Customs Act 1901*, DECLARE that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* applies to certain steel, demountable, tubeless truck wheel rims ('the goods') exported to Australia from the Republic of South Africa by Guestro Wheels, and ASCERTAIN that the normal value, export price and non-injurious price of the goods are those amounts set out in the attached Table.

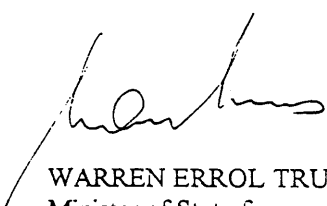
Dated this

24th

day of

June

1998.



WARREN ERROL TRUSS
Minister of State for
Customs and Consumer Affairs

Note: Because of confidentiality, the ascertained normal value, export price and non-injurious price will not be published.

9609431

Primary Industries and Energy

RELEASE OF AREAS FOR BIDDING FOR PRODUCTION SHARING CONTRACTS, WITHIN AREA A OF THE TIMOR GAP ZONE OF COOPERATION

The Australia-Indonesian Joint Authority for the Timor Gap Zone of Cooperation is making this announcement to fulfil its obligation under the Petroleum Mining Code - Annex B of the Timor Gap Treaty.

Four new Production Sharing Contracts ("PSCs") for Area A of the Timor Gap Zone of Cooperation were released for bidding under Article 8(2) of Annex B of the Treaty on 15 May 1998.

AREA A CONTRACT AREAS RELEASED FOR BIDDING

ZOCA 98-21

ZOCA 98-22

ZOCA 98-23

ZOCA 98-24

A map showing the location of the areas is attached.

Applications close at 16.30 local time on 19 October 1998.

Further details on the areas and the bidding procedures can be obtained from the Joint Authority for the Timor Gap Zone of Cooperation, 8th Floor, Northern Territory House, 22 Mitchell Street, Darwin, NT, 0800, Ph. 08 - 89411861.



COMMONWEALTH OF AUSTRALIA

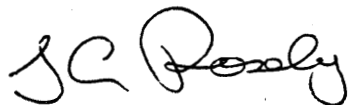
PRIMARY INDUSTRIES AND ENERGY RESEARCH AND DEVELOPMENT
ACT 1989

GROSS VALUE OF PRODUCTION
FOR THE RED MEAT, CHICKEN MEAT, EGG, BUFFALO,
DEER, DAIRY, PIG AND WOOL INDUSTRIES FOR 1997-98

Pursuant to sub-section 204(1) of the *Meat and Live-stock Industry Act 1995*, sub-section 55(4) of the *Australian Wool Research and Promotion Organisation Act 1993*, sub-section 10(1) of the *Rural Industries Research and Development Corporation Regulations*, sub-section 32(1) of the *Primary Industries and Energy Research and Development Act 1989*, and the *Dairy Research and Development Corporation Regulations*, I TIM ROSEBY, on behalf of John Anderson, Minister for Primary Industries and Energy hereby determine the following amounts to be the Gross Values of Production for 1997-98, payable for research and development activities:

INDUSTRY	GVP (\$)
Red Meat	5,060,000,000
Chicken Meat	1,043,600,000
Egg	263,800,000
Buffalo	700,000
Deer	4,400,000
Dairy	2,942,000,000
Pig	770,000,000
Wool	2,884,000,000

Dated this twelfth day of June 1998



TIM ROSEBY
First Assistant Secretary
Livestock and Pastoral Division

COMMONWEALTH OF AUSTRALIA

Petroleum (Submerged Lands) Act 1967

EXPLORATION PERMIT FOR PETROLEUM AC/P28

I, WARWICK RAYMOND PARER the Designated Authority in respect of the adjacent area in respect of the Territory of Ashmore and Cartier Islands Adjacent Area, hereby grant to

West Oil NL

an exploration permit for petroleum in respect of the blocks described hereunder, being blocks within the abovementioned adjacent area, subject to the conditions set out hereunder, to have effect for a period of 6 years from and including the date hereof.

INTERPRETATION

In this permit, "the Act" means the *Petroleum (Submerged Lands) Act 1967* and includes any Act with which that Act is incorporated and words used in this document have the same respective meanings as in the Act.

The permittee shall at all times comply with:-

- (a) the provisions of the Act and any regulations for the time being in force under the Act; and
- (b) all directions given to him under the Act or the regulations for the time being in force under the Act.

DESCRIPTION OF BLOCKS

The reference hereunder is to the name of the map sheet of the 1:1,000,000 series published by the Designated Authority and to the numbers of graticular sections shown thereon.

MAP SHEET SD51 (BRUNSWICK BAY)

Block Nos.

692	693	694	695	696
764	765	766	767	768
769	836	837	838	839
840	841	842	908	909
910	911	912	913	914
915	980	981	982	983
984	985	986	987	988
1052	1053	1054	1055	1056
1057	1058	1059	1060	1124 part
1125 part	1126 part	1127 part	1128 part	1129 part
1130 part	1131 part	1132 part		

Assessed to contain 53 blocks.

CONDITIONS

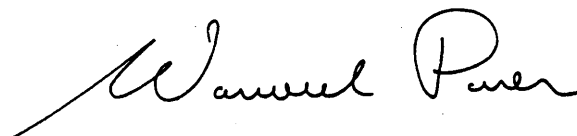
- 1 (1) Subject to sub-clause (2), during the term of the permit set out in the first column of the following table, the permittee:-
 - (a) shall carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), the work specified in the minimum work requirements set out opposite that year in the second column of the table;
 - (b) may carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), all or part of the work specified in the minimum work requirements of a subsequent year or years of that term set out opposite that year or those years in the second column of the table; and
 - (c) may carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), work in addition to the work specified in the minimum work requirements set out opposite that year and in the subsequent year or years, if any, of that term in the second column of the table.

- (2) The permittee shall not commence any works or petroleum exploration operations in the permit area except with and in accordance with the approval in writing of the Designated Authority (or Delegate).
- (3) For the purposes of this clause, any work to be carried out or carried out in accordance with clause (1)(b) shall, if the Designated Authority (or Delegate), in his discretion by instrument in writing so approves, be treated as if it were to be carried out or had been carried out in the subsequent year or years of the term of the permit specified by the Designated Authority, in that instrument.

Year of Term of Permit	Minimum Work Requirements	Estimated Expenditure in Constant Dollars (INDICATIVE ONLY) \$
FIRST	200 sq km 3D seismic	1 750 000
SECOND	Interpretation of Year 1 3D seismic survey including AVO analysis, acoustic impedance inversion for visualisation of reservoir bodies and detailed depth conversion.	250 000
THIRD	One Well	10 000 000
FOURTH	300 sq km 3D seismic	2 800 000
FIFTH	Interpretation of Year 4 3D seismic survey including AVO analysis, acoustic impedance inversion for visualisation of reservoir bodies and detailed depth conversion.	200 000
SIXTH	One Well	10 000 000

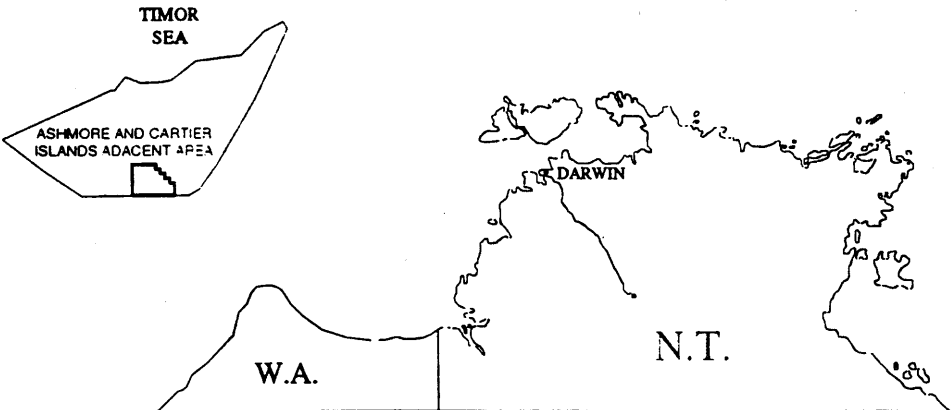
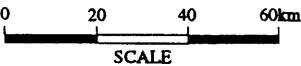
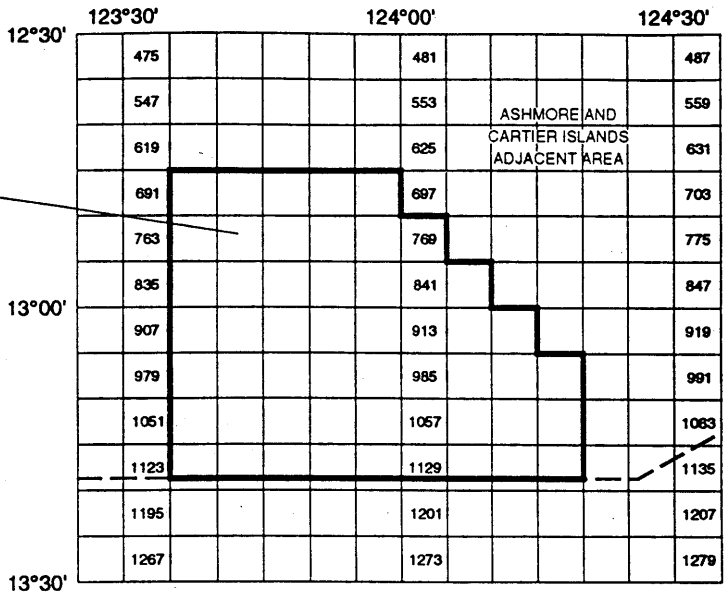
1 (A) During the first three (3) year period of the term of the permit, the permittee must complete the work specified in the minimum work requirements for the years in that period.

Dated this *seventeenth* day of *June* 1998
and made under the *Petroleum (Submerged Lands) Act 1967* of the
Commonwealth of Australia.

A handwritten signature in cursive script, appearing to read "Warrick Puer". The signature is written in dark ink on a white background.

DESIGNATED AUTHORITY FOR THE
TERRITORY OF ASHMORE AND
CARTIER ISLANDS ADJACENT AREA

AC/P28
53 Blocks



PETROLEUM EXPLORATION
PERMIT AC/P28

Plan produced by the Titles Mapping Unit of the
Department of Mines and Energy - June 11, 1998

Datum: Australian Geodetic Datum 1966 (AGD66)

/home/mapnet/cad/mstation/pet/ac/acp28.dgn

COMMONWEALTH OF AUSTRALIA

Petroleum (Submerged Lands) Act 1967

EXPLORATION PERMIT FOR PETROLEUM AC/P29

I, WARWICK RAYMOND PARER the Designated Authority in respect of the adjacent area in respect of the Territory of Ashmore and Cartier Islands Adjacent Area, hereby grant to

Japan Petroleum Exploration Co Ltd

an exploration permit for petroleum in respect of the blocks described hereunder, being blocks within the abovementioned adjacent area, subject to the conditions set out hereunder, to have effect for a period of 6 years from and including the date hereof.

INTERPRETATION

In this permit, "the Act" means the *Petroleum (Submerged Lands) Act 1967* and includes any Act with which that Act is incorporated and words used in this document have the same respective meanings as in the Act.

The permittee shall at all times comply with:-

- (a) the provisions of the Act and any regulations for the time being in force under the Act; and
- (b) all directions given to him under the Act or the regulations for the time being in force under the Act.

DESCRIPTION OF BLOCKS

The reference hereunder is to the name of the map sheet of the 1:1,000,000 series published by the Designated Authority and to the numbers of graticular sections shown thereon.

MAP SHEET SD51 (BRUNSWICK BAY)**Block Nos.**

685	686	687	688	689
690	691	757	758	759
760	761	762	763	829
830	831	832	833	834
835	901	902	903	904
905	906	907	973	974
975	976	977	978	979
1045	1046	1047	1048	1049
1050	1051	1117 part	1118 part	1119 part
1120 part	1121 part	1122 part	1123 part	

Assessed to contain 49 blocks.

CONDITIONS

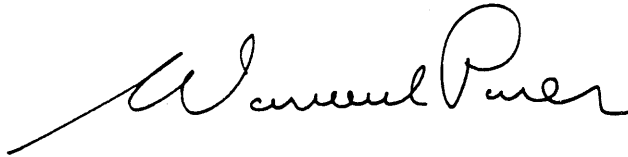
- 1 (1) Subject to sub-clause (2), during the term of the permit set out in the first column of the following table, the permittee:-
 - (a) shall carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), the work specified in the minimum work requirements set out opposite that year in the second column of the table;
 - (b) may carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), all or part of the work specified in the minimum work requirements of a subsequent year or years of that term set out opposite that year or those years in the second column of the table; and
 - (c) may carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), work in addition to the work specified in the minimum work requirements set out opposite that year and in the subsequent year or years, if any, of that term in the second column of the table.

- (2) The permittee shall not commence any works or petroleum exploration operations in the permit area except with and in accordance with the approval in writing of the Designated Authority (or Delegate).
- (3) For the purposes of this clause, any work to be carried out or carried out in accordance with clause (1)(b) shall, if the Designated Authority (or Delegate), in his discretion by instrument in writing so approves, be treated as if it were to be carried out or had been carried out in the subsequent year or years of the term of the permit specified by the Designated Authority, in that instrument.

Year of Term of Permit	Minimum Work Requirements	Estimated Expenditure in Constant Dollars (INDICATIVE ONLY) \$
FIRST	2600km 2D seismic. 790 sq km 3D seismic acquisition and interpretation. 805 sq km 3D seismic Geological and geophysical studies.	15 715 000
SECOND	2D seismic interpretation. 3D seismic interpretation. Geological and geophysical studies.	1 142 000
THIRD	Two Wells Geological and geophysical studies	32 286 000
FOURTH	Geological and geophysical studies.	143 000
FIFTH	400 sq km 3D seismic acquisition and interpretation. Geological and geophysical studies.	3 857 000
SIXTH	One Well Geological and geophysical studies	16 572 000

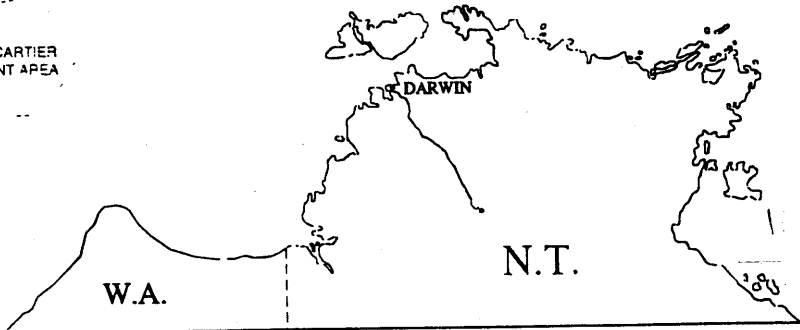
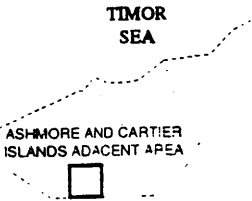
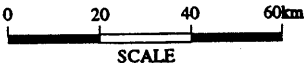
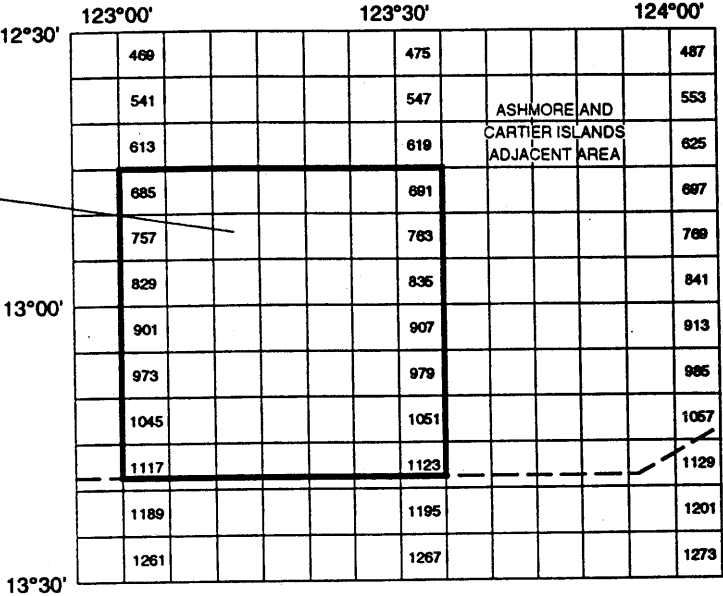
1 (A) During the first three (3) year period of the term of the permit, the permittee must complete the work specified in the minimum work requirements for the years in that period.

Dated this *seventeenth* day of *June* 1998
and made under the *Petroleum (Submerged Lands) Act 1967* of the
Commonwealth of Australia.

A handwritten signature in black ink, appearing to read "Michael Power". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

DESIGNATED AUTHORITY FOR THE
TERRITORY OF ASHMORE AND
CARTIER ISLANDS ADJACENT AREA

AC/P29
49 Blocks



PETROLEUM EXPLORATION
PERMIT AC/P29

Plan produced by the Titles Mapping Unit of the
Department of Mines and Energy - June 11, 1998

Datum: Australian Geodetic Datum 1966 (AGD66)

/home/mapnet/cad/mstation/pet/ac/acp29.dgn

COMMONWEALTH OF AUSTRALIA

Petroleum (Submerged Lands) Act 1967

EXPLORATION PERMIT FOR PETROLEUM AC/P30

I, WARWICK RAYMOND PARER the Designated Authority in respect of the adjacent area in respect of the Territory of Ashmore and Cartier Islands Adjacent Area, hereby grant to

BHP Petroleum (Australia) Pty Ltd

an exploration permit for petroleum in respect of the blocks described hereunder, being blocks within the abovementioned adjacent area, subject to the conditions set out hereunder, to have effect for a period of 6 years from and including the date hereof.

INTERPRETATION

In this permit, "the Act" means the *Petroleum (Submerged Lands) Act 1967* and includes any Act with which that Act is incorporated and words used in this document have the same respective meanings as in the Act.

The permittee shall at all times comply with:-

- (a) the provisions of the Act and any regulations for the time being in force under the Act; and
- (b) all directions given to him under the Act or the regulations for the time being in force under the Act.

DESCRIPTION OF BLOCKS

The reference hereunder is to the name of the map sheet of the 1:1,000,000 series published by the Designated Authority and to the numbers of graticular sections shown thereon.

MAP SHEET SD51 (BRUNSWICK BAY)

Block Nos.

679	680	681	682	683
684	751	752	753	754
755	756	821	822	823
824	825	826	827	828
893	894	895	896	897
898	899	900	965 part	966 part
967	968	969	970	971
972	1038 part	1039 part	1040	1041
1042	1043	1044	1111 part	1112 part
1113 part	1114 part	1115 part	1116 part	

Assessed to contain 49 blocks.

CONDITIONS

1 (1) Subject to sub-clause (2), during the term of the permit set out in the first column of the following table, the permittee:-

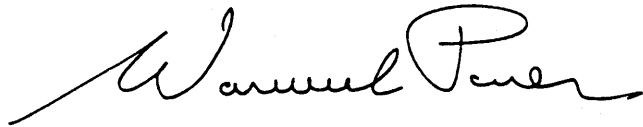
- (a) shall carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), the work specified in the minimum work requirements set out opposite that year in the second column of the table;
- (b) may carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), all or part of the work specified in the minimum work requirements of a subsequent year or years of that term set out opposite that year or those years in the second column of the table; and
- (c) may carry out in or in relation to the permit area, to a standard acceptable to the Designated Authority (or Delegate), work in addition to the work specified in the minimum work requirements set out opposite that year and in the subsequent year or years, if any, of that term in the second column of the table.

- (2) The permittee shall not commence any works or petroleum exploration operations in the permit area except with and in accordance with the approval in writing of the Designated Authority (or Delegate).
- (3) For the purposes of this clause, any work to be carried out or carried out in accordance with clause (1)(b) shall, if the Designated Authority (or Delegate), in his discretion by instrument in writing so approves, be treated as if it were to be carried out or had been carried out in the subsequent year or years of the term of the permit specified by the Designated Authority, in that instrument.

Year of Term of Permit	Minimum Work Requirements	Estimated Expenditure in Constant Dollars (INDICATIVE ONLY) \$
FIRST	280 sq km 3D seismic 3900km 2D seismic 4000km ALF Geological and geophysical studies.	8 340 000
SECOND	One Well Geological and geophysical studies.	26 100 000
THIRD	One Well Geological and geophysical studies.	15 100 000
FOURTH	2000km 2D seismic. Geological and geophysical studies.	2 700 000
FIFTH	One Well Geological and geophysical studies.	15 100 000
SIXTH	Geological and geophysical studies.	600 000

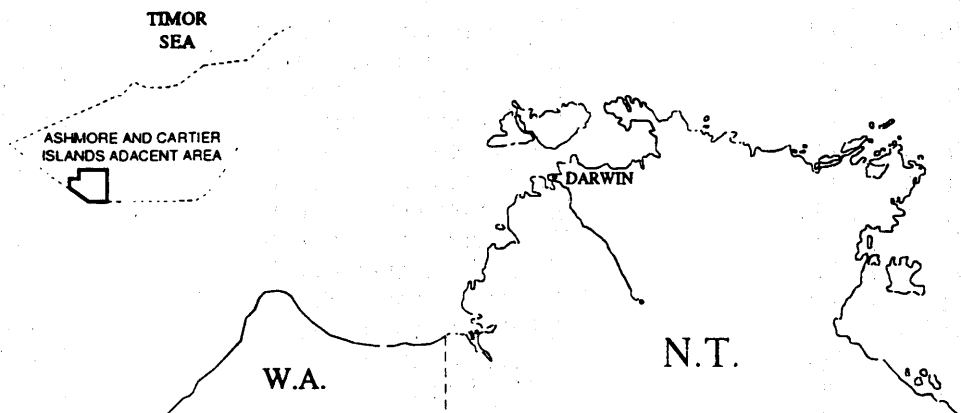
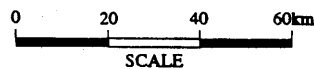
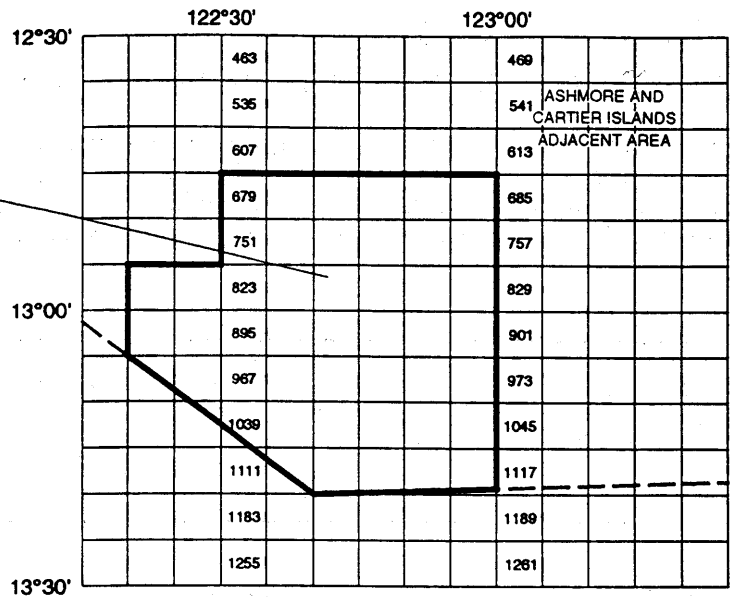
1 (A) During the first three (3) year period of the term of the permit, the permittee must complete the work specified in the minimum work requirements for the years in that period.

Dated this *seventeenth* day of *June* 1998
and made under the *Petroleum (Submerged Lands) Act 1967* of the
Commonwealth of Australia.



DESIGNATED AUTHORITY FOR THE
TERRITORY OF ASHMORE AND
CARTIER ISLANDS ADJACENT AREA

AC/P30
49 Blocks



PETROLEUM EXPLORATION
PERMIT AC/P30

Plan produced by the Titles Mapping Unit of the
Department of Mines and Energy - June 11, 1998

Datum: Australian Geodetic Datum 1966 (AGD66)

/home/mapnet/cad/mstation/pet/ac/acp30.dgn

Prime Minister

DETERMINATIONS

PUBLIC SERVICE ACT 1922

NOTICE OF THE MAKING OF DETERMINATIONS UNDER SECTION 82D

Notice is hereby given that the following determinations in the "Senior Executive Service Retirement on Benefit" series have been made under section 82D of the *Public Service Act 1922*. Copies of the determinations can be obtained from the SES Team, Public Service and Merit Protection Commission, Barton ACT 2600 (02-6272 3377).

Number and Year of Senior Executive Service Retirement on Benefit Determination	Description of Determination	Date Made
No 1 of 1998	SES Retirement on Benefit	5/1/98
No 2 of 1998	SES Retirement on Benefit	7/1/98
No 3 of 1998	SES Retirement on Benefit	8/1/98
No 4 of 1998	SES Retirement on Benefit	14/1/98
No 5 of 1998	SES Retirement on Benefit	15/1/98
No 6 of 1998	SES Retirement on Benefit	29/1/98
No 7 of 1998	SES Retirement on Benefit	3/2/98
No 8 of 1998	SES Retirement on Benefit	9/2/98
No 9 of 1998	SES Retirement on Benefit	10/2/98
No 10 of 1998	SES Retirement on Benefit	19/2/98
No 11 of 1998	SES Retirement on Benefit	23/2/98
No 12 of 1998	SES Retirement on Benefit	24/2/98
No 13 of 1998	SES Retirement on Benefit	25/2/98
No 14 of 1998	SES Retirement on Benefit	3/3/98
No 15 of 1998	SES Retirement on Benefit	4/3/98
No 16 of 1998	SES Retirement on Benefit	4/3/98
No 17 of 1998	SES Retirement on Benefit	4/3/98
No 18 of 1998	SES Retirement on Benefit	6/3/98
No 19 of 1998	SES Retirement on Benefit	10/3/98
No 20 of 1998	SES Retirement on Benefit	12/3/98
No 21 of 1998	SES Retirement on Benefit	24/3/98
No 22 of 1998	SES Retirement on Benefit	25/3/98
No 23 of 1998	SES Retirement on Benefit	25/3/98
No 24 of 1998	SES Retirement on Benefit	1/4/98
No 25 of 1998	SES Retirement on Benefit	8/4/98
No 26 of 1998	SES Retirement on Benefit	20/4/98
No 27 of 1998	SES Retirement on Benefit	22/4/98
No 28 of 1998	SES Retirement on Benefit	27/4/98

No 29 of 1998	SES Retirement on Benefit	28/4/98
No 30 of 1998	SES Retirement on Benefit	6/5/98
No 31 of 1998	SES Retirement on Benefit	10/5/98
No 32 of 1998	SES Retirement on Benefit	11/5/98
No 33 of 1998	SES Retirement on Benefit	11/5/98
No 34 of 1998	SES Retirement on Benefit	20/5/98
No 35 of 1998	SES Retirement on Benefit	26/5/98
No 36 of 1998	SES Retirement on Benefit	26/5/98
No 37 of 1998	SES Retirement on Benefit	27/5/98
No 38 of 1998	SES Retirement on Benefit	29/5/98
No 39 of 1998	SES Retirement on Benefit	2/6/98
No 40 of 1998	SES Retirement on Benefit	4/6/98
No 41 of 1998	SES Retirement on Benefit	9/6/98
No 42 of 1998	SES Retirement on Benefit	9/6/98
No 43 of 1998	SES Retirement on Benefit	11/6/98
No 44 of 1998	SES Retirement on Benefit	11/6/98
No 45 of 1998	SES Retirement on Benefit	17/6/98
No 46 of 1998	SES Retirement on Benefit	17/6/98
No 47 of 1998	SES Retirement on Benefit	18/6/98
No 48 of 1998	SES Retirement on Benefit	18/6/98
No 49 of 1998	SES Retirement on Benefit	19/6/98
No 50 of 1998	SES Retirement on Benefit	22/6/98
No 51 of 1998	SES Retirement on Benefit	22/6/98
No 52 of 1998	SES Retirement on Benefit	23/6/98
No 53 of 1998	SES Retirement on Benefit	30/6/98
No 54 of 1998	SES Retirement on Benefit	30/6/98

9609435

Senate

Acts of Parliament assented to

IT IS HEREBY NOTIFIED for general information that His Excellency the Governor-General, in the name of Her Majesty, assented to the undermentioned Acts passed by the Senate and the House of Representatives in Parliament assembled, viz:

Assented to on 29 June 1998

No. 48, 1998 - An Act to make consequential amendments related to the enactment of the *Financial Sector Reform (Amendments and Transitional Provisions) Act 1998*, and for other purposes [*Financial Sector Reform (Consequential Amendments) Act 1998*].

No. 49, 1998 - An Act to amend the *Crimes Act 1914*, and for related purposes [*Crimes Amendment (Enforcement of Fines) Act 1998*].

Assented to on 30 June 1998

No. 75, 1998 - An Act to amend and repeal legislation relating to fisheries, and for related purposes [*Fisheries Legislation Amendment Act (No. 1) 1998*].

HARRY EVANS
Clerk of the Senate

9609436

NOTIFICATION OF DISALLOWANCE OF REGULATION

IT IS HEREBY NOTIFIED for general information that the Senate on 2 July 1998 passed a resolution disallowing regulation 15 of the Migration Regulations (Amendment), as contained in Statutory Rules 1998 No. 104 and made under the *Migration Act 1958*.

HARRY EVANS
Clerk of the Senate

9609437

Act of Parliament assented to

IT IS HEREBY NOTIFIED for general information that His Excellency the Governor-General, in the name of Her Majesty, assented on 2 July 1998 to the undermentioned Act passed by the Senate and the House of Representatives in Parliament assembled, viz:

No. 86, 1998 - An Act to amend the Corporations Law, and for related purposes [*Corporations Legislation Amendment Act 1998*].

HARRY EVANS
Clerk of the Senate

9609456

Social Security

COMMONWEALTH OF AUSTRALIA**Social Security Act 1991****Appointment of Members to the Social Security Appeals Tribunal**

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, under subsection 1324(1) of the Social Security Act 1991, appoint:

(a)

Dr Fiorellia	Alberico	Frances	Di Giovanni
Shenagh	Barnes	Diana	Downs-Stoney
Troy	Barty	Robert	Eadie
Dr Juliet	Behrens	Richard	Edmonds
Dr Diana	Bendeich	Caroline	Edwards
Christine	Bigby	Sandie	Evans
Maria	Boon	Angela	Faulkner
Dr Alexandra	Bordujenko	Dr Ian	Ferguson
Agnes	Borsody	Julie	Forgan
Ailsa	Bramley	Dr Frank	Fry
Alexander	Brands	Dr Janet	George
Prudence	Brown	Dr Martin	Glasson
Pauline	Burren	Jane	Goddard
John	Buxton	Robyn	Guiney
Dr Marv	Cameron	Robin	Gurr
Peter	Cappe	Dr Robert (Ian)	Hamilton
Andrew	Carson	Wendy	Harald
Margaret	Castles	Patricia	Harper
Sonia	Caton	Peter	Harris
Dr Donald	Child	Susan	Haysom
Maria	Ciffolilli	Dr Helen	Henzell
Ketrina	Clarke	David	Herd
Kate	Clayer	Margaret	Hetherton
Robyn	Coghlan	Elizabeth	Hill
Sheralyn	Conduit	Rev. Fr Martin	Hislop
Elaine	Connor	Norah	Hosken
Mary-Ann	Cooper	Lynn	Hudson
Erika	Cornwell	Dr Jennifer	Hunt
David	Corrigan	Lesley	Hunt
Lynne	Coulson Barr	Carolyn	Huntsman
Dr Lynne	Cretan (Senior Member)	Danny	Hyams
Andrew	Crockett	Graeme	Innes
Norman	Curry	Patricia	Jackson
Owen	Davies	Peter	Jordan
Philip	Davison	Dr Robert	King
Cornelis (Kees)	de Hoog (SM)	Janice	King
Laurene	Dempsey	Deborah	Laver
John	Devereux	Dr Peter	Lee

Graham	Lee	Dr Stephen	Pozzi
David	Liddell	Ray	Rinaudo
Maria	Linkenbach	Ian	Robinson
Pauline	Logan	Dr Maria	Rodopoulos
George	Lombard	Dr Kathryn	Sant
Christine	Long	Helen	Semler
Dr Peter	Longmore	Peter	Shearing
Dr Yolande	Lucire	Bernard	Shipp
Julie	Lulham	Dr Mukhtiar	Sidhu
Rhonda	MacGregor-Davies	Glenys	Smith
Joy	Mahant	Nada	Spasojevic
Jack	Mansveld	Susan	Stephenson
Ruth	Matchett	Johanna	Sutherland
Sandra	Matta	Susan	Taylor
Marian	McCann	Ross	Tzannes
Jinny	McGrath	Diana	Viney
DrJoanne	McKeown	Dr Alan	Walker
Belinda	Mericourt	Natalie	Wallace
Christine	Millowick	Elizabeth	Ward
Peter	Molony	Helen	Watchirs
Robin	Morison	Janice	Watson
Peter	Murphy	Richard	Webster
Dr John	Murray	Erica	White
Victoria	Myerscough	Dr Paul	Williamson
Annmarie	Nicholl	Dr William	Wilson
Margot	Noone	Dr Ronald	Witton
Manny	Palma	Kathryn	Wood
Linda	Pearson	Susan	Woodford
Dr Christine	Phillips	Dr Rosemary	Yuille
Robert	Phillips		

as part-time Members of the Social Security Appeals Tribunal until the end of 30 June 1999.

(b)

Lynne	Benson Evans (Registrar)
Margaret	Carstairs (Senior Member)
Denise	Connolly
Alan	Duri
Christine	Heazlewood (Senior Member)
Mark	Hester (Registrar)
Fiona	Hewson
Robert	Huey
Richard	Mills (Senior Member)
John	Mulcahy
Karen	Peacock
Gary	Richardson
Christopher	Roberts

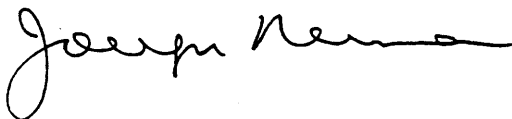
as full-time Members of the Social Security Appeals Tribunal until the end of
30 June 1999.

Dated **30 JUN 1998**

WILLIAM DEANE

Governor-General

By His Excellency's Command

A handwritten signature in dark ink, appearing to read 'Jocelyn Newman', written in a cursive style.

Jocelyn Newman
Minister for Social Security

COMMONWEALTH OF AUSTRALIA

Social Security Act 1991

Appointment of a Member to the Social Security Appeals Tribunal

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, under subsection 1324(1) of the Social Security Act 1991, appoint:

Robin Harvey

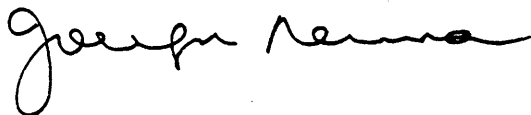
as a full-time Member of the Social Security Appeals Tribunal for a term ending on 30 June 1999.

Dated 30 JUN 1998

WILLIAM DEANE

Governor-General

By His Excellency's Command



Jocelyn Newman
Minister for Social Security

9609438

COMMONWEALTH OF AUSTRALIA

Social Security Act 1991

Appointment of a Member to the Social Security Appeals Tribunal

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, under subsection 1324(1) of the *Social Security Act 1991*, appoint:

Wilhelmina McCartney

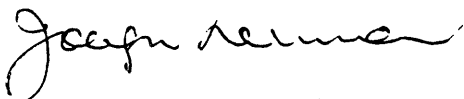
as full-time Member of the Social Security Appeals Tribunal for a term ending on 30 June 1999.

Dated 18 JUN 1998

WILLIAM DEANE

Governor-General

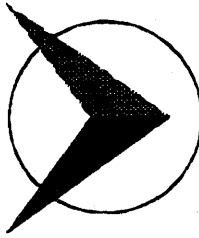
By His Excellency's Command



Jocelyn Newman
Minister for Social Security

9609439

Transport and Regional Development



**CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA**

NOTIFICATION OF THE MAKING OF ORDERS UNDER THE CIVIL AVIATION REGULATIONS

Notice is hereby given that the following amendments to Civil Aviation Orders Part 105 will become effective on 8 July 1998.

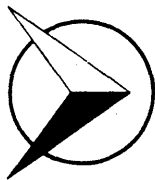
AD/R22/37 Amdt 2 - Forward Flexplate

Copies of the above Order(s) are available from:

Oliver Ernst
Publishing Controller
Airworthiness Information
Civil Aviation Safety Authority
GPO Box 2005
CANBERRA ACT 2601

Phone: 02 6217 1854
Fax: 02 6217 1991
E-Mail: ERNST_O@CASA.GOV.AU
Internet Site: [HTTP://WWW.CASA.GOV.AU](http://WWW.CASA.GOV.AU)

9609440



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

NOTIFICATION OF EXEMPTION UNDER THE CIVIL AVIATION REGULATIONS

On 26 June 1998 the Civil Aviation Safety Authority (CASA) issued an exemption under regulation 308 of the Civil Aviation Regulations (Exemption Number: CASA 17/1998 — Exemption from compliance with subregulations 5.110 (1) and 5.171 (1)).

Copies of the instrument are available for inspection at, and may be purchased over the counter from:

**Airservices Australia Publications Centre
715 Swanston Street
CARLTON Vic 3053**

Copies of the instrument may be purchased by mail from:

**Airservices Australia Publications Centre
GPO Box 1986
CARLTON SOUTH VIC 3053**

9609441



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

**NOTIFICATION OF EXEMPTION
UNDER THE CIVIL AVIATION REGULATIONS**

On 30 June 1998 the Civil Aviation Safety Authority (CASA) issued an exemption under regulation 308 of the Civil Aviation Regulations (Exemption Number: CASA 23/98 — exemption from compliance with the provisions of paragraphs 166 (1) (d), (f) and (g) of the Regulations).

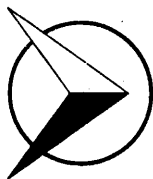
Copies of the instrument are available for inspection at, and may be purchased over the counter from:

**Airservices Australia Publications Centre
715 Swanston Street
CARLTON Vic 3053**

Copies of the instrument may be purchased by mail from:

**Airservices Australia Publications Centre
GPO Box 1986
CARLTON SOUTH VIC 3053**

9609442



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

**NOTIFICATION OF AUTHORISATION
UNDER THE CIVIL AVIATION REGULATIONS**

On 29 June 1998 the Civil Aviation Safety Authority (CASA) issued two authorisations and specifications under regulation 152 of the Civil Aviation Regulations relating to parachute descents (Instrument Numbers: CASA 205/98 and CASA 206/98).

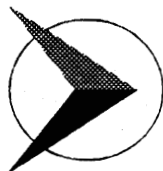
Copies of the instruments are available for inspection at, and may be purchased over the counter from:

**Airservices Australia Publications Centre
715 Swanston Street
CARLTON Vic 3053**

Copies of the instrument may be purchased by mail from:

**Airservices Australia Publications Centre
GPO Box 1986
CARLTON SOUTH VIC 3053**

9609443



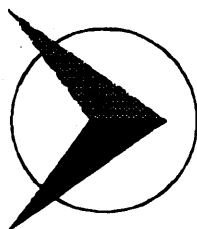
CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

CIVIL AVIATION REGULATIONS

NOTICE UNDER REGULATION 22F OF ISSUE OF CERTIFICATE OF TYPE APPROVAL

On 21 October 1997, the Civil Aviation Safety Authority (CASA) issued a certificate of type approval under regulation 22A of the Civil Aviation Regulations for the Jetstream 4101 aeroplane, manufactured by Jetstream Aircraft Limited, Ayrshire, Scotland.

9609444



**CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA**

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

Notice is hereby given that the following amendments to Civil Aviation Orders Part 105 will become effective on 8 July 1998.

AD/BEECH 35/70 - Airspeed Restriction

Copies of the above Order(s) are available from:

Oliver Ernst
Publishing Controller
Airworthiness Information
Civil Aviation Safety Authority
GPO Box 2005
CANBERRA ACT 2601

Phone: 02 6217 1854
Fax: 02 6217 1991
E-Mail: ERNST_O@CASA.GOV.AU
Internet Site: [HTTP://WWW.CASA.GOV.AU](http://WWW.CASA.GOV.AU)

9609445

Treasurer

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 22(1)

WHEREAS -

- (A) Hartono Wignjopranoto (also described as Wignjupranoto) and Radita Kuncoro are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Hartono Wignjopranoto and Radita Kuncoro proposes to acquire an interest in the Australian urban land described in the notice furnished on 4 June 1998 under section 26A of the Act;

NOW THEREFORE I, Rod Kemp, Assistant Treasurer, for and on behalf of the Treasurer, pursuant to subsection 22(1) of the Act, for the purpose of enabling consideration to be given as to whether an order should be made under subsection 21A(2) of the Act in respect of the proposed acquisition, PROHIBIT the proposed acquisition for a period not exceeding ninety days after this order comes into operation.

Dated this

2

day of

July

1998.



Assistant Treasurer

9609446

COMMISSIONER OF TAXATION**NOTICE OF RULINGS**

The Commissioner of Taxation gives notice of the following rulings, a copy of which can be obtained from Branches of the Australian Taxation Office.

Ruling Number	Subject	Brief Description
TR 98/12	Income tax: transfer of losses: section 80G ITAA 1936: subdivision 170-A ITAA 1997.	Ruling deals with the transfer of losses incurred in 1984-85 or subsequent years of income within a wholly owned resident company group.

NOTICE OF ADDENDA TO RULINGS

The Commissioner of Taxation gives notice of the following addenda, copies of which can be obtained from Branches of the Australian Taxation Office.

Ruling Number	Subject	Brief Description
TD 93/44	Income tax: capital gains: what is the amount of the consideration in respect of the disposal of an asset by a taxpayer where consideration is actually received but an amount is later paid out by way of damages?	Addendum amends the Determination to reflect legislative changes arising from the Tax Law Improvement Project.

9609447

CHILD SUPPORT ASSESSMENT ACT 1989

Notice pursuant to Section 155

I, Michael Joseph Carmody, Child Support Registrar, hereby notify, pursuant to Section 155 of the Child Support Assessment Act 1989 that the following amounts apply in the relation to the 1998/99 child support year:

(a) the yearly equivalent of the relevant average weekly earnings amount is \$38,787

(b) the relevant partnered rate of Social Security pension is, per person, \$7,542.60

(c) the relevant unpartnered rate of Social Security pension is \$9042.80

(d) the additional amount for a child who is a relevant dependant child of the liable parent is;

1. if the child will be under 13 at the end of the child support year - \$1,895

2. if the child will be 13 or over, but under 16 at the end of the child support year - \$2,649



(Michael Joseph Carmody)
CHILD SUPPORT REGISTRAR

9609448

ATTACHMENT 'A'

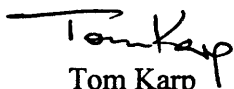
INSURANCE ACT 1973

**NOTIFICATION OF GRANT OF AUTHORITY IN ACCORDANCE WITH
SECTION 28**

In accordance with section 28 of the Insurance Act 1973 (the Act), I, Thomas Karp, Acting Insurance and Superannuation Commissioner, give notice that pursuant to section 23 of the Act, I have this day granted an authority to carry on insurance business to Orica Insurance Pty Limited (ACN 080 683 263), the registered office of which is situated at 1 Nicholson Street Melbourne Victoria 3000.

In accordance with section 122 of the Act, the Register of Authorised Insurers may be inspected at my Office, located at Level 1, 243-251 Northbourne Avenue, Lyneham, Australian Capital Territory.

Dated this^{25TH}..... day of June 1998.



Tom Karp
Acting Commissioner

9609449

INSURANCE ACT 1973

**NOTIFICATION OF GRANT OF AUTHORITY IN ACCORDANCE WITH
SECTION 28**

As provided by section 28 of the *Insurance Act 1973*, I, Thomas Karp, Acting Insurance and Superannuation Commissioner, give notice that today, in accordance with section 23 of the *Insurance Act 1973*, I granted an authority to carry on insurance business to Lyndsay Edmonds Homes Pty Limited (ACN 000 559 553), the registered office being situated at 6 Lakeside Drive, BURWOOD EAST, Victoria.

In accordance with section 122 of the *Insurance Act 1973*, the Register of Authorised Insurers may be inspected at my office.

DATED this 29TH day of June 1998.


Tom Karp
Acting Commissioner

9609450

*Australian Prudential Regulation Authority Act 1998***INSTRUMENT FIXING CHARGES TO BE
PAID TO APRA**

SINCE:

- A. the Australian Prudential Regulation Authority ("APRA"), is established on the commencement of the *Australian Prudential Regulation Authority Act 1998* (the "Act"), under section 7 of the Act ("APRA commencement"); and
- B. under paragraph 51(1)(a) of the Act, APRA has the power to fix charges to be paid to APRA by a person in respect of services and facilities APRA provides to the person;

the Board of APRA, under paragraph 51(1)(a) of the Act:

- **FIXES the charges** set out in column 3 of the Schedule, to be paid to APRA by a person
- *in respect of the services and facilities* named in column 1 and described in column 2 of the Schedule
- that the Group in APRA named in column 4 of the Schedule *provides* to the person.

This instrument is made by the Board on 1 July 1998 and recorded in the Minutes of the meeting held on that day in accordance with Division 2 of Part 3 of the Act.

Chair of Board

SCHEDULE OF CHARGES FOR SERVICES AND FACILITIES

Item Number	Column 1 Service	Column 2 Description	Column 3 Charges	Column 4 Group Providing Service
1.	Actuarial Consultancy	Consultancies to government departments	\$80-\$310 per hour according to level of actuary	Office of Australian Government Actuary
2.	Provision of statistical data	Publication of the <i>ISC Bulletin</i>	\$175 annual sub-scription charge (or \$50 per copy)	Superannuation Group
3.		Provision of unpublished statistical data	\$100 per hour (average)	Superannuation Group
4.		Publication of <i>Selected Statistics on the General Insurance Industry</i>	\$15 per hard copy \$30 for an electronic disk copy	General Insurance Group
5.	Publications	<i>Actuarial Standards Nos. 1-5</i>	\$10 per copy	Life Insurance Group
6.		<i>Small Superannuation Funds</i>	\$10 per copy	Superannuation Group
7.		<i>Good Practice Guide</i>	\$15 per copy	
8.		<i>Superannuation Fund Trustees</i>	\$10 per copy	

Item	Column 1	Column 2	Column 3	Column 4
Number	Service	Description	Charges	Group Providing Service
9.		<i>Superannuation Fraud - How to Reduce the Risk. A Best Practice Guide and Superannuation Fund Fraud Control Checklist</i>	\$10 per copy	
10.		<i>Video - Super Fraud - 'Is Your Fund at Risk'</i>	\$50 each	Superannuation Group
11.		<i>Australian Life Tables</i>	\$20 each	Office of Australian Government Actuary
12.		<i>Public Sector Superannuation Scheme and Commonwealth Superannuation Scheme (PSS and CSS) Report on Long-Term Costs</i>	\$20 each	Office of Australian Government Actuary
13.		<i>Military Superannuation and Benefits Scheme and Defence Force Retirement and Death Benefits Scheme (MSBS and DFRDB) Report on Long-Term Costs</i>	\$20 each	Office of Australian Government Actuary
14.	Publications	Technical Actuarial Papers	\$20 each	Office of Australian Government Actuary

Item Number	Column 1 Service	Column 2 Description	Column 3 Charges	Column 4 Group Providing Service
15.	Public Register Information	Provision of publicly available information on insurance companies	\$10 fee plus \$1 per page	General and Life Insurance Groups
16.	Provision of duplicate copies of various documents (re-issue) where original has been lost	Re-issue of ISC letter acknowledging receipt of an election for a fund to become regulated	\$30 per letter	Superannuation Group
17.		Re-issue of compliance notices	\$30 per notice	Superannuation Group
18.	Returns	Lodged Superannuation Annual Returns	\$30 per return	Superannuation Group
19.	Application Fees	Application for Approval as an RSA Institution	\$500 per application	Superannuation Group
20.		Application by a Corporation for Approval as an 'Approved Trustee' for the purposes of the SIS Act 1993	\$2,000 per application	Superannuation Group (Public Offer Branch)

9609451

Veterans' Affairs***Veterans' Entitlements Act 1986*****NOTIFICATION OF INSTRUMENTS UNDER SECTION 196B**

Notice is hereby given that the undermentioned instruments have been made on 29 June 1998 under section 196B of the *Veterans' Entitlements Act 1986*. Copies of these instruments can be obtained from:

- the Repatriation Medical Authority, GPO Box 1014, Brisbane Qld 4001; or
- the Repatriation Medical Authority, 127 Creek Street, Brisbane Qld 4000; or
- the Department of Veterans' Affairs, PO Box 21, Woden ACT 2606; or
- the Department of Veterans' Affairs, 13 Keltie Street, Phillip, ACT 2606.

Number of Instrument	Description of Instrument
39 of 1998	Determination of Statement of Principles under subsection 196B(2) concerning renal artery atherosclerotic disease and death from renal artery atherosclerotic disease
40 of 1998	Determination of Statement of Principles under subsection 196B(3) concerning renal artery atherosclerotic disease and death from renal artery atherosclerotic disease
41 of 1998	Revocation of Statements of Principles (Instrument No.71 of 1995; Instrument No.336 of 1995 and Instrument No.352 of 1995), and Determination of Statement of Principles under subsection 196B(2) concerning osteoarthritis and death from osteoarthritis
42 of 1998	Revocation of Statements of Principles (Instrument No.72 of 1995; Instrument No.337 of 1995 and Instrument No.353 of 1995), and Determination of Statement of Principles under subsection 196B(3) concerning osteoarthritis and death from osteoarthritis
43 of 1998	Revocation of Statements of Principles (Instrument No.31 of 1997), and Determination of Statement of Principles under subsection 196B(2) concerning deep vein thrombosis and death from deep vein thrombosis
44 of 1998	Revocation of Statements of Principles (Instrument No.32 of 1997), and Determination of Statement of Principles under subsection 196B(3) concerning deep vein thrombosis and death from deep vein thrombosis



Veterans' Entitlements Act 1986

NOTIFICATION OF INSTRUMENTS UNDER SECTION 196B

Notice is hereby given that the undermentioned instruments have been made on 29 June 1998 under section 196B of the *Veterans' Entitlements Act 1986*. Copies of these instruments can be obtained from:

- the Repatriation Medical Authority, GPO Box 1014, Brisbane Qld 4001; or
- the Repatriation Medical Authority, 127 Creek Street, Brisbane Qld 4000; or
- the Department of Veterans' Affairs, PO Box 21, Woden ACT 2606; or
- the Department of Veterans' Affairs, 13 Keltie Street, Phillip, ACT 2606.

Number of Instrument	Description of Instrument
45 of 1998	Revocation of Statements of Principles (Instrument No.31 of 1996), and Determination of Statement of Principles under subsection 196B(2) concerning non melanotic malignant neoplasm of the skin and death from non melanotic malignant neoplasm of the skin
46 of 1998	Revocation of Statements of Principles (Instrument No.32 of 1996), and Determination of Statement of Principles under subsection 196B(3) concerning non melanotic malignant neoplasm of the skin and death from non melanotic malignant neoplasm of the skin
47 of 1998	Revocation of Statements of Principles (Instrument No.298 of 1995), and Determination of Statement of Principles under subsection 196B(2) concerning acquired hallux valgus and death from acquired hallux valgus
48 of 1998	Revocation of Statements of Principles (Instrument No.299 of 1995), and Determination of Statement of Principles under subsection 196B(3) concerning acquired hallux valgus and death from acquired hallux valgus
49 of 1998	Revocation of Statements of Principles (Instrument No.173 of 1996), and Determination of Statement of Principles under subsection 196B(2) concerning soft tissue sarcoma and death from soft tissue sarcoma
50 of 1998	Revocation of Statements of Principles (Instrument No.174 of 1996), and Determination of Statement of Principles under subsection 196B(3) concerning soft tissue sarcoma and death from soft tissue sarcoma



NOTICE OF INVESTIGATION

Section 196G of the *Veterans' Entitlements Act 1986*

The Repatriation Medical Authority gives notice under section 196G of the *Veterans' Entitlements Act 1986* (the Act) that it intends to carry out an investigation in respect of **primary malignant neoplasm of the brain**, following a request for review under section 196E(1)(f) of the Act:

This investigation will be carried out in the context of Statement of Principles concerning primary malignant neoplasm of the brain (Instrument No.203 of 1995).

The Authority invites the following persons and organisations to make written submissions to the Authority in respect of the investigation:

- any person eligible to make a claim for pension under Part II or Part IV of the *Veterans' Entitlements Act 1986*;
- any organisation representing veterans, Australian mariners, members of the Forces, members of the Peacekeeping Forces or their dependants;
- the Repatriation Commission; and
- any person having expertise in a field relevant to the investigation.

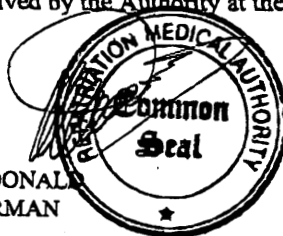
The Repatriation Medical Authority will hold its first meeting for the purposes of this investigation on **3 November 1998**.

Under the *Veterans' Entitlements Act 1986*, the RMA is required to find out whether there is a new body of sound medical-scientific evidence about primary malignant neoplasm of the brain. Persons and organisations wishing to make a submission should obtain from the RMA Secretariat (at the address and phone number below) a copy of the *RMA Submission Guidelines*.

All submissions must be in writing and received by the Authority at the address below no later than **2 October 1998**.

The Common Seal of the
Repatriation Medical Authority
was affixed in the presence of

)
)
)
KEN DONALD
CHAIRMAN



29/6/98

The Repatriation Medical Authority
GPO Box 1014
BRISBANE, QLD 4001
Telephone:(07) 3831 7155



NOTICE OF INVESTIGATION

Section 196G of the *Veterans' Entitlements Act 1986*

The Repatriation Medical Authority gives notice under section 196G of the *Veterans' Entitlements Act 1986* (the Act) that it intends to carry out an investigation in respect of **multiple myeloma**, particularly in relation to exposure to benzene, following a request for review under section 196E(1)(f) of the Act:

This investigation will be carried out in the context of Statement of Principles concerning multiple myeloma (Instrument No.134 of 1996).

The Authority invites the following persons and organisations to make written submissions to the Authority in respect of the investigation:

- any person eligible to make a claim for pension under Part II or Part IV of the *Veterans' Entitlements Act 1986*;
- any organisation representing veterans, Australian mariners, members of the Forces, members of the Peacekeeping Forces or their dependants;
- the Repatriation Commission; and
- any person having expertise in a field relevant to the investigation.

The Repatriation Medical Authority will hold its first meeting for the purposes of this investigation on 3 November 1998.

Under the *Veterans' Entitlements Act 1986*, the RMA is required to find out whether there is a new body of sound medical-scientific evidence about multiple myeloma, particularly in relation to exposure to benzene. Persons and organisations wishing to make a submission should obtain from the RMA Secretariat (at the address and phone number below) a copy of the *RMA Submission Guidelines*.

All submissions must be in writing and received by the Authority at the address below no later than 2 October 1998.

The Common Seal of the
Repatriation Medical Authority
was affixed in the presence of

)
)
)
KEN DONALD
CHAIRMAN

29/6/98

The Repatriation Medical Authority
GPO Box 1014
BRISBANE, QLD 4001
Telephone:(07) 3831 7155



NOTICE OF INVESTIGATION

Section 196G of the *Veterans' Entitlements Act 1986*

The Repatriation Medical Authority gives notice under section 196G of the *Veterans' Entitlements Act 1986* (the Act) that it intends to carry out an investigation in respect of **polycythemia vera**, following a request for review under section 196E(1)(f) of the Act:

This investigation will be carried out in the context of Statement of Principles concerning polycythemia vera (Instrument No.67 of 1995).

The Authority invites the following persons and organisations to make written submissions to the Authority in respect of the investigation:

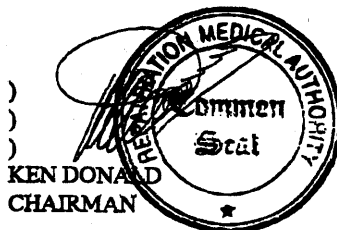
- any person eligible to make a claim for pension under Part II or Part IV of the *Veterans' Entitlements Act 1986*;
- any organisation representing veterans, Australian mariners, members of the Forces, members of the Peacekeeping Forces or their dependants;
- the Repatriation Commission; and
- any person having expertise in a field relevant to the investigation.

The Repatriation Medical Authority will hold its first meeting for the purposes of this investigation on **3 November 1998**.

Under the *Veterans' Entitlements Act 1986*, the RMA is required to find out whether there is a new body of sound medical-scientific evidence about polycythemia vera. Persons and organisations wishing to make a submission should obtain from the RMA Secretariat (at the address and phone number below) a copy of the *RMA Submission Guidelines*.

All submissions must be in writing and received by the Authority at the address below no later than **2 October 1998**.

The Common Seal of the
Repatriation Medical Authority
was affixed in the presence of



29/6/98

The Repatriation Medical Authority
GPO Box 1014
BRISBANE, QLD 4001
Telephone: (07) 3831 7155

Workplace Relations and Small Business

Workplace Relations Act 1996

Australian Industrial Registry
New South Wales Registry
80 William Street
EAST SYDNEY NSW 2011

NOTICE OF APPLICATION FOR CONSENT TO AN ALTERATION OF ELIGIBILITY RULES

(D No. 20006 of 1998)

NOTICE is given that an application has been made under the Workplace Relations Act 1996 for consent to an alteration of the eligibility rules of The Australian Workers' Union.

The alteration is sought from the following:

RULE 5 - DESCRIPTION OF INDUSTRY

The industries in or in connection with which the Union is formed are those of:

PART A

- (1) Without limiting any provisions of other sub-rules hereof the industries of the employment of every bona fide worker, male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings, namely:

Pastoral, agricultural, horticultural, including the growing, picking and packing of edible fungi, viticultural (which includes employees in wineries), dairying, poultry farming, fruit growing, sugar growing, cane cutting, milling and refining, the handling and loading and storage for export and home consumption of grain, seed and manufactured sugar, the growing, cutting, production, processing and treatment of tea, flax and tobacco, rabbit trapping, timber and sawmilling, afforestation and silviculture, the manufacture of masonite and/or caneite and all operations incidental thereto, meat preserving and meat trade generally, road making, water and sewerage, railway construction work, all persons (except persons eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia in Queensland) other than tradesmen and welders engaged in or in connection with the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances, manufacture or preparation, applying, laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt and mastic asphalt, (other than tar paving or asphalt work within the external alignment of buildings not incidental to or part of civil engineering works), metalliferous mining, smelting, reducing and refining of ores, the production and harvesting of salt, gypsum procurement, dredging or sluicing work, mining for brown coal, including the extraction of the by-products; the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, the prospecting, surveying, exploration and drilling for minerals and metals (except as to members of organizations in the shipping industry); the manufacture of briquettes and the distillation of oils, timber getting for mining purposes, stone quarrying, land surveying, fish cleaning, net making, fish trawling, treatment of whales and by-products, manufacture of copper bars, rods and wire, the manufacture of cables and the process of covering or insulating cables,

the production or manufacture of aluminium for use as a raw material in the manufacture of articles, the construction, maintenance and conduct of the Commonwealth Railways and all kinds of general labour, the manufacture of soap and candles, of butterine and margarine, of preparation and packing of crisps and extrusions including from but not limited to, potatoes and cereals, and nut foods, of drugs (other than the milling thereof), of chemicals and gases, of blue, of toys (other than sheet metal), the manufacture and milling of paper, the extraction and refining of vegetable oils, tea packing, the dehydration of vegetables and fruit, laundries, persons employed or competent to be employed as Hairdressers, Barbers, Wigmakers, Hairworkers, and their assistants (other than Examiners or Hairdressing and Apprenticeship Supervisors) and all employees in and in connection with Beauty Parlours, and receptionists employed in connection therewith, but excluding persons engaged in the sale of goods and in the manufacture of beauty preparations, fire brigades, including that of permanent, and firemen under Boards of Fire Commissioners, boring for water or oil or refining such oil or the extraction of the oil products, the production of charcoal, ginners, stackers, feeders, branders, oil refiners, moulders and labourers in the cotton industry, the destruction of prickly pear or of noxious weeds and vegetation or the treatment of products thereof and the eradication of pests and vermin; the treatment of prickly pear or of the products thereof, the manufacture of cement and cement articles and/or the operation of concrete batching plants, the manufacture of fibrolite articles, manufacture of fibre cement and/or asbestos cement products, the formation and maintenance of racecourse tracks, golf links, bowling greens and tennis courts and of all gardens, lawns and greens in connection therewith, ski instructors, employees engaged at chair lifts, T-bars and ski runs either snow or grass, persons employed in or about the Newcastle Iron and Steel Works or any works directly subsidiary thereto, or in any quarry or mine or other industrial establishment where the work done is wholly or mainly the supply of materials incidental to the manufacture of iron and steel at the Newcastle Iron and Steel Works other than those employees who are engaged as foremen or staff employees, persons employed in and about the works of the following companies at Port Kembla - namely: Metal Manufactures Limited, Electrolytic Refining and Smelting Company of Australia Limited, and Australian Fertilizers Limited, excepting, in the case of each company, staff employees, blacksmiths, boilermakers, bricklayers, carpenters, electricians (including electrical fitters and linesmen), engine drivers (including crane or winch drivers, firemen, motor drivers or attendants, dynamo attendants, greasers, trimmers and cleaners), engineers, (including drillers, fitters, machinists, pipe fitters and turners), moulders, painters, plumbers, storemen and packers within the jurisdiction of the Storemen and Packers' General (State) Conciliation Committee, rubber workers, motor-waggon drivers, riggers, strikers and assistants to the following class of tradesmen - namely: boilermakers blacksmiths, engineers (including electrical engineers), moulders, copper-smiths, sheet-iron workers, plumbers, springmakers, electricians, motor mechanics and any other mechanics engaged in the iron, steel and metal industries; fellmongering, wool-sorting and wool-scouring and basil tanning; undertaking and burial. Provided, however, that notwithstanding the foregoing, persons employed in:

- (a) the manufacture of masonite and/or caneite and all operations incidental thereto,
- (b) the manufacture or preparation of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot mixed asphalt, cold paved asphalt and mastic asphalt,

- (c) the treatment of whales and by-products,
- (d) the manufacture of cables and the process of covering or insulating cables,
- (e) the production or manufacture of aluminium for use as a raw material in the manufacture of articles,
- (f) the dehydration of vegetables and fruit,
- (g) the production of charcoal,

who are eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia, or the Transport Workers' Union of Australia,

and in respect to the dehydration of vegetables and fruit, persons employed in:

- (a) the State of Tasmania,
- (b) the States of New South Wales, Victoria and South Australia other than the dehydration of vegetables and fruit, which is performed actually on dried fruit and vine fruit blocks or dehydration plants erected in dried fruits packing establishments situated in recognised dried fruit areas and other than dehydration establishments in the Murrumbidgee Irrigation Area and in the Young and Batlow districts, except employees of the Batlow Co-Operative Co. Ltd, who are eligible to be members of the Food Preservers Union of Australia,

shall not be eligible for membership pursuant to this Part.

- (2) Without limiting the generality of the foregoing or being limited in any way by the foregoing the industry of or calling of horse training and/or horse racing.
- (3) Without limiting the generality of the foregoing or being limited in any way by the foregoing the industry or calling of either or both catering and cleaning for or at premises provided for persons working in or in connection with any of the industries described in the other paragraphs of this Rule 5 except in the Northern Territory provided that this exception shall not apply to the industry or calling of:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons; and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances.

- (4) Without limiting the generality of any other provisions of this Rule or being limited in any way thereby, the industries or callings of:
 - (a) Landscaping, (other than in the Northern Territory);
 - (b) Builders labourers in that area of Queensland situated north of a line commencing at the sea coast with the 22nd parallel of south latitude, thence by that parallel of latitude due west to 147 degrees of east longitude thence by that meridian of longitude due

south to 22 degrees 30 minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

- (c) The construction, repair maintenance or demolition of:
- (i) Civil and/or mechanical engineering projects.
 - (ii) Power transmission, light, television, radio, communication, radar, navigation, observation towers or structures.
 - (iii) Power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries.
 - (iv) Silos, excepting grain silos in Tasmania, South Australia, Western Australia and that area of Queensland not included in paragraph 4(b) above.
 - (v) Sports and/or entertainment complexes.
 - (vi) Car parks excepting car park buildings and car parks within the alignment of a building.

Subject to other paragraphs of this Rule, nothing in paragraph 4(c) shall render eligible to join the Union any building tradesman; or, except in the area specified in paragraph 4(b) any builders labourer or plumbers labourer employed on a building or building-type structure which is for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant).

Provided that paragraph (c) of this subrule shall have no operation within the Northern Territory.

PART B

- (5) Without limiting the generality of the foregoing or being limited in any way by the foregoing, the industry of Engineering.

PART C

- (6) Without limiting the generality of the foregoing or being limited in any way by the foregoing, the industries or the employment of an unlimited number of persons being:
- (a) Persons employed or usually employed in the Public Service of the Commonwealth, or in private industry, in the manufacture, preparation, storage or delivery of ammunition (including sporting and military), cordite, explosives (including commercial and military), arms (including sporting and military), and munitions, or work incidental thereto throughout the Commonwealth.
 - (b) All workers in wire, employees in or about wire netting or other wire workers, employees engaged in the manufacture of metal wire or of any article or articles made therefrom. Employees engaged in the process of galvanising or tinning articles of wire or any form of metal, and in the processing leading up to the preparation of such tinning or galvanising and all workers engaged in tubular gate making.
 - (c) All assistants and all labourers, general or special, engaged in connection with the work of boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppermiths, sheet-

iron workers, plumbers, springmakers, electricians, motor mechanics and any other mechanics engaged in the iron, steel and metal industries.

- (d) Dressers, grinders, drillers on stationary machines, furnacemen (including forge furnacemen), pipe moulders, tool storemen, and all labourers, general or special, engaged in the iron, steel and metal industries, or engaged in the cast-iron, pipemaking industry, steel locking bar pipe industry, riggers and scaffolders (other than riggers on ships and riggers and scaffolders employed in shipyards, dockyards and in building operations on buildings), machinists (excepting operators of punching, shearing, rivetting, rolling, bending, angle or plate straightening, nipping and notching machines, and smith machines), and all assistants to mechanics, and labourers general or special, employed in constructional shops in industries referred to in subrule (6) of this Rule in or in connection with which this Union is registered as an organisation.
- (e) Machinists engaged in the steel locking bar pipe-making industry. All persons employed in the iron, steel and tin plate rolling industries. All persons employed in the manufacture of galvanised iron, in the manufacture and/or rolling of brass, copper and aluminium and other non-ferrous metals and in the process of lining and/or covering pipes with bitumen, and all persons employed in the achine horseshoe-making industry and in the reinforced steel industry carried out in workshops or foundries.
- (f) Persons engaged in a repetition or specialised process of the production of or assembling of machine parts or metallic articles. Persons engaged in a repetition or specialised process for the production of plastic moulding. Persons engaged in the assembling of motor chasses, bumper bars, motor accessories and the like and employees including labourers, engaged as assistants in the manufacture of such articles and/or accessories and the like excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers and motor mechanics. Operators of metal spraying machines and labourers employed directly or indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae excepting that those persons including tradesmen who are eligible for membership of the Union pursuant to subrule(5) shall remain eligible for membership of the Union.
- (g) All classes of employees which are referred to in the preceeding paragraphs (a), (b), (c), (d), (e) and (f), engaged in or in connection with the industries of ship-building and ship repairing or engaged in or in connection with the work of foundries, together with such other persons, whether employees in any industrial pursuit or pursuits or not, who may have been appointed Officers of the Union and admitted as members thereof provided that no boilermaker, blacksmith, engineer, electrician, moulder (other than pipe moulder), coppersmith, sheet metal worker, tinsmith, canister maker, plumber or springmaker shall be eligible to become a member of this Union, pursuant to this Part.
- (h) Persons employed or usually employed in connection with the Artificial Manures, Fertilizers, Acids, Alkalis and Chemical Industries.

PART D

- (7) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule, the Carpentry and Joinery Industry including, in the port of Sydney (excluding Garden Island) in the State of New South Wales and in the State of South Australia, the industry of ships carpentry and/or joinery; and

PART E

- (8) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule in South Australia the industry of brushmaking; and

PART F

- (9) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule, the Rope and Cordage Industry.

PART G

- (10) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule or limiting any other provisions of this Rule, the glass industry.

PART H

- (11) Notwithstanding anything else in this rule, and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed as entertainment industry products employees and operators employed by Sony Music Australia Limited and Entertainment Distributors Company Limited at their premises at Huntingwood Estate, Eastern Creek in the State of New South Wales are eligible for membership of the Union.

PART I

- (12) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed by Auschar Operations Pty. Limited to operate, control and/or maintain its Traralgon plant in the La Trobe Valley in the State of Victoria shall be eligible for membership of the Union.

PART J

- (13) Notwithstanding anything else in this rule and without being limited by any other part of this rule and without limiting any other part of this rule, the industry of
- (a) all salaried members of the staffs of gas companies throughout the Commonwealth of Australia excepting:
- (i) general managers (other than in the case of the South Australian Gas Company and its subsidiaries);
- (ii) chief executive officers (being officers who are in effect General Managers but not so designated) [other than in the case of the South Australian Gas Company and its subsidiaries]; and

- (iii) tradesmen (not being foremen) who from day to day use tools of trade other than for the purpose of demonstrating their use or in cases of emergency;
- (b) in addition to, and without detracting from the generality of the coverage conferred by paragraph (a) of this sub-rule, all persons who are employed by gas companies throughout the Commonwealth of Australia either wholly or substantially in professional, technical, clerical, marketing or supervisory capacities;
- (c) any other persons who may be elected officers of the Union or a branch thereof;
- (d) Provided that nothing in this Rule shall confer eligibility for membership on salaried employees of CSR Limited employed at a yearly rate of pay in the company including such employees who are either on loan to or on secondment to any subsidiary or any associated company of CSR Limited.
- (e) Provided further that nothing in this Rule shall confer eligibility upon a person employed by a person, firm, company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) which is -
 - (i) engaged in the exploration for hydrocarbons (other than the Gas & Fuel Corporation of Victoria and the South Australia Gas Company, and their subsidiaries);
 - (ii) engaged in the extraction of hydrocarbons and/or processing in or in connexion with the extraction process;
 - (iii) engaged in providing services to other entities which are engaged in activities set out in sub-paragraphs (i) or (ii) of this paragraph including the provision of prospecting, maritime, seismic survey, drilling, construction, catering, diving, technical and maintenance services; and/or
 - (iv) engaged in transmission of hydrocarbons by pipeline from the location of activities described in sub-paragraph (ii) of this paragraph and which supplies such hydrocarbons to another entity for refining, reticulation, power generation or other industrial or commercial use other than the transmission of gas by a gas company for reticulationand who is engaged in or in connexion with any of the activities described in sub-paragraphs (i) - (iv) above.
- (f) in these rules, the following definitions shall apply;

"Gas Companies", without limiting the generality of the words, includes any person, firm, company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) engaged in or in connexion with:

 - (i) the exploration for, production, sale, marketing or distribution of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia; or

- (ii) the handling, conveying, carrying or transportation by means of pipeline or otherwise, of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia.

But does not include the State Energy Commission of Western Australia, its subsidiaries, or its public body successors who are within the Statutory Corporation or Municipal Industry.

But does not include employees of the Australian Government or employees of Statutory Authorities of the Australian Government.

"Town Gas", wherever used herein shall be deemed to include carburetted water gas, coal gas, producer gas, refinery gas, reformed liquified petroleum gas, reformed refinery gas, tempered liquid petroleum gas, water gas, synthetic natural gas, liquified natural gas, reformed natural gas, tempered natural gas, bio-gas and a mixture of two or more such gases.

The gases hereby included in the definition are defined as under:

"Carburetted Water Gas" is flammable gas produced by the interaction of steam and hot coke and which has had its heating power increased by the admixture of a gas.

"Coal Gas" includes all flammable gases produced by the thermal treatment of coal.

"Liquified Petroleum Gas" is a mixture composed substantially of C3 or C4 hydrocarbons or both of them either in a liquid or a gaseous state.

"Natural Gas" is a gaseous material containing hydrocarbons and obtained from bore holes or from crude oil otherwise than by thermal or catalytic process.

"Oil Gas" is gas manufactured from petroleum or other oil by thermal, catalytic or other process but not including liquified petroleum gas.

"Producer Gas" is gas manufactured by the action of air on hot coke.

"Refinery Gas" is the residual gas produced at a refinery and left over after all normally useable products (including liquified petroleum gas) have been made or extracted from the crude or feed stock.

"Tempered Liquid Petroleum Gas" is gas manufactured by mixing liquified petroleum gas with air.

"Water Gas" is gas manufactured by the action of steam on hot coke.

"Liquified Natural Gas" is natural gas as defined above when liquified by the action of increased pressure or reduced temperature or both.

"Reformed Natural Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Tempered Natural Gas" is gas manufactured by mixing natural gas with air.

"Reformed Refinery Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Bio-gas" is any hydrocarbon containing gas produced by biological action on an organic substrate.

"Reformed Liquified Petroleum Gas" is gas produced by thermal, catalytic or other processing of liquified petroleum gas.

"Synthetic Natural Gas" is gas manufactured by mixing liquified petroleum gas with air or a gas manufactured to have the same combustion quality as natural gas.

Notwithstanding the foregoing Rule, the Industry in connexion with which the Federation is formed excludes persons employed in, about or in connexion with a coal or shale mine and employed by the owner or operator or a subsidiary or related company thereof.

PART K

- (14) Notwithstanding anything else in this rule and without being limited by any other part of this rule or limiting any other part of this rule, in or in connection with the industry of preparation, manufacture, processing and packaging of tobacco, cigarettes, cigars and allied products in the States of New South Wales and Victoria.

PART L

- (15) Notwithstanding any other provision of this Rule, nothing in any one part of this Rule limits the description of industries in or in connection with which the Union is registered pursuant to any other part of this Rule.
- (16) This industry Rule in so far as it adopts the industry Rule of the Australasian Society of Engineers prior to amalgamation with The Federated Ironworkers' Association of Australia shall be construed as if it is the industry Rule of the Australasian Society of Engineers prior to amalgamation and shall be treated as standing alone and separate from the remaining parts of the industry Rule.

PART M

- (17) Notwithstanding anything else in this Rule and without being limited by any other provisions of this Rule and without limiting any other provision of this Rule, all persons employed or to be employed by Luna Park Amusements Pty Limited at Luna Park in Sydney in the State of New South Wales with the exception of those persons solely or principally employed as performers are eligible for membership of the union.

RULE 6 - ELIGIBILITY FOR MEMBERSHIP

SECTION 1

PART A

- (1) Every bona fide worker, male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings, namely: Pastoral (otherwise than as a shearing contractor), agricultural, horticultural, including the growing, picking and packing of edible fungi, viticultural, which includes employees in wineries (except in the State of South Australia), dairying, poultry farming, fruitgrowing, sugar growing, cane cutting, milling and refining, the handling and loading and storage for export and home consumption of grain, seed and manufactured sugar, except persons eligible to be members of The Waterside Workers Federation of Australia who perform work aboard ships and at the grain shipping terminal at Kwinana, Western Australia, the growing, cutting, production, processing and treatment of tea, flax and tobacco, rabbit trapping, timber and sawmilling industry, afforestation and silviculture, employees engaged in or in connection with the manufacture of masonite and/or caneite and all operations incidental thereto (excepting persons employed at the works of Colonial Sugar Refining Co. Ltd, at Pyrmont), meat preserving and meat trade generally, road making, water and sewerage, railway construction work, all persons (except persons eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia in Queensland) other than tradesmen and welders engaged in or in connection with the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances, all persons engaged in or in connection with the manufacture or preparation, applying, laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt, and mastic asphalt, (other than tar paving or asphalt work within the external alignment of buildings not incidental to or part of civil engineering works), metalliferous mining, smelting, reducing and refining of ores, the production and harvesting of salt, gypsum procurement, including all workers engaged in or in connection with dredging or sluicing work, mining for brown coal including the extraction of the by-products; the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, the prospecting, surveying, exploration and drilling for minerals and metals (except as to members of organisations in the shipping industry): the manufacture of briquettes, the distillation of oils and all labour incidental thereto, all surface labourers engaged about or in connection with all brown coal mines, and all persons engaged in timber getting for mining purposes, stone quarrying, land surveying, fish cleaning, net making, employees engaged in or in connection with the treatment of whales and by-products, and general labour in connection with fish trawling, manufacture of copper bars, rods and wire, all persons engaged in or in connection with the manufacture of cables and all persons engaged in the process of covering or insulating cables and all persons engaged in the production or manufacture of aluminium for use as a raw material in the manufacture of articles, the construction, maintenance and conduct of the Commonwealth Railways, and all kinds of general labour, the manufacture of soap and candles, of butterine and margarine, of preparation and packing of crisps and extrusions including from but not limited to, potatoes and cereals, and nut foods, of drugs (other than the milling thereof), of chemicals and gases, of blue, of toys (other than sheet metal), of the manufacture and milling of paper and all labour connected therewith, of the extraction and refining of vegetable oils, of tea packing, employees engaged in or in connection with the dehydration of

vegetables and fruit, of all work in laundries, persons employed or competent to be employed as Hairdressers, Barbers, Wigmakers, Hairworkers, and their Assistants (other than Examiners or Hairdressing and Apprenticeship Supervisors) and all employees in and in connection with Beauty Parlours, and receptionists employed in connection therewith, but excluding persons engaged in the sale of goods and in the manufacture of Beauty preparations, of all work in connection with fire brigades, including that of permanent, partially-paid and volunteer firemen under boards of Fire Commissioners, all employees other than craftsmen or engine drivers engaged in boring for water or oil or engaged in refining such oil or in the extraction of the oil products, all persons engaged in or in connection with the production of charcoal, all employees engaged as ginners, stackers, feeders, branders, oil refiners, moulders, and labourers in the cotton industry, all employees other than engine drivers and craftsmen engaged in the destruction of prickly pear or of noxious weeds and vegetation or the treatment of products thereof and the eradication of pests and vermin; or in the treatment of prickly pear or of the products thereof, the manufacture of cement and cement articles and/or the operation of concrete batching plants, the manufacture of fibrolite articles, manufacture of fibre cement and/or asbestos cement products, the formation and maintenance of racecourse tracks, golf links, bowling greens and tennis courts and of all gardens, lawns and greens in connection therewith, ski instructors, employees engaged at chair lifts, T-bars and ski runs either snow or grass, persons employed in or about the Newcastle Iron and Steel Works or any Works directly subsidiary thereto, or in any quarry or mine, or other industrial establishment where the work done is wholly or mainly the supply of materials incidental to the manufacture of iron and steel at the Newcastle Iron and Steel Works other than those employees who are engaged as foremen or staff employees, all persons employed in and about the works of the following companies at Port Kembla - namely: Metal Manufactures Limited, Electrolytic Refining and Smelting Company of Australia Limited, and Australian Fertilizers Limited, excepting in the case of each company, staff employees, blacksmiths, boilermakers, bricklayers, carpenters, electricians (including electrical fitters and linesmen), engine drivers (including crane or winch drivers, firemen, motor drivers or attendants, dynamo attendants, greasers, trimmers and cleaners), engineers (including drillers, fitters, machinists, pipe fitters and turners), moulders, painters, plumbers, storemen and packers within the jurisdiction of the Storemen and Packers' General (State) Conciliation Committee, rubber workers, motor-waggon drivers, riggers, strikers and assistants to the following class of tradesmen, namely: boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor-mechanics and any other mechanics engaged in the iron, steel and metal industries; all persons (other than those who have power to engage or discharge employees) who are bona fide employees wholly or partly engaged in or in connection with the business of fellmongers, woolsorters, woolscourers, basil tanners and their assistants; persons who are employed, or are competent to be employed in any position connected with the making, trimming or polishing of coffins, managing of branch establishments or any other general work in connection with the business of an undertaker or in any general work in cemeteries shall be eligible for membership of the Union.

- (2) Without limiting the generality of the foregoing or being limited in any way by the foregoing every person employed in or in connection with the industry or calling of horse training and/or horse racing (excluding

apprentice jockeys, judges, starters and stewards) shall be eligible for membership of the Union. Provided however that persons who are eligible to be members of the Federated Clerks Union of Australia shall not be eligible for membership of the Union.

- (3) Without limiting the generality of the foregoing or being limited in any way by the foregoing every bona fide worker employed in or in connection with the industry or calling of either or both catering and cleaning for or at premises provided for persons working in or in connection with any of the industries described in the other paragraphs of this Rule 6 shall be eligible for membership of the Union except in the Northern Territory provided that this exception shall not apply to the industry or calling of:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons; and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances.

- (4) Without limiting the generality of any other provisions of this Rule or being limited in any way thereby, every bona fide worker employed in or in connection with the industries or callings of:

(a) Landscaping (other than in the Northern Territory);

(b) Builders labourers in that area of Queensland situated north of a line commencing at the sea coast with the 22nd parallel of south latitude, thence by that parallel of latitude due west to 147 degrees of east longitude thence by that meridian of longitude due south to 22 degrees 30 minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) The construction, repair maintenance or demolition of:

(i) Civil and/or mechanical engineering projects.

(ii) Power transmission, light, television, radio, communication, radar, navigation, observation towers or structures.

(iii) Power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries.

(iv) Silos, excepting grain silos in Tasmania, South Australia, Western Australia and that area of Queensland not included in paragraph 4(b) above.

(v) Sports and/or entertainment complexes.

(vi) Car parks excepting car park buildings and car parks within the alignment of a building;

shall be eligible for membership of the Union.

Subject to other paragraphs of this Rule, nothing in paragraph 4(c) shall render eligible to join the Union, pursuant to this Part, any building tradesman; or, except in the area specified in

paragraph 4(b) any builders labourer or plumbers labourer employed on a building or building-type structure which is for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant).

Provided that paragraph (c) of this subrule:

- (i) Shall have no operation within the Northern Territory;
 - (ii) Other than in the State of Western Australia and in the State of Queensland in the area specified in paragraph 4(b) shall not render eligible to join the Union, pursuant to this Part, persons, (not being persons engaged on civil engineering works), who are:
 - (a) assistants or labourers engaged in connection with the work of tradesmen in the iron, steel or metal industries;
 - (b) riggers, splicers, scaffolders, dogmen, crane chasers, spray painters, iron workers or employees assisting or facilitating the work of a tradesman engaged on the erection of metal structures or the installation of plant and machinery, such erection or installation not being on a building.
- (5) Provided however that, notwithstanding the provisions of sub-rules (1) to (4) above, persons employed in Tasmania by the Hobart City Council, the Launceston City Council, the Southern Regional Cemetery Trust or by any Country Council shall not be eligible for membership pursuant to this Part.
- (5A) All persons employed or to be employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast and its associated facilities, shall be eligible for membership of the Union.
- (5B) All persons employed or to be employed by Kirby Banner Pty Ltd and Warner World Australia Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are engaged directly in the production of film or television programmes) and Wet'N'Wild Water Slide Complex at Oxenford in the State of Queensland shall be eligible for membership of the Union.
- (5C) All persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmitters at Dreamworld Theme Park, Coomera, Queensland shall be eligible for membership of the Union.
- (5D) All persons employed or to be employed by Village Nine Network Leisure Company Pty Ltd at Intencity, World Live! and Hide and Seek Theme Parks established in the Commonwealth of Australia shall be eligible for membership of the Union.

SECTION 2

PART B

- (6) Without limiting the generality of the foregoing or being limited in any way by the foregoing, persons engaged in any of the following Trades or Branches of Trades shall be eligible for membership of the Union:

- (a) Engineers, Fitters, Turners, Water Meter Fitters, Tool and Gauge Makers, Die Sinkers, Mechanical and/or Scientific Instrument Makers, Scale Makers and Adjusters, Safe Makers, Pipe Fitters, Motor Mechanics, and Tuners and Testers, Cycle and Motor Cycle Mechanics, Typewriter Mechanics, Patternmakers, Coppersmiths, Brassfinishers, Engineering and General Forgers, Forge Furnacemen, Blacksmiths, Shipsmiths, Angle-Ironsmiths, Springsmiths, Spring Fitters, Welders, Oxy-Acetylene Cutters, Locksmiths, Mechanical Draughtsmen, Millwrights, Iron and Steel Rollers, Electrical Fitters, Electrical Mechanics, Machine Makers, Milling Machinists, Planers, Slotters, Borers, Shapers, Drillers, Polishers, Grinders and Lappers, Bolt and Nut Machinists, Agricultural Implement Makers, Panel Beaters (restricted to Panel Beaters employed in the Australian Capital Territory by the Department of the Capital Territory in the Transport Workshop), Gunsmiths, Technicians (except persons who are members or eligible for membership of the Association of Draughting, Supervisory and Technical Employees other than any person or persons who may be eligible for membership of the Union pursuant to any other Part of this Rule) and any other Machine Operators or Mechanics employed in the Engineering, Locomotive, Shipbuilding, Rolling Stock, Aircraft, Munition and Iron Trades, or in any other Industry.
- (b) Smiths' strikers and mechanics' assistants or groups of strikers and assistants engaged in any of the above trades deciding to amalgamate with or join this Union shall be admitted upon such terms as shall be agreed upon by the National Conference and consistent with the Rules of the Union, so long as it is not antagonistic to any other Trade Union dealing solely with that class of worker and operating in the immediate locality.
- (c) This eligibility rule in so far as it adopts the eligibility rule of the Australasian Society of Engineers prior to amalgamation with The Federated Ironworkers' Association of Australia shall be construed as if it is the eligibility rule of the Australasian Society of Engineers prior to amalgamation and shall be treated as standing alone and separate from the remaining parts of the eligibility rule.

PART C

- (7) Without limiting the generality of the foregoing or being limited in any way by the foregoing the following persons shall be eligible for membership of the Union :
 - (a) Persons employed or usually employed, in the Public Service of the Commonwealth, or in private industry, in the manufacture preparation, storage or delivery of ammunition (including sporting and military), cordite, explosives (including commercial and military), arms (including sporting and military), and munitions or work incidental thereto throughout the Commonwealth.
 - (b) All workers in wire, employees in or about wire netting or other wire workers, employees engaged in the manufacture of metal wire or of any article or articles made therefrom. Employees engaged in the process of galvanising or tinning articles of wire or any form of metal, and in all processing leading up to the preparation of such tinning or galvanising and all workers engaged in tubular gate making.

- (c) All assistants and all labourers, general or special, engaged in connection with the work of boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor mechanics, and any other mechanics engaged in the iron, steel and metal industries.
- (d) Dressers, grinders, drillers on stationary machines, furnacemen (including forge furnacemen), pipe moulders, tool storemen, and all labourers, general or special, engaged in the iron, steel and metal industries, or engaged in the cast-iron, pipemaking industry, steel locking bar pipe industry, riggers and scaffolders (other than riggers on ships and riggers and scaffolders employed in shipyards, dockyards, and in building operations on buildings), machinists (excepting operators of punching, shearing, rivetting, rolling, bending, angle or plate straightening, nipping and notching machines, and smith machines), and all assistants to mechanics, and labourers general or special, employed in constructional shops in industries referred to in sub-rule (6) of Rule 5 in or in connection with which this Union is registered as an organisation.
- (e) Machinists engaged in the steel locking bar pipe-making industry. All persons employed in the iron, steel and tin plate rolling industries. All persons employed in the manufacture of galvanised iron, in the manufacture and/or rolling of brass, copper and aluminium and other non-ferrous metals, and in the process of lining and/or covering pipes with bitumen, and all persons employed in the machine horseshoe-making industry and in the reinforced steel industry carried out in workshops or foundries.
- (f) Persons engaged in a repetition or specialised process for the production of or assembling of machine parts or metallic articles. Persons engaged in a repetition or specialised process for the production of plastic moulding. Persons engaged in the assembling of motor chasses, bumper bars, motor accessories and the like and employees, including labourers, engaged as assistants in the manufacture of such articles and/or accessories and the like excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers and motor mechanics. Operators of metal spraying machines and labourers employed directly or indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae excepting that those persons including tradesmen who are eligible for membership of the Union pursuant to any other Part of this Rule shall remain eligible for membership of the Union.
- (g) All classes of employees which are referred to in the preceding paragraphs 7(a), 7(b), 7(c), 7(d), 7(e) and 7(f), engaged in or in connection with the industries of ship-building and ship repairing or engaged in or in connection with the work of foundries, provided that no boilermaker, blacksmith, engineer, electrician, moulder (other than pipe moulder), coppersmith, sheet metal worker, tinsmith, canister maker, plumber or springmaker shall be eligible to become a member of this Union other than those persons including tradesmen who are eligible for membership of the Union pursuant to any other Part of this Rule.
- (h) All persons employed to assist and facilitate the work of engineering, electrical and other metal tradesmen in the performance of work for which such tradesmen or other technical

supervisors are responsible, notwithstanding that their work includes hoisting, lowering, fleeting, whether by block and tackle or by other means, tools, equipment, machinery or other articles or material in connection with the work of such tradesmen in ship-yards and dock-yards or on ship or between ship and shipyard and dockyard. This paragraph shall apply notwithstanding any other provision of this Rule, but shall not by implementation affect the construction of the other provisions of this Rule.

- (i) Persons employed or usually employed in any establishment wholly or partly engaged in or connected with the manufacture, preparation and storage (or any of them) of Bone Dust, and other Artificial Manures and Fertilizers (and any of them), and of Acids, Alkalies and Chemicals of all kinds whether in liquid solid or gaseous form (or any of them), and work incidental thereto AND of persons employed in any type of labour in and around such establishment whose employment is incidental to the proper carrying out of the foregoing manufacture, preparation and storage (or any of them).
- (8) (a) Notwithstanding sub-rule 7 of this Rule but subject to paragraph (b) below, persons who are employed in or in connection with:
 - (i) The manufacture and distribution of cables and other conductors for the transmission of energy or
 - (ii) Processes connected with or incidental to such manufacture and distribution,and who are employed by:
 - (1) Pacific Dunlop Limited, Olex Cables Division (other than at Geebung, Queensland).
 - (2) Optix Australia Limited.
 - (3) Metal Manufactures Limited, MM Cables Division (excluding Metal Manufactures Limited trading as Pyrotenax, Metal Manufactures Limited, MM Metals Division at Port Kembla, New South Wales and Metal Manufactures Limited, MM Cables Division at Port Kembla, New South Wales.
 - (4) Pirelli Cables Australia Limited.
 - (5) Burton Cables Pty. Ltd.

are not eligible for membership of the Union pursuant to this Part.

- (b) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are eligible for membership under sub-rule (7) of this Rule and whose principal work is ancillary to the work of tradesmen however classified.
- (c) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under any other Part of this Rule.
- (9) (a) Notwithstanding anything else in sub-rules (6) and (7) but subject to (b) and (c) below, persons employed or to be employed in or at the establishment of Fibremakers Ltd., Canterbury Road, Bayswater, Victoria, in the manufacture and/or production of synthetic filament yarn are not eligible for membership of the Union.

- (b) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under sub-rules (6) and (7) of this rule and who are employed as assistants to tradesmen or in other classifications concerned with the maintenance of the plant or similar functions not directly connected with the production and/or manufacturing process of synthetic filament yarn.
- (c) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under any other Part of this rule.
- (10) Notwithstanding any other provisions of this Part, persons employed as Production Team Members by Southern Aluminium Pty Ltd at Bell Bay, Tasmania are eligible for membership of the Union.
- (11) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Federated Furnishing Trades Society of Australasia pursuant to its eligibility Rules as at 30 June 1992 (including persons employed or engaged in the manufacture of free standing furniture but not including persons, if otherwise eligible for membership of the Union employed in the manufacture of metal or plastic furniture or in aluminium fabrication) in the States of Queensland, New South Wales, Victoria, South Australia and Tasmania or in the Australian Capital Territory.
- (12) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of the Construction Forestry and Mining Employees Union pursuant to its eligibility Rules as at 30 June 1992 employed or engaged in the off-site timber joinery/furniture industry (not including persons, if otherwise eligible for membership of the Union, in the aluminium fabrication industry) in the State of Queensland.
- (13) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons employed or engaged in the State of Queensland in glazing work in the timber joinery/furniture industry or employed or engaged substantially and predominantly on glazing work in the aluminium fabrication industry in the State of Queensland.

PART D

- (14) Notwithstanding anything else in this Rule, and without being limited by any other provision of this Rule and without limiting any other provisions of this Rule the following persons shall be eligible for membership of the Union:
 - (a) persons employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupation, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or
 - (b) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

- (c) who, otherwise than as employees, are engaged in the industrial pursuit or pursuits of:

Carpenters and/or Joiners including, in the Port of Sydney (excluding Garden Island) in the State of New South Wales and in the State of South Australia, Ships Carpenters and/or Joiners.

- (15) (a) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Federated Furnishing Trades Society of Australasia pursuant to its eligibility Rules as at 30 June 1992 (including persons employed or engaged in the manufacture of free standing furniture but not including persons if otherwise within the constitutional coverage of the Union employed in the joinery or shopfitting industry) in the States of Queensland, New South Wales, Victoria, South Australia and Tasmania or in the Australian Capital Territory.
- (b) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons, eligible for membership of the Construction, Forestry and Mining Employees Union pursuant to its eligibility Rules as at 30 June 1992 employed or engaged in the off-site joinery/furniture industry in the State of Queensland.
- (c) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Operative Painters and Decorators Union of Australia pursuant to its eligibility Rules as at 30 June 1992 employed or engaged in the off-site joinery/furniture industry in the State of Queensland.

PART E

- (16) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule, and without limiting any other provisions of this Rule, persons employed in any capacity whatsoever (excepting as to clerks, persons eligible for membership of the Transport Workers Union of Australia and all persons engaged in the manufacture and maintenance of plant and equipment) by any person firm or company engaged solely or mainly in the industry of brushmaking in South Australia who shall be eligible for membership of the Union.

PART F

- (17) Notwithstanding anything else in this Rule and without being limited by any other provisions of this Rule and without limiting any other provisions of this Rule, persons engaged in, or in connection with the following mills or factories:- Jute, flax, rope, thread, cordage, twine, mats, bags or hessian; including also employees in canteen sections in such mills or factories shall be eligible for membership of the Union.

PART G

- (18) Notwithstanding anything else in this Rule, and without being limited by any other provisions of this Rule and without limiting any other provisions of this Rule, persons employed or usually employed in connection with the glass manufacturing industry shall be eligible for membership of the Union and without limiting the generality thereof shall comprise all persons within that industry -

- (a) in or in connection with the fabrication of goods from the products of that industry; or
- (b) in or in connection with the fabrication of goods comprising glass, fibre glass or any other similar matter or substance;
- (c) provided that employees engaged in the optical division of the Defence Research Laboratories shall not be eligible for membership of the Union pursuant to this Part.

PART H

- (19) Notwithstanding anything else in this rule, and without being limited by any other provisions of this rule and without limiting any other provision of this rule, persons employed as entertainment industry products employees and operators employed by Sony Music Australia Limited and Entertainment Distributors Company Limited at their premises at Huntingwood Estate, Eastern Creek in the State of New South Wales are eligible for membership of the union.

PART I

- (20) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed by Auschar Operations Pty. Limited to operate, control and/or maintain its Traralgon plant in the La Trobe Valley in the State of Victoria shall be eligible for membership of the Union.

SECTION 3

PART J.

- (21) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule the union shall consist of an unlimited number of persons, namely:
- (a) all salaried members of the Staffs of gas companies throughout the Commonwealth of Australia excepting:
 - (i) general managers (other than in the case of the South Australian Gas Company and its subsidiaries);
 - (ii) chief executive officers (being officers who are in effect General Managers but not so designated) [other than in the case of the South Australian Gas Company and its subsidiaries]; and
 - (iii) tradesmen (not being foreman) who from day to day use tools of trade other than for the purpose of demonstrating their use or in cases of emergency;
 - (b) in addition to, and without detracting from the generality of the coverage conferred by paragraph (a) of this sub-rule, all persons who are employed by gas companies throughout the Commonwealth of Australia, either wholly or substantially in professional, technical, clerical, marketing or supervisory capacities;
 - (c) any other persons who may be elected officers of the Union or a branch thereof;

- (d) notwithstanding anything contained in paragraph (a) hereof, executive officers who are departmental heads and the officers designated Staff Officer or Industrial Officer and any officer carrying out the duties of any of these positions by whatever designation shall not be eligible for membership of the Federation (other than in the case of the South Australian Gas Company and its subsidiaries);
- (e) Provided that nothing in this sub-rule shall confer eligibility for membership on salaried employees of CSR Limited employed at a yearly rate of pay in the company, including such employees who are either on loan to or on secondment to any subsidiary or any associated company of CSR Limited.
- (f) Provided further that nothing in this subrule shall confer eligibility upon a person employed by a person, firm, company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) which is -
- (i) engaged in the exploration for hydrocarbons (other than the Gas and Fuel Corporation of Victoria) and the South Australia Gas Company, and their subsidiaries);
 - (ii) engaged in the extraction of hydrocarbons and/or processing in or in connection with the extraction's process;
 - (iii) engaged in providing services to other entities which are engaged in activities set out in sub-paragraph (i) or (ii) of this paragraph including the provision of prospecting, maritime, seismic survey, drilling, construction, catering, diving, technical and maintenance services, and/or
 - (iv) engaged in the transmission by pipeline from the location of activities described in sub-paragraph (ii) of this paragraph and which supplies such hydrocarbons to another entity for refining, reticulation, power generation or other industrial or commercial use other than the transmission of gas by a gas company for reticulation and who is engaged in or in connection with any of the above activities described in sub-paragraphs (i) - (iv) above.
- (g) provided that nothing in this rule shall confer eligibility upon a person who is the employee of an Oil Company which has as its principal business the production, manufacture or wholesale distribution of petroleum products where the employment of that person is principally concerned with the production, manufacture or wholesale distribution of petroleum products.
- (h) in these rules, the following definitions shall apply:
- "Gas Companies", without limiting the generality of the words, includes any person, firm company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) engaged in or in connection with:
- (i) the exploration for, production, sale, marketing or distribution of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia; or

- (ii) the handling, conveying, carrying or transportation by means of pipeline or otherwise, of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia.

But does not include the State Energy Commission of Western Australia, its subsidiaries, or its public body successors who are within the Statutory Corporation or Municipal Industry.

But does not include employees of the Australian Government or employees of Statutory Authorities of the Australian Government.

"Town Gas", wherever used herein shall be deemed to include carburetted water gas, coal gas, liquefied gas, natural gas, oil gas, producer gas, refinery gas, reformed liquefied petroleum gas, reformed refinery gas, tempered liquid petroleum gas, water gas, synthetic natural gas, liquefied natural gas, reformed natural gas, tempered natural gas, bio-gas and a mixture of two or more such gases.

The gases hereby included in the definition are defined as under:

"Carburetted Water Gas" is flammable gas produced by the interaction of steam and hot coke and which had its heating power increased by the admixture of a gas.

"Coal Gas" includes all flammable gases produced by the thermal treatment of coal.

"Liquefied Petroleum Gas" is a mixture composed substantially of C3 or C4 hydrocarbons or both of them either in a liquid or a gaseous state.

"Natural Gas" is a gaseous material containing hydrocarbons and obtained from bore holes or from crude oil otherwise than by thermal or catalytic process.

"Oil gas" is gas manufactured from petroleum or other oil by thermal, catalytic or other process but not including liquefied petroleum gas.

"Producer Gas" is gas manufactured by the action of air on hot coke.

"Refinery Gas" is the residual gas produced at a refinery and left over after all normally usable products (including liquefied petroleum gas) have been made extracted from the crude or feed stock.

"Tempered Liquid Petroleum Gas" is gas manufactured by mixing liquefied petroleum gas with air.

"Water Gas" is gas manufactured by the action of steam on hot coke.

"Liquefied Natural Gas" is natural gas as defined above when liquefied by the action of increase pressure or reduced temperature or both.

"Reformed Natural Gas" is gas produced by thermal, catalytic or other processing of natural gas.

"Tempered Natural Gas" is gas manufactured by mixing natural gas with air.

"Reformed Refinery Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Bio-Gas" is any hydrocarbon containing gas produced by biological action on an organic substrate.

"Reformed Liquefied Petroleum Gas" is gas produced by thermal, catalytic or other processing or liquefied petroleum gas.

"Synthetic Natural Gas" is gas manufactured by mixing liquefied petroleum gas with air or a gas manufactured to have the same combustion quality as natural gas.

Notwithstanding the foregoing Rule, the following persons shall not be eligible for membership of the Federation, namely persons employed in, about or in connection with a coal or shale mine and employed by the owner or operator or a subsidiary or related company thereof.

- (i) In addition the following persons or classes of persons shall be eligible for membership of the Union, namely:

independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Federation.

Nothing in paragraphs (a) to (i) inclusive of this sub-rule limits the right of the union to enrol persons who are otherwise eligible for membership under any other sub-rule of this Rule.

SECTION 4

PART K

- (22) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule and without limiting any other provision of this Rule the union shall consist of persons employed in or in connection with the following industries or callings:-

The preparation, manufacture, processing and packaging of tobacco, cigarettes, cigars or allied products in the States of new South Wales and Victoria, together with any person who is an officer of the Union.

SECTION 5

PART L

- (23) Notwithstanding any other provision of this Rule, nothing in any one Section of this Rule limits the eligibility of a person for membership of the Union pursuant to any other Section of this Rule, nor the right of the Union to enrol such persons who are otherwise eligible for membership pursuant to such other Section or Sections of this Rule.

- (24) Notwithstanding the other provisions of this rule, the holders of Office in the Union shall be eligible for membership of the Union together with such other persons whether employees in any industrial pursuit or pursuits or not, who may have been appointed officers of the Federation of Industrial Manufacturing and Engineering Employees prior to the amalgamation of that organisation with The Australian Workers' Union and admitted as members thereof.
- (25) Notwithstanding anything contained elsewhere in this rule, the union shall not, in the Australian Capital Territory and in the State of New South Wales, pursuant to Section 2 of this Rule, be entitled to enrol persons eligible for membership of the Construction, Forestry, Mining and Energy Union pursuant to its eligibility rules as at 23 June 1993 employed or engaged in the off-site timber joinery/furniture industry (not including persons, if otherwise eligible for membership of the union, in the aluminium fabrication industry) or substantially and predominantly engaged on glazing work in the aluminium fabrication industry.
- (26) Notwithstanding anything contained elsewhere in this rule, the Union shall not pursuant only to Section 2 of this Rule be entitled to enrol persons employed or engaged by any person, body, corporation, employer or principal who is engaged in the Building and/or Construction Industry in the occupation of a carpenter and/or joiner except those persons employed by the Crown or Local Government. Nothing in this paragraph affects the rights of the union to enrol and/or represent persons in accordance with Section 1 of these Rules nor anyone under Section 2 other than the persons specifically identified in the foregoing sentence, nor does the agreement alter or affect in any way the 1986 demarcation agreements between the Australian Workers Union, as it then were, and the Federated Ironworkers Association of Australia, as it then were, on the one hand, and the Building Workers Industrial Union of Australia and the Federated Engine Drivers and Firemens Association of Australasia, as they then were, on the other, nor does it affect the 1992 Agreement between the Construction, Forestry and Mining Employees Union, as it then was, and the Australian Workers Union, as it then was.
- (27) (a) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any provision of this rule, persons employed or to be employed in the Exhibitions (Trade and Public Promotion) Industry shall be eligible for membership of the union.
- (b) For the purposes of the rule, Exhibitions (Trade and Public Promotion) Industry means the industry of fabricating, supplying, preparing, marking out, installing, dismantling or hiring exhibition stands and/or associated components used in or in connection with promotions, exhibitions, meetings and/or conventions, provided that this industry shall not be taken to include:
- (i) Any work coming within the scope of the National Joinery and Building Trade Products Award 1993 [Print K6616 [N0183]], the National Building and Construction Industry Award 1990 [Print L2807 [N0122]] or The Building and Construction Industry (ACT) Award 1991 [Print K0679 [B0171]] or their State counterpart awards; and/or
 - (ii) Work undertaken by employees of any employer party directly or indirectly respondent to the National Joinery and Building Trade Products Award 1993, the National Building and

Construction Industry Award 1990 or The Building and Construction Industry (ACT) Award 1991 or their State counterpart awards; and/or

- (iii) Work undertaken in or in connection with special events (e.g. Expos, Royal Easter Show, Australian Formula One Grand Prix) or industry shows within the constitutional coverage of the Construction, Forestry, Mining and Energy Union pursuant to its eligibility rule; and/or
- (iv) Work undertaken in or in connection with, or by an employer whose normal business is, the construction of sets, scenery, props or other equipment or components for any theatrical, motion picture, video, television or entertainment production; and/or
- (v) Work undertaken by an employer whose normal business in the business of transport with the constitutional coverage of the Transport Workers' Union of Australia.
- (vi) Any work coming within the scope of the Electrical Contracting Industry Award 1992 [Print K3299 [E0068]], the Electrical Engineering and Contracting Industries (Northern Territory) Award 1995 [Print M0637 [E0021CRN]], and the State counterpart electrical contracting awards, and/or work undertaken by the employees of any employer party directly or indirectly respondent to the Electrical Contracting Industry Award 1992, the Electrical Engineering and Contracting Industries (Northern Territory) Award 1995, and the State counterpart electrical contracting awards.

SECTION 6

PART M

- (28) Notwithstanding anything else in this Rule, and without being limited by any other provisions of this Rule and without limiting any other provision of this Rule, all persons employed or to be employed by Luna Park Amusements Pty Limited at Luna Park in Sydney in the State of New South Wales with the exception of those persons solely or principally employed as performers shall be eligible for membership of the union.

PART N

- (29) Without limiting the generality of the foregoing or being limited in any way by the foregoing every person employed or to be employed by Energy Developments Limited and/or by subsidiaries or related companies to Energy Developments Limited within the meaning of the Corporations Law shall be eligible for membership of the union and the union shall have the right to the exclusion of the ALHMWU, the AMWU, the CEPU and the CFMEU to represent under the Act, the industrial interests of such persons.

PART O

- (30) Sub-rule to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N2624

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to the orders made on 18 June 1996 and recorded

in Print N2624, and subject to further order of the Commission to vary or set aside the orders, with effect from 2 May 1997 persons employed by National Rail Corporation Limited shall not be eligible to become members of the union.

PART P

- (31) Sub-rule to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N3460

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to orders made on 18 July 1996 and recorded in Print N3460, the union shall not have the eligibility to cover persons who are eligible to be members of the Australian Liquor, Hospitality and Miscellaneous Workers Union employed by contract cleaning and/or catering and/or food and/or security companies other than the following:

1. persons employed by Spotless in Commercial Support Program of the Australian Department of Defence contract work who are employed substantially in the following activities: grounds maintenance, tarmac maintenance, mechanical and electrical maintenance, building repair and/or maintenance, technical or supervisory and generally other persons whose work activities may generally be characterised as 'outdoor work'.
2. persons employed in contract cleaning and associated work undertaken by Event Services (excluding catering or food services work), in the following activities/locations

Homebush Bay Showground and services directly provided in association with events at the showground, the Eastern Creek Equestrian Centre, the Royal Hall of Industries, the Hordern Pavilion and associated facilities in regard to exhibitions at Paddington, and the AGVIEW event conducted at Camden (previously administered by the Royal Agricultural Society of New South Wales).

3. persons employed by Cleanevent Pty Ltd primarily employed in cleaning work in the following activities/locations: race courses, motor racing, golf tournaments, agricultural and horticultural events, outdoor entertainment venues (other than at sports stadiums), and employees performing horticultural work in sports stadiums/venues.

This rule shall not apply in the State of Queensland and the Northern Territory.

to the following:

RULE 5 - DESCRIPTION OF INDUSTRY

The industries in or in connection with which the Union is formed are those of:

PART A

- (1) Without limiting any provisions of other sub-rules hereof the industries of the employment of every bona fide worker, male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings, namely:

Pastoral, agricultural, horticultural, including the growing, picking and packing of edible fungi, viticultural (which includes employees in wineries), dairying, poultry farming, fruit growing, sugar growing, cane cutting, milling and refining, the handling and loading and storage for export and home consumption of grain, seed and manufactured sugar, the growing, cutting, production, processing and treatment of tea, flax and tobacco, rabbit trapping, timber and sawmilling, afforestation and silviculture, the manufacture of masonite and/or caneite and all operations incidental thereto, meat preserving and meat trade generally, road making, water and sewerage, railway construction work, all persons (except persons eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia in Queensland) other than tradesmen and welders engaged in or in connection with the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances, manufacture or preparation, applying, laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt and mastic asphalt, (other than tar paving or asphalt work within the external alignment of buildings not incidental to or part of civil engineering works), metalliferous mining, smelting, reducing and refining of ores, the production and harvesting of salt, gypsum procurement, dredging or sluicing work, mining for brown coal, including the extraction of the by-products; the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, the prospecting, surveying, exploration and drilling for minerals and metals (except as to members of organizations in the shipping industry); the manufacture of briquettes and the distillation of oils, timber getting for mining purposes, stone quarrying, land surveying, fish cleaning, net making, fish trawling, treatment of whales and by-products, manufacture of copper bars, rods and wire, the manufacture of cables and the process of covering or insulating cables, the production or manufacture of aluminium for use as a raw material in the manufacture of articles, the construction, maintenance and conduct of the Commonwealth Railways and all kinds of general labour, the manufacture of soap and candles, of butterine and margarine, of preparation and packing of crisps and extrusions including from but not limited to, potatoes and cereals, and nut foods, of drugs (other than the milling thereof), of chemicals and gases, of blue, of toys (other than sheet metal), the manufacture and milling of paper, the extraction and refining of vegetable oils, tea packing, the dehydration of vegetables and fruit, laundries, persons employed or competent to be employed as Hairdressers, Barbers, Wigmakers, Hairworkers, and their assistants (other than Examiners or Hairdressing and Apprenticeship Supervisors) and all employees in and in connection with Beauty Parlours, and receptionists employed in connection therewith, but excluding persons engaged in the sale of goods and in the manufacture of beauty preparations, fire brigades, including that of permanent, and firemen under Boards of Fire Commissioners, boring for water or oil or refining such oil or the extraction of the oil products, the production of charcoal, ginners, stackers, feeders, branders, oil refiners, moulders and labourers in the cotton industry, the destruction of prickly pear or of noxious weeds and vegetation or the treatment of products thereof and the eradication of pests and vermin; the treatment of prickly pear or of the products thereof, the manufacture of cement and cement articles and/or the operation of concrete batching plants, the manufacture of fibrolite articles, manufacture of fibre cement and/or asbestos cement products, the formation and maintenance of racecourse tracks, golf links, bowling greens and tennis courts and of all gardens, lawns and greens in connection therewith, ski instructors, employees engaged at chair lifts, T-bars and ski runs either snow or grass, persons employed in or about the Newcastle Iron and Steel Works or any works directly subsidiary

thereto, or in any quarry or mine or other industrial establishment where the work done is wholly or mainly the supply of materials incidental to the manufacture of iron and steel at the Newcastle Iron and Steel Works other than those employees who are engaged as foremen or staff employees, persons employed in and about the works of the following companies at Port Kembla - namely: Metal Manufactures Limited, Electrolytic Refining and Smelting Company of Australia Limited, and Australian Fertilizers Limited, excepting, in the case of each company, staff employees, blacksmiths, boilermakers, bricklayers, carpenters, electricians (including electrical fitters and linesmen), engine drivers (including crane or winch drivers, firemen, motor drivers or attendants, dynamo attendants, greasers, trimmers and cleaners), engineers, (including drillers, fitters, machinists, pipe fitters and turners), moulders, painters, plumbers, storemen and packers within the jurisdiction of the Storemen and Packers' General (State) Conciliation Committee, rubber workers, motor-waggon drivers, riggers, strikers and assistants to the following class of tradesmen - namely: boilermakers blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor mechanics and any other mechanics engaged in the iron, steel and metal industries; fellmongering, woolsorting and woolscouring and basil tanning; undertaking and burial. Provided, however, that notwithstanding the foregoing, persons employed in:

- (a) the manufacture of masonite and/or caneite and all operations incidental thereto,
- (b) the manufacture or preparation of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot mixed asphalt, cold paved asphalt and mastic asphalt,
- (c) the treatment of whales and by-products,
- (d) the manufacture of cables and the process of covering or insulating cables,
- (e) the production or manufacture of aluminium for use as a raw material in the manufacture of articles,
- (f) the dehydration of vegetables and fruit,
- (g) the production of charcoal,

who are eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia, or the Transport Workers' Union of Australia,

and in respect to the dehydration of vegetables and fruit, persons employed in:

- (a) the State of Tasmania,
- (b) the States of New South Wales, Victoria and South Australia other than the dehydration of vegetables and fruit, which is performed actually on dried fruit and vine fruit blocks or dehydration plants erected in dried fruits packing establishments situated in recognised dried fruit areas and other than dehydration establishments in the Murrumbidgee Irrigation Area and in the Young and Batlow districts, except employees of the Batlow Co-Operative Co. Ltd, who are eligible to be members of the Food Preservers Union of Australia,

shall not be eligible for membership pursuant to this Part.

- (2) Without limiting the generality of the foregoing or being limited in any way by the foregoing the industry of or calling of horse training and/or horse racing.
- (3) Without limiting the generality of the foregoing or being limited in any way by the foregoing the industry or calling of either or both catering and cleaning for or at premises provided for persons working in or in connection with any of the industries described in the other paragraphs of this Rule 5 except in the Northern Territory provided that this exception shall not apply to the industry or calling of:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons; and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances.

- (4) Without limiting the generality of any other provisions of this Rule or being limited in any way thereby, the industries or callings of:
 - (a) Landscaping, (other than in the Northern Territory);
 - (b) Builders labourers in that area of Queensland situated north of a line commencing at the sea coast with the 22nd parallel of south latitude, thence by that parallel of latitude due west to 147 degrees of east longitude thence by that meridian of longitude due south to 22 degrees 30 minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
 - (c) The construction, repair maintenance or demolition of:
 - (i) Civil and/or mechanical engineering projects.
 - (ii) Power transmission, light, television, radio, communication, radar, navigation, observation towers or structures.
 - (iii) Power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries.
 - (iv) Silos, excepting grain silos in Tasmania, South Australia, Western Australia and that area of Queensland not included in paragraph 4(b) above.
 - (v) Sports and/or entertainment complexes.
 - (vi) Car parks excepting car park buildings and car parks within the alignment of a building.

Subject to other paragraphs of this Rule, nothing in paragraph 4(c) shall render eligible to join the Union any building tradesman; or, except in the area specified in paragraph 4(b) any builders labourer or plumbers labourer employed on a building or building-type structure which is for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant).

Provided that paragraph (c) of this subrule shall have no operation within the Northern Territory.

PART B

- (5) Without limiting the generality of the foregoing or being limited in any way by the foregoing, the industry of Engineering.

PART C

- (6) Without limiting the generality of the foregoing or being limited in any way by the foregoing, the industries or the employment of an unlimited number of persons being:
- (a) Persons employed or usually employed in the Public Service of the Commonwealth, or in private industry, in the manufacture, preparation, storage or delivery of ammunition (including sporting and military), cordite, explosives (including commercial and military), arms (including sporting and military), and munitions, or work incidental thereto throughout the Commonwealth.
 - (b) All workers in wire, employees in or about wire netting or other wire workers, employees engaged in the manufacture of metal wire or of any article or articles made therefrom. Employees engaged in the process of galvanising or tinning articles of wire or any form of metal, and in the processing leading up to the preparation of such tinning or galvanising and all workers engaged in tubular gate making.
 - (c) All assistants and all labourers, general or special, engaged in connection with the work of boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor mechanics and any other mechanics engaged in the iron, steel and metal industries.
 - (d) Dressers, grinders, drillers on stationary machines, furnacemen (including forge furnacemen), pipe moulders, tool storemen, and all labourers, general or special, engaged in the iron, steel and metal industries, or engaged in the cast-iron, pipemaking industry, steel locking bar pipe industry, riggers and scaffolders (other than riggers on ships and riggers and scaffolders employed in shipyards, dockyards and in building operations on buildings), machinists (excepting operators of punching, shearing, rivetting, rolling, bending, angle or plate straightening, nipping and notching machines, and smith machines), and all assistants to mechanics, and labourers general or special, employed in constructional shops in industries referred to in subrule (6) of this Rule in or in connection with which this Union is registered as an organisation.
 - (e) Machinists engaged in the steel locking bar pipe-making industry. All persons employed in the iron, steel and tin plate rolling industries. All persons employed in the manufacture of galvanised iron, in the manufacture and/or rolling of brass, copper and aluminium and other non-ferrous metals and in the process of lining and/or covering pipes with bitumen, and all persons employed in the achine horseshoe-making industry and in the reinforced steel industry carried out in workshops or foundries.
 - (f) Persons engaged in a repetition or specialised process of the production of or assembling of machine parts or metallic articles. Persons engaged in a repetition or specialised process for the production of plastic moulding. Persons engaged in the assembling

of motor chasses, bumper bars, motor accessories and the like and employees including labourers, engaged as assistants in the manufacture of such articles and/or accessories and the like excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers and motor mechanics. Operators of metal spraying machines and labourers employed directly or indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae excepting that those persons including tradesmen who are eligible for membership of the Union pursuant to subrule(5) shall remain eligible for membership of the Union.

- (g) All classes of employees which are referred to in the preceeding paragraphs (a), (b), (c), (d), (e) and (f), engaged in or in connection with the industries of ship-building and ship repairing or engaged in or in connection with the work of foundries, together with such other persons, whether employees in any industrial pursuit or pursuits or not, who may have been appointed Officers of the Union and admitted as members thereof provided that no boilermaker, blacksmith, engineer, electrician, moulder (other than pipe moulder), coppersmith, sheet metal worker, tinsmith, canister maker, plumber or springmaker shall be eligible to become a member of this Union, pursuant to this Part.
- (h) Persons employed or usually employed in connection with the Artificial Manures, Fertilizers, Acids, Alkalis and Chemical Industries.

PART D

- (7) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule, the Carpentry and Joinery Industry including, in the port of Sydney (excluding Garden Island) in the State of New South Wales and in the State of South Australia, the industry of ships carpentry and/or joinery; and

PART E

- (8) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule in South Australia the industry of brushmaking; and

PART F

- (9) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule, the Rope and Cordage Industry.

PART G

- (10) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule or limiting any other provisions of this Rule, the glass industry.

PART H

- (11) Notwithstanding anything else in this rule, and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed as entertainment industry products

employees and operators employed by Sony Music Australia Limited and Entertainment Distributors Company Limited at their premises at Huntingwood Estate, Eastern Creek in the State of New South Wales are eligible for membership of the Union.

PART I

- (12) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed by Auschar Operations Pty. Limited to operate, control and/or maintain its Traralgon plant in the La Trobe Valley in the State of Victoria shall be eligible for membership of the Union.

PART J

- (13) Notwithstanding anything else in this rule and without being limited by any other part of this rule and without limiting any other part of this rule, the industry of

- (a) all salaried members of the staffs of gas companies throughout the Commonwealth of Australia excepting:
- (i) general managers (other than in the case of the South Australian Gas Company and its subsidiaries);
 - (ii) chief executive officers (being officers who are in effect General Managers but not so designated) [other than in the case of the South Australian Gas Company and its subsidiaries]; and
 - (iii) tradesmen (not being foremen) who from day to day use tools of trade other than for the purpose of demonstrating their use or in cases of emergency;
- (b) in addition to, and without detracting from the generality of the coverage conferred by paragraph (a) of this sub-rule, all persons who are employed by gas companies throughout the Commonwealth of Australia either wholly or substantially in professional, technical, clerical, marketing or supervisory capacities;
- (c) any other persons who may be elected officers of the Union or a branch thereof;
- (d) Provided that nothing in this Rule shall confer eligibility for membership on salaried employees of CSR Limited employed at a yearly rate of pay in the company including such employees who are either on loan to or on secondment to any subsidiary or any associated company of CSR Limited.
- (e) Provided further that nothing in this Rule shall confer eligibility upon a person employed by a person, firm, company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) which is -
- (i) engaged in the exploration for hydrocarbons (other than the Gas & Fuel Corporation of Victoria and the South Australia Gas Company, and their subsidiaries);
 - (ii) engaged in the extraction of hydrocarbons and/or processing in or in connexion with the extraction process;

- (iii) engaged in providing services to other entities which are engaged in activities set out in sub-paragraphs (i) or (ii) of this paragraph including the provision of prospecting, maritime, seismic survey, drilling, construction, catering, diving, technical and maintenance services; and/or
- (iv) engaged in transmission of hydrocarbons by pipeline from the location of activities described in sub-paragraph (ii) of this paragraph and which supplies such hydrocarbons to another entity for refining, reticulation, power generation or other industrial or commercial use other than the transmission of gas by a gas company for reticulation

and who is engaged in or in connexion with any of the activities described in sub-paragraphs (i) - (iv) above.

- (f) in these rules, the following definitions shall apply;

"Gas Companies", without limiting the generality of the words, includes any person, firm, company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) engaged in or in connexion with:

- (i) the exploration for, production, sale, marketing or distribution of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia; or
- (ii) the handling, conveying, carrying or transportation by means of pipeline or otherwise, of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia.

But does not include the State Energy Commission of Western Australia, its subsidiaries, or its public body successors who are within the Statutory Corporation or Municipal Industry.

But does not include employees of the Australian Government or employees of Statutory Authorities of the Australian Government.

"Town Gas", wherever used herein shall be deemed to include carburetted water gas, coal gas, producer gas, refinery gas, reformed liquified petroleum gas, reformed refinery gas, tempered liquid petroleum gas, water gas, synthetic natural gas, liquified natural gas, reformed natural gas, tempered natural gas, bio-gas and a mixture of two or more such gases.

The gases hereby included in the definition are defined as under:

"Carburetted Water Gas" is flammable gas produced by the interaction of steam and hot coke and which has had its heating power increased by the admixture of a gas.

"Coal Gas" includes all flammable gases produced by the thermal treatment of coal.

"Liquified Petroleum Gas" is a mixture composed substantially of C3 or C4 hydrocarbons or both of them either in a liquid or a gaseous state.

"Natural Gas" is a gaseous material containing hydrocarbons and obtained from bore holes or from crude oil otherwise than by thermal or catalytic process.

"Oil Gas" is gas manufactured from petroleum or other oil by thermal, catalytic or other process but not including liquified petroleum gas.

"Producer Gas" is gas manufactured by the action of air on hot coke.

"Refinery Gas" is the residual gas produced at a refinery and left over after all normally useable products (including liquified petroleum gas) have been made or extracted from the crude or feed stock.

"Tempered Liquid Petroleum Gas" is gas manufactured by mixing liquified petroleum gas with air.

"Water Gas" is gas manufactured by the action of steam on hot coke.

"Liquified Natural Gas" is natural gas as defined above when liquified by the action of increased pressure or reduced temperature or both.

"Reformed Natural Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Tempered Natural Gas" is gas manufactured by mixing natural gas with air.

"Reformed Refinery Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Bio-gas" is any hydrocarbon containing gas produced by biological action on an organic substrate.

"Reformed Liquified Petroleum Gas" is gas produced by thermal, catalytic or other processing of liquified petroleum gas.

"Synthetic Natural Gas" is gas manufactured by mixing liquified petroleum gas with air or a gas manufactured to have the same combustion quality as natural gas.

Notwithstanding the foregoing Rule, the Industry in connexion with which the Federation is formed excludes persons employed in, about or in connexion with a coal or shale mine and employed by the owner or operator or a subsidiary or related company thereof.

PART K

- (14) Notwithstanding anything else in this rule and without being limited by any other part of this rule or limiting any other part of this rule, in or in connection with the industry of preparation, manufacture, processing and packaging of tobacco, cigarettes, cigars and allied products in the States of New South Wales and Victoria.

PART L

- (15) Notwithstanding any other provision of this Rule, nothing in any one part of this Rule limits the description of industries in or in connection with which the Union is registered pursuant to any other part of this Rule.
- (16) This industry Rule in so far as it adopts the industry Rule of the Australasian Society of Engineers prior to amalgamation with The Federated Ironworkers' Association of Australia shall be construed as if it is the industry Rule of the Australasian Society of Engineers prior to amalgamation and shall be treated as standing alone and separate from the remaining parts of the industry Rule.

PART M

- (17) Notwithstanding anything else in this Rule and without being limited by any other provisions of this Rule and without limiting any other provision of this Rule, all persons employed or to be employed by Luna Park Amusements Pty Limited at Luna Park in Sydney in the State of New South Wales with the exception of those persons solely or principally employed as performers are eligible for membership of the union.

PART N

- (18) Notwithstanding anything else in this Rule, and without being limited by any other provision of this Rule, the following persons shall be eligible to be members of the Union:

- (a) All persons employed by the owners and/or operators of Olympic venues:
- (i) persons engaged in the preparation and/or sale of food and/or snacks and/or beverages;
 - (ii) security officers;
 - (iii) child care workers except at Sydney International Aquatic and Athletic Centre;

For the purposes of this subclause, Olympic venues means those venues described in the Homebush Bay Master Plan and includes the Olympian Equestrian Centre, the Sydney International Aquatic and Athletic Centre, the Olympic Stadium, the Entertainment Centre and the State Sport Centre and associated facilities;

- (b) All persons employed by the Sydney Olympic Games Organising Committee other than persons who are primarily engaged in the sale and/or preparation of food and/or snacks and/or beverages which are produced and/or sold to or for the public;
- (c) All persons employed by Event Services Pty. Ltd. who are engaged at Homebush Bay Showground and/or engaged in services directly provided in association with events at the Homebush Bay Showground and/or engaged at Eastern Creek Equestrian Centre other than persons employed by Event Services Pty. Ltd. who are primarily engaged in the sale and/or preparation of food and/or snacks and/or beverages which are produced and/or sold to or for the public at Homebush Bay Showground and the Eastern Creek Equestrian Centre;

- (d) (i) All persons employed in the Recreation, Entertainment and Amusement Industries in the State of Queensland other than persons specified in subclause (d) (ii);
- (ii) (1) All persons employed in the recreation entertainment and amusement industries in the State of Queensland who are eligible to be members of the Media Entertainment and Arts Alliance by virtue of Part A, Part B or Part D of Rule 4, Eligibility for Membership, of the rules of the Media Entertainment and Arts Alliance.
- (2) All persons employed by contract food and beverage, catering, and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 30 May, 1997. For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisation which sub-contract such work to those companies on behalf of principals.
- (e) (i) All persons employed in theme parks other than persons specified in subclauses (e) (ii) and (e) (iii).
- (ii) All persons employed at:
 - (1) Sovereign Hill, Ballarat;
 - (2) Australia's Wonderland;
 - (3) Old Sydney Town; and
 - (4) Essendon Airport.
- (iii) All persons employed by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or childcare companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 30 May, 1997;
- (iv) For the purposes of this subclause theme parks means locations or enterprises operating attractions or amusements (whether indoors or outdoors) open to the public through either paid or general admission, relying upon sporting, historical, cultural, agricultural, technological or zoological activities to gain patronage. Such activities shall have a distinct theme or evoke a specific mood, and may involve rides or games, theatrical performances, demonstrations, or re-enactments, educational or cultural presentations or exhibits;
- (v) For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

- (f) (i) All persons employed in or in connection with indoor and outdoor family theme parks/amusement centres/amusement arcades including but not limited to persons employed by Village Nine Leisure Companies, Avel Pty. Ltd. (Timezone) and Sega Ozisoft Pty. Ltd. other than persons specified in sub-clauses (f) (ii) and (f) (iii).
- (ii) Persons employed:
- (1) at Sovereign Hill, Ballarat;
 - (2) at Australia's Wonderland;
 - (3) at Old Sydney Town;
 - (4) at Essendon Airport;
 - (5) by Greater Union companies including Kidsports and Fun and Games;
 - (6) by employers respondent to the Showmen's Guild Award at 30 May, 1997; and
 - (7) at Magic Mountain (Adelaide);
- (iii) All persons employed by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 30 May, 1997. For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.
- (g) All persons employed by Event Services Pty. Ltd. engaged in the setting up, maintenance and operation of venues for exhibitions, sporting events and theatrical performances held at the following sites:
- (1) The Royal Agricultural Society site at Paddington (but restricted to the stables, Horden Pavilion and the Hall of Industry) and not including "back of stage" employees or employees of contractors on the site;
 - (2) The Annual Agview at Camden;
 - (3) The Equestrian Centre at Horsley Park;
 - (4) The Homebush Bay Olympic Games Sporting and Recreation site, other than persons specified in subclause (g) (ii).
- (h) All persons employed by the owners and/or operator(s) in operational, maintenance and administrative functions at the Olympic venues other than persons employed in or in connection with motion picture, film, video and telephone production and broadcasting who are eligible for membership of the Media Entertainment and Arts Alliance Rule 4, Eligibility for Membership, Part B.

For the purposes of this subclause the term "Olympic venues" has the same meaning as the term in subclause (a) of this Rule.

- (i) All persons employed as administrative staff (officials) in the Thoroughbred, Harness and Greyhound Racing industries.
- (j)
 - (i) Subject to subclause (j)(ii) all persons employed in the construction, non theatrical repair or maintenance, or demolition of sports and/or entertainment complexes other than persons specified in subclause (j)(iii).
 - (ii) The right to enrol as members all persons described in subclause (j)(i) shall be subject to undertakings given in the decision of the Australian Conciliation Commission (Print H0664).
 - (iii) All persons employed by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the Rules of that union as at 30 May 1997. For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.
- (k) All persons employed in the Ten Pin Bowling and Squash industries except for all persons employed by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the Rules of that Union as at 30 May, 1997. For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.
- (l) All persons employed in or in connection with the manufacture, mass replication or duplication of compact disc, CD ROM, digital video disc, cassettes, records, videos and any other recorded audio or visual technology other than persons employed as artists or creative production personnel.

RULE 6 - ELIGIBILITY FOR MEMBERSHIP

SECTION 1

PART A

- (1) Every bona fide worker, male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings, namely: Pastoral (otherwise than as a shearing contractor), agricultural, horticultural, including the growing, picking and packing of edible fungi, viticultural, which includes employees in wineries (except in the State of South Australia), dairying, poultry farming, fruitgrowing, sugar growing, cane cutting, milling and refining, the handling and loading and storage for export and home consumption of

grain, seed and manufactured sugar, except persons eligible to be members of The Waterside Workers Federation of Australia who perform work aboard ships and at the grain shipping terminal at Kwinana, Western Australia, the growing, cutting, production, processing and treatment of tea, flax and tobacco, rabbit trapping, timber and sawmilling industry, afforestation and silviculture, employees engaged in or in connection with the manufacture of masonite and/or caneite and all operations incidental thereto (excepting persons employed at the works of Colonial Sugar Refining Co. Ltd, at Pyrmont), meat preserving and meat trade generally, road making, water and sewerage, railway construction work, all persons (except persons eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia in Queensland) other than tradesmen and welders engaged in or in connection with the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances, all persons engaged in or in connection with the manufacture or preparation, applying, laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt, and mastic asphalt, (other than tar paving or asphalt work within the external alignment of buildings not incidental to or part of civil engineering works), metalliferous mining, smelting, reducing and refining of ores, the production and harvesting of salt, gypsum procurement, including all workers engaged in or in connection with dredging or sluicing work, mining for brown coal including the extraction of the by-products; the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, the prospecting, surveying, exploration and drilling for minerals and metals (except as to members of organisations in the shipping industry): the manufacture of briquettes, the distillation of oils and all labour incidental thereto, all surface labourers engaged about or in connection with all brown coal mines, and all persons engaged in timber getting for mining purposes, stone quarrying, land surveying, fish cleaning, net making, employees engaged in or in connection with the treatment of whales and by-products, and general labour in connection with fish trawling, manufacture of copper bars, rods and wire, all persons engaged in or in connection with the manufacture of cables and all persons engaged in the process of covering or insulating cables and all persons engaged in the production or manufacture of aluminium for use as a raw material in the manufacture of articles, the construction, maintenance and conduct of the Commonwealth Railways, and all kinds of general labour, the manufacture of soap and candles, of butterine and margarine, of preparation and packing of crisps and extrusions including from but not limited to, potatoes and cereals, and nut foods, of drugs (other than the milling thereof), of chemicals and gases, of blue, of toys (other than sheet metal), of the manufacture and milling of paper and all labour connected therewith, of the extraction and refining of vegetable oils, of tea packing, employees engaged in or in connection with the dehydration of vegetables and fruit, of all work in laundries, persons employed or competent to be employed as Hairdressers, Barbers, Wigmakers, Hairworkers, and their Assistants (other than Examiners or Hairdressing and Apprenticeship Supervisors) and all employees in and in connection with Beauty Parlours, and receptionists employed in connection therewith, but excluding persons engaged in the sale of goods and in the manufacture of Beauty preparations, of all work in connection with fire brigades, including that of permanent, partially-paid and volunteer firemen under boards of Fire Commissioners, all employees other than craftsmen or engine drivers engaged in boring for water or oil or engaged in refining such oil or in the extraction of the oil products, all persons engaged in or in connection with the production of charcoal, all employees engaged as ginners, stackers, feeders, branders, oil refiners, moulders, and

labourers in the cotton industry, all employees other than engine drivers and craftsmen engaged in the destruction of prickly pear or of noxious weeds and vegetation or the treatment of products thereof and the eradication of pests and vermin; or in the treatment of prickly pear or of the products thereof, the manufacture of cement and cement articles and/or the operation of concrete batching plants, the manufacture of fibrolite articles, manufacture of fibre cement and/or asbestos cement products, the formation and maintenance of racecourse tracks, golf links, bowling greens and tennis courts and of all gardens, lawns and greens in connection therewith, ski instructors, employees engaged at chair lifts, T-bars and ski runs either snow or grass, persons employed in or about the Newcastle Iron and Steel Works or any Works directly subsidiary thereto, or in any quarry or mine, or other industrial establishment where the work done is wholly or mainly the supply of materials incidental to the manufacture of iron and steel at the Newcastle Iron and Steel Works other than those employees who are engaged as foremen or staff employees, all persons employed in and about the works of the following companies at Port Kembla - namely: Metal Manufactures Limited, Electrolytic Refining and Smelting Company of Australia Limited, and Australian Fertilizers Limited, excepting in the case of each company, staff employees, blacksmiths, boilermakers, bricklayers, carpenters, electricians (including electrical fitters and linesmen), engine drivers (including crane or winch drivers, firemen, motor drivers or attendants, dynamo attendants, greasers, trimmers and cleaners), engineers (including drillers, fitters, machinists, pipe fitters and turners), moulders, painters, plumbers, storemen and packers within the jurisdiction of the Storemen and Packers' General (State) Conciliation Committee, rubber workers, motor-waggon drivers, riggers, strikers and assistants to the following class of tradesmen, namely: boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor-mechanics and any other mechanics engaged in the iron, steel and metal industries; all persons (other than those who have power to engage or discharge employees) who are bona fide employees wholly or partly engaged in or in connection with the business of fellmongers, woolsorters, woolscourers, basil tanners and their assistants; persons who are employed, or are competent to be employed in any position connected with the making, trimming or polishing of coffins, managing of branch establishments or any other general work in connection with the business of an undertaker or in any general work in cemeteries shall be eligible for membership of the Union.

- (2) Without limiting the generality of the foregoing or being limited in any way by the foregoing every person employed in or in connection with the industry or calling of horse training and/or horse racing (excluding apprentice jockeys, judges, starters and stewards) shall be eligible for membership of the Union. Provided however that persons who are eligible to be members of the Federated Clerks Union of Australia shall not be eligible for membership of the Union.
- (3) Without limiting the generality of the foregoing or being limited in any way by the foregoing every bona fide worker employed in or in connection with the industry or calling of either or both catering and cleaning for or at premises provided for persons working in or in connection with any of the industries described in the other paragraphs of this Rule 6 shall be eligible for membership of the Union except in the Northern Territory provided that this exception shall not apply to the industry or calling of:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons; and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances.

- (4) Without limiting the generality of any other provisions of this Rule or being limited in any way thereby, every bona fide worker employed in or in connection with the industries or callings of:

- (a) Landscaping (other than in the Northern Territory);
- (b) Builders labourers in that area of Queensland situated north of a line commencing at the sea coast with the 22nd parallel of south latitude, thence by that parallel of latitude due west to 147 degrees of east longitude thence by that meridian of longitude due south to 22 degrees 30 minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
- (c) The construction, repair maintenance or demolition of:
 - (i) Civil and/or mechanical engineering projects.
 - (ii) Power transmission, light, television, radio, communication, radar, navigation, observation towers or structures.
 - (iii) Power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries.
 - (iv) Silos, excepting grain silos in Tasmania, South Australia, Western Australia and that area of Queensland not included in paragraph 4(b) above.
 - (v) Sports and/or entertainment complexes.
 - (vi) Car parks excepting car park buildings and car parks within the alignment of a building;

shall be eligible for membership of the Union.

Subject to other paragraphs of this Rule, nothing in paragraph 4(c) shall render eligible to join the Union, pursuant to this Part, any building tradesman; or, except in the area specified in paragraph 4(b) any builders labourer or plumbers labourer employed on a building or building-type structure which is for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant).

Provided that paragraph (c) of this subrule:

- (i) Shall have no operation within the Northern Territory;
- (ii) Other than in the State of Western Australia and in the State of Queensland in the area specified in paragraph 4(b) shall not render eligible to join the Union, pursuant to this Part, persons, (not being persons engaged on civil engineering works), who are:
 - (a) assistants or labourers engaged in connection with the work of tradesmen in the iron, steel or metal industries;

- (b) riggers, splicers, scaffolders, dogmen, crane chasers, spray painters, iron workers or employees assisting or facilitating the work of a tradesman engaged on the erection of metal structures or the installation of plant and machinery, such erection or installation not being on a building.
- (5) Provided however that, notwithstanding the provisions of sub-rules (1) to (4) above, persons employed in Tasmania by the Hobart City Council, the Launceston City Council, the Southern Regional Cemetery Trust or by any Country Council shall not be eligible for membership pursuant to this Part.
- (5A) All persons employed or to be employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast and its associated facilities, shall be eligible for membership of the Union.
- (5B) All persons employed or to be employed by Kirby Banner Pty Ltd and Warner World Australia Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are engaged directly in the production of film or television programmes) and Wet 'N' Wild Water Slide Complex at Oxenford in the State of Queensland shall be eligible for membership of the Union.
- (5C) All persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmittes at Dreamworld Theme Park, Coomera, Queensland shall be eligible for membership of the Union.
- (5D) All persons employed or to be employed by Village Nine Network Leisure Company Pty Ltd at Intencity, World Live! and Hide and Seek Theme Parks established in the Commonwealth of Australia shall be eligible for membership of the Union.

SECTION 2

PART B

- (6) Without limiting the generality of the foregoing or being limited in any way by the foregoing, persons engaged in any of the following Trades or Branches of Trades shall be eligible for membership of the Union:
 - (a) Engineers, Fitters, Turners, Water Meter Fitters, Tool and Gauge Makers, Die Sinkers, Mechanical and/or Scientific Instrument Makers, Scale Makers and Adjusters, Safe Makers, Pipe Fitters, Motor Mechanics, and Tuners and Testers, Cycle and Motor Cycle Mechanics, Typewriter Mechanics, Patternmakers, Coppersmiths, Brassfinishers, Engineering and General Forgers, Forge Furnacemen, Blacksmiths, Shipsmiths, Angle-Ironsmiths, Springsmiths, Spring Fitters, Welders, Oxy-Acetylene Cutters, Locksmiths, Mechanical Draughtsmen, Millwrights, Iron and Steel Rollers, Electrical Fitters, Electrical Mechanics, Machine Makers, Milling Machinists, Planers, Slotters, Boreers, Shapers, Drillers, Polishers, Grinders and Lappers, Bolt and Nut Machinists, Agricultural Implement Makers, Panel Beaters (restricted to Panel Beaters employed in the Australian Capital Territory by the Department of the Capital Territory in the Transport Workshop), Gunsmiths, Technicians (except persons who are members or eligible for membership of the Association of Draughting, Supervisory and Technical Employees other than any person or persons who may be eligible for membership

of the Union pursuant to any other Part of this Rule) and any other Machine Operators or Mechanics employed in the Engineering, Locomotive, Shipbuilding, Rolling Stock, Aircraft, Munition and Iron Trades, or in any other Industry.

- (b) Smiths' strikers and mechanics' assistants or groups of strikers and assistants engaged in any of the above trades deciding to amalgamate with or join this Union shall be admitted upon such terms as shall be agreed upon by the National Conference and consistent with the Rules of the Union, so long as it is not antagonistic to any other Trade Union dealing solely with that class of worker and operating in the immediate locality.
- (c) This eligibility rule in so far as it adopts the eligibility rule of the Australasian Society of Engineers prior to amalgamation with The Federated Ironworkers' Association of Australia shall be construed as if it is the eligibility rule of the Australasian Society of Engineers prior to amalgamation and shall be treated as standing alone and separate from the remaining parts of the eligibility rule.

PART C

- (7) Without limiting the generality of the foregoing or being limited in any way by the foregoing the following persons shall be eligible for membership of the Union :
 - (a) Persons employed or usually employed, in the Public Service of the Commonwealth, or in private industry, in the manufacture preparation, storage or delivery of ammunition (including sporting and military), cordite, explosives (including commercial and military), arms (including sporting and military), and munitions or work incidental thereto throughout the Commonwealth.
 - (b) All workers in wire, employees in or about wire netting or other wire workers, employees engaged in the manufacture of metal wire or of any article or articles made therefrom. Employees engaged in the process of galvanising or tinning articles of wire or any form of metal, and in all processing leading up to the preparation of such tinning or galvanising and all workers engaged in tubular gate making.
 - (c) All assistants and all labourers, general or special, engaged in connection with the work of boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor mechanics, and any other mechanics engaged in the iron, steel and metal industries.
 - (d) Dressers, grinders, drillers on stationary machines, furnacemen (including forge furnacemen), pipe moulders, tool storemen, and all labourers, general or special, engaged in the iron, steel and metal industries, or engaged in the cast-iron, pipemaking industry, steel locking bar pipe industry, riggers and scaffolders (other than riggers on ships and riggers and scaffolders employed in shipyards, dockyards, and in building operations on buildings), machinists (excepting operators of punching, shearing, rivetting, rolling, bending, angle or plate straightening, nipping and notching machines, and smith machines), and all assistants to mechanics, and

labourers general or special, employed in constructional shops in industries referred to in sub-rule (6) of Rule 5 in or in connection with which this Union is registered as an organisation.

- (e) Machinists engaged in the steel locking bar pipe-making industry. All persons employed in the iron, steel and tin plate rolling industries. All persons employed in the manufacture of galvanised iron, in the manufacture and/or rolling of brass, copper and aluminium and other non-ferrous metals, and in the process of lining and/or covering pipes with bitumen, and all persons employed in the machine horseshoe-making industry and in the reinforced steel industry carried out in workshops or foundries.
- (f) Persons engaged in a repetition or specialised process for the production of or assembling of machine parts or metallic articles. Persons engaged in a repetition or specialised process for the production of plastic moulding. Persons engaged in the assembling of motor chasses, bumper bars, motor accessories and the like and employees, including labourers, engaged as assistants in the manufacture of such articles and/or accessories and the like excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers and motor mechanics. Operators of metal spraying machines and labourers employed directly or indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae excepting that those persons including tradesmen who are eligible for membership of the Union pursuant to any other Part of this Rule shall remain eligible for membership of the Union.
- (g) All classes of employees which are referred to in the preceding paragraphs 7(a), 7(b), 7(c), 7(d), 7(e) and 7(f), engaged in or in connection with the industries of ship-building and ship repairing or engaged in or in connection with the work of foundries, provided that no boilermaker, blacksmith, engineer, electrician, moulder (other than pipe moulder), coppersmith, sheet metal worker, tinsmith, canister maker, plumber or springmaker shall be eligible to become a member of this Union other than those persons including tradesmen who are eligible for membership of the Union pursuant to any other Part of this Rule.
- (h) All persons employed to assist and facilitate the work of engineering, electrical and other metal tradesmen in the performance of work for which such tradesmen or other technical supervisors are responsible, notwithstanding that their work includes hoisting, lowering, fleeting, whether by block and tackle or by other means, tools, equipment, machinery or other articles or material in connection with the work of such tradesmen in ship-yards and dock-yards or on ship or between ship and shipyard and dockyard. This paragraph shall apply notwithstanding any other provision of this Rule, but shall not by implementation affect the construction of the other provisions of this Rule.
- (i) Persons employed or usually employed in any establishment wholly or partly engaged in or connected with the manufacture, preparation and storage (or any of them) of Bone Dust, and other Artificial Manures and Fertilizers (and any of them), and of Acids, Alkalies and Chemicals of all kinds whether in liquid solid or gaseous form (or any of them), and work incidental thereto AND of persons employed in any type of labour in and around such establishment whose employment is incidental to the proper carrying out of the foregoing manufacture, preparation and storage (or any of them).

- (8) (a) Notwithstanding sub-rule 7 of this Rule but subject to paragraph (b) below, persons who are employed in or in connection with:
- (i) The manufacture and distribution of cables and other conductors for the transmission of energy or
 - (ii) Processes connected with or incidental to such manufacture and distribution,
- and who are employed by:
- (1) Pacific Dunlop Limited, Olex Cables Division (other than at Geebung, Queensland).
 - (2) Optix Australia Limited.
 - (3) Metal Manufactures Limited, MM Cables Division (excluding Metal Manufactures Limited trading as Pyrotenax, Metal Manufactures Limited, MM Metals Division at Port Kembla, New South Wales and Metal Manufactures Limited, MM Cables Division at Port Kembla, New South Wales.
 - (4) Pirelli Cables Australia Limited.
 - (5) Burton Cables Pty. Ltd.

are not eligible for membership of the Union pursuant to this Part.

- (b) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are eligible for membership under sub-rule (7) of this Rule and whose principal work is ancillary to the work of tradesmen however classified.
 - (c) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under any other Part of this Rule.
- (9) (a) Notwithstanding anything else in sub-rules (6) and (7) but subject to (b) and (c) below, persons employed or to be employed in or at the establishment of Fibremakers Ltd., Canterbury Road, Bayswater, Victoria, in the manufacture and/or production of synthetic filament yarn are not eligible for membership of the Union.
- (b) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under sub-rules (6) and (7) of this rule and who are employed as assistants to tradesmen or in other classifications concerned with the maintenance of the plant or similar functions not directly connected with the production and/or manufacturing process of synthetic filament yarn.
 - (c) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under any other Part of this rule.
- (10) Notwithstanding any other provisions of this Part, persons employed as Production Team Members by Southern Aluminium Pty Ltd at Bell Bay, Tasmania are eligible for membership of the Union.

- (11) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Federated Furnishing Trades Society of Australasia pursuant to its eligibility Rules as at 30 June 1992 (including persons employed or engaged in the manufacture of free standing furniture but not including persons, if otherwise eligible for membership of the Union employed in the manufacture of metal or plastic furniture or in aluminium fabrication) in the States of Queensland, New South Wales, Victoria, South Australia and Tasmania or in the Australian Capital Territory.
- (12) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of the Construction Forestry and Mining Employees Union pursuant to its eligibility Rules as at 30 June 1992 employed or engaged in the off-site timber joinery/furniture industry (not including persons, if otherwise eligible for membership of the Union, in the aluminium fabrication industry) in the State of Queensland.
- (13) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons employed or engaged in the State of Queensland in glazing work in the timber joinery/furniture industry or employed or engaged substantially and predominantly on glazing work in the aluminium fabrication industry in the State of Queensland.

PART D

- (14) Notwithstanding anything else in this Rule, and without being limited by any other provision of this Rule and without limiting any other provisions of this Rule the following persons shall be eligible for membership of the Union:

- (a) persons employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupation, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

- (b) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

- (c) who, otherwise than as employees, are engaged in the industrial pursuit or pursuits of:

Carpenters and/or Joiners including, in the Port of Sydney (excluding Garden Island) in the State of New South Wales and in the State of South Australia, Ships Carpenters and/or Joiners.

- (15) (a) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Federated Furnishing Trades Society of Australasia pursuant to its eligibility Rules as at 30 June 1992 (including persons employed or engaged in the manufacture of free standing furniture but not including persons if otherwise within the constitutional coverage of the Union employed

in the joinery or shopfitting industry) in the States of Queensland, New South Wales, Victoria, South Australia and Tasmania or in the Australian Capital Territory.

- (b) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons, eligible for membership of the Construction, Forestry and Mining Employees Union pursuant to its eligibility Rules as at 30 June 1992 employed or engaged in the off-site joinery/furniture industry in the State of Queensland.
- (c) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Operative Painters and Decorators Union of Australia pursuant to its eligibility Rules as at 30 June 1992 employed or engaged in the off-site joinery/furniture industry in the State of Queensland.

PART E

- (16) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule, and without limiting any other provisions of this Rule, persons employed in any capacity whatsoever (excepting as to clerks, persons eligible for membership of the Transport Workers Union of Australia and all persons engaged in the manufacture and maintenance of plant and equipment) by any person firm or company engaged solely or mainly in the industry of brushmaking in South Australia who shall be eligible for membership of the Union.

PART F

- (17) Notwithstanding anything else in this Rule and without being limited by any other provisions of this Rule and without limiting any other provisions of this Rule, persons engaged in, or in connection with the following mills or factories:- Jute, flax, rope, thread, cordage, twine, mats, bags or hessian; including also employees in canteen sections in such mills or factories shall be eligible for membership of the Union.

PART G

- (18) Notwithstanding anything else in this Rule, and without being limited by any other provisions of this Rule and without limiting any other provisions of this Rule, persons employed or usually employed in connection with the glass manufacturing industry shall be eligible for membership of the Union and without limiting the generality thereof shall comprise all persons within that industry -
 - (a) in or in connection with the fabrication of goods from the products of that industry; or
 - (b) in or in connection with the fabrication of goods comprising glass, fibre glass or any other similar matter or substance;
 - (c) provided that employees engaged in the optical division of the Defence Research Laboratories shall not be eligible for membership of the Union pursuant to this Part.

PART H

- (19) Notwithstanding anything else in this rule, and without being limited by any other provisions of this rule and without limiting any other provision of this rule, persons employed as entertainment industry products employees and operators employed by Sony Music Australia Limited and Entertainment Distributors Company Limited at their premises at Huntingwood Estate, Eastern Creek in the State of New South Wales are eligible for membership of the union.

PART I

- (20) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed by Auschar Operations Pty. Limited to operate, control and/or maintain its Traralgon plant in the La Trobe Valley in the State of Victoria shall be eligible for membership of the Union.

SECTION 3

PART J

- (21) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule the union shall consist of an unlimited number of persons, namely:

- (a) all salaried members of the Staffs of gas companies throughout the Commonwealth of Australia excepting:

(i) general managers (other than in the case of the South Australian Gas Company and its subsidiaries);

(ii) chief executive officers (being officers who are in effect General Managers but not so designated) [other than in the case of the South Australian Gas Company and its subsidiaries]; and

(iii) tradesmen (not being foreman) who from day to day use tools of trade other than for the purpose of demonstrating their use or in cases of emergency;

- (b) in addition to, and without detracting from the generality of the coverage conferred by paragraph (a) of this sub-rule, all persons who are employed by gas companies throughout the Commonwealth of Australia, either wholly or substantially in professional, technical, clerical, marketing or supervisory capacities;

- (c) any other persons who may be elected officers of the Union or a branch thereof;

- (d) notwithstanding anything contained in paragraph (a) hereof, executive officers who are departmental heads and the officers designated Staff Officer or Industrial Officer and any officer carrying out the duties of any of these positions by whatever designation shall not be eligible for membership of the Federation (other than in the case of the South Australian Gas Company and its subsidiaries);

- (e) Provided that nothing in this sub-rule shall confer eligibility for membership on salaried employees of CSR Limited employed at a yearly rate of pay in the company, including such employees who are either on loan to or on secondment to any subsidiary or any associated company of CSR Limited.
- (f) Provided further that nothing in this subrule shall confer eligibility upon a person employed by a person, firm, company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) which is -
 - (i) engaged in the exploration for hydrocarbons (other than the Gas and Fuel Corporation of Victoria) and the South Australia Gas Company, and their subsidiaries);
 - (ii) engaged in the extraction of hydrocarbons and/or processing in or in connection with the extraction's process;
 - (iii) engaged in providing services to other entities which are engaged in activities set out in sub-paragraph (i) or (ii) of this paragraph including the provision of prospecting, maritime, seismic survey, drilling, construction, catering, diving, technical and maintenance services, and/or
 - (iv) engaged in the transmission by pipeline from the location of activities described in sub-paragraph (ii) of this paragraph and which supplies such hydrocarbons to another entity for refining, reticulation, power generation or other industrial or commercial use other than the transmission of gas by a gas company for reticulation and who is engaged in or in connection with any of the above activities described in sub-paragraphs (i) - (iv) above.
- (g) provided that nothing in this rule shall confer eligibility upon a person who is the employee of an Oil Company which has as its principal business the production, manufacture or wholesale distribution of petroleum products where the employment of that person is principally concerned with the production, manufacture or wholesale distribution of petroleum products.
- (h) in these rules, the following definitions shall apply:
 - "Gas Companies", without limiting the generality of the words, includes any person, firm company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) engaged in or in connection with:

 - (i) the exploration for, production, sale, marketing or distribution of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia; or
 - (ii) the handling, conveying, carrying or transportation by means of pipeline or otherwise, of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia.

But does not include the State Energy Commission of Western Australia, its subsidiaries, or its public body successors who are within the Statutory Corporation or Municipal Industry.

But does not include employees of the Australian Government or employees of Statutory Authorities of the Australian Government.

"Town Gas", wherever used herein shall be deemed to include carburetted water gas, coal gas, liquefied gas, natural gas, oil gas, producer gas, refinery gas, reformed liquefied petroleum gas, reformed refinery gas, tempered liquid petroleum gas, water gas, synthetic natural gas, liquefied natural gas, reformed natural gas, tempered natural gas, bio-gas and a mixture of two or more such gases.

The gases hereby included in the definition are defined as under:

"Carburetted Water Gas" is flammable gas produced by the interaction of steam and hot coke and which had its heating power increased by the admixture of a gas.

"Coal Gas" includes all flammable gases produced by the thermal treatment of coal.

"Liquefied Petroleum Gas" is a mixture composed substantially of C3 or C4 hydrocarbons or both of them either in a liquid or a gaseous state.

"Natural Gas" is a gaseous material containing hydrocarbons and obtained from bore holes or from crude oil otherwise than by thermal or catalytic process.

"Oil gas" is gas manufactured from petroleum or other oil by thermal, catalytic or other process but not including liquefied petroleum gas.

"Producer Gas" is gas manufactured by the action of air on hot coke.

"Refinery Gas" is the residual gas produced at a refinery and left over after all normally usable products (including liquefied petroleum gas) have been made extracted from the crude or feed stock.

"Tempered Liquid Petroleum Gas" is gas manufactured by mixing liquefied petroleum gas with air.

"Water Gas" is gas manufactured by the action of steam on hot coke.

"Liquefied Natural Gas" is natural gas as defined above when liquefied by the action of increase pressure or reduced temperature or both.

"Reformed Natural Gas" is gas produced by thermal, catalytic or other processing of natural gas.

"Tempered Natural Gas" is gas manufactured by mixing natural gas with air.

"Reformed Refinery Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Bio-Gas" is any hydrocarbon containing gas produced by biological action on an organic substrate.

"Reformed Liquefied Petroleum Gas" is gas produced by thermal, catalytic or other processing or liquefied petroleum gas.

"Synthetic Natural Gas" is gas manufactured by mixing liquefied petroleum gas with air or a gas manufactured to have the same combustion quality as natural gas.

Notwithstanding the foregoing Rule, the following persons shall not be eligible for membership of the Federation, namely persons employed in, about or in connection with a coal or shale mine and employed by the owner or operator or a subsidiary or related company thereof.

- (i) In addition the following persons or classes of persons shall be eligible for membership of the Union, namely:

independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Federation.

Nothing in paragraphs (a) to (i) inclusive of this sub-rule limits the right of the union to enrol persons who are otherwise eligible for membership under any other sub-rule of this Rule.

SECTION 4

PART K

- (22) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule and without limiting any other provision of this Rule the union shall consist of persons employed in or in connection with the following industries or callings:-
The preparation, manufacture, processing and packaging of tobacco, cigarettes, cigars or allied products in the States of new South Wales and Victoria, together with any person who is an officer of the Union.

SECTION 5

PART L

- (23) Notwithstanding any other provision of this Rule, nothing in any one Section of this Rule limits the eligibility of a person for membership of the Union pursuant to any other Section of this Rule, nor the right of the Union to enrol such persons who are otherwise eligible for membership pursuant to such other Section or Sections of this Rule.

- (24) Notwithstanding the other provisions of this rule, the holders of Office in the Union shall be eligible for membership of the Union together with such other persons whether employees in any industrial pursuit or pursuits or not, who may have been appointed officers of the Federation of Industrial Manufacturing and Engineering Employees prior to the amalgamation of that organisation with The Australian Workers' Union and admitted as members thereof.
- (25) Notwithstanding anything contained elsewhere in this rule, the union shall not, in the Australian Capital Territory and in the State of New South Wales, pursuant to Section 2 of this Rule, be entitled to enrol persons eligible for membership of the Construction, Forestry, Mining and Energy Union pursuant to its eligibility rules as at 23 June 1993 employed or engaged in the off-site timber joinery/furniture industry (not including persons, if otherwise eligible for membership of the union, in the aluminium fabrication industry) or substantially and predominantly engaged on glazing work in the aluminium fabrication industry.
- (26) Notwithstanding anything contained elsewhere in this rule, the Union shall not pursuant only to Section 2 of this Rule be entitled to enrol persons employed or engaged by any person, body, corporation, employer or principal who is engaged in the Building and/or Construction Industry in the occupation of a carpenter and/or joiner except those persons employed by the Crown or Local Government. Nothing in this paragraph affects the rights of the union to enrol and/or represent persons in accordance with Section 1 of these Rules nor anyone under Section 2 other than the persons specifically identified in the foregoing sentence, nor does the agreement alter or affect in any way the 1986 demarcation agreements between the Australian Workers Union, as it then were, and the Federated Ironworkers Association of Australia, as it then were, on the one hand, and the Building Workers Industrial Union of Australia and the Federated Engine Drivers and Firemens Association of Australasia, as they then were, on the other, nor does it affect the 1992 Agreement between the Construction, Forestry and Mining Employees Union, as it then was, and the Australian Workers Union, as it then was.
- (27) (a) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any provision of this rule, persons employed or to be employed in the Exhibitions (Trade and Public Promotion) Industry shall be eligible for membership of the union.
- (b) For the purposes of the rule, Exhibitions (Trade and Public Promotion) Industry means the industry of fabricating, supplying, preparing, marking out, installing, dismantling or hiring exhibition stands and/or associated components used in or in connection with promotions, exhibitions, meetings and/or conventions, provided that this industry shall not be taken to include:
- (i) Any work coming within the scope of the National Joinery and Building Trade Products Award 1993 [Print K6616 [N0183]], the National Building and Construction Industry Award 1990 [Print L2807 [N0122]] or The Building and Construction Industry (ACT) Award 1991 [Print K0679 [B0171]] or their State counterpart awards; and/or

- (ii) Work undertaken by employees of any employer party directly or indirectly respondent to the National Joinery and Building Trade Products Award 1993, the National Building and Construction Industry Award 1990 or The Building and Construction Industry (ACT) Award 1991 or their State counterpart awards; and/or
- (iii) Work undertaken in or in connection with special events (e.g. Expos, Royal Easter Show, Australian Formula One Grand Prix) or industry shows within the constitutional coverage of the Construction, Forestry, Mining and Energy Union pursuant to its eligibility rule; and/or
- (iv) Work undertaken in or in connection with, or by an employer whose normal business is, the construction of sets, scenery, props or other equipment or components for any theatrical, motion picture, video, television or entertainment production; and/or
- (v) Work undertaken by an employer whose normal business in the business of transport with the constitutional coverage of the Transport Workers' Union of Australia.
- (vi) Any work coming within the scope of the Electrical Contracting Industry Award 1992 [Print K3299 [E0068]], the Electrical Engineering and Contracting Industries (Northern Territory) Award 1995 [Print M0637 [E0021CRN]], and the State counterpart electrical contracting awards, and/or work undertaken by the employees of any employer party directly or indirectly respondent to the Electrical Contracting Industry Award 1992, the Electrical Engineering and Contracting Industries (Northern Territory) Award 1995, and the State counterpart electrical contracting awards.

SECTION 6

PART M

- (28) Notwithstanding anything else in this Rule, and without being limited by any other provisions of this Rule and without limiting any other provision of this Rule, all persons employed or to be employed by Luna Park Amusements Pty Limited at Luna Park in Sydney in the State of New South Wales with the exception of those persons solely or principally employed as performers shall be eligible for membership of the union.

PART N

- (29) Without limiting the generality of the foregoing or being limited in any way by the foregoing every person employed or to be employed by Energy Developments Limited and/or by subsidiaries or related companies to Energy Developments Limited within the meaning of the Corporations Law shall be eligible for membership of the union and the union shall have the right to the exclusion of the ALHMWU, the AMWU, the CEPU and the CFMEU to represent under the Act, the industrial interests of such persons.

PART O

- (30) Sub-rule to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N2624

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to the orders made on 18 June 1996 and recorded in Print N2624, and subject to further order of the Commission to vary or set aside the orders, with effect from 2 May 1997 persons employed by National Rail Corporation Limited shall not be eligible to become members of the union.

PART P

- (31) Sub-rule to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N3460

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to orders made on 18 July 1996 and recorded in Print N3460, the union shall not have the eligibility to cover persons who are eligible to be members of the Australian Liquor, Hospitality and Miscellaneous Workers Union employed by contract cleaning and/or catering and/or food and/or security companies other than the following:

1. persons employed by Spotless in Commercial Support Program of the Australian Department of Defence contract work who are employed substantially in the following activities: grounds maintenance, tarmac maintenance, mechanical and electrical maintenance, building repair and/or maintenance, technical or supervisory and generally other persons whose work activities may generally be characterised as 'outdoor work'.
2. persons employed in contract cleaning and associated work undertaken by Event Services (excluding catering or food services work), in the following activities/locations

Homebush Bay Showground and services directly provided in association with events at the showground, the Eastern Creek Equestrian Centre, the Royal Hall of Industries, the Hordern Pavilion and associated facilities in regard to exhibitions at Paddington, and the AGVIEW event conducted at Camden (previously administered by the Royal Agricultural Society of New South Wales).

3. persons employed by Cleanevent Pty Ltd primarily employed in cleaning work in the following activities/locations: race courses, motor racing, golf tournaments, agricultural and horticultural events, outdoor entertainment venues (other than at sports stadiums), and employees performing horticultural work in sports stadiums/venues.

This rule shall not apply in the State of Queensland and the Northern Territory.

PART Q

- (32) Notwithstanding anything else in this Rule, and without being limited by any other provisions of this Rule, the following persons shall be eligible to be members of the Union:

- (a) All persons employed by the owners and/or operators of Olympic venues:
 - (i) persons engaged in the preparation and/or sale of food and/or snacks and/or beverages;
 - (ii) security officers;

- (iii) child care workers except at Sydney International Aquatic and Athletic Centre;

For the purposes of this subclause, Olympic venues means those venues described in the Homebush Bay Master Plan and includes the Olympian Equestrian Centre, the Sydney International Aquatic and Athletic Centre, the Olympic Stadium, the Entertainment Centre and the State Sport Centre and associated facilities;

- (b) All persons employed by the Sydney Olympic Games Organising Committee other than persons who are primarily engaged in the sale and/or preparation of food and/or snacks and/or beverages which are produced and/or sold to or for the public;
- (c) All persons employed by Event Services Pty. Ltd. who are engaged at Homebush Bay Showground and/or engaged in services directly provided in association with events at the Homebush Bay Showground and/or engaged at Eastern Creek Equestrian Centre other than persons employed by Event Services Pty. Ltd. who are primarily engaged in the sale and/or preparation of food and/or snacks and/or beverages which are produced and/or sold to or for the public at Homebush Bay Showground and the Eastern Creek Equestrian Centre;
- (d) (i) All persons employed in the Recreation, Entertainment and Amusement Industries in the State of Queensland other than persons specified in subclause (d) (ii);
- (ii) (1) All persons employed in the recreation entertainment and amusement industries in the State of Queensland who are eligible to be members of the Media Entertainment and Arts Alliance by virtue of Part A, Part B or Part D of Rule 4, Eligibility for Membership, of the rules of the Media Entertainment and Arts Alliance.
- (2) All persons employed by contract food and beverage, catering, and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 30 May, 1997. For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisation which sub-contract such work to those companies on behalf of principals.
- (e) (i) All specified persons employed in theme parks other than persons specified in subclauses (e) (ii) and (e) (iii).
- (ii) All persons employed at:
- (1) Sovereign Hill, Ballarat;
- (2) Australia's Wonderland;
- (3) Old Sydney Town; and
- (4) Essendon Airport.

- (iii) All persons employed by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 30 May, 1997;
- (iv) For the purposes of this subclause theme park means locations or enterprises operating attractions or amusements (whether indoors or outdoors) open to the public through either paid or general admission, relying upon sporting, historical, cultural, agricultural, technological or zoological activities to gain patronage. Such activities shall have a distinct theme or evoke a specific mood, and may involve rides or games, theatrical performances, demonstrations, or re-enactments, educational or cultural presentations or exhibits;
- (v) For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.
- (f) (i) All persons employed in or in connection with indoor and outdoor family theme parks/amusement centres/amusement arcades including but not limited to persons employed by Village Nine Leisure Companies, Avel Pty. Ltd. (Timezone) and Sega Ozisoft Pty. Ltd. other than persons specified in subclauses (f) (ii) and (f) (iii).
- (ii) Persons employed:
 - (1) at Sovereign Hill, Ballarat;
 - (2) at Australia's Wonderland;
 - (3) at Old Sydney Town;
 - (4) at Essendon Airport;
 - (5) by Greater Union companies including Kidsports and Fun and Games;
 - (6) by employers respondent to the Showmen's Guild Award at 30 May, 1997; and
 - (7) at Magic Mountain (Adelaide);
- (iii) All persons employed by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 30 May, 1997. For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

- (g) All persons employed by Event Services Pty. Ltd. engaged in the setting up, maintenance and operation of venues for exhibitions, sporting events and theatrical performances held at the following sites:
- (1) The Royal Agricultural Society site at Paddington (but restricted to the stables, Hordern Pavillion and the Hall of Industry) and not including "back of stage" employees or employees of contractors on the site;
 - (2) The Annual Agview at Camden;
 - (3) The Equestrian Centre at Horsley Park;
 - (4) The Homebush Bay Olympic Games Sporting and Recreation site, other than persons specified in subclause (g) (ii).
- (h) All persons employed by the owners and/or operator(s) in operational, maintenance and administrative functions at the Olympic venues other than persons employed in or in connection with motion picture, film, video and telephone production and broadcasting who are eligible for membership of the Media Entertainment and Arts Alliance Rule 4, Eligibility for Membership, Part B.
- For the purposes of this subclause the term "Olympic venues" has the same meaning as the term in subclause (a) of this Rule.
- (i) All persons employed as administrative staff (officials) in the Thoroughbred, Harness and Greyhound Racing Industries.
- (j) (i) Subject to subclause (j) (ii) all persons employed in the construction, non theatrical repair or maintenance, or demolition of sports and/or entertainment complexes other than persons specified in subclause (j) (iii).
- (ii) The right to enrol as members all persons described in subclause (j) (i) shall be subject to undertakings given in the decision of the Australian Conciliation Commission (Print H0664).
- (iii) All persons employed by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the Rules of that union as at 30 May 1997. For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.
- (k) All persons employed in the Ten Pin Bowling and Squash industries except for all persons employed by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the Rules of that union as at 30 May, 1997. For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts

or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

- (1) All persons employed in or in connection with the manufacture, mass replication or duplication of compact disc, CD ROM, digital video disc, cassettes, records, videos and any other recorded audio or visual technology other than persons employed as artists or creative production personnel.

Information contained in the application and supporting documents concerning the reasons for the proposal are as follows:

- "1. During the last six years a series of matters under section 118A of the Act have occurred and the appropriate and necessary changes to the Rules are reflected in this application.
2. Amalgamations with the New South Wales Theatrical Employees Union (1997) and the Australian Theatrical and Amusement Employees Association of Queensland (1990) will be reflected in this application.
3. The application reflects industry wide demarcation agreements between The Australian Workers' Union, the Australian Liquor, Hospitality and Miscellaneous Workers Union and the Media Entertainment and Arts Alliance.
4. The applicant has and does represent persons employed in the industries and callings covered by this application.
5. This application gives the Applicant the opportunity to provide effective and appropriate industrial coverage to employees covered by the application in regard to greenfield sites and infrastructure relating to the Sydney Olympics and the Para Olympics.
6. It is in the public interest that the industries and callings covered by the application be approved [in order that the "persons employed in the industries and callings sought to be covered by this application ... be represented by the applicant." - refer Written Statement].

And the effect of the proposal is as follows:

"The Applicant will be entitled to provide industrial coverage and services to employees engaged in the amusement, entertainment, leisure, sporting and recreational industries."

Any interested organisation, registered under the Workplace Relations Act 1996, association or person who desires to object to the application may do so by lodging in the Industrial Registry, Attention: Research, Information and Advice Branch, a notice of objection accompanied by a written statement within thirty-five (35) days after publication of this advertisement and by serving on the organisation (whose address for service is: Suite 15, 245 Chalmers Street, REDFERN NSW 2016) within seven (7) days after the notice of objection has been lodged, copies of the notice of objection and the written statement so lodged.

M. Kelly
Industrial Registrar

9609454

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION*Workplace Relations Act 1996***NOTICE UNDER SUB-SECTION 142(4) IN RELATION TO VARIATION OF A
COMMON RULE**

IN

**ENTERTAINMENT AND BROADCASTING INDUSTRY – LIVE THEATRE AND
CONCERT – AWARD 1995****(E0327) C No 34231/987 Print Q2642****ENTERTAINMENT AND BROADCASTING INDUSTRY – CINEMA AWARD –
1997 (E0480)****C No 34203/98 Print Q2639****ENTERTAINMENT AND BROADCASTING INDUSTRY – DANCE COMPANY
AWARD – 1996 (E0468) C No 34601/98 Print Q2640****JOURNALISTS (PROVINCIAL NON-DAILY NEWSPAPERS) AWARD 1998****(J0012) C No 22418/98 Print Q2599****JOURNALISTS (BOOK INDUSTRY) AWARD 1996****(J0025) C No 22310/98 Print Q2513**

AND in the matter of the variation of the above awards

Notice is hereby given

- a) That the Commission has 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 and Northern Territory in the industry as shown in the Schedule below.
- 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 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 at 1) Level 2, CML Building, University Avenue, Canberra, and 2) Level 10, NT House, 22 Mitchell Street, Darwin, NT, free of charge.

SCHEDULE OF TERMS TO BE VARIED

Award & Var No	Clause	Substance	Date of Effect
E0327	Consolidation	Allowable award matters	01.07.98
E0480	Consolidation	Allowable award matters	01.07.98
E0468	Consolidation	Allowable award matters	01.07.98
J0012	Consolidation	Allowable award matters	30.06.98
J0025	Consolidation	Allowable award matters	30.06.98

Dated this 8th day of July 1998

Christine Hayward
Deputy Industrial Registrar



Commonwealth of Australia

Social Security Act 1991

**Social Security Student Financial Supplement
Scheme 1998**

CONTENTS

<i>Section</i>		<i>Page</i>
	PART 1—PRELIMINARY	
1.1	Name of instrument	1
1.2	Commencement	1
1.3	Definitions—the dictionary	2
1.4	Interpretation	2
1.5	Youth allowance general rate	3
1.6	Austudy payment general rate	3
1.7	Agreements between Commonwealth and financial corporations	3
	PART 2—ELIGIBILITY TO OBTAIN FINANCIAL SUPPLEMENT	
2.1	Purpose of Part 2	5
2.2	Operation of Part 2	5
2.3	Tertiary study	5
2.4	Student categories	5
2.5	Category 1 student	5
2.6	Category 2 student	6
	PART 3—DECISION AND NOTICE ABOUT ELIGIBILITY TO OBTAIN FINANCIAL SUPPLEMENT	
3.1	Secretary's decision	7
3.2	Review of eligibility	7
3.3	Secretary must give person statement	7
3.4	Notices under the SA Act	8
3.5	Eligibility under the SA Act	8
	PART 4—APPLICATION FOR FINANCIAL SUPPLEMENT	
4.1	Application during eligibility period	9
4.2	Application after eligibility period	9
4.3	How to apply	9
4.4	Changing an application	10
	PART 5—AMOUNT OF FINANCIAL SUPPLEMENT	
	<i>Division 1—Category 1 students</i>	
5.1	Purpose of Division 1	11
5.2	Minimum amount of financial supplement	11
5.3	Eligibility period	11
5.4	Working out maximum amount of financial supplement	11



ii Social Security Student Financial Supplement
Scheme 1998

CONTENTS—continued

Section		Page
	<i>Division 2—Category 2 students</i>	
5.5	Purpose of Division 2	13
5.6	Minimum amount of financial supplement	13
5.7	Working out maximum amount of financial supplement	13
5.8	Eligibility period (short course)	14
5.9	Eligibility period (no short course)	14
5.10	Maximum amount of financial supplement	15
	<i>Division 3—Limit on amount of financial supplement</i>	
5.11	Person doing more than 1 course	16
	PART 6—TRADING IN YOUTH ALLOWANCE, AUSTUDY PAYMENT OR PENSIONER EDUCATION SUPPLEMENT FOR FINANCIAL SUPPLEMENT	
6.1	Purpose of Part 6	17
6.2	Reduction of youth allowance, austudy payment or pensioner education supplement for financial supplement	17
	PART 7—OBTAINING OR INCREASING FINANCIAL SUPPLEMENT BY TRADING BACK YOUTH ALLOWANCE, AUSTUDY PAYMENT OR PENSIONER EDUCATION SUPPLEMENT	
	<i>Division 1—Purpose of Part 7</i>	
7.1	Purpose of Part 7	18
	<i>Division 2—When a person may repay youth allowance, austudy payment or pensioner education supplement to obtain or increase financial supplement</i>	
7.2	Election to repay youth allowance, austudy payment or pensioner education supplement	18
7.3	Timing of repayment	19
	<i>Division 3—Repayment</i>	
7.4	Effect of repayment	19
	<i>Division 4—Effect of Part 7</i>	
7.5	Effect of this Part	19
	PART 8—FINANCIAL SUPPLEMENT CONTRACTS	
	<i>Division 1—Purpose of Part</i>	
8.1	Purpose of Part 8	20
	<i>Division 2—Making a contract for payment of financial supplement</i>	
8.2	Making a contract between person and participating financial corporation	20
8.3	Subject matter of the contract	20
8.4	Liability for money paid under a financial supplement contract	21
8.5	When is a financial supplement contract is valid	21

*Social Security Student Financial Supplement
Scheme 1998*

iii

CONTENTS—continued

<i>Section</i>		<i>Page</i>
	<i>Division 3—When a financial supplement contract can be cancelled</i>	
8.6	Person has right to cancel financial supplement contract	22
8.7	How to cancel financial supplement contract	22
8.8	When to cancel financial supplement contract	22
8.9	Payments made during cooling off period	22
8.10	Person may waive right to cancel contract	22
8.11	How to waive right to cancel contract	22
8.12	When to waive right to cancel contract	23
	<i>Division 4—Financial supplement contract exempt from certain laws and taxes</i>	
8.13	Financial supplement contract exempt from certain laws and taxes	23
	PART 9—PAYMENT OF FINANCIAL SUPPLEMENT	
9.1	Payment by instalment	24
9.2	Rounding off	24
9.3	To whom instalments must be paid	24
9.4	Payment into bank account etc—category 1 students	25
9.5	Payment into bank account etc—category 2 students	26
	PART 10—PROTECTION OF FINANCIAL SUPPLEMENT	
	<i>Division 1—Financial supplement to be absolutely inalienable</i>	
10.1	Financial supplement to be absolutely inalienable	26
	<i>Division 2—Effect of garnishee or attachment order</i>	
10.2	Effect of garnishee or attachment order	26
	PART 11—HOW CATEGORY 2 STUDENTS MAY SATISFY REQUEST FOR TAX FILE NUMBERS IN CERTAIN CIRCUMSTANCES	
	<i>Division 1—Purpose of Part 11</i>	
11.1	Purpose of Part 11	27
	<i>Division 2—Statement of person's tax file number</i>	
11.2	How to meet request for tax file number if person does not know it	27
11.3	How to meet request if application for tax file number pending	27
	<i>Division 3—Statement of parent's tax file number</i>	
11.4	How to satisfy request for a tax file number if parent does not know it	28
11.5	How to meet request if application for tax file number pending	29
11.6	Secretary may waive requirement	29

iv Social Security Student Financial Supplement
Scheme 1998

CONTENTS—continued

Section		Page
PART 12—CATEGORY 2 STUDENTS' OBLIGATIONS— INFORMATION RELATING TO FINANCIAL SUPPLEMENT		
<i>Division 1—Purpose of Part 12</i>		
12.1	Purpose of Part 12	30
<i>Division 2—Notice of events or changes in circumstances</i>		
12.2	Secretary may give notice requiring information	30
12.3	Event or change relevant to payment	30
12.4	Formalities related to notice	31
12.5	Validity of notice	31
12.6	Period within which information to be given	31
12.7	Person leaving Australia	31
12.8	Information about compensation payment	31
<i>Division 3—Notice about a matter relevant to payment of financial supplement</i>		
12.9	Secretary may give notice requiring statement on matter	32
12.10	Formalities related to notice	32
12.11	Validity of notice	32
12.12	Period within which statement to be given	32
12.13	Statement must be in approved form	32
PART 13—EARLY REPAYMENTS OF FINANCIAL SUPPLEMENT		
<i>Division 1—Purpose of Part 13</i>		
13.1	Purpose of Part 13	33
<i>Division 2—Calculation of amount outstanding</i>		
13.2	Application of Division	33
13.3	Calculation of amount outstanding under financial supplement contract—first year	33
13.4	Calculation of amount outstanding under financial supplement contract—following years	33
13.5	How to use the formula in section 13.4	34
<i>Division 3—Notice to person</i>		
13.6	Secretary must give notice to person	35
<i>Division 4—Person's rights to make repayments during contract period</i>		
13.7	No obligation to make early repayments	35
13.8	When person may make early repayments	35
13.9	What happens if person makes excess repayment	35
13.10	How to work out amount to be repaid by person	36
13.11	How to work out discount	36
13.12	Indexation amount	36
13.13	Use of indexation amount in working out discount	37
13.14	Commonwealth's liability	37
13.15	Corporation's rights and liabilities	37

Social Security Student Financial Supplement
Scheme 1998

v

CONTENTS—continued

Section		Page
	<i>Division 5—What happens at end of contract period</i>	
13.16	Corporation's rights at end of contract period	38
13.17	Secretary must give notice to person	38
13.18	Contents of termination notice	38
13.19	Secretary may give further notice	39
13.20	Notice for information only	39
13.21	Person may ask for notice to be corrected	39
13.22	Contents of request for correction	39
13.23	Effect of request	39
13.24	Response to request	39
	PART 14—PAYMENTS OF FINANCIAL SUPPLEMENT TO STOP IN CERTAIN CIRCUMSTANCES	
	<i>Division 1—Purpose and interpretation of Part 14</i>	
14.1	Purpose of Part 14	40
14.2	Interpretation	40
	<i>Division 2—Payments to stop if person asks for them to stop</i>	
14.3	Person may ask for payment to stop	40
14.4	Effect of the notice	40
	<i>Division 3—Payments to stop if the maximum amount of financial supplement is reduced to the amount already paid or less</i>	
	<i>Subdivision 3A—When and how payments are to stop</i>	
14.5	Secretary must give notice to person and corporation	41
14.6	Effect of notice	41
14.7	Effect of notice—corporation's liability discharged	41
14.8	Effect of notice—amounts paid after notice given	42
14.9	Effect of Subdivision	42
	<i>Subdivision 3B—Original amount of financial supplement paid because person failed to notify change of circumstances</i>	
14.10	Secretary may give notice to person and corporation	42
14.11	Effect of notice	43
14.12	Effect of notice—transfer of corporation's rights to Commonwealth	43
14.13	Effect of notice—apportionment of financial supplement	43
14.14	Effect of notice—liability of Commonwealth to corporation	44
14.15	Effect of notice—person's liability to Commonwealth	44
14.16	Effect of Subdivision	44
	<i>Subdivision 3C—Original amount of financial supplement paid because of false or misleading information</i>	
14.17	Secretary may give notice to person and corporation	44
14.18	Effect of notice	45
14.19	Effect of notice—transfer of corporation's rights to Commonwealth	45
14.20	Effect of notice—apportionment of financial supplement	46
14.21	Effect of notice—liability of Commonwealth to corporation	46
14.22	Effect of notice—person's liability to Commonwealth	46
14.23	Effect of Subdivision	46

vi *Social Security Student Financial Supplement*
*Scheme 1998***CONTENTS—continued****Section** **Page***Division 4—Payments to stop if person ceases to be eligible to obtain financial supplement**Subdivision 4A—When and how payments to stop*

14.24	Secretary must give notice to person and corporation	47
14.25	Effect of notice	47
14.26	Effect of notice—corporation's liability discharged	47
14.27	Effect of notice—amounts paid after notice given	47
14.28	Effect of Subdivision	48

Subdivision 4B—Financial supplement paid because person failed to notify change of circumstances

14.29	Secretary may give notice to person and corporation	48
14.30	Effect of notice	49
14.31	Effect of notice—transfer of corporation's rights to Commonwealth	49
14.32	Effect of notice—apportionment of financial supplement	49
14.33	Effect of notice—liability of Commonwealth to corporation	49
14.34	Effect of notice—person's liability to Commonwealth	50
14.35	Effect of Subdivision	50

*Division 5—Payments to stop if person is found never to have been eligible for financial supplement**Subdivision 5A—When and how payments are to stop*

14.36	Secretary must give notice to person and corporation	50
14.37	Effect of notice	51
14.38	Effect of notice—corporation's liability discharged	51
14.39	Effect of notice—amounts paid after notice given	51
14.40	Effect of Subdivision	51

Subdivision 5B—Financial supplement paid because of false or misleading information

14.41	Secretary may give notice to person and corporation	51
14.42	Effect of notice	52
14.43	Effect of notice—transfer of corporation's rights to Commonwealth	52
14.44	Effect of notice—liability of Commonwealth to corporation	52
14.45	Effect of notice—person's liability to Commonwealth	52
14.46	Effect of this Subdivision	52

Division 6—Payments to stop if person dies

14.47	Secretary may give notice to corporation	53
14.48	Effect of notice	53
14.49	Effect of notice—discharge of corporation's liability	53
14.50	Effect of notice—transfer of corporation's rights to Commonwealth	53
14.51	Effect of notice—liability of Commonwealth to corporation	54
14.52	Effect of notice—liability of person to Commonwealth	56

Social Security Student Financial Supplement
Scheme 1998

vii

CONTENTS—continued

Section

Page

PART 15—REPAYMENT THROUGH TAXATION SYSTEM
AFTER TERMINATION DATE

Division 1—Purpose and application of Part 15

15.1	Purpose and application of Part 15	55
------	------------------------------------	----

Division 2—FS debt and accumulated FS debt

15.2	FS debt owed by person	55
15.3	How to work out FS debt	55
15.4	Accumulated FS debt incurred by person	56
15.5	How to work out accumulated FS debt	56
15.6	Adjusted accumulated FS debt	57
15.7	Date of assessment	57
15.8	Indexation factor	58
15.9	Accumulated FS debt discharges earlier debts	58

Division 3—Information to be given to Commissioner of Taxation

15.10	Secretary to give notice to Commissioner of Taxation	59
15.11	Secretary to give further notice to Commissioner of Taxation	59
15.12	Secretary to give certificate to Commissioner of Taxation	59

Division 4—Voluntary repayments of FS debts

15.13	Voluntary repayments of FS debts	59
-------	----------------------------------	----

Division 5—Compulsory repayments of accumulated FS debt

15.14	Person's liability	60
15.15	Amount of liability	60
15.16	Meaning of <i>relevant debt</i>	60
15.17	Meaning of <i>minimum prescribed amount</i>	61
15.18	Meaning of <i>intermediate prescribed amount</i>	61
15.19	Meaning of <i>maximum prescribed amount</i>	61
15.20	Meaning of <i>AWE</i>	61
15.21	Minister must publish amounts in <i>Gazette</i>	62

Division 6—Application of tax legislation

15.22	Application of tax legislation	62
-------	--------------------------------	----

Division 7—Assessments

15.23	Commissioner may make assessment	62
15.24	Notice of assessment may be served	63

Division 8—Powers of Commissioner to delay or reduce assessment

15.25	Commissioner may delay assessment	63
15.26	Commissioner may amend assessment	63
15.27	When Commissioner must make decision to delay or amend assessment	64

Division 9—Review of Commissioner's decision

15.28	Application to Administrative Appeals Tribunal	64
-------	------------------------------------------------	----

viii *Social Security Student Financial Supplement
Scheme 1998***CONTENTS—continued**

<i>Section</i>		<i>Page</i>
	<i>Division 10—Treatment of payments under financial supplement scheme</i>	
15.29	Payments not subject to taxation	64
15.30	Application of payments	65
15.31	Debt discharged by death	65
	<i>Division 11—Secrecy</i>	
15.32	Interpretation	65
15.33	When a person is employed by the Commonwealth	65
15.34	What is confidential information for this instrument	65
15.35	How confidential information is acquired	66
15.36	Obligations of officer	66
15.37	Disclosure in court proceedings	66
15.38	Other exceptions	66
15.39	Oath or declaration of secrecy	67
	PART 16—GENERAL	
	<i>Division 1—Purpose of Part 16</i>	
16.1	Purpose of Part 16	68
	<i>Division 2—Application of the Bankruptcy Act</i>	
16.2	Application of Bankruptcy Act	68
16.3	Treatment of debt	68
16.4	Meaning of debt arising under or out of the contract	69
	<i>Division 3—Review of decisions</i>	
16.5	Review of decisions	69
16.6	What happens if a decision of the Secretary is set aside	71
16.7	What happens if a decision of the Secretary is varied	72
16.8	Recipient notification notice and recipient statement notice	72
	<i>Division 4—Transfer of obligations under this instrument</i>	
16.9	Notices of transfer	70
16.10	Transfers not subject to State or Territory taxes	70
	<i>Division 5—Delegation</i>	
16.11	Delegation	71

DICTIONARY

Commonwealth of Australia

Social Security Act 1991

**Social Security Student Financial Supplement
Scheme 1998**

I, JOCELYN MARGARET NEWMAN, Minister for Social Security, make this instrument under section 1061ZX of the *Social Security Act 1991*.

Dated 24th June 1998.


Minister for Social Security

Part 1—Preliminary

1.1 Name of instrument

This instrument is the *Social Security Student Financial Supplement Scheme 1998*.

1.2 Commencement

- (1) Division 3 of Part 8 (about cancelling FS contracts) commences on 1 January 1999.
- (2) The remainder of this instrument commences when section 1061ZX of the *Social Security Act 1991* commences.

2 Social Security Student Financial Supplement
Scheme 1998

1.3 Definitions—the dictionary

- (1) The dictionary at the end of this instrument defines certain words and expressions, and includes signpost definitions to words and expressions used in this instrument.

Note A signpost definition of a word or expression is included in the dictionary only if the definition is used outside the section defining the word or expression.

- (2) The dictionary also includes certain words and expressions used in this instrument that are defined in the Act.
- (3) The dictionary is part of this instrument.
- (4) A definition in this instrument applies to each use of the word or expression in the instrument unless the contrary intention appears.

1.4 Interpretation

In this instrument, unless the contrary intention appears, a word or expression defined in the *Income Tax Assessment Act 1936* or the *Income Tax Assessment Act 1997* has the same meaning as in that Act.

1.5 Youth allowance general rate

- (1) The rate of youth allowance is worked out using the Youth Allowance Rate Calculator in section 1067G of the Act.
- (2) A part of the rate of youth allowance (the *youth allowance general rate*) is used in:
 - (a) Part 2 of this instrument as a basis for working out a person's eligibility to obtain financial supplement; and
 - (b) Part 5 of this instrument as a basis for working out the maximum amount of financial supplement.
- (3) A person's youth allowance general rate is the rate of youth allowance that would be payable to the person if the rate were worked out:
 - (a) using the Youth Allowance Rate Calculator; and
 - (b) not including any amount as pharmaceutical allowance, rent assistance or remote area allowance.

*Social Security Student Financial Supplement
Scheme 1998*

3

1.6 Austudy payment general rate

- (1) The rate of austudy payment is worked out using the Austudy Payment Rate Calculator in section 1067L of the Act.
- (2) A part of the rate of austudy payment (the *austudy payment general rate*) is used in:
 - (a) Part 2 of this instrument as a basis for working out a person's eligibility to obtain financial supplement; and
 - (b) Part 5 of this instrument as a basis for working out the maximum amount of financial supplement.
- (3) A person's austudy payment general rate is the rate of austudy payment that would be payable to the person if the rate were worked out:
 - (a) using the Austudy Payment Rate Calculator; and
 - (b) not including any amount as pharmaceutical allowance or remote area allowance.

1.7 Agreements between Commonwealth and financial corporations

- (1) A person may apply for financial supplement only to a financial corporation that has entered into an agreement with the Commonwealth to pay financial supplement in accordance with this instrument.
- (2) If the Minister has, before or after the commencement day, entered into an agreement with a financial corporation, on behalf of the Commonwealth, for the payment by the corporation, from 1 July 1998 or in a subsequent year, of financial supplement, the corporation is a *participating financial corporation* for this instrument in respect of that year.
- (3) However, subsection (2) does not apply in relation to an agreement unless it:
 - (a) is expressed to have effect subject to this instrument; and
 - (b) provides for the payment by the Commonwealth to the financial corporation, in respect of each amount of financial supplement paid by the corporation to a person that has not been repaid, or in respect of which the rights of the corporation have been assigned to the Commonwealth, of a subsidy of such amount or amounts, or at such rate or rates, and in respect of such period or periods, as are stated in the agreement.
- (4) The parties to an agreement mentioned in subsection (2) may enter into an agreement amending or terminating it.

4 *Social Security Student Financial Supplement*
Scheme 1998

- (5) The parties to an agreement mentioned in subsection (2), as previously amended, may enter into an agreement amending or terminating the agreement as amended.
- (6) The amendment or termination of an agreement does not affect any financial supplement contract that was in force immediately before the amendment or termination took effect.
- (7) If an agreement was in force, immediately before the commencement day, between the Commonwealth and a financial corporation under section 12D of the SA Act, the amendment or termination of the agreement, and the commencement of an agreement under this section, do not affect any financial supplement contract made under section 12K of the SA Act.
- (8) An agreement between the Commonwealth and a financial corporation is not subject to any stamp duty or other tax under a law of a State or Territory.
- (9) An officer may disclose to a participating corporation any information about a person that is relevant to the exercise or performance by the corporation of any of its rights or obligations in respect of the person under this instrument.
- (10) A participating corporation may disclose to an officer any information about a person that is relevant to the exercise or performance of any rights, powers or obligations conferred or imposed on an officer or on the Commonwealth in respect of the person under this instrument.

*Social Security Student Financial Supplement
Scheme 1998*

5

Part 2—Eligibility to obtain financial supplement

2.1 Purpose of Part 2

This Part sets out requirements that a person must meet to be eligible to obtain financial supplement for a year or a part of a year (the *eligibility period*).

2.2 Operation of Part 2

This Part does not affect the operation of subsections 1061ZZA (2) and 1061ZZB (2) of the Act, which deal with a person's eligibility to obtain financial supplement.

2.3 Tertiary study

- (1) The person must be undertaking, or intending to undertake, a tertiary course at an educational institution throughout the eligibility period.
- (2) The person must not also be doing a course of primary or secondary education in the eligibility period.

2.4 Student categories

The person must also be a category 1 student or a category 2 student.

2.5 Category 1 student

- (1) A person is a *category 1 student* if a payment mentioned in this section is payable to the person throughout the eligibility period.
- (2) The payment may be youth allowance if:
 - (a) the person's youth allowance general rate is more than zero; and
 - (b) the youth allowance is payable because the person is undertaking full-time study.
- (3) The payment may be austudy payment if the person's austudy payment general rate is more than zero.
- (4) The payment may be pensioner education supplement.

*Social Security Student Financial Supplement
Scheme 1998***2.6 Category 2 student**

- (1) A person is a *category 2 student* if:
- (a) the person is not a category 1 student; and
 - (b) subsections (2) and (3) apply to the person.
- (2) Youth allowance, at the youth allowance general rate, must not be payable to the person, only because of the operation of:
- (a) Module F (the parental income test) of the Youth Allowance Rate Calculator in section 1067G of the Act; or
 - (b) Module G (the family actual means test) of the Youth Allowance Rate Calculator.
- (3) Also, if paragraph (2) (a) applies to the person, the person's combined parental income, for the appropriate tax year under Submodule 4 of Module F of the Youth Allowance Rate Calculator, must be less than the threshold amount worked out using the following method statement.

Method statement

Step 1. Find the provisions in the parental income test for working out the parental income free area (Submodule 5 of Module F of the Youth Allowance Rate Calculator).

Step 2. In paragraph 1067G-F22 (a) of the Act, change "\$23,400" to "\$54,949".

However, if the amount of \$23,400 has been indexed under the Act:

- (a) change the amount to "\$54,949"; and
- (b) index the amount of \$54,949 in the same way as the amount of \$23,400 was indexed under the Act.

Step 3. Use the Submodule, as changed, to work out an amount.

This is the threshold amount.

- (4) Also, if paragraph (2) (b) applies to the person, the actual means of the person's family, under regulation 19 of the *Social Security (Family Actual Means Test) Regulations 1998*, must be less than the threshold amount worked out under subsection (3).

*Social Security Student Financial Supplement
Scheme 1998*

7

Part 3—Decision and notice about eligibility to obtain financial supplement

3.1 Secretary's decision

- (1) If a person claims youth allowance, austudy payment or pensioner education supplement, the Secretary must decide whether the person is eligible to obtain financial supplement for the eligibility period.
- (2) Also, if the Secretary has made a decision in a year that a person is eligible to obtain financial supplement, and the person is likely to continue the person's tertiary course in the next year, the Secretary must make a new decision, as early as practicable in the next year, about whether the person is eligible to obtain financial supplement for the eligibility period.
- (3) If the Secretary decides that the person is eligible, the Secretary must give the person a *supplement entitlement notice*.
- (4) The Secretary must include in the notice a statement of the minimum and maximum amounts of financial supplement that the person can obtain.

3.2 Review of eligibility

If a decision under section 3.1 for a person is varied or revoked after a review, and after the Secretary has given the person a supplement entitlement notice:

- (a) the variation or revocation of the decision revokes the notice; and
- (b) the notice ceases to be valid for an application for financial supplement.

3.3 Secretary must give person statement

- (1) If a decision under section 3.1 for a person is varied or revoked after a review, and after the Secretary has given the person a supplement entitlement notice, the Secretary must give the person a statement to that effect, and details of the variation (if any).
- (2) If the person becomes, or continues to be, eligible to obtain financial supplement for the eligibility period after a variation, the Secretary must also give the person a supplement entitlement notice.
- (3) The Secretary must include in the notice a statement of the minimum and maximum amounts of financial supplement that the person can obtain.

8 *Social Security Student Financial Supplement
Scheme 1998***3.4 Notices under the SA Act**

- (1) This section applies if, immediately before Schedule 11 to the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998* commences:
- (a) a person held a notice under subsection 12F (1) of the SA Act, stating that the person was an eligible student for that Act; and
 - (b) the person was an eligible student under subparagraph 12C (1) (b) (i) of that Act; and
 - (c) the notice was in connection with the AUSTUDY scheme; and
 - (d) the person has not used the notice in an application for financial supplement.
- (2) The person is eligible to obtain financial supplement under this scheme for the person's eligibility period.
- (3) The notice is taken to be a supplement entitlement notice given under subsection 3.1 (2).

3.5 Eligibility under the SA Act

- (1) This section applies if, immediately before Schedule 11 to the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998* commences:
- (a) a decision was in force under section 12F of the SA Act, about:
 - (i) whether a person was an eligible student; and
 - (ii) the minimum and maximum amounts of financial supplement that the person was eligible to obtain; and
 - (b) the decision was in connection with the AUSTUDY scheme.
- (2) The decision continues, or is taken to continue, in force after the Schedule commences, and may be varied or revoked, as if it were a decision under section 3.1.

*Social Security Student Financial Supplement
Scheme 1998*

9

Part 4—Application for financial supplement

4.1 Application during eligibility period

A person who is eligible to obtain financial supplement may apply to a participating financial corporation, during the person's eligibility period, for financial supplement.

4.2 Application after eligibility period

- (1) This section applies to a person who does not apply for financial supplement during the person's eligibility period.
- (2) The person may apply to a participating financial corporation for financial supplement after the end of the eligibility period only if the person meets the requirements in this section.
- (3) The person must apply in the calendar year that includes the eligibility period.
- (4) The Secretary must be satisfied that:
 - (a) the person took all reasonable steps to apply during the eligibility period; and
 - (b) circumstances beyond the person's control prevented the person from applying during the eligibility period; and
 - (c) the person applied as soon as practicable after the circumstances stopped.
- (5) The Secretary must also be satisfied that the person took steps to apply as soon as practicable after the eligibility period ended.

4.3 How to apply

A person may only apply for financial supplement by:

- (a) completing an application form approved by the Secretary; and
- (b) lodging it, with the person's supplement entitlement notice, at an office of a participating financial corporation.

10 *Social Security Student Financial Supplement
Scheme 1998***4.4 Changing an application**

A person who has applied for financial supplement may, at any time, lodge another approved application form at an office of the participating financial corporation, telling the corporation that the person requires:

- (a) a specified lesser amount of financial supplement, which must not be less than:
 - (i) the total amount of financial supplement already paid to the person; and
 - (ii) the minimum amount of financial supplement that the person is eligible to obtain; or
- (b) a specified greater amount of financial supplement, which must not be more than the maximum amount of financial supplement that the person is eligible to obtain.

*Social Security Student Financial Supplement
Scheme 1998*

11

Part 5—Amount of financial supplement

Division 1—Category 1 students

5.1 Purpose of Division 1

This Division sets out the minimum and maximum amounts of financial supplement that a person who is eligible to obtain financial supplement, and is a category 1 student, may obtain.

5.2 Minimum amount of financial supplement

The minimum amount of financial supplement is \$500.

5.3 Eligibility period

- (1) This section explains how to work out the eligibility period for the person.
- (2) The eligibility period is the period in a year in which youth allowance, austudy payment or pensioner education supplement is payable while the person is undertaking a tertiary course.

5.4 Working out maximum amount of financial supplement

- (1) If the person's eligibility period is 1 year, the maximum amount of financial supplement is the lesser of:
 - (a) \$7,000; and
 - (b) the amount worked out using the following method statement.

*Social Security Student Financial Supplement
Scheme 1998**Method statement*

- Step 1.** Work out the total amount of youth allowance general rate, austudy payment general rate or pensioner education supplement that would be payable to the person for the eligibility period if the person did not apply for financial supplement.
- Step 2.** Work out the total amount of advance payment deductions to be made from the person's rate of youth allowance or austudy payment, under Part 3.16A of the Act, in the eligibility period.
- Subtract the amount from the amount worked out under Step 1.
- Step 3.** Work out the total amount of overpayments for the eligibility period that have not been repaid.
- Subtract the amount from the amount worked out under Step 2.
- Step 4.** Work out the amount of deductions that are to be paid to the Commissioner of Taxation, under section 1359 of the Act, for the eligibility period.
- Subtract the amount from the amount worked out under Step 3.
- Step 5.** Work out the amount (if any) of youth allowance general rate, austudy payment general rate or pensioner education supplement that has already been paid for the eligibility period.
- Ignore any amount that has already been dealt with under Step 2.
- Ignore any amount that is taken never to have been paid because of section 7.4.
- Subtract the amount from the amount worked out under Step 4.
- Step 6.** If the amount left is \$250 or more, multiply it by 2.
- Step 7.** If the result is not a whole dollar, round the result up to the next dollar.

*Social Security Student Financial Supplement
Scheme 1998*

13

- (2) If the person's eligibility period is less than 1 year, the maximum amount of financial supplement is the lesser of:
- (a) the amount worked out using the method statement in subsection (1); and
 - (b) the amount worked out using the following method statement.

Method statement

Step 1. Multiply \$7,000 by the number of weekdays in the eligibility period.

Step 2. Divide the result by the number of weekdays in the year that includes the eligibility period.

If the result is not a whole dollar, round the result up to the next dollar.

Division 2—Category 2 students

5.5 Purpose of Division 2

This Division sets out the minimum and maximum amounts of financial supplement that a person who is eligible to obtain financial supplement, and is a category 2 student, may obtain.

5.6 Minimum amount of financial supplement

The minimum amount of financial supplement is \$500.

5.7 Working out maximum amount of financial supplement

- (1) The maximum amount depends on whether the person is undertaking, or intending to undertake, a short course.
- (2) If the person is undertaking, or intending to undertake, a short course, it is necessary to work out whether the person's eligibility period is to be changed under section 5.8.
- (3) If the person is not undertaking, or intending to undertake, a short course, it is necessary to work out whether the person's eligibility period is to be changed under section 5.9.

*Social Security Student Financial Supplement
Scheme 1998***5.8 Eligibility period (short course)**

- (1) This section explains how to work out the eligibility period for a person who is undertaking, or intending to undertake, a short course.
- (2) The eligibility period that would have applied to the person, apart from this subsection (the *notional period*), must be changed if the person applied for financial supplement:
 - (a) more than 4 weeks after being given a supplement entitlement notice; and
 - (b) after the notional period started.
- (3) However, the Secretary may decide that the eligibility period is not to be changed if the Secretary is satisfied that:
 - (a) the person took reasonable steps to apply within 4 weeks after being given a supplement entitlement notice; and
 - (b) circumstances beyond the person's control prevented the person from applying within the 4 weeks; and
 - (c) the person applied as soon as practicable after the circumstances stopped.
- (4) If the notional period is to be changed, the person's new eligibility period is the period:
 - (a) starting on the later of:
 - (i) the day when the person applied; and
 - (ii) the start of the notional period; and
 - (b) ending when the notional period would have ended.

5.9 Eligibility period (no short course)

- (1) This section explains how to work out the eligibility period for a person who is not undertaking, or intending to undertake, a short course.
- (2) The eligibility period that would have applied to the person, apart from this subsection (the *notional period*), must be changed if the person applied for financial supplement after 31 May but before 1 October in a year.
- (3) However, the Secretary may decide that the period is not to be changed if the Secretary is satisfied that:
 - (a) the person took reasonable steps to apply within 4 weeks after being given a supplement entitlement notice; and
 - (b) circumstances beyond the person's control prevented the person from applying within the 4 weeks; and
 - (c) the person applied as soon as practicable after the circumstances stopped.

Social Security Student Financial Supplement
Scheme 1998

15

- (4) If the notional period is to be changed, the person's new eligibility period is the period:
 - (a) starting on the later of 1 July and the start of the notional period; and
 - (b) ending when the notional period would have ended.
- (5) The eligibility period that would have applied to the person, apart from this subsection (the *notional period*), must be changed if the person applied for financial supplement on or after 1 October in a year.
- (6) However, the Secretary may decide that the period is not to be changed if the Secretary is satisfied that:
 - (a) the person took reasonable steps to apply within 4 weeks after being given a supplement entitlement notice; and
 - (b) circumstances beyond the person's control prevented the person from applying within the 4 weeks; and
 - (c) the person applied as soon as practicable after the circumstances stopped.
- (7) If the notional period is to be changed, the person's new eligibility period is the period:
 - (a) starting on the later of:
 - (i) the day when the person applied; and
 - (ii) the start of the notional period; and
 - (b) ending when the notional period would have ended.

5.10 Maximum amount of financial supplement

- (1) If the person is undertaking, or intending to undertake, a short course, the maximum amount of financial supplement is worked out using the following method statement.

Method statement

Step 1. Multiply \$2,000 by the number of weekdays in the eligibility period.

Step 2. Divide the result by the number of weekdays in the year that includes the eligibility period.

If the result is not a whole dollar, round the result up to the next dollar.

- (2) If the person is not undertaking, or intending to undertake, a short course, and the person's eligibility period is 1 year, the maximum amount of financial supplement is \$2,000.

16 *Social Security Student Financial Supplement*
Scheme 1998

- (3) If the person is not undertaking, or intending to undertake, a short course, and the person's eligibility period is less than 1 year, the maximum amount of financial supplement is worked out using the method statement in subsection (1).

Division 3—Limit on amount of financial supplement

5.11 Person doing more than 1 course

- (1) This section applies if a person undertakes, or intends to undertake, more than 1 tertiary course in the same period in a year.
- (2) The maximum amount of financial supplement which the person can obtain for the period is the maximum amount worked out under Division 1 or 2 for one of the courses.

Social Security Student Financial Supplement
Scheme 1998

17

Part 6—Trading in youth allowance, austudy payment or pensioner education supplement for financial supplement

6.1 Purpose of Part 6

- (1) Financial supplement will be paid to a person who is eligible to obtain financial supplement at a rate determined by the person's financial supplement contract.
- (2) If youth allowance, austudy payment or pensioner education supplement is also payable to the person, the payment of financial supplement will reduce the rate at which the youth allowance, austudy payment or pensioner education supplement is payable.
- (3) The reduction of the rate of payment is a *trade in*.
- (4) This Part explains how trade in works.

6.2 Reduction of youth allowance, austudy payment or pensioner education supplement for financial supplement

- (1) The period for which a payment of financial supplement will be made is an *instalment period*.
- (2) The rate of youth allowance, austudy payment or pensioner education supplement that would have been payable to the person in an instalment period is reduced by an amount equal to half of the amount of financial supplement to be paid during the instalment period under the financial supplement contract.
- (3) However, if, apart from this subsection, the amount by which the rate would be reduced is an amount including a half of a cent, the half of a cent is to be increased to 1 cent.

Part 7—Obtaining or increasing financial supplement by trading back youth allowance, austudy payment or pensioner education supplement

Division 1—Purpose of Part 7

7.1 Purpose of Part 7

- (1) If a person who is eligible to obtain financial supplement wishes to obtain financial supplement, the person may repay an amount of youth allowance, austudy payment or pensioner education supplement.
- (2) If a person who is obtaining financial supplement wishes to increase the amount of financial supplement, the person may repay an amount of youth allowance, austudy payment or pensioner education supplement.
- (3) The repayment of the youth allowance, austudy payment or pensioner education supplement is a *trade back*.
- (4) This Part explains how trade back works.
- (5) This Part also sets out the effect of trade back.

Division 2—When a person may repay youth allowance, austudy payment or pensioner education supplement to obtain or increase financial supplement

7.2 Election to repay youth allowance, austudy payment or pensioner education supplement

- (1) A person to whom youth allowance, austudy payment or pensioner education supplement was payable during a payment period may elect to repay to the Commonwealth some or all of the youth allowance, austudy payment or pensioner education supplement.
- (2) The person must make the election using the form approved under paragraph 4.3 (a).
- (3) A payment period is the part of a year:
 - (a) starting on 1 January and ending on 31 May; or
 - (b) starting on 1 July and ending on 30 September.

*Social Security Student Financial Supplement
Scheme 1998*

19

7.3 Timing of repayment

- (1) A person who is not obtaining financial supplement may, in order to obtain financial supplement, repay to the Commonwealth youth allowance, austudy payment or pensioner education supplement:
 - (a) while the person is eligible to obtain financial supplement; and
 - (b) during the payment period.
- (2) However, if the person does not repay the youth allowance, austudy payment or pensioner education supplement during the payment period, the person may, in order to obtain financial supplement, repay it after that period if:
 - (a) the person took reasonable steps to repay it during the payment period; and
 - (b) circumstances beyond the person's control prevented the person from repaying it during the period; and
 - (c) the person repays it as soon as practicable after the end of the payment period and during the year.
- (3) A person who is obtaining financial supplement may, in order to obtain a higher financial supplement, repay to the Commonwealth youth allowance, austudy payment or pensioner education supplement:
 - (a) while the person is eligible to obtain financial supplement; and
 - (b) during the year in which the youth allowance, austudy payment or pensioner education supplement was paid.

Division 3—Repayment

7.4 Effect of repayment

If an amount is repaid under this Part, the amount is taken never to have been paid to the person.

Division 4—Effect of Part 7

7.5 Effect of this Part

This Part does not change the operation of Chapter 5 of the Act.

20 *Social Security Student Financial Supplement
Scheme 1998***Part 8—Financial supplement contracts***Division 1—Purpose of Part***8.1 Purpose of Part 8**

- (1) This Part describes the legal relationship between a person who applies for financial supplement and the participating financial corporation that pays financial supplement.
- (2) This Part also sets out how a contract for payment of financial supplement is made, when it can be cancelled, and the relationship of other laws to financial supplement contracts.

*Division 2—Making a contract for payment of financial supplement***8.2 Making a contract between person and participating financial corporation**

- (1) If a person applies to a participating financial corporation, under Part 4, for the payment of financial supplement for the eligibility period, the corporation must, as soon as practicable, accept the application by written notice to the person.
- (2) A contract is made when the corporation accepts the application by giving the notice mentioned in subsection (1).
- (3) The contract is a *financial supplement contract*.
- (4) A contract is also a *financial supplement contract* if:
 - (a) it is a contract made under section 12K of the SA Act; and
 - (b) it is a contract with a person who was an eligible student under section 12C of the SA Act in connection with the AUSTUDY scheme.

8.3 Subject matter of the contract

- (1) A financial supplement contract is for the making of a loan by the corporation to the person under this Part.

*Social Security Student Financial Supplement
Scheme 1998*

21

- (2) The contract must be for the amount of financial supplement for which the person from time to time asks, but the amount must not be more than the maximum amount of financial supplement that the person is, from time to time, eligible to obtain under Part 5.
- (3) The contract must also allow, but not compel, the person to make repayments during the contract period under Part 13 of the amount outstanding at any time under the contract.
- (4) The contract must name a termination date (the *termination date*), which is the last day of the contract period.
- (5) The *contract period* is the period between the date when the contract is made and ending on 31 May in the year in which the last of the periods referred to in paragraph 13.4 (1) (b) ends.

8.4 Liability for money paid under a financial supplement contract

- (1) A participating financial corporation may rely on advice given by the Commonwealth to decide:
 - (a) whether it must pay financial supplement to a person; and
 - (b) the amount of financial supplement.
- (2) An amount paid to a person by a corporation, relying on advice given by the Commonwealth, is taken to be financial supplement paid under the contract even though the person may not have been eligible to obtain the amount.
- (3) Subsection (2) does not change the operation of Part 14.

8.5 When a financial supplement contract is valid

- (1) The validity of a financial supplement contract with a person is not affected merely because the person was not eligible to obtain financial supplement when the contract was made, or ceases at a later time to be eligible.
- (2) The contract is not invalid, and is not voidable, under any other law (whether written or unwritten) in force in a State or Territory.
- (3) The contract is not invalid merely because the person is an undischarged bankrupt when the contract is made.
- (4) Bankruptcy does not release a person from his or her obligations under the contract.

22 *Social Security Student Financial Supplement
Scheme 1998*

Division 3—When a financial supplement contract can be cancelled

8.6 Person has right to cancel financial supplement contract

- (1) A person who makes a financial supplement contract has a right to cancel the contract.
- (2) If, under section 8.10, the person waives his or her right to cancel the contract, sections 8.7 to 8.9 do not apply to the contract.

8.7 How to cancel financial supplement contract

- (1) To exercise the right to cancel the contract, the person must give to the corporation written notice that the person is withdrawing his or her application for financial supplement.
- (2) The notice must be lodged at an office of the corporation.

8.8 When to cancel financial supplement contract

The person's right may be exercised within 14 days (the *cooling off period*) after the day when the contract is made under section 8.2.

8.9 Payments made during cooling off period

- (1) In the cooling off period, the corporation must not make a payment to the person under the contract.
- (2) If the corporation makes a payment to the person under the contract within the cooling off period, the payment is taken not to be a payment of financial supplement if the person repays to the corporation an amount equal to the payment within 7 days after the date of the payment.
- (3) If the corporation makes a payment to the person under the contract after the cooling off period and the person has exercised the right to cancel the contract, the payment is taken not to be a payment of financial supplement if the person repays to the corporation an amount equal to the payment within 7 days after the date of the payment.

8.10 Person may waive right to cancel contract

The person may waive the right to cancel the contract.

8.11 How to waive right to cancel contract

To waive the right to cancel the contract, the person must give to the corporation written notice that he or she is waiving the right to cancel the contract.

*Social Security Student Financial Supplement
Scheme 1998*

23

8.12 When to waive right to cancel contract

To exercise the right of waiver, the person must give the corporation the notice mentioned in section 8.11 immediately after the contract is made under section 8.2.

Division 4—Financial supplement contract exempt from certain laws and taxes

8.13 Financial supplement contract exempt from certain laws and taxes

- (1) A law of a State or Territory about giving credit or other financial assistance does not apply to a financial supplement contract.
- (2) An application for the payment of financial supplement, a financial supplement contract, or an act or thing done or transaction entered into under such a contract, is not taxable under any law of a State or Territory.

24 *Social Security Student Financial Supplement
Scheme 1998*

Part 9—Payment of financial supplement

9.1 Payment by instalment

- (1) The contract must provide that financial supplement must be paid by instalments for periods determined by the Secretary.
- (2) The contract must also provide that instalments of financial supplement must be paid at times determined by the Secretary.

9.2 Rounding off

If the amount of an instalment includes a fraction of a cent, the amount is to be rounded to the nearest whole cent (0.5 cent being rounded upwards).

9.3 To whom instalments must be paid

- (1) If a person who is a category 1 student is trading in, or trading back, youth allowance, financial supplement must be paid to the person to whom instalments of youth allowance are or were being paid under section 559D or 559E of the Act.
- (2) If a person who is a category 1 student is trading in, or trading back, austudy payment, financial supplement must be paid to the person to whom instalments of austudy payment are or were being paid under section 584D of the Act.
- (3) If a person who is a category 1 student is trading in, or trading back, pensioner education supplement, financial supplement must be paid to the person to whom instalments of pensioner education supplement are or were being paid under section 1061PZK of the Act.
- (4) If a person who is a category 2 student obtains financial supplement, it must be paid to the person to whom instalments of youth allowance would be paid under section 559D or 559E of the Act if youth allowance were payable to the person.
- (5) This section does not change the liability of a person to make repayments under Part 15.

*Social Security Student Financial Supplement
Scheme 1998*

25

9.4 Payment into bank account etc—category 1 students

- (1) If an amount of financial supplement is paid to a person, it must be paid in the way described in this section.
- (2) Financial supplement for a category 1 student must be paid to the credit of the bank account, credit union account or building society account into which 1 of the following payments is made:
 - (a) youth allowance;
 - (b) austudy payment;
 - (c) pensioner education supplement.
- (3) However, if a payment mentioned in subsection (2) is not paid into an account mentioned in that section, because of a direction given under subsection 559F (4), 584E (4) or 1061PZL (4) of the Act, financial supplement must be paid to the credit of a bank account, credit union account or building society account nominated and maintained by the person.
- (4) The person's account may be maintained by the person alone or jointly or in common with someone else.

9.5 Payment into bank account etc—category 2 students

- (1) Financial supplement for a category 2 student must be paid to the credit of a bank account, credit union account or building society account nominated and maintained by the person.
- (2) The person's account may be maintained by the person alone or jointly or in common with someone else.

26 *Social Security Student Financial Supplement
Scheme 1998***Part 10—Protection of financial supplement***Division 1—Financial supplement to be absolutely inalienable***10.1 Financial supplement to be absolutely inalienable**

Financial supplement is absolutely inalienable, whether by, or because of, sale, assignment, charge, execution, bankruptcy or otherwise.

*Division 2—Effect of garnishee or attachment order***10.2 Effect of garnishee or attachment order**

- (1) This section applies if:
- (a) a person has an account with a financial institution (whether the account is maintained by the person alone, or jointly or in common with someone else); and
 - (b) a court order similar to a garnishee order comes into force for the account; and
 - (c) an amount of financial supplement has been paid (whether on the person's own behalf or not) to the credit of the account in the 4 weeks immediately before the court order came into force.
- (2) The court order does not apply to the saved amount (if any) in the account.
- (3) The ***saved amount*** is the amount worked out using the following method statement.

Method statement

Step 1. Work out the amount of financial supplement paid to the credit of the account in the 4 weeks.

Step 2. Subtract the total amount withdrawn from the account in the 4 weeks.

The saved amount is the amount left.

*Social Security Student Financial Supplement
Scheme 1998*

27

Part 11—How category 2 students may satisfy request for tax file numbers in certain circumstances

Division 1—Purpose of Part 11

11.1 Purpose of Part 11

This Part explains how a person who is a category 2 student may satisfy a request for a tax file number under section 1061ZZA or 1061ZZB of the Act if the person either does not know the number or if an application for a number is pending.

Division 2—Statement of person's tax file number

11.2 How to meet request for tax file number if person does not know it

- (1) This section applies to a person who is a category 2 student, and who does not know his or her tax file number.
- (2) The person satisfies a request under section 1061ZZA of the Act if the circumstances mentioned in subsections (3) to (5) exist.
- (3) The person must give the Secretary, before the end of 28 days after the request, an employment declaration stating that the person:
 - (a) has a tax file number but does not know what it is; and
 - (b) has asked the Commissioner of Taxation to tell the person what the number is.
- (4) The person must give the Secretary a document allowing the Commissioner of Taxation to tell the Secretary:
 - (a) whether the person has a tax file number; and
 - (b) if the person has a tax file number—the number.
- (5) The Commissioner of Taxation must not have told the Secretary that the person has no tax file number.

11.3 How to meet request if application for tax file number pending

- (1) This section applies to a person who is a category 2 student if:
 - (a) the person has applied for a tax file number; and
 - (b) the Commissioner has not given the person a number when the Secretary requests the person to tell the Secretary the number under section 1061ZZA of the Act.

28 *Social Security Student Financial Supplement
Scheme 1998*

- (2) The person satisfies a request under that section if the circumstances mentioned in subsections (3) to (7) exist.
- (3) The person must give the Secretary, before the end of 28 days after the request, an employment declaration stating that the person has applied for a tax file number.
- (4) The person must give the Secretary a document allowing the Commissioner of Taxation to tell the Secretary:
 - (a) the person's tax file number if the person is given a tax file number; or
 - (b) that the person's application has been refused; or
 - (c) that the person's application has been withdrawn.
- (5) The Commissioner of Taxation must not have told the Secretary that the person has not applied for a tax file number.
- (6) The Commissioner of Taxation must not have told the Secretary that an application, by the person, for a tax file number has been refused.
- (7) The person's application for a tax file number must not have been withdrawn.

*Division 3—Statement of parent's tax file number***11.4 How to satisfy request for a tax file number if parent does not know it**

- (1) This section applies to a person who is a category 2 student if the parent mentioned in section 1061ZZB of the Act does not know his or her tax file number.
- (2) The person satisfies a request under section 1061ZZB of the Act if the circumstances mentioned in subsections (3) to (5) exist.
- (3) The person must give the Secretary, before the end of 28 days after the request, a declaration by the parent, in an approved form, stating that the parent:
 - (a) has a tax file number but does not know what it is; and
 - (b) has asked the Commissioner of Taxation to tell the parent what the number is.
- (4) The person must give the Secretary a document signed by the parent, allowing the Commissioner of Taxation to tell the Secretary:
 - (a) whether the parent has a tax file number; and
 - (b) if the parent has a tax file number—the number.
- (5) The Commissioner of Taxation must not have told the Secretary that the parent has no tax file number.

*Social Security Student Financial Supplement
Scheme 1998*

29

11.5 How to meet request if application for tax file number pending

- (1) This section applies to a person who is a category 2 student if:
 - (a) the parent mentioned in section 11.4 has applied for a tax file number; and
 - (b) the Commissioner has not given the parent a number when the Secretary requests the person to tell the Secretary the parent's number under section 1061ZZB of the Act.
- (2) The person satisfies a request under that section if the circumstances mentioned in subsections (3) to (7) exist.
- (3) The person must give the Secretary, before the end of 28 days after the request, a declaration, in an approved form, by the parent stating that the parent has applied for a tax file number.
- (4) The person must give the Secretary a document, signed by the parent, allowing the Commissioner of Taxation to tell the Secretary:
 - (a) the parent's tax file number if the parent is given a tax file number; or
 - (b) that the parent's application has been refused; or
 - (c) that the parent's application has been withdrawn.
- (5) The Commissioner of Taxation must not have told the Secretary that the parent has not applied for a tax file number.
- (6) The Commissioner of Taxation must not have told the Secretary that an application by the parent has been refused.
- (7) The parent's application for a tax file number must not have been withdrawn.

11.6 Secretary may waive requirement

The Secretary may waive compliance with the request for a statement of the parent's tax file number if the Secretary is satisfied that:

- (a) the person who is a category 2 student does not know the parent's tax file number; and
- (b) the person can obtain none of the following from the parent:
 - (i) the parent's tax file number;
 - (ii) a statement of the parent's tax file number;
 - (iii) a declaration by the parent under subsection 11.5 (3).

30 *Social Security Student Financial Supplement
Scheme 1998***Part 12—Category 2 students' obligations—information
relating to financial supplement***Division 1—Purpose of Part 12***12.1 Purpose of Part 12**

This Part requires a person who is a category 2 student to give the Secretary information about matters that may affect whether the person receives financial supplement, and how much the person receives.

*Division 2—Notice of events or changes in circumstances***12.2 Secretary may give notice requiring information**

- (1) The Secretary may give a notice to a person who is a category 2 student if:
 - (a) financial supplement is paid to the person on the person's own behalf; or
 - (b) financial supplement is paid to someone else, on the person's behalf, under section 9.3.
- (2) The notice must require the person to tell the Department if:
 - (a) a stated event or change of circumstances happens; or
 - (b) the person becomes aware that a stated event or change of circumstances is likely to happen.

12.3 Event or change relevant to payment

An event or change of circumstances is not to be stated in a notice given under section 12.2 unless the event or change of circumstances might affect the payment of financial supplement.

*Social Security Student Financial Supplement
Scheme 1998*

31

12.4 Formalities related to notice

A notice under section 12.2:

- (a) must be in writing; and
- (b) may be given personally or by post; and
- (c) must state how the person is to give the information to the Department; and
- (d) must state the period in which the person is to give the information to the Department; and
- (e) must state that the notice is a *recipient notification notice* given under this instrument.

12.5 Validity of notice

However, a notice under section 12.2 is not invalid merely because it does not comply with paragraph 12.4 (c) or (e).

12.6 Period within which information to be given

The period stated in paragraph 12.4 (d) must end at least 14 days after:

- (a) the day on which the event or change of circumstances happens; or
- (b) the day on which the person becomes aware that the event or change of circumstances is likely to happen.

12.7 Person leaving Australia

However, if a notice requires the person to tell the Department of a proposal by the person to leave Australia, section 12.6 does not apply to that requirement.

12.8 Information about compensation payment

Also, if the notice requires information about receipt of a compensation payment, the period mentioned in paragraph 12.4 (d) about the information must end at least 14 days after the day when the person becomes aware that he or she has received, or is to receive, a compensation payment.

*Social Security Student Financial Supplement
Scheme 1998**Division 3—Notice about a matter relevant to payment of financial supplement***12.9 Secretary may give notice requiring statement on matter**

- (1) The Secretary may give a notice to a person who is a category 2 student if:
- (a) financial supplement is paid to the person on the person's own behalf; or
 - (b) financial supplement is paid to the person's parent, on the person's behalf, under section 9.3.
- (2) The notice must require the person to give the Department a statement about a matter that might affect the payment of financial supplement.

12.10 Formalities related to notice

A notice under section 12.9:

- (a) must be in writing; and
- (b) may be given personally or by post; and
- (c) must state how the statement is to be given to the Department; and
- (d) must state the period within which the person is to give the statement to the Department; and
- (e) must state that the notice is a *recipient statement notice* given under this instrument.

12.11 Validity of notice

However, a notice under section 12.9 is not invalid merely because it does not comply with paragraph 12.10 (c) or (e).

12.12 Period within which statement to be given

The period stated in paragraph 12.10 (d) must end at least 14 days after the day on which the notice is given.

12.13 Statement must be in approved form

A statement given in response to a notice under section 12.9 must be in writing and in accordance with a form approved by the Secretary.

Social Security Student Financial Supplement
Scheme 1998

33

Part 13—Early repayments of financial supplement

Division 1—Purpose of Part 13

13.1 Purpose of Part 13

This Part explains how a person who is a party to a financial supplement contract with a participating financial corporation may make repayments of financial supplement within 4 years beginning on 1 June in the year after the year when the contract was made.

Division 2—Calculation of amount outstanding

13.2 Application of Division

This Division applies subject to section 14.45.

13.3 Calculation of amount outstanding under financial supplement contract—first year

- (1) The *amount outstanding*, at a time before 1 June in the year after the year when the contract was made, is the amount worked out using the formula:

principal sum – (actual repayments + discounts).

- (2) *Discounts* means the total of the discounts under section 13.11 to which the person became entitled before the time the amount outstanding is worked out.

13.4 Calculation of amount outstanding under financial supplement contract—following years

- (1) The amount outstanding must be worked out using the formula in subsection (2) if the calculation is made at any time during:
- (a) the period of 12 months beginning on 1 June in the year after the year when the contract was made; or
 - (b) any of the following 3 periods of 12 months.

34

Social Security Student Financial Supplement
Scheme 1998

(2) The formula is:

$$\left(\begin{array}{c} \text{previous} \\ \text{amount} \\ \text{outstanding} \end{array} \times \begin{array}{c} \text{indexation} \\ \text{factor} \end{array} \right) - \left(\begin{array}{c} \text{actual} \\ \text{repayments} + \text{discounts} \end{array} \right)$$

13.5 How to use the formula in section 13.4(1) To use the formula in section 13.4 for a time (*the relevant time*) in a period of 12 months beginning on 1 June (*the relevant 12 months*):

previous amount outstanding means the amount that was outstanding under the contract immediately before the beginning of the relevant 12 months.

indexation factor means the number worked out using the following method statement.

actual repayments means the total of the amounts actually repaid during the relevant 12 months but before the relevant time.

discounts means the total of the discounts under section 13.11 to which the person became entitled during the relevant 12 months but before the relevant time.

Method statement

Step 1. Work out the total of the index number for the March quarter in the later reference period and the index numbers for the 3 immediately preceding quarters.

Step 2. Work out the total of the index number for the March quarter in the earlier reference period and the index numbers for the 3 immediately preceding quarters.

Step 3. Divide the total worked out using Step 1 by the total worked out using Step 2.

Step 4. Round the result to 3 decimal places for the relevant 12 months.

later reference period means the period of 12 months immediately before the relevant 12 months.

earlier reference period means the period of 12 months immediately before the later reference period.

*Social Security Student Financial Supplement
Scheme 1998*

35

- (2) If an indexation factor worked out under subsection (1) would end with a number greater than 4 if it were worked out to 4 decimal places, the indexation factor is increased by 0.001.
- (3) If, apart from this subsection, an amount worked out under section 13.4 would be an amount of dollars and cents, disregard the amount of the cents.

Division 3—Notice to person

13.6 Secretary must give notice to person

- (1) The Secretary must give a person who is a party to a financial supplement contract with a participating financial corporation a notice of an amount outstanding that exists on:
 - (a) 1 June in the year after the year when the contract was made; or
 - (b) 1 June in any of the next 3 years.
- (2) The notice must state the amount outstanding at that date.

Division 4—Person's rights to make repayments during contract period

13.7 No obligation to make early repayments

- (1) Subject to sections 14.15, 14.22, 14.34 and 14.45, a person who is a party to a financial supplement contract with a participating financial corporation is not required during the contract period to make a repayment of the amount outstanding.
- (2) Non-payment by the person during the contract period of the amount outstanding is not a default under the contract for any law of the Commonwealth, of a State or of a Territory.

13.8 When person may make early repayments

The person may make to the corporation a repayment of the amount outstanding at any time during the *contract period*.

13.9 What happens if person makes excess repayment

- (1) The amount mentioned in subsection (3) is taken not to be a repayment, and must be repaid by the corporation to the person, if the circumstance mentioned in subsection (2) applies.

36 Social Security Student Financial Supplement
Scheme 1998

- (2) The person purports to make a repayment by paying an amount, under section 13.8, that is greater than the amount that, having regard to the discount to which the person would be entitled under section 13.11, would be needed to pay in full the amount outstanding.
- (3) The amount is the difference between the amount paid under section 13.8 and the amount outstanding.

13.10 How to work out amount to be repaid by person

If the person makes a repayment as mentioned in section 13.8, the following provisions of this Division apply to work out the amount of that repayment (the *amount repaid*) except:

- (a) to the extent to which that repayment is taken to be wrongly paid supplement mentioned in section 14.12, 14.19 or 14.31; or
- (b) for a repayment made after the giving of a notice under section 14.10, 14.17 or 14.29.

13.11 How to work out discount

- (1) If, during the contract period, the person makes a repayment that is less than the amount outstanding, the person is entitled to a *discount* of an amount worked out using the formula:

$$\left[\text{the amount repaid} \times \frac{100}{85} \right] - \text{the amount repaid.}$$

- (2) If the person makes a repayment that equals the amount outstanding, the person is entitled to a *discount* of an amount worked out using the formula:

$$\left[\text{the amount repaid} \times \frac{115}{100} \right] - \text{the amount repaid.}$$

- (3) If, apart from this subsection, an amount worked out under subsection (1) or (2) would be an amount of dollars and cents, the amount is to be rounded to the nearest dollar (rounding 50 cents upwards).

13.12 Indexation amount

- (1) An *indexation amount* exists at a particular time (the *relevant time*) if:
 - (a) section 13.4 applied; and
 - (b) the amount outstanding at the relevant time is greater than the amount worked out using the formula:

principal sum – (actual repayments + notional repayments).

Social Security Student Financial Supplement
Scheme 1998

37

- (2) The amount of the excess is the indexation amount under the contract at the relevant time.

13.13 Use of indexation amount in working out discount

- (1) If no indexation amount existed immediately before the repayment is made, the person is taken to have repaid to the corporation an amount (the *amount notionally repaid*) equal to the discount.
- (2) Subsection (3) applies if:
 - (a) an indexation amount existed immediately before the repayment is made; and
 - (b) the discount is equal to or less than the indexation amount.
- (3) The amount outstanding is taken to be reduced by the amount of the discount.
- (4) Subsections (5) and (6) apply if:
 - (a) an indexation amount existed immediately before the repayment is made; and
 - (b) the discount is greater than the indexation amount.
- (5) The amount outstanding is taken to be reduced by the indexation amount.
- (6) Also, the person is taken to have repaid to the corporation an amount (the *amount notionally repaid*) equal to the excess.

13.14 Commonwealth's liability

The Commonwealth must pay to the corporation an amount equal to the amount notionally repaid.

13.15 Corporation's rights and liabilities

- (1) This section applies if, after the repayment mentioned in section 13.8, the total of the actual repayments and the notional repayments equals or is greater than the principal sum.
- (2) The corporation's rights are transferred to the Commonwealth, by force of this subsection, immediately after the repayment.
- (3) If the sum of the actual repayments and the notional repayments is greater than the principal sum, the corporation must pay the excess to the Commonwealth.

38 *Social Security Student Financial Supplement
Scheme 1998**Division 5—What happens at end of contract period***13.16 Corporation's rights at end of contract period**

- (1) This section applies if, at the end of a contract period, a corporation's rights have not been transferred to the Commonwealth.
- (2) The corporation's rights are transferred to the Commonwealth, by force of this subsection, at that time.
- (3) If the principal sum is more than the sum of the actual repayments and the notional repayments, the Commonwealth must pay the excess to the corporation.

13.17 Secretary must give notice to person

- (1) As soon as practicable after the termination date, the Secretary must arrange for written notice (the *termination notice*) to be given to the person who is a party to the financial supplement contract.
- (2) The notice must set out the matters mentioned in section 13.18.

Note Termination date see s 8.3.

13.18 Contents of termination notice

- (1) The termination notice must state that at the end of the contract period the person no longer owes a debt to the corporation under the contract and will not receive a discount for repayments made after that time.
- (2) The notice must state that, on a date mentioned in the notice, being 1 June immediately following the termination date, the person incurred an FS debt or FS debts to the Commonwealth.
- (3) The notice must also mention the amount of that debt or the amounts of those debts.
- (4) The notice must state that the person is entitled at any time to make a repayment of that debt or those debts and that so much of that debt or those debts as is not voluntarily repaid by the person will be recovered through the taxation system.

*Social Security Student Financial Supplement
Scheme 1998*

39

13.19 Secretary may give further notice

- (1) This section applies if, after a termination notice or a further notice under subsection (2), was given to a person, the Secretary is satisfied that significant information in the notice was not, or is no longer, correct.
- (2) The Secretary must arrange for a further written notice to be given to the person setting out the correct information.

13.20 Notice for information only

- (1) A notice given to a person under this Division is intended only to give the person information.
- (2) An FS debt of the person to the Commonwealth is not affected by a failure to give the notice or by any incorrect statement in it.

13.21 Person may ask for notice to be corrected

- (1) If a person believes that a termination notice, or a notice under subsection 13.19 (2) given to the person is not, or is no longer, correct in a significant way, the person may give the Secretary a written request for the notice to be corrected.
- (2) The person must give the request within 14 days after the date when the notice was given, or within a further period that the Secretary allows.

13.22 Contents of request for correction

A request must set out the information that is considered to be incorrect and the grounds on which the person considers it to be incorrect.

13.23 Effect of request

The making of a request does not affect a person's FS debt.

13.24 Response to request

- (1) If a request is received by the Secretary, the Secretary must arrange, as soon as practicable, for it to be considered and for written notice to be given to the person of the decision on the request.
- (2) If it is decided, as a result of the consideration, that significant information in the termination notice was not, or is no longer, correct, the Secretary must arrange for a further notice to be given to the person under subsection 13.19 (2).

40 *Social Security Student Financial Supplement
Scheme 1998***Part 14—Payments of financial supplement to stop in certain circumstances***Division 1—Purpose and interpretation of Part 14***14.1 Purpose of Part 14**

This Part provides for payments of financial supplement to stop in certain circumstances.

14.2 Interpretation

For this Part, *interest subsidy* is the part of the total subsidy paid by the Commonwealth to a participating financial corporation for a financial supplement paid:

- (a) to a person under a financial supplement contract; and
- (b) in place of interest on the principal sum.

*Division 2—Payments to stop if person asks for them to stop***14.3 Person may ask for payment to stop**

A person who is a party to a financial supplement contract with a participating financial corporation may, by written notice to the corporation lodged at an office of the corporation, tell the corporation that he or she does not want further payments under the contract to be made after a day mentioned in the notice.

14.4 Effect of the notice

- (1) If a person gives a notice mentioned in section 14.3, the corporation is discharged from liability to make further payments to the person under the contract from the end of the day mentioned in the notice.
- (2) However, if the corporation continues to make payments to the person after that day, any amounts paid after that day or the end of 4 weeks after the notice is given to the corporation, whichever is the later:
 - (a) are taken not to be payments of financial supplement made under the contract; and
 - (b) are repayable by the person to the corporation; and
 - (c) may be recovered by the corporation as a debt due to it by the person.

*Social Security Student Financial Supplement
Scheme 1998*

41

Division 3—Payments to stop if the maximum amount of financial supplement is reduced to the amount already paid or less

Subdivision 3A—When and how payments are to stop

14.5 Secretary must give notice to person and corporation

- (1) This section applies if:
 - (a) a person is a party to a financial supplement contract with a participating financial corporation; and
 - (b) the Secretary reviews a decision (the *original decision*) made about the person under section 3.1 or in force about a person under section 3.5; and
 - (c) the person remains eligible to obtain financial supplement for the year or part of the year to which the person's financial supplement contract relates; and
 - (d) because of the review, the Secretary varies the original decision so that the maximum amount (the *original amount*) of financial supplement that the person is eligible to obtain under the contract is reduced to another amount (the *revised amount*); and
 - (e) the revised amount is equal to or less than the amount of financial supplement that the person has already been paid under the contract.
- (2) The Secretary must give written notice to the person, and the participating financial corporation, that includes:
 - (a) the revised amount that the person is eligible to obtain; and
 - (b) the amount (if any) of financial supplement paid in excess of the revised amount; and
 - (c) a statement that the corporation must stop paying financial supplement to the person.

14.6 Effect of notice

If the Secretary gives a person and a corporation a notice mentioned in section 14.5, then, unless the decision of the Secretary is further set aside or varied, the notice has the effect mentioned in this Subdivision.

14.7 Effect of notice—corporation's liability discharged

- (1) The corporation is discharged from liability to make further payments to the person under the contract.
- (2) The corporation's discharge is effective from the time when the notice was given to the corporation.

42 *Social Security Student Financial Supplement
Scheme 1998***14.8 Effect of notice—amounts paid after notice given**

However, if the corporation continues to make payments to the person after that time, any amounts paid after the end of 4 weeks after the notice is given to the corporation:

- (a) are taken not to be payments of financial supplement made under the contract; and
- (b) are repayable by the person to the corporation; and
- (c) may be recovered by the corporation as a debt payable to it by the person.

14.9 Effect of Subdivision

This Subdivision applies subject to section 16.6 or 16.7.

Subdivision 3B—Original amount of financial supplement paid because person failed to notify change of circumstances

14.10 Secretary may give notice to person and corporation

- (1) The Secretary may give written notice to a person who is a party to a financial supplement contract with a participating financial corporation, and to the corporation, if the Secretary is satisfied that:
 - (a) the person was given a notice under section 14.5; and
 - (b) the person failed to tell the Secretary, in response to a notice under section 561B, 586B or 1061PZQ of the Act or section 12.2, about the occurrence of, or about becoming aware of the likely occurrence of, a stated event or change of circumstances, within 14 days of the event, change or becoming aware; and
 - (c) the person was paid the original amount of financial supplement after the end of the period mentioned in paragraph (b); and
 - (d) the payment of the original amount of financial supplement after the end of the period resulted from the person's failure to comply with the notice mentioned in paragraph (b).
- (2) The Secretary may also give written notice to a person who is a party to a financial supplement contract with a participating financial corporation, and to the corporation, if the Secretary is satisfied that:
 - (a) the person was given a notice under section 12QA of the SA Act; and
 - (b) the person failed to notify the Department of Employment, Education, Training and Youth Affairs, under section 48 of the SA Act, of the happening of a prescribed event in relation to the person, within 7 days of the happening of the event; and
 - (c) the person was paid the original amount of financial supplement after the commencement day; and

*Social Security Student Financial Supplement
Scheme 1998*

43

- (d) the payment of the original amount of financial supplement after the commencement day resulted from the person's failure to comply with the notice mentioned in paragraph (b).

14.11 Effect of notice

If the Secretary gives a person and a corporation a notice mentioned in section 14.10 then, unless the decision of the Secretary is set aside or varied after a review, the notice has the effect mentioned in this Subdivision.

14.12 Effect of notice—transfer of corporation's rights to Commonwealth

- (1) The corporation's rights mentioned in subsection (2) are transferred to the Commonwealth, by force of this subsection, at the time when the notice was given to the corporation.
- (2) The transferred rights are those under the contract that are about payment of financial supplement after the end of the period:
 - (a) beginning at the end of the period of 14 days mentioned in paragraph 14.10 (1) (b); and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.8.
- (3) However, if subsection 14.10 (2) applies to a person, then the transferred rights are those under the contract that are about payment of financial supplement during the period:
 - (a) beginning on the commencement day; and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.8.
- (4) Financial supplement paid within that time is called *wrongly paid supplement*.

14.13 Effect of notice—apportionment of financial supplement

Actual repayments of financial supplement made by the person before the notice was given to the person under section 14.10 are taken to have been made:

- (a) first, in or towards the repayment of the wrongly paid supplement; and
- (b) then, if those repayments exceeded the amount of wrongly paid supplement, in or towards the repayment of the rest of the financial supplement paid to the person under the contract.

*Social Security Student Financial Supplement
Scheme 1998***14.14 Effect of notice—liability of Commonwealth to corporation**

The Commonwealth must pay to the corporation the amount of any wrongly paid supplement that has not been repaid.

14.15 Effect of notice—person's liability to Commonwealth

- (1) The person must pay to the Commonwealth an amount equal to the total of:
 - (a) the amount that the Commonwealth must pay to the corporation under section 14.14; and
 - (b) the interest subsidy for the period:
 - (i) beginning at the end of the period of 14 days mentioned in paragraph 14.10 (1) (b); and
 - (ii) ending at the end of the period of 4 weeks mentioned in section 14.8.
- (2) However, if subsection 14.10 (2) applies to a person, then the person must pay interest subsidy for the period:
 - (a) beginning on the commencement day; and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.8.

14.16 Effect of Subdivision

This Subdivision does not change the operation of Subdivision 3A.

Subdivision 3C—Original amount of financial supplement paid because of false or misleading information

14.17 Secretary may give notice to person and corporation

- (1) The Secretary may give written notice to a person who is a party to a financial supplement contract with a participating financial corporation, and to the corporation, if the Secretary is satisfied that:
 - (a) the person was given a notice under section 14.5; and
 - (b) false or misleading information was given to the Commonwealth about the calculation of the person's original amount of financial supplement; and
 - (c) the payment of the difference between the original amount of financial supplement and the revised amount mentioned in section 14.5 resulted from the false or misleading information given to the Commonwealth.

*Social Security Student Financial Supplement
Scheme 1998*

45

- (2) The Secretary may also give written notice to a person who is a party to a financial supplement contract with a participating financial corporation, and to the corporation, if the Secretary is satisfied that:
- (a) the person was given a notice under section 12QA of the SA Act; and
 - (b) false or misleading information was given to the Commonwealth about the calculation, under section 12F of that Act, of the maximum amount of financial supplement that the person was eligible to obtain; and
 - (c) the payment of the difference between the original amount of financial supplement and the revised amount mentioned in section 14.5 resulted from the false or misleading information given to the Commonwealth.

14.18 Effect of notice

If the Secretary gives a person and a corporation a notice mentioned in section 14.17, then, unless the decision of the Secretary is set aside or varied after a review, the notice has the effect mentioned in this Subdivision.

14.19 Effect of notice—transfer of corporation's rights to Commonwealth

- (1) The corporation's rights mentioned in subsection (2) are transferred to the Commonwealth, by force of this subsection, at the time when the notice was given to the corporation.
- (2) The transferred rights are those under the contract that are about payment of financial supplement during the period:
 - (a) beginning at the end of the date by which the person had been paid an amount equal to the revised amount mentioned in paragraph 14.5 (2) (a); and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.8.
- (3) However, if subsection 14.17 (2) applies to a person, then the transferred rights are those under the contract that are about payment of financial supplement during the period:
 - (a) beginning on the commencement day; and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.8.
- (4) Financial supplement paid within that time is called *wrongly paid supplement*.

46 *Social Security Student Financial Supplement
Scheme 1998***14.20 Effect of notice—apportionment of financial supplement**

Actual repayments of financial supplement made by the person before the notice was given to the person under section 14.17 are taken to have been made:

- (a) first, in or towards the repayment of the wrongly paid supplement; and
- (b) then, if those repayments exceeded the amount of wrongly paid supplement, in or towards the repayment of the rest of the financial supplement paid to the person under the contract.

14.21 Effect of notice—liability of Commonwealth to corporation

The Commonwealth must pay to the corporation the amount of any wrongly paid supplement that has not been repaid.

14.22 Effect of notice—person's liability to Commonwealth

- (1) The person must pay to the Commonwealth an amount equal to the total of:
 - (a) the amount that the Commonwealth must pay to the corporation under section 14.21; and
 - (b) the interest subsidy for the period:
 - (i) beginning at the end of the date by which the person had been paid an amount equal to the revised amount mentioned in paragraph 14.5 (2) (a); and
 - (ii) ending at the end of the period of 4 weeks mentioned in section 14.8.
- (2) However, if subsection 14.17 (2) applies to a person, then the person must pay interest subsidy for the period:
 - (a) beginning on the commencement day; and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.8.

14.23 Effect of Subdivision

This Subdivision does not change the operation of Subdivision 3A.

*Social Security Student Financial Supplement
Scheme 1998*

47

Division 4—Payments to stop if person ceases to be eligible to obtain financial supplement

Subdivision 4A—When and how payments are to stop

14.24 Secretary must give notice to person and corporation

- (1) If the Secretary decides that a person, who is a party to a financial supplement contract with a participating financial corporation, ceased to be eligible to obtain financial supplement during the year or part of the year to which the contract relates, the Secretary must give written notice to the person and the corporation.
- (2) The Secretary must also give written notice to a person, who is a party to a financial supplement contract with a participating financial corporation, and the corporation if a decision about the person is taken to have come into force under section 12R of the SA Act.
- (3) The notice must state:
 - (a) that the person ceased to be eligible; and
 - (b) the date when the person ceased to be eligible.

14.25 Effect of notice

If the Secretary gives a person and a corporation a notice mentioned in section 14.24, then, unless the decision of the Secretary is set aside or varied after a review, the notice has the effect mentioned in this Subdivision.

14.26 Effect of notice—corporation's liability discharged

- (1) The corporation is discharged from liability to make further payments to the person under the contract.
- (2) The corporation's discharge is effective from the time when the notice was given to the corporation.

14.27 Effect of notice—amounts paid after notice given

However, if the corporation continues to make payments to the person after that time, any amounts paid after the end of 4 weeks after the notice is given to the corporation:

- (a) are taken not to be payments of financial supplement made under the contract; and
- (b) are repayable by the person to the corporation; and

*Social Security Student Financial Supplement
Scheme 1998*

- (c) may be recovered by the corporation as a debt payable to it by the person.

14.28 Effect of Subdivision

This Subdivision applies subject to sections 16.6 and 16.7.

Subdivision 4B— Financial supplement paid because person failed to notify change of circumstances

14.29 Secretary may give notice to person and corporation

- (1) The Secretary may give written notice to a person who is a party to a financial supplement contract with a participating financial corporation, and to the corporation, if the Secretary is satisfied that:
- (a) the person was given a notice under section 14.24; and
 - (b) the person failed to tell the Secretary, in response to a notice under section 561B, 586B or 1061PZQ of the Act or section 12.2, about the occurrence of, or about becoming aware of the likely occurrence of, a stated event or change in circumstances, within 14 days of the event, change or becoming aware; and
 - (c) the person ceased to be eligible to obtain financial supplement because of the event or change in circumstances; and
 - (d) the person was paid financial supplement after the end of the period of mentioned in paragraph (b); and
 - (e) the payment of financial supplement after the end of the period resulted from the person's failure to comply with the notice mentioned in paragraph (b).
- (2) The Secretary may also give written notice to a person who is a party to a financial supplement contract with a participating financial corporation, and to the corporation, if the Secretary is satisfied that:
- (a) the person was given a notice under section 12R of the SA Act; and
 - (b) the person failed to notify the Department of Employment, Education, Training and Youth Affairs, under section 48 of the SA Act, of the happening of a prescribed event in relation to the person, within 7 days of the happening of the event; and
 - (c) the person was paid financial supplement after the commencement day; and
 - (d) the payment of financial supplement after the commencement day resulted from the person's failure to tell the Secretary about the event.

*Social Security Student Financial Supplement
Scheme 1998*

49

14.30 Effect of notice

If the Secretary gives a person and a corporation a notice mentioned in section 14.29, then, unless the decision of the Secretary is set aside or varied after a review, the notice has the effect mentioned in this Subdivision.

14.31 Effect of notice—transfer of corporation's rights to Commonwealth

- (1) The corporation's rights mentioned in subsection (2) are transferred to the Commonwealth, by force of this subsection, at the time when the notice was given to the corporation.
- (2) The transferred rights are those under the contract that are about payment of financial supplement after the end of the period:
 - (a) beginning at the end of the period of 14 days mentioned in paragraph 14.29 (1) (b); and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.27.
- (3) However, if subsection 14.29 (2) applies to a person, then the transferred rights are those under the contract that are about payment of financial supplement during the period:
 - (a) beginning on the commencement day; and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.27.
- (4) Financial supplement paid within that time is called *wrongly paid supplement*.

14.32 Effect of notice—apportionment of financial supplement

Actual repayments of financial supplement made by the person before the notice was given to the person under section 14.29 are taken to have been made:

- (a) first, in or towards the repayment of the wrongly paid supplement; and
- (b) then, if those repayments exceeded the amount of wrongly paid supplement, in or towards the repayment of the rest of the financial supplement paid to the person under the contract.

14.33 Effect of notice—liability of Commonwealth to corporation

The Commonwealth must pay to the corporation the amount of any wrongly paid supplement that has not been repaid.

50 *Social Security Student Financial Supplement
Scheme 1998***14.34 Effect of notice—person's liability to Commonwealth**

- (1) The person must pay to the Commonwealth an amount equal to the total of:
 - (a) the amount that the Commonwealth must pay to the corporation under section 14.33; and
 - (b) the interest subsidy for the period:
 - (i) beginning at the end of the period mentioned in paragraph 14.29 (1) (b); and
 - (ii) ending at the end of the period of 4 weeks mentioned in section 14.27.
- (2) However, if subsection 14.29 (2) applies to a person, then the person must pay interest subsidy for the period:
 - (a) beginning on the commencement day; and
 - (b) ending at the end of the period of 4 weeks mentioned in section 14.27.

14.35 Effect of Subdivision

This Subdivision does not change the operation of Subdivision 4A.

Division 5—Payments to stop if person is found never to have been eligible for financial supplement

Subdivision 5A—When and how payments are to stop

14.36 Secretary must give notice to person and corporation

- (1) The Secretary must give written notice to a person who is a party to a financial supplement contract with a participating financial corporation, and to the corporation, if the Secretary decides that the statement in the supplement entitlement notice that the person was eligible to obtain financial supplement for the year or the part of the year to which the contract relates was incorrect.
- (2) The Secretary must also give written notice to a person who is a party to a financial supplement contract with a participating financial corporation if the Secretary decides that a decision under section 3.5, that the person was an eligible student for the year or part of the year to which the contract relates:
 - (a) was in force; and
 - (b) was incorrect.

*Social Security Student Financial Supplement
Scheme 1998*

51

- (3) The notice must state that the person had never been eligible to obtain financial supplement for that year or that part of that year on or after the commencement day.

14.37 Effect of notice

If the Secretary gives a person and a corporation a notice mentioned in section 14.36, then, unless the decision of the Secretary is set aside or varied after a review, the notice has the effect mentioned in this Subdivision.

14.38 Effect of notice—corporation's liability discharged

- (1) The corporation is discharged from liability to make payments to the person under the contract.
- (2) The corporation's discharge is effective from the time when the notice was given to the corporation.

14.39 Effect of notice—amounts paid after notice given

However, if the corporation continues to make payments to the person after that time, amounts paid after the end of 4 weeks after the notice is given to the corporation:

- (a) are taken not to be payments of financial supplement made under the contract; and
- (b) are repayable by the person to the corporation; and
- (c) may be recovered by the corporation as a debt payable to it by the person.

14.40 Effect of Subdivision

This Subdivision applies subject to sections 16.6 and 16.7.

Subdivision 5B—Financial supplement paid because of false or misleading information

14.41 Secretary may give notice to person and corporation

If the Secretary decides that the incorrectness of a statement or decision referred to in section 14.36 resulted from false or misleading information given to the Commonwealth about a person who is a party to a financial supplement contract with a participating financial corporation, the Secretary may give written notice to the person and the corporation.

52 *Social Security Student Financial Supplement
Scheme 1998***14.42 Effect of notice**

If the Secretary gives a person and a corporation a notice mentioned in section 14.41, then, unless the decision of the Secretary is set aside or varied after a review, the notice has the effect mentioned in this Subdivision.

14.43 Effect of notice—transfer of corporation's rights to Commonwealth

- (1) The corporation's rights mentioned in subsection (2) are transferred to the Commonwealth, by force of this subsection, at the time when the notice was given to the corporation.
- (2) The transferred rights are those under the contract that are about payment of financial supplement:
 - (a) after the beginning of the contract period; and
 - (b) within the period of 4 weeks mentioned in section 14.39.
- (3) However, if subsection 14.36 (2) applies to a person, then the transferred rights are those under the contract that are about payment of financial supplement during the period:
 - (a) beginning on the commencement day; and
 - (b) ending at the end of the period of 4 weeks mentioned in subsection 14.39.
- (4) Financial supplement paid within that time is called *wrongly paid supplement*.

14.44 Effect of notice—liability of Commonwealth to corporation

The Commonwealth must pay to the corporation an amount worked out, as at the end of that period of 4 weeks, using the formula:

principal sum – (actual repayments + notional repayments).

14.45 Effect of notice—person's liability to Commonwealth

- (1) No amount is taken to be outstanding under the contract after the notice is given.
- (2) However, the person must pay to the Commonwealth an amount worked out, as at the end of that period of 4 weeks, using the formula:

principal sum – actual repayments + interest subsidy.

14.46 Effect of Subdivision

This Subdivision does not change the operation of Subdivision 5A.

*Social Security Student Financial Supplement
Scheme 1998*

53

Division 6—Payments to stop if person dies

14.47 Secretary may give notice to corporation

- (1) The Secretary may give written notice to a participating financial corporation if he or she decides that the conditions mentioned in subsection (2) are met.
- (2) The Secretary may give the notice if he or she becomes aware that a person, who is a party to a financial supplement contract with the corporation, has died in the contract period.

14.48 Effect of notice

If the Secretary gives a corporation a notice mentioned in section 14.47, then the notice has the effect mentioned in this Subdivision.

14.49 Effect of notice—discharge of corporation's liability

- (1) The corporation is discharged from liability to make further payments under the contract.
- (2) The corporation's discharge takes effect from the time the notice is given.
- (3) However, if the corporation makes payments to the person after the time the notice is given, amounts paid after the end of 4 weeks after that day:
 - (a) are taken not to be payments of financial supplement made under the contract; and
 - (b) are repayable from the person's estate to the corporation; and
 - (c) may be recovered by the corporation as a debt payable to it from the person's estate.

14.50 Effect of notice—transfer of corporation's rights to Commonwealth

- (1) The corporation's rights mentioned in subsection (2) are transferred to the Commonwealth, by force of this subsection, at the earlier of:
 - (a) the time when the corporation stopped making payments under the contract; or
 - (b) the end of 4 weeks after the time when the notice was given.
- (2) The transferred rights are those under the contract that are about payment of financial supplement:
 - (a) after the beginning of the contract period; and
 - (b) within the period of 4 weeks mentioned in paragraph (1) (b).

54 *Social Security Student Financial Supplement
Scheme 1998*

14.51 Effect of notice—liability of Commonwealth to corporation

The Commonwealth must pay to the corporation an amount worked out, as at the earlier of:

- (a) the time when the corporation stopped making payments under the contract; or
- (b) the end of the period of 4 weeks mentioned in paragraph 14.50 (1) (b);

using the formula:

principal sum – (actual repayments + notional repayments).

14.52 Effect of notice—liability of person to Commonwealth

The liability of the person under the contract as a result of the transfer mentioned in section 14.50 is discharged by force of this section.

Social Security Student Financial Supplement
Scheme 1998

55

Part 15—Repayment through taxation system after termination date

Division 1—Purpose and application of Part 15

15.1 Purpose and application of Part 15

This Part provides for the recovery through the taxation system of a person's debt at the end of 4 years beginning on 1 June in the year following the year the financial supplement contract was made.

Division 2—FS debt and accumulated FS debt

15.2 FS debt owed by person

- (1) If there is an amount outstanding at the *termination date*, the person owes an *FS debt* to the Commonwealth.
- (2) The FS debt is incurred on 1 June immediately after the *termination date*.

15.3 How to work out FS debt

- (1) The FS debt is worked out using the formula:
$$\text{amount outstanding} \times \text{indexation factor}.$$
- (2) *Amount outstanding* means the amount outstanding under the contract at the *termination date*.
- (3) *Indexation factor* means the factor worked out under section 15.8.

15.4 Accumulated FS debt incurred by person

- (1) Subsection (2) applies if:
 - (a) a person has an FS debt or FS debts on 1 June in a year (the *relevant date*); and
 - (b) the debt is not, or the debts do not include, an FS debt that existed on the previous 1 June.
- (2) The person incurs an *accumulated FS debt* to the Commonwealth on the relevant date.
- (3) Subsection (4) applies if:
 - (a) a person has an FS debt or FS debts on 1 June in a year (the *later date*); and
 - (b) the debt is, or the debts include, an FS debt that existed on the previous 1 June (the *earlier date*).
- (4) The person incurs an *accumulated FS debt* to the Commonwealth on the later date.

15.5 How to work out accumulated FS debt

- (1) An FS debt mentioned in subsection 15.4 (2) is an amount equal to that FS debt or the total of those FS debts.
- (2) An FS debt mentioned in subsection 15.4 (4) is an amount worked out using the formula:
(adjusted accumulated FS debt × indexation factor) + later FS debts.
- (3) *Adjusted accumulated FS debt* means the person's adjusted accumulated FS debt at the earlier date.

Note See s 15.6.

- (4) *Indexation factor* means the factor worked out under section 15.8.
- (5) *Later FS debt* means an FS debt, or the total of FS debts, of the person, that did not exist on the earlier date.

Social Security Student Financial Supplement
Scheme 1998

57

15.6 Adjusted accumulated FS debt

- (1) *Adjusted accumulated FS debt* in section 15.5 is a reference to the amount worked out using the formula:

$$\begin{array}{c} \text{accumulated FS debt} \\ \text{minus} \\ \left[\text{FSA debts} + \text{repayments} + \text{increases in FSA debts} - \text{reductions in} \right. \\ \left. \text{FSA debts} \right] \end{array}$$

- (2) *Accumulated FS debt* means the person's accumulated FS debt at the earlier date.
- (3) *FSA debt* means the total of:
- (a) an FS assessment debt or FS assessment debts of the person, assessed on or after the earlier date and before the later date, excluding any FS assessment debt assessed because of a return lodged before the earlier date; and
 - (b) an FS assessment debt or FS assessment debts of the person, assessed on or after the later date because of a return lodged before the later date.
- (4) *Repayments* means an amount, or the total of amounts, paid, except in discharge of a person's FS assessment debt, on or after the earlier date and before the later date in reduction of the accumulated FS debt at the earlier date.
- (5) *Increases in FSA debts* means an amount, or the total of amounts, by which an FS assessment debt is increased by an amendment of the relevant assessment (whether because of an increase in the person's taxable income or otherwise), that is an amendment made on or after the earlier date and before the later date.
- (6) *Reductions in FS debts* means an amount, or the total of amounts, by which an FS assessment debt is reduced by an amendment of the relevant assessment (whether as a result of a reduction in the person's taxable income or otherwise), that is an amendment made on or after the earlier date and before the later date.

15.7 Date of assessment

For subsections 15.6 (5) and (6), an assessment or an amendment of an assessment is taken to have been made on the date mentioned in the notice of assessment or notice of amended assessment as the date of that notice.

58

*Social Security Student Financial Supplement
Scheme 1998***15.8 Indexation factor**

- (1) The indexation factor, and a person's FS debt or accumulated FS debt at 1 June in a year (the *relevant year*), is worked out using the following method statement.

Method statement

- Step 1.* Work out the total of the index number for the March quarter in the relevant year and the index numbers for the 3 immediately preceding quarters.
- Step 2.* Work out the total of the index number for the March quarter before the relevant year and the index numbers for the 3 immediately preceding quarters.
- Step 3.* Divide the total worked out using step 1 by the total worked out using step 2.
- Step 4.* Round the result to 3 decimal places.

- (2) An indexation factor worked out using the method statement must be increased by 0.001 if, were it to be worked out to 4 decimal places, the number would be greater than 4.
- (3) If, apart from this subsection, the amount of an FS debt or accumulated FS debt worked out under this section would be an amount of dollars and cents, the amount of the cents is disregarded.

15.9 Accumulated FS debt discharges earlier debts

- (1) An accumulated FS debt that a person incurs on 1 June in a year (*the relevant date*) discharges, or discharges the unpaid part of:
- (a) an accumulated FS debt that the person incurred on the previous 1 June; and
 - (b) an FS debt that the person incurred on the relevant date.
- (2) The accumulated FS debt also discharges the person's liability to pay the amount outstanding immediately before the relevant date.
- (3) However, to apply sections 15.3 to 15.8, subsection (1) of this section is disregarded.

*Social Security Student Financial Supplement
Scheme 1998*

59

Division 3—Information to be given to Commissioner of Taxation

15.10 Secretary to give notice to Commissioner of Taxation

- (1) The Secretary must, as soon as practicable after a termination date, give a notice to the Commissioner of Taxation about a person who has an FS debt.
- (2) The notice must state as many of the following matters as the Secretary knows:
 - (a) the person's name;
 - (b) the person's identifying number;
 - (c) the person's last known address;
 - (d) the person's tax file number;
 - (e) the amount of the FS debt or the amounts of the FS debts that the person incurred on 1 June immediately following the termination date;
 - (f) any other information about the person that is reasonably required by the Commissioner to administer this Part.

15.11 Secretary to give further notice to Commissioner of Taxation

If the Secretary or an officer of the Department is convinced that significant information in a notice mentioned in section 15.10 was not, or is no longer, correct, the Secretary must give to the Commissioner of Taxation a further notice setting out the correct information.

15.12 Secretary to give certificate to Commissioner of Taxation

The Secretary must, if asked by the Commissioner of Taxation to do so, give a written certificate to the Commissioner setting out a matter mentioned by the Commissioner that was, or was required to be, set out in a notice under section 15.10 or 15.11.

Division 4—Voluntary repayments of FS debts

15.13 Voluntary repayments of FS debts

- (1) If a person incurs a debt to the Commonwealth under this Part, he or she may at any time make a payment to reduce the debt.
- (2) A payment under subsection (1) must be made to the Commissioner of Taxation.

60 *Social Security Student Financial Supplement
Scheme 1998*

Division 5—Compulsory repayments of accumulated FS debt

15.14 Person's liability

- (1) A person must make payments, in accordance with this Part, to reduce the person's relevant debt.
- (2) However, the person must only make these payments if:
 - (a) the person's taxable income for a year of income is greater than the minimum prescribed amount for that year of income; and
 - (b) the person had an accumulated FS debt on 1 June immediately before an assessment of the person's income is made for that year of income.

15.15 Amount of liability

The person must pay an amount equal to so much of the relevant debt as does not exceed:

- (a) if the person's taxable income is not greater than the intermediate prescribed amount for the year of income—2% of that taxable income; or
- (b) if the person's taxable income is greater than the intermediate prescribed amount for that year of income but is not greater than the maximum prescribed amount for that year of income—3% of the taxable income; or
- (c) if the person's taxable income is greater than the maximum prescribed amount for that year of income—4% of the taxable income.

15.16 Meaning of *relevant debt*

- (1) The *relevant debt* is:
 - (a) if an amount or amounts have been paid to reduce the debt or an amount or amounts have been assessed under section 15.23 to be payable to reduce it—the amount remaining after deducting from that debt the amount or the sum of the amounts paid or assessed to be payable; or
 - (b) in any other case—the person's accumulated FS debt in paragraph 15.14 (2) (b).
- (2) An amount assessed under section 15.23 to be payable to reduce a person's accumulated FS debt is, if the amount has been increased or reduced by an amendment of the relevant assessment, taken to be the increased or reduced amount.

Social Security Student Financial Supplement
Scheme 1998

61

15.17 Meaning of *minimum prescribed amount*

- (1) In a year of income ending on 30 June 1998, the *minimum prescribed amount* is \$29,307.
- (2) In a subsequent year of income, the minimum prescribed amount is the number of whole dollars in the amount worked out using the formula:

$$52 \times \frac{\text{AWE}}{5}.$$

15.18 Meaning of *intermediate prescribed amount*

- (1) In a year of income ending on 30 June 1998, the *intermediate prescribed amount* is \$33,305.
- (2) In a subsequent year of income, the intermediate prescribed amount is the number of whole dollars in the amount worked out using the formula:

$$52 \times \frac{\text{AWE}}{5} \times \frac{33,305}{29,307}.$$

15.19 Meaning of *maximum prescribed amount*

- (1) In a year of income ending on 30 June 1998, the *maximum prescribed amount* is \$46,629.
- (2) In a subsequent year of income, the maximum prescribed amount is the number of whole dollars in the amount worked out using the formula:

$$52 \times \frac{\text{AWE}}{5} \times \frac{46,629}{29,307}.$$

15.20 Meaning of *AWE*

- (1) For sections 15.17, 15.18 and 15.19, *AWE* is the total of:
 - (a) the average weekly earnings for all employees for the reference period in the December quarter immediately before that year of income, as published by the Australian Statistician; and
 - (b) the average weekly earnings for all employees for the reference period in each of the 4 quarters immediately before that December quarter, as published by the Australian Statistician.
- (2) The *reference period* in a particular quarter in a year is the period described by the Australian Statistician as the pay period ending on or before the third Friday of the middle month of that quarter.

62 *Social Security Student Financial Supplement
Scheme 1998*

15.21 Minister must publish amounts in Gazette

- (1) The Minister must arrange to be published in the *Gazette* the minimum prescribed amount, the intermediate prescribed amount and the maximum prescribed amount for that year of income.
- (2) The amounts must be published:
 - (a) before the start of the year of income ending on 30 June 1999; and
 - (b) before the start of each following year of income.

Division 6—Application of tax legislation

15.22 Application of tax legislation

- (1) Part IV and Division 1 of Part VI of the *Income Tax Assessment Act 1936* and Part IVC of the *Taxation Administration Act 1953* apply, so far as they can be applied and subject to this Part, to a person's FS assessment debt as if it were income tax assessed to be payable by a taxpayer by an assessment made under Part IV of the *Income Tax Assessment Act 1936*.
- (2) Sections 222A to 222F, 222 and 226G to 226ZB of the *Income Tax Assessment Act 1936* apply as if a person's FS assessment debt were income tax payable by the person for the year of income for which the assessment of that debt was made.

Division 7—Assessments

15.23 Commissioner may make assessment

- (1) The Commissioner of Taxation may make an assessment of:
 - (a) the amount of a person's accumulated FS debt at 1 June immediately before the assessment is made; and
 - (b) the amount required to be paid to reduce that debt under Division 5.
- (2) To make an assessment, the Commissioner may use any information in the Commissioner's possession, whether or not it came from a return.

*Social Security Student Financial Supplement
Scheme 1998*

63

15.24 Notice of assessment may be served

If:

- (a) the Commissioner is required to serve on a person a notice of assessment in respect of the person's income of a year of income under section 174 of the *Income Tax Assessment Act 1936*; and
- (b) an assessment (the *relevant assessment*) has been made in respect of the person of the amounts referred to in section 15.23 but notice of the relevant assessment has not been served on the person;

notice of the relevant assessment may be served by setting out the amounts concerned in the notice referred to in paragraph (a).

Division 8—Powers of Commissioner to delay or reduce assessment

15.25 Commissioner may delay assessment

- (1) The Commissioner may, on written application by a person who has an accumulated FS debt, delay the making of an assessment under section 15.23.
- (2) An assessment may be delayed if the Commissioner considers that:
 - (a) were the assessment to be made, payment of the assessed amount would cause serious hardship to the person; or
 - (b) there are other special reasons that make it fair and reasonable to delay the assessment.
- (3) The Commissioner may delay the assessment for a period that the Commissioner considers appropriate.

15.26 Commissioner may amend assessment

- (1) The Commissioner may, on written application by a person who has an accumulated FS debt, amend an assessment made under section 15.23 so that no amount is payable under the assessment.
- (2) The Commissioner may amend the assessment if the Commissioner considers that:
 - (a) payment of the assessed amount has caused or would cause serious hardship to the person; or
 - (b) there are other special reasons that make it fair and reasonable to make the amendment.

*Social Security Student Financial Supplement
Scheme 1998***15.27 When Commissioner must make decision to delay or amend assessment**

- (1) If an application referred to in section 15.25 or 15.26 is made, the Commissioner must, as soon as practicable:
 - (a) consider it; and
 - (b) give to the applicant written notice of the Commissioner's decision on the application.
- (2) A notice of the decision must:
 - (a) include a statement that, if the applicant is dissatisfied with the decision of the Commissioner on the application, an application may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal for review of the decision; and
 - (b) except if subsection 28 (4) of that Act applies, also include a statement to the effect that the applicant may ask for a statement under section 28 of that Act.
- (3) A failure to comply with subsection (2) does not affect the validity of the notice or of the decision to which the notice relates.

*Division 9—Review of Commissioner's decision***15.28 Application to Administrative Appeals Tribunal**

An applicant under section 15.25 or 15.26 may apply to the Administrative Appeals Tribunal for review of:

- (a) a decision of the Commissioner on the application mentioned in section 15.25; or
- (b) a decision by the Commissioner refusing to amend an assessment after receiving the application mentioned in section 15.26.

*Division 10—Treatment of payments under financial supplement scheme***15.29 Payments not subject to taxation**

- (1) An amount paid, or other benefit given, to a person under this instrument is not subject to taxation under a law of the Commonwealth unless a provision of such a law expressly provides to the contrary.
- (2) However, subsection (1) does not affect the liability to taxation of a participating financial corporation for a subsidy or other amount paid to the corporation under this instrument.

Social Security Student Financial Supplement
Scheme 1998

65

15.30 Application of payments

An amount paid by a person to reduce the person's debt to the Commonwealth under this Part must be applied in accordance with the person's direction or, if there is no direction or if the direction does not adequately deal with the matter:

- (a) first, to discharge or reduce the person's FS assessment debts; and
- (b) then, to discharge or reduce the person's accumulated FS debt.

15.31 Debt discharged by death

If a person dies owing a debt to the Commonwealth under this Part, other than an FS assessment debt, the debt is discharged by force of this section.

Division 11—Secrecy

15.32 Interpretation

For this Division:

court includes a tribunal, authority or person having power to compel the production of documents or the answering of questions.

disclose means give, reveal or communicate in any way.

officer means a person who may acquire or has acquired confidential information in a way mentioned in section 15.35.

15.33 When a person is employed by the Commonwealth

For this part, a person is taken to be employed by the Commonwealth if the person performs services for the Commonwealth, whether or not the person is appointed or employed by the Commonwealth.

15.34 What is confidential information for this instrument

For this Division, *confidential information* is information:

- (a) about the affairs of a person; and
- (b) disclosed or obtained under or for this Part, and acquired in a way described in section 15.35.

*Social Security Student Financial Supplement
Scheme 1998***15.35 How confidential information is acquired**

For this Division, confidential information may be acquired by a person:

- (a) because the person is appointed or employed by the Commonwealth; or
- (b) because the person has been delegated powers or functions of the Commissioner.

15.36 Obligations of officer

- (1) A person who is or has been an officer must not, except for this Part or in the performance of the person's duties as an officer, directly or indirectly:
 - (a) make a record of confidential information about the affairs of another person; or
 - (b) disclose to another person confidential information about someone else's affairs.
- (2) An officer is taken to have disclosed information to a person in breach of this section if the officer discloses the information to a Minister.

15.37 Disclosure in court proceedings

- (1) Except to comply with this Part, an officer cannot be compelled:
 - (a) to produce to a court a document made or given under or for the purposes of this Part; or
 - (b) to disclose to a court a matter or thing in relation to information disclosed or obtained under or for this Part.
- (2) A document or information mentioned in subsection (1) is a document or information acquired by the officer in a way mentioned in section 15.35.

15.38 Other exceptions

- (1) The Commissioner of Taxation, or a person authorised by the Commissioner, may disclose information to the Administrative Appeals Tribunal in connection with proceedings under the Act or any Act of which the Commissioner of Taxation has the general administration.
- (2) No Act of which the Commissioner of Taxation has the general administration prohibits the Commissioner, or a person authorised by the Commissioner, from disclosing information to an officer performing duties arising under this Part to enable the officer to perform those duties.
- (3) An officer (*the relevant officer*) may disclose information to another officer to assist the relevant officer to perform duties under this Part.

Social Security Student Financial Supplement
Scheme 1998

67

15.39 Oath or declaration of secrecy

- (1) An officer must, if required by the Commissioner of Taxation to do so, make an oath or declaration to maintain secrecy under this Part.
- (2) For subsection (1), an oath or declaration must be in a manner and form specified by the Commissioner in writing.

Part 16—General

Division 1—Purpose of Part 16

16.1 Purpose of Part 16

This Part is about:

- (a) the application of the *Bankruptcy Act 1966* (the ***Bankruptcy Act***) to rights and obligations under or out of a financial supplement contract; and
- (b) the review of decisions by the Secretary under this instrument; and
- (c) giving notice to a person when the person's obligations to a participating financial corporation have been transferred to the Commonwealth; and
- (d) the exemption from State and Territory taxes of transfers and other acts and transactions under this instrument; and
- (e) the delegation of the Secretary's powers and functions.

Division 2—Application of the Bankruptcy Act

16.2 Application of Bankruptcy Act

This Division applies if, after a person makes a financial supplement contract with a participating financial corporation, whether before or after the termination date:

- (a) the person becomes bankrupt; or
- (b) the person enters into a deed of assignment, a deed of arrangement or a composition under Part X of the *Bankruptcy Act*.

16.3 Treatment of debt

- (1) A debt arising under or out of the contract is not a provable debt in the bankruptcy or for a deed of assignment, deed of arrangement or composition.
- (2) A right of the Commonwealth or of the corporation to bring an action or other proceeding against the person in respect of the debt is not affected by the bankruptcy, deed of assignment, deed of arrangement or composition.

Social Security Student Financial Supplement
Scheme 1998

69

- (3) The trustee of the estate of the bankrupt person or the trustee of the deed of assignment, deed of arrangement or composition is not entitled to recover under the Bankruptcy Act a payment made by the person to the Commonwealth or to the corporation of a debt under a financial supplement contract.

16.4 Meaning of debt arising under or out of the contract

- (1) This section applies for section 16.3.
- (2) A *debt arising under or out of the contract* includes an amount outstanding at any time.
- (3) A *debt arising under or out of the contract* includes an amount that the person must pay under section 14.15, 14.22, 14.34 or 14.45.
- (4) A *debt arising under or out of the contract* includes an accumulated FS debt that discharges, or discharges the unpaid part of, an FS debt.
- (5) A *debt arising under or out of the contract* does not include an obligation to repay the amount of a payment that, because of paragraph 14.4 (2) (a), 14.8 (a), 14.27 (a) or 14.39 (a), is not a payment of financial supplement.
- (6) A *debt arising under or out of the contract* does not include an FS assessment debt that must be paid to reduce an accumulated FS debt.

Division 3—Review of decisions

16.5 Review of decisions

Chapter 6 of the Act applies to a decision under this instrument.

16.6 What happens if a decision of the Secretary is set aside

- (1) If a decision of the Secretary under this instrument is set aside after a review, this instrument has effect, and is taken to have always had effect, as if the decision had not been made.
- (2) However, if the decision is set aside after a review, and another decision is substituted for the original decision, this instrument has effect, and is taken to have always had effect, as if the substituted decision had been the original decision.

70 *Social Security Student Financial Supplement
Scheme 1998*

16.7 What happens if a decision of the Secretary is varied

If a decision of the Secretary under this instrument is varied after a review, this instrument has effect, and is taken to have always had effect, as if the decision as varied had been the original decision.

16.8 Recipient notification notice and recipient statement notice

- (1) For Chapter 6 of the Act, a recipient notification notice for section 12.4 of this instrument is a recipient notification notice given under the Act.
- (2) For Chapter 6 of the Act, a recipient statement notice for section 12.10 of this instrument is a recipient statement notice given under the Act.

Division 4—Transfer of obligations under this instrument

16.9 Notices of transfer

- (1) If the rights of a participating financial corporation to receive a payment from a person under this instrument are transferred to the Commonwealth, the Secretary must, as soon as practicable, arrange for a written notice to be given to the person.
- (2) The notice must:
 - (a) state that the right has been transferred; and
 - (b) identify any future payments that, because of the transfer, must be made to the Commonwealth.

16.10 Transfers not subject to State or Territory taxes

A transfer to the Commonwealth under this instrument of a corporation's rights, or any other act or thing done or transaction entered into under this instrument, is not subject to taxation under a law of a State or Territory.

Social Security Student Financial Supplement
Scheme 1998

71

Division 5—Delegation

16.11 Delegation

The Secretary may delegate, in writing, a power (except this power of delegation) or function of the Secretary under this instrument to:

- (a) an officer of the Department; or
- (b) the Chief Executive Officer of the Commonwealth Services Delivery Agency, in accordance with service arrangements (within the meaning of section 7 of the *Commonwealth Services Delivery Agency Act 1997*).

DICTIONARY

Section 1.3

accumulated FS debt means a debt mentioned in section 15.5.

Act means the *Social Security Act 1991*.

actual repayments means the repayments mentioned in section 13.5.

adjusted accumulated FS debt means a debt mentioned in section 15.5.

amount notionally repaid see section 13.13.

amount outstanding means an amount mentioned in section 13.3 or section 13.4, as applicable.

amount repaid see section 13.10.

approved course of education or study has the same meaning as in subsection 541B (1) of the Act.

Note This expression is used, with the same meaning, in sections 569A and 1061PB of the Act.

austudy payment see Part 2.11A of the Act.

austudy payment general rate see section 1.6.

AWE is the amount of average weekly earnings mentioned in section 15.20.

category 1 student see section 2.5.

category 2 student see section 2.6.

commencement day means the day when section 1061ZX of the Act commences.

Commissioner of Taxation includes a Second Commissioner of Taxation and a Deputy Commissioner of Taxation.

confidential information means information mentioned in section 15.34.

contract period means the period mentioned in section 8.3.

cooling off period means a period mentioned in section 8.8.

court see section 15.32.

debt arising out of or under a contract see section 16.4.

disclose means to do a thing mentioned in section 15.32.

discount means the amount worked out under section 13.11.

*Social Security Student Financial Supplement
Scheme 1998*

73

eligibility period means:

- (a) a period mentioned in section 2.1; or
- (b) if section 5.8 or 5.9 changes the period—the period worked out under the section.

financial corporation means:

- (a) a foreign corporation within the meaning of paragraph 51(xx) of the Constitution whose sole or principal business activities in Australia are the borrowing of money and the provision of finance; or
- (b) a financial corporation within the meaning of that paragraph; and includes a bank.

financial supplement means an amount that may be obtained by a person under this instrument.

financial supplement contract means a contract mentioned in section 8.2.

FSA debt means an FSA debt mentioned in section 15.6.

FS debt means a debt mentioned in section 15.2.

indexation amount means an amount mentioned in section 13.12.

indexation factor see subsection 13.5 (1) and section 15.8.

index number, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician for that quarter.

intending to undertake full-time study has the same meaning as in subsection 541B (1) of the Act.

Note This expression is used, with the same meaning, in sections 569A and 1061PB of the Act.

interest subsidy means a payment mentioned in section 14.2.

intermediate prescribed amount means the amount mentioned in section 15.18.

maximum prescribed amount means the amount mentioned in section 15.19.

minimum prescribed amount means the amount mentioned in section 15.17.

notional repayments, at a particular time, means the sum of the amounts notionally repaid in respect of the financial supplement before that time.

office means a branch office and does not include an agency or administrative office.

*Social Security Student Financial Supplement
Scheme 1998*

officer. in Division 11 of Part 15, means a person mentioned in section 15.32.

original amount see section 14.5.

overpayment, for a person, means either of the following:

- (a) a debt or overpayment recoverable from the person during the eligibility period under Chapter 5 of the Act;
- (b) a debt the person owes to the Commonwealth under sections 14.15, 14.22, 14.34 or 14.45 that the Secretary has decided is to be recovered in the eligibility period.

parental income test means the test set out in Module F of the Youth Allowance Rate Calculator in section 1067G of the Act.

participating financial corporation means a financial corporation that has entered into an agreement for section 1.7.

pensioner education supplement see Part 2.24A of the Act.

previous amount outstanding see subsection 13.5 (1).

principal sum. means, for a time during the contract period, the total of the amounts of financial supplement paid under a financial supplement contract before that time by the participating financial corporation to the other party to the contract.

recipient notification notice see section 12.4.

recipient statement notice see section 12.10.

relevant debt see section 15.16.

review means review of a decision for section 16.5.

revised amount see section 14.5.

SA Act means the *Student Assistance Act 1973*, as in force immediately before 1 July 1998.

saved amount means an amount mentioned in section 10.2.

Secretary means the Secretary to the Department of Social Security.

short course means a tertiary course that is designed to be completed in, at most, 30 weeks (including vacations).

supplement entitlement notice means notice given under section 3.1 or 3.3, or mentioned in section 3.4.

termination date means the date mentioned in section 8.3.

termination notice means a notice mentioned in section 13.17.

*Social Security Student Financial Supplement
Scheme 1998*

75

tertiary course means a tertiary course that is an approved course of education or study.

undertaking full-time study has the same meaning as in subsection 541B (1) of the Act.

Note This expression is used, with the same meaning, in sections 569A and 1061PB of the Act.

weekday means a day from Monday to Friday (inclusive), whether or not the day is a public holiday.

wrongly paid supplement means financial supplement mentioned in sections 14.12, 14.19, 14.31 and 14.43.

year means a calendar year.

youth allowance see Part 2.11 of the Act.

youth allowance general rate see section 1.5.



Commonwealth of Australia

Social Security Act 1991

Social Security (Fares Allowance) Rules 1998

CONTENTS

<i>Section</i>		<i>Page</i>
	PART 1—PRELIMINARY	
1.1	Name of rules	1
1.2	Commencement	1
1.3	Definitions—the dictionary	1
1.4	The fares allowance	2
1.5	Permanent home	2
1.6	Partners	3
	PART 2—ELIGIBILITY FOR FARES ALLOWANCE	
2.1	Purpose of Part 2	4
2.2	Eligible journeys	4
2.3	Tertiary course	4
2.4	Financial assistance	5
2.5	Personal circumstances	5
2.6	No eligibility	6
	PART 3—CLAIM FOR FARES ALLOWANCE	
3.1	Need for a claim	7
3.2	Form of claim	7
3.3	Lodgment of claim	7
3.4	Time limit for claim	7
3.5	Claim may be withdrawn	7
	PART 4—DETERMINATION OF CLAIM	
4.1	Grant of claim	8
4.2	Approval for person who is not external student	8
4.3	Approval for external student	9
	PART 5—AMOUNT OF FARES ALLOWANCE	
5.1	Purpose of Part 5	10
5.2	Fares allowance for public transport	10
5.3	Fares allowance for private transport	10
	PART 6—HOW FARES ALLOWANCE IS PAID	
6.1	Payment methods	12
6.2	To whom fares allowance must be paid	12
6.3	Payment into bank account etc	12
6.4	Fares allowance absolutely inalienable	13
6.5	Effect of garnishee or attachment order	13
6.6	Payment of allowance after death	14



ii *Social Security (Fares Allowance) Rules 1998***CONTENTS—continued**

<i>Section</i>		<i>Page</i>
	PART 7—DEBTS AND RECOVERY	
7.1	General	15
7.2	Duplicate payments	15
7.3	Incorrectly paid amount	15
7.4	Amount paid because of false statement or representation	15
7.5	Other person obtaining payment of a cheque	16
7.6	Recoverable debts	16
7.7	Interest payable on debt for failure to enter agreement to pay debt	16
7.8	Interest payable on debt for breach of agreement to pay debt	18
7.9	Debt from failure to comply with garnishee notice	19
7.10	Other arrangements for recovery	20
7.11	Overseas application of provisions	20
	PART 8—OTHER ARRANGEMENTS	
8.1	Person to give information	21
8.2	Review of decisions	21
8.3	Recipient statement notice	21
8.4	Delegations	22
	PART 9—TRANSITIONAL ARRANGEMENTS FOR 1998	
9.1	Arrangements for 1998	23

DICTIONARY

Commonwealth of Australia

Social Security Act 1991

Social Security (Fares Allowance) Rules 1998

I, JOCELYN MARGARET NEWMAN, Minister for Social Security, make these rules under section 1061ZAAA of the *Social Security Act 1991*.

Dated 24th June 1998.


Minister for Social Security

Part 1—Preliminary

1.1 Name of rules

These rules are the *Social Security (Fares Allowance) Rules 1998*.

1.2 Commencement

These rules commence when section 1061ZAAA of the *Social Security Act 1991* commences.

1.3 Definitions—the dictionary

- (1) The dictionary at the end of these rules defines certain words and expressions, and includes signpost definitions to words and expressions used in this instrument.

Note A signpost definition of a word or expression is included in the dictionary only if the definition is used outside the section defining the word or expression.

- (2) The dictionary also includes certain words and expressions used in these rules that are defined in the Act.
- (3) The dictionary is part of these rules.
- (4) A definition in this instrument applies to each use of the word or expression in these rules unless the contrary intention appears.

2 Social Security (Fares Allowance) Rules 1998

1.4 The fares allowance

- (1) Under section 1061ZAAA of the Act, the Minister may provide for the payment of fares allowance to certain tertiary students.
- (2) These rules explain arrangements for fares allowance.

1.5 Permanent home

- (1) A person's eligibility for fares allowance is worked out in part by reference to the person's *permanent home*.
- (2) The person's permanent home is identified in the following way.
- (3) If the person is receiving youth allowance, and is not independent, the person's permanent home is the home of the parent whose income components are assessed for Submodule 4 of Module F of the Youth Allowance Rate Calculator in section 1067G of the Act.
- (4) However, if the parent uses more than 1 home, the person's permanent home is:
 - (a) the home that the parent uses most frequently; or
 - (b) if the parent uses more than 1 home for equal periods, the home in that group which the person nominates.
- (5) If the person is receiving youth allowance in the circumstances mentioned in subsection 2.5 (6), the person's permanent home is the home of the parent whose income components were assessed, immediately before the person becomes independent, for Submodule 4 of Module F of the Youth Allowance Rate Calculator in section 1067G of the Act.
- (6) However, if the parent uses more than 1 home, the person's permanent home is:
 - (a) the home that the parent uses most frequently; or
 - (b) if the parent uses more than 1 home for equal periods, the home in that group which the person nominates.
- (7) If the person is not described in subsections (3) and (4), the person's permanent home is the person's usual place of residence.

Social Security (Fares Allowance) Rules 1998

3

1.6 Partners

- (1) Section 4 of the Act explains who is a person's *partner* for the Act.
- (2) Subsection 4 (6A) of the Act explains when a person is not a *member of a couple* for a number of specified provisions.
- (3) A person is another person's partner for these rules in accordance with section 4 of the Act.
- (4) However, a person who is mentioned in paragraph 4 (6A) (a), (b) or (c) of the Act is not a member of a couple when working out who is a person's partner for these rules.

4 Social Security (Fares Allowance) Rules 1998

Part 2—Eligibility for fares allowance**2.1 Purpose of Part 2**

This Part explains whether a person who is a tertiary student is eligible for fares allowance for a journey in a study year.

2.2 Eligible journeys

- (1) A person may want to make the following journeys when studying:
 - (a) a journey from the person's permanent home to the person's educational institution to start the person's course of education or study;
 - (b) a return journey during the study year between the institution and the permanent home;
 - (c) a journey from the institution to the permanent home after finishing or discontinuing the course in the study year.
- (2) Fares allowance may be granted to pay for the cost of some or all of these journeys (*eligible journeys*).
- (3) The person's eligibility for fares allowance depends on whether:
 - (a) the person complies with these rules when making the journey; and
 - (b) the journey is an eligible journey.

Note The person's eligibility for fares allowance also depends on whether the person has any eligibility for fares allowance under the AUSTUDY Regulations, in the same study year, before these rules commence: see Part 9.

- (4) A decision that the person is eligible for fares allowance means that the person can obtain fares allowance for the journeys described in Part 4.

2.3 Tertiary course

The person's approved course of education or study must be a tertiary course at an educational institution in Australia.

Social Security (Fares Allowance) Rules 1998

2.4 Financial assistance

The person must be receiving, in the study year:

- (a) youth allowance because the person satisfies the activity test by undertaking full time study; or
- (b) youth allowance, with a Youth Allowance Activity Agreement the only term of which is that the person must undertake an approved course of education or study; or
- (c) austudy payment; or
- (d) pensioner education supplement.

Note A person who has traded in or traded back youth allowance, austudy payment or pensioner education supplement for financial supplement is still receiving it for the Act.

2.5 Personal circumstances

- (1) The person's permanent home must be in Australia.
- (2) The person must also be in 1 of the following circumstances.
- (3) The person:
 - (a) has a partner, or a dependent child, who lives at the person's permanent home; and
 - (b) is living away from the person's permanent home to undertake the person's approved course of education or study.
- (4) The person is an external student who is required, as a compulsory component of the person's approved course of education or study, to attend the educational institution for a period of time.
- (5) The person:
 - (a) is receiving youth allowance; and
 - (b) is not independent; and
 - (c) is required to live away from the person's permanent home to undertake the person's approved course of education or study.

6 *Social Security (Fares Allowance) Rules 1998*(6) **The person:**

- (a) starts receiving youth allowance, as an independent person, during the study year because of subsection 1067A (4) or (10) of the Act; and
- (b) immediately before becoming independent, was:
 - (i) receiving youth allowance; and
 - (ii) not independent; and
 - (iii) required to live away from home; and
 - (iv) eligible for fares allowance.

2.6 No eligibility

- (1) A person mentioned in subsection 2.5 (6) is not eligible for fares allowance, in that capacity, for any study year after the year the person became independent.
- (2) If a person is given a notice under section 8.1, and does not give a statement in response to the notice within the required period, the person is not eligible for fares allowance until the person gives the statement.

Part 3—Claim for fares allowance

3.1 Need for a claim

A person who wants fares allowance must make a proper claim for the allowance.

3.2 Form of claim

To be a proper claim, a claim must be made in writing and must be in accordance with a form approved by the Secretary.

3.3 Lodgment of claim

To be a proper claim, a claim must be lodged:

- (a) at an office of the Department; or
- (b) at a place in Australia approved for the purpose by the Secretary; or
- (c) with a person in Australia approved for the purpose by the Secretary.

3.4 Time limit for claim

- (1) To be a proper claim, the claim must be lodged before 1 April in the year after the study year concerned (the *due date*).
- (2) However, a claim lodged after the due date is a proper claim if the person took reasonable steps to ensure that it would be lodged before the due date.
- (3) Also, a claim lodged after the due date is a proper claim if:
 - (a) circumstances beyond the person's control prevented the person from taking reasonable steps to lodge a claim before the due date; and
 - (b) the person lodged a claim as soon as practicable after the circumstances stopped.

3.5 Claim may be withdrawn

- (1) A claimant for fares allowance, or a person on behalf of a claimant, may withdraw a claim that has not been determined.
- (2) A claim that is withdrawn is taken not to have been made.
- (3) A withdrawal may be made orally or in writing.

Part 4—Determination of claim

4.1 Grant of claim

- (1) The Secretary must determine a person's claim for fares allowance.
- (2) The Secretary is to determine that the claim is to be granted if the Secretary is satisfied that the person is eligible for fares allowance.
- (3) If subsection (2) does not apply, the Secretary must refuse to approve the claim.

Note The refusal of a claim is a reviewable decision: see s 8.2.

4.2 Approval for person who is not external student

- (1) This section applies if a claim for fares allowance for a study year is approved for a person who:
 - (a) is undertaking a tertiary course at an educational institution during the study year; and
 - (b) is not enrolled with the institution as an external student during the study year.
- (2) The approval authorises the payment of fares allowance for the following journeys:
 - (a) a journey from the person's permanent home to the person's educational institution to start the course;
 - (b) a journey from the institution to the permanent home after finishing or discontinuing the course in the study year, if the journey is made before 1 April in the year after the study year.

Note The approval will not cover a journey for which the person made a claim, under the AUSTUDY Regulations, before these rules commence: see Part 9.

- (3) The approval also authorises the payment of fares allowance for a return journey during the study year between the institution and the person's permanent home, if:
 - (a) the journey is made during the study year; and
 - (b) before making a claim, the person has received 1 or more of the following forms of financial assistance for a total period of 6 months (whether continuous or not) during the study year:
 - (i) financial assistance mentioned in section 2.4;
 - (ii) living allowance (including pensioner education supplement) under the AUSTUDY Regulations.

Social Security (Fares Allowance) Rules 1998

9

4.3 Approval for external student

- (1) This section applies if a claim for fares allowance for a study year is approved for a person who:
 - (a) is undertaking a tertiary course at an educational institution during the study year; and
 - (b) is enrolled with the institution as an external student during the study year.
- (2) If the claim is approved, the approval authorises the payment of fares allowance for 1 return journey by the person during the study year between the educational institution and the person's permanent home to attend the institution for a period of time as a compulsory component of the course.

Note The approval will not cover a journey for which a claim, under the AUSTUDY Regulations, has been determined in favour of the person before these rules commence: see Part 9.

10 *Social Security (Fares Allowance) Rules 1998***Part 5—Amount of fares allowance****5.1 Purpose of Part 5**

The amount of fares allowance to be paid for a journey by a person is worked out under this Part.

5.2 Fares allowance for public transport

- (1) If it is practicable for the person to make the entire journey by public transport, the amount of fares allowance for the entire journey is worked out using this section.
- (2) If it is practicable for the person to make part of the journey by public transport, the amount of fares allowance for the part of the journey is worked out using this section.
- (3) The amount of fares allowance is the cost of making the journey, or the part of the journey, using a reasonable route and the least expensive form of public transport that is reasonable.
- (4) The cost is to be based on the cost of any concessional fare available to the person.
- (5) The cost of a sleeping berth is to be included only if it is reasonable for the person to travel by rail and for the person to have the berth.
- (6) In deciding what is practicable or reasonable for this section, the time needed for the entire journey, and any illness or incapacity of the person, must be taken into account.
- (7) The amount of fares allowance worked out using this section is to be paid whether or not the person chooses to make the journey in the way described in this section.

5.3 Fares allowance for private transport

- (1) If it is not practicable for the person to make any part of the journey by public transport, the amount of fares allowance for the entire journey is worked out using this section.
- (2) If it is not practicable for the person to make only a part of the journey by public transport, the amount of fares allowance for the part of the journey is worked out using this section.

Social Security (Fares Allowance) Rules 1998

11

- (3) If the person makes the journey, or the part of the journey, by taxi, the fares allowance is 63 cents per kilometre travelled by taxi.
- (4) If the person makes the journey, or the part of the journey, by another vehicle, the fares allowance is worked out using the following allowance calculator.

Allowance calculator		
Kind of engine in the car the person uses	Capacity of the car's engine (cubic centimetres)	Allowance per kilometre (cents)
Rotary	up to 800	45.7
Rotary	801 - 1,300	51.9
Rotary	over 1,300	53.8
Not rotary	up to 1,600	45.7
Not rotary	1,600 - 2,600	51.9
Not rotary	over 2,600	53.8

- (5) However, the amount of fares allowance is the actual cost to the person of making the journey, or the part of the journey, if:
- (a) it is unreasonable for the person to travel by road because of abnormal travel hazards (for example, bushfire or flood); and
 - (b) the person travels by a form of transport that is reasonable because of the distance travelled and the cost of the transport.
- (6) For this section, a vehicle that is registered as a taxi in a State or Territory is only a taxi when it is used in the State or Territory.

12 *Social Security (Fares Allowance) Rules 1998***Part 6—How fares allowance is paid****6.1 Payment methods**

- (1) Fares allowance is to be paid as a reimbursement after making an eligible journey.
- (2) However, if the Secretary is satisfied that a person who intends to make an eligible journey is in financial hardship, the Secretary may direct that the amount of fares allowance for the journey is to be paid, for the person, to the commercial operator providing the person's travel.

6.2 To whom fares allowance must be paid

- (1) If a person is receiving youth allowance, fares allowance must be paid to the person to whom instalments of youth allowance are or were being paid under section 559D or 559E of the Act.
- (2) If a person is receiving austudy payment, fares allowance must be paid to the person to whom instalments of austudy payment are or were being paid under section 584D of the Act.
- (3) If a person is receiving pensioner education supplement, fares allowance must be paid to the person to whom instalments of pensioner education supplement are or were being paid under section 1061PZK of the Act.

6.3 Payment into bank account etc

- (1) If an amount of fares allowance is paid to a person, it must be paid in the way described in this section.
- (2) Fares allowance must be paid to the credit of the bank account, credit union account or building society account into which 1 of the following payments is made:
 - (a) youth allowance;
 - (b) austudy payment;
 - (c) pensioner education supplement.
- (3) However, if a payment mentioned in subsection (2) is not paid into an account mentioned in that section, because of a direction given under subsection 559F (4), 584E (4) or 1061PZL (4) of the Act, fares allowance must be paid to the credit of a bank account, credit union account or building society account nominated and maintained by the person.

Social Security (Fares Allowance) Rules 1998

13

- (4) The person's account may be maintained by the person alone or jointly or in common with someone else.
- (5) However:
 - (a) the Secretary may direct that all or part of the amount is to be paid in a different way than to the credit of the nominated bank account, credit union account or building society account; and
 - (b) if the Secretary does so, the amount is to be paid in accordance with the direction.

6.4 Fares allowance absolutely inalienable

- (1) A payment of fares allowance is absolutely inalienable, whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.
- (2) However, the Secretary may make a deduction from an amount of fares allowance to be paid to a person if the person asks the Secretary:
 - (a) to make the deduction; and
 - (b) to pay the amount to be deducted to the Commissioner of Taxation.

Note The Secretary must also make a deduction from the person's payment if requested by the Commissioner of Taxation (see Act, s 1359).

- (3) Also, the Secretary may make a deduction from an amount of fares allowance to be paid to a person if the person consents under section 1234A of the Act to the Secretary making the deduction.

Note S 1234A of the Act allows the Secretary to recover a debt from a person other than the debtor if the other person is receiving a social security payment.

6.5 Effect of garnishee or attachment order

- (1) This section applies if:
 - (a) a person has an account with a financial institution (whether the account is maintained by the person alone, or jointly or in common with someone else); and
 - (b) a court order in the nature of a garnishee order comes into force for the account; and
 - (c) an amount of fares allowance has been paid to the credit of the account in the 4 weeks immediately before the court order came into force.
- (2) The court order does not apply to the saved amount (if any) in the account.

Note A person affected by a garnishee order may have other saved amounts.

14 *Social Security (Fares Allowance) Rules 1998*

- (3) The ***saved amount*** is the amount worked out using the following method statement.

Method statement

Step 1. Find the amount of fares allowance paid to the credit of the account in the 4 weeks.

Step 2. Subtract the total amount withdrawn from the account in the 4 weeks.

The saved amount is the amount (if any) left.

6.6 **Payment of allowance after death**

- (1) This section applies if:
- (a) fares allowance is to be paid to a person; and
 - (b) the person dies; and
 - (c) the allowance had not been paid before the person died.
- (2) If 1 or more other people apply to receive the allowance, the Secretary may pay the allowance to the applicant who, in the Secretary's opinion, is best entitled to it.
- (3) However, an application must be made:
- (a) within 6 months after the person died; or
 - (b) in a longer period allowed by the Secretary in special circumstances.
- (4) If the Secretary pays an amount of fares allowance under subsection (2), the Commonwealth has no liability to anyone else for the amount.

Part 7—Debts and recovery

7.1 General

If an amount has been paid by way of fares allowance, and the person in respect of whom it was paid was not eligible for fares allowance, the amount is a debt due to the Commonwealth by the person.

7.2 Duplicate payments

If:

- (a) an amount of fares allowance has been paid to a person for a journey; and
- (b) another amount (the *later amount*) is paid to the person in respect of the same journey; and
- (c) the later amount is not a payment of arrears; and
- (d) the later amount would not otherwise be a debt due to the Commonwealth;

the later amount is a debt due to the Commonwealth by the person.

7.3 Incorrectly paid amount

If:

- (a) an amount of fares allowance (the *received amount*) has been paid to a person; and
- (b) because the received amount had not been correctly calculated, or for any other reason, the received amount is greater than the amount (the *correct amount*) of fares allowance that should have been paid to the person under these rules;

the difference between the received amount and the correct amount is a debt due to the Commonwealth by the person.

7.4 Amount paid because of false statement or representation

(1) If:

- (a) an amount of fares allowance has been paid in respect of a person; and
- (b) the amount was paid because the person, or someone else:
 - (i) made a false statement or a false representation; or
 - (ii) failed or omitted to comply with a provision of the Act or these rules;

the amount is a debt due to the Commonwealth by the person to whom it was paid.

16 *Social Security (Fares Allowance) Rules 1998*

- (2) If:
- (a) a person is liable to pay a debt under subsection (1) because the person contravened the Act or these rules; and
 - (b) another person is convicted of an offence under section 5, 7A or 86 of the *Crimes Act 1914* in relation to that contravention;
- the person mentioned in paragraph (a) and the other person are jointly and severally liable to pay the debt.

7.5 Other person obtaining payment of a cheque

- If:
- (a) an amount of fares allowance is paid by cheque; and
 - (b) a person other than the payee obtains possession of the cheque from the payee; and
 - (c) the cheque is not endorsed by the payee to the person; and
 - (d) the person obtains value for the cheque;
- the amount of the cheque is a debt due by the person to the Commonwealth.

7.6 Recoverable debts

A debt is recoverable by the Commonwealth by means of:

- (a) if the person is receiving a social security payment under the Act—deduction from that person's social security payment in accordance with section 1231 of the Act; or
- (b) if section 1234A of the Act applies to another person who is receiving a social security payment under the Act—deductions from the other person's social security payment; or
- (c) legal proceedings in accordance with section 1232 of the Act; or
- (d) garnishee notice in accordance with section 1233 of the Act; or
- (e) arrangements agreed between the person and the Secretary.

7.7 Interest payable on debt for failure to enter agreement to pay debt

- (1) This section applies if:
- (a) a person is not receiving a social security payment; and
 - (b) the person owes a debt to the Commonwealth under this Part; and
 - (c) the Secretary has given the person a notice asking the person to pay the debt; and
 - (d) 21 days after, the person:
 - (i) has not entered into negotiations to pay the debt; or
 - (ii) has entered into negotiations to pay the debt, but has not entered into an agreement to pay the debt by reasonable instalments.

Social Security (Fares Allowance) Rules 1998

17

- (2) The Secretary may give the person a notice telling the person:
- (a) the amount of the debt; and
 - (b) that interest may become payable on the debt unless the person:
 - (i) pays it within 14 days after the notice is given; or
 - (ii) enters into an agreement to pay it; and
 - (c) how interest is to be worked out.
- (3) If:
- (a) the whole of the debt is not paid within 14 days after the person is given the notice; or
 - (b) the person does not enter into an agreement to pay the debt within the 14 day period;
- interest is payable by way of penalty on the debt, and the amount of the interest is to be worked out under subsection (5).
- (4) However, the Secretary may determine that interest is not payable on the debt if the Secretary is satisfied that the person intends to pay the debt as soon as is reasonably practicable, having regard to the person's circumstances.
- (5) Interest is payable on the amount of the debt (excluding interest) as remains due from time to time:
- (a) on and from the day after the 14 day period ends; and
 - (b) at the penalty interest rate worked out under section 1229B of the Act.
- (6) If:
- (a) interest is payable on the debt; and
 - (b) an amount is paid for the purpose of paying the debt and the interest;
- the amount so paid is to be applied as follows:
- (c) until the debt (excluding interest) is fully paid—in satisfaction of the amount of the debt that is due when the payment is made;
 - (d) after the debt (excluding interest) is fully paid—in satisfaction of the interest that had become payable on the debt before the debt was fully paid.
- (7) If a person enters into an agreement to pay the debt by reasonable instalments, interest that would, apart from this subsection, become payable on the debt on and from the day on which the agreement is entered into is not payable.

18 *Social Security (Fares Allowance) Rules 1998*

- (8) The interest that is payable on the debt is a debt due to the Commonwealth, and is recoverable by the Commonwealth by means of:
- (a) if the person is receiving a social security payment under the Act—deductions from the payment in accordance with section 1231 of the Act; or
 - (b) if section 1234A of the Act applies to another person who is receiving a social security payment under this Act—deductions from that other person's social security payment within the meaning of sections 1231 and 1234A of the Act; or
 - (c) legal proceedings in accordance with section 1232 of the Act; or
 - (d) garnishee notice in accordance with section 1233 of the Act; or
 - (e) arrangements agreed between the person and the Secretary.

7.8 Interest payable on debt for breach of agreement to pay debt

- (1) This section applies if:
- (a) a person is not receiving a social security payment; and
 - (b) the person owes a debt to the Commonwealth under this Part; and
 - (c) the person enters into an agreement to pay the debt by reasonable instalments; and
 - (d) the person does not pay an instalment.
- (2) The Secretary may give the person a notice telling the person:
- (a) the amount of the debt; and
 - (b) that interest may become payable on the debt unless the person pays the instalment within 14 days after the notice is given; and
 - (c) how interest is to be worked out.
- (3) If the instalment is not paid within 14 days after the person is given the notice:
- (a) interest is payable by way of penalty on the debt by the person; and
 - (b) the amount of interest is to be worked out under subsection (6).
- (4) However, the Secretary may determine that interest is not payable on the debt if the Secretary is satisfied that the person intends to pay the instalment as soon as is reasonably practicable, having regard to the person's circumstances.
- (5) Interest ceases to accrue on and from the earlier of:
- (a) the day the person next pays the instalment due under an agreement; or
 - (b) the day the person enters into a new agreement.

Social Security (Fares Allowance) Rules 1998

19

- (6) Interest is payable on the amount of the debt (excluding interest) as remains due from time to time:
 - (a) on and from the day after the 14 day period ends; and
 - (b) at the penalty interest rate worked out under section 1229B of the Act.
- (7) The interest that is payable on the debt is a debt due to the Commonwealth, and is recoverable by the Commonwealth by means of:
 - (a) if the person is receiving a social security payment under the Act—deductions from the payment in accordance with section 1231 of the Act; or
 - (b) if section 1234A of the Act applies to another person who is receiving a social security payment under this Act—deductions from that other person's social security payment within the meaning of sections 1231 and 1234A of the Act; or
 - (c) legal proceedings in accordance with section 1232 of the Act; or
 - (d) garnishee notice in accordance with section 1233 of the Act; or
 - (e) arrangements agreed between the person and the Secretary.

7.9 Debt from failure to comply with garnishee notice

- (1) This section applies if:
 - (a) a person (the *garnishee debtor*) is given a notice under section 1233 of the Act about a debt due by another person (the *original debtor*) under this Part; and
 - (b) the garnishee debtor fails to comply with the notice to the extent that he or she is capable of complying with it.
- (2) The amount of the debt outstanding, worked out under subsection (3), is recoverable by the Commonwealth from the garnishee debtor by means of:
 - (a) legal proceedings in accordance with section 1232 of the Act; or
 - (b) garnishee notice in accordance with section 1233 of the Act.

Note 1 If the person does not pay the debt or enter into an agreement to pay the debt within a certain time, interest may become payable on the debt (see s 7.7).

Note 2 If the person enters into an agreement to pay the debt and breaches the agreement, interest may become payable on the debt (see s 7.8).

- (3) The amount of the debt outstanding is the amount equal to the lesser of:
 - (a) as much of the amount required by the notice under section 1233 of the Act to be paid by the garnishee debtor as the garnishee debtor was able to pay; or
 - (b) as much of the debt due by the original debtor, at the time when the notice was given, as remains due from time to time.

20 Social Security (Fares Allowance) Rules 1998

- (4) If the Commonwealth recovers the whole or part of the debt due by the garnishee debtor under subsection (1), or the whole or part of the debt due by the original debtor:
 - (a) both debts are reduced by the amount that the Commonwealth has so recovered; and
 - (b) the amount specified in the notice under section 1233 of the Act is to be taken to be reduced by the amount so recovered.
- (5) This section applies to an amount in spite of any law of a State or Territory (however expressed) under which the amount is inalienable.
- (6) In this section, *person* includes:
 - (a) the Commonwealth; and
 - (b) a State; and
 - (c) a Territory; and
 - (d) any authority of the Commonwealth or of a State or Territory.

7.10 Other arrangements for recovery

- (1) The arrangements in Part 5.3 of the Act for recovering a debt apply to a debt under this Part.
- (2) The arrangements in Part 5.4 of the Act for not recovering a debt apply to a debt under this Part.
- (3) Sections 1231 and 1232 of the Act apply to a debt mentioned in section 7.4.
- (4) Section 1237B of the Act applies to a debt mentioned in section 7.7 or 7.3.

7.11 Overseas application of provisions

This Part extends to:

- (a) acts, omissions, matters and things outside Australia, whether in a foreign country or not; and
- (b) all persons irrespective of nationality or citizenship.

Part 8—Other arrangements

8.1 Person to give information

- (1) The Secretary may give a person in respect of whom fares allowance is paid a notice that requires the person to give the Department a statement about a matter that might affect the payment of the allowance to the person.
- (2) The notice:
 - (a) must be in writing; and
 - (b) may be given personally or by post; and
 - (c) must specify how the statement is to be given to the Department; and
 - (d) must specify the period within which the person is to give the statement to the Department; and
 - (e) must specify that the notice is a *recipient statement notice* given under these rules.
- (3) The notice is not invalid merely because it fails to comply with paragraph (2) (c) or (e).
- (4) The period for paragraph (2) (d) must end at least 14 days after the day on which the notice is given.
- (5) A statement given in response to the notice must be in writing and in accordance with a form approved by the Secretary.
- (6) This section extends to:
 - (a) acts, omissions, matters and things outside Australia whether or not in a foreign country; and
 - (b) all persons irrespective of their nationality or citizenship.

8.2 Review of decisions

Chapter 6 of the Act applies to a decision under these rules.

8.3 Recipient statement notice

For Chapter 6 of the Act, a recipient statement notice is a recipient statement notice given under the Act.

22 *Social Security (Fares Allowance) Rules 1998*

8.4 Delegations

The Secretary may delegate, in writing, a power (except this power of delegation) or function of the Secretary under these rules to:

- (a) an officer of the Department; or
- (b) the Chief Executive Officer of the Commonwealth Services Delivery Agency, in accordance with service arrangements (within the meaning of section 7 of the *Commonwealth Services Delivery Agency Act 1997*).

Social Security (Fares Allowance) Rules 1998

23

Part 9—Transitional arrangements for 1998

9.1 Arrangements for 1998

- (1) For the period starting on 1 January 1998 and ending when these rules commence, the AUSTUDY Regulations have provided for the payment of a fares allowance for journeys.
- (2) If a person was eligible for fares allowance for a journey made in the period, the person is not eligible for fares allowance, under these rules, for a similar journey made:
 - (a) in the same study year; and
 - (b) as part of the same course of education or study.

Example

If a person made a return journey between an institution and the person's permanent home in the period, the person's claim for fares allowance must be dealt with under the AUSTUDY Regulations, no matter when the person made the claim: see *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998*, Part 2 of Schedule 11.

If the person was eligible for fares allowance for that journey, the person is not eligible for fares allowance under these rules for another return journey, made in the same study year as part of the same course, after these rules commence.

- (3) Also, if a person made a journey in the period, the person is not eligible for fares allowance, under these rules, for any journey made after these rules commence, and in the same study year, until:
 - (a) the person makes a claim under the AUSTUDY Regulations for the earlier journey; and
 - (b) the claim has been dealt with under those Regulations.
-

DICTIONARY**Section 1.3**

Act means the *Social Security Act 1991*.

activity test means the test set out in section 541 of the Act.

approved course of education or study has the same meaning as in subsection 541B (1) of the Act.

Note Similar definitions are found in ss 569B and 1061PC of the Act.

Australia see subsection 23 (1) of the Act.

austudy payment means austudy payment described in Part 2.11A of the Act.

educational institution see subsection 23 (1) of the Act.

eligible journey see section 2.2.

financial supplement means financial supplement under the Student Financial Supplement Scheme described in Chapter 2B of the Act.

independent see section 1067A of the Act.

partner see section 1.6.

pensioner education supplement means pensioner education supplement described in Part 2.24A of the Act.

permanent home see section 1.5.

public transport does not include a taxi.

recipient statement notice see section 8.1.

required to live away from home see section 1067D of the Act.

study year means the period in which 1 complete year of a tertiary course starts and finishes.

tertiary course means a tertiary course that is an approved course of education or study.

undertaking full-time study has the same meaning as in subsection 541B (1) of the Act.

youth allowance means youth allowance described in Part 2.11 of the Act.

Youth Allowance Activity Agreement see subsections 23 (1) and 544A (5) of the Act.



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SPECIAL

Commonwealth Of Australia

Meat And Live-stock Industry Act 1995

Notification of Making Orders

NOTICE is hereby given that the undermentioned Order has been made under the Meat and Live-Stock Industry Act 1995. Copies of the Order may be obtained at the Head Office of the Australian Meat and Live-Stock Corporation, Level 2, 165 Walker Street, NORTH SYDNEY NSW 2060.

Section of Act under which Order made	Order relates to	Title of Order Number of Order	Distinguishing
68	Meat	1999 Beef and Veal Performance	M80/98

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SPECIAL

Customs Tariff (Anti-Dumping) Act 1975

**EXPANDABLE POLYSTYRENE EXPORTED
FROM THE REPUBLIC OF KOREA**

**DIRECTION ON AMOUNT OF DUMPING DUTY
PURSUANT TO SUB-SECTION 8(5)**

I, WARREN ERROL TRUSS, Minister of State for Customs and Consumer Affairs, pursuant to sub section 8(5) of the *Customs Tariff (Anti-Dumping) Act 1975*, hereby DIRECT that the dumping duty payable in respect of expandable polystyrene shown in Columns 2, 3 and 4 of the Table attached, exported by Dongbu Corporation from Korea, and entered for home consumption on and after the day of publication of this notice in the *Gazette*, is the amount, if any, by which the export price is less than the amount as set out in Column 5 or Column 6 of the Table attached, whichever is the lower.

In my opinion, the publication of the Table attached to this Notice would adversely affect the business or commercial interests of a person including an exporter or importer.

Dated this 26th day of May 1998



Warren Errol Truss

Minister of State for Customs and Consumer Affairs



Customs Tariff (Anti-Dumping) Act 1975

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I, WARREN ERROL TRUSS, Minister of State for Customs and Consumer Affairs, pursuant to sub section 8(5) of the *Customs Tariff (Anti-Dumping) Act 1975*, hereby DIRECT that the dumping duty payable in respect of expandable polystyrene shown in Columns 2, 3 and 4 of the Table attached, exported by BASF Styrenics Korea from Korea, and entered for home consumption on and after the day of publication of this notice in the *Gazette*, is the amount, if any, by which the export price is less than the amount as set out in Column 5 or Column 6 of the Table attached, whichever is the lower.

In my opinion, the publication of the Table attached to this Notice would adversely affect the business or commercial interests of a person including an exporter or importer.

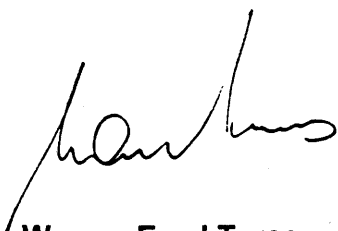
Dated this

26th

day of

May

1998



Warren Errol Truss

Minister of State for Customs and Consumer Affairs

Customs Tariff (Anti-Dumping) Act 1975

**EXPANDABLE POLYSTYRENE EXPORTED
FROM THE REPUBLIC OF KOREA**

**DIRECTION ON AMOUNT OF DUMPING DUTY
PURSUANT TO SUB-SECTION 8(5)**

I, WARREN ERROL TRUSS, Minister of State for Customs and Consumer Affairs, pursuant to sub section 8(5) of the *Customs Tariff (Anti-Dumping) Act 1975*, hereby DIRECT that the dumping duty payable in respect of expandable polystyrene shown in Columns 2, 3 and 4 of the Table attached, exported from Korea to Australia other than by Dongbu Corporation or BASF Styrenics Korea; and entered for home consumption on and after the day of publication of this notice in the *Gazette*, is the amount, if any, by which the export price is less than the amount as set out in Column 5 or Column 6 of the Table attached, whichever is the lower.

In my opinion, the publication of the Table attached to this Notice would adversely affect the business or commercial interests of a person including an exporter or importer.

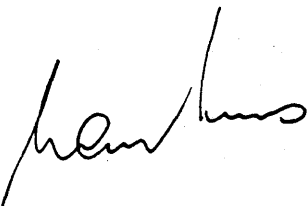
Dated this

26th

day of

May

1998



Warren Errol Truss

Minister of State for Customs and Consumer Affairs



Commonwealth
of Australia

Gazette

No. S 310, Monday, 29 June 1998

Published by Ausinfo, Canberra

SPECIAL

NOTIFICATION OF THE MAKING OF STATUTORY RULES

The following Statutory Rules have been made and copies may be purchased at the Government Info Shop, 10 Mort Street, Canberra City, ACT.

Act under which the Statutory Rule was made	Description of the Statutory Rule	Year and number of the Statutory Rule
<i>Superannuation (Productivity Benefit) Act 1998</i>	Superannuation (Productivity Benefit) (Qualified Employees) Declaration No. 4	1998 No. 168
<i>Superannuation (Productivity Benefit) Act 1998</i>	Superannuation (Productivity Benefit) Alternative Arrangements Declaration No. 7	1998 No. 169
<i>Superannuation (Productivity Benefit) Act 1988</i>	Superannuation (Productivity Benefit) 1998-99 Continuing Contributions Declaration	1998 No. 170
<i>Superannuation (Productivity Benefit) Act 1988</i>	Superannuation (Productivity Benefit) 1998-99 First Interest Factor Declaration	1998 No. 171
<i>Superannuation (Productivity Benefit) Act 1988</i>	Superannuation (Productivity Benefit) 1998-99 Second Interest Factor Declaration	1998 No. 172
<i>Superannuation (Productivity Benefit) Act 1988</i>	Superannuation (Productivity Benefit) Penalty Interest Determination (Amendment)	1998 No. 201



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Commonwealth
of Australia

Gazette

No. S 311, Tuesday, 30 June 1998

Published by Ausinfo, Canberra

SPECIAL

DEPARTMENT OF EMPLOYMENT, EDUCATION, TRAINING AND
YOUTH AFFAIRS

Student and Youth Assistance Act 1973

Taxable Income Levels for Repayment of Accumulated Financial Supplement Debt

I, COLIN JOHN WALTERS, acting for and on behalf of the Minister for Employment, Education, Training and Youth Affairs, for the purposes of subsection 122K(6) of the *Student and Youth Assistance Act 1973*, hereby notify that the minimum prescribed amount, intermediate prescribed amount and maximum prescribed amount for the year of income ending on 30 June 1999 are \$30,204, \$34,325 and \$48,057 respectively.

Dated 26 June 1998

Colin John Walters





**Commonwealth
of Australia**

Gazette

No. S 312, Tuesday, 30 June 1998

Published by Ausinfo, Canberra

SPECIAL

**NOTICE OF PUBLICATION OF COSTS INVOLVED IN PROVIDING THE
NATIONAL RELAY SERVICE (NRS) ON A QUARTERLY BASIS**

Pursuant to section 221C of the *Telecommunications Amendment Act 1998*, notice is given that the Australian Communications Exchange Limited has advised the Minister for Communications, the Information Economy and the Arts that the estimated total cost of providing the NRS for the quarter 1 July 1998 to 30 September 1998 is \$737,648.00.

Chris Cheah
Assistant Secretary
Competition and Consumer Branch
Department of Communications and the Arts

29 June 1998



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**Commonwealth
of Australia**

Gazette

No. S 313, Tuesday, 30 June 1998

Published by Ausinfo, Canberra

SPECIAL

STUDENT FINANCIAL SUPPLEMENT SCHEME 1998

**MINIMUM, INTERMEDIATE AND MAXIMUM PRESCRIBED AMOUNTS
FOR THE 1998-99 YEAR OF INCOME**

In accordance with section 15.21 of the Social Security Student Financial Supplement Scheme 1998, the minimum, intermediate and maximum prescribed amounts for the 1998-99 year of income are:

Minimum prescribed amount	\$30,204
Intermediate prescribed amount	\$34,325
Maximum prescribed amount	\$48,057





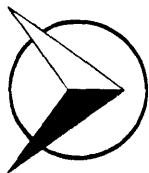
**Commonwealth
of Australia**

Gazette

No. S 314, Tuesday, 30 June 1998

Published by Ausinfo, Canberra

SPECIAL



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

**NOTIFICATION OF EXEMPTION
UNDER THE CIVIL AVIATION REGULATIONS**

On 26 June 1998 the Civil Aviation Safety Authority (CASA) issued an exemption under regulation 308 of the Civil Aviation Regulations (Exemption Number: CASA 25/1998 — to allow a Loftus model aircraft to be used in aerial survey operations over open-cut mines).

Copies of the instrument are available for inspection at, and may be purchased over the counter from:

**Airservices Australia Publications Centre
715 Swanston Street
CARLTON Vic 3053**

Copies of the instrument may be purchased by mail from:

**Airservices Australia Publications Centre
GPO Box 1986
CARLTON SOUTH VIC 3053**



9 780642 372628



No. S 315, Tuesday, 30 June 1998

Published by Ausinfo, Canberra

SPECIAL

NOTIFICATION OF THE MAKING OF STATUTORY RULES

The following Statutory Rules have been made and copies may be purchased at the Government Info Shop, 10 Mort Street, Canberra City, ACT.

Act under which the Statutory Rule was made	Description of the Statutory Rule	Year and number of the Statutory Rule
<i>Nuclear Non-Proliferation (Safeguards) Act 1987</i>	Nuclear Non-Proliferation (Safeguards) Regulations (Amendment)	1998 No. 173
<i>Carriage of Goods by Sea Act 1991</i>	Carriage of Goods by Sea Regulations 1998	1998 No. 174
<i>Superannuation Industry (Supervision) Act 1993</i>	Superannuation Industry (Supervision) Regulations (Amendment)	1998 No. 175
<i>Retirement Savings Accounts Act 1997</i>	Retirement Savings Accounts Regulations (Amendment)	1998 No. 176
<i>Superannuation Industry (Supervision) Act 1993</i>	Superannuation Industry (Supervision) Regulations (Amendment)	1998 No. 177
<i>Retirement Savings Accounts Act 1997</i>	Retirement Savings Accounts Regulations (Amendment)	1998 No. 178
<i>Student and Youth Assistance Act 1973</i>	AUSTUDY/ABSTUDY Supplement Regulations (Amendment)	1998 No. 179
<i>Telecommunications Act 1997</i>	Telecommunications Universal Service Obligation (Eligible Revenue) Regulations 1998	1998 No. 180
<i>Live-stock Transactions Levy Act 1997 and National Residue Survey (Sheep, Lambs and Goats Transactions) Levy Act 1997</i>	Primary Industries Levies and Charges Collection (Buffalo, Cattle and Live-stock) Regulations 1998 (Amendment)	1998 No. 181
<i>National Residue Survey (Excise) Levy Act 1998</i>	Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998 (Amendment)	1998 No. 182
<i>Australian Postal Corporation Act 1989</i>	Australian Postal Corporation (Performance Standards) Regulations 1998 (Amendment)	1998 No. 183
<i>Corporations Act 1989</i>	Corporations (Fees) Regulations (Amendment)	1998 No. 184
<i>Corporations Act 1989</i>	Corporations Regulations (Amendment)	1998 No. 185
<i>Corporations Act 1989</i>	Corporations Regulations (Amendment)	1998 No. 186
<i>Workplace Relations Act 1996</i>	Workplace Relations Regulations (Amendment)	1998 No. 187

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ISSN 1032-2345

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Act under which the Statutory Rule was made	Description of the Statutory Rule	Year and number of the Statutory Rule
<i>Reserve Bank Act 1959</i>	Reserve Bank Regulations (Amendment)	1998 No. 188
<i>Insurance Act 1973</i>	Insurance Regulations (Amendment)	1998 No. 189
<i>Insurance (Agents and Brokers) Act 1984</i>	Insurance (Agents and Brokers) Regulations (Amendment)	1998 No. 190
<i>Life Insurance Act 1995</i>	Life Insurance Regulations (Amendment)	1998 No. 191
<i>Retirement Savings Accounts Act 1997</i>	Retirement Savings Accounts Regulations (Amendment)	1998 No. 192
<i>Superannuation Industry (Supervision) Act 1993</i>	Superannuation Industry (Supervision) Regulations (Amendment)	1998 No. 193
<i>Insurance Acquisitions and Takeovers Act 1991</i>	Insurance Acquisitions and Takeovers Regulations (Repeal)	1998 No. 194
<i>Insurance Contracts Act 1984</i>	Insurance Contracts Regulations (Amendment)	1998 No. 195
<i>Superannuation Contributions Tax (Assessment and Collection) Act 1997</i>	Superannuation Contributions Tax (Assessment and Collection) Regulations (Amendment)	1998 No. 196
<i>Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997</i>	Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Regulations (Amendment)	1998 No. 197
<i>Banking Act 1959</i>	Banking (Statistics) Regulations (Amendment)	1998 No. 198
<i>Financial Sector Reform (Amendments and Transitional Provisions) Act 1998</i>	Financial Sector Reform (Amendments and Transitional Provisions) Regulations 1998	1998 No. 199
<i>Australian Prudential Regulation Authority Act 1998</i>	Australian Prudential Regulation Authority Regulations 1998	1998 No. 200
<i>Banks (Shareholdings) Act 1972</i>	Banks (Shareholdings) Regulations (Amendment)	1998 No. 213
<i>Migration Act 1958</i>	Migration Regulations (Amendment)	1998 No. 214

TERRITORY OF COCOS (KEELING) ISLANDS
NOTIFICATION OF THE MAKING OF AN ORDINANCE

The following Ordinance of the Territory of Cocos (Keeling) Islands has been made and copies may be obtained from the Legislation Policy and Support Section, Department of Transport and Regional Development, Level 6, 1 Bowes Place, Woden, ACT

Number and year
of Ordinance

Short title of Ordinance

No. 3 of 1998

Applied Laws (Implementation) (Amendment) Ordinance 1998



Commonwealth
of Australia

Gazette

No. S316 Tuesday 30 June 1998
Produced by AusInfo, Canberra

SPECIAL



Australian Prudential Regulation Authority Act 1998

PROCLAMATION

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under subsection 2 (1) of the *Australian Prudential Regulation Authority Act 1998*, fix 1 July 1998 as the date on which that Act commences.

Signed and sealed with the
Great Seal of Australia
on 30 June 1998

Governor-General

By His Excellency's Command,

IAN CAMPBELL
Parliamentary Secretary
to the Treasurer
for the Treasurer





Commonwealth
of Australia

Gazette

No. S317 Tuesday 30 June 1998
Produced by AusInfo, Canberra

SPECIAL



Company Law Review Act 1998

PROCLAMATION

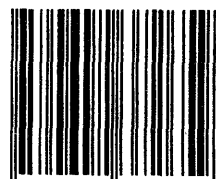
I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under subsection 2 (2) of the *Company Law Review Act 1998*, fix 1 July 1998 as the date on which section 3 of that Act, and Schedules 1, 2, 3 and 4 to the Act, commence.

Signed and sealed with the
Great Seal of Australia
on 30 June 1998

Governor-General

By His Excellency's Command,

IAN CAMPBELL
Parliamentary Secretary
to the Treasurer
for the Treasurer





Commonwealth of Australia

Banking Act 1959

Banking (Exemption) Order No. 85

I, CHARLES RODERICK KEMP, Assistant Treasurer, acting for the Treasurer, make the following Order under section 11 of the *Banking Act 1959*.

Dated

29/6/1998.


Assistant Treasurer

Name of Order

1. This Order is the *Banking (Exemption) Order No. 85*.

Exemption

2. (1) A person is exempted from compliance with section 8 of the *Banking Act 1959* if the person is a society, or a special services provider, for the purposes of any of the Financial Institutions Codes.

(2) In subclause (1), the Financial Institutions Codes are the Codes mentioned in section 111AZC of the Corporations Law.

Revocation

3. Banking (Exemption) Order No. 58 is revoked.



Commonwealth of Australia

Banking Act 1959

Banking (Exemption) Order No. 86

I, CHARLES RODERICK KEMP, Assistant Treasurer, acting for the Treasurer, make the following Order under section 11 of the *Banking Act 1959*.

Dated 29/6 / 1998.


Assistant Treasurer

Name of Order

1. This Order is the *Banking (Exemption) Order No. 86*.

Exemption

2. (1) Subject to subclause (2), a person is exempted from compliance with section 8 of the *Banking Act 1959* if the person is a registered corporation within the meaning of subsection 4 (1) of the *Financial Corporations Act 1974*.

(2) The exemption in subclause (1) does not apply to a registered corporation that is included in Category A (Building Societies), or Category B (Credit Co-operatives), in the list of registered corporations prepared by the Treasurer under section 10 of the *Financial Corporations Act 1974*.

COMMONWEALTH OF AUSTRALIA

BANKING ACT 1959

**Revocation of Authority to Carry on
Banking Business in Australia**

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, and being satisfied that NatWest Markets Australia Limited is a body corporate that is in possession of an authority under section 9 of the *Banking Act 1959* and has ceased to carry on banking business in Australia, hereby revoke under subsection 9(8) of the *Banking Act 1959* the authority under section 9 of the *Banking Act 1959* held by NatWest Markets Australia Limited.

Dated 30 JUN 1998

WILLIAM DEANE
Governor-General

By His Excellency's Command



Rod Kemp
Assistant Treasurer

COMMONWEALTH OF AUSTRALIA

BANKING ACT 1959


**Revocation of Authority to Carry on
Banking Business in Australia**

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, and being satisfied that Bank of Melbourne Limited is a body corporate that is in possession of an authority under section 9 of the *Banking Act 1959* and has ceased to carry on banking business in Australia, hereby revoke under subsection 9(8) of the *Banking Act 1959* the authority under section 9 of the *Banking Act 1959* held by Bank of Melbourne Limited.

Dated: **30 JUN 1998**

WILLIAM DEANE
Governor-General

By His Excellency's Command



Assistant Treasurer

COMMONWEALTH OF AUSTRALIA

Banks (Shareholdings) Act 1972

Instrument under Subsection 10(4)

WHEREAS, in accordance with subsection 10(4) of the *Banks (Shareholdings) Act 1972*, application has been made to the Treasurer by the corporations specified in the Schedule for an instrument in writing to be published in the Gazette fixing a percentage for the purposes of section 10 of that Act in its application to those corporations in respect of Citibank Limited;

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and being satisfied that it is in the national interest to do so, under subsection 10(4) of the *Banks (Shareholdings) Act 1972*, hereby fix, for the purposes of section 10 of that Act in its application to those corporations in respect of Citibank Limited, a percentage of 100.

SCHEDULE

Travelers Group Inc., being the corporation formed or incorporated under that name in the United States of America.

Citi Merger Sub Inc., being the corporation formed or incorporated under that name in the United States of America.

Dated 30th June 1998



Governor-General

By His Excellency's Command



Rod Kemp
Assistant Treasurer

COMMONWEALTH OF AUSTRALIA

Banks (Shareholdings) Act 1972

Instrument under Subsection 10(5A)

WHEREAS, in accordance with subsection 10(4) of the *Banks (Shareholdings) Act 1972*, an instrument has been published in the Gazette fixing a percentage of 100 as the percentage applicable to those corporations specified in the Schedule in respect of Citibank Limited;

AND WHEREAS, in accordance with subsection 10(5A) of the *Banks (Shareholdings) Act 1972*, application has been made to the Treasurer by those corporations for an instrument in writing to be published in the Gazette declaring that, for the purposes of subsection 10(3) of that Act, the percentage so fixed is applicable to the persons who are from time to time relevant officers of those corporations in respect of that bank;

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under subsection 10(5A) of the *Banks (Shareholdings) Act 1972*, hereby declare that, for the purposes of subsection 10(3) of that Act:

- (a) the percentage of 100 is also applicable to the persons who are from time to time relevant officers of those corporations specified in the Schedule in respect of Citibank Limited; and
- (b) if that percentage is subsequently varied under subsection 10(5) of that Act, that percentage as so varied is also applicable to those persons in respect of that bank as from the day on which that variation has effect.

SCHEDULE

Travelers Group Inc., being the corporation formed or incorporated under that name in the United States of America.

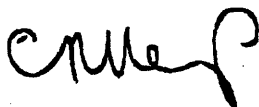
Citi Merger Sub Inc., being the corporation formed or incorporated under that name in the United States of America.

Dated 30th June 1998



Governor-General

By His Excellency's Command



Rod Kemp
Assistant Treasurer



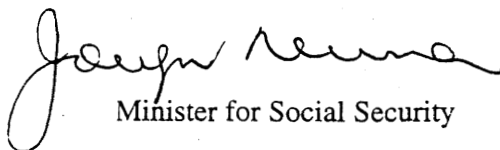
Commonwealth of Australia

Social Security Act 1991

**Youth Allowance (Satisfactory Study Progress
Guidelines) Determination 1998**

I, JOCELYN MARGARET NEWMAN, Minister for Social Security, make this Determination under subsection 541B (3B) of the *Social Security Act 1991*.

Dated 30th June 1998.


Minister for Social Security

Part 1—Preliminary

1.1 Name of Determination

This Determination is the *Youth Allowance (Satisfactory Study Progress Guidelines) Determination 1998*.

1.2 Commencement

This Determination commences on 1 July 1998.

1.3 Purpose

The purpose of this Determination is to set out the guidelines for the exercise of the Secretary's discretion, under subsection 541B (3A) of the Act, to form an opinion about whether a person is making satisfactory progress for paragraph 541B (1) (d) of the Act.

2 Youth Allowance (Satisfactory Study Progress Guidelines)
Determination 1998

1.4 Definitions

In this Determination:

Act means the *Social Security Act 1991*.

articulated course means a course of education (other than an honours course or a masters qualifying course) comprising 2 or more courses of education that, when linked, result in a successful student receiving an award separate from the awards received for the component courses.

level, for a course, has the same meaning as it has in relation to that course, or in relation to a course of that kind, in subsection 569H (9), (10), (11) or (12) of the Act, as applicable.

long course means a course of education the standard minimum length of which is a period longer than 1 year.

masters qualifying course means an intermediate course required to be completed before a person commences study for a masters degree.

semester subject means a subject the standard minimum length of which is a period equal to 1 semester.

short course means a course of education the standard minimum length of which is a period not exceeding 1 year, but does not include an honours course or a masters course.

standard minimum length, for a course, means the period of time taken to complete the course by a student who completes successive stages of the course:

- (a) without intervals of absence; and
- (b) without a study workload higher than the normal amount of full-time study, within the meaning of subsection 541B (2) of the Act, for the course.

Note The following expressions used in this Determination are defined in the Act (see s 23):

- educational institution
- Secretary
- Youth Allowance Activity Agreement.

1.5 Examples

- (1) An example in this Determination is part of this Determination.
- (2) If a provision includes an example of its operation:
 - (a) the example is not exhaustive; and
 - (b) if the example is inconsistent with the provision—the provision prevails.

Youth Allowance (Satisfactory Study Progress Guidelines) 3
Determination 1998

1.6 Special circumstances beyond person's control

In considering whether a person is affected by circumstances beyond his or her control, the Secretary may have regard to the following kinds of circumstance:

- (a) the person is, or has been, disabled by an illness or other medical condition;
- (b) the person has suffered family trauma;
- (c) the person has experienced a natural disaster;
- (d) the person is obliged to relocate, necessitating repeating part of a course of study, or starting a course again (because of the requirements of the educational institution concerned);
- (e) the person has caring responsibilities for another member of the person's family;
- (f) any other exceptional circumstance that interferes with the person's ability to complete a course of education or study within the standard minimum length of time.

1.7 Effect of part-time study

In forming an opinion under a guideline in Part 2 about satisfactory progress in a course, some part of which has been undertaken otherwise than as full-time study, within the meaning of subsection 541B (1) of the Act, the Secretary must take account of the part-time study progress as if it were undertaken as full-time study.

Example

A full-time year of a course, comprising 4 units, is completed by a person as part-time study at the rate of 1 unit a year. For this Determination, the person is taken to have completed 1 year of the course.

4 *Youth Allowance (Satisfactory Study Progress Guidelines)*
*Determination 1998***Part 2 Guidelines****Division 1 Kinds of full-time study****2.1 Long courses**

- (1) Satisfactory progress in a long course is completion of the course within a period of time comprising:
 - (a) the standard minimum length of the course; and
 - (b) an additional period for completion of 1 uncompleted subject or unit that is a part of the course.

Examples

1. If the course is a 3 year course and includes semester units, one of which has been failed, or not completed—satisfactory progress is completion in 3 years and 1 further semester; or
 2. If the course is a 3 year course and includes yearly units, one of which has been failed, or not completed—satisfactory progress is completion in 3 years and 1 further year.
- (2) However, a person who, under subsection (1), is not making satisfactory progress, may, in the opinion of the Secretary, be making satisfactory progress if the person is, or has been, affected by circumstances beyond his or her control.
 - (3) Reference in this section to a course includes reference to an articulated course that is a long course.

2.2 Short courses

- (1) Satisfactory progress in a short course is completion of the course within a period of time that enables the course, or any part of the course, to be attempted twice.
- (2) However, a person who, under subsection (1), is not making satisfactory progress, may, in the opinion of the Secretary, be making satisfactory progress if the person is, or has been, affected by circumstances beyond his or her control.
- (3) Reference in this section to a course includes reference to an articulated course that is a short course.

2.3 Honours courses

- (1) Satisfactory progress in an honours course is completion of the course within the period of time comprising the standard minimum length of the course (including the honours component) and an additional period for

*Youth Allowance (Satisfactory Study Progress Guidelines)
Determination 1998*

5

completion of 1 uncompleted subject or unit (in either the undergraduate or the honours component).

- (2) Subsection (1) applies regardless of whether the honours component of the course is attempted immediately after the undergraduate component, or at some later time.

Note This section may be irrelevant to honours study additional to a successfully completed honours course attached to another particular course of study. Its relevance will depend on whether or not the additional honours course is an approved course within the meaning of s 541B (5) of the Act.

2.4 Masters qualifying courses

- (1) Satisfactory progress in a masters qualifying course is completion of the course within the period of time comprising the standard minimum length of the course (including an honours component and the masters qualifying component) and an additional period for completion of 1 uncompleted subject or unit (in any of the components of the course).
- (2) Subsection (1) applies regardless of whether the masters qualifying component of the course is attempted immediately after the honours component, or at some later time.

Note This section may be irrelevant to qualifying study additional to a successfully completed honours course attached to another particular course of study. Its relevance will depend on whether or not the additional course is an approved course within the meaning of s 541B (5) of the Act.

2.5 Combined course option

- (1) Satisfactory progress in a course that follows completion of another course by the same student (*student A*), at the same educational institution, is completion of the later course within:
 - (a) if paragraph (b) does not apply—the applicable period mentioned in section 2.1 or the period mentioned in section 2.2, as appropriate; or
 - (b) if the institution offers students a combined course comprising the earlier and later courses studied by student A—the period of time that is the sum of:
 - (i) the standard minimum length of the combined course; and
 - (ii) an additional period for completion of an uncompleted subject or unit that is a part of the course.
- (2) However, a person who, under subsection (1), is not making satisfactory progress, may, in the opinion of the Secretary, be making satisfactory progress if the person is, or has been, affected by circumstances beyond his or her control.

6 *Youth Allowance (Satisfactory Study Progress Guidelines)*
*Determination 1998***2.6 Competency-based training and self-paced study**

Satisfactory progress in competency-based training, or in self-paced study, is completion of the training within the period of time that, if the qualification were obtained by a conventional course of study, would, under these guidelines, be regarded as satisfactory progress in that course of study.

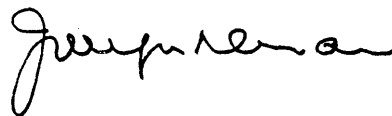
Division 2 Additional study at same level**2.7 Study following failure of a previous course**

- (1) This section applies to a person who, having once failed to successfully complete a course, undertakes study in another course at the same level.
- (2) Satisfactory progress in the later study is completion of the study in accordance with the relevant section of Division 2 dealing with study of that kind.
- (3) If the person fails to successfully complete the later course (the *second course*), the Secretary could form the opinion that the person is making satisfactory progress in undertaking a third course at the same level, provided the reason for failing to complete the second course is that the person was affected by circumstances beyond his or her control.

2.8 Study following withdrawal from a previous course

- (1) This section applies to a person who, having once withdrawn from a course, undertakes study in another course at the same level.
 - (2) The Secretary could form the opinion that the person is making satisfactory progress in undertaking the further course, provided any of the following circumstances apply to the person:
 - (a) the reason for withdrawing from the earlier study is that the person was affected by circumstances beyond his or her control;
 - (b) the later study is a short course;
 - (c) the person enters into a Youth Allowance Activity Agreement, a term of which is that the person will continue the later study until completion of the course within the time that, under Division 1, is regarded as satisfactory progress in that course of study.
-

EXPLANATORY STATEMENT



**YOUTH ALLOWANCE (SATISFACTORY STUDY PROGRESS
GUIDELINES) DETERMINATION 1998**

Issued by the authority of the Minister for Social Security

Summary

This Determination is made under subsection 541B(3B) of the *Social Security Act 1991* (the Social Security Act), which was inserted by Schedule 1 to the *Social Security Legislation Amendment (Youth Allowance) Act 1998*.

The purpose of the Determination is to provide guidelines on when a person may be deemed to be making satisfactory progress towards completing an approved course.

Background

Paragraph 541(1)(a) of the Social Security Act states that one of the ways that a person can satisfy the youth allowance activity test for a period, is by satisfying the Secretary that, throughout the period, the person is undertaking full-time study. Paragraph 541B(d) of the Social Security Act states that a person is undertaking full-time study if they are making satisfactory progress towards completing an approved course. Subsection 541B(3A) of the Social Security Act states that, in forming an opinion on whether a person is making satisfactory progress towards completing an approved course, the Secretary is to have regard to guidelines set by the Minister under subsection 541B(3B). Subsection 541B(3C) of the Social Security Act states that these guidelines are disallowable instruments.

Explanation of the provisions

Part 1 - Preliminary

Section 1.1 cites the name of the Determination and section 1.2 states that the Determination commences on 1 July 1998. Section 1.3 states the purpose of the Determination.

Section 1.4 defines various terms that are used in the Determination. Section 1.5 states that examples used in the Determination are not exhaustive and that if an example is inconsistent with a provision in the Determination, then the provision prevails.

Section 1.6 states the kinds of circumstances the Secretary may have regard to, in considering whether a person is affected by special circumstances beyond his or her control.

Section 1.7 states that the Secretary is to take account of a person's part-time study in forming an opinion on whether the person is making satisfactory progress in their course. The example under section 1.7 illustrates the way that a person's part-time studies is to be included in an assessment of their satisfactory progress in a course.

Part 2 - Guidelines

Division 1 - Kinds of full-time study

A **long course** is an approved course the minimum duration of which is a period longer than one year. Section 2.1 states that satisfactory progress in a long course is completion of the course in a period that comprises the minimum period of time to complete the course, plus an additional year or semester, depending on the studies undertaken beyond the minimum period. If the person has a year long subject to complete beyond the minimum period of time, then he or she will have an additional year to complete the course. If the person has a semester long subject to complete beyond the minimum period of time, then he or she will have an additional semester to complete the course.

A **short course** is an approved course the standard minimum duration of which does not exceed one year. Section 2.2 states that satisfactory progress in a short course is completion of the short course within a period of time that enables the course, or any part of the course, to be attempted twice.

In both long courses and short courses, the period in which a person is deemed to be making satisfactory progress towards the completion of their course, may be extended in cases where the person is affected by circumstances that are beyond his or her control.

Section 2.3 states that the time for the completion of an honours course is the standard minimum length of the course (including the honours component), and an additional period depending on whether a semester long or year long subject is to be completed.

Section 2.4 states that the time for the completion of a masters qualifying course is the time comprising the standard minimum length of the course, including the honours component, and an additional period of one uncompleted subject or unit. The duration of the additional period depends on whether the uncompleted unit is one semester or one year long.

Section 2.5 states that where a person chooses to undertake a combined course, the time for completing the course is based on the minimum time for the completion of the combined course, and not a period calculated with reference to the separate course components.

Section 2.6 states that the minimum time to complete a course that involves competency-based training or self-paced study, is the time that it would take to complete the course if the course was completed by way of conventional training.

Division 2 - Additional study at the same level

Section 2.7 applies to persons who have failed to successfully complete a course and then undertake study in another course at the same level. Subsection 2.7(2) states that where a person fails a course of study, whether it be a short or a long course, the person may attempt a course at the same level a second time (whether it is the same course or another course), and be deemed to be making satisfactory progress towards the completion of that course. Subsection 2.3(3) states that if the person fails a course at the same level twice, and wants to undertake study at the same level a third time, then, for the person to be deemed to be making satisfactory progress towards completing their course, they must have been affected by circumstances beyond their control.

Section 2.8 applies to persons who have withdrawn from a course and undertake to complete a further course at the same level. Subsection 2.8(2) states that the Secretary may consider that a person is making satisfactory progress towards completing a further course at the same level if the reason that the person withdrew from the course is because they were affected by circumstances beyond their control, or if the further course is a short course, or if the person enters into a Youth Allowance Activity Agreement, a term of which is that the person will continue the later study until completion of the course within the time that is the minimum length of the course.



Commonwealth of Australia

Social Security Act 1991

**Youth Allowance (Activity Test Exemption
Guidelines) Determination 1998**

I, JOCELYN MARGARET NEWMAN, Minister for Social Security, make this
Determination under subsection 542H (1B) of the *Social Security Act 1991*.

Dated *30th June* 1998.

Jocelyn Newman
Minister for Social Security

Part 1—Preliminary

1.1 Name of Determination

This Determination is the *Youth Allowance (Activity Test Exemption
Guidelines) Determination 1998*.

1.2 Commencement

This Determination commences on 1 July 1998.



2 Youth Allowance (Activity Test Exemption Guidelines)
Determination 1998

1.3 Definitions

In this Determination:

Act means the *Social Security Act 1991*.

care includes attention and supervision.

Note The following expressions used in this Determination are defined in the Act (see ss 4 and 23):

- family member
- member of a couple
- partner.

1.4 Examples

- (1) An example in this Determination is part of this Determination.
- (2) If a provision includes an example of its operation:
 - (a) the example is not exhaustive; and
 - (b) if the example is inconsistent with the provision—the provision prevails.

1.5 Purpose

The purpose of this Determination is to set out the guidelines for the exercise of the Secretary's discretion under subsection 542H (1A) of the Act to decide whether a person has a special circumstances exemption that, under paragraph 542 (f) of the Act, exempts the person from having to satisfy the activity test in respect of a period.

*Youth Allowance (Activity Test Exemption Guidelines)
Determination 1998*

3

Part 2—Guidelines

Division 1—Major disruption to person's home

2.1 Special circumstances

Special circumstances, beyond a person's control, exist if:

- (a) a major disruptive event affects the person's home; and
- (b) the event has a major disruptive consequence for the person.

Examples of a major disruptive event

- 1. Flood.
- 2. Fire.
- 3. Earthquake.
- 4. Vandalism.
- 5. Burglary.

Examples of a major disruptive consequence for a person

- 1. The person needs to arrange alternative accommodation.
- 2. The person needs to arrange to replace significant household items.
- 3. The person needs to organise major home repairs.
- 4. The person needs to make insurance claims for damage to household items or the home.

2.2 Maximum exemption period

In the special circumstances mentioned in section 2.1, it could be unreasonable to expect the person to satisfy the activity test for a period of up to 2 weeks, starting when the major disruptive event occurs.

Division 2—Major personal crisis

2.3 Special circumstances

Special circumstances, beyond a person's control, exist if:

- (a) the person is experiencing a major personal crisis; and
- (b) the experience has a major disruptive consequence for the person.

4 *Youth Allowance (Activity Test Exemption Guidelines)*
*Determination 1998**Examples of major personal crises*

1. Death of a family member.
2. For a person who is a member of a couple—breakdown in that relationship.
3. The person is homeless and unable to obtain stable accommodation.
4. Domestic violence.

Examples of major disruptive consequences for a person

1. The person needs to arrange a funeral for a deceased family member or make arrangements for the property of the deceased family member.
2. The person needs to arrange alternative accommodation.
3. The person needs to move belongings away from his or her present accommodation.
4. The person needs to arrange care for his or her child.
5. The person needs to attend counselling.

2.4 Maximum exemption period

- (1) In the special circumstances mentioned in section 2.3, except where the person is homeless and unable to obtain stable accommodation, it could be unreasonable to expect the person to satisfy the activity test for a period of up to:
 - (a) 2 weeks, starting when the person begins to experience the major personal crisis; or
 - (b) if the special circumstances are extremely traumatic for the person—4 weeks, starting when the person begins to experience the major crisis.
- (2) In the circumstance where the person is homeless and unable to obtain stable accommodation, it could be unreasonable to expect the person to satisfy the activity test for a period of up to 13 weeks, starting at the beginning of that circumstance.

*Division 3—Carer's duties***2.5 Special circumstances**

Special circumstances, beyond a person's control, exist if a family member of the person is temporarily incapacitated due to illness or accident, and:

- (a) the family member needs full-time care during the incapacity; and
- (b) the person provides the care; and
- (c) other ways of providing the care are not reasonably available; and
- (d) the person does not qualify for a carer payment under section 198 of the Act; and
- (e) the person is unable to satisfy the activity test because the person is providing the care.

*Youth Allowance (Activity Test Exemption Guidelines)
Determination 1998*

5

2.6 Maximum exemption period

In the special circumstances mentioned in section 2.5, it could be unreasonable to expect the person to satisfy the activity test:

- (a) for a period of up to 13 weeks, starting when the person begins to provide the care; and
- (b) if, at the end of that period, the special circumstances continue unchanged—for a further period of up to 13 weeks.

Division 4—Serving on a jury

2.7 Special circumstances

Special circumstances, beyond a person's control, exist if the person is serving on a jury and, under the laws of the Commonwealth, State or Territory, as the case may be:

- (a) the person is eligible to serve on the jury; and
- (b) the person is not exempt from liability to serve on the jury; and
- (c) the person is not disqualified from serving on the jury.

2.8 Maximum exemption period

In the special circumstances mentioned in section 2.7, it could be unreasonable to expect the person to satisfy the activity test for:

- (a) the period for which the person is empanelled on the jury or up to 13 weeks, whichever is the shorter; and
- (b) if, at the end of that period, or a further period under this paragraph, the special circumstances continue unchanged—for a further period of up to 13 weeks.

Division 5—Refugees

2.9 Special circumstances

Special circumstances, beyond a person's control, exist if the person is a refugee, within the meaning of subsection 7 (6B) of the Act.

2.10 Maximum exemption period

In the special circumstances mentioned in section 2.9, it could be unreasonable to expect the person to satisfy the activity test for a period of up to 13 weeks, starting when the person enters Australia.

6 *Youth Allowance (Activity Test Exemption Guidelines)*
Determination 1998

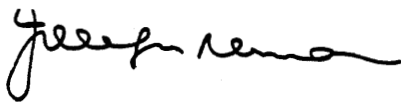
Division 6—Community service orders

2.11 Special circumstances

Special circumstances, beyond a person's control, exist if the person is subject to a community service order requiring the person to perform more than 20 hours of community service for each week that the order has effect.

2.12 Maximum exemption period

In the special circumstances mentioned in section 2.11, it could be unreasonable to expect a person to satisfy the activity test for the duration of the community service order or up to 13 weeks, whichever is the shorter.



EXPLANATORY STATEMENT

YOUTH ALLOWANCE (ACTIVITY TEST EXEMPTION GUIDELINES) DETERMINATION 1998

Issued by the authority of the Minister for Social Security

Summary

This Determination is made under subsection 542H(1B) of the *Social Security Act 1991* (the Social Security Act), which was inserted by Schedule 1 to the *Social Security Legislation Amendment (Youth Allowance) Act 1998*.

The purpose of this Determination is to exempt youth allowance recipients from satisfying the activity test, in cases where they are special circumstances.

Background

Subsection 542H(1) of the Social Security Act provides the Secretary with a discretionary power to decide whether a person is exempt from satisfying the youth allowance activity test, due to special circumstances that are beyond the person's control. Subsection 542H(1B) of the Social Security Act provides that the Minister is to set guidelines for the exercise of the Secretary's discretion in subsection 542H(1).

Explanation of the provisions

Part 1 - Preliminary

Section 1.1 cites the name of the Determination and section 1.2 states that the Determination commences on 1 July 1998. Section 1.5 states the purpose of the Determination.

Part 2 - Guidelines

Part 2 contains guidelines for the exercise of the Secretary's discretion.

Division 1 - Major disruption to person's home

Section 2.1 states that special circumstances beyond a person's control exist if a major disruptive event affects the person's home, and the event has a major disruptive consequence for the person. An example of a major disruptive event and consequence is where a person's home is vandalised and consequently they have to organise major home repairs.

Section 2.2 states that, in cases of a major disruption to a person's home, the person will be exempt from the activity test for period of up to two weeks.

Division 2 - Major personal crisis

Section 2.3 states that special circumstances beyond a person's control exist if the person is experiencing a major personal crisis and the crisis has a major disruptive consequence for the person. An example of a major personal crisis and the major disruptive consequence that results, is where a person's family member dies and the person must arrange a funeral for the deceased.

Subsection 2.4(1) states that, in cases of major personal crises, the person will be exempt from the activity test for a period of two weeks except in cases where the major personal crisis is extremely traumatic for the person, where the exemption will be for a maximum of four weeks. Further, subsection 2.4(2) states that in cases where the major personal crisis is a person's homelessness, the period of the exemption may be up to 13 weeks.

Division 3 - Carer's duties

Section 2.5 states that special circumstances beyond a person's control exist if the person must undertake carer's duties. Section 2.5 outlines the circumstances that must be present for a determination that a person is undertaking carer's duties.

Section 2.6 states that, in cases where a person undertakes carer's duties, the person may be exempt from satisfying the activity test for a period of up to 13 weeks. If the person's carer's duties extend beyond this period, they may be exempt from satisfying the activity test for an additional period of up to 13 weeks.

Division 4 - Serving on a jury

Section 2.7 states that special circumstances beyond a person's control exist if the person is serving on a jury.

Section 2.8 states that, in cases where a person is serving on a jury, the person will be exempt from satisfying the activity test for the duration of the service or a maximum period of 26 weeks, whichever is the shorter.

Division 5 - Refugees

Section 2.9 states that special circumstances beyond a person's control exist if the person is a refugee within the meaning of subsection 7(6B) of the Social Security Act.

Paragraph 2.10(a) states that, in cases where a person is a refugee, the person may be exempt from the activity test for a period of up to 13 weeks. Paragraph 2.10(b) states that this period may be extended for an additional period of 13 weeks, in the person is a refugee *and* undertakes an Adult Migrant English Program administered by the Department of Immigration and Multicultural Affairs.

Division 6 - Community service orders

Section 2.11 states that special circumstances beyond a person's control exist if the person is subject to a community service order that requires them to perform more than 20 hours of community service for each week that the order has effect.

Section 2.12 states that, in cases where a person must serve the community service order, they may be exempt from satisfying the activity test for the duration of the community service order, or a period of up to 13 weeks, whichever is the shorter.



Commonwealth of Australia

Social Security Act 1991

**Advance Payment of Entitlement (Waiver of Waiting
Period) Determination (No. 1) 1998**

I, JEFFREY ROBERT WHALAN, Acting Secretary to the Department of Social Security, make this Determination under subsection 1061A (2) of the *Social Security Act 1991*.

Dated *26th of June* 1998.

Acting Secretary
to the Department of Social Security

1. Name of Determination

This Determination is the *Advance Payment of Entitlement (Waiver of Waiting Period) Determination (No. 1) 1998*.

2. Commencement

This Determination commences on 1 July 1998.



2 *Advance Payment of Entitlement (Waiver of Waiting
Period) Determination (No. 1) 1998*

3. **Definitions**

In this Determination:

Act means the *Social Security Act 1991*.

approved course of education or study has the meaning given by subsection 541B (5) of the Act.

4. **Purpose of Determination**

The purpose of this Determination is to exempt persons undertaking study, whether full-time or part-time, from the 3 month waiting period, under paragraph 1061A (1) (b) of the Act, for an advance payment of a social security entitlement.

5. **Paragraph 1061A (1) (b) of the Act not to apply to certain persons**

Paragraph 1061A (1) (b) of the Act does not apply to a person who has applied for an advance of youth allowance or austudy payment if the person:

- (a) is receiving austudy payments; or
 - (b) is receiving youth allowance and is undertaking, or is about to undertake, an approved course of education or study.
-



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SPECIAL

Employment, Education, Training and Youth Affairs

NOTIFICATION OF MAKING OF AN INSTRUMENT

The following Determination has been made and copies may be obtained from Mr John Ross of the Analysis and Evaluation Division, Department of Employment, Education, Training and Youth Affairs, GPO Box 9880, Canberra, ACT 2601. Telephone (02) 6240 8111.

ACT UNDER WHICH THE INSTRUMENT WAS MADE	DESCRIPTION OF THE INSTRUMENT	YEAR AND NUMBER
<i>Student Assistance Act 1973</i>	A Determination, made under Subsections 3(1) and 5D(1) of the Act, that describes what is an approved education institution and an approved course for the purposes of the Act. The Determination will have application under the Youth Allowance, Austudy payment and the Pensioner Education Supplement on their introduction from 1 July 1998 under provisions of the <i>Social Security Act 1991</i> .	1998/2





Commonwealth of Australia

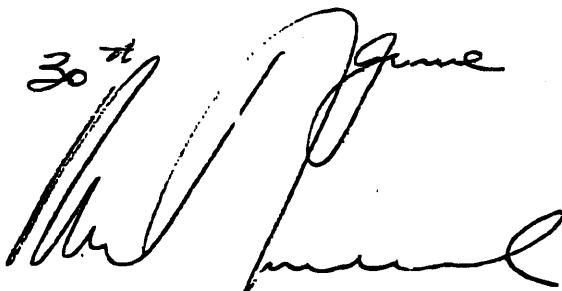
Migration Act 1958

Specification of ETA-eligible Passports

I, PHILIP RUDDOCK, Minister for Immigration and Multicultural Affairs,
acting under regulations 1.17 and 1.11B of the Migration Regulations specify:

- (a) for subregulation 1.11B (1) of the Migration Regulations, each of the kinds of passport set out in column 2 in the Schedule as an ETA-eligible passport in relation to an application for an Electronic Travel Authority (Class UD) visa if the conditions (if any) set out in column 3 for passports of that kind are satisfied in relation to that application; and
- (b) for subregulation 1.11B (2) of the Migration Regulations, each of those kinds of passports as ETA-eligible passports in relation to each subclass specified in column 4 in relation to passports of that kind.

Dated

30th June


1998.

Minister for Immigration and Multicultural Affairs



Specification of ETA-eligible Passports

2

SCHEDULE

Column 1 Item	Column 2 Kind of Passport	Column 3 Conditions	Column 4 Subclass		
1.	Andorra	Passport must indicate that the applicant is a national of Andorra	956	976	—
2.	Austria	Passport must indicate that the applicant is a national of Austria	956	976	—
3.	Belgium	Passport must indicate that the applicant is a national of Belgium	956	976	—
4.	Brunei	Passport must indicate that the applicant is a national of Brunei	956	976	—
5.	Canada	Passport must indicate that the applicant is a national of Canada	956	976	977
6.	Denmark	Passport must indicate that the applicant is a national of Denmark	956	976	—
7.	Finland	Passport must indicate that the applicant is a national of Finland	956	976	—
8.	France	Passport must indicate that the applicant is a national of France	956	976	977
9.	Germany	Passport must indicate that the applicant is a national of Germany	956	976	—
10.	Greece	Passport must indicate that the applicant is a national of Greece	956	976	—
11.	Iceland	Passport must indicate that the applicant is a national of Iceland	956	976	—
12.	Republic of Ireland	Passport must indicate that the applicant is a national of the Republic of Ireland	956	976	—
13.	Italy	Passport must indicate that the applicant is a national of Italy	956	976	—
14.	Japan	Passport must indicate that the applicant is a national of Japan	956	976	—
15.	Republic of Korea	Passport must indicate that the applicant is a national of the Republic of Korea	956	976	—
16.	Liechtenstein	Passport must indicate that the applicant is a national of Liechtenstein	956	976	—
17.	Luxembourg	Passport must indicate that the applicant is a national of Luxembourg	956	976	—

Specification of ETA-eligible Passports

3

SCHEDULE—continued

Column 1 Item	Column 2 Kind of Passport	Column 3 Conditions	Column 4 Subclass		
18.	Malaysia	Passport must indicate that the applicant is a national of Malaysia	956	976	—
19.	Malta	Passport must indicate that the applicant is a national of Malta	956	976	—
20.	Monaco	Passport must indicate that the applicant is a national of Monaco	956	976	—
21.	The Netherlands	Passport must indicate that the applicant is a national of The Netherlands	956	976	—
22.	Norway	Passport must indicate that the applicant is a national of Norway	956	976	—
23.	Singapore	Passport must indicate that the applicant is a national of Singapore	956	976	—
24.	Spain	Passport must indicate that the applicant is a national of Spain	956	976	977
25.	Switzerland	Passport must indicate that the applicant is a national of Switzerland	956	976	—
26.	Sweden	Passport must indicate that the applicant is a national of Sweden	956	976	—
27.	United Kingdom	Passport must indicate that the applicant is a national of the United Kingdom	956	976	—
28.	United States of America	Passport must indicate that the applicant is a national of the United States of America	956	976	977
29.	Vatican City	—	956	976	—



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SPECIAL



**Australian
Communications
Authority**

Telecommunications Act 1997

NOTIFICATION OF THE MAKING OF DISALLOWABLE INSTRUMENTS

The following disallowable instruments were made under section 407 and section 376 respectively of the *Telecommunications Act 1997* on 30 June 1998.

- **Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice No. 2 of 1997 (Amendment No. 1 of 1998); and**
- **Technical Standard (Customer Equipment and Customer Cabling)—ACA TS 101-1998.**

The instruments commence on 1 July 1998.

Copies may be obtained at the Australian Communications Authority, Purple Building, Benjamin Offices, Chan Street Belconnen, Canberra, ACT.

Copies of the instruments may also be requested by contacting:

**The Legal Group,
Australian Communications Authority,
PO Box 78,
Belconnen, ACT 2616.**

Telephone: (06) 6256 5204

Facsimile: (06) 6256 5499

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SPECIAL



Taxation Laws Amendment (Company Law Review) Act 1998

PROCLAMATION

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under subsection 2 (1) of the *Taxation Laws Amendment (Company Law Review) Act 1998*, fix 1 July 1998 as the date on which that Act, except for items 23, 54, 55 and 56 of Schedule 5, and Schedule 6, commences.

Signed and sealed with the
Great Seal of Australia
on 30 June 1998

Governor-General

By His Excellency's Command,

C. R. KEMP
Assistant Treasurer





**Commonwealth
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SPECIAL

COMMONWEALTH OF AUSTRALIA

Health Insurance Act 1973

NOTIFICATION OF HEALTH INSURANCE (BILLING AGENTS - CONDITIONS OF APPROVAL) DETERMINATION 1998

The Minister for Health and Family Services has made the Health Insurance (Billing agents - Conditions of Approval) Determination 1998 under subsection 20AB(5) of the Health Insurance Act 1973. The Determination commences on 1 July 1998.

NOTIFICATION OF HEALTH INSURANCE (APPROVAL OF BILLING AGENTS) GUIDELINES 1998

The Minister for Health and Family Services has made the Health Insurance (Approval of Billing Agents) Guidelines under subsection 20AB(3) of the Health Insurance Act 1973. The Guidelines commence on 1 July 1998.

Copies of both these documents can be obtained from the office of the Commonwealth Department of Health and Family Services in the capital city of each State and Territory as follows:

New South Wales

Commonwealth Department of Health and Family Services, 333 Kent Street, Sydney NSW 2000

Victoria

Commonwealth Department of Health and Family Services, Level 3 Casselden Place, 2 - 4 Lonsdale Street, Melbourne VIC 3000

Queensland

Commonwealth Department of Health and Family Services, Commonwealth Government Offices, 340 Adelaide Street, Brisbane Qld 4000

Western Australia

Commonwealth Department of Health and Family Services, 12th Floor, 152-158 St George's Terrace, Perth WA 6000

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South Australia

**Commonwealth Department of Health and Family Services, 122 Pirie Street, Adelaide SA
5000**

Tasmania

**Commonwealth Department of Health and Family Services, 21 Kirksway Place, Battery Point
TAS 7004**

Northern Territory

**Commonwealth Department of Health and Family Services, Cascom Centre, 13 Scaturchio St,
Casuarina, Darwin NT 0810**

Australian Capital Territory

**Commonwealth Department of Health and Family Services, MLC Building, 8-10 Hobart
Place, Canberra ACT 2601**



NOTIFICATION OF THE MAKING OF STATUTORY RULES

The following Statutory Rules have been made and copies may be purchased at the Government Info Shop, 10 Mort Street, Canberra City, ACT.

Act under which the Statutory Rule was made	Description of the Statutory Rule	Year and number of the Statutory Rule
<i>Australian Meat and Live-stock Industry Act 1997</i>	Australian Meat and Live-stock Industry (Export Licensing) Regulations 1998	1998 No. 202
<i>Health Insurance Act 1973</i>	Health Insurance (1997-98 Pathology Services Table) Regulations (Amendment)	1998 No. 203
<i>Health Insurance Act 1973</i>	Health Insurance Regulations (Amendment)	1998 No. 204
<i>Fishing Levy Act 1991 and Fisheries Management Act 1991</i>	Fishing Levy Regulations (Amendment)	1998 No. 205
<i>Airports (Transitional) Act 1996</i>	Airports (Transitional) Regulations 1998	1998 No. 206
<i>Airports Act 1996</i>	Airports (Control of On-Airport Activities) Regulations (Amendment)	1998 No. 207
<i>Airports Act 1996</i>	Airports Regulations (Amendment)	1998 No. 208
<i>Airports Act 1996</i>	Airports (Environment Protection) Regulations (Amendment)	1998 No. 209
<i>Migration Act 1958</i>	Migration Regulations (Amendment)	1998 No. 210
<i>Customs Act 1901</i>	Customs (Prohibited Exports) Regulations (Amendment)	1998 No. 211
<i>Customs Act 1901</i>	Customs Regulations (Amendment)	1998 No. 212
<i>Laying Chicken Levy Act 1988</i>	Laying Chicken Levy Regulations (Amendment)	1998 No. 215
<i>Dairy Produce Levy (No. 1) Act 1986</i>	Dairy Produce Levy Regulations (Amendment)	1998 No. 216



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SPECIAL



**AUSTRALIAN
CUSTOMS SERVICE**

Notification of Preliminary Finding

CUSTOMS ACT 1901 - PART XVB

**PRELIMINARY FINDING INTO THE ALLEGED DUMPING
OF POLYMERIC PLASTICISERS EXPORTED FROM THE
UNITED KINGDOM**

The Australian Customs Service has completed its investigation into the alleged dumping of polymeric plasticisers exported from the United Kingdom. The investigation commenced on 6 April 1998, following an application by Townsend Chemicals Pty Ltd, the Australian industry producing like goods. The goods subject of the application were nominated as Reoplex GL and Diolpate 195.

Customs found that:

- Reoplex GL has been exported to Australia from the UK at dumped prices;
- Diolpate 195 has been exported to Australia from the UK at dumped prices;
- The Australian industry has suffered material injury;
- The material injury has been caused by exports of Reoplex GL and Diolpate 195 from the UK to Australia at dumped prices; and
- The material injury to the Australian industry will continue from imports of Reoplex GL should provisional measures not be imposed on these imports.

Customs has found that there are sufficient grounds for the publication of a dumping duty notice in respect of Reoplex GL exported from the United Kingdom.

Preliminary Finding Report No. 98/010 sets out the reasons for the finding including all material findings of fact or law on which the finding is based.

Securities under section 42 of the *Customs Act 1901* will be required and taken in respect of any interim duty that may become payable on exports of Reoplex GL from the United Kingdom that are imported on or after 1 July 1998.

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Customs will now refer the matter to the Anti-Dumping Authority which must hold an inquiry and report to the Minister as to whether a dumping duty notice should be published.

Copies of Preliminary Finding Report No. 98/010, and of Australian Customs Dumping Notice No. 98/035, will be sent to interested parties. Further copies may be obtained from the Trade Measures Branch on telephone (02) 6275 6057 or fax number (02) 6275 6990.

**NOTICE UNDER SUBSECTION 269TD(2)
OF THE CUSTOMS ACT 1901**

I have considered the application, taking into account submissions received and any other matters considered relevant, and declare that there are sufficient grounds for the publication of an interim dumping duty notice in respect of Reoplex GL exported from the United Kingdom.



(Patricia Maria Bridge)
Delegate of the Chief Executive Officer
30 June 1998



Commonwealth
of Australia

Gazette

No. S 329, Thursday, 2 July 1998

Published by Ausinfo, Canberra

SPECIAL

COMMONWEALTH OF AUSTRALIA

Public Service Act 1922

DECLARATION UNDER SUBSECTION 81B(2)

Whereas on 29 June 1998, David Alistair Kemp, Minister for Employment, Education, Training and Youth Affairs, for the Prime Minister, certified in accordance with subsection 81B(2) of the *Public Service Act 1922* (the PS Act) that the regulatory functions associated with the administration of meat quotas which have been performed on behalf of the Commonwealth by persons employed under the *Australian Meat and Live-stock Corporation Act 1977* are to be performed by persons appointed under the PS Act in the Department of Primary Industries and Energy;

NOW therefore, I, Jeffrey Lamond, delegate of the Public Service Commissioner, under subsection 81B(2) of the PS Act, declare that the persons whose names are listed in Column 1 of the Schedule to this Instrument, being persons who are involved in the performance of those functions, are appointed as officers of the Australian Public Service in the Department of Primary Industries and Energy, to the positions and with the classifications listed in Column 2 of the Schedule adjacent to the name in Column 1, with effect from 1 July 1998.

Dated 30 June 1998

Delegate of the Public Service Commissioner

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SCHEDULE

Name	Classification and Position Number
Ian Cook	Senior Officer Grade C (pn 16331)
Kathleen Wade	Administrative Service Officer Class 6 (pn 16332)
Michael Huang	Administrative Service Officer Class 3 (pn 16333)
Maria Gonzales	Administrative Service Officer Class 3 (pn 16334)


30.06.98

COMMONWEALTH OF AUSTRALIA

Public Service Act 1922

DECLARATION UNDER SUBSECTION 81C(1)

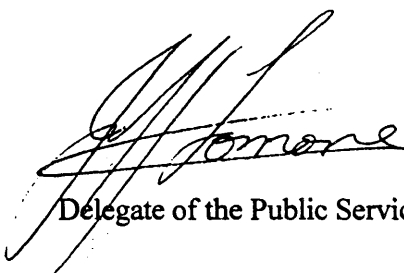
Whereas on 30 June 1998, David Alistair Kemp, Minister for Employment, Education, Training and Youth Affairs, for the Prime Minister, pursuant to section 81C of the *Public Service Act 1922* (the PS Act) certified that the functions of:

- prudential supervision of life insurance companies, general insurance companies and superannuation entities (including the functional supervision of Retirement Savings Account providers) and the associated licensing, market analysis, monitoring, investigation and law enforcement and legislative maintenance activities; and
- the associated support services relating to information technology, legal advising and litigation and corporate services;

which have been performed by persons appointed or employed under the PS Act in the Insurance and Superannuation Commission, are to be performed by the Australian Prudential Regulation Authority, a Commonwealth authority within the meaning of subsection 7(1) of the PS Act;

NOW therefore, I, Jeffrey Lamond, delegate of the Public Service Commissioner, declare that the officers whose names are listed in Schedule 1 to this Instrument, and the employees whose names are listed in Schedule 2 to this Instrument, are in the employment of the Australian Prudential Regulation Authority with effect from 1 July 1998.

Dated 30 June 1998



Delegate of the Public Service Commissioner

SCHEDULE 1

Family Name	Given Name	Classification	Family Name	Given Name	Classification
Abbatantuono	Laura	APS Level 5	Butt	Christine	APS Level 3
Adam	Matthew	APS Level 4	Cain	Megan	Executive Level 1
Adamou	Anna	APS Level 2	Calderone	Yolanda	APS Level 5
Agardy	Susanna	Executive Level 1	Cameron	Donald	Executive Level 1
Agnew	Peter	APS Level 6	Campaner	Sonia	APS Level 1
Aitken	Gary	APS Level 5	Carvan	Emma	APS Level 2
Alexiou	Joanne	APS Level 6	Causer	Terence	Executive Level 1
Allan	Lorraine	Executive Level 2	Ch'ng	May	APS Level 4
Ambida	Danilo	APS Level 3	Chantler	Delia	APS Level 2
Antcliff	Susan	Executive Level 2	Chapman	Keith	SES2
Antonakos	Elizabeth	APS Level 2	Charlton	Glenda	Executive Level 2
Archer	Peter	APS Level 5	Cheffers	Jennifer	Executive Level 1
Argyle	Katherine	APS Level 5	Chia	Tong	APS Level 5
Armstrong	Margaret	APS Level 4	Chora	Andrew	APS Level 6
Armstrong	Christopher	Executive Level 1	Chye	Yoke	Executive Level 1
Ashburn	Stephen	Executive Level 2	Claxton	Robert	Executive Level 1
Atkinson	Brett	APS Level 2	Clift	Phillip	Executive Level 2
Bailey	Kenneth	Executive Level 2	Collins	Melissa	APS Level 3
Bailey	Christopher	APS Level 5	Collins	Allan	APS Level 6
Bain	Laurie	APS Level 5	Connor	Helen	APS Level 4
Balaretnaraja	Rajendra	APS Level 3	Connors	Michelle	Executive Level 1
Barlin	William	APS Level 5	Coombs	Barbara	APS Level 4
Barnes	Michelle	APS Level 6	Cooper	Nigel	Executive Level 1
Barr	Demelza	Executive Level 1	Corr	Julie	APS Level 3
Bate	Timothy	Executive Level 2	Cotterill	Elizabeth	APS Level 5
Batzogiannis	Maria	APS Level 3	Cottrill	Michael	APS Level 4
Baumhammer	Richard	APS Level 6	Coulthard	Allan	Executive Level 2
Beens	Erik	Executive Level 2	Craggs	Benita	APS Level 3
Belechris	Konstantina	APS Level 6	Craig	Paul	APS Level 6
Bennett	James	APS Level 5	Crocombe	Rodney	APS Level 5
Bennett	Shane	Executive Level 2	Cullen	James	Executive Level 2
Benny	Darryl	APS Level 6	Curtis	Robert	APS Level 6
Benson	Andra	Executive Level 2	Cutajar	Margaret	APS Level 3
Berry	Gayle	APS Level 3	Darwen	Craig	Executive Level 1
Bertles	Jason	APS Level 6	Davis	Darren	Executive Level 1
Biddle	Antonia	APS Level 2	Davis	Michael	APS Level 5
Bilney	Derek	APS Level 5	Dawson	Heather	APS Level 3
Bogiatzis	Patti	APS Level 3	De Silva	Rochelle	APS Level 6
Boneham	Patrick	Executive Level 1	Dean	Roger	APS Level 1
Bourchier	Annette	Executive Level 1	Dean	Jennifer	Executive Level 1
Bourne	Brian	APS Level 5	Deeves	Kevin	SES1
Bray	Ann	APS Level 6	Derks	John	Executive Level 2
Brock	Jillian	APS Level 4	Deunk	Mark	Executive Level 1
Brodrick	Tricia	APS Level 6	Dix	Kylie	APS Level 4
Broomhall	Kathleen	APS Level 3	Donne	Debra	APS Level 3
Brown	Roger	SES1	Dow	John	Executive Level 1
Brown	Lianne	APS Level 2	Downs	Julie	APS Level 2
Burgess	Anthony	Executive Level 1	Du Pre	Louise	Executive Level 2
Burns	Graham	SES1	Dunlop	Annette	APS Level 6
Burt	Michael	SES1	Dunlop	Robert	Executive Level 2
Butcher	Nathan	APS Level 3	Dwyer	Mary	Executive Level 2



SCHEDULE 1

Family Name	Given Name	Classification	Family Name	Given Name	Classification
Eaton	Russell	Executive Level 2	Hobbs	John	APS Level 6
Edwardes	Betty	APS Level 2	Hogan	Catherine	APS Level 4
Efthymiou	Ioakim	Executive Level 1	Holdom	Philip	Executive Level 1
Engdahl	Lorentz	APS Level 5	Holmesby	David	SES1
Evangelou	Helen	APS Level 3	Holub	Alexander	APS Level 4
Evans	Stuart	Executive Level 1	Honing	Robert	Executive Level 2
Evans	Christine	APS Level 4	Hooper	Denis	Executive Level 2
Fairley	Robert	Executive Level 2	Huang	Yue	APS Level 3
Faneco	Glenn	APS Level 5	Hubbard	Donna-Anne	APS Level 3
Farlow	Keith	APS Level 6	Hughes	Edward	APS Level 6
Fellows	Nigel	APS Level 5	Irby	Paul	APS Level 5
Ferris	Diana	APS Level 2	Ivanovski	Aleksandar	APS Level 2
Ferris	Michael	APS Level 4	Jackson	Garth	APS Level 6
Field	Dianne	APS Level 2	Jackson	Terence	Executive Level 1
Fitch	Julie	APS Level 4	Jaques	Neil	APS Level 3
Fitch	Lucia	APS Level 5	Jeevaratnam	Janani	APS Level 2
Fogarty	Christopher	SES1	Jelic	Ante	APS Level 6
Fowler	Jazmin	APS Level 3	Johns	Fiona	APS Level 6
Fraser	Lyndon	APS Level 6	Johnstone	Sarah	APS Level 4
Fraser	Gail	APS Level 2	Johnstone	Bradley	APS Level 3
Freney	Roger	SES2	Jones	Cheryl	APS Level 4
Frost	Sandra	APS Level 6	Jones	Cassandra	APS Level 6
Fung	Candy	APS Level 6	Judge	Julie	APS Level 3
Garrett	Roslyn	APS Level 3	Kaak	Rudolf	APS Level 3
Gay	Anthony	APS Level 6	Karakus	Ulgen	APS Level 4
Giles	Darren	APS Level 6	Karamicov	Arthur	APS Level 2
Gillespie	Justin	Executive Level 2	Karp	Thomas	SES3
Goodban	Amanda	APS Level 6	Keating	Declan	Executive Level 1
Grace	Jane	Executive Level 1	Keene	Warwick	Executive Level 1
Grattidge	Janelle	APS Level 5	Kelleher	Serena	APS Level 2
Gray	Marysia	APS Level 2	Kelso	Fiona	APS Level 5
Grear	Darren	Executive Level 1	Kerr	Reginald	APS Level 6
Greenep	Elizabeth	APS Level 3	Kervin	Christopher	Executive Level 1
Greer	Donella	APS Level 6	Knight	Leah	APS Level 4
Grubb	Martin	APS Level 4	Kongshavn	Karin	APS Level 6
Gruber	Donald	SES1	Kormas	Christine	APS Level 4
Gubbins	Katja	APS Level 2	Langley	Carolyn	APS Level 3
Hale	Jennifer	APS Level 6	Lansakara	Lucy	APS Level 4
Hales	Stephen	APS Level 6	Larkin	John	SES1
Hancock	Mark	Executive Level 2	Lathourakis	John	APS Level 6
Hang	Dang	APS Level 5	Lau	Stewart	APS Level 5
Hang	Vanessa	APS Level 5	Lawler	Anthony	APS Level 6
Hannan	Patrick	Executive Level 2	Lawless	Walter	APS Level 5
Harper	Suzanne	APS Level 3	Lawrence	Mark	APS Level 5
Harrison	Alan	Executive Level 1	Le Lievre	Roger	APS Level 6
Hart	Gregory	Executive Level 1	Lee	Christopher	Executive Level 2
Hartwig	Heather	APS Level 3	Lester	Michael	Executive Level 1
Hennessy	Merrie	Executive Level 1	Lewis	Adam	APS Level 5
Heyworth	Amanda	Executive Level 2	Li	Siu	APS Level 4
Higgins	Timothy	APS Level 5	Lim	Joanne	APS Level 3
Hill	Peter	APS Level 5	Livingston	John	APS Level 5
Hoare	Lisa	APS Level 4	Lockyer	Andrew	APS Level 6

20.06.1

SCHEDULE 1

Family Name	Given Name	Classification	Family Name	Given Name	Classification
Ludovico	Mandy	APS Level 3	Pocius	John	APS Level 6
Lusso	Clement	Executive Level 2	Powell	Leanne	APS Level 5
Macasaet	Edna	Executive Level 1	Prasad	Sunila	Executive Level 1
Macbeth	Shirley	APS Level 2	Prdjan	Lilian	APS Level 6
Machin	Linda	APS Level 4	Primrose	John	Executive Level 2
Magner	Narelle	APS Level 3	Quinn	Helen	APS Level 6
Mak	Sylvia	APS Level 2	Rakowski	Van	APS Level 6
Manamperi	Bentara	APS Level 6	Randel	Sylvia	Executive Level 2
Mann	Debra	APS Level 6	Reardon	Michael	Executive Level 1
Marks	Julian	Executive Level 1	Reddy	Yangtresh	APS Level 5
Martin	Peter	SES1	Reichstein	Sharyn	Executive Level 2
Martyn	David	Executive Level 1	Reid	Alexander	SES1
Matthews	Donald	Executive Level 1	Reilly	Joan	Executive Level 2
Maynard	Peter	APS Level 3	Rezo	Angela	APS Level 2
McCarter	Patricia	SES1	Riley	Paul	APS Level 3
McDonald	Yoke-Heng	Executive Level 1	Roberts	Darryl	SES2
McKinna	Catherine	APS Level 6	Robertson	Neil	Executive Level 1
McLennan	Yang	APS Level 6	Robinson	Rosemary	Executive Level 2
McMahon	Catherine	APS Level 5	Roncevic	Frank	APS Level 5
Meredith	Paul	Executive Level 1	Russell	Ingrid	APS Level 5
Middleton	Kay	APS Level 6	Ryan	June	APS Level 2
Millicheap	Martin	APS Level 6	Saliba	Michael	Executive Level 2
Miskinis	Ronald	APS Level 5	Sartorio	Concetta	APS Level 2
Monaghan	Kellie	APS Level 2	Sathianathan	Ponnuswamy	Executive Level 2
Moore	Sandra	APS Level 2	Sawyer	Anthony	APS Level 4
Moren	Debra	APS Level 5	Scarra	Brendan	Executive Level 1
Mukerjee	Mondira	APS Level 6	Scheidel	Rainer	APS Level 6
Murray	Peter	APS Level 4	Sedlacek	Eva	APS Level 4
Murray	Rachel	Executive Level 1	Selleck	Graeme	APS Level 6
Napier	John	Executive Level 1	Sen	Krishna	APS Level 4
Nash	Robyne	APS Level 5	Sephton	Donald	Executive Level 2
Nebauer	Christine	APS Level 4	Serret	Marie	Executive Level 2
Nguyen Ba	Luyen	Executive Level 1	Shakespeare	Geoffrey	APS Level 3
Nichols	Anthony	Executive Level 2	Shaw	Rick	Executive Level 2
Nielsen	Stephen	Executive Level 1	Sinay	Lourdes	APS Level 6
Norton	Susan	Executive Level 1	Singer	Karenn	Executive Level 1
O'Brien	Robyn	APS Level 5	Smiley	Carissa	APS Level 6
O'Rourke	Stephen	APS Level 5	Smith	Richard	SES2
Oliver	Barry	APS Level 6	Southern	Diana	APS Level 2
Orlandi	Warren	APS Level 6	Sparke	Michele	APS Level 5
Padreny	Jane	Executive Level 1	Spaul	Diane	APS Level 4
Pantano	Jules	Executive Level 1	Spaven	Jodie	APS Level 4
Pascoe	Paul	APS Level 6	Speldewinde	Andrew	Executive Level 1
Pattenden	Karl	Executive Level 1	Stacey	Gregory	APS Level 6
Perry	Gareth	Executive Level 1	Stefanovic	Nenad	Executive Level 1
Petery	Marta	Executive Level 2	Stenhouse	Russell	SES1
Petrucelli	Dominic	APS Level 6	Stewart	Marina	APS Level 3
Phillips	Matthew	APS Level 5	Streeter	Kathryn	Executive Level 1
Platts	Elizabeth	APS Level 6	Sullivan	David	Executive Level 1
Plummer	Gregory	SES1	Sumner	Rosslyn	Executive Level 2
Plunkett	Karen	APS Level 5	Sweeney	Maria	APS Level 3

SCHEDULE 1

Family Name	Given Name	Classification	Family Name	Given Name	Classification
Szoldra	Susanne	SES1	Turner	Margaret	APS Level 6
Tan-Marquardt	Lucy	APS Level 2	Ulrich	Darren	APS Level 4
Tancred	Cecelia	APS Level 6	Urbaniak	Karen	APS Level 5
Taylor	Araleen	APS Level 2	Vandyke	Kim	Executive Level 1
Taylor	Simon	Executive Level 2	Vangelovski	John	Executive Level 1
Thamer	Katarina	APS Level 3	Venkatramani	Senthamangal	SES1
Thorburn	Craig	SES2	Walker	Errol	APS Level 6
Tobin	Ruth	APS Level 6	Walker	Gordon	Executive Level 1
Tong	Duc	APS Level 4	Watson	Karalyn	APS Level 3
Tonks	Renate	Executive Level 1	Welch	Elisabeth	Executive Level 1
Townsend	Leonie	APS Level 3	Widdup	David	Executive Level 1
Tratt	Peter	SES1	Willcoxson	Richard	APS Level 2
Treleaven	Margaret	APS Level 5	Wilson	Kimm	Executive Level 2
Triandopoulos	Georgia	APS Level 6	Windsor	Peter	APS Level 5
Triantopoulos	Vicki	Executive Level 1	Wombey	Lynette	APS Level 6
Tribe	Julie	APS Level 4	Yalim	Sevinc	APS Level 4
Tully	Darrell	APS Level 6	Yen	Margie	Executive Level 1
Turner	Reginald	Executive Level 2	Yip	Ronald	APS Level 6


30.06.98

SCHEDULE 2

Family Name	Given Name	Classification
Alysandratos	Antonios	APS Level 5
Ambrose	Glenys	APS Level 3
Blanc	Carolina	APS Level 2
Butfield	Helen	APS Level 3
Butler	John	APS Level 3
Carthy	Michelle	APS Level 2
Causer	Jill	APS Level 3
Chu	Wyatt	APS Level 4
Commens	Maree	APS Level 2
Conan-Davies	Ursula	APS Level 2
Croft	Dianne	APS Level 2
Devlin	Mark	APS Level 2
Dias-Abey	Anouska	APS Level 2
Dowler	Natalie	APS Level 2
Duklan	Karolina	APS Level 2
Gomez	Jessica	APS Level 2
Ingaldo	Jacqueline	APS Level 3
Jovanoska	Vesna	APS Level 2
Kalambokas	Alice	APS Level 3
Lee	Jasmine	APS Level 2
Majdandzic	Peter	APS Level 2
Makari	Mona	APS Level 3
Mehalski	Nicole	APS Level 3
Misra	Vinti	APS Level 2
Montefiore	Kathie	Executive Level 1
Morphett	Michelle	APS Level 2
Peel	Elizabeth	APS Level 3
Philbrick	Christopher	APS Level 5
Pidgeon	Daniel	APS Level 6
Pun	Kitty	APS Level 6
Quelch	Joan	APS Level 2
Roberts	Matthew	APS Level 5
Savage	Matthew	APS Level 4
Serghis	Katina	APS Level 5
Shain	Adam	APS Level 4
Silva	Romesh	APS Level 4
Thomson	Robert	Executive Level 1
Trieu	Kim	APS Level 3
Uzun	Fetiye	APS Level 2
Velkoska	Julie	APS Level 2
Waterford	Melisande	APS Level 4
Wright	Lenore	APS Level 3



Commonwealth of Australia

Aged Care Act 1997

Allocation Amendment Principles (No. 1) 1998

I, WARWICK LESLIE SMITH, Minister for Family Services, make the following Principles under subsection 96-1 (1) of the *Aged Care Act 1997*.

Dated 29 June 1998.

Minister for Family Services

1. Name of Principles

1.1 These Principles are the *Allocation Amendment Principles (No. 1) 1998*.

2. Commencement

2.1 These Principles commence on gazettal.

3. Amendment

3.1 The *Allocation Principles 1997*¹ are amended as set out in these Principles.

4. Section 4.3 (Definitions)

4.1 Insert the following definition:

"**Accreditation Standards** means the Accreditation Standards in Schedule 2 of the *Quality of Care Principles 1997*."



2 Allocation Amendment Principles (No. 1) 1998

Note For the second note after section 4.3, substitute:

"Note: Definitions

A number of expressions used in these Principles are defined in the *Aged Care Act 1997* (see Dictionary in Schedule 1), including:

- accommodation bond balance
- aged care
- approved provider
- care
- certified
- place
- provisional allocation
- provisional allocation period
- relinquish
- residential care
- respite care."

5. Section 4.63 (Additional matters)**5.1 Subsection 4.63 (1):**

Add at the end:

“; and (e) if, after the transfer, the places would relate to the same aged care service:

- (i) the suitability of the premises being used by the transferor, and proposed to be used by the transferee, to provide care through the aged care service, in particular whether the premises would meet the Accreditation Standards or the criteria for certification under the Act; and
- (ii) for a transferee who owns the premises being used by the transferor, and proposed to be used by the transferee, to provide care through the aged care service and the premises would not meet the Accreditation Standards or the criteria for certification under the Act—the failure of the transferee to have improved the premises.”.

NOTE

1. *Allocation Principles 1997* notified in the *Commonwealth of Australia Gazette* on 29 September 1997, as amended by *Allocation Principles Amendment (No. 1) 1997*, notified in the *Gazette* on 14 January 1998.



COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) Nikolce Joseski and Zaklina Joseski are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Nikolce Joseski and Zaklina Joseski propose to acquire an interest in the Australian urban land as specified in the notice furnished on 5 June 1998 under section 26A of the Act;

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

- (i) Nikolce Joseski and Zaklina Joseski propose to acquire an interest 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

26

day of

June

1998.

Assistant Treasurer





DETERMINATION NUMBER: 1998/6

SECTION 20 OF THE FINANCIAL MANAGEMENT AND ACCOUNTABILITY
ACT 1997

DETERMINATION TO ESTABLISH A COMPONENT OF THE RESERVED MONEY
FUND

I, Graham Millar, Branch Manager, Financial Framework Branch, pursuant to powers delegated to me by the Finance Chief Executive under section 53 of the Financial Management and Accountability Act 1997, determine, for the purposes of section 20 of that Act, that the House of Representatives – *Commonwealth Parliamentary Association Conference and Seminar Contributions Reserve* is established as a component of the Reserved Money Fund.

I further determine that:

- (a) amounts of the following kinds may be transferred from the Consolidated Revenue Fund to this component:
- money that is held in trust for, or otherwise for the benefit of, a person other than the Commonwealth;
 - all money appropriated by law for the purpose of payment into the component;
 - all money received in consideration for any service, benefit, activity, transaction or other matter which is congruent with the expenditure purposes of the component;
 - all money paid to the Commonwealth by any person for the expenditure purposes of the component; and,
- (b) the purposes for which amounts may be debited to the component are:
- for expenditure relating to the Commonwealth Parliamentary Association Conference to be held in Australia in 2001.

Graham Millar
Delegate of the Finance Chief Executive

24 June 1998





Commonwealth
of Australia

Gazette

No. S333 Friday 3 July 1998
Produced by AusInfo, Canberra

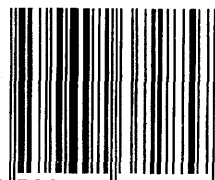
SPECIAL

**DEPARTMENT OF EMPLOYMENT, EDUCATION,
TRAINING AND YOUTH AFFAIRS**

**NOTIFICATION OF THE MAKING OF GUIDELINES
UNDER THE *HIGHER EDUCATION FUNDING ACT 1988***

The guidelines have been made under the *Higher Education Funding Act 1988*. A copy can be obtained from the Director, Public Funding Section, Higher Education Division, Department of Employment, Education, Training and Youth Affairs, 5th Floor, 10 Mort Street, Canberra City, ACT, 2601, or by telephoning (02) 6240 9647.

Number/ Year	Section	Description	Date Made
T16-98	26	The guidelines provide criteria which are to be applied in deciding whether a proposal is a proposal for a non-building capital project.	23/6/98
T17-98	27	The guidelines provide the criteria which are to be applied when assessing whether a proposal for financial assistance is a proposal for expenditure on a special capital project amend therefore eligible for funding from the Capital Development Pool.	23/6/98



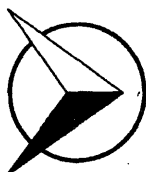


**Commonwealth
of Australia**

Gazette

No. S334 Friday 3 July 1998
Produced by AusInfo, Canberra

SPECIAL



**CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA**

**NOTIFICATION OF EXEMPTION
UNDER THE CIVIL AVIATION REGULATIONS**

On 2 July 1998 the Civil Aviation Safety Authority (CASA) issued an exemption under subregulation 235 (11) of the Civil Aviation Regulations (Exemption Number: CASA 26/98 — exemption from compliance with directions issued under subregulation 235 (2) of the Regulations).

Copies of the instrument are available for inspection at, and may be purchased over the counter from:

**Airservices Australia Publications Centre
715 Swanston Street
CARLTON Vic 3053**

Copies of the instrument may be purchased by mail from:

**Airservices Australia Publications Centre
GPO Box 1986
CARLTON SOUTH VIC 3053**





Commonwealth
of Australia

Gazette

No. S 335, Friday, 3 July 1998

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SPECIAL

COMMONWEALTH OF AUSTRALIA

SAFETY, REHABILITATION AND COMPENSATION ACT 1988

**NOTICE OF DECLARATION – SYDNEY AIRPORTS CORPORATION
LIMITED**

Notice No. 7 of 1998

I, PETER KEASTON REITH, Minister for Workplace Relations and Small Business, declare that, for the purposes of paragraph (c) of the definition of 'Commonwealth authority' in subsection 4(1) of the *Safety, Rehabilitation and Compensation Act 1988*, on and from 1 July 1998 the following body corporate is a body corporate to which that Act applies:

Sydney Airports Corporation Limited (ACN 082 578 809)

Dated *30th June* 1998

Peter Reith

Minister for Workplace Relations and Small Business



COMMONWEALTH OF AUSTRALIA

SAFETY, REHABILITATION AND COMPENSATION ACT 1988

NOTICE OF DECLARATION - BANKSTOWN AIRPORT LIMITED

Notice No. 8 of 1998

I, PETER KEASTON REITH, Minister for Workplace Relations and Small Business, declare that, for the purposes of paragraph (d) of the definition of 'Commonwealth authority' in subsection 4(1) of the *Safety, Rehabilitation and Compensation Act 1988*, on and from 1 July 1998 the following body corporate is body corporate to which that Act applies:

Bankstown Airport Limited (ACN 083 058 637)

Dated *30th June* 1998

A handwritten signature in black ink, appearing to read 'Peter Reith', written in a cursive style.

Minister for Workplace Relations and Small Business

COMMONWEALTH OF AUSTRALIA

SAFETY, REHABILITATION AND COMPENSATION ACT 1988

NOTICE OF DECLARATION – CAMDEN AIRPORT LIMITED

Notice No. 10 of 1998

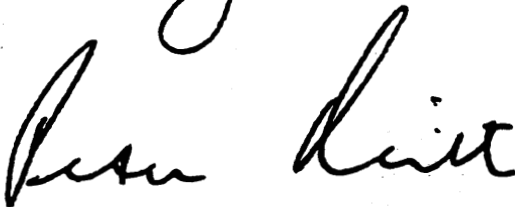
I, PETER KEASTON REITH, Minister for Workplace Relations and Small Business, declare that, for the purposes of paragraph (d) of the definition of 'Commonwealth authority' in subsection 4(1) of the *Safety, Rehabilitation and Compensation Act 1988*, on and from 1 July 1998 the following body corporate is a body corporate to which that Act applies:

Camden Airport Limited (ACN 083 056 464)

Dated

30th June

1998



Minister for Workplace Relations and Small Business

COMMONWEALTH OF AUSTRALIA

SAFETY, REHABILITATION AND COMPENSATION ACT 1988

NOTICE OF DECLARATION – HOXTON PARK AIRPORT LIMITED

Notice No. 11 of 1998

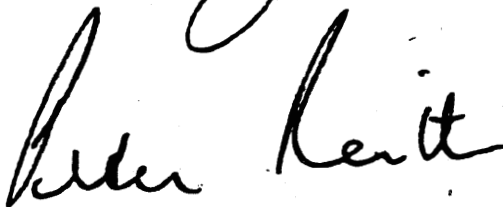
I, PETER KEASTON REITH, Minister for Workplace Relations and Small Business, declare that, for the purposes of paragraph (d) of the definition of 'Commonwealth authority' in subsection 4(1) of the *Safety, Rehabilitation and Compensation Act 1988*, on and from 1 July 1998 the following body corporate is a body corporate to which that Act applies:

Hoxton Park Airport Limited (ACN 083 057 845)

Dated

30th June

1998



Minister for Workplace Relations and Small Business

COMMONWEALTH OF AUSTRALIA

SAFETY, REHABILITATION AND COMPENSATION ACT 1988

NOTICE OF DECLARATION – ESSENDON AIRPORT LIMITED

Notice No. 12 of 1998

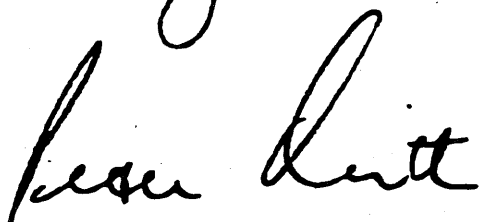
I, PETER KEASTON REITH, Minister for Workplace Relations and Small Business, declare that, for the purposes of paragraph (c) of the definition of 'Commonwealth authority' in subsection 4(1) of the *Safety, Rehabilitation and Compensation Act 1988*, on and from 1 July 1998 the following body corporate is a body corporate to which that Act applies:

Essendon Airport Limited (ACN 082 907 980)

Dated

30th June

1998



Minister for Workplace Relations and Small Business

