



**Commonwealth  
of Australia**

**Gazette**

No. GN 3, 23 January 2002

Published by the Commonwealth of Australia

**GOVERNMENT NOTICES**

## **CONTENTS**

<b>Variation of Closing Times .....</b>	<b>239</b>
<b>General Information .....</b>	<b>239</b>
<b>Courts .....</b>	<b>242</b>
<b>Government departments .....</b>	<b>243</b>
<b>Special Gazettes Nos S 13, S 14, S 15, S 16, S 17, S 18, S 19, S 20 and S 21 are herewith</b>	

**The date of publication of this Gazette is 23 January 2002**

**THIS GAZETTE IS PRODUCED AS A CAMERA-READY PUBLICATION!**

**QUALITY OF YOUR PUBLICATION:**

To maximise the quality of your notice, all copy must be typewritten or typeset using a laser printer. Handwritten material will not be accepted. Other material may be accepted, however, the Department of Communications, Information Technology and The Arts will take no responsibility for the quality of production of these notices.

**LODGMET RATES:**

A charge of \$126.50 per/page will apply to the submission of camera-ready copy

**CUSTOMER ACCOUNT NUMBERS and CUSTOMER REFERENCE CODES**

must be clearly stated on the covering sheet and submitted with your notice. Any notice submitted without this information will not be published.

**CLOSING TIMES:**

Gazette copy will be accepted by the Gazette Office until 10.00 a.m. on Friday, the week prior to publication.

**INQUIRIES:**

Please direct all inquiries to (02) 6215 2591.

## Variation of closing times

Commonwealth of Australia

### Government Notices

#### AUSTRALIA DAY EARLY CLOSING

Monday, 28 January 2002 is a public holiday in the Australian Capital Territory thus affecting the closing time for the following *Government Notices Gazette*.

Issue of 30 January 2002

Closing time will be Thursday, 24 January 2002 at 10.00 a.m.

## General Information

### IMPORTANT COPYRIGHT NOTICE

© Commonwealth of Australia 2002

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Department of Finance and Administration. Requests and inquiries concerning reproduction and rights should be addressed to the Manager, Legislative Services, the Department of Finance and Administration, GPO Box 1920, Canberra ACT 2601.

This copyright requirement on reproduction or photocopying also applies to the Australian Public Service.

### GAZETTE INQUIRIES

Lodgment inquiries ..... (02) 6215 2589  
Subscriptions (Fax) ..... (02) 6295 4888  
Subscriptions ..... 132 447

**Government Notices** issues, published each Wednesday, contain all legislation, proclamations, special information and government departments notices and are sold at \$6.40 each or on subscription of \$157.00 (25 issues).

**NOTICES FOR PUBLICATION** and related correspondence should be addressed to:

Gazette Officer, Department of Communications, Information Technology and the Arts, GPO Box 1920, Canberra ACT 2601. Telephone (02) 6215 2589 or lodged at the Department of Communications, Information Technology and the Arts, Computer Associates House, 10 National Circuit, Barton ACT. Notices are accepted for publication in the next available issue, unless otherwise specified.

Except where a standard form is used, all notices for publication must have a covering instruction setting out requirements. A typewritten original or good copies are to be provided, wherever possible double-spaced, with a margin surrounding the typewritten matter. Copy is to be confined to one side of the paper, sheets are to be of

uniform size (preferable A4), numbered consecutively and fastened securely together. Dates, proper names and signatures particularly are to be shown clearly.

Copy will be returned unpublished if not submitted in accordance with these requirements.

**CLOSING TIMES:** Notices for publication should be lodged at the Department of Communications, Information Technology and the Arts, Computer Associates House, 10 National Circuit, Barton ACT, unless otherwise specified, by the following times (except at holiday periods for which special advice of earlier closing times will be given).

*Government Notices Gazette* all copy: Friday at 10.00 a.m. in the week before publication.

**RATES** for Government Notices are \$126.50 per camera-ready page. Minimum charge one page.

For *Special Gazette* notices the rates are \$236.50 per page.

For *Periodic Gazette* notices the rates are \$20.00 per camera-ready page plus \$300.00 per issue plus 15% of total costs.

Late copy may be accepted on payment of a surcharge. For further information contact the Gazette Office on (02) 6215 2589.

The above prices are inclusive of the Goods and Services Tax.

**SUBSCRIPTIONS** are payable in advance and are accepted for a maximum period of one year. All subscriptions are on a firm basis and refunds for cancellations will not be given. Rates include surface postage in Australia and overseas. Other carriage rates are available on application.

Subscriptions fax number (02) 6295 4888.

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

or over the counter from the Commonwealth 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) 9242 8500, fax (02) 9242 8505

Townsville: 271 Flinders Mall, tel. (077) 21 5212, fax (077) 21 5217

**Agent:**

Darwin: Northern Territory Government  
Publications, 203 Railway Street, Parap  
tel. (08) 8999 4031

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

**ALL REMITTANCES** should be made payable to;  
Collector of Public Moneys, Department of  
Communications, Information Technology and the Arts.  
\*The above prices are inclusive of the Goods and  
Services Tax.

**ISSUES 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, AusInfor, GPO Box 84, Canberra ACT 2601.

---

Gazette number	Date of Publication	Subject
<hr/>		
*P1	14.1.02	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.Oct.01 to 31.Oct.01 and not previously gazetted Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.Sep.01 to 30.Sep.01 and not previously gazetted Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.Aug.01 to 31.Aug.01 and not previously gazetted

---

\* First time notified

N.N. 9621000

**Attorney-General**COMMONWEALTH OF AUSTRALIA  
CUSTOMS ACT 1901

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

I, WAYNE BALDWIN, 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	09/01/02	10/01/02	11/01/02	12/01/02	13/01/02	14/01/02	15/01/02
Austria	Schillings	8.0594	8.0759	8.0525	8.0525	8.0525	7.9576	7.9672
Belgium/Lux	Francs	23.6300	23.6800	23.6100	23.6100	23.6100	23.3300	23.3600
Brazil	Reals	1.2423	1.2428	1.2648	1.2648	1.2648	1.2414	1.2399
Canada	Dollars	.8350	.8360	.8343	.8343	.8343	.8262	.8252
China	Yuan	4.3328	4.3329	4.3220	4.3220	4.3220	4.2849	4.2865
Denmark	Kroner	4.3578	4.3658	4.3523	4.3523	4.3523	4.3006	4.3054
European Union	Euro	.5857	.5869	.5852	.5852	.5852	.5783	.5790
Fiji	Dollar	1.1930	1.1881	1.1854	1.1854	1.1854	1.1782	1.1824
Finland	Markka	3.4824	3.4895	3.4794	3.4794	3.4794	3.4384	3.4426
France	Francs	3.8419	3.8498	3.8387	3.8387	3.8387	3.7934	3.7980
Germany	Deutschmark	1.1455	1.1479	1.1446	1.1446	1.1446	1.1311	1.1324
Greece	Drachmae	199.6100	200.0300	199.4500	199.4500	199.4500	197.1500	197.3700
Hong Kong	Dollars	4.0824	4.0824	4.0721	4.0721	4.0721	4.0370	4.0388
India	Rupees	25.2663	25.2864	25.2558	25.2558	25.2558	25.0492	25.0219
Indonesia	Rupiah	5458.0000	5457.0000	5450.0000	5450.0000	5450.0000	5394.0000	5386.0000
Ireland	Pounds	.4613	.4622	.4609	.4609	.4609	.4554	.4560
Israel	Shekel	2.3270	2.3280	2.3395	2.3395	2.3395	2.3193	2.3267
Italy	Lire	1134.0700	1136.4000	1133.1100	1133.1100	1133.1100	1119.7400	1121.1000
Japan	Yen	69.5300	69.4900	69.0800	69.0800	69.0800	68.2400	68.1800
Korea	Won	684.2800	685.4900	682.6700	682.6700	682.6700	678.3600	680.1300
Malaysia	Ringgit	1.9890	1.9890	1.9841	1.9841	1.9841	1.9670	1.9678
Netherlands	Guilder	1.2907	1.2934	1.2896	1.2896	1.2896	1.2744	1.2759
New Zealand	Dollar	1.2151	1.2222	1.2244	1.2244	1.2244	1.2242	1.2242
Norway	Kroner	4.6696	4.6675	4.6641	4.6641	4.6641	4.6031	4.6063
Pakistan	Rupee	31.4100	31.3600	31.2900	31.2900	31.2900	31.1200	31.1000
Papua NG	Kina	1.9558	1.9507	1.9449	1.9449	1.9449	1.9245	1.9041
Philippines	Peso	27.0500	26.9500	26.7800	26.7800	26.7800	26.5400	26.5800
Portugal	Escudo	117.4200	117.6600	117.3200	117.3200	117.3200	115.9400	116.0800
Singapore	Dollar	.9679	.9669	.9626	.9626	.9626	.9520	.9491
Solomon Is.	Dollar	2.9262	2.9344	2.9353	2.9353	2.9353	2.9183	2.9276
South Africa	Rand	6.0093	5.9165	6.0334	6.0334	6.0334	5.8548	5.9718
Spain	Peseta	97.4500	97.6500	97.3700	97.3700	97.3700	96.2200	96.3400
Sri Lanka	Rupee	48.7000	48.7800	48.7700	48.7700	48.7700	48.3000	48.3500
Sweden	Krona	5.4378	5.4279	5.3673	5.3673	5.3673	5.3046	5.3554
Switzerland	Franc	.8657	.8677	.8673	.8673	.8673	.8558	.8576
Taiwan	Dollar	18.3300	18.3200	18.2800	18.2800	18.2800	18.1200	18.1100
Thailand	Baht	23.0600	23.0400	22.9800	22.9800	22.9800	22.7300	22.7300
UK	Pounds	.3634	.3638	.3624	.3624	.3624	.3571	.3572
USA	Dollar	.5235	.5235	.5222	.5222	.5222	.5177	.5179

Wayne Baldwin  
Delegate of the  
Chief Executive Officer of Customs  
CANBERRA A.C.T.  
16/01/02

9620977

---

## **Communications, Information Technology and the Arts**

---

### **AUSTRALIAN COMMUNICATIONS AUTHORITY**

*Telecommunications Act 1997*

*Subsection 56 (3)*

### **NOTIFICATION OF GRANT OF CARRIER LICENCE**

The Australian Communications Authority gives notice under subsection 56 (3) of the *Telecommunications Act 1997* ('the Act') that on 15 January 2002 a carrier licence was granted to Pacific Wireless Australia Pty Ltd under subsection 56 (1) of the Act.

---

**9620978**

## AUSTRALIAN BROADCASTING AUTHORITY

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

#### ALTERNATIVE USES OF BROADCASTING SERVICES BANDS DETERMINATIONS

Pursuant to section 34(1) of the *Broadcasting Services Act 1992*, the Australian Broadcasting Authority by written instruments determined parts of the radiofrequency spectrum to be made available for allocation for specified periods. This notice is for the determinations made during the period 1 July 2001 – 31 December 2001. Copies of the determinations can be obtained from:

Ms Chitra Jayawardena  
Australian Broadcasting Authority  
PO Box 34  
BELCONNEN ACT 2616

or

by telephoning Freecall 1800 810 241 or directly on 02-6256 2872

**9620979**



## Defence



### LANDS ACQUISITION ACT 1989 PRE-ACQUISITION DECLARATION

#### 1. Acquisition

In accordance with the *Lands Acquisition Act 1989*, I am considering the acquisition of the interests in land specified in paragraph 2 for the public purpose described in paragraph 3. The Commonwealth of Australia will be the acquiring authority.

#### 2. The Interest in Land

This notice relates to the compulsory acquisition of a freehold interest in all of the land comprised in Certificates of Title Volume 5371 Folios 102, 103, 104, 105 and 106, Hundred of Inkerman, in the area named Port Wakefield, South Australia. The land is located approximately 5 kilometres south of the township of Port Wakefield adjoining the north western perimeter of the Department of Defence Environmental Test Facility at the Port Wakefield Proof and Experimental Establishment.

#### 3. Public Purpose

The land appears to be suitable for use, and for development for use, by the Commonwealth for the public purpose of defence.

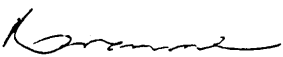
#### 4. Particulars of Proposed Use

The land is to be used by the Department of Defence for provision of a safeguarding zone around an Ordnance Breakdown Facility to be constructed to the north of the Port Wakefield Proof and Experimental Establishment.

#### 5. Reasons

The reason the land appears to be suitable for the use, and development for that use, is that it adjoins the Department of Defence Port Wakefield Proof and Experimental Establishment and provides the optimum location to meet operational, functional and explosives ordnance safety distance requirements for the proposed new Ordnance Breakdown Facility. There is no other means of effectively accommodating the requirement. The acquisition area will be a buffer zone for the proposed Ordnance Breakdown Facility complex.

DATED this 10<sup>th</sup> day of JANUARY 2002.

  
Mike Cramsie  
Delegate of the Minister of State for Finance and Administration

Business Services Group  
Department of Finance and Administration

**Note:** This Pre-Acquisition Declaration signifies that the Commonwealth is considering acquisition of the interest in land specified in paragraph 2. It does NOT mean that the interest in land has been acquired.

**LANDS ACQUISITION ACT 1989  
PRE-ACQUISITION DECLARATION****1. Acquisition**

In accordance with the *Lands Acquisition Act 1989*, I am considering the acquisition of the interests in land specified in paragraph 2 for the public purpose described in paragraph 3. The Commonwealth of Australia will be the acquiring authority.

**2. The Interest in Land**

This notice relates to the compulsory acquisition of a freehold interest in all the land comprised in Certificates of Title Volume 5425 Folio 304 and Volume 5454 Folio 598, Hundred of Inkerman, in the area named Port Wakefield, South Australia. The land is located approximately 5 kilometres south of the township of Port Wakefield adjoining the northern perimeter of the Department of Defence Environmental Test Facility at the Port Wakefield Proof and Experimental Establishment.

**3. Public Purpose**

The land appears to be suitable for use, and for development for use, by the Commonwealth for the public purpose of defence.

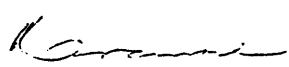
**4. Particulars of Proposed Use**

The land is to be used by the Department of Defence for construction of an Ordnance Breakdown Facility and for provision of a safeguarding zone around that facility located to the north of the Department of Defence Port Wakefield Proof and Experimental Establishment.

**5. Reasons**

The reason the land appears to be suitable for the use is that it adjoins the Department of Defence Port Wakefield Proof and Experimental Establishment and provides the optimum location to meet operational, functional and explosives ordnance safety distance requirements for the proposed new Ordnance Breakdown Facility. There is no other means of effectively accommodating the requirement. The acquisition area will be used for construction of the proposed Ordnance Breakdown Facility complex and for provision of a buffer zone.

DATED this 15<sup>th</sup> day of JANUARY 2002.

  
Mike Cramsie  
Delegate of the Minister of State for Finance and Administration

Business Services Group  
Department of Finance and Administration

**Note: This Pre-Acquisition Declaration signifies that the Commonwealth is considering acquisition of the interest in land specified in paragraph 2. It does NOT mean that the interest in land has been acquired.**



**LANDS ACQUISITION ACT 1989  
PRE-ACQUISITION DECLARATION**

**1. Acquisition**

In accordance with the *Lands Acquisition Act 1989*, I am considering the acquisition of the interests in land specified in paragraph 2 for the public purpose described in paragraph 3. The Commonwealth of Australia will be the acquiring authority.

**2. The Interest in Land**

This notice relates to the compulsory acquisition of a freehold interest in portion of the land comprised in Certificates of Title Volume 5089 Folio 373 and Volume 5805 Folio 489, Hundred of Inkerman, in the area named Port Wakefield, South Australia as outlined on the attached plan. The land is located approximately 5 kilometres south of the township of Port Wakefield adjoining the north eastern perimeter of the Environmental Test Facility at the Port Wakefield Proof and Experimental Establishment.

**3. Public Purpose**

The land appears to be suitable for use and or for development for use by the Commonwealth for the public purpose of defence.

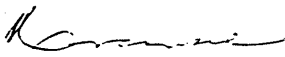
**4. Particulars of Proposed Use**

The land is to be used by the Department of Defence for provision of a safeguarding zone around an Ordnance Breakdown Facility to be constructed to the north of the Department of Defence Port Wakefield Proof and Experimental Establishment.

**5. Reasons**

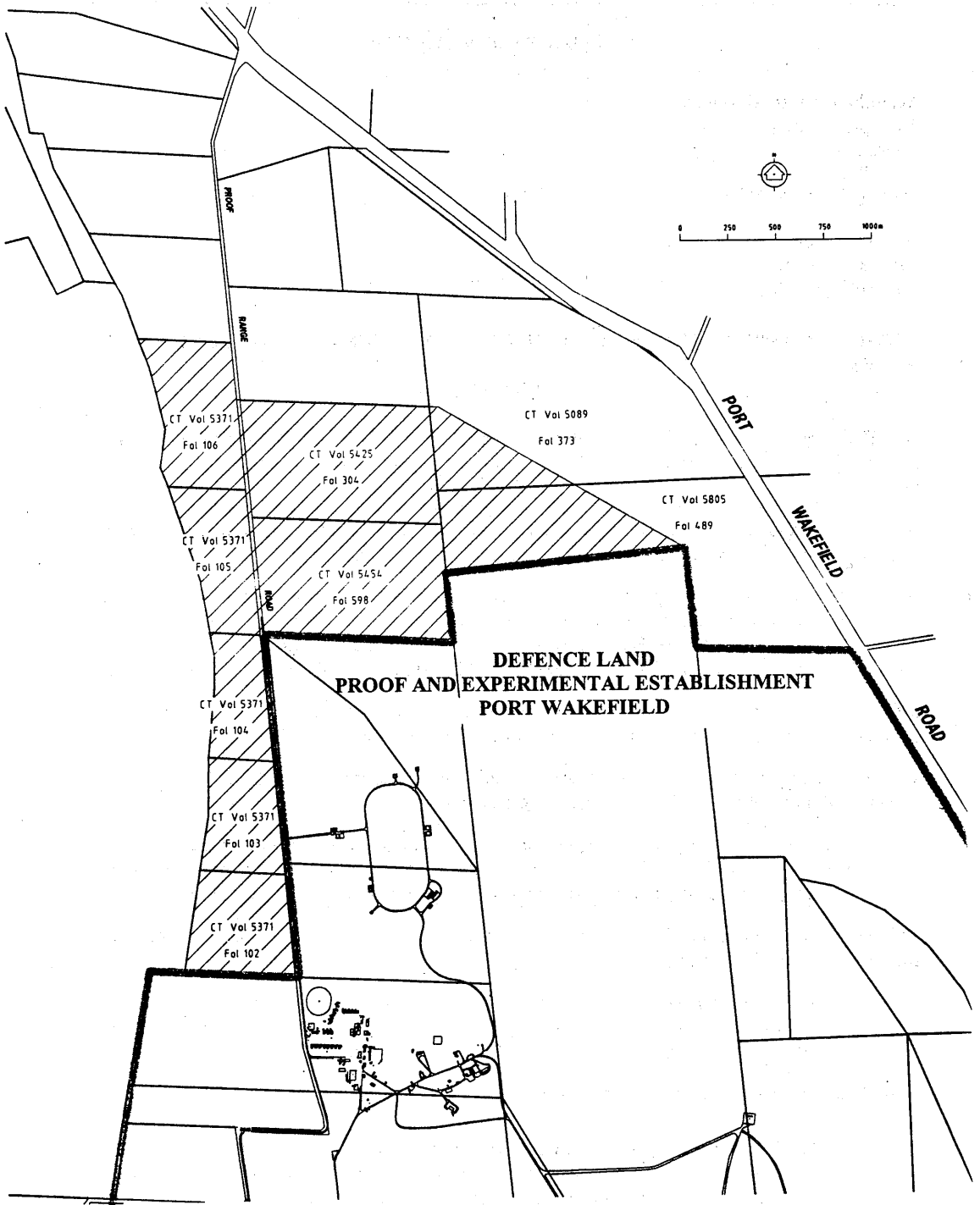
The reason the land appears to be suitable for the use, and development for that use, is that it adjoins the Department of Defence Port Wakefield Proof and Experimental Establishment and provides the optimum location to meet operational, functional and explosives ordnance safety distance requirements for the proposed new Ordnance Breakdown Facility. There is no other means of effectively accommodating the requirement. The acquisition area will be a buffer zone for the proposed Ordnance Breakdown Facility complex.

DATED this 10<sup>th</sup> day of January 2002.

  
Mike Cramsie  
Delegate of the Minister of State for Finance and Administration

Business Services Group  
Department of Finance and Administration

**Note:** This Pre-Acquisition Declaration signifies that the Commonwealth is considering acquisition of the interest in land specified in paragraph 2. It does NOT mean that the interest in land has been acquired.



---

## Employment and Workplace Relations

---

### Workplace Relations Act 1996

Australian Industrial Registry  
Principal Registry  
Nauru House  
80 Collins Street  
Melbourne Vic 3000

(Postal Address:  
GPO Box 1994S  
Melbourne Vic 3001)

#### NOTICE OF APPLICATION FOR CONSENT TO AN ALTERATION OF ELIGIBILITY RULES

(D 2001/24)

NOTICE is given that an application under the Workplace Relations Act 1996 for consent to an alteration of the eligibility rules of the Health Services Union of Australia (the "HSUA") has been received.

A copy of the application has been published on the website of the Australian Industrial Relations Commission at: <http://www.airc.gov.au> (under *Organisations* click *Gazette Notices*).

Alternatively, a copy of the application will, on receipt of a written request from an organisation, be made available to the organisation by any other method and form agreed with the organisation. Requests should be directed to Mr. Andrew Schultz, Australian Industrial Registry, GPO Box 1994S, Melbourne, Victoria, 3001 (*Fax*: (03) 9654 6672 or *E-mail*: [andrew.schultz@air.gov.au](mailto:andrew.schultz@air.gov.au)).

Information contained in the supporting documents to the application concerning the proposed alteration, the reason for the proposal and the effect of the proposal is as follows:

1. The particulars of the proposed alterations are the amendment of Rule "2 - Industry" by deleting from Sub-Rule A (aa)(1) the following paragraph:

*"Also provided that persons engaged in social and/or welfare work other than social welfare work aides shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule."*

and the amendment of Rule "3 - Conditions of Eligibility for Membership" by deleting from Sub-Rule A (aa)(1) the following paragraph:

*"Also provided that persons engaged in social and/or welfare work other than social welfare work aides shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule."*

2. The reasons for the proposed alterations are as follows:

- (a) To enable the HSUA to enrol as members employees engaged in social and/or welfare work in or about or in connection with the carrying on of all community health care centres being declared community health centres under section 45 of the Health Services Act 1988 or in receipt of funds in accordance with section 20 of that Act in the State of Victoria.
- (b) To enable the HSUA to represent and enhance the industrial, occupational and professional interests of the persons referred to in paragraph (a).

- (c) To enable the HSUA to provide more effective representation for employees engaged in social and/or welfare work in or about or in connection with all community health care centres in the State of Victoria.
- (d) The HSUA is the organisation to which the persons who would be eligible for membership as a result of the proposed alteration to the eligibility rules might more conveniently belong.
- (e) To enable the HSUA to provide more effective representation for employees engaged in social and/or welfare work in or about or in connection with all community health care centres in the State of Victoria.
- (f) The alteration reflects the changing nature of the provision and delivery of health services in the State of Victoria.
- (g) To enable persons to become members of the HSUA in circumstances where there is no other organisation to which such persons might more conveniently belong.
- (h) To enable persons to become members of the HSUA in circumstances where there is no other organisation that would more effectively represent such persons.
- (i) To clarify and provide certainty to the eligibility rules of the HSUA as they relate to Victoria.

3. The effect of the proposed alteration is as follows:

- (a) To provide eligibility for membership of the HSUA to employees engaged in social and/or welfare work in or about or in connection with the carrying on of all community health centres of the specified type in the State of Victoria.
- (b) To remove the proviso in the rules which prevents employees engaged in social and/or welfare work in or about or in connection with the carrying on of all community health centres in the State of Victoria from being eligible to join the HSUA.

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, marked to the attention of Mr. Andrew Schultz, a notice of objection accompanied by a written statement within thirty-five (35) days after the publication of this advertisement and by serving on the organisation (whose address for service is: 171 Drummond Street, Carlton, Victoria, 3053) within seven (7) days after the notice of objection has been lodged, copies of the notice of objection and written statement so lodged.

**Peter Richards**  
Industrial Registrar

9620981

## Environment and Heritage

### DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

#### *Environment Protection and Biodiversity Conservation Act 1999*

#### NOTICE OF A DECISION ON WHETHER AN ACTION IS A CONTROLLED ACTION OR NOT

1. Pursuant to section 77(1)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* and paragraph 16.02(1)(a) of the *Environment Protection and Biodiversity Conservation Regulations 2000*, notice is hereby given that the Minister for the Environment and Heritage or a delegate of that Minister, has decided that each action identified in columns 1 and 2 of each row of the following table is a controlled action. The controlling provisions for each action are specified in column 4 of each row.

Reference No	Title of action	Date of Decision	Controlling Provisions	Component decision under s.77(3) applies
2001/529	Wind Prospect Pty Ltd/Energy generation and supply/Green Point/SA/Green Point Wind Farm	15 Jan 2002	s 18 a listed threatened species or ecological community s 20 a listed migratory species	No

2. Pursuant to section 77(1)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* and paragraph 16.02(1)(a) of the *Environment Protection and Biodiversity Conservation Regulations 2000*, notice is hereby given that the Minister for the Environment and Heritage or a delegate of that Minister, has decided that each action identified in columns 1 and 2 of each row of the following table is not a controlled action.

Reference No	Title of action	Date of Decision	Component decision under s.77(3) applies
2001/527	Transgrid/Energy and Infrastructure (incl. Pipelines)/Molong to Manildra/NSW/132kV transmission line	14 Jan 2002	No

## DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

*Environment Protection and Biodiversity Conservation Act 1999*NOTICE OF A DECISION ON THE APPROACH TO BE USED FOR ASSESSMENT OF  
THE RELEVANT IMPACTS OF AN ACTION

Pursuant to Section 91(1)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* and paragraph 16.02(1)(a) of the *Environment Protection and Biodiversity Conservation Regulations 2000*, notice is hereby given that the Minister for the Environment and Heritage or a delegate of that Minister, has decided on the approach to be used for the assessment of the relevant impacts of each action identified in columns 1 and 2 of each row of the following table. The assessment approach for each identified action is specified in column 4 of each row.

Reference No	Title of action	Date of Decision	Assessment approach
2001/492	ADI Limited/Defence/Mulwala/NS W/Modernisation of Mulwala Munitions Plant	10 Jan 2002	Accredited Assessment Process (Environmental Impact Statement process under the NSW <i>Environmental Planning and Assessment Act, 1979</i> )

For more information see: <http://www.ea.gov.au/epbc>

9620982





**ACTING MINISTER FOR THE ENVIRONMENT AND HERITAGE**  
**NOTICE UNDER SECTION 17A OF THE *FUEL QUALITY STANDARDS***  
***ACT 2000* CONCERNING A DECISION TO AMEND AN APPROVAL**  
**GRANTED TO THE COMMONWEALTH DEPARTMENT OF HEALTH**  
**AND AGED CARE**

I, Amanda Vanstone, Acting Minister for the Environment and Heritage, provide the following information concerning my decision to amend an approval granted under section 13 of the *Fuel Quality Standards Act 2000* ('the Act') on 8 November 2001 to the then Commonwealth Department of Health and Aged Care to facilitate the supply of avgas under the 'Comgas Scheme' (the Scheme).

**Name of approval holder**

The amended approval has been granted to the Assistant Secretary, Health and Community Strategies Branch, Office of Aboriginal and Torres Strait Islander Health, Department of Health and Ageing, on behalf of the Commonwealth.

**Period of operation**

The period of operation of the approval is the period of 12 months commencing 16 January 2002.

**Details of the approved variation of the fuel standard**

The approval is attached to this notice.

**Details of the amendments to the Approval**

The instrument amending the approval granted to the Department of Health and Aged Care on 8 November 2001 by the then Minister for the Environment and Heritage, the Hon Senator Robert Hill, is attached to this notice. It replaces the list of 'regulated persons' specified in the approval. As the name of the Department of Health and Aged Care has now changed to the Department of Health and Ageing, the instrument also amends the approval to reflect the new name of that Department.

**Background**

On 8 November 2001 approval was granted to the former Commonwealth Department of Health and Aged Care (now Department of Health and Ageing) to supply avgas to Aboriginal communities under the Scheme. The approval allows two suppliers (Mobil Oil Australia Pty Ltd and BP Australia Ltd) to supply avgas under the Scheme.

The Scheme is a long-term approach to petrol sniffing, and addresses education, prevention, rehabilitation and treatment. The Scheme ensures that communities using avgas as part of an abatement strategy can continue to do so at no additional cost. The supply of avgas for use in motor vehicles is not permitted under the *Fuel Standard*

*(Petrol) Determination 2001* because avgas does not meet several of the fuel specifications in that standard.

The Department of Health and Ageing has applied for an amendment of their approval to allow additional 'regulated persons' to supply avgas under the Scheme. The amendment will allow all likely suppliers to supply avgas under the Scheme without committing an offence under the Act.

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

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

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

Section 24A of the Act provides that I must consult the Fuel Standards Consultative Committee (FSCC) before granting an approval under section 13.

The application was received on 14 December 2001 and has been considered by the FSCC, which has recommended that the amendment be granted. I have had regard to this advice in deciding to grant this approval amendment.

#### **Findings on material questions of fact**

(a) Protection of the environment

In considering the original application the former Minister determined that the benefits of continuing the Scheme outweighed the environmental risks. Increasing the number of regulated persons under the approval raises no additional environmental issues.

(b) Protection of occupational and public health and safety

Occupational and public health and safety issues were considered in the original recommendation. An increase in suppliers raises no further health and safety issues.

(c) Interest of consumers

Increasing the number of regulated persons will not affect the interests of consumers.

(d) Impact on economic and regional development

Increasing the number of 'regulated persons' will enable fuel distributors already participating in the Scheme to continue to supply avgas without committing an offence under the Act. As the Scheme has been operating for several years this

approval will not create any additional impact on economic and regional development beyond that created by the documentation and reporting requirements of the Act.

**Evidence or other material on which the findings were based**

The evidence and other material on which my findings were based were:

- The application dated 14 December 2001 from Margaret Norington, Assistant Secretary, Health and Community Strategies Branch, Office for Aboriginal and Torres Strait Islander Health in the Department of Health and Ageing; and
- The recommendations of the Fuel Standards Consultative Committee dated 19 December 2001.

**Reasons for decision**

1. The relative benefits of reducing the incidence of petrol sniffing in the communities participating in the Scheme outweighs the health, safety, and environmental risks arising from the sale of avgas.
2. Recognising additional suppliers involved in the distribution and sale of avgas under the Scheme will enable these suppliers to continue to supply avgas in compliance with the Act.



Acting Minister for the Environment and Heritage

16<sup>th</sup> JANUARY /2002

MINISTER FOR THE ENVIRONMENT AND HERITAGE

**FUEL QUALITY STANDARDS ACT 2000**

**Amendment of Approval Granted to the Commonwealth  
Department of Health and Aged Care**

I, Amanda Vanstone, Acting Minister for the Environment and Heritage, pursuant to subsection 33(3) of the *Acts Interpretation Act 1901 (Cth)* and section 13 of the *Fuel Quality Standards Act 2000* ('the Act'), hereby amend the approval granted to the person performing the duties of the position of Assistant Secretary, Health and Community Strategies Branch, Office of Aboriginal and Torres Strait Islander Health of the Commonwealth Department of Health and Aged Care under section 13 of the Act on 8 November 2001, by:

- (a) replacing Annexure 1 with the Annexure attached to this instrument; and
- (b) deleting all references to "Department of Health and Aged Care" and substituting "Department of Health and Ageing".

Dated

16<sup>th</sup> JANUARY

2002



**Acting Minister for the Environment and Heritage**

**Annexure 1**

**NAMES OF FUEL SUPPLIERS TO WHOM THIS APPROVAL EXTENDS**

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

Mobil Oil Australia Pty Ltd  
BP Australia Limited  
Australian Fuel Distributors (AFD)  
Indervon Pty Ltd (trading as Ampol Alice Springs)  
Atkins Freight Service  
Kym Martin Pty Ltd  
Marree Transport Pty Ltd  
Parnell Mogas  
Sabadin Petroleum Pty Ltd  
Darwin Petroleum Services (Octagon)  
Fuelink  
Western Desert Highway (Docker River Store)  
Bawinanga Aboriginal Corporation  
Kardu Numida Inc.  
Ajurumu Self Serve Store  
Numbulwar Community Government Council  
Galiwinki Community Council  
Ramingining Community Council  
Ramingining Homelands Resource Centre  
Tjukurla Store  
Pulikutjarra Aboriginal Corporation  
Blackstone Enterprises  
Warakurna - Jacoma Pty Ltd (Warakurna Roadhouse)  
Warburton - Flinton Pty Ltd (Warburton Roadhouse)  
Yilka Store  
Warrunyinna Store  
Kiwirrkurra Road House  
Tjirrkarli Store  
Patjarr Store  
Wanarn Store  
Irrunytju Store  
Tjukayirla Road House  
Wirrimanu Community Store  
Mulan Store  
Amata Aanagu Store  
Kanpi Fuel Enterprise  
Mimili Store  
Pipalyatjarra Workshop  
Pukatja Garage  
Watarru Community  
Kaltjiti Community Inc.  
Indulkana Community Store



## ACTING MINISTER FOR THE ENVIRONMENT AND HERITAGE

### NOTICE UNDER SECTION 17A OF THE *FUEL QUALITY STANDARDS*

#### **ACT 2000 CONCERNING A DECISION TO GRANT AN APPROVAL TO GASENG PETROLEUM (CHRISTMAS ISLAND) PTY LTD**

I, Amanda Vanstone, Acting Minister for the Environment and Heritage, provide the following information concerning my decision to grant an approval under section 13 of the *Fuel Quality Standards Act 2000* ('the Act').

#### **Name of approval holder**

The approval has been granted to Gaseng Petroleum (Christmas Island) Pty Ltd.

#### **Period of operation**

The period of operation of the approval is 16 January 2002 to 1 October 2002.

#### **Details of the approved variation of the fuel standard**

The instrument granting the approval to Gaseng Petroleum is attached to this notice.

#### **Background**

Gaseng Petroleum imports and sells fuel on Christmas Island, located about 2,600km north-west of Perth and 400km south of Indonesia. It supplies fuel to the Island's power station, the Australian Navy, and the general population. Gaseng Petroleum has advised that it has sold approximately 6,000,000 litres of diesel and 700,000 litres of premium unleaded petrol (PULP) over the last twelve months.

On 12 December 2001 Gaseng Petroleum applied for an approval under the Act for a variation to the *Fuel Standard (Petrol) Determination 2001* and the *Fuel Standard (Diesel) Determination 2001*. Certificates of fuel quality issued by SGS Testing & Control Services, Singapore, dated 31 October, 2 November, 28 November, and 11 December 2001, were provided with the application. According to these certificates, the petrol currently supplied by Gaseng Petroleum complies with the *Fuel Standard (Petrol) Determination 2001* except in relation to the sulfur specification, and the diesel currently supplied complies with the *Fuel Standard (Diesel) Determination 2001*, except in relation to the distillation specification.

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

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

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

Section 24A of the Act provides that I must consult the Fuel Standards Consultative Committee (FSCC) before granting an approval under section 13. The FSCC has recommended, in advice dated 19 December 2001, that the approval be granted.

The FSCC Secretariat also sought comment from the Department of Defence's Joint Fuel and Lubrication Agency, on 19 December 2001. I have had regard to their response in deciding to grant this approval amendment.

#### **Findings on material questions of fact**

##### **(a) Protection of the environment**

###### *SO<sub>2</sub> emissions*

The sulfur content of fuel directly affects the amount of sulfur dioxide (SO<sub>2</sub>) that is oxidised and emitted by petrol-fuelled vehicles. Sulfur in fuel can also deactivate some advanced sulfur-sensitive pollution control devices in motor vehicles with this technology installed. The sulfur content of the premium unleaded petrol supplied by Gaseng Petroleum is 300mg/kg as opposed to the maximum prescribed in the Petrol Determination, from 1 January 2002, of 150mg/kg. The slightly increased amount of SO<sub>2</sub> that will be emitted into the environment of Christmas Island during the period of operation of this approval is not environmentally significant.

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

I do not expect any occupational and public health and safety issues to arise as a result of the grant of the approval.

##### **(c) The interests of consumers**

###### *Availability of fuel*

Gaseng Petroleum is the primary retail supplier of fuel on Christmas Island and has large amounts of fuel in stock for sale. If this approval were not granted, sufficient fuel would not be available for sale on the island until after the monsoon season (March-April 2002). This would impact adversely on consumers.

On 7 November a petrol shipment was discharged at Christmas Island. On 12 December about 539,305 litres of petrol were in stock. On 7 November and 3 December 2001 diesel shipments were discharged at Christmas Island. On 12 December 2001 about 2,504,729 litres of diesel were in stock. The next fuel

shipments of petrol and diesel are likely to be in July or August 2002. If the approval were not granted this fuel could not be lawfully sold on Christmas Island. If a prohibition on sale were to be enforced, the fuel supply on Christmas Island would effectively be cut off until after the monsoon season. Gaseng Petroleum does not on-supply to other fuel distributors on the island.

The timing and amount of fuel purchased by Gaseng Petroleum depends on the availability of suitable ships and ullage, and the weather. Fuel is not imported during the monsoon season.

Gaseng Petroleum purchases its fuel from Singapore because the freight cost of purchasing fuel products from the mainland would be prohibitive and the effect on fuel prices would not be acceptable to Christmas Island consumers.

#### *Engine operability – Distillation*

The applicant seeks a variation of the Diesel Determination so that it can supply diesel with a distillation specification of about 378°C, until 1 July 2002. The distillation temperature of diesel fuel indicates the amount of fuel that will boil off at a given temperature. The Diesel Determination requires, from 1 January 2002, that diesel supplied in Australia has a distillation temperature at which 95% of diesel has been recovered, below 371°C. The 'distillation curve' can be divided into three parts: the light end, which affects "startability", the region around the 50% evaporated point, which is linked to other fuel parameters such as viscosity and density; and, the heavy end, characterised by the T90, T95 and final boiling point (FBP). (T90 is the temperature at which 90% of the fuel distills).

This minor deviation regarding the distillation parameter is not expected to cause engine operability problems.

#### **The impact on economic and regional development**

Gaseng Petroleum is the primary retail supplier of fuel on Christmas Island and has large amounts of fuel in stock for sale. If this approval were not granted, fuel would not be available for sale on the island until after the monsoon season (March-April 2002). This would likely have an adverse impact on the economy of Christmas Island.

#### **Evidence or other material on which the findings were based**

- The application dated 12 December 2001 from Gaseng Petroleum (Christmas Island) Pty Ltd; and
- the recommendations of the Fuel Standards Consultative Committee dated 19 December 2001.



**Reasons for decision**

1. The granting of this approval will not have a significant impact on the environment of Christmas Island
2. If the approval were not granted, there would likely be an adverse impact on consumers and the Christmas Island economy as stored fuel which would otherwise not comply with the relevant fuel standards could not be sold.
3. Engine operability is unlikely to be affected by fuel supplied in accordance with this approval.



Acting Minister for the Environment and Heritage

16 / JANUARY / 2002

## ACTING MINISTER FOR THE ENVIRONMENT AND HERITAGE

**FUEL QUALITY STANDARDS ACT 2000****GRANT OF APPROVAL – SECTION 13**

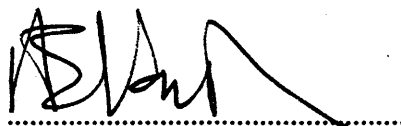
I, Amanda Vanstone, Acting Minister for the Environment and Heritage, pursuant to section 13 of the *Fuel Quality Standards Act 2000* ('the Act'), hereby grant this approval to Gaseng Petroleum Pty Ltd ('the holder of the approval').

In respect of diesel fuel imported into the Territory of Christmas Island by the holder of the approval, and supplied in that Territory by the holder of the approval, this approval varies the *Fuel Standard (Diesel) Determination 2001* ('the Diesel Determination') so that diesel with a distillation specification of about 378°C complies with the specifications for diesel fuel in the Determination.

In respect of petrol fuel imported into the Territory of Christmas Island by the holder of the approval, and supplied in that Territory by the holder of the approval, this approval varies the *Fuel Standard (Petrol) Determination 2001* ('the Petrol Determination') so that petrol with a sulfur content of about 300 mg/kg sulfur complies with the specifications for petrol fuel in the Determination.

The period of operation of the approval is from 16 January 2002 until 1 October 2002.

Dated 16<sup>th</sup> JANUARY 2002



**Acting Minister for the Environment and Heritage**



Department of the Environment and Heritage

**ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981  
MATTERS TO BE PUBLISHED IN THE GAZETTE  
FOR THE PERIOD: 1 OCTOBER 2001 – 31 DECEMBER 2001**

Pursuant to section 25 of the *Environment Protection (Sea Dumping) Act 1981*, notice is given that:

***Applications for Permits***

- an application was received on 11 October 2001 from the Cocos (Keeling) Islands Dive Club, PO Box 1020, Cocos (Keeling) Islands, Indian Ocean, Western Australia, 6799, to place a Sri Lankan fishing vessel off Direction Island.
- an application was received on 24 October 2001 from Townsville Port Authority, Benwell Road, Townsville, Queensland, 4810, to dump up to 236 380 cubic metres of maintenance dredge spoil.

***Permits Granted***

- a sea dumping permit was granted on 26 October 2001 to the Unauthorised Arrivals Section, Department of Immigration and Multicultural Affairs, PO Box 25, Belconnen, ACT 2616, to dump at sea up to forty seized vessels.
- a artificial reef permit was granted on 1 November 2001 to the Cocos (Keeling) Islands Dive Club, PO Box 1020, Cocos (Keeling) Islands, Indian Ocean, Western Australia, 6799, to place a Sri Lankan fishing vessel off Direction Island.
- a sea dumping permit was granted on 27 November 2001 to the Department of Immigration and Multicultural Affairs, PO Box 25, Belconnen, ACT 2616, to dump at sea the seized vessel Wingsang.
- a sea dumping permit was granted on 27 November 2001 to the Department of Immigration and Multicultural Affairs, PO Box 25, Belconnen, ACT 2616, to dump at sea the seized vessel Dulcot.
- a artificial reef permit was granted on 7 December 2001 to the Bundaberg and District Artificial Reef Association Incorporated, PO Box 127 Bundaberg, Queensland, to place specified items for the purpose of continuing artificial reef building activity off Bundaberg, Queensland.



***Revocation, Variation, Suspension, and Cancellation of a Suspension, of a permit or Condition imposed in respect of a Permit***

- a variation to a sea dumping permit was granted on 14 November 2001 to Breakwater Island Limited, PO Box 1469, TOWNSVILLE, QLD, 4810, by extending the period of that permit until 15 October 2002. All other conditions shall remain the same.
- a variation to a sea dumping permit was granted on 12 December 2001 by varying the conditions imposed in the permit granted to the Ports Corporation of Queensland, GPO Box 409, Brisbane QLD 4001 and by changing the permittee from Ports Corporation of Queensland to Babcock and Brown Investment Services, Level 26 Waterfront Place, 1 Eagle Street, Brisbane, Queensland, 4000.

Copies of relevant documentation may be obtained, upon request, from the Director, Marine and International Section, Environment Australia, GPO Box 787 CANBERRA ACT 2601. Ph: 02 6274 1418 Fax: 02 6274 1006.



Richard Nott  
A/g Assistant Secretary  
Marine, Coasts and Wetlands Branch  
Marine and Water Division

7 January 2002

9620985

**PUBLIC NOTICE PURSUANT TO REGULATION 22 OF THE GREAT BARRIER  
REEF MARINE PARK (AQUACULTURE) REGULATIONS 2000**

**PROPOSAL TO DISCHARGE AQUACULTURE WASTE WITHIN THE CONTROLLED  
AREA ADJACENT TO THE GREAT BARRIER REEF MARINE PARK**

Notice is hereby given that we, KA Watson and TN Baldock, have applied to the Great Barrier Reef Marine Park Authority for permission to discharge aquaculture waste within the controlled area adjacent to the Great Barrier Reef Marine Park.

The proposed project involves construction and operation of a 5.75 ha marine aquaculture facility to grow *Panaeus monodon* (black tiger prawns). The project is located approximately 35 km north of Townsville on Althaus Creek at Blue Water.

Construction will involve the creation of earthen aquaculture ponds, laying of pipes and the building of a pump station, work shed and single workers quarters. Operation of the farm will include filling of ponds with water from Althaus Creek, stocking the ponds with juvenile prawns, feeding the prawns over a six month grow out period, harvesting the prawns and supplying them to a local seafood-trader in Townsville. Aquaculture discharge waters will be released to Althaus Creek.

Further details of this project are available from:

The Manager Environmental Services  
Mr David Finney  
C&B Group  
PO Box 1949  
CAIRNS QLD 4870  
Phone: 07 4031 1336  
Fax: 07 40312942  
Email: [cairns@cbgroup.com.au](mailto:cairns@cbgroup.com.au)

Interested persons including those who believe that the proposed aquaculture development will restrict their reasonable use of the Marine Park are invited to lodge written comments on the proposal with the Authority by 25 February 2002. Comments should be forwarded to:

The Manager, Environmental Impact Assessment  
Great Barrier Reef Marine Park Authority  
PO Box 1379  
TOWNSVILLE QLD 4810  
Fax: 07 4772 6093  
Email: [adams@gbrrmpa.gov.au](mailto:adams@gbrrmpa.gov.au)

and should refer this notice. Comments will not be regarded as confidential unless confidentiality is specifically requested.

This notice does not imply approval for the project. Due consideration will be given to public comments before the Great Barrier Reef Marine Park Authority makes any decisions in relation to the proposed aquaculture development.

---

## Health and Ageing

---



### DIOXINS –PROPOSAL FOR SETTING AN AUSTRALIAN TOLERABLE MONTHLY INTAKE

#### NOTICE OF PROPOSED RECOMMENDATION

The National Health and Medical Research Council (NHMRC) unites within one national organisation the three distinct but complementary functions of funding health and medical research, providing ethical guidance on health and medical research issues and producing health advice.

NHMRC proposes to issue for public comment a proposal to establish an Australian tolerable monthly intake for dioxins.

You are invited, under sub-section 13(1)(b) of the *National Health and Medical Research Council Act 1992*, to make a submission to the Council about this document.

#### How to make your submission

Please make your submission in writing or on audiotape, and include your name and an address or phone number at which we can contact you. Please send your submission to:

Marieka Epstein  
Project Officer  
Health Advisory Section (MDP 100)  
NHMRC  
GPO Box 9848  
CANBERRA ACT 2601

#### Closing Date

The closing date for submissions is Friday 1 March 2002.

#### Further information

You may obtain a copy of the document by downloading from the following website, <http://www.nhmrc.gov.au/advice/consultation.htm> or by contacting Marieka Epstein on telephone (02) 6289 9819, Fax (02) 6289 9820 or E-mail; [marieka.epstein@nhmrc.gov.au](mailto:marieka.epstein@nhmrc.gov.au)

To assist in the preparation of your submission the NHMRC have produced a pamphlet, *Public Consultation – Procedures for Making Submissions*, available from: <http://www.nhmrc.gov.au/publications/pdf/nh16.pdf> or by contacting Marieka Epstein.

If you would like your submission to be treated as confidential, please indicate this clearly (for example, by marking your submission 'CONFIDENTIAL'). Submissions may be subject to release under the *Freedom of Information Act 1982*.

### **Schedule**

In Australia, relevant Federal Government agencies are undertaking programs to determine whether measurable levels of dioxins and related compounds are present in the environment and certain agricultural commodities. As part of these monitoring programs and their reporting, advice was sought from the Department of Health and Ageing on a tolerable intake for dioxins and related compounds.

The purpose of this consultation is to seek comment on the setting of an Australian tolerable monthly intake for dioxins.

**9620987**

## Immigration and Multicultural and Indigenous Affairs



Commonwealth of Australia

*Migration Act 1958*

**Migration Regulations 1994**

I, **PHILIP RUDDOCK**, Minister for Immigration and Multicultural and Indigenous Affairs acting under paragraph 5(5)(a) of the *Migration Act 1958* (the Act):

APPOINT as a proclaimed port for the purposes of the Act the area of waters within the Territory of Ashmore and Cartier Islands commencing at a point on the Mean Low Water (MLW) line closest to Latitude degree 13.2 minutes 122 degrees 59.0 minutes then following the line of MLW in an anticlockwise direction so as to enclose a bay by bridging across islands of MLW at the entrance to the bay to close back to the point of commencement.

Dated

21<sup>st</sup> December  
A handwritten signature in black ink, appearing to read 'Philip Ruddock', written over the date.

2001.

Minister for Immigration and Multicultural and Indigenous Affairs

[Note: Under paragraph 5(5)(a) the Minister may, by notice published in the Gazette:

- (a) appoint ports in an external Territory to which the Act extends as proclaimed ports for the purposes of the Act and fix the limits of those ports; and
- (b) appoint airports in an external Territory to which the Act extends as proclaimed airports for the purposes of the Act and fix the limits of those airports]



**Commonwealth of Australia**  
**Native Title Act 1993**

**Recognition of Representative Aboriginal/Torres Strait Islander Bodies**  
**(No. 4:2001)**

I, Philip Ruddock, Minister for Immigration and Multicultural and Indigenous Affairs, acting under subsection 203AD(1) of the amended *Native Title Act 1993*, recognise the South West Aboriginal Land and Sea Council Aboriginal Corporation as a Representative Aboriginal/Torres Strait Islander body for the area specified in the attached Schedule.

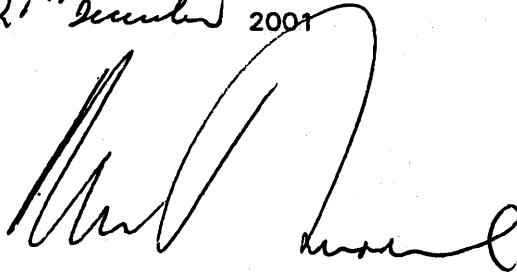
I am satisfied, in respect of the South West Aboriginal Land and Sea Council Aboriginal Corporation, that:

- (a) the body will satisfactorily represent persons who hold or may hold native title in the area; and
- (b) the body will be able to consult effectively with Aboriginals and Torres Strait Islanders living in the area; and
- (c) the body would be able to perform satisfactorily the functions of a representative body.

This recognition takes effect on 1 February 2002.

Dated

21<sup>st</sup> December 2001

A large, stylized handwritten signature in black ink, likely belonging to Philip Ruddock, the Minister for Immigration and Multicultural and Indigenous Affairs.

**Minister for Immigration and Multicultural and Indigenous Affairs**

**Explanatory Statement**

***Native Title Act 1993***

**Recognition under subsection 203AD(1)**

**No. 4:2001**

This instrument is made under subsection 203AD(1) of the amended *Native Title Act 1993* (the Act).

The subsection provides that the Commonwealth Minister may, by written instrument, recognise, as the representative body for an area, an eligible body that has applied under section 203AB to be the representative body for the area.

The instrument provides that the representative body has satisfied the Minister that it will satisfactorily represent persons who hold or may hold native title in the area, that it will be able to consult effectively with Aboriginal peoples and Torres Strait Islanders living in the area and that it would be able to perform satisfactorily the functions of a representative body. Under subsection 203AD(2) the date specified in the instrument of recognition for its commencement must not precede the commencement of Division 3 of Part 11 of the amended *Native Title Act 1993*.

Under a proclamation made on 13 October 1999, Division 3 of Part 11 commenced on 1 July 2000.

Authority: Subsections 203AD(1) and 203AD(2)  
of the amended *Native Title Act 1993*

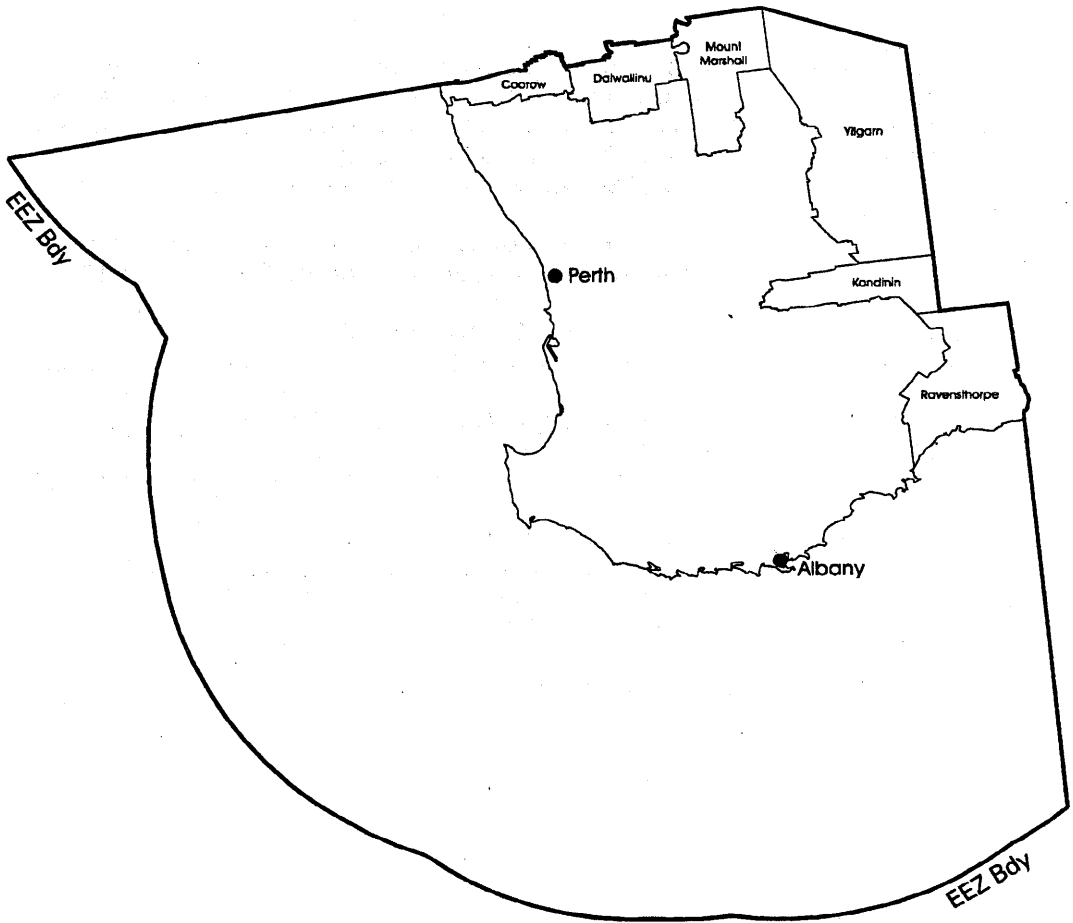
## Schedule

### Description of Representative Aboriginal/Torres Strait Islander Body Area

#### Western Australia *South West*

1. The area is the area of land and water bounded by a line commencing at the point of intersection of the northern boundary of the 1991 Local Government Area (LGA) of Coorow and the coastline of mainland Australia, and then proceeding generally easterly along the northern boundary of that LGA to its intersection with Dalwallinu LGA, then generally easterly along the northern boundary of that LGA to its intersection with Mount Marshall LGA, then generally easterly along the northern boundary of that LGA to its intersection with Yilgam LGA, then generally south-easterly and southerly along the northern and eastern boundaries of that LGA to its intersection with Kondinin LGA, then generally southerly along the eastern boundary of that LGA to its intersection with Ravensthorpe LGA, then generally easterly and southerly along the northern and eastern boundaries of that LGA to the intersection with the coastline of mainland Australia, then due south in a straight line to the intersection with the Exclusive Economic Zone of Australia (EEZ), then generally north-westerly along the southern and western boundaries of that EEZ to a point due west of the point of commencement, and then due east by a straight line to the point of commencement.
2. In this Schedule:  
**exclusive economic zone** means the exclusive economic zone within the meaning of the *Seas and Submerged Land Act 1973*.

# SOUTH WEST



9620997



Produced by LANDINFO Pty Ltd, Canberra Office  
for the Native Title & Land Rights Branch, ATSIC  
Cn00335  
May 1999

### **Withdrawal of Recognition of Representative Aboriginal/Torres Strait Islander Body 2001**

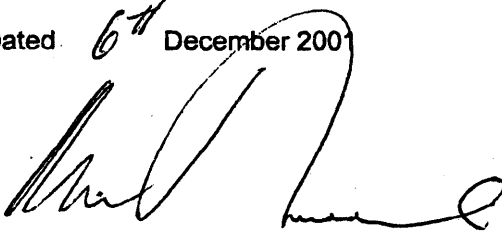
I, Philip Ruddock, Minister for Immigration and Multicultural and Indigenous Affairs, acting under subsection 203AH(1) of the *Native Title Act 1993*, withdraw the recognition of the New South Wales Aboriginal Land Council (the NSWALC) as the representative Aboriginal/Torres Strait Islander body for the area determined on 20 October 2000.

The request to me for the recognition to be withdrawn included the following evidence that the request was authorised by a meeting of the body open to all its members and convened and conducted in accordance with the procedures governing the convening and conduct of such meetings by the body:

- (a) A copy of the brief supplied, tabled and considered at the Council's 183<sup>rd</sup> meeting;
- (b) A copy of a resolution of the NSWALC No. 70 dated 12 October 2001;
- (c) A letter from Rod Towney, the Chairperson of the NSWALC, dated 19 October 2001;
- (d) A letter from Rod Towney dated 31 October 2001;
- (e) A letter from Mr Jeffrey Bradford, Chief Executive Officer of NSWALC, dated 21 November 2001;
- (f) Schedules 3 and 6 to the *Aboriginal Land Rights Act 1983*;
- (g) Sections 86 and 87 of the *Aboriginal Land Rights Act 1983*;
- (h) A copy of the resolution of the NSWALC, No. 74, dated 19 December 2000 approving its scheduled meetings in 2001;
- (i) Schedule for Council meetings for 2001;
- (j) A copy of a memo sent to all Councillors dated 14 September 2001;
- (k) A copy of the Agenda for the meeting of 8-12 October 2001;
- (l) A letter from Mr Jeffrey Bradford dated 3 December 2001.

This withdrawal of recognition takes effect on

Dated. 6<sup>th</sup> December 2001



Minister for Immigration and Multicultural and Indigenous Affairs

**Transport and Regional Services**

Regulation 25

CT-4

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912****No: 0279****PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	Official Number
<b>MOL WARATAH</b>	<b>MONROVIA</b>	<b>9122447</b>

Pursuant to the provisions of Section 286 of the Navigation Act, I hereby grant, subject to the conditions set out hereunder, permission for the above-named ship to carry passengers and cargo between the ports, or any of them, specified hereunder.

This permit remains in force until cancelled by me upon not less than six months' notice to the master, owner, or agent of the ship of the intended cancellation.

**Names of ports for which permit issued****MELBOURNE and ADELAIDE TO ADELAIDE and FREMANTLE**Dated at **CANBERRA** this  / 7 day of **January 2002**Official  
Stamp
  
**Delegate of the Minister for Transport  
and Regional Services**
**CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED**

1. That the Transport Regulation and Reform Branch is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit covers the period 28 JANUARY 2002 to 28 JULY 2002.
3. This permit is valid for shipments of cargo only in those instances where MITSUI OSK LINES has obtained documentary evidence from appropriate licensed ship operators that no licensed ship is available to transport the cargo and provided a copy of written proof to the Transport Regulation and Reform Branch before each voyage.
4. CONTAINERS only may be carried.
5. The cargo may only be carried from MELBOURNE and ADELAIDE to ADELAIDE and FREMANTLE.
6. If there is a change in schedule the Department of Transport and Regional Services must be advised before the vessel sails.
7. That the vessel is not detained under Australia's PSC program nor under investigation by the ATSB during the currency of this permit

Regulation 25

CT-4

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912**

**No: 0277**

**PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	Official Number
ARAFURA	HONG KONG	8917778

Pursuant to the provisions of Section 286 of the Navigation Act, I hereby grant, subject to the conditions set out hereunder, permission for the above-named ship to carry passengers and cargo between the ports, or any of them, specified hereunder.

This permit remains in force until cancelled by me upon not less than six months' notice to the master, owner, or agent of the ship of the intended cancellation.

**Names of ports for which permit issued**

**SYDNEY and MELBOURNE TO MELBOURNE and BRISBANE**

Dated at **CANBERRA** this 11<sup>th</sup> day of January 2002

Official  
Stamp



  
Delegate of the Minister for Transport  
and Regional Services

**CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED**

1. That the Cross-Modal and Maritime Transport Division is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit covers the period 3 FEBRUARY 2002 to 3 AUGUST 2002.
3. This permit is valid for shipments of cargo only in those instances where ANL CONTAINER LINE has obtained documentary evidence from appropriate licensed ship operators that no licensed ship is available to transport the cargo and provided a copy of written proof to the Cross-Modal and Maritime Transport Division before each voyage (it is noted that, at the date of issue, there are no licensed vessels available for the shipments scheduled).
4. CONTAINERS only may be carried.
5. The cargo may only be carried from SYDNEY and MELBOURNE to MELBOURNE and BRISBANE.
6. If there is a change in schedule the Department of Transport and Regional Services must be advised before the vessel sails.
7. That the vessel is not detained under Australia's PSC program nor under investigation by the ATSB during the currency of this permit

## Regulation 25

CT-4

COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912

No: 0276

## PERMIT TO UNLICENSED SHIP - CONTINUING

Name of Ship	Port of Registry	Official Number
ZIM PUSAN	MONROVIA	9124512

Pursuant to the provisions of Section 286 of the Navigation Act, I hereby grant, subject to the conditions set out hereunder, permission for the above-named ship to carry passengers and cargo between the ports, or any of them, specified hereunder.

This permit remains in force until cancelled by me upon not less than six months' notice to the master, owner, or agent of the ship of the intended cancellation.

## Names of ports for which permit issued

SYDNEY and MELBOURNE TO MELBOURNE and BRISBANE

Dated at CANBERRA this 11<sup>th</sup> day of January 2002Official  
Stamp

*[Signature]*  
Delegate of the Minister for Transport  
and Regional Services

## CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED

1. That the Cross-Modal and Maritime Transport Division is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit covers the period 17 JANUARY 2002 to 17 JULY 2002.
3. This permit is valid for shipments of cargo only in those instances where GLOBE STAR SHIPPING PTY LTD has obtained documentary evidence from appropriate licensed ship operators that no licensed ship is available to transport the cargo and provided a copy of written proof to the Cross-Modal and Maritime Transport Division before each voyage (it is noted that, at the date of issue, there are no licensed vessels available for the shipments scheduled).
4. CONTAINERS only may be carried.
5. The cargo may only be carried from SYDNEY and MELBOURNE to MELBOURNE and BRISBANE.
6. If there is a change in schedule the Department of Transport and Regional Services must be advised before the vessel sails.
7. That the vessel is not detained under Australia's PSC program nor under investigation by the ATSB during the currency of this permit



Regulation 25

CT-4

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912**

**No: 0278**

**PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	Official Number
AUSTRALIA BRIDGE	MONROVIA	8913693

Pursuant to the provisions of Section 286 of the Navigation Act, I hereby grant, subject to the conditions set out hereunder, permission for the above-named ship to carry passengers and cargo between the ports, or any of them, specified hereunder.

This permit remains in force until cancelled by me upon not less than six months' notice to the master, owner, or agent of the ship of the intended cancellation.

**Names of ports for which permit issued**

**SYDNEY and MELBOURNE TO MELBOURNE and BRISBANE**

Dated at CANBERRA this 11<sup>th</sup> day of January 2002

Official  
Stamp



  
Delegate of the Minister for Transport  
and Regional Services

**CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED**

1. That the Cross-Modal and Maritime Transport Division is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit covers the period 20 JANUARY 2002 to 21 JULY 2002.
3. This permit is valid for shipments of cargo only in those instances where ANL CONTAINER LINE has obtained documentary evidence from appropriate licensed ship operators that no licensed ship is available to transport the cargo and provided a copy of written proof to the Cross-Modal and Maritime Transport Division before each voyage (it is noted that, at the date of issue, there are no licensed vessels available for the shipments scheduled).
4. CONTAINERS only may be carried.
5. The cargo may only be carried from SYDNEY and MELBOURNE to MELBOURNE and BRISBANE.
6. If there is a change in schedule the Department of Transport and Regional Services must be advised before the vessel sails.
7. That the vessel is not detained under Australia's PSC program nor under investigation by the ATSB during the currency of this permit



CIVIL AVIATION  
SAFETY AUTHORITY  
AUSTRALIA

### **NOTIFICATION OF APPROVAL UNDER THE CIVIL AVIATION REGULATIONS 1988**

On 11 January 2002, the Civil Aviation Safety Authority (CASA) issued an approval under subregulation 207 (2) of the *Civil Aviation Regulations 1988* relating to an aeroplane bearing the nationality and registration marks VH-KKS (Instrument Number CASA 32/02).

Copies of this instrument are available from:

**Manager, Information and Production  
CASA Office of Legal Counsel  
Level 3 Novell House  
71 Northbourne Avenue  
Canberra ACT**

**Phone: (02) 6217 1910  
Email: [hornblower@casa.gov.au](mailto:hornblower@casa.gov.au)**

**9620993**

---

## Treasurer

---

### COMMONWEALTH OF AUSTRALIA

#### *Trade Practices Act 1974*

#### Consumer Protection Notice No. 1 of 2002

### CONSUMER PRODUCT SAFETY STANDARD: BUNK BEDS

I, IAN GORDON CAMPBELL, Parliamentary Secretary to the Treasurer, pursuant to section 65E of the *Trade Practices Act 1974*, hereby:

- (a) REVOKE the consumer product safety standard in respect of bunk beds declared by consumer protection notice No.7 of 2001 published in the Commonwealth of Australia Gazette No. GN 41 of 17 October 2001;
- (b) DECLARE, that in respect of goods of a kind specified in Division 1 of the Schedule to this Notice, the standard approved by Standards Australia specified in Division 2 of the Schedule, as varied by Division 3 of the Schedule, is a consumer product safety standard for purposes of section 65C of the *Trade Practices Act 1974*;
- (c) DECLARE that the consumer product safety standard prescribed by this Notice will cease to have effect on 1 May 2007.

#### THE SCHEDULE

##### Division 1: Particulars of the Goods

Bunk beds supplied on or after 1 May 2002.

##### Division 2: The Standard

Australian/New Zealand Standard AS/NZS 4220:1994, Bunk beds.

##### Division 3: Variations

- (1) Delete the following clauses, sub-clauses and items: 1, 2, 4, 5, 6.1, 6.2, 6.5, 6.6, 6.7, 6.9, 7.1(c), 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 8, 9(b)(i) and 9(d), and appendices B, C, D, E, F, G, H, I and J.
- (2) Delete the text in sub-clause 3.1 and replace with the following text:

"Bunk Bed-

  - (a) A set of components that are assembled or are ready for assembly into single beds or double/single combination beds which will be stacked one over the other; or
  - (b) Any single bed, other than a hospital bed, where the upper surface of the mattress base is at least 800 mm above the floor surface."
- (3) In Sub-clause 7.1(b) replace the dimension "75 mm" with the dimension "95 mm".

2

- (4) In sub-clause 9(c) add to the beginning of the paragraph the following words:
- "For the upper bed, where the height of the guard rails is less than 360 mm above the mattress base:"
- (5) In Appendix A, part A3(a)(iv) replace the spherical probe diameter dimension "75  $\pm$ 0.5 mm" with the dimension "95  $\pm$ 0.5 mm", and in parts A5(e), A6(c) replace the dimension "75 mm" with the dimension "95 mm".
- (6) In Appendix A, delete part A3(b).
- (7) In Appendix A, part A5(a), delete the words "Place a mattress on each of the mattress bases of the bunk bed."

Dated this

8<sup>th</sup>

day of

January

2002



IAN CAMPBELL  
Parliamentary Secretary to the Treasurer

9620994

## COMMISSIONER OF TAXATION

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

### NOTICE OF RULINGS

Ruling Number	Subject	Brief Description
PR 2002/7	Income tax: Northern Rivers Coffee Project 2 (revised arrangement)	Ruling sets out the tax consequences of investing in the Project, by Growers entering into a Management Agreement for the purposes of commercially growing, processing and marketing coffee beans. <b>Note: This Product Ruling replaces Product Ruling PR 2001/63</b>
CR 2002/3	Income tax: Approved Early Retirement Scheme - SunWater	Ruling sets out the tax consequences for employees entering into the SunWater Approved Early Retirement Scheme.
TR 2002/1	Income tax: research and development: plant expenditure (pre 29 January 2001)	This Ruling discusses those provisions of section 73B of the <i>Income Tax Assessment Act 1936</i> ('ITAA 1936') that apply to expenditure incurred in respect of plant used in carrying on research and development activities ('the <i>plant expenditure provisions</i> ').
TD 2002/3	Income tax: capital gains: can a shareholder in HIH Insurance Limited choose to make a capital loss on a share in that company under CGT event G3 (about a liquidator declaring shares worthless) in section 104-145 of the <i>Income Tax Assessment Act 1997</i> ?	Determines whether a shareholder in HIH Insurance Limited who chooses to make a capital loss on a share in that company under CGT event G3 (about a liquidator declaring shares worthless) in section 104-145 of the <i>Income Tax Assessment Act 1997</i> ?
TD 2002/4	Income tax: capital gains: what is the first element of the cost base and reduced cost base of a share in a company you acquire in exchange for a share in another company in a takeover or merger?	Determines whether the first element of the cost base and reduced cost base of a share in a company you acquire in exchange for a share in another company in a takeover or merger?

### NOTICES OF WITHDRAWAL OF PRODUCT RULINGS

Ruling Number	Subject	Brief Description
PR 2002/7	Income tax: Northern Rivers Coffee Project 2 (revised arrangement)	This Product Ruling is withdrawn with effect from 30 June 2004.

### NOTICES OF WITHDRAWAL OF CLASS RULINGS

Ruling Number	Subject	Brief Description
CR 2002/3	Income tax: Approved Early Retirement Scheme - SunWater	This Class Ruling is withdrawn with effect from 31 May 2002.

**COMMONWEALTH OF AUSTRALIA**

***Foreign Acquisitions and Takeovers Act 1975***

**ORDER UNDER SUBSECTION 21A(2)**

- (A) **WHEREAS** –Teck Leng Gan and Aaron Gan Wei Tat are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* (“the Act”);
- (B) Teck Leng Gan and Aaron Gan Wei Tat propose to acquire an interest in Australian urban land as specified in the notice furnished on 2 January 2002 under section 26A of the Act.

NOW THEREFORE I, James Hagan, General Manager, Foreign Investment Policy Division, for and on behalf of the Treasurer, being satisfied that:

- (i) Teck Leng Gan and Aaron Gan Wei Tat 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.

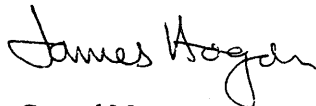
Dated this

14th

day of

January

2002.



General Manager

COMMONWEALTH OF AUSTRALIA

*Foreign Acquisitions and Takeovers Act 1975*

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) Chi Wai WONG is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Chi Wai WONG proposes to acquire an interest in Australian urban land as specified in the notice furnished on 19 December 2001 under section 26A of the Act;

NOW THEREFORE I, Jim Hagan, General Manager, Foreign Investment Policy Division of the Treasury and authorised to make this order for and on behalf of the Treasurer, being satisfied that:

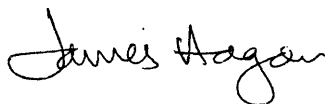
- (i) Chi Wai WONG proposes to acquire an interest in Australian urban land; and
- (ii) the proposed acquisition would be contrary to the national interest;

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

Dated this

16<sup>th</sup> day of January

2002.



General Manager

**COMMONWEALTH OF AUSTRALIA**

***Foreign Acquisitions and Takeovers Act 1975***

**ORDER UNDER SUBSECTION 22(1)**

**WHEREAS -**

- (A) Simon Nicholas and Mary Coley are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Simon Nicholas and Mary Coley propose to acquire an interest in the Australian urban land referred to in the notice furnished on 3 January 2002 under section 26A of the Act;

NOW THEREFORE, I, Grahame Crough, Acting General Manager of the Foreign Investment Policy Division of the Treasury and authorised to make this order for and on behalf of the Treasurer, PROHIBIT pursuant to subsection 22(1) of the Act the proposed acquisition for a period not exceeding ninety days after this order comes into operation, 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.

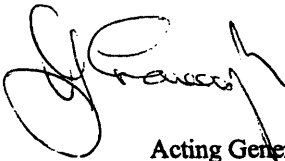
Dated this

17<sup>th</sup>

day of

January

2002



Acting General Manager



---

## Public Notices

---

HIGH COURT OF AUSTRALIA  
SITTING AS THE COURT OF DISPUTED RETURNS  
NEW SOUTH WALES OFFICE OF THE REGISTRY

No. 512 of 2002

BETWEEN  
NED KELLY  
Petitioner

GEORGE CAMPBELL  
First Respondent

HELEN COONAN  
Second Respondent

KERRY NETTLE  
Third Respondent

MARISE PAYNE  
Fourth Respondent

SANDY MacDONALD  
Fifth Respondent

URSULA STEPHENS  
Sixth Respondent

### ELECTION PETITION

This Petition concerns the Senate Election for the New South Wales poll held 10 November 2001, writ returned 6 December 2001.

### INTERPRETATION

Commission or AEC means the Australian Electoral Commission.

Constitution means the Constitution of the Commonwealth of Australia 1901.

Election means the election of six senators for the State of New South Wales held pursuant to the Writ issued by Professor Marie Bashir on the advice of Bob Carr.

Act means the Commonwealth Electoral Act 1918 (Cth) as amended

State means the State of New South Wales.

States means the Original States forming part of the Commonwealth of Australia pursuant to Commonwealth of Australia Constitution Act 1900 63 & 64 Victoria Ch 12.

Petitioner's Nomination means nomination pursuant to s168 of the Electoral Act.

Senators' Election Act means Senators' Election Act 1903 (NSW) as amended

UK means United Kingdom and Northern Ireland

Writ means writ for the election of Senators directed to David Farrell, the Australian Electoral Officer for the State of New South Wales, commanding closure of the electoral roll on 15 October 2001, appointing the day and time of nomination 18 October 2001 at 12 o'clock noon, appointing the date of poll 10 November 2001, return of the writ on or before 16 January 2002.

### THE ENTITLEMENT TO FILE THIS WRIT

The petitioner is a person qualified to vote under the laws of the State in the said election.

### STATEMENT OF FACTS

1. Section 9 and 12 of the Constitution provide a writ for a Senate election shall be issued by the Governor of the State.
2. Senators' Election Act sets out the relevant provisions of the States' powers pursuant to section 9 of the Constitution to determine times and places of election.
3. On 1 March 2001 Professor Marie Bashir AC, purportedly took office pursuant to a commission from Her Majesty (Queen of Australia) appointing her as Governor in and over the State, on dint of the royal prerogative pursuant to Australia Acts 1986.
4. The poll for the election was held on Saturday November 10, 2001 and the writ was returned to Professor Marie Bashir on 6 December 2001 by the AEC in purported compliance with section 283 of the Act.

### GROUND ONE

**The Governor's commission was invalid; as a consequence no power existed to issue the Writ**

5. The Australia Act 1986 (Cth) is an unlawful enactment as it was based upon the Commonwealth's powers under s51 (xxviii) to so legislate. This power required the request and concurrence of the Parliaments of all States; which in the case of Queensland, Australia Acts (Request) Act 1985 the relevant legislation was assented to without first securing by referendum the approval of a voting majority of electors; as a consequence the said Act and attaching schedules, 1 & 2 which unambiguously proposed alterations to the office of Governor and to s11A, 11B and 14 of the sections embedded pursuant to s 53 of the Constitution Act 1867(Qld) was unconstitutional, as a consequence the enactment is a nullity, as must any commission reliant upon the said enactment.
6. The Australia Act 1986 (Imp) as passed by the (UK) and assented to by Her Majesty (UK) on the advice of her Privy Council and brought into force by statutory instrument 1986/319 by order of the Secretary of State at 5 o'clock GMT 3 March 1986 pursuant to s4 Statute of Westminster 1931 (Imp) was an unlawful enactment or of no legal or constitutional effect, as must be any commission reliant thereon as:-

- (a) the political and legal evolutionary nature between the federation of the Australian States and the UK was such that the nature of the former colonies had fundamentally changed with federation and at the relevant time, 1986, the Imperial links between the States as part of the Commonwealth of Australia and the UK were terminated; thus the UK was a foreign power *Sue v Hill* and as a consequence without any valid legal power internationally or domestically to legislate for the Commonwealth or any of the Australian States. Historically, this had been the case at the latest, since 1958, as evidenced by the convention of the Territorial Sea and Contiguous Zone *China Ocean Shipping Co v South Australia*, but more probably since proclamation in the UK of the British Nationality Act 1948 (Imp) and/or since proclamation in Australia of the Nationality & Citizenship Act No 83 1948 (Cth).
- (b) Additionally and in the alternative, such legislation required an empowering statute Australian (Consent and Request Act) No. 143 of 1985 assented by the Governor-General 4 December 1985; such legislation being enacted by power 51 (xxxviii) was however *ultra vires*, on the constitutional grounds set out in paragraph 5 hereof.
- (c) the term royal prerogative is used to describe the powers of the Queen of the UK as defined by statute and common law history of that the UK. Terminated, as a consequence of the evolutionary constitutional changes set out in paragraph 6(a) hereof. It is a political and legal fiction of Australia to describe the power as dint of the Australia Acts 1986 as the source of any such power. The very nature of that legislation (if constitutional) was to terminate all appeals to Her Majesty in Council, political and legal responsibilities for the government of any State and legislative links between the Parliament of the UK and the States and the Letters Patent proclaimed by Her Majesty Queen of the UK in 1985 purportedly to reconstitute the offices of various State Governors (i) never came into effect as the Australia Acts 1986 were a nullity and (ii) was misconceived as there was *inter alia* no scope for Her Majesty in any capacity for consilience in extra constitutional formulations such is outside the terms of Constitution Act and such documents were from the sovereign of a foreign power; as a consequence, were of no consequence, here.

#### GROUND TWO

The terms of the writ as issued were illegal and constitutionally invalid; franchise skewed, poll illegal, proprietary of conduct of election, substantial contraventions, official error— no due electing according to law.

7. On Monday 8 October 2001 purportedly as Governor of the State, Professor Marie Bashir issued a writ for the election, commanding the place and times of election.
8. On Monday 8 October a copy of the writ was electronically forwarded to the Government Printing Service of NSW, the heading purported to proclaim the issue of the writ same date.
9. On Friday 12 October 2001, Special Gazette No 155 page 8497 was printed and published available to the public at 2.00pm. Time must run from publication by Government Gazette.
10. The writ contained times that were therefore illegal, in that they differed and thus were in breach of provisions of sections 4A, s4B, s4C & 6 of the Senators' Elections Act thus usurped the powers vested in the State Parliament of NSW pursuant to sections 7, 9 & 107 and more importantly, the franchise and thus principle of representative government pursuant to sections 7, 8, 24, 41 of the Constitution and the Act legislated by power of the Federal Government pursuant to section 51 of the Constitution.
11. On 20 October 2001 Mr. Gerrit Hendrik Schorel-Hlavka of Melbourne informed the AEC by e-mail that the writ and other Gazetted writs were in fact illegal and deficient. The AEC deliberately ignored the communication and thus its primary responsibilities and duties and when Mr. Schorel-Hlavka sought injunctive relief from the Federal Court of Australia the AEC unreasonably and deceitfully opposed the relief sought. *Project Blue Sky v Australian Broadcasting Authority Dawson J*: "Either there was compliance or there was not"
12. INTERPRETATION ACT 1987 (NSW) s36 Reckoning of time
  - (1) If in any Act or instrument a period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall be reckoned exclusive of that day or of the day of that act or event.
  - (2) If the last day of a period of time prescribed or allowed by an Act or instrument for the doing of any thing falls:
    - (a) on a Saturday or Sunday, or
    - (b) on a day that is a public holiday or bank holiday in the place which the thing is to be or may be done, the thing may be done on the first day following that is not a Saturday or Sunday, or a public holiday or bank holiday in that place, as the case may be.
  - (3) If in any Act or instrument a period of time is prescribed or allowed for the doing of any thing and a power is conferred on any person or body to extend the period of time:
    - (a) that power may be exercised, and
    - (b) if the exercise of that power depends on the making of an application for an extension of the period of time such an application may be made, after the period of time has expired.
13. The Senate Election Act section 4, states:- "the date fixed for close of the election rolls shall be 7 days after the date of the Writ"

14. The correct legal date for the close of the rolls given the different dates between proclamation and publication, must either be (a) 16 October or (b) 22 October 2001.
15. The Senate Election Act s4A(1), states:- "the date fixed for the nomination of the candidates shall not be less than 10 days nor more than 27 days after the date of the writ"
16. The correct legal date for the close of nominations, given the different dates between proclamation and publication, must either be (a) 19 October or 23 October 2001.
17. The Senate Election Act s4B, states:- "The date fixed for polling shall not be less than 23 days nor more than 31 days after the date of nomination"
18. The Senate Election Act s4C, states:- "The date fixed for the polling shall be a Saturday"
19. The correct legal date for the poll, can only be the 17 November 2001.

#### **GROUND THREE & FOUR**

**Petitioner's nomination unreasonably and wrongfully rejected -held out of election - right to participate in public affairs marginalized, franchise skewed for ulterior purpose on facts shown.**

**Illegal Practice and Undue Influence by AEC pursuant to sections 324 and 327 within the meaning of section 352 of the Act.**

20. On Friday 11 October 2001 the petitioner decided to stand as a candidate for the Senate of the State and obtained from the Divisional Returning Officer (DRO) at the Richmond Office, an allegedly correct group nomination form. The DRO admitted to the petitioner, when asked questions about the form that he knew nothing about Senate elections.
21. Relying on this form and advise received DRO at Tweed Heads and by telephone conversation with Mr. David Farrell the Australian Electoral Officer (AEO) for the State and Deputy Commissioner Ms Anne Bright. The petitioner was lead to believe his nomination and deposit fee had to be personally presented at the Commission's head office in Sydney not later than 12 o'clock noon, 18 October 2001. The petitioner who lives in Tweed Heads departed on the afternoon of Wednesday 17 October 2001 to travel to Sydney by train from Murwillumbah NSW. After his departure, Ms Anne Bright telephoned the petitioners home and in his absence left a message on his answering machine to the effect that, he had been given the wrong forms.
22. On the morning of 18 October 2001 the petitioner due to delay occasioned by engine failure aborted his rail travel to Sydney and travelled to the nearest office of the Commission, being its Newcastle offices.
23. On arrival, the petitioner by telephone was advised by Ms Anne Bright he could forward his nomination by facsimile, which he subsequently did at approximately 10.55am. Subsequent additional pages were progressively forwarded between the offices up until 12 o'clock noon that day, as a consequence of an incomplete group nomination being given to the petitioner.
24. The petitioner after forwarding what he believed was his nomination by facsimile attempted to tendered his nomination deposit of \$1,400 dollars in Australian currency notes (\$50) notes to the DRO Officer at Newcastle. The deposit was refused by the DRO Officer, stating words to the effect "if I take that I will be accepting your nomination".
25. The petitioner, as a result was subsequently informed by telephone firstly by Ms Bright and at approximately 11.30am. and then by Mr. David Farrell that his nomination deposit would only be accepted if tendered personally or by agent at the Commission's Sydney offices not later than 12 o'clock noon that day. As a result the petitioner arranged for an agent to personally lodge the nomination deposit on his behalf.
26. At approximately 12.10pm 18 October 2001, the petitioner's agent attended the Sydney offices of the Commission and offered to tender the said nomination deposit to a Mr. Geoffrey Miles an AEC officer who rejected it using words to the effect "We cannot receive money after midday".
27. As a result the petitioner's nomination was not declared & his name not put on the ballot paper.
28. The rejection of and the negligent advise, acts and omissions by AEC officers towards the petitioner constitute illegal practice within the meaning of s352 of the Act.

#### **GROUND FIVE**

**No properly elected or appointed Premier of the State existed, such that advise to advise Her Majesty in relation to the exercise of the powers and functions pursuant to 7(5) Australia Acts 1986 could be legally given.**

29. Mr. Bob Carr had no power to advise as to the issuing of the writ or appointment of Professor Marie Bashir; as the commissions' of her purported predecessors, the Honourable Gordon J Samuels, Rear Admiral Peter Sinclair and Rear Admiral Sir David Martin were equally invalid as setout out aforesaid; as a consequence so too then was the appointment of the purported Premier and general state elections held since 1986, upon which the purported members of the States Parliament, rely for their authority.

#### **PRAYER FOR RELIEF**

30. An Order declaring the election for six Senators for the State of NSW, absolutely void.
31. An Order declaring each of the respondents returned as elected, was not duly elected.
32. An Order that the Commonwealth pay the petitioner's costs on an indemnity basis.

Dated this 15<sup>th</sup> day of January 2002

Ned Kelly



**Commonwealth  
of Australia**

**Gazette**

**No. S. 13, Monday, 14 January 2002**

Published by the Commonwealth of Australia

**SPECIAL**



*Telecommunications (Carrier Licence Charges) Act 1997*

**NOTIFICATION OF DETERMINATION UNDER PARAGRAPH 15(1)(b)**

Notice is given that on 9 January 2002 the Australian Competition & Consumer Commission made the following disallowable instrument under paragraph 15(1)(b) of the *Telecommunications (Carrier Licence Charges) Act 1997*.

- **Telecommunications (Carrier Licence Charge) Determination No. 1 of 2002**

Copies of an explanatory statement may be obtained by contacting:

**Director Finance and Services  
Corporate Management Branch  
Australian Competition & Consumer Commission  
470 Northbourne Avenue,  
DICKSON ACT 2602**

**PO Box 1199,  
DICKSON ACT 2602**

**Telephone (02) 6243 1085  
Facsimile (02) 6243 1035**

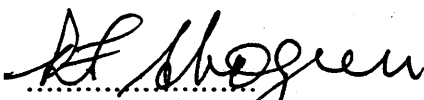
**AUSTRALIAN COMPETITION AND CONSUMER COMMISSION**

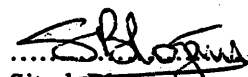
*Telecommunications (Carrier Licence Charges) Act 1997*

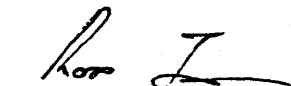
**DETERMINATION UNDER PARAGRAPH 15(1)(b) No. 1 of 2002**


The AUSTRALIAN COMPETITION AND CONSUMER COMMISSION ('the ACCC') makes this determination under paragraph 15(1)(b) of the *Telecommunications (Carrier Licence Charges) Act 1997* and determines that the proportion of the ACCC's costs for the 2000-01 financial year that is attributable to the ACCC's telecommunications functions and powers is \$4,711,542

Dated 9 January 2002

  
.....  
Rodney Francis Shogren  
Acting Chairperson

  
.....  
Sitesh Bhojani  
Member

  
.....  
Ross Jones  
Member

  
.....  
John Martin  
Member

## **EXPLANATORY STATEMENT**

### ***Telecommunications (Carrier Licence Charges) Act 1997***

#### **Determination under Paragraph 15(1)(b) No. 1 of 2002**

Issued by the authority of the Australian Competition and Consumer Commission ('ACCC')

The *Telecommunications (Carrier Licence Charges) Act 1997* (the Act) sets out the method of calculating annual charges that apply to the carrier licences held by the telecommunications carriers. Subsection 15(1) of the Act states that the total of charges that are imposed on carrier licences in force at the beginning of a financial year must not exceed the sum of:

- a) the amount determined, by a written instrument made by the ACA, to be the proportion of the ACA's costs for the immediately preceding financial year that is attributable to the ACA's telecommunications functions and powers; and
- b) the amount determined, by a written instrument made by the ACCC, to be the proportion of the ACCC's costs for the immediately preceding financial year that is attributable to the ACCC's telecommunications functions and powers; and
- c) the amount determined, by a written instrument made by the ACA, to be the proportion of the Commonwealth's contribution to the budget of the International Telecommunication Union for the calendar year in which the beginning of the financial year occurs that is to be recovered from carriers; and
- d) the amount determined, in a written instrument made by the Minister, to be the estimated total amount of grants likely to be made during the financial year under section 593 of the *Telecommunications Act 1997*; and
- e) the amount determined by the Industry Minister, by written instrument, to be the proportion of the Commonwealth's costs for the immediately preceding financial year that is attributable to the administration of Part 2 of Schedule 1 to the *Telecommunications Act 1997*.

The accompanying determination has been made for the purposes of paragraph 15(1)(b) of the Act. The determination provides that \$4,711,542 is the amount determined to be the proportion of ACCC's cost for the 2000-01 financial year that is attributable to the ACCC's telecommunications functions and powers.

Paragraph 15 (4)(b) of the Act requires that the ACCC's costs are to be calculated in accordance with accrual-based accounting principles. This amount has been calculated in accordance with those principles.

Subsection 15(2) of the Act provides that an instrument under subsection (1) must be notified in the *Gazette* before the day on which the charges referred to in subsection (1) becomes due for payment. Subsection 15(3) of the Act provides that an instrument under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*. The accompanying determination must therefore be published in the *Gazette*, tabled in Parliament and is subject to Parliamentary disallowance.



**Commonwealth  
of Australia**

# Gazette

No. S. 14, Monday, 14 January 2002

Published by the Commonwealth of Australia

**SPECIAL**

**AUSTRALIAN COMMUNICATIONS AUTHORITY**

***RADIOCOMMUNICATIONS ACT 1992***

**NOTICE UNDER SUBSECTION 33(1)  
FOR PURPOSES OF SECTIONS 32 AND 34**

**PROPOSED NEW 2.1 GHz BAND FREQUENCY BAND PLAN AND  
REVOCATION OF MULTIPOINT DISTRIBUTION SYSTEM FREQUENCY  
BAND PLAN 2000**

Notice is given under subsection 33(1) of the *Radiocommunications Act 1992* ('the Act'), that the Australian Communications Authority proposes that a new 2.1 GHz Band Frequency Band Plan will be made under section 32 of the Act which will also revoke, under section 34 of the Act, the Multipoint Distribution System Frequency Band Plan 2000.

Copies of the draft plan (including revocation) are available for public comment, and may be obtained from the Authority via the Authority's website located at <http://www.aca.gov.au>, or by contacting Steven Forst, telephone (02) 6219 5236, fax (02) 6219 5256, or email [steven.forst@aca.gov.au](mailto:steven.forst@aca.gov.au).

Interested persons are invited to make representations to the Authority about the proposed plan and revocation on or before the 15<sup>th</sup> February 2002.

All representations should be sent to:

The Manager  
Spectrum Planning Team  
Radiofrequency Planning Group  
Australian Communications Authority  
PO Box 78  
Belconnen ACT 2616





**Commonwealth  
of Australia**

# **Gazette**

No. S. 15, Monday, 14 January 2002

Published by the Commonwealth of Australia

**SPECIAL**



**CIVIL AVIATION  
SAFETY AUTHORITY  
AUSTRALIA**

## **NOTIFICATION OF THE ISSUE OF AIRWORTHINESS DIRECTIVES UNDER THE CIVIL AVIATION REGULATIONS 1998**

The following Airworthiness Directives under subregulation 39.1 (1) of the *Civil Aviation Regulations 1998* will become effective on 14 January 2002:

### **Part 105 - Aircraft**

**AD/AS 355/56 - Starter Generators - CANCELLED**

**AD/AS 355/61 - Starter Generators**

Copies of these Airworthiness Directives are available from:

Oliver Ernst  
Publishing Controller  
AD/AAC Publishing Group  
Civil Aviation Safety Authority  
GPO Box 2005  
CANBERRA ACT 2601

**Phone:** 02 6217 1854  
**Fax:** 02 6217 1442  
**E-Mail:** [ERNST\\_O@CASA.GOV.AU](mailto:ERNST_O@CASA.GOV.AU)  
**Internet Site:** [HTTP://WWW.CASA.GOV.AU](http://WWW.CASA.GOV.AU)



**Commonwealth  
of Australia**

**Gazette**

No. S. 16, Thursday, 17 January 2002

Published by the Commonwealth of Australia

**SPECIAL**

**DEPARTMENT OF EDUCATION,  
SCIENCE AND TRAINING**

**NOTIFICATION OF THE MAKING OF A DETERMINATION  
UNDER THE *HIGHER EDUCATION FUNDING ACT 1988*.**

The following determination has been made under the *Higher Education Funding Act 1988*. A copy can be obtained from the Director, Institution Financing Unit, Higher Education Division, Department of Education, Science and Training, 14 Mort Street, Canberra City, ACT 2601, or by telephoning (02) 6240 9647.

Number/ Year	Section	Description	Date Made
T7-2002	27A	To revise funding to various universities for the Capital Projects in 2002.	15/2/2002



REVOCATION RTR2002/1

COMMONWEALTH OF AUSTRALIA  
DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES

*INTERSTATE ROAD TRANSPORT ACT 1985*

**REVOCATION OF DETERMINATIONS OF ROUTES FOR B-DOUBLES  
AND ROUTES FOR B-DOUBLES AND VEHICLES OTHER THAN B-  
DOUBLES OPERATING AT HIGHER MASS LIMITS UNDER THE  
FEDERAL INTERSTATE REGISTRATION SCHEME (FIRS)**

I, ROBERT JOHN HOGAN, Assistant Secretary, Surface Transport Regulation and Reform, a delegate of the Minister for Transport and Regional Services under section 50 of the *Interstate Road Transport Act 1985* (the Act) with the power to make determinations for the purposes of subsections 43A(1) and 43A(2) of the Act and subregulation 12C(5) of the *Interstate Road Transport Regulations 1986*:

REVOKE the following instruments:

1. Determination RTR2001/1 made on 27 June 2001, and published in *Commonwealth of Australia Gazette* No. S232 on 28 June 2001; and
2. Determination RTR2001/2 made on 27 June 2001, and published in *Commonwealth of Australia Gazette* No. S232 on 28 June 2001; and
3. Determination RTR2001/3 made on 27 June 2001 and published in *Commonwealth of Australia Gazette* No. S232 on 28 June 2001; and

Dated 14 January 2002

ROBERT HOGAN  
Assistant Secretary  
Surface Transport Regulation and Reform

DETERMINATION RTR2002/1

**COMMONWEALTH OF AUSTRALIA  
DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES**

**INTERSTATE ROAD TRANSPORT ACT 1985**

**DETERMINATION OF ROUTES FOR B-DOUBLES NOT OPERATING AT HIGHER MASS  
LIMITS UNDER THE FEDERAL INTERSTATE REGISTRATION SCHEME (FIRS)**

I, ROBERT JOHN HOGAN, Assistant Secretary, Surface Transport Regulation and Reform, a delegate of the Minister for Transport and Regional Services under section 50 of the *Interstate Road Transport Act 1985* (the Act) with the power to make determinations for the purposes of subsections 43A(1) and 43A(2) of the Act:

DETERMINE that the routes specified in the publications listed in paragraphs (i)-(vii) and subparagraph (viii)(A) below; and specified in subparagraph (viii)(B) are, for vehicles known as B-doubles, other than those carrying higher mass limits under subregulation 12A(4) or paragraph 12B(1)(c) of the *Interstate Road Transport Regulations 1986*, to be the routes for the carriage of passengers or goods between prescribed places or for any purpose that is incidental to carriage of that kind, subject to any conditions set out so far as those conditions are not inconsistent with the *Interstate Road Transport Act 1985*, the *Interstate Road Transport Charge Act 1985* and the *Interstate Road Transport Regulations 1986*:

**(i) NEW SOUTH WALES**

*New South Wales Government Gazette* No 159 of 8 December 2000.

**(ii) QUEENSLAND**

*Guideline for Multi-combination Vehicles in Queensland*. Form Number 1, Version 4, July 2001.

**(iii) SOUTH AUSTRALIA**

*Operation of B-double Vehicles up to 25m in length*, *South Australian Government Gazette*, 18 October 2001.

**(iv) VICTORIA**

*Victoria Government Gazette* No S140 of 3 September 2001.

(v) **WESTERN AUSTRALIA**

*Form MR1258 – 7 October 1997; Form MR157H of 17 March 1997 and General Endorsement 32 of 10 December 2001.*

(vi) **TASMANIA**

*Heavy Vehicle Information Bulletin. B-Double General Permit.  
Issue Date June 2000.*

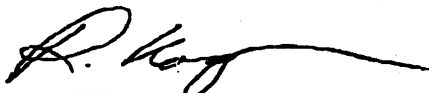
(vii) **AUSTRALIAN CAPITAL TERRITORY**

*62.5 tonne B-Double 4.6 Metre High Vehicles and 14.5 Metre Long Bus  
Exemption Notice, Instrument No. 330 of 2000, notified in the Australian Capital  
Territory Gazette No. 43 of 26 October 2000.*

(viii) **NORTHERN TERRITORY**

- (A) Urban areas: *Road Train Routes for urban areas of the Northern Territory*  
published in August 1998;
- (B) Other areas: Unrestricted B-double operations.

Dated 14 January 2002



**ROBERT HOGAN**  
Assistant Secretary  
Surface Transport Regulation and Reform

**NOTE:** For copies of the publications and information on B-Double routes and conditions, or if anyone wishes to operate on roads other than the routes designated in this Determination they should contact:

**New South Wales**

**Roads and Traffic Authority:**

Sydney	(02) 9831 0983
Tamworth	(02) 6768 1400
Western NSW	(02) 6861 1478
Wagga Wagga	(02) 6938 1111
Newcastle	(02) 4924 0240
Wollongong	(02) 4221 2460

**Queensland**

**Business & Systems Support  
Driver & Vehicle Management  
Land Transport & Safety  
Queensland Transport**

**Telephone: (07) 3253 4042**

**South Australia**

**Transport SA  
High Productivity Freight  
Road Freight Regulation and Operation Section  
33 – 37 Warwick Street  
WALKERVILLE SA 5081**

**Telephone: (08) 8343 2868  
Facsimile: (08) 8343 2875**

**Victoria**

**Traffic and Road Use Management  
VicRoads  
60 Denmark Street  
KEW VIC 3101**

**or Telephone:**

**Broadmeadows (03) 9302 8405  
Burwood East (03) 9881 8853**

**Western Australia**

**Main Roads  
Heavy Vehicles Operations  
2 Adams Drive  
WELSHPOOL WA 6106**

**Telephone: (08) 9311 8450**

**Tasmania**

Vehicle Operations  
Department of Infrastructure, Energy & Resources  
L7, 10 Murray Street  
HOBART TAS 7000

Telephone: (03) 6233 5191

**Northern Territory**

Vehicle Compliance Section  
Department of Transport and Works  
1<sup>st</sup> Floor, Jape Plaza  
Cavanagh Street  
DARWIN NT 0801

Darwin: (08) 8999 3163

Katherine: (08) 8973 8791

Alicc Springs: (08) 8951 5297

**Australian Capital Territory**

Manager  
Road Transport Reform  
Department of Urban Services  
GPO Box 151  
CANBERRA ACT 2601

Telephone: (02) 6207 6190 A/H: (02) 6207 5300

DETERMINATION RTR2002/2

**COMMONWEALTH OF AUSTRALIA  
DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES**

**INTERSTATE ROAD TRANSPORT ACT 1985**

**DETERMINATION OF ROUTES FOR B-DOUBLE VEHICLES CARRYING  
HIGHER MASS LIMITS UNDER THE FEDERAL INTERSTATE REGISTRATION  
SCHEME (FIRS)**

I, ROBERT JOHN HOGAN, Assistant Secretary, Surface Transport Regulation and Reform, a delegate of the Minister for Transport and Regional Services under section 50 of the *Interstate Road Transport Act 1985* (the Act) with the power to make determinations for the purposes of subsections 43A(1) and 43A(2) of the Act:

DETERMINE that the routes specified in the publications listed in paragraphs (i) to (iv) and in subparagraph (v)(A) and the routes specified in subparagraph (v)(B) and paragraphs (vi) and (vii) are, for B-doubles carrying higher mass as provided under subregulation 12A(4) and paragraph 12B(1)(c) of the *Interstate Road Transport Regulations 1986* to be routes for the carriage of passengers or goods between prescribed places or for any purpose that is incidental to carriage of that kind, subject to any conditions set out so far as those conditions are not inconsistent with the *Interstate Road Transport Act 1985*, the *Interstate Road Transport Charge Act 1985* and the *Interstate Road Transport Regulations 1986*.

**(i) VICTORIA**

*Victoria Government Gazettes*, Nos S140 & S141 of 3 September 2001.

**(ii) QUEENSLAND**

*Performance Guidelines for Increased Mass Limits for Vehicles with Road Friendly Suspensions*, Form 10, Version 1, July 1999 (date of effect 2 July 1999).

**(iii) SOUTH AUSTRALIA**

*Higher Mass Limits for Vehicles Fitted with Road Friendly Suspensions*, *South Australian Government Gazette* of 1 November 2001.



**(iv) TASMANIA**

**General Permit for Higher Mass Limits for Vehicles Fitted with Road Friendly Suspension Systems, issued June 2000.**

**(v) NORTHERN TERRITORY**

The routes available in the Northern Territory for FIRS B-doubles carrying higher mass limits under the Regulations are:

- (A) Urban areas: Road Train Routes for Urban Areas of the Northern Territory, published in August 1998;**
- (B) Other areas: Unrestricted access, with the exception that the Buchanan Highway between its intersection with the Buntine Highway and its intersection with the Stuart Highway which is not open to vehicles carrying the higher mass limits.**

**(vi) WESTERN AUSTRALIA**

The routes available in Western Australia for FIRS B-doubles vehicles carrying higher mass limits under the Regulations are set out in Table 1.

<b>Table 1</b>			
<b>Route/Road</b>	<b>From</b>	<b>To</b>	<b>Condition</b>
Eyre Highway (National Route 1)	SA border	Norseman	
Coolgardie-Esperance Highway	Norseman	Coolgardie	
Great Eastern Highway (National Route 94)	Coolgardie	Merredin	No access on the Great Eastern Highway west of Merredin to the Northam-Cranbrook Road junction as there are five prohibited bridges on this stretch of Highway.
York-Merredin Road	Merredin	York	
Northam-Cranbrook Rd	Quairading-York Road junction	Great Eastern Highway junction	
Great Eastern Highway (National Route 94)	Northam-Cranbrook Rd junction	Roe Highway junction	
Roe Highway	Great Eastern Highway junction	Great Northern Highway junction	
Roe Highway	Great Eastern Highway junction	Kewdale / Welshpool industrial area	
Kewdale / Welshpool industrial area			
Victoria Highway (National Route 1)	Kununurra	Northern Territory Border	

(vii) NEW SOUTH WALES

The routes available in New South Wales for FIRS B-Doubles vehicles carrying higher mass limits under the Regulations are set out in Table 2.

Table 2			
Route/Road	From	To	Condition
The Newell Highway	Entire length	Entire length	Nil
Sturt Highway (National Route 20)	Victorian border	Intersection with Hume Highway	
Hume Highway (National Route 31)	Victorian border	Coolac	<u>No access</u> east of Coolac as bridges are prohibited at: <ul style="list-style-type: none"><li>• Cooneys Creek, Jugiong; and</li><li>• Paddys River, Murrimba, north and south bound.</li></ul>
New England Highway (National Route 15)	Queensland border	Tenterfield	<u>No access</u> south of Tenterfield as bridges are prohibited at: <ul style="list-style-type: none"><li>• Tenterfield Creek and Goombridges Creek, near Bungulla;</li><li>• Quirindi Creek, Wallabadah</li><li>• south bound lane of Fitzgerald Bridge over Hunter River, Aberdeen,; and</li><li>• over railway, at Aberdeen.</li></ul>

Dated 14 January 2002



ROBERT HOGAN  
Assistant Secretary  
Surface Transport Regulation and Reform

**NOTE 1:** To carry higher mass, drivers must carry a copy of the relevant Commonwealth route Gazette notice (such as this one or further notices if more routes are gazetted), and a copy of a map or description of the route they are using (these will generally be in the State or Territory publications referred to above).

**NOTE 2:** For copies of the publications listed in this Determination including information on routes and conditions, or if anyone wishes to carry higher mass on routes other than those determined, please contact:

**New South Wales****Roads and Traffic Authority:**

Sydney (02) 9831 0983  
Tamworth (02) 6768 1400  
Western NSW (02) 6861 1478  
Wagga Wagga (02) 6938 1111  
Newcastle (02) 4924 0240  
Wollongong (02) 4221 2460

**Queensland**

Road Use Policy & Compliance  
Road Use Management & Safety  
Land Transport & Safety  
Queensland Transport

Telephone: (07) 3253 4050

**South Australia**

Transport SA  
High Productivity Freight  
Road Freight Regulation and Operation Section  
33 – 37 Warwick Street  
WALKERVILLE SA 5081

Telephone: (08) 8343 2868  
Facsimile: (08) 8343 2875

**Victoria**

Traffic and Road Use Management  
VicRoads  
60 Denmark Street  
KEW VIC 3101

or Telephone:

Broadmeadows (03) 9302 8405  
Burwood East (03) 9881 8853

**Western Australia**

Main Roads  
Heavy Vehicles Operations  
2 Adams Drive  
WELSHPOOL WA 6106

Telephone: (08) 9311 8450

**Tasmania**

Vehicle Operations  
Department of Infrastructure, Energy & Resources  
L7, 10 Murray Street  
HOBART TAS 7000

Telephone: (03) 6233 5191

**Northern Territory**

Vehicle Compliance Section  
Department of Transport and Works  
1<sup>st</sup> Floor, Jape Plaza  
Cavanagh Street  
DARWIN NT 0801

Darwin: (08) 8999 3163

Katherine: (08) 8973 8791

Alice Springs: (08) 8951 5297

**Australian Capital Territory**

Manager  
Road Transport Reform  
Department of Urban Services  
GPO Box 151  
CANBERRA ACT 2601

Telephone: (02) 6207 6190 A/H: (02) 6207 5300

**DETERMINATION RTR 2002/3**

**COMMONWEALTH OF AUSTRALIA  
DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES**

**INTERSTATE ROAD TRANSPORT ACT 1985**

**INTERSTATE ROAD TRANSPORT REGULATIONS 1986  
DETERMINATION OF ROUTES FOR VEHICLES, OTHER THAN B-DOUBLES  
AND RIGID TRUCK AND TRAILER COMBINATIONS, CARRYING HIGHER  
MASS LIMITS UNDER THE FEDERAL INTERSTATE REGISTRATION SCHEME  
(FIRS)**

I, ROBERT JOHN HOGAN, Assistant Secretary, Surface Transport Regulation and Reform, a delegate of the Minister for Transport and Regional Services under section 50 of the *Interstate Road Transport Act 1985* (the Act) with the power to make determinations for the purposes of subregulation 12C(5) of the *Interstate Road Transport Regulations 1986* (the Regulations):

DETERMINE that the routes specified in the publications listed in paragraphs (i) to (iv) and the routes specified in paragraphs (v) to (vii) below are routes for vehicles, other than B-doubles and rigid truck and trailer combinations, carrying higher mass as provided under subregulation 12A(4) and paragraph 12B(1)(c) of the Regulations, subject to any conditions set out so far as those conditions are not inconsistent with the *Interstate Road Transport Act 1985*, the *Interstate Road Transport Charge Act 1985* and the *Interstate Road Transport Regulations 1986*.

**(i) VICTORIA**

Notice advising routes for semi-trailers with a tri-axle at Higher Mass Limits, *Victorian Government Gazette No. S145 of 3 September 2001*.

**(ii) QUEENSLAND**

*Performance Guidelines for Increased Mass Limits for Vehicles with Road Friendly Suspensions*, Form 10, Version 1, July 1999 (date of effect 2 July 1999).

**(iii) SOUTH AUSTRALIA**

*Higher Mass Limits for Vehicles Fitted with Road Friendly Suspensions*, South Australian Government Gazette, 19 October 2000.

**(iv) TASMANIA**

*General Permit for Higher Mass Limits for Vehicles Fitted with Road Friendly Suspension Systems*, issued June 2000.

**(v) NORTHERN TERRITORY**

All roads, with the exception of the Buchanan Highway between its intersection with the Buntine Highway and its intersection with the Stuart Highway which is not open to vehicles carrying the higher mass limits.

**(vi) WESTERN AUSTRALIA**

The routes available in Western Australia for FIRS vehicles carrying higher mass limits under the Regulations are set out in Table 1.

Table 1			
Route/Road	From	To	Condition
Eyre Highway (National Route 1)	SA border	Norseman	
Coolgardie-Esperance Highway	Norseman	Coolgardie	
Great Eastern Highway (National Route 94)	Coolgardie	Merredin	No access on the Great Eastern Highway west of Merredin to the Northam-Cranbrook Road junction as there are five prohibited bridges on this stretch of Highway.
York-Merredin Road	Merredin	York	
Northam-Cranbrook Rd	Quairading-York Road junction	Great Eastern Highway junction	
Great Eastern Highway (National Route 94)	Northam-Cranbrook Rd junction	Roe Highway junction	
Roe Highway	Great Eastern Highway junction	Great Northern Highway junction	
Roe Highway	Great Eastern Highway junction	Kewdale / Welshpool industrial area	
Kewdale / Welshpool industrial area			
Victoria Highway (National Route 1)	Kununurra	Northern Territory Border	

## (vii) NEW SOUTH WALES

The routes available in New South Wales for FIRS vehicles carrying higher mass limits under the Regulations are set out in Table 2.

Table 2			
Route/Road	From	To	Condition
The Newell Highway	Entire length	Entire length	Nil
Sturt Highway (National Route 20)	Victorian border	intersection with Hume Highway	
Hume Highway (National Route 31)	Victorian border	Coolac	<u>No access</u> east of Coolac as bridges are prohibited at: <ul style="list-style-type: none"> <li>• Cooneys Creek, Jugiong; and</li> <li>• Paddys River, Murrumba, north and south bound.</li> </ul>
New England Highway (National Route 15)	Queensland border	Tenterfield	<u>No access</u> south of Tenterfield as bridges are prohibited at: <ul style="list-style-type: none"> <li>• Tenterfield Creek and Goombridges Creek, near Bungulla;</li> <li>• Quirindi Creek, Wallabadah</li> <li>• south bound lane of Fitzgerald Bridge over Hunter River, Aberdeen; and</li> <li>• over railway, at Aberdeen.</li> </ul>

Dated 14 January 2002



ROBERT HOGAN  
Assistant Secretary  
Surface Transport Regulation and Reform



**NOTE 1:** Road trains are not covered by this Determination.

**NOTE 2:** To carry higher mass, drivers must carry a copy of the relevant Commonwealth route *Gazette* notice (such as this one or further notices if more routes are gazetted), and a copy of a map or description of the route they are using (these will generally be in the State or Territory publications referred to above).

**NOTE 3** For copies of the publications listed in this Determination including information on routes and conditions, or if anyone wishes to carry higher mass on routes other than those determined, please contact:

**New South Wales**

**Roads and Traffic Authority:**

Sydney (02) 9831 0983  
Tamworth (02) 6768 1400  
Western NSW (02) 6861 1478  
Wagga Wagga (02) 6938 1111  
Newcastle (02) 4924 0240  
Wollongong (02) 4221 2460

**Queensland**

Road Use Policy & Compliance  
Road Use Management Safety  
Land Transport & Safety  
Queensland Transport

Telephone: (07) 3253 4050

**South Australia**

Transport SA  
High Productivity Freight  
Road Freight Regulation and Operation Section  
33 - 37 Warwick Street  
WALKERVILLE SA 5081

Telephone: (08) 8343 2868  
Facsimile: (08) 8343 2875

**Victoria**

Traffic and Road Use Management  
VicRoads  
60 Denmark Street  
KEW VIC 3101

Telephone:  
Broadmeadows (03) 9302 8405  
Burwood East (03) 9881 8853

**Western Australia**

Main Roads  
Heavy Vehicles Operations  
2 Adams Drive  
WELSHPOOL WA 6106

Telephone: (08) 9311 8450

**Tasmania**

**Vehicle Operations  
Department of Infrastructure, Energy & Resources  
L7, 10 Murray Street  
HOBART TAS 7000**

**Telephone: (03) 6233 5191**

**Northern Territory**

**Vehicle Compliance Section  
Department of Transport and Works  
1<sup>st</sup> Floor, Jape Plaza  
Cavanagh Street  
DARWIN NT 0801**

**Darwin: (08) 8999 3163**

**Katherine: (08) 8973 8791**

**Alice Springs: (08) 8951 5297**

**Australian Capital Territory**

**Manager  
Road Transport Reform  
Department of Urban Services  
GPO Box 151  
CANBERRA ACT 2601**

**Telephone: (02) 6207 6190 A/H: (02) 6207 5300**



## Social Security (Attribution of Income) Principles 2002

I, LISA MARIAN PAUL, Acting Secretary of the Department of Family and Community Services, make these Principles under section 1209E of the *Social Security Act 1991*.

Dated 15 January 2002

Acting Secretary of the Department of Family and Community Services

### Contents

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Principles 3
2	Commencement 3
3	Definitions 3
4	Purpose 3
<b>Part 2</b>	<b>Determination about excluded income (Act s 1207Y)</b>
<b>Division 2.1</b>	<b>No double counting — both members of couple are attributable stakeholders of company or trust</b>
5	Application of Division 2.1 4
6	Sum of distributions is the same as sum of attributable income 4
7	Sum of distributions is less than sum of attributable income 5
8	Sum of distributions is greater than sum of attributable income 5

## Contents

	Page
<b>Division 2.2</b>	
<b>No double counting — one member of couple is not attributable stakeholder</b>	
9 Distribution made to partner who is not attributable stakeholder	5
<b>Division 2.3</b>	
<b>Investor makes genuine transfer and receives distribution or credit</b>	
10 Application of Division 2.3	6
11 Genuine transfer of capital	6
12 Excluded income	6
<b>Part 3</b>	
<b>Determination about excluded income (Act s 1207Z)</b>	
<b>Division 3.1</b>	
<b>No double counting of attributed income — general</b>	
13 No double counting of attributed income — general	7
14 No double counting if ordinary income significantly diminished	7
<b>Division 3.2</b>	
<b>Distributions by companies</b>	
15 No double counting of attributed income — distribution by company to all attributable stakeholders	8
16 No double counting of attributed income — other distributions by a company	8
<b>Division 3.3</b>	
<b>Distributions by trusts</b>	
17 No double counting of attributed income — distribution by trust to all attributable stakeholders	9
18 No double counting of attributed income — other distributions by trust	0
<b>Part 4</b>	
<b>Determination of derivation period (Act s 1208C)</b>	
19 Derivation period must reflect typical income	11
<b>Part 5</b>	
<b>Determination of attribution period (Act s 1208D)</b>	
20 Attribution period must reflect typical circumstances	12

## Part 1 Preliminary

### 1 Name of Principles

These Principles are the *Social Security (Attribution of Income) Principles 2002*.

### 2 Commencement

These Principles commence on gazettal.

### 3 Definitions

In these Principles:

*Act* means the *Social Security Act 1991*.

*attributable income*, in relation to an individual who is an attributable stakeholder of a company or trust, means income that the individual is taken to receive during an attribution period of the company or trust.

*distribution*, in relation to a trust, includes an amount credited by a trust to a beneficiary of the trust.

### 4 Purpose

These Principles set out decision-making principles with which the Secretary must comply in making the following determinations:

- (a) a determination under subsection 1207Y (2) of the Act that, for the purposes of the application of subsection 1207Y (1) of the Act to a specified individual and a specified company or trust, a specified amount is excluded income;
- (b) a determination under section 1207Z of the Act that the ordinary income of an individual does not include the amount or value of a distribution, or a part of the amount or value of a distribution, to the individual by a company or trust;
- (c) a determination under section 1208C of the Act that a specified period is a derivation period of a company or trust for the purposes of the application of Division 7 of Part 3.18 of the Act to a specified individual and to a specified company or trust;
- (d) a determination under section 1208D of the Act that a specified period is an attribution period for the purposes of the application of Part 3.18 of the Act to a specified individual and to a specified company or trust.

Part 2	Determination about excluded income (Act s 1207Y)
Division 2.1	No double counting — both members of couple are attributable stakeholders of company or trust

**Section 5**

---

## **Part 2                      Determination about excluded income (Act s 1207Y)**

### **Division 2.1              No double counting — both members of couple are attributable stakeholders of company or trust**

#### **5                      Application of Division 2.1**

This Division applies if, in respect of an individual, the following circumstances exist:

- (a) the individual is a member of a couple;
- (b) the individual and the individual's partner are attributable stakeholders of a company or trust;
- (c) during a derivation period of the company or trust, the individual:
  - (i) may, or may not, receive a distribution from the company or trust; but
  - (ii) is taken to receive an amount of attributable income during the attribution period that relates to the derivation period;
- (d) during the derivation period mentioned in paragraph (c), the individual's partner:
  - (i) receives a distribution from the company or trust; and
  - (ii) is taken to receive an amount of attributable income during the attribution period that relates to the derivation period.

#### **6                      Sum of distributions is the same as sum of attributable income**

- (1) This section applies if:
  - (a) the sum of the distributions mentioned in subparagraphs 5 (c) (i) (if any) and 5 (d) (i) is the same as the sum of the attributable income mentioned in subparagraphs 5 (c) (ii) and 5 (d) (ii); but
  - (b) the amount of the distribution mentioned in subparagraph 5 (d) (i) is greater than the amount of attributable income mentioned in subparagraph 5 (d) (ii).
- (2) The Secretary must consider determining that the difference between the amounts referred to in paragraph (1) (b) is excluded income in relation to the attributable income of the individual mentioned in paragraph 5 (c).

Determination about excluded income (Act s 1207Y)  
No double counting — one member of couple is not attributable stakeholder

Part 2  
Division 2.2  
**Section 9**

## **7 Sum of distributions is less than sum of attributable income**

- (1) This section applies if:
  - (a) the sum of the distributions mentioned in subparagraphs 5 (c) (i) (if any) and 5 (d) (i) is less than the sum of the attributable income mentioned in subparagraphs 5 (c) (ii) and 5 (d) (ii); but
  - (b) the amount of the distribution mentioned in subparagraph 5 (d) (i) is greater than the amount of attributable income mentioned in subparagraph 5 (d) (ii).
- (2) The Secretary must consider determining that the difference between the amounts referred to in paragraph (1) (b) is excluded income in relation to the attributable income of the individual mentioned in paragraph 5 (c).

## **8 Sum of distributions is greater than sum of attributable income**

- (1) This section applies if:
  - (a) the sum of the distributions mentioned in subparagraphs 5 (c) (i) (if any) and 5 (d) (i) is greater than the sum of the attributable income mentioned in subparagraphs 5 (c) (ii) and 5 (d) (ii); but
  - (b) the amount of the distribution mentioned in subparagraph 5 (c) (i) (if any) is less than the amount of attributable income mentioned in subparagraph 5 (c) (ii).
- (2) The Secretary must consider determining that the difference between the amounts referred to in paragraph (1) (b) is excluded income in relation to the attributable income of the individual mentioned in paragraph 5 (c).

## **Division 2.2 No double counting — one member of couple is not attributable stakeholder**

### **9 Distribution made to partner who is not attributable stakeholder**

- (1) This section applies if, in respect of an individual, the following circumstances exist:
  - (a) the individual is a member of a couple;
  - (b) the individual is an attributable stakeholder of a company or trust, but the individual's partner is not an attributable stakeholder of the company or trust;
  - (c) during a derivation period of the company or trust, the individual:
    - (i) may, or may not, receive a distribution from the company or trust; but
    - (ii) is taken to receive an amount of attributable income during the attribution period that relates to the derivation period;
  - (d) during the derivation period mentioned in paragraph (c), the individual's partner receives a distribution from the company or trust.

Part 2	Determination about excluded income (Act s 1207Y)
Division 2.3	Investor makes genuine transfer and receives distribution or credit
<b>Section 10</b>	

---

- (2) The Secretary must consider determining that an amount equal to the amount of the distribution received by the partner is excluded income in relation to the attributable stakeholder.

## **Division 2.3      Investor makes genuine transfer and receives distribution or credit**

### **10      Application of Division 2.3**

This Division applies if:

- (a) an individual (the *investor*) makes a genuine transfer of capital to a company or trust of which the investor is not an attributable stakeholder; and
- (b) during a derivation period of the company or trust, the investor receives a distribution from the company or trust.

### **11      Genuine transfer of capital**

For section 10, a transfer of capital is a genuine transfer of capital if:

- (a) the investor receives, as consideration for the transfer, shares in the company, or units in the trust, of a value that is equivalent to the value of the capital transferred; and
- (b) the investor has a legal or equitable right to a share of the capital of the company or trust; and
- (c) the investor has a legal or equitable right to receive dividends or distributions in accordance with the constituent documents of the company or the terms of the trust; and
- (d) the investor is over 18 years of age.

### **12      Excluded income**

- (1) This section applies if:
  - (a) an individual who is an attributable stakeholder of a company or trust is taken to receive attributable income in accordance with subsection 1207Y (1) of the Act; and
  - (b) the attributable income of the individual is taken to include additional ordinary income in the circumstances mentioned in section 10.
- (2) The Secretary must consider determining that the amount of additional ordinary income worked out in accordance with subsection (3) is excluded income in relation to the attributable stakeholder.
- (3) The amount of excluded income is worked out by multiplying the amount of the distribution mentioned in paragraph 10 (b) by the income attribution percentage of the attributable stakeholder.



Determination about excluded income (Act s 1207Z)

Part 3

No double counting of attributed income — general

Division 3.1

Section 14

## **Part 3                      Determination about excluded income (Act s 1207Z)**

### **Division 3.1              No double counting of attributed income —                                     general**

#### **13                      No double counting of attributed income — general**

- (1) For paragraphs 1207Z (1) (d) and (e) and (2) (d) and (e) of the Act, the Secretary must have regard to the ordinary income of the individual received during the relevant attribution period and consider if the individual is an attributable stakeholder of:
  - (a) more than 1 controlled private company; or
  - (b) more than 1 controlled private trust; or
  - (c) at least 1 controlled private company and 1 controlled private trust.
- (2) For paragraphs 1207Z (1) (d) and (e) and (2) (d) and (e) of the Act, the Secretary must also consider if a company or trust mentioned in subsection (1) has derived an amount, directly or indirectly, by way of dividend or other distribution from another controlled private company or controlled private trust.

#### **14                      No double counting if ordinary income significantly diminished**

- (1) This section applies if:
  - (a) a company or trust makes a distribution to an individual who is an attributable stakeholder of the company or trust; and
  - (b) the individual would, but for this section, be taken to receive an amount of ordinary income over a period of 12 months in accordance with section 1073 of the Act; and
  - (c) the ordinary income of the individual derived from the company or trust during an attribution period has ceased, or is significantly diminished, because the company or trust:
    - (i) has been wound-up or otherwise ceased to exist; or
    - (ii) has been subject to circumstances adversely affecting its profitability.
- (2) For paragraphs 1207Z (1) (d) and (e) and (2) (d) and (e) of the Act, the Secretary must consider:
  - (a) whether, in all the circumstances, the application of section 1073 of the Act would be unfair or unreasonable in relation to the individual; and

Part 3	Determination about excluded income (Act s 1207Z)
Division 3.2	Distributions by companies

**Section 15**

---

- (b) if section 1073 applies unfairly or unreasonably in relation to the individual, determining that the ordinary income of the individual does not include the whole or part of the amount or value distributed to the individual.

**Division 3.2      Distributions by companies****15      No double counting of attributed income — distribution by company to all attributable stakeholders**

- (1) This section applies if:
  - (a) during a particular derivation period of a company, an individual receives a distribution of capital from the company (the *distribution*); and
  - (b) the individual is an attributable stakeholder of the company during an attribution period that corresponds with the derivation period of the company; and
  - (c) the distribution made to the attributable stakeholder is part of a distribution to all attributable stakeholders of the company (the *total distribution*); and
  - (d) the proportion that the distribution to each attributable stakeholder bears to the total distribution, expressed as a percentage, is the same as each attributable stakeholder's asset attribution percentage in relation to the company.
- (2) For paragraph 1207Z(1)(d) of the Act, the Secretary must consider determining that the ordinary income of the individual received during the attribution period does not include the distribution if, but for this section, the amount or value of the distribution would be included in the ordinary income of the individual for that period.
- (3) For paragraph 1207Z(1)(e) of the Act, the Secretary must consider determining that the ordinary income of the individual received during the attribution period does not include any part of the amount or value of the distribution if, but for this section, any part of the amount or value of the distribution would be included in the ordinary income of the individual for that period.

**16      No double counting of attributed income — other distributions by a company**

- (1) This section applies if:
  - (a) during a particular derivation period of a company, an individual receives a distribution of capital or profits from the company (the *distribution*); and
  - (b) the individual is an attributable stakeholder of the company during an attribution period that corresponds with the derivation period of the company; and

Determination about excluded income (Act s 1207Z)  
Distributions by trusts

Part 3  
Division 3.3  
Section 17

- (c) the distribution is made in circumstances other than those mentioned in section 14 and paragraphs 15 (1) (c) and (d); and
  - (d) the individual is taken to receive additional ordinary income during that attribution period in accordance with subsection 1207Y (1) of the Act.
- (2) For paragraph 1207Z (1) (d) of the Act, if the amount of the distribution is less than, or equal to, the additional ordinary income that the individual is taken to receive in accordance with subsection 1207Y (1) of the Act during the attribution period, the Secretary must consider determining that the ordinary income of the individual received during that period does not include the amount of that distribution.
- (3) For paragraph 1207Z (1) (e) of the Act, if the amount of the distribution exceeds the additional ordinary income that the individual is taken to receive in accordance with subsection 1207Y (1) of the Act during the attribution period, the Secretary must consider determining that the ordinary income of the individual received during that period does not include so much of the amount of the distribution that equals the additional ordinary income that the individual is taken to receive in accordance with subsection 1207Y (1) of the Act.

## Division 3.3      Distributions by trusts

### 17      No double counting of attributed income — distribution by trust to all attributable stakeholders

- (1) This section applies if:
- (a) during a particular derivation period of a trust, an individual receives a distribution of corpus from the trust (*the distribution*); and
  - (b) the individual is an attributable stakeholder of the trust during an attribution period that corresponds with the derivation period of the trust; and
  - (c) the distribution made to the attributable stakeholder is part of a distribution to all attributable stakeholders of the trust (*the total distribution*); and
  - (d) the proportion that the distribution to each attributable stakeholder bears to the total distribution, expressed as a percentage, is the same as the attributable stakeholder's asset attribution percentage in relation to the trust.
- (2) For paragraph 1207Z (2) (d) of the Act, the Secretary must consider determining that the ordinary income of the individual received during the attribution period does not include the amount or value of the distribution if, but for this section, the distribution would be included in the ordinary income of the individual for that period.

Part 3                      Determination about excluded income (Act s 1207Z)  
Division 3.3              Distributions by trusts

**Section 18**

---

- (3) For paragraph 1207Z (2) (e) of the Act, the Secretary must consider determining that the ordinary income of the individual received during the attribution period does not include any part of the amount or value of the distribution if, but for this section, any part of the amount or value of the distribution would be included in the ordinary income of the individual for that period.

**18      No double counting of attributed income — other distributions by trust**

- (1) This section applies if:
- (a) during a particular derivation period of a trust, an individual receives a distribution of corpus or income from the trust (the *distribution*); and
  - (b) the individual is an attributable stakeholder of the trust during an attribution period that corresponds with the derivation period of the trust; and
  - (c) the distribution is made in circumstances other than those mentioned in section 14 and paragraphs 17 (1) (c) and (d); and
  - (d) the individual is taken to receive additional ordinary income, during that attribution period, in accordance with subsection 1207Y (1) of the Act.
- (2) For paragraph 1207Z (2) (d) of the Act, if the amount of the distribution is less than, or equal to, the additional ordinary income that the individual is taken to receive in accordance with subsection 1207Y (1) of the Act during the attribution period, the Secretary must consider determining that the ordinary income of the individual received during that period does not include the amount of that distribution.
- (3) For paragraph 1207Z (2) (e) of the Act, if the amount of the distribution exceeds the additional ordinary income that the individual is taken to receive in accordance with subsection 1207Y (1) of the Act during the attribution period, the Secretary must consider determining that the ordinary income of the individual received during that period does not include so much of the amount of the distribution that equals the additional ordinary income that the individual is taken to receive in accordance with subsection 1207Y (1) of the Act.

## **Part 4                      Determination of derivation period (Act s 1208C)**

### **19                      Derivation period must reflect typical income**

- (1) This section applies to the determination of a specified period as the derivation period of a specified company or trust in relation to an attributable stakeholder of the company or trust.
- (2) The derivation period must be a period that is determined having regard to the following matters:
  - (a) the ordinary income of the company or trust for a derivation period referred to in subsection 1208C (1) of the Act;
  - (b) the ordinary income of the company or trust for any other period or periods that may reasonably be regarded as typical earning periods for the company or trust;
  - (c) any circumstances affecting the company or trust during the periods referred to in paragraphs (a) and (b);
  - (d) whether, having regard to any circumstances referred to in paragraph (c), it is appropriate to use a derivation period different from the derivation period referred to in subsection 1208C (1) of the Act.

**Part 5**

**Determination of attribution period (Act s 1208D)**

**Section 20**

---

**Part 5                      Determination of attribution period  
(Act s 1208D)**

**20            Attribution period must reflect typical circumstances**

- (1) This section applies to the determination of an attribution period in relation to:
  - (a) a specified individual who is an attributable stakeholder of a specified company or trust; and
  - (b) a specified derivation period of the company or trust.
- (2) The attribution period must be a period that is determined having regard to the following matters:
  - (a) the ordinary income of the attributable stakeholder for the derivation period;
  - (b) the ordinary income of the attributable stakeholder for any other period or periods that may reasonably be regarded as typical earning periods for the attributable stakeholder;
  - (c) any circumstances affecting the attributable stakeholder during the periods referred to in paragraphs (a) and (b);
  - (d) any circumstances that may reasonably be regarded as likely to affect the ordinary income of the attributable stakeholder.



## Social Security (Modification of Asset Deprivation Rules) Principles 2002

I, LISA MARIAN PAUL, Acting Secretary of the Department of Family and Community Services, make these Principles under section 1209E of the *Social Security Act 1991*.

Dated 15 January 2002

UR

Acting Secretary of the Department of Family and Community Services

### Contents

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Principles 3
2	Commencement 3
3	Definitions 3
4	Purpose 3
<b>Part 2</b>	<b>Disposal of asset (on or after 1 January 2002) by individual</b>
5	Purpose of Part 2 4
6	Definitions 4
7	Transferor as sole attributable stakeholder 4
8	Transferor as member of couple 4
9	Transfer to company or trust with 2 or more attributable stakeholders 4
10	Transfer to company or trust by individual who becomes attributable stakeholder 5

## Contents

---

	Page
<b>Part 3</b>	
<b>Disposal of asset (on or after 1 January 2002) by company or trust</b>	
11 Purpose of Part 3	6
12 Disposal to individual by company or trust	6
13 Disposal by way of dividend or distribution to genuine investor	6
<b>Part 4</b>	
<b>Disposal of asset (before 1 January 2002) by attributable stakeholder</b>	
14 Purpose of Part 4	8
15 Definitions	8
16 Application of asset disposal provisions where value of asset same or greater	8
17 Application of asset disposal provisions where value of asset decreased after disposal	8
18 Application of asset disposal provisions where company or trust retains value of transferred asset	9
19 Transfer by member of couple	9
<b>Part 5</b>	
<b>Disposal of asset (before 1 January 2002) by individual whose spouse is attributable stakeholder</b>	
20 Purpose of Part 5	10
21 Definitions	10
22 Application of asset disposal provisions where value of asset same or greater	10
23 Application of asset disposal provisions where value of asset decreased after disposal	10
24 Application of asset disposal provisions where company or trust retains value of transferred asset	11

---



Preliminary

Part 1

Section 4

## Part 1 Preliminary

### 1 Name of Principles

These Principles are the .

### 2 Commencement

These Principles commence on gazettal.

### 3 Definitions

In these Principles:

*Act* means the *Social Security Act 1991*.

*asset disposal provisions* means Division 2 of Part 3.12, section 93U and sections 198F to 198MA of the Act.

### 4 Purpose

These Principles set out decision-making principles with which the Secretary must comply for the purposes of making a determination under subsection 1208K (1), 1208L (3), 1208N (1) or 1208P (1) of the Act.

*Principles certified  
by asset.*

## Part 2 Disposal of asset (on or after 1 January 2002) by individual

---

Section 5

---

**Part 2 Disposal of asset (on or after  
1 January 2002) by individual****5 Purpose of Part 2**

This Part sets out decision-making principles with which the Secretary must comply in making a determination for subsection 1208K (1) of the Act.

**6 Definitions**

In this Part:

*individual* means an individual who transfers property to a company or trust in accordance with subsection 1208K (1) of the Act.

*transfer of property* means a transfer of property by way of capital contribution.

**7 Transferor as sole attributable stakeholder**

- (1) This section applies to an individual who is not a member of a couple.
- (2) The Secretary must take into account whether the individual was the only attributable stakeholder of the company or trust, either before or after the transfer.

**8 Transferor as member of couple**

- (1) This section applies to an individual who is a member of a couple.
- (2) The Secretary must take into account whether:
  - (a) the individual was the only attributable stakeholder of the company or trust, before or after the transfer; or
  - (b) both members of the couple were the only attributable stakeholders of the company or trust, before or after the transfer.

**9 Transfer to company or trust with 2 or more attributable stakeholders**

- (1) This section applies if, in relation to a transfer of property to a company or a trust:
  - (a) the transfer is made by an attributable stakeholder of the company or trust; and
  - (b) before the transfer, there were 2 or more attributable stakeholders of the company or trust.

Disposal of asset (on or after 1 January 2002) by individual

Part 2

**Section 10**

---

- (2) This section also applies if, in relation to a transfer of property to a company or a trust:
  - (a) the transfer is made by an attributable stakeholder of the company or trust; and
  - (b) after the transfer, there were 2 or more attributable stakeholders of the company or trust.
- (3) The Secretary must take into account the asset attribution percentage of each attributable stakeholder of the company or trust, before and after the transfer of the property.

**10 Transfer to company or trust by individual who becomes attributable stakeholder**

- (1) This section applies if, in relation to a transfer of property to a company or a trust:
  - (a) the transfer is made by an individual who is not an attributable stakeholder of the company or trust; and
  - (b) as a result of the transfer, the individual is an attributable stakeholder.
- (2) The Secretary must take into account the asset attribution percentage of each attributable stakeholder of the company or trust, before and after the transfer of the property.

## Part 3

## Disposal of asset (on or after 1 January 2002) by company or trust

---

Section 11

---

**Part 3                      Disposal of asset (on or after  
1 January 2002) by company or trust****11            Purpose of Part 3**

This Part sets out decision-making principles with which the Secretary must comply in making a determination for subsection 1208L (3) of the Act.

**12            Disposal to individual by company or trust**

(1) This section applies if:

- (a) a company pays a dividend to an individual who is an attributable stakeholder of the company; and
- (b) the asset disposal provisions apply, and are taken to have applied, as if the individual had disposed of an asset of the individual.

(2) This section also applies if:

- (a) a trust makes a distribution to an individual who is an attributable stakeholder of the trust; and
- (b) the asset disposal provisions apply, and are taken to have applied, as if the individual had disposed of an asset of the individual.

- (3) The Secretary must consider whether the amount of the dividend or the value of the distribution is reasonable, having regard to the individual's asset attribution percentage, in relation to the company or trust, before and after the disposal of the asset.

**13            Disposal by way of dividend or distribution to genuine investor**

(1) This section applies if:

- (a) during a derivation period of a company, the company pays a dividend to an individual who is not an attributable stakeholder of the company; and
- (b) the individual has, before or during the derivation period, made a genuine transfer of capital to the company.

(2) This section also applies if:

- (a) during a derivation period of a trust, the trust makes a distribution to an individual who is not an attributable stakeholder of the trust; and
- (b) the individual has, before or during the derivation period, made a genuine transfer of capital to the trust.

- (3) For subsections (1) and (2), a transfer of capital is a *genuine transfer of capital* if:

- (a) the individual receives, as consideration for the transfer, shares in the company, or units in the trust, of a value that is equivalent to the value of the capital transferred; and

Disposal of asset (on or after 1 January 2002) by company or trust

Part 3

---

**Section 13**

---

- (b) the individual has a legal or equitable right to a share of the capital on the winding-up of the company or trust; and
  - (c) the individual has a legal or equitable right to receive dividends or distributions in accordance with the constituent documents of the company or under the terms of the trust; and
  - (d) the individual is over 18 years.
- (4) The Secretary must consider whether the amount of the dividend or the value of the distribution is reasonable, having regard to the proportion of the value of the capital transferred by the individual to the total value of the assets owned by the company or trust at the time of the transfer.

## Part 4 Disposal of asset (before 1 January 2002) by attributable stakeholder

**Section 14**

---

**Part 4 Disposal of asset (before 1 January 2002) by attributable stakeholder****14 Purpose of Part 4**

This Part sets out decision-making principles with which the Secretary must comply in making a determination for subsection 1208N (1) of the Act.

**15 Definitions**

In this Part:

*individual* means an individual who transfers property to a company or trust in accordance with subsection 1208N (1) of the Act.

**16 Application of asset disposal provisions where value of asset same or greater**

(1) This section applies if:

- (a) an asset is disposed of by an individual to a company or trust; and
- (b) on 1 January 2002, the asset is owned by the company or trust; and
- (c) on 1 January 2002, the value of the asset is the same as, or greater than, it was at the time of its disposal.

(2) The Secretary must consider whether, in all the circumstances, the application of the asset disposal provisions would be unfair or unreasonable in relation to the individual.

**17 Application of asset disposal provisions where value of asset decreased after disposal**

(1) This section applies if:

- (a) an asset is disposed of by an individual to a company or trust; and
- (b) on 1 January 2002, the asset is owned by the company or trust; and
- (c) on 1 January 2002, the value of the asset is less than it was at the time of its disposal; and
- (d) the decrease in the value of the asset is not attributable to any conduct that the Secretary reasonably believes was intended to avoid the operation, or minimise the effect, of Part 3.18 of the Act.

(2) The Secretary must consider whether, in all the circumstances, the application of the asset disposal provisions would be unfair or unreasonable in relation to the individual.

---

**Section 19**

---

**18 Application of asset disposal provisions where company or trust retains value of transferred asset**

- (1) This section applies if:
  - (a) an asset is disposed of by an individual to a company or trust; and
  - (b) before 1 January 2002, the company or trust transferred the asset to another individual or other entity in consideration of an arm's length amount; and
  - (c) the company or trust retained the amount or value of the consideration.
- (2) The Secretary must consider whether, in all the circumstances, the application of the asset disposal provisions would be unfair or unreasonable in relation to the individual.

**19 Transfer by member of couple**

- (1) This section applies if:
  - (a) an individual, who is a member of a couple, disposes of an asset to a company or trust before 1 January 2002; and
  - (b) as a result of the transfer:
    - (i) the individual is the only attributable stakeholder, on 1 January 2002, of the company or trust; or
    - (ii) both members of the couple are the only attributable stakeholders, on 1 January 2002, of the company or trust.
- (2) The Secretary must consider whether, in all the circumstances, the application of the asset disposal provisions would be unfair or unreasonable in relation to the individual.

Part 5 Disposal of asset (before 1 January 2002) by individual whose spouse is attributable stakeholder

---

**Section 20**

---

## **Part 5 Disposal of asset (before 1 January 2002) by individual whose spouse is attributable stakeholder**

### **20 Purpose of Part 5**

This Part sets out decision-making principles with which the Secretary must comply in making a determination for subsection 1208P (1) of the Act.

### **21 Definitions**

In this Part:

*individual* means an individual who transfers property to a company or trust in accordance with subsection 1208P (1) of the Act.

### **22 Application of asset disposal provisions where value of asset same or greater**

- (1) This section applies if:
  - (a) an asset is disposed of by an individual to a company or trust; and
  - (b) on 1 January 2002, the asset is owned by the company or trust; and
  - (c) on 1 January 2002, the value of the asset is the same as, or greater than, it was at the time of its disposal.
- (2) The Secretary must consider whether, in all the circumstances, the application of the asset disposal provisions would be unfair or unreasonable in relation to the individual.

### **23 Application of asset disposal provisions where value of asset decreased after disposal**

- (1) This section applies if:
  - (a) an asset is disposed of by an individual to a company or trust; and
  - (b) on 1 January 2002, the asset is owned by the company or trust; and
  - (c) on 1 January 2002, the value of the asset is less than it was at the time of its disposal; and
  - (d) the decrease in the value of the asset is not attributable to any conduct that the Secretary reasonably believes was intended to avoid the operation, or minimise the effect, of Part 3.18 of the Act.
- (2) The Secretary must consider whether, in all the circumstances, the application of the asset disposal provisions would be unfair or unreasonable in relation to the individual.



Disposal of asset (before 1 January 2002) by individual whose spouse is  
attributable stakeholder

Part 5

---

**Section 24**

**24 Application of asset disposal provisions where company or trust retains value of transferred asset**

- (1) This section applies if:
  - (a) an asset is disposed of by an individual to a company or trust; and
  - (b) before 1 January 2002, the company or trust transferred the asset to another individual or other entity in consideration of an arm's length amount; and
  - (c) the company or trust retained the amount or value of the consideration.
- (2) The Secretary must consider whether, in all the circumstances, the application of the asset disposal provisions would be unfair or unreasonable in relation to the individual.



## Social Security (Modification of Income Deprivation Rules) Principles 2002

I, LISA MARIAN PAUL, Acting Secretary of the Department of Family and Community Services, make these Principles under section 1209E of the *Social Security Act 1991*.

Dated 15 January 2002

Acting Secretary of the Department of Family and Community Services

### Contents

	Page
<b>Part 1 Preliminary</b>	
1 Name of Principles	3
2 Commencement	3
3 Definitions	3
4 Purpose	3
<b>Part 2 Disposal of ordinary income (on or after 1 January 2002) by individual</b>	
5 Purpose of Part 2	4
6 Definitions	4
7 Transferor as sole attributable stakeholder	4
8 Transferor as member of couple	4
9 Transfer to company or trust with 2 or more attributable stakeholders	4
10 Transfer to company or trust by individual who becomes attributable stakeholder	5

## Contents

	Page
<b>Part 3</b>	
<b>Disposal of ordinary income (on or after 1 January 2002) by company or trust</b>	
11 Purpose of Part 3	6
12 Disposal to attributable stakeholder	6
<b>Part 4</b>	
<b>Disposal of ordinary income (before 1 January 2002) by attributable stakeholder</b>	
13 Purpose of Part 4	7
14 Definitions	7
15 Application of Division 3 of Part 3.10 of Act where value of property same or greater	7
16 Application of Division 3 of Part 3.10 of Act where value of property decreased after transfer	7
17 Application of Division 3 of Part 3.10 of Act where company or trust retains value of transferred property	8
18 Transfer by member of couple	8
<b>Part 5</b>	
<b>Disposal of ordinary income (before 1 January 2002) by individual whose spouse is attributable stakeholder</b>	
19 Purpose of Part 5	9
20 Definitions	9
21 Application of Division 3 of Part 3.10 of Act where value of property same or greater	9
22 Application of Division 3 of Part 3.10 of Act where value of property decreased after disposal	9
23 Application of Division 3 of Part 3.10 of Act where company or trust retains value of transferred property	10

Preliminary

Part 1

Section 4

---

## Part 1 Preliminary

### 1 Name of Principles

These Principles are the *Social Security (Modification of Income Deprivation Rules) Principles 2002*.

### 2 Commencement

These Principles commence on gazettal.

### 3 Definitions

In these Principles:

*Act* means the *Social Security Act 1991*.

### 4 Purpose

These Principles set out decision-making principles with which the Secretary must comply for the purposes of making a determination under subsection 1208Q (1), 1208R (3), 1208S (1) or 1208T (1) of the Act.

Part 2                      Disposal of ordinary income (on or after 1 January 2002) by individual

**Section 5**

---

**Part 2                      Disposal of ordinary income (on or  
after 1 January 2002) by individual**

**5                      Purpose of Part 2**

This Part sets out decision-making principles with which the Secretary must comply in making a determination for subsection 1208Q (1) of the Act.

**6                      Definitions**

In this Part:

*individual* means an individual who transfers property to a company or trust in accordance with subsection 1208Q (1) of the Act.

**7                      Transferor as sole attributable stakeholder**

- (1) This section applies to an individual who is not a member of a couple.
- (2) The Secretary must take into account whether the individual was the only attributable stakeholder of the company or trust, either before or after the transfer.

**8                      Transferor as member of couple**

- (1) This section applies to an individual who is a member of a couple.
- (2) The Secretary must take into account whether:
  - (a) the individual was the only attributable stakeholder of the company or trust, either before or after the transfer; or
  - (b) both members of the couple were the only attributable stakeholders of the company or trust, either before or after the transfer.

**9                      Transfer to company or trust with 2 or more attributable stakeholders**

- (1) This section applies if, in relation to a transfer of property to a company or trust:
  - (a) the transfer is made by an attributable stakeholder of the company or trust; and
  - (b) before the transfer, there were 2 or more attributable stakeholders of the company or trust.

---

**Section 10**

- (2) This section also applies if, in relation to a transfer of property to a company or trust:
  - (a) the transfer is made by an attributable stakeholder of the company or trust; and
  - (b) after the transfer, there were 2 or more attributable stakeholders of the company or trust.
- (3) The Secretary must take into account the income attribution percentage of each attributable stakeholder of the recipient company or recipient trust, before and after the transfer of the property.

**10 Transfer to company or trust by individual who becomes attributable stakeholder**

- (1) This section applies if, in relation to a transfer of property to a company or a trust:
  - (a) the transfer is made by an individual who is not an attributable stakeholder of the company or trust; and
  - (b) as a result of the transfer, the individual is an attributable stakeholder.
- (2) The Secretary must take into account the income attribution percentage of each attributable stakeholder of the company or trust, before and after the transfer of the property.

Part 3 Disposal of ordinary income (on or after 1 January 2002) by company or trust

**Section 11**

---

**Part 3 Disposal of ordinary income (on or after 1 January 2002) by company or trust**

**11 Purpose of Part 3**

This Part sets out decision-making principles with which the Secretary must comply in making a determination for subsection 1208R (3) of the Act.

**12 Disposal to attributable stakeholder**

The Secretary must take into account whether, in relation to a transfer of ordinary income of a company or trust in accordance with subsection 1208R (1) of the Act, the transfer is to an individual who is an attributable stakeholder of the company or trust.

Disposal of ordinary income (before 1 January 2002) by attributable stakeholder

Part 4

---

Section 16

## **Part 4                      Disposal of ordinary income (before 1 January 2002) by attributable stakeholder**

### **13            Purpose of Part 4**

This Part sets out decision-making principles with which the Secretary must comply in making a determination for subsection 1208S (1) of the Act.

### **14            Definitions**

In this Part:

*individual* means an individual who transfers property to a company or trust in accordance with subsection 1208S (1) of the Act.

### **15            Application of Division 3 of Part 3.10 of Act where value of property same or greater**

(1) This section applies if:

- (a) property is transferred by an individual to a company or trust; and
- (b) on 1 January 2002, the property is owned or controlled by the company or trust; and
- (c) on 1 January 2002, the value of the property is the same as, or greater than, it was at the time of its transfer.

- (2) The Secretary must consider whether, in all the circumstances, the application of Division 3 of Part 3.10 of the Act would be unfair or unreasonable in relation to the individual.

### **16            Application of Division 3 of Part 3.10 of Act where value of property decreased after transfer**

(1) This section applies if:

- (a) property is transferred by an individual to a company or trust; and
- (b) on 1 January 2002, the property is owned or controlled by the company or trust; and
- (c) on 1 January 2002, the value of the property is less than it was at the time of its transfer; and
- (d) the decrease in the value of the property is not attributable to any conduct that the Secretary reasonably believes was intended to avoid the operation, or minimise the effect, of Part 3.18 of the Act.

- (2) The Secretary must consider whether, in all the circumstances, the application of Division 3 of Part 3.10 of the Act would be unfair or unreasonable in relation to the individual.



Part 4 Disposal of ordinary income (before 1 January 2002) by attributable stakeholder

---

**Section 17**

---

**17 Application of Division 3 of Part 3.10 of Act where company or trust retains value of transferred property**

- (1) This section applies if:
  - (a) property is transferred by an individual to a company or trust; and
  - (b) before 1 January 2002, the company or trust transferred the property to another individual or other entity in consideration of an arm's length amount; and
  - (c) the company or trust retained the amount or value of the consideration.
- (2) The Secretary must consider whether, in all the circumstances, the application of Division 3 of Part 3.10 of the Act would be unfair or unreasonable in relation to the individual.

**18 Transfer by member of couple**

- (1) This section applies if:
  - (a) an individual, who is a member of a couple, transfers property to a company or trust before 1 January 2002; and
  - (b) as a result of the transfer:
    - (i) the individual is the only attributable stakeholder, on 1 January 2002, of the company or trust; or
    - (ii) both members of the couple are the only attributable stakeholders, on 1 January 2002, of the company or trust.
- (2) The Secretary must consider whether, in all the circumstances, the application of Division 3 of Part 3.10 of the Act would be unfair or unreasonable in relation to the individual.

Disposal of ordinary income (before 1 January 2002) by individual whose spouse  
is attributable stakeholder

Part 5

---

Section 22

## **Part 5                      Disposal of ordinary income (before 1 January 2002) by individual whose spouse is attributable stakeholder**

### **19            Purpose of Part 5**

This Part sets out decision-making principles with which the Secretary must comply in making a determination for subsection 1208T (1) of the Act.

### **20            Definitions**

In this Part:

*individual* means an individual who transfers property to a company or trust in accordance with subsection 1208T (1) of the Act.

### **21            Application of Division 3 of Part 3.10 of Act where value of property same or greater**

- (1) This section applies if:
  - (a) property is transferred by an individual to a company or trust; and
  - (b) on 1 January 2002, the property is owned or controlled by the company or trust; and
  - (c) on 1 January 2002, the value of the property is the same as, or greater than, it was at the time of its transfer.
- (2) The Secretary must consider whether, in all the circumstances, the application of Division 3 of Part 3.10 of the Act would be unfair or unreasonable in relation to the individual.

### **22            Application of Division 3 of Part 3.10 of Act where value of property decreased after disposal**

- (1) This section applies if:
  - (a) property is transferred by an individual to a company or trust; and
  - (b) on 1 January 2002, the property is owned or controlled by the company or trust; and
  - (c) on 1 January 2002, the value of the property is less than it was at the time of its transfer; and
  - (d) the decrease in the value of the property is not attributable to any conduct that the Secretary reasonably believes was intended to avoid the operation, or minimise the effect, of Part 3.18 of the Act.

Part 5 Disposal of ordinary income (before 1 January 2002) by individual whose spouse  
is attributable stakeholder

**Section 23**

---

- (2) The Secretary must consider whether, in all the circumstances, the application of Division 3 of Part 3.10 of the Act would be unfair or unreasonable in relation to the individual.

**23 Application of Division 3 of Part 3.10 of Act where company or trust retains value of transferred property**

- (1) This section applies if:
- (a) property is transferred by an individual to a company or trust; and
  - (b) before 1 January 2002, the company or trust transferred the property to another individual or other entity in consideration of an arm's length amount; and
  - (c) the company or trust retained the amount or value of the consideration.
- (2) The Secretary must consider whether, in all the circumstances, the application of Division 3 of Part 3.10 of the Act would be unfair or unreasonable in relation to the individual.



**Commonwealth  
of Australia**

**Gazette**

No. S. 21, Friday, 18 January 2002

Published by the Commonwealth of Australia

**SPECIAL**

**Australian Electoral Commission**

**AEC**

**DIRECTION FOR A REDISTRIBUTION  
OF THE STATE OF VICTORIA INTO ELECTORAL DIVISIONS**

Pursuant to section 59 of the *Commonwealth Electoral Act 1918*, the Australian Electoral Commission hereby directs the commencement of a redistribution of the State of Victoria into electoral divisions.

**Andy Becker**  
Electoral Commissioner

**Dennis Trewin**  
Commissioner