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GOVERNMENT NOTICES

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Principal Legislative Counsel
Office of Legislative Drafting
Attorney-General's Department
Robert Garran Offices
National Circuit
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Fax. (02) 6250 5930

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ISSUES OF PERIODIC GAZETTES

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Copies may be purchased from Commonwealth Government Info Shops or by mail from: Mail Order Sales, AusInfo, GPO Box 84, Canberra ACT 2601.

Gazette number	Date of Publication	Subject
P1	31.1.03	Instruments made under Part VII of the <i>National Health Act 1953</i> .

Courts

Workplace Relations Act 1996**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION****NOTICE OF VARIATION OF COMMON RULE AWARD**

IN the matter of the variation of the awards

Notice is hereby given

(a) that the Commission has varied the term/s of the awards referred to in the Schedule below.

(b) that the variations will be a common rule of the Australian Capital Territory as shown in the Schedule below; and

(c) that any person or organisation interested and having an objection to the variations binding that person or organisation and wanting to be heard in relation to the above-mentioned variation is invited to lodge with the Commission a notice of that objection.

A copy of the award may be inspected free of charge at the Australian Industrial Registry at Level 2, CML Building, University Avenue, Canberra, A.C.T., or at the office of the Australian Industrial Registry in any capital city.

NB: the prescribed time for lodgement of objections is 28 days.

SCHEDULE OF TERMS TO BE VARIED**AWARD (Case No.)**

(Award Code/Print)

Clause	Substance	Date of Effect
Transport Workers' (Superannuation) Consolidated Award 1993		
(C2002/5913) (AW804589-PR927306)		
12	salary sacrifice provisions	04/02/03

14 February 2003

Christine Hayward
Deputy Industrial Registrar

Government Departments

Agriculture, Fisheries and Forestry



Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2003

I, GREGORY WILLIAMSON, delegate of the Secretary of the Department of Agriculture, Fisheries and Forestry, make this Order under section 17 of the *Australian Meat and Live-stock Industry Act 1997*.

Dated *14 February* 2003

General Manager, Meat, Wool and Dairy
Department of Agriculture, Fisheries and Forestry

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Part 1 Preliminary

1 Name of Order

This Order is the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2003*.

2 Commencement

This Order commences on gazettal.

3 Definitions

In this Order:

2002/2003 means the period of 12 months beginning on 1 July 2002.

2003/2004 means the period of 12 months beginning on 1 July 2003.

access amount, for a year, means the total shipped weight of quota meat that may, under the law of the EU, be exported to the EU in the year.

Note This is currently 7 000 tonnes — see European Commission Regulation (EC) No 936/97, Article 2 (b).

Act means the *Australian Meat and Live-stock Industry Act 1997*.

AFFA means the Department.

Note The **Department** means the Department of Agriculture, Fisheries and Forestry (also known as Agriculture, Fisheries and Forestry Australia) — see section 19A of the *Acts Interpretation Act 1901* and the Administrative Arrangements Order published in the *Gazette* on 22 October 1998.

AFFA's QA Unit means the section of AFFA known as the Quota Administration and Statistics Unit.

Note The address of AFFA's QA Unit is given in section 23.

approval means an approval to export a consignment of quota meat under Part 4.

AQIS means the Australian Quarantine and Inspection Service.

AUS-MEAT means AUS-MEAT Limited (ACN 082 528 881).

AUS-MEAT handbook cut number, for a cut of meat, means the number for that cut of meat set out in the *AUS-MEAT RFP Cut Code Reference Booklet* — 1999, published by AUS-MEAT, as amended and in force at the commencement of this Order.

AUS-MEAT meat type cipher, for a type of meat, means the cipher for that type of meat set out in the *AUS-MEAT RFP Cut Code Reference Booklet* — 1999, published by AUS-MEAT, as amended and in force at the commencement of this Order.

Part 1 Preliminary

Section 3

certificate means a certificate issued under section 18.

Note Part 5 provides for the issue of certificates. Certificates are required by the EU to prove the authenticity of each consignment of high quality beef exported to the EU within the quota.

consignment means a single shipment of quota meat (by sea or air) by an exporter to a single consignee.

consignment information, for a consignment, means:

- (a) if the information required to be given to AQIS or AFFA about a consignment by section 3 of Order No. M67/94 is given to AQIS as required by paragraph 3 (b) of that Order — that information; or
- (b) if the information is given to AFFA in a document in accordance with Form 4, 9 or 10 under that Order — that information.

EC means the European Commission.

eligible exporter means an exporter to which EU quota entitlement is allocated or transferred.

establishment means a meat processing premise that:

- (a) is under the full-time inspection and supervision of AQIS; and
- (b) is registered under the *Export Control Act 1982*; and
- (c) has been accredited by AUS-MEAT and AQIS for the export of meat to the EU.

EU means the European Union.

EU quota entitlement, for an eligible exporter, means the total, after taking into account any transfers under section 11, of the exporter's:

- (a) standard EU quota entitlement; and
- (b) non-standard EU quota entitlement.

EXDOC means the electronic documentation system maintained by AQIS.

exporter means the holder of a meat export licence issued under section 10 of the Act allowing the holder to export high quality beef to the EU.

high quality beef means beef that meets the description of 'high quality beef' in paragraph (b) of Article 2 of Commission Regulation No. 936/97 of the European Union.

Note That description is as follows:

'...meat covered by EU Common Nomenclature (CN) Codes 0201 20 90, 0201 30, 0202 20 90, 0206 10 95 and 0206 29 91 and meeting the following definition:

"Selected cuts of fresh, chilled or frozen beef obtained from bovine animals that do not have more than 4 permanent incisor teeth, the carcasses of which have a dressed weight of not more than 327 kilograms (720 pounds), a compact appearance with good eye of meat of light and uniform colour, and adequate but not excessive fat cover ... The meat shall be certified 'high quality beef EC'."

non-standard EU quota entitlement means EU quota entitlement allocated under section 10.

quota meat means high quality beef other than:

- (a) product for ships' stores; or
- (b) a product for which a certificate is not required by the EU.

Section 3

Quotas Act means the *Australian Meat and Live-stock (Quotas) Act 1990*.

recorded shipments, for an exporter, means:

- (a) for 2002/2003, the recorded shipped weight of exports of quota meat by the exporter under the exporter's EU quota entitlement under the *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2002*; and
- (b) for 2003/2004, the recorded shipped weight of exports of quota meat by the exporter under the exporter's EU quota entitlement under this Order.

Note In this Order, there is no provision for an exporter to claim credits for quota meat exported (previously referred to as 'performance') by another exporter under EU quota entitlement held by, or transferred to, that exporter.

shipped weight, for quota meat, means the actual weight of the meat when it is loaded for shipment (including bones if they have not been removed).

standard EU quota entitlement means EU quota entitlement allocated under section 8.

Part 2 Prohibition of exports

Section 4

Part 2 Prohibition of exports

4 No export without approval and certificate

An eligible exporter may export a consignment of quota meat to a member country of the EU only if AFFA has given an approval and issued a certificate for the consignment.

Part 3 EU quota entitlement

5 What this Part does

This Part sets out how EU quota entitlement is obtained and how to work out an exporter's EU quota entitlement for 2003/2004.

6 How EU quota entitlement is obtained

- (1) The Secretary may invite exporters to apply for EU quota entitlement for 2003/2004.

Note AFFA intends to give exporters a notice (a *quota notice*) stating the shipped weight of quota meat that may be exported to the EU in 2003/2004 — see section 5 of the Quotas Act.

- (2) An exporter may apply to the Secretary for EU quota entitlement in accordance with section 7.
- (3) The Secretary may allocate EU quota entitlement in accordance with sections 8, 9 and 10.
- (4) An exporter may also receive EU quota entitlement by transfer under section 11 from another exporter who is an eligible exporter.

7 Applications for EU quota entitlement

- (1) An application for standard EU quota entitlement must be made in writing to AFFA's QA Unit in a form approved by the Secretary.
- (2) An application for non-standard EU quota entitlement must:
 - (a) be made in writing to AFFA's QA Unit in a form approved by the Secretary; and
 - (b) be received by AFFA's QA Unit before 31 March 2003.

Note 1 AFFA intends to give exporters a notice (a *quota notice*) that states the shipped weight of quota meat that may be exported to the EU in 2003/2004 — see section 5 of the Quotas Act. It is also intended that the quota notice will include a form that may be used by exporters to apply to the Secretary of AFFA for an allocation of standard EU quota entitlement.

Note 2 AFFA intends to seek applications from exporters that consider they are eligible for an allocation of non-standard EU quota entitlement. AFFA intends to issue a notice to all beef exporters before 1 March 2003 seeking applications for allocation of non-standard EU quota entitlement and outlining the process for applying for the allocation of that kind of entitlement. Applications will close on 31 March 2003.

Part 3 EU quota entitlement

Section 8

8 Standard EU quota entitlement

- (1) If an exporter applies, in accordance with subsection 7 (1), for standard EU quota entitlement, the Secretary must allocate to the exporter as the exporter's standard EU quota entitlement for 2003/2004 the following amount:

$$(AA - 400 \text{ tonnes}) \times \frac{EPAS}{TPAS}$$

where:

AA is the access amount.

EPAS is the exporter's recorded shipments for 2002/2003.

TPAS is the total of all exporters' recorded shipments for 2002/2003.

- (2) However, if the standard EU quota entitlement worked out for an exporter under subsection (1) is less than 12 tonnes, the standard EU quota entitlement for the exporter is taken to be nil.
- (3) If the Secretary allocates standard EU quota entitlement to an exporter under this section, the Secretary must give to the exporter a notice stating the shipped weight of quota meat that the exporter is entitled to export under the quota entitlement.

Note 1 AFFA intends to give an eligible exporter a notice (a *quota document*) about its EU quota entitlement — see section 6 of the Quotas Act. It is intended that the quota document will state the shipped weight of quota meat that the eligible exporter may export to the EU in 2003/2004. It is also intended that the quota document will identify any conditions on the allocation of the quota entitlement.

Note 2 AFFA maintains an account (an *entitlement account*) for each eligible exporter. An eligible exporter's EU quota entitlement is recorded in its entitlement account, and exports by the exporter are recorded in the account as debits.

Note 3 The Secretary may, at any time, vary any of the following:

- (a) the period of effect of an EU quota entitlement;
- (b) the shipped weight or description of goods covered by an EU quota entitlement;
- (c) any conditions applying to an EU quota entitlement.

See section 28 of the Act.

Note 4 Certain decisions by the Secretary about an entitlement are reviewable by the Administrative Appeals Tribunal — see section 30 of the Act.

9 How much non-standard EU quota entitlement may be allocated

- (1) The total shipped weight of non-standard EU quota entitlement allocated must not be greater than 400 tonnes.
- (2) If, at the end of June 2003, the total shipped weight of non-standard EU quota entitlement that has been allocated is less than 400 tonnes, the Secretary may allocate an additional amount of standard EU quota entitlement to each eligible exporter who has been granted a standard EU quota entitlement in proportion to the amount of standard EU quota entitlement allocated to each exporter.

Section 10

- (3) The total shipped weight of standard EU quota entitlement that may be allocated under subsection (2) must not be greater than 400 tonnes less the total shipped weight of non-standard EU quota entitlement that is allocated.

10 Non-standard EU quota entitlement

- (1) An exporter is eligible for non-standard EU quota entitlement for 2003/2004 if the exporter:
- (a) was not an eligible exporter during 2002/2003; or
 - (b) acquires, before 30 June 2003, accreditation for the exporter's establishment from AUS-MEAT and AQIS to export meat to the EU.

Note AFFA intends to seek applications from exporters that consider they are eligible for an allocation of non-standard EU quota entitlement. AFFA intends to issue a notice to all beef exporters before 1 March 2003 seeking applications for allocation of non-standard EU quota entitlement and outlining the process for applying for the allocation. Applications will close on 31 March 2003.

AFFA intends to notify applicants of the Secretary's decision by 30 April 2003. If any non-standard EU quota entitlement is not allocated by this date, AFFA intends to allocate it to eligible exporters in June 2003 as a supplementary issue of standard EU quota entitlement.

Exporters that are allocated non-standard EU quota entitlement will have their shipments to the EU reviewed at the end of February 2004 to confirm that they are utilising their EU quota entitlement. Exporters that are not using their quota to the satisfaction of the Secretary may have the balance of their allocation withdrawn and placed in the uncommitted amount to be available for use by other exporters.

- (2) If an exporter that is eligible for non-standard EU quota entitlement applies, in accordance with subsection 7 (2), for quota entitlement of that kind, the Secretary may:
- (a) refuse the application; or
 - (b) allocate to the exporter the amount of non-standard EU quota entitlement requested or a lesser amount.
- (3) In making a decision under subsection (2), the Secretary must take into account the guidelines in the document published by AFFA entitled *Guidelines for the Allocation of Non-Standard Quota Entitlement*, as in force at the commencement of this Order.

Note The guidelines are available at AFFA's web site (www.affa.gov.au/quota) or from AFFA's QA Unit at the address given in section 23.

- (4) If the Secretary allocates non-standard EU quota entitlement to an exporter under this section, the Secretary must give to the exporter a notice stating the shipped weight of quota meat that the exporter is entitled to export under the quota entitlement.

Part 3 EU quota entitlement

Section 11

11 Transfer of standard EU quota entitlement

- (1) Subject to subsection (2), an eligible exporter may transfer all or part of its standard EU quota entitlement to another exporter in accordance with this section.

Note There is no provision to return credits for quota meat exported (previously referred to as 'performance') from any EU quota entitlement transferred.

- (2) If an eligible exporter (the *transferor*) wishes to transfer all or part of its standard EU quota entitlement to another exporter (the *transferee*), it must notify AFFA's QA Unit in writing, of the following:
- (a) the entitlement account from which the transfer is to be made;
 - (b) the name of the transferor;
 - (c) the name of the transferee;
 - (d) the shipped weight, in kilograms, of standard EU quota entitlement to be transferred.
- (3) An eligible exporter who is allocated non-standard EU quota entitlement must not transfer any of that quota entitlement to another exporter.

12 When unused EU quota entitlement lapses

- (1) An eligible exporter must, before 1 March 2004, give to AFFA a written declaration stating how it intends to deal with any unused EU quota entitlement and whether it intends to relinquish any of its quota entitlement.

Note Before 1 March 2004, AFFA intends to send to each eligible exporter a notice asking it to notify AFFA, in writing, how it intends to deal with any unused EU quota entitlement.

- (2) If an eligible exporter is not given approval to export all the quota meat allowed by its EU quota entitlement by 5 pm on 12 April 2004, the unused quota entitlement lapses at the end of that day.

Note Any eligible exporter may apply for approval to export against lapsed EU quota entitlement — see section 14.

Part 4 Approvals

13 How to obtain approval for exports

- (1) An eligible exporter must obtain a separate approval for each consignment to be exported.
 - (2) An application for approval must include the following information for the consignment:
 - (a) the eligible exporter's name;
 - (b) the exporter's export licence number;
 - (c) for the meat to be exported:
 - (i) its type; and
 - (ii) its AUS-MEAT meat type cipher; and
 - (iii) its AUS-MEAT handbook cut number; and
 - (iv) its shipped weight (in kilograms); and
 - (v) whether it is chilled or frozen; and
 - (vi) whether it is bone-in or boneless, and the shipped weight of it in each form; and
 - (vii) the establishment number of the establishment that prepared the meat;
 - (d) the name of the importer;
 - (e) the name of the ship and the voyage, or the air freight carrier and flight number, to be used;
 - (f) the intended port of loading and the expected date of loading;
 - (g) the name of the final destination country;
 - (h) the intended port of discharge.
- (3) An application for approval:
 - (a) must not be made to AFFA before the eligible exporter receives a notice under subsection 8 (3) or 10 (4) about its EU quota entitlement; and
 - (b) must be lodged with AFFA's QA Unit by 5 pm on 9 April 2004.
- (4) The Secretary must give to an eligible exporter an approval to export a consignment if:
 - (a) the exporter lodges an application for the approval in accordance with this section; and
 - (b) the total shipped weight of the consignment and quota meat already exported by the exporter is not more than the exporter's EU quota entitlement.

Part 4

Approvals

Section 14

14 Approval to export from the uncommitted amount

- (1) An eligible exporter may apply, after 12 April 2004, for approval to export a consignment up to the access amount if:
 - (a) an amount of EU quota entitlement lapses under section 12; and
 - (b) the total shipped weight of consignments approved under this Part is less than the access amount.
- (2) Section 13 (except paragraph 13 (3) (b)) applies to an application under this section.
- (3) The Secretary must give to the eligible exporter an approval to export a consignment of quota meat if:
 - (a) the exporter lodges an application for the approval in accordance with this section; and
 - (b) the total shipped weight of the consignment and quota meat already approved for export by all eligible exporters in 2003/2004 under section 13 is not more than the access amount.

15 Exports that are unlikely to be accepted into EU

An eligible exporter that is given an approval before 1 May 2004 must notify AFFA's QA Unit in writing before 1 June 2004 if it is likely that the approved consignment will not be accepted for entry into a member country of the EU before 1 July 2004.

16 Duration of approvals

- (1) An approval (other than an approval given under subsection 14 (3)) lapses if the eligible exporter to which it is given does not receive a certificate for the approved consignment before the earlier of the following:
 - (a) 30 June 2004;
 - (b) 3 months after the approval is given.
- (2) An approval given under subsection 14 (3) lapses if the eligible exporter to which it is given does not receive a certificate for the approved consignment within 4 weeks after the approval is given.
- (3) An approval given under subsection 14 (3) lapses at the end of 30 June 2004 if the consignment is not accepted into a member country of the EU on or before that day.

17 How much quota meat an eligible exporter has exported

- (1) For this Part and subject to subsections (2) to (6), an eligible exporter is taken to have exported the shipped weight of quota meat shown in approvals given to the exporter under this Part.

Section 17

- (2) If:
- (a) the shipped weight of quota meat in a consignment (the **actual shipped weight**) is less than the shipped weight stated in the approval for the consignment (the **approved shipped weight**), but is not more than 50 kilograms less than the approved shipped weight; and
 - (b) the identifying number of the approval is shown on the consignment information; and
 - (c) the eligible exporter gives that information to AFFA's QA Unit by 5 pm on 9 April 2004;
- the exporter is taken not to have exported the difference between the actual shipped weight and the approved shipped weight.
- (3) If:
- (a) the actual shipped weight of quota meat in a consignment is less than the weight stated in the certificate for the consignment; and
 - (b) apart from this subsection, the exporter would be taken to have exported the difference; and
 - (c) the exporter gives a copy of the certificate, annotated by the customs authority of the member country of the EU to which the consignment has been delivered to show the actual weight of quota meat exported, to AFFA's QA Unit by 5 pm on 9 April 2004;
- the exporter is taken not to have exported the difference between the actual shipped weight and the weight stated in the certificate.
- (4) If:
- (a) the exporter is given approval for a consignment but does not export the consignment; and
 - (b) the exporter gives each copy of the certificate for the consignment to AFFA's QA Unit by 5 pm on 9 April 2004;
- the exporter is taken not to have exported the approved shipped weight of the consignment.
- (5) If an approval for a consignment lapses before 5 pm on 9 April 2004 and before the consignment is exported, the eligible exporter is taken not to have exported the approved shipped weight of the consignment.
- (6) If a consignment is refused entry to the EU, the eligible exporter is taken not to have exported the consignment if the exporter returns each copy of the certificate for the consignment to AFFA's QA Unit by the earlier of the following:
- (a) 5 pm on 9 April 2004;
 - (b) 3 months after the day the consignment leaves Australia.

Part 5 Certificates

Section 18

Part 5 Certificates**18 How to obtain a certificate**

- (1) An eligible exporter may obtain a certificate for a consignment for which AFFA has given an approval by:
- (a) making an entry for the consignment in EXDOC; or
 - (b) making a written application to AFFA.
- (2) An application under paragraph (1) (b) must be lodged with AFFA's QA Unit.

19 Certificates obtained before 1 July 2003

A certificate obtained before 1 July 2003 for a consignment that is to enter the EU after 30 June 2003 has no effect until 1 July 2003.

20 When a certificate lapses

A certificate lapses on the earlier of the following:

- (a) the end of 3 months after the date when the certificate was issued;
- (b) if the consignment to which the certificate applies is not accepted for entry into a member country of the EU before 1 July 2004 — 1 July 2004.

Part 6 Recorded shipments

21 What counts as a recorded shipment

- (1) An eligible exporter's recorded shipments for 2003/2004 include only quota meat exported by it to the EU, within its EU quota entitlement, in 2003/2004.
- (2) However, an eligible exporter's recorded shipments do not include:
 - (a) a consignment of quota meat that has been authorised as a gift pack; or
 - (b) a consignment exported without approval; or
 - (c) a consignment for which the exporter does not give the consignment information to AFFA's QA Unit.

Note AFFA keeps an account for each exporter showing the recorded shipped weight of high quality beef exported to the EU by the exporter. AFFA relies on consignment information to make entries in these accounts. The account is called Quota Account E.

22 Errors in recorded shipments

- (1) If an eligible exporter believes that an account statement sent to it by AFFA about the exporter's recorded shipments contains an error, the exporter must tell AFFA's QA Unit in writing about it within 30 days after receiving the statement.
- (2) A notice of a possible error that is not given to AFFA's QA Unit within the period mentioned in subsection (1) is of no effect.

Part 7 Miscellaneous

Section 23

Part 7 Miscellaneous**23 Where to send notices and documents**

If a section of this Order requires a person to give a document, lodge an application or provide information to AFFA's QA Unit, the document, application or information must be sent in one of the following ways:

- (a) by post to:
Quota Administration and Statistics Unit
Agriculture, Fisheries and Forestry Australia
GPO Box 858
CANBERRA ACT 2601
- (b) by e-mail to:
quota.admin@affa.gov.au
- (c) by facsimile to:
02 6272 4585.

24 *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2002 — repeal*

- (1) The *Australian Meat and Live-stock Industry (High Quality Beef Export to the European Union) Order 2002* is repealed.
- (2) However, that Order, as amended and in force immediately before the commencement of this Order, continues to apply to consignments of quota meat that are exported to the EU before the end of 30 June 2003 as if that Order had not been repealed by this section.

25 Duration of Order

This Order ceases to have effect at the end of 30 June 2004.

Attorney-General

Administrative Arrangement between the Governor-General and the Governor of the State of New South Wales relating to the International Transfer of Prisoners

International Transfer of Prisoners Act 1997

AN ARRANGEMENT made under section 50 of the *International Transfer of Prisoners Act 1997* of the Commonwealth and section 8 of the *International Transfer of Prisoners (New South Wales) Act 1997* of New South Wales between HIS EXCELLENCY THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, and HER EXCELLENCY THE GOVERNOR of the STATE OF NEW SOUTH WALES, acting with the advice of the Executive Council of the State of New South Wales.

GIVEN THAT:

- (a) section 50 of the Act provides that the Governor-General may make arrangements with the Governor of a State, the Chief Minister of the Australian Capital Territory or the Administrator of a Territory with respect to the administration of the Act, including arrangements relating to the exercise by officers of the State or Territory of functions under the Act; and
- (b) section 8 of the *International Transfer of Prisoners (New South Wales) Act 1997* provides that the Governor of New South Wales may, in accordance with the Act, make arrangements, including arrangements relating to the exercise by officers of the State of New South Wales of functions under the Act; and
- (c) it is desired to make an arrangement for the administration of the Act between the Governor-General and the Governor of the State of New South Wales; and
- (d) it is intended that the Governor-General will make a similar arrangement with the other States, the Australian Capital Territory, the Northern Territory and Norfolk Island; and
- (e) the parties to this Arrangement have agreed to co-operate and consult with each other to ensure the implementation and effective operation of the Act;

IT IS ARRANGED between the parties as follows:

Clause 1

1 Commencement of Arrangement

This Arrangement commences on gazettal in the *Commonwealth of Australia Gazette*.

2 Interpretation**2.1 In this Arrangement:**

Act means the *International Transfer of Prisoners Act 1997* of the Commonwealth.

ACT Minister means the Minister of the ACT Government administering the law of the Australian Capital Territory relating to the transfer of prisoners, and includes any Minister acting, for the time being, for or on behalf of that Minister.

ACT prisoner means:

- (a) in the case of an outgoing prisoner, a prisoner serving a sentence of imprisonment imposed under a law of the Australian Capital Territory.
- (b) in the case of an incoming prisoner, a prisoner who has been transferred to Australia from a transfer country on the basis of community ties with the Australian Capital Territory.

Attorney-General means the Attorney-General of the Commonwealth, and includes any other Minister of the Commonwealth from time to time holding, occupying or performing the duties of the Attorney-General.

CHS means the Corrections Health Service, a public health organisation established under the *Health Services Act 1997* (NSW).

Commonwealth means the Commonwealth of Australia.

DCS means the New South Wales Department of Corrective Services.

incoming prisoner means a prisoner who:

- (a) is seeking transfer to New South Wales from a sending country for the purpose of completing a sentence of imprisonment; or
- (b) is in the process of being transferred to New South Wales from a sending country for the purpose of completing a sentence of imprisonment.

Jervis Bay Territory Minister means the Minister responsible for the administration of the law of the Jervis Bay Territory relating to the international transfer of prisoners.

Level 1 Security and Service means correctional services and health services provided by the NSW Department of Corrective Services and Corrections Health Service, which are mainstream and basic primary medical services and do not involve any intensive supervision by correctional staff or any intensive medical services, such as hospitalisation.

Clause 2

Level 2 Security and Service means intensive supervision of prisoners where designated staff are rostered to provide enhanced security or oversight of particular prisoners at a level in excess of that provided generally to other prisoners at the particular facility and includes any 24 hour care by CHS staff.

Norfolk Island Executive Member means the executive member (within the meaning of the *Norfolk Island Act 1979*) responsible for the administration of the law of Norfolk Island relating to the international transfer of prisoners.

outgoing prisoner means a prisoner who is serving a sentence of imprisonment in New South Wales (whether for a breach of the law of New South Wales, the Commonwealth or any other State or Territory), and:

- (a) is seeking transfer to a receiving country for the purpose of completing the sentence; or
- (b) is in the process of being transferred from New South Wales to a receiving country for the purpose of completing the sentence.

parolee means a prisoner who has been released on parole.

receiving country means the transfer country to which a prisoner is seeking to transfer.

Scheme means the international transfer of prisoners scheme provided in the Act and any international agreements made under the Act.

sending country means the transfer country from which a prisoner is seeking to transfer.

State Minister means the Minister of the New South Wales Government administering the law of New South Wales relating to the transfer of prisoners, and includes any other New South Wales Minister acting for the time being for or on behalf of that Minister and any person to whom the Minister has delegated any of the Minister's functions under that law.

Territory Minister means the Jervis Bay Territory Minister or Norfolk Island Executive Member, as appropriate.

Territory prisoner means:

- (a) in the case of an outgoing prisoner, a prisoner who is serving a sentence of imprisonment imposed under a law of the Jervis Bay Territory or Norfolk Island;
- (b) in the case of an incoming prisoner, a prisoner who has been transferred to Australia from a transfer country on the basis of community ties with the Jervis Bay Territory or Norfolk Island.

- 2.2 Unless the contrary intention appears, a word or expression that is used in this Arrangement and in the Act has the same meaning in this Arrangement as it has in the Act.

Clause 3

3 Application of Arrangement

- 3.1 Unless the contrary intention appears, this Arrangement applies to all incoming and outgoing prisoners, including parolees and mentally impaired prisoners.

4 General

- 4.1 The Commonwealth and the State of New South Wales agree to co-operate in the implementation and operation of the Scheme in New South Wales in accordance with:
- (a) the provisions of the Act; and
 - (b) the provisions of the *International Transfer of Prisoners (New South Wales) Act 1997*; and
 - (c) the terms of this Arrangement; and
 - (d) the terms of any relevant international agreement.

5 Costs

- 5.1 The Commonwealth is to meet the costs associated with the general administration of the Scheme and the costs of carrying out the specific functions and responsibilities allocated to it by the Act or this Arrangement.
- 5.2 The New South Wales Government is to meet the costs of carrying out the specific functions allocated to it by the Act, this Arrangement or the *International Transfer of Prisoners (New South Wales) Act 1997*.
- 5.3 If the transfer of a prisoner (other than a Tribunal prisoner, ACT prisoner or Territory prisoner) from a sending country to New South Wales has been approved, the New South Wales Government is to meet the costs:
- (a) of transferring the prisoner from the sending country to New South Wales; and
 - (b) of maintaining the prisoner in prison in New South Wales.
- 5.4 The costs of the Commonwealth are to include:
- (a) the costs associated with Australia entering into relevant international agreements with other countries; and
 - (b) the costs involved in carrying out its responsibilities in relation to the processing of applications and requests for transfer; and
 - (c) the costs involved in the liaison with foreign countries required in processing such applications and requests; and
 - (d) the ongoing costs involved in the preparation, production and supply of all necessary Commonwealth forms, instruments and information materials.
 - (e) the costs of transfer, maintenance in prison, and parole supervision of Tribunal prisoners who are transferred to New South Wales under the Scheme.

Clause 6

- 5.5 The costs of the New South Wales Government are to include:
- (a) the costs of carrying out its responsibilities in relation to the processing of applications and requests for the transfer of prisoners to and from New South Wales; and
 - (b) the costs (including airfares and accommodation) of providing escort officers to bring incoming prisoners (other than Tribunal prisoners, ACT prisoners, Territory prisoners, or parolees who are not required to be accompanied by escort officers) from the sending country to New South Wales; and
 - (c) the travel costs (including airfares) of incoming prisoners (other than Tribunal prisoners, ACT prisoners or Territory prisoners); and
 - (d) in the case of prisoners (other than Tribunal prisoners, ACT prisoners, Territory prisoners or parolees) — the cost of keeping them in custody in New South Wales; and
 - (e) in the case of mentally impaired prisoners (other than Tribunal prisoners, ACT prisoners, Territory prisoners or parolees) — the cost of keeping them in an appropriate institution in New South Wales; and
 - (f) the cost of parole supervision (other than for Tribunal prisoners, ACT prisoners or Territory prisoners).
 - (g) the costs involved in escorting all outgoing prisoners (other than Tribunal prisoners, ACT prisoners or Territory prisoners) from the prison or institution to the nearest point of international departure.
- 5.6 If the transfer of a prisoner to New South Wales has been agreed to on the basis of the prisoner having demonstrated community ties with the Australian Capital Territory, the Jervis Bay Territory or Norfolk Island, the costs of transferring the prisoner to Australia and maintaining him or her in an appropriate prison or institution, and the costs of his or her parole supervision are to be met, respectively, by the ACT Government, the Commonwealth or the Norfolk Island Administration.
- 5.7 If the State Minister considers that an incoming prisoner is in a position to pay the costs (or a proportion of the costs) associated with his or her transfer to Australia, including the cost of transferring the prisoner's property, the State Minister may seek such costs before a transfer takes place or stipulate reimbursement of costs as a condition of the transfer. Any costs arrangement must be finalised and agreed to by the prisoner, or his or her representative, before the State Minister gives his or her consent to the transfer.

6 Maintenance of Tribunal Prisoners

- 6.1 In consideration for the DCS and CHS providing correctional services and health services under this Arrangement, the Commonwealth Attorney-General's Department will pay to DCS the Service Fee determined in accordance with sub-clause 6.2. DCS will pay to CHS a proportion of the Service Fee for health services provided by CHS.

Clause 6

- 6.2 The Service Fee will be determined by DCS on the basis of costs incurred by DCS and CHS in providing correctional services and health services according to the following principles:
- (a) the Service Fee will include a component reflecting the daily cost per prisoner in respect of whom correctional services are provided based on:
 - (i) the average daily cost of prisoners held at Level 1 Security and Service within NSW correctional facilities in the previous financial year plus any increase to take account of inflation since that time (inflation increases to be calculated in accordance with the rate determined by NSW Treasury for budget purposes); and
 - (ii) the additional costs incurred in providing additional Level 2 Security and Service to any prisoners in respect of whom such services are provided.
 - (b) where a prisoner is held by DCS under this Arrangement for less than one full day (being 24 hours) then the cost in respect of that person will be the full daily cost for that person determined in accordance with sub-clause 2(a).
- 6.3 The Service Fee determined in accordance with sub-clause 2 is payable by the Commonwealth Attorney-General's Department in respect of all Tribunal prisoners held from time to time in NSW correctional facilities and is payable for each day or part thereof they are detained.
- 6.4 DCS will invoice the Commonwealth Attorney-General's Department on a monthly basis within 7 working days after the close of the month for those prisoners held under this Arrangement in the previous month.
- 6.5 The Commonwealth Attorney-General's Department must pay the Service Fee to DCS within 30 days of receipt of a correctly rendered tax invoice from DCS setting out the amount payable for each month. The Service Fee should be paid and credited directly to the DCS bank account advised to the Commonwealth Attorney-General's Department for this purpose. DCS must specify the bank account number and any other information required to be advised to the bank when the payment is made in order that it may be appropriately identified upon receipt.
- 6.6 DCS must advise the Commonwealth Attorney-General's Department in writing within 3 months of the commencement of each financial year of the estimated daily cost of Level 1 Security and Service and Level 2 Security and Service for that coming year. GST will be additional to that estimate.
- 6.7 Where in the opinion of DCS the daily cost of Level 1 Security and Service or Level 2 Security and Service is likely to be significantly affected during the financial year, DCS will advise the Commonwealth Attorney-General's Department of this, and DCS will consult with the Commonwealth Attorney-General's Department as to any necessary Service Fee adjustment prior to DCS issuing an invoice.

Clause 8

7 Consent of State Minister

- 7.1 The consent of the State Minister must be obtained before the transfer of any prisoner (including a joint prisoner) into or out of New South Wales (except in the case of an outgoing federal prisoner, ACT prisoner or Territory prisoner).
- 7.2 It is agreed that consent may be withheld in relation to incoming prisoners applying for transfer to New South Wales, the Australian Capital Territory, the Jervis Bay Territory or Norfolk Island for any reason that the State Minister considers appropriate.

8 Transfer of incoming prisoners (other than Tribunal prisoners)

- 8.1 An application by a sending country for transfer of a prisoner to New South Wales must be made to the Attorney-General.
- 8.2 On receiving an application, if the Attorney-General is satisfied of the matters set out in subclause 8.3, the Attorney-General must:
- (a) request information from the transfer country relating to the prisoner's criminal history, medical condition, mental health, court records, and behavioural and program reports; and
 - (b) determine the method by which the sentence imposed by the sending country should, in his or her view, be enforced in Australia if the transfer were to take place; and
 - (c) determine the duration and legal nature of the sentence as it is to be enforced under the Act; and
 - (d) determine any other terms and conditions on which he or she considers the transfer should take place; and
 - (e) send the application or request for transfer, and all accompanying information, including any criminal history, medical or mental health records, court transcripts and information relating to the prisoner's behavioural and program reports, to the State Minister for consideration; and
 - (f) notify the State Minister that information of the type listed in paragraph (a) was either provided by the transfer country or was not available; and
 - (g) if the basis for a prisoner's request for transfer is his or her community ties with the Australian Capital Territory, the Jervis Bay Territory or Norfolk Island, send a copy of the request, and all accompanying information to the ACT Minister or the relevant Territory Minister (as appropriate) for consideration and determination in the first instance; and
 - (h) notify the State Minister and, if appropriate, the ACT Minister or the relevant Territory Minister, of the terms and conditions determined in accordance with paragraphs (b), (c) and (d).

Clause 8

- 8.3 For subclause 8.2, the matters of which the Attorney-General must be satisfied are as follows:
- (a) the country from which the application has come is a transfer country as defined in the Act;
 - (b) the application contains, or is accompanied by, the information required by the Act or Regulations made under that Act;
 - (c) the prisoner is eligible under the terms of the Act and any relevant international convention, treaty, agreement or arrangement for transfer to Australia;
 - (d) the relevant conditions for transfer to Australia, as set out in section 15 of the Act, are satisfied;
 - (e) the application is in order in all other respects;
 - (f) there is no apparent reason, in the Attorney-General's opinion, why the transfer should not take place.
- 8.4 On receiving an application, the State Minister must, as soon as practicable in the circumstances, decide whether he or she agrees to the transfer taking place on the terms and conditions determined by the Attorney-General. If the Minister agrees to the transfer, he or she must notify the Attorney-General, in writing, that he or she consents to the proposed transfer on those terms and conditions. The State Minister must also notify the Attorney-General of the matters set out in subsection 27 (5) of the Act.
- 8.5 If the State Minister does not agree to the transfer taking place on the terms and conditions determined by the Attorney-General, but would agree to the transfer taking place on different terms and conditions, he or she may seek to negotiate different terms and conditions with the Attorney-General. If agreement is reached on the new terms and conditions, the Minister must notify the Attorney-General, in writing, that he or she consents to the transfer taking place on those new terms and conditions. The State Minister must also notify the Attorney-General of the matters set out in subsection 27 (5) of the Act.
- 8.6 Terms and conditions for transfer may include a limit on the volume of goods an incoming prisoner may bring to Australia.
- 8.7 If the State Minister does not agree to the transfer taking place (regardless of what terms and conditions may be proposed), he or she must notify the Attorney-General, in writing. If the prisoner has also expressed a desire to transfer to another State or Territory, subclauses 8.11 and 8.12 apply.
- 8.8 If the State Minister consents to the transfer taking place on the terms and conditions determined by the Attorney-General, the Attorney-General must notify the sending country of the terms and conditions on which the transfer is to take place and seek that country's consent to the transfer on that basis. The Attorney-General must also request the sending country to seek the consent of the prisoner (or the prisoner's representative if appropriate) to the transfer taking place in accordance with those terms and conditions.

Clause 8

The Attorney-General must notify the State Minister as soon as practicable of the response of the sending country.

- 8.9 If the prisoner (or the prisoner's representative) and the sending country consent, in writing, to the transfer taking place in accordance with the terms and conditions agreed between the Attorney-General and the State Minister (and, if applicable, the ACT Minister or relevant Territory Minister), the Attorney-General may issue a warrant for transfer under section 29 of the Act. The Attorney-General must then notify the sending country of the issue of the warrant and, as soon as practicable in the circumstances and with the approval of the relevant authorities of New South Wales (and, if appropriate, the Australian Capital Territory, Jervis Bay Territory or Norfolk Island Territory) and the sending country, make arrangements for the transfer of the prisoner to New South Wales.
- 8.10 If, at any time during consideration of the application by the State Minister, he or she decides that more information is needed in relation to the application, the Minister may request the Attorney-General to obtain such information from the authorities of the sending country. The Attorney-General must then contact the authorities of the sending country and request that the information be provided. On receiving the information, the Attorney-General must send it to the State Minister (and, if applicable, the ACT Minister or relevant Territory Minister). If the authorities of the sending country notify the Attorney-General that they will not, for whatever reason, be providing the requested information, the Attorney-General must notify the Minister accordingly.
- 8.11 If a prisoner applies to be transferred to Australia and nominates a number of States and Territories as places with which he or she has community ties and to which he or she would like to be transferred, the Attorney-General must ascertain the prisoner's order of preferences. When this is done, the Attorney-General must, if all relevant criteria are met, send the application to the State or Territory to which the prisoner would most prefer to be transferred. If that State or Territory refuses to consent to the transfer, the Attorney-General must, if relevant criteria are met, send the application to the next most preferred State or Territory. That process is to continue until one of the nominated States or Territories consents to the proposed transfer or each has refused to consent. The Attorney-General must inform each State or Territory to which a prisoner's application is sent of the prisoner's order of preferences and the outcome of any application made to any other State or Territory.
- 8.12 The Attorney-General must not refer an application for transfer to the State Minister if he or she has already referred an application from the same person to the Minister of another State or Territory and that application is still being considered.
- 8.13 If the relevant Ministers of all States and Territories nominated by the prisoner refuse the request, the Attorney-General must notify the prisoner

Clause 9

and the relevant authorities of the sending country that the application has been unsuccessful.

- 8.14 If, for whatever reason, the State Minister notifies the Attorney-General, in writing, that he or she withdraws consent to the transfer taking place, the Attorney-General must notify the prisoner and the transfer country of the decision not to consent to the transfer.

9 Transfer of incoming Tribunal prisoners

- 9.1 On receiving a request from a Tribunal for the transfer to Australia of a Tribunal prisoner, if the Attorney-General is satisfied of the matters set out in subclause 9.2, the Attorney-General must:

- (a) determine:
 - (i) the method by which he or she considers the sentence of imprisonment should be enforced in Australia; and
 - (ii) the duration and legal nature of the sentence as it is to be enforced under the Act; and
 - (iii) any other terms and conditions to which he or she considers the transfer should be subject; and
- (b) refer the request, and any accompanying relevant information, to the State Minister for consideration; and
- (c) notify the State Minister of the details of the terms and conditions determined in accordance with paragraph (a).

- 9.2 For subclause 9.1, the matters of which the Attorney-General must be satisfied are as follows:

- (a) the conditions for transfer to Australia, as set out in subsection 15 (4) of the Act, are satisfied;
- (b) there is no apparent reason, in the Attorney-General's opinion, why the transfer should not be made;
- (c) New South Wales would be the most appropriate place in Australia for the prisoner to complete his or her sentence.

- 9.3 On receiving a request, the State Minister must, as soon as practicable in the circumstances, decide whether he or she agrees to the transfer taking place on the terms and conditions determined by the Attorney-General. If the State Minister agrees to the transfer, he or she must notify the Attorney-General, in writing, that he or she consents to the proposed transfer on those terms and conditions. The State Minister must also notify the Attorney-General of the matters set out in subsection 36 (5) of the Act.

- 9.4 If the State Minister does not agree to the transfer taking place on the terms and conditions determined by the Attorney-General but would agree to the transfer taking place on different terms and conditions, he or she may seek to negotiate different terms and conditions with the Attorney-General. If agreement is reached on the new terms and conditions, the State Minister

Clause 10

must notify the Attorney-General, in writing, that he or she consents to the transfer taking place on those new terms and conditions. The State Minister must also notify the Attorney-General of the matters set out in subsection 36 (5) of the Act.

- 9.5 If the State Minister does not agree to the transfer taking place (regardless of what terms and conditions may be proposed), he or she must notify the Attorney-General, in writing, to that effect.
- 9.6 If the State Minister consents to the transfer taking place, the Attorney-General must notify the Tribunal of the terms and conditions on which the transfer is to take place and seek the Tribunal's consent to the transfer on that basis. The Attorney-General must notify the State Minister as soon as practicable of the response of the Tribunal.
- 9.7 The Attorney-General may issue a warrant for transfer in accordance with section 38 of the Act if:
- (a) the Attorney-General, the State Minister, the requesting Tribunal and the prisoner (or the prisoner's representative, if the prisoner is incapable of consenting), consent to the transfer on the agreed terms and conditions;
 - (b) the Attorney-General, the State Minister and the requesting Tribunal consent to the transfer on the agreed terms and conditions, and the Attorney-General determines that it is not necessary for the prisoner or the prisoner's representative to consent to the transfer in accordance with subsection 11(b) of the Act.
- 9.8 If the Attorney-General issues a warrant for transfer, the Attorney-General must also, with the approval of the State Minister and the Tribunal, arrange for the transfer of the prisoner.
- 9.9 If, for whatever reason, the State Minister notifies the Attorney-General, in writing, that he or she does not consent to the transfer taking place, the Attorney-General must notify the Tribunal of the decision not to consent to the transfer.

10 Transfer of outgoing prisoners

- 10.1 An application by a prisoner (or the prisoner's representative) for transfer from New South Wales to a receiving country must be made to the Attorney-General.
- 10.2 On receiving an application, if the Attorney-General is satisfied, as far as practicable, of the matters mentioned in subclause 10.3, the Attorney-General must send a copy of the application to the State Minister. If an application relates to an ACT or Territory prisoner, the Attorney-General must send a copy of the application to the ACT Minister or relevant Territory Minister, for his or her consideration.

Clause 10

- 10.3 For subclause 10.2, the matters of which the Attorney-General must be satisfied are as follows:
- (a) the application is in accordance with the prescribed form;
 - (b) the country to which the prisoner wishes to transfer is a transfer country as defined in the Act;
 - (c) the application is accompanied by the information required by the Act or Regulations;
 - (d) the prisoner is eligible, under the terms of the Act and any relevant international convention, treaty, agreement or arrangement for transfer to the receiving country;
 - (e) the conditions for transfer from Australia, as set out in section 14 of the Act, are satisfied;
 - (f) the application is in order in all other respects;
 - (g) there is no apparent reason, in the Attorney-General's opinion, why the transfer should not take place.
- 10.4 For the purpose of assessing the application, the State Minister may:
- (a) notify the Attorney-General of any matter the Minister considers relevant to the processing of the application; and
 - (b) request the Attorney-General to obtain from the authorities of the receiving country any information that is relevant to the Minister's assessment of the application.
- 10.5 On receiving an application, the Attorney-General must, if satisfied of the matters set out in subclause 10.3, also notify the receiving country as soon as practicable that an application has been made. The Attorney-General may also seek that country's provisional views on the application, including the method by which the applicant's sentence would be enforced by the receiving country, and any other terms and conditions to which the transfer may be made subject. The Attorney-General must, if satisfied with such information, pass it on to the State Minister.
- 10.6 If the State Minister (or, if applicable, the ACT Minister or relevant Territory Minister), consents to the transfer taking place, the Attorney-General may make a formal request to the receiving country for the transfer of the prisoner. In deciding whether to make such a request, the Attorney-General may take into account any matter which he or she considers relevant, including any matter notified by the State Minister, ACT Minister or relevant Territory Minister.
- 10.7 If the Attorney-General makes such a formal request to the receiving country and the receiving country consents to the transfer on certain terms and conditions, the Attorney-General must notify the prisoner (or the prisoner's representative if appropriate) and the State Minister (and, if applicable, the ACT Minister or relevant Territory Minister) of those terms and conditions.

Clause 11

- 10.8 If the prisoner (or the prisoner's representative) and the State Minister (or, if applicable, the ACT Minister or relevant Territory Minister), consent, in writing, to the transfer taking place in accordance with the agreed terms and conditions, the Attorney-General may, if he or she also consents to the transfer taking place on those terms and conditions, issue a warrant for the transfer of the person from New South Wales to the receiving country under section 21 of the Act. The Attorney-General must then notify the receiving country of the issue of the warrant and, as soon as practicable in the circumstances, and with the approval of the authorities of New South Wales, the Australian Capital Territory, the Jervis Bay Territory or Norfolk Island (as appropriate), and the transfer country, make appropriate arrangements for the transfer of the prisoner to the receiving country.
- 10.9 If an application has been made for transfer from New South Wales to a receiving country, the State Minister will, on request by a prisoner, inform the prisoner as fully as possible of the action being taken by New South Wales to carry out its responsibilities in relation to the processing of the prisoner's application.

11 Enforcement of sentences

- 11.1 In the case of incoming prisoners, it is the responsibility of the Attorney-General to determine, in accordance with the provisions of Part 6 of the Act, the method by which the sentence of imprisonment imposed by the sending country is to be enforced in New South Wales if the prisoner is transferred. The Attorney-General must also determine the duration and legal nature of the sentence of imprisonment as it is to be enforced under the Act. In reaching these determinations, the Attorney-General must consult with and take into account any views expressed by the State Minister (or, if applicable, the ACT Minister or relevant Territory Minister), and the parole or prison authorities of New South Wales.
- 11.2 In the case of a prisoner who has been transferred from a sending country to New South Wales, if the sending country notifies the Attorney-General that, under the law of the sending country:
- (a) the prisoner has been pardoned; or
 - (b) the prisoner has been granted any amnesty; or
 - (c) the prisoner has been granted commutation of sentence of imprisonment; or
 - (d) the prisoner's original conviction in the sending country has been quashed or otherwise nullified;
- the Attorney-General must notify the State Minister (and, if applicable, the ACT Minister or relevant Territory Minister) as soon as practicable in the circumstances and inform the Minister of his or her intention to issue a direction under subsection 49 (2) of the Act.
- 11.3 In the case of a prisoner who has been transferred from a sending country to New South Wales, if the prisoner is pardoned or granted amnesty or

Clause 11

commutation of sentence of imprisonment under an Australian law, the Attorney-General must notify the State Minister as soon as practicable in the circumstances of his or her intention to issue a direction under subsection 49 (2) of the Act.

- 11.4 In the case of a prisoner who has been transferred from a sending country to New South Wales, if the sending country notifies the Attorney-General that the prisoner is entitled to any remission or reduction of the sentence imposed by the sending country that is to be enforced under the Act, the Attorney-General must notify the State Minister (and, if applicable, the ACT Minister or relevant Territory Minister). The State Minister (and, if applicable, the ACT Minister or relevant Territory Minister), must act in accordance with this notification to the extent possible under the relevant law.
- 11.5 In the case of a prisoner who has been transferred from New South Wales to a receiving country, if the State Minister, ACT Minister or relevant Territory Minister (as appropriate), subsequently becomes aware that, under Australian law:
- (a) the prisoner has been pardoned; or
 - (b) the prisoner has been granted any amnesty; or
 - (c) the prisoner has been granted commutation of sentence of imprisonment; or
 - (d) the prisoner's original conviction has been quashed or otherwise nullified;
- the State Minister, ACT Minister or relevant Territory Minister (as appropriate), must immediately notify the Attorney-General. The Attorney-General must then notify the receiving country that the prisoner should no longer be detained in custody or otherwise subjected to detention or supervision by reason only of that original Australian sentence.
- 11.6 If a Tribunal prisoner has been transferred to New South Wales and the Tribunal notifies the Attorney-General that:
- (a) the prisoner may be pardoned or granted amnesty or commutation of sentence of imprisonment under an Australian law and the prisoner is granted such pardon, amnesty or commutation of sentence of imprisonment; or
 - (b) the prisoner's conviction has been quashed or otherwise nullified or the prisoner has been pardoned or granted amnesty or commutation of sentence of imprisonment by the Tribunal;
- the Attorney-General must notify the State Minister and inform the Minister of his or her intention to issue a direction under subsection 49 (3) of the Act.
- 11.7 In the case of a Tribunal prisoner who has been transferred to New South Wales, if the Tribunal notifies the Attorney-General that the prisoner is entitled to any remission or reduction of the sentence imposed by the Tribunal that is to be enforced under the Act, the Attorney-General must

Clause 14

notify the State Minister, and if applicable, the ACT Minister or relevant Territory Minister.

12 Transfer of parolees to New South Wales — additional requirements

- 12.1 This clause sets out additional requirements that must be satisfied in relation to the transfer to New South Wales of a parolee.
- 12.2 Before consenting to the transfer, the State Minister must be satisfied that:
- (a) adequate facilities exist in New South Wales to allow the effective supervision of the parolee after transfer; and
 - (b) appropriate counselling services are available for the parolee if required; and
 - (c) the parolee will have appropriate accommodation; and
 - (d) the parolee will have adequate means of financial support.

13 Transfer of mentally impaired prisoners to New South Wales — additional requirements

- 13.1 This clause sets out additional requirements that must be satisfied in relation to the transfer to New South Wales of a mentally impaired prisoner.
- 13.2 Before consenting to the transfer, the State Minister must be satisfied that there is an appropriate institution, with appropriate staff, facilities and programs, in which to house the prisoner after his or her transfer.
- 13.3 In satisfying himself or herself of the above matters, the State Minister may consult with, and seek the views of, any relevant Minister of the State of New South Wales with responsibilities for mentally impaired persons.

14 Notification to prisoners of eligibility for transfer

- 14.1 The State Minister must take reasonable steps to ensure that all prisoners in New South Wales who are potentially eligible for transfer from New South Wales under the Scheme are notified of:
- (a) the existence of the Scheme; and
 - (b) the details of its operation; and
 - (c) their eligibility to apply for transfer; and
 - (d) the method of applying for transfer.
- 14.2 The State Minister must provide to a prisoner, on request, an application form for transfer from Australia and information in relation to the scheme.
- 14.3 The Commonwealth Attorney-General's Department is to be responsible for the production, distribution and updating of the application forms for transfer.

Clause 15

15 Review of Arrangement

- 15.1 The Attorney-General and the State Minister must arrange for the operation of this Arrangement to be reviewed by Commonwealth and State officials after the end of the first year of its operation.
- 15.2 Provisions relating to ACT prisoners or Territory prisoners will be referred by the Attorney-General to the ACT Minister or the relevant Territory Minister for review as soon as possible after the end of the first year of operation of this Arrangement.
- 15.3 After that review, the Attorney-General and the State Minister may agree on the frequency with which subsequent reviews are to be carried out.

16 Variation of Arrangement

- 16.1 This Arrangement may be varied, at any time, with the agreement of the Attorney-General and the State Minister.
- 16.2 A variation takes effect on the date when notice of the making of the variation is published in the *Commonwealth of Australia Gazette*.

17 Termination of Arrangement

- 17.1 The State Minister may, at any time, notify the Attorney-General that New South Wales no longer intends to participate in the Scheme.
- 17.2 However, if the State Minister notifies the Attorney-General under subclause 17.1, this Arrangement continues to apply in relation to incoming and outgoing prisoners who have already been transferred or who have, in the process of being transferred, already left Australia or the sending country.
- 17.3 The Attorney-General may, at any time, notify the State Minister of the termination of this Arrangement.
- 17.4 However, if the Attorney-General notifies the State Minister of the termination of this Arrangement, this Arrangement continues to apply in relation to incoming and outgoing prisoners who have already been transferred or who have, in the process of being transferred, already left Australia or the sending country.

Dated 6. February 2003

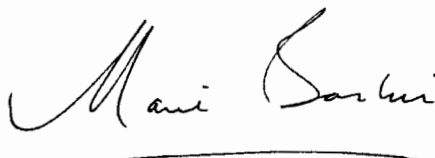


GOVERNOR-GENERAL of the
Commonwealth of Australia

By His Excellency's Command



Minister for Justice and Customs
of the Commonwealth of Australia



GOVERNOR of the State
of New South Wales

By HER Excellency's Command



Minister for Corrective Services
of the State of New South Wales

Administrative Arrangement between the Governor-General and the Governor of the State of Tasmania relating to the International Transfer of Prisoners

International Transfer of Prisoners Act 1997

AN ARRANGEMENT made under section 50 of the *International Transfer of Prisoners Act 1997* of the Commonwealth and section 6 of the *International Transfer of Prisoners (Tasmania) Act 1997* of Tasmania between HIS EXCELLENCY THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, and HIS EXCELLENCY THE GOVERNOR of the STATE OF TASMANIA, acting with the advice of the Executive Council of the State of Tasmania.

GIVEN THAT:

- (a) section 50 of the Act provides that the Governor-General may make arrangements with the Governor of a State, the Chief Minister of the Australian Capital Territory or the Administrator of a Territory with respect to the administration of the Act, including arrangements relating to the exercise by officers of the State or Territory of functions under the Act; and
- (b) section 6 of the *International Transfer of Prisoners (Tasmania) Act 1997* provides that the Governor of Tasmania may, in accordance with the Act, make arrangements, including arrangements relating to the exercise by officers of the State of Tasmania of functions under the Act; and
- (c) it is desired to make an arrangement for the administration of the Act between the Governor-General and the Governor of the State of Tasmania; and
- (d) it is intended that the Governor-General will make similar arrangements with the other States, the Australian Capital Territory, the Northern Territory and Norfolk Island; and
- (e) the parties to this Arrangement have agreed to co-operate and consult with each other to ensure the implementation and effective operation of the Act;

IT IS ARRANGED between the parties as follows:

Clause 1

1 Commencement of Arrangement

This Arrangement commences on gazettal in the *Commonwealth of Australia Gazette*.

2 Interpretation

2.1 In this Arrangement:

Act means the *International Transfer of Prisoners Act 1997* of the Commonwealth.

Attorney-General means the Attorney-General of the Commonwealth, and includes any other Minister of the Commonwealth from time to time holding, occupying or performing the duties of the Attorney-General.

Commonwealth means the Commonwealth of Australia.

incoming prisoner means a prisoner who:

- (a) is seeking transfer to Tasmania from a sending country for the purpose of completing a sentence of imprisonment; or
- (b) is in the process of being transferred to Tasmania from a sending country for the purpose of completing a sentence of imprisonment.

outgoing prisoner means a prisoner who is serving a sentence of imprisonment in Tasmania (whether for a breach of the law of Tasmania, the Commonwealth or any other State or Territory), and:

- (a) is seeking transfer to a receiving country for the purpose of completing the sentence; or
- (b) is in the process of being transferred from Tasmania to a receiving country for the purpose of completing the sentence.

parolee means a prisoner who has been released on parole.

receiving country means the transfer country to which a prisoner is seeking to transfer.

Scheme means the international transfer of prisoners scheme provided in the Act and any international agreements made under the Act.

sending country means the transfer country from which a prisoner is seeking to transfer.

State Minister means the Minister of the Tasmanian Government administering the law of Tasmania relating to the transfer of prisoners, and includes any other Tasmanian Minister acting for the time being for or on behalf of that Minister and any person to whom the Minister has delegated any of the Minister's functions under that law.

- 2.2** Unless the contrary intention appears, a word or expression that is used in this Arrangement and in the Act has the same meaning in this Arrangement as it has in the Act.

Clause 5

3 Application of Arrangement

- 3.1 Unless the contrary intention appears, this Arrangement applies to all incoming and outgoing prisoners, including parolees and mentally impaired prisoners.

4 General

- 4.1 The Commonwealth and the State of Tasmania agree to co-operate in the implementation and operation of the Scheme in Tasmania in accordance with:
- (a) the provisions of the Act; and
 - (b) the provisions of the *International Transfer of Prisoners (Tasmania) Act 1997*; and
 - (c) the terms of this Arrangement; and
 - (d) the terms of any relevant international agreement.

5 Costs

- 5.1 The Commonwealth is to meet the costs associated with the general administration of the Scheme and the costs of carrying out the specific functions and responsibilities allocated to it by the Act or this Arrangement.
- 5.2 The Tasmanian Government is to meet the costs of carrying out the specific functions allocated to it by the Act, this Arrangement or the *International Transfer of Prisoners (Tasmania) Act 1997*.
- 5.3 If the transfer of a prisoner (other than a Tribunal prisoner) from a sending country to Tasmania has been approved, the Tasmanian Government is to meet the costs:
- (a) of transferring the prisoner from the sending country to Tasmania; and
 - (b) of maintaining the prisoner in prison in Tasmania.
- 5.4 The costs of the Commonwealth are to include:
- (a) the costs associated with Australia entering into relevant international agreements with other countries; and
 - (b) the costs involved in carrying out its responsibilities in relation to the processing of applications and requests for transfer; and
 - (c) the costs involved in the liaison with foreign countries required in processing such applications and requests; and
 - (d) the ongoing costs involved in the preparation and production of all necessary Commonwealth forms, instruments and information materials.

Clause 6

5.5 The costs of the Tasmanian Government are to include:

- (a) the costs of carrying out its responsibilities in relation to the processing of applications and requests for the transfer of prisoners to and from Tasmania; and
- (b) the costs (including airfares and accommodation) of providing escort officers to bring incoming prisoners (other than Tribunal prisoners) from the sending country to Tasmania; and
- (c) the travel costs (including airfares) of incoming prisoners (other than Tribunal prisoners); and
- (d) in the case of prisoners (other than Tribunal prisoners or parolees) — the cost of keeping them:
 - (i) in prison in Tasmania; or
 - (ii) in the case of mentally impaired prisoners, in an appropriate institution in Tasmania.

5.6 The costs of the Tasmanian Government are also to include the costs involved in escorting all outgoing prisoners (subject to any reimbursement by the prisoner) from the prison or institution to the nearest point of international departure.

5.7 If a Tribunal prisoner is transferred to Tasmania, the costs of his or her transfer, the costs of his or her maintenance in prison, and the costs of his or her parole supervision are to be borne by the Commonwealth.

5.8 If the State Minister considers that an incoming prisoner is in a position to pay the costs (or a proportion of the costs) associated with his or her transfer to Australia, including the cost of transferring the prisoner's property, the State Minister may seek such costs before a transfer takes place or stipulate reimbursement as a condition of the transfer. Any costs arrangement must be finalised and agreed to by the prisoner, or his or her representative, before the State Minister gives his or her consent to the transfer.

6 Consent of State Minister

6.1 The consent of the State Minister must be obtained before the transfer of any prisoner (including a joint prisoner) into or out of Tasmania (except in the case of an outgoing federal prisoner).

6.2 Without limiting the circumstances in which such consent may be withheld, it is agreed that consent may be withheld in relation to incoming prisoners in any of the following circumstances:

- (a) if the prisoner has been previously transferred to Australia under the Scheme;
- (b) where applicable, if the State Minister is not satisfied of the matters set out in subclause 11.2 or 12.2 of this Arrangement (whichever is appropriate); or

Clause 7

- (c) if, in the opinion of the State Minister, any of the following applies:
 - (i) the security of Tasmania would be jeopardised by the transfer taking place;
 - (ii) the transfer is, because of the extremely serious nature of the crime, likely to cause significant and widespread public outrage;
 - (iii) the prisoner is likely to engage in criminal conduct after transfer;
 - (iv) the application for transfer appears to be a blatant abuse of the Scheme;
 - (v) the applicant does not have community ties with Tasmania;
 - (vi) the prisoner has had serious behavioural problems that have been documented in the sending country and, in view of these problems, his or her transfer would constitute an unacceptable risk to the safety or welfare of the residents of Tasmania.

7 Transfer of incoming prisoners (other than Tribunal prisoners)

- 7.1 An application by a sending country for transfer of a prisoner to Tasmania must be made to the Attorney-General.
- 7.2 On receiving an application, if the Attorney-General is satisfied of the matters set out in subclause 7.3, the Attorney-General must:
 - (a) request information from the transfer country relating to the prisoner's criminal history, medical condition, mental health, court records, and behavioural and program reports; and
 - (b) determine the method by which the sentence imposed by the sending country should, in his or her view, be enforced in Australia if the transfer were to take place; and
 - (c) determine the duration and legal nature of the sentence as it is to be enforced under the Act; and
 - (d) determine any other terms and conditions on which he or she considers the transfer should take place; and
 - (e) send the application or request for transfer, and all accompanying information, including any criminal history, medical or mental health records, court transcripts and information relating to the applicant's behavioural and program reports, to the State Minister for consideration; and
 - (f) notify the State Minister that information of the type listed in paragraph (a) was either:
 - (i) provided by the transfer country; or
 - (ii) not available; and
 - (g) notify the State Minister of the terms and conditions determined in accordance with paragraphs (b), (c) and (d).

Clause 7

- 7.3 For subclause 7.2, the matters of which the Attorney-General must be satisfied are as follows:
- (a) the country from which the application has come is a transfer country as defined in the Act;
 - (b) the application contains, or is accompanied by, the information required by the Act;
 - (c) the prisoner is eligible under the terms of the Act and any relevant international convention, treaty, agreement or arrangement for transfer to Australia;
 - (d) the relevant conditions for transfer to Australia, as set out in section 15 of the Act, are satisfied;
 - (e) the application is in order in all other respects;
 - (f) there is no apparent reason, in the Attorney-General's opinion, why the transfer should not take place.
- 7.4 On receiving an application, the State Minister must, as soon as practicable in the circumstances, decide whether he or she agrees to the transfer taking place on the terms and conditions determined by the Attorney-General. If the State Minister agrees to the transfer, he or she must notify the Attorney-General, in writing, that he or she consents to the proposed transfer on those terms and conditions. The State Minister must also notify the Attorney-General of the matters set out in subsection 27 (5) of the Act.
- 7.5 If the State Minister does not agree to the transfer taking place on the terms and conditions determined by the Attorney-General, but would agree to the transfer taking place on different terms and conditions, he or she may seek to negotiate different terms and conditions with the Attorney-General. If agreement is reached on the new terms and conditions, the State Minister must notify the Attorney-General, in writing, that he or she consents to the transfer taking place on those new terms and conditions. The State Minister must also notify the Attorney-General of the matters set out in subsection 27 (5) of the Act.
- 7.6 Terms and conditions for transfer may include a limit on the volume of goods an incoming prisoner may bring to Australia.
- 7.7 If the State Minister does not agree to the transfer taking place (regardless of what terms and conditions may be proposed), he or she must notify the Attorney-General, in writing. If the prisoner has also expressed a desire to transfer to another State or Territory, subclauses 7.11 and 7.12 apply.
- 7.8 If the State Minister consents to the transfer taking place on the terms and conditions determined by the Attorney-General, the Attorney-General must notify the sending country of the terms and conditions on which the transfer is to take place and seek that country's consent to the transfer on that basis. The Attorney-General must also request the sending country to seek the consent of the prisoner (or the prisoner's representative if appropriate) to the transfer taking place in accordance with those terms and conditions.

Clause 7

- 7.9 If the prisoner (or the prisoner's representative) and the sending country consent, in writing, to the transfer taking place in accordance with the terms and conditions agreed between the Attorney-General and the State Minister, the Attorney-General may issue a warrant for transfer under section 29 of the Act. The Attorney-General must then notify the sending country of the issue of the warrant and, as soon as practicable in the circumstances and with the approval of the relevant authorities of Tasmania and the sending country, make arrangements for the transfer of the prisoner to Tasmania.
- 7.10 If, at any time during consideration of the application by the State Minister, he or she decides that more information is needed in relation to the application, the State Minister may request the Attorney-General to obtain such information from the authorities of the sending country. The Attorney-General must then contact the authorities of the sending country and request that the information be provided. On receiving the information, the Attorney-General must send it to the State Minister. If the authorities of the sending country notify the Attorney-General that they will not, for whatever reason, be providing the requested information, the Attorney-General must notify the State Minister accordingly.
- 7.11 If a prisoner applies to be transferred to Australia and nominates a number of States and Territories as places with which he or she has community ties and to which he or she would like to be transferred, the Attorney-General must ascertain the prisoner's order of preferences. When this is done, the Attorney-General must, if all relevant criteria are met, send the application to the State or Territory to which the prisoner would most prefer to be transferred. If that State or Territory refuses to consent to the transfer, the Attorney-General must, if relevant criteria are met, send the application to the next most preferred State or Territory. That process is to continue until one of the nominated States or Territories consents to the proposed transfer or each has refused to consent. The Attorney-General must inform each State or Territory to which a prisoner's application is sent of the prisoner's order of preferences and the outcome of any application made to any other State or Territory.
- 7.12 The Attorney-General must not refer an application for transfer to the State Minister if he or she has already referred an application from the same person to the Minister of another State or Territory and that application is still being considered.
- 7.13 If all the States or Territories to which a sending country has applied for transfer of a prisoner refuse the application, the Attorney-General must notify the prisoner and the relevant authorities of the sending country that the application has been unsuccessful.
- 7.14 If, for whatever reason, the State Minister notifies the Attorney-General, in writing, that he or she withdraws consent to the transfer taking place, the Attorney-General must notify the prisoner and the transfer country of the decision not to consent to the transfer.

Clause 8

8 Transfer of incoming Tribunal prisoners

- 8.1 On receiving a request from a Tribunal for the transfer to Australia of a Tribunal prisoner, if the Attorney-General is satisfied of the matters set out in subclause 8.2, the Attorney-General must:
- (a) determine:
 - (i) the method by which he or she considers the sentence of imprisonment should be enforced in Australia; and
 - (ii) the duration and legal nature of the sentence as it is to be enforced under the Act; and
 - (iii) any other terms and conditions to which he or she considers the transfer should be subject; and
 - (b) refer the request, and any accompanying relevant information, to the State Minister for consideration; and
 - (c) notify the State Minister of the details of the terms and conditions determined in accordance with paragraph (a).
- 8.2 For subclause 8.1, the matters of which the Attorney-General must be satisfied are as follows:
- (a) the terms and conditions for transfer set out in subsection 15 (4) of the Act are satisfied;
 - (b) there is no apparent reason, in the Attorney-General's opinion, why the transfer should not be made;
 - (c) Tasmania would be the most appropriate place in Australia for the prisoner to complete his or her sentence.
- 8.3 On receiving a request, the State Minister must, as soon as practicable in the circumstances, decide whether he or she agrees to the transfer taking place on the terms and conditions determined by the Attorney-General. If the State Minister agrees to the transfer, he or she must notify the Attorney-General, in writing, that he or she consents to the proposed transfer on those terms and conditions. The State Minister must also notify the Attorney-General of the matters set out in subsection 36 (5) of the Act.
- 8.4 If the State Minister does not agree to the transfer taking place on the terms and conditions determined by the Attorney-General but would agree to the transfer taking place on different terms and conditions, he or she may seek to negotiate different terms and conditions with the Attorney-General. If agreement is reached on the new terms and conditions, the State Minister must notify the Attorney-General, in writing, that he or she consents to the transfer taking place on those new terms and conditions. The State Minister must also notify the Attorney-General of the matters set out in subsection 36 (5) of the Act.
- 8.5 If the State Minister does not agree to the transfer taking place (regardless of what terms and conditions may be proposed), he or she must notify the Attorney-General, in writing.

Clause 9

- 8.6 If the State Minister consents to the transfer taking place on the terms and conditions determined by the Attorney-General, the Attorney-General must notify the Tribunal of the terms and conditions on which the transfer is to take place and seek the Tribunal's consent to the transfer on that basis. The Attorney-General must notify the State Minister as soon as practicable of the response of the Tribunal.
- 8.7 If the Attorney-General, the State Minister and the requesting Tribunal (and the prisoner (or prisoner's representative) if that is required by the Act in the circumstances) consent to the transfer on the agreed terms and conditions, the Attorney-General may issue, under section 38 of the Act, a warrant for transfer. If the Attorney-General issues a warrant for transfer, the Attorney-General must also, with the approval of the State Minister and the Tribunal, arrange for the transfer of the prisoner.
- 8.8 If, for whatever reason, the State Minister notifies the Attorney-General, in writing, that he or she does not consent to the transfer taking place, the Attorney-General must notify the Tribunal of the decision not to consent to the transfer.

9 Transfer of outgoing prisoners

- 9.1 An application by a prisoner (or the prisoner's representative) for transfer from Tasmania to a receiving country must be made to the Attorney-General.
- 9.2 On receiving an application, if the Attorney-General is satisfied, as far as practicable, of the matters mentioned in subclause 9.3, the Attorney-General must send a copy of the application to the State Minister for his or her consideration.
- 9.3 For subclause 9.2, the matters of which the Attorney-General must be satisfied are as follows:
- (a) the application is in accordance with the prescribed form;
 - (b) the country to which the prisoner wishes to transfer is a transfer country as defined in the Act;
 - (c) the application is accompanied by the information required by the Act or Regulations;
 - (d) the prisoner is eligible, under the terms of the Act and any relevant international convention, treaty, agreement or arrangement for transfer to the receiving country;
 - (e) the conditions for transfer from Australia, as set out in section 14 of the Act, are satisfied;
 - (f) the application is in order in all other respects;
 - (g) there is no apparent reason, in the Attorney-General's opinion, why the transfer should not take place.

Clause 10

- 9.4 For the purpose of assessing the application, the State Minister may:
- (a) notify the Attorney-General of any matter the Minister considers relevant to the processing of the application; and
 - (b) request the Attorney-General to obtain from the authorities of the receiving country any information that is relevant to the State Minister's assessment of the application.
- 9.5 On receiving an application, the Attorney-General must, if satisfied of the matters set out in subclause 9.3, also notify the receiving country as soon as practicable that an application has been made. He or she may also seek that country's provisional views on the application, including the method by which the applicant's sentence would be enforced by the receiving country, and any other terms and conditions to which the transfer may be made subject. The Attorney-General must, if satisfied with such information, pass it on to the State Minister.
- 9.6 If the State Minister consents to the transfer taking place, the Attorney-General may make a formal request to the receiving country for the transfer of the prisoner. In deciding whether to make such a request, the Attorney-General may take into account any matter which he or she considers relevant, including any matter notified by the State Minister.
- 9.7 If the Attorney-General makes such a formal request to the receiving country and the receiving country consents to the transfer on certain terms and conditions, the Attorney-General must notify both the prisoner (or the prisoner's representative) and the State Minister of those terms and conditions.
- 9.8 If the prisoner (or the prisoner's representative) and the State Minister consent, in writing, to the transfer taking place in accordance with the agreed terms and conditions, the Attorney-General may, if he or she also consents to the transfer taking place on those terms and conditions, issue a warrant for transfer of the person from Tasmania to the receiving country under section 21 of the Act. The Attorney-General must then notify the receiving country of the issue of the warrant and, as soon as practicable in the circumstances, and with the approval of the authorities of both Tasmania and the receiving country, make appropriate arrangements for the transfer of the prisoner to the receiving country.
- 9.9 If an application has been made for a transfer from Tasmania to a receiving country, it is the responsibility of the State Minister to keep the prisoner as fully informed as possible of progress being made in processing the application.

10 Enforcement of sentences

- 10.1 In the case of incoming prisoners, it is the responsibility of the Attorney-General to determine, in accordance with the provisions of Part 6 of the Act, the method by which the sentence of imprisonment imposed by

Clause 10

the sending country is to be enforced in Tasmania if the prisoner is transferred. The Attorney-General must also determine the duration and legal nature of the sentence of imprisonment as it is to be enforced under the Act. In reaching these decisions, the Attorney-General must consult with the State Minister and must take into account any views expressed by the State Minister and the parole or prison authorities of Tasmania.

- 10.2 In the case of a prisoner who has been transferred from a sending country to Tasmania, if the sending country notifies the Attorney-General that, under the law of the sending country:

- (a) the prisoner has been pardoned; or
- (b) the prisoner has been granted any amnesty; or
- (c) the prisoner has been granted commutation of sentence of imprisonment; or
- (d) the prisoner's original conviction in the sending country has been quashed or otherwise nullified;

the Attorney-General must notify the State Minister as soon as practicable in the circumstances and inform the Minister of his or her intention to issue a direction under subsection 49 (2) of the Act.

- 10.3 In the case of a prisoner who has been transferred from a sending country to Tasmania, if the prisoner is pardoned or granted amnesty or commutation of sentence of imprisonment under an Australian law, the Attorney-General must notify the State Minister as soon as practicable in the circumstances of his or her intention to issue a direction under subsection 49 (2) of the Act.

- 10.4 In the case of a prisoner who has been transferred from a sending country to Tasmania, if the sending country notifies the Attorney-General that the prisoner is entitled to any remission or reduction of the sentence imposed by the sending country that is to be enforced under the Act, the Attorney-General must notify the State Minister.

- 10.5 In the case of a prisoner who has been transferred from Tasmania to a receiving country, if the State Minister subsequently becomes aware that, under Australian law:

- (a) the prisoner has been pardoned; or
- (b) the prisoner has been granted any amnesty; or
- (c) the prisoner has been granted commutation of sentence of imprisonment; or
- (d) the prisoner's original conviction has been quashed or otherwise nullified;

the State Minister must immediately notify the Attorney-General. The Attorney-General must then notify the receiving country that the prisoner should no longer be detained in custody or otherwise subjected to detention or supervision by reason only of that original Australian sentence.

Clause 11

10.6 If a Tribunal prisoner has been transferred to Tasmania and the Tribunal notifies the Attorney-General that:

- (a) the prisoner may be pardoned or granted amnesty or commutation of sentence of imprisonment under an Australian law and the prisoner is granted such pardon, amnesty or commutation of sentence of imprisonment; or
- (b) the prisoner's conviction has been quashed or otherwise nullified or the prisoner has been pardoned or granted amnesty or commutation of sentence of imprisonment by the Tribunal;

the Attorney-General must notify the State Minister and inform the Minister of his or her intention to issue a direction under subsection 49 (3) of the Act.

10.7 In the case of a Tribunal prisoner who has been transferred to Tasmania, if the Tribunal notifies the Attorney-General that the prisoner is entitled to any remission or reduction of the sentence imposed by the Tribunal that is to be enforced under the Act, the Attorney-General must notify the State Minister.

11 Transfer of parolees to Tasmania — additional requirements

11.1 This clause sets out additional requirements that must be satisfied in relation to the transfer to Tasmania of a parolee.

11.2 Before consenting to the transfer, the State Minister must be satisfied that:

- (a) adequate facilities exist in Tasmania to allow the effective supervision of the parolee after transfer; and
- (b) appropriate counselling services are available for the parolee if required; and
- (c) the parolee will have appropriate accommodation; and
- (d) the parolee will have adequate means of financial support.

11.3 In satisfying himself or herself of the above matters, the State Minister must consult with, and seek the views of, any other State Minister with responsibilities for parolees.

12 Transfer of mentally impaired prisoners to Tasmania — additional requirements

12.1 This clause sets out additional requirements that must be satisfied in relation to the transfer to Tasmania of a mentally impaired prisoner.

12.2 Before consenting to the transfer, the State Minister must be satisfied that there is an appropriate institution, with appropriate staff, facilities and programs, in which to house the prisoner after his or her transfer.

12.3 In satisfying himself or herself of the above matters, the State Minister must consult with, and seek the views of, any other State Minister with responsibilities for mentally impaired prisoners.

Clause 16

13 Notification to prisoners of eligibility for transfer

- 13.1 The State Minister must ensure that all prisoners in Tasmania who are potentially eligible for transfer from Tasmania under the Scheme are notified of:
- (a) the existence of the Scheme; and
 - (b) the details of its operation; and
 - (c) their eligibility to apply for transfer; and
 - (d) the method of applying for transfer.
- 13.2 The State Minister must provide to a prisoner, on request, an application form for transfer from Australia.
- 13.3 The Commonwealth Attorney-General's Department is to be responsible for the production, distribution and updating of the application forms for transfer.

14 Review of Arrangement

- 14.1 The Attorney-General and the State Minister must arrange for the operation of this Arrangement to be reviewed by Commonwealth and State officials after the end of the first year of its operation.
- 14.2 After that review, the Attorney-General and the State Minister may agree on the frequency with which subsequent reviews are to be carried out.

15 Variation of Arrangement

- 15.1 This Arrangement may be varied, at any time, with the agreement of the Attorney-General and the State Minister.
- 15.2 A variation takes effect on the date when notice of the making of the variation is published in the *Commonwealth of Australia Gazette*.

16 Termination of Arrangement

- 16.1 The State Minister may, at any time, notify the Attorney-General that Tasmania no longer intends to participate in the Scheme.
- 16.2 However, if the State Minister notifies the Attorney-General under subclause 16.1, this Arrangement continues to apply in relation to incoming and outgoing prisoners who have already been transferred or who have, in the process of being transferred, already left Australia or the sending country.
- 16.3 The Attorney-General may, at any time, notify the State Minister of the termination of this Arrangement.

Clause 16

- 16.4 However, if the Attorney-General notifies the State Minister of the termination of this Arrangement, this Arrangement continues to apply in relation to incoming and outgoing prisoners who have already been transferred or who have, in the process of being transferred, already left Australia or the sending country.

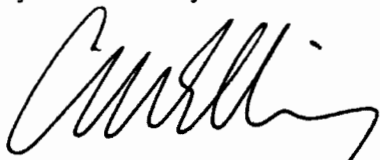
Dated 6. February

2003

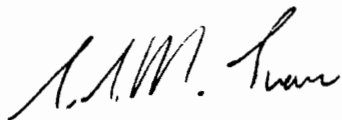


GOVERNOR-GENERAL of the
Commonwealth of Australia

By His Excellency's Command

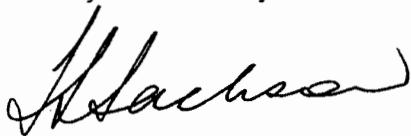


Minister for Justice and Customs
of the Commonwealth of Australia



GOVERNOR of the State
of Tasmania

By His Excellency's Command



Minister for Justice and Industrial Relations
of the State of Tasmania

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	05/02/03	06/02/03	07/02/03	08/02/03	09/02/03	10/02/03	11/02/03
Brazil	Reals	2.1102	2.1123	2.1095	2.1095	2.1095	2.1167	2.1111
Canada	Dollars	.8962	.8956	.8971	.8971	.8971	.8987	.9008
China	Yuan	4.8993	4.8777	4.8968	4.8968	4.8968	4.8885	4.8770
Denmark	Kroner	4.0427	4.0584	4.0591	4.0591	4.0591	4.0567	4.0818
European Union	Euro	.5436	.5462	.5460	.5460	.5460	.5459	.5491
Fiji	Dollar	1.1927	1.1780	1.1847	1.1847	1.1847	1.1812	1.1812
Hong Kong	Dollars	4.6146	4.5945	4.6124	4.6124	4.6124	4.6060	4.5952
India	Rupees	28.2611	28.1224	28.2214	28.2214	28.2214	28.1687	28.1029
Indonesia	Rupiah	5244.0000	5226.0000	5241.0000	5241.0000	5241.0000	5240.0000	5241.0000
Israel	Shekel	2.8845	2.8707	2.8751	2.8751	2.8751	2.8719	2.8653
Japan	Yen	70.8000	70.7100	70.7800	70.7800	70.7800	71.0600	71.4000
Korea	Won	694.3400	691.6800	694.9100	694.9100	694.9100	701.3400	707.3300
Malaysia	Ringgit	2.2482	2.2383	2.2470	2.2470	2.2470	2.2440	2.2387
New Zealand	Dollar	1.0751	1.0742	1.0755	1.0755	1.0755	1.0730	1.0726
Norway	Kroner	4.0841	4.1128	4.0954	4.0954	4.0954	4.0858	4.0961
Pakistan	Rupee	34.2800	34.2500	34.2400	34.2400	34.2400	34.2400	34.0000
Papua NG	Kina	2.2958	2.2751	2.2828	2.2828	2.2828	2.2687	2.2598
Philippines	Peso	31.8800	31.7700	31.9100	31.9100	31.9100	31.8500	31.7300
Singapore	Dollar	1.0280	1.0261	1.0290	1.0290	1.0290	1.0322	1.0350
Solomon Is.	Dollar	4.3895	4.3702	4.3840	4.3840	4.3840	4.3813	4.3709
South Africa	Rand	4.9145	4.9168	4.9402	4.9402	4.9402	4.9394	5.0053
Sri Lanka	Rupee	57.1800	57.0400	57.2600	57.2600	57.2600	57.1900	56.9600
Sweden	Krona	5.0222	5.0475	5.0175	5.0175	5.0175	5.0025	5.0329
Switzerland	Franc	.7965	.8011	.8010	.8010	.8010	.8006	.8055
Taiwan	Dollar	20.5100	20.4400	20.5000	20.5000	20.5000	20.5000	20.4700
Thailand	Baht	25.3200	25.1700	25.2800	25.2800	25.2800	25.3300	25.3800
UK	Pounds	.3586	.3589	.3612	.3612	.3612	.3620	.3623
USA	Dollar	.5917	.5891	.5914	.5914	.5914	.5906	.5892

WAYNE BALDWIN
Delegate of the
Chief Executive Officer of Customs
CANBERRA A.C.T.
12/02/03

COMMONWEALTH OF AUSTRALIA

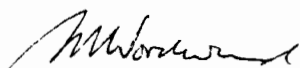
CEO INSTRUMENT OF APPROVAL No. 2 of 2003

CUSTOMS ACT 1901

I, LIONEL BARRIE WOODWARD, Chief Executive Officer of Customs, under section 4A and section 64AA of the *Customs Act 1901* (the Act), hereby approve the 'Aircraft's Report of Arrival' (Form 9 (FEB 2003)) as an approved form for the purpose of providing a report of an aircraft's arrival at an airport in Australia and revoke Instrument of Approval No. 5 of 1992 dated 24 June 1992.

This instrument takes effect on and from gazettal.

Dated: 13 February 2003



LIONEL BARRIE WOODWARD

Chief Executive Officer of Customs



**AUSTRALIAN
CUSTOMS SERVICE**

Approved Form
Customs Act 1901
Section 64AA
Form 9

AIRCRAFT'S REPORT OF ARRIVAL

Operator:	
Marks of Nationality and Registration :	
Flight Number:	Date: / /
Airport of Departure:	Airport of Arrival:

DECLARATION

I declare that all particulars contained in this report are complete, exact and true to the best of my knowledge.

Signature

.....
**Authorised Agent / Pilot-in-Command*

* strike out whichever is not applicable

We require this information under section 64AA of the *Customs Act 1901* to confirm arrival of the aircraft in Australia from a place outside Australia. This information may also be disclosed to other Commonwealth Agencies in accordance with section 16 of the *Customs Administration Act 1985*.

COMMONWEALTH OF AUSTRALIA

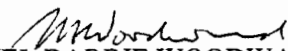
CEO INSTRUMENT OF APPROVAL No. 3 of 2003

CUSTOMS ACT 1901

I, LIONEL BARRIE WOODWARD, Chief Executive Officer of Customs, under section 4A of the *Customs Act 1901* (the Act) and regulation 103 of the *Customs Regulations 1926*, hereby approve the 'Certificate of Clearance' (Form 10 (JAN 2003)) as an approved form for the purposes of section 118 of the Act and revoke Instrument of Approval No. 24 of 1991 dated 13 June 1991.

This instrument takes effect on and from gazettal.

Dated: 13 February 2003


LIONEL BARRIE WOODWARD

Chief Executive Officer of Customs



**AUSTRALIAN
CUSTOMS SERVICE**

**Approved Form
Customs Act 1901
Section 118
Regulation 103
FORM 10**

CERTIFICATE OF CLEARANCE

*Port / Airport of

(name of *port / airport where *ship / aircraft is cleared for departure)

I hereby certify that

, *master / pilot-in-command of

(full name of the *master of the ship / pilot-in-command of aircraft)

the

*ship / aircraft

(*Nationality of the ship / marks of Nationality and aircraft registration)

(*name of ship / aircraft flight number)

bound for

has, in respect of the proposed *voyage / flight,

(next *port / airport of call)

complied with the provisions of the Customs Act and that accordingly that *ship / aircraft is cleared for departure.

Dated this

day of

20

Authorised Customs Officer

Customs' Stamp

*strike out whichever is not applicable

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 30 January 2003 a carrier licence was granted to Central Coast Internet Pty Limited ACN 073 222 536 under subsection 56(1) of the Act.

AUSTRALIAN COMMUNICATIONS AUTHORITY

Telecommunications Act 1997

Subsection 81(1)

NOMINATED CARRIER DECLARATION

I, Robert Horton, delegate of the Australian Communications Authority acting under subsection 81(1) of the *Telecommunications Act 1997* ('the Act') being satisfied that:

- (a) if ETSA Utilities (ABN 13 332 330 749) is declared to be the nominated carrier in relation to the network unit or units, it would be in a position to comply with all of the obligations imposed on the carrier in its capacity as the nominated carrier in relation to the unit or units; and
- (b) the making of the declaration will not impede the efficient administration of the Act;

declare that ETSA Utilities (ABN 13 332 330 749) is the nominated carrier in relation to 12 single mode underground optical fibre cores owned by Transport SA (ABN 41 659 119 911) and located within the Southern Expressway reserve between Bedford Park and Noarlunga, South Australia.

Dated the *twenty third* day of *December* 2002

Signed *R. Horton*

Delegate of the Australian Communications Authority

AUSTRALIAN COMMUNICATIONS AUTHORITY

Telecommunications Act 1997

Subsection 81(1)

NOMINATED CARRIER DECLARATION

I, Robert Horton, delegate of the Australian Communications Authority acting under subsection 81(1) of the *Telecommunications Act 1997* ('the Act') being satisfied that:

- (a) if Vodafone Australia Limited (ACN 056 161 043) is declared to be the nominated carrier in relation to the network unit or units, it would be in a position to comply with all of the obligations imposed on the carrier in its capacity as the nominated carrier in relation to the unit or units; and
- (b) the making of the declaration will not impede the efficient administration of the Act;

declare that Vodafone Australia Limited (ACN 056 161 043) is the nominated carrier in relation to designated radiocommunication facilities, on the purchase by Localstar Pty Ltd (ACN 099 917 398) and located at:

- Dubbo Gateway, Lot 52, Burraway Road, Brocklehurst NSW 2830;
- Meekatharra Gateway, Lot 33, Murchison Downs Road, Meekatharra WA 6642;
- Mt Isa Gateway, Lot 33, Lake Moondarah Road, Mt Isa QLD 4825; and
- Globalstar Mobile Switching Centre, 2 Raw Square, Strathfield NSW 2135.

Dated the *twenty third* day of *December* 2002

Signed *R. Horton*

Delegate of the Australian Communications Authority



Telecommunications (Numbering Charges) Act 1997

NOTIFICATION OF DISALLOWABLE INSTRUMENT

The following disallowable instrument was made under subsection 22 (2) of the *Telecommunications (Numbering Charges) Act 1997* on the 13th February 2003.

- **Telecommunications (Exemption from Annual Charge) Determination 2003**

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

Copies of the instrument may also be requested by contacting:

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

Telephone: (02) 6219 5204

Facsimile: (02) 6219 5499



Australian
Communications
Authority

Telecommunications Act 1997

NOTIFICATION OF DISALLOWABLE INSTRUMENT

The following disallowable instrument was made under section 455 of the *Telecommunications Act 1997* on the 13th February 2003.

- **Telecommunications Numbering Plan Variation 2003 (No.1)**

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

Copies of the instrument may also be requested by contacting:

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

Telephone: (02) 6219 5204

Facsimile: (02) 6219 5499

Defence



SPECIALIST MEDICAL REVIEW COUNCIL

Veterans' Entitlements Act 1986

Section 196ZB

REVOCATION OF NOTIFICATION OF INTENTION TO CARRY OUT A REVIEW

On the 14th day of February 2001 the Specialist Medical Review Council (the Council) having been asked by applications dated the 22nd and 25th day of May 1995 under section 196Y of the *Veterans' Entitlements Act 1986* (the Act) to review the contents of Statements of Principles Nos.95 and 96 of 1995 and Statement of Principles No.95 respectively both in respect of malignant neoplasm of the prostate, notified, under section 196ZB of the Act its intention to carry out a review of the information available to the Repatriation Medical Authority (the RMA) at the time it determined, amended or last amended the Statements of Principles in respect of malignant neoplasm of the prostate. Statements of Principles Nos.95 and 96 of 1995, as amended by Statements of Principles Nos.191 and 192 of 1996 have been revoked and replaced with Statements of Principles Nos.84 and 85 of 1999. The Council is thus unable to carry out a review under section 196W of the Act of the contents of Statements of Principles No.95 and 96 of 1995.

Jonathan Phillips FRANZCP
Convener





Specialist Medical Review Council

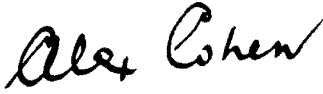
Declarations

Section 196W
Veterans' Entitlements Act 1986

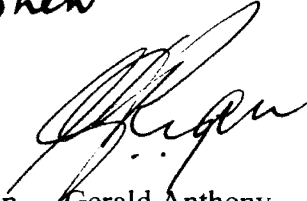
Re: Statement of Principles No. 72 of 1999
In Respect of Myeloma
Matter No. 2002/1
Requests for Review Declaration No 7

In relation to the Repatriation Medical Authority (the RMA) Statement of Principles No. 72 of 1999 in respect of myeloma and death from myeloma, made under subsection 196B(2) of the *Veterans' Entitlements Act 1986* (the VEA), the Specialist Medical Review Council (the Council) declares, under subsection 196W(5) of the Act, that it is of the view that the sound medical-scientific evidence available to the RMA at the time it determined, amended, or last amended that Statement of Principles was insufficient to justify:

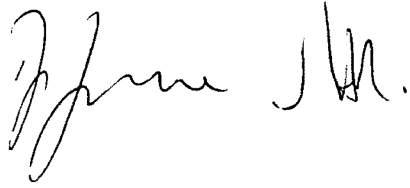
- (a) an amendment of the Statement of Principles to include as a factor or factors:
 - (i) parasitic diseases, including malaria;
 - (ii) antigenic stimulation; or
 - (iii) parasitic disease, including malaria, precipitating antigenic stimulation; and
- (b) any other amendment of the Statement of Principles.



Alexander Kevin
Cohen
Presiding
Councillor



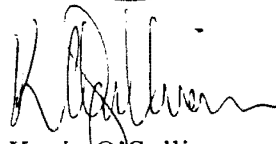
Gerald Anthony
Ryan
Councillor



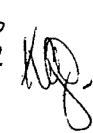
David John
Longstaff
Joske
Councillor

Noemi
Horvath
Councillor

The Common Seal of the)
Specialist Medical Review)
Council was affixed to this)
document by authority of the)
Council in the presence of:)



Kevin O'Sullivan
Registrar

Dated this 7th day of February 200~~2~~³ 

The Council's Reasons for Decisions in relation to these Declarations can be obtained on request by writing to the Specialist Medical Review Council Secretariat, PO Box 895, Woden ACT 2606 or by telephoning (03) 9284 6784.

Employment and Workplace Relations

Workplace Relations Act 1996

Australian Industrial Registry
Principal Registry
Nauru House
80 Collins St
Melbourne VIC 3000

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

NOTICE OF APPLICATION FOR REGISTRATION OF AN ASSOCIATION AS AN ORGANISATION OF EMPLOYEES - (D2003/2)

NOTICE is given that an application has been made under the *Workplace Relations Act 1996* for the registration of an association called Australian Writers' Guild Association as an organisation of employees.

The eligibility rules of the association are:

"3 - Membership

The Association shall consist of persons, otherwise eligible for membership, who are engaged in work in the following industries:-

- a) Film
- b) Live Theatre and other forms of live performance including musicals, variety, comedy, and cabaret
- c) Television
- d) Radio
- e) Animation
- f) Interactive Media and Technologies
- g) Publishing
- h) Print media
- i) Arts and entertainment industries
- j) Non broadcast video and audio
- k) Having regard to the foregoing and any other like or related industry as presently constituted or may in the future be constituted as a result of any technical, scientific or commercial developments or discoveries.

4 - Eligibility

Nothing in the foregoing shall entitle any person whose principal employment is as a journalist in writing to be a member of the Association. The categories of eligibility outlined below specifically exclude persons whose principal employment is as journalists in writing and/or preparing news, features and current affairs or related matter for broadcast or publication in newspapers, magazines, books, pamphlets or other media, and persons performing work of a similar nature, such as publicity officers or public relations officers or Hansard reporters, as well as those working in related areas as such industries are presently constituted, or as they may hereafter be constituted or reconstituted as a result of any technical scientific or commercial developments or discoveries. Further, nothing in the foregoing shall prevent any person employed or likely to be employed as a journalist, who is otherwise or principally employed or likely to be employed, or engaged under some other form of contract for service, or likely to be engaged under some other form of contract for service, in connection with the

industries referred to in Rule 3, in the preparation of written material for any of the following purposes, from being eligible for membership.

The Association shall consist of an unlimited number of persons, employed or likely to be employed, or engaged under some other form of contract for service, or likely to be engaged under some other form of contract for service, in connection with the industries referred to in Rule 3, in the preparation of written material for any or all of the following purposes: exhibition, distribution, publication or display, including, but not limited to:-

- a) creators and adaptors of literary, dramatic or musical material for the stage, for radio, for television (whether or not live broadcast), and the motion picture industries;
- b) creators and adaptors of any other like material in any of the above industries as they are presently constituted or may in the future be constituted as a result of any technical, scientific or commercial developments or discoveries, as well as in pay television, cable television, video, video tape, compact disc and DVD devices, or any other new media or means of exhibition or distribution not yet known or developed."

A copy of the application has been published on the website of the Australian Industrial Relations Commission at: http://www.airc.gov.au/organisations/rule_change/rule_change.html.

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 can be directed to Mr Paul Herrod, Australian Industry Registry, GPO Box 1994S, Melbourne 3001 (facsimile 03-9654 6672 or E-mail: paul.herrod@air.gov.au).

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 Paul Herrod 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 applicant (whose address for service is 8/50 Reservoir St, Surry Hills, NSW 2010 within 7 days after the notice of objection has been lodged, copies of the notice of objection and written statement so lodged.

Nicholas Wilson
Industrial Registrar

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
2002/911	G and H Pedel/Urban and commercial new development/Kingston, Norfolk Island/Norfolk Island/Residential Building	06 Feb 2003	s 26 activities involving Commonwealth land	No
2003/931	Mineral Deposits (Operations) Pty Ltd/Mining/McGuire's Crossing/NSW/Mineral sand mining	05 Feb 2003	s 18 a listed threatened species or ecological community	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
2003/924	Alistair Hughes/Agriculture and forestry/Springsure/QLD/Changes to practices in Bluegrass community	07 Feb 2003	Yes

2. cont...

Reference No	Title of action	Date of Decision	Component decision under s.77(3) applies
2003/918	Albury-Wodonga Development Corporation/Urban and commercial new development/Union Road/Lavington/NSW/Norris Park Estate Residential Subdivision	05 Feb 2003	No
2002/900	Woodside Energy Ltd/Exploration (mineral, oil, gas)/North West Shelf/WA/Demeter 3D Seismic Survey, off Dampier, WA	17 Jan 2003	Yes

NOTICE OF A DECISION UNDER SECTION 77(3)

Pursuant to section 77(3) 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, in deciding whether an action is a controlled action or not, the Minister for the Environment and Heritage or a delegate of that Minister, decided that a provision of Part 3 of the Act is not a controlling provision for each action identified in columns 1 and 2 of each row of the following table because of the manner specified in which the action will be taken.

Reference No	Title of action	Component Decision - Controlling Provisions and Manner of undertaking the action
2003/924	Alistair Hughes/Agriculture and forestry/Springsure/QLD/Changes to practices in Bluegrass community	s 18 a listed threatened species or ecological community <i>Manner in which the proposed action is to be taken:</i> 1. The establishment and growth of <i>Leucaena</i> (<i>Leucaena leucocephala</i>) in the proposed 4 metre strips will be independently monitored, and controlled (if necessary), as part of the current weed control regime on the property, to ensure that adjacent unaffected areas of the Bluegrass ecological community are not invaded by <i>Leucaena</i> or weeds such that that the listed Bluegrass ecological community (as indicated by the majority presence of native species) is not permanently or irreversibly affected. 2. Grazing on the pasture area referred will be

		<i>sustainably managed, consistent with the current grazing frequency and intensity on similarly planted Leucaena pasture areas on the property, to ensure maintenance of the Bluegrass ecological community. This may include through change in the rotational intensity of grazing to control excess Leucaena growth. 3. In the event that grazing halts, or is unable to adequately control Leucaena growth, all practical and reasonable measures will be taken to control, remove or otherwise reduce Leucaena occurrence such that the listed Bluegrass ecological community (as indicated by the majority presence of native species) is not permanently or irreversibly affected.</i>
2002/900	Woodside Energy Ltd/Exploration (mineral, oil, gas)/North West Shelf/WA/Demeter 3D Seismic Survey, off Dampier, WA	s 18 a listed threatened species or ecological community s 20 a listed migratory species s 23 activities involving the Commonwealth marine environment <i>The manner will be undertaken, as a minimum, in accordance with the measures described at Attachment 6 to the Guidelines on the Application of the EPBC Act to interactions between offshore seismic operations and larger cetaceans (Environment Australia).</i>

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



The Great Barrier Reef Marine Park Authority hereby designates the following 11 Cruise Ship Anchorage Areas in the Far Northern Section of the Great Barrier Reef Marine Park in accordance with Regulation 14 of the *Great Barrier Reef Marine Park Regulations 1983*.

Note: The origin of geographical coordinates used in this notice is the Geodetic Datum of Australia 1994 (GDA94).

1. Boydong Cays South-easterly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 11° 28.60' S, 143° 00.79' E and running progressively:

- north-easterly along the geodesic to 11° 28.49' S, 143° 00.90' E
- south-easterly along the geodesic to 11° 28.64' S, 143° 01.06' E
- south-westerly along the geodesic to 11° 28.76' S, 143° 00.94' E
- north-westerly along the geodesic to the point of commencement.

2. Piper Islands 12-012 South-easterly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 12° 14.20' S, 143° 13.25' E and running progressively:

- north-easterly along the geodesic to 12° 14.09' S, 143° 13.36' E
- south-easterly along the geodesic to 12° 14.24' S, 143° 13.52' E
- south-westerly along the geodesic to 12° 14.36' S, 143° 13.40' E
- north-westerly along the geodesic to the point of commencement.

3. Piper Islands 12-012 North-westerly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 12° 14.96' S, 143° 12.84' E and running progressively:

- north-easterly along the geodesic to 12° 14.84' S, 143° 12.96' E
- south-easterly along the geodesic to 12° 15.00' S, 143° 13.11' E
- south-westerly along the geodesic to 12° 15.11' S, 143° 13.00' E
- north-westerly along the geodesic to the point of commencement.

4. Night Island 13-031 South-easterly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 13° 10.27' S, 143° 33.98' E and running progressively:

- north-easterly along the geodesic to 13° 10.16' S, 143° 34.10' E
- south-easterly along the geodesic to 13° 10.31' S, 143° 34.25' E
- south-westerly along the geodesic to 13° 10.42' S, 143° 34.14' E
- north-westerly along the geodesic to the point of commencement.

let's keep it great

5. Morris Island 13-072 South-easterly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 13° 29.30' S, 143° 42.89' E and running progressively:

- north-easterly along the geodesic to 13° 29.19' S, 143° 43.00' E
- south-easterly along the geodesic to 13° 29.34' S, 143° 43.16' E
- south-westerly along the geodesic to 13° 29.46' S, 143° 43.04' E
- north-westerly along the geodesic to the point of commencement.

6. Creech Reef 13-118 South-easterly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 13° 37.36' S, 144° 04.64' E and running progressively:

- north-easterly along the geodesic to 13° 37.24' S, 144° 04.75' E
- south-easterly along the geodesic to 13° 37.40' S, 144° 04.90' E
- south-westerly along the geodesic to 13° 37.51' S, 144° 04.79' E
- north-westerly along the geodesic to the point of commencement.

7. Pipon Island 14-038 South-easterly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 14° 06.80' S, 144° 30.19' E and running progressively:

- north-easterly along the geodesic to 14° 06.69' S, 144° 30.30' E
- south-easterly along the geodesic to 14° 06.84' S, 144° 30.46' E
- south-westerly along the geodesic to 14° 06.96' S, 144° 30.34' E
- north-westerly along the geodesic to the point of commencement.

8. Flinders Island Group 14-042 Wongal Beach anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 14° 08.30' S, 144° 14.99' E and running progressively:

- north-easterly along the geodesic to 14° 08.19' S, 144° 15.10' E
- south-easterly along the geodesic to 14° 08.34' S, 144° 15.26' E
- south-westerly along the geodesic to 14° 08.46' S, 144° 15.14' E
- north-westerly along the geodesic to the point of commencement.

9. Flinders Island Group 14-042 Stokes Bay anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 14° 09.01' S, 144° 12.89' E and running progressively:

- north-easterly along the geodesic to 14° 08.89' S, 144° 13.00' E
- south-easterly along the geodesic to 14° 09.05' S, 144° 13.15' E
- south-westerly along the geodesic to 14° 09.16' S, 144° 13.04' E
- north-westerly along the geodesic to the point of commencement.

10. Bathurst Bay/Cape Melville South-easterly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 14° 10.70' S, 144° 25.89' E and running progressively:

- north-easterly along the geodesic to 14° 10.59' S, 144° 26.00' E
- south-easterly along the geodesic to 14° 10.74' S, 144° 26.16' E
- south-westerly along the geodesic to 14° 10.86' S, 144° 26.04' E
- north-westerly along the geodesic to the point of commencement.

11. Ingram Island 14-064 South-easterly wind anchorage

The area of the Great Barrier Reef Marine Park bounded by a notional line beginning at 14° 24.50' S, 144° 52.29' E and running progressively:

- north-easterly along the geodesic to 14° 24.39' S, 144° 52.40' E
- south-easterly along the geodesic to 14° 24.54' S, 144° 52.56' E
- south-westerly along the geodesic to 14° 24.66' S, 144° 52.44' E
- north-westerly along the geodesic to the point of commencement.

let's keep it great



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, DAVID KEMP, Minister for the Environment and Heritage, pursuant to subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999*, hereby amend the list of exempt native specimens established under section 303DB of the Act by including in the list the following specimens:

<i>Taxon/Item</i>	<i>Common Name</i>	<i>Notation</i>
<i>Anoxypristis cuspidata</i>	Narrow Sawfish, Knifetooth Sawfish	Included on the list until 1/12/2003

Dated this 4th day of February 2003

.....David Kemp.....
Minister for the Environment and Heritage

Finance and Administration

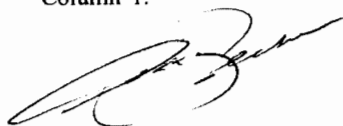
AUSTRALIAN ELECTORAL COMMISSION

Commonwealth Electoral Act 1918

DECLARATION OF HOSPITALS TO BE SPECIAL HOSPITALS FOR THE PURPOSES OF TAKING VOTES IN AN ELECTION

I, as delegate of the Australian Electoral Commission, and pursuant to subsection 225(1) of the *Commonwealth Electoral Act 1918*, hereby declare the whole or the specified parts of the hospitals listed in Column 2 of the Schedule to be special hospitals for the purposes of taking votes in an election in the electoral Divisions indicated in Column 1.

This notice supercedes all previous special hospital gazettals for the electoral Division indicated in Column 1.



A.K. Becker
Electoral Commissioner

10 February 2003

SCHEDULE

Column 1
Electoral Division

Column 2
Hospital

New South Wales

Division of BENNELONG

Clermont Nursing Home, RYDE
Dalton Gardens Retirement Village, RYDE
Glades Bay Gardens, GLADESVILLE
Macquarie Hospital, NORTH RYDE
Poplars Private Hospital, NORTH EPPING
Shalom And Willandra Village, MARSFIELD
St Catherine's And Bethany, MARSFIELD
Weemala, RYDE

Division of RIVERINA

Assumption Villa, LEETON
Caloola Court, KOORINGAL
Calvary Hospital, WAGGA WAGGA
Cooinda Court, JUNE
Cootamundra Hospital, COOTAMUNDRA
Cootamundra Nursing Home, COOTAMUNDRA
Cootamundra Retirement Village, COOTAMUNDRA
Greenstone Lodge, TEMORA
Griffith Hospital, GRIFFITH
Griffith Nursing Home, GRIFFITH
Gundagai District Hospital, GUNDAGAI
June District Hospital, JUNE
Narraburra Lodge, TEMORA
Narrandera District Hospital, NARRANDERA
Pioneers Lodge, GRIFFITH
RSL Remembrance Village, WAGGA WAGGA

Column 1
Electoral Division

Column 2
Hospital

Division of RIVERINA (cont)

Scalabrini Vlge Nrsng Home & Hostel, YOOGALI
Teloca House, NARRANDERA
Temora District Hospital, TEMORA
The Forrest Centre & Mary Potter Hostel, WAGGA
WAGGA
The Haven/Wendy Hucker & Nan Roberts Nursing
Homes, WAGGA WAGGA
Uralba Hostel, GUNDAGAI

AUSTRALIAN ELECTORAL COMMISSION*Commonwealth Electoral Act 1918***DECLARATION OF HOSPITALS TO BE SPECIAL HOSPITALS FOR THE
PURPOSES OF TAKING VOTES IN AN ELECTION**

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This notice supercedes all previous special hospital gazettals for the electoral Division indicated in Column 1.



A.K. Becker
Electoral Commissioner

10 February 2003

SCHEDULE

Column 1
Electoral Division

Column 2
Hospital

Victoria

Division of GOLDSTEIN

Bentleigh Manor Hostel, BENTLEIGH
Brighton Lodge, BRIGHTON
Brighton Private Hospital, BRIGHTON
Brighton Rehabilitation Centre, BRIGHTON
Elanora Home And Hospital, HAMPTON
Fernhill Hostel, SANDRINGHAM
Girraween Hostel, BRIGHTON
Halcyon Senior Citizens Village, BRIGHTON EAST
Hampton Rehabilitation Hospital, HAMPTON
Mayflower Nursing Home, BRIGHTON EAST
Rumbalara Nursing Home, BRIGHTON
Sandfield Nursing Home, SANDRINGHAM
Sandringham Gardens Aged Care Facility,
SANDRINGHAM
Sandringham Public Hospital, SANDRINGHAM
Southleigh Nursing Hostel, BENTLEIGH

Division of MELBOURNE

Cambridge House, COLLINGWOOD
Epworth Hospital, RICHMOND
Freemason's Hospital, EAST MELBOURNE
Freemason's Maternity Hospital, EAST MELBOURNE
Good Shepherd Aged Services Inc., ABBOTSFORD
McLean Lodge, FLEMINGTON
Melbourne Extended Care & Rehabilitation Service,
PARKVILLE

Column 1
Electoral Division

Column 2
Hospital

Division of MELBOURNE (cont)

Mercy Hospital for Women, EAST MELBOURNE
Mercy Private Hospital, EAST MELBOURNE
Old Colonist's Homes, FITZROY NORTH
Peter MacCallum Hospital, EAST MELBOURNE
Princes Hill Village Annexe, PRINCES HILL
Royal Melbourne Hospital, PARKVILLE
Royal Victorian Eye And Ear Hospital, EAST
MELBOURNE
Royal Women's Hospital, CARLTON
Sambell Lodge, CLIFTON HILL
St Vincent's Hospital, FITZROY
St Vincent's Private Hospital, FITZROY
Sumner House, FITZROY
The Melbourne Clinic, RICHMOND

AUSTRALIAN ELECTORAL COMMISSION*Commonwealth Electoral Act 1918***DECLARATION OF HOSPITALS TO BE SPECIAL HOSPITALS FOR THE PURPOSES OF TAKING VOTES IN AN ELECTION**

I, as delegate of the Australian Electoral Commission, and pursuant to subsection 225(1) of the *Commonwealth Electoral Act 1918*, hereby declare the whole or the specified parts of the hospitals listed in Column 2 of the Schedule to be special hospitals for the purposes of taking votes in an election in the electoral Divisions indicated in Column 1.

This notice supercedes all previous special hospital gazettals for the electoral Division indicated in Column 1.



A.K. Becker
Electoral Commissioner

10 February 2003

SCHEDULE

Column 1
Electoral Division

Column 2
Hospital

Queensland

Division of FADDEN

Adventist Retirement Village, VICTORIA POINT
Hammond Village, COOMBABAH
Hope Island Aftercare, HOPE ISLAND
Lions Haven For The Aged, HOPE ISLAND
Paradise Lakes Hostel, COOMBABAH
Pimpama Nursing Home, PIMPAMA
Redland Bay Nursing Home, REDLAND BAY
Rosevale Court Nursing Home, VICTORIA POINT
St James Park Care Centre, HELENSVALE
Tricare Nursing Home, BIGGERA WATERS
Wirunya Hostel, CARBROOK
Yurana Aged Care Centre, SPRINGWOOD

Division of FAIRFAX

Boyanda Nursing Home & Ninderry Hostel, BLI BLI
Carramar Nursing Home, TEWANTIN
Cooinda Home For The Aged, GYMPIE
Cooloola Community Private Hospital, GYMPIE
Grevillea Gardens Nursing Home, GYMPIE
Gympie General Hospital, GYMPIE
Kabara Hostel, COOROY
Lister Nursing Home, GYMPIE
Mount Coolum Hostel & Nurs Hm, MOUNT COOLUM
Noosa District Hospital, TEWANTIN
Noosa Nursing Home, TEWANTIN
Rotary Garden Village, NAMBOUR

Column 1
Electoral Division

Column 2
Hospital

Division of FAIRFAX (cont)

St Patricks Villa Hostel, GYMPIE
St Vincents Nursing Home, NOOSA HEADS
Sundale Garden Village, NAMBOUR
Winston House, GYMPIE

Division of FISHER

Adventist Retirement Village, LITTLE MOUNTAIN
Beachwood Hostel, WARANA
Caloundra Hospital, CALOUNDRA
Caloundra Private Hospital, CALOUNDRA
Caroline Chisholm Hostel, CURRIMUNDI
Centaur Memorial Nursing Home & Hostel, CALOUNDRA
Immanuel Gardens Hostels, BUDERIM
Immanuel Gardens Nursing Home, BUDERIM
Kawana Waters Nursing Centre and Hostel, KAWANA
WATERS
Lakeside Aged Care Centre, SIPPY DOWNS
Palmwoods Retirement Village Hostel, PALMWOODS
Sunshine Coast Private Hospital, BUDERIM
The Glebe Frail Aged Hostel, DICKY BEACH
Waroonia Gardens, CALOUNDRA

Division of LONGMAN

Abbey Gardens, MORAYFIELD
Bribie Island Retirement Village, BONGAREE
Burpengary Gardens, BURPENGARY
Caboolture Hospital, CABOOLTURE
Caboolture Private Hospital, CABOOLTURE
Maleny Retirement Village, MALENY
Sir James Terrace, DECEPTION BAY
St Pauls Lutheran Aged Care Village, CABOOLTURE
Sunnymeade Nursing Home, CABOOLTURE
UDSA Memorial Home, BURPENGARY
War Veterans Home, CABOOLTURE

AUSTRALIAN ELECTORAL COMMISSION*Commonwealth Electoral Act 1918***DECLARATION OF HOSPITALS TO BE SPECIAL HOSPITALS FOR THE PURPOSES OF TAKING VOTES IN AN ELECTION**

I, as delegate of the Australian Electoral Commission, and pursuant to subsection 225(1) of the *Commonwealth Electoral Act 1918*, hereby declare the whole or the specified parts of the hospitals listed in Column 2 of the Schedule to be special hospitals for the purposes of taking votes in an election in the electoral Division indicated in Column 1.

This notice supercedes all previous special hospital gazettals for the electoral Division indicated in Column 1.



A.K. Becker
Electoral Commissioner

10 February 2003

SCHEDULE

Column 1
Electoral Division

Column 2
Hospital

Australian Capital Territory

Division of FRASER

Amity at Aranda, ARANDA
Ginninderra Gardens Hostel, PAGE
Ginninderra Gardens Nursing Home, PAGE
Goodwin Village, AINSLIE
Jindalee Nursing Home, NARRABUNDAH
Kalparrin Aged Care Facility, HOLT
Morshead Home, LYNEHAM
Mountain View Hostel, NARRABUNDAH
Ozanam Home For The Aged, CAMPBELL
Ridgecrest Retirement Village, PAGE
St Nicholas Home For The Aged, KINGSTON
Villaggio Sant'Antonio Hostel, PAGE

AUSTRALIAN ELECTORAL COMMISSION

Commonwealth Electoral Act 1918

**DECLARATION OF HOSPITALS TO BE SPECIAL HOSPITALS FOR THE
PURPOSES OF TAKING VOTES IN AN ELECTION**

I, as delegate of the Australian Electoral Commission, and pursuant to subsection 225(1) of the *Commonwealth Electoral Act 1918*, hereby declare the whole or the specified parts of the hospitals listed in Column 2 of the Schedule to be special hospitals for the purposes of taking votes in an election in the electoral Division indicated in Column 1.

This notice supercedes all previous special hospital gazettals for the electoral Division indicated in Column 1.



A.K. Becker
Electoral Commissioner

10 February 2003

SCHEDULE

Column 1 Electoral Division	Column 2 Hospital
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Northern Territory

Division of LINGIARI

Alice Springs Hospital, ALICE SPRINGS
Alice Springs Renal Unit, ALICE SPRINGS
Gove District Hospital, NHULUNBUY
Kalano Aged Care Centre, KATHERINE
Katherine Hospital, KATHERINE
Old Timers Nursing Home, ALICE SPRINGS
Pulkpulkka Kari Nursing Home, TENNANT CREEK
Red Cross Aged Care, KATHERINE
Rocky Ridge Nursing Home, KATHERINE
Tennant Creek Hospital, TENNANT CREEK

Foreign Affairs and Trade



Intelligence Services (Director-General) Determination 2003 (No. 2)

I, ALEXANDER JOHN GOSSE DOWNER, Minister for Foreign Affairs, make this Determination under section 21 of the *Intelligence Services Act 2001*.

Dated 7th February 2003

Minister for Foreign Affairs

1 Name of Determination

This Determination is the *Intelligence Services (Director-General) Determination 2003 (No. 2)*.

2 Commencement

This Determination commences on 1 March 2003.

3 Application

This Determination sets out the remuneration and other conditions of employment of David Taylor Irvine (the *Director-General*).

Section 4

4 Total remuneration

- (1) For subsection 21 (1) of the *Intelligence Services Act 2001*, the Director-General is entitled to:
 - (a) total remuneration each year of \$285 000; and
 - (b) the benefits and entitlements mentioned in sections 8, 9 and 10.
- (2) For subsection (1), **total remuneration** is the value, calculated at the total cost to the employer, of:
 - (a) salary, allowances or lump sum payments, other than:
 - (i) recreation leave; and
 - (ii) compensation for early loss of office; and
 - (b) all non-monetary benefits provided at the employer's expense to or on behalf of the Director-General; and
 - (c) all non-monetary benefits which the Director-General elects to receive in cash.

5 Remuneration packaging

- (1) The Director-General may elect to receive the total remuneration mentioned in paragraph 4 (1) (a) as salary, or as a combination of salary and benefits.
- (2) However:
 - (a) the Director-General must take at least 50% of the total remuneration as salary; and
 - (b) any election by the Director-General must be consistent with relevant taxation laws, and rulings or guidelines issued by the Australian Taxation Office that are applicable to salary packaging schemes; and
 - (c) any election by the Director-General must be in accordance with agency policies and procedures on salary packaging, to the extent that the policies and procedures are consistent with paragraphs (a) and (b).

6 Salary

- (1) The Director-General is to be paid \$197 800 each year as salary.
- (2) Salary is payable by fortnightly instalments in arrears.

7 Superannuation salary and Superannuation Support

- (1) The Director-General's salary for superannuation purposes is the amount specified in subsection 6 (1).
- (2) The Director-General's salary for superannuation purposes is also the Director-General's annual rate of salary for the purposes of the *Superannuation Act 1976* and the *Superannuation Act 1990*.
- (3) The Director-General's total remuneration is taken to include the value of Superannuation Support provided in respect of the Director-General.

Section 9

- (4) The value of the provision by the Commonwealth of Superannuation Support in respect of the Director-General is taken to be 15% of the Director-General's salary for superannuation purposes.
- (5) The value attributable under subsection (4) to Superannuation Support in respect of the Director-General is referable to a non-salary component of Total Remuneration, and must not be the subject of an election to take an equivalent amount of salary.

8 Travelling allowance and related expenses

- (1) The Director-General has the entitlements given to an office holder at the Tier 1 rate by Part 4 of the Remuneration Tribunal Determination 2002/23.
- (2) If the Director-General becomes ill while on official business overseas, he is entitled to payment of the cost of any necessary medical or hospital treatment of the illness.
- (3) If the Director-General is given essential emergency dental treatment while on official business overseas, he is entitled to payment of the amount by which the cost exceeds the cost of equivalent treatment in Australia.
- (4) The Director-General is entitled to reimbursement of up to \$225 for the cost of equipment required to undertake international travel.
- (5) The entitlement mentioned in subsection (4) may be claimed once in an entitlement period that runs for 3 years.
- (6) The Director-General is entitled to reimbursement of excess baggage charges that are incurred primarily because of a requirement to carry Commonwealth property while travelling.

9 Compensation for loss of office

- (1) If the Director-General's appointment is terminated prematurely, the Commonwealth may elect to offer suitable alternative employment (including in a Commonwealth authority or company).
- (2) If the Commonwealth does not offer suitable alternative employment, the Commonwealth will pay the Director-General 1/3 of 1 month's salary for each month of service remaining, in lieu of obligations such as provision of notice or payment instead of notice or redundancy pay, and subject to:
 - (a) a minimum payment of 4 months' salary; and
 - (b) a maximum payment of 1 year's salary.
- (3) For subsection (2), the Commonwealth:
 - (a) may calculate the Director-General's remaining service by taking into account any period of continuing Commonwealth service in alternative employment; and
 - (b) may require the Director-General to sign a release in return for the payment.

Section 10

- (4) However, the Director-General is not entitled to compensation for loss of office if:
- (a) the Director-General has served the full term of appointment; or
 - (b) the Director-General's appointment was terminated prematurely for reasons of unsatisfactory performance; or
 - (c) the Director-General's appointment was terminated prematurely on account of mental or physical incapacity, and the Director-General is entitled to receive invalidity retirement benefits under Commonwealth superannuation legislation.
- (5) For subsection (2):
salary means the amount specified in subsection 6 (1).

10 Other entitlements

The Director-General is entitled to:

- (a) a mobile telephone service; and
- (b) a corporate credit card for use for payment of entitlements and official expenses; and
- (c) membership of the Qantas Club; and
- (d) business cards; and
- (e) a secure briefcase; and
- (f) a B-class security container at his home.

11 **Revocation of Intelligence Services (Director-General) Determination 2003 (No. 1)**

Intelligence Services (Director-General) Determination 2003 (No. 1), made on 9 January 2003, is revoked.

Health and Ageing

THERAPEUTIC GOODS ACT 1989

PUBLICATION OF LIST OF MANUFACTURERS REVOKED FROM LICENSING FOR THE MANUFACTURE OF THERAPEUTIC GOODS

I, Rita Maciachlan, delegate of the Secretary for the purpose of subsection 41 of the *Therapeutic Goods Act*, hereby publish the following details concerning the revocation of a licence to manufacture therapeutic goods:

Under subsection 41(1)(d) of the Therapeutic Goods Act 1989 the Secretary by notice in writing has revoked the licence held by:

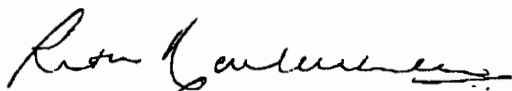
CHINA BEIJING TONG-REN-TANG AUSTRALIAN COMPANY PTY LTD T/A TONG REN TANG –
LICENCE NO. 60087 – AT THE REQUEST OF THE MANUFACTURER.

CREATIVE PACKAGING SERVICES PTY. LTD. – LICENCE NO. 144955 – AT THE REQUEST OF THE
MANUFACTURER.

JOHNSON & JOHNSON PACIFIC PTY LIMITED – LICENCE NO. 43964 – AT THE REQUEST OF THE
MANUFACTURER.

MATCHLAND PTY. LTD. TRADING AS NEW PRODUCTS DEVELOPMENT (NSW) – LICENCE NO. 40066 –
AT THE REQUEST OF THE MANUFACTURER.

QUEENSLAND BIOCHEMICS PTY LTD – LICENCE NO. 49299 – AT THE REQUEST OF THE
MANUFACTURER.



Rita Maciachlan
Delegate of the Secretary
10 FEBRUARY 2003

COMMONWEALTH OF AUSTRALIA
National Health Act 1953
PHARMACEUTICAL BENEFITS
DECLARATION UNDER SUBSECTION 85(2)
No. PB 4 of 2003

I, JOAN CORBETT, Assistant Secretary, Pharmaceutical Benefits Branch, Department of Health and Ageing and Delegate of the Minister for Health and Ageing, pursuant to subsection 85(2) of the *National Health Act 1953*, hereby make the following Declaration:

1. This Declaration commences on 1 March 2003.
2. Declaration No. PB 2 of 2003 under subsection 85(2) of the *National Health Act 1953* made on 8 January 2003 with effect from 1 February 2003 is, in this Declaration, referred to as the Principal Declaration.
3. Schedule 1 to the Principal Declaration is amended by inserting, after the details in respect of the pharmaceutical benefit Hydralazine Hydrochloride, the following details:

<i>Column 1 – Name of pharmaceutical benefit:</i>	Hydrochlorothiazide
<i>Column 2 – Circumstances (if any) specified for the purposes of section 88A of the Act:</i>	—

Dated this

twelfth

day of

February

2003.



JOAN CORBETT
Assistant Secretary
Pharmaceutical Benefits Branch
Department of Health and Ageing
Delegate of the Minister for Health and Ageing

COMMONWEALTH OF AUSTRALIA

National Health Act 1953

PHARMACEUTICAL BENEFITS

DETERMINATIONS UNDER SECTIONS 85, 85A AND 88

I, JOAN CORBETT, Assistant Secretary, Pharmaceutical Benefits Branch, Department of Health and Ageing and Delegate of the Minister for Health and Ageing, pursuant to sections 85, 85A and 88 of the *National Health Act 1953*, hereby make the following Determinations:

1. These Determinations commence on 1 March 2003.
2. The Determinations under sections 85, 85A and 88 of the *National Health Act 1953* made on 8 January 2003 with effect from 1 February 2003 are, in these Determinations, referred to as the Principal Determinations.
3. The First Schedule — Part 1 to the Principal Determinations is amended by inserting, after the details in respect of the pharmaceutical benefit Hydralazine Hydrochloride, the following details:

<i>Name of pharmaceutical benefit:</i>	Hydrochlorothiazide
<i>Form (strength, type, size, etc.):</i>	Tablet 25 mg
<i>Manner of administration:</i>	Oral
<i>Maximum quantity:</i>	100
<i>Maximum number of repeats:</i>	1
<i>Brand:</i>	PL

Dated this *twelfth* day of *February* 2003.



JOAN CORBETT

Assistant Secretary

Pharmaceutical Benefits Branch

Department of Health and Ageing

Delegate of the Minister for Health and Ageing

COMMONWEALTH OF AUSTRALIA
National Health Act 1953
PHARMACEUTICAL BENEFITS
DETERMINATION UNDER SECTION 85B(1)

I, JOAN CORBETT, Assistant Secretary, Pharmaceutical Benefits Branch, Department of Health and Ageing and delegate of the Minister for Health and Ageing, pursuant to subsection 85B(1) of the *National Health Act 1953*, hereby make the following Determination:

1. This Determination commences on 1 March 2003.
2. The Determination under subsection 85B(1) of the *National Health Act 1953* made on 8 January 2003 with effect from 1 February 2003 is, in this Determination, referred to as the Principal Determination.
3. The Schedule to the Principal Determination is amended by omitting the price claimed by manufacturer in respect of Piroxicam, dispersible tablet 20 mg and substituting "\$9.40".

Dated this

twelfth

day of

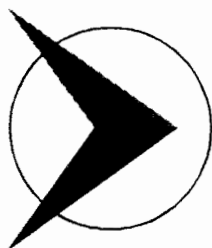
February

2003.

Joan Corbett

JOAN CORBETT
Assistant Secretary
Pharmaceutical Benefits Branch
Department of Health and Ageing
Delegate of the Minister for Health and Ageing

Transport and Regional Services



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

NOTIFICATION OF THE MAKING OF ORDERS UNDER THE CIVIL AVIATION REGULATIONS

The following Airworthiness Directive under subregulation 39.1 (1) of the *Civil Aviation Regulations 1998* will become effective on 19 February 2003:

Part 107 - Equipment

AD/PHZL/76 - HC-C2TR-4CF Propeller Life Reduction

Copies of the above Order(s) 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
Internet Site: [HTTP://WWW.CASA.GOV.AU](http://WWW.CASA.GOV.AU)



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

**NOTIFICATION OF EXEMPTION
UNDER THE CIVIL AVIATION REGULATIONS 1988**

On 10 February 2003, the Civil Aviation Safety Authority (CASA) issued an exemption under subregulation 308 (1) of the *Civil Aviation Regulations 1988* relating to compliance with the requirement to obtain CASA approval of flight check systems under subregulation 232 (2) (Exemption Number CASA EX04/2003).

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

**Airservices Australia Publications Centre
Alan Woods Building
25 Constitution Avenue
CANBERRA ACT 2600.**

Copies of the instrument may be purchased by mail from:

**Airservices Australia Publications Centre
Locked Bag 8500
CANBERRA ACT 2601.**

Regulation 25

CT-4

**COMMONWEALTH OF AUSTRALIA
NAVIGATION ACT 1912****No: 366****PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	OFFICIAL NUMBER
OOCL EXPORTER	HONG KONG	7526493

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, ADELAIDE AND FREMANTLE**Dated at **CANBERRA** this ¹³ day of **February 2003**Official
Stamp

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

CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED

1. That the Transport Regulation 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 1 MARCH 2003 to 1 JUNE 2003.
3. GENERAL CARGO only may be carried.
4. The cargo may only be carried from:
MELBOURNE AND ADELAIDE TO ADELAIDE AND FREMANTLE
5. If there is a change in schedule the Transport Regulation Division must be advised before the vessel sails.
6. That the vessel is not detained under Australia's Port State Control program.

Notice under section 8 of the *Roads to Recovery Act 2000* (the Act)

Whereas the Delatite Shire Council was listed as a funding recipient under the Act by notice published in the Gazette pursuant to section 5 of the Act;

And as the said Council has ceased to exist without receiving the full amount payable to it under the Act;

Now I, Ronald Leslie Doyle Boswell, Parliamentary Secretary to the Minister of State for Transport and Regional Services, specify that the Benalla Rural City Council and the Mansfield Shire Council are to replace it for all payments under the Act.

The grant for the Benalla Rural City Council is to be \$963,050 and the grant for the Mansfield Shire Council is to be \$478,900.



Parliamentary Secretary to the Minister for Transport and Regional Services

Dated this *Sixth* day of *February* 2003

**CONSULTATION****Amendment of the National Capital Plan
Draft Amendment 46
Gungahlin Drive Extension (Black Mountain Nature Reserve)**

The National Capital Authority has prepared Draft Amendment 46 of the National Capital Plan. In accordance with sections 15(1) and 24 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, Draft Amendment 46 is now available for public inspection and comment.

Black Mountain Nature Reserve is part of "The Inner Hills" as defined in Figure 24 of the National Capital Plan. The Gungahlin Drive Extension as it passes the suburb of Aranda will require minor amendment to the Black Mountain Nature Reserve as currently defined.

Draft Amendment 46 proposes to redefine the western boundary of the Black Mountain Nature Reserve to be the eastern edge of the Gungahlin Drive Extension road reserve adjacent to the suburb of Aranda. This amendment proposes to provide for the Gungahlin Drive Extension to be within the Urban Area and to remain outside of the Black Mountain Nature Reserve.

The National Capital Authority invites interested people and organisations to provide written comment by close of business on Friday 14 March 2003 to:

David Wright
Director National Capital Plan
National Capital Authority
GPO Box 373
CANBERRA ACT 2601
email: david.wright@natcap.gov.au

Copies of Draft Amendment 46 are available from:

- **Information Centre**
National Capital Authority
Treasury Building
2nd floor Newlands Street
PARKS ACT 2600
between 9am and 5pm Monday to Friday
- **National Capital Exhibition**
Regatta Point
Commonwealth Park
between 9am and 5pm daily
- **www.nationalcapital.gov.au**

Further information is available from Ted Schultheis on (06) 6271 2832 or by Fax (02) 6271 2890

Treasury



Banking Act 1959

REVOCATION OF AUTHORITY TO CARRY ON A BANKING BUSINESS IN AUSTRALIA

SINCE:

- A. Transport Industries Credit Union Ltd, ACN 087 650 833, is an ADI with authority to carry on banking business in Australia under section 9 of the *Banking Act 1959* (the "Act"); and
- B. On 19 December 2002, by notice in writing to the Australian Prudential Regulation Authority ("APRA"), the ADI requested a revocation of its section 9 authority; and
- C. I am satisfied that the revocation of the ADI's section 9 authority:
 - (i) would not be contrary to the national interest; and
 - (ii) would not be contrary to the interests of depositors of the ADI,

I, Graeme Thompson, Chief Executive Officer, a delegate of APRA, under subsection 9A(1) of the Act, REVOKE the section 9 authority of the ADI on and from midnight 1st February 2003 Sydney Australia.

In this instrument "ADI" has the meaning given by section 5 of the Banking Act.

A handwritten signature in dark ink, appearing to read "Graeme Thompson".

Graeme Thompson
Chief Executive Officer

02.02.03



Banking Act 1959

NOTICE THAT AUTHORISED DEPOSIT-TAKING INSTITUTION HAS CEASED TO EXIST

I, Graeme Thompson, Chief Executive Officer, a delegate of the Australian Prudential Regulation Authority, under paragraph 9B(1)(a) of the *Banking Act 1959* (the "Act"), am satisfied that Transport Industries Credit Union Ltd ACN 087 650 833, a body corporate that has been granted an authority under section 9 of the Act, has ceased to exist from midnight on the 1st February 2003.


.....
Graeme Thompson
Chief Executive Officer
2.2.03



Banking Act 1959

REVOCATION OF CONSENT TO ASSUME OR USE RESTRICTED WORDS OR EXPRESSIONS IN RELATION TO A FINANCIAL BUSINESS

SINCE:

- A. Sub item 8(1) of Division 4 of Part 1 of Schedule 8 of the *Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999* (the "FSR Act") provides, among other things, that a body that, immediately before the transfer date:

- (i) was a society, services corporation or association as defined in section 3 of the Financial Institutions Code; and
- (ii) was trading or carrying on business (within the meaning of section 144 of that Code) under a name or title of which words, abbreviations or symbols covered by paragraph 144(2)(a) of that Code formed part;

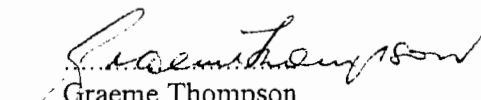
is taken, on transfer date, to have been granted a consent under section 66 of the *Banking Act 1959* (the "Banking Act") covering the body trading or carrying on business under that name or title; and

- B. Transport Industries Credit Union Ltd, ACN 087 650 833 was a society and credit union by virtue of the FSR Act provision mentioned in recital A, and therefore is taken to have been granted a consent under section 66 of the Banking Act from 1 July 1999;
- C. Is an ADI and holds a Section 9 authority dated 1 July 1999;

I, Graeme Thompson, Chief Executive Officer, a delegate of APRA, under paragraph 66(2)(c) of the Banking Act REVOKE the consent with respect to Transport Industries Credit Union Ltd.

This instrument and the revocation of the section 66 authority of the ADI is to take effect on the 1st February 2003.

Dated 4/2/03


Graeme Thompson
Chief Executive Officer

*Banking Act 1959***NOTICE THAT AUTHORISED DEPOSIT-TAKING
INSTITUTION HAS CHANGED ITS NAME**

I, Earl Gayford Burgess, a delegate of the Australian Prudential Regulation Authority, under paragraph 9B(1)(b) of the *Banking Act 1959* (the "Act") am satisfied that the listed Authorised Deposit-Taking Institutions in **Column A**, being bodies corporate taken to have been granted a section 9 authority on 1 July 1999, have changed their name to the corresponding name in **Column B**.

COLUMN A	COLUMN B
Newcastle Bus Credit Union Ltd ACN: 087 650 379	Hunter Coast Credit Union Ltd ACN: 087 650 379

Under subsection 9B(3) of the Act, the section 9 authority granted to those institutions listed in Column A has effect after the publication of this notice as if the section 9 authority had been granted to those institutions listed in Column B.

Dated 10 February 2003

A handwritten signature in black ink, appearing to read "E G Burgess", written over a horizontal dotted line.

E G Burgess
Senior Manager, Rehabilitation and Enforcement
Specialised Institutions Division



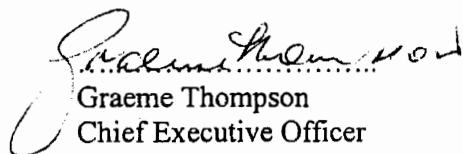
Banking Act 1959

CONSENT SINCE

- A. Transport Industries Credit Union Ltd [A.C.N. 087 650 833] is an ADI within the meaning of the *Banking Act 1959* (the "Act");
- B. Transport Industries Credit Union Ltd proposes to dispose of all of its assets and liabilities to Industries Mutual Credit Union [A.C.N 087 650 691];
- C. Section 63 of the Act prohibits an ADI, other than a foreign ADI, from, among other things, entering into an arrangement or agreement for disposal of its business without the consent of the Treasurer in writing;
- D. On 19/12/02 Transport Industries Credit Union Ltd requested the Treasurer to consent to that disposal:

I, Graeme Thompson, a delegate of the Treasurer, for the purposes of section 63 of the Act, CONSENT to the proposed disposal by Transport Industries Credit Union of all of its assets and liabilities to Industries Mutual Credit Union Limited.

Dated 4. 2. 03


Graeme Thompson
Chief Executive Officer

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 22(1)

WHEREAS -

- (A) Canberra Investment Corporation Limited is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Canberra Investment Corporation Limited proposes to acquire an interest in the Australian urban land referred to in the notice furnished on 10 January 2003 under section 26A of the Act;

NOW THEREFORE, I, Chris Legg, 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

10th

day of

February

2003



General Manager

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) HARRY E. SCHEINER & DOROTHEA SCHEINER are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) HARRY E. SCHEINER & DOROTHEA SCHEINER propose to acquire an interest in Australian urban land as specified in the notice furnished on 15 January 2003 under section 26A of the Act;

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

- (i) HARRY E. SCHEINER & DOROTHEA SCHEINER 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

13th

day of

FEBRUARY

2003.



General Manager

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) SARAH JANE ELLIOTT is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) SARAH JANE ELLIOTT proposes to acquire an interest in Australian urban land as specified in the notice furnished on 24 January 2003 under section 26A of the Act;

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

- (i) SARAH JANE ELLIOTT 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

13th

day of

FEBRUARY

2003.



General Manager

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(2)

WHEREAS -

- (A) TREVOR JAMES GRIST and (MRS) ANNE STEPHANIE GRIST are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ("the Act");
- (B) TREVOR JAMES GRIST and (MRS) ANNE STEPHANIE GRIST propose to acquire an interest in the Australian urban land described in the notice furnished on 20 January 2003 under section 26A of the Act;

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

- (i) TREVOR JAMES GRIST and (MRS) ANNE STEPHANIE GRIST 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

13th

day of

FEBRUARY

2003.



General Manager

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 21A(4)

WHEREAS --

- (A) Devendra Prabhudas Dolasia and Rupa Dolasia are foreign persons for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) Devendra Prabhudas Dolasia and Rupa Dolasia have acquired an interest in the Australian urban land described in the Schedule ('the Land');

NOW THEREFORE I, Ian Campbell, Parliamentary Secretary to the Treasurer, for and on behalf of the Treasurer, pursuant to subsection 21A(4) of the Act, being satisfied that the acquisition by Devendra Prabhudas Dolasia and Rupa Dolasia of the interest in the Land is contrary to the national interest, direct Devendra Prabhudas Dolasia and Rupa Dolasia to dispose of the interest in the Land by midnight (Canberra time) 30 April 2003 to any person or persons approved in writing by the Treasurer.

This order comes into operation on the day that is 30 days after it is published in the Gazette.

Dated this 13th day of February 2003


Parliamentary Secretary to the Treasurer

SCHEDULE

Land known as 3 Blackman Close, Sunbury, in the State of Victoria, being the land comprised in Certificate of Title Volume 09752 Folio 166.

COMMISSIONER OF TAXATION

The Commissioner of Taxation, Michael Joseph Carnody, gives notice of the following Rulings, copies of which can be obtained from Branches of the Australian Taxation Office.

NOTICE OF RULINGS

Ruling Number	Subject	Brief Description
PR 2003/4	Income tax: Brooklyn Park Olive Groves (revised arrangement)	This Ruling sets out the tax consequences for Growers of investing in the Project, for the commercial growing of olives for domestic and international sale, for the purpose of setting out the exercise of the Commissioner's discretion under Division 35 of the <i>Income Tax Assessment Act 1997</i> .
PR 2003/5	Income tax: Australian Growth - Timber 2002/2003	This Ruling sets out the tax consequences of investing in the Project, by Growers who enter into a Lease and Management Agreement for the commercial growing, and cultivation of trees for the purpose of producing timber for timber products.
CR 2003/8	Income tax: Approved Early Retirement Scheme - Kangan Batman Institute of TAFE	This Ruling sets out the tax consequences for all staff other than Executive Officers of the Kangan Batman Institute of TAFE who receive a payment under the approved early retirement scheme.
CR 2003/9	Income tax: Approved Early Retirement Scheme - CSR Emoleum Services Pty Ltd	This Ruling sets out the tax consequences for all employees of CSR Emoleum Services Pty Ltd who have completed more than 15 years of continuous service with CSR Emoleum Services Pty Ltd and are covered by listed Enterprise Agreements and who receive a payment under the approved early retirement scheme.
CR 2003/10	Income Tax: Special Dividend, Capital Reduction and Related Scheme of Arrangement for the Demerger of Rinker Group Limited from CSR Limited.	This Ruling sets out the tax consequences for all shareholders of ordinary shares in CSR Limited who will be entitled under a proposed demerger scheme of arrangement to ordinary shares in Rinker Group Limited.
TD 2003/1	Income tax: capital gains: can the first element of the cost base of a CGT asset in subsection 110-25(2) of the <i>Income Tax Assessment Act 1997</i> include money paid or property given to an entity other than the one from which the asset was acquired?	This Ruling determines that the first element of the cost base of a CGT asset in subsection 110-25(2) of the <i>Income Tax Assessment Act 1997</i> can include money paid or property given to an entity other than the entity from which the asset was acquired if the money was paid or given in respect of the acquisition of the asset.
GSTB 2003/1	How to calculate input tax credits and bad debt adjustments when a dividend is paid to creditors	This Bulletin applies to representatives of an incapacitated entity who pay a dividend of less than 100 cents in the dollar to creditors towards satisfaction of debts owed by the incapacitated entity.

NOTICE OF WITHDRAWAL OF PRODUCT RULINGS

Ruling Number	Subject	Brief Description
PR 2003/4	Income tax: Brooklyn Park Olive Groves (revised arrangement)	This Product ruling is withdrawn with effect from 30 June 2003.
PR 2003/5	Income tax: Australian Growth - Timber 2002/2003	This Product ruling is withdrawn with effect from 30 June 2006.

NOTICE OF WITHDRAWAL OF CLASS RULINGS

Ruling Number	Subject	Brief Description
CR 2003/8	Income tax: Approved Early Retirement Scheme - Kangan Batman Institute of TAFE	This Class ruling is withdrawn with effect from 31 December 2003.
CR 2003/9	Income tax: Approved Early Retirement Scheme - CSR Emoleum Services Pty Ltd	This Class ruling is withdrawn with effect from 29 February 2004
CR 2003/10	Income Tax: Special Dividend, Capital Reduction and Related Scheme of Arrangement for the Demerger of Rinker Group Limited from CSR Limited.	This Class ruling is withdrawn with effect from 30 June 2003.

Public Notices

SHIPPING REGISTRATION ACT 1981 NOTICE OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given of the intention of
(full name) ALLAN STANDERING AND JULIE DICKSON of (ad-
dress) 797 AMES Tth FOSTER, VICTORIA 3960 to apply, after
the expiration of the period of thirty days commencing on the date of publication of this
notice, for the registration under the abovenamed Act of the ship particulars of which are
set out below. Objections to the registration of the ship in the name of the
abovementioned person, by persons claiming a legal proprietary right in respect of the
ship, should, together with any relevant documents that will verify the claim be delivered
to the Registrar of Ships at the Australian Shipping Registration Office, Level 1 Allan
Woods Building, 25 Constitution Avenue, Canberra City ACT 2601 or sent by properly
prepaid post to the Registrar of Ships at the Australian Maritime Safety Authority, GPO
Box 2181, Canberra City ACT 2601, before the expiry of the period referred to above.

Particulars of Ship

Present name: SERENDIPITY

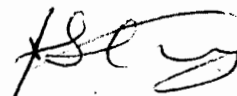
Former name: SERENDIPITY

Present whereabouts: PORT WENSHPOOL

Length: 32'

Principal material of construction: WOOD

Type of ship: YACHT - SLOOP

Signed:  ALLAN STANDERING
 JULIE ANNE DICKSON



**Commonwealth
of Australia**

Gazette

No. S 36, Wednesday, 12 February 2003

Published by the Commonwealth of Australia

SPECIAL



**Department of
Communications
Information Technology
and the Arts**

COMMONWEALTH OF AUSTRALIA

Income Tax Assessment Act 1997

NOTIFICATION OF DISALLOWABLE INSTRUMENT

The following amendment to the rules was made under Division 376 of the
Income Tax Assessment Act 1997.

Refundable Film Tax Offset Rules 2002 (Amendment No. 1 of 2003)

Copies may be obtained by contacting

The Manager
Tax Offset and Trade Section
Film and Digital Content Branch
Department of Communications,
Information Technology and the Arts
GPO Box 2154
CANBERRA ACT 2601

Telephone: (02) 6271 1501
Facsimile: (02) 6271 1688



**Commonwealth
of Australia**

Gazette

No. S 37, Wednesday, 12 February 2003

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SPECIAL



Department of the Environment and Heritage

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

Part 13A – International Movement of Wildlife Specimens

6th Declaration of amendments

to Periodic Gazette No. 29, Friday 21 December 2001

List of CITES Species for the purposes of the Act – s303CA

Schedule

Add to Appendix II

Fauna

Class: Actinopterygii (Ray-finned fishes)				
Taxon	Common Name	Appendix	Notation	First Listed
Order: Syngnathiformes				
Family: Syngnathidae				
<i>Hippocampus</i> spp	seahorses	II	Enters into effect 18 months after the end of the 12 th CITES Conference of the Parties	15 May 04

Family: Cetorhinidae				
<i>Cetorhinus maximus</i>	Basking Shark	II		13 Feb 03
Order: Rhinodontoidei				
Family: Rhinodontoidei				
<i>Rhinodon typus</i>	Whale Shark	II		13 Feb 03

<i>Scaphiophryne gottliebii</i>	Gottlieb's Frog	II		13 Feb 03
<i>Brookesia</i> spp	chameleons	II	All species in genus except those in App. I	13 Feb 03
<i>Annamemys annamensis</i>	Annam Pond Turtle	II		13 Feb 03
<i>Heosemys depressa</i>	turtle	II		13 Feb 03
<i>Heosemys grandis</i>	turtle	II		13 Feb 03
<i>Heosemys leyensis</i>	turtle	II		13 Feb 03
<i>Heosemys spinosa</i>	turtle	II		13 Feb 03
<i>Hieremys annandali</i>	Yellow-headed Temple Turtle	II		13 Feb 03
<i>Kachuga</i> spp	Indian roofed turtle	II	Except species in App. I	13 Feb 03
<i>Leucocephalon yuwonoi</i>	Sulawesi Forest Turtle	II		13 Feb 03
<i>Mauremys mutica</i>	Yellow Pond Turtle	II		13 Feb 03
<i>Orlitia borneensis</i>	Malayan Giant Turtle	II		13 Feb 03
<i>Pyxidea mouhotii</i>	Kacled Box Turtle	II		13 Feb 03
<i>Siebenrockiella crassicolis</i>	Black Marsh Turtle	II		13 Feb 03
<i>Platysternon megacephalum</i>	Big-headed Turtle	II		13 Feb 03
<i>Chitra</i> spp	turtle	II		13 Feb 03
<i>Pelochelys</i> spp	giant softshell turtles	II		13 Feb 03
<i>Atrophaneura jophon</i>	Swallowtail Butterfly	II		13 Feb 03
<i>Atrophaneura pandiyana</i>	Swallowtail Butterfly	II		13 Feb 03

Flora

<i>Swietenia macrophylla</i>	Bigleaf Mahogany	II	Neotropical populations only. Enters into effect 12 months after the end of the 12 th CITES Conference of the Parties	15 Nov 03
<i>Beccariophoenix madagascariensis</i>	Madagascan Palm	II		13 Feb 03
<i>Lemurophoenix halleuxii</i>	Red Lemur Palm	II		13 Feb 03
<i>Marojejya darianii</i>	Big Leaf Palm	II		13 Feb 03
<i>Ravenea rivularis</i>	Majestic Palm	II		13 Feb 03
<i>Ravenea louvelii</i>	Palm	II		13 Feb 03
<i>Satranala decussata</i>	Forest Bismarckia	II		13 Feb 03
<i>Voanioala gerardii</i>	Forest Coconut	II		13 Feb 03
<i>Guaiacum</i> spp	Lignum Vitae	II	Designates all parts and	13 Feb 03

Taxon	Common Name	Appendix	Notation	First Listed
		derivative, except:		
		a) seeds and pollen;		
		b) seedling or tissue culture obtained in vitro, or solid or liquid media, transported in sterile containers;		
		c) cut flowers of artificially propagated plants; and		
		d) chemical derivatives and finished pharmaceutical products		

Transfer from Appendix I to Appendix II with Notations amended as appropriate

<i>Rhea pennata pennata</i> (also referred to as <i>Pterocnemia</i>)	Derwin's Rhea	II	Argentine: Population of the Province of Catamarca, for the exclusive purpose of allowing international trade in wool shorn from live animals, cloth derived manufactured products and other handicraft articles.	1 Jul 75
<i>Vicuña vicuña</i>	Vicuña	II	Bolivia: The whole Population of Bolivia. For the exclusive purpose of allowing international trade in products made from wool shorn, from live animals. The reverse side of cloth and cloth products must bear the logo adopted by countries signatory to the 'Convenio para la Conservación y Manejo de la Vicuña' and the words 'VICUÑA - BOLIVIA'.	1 Jul 75
<i>Vicuña vicuña</i>	Vicuña	II	Chile: populations of	1 Jul 75
		II	Prineta Region. For the exclusive purpose of allowing international trade in wool shorn from live vicuñas, and in cloth and items made thereof, including luxury handicrafts and limited articles. The reverse side of cloth must bear the logo adopted by the range states of the species which are signatories to the Convenio para la Conservación y Manejo de la Vicuña, and the sealings the words 'VICUÑA-CHILE'. All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly.	1 Jul 75

Plants

<i>Dactylops trachiae</i>	Santa Barbara Island	II		29 Jul 83
<i>Alse thomcroftii</i>	Dudleya	II		1 Jul 75

Add to Appendix I

Fauna

<i>Brooksia peruviana</i>	chameleon	I		13 Feb 03
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Transfer from Appendix II to Appendix I

Fauna

<i>Amazona ochrocephala eurhynchos</i>	Yellow-rumped Parrot	I		6 Jun 81
<i>Amazona ochrocephala bolianensis</i>	Yellow-rumped Parrot	I		6 Jun 81
<i>Amazona ochrocephala castroana</i>	Yellow-rumped Parrot	I		6 Jun 81
<i>Amazona ochrocephala oratrix</i>	Yellow-rumped Parrot	I		6 Jun 81
<i>Amazona ochrocephala parvipes</i>	Yellow-rumped Parrot	I		6 Jun 81
<i>Amazona ochrocephala brevipennis</i>	Yellow-rumped Parrot	I		6 Jun 81

Taxon	Common Name	Appendix	Notation	First Listed
<i>Ara couloni</i>	Blue-headed Macaw	I		13 Feb 03
<i>Pyxis planicauda</i>	Flat-tailed spider Tortoise	I		1 July 75

Flora

<i>Arucaria araucana</i>	Monkey-puzzle Tree	I		1 Jul 75
<i>Sclerocactus nyensis</i>	Tonopah fishhook Cactus	I		1 Jul 75
<i>Aerangis elioti</i>	orchid	I		1 Jul 75

Replace the existing Notations to the items below with the following Notations

Fauna

Cetacea spp.	All whales, porpoises, and dolphins	II	All species in the Order Cetacea except those in App. I or with earlier listed date in App. II. A zero quota has been established for live specimens from the Black Sea population of <i>Tursiops truncatus</i> removed from the wild and traded for primarily commercial purposes.	28 Jun 79
<i>Loxodonta africana</i>	African Elephant	II	Includes only the Population of Botswana for the exclusive purpose of allowing: a) Trade in hunting trophies for non-commercial purposes; b) Trade in live animals for in-situ conservation programmes; c) Trade in hides; d) Trade in leather goods for non commercial purposes; e) Trade in registered raw ivory (whole tusks and pieces) subject to the following: i. Only registered government-owned stocks, originating in Botswana (excluding seized ivory and ivory of unknown origin); ii. Only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re- exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade; iii. Not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and MIKE has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing); iv. A maximum amount of 20,000kg of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat; v. The proceeds of the trade are used exclusively for elephant conservation and community conservation and development programs within or adjacent to the elephant range; vi. Only after the Standing Committee has agreed that the above conditions have been met. On a proposal from the Secretariat, the Standing	4 Feb 77

		Committee can decide to cause this trade to partially or completely cease in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All specimens that are not allowed to be traded under the above provisions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly."		
<i>Taxon</i>	<i>Common Name</i>	<i>Appendix</i>	<i>Notation</i>	<i>First Listed</i>
<i>Loxodonta africana</i>	African Elephant	II	Includes only the	4 Feb 77
		Population of Namibia: For the exclusive purpose of allowing: a) Trade in hunting trophies for non-commercial purposes; b) Trade in live animals for in-situ conservation programmes; c) Trade in hides; d) Trade in leather goods for non commercial purposes; e) Trade in registered raw ivory (whole tusks and pieces) subject to the following: i. Only registered government-owned stocks, originating in Namibia (excluding seized ivory and ivory of unknown origin); ii. Only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade; iii. Not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and MIKE has reported to the Secretariat on the baseline information (e.g. elephant population numbers, incidence of illegal killing); iv. A maximum amount of 10,000kg of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat; v. The proceeds of the trade are used exclusively for elephant conservation and community conservation and development programs within or adjacent to the elephant range; vi. Only after the Standing Committee has agreed that the above conditions have been met. On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to partially or completely cease in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All specimens that are not allowed to be traded under the above provisions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly		
<i>Loxodonta africana</i>	African Elephant	II	Includes only the	4 Feb 77
		population of South Africa. For the exclusive purpose of allowing: a) Trade in hunting trophies for non-commercial purposes; b) Trade in live animals for in-situ conservation programmes;		

		c) Trade in hides; d) Trade in leather goods for non commercial purposes; e) Trade in registered raw ivory (whole tusks and cut pieces of ivory that are both 20 cm or more in length and one kilogramme or more in weight) subject to the following: i. Only registered government-owned stocks, originating in Kruger National Park (excluding seized ivory and ivory of unknown origin); ii. Only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP12) concerning domestic manufacturing and trade; iii. Not before May 2004, and in any event not before the Secretariat has verified the prospective importing countries, and MIKE has reported to the Secretariat on the baseline information (a.g. elephant population numbers, incidence of illegal killing); iv. A maximum amount of 30,000kg of ivory may be traded, and despatched in a single shipment under strict supervision of the Secretariat; v. The proceeds of the trade are used exclusively for elephant conservation and community conservation and development programs within or adjacent to the elephant range; vi. Only after the Standing Committee has agreed that the above conditions have been met. On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to partially or completely cease in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All specimens that are not allowed to be traded under the above provisions shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly."
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Flora

Species	Common Name	Appendix	Notation	First Listed
Orchidaceae spp.	Orchids	II	Artificially propagated	1 Jul 75
		specimens of hybrids within the genus <i>Phalaenopsis</i>, are not subject to the provisions of the Convention when: a) specimens are traded in shipments consisting of individual containers (i.e. cartons, boxes, or crates) containing 100 or more plants each; b) all plants within a container are of the same hybrid, with no mixing of different hybrids within a container; c) plants within a container can be readily recognized as artificially propagated specimens by exhibiting a high degree of uniformity in size and stage of growth, cleanliness, intact root systems, and general absence of damage or injury that could be attributable to plants originating in the wild; d) plants do not exhibit characteristics of wild origin, such as damage by insects or other animals, fungi or algae adhering to leaves, or mechanical damage to roots, leaves, or other parts resulting from collection; and e) shipments are accompanied by documentation, such as		



Commonwealth of Australia

Migration Act 1958

Migration Regulations 1994

**SPECIFICATION OF ADDRESSES FOR THE PURPOSES OF SUBPARAGRAPHS 1205(3)(c)(i), (ii)
and (iii) OF THE *MIGRATION REGULATIONS 1994***

I, **PHILIP RUDDOCK**, Minister for Immigration and Multicultural and Indigenous Affairs, acting under regulation 1.17 and subparagraphs 1205(3)(c)(i), (ii) and (iii) of the *Migration Regulations 1994* ("the Regulations") hereby:

1. SPECIFY for the purposes of subparagraph 1205(3)(c)(i) of the Regulations the following post office box address:

DIMIA
PO Box 9984
SYDNEY NSW 2001

2. SPECIFY for the purposes of subparagraph 1205(3)(c)(ii) of the Regulations the following address:

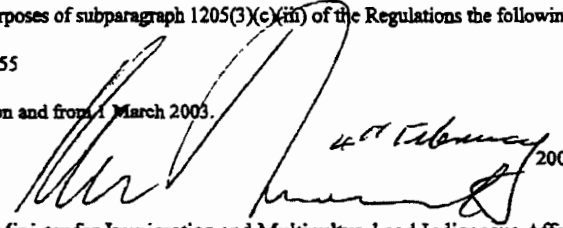
DIMIA Sydney City Office
Level 2, Gateway House
22 Lee Street (near railway square)
SYDNEY NSW 2000

3. SPECIFY for the purposes of subparagraph 1205(3)(c)(iii) of the Regulations the following address:

Fax: + 61 2 9032 4055

This notice takes effect on and from 1 March 2003.

Dated

 13 February 2003.
Minister for Immigration and Multicultural and Indigenous Affairs

NOTE 1: Regulation 1.17 of the Regulations provides that the Minister may, by notice published in the *Gazette*, specify matters required by individual provisions of the Regulations to be specified for the purposes of those provisions.

NOTE 2: Paragraph 1205(3)(c) provides that an application by a person seeking to meet the criteria for the grant of a Subclass 420 (Entertainment) visa must be accompanied by a completed form 148 and must be made by: (i) posting the application (with the correct pre-paid postage) to the post office box address specified in a *Gazette Notice* for this subparagraph; or (ii) having the application delivered by a courier service to the address specified in a *Gazette Notice* for this subparagraph; or (iii) having the application sent by facsimile to the address specified in a *Gazette Notice* for this subparagraph.



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SPECIAL



Commonwealth of Australia

Migration Act 1958

Migration Regulations 1994

**SPECIFICATION OF FESTIVALS FOR THE PURPOSE OF SUB-SUBPARAGRAPH
1205(2)(a)(ii)(B) OF THE MIGRATION REGULATIONS 1994**

I, **PHILIP RUDDOCK**, Minister for Immigration and Multicultural and Indigenous Affairs, acting under regulation 1.17 and sub-subparagraph 1205(2)(a)(ii)(B) of the *Migration Regulations 1994* ("the Regulations") hereby:

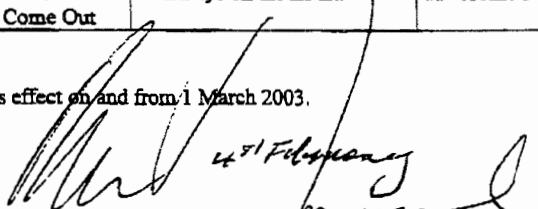
SPECIFY the following festivals for the purposes of sub-subparagraph 1205(2)(a)(ii)(B) of the Regulations:

Adelaide Festival of Arts	Adelaide Fringe Festival	WOMAdelaide Festival
Adelaide International Film Festival	Adelaide Cabaret Festival	Brisbane Festival
Sydney Festival	Festival of Darwin	Perth International Arts Festival
Melbourne Festival	Melbourne Fringe Festival	Melbourne International Comedy Festival
Melbourne International Jazz Festival	Wangaratta Festival of Jazz	Glenelg Jazz Festival
Australian Festival for Young People – Come Out	Ten Days on the Island	Awesome Festival

This notice takes effect on and from 1 March 2003.

Dated

2003.


Minister for Immigration and Multicultural and Indigenous Affairs

[NOTE 1: Regulation 1.17 provides that the Minister may, by notice published in the *Gazette*, specify matters required by individual provisions of the Regulations to be specified for the purposes of those provisions.

[NOTE 2: Sub-subparagraph 1205(2)(a)(ii)(B) provides that an applicant meets the requirements of this subparagraph if the purpose of the applicant's visit is to perform as an entertainer, or to assist in performances, and: (B) the applicant is sponsored to enter Australia for the purpose of performing at a festival specified by the Minister in a Gazette Notice for this sub-subparagraph.]



Notification of the making of Statutory Rules

The following Statutory Rules have been made and copies may be purchased at the Government Info Shop, 10 Mort Street, Canberra City, ACT, 2600. Telephone: (02) 6247 7211.

Copies may also be obtained from the following internet sites:

scaleplus.law.gov.au

frli.law.gov.au

Act under which the Statutory Rule was made	Description of the Statutory Rule	Year and number of the Statutory Rule
<i>Fisheries Levy Act 1984</i>	Fisheries Levy (Torres Strait Prawn Fishery) Amendment Regulations 2003 (No. 1)	2003 No. 1
<i>Primary Industries (Customs) Charges Act 1999</i>	Primary Industries (Customs) Charges Amendment Regulations 2003 (No. 1)	2003 No. 2
<i>Primary Industries (Excise) Levies Act 1999</i>	Primary Industries (Excise) Levies Amendment Regulations 2003 (No. 1)	2003 No. 3
<i>Australian Crime Commission Establishment Act 2002</i>	Australian Crime Commission Establishment (Transitional Provisions) Regulations 2003	2003 No. 4
<i>Air Navigation Act 1920</i>	Air Navigation Amendment Regulations 2003 (No. 1)	2003 No. 5
<i>Workplace Relations Act 1996</i>	Australian Industrial Relations Commission Amendment Rules 2003 (No. 1)	2003 No. 6



**Commonwealth
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SPECIAL



CIVIL AVIATION
SAFETY AUTHORITY
AUSTRALIA

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

The following Airworthiness Directive under subregulation 39.1 (1) of the *Civil Aviation Regulations 1998* will become effective on 14 February 2003:

Part 105 - Aircraft

AD/AMD 50/30 - Fire Extinguisher Selector Switches

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

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

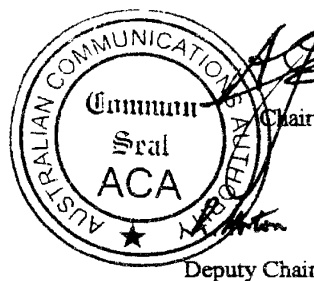
Phone: 02 6217 1854
Fax: 02 6217 1442
E-Mail: ERNST_O@CASA.GOV.AU
Internet Site: [HTTP://WWW.CASA.GOV.AU](http://WWW.CASA.GOV.AU)



Telecommunications (Date of Imposition of Charge) Determination 2003

The AUSTRALIAN COMMUNICATIONS AUTHORITY makes this Determination under subsection 18 (2) of the *Telecommunications (Numbering Charges) Act 1997*.

Dated *13 February* 2003



Australian Communications Authority

1 Name of Determination

This Determination is the *Telecommunications (Date of Imposition of Charge) Determination 2003*.

2 Commencement

This Determination commences on gazettal.

3 Date of imposition of charge

For subsection 18 (2) of the *Telecommunications (Numbering Charges) Act 1997*, 6 April 2003 is determined.

