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The date of publication of this Gazette is 11 January 2006

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**Australian Government**  
**Attorney-General's Department**  
Office of Legislative Drafting and Publishing

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**How to contact us**

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## General Information

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By hand or post: Gazette Office, Attorney General's Department, Cnr Kings Avenue and National Circuit, Barton ACT 2600.

By fax: (02) 6250 5995

By e-mail: [gazettes@ag.gov.au](mailto:gazettes@ag.gov.au).

Notices received before closing times will be accepted for publication in the next available issue of the *Gazette*, unless otherwise specified.

All notices lodged for publication must be accompanied by a covering note clearly setting out requirements. For the purposes of publication, electronic copy is preferred. However, publication of hard copy notices can be arranged. Further information is provided below.

### Publication of hard copy notices

Where a notice for publication includes a signature or other handwritten material that must appear in the published notice, a hard copy of the notice will be accepted for publication. The notice must be either an original or a good copy. Print should be confined to one side of the paper and sheets must be A4 size and numbered consecutively. Dates, proper names and signatures are to be shown clearly. An electronic copy of the notice should also be e-mailed to the Gazette Office.

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Where a notice for publication is provided in electronic form it should be provided in Word, RTF (Rich Text Format) or searchable PDF format.

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**Adelaide:** Service SA Government Legislation Outlet

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101 Grenfell Street

Adelaide SA 5000

Phone: 13 2324 Fax: (08) 8207 1949

**Sydney:** NSW Government Information

Ground Floor Goodsell Building

Cnr Hunter & Phillip Streets

Sydney NSW 2000

Phone: (02) 9238 0950 Fax: (02) 9228 7227

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When a *Special Gazette* is issued outside normal business hours, a copy of the Gazette will be posted on a noticeboard at the front entrance of the Attorney-General's Department, cnr Kings Avenue and National Circuit, Barton ACT 2600. Copies will be available on the next business day from CanPrint Communications, 16 Nyrang Street, Fyshwick ACT 2609.

**ALL REMITTANCES** should be made available to: Collector of Public Moneys, Attorney-General's Department.

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## Department of the House of Representatives

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### Acts of Parliament assented to

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It is hereby notified, for general information, that His Excellency the Governor-General, in the name of Her Majesty, assented on 14 December 2005 to the undermentioned Acts passed by the Senate and the House of Representatives in the Parliament assembled, viz.:

- No. 144 of 2005—An Act to amend the law relating to terrorist acts, and for other purposes. (*Anti-Terrorism Act (No. 2) 2005*).
- No. 145 of 2005—An Act to make provision in relation to the selection of a site for, and the establishment and operation of, a radioactive waste management facility, and for related purposes. (*Commonwealth Radioactive Waste Management Act 2005*).
- No. 146 of 2005—An Act to make amendments related to the *Commonwealth Radioactive Waste Management Act 2005*, and for related purposes. (*Commonwealth Radioactive Waste Management (Related Amendments) Act 2005*).
- No. 147 of 2005—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Act 2005*).
- No. 148 of 2005—An Act in respect of taxation measures relating to superannuation, and for related purposes. (*Tax Laws Amendment (Superannuation Contributions Splitting) Act 2005*).
- No. 149 of 2005—An Act to amend the *Indigenous Education (Targeted Assistance) Act 2000*, and for related purposes. (*Indigenous Education (Targeted Assistance) Amendment Act 2005*).
- No. 150 of 2005—An Act to amend the law relating to family and community services, and for related purposes. (*Family and Community Services Legislation Amendment (Welfare to Work) Act 2005*).
- No. 151 of 2005—An Act to amend the Pharmaceutical Benefits Scheme, and for related purposes. (*National Health Amendment (Budget Measures—Pharmaceutical Benefits Safety Net) Act 2005*).
- No. 152 of 2005—An Act to amend the *Telecommunications (Interception) Act 1979*, and for other purposes. (*Telecommunications (Interception) Amendment (Stored Communications and Other Measures) Act 2005*).
- No. 153 of 2005—An Act to amend the law relating to workplace relations, and for related purposes. (*Workplace Relations Amendment (Work Choices) Act 2005*).
- No. 154 of 2005—An Act to amend the social security law, and for other purposes. (*Employment and Workplace Relations Legislation Amendment (Welfare to Work and Other Measures) Act 2005*).

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## Acts of Parliament assented to

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It is hereby notified, for general information, that His Excellency the Administrator, in the name of Her Majesty, assented on 19 December 2005 to the undermentioned Acts passed by the Senate and the House of Representatives in the Parliament assembled, viz.:

- No. 155 of 2005—An Act to amend legislation relating to health, and for related purposes. (*Health Legislation Amendment Act 2005*).
- No. 156 of 2005—An Act to amend higher education legislation, and for related purposes. (*Higher Education Legislation Amendment (2005 Budget Measures) Act 2005*).
- No. 157 of 2005—An Act to amend the *Education Services for Overseas Students Act 2000*, and for related purposes. (*Education Services for Overseas Students Amendment Act 2005*).
- No. 158 of 2005—An Act to amend legislation relating to higher education, and for related purposes. (*Higher Education Legislation Amendment (2005 Measures No. 4) Act 2005*).
- No. 159 of 2005—An Act to amend the *Higher Education Support Act 2003*, and for related purposes. (*Higher Education Support Amendment (Abolition of Compulsory Up-front Student Union Fees) Act 2005*).
- No. 160 of 2005—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (2005 Measures No. 4) Act 2005*).
- No. 161 of 2005—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (Improvements to Self Assessment) Act (No. 2) 2005*).
- No. 162 of 2005—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (2005 Measures No. 5) Act 2005*).
- No. 163 of 2005—An Act to amend the *Health Insurance Act 1973*, and for related purposes. (*Health Insurance Amendment (Medicare Safety-nets) Act 2005*).
- No. 164 of 2005—An Act to amend the *European Bank for Reconstruction and Development Act 1990*, and for related purposes. (*European Bank for Reconstruction and Development Amendment Act 2005*).

IC HARRIS  
Clerk of the House of Representatives

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**Courts**

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*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 State or Territory as shown in the Schedule below; and
- (c) that any organisation or person 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 awards may be inspected free of charge 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 Common Rule Suffix\* Print No. of Variation)**

<b>Substance</b>	<b>Date of Effect</b>
<b>Airline Operations (Transport Workers') Award 1998 (C2005/113)</b> (AW768308CNV PR966789) Concerning an allowance in relation to an Australian Security Identity Card.	7 December 2005
<b>Australian Workers' Union Construction and Maintenance Award 2002 (C2005/1835)</b> (AW815828CRV PR966526) Redundancy.	10 November 2005
<b>Australian Workers' Union Construction and Maintenance Award 2002 (C2005/6018)</b> (AW815828CRV PR967018) Wage rates and classification structure	21 December 2005
<b>Australian Workers' Union Construction-on-Site and Civil Engineering (A.C.T.) Award 1999 (C2005/4705)</b> (AW765604CRA PR965507) Correction order	17 October 2005
<b>Brass, Copper and Non-Ferrous Metals Industry Award 1998 (C2005/4990))</b> (AW769405CRV PR965742) Correction order	11 November 2005
<b>Chemists (Australian Capital Territory) Award 2000 (C2005/5734))</b> (AW772207CRA PR966823) Family provisions.	16 December 2005
<b>Child Care Industry (Northern Territory) Award 2003 (C2005/5139)</b> (AW822177CRN PR966522) Award title; wage rates - classification structure; translation arrangements	15 December 2005
<b>Clerical and Administrative Employees (Northern Territory) Award 2000 (C2005/5367)</b> (AW839196CRN PR965720) Casual employment; conversion of casual employment.	24 November 2005
<b>Clerical and Administrative Employees (Victoria) Award 1999 (C2003/4199)</b> (AW773032CRV PR964975) Family provisions	11 November 2005
<b>Clerical and Administrative Staff - International Freight Forwarding and Customs Clearing Industry Award 2003 (C2005/5085)</b> (AW826032CRV PR966528) Family Provisions Full Bench decision of November 2005 [PR082005].	26 December 2005
<b>Clerks (Road Transport Industry) Award 2002 (C2005/5084)</b> (AW818787CRV PR966530) Family Provisions Full Bench decision of November 2005 [PR082005].	26 December 2005
<b>Commercial Sales (Victoria) Award 1999 (C2005/4608)</b> (AW772623CRV PR967138) Coverage of award and special class commercial travellers	9 December 2005
<b>Community Employment, Training and Support Services Award 1999 (C2005/5023)</b> (AW772299CRV PR965727) Correction order	25 November 2005
<b>Community Employment, Training and Support Services Award 1999 (C2005/5023)</b> (AW772299CRV PR965470) Revoking Respondency.	18 November 2005
<b>Entertainment and Broadcasting Industry - Actors - (Theatrical) Award 1998 (C2005/392)</b> (AW780413CR PR964763) safety net review May 2004 and June 2005 and increasing reimbursements allowances	7 November 2005

<b>Entertainment and Broadcasting Industry - Dance Company - Award 1998 (C2005/459)</b> (AW780410CAN PR966356) Safety Net Review – wages May 2004 and June 2005 and relevant allowances	8 December 2005
<b>Entertainment and Broadcasting Industry - Theatre Managers - Cinema - Award 1998 (C2005/5178)</b> (AW780630CRV PR966047) Correction order	2 December 2005
<b>Glass Industry - Glass Production - Award 1998 (C2003/6061)</b> (AW782190CRV PR967033) Casual employment.	20 December 2005
<b>Graphic Arts - General - Award 2000 (C2005/4064)</b> (AW782505CR PR966443) CORRECTION ORDER	26 October 2005
<b>Graphic Arts – General – Award 2000 (C2005/4064)</b> (AW782505CR PR965498) Classification Structure	26 October 2005
<b>Graphic Arts – General – Award 2000 (C2005/5025)</b> (AW782505CRA PR965143) Alteration of redundancy payment payable to former employee under award.	14 November 2005
<b>Graphic Arts — General — Award 2000 (C2003/5167)</b> (AW782505CR PR964986) Family provisions	11 November 2005
<b>Hairdressing and Beauty Services - Victoria - Award 2001 (C2005/5630)</b> (AW806816CRV PR966394) Safety Net Review - Wages June 2005 - allowances	8 December 2005
<b>Health Services Union of Australia (Private Pathology – Victoria) Award 2003 (C2004/6708)</b> (AW830802CRV PR966113) clauses relating to Public Holidays	7 December 2005
<b>Health Services Union of Australia (Victoria - Private Sector – Medical Scientists, Psychologists and Pharmacists) Award 2004 (C2004/6709)</b> (AW833755CRV PR966114) clauses relating to Public Holidays	7 December 2005
<b>Hydrocarbons and Gas (Production and Processing Employees) Award 2002 (C2005/5220)</b> (AW820493CRV PR965747) Casual loading.	24 November 2005
<b>Insurance Industry Award 1998 (C 32827/1993)</b> (AW784988CRV PR950550) Public holidays – non-standard hours arrangements.	28 October 2005
<b>Mannequins and Models Award 2000 (C2005/5635)</b> (AW808516CRV PR966993) Safety Net Review - Wages June 2005 - allowances	21 December 2005
<b>Medical Practitioners (Community Health Centres) Award 2002 (C2005/4779)</b> (AW816358CRV PR966065) Family provisions full bench decision of November 2005 [PR082005].	22 December 2005
<b>Metal, Engineering and Associated Industries Award 1998 (C2003/5142)</b> (AW789529CRV PR964989) Family provisions	11 November 2005
<b>Metal, Engineering and Associated Industries Award 1998 (C2005/5153)</b> (AW789529CRV PR965970) Tool Allowance - Tradepersons and Apprentices.	2 December 2005
<b>Metal, Engineering and Associated Industries Award 1998 (C2005/5155)</b> (AW789529CRV ) Classification Structure.	2 December 2005
<b>National Fast Food Retail Award 2000 (C2005/5589)</b> (AW806313CRV PR966844) Family provisions	9 December 2005
<b>National Fast Food Retail Award 2000 (C2005/5844)</b> (AW806313CRV PR966396) Safety Net Review - Wages June 2005 - allowances.	8 December 2005
<b>Northern Territory – Surveying Industry – Professional Surveyors and Other Survey Workers Award 2003 (C2005/5346)</b> (AW823386CRN PR965518) Safety Net Review – Wages June 2005	16 November 2005
<b>Nurses (Private Pathology Victoria) Award 2004 (C2005/4297)</b> (AW833250CRV PR965922) Family Provisions Decision	15 December 2005

<b>Nurses (Victorian Health Services) Award 2000 (C2005/4301)</b> (AW790805CRV PR966012) Work and Family Decision [PR082005].	15 December 2005
<b>Nurses Private Employment (A.C.T.) Award 2002 (C2005/2595)</b> (AW818792CRA PR965857) Classification structure – wage rates	29 November 2005
<b>Pastoral Industry Award 1998 (C2005/4167)</b> (AW792378CRV PR965928) Part-time and casual employees – entitlements	2 December 2005
<b>Retail and Wholesale Industry — Shop Employees — Australian Capital Territory — Award 2000 (C2003/5268)</b> (AW794740CRA PR964938) Family provisions	11 November 2005
<b>Shop, Distributive and Allied Employees Association - Victorian Pharmacy Assistants Award 2000 (C2005/5631)</b> (AW796289CRV PR966395) Safety Net Review - Wages June 2005 - allowances.	9 December 2005
<b>Shop, Distributive and Allied Employees Association - Victorian Shops Interim Award 2000 (C2005/4872)</b> (AW796250CRV PR964893) Responsendency	27 September 2005
<b>Shop, Distributive and Allied Employees Association - Victorian Shops Interim Award 2000 (C2005/5108)</b> (AW796250CRV PR966392) Safety Net Review - Wages June 2005 - allowances	8 December 2005
<b>Shop, Distributive and Allied Employees' Association - Hardware Retail Industry Award 1999 (C2005/5119)</b> (AW798407CRV PR966393) Safety Net Review - Wages June 2005 - allowances.	8 December 2005
<b>Social and Community Services Industry - Community Services Workers - Northern Territory Award 2002 (C2005/5374)</b> (AW817216CRN PR965721) Casual employment; conversion of casual employment.	24 November 2005
<b>Storage Services – General – Award 1999 (C2003/5168)</b> (AW796791CRV PR964982) Family provisions	11 November 2005
<b>Technical Services Professional Engineers (General Industries) Award 1998 (C2005/5118)</b> (AW800659CR PR967027) Responsendency.	21 December 2005
<b>THE Drilling and Exploration Industry (AWU) Award 1998 (C2005/5217)</b> (AW778713CRV PR965730) Casual employment	24 November 2005
<b>The Drilling and Exploration Industry (AWU) Award 1998 (C2005/5372)</b> (AW778713CRV PR966096) Safety Net Review - Wages June 2005 and related allowances	3 December 2005
<b>The Hospitality Industry - Accommodation, Hotels, Resorts and Gaming Award 1998 (C2005/3368)</b> (AW783479CRV PR966502) Family responsibilities - personal leave and parental leave; public holidays.	14 December 2005
<b>The Nurses (Victorian Medical Centres and Clinics) Award 2000 (C2005/4298)</b> (AW806312CRV PR965939) Work and Family Decision [PR082005].	15 December 2005
<b>The Vehicle Industry - Repair, Services and Retail - Award 2002 (C2004/1987)</b> (AW824308CRA PR965910) Rates of pay for casual driveway attendants, roadhouse attendants and console operators.	8 December 2005
<b>Transport Workers Award 1998 (C2005/393)</b> (AW799474CNV PR966109) Family Provisions Decision [PR082005] - Supported Wage Decision [PR961623].	19 December 2005
<b>Vehicle Industry - Repair, Services and Retail - Award 2002 (C2005/1339)</b> (AW824308CAV PR965931) Dispute resolution training leave.	29 November 2005
<b>Vehicle Industry Award 2000 (C2005/1338)</b> (AW801818CRV PR965929) Dispute resolution training leave.	29 November 2005
<b>Victorian Independent Schools – Early Childhood Teachers – Award 2004 (C2005/441)</b> (AW835765CRV PR967092) Variation to notice in term 1 2006	23 December 2005
<b>Victorian Independent Schools - Nurses - Award 2003 (C2005/4295)</b> (AW821844CRV PR965896) Family Provisions Decision [PR082005]	19 December 2005
<b>Victorian Independent Schools – Teachers – Award 1998 (C2005/442)</b>	

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(AW802001CRV PR967093)

Variation to notice in term 1 2006

23 December 2005

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29 December 2005

**ROSS McCARROLL**  
**DEPUTY INDUSTRIAL REGISTRAR**

\*Suffix      CR:    ACT, NT, Victoria

CRN:    NT  
CRV:    Victoria  
CRA:    ACT

CAV:    ACT, Victoria  
CAN:    ACT, NT  
CNV:    NT, Victoria

AW827785CRV PR964632

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
*Workplace Relations Act 1996*  
 s.141 application for common rule declaration  
**Australian Municipal, Administrative, Clerical and Services Union**  
 (C2005/3839)  
**CONTRACT CALL CENTRE INDUSTRY AWARD 2003**  
 (ODN C No. 31107 of 1993)  
 [AW827785 PR937368]

Telecommunications services  
 COMMISSIONER SMITH  
*Award declared common rule.*

MELBOURNE, 10 NOVEMBER 2005

**DECLARATION**

Further to the decision issued by the Commission on 10 November 2005 [PR964631] and pursuant to ss.141 and 493A of the *Workplace Relations Act 1996* (the Act), the Commission makes the following declaration for a common rule award:

1. In this Declaration:
  - 1.1 **the award** means the Contract Call Centre Industry Award 2003 as varied from time to time;
  - 1.2 **employees** means employees in the industry who perform work of a kind that is covered by the award, but not any person who is a director or manager of an employer or a person to whom such person has delegated the right to engage and terminate the employment of employees;
  - 1.3 **employers** means employers who employ employees;
  - 1.4 **the industry** means the contract call centre industry which means:
    - 1.4.1 any business whose principle function is supplying inbound or outbound customer contact services to a number of clients, on a contract basis, and whose business is independent of the client, and
    - 1.4.2 any business which supplies labour to a business in the contract call centre industry on a labour hire basis in respect of any such labour hire employees while engaged in the performance of work for a business in the contract call centre industry;
  - 1.5 **customer contact services** means any in-bound or out-bound work, including telephone sales, using the telephone or other telecommunication devices such as facsimiles, the internet or email.
2. That save for and subject to the matters referred to in clauses 4 to 11 below, the whole of the terms of the award except those specified in clause 3 below, shall be:
  - 2.1 a common rule for the industry in Victoria and known as the Contract Call Centre Industry Victorian Common Rule Declaration 2005;
  - 2.2 binding on all employers in respect of the employment by them of employees, subject to the provisions of Clause 4 herein;
  - 2.3 binding on all employees in the industry as defined; and
  - 2.4 binding on the Australian Municipal, Administrative, Clerical and Services Union, CPSU, the Community and Public Sector Union, the National Union of Workers and the registered organisations bound by the Award.
3. The following clauses of the award are not included in the Contract Call Centre Industry Victorian Common Rule Declaration 2005:
  - 3.1 Clause 5 - Commencement date of award and period of operation;
  - 3.2 Clause 6 - Coverage of award;
  - 3.3 Clause 7 - Parties bound.
4. The Contract Call Centre Industry Victorian Common Rule Declaration 2005 shall not apply to:
  - 4.1 A business or part of a business:
    - 4.1.1 which is not a business in the contract call centre industry (as defined);
    - 4.1.2 in which the customer contact services are carried out within that business and for that business, except in the case of a business in the contract call centre industry.
  - 4.2 A person employed by any of the following employers:
    - 4.2.1 Teletech International Pty Ltd 154 Pacific Highway, St Leonards NSW 2065;
    - 4.2.2 Salmat Teleservices Pty Ltd, 125 Miller Road, Chester Hill, NSW 2053;
    - 4.2.3 Salesforce Australia Pty Ltd, 33 Lincoln Square, South Carlton, Vic 3053.

The above employers are subject to an application to rope them into the Contract Call Centre Industry Award 2003. Following the determination of that application, an organisation bound by this Declaration is at liberty to apply for a variation to this Declaration or a new Declaration seeking to have all or any of these employers bound by this or a subsequent Declaration. Should such an application be made the employers have the right to support or oppose the application.
5. Subject to 5.1 to 5.5 below, all provisions in the Contract Call Centre Industry Victorian Common Rule Declaration 2005 are to operate from 15 August 2005.
  - 5.1 With respect to annual leave, only periods of annual leave commencing on or after 15 August 2005 attract leave loading.
  - 5.2 With respect to redundancy payments for employees of employers who have less than 15 employees, only service on or after 15 August 2005 is to be taken into account for the purpose of calculating 'service'.
  - 5.3 With respect to redundancy payments for employees of employers who have 15 employees or more, only service on or after 15 August 2004 is to be taken into account for the purpose of calculating 'service'. [Note: the agreement in respect of this issue is without prejudice to the position a party may put in roping-in proceedings.]
  - 5.4 Any accident make-up pay clause is to apply in relation to any injury on or after 3 August 2004.
  - 5.5 The wages clauses (including all allowances and penalty payments) are to commence operation from the first pay period on or after 15 August 2005.
6. The Contract Call Centre Industry Victorian Common Rule Declaration 2005 shall not apply to employers respondent by any means to any other award of the Commission in respect of the employment by them of employees covered by that award.
7. This declaration shall not apply to a person with a disability who is eligible for a Disability Support Pension and who is employed by a supported employment service that receives funding under the *Disability Services Act 1986* (Cth) to provide support for that person. [See Note 1 below.]
8. An employer who is making superannuation contributions into a complying superannuation fund, within the meaning of the *Superannuation Industry (Supervision) Act 1993* (Cth), on behalf of an employee covered by this declaration prior to the date of effect of this declaration is exempt from any provision in the award which specifies the fund or funds into which superannuation contributions are to be paid. [See Note 2 below.]
9. In the event of a dispute about the entitlement of an employer to set-off entitlements and benefits required to be provided under a contract of employment made prior to the date of this declaration against entitlements and benefits required to be provided under the Contract Call Centre Industry Victorian Common Rule Declaration 2005, the matter may be referred to a Board of Reference consisting of a Member of the Commission which shall determine whether or not such a set-off should be permitted having regard to what is fair and equitable in all the circumstances of the case, without regard to technicalities and legal forms.  
 An appeal lies from a decision of a Board of Reference to a Full Bench of the Commission.  
 This clause shall apply for a period of twelve months from the commencement date of the Contract Call Centre Industry Victorian Common Rule Declaration 2005.  
 Any registered organisation bound by the terms of the Contract Call Centre Industry Victorian Common Rule Declaration 2005 shall be notified of the time and date of hearing in relation to any application made pursuant to this provision.
10. Nothing in this declaration reduces or in any way detracts from any accrued rights to any forms of leave including sick leave, annual leave, long service leave or parental leave to which employees or any of them have become entitled by accrual or otherwise prior to the commencement date in clause 11 below.
11. This declaration shall be an award of the Commission, shall come into force on 15 August 2005 and shall remain in force for a period of 3 months and thereafter in accordance with the Act. [See Note 3 below.]

Note 1

1. Disability Support Pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided for under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme.

2. The intention of this provision is limited to preventing the award from applying to sheltered workshops (i.e. supported employment services) - it does not prevent the award from applying to employees with disabilities in open employment.
3. Leave is reserved for any party to have this issue reconsidered in the light of any developments in the national process which is currently considering workplace relations issues for sheltered workshops. This national process includes the Disability Sector National Industry Consultative Council and any related applications that seek award coverage for sheltered workshops.

Note 2

1. The purpose of the exception above is to maintain the status quo in respect of employers who, as at the date of effect of the common rule declaration, are making superannuation contributions into a complying superannuation fund. These employers will not be required to change their existing arrangements. Nor will there be any requirement for the existing arrangements to be the subject of an agreement between the employer and employees. For the avoidance of doubt, the exception continues to apply to employers who are making superannuation contributions to complying superannuation funds which are successor funds (as defined in Regulation 1.03 of the *Superannuation Industry (Supervision) Regulations 1994* (Cth), or as amended or replaced by other legislation) into which benefits are transferred, after the date of effect of the common rule declaration, in accordance with the *Superannuation Industry (Supervision) Act 1993* (Cth) and the Regulations thereunder. Further, "existing arrangements" includes the making of contributions to such funds.
2. The exception is in respect of current and future employees of the employers who are entitled to the benefit of the exemption.
3. The exception does not apply to new businesses which are established after the date on which the award is declared to have effect as a common rule.
4. The exception only applies to employers who are required to apply the terms of the award by virtue of the Common Rule declaration. It does not apply to employers who are named respondents to the award or who are parties bound by virtue of the membership of an employer organization.
5. The exception applies subject to any Commonwealth legislation to the contrary.

Note 3

1. Subject to s.113 of the *Workplace Relations Act 1996* and any order of the Commission, an award dealing with particular matters continues in force until a new award is made dealing with the same matters (see s.148 of the *Workplace Relations Act 1996* ).

BY THE COMMISSION:  
COMMISSIONER

AW819699CRV PR964733

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
*Workplace Relations Act 1996*  
s.141 application for common rule declaration  
**CPSU, the Community and Public Sector Union**  
(C2005/4042)  
**TELECOMMUNICATIONS SERVICES INDUSTRY AWARD 2002**

Telecommunications services  
COMMISSIONER SMITH  
*Award declared common rule.*

MELBOURNE, 28 NOVEMBER 2005

**DECLARATION**

Further to the decision issued by the Commission on 28 November 2005 [PR964731] and pursuant to ss.141 and 493A of the *Workplace Relations Act 1996* the Commission makes the following declaration for a common rule award:

1. In this Declaration:
  - 1.1 **the award** means the *Telecommunications Services Industry Award 2002* as varied from time to time;
  - 1.2 **employees** means employees who are engaged by a business in the telecommunications services industry and who perform work of a kind that is covered by the award;
  - 1.3 **employers** means employers who employ employees;
  - 1.4 **a business in the telecommunications services industry** means:
    - 1.4.1 Any business whose principal function is carrying on the supply of telecommunications services and includes any business whose principal function is the supply of value added telecommunications services;
    - 1.4.2 Any business whose principal function is incidental, ancillary or complementary to the supply of telecommunications services; and/or
    - 1.4.3 Any business which supplies labour to a business in the telecommunications services industry on a labour hire basis in respect of any such labour hire employees while engaged in the performance of work for a business in the telecommunications services industry.
2. That save for and subject to the matters referred to in clauses 4 to 11 below, the whole of the terms of the award except those specified in clause 3 below, shall be:
  - 2.1 a common rule for the industry in Victoria and known as the Telecommunications Services Industry Victorian Common Rule Declaration 2005;
  - 2.2 binding on all employers in respect of the employment by them of employees, subject to the provisions of Clause 4 herein;
  - 2.3 binding on all employees in the industry as defined; and
  - 2.4 binding on the CPSU, Community and Public Sector Union and the Communication and the Electrical, Electronic, Energy, Information, Postal and Allied Services Union of Australia and the registered organisations bound by the Award.
3. The following clauses of the award are not included in the Telecommunications Services Industry Victorian Common Rule Declaration 2005:
  - 3.1 Clause 5 - Commencement date of award and period of operation;
  - 3.2 Clause 6 - Coverage of award;
  - 3.3 Clause 7 - Parties bound.
4. The Telecommunications Services Industry Victorian Common Rule Declaration 2005 shall not apply to:
  - 4.1 employees in classifications other than those specified in clause 18 (Salaries and Classifications) of the award;
  - 4.2 employees in the metal and engineering industry;
  - 4.3 professional engineers, professional scientists and other professional employees;
  - 4.4 employees in the business equipment industry;
  - 4.5 electrical contractors and their employees;
  - 4.6 any business:
    - 4.6.1 Whose principal function is the manufacture and supply of telecommunications equipment and line whether or not such business also installs and maintains telecommunications equipment and line; and
    - 4.6.2 Whose principal function is the installation, service and/or maintenance of telecommunications equipment and line, unless the business also operates that equipment and line.
5. Subject to 5.1 to 5.5 below, all provisions in the Telecommunications Services Industry Victorian Common Rule Declaration 2005 are to operate from 29 August 2005.
  - 5.1 With respect to annual leave, only periods of annual leave commencing on or after 29 August 2005 attract leave loading.
  - 5.2 With respect to redundancy payments for employees of employers who have less than 15 employees, only service on or after 29 August 2005 is to be taken into account for the purpose of calculating 'service'.
  - 5.3 With respect to redundancy payments for employees of employers who have 15 employees or more, only service on or after 29 August 2004 is to be taken into account for the purpose of calculating 'service'. [Note: the agreement in respect of this issue is without prejudice to the position a party may put in roping-in proceedings.]
  - 5.4 Any accident make-up pay clause is to apply in relation to any injury on or after 3 August 2004.
  - 5.5 The wages clauses (including all allowances and penalty payments) are to commence operation from the first pay period on or after 29 August 2005.
6. The Telecommunications Services Industry Victorian Common Rule Declaration 2005 shall not apply to employers respondent by any means to any other award of the Commission in respect of the employment by them of employees covered by that award.

7. This declaration shall not apply to a person with a disability who is eligible for a Disability Support Pension and who is employed by a supported employment service that receives funding under the *Disability Services Act 1986* (Cth) to provide support for that person. [See Note 1 below.]
8. An employer who is making superannuation contributions into a complying superannuation fund, within the meaning of the *Superannuation Industry (Supervision) Act 1993* (Cth), on behalf of an employee covered by this declaration prior to the date of effect of this declaration is exempt from any provision in the award which specifies the fund or funds into which superannuation contributions are to be paid. [See Note 2 below.]
9. In the event of a dispute about the entitlement of an employer to set-off entitlements and benefits required to be provided under a contract of employment made prior to the date of this declaration against entitlements and benefits required to be provided under the Telecommunications Services Industry Victorian Common Rule Declaration 2005, the matter may be referred to a Board of Reference consisting of a Member of the Commission which shall determine whether or not such a set-off should be permitted having regard to what is fair and equitable in all the circumstances of the case, without regard to technicalities and legal forms.  
An appeal lies from a decision of a Board of Reference to a Full Bench of the Commission.  
This clause shall apply for a period of twelve months from the commencement date of the Telecommunications Services Industry Victorian Common Rule Declaration 2005.  
Any registered organisation bound by the terms of the Telecommunications Services Industry Victorian Common Rule Declaration 2005 shall be notified of the time and date of hearing in relation to any application made pursuant to this provision.
10. Nothing in this declaration reduces or in any way detracts from any accrued rights to any forms of leave including sick leave, annual leave, long service leave or parental leave to which employees or any of them have become entitled by accrual or otherwise prior to the commencement date in clause 11 below.
11. This declaration shall be an award of the Commission, shall come into force on 29 August 2005 and shall remain in force for a period of 3 months and thereafter in accordance with the Act. [See Note 3 below.]

Note 1

1. Disability Support Pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided for under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme.
2. The intention of this provision is limited to preventing the award from applying to sheltered workshops (i.e. supported employment services) - it does not prevent the award from applying to employees with disabilities in open employment.
3. Leave is reserved for any party to have this issue reconsidered in the light of any developments in the national process which is currently considering workplace relations issues for sheltered workshops. This national process includes the Disability Sector National Industry Consultative Council and any related applications that seek award coverage for sheltered workshops.

Note 2

1. The purpose of the exception above is to maintain the status quo in respect of employers who, as at the date of effect of the common rule declaration, are making superannuation contributions into a complying superannuation fund. These employers will not be required to change their existing arrangements. Nor will there be any requirement for the existing arrangements to be the subject of an agreement between the employer and employees. For the avoidance of doubt, the exception continues to apply to employers who are making superannuation contributions to complying superannuation funds which are successor funds (as defined in Regulation 1.03 of the *Superannuation Industry (Supervision) Regulations 1994* (Cth), or as amended or replaced by other legislation) into which benefits are transferred, after the date of effect of the common rule declaration, in accordance with the *Superannuation Industry (Supervision) Act 1993* (Cth) and the Regulations thereunder. Further, "existing arrangements" includes the making of contributions to such funds.
2. The exception is in respect of current and future employees of the employers who are entitled to the benefit of the exemption.
3. The exception does not apply to new businesses which are established after the date on which the award is declared to have effect as a common rule.
4. The exception only applies to employers who are required to apply the terms of the award by virtue of the Common Rule declaration. It does not apply to employers who are named respondents to the award or who are parties bound by virtue of the membership of an employer organisation.
5. The exception applies subject to any Commonwealth legislation to the contrary.

Note 3

1. Subject to s.113 of the *Workplace Relations Act 1996* and any order of the Commission, an award dealing with particular matters continues in force until a new award is made dealing with the same matters (see s.148 of the *Workplace Relations Act 1996*).

BY THE COMMISSION:  
COMMISSIONER

AW768636CRV PR965856

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
*Workplace Relations Act 1996*  
ss.141 and 493A application for common rule declaration  
**Australian Municipal, Administrative, Clerical and Services Union**  
(C2005/5147)

**AIRLINE OPERATIONS – CLERICAL AND ADMINISTRATIVE AWARD 1999**

Airline operations  
SENIOR DEPUTY PRESIDENT KAUFMAN  
*Award declared common rule in Victoria.*

MELBOURNE, 29 NOVEMBER 2005

**DECLARATION**

Further to the decision issued by the Commission on 16 November 2005 and pursuant to ss.141 and 493A of the *Workplace Relations Act 1996* the Commission makes the following declaration for a common rule award:

1. In this Declaration:
  - “**the award**” means the *Airlines Operations Clerical and Administrative Award 2003* as varied from time to time;
  - “**employees**” means employees in the industry who perform work of a kind that is covered by the award;
  - “**employers**” means employers who employ employees;
  - “**the industry**” means the airline operations industry which includes:  
in respect of the employers’ operations in or in relation to any occupations, trade or calling in relation to airline operations (including customer services, sales, administration, reservations, freight, maintenance, engineering, supply, passenger handling). and all their employees in the classifications set out in clause 18 – Classifications.

2. That save for and subject to the matters referred to in clauses 4 to 11 below, the whole of the terms of the award except those specified in clause 3 below, shall be:

- 2.1 a common rule for the industry in Victoria and known as the Airlines Operations Clerical and Administrative Victorian Common Rule Declaration 2005;
- 2.2 binding on all employers in respect of the employment by them of employees, subject to the provisions of Clause 4 herein;
- 2.3 binding on all employees in the industry as defined; and
- 2.4 binding on the Australian Municipal, Administrative, Clerical and Services Union a registered organization bound by the Award.

3. The following clauses of the award are not included in the Airline Operations Clerical and Administrative Victorian Common Rule Award 2005:

3.1 clause 5 - Commencement date of award and period of operation;

3.2 clause 6 - Coverage of award;

3.3 clause 7 of Parties bound.

4. The Airline Operations Clerical and Administrative Victorian Common Rule Award 2005 shall not apply to:

4.1 A business or part of a business:

- which is respondent by any means to any other award of the Commission in respect of the employment by them of employees covered by that award.

5. Subject to 5.1 to 5.5 below, all provisions in the Common Rule Award are to operate from 1 July 2005.

5.1 With respect to annual leave, only periods of annual leave commencing on or after 1 July 2005 attract leave loading.

5.2 With respect to redundancy payments for employees of employers who have less than 15 employees, only service on or after 1 July 2005 is to be taken into account for the purpose of calculating 'service'.

5.3 With respect to redundancy payments for employees of employers who have 15 employees or more, only service on or after 1 July 2004 is to be taken into account for the purpose of calculating 'service'. [Note: the agreement in respect of this issue is without prejudice to the position a party may put in roping-in proceedings.]

5.4 Any accident make-up pay clause is to apply in relation to any injury on or after 3 August 2004.

5.5 The wages clauses (including all allowances and penalty payments) are to commence operation from the first pay period on or after 1<sup>st</sup> August 2005.

6. The Airline Operations Clerical and Administrative Victorian Common Rule Award 2005 shall not apply to employers respondent by any means to any other award of the Commission in respect of the employment by them of employees covered by that award.

7. This declaration shall not apply to a person with a disability who is eligible for a Disability Support Pension and who is employed by a supported employment service that receives funding under the *Disability Services Act 1986* (Cth) to provide support for that person. [See Note 1 below.]

8. An employer who is making superannuation contributions into a complying superannuation fund, within the meaning of the *Superannuation Industry (Supervision) Act 1993* (Cth), on behalf of an employee covered by this declaration prior to the date of effect of this declaration is exempt from any provision in the award which specifies the fund or funds into which superannuation contributions are to be paid. [See Note 2 below.]

9. In the event of a dispute about the entitlement of an employer to set-off entitlements and benefits required to be provided under a contract of employment made prior to the date of this declaration against entitlements and benefits required to be provided under the Airline Operations Clerical and Administrative Victorian Common Rule Award 2005, the matter may be referred to a Board of Reference consisting of a Member of the Commission which shall determine whether or not such a set-off should be permitted having regard to what is fair and equitable in all the circumstances of the case, without regard to technicalities and legal forms.

An appeal lies from a decision of a Board of Reference to a Full Bench of the Commission.

This clause shall apply for a period of twelve months from the commencement date of the Airline Operations Clerical and Administrative Victorian Common Rule Award 2005.

Any registered organization bound by the terms of the Airline Operations Clerical and Administrative Victorian Common Rule Award 2005 shall be notified of the time and date of hearing in relation to any application made pursuant to this provision.

10. Nothing in this declaration reduces or in any way detracts from any accrued rights to any forms of leave including sick leave, annual leave, long service leave or parental leave to which employees or any of them have become entitled by accrual or otherwise prior to the commencement date in clause 11 below.

11. This declaration shall be an award of the Commission, shall come into force on 16 November 2005 and shall remain in force for a period of 3 months and thereafter in accordance with the Act. [See Note 3 below.]

BY THE COMMISSION:  
SENIOR DEPUTY PRESIDENT  
Note 1

1. Disability Support Pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided for under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme.

2. The intention of this provision is limited to preventing the award from applying to sheltered workshops (i.e. supported employment services) - it does not prevent the award from applying to employees with disabilities in open employment.

3. Leave is reserved for any party to have this issue reconsidered in the light of any developments in the national process which is currently considering workplace relations issues for sheltered workshops. This national process includes the Disability Sector National Industry Consultative Council and any related applications that seek award coverage for sheltered workshops.

Note 2

1. The purpose of the exception above is to maintain the status quo in respect of employers who, as at the date of effect of the common rule declaration, are making superannuation contributions into a complying superannuation fund. These employers will not be required to change their existing arrangements. Nor will there be any requirement for the existing arrangements to be the subject of an agreement between the employer and employees. For the avoidance of doubt, the exception continues to apply to employers who are making superannuation contributions to complying superannuation funds which are successor funds (as defined in Regulation 1.03 of the *Superannuation Industry (Supervision) Regulations 1994* (Cth), or as amended or replaced by other legislation) into which benefits are transferred, after the date of

effect of the common rule declaration, in accordance with the *Superannuation Industry (Supervision) Act 1993* (Cth) and the Regulations thereunder. Further, "existing arrangements" includes the making of contributions to such funds.

2. The exception is in respect of current and future employees of the employers who are entitled to the benefit of the exemption.
3. The exception does not apply to new businesses which are established after the date on which the award is declared to have effect as a common rule.
4. The exception only applies to employers who are required to apply the terms of the award by virtue of the Common Rule declaration. It does not apply to employers who are named respondents to the award or who are parties bound by virtue of the membership of an employer organisation.
5. The exception applies subject to any Commonwealth legislation to the contrary.

#### Note 3

Subject to s.113 of the *Workplace Relations Act 1996* and any order of the Commission, an award dealing with particular matters continues in force until a new award is made dealing with the same matters (see s.148 of the *Workplace Relations Act 1996*).

AW818988CRN PR966752

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
*Workplace Relations Act 1996*  
s.141 – application for common rule declaration  
**Liquor, Hospitality and Miscellaneous Union**  
(C2005/5140)

**ABORIGINAL ORGANISATIONS HEALTH AND RELATED SERVICES (NORTHERN TERRITORY) AWARD 2002**

Northern Territory  
COMMISSIONER LAWSON  
*Award declared common rule.*

SYDNEY, 15 DECEMBER 2005

#### DECLARATION

1. That the Aboriginal Organisations Health and Related Services (Northern Territory) Award 2002 as varied shall be a common rule of the Aboriginal health and related services industry in the Northern Territory and shall be binding on all Aboriginal employer bodies which are independent, Aboriginal controlled and owned communities, organisations and business enterprises in the health industry and related services which predominately deal with substance abuse and shall also be binding on all employees in the classification for whom provision has been made in the said award.
2. The declaration shall not apply to:
  - a) any employer or employee in a classification which requires registration as a medical practitioner in the Northern Territory;
  - b) any employer in respect of any employee in public sector employment;
  - c) persons engaged in classes of work who are covered by an award and/or industrial agreement registered in the Australian Industrial Relations Commission including the Social and Community Services Industry – Community Services Workers – Northern Territory Award 2002.
3. The foregoing declaration shall operate from midnight of 15 December 2005.

BY THE COMMISSIONER:  
COMMISSIONER

AW838003CRV PR967107

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION  
*Workplace Relations Act 1996*  
s.141 and s.493A application for common rule declaration  
**Australian Municipal, Administrative, Clerical and Services Union**  
(C2005/5859)

**FITNESS RECREATION AND LEISURE FACILITIES - LOCAL GOVERNMENT CONTRACTORS AWARD 2004**

Local government administration  
COMMISSIONER GRAINGER  
*Award declared common rule.*

MELBOURNE, 23 DECEMBER 2005

#### DECLARATION

Further to the decision issued in transcript by the Commission on 20 December 2005 and pursuant to ss.141 and 493A of the *Workplace Relations Act 1996* (the Act), the Commission makes the following declaration for a common rule award:

1. In this Declaration:
  - 1.1 **the award** means the Fitness Recreation and Leisure Facilities - Local Government Contractors Award 2004 as varied from time to time;
  - 1.2 **employees** means employees in the industry who perform work of a kind that is covered by the award;
  - 1.3 **employers** means employers who employ employees;
  - 1.4 **the industry** means contracts tendered out by Local Government, to provide the management and/or operation of facilities involving work of a fitness and/or recreation and/or leisure and/or aquatic nature, but does not include stand alone childcare facilities, golf courses, adventure golf facilities, hospitality/function centres or tennis courts.
2. That save for and subject to the matters referred to in clauses 4 to 7 below, the whole of the terms of the award, as varied from time to time, except those specified in clause 3 below, shall be:
  - 2.1 a common rule for the industry in Victoria and known as the Fitness Recreation and Leisure Facilities - Local Government Contractors - Victorian Common Rule Declaration 2005;
  - 2.2 binding on all employers in respect of the employment by them of employees;
  - 2.3 binding on all employees; and
  - 2.4 binding on Australian Municipal, Administrative, Clerical and Services Union.
3. The following clauses of the award are not included in the Fitness Recreation and Leisure Facilities - Local Government Contractors - Victorian Common Rule Declaration 2005:
  - 3.1 clause 3 – Coverage of award;
  - 3.2 clause 5 – Date of Operation;
  - 3.3 clause 6- Parties bound, insofar as it refers to employers bound by the award.
4. The Fitness, Recreation and Leisure Facilities Local Government Contractors Victorian - Common Rule Declaration 2005 shall not apply to employer's respondent by any means to any other award of the Commission in respect of the employment by them of employees covered by that award.
5. Subject to 5.1 to 5.5 below, all provisions in the Fitness, Recreation and Leisure Facilities Local Government Contractors - Victorian Common Rule Declaration 2005 are to operate from 20 December 2005.
  - 5.1 With respect to annual leave, only periods of annual leave commencing on or after 20 December 2005 attract leave loading.
  - 5.2 With respect to redundancy payments for employees of employers who have fewer than 15 employees, only service on or after 20 December 2005 is to be taken into account for the purpose of calculating 'service'.

- 5.3 With respect to redundancy payments for employees of employers who have 15 employees or more, only service on or after 20 December 2004 is to be taken into account for the purpose of calculating **service**. [Note: the agreement in respect of this issue is without prejudice to the position a party may put in ropping-in proceedings.]
- 5.4 Any accident make-up pay clause is to apply in relation to any injury on or after 20 December 2005.
- 5.5 The wages clauses (including all allowances and penalty payments) are to commence operation from the first pay period on or after 20 December 2005.
6. This declaration shall not apply to a person with a disability who is eligible for a Disability Support Pension and who is employed by a supported employment service that receives funding under the *Disability Services Act 1986* to provide support for that person. [See Note 1 below.]
7. An employer who is making superannuation contributions into a complying superannuation fund, within the meaning of the *Superannuation Industry (Supervision) Act 1993* (Cth), on behalf of an employee covered by this declaration, prior to the date of effect of this declaration is exempt from any provision in the award which specifies the fund or funds into which superannuation contributions are to be paid.
8. In the event of a dispute about the entitlement of an employer to set-off entitlements and benefits provided under a contract of employment made prior to the date of this declaration against entitlements and benefits required to be provided under the Fitness, Recreation and Leisure Facilities - Local Government Contractors Victorian Common Rule Declaration 2005, the matter may be referred to a Board of Reference, consisting of a member of the Commission, which shall determine whether or not such a set-off should be permitted having regard to what is fair and equitable in all the circumstances of the case, without regard to technicalities and legal forms.
- 8.1 An appeal lies from a decision of a Board of Reference to a Full Bench of the Commission.
- 8.2 This clause shall apply for a period of twelve months from the commencement date of the Fitness, Recreation and Leisure Facilities - Local Government Contractors Victorian Common Rule Declaration 2005.
- 8.3 Any registered organisation bound by the terms of the Fitness, Recreation and Leisure Facilities - Local Government Contractors Victorian Common Rule Declaration 2005 shall be notified of the time and date of hearing in relation to any application made pursuant to this provision.
9. Nothing in this declaration reduces or in any way detracts from any accrued rights to any forms of leave including sick leave, annual leave, long service leave or parental leave to which employees or any of them have become entitled by accrual or otherwise prior to the commencement date in clause 10 below.
10. This declaration shall be an award of the Commission, shall come into force on 20 December 2005 and shall remain in force for a period of three months and thereafter in accordance with the Act.

**Note 1**

1. Disability Support Pension means the Commonwealth pension scheme to provide income security for persons with a disability as provided for under the *Social Security Act 1991* (Cth), as amended from time to time, or any successor to that scheme.
2. The intention of this provision is limited to preventing the award from applying to sheltered workshops (i.e. supported employment services) - it does not prevent the award from applying to employees with disabilities in open employment.
3. Leave is reserved for any party to have this issue reconsidered in the light of any developments in the national process which is currently considering workplace relations issues for sheltered workshops. This national process includes the Disability Sector National Industry Consultative Council and any related applications that seek award coverage for sheltered workshops.

**Note 2**

1. The purpose of the exception above is to maintain the status quo in respect of employers who, as at the date of effect of the common rule declaration, are making superannuation contributions into a complying superannuation fund. These employers will not be required to change their existing arrangements. Nor will there be any requirement for the existing arrangements to be the subject of an agreement between the employer and employees. For the avoidance of doubt, the exception continues to apply to employers who are making superannuation contributions to complying superannuation funds which are successor funds (as defined in Regulation 1.03 of the *Superannuation Industry (Supervision) Regulations 1994* (Cth), or as amended or replaced by other legislation) into which benefits are transferred, after the date of effect of the common rule declaration, in accordance with the *Superannuation Industry (Supervision) Act 1993* (Cth) and the Regulations thereunder. Further, "existing arrangements" includes the making of contributions to such funds.
2. The exception is in respect of current and future employees of the employers who are entitled to the benefit of the exemption.
3. The exception does not apply to new businesses which are established after the date on which the award is declared to have effect as a common rule.
4. The exception only applies to employers who are required to apply the terms of the award by virtue of the Common Rule declaration. It does not apply to employers who are named respondents to the award or who are parties bound by virtue of their membership of an employer organisation.
5. The exception applies subject to any Commonwealth legislation to the contrary.

**Note 3**

Subject to s.113 of the *Workplace Relations Act 1996* and any order of the Commission, an award dealing with particular matters continues in force until a new award is made dealing with the same matters (see s.148 of the *Workplace Relations Act 1996*).

FORM R56/58 Regulation 16

***Workplace Relations Act 1996***

**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

**NOTICE OF APPLICATION FOR COMMON RULE DECLARATION**

IN the matter of:

**TEACHERS (NON-GOVERNMENT SCHOOLS) (ACT) AWARD 1999**

(O.D.N. C No. 90024 of 1991)

[AW799560 Print R8488]

(C2005/5745)

Notice is given that the Independent Education Union of Australia has made application for a declaration that the terms hereinafter mentioned be a common rule:

\* in the Australian Capital Territory for the Educational services industry.

A copy of the award may be inspected free of charge at the Australian Industrial Registry in any capital city.

The above matter is listed for Hearing before Commissioner Deegan at:

10.00AM

Monday, 30 January 2006

Australian Industrial Relations Commission

CML Building

17-21 University Avenue

Canberra

Any person or organisation seeking to be heard at the hearing of the application must, at least 3 days before the hearing date, file with the Australian Industrial Registry in any capital city, a notice in accordance with Form R57; and shall, as soon as is practicable before the hearing, serve a copy of the notice on the applicant.

Persons and organisations not so appearing or represented will be bound by any declaration made by the Commission in the matter which is applicable to them.

Terms to which the application applies:

1. The whole of the award as varied, with the exception of clause 6.4.2, is to be declared.

Dated: 5 January 2006

BY THE COMMISSION  
COMMISSIONER DEEGAN

FORM R56/58 Regulation 16

***Workplace Relations Act 1996***

**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

**NOTICE OF APPLICATION FOR COMMON RULE DECLARATION**

IN the matter of:

**INDEPENDENT SCHOOLS' SUPPORT STAFF (ACT) AWARD 1999**

(O.D.N. C No. 90227 of 1996)

[AW785192 Print R7615]

(C2005/5842)

Notice is given that the Independent Education Union of Australia has made application for a declaration that the terms hereinafter mentioned be a common rule:

\* in the Australian Capital Territory for the Educational services industry, except that it will not apply to Catholic Archdiocesan schools.

A copy of the award may be inspected free of charge at the Australian Industrial Registry in any capital city.

The above matter is listed for Hearing before Commissioner Deegan at:

10.00 AM  
Monday, 30 January 2006  
Australian Industrial Relations Commission  
CML Building  
17-21 University Avenue  
Canberra

Any person or organisation seeking to be heard at the hearing of the application must, at least 3 days before the hearing date, file with the Australian Industrial Registry in any capital city, a notice in accordance with Form R57; and shall, as soon as is practicable before the hearing, serve a copy of the notice on the applicant.

Persons and organisations not so appearing or represented will be bound by any declaration made by the Commission in the matter which is applicable to them.

Terms to which the application applies:

1. The whole of the award as varied is to be declared.

Dated: 5 January 2006

BY THE COMMISSION  
COMMISSIONER DEEGAN

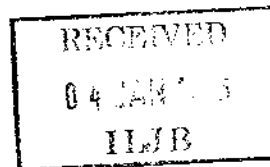
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**Government Departments**

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**Attorney-General**

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## Approval of legal aid schemes and services

*Family Law Regulations 1984, Federal Court of Australia Regulations 2004, Federal Magistrates Regulations 2000, High Court of Australia (Fees) Regulations 2004*

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I, PHILIP MAXWELL RUDDOCK, Attorney-General:

- (a) acting under paragraphs 11 (7) (c) and 16 (3) (a) of the *Family Law Regulations 1984*, revoke the Approval made under those Regulations on 30 December 1997; and
- (b) approve the legal aid schemes and services set out in Schedule 1 for the purposes of each of the following provisions:
  - (i) paragraph 11 (7) (c) of the *Family Law Regulations 1984*;
  - (ii) paragraph 16 (3) (a) of the *Family Law Regulations 1984*;
  - (iii) paragraph 1 (1) (a) of Schedule 3 to the *Federal Court of Australia Regulations 2004*;
  - (iv) paragraph 8 (1) (a) of the *Federal Magistrates Regulations 2000*;
  - (v) paragraph 9 (1) (a) of the *High Court of Australia (Fees) Regulations 2004*.

This Approval commences on gazettal.

Dated 21 December 2005

Attorney-General

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Schedule 1      Approved legal aid schemes and services  
Part 1          New South Wales

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## **Schedule 1      Approved legal aid schemes and services**

### **Part 1          New South Wales**

<b>Item</b>	<b>Legal aid scheme or service</b>
101	Binaal Billa Family Violence Legal Service
102	Blue Mountains Community Legal Centre
103	Bourke/Brewarrina Family Violence Prevention Legal Service
104	Central Coast Legal Centre
105	Central-Southern Aboriginal Corporation for Wiradjuri Legal Service, Accounting and Management Services
106	Coalition of Aboriginal Legal Services New South Wales Limited
107	Consumer Credit Legal Centre (NSW)
108	Court Support Scheme
109	Disability Discrimination Legal Centre (NSW)
110	Domestic Violence Advocacy Service
111	Environmental Defenders Office NSW
112	Far West Community Legal Centre
113	Hawkesbury Nepean Community Legal Centre
114	HIV/AIDS Legal Centre (NSW)
115	Hunter Community Legal Centre
116	Illawarra Legal Centre
117	Immigration Advice and Rights Centre
118	Inner City Legal Centre
119	Kamilaroi Aboriginal Legal Service Incorporated
120	Kamilaroi Family Violence Prevention Service
121	Kingsford Legal Centre
122	Macarthur Legal Centre
123	Macquarie Legal Centre
124	Many Rivers Legal and Administrative Services
125	Many Rivers Violence Prevention Unit
126	Marrickville Legal Centre
127	Mt Druitt and Area Community Legal Centre
128	National Children's & Youth Law Centre
129	Northern Rivers Community Legal Centre

Approved legal aid schemes and services  
VictoriaSchedule 1  
Part 2

Item	Legal aid scheme or service
130	North & North West Community Legal Service
131	Public Interest Advocacy Centre
132	Redfern Legal Centre
133	Shoalcoast Community Legal Centre
134	South Eastern Aboriginal Legal Service Incorporated
135	South West Sydney Legal Centre
136	Sydney Regional Aboriginal Corporation Legal Service
137	Tenants Union of NSW
138	The Aged-Care Rights Service
139	Walanbaa Yinnar Wahroo-Walgett Family Violence Prevention Unit
140	Welfare Rights Centre (NSW)
141	Western Aboriginal Legal Service Limited
142	Western NSW Community Legal Centre
143	Wurringa Baiya Aboriginal Women's Legal Centre
144	Women's Legal Services (NSW)

**Part 2      Victoria**

Item	Legal aid scheme or service
201	Aboriginal Family Violence Prevention and Legal Service Victoria
202	Albury-Wodonga Community Legal Service
203	Brimbank Melton Community Legal Centre
204	Broadmeadows Community Legal Service
205	Casey Cardinia Community Legal Service
206	Central Highlands Community Legal Centre
207	Coburg-Brunswick Community Legal Centre
208	Community Connections (VIC)
209	Consumer Credit Legal Service (VIC)
210	Darebin Community Legal Centre
211	Disability Discrimination Legal Service (Victoria)
212	Eastern Community Legal Centre
213	Environment Defenders Office (Victoria)
214	Essendon Community Legal Centre
215	Family Law Legal Service
216	Fitzroy Legal Service
217	Flemington-Kensington Community Legal Centre

Schedule 1      Approved legal aid schemes and services  
Part 3          Queensland

Item	Legal aid scheme or service
218	Footscray Community Legal Centre
219	Geelong Community Legal Service
220	Gippsland Community Legal Service
221	Homeless Persons Legal Clinic
222	Loddon Campaspe Project Community Legal Centre Advocacy and Rights Centre
223	Mental Health Legal Centre
224	Mildura Aboriginal Corporation Indigenous Family Violence Prevention Legal Service
225	Monash Oakleigh Legal Service
226	Murray Mallee Community Legal Service
227	North Melbourne Legal Service
228	Peninsula Community Legal Centre
229	Refugee and Immigration Legal Centre
230	Springvale Community Aid and Advice Bureau
231	Springvale Monash Legal Service
232	St Kilda Legal Service Co-op Ltd
233	Tenants Union of Victoria
234	Victorian Aboriginal Legal Service Co-operative Ltd
235	Welfare Rights Unit (VIC)
236	Werribee Legal Service
237	Western Suburbs Legal Service (VIC)
238	West Heidelberg Legal Service
239	Whittlesea Community Legal Service
240	Women's Legal Service Victoria
241	Youthlaw – Young People's Legal Rights Centre Victoria

**Part 3      Queensland**

Item	Legal aid scheme or service
301	Aboriginal and Torres Strait Islander Community Legal Services (Townsville and Surrounding Districts) Ltd
302	Aboriginal and Torres Strait Islander Women's Legal & Advocacy Service
303	Aboriginal & Torres Strait Islander Legal Service (QLD South) Ltd
304	Bayside Community Legal Service
305	Cairns Community Legal Service
306	Cape York Family Violence Prevention Legal Unit Aboriginal Corporation

Approved legal aid schemes and services  
QueenslandSchedule 1  
Part 3

Item	Legal aid scheme or service
307	Care Goondiwindi Incorporated
308	Caxton Legal Centre
309	Central Queensland Community Legal Service
310	Citizens Advice Bureau and Highway Legal Service
311	Environmental Defenders Office
312	Environmental Defenders Office of North Queensland
313	Ghin.Gil Family Violence Prevention Legal Service Rockhampton
314	Hervey Bay Neighbourhood Centre – Taylor Street Community Legal Centre
315	Indigenous Family Violence Legal Outreach Unit North Queensland
316	Logan Legal Advice Centre
317	Logan Youth Legal Service
318	Mackay Regional Community Legal Service
319	Mount Isa Indigenous Families Support Unit
320	North Queensland Women's Legal Service
321	Nundah Community Legal Centre
322	Peninsula Community Legal Service
323	Pine Rivers Welfare Association – Petrie Community Legal Service
324	Prisoners Legal Service
325	Refugee and Immigration Legal Service
326	Roma Community Legal Service
327	Roma Legal Service Unit Aboriginal and Torres Strait Islander Family Violence Prevention
328	South West Brisbane Community Legal Service
329	Suncoast Community Legal Service
330	Tenants Union of Queensland
331	Toowoomba Community Legal Service
332	Townsville Community Legal Service
333	Welfare Rights Centre (QLD)
334	Western Queensland Justice Network
335	Women's Legal Service (QLD)
336	Youth Advocacy Centre

Schedule 1	Approved legal aid schemes and services
Part 4	Western Australia

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## Part 4      Western Australia

Item	Legal aid scheme or service
401	Aboriginal Legal Service of Western Australia, Inc
402	Albany Community Legal Centre
403	Bunbury Community Legal Centre
404	Carnarvon Family Violence Prevention Legal Service
405	Consumer Credit Legal Service (WA)
406	East Kimberley Family Violence Prevention Legal Service
407	Environmental Defender's Office WA
408	Fremantle Community Legal Service
409	Geraldton Family Advocacy Service
410	Geraldton Resource Centre
411	Goldfields Community Legal Centre
412	Gosnells Community Legal Centre
413	Kimberley Community Legal Services
414	Marninwarntikura Family Violence Prevention Unit
415	Mental Health Law Centre
416	Multicultural Services Centre of WA
417	Ngaanyatjarra Pitjantjatjara Yankunytjatjara Domestic and Family Violence Service
418	Northern Suburbs Community Legal Centre
419	Peel Community Legal Service
420	Pilbara Community Legal Service
421	Port Hedland Family Violence Prevention Legal Service
422	Southern Communities Advocacy Legal & Education Service
423	Sussex Street Community Law Service
424	Tenants Advice Service    WA
425	Thungula Goothada Family Support Legal Centre
426	Welfare Rights and Advocacy Service
427	Women's Law Centre WA
428	Youth Legal Service

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Approved legal aid schemes and services  
Australian Capital TerritorySchedule 1  
Part 7**Part 5 South Australia**

Item	Legal aid scheme or service
501	Aboriginal Legal Rights Movement Incorporated
502	Ceduna Aboriginal Family Violence Prevention Legal Service
503	Central Community Legal Service
504	Environmental Defender's Office (SA)
505	Ngaanyatjarra Pitjantjatjara Yankunytjatjara Domestic and Family Violence Service
506	Northern Community Legal Service
507	Riverland Community Legal Service
508	South East Community Legal Service
509	Southern Community Justice Centre
510	Warndu Wathilli-Carri Ngura Aboriginal Family Violence Legal Service
511	Welfare Rights Centre (SA)
512	WestSide Community Lawyers
513	WestSide Community Lawyers Spencer Gulf
514	Wirraka Maya Health Service Aboriginal Corporation
515	Women's Legal Service SA

**Part 6 Tasmania**

Item	Legal aid scheme or service
601	Environmental Defenders Office (Tas)
602	Hobart Community Legal Service
603	Launceston Community Legal Centre
604	North West Community Legal Centre
605	Tasmanian Aboriginal Centre Incorporated
606	Tenants Union of Tasmania
607	Women's Legal Service Tasmania

**Part 7 Australian Capital Territory**

Item	Legal aid scheme or service
701	Environmental Defenders Office ACT
702	The Canberra Welfare Rights and Legal Centre
703	Women's Legal Centre ACT

Schedule 1      Approved legal aid schemes and services  
Part 8          Northern Territory

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## **Part 8          Northern Territory**

<b>Item</b>	<b>Legal aid scheme or service</b>
801	Aboriginal Women's Outreach Unit
802	Central Australian Aboriginal Family Legal Unit
803	Central Australian Aboriginal Legal Aid Service Incorporated
804	Central Australian Women's Legal Service
805	Darwin Community Legal Service
806	Environmental Defenders Office NT
807	Katherine Aboriginal Families' Support Unit
808	Katherine Regional Aboriginal Legal Aid Service Incorporated
809	Katherine Women's Information and Legal Service
810	Miwatj Aboriginal Legal Service Aboriginal Corporation
811	Ngaanyatjarra Pitjantjatjara Yankunytjatjara Domestic and Family Violence Service
812	North Australian Aboriginal Legal Aid Service Incorporated
813	Regional Aboriginal Family Violence Unit
814	Top End Women's Legal Service

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COMMONWEALTH OF AUSTRALIA  
CUSTOMS ACT 1901

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

I, John Fenning, 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	14/12/05	15/12/05	16/12/05	17/12/05	18/12/05	19/12/05	20/12/05
-----								
Brazil	Real	1.7029	1.7112	1.7138	1.7138	1.7138	1.7390	1.7596
Canada	Dollar	.8654	.8684	.8639	.8639	.8639	.8628	.8639
China	Yuan	6.0806	6.0882	6.0209	6.0209	6.0209	6.0078	5.9688
Denmark	Kroner	4.6883	4.6870	4.6474	4.6474	4.6474	4.6161	4.5991
European Union	Euro	.6291	.6288	.6235	.6235	.6235	.6192	.6163
Fiji	Dollar	1.2894	1.2890	1.2809	1.2809	1.2809	1.2830	1.2773
Hong Kong	Dollar	5.8422	5.8493	5.7846	5.7846	5.7846	5.7722	5.7349
India	Rupee	34.6685	34.4605	33.8874	33.8874	33.8874	33.7319	33.3157
Indonesia	Rupiah	7378.0000	7394.0000	7340.0000	7340.0000	7340.0000	7362.0000	7285.0000
Israel	Shekel	3.4548	3.4583	3.4244	3.4244	3.4244	3.4069	3.4083
Japan	Yen	90.0500	88.5300	86.4700	86.4700	86.4700	86.2100	86.0300
Korea	Won	768.8600	764.1500	755.6600	755.6600	755.6600	755.0100	750.9500
Malaysia	Ringgit	2.8440	2.8505	2.8169	2.8169	2.8169	2.8136	2.7958
New Zealand	Dollar	1.0662	1.0667	1.0800	1.0800	1.0800	1.0785	1.0751
Norway	Kroner	4.9959	5.0066	4.9554	4.9554	4.9554	4.9403	4.9378
Pakistan	Rupee	45.0500	45.1400	44.6500	44.6500	44.6500	44.6000	44.2900
Papua NG	Kina	2.3149	2.3203	2.2960	2.2960	2.2960	2.2911	2.2763
Philippines	Peso	40.3700	40.2600	39.7100	39.7100	39.7100	39.7200	39.5200
Singapore	Dollar	1.2600	1.2594	1.2442	1.2442	1.2442	1.2394	1.2294
Solomon Is.	Dollar	5.6654	5.6729	5.6105	5.6105	5.6105	5.6027	5.5666
South Africa	Rand	4.7284	4.7662	4.8018	4.8018	4.8018	4.7617	4.6947
Sri Lanka	Rupee	76.8100	76.9300	76.1000	76.1000	76.1000	75.9300	75.4300
Sweden	Krona	5.9389	5.9310	5.8984	5.8984	5.8984	5.8615	5.8042
Switzerland	Franc	.9714	.9671	.9625	.9625	.9625	.9596	.9565
Taiwan	Dollar	25.1800	25.1000	24.7400	24.7400	24.7400	24.6500	24.5300
Thailand	Baht	30.9300	30.9000	30.5000	30.5000	30.5000	30.4500	30.2400
UK	Pound	.4252	.4256	.4228	.4228	.4228	.4204	.4199
USA	Dollar	.7535	.7545	.7462	.7462	.7462	.7446	.7398

John Fenning  
 Delegate of the  
 Chief Executive Officer of Customs  
 CANBERRA A.C.T.  
 21/12/05

COMMONWEALTH OF AUSTRALIA  
CUSTOMS ACT 1901

NOTICE OF RATES OF EXCHANGE - s161J CUSTOMS ACT 1901

I, STEPHEN CLARKE, 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	21/12/05	22/12/05	23/12/05	24/12/05	25/12/05	26/12/05	27/12/05
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Brazil	Real	1.7226	1.6916	1.7067	1.7067	1.7067	1.7067	1.7067
Canada	Dollar	.8600	.8545	.8521	.8521	.8521	.8521	.8521
China	Yuan	5.9238	5.9173	5.8974	5.8974	5.8974	5.8974	5.8974
Denmark	Kroner	4.6110	4.6208	4.5895	4.5895	4.5895	4.5895	4.5895
European Union	Euro	.6183	.6192	.6153	.6153	.6153	.6153	.6153
Fiji	Dollar	1.2771	1.2772	1.2763	1.2763	1.2763	1.2763	1.2763
Hong Kong	Dollar	5.6908	5.6831	5.6637	5.6637	5.6637	5.6637	5.6637
India	Rupee	33.1966	33.1713	32.9915	32.9915	32.9915	32.9915	32.9915
Indonesia	Rupiah	7231.0000	7194.0000	7190.0000	7190.0000	7190.0000	7190.0000	7190.0000
Israel	Shekel	3.3798	3.3776	3.3562	3.3562	3.3562	3.3562	3.3562
Japan	Yen	85.9300	86.0500	85.1800	85.1800	85.1800	85.1800	85.1800
Korea	Won	745.8200	744.9900	740.7200	740.7200	740.7200	740.7200	740.7200
Malaysia	Ringgit	2.7742	2.7705	2.7606	2.7606	2.7606	2.7606	2.7606
New Zealand	Dollar	1.0756	1.0831	1.0854	1.0854	1.0854	1.0854	1.0854
Norway	Kroner	4.9775	4.9744	4.9503	4.9503	4.9503	4.9503	4.9503
Pakistan	Rupee	43.9100	43.8000	43.6800	43.6800	43.6800	43.6800	43.6800
Papua NG	Kina	2.2588	2.2557	2.2480	2.2480	2.2480	2.2480	2.2480
Philippines	Peso	39.1800	39.0800	38.8700	38.8700	38.8700	38.8700	38.8700
Singapore	Dollar	1.2231	1.2233	1.2190	1.2190	1.2190	1.2190	1.2190
Solomon Is.	Dollar	5.5265	5.5203	5.5015	5.5015	5.5015	5.5015	5.5015
South Africa	Rand	4.6603	4.6566	4.6371	4.6371	4.6371	4.6371	4.6371
Sri Lanka	Rupee	74.8500	74.7500	74.5300	74.5300	74.5300	74.5300	74.5300
Sweden	Krona	5.8344	5.8449	5.8174	5.8174	5.8174	5.8174	5.8174
Switzerland	Franc	.9600	.9621	.9578	.9578	.9578	.9578	.9578
Taiwan	Dollar	24.3800	24.3400	24.2400	24.2400	24.2400	24.2400	24.2400
Thailand	Baht	30.0200	29.9800	29.8700	29.8700	29.8700	29.8700	29.8700
UK	Pound	.4178	.4200	.4202	.4202	.4202	.4202	.4202
USA	Dollar	.7341	.7331	.7306	.7306	.7306	.7306	.7306

STEPHEN CLARKE  
Delegate of the  
Chief Executive Officer of Customs  
CANBERRA A.C.T.  
03/01/06

COMMONWEALTH OF AUSTRALIA  
CUSTOMS ACT 1901

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

I, Stephen Clarke, 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	28/12/05	29/12/05	30/12/05	31/12/05	01/01/06	02/01/06	03/01/06
-----								
Brazil	Real	1.6950	1.7050	1.7019	1.7019	1.7019	1.7019	1.7152
Canada	Dollar	.8507	.8494	.8517	.8517	.8517	.8517	.8545
China	Yuan	5.8531	5.8793	5.9058	5.9058	5.9058	5.9058	5.9247
Denmark	Kroner	4.5684	4.5900	4.6062	4.6062	4.6062	4.6062	4.6263
European Union	Euro	.6123	.6151	.6174	.6174	.6174	.6174	.6199
Fiji	Dollar	1.2717	1.2737	1.2765	1.2765	1.2765	1.2765	1.2797
Hong Kong	Dollar	5.6240	5.6503	5.6766	5.6766	5.6766	5.6766	5.6958
India	Rupee	32.8389	32.8980	33.0363	33.0363	33.0363	33.0363	33.0830
Indonesia	Rupiah	7135.0000	7163.0000	7196.0000	7196.0000	7196.0000	7196.0000	7197.0000
Israel	Shekel	3.3376	3.3437	3.3535	3.3535	3.3535	3.3535	3.3751
Japan	Yen	85.1300	85.9000	86.1400	86.1400	86.1400	86.1400	86.3700
Korea	Won	733.1900	737.0600	738.2400	738.2400	738.2400	738.2400	737.8900
Malaysia	Ringgit	2.7414	2.7544	2.7648	2.7648	2.7648	2.7648	2.7756
New Zealand	Dollar	1.0761	1.0702	1.0707	1.0707	1.0707	1.0707	1.0749
Norway	Kroner	4.9108	4.9447	4.9543	4.9543	4.9543	4.9543	4.9448
Pakistan	Rupee	43.3300	43.5500	43.7400	43.7400	43.7400	43.7400	43.8600
Papua NG	Kina	2.2320	2.2424	2.2529	2.2529	2.2529	2.2529	2.2603
Philippines	Peso	38.5100	38.6500	38.8000	38.8000	38.8000	38.8000	38.7200
Singapore	Dollar	1.2093	1.2141	1.2186	1.2186	1.2186	1.2186	1.2189
Solomon Is.	Dollar	5.4623	5.4839	5.5094	5.5094	5.5094	5.5094	5.5275
South Africa	Rand	4.6053	4.6023	4.6187	4.6187	4.6187	4.6187	4.6369
Sri Lanka	Rupee	74.0500	74.3600	74.7000	74.7000	74.7000	74.7000	75.0000
Sweden	Krona	5.7836	5.7867	5.8090	5.8090	5.8090	5.8090	5.8318
Switzerland	Franc	.9542	.9584	.9609	.9609	.9609	.9609	.9635
Taiwan	Dollar	24.0000	24.0600	24.0300	24.0300	24.0300	24.0300	24.0200
Thailand	Baht	29.6800	29.8100	30.0100	30.0100	30.0100	30.0100	30.0800
UK	Pound	.4195	.4237	.4241	.4241	.4241	.4241	.4261
USA	Dollar	.7254	.7288	.7322	.7322	.7322	.7322	.7346

Stephen Clarke  
 Delegate of the  
 Chief Executive Officer of Customs  
 CANBERRA A.C.T.  
 04/01/06



**Australian Government**  
**Australian Customs Service**

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**NOTICE UNDER**  
**SECTION 234AA OF THE CUSTOMS ACT 1901**  
**AIRPORT RESTRICTED AREAS**

I, Joan O' Reilly, Director of Customs, under section 234AA of the *Customs Act 1901* (the Act), specify as an area to which section 234AA of the Act applies, the areas in the International Terminal Building of Melbourne International Airport in the State of Victoria that are enclosed by a thick black line (————) in the attached Plans A, B & C.

The attached Plan D indicates where the International Terminal Building is situated within Melbourne International Airport, for information only.

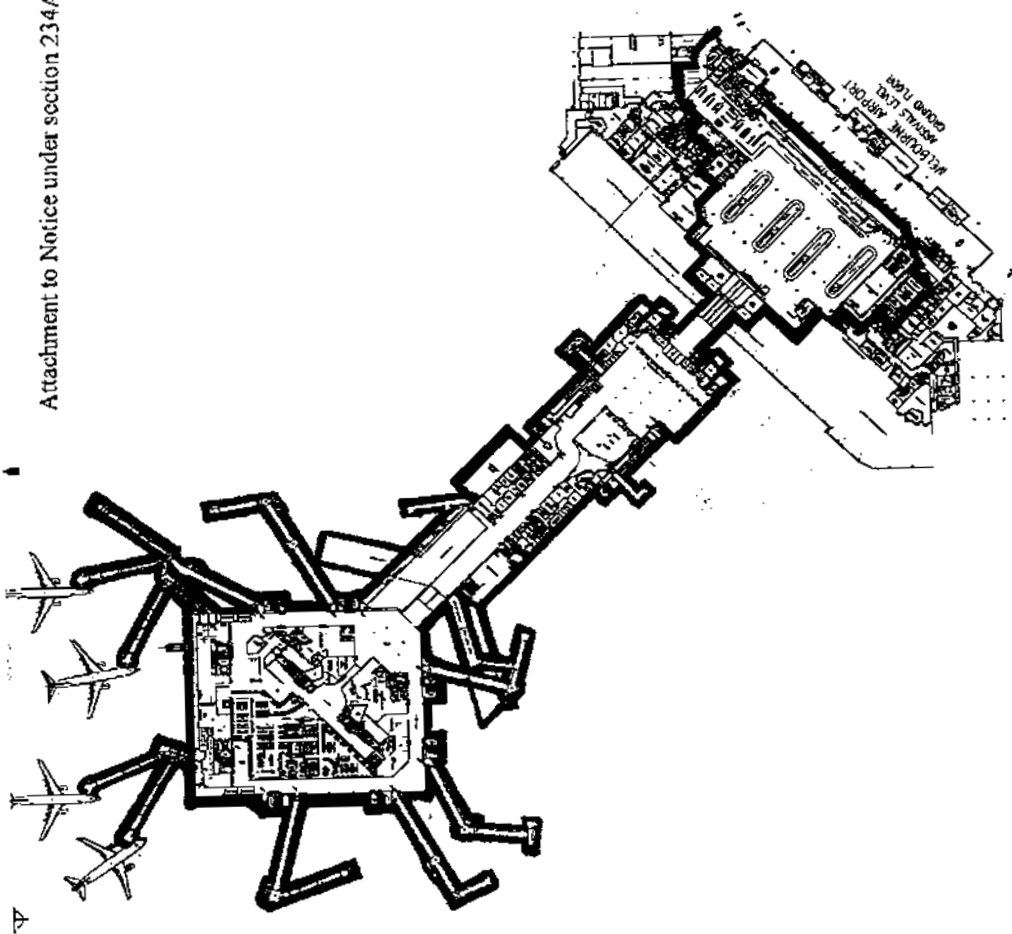
This instrument takes effect on and from 8 February 2006.

Dated: 5 January 2006

A handwritten signature in black ink, appearing to read 'Joan O'Reilly'.

Joan O'Reilly  
Director  
Customs  
Melbourne Airport  
Victoria

Attachment to Notice under section 234AA of the Customs Act -- PLAN A



NOTES:  
1. This plan is a simplified representation of the actual layout of the airport terminal and its surrounding infrastructure. It is not intended to be used for navigation or other purposes.  
2. The plan is based on the latest available information and is subject to change without notice.  
3. The plan is not a legal document and should not be used for legal purposes.

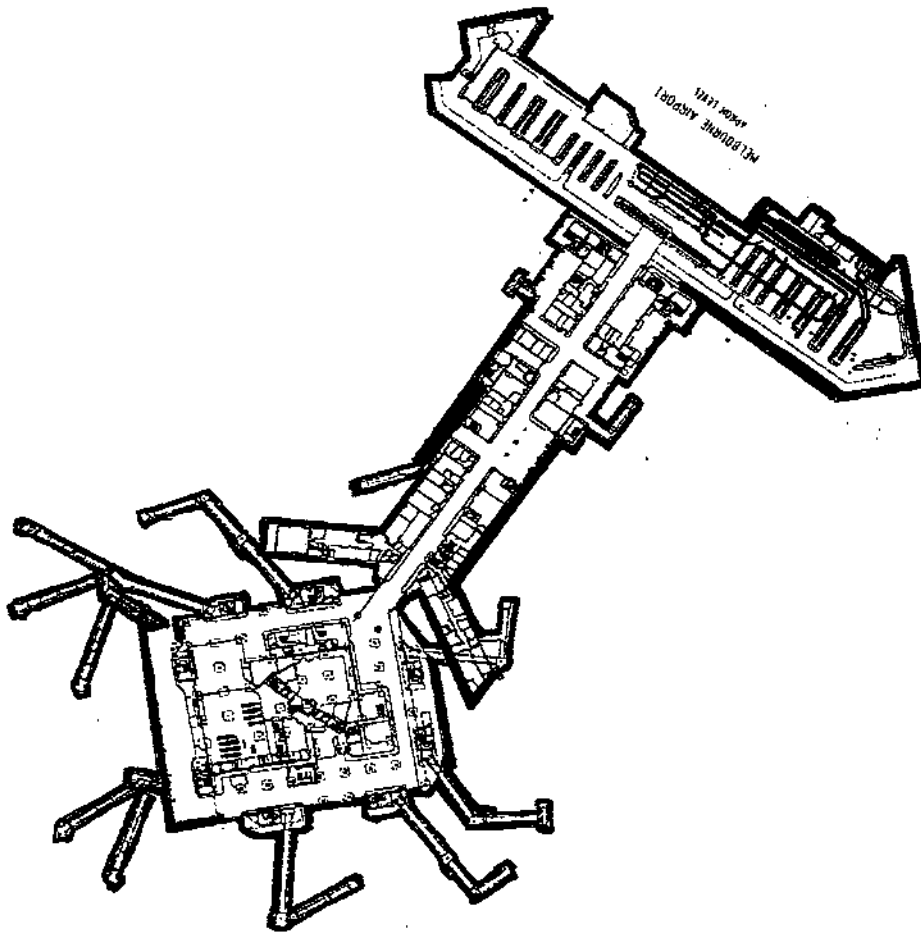
03/11/05




MELBOURNE AIRPORT

12 International Terminal  
Aircraft Stand 608, Terminal 1, Melbourne





1941-42. During the winter of 1941-42, the weather was unusually dry. The birds of this year were not as healthy as those of previous years. The birds of this year were not as healthy as those of previous years. The birds of this year were not as healthy as those of previous years.

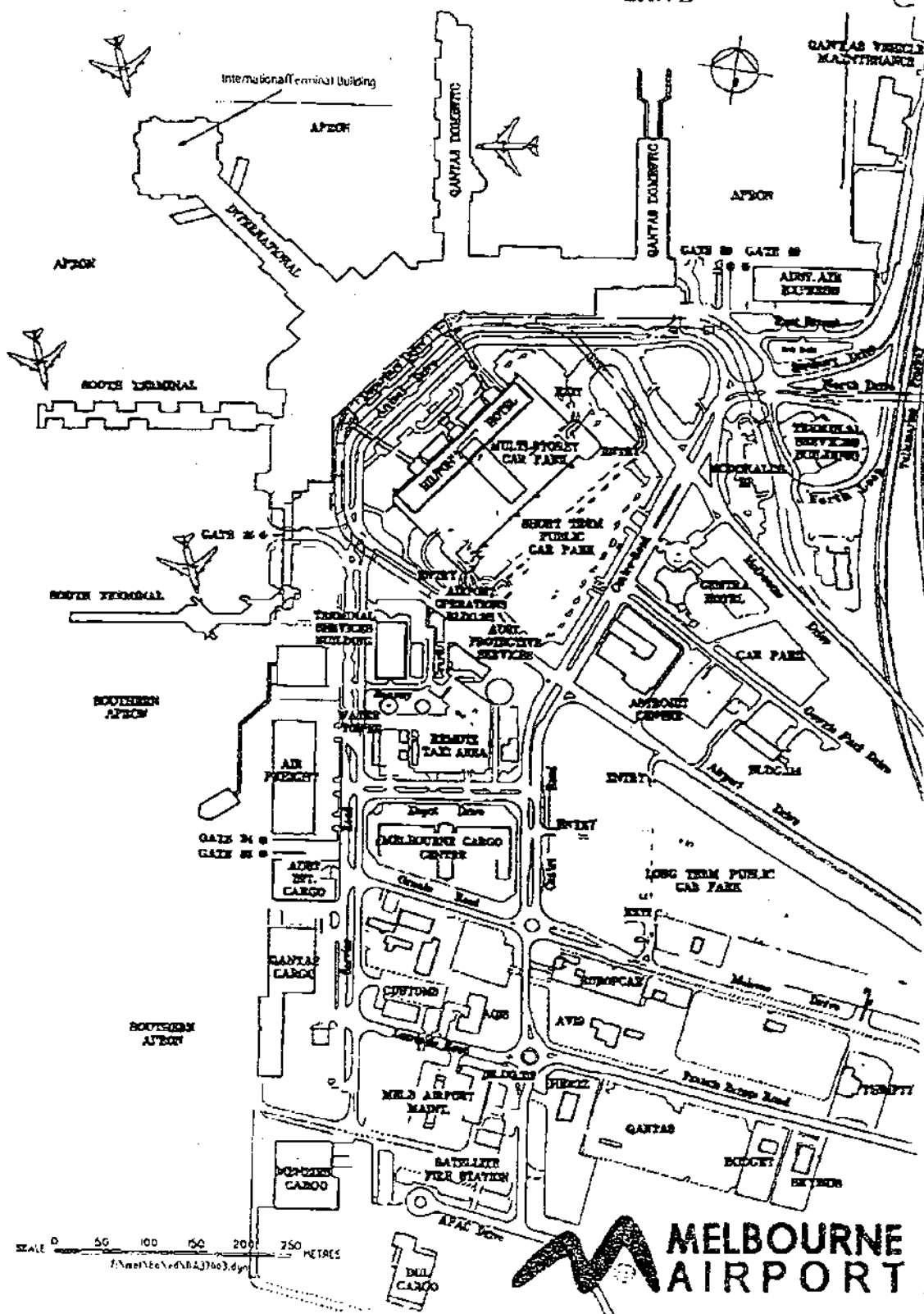
 $\text{N}_2\text{H}_4$ 

MELBOURNE  
AIRPORT

NEW ORLEANS AIRPORT  
QTR 83  
IDENTIFICATION TAGS

[illegible]

Attachment to Notice under section 254AAA(3) of the Customs Act 1901- PLAN D



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**Communications, Information Technology and the Arts**

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**AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY***Telecommunications Act 1997**Subsection 81(1)***NOMINATED CARRIER DECLARATION**

I, John Neil, delegate of the Australian Communications and Media Authority acting under subsection 81(1) of the *Telecommunications Act 1997* being satisfied that:

- (a) if PIPE Networks Limited, ACN 099 104 122, is declared to be the nominated carrier in relation to the network 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 units; and
- (b) the making of the declaration will not impede the efficient administration of the *Telecommunications Act 1997* and the *Telecommunications (Consumer Protection and Service Standards) Act 1999*;

declare that PIPE Networks Limited is the nominated carrier for single and multiple line links located in the municipality of the City of Ipswich, Queensland and owned by Springfield Land Corporation Pty. Limited, ACN 055 714 531.

Dated the TWENTYTH day of DECEMBER 2005

Signed



Delegate of the Australian Communications and Media Authority

**AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY**

*Telecommunications Act 1997*

*Subsection 56(3)*

**NOTIFICATION OF GRANT OF CARRIER LICENCE**

The Australian Communications and Media Authority gives notice under subsection 56(3) of the *Telecommunications Act 1997* ('the Act') that on 20 December 2005 a carrier licence was granted to Wideline Pty. Ltd., ACN 113 136 824 under subsection 56(1) of the Act.

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**AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY***Telecommunications Act 1997**Subsection 56(3)***NOTIFICATION OF GRANT OF CARRIER LICENCE**

The Australian Communications and Media Authority gives notice under subsection 56(3) of the *Telecommunications Act 1997* ('the Act') that on 16 December 2005 a carrier licence was granted to Leading Edge Internet Pty Limited, ACN 096 764 617 under subsection 56(1) of the Act.

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**AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY**

*Telecommunications Act 1997*

*Subsection 56(3)*

**NOTIFICATION OF GRANT OF CARRIER LICENCE**

The Australian Communications and Media Authority gives notice under subsection 56(3) of the *Telecommunications Act 1997* ('the Act') that on 16 December 2005 a carrier licence was granted to Powernet Communications Pty Ltd, ACN 099 887 902 under subsection 56(1) of the Act.

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**AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY***Telecommunications Act 1997**Subsection 83(2)***REVOCATION OF NOMINATED CARRIER DECLARATION**

I, Chris Cheah, delegate of the Australian Communications and Media Authority (ACMA) being satisfied that:

1. the nominated carrier Soul Pattinson Telecommunications Pty Limited, ACN 001 726 192, has provided ACMA with a written notice stating that it does not accept responsibility for network units for the purposes of the *Telecommunications Act 1997* (the Act);
2. under subsection 83(2) of the Act revoke the Nominated Carrier Declaration made by the ACA on 3 April 2000 in relation to Soul Pattinson Telecommunications Pty Limited as the nominated carrier in regard to fixed radiocommunications links, owned by RSL Com Australia Pty Limited, ACN 074 627 642, and located in metropolitan areas in New South Wales, Queensland, Victoria, Western Australia, Australian Capital Territory, South Australia and Tasmania.

Dated the

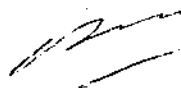
*Fifteenth*

day of

*December*

2005

Signed



Delegate of the Australian Communications and Media Authority

**AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY**  
**NOTICE UNDER SECTION 35 OF THE BROADCASTING SERVICES ACT 1992**  
**ALTERNATIVE USES OF BROADCASTING SERVICES BANDS**  
**DETERMINATIONS**

Pursuant to section 34 (1) of the *Broadcasting Services Act 1992*, the Australian Communications and Media Authority by written instruments determined parts of the radiofrequency spectrum to be made available for allocation for specified periods. This notice is for the determinations made during the period 1 July 2005 to 31 December 2005. Copies of the determination can be obtained from:

Mr Christopher Roberts  
Broadcast Planning  
Australian Communications and Media Authority  
PO Box 34  
BELCONNEN ACT 2616

Or by telephoning Freecall 1800 810 241 or directly on (02) 6256 2863.

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**Defence**

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**SPECIALIST MEDICAL REVIEW COUNCIL*****Veterans' Entitlements Act 1986*****Section 196ZB****REVOCATION OF NOTIFICATION OF  
INTENTION TO CARRY OUT A REVIEW  
AND  
NOTIFICATION OF TERMINATION OF REVIEW**

By Notice dated 29<sup>th</sup> day of June 2005, GN 25 (the first Notice) the Specialist Medical Review Council (the Council), having been asked under section 196Y of the *Veterans' Entitlements Act 1986* (the Act) to review the contents of Statements of Principles Nos. 7 and 8 of 2005 made by the Repatriation Medical Authority (the RMA) in respect of solar keratosis, notified under section 196ZB of the Act its intention to carry out a review under section 196W of the Act of all the information available to the RMA when it determined, amended, or last amended the Statements of Principles in respect of **solar keratosis**.

By Notice dated 16<sup>th</sup> day of November 2005, GN 45 (the second Notice) the Council stated that:

- it had been advised by letter dated 20<sup>th</sup> day of September 2005 that the applicant withdrew the application made under section 196Y of the Act; and
- if it did not receive by 16<sup>th</sup> December 2005 any written submissions compliant with section 196ZA of the Act it would not undertake a review under section 196W of the Act of all the information available to the RMA when it determined, amended, or last amended the Statements of Principles in respect of solar keratosis.

The Council did not receive any written submissions by 16<sup>th</sup> December 2005 or at all.

The Council HEREBY NOTIFIES that it will not be carrying out a review of the contents of Statements of Principles Nos. 7 and 8 of 2005 in respect of **solar keratosis** and that the first Notice is hereby revoked.

Jonathan Phillips  
Convener



## Employment and Workplace Relations

### Workplace Relations Act 1996

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

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

### **NOTICE OF APPLICATION FOR CONSENT TO ALTERATION OF ELIGIBILITY RULES (D2005/27)**

NOTICE is given that an application under the *Workplace Relations Act 1996* for consent to an alteration of the eligibility rules of the **National Union of Workers**.

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

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

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

#### **Particulars of the proposed alteration**

By deleting subrule 5(MA):

~~“(MA) —All persons employed by the Nuance Group (Australia) Pty Ltd and/or any successor, transmittee or assignee within on airport duty free operations, throughout the Commonwealth of Australia.”~~

and inserting in lieu thereof:

“(MA) All persons employed within on-airport or duty free operations, throughout the Commonwealth of Australia.”

#### **Reasons for the proposed alteration**

The National Union of Workers has traditionally represented persons engaged as “sales representatives”, “team leaders” and “supervisors” whose functions are to, inter alia, promote and secure sales of goods, and who are employed by the Nuance Group (Australia) Pty Ltd (trading as Downtown Duty Free Stores) within on airport duty free operations throughout Australia.

Until recently the Nuance Group was the only employer engaged in on airport duty free operation. Historically, the Union has also represented employees employed by the following other employers: James Richardson and Allders International.

Such representation has included securing and maintaining awards of the Australian Industrial Relations Commission, as well as enterprise agreements.

The Union has represented the abovenamed persons since at least the mid 1970s at the predecessor employers of the current employer (i.e. the Nuance Group (Australia) Pty Ltd) as well as those other employers referred to above.

The Union has a significant number of members employed as “sales representatives”, “team leaders” and/or “supervisor” who are employed by the Nuance Group (Australia) Pty Ltd within on airport duty free operations.

The Union has historically secured awards and agreements of the Australian Industrial Relations Commission for and on behalf of the persons who are the subject of this application.

At the present time, the Union is a party bound to an award and respondent to six certified agreements applying to approximately 840 employees.

The ability to operate an on-airport duty operation is determined by the awarding of a concession by the relevant airport authority or corporation of recent times;

- a concession has been granted to Duty Free Stores Australia to operate a duty free operation at the Adelaide International Airport Terminal
- the Sydney Airport Corporation has announced that the concession for the current duty free operation at the Sydney International Airport will be subject to open tender in 2006.

The rule alteration will allow the Union to represent employees (other than those currently eligible by virtue of the existing subrule 5(MA)) who:

- are employed by other employers of on airport or duty free operations;
- may be adversely affected in the event that the Nuance Group lost its concession to operate at international airports throughout the Commonwealth but might otherwise be employed by a new employer in possession of a concession;
- may be employed by an employer in direct competition with Nuance Group insofar as it relates to on-airport duty free operations.

The rule alteration will clarify and validate existing (though to some extent potentially defacto) industrial and eligibility coverage of the Union.

#### **Effect of the proposed alteration**

The Union's coverage of the persons subject to this application will be clarified.

The Union's coverage of the persons subject to this application will reflect the recognised coverage (including defacto coverage) achieved by the Union over the past several decades and will remove any doubt or uncertainty as to the extent of this coverage.

The proposed alteration does not disturb the status quo as to coverage or membership interests of other registered employee organisations.

The proposed alteration is consistent with the objects of the Act and is in the public interest.

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 Shane Ellard, a notice of objection, complying with the requirements of regulation 14 of the *Workplace Relations (Registration and Accountability of Organisations) Regulations 2003*, no later than 35 days after notice of receipt of the application is published in the *Gazette* and by serving on the organisation's representative, whose address for service is:

Mr Paul Richardson  
Senior Industrial Officer  
National Union of Workers  
552 Victoria Street  
NORTH MELBOURNE  
VIC 3051

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

Nicholas Wilson  
INDUSTRIAL REGISTRAR

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## Environment and Heritage

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**Australian Government**

**Department of the Environment and Heritage**

### **NOTICE OF APPLICATION RECEIVED UNDER THE *HAZARDOUS WASTE (REGULATION OF EXPORTS AND IMPORTS) ACT 1989***

Pursuant to Section 33 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, notice is given that an application has been received from Brambles Industries Ltd trading as Cleanaway, 19 Egret Street, Kooragang Island, NSW 2304, to export up to 200 tonnes of used nickel cadmium batteries and nickel metal hydride batteries to S.N.A.M, B. P. 4, Avenue Jean Jaurès, 12110, Viviez, France (telephone +33 565 43 77 30, facsimile +33 565 43 03 95).

The waste would be disposed of by recycling/reclamation of metals and metal compounds.

Industrial batteries would be drained and triple rinsed and placed on a pallet in a single layer with a cover sheet of plywood or similar material, strapped to the pallet and wrapped under plastic. Alternatively, they would be securely packaged in a wooden box. Other batteries would be placed in 200L open top drums with plastic liners and the drums would be strapped together onto the pallet. The waste would be transported in a sea container by road to be loaded onto a ship at the Port of Sydney, to be off-loaded at the Port of Le Havre, France, from where the waste would be transported by road to the disposal facility.

The waste would transit Port Kelang in Malaysia and the Suez Canal in Egypt on its sea voyage to France.

The export would take place in ten (10) shipments over twelve months commencing from the date of the permit, if granted.

Dr Barry Reville  
Assistant Secretary  
Environment Protection Branch

**Australian Government****Department of the Environment and Heritage****NOTICE OF APPLICATION RECEIVED UNDER THE *HAZARDOUS WASTE  
(REGULATION OF EXPORTS AND IMPORTS) ACT 1989***

Pursuant to Section 33 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, notice is given that an application has been received from Alpha Re Pty.Ltd of 42 Maddox Street Alexandria NSW 2015 to export up to 800 tonnes of untested used computer systems to Alpha Re (Thailand) Ltd, Accessed Data Bureau International Co LTD, 899 Thai CC Tower, Suite 306, South Sathorn Rd, Sathorn, Bangkok, 10120, Thailand for testing, repair and redistribution.

After testing, equipment that cannot be reused, or repaired and then reused, will be sent back to Australia as hazardous waste for recycling.

The waste would be transported by road to Port Botany in Sydney, where it would be loaded onto a ship for passage to Thailand. It would then be off loaded at the Port of Bangkok, Thailand, and then transported by road to the testing and recycling facility at Chalempakriat Condominium, Building B, 2/2263 MOO 1, Thanam-non Rd, Bangsrimuang, Amour Muang, Nontharubi, 11000 Thailand. The waste would transit Singapore and Malaysia on its voyage to Thailand.

Transport of the waste to Thailand would take place in approximately 50 shipments over a 12 month period, with the first shipment departing Sydney not before 1 March 2006, if the permit is granted.

Barry Reville  
Assistant Secretary  
Environment Protection Branch



**Australian Government**

**Department of the Environment and Heritage**

**NOTICE OF APPLICATION RECEIVED UNDER THE *HAZARDOUS WASTE  
(REGULATION OF EXPORTS AND IMPORTS) ACT 1989***

Pursuant to Section 33 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, notice is given that an application has been received from SAFT NIFE Power Systems Australia Pty Ltd, Unit 18, 167 Prospect Highway, Seven Hills, New South Wales 2147, to export up to 300 tonnes of waste nickel cadmium batteries to SAFT NIFE AB, S-57201 Oskarshamn, Sweden.

The waste would be disposed of by recycling/reclamation of metals and metal compounds.

The waste would be packed in sealed lined timber crates and packed into shipping containers and transported by road to the port of Sydney, Australia, where it would be loaded onto a ship for transport to Sweden. The waste will transit Tanjong Pelepas in Malaysia, the Suez Canal in Egypt, Felixtowe in the United Kingdom, Rotterdam in the Netherlands and Bremerhaven in Germany, and will be off-loaded at the port of Gothenburg in Sweden. From Gothenburg, the waste would be transported by road to the disposal facility.

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

Barry Reville  
Assistant Secretary  
Environment Protection Branch

## 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
2005/2394	Watermark Enterprises/Urban and commercial new development/Dawesville/WA/Subdivision Lot 1 Dawesville Rd	16 Dec 2005	s 18 a listed threatened species or ecological community

## 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

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 the following table is not a controlled action.

Reference No	Title of action	Date of Decision	Component decision under s.77(3) applies
2005/2447	Dept Transport & Regional Services (DOTARS)/Urban and commercial redevelopment/West Island/Cocos Keeling Island/upgrade of House 11, William Keeling Crescent	22 Dec 2005	No
2005/2459	Airservices Australia/Air and space transport/Canberra/ACT/Navigational aid facility upgrade	21 Dec 2005	No
2005/2450	South East Water Limited/Waste management/Mt Eliza/VIC/Wooralla Drive pump station, pipeline and associated works	21 Dec 2005	No
2005/2396	Xiang Rong (Australia) Investments Pty Ltd/Urban and commercial redevelopment/Pymble/NSW/construction of four dwellings and associated facilities	19 Dec 2005	No
2005/2395	Energy Australia/Energy generation and supply/Abermain, Cessnock/NSW/ construction of 33kV substation and relocation of power line	15 Dec 2005	No

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

*Environment Protection and Biodiversity Conservation Act 1999*

NOTICE OF A DECISION ON THE APPROACH TO BE USED FOR ASSESSMENT OF THE  
RELEVANT IMPACTS OF AN ACTION

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

Reference No	Title of action	Date of Decision	Assessment approach
2005/2480	Brisbane Airport Corporation/Land transport/Brisbane Airport/QLD/Northern access road project	03 Jan 2006	Accredited Assessment Process
2005/2210	Melbourne Airport/Urban and commercial new development/Melbourne airport/VIC/Reject Shop Distribution Centre at Melbourne Airport	22 Jul 2005	Accredited Assessment Process
2005/2321	UP NCI Property Management Pty Ltd/Tourism, recreation and conservation management/North Curtis Island/QLD/tourist resort and subdivision development	23 Dec 2005	Public Environment Report

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE

*Environment Protection and Biodiversity Conservation Act 1999*

NOTICE OF THE GRANTING OF AN APPROVAL FOR TAKING AN ACTION

4. Notice is hereby given that the Minister for the Environment and Heritage, or a delegate of that Minister, has decided to grant the following approval for taking each action identified in columns 1 and 2 of each row of the following table.

Reference No.	Title of action	Approval	Date
2005/1990	VicRoads/Land transport/Bayles/VIC/Replacement of Existing Bayles Bridges 1 & 2 on Koo Wee Rup - Longwarry Road over Yallock Creek	Approved with Conditions	03 Jan 2006
2004/1631	Mr Gabriel Bittar/Urban and commercial new development/American River/SA/Subdivision and development on Kangaroo Island	Not Approved	31 Dec 2005

<b>4 Cont....</b>			
<b>Reference No.</b>	<b>Title of action</b>	<b>Approval</b>	<b>Date</b>
2005/2039	Sandhurst Mining Pty Ltd/Mining/Springsure/Central QLD/Minerva coal mine - out-of pit spoil dumps	Approved with Conditions	19 Dec 2005
2004/1458	Department of Defence/Defence/Mount Bunday/NT/Construction and Operation of Urban Operations Training Facility	Approved with Conditions	16 Dec 2005

Some public notifications on the Internet and in the Gazette relating to the processing of referrals for approval under Chapter 4 of the *Environment Protection and Biodiversity Conservation Act 1999* may occasionally be missed in processing by the Department of the Environment and Heritage, or may not meet timeframes for notification. The Department of the Environment and Heritage has implemented systems and ongoing quality assurance procedures to minimise any risk of missing a notification within the required timeframe. Where a missed notification is identified the practice will be to notify these even though the timeframe for notification has lapsed. This will ensure that the history of notifications for each referral is available to the public. The Department of the Environment and Heritage regrets any inconvenience that may be caused by a missed notification. Please note that late notifications have not affected subsequent processing of referrals or assessments and they do not affect decisions made.

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



**Australian Government**

**Department of the Environment and Heritage**

**Notice**

**Accreditation of Management Plan for the Sydney Opera House  
and entry into Bilateral Agreement under the  
*Environment Protection and Biodiversity Conservation Act 1999***

In accordance with subsection 46(3) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), I, IAN GORDON CAMPBELL, Minister for the Environment and Heritage, give notice that I have accredited the *Management Plan for the Sydney Opera House August 2005* for the purposes of a bilateral agreement between the Australian Government and the State of New South Wales under section 45 of the EPBC Act.

In accordance with subsection 45(4) of the EPBC Act, I further give notice that, on behalf of the Australian Government, I have entered into a bilateral agreement with the State of New South Wales under section 45 of the EPBC Act relating to actions approved and taken in accordance with the bilaterally accredited Management Plan for the Sydney Opera House.

Copies of the instrument accrediting the management plan, the bilateral agreement, and a statement of my reasons for entering into the bilateral agreement can be obtained from:

**The Director  
Legislation Policy Section  
Approvals and Wildlife Division  
Department of the Environment and Heritage  
GPO Box 787  
CANBERRA ACT 2601  
Email: [epbc@deh.gov.au](mailto:epbc@deh.gov.au)**

or viewed at <http://www.deh.gov.au/epbc>

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**Health and Ageing**

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**Australian Government**  
**Department of Health and Ageing**  
**Therapeutic Goods Administration*****THERAPEUTIC GOODS ACT 1989*****PUBLICATION OF A LIST OF AUTHORISED PERSONS**

I, NGAIRE BRYAN, delegate of the Secretary to the Department of Health and Ageing, for the purposes of subsection 3(3) of the *Therapeutic Goods Act 1989* (the Act), hereby publish a list of officers of the Therapeutic Goods Administration authorised to exercise the powers of an authorised person under the following provisions of the Act:

1. Under subsection 28(5); paragraph 37(2)(b) and subsection 40(4) of the Act:

Kaye Michelle BRADSHAW  
Caye Louise CAMM  
Mark Damian GEORGE  
Gerhard Siegfried (Gary) GROHMANN  
Frank Ullrich HOEREN  
Adrian Stephen KRAUSS  
Therese MARENGO  
Andrew David Geoffrey MEEK  
Maria Ioannou POULIS  
Daniel Fridolin ROTHENFLUH  
Patrick John TRAVERS  
Philip Kendall HARRISON

Jennifer BURNETT  
Katherine Jane CLARK  
Kevin Ian GRANT  
Matthew James HARVEY  
Garry John HOPKINS  
Chong Seng LOH  
Nicholas Eugene MEDVECZKY  
Nagendram NANDAPALAN  
Christopher Geoffrey ROLLS  
William Aubrey SHERWIN  
Trevor Eamon BYRNE  
Lynette Elizabeth LEWIS

2. Under subsection 28(5); paragraph 37(2)(b) and subsection 40(4), subsection 41 EB(4), subsection 41 EJ(1) and subsection 41 FN(1) of the Act:

Shirley BOLIS  
Vivienne Beatrix CHRIST  
Jorge Enrique GARCIA  
Ying HUANG  
Karen LONGSTAFF  
Leisa Jane O'CONNOR-WHITBY  
Kathryn Jane RUSBRIDGE  
Pandurang Rangappa ARKERI  
Rodolfo Luis FERRARI  
John Leonard JAMIESON  
Kyparissoula John POULIS  
Glen Martin SMITH  
Patricia Agnes STEWART-RICHARDSON  
Mark DICKSON  
Jennifer Carrolyn DOULTREE

Pamela Susan CARTER  
Jan Kornel DALCZYSKI  
Danny Brian HAWKE  
Robyn Susan ISAACSON  
Ian John LYALL  
Michelle Louise PRIOR  
Nadeh (Nadia) Saed SALEH  
Albert FARRUGIA  
Michael Bernard FLOOD  
Halina JAROSZ  
Shu Xin QU  
Keith Macpherson SMITH  
Maxine Shelley TANG  
Susanne Janette DOUGLAS  
Douglas FENWICK

Noel FRASER  
Andrew GILES  
Stephen John HART  
Hongxia JIN  
Guan Tat KHOO  
Gary Bruce LANE  
Alyce MAKSOUD  
Dragana MILIC  
Robyn Lee OATEY  
Roger William SNAITH  
Andrzej Zbigniew WOZNIAK  
Peter Howard BIRD  
Tahli FENNER  
Andrew WALL

Darren Laurence FREESTONE  
Anthony Richard GOULD  
Jenny HANTZINIKOLAS  
Mark Jeffery KOEN  
Doreene Michelle KOHALMI  
Andrew Stuart LATTIMORE  
Jan MICHALICEK  
Andrew John MUIR  
Robert John PRESTRIDGE  
Carolyn Teresa WOODRUFF  
Pradip ADHIKARI  
Alan Gordon DUFF  
Robert SPENCE

3. Under subsection 28(5); subsection 41EB(4), subsection 41 EJ(1) and subsection 41 FN(1) of the Act:

Graeme James HARRIS

Guy HIBBINS

4. Under subsection 28(5); paragraph 37(2)(b) and subsection 40(4), subsection 41 FN(1), section 46, section 46A, section 46B, section 47, section 48, section 48B, section 48C, section 48E, section 48H, section 48J, section 49, section 50, section 51 and section 51A of the Act:

John COLOE  
Robert William HIGNETT  
John Leslie JANSEN  
Margaret Christine LANE  
Eric Phillip McINTOSH  
Barry Cecil SMITH

William Lindsay HENLEY  
Brett Anthony IRWIN  
Geoffrey William LANE  
Michael LOHSE  
Glenn Alexander SAUNDERS  
Mark Robert WISE

For the purposes of subsection 3(3) of the Act, I hereby publish the name of the officer from the Australian Radiation Protection and Nuclear Safety Agency, authorised to exercise the powers of an authorised person under subsection 28(5); subsection 40(4), subsection 41 EJ(1) and subsection 41 FN(1) of the Act:

John BALDAS

(Signed)  
NGAIRE BRYAN  
Delegate of the Secretary to the Department of Health and Ageing

4 January 2006



**Australian Government**  
**Department of Health and Ageing**  
**Therapeutic Goods Administration**

***THERAPEUTIC GOODS ACT 1989***

**THERAPEUTIC GOODS REGULATIONS 1990**

**PUBLICATION OF A LIST OF OFFICIAL ANALYSTS**

I, NGAIRE BRYAN, delegate of the Secretary to the Department of Health and Ageing, for the purposes of subregulation 25(2) of the Therapeutic Goods Regulations 1990 (the Regulations), hereby:

1. Publish a list of officers of the Therapeutic Goods Administration appointed as official analysts under subregulation 25(1) of the Regulations:

Mohammed Ibraheem Abbas ALALI  
Christopher Mark BOSWELL  
Richard William BROWN  
Gaye Louise CAMM  
Katherine Jane CLARK  
Jan Kornel DALCZYNSKI  
Tania DALLA POZZA  
Jorge Enrique GARCIA  
Kevin Ian GRANT  
Matthew James HARVEY  
Celma HAYES  
Garry John HOPKINS  
Robyn Susan ISAACSON  
Elisabeth Alexandra KERR  
Vanessa Margaret LAMB  
Chong Seng LOH  
Ian John LYALL  
Therese MARENGO  
Nicholas Eugene MEDVECZKY  
Keith George MORTIMER  
Tue Hai NGUYEN  
Michell Louise PRIOR  
Christopher Geoffrey ROLLS  
Kathryn Jane RUSBRIDGE  
Dharam Pal SHARMA  
Adam Michael SMITH  
Edna Corpus SORIANO  
Derna Margaret Mary WATERS

Shirley BOLIS  
Kaye Michelle BRADSHAW  
Jennifer BURNETT  
Annette Maree CARMICHAEL  
Mano George CONSTANTINE  
Vivienne Beatrix CHRIST  
Tova Ellen DUCKER  
Mark Damian GEORGE  
Gerhard Siegfried (Gary) GROHMANN  
Danny Brian HAWKE  
Frank Ullrich HOEREN  
Ying HUANG  
Mary Veronica KEHOE  
Adrian Stephen KRAUSS  
Pamela Lynette LARKIN  
Karen LONGSTAFF  
Hakuru Baddalage MALIYASENA  
Melanie Jane McINTYRE  
Andrew David Geoffrey MEEK  
Nagendram NANDAPALAN  
Leisa Jane O'CONNOR-WHITBY  
Maria Ioannou POULIS  
Daniel Fridolin ROTHENFLUH  
Nadeh (Nadia) Saed SALEH  
William Aubrey SHERWIN  
David Bruce SMYTHE  
Patrick John TRAVERS  
Mala WEERASURIA

John Victor WICKS  
Tho Man YAP  
Trevor Eamon BYRNE  
Rodolfo Luis FERRARI  
Kyparrisoula John POULIS  
Keith Macpherson SMITH

Lira Sari WOO  
Elena YUDINA  
Albert FARRUGIA  
John JAMIESON  
Glenn Martin SMITH  
Maxine Shelley TANG

2. Publish a list of officers of the Australian Radiation Protection and Nuclear Safety Agency appointed as official analysts under subregulation 25(1) of the Regulations:

John BALDAS

Zlata IVANOV

(Signed)

NGAIRE BRYAN

Delegate of the Secretary to the Department of Health and Ageing

4 January 2006

**Australian Government****National Health and Medical Research Council****Notice under section 13 (1) (b)***National Health and Medical Research Council Act 1992***Review of the *National Statement on Ethical Conduct in Research Involving Humans* (1999)****NOTICE OF PROPOSED GUIDELINES****An invitation to make a submission about draft guidelines  
Second Consultation Round**

The National Health and Medical Research Council (NHMRC) proposes to issue draft guidelines (summarised in the schedule) about the *National Statement on Ethical Conduct in Research Involving Humans* (1999). You are invited under paragraph 13 (1) (b) of the *National Health and Medical Research Council Act 1992* to make a submission about the draft guidelines.

**How to make your submission**

Please make your submission in writing or on audio tape, and include your name and address or phone number at which we can contact you. If relevant, please include the name of the organisation you are representing with the statement that you are representing them. If this information is not provided your submission will not be accepted.

Please send your submission to:  
Review of the National Statement  
Health Ethics Section  
NHMRC (MDP 24)  
GPO Box 9848  
CANBERRA ACT 2601  
or e-mail: [ahec.nhmrc@nhmrc.gov.au](mailto:ahec.nhmrc@nhmrc.gov.au)

**Closing date**

The closing date for submissions is by 5pm **Friday 31 March 2006**.

**Further information**

A copy of the draft guidelines is available from the Health Ethics Section on Ph: (02) 6289 9575, or by email: [ahec.nhmrc@nhmrc.gov.au](mailto:ahec.nhmrc@nhmrc.gov.au), and on the NHMRC website on: <http://www.nhmrc.gov.au/consult/index.htm>

**Submissions should follow the instructions provided on the front cover of the draft *National Statement* and on the NHMRC website.** A template for comments has also been prepared for your guidance and use and can be accessed from this website at: <http://www.nhmrc.gov.au/consult/index.htm>.

Electronic submissions are strongly preferred. If this is not possible please make your submission in writing (preferably typed or word processed) or on audio tape, and submit it by e-mail or mail.

A form seeking authorship and other details is available on the NHMRC website which you should complete and attach to your submission. **Submissions that do not have this form attached will not be accepted.**

**Please note:** Submissions will be posted on the NHMRC website unless they are clearly marked as confidential. Submissions made to the NHMRC may be subject to the requirements of the Commonwealth *Freedom of Information Act 1982*.

For further information, please contact the Health Ethics Section, (02) 6289 9575 or [ahec.nhmrc@nhmrc.gov.au](mailto:ahec.nhmrc@nhmrc.gov.au)

### Schedule

The review of the *National Statement on Ethical Conduct in Research Involving Humans* (1999) (*National Statement*) was initiated by the NHMRC in accordance with its policy to review its guidelines five years from the date of issue. The ARC, AVCC and NHMRC agreed to jointly revise the *National Statement*. Section 8(1) of the NHMRC Act requires the NHMRC to issue the guidelines. When finalised, the revised guidelines will replace the NHMRC *National Statement on Ethical Conduct in Research Involving Humans* that was issued in 1999.

The revised draft *National Statement* is intended to articulate broad ethical principles for all research involving humans. Specific matters addressed by the revised draft guidelines include:

- Themes in ethical review specific to risk and consent (see 2: *Themes in ethical review: risk and consent*)
- ethical considerations specific to research methods or fields such as, qualitative research, clinical trials and human genetic research (See: 3. *Ethical considerations specific to research methods or fields*);
- ethical considerations specific to the involvement of particular participants such as children and young people, women who are pregnant and the human fetus, people with impaired capacity and people in dependent or unequal relationships (See: 3. *Ethical considerations specific to participants*); and
- processes of research governance and ethical review which provides guidance for institutions, researchers and human research ethics committees about the conduct and ethical review of research involving humans, monitoring of research, complaints handling procedures and accountability (See: 5. *Processes of Research Governance and Ethical Review*).

These guidelines are intended to remain in force until they are revised or rescinded by the NHMRC

**Industry, Tourism and Resources****COMMONWEALTH OF AUSTRALIA***Petroleum (Submerged Lands) Act 1967***RELEASE OF INFORMATION UNDER SECTION 118(5A)**

I, Jeremy Paul Whitfield, the Delegate of the Designated Authority in respect of the Territory of Ashmore and Cartier Islands adjacent area and Northern Territory adjacent area, in pursuance of section 118(5B) of the *Petroleum (Submerged Lands) Act 1967* -

- (a) notify that I propose to make the information specified in the Schedule available or publicly known;
- (b) invite interested persons to give to me, within 45 days after the publication of this notice in the Gazette, a notice objecting to the whole or any part of the information being made available or publicly known; and
- (c) notify that if a person does not make an objection in accordance with this invitation, the person will be taken to have consented to the information being made available or publicly known.

**NOTE**

- 1. There shall be set out in a notice of objection the reasons for making the objections.
- 2. A person is not entitled to make an objection to information being made available or publicly known except on the grounds that to do so would disclose:
  - (a) a trade secret; or
  - (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

Dated: 17/11/05

Made under the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth of Australia.

DELEGATE OF THE DESIGNATED AUTHORITY  
FOR THE TERRITORY OF NORTHERN  
TERRITORY ADJACENT AREA



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

Pursuant to the Instruments of Delegation  
Dated 27 December 2002 and 25 January 2005

**SCHEDULE**

All information that was furnished to the Designated Authority prior to 7 March 2000 including information contained in the document, being information that relates to the sea-bed or sub-soil, or to petroleum in a block, and that, in the opinion of the Designated Authority, is a conclusion drawn, in whole or in part, on any information contained in documents to which section 118 of the *Petroleum (Submerged Lands) Act 1967* applies.

## Transport and Regional Services

Regulation 25

CT-4

### COMMONWEALTH OF AUSTRALIA NAVIGATION ACT 1912

No: 827

#### PERMIT TO UNLICENSED SHIP - CONTINUING

Name of Ship	Port of Registry	OFFICIAL NUMBER
DEAUVILLE	NASSAU	9113939

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

Westernport, Botany, Brisbane, Cairns, Hobart, Devonport, Gladstone, Townsville, Darwin,  
Bell Bay

Dated at CANBERRA this 20 day of December 2005

Official  
Stamp



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 12 January 2006 to 11 April 2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. Liquid Petroleum Gas only may be carried.
5. The cargo may only be carried between Westernport, Botany, Brisbane, Cairns, Hobart, Devonport, Gladstone, Townsville, Darwin and Bell Bay.
6. If there is a change in schedule the Transport Regulation Division must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under this permit.

Regulation 25

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912**

CT-4

**No: 830****PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	IMO Number
<b>AOTEAROA CHIEF</b>	<b>HONG KONG</b>	<b>8810449</b>

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

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

**NAMES OF PORTS FOR WHICH PERMIT ISSUED****Sydney, Melbourne and Brisbane**Dated at **CANBERRA** this 22 day of **December/2005**Official  
Stamp

**Delegate of the Minister for  
Transport  
and Regional Services**

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

1. That the Operations Centre 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 6/01/2006 to 5/04/2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Sydney to Melbourne and Brisbane; Melbourne to Brisbane
6. If there is a change in schedule the Operations Centre must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.

Regulation 25

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912**

**CT-4**

**No: 829**

**PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	IMO Number
<b>CORAL CHIEF</b>	<b>HONG KONG</b>	<b>8809191</b>

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

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

**NAMES OF PORTS FOR WHICH PERMIT ISSUED**

**Sydney, Melbourne and Brisbane**

Dated at **CANBERRA** this **22** day of **December/2005**

Official  
Stamp



**Delegate of the Minister for  
Transport  
and Regional Services**

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

1. That the Operations Centre 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 13/01/2006 to 12/04/2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Sydney to Melbourne and Brisbane, Melbourne to Brisbane
6. If there is a change in schedule the Operations Centre must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.

Regulation 25

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912**

CT-4


**No: 828****PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	IMO Number
<b>CHENG TU</b>	<b>BANGKOK</b>	<b>8800951</b>

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

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

**NAMES OF PORTS FOR WHICH PERMIT ISSUED****Brisbane, Newcastle, Gladstone, Townsville and Darwin**Dated at **CANBERRA** this 22 day of **December/2005**Official  
Stamp

  
 Delegate of the Minister for  
 Transport  
 and Regional Services

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

1. That the Operations Centre 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 19/01/2006 to 18/04/2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Brisbane to Gladstone, Townsville and Darwin; Newcastle to Darwin; Gladstone to Townsville and Darwin; Townsville to Darwin.
6. If there is a change in schedule the Operations Centre must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.

Regulation 25

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912**

CT-4

**No: 831**

**PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	IMO Number
<b>KOTA SEJATI</b>	<b>VALLETTA</b>	<b>9203473</b>

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

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

**NAMES OF PORTS FOR WHICH PERMIT ISSUED**

**Melbourne, Sydney and Brisbane**

Dated at **CANBERRA** this **30** day of **December/2005**

Official  
Stamp



*Mark Dickson*

**Delegate of the Minister for  
Transport  
and Regional Services**

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

1. That the Operations Centre is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This Permit covers the period 3/01/2006 to 2/04/2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Melbourne to Sydney and Brisbane and Sydney to Brisbane
6. If there is a change in schedule the Operations Centre must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.

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**Treasury**

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**COMMISSIONER OF TAXATION**

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

**NOTICE OF ADDENDA**

<b>Ruling Number</b>	<b>Subject</b>	<b>Brief Description</b>
<b>PGBR 2005/2</b>	Energy grants: off-road credits for mining operations	This Addendum amends PGBR 2005/2 to replace in Appendix 1 to the Ruling, the basic decision chart for qualification of an off-road credit for claims made under the category of 'agriculture operations' with the basic decision chart for 'mining operations'.
<b>TR 2000/8</b>	Income tax: investment schemes	This Addendum amends TR 2000/8 to reflect the decisions of the Full Federal Court in <i>Federal Commissioner of Taxation v. Cooke</i> [2004] FCAFC 75; 2004 ATC 4268; (2004) 55 ATR 183 and <i>Federal Commissioner of Taxation v. Sleight</i> [2004] FCAFC 94; 2004 ATC 4477; (2004) 55 ATR 555.
<b>TD 2000/7</b>	Income tax: capital gains: when does a CGT event happen to shares in a company, for the purposes of Part 3-1 and Part 3-3 of the <i>Income Tax Assessment Act 1997</i> , if the company is deregistered under the Corporations Law?	This Addendum amends TD 2000/7 to reflect changes that were made to section 104-145 of the <i>Income Tax Assessment Act 1997</i> by the <i>Taxation Laws Amendment (2004 Measures No. 6) Act 2005</i> .
<b>TD 2000/52</b>	Income tax: capital gains: can CGT event G3 in section 104-145 of the <i>Income Tax Assessment Act 1997</i> happen – enabling a shareholder to crystallise a capital loss on their shares in a company – if a liquidator declares that they expect to make a distribution during the winding up of the company?	This Addendum amends TD 2000/52 to reflect changes that were made to section 104-145 of the <i>Income Tax Assessment Act 1997</i> by the <i>Taxation Laws Amendment (2004 Measures No. 6) Act 2005</i> .
<b>TD 2002/3</b>	Income tax: capital gains: can a shareholder in HIH Insurance Limited choose to make a capital loss on a share in that company under CGT event G3 (about a liquidator declaring shares worthless) in section 104-145 of the <i>Income Tax Assessment Act 1997</i> ?	This Addendum amends TD 2002/3 to reflect changes that were made to section 104-145 of the <i>Income Tax Assessment Act 1997</i> by the <i>Taxation Laws Amendment (2004 Measures No. 6) Act 2005</i> .
<b>TD 2002/17</b>	Income tax: capital gains: can a shareholder in One.Tel Limited choose to make a capital loss on a share in that company under CGT event G3 (about a liquidator declaring shares worthless) in section 104-145 of the <i>Income Tax Assessment Act 1997</i> ?	This Addendum amends TD 2002/17 to reflect changes that were made to section 104-145 of the <i>Income Tax Assessment Act 1997</i> by the <i>Taxation Laws Amendment (2004 Measures No. 6) Act 2005</i> .
<b>TD 2004/13</b>	Income tax: capital gains: can CGT event E1 in section 104-55 of the <i>Income Tax Assessment Act 1997</i> happen to a shareholder in a company in voluntary administration under Part 5.3A of the <i>Corporations Act 2001</i> who declares a trust over their shares?	This Addendum amends TD 2004/13 to reflect changes that were made to section 104-145 of the <i>Income Tax Assessment Act 1997</i> by the <i>Taxation Laws Amendment (2004 Measures No. 6) Act 2005</i> .

# NOTICE OF WITHDRAWALS

Ruling Number	Subject	Brief Description
TD 2004/D74	<p>Income tax: consolidation: can the head company of a consolidated group claim a deduction, following Taxation Ruling IT 333, for a consumable's tax cost setting amount when the consumable is used, where:</p> <ul style="list-style-type: none"> <li>(a) an entity acquired the consumable before it became a subsidiary member of the consolidated group (the joining time); and</li> <li>(b) at the joining time, some of the consumable remained on-hand and its expenditure had not been fully deducted?</li> </ul>	<p>This Determination is withdrawn from 11 January 2006.</p> <p>The Determination is being withdrawn following an announcement by the Assistant Treasurer Mal Brough on 1 December 2005 about changes to improve the tax treatment of consolidating companies.</p>
TD 2004/D75	<p>Income tax: consolidation: can the head company of a consolidated group claim a deduction, under section 8-1 of the <i>Income Tax Assessment Act 1997</i>, for a consumable's tax cost setting amount where:</p> <ul style="list-style-type: none"> <li>(a) an entity acquired the consumable before it became a subsidiary member of the consolidated group (the joining time);</li> <li>(b) the expenditure incurred in purchasing the consumable was deductible by the entity in the income year in which it was incurred; and</li> <li>(c) at the joining time, some or all of the consumable remained on-hand?</li> </ul>	<p>This Determination is withdrawn from 11 January 2006.</p> <p>The Determination is being withdrawn following an announcement by the Assistant Treasurer Mal Brough on 1 December 2005 about changes to improve the tax treatment of consolidating companies.</p>
TD 2004/D85	<p>Income tax: consolidation: can the head company of a consolidated group claim a deduction, under section 8-1 of section 25-95 of the <i>Income Tax assessment Act 1997</i>, for the tax cost setting amount of partly performed work which has not yet given rise to a recoverable debt?</p>	<p>This Determination is withdrawn from 11 January 2006.</p> <p>The Determination is being withdrawn following an announcement by the Assistant Treasurer Mal Brough on 1 December 2005 about changes to improve the tax treatment of consolidating companies.</p>

**GAZETTAL NOTICE****Commissioner of Taxation  
NOTICE OF A DATA MATCHING PROGRAM**

The Australian Taxation Office (Tax Office) will electronically match names and addresses from State and Territory Legal practitioner registers and lists of the Judiciary from the Attorneys General with certain sections of Tax Office data holdings to reveal compliance with lodgment and payment obligations under taxation law. Records relating to approximately 41,000 individuals within the Legal Profession (including the Judiciary) will be matched.

This program is called the Legal Profession (including Judiciary) Data Matching Project and it enables the Tax Office:

- to be more strategic in its approach to Tax Office business activities; and
- to achieve work efficiencies by electronically bulk matching data to identify potential Tax Office activity.

This notice replaces the previously published notice in GN49 on 14 December 2005.

A document describing this program has been prepared in consultation with the Office of the Privacy Commissioner. A copy of this document is available from:

Legal Profession (including Judiciary) Data Matching Project  
Legal Profession Unit  
Australian Taxation Office  
GPO Box 5164  
Sydney NSW 2001

or by phoning Lynda Gavenlock on (02) 937 42586

The Tax Office complies with the Privacy Commissioner's *Guidelines on Data Matching in Commonwealth Administration* which includes standards for data matching to protect the privacy of individuals.



## Approval to hold a stake in a Financial Sector Company of more than 15%

### *Financial Sector (Shareholdings) Act 1998*

---

#### **SINCE:**

- A. ACE Australia Holdings Pty Limited ABN 64 116 987 618 (the applicant) has applied to the Treasurer under section 13 of the *Financial Sector (Shareholdings) Act 1998* (the Act) for approval to hold a 100% stake in ACE Insurance Limited ABN 23 001 642 020 (the company), a financial sector company under the Act; and
- B. I am satisfied that it is in the national interest to approve the applicant holding a stake in the company of more than 15%,

I, Wayne Stephen Byres, a delegate of the Treasurer, under section 14 of the Act, APPROVE the applicant holding a 100% stake in the company.

This approval has effect from the date it is signed and remains in force indefinitely.

Dated 15 December 2005

[Signed]

Wayne Byres  
Executive General Manager  
Diversified Institutions Division



## Approval to hold a stake in a Financial Sector Company of more than 15%

### *Financial Sector (Shareholdings) Act 1998*

---

#### SINCE:

- A. ACE Limited and its associates (the applicants) have applied to the Treasurer under section 13 of the *Financial Sector (Shareholdings) Act 1998* (the Act) for approval to hold a 100% stake in ACE Australia Holdings Pty Limited ABN 64 116 987 618 (the company), a financial sector company under the Act; and
- B. I am satisfied that it is in the national interest to approve the applicants holding a stake in the company of more than 15%,

I, Wayne Stephen Byres, a delegate of the Treasurer, under section 14 of the Act, APPROVE the applicants holding a 100% stake in the company.

This approval has effect from the date it is signed and remains in force indefinitely.

Dated 15 December 2005

[Signed]

Wayne Byres  
Executive General Manager  
Diversified Institutions Division

#### Interpretation

In this Notice

*associates* means those persons listed in the Schedule.

## **Schedule - Associates**

### Entity

### Place of Incorporation

ACE Group Inc

Delaware - USA

ACE INA Holdings Inc

Delaware - USA

INA Corporation

Pennsylvania – USA

ACE INA International Holdings Ltd

Delaware - USA



## Authorisation to be a NOHC of a general insurer

### *Insurance Act 1973*

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I, Wayne Stephen Byres, a delegate of APRA, under subsection 18(3) of the *Insurance Act 1973* (the Act), GRANT ACE Australia Holdings Pty Limited ABN 64 116 987 618 (ACE) authorisation to be a NOHC.

This Authorisation operates as an authorisation in relation to ACE and any general insurers that are its subsidiaries from time to time.

This Authorisation commences on the date it is signed.

Dated 15 December 2005

[Signed]

Wayne Byres  
Executive General Manager  
Diversified Institutions Division

### **Interpretation**

In this Notice

**APRA** means the Australian Prudential Regulation Authority.

**general insurer** has the meaning given in subsection 3(1) of the Act.

**NOHC** is short for non-operating holding company and has the meaning given in subsection 3(1) of the Act.



## Exemption No. 105

### *Superannuation Industry (Supervision) Act 1993*

---

I, Stephen Edward Glenfield, a delegate of APRA, under section 328 of the *Superannuation Industry Supervision (Act) 1993* (the Act), EXEMPT CARE Super Pty Ltd ABN 91 006 670 060, as trustee of CARE Super SFN 125 703 943 from compliance with paragraph 93(3)(a) of the Act; and

Under subsection 330(2) of the Act this Exemption is subject to the conditions specified in the Schedule attached to this Notice.

Dated 7 December 2005

[Signed]

Stephen Edward Glenfield  
General Manager  
Specialised Institutions Division

## Interpretation

### In this Notice

**APRA** means the Australian Prudential Regulation Authority.

*Note 1* Under section 336 of the Act, a copy of this Exemption must be published in the *Gazette*.

*Note 2* Under subsection 331(1) of the Act, a person must not, without reasonable excuse, contravene a condition of this Exemption. The penalty is 5 penalty units. This is an offence of strict liability.

*Note 3* Under subsection 331(2) of the Act, if a person has contravened a condition of this Exemption, the Court may, on the application of APRA, order the person to comply with the condition.

*Note 4* Under paragraph (z) of the definition of **reviewable decision** in subsection 10(1) of the Act, the decision to make this Exemption is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

*Note 5* The address where written notice specified in this Notice may be given to APRA is Level 21, 2 Lonsdale Street, Melbourne. Vic. 3000.

## Schedule of conditions

- 1) The board of the Trustee must consist of equal numbers of members of employer representatives and member representatives.
- 2) The board of the Trustee is taken to consist of equal numbers of employer representatives and member representatives if:
  - (a) the board includes an additional independent director; and
  - (b) the additional independent director is appointed at the request of the employer representatives, or the member representatives, who are the members of the group or board; and
  - (c) provision is made in the governing rules for the appointment of the additional independent director; and
  - (d) the governing rules do not allow the additional independent director to exercise a casting vote in any proceedings of the group or board concerned.
- 3) If:
  - (a) a vacancy occurs in the membership of the board of a corporate trustee; and
  - (b) immediately before the vacancy occurred, the fund complied with condition 2; and
  - (c) the vacancy is filled within 90 days after it occurred; and
  - (d) immediately after the vacancy is filled, the fund complies with condition 2;

the fund is taken to have complied with condition 2 at all times during the period of the vacancy.
- 4) A director of the board of the Trustee does not fail to be an independent director by reason only of payment for the performance of duties as a director of CARE Super Pty Ltd, an employer-sponsor of the Fund.
- 5) A director of the board of the Trustee does not fail to be an independent director by reason only of being a partner of PricewaterhouseCoopers and thereby an associate of an employer-sponsor of the Fund.



## Exemption No. 138

### *Superannuation Industry (Supervision) Act 1993*

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I, Stephen Edward Glenfield, a delegate of APRA, under section 328 of the *Superannuation Industry Supervision (Act) 1993* (the Act), EXEMPT Watson Wyatt Superannuation Pty Ltd ABN 56 098 527 256, RSE licence number L0000185 as trustee of Uncle Tobys Superannuation Fund ABN 24 661 746 173 from compliance with subsection 93(4) of the Act; and

Under subsection 330(2) of the Act this Exemption is subject to the conditions specified in the Schedule attached to this Notice.

Dated 25 October 2005

[Signed]

Stephen Edward Glenfield  
General Manager  
Specialised Institutions Division

### Interpretation

In this Notice

**APRA** means the Australian Prudential Regulation Authority.

*Note 1* Under section 336 of the Act, a copy of this Exemption must be published in the *Gazette*.

*Note 2* Under subsection 331(1) of the Act, a person must not, without reasonable excuse, contravene a condition of this Exemption. The penalty is 5 penalty units. This is an offence of strict liability.

*Note 3* Under subsection 331(2) of the Act, if a person has contravened a condition of this Exemption, the Court may, on the application of APRA, order the person to comply with the condition.

*Note 4* Under paragraph (z) of the definition of **reviewable decision** in subsection 10(1) of the Act, the decision to make this Exemption is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

*Note 5* The address where written notice specified in this Notice may be given to APRA is Level

21, 2 Lonsdale Street, Melbourne. Vic.

## Schedule of conditions

1. Watson Wyatt Superannuation Pty Ltd (the **Trustee**) must ensure that a policy committee is established in respect of the Uncle Tobys Superannuation Fund (the **Fund**) (the **Policy Committee**).
2. The Trustee must ensure that the Policy Committee has an equal number of employer representatives and member representatives.
3. If a vacancy occurs in the membership of the Policy Committee, the Policy Committee is taken to comply with condition 2 if paragraphs 3.05(5)(a) to (c) of the Regulations are satisfied in relation to the Fund.
4. The Trustee must comply with subsection 107(2) of the Act and regulation 4.06 of the Regulations in relation to the Policy Committee.
5. The Trustee must comply with regulation 3.08 of the Regulations in relation to the Policy Committee as if the Policy Committee was a policy committee of a public offer superannuation fund.
6. The functions that the Policy Committee may undertake include the functions specified in paragraphs 3.06(1)(a) to (e) of the Regulations.

### Interpretation

In this Exemption:

**policy committee** has the meaning given in section 10 of the Act.

**member representative** has the meaning given in section 10 of the Act.

**employer representative** has the meaning given in section 10 of the Act.

**Regulations** means the *Superannuation Industry (Supervision) Regulations 1994*.



## Exemption No. 179

### *Superannuation Industry (Supervision) Act 1993*

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I, Stephen Edward Glenfield, a delegate of APRA, under section 328 of the *Superannuation Industry Supervision (Act) 1993* (the Act), EXEMPT Australian Retirement Fund Pty. Ltd. (the Trustee) ABN 44 006 466 619, as trustee of Australian Retirement Fund SFN 148991946 (the Fund) from compliance with subregulations 9.04D(1), 9.04D(2) and 9.04D(3) of the *Superannuation Industry (Supervision) Regulations 1994* (the Regulations); and

Under subsection 330(2) of the Act this Exemption is subject to the conditions specified in the Schedule attached to this Notice.

Dated 24 November 2005

[Signed]

Stephen Edward Glenfield  
General Manager  
Specialised Institutions Division

## Interpretation

In this Notice

**APRA** means the Australian Prudential Regulation Authority.

*Note 1* Under section 336 of the Act, a copy of this Exemption must be published in the *Gazette*.

*Note 2* Under subsection 331(1) of the Act, a person must not, without reasonable excuse, contravene a condition of this Exemption. The penalty is 5 penalty units. This is an offence of strict liability.

*Note 3* Under subsection 331(2) of the Act, if a person has contravened a condition of this Exemption, the Court may, on the application of APRA, order the person to comply with the condition.

*Note 4* Under paragraph (z) of the definition of **reviewable decision** in subsection 10(1) of the Act, the decision to make this Exemption is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

*Note 5* The address where written notice specified in this Notice may be given to APRA is Level 21, 2 Lonsdale Street, Melbourne. Vic. 3001.

## Schedule of conditions

1. The exemption from compliance with subregulations 9.04D(1), 9.04D(2) and 9.04D(3) applies only to the extent that those subregulations would prevent a sub-fund of the Fund (the ***sub-fund***) from accepting, and having as members, the defined benefit members (the ***transferred members***) of the NSW Teachers' Federation Staff Superannuation Plan (the ***original fund***).
2. The sub-fund must have at least 5 members and comply with paragraphs 9.04B (a) and (b) of the Regulations (which require the sub-fund to have separate assets, beneficiaries and beneficiary interests).
3. Each transferred member must be transferred to the sub-fund from the original fund, together with their benefits in the original fund.
4. Each transferred member must be a defined benefit member of the original fund immediately before the transfer.
5. Each transferred member must be transferred from the original fund in the course of the winding up of the original fund.
6. At the time of the transfer, the Trustee must believe, on reasonable grounds, that the original fund is being wound up and the winding up will be completed within a reasonable time.



## Exemption No. 182

### *Superannuation Industry (Supervision) Act 1993*

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I, Stephen Edward Glenfield, a delegate of APRA, under section 328 of the *Superannuation Industry Supervision (Act) 1993* (the Act), EXEMPT Equipsuper Pty Ltd ABN 64 006 964 049, RSE licence number L0000123 as trustee of Equipsuper R1000177 from compliance with subregulation 6.34(3) of the Superannuation Industry (Supervision) Regulations 1994; and

Under subsection 330(2) of the Act this Exemption is subject to the conditions specified in the Schedule attached to this Notice.

This Exemption comes into force on 20 December 2005.

Dated 19 December 2005

[Signed]

Stephen Edward Glenfield

## Interpretation

In this Notice

**APRA** means the Australian Prudential Regulation Authority.

*Note 1* Under section 336 of the Act, a copy of this Exemption must be published in the *Gazette*.

*Note 2* Under subsection 331(1) of the Act, a person must not, without reasonable excuse, contravene a condition of this Exemption. The penalty is 5 penalty units. This is an offence of strict liability.

*Note 3* Under subsection 331(2) of the Act, if a person has contravened a condition of this Exemption, the Court may, on the application of APRA, order the person to comply with the condition.

*Note 4* Under paragraph (z) of the definition of **reviewable decision** in subsection 10(1) of the Act, the decision to make this Exemption is a reviewable decision. If you are dissatisfied with this decision, you may request APRA to reconsider it in accordance with subsection 344(1) of the Act. The request for reconsideration must be made in writing, must set out the reasons for making the request, and must be given to APRA within 21 days after the day on which you first received notice of this decision, or within such further period as APRA allows. If you are dissatisfied with the outcome of APRA's reconsideration of the decision, you may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

*Note 5* The address where written notice specified in this Notice may be given to APRA is Level 21, 2 Lonsdale Street, Melbourne VIC 3000.

## Schedule of conditions

1. This Exemption only applies to requests (*exempt requests*) for rollovers or transfers of withdrawal benefits that are made under subregulation 6.33 of the SIS Regulations and that are received by the Trustee during the period from 1 July 2005 to 1 November 2005.
2. The Trustee must roll over or transfer a member's withdrawal benefit which is the subject of an exempt request, in accordance with subregulations 6.34(1) and (2) of the SIS Regulations, before 1 March 2006.
3. To avoid doubt, the Trustee must comply with any requests for rollovers or transfers of withdrawal benefits that are received by the Trustee after 1 November 2005 within the time specified in subregulation 6.34(3) of the SIS Regulations (which is normally 90 days after receipt of the request).
4. This Exemption ceases to have effect on and from 1 March 2006.
5. While this Exemption has effect, the Trustee must report to APRA fortnightly in writing on the number of requested rollovers and/or transfers that have not been completed within the period required by subregulation 6.34(3) of the SIS Regulations, and the amount of benefits that are the subject of each of those requests.



## Approval to hold a stake in a Financial Sector Company of more than 15%

### *Financial Sector Shareholdings Act 1998*

---

#### **SINCE:**

- (1) Temasek Holdings (Pte) Ltd and its associates (the applicants) have applied to the Treasurer under section 13 of the *Financial Sector (Shareholdings) Act 1998* (the Act) for approval to hold a 88% stake in the Bank of China Limited ABN 29 002 979 955 (the Company), a financial sector company under the Act; and
- (2) I am satisfied that it is in the national interest to approve the applicants holding a stake in the Company of more than 15%,

I, Keith David Chapman, a delegate of the Treasurer, under section 14 of the Act, APPROVE the applicants holding an 88% stake in the Company, SUBJECT to the conditions, imposed under subsection 16(1) of the Act, specified in Schedule 2.

This approval remains in force indefinitely.

Dated 21 December 2005

[Signed]

Keith Chapman  
General Manager  
Diversified Institutions Division

#### **Interpretation**

In this Notice

*associates* means those persons listed in Schedule 1.

*Note 1:* Subsection 19 of the Act provides:

(1) If:

- (a) at a particular time, a person holds an approval under section 14 to hold a stake in a financial sector company of more than 15%; and
- (b) the financial sector company is a holding company of an authorised deposit-taking institution or an authorised insurance company;

there are taken to be in force at that time approvals of the Treasurer, under section 14, for the person to hold the same percentage stake in each financial sector company that is a 100% subsidiary of the holding company.

At the time this approval was granted, Bank of China (Australia) Limited ABN 28 110 077 622 was a 100% subsidiary of the Company.

## **Schedule 1 - Associates**

<u>Entity</u>	<u>Place of Incorporation</u>
Fullerton Management Pte Ltd	Singapore
Asia Financial Holdings Pte Ltd	Singapore

## **Schedule 2 - Conditions imposed on this Authority**

1. Asia Financial Holdings Pte Ltd shall not hold a direct control interest in the Company greater than 10%.
2. The stake that Asia Financial Holdings Pte Ltd may hold through the operation of paragraph 10(1)(b) of the Schedule to the Act is confined to any stake arising out of an arrangement between Asia Financial Holdings Pte Ltd, the Company, Temasek Holdings (Pte) Ltd and China Safe Investments Limited for the appointment of a person nominated by Asia Financial Holdings Pte Ltd to the board of the Company.
3. Fullerton Management Pte Ltd and Temasek Holdings (Pte) Ltd shall each not hold a direct control interest in the Company greater than 10%.
4. The stake that Fullerton Management Pte Ltd and Temasek Holdings (Pte) Ltd may hold is confined to any stake arising from any direct or indirect relationship they may have with Asia Financial Holdings Pte Ltd.



## Approval to hold a stake in a Financial Sector Company of more than 15%

### *Financial Sector Shareholdings Act 1998*

---

#### SINCE:

- (1) The Royal Bank of Scotland Group plc and its associates (the applicants) were, by Notice of Approval dated 13 December 2005, granted approval under section 14 of the *Financial Sector (Shareholdings) Act 1998* (the Act) to hold an 88% stake in Bank of China Limited ABN 29 002 979 955 (the Company); and
- (2) the approval was subject to conditions; and
- (3) the applicants have applied to the Treasurer under section 17 of the Act to vary the percentage specified in the Notice of Approval; and
- (4) I am satisfied that it is in the national interest to vary the conditions and vary the percentage,

I, Keith David Chapman, a delegate of the Treasurer, under subsection 17(3) of the Act, VARY the conditions of the approval by revoking the conditions and replacing them with the conditions in Schedule 2 and, under subsection 16(2) of the Act, VARY the percentage specified in the approval by increasing it from 88% to 100%.

This approval remains in force indefinitely.

Dated 21 December 2005

[Signed]

Keith Chapman  
General Manager  
Diversified Institutions Division

## Interpretation

In this Notice

***associates*** means those persons listed in Schedule 1.

*Note 1:* Subsection 19 of the Act provides:

- (1) If:
- (a) at a particular time, a person holds an approval under section 14 to hold a stake in a financial sector company of more than 15%; and
  - (b) the financial sector company is a holding company of an authorised deposit-taking institution or an authorised insurance company;
- there are taken to be in force at that time approvals of the Treasurer, under section 14, for the person to hold the same percentage stake in each financial sector company that is a 100% subsidiary of the holding company.

At the time the original approval was granted, Bank of China (Australia) Limited ABN 28 110 077 622 was a 100% subsidiary of the Company.

## **Schedule 1 - Associates**

RBS China Investments S.à.r.l

RBS China Investments Limited

## **Schedule 2 - Conditions as varied by this Authority**

1. RBS China Investments S.à.r.l shall not hold a direct control interest in the Company greater than 10%.
2. The stake that RBS China Investments S.à.r.l may hold through the operation of paragraph 10(1)(b) of the Schedule to the Act is confined to any stake arising out of an arrangement between RBS China Investments S.à.r.l., the Company, Royal Bank of Scotland Group plc and Central Safe Investments Limited for the appointment of a person nominated by RBS China Investments S.à.r.l to the board of the Company.
3. Royal Bank of Scotland Group plc and RBS China Investments Limited shall each not hold a direct control interest in the Company greater than 10%.
4. The stake that Royal Bank of Scotland Group plc and RBS China Investments Limited may hold is confined to any stake arising from any direct or indirect relationship they may have with RBS China Investments S.à.r.l.



## Revocation of Authority to carry on banking business

### *Banking Act 1959*

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SINCE

- A. on 28 July 2005 Australian National Credit Union Limited ABN 45 087 650 020 (the ADI) applied in writing to APRA under subsection 9A(1) of the *Banking Act 1959* (the Act), to revoke its authority to carry on banking business in Australia (the Authority); and
- B. I am satisfied that revocation of the Authority:
  - (i) would not be contrary to the national interest; and
  - (ii) would not be contrary to the interests of the depositors of the ADI;

I, Brandon Khoo, a delegate of APRA, under subsection 9A(1) of the Act, REVOKE the Authority with effect from 1 January 2006.

Dated 21 December 2005

[Signed]

Brandon Khoo  
Executive General Manager  
Specialised Institutions Division

### **Interpretation**

In this Notice

**APRA** means the Australian Prudential Regulation Authority.

**ADI** is short for authorised deposit-taking institution and has the meaning given in subsection 5(1) of the Act.

**banking business** has the meaning given in subsection 5(1) of the Act.

*Note 1* Under subsection 9A(6) of the Act, APRA must publish a copy of this Notice in the *Gazette* and may cause notice of the revocation to be published in any other way it considers appropriate.

*Note 2* Under subsection 8(1) of the Act, a body corporate is guilty of an offence if the body corporate carries on banking business in Australia and the body corporate is not the Reserve Bank and the body corporate is not an ADI and there is no order in force under section 11 of the Act determining that subsection 8(1) does not apply to the body corporate. A maximum penalty of 200 penalty units applies or by virtue of subsection 4B(3) of the *Crimes Act 1914* in the case of a body corporate, a maximum penalty not exceeding 1,000 penalty units. By virtue of subsection 8(2) of the Act, an offence against subsection 8(1) is an indictable offence. Under subsection 8(3) of the Act, if a body corporate commits an offence against subsection 8(1), the body corporate is guilty of an offence against that subsection in respect of the first day on which the offence is committed and each subsequent day (if any) on which the circumstances that gave rise to the body corporate committing the offence continue (including the day of conviction for any such offence or any later day).



## Approval to hold a stake in a financial sector company of more than 15%

### *Financial Sector (Shareholdings) Act 1998*

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SINCE

- (1) Community First Credit Union Limited ACN 087 649 938 (the Applicant) has applied to the Treasurer under section 13 of the *Financial Sector (Shareholdings) Act 1998* (the Act) for approval to hold the transferring business of Dana Employees Credit Union Limited ACN 087 649 830 (DECU), a financial sector company under the Act;
- (2) The transferring business comprises more than 15% of the gross assets and liabilities of DECU; and
- (3) I am satisfied that it is in the national interest for the Applicant to hold the transferring business;

I, Ramani Venkatramani, a delegate of the Treasurer, under section 14 of the Act, APPROVE the Applicant holding a 100% stake in the transferring business.

This Approval has effect from the date it is signed and remains in force indefinitely.

Dated 5 January 2006

[Signed]

Ramani Venkatramani  
General Manager, Central Region  
Specialised Institutions Division

### Interpretation

In this Notice

**APRA** means the Australian Prudential Regulation Authority.

**financial sector company** has the meaning given in section 3 of the Act.



## Consent to proposed disposal of the business of an ADI

### *Banking Act 1959*

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SINCE

- A. Dana Employees Credit Union Limited ACN 087 649 830 (DECU) is an ADI within the meaning of the *Banking Act 1959* (the Act);
- B. DECU proposes to enter into an arrangement to dispose of the whole of its business to Community First Credit Union Limited ACN 087 649 938 (CFCU);
- C. Section 63 of the Act makes it an offence for an ADI to enter into an arrangement or agreement for disposal of its business unless the Treasurer has given prior consent in writing to the ADI to do so; and
- D. On 18 November 2005 DECU requested the Treasurer to consent to DECU entering into the arrangement

I, Ramani Venkatramani, a delegate of the Treasurer, CONSENT under subsection 63(1) of the Act to DECU entering into the arrangement to dispose of the whole of its business to CFCU.

Dated 5 January 2006

[Signed]

Ramani Venkatramani  
General Manager, Central Region  
Specialised Institutions Division

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## Public Notices

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### SHIPPING REGISTRATION ACT 1981

#### NOTICE OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given of the intention of

Murray Leigh Pfitzner of

11 Gumnut Crescent Bungonia Heights NSW 2580 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 2601, before the expiry of the period referred to above.

#### **Particulars of Ship**

Present name: Aphrodite

Former name : Aphrodite

Present whereabouts: Newport NSW

Length: 11.52 m

Principal material of construction: GRP

Type of ship: Compass 38 auxilliary sailing yacht

**STATE LIBRARY OF VICTORIA****Seeking copyright holders – intention to publish**

Under the provisions of Section 51 of the Copyright Act 1968 and the Act's associated Regulations, the State Library of Victoria gives notice of its intention to publish in a digital form on its web site, the following documents held in its Manuscripts Collection:

Ms 13472. Edward Henty, *Journal*, 1834 – 39. Presented by Mr. Edric Henty and Mr and Miss Armstrong, 2<sup>nd</sup> December 1955.

Ms 5081. *Manifest of cargo on board the brigantine Thistle*, 1834. Purchased from the Fine Arts Society on 10 August 1933

Ms 13181. John Batman *Journal*, 1835. Presented by C.J. Ham, in 1882.

Ms 10768. John Helder Wedge, *Field book*, 1835 – 36. Received on 5 July 1885.

Ms 11243. William Todd, *Journal*, 1835. Presented by Mrs Edwin Fowler 13 April 1905.

MS 13487. John Helder Wedge [*Map of Port Phillip*]. Details of acquisition are not known, but it had been accessioned by 1935.

Ms 13483. William Buckley, *Reminiscences... as told to George Langhorne*, [1837]. Originally accessioned in 1891. Purchased from the Fine Arts Society.

Ms 5176. Sir Richard Bourke, *Journal*, 1837. Purchased from Mr. Molloy in London, 28 January 1935.

Ms 13130. Port Phillip Association, *Indentures and Geelong Deed*. Purchased in 1992 from a vendor who wishes to remain anonymous

Ms 10258. *Correspondence relating to the Geelong and Dutigalla Association*. Purchased at Sothebys, London 1977.

MS 13486. John Pascoe Fawkner, *Melbourne Advertiser*, 1838. Details of acquisition are not known.

Ms 13479. Nicholas Pateshall, *Short account of a voyage around the globe*, [1803 – 04]. Purchased from Kenneth Hince Rare Books in 1988.

MS 13484. Port Phillip Association, *Melbourne Deed*. Purchased from Mr Richard Ocock 1879

MS 13485. Port Phillip Association, *Geelong Deed*. Purchased from Mr Richard Ocock 1879

Any person who claims copyright in any of this material should immediately give notice to:

Mr Jock Murphy,  
Manuscripts Librarian,  
State Library of Victoria,  
328 Swanston Street,  
Melbourne,  
VICTORIA, 3000.



Commonwealth  
of Australia

Gazette

No. S233, Tuesday, 20 December 2005

Published by the Commonwealth of Australia

SPECIAL

Commonwealth of Australia

*Environment Protection and Biodiversity Conservation Act 1999*

NOTICE UNDER SECTION 275

CALL FOR PUBLIC COMMENT

**Notice of the exhibition of draft recovery plans under Section 275 of the  
*Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)**

The Australian Government Department of the Environment and Heritage is inviting public comment on a draft recovery plan for the following species of marine turtle:

Loggerhead turtle (*Caretta caretta*)  
Olive ridley turtle (*Lepidochelys olivacea*)  
Green turtle (*Chelonia mydas*)  
Hawksbill turtle (*Eretmochelys imbricata*)  
Flatback turtle (*Natator depressus*)  
Leatherback turtle (*Dermochelys coriacea*)

This draft recovery plan will be available for public comment for a period of three months, after which the plan will be revised, taking into consideration any comments received. The draft recovery plan is available from the Department of the Environment and Heritage online at <http://www.deh.gov.au/biodiversity/threatened/recovery/public-comment/index.html>, by emailing [ciu@deh.gov.au](mailto:ciu@deh.gov.au), or on freecall 1800 803 772.

Comments must be received by **close of business AEST Tuesday, 21 March 2005** and should be sent to:

Director, Migratory and Marine Species Section  
Department of the Environment and Heritage  
GPO Box 787  
CANBERRA ACT 2601  
Email: [recoveryplans@deh.gov.au](mailto:recoveryplans@deh.gov.au)  
Fax: (02) 6274 2455



# Commonwealth of Australia

# Gazette

No. S234, Tuesday, 20 December 2005

Published by the Commonwealth of Australia

**SPECIAL**



**Senator the Hon. Ian Macdonald**

Parliament House Canberra ACT 2600 Ph: 02 6277 7270 Fax: 02 6273 7096

**Minister for Fisheries, Forestry and Conservation**

16 DEC 2005

Mr Tony Rundle  
Chair  
Australian Fisheries Management Authority  
PO Box 7051  
Canberra Business Centre  
CANBERRA ACT 2610

Dear Mr Rundle

*Tony,*

I refer to the management of Commonwealth fisheries and the need to improve their biological and economic status.

As I have indicated to you in previous correspondence, the Government is committed to taking decisive action during this term to put an end to overfishing, and to limit the risk of future overfishing.

The current trajectories for stock recovery in many fisheries are very long, indicating that a faster pace of recovery is necessary if fisheries are to return to sustainable and profitable circumstances in the medium term. I am satisfied that, because of the poor biological and economic status of a number of the fisheries, exceptional circumstances exist and it is necessary for me to direct the Australian Fisheries Management Authority (AFMA), under the authority of section 91 of the *Fisheries Administration Act 1991* (FAA), to ensure that AFMA's ongoing performance of its functions, and the exercise of its powers, do not conflict with Government policy.

As such, consistent with section 91 of the FAA, I am writing to direct AFMA as follows:

1. Noting the qualification in relation to internationally-managed fisheries in paragraph 2(a)(iv) below, AFMA must take immediate action in all Commonwealth fisheries to:
  - a) cease overfishing and recover overfished stocks to levels that will ensure long term sustainability and productivity;
  - b) avoid further species from becoming overfished in the short and long term; and
  - c) manage the broader environmental impacts of fishing, including on threatened species or those otherwise protected under the *Environment Protection and Biodiversity Conservation Act 1999*.
2. AFMA must take a more strategic, science-based approach to setting total allowable catch and/or effort levels in Commonwealth fisheries, consistent with

a world's best practice Commonwealth Harvest Strategy Policy that has the objectives of managing fish stocks sustainably and profitably, putting an end to overfishing, and ensuring that currently overfished stocks are rebuilt within reasonable timeframes, as set out below:

- a. Consistent with the United Nations Fish Stocks Agreement, and based on advice from CSIRO and other relevant scientists, the initial setting of the Commonwealth Harvest Strategy Policy, should be:
  - i. in all Commonwealth fisheries the exploitation rate of target stocks in any fishing year will not exceed that giving the Maximum Sustainable Yield. The catch of target stocks in all Commonwealth fisheries will not exceed the Maximum Sustainable Yield in any fishing year unless otherwise consistent with a scientifically robust harvest strategy designed to achieve a sustainable target level and that does not result in overfishing or overfished stocks;
  - ii. for the initial and default harvest strategy, reductions in exploitation rate and catch are to be implemented immediately when breeding stocks are assessed to have been reduced below 40% of pre-fished levels, and targeted fishing to cease when breeding stocks are assessed to have been reduced below 20% of pre-fished levels (known as a '20/40' harvest strategy). Alternative harvest strategies may be developed in specific cases where they meet the sustainability objectives and do not result in overfishing or overfished stocks;
  - iii. the harvest strategy must achieve the objective of avoiding overfishing and avoiding overfished stocks with at least 80% probability (where lack of knowledge about a fish stock precludes decision making with this level of certainty, decisions on catch/units should reflect the application of the precautionary principle); and
  - iv. noting that for internationally-managed fisheries to which Australia is a party (such as the Southern Bluefin Tuna Fishery and the Heard Island and McDonald Islands Fishery) the relevant international agreement will prevail where it includes an acceptable scientific process for setting sustainable catch levels. In such fora, Australia will advocate its domestic policy settings as an example of best practice.
- b. Participate in an expert review of the policy referred to in paragraph 2(a) above which will report to me by 30 June 2006.
  - The expert-based review of the above initial settings for the Commonwealth Harvest Strategy Policy will determine if, and by how much, these settings should be amended to ensure that the objectives in relation to sustainability and profitability, overfishing and recovery of stocks are met within specified time limits.
  - The expectation is that for some species, the adoption of more conservative harvest strategies with higher stock size thresholds (e.g '30/50' strategies), lower exploitation rates or a higher

probability (e.g. 90-95%) of avoiding overfishing will be necessary to achieve these objectives.

- The review will be led by the Department of Agriculture, Fisheries and Forestry (DAFF), will involve relevant bodies, and will be peer reviewed by international fisheries experts.
3. Noting that AFMA has released the Total Allowable Catch (TAC) levels for 2006 in the Southern and Eastern Scalefish and Shark Fishery (SESSF) and projected TAC and Total Allowable Effort (TAE) levels for the SESSF and the Eastern Tuna and Billfish Fishery respectively for 2007, AFMA must implement by 1 January 2007, harvest strategies consistent with the reviewed policy in paragraph 2(b) above for all Commonwealth fisheries:
- the projected TACs and TAEs for 2007 referred to above will be subject to verification under the reviewed policy in paragraph 2(b), however it is not expected that these will vary significantly from those already announced by AFMA;
  - the TAC level for the Bass Strait Central Zone Scallop fishery should be set at zero for a minimum of three years from January 2006, (excluding official stock surveys).
4. AFMA must also have regard to, participate in, or implement the following measures:
- a) Implement the long standing government policy of managing Commonwealth fisheries using output controls in the form of individual transferable quotas by 2010 unless there is a strong case that can be made to me, on a fishery by fishery basis, that this would not be cost effective or would be otherwise detrimental;
  - b) In those fisheries where quota or effort-based Statutory Fishing Rights (SFRs) have been granted, conduct a cost-benefit analysis to determine whether boat permits and/or boat SFRs are an impediment to autonomous adjustment or are otherwise a barrier to efficient fisheries management and if this is the case, whether they could be phased out by 2010 while:
    - i. Avoiding overcapitalisation;
    - ii. Retaining the benefits of government funded structural adjustment;
    - iii. Managing access to all retained species.
  - c) Minimise the incentives for discarding by ensuring it is factored into the setting of total allowable catch levels;
  - d) Manage the broader environmental impacts of fishing, including minimising the level of interactions with threatened or otherwise protected species;
  - e) Enhance the monitoring of fishing activity, for example through increased use of vessel monitoring systems with daily reporting, on-board cameras, and observers;
  - f) Establish a system of independent surveys for all major Commonwealth fisheries by 1 January 2007 to increase the transparency and integrity of catch and effort information;

- g) Identify and implement any required spatial closures in fisheries;
    - Ensure that where ongoing exclusion of fishing is proposed there is a coordinated approach with other relevant agencies to the identification of the Marine Protected Areas; and
  - h) Strengthen the advice to the AFMA Board by engaging high-level expertise in economics and science to provide parallel advice to the AFMA Board in relation to key Board decisions.
5. AFMA must provide me with reports in May 2006, November 2006 and May 2007, outlining the following:
- a) how AFMA is implementing this direction (paragraphs 1-4 above);
  - b) AFMA's progress in implementing the direction and expected timeframes for completing the direction; and
  - c) any problems encountered with implementing the direction and the actions taken to resolve those problems.
6. From 2006 - 2010, AFMA will outline in its Annual Report its progress in implementing this direction.

I will be monitoring AFMA's performance in implementing the direction in a number of ways. These will include, but are not limited to:

- a) AFMA's reports to me in May 2006, November 2007 and May 2007;
- b) ongoing briefing from my Department on the progress of the expert-based reviews;
- c) the June 2006 report on the expert-based review of the Commonwealth Harvest Strategy Policy;
- d) ongoing advice from BRS on the status of overfished stocks, particularly through its annual Fishery Status Reports;
- e) ongoing advice from ABARE on the economic status of Commonwealth fisheries through the annual Fishery Survey Reports;
- f) AFMA's Annual Reports;
- g) the Department of the Environment and Heritage's strategic assessments of Commonwealth fisheries.

Recognising the poor economic conditions being experienced by many Commonwealth fisheries, the Government is implementing a substantial structural adjustment package to encourage the removal of excess fishing capacity. The assistance and cooperation of the AFMA Board in implementing this program, in conjunction with the measures outlined above, would be appreciated. I will be writing to you separately with details of the assistance package.

In accordance with section 91 of the FAA I will provide a notice setting out the particulars of this direction to be published in the Gazette and a copy of the notice to be laid before each House of the Parliament within fifteen days of publication in the Gazette. I note that there is also a requirement under the FAA for AFMA to include particulars of the direction and particulars of the impact of that direction on the operations of AFMA, in its next annual report.

I would welcome the opportunity to meet with you and the AFMA Board to discuss this direction and how AFMA plans to implement the measures outlined above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian Macdonald', with a long, horizontal, wavy line extending to the right.

Ian Macdonald



**COMMONWEALTH OF AUSTRALIA**  
**Environment Protection and Biodiversity Conservation Act 1999**  
**DECLARATION OF AN**  
**APPROVED WILDLIFE TRADE OPERATION**

I, Mick Trimmer, Director, Wildlife Trade Assessments, as Delegate of the Minister for the Environment and Heritage under the *Environment Protection and Biodiversity Conservation Act 1999*, declare under subsection 303FN(2) that the Yacca Industry Management Association (Kangaroo Island) Incorporated (YIMA) operation to harvest yacca gum extracted from *Xanthorrhoea semiplana tateana* (Tate's grasstree) plants from Kangaroo Island, South Australia, is a small-scale operation as defined by regulation 9A.20 under subsection 303FN(10) and is an Approved Wildlife Trade Operation.

This declaration has effect subject to the following conditions applied under Section 303FT:

1. Harvesting is restricted to dead plants removed from existing pasture land, and from areas which are being cleared in compliance with the South Australian *Native Vegetation Act 1991*.
2. Total harvest of yacca gum should not exceed more than 80 tonnes.
3. YIMA must submit a report for each three months period to the Department of the Environment and Heritage within 28 days of the end of each calendar quarter.
4. This declaration is valid until 20 December 2006.

Dated this *Nineteenth* day of *December* 2005

  
Delegate of the Minister for the Environment and Heritage

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

Director, Wildlife Trade Assessments  
Department of the Environment and Heritage  
GPO Box 787  
CANBERRA ACT 2601  
Telephone: (02) 6274 2880 Facsimile: (02) 6274 1921



RESERVE BANK OF AUSTRALIA

*Payment Systems (Regulation) Act 1998*

*Draft Access Regime for the designated EFTPOS payment system*

This notice is published in accordance with the requirements set out in Section 28(2)(a) of the *Payment Systems (Regulation) Act 1998* (the Act).

The Reserve Bank of Australia proposes to impose, in accordance with Section 12 of the Act, the attached Access Regime to be complied with by the participants in the designated EFTPOS payment system.

**Summary of purpose and effect of the proposed Access Regime**

The purpose of the proposed Access Regime is to promote competition and efficiency in the Australian payments system having regard to the interests of current and prospective participants in the EFTPOS system.

The proposed Access Regime should be read in conjunction with the draft EFTPOS Access Code developed by the Australian Payments Clearing Association (APCA), and available on APCA's web-site [www.apca.com.au](http://www.apca.com.au). This draft Access Code, developed in consultation with the Reserve Bank, addresses a number of important issues in relation to access to the EFTPOS system. The Bank sees no need for these matters to be also dealt with in the proposed Access Regime.

The effect of the proposed Access Regime is to address two issues that are not dealt with in APCA's Access Code. The first is the price that existing participants may charge new or existing participants to establish a direct connection. The second is the potential for interchange fees to be used as a barrier to entry to the system.

In relation to the first issue, the draft Access Regime proposes that there be a cap on the access charge for establishing a new direct connection and sets out a methodology for determining that cap.

In relation to the second issue, the draft Access Regime proposes that the interchange fee that an existing participant in the EFTPOS system negotiates with a new entrant must be no less favourable to the new entrant than the least favourable interchange fee agreement which that participant has with other existing participants.

Together with the proposed Standard for interchange fees in the EFTPOS system, the proposed EFTPOS Access Code developed by the Australian Payments Clearing Association and the proposed Standards for the Visa Debit system released for consultation in February 2005, the proposed Access Regime is expected to encourage price signals and behaviour that will, over time, promote the development of a more competitive and efficient payments system in Australia.

**Submissions**

Interested parties are invited to make submissions on the proposed Access Regime and the Reserve Bank's reasoning as set out in *Reform of Debit Card Systems in Australia: A Consultation Document*, available on the Reserve Bank's website [www.rba.gov.au](http://www.rba.gov.au).

2

Submissions should be made by 17 February 2006 to:

Head of Payments Policy  
Reserve Bank of Australia  
GPO Box 3947  
Sydney NSW 2001

or [PYSubmissions@rba.gov.au](mailto:PYSubmissions@rba.gov.au)

Signed



IJ Macfarlane  
Governor  
Reserve Bank of Australia

Date

16/12/05

## **Draft Access Regime for the EFTPOS System**

### **Objective**

*The objective of this Access Regime is to promote competition and efficiency in the Australian payments system, having regard to:*

- (i) the interests of current participants in the EFTPOS system;*
- (ii) the interests of people who, in the future, may want access to the EFTPOS system;*
- (iii) the public interest; and*
- (iv) the financial stability of the EFTPOS system.*

### **Application**

1. This Access Regime is imposed under Section 12 of the *Payment Systems (Regulation) Act 1998*.

2. This Access Regime applies to the payment system operated within Australia known as the EFTPOS system, which was designated as a payment system on 9 September 2004 and referred to below as the EFTPOS system.

3. In this Access Regime:

‘Access Agreement’ has the same meaning as in the EFTPOS Access Code;

‘Access Provider’ has the same meaning as in the EFTPOS Access Code;

‘Access Seeker’ has the same meaning as in the EFTPOS Access Code;

‘Access Charge’ means the charge payable by an Access Seeker to an Access Provider under an Access Agreement as described in clause 3 of Schedule 3 to the EFTPOS Access Code;

an ‘acquirer’ is a participant in the EFTPOS system that provides services to a merchant to allow that merchant to accept a debit card;

‘APCA’ means the Australian Payments Clearing Association Limited (ABN 12 055 136 519);

‘cash out’ means the provision of cash to a cardholder by a merchant, as a result of a debit card transaction at the merchant;

‘debit card’ means a card issued by a participant in the EFTPOS system that allows the cardholder to make payments to merchants for goods or services and/or obtain cash out using the EFTPOS system by accessing a deposit account held at the participant;

‘debit card transaction’ or ‘transaction’ means a transaction in Australia using the EFTPOS system;

‘Direct Connector’ has the same meaning as in the EFTPOS Access Code;

‘EFTPOS Access Code’ means the EFTPOS Access Code dated [ ] developed by APCA, and published on APCA’s website;

an ‘issuer’ is a participant in the EFTPOS system that issues debit cards to its customers;

an ‘interchange fee’ is a wholesale fee which is payable between an issuer and an acquirer or merchant principal, directly or indirectly, in relation to a debit card transaction in the EFTPOS system;

‘merchant’ means a merchant in Australia that accepts a debit card for payment for goods or services and/or that provides cash out;

a ‘merchant principal’ is a participant in the EFTPOS system that is a merchant that sends transactions directly to issuers rather than through an acquirer and takes on the responsibilities usually undertaken by an acquirer;

‘Standard Service’ has the same meaning as in the EFTPOS Access Code;

‘APCA’s 2004 costs survey’ is the survey of Direct Connectors in the EFTPOS system, conducted by APCA, on the expected incremental direct costs of connecting new direct connectors, the results of which were supplied to the Reserve Bank of Australia on 15 April 2005;

terms defined in the *Payment Systems (Regulation) Act 1998* have the same meaning in this Access Regime.

4. Each participant in the EFTPOS system must do all things necessary on its part to ensure compliance with this Access Regime.
5. If any part of this Access Regime is invalid, it is ineffective only to the extent of such part without invalidating the remaining parts of this Access Regime.
6. This Access Regime is to be interpreted:
  - in accordance with its objective; and
  - by looking beyond form to substance.
7. This Access Regime comes into force on [17 April 2006].

#### **Price of access**

8. The Access Charge levied by an Access Provider for providing the Standard Service to an Access Seeker must not exceed the benchmark, calculated in accordance with paragraphs 9 to 16 below, applying on the date the Access Agreement is entered into.

### **Methodology for calculation of the Access Charge benchmark**

9. For the period from [17 April 2006] to 31 December 2009 the benchmark for the Access Charge in the EFTPOS system is the lowest estimated cost for providing a direct connection as measured in APCA's 2004 costs survey. This cost is \$78 000 (excluding GST).
10. A new benchmark will apply from 1 January 2010, and every four years thereafter, determined in accordance with paragraphs 11 to 16 below.
11. In the final year of application of a given benchmark, to be known as the 're-calculation year', all Access Providers in the EFTPOS system who have provided the Standard Service to an Access Seeker during the four years to 30 June of that year must complete a survey of the eligible costs they incurred in providing the service to each such Access Seeker.
12. The form of the survey, including the set of assumptions, is to be substantively the same as APCA's 2004 costs survey, with any variations to be approved by the Reserve Bank of Australia prior to the survey being undertaken. Eligible costs are to be specified in the survey, and must include only incremental direct costs incurred in providing the Standard Service. Access Providers may appoint an agent to co-ordinate this survey.
13. Access Providers must use data on eligible costs drawn from accounting records prepared in accordance with generally accepted accounting principles and Australian accounting standards. Where an Access Provider has provided the Standard Service to more than one Access Seeker during the four years to 30 June of the re-calculation year, it must provide separate data on the costs incurred in providing each Standard Service. Each such provision of data counts as a separate survey response for the purposes of paragraph 16 below.
14. Results of the survey are to be provided by each Access Provider to the Reserve Bank of Australia on a confidential basis by [15 August] of the re-calculation year, unless an extension of this deadline is agreed to in writing by the Reserve Bank of Australia.
15. Each Access Provider may be required by the Reserve Bank of Australia to explain information in its survey responses. The Reserve Bank of Australia will review the data from each Access Provider to determine if the costs included are eligible costs and the Reserve Bank of Australia will use only eligible costs to calculate the benchmark in accordance with paragraph 16 below.
16. The Reserve Bank of Australia will calculate the new benchmark to apply for the four-year period commencing 1 January of the year following the re-calculation year. If the Reserve Bank of Australia receives responses from three or more different Access Providers to the survey, the new benchmark is to be the lowest actual cost for provision of the Standard Service from among all survey responses.

If the Reserve Bank of Australia receives responses from fewer than three different Access Providers to the survey, the new benchmark is to be the lower of:

- (i) the lowest actual cost for provision of the Standard Service from among all survey responses; and
- (ii) the benchmark applying during the re-calculation year adjusted for the change in the Australian Consumer Price Index between the June quarter of that year and the June quarter of four years earlier.

### **Transparency**

17. The Reserve Bank of Australia will publish the new benchmark by [30 September] of the re-calculation year.

### **No discrimination**

18. An acquirer or merchant principal who becomes a participant in the EFTPOS system for the first time on or after [17 April 2006] is for [three] years entitled to receive an interchange fee, from an issuer with whom it has an Access Agreement, no less than the lowest interchange fee payable by that issuer to an existing acquirer or merchant principal.
19. An issuer who becomes a participant in the EFTPOS system for the first time on or after [17 April 2006] is for [three] years not required to pay an acquirer or merchant principal, with whom it has an Access Agreement, an interchange fee greater than the highest interchange fee payable by an existing issuer to that acquirer or merchant principal.



## RESERVE BANK OF AUSTRALIA

### *Payment Systems (Regulation) Act 1998*

#### *Draft Standard for the designated EFTPOS payment system*

This notice is published in accordance with the requirements set out in Section 28(2)(a) of the *Payment Systems (Regulation) Act 1998* (the Act).

The Reserve Bank of Australia proposes to determine, in accordance with Section 18 of the Act, the attached Standard entitled *The Setting of Interchange Fees in the EFTPOS Payment System*, to be complied with by the participants in the designated EFTPOS payment system.

This Standard is an amended version of a draft Standard previously released by the Reserve Bank for public consultation in February 2005.

#### **Summary of purpose and effect of the proposed Standard**

The purpose of the proposed Standard is to ensure that the setting of interchange fees in the EFTPOS system promotes efficiency and competition in the EFTPOS system, and the Australian payments system.

When the draft Standard was first released for public consultation in February 2005, the Bank indicated that the effect of the standard is expected to be a reduction in interchange fees paid by issuers to acquirers from an average of around 20 cents to a maximum of around 5 cents. That expectation is unaffected by the proposed amendments, which do not affect the calculation of the proposed benchmark. The amended draft Standard continues to set a benchmark capping the interchange fee that may be paid to an acquirer (or a merchant principal).

The effect of proposed amendments to the draft Standard is to narrow the range of interchange fees in the EFTPOS system by requiring that the minimum fee that can be paid by an issuer to an acquirer (or a merchant principal) be 80 per cent of the benchmark (maximum) fee. The Bank estimates that this would result in interchange fees ranging from around 4 cents to the previously estimated cap of around 5 cents, paid by issuers to acquirers.

Together with the proposed Access Regime for the EFTPOS system, the proposed EFTPOS Access Code developed by the Australian Payments Clearing Association and the proposed Standards for the Visa Debit system released for consultation in February 2005, the proposed Standard is expected to encourage price signals and behaviour that will, over time, promote the development of a more efficient payments system in Australia.

#### **Submissions**

Interested parties are invited to make submissions on the proposed draft Standard and the Reserve Bank's reasoning as set out in *Reform of Debit Card Systems in Australia: A Consultation Document*, available on the Reserve Bank's website [www.rba.gov.au](http://www.rba.gov.au). Although the Bank is primarily seeking submissions on the amendments to the draft Standard, it also welcomes further submissions on other elements of the Standard.

Submissions should be made by 17 February 2006 to:

Head of Payments Policy  
Reserve Bank of Australia  
GPO Box 3947  
Sydney NSW 2001

or [PYSubmissions@rba.gov.au](mailto:PYSubmissions@rba.gov.au)

Signed



IJ Macfarlane  
Governor  
Reserve Bank of Australia

Date

16/12/05

## **Draft Standard**

### **The Setting of Interchange Fees in the EFTPOS System**

#### **Objective**

*The objective of this Standard is to ensure that the setting of interchange fees in the designated EFTPOS payment system promotes:*

- (i) efficiency; and*
- (ii) competition*

*in the Australian payments system.*

#### **Application**

1. This Standard is determined under Section 18 of the *Payment Systems (Regulation) Act 1998*.
2. This Standard applies to the payment system operated within Australia known as the EFTPOS system, which was designated as a payment system on 9 September 2004 and referred to below as the EFTPOS system.
3. In this Standard:

an 'acquirer' is a participant in the EFTPOS system that provides services to a merchant to allow that merchant to accept a debit card;

'cash out' means the provision of cash to a cardholder by a merchant, as a result of a debit card transaction at the merchant;

'debit card' means a card issued by a participant in the EFTPOS system that allows the cardholder to make payments to merchants for goods or services and/or obtain cash out using the EFTPOS system by accessing a deposit account held at the participant;

'debit card transaction' or 'transaction' means a transaction in Australia using the EFTPOS system;

'financial year' is the 12-month period ending 30 June;

an 'issuer' is a participant in the EFTPOS system that issues debit cards to its customers;

'merchant' means a merchant in Australia that accepts a debit card for payment for goods or services and/or that provides cash out;

a 'merchant principal' is a participant in the EFTPOS system that is a merchant that sends transactions directly to issuers rather than through an acquirer and takes on the responsibilities usually undertaken by an acquirer;

'nominated EFTPOS acquirers' are those acquirers and merchant principals determined by the Reserve Bank of Australia, selected in order of their share of the number of transactions, who comprise the minimum number of such acquirers or merchant principals required to account for at least 90 per cent of the number of transactions acquired in the EFTPOS system in the 'reference year';

'reference year' is the financial year prior to the relevant year;

'relevant year' is the financial year in which the interchange fee benchmark is calculated;

terms defined in the *Payment Systems (Regulation) Act 1998* have the same meaning in this Standard.

4. This Standard refers to wholesale fees, known as 'interchange' fees, which are payable between an issuer and an acquirer or merchant principal, directly or indirectly, in relation to a debit card transaction in the EFTPOS system.
5. Each participant in the EFTPOS system must do all things necessary on its part to ensure compliance with this Standard.
6. If any part of this Standard is invalid, the Standard is ineffective only to the extent of such part without invalidating the remaining parts of this Standard.
7. This Standard is to be interpreted:
  - in accordance with its objective; and
  - by looking beyond form to substance.
8. This Standard comes into force on [1 July 2006].

### **Interchange fees**

9. From [1 November 2006], an interchange fee must be paid by an issuer to an acquirer (or merchant principal) and must be no more than the interchange fee benchmark applying in accordance with paragraph 15 and no less than the minimum fee specified in paragraph 16.

### **Methodology**

10. The interchange fee benchmark for the EFTPOS system is to be calculated by the Reserve Bank of Australia as follows:
  - (i) for each of the nominated EFTPOS acquirers, the aggregate value of eligible costs in the reference year is to be divided by the number of debit card transactions in the reference year. This ratio is to be expressed as a number of cents per transaction;

(ii) the interchange fee benchmark is to be calculated by the Reserve Bank of Australia as the aggregate value of eligible costs in the reference year of the three nominated EFTPOS acquirers with the lowest ratios as calculated in 10(i), divided by the aggregate number of transactions undertaken by the same three nominated EFTPOS acquirers in the reference year. The result is to be expressed as a number of cents per transaction, rounded to the nearest cent.

11. Eligible costs are those directly related to processing and switching EFTPOS transactions incurred by an acquirer or merchant principal when performing the business responsibilities usually undertaken by an acquirer.
12. Data on eligible costs must be drawn from accounting records of the nominated EFTPOS acquirers, prepared in accordance with generally accepted accounting principles and Australian accounting standards.
13. Data on eligible costs must be provided by each nominated EFTPOS acquirer to the Reserve Bank of Australia, or its agent, by [15 August] in the relevant year.
14. The Reserve Bank of Australia, or its agent, will review the data to determine if the costs included are eligible costs and the Reserve Bank of Australia will use the eligible costs to calculate the interchange fee benchmark in accordance with paragraph 10.
15. The Reserve Bank of Australia will publish the interchange fee benchmark for the EFTPOS system by [15 September] in the relevant year, and this benchmark will apply for three years from 1 November in the relevant year.
16. The minimum fee determined for the purposes of paragraph 9 is 80 per cent of the applicable interchange fee benchmark.

#### **Initial and subsequent interchange fee benchmarks**

17. For the initial interchange fee benchmark the relevant year is the financial year [2006/07].
18. The interchange fee benchmark is to be re-calculated in the financial year [2009/10] and every three years thereafter.

#### **Transparency**

19. Commencing in 2007, acquirers and merchant principals in the EFTPOS system must report to the Reserve Bank of Australia the weighted average interchange fee they received and the range of interchange fees received in the previous financial year by [30 September] each year. The weights to be used in this calculation are the shares of transaction value to which each interchange fee applies. In 2007, this requirement applies to the [8] months ending [30 June 2007].
20. The Reserve Bank of Australia will publish the industry weighted average of interchange fees on its website.



12447 05/098



Commonwealth of Australia

*Migration Regulations 1994*

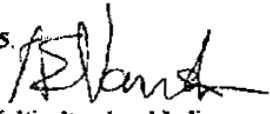
**STATES AND TERRITORIES WITH ENGLISH LANGUAGE TRAINING  
ARRANGEMENTS**

**(REGULATIONS 134.222C(2)(a), 139.226(b), 863.226(b) AND 882.225(b))**

I, **AMANDA VANSTONE**, Minister for Immigration and Multicultural and Indigenous Affairs, acting under regulation 1.17 and paragraphs 134.222C(2)(a), 139.226(b), 863.226(b) and 882.225(b) of the *Migration Regulations 1994* ("the Regulations") hereby:

1. **REVOKE** the Instrument specifying States or Territories in which arrangements are established for suitable English-language training made for the purposes of paragraphs 134.222C(2)(a), 139.226(b), 863.226(b) and 882.225(b) of the Regulations and signed on 23 November 2004;
2. **SPECIFY** New South Wales, South Australia, Tasmania, Victoria, the Australian Capital Territory and the Northern Territory, as States or Territories in which arrangements are established for suitable English-language training for visa applicants for the purposes of paragraphs 139.226(b), 863.226(b) and 882.225(b) of the Regulations; **AND**
3. **SPECIFY** South Australia, Tasmania, the Australian Capital Territory and the Northern Territory, as States or Territories in which arrangements are established for suitable English-language training for visa applicants for the purposes of paragraph 134.222C(2)(a) of the Regulations.

This Instrument will commence on 21 December 2005.

Dated 15<sup>th</sup> December 2005. 

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: Paragraphs 134.222C(2)(a), 139.226(b), 863.226(b), and 882.225(b) enable a State or Territory to be specified by Gazette Notice as a State or Territory in which arrangements are established for suitable English-language training.]



# Commonwealth of Australia

# Gazette

No. S238, Wednesday, 21 December 2005

Published by the Commonwealth of Australia

**SPECIAL**



## COMMONWEALTH OF AUSTRALIA

### *Veterans' Entitlements Act 1986*

#### Veterans' Entitlements (Peacekeeping - Police - Sudan) Instrument 2005

Instrument 2005 No.29

I, De-Anne Margaret Kelly, Minister for Veterans' Affairs:

determine that, for the purposes of paragraph (b) of the definition of 'Peacekeeping Force' in subsection 68(1) of the *Veterans' Entitlements Act 1986* (the Act), designate the Force specified in Column 1 of the Schedule below as a Peacekeeping Force for the purposes of Part IV of the Act on the date specified in Column 2 of that Schedule.

#### SCHEDULE

Column 1	Column 2
Peacekeeping Force	Date specified pursuant to subsection 68(3A) of the Act
The Australian Police Contingent of the United Nations Mission in Sudan (UNMIS)	1 January 2006

Dated *14th December* 2005

DE-ANNE KELLY  
Minister for Veterans' Affairs



Regulation 25

COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912

CT-4

No: 802

AMENDED  
PERMIT TO UNLICENSED SHIP - CONTINUING

Name of Ship	Port of Registry	IMO Number
CHANGSHA	NASSAU	9164823

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

Brisbane, Gladstone, Townsville, Darwin and Newcastle

Dated at CANBERRA this 16<sup>TH</sup> day of December/2005

Official  
Stamp



Delegate of the Minister for  
Transport

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 12/11/2005 to 11/02/2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Brisbane to Gladstone, Townsville and Darwin, Gladstone to Townsville and Darwin, Townsville to Darwin and Newcastle to Darwin
6. If there is a change in schedule the Transport Regulation Division must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.



# Commonwealth of Australia

# Gazette

No. S240, Thursday, 22 December 2005

Published by the Commonwealth of Australia

**SPECIAL**

Regulation 25

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912**

CT-4

**No: 821**

## **PERMIT TO UNLICENSED SHIP - CONTINUING**

<b>Name of Ship</b>	<b>Port of Registry</b>	<b>IMO Number</b>
<b>CSL PACIFIC</b>	<b>NASSAU</b>	<b>7420716</b>

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

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

### **NAMES OF PORTS FOR WHICH PERMIT ISSUED**

**Gladstone, Melbourne, Adelaide, Thevenard, Devonport, Brisbane and Geelong**

Dated at **CANBERRA** this **16<sup>TH</sup>** day of **December/2005**

Official  
Stamp



  
**Delegate of the Minister for  
Transport  
and Regional Services**

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

1. That the Operations Centre is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This Permit covers the period 20/12/2005 to 19/03/2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. Dry Bulk Cargo only may be carried.
5. The cargo may only be carried from: Gladstone to Melbourne and Geelong, Adelaide to Melbourne and Brisbane and Thevenard to Devonport
6. If there is a change in schedule the Operations Centre must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.



Regulation 25

COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912

CT-4

No: 825

PERMIT TO UNLICENSED SHIP - CONTINUING

Name of Ship	Port of Registry	IMO Number
KAMAKURA	PANAMA	8705462

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

Fremantle, Sydney, Melbourne and Adelaide

Dated at CANBERRA this 16<sup>th</sup> day of December/2005

Official  
Stamp



Delegate of the Minister for  
Transport  
and Regional Services

CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED

1. That the Operations Centre 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 24/01/2006 to 23/04/2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Fremantle to Sydney, Melbourne and Adelaide; Sydney to Melbourne, Adelaide and Fremantle; Melbourne to Adelaide and Fremantle; Adelaide to Fremantle.
6. If there is a change in schedule the Operations Centre must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.



# Commonwealth of Australia

# Gazette

No. S242, Thursday, 22 December 2005

Published by the Commonwealth of Australia

**SPECIAL**

Regulation 25

**COMMONWEALTH OF AUSTRALIA  
NAVIGATION ACT 1912**

CT-4

**No: 826**

## **PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	IMO Number
<b>P&amp;O NEDLLOYD ADELAIDE</b>	<b>NASSAU</b>	<b>7428380</b>

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

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

### **NAMES OF PORTS FOR WHICH PERMIT ISSUED**

**Fremantle, Melbourne, Sydney and Adelaide**

Dated at **CANBERRA** this *16<sup>TH</sup>* day of **December/2005**

Official  
Stamp



**Delegate of the Minister for  
Transport  
and Regional Services**

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

1. That the Operations Centre is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This Permit covers the period 17/12/2005 to 16/03/2006.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Fremantle to Melbourne, Sydney and Adelaide; Sydney to Adelaide, Fremantle and Melbourne; Melbourne to Adelaide and Fremantle; Adelaide to Fremantle
6. If there is a change in schedule the Operations Centre must be advised before the vessel sails.
7. That the vessel is not detained under Australia's Port State Control program.
8. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.



COMMONWEALTH OF AUSTRALIA

*Foreign Acquisitions and Takeovers Act 1975*

ORDER UNDER SUBSECTION 21A(2)

WHEREAS –

- (A) ALAN GEDDES is a foreign person for the purpose of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* (“the Act”);
- (B) ALAN GEDDES proposes to acquire an interest in Australian urban land as specified in the notice furnished on 22 August 2005 under section 26A of the Act;

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

- (i) ALAN GEDDES 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 20<sup>th</sup> day of December 2005

General Manager



R308/2005 007



Australian Government

Department of Transport and Regional Services

## Aviation Transport Security Regulations 2005

### EXEMPTION FROM DISPLAYING AN AVIATION SECURITY IDENTIFICATION CARD (ASIC) IN SECURE AREAS OF SECURITY CONTROLLED AIRPORTS FROM OR TO WHICH REGULAR PUBLIC TRANSPORT OPERATIONS OPERATE

I, **VICKI DICKMAN**, General Manager, Department of Transport and Regional Services, under regulation 3.08 of the Aviation Transport Security Regulations 2005 (the Regulations), EXEMPT all persons with an operational need for frequent access to the secure areas of the 153 airports listed below, from displaying an ASIC in the secure areas of these airports UNTIL 31 March 2006, on the condition that they have submitted an ASIC application to an ASIC issuing body before 31 December 2005.

This exemption also applies to persons prescribed under regulation 3.12 of the Regulations.

Albury	Carnarvon	Esperance
Albany	Ceduna	Essendon (RPT)
Armidale	Charleville	Fitzroy Crossing
Aurukun	Cloncurry	Flinders Island
Badu Island	Cobar	Garden Point
Bamaga	Coconut/Poruma Island	Geraldton
Barcaldine	Coen	Gladstone
Bathurst	Cooper Pedy	Grafton
Bathurst Island	Cooktown	Griffith
Bedourie	Cooma	Groote Eyelandt
Belmont	Coonabarabran	Gunnedah
Birdsville	Coonamble	Halls Creek
Blackall	Cunnamulla	Hamilton
Blackwater	Darnley/Erub Island	HookerCreek/Lajamanu
Boigu Island	Derby/Curtin	Horn Island
Boulia	Devonport	Hughenden
Bourke	Doomadgee	Illawarra
Broken Hill	Dubbo	Inverell
Bundaberg	Dunk Island	Iron Range/Lockhart
Burketown	Edward River/Pormpuraaw	Julia Creek
Burnie	Elcho Island	Kalbarri
Cambridge	Emerald	Kalkgurung/Kalkaringi

Karumba	Moruya	Tamworth
Katherine/Tindal	Mount Gambier	Taree
Kempsey	Mount Hotham	Tennant Creek
King Island	Mount Magnet	Thangool
Kingscote	Mudgee	Thargomindah
Kowanyama	Murray/Mer Island	Toowoomba (Non-Op)
Kubin/Moa Island	Narrabri	Victoria River Downs
Lake Evella	Narrandera	Wagga Wagga
Latrobe Valley	Normanton	Walgett
Laverton	Numbulwar	Warrnambool
Leinster	Olympic Dam	Weipa
Leonora	Orange	West Wyalong
Lightning Ridge	Palm Island	Whyalla
Lismore	Parkes	Wiluna
Lizard Island	Port Augusta	Windorah
Longreach	Port Keats	Winton
Lord Howe Island	Port Lincoln	Yam Island
Mabuiag Island	Port Macquarie	Yorke Island
Maningrida	Portland	Argyle
Maryborough	Quilpie	Cocos Island
McArthur River	Ramingining	Gove
Meekatharra	Richmond	Hervey Bay
Merimbula	Roma	Kalgoorlie
Mildura	Saibai	Karratha
Milingimbi	Shark Bay/Monkey Mia	Kununurra
Moorabbin (RPT)	Snake Bay	Learmonth
Moranbah	St George	Newman
Moree	Strahan	Paraburdoo
Mornington Island	Sue/Warraber Island	Ravensthorpe

Dated 21 December 2005

*Vicki Dickman*

VICKI DICKMAN  
General Manager,  
Department of Transport and Regional Services



R308/2005 008



Australian Government

Department of Transport and Regional Services

## Aviation Transport Security Regulations 2005

### EXEMPTION FROM DISPLAYING AN AVIATION SECURITY IDENTIFICATION CARD (ASIC) IN SECURE AREAS OF SECURITY CONTROLLED AIRPORTS FROM OR TO WHICH REGULAR PUBLIC TRANSPORT OPERATIONS OPERATE

I, **VICKI DICKMAN**, General Manager, Department of Transport and Regional Services, under regulation 3.08 of the Aviation Transport Security Regulations 2005, EXEMPT Australian Defence Force (ADF) personnel and foreign military force personnel who are attached to the ADF (on exchange or loan) or on exercise or operations, from displaying an Aviation Security Identification Card (ASIC) in the secure areas of an airport UNTIL 31 June 2006 subject to these personnel meeting the conditions that they are:

1. on duty; and
2. in uniform (including flying suit, coveralls, khaki, disruptive pattern camouflage uniform); and
3. displaying appropriate identification as a member of the ADF or the foreign military force to which they belong.

Dated 21 December 2005

VICKI DICKMAN  
General Manager,  
Department of Transport and Regional Services



R308/2005 009



Australian Government

Department of Transport and Regional Services

## Aviation Transport Security Regulations 2005

### EXEMPTION FROM DISPLAYING AN AVIATION SECURITY IDENTIFICATION CARD (ASIC) IN SECURE AREAS OF SECURITY CONTROLLED AIRPORTS FROM OR TO WHICH REGULAR PUBLIC TRANSPORT OPERATIONS OPERATE

I, **VICKI DICKMAN**, General Manager, Department of Transport and Regional Services, under regulation 3.08 of the Aviation Transport Security Regulations 2005 (the Regulations), EXEMPT all persons with an operational need for frequent access to the secure areas of the 28 airports categorised by regulation 3.03(7) and listed below from displaying an ASIC in secure areas, other than the security restricted areas established before 10 March 2005, UNTIL 31 March 2006 on the condition that they have submitted an ASIC application to an ASIC issuing body before 31 December 2005.

This exemption also applies to persons prescribed under regulation 3.12 of the Regulations.

Adelaide  
Alice Springs  
Avalon  
Ayers Rock  
Ballina  
Brisbane  
Broome  
Cairns  
Canberra  
Christmas Island

Coffs Harbour  
Coolangatta  
Darwin  
Hamilton Island  
Hobart  
Launceston  
Mackay  
Maroochydore  
Melbourne  
Mt Isa

Newcastle  
Norfolk Island  
Perth  
Port Hedland  
Proserpine  
Rockhampton  
Sydney  
Townsville

Dated 21 December 2005

VICKI DICKMAN  
General Manager,  
Department of Transport and Regional Services



Commonwealth  
of Australia

Gazette

No. S247, Friday, 23 December 2005

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SPECIAL



Government House  
CANBERRA ACT 2600

23 December 2005

#### ORDER OF AUSTRALIA

It is notified for general information that the Governor-General has accepted the resignation as a Member of the Order of Australia in the General Division from:

Reverend Monsignor Philip Green

By His Excellency's Command

**Malcolm Hazell**

Official Secretary to  
the Governor-General



COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

DECLARATION OF APPROVED  
WILDLIFE TRADE MANAGEMENT PLAN

I, Alex Rankin, Assistant Secretary, Approvals and Wildlife Division, as Delegate of the Minister for the Environment and Heritage under the *Environment Protection and Biodiversity Conservation Act 1999* (the Act), declare under subsection 303FO(2) of the Act, that the plan "Management Program for Protected Plants in Queensland 2006 – 2010" (prepared by the Queensland Environmental Protection Agency) is an Approved Wildlife Trade Management Plan for the purposes of section 303FO of the Act.

This declaration has effect subject to the following condition applied under section 303FT of the Act:

1. The Queensland Environmental Protection Agency must provide an annual report to the Department of the Environment and Heritage, at the end of each financial year. The report must include details of:
  - Quotas imposed on the harvesting of *flora*;
  - Harvest records for all harvested *flora*; and
  - Enforcement activities, including numbers of investigations, breaches and prosecutions, and details of any remedial action taken.
2. This declaration is valid from 1 January 2006 until 31 December 2010.

Dated this 22<sup>ND</sup> day of DECEMBER 2005

Delegate of the Minister for the Environment and Heritage

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

Director, Wildlife Trade Assessments  
Department of the Environment and Heritage  
GPO Box 787  
CANBERRA ACT 2601  
Telephone: (02) 6274 2880 Facsimile: (02) 6274 1921



*Environment Protection and Biodiversity Conservation Act 1999*

INCLUSION OF A PLACE IN THE NATIONAL HERITAGE LIST

I, Ian Gordon Campbell, Minister for the Environment and Heritage, having considered, in relation to the place listed in the Schedule of this instrument -

- (a) the Australian Heritage Council's assessment whether the place meets any of the National Heritage criteria; and
- (b) the comments given to the Council under section 324G of the *Environment Protection and Biodiversity Conservation Act 1999*; and

being satisfied that the place specified in the Schedule has the National Heritage value or values specified in the Schedule include, pursuant to section 324J of the *Environment Protection and Biodiversity Conservation Act 1999*, the place listed in the Schedule in the National Heritage List.

Dated 21 December 2005

Ian Gordon Campbell  
Minister for the Environment  
and Heritage

**SCHEDULE****STATE****Local Government Area**

Name:

Location / Boundary

Criteria / Values

**VICTORIA****Melbourne City****Melbourne Cricket Ground:**

About 7ha, Brunton Avenue, Jolimont, being that area entered in the Victorian Heritage Register on 12 April 2001 and identified as:

1. All land marked L1 on Diagram 1928 held by the Executive Director being all of the land contained in Crown Grant Volume 5925, Folio 828.
2. All the buildings and features marked as follows on Diagram 1928 held by the Executive Director: B1 Members Pavilion, B2 Northern (Olympic) Stand, B3 Western (WH Ponsford) Stand, B4 Great Southern Stand, B5 Light Towers (6).

**Criterion****Values**

- (a) the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

The first inter-colonial cricket match was arranged by the Melbourne Cricket Club (MCC) on the Melbourne Cricket Ground (MCG) in 1856, and in 1858 the club drew up the codified rules of Australian Rules football. In 1877 the MCG was the venue for the first test match between Australia and England. Cricket has broad appeal to Australians and, of all the football codes played in Australia, Australian Rules football more broadly encompasses the whole of Australia than any other code of football. The MCG is associated closely, both historically and in the public mind, with the development and history of both of these sports in Australia.

The staging of the 1956 Olympic Games in Melbourne, the first in the Southern Hemisphere, centred on the MCG, was a highly successful event which was significant in raising Australia's international profile and drawing Australians together.

There is an identifiable continuity of use of the MCG for domestic cricket from 1856, international cricket from 1877, and Australian Rules football since the 1880s, first for Victorian football competitions and later for the national competition. Spectator and playing facilities at the ground have evolved to support on-going use and contemporary standards. There is little remaining fabric dating back before 1992. Approximately 30% of the wrought iron fence dating from 1884, which surrounds the arena, remains and is the only physical link with this era.

Sport has played an important role in the social fabric of Australia. The MCG is a place that Australians associate with some of the greatest moments in Australian sporting history. The significance of the MCG extends far beyond that of a mere sports stadium. It is an integral part of the fabric of Melbourne and the nation.

**Criterion**

**Values**

- (g) the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.

The MCG is one of the most nationally recognisable landmarks in Australia. It has been the venue for major sporting events of both international and national significance for 150 years, and is strongly identified with the beginnings and continuing tradition of national and international cricket and Australian Rules football. It has strong associations for the sporting community in Melbourne, Victoria and the rest of Australia.

The important association of the MCG for the sporting community is evidenced by very large attendances to events at the ground. Boxing Day cricket, a tradition since the earliest days of the MCG, is now firmly established as an annual event, the 'Boxing Day' Test. Significant sporting events at the MCG, particularly AFL football, attract a high number of people, including several occasions where attendances of over 100,000 have been recorded.

The MCG is closely identified with the MCC, the biggest sporting club in Australia and one of the biggest in the world, with a membership in March 2005 of 91,200 and 156,200 on the waiting list for entry. The membership extends beyond Melbourne, to the country, interstate and overseas. As well as access to sporting events at the MCG, the attraction for its members is the historical and social associations of belonging to one of Australia's oldest clubs.

The MCG has assumed an identity beyond that of a sporting venue. Government and the commercial world utilise the status of the MCG to promote the city and the state. Its importance for the community lies in participating in events as well as experiencing the place itself. The writer Brian Matthews has noted that the MCG has long since gone beyond its status as a site, or architectural entity, or even major sporting stadium, and is now part of the Melburnian, Victorian and Australian mental and imaginative world.

**Criterion****Values**

- (h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.

Sport plays an important part in Australian cultural life and Australia honours the achievements of its sporting champions. The MCG has been the stage for some of the finest performances by nationally recognised Australian sports people. The MCG has a particular association with cricket, Australian Rules football and the 1956 Olympic Games.

Among those closely associated with the MCG are the nineteenth century sportsman Tom Wills, Secretary of the Melbourne Cricket Club and Victorian cricket captain, who was influential in organising the first inter-colonial cricket match, played at the MCG in 1856, and also devised the rules for Australian Rules football in 1858. Australia's greatest cricketer, Sir Donald Bradman, scored nine centuries in 17 test innings at the MCG. Melbourne Football Club premiership captain Ron Barassi has been elevated by the Australian Football League to the status of 'Legend' of the game. Australian sprinter Betty Cuthbert won three athletics gold medals on the MCG during the 1956 Melbourne Olympic Games and is Australia's most successful Olympian in athletics.

The MCG is associated closely with the development and history of the two most popular spectator sports in Australia, and with many of Australia's most celebrated sportspeople.

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For a description of any references quoted above, and more information on each of the places please search the Australian Heritage Database at <http://www.deh.gov.au/cgi-bin/ahdb/search.pl> using the name of the place.



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of Australia

Gazette

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SPECIAL



## CrimTrac Agency — Appointment of Chief Executive Officer

*Public Service Act 1999*

I, CHRISTOPHER MARTIN ELLISON, Minister for Justice and Customs:

- (a) under subsection 67 (1) of the *Public Service Act 1999*, appoint Brendon Joseph McDevitt to be the Chief Executive Officer of the CrimTrac Agency for the period of 5 years beginning on 23 January 2006; and
- (b) under subsection 68 (1) of that Act, determine that the remuneration and other conditions of appointment of the Chief Executive Officer of the CrimTrac Agency are as specified in Schedule 1.

Dated 22<sup>ND</sup> DECEMBER 2005

Minister for Justice and Customs

0517810A-051219Z 19/12/2005 8:04 am

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## Schedule 1 Remuneration and other conditions of appointment

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## Schedule 1 Remuneration and other conditions of appointment

### 1 Definitions

In this Schedule:

**CEO** means the Chief Executive Officer of the CrimTrac Agency.

**Minister** means the Minister for Justice and Customs.

**SES employee** has the same meaning as in the *Public Service Act 1999*.

**total remuneration** means the amount under subclause 2 (1).

### 2 Total remuneration

- (1) The CEO's total remuneration for each year of the CEO's period of appointment is \$210 000.
- (2) The total remuneration represents the value, calculated on the basis of the total cost to the Commonwealth, of the following:
  - (a) the CEO's salary;
  - (b) compulsory employer superannuation contributions;
  - (c) any non-monetary benefit mentioned in clause 4 that the CEO elects to take, including any fringe benefits tax and administrative costs incurred in taking that benefit;
  - (d) a benefit mentioned in clause 12 or 13 that the CEO elects to take.
- (3) The total remuneration does not include the value of:
  - (a) any performance pay paid under clause 3; or
  - (b) any remuneration or entitlement under a condition specified in clause 5, 6, 7, 8, 10, 11, 14, 15 or 16.
- (4) If the Remuneration Tribunal determines a general increase in total remuneration for holders of full-time public offices (the **general increase**) at any time during the CEO's period of appointment, the total remuneration for the CEO, on and after the date of effect of the general increase, is the total remuneration as increased by a rate equal to the rate of the general increase.

### 3 Performance pay

- (1) The CEO is entitled to receive the equivalent of up to 15% of the total remuneration as conditional annual performance pay in accordance with conditions determined by the Minister with the agreement of the Prime Minister.

- 
- (2) In determining whether the CEO is entitled to receive performance pay, and the amount of the performance pay, the Minister may have regard to advice from:
- (a) the CrimTrac Agency Board of Management; and
  - (b) the Secretary of the Attorney-General's Department; and
  - (c) the Public Service Commissioner.
- (3) Performance pay, if any, is payable in arrears for a performance year, no later than 6 weeks after the later of the following:
- (a) the date when the Minister receives the CrimTrac Agency's annual report for the financial year ending in the performance year;
  - (b) the date when the Minister receives the CEO's self appraisal, for the performance year, in respect of agreed performance criteria.
- (4) In the event of the CEO's resignation, termination of the appointment or expiry of the appointment without immediate re-appointment (in a substantive or acting capacity), performance pay will be calculated and, if payable, paid, pro rata, no later than 2 months after that event.
- (5) For this clause:
- (a) the first performance year is taken to commence on 23 January 2006 and end on 30 June 2007; and
  - (b) any annual performance pay decided by the Minister for the first performance year must be pro-rated to cover the additional period.

#### **4 Flexible remuneration packaging**

The CEO may elect to sacrifice up to 50% of the total remuneration for non-monetary benefits in accordance with the *CrimTrac Agency Salary Packaging Guide*.

#### **5 Hours of work and public holidays**

The CEO holds office on the terms and conditions applying to an employee of the CrimTrac Agency under the CrimTrac Agency Agreement 2004 (made under Part VIB of the *Workplace Relations Act 1996*) or, if that agreement is replaced by a later agreement, under the later agreement, in relation to the following:

- (a) days and hours of work;
- (b) entitlement to public holidays.

#### **6 Recreation and sick leave entitlements**

- (1) The CEO is entitled to:
- (a) recreation leave accrued during the period of appointment, at the level and under the conditions provided in Part 2 of Remuneration Tribunal Determination 2002/20 - Recreation Leave for Full-Time Holders of Relevant Offices; and

## Schedule 1 Remuneration and other conditions of appointment

- 
- (b) sick leave accrued during the CEO's period of appointment, calculated in accordance with Part 2 of Chapter 4 of Public Service Determination 1998/5 and as if:
- (i) a reference to 'an officer' or 'the officer' in that Part were a reference to 'the Chief Executive Officer of the CrimTrac Agency'; and
  - (ii) a reference to 'relevant Secretary' or 'Secretary' in that Part were a reference to 'Minister'.
- (2) If the CEO exhausts his accrued paid sick leave entitlement, the Minister may grant additional paid sick leave up to the number of accrued, and unused, personal leave credits that related to CEO's former service with the Australian Federal Police and that were held by the CEO immediately before 23 January 2006.
- (3) The CEO may exercise his entitlement to recreation leave or sick leave when the Minister, or a person authorised by the Minister, approves his application for recreation leave or sick leave.
- (4) In this clause:
- Public Service Determination 1998/5** means the determination made by the Assistant Secretary, Employment Conditions Branch, Australian Government Employment Group, Department of Workplace Relations and Small Business, under section 82D of the *Public Service Act 1922*, as in force immediately before the *Public Service Act 1999* commenced on 5 December 1999.
- Remuneration Tribunal Determination 2002/20** means the determination made by the Remuneration Tribunal under subsection 7(3AA) of the *Remuneration Tribunal Act 1973* on 19 November 2002.

**7 Long service leave**

The CEO is entitled to long service leave in accordance with the *Long Service Leave (Commonwealth Employees) Act 1976*.

**8 Other leave**

The CEO is entitled to leave, other than leave mentioned in clauses 6 and 7, on application approved by the Minister, on the terms and conditions relating to remuneration or other matters approved by the Minister.

**9 Superannuation**

- (1) The CEO retains his membership of the Commonwealth Superannuation Scheme (CSS).

- 
- (2) For paragraph 2 (2) (b), the value of the compulsory employer superannuation contributions component of the CEO's total remuneration is taken to be 15.4% of the value of the CEO's salary for superannuation purposes.
- (3) The CEO's salary for superannuation purposes is the greater of the following amounts:
- (a) the amount equal to 75% of the CEO's total remuneration;
  - (b) the amount of his salary for superannuation purposes in relation to his employment in the Australian Federal Police immediately before 23 January 2006.

## **10 Air travel entitlements**

### *Domestic and overseas travel*

- (1) When the CEO is travelling within Australia or overseas on official business, he is entitled:
- (a) to travel by airline in the class of seating known as 'business class'; and
  - (b) to be accompanied by his spouse, in the same class, if the Minister certifies, in writing, that because of the purpose of the travel, it is demonstrably in the interests of the Commonwealth for the CEO to be accompanied by his spouse.
- (2) The entitlement mentioned in paragraph (1) (b) includes an increase, for double-share accommodation for the CEO's spouse, of:
- (a) \$ 10 per night; or
  - (b) if the CEO gives the Minister evidence, in the form of a receipt or voucher, of any greater amount incurred — the greater amount.

### *Equipment, medical and dental*

- (3) The CEO is entitled to payment of necessary expenses relating to the official business of overseas travel, on the same basis as applies to an SES employee in the Attorney-General's Department, for:
- (a) equipment allowance; and
  - (b) emergency medical and dental attention.

### *Airline club membership*

- (4) The CEO is entitled to membership of a commercial airline club (however described).

### *Frequent flyer benefits*

- (5) The CEO must ensure that:
- (a) the CrimTrac Agency receives the full benefit of frequent flyer schemes applying to air travel; and

Schedule 1      Remuneration and other conditions of appointment

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- (b) the costs of official travel are minimised to the extent possible through the use of frequent flyer points accrued by the CEO from official flights.

**11      Amount of travel allowance**

- (1) The CEO is entitled to travel allowance for domestic and overseas official travel at the same rate, and on the same basis, as an office holder:
  - (a) to whom Tier 2 of Remuneration Tribunal Determination 2004/03 – Official Travel by Office Holders applies; or
  - (b) if Determination 2004/03 is replaced by a later Determination during the CEO's period of appointment — to whom the equivalent provisions in the later Determination apply.
- (2) In this clause:  
*Remuneration Tribunal Determination 2004/03* means the determination in relation to official travel by office holders, made by the Remuneration Tribunal on 8 March 2004, as amended from time to time.

**12      Motor vehicle**

- (1) The CEO may elect to have a private-plated Commonwealth-leased motor vehicle in accordance with the Executive Vehicle Scheme applying in the CrimTrac Agency.
- (2) If the CEO makes an election under subclause (1), the value of the vehicle component of the CEO's total remuneration is the actual cost to the Commonwealth, including fringe benefits taxation.

**13      Official parking**

- (1) The CEO is entitled to use a parking space provided by the Commonwealth at or near the CEO's place of work.
- (2) If the CEO uses a parking space provided by the Commonwealth, the value of the parking space component of the CEO's total remuneration is the actual cost to the Commonwealth, including fringe benefits taxation.

**14      Telephone and facsimile services**

- (1) The CEO is entitled to be provided with telephone and facsimile services, at his private residence, to be used solely for official business.
- (2) The Commonwealth will meet the costs for line installation, if necessary, and all other costs associated with the use of the telephone and facsimile services.

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**15 Mobile telephone and computer**

The CEO is entitled, on the same basis as an SES employee in the CrimTrac Agency, to:

- (a) a mobile telephone for official business and, subject to the Agency's mobile phone use policy, personal use; and
- (b) a laptop computer, or other suitable computer and peripherals nominated by the CEO, for official business and incidental private use.

**16 Internet connection**

The Commonwealth will meet the costs of maintaining an Internet connection, at the CEO's private residence, for official business and incidental private use.



**NOTICE OF PUBLICATION OF COSTS OF PROVIDING THE NATIONAL  
RELAY SERVICE**

Notice is given under section 96 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* that the National Relay Service (NRS) Provider, Australian Communication Exchange Limited (ABN 72 003 044 899) (ACE), has advised the Minister for Communications, Information Technology and the Arts that:

- (a) The estimate of the total cost of ACE providing the NRS during the quarter beginning 1 January 2006 and ending on 31 March 2006 is \$3 067 280.35
- This estimate includes the cost of \$2 788 436.68 for the provision of the NRS plus a GST component of \$278 843.67.
  - There are no costs this quarter for provision of the TTY Training Program.
- (b) The total actual cost of ACE providing the NRS during the quarter beginning on 1 July 2005 and ending on 30 September 2005 was \$2 967 355.59.

David Lever  
A/g General Manager  
Telecommunications Competition and Consumer Branch  
Department of Communications, Information Technology and the Arts

5 January 2006



PROCLAMATION

WHEREAS Her Majesty Queen Elizabeth the Second, by Commission under Her Royal Sign Manual and the Great Seal of Australia dated 20 May 2003 appointed me, John Michael Landy, Companion of the Order of Australia, Member of the Order of the British Empire, Governor of the State of Victoria, to administer the Government of the Commonwealth of Australia in the event of the absence out of Australia, the death, incapacity, or removal of the Governor-General for the time being, or in the event of the Governor-General having absented himself temporarily from office for any reason:

And whereas the Governor-General is from today absent out of Australia:

Now let it be known that, having taken the prescribed oaths, I have this day assumed the administration of the Government of the Commonwealth of Australia.



Signed and sealed with the  
Great Seal of Australia  
on 19<sup>th</sup> December

*John Landy*  
Administrator

By the Administrator's Command

*John Howard*  
Prime Minister



**Australian Government**  
**Attorney General's Department**

## **Obtaining copies of Commonwealth Acts and Legislative Instruments**

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

### **Over the counter**

Copies are available for sale or order at:

		<b>Telephone</b>	<b>Facsimile</b>
<b>Canberra</b>	CanPrint Communications <a href="#">16 Nyrang Street, Fyshwick ACT 2609</a>	1300 857 522	(02) 6293 8388
<b>Melbourne</b>	Information Victoria <a href="#">356 Collins Street, Melbourne VIC 3000</a>	1300 366 356	(03) 9603 9920
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