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

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OLDP is a specialist professional drafter and the pre-eminent drafter of Commonwealth subordinate legislation.

OLDP strives to maintain and enhance its reputation as a centre of drafting excellence. OLDP produces legislative and administrative instruments of the highest standard through the innovative use of plain English, current technology and rigorous quality assurance procedures.

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OLDP prepares compilations of a range of Commonwealth legislation, arranges publication of Commonwealth legislation and legislative materials in hard copy form, and provides online access to Commonwealth legislation and legislative materials via the ComLaw (www.comlaw.gov.au) and the FRLI (www.frli.gov.au) websites.

OLDP's responsibilities

- drafting
- advising about drafting and interpreting instruments created under a statutory power
- maintaining the Federal Register of Legislative Instruments, registering legislative instruments and lodging registered instruments for tabling in Parliament
- preparing compilations of Acts and select legislative instruments

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- arranging gazettal and tabling of other OLDP drafted non-legislative instruments.
- preparing compilations of legislative and non-legislative instruments

How to contact us

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QUALITY OF YOUR PUBLICATION

To maximise the quality of notices, all copy must be typewritten or typeset using a laser printer. Handwritten material will generally not be accepted. Other material may be accepted, however, the Attorney-General's Department will take no responsibility for the quality of production of these notices.

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A charge of \$143.00 per page will apply to the submission of notices for this Gazette.

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 Any notice submitted without this information will not be published.

CLOSING TIMES

Copy for inclusion in this Gazette will be accepted by the Gazette Office until 10.00 am on Friday in the week before publication, unless an earlier closing time has been advised.

INQUIRIES

All inquiries should be directed to (02) 6250 5510.

Variation of closing times

Queen's Birthday — Issue of 14 June 2006 (GN 23)

As Monday 12 June 2006 is a public holiday in the Australian Capital Territory, closing time for lodgment of all notices for publication in GN 23 will be:

Thursday, 8 June 2006 at 10.00 am.

General Information

GAZETTE INQUIRIES

Lodgment Inquiries: (02) 6250 5510
Subscriptions (Fax): (02) 6293 8388
Subscriptions (Tel): 1300 857 522

The **GOVERNMENT NOTICES GAZETTE** is published each Wednesday and contains a range of legislation and information about legislation as well as special information and government departments' notices. The Gazette is sold at \$6.40 each or on subscription for \$314.00 (50 issues). Prices are GST inclusive.

NOTICES FOR PUBLICATION and related correspondence can be lodged:

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.

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.

Publication of electronic notices

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

For further information contact the Gazette Office on (02) 6250 5510. Information is also available from the following Internet site: <http://www.ag.gov.au/GNGazette/>.

CLOSING TIMES FOR LODGMENT

All notices for publication must be lodged by the following times (except at holiday periods for which special advice of earlier closing times will be given).

All *Government Notices Gazette* copy: Friday at 10.00 am in the week prior to publication.

Special Gazette Notices: by 9.30 am on the day of publication.

Periodic Gazettes: as agreed but generally 7 working days prior to date of publication.

ADVERTISING RATES (GST inclusive)

Government Notices: \$143 per A4 page — minimum charge one page.

Special Gazette notices:

- during business hours: \$264 per page.
- outside normal business hours: \$396 per page for the first two pages and \$264 for each subsequent page.

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SUBSCRIPTIONS are payable in advance and are accepted for a maximum period of one year. All subscriptions are on a firm basis and refunds for cancellations will not be given. Rates include surface postage in Australia and overseas. For further information about subscriptions telephone 1300 857 522.

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The *Gazette* may be purchased by mail order (Tel. 1300 857 522, Fax (02) 6293 8388) from CanPrint Communications, 16 Nyrang Street, Fyshwick ACT 2609. Over the counter sales are available from CanPrint Communications at the address above.

Over the counter sales are also available from the following outlets:

Canberra: CanPrint Communications

16 Nyrang Street
Fyshwick ACT 2609

Phone: 1300 857 522 Fax: (02) 6293 8388

Melbourne: Information Victoria

356 Collins Street
Melbourne VIC 3000

Phone: 1 300 366 356 Fax: (03) 9603 9920

Brisbane: Goprint

371 Vulture Street
Woolloongabba QLD 4102

Phone: (07) 3246 3399 Fax: (07) 3246 3534

Hobart: Printing Authority of Tasmania

2 Salamanca Place
Hobart TAS 7000

Phone: 1 800 030 940 Fax: (03) 6223 7638

Adelaide: Service SA Government Legislation Outlet

Ground Floor
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

GAZETTES

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.

Department of the House of Representatives

Acts of Parliament assented to

It is hereby notified, for general information, that His Excellency the Governor-General, in the name of Her Majesty, assented on 22 May 2006 to the undermentioned Acts passed by the Senate and the House of Representatives in the Parliament assembled, viz.:

- No. 41 of 2006—An Act to amend the law relating to social security and veterans' entitlements, and for other purposes. (*Social Security and Veterans' Entitlements Legislation Amendment (One-off Payments to Increase Assistance for Older Australians and Carers and Other Measures) Act 2006*).
- No. 42 of 2006—An Act to amend the *General Insurance Supervisory Levy Imposition Act 1998*, and for related purposes. (*General Insurance Supervisory Levy Imposition Amendment Act 2006*).
- No. 43 of 2006—An Act to amend the *Health and Other Services (Compensation) Act 1995*, and for related purposes. (*Health and Other Services (Compensation) Amendment Act 2006*).
- No. 44 of 2006—An Act to amend the *Protection of the Sea (Powers of Intervention) Act 1981*, and for other purposes. (*Protection of the Sea (Powers of Intervention) Amendment Act 2006*).
- No. 45 of 2006—An Act to amend the *Defence Housing Authority Act 1987*, and for related purposes. (*Defence Housing Authority Amendment Act 2006*).
- No. 46 of 2006—An Act to amend the *Family Law Act 1975*, and for related purposes. (*Family Law Amendment (Shared Parental Responsibility) Act 2006*).
- No. 47 of 2006—An Act to amend legislation relating to assistance for students, and for related purposes. (*Student Assistance Legislation Amendment Act 2006*).

I C HARRIS
Clerk of the House of Representatives

Government Departments

Agriculture, Fisheries and Forestry



Australian Government

Australian Fisheries Management Authority

NOTIFICATION OF THE MAKING OF Macquarie Island Toothfish Fishery Management Plan 2006 and Heard Island and McDonald Islands Fishery Management Plan Amendment 2006 (No. 1)

The Australian Fisheries Management Authority (AFMA) has determined, under the *Fisheries Management Act 1991*, the:

1. Macquarie Island Toothfish Fishery Management Plan 2006; and
2. Heard Island and McDonald Islands Fishery Management Plan Amendment 2006 (No. 1)

Copies are available from AFMA:

by writing to:

Level 3, John Curtin House
22 Brisbane Avenue
BARTON ACT 2600

or by calling:

Ph: (02) 6272 5029
Fax: (02) 6272 4614

or on the AFMA website at:

<http://www.afma.gov.au>

Attorney-General

High Court of Australia — Biennial increase in fees

Pursuant to regulation 14 and Schedule 2 of the *High Court of Australia (Fees) Regulations 2004*, from **1 July 2006** the fee prescribed for each item of Schedule 1 to those Regulations listed in the first column below will be the amount listed in the third column below.

<i>Item</i>	<i>Document or service</i>	<i>Fee</i>
101	Application for an order to show cause in relation to a writ of certiorari, a writ of mandamus, a writ of habeas corpus or an order for production, a writ of prohibition or an information of quo warranto or like relief	(a) for a corporation \$2,553 (b) in any other case \$1,277
102	Writ of summons or petition	(a) for a corporation \$2,553 (b) in any other case \$1,277
103	Civil leave or civil special leave application	(a) for a corporation \$2,553 (b) in any other case \$1,277
104	Criminal special leave application	\$80
105	Application initiating a proceeding (including removals under section 40 of the <i>Judiciary Act 1903</i> , but not including an application referred to in another item of this Schedule)	(a) for a corporation \$2,553 (b) in any other case \$1,277
106	Civil notice of appeal	(a) for a corporation \$2,553 (b) in any other case \$1,277
107	Criminal notice of appeal	\$469
108	Certificate of the Registrar other than a certificate of taxation	\$45
109	Taxing a bill of costs: for every \$100 or part of \$100	\$9
201	Searching or inspecting a document mentioned in rule 4.07.4 of the High Court Rules: for each hour or part of an hour	\$15
202	Making a photocopy or office copy of any document: for each page	\$3
203(a)	For each copy of reasons for judgment issued to a person not a party to the proceedings; and	\$3

High Court of Australia — Biennial increase in fees (continued)

<i>Item</i>	<i>Document or service</i>	<i>Fee</i>
203(b)	For each copy (in excess of one copy) of reasons for judgment issued to a party to the proceedings; and	\$3
203(c)(i)	For each page of each copy of reasons for judgment issued in excess of 10 pages; or	\$1
203(c)(ii)	Maximum fee per copy of reasons for judgment issued.	\$32
204	Annual subscription for copies of reasons for judgments	\$549
205	Copy of transcript of proceedings prepared by the Court Reporting Service: for each page	\$8
301	Hearing fee: a criminal notice of appeal	\$786
302(a)-(c)	Hearing before the Full Court of a notice of appeal in relation to a civil proceeding or a petition or a writ of summons	(a) for a corporation \$3,830 (b) in any other case \$1,915
303(a)-(d)	Hearing before a single Justice of an application for an order to show cause in relation to a writ of certiorari, a writ of mandamus, a writ of habeas corpus or an order for production, a writ of prohibition or an information of quo warranto or like relief; or a petition; or a writ of summons; or a summons (other than a summons for directions or a summons mentioned in rule 25.03.1 of the High Court Rules 2004); for each half day or part of a half day	(a) for a corporation \$639 (b) in any other case \$319
304	Hearing before the Full Court, other than an application for leave or special leave to appeal or a criminal appeal or an application for removal under section 40 of the Act) for each day or part of a day (including the first day of the hearing), in addition to any fee payable under item 302	(a) for a corporation \$1,915 (b) in any other case \$957

Federal Court of Australia — Biennial increase in fees

Pursuant to regulation 8 and Schedule 2 of the *Federal Court of Australia Regulations 2004*, from **1 July 2006** the fee prescribed for each item to Schedule 1 to those Regulations listed in the first column below will be the amount listed in the third column below.

<i>Item</i>	<i>Document or service</i>	<i>Fee</i>
1(a)-(d)	Filing a document by which proceedings in the Court is commenced, except a proceeding/application in item 2, 3, 11 or an appeal from a judgment of the Court or of another court or an application for leave or special leave to appeal or an incidental proceeding in the course of or in connection with a proceeding	(a) for a corporation \$1,532 (b) in any other case \$639
4	Filing of an electoral petition under Schedule 4 of the Aboriginal and Torres Strait Islander Commission Act	\$26
5	Filing an affidavit or other document originating an application for leave or special leave to appeal	(a) for a corporation \$1,018 (b) in any other case \$509
6	Filing a notice of appeal instituting an appeal from a judgment of the Court or another court where no fee has been paid under item 5	(a) for a corporation \$2,553 (b) in any other case \$1,277
7	Filing a notice of appeal instituting an appeal from a decision of the Administrative Appeals Tribunal	(a) for a corporation \$2,553 (b) in any other case \$1,277
8	Filing a notice of appeal in proceedings in relation to which a fee has been paid under item 5	(a) for a corporation \$1,535 (b) in any other case \$767
9	Filing an application to review a decision of the Registrar, in accordance with sub-section 35A(5) of the Federal Court of Australia Act	(a) for a corporation \$624 (b) in any other case \$312
10	Filing of a notice of motion	(a) for a corporation \$470 (b) in any other case \$235
11	Filing of an application for an order for substituted service of a bankruptcy notice	(a) for a corporation \$314 (b) in any other case \$157
12	Filing of a cross-claim	(a) for a corporation \$1,532 (b) in any other case \$639

Federal Court of Australia — Biennial increase in fees (continued)

<i>Item</i>	<i>Document or service</i>	<i>Fee</i>
13	Setting down fee for the hearing of a proceeding (including an application, appeal, cross-claim, cross-appeal) or an issue in question in a proceeding	(a) for a corporation \$2,553 (b) in any other case \$1,277
14	Hearing of an application (including a cross-claim) under sub-section 35A(5) of the Federal Court of Australia Act for each half day or part of a half day	(a) for a corporation \$510 (b) in any other case \$255
15	Hearing of an application, (including a cross-claim) other than an application mentioned in item 14, an issue or question in such an application or an appeal (including a cross-appeal) for each day or part of a day	(a) for a corporation \$1,021 (b) in any other case \$509
16(a)	Requesting a copy/copies of a document/documents filed in, lodged with or produced to the Court (the request)	\$3
16(b)	Requesting a copy/copies of a document/documents filed in, lodged with or produced to the Court (for each page included in a copy made in accordance with the request)	\$1
18	Seizure and sale of goods by an officer of the Court in the execution of the process of the Court (except in relation to proceedings under the Admiralty Act)	\$556
19	Issuing a subpoena to produce/give evidence	\$52
20	Taxation a bill of costs in which the amount claimed in the bill is \$10,000 or less	\$607
21	Taxation of a bill of costs in which the amount claimed in the bill is more than \$10,000	\$1,456
22	Mediation by a court officer: for the first attendance at the mediation	(a) for a corporation \$639 (b) in any other case \$319
23	Request to search and inspect files of the Court relating to a proceeding or purported proceeding (other than a request by, or on behalf of, a person party to the proceeding or purported proceeding)	\$25

Note that regulation 8 excludes the fees mentioned in items 2, 3 and 17 in Schedule 1 from the application of the biennial increase in fees.

Family Court of Australia — Biennial increase in fees

Pursuant to regulations 21AA and 21AB of the *Family Law Regulations 1984*, from **1 July 2006** the fee prescribed by each regulation listed in the first column below will be the amount listed in the third column below.

<i>Prescribing regulation</i>	<i>Document or service</i>	<i>Fee</i>
Reg. 11(1)(a)(i)	Filing fee for an application for a decree of dissolution or of nullity of marriage	\$639
Reg. 11(1)(a)(ii)	Hearing fee (if the proceedings are defended): an application for a decree of dissolution or of nullity of marriage	\$383
Reg. 11(1)(b)(i)	Filing fee for an application for a declaration as to the validity of a marriage or of the dissolution or annulment of a marriage by decree or otherwise	\$639
Reg. 11(1)(b)(ii)	Hearing fee (if the proceedings are defended): an application for a declaration as to the validity of a marriage or of the dissolution or annulment of a marriage by decree or otherwise	\$383
Reg. 11(1)(c)(i)	Application for final orders or a response to an application for final orders (in relation to financial or Part VII proceedings)	\$191
Reg. 11(1)(c)(ii)	Hearing fee: an application for final orders (in relation to financial or Part VII proceedings) that is defended	\$383
Reg. 11(1)(d)	Hearing fee: an appeal under section 96 of the <i>Family Law Act 1975</i> from a decree of a court of summary jurisdiction	\$383
Reg. 11(1A)	Filing fee for a decree of dissolution of marriage if instituted in, or transferred to, a prescribed court under paragraph 10A(2)(a) or (c) of the <i>Family Law Regulations 1984</i>	\$304
Reg. 16(1)	Appeal under section 94 or 94AAA of the <i>Family Law Act 1975</i>	\$787

Federal Magistrates Court — Biennial increase in fees

Pursuant to regulations 14 and 15 of the *Federal Magistrates Regulations 2000*, from **1 July 2006** the fee prescribed for each item of Schedule 1 listed in the first column below will be the amount listed in the third column below.

<i>Item</i>	<i>Document or service</i>	<i>Fee</i>
1	Filing a document by which proceedings (other than a proceeding mentioned in items 2, 2A or 3) seeking final orders is commenced	(a) for a corporation \$607 (b) in any other case \$304
2A	Filing a document to commence a proceeding regarding a decree of dissolution of marriage	\$352
3	Document commencing proceedings under the Family Law Act 1975 about a financial matter or a matter under Part VII seeking final orders	\$121
4	Filing a document seeking interlocutory, interim or procedural orders (other than a proceeding under the Family Law Act 1975 or a proceeding mentioned in item 2)	(a) for a corporation \$364 (b) in any other case \$182
4A	Filing an application to review a decision of the Registrar under subsection 104(2) of the Act	(a) for a corporation \$364 (b) in any other case \$182
5	Setting down fee: for final orders of a proceeding or an issue in question in a proceeding (other than an undefended proceeding under the Family Law Act 1975, a proceeding under the Bankruptcy Act 1966 or a proceeding mentioned in item 2)	(a) for a corporation \$728 (b) in any other case \$364
6	Document seeking final orders different from those sought by the applicant (filed by other than the applicant and otherwise than in a proceeding under the Family Law Act 1975 or a proceeding mentioned in item 2)	(a) for a corporation \$607 (b) in any other case \$304
7	Filing, by a person other than the applicant, a document seeking final orders different from those sought by the applicant in a proceeding under the Family Law Act 1975 about a financial matter or under Part VII	(a) for a corporation \$242 (b) in any other case \$121

Federal Magistrates Court — Biennial increase in fees (continued)

8	Mediation by a court officer of the Federal Magistrates Court (otherwise than in a proceeding under the Family Law Act 1975 or a proceeding mentioned in item 2): for the first attendance at the mediation		\$242
10	Seizure and sale of goods by an officer of the Federal Magistrates Court in the execution of the process of the Court (in a proceeding other than a proceeding under the Admiralty Act 1988 or the Family Law Act 1975 or a proceeding mentioned in item 2)		\$277
11	Filing an application for an order for substituted service of a bankruptcy notice	(a) for a corporation (b) in any other case	\$158 \$79

Note that regulation 14 of the *Federal Magistrates Regulations 2000* excludes the fees mentioned in item 2, 9 and 12 of Schedule 1 from the application of the biennial increase in fees.

Administrative Appeals Tribunal — Biennial increase in fees

Pursuant to regulations 19A and 19B of the *Administrative Appeals Tribunal Regulations 1976*, from **1 July 2006** the fee prescribed by each regulation listed in the first column below will be the amount listed in the third column below.

<i>Prescribing regulation</i>	<i>Description</i>	<i>Fee</i>
Reg. 19(1)	Application fee	\$639
Reg. 19AA(2)(a)	Lower application fee	\$64
Reg. 19AA(2)(b)	Standard application fee	\$639

National Native Title Tribunal — Biennial increase in fees

Pursuant to regulations 16 and 17 of the *Native Title (Tribunal) Regulations 1993*, from **1 July 2006** the fee prescribed by each regulation listed in the first column below will be the amount listed in the third column below.

<i>Prescribing regulation</i>	<i>Document or service</i>	<i>Fee</i>
Reg. 7	Application	\$639

COMMONWEALTH OF AUSTRALIA
CUSTOMS ACT 1901

NOTICE OF RATES OF EXCHANGE - s161J CUSTOMS ACT 1901

I, Matthew Bannon, 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	17/05/06	18/05/06	19/05/06	20/05/06	21/05/06	22/05/06	23/05/06
Brazil	Real	1.6391	1.6713	1.6553	1.6553	1.6553	1.6631	1.7184
Canada	Dollar	0.8496	0.847	0.854	0.854	0.854	0.8446	0.8398
China, PR of	Yuan	6.1436	6.0781	6.1083	6.1083	6.1083	6.0392	6.0393
Denmark	Kroner	4.4527	4.4393	4.427	4.427	4.427	4.4076	4.3667
European Union	Euro	0.5969	0.5956	0.594	0.594	0.594	0.591	0.5855
Fiji	Dollar	1.3199	1.3166	1.3169	1.3169	1.3169	1.308	1.3067
Hong Kong	Dollar	5.9536	5.8903	5.9161	5.9161	5.9161	5.8417	5.8409
India	Rupee	34.7948	34.3916	34.6583	34.6583	34.6583	34.3466	34.2689
Indonesia	Rupiah	6976.0	6928.0	6986.0	6986.0	6986.0	6982.0	7021.0
Israel	Shekel	3.4118	3.3816	3.3936	3.3936	3.3936	3.3632	3.3833
Japan	Yen	84.1	84.12	84.59	84.59	84.59	84.39	83.91
Korea, Republic of	Won	720.52	716.76	720.27	720.27	720.27	713.76	712.96
Malaysia	Ringgit	2.7571	2.7323	2.7532	2.7532	2.7532	2.7335	2.7342
New Zealand	Dollar	1.2237	1.2192	1.226	1.226	1.226	1.2176	1.2088
Norway	Kroner	4.6822	4.651	4.6363	4.6363	4.6363	4.6055	4.5752
Pakistan	Rupee	46.06	45.55	45.72	45.72	45.72	45.2	45.2
Papua New Guinea	Kina	2.3483	2.3232	2.3333	2.3333	2.3333	2.304	2.3037
Philippines	Peso	40.06	39.8	40.09	40.09	40.09	39.74	39.65
Singapore	Dollar	1.2074	1.1997	1.2048	1.2048	1.2048	1.1979	1.1928
Solomon Islands	Dollar	5.7955	5.7336	5.7585	5.7585	5.7585	5.6889	5.6896
South Africa	Rand	4.8653	4.8834	4.9012	4.9012	4.9012	4.8866	4.9068
Sri Lanka	Rupee	78.98	78.15	78.5	78.5	78.5	77.53	77.52
Sweden	Krona	5.6111	5.6056	5.5631	5.5631	5.5631	5.5292	5.4665
Switzerland	Franc	0.9262	0.9218	0.9209	0.9209	0.9209	0.9183	0.907
Taiwan Province	Dollar	24.3	24.07	24.27	24.27	24.27	24.08	24.11
Thailand	Baht	29.08	29.0	29.02	29.02	29.02	28.81	28.8
United Kingdom	Pound	0.4063	0.4032	0.4032	0.4032	0.4032	0.4022	0.3995
USA	Dollar	0.7679	0.7597	0.763	0.763	0.763	0.7534	0.7533

Matthew Bannon
Delegate of the
Chief Executive Officer of Customs
CANBERRA A.C.T.
25/05/2006

HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION
AGE DISCRIMINATION ACT 2004 (Cth)
Section 44(2)

NOTICE OF GRANT OF APPLICATION FOR TEMPORARY EXEMPTION

By this instrument, the Human Rights and Equal Opportunity Commission ('the Commission') grants to the Department of Health and Ageing ('the Department') a temporary exemption pursuant to s 44(2) of the *Age Discrimination Act (Cth) 2004* ('the ADA').

1. TERMS OF THE EXEMPTION

- 1.1 The temporary exemption is to operate from 1 July 2006 until 30 June 2007.
- 1.2 The temporary exemption is granted in response to an application made by the Hon. Santo Santoro, the Minister for Ageing, contained in his undated letter that was received by the Commission on 28 April 2006. The application sought a 12 month extension to the previous temporary exemption granted to the Department with effect from 21 July 2005 to 30 June 2006.
- 1.3 The temporary exemption is granted in respect of the Continence Aids Assistance Scheme ('the Scheme'). The Scheme provides assistance in defraying the costs of continence aids and is limited to people between the ages of 16 and 65 years, with people over the age of 65 years able to access the Scheme if they can establish that they work in paid employment of at least eight hours per week. The Department has responsibility for the Scheme on behalf of the federal government. The administration of the Scheme is currently contracted to Intouch, the commercial arm of the Paraplegic and Quadriplegic Association of Queensland.
- 1.4 The temporary exemption is granted subject to the condition that the Department advise the Commission in writing no later than 31 December 2006 of the following:
- The status of the work being undertaken by the Department, including the outcome of consultations with the States and Territories, in order to address the age related restrictions currently in place in the Scheme; and
 - The changes the Department proposes to make to the age related restrictions described in paragraph 2.2.3 below before the expiration of the temporary exemption on 30 June 2007.

2. BACKGROUND

- 2.1 On 21 July 2005, the Commission granted a temporary exemption to the Department with effect from 21 July 2005 to 30 June 2006 pursuant to s 44 of the ADA.
- 2.2 Section 44 provides as follows:

44 Commission may grant exemptions

- (1) The Commission may, on application by:
- (a) a person:
 - (i) on that person's own behalf; or
 - (ii) on behalf of that person and another person or other persons; or
 - (iii) on behalf of another person or other persons; or
 - (b) 2 or more persons:
 - (i) on their own behalf; or
 - (ii) on behalf of themselves and another person or other persons; or
 - (iii) on behalf of another person or other persons;

by instrument, grant to the person or persons to whom the application relates, as the case may be, an exemption from the operation of a provision of Division 2 or 3, as specified in the instrument.

- (2) The Commission may, on application by a person to, or in respect of, whom an exemption from a provision of Division 2 or 3 has been granted under subsection (1), being an application made before the expiration of the period to which the exemption was granted grant a further exemption from the operation of that provision.
- (3) An exemption granted under this section:
 - (a) may be granted subject to such terms and conditions as are specified in the instrument; and
 - (b) may be expressed to apply only in such circumstances, or in relation to such activities, as are specified in the instrument; and
 - (c) is to be granted for a specified period not exceeding 5 years.

2.3 In making its decision to grant the temporary exemption dated 21 July 2005, the Commission took into account the following information provided by the Department:

2.3.1 The Scheme commenced in 1992. It was originally developed as an entitlement scheme and was targeted at working age people (then considered to be between 16 and 65 years of age) and who were eligible to receive either the Disability Support Pension or the Mobility Allowance. The aim of the Scheme was to assist eligible clients with a permanent disability to overcome disability specific costs that create barriers to seeking and obtaining employment and participating in the community.

2.3.2 The Scheme was initially administered by the Commonwealth Department of Health, Housing and Community Services. In 2000, responsibility for the Scheme was transferred to the Department of Health and Ageing. At the same time, eligibility for the Scheme was extended to include people over the age of 65 years who worked in paid employment for eight hours or more per week.

2.3.3 Currently, people are eligible for the Scheme if they meet the following criteria:

- They have permanent loss of bladder and/or bowel function due directly to a permanent neurological condition (such as paraplegia, quadriplegia, cerebral palsy, spina bifida, multiple sclerosis or Parkinson's disease) or a permanent and severe intellectual impairment; and
- They are at least 16 years of age but not yet 65 years of age; or aged 65 years or over and working in paid employment at least 8 hours per week; and
- They are eligible for the Disability Support Pension (regardless of the pension they are actually receiving, such as the age pension); or they are eligible for the Mobility Allowance or are in receipt of the equivalent sales tax or GST exemption on a vehicle.

2.3.4 The Scheme has approximately 18,500 eligible clients who each receive up to \$470 a year worth of continence products from Intouch, the contracted supplier and administrator of the Scheme. Intouch is a division of PQ LifeStyles Ltd and is the commercial arm of the Paraplegic and Quadriplegic Association of Queensland.

2.3.5 The federal government provides funding of \$11.5 million per year for the Scheme and there is an annual growth rate in client numbers of around 5%. If the eligibility criteria were to include people 65 years and older, the Department estimates that the eligible client base would increase by approximately 27,500 people to 46,000.

2.3.6 The federal government is currently undertaking a national review of community care programs that will examine issues of eligibility, consistency, overlaps and gaps in service delivery. Details of the national review and the proposed strategies for reform

are set out in a publicly available document entitled *The Way Forward – A New Strategy for Community Care* (available at: <http://www.health.gov.au/internet/wcms/publishing.nsf/Content/ageing-commcare-thewayforward.htm>)

2.3.7 The Scheme is included in the national review.

2.4 The reasons given by the Department for seeking the exemption were as follows:

- A temporary exemption would provide sufficient time to review the program consult with stakeholders and implement changes, and would allow a period of grace for the Government consider (*sic*) the budget implications following the completion of the Community Care Review.
- A temporary exemption is sought to enable the Scheme to lawfully continue providing a reasonable level of benefits to people in the currently targeted age group while a review of the Scheme is conducted in the context of the broader Community Care Review.
- Review of the Scheme will involve consultation with relevant stakeholders about program changes, including changes needed to ensure compliance with the Act. This process will help to promote the objects of the ADA, in particular recognition and acceptance within the community of the principle that people of all ages have the same fundamental rights.
- While the Scheme in its current form may discriminate against persons on the grounds of age, it should be noted that a purpose of the Scheme is to reduce discrimination on the basis of disability. A reduction in the current level of benefits in order to immediately extend eligibility beyond the currently targeted age group would result in the Scheme not being a cost effective use of public money.

2.5 In his undated letter received on 28 April 2006, the Minister for Ageing advised that an extension of the temporary exemption is required for the following reasons:

- The review of the Scheme has been completed.
- The review has highlighted the complexity of arrangements across the country and identified a number of options for changing the current Scheme. The complexity partly arises because the States have a range of continence aids schemes that vary significantly across the country and do not fit well with arrangements under the Scheme. The result is that while some people benefit from such schemes, others find the system confusing and some miss out on services.
- The review also identified as an option longer term arrangements for the Scheme to take account of the operation of similar schemes in the health portfolio, such as the Stoma Appliance Scheme and the National Diabetes Services Scheme, and for future arrangements that would ensure greater integration into other health infrastructure, such as general practice and pharmacy arrangements or better integration with the Home and Community Care program.
- The review identified a number of short term options that would meet the needs of compliance with the ADA. However, these short term options do not address all of the issues and further work on longer term arrangements is needed.
- The Minister is concerned that to adopt a quick fix option at this stage may prejudice the development of longer term arrangements for the Scheme and would prefer that further work is undertaken, including in consultation with the States, with a view to ensuring that Cabinet is fully informed about the options and that the changes that are introduced to the Scheme have full regard to wider health and aged care objectives. In addition, depending on the approach taken by the Australian Government, there may be changes to legislation and possibly administrative orders required before steps can be taken to implement changes. One option involves administering the Scheme as an adjunct to social security benefits, whilst another would see the inclusion of a workforce participation test in the eligibility criteria for the Scheme. A number of implementation steps would need to be addressed before these options could be operationalised.
- An extension of one year on the current temporary exemption is sought in order for further work to be carried out and for the Australian Government to make informed decisions to respond to the ADA that take account of a longer term strategy.

3. FINDINGS ON MATERIAL QUESTIONS OF FACT

- 3.1 Based on the evidence referred to in paragraphs 2.2 – 2.4 above, the Commission makes the following findings on material questions of fact in relation to this application:
- 3.1.1 The Scheme is administered by the Department.
 - 3.1.2 To be eligible under the Scheme, a person must be, amongst other things:
 - (a) between 16 years and 65 years of age; or
 - (b) if over the age of 65 years, working in paid employment of at least eight hours per week.
 - 3.1.3 The Scheme has approximately 18,500 eligible clients who each receive up to \$470.00 a year worth of continence products from Intouch, the contracted supplier and administrator of the Scheme.
 - 3.1.4 Government funding of \$11.5 million per year is provided for the Scheme and there is an annual growth rate in client numbers of around 5%. If the eligibility criteria were to include people 65 years and older, it is estimated that the number of eligible people would increase by 27,500 to approximately 46,000.
 - 3.1.5 The federal Government has undertaken a national review of community care programs that will examine issues of eligibility, consistency, overlaps and gaps in service delivery. The Scheme was included in the national review.
 - 3.1.6 The national review has now been completed. The review has highlighted the complexity of arrangements concerning continence aids schemes across the country and identified a number of options for changing the current Scheme. While a number of these short term options would ensure compliance with the ADA, they would not address all of the issues raised by the review and further work on longer term arrangements is needed.

4. REASONS FOR GRANTING AN EXEMPTION

- 4.1 It is likely that the application of the age restrictions in the Scheme would be in breach of sections 28 and/or 31 of the ADA:

Section 28 Goods, services and facilities

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's age:

- (a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person; or
- (b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or
- (c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.

Section 31 Administration of Commonwealth laws and programs

- (1) It is unlawful for a person who:
- (a) performs any function or exercises any power under a Commonwealth law or for the purposes of a Commonwealth program; or
 - (b) has any other responsibility for the administration of a Commonwealth law or the conduct of a Commonwealth program;

to discriminate against another person on the ground of the other person's age in the performance of that function, the exercise of that power or the fulfilment of that responsibility.

Definition

(2) In this section: "Commonwealth program" means a program conducted by or on behalf of the Commonwealth Government.

- 4.2 It continues to be of concern to the Commission that this situation continues to exist despite the commencement of the operation of the ADA on 22 June 2004, particularly in light of the potential number of people affected by the imposition of the age restrictions. From the figures provided by the Department (see paragraph 2.2.5 above), an additional 27,500 people over the age of 65 years would be entitled to assistance under the Scheme were it not for the age restrictions imposed. It is relevant to note that a figure has not been provided for people under the age of 16 years and it is not evident from any of the materials provided by the Department whether specific consideration is being given to this younger age group.
- 4.3 However, it is also noted that the Government has undertaken a national review of its community care programs with the aim of simplifying and streamlining current arrangements for the administration and delivery of community care services and that the Continence Aids Assistance Scheme was included in this review. The review has revealed the complexity of arrangements across the country in relation to continence aids schemes and that a further extension of time is required in order to develop an effective longer term strategy.
- 4.4 In these circumstances the Commission has decided to grant a temporary exemption pursuant to s 44(2) of the ADA to commence on 1 July 2006 until 30 June 2007.
- 4.5 Pursuant to s 44(3) of the ADA the Commission may grant an exemption 'subject to such terms and conditions as are specified in the instrument'. Accordingly, the Commission grants the temporary exemption to 30 June 2007 subject to the condition that the Department advise the Commission in writing no later than 31 December 2006 of the following:
- The status of the work being undertaken by the Department, including the outcome of consultations with the States and Territories, in order to address the age related restrictions currently in place in the Scheme; and
 - The changes the Department proposes to make to the age related restrictions described in paragraph 2.2.3 before the expiration of the temporary exemption on 30 June 2007.

Dated this 23rd day of May 2006



Signed by the President, John von Doussa QC, on behalf of the Commission.

Please note

Subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review of a decision to which this notice relates by or on behalf of any person or persons whose interests are affected by the decision.

Communications, Information Technology and the Arts



Australian Government
Australian Communications
and Media Authority

Radiocommunications Act 1992

Notice under subsection 136(1) of the *Radiocommunications Act 1992*

NOTIFICATION OF PROPOSED VARIATION OF RADIOCOMMUNICATIONS MISCELLANEOUS DEVICES CLASS LICENCE 1999

Notice is given that the Australian Communications and Media Authority (ACMA) proposes to vary, under section 134 of the *Radiocommunications Act 1992*, the *Radiocommunications Miscellaneous Devices Class Licence 1999*.

Proposed Changes

The proposed variation of the *Radiocommunications Miscellaneous Devices Class Licence 1999* (the Miscellaneous Devices Class Licence) involves the removal of reference to emergency locating beacon devices currently authorised by the Miscellaneous Devices Class Licence. As a consequence of the proposed variation, ACMA is developing a new licensing regime to accommodate Emergency Position Indicating Radio Beacons (EPIRBs), 406 MHz EPIRBs, Personal Locator Beacons (PLBs), 406 MHz PLBs and the Maritime Survivor Locating System.

Comments

AMCA is seeking comments about the proposed variation of the *Radiocommunications Miscellaneous Devices Class Licence 1999*.

A package containing a copy of the existing class licence and details of the proposed amendments may be obtained by contacting:

Rebecca Dale
Regulatory Development Section
Pricing and Policy Branch
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

Telephone: (02) 6219 5578
Facsimile: (02) 6219 5133
Email: radiocommunications.licensing.policy@acma.gov.au

A draft of a class licence to accommodate EPIRBs, 406 MHz EPIRBs, PLBs, 406 MHz PLBs and the Maritime Survivor Locating System is also available from the above contact.

Interested persons are invited to make representations about the proposed variation by close of business 3 July 2006. Representations should be in writing and addressed to:

The Manager
Regulatory Development Section
Pricing and Policy Branch
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

Email: radiocommunications.licensing.policy@acma.gov.au

Radiocommunications Act 1992

Notice under subsection 136 (2) of the *Radiocommunications Act 1992*

NOTIFICATION OF PROPOSED REVOCATION OF *RADIOCOMMUNICATIONS (AIRCRAFT STATION) CLASS LICENCE 2001*

Notice is given that the Australian Communications and Media Authority (ACMA) proposes to revoke, under section 135 of the *Radiocommunications Act 1992* (the Act), the *Radiocommunications (Aircraft Station) Class Licence 2001*.

Proposed Changes

ACMA proposes to revoke the *Radiocommunications (Aircraft Station) Class Licence 2001* (the Aircraft Station Class Licence) as it considers it to be too restrictive to allow for the full range of radiocommunications required within the aviation industry.

To authorise the operation of radiocommunications devices affected by the revocation of the Aircraft Station Class Licence, ACMA intends to issue, under section 132 of the Act, a new class licence.

The new class licence proposes to contain the licence conditions, operating requirements and technical parameters associated with radiocommunications within the aeronautical segments of the radiofrequency spectrum. This class licence will authorise both aircraft stations and certain aeronautical mobiles, whether ground-based or carried in aircraft.

The initial notice of the proposed revocation was published in December 2005. As a result of comments received in response to that notice about the proposed new class licence, further changes have been made. The scope of section 4 has been widened to accommodate new navigation technology. Additional frequencies for search and rescue operations have been included in section 11. The scope of section 9 has also been widened to facilitate communications for CASA and AirservicesAustralia.

Comments

ACMA is seeking representations about the proposed revocation of the Aircraft Station Class Licence and comments about the issue of the new *Radiocommunications (Aircraft and Aeronautical Mobile Stations) Class Licence 2006* in regard to these further changes.

An information package including a copy of the class licence being revoked, a draft of the proposed class licence and a background paper may be obtained by contacting:

Meg Owen
Regulatory Development Team
Policy and Pricing Branch
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

Telephone: (02) 6219 5279
Facsimile: (02) 6219 5133
Email: radiocommunications.licensing.policy@acma.gov.au

Interested persons are invited to make representations about the proposed revocation and comments about the new Class Licence by close of business 3 July 2006. Representations and comments should be in writing and addressed to:

The Manager
Regulatory Development Team
Policy and Pricing Branch
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616
Email: radiocommunications.licensing.policy@acma.gov.au

Respondents to the Notice should note that:

- Unless confidentiality is expressly requested, responses will be placed in the public domain in printed or electronic form, together with the names and contact details of authors. Respondents are requested to make it very clear if they wish to keep some or all of the response confidential;
- Unconditional permission to publish responses will be assumed unless the author expressly states otherwise; and
- Any copyright attached to responses will be assumed to have been relinquished unless it is expressly reserved.

Employment and Workplace Relations

Workplace Relations Act 1996

Australian Industrial Registry
Principal Registry
80 Collins Street
Melbourne Vic 3000

(Postal Address:
GPO Box 1994
Melbourne Vic 3001)

NOTICE OF APPLICATION FOR CONSENT TO THE ALTERATION OF ELIGIBILITY RULES OF AN ORGANISATION (D 2006/58)

NOTICE is given that an application has been received under Schedule 1 of the *Workplace Relations Act 1996* for consent to an alteration of the eligibility rules of the **Australian and International Pilots Association**.

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

Alternatively, a copy of the application may be obtained on request from the Australian Industrial Registry. Requests should be directed to Mr Andrew Schultz, Australian Industrial Registry, GPO Box 1994, Melbourne, Victoria 3001 (*Fax*: (03) 9654 6672 or *E-mail*: andrew.schultz@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

The proposed alteration is as follows:

That Rule 4 - Eligibility for Membership of the registered rules of the AIPA be and it is hereby amended as follows:

Delete from the first paragraph the word "*principally*" and insert after the words "*Australian Airlines Limited*" the words "*or by any successor transmittee or assignee (whether immediate or not) of the whole or a part of the business of such Australian airline or of Australian Airlines Limited*";

Insert a new second paragraph as follows:

"Without in any way limiting the generality of any other provision of this rule or being limited thereby, all persons who are normally employed as pilots on airline services within or extending beyond the Commonwealth of Australia operated in whole or part and under any name by any of:

- (i) *Qantas Airways Limited ABN 16 009 661 901;*
- (ii) *Qantas Limited ABN 73 003 613 465;*
- (iii) *Australian Airlines Limited ABN 85 099 625 304;*
- (iv) *Jetstar Airways Pty Limited ABN 33 069 720 243;*
- (v) *Jetstar Asia Holdings Pty Limited ABN 86 108 623 123;*
- (vi) *Eastern Australia Airlines Pty Limited ABN 77 001 599 024;*
- (vii) *Sunstate Airlines (Qld) Pty Limited ABN 82 009 734 703;*
- (viii) *Jetconnect Limited;*
- (ix) *any successor transmittee or assignee (whether immediate or not) of the whole or a part of the business of any company airline or entity referred to in any of the preceding sub-para (i) to (viii) above; or*
- (x) *any subsidiary, related body corporate or associated entity (as those words are defined in the Corporations Act 2001) of any company airline or entity referred to in any of the preceding sub-para (i) to (ix) above*

- shall be eligible for membership in the Organisation."

All other provisions in Rule 4 - Eligibility for Membership to be retained and affirmed.

Reasons for the proposed alteration

The reasons for the proposal include:

- (i) the operation of the word "*principally*" in the existing rule is of uncertain effect and has already led to the transfer of aircraft, flying and employment of airline pilots to companies argued to be Australian airlines not "*principally*" engaged in providing international regular public transport airline services in order to shut out AIPA from having constitutional coverage for airline pilots employed by such companies and to weaken the industrial strength of airline pilots employed by Australian airlines;
- (ii) the inclusion of references to "*any successor transmittee or assignee (whether immediate or not) of the whole or a part of the business of any company airline or entity*" elsewhere referred to in Rule 4 is primarily for consistency with existing provisions of Rule 4 as drafted and inserted in Rule 4 by the Australian Industrial Relations Commission on 16 July 1996 [Print N3320] and follows the relevant wording of the *Workplace Relations Act 1996*;
- (iii) the insertion of references by name and ABN number to eight named companies which employ airline pilots is for the removal of doubt as to the constitutional coverage of AIPA in respect of airline pilot employees of those companies, as is the reference to any successor transmittee or assignee (whether immediate or not) of the whole or a part of the business of any company airline or entity so referred to;
- (iv) the insertion of references to any subsidiary, related body corporate or associated entity (as those words are defined in the Corporations Act 2001) of any company airline or entity referred to in the immediately preceding sub-paras of Rule 4 is for the removal of doubt as to the constitutional coverage of AIPA in respect of airline pilot employees of those subsidiaries, related bodies corporate or associated entities;
- (v) the extension of the constitutional coverage of AIPA to airline pilots employed in the Domestic Aviation Industry was effected by the Australian Industrial Relations Commission on 22 February 1996 [Print M9403]: see also Print M1219 (SDP Hancock: 1 May 1995); Print M7298 (Full Bench AIRC: 5 December 1995); Print N0538 (Munro, J: 29 March 1996); Print N3320 (McIntyre, J: 16 July 1996).

Effect of the proposed alteration

If the proposed alteration is consented to by the Commission, Rule 4 - Eligibility for Membership will read as follows:

"4 - Eligibility for Membership

Any person who is normally employed as a pilot or flight engineer on regular public transport airline services extending beyond the Commonwealth of Australia or (except in the case of flight engineers) within the Commonwealth of Australia operated by an Australian airline engaged in providing international regular public transport airlines services or by Australian Airlines Limited or by any successor transmittee or assignee (whether immediate or not) of the whole or a part of the business of such Australian airline or of Australian Airlines Limited shall be eligible for membership in the Organisation.

Without in any way limiting the generality of any other provision of this rule or being limited thereby, all persons who are normally employed as pilots on airline services within or extending beyond the Commonwealth of Australia operated in whole or part and under any name by any of:

- (i) *Qantas Airways Limited ABN 16 009 661 901;*
- (ii) *Qantas Limited ABN 73 003 613 465;*
- (iii) *Australian Airlines Limited ABN 85 099 625 304;*
- (iv) *Jetstar Airways Pty Limited ABN 33 069 720 243;*
- (v) *Jetstar Asia Holdings Pty Limited ABN 86 108 623 123;*
- (vi) *Eastern Australia Airlines Pty Limited ABN 77 001 599 024;*
- (vii) *Sunstate Airlines (Qld) Pty Limited ABN 82 009 734 703;*
- (viii) *Jetconnect Limited;*
- (ix) *any successor transmittee or assignee (whether immediate or not) of the whole or a part of the business of any company airline or entity referred to in any of the preceding sub-paras (i) to (viii) above; or*
- (x) *any subsidiary, related body corporate or associated entity (as those words are defined in the Corporations*

Act 2001) of any company airline or entity referred to in any of the preceding sub-paras (i) to (ix) above

- shall be eligible for membership in the Organisation.

All persons who are normally employed as pilots on airline services within or extending beyond the Commonwealth of Australia operated by any of:

- (i) Ansett Australia Limited or Mayne Nickless Limited trading as Ipec Aviation (IPEC);*
- (ii) any successor assignee or transmittee (whether immediate or not) to or of any of the business of Ansett Australia Limited or IPEC including a corporation that has acquired or taken over or acquires or takes over the business or part of the business of Ansett Australia Limited or IPEC, in relation to that business or part of that business; and*
- (iii) any employer not included in the preceding sub-paragraphs (i) or (ii) who is or becomes a successor assignee or transmittee (whether immediate or not) to or of any of the business of any of Ansett Transport Industries (Operations) Pty Ltd (ATI), East West Airlines (Operations) Pty Ltd (EWA) or Mayne Nickless Limited trading as Ipec Aviation (IPEC) including a corporation that has acquired or taken over or acquires or takes over the business or part of the business of any of ATI, EWA or IPEC, in relation to that business or part of that business*

shall be eligible for membership in the Organisation."

Any interested organisation registered under the *Workplace Relations Act 1996*, association or person who desires to object to the application may do so by lodging in the Industrial Registry, marked to the attention of Mr Andrew Schultz, a notice of objection within thirty-five (35) days after the publication of this advertisement and by serving on the organisation, whose address for service is:

A. J. Macken & Co.
Solicitors
11th Floor
53 Queen Street
Melbourne Vic 3000

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

Terry Nassios
ACTING INDUSTRIAL REGISTRAR

Workplace Relations Act 1996

Australian Industrial Registry
Principal Registry
80 Collins Street
Melbourne Vic 3000

(Postal Address:
GPO Box 1994
Melbourne Vic 3001)

NOTICE OF APPLICATION FOR CONSENT TO AN ALTERATION OF ELIGIBILITY RULES

(D2006/59)

NOTICE is given that an application under the Workplace Relations Act 1996 for consent to an alteration of the eligibility rules of the Australian Nursing Federation has been received.

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

Alternatively, a copy of the application can be obtained on request from any organisation, association, branch, constituent part or reporting unit or a member of one of those bodies. Requests should be directed to Mr Robert Pfeiffer, Australian Industrial Registry, GPO Box 1994, Melbourne 3001 (*Fax:* (03) 9654 6672 or *E-mail:* robert.pfeiffer@air.gov.au).

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

1. **That the numbering of Federal Rule 5 – Eligibility for Membership be amended in accordance with the proposed new numbering of that Rule set out in the application.**
2. **That the reference to “Association” appearing in renumbered 5.2.3(b) be changed to “Federation”.**
3. **The reason for the proposed alterations is to renumber Rule 5 to provide consistency with the balance of the Federation’s Rules.**
4. **The effect of the proposed alterations will not change the scope of the eligibility rules of the Australian Nursing Federation and will have no impact on the eligibility rules of any other organisation.**

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 Robert Pfeiffer, 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 thirty-five (35) days after the publication of this advertisement and by serving on the organisation (whose address for service is: Federal Industrial Officer, Australian Nursing Federation, Level 2, 21 Victoria Street, Melbourne VIC 3000) within seven (7) days after the notice of objection has been lodged, a copy of the notice of objection so lodged.

Terry Nassios
Acting Industrial Registrar

Environment and Heritage



THE WATER EFFICIENCY LABELLING AND STANDARDS REGULATOR

NOTICE UNDER SUBSECTION 28(1) OF THE *WATER EFFICIENCY LABELLING AND STANDARDS ACT 2005* CONCERNING A DECISION TO REGISTER WELS PRODUCTS

I, Angela Rutter, delegate of the Water Efficiency Labelling and Standards Regulator pursuant to section 25 of the *Water Efficiency Labelling and Standards Act 2005* (the WELS Act), register the following WELS product(s) under subsection 28(1) of the WELS Act.

Registered WELS products

Brand Name	Family Name / Product Name / Model Reference	Name of Registration Holder
Pacific Products	Family Name: Pacific 3 star showers All Directional TP21 Series, PP45 Series, PP41 Series, PP42 Series, TP59 Series, SP59 Series, PP1919, PP3283, PP2888, AB9000	Pacific Products International Pty Limited
Pacific Products	Family Name: Pacific Tapware Alpine, Vertex, Plateau, Pyrenees, Traditions, Parade, Summit, Easy Clean, Un-Styled	Pacific Products International Pty Limited
Pacific Products	Family Name: Pacific Tapware 3 star Alpine, Vertex, Plateau, Pyreneese, Traditions, Parade, Summit, Aquadome, Crest, Avalon, Casca Alpine, Vertex, Plateau, Pyrenees, Traditions, Parade, Summit, Crest, Cascade, Avalon, Aquadome, Signature	Pacific Products International Pty Limited
Ram Tapware	Family Name: 5 Star Tapware Park, Evolve, Lipari, Ascot Rialto, Byron, Graphic, Accent, Capitol, SQ	Ramtaps Pty Ltd
Ram Tapware	Family Name: Showers Fiesta, Premier, Park, Optiva, Rain, Style, All-Directional, Sileno, Gooseneck	Ramtaps Pty Ltd

Ram Tapware	Family Name: Bib Pillar Pillar Tap, Deluxe Bib Tap, Bib Tap	Ramtaps Pty Ltd
Ram Tapware	Family Name: 4 Star Mixers Ascot Dorsal, Ascot Loop, Capitol, Omega Logo	Ramtaps Pty Ltd
Ram Tapware	Family Name: 3 Star Tapware Merino, Fusion, Aurora, Easy Clean, Dorset, Southern Cross, Park, Domestic, Fiesta, Premier, Bunnings, Lipari, Wesley, Flair, Sandgate Galaxy, Saturn, Peppin, Byron, Classic, Roma, Ascot Rialto, Titan, Atlas,	Ramtaps Pty Ltd
Homemaker	XQB50-808GF	Select Distribution (Australia) Pty Ltd
Ewing Industries	Family Name: Showers Austin/Combat, Houston, Dallas, San Antonio, Mossman, Laredo, Santa Fe, Dallas Lever, El Paso, Pasadena, U/Styles, A/D Shower only, Laredo Shower Only, Monsoon Shower Only 57mm B/J SHS02 Shower, 75mm B/J SHS03 Shower, Amazon SHR60 Shower, Ecuador SHR61 Shower, HSS01 Bribie Hand Piece Set, HSS128 Peru Hand Piece Set, HSS129 Bolivia Hand Piece Set, HSS226 Colorado Hand Piece Set, HSS999 Columbia Hand Piece Set HSR67 Laredo Rail Set, HSR908 Caracas Rail Set HSR226 Colorado Rail Set, TKI72 Laredo Hand Piece Set, HSS908 Caracas Hand Piece Set, HSR128 Peru Rail Set, HSS34 Deluxe Massage Rail Set, HSR129 Bolivia Rail Set	Ewing Industries
Ewing Industries	Family Name: Tapware Austin/Comabat, Houston, Dallas, San Antonio, Mossman, Laredo, Santa Fe, Dallas Lever, El Paso, Pasadena, U/Style	Ewing Industries
Ewing Industries	Family name: 5 Star Spouts Laredo, Santa Fe	Ewing Industries

Ewing Industries	Family Name: 5 Star Mixers Dallas Fixed Basin Mixer, Dallas Swivel Basin Mixer	Ewing Industries
Ewing Industries	Family Name: 4 Star Mixers MX612 Kitchen Mixer, Ewing Vege Spray Mixer	Ewing Industries
Ewing Industries	Family Name: 4 Star Spouts Austin/Combat, Houston, Dallas, San Antonio, Mossman, Dallas Lever, El Paso, Pasadena, U/Style 170mm Wall tube Spout, 170mm Wall Cast Spout, 170mm Hob Tube Spout, 170mm Hob Cast Spout, 190mm G/N Wall Spout, 190mm G/N Hob Spout, 200mm Dallas Bath Spout, 150mm Laundry Arm, 225mm Laundry Arm, 450mm Laundry Arm	Ewing Industries
Catalano	Family Name: Catalano 213076 VAZE ZERO LIGHT, 213078 VPZE ZERO LIGHT, 213079 VSZE ZERO LIGHT, 213070 VP54 ZERO, 213072 VS54, 213087 VPZG ZERO+ 213095/213082 MPZE/CMZE ZERO LIGHT, 213081/213082 MPZG/CMZE ZERO+	Roger Seller and Myhill Pty Ltd
Davis	Family Name: Davis DE, ST	Davis Engineering Pty Ltd

Background

WELS registrations are subject to the registration conditions in the *Water Efficiency Labelling and Standards Determination 2005* (available at <http://www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/as-made/bytitle/67F2FED0FD163464CA257023000E65C4?OpenDocument>).



Delegate for the Water Efficiency Labelling and Standards Regulator
25 May 2006

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

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.77A applies
2006/2768	NSW National Parks and Wildlife Service/Tourism, recreation and conservation management/North East NSW National Parks and Wildlife Service Reserves/NSW/Wild Dog Baiting	23-MAY-2006	Yes
2006/2760	Inpex Browse Ltd/Exploration (mineral, oil, gas)/Browse Basin/WA/develop Ichthys gas-condensate field permit area WA-285-P R1 WA NW Shelf	14-MAY-2006	Yes
2006/2757	Barro Group Pty Ltd/Mining/Mount Cotton/QLD/Extension of existing quarry for extraction of 42 million tonnes of Meta-greywacke	17-MAY-2006	No
2006/2755	CSIRO/Urban and commercial redevelopment/Berrimah/NT/Subdivision of Two Sites (1712 and 1713) into four Portions	18-MAY-2006	No

NOTICE OF A PARTICULAR MANNER DECISION UNDER SECTION 77A

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

Reference No	Title of action	Component Decision - Controlling Provisions and Particular Manner of undertaking the action
2006/2768	NSW National Parks and Wildlife Service/Tourism, recreation and conservation management/North East NSW National Parks and Wildlife Service Reserves/NSW/Wild Dog Baiting	<p><i>Manner in which the proposed action is to be taken:</i></p> <ol style="list-style-type: none"> 1. The aerial baiting will be located in the Northern Tablelands, North Coast, Mid North Coast and Hunter Regions. 2. The proposed program is to be a one off aerial baiting exercise conducted during May and June 2006. 3. Prepared meat baits will have a mass of approximately 250g. They will be air dried for 1-2 days to prevent seepage and injected with 6mg of 1080. The baits will be deployed at a rate of 10 baits per km. The proponent will maintain 301km of runs in nine protected areas where baiting has occurred in the previous 3 years, and will recommence 106km of aerial baiting in 6 protected areas which have had a previous history of wild dog control. The proponent will also introduce 123km of baiting in 14 protected areas due to ongoing problems with dog attacks. 4. The Department of Environment and Conservation will monitor and report on wild dog and fox movements within the protected parks using methods of scats and sightings to determine major dog routes, changes in activity patterns and records of stock kills.

2006/2760	Inpex Browse Ltd/Exploration (mineral, oil, gas)/Browse Basin/WA/develop Ichthys gas-condensate field permit area WA-285-P R1 WA NW Shelf	<p><i>Manner in which the proposed action is to be taken:</i></p> <p>The measures described in the referral will be undertaken, as a minimum, to avoid significant impacts on the listed western ringtail possum (<i>Pseudocheirus occidentalis</i>). In particular, areas shown as 'vegetation to remain uncleared' in Figure 5 in the attachment to the referral (<i>An assessment of ringtail possums (Pseudocheirus occidentalis) and their habitat at Peppermint Grove Beach</i>, Barbara Jones, December 2005), will be retained.</p> <p>Details of the manner in which the proposed action is to be taken can be accessed on our public notifications website at http://www.deh.gov.au/epbc or by contacting the Department of the Environment and Heritage awd_online_queries@erin.gov.au</p>
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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 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>

Finance and Administration



31 May 2006

NOTICE OF PROPOSED DATA MATCHING PROGRAM

On 30th June 2006 Centrelink will complete a matching process of customer records with debts against the Australian Taxation Office (ATO) Taxpayer Records System.

The matching program will enable Centrelink to identify instances where a person with a debt is eligible for a payment from the ATO (e.g. a tax refund or available credit). Centrelink may then give a notice to the ATO requiring them to pay some, or all, of the amount to Centrelink in order to satisfy or partially satisfy a debt owed by the person to Centrelink. This debt recovery is known as “garnishee action” and falls under the debt recovery provisions of the *Social Security Act 1991*, *Family Assistance (Administration) Act 1999* or the *Student Assistance Act 1973*.

Up to 150,000 Centrelink records will be matched against ATO taxpayer records.

A document describing this program has been developed in consultation with the Office of the Privacy Commissioner. Copies of the document are available from:

Business Manager, Debt Support Services Section
Fraud & Debt Management Branch, Business Integrity Division
Centrelink
DW2 – Tuggeranong Office Park
PO Box 7788
CANBERRA BUSINESS CENTRE ACT 2610

Health and Ageing

THERAPEUTIC GOODS ACT 1989

I, RITA MACLACHLAN, Director – Office of Devices, Blood and Tissues, Therapeutic Goods Administration and delegate of the Secretary to the Department of Health and Ageing for the purposes of Section 42DF(1) of the *Therapeutic Goods Act 1989*, give notice that the restricted representations described in paragraph (a) below, have been approved for use in advertisements directed to consumers, for the product listed in paragraph (b) provided the conditions identified in paragraph (c) are met :

- (a) Representations to the effect that advertisements to consumers for the goods described in paragraph (b) may refer to:

“As a relaxation treatment for the reduction of stress by leading the user through interactively guided and monitored breathing exercises. The device is indicated for use only as an adjunctive treatment for high blood pressure together with other pharmacological and/or non-pharmacological interventions”;

- (b) High Tech Health Pty Ltd – Biofeedback System (“Resperate”) (ARTG Number 116226);

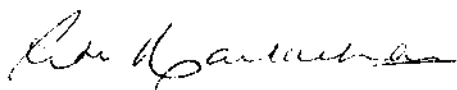
sponsored by High Tech Health Pty Ltd;

- (c) Subject to the conditions -

1. that all current and future advertisements (including Internet websites) -
 - a. are amended to remove unqualified and / or primary treatment claims such as Resperate “lowers blood pressure”, “Resperate has been clinically proven to lower blood pressure”, etc;
 - b. are amended to remove claims that the product is ‘safe or has no side effects’;
 - c. are amended to remove claims that the product is ‘cleared by the FDA and TGA’ and / or any other government or government agencywithin 30 days of the date of this notice;
2. that all future advertisements (including Internet websites) prominently represent the product to be a ‘relaxation treatment to relieve stress through guided and monitored breathing exercises which in turn allows the product to be used only as an adjunctive treatment for high blood pressure together with other pharmacological and/or non-pharmacological interventions’; and
3. that all future advertisements (including each page of Internet websites featuring the product) include the following cautionary statements, prominently displayed –

- “a medical practitioner is the only person qualified to diagnose high blood pressure and evaluate the meanings of recorded blood pressure”; and
- “a medical practitioner should regularly check and monitor high blood pressure”.

Dated this *17th* day of May 2006



RITA MACLACHLAN
Delegate of the Secretary to the Department of
Health and Ageing



Australian Government
Department of Health and Ageing
Therapeutic Goods Administration

THERAPEUTIC GOODS ACT 1989

**CANCELLATION OF ENTRIES
FROM THE AUSTRALIAN REGISTER OF THERAPEUTIC GOODS**

I, Rita Maclachlan, delegate of the Secretary to the Department of Health and Ageing for the purposes of section 30 of the *Therapeutic Goods Act 1989* (the Act), hereby publish details of the following entries that have been cancelled from the Australian Register of Therapeutic Goods under subsection 30(2)(c) of the Act for reason that the Secretary is satisfied that the sponsor has failed to comply with the condition imposed on the ARTG entry under section 28 of the Act.

Sponsor:	Dewbeat Pty Ltd
ARTG name of goods:	Dewbeat Pty Ltd Syringes & Injectors, Insulin sterile
ARTG number:	63883
Date cancelled:	31 March 2006

signed

Rita Maclachlan
Delegate of the Secretary to the Department of Health and Ageing

18 May 2006



Australian Government
Department of Health and Ageing
Office of the Gene Technology Regulator

26 May 2006

**INVITATION TO COMMENT ON A RISK ASSESSMENT & RISK
MANAGEMENT PLAN FOR COMMERCIAL RELEASE OF GM COTTON**

Australia's gene technology regulatory system is designed to protect the health & safety of people & the environment by identifying risks posed by, or as a result of, gene technology & managing those risks.

The Gene Technology Regulator is currently assessing licence application DIR 062/2005 from Bayer CropScience Pty Ltd for the unrestricted, commercial release of a genetically modified (GM) herbicide tolerant cotton in Australia.

The Regulator has prepared a Risk Assessment & Risk Management Plan (RARMP) for the proposed release.

The Regulator welcomes written submissions in order to finalise the RARMP. The RARMP will then form the basis of the Regulator's decision on whether or not to issue the licence. The consultation RARMP & related documents can be obtained from website www.ogtr.gov.au under 'What's New' or by contacting the Office. Please quote application **DIR 62** in any correspondence.

Submissions should be forwarded by **21 July 2006** to:

Office of the Gene Technology Regulator, PO Box 100 WODEN, ACT 2606 (<http://www.ogtr.gov.au>)
Telephone: 1800 181 030 Facsimile: 02 6271 4202 E-mail: ogtr@health.gov.au

Immigration and Multicultural Affairs

IMMI 06/018

**Commonwealth of Australia***Migration Regulations 1994***POST OFFICE BOX AND COURIER ADDRESSES FOR CERTAIN VISA APPLICATIONS
(REGULATION 2.12BC(a) AND (b))**

I, **AMANDA VANSTONE**, Minister for Immigration and Multicultural Affairs, acting under regulations 1.17 and 2.12BC of the *Migration Regulations 1994* ('the Regulations');

1. REVOKE the Instrument, signed 23 August 2004, that specifies the post office box address and the courier address for the purposes of paragraphs 2.12BC(a) and (b) of the Regulations;
2. SPECIFY the following address as the post office box address for the purposes of paragraph 2.12BC(a) of the Regulations:

Melbourne Business Centre
GPO Box 241
Melbourne VIC 3001

3. SPECIFY the following address as the courier address for the purposes of paragraph 2.12BC(b) of the Regulations:

Ground Floor
Casselden Place
2 Lonsdale Street
Melbourne VIC 3000

This Instrument takes effect on the day of registration on the Federal Register of Legislative Instruments.

Dated

19/5

2006

A handwritten signature in black ink, appearing to read 'A. Vanstone'.

Minister for Immigration and Multicultural Affairs

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

NOTE 2: Regulation 2.12BC of the Regulations provides that an application for a visa by a person mentioned in paragraph 2.12BB(a) is to be made by posting the application (with the correct pre-paid postage) to the post office box address specified in a Gazette Notice for the purposes of paragraph 2.12BC(a), or by having the application delivered by a courier service to the address specified in a Gazette Notice for the purposes of paragraph 2.12BC(b).]

Transport and Regional Services

Regulation 25

CT-4

COMMONWEALTH OF AUSTRALIA NAVIGATION ACT 1912

No:889

PERMIT TO UNLICENSED SHIP - CONTINUING

Name of Ship	Port of Registry	OFFICIAL NUMBER
KINNA	HONG KONG	8717934

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 19th day of MAY 2006

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 03 JUNE 2006 to 02 SEPTEMBER 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. This permit is issued on condition that the ship named in the permit complies with all the standards of safety and marine environment protection of international conventions and agreements to which Australia is a party.
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.

R308/2006022



Australian Government

Department of Transport and Regional Services

Aviation Transport Security Regulations 2005

EXEMPTION FROM DISPLAYING AN ASIC IN AIRSIDE SECURITY ZONE

I, **PATRICK FRANCIS McCRUDDEN**, Section Head, Airports Security Section, Aviation Security Operations Branch, Office of Transport Security, Department of Transport and Regional Services, under regulation 3.08 of the Aviation Transport Security Regulations 2005, GIVE all persons invited to attend the Virgin Blue staff and family BBQ at Brisbane Airport, an exemption from displaying an ASIC in the security restricted area that is the Virgin Blue Hangar at Brisbane Airport. This exemption operates for the period from 09:00 to 15:00 on Sunday 21 May 2006.

Date: 18 May 2006

A handwritten signature in black ink, appearing to read 'Patrick McCrudden', with a long horizontal flourish at the end.

Patrick McCrudden
Delegate of the Secretary,
Department of Transport and Regional Services

Treasury



COMMONWEALTH OF AUSTRALIA

Financial Sector (Shareholdings) Act 1998

APPROVAL TO HOLD A STAKE IN A FINANCIAL SECTOR COMPANY OF MORE THAN 15%

SINCE:

- A Home Building Society Ltd ABN 72 051 900 380 (the applicant) has applied for an approval under section 14 of the *Financial Sector (Shareholdings) Act 1998* (the Act) to hold a 100% stake in StateWest Credit Society Limited ABN 71 087 651 885 (the company);
- B The company is a financial sector company within the meaning of the Act; and
- C 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, Christopher John Pearce, Parliamentary Secretary to the Treasurer, under subsection 14(1) of the Act, APPROVE the applicant holding a 100% stake in the company.

This approval remains in force indefinitely.

Dated 19th May 2006

A handwritten signature in black ink, appearing to read 'C. Pearce'.

CHRISTOPHER JOHN PEARCE
Parliamentary Secretary to the Treasurer



COMMONWEALTH OF AUSTRALIA

Banking Act 1959

**CONSENT TO EFFECTING A RECONSTRUCTION OF AN
ADI**

SINCE:

- A. StateWest Credit Society Limited ABN 71 087 651 885 (the ADI) is an ADI, other than a foreign ADI, within the meaning of the *Banking Act 1959* (the Act);
- B. The ADI proposes to effect a reconstruction by way of a demutualisation;
- C. Subsection 63(1) of the Act prohibits an ADI, other than a foreign ADI, from effecting a reconstruction without the Treasurer's prior written consent in writing;
- D. Subsection 63(2) of the Act provides that any such reconstruction entered into without such consent is void and of no effect; and
- E. I have taken the national interest into account,

I, Christopher John Pearce, Parliamentary Secretary to the Treasurer, under subsection 63(1) of the Act, CONSENT to the proposed reconstruction of the ADI.

Dated 19th May 2006

A handwritten signature in black ink, appearing to read 'C. Pearce', written over a dotted line.

CHRISTOPHER JOHN PEARCE
Parliamentary Secretary to the Treasurer

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 RULINGS

Ruling Number	Subject	Brief Description
TR 2006/3	Income tax: government payments to industry to assist entities (including individuals) to continue, commence or cease business	This Ruling applies to recipients of government payments to industry to assist the recipient to continue, commence or cease business. The Ruling does not apply to those exempt entities specified in section 11-5 of the <i>Income Tax Assessment Act 1997</i> . This Ruling applies to years of income commencing both before and after 31 May 2006.
TD 2006/38	Income tax: consolidation: can Division 711 of the <i>Income Tax Assessment Act 1997</i> apply for the purpose of the core rules in Division 701 upon an entity ceasing to be a subsidiary member of an acquired consolidated group where Subdivision 705-C operates?	This Determination concludes that where Subdivision 705-C of the <i>Income Tax Assessment Act 1997</i> (ITAA 1997) applies because membership interests in the head company of a consolidated group are acquired by another consolidated group, subsection 705-180(1) of the ITAA 1997 precludes the operation of sections 701-15, 701-50 and 701-60 of the ITAA 1997. This Determination applies to years commencing both before and after 31 May 2006.
TD 2006/39	Income tax: is a hearse 'a car designed mainly for carrying passengers' for the purposes of section 40-230 of the <i>Income Tax Assessment Act 1997</i> and therefore subject to the car limit?	This Determination concludes that a hearse is not 'a car designed mainly for carrying passengers' for the purposes of section 40-230 of the <i>Income Tax Assessment Act 1997</i> . This Determination applies to years of income commencing both before and after 31 May 2006.
TD 2006/40	Income tax: does subsection 40-230(1) of the <i>Income Tax Assessment Act 1997</i> reduce the first element of the cost of a car designed mainly for carrying passengers by the amount of any input tax credit the taxpayer is or becomes entitled to for the acquisition or importation of the car before the car limit is applied?	This Determination concludes that subsection 40-230(1) of the <i>Income Tax Assessment Act 1997</i> does reduce the first element of the cost of a car designed mainly for carrying passengers by the amount of any input tax credit the taxpayer is or becomes entitled to for the acquisition or importation of the car before the car limit is applied. This Determination applies to years of income commencing both before and after 31 May 2006.
TD 2006/41	Income tax: capital gains: what is the improvement threshold for the 2006-2007 income year under section 108-85 of the <i>Income Tax Assessment Act 1997</i> ?	This Determination concludes that for the 2006-2007 income year, the improvement threshold is \$112,512. This Determination applies for the 2006-2007 income year.
TD 2006/42	Income tax: what are the thresholds and limits for superannuation amounts in 2006-2007?	This Determination establishes the thresholds and limits for superannuation amounts in 2006-2007. This Determination applies to the 2006-2007 income year.
SGD 2006/1	Superannuation guarantee: what is the maximum contribution base for a quarter in the 2006-2007 financial year?	This Determination concludes that the maximum contribution base for a quarter in the 2006-2007 financial year is \$35,240. This Determination applies to the 2006-2007 income year.
CR 2006/46	Income tax: deductibility of employer contributions to the South Australian Building Industry Redundancy Scheme Trust	This Ruling applies to all employers who are required by their Deed of Adherence and Industrial Instruments to make contributions, on behalf of employees, to the South Australian Building Industry Redundancy Scheme Trust. This Ruling applies from 1 July 2000.

PR 2006/98	Income tax: WA Blue Gum Project 2006 (Joint Venture Growers)	This Ruling applies to Joint Venture Growers who are accepted to participate in the Project and who have executed a Project Management Contract and Wood Purchase Agreement, and in respect of the 'Second Joint Venture Grower', a Sub-lease (or if relevant, an Agreement to Sub-lease) on or before 30 June 2006 for the commercial growing and cultivation of Tasmanian blue gum trees for the purpose of harvesting and selling timber for woodchips. This Ruling applies prospectively from 31 May 2006.
PR 2006/99	Income tax: WA Blue Gum Project 2006 (Growers not in Joint Venture)	This Ruling applies to Growers who are accepted to participate in the Project and who have executed a Project Management Contract, Sub-lease (or if relevant, an Agreement to Sub-lease) and Wood Purchase Agreement on or before 30 June 2006 for the commercial growing and cultivation of Tasmanian blue gum trees for the purpose of harvesting and selling timber for woodchips. This Ruling applies prospectively from 31 May 2006.
PR 2006/100	Income tax: NTT Mahogany Project No. 2 – 2006 Growers (finance options)	This Ruling applies to Growers who: <ul style="list-style-type: none"> are accepted to participate in the Project during the period from the date of this Ruling to 30 June 2006 where the Grower has entered into Woodlot Licence and Project Operations Agreements on or before 30 June 2006 (2006 Growers); enter into finance arrangements with Momentum Investment Finance Pty Limited or United Pacific Finance Limited; and do not elect to market and sell their own timber, for the commercial growing and cultivation of African Mahogany for the purpose of harvesting, milling and selling timber. This Ruling applies prospectively from 31 May 2006.
PR 2006/101	Income tax: NTT Mahogany Project No. 2 – 2007 Growers (finance options)	This Ruling applies to Growers who: <ul style="list-style-type: none"> are accepted to participate in the Project during the period from 1 July 2006 to 30 June 2007 where the Grower has entered into Woodlot Licence and Project Operations Agreements on or before 30 June 2007 (2007 Growers); enter into finance arrangements with Momentum Investment Finance Pty Limited or United Pacific Finance Limited; and do not elect to market and sell their own timber, for the commercial growing and cultivation of African Mahogany for the purpose of harvesting, milling and selling timber. This Ruling applies prospectively from 31 May 2006.
PR 2006/102	Income tax: Great Southern 2006 Wine Grape Income Project – 2006 Growers	This Ruling applies to Growers who are accepted to participate in the Project on or before 15 June 2006, where the Grower has executed a Lease and Management Agreement on that date for the commercial growing of wine grapes. This Ruling applies prospectively from 31 May 2006.

NOTICE OF ADDENDUM

Ruling Number	Subject	Brief Description
PR 2003/34	Income tax: Northern Rivers Coffee Project No 3	This Addendum amends PR 2003/34 to reflect changes to simplified tax system legislation from 1 July 2005.
PR 2003/55	Income tax: Tasmanian Truffle Project No. 2 (Supplementary Product Disclosure Statement)	This Addendum amends PR 2003/55 to reflect changes to simplified tax system legislation from 1 July 2005.
PR 2003/57	Income tax: Northern Rivers Coffee Project No. 3 (Supplementary Product Disclosure Statement)	This Addendum amends PR 2003/57 to reflect changes to simplified tax system legislation from 1 July 2005.
PR 2004/85	Income tax: Northern Rivers Coffee Project No. 3 (Second Supplementary Product Disclosure Statement) – Post 31 January 2005 Growers	This Addendum amends PR 2004/85 to reflect changes to simplified tax system legislation from 1 July 2005.
PR 2004/87	Income tax: Tasmanian Truffle Project No. 2 (Second Supplementary Product Disclosure Statement) – pre 1 February 2005 Growers	This Addendum amends PR 2004/87 to reflect changes to simplified tax system legislation from 1 July 2005.

PR 2004/88	Income tax: Tasmanian Truffle Project No. 2 (Second Supplementary Product Disclosure Statement) – post 31 January 2005 Growers	This Addendum amends PR 2004/88 to reflect changes to simplified tax system legislation from 1 July 2005.
PR 2005/109	Income tax: Palandri Winegrape Project 2005 – 2006 Growers	This Addendum amends PR 2005/109 to reflect an increase in the number of hectares offered for cultivation and an increase in the number of Vineyard Lots offered under the Product Disclosure Statement.
PR 2006/3	Income tax: Palandri Winegrape Project 2005 – 2006 Growers (using finance from Palandri Finance Ltd)	This Addendum amends PR 2006/3 to reflect an increase in the number of hectares offered for cultivation and an increase in the number of Vineyard Lots offered under the Product Disclosure Statement.
PR 2006/24	Income tax: RFM Almond Fund 2006 – Early Growers Pre 16 June 2006	This Addendum amends PR 2006/24 to increase the number of hectares offered for cultivation from 550 hectares to 575 hectares. This will increase the number of Groves offered under the Product Disclosure Statement from 2200 to 2300. This is a result of the Responsible Entity, Rural Funds Management Limited, finalising the layout of Groves in the Project with the result that the land available for planting is larger than first determined.
PR 2006/25	Income tax: RFM Almond Fund 2006 – Late Growers Post 1 July 2006	This Addendum amends PR 2006/25 to increase the number of hectares offered for cultivation from 550 hectares to 575 hectares. This will increase the number of Groves offered under the Product Disclosure Statement from 2200 to 2300. This is a result of the Responsible Entity, Rural Funds Management Limited, finalising the layout of Groves in the Project with the result that the land available for planting is larger than first determined.

NOTICE OF ERRATUM

Ruling Number	Subject	Brief Description
PR 2006/41	Income tax: ITC Pulpwood Project 2006 – Pre 1 July 2006 Growers	PR 2006/41 was inadvertently published with wording missing in paragraph 53. This Erratum corrects that error.
PR 2006/42	Income tax: ITC Pulpwood Project 2006 – Post 30 June 2006 Growers	PR 2006/42 was inadvertently published with wording missing in paragraph 53. This Erratum corrects that error.
PR 2006/45	Income tax: ITC Sandalwood Project 2006 – Pre 1 July 2006 Growers	PR 2006/45 was inadvertently issued with wording missing in paragraph 53. This Erratum corrects that error.
PR 2006/46	Income tax: ITC Sandalwood Project 2006 – Post 30 June 2006 Growers	PR 2006/46 was inadvertently published with wording missing in paragraph 53. This Erratum corrects that error.
PR 2006/78	Income tax: Australian Bight Abalone Project 2006 – Retail Offer	This Erratum corrects PR 2006/78 to delete the reference to wholesale client in the Ruling section as the scheme is a retail offer that is not restricted to wholesale clients.

NOTICE OF WITHDRAWALS

Ruling Number	Subject	Brief Description
PR 2006/98	Income tax: WA Blue Gum Project 2006 (Joint Venture Growers)	This Product Ruling is withdrawn from 1 July 2009.
PR 2006/99	Income tax: WA Blue Gum Project 2006 (Growers not in Joint Venture)	This Product Ruling is withdrawn from 1 July 2009.
PR 2006/100	Income tax: NTT Mahogany Project No. 2 – 2006 Growers (finance options)	This Product Ruling is withdrawn from 1 July 2009.
PR 2006/101	Income tax: NTT Mahogany Project No. 2 – 2007 Growers (finance options)	This Product Ruling is withdrawn from 1 July 2009.
PR 2006/102	Income tax: Great Southern 2006 Wine Grape Income Project – 2006 Growers	This Product Ruling is withdrawn from 1 July 2008.

IT 60	Income tax: assessable income – employees award scheme	IT 60 was the subject of a Notice of Archival on 9 September 1993. IT 60 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 123	Income tax: drought bonds	IT 123 was the subject of a Notice of Archival on 1 September 1994. IT 123 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 275	Income tax: overseas allowances paid to public servants	IT 275 was the subject of a Notice of Archival on 15 May 1996. IT 275 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 334	Income tax: abnormal income – artists amounts received from sale of paintings	IT 334 was the subject of a Notice of Archival on 4 September 1996. IT 334 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2030	Income tax: value of employees' housing for tax instalment deduction purposes: 'remote' towns – for s.26AAAB purposes	IT 2030 was the subject of a Notice of Archival on 16 June 1994. IT 2030 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2174	Income tax: value of goods taken from stock for private use	IT 2174 was the subject of a Notice of Archival on 19 June 1996. IT 2174 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2176	Income tax: National Building Trades Construction Award: living-away-from-home: distant work	IT 2176 was the subject of a Notice of Archival on 9 September 1993. IT 2176 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2179	Income tax: luncheon vouchers provided to employees	IT 2179 was the subject of a Notice of Archival on 9 September 1993. IT 2179 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2225	Income tax: non-resident private company – liability to undistributed profits tax. Effect of article 10(6) Australia/United States Double Tax Convention	IT 2225 was the subject of a Notice of Archival on 8 September 1994. IT 2225 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2252	Income tax: indirect loan back arrangements entered into by the trustees of employer-sponsored superannuation funds	IT 2252 was the subject of a Notice of Archival on 19 June 1996. IT 2252 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.

IT 2332	Income tax: interest withholding tax – publicly or otherwise widely distributed debentures issued overseas – interest paid in non-Australian currency	IT 2332 was the subject of a Notice of Archival on 9 December 1993. IT 2332 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2377	Income tax: pre-20 September 1985 film underwriting contracts	IT 2377 was the subject of a Notice of Archival on 8 December 1994. IT 2377 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2400	Income tax: conversion of perpetual lease into freehold title and sale of land within 12 months of conversion – operation of section 26AAA	IT 2400 was the subject of a Notice of Archival on 4 September 1996. IT 2400 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2421	Income tax: value of goods taken from stock for private use	IT 2421 was the subject of a Notice of Archival on 19 June 1996. IT 2421 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
IT 2628	Income tax: trusts – concessional treatment on winding up of non-resident trusts	IT 2628 was the subject of a Notice of Archival on 9 December 1993. IT 2628 is now being withdrawn in accordance with paragraph 5 of Addendum No. 3 to Taxation Ruling IT 1 Taxation Ruling System: explanation and status, which states: We will withdraw progressively all Rulings in the IT series for which we have issued Notices of Archival.
PR 2004/86	Income tax: Northern Rivers Coffee Project No. 3 (Second Supplementary Product Disclosure Statement) – Pre 1 February 2005 Growers	No taxpayers entered into the arrangement described in the Product Ruling during the period 8 September 2004 and on or before 31 January 2005. Therefore, Product Ruling PR 2004/86 has no application as it does not rule on the tax consequences for any taxpayer.



Superannuation Industry (Supervision) exemption No. A28 of 2006

Superannuation Industry (Supervision) Act 1993

I, S.G. Venkatramani, a delegate of APRA, under section 328 of the *Superannuation Industry (Supervision) Act 1993* (the Act), EXEMPT FSS Trustee Corporation ACN 118 202 627, RSE licence L0002127, from compliance with paragraph 93(3)(a) of the Act in relation to the superannuation entity First State Superannuation Scheme R1005134.

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

This exemption comes into force on 19 April 2006.

Dated 19 May 2006

[Signed]

S.G. Venkatramani
General Manager
Specialised Institutions Division
Central Region

Interpretation

In this instrument

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 333(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 25, 400 George St SYDNEY 2000.

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 FSS Trustee Corporation, 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 commissioner of the Natural Resources Commission and a director of the Clinical Excellence Commission (NSW Health) and a director of the Trustee and thereby an employee and an associate of an employer sponsor of the Fund.



Consent to proposed disposal of the business of an ADI

Banking Act 1959

SINCE

- A. Circle Credit Co-operative Limited ACN 087 651 376 (Circle) is an authorised deposit-taking institution (ADI) within the meaning given in subsection 5(1) of the *Banking Act 1959* (the Act);
- B. Circle proposes to enter into an arrangement to dispose of all of its business to Credit Union Incitec Pivot Limited ACN 087 650 968;
- 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 6 April 2006 Circle requested the Treasurer to consent under section 63 of the Act to Circle entering into the arrangement.

I, Stephen Edward Glenfield, a delegate of the Treasurer, CONSENT under subsection 63(1) of the Act to Circle Credit Co-operative Limited entering into the arrangement to dispose of all of its business to Credit Union Incitec Pivot Limited.

Dated: 18 May 2006

Signed

.....
Stephen Edward Glenfield
General Manager
Specialised Institutions Division
South West Region
Australian Prudential Regulation Authority



Commonwealth
of Australia

Gazette

No. S 78, Tuesday, 23 May 2006

Published by the Commonwealth of Australia

SPECIAL



Government House
Canberra ACT 2600

19 May 2006

It is notified for general information that the Governor-General has approved certain conditions for the award of the *Australian Service Medal* with Clasp 'SUDAN', as detailed in the following Declaration and Determination:



COMMONWEALTH OF AUSTRALIA

DECLARATION AND DETERMINATION UNDER THE AUSTRALIAN SERVICE MEDAL REGULATIONS

I, **PHILIP MICHAEL JEFFERY**, Governor-General of the Commonwealth of Australia, pursuant to the Australian Service Medal Regulations contained in the Schedule to Letters Patent dated 13 September 1988, ("the Regulations") on the recommendation of the Minister for Defence, **hereby**:

- (a) **declare**, under regulation 3 of the Regulations, the non-warlike activity, Operation 'Azure', the Australian Defence Force contribution to the United Nations Mission in Sudan in which members of the Australian Defence Force were engaged in the specified area comprising the total land area, territorial waters and superjacent airspace of Sudan that commenced on 10 April 2005 to be a *prescribed operation* for the purposes of the Regulations; and
- (b) **determine**, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Service Medal with Clasp 'SUDAN' ("the Medal") for the *prescribed operation* are:
 - (i) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while posted to or formally attached as a serving member of the Australian element of the *prescribed operation* for a period of 30 days, or for periods amounting in the aggregate to 30 days;
 - (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, as part of a foreign Defence Force element of the *prescribed operation* while on secondment or exchange with the foreign Defence Force and while the member was on an approved Australian Third Country Deployment;
 - (iii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member who completed 30 operational sorties within the duration of the *prescribed operation*, where those sorties were conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day;

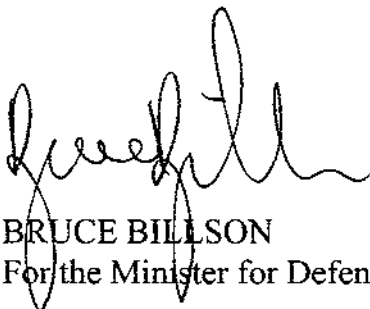
- (iv) the Medal may be awarded to a person who rendered service as part of the Australian element of the *prescribed operation* for a period of 30 days or more, or for periods amounting in the aggregate to 30 days or more, and who, in accordance with a determination made by the Minister under paragraph 4(4)(b) of the Regulations, is in a class of persons who may be awarded the Medal; or
- (v) the qualifying period of service as described in subparagraphs (b)(i), (b)(ii) or b(iii) of this Instrument may be deemed by the Chief of the Defence Force or delegate to have been established notwithstanding that the member has not met the qualifying periods described if service in relation to the *prescribed operation* was terminated due to the death, evacuation due to illness or injury or other disability due to service.

Dated 19 May 2006



Governor-General

By His Excellency's Command



BRUCE BILLSON
For the Minister for Defence



Commonwealth
of Australia

Gazette

No. S 79, Tuesday, 23 May 2006

Published by the Commonwealth of Australia

SPECIAL



Government House
Canberra ACT 2600

19 May 2006

It is notified for general information that the Governor-General has approved certain conditions for the award of the *Australian Active Service Medal* for service in Rwanda during the period 25 July 1994 to 8 March 1996 in lieu of the *Australian Service Medal*, as detailed in the following Declaration and Determination:



COMMONWEALTH OF AUSTRALIA

DECLARATION AND DETERMINATION UNDER THE AUSTRALIAN ACTIVE SERVICE MEDAL REGULATIONS

I, **PHILIP MICHAEL JEFFERY**, Governor-General of the Commonwealth of Australia, pursuant to the Australian Active Service Medal Regulations contained in the Schedule to the Letters Patent dated 13 September 1988 (“the Regulations”) on the recommendation of the Minister Assisting the Minister for Defence, **hereby**:

- (a) **revoke** the Declaration and Determination made on 13 December 1996 under regulation 3 and subregulation 4(2) respectively of the Australian Service Medal Regulations contained in the Schedule to the Letters Patent dated 13 September 1988 for the Clasp ‘RWANDA’;
- (b) **declare**, under regulation 3 of the Regulations, warlike operations in which members of the Australian Defence Force were engaged, with the United Nations Assistance Mission for Rwanda (UNAMIR) with the force known as:

“Operation Tamar” – Service as a member of the Australian Defence Force commencing on 25 July 1994 and ending on 8 March 1996, as part of the United Nations Assistance Mission for Rwanda (UNAMIR) while in the area comprising Rwanda and the areas in Uganda, Zaire, Burundi, Tanzania that are not more than 50km from the border with Rwanda.

to be a *prescribed operation* for the purposes of the Regulations;

- (c) **determine**, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Active Service Medal with Clasp ‘RWANDA’ (“the Medal”) for that *prescribed operation* are:
 - (i) the Medal may be awarded to a member of the Australian Defence Force who rendered assigned service for a *prescribed period* while posted to or serving as a member of the Australian element of the *prescribed operation*;
 - (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered assigned service as such a

member for a *prescribed period*, as part of the contribution of a foreign Defence Force to the *prescribed operation* while on secondment or exchange with the foreign Defence Force;

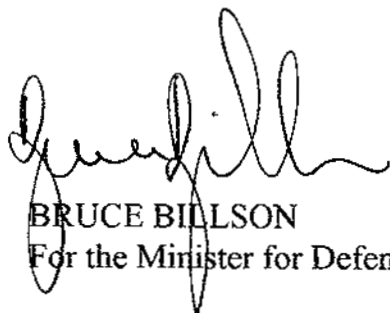
- (iii) the Medal may be awarded to a person who rendered service as part of the Australian element of the *prescribed operation* for a *prescribed period* and who, in accordance with a determination made by the Minister under paragraph 4(4)(b) of the Regulations, is in a class of persons who may be awarded the Medal;
- (iv) (A) in this paragraph "*prescribed period*" for the *prescribed operation* at subparagraph (c) means:
 - (1) in relation to subparagraphs c(i) and c(ii) a period of not less than one day, and

PROVIDED THAT where a member does not complete the *prescribed period* required by subparagraphs (c)(i) or (ii) owing to his or her death, evacuation due to illness, injury or other disability due to service, the member will be deemed to have completed that *prescribed period*.

Dated 19 May 2006


Governor-General

By His Excellency's Command


BRUCE BILLSON
For the Minister for Defence



Amendment of the National Capital Plan Draft Amendment 54 Parliamentary Zone (Section 55 Parkes)

The Amendment relates to a proposal to change Appendix T.6 (Master Plan for the Parliamentary Zone) of the National Capital Plan to enable greater flexibility in the type and nature of cultural institutions of special status and national interest on Section 55 Parkes, in the Parliamentary Zone.

Draft Amendment 54 of the National Capital Plan has been prepared in accordance with sections 15(1) and 23 of the *Australian Capital Territory (Planning and Land Management) Act 1988* and is now available for public inspection and comment. Background information on the proposal is included with the Draft Amendment and is available on the Authority's website www.nationalcapital.gov.au.

The National Capital Authority invites interested people and organisations to provide written comments on Draft Amendment 54 by close of business on Friday 9 June 2006 to:

Todd Rohl
Managing Director Planning and Urban Design
National Capital Authority
GPO Box 373
CANBERRA ACT 2601
email: todd.rohl@natcap.gov.au

Copies of Draft Amendment 54 are available from:

- **www.nationalcapital.gov.au**
- **Information Centre**
National Capital Authority
Treasury Building
Ground Floor King Edward Terrace
PARKES ACT 2600
between 8.30am and 5pm Monday to Friday
- **National Capital Exhibition**
Regatta Point
Commonwealth Park
between 9am and 5pm daily

Further information is available from Douglas Barnes on (02) 6271 2864 Fax (02) 6273 4427 or email douglas.barnes@natcap.gov.au

Amendment of the National Capital Plan

Draft Amendment 55

Block 16 Section 28 City

The Amendment relates to a proposal to enable the Australian National University to develop Block 16 Section 28 City, with a mix of Community Facility, Office and Retail uses, subject to a Community Facility being an educational establishment for Australian National University being a part of any development.

Draft Amendment 55 of the National Capital Plan has been prepared in accordance with sections 15(1) and 23 of the *Australian Capital Territory (Planning and Land Management) Act 1988* and is now available for public inspection and comment. Background information on the proposal is included with the Draft Amendment and is available on the Authority's website www.nationalcapital.gov.au.

The National Capital Authority invites interested people and organisations to provide written comments on Draft Amendment 55 by close of business on Friday 9 June 2006 to:

Todd Rohl
Managing Director Planning and Urban Design
National Capital Authority
GPO Box 373
CANBERRA ACT 2601
email: todd.rohl@natcap.gov.au

Copies of Draft Amendment 55 are available from:

- **www.nationalcapital.gov.au**
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Treasury Building
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Further information is available from Douglas Barnes on (02) 6271 2864 Fax (02) 6273 4427 or email douglas.barnes@natcap.gov.au



Australian Government
Attorney General's Department

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