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The date of publication of this Gazette is 20 December 2006

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

This Gazette is published by the Office of Legislative Drafting and Publishing (OLDP) on behalf of the Commonwealth of Australia.

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.

Through its responsibility for maintaining the Federal Register of Legislative Instruments (FRLI), OLDP plays an important role in the legislative process for Commonwealth legislative instruments.

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

- providing ready public access to the law through ComLaw (www.comlaw.gov.au) and the Federal Register of Legislative instruments (www.frli.gov.au)
- ensuring that printed copies of Acts, select legislative instruments and related legislative material are available in 'as made' and compiled form

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- the basis and role of delegated legislation and other instruments made under a statutory power
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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) 6203 9009.

Christmas/New Year publication arrangements

The last Government Notices Gazette for 2006 will be published on **Wednesday, 20 December 2006**. Normal closing times will apply.

The first Government Notices Gazette for 2007 will be published on **Wednesday, 10 January 2007**.

Arrangements for publication of Special Gazettes over the Christmas/New Year period can be made by telephoning: (02) 6203 9009.

General Information

GAZETTE INQUIRIES

Lodgment Inquiries: (02) 6203 9009

Subscriptions (Fax): (02) 6293 8388

Subscriptions (Tel): 1300 857 522

The **GOVERNMENT NOTICES GAZETTE** is published each Wednesday and contains a range of legislation (including proclamations) 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: Gazette Office, 63 Denison Street, Deakin ACT 2600

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

By fax: (02) 6282 5140

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.

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. A copy of the original signed document should also be provided.

For further information contact the Gazette Office on (02) 6203 9009. 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)

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

Periodic Gazette notices: \$350 for the first page and \$50 for each subsequent page.

Other charges may apply, for further information please see the Lodging Notices section on the Gazettes website at <http://www.ag.gov.au/GNGazette>

Additional copies of Special and Periodic Gazettes can be provided at a cost of 2.75 cents per page per copy — minimum charge: \$5.50.

Payment may be made by credit card, EFT, cheque, money order or customer account code (for account code customers only).

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.

AVAILABILITY

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: 1800 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

LEVEL 3, McKell Building

2-24 Rawson Place

Sydney NSW 2000

Phone: 1300 656 986 Fax: (02) 9372 8993

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.

Revised Publication Charges

On 22 September 2004 we announced an additional charge for notices that were supplied in hardcopy rather than in electronic form, but we have not actually imposed this charge so far.

From **31 January 2007**, the following charge will apply for publication of notices in the Gazette that are supplied in hardcopy.

\$22 per page GST inclusive.

This charge is in addition to all other publication charges.

Many clients provide hardcopy in the belief that signatures are required to be published with notices. There is no legal requirement for this and most notices are published without signatures. However, if you wish to continue to provide hardcopy for this or other reasons, the Gazette office will still accept it for publication. In these cases, it is necessary that we recoup some of the additional labour costs associated with publishing notices lodged in hardcopy format.

Further information is available by contacting the Gazette Office on (02) 6203 9009.

ISSUES OF PERIODIC GAZETTES

The following Periodic issues of the *Gazette* have been published.

The *Gazette* may be purchased by mail order from CanPrint Communications, 16 Nyrang Street, Fyshwick ACT 2609.

Over the counter sales are available from CanPrint Communications and other outlets (see General Information for Details).

Gazette number	Date of Publication	Subject
P1	14.8.06	Great Barrier Reef Marine Park Act 1975 Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.10.05 to 31.5.06 and not previously gazetted Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.6.06 to 30.6.06
P2	20.11.06	Great Barrier Reef Marine Park Act 1975 Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.5.06 to 30.9.06 and not previously gazetted
P3	15.12.06	Great Barrier Reef Marine Park Act 1975 Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.10.06 to 31.10.06 and not previously gazetted

Department of the Senate

Acts of Parliament assented to

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

Assented to on 8 December 2006

No. 157, 2006 — An Act to amend the *Wheat Marketing Act 1989*, and for related purposes [*Wheat Marketing Amendment Act 2006*].

Assented to on 11 December 2006

No. 164, 2006 — An Act to amend legislation relating to environment and heritage, and for related purposes [*Environment and Heritage Legislation Amendment (Antarctic Seals and Other Measures) Act 2006*].

Assented to on 12 December 2006

No. 171, 2006 — An Act to amend the *Crimes Act 1914*, and for related purposes [*Crimes Amendment (Bail and Sentencing) Act 2006*].

No. 172, 2006 — An Act to amend the *Prohibition of Human Cloning Act 2002* and the *Research Involving Human Embryos Act 2002* based on the Lockhart Review recommendations, and for related purposes [*Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006*].

HARRY EVANS
Clerk of the Senate

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 to the undermentioned Acts passed by the Senate and the House of Representatives in the Parliament assembled, viz.:

Assented to on 6 December 2006:

No. 142 of 2006—An Act to amend the *Indigenous Education (Targeted Assistance) Act 2000*, and for related purposes. (*Indigenous Education (Targeted Assistance) Amendment Act 2006*).

No. 143 of 2006—An Act to amend the law relating to education services for overseas students, and for related purposes. (*Education Services for Overseas Students Legislation Amendment (2006 Measures No. 1) Act 2006*).

No. 144 of 2006—An Act to amend the law about education services for overseas students, and for related purposes. (*Education Services for Overseas Students Legislation Amendment (2006 Measures No. 2) Act 2006*).

No. 145 of 2006—An Act to amend the *Australian Nuclear Science and Technology Organisation Act 1987*, and for related purposes. (*Australian Nuclear Science and Technology Organisation Amendment Act 2006*).

No. 146 of 2006—An Act to amend the law relating to child support, and for related purposes. (*Child Support Legislation Amendment (Reform of the Child Support Scheme—New Formula and Other Measures) Act 2006*).

Assented to on 7 December 2006:

No. 149 of 2006—An Act to provide for inquiry into transport security matters and offshore security matters, and for related purposes. (*Inspector of Transport Security Act 2006*).

No. 150 of 2006—An Act to provide for consequential matters relating to the enactment of the *Inspector of Transport Security Act 2006*, and for related purposes. (*Inspector of Transport Security (Consequential Provisions) Act 2006*).

Assented to on 8 December 2006:

No. 153 of 2006—An Act to amend the *Broadcasting Services Act 1992*, and for other purposes. (*Broadcasting Services Amendment (Collection of Datacasting Transmitter Licence Fees) Act 2006*).

No. 154 of 2006—An Act to impose fees, by way of taxes, in relation to channel A datacasting transmitter licences, and for related purposes. (*Datacasting Transmitter Licence Fees Act 2006*).

No. 155 of 2006—An Act to amend the *Telecommunications Act 1997*, and for related purposes. (*Telecommunications Amendment (Integrated Public Number Database) Act 2006*).

No. 156 of 2006—An Act to amend the law relating to social security, veterans' entitlements, family assistance, student assistance, aged care and child support, and for related purposes. (*Families, Community Services and Indigenous Affairs and Veterans' Affairs Legislation Amendment (2006 Budget Measures) Act 2006*).

Assented to on 11 December 2006:

No. 158 of 2006—An Act to amend the *Copyright Act 1968*, and for related purposes. (*Copyright Amendment Act 2006*).

No. 159 of 2006—An Act to amend legislation relating to defence, and for related purposes. (*Defence Legislation Amendment Act 2006*).

No. 160 of 2006—An Act about the sale of the Commonwealth's equity in Medibank Private Limited, and for other purposes. (*Medibank Private Sale Act 2006*).

No. 161 of 2006—An Act to amend the law relating to the management of Commonwealth radioactive waste, and for related purposes. (*Commonwealth Radioactive Waste Management Legislation Amendment Act 2006*).

No. 162 of 2006—An Act relating to independent contractors, and for related purposes. (*Independent Contractors Act 2006*).

No. 163 of 2006—An Act to amend the *Workplace Relations Act 1996*, and for related purposes. (*Workplace Relations Legislation Amendment (Independent Contractors) Act 2006*).

Assented to on 12 December 2006:

No. 165 of 2006—An Act to amend the *Environment Protection and Biodiversity Conservation Act 1999*, and for other purposes. (*Environment and Heritage Legislation Amendment Act (No. 1) 2006*).

No. 166 of 2006—An Act to amend the law relating to customs, and for related purposes. (*Customs Legislation Amendment (New Zealand Rules of Origin) Act 2006*).

No. 167 of 2006—An Act to amend the *Royal Commissions Act 1902*, and for related purposes. (*Royal Commissions Amendment (Records) Act 2006*).

No. 168 of 2006—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (2006 Measures No. 4) Act 2006*).

No. 169 of 2006—An Act to combat money laundering and the financing of terrorism, and for other purposes. (*Anti-Money Laundering and Counter-Terrorism Financing Act 2006*).

No. 170 of 2006—An Act to deal with transitional and consequential matters in connection with the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*, and for other purposes. (*Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Act 2006*).

Government Departments

Agriculture, Fisheries and Forestry

AUSTRALIAN WINE AND BRANDY CORPORATION GEOGRAPHICAL INDICATIONS COMMITTEE

Industry House, National Wine Centre, Hackney Road, ADELAIDE, South Australia, 5000.

Phone: (08) 8228 2000 Fax: (08) 8228 2022 E-Mail: awbc@awbc.com.au

NOTICE OF INTERIM DETERMINATION

The Presiding Member of the Geographical Indications Committee of the Australian Wine and Brandy Corporation wishes to advise that the following INTERIM DETERMINATION of an Australian Geographical Indication has been made as set out in this notice.

This notice is issued in conformity with Section 40V of the Australian Wine and Brandy Corporation Act 1980.

Written submissions to the Committee in respect of the Interim Determination of the Australian Geographical Indication set out in this notice are invited, and are required to be lodged within a period of one (1) month from the date of publication of this notice.

Written submissions should be addressed to:

THE PRESIDING MEMBER
GEOGRAPHICAL INDICATIONS COMMITTEE
AUSTRALIAN WINE AND BRANDY CORPORATION
P.O. Box 2733
KENT TOWN SA 5071

The Registrar of Trade Marks has recommended that the proposed geographical indication "Great Western" be determined, despite the objection by Southcorp Ltd having been made out, on the basis that the proposed registered conditions agreed between the parties are applicable to the geographical indication.

Pursuant to section 8(2)(aa) of the *Australian Wine and Brandy Corporation Act 1980* (the AWBC Act), the Australian Wine and Brandy Corporation has determined that the following registered conditions are applicable to the "Great Western" registered geographical indication (the GI). The requirement to comply with these conditions when the GI is used in the description and presentation of wine is set out in section 40G of the AWBC Act and is in addition to the requirement to fully comply with the AWBC Act, with the *Australian Wine and Brandy Corporation Regulations 1981* and with any other relevant legislation.

1. When used in the description and presentation of wine by any person other than Best's Wines Pty Ltd ABN 41 004 166 189 or its successors in title (Best's) or Southcorp Ltd ABN 80 007 722 643, any of its subsidiaries or their successors in title (Southcorp), the GI may only be used as follows:
 - a) as a geographical indication, not a trade mark;
 - b) except for bulk wine or cleanskin wine, in conjunction with a brand name;
 - c) in a manner that is less conspicuous (such as in colour or typestyle) than the brand name;
 - d) in a font size no greater than fifty per cent (50%) of the average font size of the letters in the biggest word in the brand name; and
 - e) for bulk wine or cleanskin wine, only as part of the phrase "from the Great Western region".
2. When used in the description and presentation of wine by Best's, the GI may only be used as follows:
 - a) in accordance with condition 1 above; or

- b) in accordance with Best's existing trade mark rights (including trade mark registration number 5067 and Best's common law trade mark rights) (Best's Marks); or
 - c) In accordance with a mark substantially identical or deceptively similar to a Best's Mark, provided that:
 - (i) the GI is no more conspicuous, relative to the brand name, than it is in the Best's Mark; and
 - (ii) the GI is of no greater font size, relative to the brand name, than it is in the Best's Mark.
3. When used in the description and presentation of wine by Southcorp, the GI may only be used as follows:
- a) in accordance with condition 1 above; or
 - b) in accordance with Southcorp's existing trade mark rights (including trade mark registration numbers 29126, 299107 and 515046 and Southcorp's common law trade mark rights) (Southcorp's Marks); or
 - c) in accordance with a mark substantially identical or deceptively similar to a Southcorp Mark, provided that:
 - (i) the GI is no more conspicuous, relative to the brand name, than it is in the Southcorp Mark; and
 - (ii) the GI is of no greater font size, relative to the brand name, than it is in the Southcorp Mark.

Written submissions to the Corporation in respect of the proposed conditions of use set out in this notice are invited, and are required to be lodged within a period of one (1) month from the date of publication of this notice.

Written submissions should be addressed to:

CORPORATION SECRETARY
AUSTRALIAN WINE AND BRANDY CORPORATION
P.O. Box 2733
KENT TOWN SA 5071

GEOGRAPHICAL INDICATION #105

GREAT WESTERN

AREA BOUNDARY

The area boundary used to support the textual description of the Geographical Indication "Great Western" is presented on the following official map:

ARARAT TOPOGRAPHIC MAP
Scale 1:100,000
Series R652
Sheet 7423
Edition 2-AAS
Produced by the Royal Australian Survey Corps under the direction of the Chief of the General Staff
Printed by the Royal Australian Survey Corps, 1986.

TEXTUAL DESCRIPTION

The Geographical Indication "Great Western" is located within the region "Grampians" which is within the zone "Western Victoria", within the State of Victoria, Australia.

The beginning point of the boundary is situated on Map Ararat (Sheet 7423) at grid reference XD601927, which is the intersection of two unnamed roads near the Melbourne Serviceton Railway, then proceeds easterly along the unnamed road and then in the same straight line to another unnamed road at grid reference XD685922, then proceeds south of easterly along the unnamed road to its intersection with another unnamed road at grid reference XD717914, then proceeds southerly in a straight line to the hill top at grid reference XD716888, then proceeds easterly in a straight line to the hill top at grid reference XD724889, then

proceeds south easterly in a straight line to the hill top at grid reference XD735870, then proceeds south westerly in a straight line to the hill top at grid reference XD729861, then proceeds south easterly in a straight line to the north western corner of the Dunneworthy State Forest at grid reference XD739846, then proceeds generally southerly and then westerly along the administrative boundary of the Dunneworthy State Forest to grid reference XD716800, then proceeds south westerly in a straight line to grid reference XD700790, then proceeds southerly in a straight line to the intersection of two unnamed roads near the Melbourne Serviceton Railway at grid reference XD700762, then proceeds south westerly in a straight line to the northern extent of the unnamed road on One Tree Hill at grid reference XD673744, then proceeds south south easterly along the unnamed road to grid reference XD675732, then proceeds south westerly in a straight line to the hill top at grid reference XD642719, then proceeds generally southerly in a straight line to the trig point on Mount Ararat at grid reference XD645675, then proceeds southerly in a straight line to the hill top at grid reference XD645662, then proceeds south easterly in a straight line to the intersection of two unnamed roads at grid reference XD657650, then proceeds southerly along the unnamed road to its intersection with another unnamed road at grid reference XD656644, then proceeds west north westerly along the unnamed road and then in the same straight line to grid reference XD560660, then proceeds northerly along grid line 560 to its intersection with George Creek at grid reference XD560661, then proceeds generally north westerly along George Creek to its junction with Mount William Creek at grid reference XD508712, then proceeds generally northerly along Mount William Creek to its junction with Salt Creek at grid reference XD485773, then proceeds generally easterly along Salt Creek to grid reference XD503769, then proceeds northerly in a straight line to the intersection of two unnamed roads at grid reference XD503771, then proceeds generally north north easterly along the unnamed road to its intersection with another unnamed road at grid reference XD510798, then proceeds generally north westerly along the same unnamed road to its intersection with another unnamed road and Bellellen Road at grid reference XD502819, then proceeds easterly in a straight line to the

unnamed road at grid reference XD524819, then proceeds easterly along the unnamed road to its intersection with another unnamed road at grid reference XD572815, then proceeds northerly and then easterly along the unnamed road to its intersection with another unnamed road at grid reference XD583831, then proceeds generally northerly and then north easterly along the unnamed road to its intersection with another unnamed road at grid reference XD599887, then proceeds easterly and then north easterly along the unnamed road to its intersection with the Western Highway at grid reference XD617894, then proceeds north westerly along the Western Highway to its intersection with an unnamed road on the eastern side of the Melbourne Serviceton Railway at grid reference XD602916, then proceeds northerly along the unnamed road to its intersection with another unnamed road at grid reference XD601927, which is the descriptor starting point.

Attorney-GeneralCOMMONWEALTH OF AUSTRALIA
CUSTOMS ACT 1901NOTICE OF RATES OF EXCHANGE - section 161J *CUSTOMS ACT 1901*

I, Wayne Baldwin, delegate of the Chief Executive Officer of Customs, hereby specify, pursuant to section 161J 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 Currency	Column 3 06/12/2006	Column 4 07/12/06	Column 5 08/12//2006	Column 6 09/12/2006	Column 7 10/12/2006	Column 8 11/12/06	Column 9 12/12/06
Brazil	Real	1.6897	1.6876	1.6912	1.6912	1.6912	1.6747	1.6767
Canada	Dollar	0.8989	0.9024	0.9059	0.9059	0.9059	0.8999	0.9008
China, PR of	Yuan	6.1537	6.1506	6.1655	6.1655	6.1655	6.1285	6.144
Denmark	Kroner	4.4035	4.4112	4.4234	4.4234	4.4234	4.4348	4.4163
European Union	Euro	0.5906	0.5914	0.5932	0.5932	0.5932	0.5948	0.5922
Fiji	Dollar	1.3142	1.3137	1.3144	1.3144	1.3144	1.3111	1.3124
Hong Kong	Dollar	6.1139	6.1102	6.1248	6.1248	6.1248	6.0885	6.1012
India	Rupee	35.0068	35.1326	35.1707	35.1707	35.1707	35.0421	35.1465
Indonesia	Rupiah	7162.0	7163.0	7168.0	7168.0	7168.0	7110.0	7126.0
Israel	Shekel	3.3183	3.2969	3.3045	3.3045	3.3045	3.2813	3.2975
Japan	Yen	90.33	90.48	90.82	90.82	90.82	91.24	91.69
Korea, Republic of	Won	723.94	720.2	722.04	722.04	722.04	722.07	724.48
Malaysia	Ringgit	2.7986	2.7897	2.7972	2.7972	2.7972	2.782	2.786
New Zealand	Dollar	1.1447	1.1441	1.1449	1.1449	1.1449	1.1413	1.1385
Norway	Kroner	4.8004	4.8001	4.8025	4.8025	4.8025	4.839	4.8167
Pakistan	Rupee	47.88	47.82	47.99	47.99	47.99	47.73	47.74
Papua New Guinea	Kina	2.3648	2.3633	2.3693	2.3693	2.3693	2.354	2.3585
Philippines	Peso	38.96	38.89	39.0	39.0	39.0	38.84	38.86
Singapore	Dollar	1.2106	1.2103	1.2136	1.2136	1.2136	1.2105	1.2094
Solomon Islands	Dollar	5.9666	5.9628	5.978	5.978	5.978	5.9393	5.9507
South Africa	Rand	5.5626	5.5556	5.5466	5.5466	5.5466	5.5405	5.5034
Sri Lanka	Rupee	84.65	84.65	84.84	84.84	84.84	84.63	85.17
Sweden	Krona	5.3344	5.3662	5.3634	5.3634	5.3634	5.3909	5.3665
Switzerland	Franc	0.9379	0.9397	0.9422	0.9422	0.9422	0.9455	0.943
Taiwan Province	Dollar	25.38	25.38	25.45	25.45	25.45	25.36	25.46
Thailand	Baht	27.98	28.0	28.0	28.0	28.0	27.83	27.76
United Kingdom	Pound	0.3987	0.3998	0.4016	0.4016	0.4016	0.4014	0.4004
USA	Dollar	0.787	0.7865	0.7885	0.7885	0.7885	0.7834	0.7849

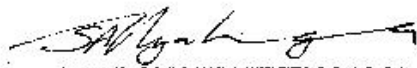
Wayne Baldwin
 Delegate of the Chief Executive Officer of Customs
 Canberra ACT
 13/12/2006

Customs Act 1901

DECLARATION UNDER SUBSECTION 132B(1) OF THE CUSTOMS ACT 1901

Pursuant to subsection 132B(1), and for the purposes of section 132B of the *Customs Act 1901*, I, SHARON NYAKUENGAMA, delegate of the Chief Executive Officer of Customs, declare that the period on and from 8 January 2007 to midnight on 31 January 2007 is a declared period with respect to the tobacco products classified under Sub Headings 2402.10.20, 2402.10.80, 2402.20.20, 2402.20.80, 2403.10.70 and 2403.91.00 in the Schedule 3 to the *Customs Tariff Act 1995* and that the period on and from 1 November 2005 to midnight on 31 October 2006 is the base period in relation to the declared period.

Dated this 15th day of December 2006.



SHARON NYAKUENGAMA
Delegate of the Chief Executive Office of Customs



Australian Government
AUSTRAC

**Declaration under Section 8A of the
*Financial Transaction Reports Act 1988***

I, Victoria Walker, Delegate of the Director of the Australian Transaction Reports and Analysis Centre (AUSTRAC), for the purposes of Section 8A of the *Financial Transaction Reports Act 1988*, hereby revoke the identifying cash dealer status of the cash dealers named below:

Big River Credit Union Limited
CPS Credit Union Co-Operative (ACT) Limited
Dana Employees Credit Union Limited
Pinnacle Credit Union Limited
Dai Phuoc Jewellery
Epinon Pty Ltd
Assunda Pty Ltd T/A Money Centre Gosford
Brisbane Coin Gallery
Australian Cash Express T/A Money Centre Parramatta
Credit Union Home Loans Australia Ltd T/A Melbourne Credit Union Limited
Amcor Credit Co-operative Limited
Carboy (SA) Credit Union Limited
WMC Finance Ltd
B.A Johnson & J.F Johnson T/AS Money Now

V. Walker

Victoria Walker
Acting Reporting Manager
AUSTRAC

Date: 14 December 2006



Australian Government
AUSTRAC

**Declaration under Section 8A of the
*Financial Transaction Reports Act 1988***

I, Victoria Walker, Delegate of the Director of the Australian Transaction Reports and Analysis Centre (AUSTRAC), for the purposes of Section 8A of the *Financial Transaction Reports Act 1988*, hereby declare the cash dealers named below to be identifying cash dealers:

B2B Finance Pty Ltd

Cram Enterprises Pty Limited

Wama Enterprises Pty Limited

KVB KUNLUN PTY LTD

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

Victoria Walker
Senior Manager
Regulatory Compliance
AUSTRAC

Date: 14 December 2006

Communications, Information Technology and the Arts

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Telecommunications Act 1997

Subsection 56(3)

NOTIFICATION OF GRANT OF CARRIER LICENCE

The Australian Communications and Media Authority gives notice under subsection 56(3) of the *Telecommunications Act 1997* ('the Act') that on 7 December 2006 a carrier licence was granted to Wideband Networks Pty Ltd, ACN 097 649 851 under subsection 56(1) of the Act.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Telecommunications Act 1997

Subsection 56(3)

NOTIFICATION OF GRANT OF CARRIER LICENCE

The Australian Communications and Media Authority gives notice under subsection 56(3) of the *Telecommunications Act 1997* ('the Act') that on 7 December 2006 a carrier licence was granted to Flexinet Pty Ltd, ACN 112 877 488 under subsection 56(1) of the Act.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Telecommunications Act 1997

Subsection 56(3)

NOTIFICATION OF GRANT OF CARRIER LICENCE

The Australian Communications and Media Authority gives notice under subsection 56(3) of the *Telecommunications Act 1997* ('the Act') that on 7 December 2006 a carrier licence was granted to Digital Signal Solutions Pty Ltd, ACN 121 228 582 under subsection 56(1) of the Act.

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

Telecommunications Act 1997

Subsection 56(3)

NOTIFICATION OF GRANT OF CARRIER LICENCE

The Australian Communications and Media Authority gives notice under subsection 56(3) of the *Telecommunications Act 1997* ('the Act') that on 7 December 2006 a carrier licence was granted to Westvic Broadband Pty Ltd, ACN 106 835 947 under subsection 56(1) of the Act.



Australian Government
**Australian Communications
and Media Authority**

Australia's regulator for broadcasting, the internet, radiocommunications and telecommunications

www.acma.gov.au

Notification under subsection 96(6) of the *Broadcasting Services Act 1992*

On 8 December 2006 the Australian Communications and Media Authority allocated, under subsection 96(1) of the *Broadcasting Services Act 1992*, one subscription television broadcasting licence to United Broadcasting International Pty Ltd (Licence Identification No. 2816).

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

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

***DETERMINATION OF LICENCE AREA PLAN – NSW COMMUNITY RADIO*
VARIATION OF LICENCE AREA PLANS – SYDNEY & WOLLONGONG
VARIATION TO DESIGNATION OF LICENCE AREA
*VARIATION TO FREQUENCY ALLOTMENT PLAN***

Pursuant to section 26(1) of the *Broadcasting Services Act 1992*, on 8 December 2006, the Australian Communications and Media Authority determined the licence area plan for NSW Community radio that determined the number and characteristics, including technical specifications, of radio broadcasting services that are to be available in Sydney, Newcastle and Wollongong with the use of the broadcasting services bands.

Pursuant to section 26(2) of the *Broadcasting Services Act 1992*, on 8 December 2006, the Australian Communications and Media Authority varied the licence area plans for Sydney and Wollongong radio that determined the number and characteristics, including technical specifications, of radio broadcasting services that are to be available in Sydney and Wollongong with the use of the broadcasting services bands.

Pursuant to section 29(2) of the *Broadcasting Services Act 1992*, on 8 December 2006, the Australian Communications and Media Authority designated a licence area to be known as NSW Community RA1.

Pursuant to section 25(2) of the *Broadcasting Services Act 1992*, on 8 December 2006, the Australian Communications and Media Authority varied the frequency allotment plan for the VHF- FM Band in so far as it relates to the Sydney and Newcastle regions.

Copies of the instruments can be obtained free from ACMA by calling Freecall 1800 226 667, from the ACMA's web site at www.acma.gov.au, or from:

The Planning Officer for NSW Community radio
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

Defence



Australian Government
Repatriation Medical Authority

NOTICE OF INVESTIGATION

Section 196G of the
Veterans' Entitlements Act 1986

The Repatriation Medical Authority (the Authority) gives notice under section 196G of the *Veterans' Entitlements Act 1986* ['the VEA'] that it intends to carry out an investigation under section 196B(7) of the VEA to review the contents of Statements of Principles concerning **haemorrhoids** (Instrument Nos. 26 and 27 of 2004).

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

- a person eligible to make a claim for pension under Part II or Part IV of the *Veterans' Entitlements Act 1986*;
- a person eligible to make a claim for compensation under section 319 of the *Military Rehabilitation and Compensation Act 2004* ['the MRCA'];
- an organisation representing veterans, Australian mariners, members of the Forces, members of the Peacekeeping Forces, members within the meaning of the MRCA, or their dependants;
- the Repatriation Commission or the Military Rehabilitation and Compensation Commission; and
- a person having expertise in a field relevant to the investigation.

The Authority will hold its first meeting for the purposes of this investigation on **2 April 2007**.

Under the VEA, the Authority is required to find out whether there is new information available about how haemorrhoids may be suffered or contracted, or death from haemorrhoids may occur; and the extent to which haemorrhoids or death from haemorrhoids may be war-caused, defence-caused, a service injury, a service disease or a service death. Persons and organisations wishing to make a submission should obtain from the Repatriation Medical Authority Secretariat (at the address and phone number below) a copy of the *Repatriation Medical Authority Submission Guidelines*.

All submissions must be in writing and received by the Authority at the address below no later than **23 March 2007**.

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

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KEN DONALD
CHAIRPERSON

14/12/06

The Repatriation Medical Authority
8th Floor, 259 Queen Street
[GPO Box 1014]
BRISBANE, QLD 4001
Telephone:(07) 3815 9404



Australian Government
Repatriation Medical Authority

NOTICE OF INVESTIGATION

Section 196G of the
Veterans' Entitlements Act 1986

The Repatriation Medical Authority (the Authority) gives notice under section 196G of the *Veterans' Entitlements Act 1986* [‘the VEA’] that it intends to carry out an investigation under section 196B(7) of the VEA to review the contents of Statements of Principles concerning **bronchiectasis** (Instrument Nos. 59 and 60 of 2001).

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

- a person eligible to make a claim for pension under Part II or Part IV of the *Veterans' Entitlements Act 1986*;
- a person eligible to make a claim for compensation under section 319 of the *Military Rehabilitation and Compensation Act 2004* [‘the MRCA’];
- an organisation representing veterans, Australian mariners, members of the Forces, members of the Peacekeeping Forces, members within the meaning of the MRCA, or their dependants;
- the Repatriation Commission or the Military Rehabilitation and Compensation Commission; and
- a person having expertise in a field relevant to the investigation.

The Authority will hold its first meeting for the purposes of this investigation on **2 April 2007**.

Under the VEA, the Authority is required to find out whether there is new information available about how bronchiectasis may be suffered or contracted, or death from bronchiectasis may occur; and the extent to which bronchiectasis or death from bronchiectasis may be war-caused, defence-caused, a service injury, a service disease or a service death. Persons and organisations wishing to make a submission should obtain from the Repatriation Medical Authority Secretariat (at the address and phone number below) a copy of the *Repatriation Medical Authority Submission Guidelines*.

All submissions must be in writing and received by the Authority at the address below no later than **23 March 2007**.

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Section 196G of the
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Australian Government
Repatriation Medical Authority

NOTICE OF INVESTIGATION

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

The Repatriation Medical Authority (the Authority) gives notice under section 196G of the *Veterans' Entitlements Act 1986* ['the VEA'] that it intends to carry out an investigation under section 196B(7) of the VEA to review the contents of Statements of Principles concerning **non-Hodgkin's lymphoma** (Instrument Nos. 37 and 38 of 2003).

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

- a person eligible to make a claim for pension under Part II or Part IV of the *Veterans' Entitlements Act 1986*;
- a person eligible to make a claim for compensation under section 319 of the *Military Rehabilitation and Compensation Act 2004* ['the MRCA'];
- an organisation representing veterans, Australian mariners, members of the Forces, members of the Peacekeeping Forces, members within the meaning of the MRCA, or their dependants;
- the Repatriation Commission or the Military Rehabilitation and Compensation Commission; and
- a person having expertise in a field relevant to the investigation.

The Authority will hold its first meeting for the purposes of this investigation on **2 April 2007**.

Under the VEA, the Authority is required to find out whether there is new information available about how non-Hodgkin's lymphoma may be suffered or contracted, or death from non-Hodgkin's lymphoma may occur; and the extent to which non-Hodgkin's lymphoma or death from non-Hodgkin's lymphoma may be war-caused, defence-caused, a service injury, a service disease or a service death. Persons and organisations wishing to make a submission should obtain from the Repatriation Medical Authority Secretariat (at the address and phone number below) a copy of the *Repatriation Medical Authority Submission Guidelines*.

All submissions must be in writing and received by the Authority at the address below no later than **23 March 2007**.

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Australian Government
Repatriation Medical Authority

NOTICE OF INVESTIGATION

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

The Repatriation Medical Authority (the Authority) gives notice under section 196G of the *Veterans' Entitlements Act 1986* ['the VEA'] that it intends to carry out an investigation under section 196B(7) of the VEA to review the contents of Statements of Principles concerning **osteoarthritis** (Instrument Nos. 31 and 32 of 2005).

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



- a person eligible to make a claim for pension under Part II or Part IV of the *Veterans' Entitlements Act 1986*;
- a person eligible to make a claim for compensation under section 319 of the *Military Rehabilitation and Compensation Act 2004* ['the MRCA'];
- an organisation representing veterans, Australian mariners, members of the Forces, members of the Peacekeeping Forces, members within the meaning of the MRCA, or their dependants;
- the Repatriation Commission or the Military Rehabilitation and Compensation Commission; and
- a person having expertise in a field relevant to the investigation.

The Authority will hold its first meeting for the purposes of this investigation on **2 April 2007**.

Under the VEA, the Authority is required to find out whether there is new information available about how osteoarthritis may be suffered or contracted, or death from osteoarthritis may occur; and the extent to which osteoarthritis or death from osteoarthritis may be war-caused, defence-caused, a service injury, a service disease or a service death. Persons and organisations wishing to make a submission should obtain from the Repatriation Medical Authority Secretariat (at the address and phone number below) a copy of the *Repatriation Medical Authority Submission Guidelines*.

All submissions must be in writing and received by the Authority at the address below no later than **23 March 2007**.

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Australian Government
Repatriation Medical Authority

NOTICE OF INVESTIGATION

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

The Repatriation Medical Authority (the Authority) gives notice under section 196G of the *Veterans' Entitlements Act 1986* ['the VEA'] that it intends to carry out an investigation under section 196B(7) of the VEA to review the contents of Statements of Principles concerning **acute stress disorder** (Instrument Nos. 11 and 12 of 2006).

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

- a person eligible to make a claim for pension under Part II or Part IV of the *Veterans' Entitlements Act 1986*;
- a person eligible to make a claim for compensation under section 319 of the *Military Rehabilitation and Compensation Act 2004* ['the MRCA'];
- an organisation representing veterans, Australian mariners, members of the Forces, members of the Peacekeeping Forces, members within the meaning of the MRCA, or their dependants;
- the Repatriation Commission or the Military Rehabilitation and Compensation Commission; and
- a person having expertise in a field relevant to the investigation.

The Authority will hold its first meeting for the purposes of this investigation on **5 February 2007**.

Under the VEA, the Authority is required to find out whether there is new information available about how acute stress disorder may be suffered or contracted, or death from acute stress disorder may occur; and the extent to which acute stress disorder or death from acute stress disorder may be war-caused, defence-caused, a service injury, a service disease or a service death. Persons and organisations wishing to make a submission should obtain from the Repatriation Medical Authority Secretariat (at the address and phone number below) a copy of the *Repatriation Medical Authority Submission Guidelines*.

All submissions must be in writing and received by the Authority at the address below no later than **2 February 2007**.

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

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)
)

KEN DONALD
CHAIRPERSON



14/12/06

The Repatriation Medical Authority
8th Floor, 259 Queen Street
[GPO Box 1014]
BRISBANE, QLD 4001
Telephone:(07) 3815 9404

Employment and Workplace Relations

Safety, Rehabilitation and Compensation Act 1988
Part VIII**John Holland Group Pty Ltd****NOTICE OF GRANT OF LICENCE**

Notice No. 6 of 2006

John Holland Group Pty Ltd, ABN 37 050 242 147 (John Holland Group), was declared to be eligible to be granted a licence under Part VIII (paragraph (c) of section 100) of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) by Notice No. 4 of 2006 registered as F2006L03636 on the Federal Register of Legislative Instruments on 6 November 2006.

The Safety, Rehabilitation and Compensation Commission (the Commission), acting under sections 103 and 104 of the SRC Act, granted a licence to John Holland Group on 13 December 2006 with a commencement date of 1 January 2007 at 12.01am (Australian Eastern Standard Time) and a cessation date of midnight (Australian Eastern Standard Time) on 30 June 2008.

The scope and conditions of the licence are as set out below in this notice.

LICENCE**Part 1 - Grant and Scope of Licence**

Note: Under section 46(1) of the *Acts Interpretation Act 1901*, unless the contrary intention appears, expressions used in this instrument have the same meaning as in the SRC Act.

Eligible applicant

1. By notice registered 6 November 2006, **John Holland Group Pty Ltd**, ABN 37 050 242 147 ("**the Licensee**") was declared to be eligible to be granted a licence under Part VIII of the *Safety, Rehabilitation and Compensation Act 1988* ("**the SRC Act**").

Grant of licence

2. The Safety, Rehabilitation and Compensation Commission ("**the Commission**"), acting under sections 103 and 104 of the SRC Act, grants a licence to the Licensee.

Period of licence

3. Subject to the SRC Act, this licence is for the period commencing on 1 January 2007 at 12.01am (Australian Eastern Standard Time) and ending at midnight (Australian Eastern Standard Time) on 30 June 2008 (**"the period of this licence"**).

Scope of licence – acceptance of liability

4. The Licensee is authorised to accept liability to pay compensation and other amounts under the SRC Act in respect of all injuries, loss or damage suffered by, or in respect of the death of, any of the employees of the Licensee where such injuries, loss, damage or death occur within the period of this licence.

Note: "Employee" is defined in section 5 of the SRC Act.

Scope of licence - management of claims

5. Self Insured Services Australia Pty Ltd (SISA), ABN 17 084 821 438 (**"the Claims Manager"**) is authorised to manage, on behalf of the Licensee, claims under the SRC Act made by the employees of the Licensee who are covered by the scope of this licence so far as it relates to the Licensee's acceptance of liability in accordance with clause 4 of this licence.

Note 1: "Claim" is defined in section 99 of the SRC Act.

Note 2: "Manage", in relation to a claim for payment of compensation and other amounts under the SRC Act, is defined in section 99 of the SRC Act.

Note 3: Management of reconsiderations under Part VI of the SRC Act is dealt with in Part 2 of this licence.

Note 4: Subsection 108B(4) of the SRC Act provides that if a Licensee enters into a contract with another person for the management, on the Licensee's behalf, of the claims that the Licensee is authorised to manage, that contract does not come into force unless and until the Commission has varied the licence to note the identity of the person with whom the Licensee has contracted.

Conditions

6. This licence is granted subject to the conditions specified in Part 2 of this licence.

Part 2 - Conditions

Definitions

7. In this Part *Licensee* includes, where the context permits, the Claims Manager.

General conditions

Directions of Commission

8. The Licensee must comply with any written directions, whether general or in respect of a particular matter or class of matters, given by the Commission to the Licensee with respect to the performance by the Licensee of its functions or the exercise of its powers under the SRC Act.
9. If the Licensee's claims are managed by a Claims Manager – the Licensee must give a copy of the Commission's directions to the Claims Manager.

Requirements

10. The Licensee must comply with the requirements of:
- (a) the SRC Act, its Regulations and any applicable guidelines issued by the Commission under section 73A of the SRC Act;
 - (b) any applicable laws of the Commonwealth, States or Territories with respect to the safety, health and rehabilitation of employees; and
 - (c) the relevant Privacy legislation.
11. The Licensee must have regard to guidelines issued by the Privacy Commissioner under the Privacy Act, but must comply with any such guidelines dealing with covert surveillance of employees.

Fees

12. The Licensee must pay the licence fee notified in writing to the Licensee under section 104A of the SRC Act within one month of receiving the notification.

Manner of managing claims

13. In managing claims, the Licensee:
- (a) must be guided by equity, good conscience and the substantial merits of the case without regard to technicalities;
 - (b) is not required to conduct a hearing; and
 - (c) is not bound by the rules of evidence.

Audits

14. The Licensee must cooperate with, and give reasonable assistance to, the Commission or its representatives in respect of any audits and evaluations of the Licensee to be conducted by the Commission or its representatives.

Reviews and proceedings

15. The Licensee must not cause, or permit to be made on its behalf, any submission to a court or tribunal in relation to the interpretation of a provision of the SRC Act or associated transitional or consequential provisions that Comcare or the Commission requests the Licensee not to make.
16. If the Licensee brings court proceedings in relation to a matter arising in respect of a claim under the SRC Act, the Licensee must inform Comcare as soon as practicable that the proceedings have been brought and give Comcare a copy of the initiating process.

Note: If proceedings are brought against the Licensee, subsection 108C(8) of the SRC Act requires the Licensee to inform Comcare as soon as practicable.

Failure to comply with conditions or change in circumstances

17. The Licensee must notify Comcare in writing immediately that it becomes aware:
 - (a) that the Licensee has not complied with, or is likely not to comply with, a condition of this licence; or
 - (b) of any event that may materially impact upon its suitability to hold a licence, including its capacity to meet its liabilities under the SRC Act or of any material change in its financial position; or
 - (c) of any material change to its legal structure, ownership or control; or
 - (d) of any significant change in its employee numbers or significant change in the risk profile of the work undertaken by its employees.

Information and reporting requirements

18. On written request of the Commission, the Licensee must give to the Commission, within the timeframe specified in the request, such information relating to the Licensee's operations under the SRC Act in the form and at the place specified in the request.

Note: Information likely to be requested by the Commission includes information required for the Commission's annual report, Commission Indicators, CPM and Return to Work Monitor.

Specific Conditions

19. The Licensee must provide to the Commission, prior to commencement of the licence, written undertakings that it will:
- (i) not treat employees injured before the date of commencement of the licence less favourably than employees injured on or after that date as far as management of their claims and their rehabilitation is concerned
 - (ii) in the event of a judicial determination that the SRC Act does not apply to the Licensee and its employees, not seek to recover from employees any benefit paid in good faith under the SRC Act, which exceeds the level of benefit that would have been payable under the applicable state or territory workers' compensation legislation, and
 - (iii) consult with its employees about the Commonwealth OHS legislative provisions and requirements and the proposed changes to the SRC Act with the consultation to be completed by end February 2007 and evidence of the consultation provided to Comcare.

Reconsiderations

20. For the purpose of any reconsiderations under Part VI of the SRC Act, except for reconsiderations of matters in respect of which the outcomes would be no less favourable to the employee than the original decisions, in respect of determinations made by the Claims Manager, the Licensee, **John Holland Group Pty Ltd**, ABN 37 050 242 147 ("the Reviewer") will carry out reconsiderations of determinations made by the Claims Manager.

Claims Manager

21. The Licensee is responsible for ensuring that the Claims Manager complies with the conditions in this licence.
22. In addition to other conditions in this licence which are applicable to the Claims Manager, the Claims Manager must:
- (a) not do, or omit to do, anything which would put the Licensee in breach of any term or condition of this licence;
 - (b) not undertake, or cause to be undertaken, any surveillance of an employee, unless it has the prior written approval of the Licensee;
 - (c) implement appropriate structures and mechanisms to ensure the consistent application of policy and procedures in respect of the management of claims;
 - (d) when requested in writing by the Commission to provide information to it, to provide the information to the Commission in the timeframe specified in the request;
 - (e) permit the Licensee to conduct at least an annual audit of the Claims Manager's performance ("**Performance Audits**") in accordance with

- audit methodology approved by the Commission or as otherwise required by the Commission;
- (f) provide the Licensee with reasonable access to the Claims Manager's records, premises and personnel to enable the Licensee to carry out Performance Audits;
 - (g) provide the Commission or its representative with unrestricted access to documents and records in the possession or control of the Claims Manager in so far as the documents relate to matters arising under the SRC Act; and
 - (h) inform the Licensee as soon as practicable after it becomes aware that the Claims Manager has done or omitted to do something which has the effect that the Licensee is, or is likely to be in breach of a term or condition of this licence.

Note: "Documents" and "records" have the same meaning as in the Acts Interpretation Act 1901.

- 23. The Licensee must:
 - (a) conduct at least once every year a Performance Audit of the Claims Manager; and
 - (b) within six weeks of the completion of each Performance Audit, give the Commission a written report on the Claims Manager's performance for the period covered by the audit.
- 24. The Licensee must be accountable for all claims management policies issued by the Claims Manager.
- 25. The Licensee must notify the Commission in writing as soon as practicable after it becomes aware that the Claims Manager has done, or omitted to do, something which has the effect that the Licensee is, or is likely to be, in breach of a term or condition of this licence.
- 26. The Licensee must enter into and maintain a written contract with the Claims Manager and if requested to do so, give a copy of the contract to the Commission.
- 27. The Licensee must ensure that each of the obligations imposed by this licence on the Claims Manager are included in the contract between the Licensee and the Claims Manager and that the Claims Manager warrants, under the contract, to comply with the conditions imposed by this licence.

Prudential Conditions

- 28. The Licensee must comply with the Prudential Conditions at **Attachment A**.

Performance Conditions

29. The Licensee must comply with the Performance Standards at **Attachment B**.

Dated the 13 day of December 2006

A handwritten signature in black ink, appearing to read 'L. Taylor', with a stylized flourish at the end.

Leslie Edward Taylor
Chairman
Safety, Rehabilitation and Compensation Commission

Attachment A

PRUDENTIAL CONDITIONS OF LICENCE

These conditions are “the Prudential Conditions”.

1. LICENSEE CERTIFICATION

- 1.1. The principal officer of the Licensee must certify in writing to the Commission, by 30 September of each financial year, that the Licensee has:
- (a) arranged, in accordance with Prudential Condition 2, for the estimation of the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence; and
 - (b) made, in accordance with Prudential Condition 3, provision in its accounts, in accordance with the estimates in the Liability Report required by Prudential Condition 2, for meeting its liabilities; and
 - (c) the capacity to meet any single claim up to the reinsurance policy retention amount (excess amount) determined in accordance with Prudential Condition 5.

2. LIABILITY REPORT

- 2.1. The Licensee must commission a written report (“the Liability Report”) in respect of each financial year and calculated as at the end of that year.
- 2.2. The Liability Report:
- (a) must be prepared by a Fellow of the Institute of Actuaries of Australia (IAA), or any body substituted therefore, with at least five years’ post-qualification experience as an actuary in general insurance; and
 - (b) must be prepared by an actuary who is not an employee or a partner of the organisation which provides financial audit services to the licensee or who in any way has a material financial dependence on the auditor; and
 - (c) be prepared drawing on any available expert advice and substantially using IAA professional standard P300, or any standard substituted therefore, as the basis of estimation, with any departure from this standard to be highlighted in the report; and
 - (d) must be addressed by the actuary to the Commission; and

- (e) must be provided by the Licensee to the Commission by 31 August of the financial year to which it relates.

2.3 The Liability Report must:

- (a) estimate the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence as follows:
 - (i) contain a recommendation for the level of provisions in the licensee's accounts which must be made to at least the 50th percentile (net central estimate); and
 - (ii) contain a valuation of current outstanding liability and the projected liability in both 12 and 24 months time; and
- (b) contain a recommendation of the maximum reinsurance policy retention amount (excess amount) referred to in Prudential Condition 5; and
- (c) make an assessment of the financial capacity of the Licensee to meet amounts, from the balance sheet, up to the excess amount recommended by the actuary; and
- (d) describe the arrangements for compliance with Prudential Condition 5 and provide an assessment by the actuary of whether the arrangements are appropriate to meet the Licensee's obligation under Condition 5.1.

Note: The Commission will have regard to the matters in (b) and (c) in determining the excess amount in accordance with Prudential Condition 5.

2.4 The Commission may at its discretion submit a Liability Report to a peer review process.

Note: The Commission will organise and pay for any such peer review process.

2.5 After receiving a peer review assessment of a Liability Report, the Commission may by written notice to the Licensee require a Second Liability Report by an actuary approved by the Commission.

2.6 The Commission may direct the date for provision of a Second Liability Report.

2.7 Unless the Commission directs otherwise, the licensee must pay for a Second Liability Report.

2.8 If the Commission receives a Second Liability Report, it replaces the original Liability Report and:

- (a) references in Prudential Conditions 3-5 to the 'Liability Report' are to be construed as references to the Second Liability Report; and

- (b) references in Prudential Conditions 3-5 to the actuary who prepares the Liability Report are to be construed as references to the actuary who prepares the Second Liability Report.

3. YEARLY ACCOUNTS

3.1. The Licensee must:

- (a) lodge with the Commission a copy of:
 - (i) any report that it is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (ii) any periodic financial information regarding the affairs of the Licensed Corporation for a financial year that it is required to give to any financial market as defined in the *Corporations Act 2001* (for example, in respect of the Australian Stock Exchange this would be information that must be given under Listing Rule 4.3B) within 7 days after it is required to be given to the financial market or it is in fact given, whichever is the earlier. For the avoidance of doubt this condition does not require the Licensed Corporation to provide information that is released to the financial market pursuant to the Licensed Corporation's continuous disclosure obligations;
 - (iii) if the Licensee is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* because its parent company is required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001*, then the Licensee must provide any report that the parent company is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (iv) if the Licensee (or its parent company) is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* and the parent company is a company not subject to the laws of Australia then the Licensee's parent company must prepare a financial report and directors' report as if it was required to comply with Division 1 of Part 2M.3 of the *Corporations Act*

2001, including having that report audited in accordance with that Part, and must give the report to the Commission within three months after the end of the Licensee's financial year;

- (b) include, and identify, in any report or information referred to in Prudential Condition 3.1(a), provision for meeting the Licensee's accrued and contingent liability as at the end of the accounting period for claims made under the Act in the accounting period.

- 3.2. The provision mentioned in 3.1(b) must be consistent with a written evaluation, by an actuary, of the Licensee's current and non current liability for the accounting period and the actuary's evaluation must be lodged with the Commission.
- 3.3. The Licensee's accounts must also make provision for the Licensee to meet its accrued and contingent liability as estimated by the actuary in accordance with Prudential Conditions 2.2 and 2.3.
- 3.4. It will be sufficient compliance with Prudential Condition 3.2 if the Licensee provides the Commission with a statement at the time of lodging its accounts that the actuary's written evaluation required by this Prudential Condition is contained in the Liability Report provided to the Commission, and identifying the location of the information in that Report.
- 3.5. For the purposes of Prudential Condition 3.2, "actuary" means the actuary who prepares the Liability Report referred to in Prudential Condition 2.1.

4. BANK GUARANTEE

- 4.1. The Licensee must, for each financial year, obtain a bank guarantee for the due discharge of its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence.
- 4.2. The bank guarantee in respect of each financial year must be:
 - (a) in the form and subject to the terms agreed in writing by the Commission; and
 - (b) for an amount calculated by the actuary in accordance with Prudential Condition 4 and specified in the Liability Report for that financial year; and
 - (c) obtained from a bank which has a credit rating of, or equivalent to, Standard and Poor's AA group or better.

- 4.3. The Licensee must provide the original of the bank guarantee to the Commission by 30 September of the financial year to which it relates.

For the purpose of this condition:

“Balance Date” means the last day of the financial year immediately before the year to which the bank guarantee relates.

“Outstanding Claims Liabilities” includes accrued and contingent liabilities.

- 4.4. The bank guarantee must be for an amount calculated by the actuary as the greater of:
- (a) the 95th percentile of Outstanding Claims Liabilities at the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5; or
 - (b) the 95th percentile of projected Outstanding Claims Liabilities in 24 months time from the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5,

subject to a minimum amount of \$2,500,000.

Note: The liability estimates are to include an allowance for the cost of administering claims and be calculated net of reinsurance recoveries.

- 4.5. In preparing the level of bank guarantee, the Licensee must direct the actuary to:
- (a) calculate existing and projected estimates of outstanding claims liabilities plus costs of administering claims to the 95th percentile and to include this result in the Liability Report; and
 - (b) base the calculation on a full statistical analysis of data, trends and variability and according to any relevant IAA standards and guidelines on liability valuation for general insurance.

5. REINSURANCE

- 5.1 The Licensee shall maintain an appropriate level of reinsurance to limit its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence for any single event in excess of an amount determined by the Commission (“excess amount”).

Note: The Commission will have regard to the maximum excess amount recommended by the actuary in the Liability Report.

- 5.2 The reinsurance policy must be with an insurance company granted an authority to carry on insurance business by the Australian Prudential Regulation Authority under the *Insurance Act 1973*.

5.3 The Licensee must:

- (a) provide a copy of the reinsurance policy to the actuary and the Commission within seven days of the issuing of the new policy; and
- (b) seek the prior approval of the Commission to any reinsurance amount which is in excess of the amount previously determined by the Commission under 5.1 above.

6. DEEDS OF GUARANTEE

6.1 The licensee must be a party at all times to the Deed of Cross Guarantee referred to below. The licensee must inform the Commission of any changes to the form and content of the Deed of Cross Guarantee, and inform the Commission if a new entity becomes a party or an existing entity ceases to be a party to the Deed of Cross Guarantee.

6.2 In this licence a reference to the Deed of Cross Guarantee is a reference to the Deed of Cross Guarantee, dated 16 November 2006, between:

- (i) John Holland Group Pty Ltd, ABN 37 050 242 147;
- (ii) John Holland Pty Ltd, ABN 11 004 282 268;
- (iii) Gridcomm Pty Ltd, ABN 89 103 278 815;
- (iv) John Holland Development and Investment Pty Ltd, ABN 72 004 293 056;
- (v) Tensacciai Pty Ltd, ABN 70 080 749 417;
- (vi) Telecommunications Infrastructure Pty Ltd, ABN 93 095 983 207;
- (vii) John Holland Rail Pty Ltd, ABN 61 009 252 653;
- (viii) John Holland Engineering Pty Ltd, ABN 91 103 278 824;
- (ix) John Holland Investment Pty Ltd, ABN 78 099 412 610;
- (x) John Holland AD Holdings Pty Ltd, ABN 96 095 328 788;
- (xi) John Holland AD Investments Pty Ltd, ABN 30 092 661 044;
- (xii) John Holland AD Operations Pty Ltd, ABN 24 092 661 017;
- (xiii) Lucon Pty Ltd, ABN 93 101 760 445;
- (xiv) John Holland Mining Pty Ltd, ABN 42 098 539 354;
- (xv) John Holland Services No.1 Pty Ltd, ABN 83 099 383 169;
- (xvi) John Holland Services Pty Ltd, ABN 74 099 412 656;
- (xvii) Yandina Ethanol Pty Ltd, ABN 16 101 271 621; and
- (xviii) John Holland (NZ) Limited, NZCN 1841226,

as amended or varied from time to time in accordance with its terms and ASIC's Class Order 98/1418 'Wholly-owned entities'.

6.3 The licensee must:

- (a) be a party to the Deed of Cross Guarantee for the period of this licence and for at least seven (7) years following the period of this licence;
- (b) if the Deed of Cross Guarantee is amended or varied, including if:
 - (i) another entity becomes a party to the Deed of Cross Guarantee; or
 - (ii) a party to the Deed of Cross Guarantee ceases to be a party to the Deed of Cross Guarantee,

provide a copy of the document amending or varying the Deed of Cross Guarantee to the Commission within three (3) business days;

- (c) notify the Commission within three (3) business days if:
 - (i) the Australian Securities and Investments Commission informally or formally raises any issues in relation to the Deed of Cross Guarantee; or
 - (ii) the licensee becomes aware of any reason why a creditor of the licensee may not be able to enforce the Deed of Cross Guarantee.

6.4 The licensee must also ensure that a Deed of Guarantee and Indemnity from Leighton Holdings Limited is in place and remains so in accordance with the conditions of licence.

6.5 In this condition, 'Deed of Guarantee and Indemnity' means the Deed of Guarantee and Indemnity from Leighton Holdings Limited, ACN 004 482 982 ('Leighton Holdings'), dated 13 December 2006.

6.6 The Commission grants this licence on the condition that the Deed of Guarantee and Indemnity:

- (a) is and remains binding on Leighton Holdings; and
- (b) remains in full force and effect, and is not varied,

for the period of this licence and for at least seven (7) years following the period of this licence.

- 6.7 The licensee must notify the Commission within three (3) business days if the licensee becomes aware that any aspect of the Deed of Guarantee and Indemnity is not, or will not any time in the future be, enforceable by any beneficiary of the Deed of Guarantee and Indemnity.
- 6.8 The Deed of Guarantee and Indemnity and the Deed of Cross Guarantee includes any subsequent novation of or variation of any of those documents.

Attachment B

PERFORMANCE STANDARDS AND MEASURES

The Licensee's prevention, rehabilitation and claims management systems will be consistent with the Performance Standards set out below. The degree to which the Licensee meets the Standards will be judged against the Performance Measures, also set out below.

1. COMMITMENT AND POLICY

The Licensee develops its prevention, rehabilitation and claims management policies and objectives in consultation with its employees and, where requested by any member in the undertaking, their representative organisations.

1.1 Performance Standards

1.1.1 Policies will:

- (i) accept the requirement for compliance with legislation and regulations;
- (ii) promote the principle of continuous improvement;
- (iii) where appropriate, be integral with and relevant to the Licensee's management systems, activities and employees;
- (iv) identify responsibilities and accountabilities for relevant employees;
- (v) promote communication of relevant information to employees;
- (vi) recognise the Licensee's duty of care to all persons in the workplace;
- (vii) recognise a hazard management approach to prevention;
- (viii) recognise commitment to effective rehabilitation of injured employees; and
- (ix) provide for fair and equitable outcomes.

1.2 Performance Measures

1.2.1 There is evidence:

- (i) of policies which confirm the Licensee's commitment to effective management of health and safety, rehabilitation and claims;
- (ii) that these policies are communicated to employees;

- (iii) of prevention management systems which recognise continuous improvement and which are based upon a hazard management approach;
- (iv) of consultation in accordance with the licence conditions; and
- (v) that management plans for rehabilitation and claims management are designed to ensure effective rehabilitation of injured employees, and equitable, efficient and effective claims management.

2. PLANNING

The Licensee develops plans to fulfil its policies and objectives.

2.1 Performance Standards

2.1.1 The Licensee's plans will:

- (i) address compliance with relevant legislative and regulatory requirements;
- (ii) identify program objectives and appropriate performance measures where relevant;
- (iii) include programs to identify, evaluate and control hazards in the workplace;
- (iv) provide for corrective action identified through any incident investigation process;
- (v) include programs to identify the Licensee's core rehabilitation and claims management activities and to provide direction regarding performance outcomes; and
- (vi) identify appropriate training requirements and include relevant training plans.

2.2 Performance Measures

2.2.1 There is evidence that:

- (i) health and safety plans for each workplace are risk based and take account of employee input;
- (ii) health and safety training plans for each workplace are consistent with health and safety plans; and
- (iii) plans identify the Licensee's core rehabilitation and claims management activities.

3. IMPLEMENTATION

The Licensee demonstrates the capabilities and support mechanisms that are necessary to achieve its policies and objectives.

3.1 Performance Standards

3.1.1 In implementing its plans the Licensee will:

- (i) allocate adequate resources to support its programs;
- (ii) implement relevant training programs;
- (iii) ensure that only rehabilitation service providers approved by Comcare under Part III of the SRC Act are utilised;
- (iv) communicate defined responsibilities to relevant employees and service providers;
- (v) implement arrangements to ensure that employees are aware of their rights and obligations under the SRC Act;
- (vi) maintain the relevant level of reporting, records and/or documentation to support the Licensee's programs and legislative compliance and to ensure an appropriate audit trail; and
- (vii) establish procedures to maintain the confidentiality of information and appropriately apply the requirements of the *Privacy Act 1988*.

3.1.2 In implementing its prevention plans the Licensee will implement:

- (i) a hazard management process that includes identification, evaluation and control;
- (ii) a relevant prevention training program;
- (iii) programs to meet the Licensee's duty of care for all persons in the workplace; and
- (iv) programs to ensure that work-related injuries and diseases and relevant incidents are promptly reported, investigated and action taken when appropriate, including early assessment for rehabilitation.

3.1.3 In implementing its claims management plans the Licensee will:

- (i) implement mechanisms to inform employees of the status of their claims;
- (ii) implement mechanisms to give employees a reasonable opportunity to provide information or comment when claims for ongoing liability are being assessed or reviewed;
- (iii) implement cost effective mechanisms for determinations and reviews in respect of claims to be made accurately and promptly and guided by equity, good conscience and the substantial merits of each case without regard to technicalities; and

- (iv) ensure consultation between persons responsible for managing claims, persons responsible for managing rehabilitation, and rehabilitation providers (as appropriate).

3.2 Performance Measures

3.2.1 There is evidence:

- (i) that health and safety plans for each workplace are appropriately actioned;
- (ii) that health and safety training plans are appropriately actioned;
- (iii) that rehabilitation management plans are appropriately actioned;
- (iv) that claims management plans are appropriately actioned;
- (v) that incidents are investigated and where appropriate have fully documented incident investigation reports and where appropriate corrective action is implemented; and
- (vi) of appropriate mechanisms for informing employees of their rights in respect of claims, and of the status of individual claims.

4. MEASUREMENT AND EVALUATION

The Licensee measures, monitors and evaluates its performance and takes prompt corrective action when necessary.

4.1 Performance Standards

4.1.1 The Licensee will:

- (i) maintain and monitor planned objectives and performance measures for key elements of its programs;
- (ii) conduct a program of internal audits to ensure performance of its prevention, rehabilitation and claims management systems and ensure that these audits are performed objectively by competent personnel;
- (iii) ensure that the outcomes of internal audits are appropriately documented and that necessary corrective actions are identified, prioritised and implemented;
- (iv) if granted self audit status, ensure all self audits are conducted in accordance with the requirements of the Commission by competent personnel;
- (v) if granted self audit status, ensure that self audit reports and corrective action plans are certified at an appropriate senior executive level;

- (vi) provide the Commission with accurate reports in relation to its performance in the form and at intervals as requested by the Commission; and
- (vii) report to its employees on outcomes and results of audits – both internal and external.

4.2 Performance Measures

- 4.2.1 Results of self-audits conducted by the Licensee during the relevant licence period.
- 4.2.2 Reporting against jurisdictional indicators adopted by the Commission.

5. MANAGEMENT SYSTEMS REVIEW AND IMPROVEMENT

5.1 Performance Standards

The Licensee regularly reviews its prevention, rehabilitation and claims management systems, with the objective of improving its overall performance.

- 5.1.1 The Licensee will:
 - (i) analyse the level of achievement of documented objectives and performance measures to determine areas requiring corrective or preventive action and utilise the results to promote continuous improvement strategies; and
 - (ii) review, at appropriate intervals, the scope and content of its policy statements and supporting policies and procedures to ensure their continued suitability and effectiveness.

5.2 Performance Measures

- 5.2.1 There is evidence that:
 - (i) the results of reviews of the Licensee's performance against its policies and objectives are used to continually improve its prevention, rehabilitation and claims management systems.

Safety, Rehabilitation and Compensation Act 1988
Part VIII

John Holland Pty Ltd

NOTICE OF GRANT OF LICENCE

Notice No. 7 of 2006

John Holland Pty Ltd, ABN 11 004 282 268 (John Holland), was declared to be eligible to be granted a licence under Part VIII (paragraph (c) of section 100) of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) by Notice No. 4 of 2006 registered as F2006L03636 on the Federal Register of Legislative Instruments on 6 November 2006.

The Safety, Rehabilitation and Compensation Commission (the Commission), acting under sections 103 and 104 of the SRC Act, granted a licence to John Holland on 13 December 2006 with a commencement date of 1 January 2007 at 12.01am (Australian Eastern Standard Time) and a cessation date of midnight (Australian Eastern Standard Time) on 30 June 2008.

The scope and conditions of the licence are as set out below in this notice.

LICENCE

Part 1 - Grant and Scope of Licence

Note: Under section 46(1) of the *Acts Interpretation Act 1901*, unless the contrary intention appears, expressions used in this instrument have the same meaning as in the SRC Act.

Eligible applicant

1. By notice registered 6 November 2006, **John Holland Pty Ltd**, ABN 11 004 282 268 (“**the Licensee**”) was declared to be eligible to be granted a licence under Part VIII of the *Safety, Rehabilitation and Compensation Act 1988* (“**the SRC Act**”).

Grant of licence

2. The Safety, Rehabilitation and Compensation Commission (“**the Commission**”), acting under sections 103 and 104 of the SRC Act, grants a licence to the Licensee.

Period of licence

3. Subject to the SRC Act, this licence is for the period commencing on 1 January 2007 at 12.01am (Australian Eastern Standard Time) and ending at midnight (Australian Eastern Standard Time) on 30 June 2008 (**"the period of this licence"**).

Scope of licence – acceptance of liability

4. The Licensee is authorised to accept liability to pay compensation and other amounts under the SRC Act in respect of all injuries, loss or damage suffered by, or in respect of the death of, any of the employees of the Licensee where such injuries, loss, damage or death occur within the period of this licence.

Note: "Employee" is defined in section 5 of the SRC Act.

Scope of licence - management of claims

5. Self Insured Services Australia Pty Ltd (SISA), ABN 17 084 821 438 (**"the Claims Manager"**) is authorised to manage, on behalf of the Licensee, claims under the SRC Act made by the employees of the Licensee who are covered by the scope of this licence so far as it relates to the Licensee's acceptance of liability in accordance with clause 4 of this licence.

Note 1: "Claim" is defined in section 99 of the SRC Act.

Note 2: "Manage", in relation to a claim for payment of compensation and other amounts under the SRC Act, is defined in section 99 of the SRC Act.

Note 3: Management of reconsiderations under Part VI of the SRC Act is dealt with in Part 2 of this licence.

Note 4: Subsection 108B(4) of the SRC Act provides that if a Licensee enters into a contract with another person for the management, on the Licensee's behalf, of the claims that the Licensee is authorised to manage, that contract does not come into force unless and until the Commission has varied the licence to note the identity of the person with whom the Licensee has contracted.

Conditions

6. This licence is granted subject to the conditions specified in Part 2 of this licence.

Part 2 - Conditions

Definitions

7. In this Part *Licensee* includes, where the context permits, the Claims Manager.

General conditions

Directions of Commission

8. The Licensee must comply with any written directions, whether general or in respect of a particular matter or class of matters, given by the Commission to the Licensee with respect to the performance by the Licensee of its functions or the exercise of its powers under the SRC Act.
9. If the Licensee's claims are managed by a Claims Manager – the Licensee must give a copy of the Commission's directions to the Claims Manager.

Requirements

10. The Licensee must comply with the requirements of:
- (a) the SRC Act, its Regulations and any applicable guidelines issued by the Commission under section 73A of the SRC Act;
 - (b) any applicable laws of the Commonwealth, States or Territories with respect to the safety, health and rehabilitation of employees; and
 - (c) the relevant Privacy legislation.
11. The Licensee must have regard to guidelines issued by the Privacy Commissioner under the Privacy Act, but must comply with any such guidelines dealing with covert surveillance of employees.

Fees

12. The Licensee must pay the licence fee notified in writing to the Licensee under section 104A of the SRC Act within one month of receiving the notification.

Manner of managing claims

13. In managing claims, the Licensee:
- (a) must be guided by equity, good conscience and the substantial merits of the case without regard to technicalities;
 - (b) is not required to conduct a hearing; and
 - (c) is not bound by the rules of evidence.

Audits

14. The Licensee must cooperate with, and give reasonable assistance to, the Commission or its representatives in respect of any audits and evaluations of the Licensee to be conducted by the Commission or its representatives.

Reviews and proceedings

15. The Licensee must not cause, or permit to be made on its behalf, any submission to a court or tribunal in relation to the interpretation of a provision of the SRC Act or associated transitional or consequential provisions that Comcare or the Commission requests the Licensee not to make.
16. If the Licensee brings court proceedings in relation to a matter arising in respect of a claim under the SRC Act, the Licensee must inform Comcare as soon as practicable that the proceedings have been brought and give Comcare a copy of the initiating process.

Note: If proceedings are brought against the Licensee, subsection 108C(8) of the SRC Act requires the Licensee to inform Comcare as soon as practicable.

Failure to comply with conditions or change in circumstances

17. The Licensee must notify Comcare in writing immediately that it becomes aware:
 - (a) that the Licensee has not complied with, or is likely not to comply with, a condition of this licence; or
 - (b) of any event that may materially impact upon its suitability to hold a licence, including its capacity to meet its liabilities under the SRC Act or of any material change in its financial position; or
 - (c) of any material change to its legal structure, ownership or control; or
 - (d) of any significant change in its employee numbers or significant change in the risk profile of the work undertaken by its employees.

Information and reporting requirements

18. On written request of the Commission, the Licensee must give to the Commission, within the timeframe specified in the request, such information relating to the Licensee's operations under the SRC Act in the form and at the place specified in the request.

Note: Information likely to be requested by the Commission includes information required for the Commission's annual report, Commission Indicators, CPM and Return to Work Monitor.

Specific Conditions

19. The Licensee must provide to the Commission, prior to commencement of the licence, written undertakings that it will:
- (i) not treat employees injured before the date of commencement of the licence less favourably than employees injured on or after that date as far as management of their claims and their rehabilitation is concerned
 - (ii) in the event of a judicial determination that the SRC Act does not apply to the Licensee and its employees, not seek to recover from employees any benefit paid in good faith under the SRC Act, which exceeds the level of benefit that would have been payable under the applicable state or territory workers' compensation legislation, and
 - (iii) consult with its employees about the Commonwealth OHS legislative provisions and requirements and the proposed changes to the SRC Act with the consultation to be completed by end February 2007 and evidence of the consultation provided to Comcare.

Reconsiderations

20. For the purpose of any reconsiderations under Part VI of the SRC Act, except for reconsiderations of matters in respect of which the outcomes would be no less favourable to the employee than the original decisions, in respect of determinations made by the Claims Manager, the Licensee, **John Holland Pty Ltd**, ABN 11 004 282 268 ("the Reviewer") will carry out reconsiderations of determinations made by the Claims Manager.

Claims Manager

21. The Licensee is responsible for ensuring that the Claims Manager complies with the conditions in this licence.
22. In addition to other conditions in this licence which are applicable to the Claims Manager, the Claims Manager must:
- (a) not do, or omit to do, anything which would put the Licensee in breach of any term or condition of this licence;
 - (b) not undertake, or cause to be undertaken, any surveillance of an employee, unless it has the prior written approval of the Licensee;
 - (c) implement appropriate structures and mechanisms to ensure the consistent application of policy and procedures in respect of the management of claims;
 - (d) when requested in writing by the Commission to provide information to it, to provide the information to the Commission in the timeframe specified in the request;
 - (e) permit the Licensee to conduct at least an annual audit of the Claims Manager's performance ("**Performance Audits**") in accordance with

audit methodology approved by the Commission or as otherwise required by the Commission;

- (f) provide the Licensee with reasonable access to the Claims Manager's records, premises and personnel to enable the Licensee to carry out Performance Audits;
- (g) provide the Commission or its representative with unrestricted access to documents and records in the possession or control of the Claims Manager in so far as the documents relate to matters arising under the SRC Act; and
- (h) inform the Licensee as soon as practicable after it becomes aware that the Claims Manager has done or omitted to do something which has the effect that the Licensee is, or is likely to be in breach of a term or condition of this licence.

Note: "Documents" and "records" have the same meaning as in the Acts Interpretation Act 1901.

- 23. The Licensee must:
 - (a) conduct at least once every year a Performance Audit of the Claims Manager; and
 - (b) within six weeks of the completion of each Performance Audit, give the Commission a written report on the Claims Manager's performance for the period covered by the audit.
- 24. The Licensee must be accountable for all claims management policies issued by the Claims Manager.
- 25. The Licensee must notify the Commission in writing as soon as practicable after it becomes aware that the Claims Manager has done, or omitted to do, something which has the effect that the Licensee is, or is likely to be, in breach of a term or condition of this licence.
- 26. The Licensee must enter into and maintain a written contract with the Claims Manager and if requested to do so, give a copy of the contract to the Commission.
- 27. The Licensee must ensure that each of the obligations imposed by this licence on the Claims Manager are included in the contract between the Licensee and the Claims Manager and that the Claims Manager warrants, under the contract, to comply with the conditions imposed by this licence.

Prudential Conditions

- 28. The Licensee must comply with the Prudential Conditions at **Attachment A**.

Performance Conditions

29. The Licensee must comply with the Performance Standards at **Attachment B**.

Dated the **13** day of December 2006

A handwritten signature in black ink, appearing to read 'L. Taylor', with a long horizontal stroke extending to the right.

Leslie Edward Taylor
Chairman
Safety, Rehabilitation and Compensation Commission

Attachment A

PRUDENTIAL CONDITIONS OF LICENCE

These conditions are “the Prudential Conditions”.

1. LICENSEE CERTIFICATION

- 1.1. The principal officer of the Licensee must certify in writing to the Commission, by 30 September of each financial year, that the Licensee has:
- (a) arranged, in accordance with Prudential Condition 2, for the estimation of the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence; and
 - (b) made, in accordance with Prudential Condition 3, provision in its accounts, in accordance with the estimates in the Liability Report required by Prudential Condition 2, for meeting its liabilities; and
 - (c) the capacity to meet any single claim up to the reinsurance policy retention amount (excess amount) determined in accordance with Prudential Condition 5.

2. LIABILITY REPORT

- 2.1. The Licensee must commission a written report (“the Liability Report”) in respect of each financial year and calculated as at the end of that year.
- 2.2. The Liability Report:
- (a) must be prepared by a Fellow of the Institute of Actuaries of Australia (IAA), or any body substituted therefore, with at least five years’ post-qualification experience as an actuary in general insurance; and
 - (b) must be prepared by an actuary who is not an employee or a partner of the organisation which provides financial audit services to the licensee or who in any way has a material financial dependence on the auditor; and
 - (c) be prepared drawing on any available expert advice and substantially using IAA professional standard P300, or any standard substituted therefore, as the basis of estimation, with any departure from this standard to be highlighted in the report; and
 - (d) must be addressed by the actuary to the Commission; and

- (e) must be provided by the Licensee to the Commission by 31 August of the financial year to which it relates.

2.3 The Liability Report must:

- (a) estimate the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence as follows:
 - (i) contain a recommendation for the level of provisions in the licensee's accounts which must be made to at least the 50th percentile (net central estimate); and
 - (ii) contain a valuation of current outstanding liability and the projected liability in both 12 and 24 months time; and
- (b) contain a recommendation of the maximum reinsurance policy retention amount (excess amount) referred to in Prudential Condition 5; and
- (c) make an assessment of the financial capacity of the Licensee to meet amounts, from the balance sheet, up to the excess amount recommended by the actuary; and
- (d) describe the arrangements for compliance with Prudential Condition 5 and provide an assessment by the actuary of whether the arrangements are appropriate to meet the Licensee's obligation under Condition 5.1.

Note: The Commission will have regard to the matters in (b) and (c) in determining the excess amount in accordance with Prudential Condition 5.

2.4 The Commission may at its discretion submit a Liability Report to a peer review process.

Note: The Commission will organise and pay for any such peer review process.

2.5 After receiving a peer review assessment of a Liability Report, the Commission may by written notice to the Licensee require a Second Liability Report by an actuary approved by the Commission.

2.6 The Commission may direct the date for provision of a Second Liability Report.

2.7 Unless the Commission directs otherwise, the licensee must pay for a Second Liability Report.

2.8 If the Commission receives a Second Liability Report, it replaces the original Liability Report and:

- (a) references in Prudential Conditions 3-5 to the 'Liability Report' are to be construed as references to the Second Liability Report; and

- (b) references in Prudential Conditions 3-5 to the actuary who prepares the Liability Report are to be construed as references to the actuary who prepares the Second Liability Report.

3. YEARLY ACCOUNTS

3.1. The Licensee must:

- (a) lodge with the Commission a copy of:
 - (i) any report that it is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (ii) any periodic financial information regarding the affairs of the Licensed Corporation for a financial year that it is required to give to any financial market as defined in the *Corporations Act 2001* (for example, in respect of the Australian Stock Exchange this would be information that must be given under Listing Rule 4.3B) within 7 days after it is required to be given to the financial market or it is in fact given, whichever is the earlier. For the avoidance of doubt this condition does not require the Licensed Corporation to provide information that is released to the financial market pursuant to the Licensed Corporation's continuous disclosure obligations;
 - (iii) if the Licensee is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* because its parent company is required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001*, then the Licensee must provide any report that the parent company is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (iv) if the Licensee (or its parent company) is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* and the parent company is a company not subject to the laws of Australia then the Licensee's parent company must prepare a financial report and directors' report as if it was required to comply with Division 1 of Part 2M.3 of the *Corporations Act*

2001, including having that report audited in accordance with that Part, and must give the report to the Commission within three months after the end of the Licensee's financial year;

- (b) include, and identify, in any report or information referred to in Prudential Condition 3.1(a), provision for meeting the Licensee's accrued and contingent liability as at the end of the accounting period for claims made under the Act in the accounting period.
- 3.2. The provision mentioned in 3.1(b) must be consistent with a written evaluation, by an actuary, of the Licensee's current and non current liability for the accounting period and the actuary's evaluation must be lodged with the Commission.
- 3.3. The Licensee's accounts must also make provision for the Licensee to meet its accrued and contingent liability as estimated by the actuary in accordance with Prudential Conditions 2.2 and 2.3.
- 3.4. It will be sufficient compliance with Prudential Condition 3.2 if the Licensee provides the Commission with a statement at the time of lodging its accounts that the actuary's written evaluation required by this Prudential Condition is contained in the Liability Report provided to the Commission, and identifying the location of the information in that Report.
- 3.5 For the purposes of Prudential Condition 3.2, "actuary" means the actuary who prepares the Liability Report referred to in Prudential Condition 2.1.

4. BANK GUARANTEE

- 4.1. The Licensee must, for each financial year, obtain a bank guarantee for the due discharge of its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence.
- 4.2. The bank guarantee in respect of each financial year must be:
- (a) in the form and subject to the terms agreed in writing by the Commission; and
 - (b) for an amount calculated by the actuary in accordance with Prudential Condition 4 and specified in the Liability Report for that financial year; and
 - (c) obtained from a bank which has a credit rating of, or equivalent to, Standard and Poor's AA group or better.

- 4.3. The Licensee must provide the original of the bank guarantee to the Commission by 30 September of the financial year to which it relates.

For the purpose of this condition:

“Balance Date” means the last day of the financial year immediately before the year to which the bank guarantee relates.

“Outstanding Claims Liabilities” includes accrued and contingent liabilities.

- 4.4. The bank guarantee must be for an amount calculated by the actuary as the greater of:
- (a) the 95th percentile of Outstanding Claims Liabilities at the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5; or
 - (b) the 95th percentile of projected Outstanding Claims Liabilities in 24 months time from the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5,

subject to a minimum amount of \$2,500,000.

Note: The liability estimates are to include an allowance for the cost of administering claims and be calculated net of reinsurance recoveries.

- 4.5. In preparing the level of bank guarantee, the Licensee must direct the actuary to:
- (a) calculate existing and projected estimates of outstanding claims liabilities plus costs of administering claims to the 95th percentile and to include this result in the Liability Report; and
 - (b) base the calculation on a full statistical analysis of data, trends and variability and according to any relevant IAA standards and guidelines on liability valuation for general insurance.

5. REINSURANCE

- 5.1 The Licensee shall maintain an appropriate level of reinsurance to limit its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence for any single event in excess of an amount determined by the Commission (“excess amount”).

Note: The Commission will have regard to the maximum excess amount recommended by the actuary in the Liability Report.

- 5.2 The reinsurance policy must be with an insurance company granted an authority to carry on insurance business by the Australian Prudential Regulation Authority under the *Insurance Act 1973*.

5.3 The Licensee must:

- (a) provide a copy of the reinsurance policy to the actuary and the Commission within seven days of the issuing of the new policy; and
- (b) seek the prior approval of the Commission to any reinsurance amount which is in excess of the amount previously determined by the Commission under 5.1 above.

6. DEEDS OF GUARANTEE

6.1 The licensee must be a party at all times to the Deed of Cross Guarantee referred to below. The licensee must inform the Commission of any changes to the form and content of the Deed of Cross Guarantee, and inform the Commission if a new entity becomes a party or an existing entity ceases to be a party to the Deed of Cross Guarantee.

6.2 In this licence a reference to the Deed of Cross Guarantee is a reference to the Deed of Cross Guarantee, dated 16 November 2006, between:

- (i) John Holland Group Pty Ltd, ABN 37 050 242 147;
- (ii) John Holland Pty Ltd, ABN 11 004 282 268;
- (iii) Gridcomm Pty Ltd, ABN 89 103 278 815;
- (iv) John Holland Development and Investment Pty Ltd, ABN 72 004 293 056;
- (v) Tensacciai Pty Ltd, ABN 70 080 749 417;
- (vi) Telecommunications Infrastructure Pty Ltd, ABN 93 095 983 207;
- (vii) John Holland Rail Pty Ltd, ABN 61 009 252 653;
- (viii) John Holland Engineering Pty Ltd, ABN 91 103 278 824;
- (ix) John Holland Investment Pty Ltd, ABN 78 099 412 610;
- (x) John Holland AD Holdings Pty Ltd, ABN 96 095 328 788;
- (xi) John Holland AD Investments Pty Ltd, ABN 30 092 661 044;
- (xii) John Holland AD Operations Pty Ltd, ABN 24 092 661 017;
- (xiii) Lucon Pty Ltd, ABN 93 101 760 445;
- (xiv) John Holland Mining Pty Ltd, ABN 42 098 539 354;
- (xv) John Holland Services No.1 Pty Ltd, ABN 83 099 383 169;
- (xvi) John Holland Services Pty Ltd, ABN 74 099 412 656;
- (xvii) Yandina Ethanol Pty Ltd, ABN 16 101 271 621; and
- (xviii) John Holland (NZ) Limited, NZCN 1841226,

as amended or varied from time to time in accordance with its terms and ASIC's Class Order 98/1418 'Wholly-owned entities'.

6.3 The licensee must:

- (a) be a party to the Deed of Cross Guarantee for the period of this licence and for at least seven (7) years following the period of this licence;
- (b) if the Deed of Cross Guarantee is amended or varied, including if:
 - (i) another entity becomes a party to the Deed of Cross Guarantee; or
 - (ii) a party to the Deed of Cross Guarantee ceases to be a party to the Deed of Cross Guarantee,

provide a copy of the document amending or varying the Deed of Cross Guarantee to the Commission within three (3) business days;

- (c) notify the Commission within three (3) business days if:
 - (i) the Australian Securities and Investments Commission informally or formally raises any issues in relation to the Deed of Cross Guarantee; or
 - (ii) the licensee becomes aware of any reason why a creditor of the licensee may not be able to enforce the Deed of Cross Guarantee.

6.4 The licensee must also ensure that a Deed of Guarantee and Indemnity from Leighton Holdings Limited is in place and remains so in accordance with the conditions of licence.

6.5 In this condition, 'Deed of Guarantee and Indemnity' means the Deed of Guarantee and Indemnity from Leighton Holdings Limited, ACN 004 482 982 ('Leighton Holdings'), dated 13 December 2006.

6.6 The Commission grants this licence on the condition that the Deed of Guarantee and Indemnity:

- (a) is and remains binding on Leighton Holdings; and
- (b) remains in full force and effect, and is not varied,

for the period of this licence and for at least seven (7) years following the period of this licence.

- 6.7 The licensee must notify the Commission within three (3) business days if the licensee becomes aware that any aspect of the Deed of Guarantee and Indemnity is not, or will not any time in the future be, enforceable by any beneficiary of the Deed of Guarantee and Indemnity.
- 6.8 The Deed of Guarantee and Indemnity and the Deed of Cross Guarantee includes any subsequent novation of or variation of any of those documents.

Attachment B

PERFORMANCE STANDARDS AND MEASURES

The Licensee's prevention, rehabilitation and claims management systems will be consistent with the Performance Standards set out below. The degree to which the Licensee meets the Standards will be judged against the Performance Measures, also set out below.

1. COMMITMENT AND POLICY

The Licensee develops its prevention, rehabilitation and claims management policies and objectives in consultation with its employees and, where requested by any member in the undertaking, their representative organisations.

1.1 Performance Standards

1.1.1 Policies will:

- (i) accept the requirement for compliance with legislation and regulations;
- (ii) promote the principle of continuous improvement;
- (iii) where appropriate, be integral with and relevant to the Licensee's management systems, activities and employees;
- (iv) identify responsibilities and accountabilities for relevant employees;
- (v) promote communication of relevant information to employees;
- (vi) recognise the Licensee's duty of care to all persons in the workplace;
- (vii) recognise a hazard management approach to prevention;
- (viii) recognise commitment to effective rehabilitation of injured employees; and
- (ix) provide for fair and equitable outcomes.

1.2 Performance Measures

1.2.1 There is evidence:

- (i) of policies which confirm the Licensee's commitment to effective management of health and safety, rehabilitation and claims;
- (ii) that these policies are communicated to employees;

- (iii) of prevention management systems which recognise continuous improvement and which are based upon a hazard management approach;
- (iv) of consultation in accordance with the licence conditions; and
- (v) that management plans for rehabilitation and claims management are designed to ensure effective rehabilitation of injured employees, and equitable, efficient and effective claims management.

2. PLANNING

The Licensee develops plans to fulfil its policies and objectives.

2.1 Performance Standards

2.1.1 The Licensee's plans will:

- (i) address compliance with relevant legislative and regulatory requirements;
- (ii) identify program objectives and appropriate performance measures where relevant;
- (iii) include programs to identify, evaluate and control hazards in the workplace;
- (iv) provide for corrective action identified through any incident investigation process;
- (v) include programs to identify the Licensee's core rehabilitation and claims management activities and to provide direction regarding performance outcomes; and
- (vi) identify appropriate training requirements and include relevant training plans.

2.2 Performance Measures

2.2.1 There is evidence that:

- (i) health and safety plans for each workplace are risk based and take account of employee input;
- (ii) health and safety training plans for each workplace are consistent with health and safety plans; and
- (iii) plans identify the Licensee's core rehabilitation and claims management activities.

3. IMPLEMENTATION

The Licensee demonstrates the capabilities and support mechanisms that are necessary to achieve its policies and objectives.

3.1 Performance Standards

3.1.1 In implementing its plans the Licensee will:

- (i) allocate adequate resources to support its programs;
- (ii) implement relevant training programs;
- (iii) ensure that only rehabilitation service providers approved by Comcare under Part III of the SRC Act are utilised;
- (iv) communicate defined responsibilities to relevant employees and service providers;
- (v) implement arrangements to ensure that employees are aware of their rights and obligations under the SRC Act;
- (vi) maintain the relevant level of reporting, records and/or documentation to support the Licensee's programs and legislative compliance and to ensure an appropriate audit trail; and
- (vii) establish procedures to maintain the confidentiality of information and appropriately apply the requirements of the *Privacy Act 1988*.

3.1.2 In implementing its prevention plans the Licensee will implement:

- (i) a hazard management process that includes identification, evaluation and control;
- (ii) a relevant prevention training program;
- (iii) programs to meet the Licensee's duty of care for all persons in the workplace; and
- (iv) programs to ensure that work-related injuries and diseases and relevant incidents are promptly reported, investigated and action taken when appropriate, including early assessment for rehabilitation.

3.1.3 In implementing its claims management plans the Licensee will:

- (i) implement mechanisms to inform employees of the status of their claims;
- (ii) implement mechanisms to give employees a reasonable opportunity to provide information or comment when claims for ongoing liability are being assessed or reviewed;
- (iii) implement cost effective mechanisms for determinations and reviews in respect of claims to be made accurately and promptly and guided by equity, good conscience and the substantial merits of each case without regard to technicalities; and

- (iv) ensure consultation between persons responsible for managing claims, persons responsible for managing rehabilitation, and rehabilitation providers (as appropriate).

3.2 Performance Measures

3.2.1 There is evidence:

- (i) that health and safety plans for each workplace are appropriately actioned;
- (ii) that health and safety training plans are appropriately actioned;
- (iii) that rehabilitation management plans are appropriately actioned;
- (iv) that claims management plans are appropriately actioned;
- (v) that incidents are investigated and where appropriate have fully documented incident investigation reports and where appropriate corrective action is implemented; and
- (vi) of appropriate mechanisms for informing employees of their rights in respect of claims, and of the status of individual claims.

4. MEASUREMENT AND EVALUATION

The Licensee measures, monitors and evaluates its performance and takes prompt corrective action when necessary.

4.1 Performance Standards

4.1.1 The Licensee will:

- (i) maintain and monitor planned objectives and performance measures for key elements of its programs;
- (ii) conduct a program of internal audits to ensure performance of its prevention, rehabilitation and claims management systems and ensure that these audits are performed objectively by competent personnel;
- (iii) ensure that the outcomes of internal audits are appropriately documented and that necessary corrective actions are identified, prioritised and implemented;
- (iv) if granted self audit status, ensure all self audits are conducted in accordance with the requirements of the Commission by competent personnel;
- (v) if granted self audit status, ensure that self audit reports and corrective action plans are certified at an appropriate senior executive level;

- (vi) provide the Commission with accurate reports in relation to its performance in the form and at intervals as requested by the Commission; and
- (vii) report to its employees on outcomes and results of audits – both internal and external.

4.2 Performance Measures

- 4.2.1 Results of self-audits conducted by the Licensee during the relevant licence period.
- 4.2.2 Reporting against jurisdictional indicators adopted by the Commission.

5. MANAGEMENT SYSTEMS REVIEW AND IMPROVEMENT

5.1 Performance Standards

The Licensee regularly reviews its prevention, rehabilitation and claims management systems, with the objective of improving its overall performance.

- 5.1.1 The Licensee will:
 - (i) analyse the level of achievement of documented objectives and performance measures to determine areas requiring corrective or preventive action and utilise the results to promote continuous improvement strategies; and
 - (ii) review, at appropriate intervals, the scope and content of its policy statements and supporting policies and procedures to ensure their continued suitability and effectiveness.

5.2 Performance Measures

- 5.2.1 There is evidence that:
 - (i) the results of reviews of the Licensee's performance against its policies and objectives are used to continually improve its prevention, rehabilitation and claims management systems.

Safety, Rehabilitation and Compensation Act 1988
Part VIII

John Holland Rail Pty Ltd

NOTICE OF GRANT OF LICENCE

Notice No. 8 of 2006

John Holland Rail Pty Ltd, ABN 61 009 252 653 (John Holland Rail), was declared to be eligible to be granted a licence under Part VIII (paragraph (c) of section 100) of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) by Notice No. 4 of 2006 registered as F2006L03636 on the Federal Register of Legislative Instruments on 6 November 2006.

The Safety, Rehabilitation and Compensation Commission (the Commission), acting under sections 103 and 104 of the SRC Act, granted a licence to John Holland Rail on 13 December 2006 with a commencement date of 1 January 2007 at 12.01am (Australian Eastern Standard Time) and a cessation date of midnight (Australian Eastern Standard Time) on 30 June 2008.

The scope and conditions of the licence are as set out below in this notice.

LICENCE

Part 1 - Grant and Scope of Licence

Note: Under section 46(1) of the *Acts Interpretation Act 1901*, unless the contrary intention appears, expressions used in this instrument have the same meaning as in the SRC Act.

Eligible applicant

1. By notice registered 6 November 2006, **John Holland Rail Pty Ltd**, ABN 61 009 252 653 ("**the Licensee**") was declared to be eligible to be granted a licence under Part VIII of the *Safety, Rehabilitation and Compensation Act 1988* ("**the SRC Act**").

Grant of licence

2. The Safety, Rehabilitation and Compensation Commission ("**the Commission**"), acting under sections 103 and 104 of the SRC Act, grants a licence to the Licensee.

Period of licence

3. Subject to the SRC Act, this licence is for the period commencing on 1 January 2007 at 12.01am (Australian Eastern Standard Time) and ending at midnight (Australian Eastern Standard Time) on 30 June 2008 (“**the period of this licence**”).

Scope of licence – acceptance of liability

4. The Licensee is authorised to accept liability to pay compensation and other amounts under the SRC Act in respect of all injuries, loss or damage suffered by, or in respect of the death of, any of the employees of the Licensee where such injuries, loss, damage or death occur within the period of this licence.

Note: “Employee” is defined in section 5 of the SRC Act.

Scope of licence - management of claims

5. Self Insured Services Australia Pty Ltd (SISA), ABN 17 084 821 438 (“**the Claims Manager**”) is authorised to manage, on behalf of the Licensee, claims under the SRC Act made by the employees of the Licensee who are covered by the scope of this licence so far as it relates to the Licensee’s acceptance of liability in accordance with clause 4 of this licence.

Note 1: “Claim” is defined in section 99 of the SRC Act.

Note 2: “Manage”, in relation to a claim for payment of compensation and other amounts under the SRC Act, is defined in section 99 of the SRC Act.

Note 3: Management of reconsiderations under Part VI of the SRC Act is dealt with in Part 2 of this licence.

Note 4: Subsection 108B(4) of the SRC Act provides that if a Licensee enters into a contract with another person for the management, on the Licensee’s behalf, of the claims that the Licensee is authorised to manage, that contract does not come into force unless and until the Commission has varied the licence to note the identity of the person with whom the Licensee has contracted.

Conditions

6. This licence is granted subject to the conditions specified in Part 2 of this licence.

Part 2 - Conditions

Definitions

In this Part *Licensee* includes, where the context permits, the Claims Manager.

General conditions

Directions of Commission

8. The Licensee must comply with any written directions, whether general or in respect of a particular matter or class of matters, given by the Commission to the Licensee with respect to the performance by the Licensee of its functions or the exercise of its powers under the SRC Act.
9. If the Licensee's claims are managed by a Claims Manager – the Licensee must give a copy of the Commission's directions to the Claims Manager.

Requirements

10. The Licensee must comply with the requirements of:
 - (a) the SRC Act, its Regulations and any applicable guidelines issued by the Commission under section 73A of the SRC Act;
 - (b) any applicable laws of the Commonwealth, States or Territories with respect to the safety, health and rehabilitation of employees; and
 - (c) the relevant Privacy legislation.
11. The Licensee must have regard to guidelines issued by the Privacy Commissioner under the Privacy Act, but must comply with any such guidelines dealing with covert surveillance of employees.

Fees

12. The Licensee must pay the licence fee notified in writing to the Licensee under section 104A of the SRC Act within one month of receiving the notification.

Manner of managing claims

13. In managing claims, the Licensee:
 - (a) must be guided by equity, good conscience and the substantial merits of the case without regard to technicalities;
 - (b) is not required to conduct a hearing; and
 - (c) is not bound by the rules of evidence.

Audits

14. The Licensee must cooperate with, and give reasonable assistance to, the Commission or its representatives in respect of any audits and evaluations of the Licensee to be conducted by the Commission or its representatives.

Reviews and proceedings

15. The Licensee must not cause, or permit to be made on its behalf, any submission to a court or tribunal in relation to the interpretation of a provision of the SRC Act or associated transitional or consequential provisions that Comcare or the Commission requests the Licensee not to make.
16. If the Licensee brings court proceedings in relation to a matter arising in respect of a claim under the SRC Act, the Licensee must inform Comcare as soon as practicable that the proceedings have been brought and give Comcare a copy of the initiating process.

Note: If proceedings are brought against the Licensee, subsection 108C(8) of the SRC Act requires the Licensee to inform Comcare as soon as practicable.

Failure to comply with conditions or change in circumstances

17. The Licensee must notify Comcare in writing immediately that it becomes aware:
 - (a) that the Licensee has not complied with, or is likely not to comply with, a condition of this licence; or
 - (b) of any event that may materially impact upon its suitability to hold a licence, including its capacity to meet its liabilities under the SRC Act or of any material change in its financial position; or
 - (c) of any material change to its legal structure, ownership or control; or
 - (d) of any significant change in its employee numbers or significant change in the risk profile of the work undertaken by its employees.

Information and reporting requirements

18. On written request of the Commission, the Licensee must give to the Commission, within the timeframe specified in the request, such information relating to the Licensee's operations under the SRC Act in the form and at the place specified in the request.

Note: Information likely to be requested by the Commission includes information required for the Commission's annual report, Commission Indicators, CPM and Return to Work Monitor.

Specific Conditions

19. The Licensee must provide to the Commission, prior to commencement of the licence, written undertakings that it will:
- (i) not treat employees injured before the date of commencement of the licence less favourably than employees injured on or after that date as far as management of their claims and their rehabilitation is concerned
 - (ii) in the event of a judicial determination that the SRC Act does not apply to the Licensee and its employees, not seek to recover from employees any benefit paid in good faith under the SRC Act, which exceeds the level of benefit that would have been payable under the applicable state or territory workers' compensation legislation, and
 - (iii) consult with its employees about the Commonwealth OHS legislative provisions and requirements and the proposed changes to the SRC Act with the consultation to be completed by end February 2007 and evidence of the consultation provided to Comcare.

Reconsiderations

20. For the purpose of any reconsiderations under Part VI of the SRC Act, except for reconsiderations of matters in respect of which the outcomes would be no less favourable to the employee than the original decisions, in respect of determinations made by the Claims Manager, the Licensee, **John Holland Rail Pty Ltd**, ABN 61 009 252 653 ("the Reviewer") will carry out reconsiderations of determinations made by the Claims Manager.

Claims Manager

21. The Licensee is responsible for ensuring that the Claims Manager complies with the conditions in this licence.
22. In addition to other conditions in this licence which are applicable to the Claims Manager, the Claims Manager must:
- (a) not do, or omit to do, anything which would put the Licensee in breach of any term or condition of this licence;
 - (b) not undertake, or cause to be undertaken, any surveillance of an employee, unless it has the prior written approval of the Licensee;
 - (c) implement appropriate structures and mechanisms to ensure the consistent application of policy and procedures in respect of the management of claims;
 - (d) when requested in writing by the Commission to provide information to it, to provide the information to the Commission in the timeframe specified in the request;
 - (e) permit the Licensee to conduct at least an annual audit of the Claims Manager's performance ("**Performance Audits**") in accordance with

audit methodology approved by the Commission or as otherwise required by the Commission;

- (f) provide the Licensee with reasonable access to the Claims Manager's records, premises and personnel to enable the Licensee to carry out Performance Audits;
- (g) provide the Commission or its representative with unrestricted access to documents and records in the possession or control of the Claims Manager in so far as the documents relate to matters arising under the SRC Act; and
- (h) inform the Licensee as soon as practicable after it becomes aware that the Claims Manager has done or omitted to do something which has the effect that the Licensee is, or is likely to be in breach of a term or condition of this licence.

Note: "Documents" and "records" have the same meaning as in the Acts Interpretation Act 1901.

- 23. The Licensee must:
 - (a) conduct at least once every year a Performance Audit of the Claims Manager; and
 - (b) within six weeks of the completion of each Performance Audit, give the Commission a written report on the Claims Manager's performance for the period covered by the audit.
- 24. The Licensee must be accountable for all claims management policies issued by the Claims Manager.
- 25. The Licensee must notify the Commission in writing as soon as practicable after it becomes aware that the Claims Manager has done, or omitted to do, something which has the effect that the Licensee is, or is likely to be, in breach of a term or condition of this licence.
- 26. The Licensee must enter into and maintain a written contract with the Claims Manager and if requested to do so, give a copy of the contract to the Commission.
- 27. The Licensee must ensure that each of the obligations imposed by this licence on the Claims Manager are included in the contract between the Licensee and the Claims Manager and that the Claims Manager warrants, under the contract, to comply with the conditions imposed by this licence.

Prudential Conditions

- 28. The Licensee must comply with the Prudential Conditions at **Attachment A**.

Performance Conditions

29. The Licensee must comply with the Performance Standards at **Attachment B**.

Dated the 13 day of December 2006

A handwritten signature in black ink, appearing to read 'L. Taylor', with a large checkmark at the end.

Leslie Edward Taylor
Chairman
Safety, Rehabilitation and Compensation Commission

Attachment A

PRUDENTIAL CONDITIONS OF LICENCE

These conditions are “the Prudential Conditions”.

1. LICENSEE CERTIFICATION

- 1.1. The principal officer of the Licensee must certify in writing to the Commission, by 30 September of each financial year, that the Licensee has:
- (a) arranged, in accordance with Prudential Condition 2, for the estimation of the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence; and
 - (b) made, in accordance with Prudential Condition 3, provision in its accounts, in accordance with the estimates in the Liability Report required by Prudential Condition 2, for meeting its liabilities; and
 - (c) the capacity to meet any single claim up to the reinsurance policy retention amount (excess amount) determined in accordance with Prudential Condition 5.

2. LIABILITY REPORT

- 2.1. The Licensee must commission a written report (“the Liability Report”) in respect of each financial year and calculated as at the end of that year.
- 2.2. The Liability Report:
- (a) must be prepared by a Fellow of the Institute of Actuaries of Australia (IAA), or any body substituted therefore, with at least five years’ post-qualification experience as an actuary in general insurance; and
 - (b) must be prepared by an actuary who is not an employee or a partner of the organisation which provides financial audit services to the licensee or who in any way has a material financial dependence on the auditor; and
 - (c) be prepared drawing on any available expert advice and substantially using IAA professional standard P300, or any standard substituted therefore, as the basis of estimation, with any departure from this standard to be highlighted in the report; and
 - (d) must be addressed by the actuary to the Commission; and

- (e) must be provided by the Licensee to the Commission by 31 August of the financial year to which it relates.

2.3 The Liability Report must:

- (a) estimate the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence as follows:
 - (i) contain a recommendation for the level of provisions in the licensee's accounts which must be made to at least the 50th percentile (net central estimate); and
 - (ii) contain a valuation of current outstanding liability and the projected liability in both 12 and 24 months time; and
- (b) contain a recommendation of the maximum reinsurance policy retention amount (excess amount) referred to in Prudential Condition 5; and
- (c) make an assessment of the financial capacity of the Licensee to meet amounts, from the balance sheet, up to the excess amount recommended by the actuary; and
- (d) describe the arrangements for compliance with Prudential Condition 5 and provide an assessment by the actuary of whether the arrangements are appropriate to meet the Licensee's obligation under Condition 5.1.

Note: The Commission will have regard to the matters in (b) and (c) in determining the excess amount in accordance with Prudential Condition 5.

2.4 The Commission may at its discretion submit a Liability Report to a peer review process.

Note: The Commission will organise and pay for any such peer review process.

2.5 After receiving a peer review assessment of a Liability Report, the Commission may by written notice to the Licensee require a Second Liability Report by an actuary approved by the Commission.

2.6 The Commission may direct the date for provision of a Second Liability Report.

2.7 Unless the Commission directs otherwise, the licensee must pay for a Second Liability Report.

2.8 If the Commission receives a Second Liability Report, it replaces the original Liability Report and:

- (a) references in Prudential Conditions 3-5 to the 'Liability Report' are to be construed as references to the Second Liability Report; and

- (b) references in Prudential Conditions 3-5 to the actuary who prepares the Liability Report are to be construed as references to the actuary who prepares the Second Liability Report.

3. YEARLY ACCOUNTS

3.1. The Licensee must:

- (a) lodge with the Commission a copy of:
 - (i) any report that it is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (ii) any periodic financial information regarding the affairs of the Licensed Corporation for a financial year that it is required to give to any financial market as defined in the *Corporations Act 2001* (for example, in respect of the Australian Stock Exchange this would be information that must be given under Listing Rule 4.3B) within 7 days after it is required to be given to the financial market or it is in fact given, whichever is the earlier. For the avoidance of doubt this condition does not require the Licensed Corporation to provide information that is released to the financial market pursuant to the Licensed Corporation's continuous disclosure obligations;
 - (iii) if the Licensee is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* because its parent company is required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001*, then the Licensee must provide any report that the parent company is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (iv) if the Licensee (or its parent company) is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* and the parent company is a company not subject to the laws of Australia then the Licensee's parent company must prepare a financial report and directors' report as if it was required to comply with Division 1 of Part 2M.3 of the *Corporations Act*

- 2001, including having that report audited in accordance with that Part, and must give the report to the Commission within three months after the end of the Licensee's financial year;
- (b) include, and identify, in any report or information referred to in Prudential Condition 3.1(a), provision for meeting the Licensee's accrued and contingent liability as at the end of the accounting period for claims made under the Act in the accounting period.
- 3.2. The provision mentioned in 3.1(b) must be consistent with a written evaluation, by an actuary, of the Licensee's current and non current liability for the accounting period and the actuary's evaluation must be lodged with the Commission.
- 3.3. The Licensee's accounts must also make provision for the Licensee to meet its accrued and contingent liability as estimated by the actuary in accordance with Prudential Conditions 2.2 and 2.3.
- 3.4. It will be sufficient compliance with Prudential Condition 3.2 if the Licensee provides the Commission with a statement at the time of lodging its accounts that the actuary's written evaluation required by this Prudential Condition is contained in the Liability Report provided to the Commission, and identifying the location of the information in that Report.
- 3.5. For the purposes of Prudential Condition 3.2, "actuary" means the actuary who prepares the Liability Report referred to in Prudential Condition 2.1.
- 4. BANK GUARANTEE**
- 4.1. The Licensee must, for each financial year, obtain a bank guarantee for the due discharge of its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence.
- 4.2. The bank guarantee in respect of each financial year must be:
- (a) in the form and subject to the terms agreed in writing by the Commission; and
 - (b) for an amount calculated by the actuary in accordance with Prudential Condition 4 and specified in the Liability Report for that financial year; and
 - (c) obtained from a bank which has a credit rating of, or equivalent to, Standard and Poor's AA group or better.

- 4.3. The Licensee must provide the original of the bank guarantee to the Commission by 30 September of the financial year to which it relates.

For the purpose of this condition:

“Balance Date” means the last day of the financial year immediately before the year to which the bank guarantee relates.

“Outstanding Claims Liabilities” includes accrued and contingent liabilities.

- 4.4. The bank guarantee must be for an amount calculated by the actuary as the greater of:

- (a) the 95th percentile of Outstanding Claims Liabilities at the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5; or
- (b) the 95th percentile of projected Outstanding Claims Liabilities in 24 months time from the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5,

subject to a minimum amount of \$2,500,000.

Note: The liability estimates are to include an allowance for the cost of administering claims and be calculated net of reinsurance recoveries.

- 4.5. In preparing the level of bank guarantee, the Licensee must direct the actuary to:

- (a) calculate existing and projected estimates of outstanding claims liabilities plus costs of administering claims to the 95th percentile and to include this result in the Liability Report; and
- (b) base the calculation on a full statistical analysis of data, trends and variability and according to any relevant IAA standards and guidelines on liability valuation for general insurance.

5. REINSURANCE

- 5.1 The Licensee shall maintain an appropriate level of reinsurance to limit its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence for any single event in excess of an amount determined by the Commission (“excess amount”).

Note: The Commission will have regard to the maximum excess amount recommended by the actuary in the Liability Report.

- 5.2 The reinsurance policy must be with an insurance company granted an authority to carry on insurance business by the Australian Prudential Regulation Authority under the *Insurance Act 1973*.

- 5.3 The Licensee must:
- (a) provide a copy of the reinsurance policy to the actuary and the Commission within seven days of the issuing of the new policy; and
 - (b) seek the prior approval of the Commission to any reinsurance amount which is in excess of the amount previously determined by the Commission under 5.1 above.

6. DEEDS OF GUARANTEE

- 6.1 The licensee must be a party at all times to the Deed of Cross Guarantee referred to below. The licensee must inform the Commission of any changes to the form and content of the Deed of Cross Guarantee, and inform the Commission if a new entity becomes a party or an existing entity ceases to be a party to the Deed of Cross Guarantee.
- 6.2 In this licence a reference to the Deed of Cross Guarantee is a reference to the Deed of Cross Guarantee, dated 16 November 2006, between:
- (i) John Holland Group Pty Ltd, ABN 37 050 242 147;
 - (ii) John Holland Pty Ltd, ABN 11 004 282 268;
 - (iii) Gridcomm Pty Ltd, ABN 89 103 278 815;
 - (iv) John Holland Development and Investment Pty Ltd, ABN 72 004 293 056;
 - (v) Tensacciai Pty Ltd, ABN 70 080 749 417;
 - (vi) Telecommunications Infrastructure Pty Ltd, ABN 93 095 983 207;
 - (vii) John Holland Rail Pty Ltd, ABN 61 009 252 653;
 - (viii) John Holland Engineering Pty Ltd, ABN 91 103 278 824;
 - (ix) John Holland Investment Pty Ltd, ABN 78 099 412 610;
 - (x) John Holland AD Holdings Pty Ltd, ABN 96 095 328 788;
 - (xi) John Holland AD Investments Pty Ltd, ABN 30 092 661 044;
 - (xii) John Holland AD Operations Pty Ltd, ABN 24 092 661 017;
 - (xiii) Lucon Pty Ltd, ABN 93 101 760 445;
 - (xiv) John Holland Mining Pty Ltd, ABN 42 098 539 354;
 - (xv) John Holland Services No.1 Pty Ltd, ABN 83 099 383 169;
 - (xvi) John Holland Services Pty Ltd, ABN 74 099 412 656;
 - (xvii) Yandina Ethanol Pty Ltd, ABN 16 101 271 621; and
 - (xviii) John Holland (NZ) Limited, NZCN 1841226,

as amended or varied from time to time in accordance with its terms and ASIC's Class Order 98/1418 'Wholly-owned entities'.

6.3 The licensee must:

- (a) be a party to the Deed of Cross Guarantee for the period of this licence and for at least seven (7) years following the period of this licence;
- (b) if the Deed of Cross Guarantee is amended or varied, including if:
 - (i) another entity becomes a party to the Deed of Cross Guarantee; or
 - (ii) a party to the Deed of Cross Guarantee ceases to be a party to the Deed of Cross Guarantee,

provide a copy of the document amending or varying the Deed of Cross Guarantee to the Commission within three (3) business days;

- (c) notify the Commission within three (3) business days if:
 - (i) the Australian Securities and Investments Commission informally or formally raises any issues in relation to the Deed of Cross Guarantee; or
 - (ii) the licensee becomes aware of any reason why a creditor of the licensee may not be able to enforce the Deed of Cross Guarantee.

6.4 The licensee must also ensure that a Deed of Guarantee and Indemnity from Leighton Holdings Limited is in place and remains so in accordance with the conditions of licence.

6.5 In this condition, 'Deed of Guarantee and Indemnity' means the Deed of Guarantee and Indemnity from Leighton Holdings Limited, ACN 004 482 982 ('Leighton Holdings'), dated 13 December 2006.

6.6 The Commission grants this licence on the condition that the Deed of Guarantee and Indemnity:

- (a) is and remains binding on Leighton Holdings; and
- (b) remains in full force and effect, and is not varied,

for the period of this licence and for at least seven (7) years following the period of this licence.

- 6.7 The licensee must notify the Commission within three (3) business days if the licensee becomes aware that any aspect of the Deed of Guarantee and Indemnity is not, or will not any time in the future be, enforceable by any beneficiary of the Deed of Guarantee and Indemnity.
- 6.8 The Deed of Guarantee and Indemnity and the Deed of Cross Guarantee includes any subsequent novation of or variation of any of those documents.

Attachment B

PERFORMANCE STANDARDS AND MEASURES

The Licensee's prevention, rehabilitation and claims management systems will be consistent with the Performance Standards set out below. The degree to which the Licensee meets the Standards will be judged against the Performance Measures, also set out below.

1. COMMITMENT AND POLICY

The Licensee develops its prevention, rehabilitation and claims management policies and objectives in consultation with its employees and, where requested by any member in the undertaking, their representative organisations.

1.1 Performance Standards

1.1.1 Policies will:

- (i) accept the requirement for compliance with legislation and regulations;
- (ii) promote the principle of continuous improvement;
- (iii) where appropriate, be integral with and relevant to the Licensee's management systems, activities and employees;
- (iv) identify responsibilities and accountabilities for relevant employees;
- (v) promote communication of relevant information to employees;
- (vi) recognise the Licensee's duty of care to all persons in the workplace;
- (vii) recognise a hazard management approach to prevention;
- (viii) recognise commitment to effective rehabilitation of injured employees; and
- (ix) provide for fair and equitable outcomes.

1.2 Performance Measures

1.2.1 There is evidence:

- (i) of policies which confirm the Licensee's commitment to effective management of health and safety, rehabilitation and claims;
- (ii) that these policies are communicated to employees;

- (iii) of prevention management systems which recognise continuous improvement and which are based upon a hazard management approach;
- (iv) of consultation in accordance with the licence conditions; and
- (v) that management plans for rehabilitation and claims management are designed to ensure effective rehabilitation of injured employees, and equitable, efficient and effective claims management.

2. PLANNING

The Licensee develops plans to fulfil its policies and objectives.

2.1 Performance Standards

2.1.1 The Licensee's plans will:

- (i) address compliance with relevant legislative and regulatory requirements;
- (ii) identify program objectives and appropriate performance measures where relevant;
- (iii) include programs to identify, evaluate and control hazards in the workplace;
- (iv) provide for corrective action identified through any incident investigation process;
- (v) include programs to identify the Licensee's core rehabilitation and claims management activities and to provide direction regarding performance outcomes; and
- (vi) identify appropriate training requirements and include relevant training plans.

2.2 Performance Measures

2.2.1 There is evidence that:

- (i) health and safety plans for each workplace are risk based and take account of employee input;
- (ii) health and safety training plans for each workplace are consistent with health and safety plans; and
- (iii) plans identify the Licensee's core rehabilitation and claims management activities.

3. IMPLEMENTATION

The Licensee demonstrates the capabilities and support mechanisms that are necessary to achieve its policies and objectives.

3.1 Performance Standards

3.1.1 In implementing its plans the Licensee will:

- (i) allocate adequate resources to support its programs;
- (ii) implement relevant training programs;
- (iii) ensure that only rehabilitation service providers approved by Comcare under Part III of the SRC Act are utilised;
- (iv) communicate defined responsibilities to relevant employees and service providers;
- (v) implement arrangements to ensure that employees are aware of their rights and obligations under the SRC Act;
- (vi) maintain the relevant level of reporting, records and/or documentation to support the Licensee's programs and legislative compliance and to ensure an appropriate audit trail; and
- (vii) establish procedures to maintain the confidentiality of information and appropriately apply the requirements of the *Privacy Act 1988*.

3.1.2 In implementing its prevention plans the Licensee will implement:

- (i) a hazard management process that includes identification, evaluation and control;
- (ii) a relevant prevention training program;
- (iii) programs to meet the Licensee's duty of care for all persons in the workplace; and
- (iv) programs to ensure that work-related injuries and diseases and relevant incidents are promptly reported, investigated and action taken when appropriate, including early assessment for rehabilitation.

3.1.3 In implementing its claims management plans the Licensee will:

- (i) implement mechanisms to inform employees of the status of their claims;
- (ii) implement mechanisms to give employees a reasonable opportunity to provide information or comment when claims for ongoing liability are being assessed or reviewed;
- (iii) implement cost effective mechanisms for determinations and reviews in respect of claims to be made accurately and promptly and guided by equity, good conscience and the substantial merits of each case without regard to technicalities; and

- (iv) ensure consultation between persons responsible for managing claims, persons responsible for managing rehabilitation, and rehabilitation providers (as appropriate).

3.2 Performance Measures

3.2.1 There is evidence:

- (i) that health and safety plans for each workplace are appropriately actioned;
- (ii) that health and safety training plans are appropriately actioned;
- (iii) that rehabilitation management plans are appropriately actioned;
- (iv) that claims management plans are appropriately actioned;
- (v) that incidents are investigated and where appropriate have fully documented incident investigation reports and where appropriate corrective action is implemented; and
- (vi) of appropriate mechanisms for informing employees of their rights in respect of claims, and of the status of individual claims.

4. MEASUREMENT AND EVALUATION

The Licensee measures, monitors and evaluates its performance and takes prompt corrective action when necessary.

4.1 Performance Standards

4.1.1 The Licensee will:

- (i) maintain and monitor planned objectives and performance measures for key elements of its programs;
- (ii) conduct a program of internal audits to ensure performance of its prevention, rehabilitation and claims management systems and ensure that these audits are performed objectively by competent personnel;
- (iii) ensure that the outcomes of internal audits are appropriately documented and that necessary corrective actions are identified, prioritised and implemented;
- (iv) if granted self audit status, ensure all self audits are conducted in accordance with the requirements of the Commission by competent personnel;
- (v) if granted self audit status, ensure that self audit reports and corrective action plans are certified at an appropriate senior executive level;

- (vi) provide the Commission with accurate reports in relation to its performance in the form and at intervals as requested by the Commission; and
- (vii) report to its employees on outcomes and results of audits – both internal and external.

4.2 Performance Measures

- 4.2.1 Results of self-audits conducted by the Licensee during the relevant licence period.
- 4.2.2 Reporting against jurisdictional indicators adopted by the Commission.

5. MANAGEMENT SYSTEMS REVIEW AND IMPROVEMENT

5.1 Performance Standards

The Licensee regularly reviews its prevention, rehabilitation and claims management systems, with the objective of improving its overall performance.

5.1.1 The Licensee will:

- (i) analyse the level of achievement of documented objectives and performance measures to determine areas requiring corrective or preventive action and utilise the results to promote continuous improvement strategies; and
- (ii) review, at appropriate intervals, the scope and content of its policy statements and supporting policies and procedures to ensure their continued suitability and effectiveness.

5.2 Performance Measures

5.2.1 There is evidence that:

- (i) the results of reviews of the Licensee's performance against its policies and objectives are used to continually improve its prevention, rehabilitation and claims management systems.

Safety, Rehabilitation and Compensation Act 1988
Part VIII

National Australia Bank Limited

NOTICE OF GRANT OF LICENCE

Notice No. 9 of 2006

National Australia Bank Limited, ABN 12 004 044 937 (National Australia Bank), was declared to be eligible to be granted a licence under Part VIII (paragraph (c) of section 100) of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) by Notice No. 2 of 2006 registered as F2006L02785 on the Federal Register of Legislative Instruments on 22 August 2006.

The Safety, Rehabilitation and Compensation Commission (the Commission), acting under sections 103 and 104 of the SRC Act, granted a licence to National Australia Bank on 13 December 2006 with a commencement date of 1 April 2007 at 12.01am (Australian Eastern Standard Time) and a cessation date of midnight (Australian Eastern Standard Time) on 30 June 2008.

The scope and conditions of the licence are as set out below in this notice.

LICENCE

Part 1 - Grant and Scope of Licence

Note: Under section 46(1) of the *Acts Interpretation Act 1901*, unless the contrary intention appears, expressions used in this instrument have the same meaning as in the SRC Act.

Eligible applicant

1. By notice registered 22 August 2006, **National Australia Bank Limited**, ABN 12 004 044 937 ("**the Licensee**") was declared to be eligible to be granted a licence under Part VIII of the *Safety, Rehabilitation and Compensation Act 1988* ("**the SRC Act**").

Grant of licence

2. The Safety, Rehabilitation and Compensation Commission ("**the Commission**"), acting under sections 103 and 104 of the SRC Act, grants a licence to the Licensee.

Period of licence

3. Subject to the SRC Act, this licence is for the period commencing on 1 April 2007 at 12.01am (Australian Eastern Standard Time) and ending at midnight (Australian Eastern Standard Time) on 30 June 2008 (**"the period of this licence"**).

Scope of licence – acceptance of liability

4. The Licensee is authorised to accept liability to pay compensation and other amounts under the SRC Act in respect of all injuries, loss or damage suffered by, or in respect of the death of, any of the employees of the Licensee where such injuries, loss, damage or death occur within the period of this licence.

Note: "Employee" is defined in section 5 of the SRC Act.

Scope of licence - management of claims

5. QBE Insurance (Australia) Limited, ABN 78 003 191 035 (**"the Claims Manager"**) is authorised to manage, on behalf of the Licensee, claims under the SRC Act made by the employees of the Licensee who are covered by the scope of this licence so far as it relates to the Licensee's acceptance of liability in accordance with clause 4 of this licence.

Note 1: "Claim" is defined in section 99 of the SRC Act.

Note 2: "Manage", in relation to a claim for payment of compensation and other amounts under the SRC Act, is defined in section 99 of the SRC Act.

Note 3: Management of reconsiderations under Part VI of the SRC Act is dealt with in Part 2 of this licence.

Note 4: Subsection 108B(4) of the SRC Act provides that if a Licensee enters into a contract with another person for the management, on the Licensee's behalf, of the claims that the Licensee is authorised to manage, that contract does not come into force unless and until the Commission has varied the licence to note the identity of the person with whom the Licensee has contracted.

Conditions

6. This licence is granted subject to the conditions specified in Part 2 of this licence.

Part 2 - Conditions

Definitions

7. In this Part *Licensee* includes, where the context permits, the Claims Manager.

General conditions

Directions of Commission

8. The Licensee must comply with any written directions, whether general or in respect of a particular matter or class of matters, given by the Commission to the Licensee with respect to the performance by the Licensee of its functions or the exercise of its powers under the SRC Act.
9. If the Licensee's claims are managed by a Claims Manager – the Licensee must give a copy of the Commission's directions to the Claims Manager.

Requirements

10. The Licensee must comply with the requirements of:
- (i) the SRC Act, its Regulations and any applicable guidelines issued by the Commission under section 73A of the SRC Act;
 - (ii) any applicable laws of the Commonwealth, States or Territories with respect to the safety, health and rehabilitation of employees; and
 - (iii) the relevant Privacy legislation.
11. The Licensee must have regard to guidelines issued by the Privacy Commissioner under the Privacy Act, but must comply with any such guidelines dealing with covert surveillance of employees.

Fees

12. The Licensee must pay the licence fee notified in writing to the Licensee under section 104A of the SRC Act within one month of receiving the notification.

Manner of managing claims

13. In managing claims, the Licensee:
- (a) must be guided by equity, good conscience and the substantial merits of the case without regard to technicalities;
 - (b) is not required to conduct a hearing; and
 - (c) is not bound by the rules of evidence.

Audits

14. The Licensee must cooperate with, and give reasonable assistance to, the Commission or its representatives in respect of any audits and evaluations of the Licensee to be conducted by the Commission or its representatives.

Reviews and proceedings

15. The Licensee must not cause, or permit to be made on its behalf, any submission to a court or tribunal in relation to the interpretation of a provision of the SRC Act or associated transitional or consequential provisions that Comcare or the Commission requests the Licensee not to make.
16. If the Licensee brings court proceedings in relation to a matter arising in respect of a claim under the SRC Act, the Licensee must inform Comcare as soon as practicable that the proceedings have been brought and give Comcare a copy of the initiating process.

Note: If proceedings are brought against the Licensee, subsection 108C(8) of the SRC Act requires the Licensee to inform Comcare as soon as practicable.

Failure to comply with conditions or change in circumstances

17. The Licensee must notify Comcare in writing immediately that it becomes aware:
 - (a) that the Licensee has not complied with, or is likely not to comply with, a condition of this licence; or
 - (b) of any event that may materially impact upon its suitability to hold a licence, including its capacity to meet its liabilities under the SRC Act or of any material change in its financial position; or
 - (c) of any material change to its legal structure, ownership or control; or
 - (d) of any significant change in its employee numbers or significant change in the risk profile of the work undertaken by its employees.

Information and reporting requirements

18. On written request of the Commission, the Licensee must give to the Commission, within the timeframe specified in the request, such information relating to the Licensee's operations under the SRC Act in the form and at the place specified in the request.

Note: Information likely to be requested by the Commission includes information required for the Commission's annual report, Commission Indicators, CPM and Return to Work Monitor.

Specific Conditions

19. The Licensee must provide to the Commission, prior to commencement of the licence, written undertakings that it will:
- (i) not treat employees injured before the date of commencement of the licence less favourably than employees injured on or after that date as far as management of their claims and their rehabilitation is concerned
 - (ii) in the event of a judicial determination that the SRC Act does not apply to the Licensee and its employees, not seek to recover from employees any benefit paid in good faith under the SRC Act, which exceeds the level of benefit that would have been payable under the applicable state or territory workers' compensation legislation.

Reconsiderations

20. For the purpose of any reconsiderations under Part VI of the SRC Act, except for reconsiderations of matters in respect of which the outcomes would be no less favourable to the employee than the original decisions, in respect of determinations made by the Claims Manager, the Licensee, **National Australia Bank, ABN 12 004 044 937** ("the Reviewer") will carry out reconsiderations of determinations made by the Claims Manager.

Claims Manager

21. The Licensee is responsible for ensuring that the Claims Manager complies with the conditions in this licence.
22. In addition to other conditions in this licence which are applicable to the Claims Manager, the Claims Manager must:
- (a) not do, or omit to do, anything which would put the Licensee in breach of any term or condition of this licence;
 - (b) not undertake, or cause to be undertaken, any surveillance of an employee, unless it has the prior written approval of the Licensee;
 - (c) implement appropriate structures and mechanisms to ensure the consistent application of policy and procedures in respect of the management of claims;
 - (d) when requested in writing by the Commission to provide information to it, to provide the information to the Commission in the timeframe specified in the request;
 - (e) permit the Licensee to conduct at least an annual audit of the Claims Manager's performance ("**Performance Audits**") in accordance with audit methodology approved by the Commission or as otherwise required by the Commission;
 - (f) provide the Licensee with reasonable access to the Claims Manager's records, premises and personnel to enable the Licensee to carry out Performance Audits;

- (g) provide the Commission or its representative with unrestricted access to documents and records in the possession or control of the Claims Manager in so far as the documents relate to matters arising under the SRC Act; and
- (h) inform the Licensee as soon as practicable after it becomes aware that the Claims Manager has done or omitted to do something which has the effect that the Licensee is, or is likely to be in breach of a term or condition of this licence.

Note: "Documents" and "records" have the same meaning as in the Acts Interpretation Act 1901.

- 23. The Licensee must:
 - (a) conduct at least once every year a Performance Audit of the Claims Manager; and
 - (b) within six weeks of the completion of each Performance Audit, give the Commission a written report on the Claims Manager's performance for the period covered by the audit.
- 24. The Licensee must be accountable for all claims management policies issued by the Claims Manager.
- 25. The Licensee must notify the Commission in writing as soon as practicable after it becomes aware that the Claims Manager has done, or omitted to do, something which has the effect that the Licensee is, or is likely to be, in breach of a term or condition of this licence.
- 26. The Licensee must enter into and maintain a written contract with the Claims Manager and if requested to do so, give a copy of the contract to the Commission.
- 27. The Licensee must ensure that each of the obligations imposed by this licence on the Claims Manager are included in the contract between the Licensee and the Claims Manager and that the Claims Manager warrants, under the contract, to comply with the conditions imposed by this licence.

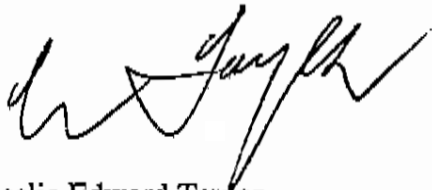
Prudential Conditions

- 28. The Licensee must comply with the Prudential Conditions at Attachment A.

Performance Conditions

29. The Licensee must comply with the Performance Standards at **Attachment B**.

Dated the **13** day of December 2006

A handwritten signature in black ink, appearing to read 'Leslie Taylor', with a stylized flourish at the end.

Leslie Edward Taylor
Chairman
Safety, Rehabilitation and Compensation Commission

Attachment A

PRUDENTIAL CONDITIONS OF LICENCE

These conditions are “the Prudential Conditions”.

1. LICENSEE CERTIFICATION

- 1.1. The principal officer of the Licensee must certify in writing to the Commission, by 31 December of each financial year, that the Licensee has:
- (a) arranged, in accordance with Prudential Condition 2, for the estimation of the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence; and
 - (b) made, in accordance with Prudential Condition 3, provision in its accounts, in accordance with the estimates in the Liability Report required by Prudential Condition 2, for meeting its liabilities; and
 - (c) the capacity to meet any single claim up to the reinsurance policy retention amount (excess amount) determined in accordance with Prudential Condition 5.

2. LIABILITY REPORT

- 2.1. The Licensee must commission a written report (“the Liability Report”) in respect of each financial year and calculated as at the end of that year.
- 2.2. The Liability Report:
- (a) must be prepared by a Fellow of the Institute of Actuaries of Australia (IAA), or any body substituted therefore, with at least five years’ post-qualification experience as an actuary in general insurance; and
 - (b) must be prepared by an actuary who is not an employee or a partner of the organisation which provides financial audit services to the licensee or who in any way has a material financial dependence on the auditor; and
 - (c) be prepared drawing on any available expert advice and substantially using IAA professional standard P300, or any standard substituted therefore, as the basis of estimation, with any departure from this standard to be highlighted in the report; and
 - (d) must be addressed by the actuary to the Commission; and

- (e) must be provided by the Licensee to the Commission by 30 November of the financial year to which it relates.

2.3 The Liability Report must:

- (a) estimate the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence as follows:
 - (i) contain a recommendation for the level of provisions in the licensee's accounts which must be made to at least the 50th percentile (net central estimate); and
 - (ii) contain a valuation of current outstanding liability and the projected liability in both 12 and 24 months time; and
- (b) contain a recommendation of the maximum reinsurance policy retention amount (excess amount) referred to in Prudential Condition 5; and
- (c) make an assessment of the financial capacity of the Licensee to meet amounts, from the balance sheet, up to the excess amount recommended by the actuary; and
- (d) describe the arrangements for compliance with Prudential Condition 5 and provide an assessment by the actuary of whether the arrangements are appropriate to meet the Licensee's obligation under Condition 5.1.

Note: The Commission will have regard to the matters in (b) and (c) in determining the excess amount in accordance with Prudential Condition 5.

2.4 The Commission may at its discretion submit a Liability Report to a peer review process.

Note: The Commission will organise and pay for any such peer review process.

2.5 After receiving a peer review assessment of a Liability Report, the Commission may by written notice to the Licensee require a Second Liability Report by an actuary approved by the Commission.

2.6 The Commission may direct the date for provision of a Second Liability Report.

2.7 Unless the Commission directs otherwise, the licensee must pay for a Second Liability Report.

2.8 If the Commission receives a Second Liability Report, it replaces the original Liability Report and:

- (a) references in Prudential Conditions 3-5 to the 'Liability Report' are to be construed as references to the Second Liability Report; and

- (b) references in Prudential Conditions 3-5 to the actuary who prepares the Liability Report are to be construed as references to the actuary who prepares the Second Liability Report.

3. YEARLY ACCOUNTS

3.1. The Licensee must:

- (a) lodge with the Commission a copy of:
 - (i) any report that it is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (ii) any periodic financial information regarding the affairs of the Licensed Corporation for a financial year that it is required to give to any financial market as defined in the *Corporations Act 2001* (for example, in respect of the Australian Stock Exchange this would be information that must be given under Listing Rule 4.3B) within 7 days after it is required to be given to the financial market or it is in fact given, whichever is the earlier. For the avoidance of doubt this condition does not require the Licensed Corporation to provide information that is released to the financial market pursuant to the Licensed Corporation's continuous disclosure obligations;
 - (iii) if the Licensee is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* because its parent company is required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001*, then the Licensee must provide any report that the parent company is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (iv) if the Licensee (or its parent company) is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* and the parent company is a company not subject to the laws of Australia then the Licensee's parent company must prepare a financial report and directors' report as if it was required to comply with Division 1 of Part 2M.3 of the *Corporations Act*

2001, including having that report audited in accordance with that Part, and must give the report to the Commission within three months after the end of the Licensee's financial year;

- (b) include, and identify, in any report or information referred to in Prudential Condition 3.1(a), provision for meeting the Licensee's accrued and contingent liability as at the end of the accounting period for claims made under the Act in the accounting period.

- 3.2. The provision mentioned in 3.1(b) must be consistent with a written evaluation, by an actuary, of the Licensee's current and non current liability for the accounting period and the actuary's evaluation must be lodged with the Commission.
- 3.3. The Licensee's accounts must also make provision for the Licensee to meet its accrued and contingent liability as estimated by the actuary in accordance with Prudential Conditions 2.2 and 2.3.
- 3.4. It will be sufficient compliance with Prudential Condition 3.2 if the Licensee provides the Commission with a statement at the time of lodging its accounts that the actuary's written evaluation required by this Prudential Condition is contained in the Liability Report provided to the Commission, and identifying the location of the information in that Report.
- 3.5. For the purposes of Prudential Condition 3.2, "actuary" means the actuary who prepares the Liability Report referred to in Prudential Condition 2.1.

4. BANK GUARANTEE

- 4.1. The Licensee must, for each financial year, obtain a bank guarantee for the due discharge of its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence.
- 4.2. The bank guarantee in respect of each financial year must be:
 - (a) in the form and subject to the terms agreed in writing by the Commission; and
 - (b) for an amount calculated by the actuary in accordance with Prudential Condition 4 and specified in the Liability Report for that financial year; and
 - (c) obtained from a bank which has a credit rating of, or equivalent to, Standard and Poor's AA group or better.

- 4.3. The Licensee must provide the original of the bank guarantee to the Commission by 31 December of the financial year to which it relates.

For the purpose of this condition:

“Balance Date” means the last day of the financial year immediately before the year to which the bank guarantee relates.

“Outstanding Claims Liabilities” includes accrued and contingent liabilities.

- 4.4. The bank guarantee must be for an amount calculated by the actuary as the greater of:

- (a) the 95th percentile of Outstanding Claims Liabilities at the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5; or
- (b) the 95th percentile of projected Outstanding Claims Liabilities in 24 months time from the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5,

subject to a minimum amount of \$2,500,000.

Note: The liability estimates are to include an allowance for the cost of administering claims and be calculated net of reinsurance recoveries.

- 4.5. In preparing the level of bank guarantee, the Licensee must direct the actuary to:

- (a) calculate existing and projected estimates of outstanding claims liabilities plus costs of administering claims to the 95th percentile and to include this result in the Liability Report; and
- (b) base the calculation on a full statistical analysis of data, trends and variability and according to any relevant IAA standards and guidelines on liability valuation for general insurance.

5. REINSURANCE

- 5.1 The Licensee shall maintain an appropriate level of reinsurance to limit its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence for any single event in excess of an amount determined by the Commission (“excess amount”).

Note: The Commission will have regard to the maximum excess amount recommended by the actuary in the Liability Report.

- 5.2 The reinsurance policy must be with an insurance company granted an authority to carry on insurance business by the Australian Prudential Regulation Authority under the *Insurance Act 1973*.

5.3 The Licensee must:

- (a) provide a copy of the reinsurance policy to the actuary and the Commission within seven days of the issuing of the new policy; and
- (b) seek the prior approval of the Commission to any reinsurance amount which is in excess of the amount previously determined by the Commission under 5.1 above.

6. DEED OF GUARANTEE

- 6.1** In the event that it is proposed that National Wealth Management Services no longer continue as a wholly owned subsidiary of National Australia Bank Limited, National Australia Bank Limited must provide the Commission with a Deed of Guarantee to the extent that the workers' compensation liabilities of National Wealth Management are guaranteed by National Australia Bank Limited. The Deed of Guarantee must be provided as soon as National Wealth Management becomes aware of a proposed change in ownership.

Attachment B

PERFORMANCE STANDARDS AND MEASURES

The Licensee's prevention, rehabilitation and claims management systems will be consistent with the Performance Standards set out below. The degree to which the Licensee meets the Standards will be judged against the Performance Measures, also set out below.

1. COMMITMENT AND POLICY

The Licensee develops its prevention, rehabilitation and claims management policies and objectives in consultation with its employees and, where requested by any member in the undertaking, their representative organisations.

1.1 Performance Standards

1.1.1 Policies will:

- (i) accept the requirement for compliance with legislation and regulations;
- (ii) promote the principle of continuous improvement;
- (iii) where appropriate, be integral with and relevant to the Licensee's management systems, activities and employees;
- (iv) identify responsibilities and accountabilities for relevant employees;
- (v) promote communication of relevant information to employees;
- (vi) recognise the Licensee's duty of care to all persons in the workplace;
- (vii) recognise a hazard management approach to prevention;
- (viii) recognise commitment to effective rehabilitation of injured employees; and
- (ix) provide for fair and equitable outcomes.

1.2 Performance Measures

1.2.1 There is evidence:

- (i) of policies which confirm the Licensee's commitment to effective management of health and safety, rehabilitation and claims;
- (ii) that these policies are communicated to employees;

- (iii) of prevention management systems which recognise continuous improvement and which are based upon a hazard management approach;
- (iv) of consultation in accordance with the licence conditions; and
- (v) that management plans for rehabilitation and claims management are designed to ensure effective rehabilitation of injured employees, and equitable, efficient and effective claims management.

2. PLANNING

The Licensee develops plans to fulfil its policies and objectives.

2.1 Performance Standards

2.1.1 The Licensee's plans will:

- (i) address compliance with relevant legislative and regulatory requirements;
- (ii) identify program objectives and appropriate performance measures where relevant;
- (iii) include programs to identify, evaluate and control hazards in the workplace;
- (iv) provide for corrective action identified through any incident investigation process;
- (v) include programs to identify the Licensee's core rehabilitation and claims management activities and to provide direction regarding performance outcomes; and
- (vi) identify appropriate training requirements and include relevant training plans.

2.2 Performance Measures

2.2.1 There is evidence that:

- (i) health and safety plans for each workplace are risk based and take account of employee input;
- (ii) health and safety training plans for each workplace are consistent with health and safety plans; and
- (iii) plans identify the Licensee's core rehabilitation and claims management activities.

3. IMPLEMENTATION

The Licensee demonstrates the capabilities and support mechanisms that are necessary to achieve its policies and objectives.

3.1 Performance Standards

3.1.1 In implementing its plans the Licensee will:

- (i) allocate adequate resources to support its programs;
- (ii) implement relevant training programs;
- (iii) ensure that only rehabilitation service providers approved by Comcare under Part III of the SRC Act are utilised;
- (iv) communicate defined responsibilities to relevant employees and service providers;
- (v) implement arrangements to ensure that employees are aware of their rights and obligations under the SRC Act;
- (vi) maintain the relevant level of reporting, records and/or documentation to support the Licensee's programs and legislative compliance and to ensure an appropriate audit trail; and
- (vii) establish procedures to maintain the confidentiality of information and appropriately apply the requirements of the *Privacy Act 1988*.

3.1.2 In implementing its prevention plans the Licensee will implement:

- (i) a hazard management process that includes identification, evaluation and control;
- (ii) a relevant prevention training program;
- (iii) programs to meet the Licensee's duty of care for all persons in the workplace; and
- (iv) programs to ensure that work-related injuries and diseases and relevant incidents are promptly reported, investigated and action taken when appropriate, including early assessment for rehabilitation.

3.1.3 In implementing its claims management plans the Licensee will:

- (i) implement mechanisms to inform employees of the status of their claims;
- (ii) implement mechanisms to give employees a reasonable opportunity to provide information or comment when claims for ongoing liability are being assessed or reviewed;
- (iii) implement cost effective mechanisms for determinations and reviews in respect of claims to be made accurately and promptly and guided by equity, good conscience and the substantial merits of each case without regard to technicalities; and

- (iv) ensure consultation between persons responsible for managing claims, persons responsible for managing rehabilitation, and rehabilitation providers (as appropriate).

3.2 Performance Measures

3.2.1 There is evidence:

- (i) that health and safety plans for each workplace are appropriately actioned;
- (ii) that health and safety training plans are appropriately actioned;
- (iii) that rehabilitation management plans are appropriately actioned;
- (iv) that claims management plans are appropriately actioned;
- (v) that incidents are investigated and where appropriate have fully documented incident investigation reports and where appropriate corrective action is implemented; and
- (vi) of appropriate mechanisms for informing employees of their rights in respect of claims, and of the status of individual claims.

4. MEASUREMENT AND EVALUATION

The Licensee measures, monitors and evaluates its performance and takes prompt corrective action when necessary.

4.1 Performance Standards

4.1.1 The Licensee will:

- (i) maintain and monitor planned objectives and performance measures for key elements of its programs;
- (ii) conduct a program of internal audits to ensure performance of its prevention, rehabilitation and claims management systems and ensure that these audits are performed objectively by competent personnel;
- (iii) ensure that the outcomes of internal audits are appropriately documented and that necessary corrective actions are identified, prioritised and implemented;
- (iv) if granted self audit status, ensure all self audits are conducted in accordance with the requirements of the Commission by competent personnel;
- (v) if granted self audit status, ensure that self audit reports and corrective action plans are certified at an appropriate senior executive level;

- (vi) provide the Commission with accurate reports in relation to its performance in the form and at intervals as requested by the Commission; and
- (vii) report to its employees on outcomes and results of audits – both internal and external.

4.2 Performance Measures

- 4.2.1 Results of self-audits conducted by the Licensee during the relevant licence period.
- 4.2.2 Reporting against jurisdictional indicators adopted by the Commission.

5. MANAGEMENT SYSTEMS REVIEW AND IMPROVEMENT

5.1 Performance Standards

The Licensee regularly reviews its prevention, rehabilitation and claims management systems, with the objective of improving its overall performance.

5.1.1 The Licensee will:

- (i) analyse the level of achievement of documented objectives and performance measures to determine areas requiring corrective or preventive action and utilise the results to promote continuous improvement strategies; and
- (ii) review, at appropriate intervals, the scope and content of its policy statements and supporting policies and procedures to ensure their continued suitability and effectiveness.

5.2 Performance Measures

5.2.1 There is evidence that:

- (i) the results of reviews of the Licensee's performance against its policies and objectives are used to continually improve its prevention, rehabilitation and claims management systems.

Safety, Rehabilitation and Compensation Act 1988
Part VIII

National Wealth Management Services Limited

NOTICE OF GRANT OF LICENCE

Notice No. 10 of 2006

National Wealth Management Services Limited, ABN 97 071 514 264 (National Wealth Management), was declared to be eligible to be granted a licence under Part VIII (paragraph (c) of section 100) of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) by Notice No. 3 of 2006 registered as F2006L03546 on the Federal Register of Legislative Instruments on 31 October 2006.

The Safety, Rehabilitation and Compensation Commission (the Commission), acting under sections 103 and 104 of the SRC Act, granted a licence to National Wealth Management on 13 December 2006 with a commencement date of 1 April 2007 at 12.01am (Australian Eastern Standard Time) and a cessation date of midnight (Australian Eastern Standard Time) on 30 June 2008.

The scope and conditions of the licence are as set out below in this notice.

LICENCE

Part 1 - Grant and Scope of Licence

Note: Under section 46(1) of the *Acts Interpretation Act 1901*, unless the contrary intention appears, expressions used in this instrument have the same meaning as in the SRC Act.

Eligible applicant

1. By notice registered 31 October 2006, **National Wealth Management Services Limited**, ABN 97 071 514 264 (**"the Licensee"**) was declared to be eligible to be granted a licence under Part VIII of the *Safety, Rehabilitation and Compensation Act 1988* (**"the SRC Act"**).

Grant of licence

2. The Safety, Rehabilitation and Compensation Commission (**"the Commission"**), acting under sections 103 and 104 of the SRC Act, grants a licence to the Licensee.

Period of licence

3. Subject to the SRC Act, this licence is for the period commencing on 1 April 2007 at 12.01am (Australian Eastern Standard Time) and ending at midnight (Australian Eastern Standard Time) on 30 June 2008 (**“the period of this licence”**).

Scope of licence – acceptance of liability

4. The Licensee is authorised to accept liability to pay compensation and other amounts under the SRC Act in respect of all injuries, loss or damage suffered by, or in respect of the death of, any of the employees of the Licensee where such injuries, loss, damage or death occur within the period of this licence.

Note: “Employee” is defined in section 5 of the SRC Act.

Scope of licence - management of claims

5. QBE Insurance (Australia) Limited, ABN 78 003 191 035 (**“the Claims Manager”**) is authorised to manage, on behalf of the Licensee, claims under the SRC Act made by the employees of the Licensee who are covered by the scope of this licence so far as it relates to the Licensee’s acceptance of liability in accordance with clause 4 of this licence.

Note 1: “Claim” is defined in section 99 of the SRC Act.

Note 2: “Manage”, in relation to a claim for payment of compensation and other amounts under the SRC Act, is defined in section 99 of the SRC Act.

Note 3: Management of reconsiderations under Part VI of the SRC Act is dealt with in Part 2 of this licence.

Note 4: Subsection 108B(4) of the SRC Act provides that if a Licensee enters into a contract with another person for the management, on the Licensee’s behalf, of the claims that the Licensee is authorised to manage, that contract does not come into force unless and until the Commission has varied the licence to note the identity of the person with whom the Licensee has contracted.

Conditions

6. This licence is granted subject to the conditions specified in Part 2 of this licence.

Part 2 - Conditions

Definitions

7. In this Part *Licensee* includes, where the context permits, the Claims Manager.

General conditions

Directions of Commission

8. The Licensee must comply with any written directions, whether general or in respect of a particular matter or class of matters, given by the Commission to the Licensee with respect to the performance by the Licensee of its functions or the exercise of its powers under the SRC Act.
9. If the Licensee's claims are managed by a Claims Manager – the Licensee must give a copy of the Commission's directions to the Claims Manager.

Requirements

10. The Licensee must comply with the requirements of:
- (i) the SRC Act, its Regulations and any applicable guidelines issued by the Commission under section 73A of the SRC Act;
 - (ii) any applicable laws of the Commonwealth, States or Territories with respect to the safety, health and rehabilitation of employees; and
 - (iii) the relevant Privacy legislation.
11. The Licensee must have regard to guidelines issued by the Privacy Commissioner under the Privacy Act, but must comply with any such guidelines dealing with covert surveillance of employees.

Fees

12. The Licensee must pay the licence fee notified in writing to the Licensee under section 104A of the SRC Act within one month of receiving the notification.

Manner of managing claims

13. In managing claims, the Licensee:
- (a) must be guided by equity, good conscience and the substantial merits of the case without regard to technicalities;
 - (b) is not required to conduct a hearing; and
 - (c) is not bound by the rules of evidence.

Audits

14. The Licensee must cooperate with, and give reasonable assistance to, the Commission or its representatives in respect of any audits and evaluations of the Licensee to be conducted by the Commission or its representatives.

Reviews and proceedings

15. The Licensee must not cause, or permit to be made on its behalf, any submission to a court or tribunal in relation to the interpretation of a provision of the SRC Act or associated transitional or consequential provisions that Comcare or the Commission requests the Licensee not to make.
16. If the Licensee brings court proceedings in relation to a matter arising in respect of a claim under the SRC Act, the Licensee must inform Comcare as soon as practicable that the proceedings have been brought and give Comcare a copy of the initiating process.

Note: If proceedings are brought against the Licensee, subsection 108C(8) of the SRC Act requires the Licensee to inform Comcare as soon as practicable.

Failure to comply with conditions or change in circumstances

17. The Licensee must notify Comcare in writing immediately that it becomes aware:
 - (a) that the Licensee has not complied with, or is likely not to comply with, a condition of this licence; or
 - (b) of any event that may materially impact upon its suitability to hold a licence, including its capacity to meet its liabilities under the SRC Act or of any material change in its financial position; or
 - (c) of any material change to its legal structure, ownership or control; or
 - (d) of any significant change in its employee numbers or significant change in the risk profile of the work undertaken by its employees.

Information and reporting requirements

18. On written request of the Commission, the Licensee must give to the Commission, within the timeframe specified in the request, such information relating to the Licensee's operations under the SRC Act in the form and at the place specified in the request.

Note: Information likely to be requested by the Commission includes information required for the Commission's annual report, Commission Indicators, CPM and Return to Work Monitor.

Specific Conditions

19. The Licensee must provide to the Commission, prior to commencement of the licence, written undertakings that it will:
- (i) not treat employees injured before the date of commencement of the licence less favourably than employees injured on or after that date as far as management of their claims and their rehabilitation is concerned
 - (ii) in the event of a judicial determination that the SRC Act does not apply to the Licensee and its employees, not seek to recover from employees any benefit paid in good faith under the SRC Act, which exceeds the level of benefit that would have been payable under the applicable state or territory workers' compensation legislation.

Reconsiderations

20. For the purpose of any reconsiderations under Part VI of the SRC Act, except for reconsiderations of matters in respect of which the outcomes would be no less favourable to the employee than the original decisions, in respect of determinations made by the Claims Manager, the Licensee, **National Wealth Management Services Limited, ABN 12 004 044 937** ("the Reviewer") will carry out reconsiderations of determinations made by the Claims Manager.

Claims Manager

21. The Licensee is responsible for ensuring that the Claims Manager complies with the conditions in this licence.
22. In addition to other conditions in this licence which are applicable to the Claims Manager, the Claims Manager must:
- (a) not do, or omit to do, anything which would put the Licensee in breach of any term or condition of this licence;
 - (b) not undertake, or cause to be undertaken, any surveillance of an employee, unless it has the prior written approval of the Licensee;
 - (c) implement appropriate structures and mechanisms to ensure the consistent application of policy and procedures in respect of the management of claims;
 - (d) when requested in writing by the Commission to provide information to it, to provide the information to the Commission in the timeframe specified in the request;
 - (e) permit the Licensee to conduct at least an annual audit of the Claims Manager's performance ("**Performance Audits**") in accordance with audit methodology approved by the Commission or as otherwise required by the Commission;
 - (f) provide the Licensee with reasonable access to the Claims Manager's records, premises and personnel to enable the Licensee to carry out Performance Audits;

- (g) provide the Commission or its representative with unrestricted access to documents and records in the possession or control of the Claims Manager in so far as the documents relate to matters arising under the SRC Act; and
- (h) inform the Licensee as soon as practicable after it becomes aware that the Claims Manager has done or omitted to do something which has the effect that the Licensee is, or is likely to be in breach of a term or condition of this licence.

Note: "Documents" and "records" have the same meaning as in the Acts Interpretation Act 1901.

23. The Licensee must:
- (a) conduct at least once every year a Performance Audit of the Claims Manager; and
 - (b) within six weeks of the completion of each Performance Audit, give the Commission a written report on the Claims Manager's performance for the period covered by the audit.
24. The Licensee must be accountable for all claims management policies issued by the Claims Manager.
25. The Licensee must notify the Commission in writing as soon as practicable after it becomes aware that the Claims Manager has done, or omitted to do, something which has the effect that the Licensee is, or is likely to be, in breach of a term or condition of this licence.
26. The Licensee must enter into and maintain a written contract with the Claims Manager and if requested to do so, give a copy of the contract to the Commission.
27. The Licensee must ensure that each of the obligations imposed by this licence on the Claims Manager are included in the contract between the Licensee and the Claims Manager and that the Claims Manager warrants, under the contract, to comply with the conditions imposed by this licence.

Prudential Conditions

28. The Licensee must comply with the Prudential Conditions at **Attachment A**.

Performance Conditions

29. The Licensee must comply with the Performance Standards at **Attachment B**.

Dated the 13 day of December 2006

A handwritten signature in black ink, appearing to read 'L. Taylor', with a large, sweeping checkmark-like flourish at the end.

Leslie Edward Taylor
Chairman
Safety, Rehabilitation and Compensation Commission

Attachment A

PRUDENTIAL CONDITIONS OF LICENCE

These conditions are “the Prudential Conditions”.

1. LICENSEE CERTIFICATION

- 1.1. The principal officer of the Licensee must certify in writing to the Commission, by 31 December of each financial year, that the Licensee has:
- (a) arranged, in accordance with Prudential Condition 2, for the estimation of the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence; and
 - (b) made, in accordance with Prudential Condition 3, provision in its accounts, in accordance with the estimates in the Liability Report required by Prudential Condition 2, for meeting its liabilities; and
 - (c) the capacity to meet any single claim up to the reinsurance policy retention amount (excess amount) determined in accordance with Prudential Condition 5.

2. LIABILITY REPORT

- 2.1. The Licensee must commission a written report (“the Liability Report”) in respect of each financial year and calculated as at the end of that year.
- 2.2. The Liability Report:
- (a) must be prepared by a Fellow of the Institute of Actuaries of Australia (IAA), or any body substituted therefore, with at least five years’ post-qualification experience as an actuary in general insurance; and
 - (b) must be prepared by an actuary who is not an employee or a partner of the organisation which provides financial audit services to the licensee or who in any way has a material financial dependence on the auditor; and
 - (c) be prepared drawing on any available expert advice and substantially using IAA professional standard P300, or any standard substituted therefore, as the basis of estimation, with any departure from this standard to be highlighted in the report; and
 - (d) must be addressed by the actuary to the Commission; and

- (e) must be provided by the Licensee to the Commission by 30 November of the financial year to which it relates.

2.3 The Liability Report must:

- (a) estimate the liability of the Licensee to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence as follows:
 - (i) contain a recommendation for the level of provisions in the licensee's accounts which must be made to at least the 50th percentile (net central estimate); and
 - (ii) contain a valuation of current outstanding liability and the projected liability in both 12 and 24 months time; and
- (b) contain a recommendation of the maximum reinsurance policy retention amount (excess amount) referred to in Prudential Condition 5; and
- (c) make an assessment of the financial capacity of the Licensee to meet amounts, from the balance sheet, up to the excess amount recommended by the actuary; and
- (d) describe the arrangements for compliance with Prudential Condition 5 and provide an assessment by the actuary of whether the arrangements are appropriate to meet the Licensee's obligation under Condition 5.1.

Note: The Commission will have regard to the matters in (b) and (c) in determining the excess amount in accordance with Prudential Condition 5.

2.4 The Commission may at its discretion submit a Liability Report to a peer review process.

Note: The Commission will organise and pay for any such peer review process.

2.5 After receiving a peer review assessment of a Liability Report, the Commission may by written notice to the Licensee require a Second Liability Report by an actuary approved by the Commission.

2.6 The Commission may direct the date for provision of a Second Liability Report.

2.7 Unless the Commission directs otherwise, the licensee must pay for a Second Liability Report.

2.8 If the Commission receives a Second Liability Report, it replaces the original Liability Report and:

- (a) references in Prudential Conditions 3-5 to the 'Liability Report' are to be construed as references to the Second Liability Report; and

- (b) references in Prudential Conditions 3-5 to the actuary who prepares the Liability Report are to be construed as references to the actuary who prepares the Second Liability Report.

3. YEARLY ACCOUNTS

3.1. The Licensee must:

- (a) lodge with the Commission a copy of:
 - (i) any report that it is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (ii) any periodic financial information regarding the affairs of the Licensed Corporation for a financial year that it is required to give to any financial market as defined in the *Corporations Act 2001* (for example, in respect of the Australian Stock Exchange this would be information that must be given under Listing Rule 4.3B) within 7 days after it is required to be given to the financial market or it is in fact given, whichever is the earlier. For the avoidance of doubt this condition does not require the Licensed Corporation to provide information that is released to the financial market pursuant to the Licensed Corporation's continuous disclosure obligations;
 - (iii) if the Licensee is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* because its parent company is required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001*, then the Licensee must provide any report that the parent company is required to prepare or obtain for a financial year under Division 1 of Part 2M.3 of the *Corporations Act 2001* within 7 days after it is required to be lodged with the Australian Securities and Investments Commission or it is in fact lodged, whichever is the earlier;
 - (iv) if the Licensee (or its parent company) is not required to report in accordance with Division 1 of Part 2M.3 of the *Corporations Act 2001* and the parent company is a company not subject to the laws of Australia then the Licensee's parent company must prepare a financial report and directors' report as if it was required to comply with Division 1 of Part 2M.3 of the *Corporations Act*

2001, including having that report audited in accordance with that Part, and must give the report to the Commission within three months after the end of the Licensee's financial year;

- (b) include, and identify, in any report or information referred to in Prudential Condition 3.1(a), provision for meeting the Licensee's accrued and contingent liability as at the end of the accounting period for claims made under the Act in the accounting period.

- 3.2. The provision mentioned in 3.1(b) must be consistent with a written evaluation, by an actuary, of the Licensee's current and non current liability for the accounting period and the actuary's evaluation must be lodged with the Commission.
- 3.3. The Licensee's accounts must also make provision for the Licensee to meet its accrued and contingent liability as estimated by the actuary in accordance with Prudential Conditions 2.2 and 2.3.
- 3.4. It will be sufficient compliance with Prudential Condition 3.2 if the Licensee provides the Commission with a statement at the time of lodging its accounts that the actuary's written evaluation required by this Prudential Condition is contained in the Liability Report provided to the Commission, and identifying the location of the information in that Report.
- 3.5. For the purposes of Prudential Condition 3.2, "actuary" means the actuary who prepares the Liability Report referred to in Prudential Condition 2.1.

4. BANK GUARANTEE

- 4.1. The Licensee must, for each financial year, obtain a bank guarantee for the due discharge of its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence.
- 4.2. The bank guarantee in respect of each financial year must be:
 - (a) in the form and subject to the terms agreed in writing by the Commission; and
 - (b) for an amount calculated by the actuary in accordance with Prudential Condition 4 and specified in the Liability Report for that financial year; and
 - (c) obtained from a bank which has a credit rating of, or equivalent to, Standard and Poor's AA group or better.

- 4.3. The Licensee must provide the original of the bank guarantee to the Commission by 31 December of the financial year to which it relates.

For the purpose of this condition:

“Balance Date” means the last day of the financial year immediately before the year to which the bank guarantee relates.

“Outstanding Claims Liabilities” includes accrued and contingent liabilities.

- 4.4. The bank guarantee must be for an amount calculated by the actuary as the greater of:
- (a) the 95th percentile of Outstanding Claims Liabilities at the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5; or
 - (b) the 95th percentile of projected Outstanding Claims Liabilities in 24 months time from the Balance Date and the addition of one reinsurance policy retention amount specified in Prudential Condition 5,

subject to a minimum amount of \$2,500,000.

Note: The liability estimates are to include an allowance for the cost of administering claims and be calculated net of reinsurance recoveries.

- 4.5. In preparing the level of bank guarantee, the Licensee must direct the actuary to:
- (a) calculate existing and projected estimates of outstanding claims liabilities plus costs of administering claims to the 95th percentile and to include this result in the Liability Report; and
 - (b) base the calculation on a full statistical analysis of data, trends and variability and according to any relevant IAA standards and guidelines on liability valuation for general insurance.

5. REINSURANCE

- 5.1 The Licensee shall maintain an appropriate level of reinsurance to limit its liability to pay compensation and other amounts under the SRC Act in accordance with the scope of this licence for any single event in excess of an amount determined by the Commission (“excess amount”).

Note: The Commission will have regard to the maximum excess amount recommended by the actuary in the Liability Report.

- 5.2 The reinsurance policy must be with an insurance company granted an authority to carry on insurance business by the Australian Prudential Regulation Authority under the *Insurance Act 1973*.

5.3 The Licensee must:

- (a) provide a copy of the reinsurance policy to the actuary and the Commission within seven days of the issuing of the new policy; and
- (b) seek the prior approval of the Commission to any reinsurance amount which is in excess of the amount previously determined by the Commission under 5.1 above.

Attachment B

PERFORMANCE STANDARDS AND MEASURES

The Licensee's prevention, rehabilitation and claims management systems will be consistent with the Performance Standards set out below. The degree to which the Licensee meets the Standards will be judged against the Performance Measures, also set out below.

1. COMMITMENT AND POLICY

The Licensee develops its prevention, rehabilitation and claims management policies and objectives in consultation with its employees and, where requested by any member in the undertaking, their representative organisations.

1.1 Performance Standards

1.1.1 Policies will:

- (i) accept the requirement for compliance with legislation and regulations;
- (ii) promote the principle of continuous improvement;
- (iii) where appropriate, be integral with and relevant to the Licensee's management systems, activities and employees;
- (iv) identify responsibilities and accountabilities for relevant employees;
- (v) promote communication of relevant information to employees;
- (vi) recognise the Licensee's duty of care to all persons in the workplace;
- (vii) recognise a hazard management approach to prevention;
- (viii) recognise commitment to effective rehabilitation of injured employees; and
- (ix) provide for fair and equitable outcomes.

1.2 Performance Measures

1.2.1 There is evidence:

- (i) of policies which confirm the Licensee's commitment to effective management of health and safety, rehabilitation and claims;
- (ii) that these policies are communicated to employees;

- (iii) of prevention management systems which recognise continuous improvement and which are based upon a hazard management approach;
- (iv) of consultation in accordance with the licence conditions; and
- (v) that management plans for rehabilitation and claims management are designed to ensure effective rehabilitation of injured employees, and equitable, efficient and effective claims management.

2. PLANNING

The Licensee develops plans to fulfil its policies and objectives.

2.1 Performance Standards

2.1.1 The Licensee's plans will:

- (i) address compliance with relevant legislative and regulatory requirements;
- (ii) identify program objectives and appropriate performance measures where relevant;
- (iii) include programs to identify, evaluate and control hazards in the workplace;
- (iv) provide for corrective action identified through any incident investigation process;
- (v) include programs to identify the Licensee's core rehabilitation and claims management activities and to provide direction regarding performance outcomes; and
- (vi) identify appropriate training requirements and include relevant training plans.

2.2 Performance Measures

2.2.1 There is evidence that:

- (i) health and safety plans for each workplace are risk based and take account of employee input;
- (ii) health and safety training plans for each workplace are consistent with health and safety plans; and
- (iii) plans identify the Licensee's core rehabilitation and claims management activities.

3. IMPLEMENTATION

The Licensee demonstrates the capabilities and support mechanisms that are necessary to achieve its policies and objectives.

3.1 Performance Standards

3.1.1 In implementing its plans the Licensee will:

- (i) allocate adequate resources to support its programs;
- (ii) implement relevant training programs;
- (iii) ensure that only rehabilitation service providers approved by Comcare under Part III of the SRC Act are utilised;
- (iv) communicate defined responsibilities to relevant employees and service providers;
- (v) implement arrangements to ensure that employees are aware of their rights and obligations under the SRC Act;
- (vi) maintain the relevant level of reporting, records and/or documentation to support the Licensee's programs and legislative compliance and to ensure an appropriate audit trail; and
- (vii) establish procedures to maintain the confidentiality of information and appropriately apply the requirements of the *Privacy Act 1988*.

3.1.2 In implementing its prevention plans the Licensee will implement:

- (i) a hazard management process that includes identification, evaluation and control;
- (ii) a relevant prevention training program;
- (iii) programs to meet the Licensee's duty of care for all persons in the workplace; and
- (iv) programs to ensure that work-related injuries and diseases and relevant incidents are promptly reported, investigated and action taken when appropriate, including early assessment for rehabilitation.

3.1.3 In implementing its claims management plans the Licensee will:

- (i) implement mechanisms to inform employees of the status of their claims;
- (ii) implement mechanisms to give employees a reasonable opportunity to provide information or comment when claims for ongoing liability are being assessed or reviewed;
- (iii) implement cost effective mechanisms for determinations and reviews in respect of claims to be made accurately and promptly and guided by equity, good conscience and the substantial merits of each case without regard to technicalities; and

- (iv) ensure consultation between persons responsible for managing claims, persons responsible for managing rehabilitation, and rehabilitation providers (as appropriate).

3.2 Performance Measures

3.2.1 There is evidence:

- (i) that health and safety plans for each workplace are appropriately actioned;
- (ii) that health and safety training plans are appropriately actioned;
- (iii) that rehabilitation management plans are appropriately actioned;
- (iv) that claims management plans are appropriately actioned;
- (v) that incidents are investigated and where appropriate have fully documented incident investigation reports and where appropriate corrective action is implemented; and
- (vi) of appropriate mechanisms for informing employees of their rights in respect of claims, and of the status of individual claims,

4. MEASUREMENT AND EVALUATION

The Licensee measures, monitors and evaluates its performance and takes prompt corrective action when necessary.

4.1 Performance Standards

4.1.1 The Licensee will:

- (i) maintain and monitor planned objectives and performance measures for key elements of its programs;
- (ii) conduct a program of internal audits to ensure performance of its prevention, rehabilitation and claims management systems and ensure that these audits are performed objectively by competent personnel;
- (iii) ensure that the outcomes of internal audits are appropriately documented and that necessary corrective actions are identified, prioritised and implemented;
- (iv) if granted self audit status, ensure all self audits are conducted in accordance with the requirements of the Commission by competent personnel;
- (v) if granted self audit status, ensure that self audit reports and corrective action plans are certified at an appropriate senior executive level;

- (vi) provide the Commission with accurate reports in relation to its performance in the form and at intervals as requested by the Commission; and
- (vii) report to its employees on outcomes and results of audits – both internal and external.

4.2 Performance Measures

- 4.2.1 Results of self-audits conducted by the Licensee during the relevant licence period.
- 4.2.2 Reporting against jurisdictional indicators adopted by the Commission.

5. MANAGEMENT SYSTEMS REVIEW AND IMPROVEMENT

5.1 Performance Standards

The Licensee regularly reviews its prevention, rehabilitation and claims management systems, with the objective of improving its overall performance.

5.1.1 The Licensee will:

- (i) analyse the level of achievement of documented objectives and performance measures to determine areas requiring corrective or preventive action and utilise the results to promote continuous improvement strategies; and
- (ii) review, at appropriate intervals, the scope and content of its policy statements and supporting policies and procedures to ensure their continued suitability and effectiveness.

5.2 Performance Measures

5.2.1 There is evidence that:

- (i) the results of reviews of the Licensee's performance against its policies and objectives are used to continually improve its prevention, rehabilitation and claims management systems.

Environment and Heritage

Environment Protection and Biodiversity Conservation Act 1999

INCLUSION OF A PLACE IN THE NATIONAL HERITAGE LIST

Amendment to Special Gazette No. S132, Tuesday, 12 July 2005.

On 12 July 2005 the Minister for the Environment and Heritage published a notice concerning the inclusion of the Sydney Opera House in the National Heritage List. This notice corrects part of the original schedule of that notice in relation to this place.

Substitute the 3rd sentence under "Values" in relation to Criterion (g) with the following:

"For example, it provided the inspiration for the logo used to promote the 2000 Olympic Games held in Sydney."

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

I, Brigitta Wimmer, A/g Director Wildlife Trade Assessments, as Delegate of the Minister for the Environment and Heritage under the *Environment Protection and Biodiversity Conservation Act 1999*, am satisfied that an operation to harvest *Macrozamia communis* (burrawangs) by Angus Schofield is a small-scale operation as defined by regulation 9A.20 under subsection 303FN(10). I declare under subsection 303FN(2) that the Angus Schofield operation is an Approved Wildlife Trade Operation.

This declaration has effect subject to the following conditions applied under S303FT:

1. Harvest is restricted to whole plants of *Macrozamia communis*.
2. Harvesting operations are to be carried out in Bodalla State Forest in accordance with the necessary permits from New South Wales State Forests and New South Wales National Parks and Wildlife and any other permits and approvals as required under New South Wales state law.
3. Harvesting is restricted to areas where plants will be destroyed by logging activities.
4. A maximum of 200 *Macrozamia communis* plants may be harvested each year.
5. Records on harvest quantities and domestic and export sales must be maintained, with figures for the twelve month period ending 30 June to be submitted to the Department of the Environment and Heritage by 31 July that year.
6. This declaration is valid until 14 December 2009, or until approval of a NSW State management plan that includes the wild harvest of whole *Macrozamia communis* plants, whichever is the earlier.

Dated this 15th day of December 2006



Brigitta Wimmer

Delegate of the Minister for the Environment and Heritage

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

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

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

I, Brigitta Wimmer, Acting Director, Wildlife Trade Assessments, as Delegate of the Minister for the Environment and Heritage under the *Environment Protection and Biodiversity Conservation Act 1999*, make the following variation to the declaration of the Wildlife Trade Operation of Yacca Industry Management Association, dated 19 December 2005, published in the Commonwealth of Australia Gazette No. S235, 20 December 2005.

Condition 2 is replaced by the following:

Total harvest of yacca gum should not exceed 147 tonnes.

Condition 4 is replaced by the following:

This declaration is valid until 20 March 2007

Dated this 14 day of December 2006



Signed by Brigitta Wimmer

Delegate of the Minister for the Environment and Heritage

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

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

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

I, Brigitta Wimmer, Acting Director, Wildlife Trade Assessments, as Delegate of the Minister for the Environment and Heritage under the *Environment Protection and Biodiversity Conservation Act 1999*, am satisfied that an operation to export Sydney funnel-web spiders (*Atrax robustus*) by Minibeasts Australia, is a small-scale operation as defined by regulation 9A.20 under subsection 303FN(10). I declare under section 303FN(2) that Minibeasts Australia is an Approved Wildlife Trade Operation.

This declaration has effect subject to the following conditions applied under S303FT:

1. all specimens of *Atrax robustus* exported under this wildlife trade operation will be sourced from the Australian Reptile Park, as outlined in the proposal;
2. an annual report covering the period from 1 July to 30 June containing all export figures for *Atrax robustus* is to be provided to the Department of the Environment and Heritage by the proprietors of Minibeasts by 31 August each year; and
3. this declaration is valid for a period of three years from the date of gazettal of this declaration.

Dated this 14 day of December 2006



Delegate of the Minister for the Environment and Heritage

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

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

DEPARTMENT OF THE ENVIRONMENT AND HERITAGE
Environment Protection and Biodiversity Conservation Act 1999
 For further information see referrals list at <http://www.deh.gov.au/epbc/notices>

ACTIONS DETERMINED AS REQUIRING APPROVAL (*EPBC Act s.75*)

Reference	Title	Relevant Protected Matters	Date
2006/3167	Heathgate Resources Pty Ltd/Mining/Beverley/SA/Beverley Uranium Mine Extension	<ul style="list-style-type: none"> Sections 21 and 22A (Protection of the environment from nuclear actions). 	07-Dec-2006
2006/3157	Queensland Water Infrastructure Pty Ltd/Water management and use/Teviot Brook near Boonah/QLD/Wyaralong Dam	<ul style="list-style-type: none"> Sections 16 and 17B (Ramsar wetlands); Sections 18 and 18A (Listed threatened species and communities); and Sections 20 and 20A (Listed migratory species). 	13-Dec-2006
2006/3145	Powerlink Queensland/Energy generation and supply (non-renewable)/Innisfail to Edmonton, Queensland/QLD/Powerlink Queensland Innisfail to Edmonton replacement high voltage transmission line	<ul style="list-style-type: none"> Sections 12 and 15A (World Heritage); and Sections 18 and 18A (Listed threatened species and communities). 	08-Dec-2006

ACTIONS DETERMINED AS NOT REQUIRING APPROVAL (*EPBC Act s.75*)

Reference	Title	Date
2006/3154	Nexus Energy Limited/Energy generation and supply (non-renewable)/Timor Sea/Commonwealth Marine/Crux gas-liquids development in permit AC/P23	12-Dec-2006
2006/3153	Gannawarra Shire Council/Transport - land/ Lakes Channel - Kerang/VIC/Pratt Road Bridge	13-Dec-2006
2006/3148	Apache Energy Limited/Exploration (mineral, oil and gas - marine)/Exmouth Sub Basin/Commonwealth Marine/'Van Gogh' Oil Appraisal Drilling Program, Exploration Permit Area WA-155-P(1)	11-Dec-2006
2006/3147	Mr T and Mrs G Masella/Residential development/Kalamunda/WA/Construction of Residential Dwelling, Ozone Terrace, Kalamunda	11-Dec-2006
2006/3146*	Apache Energy Ltd/Exploration (mineral, oil and gas - marine)/Gippsland Basin /VIC/Apache 3D seismic exploration survey	11-Dec-2006
2006/3143	NSW Department of Primary Industries/Natural resources management/Barwon River, Brewarrina/NSW/rock ramp fishway, Brewarrina Weir, Brewarrina Fish Traps Ngannu	08-Dec-2006
2006/3141*	PGS Geophysical/Exploration (mineral, oil and gas - marine)/Montebello Is Group/Commonwealth Marine/West Panaeus 3D seismic survey	07-Dec-2006

* Actions which are not controlled actions provided they are undertaken in a particular manner. Further information on provision and manner specified is available from www.deh.gov.au/epbc/notices

ASSESSMENT APPROACH (*EPBC Act s.87*)

Reference	Title	Assessment Approach	Date
2006/3028	Meridien Marinas Horizon Shores/Tourism, recreation and conservation management/Steiglitz/QLD/Horizon Shores Marina redevelopment	Assessment Preliminary Documentation	08-Dec-2006

DECISION ON APPROVAL (*EPBC Act s.133*)

Reference	Title	Approval Decision	Date
2005/2193	Main Roads Western Australia/Land transport/Perth to Bunbury/WA/Construction of New Perth Bunbury Highway project	Approved with Conditions	07-Dec-2006

Finance and Administration



Australian Government
Child Support Agency

CHILD SUPPORT (ASSESSMENT) ACT 1989

Notice pursuant to Section 155

I, Matt Miller, Child Support Registrar, hereby notify, pursuant to Section 155 of the *Child Support (Assessment) Act 1989* that the following amounts apply in relation to all child support periods beginning in the calendar year 2007:

- (a) the yearly equivalent of the relevant EAWE amount is \$43 654.00;
- (b) the relevant annual partnered rate of Social Security pension is, per person, \$11 120.20;
- (c) the relevant annual unpartnered rate of Social Security pension is \$13 314.60; and
- (d) the amounts referred to in paragraph 39(2)(b) are as follows:

The Standard Family Tax Benefit for a child who is under 13 years of age is \$4317.95 per year.

The Standard Family Tax Benefit for a child who is between 13 and 15 years of age is \$5332.65 per year.

The base rate of Family Tax Benefit is \$1828.65 per year.

Additional amount for a relevant dependant child under 13 years of age is \$2489 per year

Additional amount for a relevant dependant child between 13 and 15 years of age is \$3504 per year

- (e) the minimum annual rate of child support is \$333.00

A stylized, handwritten signature in black ink, consisting of a large loop and a trailing line.

Matt Miller
CHILD SUPPORT REGISTRAR
/ December 2006

Health and Ageing



Australian Government
Department of Health and Ageing
Therapeutic Goods Administration

THERAPEUTIC GOODS ACT 1989

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

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

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

QUEENSLAND COSMETIC MANUFACTURER'S PTY LTD T/AS QUEENSLAND COSMETIC LABORATORIES
- LICENCE NO. 113418 - AT THE REQUEST OF THE MANUFACTURER.

Dr Mark Doverty
Delegate of the Secretary

11 December 2006

NATIONAL DRUGS AND POISONS SCHEDULE COMMITTEE

PRE-FEBRUARY 2007 SCHEDULING MEETING NOTICE

Notice under Regulation 42ZCU of the *Therapeutic Goods Regulations 1990*

The Chair of the National Drugs and Poisons Schedule Committee (NDPSC) hereby gives notice that the next scheduling meeting of the NDPSC will be held on 20-22 February 2007. Substances to be considered for scheduling by the NDPSC are open for public comment.

Accordingly, public submissions are invited on those substances mentioned below which are to be considered for scheduling at the February 2007 meeting. Public submissions must address a matter mentioned in section 52E of the *Therapeutic Goods Act 1989* ("the Act") and be received by the closing date. Public submissions must also include the name of the person making the submission and a contact address. Persons making a submission in regard to a substance where a Schedule 3 classification may be an outcome are invited to provide additional comment on inclusion of that substance in Appendix H - *Schedule 3 Poisons Permitted to be Advertised*. Inclusion in Appendix H may be a consequential consideration of the Committee following a decision to include a substance in Schedule 3.

The NDPSC is moving to an E-agenda and is increasingly using electronic documents at its meetings. Persons making public submissions to the Committee are strongly encouraged to lodge submissions in electronic format (word or unsecured PDF is preferred) via the NDPSC email address. Accordingly, public submissions, **preferably in electronic format**, should be made to:

The Secretary
National Drugs and Poisons Schedule Committee
PO Box 100
WODEN ACT 2606
e-mail NDPSC@health.gov.au. Facsimile 02-62893299

The closing date for submissions is **24 January 2007**.

The NDPSC, in making a decision in relation to the classification and scheduling of a substance, must consider all public submissions made by the closing date that address a matter mentioned in section 52E of the Act. Public submissions that reserve the right to comment on a scheduling proposal or are made after the closing date need not be considered by the NDPSC.

The post-February 2007 meeting notice will invite further public submissions on substances that are the subject of an amendment to the Schedules at the February 2007 meeting. Regulation 42ZCY of the *Therapeutic Goods Regulations 1990*, however, restricts this invitation to those persons who made a valid public submission in relation to the substance in response to this pre-meeting notice.

Further information may be obtained from the NDPSC Secretariat on 02-6289 3200 during business hours or by e-mailing NDPSC@health.gov.au

SUBSTANCES TO BE CONSIDERED FOR SCHEDULING**1 FORESHADOWED DECISIONS FROM THE PREVIOUS MEETING**

(Please refer to the October 2006 Record of the Reasons for further information and the proposed SUSDP amendment. The Record of Reasons can be accessed through <http://www.tga.gov.au/ndpsc>.)

- 1.1 Methyl methacrylate – Consideration of scheduling.
- 1.2 Basic Orange 31 – Consideration of scheduling.
- 1.3 Sulfentrazone – Consideration of scheduling.
- 1.4 GHRH Injectable plasmid – Consideration of scheduling.
- 1.5 2,4-D – Consideration of scheduling.
- 1.6 Orlistat – Consideration of scheduling.
- 1.7 Topical corticosteroids currently included in Schedule 3 (only mometasone, alclometasone, clobetasone) – Consideration of scheduling.
- 1.8 Sumatriptan – Further consideration of a proposal to include oral preparations containing 50 mg or less of sumatriptan in packs containing 2 dosage units or less for the treatment of migraine attacks in Schedule 3 and Appendix H.

2 SUBSTANCES REFERRED BY THE AUSTRALIAN PESTICIDES AND VETERINARY MEDICINES AUTHORITY

- 2.1 Bifenthrin – Consideration of scheduling.
- 2.2 Betacyfluthrin – Consideration of scheduling.
- 2.3 Hydrocortisone aceponate – Consideration of scheduling.
- 2.4 Pyrasulfotole – Consideration of scheduling.
- 2.5 Procymidone – Consideration of scheduling.

3 OTHER AGRICULTURAL/VETERINARY, INDUSTRIAL AND DOMESTIC CHEMICALS

- 3.1 1-H-Indole-5,6-diol, 2,3-dihydro (also known as 5,6-dihydroxyindoline), including the hydrobromide salt – Consideration of scheduling in response to a recent assessment under the National Industrial Chemicals Notification and Assessment Scheme of 5,6-dihydroxyindoline hydrobromide, including the possibility of restricting or banning cosmetic use at > 2% 5,6-dihydroxyindoline.
- 3.2 Phenylenediamines and toluenediamines – Consideration of scheduling including a proposal to exempt the substance if it is in a single use composite pack hair preparation with labelling only to be required on the primary pack.

4. SUBSTANCES REFERRED BY THE AUSTRALIAN DRUG EVALUATION COMMITTEE

- 4.1 Natalizumab – Consideration of scheduling.
- 4.2 Gadofosveset – Consideration of scheduling.
- 4.3 Ivabradine – Consideration of scheduling.
- 4.4 Sunitinib – Consideration of scheduling.

5. OTHER PHARMACEUTICALS

- 5.1 Hydroquinone – Consideration of scheduling, including a review of hydroquinone's directions for first aid attention as set out in Appendix E, Part 2 of the SUSDP.

- 5.2 Hydrocortisone – Consideration of scheduling including a proposal to reschedule hydrocortisone with cinchocaine preparations for rectal use, from Schedule 3 to Schedule 2 (see also Item 16.3, October 2006 Record of Reasons).
- 5.3 Ranitidine – Consideration of scheduling in relation to a proposal to reschedule ranitidine 150mg, with a maximum dose of 300 mg/day, for the effective long lasting relief of heartburn and acid indigestion in packs containing no more than 7 days supply, from Schedule 2 to exempt from scheduling.
- 5.4 Benzydamine – Consideration of scheduling in relation to a proposal to reschedule benzydamine in preparations for dermal use, from Schedule 2 to exempt from Scheduling.
- 5.5 Clotrimazole – Consideration of scheduling in relation to a proposal to reschedule clotrimazole in preparations for vaginal use, from Schedule 3 to Schedule 2.
- 5.6 Chlorhexidine – Consideration of a proposal to exempt procedural and surgical handwashes from capture by the Schedule 5 chlorhexidine entry.
- 5.7 Dimethicodiethylbenzalmalonate (polysilicone-15) – Consideration of scheduling including when in cosmetics and sunscreens.

6. SUBSTANCES REFERRED BY THE NEW ZEALAND MEDICINES CLASSIFICATION COMMITTEE

(Please refer to the October 2006 Record of the Reasons for further information and the proposed amendment to the SUSDP)

- 6.1 Adrafinil – Consideration of scheduling (Item 1.8.1.2, October 2006 Record of Reasons).
- 6.2 Exenatide – Consideration of scheduling (Item 1.8.1.2, October 2006 Record of Reasons).
- 6.3 Sitagliptin – Consideration of scheduling (Item 1.8.1.2, October 2006 Record of Reasons).
- 6.4 Sorafenib – Consideration of scheduling (Item 1.8.1.2, October 2006 Record of Reasons).
- 6.5 Telbivudine – Consideration of scheduling (Item 1.8.1.2, October 2006 Record of Reasons).
- 6.6 Varenicline – Consideration of scheduling (Item 1.8.1.2, October 2006 Record of Reasons).
- 6.7 Sedating antihistamines (brompheniramine, chlorpheniramine, dexchlorpheniramine, diphenhydramine, doxylamine, pheniramine, promethazine, trimeprazine, triprolidine) – Consideration of two scheduling issues:
 - a foreshadowed decision relating to day-night pack presentations (Items 16.1.1, October 2006 Record of Reasons); and
 - a proposal to reschedule all sedating antihistamines to Schedule 4 when indicated for children under two years of ages of age (Items 16.1.2, October 2006 Record of Reasons).
- 6.8 Paracetamol – Consideration of the foreshadowed decision to require Schedule 2 tablets or capsules containing over 500mg and up to 665 mg of paracetamol to be in slow release form only. (Item 16.4, October 2006 Record of Reasons).
- 6.9 Tranexamic acid – Consideration of the foreshadowed decision to reschedule tranexamic acid from Schedule 3 to Schedule 4 (Item 16.5, October 2006 Record of Reasons).

7. PROPOSALS ARISING FROM TRANS-TASMAN WORKING PARTY ON THE HARMONISATION OF THE SCHEDULING OF DRUGS AND POISONS.

- 7.1 Hyaluronidase – Consideration of scheduling (Item 1.8.1.1, October 2006 Record of Reasons).
- 7.2 Methyl salicylate – Consideration of scheduling (Item 1.8.1.1, October 2006 Record of Reasons).
- 7.3 The following substances (Refer to the Tables in the June 2006 Record of the Reasons, Agenda Item 1.8.1.2, for further information):
 - 7.3.1 Aspirin when combined with caffeine, paracetamol or salicylamide.
 - 7.3.2 Laxatives (aloes for internal use, aloin, bisacodyl, colocynth, ipomoea, jalap resin, phenisatin, sennosides, sodium picosulphate).
 - 7.3.3 Substances in Schedules 5, 6 or 7 which are included in a New Zealand medicines classification (including nicotine, picric acid, pyrethrins, sodium hydroxide, tar and xlenols).
 - 7.3.4 Iron compounds, ketoprofen, meptazinol, pyrethron zinc, selenium and vitamin A.
- 7.4 Cadmium sulphide – Consideration of scheduling for human therapeutic use.

8. **MATTERS EXPECTED TO LEAD TO AN AMENDMENT OF PARTS 1-3 OR PART 5 OF THE SUSDP, FOR WHICH THE NDPSC INVITE PUBLIC SUBMISSIONS.**

- 8.1 Consideration of the usage of the term “derivative” in the SUSDP, including a draft paragraph for inclusion under the “Principles of Scheduling” section of the SUSDP to clarify the intent of the Committee in using derivative in the context of a schedule entry. (Refer October 2006 Record of Reasons, Item 1.7.1.3).
- 8.2 Consideration of the Appendix A exemption for medical devices, including where a scheduled substance is in a medical device that is not a Class III device.
- 8.3 Consideration of the definition of per cent when referring to aerosols in the SUSDP, including a proposal to amend paragraph 1(3)(b)(ii) of the SUSDP to replace "solid or semi-solid" with "solid, semi-solid, or pressurised spray aerosol".
- 8.4 Consideration of packaging requirements for hair preparations containing a Schedule 5 or 6 substance including a proposal to exempt the substance if it is in a single use composite pack hair preparation with labelling only to be required on the primary pack.

9. **MATTERS NOT EXPECTED TO LEAD TO AN AMENDMENT OF THE SUSDP, FOR WHICH THE NDPSC INVITE PUBLIC SUBMISSIONS.**

(Inclusion of this item in the gazette was done at the discretion of the NDPSC so as to allow stakeholder consultation. Please note that this consideration does not invoke Regulation 42ZCY of the *Therapeutic Goods Regulations 1990*. Changes to the NDPSC Guidelines need not be published in the February 2007 post-meeting gazette notice.)

- 9.1 Consideration of a proposed entry for Chapter 5 of the NDPSC guidelines regarding commercial-in-confidence and transparency of information for **medicines** scheduling. (Refer October 2006 Record of Reasons, Item 1.7.1.2).



Australian Government

National Health and Medical Research Council

STRATEGIC GRANTS FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE RESEARCH

Call for Applications

The Australian Government, through the National Health and Medical Research Council (NHMRC) is announcing a call for research to initiate Australian scientific investigation in the field of complementary and alternative medicine.

The term 'complementary and alternative medicine' encompasses a broad and diverse range of substances, therapies and therapeutic approaches which are in widespread use in Australia. As is the case in other countries, users of complementary and alternative medicines, healthcare professionals and policy makers are increasingly seeking more information and evidence about the efficacy and safety of these health interventions.

NHMRC is providing total funding of up to \$5 million to support high quality scientific research projects that advance scientific investigation of complementary and alternative medicine.

Applications close **5.00pm (AEST) 30 March 2007**. Grants are expected to commence in 2007. More information on the call for research, application forms and a guide to applicants are posted on the NHMRC website at <http://www.nhmrc.gov.au/>

Enquiries should be directed to Mr Damir Ivkovic (02) 6217 9447
damir.ivkovic@nhmrc.gov.au Late applications will not be considered.



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

**INVITATION TO COMMENT ON A RISK ASSESSMENT & RISK
MANAGEMENT PLAN FOR GENETICALLY MODIFIED SUGARCANE**

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 070/2006 from the Bureau of Sugar Experiment Stations Ltd (BSES) to intentionally release genetically modified (GM) sugarcane into the environment:

BSES has applied for a licence to release 2500 GM sugarcane lines into the environment under limited and controlled conditions. The sugarcane lines have been modified to alter plant size & shape, or to improve the efficiency of water or nitrogen use, which may in turn result in increased sugar yield. The trial is proposed to take place at up to 3 sites on a maximum total area of 18 ha between March 2007 to November 2010 in the local government areas of Bundaberg, Caboolture &/or Cairns in Qld.

The Regulator has prepared a risk assessment & risk management plan (RARMP) for the proposed release & suggests a range of conditions (including containment measures) that would be imposed if a licence was issued.

The Regulator welcomes written submissions in order to finalise the RARMP, which will then form the basis of her decision on whether to issue the licence. The consultation RARMP & related documents can be obtained from www.ogtr.gov.au under 'What's New' or by contacting the Office. Please quote application DIR 070/2006 in any correspondence.

Submissions should be received by close of business on **26 January 2006**.

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

Transport and Regional Services

Regulation 25

COMMONWEALTH OF AUSTRALIA NAVIGATION ACT 1912

CT-4

No: 952

PERMIT TO UNLICENSED SHIP - CONTINUING

Name of Ship	Port of Registry	IMO Number
OOCL AUSTRALIA	HONG KONG	9332200

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

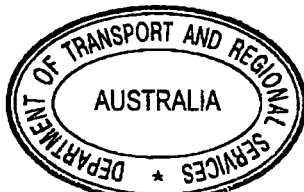
This permit remains in force until cancelled by me upon not less than six months' notice to the master, owner, or agent of the ship of the intended cancellation.

NAMES OF PORTS FOR WHICH PERMIT ISSUED

Sydney, Melbourne and Brisbane

Dated at CANBERRA this  Twelfth day of December/2006

Official
Stamp




Delegate of the Minister for Transport
and Regional Services

CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED

1. That the Operations Centre is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This Permit covers the period 14/12/2006 to 13/03/2007.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Sydney to Melbourne and Brisbane; and Melbourne to Brisbane
6. If there is a change in schedule the Operations Centre 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 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 permit.
9. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
(a) there is no licensed ship available for that carriage; or
(b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and
in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal
10. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so. Contact details of relevant licensed operators are available on request from the Operations Centre.

Regulation 25

**COMMONWEALTH OF AUSTRALIA
NAVIGATION ACT 1912**

CT-4

No: 956

PERMIT TO UNLICENSED SHIP - CONTINUING

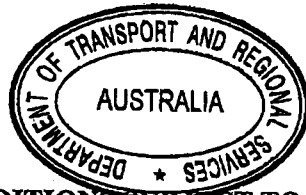
Name of Ship	Port of Registry	IMO Number
CSCL YANTAI	MONROVIA	9226516

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

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

NAMES OF PORTS FOR WHICH PERMIT ISSUED

Melbourne, Sydney and Brisbane

Dated at CANBERRA this  day of December/2006Official
Stamp

 Delegate of the Minister for Transport
and Regional Services
CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED

1. That the Operations Centre is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This Permit covers the period 13/12/2006 to 12/03/2007.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Melbourne to Brisbane; Sydney to Brisbane
6. If there is a change in schedule the Operations Centre 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 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 permit.
9. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
 - (a) there is no licensed ship available for that carriage; or
 - (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and
 in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal
10. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so. Contact details of relevant licensed operators are available on request from the Operations Centre.

Regulation 25

**COMMONWEALTH OF AUSTRALIA
NAVIGATION ACT 1912**

CT-4

No: 959

PERMIT TO UNLICENSED SHIP - CONTINUING

Name of Ship	Port of Registry	IMO Number
ANL AUSTRALIA	NASSAU	8913681

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

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

NAMES OF PORTS FOR WHICH PERMIT ISSUED

Melbourne, Sydney and Brisbane

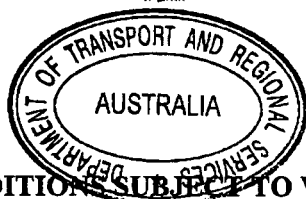
Dated at **CANBERRA** this



13th day of

December/2006

Official
Stamp



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

CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED

1. That the Operations Centre is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This Permit covers the period 16/01/2007 to 15/04/2007.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Melbourne to Sydney and Brisbane; Sydney to Brisbane
6. If there is a change in schedule the Operations Centre 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 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 permit.
9. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
(a) there is no licensed ship available for that carriage; or
(b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and
in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal
10. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so. Contact details of relevant licensed operators are available on request from the Operations Centre.

Regulation 25

**COMMONWEALTH OF AUSTRALIA
NAVIGATION ACT 1912**

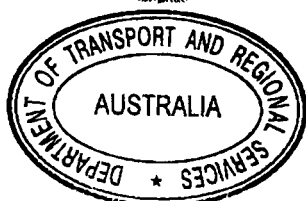
CT-4

No: 965**PERMIT TO UNLICENSED SHIP - CONTINUING**

Name of Ship	Port of Registry	IMO Number
LIWIA	MONROVIA	9232759

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

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

NAMES OF PORTS FOR WHICH PERMIT ISSUED**Melbourne, Adelaide and Fremantle**Dated at **CANBERRA** this14th day of**December/2006**Official
Stamp

Delegate of the Minister for Transport
and Regional Services

CONDITIONS SUBJECT TO WHICH THIS PERMIT IS ISSUED

1. That the Operations Centre is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This Permit covers the period 21/12/2006 to 20/03/2007.
3. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
4. General Cargo only may be carried.
5. The cargo may only be carried from: Melbourne to Adelaide and Fremantle; Adelaide to Fremantle.
6. If there is a change in schedule the Operations Centre must be advised before the vessel sails.
7. 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 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 permit.
9. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
 - (a) there is no licensed ship available for that carriage; or
 - (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal
10. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so. Contact details of relevant licensed operators are available on request from the Operations Centre.

R308/2006075



Australian Government

Department of Transport and Regional Services

Aviation Transport Security Regulations 2005

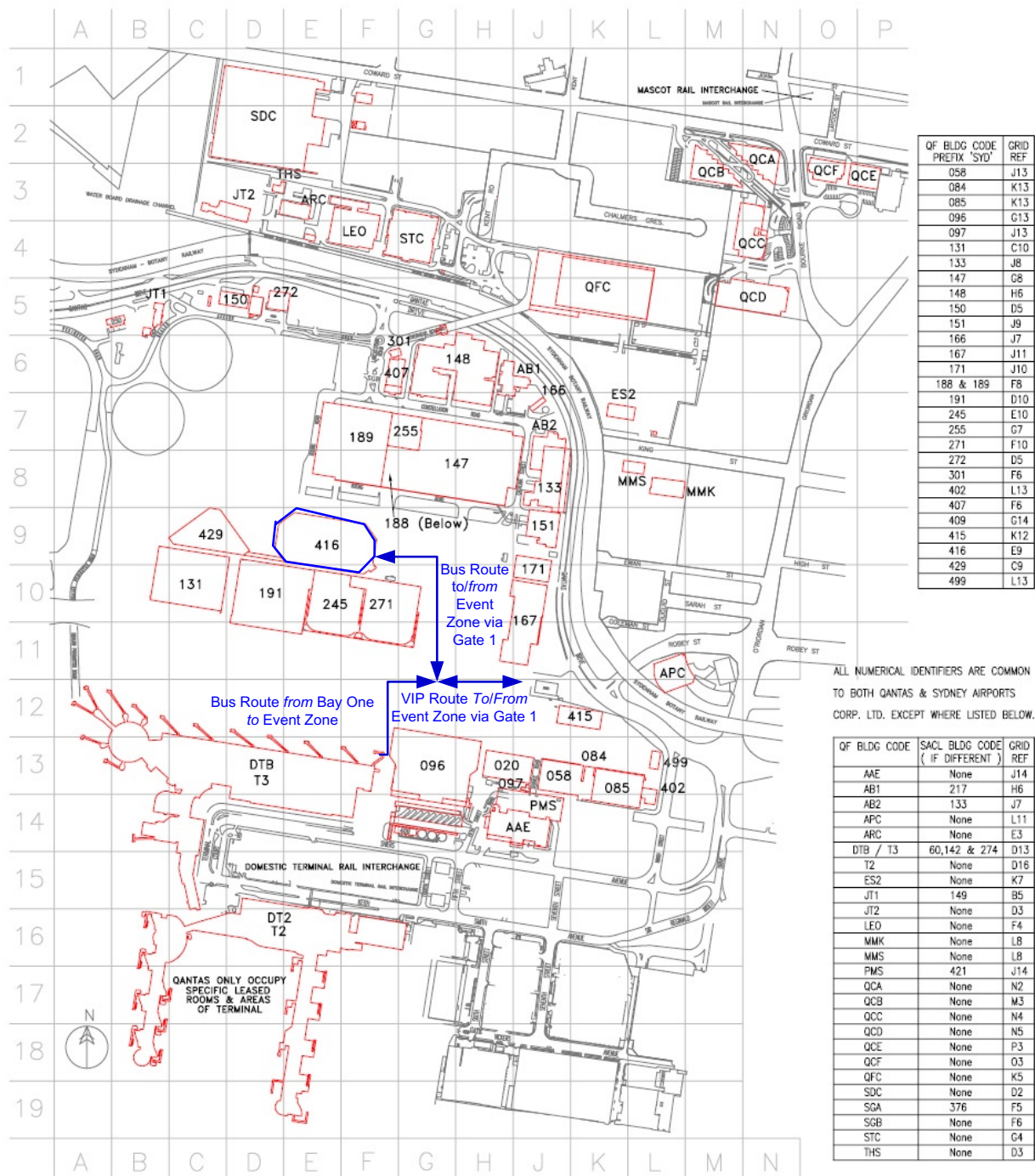
EXEMPTION FROM DISPLAYING AN ASIC IN A SECURE AREA

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 attending the Boeing 707 City of Canberra ceremony an exemption from displaying an ASIC in the designated airside area at the Qantas Jetbase facility at Sydney Airport. This exemption operates for the period from 0730 hours to 1330 hours on Saturday 16 December 2006.

Date: 15 December 2006

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

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



Treasury

COMMONWEALTH OF AUSTRALIA

Foreign Acquisitions and Takeovers Act 1975

ORDER UNDER SUBSECTION 22(1)

WHEREAS -

- (A) SURESH SHANNON CYRIL XAVIER is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act');
- (B) SURESH SHANNON CYRIL XAVIER proposes to acquire an interest in Australian urban land known as Unit 15, 13 Crimea Street, St Kilda, Victoria and referred to in the notice furnished on 9 November 2006 under section 26A of the Act.;

NOW THEREFORE, I, Ian Beckett, Acting General Manager of the Foreign Investment and Trade Policy Division, of the Treasury and authorised to make this order for and on behalf of the Treasurer, PROHIBIT, pursuant to subsection 22(1) of the Act, the proposed acquisition for a period not exceeding ninety days after this order comes into operation, for the purpose of enabling consideration to be given as to whether an order should be made under subsection 21A(2) of the Act in respect of the proposed acquisition.

Dated this 11th day of DECEMBER 2006.



Acting General Manager

COMMONWEALTH OF AUSTRALIA
Foreign Acquisitions and Takeovers Act 1975
ORDER UNDER SUBSECTION 22(1)

WHEREAS -

- (A) Shuiting Ji is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act'); and
- (B) Shuiting Ji proposes to acquire an interest in Australian urban land known as 2 Vera Avenue, Earlwood, NSW and referred to in the notice furnished on 22 November 2006 under section 26A of the Act.

NOW THEREFORE, I, Patrick Colmer, General Manager of the Foreign Investment and Trade Policy Division, of the Treasury and authorised to make this order for and on behalf of the Treasurer, PROHIBIT, pursuant to subsection 22(1) of the Act, the proposed acquisition for a period not exceeding ninety days after this order comes into operation, for the purpose of enabling consideration to be given as to whether an order should be made under subsection 21A(2) of the Act in respect of the proposed acquisition.

Dated this

13th day of December 2006


General Manager

COMMONWEALTH OF AUSTRALIA
Foreign Acquisitions and Takeovers Act 1975
ORDER UNDER SUBSECTION 22(1)

WHEREAS -

- (A) Yong Chang Peh is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act'); and
- (B) Yong Chang Peh proposes to acquire an interest in Australian urban land known as 1/ 15 Loughart Street, Como, WA and referred to in the notice furnished on 6 November 2006 under section 26A of the Act.

NOW THEREFORE, I, Ian Beckett, Acting General Manager of the Foreign Investment and Trade Policy Division, of the Treasury and authorised to make this order for and on behalf of the Treasurer, PROHIBIT, pursuant to subsection 22(1) of the Act, the proposed acquisition for a period not exceeding ninety days after this order comes into operation, for the purpose of enabling consideration to be given as to whether an order should be made under subsection 21A(2) of the Act in respect of the proposed acquisition.

Dated this

8th

day of DECEMBER 2006



Acting General Manager

COMMONWEALTH OF AUSTRALIA
Foreign Acquisitions and Takeovers Act 1975
ORDER UNDER SUBSECTION 22(1)


WHEREAS -

- (A) James Pascoe Limited is a foreign person for the purposes of section 21A of the *Foreign Acquisitions and Takeovers Act 1975* ('the Act'); and
- (B) James Pascoe Limited proposes to acquire an interest in an Australian business known as Angus & Coote (Holdings) Limited and referred to in the notice furnished on 21 November 2006 under section 25 of the Act.

NOW THEREFORE, I, Patrick Colmer, General Manager of the Foreign Investment and Trade Policy Division, of the Treasury and authorised to make this order for and on behalf of the Treasurer, PROHIBIT, pursuant to subsection 22(1) of the Act, the proposed acquisition for a period not exceeding ninety days after this order comes into operation, for the purpose of enabling consideration to be given as to whether an order should be made under subsection 21A(2) of the Act in respect of the proposed acquisition.

Dated this

14th day of ~~December~~ 2006


General Manager

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 2006/15	Income tax: effective life of depreciating assets (applicable from 1 January 2007)	This Ruling discusses the methodology used by the Commissioner of Taxation in making determinations of the effective life of depreciating assets under section 40-100 of the <i>Income Tax Assessment Act 1997</i> . This Ruling applies on and from 1 January 2007.
TD 2006/77	Income tax: capital gains: are all classes of shares (other than redeemable shares) issued by a company taken into account in determining if the company has a controlling individual under subsection 152-55(1) of the <i>Income Tax Assessment Act 1997</i> ?	This Determination concludes that all classes of shares (other than redeemable shares) issued by a company are taken into account in determining if the company has a controlling individual under subsection 152-55(1) of the <i>Income Tax Assessment Act 1997</i> . This Determination applies to years of income commencing both before and after its date of issue.
TD 2006/78	Income tax: capital gains: are there any circumstances in which the premises used in a business of providing accommodation for reward may satisfy the active asset test in section 152-35 of the <i>Income Tax Assessment Act 1997</i> notwithstanding the exclusion in paragraph 152-40(4)(e) of the <i>Income Tax Assessment Act 1997</i> for assets whose main use is to derive rent?	This Determination concludes that in certain circumstances the premises used in a business of providing accommodation for reward will satisfy the active asset test in section 152-35 of the <i>Income Tax Assessment Act 1997</i> (ITAA 1997) notwithstanding the exclusion in paragraph 152-40(4)(e) of the ITAA 1997 for assets whose main use is to derive rent. This Determination applies to years of income commencing both before and after its date of issue.
TD 2006/79	Income tax: capital gains: small business concessions: is an entity that has a 'controller' under section 152-30 of the <i>Income Tax Assessment Act 1997</i> necessarily a small business CGT affiliate under paragraph 152-25(1)(b) of the <i>Income Tax Assessment Act 1997</i> of that 'controller'?	This Determination concludes that under paragraph 152-25(1)(b) of the <i>Income Tax Assessment Act 1997</i> , a person is a small business CGT affiliate of a taxpayer if the person 'acts, or could reasonably be expected to act, in accordance with (the taxpayer's) directions or wishes, or in concert with (the taxpayer)'. In determining whether a person acts in such a manner, the actions of the parties need to be considered. This Determination applies to years of income commencing both before and after its date of issue.
PR 2006/163	Income tax: 2007 Macgrove Project (Early Growers)	This Ruling applies to Growers who were accepted to participate in the Project on or before 15 June 2007 and who entered into the scheme as specified in the Ruling for the commercial growing, cultivation and harvesting of macadamia nuts for sale. This Ruling applies from 20 December 2006.

Ruling Number	Subject	Brief Description
PR 2006/164	Income tax: Gunns Plantations Limited Winegrape Project 2007 – Early Growers	This Ruling applies to Growers who were accepted to participate in the Project on or before 15 June 2007 and who entered into the scheme as specified in the Ruling for the commercial growing of wine grapes for the purpose of harvesting and selling the produce. This Ruling applies from 20 December 2006.
PR 2006/165	Income tax: ITC Diversified Forestry Project Stage 1 (2007)	This Ruling applies to Growers who were accepted to participate on or after the date this Ruling was made and who executed the relevant Project Agreements on or before 30 June 2007 for the commercial growing and cultivation of trees for the purpose of harvesting and selling timber. This Ruling applies from 20 December 2006.
CR 2006/125	Income tax: scrip for scrip roll-over: exchange of ordinary shares in The Australian Gas Light Company under the AGL Scheme of Arrangement: buy-back of converting shares	This Ruling applies to all shareholders of AGL as described in the Class of entities section of this Ruling. This Ruling applies to the year of income ending 30 June 2007.
CR 2006/126	Income tax: Shell Group – Employee Performance Share Plan	This Ruling applies to all persons who are granted an award under the Royal Dutch Shell plc Performance Share Plan while employed in Australia by a company in the Shell group of international companies. This Ruling applies to the year of income ending 30 June 2006.
CR 2006/127	Income tax: Becton Property Group: Becton Property Group Limited and Becton Property Trust Stapled Security Initial Public Offering	This Ruling applies to Australian resident investors who have subscribed for a Becton Property Group security. This Ruling applies from 1 November 2006.
CR 2006/128	Income tax: Becton Property Group Restructure: Becton Property Group Limited Share and Becton Property Trust Unit Stapling Arrangement	This Ruling applies to shareholders in Becton Property Group Limited as described in the Class of entities section of this Ruling. This Ruling applies to the income year ending 30 June 2007.
CR 2006/129	Income tax: Qantas Deferred Share Plan – 2004/05 Performance Rights	This Ruling applies to all persons who are employees of the Qantas Group (excluding executive directors), who participate in the Qantas Deferred Share Plan – 2004/05 Performance Rights. This Ruling applies from the income year ending 30 June 2005.
CR 2006/130	Income tax: Qantas Deferred Share Plan – 2005 Performance Rights	This Ruling applies to all persons who are employees of the Qantas Group (excluding executive directors), who participate in the Qantas Deferred Share Plan – 2005 Performance Rights. This Ruling applies from the income year ending 30 June 2006.
CR 2006/131	Income tax: Qantas Deferred Share Plan – 2005 Performance Shares	This Ruling applies to all persons who are employees of the Qantas Group (excluding executive directors), who participate in the Qantas Deferred Share Plan – 2005 Performance Shares. This Ruling applies from the income year ending 30 June 2006.

Ruling Number	Subject	Brief Description
CR 2006/132	Income tax: treatment of payments received under the Securing our Fishing Future package: <ul style="list-style-type: none"> • Business Exit Assistance (Round 2) – Fishing Concession Voluntary Surrender • Boat Scrapping Incentive • Business Advice Assistance 	This Ruling applies to Eligible Operators who applied for and received payments under the Business Exit Assistance (Round 2) – Fishing Concession Voluntary Surrender and/or Business Advice Assistance components of <i>Securing our Fishing Future</i> package. This Ruling applies from 19 October 2006.
CR 2006/133	Income tax: proposed return of capital by Village Roadshow Ltd	This Ruling applies to the ordinary shareholders and class A preference shareholders of Village Roadshow Ltd. This Ruling applies from 20 December 2006.

NOTICE OF WITHDRAWAL

Ruling Number	Subject	Brief Description
TR 2006/5	Income tax: effective life of depreciating assets	TR 2006/5 has been replaced by TR 2006/15, which applies on and from 1 January 2007. To the extent that the views contained in TR 2006/5 still apply, they have been incorporated into TR 2006/15. This Taxation Ruling is withdrawn on and from 1 January 2007.

NOTICE OF ADDENDUM

Ruling Number	Subject	Brief Description
TR 96/15	Income tax: foreign tax credit system: issues relating to the practical application of section 23AG	This Addendum amends Taxation Ruling TR 96/15 to change the date of effect for certain paragraphs in that Ruling to reflect legislative amendments to section 23AG of the Income Tax Assessment Act 1936. This Addendum applies from 19 December 2005.



Australian Government
Australian Taxation Office

Excise Act 1901

DECLARATION UNDER SUBSECTION 59A(1) OF THE *EXCISE ACT 1901*

Pursuant to subsection 59A(1), and for the purposes of section 59A of the *Excise Act 1901*, I, KATHLEEN QUIGLEY, delegate of the Commissioner of Taxation, declare that the period on and from 8 January 2007 to midnight on 31 January 2007 is a declared period with respect to the tobacco products classified under Subitems 5.1 and 5.5 in the Schedule to the *Excise Tariff Act 1921* and that the period on and from 23 October 2006 to midnight on 3 December 2006 is the base period in relation to the declared period.

Dated this fourteenth day of December 2006

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

KATHLEEN QUIGLEY
Delegate of the Commissioner of Taxation



Notice varying conditions on Authorisation to carry on insurance business

Insurance Act 1973

TO: Commonwealth Steamship Insurance Company Proprietary Limited ACN 004
127 431 (the general insurer)
GPO Box 1331L, Melbourne, 3001

SINCE

- A. APRA issued to the general insurer an Authorisation to carry on insurance business in Australia under subsection 12(1) of the *Insurance Act 1973* (the Act), on 26 June 2002 (the Authorisation); and
- B. the Authorisation is subject to conditions;

I, Brandon Khoo, a delegate of APRA, under paragraph 13(1)(b) of the Act, VARY those conditions imposed on the Authorisation in the manner set out in the Schedule attached to this Notice.

This Variation takes effect on 1 January 2007.

Dated 11 December 2006

Brandon Khoo
Executive General Manager
Specialised Institutions Division

Interpretation

Document ID: 120042

In this Notice

APRA means the Australian Prudential Regulation Authority.

insurance business has the meaning given in section 3 of the Act.

prudential standard has the meaning given in section 3 of the Act.

Note 1 Under subsection 13(1) of the Act, APRA may, at any time, by written notice to the general insurer impose conditions or additional conditions or vary or revoke conditions imposed on the insurer's authorisation under section 12 of the Act. The conditions must relate to prudential matters.

Note 2 Under subsection 13(2) of the Act, a condition may be expressed to have effect despite anything in the prudential standards.

Note 3 Under subsection 13(4) of the Act, if APRA varies conditions on a general insurer's authorisation, APRA must give written notice to the insurer and ensure that notice that the action has been taken is published in the *Gazette*.

Note 4 Under subsection 14(1) of the Act, a general insurer commits an offence if:

- (a) the insurer does an act or fails to do an act; and
- (b) doing the act or failing to do the act results in a contravention of a condition of the insurer's authorisation under section 12 of the Act; and
- (c) there is no determination in force under subsection 7(1) of the Act, that subsection 14(1) of the Act does not apply to the insurer.

The maximum penalty is 300 penalty units. Under subsection 14(1A) of the Act, where an individual commits an offence against subsection 14(1) of the Act, because of Part 2.4 of the *Criminal Code* or commits an offence under Part 2.4 of the *Criminal Code* in relation to an offence against subsection 14(1) of the Act, the individual is punishable, on conviction, by a fine not exceeding 60 penalty units. Under subsection 14(2) of the Act, an offence against section 14 of the Act, is an offence of strict liability.

Schedule - the conditions which are being varied

The existing condition(s) which are to be varied:

1. The body corporate may only conduct insurance business in Australia for the sole purpose of discharging liabilities that arose under policies entered into prior to 20 February 1992.
2. The capital base of the body corporate as calculated under Prudential Standard GPS 110 "Capital Adequacy for General Insurers" shall at all times exceed the minimum capital requirements (MCR), where the MCR is the greater of:
 - a) The balance as determined under paragraph 8 of Prudential Standard GPS 110 "Capital Adequacy for General Insurers"; or
 - b) \$2,000,000 (as calculated under GPS 110),

and in this regard the body corporate shall not be obliged to comply with paragraph 9 of Prudential Standard GPS 110 made under s 32 of the Act.

The condition(s) as varied are:

1. The body corporate may only conduct insurance business in Australia for the sole purpose of discharging liabilities that arose under policies entered into prior to 20 February 1992.
2. The capital base of the body corporate as calculated under Prudential Standard GPS 110 "Capital Adequacy for General Insurers" shall at all times exceed the minimum capital requirements (MCR), where the MCR is the greater of:
 - a) The balance as determined under paragraph 15 of Prudential Standard GPS 110 "Capital Adequacy for General Insurers"; or
 - b) \$2,000,000 (as calculated under GPS 110),

and in this regard the body corporate shall not be obliged to comply with paragraph 16 of Prudential Standard GPS 110 made under section 32 of the Act.



Notice varying conditions on Authorisation to carry on insurance business

Insurance Act 1973

TO: Vero Insurance Limited ABN 48 005 297 807 (the general insurer)
Level 15, 465 Victoria Avenue, Chatswood NSW 2067

SINCE

- A. APRA issued to the general insurer an Authorisation to carry on insurance business in Australia under subsection 12(1) of the *Insurance Act 1973* (the Act), on 26 June 2002 (the Authorisation); and
- B. the Authorisation is subject to conditions;

I, Wayne Byres, a delegate of APRA, under paragraph 13(1)(b) of the Act, VARY those conditions imposed on the Authorisation in the manner set out in the Schedule attached to this Notice.

This Variation takes effect on 1 January 2007.

Dated 6 December 2006

[Signed]

Wayne Byres
Executive General Manager
Diversified Institutions Division

Interpretation

Document ID: 120185

In this Notice

APRA means the Australian Prudential Regulation Authority.

insurance business has the meaning given in section 3 of the Act.

prudential standard has the meaning given in section 3 of the Act.

Note 1 Under subsection 13(1) of the Act, APRA may, at any time, by written notice to the general insurer impose conditions or additional conditions or vary or revoke conditions imposed on the insurer's authorisation under section 12 of the Act. The conditions must relate to prudential matters.

Note 2 Under subsection 13(2) of the Act, a condition may be expressed to have effect despite anything in the prudential standards.

Note 3 Under subsection 13(4) of the Act, if APRA varies conditions on a general insurer's authorisation, APRA must give written notice to the insurer and ensure that notice that the action has been taken is published in the *Gazette*.

Note 4 Under subsection 14(1) of the Act, a general insurer commits an offence if:

- (a) the insurer does an act or fails to do an act; and
- (b) doing the act or failing to do the act results in a contravention of a condition of the insurer's authorisation under section 12 of the Act; and
- (c) there is no determination in force under subsection 7(1) of the Act, that subsection 14(1) of the Act does not apply to the insurer.

The maximum penalty is 300 penalty units. Under subsection 14(1A) of the Act, where an individual commits an offence against subsection 14(1) of the Act, because of Part 2.4 of the *Criminal Code* or commits an offence under Part 2.4 of the *Criminal Code* in relation to an offence against subsection 14(1) of the Act, the individual is punishable, on conviction, by a fine not exceeding 60 penalty units. Under subsection 14(2) of the Act, an offence against section 14 of the Act, is an offence of strict liability.

Schedule - the conditions which are being varied

The existing condition(s) which are to be varied:

The Company must meet the capital requirements set out in Prudential Standard GPS 110 made under s 32 of the Act, and the Guidance Notes that form part of that standard, subject to the following:

If, in applying Guidance Note GGN 110.3, the capital charge on inward reinsurance business from Australian Associated Motor Insurers Limited ACN 004 791 744 or Australian Alliance Insurance Company Limited ACN 006 471 709 is greater than the capital charge that would apply on the underlying direct insurance, the capital charge on the inward reinsurance business shall be the same as the capital charge that would apply to the underlying direct insurance.

This condition has effect despite anything in the prudential standards, and in particular the Company is not required to hold capital under GPS 110 and the Guidance Notes that form part of that standard in an amount in excess of the capital required by this condition.

Note: Subsection 13(2) of the Act provides that a condition on an insurer's authorisation may be expressed to have effect despite anything in the prudential standards.

The condition(s) as varied are:

The Company must meet the capital requirements set out in Prudential Standard GPS 110 made under s 32 of the Act subject to the following:

If, in applying Attachment C of GPS 110, the capital charge on inward reinsurance business from Australian Associated Motor Insurers Limited ACN 004 791 744 or Australian Alliance Insurance Company Limited ACN 006 471 709 is greater than the capital charge that would apply on the underlying direct insurance, the capital charge on the inward reinsurance business shall be the same as the capital charge that would apply to the underlying direct insurance.

This condition has effect despite anything in the prudential standards, and in particular the Company is not required to hold capital under GPS 110 in an amount in excess of the capital required by this condition.

Note: Subsection 13(2) of the Act provides that a condition on an insurer's authorisation may be expressed to have effect despite anything in the prudential standards.



Banking (exemption) order No A2 of 2006

Banking Act 1959

I, Wayne Stephen Byres, a delegate of APRA, under subsection 11(1) of the *Banking Act 1959* (the Act), DETERMINE that section 11D of the Act does not apply to the Bank of China Limited ABN 29 002 979 955 while this order continues in force.

This order comes into effect on the date it is published in the *Gazette* and continues in force until revoked or varied by further order.

Dated 8 December 2006

[Signed]

Wayne Stephen Byres
Executive General Manager
Diversified Institutions Division

Interpretation

In this Notice

APRA means the Australian Prudential Regulation Authority.

Gazette means the *Commonwealth of Australia Gazette*, as specified in section 17(m) of the *Acts Interpretation Act 1901*.

Note 1 APRA may by order published in the *Gazette*, vary or revoke an order under this section (subsection 11(4) of the Act).



Notice varying conditions on Authorisation to carry on insurance business

Insurance Act 1973

TO: Kemper Insurance Co Ltd ABN 44 001 151 739 (the general insurer)
GPO Box 82, Sydney 2001

SINCE

- A. APRA issued to the general insurer an Authorisation to carry on insurance business in Australia under subsection 12(1) of the *Insurance Act 1973* (the Act), on 29 August 2002 (the Authorisation); and
- B. the Authorisation is subject to conditions;

I, Brandon Kong Leong Khoo, a delegate of APRA, under paragraph 13(1)(b) of the Act, VARY those conditions imposed on the Authorisation in the manner set out in the Schedule attached to this Notice.

This Variation takes effect on 12 December 2006.

Dated 12 December 2006

[Signed]

Brandon Kong Leong Khoo
Executive General Manager
Specialised Institutions Division

Interpretation

Document ID: 120605

In this Notice

APRA means the Australian Prudential Regulation Authority.

insurance business has the meaning given in section 3 of the Act.

prudential standard has the meaning given in section 3 of the Act.

Note 1 Under subsection 13(1) of the Act, APRA may, at any time, by written notice to the general insurer impose conditions or additional conditions or vary or revoke conditions imposed on the insurer's authorisation under section 12 of the Act. The conditions must relate to prudential matters.

Note 2 Under subsection 13(2) of the Act, a condition may be expressed to have effect despite anything in the prudential standards.

Note 3 Under subsection 13(4) of the Act, if APRA varies conditions on a general insurer's authorisation, APRA must give written notice to the insurer and ensure that notice that the action has been taken is published in the *Gazette*.

Note 4 Under subsection 14(1) of the Act, a general insurer commits an offence if:

- (a) the insurer does an act or fails to do an act; and
- (b) doing the act or failing to do the act results in a contravention of a condition of the insurer's authorisation under section 12 of the Act; and
- (c) there is no determination in force under subsection 7(1) of the Act, that subsection 14(1) of the Act does not apply to the insurer.

The maximum penalty is 300 penalty units. Under subsection 14(1A) of the Act, where an individual commits an offence against subsection 14(1) of the Act, because of Part 2.4 of the *Criminal Code* or commits an offence under Part 2.4 of the *Criminal Code* in relation to an offence against subsection 14(1) of the Act, the individual is punishable, on conviction, by a fine not exceeding 60 penalty units. Under subsection 14(2) of the Act, an offence against section 14 of the Act, is an offence of strict liability.

Schedule - the conditions which are being varied

The existing condition(s) which are to be varied:

1. The Company may only conduct insurance business in Australia for the sole purpose of discharging liabilities that arose under policies entered into prior to 1 July 2002.
2. The Company must seek APRA's approval before making a reduction in capital. A reduction in capital includes, but is not limited to: share buybacks; the redemption, repurchase or early repayment of any eligible capital instruments issued by the Company or a special purpose vehicle; trading in own shares; or where aggregate interest and dividend payments on capital exceed the Company's after-tax earnings in the year to which they relate (ie: dividend and interest payments on capital wholly or partly funded from retained earnings).
3. The Company must invest its funds in deposits with a locally incorporated ADI, or Commonwealth or State Government bonds; any investment in other assets must be approved by APRA
4. The Company must ensure that:
 - (a) where the Company has a share capital, its paid- up share capital shall not at any time be less than \$2,000,000;
 - (b) where the Company is incorporated in Australia, the value of its assets shall at all times exceed the amount of its liabilities by not less than:
 - (i) \$2,000,000; or
 - (ii) 20% of its premium income during its last preceding financial year; or
 - (iii) 15% of its outstanding claims provision as at the end of its last preceding financial year;whichever is the greatest;
 - (c) the value of the assets in Australia of the Company shall at all times exceed the amount of its liabilities in Australia by not less than:
 - (i) \$2,000,000; or
 - (ii) 20% of its premium income in Australia during its last

preceding financial year; or

- (iii) 15% of its outstanding claims provision in respect of liabilities in Australia as at the end of its last preceding financial year;
- whichever is the greatest;

5. The Company is required to maintain a current run-off plan and to submit it to APRA within 14 days of it being approved by the Board of the Company. The run-off plan must be revised, re-approved by the Board and re-submitted to APRA should there be material change to the operations of the Company. The run-off plan should incorporate details of how the Company is managing the runoff of insurance liabilities, including reinsurance, investment policy and administration.
6. The Company must provide APRA with a Board Declaration, at the same time it lodges its yearly statutory accounts, that, for the last financial year:
 - (a) the Company has systems in place to ensure compliance with the *Insurance Act 1973*, *Insurance Regulations 2002*, Prudential Standards, authorisation conditions and directions;
 - (b) the Board have planned for running off the insurance liabilities of the Company, identified the key risks facing the Company and have a strategy for selecting and monitoring reinsurance programs and that these matters are incorporated in the Company's run-off plan;
 - (c) the Company has substantially complied with its run-off plan and that the plan is operating effectively in practice, having regard to the risks it is designed to control; and
 - (d) the copy of the Company's run-off plan provided to APRA is accurate and current.
7. It is intended that the requirements in conditions 4, 5 and 6 shall apply to the Company to the exclusion of the following requirements in the Prudential Standards and Guidance Notes made under s 32 of the Act:
 - (a) GPS 110 and the Guidance Notes that form part of that standard;
 - (b) paragraphs 20, 40 to 44 (inclusive), 56 and 57 of GPS 220;
 - (c) paragraphs 10-15 (inclusive) of GGN 220.1;
 - (d) paragraphs 4 to 9 (inclusive) and 21 of GGN 220.2;

- (e) GPS 230; and
- (f) GGN 230.1

but without prejudice to the Company's obligation to otherwise comply with the Prudential Standards and Guidance Notes.

Note: Subsection 13(2) of the Act provides that a condition on an insurer's authorisation may be expressed to have effect despite anything in the prudential standards.

The condition(s) as varied are:

1. The Company may only conduct insurance business in Australia for the sole purpose of discharging liabilities that arose under policies entered into prior to 1 July 2002.
2. The Company must:
 - (a) seek APRA's written approval before making a reduction in capital.
APRA's approval may be subject to conditions. A reduction in capital includes, but is not limited to: share buybacks; the redemption, repurchase or early repayment of any eligible capital instruments issued by the Company or a special purpose vehicle; trading in own shares; or where aggregate interest and dividend payments on capital exceed the Company's after-tax earnings in the year to which they relate (i.e: dividend and interest payments on capital wholly or partly funded from retained earnings);
 - (b) where APRA's approval is sought for a reduction in capital, submit to APRA:
 - (i) documents clearly setting out and evidencing the Company's current financial position; and
 - (ii) a capital plan with insurance liabilities valued in accordance with the methodology set out in *Prudential Standard GPS 310*, except that the valuation must demonstrate that the tangible assets of the Company, after the proposed capital reduction, are sufficient to cover its insurance liabilities to a 99.5 per cent level of sufficiency, plus any other liabilities, as calculated by

- an Approved Actuary as defined under GPS 310;
- (c) ensure the capital plan referred above extends for a period of at least three years. The Company will need to satisfy APRA, on the basis of the capital plan provided, that the Company's capital base after the proposed reduction will remain adequate for its future needs. In deciding whether or not to approve a reduction in capital, APRA will have regard to all relevant considerations, including whether the Company's capital plan shows that the Company will maintain an adequate level of capital, taking account of factors such as:
- (i) the immediate capital position;
 - (ii) commitments to raise capital; and
 - (iii) core profitability.

Any reference above to the earnings of the Company is a reference to the earnings of the Company determined in a manner consistent with the Company's prudential reporting to APRA under the Collection of Data Act rather than in accordance with Australian Accounting Standards issued by the Australian Accounting Standards Board as required for statutory financial reporting under the Corporations Act.

3. The Company must invest its funds in deposits with a locally incorporated ADI, or Commonwealth or State Government bonds; any investment in other assets must be approved by APRA.
4. The Company must ensure that:
- (a) where the Company has a share capital, its paid-up share capital shall not at any time be less than \$2,000,000;
 - (b) where the Company is incorporated in Australia, the value of its assets shall at all times exceed the amount of its liabilities by not less than:
 - (i) \$2,000,000; or
 - (ii) 20% of its premium income during its last preceding financial year; or
 - (iii) 15% of its outstanding claims provision as at the end of its last preceding financial year;whichever is the greatest;
 - (c) the value of the assets in Australia of the Company shall at all times exceed the amount of its liabilities in Australia by not less than:
 - (i) \$2,000,000; or

- (ii) 20% of its premium income in Australia during its last preceding financial year; or
 - (iii) 15% of its outstanding claims provision in respect of liabilities in Australia as at the end of its last preceding financial year;whichever is the greatest.
- 5. The Company is required to maintain a current run-off plan and to submit it to APRA within 14 days of it being approved by the Board of the Company. The run-off plan must be revised, re-approved by the Board and re-submitted to APRA should there be material change to the operations of the Company. The run-off plan should incorporate details of how the Company is managing the runoff of insurance liabilities, including reinsurance, investment policy and administration.
- 6. The Company must provide APRA with a Board Declaration, at the same time it lodges its yearly statutory accounts, that, for the last financial year:
 - (a) the Company has systems in place to ensure compliance with the Insurance Act 1973 and Regulations, Prudential Standards, authorisation conditions and directions;
 - (b) the Board have planned for running off the insurance liabilities of the Company, identified the key risks facing the Company and have a strategy for selecting and monitoring reinsurance programs and that these matters are incorporated in the Company's run-off plan;
 - (c) the Company has substantially complied with its run-off plan and that the plan is operating effectively in practice, having regard to the risks it is designed to control; and
 - (d) the copy of the Company's run-off plan provided to APRA is accurate and current.
- 7. The requirements in conditions 4, 5 and 6 shall apply to the Company to the exclusion of the following requirements in the Prudential Standards made under s 32 of the Act:
 - (a) Prudential Standard *GPS 110 Capital Adequacy*;
 - (b) paragraphs 9(a) and 14 – 30 of Prudential Standard *GPS 220 Risk Management*;

- (c) Prudential Standard *GPS 230 Reinsurance Management*; and
- (d) paragraphs 32 - 45 of Prudential Standard *GPS 510 Governance*,

but without prejudice to the Company's obligation to otherwise comply with the Prudential Standards.

8. Notwithstanding the exclusion from *GPS 230 Reinsurance Management*, the Company must comply with the following reinsurance management requirements having regard to the concepts in that Prudential Standard:
 - (a) the Company must inform APRA immediately if it anticipates that a problem is likely to arise out of its reinsurance arrangements that may materially and adversely affect its current or future capacity to meet its obligations. The Company must put in place plans to redress any such problem and advise APRA accordingly;
 - (b) the Company must have processes in place to achieve legally binding reinsurance arrangements;
 - (c) where the Company has in place reinsurance arrangements that pre-date these conditions and that it will not practically be able to document appropriately, it must advise APRA; and
 - (d) the Company must advise APRA of details of all proposed Limited Risk Transfer Arrangements as defined in Attachment A of *GPS 230 Reinsurance Management* and future reinsurance arrangements prior to entering into such arrangements.



Notice varying conditions on Authorisation to carry on insurance business

Insurance Act 1973

TO: American International Assurance Company (Australia) Limited (“the Company”) (the general insurer)
ABN 79 004 837 861

SINCE

- A. APRA issued to the general insurer an Authorisation to carry on insurance business in Australia under subsection 12(1) of the *Insurance Act 1973* (the Act), on 24 June 2002 (the Authorisation); and
- B. the Authorisation is subject to conditions;

I, Wayne Stephen Byres, a delegate of APRA, under paragraph 13(1)(b) of the Act, VARY those conditions imposed on the Authorisation in the manner set out in the Schedule attached to this Notice.

This Variation takes effect on 1 January 2007.

Dated 23 November 2006

[Signed]

Wayne Stephen Byres
Diversified Institutions Division

Interpretation

Document ID: 119803

In this Notice

APRA means the Australian Prudential Regulation Authority.

insurance business has the meaning given in section 3 of the Act.

prudential standard has the meaning given in section 3 of the Act.

Note 1 Under subsection 13(1) of the Act, APRA may, at any time, by written notice to the general insurer impose conditions or additional conditions or vary or revoke conditions imposed on the insurer's authorisation under section 12 of the Act. The conditions must relate to prudential matters.

Note 2 Under subsection 13(2) of the Act, a condition may be expressed to have effect despite anything in the prudential standards.

Note 3 Under subsection 13(4) of the Act, if APRA varies conditions on a general insurer's authorisation, APRA must give written notice to the insurer and ensure that notice that the action has been taken is published in the *Gazette*.

Note 4 Under subsection 14(1) of the Act, a general insurer commits an offence if:

- (a) the insurer does an act or fails to do an act; and
- (b) doing the act or failing to do the act results in a contravention of a condition of the insurer's authorisation under section 12 of the Act; and
- (c) there is no determination in force under subsection 7(1) of the Act, that subsection 14(1) of the Act does not apply to the insurer.

The maximum penalty is 300 penalty units. Under subsection 14(1A) of the Act, where an individual commits an offence against subsection 14(1) of the Act, because of Part 2.4 of the *Criminal Code* or commits an offence under Part 2.4 of the *Criminal Code* in relation to an offence against subsection 14(1) of the Act, the individual is punishable, on conviction, by a fine not exceeding 60 penalty units. Under subsection 14(2) of the Act, an offence against section 14 of the Act, is an offence of strict liability.

Schedule - the conditions which are being varied

The existing condition(s) which are to be varied:

SCHEDULE PART 1

Existing Conditions imposed on the Company under s 13 of the Act

1. The Company may only conduct general insurance business in Australia for the sole purpose of discharging liabilities that arose under policies entered into prior to 1 July 2002.
2. The Company must seek APRA's approval before making a reduction in capital. A reduction in capital includes, but is not limited to: share buybacks; the redemption, repurchase or early repayment of any eligible capital instruments issued by the Company or a special purpose vehicle; trading in own shares; or where aggregate interest and dividend payments on capital exceed the Company's after-tax earnings in the year to which they relate (ie dividend and interest payments on capital wholly or partly funded from retained earnings).
3. The Company must invest its funds in deposits with a locally incorporated ADI; any investment in other assets must be approved by APRA.
4. The Company must hold capital outside of its statutory funds of no less than the greater of:
 - (a) The capital requirements applying to the body corporate under the *Life Insurance Act 1995*; and
 - (b) The capital requirements outlined in condition 5 below.
5. The Company must:
 - (a) where the Company has a share capital, its paid-up share capital shall not at any time be less than \$2,000,000;
 - (b) where the Company is incorporated in Australia, the value of its assets shall at all times exceed the amount of its liabilities by not less than:
 - (i) \$2,000,000; or
 - (ii) 20% of its premium income during its last preceding financial year; or
 - (iii) 15% of its outstanding claims provision as at the end of its last preceding financial year;whichever is the greatest;
6. The value of the assets in Australia of the Company shall at all times exceed the amount of its liabilities in Australia by not less than:

- (i) \$2,000,000; or
- (ii) 20% of its premium income in Australia during its last preceding financial year; or
- (iii) 15% of its outstanding claims provision in respect of liabilities in Australia as at the end of its last preceding financial year;

whichever is the greatest.

7. Conditions 4, 5 and 6 have effect despite anything in the prudential standards, and in particular the Company is not required to hold capital under GPS 110 and the Guidance Notes that form part of that standard in an amount in excess of the capital required by conditions 4, 5 and 6.

Note: Subsection 13(2) of the Act provides that a condition on an insurer's authorisation may be expressed to have effect despite anything in the prudential standards

The condition(s) as varied are:

SCHEDULE PART 2

Varied Conditions imposed on the Company under s 13 of the Act

1. The Company may only conduct general insurance business in Australia for the sole purpose of discharging liabilities that arose under policies entered into prior to 1 July 2002.
2. The Company must invest its funds in deposits with a locally incorporated ADI; any investment in other assets must be approved by APRA.
3. The Company must hold capital outside of its statutory funds of no less than the greater of:
 - a. The capital requirements applying to the body corporate under the *Life Insurance Act 1995*; and
 - b. The capital requirements outlined in condition 4 below.
4. The Company must:
 - a. where the Company has a share capital, its paid-up share capital shall not at any time be less than \$2,000,000;
 - b. where the Company is incorporated in Australia, the value of its assets shall at all times exceed the amount of its liabilities by not less than:
 - i. \$2,000,000; or
 - ii. 20% of its premium income during its last preceding financial year;
or

- iii. 15% of its outstanding claims provision as at the end of its last preceding financial year;

whichever is the greatest;

- 5. The value of the assets in Australia of the Company shall at all times exceed the amount of its liabilities in Australia by not less than:

- i. \$2,000,000; or

- ii. 20% of its premium income in Australia during its last preceding financial year; or

- iii. 15% of its outstanding claims provision in respect of liabilities in Australia as at the end of its last preceding financial year;

whichever is the greatest.

- 6. Conditions 3, 4 and 5 have effect despite anything in the prudential standards, and in particular the Company is not required to hold capital under GPS 110 in an amount in excess of the capital required by conditions 3, 4 and 5.

Note: Subsection 13(2) of the Act provides that a condition on an insurer's authorisation may be expressed to have effect despite anything in the prudential standards



Authority to be a NOHC of an authorised deposit-taking institution

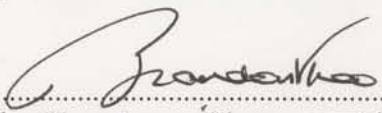
Banking Act 1959

I, Brandon Kong Leong Khoo, a delegate of APRA, under subsection 11AA(2) of the *Banking Act 1959* (the Act), GRANT IFBT Company Pty. Ltd. (ACN 119 748 060) authority to be a NOHC.

This Authority operates as an authority in relation to IFBT Company Pty. Ltd. and any ADIs that are its subsidiaries from time to time.

This Authority commences on the date it is signed.

Dated 13 December, 2006


.....
Brandon Kong Leong Khoo
Specialised Institutions Division

Interpretation

In this Notice

APRA means the Australian Prudential Regulation Authority.

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

NOHC is short for non-operating holding company and has the meaning given in subsection 5 (1) of the Act.

Note 1 The circumstances in which APRA may revoke a NOHC authority are set out in section 11AB of the Act.

Note 2 Under subsection 11AA(6) of the Act, APRA must publish notice of the granting of this Authority in the *Gazette* and may cause notice of the granting of this Authority to be published in any other way it considers appropriate.



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

Financial Sector (Shareholdings) Act 1998

TO: IFBT Company Pty. Ltd. ACN 0119 748 060 (the "Holding Company")

SINCE:

1. The Holding Company wishes to accept a transfer of 100% of the issued shares in Members Equity Bank Pty Limited (the "Company");
2. I am a delegate of the Treasurer under section 14 of the *Financial Sector (Shareholding) Act 1998* (the "Act"); and
3. I am satisfied that it is in the national interest to approve the shareholding set out in recital 1 above;

I, Brandon Kong Leong Khoo, a delegate of the Treasurer, under subsection 14(1) of the Act,
APPROVE:

A. the Holding Company holding a 100% stake of the issued shares in the Company.

This Approval remains in force indefinitely.

Dated: 13 December 2006

Brandon Kong Leong Khoo
Executive General Manager
Specialised Institutions Division
Australian Prudential Regulation Authority



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

Financial Sector (Shareholdings) Act 1998

TO: The persons listed in the attached Schedule 1

SINCE:

1. IFBT Company Pty. Ltd. ACN 0119 748 060 (the "Holding Company") holds 100% of the issued shares in Members Equity Bank Pty Limited (the "Company");
2. The Holding Company has various associates as set out in Schedule 1 which hold more than 15% of the issued shares in the Holding Company (the "Associates");
3. I am a delegate of the Treasurer under section 14 of the *Financial Sector (Shareholding) Act 1998* (the "Act"); and
4. I am satisfied that it is in the national interest to approve the shareholdings set out in recital 2 above;

I, Brandon Kong Leong Khoo, a delegate of the Treasurer, under subsection 14(1) of the Act,
APPROVE:

- A. each of the Associates listed in Schedule 1 holding a stake of greater than 15% of the issued shares in the Holding Company.

This Approval remains in force indefinitely.

Dated: 13 December 2006

Brandon Kong Leong Khoo
Executive General Manager
Specialised Institutions Division
Australian Prudential Regulation Authority

Schedule 1

The Associates

	Name	ACN
1.	AUSTRALIANSUPER PTY LTD	006 457 987
2.	H.E.S.T. AUSTRALIA LTD.	006 818 695
3.	UNITED SUPER PTY LTD	006 261 623
4.	HOST-PLUS PTY. LIMITED	
5.	MOTOR TRADES ASSOCIATION OF AUSTRALIA SUPERANNUATION FUND PTY. LIMITED	008 650 628
6.	VISION SUPER PTY LTD	082 924 561
7.	SUNSUPER PTY. LTD.	010 720 840
8.	UNISUPER LIMITED	006 027 121
9.	TISS PTY. LTD.	053 498 472
10.	CARE SUPER PTY LTD	006 670 060
11.	LOCAL GOVERNMENT SUPERANNUATION BOARD	-
12.	CSF PTY LIMITED	006 169 286
13.	INDUSTRY FUNDS INVESTMENTS LTD	006 883 227
14.	T W U NOMINEES PTY LTD	002 835 412
15.	AUSCOAL SUPERANNUATION PTY LTD	003 566 989
16.	STEVEDORING EMPLOYEES RETIREMENT FUND PTY LIMITED	058 013 773
17.	SEAFARERS RETIREMENT FUND PTY LIMITED	063 788 670
18.	REI SUPERANNUATION FUND PTY LIMITED	056 044 770
19.	TASPLAN LTD.	009 563 062
20.	NON GOVERNMENT SCHOOLS SUPERANNUATION FUND PTY. LTD.	003 491 487
21.	WA LOCAL GOVERNMENT SUPERANNUATION PLAN PTY LTD	066 797 162
22.	BUSS (QUEENSLAND) PTY LTD	065 081 281
23.	STATEWIDE SUPERANNUATION PTY LTD	008 099 223
24.	L.U.C.R.F. PTY. LTD.	005 502 090
25.	P.P.W. SUPERANNUATION PTY. LTD.	005 056 762
26.	PRINTING INDUSTRY SUPERANNUATION LIMITED	059 502 948
27.	QIEC SUPER PTY LTD	010 897 480
28.	JUST PTY. LTD.	006 457 996
29.	AUSGEST PTY. LTD.	007 390 392
30.	SCS SUPER PTY. LIMITED	064 712 607
31.	F I R S T SUPERANNUATION PTY LTD	003 252 971
32.	HOST-PLUS (QLD) PTY. LIMITED	010 814 623
33.	ACCOUNTANTS SUPERANNUATION FUND NOMINEES PTY LIMITED	000 013 276

34.	SPEC PTY. LTD.	006 476 740
35.	MASTER FUND (WA) PTY LTD	066 918 849
36.	PROFESSIONAL ASSOCIATIONS SUPERANNUATION LIMITED	056 917 303
37.	QUADRANT SUPERANNUATION PTY LTD	067 516 938
38.	SISTERS OF MERCY STAFF SUPERANNUATION FUND PTY. LTD.	056 047 324
39.	SPEC (QLD) PTY. LTD.	010 743 405
40.	WESTSCHEME PTY. LTD.	009 194 218



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GM MARSEC 179/2006



Australian Government

Department of Transport and Regional Services

Maritime Transport and Offshore Facilities Security Act 2003

NOTICE OF DESIGNATION OF PORT OPERATOR

In the *Government Notices Gazette* No. GN 22 on 2 June 2004, Hobart Ports Corporation Pty Ltd was designated as the person who is the port operator under section 14 of the *Maritime Transport Security Act 2003* (the Act) for the Port of Hobart, Port of Devonport, Port of Burnie and the Port of Spring Bay. The ports were declared security regulated ports under subsection 13(1) in the same *Government Notices Gazette*.

I, JOHN ANTHONY KILNER, General Manager, Maritime Security Branch, Office of Transport Security, Department of Transport and Regional Services revoke the **DESIGNATION** of Hobart Ports Corporation Pty Ltd as the port operator for the security regulated port of Port of Hobart.

I, JOHN ANTHONY KILNER, General Manager, Maritime Security Branch, Office of Transport Security, Department of Transport and Regional Services revoke the **DESIGNATION** of Hobart Ports Corporation Pty Ltd as the port operator for the security regulated port of Port of Devonport.

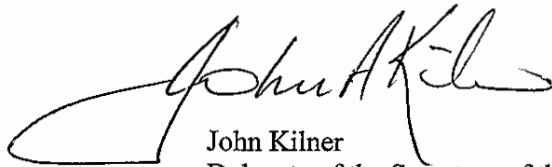
I, JOHN ANTHONY KILNER, General Manager, Maritime Security Branch, Office of Transport Security, Department of Transport and Regional Services revoke the **DESIGNATION** of Hobart Ports Corporation Pty Ltd as the port operator for the security regulated port of Port of Burnie.

I, JOHN ANTHONY KILNER, General Manager, Maritime Security Branch, Office of Transport Security, Department of Transport and Regional Services revoke the **DESIGNATION** of Hobart Ports Corporation Pty Ltd as the port operator for the security regulated port of Port of Spring Bay.

GPO Box 594 Canberra ACT 2601 Australia • Telephone: 02 6274 7111 • Facsimile: 02 6257 2505
Website: www.dotars.gov.au • ABN 86 267 354 017

I **DESIGNATE** that under section 14 of the Act the Tasports Corporation Pty Ltd is the person who is the port operator for the security regulated port of Port of Hobart, the security regulated port of Devonport, the security regulated port of Burnie and the security regulated Port of Spring Bay.

Date: 11th December 2006

A handwritten signature in black ink, appearing to read 'John Kilner', with a large, sweeping loop at the end.

John Kilner
Delegate of the Secretary of the
Department of Transport and Regional Services



Australian Fisheries Management Authority

Fisheries Management Act 1991

***Eastern Tuna and Billfish Fishery
Management Plan
Amendment 2007 (No.1)***

The Australian Fisheries Management Authority (AFMA) intends to determine the *Eastern Tuna and Billfish Fishery Management Plan Amendment 2007 (No.1)* (the draft Amendment) to amend the *Eastern Tuna and Billfish Fishery Management Plan 2005*.

AFMA invites interested persons to make written submissions on the draft Amendment by **24 January 2007**. Written submissions should be forwarded to:

Manager
Eastern Tuna and Billfish Fishery
AFMA
Box 7051
Canberra Business Centre ACT 2610
Or: e-mail: easterntuna@afma.gov.au
Or: Fax: 02 6225 5439.

Copies of the draft Plan Amendment may be obtained from AFMA's website (www.afma.gov.au) or by writing to AFMA at the above address or by contacting AFMA on 1300 723 621. Further information on the proposed amendment can be obtained by contacting Wez Norris on (02) 6225 5312.

Information about AFMA can be located on our web site at <http://www.afma.gov.au>



NOTICE OF INTENTION TO PROPOSE CUSTOMS TARIFF ALTERATION

NOTICE NO. 1 (2006)

Pursuant to section 273EA of the *Customs Act 1901*, I, PHILOMENA CARNELL, delegate of the Minister for Justice and Customs, hereby give notice that it is intended, within seven sitting days of the House of Representatives after the date of publication of this Notice in the *Gazette*, to propose in the Parliament a Customs Tariff alteration in accordance with the particulars specified in the Schedule to this Notice. The alteration will be operative immediately after the commencement of the *Customs Tariff Amendment (2007 Harmonized System Changes) Act 2006*.

Schedule

Alteration to the *Customs Tariff Act 1995*

Schedule 3 (subheading 3821.00.10, the description of goods in column 2)

Repeal the description, substitute:

---Prepared culture media for the development or
maintenance of plant, human or animal cells

Dated this twelfth day of December 2006.

(Signed)
Philomena Carnell
Delegate of the Minister for
Justice and Customs



Environment Protection and Biodiversity Conservation Act 1999

INCLUSION OF A PLACE IN THE NATIONAL HERITAGE LIST

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

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

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

Dated 18th day of September, 2006

[signed]

Ian Gordon Campbell
Minister for the Environment
and Heritage

SCHEDULE

STATELocal Government Area

Name:

Location / Boundary

Criteria / Values

VICTORIA**Ararat Rural City, Horsham Rural City, Northern Grampians Shire and the Southern Grampians Shire****Grampians National Park (Gariwerd):**

About 168,880ha, Grampians Road, Halls Gap, comprising the whole of the National Park.

Criterion**Values**

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

The Grampians are the most important area for floristic richness and endemism in eastern inland Australia, with high levels of endemism in the Christmas bush family (Cunoniaceae), southern heaths (Epacridaceae), the pea family (Fabaceae), orchids (Orchidaceae) and the pimeleas (Thymelaeaceae). The Grampians have high rates of endemism for the ash group of eucalypts (*Monocalyptus*), and grevilleas.

The Grampians are significant at a national scale for richness in terrestrial and freshwater invertebrates including beetles (Dytiscidae, Gyrinidae, Hydrophilidae and Hygrobiidae), huntsmen spiders (Sparassidae), and butterflies (Lepidoptera).

The Grampians, notably Billimina and Drual, are important for evidence of early occupation in the semi-arid zone and later temperate environments over the past 20,000 years (Bird et al.1998).

- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of: (i) a class of Australia's natural or cultural places; or (ii) a class of Australia's natural or cultural environments.

The Grampians display an outstanding succession of strata, igneous intrusions, faulting and many well-preserved sedimentary structures such as cross-bedding of all scales, ripple marks and desiccation cracks.

- (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.

The Grampians National Park has aesthetic characteristics that evoke strong emotional responses: a dramatic landform with sweeping western slopes, craggy eastern peaks and massive sandstone cliffs that contrast with surrounding plains; extensive forests interrupted by water bodies; and rock outcrops, deeply fissured cliffs and weather-sculpted rocks that give character to the exposed sandstone. Aesthetic responses are experienced from the scenic drives and dramatic lookout points that give access to panoramic views across the park and surrounding countryside (Robin Crocker and Associates 1997, Crocker & Davies 2005, National Trust 1995).

The Grampians is important as a defining image in Australia, that has inspired numerous works by significant Australian artists in a range of media including painting (Arthur Streeton, Arthur Boyd, Eugene von Guerard, Nicholas Chevalier, and Louis Buvelot), poetry, literature, photography and film (Crocker & Davies 2005: 35).

The Grampians National Park contains the densest concentration of rock art paintings in Victoria and constitutes one of the major rock art regions of south-eastern Australia (Goulding & Schell, 2006). Billimina Shelter has exceptionally high significance, with the single largest assemblage of Aboriginal art motifs in Victoria, and a total of some 2000 definable motifs on a single panel.

The dramatic scenic landforms and the Aboriginal art features within the Grampians National Park are of outstanding value to the Australian community.

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



Environment Protection and Biodiversity Conservation Act 1999

INCLUSION OF A PLACE IN THE NATIONAL HERITAGE LIST

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

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

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

Dated 12th day of July, 2006

[signed]

Ian Gordon Campbell
Minister for the Environment
and Heritage

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

Name:

Location / Boundary

Criteria / Values

NEW SOUTH WALES**Sutherland Shire and Wollongong City****Royal National Park and Garawarra State Conservation Area:**

About 16000ha, Sir Bertram Stevens Drive, Audley, comprising the whole of Royal National Park and Garawarra State Conservation Area.

Criterion**Values**

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

Royal National Park and Garawarra State Conservation Area constitute a major centre of plant species richness, having one of the richest concentrations of plant species in temperate Australia with more than 1000 species. The place is important for its richness in a wide array of species including heaths (Epacridaceae), peas and wattles (Mimosaceae and Fabaceae), orchids (Orchidaceae), grevilleas and banksias (Proteaceae) and members of the eucalypt family (Myrtaceae). The place is also extremely important as a centre of temperate animal species richness for a range of groups including perching birds (Passeriformes) especially honeyeaters (Meliphagidae), tree-frogs (Hylidae), reptiles (Reptilia) and butterflies (Lepidoptera). The place can be regarded as exemplifying the biodiverse Hawkesbury Sandstone environment (Braby 2000; DEH 2004; DEH 2006; NSW NPWS 2000).

Royal National Park was the first National Park to be established in Australia in 1879 and this event is seen as the beginning of the Australian conservation movement (Heathcote 1988). The permanent reservation of a large natural area for the purposes of public recreation marked the start of the development of Australia's National Park system of protected areas (Worboys et al 2005).

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



Environment Protection and Biodiversity Conservation Act 1999

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

Dated 16th day of August, 2006

[signed]

Ian Gordon Campbell
Minister for the Environment
and Heritage

SCHEDULE

STATE

Local Government Area

Name:

Location / Boundary

Criteria / Values

WESTERN AUSTRALIA**Albany City, Cranbrook, Gnowangerup and Plantagenet Shires****Stirling Range National Park:**

About 115,920ha, Chester Pass Road, 11km east of Cranbrook, comprising National Park Reserve A14792, National Park and Water Reserve 1090, and that part of the national park surrounding Hamilla Hill being Location 7094.

Criterion**Values**

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

The south-west of Western Australia is one of only 34 internationally significant hotspots for biodiversity (Myers et al. 2000), and the Stirling Range National Park is a very important remnant of the flora of the south-west, with exceptional richness and endemism of species, particularly for plant species (Comer et al. 2001, Hopper et al 1996). For example, the place is one of the richest areas in Australia for families such as Myrtaceae, including the eucalypts, and Proteaceae, including dryandras, banksias, and hakeas (Keighery 1993, ANHAT 2005). A minimum of 1,500 plant species have been recorded within the park of 115,000 hectares (Keighery 1993, CALM 1999, Paczkowska & Chapman 2000), and there are also 87 recorded endemics, or species that are found nowhere else (CALM 1999, Keighery 1993).

Deeply incised south-facing gullies provide refuge for Gondwanan relictual species such as ancient trapdoor spider species (mygalomorphs), and species of land snail, and other relict invertebrate species, including scorpions, pseudoscorpions, earthworms and primitive isopod crustaceans (Thomson et al. 1993; Comer et al. 01, ANHAT 2005). The Stirling Range is one of most important areas in Australia for endemic mygalomorph species, and is also important for land snail richness, particularly within the *Bothriembryon* genus (ANHAT 2005).

- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
- (i) a class of Australia's natural or cultural places; or
 - (ii) a class of Australia's natural or cultural environments.
- Stirling Range National Park is one of the top ranking places across Australia representing areas of richest biodiversity (ANHAT 2005, CALM 1999, Hopper et al. 1996, Keighery 1993, Paczkowska & Chapman 2000). The place represents one of the most important remnants of the rich flora of the south-west (Hopper et al 1996).
- The Stirling Range National Park provides an example of the extraordinarily diverse flora of the south-west, and over 1500 species have been recorded in the Park, which represents almost one fifth of all the flora species found in the south-west. The Stirling Range also exemplifies the abundance of endemic species found in the south-west, with 87 species being found solely within the Park (CALM 1999, Keighery 1993).

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



Environment Protection and Biodiversity Conservation Act 1999

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Dated 14th day of December, 2006

[signed]

Ian Gordon Campbell
Minister for the Environment
and Heritage

SCHEDULE**STATE****Local Government Areas**

Name:

Location / Boundary

Criteria / Values

NEW SOUTH WALES**Gosford City, Hornsby Shire, Ku-ring-gai Municipality, Pittwater Municipality and Warringah Shire****Ku-ring-gai Chase National Park, Lion, Long and Spectacle Island Nature Reserves:**

About 15000ha, Bobbin Head Road, Bobbin Head, comprising Ku-ring-gai Chase National Park, Lion Island Nature Reserve, Long Island Nature Reserve and Spectacle Island Nature Reserve.

Criterion**Values**

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

The Sydney region contains an outstanding concentration of biodiversity and is recognised as a centre of biodiversity when compared to other areas across Australia. Ku-ring-gai Chase National Park, Long, Lion and Spectacle Island Nature Reserves contain an exceptional representation of the Sydney region biota with high species richness across many groups and a representative range of ecosystems. The place contains a complex pattern of 24 plant communities, including heathland, woodland, open forest, swamps and warm temperate rainforest and is important for its species richness, with over 1,000 native plant species in a wide array of families including heaths (Epacridaceae), wattles (Mimosaceae), grevilleas and banksias (Proteaceae) and members of the eucalypt family (Myrtaceae). The place also has an outstanding diversity of birds and other animal species notably perching birds (Passeriformes), including the families scrubwrens (Acanthizidae), honeyeaters (Meliphagidae), Australasian robins (Petroicidae) and fantails, drongos and monarchs (Dicruidae). The place exemplifies the biodiverse Hawkesbury Sandstone environment and is an outstanding example of a centre of biodiversity (Benson & Howell 1994, Braby 2000, DEH 2006a, DEH 2006b, NSW NPWS 2002 and Thomas and Benson 1985).

Ku-ring-gai Chase National Park, Long, Lion and Spectacle Island Nature Reserves contain an outstanding representation of the species that contribute to the high endemism value of the Sydney region (NSW NPWS 2002, DEH 2006a, DEH 2006b), in particular, those restricted to the Hawkesbury Sandstone landform.

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



Environment Protection and Biodiversity Conservation Act 1999

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

Dated 14th day of December 2006

[signed]

Ian Gordon Campbell
Minister for the Environment
and Heritage

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

Name:

Location / Boundary

Criteria / Values

NEW SOUTH WALES**Coonabarabran, Coonamble and Gilgandra Shires****Warrumbungle National Park:**

About 23500ha, John Renshaws Parkway, 11km west of Coonabarabran, comprising the whole of the National Park.

Criterion**Values**

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

The Warrumbungles form an extensive and spectacular geomorphological site (Cochrane and Joyce 1986), and the bold volcanic landforms are unrivalled anywhere else in Australia (Yeates 2001). The volcanic features and landforms illustrate each of the stages in the development of the Warrumbungle volcano, and include an unusual opportunity to examine the inside of a volcano, in addition to parts of the original shield, or external surface, of the volcano, as well as successive layers of lava (Duggan & Knutson 1993, Johnson 2004).

The Warrumbungle National Park displays a wide array of outstanding volcanic features, including plugs, domes, dykes, sills, lava-flows, tuff layers, and horizontal and vertical columns (Duggan & Knutson 1993, Ferrett 2005, Geoscience Australia website 2005, Johnson 2004, Percival 1979, Yeates 2001).

The Warrumbungle National Park is in a transition zone between the arid western and wetter coastal zones, and is of significance as an important refugium in inland south-east Australia. The Warrumbungles support exceptionally high numbers of species, and the place is one of a small number of places in inland southern Australia that are centres of richness for plant and animal taxa (NSW NPWS 1997, ANHAT 2005).

- (d) the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
- (i) a class of Australia's natural or cultural places; or
 - (ii) a class of Australia's natural or cultural environments.

The Warrumbungles are one of the best examples of a number of central shield volcanoes along the east coast of Australia (Yeates 2001, Sutherland 2003 & 2005), and constitute the best representation of exposed volcanic features within the main north-south volcanic line in eastern Australia (Sutherland 2005). The site illustrates an outstanding diversity of volcanic features within a relatively small area that have high integrity.

- (e) the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.

The Warrumbungles form a distinctive and spectacular volcanic landscape of spires, domes, plugs and dykes that is uncommon in Australia (Context 2006, Crocker & Davies 2005b, Duggan & Knutson 1993), and the sharp rise of the landform from the surrounding plain to heights of more than 700m contributes to the aesthetic drama. The site beautifully exposes the inside of a shield volcano, and the bold volcanic landforms are unrivalled anywhere else in Australia (Yeates 2001). The integrity and scenic vistas of the features within the Warrumbungle National Park are of outstanding value to the community.

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



Australian Government
Attorney General's Department

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