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The date of publication of this Gazette is 5 December 2007

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**Attorney-General's Department**  
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## Christmas/New Year publication arrangements

The last Government Notices Gazette for 2007 will be published on **Wednesday, 19 December 2007**. Normal closing times will apply.

The first Government Notices Gazette for 2008 will be published on **Wednesday, 9 January 2008**.

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

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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](mailto:gazettes@ag.gov.au).

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

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*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.

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

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

## ISSUES OF PERIODIC GAZETTES

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Gazette number	Date of Publication	Subject
P 1	2.2.07	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.11.06 to 31.12.06 and not previously gazetted
P 2	6.3.07	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.1.07 to 31.1.07 and not previously gazetted
P 3	2.4.07	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.2.07 to 28.2.07 and 1.1.07 to 31.1.07 and not previously gazetted
P 4	14.5.07	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.03.07 to 31.03.07 and not previously gazetted
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P 6	7.9.07	Approval of adoption of by-laws of The Institute of Chartered Accountants in Australia
P 7	25.9.07	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.05.07 to 31.07.07 and 1.04.07 to 30.04.07 and not previously gazetted
P 8	2.10.07	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of permissions granted, refused, suspended, reinstated, revoked or reconsidered for the period 1.08.07 to 31.08.07 and 1.07.07 to 30.07.07 and not previously gazetted



## Government Departments

### Attorney-General

COMMONWEALTH OF AUSTRALIA  
CUSTOMS ACT 1901

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

I, Mark Collidge, 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 21/11/2007	Column 4 22/11/2007	Column 5 23/11/2007	Column 6 24/11/2007	Column 7 25/11/2007	Column 8 26/11/2007	Column 9 27/11/2007
Brazil	Real	1.5636	1.5492	1.5527	1.5527	1.5527	1.5793	1.6135
Canada	Dollar	0.8713	0.8584	0.8581	0.8581	0.8581	0.8688	0.863
China, PR of	Yuan	6.5937	6.4607	6.4604	6.4604	6.4604	6.5477	6.4533
Denmark	Kroner	4.4675	4.3742	4.3721	4.3721	4.3721	4.4316	4.3782
European Union	Euro	0.5992	0.5868	0.5865	0.5865	0.5865	0.5946	0.5873
Fiji	Dollar	1.3675	1.3487	1.3572	1.3572	1.3572	1.3649	1.3539
Hong Kong	Dollar	6.9216	6.785	6.7889	6.7889	6.7889	6.8561	6.7962
India	Rupee	34.9276	34.3208	34.4811	34.4811	34.4811	34.8789	34.7719
Indonesia	Rupiah	8319	8188.0	8183.0	8183.0	8183.0	8184	8198.0
Israel	Shekel	3.4496	3.3855	3.3742	3.3742	3.3742	3.438	3.3888
Japan	Yen	97.49	94.67	94.43	94.43	94.43	95.62	94.0
Korea, Republic of	Won	820.22	811.75	813.15	813.15	813.15	811.09	811.43
Malaysia	Ringgit	2.994	2.9497	2.9493	2.9493	2.9493	2.9537	2.9386
New Zealand	Dollar	1.1652	1.1575	1.159	1.159	1.159	1.1576	1.1581
Norway	Kroner	4.7809	4.712	4.7022	4.7022	4.7022	4.7537	4.7242
Pakistan	Rupee	54.17	53.12	53.15	53.15	53.15	53.69	53.47
Papua New Guinea	Kina	2.498	2.4497	2.4517	2.4517	2.4517	2.477	2.4511
Philippines	Peso	38.59	37.62	37.67	37.67	37.67	38.01	37.3
Singapore	Dollar	1.2868	1.2659	1.2638	1.2638	1.2638	1.2738	1.2601
Solomon Islands	Dollar	6.7679	6.637	6.6424	6.6424	6.6424	6.7109	6.6469
South Africa	Rand	5.9236	5.9208	5.8951	5.8951	5.8951	5.9893	6.0734
Sri Lanka	Rupee	98.21	96.24	96.33	96.33	96.33	97.8	96.44
Sweden	Krona	5.5699	5.471	5.465	5.465	5.465	5.52	5.4422
Switzerland	Franc	0.9827	0.9607	0.9585	0.9585	0.9585	0.9733	0.9589
Taiwan Province	Dollar	28.73	28.17	28.2	28.2	28.2	28.5	28.19
Thailand	Baht	30.05	29.45	29.47	29.47	29.47	29.78	29.5
United Kingdom	Pound	0.4302	0.4224	0.4224	0.4224	0.4224	0.4276	0.4216
USA	Dollar	0.8893	0.8721	0.8728	0.8728	0.8728	0.8818	0.8734

Mark Collidge  
Delegate of the Chief Executive Officer of Customs  
Canberra ACT  
28/11/2007

## HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

### AGE DISCRIMINATION ACT 2004 (Cth)

#### Section 44(1)

#### NOTICE OF REJECTION OF APPLICATION FOR EXEMPTION

By this instrument, the Human Rights and Equal Opportunity Commission ('HREOC') declines to grant to University of Western Sydney ('UWS') a temporary exemption pursuant to s 44(1) of the *Age Discrimination Act 2004* (Cth) ('ADA').

#### 1. EXEMPTION APPLICATION

- 1.1 By email dated 18 July 2007, UWS applied to HREOC for a temporary exemption from s 18 and, in particular, s 18(2)(b) of the ADA. The temporary exemption was sought to allow UWS to offer three 'end of career transitioning schemes' ('the Schemes') to permanent academic staff. Expressions of interest in the schemes would be accepted or rejected on the basis of age.
- 1.2 The three Schemes proposed by UWS are:
- a. **Early Voluntary Retirement Scheme (EVRS):** academic staff who are at least 54 years of age at 31 December 2007 but less than 65 years of age at the proposed date of retirement may voluntarily retire and receive a compensatory payment with concessional tax benefits. UWS has obtained a ruling from the Australian Taxation Office (ATO) stating that the EVRS is an early retirement scheme for the purposes of the *Income Tax Assessment Act 1997* (Cth) ('ITAA 1997') and acknowledging the availability of tax concessions for UWS employees who receive payment under the scheme. The EVRS is not available to:
    - i. 'Highly research productive' academic staff. 'Highly research productive' is defined as generating a minimum of \$100 000 of research income across the 2004-2006 triennium or publishing a minimum of five peer reviewed publications across the 2004-2006 triennium.
    - ii. All Deputy Vice-Chancellors, Pro Vice Chancellors, Executive Deans, Heads of School, Directors of Research Centres and Heads of Research Concentration/Groups.
  - b. **Pre-retirement Contract scheme:** academic staff aged 65 and over who were unable to apply for the EVRS will have the opportunity of taking a pre-retirement contract with compensatory salary loading.
  - c. **Reduction of Full Time hours to Part Time hours scheme:** academic staff aged 54 and over will be offered the option of reducing their hours but retaining the option to contribute to superannuation as a full time employee, with UWS also contributing at the employer full time rate.
- 1.3 Section 18 of the ADA relevantly provides:
- Discrimination in employment**
- (1) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against a person on the ground of the other person's age:
- (a) in the arrangements made for the purpose of determining who should be offered employment; or

(b) in determining who should be offered employment; or

(c) in the terms or conditions on which employment is offered.

(2) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against an employee on the ground of the employee's age:

(a) in the terms or conditions of employment that the employer affords the employee; or

(b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment; or

(c) by dismissing the employee; or

(d) by subjecting the employee to any other detriment.

.....

1.4 HREOC has considered whether to grant UWS a temporary exemption from s 18 under s 44 of the ADA which gives HREOC the power to grant temporary exemptions.

1.5 HREOC's decision is based on information provided by UWS:

- a. in the exemption application dated 18 July 2007;
- b. in a letter from UWS to HREOC dated 9 October 2007; and
- c. at a meeting held between representatives of HREOC and UWS on 19 November 2007.

1.6 Relevantly, UWS has informed HREOC that:

- a. UWS is a tertiary education institution that employs a mix of academic staff and general staff. The academic staff deliver academic programs and conduct research. The general staff support the academic workforce and provide corporate services.
- b. UWS has an ageing academic staff workforce. According to 2006 staff data, 44 per cent of the staff of UWS are over age 50 and 77 per cent are over age 40. UWS faces the potential retirement of large numbers of staff around the same time.
- c. UWS has identified a need to realign the academic staff profile of UWS with the requirements of academic research at UWS. UWS considers the introduction of Schemes will enable UWS to recruit new academic staff with high levels of research productivity.
- d. Recruitment for new academic staff will be based on merit. Recruitment will not discriminate on the basis of age.
- e. The development of the Schemes involved staff consultation (through on line surveys and open campus forums). During the consultations academic staff expressed a desire for work-life balance and flexible working practices.
- f. Participation in the Schemes is voluntary.

1.7 UWS have also provided HREOC with a copy of a Class Ruling from the Australian Taxation Office (CR 2007/106) which states that the EVRS proposed by UWS is an early retirement scheme for the purposes of s 83-180 of the ITAA 1997.

## 2. FINDINGS ON MATERIAL QUESTIONS OF FACT

2.1 Based on the evidence referred to in paragraphs 1.5 – 1.7, HREOC makes the following findings on material questions of fact in relation to the application:

- a. UWS proposes to introduce three Schemes that will provide benefits to academic staff employed by UWS on the basis of age. In particular:

- i. The EVRS is available to academic staff between 54 and 65 years of age. The EVRS is unavailable to 'highly research productive' staff or staff who hold certain positions at UWS.
- ii. The Pre-Retirement Contract Scheme is available to academic staff over 65 years of age.
- iii. The Scheme to reduce fulltime hours to part-time hours while maintaining fulltime employer/employee superannuation contributions is available to employees over 54 years of age.
- b. Participation in the Schemes will be voluntary.
- c. The Schemes will also create opportunities for UWS to recruit emerging research staff. The recruitment process for new academic staff:
  - i. will be based on merit; and
  - ii. will not discriminate on the basis of age.
- d. UWS considers the Schemes will be beneficial to the target group of staff because they provide an end of career transitioning path from work to retirement, promote flexible work practices and offer financial benefits.
- e. Under s 83-180 of the ITAA 1997 UWS can not make the benefits provided by the EVRS EVRS available to academic staff over 65 years of age.

### 3. REASONS FOR DECLINING TO GRANT A TEMPORARY EXEMPTION

- 3.1 In considering this application for a temporary exemption, HREOC has considered whether the proposed Schemes might constitute discrimination under the ADA. HREOC has also considered whether any of the permanent exemptions to the ADA may apply.
- 3.2 For the reasons set out below, HREOC is of the view that the exemption application does not demonstrate an arguable case that the Schemes will constitute unlawful discrimination under the ADA. Accordingly, it is not necessary for HREOC to grant a temporary exemption to permit the Schemes.
- 3.3 HREOC is of the view that the proposed Schemes fall within positive discrimination exemption in s 33(a) and/or s 33(b) of the ADA. Section 33 provides:

#### **33 Positive discrimination**

This Part does not make it unlawful for a person to discriminate against another person, on the ground of another person's age, by an act that is consistent with the purposes of this Act, if:

- (a) the act provides for a bona fide benefit to persons of a particular age; or

Example: This paragraph would cover a hairdresser giving a discount to a person holding a Seniors Card or a similar card, because giving the discount is an act that provides a bona fide benefit to older persons.

- (b) the act is intended to meet a need that arises out of the age of persons of a particular age; or

Example: Young people often have a greater need for welfare services (including information, support and referral) than other people. This paragraph would therefore cover the provision of welfare services to young homeless people, because such services are intended to meet a need arising out of the age of such people.

.....

- 3.4 The explanatory memorandum to s 33 of the ADA states:

The legislation exempts "positive discrimination", which refers to three different types of beneficial age-based treatment (which may in some circumstances overlap):

- (a) the provision of bona fide benefits to people of a particular age. This aspect of the positive discrimination provision recognises and permits a range of concessions and benefits that are provided in good faith to people of a particular age. ...

- (b) measures intended to meet age-related needs. This aspect of the positive discrimination provision recognises and permits measures that seek to address the needs of particular ages that are different to or more acute than the needs of people of other ages...

3.5 In HREOC's view, all three proposed Schemes are 'positive discrimination' as defined by s 33 of the ADA. This is because HREOC considers:

- a. The Schemes will provide a *bona fide* benefit to older academic staff (s 33(a)). The Schemes will offer older academic staff the opportunity to voluntarily make a dignified and financially beneficial exit from employment or to transition to more flexible working arrangements. Specifically:
  - i. staff who participate in the EVRS will be eligible for tax concessions;
  - ii. staff who participate in the pre-retirement contract scheme will be eligible for compensatory salary loading; and
  - iii. staff who participate in the reduction of full time hours scheme will be able to contribute to their superannuation as a full time employee with UWS contributing at a full time employer rate.
- b. The Schemes will meet an age related need (s 33(b)). Voluntary participation in the proposed schemes will assist older workers in making the transition from work to retirement thereby recognising the particular age-related needs of such workers.

3.6 In order for the proposed Schemes to fall within the s 33 exemption, the Schemes must be consistent with the purposes of the ADA. The objects of the ADA are set out at s 3 of the Act and relevantly (for the purposes of this application) include:

- (c) to allow appropriate benefits and other assistance to be given to people of a certain age, particularly younger and older persons, in recognition of their particular circumstances;
- ....
- (e) to respond to demographic change by:
  - i. removing barriers to older people participating in society, particularly in the workforce; and
  - ii. changing negative stereotypes about older people.

3.7 HREOC is of the view that the proposed Schemes are consistent with the objects of the ADA and in particular s 3(c) and (e). HREOC has formed this view on the basis that:

- a. The Schemes will provide financial benefits to older academic staff who wish to transition from work to retirement;
- b. UWS has stated that the recruitment process for new academic staff will not discriminate on the basis of age; and
- c. UWS has stated that the Schemes will not operate to perpetuate negative stereotypes about older people.

3.8 HREOC is of the view that to the extent that the proposed EVRS is unavailable to persons aged over 65, the EVRS is permitted by the permanent exemption in s 40 of the ADA. Section 40 provides:

**Taxation laws**

This Part does not make unlawful anything done by a person in direct compliance with a taxation law (within the meaning of the *Income Tax Assessment Act 1997*).

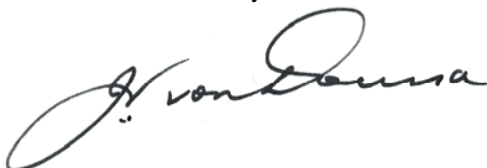
3.9 Under s 83-180 of the ITAA 1997 early retirement schemes that attract tax concessions can not be offered to persons aged over 65 years of age. HREOC notes ATO Class Ruling 2007/106 states that the EVRS is an early retirement scheme for the purposes of s 83-180 of the ITAA 1997.



#### 4 CONCLUSION

- 4.1 For the reasons set out above, HREOC is of the view that all three proposed Schemes are permitted by s 33 of the ADA. To the extent the EVRS is unavailable to persons over 65 years of age it is permitted by s 40 of the ADA.
- 4.2 HREOC is of the view that because the present application does not disclose an arguable case of discrimination it is unnecessary to grant a temporary exemption under s 44(1). HREOC refuses the application by UWS for a temporary exemption.

Dated this 26th day of November 2007



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

**Please note**

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

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## Environment and Water Resources

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### Australian Government

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#### Department of the Environment and Water Resources

### **NOTICE OF DECISION TO GRANT A PERMIT UNDER THE *HAZARDOUS WASTE (REGULATION OF EXPORTS AND IMPORTS) ACT 1989***

Pursuant to Section 33 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, notice is given that on 26 November 2007 a permit was granted to Dodd & Dodd Group Pty Ltd (ABN 65 874 186 779) 11 Kennedy Street, Maylands, Western Australia, 6051 for the export of up to 3,500 tonnes of used lead acid batteries (ULABs) to Korea Zinc Company Ltd, Onsan Complex, 505 Daejung-Ri Onsan-Eup, Ulju-Kun, Ulsan, in the Republic of Korea.

The ULABs will be disposed of by recycling/reclamation of metals and metal compounds.

The batteries must be stacked on pallets, strapped, wrapped, labelled and packed into sealed shipping containers. The waste must then be transported by road to be loaded onto a ship at the Port of Fremantle, Australia, to be offloaded at the Port of Busan, the Republic of Korea. From there, it must be transported by road or rail to the recovery facility located at Korea Zinc Company Ltd, Onsan Complex, 505 Daejung-Ri Onsan-Eup, Ulju-Kun, Ulsan, in the Republic of Korea.

Movements may transit through the ports of Port Kelang (Malaysia) and Singapore. Movements must not transit through any other port or roadstead.

The export will take place in approximately twenty (20) shipments between 1 January 2008 and 31 December 2008.

Dr Barry Reville  
Assistant Secretary  
Environment Protection Branch  
November 2007

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Subject to the *Administrative Appeals Tribunal Act 1975*, a person or persons whose interests are affected by this decision may, within 28 days, make an application in writing to the Department of the Environment and Water Resources requesting 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 the applicant within 28 days of receipt of the reasons for the decision, or within 28 days of this notice if the reasons for the decision are not sought. Applications should be made to the Deputy Registrar, Administrative Appeals Tribunal in your capital city, see under Commonwealth Government Section in the White Pages. Further information or enquiries should be directed to:

Director, Hazardous Waste Section  
Department of the Environment and Water Resources  
GPO Box 787  
Canberra ACT 2601

Telephone (02) 6274 1411, Facsimile (02) 6274 1164, or by e-mail at [hwa@environment.gov.au](mailto:hwa@environment.gov.au).

**THE WATER EFFICIENCY LABELLING AND STANDARDS REGULATOR****NOTICE UNDER SUBSECTION 28(1) OF THE WATER EFFICIENCY LABELLING AND STANDARDS ACT 2005**

I, Susan Levett, pursuant to section 25 of the *Water Efficiency Labelling and Standards Act 2005* (the WELS Act), register the following WELS product(s) under subsection 28(1) of the WELS Act. WELS registrations are subject to the conditions set out in subsections 4.5, 4.6 and 4.7 of AS/ANZ 6400:2005 *Water efficient Products – Rating and labelling*.

**Registered WELS products**

<b>Brand Name</b>	<b>Product Type</b>	<b>Family Name / Product Name / Model Reference</b>	<b>Registration Number</b>
CAROMA	Lavatory Equipment	Addition to Family Name: Caroma 4 Star Sovereign Retro Cistern	R000008AU
MILLI	Tap Equipment	Family Name: Milli Sets Set - FW2C5011, Set - F82J5000	R001342
MILLI	Tap Equipment	Family Name: Milli Mixers Mixer - FS1A5075, Mixer - FS1B5070	R001343
BREWERS	Shower	Family Name: Brewers 3 Star shower TER230C, EOB, ESASLC, ERASLC	R001344
TECHNICON TI.	Lavatory Equipment	Addition to Family Name: toilet pans & cisterns Mirage, hayman, Sanctuary, Mirage disabled, Hayman disabled, Sanctuary wall hung	R001152A
BRODWARE	Lavatory Equipment	Addition to Family Name: 3 star toilets B97.75	R000721A
AMFAG S.P.A	Flow Controller	Family Name: Amfag Aerators Amfag Aerator Code - 1054781	R001345
AMFAG S.P.A	Flow Controller	Family Name: Amfag Aerator (Flow Controller) Amfag Aerator Code - 1054541	R001346
BOSCH	Clothes Washer	WAE22461AU, ,	R001347
BOSCH	Clothes Washer	WAE20261AU,	R001348
BOSCH	Clothes Washer	WAE24271AU, ,	R001349
BOSCH	Clothes Washer	WAE24461AU, ,	R001350
WESTINGHOUSE	Clothes Washer	LT955SA, ,	R000201A
WESTINGHOUSE	Clothes Washer	LT809SA,	R000199A
STYLUS	Lavatory Equipment	Stylus Tasman Mk2 ML/LL	R000070S
STYLUS	Lavatory Equipment	Stylus Marsden	R000070T
FOWLER	Lavatory Equipment	Consort Suite	R000041N
Stoddart	Lavatory Equipment	WC Cistern only: SCDF	Roo1352
Veitch	Urinal Equipment	Family Name: urinal with cistern flush hinge grate deluxe urinal, standard urinal, wall mounted urinal	R001353
FISHER & PAYKEL	Dishwasher	DS603 MFD, DS603 SS, DS603 I, DS603 ZW, , ,	R000409A

FISHER & PAYKEL	Dishwasher	DD603 SS, DD603 MFD, DD603 I, DD603 ZW, , , , , ,	R000427A
PACO JAANSON	Tap Equipment	Addition to Family Name: IB 5 star family ONLY ONE	R000668A
KLEENMAID	Tap Equipment	Addition to Family Name: Kleenmaid 4 star family taps MT401, MT501, MT601, MT301	R000891B
FARRAH INVESTMENTS PTY LTD	Tap Equipment	Addition to Family Name: AQA RANGE PEGASUS, DELPHI, TITAN, THOR, PLATO, ORPHEUS, MIDAS, ZEUS, APOLLO	R000062A
FARRAH INVESTMENTS PTY LTD	Tap Equipment	Addition to Family Name: FARRAH SANCTUARY	R001137A
RAYMOR	Tap Equipment	Family Name: Tap set combinations Armada Special, Atlanta, Brighton, Rodin, Augusta., Tapac, Seattle, Unsyled, Easy Clean, Providence	R001354
FARRAH INVESTMENTS PTY LTD	Shower	Addition to Family Name: FARRAH SANCTUARY	R001139A

*Stevett.*

**Delegate of the Water Efficiency Labelling and Standards Regulator  
 5 December 2007**

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

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

Reference	Title	Relevant Protected Matters	Date
2007/3807	Department of Infrastructure, Energy and Resources/Transport - land/Maclaines Creek Bridge, Tasman Highway near Triabunna/TAS/Demolition of Maclaines Creek Bridge, Tasman Highway	•Listed threatened species and communities (sections 18 & 18A).	22-NOV-2007
2007/3809	Midwest Corporation Limited/Mining/21km east of Morawa & 60km east of Koolanooka/WA/Koolanooka/Blue Hills Iron Ore Mining Project	•Listed threatened species and communities (sections 18 & 18A) •Listed migratory species (sections 20 & 20A)	23-NOV-2007

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

Reference	Title	Date
2007/3644	National Capital Authority/Commonwealth/Blocks 2 and 3, Section 44, Yarralumla, ACT/ACT/Development of area for Diplomatic Mission Lease	27-NOV-2007
2007/3675	NQ Water/Water management and use/Toonpan, 40km south of Townsville/QLD/Toonpan Water Treatment Plant and Distribution Pipeline	05-OCT-2007
2007/3813	A Grade Sand and Gravel Pty Limited/Transport - land/1.5kms along Gumly road heading east from Wagga Wagga/NSW/Access road to Gumly Gumly Quarry	23-NOV-2007
2007/3829	Metroplex Management/Commercial development/Ipswich Road and Boundary Road, Wacol, Brisbane/QLD/Metroplex at Westgate Industrial Estate	27-NOV-2007

\* 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.environment.gov.au/epbc/notices](http://www.environment.gov.au/epbc/notices)

**ASSESSMENT APPROACH (EPBC Act s.87)**

Reference	Title	Assessment Approach	Date
2007/3807	Department of Infrastructure, Energy and Resources/Transport - land/Maclaines Creek Bridge, Tasman Highway near Triabunna/TAS/Demolition of Maclaines Creek Bridge, Tasman Highway	Assessment preliminary documentation	22-NOV-2007
2007/3809	Midwest Corporation Limited/Mining/21km east of Morawa & 60km east of Koolanooka/WA/Koolanooka/Blue Hills Iron Ore Mining Project	Assessment by accreditation	23-NOV-2007

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

Reference	Title	Approval Decision	Date
2005/2153	Joan Busby/Urban and commercial new development/Busselton/WA/Dawson Beach Estate Stage 2	Approved with conditions	27-NOV-2007

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



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## Health and Ageing

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

**COMMONWEALTH OF AUSTRALIA**

***THERAPEUTIC GOODS ACT 1989***

**CONSENT UNDER SUBSECTION 14 AND 14A**

On 27 November 2007 the delegate of the Secretary to the Department of Health and Ageing for the purposes of section 14 and 14A of the *Therapeutic Goods Act 1989* ("the Act") gave his consent for Merck Sharpe & Dohme Australia Pty Ltd, 54-68 Ferndell Street, South Granville NSW ("the Company") to supply combined zoster virus vaccine ZOSTAVAX™ powder for injection vial and pre-filled diluent syringe (AUST R 65862) which do not conform with the requirements of Therapeutic Goods Order No 69 - "General requirements for labels for medicines" in respect to vaccine vial label where the tear-off portion wraps around and obscures some of the label.

The above consent is subject to the following conditions under section 15(1) of the Act:

1. This exemption is restricted to Batch No NG32250.
2. Health professionals to be notified of the requirement to peel off the tear-off portion prior to administration of the vaccine.
3. No other changes have been made.

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**Transport and Regional Services**

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S28/2007 033

**Australian Government****Department of Transport and Regional Services*****Aviation Transport Security Act 2004*****NOTICE OF AMENDMENT OF DECLARATION OF  
SECURITY CONTROLLED AIRPORTS AND  
ESTABLISHMENT OF AIRSIDE AREAS**

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I, **DARREN STUART CROMBIE**, General Manager, Aviation Security Operations Branch, Office of Transport Security, Department of Transport and Regional Services, AMEND the Notice of Amendment of Declaration of Security Controlled Airports and Establishment of Airside Areas published under section 28 of the *Aviation Transport Security Act 2004* (the Act) in the *Gazette* (No. S141, 21 July 2006), as follows:

1. Omit the map identified as number 13A in respect of Gold Coast Airport; and
2. Insert the map identified as number 13B, which is attached to this Notice of Amendment, to ESTABLISH in accordance with section 29 of the Act an airside area for Gold Coast Airport, being that area indicated as the airside area on the map.

This Notice of Amendment commences upon Gazettal.

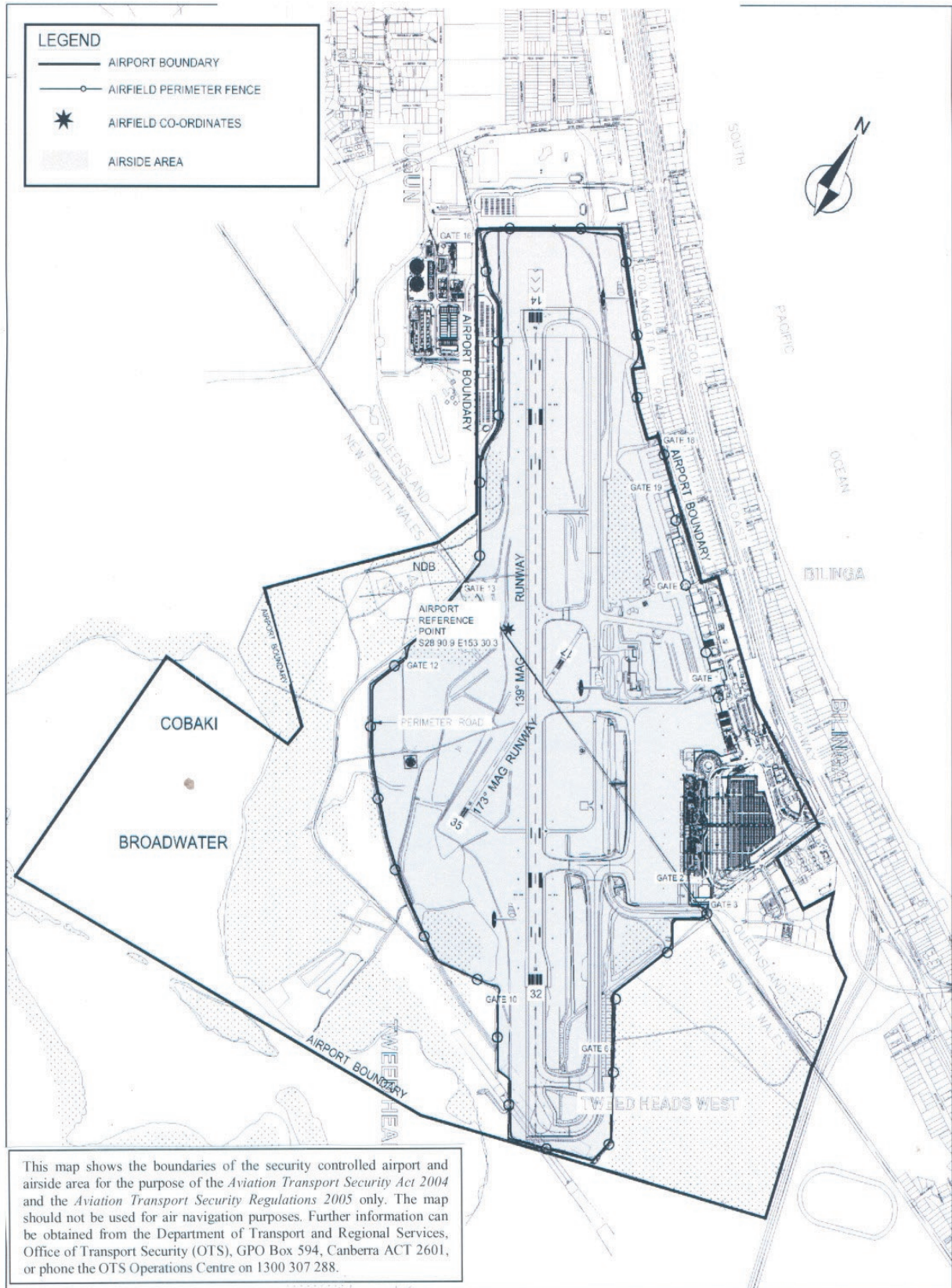
Date: 23 November 2007

A handwritten signature in purple ink, appearing to read 'Darren Crombie', is written over the printed name and title.

Darren Crombie  
Delegate of the Secretary of the  
Department of Transport and Regional Services



### GOLD COAST AIRPORT MAP 13B



This map shows the boundaries of the security controlled airport and airside area for the purpose of the *Aviation Transport Security Act 2004* and the *Aviation Transport Security Regulations 2005* only. The map should not be used for air navigation purposes. Further information can be obtained from the Department of Transport and Regional Services, Office of Transport Security (OTS), GPO Box 594, Canberra ACT 2601, or phone the OTS Operations Centre on 1300 307 288.

 <p><b>Gold Coast Airport</b>                  Airport Management Centre                  Gold Coast Airport                  Telephone +61 7 5569 1100                  Facsimile +61 7 5576 2638                  Email <a href="mailto:airport@qca.com.au">airport@qca.com.au</a>                  PO Box 112                  Coolangubra QLD 4225                  Web <a href="http://www.goldcoastairport.com.au">www.goldcoastairport.com.au</a></p>	DRAWN: A.COGHILL 12/11/07 DESIGNED: S.HATFIELD ORIGINATOR: D.BATOCK DEPARTMENT: AVIATION	<p><b>GOLD COAST AIRPORT PTY LTD</b></p> <p>AIRPORT - GENERAL                  AIRPORT OPERATORS GAZETAL                  AIRFIELD LAYOUT</p>	SCALE: 0 50 100 150m 44 SCALE: 1:1000
	Includes: GCAL A4 Includes: G03X010 GCAL-X-OS Includes: G03X012 GCAL-ND OS Includes: G03X011 MA2-OS Includes: xerr_gfr-layout-cs.x		DRAWING No: <b>AP04G010</b> REV: <b>L</b>



Instrument No: 159/2007  
Page 1 of 1**Australian Government****Department of Transport and Regional Services****Maritime Transport and Offshore Facilities Security Regulations  
2003****EXEMPTION FROM DISPLAYING MARITIME SECURITY  
IDENTIFICATION CARDS FOR MCCONNELL DOWELL  
CONSTRUCTORS (AUST) PTY LTD EMPLOYEES AT  
PORT HEDLAND**

I, Cheryl Johnson, General Manager, Supply Chain and Identity Security Branch, Office of Transport Security, Department of Transport and Regional Services, under regulation 6.07M of the *Maritime Transport and Offshore Facilities Security Regulations 2003* (the Regulations), give all persons in the class of persons described below an exemption from displaying an MSIC in accordance with the requirements set out in Part 6 of the Regulations:

- McConnell Dowell Constructors (Aust) Pty Ltd employees engaged in the construction of a new wharf facility within the maritime security zone at Port Hedland

This exemption operates from the date of this notice and ceases on 30 June 2009.

The exemption is given subject to the following conditions:

- This is an exemption from the requirement to display only – the Regulations must still be adhered to with regards to the requirement to carry and hold MSICs.
- This exemption applies when entering the work zone.
- Non MSIC holders must be monitored and/or escorted as per the Regulations.

Dated 29 November 2007

A handwritten signature in black ink, appearing to read 'Cheryl Johnson', written over a horizontal line.

**Cheryl Johnson**  
Delegate of the Secretary of the  
Department of Transport and Regional Services

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**Treasury**

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**INTERNATIONAL TAX AGREEMENTS ACT 1953**

**NOTICE UNDER SECTION 4A SPECIFYING THAT THE REVISED AUSTRALIA-FINLAND TAX TREATY SHALL APPLY**

NOTICE is hereby given in pursuance of section 4A of the *International Tax Agreements Act 1953* that the Agreement between the Government of Australia and the Government of Finland for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion (being the Agreement and Protocol, a copy of each of which is set out in Schedule 25 to that Act) entered into force on 10 November 2007.

Dated this *20th* day of *November*, 2007



**Peter Craig Dutton**  
Minister for Revenue and Assistant Treasurer



**COMMISSIONER OF TAXATION**

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

<b>NOTICE OF RULINGS</b>		
<b>Ruling Number</b>	<b>Subject</b>	<b>Brief Description</b>
<b>PR 2007/96</b>	Income tax: Rewards Group Berry Project 2008 – Early Growers	This Ruling applies to Growers that are accepted to participate in the scheme specified in this Ruling on or after 5 December 2007 and who execute the relevant agreements on or before 29 February 2008 for the commercial growing and cultivation of strawberry and blueberry plants. This Product Ruling applies prospectively from 5 December 2007.
<b>PR 2007/97</b>	Income tax: Gunns Plantations Woodlot Project 2008 – Planting Option 1	This Ruling applies to Growers that are accepted to participate in the scheme specified in this Ruling as initial participants on or after 5 December 2007 and who execute the relevant agreements on or before 30 June 2008 for the commercial growing of <i>Eucalyptus nitens</i> (shining gum) or <i>Eucalyptus globulus</i> (Tasmanian blue-gum), for the purpose of harvesting and selling as woodchip pulp logs. This Product Ruling applies prospectively from 5 December 2007.
<b>PR 2007/98</b>	Income tax: Gunns Plantations Woodlot Project 2008 – Planting Option 2	This Ruling applies to Growers that are accepted to participate in the scheme specified in this Ruling as initial participants on or after 5 December 2007 and who execute the relevant agreements on or before 30 June 2008 for the commercial growing of <i>Eucalyptus nitens</i> (shining gum) for the purpose of harvesting and selling as hardwood veneer logs and woodchip logs. This Product Ruling applies prospectively from 5 December 2007.
<b>PR 2007/99</b>	Income tax: Gunns Plantations Woodlot Project 2008 – Planting Option 3	This Ruling applies to Growers that are accepted to participate in the scheme specified in this Ruling as initial participants on or after 5 December 2007 and who execute the relevant agreements on or before 30 June 2008 for the commercial growing of <i>Pinus radiata</i> (radiata pine) for the purpose of harvesting and selling as softwood sawlogs and woodchip logs. This Product Ruling applies prospectively from 5 December 2007.
<b>CR 2007/111</b>	Income tax: capital gains tax: acquisition of Publishing and Broadcasting Limited by Crown Limited and demerger of Publishing and Broadcasting Limited by Crown Limited	This Ruling applies to shareholders of Publishing and Broadcasting Limited (PBL) who: participate in the scheme that is the subject of this Ruling; own ordinary shares in PBL and hold those shares on capital account at the time of the commencement of the scheme; and are residents of Australia at the time of the scheme. This Ruling applies from 1 July 2007 to 30 June 2008.
<b>CR 2007/112</b>	Income tax and fringe benefits tax: IOOF Holdings Limited – Equity Participation Program	This Ruling applies to all persons who are authorised representatives of Consultum Financial Advisers Pty Ltd and who receive an award under the IOOF Equity Participation Program. This Ruling applies from 1 July 2006.
<b>CR 2007/113</b>	Income tax: merger between the Mulgrave Central Mill Company Limited and TQ Sugar Limited	This Ruling applies to shareholders in the Mulgrave Central Mill Company Limited (MCM) who: hold A or B Class shares in MCM; and participate in the merger between MCM and TQ Sugar Limited under the Scheme of Arrangement as set out in the Scheme Booklet dated 13 September 2007. This Ruling applies from 1 July 2007 to 30 June 2008.

NOTICE OF RULINGS		
Ruling Number	Subject	Brief Description
CR 2007/114	Income tax: scrip for scrip: acquisition of Coles Group Limited by Wesfarmers Limited	This Ruling applies to shareholders of Coles Group Limited (Coles) who: were ordinary shareholders (other than Excluded Shareholders as described in the Scheme Booklet) of Coles on 16 November 2007; participated in the scheme of arrangement under which Wesfarmers Limited, through its wholly owned subsidiary, Wesfarmers Retail Holdings Pty Ltd, acquired all of the Coles shares; held their Coles shares on capital account; and were not 'significant stakeholders' or 'common stakeholders' within the meaning of those expressions in Subdivision 124-M of the <i>Income Tax Assessment Act 1997</i> . This Ruling will apply from 7 November 2007 to 30 June 2008.

NOTICES OF WITHDRAWAL		
Ruling Number	Subject	Brief Description
SGD 93/11	Are a professional sportsperson's appearance fees, prize monies or player awards either 'ordinary time earnings' or 'salary or wages'?	SGD 93/11 is withdrawn with effect from 5 December 2007. SGD 93/11 provides that prize money and appearance fees paid to sportspersons (except for 'player of the match' awards) are both salary or wages and ordinary time earnings under the <i>Superannuation Guarantee (Administration) Act 1992</i> . SGD 93/11 is withdrawn because the Commissioner considers that some of the views expressed in that Determination are incorrect or not stated with enough precision.
TD 92/100	Explanation of Taxation Determination system	TD 92/100 is withdrawn with effect from 5 December 2007. TD 92/100 outlines the Taxation Determination system as it was first established in 1992, when former Part IVAAA of the <i>Taxation Administration Act 1953</i> (TAA) was introduced. TD 92/100 is withdrawn as public rulings in the form of taxation determinations and taxation rulings are now issued in accordance with Division 357 and Division 358 of Schedule 1 to the TAA.

NOTICES OF ADDENDA		
Ruling Number	Subject	Brief Description
CR 2007/16	Fringe benefits tax: employer clients of PBI Benefit Solutions Pty Ltd who are subject to the provisions of section 57A of the <i>Fringe Benefits Tax Assessment Act 1986</i> whose employees make use of an Employee Benefits Card (Meal Entertainment) facility	This Addendum amends CR 2007/16 to add 'or Visa card' after 'MasterCard' wherever appearing in the Class Ruling.
CR 2007/17	Fringe benefits tax: employer clients of PBI Benefit Solutions Pty Ltd who are subject to the provisions of section 57A of the <i>Fringe Benefits Tax Assessment Act 1986</i> whose employees make use of an Employee Benefits Card (Everyday Purchases) facility	This Addendum amends CR 2007/17 to add 'or Visa card' after 'MasterCard' wherever appearing in the Class Ruling.



## Revocation of authorisation to carry on insurance business

### *Insurance Act 1973*

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TO: IAG Re Limited ABN 97 097 791 145 (the insurer)  
388 George Street, Sydney NSW 2000

SINCE

- A. the insurer is authorised under subsection 12(2) of the *Insurance Act 1973* (the Act), to carry on insurance business in Australia (the Authorisation); and
- B. the insurer has asked APRA to revoke the Authorisation; and
- C. I am satisfied that:
  - (i) the insurer has no liabilities in respect of insurance business carried on by it in Australia; and
  - (ii) revoking the Authorisation would not be contrary to the national interest.

I, Wayne Byers, a delegate of APRA, under subsection 16(1) of the Act, REVOKE the Authorisation.

This Revocation takes effect on the date it is signed.

Dated 19 November 2007

[Signed]

Wayne Byers  
Executive General Manager  
Diversified Institutions Division

### **Interpretation**

Document ID: 150698

In this Notice

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

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

*Note 1* Under subsection 16(2) of the Act, if APRA revokes a general insurer's authorisation, APRA must give written notice to the insurer and ensure that notice of the revocation is published in the *Gazette*. By virtue

of subsection 16(3) of the Act, a revocation is not invalid merely because of a failure to comply with subsection 16(2) of the Act.



## Revocation of Authority to carry on banking business

### *Banking Act 1959*

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SINCE

- A. on 1 October 2007 Pioneer Permanent Building Society Limited ABN 36 087 652 042 (the ADI) applied in writing to APRA under subsection 9A(1) of the *Banking Act 1959* (the Act), to revoke its authority to carry on banking business in Australia (the Authority); and
- B. I am satisfied that revocation of the Authority:
- (i) would not be contrary to the national interest; and
  - (ii) would not be contrary to the interests of the depositors of the ADI;

I, Brandon Kong Leong Khoo, a delegate of APRA, under subsection 9A(1) of the Act, REVOKE the Authority with effect from 25 November 2007.

Dated 23 November 2007

[Signed]

Brandon Kong Leong Khoo  
Executive General Manager  
Specialised Institutions Division

### **Interpretation**

Document ID: 150630

In this Notice

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

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

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



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

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



## Certificate of transfer

### *Financial Sector (Business Transfer and Group Restructure) Act 1999*

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TO: Pioneer Permanent Building Society Limited ABN 36 087 652 042 (the transferring body)

and

Bank of Queensland Limited ABN 32 009 656 740 (the receiving body)

SINCE

- A. on 23 November 2007 APRA issued a Voluntary transfer approval under the *Financial Sector (Business Transfer and Group Restructure) Act 1999* (the Act) in respect of the partial transfer of business from the transferring body to the receiving body (the transfer); and
- B. on 22 November 2007 APRA received a statement of detail in accordance with section 19 of the Act (the section 19 statement). A copy of the section 19 statement is attached to this Certificate; and
- C. APRA is not aware of any reason why the transfer should not go ahead; and
- D. in accordance with subsection 18(3) of the Act, the wishes of the transferring body and the receiving body have been taken into account in deciding when this Certificate is to come into force;

I, Brandon Kong Leong Khoo, a delegate of APRA and an authorised APRA officer for the purposes of paragraph 18(2)(e) of the Act, under subsection 18(1) of the Act, STATE that the transfer is to take effect.

In accordance with paragraph 18(2)(d) of the Act, this Certificate comes into force on 25 November 2007.

Dated 23 November 2007

[Signed]  
Brandon Kong Leong Khoo

Executive General Manager  
Specialised Institutions Division

### Interpretation

Document ID: 150650

In this Certificate

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

**authorised APRA officer** has the meaning given in subsection 4(1) of the Act.

**receiving body** has the meaning given in subsection 4(1) of the Act.

**transferring body** has the meaning given in subsection 4(1) of the Act.

**partial transfer** has the meaning given in subsection 8(2) of the Act.

**voluntary transfer approval** means an instrument of approval under section 11 of the Act.

*Note 1* Under subsection 18(4) of the Act, this certificate comes into force in accordance with the statement included in the certificate as required by paragraph 18(2)(d) of the Act.

*Note 2* Under subsection 21(1) of the Act, APRA must give a copy of this Certificate to the transferring body and to the receiving body.

*Note 3* By virtue of section 44 of the Act, if apart from section 44 of the Act, the operation of the Act in relation to a particular receiving body would result in the acquisition of property from a person otherwise than on just terms, and the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution, the receiving body is liable to pay to the person compensation of a reasonable amount as agreed on between the receiving body and the person. If the receiving body and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the receiving body of such reasonable amount of compensation as the Court determines. By virtue of subsection 44(2) of the Act, any damages or compensation recovered or other remedy given in a proceeding that is commenced otherwise than under section 44 of the Act, is to be taken into account in assessing compensation payable in a proceeding that is commenced under section 44 of the Act and that arises out of the same event or transaction. "*Acquisition of property*" and "*just terms*" have the same respective meanings as in paragraph 51(xxxi) of the Constitution.



## Voluntary transfer approval

### *Financial Sector (Business Transfer and Group Restructure) Act 1999*

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TO: Pioneer Permanent Building Society Limited ABN 36 087 652 042 (the transferring body)

and

Bank of Queensland Limited ABN 32 009 656 740 (the receiving body)

SINCE I consider that:

- A. application for approval of a partial transfer (the transfer) of business has been made in accordance with section 10 of the *Financial Sector (Business Transfer and Group Restructure) Act 1999* (the Act) by means of the following letters:
  - (i) from the transferring body and the receiving body to APRA dated 1 October 2007; and
  - (ii) from the receiving body to APRA dated 1 October 2007; and
  - (iii) from the transferring body and the receiving body to APRA dated 22 November 2007; and
- B. the transfer has been adequately adopted within the meaning of section 13 of the Act, by the transferring body and by the receiving body; and
- C. the transfer should be approved having regard to:
  - (i) the interests of the depositors or policy owners of the transferring body when viewed as a group; and
  - (ii) the interests of the depositors or policy owners of the receiving body when viewed as group; and
  - (iii) the interests of the financial sector as a whole; and
  - (iv) other matters that APRA considers relevant; and
- D. legislation to facilitate the transfer that satisfies the requirements of section 14 of the Act has been enacted in the State or Territory in which the transferring body is established and in the State or Territory in which the receiving body is established; and
- E. the Minister's consent to the transfer is not required under section 15 of the Act;

I, Brandon Kong Leong Khoo, a delegate of APRA and an authorised APRA officer for the purposes of subsection 4(2) of the Act, under subsection 11(1) of the Act, APPROVE the transfer.

Dated 23 November 2007

[Signed]

Brandon Kong Leong Khoo  
Executive General Manager  
Specialised Institutions Division

**Interpretation**

Document ID: 150635

In this Notice

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

**authorised APRA officer** has the meaning given in subsection 4(1) of the Act.

**certificate of transfer** in accordance with subsection 4(1) of the Act, means a certificate issued under section 18 of the Act.

**established** has the meaning given in subsection 4(1) of the Act.

**partial transfer** has the meaning given in subsection 8(2) of the Act.

**receiving body** has the meaning given in subsection 4(1) of the Act.

**transferring body** has the meaning given in subsection 4(1) of the Act.

*Note 1* Under section 17 of the Act, if APRA approves the transfer of business, APRA must give a copy of the voluntary transfer approval to the transferring body and the receiving body.

*Note 2* By virtue of section 44 of the Act, if apart from section 44 of the Act, the operation of the Act in relation to a particular receiving body would result in the acquisition of property from a person otherwise than on just terms, and the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution, the receiving body is liable to pay to the person compensation of a reasonable amount as agreed on between the receiving body and the person. If the receiving body and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the receiving body of such reasonable amount of compensation as the Court determines. By virtue of subsection 44(2) of the Act, any damages or compensation recovered or other remedy given in a proceeding that is commenced otherwise than under section 44 of the Act, is to be taken into account in assessing compensation payable in a proceeding that is commenced under section 44 of the Act and that arises out of the same event or transaction. "Acquisition of property" and "just terms" have the same respective meanings as in paragraph 51(xxxi) of the Constitution.

*Note 3* Regulation 6 of the *Financial Sector (Business Transfer and Group Restructure) Regulations 1999* (the Regulations) inserts into the *Financial Sector (Shareholdings) Act 1998*, section 13A which requires a company to seek the approval of the Treasurer where more than 15% of the gross assets and liabilities of another financial sector company is to be transferred to it under the Act.

*Note 4* By virtue of regulation 7 of the Regulations, for the purposes of subsection 43(4) of the Act, the provisions of the *Foreign Acquisitions and Takeovers Act 1975* and the *Insurance Acquisitions and Takeovers Act 1991* apply in relation to a transfer of business.



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

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

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SINCE

- A. Kiln Ltd and the person(s) named in the attached Schedule (the applicants) have applied to the Treasurer under section 13 of the *Financial Sector (Shareholdings) Act 1998* (the Act), for approval to hold a stake of more than 15% in W.R. Berkley Insurance (Europe), Limited ABN 81 126 483 681 (the Company), a financial sector company under the Act; and
- B. I am satisfied that it is in the national interest to approve the applicants holding a stake in the Company of more than 15%,

I, Wayne Byres, a delegate of the Treasurer, under subsection 14(1) of the Act, APPROVE the applicants holding a stake in the Company of 100 %.

This Approval commences on the date it is signed and remains in force until 31 December 2008.

Dated 23 November 2007

[Signed]

Wayne Byres  
Executive General Manager  
Diversified Institutions Division



## Interpretation

Document ID: 151006

In this Notice:

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

**stake** in relation to a company, has the meaning given in clause 10 of Schedule 1 to the Act.

**unacceptable shareholding situation** has the meaning given in section 10 of the Act.

*Note 1* Under paragraph 16(2)(a) of the Act, the Treasurer may, by written notice given to a person who holds an Approval under section 14, impose one or more conditions or further conditions to which the Approval is subject. Under paragraph 16(2)(b) of the Act, the Treasurer may revoke or vary any condition imposed under paragraph 16(2)(a) of the Act or specified in the Notice of Approval. The Treasurer's power under subsection 16(2) of the Act may be exercised on the Treasurer's own initiative or on application made to the Treasurer in accordance with the requirements of subsection 16(4) of the Act, by the person who holds the Approval (see subsection 16(3) of the Act).

*Note 2* A person who holds an Approval under section 14 may apply to the Treasurer under section 17(1) of the Act, to vary the percentage specified in the Approval.

*Note 3* Under subsection 17(6) of the Act, the Treasurer may, on the Treasurer's own initiative, by written notice given to a person who holds an Approval under section 14, vary the percentage specified in the Approval if the Treasurer is satisfied that it is in the national interest to do so.

*Note 4* The circumstances in which the Treasurer may revoke a person's Approval under section 14 are set out in subsection 18(1) of the Act.

*Note 5* Section 19 of the Act provides for flow-on approvals. If an Approval has been granted for the holding of a stake in a financial sector company and the financial sector company is a holding company for an authorised deposit-taking institution or an authorised insurance company, then an approval is taken to exist for the holding of a stake of equal value in each financial sector company that is a 100% subsidiary of the holding company.

*Note 6* Under section 14 of the Act, the Treasurer must give written notice of this Approval to the applicant and financial sector company concerned, and must publish a copy of this Notice in the *Gazette*.

*Note 7* Under section 11 of the Act, a person or 2 or more persons under an arrangement are guilty of an offence if the person(s) acquires shares in a company and the acquisition has the result, in relation to a financial sector company, that:

- (i) an unacceptable shareholding situation comes into existence; or
- (ii) if an unacceptable shareholding situation already exists in relation to the company and in relation to a person – there is an increase in the stake held by the person in the company;

and the person(s) was reckless as to whether the acquisition would have that result. A maximum penalty of 400 penalty units applies or by virtue of subsection 4B(3) of the *Crimes Act 1914*, in the case of a body corporate, a penalty not exceeding 2,000 penalty units. By virtue of section 39 of the Act, an offence against section 11 is an indictable offence.

*Note 8* Under subsection 15(2) of the Act, a person who holds an Approval under section 14 that is in force for a specified period may apply to the Treasurer to extend that period.

**Schedule - the person(s) who applied for approval**

Kiln (UK) Holdings Limited



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

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

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SINCE

- A. W.R. Berkley Corporation and the person(s) named in the attached Schedule (the applicants) have applied to the Treasurer under section 13 of the *Financial Sector (Shareholdings) Act 1998* (the Act), for approval to hold a stake of more than 15% in W.R. Berkley Insurance (Europe), Limited ABN 81 126 483 681 (the Company), a financial sector company under the Act; and
- B. I am satisfied that it is in the national interest to approve the applicants holding a stake in the Company of more than 15%,

I, Wayne Byres, a delegate of the Treasurer, under subsection 14(1) of the Act, APPROVE the applicants holding a stake in the Company of 100 %.

Under subsection 16(1) of the Act, this Approval is subject to the conditions set out in the attached Schedule.

This Approval commences on the date it is signed and remains in force indefinitely.

Dated 23 November 2007

[Signed]

Wayne Byres  
Executive General Manager  
Diversified Institutions Division

**Interpretation**

Document ID: 150981

In this Notice:

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

**stake** in relation to a company, has the meaning given in clause 10 of Schedule 1 to the Act.

**unacceptable shareholding situation** has the meaning given in section 10 of the Act.

*Note 1* Under paragraph 16(2)(a) of the Act, the Treasurer may, by written notice given to a person who holds an Approval under section 14, impose one or more conditions or further conditions to which the Approval is subject. Under paragraph 16(2)(b) of the Act, the Treasurer may revoke or vary any condition imposed under paragraph 16(2)(a) of the Act or specified in the Notice of Approval. The Treasurer's power under subsection 16(2) of the Act may be exercised on the Treasurer's own initiative or on application made to the Treasurer in accordance with the requirements of subsection 16(4) of the Act, by the person who holds the Approval (see subsection 16(3) of the Act).

*Note 2* A person who holds an Approval under section 14 may apply to the Treasurer under section 17(1) of the Act, to vary the percentage specified in the Approval.

*Note 3* Under subsection 17(6) of the Act, the Treasurer may, on the Treasurer's own initiative, by written notice given to a person who holds an Approval under section 14, vary the percentage specified in the Approval if the Treasurer is satisfied that it is in the national interest to do so.

*Note 4* The circumstances in which the Treasurer may revoke a person's Approval under section 14 are set out in subsection 18(1) of the Act.

*Note 5* Section 19 of the Act provides for flow-on approvals. If an Approval has been granted for the holding of a stake in a financial sector company and the financial sector company is a holding company for an authorised deposit-taking institution or an authorised insurance company, then an approval is taken to exist for the holding of a stake of equal value in each financial sector company that is a 100% subsidiary of the holding company.

*Note 6* Under section 14 of the Act, the Treasurer must give written notice of this Approval to the applicant and financial sector company concerned, and must publish a copy of this Notice in the *Gazette*.

*Note 7* Under section 11 of the Act, a person or 2 or more persons under an arrangement are guilty of an offence if the person(s) acquires shares in a company and the acquisition has the result, in relation to a financial sector company, that:

- (i) an unacceptable shareholding situation comes into existence; or
- (ii) if an unacceptable shareholding situation already exists in relation to the company and in relation to a person – there is an increase in the stake held by the person in the company;

and the person(s) was reckless as to whether the acquisition would have that result. A maximum penalty of 400 penalty units applies or by virtue of subsection 4B(3) of the *Crimes Act 1914*, in the case of a body corporate, a penalty not exceeding 2,000 penalty units. By virtue of section 39 of the Act, an offence against section 11 is an indictable offence.

*Note 8* Under subsection 32(3) of the Act, if a person has engaged or is proposing to engage in any conduct in contravention of a condition to which an approval under section 14 is subject, the Federal Court may, on the application of the Treasurer, grant an injunction:

- (i) restraining the person from engaging in the conduct; and,
- (ii) if in the court's opinion, it is desirable to do so- requiring the person to do something.

## **Schedule - the person(s) who applied for approval**

Mr William R Berkley  
Signet Star Holdings Inc  
J/I Holding Corporation  
Berkley Insurance Company  
Admiral Insurance Company  
Berkley London Holdings Inc.  
W.R. Berkley London Holdings Limited

## **Schedule - the conditions imposed on this Approval**

1. The approval granted in relation to the stake held by Mr William R Berkley extends only to a stake held by virtue of his 20% shareholding, either directly or through associates, in W. R. Berkley Corporation.





## Authorisation to carry on insurance business

### *Insurance Act 1973*

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TO: W.R. Berkley Insurance (Europe), Limited ABN 81 126 483 681 (the Applicant)  
Level 21, 201 Sussex Street, Sydney, NSW, 2000

SINCE the Applicant applied to APRA under subsection 12(1) of the *Insurance Act 1973* (the Act), on 20 June 2007 for authorisation to carry on insurance business in Australia;

I, Wayne Byres, a delegate of APRA, under subsection 12(2) of the Act, AUTHORISE the Applicant to carry on insurance business in Australia.

Dated 23 November 2007

[Signed]

Wayne Byres  
Executive General Manager  
Diversified Institutions Division

## Interpretation

Document ID: 150963

In this Notice

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

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

*Note 1* Under subsection 12(4) of the Act, if APRA authorises an applicant, APRA must give written notice to the applicant and ensure that notice of the authorisation is published in the *Gazette*.

*Note 2* APRA may revoke an authorisation in accordance with sections 15 and 16 of the Act.

*Note 3* Under subsection 13(1) of the Act, APRA may, at any time, by written notice to a 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.

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## Public Notices

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### Intention to publish

In accordance with Section 51 of the Copyright Act 1968, the John Curtin Prime Ministerial Library, Curtin University of Technology, Perth, Western Australia, hereby gives notice of its intention to publish in digital form on its website, documents from various papers in the collections of the National Library of Australia as listed here:

Papers of Alexander Gore Gowrie, 1835-1987 (NLA MS2852, Series 5,7,8,15)

Papers, 1925-1968, Richard Ovenden (NLA MS3792)

Papers, 1929-1957, Lloyd Dumas (NLA MS4849, Series 2)

Correspondence of King O'Malley, 1888-1955 (NLA MS460)

Personal Papers of Brian Fitzpatrick, 1925-1965 (NLA MS4965, Series 1-2)

Papers of William Morris Hughes, 1875-ca.1979 (NLA MS 1538, Series 1,2,13,28,30)

Papers, 1943-1963, EJ Holloway (NLA MS2098)

General correspondence of Herbert Brookes, 1869-1970 (NLA MS1924, Series 1)

The documents are mainly correspondence within the papers from the period between 1940 and 1945.

Any person claiming to be the copyright owner of any of the correspondence should contact Ms Lesley Wallace, Manager, at the earliest opportunity by telephone 08 9266 4205, facsimile 08 9266 4185, email [jcpml@curtin.edu.au](mailto:jcpml@curtin.edu.au) or in writing to the John Curtin Prime Ministerial Library, GPO Box U1987, Perth, WA, 6845.

The correspondents are:

Herbert Brookes

Lord Gowrie

JP Abbott

SM Bruce

Lloyd Dumas

King O'Malley

Alfred Jacobs

FWL Esch

Chas F. Knight

WM Hughes

Francis Bennett

George Fitzpatrick

Rupert Hornabrook

Patrick Maitland

John Peake

JJ Stable

WT Hughes

Arthur Hanks

MG Shaw

RJ Heffron

GW Brain

WJ McKell

JC Rathborne

WG Cox

EJ Holloway

GW Brain



**Government House  
CANBERRA ACT 2600  
26 November 2007**

**CHAMPION SHOTS MEDAL**

The Governor-General is pleased to announce the following award:

**CHAMPION SHOTS MEDAL**

*Australian Army*

**Captain Aleks STRIKIS**

By His Excellency's Command

Malcolm Hazell  
Official Secretary to the Governor-General

Government House  
CANBERRA ACT 2600  
27 November 2007

**MERITORIOUS UNIT CITATION**

The Governor-General is pleased to announce the following award of the Meritorious Unit Citation:

***AUSTRALIAN ARMY***

**5th AVIATION REGIMENT**

For sustained meritorious service during warlike and peace support missions in support of Operations WARDEN, TANAGER and SLIPPER.

By His Excellency's Command



**Malcolm Hazell**  
Official Secretary to the Governor-General

## **MERITORIOUS UNIT CITATION**

### **5th AVIATION REGIMENT AUSTRALIAN ARMY**

For sustained meritorious service during warlike and peace support missions in support of Operations WARDEN, TANAGER and SLIPPER.

During warlike and peace support operations in East Timor and Afghanistan, the soldiers of 5<sup>th</sup> Aviation Regiment have demonstrated great professionalism, dedication, and courage in carrying out their duties. By providing highly effective airmobile and combat service support capability, the Regiment's soldiers have been pivotal to the success of many Australian and coalition missions. While overcoming the constant threat posed by terrain, weather and adversaries, the Regiment's performance has been exemplary and reflects great credit on the Australian Army and the Australian Defence Force.





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) the application from the Queensland Department of Primary Industries and Fisheries (DPI&F), public comments on the proposal as required under section 303FR, and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the EPBC Act. I hereby declare the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the Queensland Gulf of Carpentaria Developmental Finfish Trawl Fishery, as defined in the Queensland *Fisheries Act 1994* and the Queensland *Fisheries Regulation 1995*, to be an approved Wildlife Trade Operation, in accordance with section 303FN (2) and (10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 29 November 2010; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated November 2007).

Dated this *28th* day of *November* 2007

.....  
Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reasons may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Policy and Assessment Section.

SCHEDULE

**Declaration of the Harvest Operations of the Queensland Gulf of Carpentaria Developmental  
Finfish Trawl Fishery (GOCDFTF) as an approved Wildlife Trade Operation, November  
2007**

**ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the GOCDFTF.

1. Operation of the GOCDFTF will be carried out in accordance with the *Queensland Fisheries Act 1994* and the *Queensland Fisheries Regulation 1995*.
2. The Queensland Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment and Water Resources (DEW) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. DPI&F to produce and present reports to DEW annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) the application from the Queensland Department of Primary Industries and Fisheries (DPI&F), public comments on the proposal as required under section 303FR, and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the EPBC Act. I hereby declare the operations for the incidental harvesting of *Solegnathus dunckeri* and *Solegnathus hardwickii*, in the Queensland East Coast Otter Trawl Fishery, as defined in the *Queensland Fisheries Regulation 1995* and the *Queensland Fisheries (East Coast Trawl) Management Plan 1999*, to be an approved Wildlife Trade Operation, in accordance with section 303FN (2) and (10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 29 November 2010; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated November 2007).

Dated this 28<sup>th</sup> day of November 2007

.....  
Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Policy and Assessment Section.

SCHEDULE

**Declaration of the Incidental Harvest Operations of *Solegnathus dunckeri* and *Solegnathus hardwickii* in the Queensland East Coast Otter Trawl Fishery (ECOTF) as an approved Wildlife Trade Operation, November 2007**

**ADDITIONAL PROVISIONS (section 303FT)**

Relating to the incidental harvesting of *Solegnathus dunckeri* and *Solegnathus hardwickii* in the ECOTF.

1. Operation of the ECOTF will be carried out in accordance with the Queensland *Fisheries Regulation 1995* and the Queensland *Fisheries (East Coast Trawl) Management Plan 1999* in force under the Queensland *Fisheries Act 1994*.
2. The Queensland Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment and Water Resources (DEW) of any intended amendments to the management arrangements that may affect the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* decisions are based.
3. DPI&F to continue produce and present reports to DEW annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

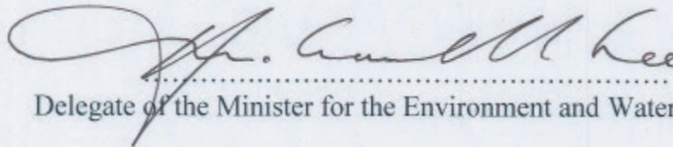
**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) the application from the Queensland Department of Primary Industries and Fisheries (DPI&F), public comments on the proposal as required under section 303FR, and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the EPBC Act. I hereby declare the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the Queensland East Coast Otter Trawl Fishery, as defined in the Queensland *Fisheries Regulation 1995* and the Queensland *Fisheries (East Coast Trawl) Management Plan 1999*, to be an approved Wildlife Trade Operation, in accordance with section 303FN (2) and (10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 29 November 2010; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated November 2007).

Dated this *28th* day of *November* 2007

  
.....  
Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Policy and Assessment Section.



## SCHEDULE

**Declaration of the Harvest Operations of the Queensland East Coast Otter Trawl Fishery (ECOTF) as an approved Wildlife Trade Operation, November 2007****ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the ECOTF.

1. Operation of the ECOTF will be carried out in accordance with the Queensland *Fisheries Regulation 1995* and the Queensland *Fisheries (East Coast Trawl) Management Plan 1999* in force under the Queensland *Fisheries Act 1994*.
2. The Queensland Department of Primary Industries and Fisheries (DPI&F) to inform the Department of the Environment and Water Resources (DEW) of any intended amendments to the management arrangements that may affect the criteria on which EPBC Act decisions are based.
3. DPI&F to continue produce and present reports to DEW annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Heritage, being satisfied of those matters specified in section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), hereby declare, pursuant to section 303FN (2), the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Lakes and Coorong Fishery, as defined in the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia), to be an approved Wildlife Trade Operation for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 25 November 2008; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

This instrument commences on the same day that the relevant provisions of the *Fisheries Management Act 2007* (South Australia) commence.

Dated this 29<sup>th</sup> day of November 2007

Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section.



## SCHEDULE

### **Declaration of the Harvest Operations of the South Australian Lakes and Coorong Fishery as an approved Wildlife Trade Operation**

#### **ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Lakes and Coorong Fishery.

1. Operation of the fishery will be carried out in accordance with the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia).
2. Department of Primary Industries and Resources, South Australia (PIRSA) to inform the Department of the Environment and Water Resources of any material change to the Lakes and Coorong Fishery's management arrangements that could affect the criteria on which the EPBC Act decisions are based, within three months of that change being made.
3. Reports to be produced and presented to the Department of the Environment and Water Resources annually, and to include:
  - information sufficient to allow assessment of the progress of PIRSA in implementing the recommendations made in the *Assessment of the South Australian Lakes and Coorong Fishery*;
  - a description of the status of the fishery and catch and effort information;
  - a statement of the performance of the fishery against objectives, performance indicators and measures once developed; and
  - research undertaken or completed relevant to the fishery.





**COMMONWEALTH OF AUSTRALIA**

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

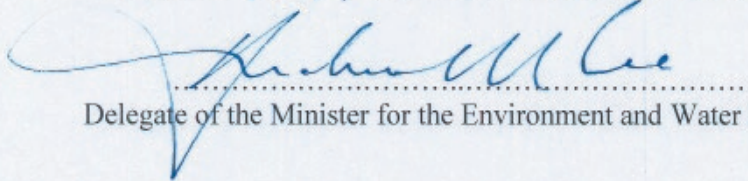
I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, being satisfied of those matters specified in section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), hereby declare, pursuant to section 303FN (2), the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Marine Scalefish Fishery, as defined in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia), to be an approved Wildlife Trade Operation for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 25 November 2008; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

This instrument commences on the same day that the relevant provisions of the *Fisheries Management Act 2007* (South Australia) commence.

Dated this *29th* day of *November* 2007



.....  
Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section.



## SCHEDULE

**Declaration of the Harvest Operations of the South Australian Marine Scalefish Fishery as an approved Wildlife Trade Operation****ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Marine Scalefish Fishery.

1. Operation of the fishery will be carried out in accordance with the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia).
2. Department of Primary Industries and Resources, South Australia (PIRSA) to inform the Department of the Environment and Water Resources of any material change to the Marine Scalefish Fishery's management arrangements that could affect the criteria on which the EPBC Act decisions are based, within three months of that change being made.
3. Reports to be produced and presented to the Department of the Environment and Water Resources annually, and to include:
  - information sufficient to allow assessment of the progress of PIRSA in implementing the recommendations made in the *Assessment of the South Australian Marine Scalefish Fishery*;
  - a description of the status of the fishery and catch and effort information;
  - a statement of the performance of the fishery against objectives, performance indicators and measures once developed; and
  - research undertaken or completed relevant to the fishery.





**COMMONWEALTH OF AUSTRALIA**

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, being satisfied of the matters specified in section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), hereby declare, pursuant to section 303FN (2), the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates taken in the South Australian Giant Crab Fishery, as defined in the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*, the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia), to be an approved Wildlife Trade Operation for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 14 March 2010; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

This instrument commences on the same day that the relevant provisions of the *Fisheries Management Act 2007* (South Australia) commence.

Dated this 29<sup>th</sup> day of November 2007

.....  
Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Policy Section.



## SCHEDULE

**Declaration of the Harvest Operations of the South Australian Giant Crab Fishery as an approved Wildlife Trade Operation****ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Giant Crab Fishery.

1. Operation of the fishery will be carried out in accordance with the management regime for the fishery in force under the *Fisheries Management (Miscellaneous Fishery) Regulations 2000*, the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*, the *Fisheries Management (General) Regulations 2007* and the *Fisheries Management Act 2007* (South Australia).
2. Department of Primary Industries and Resources, South Australia to inform the Department of the Environment and Water Resources of any material change to the South Australian Giant Crab Fishery management arrangements that could affect the criteria on which the EPBC Act decisions are based, within three months of any change being made.
3. Reports to be produced and presented to the Department of the Environment and Water Resources annually, and to include:
  - a. a description of the status of the fishery, catch and effort information and the total allowable catch setting process and outcomes of that process;
  - b. the performance of the fishery against stated goals, objectives, strategies and reference points;
  - c. research undertaken or completed relevant to the fishery; and
  - d. an outline of progress in implementing the recommendations made in the *Assessment of the South Australian Giant Crab Fishery 2007*.





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, being satisfied of the matters specified in section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), hereby declare, pursuant to section 303FN (2), the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Scallop and Turbo Fisheries, as defined in the *Fisheries Management (Miscellaneous Fishery) Regulations 2000* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia), to be an approved Wildlife Trade Operation for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 12 September 2010 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

This instrument commences on the same day that the relevant provisions of the *Fisheries Management Act 2007* (South Australia) commence.

Dated this 29<sup>th</sup> day of November 2007

A handwritten signature in blue ink, appearing to read "Andrew Mcnee".

.....  
Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section.



## SCHEDULE

**Declaration of the Harvest Operations of the South Australian Scallop and Turbo Fisheries as an approved Wildlife Trade Operation****ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Scallop and Turbo Fisheries (STF).

1. Operation of the STF will be carried out in accordance with the *Fisheries Management (Miscellaneous Fishery) Regulations 2000* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia).
2. The Fisheries Division of the Department of Primary Industries and Resources, South Australia (PIRSA Fisheries) to inform the Department of the Environment and Water Resources of any material change to the STF's management arrangements that could affect the criteria on which the EPBC Act decisions are based, within three months of that change being made.
3. Reports to be produced and presented to the Department of the Environment and Water Resources annually, and to include:
  - information sufficient to allow assessment of the progress of PIRSA Fisheries in implementing the recommendations made in the *Assessment of the South Australian Scallop and Turbo Fisheries 2007*;
  - a description of the STF management arrangements in place, recent catch data for all sectors of the STF, status of target stock, interactions with protected species, impacts of the STF on the ecosystem in which they operate and research and monitoring outcomes.Information need only be provided on those aspects that are relevant to the STF and that articulate "changes" since the last annual report.





**COMMONWEALTH OF AUSTRALIA**

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

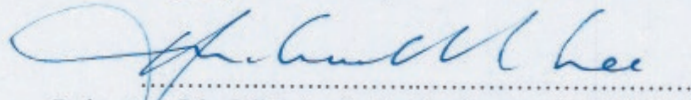
I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, being satisfied of the matters specified in section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), hereby declare, pursuant to section 303FN (2), the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Sea Urchin Fishery, as defined in the *Fisheries Management (Miscellaneous Fishery) Regulations 2000* in force under the *Fisheries Management Act 2007* (South Australia), to be an approved Wildlife Trade Operation for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 20 October 2008; and
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

This instrument commences on the same day that the relevant provisions of the *Fisheries Management Act 2007* (South Australia) commence.

Dated this 29<sup>th</sup> day of November 2007

  
.....  
Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section.



SCHEDULE

**Declaration of the Harvest Operations of the South Australian Sea Urchin Fishery as an approved Wildlife Trade Operation**

**ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Sea Urchin Fishery.

1. Operation of the fishery will be carried out in accordance with the South Australian Sea Urchin Fishery management regime in the *Fisheries Management (Miscellaneous Fishery) Regulations 2000* in force under the *Fisheries Management Act 2007* (South Australia).
2. The Department of Primary Industries and Resources, South Australia (PIRSA) will advise Department of the Environment and Water Resources of any material change to the fishery's management arrangements that could affect the criteria on which EPBC decisions are based, within 3 months of that change being made.
3. Reports to be produced and presented to the Department of the Environment and Water Resources annually, and to include:
  - information sufficient to allow assessment of the progress of PIRSA in implementing the recommendations made in the *Assessment of the South Australian Sea Urchin Fishery 2005*;
  - a description of the status of the fishery and catch and effort information;
  - a statement of the performance of the fishery against objectives, performance indicators and measures once developed; and
  - research undertaken or completed relevant to the fishery.

Unique Identifying Number:  
EPBC303DC/SFS/2007/19



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources pursuant to subsection 303DC (1) of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by deleting from the list the items and associated notations listed in the Schedule hereto.

This instrument commences on the same day that the relevant provisions of the *Fisheries Management Act 2007* (South Australia) commence.

Dated this 28<sup>th</sup> day of November 2007



Delegate of the Minister for the Environment and Water Resources



## SCHEDULE

## Deletion from the List of Exempt Native Specimens

Taxon /Item	Notation
<i>Jasus edwardsii</i>	The specimen must have been taken in accordance with the <i>Scheme of Management (Rock Lobster Fisheries) Regulations 1991</i> and the <i>Fisheries (General) Regulations 2000</i> in force under the <i>Fisheries Act 1982</i> (South Australia).  Included on the list until 31/10/2008
Specimens that are or are derived from fish or invertebrates, taken in the South Australian Abalone Fishery, as defined in the management regime made under the South Australian <i>Fisheries Act 1982</i> and <i>Scheme of Management (Abalone Fisheries) Regulations 1991</i> , other than specimens that belong to species listed under Part 13 of the Act.	The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.  Included on the list until 21/7/2009.
Specimens taken in the South Australian Beach-cast Seagrass and Marine Algae fishery, as defined in the <i>Beach-cast Seagrass and Marine Algae Management Plan 2000</i> , made under the South Australian <i>Fisheries Act 1982</i> and the <i>Scheme of Management (Miscellaneous Fisheries) Regulations 1991</i> , other than specimens that belong to species listed under Part 13 of the Act.	The specimen was taken lawfully.  Included on the list until 1/8/2009.
Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the South Australian Blue Crab Fishery, as defined in the South Australian <i>Fisheries (Scheme of Management – Blue Crab Fishery) Regulations 1998</i> and the <i>Fisheries (Scheme of Management – Marine Scalefish Fisheries) Regulations 1991</i> , made under the South Australian <i>Fisheries Act 1982</i> .	The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.  Included on the list until 29/11/2009.
Specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Scallop and Turbo Fisheries, as defined in the South Australian <i>Fisheries Act 1982</i> , the <i>Fisheries (Scheme of Management – Miscellaneous Fishery)</i>	The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.  The specimens are covered by the declaration of an approved Wildlife Trade Operation under section 303FN of the EPBC Act in relation to the fisheries.

<p><i>Regulations 2000 and the Fisheries (General) Regulations 2000.</i></p>	
<p>Specimens that are or are derived from fish or invertebrates, taken in the South Australian Pilchard Fishery, in accordance with the management arrangements legislated pursuant to the <i>Scheme of Management (Marine Scalefish Fishery) Regulations 1989</i> made under the South Australian <i>Fisheries Act 1992</i>, other than specimens that belong to species listed under Part 13 of the Act.</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 15/10/2009.</p>
<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the Spencer Gulf Prawn Fishery, the Gulf St Vincent Prawn Fishery and the West Coast Prawn Fishery, as defined in the management regime, made under the South Australian <i>Scheme of Management (Prawn Fisheries) Regulations 1991</i> and the <i>Fisheries (General) Regulations 2000</i>.</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 3/11/2009.</p>
<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the South Australian Specimen Shell Fishery, as defined in the management regime, made under the South Australian <i>Scheme of Management (Miscellaneous Fisheries) Regulations 1991</i> and the <i>Fisheries (General) Regulations 2000</i>, in force under the South Australian <i>Fisheries Act 1982</i>.</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 15/11/2009.</p>



Unique Identifying Number:  
EPBC303DC/SFS/2007/20



COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**Amendment of List of Exempt Native Specimens**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, pursuant to subsection 303DC (1) of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by including in the list the specimens and associated notations listed in the Schedule hereto.

This instrument commences on the same day that the relevant provisions of the *Fisheries Management Act 2007* (South Australia) commence.

Dated this 29<sup>th</sup> day of November 2007

.....  
Delegate of the Minister for the Environment and Water Resources

## SCHEDULE

### Amendment to the List of Exempt Native Specimens

Taxon / Item	Notation
<i>Jasus edwardsii</i>	<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Rock Lobster Fishery as defined in the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2006</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia).</p> <p>Included on the list until 31/10/2008</p>
<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Abalone Fishery, as defined in the <i>Fisheries Management (Abalone Fisheries) Regulations 2006</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia).</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 21/6/2009.</p>
<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Beach-cast Seagrass and Marine Algae fishery, as defined in the <i>Fisheries Management (Miscellaneous Fishery) Regulations 2000</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia).</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 1/8/2009.</p>
<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Blue Crab Fishery, as defined in the <i>Fisheries Management (Blue Crab Fishery) Regulations 1998</i> and the <i>Fisheries Management (Marine Scalefish Fisheries) Regulations 2006</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia).</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 29/11/2009.</p>



<p>Specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the South Australian Scallop and Turbo Fisheries, as defined in the <i>Fisheries Management (Miscellaneous Fishery) Regulations 2000</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia).</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>The specimens are covered by the declaration of an approved Wildlife Trade Operation under section 303FN of the EPBC Act in relation to the fisheries.</p>
<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Pilchard Fishery, as defined in the <i>Fisheries Management (Marine Scalefish Fisheries) Regulations 2006</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia).</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 15/10/2009.</p>
<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the Spencer Gulf Prawn Fishery, the Gulf St Vincent Prawn Fishery and the West Coast Prawn Fishery, as defined in the <i>Fisheries Management (Prawn Fisheries) Regulations 2006</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia).</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 3/11/2009.</p>
<p>Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the South Australian Specimen Shell Fishery, as defined in the <i>Fisheries Management (Miscellaneous Fishery) Regulations 2000</i> and the <i>Fisheries Management (General) Regulations 2007</i> in force under the <i>Fisheries Management Act 2007</i> (South Australia).</p>	<p>The specimen, or the fish or invertebrate from which it is derived, was taken lawfully.</p> <p>Included on the list until 15/11/2009.</p>





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) the application from the Northern Territory Department of Primary Industry, Fisheries and Mines (DPIFM), public comments on the proposal as required under section 303FR, and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the EPBC Act. I hereby declare the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the EPBC Act, taken in the Northern Territory Offshore Net and Line Fishery, as defined in the Northern Territory *Fisheries Regulations* and the Northern Territory *Fisheries Act 1988*, to be an approved Wildlife Trade Operation, in accordance with section 303FN (2) and (10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 28 November 2010 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated November 2007).

Dated this 28th day of November 2007

Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Water Resources within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Policy and Assessment Section.

## SCHEDULE

**Declaration of the Harvest Operations of the Northern Territory (NT) Offshore Net and Line Fishery as an approved Wildlife Trade Operation, November 2007****ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), taken in the NT Offshore Net and Line Fishery.

1. Operation of the NT Offshore Net and Line Fishery will be carried out in accordance with the management regime in force under the NT *Fisheries Regulations* and the NT *Fisheries Act 1988*.
2. The NT Department of Primary Industry, Fisheries and Mines (DPIFM) to advise the Department of the Environment and Water Resources (DEW) of any intended change to the NT Offshore Net and Line Fishery management arrangements that could affect the criteria on which EPBC Act decisions are based.
3. DPIFM to produce and present reports to DEW annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.



Unique Identifying Number:  
EPBC303DC/SFS/2007/21



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources pursuant to subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by including in the list the following specimens:

- Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the Northern Territory Offshore Net and Line Fishery, as defined in the management regime in force under the Northern Territory *Fisheries Regulations* and the Northern Territory *Fisheries Act 1988*.

with a notation that inclusion of the specimens in the list is subject to the following restrictions or conditions:

- The specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and
- The specimens are covered by the declaration of an approved Wildlife Trade Operation under section 303FN of the EPBC Act in relation to the fishery.

Dated this 28<sup>th</sup> day of November 2007

Delegate of the Minister for the Environment and Water Resources

Unique Identifying Number:  
EPBC303DC/SFS/2007/22



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources pursuant to subsection 303DC(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by deleting from the list the following item and any associated notations:

- Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the Act, taken in the Northern Territory Shark Fishery.

Dated this 28<sup>th</sup> day of November 2007

.....  
Delegate of the Minister for the Environment and Water Resources





COMMONWEALTH OF AUSTRALIA

*Environment Protection and Biodiversity Conservation Act 1999*

**DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION**

I, ANDREW MCNEE, Assistant Secretary, Marine Environment Branch, as Delegate of the Minister for the Environment and Water Resources, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act) the application from the Department of Fisheries Western Australia, public comments on the proposal as required under section 303FR, and advice on the ecological sustainability of the operation. I am satisfied on those matters specified in section 303FN of the Act. I hereby declare the operations for the harvesting of specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the Act, taken in the Pilbara Fish Trawl Interim Managed Fishery, as defined in the *Pilbara Fish Trawl Fishery (Interim) Management Plan 1997*, in force under the *Western Australian Fish Resources Management Act 1994*, to be an approved Wildlife Trade Operation, in accordance with section 303FN (2) and (10)(d), for the purposes of the Act.

Unless amended or revoked, this declaration:

- a) is valid until 30 April 2008 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule.

Dated this 30th day of November 2007  
ANDREW MCNEE

  
Delegate of the Minister for the Environment and Water Resources

Under the *Administrative Appeals Tribunal Act 1975*, a person whose interests are affected by this decision may apply for a statement of reasons and for independent review of the decision. An application for a statement of reason may be made in writing to Department of the Environment and Heritage within 28 days of the date of the declaration. An application for independent review may be made to the Administrative Appeals Tribunal on payment of the relevant fee within 28 days of the date of the declaration, or if reasons are sought, within 28 days of receipt of reasons. Further information may be obtained from the Director, Sustainable Fisheries Section.

## SCHEDULE

**Declaration of the Harvest Operations of the Pilbara Fish Trawl Interim Managed Fishery as an approved Wildlife Trade Operation****ADDITIONAL PROVISIONS (section 303FT)**

Relating to the harvesting of fish specimens that are, or are derived from, fish or invertebrates, other than specimens of species listed under Part 13 of the Act, taken in the Pilbara Fish Trawl Interim Managed Fishery.

1. Operation of the fishery will be carried out in accordance with the *Pilbara Fish Trawl Fishery (Interim) Management Plan 1997* made under the *Western Australian Fish Resources Management Act 1994*.
2. DFWA to advise DEW of any intended material change to the Pilbara Fish Trawl Interim Managed Fishery (PFTIMF) legislated management regime and management arrangements that could affect the criteria on which EPBC Act decisions are based
3. DFWA to produce and present reports to DEW annually as per Appendix B of the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.
4. DFWA, in consultation with DEW, to finalise long-term arrangements to minimise the PFTIMF's interactions with protected species, particularly with dolphins and marine turtles. Specifically, DFWA will:
  - (a) Continue to monitor developments in potential mitigation measures (both national and international).
  - (b) Continue to develop, trial, test and refine the effectiveness of mitigation and other management measures, including, but not limited to, bycatch reduction grids.
  - (c) Implement and standardise across the fishery mitigation and/or management measures endorsed as effective and appropriate by the Dolphin Reference Group.
5. By April 2008, DFWA to adopt and implement the finalised Bycatch Action Plan for the PFTIMF, including ongoing review and progress reporting on implementation.
6. While no Memorandum of Understanding for the Reporting of Fisheries Interactions with Protected Species is in place between DFWA and DEW:
  - (a) fishers to continue to notify DFWA of any dolphin or marine turtle interactions;
  - (b) fishers to record all interactions with protected species in skippers' logbooks;
  - (c) DFWA to continue to provide a summary of all protected species interactions reported in the PFTIMF to DEW, on a quarterly basis; and,
  - (d) DFWA to continue to ensure that industry has the capacity to make these reports at an appropriate level of accuracy.





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

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