



CONTENTS

General Information.....	1635
Department of the House of Representatives	1637
Government Departments.....	1640
Attorney-General	1640
Broadband, Communications and the Digital Economy..	1641
Defence	1644
Environment, Water, Heritage and the Arts.....	1645
Finance and Deregulation	1650
Health and Ageing	1672
Infrastructure, Transport, Regional Development and Local Government.....	1673
Prime Minister and Cabinet	1678
Treasury	1682
Public Notices	1696
Special Gazette Nos S111, S112, S113 and S114 are attached	

The date of publication of this Gazette is 8 July 2009

IMPORTANT COPYRIGHT NOTICE

© Commonwealth of Australia 2009

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth. Requests and inquiries concerning reproduction and rights should be addressed to the Commonwealth Copyright Administration, Attorney General's Department, 3-5 National Circuit, Barton ACT 2600 or posted at <http://www.ag.gov.au/cca>.



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

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

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

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

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

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

OLDP's responsibilities

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

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

Other assistance

OLDP can provide advice on:

- the basis and role of delegated legislation and other instruments made under a statutory power
- the requirements and procedures for lodgment, registration, disallowance and sunseting of legislative instruments
- sound techniques for developing efficient drafting instructions (important for efficient achievement of your legislative program).

Other OLDP services

OLDP can provide a range of other services on a billable basis, including:

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

How to contact us

First Assistant Secretary
Office of Legislative Drafting and Publishing
Attorney-General's Department
3-5 National Circuit
Barton ACT 2600
Tel. (02) 6141 4300
Fax. (02) 6282 4352

THIS GAZETTE IS PRODUCED AS A CAMERA-READY PUBLICATION

QUALITY OF YOUR PUBLICATION

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

LODGMET RATES

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

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

CLOSING TIMES

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

INQUIRIES

All inquiries should be directed to (02) 6141 4333.

General Information

GAZETTE INQUIRIES

Lodgment Inquiries: (02) 6141 4333

Subscriptions (Fax): (02) 6293 8388

Subscriptions (Tel): 1300 656 863

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

NOTICES FOR PUBLICATION and related correspondence can be lodged:

By hand: Gazette Office, 63 Denison Street, Deakin ACT 2600

By post: Gazette Office, Attorney General's Department, 3-5 National Circuit, Barton ACT 2600.

By fax: (02) 6282 5140

By e-mail: gazettes@ag.gov.au.

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

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

Publication of hard copy notices

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

Publication of electronic notices

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

For further information contact the Gazette Office on (02) 6141 4333. Information is also available from the following Internet site: <http://www.ag.gov.au/GNGazette/>.

CLOSING TIMES FOR LODGMENT

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

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

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

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

ADVERTISING RATES (GST inclusive)

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

Special Gazette notices:

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

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

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

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

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

SUBSCRIPTIONS are payable in advance and are accepted for a maximum period of one year. All subscriptions are on a firm basis and refunds for cancellations will not be given. Rates include surface postage in Australia and overseas. For further information about subscriptions telephone 1300 656 863.

AVAILABILITY

The *Gazette* may be purchased by mail order (Tel. 1300 889 873, Fax (02) 6293 8388) from CanPrint Communications, 16 Nyrang Street, Fyshwick ACT 2609. Over the counter sales are available from CanPrint Communications at the address above.

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

Adelaide: Service SA Government Legislation Outlet
108 North Terrace
Adelaide SA 5000

Phone: 13 2324 Fax: (08) 8204 1909

Brisbane: Mail Order ONLY

CanPrint Communications

PO Box 7456

Canberra MC ACT 2610

Phone: 1300 889 873 Fax: (02) 6293 8388

Canberra: CanPrint Communications

16 Nyrang Street

Fyshwick ACT 2609

Phone: (02) 6295 4422 Fax: (02) 6293 8388

Hobart: Printing Authority of Tasmania

123 Collins Street

Hobart TAS 7000

Phone: 1800 030 940 Fax: (03) 6216 4294

Melbourne: Information Victoria

505 Little Collins Street

Melbourne VIC 3000

Phone: 1300 366 356 Fax: (03) 9603 9940

Perth: Mail Order ONLY

CanPrint Communications

PO Box 7456

Canberra MC ACT 2610

Phone: 1300 889 873 Fax: (02) 6293 8388

Sydney: Mail Order ONLY

CanPrint Communications

PO Box 7456

Canberra MC ACT 2610

Phone: 1300 889 873 Fax: (02) 6293 8388

GAZETTES

When a *Special Gazette* is issued outside normal business hours, a copy of the Gazette will be posted on a noticeboard at the front entrance of the Attorney-General's Department, 3-5 National Circuit, Barton ACT 2600. Copies will be available on the next business day from CanPrint Communications, 16 Nyrang Street, Fyshwick ACT 2609.

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

ISSUES OF PERIODIC GAZETTES

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

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

Over the counter sales are available from CanPrint Communications.

Gazette number	Date of Publication	Subject
<hr/>		
P 1	27 March 2009	<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of Permissions Granted, Refused, Suspended, Reinstated, Revoked or Reconsidered for the Period 1.06.08 to 31.02.09 and not Previously Gazetted
		<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of Permissions Granted, Refused, Suspended, Reinstated, Revoked or Reconsidered for the Period 1.12.07 to 31.12.07 and not Previously Gazetted
		<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of Permissions Granted, Refused, Suspended, Reinstated, Revoked or Reconsidered for the Period 1.5.08 to 31.5.08 and not Previously Gazetted
		<i>Great Barrier Reef Marine Park Act 1975</i> Particulars of Permissions Granted, Refused, Suspended, Reinstated, Revoked or Reconsidered for the Period 1.3.09 to 31.3.09 and not Previously Gazetted

Department of the House of Representatives

Acts of Parliament assented to

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

Assented to on 23 June 2009:

- No. 39 of 2009—An Act to amend the *Higher Education Support Act 2003*, and for related purposes. (*Higher Education Support Amendment (VET FEE-HELP and Providers) Act 2009*).
- No. 40 of 2009—An Act to amend the *Nation-building Funds Act 2008*, and for related purposes. (*Nation-building Funds Amendment Act 2009*).
- No. 41 of 2009—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Act 2009*).
- No. 42 of 2009—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (2009 Measures No. 2) Act 2009*).
- No. 43 of 2009—An Act to amend the *Social Security Act 1991*, and for related purposes. (*Social Security Amendment (Training Incentives) Act 2009*).
- No. 44 of 2009—An Act to amend the *Social Security Act 1991*, and for related purposes. (*Social Security Legislation Amendment (Improved Support for Carers) Act 2009*).
- No. 45 of 2009—An Act to amend the *Social Security Act 1991*, and for related purposes. (*Social Security Legislation Amendment (Improved Support for Carers) (Consequential and Transitional) Act 2009*).

Assented to on 24 June 2009:

- No. 46 of 2009—An Act to amend legislation relating to defence, and for related purposes. (*Defence Legislation Amendment Act (No. 1) 2009*).
- No. 47 of 2009—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (2009 Measures No. 3) Act 2009*).
- No. 48 of 2009—An Act to amend the law relating to family assistance and social security, and for related purposes. (*Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Act 2009*).
- No. 49 of 2009—An Act to amend the law relating to family assistance, and for related purposes. (*Family Assistance Amendment (Further 2008 Budget Measures) Act 2009*).
- No. 50 of 2009—An Act to amend the law relating to family assistance, and for other purposes. (*Family Assistance Legislation Amendment (Child Care) Act 2009*).
- No. 51 of 2009—An Act to impose levy on sponsors of joint replacement prostheses. (*Private Health Insurance (National Joint Replacement Register Levy) Act 2009*).
- No. 52 of 2009—An Act to amend the law relating to taxation, social security and veterans' entitlements, and for related purposes. (*Social Security and Other Legislation Amendment (Australian Apprentices) Act 2009*).

Assented to on 25 June 2009:

- No. 53 of 2009—An Act to amend the *Rural Adjustment Act 1992*, and for related purposes. (*Rural Adjustment Amendment Act 2009*).
- No. 54 of 2009—An Act to amend the *Fair Work Act 2009*, to make amendments consequential on the enactment of that Act, and for other purposes. (*Fair Work (State Referral and Consequential and Other Amendments) Act 2009*).
- No. 55 of 2009—An Act to amend laws, and deal with transitional matters, in connection with the *Fair Work Act 2009*, and for other purposes. (*Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*).

Assented to on 26 June 2009:

- No. 56 of 2009—An Act to amend the *AusLink (National Land Transport) Act 2005*, and for related purposes. (*Nation Building Program (National Land Transport) Amendment Act 2009*).
- No. 57 of 2009—An Act to amend the *International Monetary Agreements Act 1947*, and for other purposes. (*International Monetary Agreements Amendment (Financial Assistance) Act 2009*).
- No. 58 of 2009—An Act to amend the *Social Security (Administration) Act 1999*, and for related purposes. (*Social Security Legislation Amendment (Digital Television Switch-over) Act 2009*).
- No. 59 of 2009—An Act to amend the *Trade Practices Act 1974*, and for other purposes. (*Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009*).

Assented to on 29 June 2009:

- No. 60 of 2009—An Act to amend the law relating to social security, veterans' affairs, family assistance and aged care, and for related purposes. (*Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Act 2009*).
- No. 61 of 2009—An Act to provide for an appropriation for the Australian Government Guarantee of State and Territory Borrowing, and for related purposes. (*Guarantee of State and Territory Borrowing Appropriation Act 2009*).
- No. 62 of 2009—An Act to amend the law relating to taxation and superannuation, and for related purposes. (*Tax Laws Amendment (2009 Budget Measures No. 1) Act 2009*).

Assented to on 30 June 2009:

- No. 63 of 2009—An Act to appropriate money out of the Consolidated Revenue Fund for the ordinary annual services of the Government, and for related purposes. (*Appropriation Act (No. 1) 2009-2010*).
- No. 64 of 2009—An Act to appropriate money out of the Consolidated Revenue Fund for certain expenditure, and for related purposes. (*Appropriation Act (No. 2) 2009-2010*).
- No. 65 of 2009—An Act to appropriate money out of the Consolidated Revenue Fund for expenditure in relation to the Parliamentary Departments, and for related purposes. (*Appropriation (Parliamentary Departments) Act (No. 1) 2009-2010*).

Assented to on 1 July 2009:

No. 66 of 2009—An Act to amend the law in relation to private health insurance, and for related purposes. (*Private Health Insurance Legislation Amendment Act 2009*).

I C HARRIS
Clerk of the House of Representatives

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	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
		24/06/2009	25/06/2009	26/06/2009	27/06/2009	28/06/2009	29/06/2009	30/06/2009
	Currency							
Brazil	Real	1.5903	1.5716	1.5719	1.5603	1.5603	1.5603	1.5514
Canada	Dollar	0.9041	0.9121	0.9219	0.9279	0.9279	0.9279	0.9265
China, PR of	Yuan	5.3529	5.4225	5.4543	5.4958	5.4958	5.4958	5.4802
Denmark	Kroner	4.2097	4.1988	4.2617	4.2727	4.2727	4.2727	4.255
European Union	Euro	0.5656	0.5637	0.5724	0.5736	0.5736	0.5736	0.5717
Fiji	Dollar	1.6339	1.6448	1.6535	1.6547	1.6547	1.6547	1.6472
Hong Kong	Dollar	6.0732	6.1533	6.1904	6.236	6.236	6.236	6.2191
India	Rupee	38.1182	38.4931	38.6659	39.0454	39.0454	39.0454	38.5936
Indonesia	Rupiah	8206	8305	8260	8204	8204	8204	8211
Israel	Shekel	3.1193	3.1202	3.1481	3.1877	3.1877	3.1877	3.1688
Japan	Yen	74.77	75.66	76.71	77.11	77.11	77.11	76.51
Korea, Republic of	Won	1007.17	1017.89	1022.42	1033.17	1033.17	1033.17	1028.4
Malaysia	Ringgit	2.7781	2.8113	2.8226	2.8435	2.8435	2.8435	2.8358
New Zealand	Dollar	1.2474	1.2413	1.2462	1.2508	1.2508	1.2508	1.2445
Norway	Kroner	5.1481	5.1415	5.1786	5.1982	5.1982	5.1982	5.1789
Pakistan	Rupee	63.05	64.26	65.07	65.37	65.37	65.37	65.32
Papua New Guinea	Kina	2.1065	2.1316	2.1387	2.1516	2.1516	2.1516	2.1428
Philippines	Peso	37.95	38.29	38.45	38.81	38.81	38.81	38.63
Singapore	Dollar	1.1441	1.1549	1.1641	1.1711	1.1711	1.1711	1.1669
Solomon Islands	Dollar	6.3194	6.4032	6.4419	6.4895	6.4895	6.4895	6.4718
South Africa	Rand	6.4293	6.4808	6.4318	6.434	6.434	6.434	6.3419
Sri Lanka	Rupee	89.99	91.18	91.7	92.41	92.41	92.41	92.17
Sweden	Krona	6.2787	6.2618	6.3173	6.3407	6.3407	6.3407	6.252
Switzerland	Franc	0.8514	0.8469	0.8753	0.878	0.878	0.878	0.8713
Taiwan Province	Dollar	25.76	26.05	26.21	26.45	26.45	26.45	26.39
Thailand	Baht	26.74	27.07	27.23	27.4	27.4	27.4	27.3
United Kingdom	Pound	0.4805	0.4825	0.486	0.4904	0.4904	0.4904	0.4867
USA	Dollar	0.7836	0.794	0.7988	0.8047	0.8047	0.8047	0.8025

Mark Collidge
Delegate of the Chief Executive Officer of Customs
Canberra ACT
30/06/2009

Broadband, Communications and the Digital Economy



SENATOR THE HON STEPHEN CONROY

MINISTER FOR BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY
DEPUTY LEADER OF THE GOVERNMENT IN THE SENATE

Mr Chris Chapman,
Chairman
Australian Communications and Media Authority
PO Box 78
BELCONNEN ACT 2616

23 JUN 2009

Dear Mr Chapman *Chris*

TELSTRA'S LOCAL PRESENCE PLAN

In compliance with the requirements of the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997* (the licence conditions) I am notifying you of my approval of Telstra's draft Local Presence Plan.

As per the licence conditions, the approved Plan will now replace the previous Plan and will remain in force for a period of three years.

Under clause 32 of the licence conditions, Telstra is required to report annually to ACMA on the progress in implementing each local presence plan in force during that financial year. Telstra's report will be due within 60 days after the end of the 2008/09 financial year (i.e. 29 August 2009).

As required, a copy of Telstra's draft Local Presence Plan is attached. ACMA must publish the approved Plan and has a role in the enforcement of this and other licence conditions. ACMA is required to monitor, and report each financial year to me on Telstra's performance against the Plan.

Should you have any questions about the matters raised in this letter, please contact Mr. Andrew Maurer, Assistant Secretary, Regional and Indigenous Communications Branch on (02) 6271 1946, email Andrew.Maurer@dbcde.gov.au.

Yours sincerely

Handwritten signature of Stephen Conroy.

Stephen Conroy
Minister for Broadband,
Communications and the Digital Economy



SENATOR THE HON STEPHEN CONROY

MINISTER FOR BROADBAND, COMMUNICATIONS AND THE DIGITAL ECONOMY
DEPUTY LEADER OF THE GOVERNMENT IN THE SENATE

James Shaw
Director Government Relations
Telstra Corporation Ltd
Level 2, Engineering House
11 National Circuit
BARTON ACT 2604

23 JUN 2009

Dear Mr ^{James} Shaw

TELSTRA'S LOCAL PRESENCE PLAN

Thank you for submitting Telstra's revised draft Local Presence Plan for my approval. In compliance with the requirements of the *Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997* (the licence conditions) I am notifying you of my approval of the draft Local Presence Plan.

As per the licence conditions, the approved Plan will now replace the previous Plan and will remain in force for a period of three years.

Under clause 32 of the licence conditions, Telstra is required to report annually to the Australian Communications and Media Authority on progress in implementing each local presence plan in force during that financial year. Telstra's report will be due within 60 days after the end of the 2008/09 financial year (i.e. 29 August 2009).

It is a requirement of the licence conditions that Telstra makes the approved plan available for inspection, or for inspection and purchase, by the public, and that the plan must also be reasonably accessible for inspection, or inspection and purchase, on the internet. The price charged by Telstra for the purchase of a copy of the approved plan or extracts from the plan must not exceed the reasonable cost incurred by Telstra in making the plan available for purchase.

Should you have any questions about the matters raised in this letter, please contact Mr. Andrew Maurer, Assistant Secretary, Regional and Indigenous Communications Branch on (02) 6271 1946, email Andrew.Maurer@dbcde.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Stephen Conroy".

Stephen Conroy
Minister for Broadband,
Communications and the Digital Economy

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

NOTICE OF APPLICATION FOR RENEWAL OF LICENCE UNDER SECTION 46(2) OF THE *BROADCASTING SERVICES ACT 1992*

In accordance with sub-section 46(2) of the *Broadcasting Services Act 1992* (the Act), the Australian Communications and Media Authority (ACMA) hereby notifies that the companies listed below have lodged applications for the renewal of the following broadcasting service licences:

Commercial Radio Licensees	SL No	Service Area	State
Geelong Broadcasters Pty Ltd	5148	GEELONG RA1	VIC
Regional Communications Pty Ltd	4160	WARRNAMBOOL RA1	VIC

ACMA is required to renew these licences unless it decides that an applicant is no longer a suitable licensee. A company is a suitable licensee if ACMA does not decide that sub-section 41(2) of the Act applies to the company.

ACMA may decide that 41(2) of the Act applies to a licensee if it is satisfied that allowing the licensee to provide or continue to provide a commercial broadcasting service under a licence would lead to a significant risk of: (a) an offence against the Act or the regulations being committed; (b) or a breach of the conditions of the licence occurring.

In deciding whether the sub-section applies, ACMA is required by sub-section 41(3) of the Act, to take into account: (a) the business record of the company; and (b) the company's record in situations requiring trust and candour; and (c) the business record of the chief executive and each director and secretary of the applicant; and (d) the record in situations requiring trust and candour of each such person; and (e) whether the company, or a person referred to in paragraph (c) or (d), has been convicted of an offence against this Act or the regulations.

The Act does not require ACMA to hold an investigation or a hearing into whether a commercial licence (sub-section 47(3)) should be renewed.

Defence

DETERMINATIONS

Defence Act 1903

NOTICE OF THE MAKING OF DETERMINATIONS UNDER SECTION 58B

NOTICE is hereby given that the following determinations have been made under section 58B of the *Defence Act 1903*. For further information or to obtain copies of the Determinations, contact Director Conditions Information and Policy Services, Personnel Policy and Employment Conditions Branch, Department of Defence, Canberra

Year/Det	Title	Signed
2009/21	Operation Outreach – amendment	24/03/2009
2009/22	Higher duties allowance and specialist competencies	26/03/2009
2009/23	Post indexes – amendment	01/04/2009
2009/24	Army critical categories – amendment	01/04/2009
2009/25	Miscellaneous amendments	03/04/2009
2009/26	Posting location and leave – amendment	03/04/2009
2009/27	Travel – consequential amendments	16/04/2009
2009/28	Education assistance – amendment	24/04/2009
2009/29	Reunion travel and benchmark schools – amendment	24/04/2009
2009/30	Post indexes – amendment	30/04/2009
2009/31	Redundancy – amendment	13/05/2009
2009/32	Web-based tutoring – amendment	14/05/2009
2009/33	Specified locations and trainee recreation leave travel – amendment	28/05/2009
2009/34	Annual review of housing and accommodation contributions	29/05/2009
2009/35	Annual review of housing-related allowances and contributions	29/05/2009
2009/36	Advances and repayments – amendment	29/05/2009
2009/37	Post indexes – price review	05/06/2009
2009/38	Australian Defence Force Academy textbooks and storage of furniture and effects – amendment	11/06/2009
2009/39	International campaign allowance – amendment	15/06/2009
2009/40	Annual review of transitional rent ceilings	15/06/2009
2009/41	Travelling allowance – amendment	26/06/2009
2009/42	Post indexes – amendment	26/06/2009

Environment, Water, Heritage and the Arts

Unique Identifying Number:
EPBC303DC/SFS/2009/22



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts 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 revoking the conditions to which the inclusion of the following items on the list are subject:

- Specimens that are or are derived from fish or invertebrates, taken in the Broome Prawn Managed Fishery, as defined in the *Broome Prawn Management Plan 1999*, made under the *Western Australian Fish Resources Management Act 1994*, other than specimens that belong to species listed under Part 13 of the Act;
- 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 Kimberley Prawn Managed Fishery, as defined in the *Kimberley Prawn Management Plan 1993*, made under the *Western Australian Fish Resources Management Act 1994*;
- 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 Onslow Prawn Managed Fishery, as defined in the *Onslow Prawn Fishery Management Plan 1991* made under the *Western Australian Fish Resources Management Act 1994*; and
- 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 Nickol Bay Prawn Managed Fishery, as defined in the *Nickol Bay Prawn Fishery Management Plan 1991* made under the *Western Australian Fish Resources Management Act 1994*.

and imposing the following conditions to which inclusion of the specimens in the list are subject:

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and
- the specimens are included on the list until 30 April 2010.

Dated this 25th day of June 2009

.....
Nigel Routh

Delegate of the Minister for the Environment, Heritage and the Arts

Unique Identifying Number:
EPBC303DC/SFS/2009/24

COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts 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 revoking the conditions to which the inclusion of the following item on the list on 30 November 2007 is subject

- 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 *Fisheries Management (Blue Crab Fishery) Regulations 1998* and the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006* in force under the *Fisheries Management Act 2007* (South Australia).

and imposing the following conditions to which inclusion of the specimens in the list is subject:

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and
- the specimens are included on the list until 15 April 2010.

Dated this

25th

day of

June

2009

Delegate of the Minister for the Environment, Heritage and the Arts

Unique Identifying Number:
EPBC303DC/SFS/2009/23



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts 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 revoking the conditions to which the inclusion of the following item on the list on 30 November 2007 is subject:

- 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 *Fisheries Management (Miscellaneous Fishery) Regulations 2000* and the *Fisheries Management (General) Regulations 2007* in force under the *Fisheries Management Act 2007* (South Australia).

and imposing the following conditions to which inclusion of the specimens in the list is subject:

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and
- the specimens are included on the list until 20 May 2010.

Dated this

25th

day of

June

2009


.....

Delegate of the Minister for the Environment, Heritage and the Arts



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

I, Dianne Deane, 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

Brand Name	Product Type	Family Name / Product Name / Model Reference	Registration Number
ARDA	Clothes Washing Machine	Family Name: RVP50 RVP50	R001859
GUO YUAN	Tap and tap outlet set	Family Name: MIXER GUO3 AMONDA BASIN/SINK MIXER, BELLY BASIN/SINK MIXER, DIAMOND BASIN/SINK MIXER, OBERON BASIN /SINK MIXER, ROCHELLE BASIN /SINK MIXER, TALIA BASIN/SINK MIXER	R001860
BRODWARE	Tap and tap outlet set	Addition to Family Name: 6 star tap C11.xx, C11.xx, C12.xx, C12.xx, C17.xx, C17.xx, C19.xx, C19.xx, C27.xx	R001067A
BRODWARE	Showers	Addition to Family Name: three star showers C20.xx	R000379C
GUO YUAN	Tap Equipment	Addition to Family Name: TAPGUO3 ATLANTA BASIN SET, DELONG BASIN SET, EURO BASIN SET, JODI BASIN SET, LA BASIN SET, MIA BASIN SET, OXFORD BASIN SET	R000443J
SAMSUNG ELECTRONICS	Clothes Washing Machine	Family Name: WD8704EJA WD8704EJA	R001861
SAMSUNG ELECTRONICS	Clothes Washing Machine	Family Name: WF8802RSW WF8802RSW	R001862
J.88	Showers	Addition to Family Name: J.88 hand held shower S5 103B	R001181A
GUO YUAN	Tap and tap outlet set	Addition to Family Name: TAPGUO4 DAIMOND BASIN SET, QUADRA BASIN SET, TALIA BASIN SET	R000447I
SAMSUNG ELECTRONICS	Clothes Washing Machine	Family Name: SAMSUNG ELECTRONICS SW30USP	R001863
KWC	Tap and tap outlet set	Addition to Family Name: KWC 4 Star Taps KWC LUNA, KWC ONO Highflex	R000867A
TRUST	Tap and tap outlet set	Addition to Family Name: 4 Star Mixer Bella basin mixer, Sienna basin mixer, Sienna side lever mixer, Sienna sink mixer	R001784A
TRUST	Tap and tap outlet set	Addition to Family Name: 4 Star Mixer Bella Verona set	R001784B

Dianne Deane

Delegate of the Water Efficiency Labelling and Standards Regulator
08 July 2009



Australian Government
Director of National Parks

Environment Protection and Biodiversity Conservation Act 1999
Notice under subsection 368(5)

Uluru–Kata Tjuta National Park

A draft management plan has been prepared for Uluru–Kata Tjuta National Park. This plan will guide management of the Park for a period of 10 years.

The Uluru–Kata Tjuta Board of Management and Director of National Parks invite members of the public and stakeholders to comment on the draft plan.

A copy of the draft plan is available online at
www.environment.gov.au/parks/publications/uluru/draft-plan.html
or by contacting the Community Information Unit, Department of the Environment, Water, Heritage and the Arts, by emailing **ciu@environment.gov.au** or calling 1800 803 772.

Plans are also available through Uluru–Kata Tjuta National Park by calling (08) 8956 1100 or through the Parks Australia office in Darwin on (08) 8920 1300. Draft plans are free of charge.

Comments on the draft plan are requested by Friday 4 September 2009 and may be emailed to **Uluru.Plan@environment.gov.au** or posted to:

The Park Manager
Uluru–Kata Tjuta National Park
PO Box 119
Yulara NT 0872

Comments sent after that date may not be taken into account in finalising the plan.

For more information on Uluru–Kata Tjuta National Park visit
www.environment.gov.au/parks/uluru

Peter Cochrane
Director of National Parks

Finance and Deregulation

COMMONWEALTH OF AUSTRALIA**AUSTRALIAN ELECTORAL COMMISSION****Approved forms under sections 305B, 314AB, 314AEA, 314AEB and 314AEC of the
*Commonwealth Electoral Act 1918***

I, Paul Dacey, the Deputy Electoral Commissioner, as delegate of the Australian Electoral Commission, and pursuant to power contained in sections 305B, 314AB, 314AEA, 314AEB and 314AEC of the *Commonwealth Electoral Act 1918* do hereby:

REVOKE the following forms:

- Donor to Political Party Return (305B(4))
- Political Party Disclosure Return (314AB(1))
- Associated Entity Disclosure Return (314AEA(1))
- Third Party Return of Political Expenditure (314AEB(3), 314AEC(3))

and

APPROVE the forms as listed below and set out in the Schedule of this instrument:

- Donor to Political Party Disclosure Return – Individuals (305B(4))
- Donor to Political Party Disclosure Return – Organisations (305B(4))
- Political Party Disclosure Return (314AB(1))
- Associated Entity Disclosure Return (314AEA(1))
- Third Party Political Expenditure Disclosure Return (314AEB(3), 314AEC(3))

Dated this 29th day of June 2009



Paul Dacey
Deputy Electoral Commissioner



Donor to Political Party Disclosure Return – Individuals



<Financial Year>

The due date for lodging this return is <due date>

Completing the Return:

- This return is to be completed by a person who made a gift or donation to a registered political party (or a State branch), or to another person or organisation with the intention of benefiting a registered political party.
- Further information is available at www.aec.gov.au.
- This return will be available for public inspection from <publication date> at www.aec.gov.au.
- Any supporting documentation included with this return may be treated as part of a public disclosure and displayed on the AEC website.
- The information on this return is collected under the *Commonwealth Electoral Act 1918*.

NOTE: This form is for the use of individuals only. Please use the form Political Party Disclosure Return-Organisations if you are completing a return for an organisation.

Details of person that made the donation

Name			
Address			
	Suburb/Town	State	Postcode

Details of person completing this return

Name			
Capacity or position (e.g. accountant self)			
Postal address			
	Suburb/Town	State	Postcode
Telephone number	()	Fax number	()
Email address			

Certification

I certify that the information contained in this return and its attachments is true and complete.

I understand that giving false or misleading information is a serious offence.

Signature

Date

Enquiries and returns should be addressed to:

Funding and Disclosure
Australian Electoral Commission
PO Box 6172
Kingston ACT 2604

Phone: 02 6271 4552
Fax: 02 6271 4555
Email: fad@aec.gov.au

Office use only
Date received

Registration No **D** /

--	--	--	--

1. Donations made

Provide details of **gifts and donations** made to registered political parties **totalling** more than <threshold>, between <dates of financial year>.

Only gifts or donations made to benefit registered political parties need be disclosed on this form. See <party list> for a full list of political parties registered with the AEC and their identification codes. For the purposes of this form, a gift or donation to a candidate endorsed by a registered political party is considered to be a donation to that party. Any gift or donation given to any person or body, with the intention of benefiting a registered political party, is a donation to that party and must be disclosed.

Party details	Date of donation	Value of donation
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		

* If insufficient space, please attach additional sheets.

Total \$.00

2. Donations received

Details of gifts and donations received and used (wholly or partly) to make donations shown in Part 1 of this return

Donation received from	Date of donation	Value of donation
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		

* If insufficient space, please attach additional sheets.

Total \$.00



Donor to Political Party Disclosure Return – Organisations



<Financial Year>

The due date for lodging this return is <due date>

Completing the Return:

- This return is to be completed by organisations, including businesses, companies, bodies corporate, unincorporated associations, trusts and any other entities who made a gift or donation to a registered political party (or a State branch), or to another person or organisation with the intention of benefiting a registered political party.
- Further information is available at www.aec.gov.au.
- This return will be available for public inspection from <publication date> at www.aec.gov.au.
- Any supporting documentation included with this return may be treated as part of a public disclosure and displayed on the AEC website.
- The information on this return is collected under the *Commonwealth Electoral Act 1918*.

NOTE: This form is for the use of organisations only. Please use the form Donor to Political Party Disclosure Return – Individuals if you are completing a return for an individual.

Details of organisation that made the donation

Name			
Address			
	Suburb/Town	State	Postcode
ABN	ACN		

Details of person completing this return

Name			
Capacity or position (e.g. company secretary)			
Postal address			
	Suburb/Town	State	Postcode
Telephone number	()	Fax number ()	
Email address			

Certification

I certify that the information contained in this return and its attachments is true and complete.

I understand that giving false or misleading information is a serious offence.

Signature		Date	
-----------	--	------	--

**Enquiries and returns
should be addressed to:**

Funding and Disclosure
Australian Electoral Commission
PO Box 6172
Kingston ACT 2604

Phone: 02 6271 4552
Fax: 02 6271 4555
Email: fad@aec.gov.au

Office use only
Date received

Registration No **D** /

--	--	--	--

1. Related organisations

Do you operate or
conduct business under
any other names?

No ☐

Yes ☐

List other business names

For the purpose of disclosure of donations, related bodies corporate are considered to be the same person and should disclose together. Whether two or more bodies corporate are related is determined under Section 50 of the *Corporations Act 2001*.

Does this return cover
any related
organisations or
businesses?

No ☐

Yes ☐

List any related organisations or businesses you are lodging on behalf of

Name		
Postal address		
Suburb/town	State	Postcode
ABN	ACN	
Name		
Postal address		
Suburb/town	State	Postcode
ABN	ACN	
Name		
Postal address		
Suburb/town	State	Postcode
ABN	ACN	
Name		
Postal address		
Suburb/town	State	Postcode
ABN	ACN	
Name		
Postal address		
Suburb/town	State	Postcode
ABN	ACN	
Name		
Postal address		
Suburb/town	State	Postcode
ABN	ACN	

If insufficient space, please attach additional sheets.

2. Donations made

Provide details of **gifts and donations** made to registered political parties **totalling** more than <threshold>, between <dates of financial year>

Only gifts or donations made to benefit registered political parties need be disclosed on this form. See <party list> for a full list of political parties registered with the AEC and their identification codes. For the purposes of this form, a gift or donation to a candidate endorsed by a registered political party is considered to be a donation to that party. Any gift or donation given to any person or body, with the intention of benefiting a registered political party, is a donation to that party and must be disclosed.

Party details	Date of donation	Value of donation
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		
Name/Party Code		\$.00
Postal address		
Suburb/town State Postcode		

* If insufficient space, please attach additional sheets.

Total \$.00

3. Donations received

Details of gifts and donations received and used (wholly or partly) to make donations shown in Part 1 of this return

Donation received from	Date of donation	Value of donation
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		

* If insufficient space, please attach additional sheets.

Total \$.00



Political Party Disclosure Return



<Financial Year>

The due date for lodging this return is <due date>

Completing the Return:

- This return is to be completed by the person who is appointed as the party's agent with the AEC.
- Further information is available at www.aec.gov.au.
- This return will be available for public inspection from <publication date> at www.aec.gov.au.
- Any supporting documentation included with this return may be treated as part of a public disclosure and displayed on the AEC website.
- The information on this return is collected under the *Commonwealth Electoral Act 1918*.

Name of political party

Postal address of political party

Suburb/town	State	Postcode

Party agent details

Name of party agent

Postal address of party agent

Suburb/town	State	Postcode
Telephone number ()	Fax number ()	
Email address		

Agent's certification

Note: Only the Party Agent can make this declaration. If Agent details are not up to date with the AEC, these must be updated **before** submitting this return.

I certify that the information contained in this return and its attachments is true and complete. I understand that giving false or misleading information is a serious offence ☐

OR

I certify that the information contained in this return and its attachments is true and complete, except for the particulars detailed in the 'Incomplete Return Form' (attached). I understand that giving false or misleading information is a serious offence. ☐

Agent's signature

Date

**Enquiries and returns
should be addressed to:**

Funding and Disclosure
Australian Electoral Commission
PO Box 6172
Kingston ACT 2604

Phone: 02 6271 4552
Fax: 02 6271 4555
Email: fad@aec.gov.au

Office use only Date received

Registration No **P** /

--	--	--	--

1. Total receipts for financial year <dates of financial year>

This is the gross amount of all cash and non-cash benefits received by, or on behalf of, the party (including all of its branches and party units), not including internal transfers, during the <xxxx-xxxx> financial year. It includes all gifts of money, services or goods, membership subscriptions, loans, returns on investments and any other amounts received.

\$.00

What amount included in the total receipts has been calculated as the value of gifts-in-kind

\$.00

2. Amounts of more than <threshold> received in financial year <dates of financial year>

Details of the people and organisations from whom receipts (including loans) of more than <threshold> were received during the <xxxx-xxxx> financial year.

- If a receipt was from an unincorporated association (other than a registered industrial organisation), the name of the association and the names and addresses of the executive members are required.
- If a receipt was from a trust or foundation, the name of the trust or foundation, and the names and addresses of the trustees are required.
- For loans of more than <threshold> (other than those from a financial institution) received between <dates of financial year>, the terms and conditions of the loan(s) must be attached.

Note: All amounts are GST inclusive.

Received from	Amount received (GST inclusive)	Donation or other receipt*
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		

If insufficient space, please attach additional sheets.

Total \$.00

* Please indicate whether this was a 'donation' or 'other receipt'. The AEC contacts donors to ensure they are aware of their disclosure obligations and unnecessary contact with other persons is avoided if the nature of receipt is shown.

3. Total payments for financial year <dates of financial year>

This is the gross amount of payments made by, or on behalf of, the party, (including all of its branches and party units) during the <xxxx-xxxx> financial year. It includes salaries, administrative expenses, electoral expenses and investments.

\$

4. Total debts as at <date>

This is the gross amount of all loans, debts, overdrafts, unpaid accounts etc. of, or on behalf of, the party, (including all of its branches and party units) as at <date>

\$

5. Debts of more than <threshold> as at <date>

Details of debts of more than <threshold> outstanding as at <date>

- If the debt was from an unincorporated association (other than a registered industrial organisation), the name of the association and the names and addresses of the executive members are required.
- If the debt was from a trust or foundation, the name of the trust or foundation, and the names and addresses of the trustees are required.

Creditor details	Amount owed (GST inclusive)	Financial or Non-financial institution
Name	\$ <input type="text" value="00"/>	
Postal address		
Suburb/town State Postcode		
Name	\$ <input type="text" value="00"/>	
Postal address		
Suburb/town State Postcode		
Name	\$ <input type="text" value="00"/>	
Postal address		
Suburb/town State Postcode		
Name	\$ <input type="text" value="00"/>	
Postal address		
Suburb/town State Postcode		
Name	\$ <input type="text" value="00"/>	
Postal address		
Suburb/town State Postcode		
Name	\$ <input type="text" value="00"/>	
Postal address		
Suburb/town State Postcode		
Name	\$ <input type="text" value="00"/>	
Postal address		
Suburb/town State Postcode		

If insufficient space, please attach additional sheets.

Total \$



Associated Entity Disclosure Return



<Financial Year>

The due date for lodging this return is <due date>

Completing the Return:

- This return is to be completed by the financial controller of the entity.
- Further information is available at www.aec.gov.au.
- This return will be available for public inspection from <publication date> at www.aec.gov.au.
- Any supporting documentation included with this return may be treated as part of a public disclosure and displayed on the AEC website.
- The information on this return is collected under the *Commonwealth Electoral Act 1918*.

Name of associated entity

Postal address

With which political party, or parties, is the entity associated?

Suburb/town	State	Postcode

Financial controller details

Name of financial controller

Capacity or position

Postal address

Telephone number

Email address

Suburb/town	State	Postcode
()	Fax number ()	

Financial controller's certification

I certify that the information contained in this return and its attachments is true and complete. I understand that giving false or misleading information is a serious offence

☐

OR

I certify that the information contained in this return and its attachments is true and complete, except for the particulars detailed in the 'Incomplete Return Form' (attached). I understand that giving false or misleading information is a serious offence.

☐

Signature

--

Date

--

Enquiries and returns should be addressed to:

Funding and Disclosure
Australian Electoral Commission
PO Box 6172
Kingston ACT 2604

Phone: 02 6271 4552
Fax: 02 6271 4555
Email: fad@aec.gov.au

Office use only
Date received

Registration No

E /

--	--	--	--

1. Other names, subsidiaries and branches.Do you operate or
conduct business under
any other names?No ☐Yes ☐

List other names

Are you are a union?

No ☐Yes ☐

List any subsidiaries or branches you are lodging on behalf of

Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode
Name		
Postal address		
Suburb/town	State	Postcode

If insufficient space, please attach additional sheets.

2. Total receipts for financial year <dates of financial year>

This is the gross amount of all cash and non-cash benefits received by, or on behalf of, the entity, not including internal transfers during the <xxxx-xxxx> financial year. It includes all gifts, of money, services or goods, membership subscriptions, loans, returns on investments and any other amounts received.

\$.00

What amount included in the total receipts has been calculated as the value of gifts-in-kind?

\$.00

3. Amounts of more than <threshold> received in financial year <dates of financial year>

Details of the people and organisations from whom receipts (including loans) of more than <threshold> were received during the <xxxx-xxxx> financial year.

- If a receipt was from an unincorporated association (other than a registered industrial organisation), the name of the association and the names and addresses of the executive members are required.
- If a receipt was from a trust or foundation, the name of the trust or foundation, and the names and addresses of the trustees are required.

Note: All amounts are GST inclusive.

Received from	Amount received (GST inclusive)	Donation or other receipt*
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		

If insufficient space, please attach additional sheets.

Total \$.00

*Please indicate whether this was a 'donation' or 'other receipt'. The AEC contacts donors to ensure they are aware of their disclosure obligations and unnecessary contact with other persons is avoided if the nature of receipt is shown.

4. Total payments for financial year <dates of financial year>

This is the gross amount of payments made by, or on behalf of, the entity during the <xxx-xxx> financial year. It includes salaries, administrative expenses, electoral expenses, investments and return of capital contributions

\$.00
----	-----

5. Total debts as at <date>

This is the gross amount of all loans, debts, overdrafts, unpaid accounts etc. of, or on behalf of, the entity as at <date>

\$.00
----	-----

6. Debts of more than <threshold> as at <date>

Details of debts of more than <threshold> outstanding as at <date>.

- If the debt was from an unincorporated association (other than a registered industrial organisation), the name of the association and the names and addresses of the executive members are required.
- If the debt was from a trust or foundation, the name of the trust or foundation, and the names and addresses of the trustees are required.

Note: All amounts are GST inclusive.

Creditor details	Amount owed (GST inclusive)	Financial or Non-financial institution
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		
Name	\$.00	
Postal address		
Suburb/town State Postcode		

If insufficient space, please attach additional sheets.

Total \$.00

7. Capital contributions

Details of those people and organisations who contributed capital to the entity from 16 July 1995 onwards, and the amount contributed, where:

- payment was made to, or for the benefit of, a registered political party during the year from funds generated from capital deposits held, and
- the capital contribution has not previously been disclosed.

No minimum disclosure threshold applies. Gross amounts are required – capital contributions and any refund or payment from funds generated should not be netted off.

A capital contribution includes an amount held on deposit.

Contributor details	Gross amount contributed
Name	\$.00
Postal address	
Suburb/town State Postcode	
Name	\$.00
Postal address	
Suburb/town State Postcode	
Name	\$.00
Postal address	
Suburb/town State Postcode	
Name	\$.00
Postal address	
Suburb/town State Postcode	
Name	\$.00
Postal address	
Suburb/town State Postcode	
Name	\$.00
Postal address	
Suburb/town State Postcode	
Name	\$.00
Postal address	
Suburb/town State Postcode	
Name	\$.00
Postal address	
Suburb/town State Postcode	
Name	\$.00
Postal address	
Suburb/town State Postcode	

If insufficient space, please attach additional sheets.

Total \$.00



Third Party Political Expenditure Disclosure Return



<Financial Year>

The due date for lodging this return is <due date>

Completing the Return:

- This return is to be completed by people or organisations who incurred political expenditure of more than <threshold> in the <xxxx-xxxx> financial year (i.e. <dates of financial year>), or who received gifts to make such expenditure.
- Further information is available at www.aec.gov.au.
- Registered political parties and their State branches, candidates, members of Federal Parliament, and Commonwealth Departments and agencies do not need to complete this return.
- This return will be available for public inspection from <publication date> at www.aec.gov.au.
- Any supporting documentation included with this return may be treated as part of a public disclosure and displayed on the AEC website.
- The information on this return is collected under the *Commonwealth Electoral Act 1918*.

Person or organisation covered by this return

Name			
Postal address			
	Suburb/town	State	Postcode

Person completing this return

Name (Write 'as above' if completing own return)			
Capacity or position (e.g. company secretary, self)			
Postal address			
	Suburb/town	State	Postcode
Telephone number	()	Fax number	()
Email address			

I certify that the information contained in this return and its attachments is true and complete.

I understand that giving false or misleading information is a serious offence.

Signature



Date

**Enquiries and returns
should be addressed to:**

Funding and Disclosure
Australian Electoral Commission
PO Box 6172
Kingston ACT 2604

Phone: 02 6271 4552
Fax: 02 6271 4555
Email: fad@aec.gov.au

Office use only Date received

Registration No. **X** /

--	--	--	--

PART 1 - Political expenditure for financial year <dates of financial year>

You must complete this section if you incurred more than <threshold> in political expenditure in the <xxxx-xxxx> financial year.

Record the total amount for each of the following categories of expenditure on goods and services provided during the financial year, even if payment for these goods and services was made outside of the financial year.

Expenditure for purposes other than these categories is not political expenditure as defined by the Act and does not need to be reported.

1. Public expression of views on a political party, candidate in an election or member of the Federal Parliament by any means	\$.00
2. Printing, production, publication or distribution of any material (other than that at item 1 or item 5 below) that is required by section 328 or 328A of the Act to include a name, address or place of business*	\$.00
3. Broadcast of political matter in relation to which particulars are required to be announced under subclause 4(2) of Schedule 2 to the <i>Broadcasting Services Act 1992</i> **	\$.00
4. Carrying out opinion polling or other research relating to a Federal election or the voting intentions of electors	\$.00
5. Public expression of views on an issue in a Federal election by any means (other than those at items 1, 2, 3, or 4)	\$.00
TOTAL	\$.00

* What do sections 328 and 328A do?

Section 328 of the Act requires all electoral advertisements to include the name and address of the person who authorised the advertisement and, except in the case of newspapers, the name and place of business of the printer at the end.

Section 328A imposes a similar requirement on electoral advertisements on the internet.

Electoral advertisements must be authorised at all times, not just during an election period.

**What does subclause 4(2) of Schedule 2 to the *Broadcasting Services Act 1992* do?

This requires the identification of those who have requested that political matter be broadcast. Guidelines at www.acma.gov.au are relevant.

This applies at all times, not just during an election period.

PART 2 - Gifts received for political expenditure for financial year <dates of financial year>

Part 2 should be completed if you:

- Are required to complete Part 1 of this return; and
- Received a gift of more than <threshold> at any time, or two or more gifts from the same person in any one financial year totalling more than <threshold>, that was wholly or partly used during the <xxxx-xxxx> financial year to incur expenditure for a political purpose (i.e. expenditure reported in Part 1) or to reimburse such expenditure.

Any gift which has been disclosed in a previous year does not need to be disclosed again.

Note: All amounts are GST inclusive.

Received from	Date of Donation	Total amount received (including GST)
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		
Name		\$.00
Postal address		
Suburb/town State Postcode		

If insufficient space, please attach additional sheets.

TOTAL \$.00**Name and address details**

- If the gift was from an unincorporated association (other than a registered industrial organisation), the name of the association and the names and addresses of the executive committee members are required.
- If the gift was from a trust, the name of the trust, and the names and addresses of the trustees are required.



REGISTER OF POLITICAL PARTIES

Notice of deregistration

As delegate of the Australian Electoral Commission pursuant to the provisions of Part XI of the *Commonwealth Electoral Act 1918* I approved an application from the following political party for voluntary deregistration and removed the party from the Register of Political Parties on 17 June 2009:

One Nation Western Australia

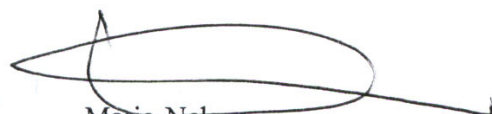
Sue Sayer
Director Funding and Disclosure
Delegate of the Australian Electoral Commission

AUSTRALIAN ELECTORAL COMMISSION*Commonwealth Electoral Act 1918***CHANGE OF NAME OF POLLING PLACES**

As delegate of the Australian Electoral Commission, I hereby make the following changes with regard to the polling places for the Division specified in Column 1 of the Schedule:

(a) pursuant to section 80(1)(c) of the *Commonwealth Electoral Act 1918*, abolish the polling places named in Column 2 of the Schedule;

(b) pursuant to section 80(1)(a) of the *Commonwealth Electoral Act 1918*, appoint the corresponding polling places named in Column 3 of the Schedule.



Marie Nelson
Australian Electoral Officer
for New South Wales

29 June 2009

SCHEDULE

Column 1 Electoral Division	Column 2 Previous name of polling place	Column 3 New name of polling place
--------------------------------	--	---------------------------------------

New South Wales

WERRIWA	Campbellfield Carmichael Drive Curran Dalmeny Drive Greenway Park Guise Ingleburn High Prestons Robert Townson Sackville Street The Grange West Hoxton	Minto South West Hoxton Central Macquarie Fields East Prestons Central West Hoxton South Macquarie Fields Central Ingleburn East Prestons East Raby Ingleburn South Minto North West Hoxton North
---------	---	--

AUSTRALIAN ELECTORAL COMMISSION

Commonwealth Electoral Act 1918

CHANGE OF NAME OF A POLLING PLACE

As delegate of the Australian Electoral Commission, I hereby make the following changes with regard to the polling place for the Division specified in Column 1 of the Schedule:

(a) pursuant to section 80(1)(c) of the *Commonwealth Electoral Act 1918*, abolish the polling place named in Column 2 of the Schedule;

(b) pursuant to section 80(1)(a) of the *Commonwealth Electoral Act 1918*, appoint the corresponding polling place named in Column 3 of the Schedule.



Marie Nelson
Australian Electoral Officer
for New South Wales

25 June 2009

SCHEDULE

Column 1 Electoral Division	Column 2 Previous name of polling place	Column 3 New name of polling place
New South Wales		
HUME	Goulburn High	Goulburn Heights

Health and Ageing

AUSTRALIAN GOVERNMENT

DEPARTMENT OF HEALTH AND AGEING

Subsection 23.71(4) of the *User Rights Principles 1997*

(made under the *Aged Care Act 1997*)

Maximum retention amounts

I, Andrew Stuart, First Assistant Secretary, Ageing and Aged Care Division, pursuant to subsection 23.71(4) of the *User Rights Principles 1997*, declare the following amounts for X and Y for the 2009-2010 financial year. The maximum retention amounts are one tenth of these amounts.

X = \$18,540

Y = \$35,880



Andrew Stuart
First Assistant Secretary
Ageing and Aged Care Division

30 June 2009

Infrastructure, Transport, Regional Development and Local Government

Form 6

Permit for unlicensed ship - continuing (regulation 6)

No: 6488

Navigation Act 1912

PERMIT FOR UNLICENSED SHIP - CONTINUING

I, Chris Appleton, in exercise of the power delegated to me by the Minister under section 9 of the Navigation Act 1912, grant, under section 286 of the Act, permission for the ship specified in this permit to carry passengers or cargo or both between the ports specified, subject to any conditions set out on this permit.

This permit remains in force from 30/06/2009 to 11/09/2009

Details about ship

Name of ship: Kota Pemimpin
IMO No. of ship: 9315874

Port of registry: Monrovia
Name of Owner: E.R.Schiffahrt GmbH & Cie

Name of ports for which permit issued

From Brisbane to Bell Bay and Fremantle. From Sydney to Bell Bay and Fremantle. From Bell Bay to Fremantle.

Permit conditions

1. That the Department is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
3. General Cargo; may only be carried.
4. The cargo may only be carried from the ports outlined in the section 'Name of ports for which permit issued'.
5. If there is a change in schedule the Department must be advised before the vessel sails.
6. This permit is issued on condition that the ship named in the permit complies with all the standards of safety and marine environment protection of international conventions and agreements to which Australia is party.
7. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.
8. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
 - (a) there is no licensed ship available for that carriage; or
 - (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal cargo.
9. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so.
Contact details of relevant licensed operators are available on request from the Department.

Signature of delegate:

Date: 30 June, 2009

C Appleton



Form 6**Permit for unlicensed ship - continuing**
(regulation 6)

No: 6494

*Navigation Act 1912***PERMIT FOR UNLICENSED SHIP - CONTINUING**

I, Christopher Appleton, in exercise of the power delegated to me by the Minister under section 9 of the Navigation Act 1912, grant, under section 286 of the Act, permission for the ship specified in this permit to carry passengers or cargo or both between the ports specified, subject to any conditions set out on this permit.

This permit remains in force from 30/06/2009 to 14/09/2009

Details about ship

Name of ship: Cosco Yingkou

IMO No. of ship: 9403011

Port of registry: Hong Kong

Name of Owner: Seaspan Ship Management Ltd

Name of ports for which permit issued

From Melbourne to Brisbane.

Permit conditions

1. That the Department is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
3. General Cargo; may only be carried.
4. The cargo may only be carried from the ports outlined in the section 'Name of ports for which permit issued'.
5. If there is a change in schedule the Department must be advised before the vessel sails.
6. This permit is issued on condition that the ship named in the permit complies with all the standards of safety and marine environment protection of international conventions and agreements to which Australia is party.
7. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.
8. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
 - (a) there is no licensed ship available for that carriage; or
 - (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal cargo.
9. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so.
10. Contact details of relevant licensed operators are available on request from the Department.

Signature of delegate:

C. Appleton

Date: 30/06/2009



Form 6

Permit for unlicensed ship - continuing
(regulation 6)

No: 6501

Navigation Act 1912

PERMIT FOR UNLICENSED SHIP - CONTINUING

I, Andrew Wilson, in exercise of the power delegated to me by the Minister under section 9 of the Navigation Act 1912, grant, under section 286 of the Act, permission for the ship specified in this permit to carry passengers or cargo or both between the ports specified, subject to any conditions set out on this permit.

This permit remains in force from 14/07/2009 to 14/10/2009

Details about ship

Name of ship: OOCL HOUSTON
IMO No. of ship: 9355757

Port of registry: Hong Kong
Name of Owner: RBSSAF (26) LIMITED

Name of ports for which permit issued

From Sydney to Melbourne and Brisbane. From Melbourne to Brisbane.

Permit conditions

1. That the Department is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
 2. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
 3. General Cargo; may only be carried.
 4. The cargo may only be carried from the ports outlined in the section 'Name of ports for which permit issued'.
 5. If there is a change in schedule the Department must be advised before the vessel sails.
 6. This permit is issued on condition that the ship named in the permit complies with all the standards of safety and marine environment protection of international conventions and agreements to which Australia is party.
 7. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.
 8. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
 - (a) there is no licensed ship available for that carriage; or
 - (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal cargo.
 9. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so.
- Contact details of relevant licensed operators are available on request from the Department.

Signature of delegate:

Date: 1 July, 2009



Form 6**Permit for unlicensed ship - continuing**
(regulation 6)

No: 6511

*Navigation Act 1912***PERMIT FOR UNLICENSED SHIP - CONTINUING**

I, Andrew Wilson, in exercise of the power delegated to me by the Minister under section 9 of the Navigation Act 1912, grant, under section 286 of the Act, permission for the ship specified in this permit to carry passengers or cargo or both between the ports specified, subject to any conditions set out on this permit.

This permit remains in force from 16/07/2009 to 16/10/2009

Details about ship

Name of ship: OOCL PANAMA

IMO No. of ship: 9355769

Port of registry: Hong Kong

Name of Owner: RBSSAF (26) Limited

Name of ports for which permit issued

From Melbourne to Adelaide. From Melbourne to Fremantle. From Adelaide to Fremantle.

Permit conditions

1. That the Department is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
 2. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
 3. General Cargo; may only be carried.
 4. The cargo may only be carried from the ports outlined in the section 'Name of ports for which permit issued'.
 5. If there is a change in schedule the Department must be advised before the vessel sails.
 6. This permit is issued on condition that the ship named in the permit complies with all the standards of safety and marine environment protection of international conventions and agreements to which Australia is party.
 7. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.
 8. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
 - (a) there is no licensed ship available for that carriage; or
 - (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal cargo.
 9. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so.
- Contact details of relevant licensed operators are available on request from the Department.

Signature of delegate:

Date: 01 July 2009



Form 6

Permit for unlicensed ship - continuing
(regulation 6)

No: 6517

Navigation Act 1912

PERMIT FOR UNLICENSED SHIP - CONTINUING

I, Robert Hogan, in exercise of the power delegated to me by the Minister under section 9 of the Navigation Act 1912, grant, under section 286 of the Act, permission for the ship specified in this permit to carry passengers or cargo or both between the ports specified, subject to any conditions set out on this permit.

This permit remains in force from 02/07/2009 to 17/09/2009

Details about ship

Name of ship: Kota Kado

Port of registry: Singapore

IMO No. of ship: 9307396

Name of Owner: Pacific International Lines Ltd (PIL)

Name of ports for which permit issued

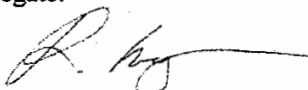
From Melbourne to Fremantle. From Adelaide to Fremantle. From Fremantle to Melbourne.

Permit conditions

1. That the Department is notified, within 14 days after every sailing, of the date of the voyage and the cargo carried by the ship.
2. This permit is issued on condition that the ship named in the permit leaves Australia and travels to a port outside Australia at least once in any three (3) month period.
3. General Cargo; may only be carried.
4. The cargo may only be carried from the ports outlined in the section 'Name of ports for which permit issued'.
5. If there is a change in schedule the Department must be advised before the vessel sails.
6. This permit is issued on condition that the ship named in the permit complies with all the standards of safety and marine environment protection of international conventions and agreements to which Australia is party.
7. This permit must be produced to Customs for clearance at each port of loading or discharge, prior to taking on board or discharging any cargo or passengers carried under permit.
8. This permit is subject to the condition that coastal cargo is carried by the permit holder only if:
 - (a) there is no licensed ship available for that carriage; or
 - (b) the service offered by an available licensed ship is, in the opinion of the Minister or the Minister's delegate, not adequate for the proposed carriage; and in the opinion of the Minister's delegate, it is in the public interest for the permit holder to carry the coastal cargo.
9. The permit holder must check the availability of relevant licensed vessels on routes serviced by licensed operators with those operators before accepting coastal cargo for those routes, and before each sailing must send to the Department documentary evidence that it has done so.
Contact details of relevant licensed operators are available on request from the Department.

Signature of delegate:

Date: 02 July 2009



Prime Minister and Cabinet



Public Service Commissioner's Amendment Directions 2009 (No. 2)

Public Service Act 1999

I, LYNELLE BRIGGS, Public Service Commissioner, make these Directions under subsection 11 (1) and section 36 of the *Public Service Act 1999*.

Dated 29 June 2009

Public Service Commissioner

1 Name of Directions

These Directions are the *Public Service Commissioner's Amendment Directions 2009 (No. 2)*.

2 Commencement

These Directions commence when they are made.

3 Amendment of *Public Service Commissioner's Directions 1999*

Schedule 1 amends the *Public Service Commissioner's Directions 1999*.

Schedule 1 Amendments

Schedule 1 Amendments

(section 3)

[1] After clause 4.6A

insert

4.6B Promotion on completion of an appointment to a statutory office

- (1) Clause 4.6A does not apply if the requirements of this clause are met.
- (2) An Agency Head may, with the written agreement of the Commissioner, assign duties at a higher APS classification to an ongoing APS employee under section 25 of the Act if the Agency Head is satisfied that:
 - (a) the employee was granted leave without pay for appointment to a statutory office that is part of, or operated within, an Agency; and
 - (b) the employee's appointment to the statutory office has not expired, or expired no more than 3 months before the decision to assign; and
 - (c) the statutory office is of a kind that requires the Commissioner, or a representative of the Commissioner, to be a participant in the selection process for the office; and
 - (d) the duties to which the employee is to be assigned are at an APS classification that is equivalent to, or lower than, the duties of the statutory office; and
 - (e) the employee has the necessary work-related qualities to perform duties at the APS classification to which the employee is to be assigned.
- (3) The Commissioner, in considering a request from an Agency Head under subclause (2) to agree to the assignment, may take into account the following:
 - (a) how long the employee was appointed to the statutory office;
 - (b) the selection process for the appointment to the statutory office;
 - (c) the matters mentioned in paragraphs (2) (a) to (e);
 - (d) any other matter the Commissioner considers relevant.

[2] After subclause 6.3 (3)

insert

- (4) A decision to promote an APS employee to an SES classification also meets the minimum requirements if the requirements of clause 4.6B are met.

EXPLANATORY STATEMENT

Public Service Act 1999

Public Service Commissioner's Amendment Directions 2009 (No. 2)

Background

The *Public Service Act 1999* (the Act) and its accompanying Public Service Commissioner's Directions 1999 (the Directions) commenced on 5 December 1999.

Section 11 of the Act provides that the Public Service Commissioner (the Commissioner) must issue directions in relation to each of the Australian Public Service (APS) Values (which are set out in section 10 of the Act) for the purpose of ensuring that the APS incorporates and upholds the Values and for the purpose of determining the scope or application of the Values.

Section 36 of the Act requires the Public Service Commissioner to issue directions about employment matters relating to Senior Executive Service (SES) employees, including engagement, promotion, redeployment, mobility and termination.

Chapter 4 of the Directions sets out the minimum requirements that an Agency Head must meet in upholding and promoting the APS Values relating to merit in employment.

Clause 6.3 of the Directions sets minimum requirements applying to promotion and engagement to SES duties.

Section 42(4) of the Act provides that the Directions are disallowable non-legislative instruments for the purposes of the *Acts Interpretation Act 1901*.

Purpose of these amendments

The purpose of Public Service Commissioner's Amendment Directions 2009 (No. 2) is to introduce a capacity, subject to the agreement of the Commissioner, for Agency Heads to promote an individual APS employee who has been on leave without pay from an APS agency to undertake an appointment to a statutory office and whose appointment to the statutory office is current or has been completed within the preceding 3 months. An APS employee in such a situation will in most cases be working at a higher level of responsibility than their substantive APS classification, and the duration of their time in the statutory office will usually be for a number of years, enabling them to demonstrate their capacity to work at that level.

Usage of this provision will be limited to statutory offices which require the Commissioner, or a representative of the Commissioner, to be represented in the selection process. The requirement for Commissioner participation in selections for those offices has been in effect since 5 February 2008. The Commissioner may nonetheless consider a request under this provision if the appointment to the statutory office occurred before that date.

It is anticipated that this will not be a routinely used provision, but provides an appropriate capacity to each Agency Head to consider such an action where the circumstances justify it.

The promotion action will be able to be taken without satisfying the minimum requirements applying to promotion in the APS (in particular, the requirements that

vacancy be advertised and that candidates be assessed using a competitive selection process) as set out in Chapter 4 and clause 6.3 of the Directions, where the following criteria have been met:

- the APS classification to which the employee is to be promoted are equivalent to, or lower than, the duties performed by the statutory office holder; and
- the statutory office is an office which requires the Commissioner, or a representative of the Commissioner, to be a participant in the selection process for the statutory office; and
- the employee has the necessary work-related qualities to perform the duties to which they are to be assigned; and
- the Commissioner agrees in writing to the proposed action.

Consultation

The Commissioner concluded that consultation on this matter was not required.

Notes on clauses

Clause 1 sets out the name of the Directions.

Clause 2 provides for the Directions take effect on 19 June 2009.

Clause 3 provides that the amendments to the Directions are set out in Schedule 1.

Schedule 1

Item 1 Inserts new clause 4.6B which introduces a capacity for an Agency Head to assign duties at a higher classification to an APS employee who has been on leave without pay to undertake an appointment to a statutory office. Where the Commissioner agrees, there is no requirement for the normal selection processes to be undertaken.

Item 2 Inserts new subclause 6.3(4) to provide that where an Agency Head proposes to assign duties at a Senior Executive Service classification under clause 4.6B, the promotion will satisfy minimum requirements of the Directions.

Treasury

COMMISSIONER OF TAXATION

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

NOTICE OF RULINGS		
Ruling Number	Subject	Brief Description
CR 2009/34	Income tax: demutualisation of Australian Health Management Group Pty Limited	This Ruling applies to members of Australian Health Management Group Pty Limited (AHM) who: were members of AHM on 13 July 2008; remained members of AHM at 10:30 am (AEDT) on 6 December 2008; and participated in the scheme of arrangement as described in this Ruling. This Ruling applies from 1 July 2008 to 30 June 2010.

NOTICE OF WITHDRAWAL		
Ruling Number	Subject	Brief Description
IT 227	Forced disposal of livestock	IT 227 is withdrawn with effect from today. IT 227 considers whether sections 36AA and 36AAA of the <i>Income Tax Assessment Act 1936</i> apply to the proceeds arising from the forced sale of sheep affected with footrot disease. Due to legislative changes this Ruling is no longer current and is therefore withdrawn.

NOTICE OF ADDENDUM		
Ruling Number	Subject	Brief Description
FTR 2008/1	Fuel tax: vehicle's travel on a public road that is incidental to the vehicle's main use and the road user charge	This Addendum amends FTR 2008/1 to make minor changes to reflect the updated road user charge. This Addendum applies on and from 1 July 2009.



Authority to carry on banking business

Banking Act 1959

I, Wayne Byres, a delegate of APRA, under subsection 9(3) of the *Banking Act 1959* (the Act), GRANT First Commercial Bank, Ltd. ABN 15 126 292 608 (the ADI), authority to carry on banking business in Australia.

Under paragraph 9(4)(a) of the Act, I IMPOSE on this Authority the conditions specified in the attached Schedule.

This Authority commences on the date it is signed.

Dated 26 June 2009

[Signed]

Wayne Byres
Executive General Manager
Diversified Institutions Division

Interpretation

Document ID: 169789

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 9(4) of the Act, APRA may at any time, by notice in writing served on an ADI, impose conditions or additional conditions or vary or revoke conditions imposed on its Authority to carry on banking business. The conditions must relate to prudential matters.

Note 2 Under subsection 9(6) of the Act, an ADI is guilty of an offence if it does or fails to do an act and doing or failing to do that act results in a contravention of a condition of the ADI's Authority, and there is no order in force under section 11 of the Act determining that subsection 9(6) does not apply to the ADI. The maximum penalty is 200 penalty units or, by virtue of subsection 4B(3) of the *Crimes Act 1914* in the case of a body corporate, a fine of up to 1,000 penalty units. By virtue of subsection 9(6A) of the Act, an offence against subsection 9(6) is an indictable offence. Under subsection 9(6B) of the Act, if an ADI commits an offence

against subsection 9(6), the ADI 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 ADI committing the offence continue (including the day of conviction for any such offence or any later day).

Note 3 Under subsection 9(9) of the Act, a decision to impose conditions on this Authority is a decision to which Part VI of the Act applies. If a person whose interests are affected is dissatisfied with that decision, the person may seek reconsideration of the decision by APRA in accordance with section 51B(1) of the Act. The request for reconsideration must be in writing, must state the reasons for the request, and must be given to APRA within 21 days after the decision first comes to the person's notice or within such further period as APRA allows. If dissatisfied with APRA's reconsidered decision confirming or varying the first decision, the person may, subject to the *Administrative Appeals Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

The address where written notice may be given to APRA is GPO Box 9836 Sydney 2001.

Note 4 The circumstances in which APRA may revoke an ADI's Authority are set out in section 9A of the Act.

Note 5 Under subsection 9(3) of the Act, a copy of this Notice must be provided to the ADI. Under subsection 9(7) of the Act, APRA must publish a copy of this Notice in the *Gazette* and may cause notice of the grant of the Authority to be published in any other way it considers appropriate.

Schedule - the conditions imposed on the Authority

1. The ADI, as a foreign ADI carrying on banking business in Australia, shall not accept deposits or other funds for amounts which are less than \$250,000 from any source other than from:
 - (i) incorporated entities;
 - (ii) persons or unincorporated entities that are not residents of Australia;
 - (iii) its own employees; or
 - (iv) persons or non-incorporated entities with an initial balance with the foreign ADI of at least \$250,000.

In this Schedule, *foreign ADI* has the meaning given in subsection 5(1) of the Act.



Revocation of Authority to carry on banking business

Banking Act 1959

SINCE

- A. on 23 June 2009 Sutherland Shire Council Employees' Credit Union Ltd ABN 91 087 650 717 (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.

Dated 29 June 2009

[Signed]

Brandon Kong Leong Khoo
Executive General Manager
Specialised Institutions Division

Interpretation

Document ID: 170818

In this Notice

APRA means the Australian Prudential Regulation Authority.

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

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

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

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



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

Financial Sector (Shareholdings) Act 1998

SINCE

- A. First Financial Holding Co., 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 First Commercial Bank, Ltd. ABN 15 126 292 608 (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 indefinitely.

Dated 26 June 2009

[Signed]

Wayne Byres
Executive General Manager
Diversified Institutions Division

Interpretation

Document ID: 170825

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.

Schedule - the person(s) who applied for approval

Ministry of Finance
Bank of Taiwan
Bureau of Labor Insurance
Hua Nan Commercial Bank, Ltd.
Civil Servants' Retirement Fund
Universities Superannuation Scheme



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

Financial Sector (Shareholdings) Act 1998

SINCE

- A. The Bank of New York Mellon Corporation (the applicant) has 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 The Bank of New York Mellon ABN 84 084 066 419 (the Company), a financial sector company under the Act; and
- B. I am satisfied that it is in the national interest to approve the applicant holding a stake in the Company of more than 15%,

I, Heidi Richards, a delegate of the Treasurer, under subsection 14(1) of the Act, APPROVE the applicant holding a stake in the Company of 100 %.

This Approval commences on 1 July 2009 and remains in force indefinitely.

Dated 30 June 2009

[Signed]

Heidi Richards
General Manager
Diversified Institutions Division

Interpretation

Document ID: 170707

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.



Authority to carry on banking business

Banking Act 1959

I, Wayne Stephen Byres, a delegate of APRA, under subsection 9(3) of the *Banking Act 1959* (the Act), GRANT The Bank of New York Mellon ABN 84 084 066 419 (the ADI), authority to carry on banking business in Australia.

Under paragraph 9(4)(a) of the Act, I IMPOSE on this Authority the conditions specified in the attached Schedule.

This Authority commences on 1 July 2009.

Dated 30 June 2009

[Signed]

Wayne Stephen Byres
Executive General Manager
Diversified Institutions Division

Interpretation

Document ID: 170730

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 9(4) of the Act, APRA may at any time, by notice in writing served on an ADI, impose conditions or additional conditions or vary or revoke conditions imposed on its Authority to carry on banking business. The conditions must relate to prudential matters.

Note 2 Under subsection 9(6) of the Act, an ADI is guilty of an offence if it does or fails to do an act and doing or failing to do that act results in a contravention of a condition of the ADI's Authority, and there is no order in force under section 11 of the Act determining that subsection 9(6) does not apply to the ADI. The maximum penalty is 200 penalty units or, by virtue of subsection 4B(3) of the *Crimes Act 1914* in the case of a body corporate, a fine of up to 1,000 penalty units. By virtue of subsection 9(6A) of the Act, an offence against subsection 9(6) is an indictable offence. Under subsection 9(6B) of the Act, if an ADI commits an offence

against subsection 9(6), the ADI 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 ADI committing the offence continue (including the day of conviction for any such offence or any later day).

Note 3 Under subsection 9(9) of the Act, a decision to impose conditions on this Authority is a decision to which Part VI of the Act applies. If a person whose interests are affected is dissatisfied with that decision, the person may seek reconsideration of the decision by APRA in accordance with section 51B(1) of the Act. The request for reconsideration must be in writing, must state the reasons for the request, and must be given to APRA within 21 days after the decision first comes to the person's notice or within such further period as APRA allows. If dissatisfied with APRA's reconsidered decision confirming or varying the first decision, the person may, subject to the *Administrative Appeals Act 1975*, apply to the Administrative Appeals Tribunal for review of the reconsidered decision.

The address where written notice may be given to APRA is Level 26, 400 George Street, Sydney NSW 2000.

Note 4 The circumstances in which APRA may revoke an ADI's Authority are set out in section 9A of the Act.

Note 5 Under subsection 9(3) of the Act, a copy of this Notice must be provided to the ADI. Under subsection 9(7) of the Act, APRA must publish a copy of this Notice in the *Gazette* and may cause notice of the grant of the Authority to be published in any other way it considers appropriate.

Schedule - the conditions imposed on the Authority

1. The ADI, as a foreign ADI carrying on banking business in Australia, shall not accept deposits or other funds for amounts which are less than \$250,000 from any source other than from:
 - (i) incorporated entities;
 - (ii) persons or unincorporated entities that are not residents of Australia;
 - (iii) its own employees; or
 - (iv) persons or non-incorporated entities with an initial balance with the foreign ADI of at least \$250,000.

In this Schedule, *foreign ADI* has the meaning given in subsection 5(1) of the Act.

Public Notices

SHIPPING REGISTRATION ACT 1981

NOTICE OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given of the intention of

Brian Milgate of 19 Warrain Street, Shute Harbour Qld 4802 to apply, after the expiration of the period of thirty days commencing on the date of publication of this notice, for the registration under the above Act of the ship particulars which are set out below. Objections to the registration of the ship in the name of the abovementioned person, by persons claiming a legal proprietary right in respect of the ship, should, together with any relevant documents that will verify the claim be delivered to the Registrar of Ships at the Australian Shipping Registration Office, Level 2 Allan Woods Building, 25 Constitution Avenue, Canberra City ACT 2601 or sent by properly prepaid post to the Registrar of Ships at the Australian Maritime Safety Authority, GPO Box 2181, Canberra City ACT 2601, before the expiry of the period referred to above.

Particulars of Ship

Present Name: MOONDANCE

Former Name: MOONDANCE

Present whereabouts: WHANGEREI NEW ZEALAND (26 Whareoa Rd)

Length: 10.8 metres

Principal material of construction: teak wood


Type of ship: Pleasure yacht

APPROVAL OF ADOPTION OF BY-LAWS OF

THE INSTITUTE OF CHARTERED ACCOUNTANTS IN AUSTRALIA

I, **QUENTIN BRYCE**, Governor-General of the Commonwealth of Australia, pursuant to Article 22 of the Supplemental Royal Charter granted to the Institute of Chartered Accountants in Australia on 22 August 2007, hereby approve the adoption of the By-laws of the Institute set out in the Schedule, being By-laws approved by a ballot of members of the Institute held between 4 March and 31 March 2009.

Dated this 26th day of May 2009.


Governor-General

SCHEDULE



**The Institute of
Chartered Accountants
in Australia**

THE INSTITUTE OF CHARTERED ACCOUNTANTS IN AUSTRALIA

BY-LAWS

Section 1 - PRELIMINARY Commencement

1. These By-laws shall come into operation as from the date of their approval by the Governor-General of the Commonwealth of Australia pursuant to Article 22 of the Supplemental Charter.

Definitions

2. In the interpretation of the By-laws, unless the context or subject matter otherwise indicates or requires:
 - (a) Subject as hereinafter mentioned, words and expressions have the same meaning as in the Supplemental Charter and references herein to Fellows, Chartered Accountants, members and meetings shall be construed as having references to Fellows, Chartered Accountants, members and meetings of the Institute.
 - (b) "admission" in relation to membership of the Institute includes advancement in status and "admit" has a corresponding meaning.
 - (c) "Admission Regulations" means the regulations (if any) for the time being determined by the Board for the admission and readmission of persons to membership of the Institute, being regulations not inconsistent with the By-laws.
 - (d) "advancement in status" means the change in the class of a member from that of "Chartered Accountant" to "Fellow".
 - (e) "affiliate" and "affiliate member" means a natural person who participates with individual members in a practice entity, who is not a Fellow or Chartered Accountant or entitled to be admitted to membership as a Fellow or Chartered Accountant, who has been admitted to membership in accordance with the By-laws and the Regulations.
 - (f) "Audit Committee" means the committee established by the Board pursuant to By-law 129A.
 - (g) "Board" means the board of Directors of the Institute constituted under the Supplemental Charter and these By-laws.
 - (ga) "chartered firm" means a practice entity which is entitled under Articles 17 or 18 of the Supplemental Charter to describe itself as "Chartered Accountants".
 - (h) "Chief Executive Officer" means the chief executive officer of the Institute for the time being appointed by the Board under By-law 119B and includes any person for the time being discharging the duties of such officer or acting with his or her authority and on his or her behalf.
 - (i) "Director" means a person appointed to perform the duties of a director of the Institute.

- (ia) "general purpose financial report" means a general purpose financial report comprising financial statements, notes to the financial statements and a directors' declaration.
- (j) "individual member" means a natural person who has been admitted to membership as a Fellow or Chartered Accountant, and "individual membership" has a corresponding meaning.
- (k) "month" means calendar month.
- (l) "non-accountant" means a person who is not an accountant.
- (m) "Overseas Member" means a member whose name appears on the Overseas Register.
- (n) "Overseas Register" means the register of members whose registered address is outside the Commonwealth of Australia, to be maintained by the Chief Executive Officer under By-law 142.
- (o) "post" means sending by post, facsimile transmission, email or document exchange, and "posted", "posting", "postal" and "postal ballot" have corresponding meanings.
- (p) "practice entity" means any partnership, trust or body corporate or unincorporate in or through which persons who are members, or include a member or members, practise as public accountants.
- (q) "practice entity member" means a chartered firm which has been admitted to membership of the Institute.
- (r) "non-member practice entity" means a practice entity which has agreed to be bound by the standards of practice and professional conduct and by the discipline of the Institute.
- (s) "prescribed" means prescribed by the Supplemental Charter or by the By-laws or by the Regulations.
- (t) "Region" means each of the following regions of the Commonwealth of Australia:
 - (i) New South Wales;
 - (ii) Australian Capital Territory;
 - (iii) Victoria;
 - (iv) Tasmania;
 - (v) Queensland;
 - (vi) South Australia and Northern Territory;
 - (vii) Western Australia.
- (u) "Regional Council" means a Council for a Region constituted as prescribed in these By-laws and "Regional Councillor" means a member of a Regional Council.
- (v) "Regional General Manager" means the general manager of the Institute in a Region appointed by the Chief Executive Officer and includes any person for the time being discharging the duties of such officer.
- (w) "Regional meeting" means a meeting of the individual members and affiliate members enrolled on a Regional Register kept under the By-laws.
- (x) "Regional Register" means the register of members in a Region to be maintained by the Chief Executive Officer under By-law 142.
- (y) "registered address" of a member means his or her address on the National Register kept under the By-laws.
- (ya) "registered graduate" means a person whose name is entered on the register of examination candidates maintained by the Institute and who has agreed to be bound by the provisions of the Supplemental Charter, these By-laws and the Regulations;
- (z) "Regulations" means the regulations made by the Board from time to time under Article 25 of the Supplemental Charter.
- (za) "special resolution of the Board" means a resolution passed by a majority of not less than three-fourths of the votes cast at a meeting of the Board at which a quorum is present.
- (zb) "Supplemental Charter" means the Supplemental Charter as amended or added to from time to time.
- (zc) "writing" includes printing, typing, lithography, microfilm, photocopying, facsimile transmission, electronic mail and other modes of representing or

- reproducing words in a visible form and "written" has a corresponding meaning.
- (zd) words importing the singular only include the plural and vice-versa, words importing the masculine gender only include the feminine and neuter genders and "person" and words importing persons include partnerships, trusts and corporations.
- (ze) a reference to a statute or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.

Interpretation of By-laws and regulations

3. If, in the opinion of the Board, any doubt arises as to the construction or interpretation of any of the By-laws, or of any of the regulations, the decision of the Board reduced to writing and recorded in the minute book shall be conclusive and binding on all members of the Institute. Due notice of such record shall be given by the Board to members by publication in the Institute's journal or otherwise as the Board may determine.

Use of Forms

4. Such forms as the Board may from time to time authorise shall be used in cases to which they are applicable, with such alterations or additions thereto, if any, as the Board may from time to time determine; and all notes and directions thereon shall be deemed part of the forms, and must be observed accordingly.

Section 2 - MEMBERSHIP

Classes

5. Membership of the Institute shall consist of:
- (a) the persons who, immediately before the date on which the Eighth Supplemental Royal Charter became effectual in accordance with Article 26, were Fellows, Chartered Accountants, affiliates or practice entity members;
 - (b) the natural persons who, after such date, were or are admitted as Fellows or Chartered Accountants in conformity with the Institute's Royal Charter and By-laws as in force from time to time;
 - (c) the natural persons who, after such date, were or are admitted to membership as affiliates of a practice entity in accordance with the By-laws and the Regulations; and
 - (d) the practice entities which, after such date, were or are admitted to membership in accordance with the By-laws and the Regulations.

Mode of Admission

6. All admissions of members shall be made by the Board.

Applicant to Satisfy

7. Subject to By-laws 12 and 18, every applicant for admission shall satisfy the Board, in such manner as the Board requires, that the applicant has fulfilled the prescribed conditions of such admission and shall also produce such evidence as the Board deems necessary of the applicant's fitness for such admission.

Discretion to Refuse

8. The Board may, in its absolute discretion and without giving any reason therefor, refuse to admit as a Fellow or Chartered Accountant a person whom it shall consider not to be a fit and proper person to be so admitted even if he or she has fulfilled the prescribed conditions of such admission.

Application for Admission

9. Every application for membership admission shall be made to the Board and shall be lodged with the Chief Executive Officer.

Conditions of Normal Admission and Advancement in Status

10. (a) A natural person shall be eligible for admission to membership of the Institute as a Chartered Accountant if, at the date of his or her application for such admission he or she:-
- (i) has attained the age of 21 years;
 - (ii) has passed the prescribed examinations;
 - (iii) has completed the prescribed period of service or experience in accountancy; and
 - (iv) otherwise complies, or upon admission will be able to and undertakes to comply, with the requirements of the Supplemental Charter, the By-laws and the Regulations.
- (b) A Chartered Accountant may be advanced to the status of Fellow if, in the opinion of the Board, he or she is a fit and proper person to become a Fellow. In forming its opinion the Board shall have regard, inter alia, to the duration and quality of experience of the Chartered Accountant.
- (c) A natural person shall be eligible for admission to membership of the Institute as an affiliate of a practice entity if, at the date of his or her application for such admission, he or she:-
- (i) is not a Fellow or Chartered Accountant or entitled to be admitted to membership as a Fellow or Chartered Accountant; and
 - (ii) complies, or upon admission will be able to and undertakes to comply, with the requirements of the Supplemental Charter, the By-laws and the Regulations insofar as they relate to affiliates.
- (d) A chartered firm shall be eligible for admission to membership of the Institute as a practice entity member if, at the date of its application for such admission it complies, or upon admission will be able to and undertakes to comply, with the requirements of the Supplemental Charter, the By-laws and the Regulations insofar as they relate either to chartered firms or to practice entities generally.

Normal Admission

11. The Board, on receiving an application, shall consider the same and the evidence in support thereof and shall make such investigation as it thinks fit. If the Board resolves that an applicant has satisfied the prescribed conditions of admission under By-law 10 and is a fit and proper person to be so admitted, it shall approve the application for admission and so admit the applicant.

Special Admissions

12. (a) If the Board resolves that, although an applicant has not satisfied the prescribed conditions of admission under By-law 10, he or she has satisfied the prescribed conditions of admission under the Admission Regulations and is a fit and proper person to be so admitted, it may approve the application for admission and so admit the applicant.
- (b) The Board may at any time invite a person to become, and admit such a person as, a Fellow or Chartered Accountant on the grounds of his or her educational qualifications, expertise, experience in accountancy, or standing, although he or she has not satisfied either the prescribed conditions of admission under By-law 10 or the Admission Regulations.
- (c) A person admitted under this By-law shall not be granted a certificate of public practice unless and until he or she shall have completed such period of service or experience in the practice of accountancy as the Board may prescribe.

13. (Deleted July 2000).

Notice of Admission

14. When a person has been admitted as a Fellow or Chartered Accountant, the admission shall be recorded in the National and relevant Regional or Overseas Registers and a notice of his or her admission shall be sent by the Chief Executive Officer to the applicant.
When an affiliate or practice entity has been admitted as a member under By-law 10, a notice of their admission shall be sent by the Chief Executive Officer to the applicant. The admission of such a member shall be recorded in the National and in the relevant Regional or Overseas Registers.

Alternative Status on Admission

15. If an applicant for admission to membership as a Fellow is held by the Board not to be eligible for admission to membership as a Fellow but to be eligible for admission to membership as a Chartered Accountant, the Board may admit the applicant to membership as a Chartered Accountant if the applicant is willing to accept membership as a Chartered Accountant.

Notice of refusal and refund of fees

16. If an applicant is refused admission, a notice of his or her refusal shall be sent by the Chief Executive Officer to the applicant and any money lodged by the applicant with his or her application shall be refunded.

Commencing or Resuming Practice

17. (a) A member commencing or resuming practice as a public accountant or entering or re-entering employment with a member practicing as a public accountant or with a practice entity, in each case within the Commonwealth of Australia, shall forthwith notify the Chief Executive Officer.
(b) A member commencing or resuming practice as a public accountant or entering or re-entering employment with a member practising as a public accountant or with a practice entity, in each case outside the Commonwealth of Australia, shall forthwith notify the Chief Executive Officer.

Life and Honorary members

18. (a) (i) The Board may, on the motion of any Director other than the member proposed for election, elect any individual member as a Life member, and each Life member shall be entitled to all the privileges of membership without the payment of further annual subscription, fee or other amount: Provided that the number of Life members shall not at any time exceed 20.
(ii) The Board may likewise elect any natural person of prominence and standing as an Honorary member with the status of Fellow and each Honorary member shall be entitled to all the privileges of membership without the payment of any annual subscription, fee or other amount: Provided that the number of Honorary members shall not at any time exceed 10.
(b) Any Director intending to move for the election of a Life or Honorary member shall notify the Chief Executive Officer of his or her intention at least 30 days before the date of the meeting of the Board at which he or she intends to move the same. The Chief Executive Officer shall, not less than 14 days before the date of such meeting, dispatch notice of the motion by post to all other Directors.

Resignation

19. Any member may resign his or her membership by sending his or her resignation in writing together with all moneys owing by him or her to the Institute, whether for subscription, fee or other amount, to the Chief Executive Officer:
Provided that no resignation shall take effect unless and until it has been accepted by the Board. The Board may decline to accept the resignation of a member to whom a Notice of Disciplinary Action has been issued in accordance with By-law 45(a), or whose conduct, in the opinion of the Board, by virtue of matters brought to the attention of the Institute, may become the subject of professional conduct proceedings under Section 5. Provided further that any member whose notice of resignation was not received by the Chief Executive Officer prior to 30 June in any year shall remain liable for any subscription, fee or other amount payable by him or her to the Institute in respect of the year ending the following 30 June, save that, in any case, the Board may in its absolute discretion remit the whole or any part of such subscription, fee or other amount. Where the Board accepts the resignation of a member to whom a Notice of Disciplinary Action has been issued in accordance with By-law 45(a), or whose conduct, in the opinion of the Board, by virtue of matters brought to the attention of the Institute, may or (if the member had not resigned) may have become the subject of professional conduct proceedings under Section 5, the Institute may report the fact of the member's resignation and the issue of the Notice of Disciplinary Action (and the details of the allegations set out in the Notice of Disciplinary Action), or the details of such conduct and/or matters, as soon as practicable thereafter in the official publication of the Institute and on the Institute's website.

Readmission

20. The Board may, subject to such terms and conditions as it may think fit to impose:
- (a) readmit to membership any person who has resigned or ceased for any reason to be a member;
 - (b) terminate the suspension of any member whose membership has been voluntarily suspended under By-law 21A.

Exclusion from membership

21. The Board may exclude a member if:-
- (a) under any legislation relating to mental health, he or she is certified, declared or found to be mentally ill or in need of treatment or care and control or incapable of managing his or her own affairs or is admitted to and remains in a hospital or other institution for the treatment of mental illness or a guardian is appointed to him or her or a trustee or administrator is appointed to his or her estate; or
 - (b) the member fails to pay any subscription, fee or other amount payable by the member to the Institute, including fees, fines and costs, within 3 months after the same has become due; or
 - (c) he or she fails to fulfil continuing professional education requirements as prescribed in the Regulations or (whether or not those requirements have been fulfilled) fails to notify the Institute of his or her compliance or otherwise for 2 consecutive years.
- Such a member may be readmitted to membership under By-law 20.

Voluntary suspension of membership

- 21A. Any member may suspend his or her membership by sending written notice to that effect to the Chief Executive Officer specifying the period for which he or she wishes his or her membership to be suspended and the date from which the suspension is to take effect, and accompanying that notice with payment of all moneys owing by him or her to the Institute, whether for subscription, fee or other amount:
- Provided that no suspension shall take effect unless and until it has been accepted by the Board. The Board may decline to accept the suspension of a member to whom a

Notice of Disciplinary Action has been issued in accordance with By-law 45(a), or whose conduct, in the opinion of the Board, by virtue of matters brought to the attention of the Institute, may become the subject of professional conduct proceedings under Section 5.

Provided further that any member whose notice of suspension was not received by the Chief Executive Officer prior to 30 June in any year shall remain liable for any subscription, fee or other amount payable by him or her to the Institute in respect of the year ending the following 30 June, save that, in any case, the Board may in its absolute discretion remit the whole or any part of such subscription, fee or other amount. During the period of a member's suspension, the member shall have none of the privileges or rights of a member.

A member's suspension may be terminated under By-law 20.

Where the Board accepts the voluntary suspension of a member whose conduct, in the opinion of the Board, by virtue of matters brought to the attention of the Institute, may or (if the member had not suspended his membership) may have become the subject of professional conduct proceedings under Section 5, the Institute may report the fact of the member's suspension and the details of such conduct and/or matters, as soon as practicable thereafter in the official publication of the Institute and on the Institute's website.

Section 3 - EXAMINATIONS

Board to Prescribe Examinations

22. (a) Pursuant to Article 4(g) of the Supplemental Charter, the Board may prescribe examinations as a prerequisite for persons seeking admission to membership of the Institute (except practice entities and persons exempted under By-law 23) together with the educational qualifications for, and other conditions and matters to be satisfied by, persons seeking admission to any examinations conducted by the Institute.
- (b) The Board may prescribe as any of the examinations or educational qualifications referred to in By-law 22(a), examinations conducted by any university, public education authority or other institution, whether in the Commonwealth of Australia or elsewhere.
- (c) When the Board prescribes examinations conducted by the Institute, it shall also prescribe the subjects for such examinations.
- (d) Subject to the By-laws, the Board may from time to time make Regulations for the holding and conduct of the examinations referred to in By-law 22(c) and may, by such Regulations prescribe the periods of service or experience (if any) required of candidates or any class of candidates and the fees payable by them for such examinations.
- (e) (Deleted September 2002)

Exemptions from Examination

23. The Board may from time to time prescribe conditions under which exemption may be granted from any examinations or from any part thereof and may prescribe the fee or other amount payable therefor.
- 24 to 29 (Deleted September 2002)

Section 4 - RIGHTS AND OBLIGATIONS OF MEMBERS

Place of Business

30. On application for admission to membership, every applicant (being a natural person) shall, in writing under his or her hand inform the Chief Executive Officer of his or her place or principal place of business (whether as a principal or an employee) and the nature of such business and of his or her place of residence and shall thereafter advise the Chief Executive Officer of any change in these particulars.
- On application for admission to membership, every applicant (being a practice entity) shall, in writing inform the Chief Executive Officer of its place or principal place of

business and the nature of such business and shall thereafter advise the Chief Executive Officer of any change in these particulars.

Enquiries

31. The Board may from time to time require any member to satisfy the Board, in such manner as it requires, whether (in the case of a member being a natural person) he or she is, or is not, in practice as a public accountant or employed by a public accountant or a practice entity or (in the case of a member of any class of membership) whether any particulars regarding the member appearing on the National, Regional or Overseas Registers, as the case may be, are correct.

Certificate

32. (a) On the admission of any member, a certificate in the prescribed form shall, on payment of such fee, if any, as the Board may from time to time prescribe, be issued to such member certifying the member's class of membership.
- (b) The certificate shall be under the Seal of the Institute and shall bear the signatures of the President or the Deputy President and of the Chief Executive Officer, which signatures may be printed reproductions, and its issue shall be recorded in a register to be kept for that purpose.
- (c) Every such certificate shall remain the property of the Institute and the Board shall be at liberty at any time to call for, and compel, its production and delivery and the Board may alter or amend any such certificate or issue a new certificate in place thereof.
- (d) The Board may charge such fee as it may from time to time prescribe for any such new certificate.
- (e) Any person ceasing to be a member of the Institute shall, upon demand in writing by the Chief Executive Officer, return the former member's certificate of membership to the Chief Executive Officer for cancellation.
- (f) If any member or former member neglects or refuses to deliver up the member's or former member's certificate on demand as aforesaid, the Institute may institute legal or other proceedings for its recovery.

Notification

33. (a) Unless exempted pursuant to the Regulations, every individual member shall before commencing to practise as a public accountant, lodge with the Chief Executive Officer an application for a certificate of public practice.
- (b) Unless exempted pursuant to the Regulations, every individual member shall, upon ceasing to practise as a public accountant, forthwith send to the Chief Executive Officer, a notification to this effect.

Certificates of Public Practice

34. (a) A member shall not, without the consent of the Board, practise as a public accountant unless he or she has been issued with a current certificate of public practice or his or her application therefor has been approved or he or she is exempt from the obligation to hold such a certificate.
- (b) The Board may prescribe Regulations for the issue and renewal of certificates of public practice and for any exemption from the obligation to hold such a certificate. Without limitation of the foregoing, the Board may prescribe the form of any application for such issue, renewal or exemption, any fee payable in respect thereof, the form and duration of any certificate of public practice and any conditions attaching thereto or to the issue or renewal thereof.
- (c) Where a certificate of public practice has been issued or renewed (as the case may be) with attaching conditions and those conditions have not been satisfied within a period (not being less than 30 days) of the member being called upon to satisfy them by notice in writing from the Chief Executive

- Officer, the certificate of public practice shall, at the expiration of that period, be cancelled and accordingly cease to be a current certificate of public practice in terms of By-law 34(a).
- (d) The certificate of public practice of a member upon whom any of the sanctions referred to in By-law 45(g)(i)(1), (2) or (3) has been imposed, shall, subject to any appeal under By-law 46, ipso facto, be cancelled and, accordingly, cease to be a current certificate of public practice in terms of By-law 34(a).
 - (e) A member whose certificate of public practice has been cancelled or who has otherwise ceased to be entitled to a certificate of public practice, shall, upon payment of the appropriate fee and subject to any conditions imposed by the Board be issued with a further certificate at such time as the Board may in its absolute discretion determine.

Rights at Meetings

- 35. Members shall be entitled to receive such notice of meetings and to exercise such voting power as is hereinafter prescribed both in relation to Regional meetings and in relation to meetings of members of the Institute. Members who are practice entities or affiliates are not entitled to vote at Regional meetings or meetings of members of the Institute.
- 36.
 - (a) A member of the Institute whose name, address and class of membership are not entered in the National Register shall not be entitled to be served with notice of, or to vote at, any meeting of the members of the Institute; and
 - (b) A member whose name, address and class of membership are not entered in a Regional Register shall not be entitled to be served with notice of, or to vote at, any meeting of the Regional members of that Region.

Employee members

- 37. A member in the employment of a public accountant or a practice entity shall not, without the written consent of his or her employer, undertake for remuneration any public accountancy services (as defined in Article 2(f) of the Supplemental Charter).

Liability

- 38. Any person who, for any reason, ceases to be a member shall nevertheless remain liable for, and shall pay to the Institute, all moneys which at the time of the person's ceasing to be a member were due from the person to the Institute.

Section 5 – PROFESSIONAL CONDUCT

- 39. (Deleted May 2004)
- 40. A member, non-member practice entity or registered graduate shall be liable to disciplinary action in any of the following events, whether occurring before or after the coming into operation of these By-laws:
 - (a) if he, she or it has, in the opinion of either of the Tribunals referred to in By-law 41, failed to observe a proper standard of professional care, skill or competence in the course of carrying out his, her or its professional duties;
 - (b) if he, she or it has, before any court of law in any jurisdiction in Australia or elsewhere pleaded guilty to, or been found guilty of, any criminal offence which has not been set aside on appeal;
 - (c) if he, she or it has, in any civil proceedings before any court of law in any jurisdiction in Australia or elsewhere been found to have acted dishonestly and such finding has not been set aside on appeal;
 - (d) if he, she or it has pleaded guilty to, or been found guilty of, any statutory or other offence by a court of law, professional body, statutory or other regulatory authority in any jurisdiction in Australia or elsewhere which is not a crime but which, in the opinion of either of the Tribunals referred to in By-law 41, brings, or is likely to bring, discredit upon him, her or it, the Institute or the

- profession of accountancy and any such finding has not been set aside on appeal;
- (e) if he, she or it has been the subject of an adverse finding in relation to his, her or its professional or business conduct or competence by any court of law, professional body, royal commission, statutory authority, regulatory authority, statutory body, commission or inquiry in any jurisdiction in Australia or elsewhere;
 - (f) if he, she or it has committed any breach of the Supplemental Charter, the By-laws or the Regulations (including the Regulations prescribing any ruling on the standards of practice and professional conduct, including the technical standards, required by the Institute to be observed);
 - (g) if he, she or it has failed to comply with any reasonable and lawful direction of any officer or organ of the Institute acting within the powers conferred by the Institute's Supplemental Charter, the By-laws or the Regulations and which relates to a matter concerning the good order and management of the Institute;
 - (h) if, in the case of a member (other than a practice entity member) or registered graduate, he or she has become a bankrupt or has signed an authority authorising a registered trustee, a solicitor, the Official Trustee, or any other person able to be so authorized, to call a meeting of his or her creditors and/or to take over control of his or her property, or has given a written proposal for a debt agreement to the Official Receiver or any person authorised to receive such a proposal or has executed a personal insolvency agreement or has executed or otherwise entered into any agreement or arrangement, by whatever term called, with his or her creditors.
 - (i) if, in the case of a practice entity member or non-member practice entity, a resolution for the voluntary winding-up of such practice has been passed by its creditors or a winding-up order has been made in respect of it by a court of law or a compromise or scheme of arrangement between such practice entity and its creditors or a class of creditors has been agreed to or has been approved by a court of law or a receiver has been appointed of it or any of its assets or undertakings, or the practice entity enters into any other form of insolvency administration;
 - (j) if he, she or it has committed any act, omission or default which, in the opinion of either of the Tribunals referred to in By-law 41 brings, or is likely to bring, discredit upon himself, herself or itself, the Institute or the profession of accountancy.
41. (a) For the implementation of the procedures referred to in this Section, there shall be the following Tribunals:-
- (i) a Professional Conduct Tribunal appointed by the Board as hereinafter provided; and
 - (ii) an Appeal Tribunal appointed by the Board as hereinafter provided.
- (b) The Professional Conduct Tribunal shall consist of not less than 20 natural persons comprised of:-
- (i) individual members of at least 10 years' standing; and
 - (ii) at least one non-accountant.
- Such Tribunal shall not include any member of the Appeal Tribunal. Not less than 4 members of the Professional Conduct Tribunal, a majority of whom shall be members of the Institute, and of whom at least one shall be a non-accountant, shall hear and determine any matter brought before it in accordance with the By-laws and shall exercise the powers and functions of such Tribunal.
- (c) The Appeal Tribunal shall consist of not less than 6 natural persons comprised of:-
- (i) individual members of at least 10 years' standing who have served on the Professional Conduct Tribunal or are otherwise well acquainted with the Institute's professional conduct procedures; and
 - (ii) at least one non-accountant.
- Such Tribunal shall not include any member of the Professional Conduct Tribunal.

- Not less than 5 members of the Appeal Tribunal, a majority of whom shall be members of the institute, and of whom at least one shall be a non-accountant, shall hear and determine any matter brought before it in accordance with the By-laws and shall exercise the powers and functions of such Tribunal.
42. Subject to the provisions of the Supplemental Charter and the By-laws the Professional Conduct Tribunal and the Appeal Tribunal may regulate their own procedures as they think fit including whether or not to hear any witness or admit any material and without giving any reason therefor. Without limiting the generality of the foregoing, each such Tribunal may, if it thinks fit:-
- (a) require the production for inspection by the Tribunal or any person appointed by it for such purpose, of any books, documents or papers in the possession or under the control of the member, non-member practice entity or registered graduate whose conduct is the subject of a Notice of Disciplinary Action or in the possession or under the control of any other member, non-member practice entity or registered graduate;
 - (b) require the member, non-member practice entity or registered graduate whose conduct is the subject of a Notice of Disciplinary Action or any other member, non-member practice entity or registered graduate, to provide all such information in relation to any such books, documents or papers or on any related matter as may reasonably be required by the Tribunal or by the person appointed for such purpose;
 - (c) require any member, non-member practice entity or registered graduate other than any member, non-member practice entity or registered graduate whose conduct is the subject of a Notice of Disciplinary Action to attend before the Tribunal and give evidence of any facts within his, her or its knowledge which relate to any Notice of Disciplinary Action against any member, non-member practice entity or registered graduate;
 - (d) proceed with a hearing in the absence of a member, non-member practice entity or registered graduate, where such member, non-member practice entity or registered graduate, after being given notice to attend the hearing, fails without good cause to attend the hearing or, in the case of a practice entity, to be represented at the hearing.
43. (a) Any complaint made by a member of the Institute or by a member of the public concerning the conduct of a member, a non-member practice entity or a registered graduate, shall be made to the Chief Executive Officer.
- (b) On receipt of a complaint the Chief Executive Officer shall investigate the complaint and determine whether the matter should be referred to the Professional Conduct Tribunal.
- (c) Where information comes to the attention of the Chief Executive Officer, which he or she considers may require consideration by the Professional Conduct Tribunal, he or she shall investigate the matter and determine whether the matter should be referred to the Professional Conduct Tribunal.
- (d) Where the Chief Executive Officer commences an investigation under By-law 43(b) or (c) he or she shall be entitled in his or her absolute discretion to publicise the fact that an investigation is taking place, and to publicise the outcome of such investigation.
- (e) Each complaint shall be in writing and shall, if the Chief Executive Officer so requires, be supported by such evidence, particulars or material as he or she considers necessary.
- (f) (Deleted May 2004)
44. (a) The Chief Executive Officer, in investigating whether or not a matter should be referred to the Professional Conduct Tribunal, shall have the power to:
- (i) undertake, or appoint any person or persons to undertake, whatever inquiries are deemed necessary provided that such person shall not thereafter be a member of the Tribunals referred to in By-law 41 formed to hear the particular matter being inquired into;
 - (ii) require the production of any books, documents or papers in the possession or under the control of the member, non-member practice entity or registered graduate whose conduct is the subject

- of investigation or in the possession or under the control of any other member, non-member practice entity or registered graduate;
- (iii) require the member, non-member practice entity or registered graduate whose conduct is being investigated or any other member, non-member practice entity or registered graduate, to give all such information in relation to any such books, documents or papers or on any related matter as may reasonably be required by the Chief Executive Officer or by the person or persons he or she appoints for such purpose.
- (b) If a complaint made by a member of the Institute or by a member of the public is subsequently withdrawn by the person who made it, the Chief Executive Officer may, in his or her sole discretion at any time prior to the commencement of the hearing by the Professional Conduct Tribunal determine that no further action be taken.
- (c) If the Chief Executive Officer decides to refer a matter to the Professional Conduct Tribunal, he or she shall refer the matter to the Professional Conduct Tribunal together with all supporting material.
45. Where a complaint or matter is referred to the Professional Conduct Tribunal:-
- (a) The Chief Executive Officer shall give to the member, non-member practice entity or registered graduate concerned:
- (i) a Notice of Disciplinary Action setting out the alleged breaches or circumstances as referred to in By-law 40 and any particulars or materials in support; and
- (ii) not less than 21 days notice of the date, time and place of the hearing before the Professional Conduct Tribunal.
- (aa) The Chief Executive Officer may withdraw a Notice of Disciplinary Action at any time.
- (ab) The Chief Executive Officer may amend a Notice of Disciplinary Action at any time, provided that he or she may not do so less than 21 days before the hearing, without the consent of the member, non-member practice entity or registered graduate concerned.
- (b) The member, non-member practice entity or registered graduate receiving a Notice of Disciplinary Action or an amended Notice of Disciplinary Action shall not later than 7 days before the date of the hearing, provide in writing to the Chief Executive Officer:
- (i) notice as to whether he, she or it will attend the hearing and, if represented, by whom;
- (ii) a Statement of Defence to the Notice of Disciplinary Action;
- (iii) the names of any witnesses he, she or it intends to call on his, her or its own behalf or whom he, she or it requires to attend the hearing; and
- (iv) notice of any relevant fact or circumstance he, she or it wishes to bring to the attention of the Professional Conduct Tribunal.
- Failure to comply with any or all of the above requirements shall not preclude the Professional Conduct Tribunal from proceeding to hear a Notice of Disciplinary Action at the appointed time.
- (c) The Chief Executive Officer shall appoint a person or persons to present the case on behalf of the Institute.
- (d) The Chief Executive Officer shall have the power to require any member, registered graduate or representative of a practice entity (whether a practice entity member or a non-member practice entity) to attend and give evidence at the Professional Conduct Tribunal hearing.
- (e) The Professional Conduct Tribunal shall give the member, affiliate, practice entity or registered graduate concerned or his, her or its representative a reasonable opportunity of being heard and shall give due consideration to any material he, she or it may submit.
- (f) The Professional Conduct Tribunal shall determine whether or not the allegations contained in the Notice of Disciplinary Action, or any part thereof, are established.
- (g) If the Professional Conduct Tribunal makes a determination that the allegations contained in the Notice of Disciplinary Action, or any part thereof,

are established, it may, having given the member, practice entity or registered graduate a reasonable opportunity of being heard on the question of sanctions, impose any one or more of the following sanctions, namely:-

- (i) In the case of an individual member:-
 - (1) exclusion from membership;
 - (2) cancellation of membership of the Institute for any period not exceeding 5 years with eligibility for re-instatement to membership on such terms and conditions as the Professional Conduct Tribunal may prescribe and on producing satisfactory evidence that during the period of suspension he or she has maintained his or her professional competence as required from time to time by the Regulations;
 - (3) cancellation of certificate of public practice;
 - (4) a declaration that the member is ineligible for a certificate of public practice for a period not exceeding 5 years and on such terms and conditions as to the earlier termination of such period of ineligibility as the Professional Conduct Tribunal may prescribe;
 - (5) a fine of an amount not exceeding \$100,000;
 - (6) a severe reprimand;
 - (7) a reprimand;
 - (8) a direction that the member obtains such advice relating to the conduct of his or her practice as the Professional Conduct Tribunal may prescribe;
 - (9) a direction that the member attend such continuing professional education course or courses as the Professional Conduct Tribunal may specify;
 - (10) a direction for payment of all or any portion of the costs and expenses incurred by the Institute in dealing with the Notice of Disciplinary Action.
- (ii) In the case of an affiliate:-
 - (1) exclusion from membership
 - (2) a fine not exceeding \$100,000;
 - (3) a severe reprimand;
 - (4) a reprimand;
 - (5) a direction that the affiliate obtain such advice relating to the conduct of his or her practice as the Professional Conduct Tribunal may from time to time prescribe;
 - (6) a direction for payment of all or any portion of the costs and expenses incurred by the Institute in dealing with the Notice of Disciplinary Action.
- (iii) In the case of a practice entity member, any one or more of the sanctions provided for an affiliate in By-laws 45(g)(ii)(1), (2), (3), (4), (5) and (6).
- (iv) In the case of a non-member practice entity, any one or more of the sanctions provided for an affiliate in By-laws 45(g)(ii)(2), (3), (4), (5) and (6).
- (v) In the case of a registered graduate:-
 - (1) a declaration that the registered graduate is unfit to remain a registered graduate;
 - (2) a declaration that the registered graduate is ineligible for any period not exceeding 2 years to sit for any examination or examinations conducted by the Institute specified in such declaration;
 - (3) a declaration that the registered graduate is disqualified from any examination or examinations of the Institute specified in such declaration;
 - (4) a declaration that the registered graduate is ineligible to apply for membership for a period to be specified by the Professional Conduct Tribunal on such terms and conditions as to the earlier termination of such period of ineligibility as the Professional Conduct Tribunal may prescribe;

- (5) a severe reprimand;
 - (6) a reprimand;
 - (7) a direction for payment of all or any portion of the costs and expenses incurred by the Institute in dealing with the Notice of Disciplinary Action.
 - (h) Notwithstanding that the Professional Conduct Tribunal determines that the allegations contained in a Notice of Disciplinary Action, or any part thereof, against the member, non-member practice entity or registered graduate, are established, it may, at its discretion, not impose any sanctions.
 - (ha) If the Professional Conduct Tribunal determines that the allegations contained in the Notice of Disciplinary Action, or any part thereof, have or have not been established, it may give reasons for its determination, for any sanction which it imposes under By-law 45 (g), and for any election under By-law 45 (h) not to impose any sanctions.
 - (i) Notice in writing of the Professional Conduct Tribunal's determination and any sanction imposed (or of its election under By-law 45(h) not to impose any sanction), and of any reasons which the Tribunal has given for the determination and sanction (or exercise if its discretion under By-law 45(h) not to impose any sanction), shall be given by the Chief Executive Officer to the member, non-member practice entity or registered graduate. Such notice shall also be given to the President.
 - (j) Unless notice of appeal is given in accordance with By-law 46(a) or (b), the determination and any sanction imposed by the Professional Conduct Tribunal (or the fact that it has elected under By-law 45(h) not to impose any sanction), and any reasons which the Tribunal has given for the determination and sanction (or exercise if its discretion under By-law 45(h) not to impose any sanction) shall be notified as follows:-
 - (i) in the case of a complaint made by a member of the Institute or a member of the public, to such member or member of the public;
 - (ii) (Deleted May 2004)
 - (iii) to the Board;
 - (iv) to such other professional bodies and regulatory authorities as determined by the Professional Conduct Tribunal.
46. (a) Any member, non-member practice entity or registered graduate against whom any determination has been made or upon whom any sanction has been imposed by the Professional Conduct Tribunal may, within 21 days after notice of such determination and sanction (or exercise of its discretion under By-law 45(h) not to impose any sanction) and of any reasons which the Tribunal has given for the determination and sanction (or exercise of its discretion under By-law 45(h) not to impose any sanction) being received, or in the ordinary course of post, would have been received by him, her or it, give notice of appeal to the Chief Executive Officer against any such determination or sanction or both. At the discretion of the Institute's President or failing him or her the Deputy President, later notice may be accepted. Each notice of appeal shall state the grounds of appeal and the grounds so stated shall not thereafter be amended except with the approval of the Appeal Tribunal.
- (b) The President, or failing him or her the Deputy President, may, within 21 days after a determination has been made or a sanction imposed by the Professional Conduct Tribunal against a member, non-member practice entity or registered graduate give notice of appeal to the Chief Executive Officer against any such determination or sanction, or both.
- (c) As soon as practicable after receipt of a notice of appeal the Chief Executive Officer shall give to the member, non-member practice entity or registered graduate not less than 21 days' notice of the date, time and place fixed for the hearing of the appeal. The Appeal Tribunal shall give the member, non-member practice entity or registered graduate or his, her or its representative a reasonable opportunity of being heard.
- (d) The member, non-member practice entity or registered graduate appearing shall not later than 7 days before the date of the hearing provide in writing to the Chief Executive Officer:-

- (i) notice as to whether he, she or it will attend the hearing and, if represented, by whom;
 - (ii) the names of any witnesses he, she or it intends to call on his, her or its own behalf or whom he, she or it requires to attend the hearing; and
 - (iii) notice of any relevant fact or circumstance he, she or it wishes to bring to the attention of the Professional Conduct Tribunal.
 - (e) The Chief Executive Officer shall appoint a person or persons to represent the Institute on the appeal.
 - (f) The Chief Executive Officer shall have the power to require any member (not being a practice entity member), registered graduate or representative of a practice entity (whether a practice entity member or a non-member practice entity) to attend and give evidence at the Appeal Tribunal hearing.
 - (g) On each appeal the Appeal Tribunal shall have regard only to the material presented to the Professional Conduct Tribunal. At its discretion the Appeal Tribunal may hear any witness who appeared before the Professional Conduct Tribunal and receive additional material relevant to the complaint.
 - (h) On each appeal the Appeal Tribunal may affirm, vary or set aside any determination of the Professional Conduct Tribunal and may affirm, increase, reduce or set aside any sanction imposed and may impose any additional sanction or sanctions. The Appeal Tribunal may give reasons for its determination, for any increased or reduced sanctions, and for any additional sanctions imposed. A determination of the Appeal Tribunal shall take effect as from the date thereof unless some other date (not being earlier than the date of the determination or sanction appealed against) shall be specified in the determination. Notice in writing of any determination of the Appeal Tribunal, and of any reasons which the Appeal Tribunal has given for its determination and for any increased, reduced or additional sanction, shall, as soon as practicable, be given by the Chief Executive Officer to the member, non-member practice entity or registered graduate and be notified as follows:-
 - (i) in the case of a complaint made by a member of the Institute or a member of the public, such member or member of the public;
 - (ii) (Deleted May 2004)
 - (iii) the Board;
 - (iv) the Professional Conduct Tribunal;
 - (v) such other professional bodies and regulatory authorities as determined by the Appeal Tribunal.
- 47.
- (a) When any determination has been made against a member, non-member practice entity or registered graduate by the Professional Conduct Tribunal, unless notice of appeal is duly given as provided in these By-laws and not subsequently withdrawn, the determination and any sanction imposed (or the fact of the Tribunal's election under By-law 45(h) not to impose any sanction), and any reasons which the Tribunal has given for the determination and sanction (or exercise of its discretion under By-law 45(h) not to impose any sanction), shall be reported in the official publication of the Institute and on the Institute's website.
 - (b) In the event of the Appeal Tribunal affirming or varying or setting aside any determination of the Professional Conduct Tribunal, or affirming, increasing, reducing or setting aside any sanction imposed by the Professional Conduct Tribunal, or imposing any additional sanction or sanctions, the determination of the Appeal Tribunal, any sanction imposed, and any reasons which the Appeal Tribunal has given for the determination and/or for any sanction imposed or which the Professional Conduct Tribunal has given for any determination and/or sanction (which has been affirmed by the Appeal Tribunal) or for the exercise of its discretion under By-law 45(h) not to impose any sanction, shall be reported as soon as practicable thereafter in the official publication of the Institute and on the Institute's website.
 - (c) Each report published as aforesaid shall include the name of the member, non-member practice entity or registered graduate.

48. Where the Professional Conduct Tribunal or the Appeal Tribunal determines in favour of a member, non-member practice entity or registered graduate, the determination may be published in such manner and form as may be authorised by the relevant Tribunal.
49. In the event of the name of a member being removed from the register, the member's certificate of membership and any certificate of public practice then held by the member shall be delivered up by the member to the Chief Executive Officer to be cancelled.
50. Where the matter to be heard relates to a member of either of the Tribunals referred to in By-law 41 or against a practice entity which employs that member or a practice entity in which that member has any interest or against any partner, officer, shareholder or employee of that same practice entity, that member shall not serve on the Tribunal which hears the matter.
51. Each of Tribunals referred to in By-law 41 may, on such terms as it thinks fit, authorise payment of the travelling and other out of pocket expenses, or any part thereof, of the member, non-member practice entity or registered graduate whose conduct is the subject of a Notice of Disciplinary Action or of any witness or other person who has attended a meeting of such Tribunal convened for the hearing of a complaint against such member, affiliate, practice entity or registered graduate.

Section 6 - FEES AND SUBSCRIPTIONS

Prescription of Fees

52.
 - (a) Every natural person and practice entity applying for admission (including advancement in status), and every member (other than a Life Member or an Honorary Member), shall pay such subscriptions, fees and other amounts as may be prescribed from time to time under the Regulations.
 - (b) Every non-member practice entity and registered graduate shall pay such subscriptions, fees and other amounts as may be prescribed from time to time under the Regulations.
53. (Deleted # 2009)

Annual Subscriptions

54.
 - (a) Annual subscriptions shall cover the period 1 July to 30 June and shall be payable in advance on 1 July in each year.
 - (b) (Deleted September 2002)

Disability

55. Should any individual member be disabled through ill-health or other sufficient cause from continuing to practice his profession, the Board may reduce or remit his or her annual subscription and other fee or amount payable by him or her from time to time and may also remit any arrears of subscription and other fee or amount due from that member.

Section 7 - MEETINGS OF MEMBERS

Meetings of Regional members

56. Each Regional Council shall convene an annual general meeting of members enrolled on the Regional Register of that Region under By-laws 142 and 143 in the month of October in each year or in such other month as the Board may determine. Such meetings shall be called ordinary general Regional meetings.
57. Any Regional Council may, whenever it thinks fit and shall upon a requisition made in writing by 20 of such members, convene a special meeting of such members. Such meetings shall be called special general Regional meetings.
58. At every ordinary or special general Regional meeting the Regional Chair shall take the chair. If the office of Regional Chair is vacant or if the Regional Chair is not present at the time appointed for the meeting, the Vice-Chair of the Regional Council shall take the chair. If neither the Regional Chair nor the Vice-Chair is present, the members present shall choose one of their number to act as chair.

Meetings of members of Institute

59. The Board shall convene an annual general meeting of members of the Institute in the month of October in each year or in such other month as the Board may determine, provided that not more than 15 months shall elapse between 2 successive annual general meetings. Such meetings shall be called ordinary general Institute meetings.
60. The Board may, whenever it thinks fit and shall upon a requisition made in writing by 200 members entitled to vote, convene a special meeting of members of the Institute. Such meetings shall be called special general Institute meetings.
61. At every ordinary or special general Institute meeting the President shall take the chair. If the office of President is vacant or if the President is not present at the time appointed for the meeting, the Deputy President shall take the chair. If neither the President nor the Deputy President is present, the individual members present shall choose one of their number to act as chair.

Meetings Generally

62. The succeeding By-laws in this Section shall apply to ordinary and special general Regional meetings and to ordinary and special general Institute meetings (except where otherwise provided therein). References therein to ordinary general meetings shall apply to ordinary general Regional meetings and ordinary general Institute meetings. References therein to special general meetings shall apply to special general Regional meetings and special general Institute meetings. References therein to meetings shall apply to any of such meetings and references therein to members, office bearers, officers and offices shall be taken to refer to those of a Region or of the Institute as the case may require.
63. Any requisition for a special general meeting shall specify the object of the meeting required and shall be signed by the members making the same and shall be deposited at the office. It may consist of several documents in like form each signed by one or more of the requisitionists. The meeting shall be convened for the purposes specified in the requisition and, if convened otherwise than by the Board or Regional Council as the case may be, for those purposes only.
64. (a) If the Board or Regional Council as the case may be within 30 days after the deposit of a requisition fails to convene a special general meeting to be held within 60 days after such deposit, the requisitionists may themselves convene a meeting to be held at the office or at some other convenient place in the city in which the office is situated within 90 days after such deposit.
- (b) Any meeting convened under this By-law by the requisitionists shall be convened as nearly as possible in the same manner as that in which meetings are convened by the Board or Regional Council as the case may be.
65. (a) Subject to By-law 65(b), 21 days' notice specifying the place, day and hour of meeting and, in case of special business, the general nature of such business, shall be given of every meeting by notice served in accordance with By-law 149(a) on each member entitled to receive notices of meetings. Provided that where notice of any motion or business is accepted by the Chief Executive Officer or Regional General Manager pursuant to By-law 68 less than 30 days before the date of an ordinary general meeting, such notice shall be given to members entitled to receive notices of meetings of the proposed motion as the Board or Regional Council as the case may be shall deem fit and, in its discretion, the Board or Regional Council as the case may be may dispense with any such notice.
- (b) With the consent in writing of two-thirds of the Directors or members of the Regional Council, as the case may be, a meeting (other than a meeting convened to consider the rescission or variation of or addition to the By-laws, or amendments or additions to the Supplemental Charter) may be convened by shorter notice and in any manner they think fit.
66. The accidental omission to give any notice or to send any voting paper to any member, or the non-receipt of any notice or voting paper by any member, shall not invalidate any resolution passed, any election held or other proceeding taken at any meeting.

67. The ordinary business of an ordinary general Institute meeting shall be to receive and consider the annual report of the Board, the general purpose financial report, and the report of the auditor, and to appoint an auditor. The ordinary business of an ordinary general Regional meeting shall be to receive and consider the reports of the Regional Council. All other business at an ordinary general meeting and all business at a special general meeting shall be deemed special.
68. A member or members entitled to vote wishing to bring before a meeting any motion or business not relating to the ordinary business of the meeting may only do so if 10 or more members give notice thereof in writing to the Board or Regional Council as the case may be, such notice to be in the hands of the Chief Executive Officer or Regional General Manager as the case may be, not later than 60 days before the date fixed for such meeting, provided that the Chief Executive Officer or Regional General Manager as the case may be may, in his or her discretion, accept such notices up to 21 days before the date fixed for such meeting.
69. No motion or business shall be entertained or transacted at any meeting unless notice thereof has been properly given or dispensed with or unless the same shall, in the opinion of a majority of members personally present and entitled to vote, directly arise out of the motion or business properly before the meeting.
70. (a) 10 members personally present and entitled to vote shall constitute a quorum at an ordinary or special general meeting for the choice of a chair, the adjournment of a meeting, the reception and consideration of the annual report of the Board, the general purpose financial report, and the report of the auditor, and for the reception of the chair's declaration of the appointment of the auditor if one nomination only has been received for this office.
(b) In all other cases, 15 members personally present and entitled to vote shall constitute a quorum.
71. Subject to By-law 72, no business shall be transacted at any meeting unless the quorum requisite for such business shall be present at the commencement of the business.
72. If, within half an hour from the time appointed for a meeting a quorum is not present, the meeting, if convened upon such requisition as aforesaid, shall lapse. In any other case it shall stand adjourned to the next day at the same time and place and if, at such adjourned meeting, a quorum is not present, those members who are present shall be competent to transact the business for which the meeting was called.

Voting

73. Subject to By-law 74(a), at any meeting questions or resolutions which are submitted to the meeting for determination shall be decided in the first instance, by a show of hands.
74. (a) Except on a motion for adjournment or for the election of a chair, either the chair of the meeting or 10 members personally present and entitled to vote at such meeting may demand a poll.
(b) A poll shall be taken at the meeting in such manner as the chair of the meeting directs and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
(c) On a voting by show of hands or on a poll a chair shall be entitled to vote as a member, but shall have no additional or casting vote, and in all cases where there is an equality of votes, the question or resolution submitted to the meeting shall be deemed to have lapsed.
75. At any meeting, unless a poll is demanded, a declaration by the chair that a resolution has been carried or lost and an entry to that effect in the minute book shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
76. The chair of a meeting may, with the consent of the meeting, adjourn the same from time to time and place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place unless, in the opinion of a majority of the members personally present and entitled to vote, the same shall directly arise thereat.
77. The demand for a poll shall not prevent the continuance of a meeting for the transaction of any business other than the question on which a poll has been demanded.

78. (a) The Board may at any time resolve that, in lieu of submitting a proposal to a meeting, it shall submit a resolution or resolutions to individual members by means of a postal or postal and electronic ballot which ballot shall be conducted as nearly as practicable in the manner set forth in this By-law.
- (b) The Board shall appoint 5 members to be scrutineers, at least 3 of whom shall act as such.
- (c) The Board shall set out the resolution or resolutions proposed by it in a notice to individual members and shall cause the notice and voting papers setting out the resolution or resolutions and containing full directions as to the method of voting to be posted or emailed (in the case of members who have advised the Institute of their email address) to all members who would have been entitled, if present, to vote at a meeting held on the day of the posting or emailing of the said notice and voting papers. Such notice and voting papers shall be sent to each such member in accordance with By-law 149(a).
- (d) All members entitled to vote and wishing to vote on the resolution or (if there be more than one resolution) on any resolution, must do so by voting in the manner indicated in the directions and by posting the voting papers to the Institute or by voting online (in the case of members who have received the notice by email) in either case in accordance with the directions in the voting papers, so as to be received by the scrutineers not later than 21 days after the date of the notice from the Institute.
- (e) Within 7 days after the last day upon which votes can be received under By-law 78(d), the scrutineers or at least 3 of them shall meet and examine the voting papers or voting papers and online votes.
- (f) The voting papers and online votes may be examined either before or at such meeting of the scrutineers but may only be examined in the presence of at least one of the scrutineers. The scrutineers shall reject the vote of any member who at the date of such meeting was in arrears for more than 3 months in payment of any subscription, fee or other amount payable by him or her to the Institute or who has failed to observe the directions mentioned in By-law 78(c) (unless in their opinion he or she has clearly indicated the way in which he or she wishes to vote) and they may reject any other vote which, in their view, ought properly to be rejected. The scrutineers shall, as soon as practicable, report the result of the voting to the Chief Executive Officer and shall include in such report a statement of the number of votes rejected by them and the reasons for such rejection. The Chief Executive Officer shall arrange for the result of the postal or postal and electronic ballot to be given to members within a reasonable time after the receipt of such report, whether by publication in the Institute's journal or otherwise. The report of the scrutineers as to the result of the voting shall be conclusive. A resolution passed by such ballot shall have the same force and effect as if it were a resolution passed at a meeting of members held on the date of the report of the scrutineers.
- (g) (Deleted August 2007)
79. (a) On a show of hands, every member personally present and entitled to vote shall have one vote.
- (b) Upon a poll every member who is entitled to vote shall have one vote.
- (c) Upon a postal ballot every member who is entitled to vote shall have one vote.
- (d) Honorary members shall not be entitled to a vote.
- (e) Affiliate members shall not be entitled to a vote.
- (f) Practice entity members shall not be entitled to a vote.
80. Votes on a poll may be given either personally or by attorney or proxy.
81. No person shall vote as attorney under power or as proxy who is not a member of the Institute and entitled to vote.
82. The instrument appointing a proxy or the power of attorney (if any) under which any proxy paper is signed or under which an attorney proposes to vote shall be deposited for verification with the Chief Executive Officer at the office not less than 48 hours before the time for holding the meeting or adjourned meeting (as the case may be) at which the

- proxy or attorney proposes to vote but no instrument appointing a proxy shall be valid after the expiration of 12 months from the date of its execution.
83. A vote given in accordance with the terms of a power of attorney or instrument of proxy shall be valid notwithstanding the previous death of the principal or revocation of the power of attorney or proxy, provided no intimation in writing of the death or revocation shall have been received at the office before the meeting.
84. Every instrument of proxy, whether for a specified meeting or otherwise, shall be in writing and as nearly as circumstances admit shall be in the form authorised by the Board under By-law 4. Instruments of proxy may be deposited with, or faxed or emailed to, or lodged electronically with, the Chief Executive Officer, in accordance with any directions in the applicable notice or voting paper issued by the Board or Regional Council.
85. A member shall not be entitled to be present or to vote on any question personally or by attorney or by proxy or as attorney or proxy for another member at any meeting or on any postal vote or to be reckoned in a quorum whilst he is in arrears for more than 3 months in payment of any subscription, fee or other amount payable by him or her to the Institute.
86. Unless he or she indicates to the contrary, a member voting shall be deemed to have voted for himself or herself and for all other members whose attorney or proxy he or she is but a member may cast separate votes for himself or herself and any such other member.

Section 8 - REGIONAL COUNCILS

87. (a) In addition to the Board there shall be, in each Region, Regional Council.
(b) Each Regional Council shall have such powers and duties as are prescribed by the By-laws or as may be prescribed from time to time by the Board.

Composition and term

88. (a) Each Regional Council shall comprise 6 members elected directly by the members of the Region provided that the Board may if so requested by a Regional Council from time to time, approve a Regional Council of 9 members, for such period as may be prescribed by the Board, provided that such approval will not be unreasonably withheld.
(b) Subject to By-laws 92, 93 and 95, the Regional Councillors will hold office for a term of 3 years from the 1 January immediately following their election, but will be eligible for re-election for further terms of 3 years in accordance with these By-laws.
89. (Deleted July 2000)

Eligibility for membership

90. (a) No member shall be eligible to be elected a Regional Councillor whilst he or she is in arrears in payment of any subscription, fee or other amount payable by him or her to the Institute and unless he or she is resident in and enrolled on the Regional Register of that Region under By-laws 142 and 143.
(b) No affiliate or practice entity member shall be eligible to be elected a Regional Councillor.
91. (Deleted August 2007)

Rotation

92. One-third of the Regional Councillors for each Region shall retire from office each year, with effect as of 31 December in that year, but the retiring Councillors shall be eligible for re-election.
93. The Regional Councillors so retiring shall be those longest in office. As between 2 or more who have been in office an equal length of time, the Regional Councillors who retire shall, in default of agreement, be determined by lot.
94. (Deleted July 2000)

disconnect his or her link to it, prior to the close of the meeting, he or she must announce his or her intention to do so to the chair.

Notice

102. Notice of every meeting of a Regional Council shall be served in accordance with By-law 149 on each Regional Councillor, with the period of such notice being that approved by the Board from time to time.

Office Bearers

103. Within 60 days after each ordinary general Regional meeting, but not later than 31 December, the members who will be the Regional Councillors for that Region in the ensuing calendar year will meet and nominate from among their number, the proposed Chair and Vice-Chair for the ensuing calendar year.
- 103A. Each Regional Council shall as soon as practicable after 1 January in each year, appoint from among its Regional Councillors, a Chair and a Vice-Chair for that calendar year.
104. (Deleted July 2000)

Role and Powers of Regional Councils

- 104A. The role of Regional Council is to:
- (a) provide advice to the Board on strategic policy and member issues;
 - (b) act as a link between the Board and the members in its Region;
 - (c) assist the Board in raising and maintaining the public profile of the Institute in its Region, including its profile with the relevant State and/or Territory governments; and
 - (d) implement in its Region, processes designed to attract and retain suitable Regional Council members.
105. Subject to the provisions of the Supplemental Charter and the By-laws, the Regional Councils shall have such powers and duties as may from time to time be specified or approved by the Board.

Committees

106. (a) Subject to the provisions of the Supplemental Charter and the By-laws, Regional Council may appoint committees (including branch committees) which may include persons other than Regional Councillors or members of the Institute and may:-
- (i) fix the quorum for such committees;
 - (ii) delegate any of its powers to any such committee; and
 - (iii) lay down rules for regulating the proceedings of such committees.
- (b) By virtue of their offices, the Chair and Vice-Chair of Regional Council shall be members of all committees appointed by that Regional Council.

Section 9 - BOARD

Composition and term

107. (Deleted July 2000)
108. The Board shall comprise:
- (a) 7 Directors directly elected by the members enrolled on the Regional Registers in accordance with By-law 108A; and
 - (b) any directors appointed by the Board under By-law 108C.
- 108A. In September, October or November each year, the members enrolled on each Regional Register kept under the By-laws shall, by postal ballot or (at the election of the Board) postal and electronic ballot, and in accordance with the Regulations and the procedures prescribed by the Board from time to time, elect a Director (unless and to the extent that the term of the existing Director elected by the members from that Region will continue for the following calendar year). To be so elected as a Director, a person must be an individual member of the Institute entitled to vote, enrolled on the relevant Regional Register, but need not be a member of the relevant Regional Council. The Directors so

95. At each ordinary general Regional meeting eligible members shall be elected to fill all vacancies on the Regional Council occurring in terms of the By-laws.

Election

96. Subject to By-law 96A, the election of Regional Councillors shall be at an ordinary general Regional meeting and shall be conducted in accordance with the Regulations and procedures prescribed by the Board from time to time. Without limiting the generality of the foregoing:
- (a) If the requisite number of candidates is nominated, the chair shall, at the meeting, declare them duly elected.
 - (b) If fewer than the requisite number of candidates are nominated, it shall be competent for the meeting, by resolution, to receive nominations for the number of places in excess of those for which nominations have been received and proceed to election in such manner as the chair directs.
- 96A. If more than the requisite number of candidates are nominated, a postal ballot or (at the election of the Board) postal and electronic ballot shall be conducted in accordance with the Regulations and the procedures prescribed by the Board from time to time.

Vacancies

97. In the event of any casual vacancy occurring in any Regional Council, the vacancy may be filled by the remaining Regional Councillors appointing an eligible member of the Institute to fill the vacancy but the member so appointed shall hold office only during the period for which the vacating Regional Councillor would have held office if no vacancy had occurred.
98. The continuing Regional Councillors may act notwithstanding any vacancy in a Regional Council, provided that, if the number of continuing Regional Councillors at any time is less than the quorum fixed for that Regional Council, such continuing Regional Councillors may act, but only for the purpose of filling the vacancies.
99. (Deleted July 2000)

Disqualification

100. The office of a Regional Councillor shall be vacated if he or she:
- (a) dies or resigns that office by resignation in writing to that Regional Council;
 - (b) ceases to be a member of the Institute or any one of the sanctions referred to in By-laws 45(g)(i)(1) to (4) is imposed upon him or her;
 - (c) ceases to be enrolled on the Regional Register of that Region under By-laws 142 and 143;
 - (d) is absent from 2 or more consecutive ordinary meetings of the Regional Council without the leave of that Council and that Council resolves that his or her office be vacated;
 - (e) becomes liable to be excluded from membership under By-law 21(a);
 - (f) voluntarily suspends his or her membership under By-law 21A.

Meetings

101. The Regional Councils shall meet at such places and at such times as they may respectively determine.
- 101A. A Regional Council meeting may be held by conference telephone or videoconference technology or by using any other technology consented to by all the Regional Councillors for that Region which enables all participants to hear and participate in the proceedings. If a Regional Councillor is unable to attend a Regional Council meeting in person, he or she may, if a majority of the other Regional Councillors present at that or a previous meeting consent, participate in the meeting by telephone or any other technology approved by the other Regional Councillors. A Regional Councillor participating in such a Regional Council meeting, or so participating in a Regional Council meeting, will be deemed to have been present at the meeting and to have formed part of a quorum until the close of the meeting or until his or her link to the meeting is earlier disconnected. If any Regional Councillor so participating in a meeting intends to leave the meeting, or

elected will hold office for a term of 3 years from the immediately following 1 January but will thereafter be eligible for re-election for further terms of 3 years pursuant to this By-law unless, at the time nominations close, the Director is in arrears in payment of any subscription, fee or other amount payable by the Director to the Institute.

108B. (Deleted August 2005)

108C. The Board may, in its discretion at any time, appoint no more than 4 additional Directors and in so doing shall have regard to the following matters:

- (a) technical or administrative skills important to the Board;
- (b) special or topical experience which may be required by the Board;
- (c) under-representation on the Board of significant segments of the members of the Institute;
- (d) the availability of potential future office bearers; and
- (e) other factors necessary to achieve a balanced and effective Board.

A Director appointed under this by-law:

- (f) need not be a member, unless there are at any time 2 non-member Directors who have been appointed under this by-law, in which case any additional Directors appointed under this by-law must be members;
- (g) shall, subject to the By-laws, continue in office as a Director for a period of 3 years from the date of his or her appointment;
- (h) shall be eligible for reappointment by the Board under this by-law for one further period of 3 years;
- (i) may be removed from office by a resolution of the Board passed at a meeting convened with notice of its purpose;
- (j) shall be ineligible for appointment as an office bearer of the Institute, if he or she is not a member.

108D. (Deleted August 2007)

Retirement and Removal

108E. A Director may retire from office by giving notice in writing to the Institute of that Director's intention to retire. A notice of resignation takes effect at the time which is the later of:

- (a) the time of giving the notice to the Institute; or
- (b) the expiration of the period, if any, specified in the notice.

108F. The office of a Director shall become vacant if the Director:

- (a) dies, or resigns his or her office by sending his or her resignation in writing to the Board;
- (b) becomes disqualified pursuant to the Corporations Act from managing corporations;
- (c) is absent from 2 or more consecutive ordinary meetings of the Board without leave of the Board and the Board resolves that his or her office be vacated;
- (d) is removed from office by the members at an ordinary or special general Institute meeting convened with notice of its purpose; or
- (e) being a member of the Institute:
 - (i) ceases to be a member; or
 - (ii) has any one of the sanctions referred to in By-law 45(g)(i)(1) to (4) imposed upon him or her;
 - (iii) becomes liable to be excluded from membership under By-law 21(a); or
 - (iv) voluntarily suspends his or her membership under By-law 21A.

109 to 111 (Deleted July 2000)

Casual Vacancies

112. (a) Any casual vacancy occurring in the office of a Director elected pursuant to By-law 108A shall be filled by an individual member nominated by the Regional Council of the Region whose members elected the vacating Director, provided that if the Regional Council does not fill the vacancy within 28 days after the vacancy occurs, the Board may appoint any member enrolled on the Regional Register of that Region to fill the vacancy.

(b) (Deleted August 2005)

113. The Director appointed to fill any casual vacancy shall hold the office only during the period for which the vacating Director would have held it if no vacancy had occurred.

114. The continuing Directors may act, notwithstanding any vacancy in the Board, provided that, if the number of continuing Directors at any time is less than the quorum fixed by the By-laws, such continuing Directors may act, but only for the purpose of filling the vacancy.
115. (Deleted July 2000)
116. (Deleted July 2000)
117. (Deleted July 2000)

Meetings

118. The Board shall meet at such time or times and at such place or places as it may determine and may regulate its own proceedings.
- 118A. A Directors' meeting may be held by conference telephone or videoconference technology or by using any other technology consented to by all the Directors which enables all participants to hear and participate in the proceedings. If a Director is unable to attend a Board meeting in person, he or she may, if a majority of the other Directors present at that or a previous meeting consent, participate in the meeting by telephone or any other technology approved by the other Directors. A Director participating in such a Board meeting, or so participating in a Board meeting, will be deemed to have been present at the meeting and to have formed part of a quorum until the close of the meeting or until his or her link to the meeting is earlier disconnected. If any Director so participating in a meeting intends to leave the meeting, or disconnect his or her link to it, prior to the close of the meeting, he or she must announce his or her intention to do so to the chair.

Office Bearers

119. Within 60 days after the declaration of the result of the last to be completed in each year of the postal ballots required by By-law 108A, but no later than 31 December, the members who will be the Directors in the ensuing calendar year shall meet and nominate from among their number, the proposed President and Deputy President for the ensuing calendar year.
- 119A. The Board shall as soon as practicable after 1 January in each year, appoint from among the Directors, a President and a Deputy President for that calendar year.
- 119B. The Chief Executive Officer of the Institute shall be appointed from time to time by the Directors.

Duration of Office

120. (a) The offices of President and Deputy President shall be vacated on 31 December in the year in which they are appointed or if the holder of either such office:
- (i) dies, or resigns that office by resignation in writing to the Board;
 - (ii) becomes disqualified pursuant to the Corporations Act from managing corporations;
 - (iii) is removed from that office by special resolution passed at a special meeting of the Board convened with notice of the purpose;
 - (iv) ceases to be a Director.
- (b) Any casual vacancy in any such offices shall be filled at a meeting of the Board to be held as soon as practicable after the occurrence of the vacancy and notice of the intention to fill such vacancy shall be given to all the Directors.

Convening of Meetings

121. A meeting of the Board may at any time be called by the order of the President or the Deputy President and shall be called by the Chief Executive Officer on receipt of a request in writing addressed to him or her by any 3 Directors.

Notice

122. Notice of every meeting of the Board shall be served in accordance with By-law 149 on each Director, with the period of such notice being that approved by the Board from time to time.
123. The notice shall specify the place, day and hour of meeting and shall contain, as far as practicable, a statement of the general nature of the business to be transacted at the meeting.
124. The accidental omission to give any notice or the non-receipt of any notice so served or the non-existence of any emergency shall not affect the validity of the proceedings at the meeting.

Chair of Meetings

125. At all meetings of the Board the President or, in his or her absence, the Deputy President shall preside. If at any meeting none of these office bearers shall be present at the time appointed for holding the same, the Directors present shall choose one of their number to be chair of that meeting.

Quorum and Voting

126. Subject to the requirements of the Supplemental Charter or the By-laws as to a special quorum in certain circumstances or as to a special majority:
- (a) one half of the total number of the Directors plus one (or if that number is a fraction, the next highest whole number) shall constitute a quorum; and
 - (b) any question or resolution submitted to any meeting of the Board for determination shall be decided by a majority of votes of the Directors then present either in person or by proxy provided by the absent Director to another Director who is present in person at the meeting.
- 126A. The Chief Executive Officer is entitled to receive all papers which a Director is entitled to receive, and, unless and to the extent otherwise determined by the Board, to attend all meetings of the Board and fully participate in the discussions of the Board, but is not entitled to vote on any question or resolution before the Board.
127. The chair shall have a deliberative but not a casting vote and, in case of an equality of votes, the question or resolution submitted to the meeting shall be deemed to have lapsed.

Written Resolutions

128. (a) A resolution in writing a copy of which is served on every Director and signed by, or approved by an electronic mail message to the Chief Executive Officer to that effect from, at least three-fifths of those Directors shall (subject as hereinafter mentioned) be as valid and effectual as if it had been duly passed by those Directors at a duly convened Board meeting.
- (b) No such resolution shall be valid or effectual if, within 21 days of the date of giving notice of the resolution to every Director in accordance with By-law 149, at least one-fifth of such Directors signify in writing under their hands their objection to the same. All such resolutions and objections shall be recorded in the minute book.
- (c) This By-law does not apply to any resolution which, under the Supplemental Charter or the By-laws, is required to be passed by a specified number of Directors present at a meeting or by a specified majority of the Directors voting.

Establishment and Proceedings of Committees

- 128A. The Board may from time to time appoint such committees as it thinks fit for such purposes and with such powers, authorities and discretions as the Board may from time to time prescribe. Such committees may include persons other than Directors or members of the Institute.
129. Subject to the provisions of the Supplemental Charter and the By-laws, the Board may:-

- (a) fix the quorum of such committees;
 - (b) delegate any of its powers to any such committee; and
 - (c) lay down rules for regulating the proceedings of such committees.
- 129A. Without limiting the generality of By-law 128A, the Board shall appoint an audit committee to:
- (a) ensure an appropriate level of diligence is applied to the review of financial performance, and in particular the annual accounts;
 - (b) review:
 - (i) end of financial year statements including general purpose financial report and related disclosures;
 - (ii) financial and other performance indicators and trends;
 - (iii) the findings and reports of the auditors;
 - (iv) risk management procedures; and
 - (v) extraordinary expenditures or financial issues;
 - (vi)
 - (c) recommend auditors;
 - (d) address other matters referred by the Board from time to time; and
 - (e) report findings of the Committee to the Board.
130. (Deleted July 2000)

Sub-committees

131. Any committee formed by the Directors shall, in the exercise of the powers so delegated, comply with any regulations which, from time to time, may be imposed upon it by the Board but, and if and to the extent approved by the Board, and subject to any regulations imposed by the Board and to the provisions of the Supplemental Charter and the By-laws, may sub-delegate its powers to sub-committees.
132. (Deleted July 2000)

Powers of Board

133. In accordance with Article 12 of the Supplemental Charter, the affairs of the Institute shall be managed by or under the direction of the Board and for such purposes the Board shall, inter alia, exercise absolute and exclusive powers (but without prejudice to its right to delegate the same in accordance with the By-laws) in respect of the following:
- (a) the receipt, control and disposition of the moneys and other property of the Institute, including all prescribed subscriptions, fees and other amounts payable to the Institute;
 - (b) the investment of any moneys received by or on behalf of the Institute in such investments as are authorised investments for trustees under the law of any of the States or Territories of the Commonwealth of Australia and also in any shares, stock, units, debentures or other securities of any nature whatsoever listed on any of the Australian or overseas recognised stock exchanges and in deposits through the official or short-term money markets with selected companies from time to time approved for that purpose by the Board, with power from time to time to realise or vary such investments;
 - (c) the appointment, removal or retirement of the Chief Executive Officer, agents and other officers and employees of the Institute and the remuneration of such persons;
 - (d) the appointment of solicitors to act for the Institute;
 - (e) the appointment of trustees to hold in trust for the Institute any property of the Institute;
 - (f) the institution of legal proceedings in respect of any matter concerning the affairs of the Institute, and the prosecution, defence, compounding or abandoning of any legal proceedings instituted by or against the Institute or against any of its office bearers, officers or employees;
 - (g) the appointment of bankers to the Institute;
 - (h) the promotion of improvements in the laws of the Commonwealth of Australia or any State or Territory thereof directly or indirectly affecting the profession

- (i) of accountancy and the participation in public movements with a view to securing improvements in such laws;
 - (j) the promulgation of Regulations including, without limitation, Regulations prescribing rulings and providing guidance on the standards of practice and professional conduct, including the technical standards, which the Institute requires to be observed;
 - (j) the assistance of necessitous cases of members and their families, out of the funds of the Institute under its control.
- 133A. The Board may from time to time delegate any of its powers and responsibilities to a director or an employee of the Institute or any other person.
- 134. The Board may, from time to time, provide for the management of the affairs of the Institute at any place out of the Commonwealth of Australia or in any territory of the Commonwealth of Australia or in any special locality in the Commonwealth of Australia in such manner as it thinks fit.

Attorney

- 135.
 - (a) The Board may, at any time and from time to time, appoint any person under the common seal of the Institute to be the attorney of the Board for such purposes and with such powers, authorities and discretion (not exceeding those vested in or exercisable by the Board under the Supplemental Charter or the By-laws) and for such period and subject to such conditions as the Board may from time to time think fit and the power of attorney may contain such provisions for the protection or convenience of persons dealing with the attorney as the Board thinks fit.
 - (b) Any such attorney may be authorised by the Board to sub-delegate all or any of the powers, authorities and discretions for the time being vested in him or her.

Power to Borrow

- 136. The Board may, from time to time, raise or borrow any moneys required for the purposes of the Institute and secure the repayment of the same by any means it thinks fit.

Remuneration of Directors, Reimbursement and Allowances

- 136A. The remuneration of the Directors shall be determined from time to time by the members of the Institute in general meeting.
- 137. The Board may pay the expenses incurred by Directors or other persons (whether or not members of the Institute) in attending meetings of the Board or of any committee or sub-committee thereof. The Board may also pay out of the funds of the Institute the expenses reasonably and properly incurred by the President or Deputy President or any other Director when acting in his or her official capacity for and on behalf of the Institute and may determine and pay the amount of any Presidential or other allowance.

Section 10 – MANAGEMENT**Chief Executive Officer and Regional General Managers**

- 138.
 - (a) The Chief Executive Officer shall have the powers and duties prescribed by the By-laws and the Regulations and, with the approval of the Board, may from time to time or at any time delegate all or any of such powers and duties to such person or persons and in such manner as may be so approved.
 - (b) A Regional General Manager shall have the powers and duties prescribed by the By-laws and the Regulations and, with the approval of the Chief Executive Officer, may from time to time or at any time likewise delegate all or any of such powers and duties.

Office

- 139. The office of the Institute shall be at such place in the Commonwealth of Australia as the Board may from time to time determine.

Regional Offices

140. Each Regional office shall be at such place in that Region as the Board may from time to time determine.

Minutes

141. (a) The Board and each Regional Council respectively shall cause minutes to be taken for the purpose of recording the proceedings at their meetings and at the meetings of the committees and sub-committees thereof respectively and at all meetings of members of the Institute and Regional meetings.
- (b) The minutes of any meeting signed by the chair thereof or by the chair of the succeeding meeting shall be prima facie evidence of the transactions recorded in such minutes.
- (c) The Regional General Manager of each Region shall, after every meeting of the Regional Council or of any committee or sub-committee thereof, send to the Chief Executive Officer copies of the minutes of such meetings when they have been approved by the chair thereof.

Registers

142. (a) The National, Regional and Overseas Registers shall be maintained under the control of the Chief Executive Officer and the information contained within the Regional Registers shall be provided to the respective Regional General Managers as and when required so as to enable Regional General Managers to comply with the requirements of these By-laws and otherwise.
- (b) There shall be entered in the National Register the names, addresses and classes of membership of all individual members of the Institute; there shall be entered in each Regional Register the names, addresses and classes of membership of all individual members of the Institute whose registered address is in that Region, and there shall be entered in the Overseas Register the names, addresses and classes of membership of all individual members of the Institute whose registered address is outside the Commonwealth of Australia.
- (c) Such other particulars shall be entered in the said Registers as the Board may from time to time prescribe.

Registered Address

143. The registered address of a member to be entered in the National Register and the relative Regional or Overseas Register shall be the member's place or principal place of business for the time being or, if a member has no place of business, his or her place of residence for the time being or such other place as the member may advise.

Change of Address

144. Every individual member of the Institute shall forthwith notify the Chief Executive Officer of any change required to be made in his or her registered address for the purpose of the preceding By-law.

Rectification

145. The Board may, if satisfied that any particulars appearing on any Register are incorrect, order their removal and may order that the Register be rectified by making such further or other entries as it deems necessary.
146. The Regional General Manager shall send to the Chief Executive Officer particulars of all information furnished to him or her by Regional members which is relevant for inclusion in the National and Regional Registers.

Evidence

147. Subject to the powers of the Board under By-law 145, the National Register shall be conclusive evidence of the particulars entered therein.

Closing of Registers

148. The National and each Regional Register may be closed for a period not exceeding 7 days immediately preceding the commencement of the period prescribed for service of notice of meetings of members of the Institute or of Regional members or the dispatch of voting papers pursuant to By-law 96(d) (as the case may be) and only those members whose names are entered in the relative Register at the time of such closing shall be entitled to be served with notice of meetings.

Service of Notices

149. (a) Any notice required to be given and any document required or permitted to be served or sent by any of the By-laws or Regulations and any voting paper may be served upon any member or person either personally or by sending it by post or facsimile transmission or electronic mail to him, her or it at his, her or its address as shown in the National Register or which has been notified in writing by the member or person to the Institute. Where a notice, document or voting paper is sent by post, service shall be deemed to be effected by properly addressing and posting an envelope or other package containing the notice, document or voting paper, and to have been made on the day after the date of its posting. Where a notice, document or voting paper is sent by facsimile transmission, service shall be deemed to be effected by properly addressing and transmitting the facsimile transmission and to have been made on the day following its dispatch (provided the sender shall have received a facsimile transmission report which indicates that the facsimile was sent in its entirety to the facsimile number of the addressee). Where a notice, document or voting paper is sent by electronic mail, service shall be deemed to be effected by properly addressing and transmitting the email and to have been made on the day of its transmission (provided the sender has not received an email transmission report which indicates that the email was not transmitted to the email address of the addressee).
- (b) The non-receipt of such notice or voting paper shall not invalidate the proceedings of any meeting held in pursuance of such notice or in respect of which such voting paper was to be used.
- (c) Where a given number of days' notice or notice extending over any other period is required to be given, the day of service shall, unless it is otherwise provided, be counted in such number of days or other period.

List of members

150. (a) The Board may in each year publish or cause to be published at the expense of the Institute or otherwise a list of the members of the Institute together with such other particulars in respect of the Institute or its objects as it deems advisable.
- (b) In such list members may be distinguished in such way as the Board sees fit.
- (c) Such list shall be supplied to members and others at such prices or gratuitously as the Board shall from time to time determine.

Bank Accounts

151. All moneys received on account of the Institute by the Board shall be paid forthwith into the bank appointed by the Board to the credit of the account of the Institute.

Records

152. The Board shall cause proper books and records to be kept of the moneys received and expended and accounts showing details of income and expenditure and of the Institute's assets and liabilities.

Accounts

153. The accounts of the Institute shall, unless and until otherwise determined by the Board, be closed annually as at 30 June.
154. The Board shall cause to be prepared for each financial year a general purpose financial report in accordance with Australian accounting standards

which gives a true and fair view of the financial performance and position of the Institute. The Board shall cause the general purpose financial report to be audited by the auditor of the Institute not less than 28 days before each ordinary general Institute meeting.

155. Not less than 21 days before the ordinary general Institute meeting, the Board shall cause copies of the annual report of the Board, the general purpose financial report, and of the auditor's report to be:

- (a) placed on the Institute's website with a communication to members that copies are available on the website, specifying the direct address on the website where the reports may be accessed; and
- (b) posted to each member of the Institute who has so requested.

155A. (Deleted August 2007)

Auditor

156. If there is a vacancy in the office of auditor of the Institute, an auditor shall be elected as the auditor of the Institute by the members entitled to vote at the ordinary general meeting of the Institute.
157. (Deleted September 2002)
158. The auditor shall be an individual member of the Institute but no Director or Regional Councillor shall be eligible for election to the office of auditor.
159. In the event of the auditor being incapable of, or disqualified from, acting or, in the case of an extraordinary vacancy by death, resignation or otherwise, the Board shall appoint another auditor to fill the office until the next ordinary general meeting.

Indemnity

160. (a) Every Director and every Regional Councillor, Chief Executive Officer, and Regional General Manager and other officer of the Institute shall (notwithstanding any irregularity in their appointment) be indemnified by the Institute against, and it shall be the duty of the Board to pay out of the funds of the Institute vested in or under its control, all costs, losses and expenses which any such Director, Regional Councillor, Chief Executive Officer, Regional General Manager or other officer incurs or becomes liable to by reason of any contract entered into or act or deed done by him or her in discharge of his or her duties except in so far as the same shall happen from their own respective willful default.
- (b) No such Director, Regional Councillor, Chief Executive Officer, Regional General Manager or other officer shall be liable for the acts of any other such person or for joining in any receipt or document or for any other act of conformity or for any loss or expense happening to the Institute unless the same happen from his or her own willful default.
- (c) For the purposes of By-law 160 (a) and (b) "officer" means each:
- (i) current or former employee of the Institute;
 - (ii) member of any committee, sub-committee, panel or taskforce established by or with the approval of the Board;

- (iii) natural person appointed to a role to which the Board has resolved that the provisions By-law 160 should apply.

Irregularities

- 161. (a) All acts done by any meeting of the Board or by a committee thereof shall, notwithstanding that it be afterwards discovered that there was some irregularity in the appointment of any Director or of the committee or that such person was ineligible for appointment, be as valid as if that person had been duly appointed to be a Director or member of the committee and was eligible for appointment.
- (b) The provisions of this By-law extend to sub-committees, panels and taskforces established by or with the approval of the Board, and to Regional Councils and to committees of Regional Councils.

Seal

- 162. The Common Seal of the Institute shall be in the custody of the Board and shall not be affixed to any document except by order of the Board and, subject to the By-laws, every document to which the Seal is affixed shall be signed by a Director and shall be countersigned by a second Director or the Chief Executive Officer or some other person appointed by the Board for the purpose.



Unique Identifying Number:
EPBC303DC/SFS/2009/19



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts 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 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 Victorian Abalone Fishery, as defined in the management regime in force under the Victorian *Fisheries Act 1995*.

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 included on the list until 30 June 2011.

Dated this 29th day of June 2009

Delegate of the Minister for the Environment, Heritage and the Arts



Unique Identifying Number:
EPBC303DC/SFS/2009/21



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

Amendment of List of Exempt Native Specimens

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts 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 revoking the conditions to which the inclusion of the following item on the list on 21 July 2004 is subject:

- Specimens that are or are derived from fish or invertebrates, taken in the Western Australian Shark Bay Snapper Fishery, as defined in the *Shark Bay Snapper Management Plan 1994*, made under the *Western Australian Fisheries Resources Management Act 1994*, other than specimens that belong to species listed under Part 13 of the Act.

and imposing the following conditions to which inclusion of the specimens in the list is subject:

- the specimen, or the fish or invertebrate from which it is derived, was taken lawfully; and
- the specimens are included on the list until 30 September 2009.

Dated this

25th day of June

2009

Delegate of the Minister for the Environment, Heritage and the Arts



COMMONWEALTH OF AUSTRALIA

Environment Protection and Biodiversity Conservation Act 1999

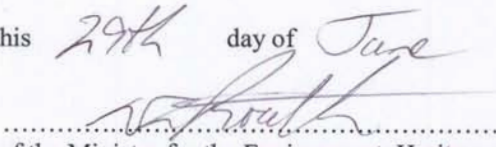
DECLARATION OF AN APPROVED WILDLIFE TRADE OPERATION

I, NIGEL ROUTH, Assistant Secretary, Marine Biodiversity Policy Branch, as Delegate of the Minister for the Environment, Heritage and the Arts, have considered in accordance with section 303FN of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the application from Queensland Primary Industries and Fisheries, part of the Department of Employment, Economic Development and Innovation (QPIF), 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 Coral Fishery, as defined in the management regime for the fishery, made under the *Queensland Fisheries Act 1994* and the *Queensland Fisheries Regulation 2008* to be an approved Wildlife Trade Operation, in accordance with subsection 303FN (2) and paragraph 303FN(10)(d), for the purposes of the EPBC Act.

Unless amended or revoked, this declaration:

- a) is valid until 1 July 2012 and;
- b) is subject to the conditions applied under section 303FT specified in the Schedule (dated June 2009).

Dated this 29th day of June 2009


.....
Delegate of the Minister for the Environment, Heritage and the Arts

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, Water, Heritage and the Arts 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 Queensland Coral Fishery (QCF)
as an approved Wildlife Trade Operation, June 2009****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 QCF, made under the *Queensland Fisheries Act 1994* and the *Queensland Fisheries Regulation 2008*.

1. Operation of the fishery will be carried out in accordance with the Queensland Coral Fishery (QCF) management arrangements in force under the *Queensland Fisheries Act 1994* and the *Queensland Fisheries Regulation 2008*.
2. Queensland Primary Industries and Fisheries (QPIF) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the management arrangements that may affect the assessment of the QCF against the criteria on which *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) decisions are based.
3. QPIF to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries 2nd Edition*.
4. QPIF to consult with DEWHA prior to implementing any changes to the management arrangements for a species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora or EPBC Act listed species.



Commonwealth
of Australia

Gazette

No. S114, Wednesday, 1 July 2009
Published by the Commonwealth of Australia

SPECIAL

This notice replaces the notice that was published in Gazette GN 25 of
Wednesday 1 July 2009 on page 1620

COMMONWEALTH OF AUSTRALIA

Offshore Petroleum and Greenhouse Gas Storage Act 2006

FIFTH RENEWAL OF EXPLORATION PERMIT FOR PETROLEUM AC/P4

The renewal of exploration permit for petroleum AC/P4 has been granted to:

OMV Timor Sea Pty Ltd
Cosmo Oil Co., Ltd
Nippon Oil Exploration (Australia) Pty Ltd

In respect of the blocks described hereunder, to have effect for a period of 5 years from
24 June 2009.

DESCRIPTION OF BLOCKS

The reference hereunder is to the name of the map sheet of the 1:1,000,000 series prepared
and published for the purposes of the *Offshore Petroleum and Greenhouse Gas Storage Act*
2006 and to the numbers of graticular sections shown thereon.

Map Sheet SC 51 (TIMOR)

Block Numbers

2731	2874	3231	3301	3302
3375	3376	3377		

Assessed to contain 8 whole blocks.

Dated this 24th day of June 2009.

Made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* of the
Commonwealth of Australia.

DELEGATE OF THE JOINT AUTHORITY FOR THE OFFSHORE AREA OF THE
EXTERNAL TERRITORY OF ASHMORE AND CARTIER ISLANDS

Pursuant to the Instrument of Delegation dated 25 August 2008



Australian Government
Attorney General's Department

Obtaining copies of Commonwealth Acts and Legislative Instruments

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

Over the counter

Copies are available for sale or order at:

		Telephone	Facsimile
Adelaide	Service SA Government Legislation Outlet 108 North Terrace, Adelaide SA 5000	13 2324	(08) 8204 1909
Brisbane	Contact CanPrint Information Services	1300 889 873	(02) 6293 8388
Canberra	CanPrint Communications 16 Nyrang Street, Fyshwick ACT 2609	1300 889 873	(02) 6293 8388
Hobart	Printing Authority of Tasmania 123 Collins Street, Hobart TAS 7000	1800 030 940	(03) 6216 4294
Melbourne	Information Victoria 505 Little Collins Street, Melbourne VIC 3000	1300 366 356	(03) 9603 9940
Perth	Contact CanPrint Information Services	1300 889 873	(02) 6293 8388
Sydney	Contact CanPrint Information Services	1300 889 873	(02) 6293 8388

Other resellers:

National University Co-operative Bookshops
(go to <http://www.coop-bookshop.com.au> for location and contact details)

Mail Order

Mail order sales can be arranged by writing to:

CanPrint Information Services
PO Box 7456
Canberra MC ACT 2610

or by faxing to
(02) 6293 8333.

Online sales and enquiries

Online sales and enquiries are available from: <http://www.canprint.com.au/>

Telesales

Telephone orders can be arranged by phoning 1300 889 873.

Subscriptions and standing orders

Subscriptions and standing orders can be arranged or updated by phoning 1300 656 863.

Online access

Online access to Commonwealth Acts, Legislative Instruments, Bills, explanatory memoranda and statements, tables, indexes and other finding aids is available from <http://www.comlaw.gov.au/>