



## CONTENTS

<b>Variation of closing times.....</b>	<b>2543</b>
<b>General Information.....</b>	<b>2543</b>
<b>Department of the Senate.....</b>	<b>2545</b>
<b>Department of the House of Representatives.....</b>	<b>2546</b>
<b>Government Departments.....</b>	<b>2547</b>
Attorney-General .....	2547
Defence .....	2548
Education, Employment and Workplace Relations .....	2549
Environment, Water, Heritage and the Arts.....	2554
Finance and Deregulation .....	2562
Health and Ageing .....	2570
Infrastructure, Transport, Regional Development and Local Government.....	2579
Treasury .....	2583
<b>Public Notices .....</b>	<b>2584</b>
<b>Special Gazettes Nos S147, S148, S146, S149, S150 and S151 are attached</b>	

The date of publication of this Gazette is 30 September 2009

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

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

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

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

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OLDP prepares compilations of a range of Commonwealth legislation, arranges publication of Commonwealth legislation and legislative materials in hard copy form, and provides online access to Commonwealth legislation and legislative materials via the ComLaw ([www.comlaw.gov.au](http://www.comlaw.gov.au)) and the FRLI ([www.frli.gov.au](http://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](http://www.comlaw.gov.au)) and the Federal Register of Legislative instruments ([www.frli.gov.au](http://www.frli.gov.au))
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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
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- arranging gazettal and tabling of other OLDP drafted non-legislative instruments.
- preparing compilations of legislative and non-legislative instruments

**How to contact us**

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 lodgment fee of \$99.00 plus a charge of \$99.00 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.

## Variation of closing times

### LABOUR DAY Holiday — Issue of 7 October 2009 (GN 39)

As Monday, 5 October 2009 is a public holiday in the Australian Capital Territory, closing time for lodgment of all notices for publication in GN 39 will be:

**Thursday, 1 October 2009 at 10.00 am**

### FAMILY AND COMMUNITY DAY Holiday — Issue of 4 November 2009 (GN 43)

As Tuesday, 3 November 2009 is a public holiday in the Australian Capital Territory, closing time for lodgment of all notices for publication in GN 43 will be:

**Thursday, 29 October 2009 at 10.00 am.**

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

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

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

### Publication of hard copy notices

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

### 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*: a lodgment fee of \$99 plus a charge of \$99 per A4 page

### Special Gazette notices:

- during business hours: a lodgment fee of \$297 plus a charge of \$99 per A4 page.
- outside normal business hours: a lodgment fee of \$495 plus a charge of \$99 per A4 page

*Periodic Gazette* notices: a lodgment fee of \$198 plus a charge of \$49.50 per A4 page.

A maximum charge of \$4,000 per notice will apply (\$16,000 per notice if published outside normal business hours).

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

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**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
P 1	27 March 2009	<p><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</p> <p><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</p> <p><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</p> <p><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</p>
P 2	4 August 2009	<p><i>Environment Protection and Biodiversity Conservation Act 1999</i> Removal of places from the Commonwealth Heritage List</p>
P 3	4 August 2009	<p><i>Environment Protection and Biodiversity Conservation Act 1999</i> Inclusion of a place in the National Heritage List</p>
P 4	14 September 2009	<p><i>Environment Protection and Biodiversity Conservation Act 1999</i> Inclusion of places on the Commonwealth Heritage List Determination regarding listing of National Heritage Values</p>
*P 5	22 September 2009	<p><i>Great Barrier Reef Marine Park Act 1975</i> Particulars of Permissions Granted, Refused, Suspended, Reinstated, Revoked or Reconsidered for the Period 1.03.09 to 30.06.09 and not Previously Gazetted</p>
*P 6	24 September 2009	<p><i>Environment Protection and Biodiversity Conservation Act 1999</i> Removal of a place from the Commonwealth Heritage List</p>

\*First time notified



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## Department of the Senate

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### Acts of Parliament assented to

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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 Parliament assembled, viz:

***Assented to on 21 September 2009***

No. 90, 2009 — An Act to amend the *Australian Citizenship Act 2007*, and for related purposes [*Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Act 2009*].

***Assented to on 22 September 2009***

No. 91, 2009 — An Act to amend legislation relating to military justice, and for related purposes [*Military Justice (Interim Measures) Act (No. 1) 2009*].

No. 92, 2009 — An Act relating to military justice, and for related purposes [*Military Justice (Interim Measures) Act (No. 2) 2009*].

HARRY EVANS  
Clerk of the Senate

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## Department of the House of Representatives

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### Acts of Parliament assented to

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It is hereby notified, for general information, that 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 17 September 2009:***

No. 83 of 2009—An Act to amend the *Native Title Act 1993*, and for other purposes. (*Native Title Amendment Act 2009*).

#### ***Assented to on 18 September 2009:***

No. 84 of 2009—An Act to establish Safe Work Australia, and for related purposes. (*Safe Work Australia Act 2008*).

No. 85 of 2009—An Act to amend the law relating to migration, and for other purposes. (*Migration Amendment (Abolishing Detention Debt) Act 2009*).

No. 86 of 2009—An Act to amend the law in relation to higher education and research funding, and for related purposes. (*Higher Education Support Amendment (2009 Budget Measures) Act 2009*).

No. 87 of 2009—An Act to amend the *National Greenhouse and Energy Reporting Act 2007*, and for related purposes. (*National Greenhouse and Energy Reporting Amendment Act 2009*).

No. 88 of 2009—An Act to amend the law relating to taxation, and for related purposes. (*Tax Laws Amendment (2009 Measures No. 4) Act 2009*).

No. 89 of 2009—An Act to amend the *Foreign States Immunities Act 1985*, and for related purposes. (*Foreign States Immunities 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
	Currency	16/09/2009	17/09/2009	18/09/2009	19/09/2009	20/09/2009	21/09/2009	22/09/2009
Brazil	Real	1.5587	1.5576	1.5736	1.5701	1.5701	1.5701	1.5648
Canada	Dollar	0.9325	0.9265	0.9307	0.9273	0.9273	0.9273	0.926
China, PR of	Yuan	5.8775	5.8981	5.9599	5.9324	5.9324	5.9324	5.9059
Denmark	Kroner	4.3839	4.384	4.4158	4.3936	4.3936	4.3936	4.3835
European Union	Euro	0.5887	0.589	0.5934	0.5905	0.5905	0.5905	0.589
Fiji	Dollar	1.6883	1.6876	1.6967	1.6909	1.6909	1.6909	1.6882
Hong Kong	Dollar	6.6747	6.6987	6.7716	6.7392	6.7392	6.7392	6.7076
India	Rupee	41.8908	41.8615	42.0225	41.835	41.835	41.835	41.5267
Indonesia	Rupiah	8548	8510	8421	8442	8442	8442	8391
Israel	Shekel	3.2514	3.2395	3.273	3.2462	3.2462	3.2462	3.2341
Japan	Yen	78.34	78.6	79.47	79.26	79.26	79.26	79.24
Korea, Republic of	Won	1050.7	1047.39	1051.97	1048.72	1048.72	1048.72	1042.24
Malaysia	Ringgit	3.0176	3.0196	3.0338	3.0221	3.0221	3.0221	3.0115
New Zealand	Dollar	1.2266	1.2241	1.2232	1.2244	1.2244	1.2244	1.2231
Norway	Kroner	5.0847	5.0687	5.1023	5.0944	5.0944	5.0944	5.0893
Pakistan	Rupee	71.11	71.3	72.23	71.76	71.76	71.76	71.58
Papua New Guinea	Kina	2.3597	2.3682	2.3939	2.3824	2.3824	2.3824	2.3712
Philippines	Peso	41.64	41.66	41.79	41.46	41.46	41.46	41.24
Singapore	Dollar	1.2254	1.2255	1.2334	1.2303	1.2303	1.2303	1.2264
Solomon Islands	Dollar	6.946	6.971	7.0468	7.0129	7.0129	7.0129	6.9798
South Africa	Rand	6.4095	6.3632	6.3863	6.4335	6.4335	6.4335	6.4473
Sri Lanka	Rupee	98.88	99.22	100.31	99.83	99.83	99.83	99.32
Sweden	Krona	6.0109	5.9963	5.9934	5.9827	5.9827	5.9827	5.962
Switzerland	Franc	0.8906	0.8933	0.9011	0.8952	0.8952	0.8952	0.8921
Taiwan Province	Dollar	28.06	28.11	28.27	28.15	28.15	28.15	28.01
Thailand	Baht	29.18	29.22	29.41	29.28	29.28	29.28	29.13
United Kingdom	Pound	0.5183	0.5246	0.5299	0.5302	0.5302	0.5302	0.5334
USA	Dollar	0.8613	0.8644	0.8738	0.8696	0.8696	0.8696	0.8655

Mark Collidge  
Delegate of the Chief Executive Officer of Customs  
Canberra ACT  
22/09/2009

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**Defence**

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**DETERMINATIONS**

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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
2009/43	Summer schools and hardship post – amendment	10/07/2009
2009/44	Compensation for loss or damage – amendment	10/07/2009
2009/45	Removal and rent allowance on death of a member	10/07/2009
2009/46	District allowance – amendment	15/07/2009
2009/47	Minimum standard for housing – amendment	22/07/2009
2009/48	Post indexes – amendment	24/07/2009
2009/49	Web-based tutoring – amendment	28/07/2009
2009/50	Salary non-reduction and cadet forces allowance – amendment	05/08/2009
2009/51	Long-term posting overseas – amendment	14/08/2009
2009/52	Post indexes – amendment	21/08/2009
2009/53	Employment with the UN – amendment	27/08/2009
2009/54	Short-term duty overseas travel costs – amendment	27/08/2009
2009/55	Removals and housing on deployment – amendment	03/09/2009

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## Education, Employment and Workplace Relations

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### COMMONWEALTH OF AUSTRALIA

*Workplace Relations Act 1996 as preserved by the Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*

#### **Notice under paragraph 363(4)(b) – Workplace Authority Director must remove prohibited content from agreement**

I, Penny Weir, Workplace Authority Director, acting under paragraph 363(4)(b) of the *Workplace Relations Act 1996 (as preserved)*, give notice that the following variation to remove prohibited content has been made to the *Shire of Manjimup Enterprise Agreement 2008-2011* Union collective agreement (the Agreement).

The variation is as follows:

#### **Clause 22.1 Union Membership:**

~~The union representative may provide to each new Employee:~~

- ~~• A union application form and information about the benefits of joining a union, however there shall be no compulsion or pressure placed on an Employee to join a union~~
- An authorisation form for payroll to deduct union fees



**Penny Weir**  
**Workplace Authority Director**

**18 September 2009**



I, Penny Weir, Acting Workplace Authority Director, acting under paragraph 363(4)(b) of the *Workplace Relations Act 1996 (as preserved)*, give notice that the following variation to remove prohibited content has been made to the *Nilsen (SA) Pty Ltd Contracting Division Collective Agreement 2009*, an employee collective agreement (the Agreement).

The variation is as follows:

**Clause 29(c)**

~~Where an employee is absent from their employment on the working day before and the working day after a public holiday, without reasonable excuse or consent of the employer, the employee will not be entitled to payment for that public holiday.~~

**Clause 34:**

**~~34. Income Protection Insurance~~**

~~(a) The employer shall make contributions, on behalf of the employees, to a company nominated income protection insurance fund.~~

**~~34.1 Minimum Insurance Benefits~~**

The agreed insurance fund shall provide employees with the following minimum benefits:

- ~~▪ 24 hour, 7 days a week cover for injury or sickness Worldwide reducible by any workers compensation claim.~~
- ~~▪ Accident and sickness weekly benefit 100% Gross Weekly Earnings to a maximum of \$1,000.~~
- ~~▪ 14 day deferral period (excess period)~~
- ~~▪ Benefit provided 104 weeks up to 59 years of age and 52 weeks up to 65 years of age.~~
- ~~▪ Death and Capital Benefits Sum Insured \$100,000.00.~~

**~~34.2 Change of Insurance Funds~~**

~~If a change of income protection insurance funds is agreed to at the enterprise level, the benefit criteria outlined herein shall be the minimum required benefits of any future fund.~~



**Penny Weir**  
**Acting Workplace Authority Director**

**18 September 2009**

**I, Penny Weir, Acting Workplace Authority Director, acting under paragraph 363(4)(b) of the *Workplace Relations Act 1996 (as preserved)*, give notice that the following variation to remove prohibited content has been made to the *Barry Bros. – Victorian Enterprise Bargaining Agreement 2008-2011*, an employee collective agreement (the Agreement).**

**The variation is as follows:**

**Clause 14 of the *Barry Bros. – Victorian Enterprise Bargaining Agreement 2008-2011*:**

**14. NOTICE BOARDS**

~~The employer shall permit notice boards to be erected in the enterprise, or each part of an enterprise, to facilitate communication between employees and/or their union representatives.~~

A handwritten signature in black ink, appearing to read 'Penny Weir', is positioned above the printed name and title.

**Penny Weir  
Acting Workplace Authority Director**

**18 September 2009**

**I, Penny Weir, Acting Workplace Authority Director, acting under paragraph 363(4)(b) of the *Workplace Relations Act 1996 (as preserved)*, give notice that the following variation to remove prohibited content has been made to the *Specialised Electrical Pty Ltd Employee Collective Agreement 2009*, an employee collective agreement (the Agreement).**

**The variation is as follows:**

**Clause 39.4 of the *Specialised Electrical Pty Ltd Employee Collective Agreement 2009*:**

**~~39.4 — Income Protection Insurance~~**

~~The company shall make contributions up to a maximum of \$21.75 per week (with an escalation of 3% every financial year) per employee to an agreed income insurance protection fund. Any additional costs shall be paid by the employee. Casual employees and apprentices are excluded from this provision.~~



**Penny Weir  
Acting Workplace Authority Director**

**18 September 2009**

**I, Penny Weir, Acting Workplace Authority Director, acting under paragraph 363(4)(b) of the Workplace Relations Act 1996 (as preserved), give notice that the following variation to remove prohibited content has been made to the John Dawson Electrical Pty Ltd and CEPU Electrical Division Queensland Union Collective Agreement 2009-2012, a union collective agreement (the Agreement).**

**The variation is as follows:**

**Clause 4.7 of the John Dawson Electrical Pty Ltd and CEPU Electrical Division Queensland Union Collective Agreement 2009-2012:**

**4.7 INCOME INSURANCE**

To provide make up pay for any absence without pay due to the incapacitation of the employee, the Company will contribute an amount equivalent to 14.5% (or such amount that is prescribed from time to time by the Insurer) of the Superannuation Guarantee legislation obligation (i.e. 9% of the employee's ordinary weekly earnings as defined in clause 4.4 (Superannuation) per week to provide Income Insurance on the basis:

- (a) ——— the amount will not be paid directly to the employee;
- (b) ——— the premium will only be paid into Electro Safe Protection — ESP (Income Protection ——— for Electrical Workers) as administered by SPEC SUPER.

At the employee's discretion, additional available benefits may be purchased from the nominated fund either directly by the employee or by utilising the Salary Sacrifice provisions as agreed to by the parties.

The employer will not be required to pay into the fund any additional payments for any additional purpose.

~~Where the employee is not a member of SPEC SUPER the employee may elect another income insurance scheme provided that the employer will not be obliged to pay anymore than the amount provided in this clause.~~

~~Where an employee make a claim for ESP and requires the company to complete "Part C – Employer Section", the employer shall have "Part C" completed and returned to the employee within 5 days.~~



**Penny Weir  
Acting Workplace Authority Director**

**18 September 2009**

**Environment, Water, Heritage and the Arts**Unique Identifying Number:  
EPBC303DC/SFS/2009/28**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 deleting from the list the following item that was included on the list on 1 April 2009 and any associated notations:

- Specimens that are or are derived from fish or invertebrates, other than specimens that belong to species listed under Part 13 of the EPBC Act, taken in the Victorian Rock Lobster Fishery, as defined in the management regime made under the *Victorian Fisheries Act 1995* and *Fisheries Regulations 1998*.

Dated this 11<sup>th</sup> day of September 2009

A handwritten signature in dark ink, appearing to read "Nigel Routh", written over a dotted line.

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



Unique Identifying Number:  
EPBC303DC/SFS/2009/29



**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* (the EPBC Act), hereby amend the list of exempt native specimens established under section 303DB of the EPBC Act by including in the list the 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 Rock Lobster Fishery, as defined in the *Victorian Rock Lobster Fishery Management Plan 2009* made under the *Victorian Fisheries Act 1995* and *Fisheries Regulations 1998*.

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 September 2014.

Dated this 11th day of September 2009

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



**Australian Government**

**Director of National Parks**

*Environment Protection and Biodiversity Conservation Regulations 2000*

Subregulation 12.56(2)

**DETERMINATION RELATING TO MOORING VESSELS  
MERMAID REEF MARINE NATIONAL NATURE RESERVE**

I, TANIA RISHNIW, delegate of the power of the Director of National Parks under regulation 12.56 of the *Environment Protection and Biodiversity Conservation Regulations 2000*, HEREBY DETERMINE that a vessel may be moored in Mermaid Reef Marine National Nature Reserve only in the mooring area described as follows-

All of that area enclosed within the circumference of four circles of radius 90 metres, the centres of which are at the following points<sup>(1)</sup>

- (a) the point of Latitude 17° 04.264' South, Longitude 119° 38.587' East;
- (b) the point of Latitude 17° 04.400' South, Longitude 119° 38.647' East;
- (c) the point of Latitude 17° 04.529' South, Longitude 119° 38.759' East;
- (d) the point of Latitude 17° 04.627' South, Longitude 119° 38.732' East;

and being the area more or less shown in the plan in the Schedule to this determination.

Note:

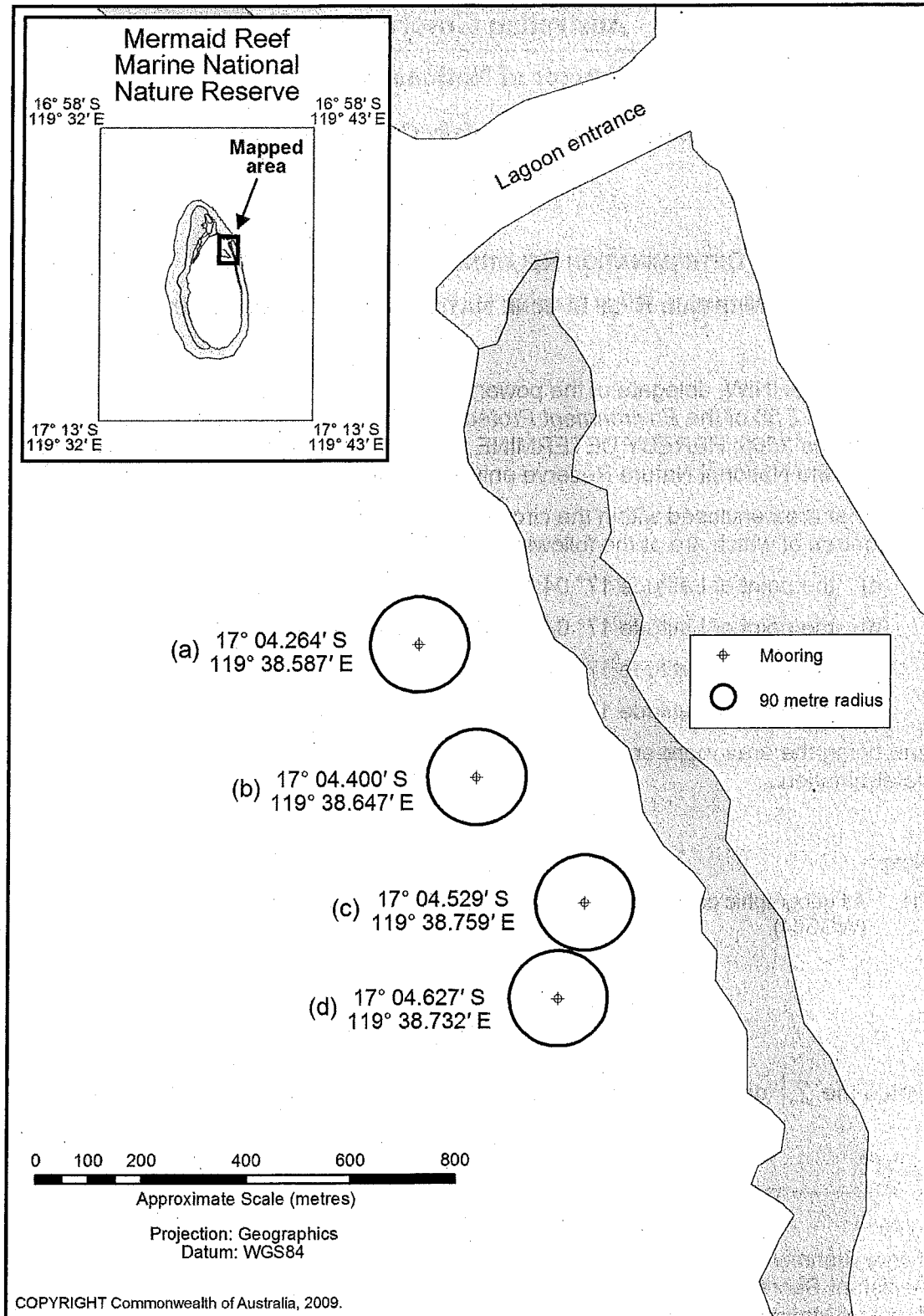
- (1) All geographic coordinates are expressed in terms of the World Geodetic System 1984 (WGS84).

Dated the 21 day of September 2009

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

Tania Rishniw  
Assistant Secretary  
Tropical Marine Conservation Branch  
Department of the Environment, Water, Heritage and the Arts  
Delegate of the Director of National Parks

**SCHEDULE**  
**Plan of Mooring Area**  
**Mermaid Reef Marine National Nature Reserve**





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

Pursuant to Section 33 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, notice is given that an application has been received from AusZinc Metals & Alloys, Lot 2, Shellharbour Road, Port Kembla, NSW 2505, in Australia to import up to 126 tonnes of Galvanizers Ash from Webforge (NZ) Limited, 23 Kelvin Grove, Palmerston North, New Zealand to AusZinc Metals & Alloys, Australia for recycling/reclamation of metals and metal compounds.

The material has hazardous characteristics H6.1 "*Poisonous (acute)*", H11 "*Toxic (delayed or chronic)*", H12 "*Ecotoxic*", and H13 "*capable, after disposal of yielding another material, e.g. leachate which possesses any of the characteristics listed above*". The waste identification code for this waste is A1080 "*Waste zinc residues*".

The zinc ash will be stored in 200 litre drums and either sealed with a steel lid or shrink wrapped. The drums will be placed in 20ft shipping containers without pallets. They will then be shipped directly from the port of Wellington in New Zealand to the port of Sydney in Australia, and then be transported by road to the disposal facilities at AusZinc Metals and Alloys, Lot 2, Shellharbour Road, Port Kembla, NSW 2505.

The import would take place in six (6) shipments over twelve months commencing from the date of the permit, if granted.

A handwritten signature in blue ink, appearing to read 'B. Reville'.

Dr Barry Reville  
Assistant Secretary  
Environment Protection Branch  
**23** September 2009



**Australian Government**

**Department of the Environment, Water, Heritage and the Arts**

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

Pursuant to Section 33 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, notice is given that an application has been received from AusZinc Metals and Alloys, Lot 2, Shellharbour Road, Port Kembla, NSW 2505, Australia to import up to 260,000 kg of Galvanizers Ash from Industrial Galvanizers Philippines, Barangay Conchu, Trece Martires City, Cavite, Philippines for recycling/reclamation of metals and metal compounds.

The material has hazardous characteristics H6.1 "*Poisonous (acute)*", H11 "*Toxic (delayed or chronic)*", H12 "*Ecotoxic*", and H13 "*capable, after disposal of yielding another material, e.g. leachate which possesses any of the characteristics listed above*". The waste identification code for this waste is A1080 "*Waste zinc residues*".

The zinc ash will be stored in 200 litre drums and either sealed with a steel lid or shrink wrapped. The drums will be placed in 20ft shipping containers without pallets. They will then be shipped directly from the port of Manila in the Philippines to the port of Sydney in Australia, and then be transported by road to the disposal facilities at AusZinc Metals and Alloys, Lot 2, Shellharbour Road, Port Kembla, NSW 2505.

If granted an import permit, transport of the waste to AusZinc would take place in approximately twelve (12) shipments over a 12 month period.

A handwritten signature in blue ink, appearing to read 'B. J. R.', followed by a horizontal flourish.

Dr Barry Reville  
Assistant Secretary  
Environment Protection Branch  
23 September 2009





## THE WATER EFFICIENCY LABELLING AND STANDARDS REGULATOR

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

I, Dianne Deane, Director, Water Efficiency Labelling and Standards (WELS) Section, 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
CASA LUSSO	Showers	Family Name: Monsoon Monsoon 200R, Monsoon 200PR, Monsoon 200L, Monsoon 300R, Monsoon 200S, Monsoon 200P, Monsoon 250, Monsoon 400, Monsoon 2619P	R001911
IKEA OF SWEDEN AB	Tap only	Addition to Family Name: RINGSKAR RINGSKAR 301.848.75	R001390A
CT	Showers	Family Name: Chitong FH3621C	R001912
INDESIT	Clothes Washing Machine	Addition to Family Name: WIXE127 IWDC 7125 B	R001717A
Waterpik	Showers	Family Name: New Visions NSC-653AU	R001913
WEBERT	Tap only	Addition to Family Name: MARE SINK AD920302, IP920302	R000598B
VITRA	Combination of a WC pan and cistern	Family Name: VITRA-improved-pans 6656, 5390, 4221, 4396	R001914
VITRA	WC pan only	Family Name: VITRA_4_STAR_PANS 4304, 4393, 5385, 4392, 5160, 5384, 5318, 5159, 5138	R001915
FISHER & PAYKEL	Clothes Washing Machine	Family Name: WH80F60W* WH80F60W*	R001916
CAROMA	Toilet suite	Addition to Family Name: Caroma 4 Star Senate WF BI 4S Invisi II Suite	R000008EK
CAROMA	WC pan only	Addition to Family Name: Caroma 4 Star Senate WF BI 4S Pan	R000008EL
BRITEX	WC pan only	Family Name: SS Pans CSHPR, CSHPT, CSHSR, CSHST, PCDP, PCDS, PCP, PCS, PGDP, PGDS, PGP, PGS, PPP, PPS, PSHP, PSHS, PTSCP, PTSCS, SCUC35P, SCUC35S, SCUC90P, SCUC90S, SCUG35P, SCUG35S, SCUG90P, SCUG90S, SPCP, SPCS, SPGP, SPGS, TP1P, TP1S	R001917
CAROMA	WC cistern only	Addition to Family Name: Caroma 4 Star Compact Undercounter 4S Cistern	R000008EM
CAROMA	Toilet suite	Addition to Family Name: Caroma 4 Star Concorde Topaz Connector 4S RH P Trap Suite, Concorde Topaz Connector 4S RH S Trap Suite, Retro Topaz Connector 4S RH P Trap Suite, Retro Topaz Connector 4S RH S Trap Suite	R000008EN
CAROMA	WC cistern only	Addition to Family Name: Caroma 4 Star Topaz 4.5/3L IO RH Cistern	R000008EO

DEPARTMENT OF THE ENVIRONMENT, WATER, HERITAGE AND THE ARTS  
*Environment Protection and Biodiversity Conservation Act 1999*  
For further information see referrals list at  
<http://www.environment.gov.au/epbc/notices> and type in the reference number in the  
Search box

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

Reference	Title	Controlling Provisions	Date
2009/4911	Verve Energy/Energy generation and supply (renewable)/Approx 20km east of Augusta, 48km south-west of Nannup/WA/Milyeannup Wind Farm	<ul style="list-style-type: none"><li>Listed threatened species and communities (sections 18 &amp; 18A)</li></ul>	17-Sep-2009

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

Reference	Title	Date
2009/4959*	Vic Roads Eastern Victoria/Transport - land/South Gippsland Highway, Sale-Longford, Cox's Bridge, /VIC/Highway Realignment and Upgrade	16-Sep-2009
2009/5038*	Australian Federal Police/Commonwealth/Edmund Barton Building, Canberra/ACT/Ground floor works, Edmund Barton Building, Canberra	16-Sep-2009
2009/5056	SEQ Caloundra Properties Pty Ltd/Tourism and recreation/Caloundra/QLD/Redevelopment of Tripcony and Hibiscus Caravan Park, 146 Bulcock Street	18-Sep-2009
2009/5054	Future Energy Pty Ltd/Energy generation and supply (renewable)/Lot 1 LP62907, 30 Lidgetts Road, Greendale/VIC/Development of a 6 MW wind farm and supporting infrastructure, 30 Lidgetts Road, Greendale	19-Sep-2009
2009/5055	Pyrenees Shire Council/Transport - land/Mt William Road, Stoneleigh/VIC/Widening and rehabilitation of Mt William Rd	19-Sep-2009
2009/5048*	ConocoPhillips Australia Pty Ltd/Exploration (mineral, oil and gas - marine)/Browse Basin, 440km N of Broome, /WA/3D Seismic Survey, Browse Basin, WA	21-Sep-2009

\* Actions which are not controlled actions provided they are undertaken in a particular manner. Further information on provision and manner specified is available from [www.environment.gov.au/epbc/notices](http://www.environment.gov.au/epbc/notices)

ASSESSMENT APPROACH (*EPBC Act s.87*)

Reference	Title	Assessment Approach	Date
2009/4911	Verve Energy/Energy generation and supply (renewable)/Approx 20km east of Augusta, 48km south-west of Nannup/WA/Milyeannup Wind Farm	Assessment preliminary documentation	17-Sep-2009

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

Reference	Title	Approval Decision	Date
2008//4365	Meticon Qld Pty Ltd/Residential development/Cnr Coquette Point Rd & River Rd, Innisfail/QLD/179 lot Residential development and construction of artificial lake	Approved with conditions	24-Sep-2009

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

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## Finance and Deregulation

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### LANDS ACQUISITION ACT 1989 PRE-ACQUISITION DECLARATION

#### 1. Acquisition

In accordance with the *Lands Acquisition Act 1989*, I am considering the acquisition of the interests in land specified in paragraph 3 for the public purpose described in paragraph 4.

The Commonwealth of Australia is the acquiring authority.

#### 2. The Land

This declaration relates to approximately 2.0234 hectares of land at Bullsbrook, City of Swan in the State of Western Australia being part Lot 2 Diagram 6280 (part of Swan Location 352).

The land forms part of the property located at 41 Dewar Road, Bullsbrook, Western Australia. The land is shown cross hatched within the boundary of the property numbered 41 in the Location Plan attached.

#### 3. The Interests in Land

This declaration relates to the freehold interest in the land.

#### 4. Public Purpose

The public purpose of the acquisition is defence.

#### 5. Suitability for use for a public purpose

The land appears to be suitable for use by the Commonwealth of Australia for the public purpose described in paragraph 4.

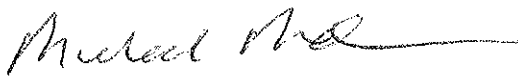
#### 6. Particulars of Proposed Use

The land appears to be suitable for use by the Department of Defence as part of it is affected by the yellow safeguarding zone relating to the ordnance loading facility at RAAF Base Pearce, Bullsbrook, Western Australia.

**7. Reasons why the Land appears to be Suitable for the Proposed Use**

The reason why the land appears to be suitable for the use described in paragraph 6 is that it is adjacent to the Defence owned RAAF Base Pearce facility at Bullsbrook, Western Australia; and is affected by the yellow safeguarding zone relating to the RAAF Base Pearce ordnance loading facility. Ownership of the land complies with the Department of Defence's policy that yellow and green safeguarding zones are to be contained within land under its control.

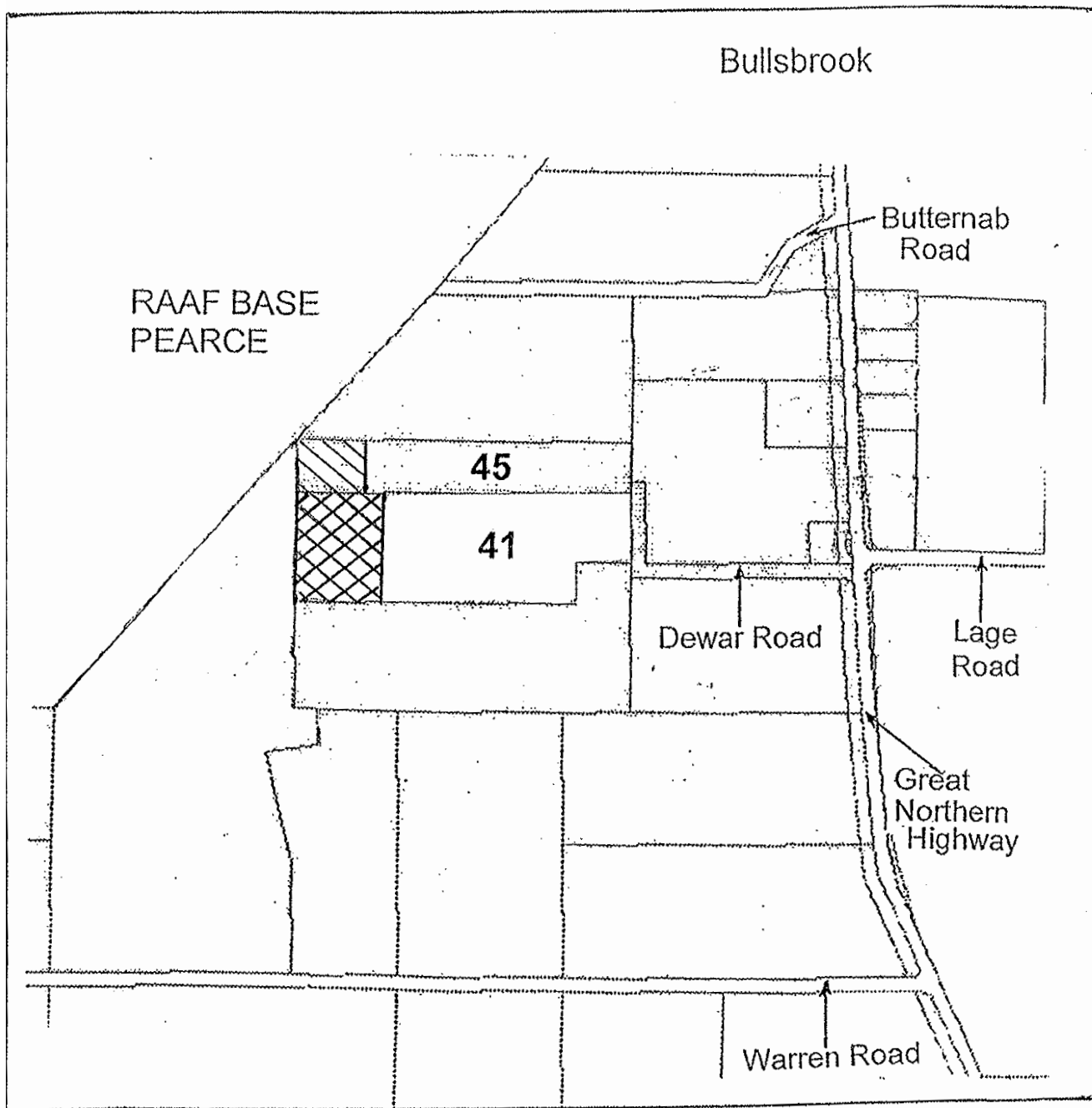
DATED this *16* day of *September* 2009.



.....  
Michael Matthewson  
Delegate of the Minister for Finance and Deregulation  
Acting Branch Manager  
Special Claims and Land Policy Branch  
Department of Finance and Deregulation

**Note: This Pre-Acquisition Declaration signifies that the Commonwealth is considering acquisition of the interests in land specified in paragraph 3. It does NOT mean that the interests in land have been acquired.**

LOCATION  
PLAN







## **LANDS ACQUISITION ACT 1989 PRE-ACQUISITION DECLARATION**

### **1. Acquisition**

In accordance with the *Lands Acquisition Act 1989*, I am considering the acquisition of the interests in land specified in paragraph 3 for the public purpose described in paragraph 4.

The Commonwealth of Australia is the acquiring authority.

### **2. The Land**

This declaration relates to approximately 0.8175 hectares of land at Bullsbrook, City of Swan in the State of Western Australia being part Lot 123 Diagram 33066.

The land forms part of the property located at 45 Dewar Road, Bullsbrook, Western Australia. The land is shown hatched within the boundary of the property numbered 45 in the Location Plan attached.

### **3. The Interests in Land**

This declaration relates to the freehold interest in the land.

### **4. Public Purpose**

The public purpose of the acquisition is defence.

### **5. Suitability for use for a public purpose**

The land appears to be suitable for use by the Commonwealth of Australia for the public purpose described in paragraph 4.

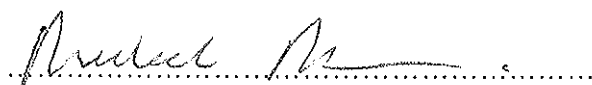
### **6. Particulars of Proposed Use**

The land appears to be suitable for use by the Department of Defence as part of it is affected by the yellow safeguarding zone relating to the ordnance loading facility at RAAF Base Pearce, Bullsbrook, Western Australia.

**7. Reasons why the Land appears to be Suitable for the Proposed Use**

The reason why the land appears to be suitable for the use described in paragraph 6 is that it is adjacent to the Defence owned RAAF Base Pearce facility at Bullsbrook, Western Australia; and is affected by the yellow safeguarding zone relating to the RAAF Base Pearce ordnance loading facility. Ownership of the land complies with the Department of Defence's policy that yellow and green safeguarding zones are to be contained within land under its control.

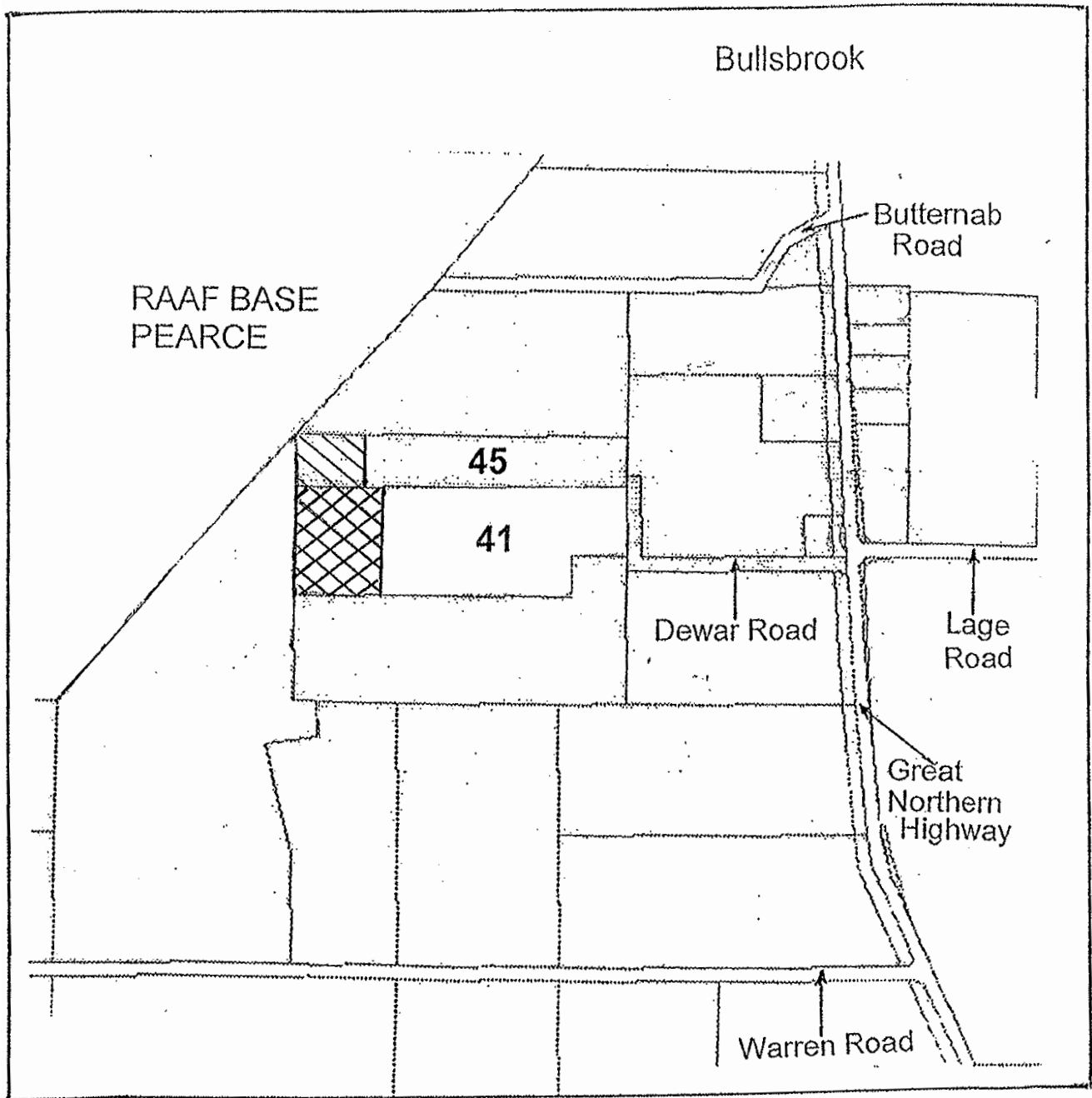
DATED this 16 day of September 2009.



Michael Matthewson  
Delegate of the Minister for Finance and Deregulation  
Acting Branch Manager  
Special Claims and Land Policy Branch  
Department of Finance and Deregulation

**Note: This Pre-Acquisition Declaration signifies that the Commonwealth is considering acquisition of the interests in land specified in paragraph 3. It does NOT mean that the interests in land have been acquired.**

LOCATION  
PLAN

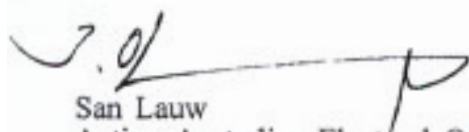


**AUSTRALIAN ELECTORAL COMMISSION***Commonwealth Electoral Act 1918***CHANGE OF NAME OF POLLING PLACES**

As delegate of the Australian Electoral Commission, I hereby make the following changes with regard to the polling places for the Divisions 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.



San Lauw  
Acting Australian Electoral Officer  
for New South Wales

16 September 2009

**SCHEDULE**

Column 1 Electoral Division	Column 2 Previous name of polling place	Column 3 New name of polling place
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**New South Wales**

BANKS	Punchbowl South	Punchbowl (Banks)
ROBERTSON	Umina Bullion St.	Umina Beach

**AUSTRALIAN ELECTORAL COMMISSION**

*Commonwealth Electoral Act 1918*

**APPOINTMENT OF A POLLING PLACE**

I, as delegate of the Australian Electoral Commission, and pursuant to paragraph 80(1)(a) of the Commonwealth Electoral Act 1918, appoint the polling place named in Column 2 of the Schedule, to be a polling place for the Division specified in Column 1.



San Lauw  
Acting Australian Electoral Officer  
for New South Wales

16 September 2009

**SCHEDULE**

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Column 1 Electoral Division	Column 2 Polling Place
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**New South Wales**

BANKS

Condell Park West

## Health and Ageing



Australian Government  
Private Health Insurance Administration Council

Suite 16, Level 1, 71 Leichhardt St, Kingston ACT 2604  
PO Box 4549, Kingston ACT 2604  
T 02 6215 7900, F 02 6215 7977, E [phiac@phiac.gov.au](mailto:phiac@phiac.gov.au)  
[www.phiac.gov.au](http://www.phiac.gov.au)

### SECTION 126-45, PRIVATE HEALTH INSURANCE ACT, 2007

#### NOTICE OF CANCELLATION OF THE REGISTRATION OF PRIVATE HEALTH INSURERS

The Private Health Insurance Administration Council has exercised its power under section 126-45 of the *Private Health Insurance Act 2007* to cancel the registration of the following private health insurers, with effect from midnight, 1 October 2009:

- Australasian Conference Association Ltd (ABN 52 000 003 930)
- Health Partners Inc (ABN 46 087 708 822)
- Druids Friendly Society Ltd (ABN 98 087 649 134)
- South Australia Police Employees' Health Fund Inc (ABN 93 742 577 533)

Shaun Gath  
Chief Executive Officer  
14 September 2009



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

***THERAPEUTIC GOODS ACT 1989***

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

I, Larry Kelly, delegate of the Secretary to the Department of Health and Ageing for the purposes of section 41GP of the *Therapeutic Goods Act 1989* (the Act), hereby publish details of the following entry that has been cancelled from the Australian Register of Therapeutic Goods under subsection 41GN(1) of the Act.

Sponsor: Tippa Tinnitus

ARTG name of goods: tinnitus masker

ARTG number: 158181

Date cancelled: 21 Sept 2009

Reason: The Secretary is satisfied that the certification, or part of a certification, under Section 41FD of the Act in relation to the application for inclusion of ARTG number 158181, in the Register is incorrect or is no longer correct in a material particular.

Signed by  
Dr Larry Kelly  
Delegate of the Secretary to the Department of Health and Ageing

22 September, 2009





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

**COMMONWEALTH OF AUSTRALIA**

***THERAPEUTIC GOODS ACT 1989***

**SECTION 14 AND 14A NOTICE**

I, a delegate of the Secretary of the Department of Health and Ageing for the purposes of sections 14, 14A and 15 of the *Therapeutic Goods Act 1989* (“the Act”), hereby give my consent, pursuant to sections 14 and 14A of the Act for CSL Limited, 45 Poplar Road, Parkville, Victoria 3052 to:

- (a) Supply the following batches of registered Panvax® H1N1 pandemic influenza vaccine (the “goods”):

Presentation	Batch No			AUST R
10 mL	090200201	090200301	090200401	163897
	090200402	090200501	090200601	
	090200701	090200801	090200901	
	090201001	090201101	090201201	
	090201301	090201401	090201501	
5 mL	090201601	090201701	090201801	165345
	090201901	090202001	090202101	
	090202201	090202301	090202401	
	090202501	090202601	090202701	
	090202801	090202901	090203001	
	090203101	090203201	090203202	
	090203301	090203401	090203501	
	090203601	090203701	090203801	
	090203901	090204001	900204101	
	090204201	090204301	090204401	
	090204501			

and

- (b) Supply these goods without having to comply with the requirements of Therapeutic Goods Order No 69 - “General Requirements for Labels for Medicines” in that the AUST R number is not printed on the carton label.

**Pursuant to section 15(1) of the Act, my consent is subject to the following conditions:**

1. The exemption applies only to the batches listed in the above table
2. All other packaging and labelling will comply with the current conditions of registration

Supply of this product is subject to the standard conditions applying to the supply of goods registered in the Australian Register of Therapeutic Goods.

(signed by)

Nicholas Medveczky

Delegate of the Secretary

Office of Laboratories and Scientific Services

22<sup>nd</sup> September 2009



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

**COMMONWEALTH OF AUSTRALIA**

***THERAPEUTIC GOODS ACT 1989***

**SECTIONS 14 and 14A NOTICE**

During the period 21 May 2009 to 18 September 2009, the delegate of the Secretary of the Department of Health and Ageing gave his consent pursuant to sections 14 and 14A of the *Therapeutic Goods Act 1989* (the Act) to the following:

1. The supply of therapeutic goods or classes of therapeutic goods specified in Column 2 of the Table, and, with the Australian Register of Therapeutic Goods number (ARTG No.) specified in Column 3 of the Table; and
2. Without conforming to those clauses, specified in Column 5 of the Table, of the standard, specified in Column 4 of the Table otherwise applicable to the goods.
3. Pursuant to section 15(1) of the Act, consent is subject to the conditions specified in Column 6 of the Table and consent is given for the period specified in Column 7 of the Table.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Sponsor	Goods or Classes of Goods	ARTG No.	Standard	Clauses	Conditions	Period for which consent is given
Aspen Pharmacare Australia Pty Ltd	PERIACTIN ciproheptadine 4mg (as hydrochloride) tablet blister pack	62384	TGO 69	3(2)(1)	Such that the existing labelling bearing the old sponsor name be used until January 2010 provided that all requirements of the Order are met	January 2010
Integria Healthcare (Australia) Pty Ltd	GREENRIDGE COMFREY OINTMENT	14743	TGO 69	3(2)(1)	Such that the existing labelling bearing the old sponsor name be used until August 2010 provided that all requirements of the Order are met	August 2010
	EAGLE CHROME Chromium amino acid chelate 10mg tablet-uncoated	15441				
	EAGLE TOXICOL tablet film-coated bottle	15456				
	EAGLE TRESOS-B tablet-film coated bottle	15457				
	EAGLE DIGESTAID tablet film-coated bottle	15464				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Sponsor	Goods or Classes of Goods	ARTG No.	Standard	Clauses	Conditions	Period for which consent is given
	EAGLE THYMUNES tablet film-coated bottle	15468				
	Thursday Plantation Tea Tree Oil 100% lotion	15674				
	MEDIHERB COMFREY 30% CREAM jar	18465				
	SUNSPIRIT COMFREY HERBAL OINTMENT jar	19864				
	SUNSPIRIT AROMATHERAPY EUCALYPTUS OIL 1mL/mL multipurpose liquid bottle	19874				
	SUNSPIRIT AROMATHERAPY CAJUPUT OIL 1mL/mL multipurpose liquid bottle	19877				
	SUNSPIRIT AROMATHERAPY WINTERGREEN OIL 1mL/mL lotion bottle	19887				
	EUREKA! TEA TREE OIL melaleuca oil 1mL/mL multipurpose liquid bottle	19893				
	SUNSPIRIT AROMATHERAPY WHEATGERM OIL 1mL/mL liniment bottle	25305				
	THURSDAY PLANTATION EUCALYPTUS OIL 1mL/mL multipurpose liquid bottle	25404				
	SUNSPIRIT AROMATHERAPY SPORTS STAR MASSAGE OIL liniment bottle	25407				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Sponsor	Goods or Classes of Goods	ARTG No.	Standard	Clauses	Conditions	Period for which consent is given
	EUREKA ! ROSEMARY OIL 1mL/mL multipurpose liquid bottle	25684				
	SUNSPIRIT AROMATHERAPY NIAOULI OIL 1mL/mL multipurpose liquid bottle	25835				
	VAGINOL TEA TREE CREAM	29002				
	THURSDAY PLANTATION TEA TREE COLD SORE cream tube	50564				
	SUNSPIRIT AROMATHERAPY TEA TREE OIL melaleuca oil 1mL/mL multipurpose liquid bottle	67255				
	SUNSPIRIT AROMATHERAPY CLOVE BUD OIL 1mL/mL application bottle	68591				
Hospira Australia Pty Ltd	ASTRIX ASPIRIN 100 tablet blister pack	61723	TGO 56	9	Subject to the following conditions: The shelf life is reduced to 18 months and the permitted storage condition is tightened to “store below 25°C”. The finished product specifications (both batch release and expiry) include all other tests and requirements in relevant British Pharmacopeia (BP) monographs and TGO 56. The batch release specifications retain the test for dissolution in the BP specific monograph <i>Aspirin Tablets</i> . The expiry (shelf life) specifications and stability specifications include a substitute requirement for	1 September 2010
	DBL ASPIRIN 100 tablet blister pack	77596				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Sponsor	Goods or Classes of Goods	ARTG No.	Standard	Clauses	Conditions	Period for which consent is given
					<p>dissolution using the following test conditions: basket apparatus at 50rpm; 500mL of pH 4.5 buffer;</p> <ul style="list-style-type: none"> <li>● Initial requirement: sampling time 45 minutes; each of six individual tablets releases <math>\geq 70\%</math> of the nominal content of aspirin (or 11 of 12 tablets release <math>\geq 70\%</math>); or</li> <li>● Alternative requirement (where the tablets do not comply with the initial requirement): The dissolution test includes sampling times of both 45 minutes and 60 minutes. For the sampling time 45 minutes, each of the six individual tablets releases <math>\geq 60\%</math> of the nominal content of aspirin (or 11 of 12 tablets release <math>\geq 60\%</math>), and for the sampling time 60 minutes; each of six individual tablets releases <math>\geq 70\%</math> of the nominal content of aspirin (or 11 of 12 tablets release <math>\geq 70\%</math>).</li> </ul> <p>This exemption is limited to batches manufactured no later than 1 year from the date of the exemption. The sponsor undertakes full term stability testing on at least two batches of the tablets covered by this exemption manufactured in each calendar year, and the design and conduct of the studies include that;</p> <ul style="list-style-type: none"> <li>● Samples used in the stability testing are taken from tablets stored at both 25°C/60%RH and ambient warehouse conditions;</li> <li>● Each batch is tested at 0 months, 6 months, 12 months and 18 months after the date of manufacture (as least);</li> </ul>	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Sponsor	Goods or Classes of Goods	ARTG No.	Standard	Clauses	Conditions	Period for which consent is given
					<ul style="list-style-type: none"> <li>● Testing for dissolution is included in the studies (at all test stations and for both storage conditions); and</li> <li>● The TGA is promptly informed of any failure of the samples stored under ambient warehouse conditions to comply with the specifications.</li> </ul>	
Herron Pharmaceutica ls Pty Ltd	HERRON GOLD PARACETAMOL 500mg film coated tablet blister pack	162206	TGO 69	3(13)(a)	Such that the existing foil labels displays the product name Herron Paracetamol Tablets (missing the ‘Gold’ from the product name) until 31 December 2009 subject to the condition that all other requirements of the Order are met.	31 December 2009
Nova Pharmaceutica ls Australasia Pty Ltd	COLES IBUPROFEN 200mg sugar coated tablet blister pack	149247	TGO 69	3(2)(g)	Such that the RASML statement #159 “If you get an allergic reaction stop taking and see your doctor immediately” and RASML statement #160 “Do not use for more than a few days at a time unless a doctor has told you to. Do not exceed recommended dose. Excessive use can be harmful” and RASML statement #176 (in part) “Unless a doctor has told you to, do not use You’ll Love Coles Ibuprofen during the first 6 months of pregnancy” do not appear on the labels until 31 march 2010 provided that all other requirements of the Order are met.	31 March 2010

**Australian Government****Australian Radiation Protection and Nuclear Safety Agency****Commonwealth of Australia*****Australian Radiation Protection and Nuclear Safety Act 1998*  
and  
*Australian Radiation Protection and Nuclear Safety Regulations 1999*****Declaration of Exemption  
from Requirement for Authorisation to  
Prepare a Site for, and Construction of a Controlled Facility**

I, **Peter Anthony Burns**, Acting Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency ('ARPANSA'), acting pursuant to the Australian Radiation Protection and Nuclear Safety Regulations 1999 (the Regulations) hereby conclude that in preparing a site for, and in the construction of:

*one prescribed radiation facility, namely a low and intermediate level radioactive waste storage facility*

The Australian Defence Force and Department of Defence is engaging in conduct that does not, or will not, pose an unacceptable potential hazard to the health and safety of people or the environment and therefore, satisfies the requirements of paragraphs 37(1) of the Regulations. Consequently, I exempt the Australian Defence Force and Department of Defence from the need to obtain authorisation to prepare a site for, or the construction of the facility for the purposes of subsection 30(1)(f) of the *Australian Radiation Protection and Nuclear Safety Act 1998*.

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

Peter Anthony Burns  
Acting CEO of ARPANSA

Date: 27/0/9



## Infrastructure, Transport, Regional Development and Local Government

### Form 6

### Permit for unlicensed ship - continuing (regulation 6)

No: 6806

*Navigation Act 1912*

#### PERMIT FOR UNLICENSED SHIP - CONTINUING

I, Charles Gibbons, 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 18/09/2009 to 15/12/2009

#### Details about ship

Name of ship: OOCL NEW ZEALAND  
IMO No. of ship: 9445514

Port of registry: Hong Kong  
Name of Owner: National Australia Finance (Vessel Leasing No.5) Limited

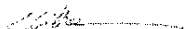
#### Name of ports for which permit issued

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: 18 September 2009



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

No: 6834

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

I, Michael Sutton, 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 28/09/2009 to 27/12/2009

**Details about ship**

Name of ship: MOL Eminence

Port of registry: Hong Kong

IMO No. of ship: 9407146

Name of Owner: Seaspan Ship Management Ltd

**Name of ports for which permit issued**

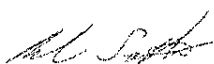
From Fremantle to Melbourne. From Melbourne to Fremantle. From Adelaide to Fremantle.

**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: 22 September 2009



Instrument No:116/2009  
Page 1 of 1



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development and Local Government**

## **Maritime Transport and Offshore Facilities Security Regulations 2003**

### **EXEMPTION FROM DISPLAYING MARITIME SECURITY IDENTIFICATION CARDS WHILST IN THE PORT OF TOWNSVILLE, QUEENSLAND TERMINALS FACILITY**

I, Steve Dreezer, General Manager, Maritime, Identity and Surface Security Branch, Office of Transport Security, Department of Infrastructure, Transport, Regional Development and Local Government, under regulation 6.07M of the *Maritime Transport and Offshore Facilities Security Regulations 2003* (the Regulations), give persons, in the class of persons described below:

- An exemption from displaying a Maritime Security Identification Card (MSIC) as set out in Part 6 of the Regulations for all persons whilst in the Port of Townsville, Queensland Terminals Facility, whilst;
  - a) Wearing chemical suits and handling sulphuric acid, at the Port of Townsville Wharf, Queensland Terminals (QT) Berth 1, and;
  - b) During periodic routine maintenance of the acid system, loading equipment, valves, pumps and safety systems.

This exemption operates from the date of this notice and ceases on 30 June 2010.

The exemption is given subject to the following conditions:

- This exemption is from the requirement to display only – the Regulations must still be adhered to with regards to the requirement to hold and carry an MSIC;
- MSICs must be able to be produced on request. Non MSIC holders must be monitored and/or escorted as per the Regulations;
- Relevant access control arrangements in support of this exemption are to be included in the existing Maritime Security Plan(s) for the Port of Townsville, Queensland Terminals Facility on their next review.

Dated 17 September 2009

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

**Steve Dreezer**

Delegate of the Secretary of the  
Department of Infrastructure, Transport, Regional Development and Local Government

r308/2009007



**Australian Government**

**Department of Infrastructure, Transport,  
Regional Development and Local Government**

## **Aviation Transport Security Regulations 2005**

### **EXEMPTION FROM DISPLAYING AN ASIC IN AN AIRSIDE SECURITY ZONE**

I, **ANNETTE THERESE CLARK**, Director, Security Screening, Supply Chain and Screening Branch, Office of Transport Security, Department of Infrastructure, Transport, Regional Development and Local Government, under regulation 3.08 of the Aviation Transport Security Regulations 2005, **GIVE** members of the Republic of Singapore Air Force involved in the operation of aircraft or involved in supporting the operation of aircraft participating in Exercise Wallaby 09 at Rockhampton Airport, an exemption from displaying an ASIC in an airside security zone.

This exemption operates from Wednesday 30 September 2009 to Wednesday 9 December 2009.

Date: <sup>23</sup> September 2009

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

Annette Therese Clark  
Delegate of the Secretary of the  
Department of Infrastructure, Transport, Regional Development and  
Local Government

## 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
<b>TR 2009/6</b>	Income tax: entitlement to foreign income tax offsets under section 770-10 of the <i>Income Tax Assessment Act 1997</i> where income is derived from investing in fiscally transparent foreign entities	This Ruling is concerned with the application of Division 770 of the <i>Income Tax Assessment Act 1997</i> (foreign income tax offsets) in circumstances where an Australian resident taxpayer invests in a fiscally transparent foreign entity. This Ruling applies to years of income commencing on or after 1 July 2008.
<b>CR 2009/55</b>	Income tax: assessable income: Football Umpires: Latrobe Valley Umpires Association Incorporated	This Ruling applies to all individuals who receive payments from the Latrobe Valley Umpires Association Incorporated to officiate Australian Rules matches as umpires in the Gippsland region in the state of Victoria. This Ruling applies from 1 July 2009.
<b>CR 2009/56</b>	Income tax: partial repayment of principal of Debenture Stock: Hastings Capital Limited (Receivers and Managers appointed) (in Liquidation)	This Ruling applies to holders of Debenture Stock issued by Hastings Capital Limited (Receivers and Managers appointed) (in Liquidation) (HCL) who hold their HCL Debenture Stock on capital account. This Ruling applies from 17 December 2008 to 30 June 2012.
<b>CR 2009/57</b>	Income tax: Shell Group – 2009 Performance Share Plan Award	This Ruling applies to participants who are granted a 2009 performance share award (award) under the Royal Dutch Shell plc (RDS) Performance Share Plan while employed in Australia by a member of the RDS group of international companies who are residents of Australia within the meaning of subsection 6(1) of the <i>Income Tax Assessment Act 1936</i> and are not temporary residents within the meaning of subsection 995-1(1) of the <i>Income Tax Assessment Act 1997</i> , from the time the award is granted until the time the award lapses or is satisfied. This Ruling applies from 1 July 2008.
<b>CR 2009/58</b>	Income tax: early retirement scheme – Queensland State Government	This Ruling applies to employees of the Queensland State Government who receive a payment under the scheme described in the Ruling. This Ruling applies from 30 September 2009 to 29 September 2010.

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## Public Notices

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### SHIPPING REGISTRATION ACT 1981

#### NOTICE OF INTENTION TO APPLY FOR REGISTRATION

Notice is hereby given of the intention of

(full name).....JAMES FRANCIS BARKER-SIMSON..... of  
(address).....14A RUSSELL AVENUE WAHROONGA NEW SOUTH WALES 2076..... to apply, after the expiration of the period of thirty days commencing on the date of publication of this notice, for the registration under the abovenamed Act of the ship particulars of which are set out below. Objections to the registration of the ship in the name of the abovementioned person, by persons claiming a legal proprietary right in respect of the ship, should, together with any relevant documents that will verify the claim be delivered to the Registrar of Ships at the Australian Shipping Registration Office, Level 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: TASMAN LASS

Former name: AS ABOVE

Present whereabouts: SYDNEY

Length: 11.28 METRES

Principal material of construction: STEEL

Type of ship: SAILING YACHT





**COMMONWEALTH OF AUSTRALIA**

*Environment Protection and Biodiversity Conservation Act 1999*

**VARIATION TO A 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, hereby vary under paragraph 303FT(7)(b) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) the Declaration of an Approved Wildlife Trade Operation dated 16 November 2007 and varied on 18 December 2008, 17 March 2009 and 19 June 2009 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 Coral Sea Fishery, as defined in the management regime in force under *Fisheries Management Act 1991* and *Fisheries Management Regulation 1992*:

1. Revoke condition a):  
is valid until 19 September 2009.
2. Include a new condition a):  
is valid until 19 November 2009.

Dated this 17<sup>th</sup> day of September 2009

.....  
N. Routh

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 the 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.



**Commonwealth of Australia**

**Notice under section 18 2 (b) of the  
*National Greenhouse and Energy Reporting Act 2007***

I, DAVID GERRAN ROSSITER, holding the office of the Greenhouse and Energy Data Officer, notify, in accordance with regulation 3.06 of the *National Greenhouse and Energy Reporting Regulations 2008*, that an application under section 18 of the *National Greenhouse and Energy Reporting Act 2007* must be signed by the Chief Executive Officer or equivalent of the registered corporation.

Dated this 21<sup>st</sup> day of September 2009.

DAVID GERRAN ROSSITER

.....  
Greenhouse and Energy Data Officer



Government House  
CANBERRA ACT 2600

23 September 2009

ORDER OF AUSTRALIA

The Governor-General is pleased to announce the following  
honorary appointments and awards within the Order of Australia:

HONORARY MEMBER (AM) IN THE GENERAL  
DIVISION

**Mr Yoshimaro KATSUMATA, Deceased**

(Award wef 29 July 2009)

Late of Gotemba, Japan

For service to education, particularly his contribution  
to Kardinia International College and the student  
exchange program between Japan and Australia.

**Professor Sangkot MARZUKI**

Eijkman Institute for Molecular Biology

Jl Diponegoro 69, Jakarta 10430, Indonesia

For service to Australia-Indonesia relations through  
scientific collaborations and by promoting Australian  
tertiary education in Indonesia.

**Mr Peter John MORLEY**

Meridian Sculpture,

8 Spring Street, Fitzroy Vic 3065

For service to the art of sculpture, particularly as  
Master Founder of the Meridian Sculpture foundry.

**Dr Ronaldo VEIRANO**

Veirano e Advogados Associates,

Avenue Presidente Wilson, 231, 23<sup>rd</sup> floor,

Castelo, Rio de Janeiro RJ 20030-021, Brazil

For service to the Australian Government as the  
Honorary Consul for Rio de Janeiro, Brazil.

HONORARY MEDAL (OAM) IN THE GENERAL  
DIVISION

**Mr Nicholas BONELLO**

'Magnolia', 7 Tomaso Dingli Street

Birkirkara BKR 1693 Malta

For service to Australia-Malta bilateral relations,  
particularly as president of the Maltese Australian  
Association.

**Mrs Joan Therese BROWNLIE**

PO Box 28, Mungindi NSW 2406

For service to the rural community of Mungindi and  
the local surrounds.

**Mr Tony CUTAJAR**

11 Triq il-Gladjoli, San Gwann

SGN 1370 Malta

For service to Australia-Malta bilateral relations,  
particularly as president of the Friends of Australia  
Association.

**Khun Kanit WANACHOTE**

Home Phu Toey Resort, Moobaan Phu Toey,

Thasao, Saiyoke, Kanchanaburi 71150

Thailand

For service to Australia through his memorial peace  
park and museum erected to preserve the memory  
of the Burma-Thailand Railway Prisoners of War.

By Her Excellency's Command

**Stephen Brady**

Official Secretary to the Governor-General



AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY


*Telecommunications (Consumer Protection and Service Standards) Act 1999*


**Universal Service Assessment 2008–09**

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this assessment under sections 20N and 20U of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* ('the Act').

Dated 21 September 2009.



  
Member

  
Member / General Manager

Australian Communications and Media Authority

**PURPOSE**

Under section 20N of the Act the Australian Communications and Media Authority (ACMA) must make a written assessment, in respect of each person who submits a claim for levy credit for a claim period in accordance with section 20J, of the person's levy credit for that period. The assessment must set out:

- (a) if the person is a universal service provider for the claim period—the universal service subsidy to which the person is entitled for that period; and
- (b) if the person is a digital data service provider for the claim period—the person's digital data cost for that period.

Under section 20U of the Act, the ACMA must make a written assessment for each claim period, setting out<sup>1</sup>:

- (a) for each participating person for the last eligible revenue period that ended before the start of the claim period:
  - (i) the person's levy debit under section 20R for the claim period; and
  - (ii) the person's levy debit balance (if any) under section 20S for the claim period; and
  - (iii) if the person has a levy debit balance—the levy payable by the person on that balance;
- (b) for each universal service provider for the claim period:
  - (i) the universal service subsidy to which the ACMA assesses the provider is entitled for the claim period; and
  - (ii) the provider's levy credit balance (if any) under section 20T for the claim period; and
  - (iii) if the provider has a levy credit balance—the amount payable to the provider under section 21C for the claim period; and
- (c) for each digital data service provider for the claim period<sup>2</sup>:
  - (i) the provider's digital data cost for the claim period; and
  - (ii) the provider's levy credit balance (if any) under section 20T for the claim period; and
  - (iii) if the provider has a levy credit balance—the amount payable to the provider under section 21C for the claim period.

The *Levy Debit Formula Modification Determination (No. 1) 2002* dated 12 February 2002 made by the Minister pursuant to subsection 20R(3) of the Act modified the formula in subsection 20R(2) of the Act, for calculating participating persons' levy debits, as follows:

- (1) The **levy debit** for a participating person who is in receivership or liquidation or for any reason ceases to exist before the **decision date**, is worked out using the formula:

Levy contribution factor x Total levy credits

where:

<sup>1</sup> This assessment must be published in the Gazette: see *Telecommunications (Consumer Protection and Service Standards) Act 1999*, s 20V

<sup>2</sup> For the 2008-09 claim period, the only Digital Data Service Provider (DDSP) was Telstra Corporation Limited (Telstra). Notwithstanding that as a DDSP, Telstra was entitled to submit a Digital Data Service Obligation (DDSO) claim for the 2008-09 claim period, it chose not to do so because the DDSO was revoked on 11 December 2009 and also because, according to Telstra, there were no claimable DDSO activities for the 2008-09 period. The revoked DDSO will be replaced by the Australian Broadband Guarantee.

**decision date** means the end of the claim period or a later date decided by the ACMA, but not after the ACMA has issued its levy assessment under section 20U of the Act.

**levy contribution factor** means the person's levy contribution factor for that eligible revenue period worked out under section 20H.

**total levy credits** means the total of all the levy credits to which persons are entitled for that claim period.

- (2) The **levy debit** for any other participating person is worked out using the formula:

$$\frac{\text{Levy contribution factor}}{\text{Adjustment factor}} \times (\text{Total levy credits} + \text{Previous levy deficit})$$

where:

**adjustment factor** means the sum of the levy contribution factors for that eligible revenue period worked out under section 20H for all participating persons covered by subsection 20R(2A).

**levy contribution factor** means the person's levy contribution factor for that eligible revenue period worked out under section 20H.

**previous levy deficit** means the total of any shortfall between levy debits and levy credits for the 2001–02 claim period and all subsequent claim periods.

**total levy credits** means the total of all the levy credits to which persons are entitled for the claim period.

## ASSESSMENT OF LEVY DEBITS

The decision date for the purpose of subsection 20R(2) of the Act is 18 August 2009.

- (a) ACN 106 281 707 Pty Ltd was deregistered before the decision date.
- (b) BroadbandNet Pty Ltd was in liquidation before the decision date.
- (c) CommsLogic Pty Ltd was deregistered before the decision date.
- (d) Endeavour Connect Pty Ltd was in liquidation before the decision date.
- (e) IQ Networks Pty Ltd was in liquidation before the decision date.
- (f) IWIRELESS Pty Ltd was deregistered before the decision date.
- (g) Personal Broadband Australia Pty Ltd was in receivership before the decision date.
- (h) Reeltime Media Limited was in liquidation before the decision date.
- (i) Regional Internet Australia Pty Ltd was in liquidation before the decision date.
- (j) Silver Telecom Pty Ltd was in liquidation before the decision date.
- (k) Unique Technology Solutions Pty Ltd was in receivership before the decision date.
- (l) Wimax Networks Pty Ltd was deregistered before the decision date.



**ASSESSMENT OF THE TOTAL OF ALL LEVY CREDITS TO WHICH PERSONS ARE ENTITLED FOR THE CLAIM PERIOD**

The assessment of the total of all levy credits to which persons are entitled to for the 2008–09 claim period is \$145,076,237.00 plus the DDSO amount which for this claim period is \$0.

**ASSESSMENT FOR TELSTRA CORPORATION LIMITED AS UNIVERSAL SERVICE PROVIDER AND DIGITAL DATA SERVICE PROVIDER**

- (1) This is the assessment for Telstra Corporation Limited (ACN 051 775 556) as universal service provider and digital data service provider in relation to the 2008–09 claim period.
- (2) The total universal service subsidy amount for the 2008–09 claim period is \$145,076,237.00 which is the sum of the following four amounts:
  - (a) The universal service subsidy in respect of the supply of the standard telephone service and the supply, installation and maintenance of payphones in the Extended Zones universal service area for 2008–09 is \$19,314,372.
  - (b) The subsidy in respect of the supply of the standard telephone service for 2008–09 in contestable areas is \$10,412,164.
  - (c) The subsidy in respect of the supply of the standard telephone service in the default universal service area is \$103,675,415.
  - (d) The subsidy in respect of the supply, installation and maintenance of payphones in all areas other than the Extended Zones universal service area for 2008–09 is \$11,674,286.
- (3) The digital data cost is \$0.
- (4) The levy credit balance under section 20T of the Act is \$53,318,487.09.
- (5) The amount payable to Telstra Corporation Limited under section 21C of the Act is \$53,318,487.09

[NOTE: The universal service provider's universal service subsidy amounts for the 2008–09 claim period are specified in determinations made by the Minister under subsection 16(1) of the Act.]

## ASSESSMENT OF LEVY DEBITS FOR PARTICIPATING PERSONS

Table 1 sets out the assessment of levy debits for the 2007-08 claim period such that for each row in the table:

- Column (1) lists the name of the participating person
- Column (2) states the levy debit under section 20R of the Act, for the participating person named in Column (1) of the row
- Column (3) states the levy debit balance under section 20S of the Act, for the participating person named in Column (1) of the row
- Column (4) states the levy payable on the levy debit balance, for the participating person named in Column (1) of the row
- Column (5) states the eligible revenue for 2007-08 as set out in the Eligible Revenue Assessment 2007-08 made by the ACMA under section 20F of the Act on 23 April 2009, for the participating person named in Column (1) of the row.

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
154 Collins Street Pty Limited	\$942.82	\$942.82	\$942.82	\$173,852.00
A.C.N. 088 889 230 Pty Ltd	\$32,404.37	\$32,404.37	\$32,404.37	\$5,975,217.00
A.C.N. 106 281 707 Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
A.P.J. Net Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
AAPT Limited	\$2,249,384.93	\$2,249,384.93	\$2,249,384.93	\$414,776,219.00
AARNet Pty Ltd	\$157,640.36	\$157,640.36	\$157,640.36	\$29,068,156.00
Access Wireless & Cable Pty Limited	\$424.48	\$424.48	\$424.48	\$78,272.00
Ace Internet Services Pty Ltd	\$2,126.78	\$2,126.78	\$2,126.78	\$392,168.00
ACMnet Pty. Ltd.	\$0.00	\$0.00	\$0.00	\$0
aCure Technology Pty Ltd	\$2,917.32	\$2,917.32	\$2,917.32	\$537,940.00
Adam Internet Pty Ltd	\$60,885.02	\$60,885.02	\$60,885.02	\$11,226,918.00
Advatel Wireless Pty Ltd	\$303.41	\$303.41	\$303.41	\$55,947.00

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Aeromobile AS	\$0.00	\$0.00	\$0.00	\$0.00
Agile Pty Ltd	\$286,789.06	\$286,789.06	\$286,789.06	\$52,882,581.00
Ai Tel Pty Ltd	\$380.05	\$380.05	\$380.05	\$70,080.00
Allegro Networks Pty Ltd	\$9,217.67	\$9,217.67	\$9,217.67	\$1,699,695.00
Alpha Dot Net Australia Pty Ltd	\$1,892.63	\$1,892.63	\$1,892.63	\$348,993.00
Amcom Pty Ltd	\$167,034.25	\$167,034.25	\$167,034.25	\$30,800,346.00
Auroracom Pty Ltd	\$10,784.15	\$10,784.15	\$10,784.15	\$1,988,548.00
Australasia IT Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
Australia-Japan Cable (Australia) Limited	\$48,747.00	\$48,747.00	\$48,747.00	\$8,988,723.00
Australian Private Networks Pty Ltd	\$39,338.26	\$39,338.26	\$39,338.26	\$7,253,793.00
Bareena Holdings Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Basslink Telecoms Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
BigAir Group Limited	\$15,633.24	\$15,633.24	\$15,633.24	\$2,882,698.00
Blitzwave Pty Ltd	\$2.71	\$2.71	\$2.71	\$500.00
Blubroadband Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
Bluemaxx Communications Pty Ltd	\$8,825.32	\$8,825.32	\$8,825.32	\$1,627,348.00
Boeing Australia Limited	\$0.00	\$0.00	\$0.00	\$0
BOP Broadband Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Broadband Anywhere Pty Ltd	\$1,927.20	\$1,927.20	\$1,927.20	\$355,366.00
Broadband Express Pty Ltd	\$0.00	\$0.00	\$0.00	\$0

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Broadband Wireless Pty Ltd	\$2,778.53	\$2,778.53	\$2,778.53	\$512,348.00
BroadbandNet Pty Ltd	\$10,494.06	\$10,494.06	\$10,494.06	\$1,940,183.00
Broadcast Engineering Services (Australia) Pty Ltd	\$9,765.67	\$9,765.67	\$9,765.67	\$1,800,745.00
Business Services & Resources Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Central Coast Internet Pty. Limited	\$1,299.67	\$1,299.67	\$1,299.67	\$239,654.00
Chime Communications Pty Ltd	\$644,496.51	\$644,496.51	\$644,496.51	\$118,842,187.00
Christmas Island Internet Administration Ltd	\$1,954.16	\$1,954.16	\$1,954.16	\$360,338.00
Cirrus Communications Pty Limited	\$8,923.27	\$8,923.27	\$8,923.27	\$1,645,410.00
Clear Networks Pty Ltd	\$20,461.28	\$20,461.28	\$20,461.28	\$3,772,966.00
Clever Communications Operations Pty. Limited	\$46,106.46	\$46,106.46	\$46,106.46	\$8,501,819.00
ClubLINKS Telco Pty Ltd	\$2,571.56	\$2,571.56	\$2,571.56	\$474,184.00
CommsLogic Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
Country Energy	\$7,201.80	\$7,201.80	\$7,201.80	\$1,327,979.00
Datafast Telecommunications Pty Ltd	\$66,791.48	\$66,791.48	\$66,791.48	\$12,316,041.00
DCS Internet Pty Ltd	\$12,531.15	\$12,531.15	\$12,531.15	\$2,310,686.00
Digital Distribution Australia Pty Ltd	\$129,826.27	\$129,826.27	\$129,826.27	\$23,939,366.00

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Digital River Networks Pty. Ltd.	\$3,334.46	\$3,334.46	\$3,334.46	\$614,859.00
Digital Signal Solutions Pty Ltd	\$272.80	\$272.80	\$272.80	\$50,303.00
Digital Technologies & Telecommunications Pty Limited	\$966.74	\$966.74	\$966.74	\$178,262.00
Dragnet Internet Services Pty Ltd	\$12,904.94	\$12,904.94	\$12,904.94	\$2,379,612.00
Eastern Wireless Pty. Ltd.	\$321.69	\$321.69	\$321.69	\$59,319.00
Ecopost Pty Limited	\$823.50	\$823.50	\$823.50	\$151,850.00
Elms Communications Pty Ltd	\$32.66	\$32.66	\$32.66	\$6,022.00
Emerge Technologies Pty Ltd	\$2,947.44	\$2,947.44	\$2,947.44	\$543,495.00
Endeavour Clever Networks Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
Endeavour Connect Pty Ltd	\$1,779.60	\$1,779.60	\$1,779.60	\$329,020.00
Ergon Energy Telecommunications Pty Ltd	\$29,529.90	\$29,529.90	\$29,529.90	\$5,445,178.00
ETSA Utilities	\$65,922.92	\$65,922.92	\$65,922.92	\$12,155,883.00
ETT Limited	\$1,471.86	\$1,471.86	\$1,471.86	\$271,404.00
Exetel Pty Ltd	\$5,287.96	\$5,287.96	\$5,287.96	\$975,075.00
Export Mission Information Systems Pty Ltd	\$38.52	\$38.52	\$38.52	\$7,102.00
Fiber Vision Networks Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Fibre Optic Infrastructure Holdings Pty Ltd (formerly Ochre Networks Pty Ltd)	\$0.00	\$0.00	\$0.00	\$0
Fibrelite Networks Pty. Ltd.	\$0.00	\$0.00	\$0.00	\$0
Fish Telecom Pty Ltd	\$2,199.08	\$2,199.08	\$2,199.08	\$405,501.00
Flexinet Pty Ltd	\$2,111.20	\$2,111.20	\$2,111.20	\$389,296.00
Freecor International Pty. Limited	\$169.38	\$169.38	\$169.38	\$31,233.00
GE International Holdings Inc	\$0.00	\$0.00	\$0.00	\$0.00
Geo Media Broadband Pty Ltd	\$485.76	\$485.76	\$485.76	\$89,571.00
GoldenIT Pty. Ltd.	\$2,400.22	\$2,400.22	\$2,400.22	\$442,589.00
Highlands Internet Pty Ltd	\$1,764.04	\$1,764.04	\$1,764.04	\$325,280.00
Hutchison 3G Australia Pty Limited	\$4,085,557.96	\$4,085,557.96	\$4,085,557.96	\$753,358,066.00
I.Q. Networks Pty Limited	\$0.00	\$0.00	\$0.00	\$0
I. T. System Management Pty Ltd	\$452.12	\$452.12	\$452.12	\$83,368.00
Index Consultancy - Australia Pty. Ltd.	\$2,998.85	\$2,998.85	\$2,998.85	\$552,974.00
Inmarsat plc	\$88,979.95	\$88,979.95	\$88,979.95	\$16,407,493.00
Integrated Data Labs Pty Ltd	\$8,652.28	\$8,652.28	\$8,652.28	\$1,595,440.00
Integrity Network Solutions Pty. Ltd.	\$5,658.09	\$5,658.09	\$5,658.09	\$1,043,326.00
Intelsat Asia Carrier Services Inc. (Delaware)	\$53,795.66	\$53,795.66	\$53,795.66	\$9,919,671.00



<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Ipera Communications Pty Limited	\$3,847.45	\$3,847.45	\$3,847.45	\$709,452.00
iPSTAR Australia Pty Ltd	\$26,047.80	\$26,047.80	\$26,047.80	\$4,803,094.00
iwireless Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
Jemena Asset Management (2) Pty Ltd.	\$0.00	\$0.00	\$0.00	\$0.00
Kallistrate Pty Ltd	\$961.56	\$961.56	\$961.56	\$177,307.00
Leading Edge Internet Pty Limited	\$40,224.60	\$40,224.60	\$40,224.60	\$7,417,231.00
Light Technologies Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Link Innovations Pty Ltd	\$4,481.10	\$4,481.10	\$4,481.10	\$826,294.00
Linknet Communications NSW Pty Limited	\$2,770.11	\$2,770.11	\$2,770.11	\$510,796.00
Mackay Computer Services Pty Ltd	\$3,398.88	\$3,398.88	\$3,398.88	\$626,738.00
Macquarie Telecom Network Carrier Services Pty Limited	\$461,611.71	\$461,611.71	\$461,611.71	\$85,119,072.00
McPherson Media Pty. Ltd.	\$12,388.36	\$12,388.36	\$12,388.36	\$2,284,357.00
Megalink Australia Pty Ltd	\$1,210.67	\$1,210.67	\$1,210.67	\$223,242.00
Metrio Pty Ltd	\$60.90	\$60.90	\$60.90	\$11,229.00
MiBroadband Pty Limited	\$17,505.44	\$17,505.44	\$17,505.44	\$3,227,923.00
Michael Parnell Pty. Limited	\$1,466.66	\$1,466.66	\$1,466.66	\$270,445.00
My Wisp Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
NetWave Communications Pty Ltd	\$148.33	\$148.33	\$148.33	\$27,352.00
New Skies Satellites Australia Pty Ltd	\$111,814.86	\$111,814.86	\$111,814.86	\$20,618,145.00
Newsat Networks Pty Ltd	\$19,047.63	\$19,047.63	\$19,047.63	\$3,512,296.00
Nextgen Networks Pty Limited	\$91,910.05	\$91,910.05	\$91,910.05	\$16,947,789.00
No Wires Communications Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Nomad Networks Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Northern Technology Holdings Pty Ltd	\$939.96	\$939.96	\$939.96	\$173,325.00
Nowires Pty Limited	\$367.64	\$367.64	\$367.64	\$67,792.00
Nuskope Pty Ltd	\$228.64	\$228.64	\$228.64	\$42,160.00
Ocean Broadband Ltd	\$1,895.63	\$1,895.63	\$1,895.63	\$349,546.00
Ochre Services Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
Office des Postes et Telecommunications	\$122,192.98	\$122,192.98	\$122,192.98	\$22,531,823.00
OMNIconnect Pty Ltd	\$4,301.19	\$4,301.19	\$4,301.19	\$793,119.00
Omninet Wireless Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
OPENetworks Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Optic Fibre & Wireless Pty Ltd	\$91.92	\$91.92	\$91.92	\$16,949.00
Opticomm Co Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Optus Mobile Pty Limited	\$17,628,668.87	\$17,628,668.87	\$17,628,668.87	\$3,250,645,323.00
Optus Networks Pty Limited	\$10,690,633.80	\$10,690,633.80	\$10,690,633.80	\$1,971,303,621.00
Optus Vision Pty Limited	\$17,227.79	\$17,227.79	\$17,227.79	\$3,176,725.00
Orion Satellite Systems Pty Limited	\$9,260.31	\$9,260.31	\$9,260.31	\$1,707,559.00
Ossini Pty Ltd	\$25.69	\$25.69	\$25.69	\$4,738.00
Oziplex Pty Ltd	\$5.42	\$5.42	\$5.42	\$1,000.00
Pacific Wireless Australia Pty. Ltd.	\$12,769.32	\$12,769.32	\$12,769.32	\$2,354,603.00
Personal Broadband Australia Pty Limited	\$356,530.69	\$356,530.69	\$356,530.69	\$65,916,787.00
Pipe International (Australia) Pty Ltd	\$807.32	\$807.32	\$807.32	\$148,866.00
PIPE Networks Limited	\$113,100.77	\$113,100.77	\$113,100.77	\$20,855,261.00
Pivit Pty Ltd	\$6,695.65	\$6,695.65	\$6,695.65	\$1,234,647.00
Pivotel Group Pty Limited	\$48,905.01	\$48,905.01	\$48,905.01	\$9,017,859.00
Port of Brisbane Corporation	\$1,954.23	\$1,954.23	\$1,954.23	\$360,351.00
Powernet Communications Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
PowerTel Limited	\$585,585.63	\$585,585.63	\$585,585.63	\$107,979,292.00
Primus Telecommunications Pty Limited	\$828,902.88	\$828,902.88	\$828,902.88	\$152,845,872.00
Project Eclectic R & D (SA) Pty Ltd	\$320.02	\$320.02	\$320.02	\$59,010.00
Puddlenet Pty Ltd	\$8.90	\$8.90	\$8.90	\$1,641.00

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Quantum Multimedia Communications Pty Ltd	\$19,156.84	\$19,156.84	\$19,156.84	\$3,532,433.00
Quint-Essential IT Solutions Pty. Limited	\$0.00	\$0.00	\$0.00	\$0
Radcomp Pty Ltd	\$432.00	\$432.00	\$432.00	\$79,658.00
Reach Networks Australia Pty Limited	\$8,009.09	\$8,009.09	\$8,009.09	\$1,476,840.00
Reeltime Media Limited	\$0.00	\$0.00	\$0.00	\$0.00
Regional Internet Australia Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
Regional Wireless Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
RP 25 Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Satellite and Wireless Pty Ltd	\$4,043.34	\$4,043.34	\$4,043.34	\$745,574.00
SCCL Australia Limited	\$169,875.29	\$169,875.29	\$169,875.29	\$31,324,221.00
Silk Telecom (WA) Pty Ltd	\$15,809.04	\$15,809.04	\$15,809.04	\$2,915,115.00
Silk Telecom Pty Ltd	\$107,107.35	\$107,107.35	\$107,107.35	\$19,750,102.00
Silver Telecom Pty Ltd	\$4,888.07	\$4,888.07	\$4,888.07	\$903,725.00
SkyMesh Pty Ltd	\$3,436.48	\$3,436.48	\$3,436.48	\$633,671.00
Snooper Systems Pty Ltd	\$1,828.92	\$1,828.92	\$1,828.92	\$337,245.00
SnowSports Interactive Pty Ltd	\$75.10	\$75.10	\$75.10	\$13,848.00
Soul Pattinson Telecommunications Pty Limited	\$1,010,535.01	\$1,010,535.01	\$1,010,535.01	\$186,338,000.00
Southern Cross Telecommunications Pty Ltd.	\$30,285.87	\$30,285.87	\$30,285.87	\$5,584,575.00

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Spencer Gulf Telecasters Limited	\$858.48	\$858.48	\$858.48	\$158,299.00
Stenzel Farming Enterprises Pty Ltd	\$2,711.56	\$2,711.56	\$2,711.56	\$500,000.00
Tas Communications Pty Ltd	\$1,583.75	\$1,583.75	\$1,583.75	\$292,036.00
Tasmanet Pty. Ltd.	\$1,202.17	\$1,202.17	\$1,202.17	\$221,674.00
Techsus Pty Ltd	\$748.35	\$748.35	\$748.35	\$137,992.00
Telstra Corporation Limited	\$91,757,749.89	\$0.00	\$0.00	\$16,919,706,348.00
Telstra Multimedia Pty Limited	\$1,655,283.61	\$1,655,283.61	\$1,655,283.61	\$305,226,672.00
Tower Computer Aid Pty. Ltd.	\$919.78	\$919.78	\$919.78	\$169,604.00
TransACT Capital Communications Pty Ltd	\$270,597.15	\$270,597.15	\$270,597.15	\$49,896,867.00
Uecomm Operations Pty Limited	\$631,872.49	\$631,872.49	\$631,872.49	\$116,514,376.00
Uecomm Pty Limited	\$0.00	\$0.00	\$0.00	\$0
Unique Technology Solutions Pty Ltd	\$3,471.29	\$3,471.29	\$3,471.29	\$641,786.00
UnitedIP Pty Limited	\$14,668.76	\$14,668.76	\$14,668.76	\$2,704,852.00
Unwired Australia Pty Limited	\$175,901.73	\$175,901.73	\$175,901.73	\$32,435,468.00
Verizon Australia Pty Limited	\$605,083.89	\$605,083.89	\$605,083.89	\$111,574,681.00
VERnet Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Vertical Telecoms Pty Limited	\$19,947.91	\$19,947.91	\$19,947.91	\$3,678,302.00
Victorian Rail Track	\$77,919.06	\$77,919.06	\$77,919.06	\$14,367,915.00
Vodafone Australia Limited	\$8,946,451.76	\$8,946,451.76	\$8,946,451.76	\$1,649,684,488.00

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
Wackado Communications Pty Ltd	\$143.58	\$143.58	\$143.58	\$26,475.00
Western Advance Pty Ltd	\$0.00	\$0.00	\$0.00	\$0.00
Western Australian Internet Association Inc	\$745.77	\$745.77	\$745.77	\$137,517.00
Westvic Broadband Pty Ltd	\$14,308.58	\$14,308.58	\$14,308.58	\$2,638,437.00
Wideband Networks Pty Ltd	\$9,475.81	\$9,475.81	\$9,475.81	\$1,747,296.00
Widelinx Pty. Ltd.	\$87.57	\$87.57	\$87.57	\$16,148.00
Wimax Networks Pty. Ltd.	\$0.00	\$0.00	\$0.00	\$0
Wimax Telecom Pty. Ltd.	\$0.00	\$0.00	\$0.00	\$0
Windytide Pty. Ltd.	\$177,362.74	\$177,362.74	\$177,362.74	\$32,704,873.00
Wirefree Networks Pty. Ltd.	\$2,463.30	\$2,463.30	\$2,463.30	\$454,222.00
Wireless Telecommunications Pty Ltd	\$0.00	\$0.00	\$0.00	\$0
Wizz Pty Limited	\$5,465.80	\$5,465.80	\$5,465.80	\$1,007,868.00
Wobygong Pty Ltd	\$240.28	\$240.28	\$240.28	\$44,306.00
World Without Wires Pty Ltd	\$905.73	\$905.73	\$905.73	\$167,012.00
XYZed Pty Ltd	\$30,432.98	\$30,432.98	\$30,432.98	\$5,611,702.00
YLESS4U Pty Ltd	\$1,520.10	\$1,520.10	\$1,520.10	\$280,300.00





**COMMONWEALTH OF AUSTRALIA**

***TRADE PRACTICES ACT 1974***

Consumer Protection Notice No. 19 of 2009

**UNSAFE GOODS NOTICE**

I, CRAIG EMERSON, Minister for Competition Policy and Consumer Affairs, pursuant to section 65C(5) of the *Trade Practices Act 1974* **DECLARE** goods of a kind specified below to be unsafe goods.

**Particulars of goods:**

'Sky Lanterns'. A Sky Lantern is essentially a miniature, unmanned hot air balloon that relies on an open flame as a heat source to heat the air inside the lantern with the intention of causing it to lift into the atmosphere.

The effect of this declaration is to ban the supply of these goods for a period of 18 months.

Dated this 22nd day of September 2009

CRAIG EMERSON  
Minister for Competition Policy and Consumer Affairs



RESERVE BANK OF AUSTRALIA

*Payment Systems (Regulation) Act 1998*

*Draft Variation to the Standard for EFTPOS Interchange Fees*

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

The Reserve Bank of Australia proposes to vary, in accordance with Section 18 of the Act, the Standard entitled *The setting of interchange fees in the EFTPOS payment system* gazetted on 24 April 2006.

**Summary of purpose and effect of the proposed variation**

The purpose of this variation is to align the regulatory regime for EFTPOS interchange fees with that applying to the Visa Debit System as set out in the Standard entitled *The setting of interchange fees in the Visa Debit Payment System*, gazetted on 7 July 2006.

Under the current EFTPOS interchange standard, interchange fees are required to be between 4 and 5 cents (paid to the acquirer). However, the standard for Visa Debit interchange fees and MasterCard's voluntary undertaking on debit interchange fees only require the weighted average of fees in those systems to be at or below 12 cents paid to the issuer. In setting interchange fees, therefore, the MasterCard and Visa systems have more flexibility than the EFTPOS system. This is likely to result in the EFTPOS system being at a competitive disadvantage to the MasterCard and Visa Debit systems.

The effect of the proposed variation is to ensure all the debit systems in Australia are subject to a broadly equivalent regulatory regime by aligning the cap applying to all schemes at 12 cents paid to the issuer. While of itself this change will not necessarily affect current interchange fees in the EFTPOS system, it will make it possible for interchange fees in the EFTPOS system to be set over a wider range than is currently possible. Any change in interchange fees will be dependent upon agreements between participants of the system.

Additional discussion of the proposed changes is contained in the Reserve Bank's Media Release of 22 September 2009, which can be found on the Reserve Bank's website at <http://www.rba.gov.au/MediaReleases/2009/mr-09-20.html>.

**Submissions**

Interested parties are invited to make submissions on the proposed variation to the Standard *The setting of interchange fees in the EFTPOS payment system*.

Submissions should be made by 23 October to:

Head of Payments Policy or PYSubmissions@rba.gov.au  
Reserve Bank of Australia  
GPO Box 3947  
Sydney NSW 2001

Signed



GR Stevens  
Governor  
Reserve Bank of Australia

Date

23/9/2009

## Draft Standard

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

#### Objective

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

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

*in the Australian payments system.*

#### Application

1. This Standard is determined under Section 18 of the *Payment Systems (Regulation) Act 1998*.
2. This Standard applies to the payment system operated within Australia known as the EFTPOS system, which was designated as a payment system on 9 September 2004 and referred to below as the EFTPOS system.
3. In this Standard:
  - an 'acquirer' is a participant in the EFTPOS system that provides services to a merchant to allow that merchant to accept a debit card;
  - 'debit card' means a card issued by a participant in the EFTPOS system that allows the cardholder to make payments to merchants for goods or services and/or obtain cash out using the EFTPOS system by accessing a deposit account held at an authorised deposit-taking institution;
  - 'debit card transaction' or 'transaction' means a transaction in Australia using the EFTPOS system;
  - 'financial year' is the 12-month period ending 30 June;
  - an 'issuer' is a participant in the EFTPOS system that issues debit cards to its customers;
  - 'merchant' means a merchant in Australia that accepts a debit card for payment for goods or services and/or that provides cash out;
  - a 'self-acquirer' is a participant in the EFTPOS system that is a merchant that sends transactions directly to issuers rather than through an acquirer and takes on the responsibilities usually undertaken by an acquirer;
  - terms defined in the *Payment Systems (Regulation) Act 1998* have the same meaning in this Standard.
4. This Standard refers to wholesale fees, known as 'interchange' fees, which are payable between an issuer and an acquirer or self-acquirer, directly or indirectly, in relation to a debit card transaction in the EFTPOS system. In this Standard:
  - 'Multilateral interchange fees' are interchange fees that are determined by EFTPOS Payments Australia to apply to transactions in the EFTPOS system between any members of that system in the absence of a bilateral agreement;
  - 'Bilateral interchange fees' are interchange fees that are agreed between two participants in the EFTPOS system for payments solely between those participants in relation to EFTPOS transactions.
  - For the purposes of calculations and comparisons in this standard, interchange fees flowing from acquirers to issuers are to be expressed as positive numbers and interchange fees flowing from issuers to acquirers are to be expressed as negative numbers.
5. Each participant in the EFTPOS system must do all things necessary on its part to ensure compliance with this Standard.
6. If any part of this Standard is invalid, the Standard is ineffective only to the extent of such part without invalidating the remaining parts of this Standard.



7. This Standard is to be interpreted:
  - in accordance with its objective; and
  - by looking beyond form to substance.
8. This Standard comes into force on [date].

### **Interchange fees**

9. From [date], on each of the dates specified in paragraph 10, the weighted average of multilateral interchange fees implemented in the EFTPOS system in Australia (excluding GST) must not exceed the benchmark set out in paragraph 13 below.
10. For the purposes of paragraph 9, the dates are:
  - a. [date]; and
  - b. [1 November] of every third year after 2009; and
  - c. The date any multilateral interchange fee is introduced, varied or removed in the EFTPOS system.
11. For the purposes of paragraph 9, the weighted average of multilateral interchange fees is to be expressed as the number of cents per transaction. It is to be calculated by dividing the total interchange revenue that would have been payable had the interchange fees implemented on the dates specified in paragraph 10 been applicable in the previous financial year, by the number of transactions in that year.
12. From [date] any bilateral interchange fee implemented between participants in the EFTPOS system in Australia (excluding GST) must not exceed the benchmark set out in paragraph 13 below.

### **Benchmark**

13. The benchmark will be the same as the benchmark applying to the Visa Debit system, as varied from time to time, and which is published on the Reserve Bank's website at [http://www.rba.gov.au/PaymentsSystem/LegalFramework/standards\\_access\\_regimes.html](http://www.rba.gov.au/PaymentsSystem/LegalFramework/standards_access_regimes.html)

### **Transparency**

14. EFTPOS Payments Australia must publish any multilateral interchange fees applying to EFTPOS transactions on its website or otherwise make these fees publicly available.
15. Commencing on [date], each acquirer and self-acquirer with a bilateral interchange agreement in the EFTPOS system must report to the Reserve Bank of Australia by 1 November each year the range of bilateral interchange fees it received in the previous financial year. The Reserve Bank of Australia will publish the industry range of bilateral interchange fees on its website.



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

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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.

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