

# **Exhibit 8**

## **Part D**

"approved respite care" has the meaning given by subsection (9);

"armed services widow" means a woman who was the partner of:

- (a) a person who was a veteran for the purposes of any provisions of the Veterans' Entitlements Act; or
- (b) a person who was a member of the forces for the purposes of Part IV of that Act; or
- (c) a person who was a member of a peacekeeping force for the purposes of Part IV of that Act; immediately before the death of the person;

"armed services widower" means a man who was the partner of:

- (a) a person who was a veteran for the purposes of any provisions of the Veterans' Entitlements Act; or
- (b) a person who was a member of the Forces for the purposes of Part IV of that Act; or
- (c) a person who was a member of a Peacekeeping Force for the purposes of Part IV of that Act; immediately before the death of the person;

"illness separated couple" has the meaning given by subsection (7);

"member of a couple" has the meaning given by subsections (2), (3), and (6);

"partner", in relation to a person who is a member of a couple, means the other member of the couple; "partnered" has the meaning given by subsection (11);

"partnered (partner getting benefit)" has the meaning given by subsection (11);

"partnered (partner getting neither pension nor benefit)" has the meaning given by subsection (11);

"partnered (partner getting pension)" has the meaning given by subsection (11);

"partnered (partner getting pension or benefit)" has the meaning given by subsection (11);

"partnered (partner in gaol)" has the meaning given by subsection (11);

"respite care couple" has the meaning given by subsection (8).

#### Member of a couple-general

4 (2) Subject to subsection (3), a person is a member of a couple for the purposes of this Act if:

- (a) the person is legally married to another person and is not, in the Secretary's opinion (formed as mentioned in subsection (3)), living separately and apart from the other person on a permanent basis; or
- (b) all of the following conditions are met:
  - (i) the person with a person of the opposite sex (in this paragraph called the "partner");
  - (ii) the person is not legally married to the partner;
  - (iii) the relationship between the person and the partner is, in the Secretary's opinion (formed as mentioned in subsections (3)), a marriage-like relationship;
  - (iv) both the person and the partner are over the age of consent applicable in the State or Territory in which they live;
  - (v) the person and the partner are not within a prohibited relationship for the purposes of section 23B of the Marriage Act 1961.

Note: a prohibited relationship for the purposes of section 23B of the Marriage Act 1961 is a relationship between a person and:

- . an ancestor of the person; or
- . a descendant of the person; or
- . a brother or sister of the person (whether of the whole blood or the part-blood).

Member of a couple-criteria for forming opinion about relationship

4 (3) In forming an opinion about the relationship between 2 people for the purposes of paragraph (2) (a) or subparagraph (2) (b) (iii), the Secretary is to have regard to all the circumstances of the relationship including, in particular, the following matters:

- (a) the financial aspects of the relationship, including:
  - (i) any joint ownership of real estate or other major assets and any joint liabilities; and
  - (ii) any significant pooling of financial resources especially in relation to major financial commitments; and
  - (iii) any legal obligations owed by one person in respect of the other person; and
  - (iv) the basis of any sharing of day-to-day household expenses;
- (b) the nature of the household, including:
  - (i) any joint responsibility for providing care or support of children; and
  - (ii) the living arrangements of the people; and
  - (iii) the basis on which responsibility for housework is distributed;
- (c) the social aspects of the relationship, including:
  - (i) whether the people hold themselves out as married to each other; and
  - (ii) the assessment of friends and regular associates of the people about the nature of their relationship; and
  - (iii) the basis on which the people make plans for, or engage in, joint social activities;
- (d) any sexual relationship between the people;
- (e) the nature of the people's commitment to each other, including:
  - (i) the length of the relationship; and
  - (ii) the nature of any companionship and emotional support that the people provide to each other; and
  - (iii) whether the people consider that the relationship is likely to continue indefinitely; and
  - (iv) whether the people see their relationship as a marriage-like relationship.

**D. Amending Act 1995 No 105 amending Section 14**

SOCIAL SECURITY (NON-BUDGET MEASURES) LEGISLATION AMENDMENT ACT 1995 No. 105

of 1995- SECT 14

Family relationships definitions-couples

## SECT

14. Section 4 of the Principal Act is amended:

(a) by inserting in the definition of "member of a couple" in subsection (1), "(3A)" after "(3)";

(b) by inserting in paragraph (2)(a) "or indefinite" after "permanent";

(c) by omitting from subparagraph (2)(b)(i) "is living" and substituting "has a relationship";

(d) by omitting from subparagraph (2)(b)(iii) "subsection (3)" and substituting "subsections (3) and (3A)";

(e) by inserting after subsection (3):

"(3A) The Secretary must not form the opinion that the relationship between a person and his or her partner is a marriage-like relationship if the person is living separately and apart from the partner on a permanent or indefinite basis."

**APPENDIX B**

CODING - Document Type definitions (dtds)

**ACT.DTD**

```

<!-- *****
Document Type Definition for a set of acts
Typical invocation:
<!DOCTYPE acts PUBLIC "-//SGMLSE//DTD 1.0 Acts//EN">
Copyright Aunty Abha's Electronic Publishing Pty. Ltd. 1996, 1997
*****-->

<ENTITY % CONSOL "IGNORE">
<!-- ***** Include common element and entity definitions *****-->
<ENTITY % common
PUBLIC "-//SGMLSE//ELEMENTS 2.0 Common Elements//EN">
%common;
<!-- *****End common element and entity definitions *****-->
<ELEMENT acts -- (title, header?, act+)
>
<ENTITY % act PUBLIC "-//SGMLSE//DTD 1.0 Act//EN">
%act;

```

**ACTS.DTD**

```

<!-- *****
Document Type Definition for a set of acts
Typical invocation:
<!DOCTYPE acts PUBLIC "-//SGMLSE//DTD.1.0 Acts//EN">
Copyright Aunty Abha's Electronic Publishing Pty. Ltd. 1996, 1997
*****-->

<ENTITY % CONSOL "IGNORE">
<!-- ***** Include common element and entity definitions *****-->
<ENTITY % common
PUBLIC "-//SGMLSE//ELEMENTS 2.0 Common Elements//EN">
%common;
<!-- ***** End common element and entity definitions *****-->
<ELEMENT acts -- (title, header?, act+)
>
<ENTITY % act PUBLIC "-//SGMLSE//DTD 1.0 Act//EN">
%act;

```

**REG.DTD**

```

<!-- *****
Document Type Definition for a set of regulations

```

Typical invocation:

```
<!DOCTYPE regact PUBLIC "-//SGMLSE//DTD 1.0 Regulation Act//EN">
```

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#### REVISION History

\*\*\*\*\*

190197 TH Since RULE, REG and SECTION are all equivalent, removed REG from this DTD

Added long-title

\*\*\*\*\* -->

```
<!ELEMENT reg - - (title, notes?, provisions?, (preamble|long-title)?,
```

```
((order+| (section|schedule)+ |chapter+|part+),schedule*))>
```

```
<!ATTLIST reg Id ID #REQUIRED
```

```
date CDATA #IMPLIED -- used in numacts --
```

```
%status;
```

```
%subject;
```

>

#### REGS.DTD

```
<!--*****
```

Document Type Definition for a set of regulations

Typical invocation:

```
<!DOCTYPE regs PUBLIC "-//SGMLSE//DTD 1.0 Regulations//EN">
```

Copyright Aunty Abha's Electronic Publishing Pty. Ltd. 1996, 1997

#### REVISION History

\*\*\*\*\*

\*\*\*\*\* -->

```
<!ENTITY % CONSOL "IGNORE">
```

```
<!ELEMENT regs -- (title, header?, reg+)>
```

```
<!-- ***** Include common element and entity definitions *****-->
```

```
<!ENTITY % common
```

```
PUBLIC "-//SGMLSE//ELEMENTS 2.0 Common Elements//EN">
```

```
%common;
```

```
<!-- ***** End common element and entity definitions *****-->
```

```
<!ENTITY % reg PUBLIC "-//SGMLSE//DTD 1.0 Regulation//EN">
```

```
%reg;
```

#### COMMON. ELT

```
<!--*****
```

Common element, attribute and entity definitions.

Typical invocation:

```
<!ENTITY % common PUBLIC
    "-//SGMLSE//ELEMENTS 3.0 Common Elements//EN">
%common;
VERSION 319 Jan 1997
Copyright Aunty Abha's Electronic Publishing Pty. Ltd. 1996, 1997
```

REVISION History

\*\*\*\*\*

- 141096 TH Added p\* to definition of schedule
- 151096 TH Added %reqid; %reqlbl; attributes to RULE,  
ORDER, DIVISION, SUB-DIVISION  
Added P+ and SUB+ to rule definition
- 251096 TH Added ststus entity for amendment information
- 291096 TH Changed definition for ORDER
- 141196 TH Added <ALTERED> element
- 261196 TH Too many changes to mention - Designated Version 2
- 150197 TH Too many changes to mention -  
Designated Version 3
- 190197 TH Changed contents of SECTION and SCHEDULE to (title, (%unstruct-  
cont;))
- TH Since RULE, REG and SECTION are all equivalent, renamed all to SECTION  
and added attribute TYPE to designate which type of section they are
- TH Added entity SUBJECT to allow each element to belong to 1 or more subjects
- TH Added entity CONSOL which is invoked in the consolidation DTD using marked

sections

\*\*\*\*\*-->

<!--

\*\*\*\*\*

\*\*\*\*\*-->

<!-- ISO Character Entity Set Declarations and References -->

<!--

\*\*\*\*\*

\*\*\*\*\* -->

```
<!ENTITY % ISOnum PUBLIC "ISO 8879:1986//ENTITIES Numeric and
    Special Graphic//EN"
```

```
<!ENTITY % ISOpub PUBLIC "ISO 8879:1986//ENTITIES
    Publishing//EN"
```

```
<!ENTITY % ISOftech PUBLIC "ISO 8879:1986//ENTITIES
    General Technical//EN"
```

```

<!ENTITY % ISOlat1 PUBLIC "ISO 8879:1986//ENTITIES
    Added Latin 1//EN"
<!ENTITY % ISOgrk3 PUBLIC "ISO 8879:1986//ENTITIES
    Greek Symbols//EN"
%ISOnum;
%ISOpub;
%ISOtech;
%ISOlat1;
%ISOgrk3;
<!-- ***** End Character entities ***** -->
<!-- ***** Parameter Entities ***** -->

<!ENTITY % consol "">
<![ %CONSOL [
<!ENTITY % consol "cai NAMES #IMPLIED
    -- Creating amending act ID (IDs) -
    eai NAMES #IMPLIED
    -- Ending amending act ID (IDs) -
    "
>
]]>
<!ENTITY % status
    "insert-date NUMBER #IMPLIED -- insert date -
    insert-leg IDREF #IMPLIED -- link to the inserting legislation -
    repeal-date NUMBER #IMPLIED -- repeal date -
    repeal-leg IDREF #IMPLIED -- link to the repealing legislation -
    amend-date NUMBER #IMPLIED -- amended date -
    amend-leg IDREF #IMPLIED -- link to the amending legislation -
    "
>
<!ENTITY % reqid "id ID #REQUIRED"
    -- required id --
>
<!ENTITY % reqlbl "lbl CDATA #REQUIRED"
    -- required label --
>
<!ENTITY % emph "bold | ital"
    -- emphasised text --
>

```



```

<!ENTITY % refs "xref | rngref | tempref | noteref"
    -- references --
>
<!ENTITY % inline "quote | ileqn | %emph; | %refs; | super | subscr"
    -- inline text elements --
>
<!ENTITY % text "#PCDATA | %inline;"
    -- inline text elements plus character data --
>
<!ENTITY % ref-cont "#PCDATA"
    -- content of references --
>
<!ENTITY % plevel "p | dpeqn | tblblk | list | blockquote | form"
    -- paragraph level (block) elements --
>
<!ENTITY % tblcon "p | dpeqn | list"
    -- content of table cells --
>
<!ENTITY % para-cont "(%plevel;)+"
    -- content of long-title or section level elements --
>

<!ENTITY % unstruct-cont "((%plevel;) |article|chapter|part|notes)*">

<!ENTITY % subject "subject NAMES #IMPLIED"
    -- optional subject --
>
<!-- ***** End Parameter Entities ***** -->

<!-- ***** Include Maths and Table elements ***** -->

<!ENTITY % atimath PUBLIC "-//SGMLSE//ELEMENTS Math Equation
Structures//EN">
%atimath;

<!ENTITY % atitbl PUBLIC "-//SGMLSE//ELEMENTS Table Structures//EN">
%atitbl;

<!-- ***** End Maths and Table elements ***** -->

```

```

<!-- Main elements -->
<!ELEMENT part -- (title, (%plevel;)*, (chapter+|division+|section+)*, notes?)
>
<!ATTLIST part %reqid;
    %reqlbl;
    %status;
    %subject;
    %consol;
>
<!ELEMENT order -- (title, (division|section|part|schedule)+
    -- in numregs --
>
<!ATTLIST order %reqid;
    %reqlbl;
    %status;
    %subject;
    %consol;
>
<!ELEMENT division -- (title, (sub-division+|section+))
    -- in numregs --
>
<!ATTLIST division %reqid;
    %reqlbl;
    %status;
    %subject;
    %consol;
>
<!ELEMENT sub-division -- (title, section+)
    -- in numregs --
>
<!ATTLIST sub-division %reqid;
    %reqlbl;
    %status;
    %subject;
    %consol;
>
<!ELEMENT chapter -- (title, (%plevel;)*, (part+|section+|article+)?
    -- part+ and section+ for numacts --
>

```

```

<!ATTLIST chapter %reqid;
    %reqlbl;
        %status;
        %subject;
        %consol;
>
<!ELEMENT article - - (title, (%plevel)*, notes?)
>
<!ATTLIST article %reqid;
    %reqlbl;
        %status;
        %subject;
>
<!ELEMENT section - - (title, (%unstruct-cont;))>
<!ATTLIST section
%reqid;
    %reqlbl;
        %status;
    astprov NAMES #IMPLIED
        type (section|rule|reg) section
        %subject;
        %consol;
>
<!ELEMENT schedule - - (title?, (%unstruct-cont;))
    -- Schedule of an Act --
>
<!ATTLIST schedule %reqid;
    %reqlbl;
        %status;
        %subject;
        %consol;
>
<!-- ***** -->
<!ELEMENT provisions - - (title, tblblk+)
    -- provisions --
>
<!ATTLIST provisions
    %subject;
>
<!ELEMENT form - - (title, formreg, front, back?)>

```

```

<!ATTLIST form %reqid
    %reqlbl;
    %status;
    parastyle CDATA #IMPLIED
    %subject;
>
<!ELEMENT formreg -- (#PCDATA)
-- Regulation --
>
<!ATTLIST formreg
    %subject;
>
<!ELEMENT front -- (asis)
-- front of form --
>
<!ATTLIST front
    %subject;
>
<!ELEMENT back -- (asis)
-- back of form --
>
<!ATTLIST back
    %subject;
>
<!ELEMENT asis -- (#PCDATA)
--text as is --
>
<!ATTLIST asis
    %subject;
>
<!-- ***** Header elements ***** -->
<!ELEMENT header -- (scope?, updated?)>
<!ATTLIST header
    %subject;
>
<!ELEMENT scope -- (%text;)+>
<!ATTLIST scope

```

```

    %subject;
  >
<!ELEMENT updated -- (%text;)+>
<!ATTLIST updated
    %subject;
  >
<!ELEMENT notes - o (note+)>
<!ATTLIST notes
    %subject;
  >
<!ELEMENT note -- (%plevel;)+
  >
<!ATTLIST note id ID #REQUIRED
    %subject;
  >
<!-- ***** End Header elements ***** -->

<!-- ***** structural elements ***** -->

<!ELEMENT title -- (%text;)+
    -- Generic title --
  >
<!-- ***** End structural elements ***** -->

<!-- ***** plevel elements ***** -->
<!ELEMENT blockquote -- (%unstruct-cont;)+
  >
<!ATTLIST blockquote parastyle CDATA #IMPLIED
    %subject;
  >
<!ELEMENT p -- (%text;)+
    -- paragraph - a line of text terminated by a carriage return in the hardcopy --
  >
<!ATTLIST p parastyle CDATA #IMPLIED
    %subject;
  >
<!ELEMENT list -- (li)+
  >
<!ATTLIST list parastyle CDATA #IMPLIED
    %subject;

```

```

>
<!ELEMENT li -- (p | blockquote | tblblk | list)+
    -- item in a list --
>
<!ATTLIST li lbl CDATA #REQUIRED
    %status;
    %subject;
>
<!ELEMENT tblblk -- (title?, (table)#PCDATA)
    -- table block --
>
<!ATTLIST tblblk parastyle CDATA #IMPLIED
    %subject;
>
<!ELEMENT dpeqn -- (fd)
    -- display equation --
>
<!ATTLIST dpeqn parastyle CDATA #IMPLIED>

<!-- ***** End level elements ***** -->

<!-- ***** inline elements ***** -->
<!ELEMENT xref -- (%ref-cont;)+
    -- cross reference to a single target point --
>
<ATTLIST xref ref IDREF #REQUIRED
>
<ELEMENT noteref - 0 EMPTY
    -- cross reference to a note --
>
<ATTLIST noteref ref IDREF #REQUIRED
>
<!-- ***** inline elements ***** -->
<!ELEMENT rngref -- (%ref-cont;)+
    -- cross reference to a sequential range of target points --
>
<ATTLIST rngref startref NAME #REQUIRED
    endref NAME #REQUIRED
>
<!-- ***** inline elements ***** -->
<!ELEMENT tempref -- (%ref-cont;)+

```

```

-- cross reference to a single target point where the idstring is unknown --
>
<!ELEMENT ileqn -- (f)
-- inline equation --
>
<!ELEMENT super -- (%text;)+ -(super,subscr)
-- superscript --
>
<!ELEMENT subscr -- (%text;)+ -(super,subscr)
--subscript --
>
<!ELEMENT quote -- (%text;)+
>
<!ELEMENT bold -- (%text;)+ -(bold)
-- text set in bold which is not a title or a label --
>
<!ELEMENT ital -- (%text;)+ -(ital)
-- text set in italic which is not a title or a label --
>
<!ELEMENT altered - 0 EMPTY>
<ATTLIST altered by CDATA #REQUIRED>

<!-- ***** End inline elements ***** -->
<!ELEMENT long-title -- (%para-cont;)>
<!ELEMENT preamble -- (%para-cont;)>

```

### CONSOL.DTD

```

<!-- *****
Document Type Definition for the consolidation
Typical invocation:
<!DOCTYPE consol PUBLIC "-//SGMLSE//DTD 1.0
Consolidation//EN">
Copyright Aunty Abha's Electronic Publishing Pty. Ltd. 1996, 1997

REVISION History
*****
***** -->
<!ENTITY % CONSOL "INCLUDE">
<!-- ***** End common element and entity definitions ***** -->

```

```
<ELEMENT consol      -- (act|reg)+
>
<!-- ***** Include common element and entity definitions ***** -->
<ENTITY % common
    PUBLIC "-//SGMLSE//ELEMENTS 2.0 Common Elements//EN"> %common;
<ENTITY % reg PUBLIC "-//SGMLSE//DTD 1.0 Regulation//EN"> %reg;
<ENTITY % act PUBLIC "-//SGMLSE//DTD 1.0 Act//EN">
%act;
```



**APPENDIX C**

**Relational Database Specifications**

**TABLE OF CONTENTS**

**Database Tables Entry Procedure**

**[A] GENERAL**

**[A 01] Introduction**

**[A 02] General Purpose and Structure of the Database\**

**[A 03] General Note about Dates Required for Fields in Database Tables**

**[B] MASTER TABLE**

**[B 01] ID FIELD**

**[B 02] Date of Assent/Date of Notification Field**

**[B 03] Short Title Field**

**[B 04] Date of Commencement Field**

**[B 04.1] Other forms of commencement or notification**

**[B 05] Date of Expiry Field**

**[B 06] Type Field**

**[B 07] Reprint No Field**

**[B 08] Reprint Date Field**

**[C] TEXTBLOCK TABLE**

**[C 01] When the should it be used?**

**[C 02] ID Field**

**[C 03] Textblock ID1**

**[C 04] Textblock ID2**

**[C 05] Date of Commencement Field**

**[C 06] Date of Expiry Field**

**COMMONWEALTH PROJECT****CHAPTER XX - Database Tables Entry Procedure****[A] GENERAL****[A 01] Introduction**

- This Chapter is divided into three topics;
  - [A] This General topic,
  - [B] The Master Table of the Data Base; and
  - [C] The Textblock Table of the Data Base.
- All text like this in 10pt Arial font size is "explanatory text and notes" on the data base.
- All text in Courier 9pt font size with a rule on the left hand side is the text used for examples, the text is taken from the Commonwealth data where possible to make it look like the real thing, however, some examples have been created for the purposes of explanation and do not exist in the data itself.
- References in capitals to ACT(S) or REGULATION(S) are references to the whole Acts or Regulations. The word regulation when written with a lower case "r" will refer to a numbered regulation (eg: regulation 2). **Note:** this does not apply to the text of examples which have been left as they appear in the data.
- The word Section written with a capital "S" will refer to the numbered section of an ACT (eg: Section 2). **Note:** this does not apply to the text of examples which have been left as they appear in the data.
- The word Part written with a capital "P" will refer to the means of dividing an ACT known as a Part (eg: Part 2 or Part II). **Note:** this does not apply to the text of examples which have been left as they appear in the data.
- **Note:** the reference to Sections in Commonwealth ACTS and regulations in Commonwealth REGULATIONS is by way of the lowest piece of text first, eg: 8(8)(a) would be written "paragraph 8(8)(a)" not "Section 8(8)(a)".

**Note:** Fields are out of database structure order in the examples because they appear at different places in the legislation to the structure used in the database tables.

**[A 02] General Purpose and Structure of the Database***Purpose*

To provide a means of managing, monitoring and checking the content of the Commonwealth Legislation Consolidation.

To allow the time based (versioning) capacity of the DTD and SGML coding being under taken to be realised.

*Basic Structure*

The database is to consist of two tables.

These Tables will be known as MASTER and TEXTBLOCK.

The specific purpose of each Table will be as follows:-

**MASTER** will focus on fields that collect data about an ACT or REGULATION as a whole.

**TEXTBLOCK** will focus on specific sub-elements of the whole of an ACT or REGULATION.

**[A 03] General Note about Dates Required for Fields in Database Tables**

Dates in the Database will be used primarily to identify two things:

- the beginning of a whole or part of an ACT or REGULATION, or
- the end of the whole or part of an ACT or REGULATION

Entries for dates will all be in the dd/mm/yy formula.

There are 3 ways dates will be appear in the legislation:

- *specific* - are stated in the legislation itself (for example, Date of Assent)
- *to be advised* - are to be published or advised elsewhere (for example, proclaimed in Gazette)
- *conditional* - are based on something else happening (for example, the commencement of another ACT or REGULATION, the creation of or termination of an organisation, the happening of an event)

**[B] MASTER TABLE****[B 01] ID FIELD**

This is the most important field in the database as it ties all the remaining fields and their information together.

For the example used here, that is, the Social Security Act this will be **Act-19910046**. This is arrived at by combining,

- (i) the *type of legislation*, in this case an ACT - see (a) below, then
- (ii) the *year of enactment/creation*, in this case 1991 - see (b) below, and finally,
- (iii) the *ACT'S Number*- see (c) below.

All three parts of the ID are important. Inputting the right type, that is, Act for ACTS and Reg for REGULATION etc., and the right year and number is critical as only the correct combination of all three will give the required accuracy.

In the ID field the year and number are separated by a hyphen. Also four digits **must** be used for the year number, thus 0046 and **not** 46 is used for the ACT'S number in this example.

An important point to note is that it is possible for an ACT or REGULATION to be known as say the Federal Law Act 1996 but to be Act No 2 of 1997, so that its ID then will be Act-19970002

\$\$\$

\$\$T

SOCIAL SECURITY (a) ACT 1991

- Updated as at 10 July 1995

\$\$T

\*1\* The Social Security Act 1991 as shown in this reprint comprises Act No. (c)46, (b)1991 amended as indicated in the Tables below.<

**[B 02] Date of Assent/Date of Notification Field**

This will appear in different places according to the style and type of information.

For ACTS use the Table of Acts at the column Date of Assent. The entry for Act No 46, 1991 being the entry for the principal ACT, that is the Social Security Act, is the place to look and the second column shows the date of assent as 23 Apr. 1991(see (d) below).

Table of Acts<

Act Number and year	Date of assent	Date of commencement	Application< saving or< transitional< provisions<
---------------------------	-------------------	-------------------------	--

Social Security Act 1991<

46, 1991 (d)23 Apr 1991 1 July 1991<

For REGULATIONS use the Table of Statutory Rules at the column Date of Notification.

The entry for REGULATION No 36, 1990 being the entry for the principal REGULATIONS, that is the Cash Transactions Reports Regulations, is the place to look and the second column shows the date of notification as 27 Feb 1990 (see (e) below).

\*1\* The Cash Transaction Reports Regulations (in force under the Cash Transaction Reports Act 1988) as shown in this reprint comprise Statutory Rules 1990 No. 36 amended as indicated in the Tables below.

Table of Statutory Rules

Year and Number	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
1990 No. 36	(e)27 Feb 1990	27 Feb 1990	

**[B 03] Short Title Field**

This usually appears in Section 1 of an ACT or regulation 1 of a REGULATION. This is the best place to take the name from as it is the legislated/official way that the ACT, REGULATION etc., is to be referred to etc. See (f) below.

The name should be entered in full (no abbreviations).

You should include the year even though it is part of the ID and also the words ACT or REGULATION. This will firstly, provide a cross check as normally these should match. It will also indicate those ACTS or REGULATIONS where the Short Title Year is different to the Year and Number in the ID field.

\$\$A

\$\$T

SOCIAL SECURITY ACT 1991 - SECT 1<

Short title

\$\$T

\$\$NSECT

1. This Act may be cited as the (f) Social Security Act 1991. \*1\* \$\$\$

**[B 04] Date of Commencement Field**

This information usually appears in Section 2 for an ACT and regulation 2 for a REGULATION.

This is the best place to take the date of commencement from as here it is part of the legislation/the law and therefore always correct (even if its wrong). If taken from the Table of Acts or Table of Regulations an error would not be correct even if not made by us because technically; Tables, Title Pages and even side/margin notes are not considered part of legislation.

See (g) below for an example.

\$\$T

SOCIAL SECURITY ACT 1991 - SECT 2<

Commencement

\$\$T

\$\$NSECT

2. This Act commences on (g) 1 July 1991.

\$\$A

\$\$T

**[B 04.1] Other forms of commencement or notification**

The example given at (g) above is a simple form of commencement in that one date is stated in Section 2.

There are other forms of commencement as follows:-

**24.** ACTS or REGULATIONS *where no date of commencement is specified* enacted on or before 31/12/1937 (that is, there is no Section 2 and no other section dealing with commencement) commence on the day on which the ACT was assented to for ACTS (for example, the Acts Interpretation Act 1901 assented to on 12/7/1901). These Acts require **no** entry in the MASTER TABLE as the Date of Commencement and Date of Assent are the same.

**25.** ACTS or REGULATIONS *where no date of commencement is specified* enacted on or after 1/1/1938 (that is, there is no Section 2 and no other section dealing with commencement) then the Act by default commences on 28th day after the Date of Assent. These Acts **do** require an entry in the MASTER TABLE as the Date of Commencement and Date of Assent are not the same.

**26.** ACTS or REGULATIONS where various Parts, Sections, regulations etc., commence on different dates or on dates to be proclaimed or notified in Gazette.

**27.** ACTS or REGULATIONS where various Parts, Sections, regulations etc., commence the commencement of another ACT, REGULATION or Part or Section of another ACT or REGULATION etc.

**Note:** With respect to the calculation of time (as for example, in the case of commencement 28 days after assent) Section 36 of the Acts Interpretation Act affects how this is done. Section 36 provides:

**28.** Where in an ACT any period of time, dating from a given day, act, or event, is prescribed or allowed for any purpose, the time shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event.

29. Where the last day of any period prescribed or allowed by an ACT for the doing of anything falls on a Saturday, on a Sunday or on a day which is a public holiday or a bank holiday in the place in which the thing is to be or may be done, the thing may be done on the first day following which is not a Saturday, a Sunday or a public holiday or bank holiday in that place.

The above will be handled in Australia with respect of those ACTS or REGULATIONS to which this applies.

**[B 05] Date of Expiry Field**

This is the opposite of commencement; that is, it indicates when the whole of an ACT or REGULATION or some Part, Section or regulation in an ACT or REGULATION ceases to have effect.

**Note:** because the expiry is provided for in the ACT or REGULATION itself, this is different to a repeal. The effect is however, the same.

Sections or Regulations relevant to this field are headed "Sunset clause" or "Sunset provision" see **(h) below**.

**Note:** the use of the words "unless sooner repealed" in the examples *below*. This means entries will need to be checked or reviewed to ensure that ACT or REGULATION has not been sooner repealed.

The date or timing of expiry is indicated/expressed in a few different ways: by a specific date, see **(i) below**.

by a period of years, see **(j) below**.

30. Examples of expiry of the whole ACT by a specific date.

AUSTRALIAN MEAT AND LIVE-STOCK (QUOTAS) ACT 1990 - Updated as at 18 July 1995

.....  
SECT 9

Sunset clause **(h)**

9. This Act, unless sooner repealed, shall cease to be in force at the **(i)**end of 30 June 1998.

**Note:** the example *above* uses the words "cease to be in force" and the one *below* the words "ceases to have effect". The result is still the same for our purpose.

**MEAT AND LIVE -STOCK INDUSTRY ACT 1995 No. 67 of 1995 –**

Assented to 30 June 1995

.....

**SECT 227**

Sunset clause

227. This Act, unless sooner repealed, ceases to have effect at the end of 30 June 1998.

**31. Example of expiry of Part, Division, Subdivision or Section of ACT after a specified period of years.**

**NATIVE TITLE ACT 1993**

Updated as at 30 June 1995

.....

**SECT 207**

Sunset provision

207. This Part ceases to be in force at the (j)end of 5 years after the Parliamentary Joint Committee is first appointed.

**32. Examples of expiry of a portion of a REGULATION**

**FEDERAL COURT RULES**

Updated as at 22 March 1996

.....

**ORDER 75 NATIVE TITLE RULES**

**NATIVE TITLE ACT 1993**

.....

**ORDER 75**

**RULE 21**

Sunset provision

21. Order 75 ceases to be in force on 1 March 1997.

**MIGRATION (1993) REGULATIONS - Updated as at 25 July 1994**

.....

**REG 2A**

**10A**

Sunset provision



2A.10A. No application may be made under this Division on or after 1 July 1993.

**[B 06] Type Field**

This Field provides more specific information about the type of legislation. It is different to the ID Field described above which gives the legislation a unique ID. This Field uses three single character codes to describe the legislation.

These are as follows:

P = *Principal* ACTS or REGULATIONS.

It indicates that this is the main or Principal ACT or REGULATION.

OR In other words the ACT or REGULATION which gets amended.

Principal ACTS or REGULATIONS can be either in existence (enacted in previous years) or newly enacted (created in the current year).

There is nothing specifically unique or different in a principal ACT or REGULATION that makes it easy to identify. By elimination it is however, possible to say what is not a Principal ACT or REGULATION. This is done by looking at the ACT or REGULATION'S title information.

Amending Acts or Regulations (which are dealt with next) usually contain the word's "Amending", "Amendment", "Repeal" or "Statute Law Revision" in their Short Title. Another indicator in the case of ACTS is that the Long Title will also contain the word's "Amending", "Amendment", "Repeal" or "Statute Law Revision" (REGULATIONS however, do not have a Long Title).

The example marked (K) and (J) *below* shows the Long and Short Titles for a Principal Act known as the Trade Practices Act. (Compare these examples with the ones marked (L) and 20 (M) *below*).

**LONG TITLE(K)**

An Act relating to certain Trade Practices

**PART I-PRELIMINARY**

**SECT 1**

**Short title(J)**

1. This Act may be cited as the Trade Practices Act 1974.\*1\*

SEE NOTES TO FIRST ARTICLE OF THIS CHAPTER .

**Note:** A principal ACT or REGULATION can contain amendments to other ACTS or REGULATIONS. It therefore, still needs to be considered for its effect on other ACTS.

A = *Amending* ACTS or REGULATIONS.

It indicates that this is a changing or Amending ACT or REGULATION.

**OR** In other words the ACT or REGULATION which does the amending.

Amending ACTS or REGULATIONS will not generally exist in their own right in the consolidated information for which we are creating the data base. The changes they effect will nearly always become part of the Principal ACT or REGULATION.

There are some rare exceptions to the above point however, which will need to be identified (the way to do this most effectively will be to identify them in Australia and provide a list or table of what these ACTS and REGULATIONS are).

As already stated the best ways to identify an Amending ACT or REGULATION are:

Amending ACTS or REGULATIONS will nearly always contain the word's "Amending", "Amendment", "Repeal" or "Statute Law Revision" in their Short Title.

For Acts (but not Regulations) there is also a Long Title at the very beginning of the Act (usually before Section 1) which will also contain the word's "Amending" "Amendment", "Repeal" or "Statute Law Revision".

The example marked (L) and (M) *below* shows the Long and Short Titles for the Amending ACT known as the Trade Practices (Secondary Boycotts) Amendment Act 1979.

#### LONG TITLE(L)

An Act to amend the Trade Practices Act 1974 with respect Secondary Boycotts and other industrial practices.

#### PART I-PRELIMINARY

#### SECT 1

##### Short title(M)

1. This Act may be cited as the Trade Practices (Secondary Boycotts) Amendment Act 1979.\*1\*

SEE NOTES TO FIRST ARTICLE OF THIS CHAPTER .

**Note:** An Amending ACT or REGULATION can be amended itself by a further amending ACT or REGULATION.

More Examples of Amending ACTS and REGULATIONS

Following are some more examples of Amending ACTS and REGULATIONS and what to look for.

*Statute Law Revision Acts*

Below are two examples of these. Usually, this is clean up legislation which makes many changes and often effects a larger number of ACTS. They can be specific as in the case of the Decimal Currency example or they can be general as in the case of the 1973 example.

They can both change (amend Parts, Divisions and Sections of ACTS and REGULATIONS) and/or delete (repeal) whole ACTS and REGULATION or Parts, Divisions and Sections.

Statute Law Revision (Decimal Currency) Act 1966

Statute Law Revision Act 1973

There are other form of Amending ACT similar to the Statute Law Revision Acts as follows:

A.C.T. Self-Government (Consequential Provisions) Regulations 1989 No. 3

Defence Legislation Amendment Act 1984

Fringe Benefits Tax (Miscellaneous Provisions) Act 1986

Statute Law (Miscellaneous Provisions) Act (No. 1) 1986

Taxation Laws Amendment Act (No. 3) 1986

The above can usually be spotted by the use of words such as "Consequential Provisions" "Laws Amendment", "Legislation Amendment", "Miscellaneous Provisions" in their Short Titles.

*Repeal Acts*

Below are two examples of these. One where the term Legislation is used in the title indicating that more many ACTS are being repealed. Again this is often clean up legislation which repeals many ACTS whose purpose or reason for being has lapsed. Alternatively, as the second example indicates Repeal ACTS can be specific, effecting the repeal of only one ACT.

Egg Export Legislation Repeal Act 1984

National Welfare Fund Repeal Act

N = Not known

Indicates that the type of the ACT or REGULATION is not known or cannot be determined. These records will be handled in Australia.

**[B 07] Reprint No Field**

The information required for this field does not appear in the Commonwealth Data as presently supplied to/held by us. It will need initially to be obtained in the form of a list of existing reprints and their numbers and be added to both the Commonwealth data and the data base as a once only job. It will then need to be maintained on a monthly basis using the two AGPS Pamphlet Publications known as ACTS TABLES for Acts and STATUTORY RULES TABLES for Regulations, the last page in each contains this information for the current year. **Note:** where the Pamphlets are not available or the reprint number is not known or unavailable then the number 999 should be used to indicate this.

Each of the two tables from the Pamphlets contains the name of the Reprinted ACT or REGULATION in alphabetical order (but see Statutory Rules example below) followed by the date of reprint, then followed by the words "Reprint No." and a number. It is this last number that needs to be entered.

**ACTS TABLE entry example**

*National Health Act 1935 (20 September 1996) Reprint No. 5*

**STATUTORY RULES TABLE entry example**

**Note:** Statutory Rules are listed by their parent Act (the Act under which they are made appearing in *italic* as shown in the example below).

*Banks (Shareholdings) Act 1972 –*

*Banks (Shareholdings) Regulations (2 August 1995) Reprint No. 2*

**[B 08] Reprint Date Field**

Like the Reprint Number discussed in **[B 07]** above the information required for this field does not appear in the Commonwealth Data as presently supplied to/held by us. It too will need initially to be obtained in the form of a list of existing reprints and be added to both the Commonwealth data and the data base as a once only job. It will then need to be maintained on a monthly basis using the two AGPS Pamphlet Publications known as ACTS TABLES for ACTS and STATUTORY

RULES TABLES for Regulations, the last page in each contains this information for the current year.

Each of the two tables contains the name of the Reprinted ACT or REGULATION in alphabetical order (but see Statutory Rules example below) followed by the date of reprint, then followed by the words "Reprint No." and a number.

For this field it is the Date preceding the Reprint Number that needs to be entered. For examples see the examples at **[B 07]** above.

**Note:** Again where the Pamphlets are not available or the reprint date is not known or unavailable then the date 00/00/00 should be used to indicate this.

#### **[C] TEXTBLOCK TABLE**

##### **[C 01] When the should it be used?**

TEXTBLOCK entries will not normally be required for ACTS or REGULATIONS which are either Principal *or* Reprinted ACTS or REGULATIONS. But **note** that in the case of Principal ACTS there are exceptions, namely; where the Principal ACT or REGULATION also amends or repeals other ACTS or REGULATIONS.

##### **[C 02] ID FIELD**

This field simply repeats the information obtained in **[B 01]** above. Its purpose is to link this Table with the MASTER TABLE by way of the same ID. For the example, in **[B 01]** for the Social Security Act the ID was **Act-19910046**. This ID would be repeated in this field.

##### **[C 03] Textblock ID1**

This field is for the ID of the specific Part, Section or regulation in an Amending ACT or REGULATION that causes a change (amendment) to happen.

Textblock ID2 (see **[C 04]** below) on the other hand records the ID of the specific Part, Section or regulation in an Amending Act or Regulation that is changed (amended).

**EXAMPLE 1**

Following is an example of an amendment to the Social Security Act which shows how the information required for this field is obtained.

*Please note* there are several ways in which Amending ACTS and REGULATIONS are presented. However, the information required for this ID field is present in all cases. This first example shows the things to look for and the next example show some of the variations possible.

- (N) The first thing required is an indication as to type. The example is an Amending Act.
- (O) The second thing required is the relevant year. In the example this is 1995.
- (P) The third thing required is the Act or Reg Number. In this example this is 104.
- (Q) The fourth thing required is the specific Part, Section or regulation doing the amending. In this example this is SCH1 (ie: Schedule 1).

The ID entry for this example would then be as follows:

**ACT-19950104-SCH-1**

SOCIAL SECURITY LEGISLATION (N)AMENDMENT ACT (No. 1) (O)1995 No. (P)104 of 1995

.....

(Q)SCHEDULE 1 Section 4<

AMENDMENT OF THE SOCIAL SECURITY ACT 1991 RELATING TO<

THE DEFINITION OF INCOME<

1. After Paragraph 8 (8) (zf) :<

Insert:<

"(zfa) a payment of financial supplement made to the person<  
under the Student Financial Supplement Scheme;"<

**EXAMPLE 2**

This example shows a different style of amendment to Example 1.

The ID entry for this example would be as follows: **ACT-19950105-SEC-4**

It would be made up of the following:

- (R) Indication of Amending Act. (This would be Reg if we were dealing with a Regulation).
- (S) Year of Act is 1995.
- (T) Act or Reg Number is 105.
- (U) Specific Part, Section or regulation doing the amending is SEC4. **Note:** there is no reference to a Schedule (SCH) because Section 4 is doing the amending.

SOCIAL SECURITY (NON-BUDGET MEASURES) LEGISLATION (R)AMENDMENT ACT (S)1995  
No. (T)105 of 1995

\$\$NSECT

(U)4. Section 198 of the Principal Act is amended by inserting after subsection (1A) :

\$\$P

<

"(1B) Subject to subsection (1C), if:<

(a) a person; (the 'carer') is personally providing constant care for a severely handicapped person;  
and<

(b) the handicapped person is temporarily absent from Australia for a period of not more than 3  
months; and<

(c) the carer accompanies the handicapped person on his or her absence from Australia;<  
the carer does not cease to be qualified for a carer pension merely because of that absence from Australia.

\$\$P

<

"(1C) If, during a calendar year, the carer has accompanied the handicapped person outside Australia  
on more than one occasion, the carer ceases to be qualified for carer pension under subsection (1B) in that  
calendar year after he or she has, during that calendar year, qualified for carer pension under that subsection  
for periods that together add up to 3 months."

\$\$A

#### [C 04] Textblock 102

This field is for the ID of the specific Part, Section or regulation in an Amending ACT or  
REGULATION that is changed (amended).

Textblock ID1 (see [C 03] above) on the other hand records the ID of the specific Part, Section or  
regulation in an Amending ACT or REGULATION that causes a change (amendment) to happen.

#### EXAMPLE 1

Following is an example of an amendment to the Social Security Act which shows how the  
information required for this field is obtained.

*Please note*, as with Textblock ID1, there are several ways in which Amending ACTS and  
REGULATIONS are presented. However, the information required for this ID field is present in all  
cases. This first example shows the things to look for and the next example shows some of the  
variations possible.

(V) Again the first thing is an indication as to type. The example is an Amending Act.

- (W) The second thing required is the relevant year. In the example this is 1991.
- (X) The third thing required is the Act or Reg Number. In this example this is 46.
- (Y) The fourth thing required is the specific Part, Section or Regulation that is being amended. In this example this is SEC8.

The ID entry for this example would then be as follows:

**ACT-19910046-SEC-8**

SOCIAL SECURITY LEGISLATION AMENDMENT ACT (No. 1) 1995 No. 104 of 1995 -

SCHEDULE 1

Section 4<

AMENDMENT OF THE SOCIAL SECURITY (V)ACT (W)1991

(X) [If not available/reproduced in the Amendment text can be obtained from the main ID field in

MASTER TABLE]

RELATING TO<

THE DEFINITION OF INCOME<

1. After Paragraph (Y)8 (8) (zf) :

Insert:<

"(zfa) a payment of financial supplement made to the person under the Student Financial Supplement Scheme;"<

**EXAMPLE 2**

This example shows a different style of amendment to Example 1.

The ID entry for this example would be as follows: **ACT-19950105-SEC-198**

It would be made up of the following:

- (Z) Indication of Amending ACT. (This would be Reg if we were dealing with a REGULATION).
- (AA) Year of ACT is 1991.
- (BB) The third thing required is the ACT or REGULATION Number. In this example this is 46.
- (CC) Specific Part, Section or regulation being amended is SEC 198.

SOCIAL SECURITY (NON-BUDGET MEASURES) LEGISLATION AMENDMENT ACT 1995 No. 105 of 1995

(Z) (AA) (BB) [if not available/reproduced in the Amendment text can be obtained from the main ID field in MASTER TABLE]

\$\$NSECT



4. Section (CC)198 of the Principal Act is amended by inserting after subsection (1A) :

\$\$\$

<

"(1B) Subject to subsection (1C), if:<

(a) a person (the 'carer') is personally providing constant care for a severely handicapped person;

and <

(b) the handicapped person is temporarily absent from Australia for a period of not more than 3 months; and<

(c) the carer accompanies the handicapped person on his or her absence from Australia;<  
the carer does not cease to be qualified for a carer pension merely because of that absence from Australia.

\$\$\$

<

"(1C) If, during a calendar year, the carer has accompanied the handicapped person outside Australia on more than one occasion, the carer ceases to be qualified for carer pension under subsection (1B) in that calendar year after he or she has, during that calendar year, qualified for carer pension under that subsection for periods that together add up to 3 months."

\$\$A

#### **[C 05] Date of Commencement Field**

This field is for the date an amendment or repeal of a specific Part, Section or regulation commenced. See also [B 04] for information on commencement.

#### **EXAMPLE**

Below is an example of a commencement provision from an amending ACT. Note how various sections of the amending ACT are allocated a date of commencement. Using the Section identified in TEXTBLOCK ID1 the date of commencement can be identified and entered in this field.

Thus if the TEXTBLOCK ID1 field were **ACT-19950105-SEC-8** then the date information required for this field would be 1 July 1995. See (DD) below.

SOCIAL SECURITY (NON-BUDGET MEASURES) LEGISLATION AMENDMENT ACT 1995 No. 105  
of 1995 - SECT 2<

Commencement<

\$\$T

\$\$NSECT

2. (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

\$\$P

<

(2) Subdivision A of Division 2 of Part 2 is taken to have commenced on 1 July 1993.

\$\$P

<

(3) Section 8 and 9 are taken to have commenced on (DD)1 July 1995.

\$\$P

<

(4) Section 10 is taken to have commenced on 1 April 1993.

\$\$P

#### [C 06] Date of Expiry Field

This field provides for amendments that are enacted for a period of time, for example; during a special event such as the Olympics.

**Note:** Expiry provisions are rare and should only be added if clearly specified in the data as in the example below.

#### EXAMPLE

See (EE) below.

OLYMPIC SECURITY (NON-BUDGET MEASURES) LEGISLATION AMENDMENT ACT 1997 No.  
109 of 1995

\$\$NSECT

4. Section 298 of the Principal Act is amended for the period commencing at midnight on 1 July 1997 and ending on midnight (EE)25 July 1997 by inserting after subsection (2A) :

\$\$P

<

"(2B) Subject to subsection (2C) , if:<

(a) a person (the 'carer') is personality providing constant care for a severely handicapped person;

and<

(b) the handicapped person is temporarily absent from Australia for a period of not more than 3 months; and <

(c) the carer accompanies the handicapped person on his or her absence from Australia;<  
the carer does not cease to be qualified for a carer pension merely because of that absence from Australia.

\$\$\$

<

"(2C) If, during a calendar year, the carer has accompanied the handicapped person outside Australia on more than one occasion, the carer ceases to be qualified for carer pension under subsection (1B) in that calendar year after he or she has, during that calendar year, qualified for carer pension under that subsection for periods that together add up to 3 months. "

\$\$A