



# CSL Sale Act 1993

No. 88 of 1993

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# CSL Sale Act 1993

No. 88 of 1993

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## An Act relating to the sale of CSL Limited, and for related purposes

[Assented to 30 November 1993]

The Parliament of Australia enacts:

### PART 1—PRELIMINARY

#### *Division 1—Short title and commencement*

##### Short title

5       1. This Act may be cited as the *CSL Sale Act 1993*.

##### Commencement

2.(1) Part 1 and sections 7 and 47 commence on the day on which this Act receives the Royal Assent.

10       (2) Sections 8 to 46 (inclusive) and sections 48 to 53 (inclusive) commence on the sale day.

(3) Sections 5 and 6 are taken to have commenced on 22 February 1991.

(4) If a provision of this Act has not commenced before 31 December 1994, the provision is taken to have been repealed on that day.

***Division 2—Interpretation***

**Interpretation**

3.(1) In this Act, unless the contrary intention appears:

“**CSL**” means the body corporate known before the sale day as CSL Limited by whatever name called, and in whatever form that body corporate takes, from time to time;

“**CSL body**” means CSL or a CSL subsidiary;

“**CSL subsidiary**” means a body corporate that is a subsidiary of CSL;

“**Corporations Law**” means the Corporations Law of a State or an internal Territory;

“**DFRDB Act**” means the *Defence Force Retirement and Death Benefits Act 1973*;

“**employee**” includes apprentice;

“**Long Service Leave Act**” means the *Long Service Leave (Commonwealth Employees) Act 1976* as in force immediately before the sale day;

“**Maternity Leave Act**” means the *Maternity Leave (Commonwealth Employees) Act 1973*;

“**sale day**” is the day declared under section 4;

“**share**”, in relation to a body corporate, means a share in the body’s share capital;

“**SRC Act**” means the *Safety, Rehabilitation and Compensation Act 1988*;

“**Supervisory Mechanisms Act**” means the *Superannuation Benefits (Supervisory Mechanisms) Act 1990*;

“**voting share**” has the same meaning as in the Corporations Law.

(2) For the purposes of this Act, the question whether a body corporate is a subsidiary of another body corporate is to be determined in the same manner as that question is determined under the Corporations Law.

**The sale day**

4.(1) The Minister for Finance must, by notice in the *Gazette*, declare the day described in subsection (2) to be the sale day.

(2) The day to be specified in the notice is the day that, in the opinion of the Minister for Finance, is the first day after the commencement of this Part on which a majority of the voting shares in CSL are acquired by a person, or persons, other than the Commonwealth or a nominee of the Commonwealth.

(3) The notice must be published within 14 days after the specified day.

**PART 2—AMENDMENT OF THE COMMONWEALTH SERUM  
LABORATORIES ACT 1961**

**Principal Act**

5. In this Part, “**Principal Act**” means the *Commonwealth Serum Laboratories Act 1961*<sup>1</sup>.

**Share capital of CSL**

6. Section 8 of the Principal Act is amended:
- (a) by omitting from subsection (1) “a” and substituting “an authorised and issued”;
  - (b) by inserting in subsection (2) “issued” after “The amount of the”.

**Insertion of new Part**

7. After Part 3 of the Principal Act the following Part is inserted:

**“PART 3A— NATIONAL INTEREST RESTRICTIONS ON CSL  
LIMITED**

*“Division 1—Purpose and interpretation*

**Purpose**

- “19A. The purpose of this Part is to:
- (a) provide for certain matters which affect the national interest in relation to the operations of CSL; and
  - (b) provide remedies in relation to some of those matters.

**Interpretation**

- “19B.(1) In this Part, unless the contrary intention appears:
- ‘**administering body**’, in relation to a CSL body, means:
- (a) a liquidator or provisional liquidator of the CSL body; or
  - (b) a receiver, receiver and manager, or other controller, of property of the CSL body; or
  - (c) an administrator of the CSL body; or
  - (d) an administrator of a deed of company arrangement executed by the CSL body; or
  - (e) an administrator (if any) of a compromise or arrangement entered into by the CSL body;

under the Corporations Law;

‘**associate**’, in relation to a person, has the meaning it would have under Division 2 of Part 1.2 of the Corporations Law if:

- (a) section 12 of that Law were modified by omitting paragraphs (1)(b) and (c) and substituting the following word and paragraph:

“or (b) whether the primary person is in a position to exercise certain powers in relation to a body corporate;” and

(b) sections 13 and 14 of that Law were disregarded;

**‘Australian body corporate’** means a body corporate that:

(a) is incorporated by or under a law of the Commonwealth or of a State or Territory; and

(b) is substantially owned and, in the opinion of the directors of CSL at the time the matter is considered, effectively controlled by persons who are:

(i) Australian individuals; or

(ii) Australian government bodies; or

(iii) bodies corporate that have been determined to be Australian bodies corporate under a previous application of this definition; or

(iv) Australian fund managers;

**‘Australian citizen’** has the same meaning as in the *Australian Citizenship Act 1948*;

**‘Australian fund manager’** means the trustee or manager of a fund in which the total interests of Australian individuals, Australian government bodies and Australian bodies corporate represent at least 60% of the total interests in the fund;

**‘Australian government body’** means:

(a) the Commonwealth, a State or a Territory; or

(b) a Commonwealth, State or Territory authority; or

(c) a local government body (whether incorporated or not) formed by or under a law of a State or a Territory; or

(d) a person who is a nominee of a body mentioned in paragraph (a), (b) or (c);

**‘Australian individual’** means an individual who is an Australian citizen or is ordinarily resident in Australia;

**‘Australian person’** means:

(a) an Australian individual; or

(b) an Australian government body; or

(c) an Australian body corporate; or

(d) an Australian fund manager;

**‘Corporations Law’** means the Corporations Law of a State or an internal Territory;

**‘Court’** means the Federal Court of Australia;

**‘CSL’** means the body corporate known before the sale day as CSL Limited by whatever name called, and in whatever form that body corporate takes, from time to time;



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**'CSL body'** means CSL or a CSL subsidiary;

**'CSL subsidiary'** means a body corporate that is a subsidiary of CSL;

**'foreign-held voting shares'** means:

- (a) voting shares that are acknowledged in writing by the registered owner of those shares to be shares in which a foreign person has a relevant interest; or
- (b) voting shares that the directors of CSL have, after reasonable inquiries, declared to be shares in which a foreign person has a relevant interest;

**'foreign person'** means a person who is not an Australian person;

**'head office'**, in relation to CSL, means the place of business of CSL where central management and control are exercised;

**'mandatory article'** means a provision included in CSL's articles of association in accordance with section 19C;

**'registered owner'**, in relation to a share, means the person who appears in the register of members as the holder of the shares;

**'register of members'** has the same meaning as in the Corporations Law;

**'sale day'** has the same meaning as in the *CSL Sale Act 1993*;

**'share'**, in relation to a body corporate, means a share in the body corporate's share capital;

**'voting share'** has the same meaning as in the Corporations Law.

“(2) For the purposes of this Part, a body corporate is substantially owned by:

- (a) Australian individuals; or
- (b) Australian government bodies; or
- (c) bodies corporate that have been determined to be Australian bodies corporate under a previous application of the definition of 'Australian body corporate' in subsection (1); or
- (d) Australian fund managers;

if and only if the total value of shares in the body corporate in which persons other than persons mentioned in paragraphs (a) to (d) have relevant interests represents less than 40% of the total value of the issued share capital of the body corporate.

“(3) For the purposes of this Part, a person has a relevant interest in a share if, and only if, the person would be taken to have a relevant interest in the share because of Division 5 of Part 1.2 of the Corporations Law if section 33 of that Law were disregarded.

“(4) Subject to subsection (5), the directors of CSL must form the opinion for the purposes of the definition of 'Australian body corporate' in subsection (1) that a particular body corporate is not effectively controlled

by persons who are Australian individuals, Australian government bodies, Australian bodies corporate or Australian fund managers if any of the circumstances set out in subsection (6) apply in relation to the body corporate.

“(5) The directors of CSL may form the opinion for the purposes of the definition of ‘Australian body corporate’ in subsection (1) that a particular body corporate is effectively controlled by persons who are Australian individuals, Australian government bodies, Australian bodies corporate or Australian fund managers if, in spite of any of the circumstances set out in subsection (6), the directors are satisfied, on reasonable grounds, that the body corporate is effectively controlled by persons who are Australian individuals, Australian government bodies, Australian bodies corporate or Australian fund managers.

“(6) The circumstances are as follows:

- (a) a single foreign person has relevant interests in at least 15% of the voting shares of the body corporate;
- (b) foreign persons, either alone or together with associates of the foreign persons, are in a position to exercise (whether directly or indirectly) control over a significant proportion of the operations of the body corporate;
- (c) foreign persons, either alone or together with associates of the foreign persons, are in a position (whether directly or indirectly) to veto any significant action taken by the board of directors of the body corporate;
- (d) foreign persons, either alone or together with associates of the foreign persons, are in a position (whether directly or indirectly) to appoint, to secure the appointment or veto the appointment of at least half of the board of directors of the body corporate;
- (e) foreign persons, either alone or together with associates of the foreign persons, are in a position to exercise in any manner (whether directly or indirectly), direction or restraint over any substantial issue affecting the management or affairs of the body corporate;
- (f) the body corporate or at least 50% of its directors:
  - (i) act or are accustomed to act; or
  - (ii) under a contract, or an arrangement or understanding (whether formal or informal), are intended or expected to act;in accordance with the directions, instructions or wishes of foreign persons, either alone or together with associates of the foreign persons, either generally or in relation to the body corporate’s dealings with CSL or with shares in CSL.

“(7) An employee of a body corporate is not to be regarded for the purposes of subsection (6) as being in a position to:

- (a) exercise control over a significant proportion of the operations of the body corporate; or
- (b) exercise direction or restraint over any substantial issue affecting the management or affairs of the body corporate;

purely because he or she is an employee of the body corporate.

“(8) For the purposes of this Part, the question whether a person who is not an Australian citizen is ordinarily resident in Australia at a particular time is to be determined in the same manner as that question is determined under the *Foreign Acquisitions and Takeovers Act 1975*.

“(9) For the purposes of Divisions 3 and 4, a reference to CSL or to a CSL subsidiary includes a reference to an administering body in relation to CSL or the CSL subsidiary.

**“Division 2—Requirements regarding CSL’s articles of association**

**CSL’s articles of association to include certain provisions**

“19C.(1) The articles of association of CSL must, on and after the sale day, include the following provisions:

- (a) a provision imposing restrictions on the counting of votes in respect of the appointment, replacement and removal of directors of CSL so as to prevent the votes attaching to all significant foreign shareholdings being counted in respect of the appointment, replacement or removal, of more than one-third of the directors of CSL who hold office at any particular time; and
- (b) a provision requiring the directors of CSL, for the purposes of enforcing the articles giving effect to paragraph (a), to take reasonable steps to find out whether there are significant foreign shareholdings; and
- (c) a provision conferring the following powers on the directors of CSL to enable the directors to enforce the articles giving effect to paragraph (a):
  - (i) the power to remove or limit the right of a person to exercise voting rights attached to voting shares in CSL in respect of the appointment, replacement or removal of a director of CSL; and
  - (ii) the power to remove a director of CSL; and
- (d) a provision requiring that the head office of CSL always be located in Australia; and
- (e) a provision requiring that the principal facilities used by CSL and any CSL subsidiaries to produce products derived from human plasma collected from blood or plasma donated by individuals in Australia always be located in Australia; and
- (f) a provision requiring that, at all times, at least two-thirds of the directors of CSL be Australian citizens; and

- (g) a provision requiring that the presiding director (however described) at a meeting of the board of directors of CSL be an Australian citizen; and
- (h) a provision prohibiting CSL from taking any action at any time to become incorporated outside Australia.

“(2) In this section:

**‘significant foreign shareholding’** means a holding of voting shares in CSL in which a foreign person has a relevant interest, if the foreign person has relevant interests in at least 5% of the voting shares in CSL.

**Inconsistent alteration to CSL’s articles of association to have no effect**

“19D.(1) A special resolution of CSL that would, apart from this subsection, have the effect of altering CSL’s articles of association so that the articles would not comply with section 19C has no effect.

“(2) A special resolution or resolution of CSL that, apart from this subsection:

- (a) would, if acted on, result in a contravention of the mandatory articles; or
- (b) would ratify an act or omission that contravenes the mandatory articles;

has no effect.

“(3) In this section:

**‘resolution’** has the same meaning as in the Corporations Law;

**‘special resolution’** has the same meaning as in the Corporations Law.

**CSL to maintain a register of foreign-held voting shares**

“19E.(1) CSL must on and after the sale day maintain a register of foreign-held voting shares.

“(2) If the Minister gives CSL a written request that CSL give to him or her the register or a copy of the register at such reasonable time and reasonable place as the Minister specifies, CSL must give the Minister the register or a copy of the register, as the case requires, in accordance with the request.

**Injunctions in relation to contraventions of a mandatory article or section 19E**

“19F.(1) Subsection (2) applies if CSL or any other person has engaged, is engaging or is proposing to engage in conduct constituting or that would constitute:

- (a) a contravention of a mandatory article or section 19E; or

- (b) attempting to contravene a mandatory article or section 19E; or
- (c) aiding, abetting, counselling or procuring a person to contravene a mandatory article or section 19E; or
- (d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene a mandatory article or section 19E; or
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of a mandatory article or section 19E; or
- (f) conspiring with others to contravene a mandatory article or section 19E.

“(2) The Court may, on the application of the Minister, grant an injunction, on such terms as the Court thinks appropriate, restraining CSL or the other person from engaging in the conduct and if the Court thinks it appropriate to do so, requiring CSL or the other person to do anything.

“(3) Subsection (4) applies if CSL or any other person has refused or failed, is refusing or failing, or is proposing to refuse or fail, to do an act or thing and that refusal or failure constitutes or would constitute:

- (a) a contravention of a mandatory article or section 19E; or
- (b) attempting to contravene a mandatory article or section 19E; or
- (c) aiding, abetting, counselling or procuring a person to contravene a mandatory article or section 19E; or
- (d) inducing or attempting to induce, whether by threats, promises or otherwise, a person to contravene a mandatory article or section 19E; or
- (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of a mandatory article or section 19E; or
- (f) conspiring with others to contravene a mandatory article or section 19E.

“(4) The Court may, on the application of the Minister, grant an injunction on such terms as the Court thinks appropriate, requiring CSL or the other person to do anything.

“(5) The Court may discharge or vary an injunction under this section.

### **Consent injunctions**

“19G. On an application for an injunction under subsection 19F(2) or (4), the Court may, if the Court thinks it appropriate, grant an injunction by consent of all parties to the proceeding, whether or not the Court is satisfied that that subsection applies.

### **Interim injunctions**

“19H. If the Court thinks it appropriate to do so, the Court may grant an interim injunction pending determination of an application under subsection 19F(2) or (4).

### **Factors relevant to the grant of a restraining injunction**

“19J. The power of the Court to grant an injunction under subsection 19F(2) restraining CSL or any other person from engaging in conduct may be exercised:

- (a) whether or not it appears to the Court that CSL or the other person intends to engage again, or to continue to engage, in conduct of that kind; and
- (b) whether or not CSL or the other person has previously engaged in conduct of that kind; and
- (c) whether or not there is an imminent danger of substantial damage to any person if CSL or the other person engages, or continues to engage, in conduct of that kind.

### **Factors relevant to the grant of a mandatory injunction**

“19K. The power of the Court to require CSL or another person to do anything under subsection 19F(4) may be exercised:

- (a) whether or not it appears to the Court that CSL or the other person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing; and
- (b) whether or not CSL or the other person has previously refused or failed to do that act or thing; and
- (c) whether or not there is an imminent danger of substantial damage to any person if CSL or the other person refuses or fails to do that act or thing.

### **Undertaking as to damages not required**

“19L. If the Minister applies to the Court for the grant of an injunction under section 19F, the Court must not require the Minister, as a condition of granting an interim injunction, to give an undertaking as to damages.

### **Other orders**

“19M. If the Court has power under section 19F to grant an injunction restraining CSL or another person from engaging in particular conduct, or requiring CSL or another person to do anything, the Court may, as well as or instead of granting an injunction, make such other orders as it thinks appropriate against CSL or the other person or a person who was involved in the conduct.

***“Division 3—Prohibition on disposal etc. of the Broadmeadows facility***

**Declaration of Broadmeadows land**

“19N. The Minister may, by notice in the *Gazette*, declare the whole, or any specified part of, the land located at Broadmeadows in the State of Victoria that has been transferred to CSL or a wholly-owned subsidiary of CSL by the Commonwealth on or before the sale day to be the Broadmeadows land for the purposes of this Division.

**Prohibition on disposal etc. of Broadmeadows facility**

“19P.(1) Neither CSL nor a wholly-owned subsidiary of CSL may:

- (a) dispose of the whole of the Broadmeadows facility; or
- (b) grant an interest (including a contingent interest) in the Broadmeadows facility; or
- (c) grant a security interest in the Broadmeadows facility or any part of that facility;

without the written approval of the Minister.

“(2) Subsection (1) does not prevent CSL disposing of the facility, or granting an interest (including a contingent interest) in the facility, to a wholly-owned subsidiary of CSL.

“(3) Subsection (1) does not prevent a wholly-owned subsidiary of CSL disposing of the facility, or granting an interest (including a contingent interest) in the facility, to CSL or another wholly-owned subsidiary of CSL.

“(4) If a wholly-owned subsidiary of CSL owns or has an interest (including a contingent interest) in the Broadmeadows facility, neither CSL nor a wholly-owned subsidiary of CSL that directly or indirectly owns the first-mentioned subsidiary may:

- (a) dispose of any shares in the first-mentioned subsidiary or any other wholly-owned subsidiary of CSL that directly or indirectly owns the first-mentioned subsidiary; or
- (b) do anything that would cause the first-mentioned subsidiary not to be a wholly-owned subsidiary of CSL;

without the written approval of the Minister.

“(5) The Minister’s approval under subsection (1) or (4) may be subject to conditions.

“(6) An act or transaction after the day this section commences which involves a contravention of subsection (1) or (4) is ineffective to the extent that it involves the contravention of that subsection.

“(7) In this section:

**‘Broadmeadows facility’** means:

- (a) the Broadmeadows land declared under section 19N; and
- (b) the buildings and fixtures on that land on the day the land was transferred to CSL or a wholly-owned subsidiary of CSL by the Commonwealth; and
- (c) buildings and fixtures that are constructed on or affixed to the land after that day;

**'security interest'** means an interest in or a power over property which secures payment of a debt or any other obligation.

***"Division 4—Injunctions to ensure performance of plasma products contracts"***

**Injunction to ensure performance of plasma products contracts**

"19Q.(1) This section applies if the Commonwealth and CSL have entered into a contract (the **'contract'**), whether before or after the commencement of this section, in relation to the production by CSL or a CSL subsidiary of products derived from human plasma collected from blood or plasma donated by individuals in Australia.

"(2) Subsection (1) applies to the first contract of the kind described in that subsection and to any such contract subsequently entered into by the Commonwealth and CSL.

"(3) If CSL has engaged, is engaging, or is proposing to engage in conduct that constitutes, or would constitute, a breach of a provision of the contract, the Court must, on the application of the Minister, grant an injunction on such terms as the Court thinks appropriate:

- (a) restraining CSL from engaging in the conduct; and
- (b) if the Court thinks it appropriate, requiring CSL to do anything to ensure that the contract is performed by CSL.

"(4) If CSL has refused or failed, is refusing or failing, or is proposing to refuse or fail, to do anything that CSL is required by the contract to do, the Court must, on the application of the Minister, grant an injunction, on such terms as the Court thinks appropriate, requiring CSL to do that thing.

"(5) On an application for an injunction under subsection (3), the Court may, if the Court thinks a CSL subsidiary has caused or contributed to CSL having engaged, engaging or proposing to engage, in conduct that constitutes a breach of a provision of the contract, make such orders (including granting an injunction) as it thinks appropriate against the CSL subsidiary.

"(6) On an application for an injunction under subsection (4), the Court may, if the Court thinks a CSL subsidiary has caused or contributed to CSL having refused or failed, refusing or failing, or proposing to refuse or fail,



to do anything that CSL is required by the contract to do, make such orders (including granting an injunction) as it thinks appropriate against the CSL subsidiary.

“(7) The Court may discharge or vary an injunction under this section.

### **Consent injunctions**

“19R. On an application for an injunction under subsection 19Q(3) or (4), the Court may, if the Court thinks it appropriate, grant an injunction by consent of all parties to the proceeding, whether or not the Court is satisfied that the subsection applies.

### **Interim injunctions**

“19S. If the Court thinks it appropriate to do so, the Court may grant an interim injunction pending determination of an application under subsection 19Q(3) or (4).

### **Factors relevant to the grant of a restraining injunction**

“19T.(1) The power of the Court to grant an injunction under subsection 19Q(3) restraining CSL from engaging in conduct must be exercised:

- (a) whether or not it appears to the Court that CSL intends to engage again, or to continue to engage, in conduct of that kind; and
- (b) whether or not CSL has previously engaged in conduct of that kind; and
- (c) whether or not there is an imminent danger of substantial damage to any person if CSL engages, or continues to engage, in conduct of that kind; and
- (d) whether or not the Commonwealth has or may have any other remedy available to it in relation to the conduct.

“(2) The power of the Court to grant an injunction under subsection 19Q(5) or (6) restraining a CSL subsidiary from engaging in conduct may be exercised:

- (a) whether or not it appears to the Court that the subsidiary intends to engage again, or to continue to engage, in conduct of that kind; and
- (b) whether or not it appears to the Court that CSL intends to engage or to continue to engage in conduct that constitutes a breach of a provision of the contract; and
- (c) whether or not the subsidiary has previously engaged in conduct of that kind; and
- (d) whether or not there is an imminent danger of substantial damage to any person if the subsidiary engages, or continues to engage, in conduct of that kind; and
- (e) whether or not the Commonwealth has or may have any other remedy available to it in relation to the conduct.

**Factors relevant to the grant of a mandatory injunction**

“19U.(1) The power of the Court to require CSL to do a thing under subsection 19Q(4) must be exercised:

- (a) whether or not it appears to the Court that CSL intends to refuse or fail again, or to continue to refuse or fail, to do that thing; and
- (b) whether or not CSL has previously refused or failed to do that thing; and
- (c) whether or not there is an imminent danger of substantial damage to any person if CSL refuses or fails to do that thing; and
- (d) whether or not the Commonwealth or another person has or may have any other remedy available to it in relation to the refusal or failure to do that thing.

“(2) The power of the Court to require a CSL subsidiary to do a thing under subsection 19Q(5) or (6) may be exercised:

- (a) whether or not it appears to the Court that the subsidiary intends to refuse or fail again, or to continue to refuse or fail, to do that thing; and
- (b) whether or not it appears to the Court that CSL intends to refuse or fail again, or to continue to refuse or fail, to do anything that CSL is required by the contract to do; and
- (c) whether or not the subsidiary has previously refused or failed to do that thing; and
- (d) whether or not there is an imminent danger of substantial damage to any person if the subsidiary refuses or fails to do that thing; and
- (e) whether or not the Commonwealth or another person has or may have any other remedy available to it in relation to the refusal or failure to do that thing.

**Undertakings not required**

“19V. If the Minister applies to the Court for the grant of an injunction under section 19Q, the Court must not require the Minister, as a condition of granting an interim injunction, to give any undertakings, including any undertakings as to damages.

**Other orders**

“19W.(1) If the Court has power under subsection 19Q(3) to grant an injunction restraining CSL from engaging in particular conduct, the Court may, as well as granting an injunction, make such orders as it thinks appropriate against CSL or any other CSL body involved in the conduct.

“(2) If the Court has power under subsection 19Q(4) to grant an injunction requiring CSL to do a thing, the Court may, as well as granting an injunction, make such orders as it thinks appropriate against CSL or any other CSL body involved in the refusal or failure of CSL to do the thing.

*“Division 5—Miscellaneous*

**Delegation by Minister**

“19X.(1) The Minister may delegate his or her powers and functions under this Part to a person who holds, or performs the duties of, a Senior Executive Service office in the Department.

“(2) In this section:

‘**Senior Executive Service office**’ has the same meaning as in the *Public Service Act 1922*.

**Jurisdiction of courts**

“19Y. The Federal Court of Australia has jurisdiction with respect to matters arising under this Part and that jurisdiction is exclusive of the jurisdiction of all other courts, other than the jurisdiction of the High Court under section 75 of the Constitution.

**This Part to have effect despite the Corporations Law**

“19Z. This Part has effect despite any provision of the Corporations Law.

**Remedies under this Part to be additional remedies**

“19ZA. The remedies conferred by this Part are in addition to any other remedies the Commonwealth would have apart from this Part.”.

**Other amendments**

8. The Principal Act is further amended as set out in Schedule 1.

**PART 3—AMENDMENT OF THE LONG SERVICE LEAVE  
(COMMONWEALTH EMPLOYEES) REGULATIONS**

**Principal Regulations**

9. In this Part, “**Principal Regulations**” means the Long Service Leave (Commonwealth Employees) Regulations<sup>2</sup>.

**Schedule 1A**

10.(1) Schedule 1A to the Principal Regulations is amended by omitting item 3A.

(2) The amendment of the Principal Regulations by subsection (1) does not prevent the Principal Regulations, as so amended, being amended or repealed by the Governor-General.

**PART 4—AMENDMENT OF THE MATERNITY LEAVE  
(COMMONWEALTH EMPLOYEES) REGULATIONS**

**Principal Regulations**

11. In this Part, “**Principal Regulations**” means the Maternity Leave (Commonwealth Employees) Regulations<sup>3</sup>.

## **Schedule 2A**

**12.(1)** Schedule 2A to the Principal Regulations is amended by omitting item 4.

**(2)** The amendment of the Principal Regulations by subsection (1) does not prevent the Principal Regulations, as so amended, being amended or repealed by the Governor-General.

## **PART 5—AMENDMENT OF THE PROCEEDS OF CRIME REGULATIONS**

### **Principal Regulations**

**13.** In this Part, “**Principal Regulations**” means the Proceeds of Crime Regulations<sup>4</sup>.

### **Regulation 3B**

**14.(1)** Regulation 3B of the Principal Regulations is amended by omitting paragraph (g).

**(2)** The amendment of the Principal Regulations by subsection (1) does not prevent the Principal Regulations, as so amended, being amended or repealed by the Governor-General.

## **PART 6—TRANSITIONAL AND SAVING PROVISIONS**

### ***Division 1—Transitional and saving provisions in relation to long service leave***

### **Interpretation**

**15.(1)** Unless the contrary intention appears, expressions used in this Division that are also used in the Long Service Leave Act have the same respective meanings as in that Act.

**(2)** In this Division:

“**combined service period**”, in relation to an employee, means the total of:

- (a) the period that is, immediately before the sale day, the employee’s period of service for the purposes of the Long Service Leave Act; and
- (b) the period starting on the sale day during which the employee continues to be an employee of a CSL body;

“**employee**” includes a person employed in a full-time or a part-time capacity;

“**law**” means:

- (a) a law of the Commonwealth or of a State or Territory; or
- (b) regulations or any other instrument (other than an award, determination or industrial agreement) made under such a law;

**“post-sale long service leave rights”**, in relation to an employee, means any long service leave rights an employee acquires under an award, determination, industrial agreement or law (other than this Act) on or after the sale day.

**Long service leave for employees with less than 10 years service**

**16.(1)** This section provides that, in certain circumstances, a CSL body may grant long service leave to an employee whose period of service for the purposes of the Long Service Leave Act was less than 10 years.

(2) This section applies in relation to a person who was an employee of CSL immediately before the sale day if, at that time, the employee’s period of service for the purposes of the Long Service Leave Act was less than 10 years.

(3) This section does not apply in relation to an employee who stops being an employee of a CSL body by dying. Section 18 covers those employees.

(4) If, from and after the sale day, the employee continues to be employed by a CSL body until his or her combined service period is at least 10 years, the CSL body may grant the employee long service leave on full salary for a period up to the employee’s long service leave credit under subsection 19(1).

(5) If:

(a) the employee stops being an employee of a CSL body, on or after reaching the minimum retirement age, or because of retrenchment; and

(b) the employee’s combined service period at the time when he or she stops being an employee of the CSL body is at least one year;

the CSL body may grant the employee long service leave on full salary for a period up to the employee’s long service leave credit under subsection 19(1).

(6) If a period of long service leave may be granted to an employee under subsection (4) or (5), the CSL body may, if the employee asks in writing, grant the employee long service leave on half salary for a period not exceeding twice the first-mentioned period.

(7) Long service leave granted in the circumstances set out in subsection (5) is to be taken so as to end immediately before the employee stops being an employee.

(8) For the purposes of this section, the rate of salary to be used in working out the full salary of an employee is the rate that would be applicable to the employee under section 20 of the Long Service Leave Act as if:

- (a) that section applied to the employee; and
- (b) for the expression “section 16 or 17” in that section there were substituted the expression “section 16 of the *CSL Sale Act 1993*”.

**Payments in lieu of long service leave for employees with less than 10 years service**

**17.(1)** This section provides that, in certain circumstances, a CSL body must pay an amount in respect of long service leave to an employee who has not used all of his or her long service leave credit by taking long service leave under section 16.

**(2)** This section applies in relation to a person who was an employee of CSL immediately before the sale day, if, at that time, the employee’s period of service for the purposes of the Long Service Leave Act was less than 10 years.

**(3)** This section does not apply in relation to an employee who stops being an employee of a CSL body by dying. Section 18 covers those employees.

**(4)** Subject to subsection (7), if the employee stops being an employee of a CSL body on or after the day on which his or her combined service period reaches 10 years, the CSL body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subsection 19(2).

**(5)** Subject to subsection (7), if:

- (a) the employee stops being an employee of a CSL body, on or after reaching the minimum retiring age, or because of retrenchment; and
- (b) at that time the employee’s combined service period is at least one year;

the CSL body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subsection 19(2).

**(6)** Subject to subsection (7), if:

- (a) the employee stops being an employee of a CSL body; and
- (b) the CSL body is satisfied that the employee left the CSL body because of ill-health that justified his or her so leaving; and
- (c) when the employee left, his or her combined service period was at least one year;

the CSL body must pay him or her an amount equal to full salary in respect of his or her long service leave credit under subsection 19(2).

**(7)** An employee may, by written notice given to a CSL body before the employee stops being an employee of the CSL body:

- (a) ask the CSL body not to make a payment to the employee under this section; or

(b) ask the CSL body to make a payment under subsection (4), (5) or (6) of a specified amount that is less than the amount that would otherwise be payable under that subsection.

(8) The CSL body must comply with the request made under subsection (7).

(9) For the purposes of this section, the rate of salary to be used in working out the full salary of an employee is the rate that would be applicable to the employee under section 21 of the Long Service Leave Act if:

- (a) that section applied to the employee; and
- (b) for the expression “sections 16 and 17” in that section there were substituted the expression “section 17 of the *CSL Sale Act 1993*”.

### **Payments on the death of an employee**

**18.(1)** This section applies in relation to a person who was an employee of CSL immediately before the sale day if, at that time, the employee’s period of service for the purposes of the Long Service Leave Act was less than 10 years.

(2) If, on or after the sale day, the employee died and immediately before his or her death:

- (a) the employee was an employee of a CSL body; and
- (b) the employee’s combined service period was at least one year; and
- (c) the employee had one or more dependants;

the CSL body must make a payment to a dependant or to 2 or more dependants of the employee.

(3) The total amount of the payment or payments is the amount that would have been payable to the employee under section 17 if, on the day of his or her death, the employee had instead stopped being an employee of the CSL body on or after reaching the minimum retiring age.

(4) If subsection (2) applies, section 23 of the Long Service Leave Act has effect as if:

- (a) that section applied to an employee of a CSL body; and
- (b) a reference in that section to the approving authority were a reference to the CSL body; and
- (c) the section were further modified as set out in the following table:

TABLE

Provision	Omit this expression	Insert this expression
section 23	this Act	section 18 of the <i>CSL Sale Act 1993</i>
subsections 23(2) and (3)	subsection 16(7) or 17(5)	section 18 of the <i>CSL Sale Act 1993</i>

**Employee's long service leave credit for the purposes of sections 16 and 17**

**19.(1)** For the purposes of section 16, an employee's long service leave credit is equal to the long service leave credit that the employee would have under the Long Service Leave Act for the period:

- (a) starting when the employee started his or her period of service; and
- (b) ending on the sale day;

if the employee had been retrenched on the sale day.

**(2)** For the purposes of section 17, an employee's long service leave credit is the employee's long service leave credit worked out under subsection (1) reduced by any long service leave credit used under section 16.

**Division not to affect an employee's post-sale long service leave rights**

**20.** To avoid doubt it is declared that this Division does not affect an employee's post-sale long service leave rights.

**Saving—Long Service Leave Act**

**21.** If, immediately before the sale day, the period of service under the Long Service Leave Act of an employee of CSL was at least 10 years, then:

- (a) despite the amendment of the Long Service Leave (Commonwealth Employees) Regulations by this Act the employee's accrued rights under that Act continue; and
- (b) that Act has effect after the sale day in relation to the employee as if CSL were an approving authority for the purposes of that Act.

***Division 2—Transitional and saving provisions relating to the Safety, Rehabilitation and Compensation Act 1988***

**Interpretation**

**22.** Unless the contrary intention appears, expressions used in this Division that are also used in the SRC Act have the same respective meanings as in that Act.



**Continued application of SRC Act**

23. If a CSL body stops being a Commonwealth authority for the purposes of the SRC Act, the SRC Act continues to apply in relation to the CSL body to the extent and in the manner, set out in this Division.

**Transitional provisions relating to the SRC Act that relate to CSL body employees and former CSL body employees**

24.(1) The SRC Act continues to apply on and after the sale day in relation to:

- (a) injuries suffered by employees of a CSL body before the sale day; and
- (b) loss of, or damage to, property incurred by employees of a CSL body before the sale day;

including employees who have stopped being employees of a CSL body before the sale day.

(2) For the purposes of subsection (1), the SRC Act continues to apply as if:

- (a) the CSL body continues to be a Commonwealth authority; and
- (b) the chief executive officer of the CSL body (however described) continues to be the principal officer of a Commonwealth authority.

**Transitional provisions relating to Division 4A of Part VII of the SRC Act**

25.(1) On and after the sale day, Division 4A of Part VII of the SRC Act applies to a CSL body as if:

- (a) the CSL body continues to be a Commonwealth authority; and
- (b) the CSL body is not required to pay a premium under that Division in respect of that part of a financial year which occurs after the sale day; and
- (c) the following word and paragraph were added at the end of subsection 96H(1):
  - “; or (f) in the case of an authority—the authority is not required to pay a premium under this Division in respect of part of a financial year.”.

(2) If, 60 days after the sale day, an amount of premium payable by a CSL body to Comcare in respect of the period before the sale day remains unpaid, the amount is a debt due to the Commonwealth and payable to Comcare.

**Transitional provision relating to Part VIIIA of the SRC Act**

26. On and after the sale day, Part VIIIA of the SRC Act continues to apply to a CSL body as if any licence granted to the CSL body under that Part was revoked on the sale day.

**Transitional provision relating to section 128A of the SRC Act**

27. On and after the sale day, section 128A of the SRC Act continues to apply to a CSL body as if the CSL body continues to be a prescribed Commonwealth authority for the purposes of that section.

**Notification of amount of salary etc. paid to employees of a CSL body**

28.(1) This section applies to a CSL body that was a Commonwealth authority immediately before the sale day.

(2) The chief executive officer (however described) of the CSL body must notify the Commission, within 28 days after the sale day of the amount of salary, wages or pay paid to employees of the CSL body in the period starting on 1 July in the financial year in which the sale day occurs and ending on the day before the sale day.

**Refund of licence fee paid under the SRC Act**

29.(1) If a CSL body has paid a licence fee in respect of the licence fee year in which the sale day occurs under section 107R of the SRC Act, the CSL body is entitled to be paid an amount equal to the amount worked out using the following formula:

$$\text{Licence fee} \times \frac{\text{No. of refund days}}{365}$$

where:

“**Licence fee**” means the fee paid under section 107R of the SRC Act in respect of the licence fee year in which the sale day occurs;

“**No. of refund days**” means the total number of days in the period beginning on the sale day and ending on the last day of the licence fee year in which the sale day occurs.

(2) An amount to which a CSL body is entitled under subsection (1) must be paid out of the Consolidated Revenue Fund which is appropriated accordingly.

(3) In this section:

“**licence fee year**” means the year beginning on the starting date of a licence granted under section 107J of the SRC Act and ending on the day before the anniversary of that date.

**Amendment of declarations under the SRC Act**

30.(1) A notice published in the *Gazette* before the sale day that declares a CSL body to be a body corporate to which the SRC Act applies for the purposes of the definition of “Commonwealth authority” in subsection 4(1) of the SRC Act is to have effect on and after the sale day as if it did not contain a reference to the CSL body.

(2) Subsection (1) does not prevent the declaration, as affected by that subsection, being amended or revoked by the Minister.

***Division 3—Transitional and saving provisions in relation to superannuation and other retirement benefits***

**Saving—deferred benefits under the *Superannuation Act 1922***

31.(1) This section applies if, immediately before the sale day, an employee of a CSL body was a person to whom deferred benefits were applicable under section 119W of the *Superannuation Act 1922*.

(2) For the purposes of Division 3 of Part XA of the *Superannuation Act 1922*, the employee is taken to continue in public employment on and after the sale day while the employee continues to be employed by a CSL body.

(3) This section is subject to Division 3 of Part XA of the *Superannuation Act 1922*.

**Saving—deferred benefits under the *Superannuation Act 1976***

32.(1) This section applies if, immediately before the sale day, an employee of a CSL body was a person to whom deferred benefits were applicable under section 139 of the *Superannuation Act 1976*.

(2) For the purposes of Division 3 of Part IX of the *Superannuation Act 1976*, the employee is taken to continue in public employment on and after the sale day while the employee continues to be employed by a CSL body.

(3) This section is subject to Division 3 of Part IX of the *Superannuation Act 1976*.

**Saving—period of eligible employment for the purposes of Division 3 of Part IX of the *Superannuation Act 1976***

33.(1) This section applies if, immediately before the sale day, a period of employment of a person by a CSL body was a period of eligible employment for the purposes of Division 3 of Part IX of the *Superannuation Act 1976*.

(2) Despite employment by a CSL body having stopped being eligible employment for the purposes of Division 3 of Part IX of the *Superannuation Act 1976*, the period of eligible employment continues to be a period of eligible employment for the purposes of that Division.

**Saving—deferred benefits under the *DFRDB Act***

34.(1) This section applies if, immediately before the sale day, an employee of a CSL body was a person to whom deferred benefits were applicable under section 78 of the *DFRDB Act*.

(2) For the purposes of Division 3 of Part IX of the *DFRDB Act*, the employee is taken to continue in public employment on and after the sale day while the employee continues to be employed by a CSL body.

(3) This section is subject to Division 3 of Part IX of the DFRDB Act.

**Saving—period of eligible employment for the purposes of Division 3 of Part IX of the DFRDB Act**

**35.(1)** This section applies if, immediately before the sale day, a period of employment of a person by a CSL body was a period of eligible employment for the purposes of Division 3 of Part IX of the DFRDB Act.

(2) Despite employment by a CSL body having stopped being eligible employment for the purposes of Division 3 of Part IX of the DFRDB Act, the period of eligible employment continues to be a period of eligible employment for the purposes of that Division.

**Application—*Superannuation Act 1922***

**36.** On and after the sale day, section 145 of the *Superannuation Act 1922* does not apply in relation to a CSL body.

**Application—*Superannuation Act 1976***

**37.** On and after the sale day, a CSL body is not an approved authority for the purposes of the *Superannuation Act 1976*.

**Application—*Superannuation Act 1990***

**38.** On and after the sale day, a CSL body is not an approved authority for the purposes of the *Superannuation Act 1990*.

***Division 4—Other transitional and saving provisions***

**Transitional maternity leave provisions relating to employees of CSL who are not on maternity leave immediately before the sale day**

**39.(1)** This section applies if:

- (a) immediately before the sale day, a person was a female employee of CSL; and
- (b) within 12 months after the sale day, the person would have been entitled to begin leave granted under the Maternity Leave Act if CSL had continued to be a prescribed authority for the purposes of that Act.

(2) On and after the sale day, the Maternity Leave Act continues to apply to the person in relation to the confinement in respect of which she would have been entitled to leave as if CSL continues to be a prescribed authority for the purposes of that Act.

**Transitional maternity leave provisions relating to employees of CSL who are on maternity leave on or before the sale day**

**40.(1)** This section applies if:

- (a) immediately before the sale day, a person was a female employee of CSL; and

(b) on the sale day, the person is on leave granted under the Maternity Leave Act.

(2) On and after the sale day, the Maternity Leave Act continues to apply to the person in relation to the confinement in respect of which the leave was granted as if CSL continues to be a prescribed authority for the purposes of that Act.

**Saving—Crimes (Superannuation Benefits) Act 1989**

41.(1) Subject to subsection (2), if a person who is an employee of a CSL body before the sale day committed a corruption offence while such an employee, then, on and after the sale day, the *Crimes (Superannuation Benefits) Act 1988* continues to apply in relation to the person in respect of the offence as if the CSL body continues to be a Commonwealth authority.

(2) A superannuation order may not be made under the *Crimes (Superannuation Benefits) Act 1989* in relation to employer contributions or benefits paid or payable to a superannuation scheme by a CSL body after the sale day.

(3) A superannuation scheme in relation to which employer contributions or benefits are paid or payable by a CSL body is not a superannuation scheme for the purposes of the *Crimes (Superannuation Benefits) Act 1989* in respect of a corruption offence committed by a person after the sale day.

(4) Despite paragraph 19(3)(d) of the *Crimes (Superannuation Benefits) Act 1989*, an order under that paragraph may only specify that an amount paid into the Consolidated Revenue Fund before the sale day by or on behalf of CSL, belongs to the Commonwealth.

(5) If:

- (a) a person who was an employee of CSL before the sale day committed a corruption offence while such an employee; and
- (b) the person was paid benefits before, on or after the sale day out of the Consolidated Revenue Fund;

then, despite paragraph 19(4)(b) of the *Crimes (Superannuation Benefits) Act 1989*, an order under that paragraph may only specify that an amount equal to the total benefits paid out of the Consolidated Revenue Fund be paid to the Commonwealth.

(6) Unless the contrary intention appears, expressions used in this section that are also used in the *Crimes (Superannuation Benefits) Act 1989* have the same respective meanings as in that Act.

**Saving—Commonwealth Serum Laboratories Act 1961**

42. Despite the repeal of section 40 of the *Commonwealth Serum Laboratories Act 1961* by Schedule 1, that section continues to apply to CSL in relation to a financial year in which the Commonwealth owns a majority of the voting shares in CSL on a day during that financial year.

**Saving—DPP Act**

43.(1) Despite the DPP Act ceasing to apply to certain acts, omissions or proceedings in connection with a CSL body because the CSL body stops being an authority of the Commonwealth for the purposes of that Act, that Act continues on and after the sale day to apply in relation to:

- (a) acts or omissions that occurred before the sale day; and
- (b) the taking of civil remedies connected with or arising out of a prosecution that relates to acts or omissions referred to in paragraph (a).

(2) In this section:

“DPP Act” means the *Director of Public Prosecutions Act 1983*.

**Saving—Judiciary Act 1903**

44.(1) Despite section 46 of this Act, section 55E of the *Judiciary Act 1903* continues to apply in relation to:

- (a) any proceedings to which CSL is a party that were started before the commencement of this section; and
- (b) any matter that an authorised person, by signed writing, certifies is a matter in relation to which CSL gave written instructions before the commencement of this section to the Australian Government Solicitor; and
- (c) any matter that an authorised person, by signed writing, certifies is a matter involving a claim against CSL in respect of which the Commonwealth has agreed to indemnify CSL;

as if CSL were a body established by an Act.

(2) A document purporting to be a certificate under subsection (1) is, unless the contrary is established, to be taken to be such a certificate.

(3) In this section:

“authorised person” means:

- (a) the Secretary to the Attorney-General’s Department; or
- (b) a person holding or performing the duties of a Senior Executive Service office, within the meaning of the *Public Service Act 1922*, in that Department.

**Saving—*Proceeds of Crime Act 1987***

45.(1) Despite the amendment of the *Proceeds of Crime Regulations* by Part 5, section 34C of the *Proceeds of Crime Act 1987* continues to apply in relation to relevant offences that caused financial loss to CSL that were committed before the sale day as if CSL continued to be a GBE.

(2) Unless the contrary intention appears, expressions used in this section that are also used in the *Proceeds of Crime Act 1987* have the same respective meanings as in that Act.

**PART 7—OTHER PROVISIONS RELATING TO THE SALE OF CSL**

**CSL not to be established by or under an Act or established by the Commonwealth**

46.(1) On and after the sale day, CSL is not taken for the purposes of a law to be:

- (a) established by or under an Act; or
- (b) established by the Commonwealth;

unless a law expressly provides otherwise.

(2) To avoid doubt, it is declared that subsection (1) does not affect the operation of the *Commonwealth Serum Laboratories Act 1961* or any other law before the commencement of this section.

(3) In subsections (1) and (2):

“law” means:

- (a) an Act of the Commonwealth or of a State or Territory; and
- (b) regulations or other instrument made under such an Act.

**Exemption from State and Territory taxes and fees**

47.(1) No tax is payable under a law of a State or a Territory in respect of:

- (a) an exempt matter; or
- (b) anything done (including a transaction entered into or an instrument or document made, executed, lodged or given) because of, or for a purpose connected with or arising out of, an exempt matter.

(2) An authorised person may in writing certify that:

- (a) a specified matter or thing is an exempt matter; or
- (b) a specified thing was done (including a transaction entered into, or an instrument or document made, executed, lodged or given) because of, or for a purpose connected with or arising out of, a specified exempt matter.

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(3) A certificate under subsection (2) is, in all courts and for all purposes, evidence of the matter stated in the certificate.

(4) In this section:

“authorised person” means:

- (a) the Minister; or
- (b) the Secretary to the Department; or
- (c) a person holding or performing the duties of a Senior Executive Service office within the meaning of the *Public Service Act 1922*, being an office in that Department, authorised by the Secretary, in writing, for the purposes of this section;

“exempt matter” means:

- (a) the transfer of property (whether real or personal) by the Commonwealth to a CSL body on or before the sale day; or
- (b) the issue or allotment of shares by a CSL body to the Commonwealth or another person on or before the sale day; or
- (c) an agreement between the Commonwealth and another person relating to the sale, issue or allotment of shares in a CSL body; or
- (d) the transfer of shares in a CSL body by the Commonwealth or a nominee of the Commonwealth to another person; or
- (e) the receipt of money (whether before, on or after the sale day) by the Commonwealth, a CSL body or another person acting on behalf of the Commonwealth or a CSL body from persons who are, on or before the sale day, buying or subscribing for shares in CSL; or
- (f) the operation of this Act;

“tax” means:

- (a) stamp duty or any other tax; and
- (b) a fee (other than a fee payable under the Corporations Law of a State or a Territory);

but does not include a tax or a fee (other than a fee payable under the Corporations Law) specified in a notice signed by the Minister and published in the *Gazette*.

**Regulations connected with the sale of CSL**

48.(1) Subsection 48(2) of the *Acts Interpretation Act 1901* does not apply to regulations made under any Act that:

- (a) are connected with the sale of CSL; and
- (b) include a declaration that the Governor-General is satisfied that they are connected with the sale of CSL; and
- (c) are expressed to take effect on the sale day.

(2) Regulations covered by subsection (1) take effect on the sale day.



**Cessation of mobility rights**

49.(1) If Division 2 or 3 of Part IV of the *Public Service Act 1922* applied to an employee of a CSL body immediately before the sale day, then that Division stops applying to the employee on the sale day.

(2) If Division 4 of Part IV of the *Public Service Act 1922* applied to an employee of a CSL body immediately before the sale day, then:

(a) the *Officers' Rights Declaration Act 1928*; and

(b) Division 4 of Part IV of the *Public Service Act 1922*;

stop applying to the employee on the sale day.

**Refund of contribution paid under the *Occupational Health and Safety (Commonwealth Employment) Act 1991***

50.(1) If a CSL body has paid a contribution to the cost of the administration of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* under section 67H of that Act in respect of the financial year in which the sale day occurs, then the CSL body is entitled to be paid the amount worked out using the following formula:

$$\text{Contribution} \times \frac{\text{No. of refund days}}{365}$$

where:

“**Contribution**” means the contribution paid by the CSL body in respect of that financial year;

“**No. of refund days**” means the total number of days in the period beginning on the sale day and ending on the last day of the financial year in which the sale day occurs.

(2) An amount to which a CSL body is entitled under subsection (1) must be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.

**CSL body not to be eligible or relevant body for the purposes of the *Superannuation Benefits (Supervisory Mechanisms) Act 1990***

51.(1) A notice published in the *Gazette* before the sale day that declares a CSL body to be an eligible body for the purposes of the *Supervisory Mechanisms Act* is to have effect on and after the sale day as if it did not contain a reference to the CSL body.

(2) A notice published in the *Gazette* before the sale day that declares a CSL body to be a relevant body for the purposes of the *Supervisory Mechanisms Act* is to have effect on and after the sale day as if it did not contain a reference to the CSL body.

(3) Neither subsection (1) nor (2) prevents the declaration as affected by that subsection being amended or revoked by the Minister.

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(4) In subsection (3):  
“**Minister**” has the same meaning as in the Supervisory Mechanisms Act.

**Ending CSL’s liability under the *Commonwealth Borrowing Levy Act 1987***

**52.(1)** Subject to subsection (2), CSL is not liable on or after the sale day to pay an amount of levy imposed by the *Commonwealth Borrowing Levy Act 1987* on a borrowing undertaken before the sale day.

(2) Subsection (1) does not apply in relation to an amount of levy that was paid or payable before the sale day.

**Amendments of other Acts**

**53.** The Acts specified in Schedule 2 are amended as set out in that Schedule.

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**SCHEDULE 1**

Section 8

**OTHER AMENDMENTS OF THE COMMONWEALTH SERUM  
LABORATORIES ACT 1961**

**Section 3 (definitions of “group company”, “operate”, “protected body”, “protected business name”, “protected company name”, “protected name”, “protection time” and “registered”):**

Omit.

**Section 4:**

Repeal.

**Subsection 16(1):**

Omit.

**Part 4:**

Repeal.

**Sections 30, 39 and 40:**

Repeal.

**Subsection 42(2):**

Omit.

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**SCHEDULE 2**

**AMENDMENTS OF OTHER ACTS**

***Administrative Decisions (Judicial Review) Act 1977***

**Schedule 1:**

Add at the end:

“; (u) decisions of CSL Limited or a company that is a subsidiary of that company.”.

***Commonwealth Borrowing Levy Act 1987***

**Schedule (item 12):**

Omit.

***Insurance Act 1973***

**Subsection 5(2B):**

Omit.

***National Crime Authority Act 1984***

**Schedule 2:**

Omit “Commonwealth Serum Laboratories Commission”.

***Occupational Health and Safety (Commonwealth Employment)  
Act 1991***

**Schedule:**

Omit “Commonwealth Serum Laboratories Commission”.

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**NOTES**

1. No. 38, 1961, as amended. For previous amendments, see No. 93, 1966; No. 42, 1970; No. 216, 1973; No. 37, 1976; No. 36, 1978; No. 7, 1980; Nos. 65 and 167, 1985; No. 94, 1986; No. 155, 1988; and No. 77, 1990.
2. Statutory Rules 1957 No. 49, as amended. For previous amendments, see 1967 No. 100; 1968 No. 74; 1969 Nos. 184 and 195; 1970 No. 124; 1972 Nos. 46 and 131; 1973 No. 86; 1974 No. 17; 1976 Nos. 259 and 267; 1977 Nos. 58, 73, 134 and 155; 1978 Nos. 26, 73, 110, 111 and 269; 1979 Nos. 32 and 121; 1980 Nos. 38, 193, 199 and 262; 1981 Nos. 135, 285, 356 and 374; 1982 Nos. 258, 312 and 313; 1983 No. 218; 1984 No. 193; 1985 No. 181; 1986 No. 113; 1987 Nos. 17 and 211; 1988 Nos. 95, 96, 108 and 356; 1989 Nos. 147 and 271; 1990 No. 327; 1991 Nos. 224, 264 and 325; and 1992 Nos. 56, 99 and 138.  
See also Act No. 196 of 1992.
3. Statutory Rules 1982 No. 163, as amended. For previous amendments, see 1983 No. 216; 1984 Nos. 220, 235 and 434; 1985 Nos. 366 and 382; 1987 Nos. 210 and 326; 1988 Nos. 28 and 358; 1989 Nos. 130, 148 and 241; 1990 Nos. 383 and 473; 1991 Nos. 223 and 326; and 1992 Nos. 10, 57 and 137.
4. Statutory Rules 1987 No. 244, as amended. For previous amendments, see 1989 No. 236; and 1991 No. 460.

*[Minister's second reading speech made in—  
House of Representatives on 29 September 1993  
Senate on 28 October 1993]*