



Western Australia

State Trading Concerns Act 1916

State Trading Concerns (Authorisation) Regulations 1998

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State Trading Concerns (Authorisation) Regulations 1998

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Defined Terms

State Trading Concerns (Authorisation) Regulations 1998

1. Citation

These regulations may be cited as the *State Trading Concerns (Authorisation) Regulations 1998*¹.

2. Prescribed financial entities (Act s. 4A(2)(a))

The financial entities set out in Schedule 1 Part 1 are prescribed financial entities for the purposes of section 4A(2)(a) of the Act.

3. Prescribed activities by financial entities (Act s. 4A(2)(b))

The activities set out in Schedule 1 Part 2 are prescribed activities for the financial entities to which they relate, for the purposes of section 4A(2)(b) of the Act.

4. Prescribed statutory corporations (Act s. 4B(2))

The statutory corporations set out in Schedule 2 Part 1 are prescribed statutory corporations for the purposes of section 4B(2) of the Act.

[Regulation 4 inserted in Gazette 18 Feb 2000 p. 916.]

5. Prescribed activities by statutory corporations (Act s. 4B(2))

The activities set out in Schedule 2 Part 2 are prescribed activities for the prescribed statutory corporations to which they relate, for the purposes of section 4B(2) of the Act.

r. 5

[Regulation 5 inserted in Gazette 18 Feb 2000 p. 916.]

Schedule 1

[Heading inserted in Gazette 31 Aug 1999 p. 4241.]

Part 1 — Prescribed financial entities (regulation 2)

Commissioner for Equal Opportunity

Department for Communities

Department for Community Development²

Department for Planning and Infrastructure³

Department of Consumer and Employment Protection⁴

Department of Environment and Conservation

Department of Fisheries

Department of Health

Department of Industry and Resources⁵

Department of Justice⁶

Department of Treasury and Finance

Department of Culture and the Arts

Department of Premier and Cabinet

Department of Transport

Office of the Auditor General

Office of Water Regulation⁷

Public Sector Commission

Western Australia Police Service

[Part 1 inserted in Gazette 31 Aug 1999 p. 4241; amended in Gazette 21 Jan 2000 p. 346; 18 Feb 2000 p. 916 (correction in Gazette 29 Feb 2000 p. 996); 5 May 2000 p. 2140; 3 Nov 2000 p. 6109; 7 Jun 2002 p. 2733; 9 Aug 2002 p. 3856; 12 Nov 2002 p. 5468; 3 Jan 2003 p. 12; 13 Jun 2003 p. 2118; 30 Sep 2003 p. 4259; 24 Oct 2003 p. 4500; 19 Mar 2004 p. 916 and 917; 23 Mar 2004 p. 979; 1 Oct 2004 p. 4285; 15 Jul 2005 p. 3303-4; 12 Aug 2005 p. 3657; 22 Dec 2006 p. 5810; 13 Jul 2007 p. 3455; 23 May 2008 p. 1994; 26 Feb 2010 p. 819; 11 Feb 2011 p. 506.]

Part 2 — Prescribed activities (regulation 3)

Commissioner for Equal Opportunity

The provision by the Commissioner for Equal Opportunity of training services related to promoting the objects of the *Equal Opportunity Act 1984*.

Department for Communities

The sale by the Department for Communities of goods, information or intellectual property, relating to community development.

The provision or sale by the Department for Communities of advertising opportunities or opportunities having a purpose similar to advertising, relating to community development.

The provision by the Department for Communities of training, management or advisory services, relating to community development.

Department for Community Development²

The sale by the Department for Community Development of goods, information or intellectual property, relating to community development.

The provision or sale by the Department for Community Development of advertising opportunities or opportunities having a purpose similar to advertising, relating to community development.

The provision by the Department for Community Development of training, management, or advisory services, relating to community development.

Department for Planning and Infrastructure³

The provision by the Department for Planning and Infrastructure (in the State or elsewhere) of goods, information, or intellectual property relating to transport matters.

Department of Consumer and Employment Protection⁴

The provision by the Department of Consumer and Employment Protection —

- (a) of services to overseas clients, including training, and services of a technical, educational, managerial and advisory nature;
- (b) generally, of goods, information and intellectual property, and of services, relating to consumer protection matters;
- (c) of goods (including technical and safety publications), information and intellectual property relating to technical and safety issues in the energy industry;
- (d) specifically, of —
 - (i) intellectual property; and
 - (ii) the sale or provision of advertising opportunities, or opportunities having a purpose similar to advertising, relating to Worksafe Western Australia.

Department of Environment and Conservation

The provision by the Department of Environment and Conservation of goods, information or intellectual property, scientific, technical, educational, training, management or advisory services relating to activities it carries out.

The provision or sale by the Department of Environment and Conservation of advertising opportunities, or opportunities having a purpose similar to advertising in relation to its activities.

Department of Fisheries

The sale by the Department of Fisheries of publications relating to fisheries matters.

The provision or sale by the Department of Fisheries of advertising opportunities, or opportunities having a purpose similar to advertising.

The provision or sale by the Department of Fisheries of physical resources, information, intellectual property, scientific, technical, educational, training, management or advisory services to the Commonwealth Government or the private sector (whether in Australia or overseas).

Department of Health

The provision by the Department of Health of goods, information or intellectual property relating to health matters.

Department of Industry and Resources⁵

The sale, leasing or licensing of intellectual property or software that is or has been developed by the Department of Industry and Resources.

The provision of management, advisory and training services relating to activities developed or currently carried out, by the Department of Industry and Resources.

The provision by the Department of Industry and Resources of advertising opportunities, or opportunities having a purpose similar to advertising, in relation to its activities.

Department of Justice⁶

The provision of information or intellectual property that is or has been developed by the Department of Justice⁶ in relation to scientific, technical, educational, training, management and advisory services provided by the Department of Justice⁶.

Department of Treasury and Finance

The provision by the Department of Treasury and Finance of —

- (a) goods, information or intellectual property; and

- (b) scientific, technical, educational, training, management or advisory services,

relating to services provided by, or activities carried out by, the Department of Treasury and Finance.

Department of Culture and the Arts

Participation in the marketing, licensing and sale of intellectual property associated with a grants administration system developed primarily to administer the arts funding division of the Department.

Participation in the licensing and sale of intellectual property associated with any multimedia productions, developed by the Department either singly or jointly, that relate to the subjects of culture or the arts.

Department of Premier and Cabinet

The provision by the Department of Premier and Cabinet of —

- (a) goods, information, or intellectual property; or
- (b) training, management, or advisory services; or
- (c) advertising opportunities, or opportunities to participate in arrangements having a purpose similar to advertising.

Department of Transport

The provision or sale by the Department of Transport of advertising opportunities, or opportunities to participate in arrangements in the nature of advertising or having a purpose similar to advertising, in relation to its activities.

Office of the Auditor General

The provision by the Office of the Auditor General of information or intellectual property, and training, management or advisory services, relating to auditing, and other activities developed, or currently carried out, by the Office of the Auditor General.

Office of Water Regulation ⁷

The provision or sale by the Office of Water Regulation of goods, information, or publications as a part of, or incidental to, the hosting

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Schedule 1

Part 2 Prescribed activities (regulation 3)

of a 4 day international conference between 29 September and 2 October 2003.

Public Sector Commission

The provision by the Public Sector Commission of —

- (a) training services; or
- (b) advertising opportunities, or opportunities to participate in arrangements having a purpose similar to advertising.

Western Australia Police Service

The provision by the Western Australia Police Service of goods, information or intellectual property, technical, educational, training, management or advisory services relating to services provided by or activities carried out by Western Australia Police Service.

[Part 2 inserted in Gazette 31 Aug 1999 p. 4241-3; amended in Gazette 21 Jan 2000 p. 346; 18 Feb 2000 p. 916 (correction in Gazette 29 Feb 2000 p. 996); 5 May 2000 p. 2140; 3 Nov 2000 p. 6109; 5 Jan 2001 p. 126; 7 Jun 2002 p. 2733; 9 Aug 2002 p. 3856; 12 Nov 2002 p. 5468; 3 Jan 2003 p. 12; 13 Jun 2003 p. 2118-19; 30 Sep 2003 p. 4259; 24 Oct 2003 p. 4500; 19 Mar 2004 p. 916 and 917; 23 Mar 2004 p. 979; 1 Oct 2004 p. 4285; 15 Jul 2005 p. 3303 and 3304; 12 Aug 2005 p. 3657; 15 Nov 2005 p. 5620; 17 Mar 2006 p. 1028; 22 Dec 2006 p. 5810; 13 Jul 2007 p. 3455; 23 May 2008 p. 1994-5; 26 Feb 2010 p. 819; 11 Feb 2011 p. 506.]

Schedule 2

[Heading inserted in Gazette 18 Feb 2000 p. 917.]

[r. 4, 5]

Part 1 — Prescribed statutory corporations (regulation 4)

Boards of public hospitals where the management and control of the hospital is vested in the Minister under section 7 of the *Hospitals and Health Services Act 1927* (thereby deeming the Minister to be the board of that hospital and to be incorporated under the name of that board).

Chemistry Centre (WA)

Commissioner of Main Roads

Disability Services Commission

Fire and Emergency Services Authority of Western Australia

Metropolitan Cemeteries Board

Perth Theatre Trust

Small Business Development Corporation

Swan River Trust

The Western Australian Government Railways Commission⁸

Western Australian Alcohol and Drug Authority

Western Australian Sports Centre Trust

Wheatbelt Development Commission

WorkCover Western Australia Authority

[Part 1 inserted in Gazette 18 Feb 2000 p. 917; amended in Gazette 20 Feb 2001 p. 1085; 22 Feb 2002 p. 766; 26 Feb 2002 p. 787; 3 Jan 2003 p. 12-13; 28 Mar 2003 p. 985; 1 Jul 2003 p. 2664; 28 Oct 2003 p. 4530; 15 Jul 2005 p. 3305; 13 Jul 2007 p. 3455; 23 May 2008 p. 1995; 26 Feb 2010 p. 817; 3 Aug 2010 p. 3568; 1 Oct 2010 p. 5077.]

Part 2 — Prescribed activities (regulation 5)

Boards of public hospitals

The provision by a hospital board of goods, information or intellectual property relating to the functions of that hospital board.

Chemistry Centre (WA)

The provision by the Chemistry Centre (WA) of scientific support (primarily chemistry based) to industry and to the public.

In this item —

scientific support includes —

- (a) providing analytical information; and
- (b) providing expert advice and expert evidence; and
- (c) solving problems; and
- (d) carrying out investigative and applied research projects.

Commissioner of Main Roads

The provision by the Commissioner of Main Roads of —

- (a) goods (including technical publications), information or intellectual property, relating to the functions of the Commissioner; or
- (b) advertising opportunities, or opportunities having a purpose similar to advertising, by means of entering into arrangements under which advertising may be displayed on or above highways and main roads.

Disability Services Commission

The sale, leasing or licensing by the Disability Services Commission of goods, information, publications or intellectual property relating to disability services.

The provision or sale by the Disability Services Commission of advertising opportunities or opportunities having a purpose similar to advertising, relating to disability services.

The provision by the Disability Services Commission of educational, training, management or advisory services relating to disability services.

Fire and Emergency Services Authority of Western Australia

The provision by the Fire and Emergency Services Authority of Western Australia of advertising opportunities, by means of entering into arrangements under which property of the Fire and Emergency Services Authority of Western Australia specified in the arrangement may be used for the display of advertising, in return for money or goods.

Metropolitan Cemeteries Board

The provision by the Metropolitan Cemeteries Board of —

- (a) the cemetery renewal manual and records system and enhancements of the manual or system; and
- (b) scientific, technical, educational, training, management or advisory services relating to cemetery management services; and
- (c) advertising opportunities on the Board's property.

Perth Theatre Trust

The provision by the Perth Theatre Trust of management services relating to the issue and sale of admission tickets for events at a venue that is not a theatre as defined in the *Perth Theatre Trust Act 1979* section 3(1).

Small Business Development Corporation

The provision by Small Business Development Corporation of —

- (a) goods, information, or intellectual property developed by the Corporation; or
- (b) scientific, technical, educational, training, management, or advisory services; or
- (c) advertising opportunities.

Swan River Trust

The provision by the Swan River Trust of —

- (a) goods, information or intellectual property relating to the functions of the Trust; or

- (b) scientific, technical, educational, training, management or advisory services relating to the functions of the Trust; or
- (c) advertising opportunities or opportunities to participate in arrangements in the nature of advertising or having a purpose similar to advertising in connection with the functions of the Trust.

The Western Australian Government Railways Commission⁸

The provision (in the State or elsewhere) by The Western Australian Government Railways Commission of training, management, or advisory services.

Western Australian Alcohol and Drug Authority

Subject to section 5(4)(e) of the *Alcohol and Drug Authority Act 1974*, the sale, leasing or licensing by the Western Australian Alcohol and Drug Authority of goods that are, or have been, developed in relation to alcohol or drug programs.

The sale, leasing or licensing by the Western Australian Alcohol and Drug Authority of information or intellectual property that is, or has been, developed in relation to alcohol or drug programs.

The provision by the Western Australian Alcohol and Drug Authority of scientific, technical, educational, training, managerial and advisory services, in relation to alcohol or drug programs.

Western Australian Sports Centre Trust

The provision by the Western Australian Sports Centre Trust of —

- (a) goods, information or intellectual property relating to the functions of the Trust; or
- (b) scientific, technical, educational, training, management or advisory services relating to the functions of the Trust; or
- (c) advertising opportunities or opportunities to participate in arrangements in the nature of advertising or having a purpose similar to advertising in connection with the functions of the Trust.

Wheatbelt Development Commission

The provision by the Wheatbelt Development Commission of —

- (a) goods, information or intellectual property developed by the Commission; or
- (b) scientific, technical, educational, training, management or advisory services; or
- (c) advertising opportunities.

WorkCover Western Australia Authority

The sale, leasing or licensing by the WorkCover Western Australia Authority of intellectual property or software that is, or has been, developed to meet the operational requirements of the WorkCover Western Australia Authority.

[Part 2 inserted in Gazette 18 Feb 2000 p. 917; amended in Gazette 20 Feb 2001 p. 1085; 22 Feb 2002 p. 766; 26 Feb 2002 p. 788; 3 Jan 2003 p. 13; 28 Mar 2003 p. 986; 1 Jul 2003 p. 2664; 28 Oct 2003 p. 4530-1; 15 Jul 2005 p. 3305; 13 Jul 2007 p. 3455; 23 May 2008 p. 1995; 26 Feb 2010 p. 818; 3 Aug 2010 p. 3568; 1 Oct 2010 p. 5077.]

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Notes

¹ This is a compilation of the *State Trading Concerns (Authorisation) Regulations 1998* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>State Trading Concerns (Authorization) Regulations 1998</i>	17 Apr 1998 p. 2105	17 Apr 1998
<i>State Trading Concerns (Authorization) Amendment Regulations (No. 2) 1998</i>	26 Jun 1998 p. 3398	26 Jun 1998
<i>State Trading Concerns (Authorization) Amendment Regulations 1998</i>	30 Jun 1998 p. 3547	30 Jun 1998
<i>State Trading Concerns (Authorization) Amendment Regulations (No. 3) 1998</i>	3 Nov 1998 p. 6085-6	3 Nov 1998
<i>State Trading Concerns (Authorization) Amendment Regulations 1999</i>	19 Mar 1999 p. 1237	19 Mar 1999
<i>State Trading Concerns (Authorization) Amendment Regulations (No. 3) 1999</i>	6 Jul 1999 p. 3073-4	6 Jul 1999
<i>State Trading Concerns (Authorization) Amendment Regulations (No. 2) 1999</i>	13 Jul 1999 p. 3173-4	13 Jul 1999
<i>State Trading Concerns (Authorization) Amendment Regulations (No. 4) 1999</i>	31 Aug 1999 p. 4241-4	31 Aug 1999
<i>State Trading Concerns (Authorization) Amendment Regulations (No. 5) 1999</i>	21 Jan 2000 p. 345-6	21 Jan 2000
<i>State Trading Concerns (Authorization) Amendment Regulations 2000</i>	18 Feb 2000 p. 915-17 (correction 29 Feb 2000 p. 996)	18 Feb 2000
<i>State Trading Concerns (Authorization) Amendment Regulations (No. 2) 2000</i>	5 May 2000 p. 2139-40	5 May 2000

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Citation	Gazettal	Commencement
Reprint of the State Trading Concerns (Authorization) Regulations 1998 as at 15 Sep 2000 (includes amendments listed above)		
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 5) 2000</i>	3 Nov 2000 p. 6108-9	3 Nov 2000
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 6) 2000</i>	5 Jan 2001 p. 126	5 Jan 2001
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 7) 2000</i>	20 Feb 2001 p. 1084-5	20 Feb 2001
<i>State Trading Concerns (Authorisation) Amendment Regulations 2001</i>	22 Feb 2002 p. 766	22 Feb 2002
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2001</i>	26 Feb 2002 p 787-8	26 Feb 2002
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2002</i>	7 Jun 2002 p. 2732-3	7 Jun 2002
<i>State Trading Concerns (Authorization) Amendment Regulations 2002</i>	9 Aug 2002 p. 3856	9 Aug 2002
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 3) 2002</i>	12 Nov 2002 p. 5467-8	12 Nov 2002
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 5) 2002</i>	3 Jan 2003 p. 12-13	3 Jan 2003
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2003</i>	28 Mar 2003 p. 985-6	28 Mar 2003
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 4) 2002</i>	13 Jun 2003 p. 2118-19	13 Jun 2003
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 4) 2003</i>	1 Jul 2003 p. 2663-4	1 Jul 2003

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Citation	Gazettal	Commencement
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 3) 2003</i>	30 Sep 2003 p. 4259	30 Sep 2003
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 7) 2003</i>	24 Oct 2003 p. 4499-500	24 Oct 2003
<i>State Trading Concerns (Authorisation) Amendment Regulations 2003</i>	28 Oct 2003 p. 4530-1	28 Oct 2003
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 5) 2003</i>	19 Mar 2004 p. 915-16	19 Mar 2004
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 10) 2003</i>	19 Mar 2004 p. 916-17	19 Mar 2004
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 9) 2003</i>	23 Mar 2004 p. 978-9	23 Mar 2004
Reprint 2: The State Trading Concerns (Authorisation) Regulations 1998 as at 6 Aug 2004 (includes amendments listed above)		
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2004</i>	1 Oct 2004 p. 4285	1 Oct 2004
<i>State Trading Concerns (Authorisation) Amendment Regulations 2005</i>	15 Jul 2005 p. 3303-5	15 Jul 2005
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2005</i>	12 Aug 2005 p. 3657	12 Aug 2005
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 3) 2005</i>	15 Nov 2005 p. 5620	15 Nov 2005
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 4) 2005</i>	17 Mar 2006 p. 1028	17 Mar 2006 (see r. 2)
Reprint 3: The State Trading Concerns (Authorisation) Regulations 1998 as at 1 Dec 2006 (includes amendments listed above)		
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2006</i>	22 Dec 2006 p. 5809-10	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)

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Citation	Gazettal	Commencement
<i>State Trading Concerns (Authorisation) Amendment Regulations 2007</i>	13 Jul 2007 p. 3454-5	r. 1 and 2: 13 Jul 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 14 Jul 2007 (see r. 2(b))
<i>State Trading Concerns (Authorisation) Amendment Regulations 2008</i>	23 May 2008 p. 1994-5	r. 1 and 2: 23 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 24 May 2008 (see r. 2(b))
<i>State Trading Concerns (Authorisation) Amendment Regulations 2009</i>	26 Feb 2010 p. 817-18	r. 1 and 2: 26 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Feb 2010 (see r. 2(b))
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2009</i>	26 Feb 2010 p. 818-19	r. 1 and 2: 26 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Feb 2010 (see r. 2(b))
<i>State Trading Concerns (Authorisation) Amendment Regulations 2010</i>	3 Aug 2010 p. 3567-8	r. 1 and 2: 3 Aug 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Aug 2010 (see r. 2(b))
<i>State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2010</i>	1 Oct 2010 p. 5077	r. 1 and 2: 1 Oct 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Oct 2010 (see r. 2(b))
Reprint 4: The State Trading Concerns (Authorisation) Regulations 1998 as at 10 Dec 2010 (includes amendments listed above)		
<i>Public Sector Reform (Consequential Amendments) Regulations 2011 Pt. 9</i>	11 Feb 2011 p. 502-7	12 Feb 2011 (see r. 2(d))

² Under the *Alteration of Statutory Designations Order 2007* a reference in any law to the Department for Community Development is to be read and construed as a reference to the Department for Child Protection unless the contrary intention appears.

³ Under the *Alteration of Statutory Designations (DPI) Order 2009* a reference in any law to the Department for Planning and Infrastructure is to be read and construed as a reference to the Department of Planning or the Department of Transport or the Department of Regional Development and Lands (as the case requires) unless the contrary intention appears.

⁴ Under the *Public Sector Management Act 1994* the designations of departments can be altered. At the time of this compilation the designation of the Department of Consumer and Employment Protection has been altered to the Department of Commerce (see *Gazette* 2 Jan 2009 p. 8).

- ⁵ Under the *Public Sector Management Act 1994* the designations of departments can be altered. At the time of this compilation the designation of the Department of Industry and Resources has been altered to the Department of Mines and Petroleum (see *Gazette* 2 Jan 2009 p. 8).
- ⁶ Under the *Public Sector Management Act 1994* the designations of departments can be altered. At the time of this compilation the designation of the department known as the Department of Justice has been altered to the Department of the Attorney General (see *Gazette* 10 Jan 2006 p. 39).
- ⁷ The Office of Water Regulation was abolished on 1 Jan 2004 (see *Gazette* 6 Jan 2004 p. 41).
- ⁸ The Western Australian Government Railways Commission no longer exists. Its successor is the Public Transport Authority. See *Public Transport Authority Act 2003* s. 80.

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

<u>Defined Term</u>	<u>Provision(s)</u>
scientific support.....	Sch. 2 Pt. 2