



Australian Capital Territory

Road Transport (Third-Party Insurance) Regulation 2000

SL2000-6

made under the

Road Transport (General) Act 1999

Republication No 15

Effective: 14 September 2007 – 31 October 2007

Republication date: 14 September 2007

Last amendment made by SL2007-26

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (Third-Party Insurance) Regulation 2000*, made under the *Road Transport (General) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 14 September 2007. It also includes any amendment, repeal or expiry affecting the republished law to 14 September 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

authorised republications to which the *Legislation Act 2001* applies

- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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R15
14/09/07

Road Transport (Third-Party Insurance) Regulation 2000
Effective: 14/09/07-31/10/07

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Australian Capital Territory

Road Transport (Third-Party Insurance) Regulation 2000

made under the

Road Transport (General) Act 1999

1 Name of regulation

This regulation is the *Road Transport (Third-Party Insurance) Regulation 2000*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation or elsewhere in the road transport legislation.

For example, the signpost definition '*trader's plate*—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.' means the term 'trader's plate' is defined in that dictionary and the definition applies to this regulation.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

- (1) A note in this regulation is explanatory and is not part of this regulation.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

- (2) In this section:

note includes material enclosed in brackets in section headings.

Note For comparison, a number of sections contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other sections. Abbreviations in the notes include the following:

- TPI: *Motor Vehicle (Third Party Insurance) Regulation 1947*, as in force immediately before the commencement of this regulation.

4A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

5 Terms of third-party policies

For the Act, section 163 (b), the following terms are prescribed for a third-party policy:

Third-party policy

The insurer insures the owner of the motor vehicle to which the policy applies, and anyone else who drives the vehicle (whether or not with the owner's authority), against liability in relation to the death of, or bodily injury to, a person caused by, or arising out of the use of, the vehicle anywhere in Australia (whether or not on a road or road related area).

In this policy, words and expressions have the same meanings as in the *Road Transport (General) Act 1999*, part 10.

7 Returns by authorised insurers (TPI s 8 (1))

- (1) An authorised insurer must, not later than 30 April in each year, give to the road transport authority a return containing the required insurance particulars for the year ending on the previous 31 December.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) For subsection (1):

insurance particulars means particulars about—

- (a) premiums received for insurance under third-party policies; and
- (b) claims paid in relation to third-party policies; and
- (c) the people insured under third-party policies; and
- (d) any other matters relevant to third-party policies or the Act, part 10.

required insurance particulars, for a year, means the insurance particulars that the road transport authority notifies the insurer, not later than 1 February in the next year, are the required particulars for the year.

8 Lost, stolen etc certificates of insurance (TPI s 9, 10)

If the insurer that issued a certificate of insurance to a person is satisfied that the certificate has been lost, stolen, damaged or destroyed, the insurer must, on application by the person, give the person a replacement certificate.

9 Change in use of insured vehicle

- (1) This section applies if the premium paid for the third-party policy applying to a motor vehicle has been worked out because of the use of the vehicle for a particular purpose or purposes mentioned in a premium classification.
- (2) The owner of the motor vehicle must not use the vehicle for another purpose if—
 - (a) there is an additional premium payable for the premium classification applying to the other purpose; and
 - (b) the owner has not paid the additional premium.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.

10 Classification of vehicles (TPI sch 1)

The classification of vehicles set out in schedule 1, columns 2 and 3 applies in working out the maximum premium that may be charged for a third-party policy applying to a particular vehicle.

11 Maximum premiums

- (1) The maximum premium that may be charged for a third-party policy applying to a vehicle of a classification mentioned in an item of schedule 1, column 2, or a trader's plate, is—
 - (a) if the policy is for 1 year and—
 - (i) the vehicle or plate is used for private purposes—the appropriate amount mentioned in schedule 1, the item, column 5; or
 - (ii) the vehicle or plate is used for business purposes—the appropriate amount mentioned in schedule 1, the item, column 6; and

- (b) if the policy is for any other period—an amount worked out in accordance with the following formula:

$$\text{premium payable} = (1 \text{ year premium} \times N/12) + \$0.75$$

- (2) For this section, a person's vehicle or trader's plate is used for *private purposes* if the person, or the person's agent, tells the road transport authority that there is no entitlement to claim an input tax credit in relation to the third-party policy for the vehicle or plate.
- (3) For this section, a person's vehicle or trader's plate is used for *business purposes* if the person, or the person's agent, tells the road transport authority that there is an entitlement to claim an input tax credit in relation to the third-party policy for the vehicle or plate.

- (4) In this section:

input tax credit—see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), dictionary.

N means the number of months of the policy (counting part of a month as 1 month).

- (5) In this section:

maximum premium, in relation to a third-party policy that begins before 1 November 2007, means the maximum amount that is payable under schedule 1 as it was in force immediately before the commencement of this subsection.

- (6) Subsection (5) is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.
- (7) Subsections (5) and (6) and this subsection expire on 31 October 2007.

12 Overlapping premium classification (TPI s 19)

If 2 or more premium classifications apply to a vehicle, the maximum premium payable for the third-party policy for the vehicle is the higher of the maximum premiums applying under the premium classifications.

13 Increases in premium during term of policy (TPI s 17)

- (1) This section applies if, while a third-party policy is in force for a vehicle—
 - (a) a change is made—
 - (i) in the construction, use or ownership of the vehicle; or
 - (ii) in the place where it is usually garaged; and
 - (b) because of the change, a higher premium than the premium paid on the policy could be charged if a new third-party policy were issued for the vehicle.
- (2) The owner of the motor vehicle is liable to pay an additional premium from the day of the change worked out in accordance with the following formula:

$$\text{additional premium} = [(P2 - P1) \times N2/N1] + \$0.25$$

- (3) In subsection (2):

P1 means the premium originally paid.

P2 means the higher premium for the term of the original policy.

N1 means the number of months of the original policy (counting part of a month as 1 month).

N2 means the remaining number of months of the policy (counting part of a month as 1 month).

Schedule 1 Classification of vehicles and maximum rates for premiums

(see s 10 and s 11)

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
1	ambulance	motor vehicle built to transport sick or injured people		540.75	594.75
2	breakdown vehicle	motor vehicle used mainly to tow broken-down vehicles		772.50	849.65

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
3	bus or tourist vehicle	motor vehicle (other than a taxi, private hire car or restricted hire vehicle) used to carry paying passengers	<ul style="list-style-type: none"> • if the vehicle has seating for not more than 16 adults (including the driver) • if the vehicle has seating for more than 16 adults (including the driver) 	<p>1 158.75</p> <p>1 660.85</p>	<p>1 274.50</p> <p>1 826.75</p>

Schedule 1 Classification of vehicles and maximum rates for premiums

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
4	drive-yourself vehicle	motor vehicle let for hire (other than under a lease or hire-purchase agreement)		2 317.50	2 549.00
5	firefighting vehicle	motor vehicle used solely for firefighting		482.80	531.00
6	general hire car	motor vehicle licensed (or intended to be licensed) as a private hire car		1 545.00	1 699.30

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
7	goods vehicle	motor vehicle built mainly to carry goods (other than a primary producer's goods vehicle)	<ul style="list-style-type: none"> • if the unladen weight is not over 975kg • if the unladen weight is over 975kg but not over 2t • if the unladen weight is over 2t 	386.25	424.80
				579.35	637.20
				1 622.25	1 784.30

Schedule 1 Classification of vehicles and maximum rates for premiums

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
8	historic vehicle	motor vehicle (other than a veteran vehicle or vintage vehicle) built not less than 30 years before the day of issue of the third-party policy for the vehicle and registered concessionally as a historic vehicle		38.60	42.45
9	miscellaneous vehicle	tractor (other than a primary producer's tractor) or implement		540.75	594.75

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
10	mobile crane	motor vehicle built mainly as a crane (other than a breakdown vehicle or tractor)		772.50	849.65
11	motorcycle	motorbike or motortrike	<ul style="list-style-type: none"> • if the engine capacity is not over 300mL • if the engine capacity is over 300mL but not over 600mL 	77.25 347.60	84.95 382.30

Schedule 1 Classification of vehicles and maximum rates for premiums

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
			<ul style="list-style-type: none"> if the engine capacity is over 600mL 	347.60	382.30
12	passenger vehicle	motor vehicle built mainly to carry people (other than an ambulance, bus or tourist vehicle, drive-yourself vehicle, motorcycle, police vehicle, private hire car or taxi)		386.25	424.80

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
13	police vehicle	motor vehicle driven, or intended to be driven, by a police officer in the course of his or her duty		965.60	1 062.05
14	primary producer's goods vehicle	goods vehicle used by a primary producer in connection with his or her operations as a primary producer	<ul style="list-style-type: none"> • if the unladen weight is not over 2t • if the unladen weight is over 2t 	386.25 463.50	424.80 509.80

Schedule 1 Classification of vehicles and maximum rates for premiums

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
15	primary producer's tractor	tractor used by a primary producer in connection with his or her operations as a primary producer		309.00	339.85
16	taxi	motor vehicle licensed (or intended to be licensed) as a taxi		5 407.50	5 947.70
17	trader's plate			115.85	127.40
18	trailer	vehicle built to be towed by a motor vehicle		nil	nil
19	undertaker's vehicle	motor vehicle used solely as an undertaker's hearse		309.00	339.85

column 1 item	column 2 premium classification	column 3 classification definition	column 4 case (if relevant)	column 5 maximum premium (\$)—private purposes	column 6 maximum premium (\$)—business purposes
20	veteran vehicle	motor vehicle built before 1919		38.60	42.45
21	vintage vehicle	motor vehicle built after 1918 and before 1931		38.60	42.45

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- Australia
- month
- road transport authority
- year.

Note 3 Terms used in this regulation have the same meaning that they have in the *Road Transport (General) Act 1999* (see Legislation Act, s 148.) For example, the following terms are defined in the *Road Transport (General) Act 1999*, dict:

- motor vehicle
- registered
- road
- road related area
- trailer.

authorised insurer—see the Act, section 158.

certificate of insurance—see the Act, section 158.

general hire car means a hire car other than a restricted hire car.

hire car—see the *Road Transport (Public Passenger Services) Act 2001*, section 67.

implement—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

issue, of a third-party policy—see the Act, section 158.

motorbike—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

motorbike—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

owner—see the Act, section 158.

premium classification means a classification mentioned in schedule 1.

registration—see the Act, section 158.

taxi—see the *Road Transport (Public Passenger Services) Act 2001*, section 45.

third-party policy—see the Act, section 158.

tractor—see the *Road Transport (Vehicle Registration) Regulation 2000*, dictionary.

trader's plate—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This regulation was originally the *Road Transport (Third-Party Insurance) Regulations 2000*. It was renamed under the *Legislation Act 2001*.

Road Transport (Third-Party Insurance) Regulation 2000 SL2000-6

notified 29 February 2000 (Gaz 2000 No S6)
s 1, s 2 commenced 29 February 2000 (IA s 10B)
remainder commenced 1 March 2000 (s 2 and Gaz 2000 No S5)

as amended by

Road Transport (Third-Party Insurance) Regulations Amendment 2000 SL2000-25

notified 8 June 2000 (Gaz 2000 No S23)
commenced 8 June 2000 (s 1)

Road Transport (Third-Party Insurance) Regulations Amendment 2001 SL2001-5

notified 28 February 2001 (Gaz 2001 No S10)
s 1 commenced 28 February 2001 (IA s 10B)
remainder commenced 1 March 2001 (s 1)

Road Transport (Third-Party Insurance) Regulations Amendment 2001 SL2001-13

notified 21 May 2001 (Gaz 2001 No S27)
commenced 21 May 2001 (s 1)

Road Transport Legislation Amendment Act 2001 A2001-27 sch 4

notified 24 May 2001 (Gaz 2001 No 21)
s 1, s 2 commenced 24 May 2001 (IA s 10B)
sch 4 commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 A2001-44 pt 346

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 346 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Endnotes

3 Legislation history

Road Transport Legislation Amendment Regulations 2002 SL2002-2 pt 6

notified LR 27 February 2002
s 1, s 2 commenced 27 February 2002 (LA s 75)
pt 6 commenced 1 March 2002 (s 2 and see CN 2002 No 2)

Road Transport (Third-Party Insurance) Amendment Regulations 2002 SL2002-12

notified LR 4 June 2002
s 1, s 2 commenced 4 June 2002 (LA s 75)
remainder commenced 5 June 2002 (s 2)

Road Transport (Third-Party Insurance) Amendment Regulations 2003 (No 1) SL2003-13

notified LR 29 May 2003
s 1, s 2 commenced 29 May 2003 (LA s 75 (1))
remainder commenced 30 May 2003 (s 2)

Road Transport (Third-Party Insurance) Amendment Regulations 2004 (No 1) SL2004-40

notified LR 3 September 2004
s 1, s 2 commenced 3 September 2004 (LA s 75 (1))
remainder commenced 4 September 2004 (s 2)

Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No 1) SL2005-4 sch 2 pt 2.5

notified LR 7 March 2005
s 1, s 2 commenced 7 March 2005 (LA s 75 (1))
sch 2 pt 2.5 commenced 9 March 2005 (s 2 and see Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004 A2004-69, s 2 and LA s 79)

Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.35

notified LR 27 October 2005
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))
sch 1 pt 1.35 commenced 24 November 2005 (s 2)

Road Transport (Third-Party Insurance) Amendment Regulation 2006 (No 1) SL2006-17

notified LR 11 May 2006
s 1, s 2 commenced 11 May 2006 (LA s 75 (1))
remainder commenced 12 May 2006 (s 2)

Road Transport (Third-Party Insurance) Amendment Regulation 2007 (No 1) SL2007-26

notified LR 13 September 2007

s 1, s 2 commenced 13 September 2007 (LA s 75 (1))

remainder commenced 14 September 2007 (s 2)

4 Amendment history

Name of regulation

s 1 am R10 LA

Commencement

s 2 om A2001-27 amdt 4.28

Dictionary

s 3 am A2001-44 amdt 1.3785

Notes

s 4 am A2001-44 amdt 1.3786

Offences against regulation—application of Criminal Code etc

s 4A ins A2005-54 amdt 1.238

Terms of public vehicle policies

s 6 om A2001-27 amdt 4.29

Returns by authorised insurers (TPI s 8 (1))

s 7 am A2005-54 amdt 1.239; ss renum A2005-54 amdt 1.240

Lost, stolen etc certificates of insurance

s 8 sub A2001-27 amdt 4.30

Change in use of insured vehicle

s 9 sub A2005-54 amdt 1.241

Classification of vehicles

s 10 am SL2000-25 s 3

Maximum premiums

s 11 am SL2000-25 s 4
 sub SL2004-40 s 4
 am SL2006-17 s 4, s 5
 (5)-(7) exp 14 June 2006 (s 11 (7) (LA s 88 declaration
 applies))
 am SL2007-26 s 4
(5)-(7) exp 31 October 2007 (s 11 (7) (LA s 88 declaration
 applies))

Endnotes

4 Amendment history

Maximum premiums for late renewal

s 11A ins SL2001-5 s 3
om SL2001-13 s 3

Overlapping premium classification

s 12 am SL2001-13 s 4

Policies beginning before 1 October 2004

s 14 am SL2000-25 s 5
exp 1 July 2000 (s 14 (3))
ins SL2001-13 s 5
exp 1 July 2001 (s 14 (2))
ins SL2002-12 s 4
exp 1 July 2002 (s 14 (2))
ins SL2003-13 s 4
exp 1 July 2003 (s 14 (2))
ins SL2004-40 s 5
exp 1 October 2004 (s 14 (2))

Policies beginning before 1 July 2000

s 15 ins SL2000-25 s 6
exp 1 July 2000 (s 15 (2))

Classification of vehicles and maximum rates for premiums

sch 1 sub SL2000-25 s 8; SL2001-13 s 6
am SL2002-2 s 33, s 34
sub SL2002-12 s 5; SL2003-13 s 5; SL2004-40 s 6
am SL2005-4 amdts 2.45-2.47
sub SL2006-17 s 6; SL2007-26 s 5

Dictionary

dict def **general hire car** ins SL2005-4 amdt 2.48
def **hire car** ins SL2005-4 amdt 2.49
def **issue** am A2001-27 amdt 4.31
def **motor vehicle** om R10 LA
def **premium classification** am SL2000-25 s 7
def **private hire car** om SL2005-4 amdt 2.50
def **public vehicle** om A2001-27 amdt 4.32
def **public vehicle policy** om A2001-27 amdt 4.32
def **restricted hire vehicle** om SL2005-4 amdt 2.50
def **restricted taxi** om SL2002-2 s 35
def **taxi** sub SL2002-2 s 36
def **the Act** om A2001-44 amdt 1.3787

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	1 March 2000
2	A2001-44	12 September 2001
3	SL2002-2	1 March 2002
4	SL2002-12	5 June 2002
5	SL2002-12	2 July 2002
6	SL2003-13	2 June 2003
7*	SL2003-13	2 July 2003
8	SL2004-40	4 September 2004
9	SL2004-40	2 October 2004
10	SL2004-40	3 November 2004
11	SL2005-4	9 March 2005
12	A2005-54	24 November 2005
13	SL2006-17	12 May 2006
14	SL2006-17	15 June 2006

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