

CCEE - Tabled by Mr Thompson
27/5/10

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An Australian Government Initiative

INSULATION INDUSTRY ASSISTANCE PACKAGE

Application Form

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Deadlines apply

Applications open on 6 May 2010 and completed applications must be received at the NSW office of AusIndustry, or be date stamped by Australia Post, by **5pm** Australian Eastern Standard Time (AEST) on **Friday 4 June 2010**.

About the Insulation Industry Assistance Package

The objective of the *Insulation Industry Assistance Package* (IIAP or Program) is to provide financial assistance for ceiling insulation businesses including manufacturers, distributors, importers and installers who were adversely affected by the termination of the Home Insulation Program. To obtain a copy of the IIAP Customer Guidelines or for any queries about completing the Application Form or the processing of this application, please contact the **AusIndustry hotline on 13 28 46** or visit the **AusIndustry website**

The IIAP is administered by the Department of Climate Change and Energy Efficiency and delivered by the Department of Innovation, Industry, Science and Research through AusIndustry.

About the IIAP Assistance Payment

Cash payments to assist with the cost of inventory will be made in respect of a proportion of the eligible ceiling insulation stock holding dollar value held by successful applicants at 30 April 2010.

Foil insulation products are excluded.

The amount will be calculated as follows: the dollar value of the applicant's eligible stock holding multiplied by fifteen percent.

The maximum payable assistance payment per applicant is **capped at \$500,000**. No assistance payment will be made to an applicant if fifteen percent of the applicant's eligible stock holding dollar value is **less than \$750 (exclusive of GST)**.

Completing an application

Once you have read the IIAP Customer Guidelines and the IIAP Ministerial Guidelines and determined that you meet the applicant and stock holding eligibility criteria, complete this Application Form and send a signed original, together with the Accountant Declaration (Appendix A), to the NSW office of AusIndustry (postal and delivery details are set out below). Applications will be processed once received by AusIndustry. AusIndustry will confirm eligibility and completeness of the applications submitted and, for eligible applicants, the IIAP assistance payment will be made within 6 weeks of the closing date for applications.

If your application is incomplete, AusIndustry will let you know by email and you will have 5 full working days from the date of the email to provide the relevant information. If the relevant information is not received by AusIndustry within this timeframe, you will be ineligible for an assistance payment.

If you are notified by AusIndustry that your application for an assistance payment is successful, this Application Form and the letter sent by AusIndustry confirming your eligibility and amount of assistance payment together constitute a binding contract between the Commonwealth of Australia and you.

Privacy and confidentiality

The Commonwealth's use and disclosure of your information (provided in this application or otherwise) is set out in Section 10 of the IIAP Customer Guidelines and clause 8 of Part G of this application.

Lodging the application

Completed applications must be

Posted to:

IIAP - AusIndustry
GPO Box 9839
SYDNEY NSW 2001; or

Delivered to:

IIAP - AusIndustry
Level 5, 341 George Street
(entry via Wynyard Street)
SYDNEY

by **5pm, AEST, Friday 4 June 2010**. If posted, applications must be stamped by Australia Post by this time.

Late applications will not be accepted.

Right of Decision Review

If you disagree with a decision made by AusIndustry, you can request a review of that decision but must do so in writing within 10 working days of the date on which you are notified about the decision.

When we receive your request, AusIndustry will conduct an internal review of the decision to decide whether the original decision should stand or be changed. We may contact you for additional information.

Order of Precedence

Details regarding the IIAP and requirements that applicants must satisfy in order to be eligible for an assistance payment are set out in a number of documents issued by the Commonwealth. If any of the terms of these documents are inconsistent, the inconsistency should be interpreted in the following order of precedence:

- 1 the Ministerial Guidelines;
- 2 this Application Form;
- 3 the Customer Guidelines;
- 4 the Frequently Asked Questions; and
- 5 the Fact Sheet.

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Part A: Applicant Details

A1 Entity Type

State the entity type (for example individual, partnership, company).

A2 Name of Applicant

Provide the full name of the applicant. This is the name that appears on official documents or legal papers (for example, individual—John Smith; partnership—J Smith and B Brown; company—XYZ Pty Ltd) and will be the name the assistance payment is remitted to.

A3 Applicant's Australian Business Number (ABN)

Your ABN - - -

Your ACN (if applicable) - -

A4 Applicant's Trading Name/s

Provide the name or names under which the applicant trades or is known by its suppliers and/or customers.

A5 Business Type

Manufacturer Distributor Importer Installer

If an installer, you must provide your EHP number

Where EHP is your Energy Efficient Householder Program number

A6 Business Street Address

Provide the applicant's business address below.

Street Address			
Suburb/Town			
State/Territory		Postcode	

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A7 Primary Contact

Nominate a person who will act as the primary contact for this application:

Title	Given name	Family name
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If different to applicant named at A2 please complete the following:

Relationship to Applicant			
Company			
Position			
Address			
Suburb/Town			
State/Territory		Postcode	

A8 Contact's Details

E-Mail : (this must be provided)

Phone (during business hours): () -

Mobile: -

A9 Bank Account Details

AusIndustry will make a decision on the eligibility of your application and you will be advised of the outcome by letter. If you are eligible for an assistance payment, payment will be made into your nominated bank account below.

The nominated bank account must be in the applicant's name as entered at **A2**.

NB: Payments will not be made to credit card accounts or third party accounts.

Failure to supply correct account details will delay payment.

Account Name :	
BSB Number : (must be 6 digits)	<input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/>
Account Number : (not a credit card account)	

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Part B: Applicant Eligibility

To be eligible to apply for assistance under the IIAP the applicant must meet all eligibility requirements set out in the IIAP Customer Guidelines, which are summarised in the tables below.

B1 All Applicants:

Please tick yes or no for each criteria.	Yes	No
You hold an Australian Business Number (ABN).	<input type="checkbox"/>	<input type="checkbox"/>
You are claiming as one or more of the following: <ul style="list-style-type: none"> • a manufacturer; or • a distributor; or • an importer; or • an installer, of eligible ceiling insulation stock (foil insulation products excluded) who was adversely affected* by the termination of the Home Insulation Program.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
* Adversely affected means that you manufactured, installed or supplied finished products that were used in eligible installations under the Home Insulation Program.		
You were the owner of (or had contracted to purchase and had paid, or partly paid for) eligible ceiling insulation stock (as defined in Part C) as at 30 April 2010 (foil insulation products are excluded).	<input type="checkbox"/>	<input type="checkbox"/>
You were incurring costs* in respect of the eligible stock as at 30 April 2010.	<input type="checkbox"/>	<input type="checkbox"/>
* Costs may include warehousing and other storage, insurance, security and interest payments on borrowings to meet eligible stock purchase or production inputs.		

B2 Installers Only: Additional eligibility requirements:

Please tick yes or no for each criteria.	Yes	No
You have been approved by the Department of Climate Change and Energy Efficiency (DCCEE) as meeting the 12 February 2010 registration requirements of the Home Insulation Program Installer Register. Note: If you have not yet been advised by DCCEE that you meet this requirement, but you meet all other eligibility requirements, then you should still apply for the IIAP. AusIndustry will contact DCCEE to establish your eligibility for this requirement.	<input type="checkbox"/>	<input type="checkbox"/>
You have been identified, by the Department of Climate Change and Energy Efficiency, as having undertaken 10 or more installations, which meet all requirements of the Home Insulation Program, between 1 December 2009 and 12 February 2010 inclusive. Note: If you have not yet been advised by DCCEE that you meet this requirement, but you meet all other eligibility requirements, then you should still apply for the IIAP. AusIndustry will contact DCCEE to establish your eligibility for this requirement.	<input type="checkbox"/>	<input type="checkbox"/>
You are not subject to a Home Insulation Program serious non-compliance investigation as identified by the Department of Climate Change and Energy Efficiency. * A serious non-compliance matter is fraud and/or material breach of the Home Insulation Program Guidelines.	<input type="checkbox"/>	<input type="checkbox"/>
You are not linked to a serious safety issue identified through the Home Insulation Safety Plan.	<input type="checkbox"/>	<input type="checkbox"/>

Part C: Eligible Ceiling Insulation Stock

Eligible ceiling insulation stock means finished products and production inputs where:

- (a) The stock was purchased or manufactured by you between 3 February 2009 and 19 February 2010 inclusive where;
 - (i) The date of purchase is the date on which a sales agreement is entered into and either full payment is made or part payment is made pursuant to the terms of the sales agreement; and
 - (ii) The date of manufacture is the date that the product enters the finished goods warehouse or is designated as a finished product; and
- (b) Either:
 - (i) The finished product meets Australian Standard AS/NZ 4859.1:2002 "Materials for the Thermal Insulation of Buildings" and the finished product is on the Home Insulation Program Approved List of Products as at 19 February 2010 (which, for the avoidance of doubt, does not include foil products or production inputs to foil products); or
 - (ii) The production inputs are raw materials for use in the production of finished products, and those finished products:
 - (A) meet Australian Standard AS/NZ 4859.1:2002 "Materials for the Thermal Insulation of Buildings"; and
 - (B) are on the Home Insulation Program Approved List of Products as at 19 February 2010 (which, for the avoidance of doubt, does not include foil products or production inputs to foil products).

Stock purchased or manufactured by the applicant may be held in Australia or an offshore location or be in-transit.

Part D: Eligible Ceiling Insulation Stock Holding Dollar Value

Eligible ceiling insulation stock holding is calculated as eligible ceiling insulation stock purchased or manufactured by the applicant between 3 February 2009 and 19 February 2010 inclusive less the eligible ceiling insulation stock sold or used by the applicant between 3 February 2009 and 30 April 2010 inclusive.

See Section 2.2(1) of the IIAP Customer Guidelines for the meaning of “date of purchase” and “date of manufacture” for the purpose of determining your eligible ceiling insulation stock holding.

The dollar value of your eligible ceiling insulation stock holding is:

1. The dollar value of the eligible ceiling insulation stock holding is:
 - (a) The purchase or manufacturing cost (GST exclusive) of eligible ceiling insulation stock holding (in Australian dollars); or
 - (b) For imported stock holding, the Australian dollar value of the purchase or manufacturing cost plus any associated customs duty on eligible ceiling insulation stock. The purchase or manufacturing cost of imported stock is the cost in Australian dollars paid and/or payable by the applicant calculated as at the date the applicant became the owner of that stock (or the date that the applicant contracted to purchase and had paid, or partly paid, for of that stock).

In each case less any part of the cost that the applicant is entitled to claim back for any reason (ie the cost must be the real cost to the applicant).

2. The eligible ceiling insulation stock holding dollar value must be equal to or greater than \$5,000 to meet the minimum assistance payment threshold.
3. Please note that the associated costs incurred by the applicant in respect of the eligible ceiling insulation stock (eg. warehousing costs: see Part B1 for further information) will not affect and cannot be included in this calculation.

D1 Stock Holding Dollar Value (whole dollars only)

Using the above eligibility criteria, complete the following table using the Australian dollar value, exclusive of GST for:

Eligible ceiling insulation stock purchased or manufactured by the applicant between 3 February 2009 and 19 February 2010 inclusive.	\$ (A) (GST Exclusive)
Eligible ceiling insulation stock sold or used by the applicant between 3 February 2009 and 30 April 2010 inclusive.	\$ (B) (GST Exclusive)
Eligible Ceiling Insulation Stock Holding dollar value (A-B)	\$ (C)
DOLLAR VALUE x 15%	\$ (D)

Please Note: The eligible stock holding dollar value calculation provided in this application must be verified by an accountant holding professional qualifications from, and a current membership with, Certified Practising Accountants Australia, the Institute of Chartered Accountants, the Association of Chartered Certified Accountants or the National Institute of Accountants. For National Institute of Accountant members – only those members entitled to use the post-nominals PNA, FPNA, MNIA or FNIA can make the Declaration. More information on the requirements relating to the Accountant Declaration (Appendix A) is provided in Section 4.3 of the IIAP Customer Guidelines.

Part E: Application Checklist**E1 All Applicants:**

- All questions answered.
- ABN provided at A3.
- Name of bank account at A9 matches name of applicant at A2.
- Checked that products listed at Part C (C1 or C2) are in the Home Insulation Program Approved List of Products as at 19 February 2010.
- Stock Holding Dollar Value Table completed at D1.
- Applicant Declaration signed and dated at Part F.

E2 Installers Only:

- EHP number has been provided at A5.
- The applicant meets the 12 February 2010 registration requirements of the Home Insulation Program Installer Register.
- The applicant has completed at least 10 installations meeting all requirements of the Home Insulation Program, between 1 December 2009 and 12 February 2010 inclusive.
- The applicant declares that they are not subject to Home Insulation Program serious non-compliance investigation.
- The applicant declares that they are not linked to a serious safety issue identified through the Home Insulation Safety Plan.

Attachments:

- Accountant Declaration
From an accountant holding professional qualifications from, and current membership with, Certified Practising Accountants Australia (CPA), the Institute of Chartered Accountants (CA), the Association of Chartered Certified Accountants (ACCA) or the National Institute of Accountants (NIA). For National Institute of Accountant members – only those members entitled to use the post-nominals PNA, FPNA, MNIA or FNIA can make the Declaration. The Accountant Declaration must verify the information provided in the Stock Holding Eligibility Table (Part D). This declaration must be submitted on the accountant's letterhead and be in the format provided at Appendix A of this document.

Part F: Applicant Declaration

I declare that:

- I am the applicant, or if I am not the applicant, I am authorised on behalf of the applicant, to complete this Application Form, sign and submit this declaration, and assume on behalf of the applicant the obligations described below.
- By signing this Application Form, the applicant enters into a binding contract with the Commonwealth of Australia made up of this Application Form and the letter issued by AusIndustry to the applicant confirming the eligibility of the applicant and the amount of the assistance payment (**Letter**).
- I have read and understood the *Insulation Industry Assistance Package Customer Guidelines*, the *Insulation Industry Assistance Package Ministerial Guidelines 2010* and this Application Form including, without limitation, Part G.
- I understand that giving false or misleading information in connection with this application is a serious offence and may result in the requirement to repay any assistance payment I receive.
- The accountant was provided with information relating only to eligible ceiling insulation stock.
- All of the eligible ceiling insulation stock meets the Australian Standard AS/NZ 4589.1:2002, and the finished products are included in the Home Insulation Program Approved List of Products as at 19 February 2010.
- I understand that I may be requested to provide further clarification or documentation to verify the information supplied in this application. Any further information I provide or changes made to this application at AusIndustry's request do not amount to a new application but rather amend this application.
- All the information I have given in this application is complete, true and correct.
- I have provided the Accountant Declaration that meets the requirements of Appendix A of this application.

I acknowledge that:

- No contract will be formed between the applicant and the Commonwealth unless and until the applicant receives a Letter from AusIndustry confirming the applicant's eligibility under the Program.
- By signing and submitting this application, if the applicant is eligible for an assistance payment, a contract is formed between the applicant and the Commonwealth of Australia on the date AusIndustry issues a Letter to the applicant.
- The contract is made up of this Application Form and the Letter.
- The contract will be binding on both parties.

I consent to the Commonwealth using and disclosing information provided by me to the Commonwealth in connection with this application for the purposes set out in Section 10 of the IIA Customer Guidelines and clause 8 of Part G of this application.



SIGN HERE: _____ Date:

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Name (print): _____ **Position:** _____

Part G: *Insulation Industry Assistance Package Agreement* - terms and conditions

1 Terms of agreement and interpretation

- 1.1 This Application Form, together with the letter issued by AusIndustry to the person specified in clause A2 of this Application Form (**applicant**) confirming the eligibility of the applicant and the quantum of the assistance payment (**Letter**) forms a binding contract (**agreement**) between the applicant and the Commonwealth of Australia (**Commonwealth**).
- 1.2 Terms used in this agreement have the meanings stated in this Application Form and the IAP Customer Guidelines.
- 1.3 If the applicant consists of two or more parties, this agreement binds them jointly and severally.
- 1.4 Unless the contrary intention appears, reference to the singular includes the plural.

2 Assistance payment

- 2.1 The amount of the assistance payment to be provided by the Commonwealth to the applicant is set out in the Letter.
- 2.2 The Commonwealth may defer an assistance payment due in a financial year to any other financial year if, in the Commonwealth's reasonable opinion, available Program funding may be insufficient to meet that commitment in the first-mentioned financial year.

3 Obligations of the applicant

- 3.1 The applicant must:
 - (a) be a manufacturer, distributor, importer or installer of eligible ceiling insulation products who was adversely affected by the closure of the Home Insulation Program; and
 - (b) satisfy, and must continue to satisfy during the term of this agreement, the eligibility requirements set out in the IAP Customer Guidelines.

4 Inspection and audit

- 4.1 The Commonwealth or its nominee may at reasonable times and after giving reasonable notice to the applicant enter the applicant's premises (or such other premises where the applicant's Records are held, access in respect of which must be procured promptly by the applicant) and inspect the Records kept by the applicant, in order to review the applicant's compliance with this agreement.
- 4.2 The applicant must give the Commonwealth and its nominee all necessary facilities and assistance to enable them to conduct an audit, or any administrative or statutory review including any request for information directed to the Commonwealth, or any inquiry conducted by Parliament or any Parliamentary committee.
- 4.3 In conducting a review under clause 4.2, the Commonwealth or its nominee may take copies of any Records that the Commonwealth or its nominee considers relevant to the Program.
- 4.4 The applicant must provide, on request, copies of any Records that the Commonwealth or its nominee considers relevant to the Program.
- 4.5 The rights of the Commonwealth under this clause 4 apply equally to the Auditor-General and the Privacy Commissioner (and their respective nominees) for the purpose of performing their respective statutory functions and powers. The applicant must do all things necessary to comply with the requirements of the Auditor-General or the Privacy Commissioner (or their respective nominees), provided the requirements are legally enforceable and within the power of the Auditor-General or the Privacy Commissioner as applicable.
- 4.6 The applicant must cooperate in any evaluation of the Program undertaken by or on behalf of the Commonwealth, including by providing reasonable information relating to the Program.
- 4.7 Each party must bear its own costs of any reviews, audits or evaluations.

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5 Records

- 5.1 The applicant must maintain to the Commonwealth's satisfaction, Records necessary to provide a complete and detailed record and explanation of the claims made by the applicant in its application, and the applicant's sales, purchasing, usage and manufacturing Records in respect of the eligible ceiling insulation products between 3 February 2009 and 30 April 2010 inclusive.
- 5.2 The applicant must keep all such Records for five years from the date on which the applicant receives the Letter from AusIndustry.
- 5.3 In this clause 5, "Records" includes documents (as defined in the *Evidence Act 1995 (Cth)*), books, receipts, ledgers, invoices, information, bank statements and data stored by any means, and all copies and extracts of them.

6 Acknowledgement of assistance

- 6.1 The applicant must acknowledge the financial assistance received from the Commonwealth under the *Insulation Industry Assistance Package* in any public statements about the Program.

7 Goods and services tax (GST)

- 7.1 Assistance payments attract GST and the amount of GST will be added to your assistance payment. In this Application Form, "GST" has the meaning it has in *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

8 Disclosure of applicant's information

- 8.1 Subject to this clause 8, the Commonwealth agrees not to disclose any confidential information of the applicant without the applicant's consent.
- 8.2 The Commonwealth will not be taken to have breached its obligations under clause 8.1 to the extent that the Commonwealth discloses confidential information:
- (a) to its officers, employees, agents, external professional advisers or contractors solely in order to comply with obligations, or to exercise rights, under, or to obtain advice in relation to, this agreement;
 - (b) to its internal management personnel or contractors, solely to enable effective management or auditing and reporting of agreement-related activities;
 - (c) to the responsible Minister or in response to a demand by a House or a Committee of the Parliament;
 - (iv) to other government agencies, where this serves the Commonwealth's, legitimate interests;
 - (v) for a purpose directly related to the enforcement of any Commonwealth, State or Territory law; or
 - (vi) as required or permitted by any other law, Commonwealth policy or express provision of this agreement to be disclosed.
- 8.3 The applicant agrees that the Commonwealth may disclose information provided by the applicant in this Application Form to the Australian Tax Office for the purpose of assessing the applicant's compliance with GST and any other taxation requirements.

9 Warranties

- 9.1 The applicant warrants as at the time the applicant submitted this application to the Commonwealth that:
- (a) all information provided by the applicant to the Commonwealth in respect of the Program, including the statements made in the applicant's Application Form (including the declaration) are true and correct; and
 - (b) it has disclosed in writing to the Commonwealth all facts relating to it, the Program and this agreement that are material to the assessment of the applicant's application and the Commonwealth's decision to provide an assistance payment under this agreement.

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10 Waiver

10.1 A provision of, or a right created under, this agreement may not be waived or varied except in writing signed by the parties.

11 Repayment

11.1 The Commonwealth may, by written notice, require the applicant to repay all or part of the assistance payment if:

- (a) the applicant breaches this agreement; or
- (b) the applicant is determined by the Commonwealth to have not satisfied, or ceases to satisfy, the eligibility criteria set out in the IIAP Customer Guidelines, including, without limitation, if the applicant:
 - (i) becomes subject to a Home Insulation Program serious non-compliance investigation (as determined by the Commonwealth); or
 - (ii) the applicant is identified as being linked to a serious safety issue (as determined by the Commonwealth) identified through the Home Insulation Safety Plan.

12 Term

12.1 This agreement commences on the date of the Letter issued to the applicant, and expires five years after that date.

13 Governing law

13.1 This agreement and the transactions contemplated by it are governed by the laws in force in the Australia Capital Territory. Each party submits to the non-exclusive jurisdiction of the courts of the Australian Capital Territory and courts of appeal from them for determining any dispute concerning this agreement.

Part H: Applicant Feedback

Answering this question is not compulsory and does not form part of the application or assessment process.

How did you hear of the *Insulation Industry Assistance Package*?

Newspaper/magazine	<input type="checkbox"/>	Industry group	<input type="checkbox"/>
Advertisement	<input type="checkbox"/>	Word of mouth	<input type="checkbox"/>
Internet	<input type="checkbox"/>	AusIndustry staff	<input type="checkbox"/>
Direct mail/e-mail	<input type="checkbox"/>	Hotline	<input type="checkbox"/>
Other (please specify)	<input type="text"/>		

Please tick this box if information about AusIndustry's products and services is not required in future

For information on other AusIndustry products and services please visit the AusIndustry website or contact the AusIndustry hotline on **13 28 46**.

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APPENDIX A - ACCOUNTANT DECLARATION

ACCOUNTANT'S LETTERHEAD

DECLARATION:

MADE BY:	
COMPANY NAME:	
ACCOUNTANT'S POSTAL ADDRESS:	
ACCOUNTANT'S CONTACT DETAILS:	Phone : Fax : Email :
ACCOUNTANT'S RELATIONSHIP TO APPLICANT:	

QUALIFICATION:	<input type="checkbox"/> Chartered Accountant <input type="checkbox"/> Certified Practicing Accountant <input type="checkbox"/> Association of Chartered Certified Accountants <input type="checkbox"/> National Institute of Accountants <input type="checkbox"/> PNA <input type="checkbox"/> FPNA <input type="checkbox"/> MNIA <input type="checkbox"/> FNIA
MEMBERSHIP NUMBER:	

APPLICANT'S NAME:	
APPLICANT'S ABN:	

I verify that:

1. the eligible ceiling insulation stock holding dollar value claimed by the above applicant in Part D of their Application Form has been calculated from the purchase or manufacturing costs, exclusive of GST, of the eligible stock holding. Where the stock was imported, the dollar value claimed has been calculated from the Australian dollar cost at the time of purchase plus any associated customs duty; and
2. based on the information provided by the applicant to me, I have calculated the figures entered in the table below. (Please enter totals at A and B and calculate value for C and D)

Eligible Ceiling Insulation Stock Holding Dollar Value (whole dollars only)

(all amounts in Australian Dollars and exclusive of GST)

Eligible ceiling insulation stock purchased or manufactured by the applicant between 3 February 2009 and 19 February 2010 inclusive.	\$	(A) (GST Exclusive)
Eligible ceiling insulation stock sold or used by the applicant between 3 February 2009 and 30 April 2010 inclusive.	\$	(B) (GST Exclusive)
Eligible Ceiling Insulation Stock Holding dollar value (A-B)	\$	(C)
DOLLAR VALUE x 15%	\$	(D)

I declare that the information provided above is true and correct, and that my statements to the applicant's stock holding dollar value have been based on information provided by the applicant.

Signature: _____ Signed on this _____ day of _____, 2010