



Victoria Government Gazette

No. G 4 Thursday 29 January 1998

GENERAL

GENERAL AND PERIODICAL GAZETTE

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Victoria Government Gazette Officer
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Full Page	\$20.60	\$64.80

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PRIVATE ADVERTISEMENTS

Norman Leslie Heath, retired from the partnership of the business N.L. Heath Master Plumber, on 29 November 1997. The continuing partners are Ian John Heath and Martina Cornelia Heath.

JOAN DAVIES, late of 32 Fortuna Avenue, Croydon, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased who died on 14 November 1997 are required by the executor, Francis Wreford Davies, of 5 Porena Court, Ferntree Gully, Gillian Rose Morris, of 17 Sevenoaks Avenue, Croydon and Janet Elizabeth Callander, of 3 Vosges Street, Selby, to send particulars thereof to them care of the office of Messrs Aughtersons, 267 Maroondah Highway Ringwood, within sixty days from the date of publication of this notice, after which the executors will distribute the assets having regard only to the claims of which they have notice.

AUGHTERSONS, solicitors of 267 Maroondah Highway, Ringwood.

In the estate of VIDA GEC of Mayfield Road, RSD Kerang in the State of Victoria, widow, deceased.

Creditors, next-of-kin and all other persons having claims against the estate of the said deceased are required by Joseph Gec of Mayfield Road, Kerang, aforesaid farmer, executor of the estate of the said deceased to send particulars of such claims to him in care of the undermentioned solicitors on or before 23 March, 1998 after which date they will distribute the assets having regard only to the claims of which they then have notice.

BASILE & CO., barristers & solicitors, 46 Wellington Street, Kerang, Victoria 3579.

Creditors, next-of-kin and others having claims in respect of the estate of the ICEK BENDET, late of Montefiore Homes for the Aged, 95 High Street Road, Ashwood, in the State of Victoria, retired, deceased, who died on 22 September 1997 are required to send particulars of their claims to the administrator Pauline Bendet care of the undermentioned

solicitors, in the said State, on or before 10 April 1998 after which date the administrator will distribute the estate having regard only to the claims of which she then has notice.

DAVID SONENBERG & ASSOCIATES, solicitors, 293 Bay Street, Brighton 3186.

Creditors, next-of-kin and others having claims in respect of the estate of GWEN WEAVER late of 35 Lake View Street, Boort, Victoria, widow, deceased who died on 5 October 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 23 March 1998 after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

DWYER MAHON & ROBERTSON, lawyers & consultants, 194-208 Beveridge Street, Swan Hill.

Creditors, next-of-kin and others having claims in respect of the estate of the GEORGE WILLIAM BATTERBEE, late of Birchip Bush Nursing Hospital, Duncan Street, Birchip in the State of Victoria, retired labourer, deceased, who died on 12 August 1997 are to send particulars of their claims to the executor, care of the undermentioned solicitors by 20 March 1998, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

DWYER, MAHON & ROBERTSON, solicitors, 194-208 Beveridge Street, Swan Hill.

Creditors, next-of-kin and others having claims in respect of the estate of RAYMOND JOSEPH BOMBARDIERI late of Bombardieri Road, Swan Hill, Victoria, retired gentleman deceased who died on 26 September 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 16 March 1998 after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

DWYER MAHON & ROBERTSON, lawyers & consultants, 194-208 Beveridge Street, Swan Hill.

Creditors, next-of-kin and others having any claims in respect of the estate of STEPHEN JOHN TEBBLE late of Kismul Caravan Park, Murray Valley Highway, Swan Hill, Victoria, apprentice cook deceased who died on 26 May 1997 are to send particulars of their claims to the administrator Valda Joan Tebble care of the undermentioned solicitors by 9 March 1998 after which date the administrator will distribute the assets having regard only to the claims of which she then has notice.

GARDEN & GREEN, lawyers, 4 McCullum Street, Swan Hill.

Creditors, next-of-kin and others having any claims in respect of the estate of KEVIN MARK SHEA late of 30 Belgrave Road, East Malvern, Victoria, retired deceased who died on 27 September 1997 are requested by John Jeremiah Harney of 6 Greengables Avenue, East Malvern, the executor of the will of the deceased to send to him care of the undersigned solicitors particulars thereof by 30 March 1998 after which date he will distribute the assets of the deceased having regard only to the claims of which he shall then have notice.

GAVAN DUFFY & KING, 83 William Street, Melbourne 3000.

ISABELLE MAUDE BURLEIGH formerly of 19 Kitchener Street, Trafalgar, but late of 41 Anzac Road, Trafalgar, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased who died on 21 November 1997 are required by the trustees Andrew George Burleigh and Isabelle Margaret Brown to send particulars of their claims to them care of the undersigned solicitors by 30 March 1998 after which date the trustees will convey or distribute the assets having regard only to the claims of which they then have notice.

GRAY FRIEND & LONG, solicitors, 70 Queen Street, Warragul 3820.

KATHLEEN GWENIFER VAHLAND, late of 5 Ista Street, Warragul, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased who died on 2 July 1997 are required by the trustees Henricus Cornelis Paulus Maria Overberg and Janet Elizabeth Overberg to send

particulars of their claims to them care of the undersigned solicitors by 30 March 1998 after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

GRAY FRIEND & LONG, solicitors, 70 Queen Street, Warragul 3820.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased DELTA LEAL MCCLUSKEY late of Darlingford Upper Goulburn Nursing Home, High Street, Eildon, Victoria, widow who died on 13 July 1997 are required by the executors Leslie Cecil Crothers and Olive Joyce Crothers to send particulars of their claims in writing to the said executors care of the undermentioned solicitor by 15 April 1998 after which date the executors will distribute the assets having regard only to the claims of which they then have notice.

JOHN C. GUNN, LL.B, solicitor, 81 Grant Street, Alexandra

Creditors, next-of-kin and others having claims in respect of the estate of FREDERICK CHARLES GILES deceased who died on 20 September 1997 are required by the executors to send particulars of their claim to the undermentioned firm by 20 March 1998, after which date the trustees will convey or distribute the assets having regard only to the claims of which the trustees then have notice.

LOMBARD & ASSOCIATES, solicitors, 27 Station Road, Cheltenham.

DOROTHY EDNA MAY ARMSTRONG, late of 130 Duke Street, Castlemaine, Victoria, secretary, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased who died on 21 August 1997 are required by the trustee, Jacklyn Louise Miller, to send particulars to her, c/-66 Torbay Road, Capalaba West, Queensland, 4157, within 60 days after the date of publication of this notice, at which date the trustee may convey or distribute the assets having regard only to the claims of which she then has notice.

Creditors, next-of-kin and others having claims in respect of the estate of the DANIEL STANLEY HOBBDAY, late of Lynch's Bridge Hostel, 44 Market Street, Kensington, in the

State of Victoria, retired dental technician, deceased, who died on 22 October 1997 are required to send particulars of such claims to the executor National Mutual Trustees Limited of 65 Southbank Boulevard, Southbank, by 1 April 1998 after which date the executor will distribute the estate having regard only to the claims of which they then have notice.

Creditors, next-of-kin and others having claims in respect of the estate of the PERRY GEORGE BAKER, late of Boolarong Via, Foster, Victoria, who died on 13 July 1997 are to send particulars of their claims to the executors, Clive William White and Sylvia Alison Baker (in the will called Sylvia Alison Baker) care of the undermentioned solicitors by 31 March 1998, after which date the executor will distribute the assets having regard only to the claims of which notice has been received

OAKLEYS WHITE, solicitors, 65 Main Street, Foster.

NOLAN LUCY, late of 19 Brock Street, Euroa, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased who died on 15 November 1997 are to send particulars of their claims to the executors Annette Marilyn Talty and Susanne Marie Cargill care of the undermentioned solicitors by 29 March 1998 after which date the said executors will distribute the assets having regard only to the claims of which they then have notice.

O'BRIEN & GALANTE, solicitors, 27 Norwood Crescent, Moonee Ponds.

GERTRUDE MAY JOYCE PEPPERELL, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of Gertrude May Joyce Pepperell, late of 1488 High Street, Glen Iris, retired, deceased, who died on 25 November 1997 are required to send particulars of their claims to the executor George Revelman, care of the undermentioned solicitors by 6 April 1998 after which date he will convey or distribute the assets having regard only to the claims of which he then has notice.

OGGE & LEE, solicitors, 403/34 Queens Road, Melbourne 3004.

EVELYN AUGUSTA HUNT late of St Annes Nursing Home, 33 Wattle Road, Hawthorn, but formerly of 24 Halley Avenue, Camberwell.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased who died on 20 December 1997 are required by Perpetual Trustees Victoria Limited, A.C.N. 004 027 258 of 50 Queen Street, Melbourne, to send particulars of their claims to the said Company by 30 March 1998 after which date it will convey or distribute the assets having regard only to the claims of which the Company then has notice.

BERYL FORSYTH BROWN late of 165 Nepean Highway, Seaford, Victoria, widow deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased who died on 27 July 1997 are required to send particulars of their claims to the trustee Shane Christopher McCarthy care of the undermentioned solicitors by 18 March, 1998 after which date the trustee will distribute the assets of the estate having regard only to the claims of which he then has notice.

S.C. McCARTHY & CO. PTY, solicitors, 2247 Point Nepean Road, Rye, 3941.

Creditors, next-of-kin or others having claims in respect of the estate of LEONARD NORMAN SOMMERFELD late of 29 Boys Street, Swan Hill, Victoria, manager/secretary deceased who died on 22 November 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 23 March after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

DWYER MAHON & ROBERTSON, lawyers & consultants, 194-208 Beveridge Street, Swan Hill.

WILLIAM PETER EVANS late of Elanora Home, 7 Mair Street, Brighton, Victoria, retired union official deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased who died on 23 October 1997 are required by the executrix Shirley June Millard to send

particulars to her care of the undermentioned solicitors by a date not later than two months from the date of publication hereof after which date the executrix may convey or distribute the assets having regard only to the claims of which she then has notice.

LYTTLETONS, solicitors, 53 Marcus Road, Dingley.

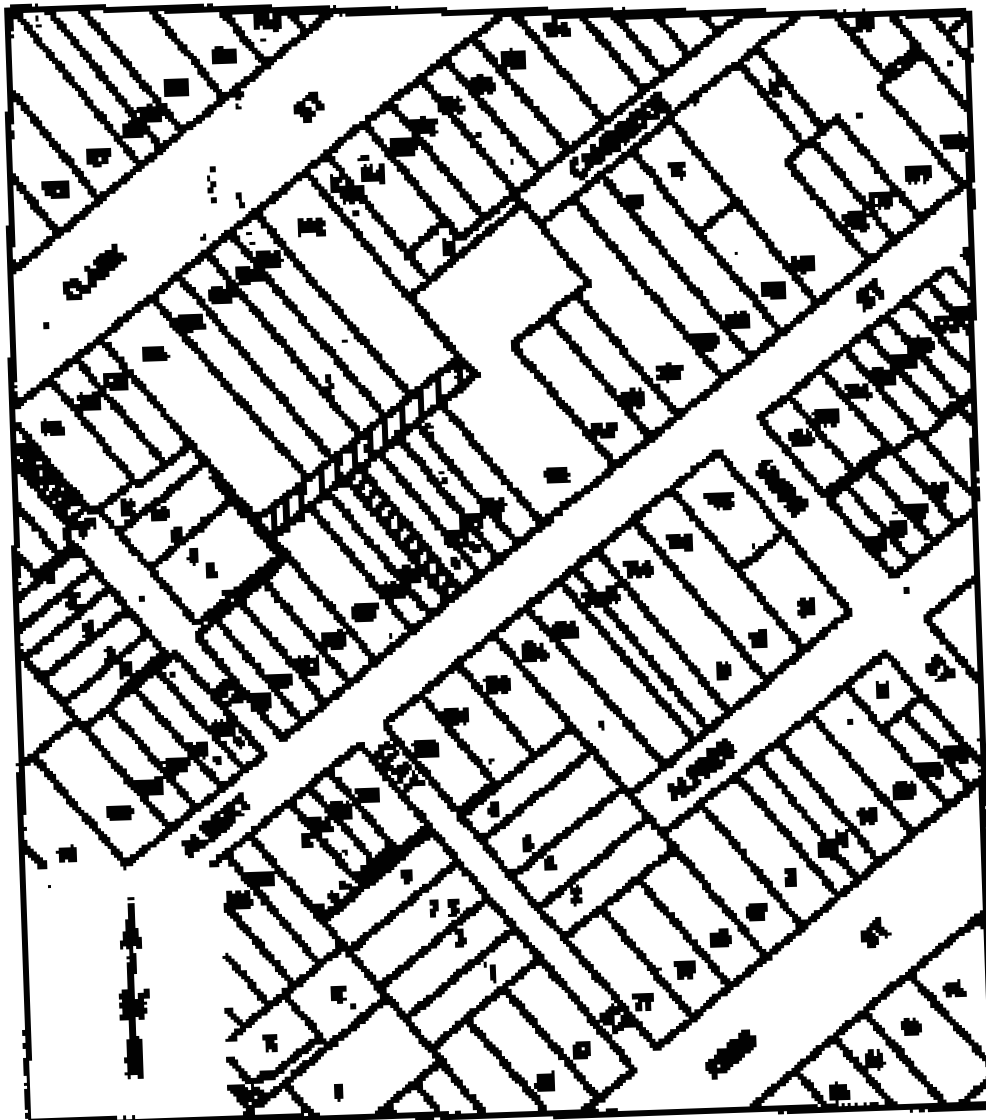
Creditors, next-of-kin and others having claims in respect of the estate of JAMES GEORGE EGAN, late of "Grand View" Mymiong, Victoria, farmer, deceased, who died on 2 March 1997 are to send particulars of their claims to the executors care of the undermentioned solicitors by 23 March 1998 after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

PEARCE WEBSTER DUGDALES, 4/379 Collins Street, Melbourne.

**GOVERNMENT AND OUTER BUDGET SECTOR AGENCIES
NOTICES**

CITY OF PORT PHILLIP
Naming of Lane - Port Melbourne

Notice is hereby given that, pursuant to section 206 and schedule 10(5) of the **Local Government Act 1989**, the Port Phillip Council did resolve at a meeting held on 17 December 1997, to name the lane depicted below, May Place.



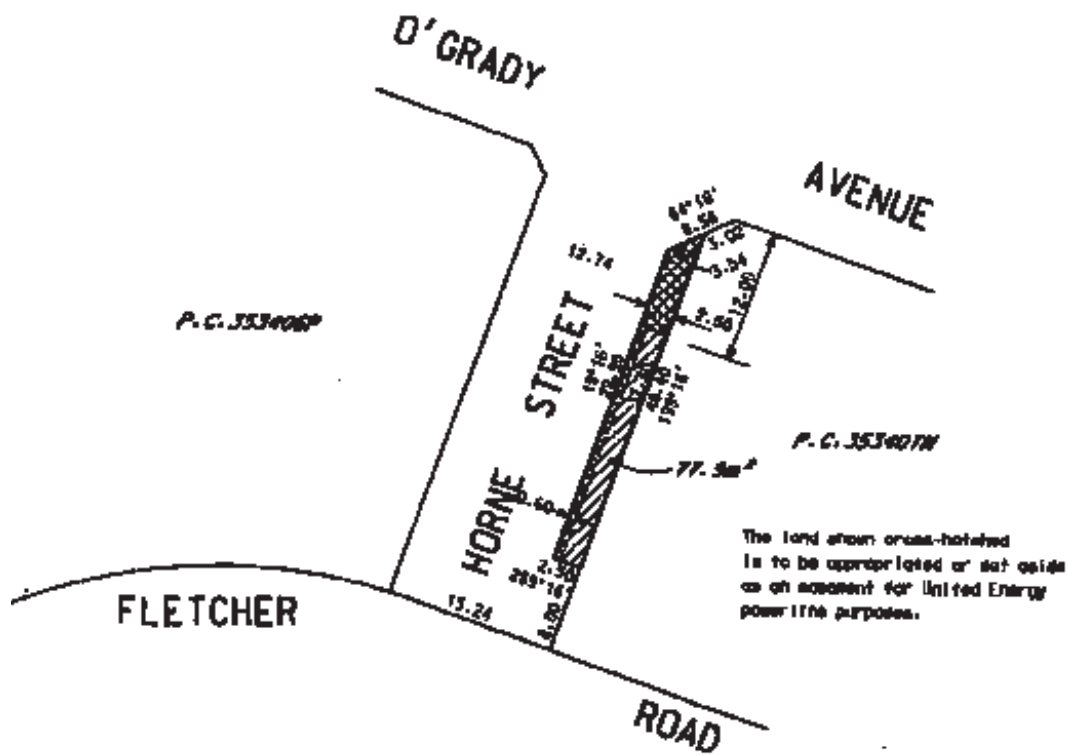
ANNE DUNN
Chief Executive Officer



FRANKSTON CITY COUNCIL

Discontinuance of part of Horne Street, Frankston

At its meeting on 19 January 1998, and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Frankston City Council (Council) resolved to discontinue that portion of Horne Street, between Fletcher Road and O'Grady Avenue, Frankston as shown hatched on the plan below:



Council also resolved to sell the portion of road by private sale to Proclean Pty Ltd for the sum of \$2200.

Council confirmed, pursuant to Section 207C of the Act, the existing rights, powers or interest held by United Energy in the portion of road in connection with any wires or cables under its control as shown cross hatched in Council Plan No. M591A.

JON EDWARDS
Chief Executive Officer

MACEDON RANGES SHIRE COUNCIL
Notice of Amendment to Local Law No. 4
Council Properties

Notice is hereby given in accordance with the **Local Government Act 1989** that the Macedon Ranges Shire Council at its ordinary meeting on 17 December 1997 made a local law amending its Local Law No. 4 'Council Properties' in relation to the consumption and possession of alcohol in public places. The amendment to the local law will commence on 1 March 1998.

The purpose and general purport of the amendments to the local law are to:

- clarify and expand the clauses in the local law relating to the consumption and possession of liquor on roads, public places or other Council land;
- introduce a process whereby Council can proclaim areas where the consumption and possession of liquor is not permitted. In this regard the proposed areas to be proclaimed are the urban township areas of Kyneton, Woodend, Gisborne, New Gisborne, Riddells Creek, Romsey, Lancefield, Macedon, Mount Macedon, Tylden and Malmesbury.
- introduce a process whereby the Council or Chief Executive Officer may proclaim areas where the consumption or possession of liquor is not permitted for periods up to five (5) days.
- introduce a process whereby the Council can proclaim a designated picnic area wherein the consumption and possession of liquor during daylight hours is permitted.
- introduce a process whereby the Chief Executive Officer may grant a permit for the consumption of alcohol in a proclaimed area.

A copy of the local law may be inspected or obtained from any of the following Council Offices. Kyneton Administration Centre, Woodend Service Centre, Romsey Service Centre, Gisborne Service Centre from 1 March 1998. For information on the local law please contact Stephen Mahon on 54 220 352.

PRUE MANSFIELD
Chief Executive Officer

CITY OF BOROONDARA
Road Discontinuance
Erratum

Under Section 206 and Schedule 10 Clause 3 of the **Local Government Act 1989** the City of Boroondara at its ordinary meeting held on 23 January 1995 formed the opinion that the road shown on the plan below is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road to abutting owners subject to any right, power or interest held by Melbourne Water and Council in connection with any sewers, drains, pipes, wires or cables under the control of those authorities in or near the road.

A notice was published in Victoria Government Gazette on page 3255 on 19 December 1996 ("the notice") giving notice of the resolution of the City of Boroondara to discontinue part of the road bounded by Tourello Avenue, Widford Street, Leura Grove and Burke Road, Hawthorn East.

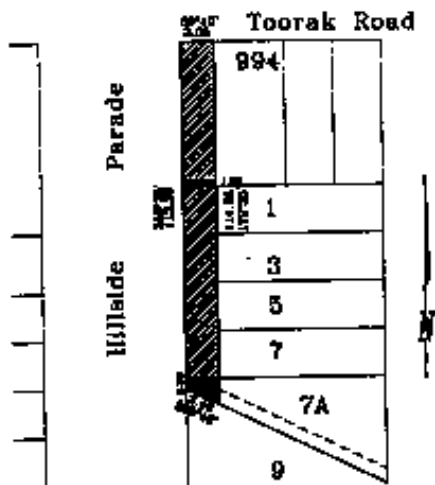
The plan shown below is substituted for the plan published in the notice:



MICHAEL KENNEDY
Chief Executive Officer

CITY OF BOROONDARA
Road Discontinuance
Glen Iris

Under Section 206 and Schedule 10 Clause 3(a) of the **Local Government Act 1989** the Boroondara City Council at its ordinary meeting held on the 18 December 1997 formed the opinion that the road shown hatched and cross hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road to the abutting owner, notwithstanding such discontinuance, Council and Yarra Valley Water shall continue to have and possess the same right title power authority or interest in relation to the land shown cross hatched on the said plan as it had possessed prior to such discontinuance.



■ Section of Road to be discontinued with Melbourne Water and Boroondara City Council retaining existing rights

Planning and Environment Act 1987
BERWICK PLANNING SCHEME
Notice of Amendment L130

Casey City Council has prepared Amendment L130 to the local section of the Berwick Planning Scheme.

The amendment affects land within the area bounded by O'Shea Road, Clyde Road, Soldiers Road and Grices Road, Berwick South.

The amendment has been prepared in order to facilitate the rezoning of the land for urban development in accordance with the Berwick South Local Structure Plan. The Local Structure Plan aims to provide a framework within which Council and the community can plan the detailed subdivision and development of the Berwick South urban area.

The amendment proposes to rezone the land from part Corridor B and part General Farming A to part Berwick Residential - Normal Density Zone and part Berwick Residential - Low Density Zone.

The amendment provides for a site specific control to be inserted into these zones, which ensures that the Berwick South Local Structure Plan will be taken into account in considering applications for use, development and subdivision.

The amendment also includes the Berwick South Development Contributions Plan to ensure that new urban development provides its share of development and community infrastructure.

The amendment can be inspected during office hours at Casey City Council, Municipal Offices, Magid Drive, Narre Warren; Casey City Council, Customer Service Centre, Sladen Street, Cranbourne and Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the Amendment must be sent to Manager Planning, Casey City Council, P.O. Box 1000, Narre Warren, 3805 by 1 March 1998.

MICHAEL KENNEDY
Chief Executive Officer

JACQUI HOUGUET
Manager Planning

Planning and Environment Act 1987
MAROONDAH PLANNING SCHEME
Notice of Amendment

Amendment L20

Maroondah City Council has prepared Amendment L20 to the Maroondah Planning Scheme.

The amendment affects one (1) parcel of Council owned land, which is currently reserved for Public Open Space purposes. This land has been determined to be surplus to the needs of the Maroondah Open Space network.

The amendment proposes to rezone land at 12 Chisholm Court, Croydon, from Public Open Space to the Croydon Neighbourhood Residential zone.

The amendment can be expected at Maroondah City Council, Ringwood Office, Braeside Avenue, Ringwood or Maroondah City Council, Croydon Office, Civic Square, Croydon and the Department of Infrastructure Book Shop, Concourse Level 3, Nauru House, 80 Collins Street, Melbourne.

Submissions about the Amendment must be sent to Maroondah City Council, P.O. Box 156, Ringwood 3134 by Wednesday 5 March 1998.

MICHAEL MARASCO
Chief Executive Officer

Planning and Environment Act 1987
BAYSIDE CITY COUNCIL
Notice of Amendment to a Planning Scheme

Amendment No. L8

The Bayside City Council has prepared Amendment No. L8 to the Bayside Planning Scheme, Local Section.

The Amendment affects 52 Halifax Street, Brighton.

The Amendment proposes to vary a restrictive covenant on Certificate of Title, Volume 6160, Folio 1231903. The covenant provides amongst other matters that no building may be erected closer than 3.05 m from the Weatherly Grove frontage and that the fence be constructed only of brick or concrete to a height of not more than 0.91 m. The Amendment seeks to vary these provisions to enable the erection of a dual occupancy development in accordance with Planning Permit 97/2654, issued by Bayside City Council on 1 August, 1997.

The amendment can be inspected during

office hours at Bayside City Council Municipal Offices, Royal Avenue, Sandringham 3191, or the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne, Vic. 3000.

Submissions about the Amendment must be sent to Bayside City Council, Planning Department, P.O. Box 27, Sandringham, Vic. 3191 by 5.00 p.m. on 16 February, 1998.

Planning and Environment Act 1987
CRANBOURNE PLANNING SCHEME
Notice of Amendment

Amendment No. L219

The Cardinia Shire Council has prepared Amendment No. L 219 to the Cranbourne Planning Scheme.

The Amendment affects land at 775 Dalmore Road Cardinia, also described as Part C.A. 98E Parish of Sherwood.

The Amendment proposes to change the planning scheme by inserting a site specific amendment allowing the land to be subdivided into four (4) lots of not less than one hectare each.

The Amendment can be inspected at: Cardinia Shire Council, Municipal Offices, Henty Way, Pakenham and Department of Infrastructure, Customer Service Centre, Nauru House, 80 Collins Street, Melbourne, Vic. 3000.

Submissions about the Amendment must be sent to Cardinia Shire Council, P.O. Box 7, Pakenham, Vic. 3810 by 6 March 1998.

PHILIP WALTON
Manager Development

Planning and Environment Act 1987
BOROONDARA PLANNING SCHEME

Notice of Amendment to a Planning Scheme
Amendment L42

The City of Boroondara has prepared Amendment L42 to the Boroondara Planning Scheme.

The Amendment affects the area known as Reid Estate and Environs, generally bounded by Whitehorse Road, Mont Albert Road, Salisbury Street and Barnsbury Road, Balwyn,

which has been identified as a heritage area of State significance.

The purpose of the Amendment is to conserve and enhance the heritage character of the area and to ensure that any new development is compatible with the area.

The Amendment nominates planning controls under the State Heritage Overlay over subdivision and consolidation, demolition, alterations to existing buildings and construction of new buildings.

The Amendment can be inspected during office hours at:

The Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne; or

The Strategic and Economic Development Unit, City of Boroondara, First Floor, 8 Inglesby Road, Camberwell.

Submissions about the Amendment must be sent to Ms Lucinda Peterson, Strategic Planner, City of Boroondara, Private Bag 1, Camberwell 3124 by 28 February 1998.

MICHAEL KENNEDY
Chief Executive Officer

Planning and Environment Act 1987
BOROONDARA PLANNING SCHEME

Notice of Amendment to a Planning Scheme
Amendment L45

The City of Boroondara has prepared Amendment L45 to the Boroondara Planning Scheme.

The Amendment affects the area known as Maling Road Shopping Centre and Residential Environs, generally bounded by Canterbury Road, Prospect Hill Road, Highfield Road and Milton Street, Canterbury, which has been identified as a heritage area of State significance.

The purpose of the Amendment is to conserve and enhance the heritage character of the area and to ensure that any new development is compatible with the area.

The Amendment nominates planning controls under the State Heritage Overlay over subdivision and consolidation, demolition, alterations to existing buildings and construction of new buildings.

The Amendment can be inspected during office hours at:

The Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne; or

The Strategic and Economic Development Unit, City of Boroondara, First Floor, 8 Inglesby Road, Camberwell.

Submissions about the Amendment must be sent to Ms Lucinda Peterson, Strategic Planner, City of Boroondara, Private Bag 1, Camberwell 3124 by 28 February 1998.

MICHAEL KENNEDY
Chief Executive Officer



Planning and Environment Act 1987
PORT PHILLIP PLANNING SCHEME
Notice of Amendment to a Planning Scheme
Amendment L62

The City of Port Phillip has prepared Amendment L62 to the Port Phillip Planning Scheme. This amendment is being re-exhibited to correct several drafting anomalies and to ensure consistency with other recent Council policies.

The amendment affects land generally bounded by Esplanade West, Liardet Foote, Danks, Pickles, Beach, Princes and Graham Streets in Port Melbourne.

The amendment proposes to alter the local section of the Port Phillip Planning Scheme by:

- including the Port Melbourne Residential and Mixed Use Policy as an incorporated document,
- inserting a new clause into the Residential C and Mixed Use Zones which will require Council to consider the Local Policy when deciding an application, and
- designating the Port Melbourne Strategy 1997 as a Reference Document in the Policy.

The Policy is based on the land use and

development recommendations contained in the Port Melbourne Strategy 1997 for the area covered by the amendment.

The Local Policy requires certain matters to be taken into account when considering applications to use and develop land within the Residential and Mixed Use area. These matters are land use type and compatibility with residential and mixed land use, design of new development, foreshore protection, preservation of vistas and landmark views, linkages to public open space, and development contribution for infrastructure upgrade in the area.

The zoning of land will not change.

The policy has been written in a format consistent with the Victoria Planning Provisions (VPPs) to enable the policy's incorporation as a Local Policy in the Local Planning Policy Framework in the new Port Phillip Planning Scheme.

A copy of the amendment and supporting information (Port Melbourne Strategy 1997 Exhibition Copy) may be inspected at the following locations during office hours:

- City of Port Phillip Urban Planning Section, South Melbourne Town Hall, Bank Street, South Melbourne.
- Port Melbourne Town Hall, Ground Floor, Bay Street, Port Melbourne.
- Department of Planning and Development Bookshop, 80 Collins Street, Melbourne.

Submissions about the Amendment and supporting information (Port Melbourne Strategy 1997 Exhibition Copy) must be sent to The Manager, Strategic Planning & Facilitation City of Port Phillip, Private Bag No. 3, P.O. St Kilda 3182 by 27 February 1998.

ANNE DUNN
Chief Executive Officer

Creditors, next-of-kin and others having claims against the estate of any of the under-mentioned deceased persons are required to send particulars of their claims to State Trustees Limited, A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative, on or before 3 April 1998 after

which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Berry, Averil Edythea, late of 11 O'Keefe Street, West Heidelberg, home duties, who died 4 January, 1998.

Granat, Geoffrey Joseph, late of Florence House Special Accommodation, 953 Dandenong Road, Malvern East, pensioner, who died 6 November, 1997.

Fortuna, Francesco, late of St Hilary's Nursing Home, Elgin Street, Morwell, gentleman, who died 26 July, 1997.

Hodgson, Ada Emily, late of 982 High Street Road, Glen Waverley, retired, who died 6 December, 1997.

Paul, Frank Harold, late of 95 Bamfield Road, Heidelberg West, retired, who died 21 January, 1997.

Pinkham, Rosemary, late of Kew Cottages, Princes Street, Kew, pensioner, who died 15 January, 1998.

Pratt, James Thomas, late of Maroondah House, 614 Whitehorse Road, Mitcham, pensioner, who died 26 November, 1997.

Roden, Minnie Eugene, late of 15 Ankettell Street, Coburg, widow, who died 10 January, 1998.

Dated at Melbourne, 23 January 1998.

CATHY VANDERFEEN
Manager, Estate Management
State Trustees Limited

Creditors, next-of-kin and others having claims against the following estates:

Boughton, William Albert, late of Kingston Centre, Warrigal Road, Cheltenham, retired intestate, who died on 4 May 1997.

Hermann, Mary Margaret, aka Margaret Mary Nixon Warman Stone Hermann late of Olivet Aged Persons Home, 7-9 Rupert Street, Ringwood, home duties who died on 23 October 1997.

Kourtidis, Olympia, late of Steye Nursing Home, 94 Springs Road, Clayton South, pensioner, who died on 1 October 1997.

Creditors, next-of-kin and others having

claims against the abovementioned estates are required pursuant to Section 33 of the **Trustee Act 1958** to send particulars of their claims against the abovementioned estates to State Trustees Limited, 168 Exhibition Street, Melbourne, Victoria on or before 2 April 1998 after which date State Trustees Limited A.C.N. 064 593 148 may convey or distribute the assets of the abovementioned estates having regard only to the claims of which it then has notice.

Creditors, next-of-kin and others having claims against the estate of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative, on or before 2 April 1998 after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Bridges, Leila Georgina, late of 14 Oliver Street, Ballarat, widow, who died 1 January, 1998.

Brown, Lorna May, late of 127/2 Old Stud Road, Wantirna North, retired, who died 1 December 1997.

Brownscombe, Joan Ethel, late of 20 Acacia Street, Doveton, home duties who died 19 August 1997.

Fawcett, Elizabeth Marjorie, also known as Elizabeth Marjorie Corby late of 7 Sutherland Avenue, Melton South, retired who died 30 October 1997.

Gorrie, Keith, late of Glenroy P.N.H. 85-87 Chapman Avenue, Glenroy, pensioner, who died 26 November 1997.

Kay, Jessie Florence, late of Ardeer Private Nursing Home, 30 North Road, Ardeer, retired who died 1 December 1997.

Nancarrow, Gertrude Annie, late of Bethlehem Hospital, 476 Kooyong Road, Caulfield, home duties who died 21 November 1997.

Dated Melbourne 22 January 1998

CATHY VANDERFEEN
Manager, Estate Management
State Trustees Limited

ANTI-DISCRIMINATION TRIBUNAL
Melbourne

Exemption 81 of 1997

In the matter of an application to revoke an exemption under Section 83 of the **Equal Opportunity Act 1995**

Yarra Community Housing Group Ltd
(Grantee of the Exemption)

Yarra Community Housing Group Ltd
(Applicant for Revocation of the Exemption)

Preamble

- (1) By notice published in the Government Gazette of 30 October 1997 at page 2958 the Tribunal granted an exemption to Yarra Community Housing Group Ltd pursuant to Section 83(1) of the **Equal Opportunity Act 1995** ("The Act") in the terms set out in that notice.
- (2) On application dated 22 January 1998 the Tribunal determined that this exemption should be revoked.
- (3) Pursuant to Section 83(4) of that Act, the Tribunal, on 22 January 1998, gave written notice to Yarra Community Housing Group Ltd that the exemption is to be revoked.

The Tribunal revokes this exemption, with effect from 29 April 1998.

CATE MCKENZIE
President

EXEMPTION

Application No. 2 of 1998

The Anti-Discrimination Tribunal constituted by the President pursuant to Section 182 of the **Equal Opportunity Act 1995** ("the Act") has considered an application pursuant to Section 83 of the Act by Patti Manolis on behalf of Yarra-Melbourne Regional Library Corporation. The application for exemption is to enable the applicant to advertise for and employ an Aboriginal person.

Upon reading the material tendered in support of this application the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ an Aboriginal person.

In granting this exemption the Tribunal noted:

- Most Aboriginal people live in particular suburbs of metropolitan Melbourne with significant numbers in the Cities of Melbourne and Yarra.
- It was reported in Building relationships: report for the Working Group on the Provision of Local Government Services to Aboriginal Communities by Lewis & Colman Consulting Services, November 1996, Local Government has a long way to go in improving access to services for Aboriginal communities. The report also revealed a very low rate of employment of Aboriginal persons in the Local Government sector.
- The applicant is committed to improving the rate of Aboriginal persons employed in public libraries as well as educating staff and the wider community about the Aboriginal way of life and values through the provision of resources and activities focussing on Aboriginal issues.
- The applicant is committed to providing greater access to library services, particularly for those who are non-users.
- A wider aim of the program is to promote understanding of Aboriginal culture at the local level thus taking a leading role in the wider reconciliation process.
- The duties of the position include:
 - Working with the general library community and especially Aboriginal users;
 - Promote and develop the library's Aboriginal resources collections;
 - Liaise with Aboriginal community groups;
 - Assist in the organisation of Aboriginal awareness activities for staff and Board members of the Corporation and members of the wider community.
- The position will be most appropriately filled by an Aboriginal person because of their understanding of Aboriginal culture and their acceptance by the Aboriginal community. This will also

promote the employment of Aboriginal people in Local Government.

The Tribunal grants an exemption from the operation of Sections 13, 100 and 195 of the **Equal Opportunity Act 1995**, to enable the applicant to advertise for and employ an Aboriginal person, this exemption to remain in force until 28 January 2001.

CATE McKENZIE
President

EXEMPTION

Application No. 3 of 1998

The Anti-Discrimination Tribunal constituted by the President pursuant to Section 182 of the **Equal Opportunity Act 1995** ("the Act") has considered an application pursuant to Section 83 of the Act by the Department of Education. The application for exemption is to enable the applicant to advertise for and employ Aboriginal or Torres Strait Islander people in Koorie Education Development Officer and Koorie Educator positions.

Upon reading the material tendered in support of this application the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ Aboriginal or Torres Strait Islander people in Koorie Education Development Officer and Koorie Educator positions.

In granting this exemption the Tribunal noted:

- The positions involve extensive consultation and liaison with Koorie communities and require a sound awareness and knowledge of Koorie cultural issues.
- Acceptance by the Koorie community is vital for the successful delivery of services through these positions.
- The Victorian Aboriginal Education Association Incorporated has advised the applicant of the need for the Koorie Educator and Koorie Education Development Officer positions to be identified Aboriginal and Torres Strait Islander positions.
- Koorie communities are more receptive to information provided by Koorie

workers who communicate in culturally appropriate ways which include recognition of shared experiences and understandings of issues affecting Koorie people.

- The Tribunal grants an exemption from the operation of Sections 13, 100 and 195 of the **Equal Opportunity Act 1995**, to enable the applicant to advertise for and employ Aboriginal and Torres Strait Islander people in Koorie Education Development Officer and Koorie Educator positions, this exemption to remain in force until 28 January 2001.

CATE McKENZIE
President

EXEMPTION

Application No. 4 of 1998

The Anti-Discrimination Tribunal constituted by the President pursuant to Section 182 of the **Equal Opportunity Act 1995** ("the Act") has considered an application pursuant to Section 83 of the Act by Yarra Community Housing Group Ltd. The application for exemption is to enable the applicant to:-

- (a) Provide accommodation for adults only at the properties listed in Schedule 1 of this exemption, being properties managed by the Group on behalf of the Victorian Office of Housing;
- (b) Provide women only accommodation at four of those properties listed in Schedule 2 of this exemption;
- (c) Provide accommodation for men aged 40 years and over at one of those properties listed in Schedule 3 of this exemption;
- (d) Provide accommodation for men and women aged 40 years and over at one of those properties listed in Schedule 4 of this exemption.

Upon reading the material tendered in support of this application the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 42, 49 50, 100 and 195 of the Act to enable the applicant to :-

- (a) Provide accommodation for adults only at the properties listed in Schedule 1 of

this exemption, being properties managed by the Group on behalf of the Victorian Office of Housing;

- (b) Provide women only accommodation at four of those properties listed in Schedule 2 of this exemption;
- (c) Provide accommodation for men aged 40 years and over at one of those properties listed in Schedule 3 of this exemption;
- (d) Provide accommodation for men and women aged 40 years and over at one of those properties listed in Schedule 4 of this exemption.

In granting this exemption the Tribunal noted:

- The applicant manages properties owned by the Office of Housing. The properties are managed under lease to very low-income earners and the properties are rooming houses managed under the **Rooming Houses Act 1990**. That is they contain self contained bedrooms for the occupants but there are shared facilities such as kitchens, laundries, bathrooms and toilets.
- Some of the occupants of these houses, apart from being low-income earners, are adults who exhibit anti social behaviours and who have high support needs. They are people who find it difficult in the private housing sector to get accommodation.
- Firstly an exemption is sought so that children will not be permitted to occupy this accommodation. The reason to exclude children is partly because there are shared facilities involved where children would be sharing bathrooms and toilets with non-family members and adults who are non-family members. Some of the adults who occupy these premises are people who may exhibit challenging behaviours and may be violent and may indulge in alcohol and drug abuse.
- Secondly the applicant seeks an exemption to permit the setting aside of certain properties for occupation by women only, by males who are over 40 years of age and by men and women who are over 40 years of age.

- The reason for occupation by women only is because a large number of women who use the accommodation provided by the applicant have expressed a desire for that to be so, for reasons of safety, so that they do not need to be in fear.
- The reason for occupation by men over the age of 40 years is because of a desire expressed by those clients of the applicant on the basis that if men of that age have accommodation together there is less likelihood of violence and abusive behaviour from other younger men and there is also the wish to have separate non mixed accommodation.
- The reason for occupation by men and women over the age of 40 years is that older tenants tend to lead quieter life styles and to be less involved in incidents of violence, abuse, theft and excessive noise which occur from time to time in the applicant properties. Such tenants request this type of accommodation because they believe it would provide a safer and more amenable living environment.
- People aged under 40 years requiring accommodation with the applicant will still be able to access 19 of the 21 properties managed by the applicant.

The tribunal grants an exemption from the operation of Sections 42, 49, 50, 100 and 195 of the Act to enable the applicant to:-

- Provide accommodation for adults only at the properties listed in Schedule 1 of this exemption, being properties managed by the Group on behalf of the Victorian Office of Housing;
- Provide women only accommodation at four of those properties listed in Schedule 2 of this exemption;
- Provide accommodation for men aged 40 years and over at one of those properties listed in Schedule 3 of this exemption;
- Provide accommodation for men and women aged 40 years and over at one of those properties listed in Schedule 4 of this exemption.

SCHEDULE 1

Properties providing accommodation for adults only:-

7A Alfred Crescent, North Fitzroy; 119 McKean Street, North Fitzroy; 29-31 John Street, Clifton Hill; 403 Johnston Street, Abbotsford; 1 Derby Street, Collingwood; 34 Nicholson Street, Fitzroy; 38 Nicholson Street, Fitzroy; 40 Nicholson Street, Fitzroy; 42 Nicholson Street, Fitzroy; 38 Gertrude Street, Fitzroy; 40 Gertrude Street, Fitzroy; 44 Gertrude Street, Fitzroy; 64 Gertrude Street, Fitzroy; 8 Napier Street Fitzroy; 64 Napier Street, Fitzroy; 68 Napier Street, Fitzroy; 357 Church Street, Richmond; 113 Hoddle Street, Richmond; 171 Hoddle Street, Richmond; 183 Hoddle Street, Richmond; and 295 Punt Road, Richmond.

SCHEDULE 2

Properties providing accommodation for women only:-

1 Derby Street, Collingwood; 38 Nicholson Street, Fitzroy; 64 Napier Street Fitzroy; and 68 Napier Street, Fitzroy.

SCHEDULE 3

Properties providing accommodation for men aged 40 years and over only:-

40 Nicholson Street, Fitzroy.

SCHEDULE 4

Properties providing accommodation for men and women aged 40 years and over only:-

34 Nicholson Street, Fitzroy.

This exemption is to remain in force from 29 April 1998 to 28 April 2001.

CATE MCKENZIE
President

Department of Treasury and Finance
SALE OF CROWN LAND BY PUBLIC
AUCTION

Auction Date: Friday 27 February 1998 at 11.00 a.m. on site.

Address of Property: Western Highway, Bungaree.

Crown Description: Crown Allotment 2^c, Section 8, Township of Bungaree.

Terms of Sale: Deposit 10%, balance 60 days.

Area: 2.559 hectares

Officer Co-ordinating Sale: Sue

O'Sullivan, Project Manager, Victorian Government Property Group, Department of Treasury and Finance, 1/10 Macarthur Street, Melbourne, Vic. 3002.

Selling Agent: Booth and Lee Pty Ltd, P.O. Box 148, Ballarat 3553.

ROGER MURRAY HALLAM
Minister for Finance

Department of Treasury and Finance
SALE OF CROWN LAND BY PUBLIC
AUCTION

Auction Date: Friday 27 February 1998 at 12.30 p.m. on site.

Address of Property: Lal Lal Falls Road, Lal Lal.

Crown Description: Crown Allotment 16, Section 8, Parish of Lal Lal.

Terms of Sale: Deposit 10%, balance 60 days.

Area: 27.26 hectares

Officer Co-ordinating Sale: Sue O'Sullivan, Project Manager, Victorian Government Property Group, Department of Treasury and Finance, 1/10 Macarthur Street, Melbourne, Vic. 3002.

Selling Agent: Booth and Lee Pty Ltd, P.O. Box 148, Ballarat 3553.

ROGER MURRAY HALLAM
Minister for Finance

Department of Treasury and Finance
SALE OF CROWN LAND BY PUBLIC
AUCTION

Auction Date: Friday 27 February 1998 at 2.00 p.m. on site.

Address of Property: Western Highway, Ballarat.

Crown Description: Crown Allotment Q, Parish of Dowling Forest.

Terms of Sale: Deposit 10%, balance 60 days.

Area: 4,047 m²

Officer Co-ordinating Sale: Sue O'Sullivan, Project Manager, Victorian Government Property Group, Department of Treasury and Finance, 1/10 Macarthur Street,

Melbourne, Vic. 3002.

Selling Agent: Booth and Lee Pty Ltd, P.O. Box 148, Ballarat 3553.

ROGER MURRAY HALLAM
Minister for Finance

Department of Treasury and Finance
SALE OF CROWN LAND BY PUBLIC
AUCTION

Auction Date: Saturday 28 March 1998.

Lot 1: at 12.00 noon on site.

Property Address: Ajax Road, Daylesford.

Crown Description: Allotment 61, Section 26, Township of Daylesford West.

Area: 1702m²

Reference: 05P143401.

Lot 2: at 12.30 p.m. on site.

Property Address: Albert Lane, Daylesford.

Crown Description: Allotment 7A, Section 21, Parish of Wombat.

Area: 1446m²

Reference: 05P143043.

Terms of Sale: Deposit 10%, balance 60 days.

Co-ordinating Officer: Lisa Smith, Sales Officer, Department of Natural Resources and Environment, Ballarat.

Selling Agent: Kaye Pickering, Doepel Lilley & Taylor, 41 Vincent Street, Daylesford. Telephone: (03) 5348 3151

ROGER M. HALLAM
Minister for Finance

Department of Treasury and Finance
SALE OF CROWN LAND BY PUBLIC
AUCTION

Auction Date: Wednesday, 4 March 1998 at 3.00 p.m. on site.

Address of Property: Between Rufus Street and Coulstock Street, Epping.

Crown Description: Crown Allotment 2, Section 18, Parish of Wollert.

Terms of Sale: Deposit 10%, balance 60 days.

Area: 8430m².

Officer Co-ordinating Sale: Sue

O'Sullivan, Project Manager, Victorian Government Property Group, Department of Treasury and Finance, 1/10 Macarthur Street, Melbourne, Vic. 3002..

Selling Agent: E. J. Doherty (Mill Park), Shop 19, Stables Shopping Centre, Childs Road, Mill Park 3082.

ROGER MURRAY HALLAM
Minister for Finance

Department of Treasury and Finance
SALE OF CROWN LAND BY PUBLIC
AUCTION

Reference P206407

Auction Date: Wednesday 11 February 1998 at 11.00 a.m., on site.

Property Address: Trafalgar Street, Wodonga.

Crown Description: Allotment 12E, Section 15, Parish of Wodonga.

Area: 2531 m²

Terms of Sale: 10% deposit, balance 60 days.

Co-ordinating Officer: Frank Holt, Land Sales Officer, Department of Natural Resources and Environment, Wangaratta. Telephone: (03) 5720 1764.

Selling Agent: Dixon and Holland Real Estate Pty Ltd, 22 Stanley Street, Wodonga. Telephone: (02) 6056 3666.

ROGER M. HALLAM
Minister for Finance

Roman Catholic Trusts Act 1907
VICTORIA

Act 391 - Second Schedule

A statement of trusts having been submitted by the head or authorised representative of the Roman Catholic Church for the Diocese of Ballarat under the provisions of the "Act to provide for the abolition of State Aid to Religion" for allowance by the Governor, the same was allowed by him on 29 January 1998, and the following is the form in which such statement of trusts has been allowed.

Statement of Trusts

Description of Lands:- Site for Roman Catholic Church purposes set apart on 26

October 1854 being 8094 square metres, Township of Cressy, Parish of Cressy, being Allotment 6A Section 1 commencing at the north-eastern angle of Allotment 6 Section 1 bounded thence by Dennis Street bearing 124°24' 80.47 metres thence by Lyon Street bearing 214°24' 100.58 metres thence by Tennant Street bearing 304°24' 80.47 metres and thence by Allotment 6 bearing 34°24' 100.58 metres to the point of commencement.

Name of Trustees:- The Roman Catholic Trusts Corporation for the Diocese of Ballarat.

Powers of Disposition:- Such powers of disposition including powers of sale, lease or mortgage as are contained in the **Roman Catholic Trusts Act 1907**.

Purposes to which Proceeds of Disposition are to be applied:- To such Roman Catholic Church purposes as shall be approved by the Trustee.

As witness the hand of the Governor of the State of Victoria, 29 January 1998.

SIR JAMES GOBBO
Governor of the State of Victoria

Children and Young Persons Act 1989
APPOINTMENT OF HONORARY
PROBATION OFFICERS

I, Des O'Shea (Regional Director) of Northern Metropolitan Region of Human Services, under Section 34(4) of the **Children and Young Persons Act 1989** appoint the undermentioned persons as Honorary Probation Officers for the Children's Court in the State of Victoria for the period ending 31 December 1998:

Wendy Absalom, Gavin Alan Campbell, Snezana (Suzy) Gorcevski, Alex Langadiotis, Yvonne Luke, Ben McIntyre, Ward Mallard, Nicole Caroline Woodhouse.

Dated 16 January 1998

DES O'SHEA
Northern Metropolitan Regional Director

Public Holidays Act 1993

BOROUGH OF QUEENSCLIFFE

Notice is hereby given that the Borough of Queenscliff appoints Wednesday, October 21, 1998 as a public holiday throughout the Borough, to observe the holding of the Geelong Cup conducted by the Geelong Racing Club.

GARY PRICE
Chief Executive Officer

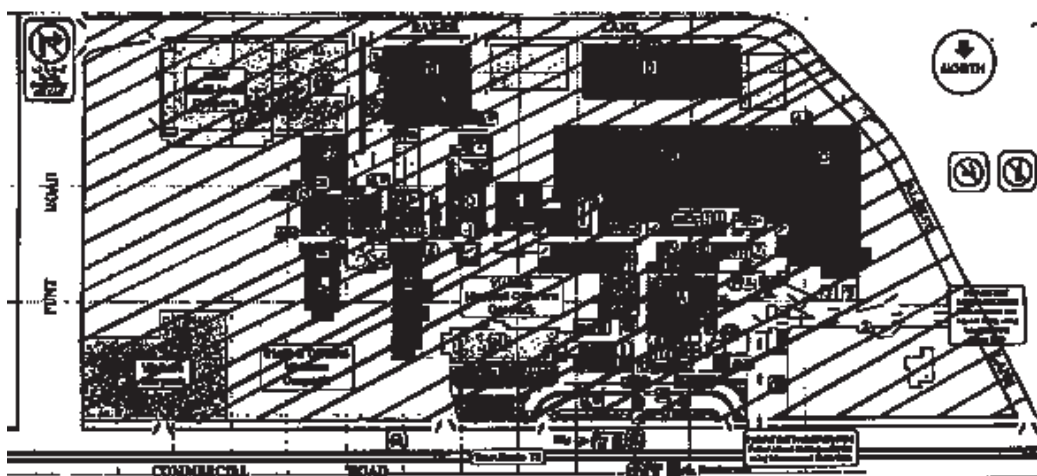
Road Safety Act 1986

EXTENDING PROVISIONS TO LAND UNDER THE CONTROL OF THE ALFRED HOSPITAL IN THE CITY OF MELBOURNE

I, Geoffrey Ronald Craige, the Minister for Roads and Ports, under Section 98 of the **Road Safety Act 1986** by this Order extend the application of:

- (a) Sections 59, 64, 65, 76, 77, 85-90, 99 and 100 of that Act; and
- (b) The Road Safety (Traffic) Regulations 1988; and
- (c) Parts 7 and 8 and Schedules 5 and 6 of the Road Safety (Procedures) Regulations 1988.

to land, bounded by Commercial Road, Alfred Lane, Baker Lane and Punt Road, under the control of the Alfred Hospital, in the City of Melbourne, particulars of which are shown hatched on the attached plan (Rev A - 20 October 1996).



Dated 22 January 1998

GEOFF CRAIGE
Minister for Roads and Ports

Co-operatives Act 1996
NOTICE OF APPROVAL OF MODEL RULES
PURSUANT TO SECTION 110(1) OF THE
CO-OPERATIVES ACT 1996

I approve model rules in the following form for trading co-operatives, for non-trading co-operatives with shares and for non-trading co-operatives without shares.

MODEL RULES OF
A NON TRADING CO-OPERATIVE
NO SHARES
Co-operatives Act 1996 (Vict.)

1. Definitions

In these rules -

- “**Act**” means the **Co-operatives Act 1996**;
- “**Appendix**” means Appendix to these rules;
- “**board**” means the board of the co-operative;
- “**general meeting**” means any annual or special general meeting;

“**member**” means a member of the co-operative;

“**month**” means calendar month;

“**Registrar**” means the person for the time being holding the office of Registrar of Co-operatives under the Act.

“**regulations**” means the Co-operatives Regulations 1997;

2. Members to abide by co-operative principles

The co-operative and its members must comply with the co-operative principles to the extent that they apply to them.

3. Alteration of the rules

- (1) These rules may be altered by a special resolution in accordance with section 113 of the Act or by a resolution of the board in accordance with section 114 of the Act.
- (2) A proposed alteration of these rules must be approved by the Registrar under section 112 of the Act before the resolution altering the rules is passed.
- (3) An alteration of these rules does not take effect unless and until it is registered by the Registrar under section 115 of the Act.
- (4) Any member is entitled to obtain from the co-operative a copy of these rules on payment of the amount set out in the Appendix 1.

4. Name

- (1) The name of the co-operative is the name specified in Part 1 of Appendix 2.
- (2) The co-operative may change its name in accordance with section 255 of the Act.
- (3) The co-operative may abbreviate its name in accordance with section 253 of the Act.

5. Active membership provisions

- (1) The primary activity of the co-operative is the activity set out in Part 2 of Appendix 2.
- (2) In order to establish active membership of the co-operative a member must comply with the requirements set out in Part 3 of Appendix 2.
- (3) All members must be active members of the co-operative.
- (4) If a member fails or ceases to be an active member, the board must in accordance with Division 4 of Part 6 of the Act declare the membership of the member cancelled.

6. Qualifications required for membership

A person is not qualified to be admitted to membership unless there are reasonable grounds for believing that the person will be an active member of the co-operative.

7. Membership, entry fees and subscription

- (1) An application for membership in the co-operative must -
 - (a) be in a form approved by the board; and
 - (b) be lodged at the registered office of the co-operative; and
 - (c) be accompanied by the relevant fee or amount set out in Part 1 of Appendix 3.
- (2) The board must consider each application.
- (3) The board at its sole discretion may accept or reject an application for membership or shares and need not give any reason for its decision.
- (4) If the board approves an application for membership -
 - (a) the board must ensure that the name of the person is entered in the register of members and directors in accordance with sections 75 and 244 of the Act; and
 - (b) the board must notify the applicant in writing of the entry in the register; and
 - (c) the applicant for membership becomes entitled to exercise the rights of membership when -

- (i) the member's name appears in the register of members; and
 - (ii) the member has paid to the co-operative the relevant fees and amounts set out in Part 1 of Appendix 3.
- (5) If the board rejects an application, the whole of the money lodged in respect of the application must be refunded to the applicant without interest.

8. Ceasing membership

A person ceases to be a member in each of the following circumstances -

- (a) if the member's membership is cancelled under Part 6 of the Act;
- (b) if the member is expelled in accordance with these rules;
- (c) if the member becomes bankrupt and the trustee of the member's estate disclaims any debt, contract, duty or liability of the member with the co-operative;
- (d) on the death of the member;
- (e) if the contract of membership is rescinded on the ground of misrepresentation or mistake;
- (f) on notice in writing given by the member to the Secretary, of the member's resignation from membership; or
- (g) in the case of a member that is a body corporate, if the body is dissolved.

9. Expulsion of members

- (1) A member may be expelled from the co-operative if the co-operative by special resolution determines that the member should be expelled on the ground that -
- (a) the member has failed to discharge the member's obligations to the co-operative under the Act or these rules;
 - (b) the member has acted in a manner that has -
 - (i) prevented or hindered the co-operative in carrying out any of its primary activities; or
 - (ii) brought the co-operative into disrepute; or
 - (c) the member has acted in a manner contrary to any of the co-operative principles and in so acting caused the co-operative harm.
- (2) The member must be given at least 28 days written notice of the proposed resolution and of the date, time and place of the meeting at which the resolution will be moved.
- (3) The procedure at the general meeting to consider the proposed resolution is as follows -
- (a) the member must be given a reasonable opportunity to be heard at the meeting;
 - (b) the member is entitled to call witnesses and to cross examine witnesses called against the member;
 - (c) if the member fails, without reasonable excuse, to attend at the time and place of which notice has been given, the co-operative may consider the matter in the absence of the member;
 - (d) after considering the matter, the co-operative may by special resolution determine to expel the member.
- (4) The expulsion of the member does not take effect until the special resolution is registered with the Registrar.
- (5) When a member is expelled, the co-operative must repay to the member any amount owing to that member, less any amount owing by the member to the co-operative, and cancel the member's membership.

10. Suspension of members

- (1) A member may be suspended from membership of the co-operative for a period not exceeding one year if the co-operative by special resolution determines that the member should be so suspended on the ground that -

- (a) the member has contravened these rules; or
 - (b) the member has failed to discharge the member's obligations to the co-operative under these rules; or
 - (c) the member has acted in a manner detrimental to the co-operative.
- (2) The member must be given at least 28 days written notice of the proposed resolution and of the date, time and place of the meeting at which the resolution will be moved.
 - (3) The procedure at the general meeting to consider the proposed resolution is as follows -
 - (a) the member must be given a reasonable opportunity to be heard at the meeting;
 - (b) the member is entitled to call witnesses and to cross examine witnesses called against the member;
 - (c) if the member fails, without reasonable cause, to attend at the time and place of which notice has been given, the co-operative may consider the matter in the absence of the member;
 - (d) after considering the matter, the co-operative may by special resolution determine to suspend the member.
 - (4) A member who is suspended ceases during the suspension to have the rights of a member except as otherwise provided in the Act or these rules.

11. Disputes

- (1) The grievance procedure set out in this rule applies to disputes under these rules between -
 - (a) a member and another member; or
 - (b) a member and the co-operative.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting under sub-rule (2) or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be -
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement -
 - (i) in the case of a dispute between a member and another member, by the board of the co-operative; or
 - (ii) in the case of a dispute between a member and the co-operative, a person who is a mediator with of the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the co-operative can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.

* This Rule provides for the mediation of a dispute by a mediator. Note that section 89 of the Act provides another procedure whereby application may be made to the Supreme Court for an order declaring and enforcing rights or obligations of members between themselves, or of the co-operative and a member between themselves. The Court may refuse to make an order, or may make an order for costs, if the Court is of the opinion that the application is unreasonable or the issue trivial.

12. Fines

- (1) The co-operative may impose a fine on a member for any infringement of these rules.
- (2) The fine must not exceed the amount set out in Part 2 of Appendix 3.

13. Liability of members

- (1) A member is not, as a member, under any personal liability to the co-operative except for the amount of any charges payable by the member to the co-operative as required by these rules.
- (2) On the death of a member, the member's estate remains liable as the member until the member's personal representative or some other person is registered in the member's place.

14. Forfeitures and cancellations - Inactive members

- (1) In accordance with section 131 of the Act, the board, after giving any notice required under section 136 of the Act, must declare the membership of a member cancelled if -
 - (a) the whereabouts of the member are not presently known to the co-operative and have not been known to the co-operative for a period of at least 3 years before that time; or
 - (b) the member is not presently an active member of the co-operative and has not been an active member of the co-operative at any time during the period of 3 years immediately before that time.
- (2) Sub-rule (1) applies to a member only if he or she was a member of the co-operative throughout the period referred to in paragraph (a) or (b), as the case requires.
- (3) If the membership of a member is cancelled any amount due to the member in respect of the cancellation must be dealt with in accordance with section 138 of the Act.

15. Death of a member

- (1) Subject to and in accordance with section 84 of the Act, on the death of the member, the board must transfer the deceased member's interest in the co-operative to -
 - (a) the executor or administrator of the deceased member; or
 - (b) with the consent of the board, to a person -
 - (i) who is specified by the personal representative of the deceased member in an application under section 84 of the Act; and
 - (ii) who is qualified to be a member in accordance with the Act and these rules.
- (2) The board may transfer the interest of a deceased member to a person entitled in accordance with section 85 of the Act if -
 - (a) the total value of the interest is less than \$10,000 (or such other amount as may be prescribed by the regulations); and
 - (b) there has not been a grant of administration of the estate, or probate of the will of the deceased member.

16. Transfer and transmission of debentures

- (1) The instrument of transfer of a debenture must be executed by the transferor (the giver) and the transferee (the receiver).
- (2) The transferor remains the holder of the debenture until the board consents to the transfer and the name of the transferee is entered in the registers of debentures in respect of the debenture.
- (3) A transfer of debentures must be in the form of Appendix 4 or in a form approved by the board.
- (4) The board may decline to recognise any instrument of transfer of a debenture and may decline to register the transfer unless -
 - (a) a fee in accordance with Appendix 1 is paid to the co-operative for the transfer; and
 - (b) the instrument of transfer is accompanied by the debenture and such other evidence as the board may reasonably require to show the right of the transferor to make the transfer; and
 - (c) any stamp duty payable in respect of the instrument of transfer has been paid.

- (5) If the board refuses to register a transfer of debenture, it must send written notice of its decision to the proposed transferee within 28 days after making that decision.

17. Annual general meetings

- (1) In accordance with section 204 of the Act, the first annual general meeting of the co-operative must be held at any time within 19 months after the incorporation of the co-operative.
- (2) The second or any subsequent annual general meeting of the co-operative must be held within -
 - (a) 5 months after the close of the financial year of the co-operative; or
 - (b) any further time that may be allowed by the Registrar or is prescribed.
- (3) The board may determine the date, time and place of the annual general meeting.
- (4) All general meetings of the co-operative other than the annual general meeting shall be special general meetings.
- (5) If the board does not hold an annual general meeting within the required time, the members may requisition the meeting in accordance with section 209 of the Act.

18. Special general meetings

- (1) A special general meeting of the co-operative may be convened at any time by the board of directors.
- (2) In accordance with section 209 of the Act, the board must convene a general meeting of the co-operative on the written requisition of the number of active members of the co-operative who together are able to cast at least 20% of the total number of votes able to be cast at a meeting of the co-operative.

19. Notice of general meetings

- (1) The board must give each member at least 14 days notice of each general meeting.
- (2) The notice may be given in accordance with section 460 of the Act.
- (3) The notice must specify the place, the day and the time of the meeting and if special business is to be transacted, set out generally the nature of the special business.
- (4) If a special resolution is to be proposed at the meeting at least 21 days notice of that special resolution must be given to the members of the co-operative in accordance with section 192 of the Act.
- (5) A member of the co-operative who wishes to propose a resolution at a general meeting must give the co-operative written notice of the resolution.
- (6) If notice of an ordinary resolution is given under sub-rule (5) at least 14 days before the board gives notice of the meeting, the board must include details of that resolution in the notice of the meeting.

20. Business at general meetings

- (1) The ordinary business of the annual general meeting shall be -
 - (a) to confirm minutes of the last preceding general meeting (whether annual or special);
 - (b) to receive from the board, auditors, or any officers of the co-operative reports upon the transactions of the co-operative during the financial year, including balance sheet, trading account, profit and loss account, statement of cash flows, and the state of affairs at the end of that year;
 - (c) to elect and determine the remuneration (if any) of directors.
- (2) The annual general meeting may also transact special business of which notice has been given to members in accordance with these rules.
- (3) All business of a general meeting, other than ordinary business, is special business.

21. Quorum at general meetings

- (1) An item of business must not be transacted at a meeting of a co-operative unless a quorum of members entitled to vote is present during the transaction of that item.

- (2) Subject to sub-rule (3) the quorum of the co-operative is 5 members entitled to vote at a meeting of the co-operative plus -
 - (a) if the active membership of the co-operative exceeds 50 but does not exceed 200, 1 additional member for each 10 members after the first 50 active members; and
 - (b) if the active membership of the co-operative exceeds 200, the additional members referred to in paragraph (a) and 1 additional member for each 50 active members after the first 200 members.
- (3) If within half an hour after the appointed time for the meeting a quorum is not present, the meeting -
 - (a) if convened upon the requisition of members, is abandoned; and
 - (b) in any other case is to be adjourned to the same day and time in the next week at the same place.
- (4) If at an adjourned meeting, under sub-rule (3)(b), a quorum is not present within half an hour after the time appointed for the meeting the meeting must be abandoned.

22. Presiding at general meetings

- (1) Subject to this rule, the chairperson of the board presides at every general meeting of the co-operative.
- (2) If the chairperson of the board is unable or unwilling to preside or is not present within 15 minutes after the time appointed for the meeting, the members present must select one of their number to preside.
- (3) The person selected under sub-rule (2) presides at that meeting until the time that the chairperson attends and is willing to act.

23. Adjournment of meetings

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and from place to place.
- (2) The person presiding must, if directed by a majority of members present at the meeting, adjourn the meeting to a date and time agreed.
- (3) No business may be transacted at an adjourned meeting other than business unfinished at the meeting which was adjourned.
- (4) This rule only applies if there is a quorum at the meeting to be adjourned.

24. Standing orders at meetings

- (1) Subject to sub-rule (3), the following standing orders must be observed at general meetings of the co-operative -
 - (a) The mover of a proposition must not speak for more than 10 minutes. Subsequent speakers are allowed 5 minutes, and the mover of the proposition 5 minutes to reply. The meeting may however by simple majority extend in a particular instance the time permitted by this rule.
 - (b) If an amendment to an original proposition is proposed, no second amendment may be considered until the first amendment is disposed of.
 - (c) If an amendment is carried, the proposition as so amended displaces the original proposition and may itself be amended.
 - (d) If an amendment is defeated, then a further amendment may be moved to the original proposition. However, only one amendment may be submitted to the meeting for discussion at one time.
 - (e) The mover of every original proposition, but not of an amendment, has the right to reply. Immediately after this the question must be put from the chair. No other member may speak more than once on the same question, unless permission is given for an explanation, or the attention of the chairperson is called to a point of order.

- (f) Propositions and amendments must be submitted in writing, if requested by the chairperson.
- (g) Any discussion may be closed by a resolution "that the question be now put" being moved seconded, and carried. That resolution must be put to the meeting without debate.
- (2) Any member, or visitor invited to attend the meeting by the board, may speak on any issue at a meeting with the permission of the chairperson subject to any conditions imposed by the chairperson.
- (3) The standing orders may be suspended for any period by ordinary resolution.

25. Attendance and voting at general meetings

- (1) The right to vote attaches to membership and not shareholding.
- (2) A member of the co-operative is not entitled to vote at a meeting of the co-operative unless that person is an active member of the co-operative.
- (3) Subject to the Act and this rule, every member of the co-operative has only one vote at a meeting of the co-operative.
- (4) A member of a co-operative who is under 18 years of age is not entitled to vote.
- (5) In the case of joint membership -
 - (a) the joint members have only one vote between them; and
 - (b) that vote may be exercised by the member whose name appears first in the register of members unless the other joint members otherwise direct.
- (6) Subject to the Act and these rules, a question for decision at a general meeting, other than a special resolution, must be determined by a majority of members present at the meeting and voting.
- (7) In accordance with section 208(2) of the Act, unless a poll is demanded by at least 5 members, a question for decision at a general meeting must be determined by a show of hands.
- (8) In the case of an equality of votes at a meeting of the co-operative, whether on a show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place or at which the poll is demanded may exercise a second or casting vote.

26. Postal ballot

- (1) The manner of voting shall be in accordance with the regulations.
- (2) A special postal ballot or a postal ballot must be held -
 - (a) when required by the Act; or
 - (b) in accordance with section 202 of the Act, on the written requisition of the number of active members of the co-operative who together are able to cast at least 20% of the total number of votes able to be cast at a meeting of the co-operative; or
 - (c) if approved by the members by ordinary resolution.

27. Poll at general meetings

- (1) If a poll (or ballot) is demanded by at least 5 members, it must be conducted in a manner specified by the person presiding and the result of the poll is the resolution of the meeting on that question.
- (2) A poll demanded for the election of a person presiding or on a question of adjournment must be taken immediately, but any other poll may be conducted at any time before the close of the meeting.

28. Special and ordinary resolutions

- (1) A special resolution is a resolution which is passed in accordance with sections 192 and 193 of the Act -
 - (a) by a two-thirds majority at a general meeting of members; or

- (b) by a two-thirds majority in a postal ballot (other than a special postal ballot) of members; or
 - (c) by a three-quarters majority in a special postal ballot of members.
- (2) An ordinary resolution is a resolution passed by a simple majority at a general meeting or in a postal ballot by members.
 - (3) A special resolution has effect from the date that it is passed unless it is required to be registered under section 196(2) of the Act.

29. Board of directors

- (1) There shall be a board of five directors.
- (2) A director must be -
 - (a) a natural person; and
 - (b) not less than 18 years of age.

30. Qualifications of directors

- (1) A person is not qualified to be a director unless he or she is -
 - (a) a member of the co-operative or a representative of a body corporate which is a member of the co-operative ("member director"); or
 - (b) an employee of the co-operative or a person qualified as set out in Appendix 5 ("independent director").
- (2) In accordance with section 213 of the Act, a person may only be elected or appointed as an independent director if there are at least 3 member directors appointed for each independent director.
- (3) A person must not act as a director if the person is disqualified under section 214 of the Act.
- (4) The first directors shall be elected at the meeting for the formation of the co-operative.

31. Retirement of directors

- (1) At the first annual general meeting of the co-operative 3 of the directors must retire and at the next annual general meeting 2 of the directors must retire and this pattern of rotation is to continue in ensuing years.
- (2) A retiring director retains office until the close of the meeting at which his or her successor is elected.
- (3) The directors to retire in any one year are, subject to the provisions as to the filling of casual vacancies, those that have been longest in office since their last election and if there are 2 or more directors who became directors on the same day, those who retire must be determined by lot unless they otherwise agree among themselves.
- (4) A retiring director is eligible for re-election.

32. Election of directors

- (1) At least 6 weeks before an annual general meeting, the board must -
 - (a) notify all members of the number of directors retiring at the annual general meeting in writing; and
 - (b) advise the members of -
 - (i) their eligibility to nominate as a director; and
 - (ii) the duties and responsibilities of a director; and
 - (iii) the anticipated remuneration (if any); and
 - (iv) the nomination and election procedures.
- (2) Not less than 6 weeks before the annual general meeting, a notice must be displayed at the registered office of the co-operative inviting nominations of candidates for election as directors.
- (3) A nomination must -

- (a) be signed by 2 or more members; and
 - (b) provide details of the qualifications and experience of the person nominated; and
 - (c) be accompanied by a notice in writing signed by the candidate agreeing to his or her nomination.
- (4) The nomination and the notice referred to in the sub-rule (3) must be lodged at the registered office of the co-operative at least 21 days before the annual general meeting.
- (5) Details of each person who has been nominated must be given to members with the notice of the annual general meeting by the secretary or an officer nominated by the board.
- (6) Details to be provided to members must include the candidate's -
- (a) name; and
 - (b) age; and
 - (c) qualifications and experience; and
 - (d) length of any previous service as a director of the co-operative or with any other co-operative.

33. Manner of election

- (1) The ballot for the election of directors must be conducted at the annual general meeting in the manner that the board directs.
- (2) If, at the annual general meeting at which an election of directors ought to take place, the place of any retiring directors is not filled, the meeting stands adjourned until the same day and time in the next week and at the same place unless another place is specified by a director or officer of the co-operative -
 - (a) at the time of the adjournment; or
 - (b) by written notice to members given before the day to which the meeting is adjourned.
- (3) At the resumption of the adjourned meeting nominations for any unfilled positions of director may be received and an election may be held.

34. Casual vacancy

If there is a casual vacancy in the office of director under section 219 of the Act, the board may appoint a person to fill that vacancy but the person appointed must retire at the next annual general meeting.

35. Removal from the office of director

The co-operative may by special resolution remove any director from office before the end of the director's period of office.

36. Remuneration

In accordance with section 229 of the Act a director of a co-operative must not be paid any remuneration for services as a director other than fees, concessions and other benefits that are approved at a general meeting of the co-operative.

37. Deputy directors

- (1) In the absence of a director from a meeting of the board, the board may appoint a person to act as a deputy for that director.
- (2) A person appointed under sub-rule (1) must -
 - (i) be a member, if the absent director is a member;
 - (ii) be a representative of a body corporate, if the absent director is a representative of that body corporate;
 - (iii) be an employee or a person qualified as set out in Appendix 5, if the absent director is an employee or a person qualified as set out in Appendix 5.
- (3) A person appointed as deputy may act in the place of the director for whom he or she is deputy.

- (4) The other members of the board may by majority vote remove a deputy director from office.
- (5) A deputy director vacates office -
 - (a) if the deputy director is removed from office under this rule; or
 - (b) if the director for whom he or she is deputy ceases to hold office; or
 - (c) if the deputy director dies; or
 - (d) if the deputy director resigns.
- (6) A deputy director while acting as a director is entitled to the same remuneration as that to which the director for whom he or she is deputy would have been entitled.

38. Proceedings of the board

- (1) Meetings of the board are to be held as often as may be necessary for properly conducting the business of the co-operative and must in any case be held at least every three months.
- (2) Questions arising at any meeting shall be decided by a majority of votes.
- (3) In the case of an equality of votes, the chairperson has a second or casting vote.
- (4) A director may call a meeting of the board of directors by giving notice individually to every other director.
- (5) Except in special circumstances determined by the chairperson, at least 48 hours notice shall be given to the directors of all meetings of the board.

39. Quorum for board meetings

The quorum for a meeting of the board is 3.

40. Chairperson of board

- (1) The chairperson of the board shall be elected by the board.
- (2) If the chairperson of the board is unable or unwilling to preside or is not present within 15 minutes after the time appointed for meetings of the board, the members present must select one of their number to preside.
- (3) The person selected under sub-rule (2) presides at the board meeting until the time that the chairperson attends and is willing to act.
- (4) The board may by ordinary resolution remove the chairperson from office.
- (5) A chairperson shall be elected in the last month of each financial year.

41. Financial year

The financial year of the co-operative ends on the 30 June.

42. Seal

- (1) In accordance with section 254 of the Act, the co-operative must ensure that the name of the co-operative appears in legible characters on its common seal and official seals.
- (2) The common seal must be kept at the registered office of the co-operative in such custody as the board directs.
- (3) The co-operative must have, for use in place of its common seal outside the State where its common seal is kept, one or more official seals, each of which must be a facsimile of the common seal of the co-operative with the addition on its face of the name of every place where it is to be used.
- (4) The seal of the co-operative must not be affixed to any instrument except in accordance with a resolution of the board.
- (5) Two directors must be present when the common or official seal is affixed to an instrument by another person and must sign the instrument so sealed.
- (6) In accordance with section 49(2) of the Act, the persons affixing the official seal must certify in writing on the instrument to which it is affixed, the date and place at which it is affixed.

43. Custody and inspection of records

A person is entitled to make a copy of entries in a register specified in section 246(1) of the Act -

- (a) if the copy is a photocopy or electronic copy, on payment of a fee of \$1 per page to a maximum of \$20; and
- (b) in any other case, free of charge.

44. Banking

- (1) The board must ensure that -
 - (a) a banking account or accounts are kept in the name of the co-operative; and
 - (b) all money received by the co-operative is paid into that account or those accounts as soon as possible after it is received.
- (2) All cheques drawn on such accounts and all drafts, bills of exchange, promissory notes, and other negotiable instruments for and on behalf of the co-operative, must be signed by any 2 or more directors.

45. Safekeeping of securities

The co-operative must keep the securities of the co-operative safely in the manner and with the provision for their safety that the board directs.

46. Audit

- (1) The accounts of the co-operative must be audited in accordance with section 238 of the Act and the regulations made under that section.
- (2) Auditors must be appointed in accordance with the regulations under section 238 of the Act to audit the accounts of the co-operative.
- (3) Audits must be carried out annually.

47. Co-operative funds

- (1) The funds and property of the co-operative must be applied solely towards the carrying out and promotion of its objects and no part may be paid or transferred directly or indirectly by way of discount, rebate or otherwise by way of profit to members of the co-operative.
- (2) There must be no return or distribution on surplus to members.

48 Provision for loss

Subject to section 271 of the Act, the board may resolve to retain part of the surplus arising from the business of the co-operative in any year to be applied to meet any loss on the transactions of the co-operative.

49. Winding up

- (1) The winding up of the co-operative must be in accordance with Part 12 of the Act.
- (2) If, on the winding up or dissolution of the co-operative, any property remains after the satisfaction of all its debts and liabilities and the costs, expenses and charges of the winding up, that property -
 - (a) must not be paid to or distributed among the members; and
 - (b) must be given or transferred to an institution -
 - (i) which has objects similar to those of the co-operative; and
 - (ii) whose constitution prohibits the distribution of property among its members; and
 - (iii) which has been chosen by the members of the co-operative at or before the time of dissolution.

CERTIFICATION

We the undersigned, certify that this is a copy of the rules which was presented to the formation meeting on (date) at

.....
(location)

for the purpose of forming a co-operative to be known as:

..... (name of co-operative)

..... Chairperson of Formation Meeting

Signature

..... Secretary of Formation Meeting

Signature

Note: This certification is signed at the Formation Meeting which is held after the rules have been approved by the registrar and returned to the sponsors of the proposed co-operative.

Appendix 1

Schedule of charges -

Copies of entry in register	<i>refer to rule 45</i>
Transfer of charge (inclusive of transfer of debenture)	\$10
Copy of rules	\$5 plus \$1 for each page after the first page to a maximum of \$10.

Appendix 2

Part 1

Name of co-operative -

Part 2

Primary activity -

Part 3

Active membership requirements -

[Note: Active membership may be a regular subscription to be applied in connection with a primary activity of the co-operative: section 126 of the Act.]

Appendix 3

Part 1

Entry fee - \$.....

Subscription - \$.....

Terms of payment -

Part 2

Fines -

The maximum fine applicable to the co-operative is \$.....
[Note: The Act does not permit a fine exceeding \$100.00]

Appendix 4

This form can be used for a transfer of debentures.

I, A.B (“the transferor”) of.....in the State of
in consideration of the sum of \$
paid to me by C.D.(“the transferee”) of.....in the State
of.....

transfer to the transferee **the debenture or debentures** numbered.....
in the[Name of co-operative]

to be held by the transferee, the transferee’s executors, administrators, and assigns,
subject to the several conditions on which I hold the same at the time of the
execution,

and I, the transferee, agree to take **the debenture or debentures** subject to the
conditions previously referred to in this document.

Dated this day of 19.....

Signed by

.....transferor.

In the presence ofwitness.

.....witness address

Signed by

.....transferee.

In the presence ofwitness.

.....witness address

Appendix 5

Qualifications of an independent director -

MODEL RULES OF
A TRADING CO-OPERATIVE
Co-operatives Act 1996 (Vict.)

1. Definitions

In these rules -

“**Act**” means the **Co-operatives Act 1996**;

“**Appendix**” means Appendix to these rules;

“**board**” means the board of the co-operative;

“**general meeting**” means any annual or special general meeting;

“**member**” means a member of the co-operative;

“**month**” means calendar month;

“**Registrar**” means the person for the time being holding the office of Registrar of Co-operatives under the Act;

“**regulations**” means the Co-operatives Regulations 1997.

2. Members to abide by co-operative principles

The co-operative and its members must comply with the co-operative principles to the extent that they apply to them.

3. Alteration of the rules

- (1) These rules may be altered by a special resolution in accordance with section 113 of the Act or by a resolution of the board in accordance with section 114 of the Act.
- (2) A proposed alteration of these rules must be approved by the Registrar under section 112 of the Act before the resolution altering the rules is passed.
- (3) An alteration of these rules does not take effect unless and until it is registered by the Registrar under section 115 of the Act.
- (4) Any member is entitled to obtain from the co-operative a copy of these rules on payment of the amount set out in Appendix 1.

4. Name

- (1) The name of the co-operative is the name specified in Part 1 of Appendix 2.
- (2) The co-operative may change its name in accordance with section 255 of the Act.
- (3) The co-operative may abbreviate its name in accordance with section 253 of the Act.

5. Active membership provisions

- (1) The primary activity of the co-operative is the activity set out in Part 2 of Appendix 2.
- (2) In order to establish active membership of the co-operative a member must comply with the requirements set out in Part 3 of Appendix 2.
- (3) All members must be active members of the co-operative.
- (4) If a member fails or ceases to be an active member, the board must accordance with Division 4 of Part 6 of the Act -
 - (a) declare the membership of the member cancelled; and
 - (b) declare the shares of the member forfeit.

6. Qualifications and shareholding required for membership

- (1) A person is not qualified to be admitted to membership unless there are reasonable grounds for believing that the person will be an active member of the co-operative.
- (2) Every member must hold a share in accordance with Appendix 3.

7. Membership and shares

- (1) An application for membership or shares in the co-operative must -

- (a) be in a form approved by the board; and
 - (b) be lodged at the registered office of the co-operative; and
 - (c) be accompanied by the relevant fee or amount set out in Part 1 of Appendix 3.
- (2) An application for membership must include an application for a share in the co-operative.
- (3) The board must consider each application.
- (4) The board at its sole discretion may accept or reject an application for membership or shares and need not give any reason for its decision.
- (5) If the board approves an application for membership or shares -
- (a) the relevant shares must be allotted to the applicant; and
 - (b) the board must ensure that the name of the person and the number of shares allotted is entered in the register of members, directors and shares in accordance with sections 75 and 244 of the Act; and
 - (c) the board must notify the applicant in writing of allotment of the shares and of the entry in the register; and
 - (d) the applicant for membership becomes entitled to exercise the rights of membership when -
 - (i) the member's name appears in the register of members; and
 - (ii) the member has paid to the co-operative the relevant fees and amounts set out in Part 1 of Appendix 3.
- (6) If the board rejects an application, the whole of the money lodged in respect of the application must be refunded to the applicant without interest.

8. Ceasing membership

A person ceases to be a member in each of the following circumstances -

- (a) if the member's membership is cancelled under Part 6 of the Act;
- (b) if the member is expelled in accordance with these rules;
- (c) if the member becomes bankrupt and the trustee of the member's estate disclaims any debt, contract, duty or liability of the member with the co-operative;
- (d) on the death of the member;
- (e) if the contract of membership is rescinded on the ground of misrepresentation or mistake;
- (f) if the member's share is transferred to another person and the transferee is registered as the holder of the share;
- (g) if the member's share is forfeited in accordance with the provisions of the Act or the provisions of these rules;
- (h) if the member's share is purchased by the co-operative in accordance with the provisions of these rules;
- (i) if a member's share is sold by the co-operative pursuant to any power in these rules and the purchaser is registered as holder in the member's place;
- (j) if the amount paid up on the member's share is repaid to the member in accordance with the provisions of these rules;
- (k) on notice in writing given by the member to the Secretary, of the member's resignation from membership; or
- (l) in the case of a member that is a body corporate, if the body is dissolved.

9. Expulsion of members

- (1) A member may be expelled from the co-operative if the co-operative by special resolution determines that the member should be expelled on the ground that -

- (a) the member has failed to discharge the member's obligations to the co-operative under the Act or these rules;
 - (b) the member has acted in a manner that has -
 - (i) prevented or hindered the co-operative in carrying out any of its primary activities; or
 - (ii) brought the co-operative into disrepute; or
 - (c) the member has acted in a manner contrary to any of the co-operative principles and in so acting caused the co-operative harm.
- (2) The member must be given at least 28 days written notice of the proposed resolution and of the date, time and place of the meeting at which the resolution will be moved.
 - (3) The procedure at the general meeting to consider the proposed resolution is as follows -
 - (a) the member must be given a reasonable opportunity to be heard at the meeting;
 - (b) the member is entitled to call witnesses and to cross examine witnesses called against the member;
 - (c) if the member fails, without reasonable excuse, to attend at the time and place of which notice has been given, the co-operative may consider the matter in the absence of the member;
 - (d) after considering the matter, the co-operative may by special resolution determine to expel the member.
 - (4) The expulsion of the member does not take effect until the special resolution is registered with the Registrar.
 - (5) When a member is expelled, the co-operative must, in accordance with section 82 of the Act, repay to the member an amount determined in accordance with that section in respect of the member's shares and cancel the member's shares.

10. Suspension of members

- (1) A member may be suspended from membership of the co-operative for a period not exceeding one year if the co-operative by special resolution determines that the member should be so suspended on the ground that -
 - (a) the member has contravened these rules; or
 - (b) the member has failed to discharge the member's obligations to the co-operative under these rules; or
 - (c) the member has acted in a manner detrimental to the co-operative.
- (2) The member must be given at least 28 days written notice of the proposed resolution and of the date, time and place of the meeting at which the resolution will be moved.
- (3) The procedure at the general meeting to consider the proposed resolution is as follows -
 - (a) the member must be given a reasonable opportunity to be heard at the meeting;
 - (b) the member is entitled to call witnesses and to cross examine witnesses called against the member;
 - (c) if the member fails, without reasonable cause, to attend at the time and place of which notice has been given, the co-operative may consider the matter in the absence of the member;
 - (d) after considering the matter, the co-operative may by special resolution determine to suspend the member.
- (4) A member who is suspended ceases during the suspension to have the rights of a member except as otherwise provided in the Act or these rules.

11. Disputes

- (1) The grievance procedure set out in this rule applies to disputes under these rules between -
 - (a) a member and another member; or
 - (b) a member and the co-operative.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting under sub-rule (2) or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be -
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement -
 - (i) in the case of a dispute between a member and another member, by the board of the co-operative; or
 - (ii) in the case of a dispute between a member and the co-operative, a person who is a mediator with the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the co-operative can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.

* This Rule provides for the mediation of a dispute by a mediator. Note that section 89 of the Act provides another procedure whereby application may be made to the Supreme Court for an order declaring and enforcing rights or obligations of members between themselves, or of the co-operative and a member between themselves. The Court may refuse to make an order, or may make an order for costs, if the Court is of the opinion that the application is unreasonable or the issue trivial.

12. Fines

- (1) The co-operative may impose a fine on a member for any infringement of these rules.
- (2) The fine must not exceed the amount set out in Part 1 of Appendix 3.

13. Capital and shares

The capital of the co-operative is to be raised by the issue of shares which are to have a nominal value as described in Part 2 of Appendix 3.

14. Liability of members

- (1) A member is not, as a member, under any personal liability to the co-operative except for the amount, if any, unpaid on the shares held by the member together with any charges payable by the member to the co-operative as required by these rules.
- (2) On the death of a member, the member's estate remains liable as the member until the member's personal representative or some other person is registered in the member's place.

15. Calls on shares

- (1) The board may make calls on the members in respect of any money unpaid on their shares.
- (2) Sub-rule (1) does not apply if the terms of issue of the shares provide for the money unpaid on the shares to be paid at fixed times.
- (3) A call must not -
 - (a) exceed one-quarter of the sum of the nominal value of the shares; or
 - (b) be payable earlier than one month after the day fixed for the payment of the last preceding call.

- (4) A member must be given at least 14 days notice specifying the time or times and place of payment of the call.
- (5) A member who receives notice of a call must pay the amount of the call on the member's shares to the co-operative at the time or times and at the place specified in the notice.
- (6) The board may revoke or postpone a call.
- (7) A sum that becomes payable on a share under the terms of issue of the share is deemed for the purposes of these rules to be an amount payable on a call notified under this rule as if the time and place for payment specified in the terms of issue were the time and place for payment of the call.
- (8) The board may accept from a member the whole or a part of the amount unpaid on a share although no part of that amount has been called up.

16. Forfeiture of shares

- (1) If a member fails to pay a call on any day appointed for the payment of the call, the board may serve a notice on the member requiring payment of so much of the call as is unpaid.
- (2) The notice must -
 - (a) specify a day (being not less than 28 days after the date of service of the notice) on or before which the payment required by the notice is to be paid; and
 - (b) state that if the payment is not so paid, the shares in respect of which the call was made are liable to be forfeited.
- (3) If the payment is not made in accordance with the notice, the board may, by resolution, declare that the shares are forfeited.
- (4) The board's declaration has the effect of forfeiting the shares concerned.

17. Share certificates

- (1) The board, on the application of a person holding shares in the co-operative, must issue to that person, without payment, a certificate under the seal of the co-operative specifying the shares held by that person and the amount paid up on those shares.
- (2) However, if shares are held jointly -
 - (a) the board is not required to issue more than one share certificate in respect of those shares and
 - (b) the delivery of the share certificate to one joint shareholder is sufficient delivery to all.
- (3) If the board is satisfied that a share certificate issued by the co-operative is defaced, lost or destroyed, the board may issue a duplicate certificate on payment of a fee determined by the board as set out in Appendix 1.

18. Sale of members' shares

Subject to section 172 of the Act, the co-operative may sell a member's shares at the request of the member.

19. Transfer and transmission of shares

- (1) The instrument of transfer of any share shall be executed by or on behalf of the transferor (the giver) and the transferee (the receiver of the share).
- (2) The transferor remains the holder of the share until the name of the transferee is entered in the register of members in respect of the share.
- (3) A transfer of shares is to be in the form of Appendix 4 or in a form approved by the board.
- (4) A share cannot be sold or transferred except -
 - (a) with the consent of the board, to any person who is qualified to be admitted to membership of the co-operative under rules 5 and 6; or
 - (b) as otherwise provided by the Act or these rules.

- (5) The board may refuse to register a transfer of shares -
 - (a) to a person who is not eligible to be a member; or
 - (b) to a person whom the board does not approve; or
 - (c) if the co-operative has a lien or charge over the shares.
- (6) If the board refuses to register a transfer of shares, it must send written notice of its decision to the proposed transferee within 14 days after making that decision.
- (7) The board may decline to recognise any instrument of transfer unless -
 - (a) a fee in accordance with Appendix 1 is paid by the member to the co-operative for the transfer; and
 - (b) the instrument of transfer is accompanied by the certificate (if any) of the shares to which it relates, and such other evidence as the board may reasonably require to show the right of the transferor to make the transfer.
- (8) The board may suspend the registration of transfers during the 14 days immediately preceding the annual general meeting in each year.

20. Forfeitures and cancellations - Inactive members

- (1) In accordance with section 131 of the Act, the board, after giving any notice required under section 136 of the Act, must declare the membership of a member cancelled if -
 - (a) the whereabouts of the member are not presently known to the co-operative and have not been known to the co-operative for a period of at least 3 years before that time; or
 - (b) the member is not presently an active member of the co-operative and has not been an active member of the co-operative at any time during the period of 3 years immediately before that time.
- (2) Sub-rule (1) applies to a member only if he or she was a member of the co-operative throughout the period referred to in paragraph (a) or (b), as the case requires.
- (3) In accordance with section 132 of the Act, the board must declare the shares of a member to be forfeited at the same time as the member's membership is cancelled under section 131 of the Act.
- (4) The board's declaration has the effect of forfeiting the shares concerned.
- (5) If the membership of a member is cancelled any amount due to the member in respect of the cancellation must be dealt with in accordance with section 138 of the Act.

21. Forfeited shares

A person whose shares have been forfeited under the Act or these rules remains liable to the co-operative for any amount still unpaid at the date of forfeiture in respect of those shares.

22. Death of a member

- (1) Subject to sections 84, 173 and 174 of the Act, on the death of the member, the board must transfer the deceased member's share or interest in the co-operative to -
 - (a) the executor or administrator of the deceased member; or
 - (b) with the consent of the board, to a person -
 - (i) who is specified by the personal representative of the deceased member in an application under section 84 of the Act; and
 - (ii) who is qualified to be a member in accordance with the Act and these rules.
- (2) The board may transfer the shares or interest of a deceased member to a person entitled in accordance with section 85 of the Act if -
 - (a) the total value of the shares or interest is less than \$10,000 (or such other amount as may be prescribed by the regulations); and
 - (b) there has not been a grant of administration of the estate, or probate of the will of the deceased member.

23. Registration as trustee, executor or administrator

- (1) In accordance with sections 166 to 168 of the Act, the following persons may be registered as the holder of a share in the co-operative -
 - (a) the trustee, executor or administrator of the estate of a dead person, if the dead person was the holder of that share or was entitled in equity to that share;
 - (b) the administrator of the estate of an incapable person, if the incapable person was the holder of that share or was entitled in equity to that share;
 - (c) the Official Trustee in Bankruptcy, if a bankrupt was the holder of that share or was entitled in equity to that share.
- (2) If a person is entitled in equity to a share in the co-operative, the consent of the co-operative and the holder of the share must be obtained before a person can be registered in respect of that share pursuant to sub-rule (1).

24. Entitlements and liabilities of person registered as trustee, administrator etc.

Subject to the Act, a person registered pursuant to section 166, 167 or 168 of the Act and rule 23 is, while so registered -

- (a) entitled to the same dividends and other benefits; and
- (b) in accordance with section 169 of the Act, subject to the same liabilities and only those liabilities -

in respect of the share as those to which the person would have been subject if the share had remained, or had been, registered in the name of the dead person, the incapable person or the bankrupt.

25. Transfer and transmission of debentures

- (1) The instrument of transfer of a debenture must be executed by the transferor (the giver) and the transferee (the receiver).
- (2) The transferor remains the holder of the debenture until the board consents to the transfer and the name of the transferee is entered in the registers of debentures in respect of the debenture.
- (3) A transfer of debentures must be in the form of Appendix 4 or in a form approved by the board.
- (4) The board may decline to recognise any instrument of transfer of a debenture and may decline to register the transfer unless -
 - (a) a fee in accordance with Appendix 1 is paid to the co-operative for the transfer; and
 - (b) the instrument of transfer is accompanied by the debenture and such other evidence as the board may reasonably require to show the right of the transferor to make the transfer; and
 - (c) any stamp duty payable in respect of the instrument of transfer has been paid.
- (5) If the board refuses to register a transfer of debenture, it must send written notice of its decision to the proposed transferee within 28 days after making that decision.

26. Annual general meetings

- (1) In accordance with section 204 of the Act, the first annual general meeting of the co-operative must be held at any time within 19 months after the incorporation of the co-operative.
- (2) The second or any subsequent annual general meeting of the co-operative must be held within -
 - (a) 5 months after the close of the financial year of the co-operative; or
 - (b) any further time that may be allowed by the Registrar or is prescribed.

- (3) The board may determine the date, time and place of the annual general meeting.
- (4) All general meetings of the co-operative other than the annual general meeting shall be special general meetings
- (5) If the board does not hold an annual general meeting within the required time, the members may requisition the meeting in accordance with section 209 of the Act.

27. Special general meetings

- (1) A special general meeting of the co-operative may be convened at any time by the board of directors.
- (2) In accordance with section 209 of the Act, the board must convene a general meeting of the co-operative on the written requisition of the number of active members of the co-operative who together are able to cast at least 20% of the total number of votes able to be cast at a meeting of the co-operative.

28. Notice of general meetings

- (1) The board must give each member at least 14 days notice of each general meeting.
- (2) The notice may be given in accordance with section 460 of the Act.
- (3) The notice must specify the place, the day and the time of the meeting and if special business is to be transacted, set out generally the nature of the special business.
- (4) If a special resolution is to be proposed at the meeting at least 21 days notice of that special resolution must be given to the members of the co-operative in accordance with section 192 of the Act.
- (5) A member of the co-operative who wishes to propose a resolution at a general meeting must give the co-operative written notice of the resolution.
- (6) If notice of an ordinary resolution is given under sub-rule (5) at least 14 days before the board gives notice of the meeting, the board must include details of that resolution in the notice of the meeting.

29. Business at general meetings

- (1) The ordinary business of the annual general meeting shall be -
 - (a) to confirm minutes of the last preceding general meeting (whether annual or special);
 - (b) to receive from the board, auditors, or any officers of the co-operative reports upon the transactions of the co-operative during the financial year, including balance sheet, trading account, profit and loss account, statement of cash flows, and the state of affairs at the end of that year;
 - (c) to elect and determine the remuneration (if any) of directors.
 - (d) to determine the rates of dividend, bonus shares and rebate.
- (2) The annual general meeting may also transact special business of which notice has been given to members in accordance with these rules.
- (3) All business of a general meeting, other than ordinary business, is special business.

30. Quorum at general meetings

- (1) An item of business must not be transacted at a meeting of a co-operative unless a quorum of members entitled to vote is present during the transaction of that item.
- (2) Subject to sub-rule (3) the quorum of the co-operative is 5 members entitled to vote at a meeting of the co-operative plus -
 - (a) if the active membership of the co-operative exceeds 50 but does not exceed 200, 1 additional member for each 10 members after the first 50 active members; and
 - (b) if the active membership of the co-operative exceeds 200, the additional members referred to in paragraph (a) and 1 additional member for each 50 active members after the first 200 members.

- (3) If within half an hour after the appointed time for the meeting a quorum is not present, the meeting -
 - (a) if convened upon the requisition of members, is abandoned; and
 - (b) in any other case is to be adjourned to the same day and time in the next week at the same place.
- (4) If at an adjourned meeting, under sub-rule (3)(b), a quorum is not present within half an hour after the time appointed for the meeting the meeting must be abandoned.

31. Presiding at general meetings

- (1) Subject to this rule, the chairperson of the board presides at every general meeting of the co-operative.
- (2) If the chairperson of the board is unable or unwilling to preside or is not present within 15 minutes after the time appointed for the meeting, the members present must select one of their number to preside.
- (3) The person selected under sub-rule (2) presides at that meeting until the time that the chairperson attends and is willing to act.

32. Adjournment of meetings

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and from place to place.
- (2) The person presiding must, if directed by a majority of members present at the meeting, adjourn the meeting to a date and time agreed.
- (3) No business may be transacted at an adjourned meeting other than business unfinished at the meeting which was adjourned.
- (4) This rule only applies if there is a quorum at the meeting to be adjourned.

33. Standing orders at meetings

- (1) Subject to sub-rule (3), the following standing orders must be observed at general meetings of the co-operative -
 - (a) The mover of a proposition must not speak for more than 10 minutes. Subsequent speakers are allowed 5 minutes, and the mover of the proposition 5 minutes to reply. The meeting may however by simple majority extend in a particular instance the time permitted by this rule.
 - (b) If an amendment to an original proposition is proposed, no second amendment may be considered until the first amendment is disposed of.
 - (c) If an amendment is carried, the proposition as so amended displaces the original proposition and may itself be amended.
 - (d) If an amendment is defeated, then a further amendment may be moved to the original proposition. However, only one amendment may be submitted to the meeting for discussion at one time.
 - (e) The mover of every original proposition, but not of an amendment, has the right to reply. Immediately after this the question must be put from the chair. No other member may speak more than once on the same question, unless permission is given for an explanation, or the attention of the chairperson is called to a point of order.
 - (f) Propositions and amendments must be submitted in writing, if requested by the chairperson.
 - (g) Any discussion may be closed by a resolution "that the question be now put" being moved seconded, and carried. That resolution must be put to the meeting without debate.
- (2) Any member, or visitor invited to attend the meeting by the board, may speak on any issue

at a meeting with the permission of the chairperson subject to any conditions imposed by the chairperson.

- (3) The standing orders may be suspended for any period by ordinary resolution.

34. Attendance and voting at general meetings

- (1) The right to vote attaches to membership and not shareholding.
- (2) A member of the co-operative is not entitled to vote at a meeting of the co-operative unless that person is an active member of the co-operative.
- (3) Subject to the Act and this rule, every member of the co-operative has only one vote at a meeting of the co-operative.
- (4) A member of a co-operative who is under 18 years of age is not entitled to vote.
- (5) In the case of joint membership -
 - (a) the joint members have only one vote between them; and
 - (b) that vote may be exercised by the member whose name appears first in the register of members unless the other joint members otherwise direct.
- (6) Subject to the Act and these rules, a question for decision at a general meeting, other than a special resolution, must be determined by a majority of members present at the meeting and voting.
- (7) In accordance with section 208(2) of the Act, unless a poll is demanded by at least 5 members, a question for decision at a general meeting must be determined by a show of hands.
- (8) In the case of an equality of votes at a meeting of the co-operative, whether on a show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place or at which the poll is demanded may exercise a second or casting vote.

35. Postal ballot

- (1) The manner of voting shall be in accordance with the regulations.
- (2) A special postal ballot or a postal ballot must be held -
 - (a) when required by the Act; or
 - (b) in accordance with section 202 of the Act, on the written requisition of the number of active members of the co-operative who together are able to cast at least 20% of the total number of votes able to be cast at a meeting of the co-operative; or
 - (c) if approved by the members by ordinary resolution.

36. Poll at general meetings

- (1) If a poll (or ballot) is demanded by at least 5 members, it must be conducted in a manner specified by the person presiding and the result of the poll is the resolution of the meeting on that question.
- (2) A poll demanded for the election of a person presiding or on a question of adjournment must be taken immediately, but any other poll may be conducted at any time before the close of the meeting.

37. Special and ordinary resolutions

- (1) A special resolution is a resolution which is passed in accordance with sections 192 and 193 of the Act
 - (a) by a two-thirds majority at a general meeting of members; or
 - (b) by a two-thirds majority in a postal ballot (other than a special postal ballot) of members; or
 - (c) by a three-quarters majority in a special postal ballot of members.
- (2) An ordinary resolution is a resolution passed by a simple majority at a general meeting or in a postal ballot by members.

- (3) A special resolution has effect from the date that it is passed unless it is required to be registered under section 196(2) of the Act.

38. Board of directors

- (1) There shall be a board of five directors.
- (2) A director must be -
 - (a) a natural person; and
 - (b) not less than 18 years of age.

39. Qualifications of directors

- (1) A person is not qualified to be a director unless he or she is -
 - (a) a member of the co-operative or a representative of a body corporate which is a member of the co-operative (independent director); or
 - (b) an employee of the co-operative or a person qualified as set out in Appendix 5 (independent director).
- (2) In accordance with section 213 of the Act, a person may only be elected or appointed as an independent director if there are at least 3 member directors appointed for each independent director.
- (3) A person must not act as a director if the person is disqualified under section 214 of the Act.
- (4) The first directors shall be elected at the meeting for the formation of the co-operative.

40. Retirement of directors

- (1) At the first annual general meeting of the co-operative 3 of the directors must retire and at the next annual general meeting 2 of the directors must retire and this pattern of rotation is to continue in ensuing years.
- (2) A retiring director retains office until the close of the meeting at which his or her successor is elected.
- (3) The directors to retire in any one year are, subject to the provisions as to the filling of casual vacancies, those that have been longest in office since their last election and if there are 2 or more directors who became directors on the same day, those who retire must be determined by lot unless they otherwise agree among themselves.
- (4) A retiring director is eligible for re-election.

41. Election of directors

- (1) At least 6 weeks before an annual general meeting, the board must -
 - (a) notify all members of the number of directors retiring at the annual general meeting; and
 - (b) advise the members of -
 - (i) their eligibility to nominate as a director; and
 - (ii) the duties and responsibilities of a director; and
 - (iii) the anticipated remuneration (if any); and
 - (iv) the nomination and election procedures.
- (2) Not less than 6 weeks before the annual general meeting, a notice must be displayed at the registered office of the co-operative inviting nominations of candidates for election as directors.
- (3) A nomination must -
 - (a) be signed by 2 or more members; and
 - (b) provide details of the qualifications and experience of the person nominated; and
 - (c) be accompanied by a notice in writing signed by the candidate agreeing to his or her nomination

- (4) The nomination and the notice referred to in the sub-rule (3) must be lodged at the registered office of the co-operative at least 21 days before the annual general meeting.
- (5) Details of each person who has been nominated must be given to members with the notice of the annual general meeting by the secretary or an officer nominated by the board.
- (6) Details to be provided to members must include the candidate's -
 - (a) name; and
 - (b) age; and
 - (c) qualifications and experience; and
 - (d) length of any previous service as a director of the co-operative or with any other co-operative.

42. Manner of election

- (1) The ballot for the election of directors must be conducted at the annual general meeting in the manner that the board directs.
- (2) If, at the annual general meeting at which an election of directors ought to take place, the place of any retiring directors is not filled, the meeting stands adjourned until the same day and time in the next week and at the same place unless another place is specified by a director or officer of the co-operative -
 - (a) at the time of the adjournment; or
 - (b) by written notice to members given before the day to which the meeting is adjourned.
- (3) At the resumption of the adjourned meeting nominations for any unfilled positions of director may be received and an election may be held.

43. Casual vacancy

If there is a casual vacancy in the office of director under section 219 of the Act, the board may appoint a person to fill that vacancy but the person appointed must retire at the next annual general meeting.

44. Removal from the office of director

The co-operative may by special resolution remove any director from office before the end of the director's period of office.

45. Remuneration

In accordance with section 229 of the Act a director of a co-operative must not be paid any remuneration for services as a director other than fees, concessions and other benefits that are approved at a general meeting of the co-operative.

46. Deputy directors

- (1) In the absence of a director from a meeting of the board, the board may appoint a person to act as a deputy for that director.
- (2) A person appointed under sub-rule (1) must -
 - (i) be a member, if the absent director is a member;
 - (ii) be a representative of a body corporate, if the absent director is a representative of that body corporate;
 - (iii) be an employee or a person qualified as set out in Appendix 5, if the absent director is an employee or a person qualified as set out in Appendix 5.
- (3) A person appointed as deputy may act in the place of the director for whom he or she is deputy.
- (4) The other members of the board may by majority vote remove a deputy director from office.
- (5) A deputy director vacates office -

- (a) if the deputy director is removed from office under this rule; or
 - (b) if the director for whom he or she is deputy ceases to hold office; or
 - (c) if the deputy director dies; or
 - (d) if the deputy director resigns.
- (6) A deputy director while acting as a director is entitled to the same remuneration as that to which the director for whom he or she is deputy would have been entitled.

47. Proceedings of the board

- (1) Meetings of the board are to be held as often as may be necessary for properly conducting the business of the co-operative and must in any case be held at least every three months.
- (2) Questions arising at any meeting shall be decided by a majority of votes.
- (3) In the case of an equality of votes, the chairperson has a second or casting vote.
- (4) A director may call a meeting of the board of directors by giving notice individually to every other director.
- (5) Except in special circumstances determined by the chairperson, at least 48 hours notice shall be given to the directors of all meetings of the board.

48. Quorum for board meetings

The quorum for a meeting of the board is 3.

49. Chairperson of board

- (1) The chairperson of the board shall be elected by the board.
- (2) If the chairperson of the board is unable or unwilling to preside or is not present within 15 minutes after the time appointed for meetings of the board, the members present must select one of their number to preside.
- (3) The person selected under sub-rule (2) presides at the board meeting until the time that the chairperson attends and is willing to act.
- (4) The board may by ordinary resolution remove the chairperson from office.
- (5) A chairperson shall be elected in the last month of each financial year.

50. Financial year

The financial year of the co-operative ends on the 30 June.

51. Seal

- (1) In accordance with section 254 of the Act, the co-operative must ensure that the name of the co-operative appears in legible characters on its common seal and official seals.
- (2) The common seal must be kept at the registered office of the co-operative in such custody as the board directs.
- (3) The co-operative must have, for use in place of its common seal outside the State where its common seal is kept, one or more official seals, each of which must be a facsimile of the common seal of the co-operative with the addition on its face of the name of every place where it is to be used.
- (4) The seal of the co-operative must not be affixed to any instrument except in accordance with a resolution of the board.
- (5) Two directors must be present when the common or official seal is affixed to an instrument by another person and must sign the instrument so sealed.
- (6) In accordance with section 49(2) of the Act, the persons affixing the official seal must certify in writing on the instrument to which it is affixed, the date and place at which it is affixed.

52. Custody and inspection of records

A person is entitled to make a copy of entries in a register specified in section 246(1) of the Act -

- (a) if the copy is a photocopy or electronic copy, on payment of a fee of \$1 per page to a maximum of \$20; and
- (b) in any other case, free of charge.

53. Banking

- (1) The board must ensure that -
 - (a) a banking account or accounts are kept in the name of the co-operative; and
 - (b) all money received by the co-operative is paid into that account or those accounts as soon as possible after it is received.
- (2) All cheques drawn on such accounts and all drafts, bills of exchange, promissory notes, and other negotiable instruments for and on behalf of the co-operative, must be signed by any 2 or more directors.

54. Safekeeping of securities

The co-operative must keep the securities of the co-operative safely in the manner and with the provision for their safety that the board directs.

55. Audit

- (1) The accounts of the co-operative must be audited in accordance with section 238 of the Act and the regulations made under that section.
- (2) Auditors must be appointed in accordance with the regulations under section 238 of the Act to audit the accounts of the co-operative.
- (3) Audits must be carried out annually.

56. Co-operative funds

- (1) The board may resolve to retain all or any part of the surplus arising in any year from the business of the co-operative to be applied for the benefit of the co-operative.
- (2) Any part of the surplus arising in any year from the business of the co-operative or any part of the reserves may -
 - (a) be paid to a member by way of rebate based on the business done by the member with the co-operative; or
 - (b) be applied by the issue of bonus shares to a member; or
 - (c) be paid to a member by way of limited dividend (as defined in section 273(3) of the Act) on shares held.
- (3) The rebate, bonus shares or limited dividend -
 - (a) must be declared at the annual general meeting of the co-operative; and
 - (b) must not exceed the amount recommended by the board; and
 - (c) in the case of dividend must not exceed the amount permitted by the Act and regulations.
- (4) The amount of any rebate or dividend payable to a member under sub-rule (2) may, with the consent of the member, be applied -
 - (a) in payment for the issue to the member of bonus shares; or
 - (b) as a loan to the co-operative.
- (5) Any part of the surplus arising in any year from the business of the co-operative may be credited to any person who is not a member, but is qualified to be a member, by way of rebate in proportion to the business done by him or her with the co-operative, if -
 - (a) the person was a member at the time the business was done and the membership has lapsed; or
 - (b) the person has applied for membership after the business was done.

- (6) Nothing in sub-rule (5) precludes the payment of a bonus to an employee in accordance with the terms of his or her employment.
- (7) A part of the surplus, not exceeding 5% arising in any year from the business of the co-operative may be applied for one or both of the following -
 - (a) charitable purposes; or
 - (b) supporting any activity approved by the co-operative.
- (8) The board must give notice of any dividend, rebate or bonus share that has been declared by displaying it at the registered office of the co-operative and in any other manner the board determines.
- (9) Except where the Act or these rules specify otherwise interest does not accrue to a member on any dividend rebate or bonus share held by the co-operative for a member.

57. Provision for loss

Subject to section 271 of the Act, the board may resolve to retain part of the surplus arising from the business of the co-operative in any year to be applied to meet any loss on the transactions of the co-operative.

58. Winding up

The winding up of the co-operative must be in accordance with Part 12 of the Act.

CERTIFICATION

We the undersigned, certify that this is a copy of the rules which was presented to the formation meeting on (date) at

.....
(location)

for the purpose of forming a co-operative to be known as:'

.....
(name of co-operative)

..... Chairperson of Formation Meeting
Signature

..... Secretary of Formation Meeting
Signature

Note: This certification is signed at the Formation Meeting which is held after the rules have been approved by the registrar and returned to the sponsors of the proposed co-operative.

Appendix 1

Schedule of charges -

Copies of entry in register	<i>refer to rule 52</i>
Duplicate share certificate	\$10 (maximum)
Transfer of shares	\$10
Transfer of charge (inclusive of transfer of debenture)	\$10
Copy of rules	\$5 plus \$1 for each page after the first page to a maximum of \$10.

Appendix 2

Appendix 2

Part 1

Name of co-operative -

Part 2

Primary activity -

Part 3

Active membership requirements -

Appendix 3

Part 1

Fines -

The maximum fine applicable to the co-operative is \$.....

[Note: The Act does not permit a fine exceeding \$1000.00]

Part 2

The nominal value of a share and amount payable per share is - \$1.

Fees -

Charges -

Subscriptions -

Appendix 4

This form can be used either for a transfer of shares or debentures.

I, A.B ("the transferor") of.....in the State of
in consideration of the sum of \$
paid to me by C.D.("the transferee") of.....in the
State of.....

transfer to the transferee the share (or shares)/debenture or debentures
numbered.....

in the[Name of co-operative]

to be held by the transferee, the transferee's executors, administrators, and
assigns, subject to the several conditions on which I hold the same at the time of
the execution,

and I, the transferee, agree to take the share (or shares)/debenture or
debentures subject to the conditions previously referred to in this document.

Dated this day of 19.....

Signed by

.....transferor.

In the presence ofwitness.

.....witness address

Signed by

.....transferee.

In the presence ofwitness.

.....witness address

Appendix 5

Qualifications of an independent director -

MODEL RULES OF
A NON-TRADING CO-OPERATIVE
WITH SHARES
Co-operatives Act 1996 (Vict.)

1. Definitions

In these rules -

“**Act**” means the **Co-operatives Act 1996**;

“**Appendix**” means Appendix to these rules;

“**board**” means the board of the co-operative;

“**general meeting**” means any annual or special general meeting;

“**member**” means a member of the co-operative;

“**month**” means calendar month;

“**Registrar**” means the person for the time being holding the office of Registrar of Co-operatives under the Act;

“**regulations**” means the Co-operatives Regulations 1997.

2. Members to abide by co-operative principles

The co-operative and its members must comply with the co-operative principles to the extent that they apply to them.

3. Alteration of the rules

- (1) These rules may be altered by a special resolution in accordance with section 113 of the Act or by a resolution of the board in accordance with section 114 of the Act.
- (2) A proposed alteration of these rules must be approved by the Registrar under section 112 of the Act before the resolution altering the rules is passed.
- (3) An alteration of these rules does not take effect unless and until it is registered by the Registrar under section 115 of the Act.
- (4) Any member is entitled to obtain from the co-operative a copy of these rules on payment of the amount set out in Appendix 1.

4. Name

- (1) The name of the co-operative is the name specified in Part 1 of Appendix 2.
- (2) The co-operative may change its name in accordance with section 255 of the Act.
- (3) The co-operative may abbreviate its name in accordance with section 253 of the Act.

5. Active membership provisions

- (1) The primary activity of the co-operative is the activity set out in Part 2 of Appendix 2.
- (2) In order to establish active membership of the co-operative a member must comply with the requirements set out in Part 3 of Appendix 2.
- (3) All members must be active members of the co-operative.
- (4) If a member fails or ceases to be an active member, the board must in accordance with Division 4 of Part 6 of the Act -
 - (a) declare the membership of the member cancelled; and
 - (b) declare the shares of the member forfeit.

6. Qualifications and shareholding required for membership

- (1) A person is not qualified to be admitted to membership unless there are reasonable grounds for believing that the person will be an active member of the co-operative.
- (2) Every member must hold at least one share.

7. Membership and shares

- (1) An application for membership or shares in the co-operative must -
 - (a) be in a form approved by the board; and
 - (b) be lodged at the registered office of the co-operative; and
 - (c) be accompanied by the relevant fee or amount set out in Part 1 of Appendix 3.
- (2) An application for membership must include an application for a share in the co-operative.
- (3) The board must consider each application.
- (4) The board at its sole discretion may accept or reject an application for membership or shares and need not give any reason for its decision.
- (5) If the board approves an application for membership or shares -
 - (a) the relevant shares must be allotted to the applicant; and
 - (b) the board must ensure that the name of the person and the number of shares allotted is entered in the register of members, directors and shares in accordance with sections 75 and 244 of the Act; and
 - (c) the board must notify the applicant in writing of allotment of the shares and of the entry in the register; and
 - (d) the applicant for membership becomes entitled to exercise the rights of membership when -
 - (i) the member's name appears in the register of members; and
 - (ii) the member has paid to the co-operative the relevant fees and amounts set out in Part 1 of Appendix 3.
- (6) If the board rejects an application, the whole of the money lodged in respect of the application must be refunded to the applicant without interest.

8. Ceasing membership

A person ceases to be a member in each of the following circumstances -

- (a) if the member's membership is cancelled under Part 6 of the Act;
- (b) if the member is expelled in accordance with these rules;
- (c) if the member becomes bankrupt and -
 - (i) the trustee of the member's estate disclaims any debt, contract, duty or liability of the member with the co-operative, or
 - (ii) the bankrupt member or trustee is unable to pay monies due to the co-operative by the member or the trustee in his/her capacity as trustee;
- (d) on the death of the member;
- (e) if the contract of membership is rescinded on the ground of misrepresentation or mistake;
- (f) if the member's share is transferred to another person and the transferee is registered as the holder of the share;
- (g) if the member's share is forfeited in accordance with the provisions of the Act or the provisions of these rules;
- (h) if the member's share is purchased by the co-operative in accordance with the provisions of these rules;
 - (i) if a member's share is sold by the co-operative pursuant to any power in these rules and the purchaser is registered as holder in the member's place;
- (j) if the amount paid up on the member's share is repaid to the member in accordance with the provisions of these rules;

- (k) on notice in writing given by the member to the Secretary, of the member's resignation from membership; or
- (l) in the case of a member that is a body corporate, if the body is dissolved.

9. Expulsion of members

- (1) A member may be expelled from the co-operative if the co-operative by special resolution determines that the member should be expelled on the ground that -
 - (a) the member has failed to discharge the member's obligations to the co-operative under the Act or these rules;
 - (b) the member has acted in a manner that has -
 - (i) prevented or hindered the co-operative in carrying out any of its primary activities; or
 - (ii) brought the co-operative into disrepute; or
 - (c) the member has acted in a manner contrary to any of the co-operative principles and in so acting caused the co-operative harm.
- (2) The member must be given at least 28 days written notice of the proposed resolution and of the date, time and place of the meeting at which the resolution will be moved.
- (3) The procedure at the general meeting to consider the proposed resolution is as follows -
 - (a) the member must be given a reasonable opportunity to be heard at the meeting;
 - (b) the member is entitled to call witnesses and to cross examine witnesses called against the member;
 - (c) if the member fails, without reasonable excuse, to attend at the time and place of which notice has been given, the co-operative may consider the matter in the absence of the member.
 - (d) after considering the matter, the co-operative may by special resolution determine to expel the member;
- (4) The expulsion of the member does not take effect until the special resolution is registered with the Registrar.
- (5) When a member is expelled, the co-operative must, in accordance with section 82 of the Act, repay to the member an amount determined in accordance with that section in respect of the member's shares and cancel the member's shares.

10. Suspension of members

- (1) A member may be suspended from membership of the co-operative for a period not exceeding one year if the co-operative by special resolution determines that the member should be so suspended on the ground that -
 - (a) the member has contravened these rules; or
 - (b) the member has failed to discharge the member's obligations to the co-operative under these rules; or
 - (c) the member has acted in a manner detrimental to the co-operative.
- (2) The member must be given at least 28 days written notice of the proposed resolution and of the date, time and place of the meeting at which the resolution will be moved.
- (3) The procedure at the general meeting to consider the proposed resolution is as follows -
 - (a) the member must be given a reasonable opportunity to be heard at the meeting;
 - (b) the member is entitled to call witnesses and to cross examine witnesses called against the member;
 - (c) if the member fails, without reasonable cause, to attend at the time and place of which notice has been given, the co-operative may consider the matter in the absence of the member;

- (d) after considering the matter, the co-operative may by special resolution determine to suspend the member.
- (4) A member who is suspended ceases during the suspension to have the rights of a member except as otherwise provided in the Act or these rules.

11. Disputes

- (1) The grievance procedure set out in this rule applies to disputes under these rules between -
 - (a) a member and another member; or
 - (b) a member and the co-operative.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting under sub-rule (2) or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (4) The mediator must be
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement -
 - (i) in the case of a dispute between a member and another member, by the board of the co-operative; or
 - (ii) in the case of a dispute between a member and the co-operative, a person who is a mediator with the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A member of the co-operative can be a mediator.
- (6) The mediator cannot be a member who is a party to the dispute.

* This Rule provides for the mediation of a dispute by a mediator. Note that section 89 of the Act provides another procedure whereby application may be made to the Supreme Court for an order declaring and enforcing rights or obligations of members between themselves, or of the co-operative and a member between themselves. The Court may refuse to make an order, or may make an order for costs, if the Court is of the opinion that the application is unreasonable or the issue trivial.

12. Fines

- (1) The co-operative may impose a fine on a member for any infringement of these rules.
- (2) The fine must not exceed the amount set out in Part 1 of Appendix 3.

13. Capital and shares

The capital of the co-operative is to be raised by the issue of shares which are to have a nominal value as described in Part 2 of Appendix 3.

14. Liability of members

- (1) A member is not, as a member, under any personal liability to the co-operative except for the amount, if any, unpaid on the shares held by the member together with any charges payable by the member to the co-operative as required by these rules.
- (2) On the death of a member, the member's estate remains liable as the member until the member's personal representative or some other person is registered in the member's place.

15. Calls on shares

- (1) The board may make calls on the members in respect of any money unpaid on their shares.
- (2) Sub-rule (1) does not apply if the terms of issue of the shares provide for the money unpaid on the shares to be paid at fixed times.
- (3) A call must not -

- (a) exceed one-quarter of the sum of the nominal value of the shares; or
 - (b) be payable earlier than one month after the day fixed for the payment of the last preceding call.
- (4) A member must be given at least 14 days notice specifying the time or times and place of payment of the call.
- (5) A member who receives notice of a call must pay the amount of the call on the member's shares to the co-operative at the time or times and at the place specified in the notice.
- (6) The board may revoke or postpone a call.
- (7) A sum that becomes payable on a share under the terms of issue of the share is deemed for the purposes of these rules to be an amount payable on a call notified under this rule as if the time and place for payment specified in the terms of issue were the time and place for payment of the call.
- (8) The board may accept from a member the whole or a part of the amount unpaid on a share although no part of that amount has been called up.

16. Forfeiture of shares

- (1) If a member fails to pay a call on any day appointed for the payment of the call, the board may serve a notice on the member requiring payment of so much of the call as is unpaid.
- (2) The notice must -
- (a) specify a day (being not less than 28 days after the date of service of the notice) on or before which the payment required by the notice is to be paid; and
 - (b) state that if the payment is not so paid, the shares in respect of which the call was made are liable to be forfeited.
- (3) If the payment is not made in accordance with the notice, the board may, by resolution, declare that the shares are forfeited.
- (4) The board's declaration has the effect of forfeiting the shares concerned.

17. Share certificates

- (1) The board, on the application of a person holding shares in the co-operative, must issue to that person, without payment, a certificate under the seal of the co-operative specifying the shares held by that person and the amount paid up on those shares.
- (2) However, if shares are held jointly -
- (a) the board is not required to issue more than one share certificate in respect of those shares and
 - (b) the delivery of the share certificate to one joint shareholder is sufficient delivery to all.
- (3) If the board is satisfied that a share certificate issued by the co-operative is defaced, lost or destroyed, the board may issue a duplicate certificate on payment of a fee (not exceeding \$10) determined by the board.

18. Sale of members' shares

Subject to section 172 of the Act, the co-operative may sell a member's shares at the request of the member.

19. Transfer and transmission of shares

- (1) The instrument of transfer of any share shall be executed by or on behalf of the transferor (the giver) and the transferee (the receiver of the share).
- (2) The transferor remains the holder of the share until the name of the transferee is entered in the register of members in respect of the share.
- (3) A transfer of shares is to be in the form of Appendix 4 or in a form approved by the board.
- (4) A share cannot be sold or transferred except -

- (a) with the consent of the board, to any person who is qualified to be admitted to membership of the co-operative under rules 5 and 6; or
- (b) as otherwise provided by the Act or these rules.
- (5) The board may refuse to register a transfer of shares -
 - (a) to a person who is not eligible to be a member; or
 - (b) to a person whom the board does not approve; or
 - (c) if the co-operative has a lien or charge over the shares.
- (6) If the board refuses to register a transfer of shares, it must send written notice of its decision to the proposed transferee within 14 days after making that decision.
- (7) The board may decline to recognise any instrument of transfer unless -
 - (a) a fee in accordance with Appendix 1 is paid by the member to the co-operative for the transfer; and
 - (b) the instrument of transfer is accompanied by the certificate (if any) of the shares to which it relates, and such other evidence as the board may reasonably require to show the right of the transferor to make the transfer.
- (9) The board may suspend the registration of transfers during the 14 days immediately preceding the annual general meeting in each year.

20. Forfeitures and cancellations - Inactive members

- (1) In accordance with section 131 of the Act, the board, after giving any notice required under section 136 of the Act, must declare the membership of a member cancelled if -
 - (a) the whereabouts of the member are not presently known to the co-operative and have not been known to the co-operative for a period of at least 3 years before that time; or
 - (b) the member is not presently an active member of the co-operative and has not been an active member of the co-operative at any time during the period of 3 years immediately before that time.
- (2) Sub-rule (1) applies to a member only if he or she was a member of the co-operative throughout the period referred to in paragraph (a) or (b), as the case requires.
- (3) In accordance with section 132 of the Act, the board must declare the shares of a member to be forfeited at the same time as the member's membership is cancelled under section 131 of the Act.
- (4) The board's declaration has the effect of forfeiting the shares concerned.
- (5) If the membership of a member is cancelled any amount due to the member in respect of the cancellation must be dealt with in accordance with section 138 of the Act.

21. Forfeited shares

A person whose shares have been forfeited under the Act or these rules remains liable to the co-operative for any amount still unpaid at the date of forfeiture in respect of those shares.

22. Death of a member

- (1) Subject to sections 84, 173 and 174 of the Act, on the death of the member, the board must transfer the deceased member's share or interest in the co-operative to -
 - (a) the executor or administrator of the deceased member; or
 - (b) with the consent of the board, to a person -
 - (i) who is specified by the personal representative of the deceased member in an application under section 84 of the Act; and
 - (ii) who is qualified to be a member in accordance with the Act and these rules.
- (2) The board may transfer the shares or interest of a deceased member to a person entitled in accordance with section 85 of the Act if -

- (a) the total value of the shares or interest is less than \$10,000 (or such other amount as may be prescribed by the regulations); and
- (b) there has not been a grant of administration of the estate, or probate of the will of the deceased member.

23. Registration as trustee, executor or administrator

- (1) In accordance with sections 166 to 168 of the Act, the following persons may be registered as the holder of a share in the co-operative -
 - (a) the trustee, executor or administrator of the estate of a dead person, if the dead person was the holder of that share or was entitled in equity to that share;
 - (b) the administrator of the estate of an incapable person, if the incapable person was the holder of that share or was entitled in equity to that share;
 - (c) the Official Trustee in Bankruptcy, if a bankrupt was the holder of that share or was entitled in equity to that share.
- (2) If a person is entitled in equity to a share in the co-operative, the consent of the co-operative and the holder of the share must be obtained before a person can be registered in respect of that share pursuant to sub-rule (1).

24. Entitlements and liabilities of person registered as trustee, administrator etc.

Subject to the Act, a person registered pursuant to section 166, 167 or 168 of the Act and rule 23 is, while so registered -

- (a) entitled to the same dividends and other benefits; and
- (b) in accordance with section 169 of the Act, subject to the same liabilities and only those liabilities -in respect of the share as those to which the person would have been subject if the share had remained, or had been, registered in the name of the dead person, the incapable person or the bankrupt.

25. Transfer and transmission of debentures

- (1) The instrument of transfer of a debenture must be executed by the transferor (the giver) and the transferee (the receiver).
- (2) The transferor remains the holder of the debenture until the board consents to the transfer and the name of the transferee is entered in the registers of debentures in respect of the debenture.
- (3) A transfer of debentures must be in the form of Appendix 4 or in a form approved by the board.
- (4) The board may decline to recognise any instrument of transfer of a debenture and may decline to register the transfer unless -
 - (a) a fee in accordance with Appendix 1 is paid to the co-operative for the transfer; and
 - (b) the instrument of transfer is accompanied by the debenture and such other evidence as the board may reasonably require to show the right of the transferor to make the transfer; and
 - (c) any stamp duty payable in respect of the instrument of transfer has been paid.
- (5) If the board refuses to register a transfer of debenture, it must send written notice of its decision to the proposed transferee within 28 days after making that decision.

26. Annual general meetings

- (1) In accordance with section 204 of the Act, the first annual general meeting of the co-operative must be held at any time within 19 months after the incorporation of the co-operative.
- (2) The second or any subsequent annual general meeting of the co-operative must be held within -

- (a) 5 months after the close of the financial year of the co-operative; or
- (b) any further time that may be allowed by the Registrar or is prescribed.
- (3) The board may determine the date, time and place of the annual general meeting.
- (4) All general meetings of the co-operative other than the annual general meeting shall be special general meetings.
- (5) If the board does not hold an annual general meeting within the required time, the members may requisition the meeting in accordance with section 209 of the Act.

27. Special general meetings

- (1) A special general meeting of the co-operative may be convened at any time by the board of directors.
- (2) In accordance with section 209 of the Act, the board must convene a general meeting of the co-operative on the written requisition of the number of active members of the co-operative who together are able to cast at least 20% of the total number of votes able to be cast at a meeting of the co-operative.

28. Notice of general meetings

- (1) The board must give each member at least 14 days notice of each general meeting.
- (2) The notice may be given in accordance with section 460 of the Act.
- (3) The notice must specify the place, the day and the time of the meeting and if special business is to be transacted, set out generally the nature of the special business.
- (4) If a special resolution is to be proposed at the meeting at least 21 days notice of that special resolution must be given to the members of the co-operative in accordance with section 192 of the Act.
- (5) A member of the co-operative who wishes to propose a resolution at a general meeting must give the co-operative written notice of the resolution.
- (6) If notice of an ordinary resolution is given under sub-rule (5) at least 14 days before the board gives notice of the meeting, the board must include details of that resolution in the notice of the meeting.

29. Business at general meetings

- (1) The ordinary business of the annual general meeting shall be -
 - (a) to confirm minutes of the last preceding general meeting (whether annual or special);
 - (b) to receive from the board, auditors, or any officers of the co-operative reports upon the transactions of the co-operative during the financial year, including balance sheet, trading account, profit and loss account, statement of cash flows, and the state of affairs at the end of that year;
 - (c) to elect and determine the remuneration (if any) of directors.
- (2) The annual general meeting may also transact special business of which notice has been given to members in accordance with these rules.
- (3) All business of a general meeting, other than ordinary business, is special business.

30. Quorum at general meetings

- (1) An item of business must not be transacted at a meeting of a co-operative unless a quorum of members entitled to vote is present during the transaction of that item.
- (2) Subject to sub-rule (3) the quorum of the co-operative is 5 members entitled to vote at a meeting of the co-operative plus -
 - (a) if the active membership of the co-operative exceeds 50 but does not exceed 200, 1 additional member for each 10 members after the first 50 active members; and
 - (b) if the active membership of the co-operative exceeds 200, the additional members

referred to in paragraph (a) and 1 additional member for each 50 members after the first 200 members.

- (3) If within half an hour after the appointed time for the meeting a quorum is not present, the meeting -
 - (a) if convened upon the requisition of members, is abandoned; and
 - (b) in any other case is to be adjourned to the same day and time in the next week at the same place.
- (4) If at an adjourned meeting, under sub-rule (3)(b), a quorum is not present within half an hour after the time appointed for the meeting the meeting must be abandoned.

31. Presiding at general meetings

- (1) Subject to this rule, the chairperson of the board presides at every general meeting of the co-operative.
- (2) If the chairperson of the board is unable or unwilling to preside or is not present within 15 minutes after the time appointed for the meeting, the members present must select one of their number to preside.
- (3) The person selected under sub-rule (2) presides at that meeting until the time that the chairperson attends and is willing to act.

32. Adjournment of meetings

- (1) The person presiding may, with the consent of a majority of members present at the meeting, adjourn the meeting from time to time and from place to place.
- (2) The person presiding must, if directed by a majority of members present at the meeting, adjourn the meeting to a date and time agreed.
- (3) No business may be transacted at an adjourned meeting other than business unfinished at the meeting which was adjourned.
- (4) This rule only applies if there is a quorum at the meeting to be adjourned.

33. Standing orders at meetings

- (1) Subject to sub-rule (3), the following standing orders must be observed at general meetings of the co-operative -
 - (a) The mover of a proposition must not speak for more than 10 minutes. Subsequent speakers are allowed 5 minutes, and the mover of the proposition 5 minutes to reply. The meeting may however by simple majority extend in a particular instance the time permitted by this rule.
 - (b) If an amendment to an original proposition is proposed, no second amendment may be considered until the first amendment is disposed of.
 - (c) If an amendment is carried, the proposition as so amended displaces the original proposition and may itself be amended.
 - (d) If an amendment is defeated, then a further amendment may be moved to the original proposition. However, only one amendment may be submitted to the meeting for discussion at one time.
 - (e) The mover of every original proposition, but not of an amendment, has the right to reply. Immediately after this the question must be put from the chair. No other member may speak more than once on the same question, unless permission is given for an explanation, or the attention of the chairperson is called to a point of order.
 - (f) Propositions and amendments must be submitted in writing, if requested by the chairperson.
 - (g) Any discussion may be closed by a resolution "that the question be now put" being moved seconded, and carried. That resolution must be put to the meeting without debate.

- (2) Any member, or visitor invited to attend the meeting by the board, may speak on any issue at a meeting with the permission of the chairperson subject to any conditions imposed by the chairperson.
- (3) The standing orders may be suspended for any period by ordinary resolution.

34. Attendance and voting at general meetings

- (1) The right to vote attaches to membership and not shareholding.
- (2) A member of the co-operative is not entitled to vote at a meeting of the co-operative unless that person is an active member of the co-operative.
- (3) Subject to the Act and this rule, every member of the co-operative has only one vote at a meeting of the co-operative.
- (4) A member of a co-operative who is under 18 years of age is not entitled to vote.
- (5) In the case of joint membership -
 - (a) the joint members have only one vote between them; and
 - (b) that vote may be exercised by the member whose name appears first in the register of members unless the other joint members otherwise direct.
- (6) Subject to the Act and these rules, a question for decision at a general meeting, other than a special resolution, must be determined by a majority of members present at the meeting and voting.
- (7) In accordance with section 208(2) of the Act, unless a poll is demanded by at least 5 members, a question for decision at a general meeting must be determined by a show of hands.
- (8) In the case of an equality of votes at a meeting of the co-operative, whether on a show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place or at which the poll is demanded may exercise a second or casting vote.

35. Postal ballot

- (1) The manner of voting shall be in accordance with the regulations.
- (2) A special postal ballot or a postal ballot must be held -
 - (a) when required by the Act; or
 - (b) in accordance with section 202 of the Act, on the written requisition of the number of active members of the co-operative who together are able to cast at least 20% of the total number of votes able to be cast at a meeting of the co-operative; or
 - (c) if approved by the members by ordinary resolution.

36. Poll at general meetings

- (1) If a poll (or ballot) is demanded by at least 5 members, it must be conducted in a manner specified by the person presiding and the result of the poll is the resolution of the meeting on that question.
- (2) A poll demanded for the election of a person presiding or on a question of adjournment must be taken immediately, but any other poll may be conducted at any time before the close of the meeting.

37. Special and ordinary resolutions

- (1) A special resolution is a resolution which is passed in accordance with sections 192 and 193 of the Act -
 - (a) by a two-thirds majority at a general meeting of members; or
 - (b) by a two-thirds majority in a postal ballot (other than a special postal ballot) of members; or
 - (c) by a three-quarters majority in a special postal ballot of members.

- (2) An ordinary resolution is a resolution passed by a simple majority at a general meeting or in a postal ballot by members.
- (3) A special resolution has effect from the date that it is passed unless it is required to be registered under section 196(2) of the Act.

38. Board of directors

- (1) There shall be a board of five directors.
- (2) A director must be -
 - (a) a natural person; and
 - (b) not less than 18 years of age.

39. Qualifications of directors

- (1) A person is not qualified to be a director unless he or she is -
 - (a) a member of the co-operative or a representative of a body corporate which is a member of the co-operative (imember directori); or
 - (b) an employee of the co-operative or a person qualified as set out in Appendix 5 (independent directori).
- (2) In accordance with section 213 of the Act, a person may only be elected or appointed as an independent director if there are at least 3 member directors appointed for each independent director.
- (3) A person must not act as a director if the person is disqualified under section 214 of the Act.
- (4) The first directors shall be elected at the meeting for the formation of the co-operative.

40. Retirement of directors

- (1) At the first annual general meeting of the co-operative 3 of the directors must retire and at the next annual general meeting 2 of the directors must retire and this pattern of rotation is to continue in ensuing years.
- (2) A retiring director retains office until the close of the meeting at which his or her successor is elected.
- (3) The directors to retire in any one year are, subject to the provisions as to the filling of casual vacancies, those that have been longest in office since their last election and if there are 2 or more directors who became directors on the same day, those who retire must be determined by lot unless they otherwise agree among themselves.
- (4) A retiring director is eligible for re-election.

41. Election of directors

- (1) At least 6 weeks before an annual general meeting, the board must
 - (a) notify all members of the number of directors retiring at the annual general meeting; and
 - (b) advise the members of -
 - (i) their eligibility to nominate as a director; and
 - (ii) the duties and responsibilities of a director; and
 - (iii) the anticipated remuneration (if any); and
 - (iv) the nomination and election procedures.
- (2) Not less than 6 weeks before the annual general meeting, a notice must be displayed at the registered office of the co-operative inviting nominations of candidates for election as directors.
- (3) A nomination must -
 - (a) be signed by 2 or more members; and

- (b) provide details of the qualifications and experience of the person nominated; and
- (c) be accompanied by a notice in writing signed by the candidate agreeing to his or her nomination.
- (4) The nomination and the notice referred to in the sub-rule (3) must be lodged at the registered office of the co-operative at least 21 days before the annual general meeting.
- (5) Details of each person who has been nominated must be given to members with the notice of the annual general meeting by the secretary or an officer nominated by the board.
- (6) Details to be provided to members must include the candidate's -
 - (a) name; and
 - (b) age; and
 - (c) qualifications and experience; and
 - (d) length of any previous service as a director of the co-operative or with any other co-operative.

42. Manner of election

- (1) The ballot for the election of directors must be conducted at the annual general meeting in the manner that the board directs.
- (2) If, at the annual general meeting at which an election of directors ought to take place, the place of any retiring directors is not filled, the meeting stands adjourned until the same day and time in the next week and at the same place unless another place is specified by a director or officer of the co-operative -
 - (a) at the time of the adjournment; or
 - (b) by written notice to members given before the day to which the meeting is adjourned.
- (3) At the resumption of the adjourned meeting nominations for any unfilled positions of director may be received and an election may be held.

43. Casual vacancy

If there is a casual vacancy in the office of director under section 219 of the Act, the board may appoint a person to fill that vacancy but the person appointed must retire at the next annual general meeting.

44. Removal from the office of director

The co-operative may by special resolution remove any director from office before the end of the director's period of office.

45. Remuneration

In accordance with section 229 of the Act a director of a co-operative must not be paid any remuneration for services as a director other than fees, concessions and other benefits that are approved at a general meeting of the co-operative.

46. Deputy directors

- (1) In the absence of a director from a meeting of the board, the board may appoint a person to act as a deputy for that director.
- (2) A person appointed under sub-rule (1) must -
 - (i) be a member, if the absent director is a member;
 - (ii) be a representative of a body corporate, if the absent director is a representative of that body corporate;
 - (iii) be an employee or a person qualified as set out in Appendix 5, if the absent director is an employee or a person qualified as set out in Appendix 5.
- (3) A person appointed as deputy may act in the place of the director for whom he or she is deputy.

- (4) The other members of the board may by a majority vote remove a deputy director from office.
- (5) A deputy director vacates office -
 - (a) if the deputy director is removed from office under this rule; or
 - (b) if the director for whom he or she is deputy ceases to hold office; or
 - (c) if the deputy director dies; or
 - (d) if the deputy director resigns.
- (6) A deputy director while acting as a director is entitled to the same remuneration as that to which the director for whom he or she is deputy would have been entitled.

47. Proceedings of the board

- (1) Meetings of the board are to be held as often as may be necessary for properly conducting the business of the co-operative and must in any case be held at least every three months.
- (2) Questions arising at any meeting shall be decided by a majority of votes.
- (3) In the case of an equality of votes, the chairperson has a second or casting vote.
- (4) A director may call a meeting of the board of directors by giving notice individually to every other director.
- (5) Except in special circumstances determined by the chairperson, at least 48 hours notice shall be given to the directors of all meetings of the board.

48. Quorum for board meetings

The quorum for a meeting of the board is 3.

49. Chairperson of board

- (1) The chairperson of the board shall be elected by the board.
- (2) If the chairperson of the board is unable or unwilling to preside or is not present within 15 minutes after the time appointed for meetings of the board, the members present must select one of their number to preside.
- (3) The person selected under sub-rule (2) presides at the board meeting until the time that the chairperson attends and is willing to act.
- (4) The board may by ordinary resolution remove the chairperson from office.
- (5) A chairperson shall be elected in the last month of each financial year.

50. Financial year

The financial year of the co-operative ends on the 30 June.

51. Seal

- (1) In accordance with section 254 of the Act, the co-operative must ensure that the name of the co-operative appears in legible characters on its common seal and official seals.
- (2) The common seal must be kept at the registered office of the co-operative in such custody as the board directs.
- (3) The co-operative must have, for use in place of its common seal outside the State where its common seal is kept, one or more official seals, each of which must be a facsimile of the common seal of the co-operative with the addition on its face of the name of every place where it is to be used.
- (4) The seal of the co-operative must not be affixed to any instrument except in accordance with a resolution of the board.
- (5) Two directors must be present when the common or official seal is affixed to an instrument by another person and must sign the instrument so sealed.
- (6) In accordance with section 49(2) of the Act, the persons affixing the official seal must certify in writing on the instrument to which it is affixed, the date and place at which it is affixed.

52. Custody and inspection of records

A person is entitled to make a copy of entries in a register specified in section 246(1) of the Act -

- (a) if the copy is a photocopy or electronic copy, on payment of a fee of \$1 per page to a maximum of \$20; and
- (b) in any other case, free of charge.

53. Banking

- (1) The board must ensure that -
 - (a) a banking account or accounts are kept in the name of the co-operative; and
 - (b) all money received by the co-operative is paid into that account or those accounts as soon as possible after it is received.
- (2) All cheques drawn on such accounts and all drafts, bills of exchange, promissory notes, and other negotiable instruments for and on behalf of the co-operative, must be signed by any 2 or more directors.

54. Safekeeping of securities

The co-operative must keep the securities of the co-operative safely in the manner and with the provision for their safety that the board directs.

55. Audit

- (1) The accounts of the co-operative must be audited in accordance with section 238 of the Act and the regulations made under that section.
- (2) Auditors must be appointed in accordance with the regulations under section 238 of the Act to audit the accounts of the co-operative.
- (3) Audits must be carried out annually.

56. Co-operative funds

- (1) The funds and property of the co-operative shall be applied solely towards the carrying out and promotion of its objects and no part shall be paid or transferred directly or indirectly by way of discount, rebate or otherwise by way of profit to members of the co-operative.
- (2) There must be no return or distribution on surplus or share capital to members other than any entitlement they have to the nominal value of shares at winding up.

57. Provision for loss

Subject to section 271 of the Act, the board may resolve to retain part of the surplus arising from the business of the co-operative in any year to be applied to meet any loss on the transactions of the co-operative.

58. Winding up

- (1) The winding up of the co-operative shall be in accordance with Part 12 of the Act.
- (2) If, on the winding up or dissolution of the co-operative, any property remains after the satisfaction of all its debts and liabilities and the costs, expenses and charges of the winding up, that property -
 - (a) must not be paid to or distributed among the members; and
 - (b) must be given or transferred to an institution -
 - (i) which has objects similar to those of the co-operative; and
 - (ii) whose constitution prohibits the distribution of property among its members; and
 - (iii) which has been chosen by the members of the co-operative at or before the time of dissolution.

CERTIFICATION

We the undersigned, certify that this is a copy of the rules which was presented to the formation meeting on (date) at (location)

for the purpose of forming a co-operative to be known as:

..... (name of co-operative)

..... Chairperson of Formation Meeting
Signature

..... Secretary of Formation Meeting
Signature

Note: This certification is signed at the Formation Meeting which is held after the rules have been approved by the registrar and returned to the sponsors of the proposed co-operative.

Appendix 1

Schedule of charges -

Copies of entry in register	<i>refer to rule 52</i>
Duplicate share certificate	\$10 (maximum)
Transfer of share	\$10
Transfer of charge (inclusive of transfer of debenture)	\$10
Copy of rules	\$5 plus \$1 for each page after the first page to a maximum of \$10.

Appendix 2

Appendix 2

Part 1

Name of co-operative -

Part 2

Primary activity -

Part 3

Active membership requirements -

Appendix 3

Part 1

Fines

The maximum fine applicable to the co-operative is \$.....

[Note: The Act does not permit a fine exceeding \$100.00]

Part 2

The nominal value of a share and amount payable per share is - \$1.

Fees -

Charges -

Subscription -

Terms -

Appendix 4

Appendix 4

This form can be used either for a transfer of shares or debentures.

I, A.B (ithe transferor) of.....in the State of
 in consideration of the sum of \$
 paid to me by C.D.(ithe transferee) of.....in the State
 of.....
 transfer to the transferee **the share (or shares)/debenture or debentures**
 numbered.....
 in the[Name of co-operative]

to be held by the transferee, the transferee's executors, administrators, and assigns, subject to the several conditions on which I hold the same at the time of the execution, **and I**, the transferee, agree to take **the share (or shares)/debenture or debentures** subject to the conditions previously referred to in this document.

Dated this day of 19.....

Signed by

.....transferor.

In the presence ofwitness.

.....witness address

Signed by

.....transferee.

In the presence ofwitness.

.....witness address

Appendix 5

Qualifications of an independent director -

Dated 29 January 1998

BERNADETTE STEELE
Registrar of Co-operatives

Private Agents Act 1966**NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES UNDER THE PROVISIONS OF THE PRIVATE AGENTS ACT 1966**

I, the undersigned, being the Clerk of the Magistrates' Court at Shepparton hereby give notice that applications, as under, have been lodged for hearing by the said Court on the date specified.

Any person desiring to object to any such applications must:-

- (a) lodge with me a notice in the prescribed form of his objection and of the grounds thereof;
- (b) cause a copy of such notice to be served personally or by post upon the applicant at least three days before the hearing of the application; and
- (c) send or deliver -
 - (i) where the objection is not made by the officer in charge of the police district in which the Court is situated — a copy of the notice to such officer; and
 - (ii) where the objection is not made by the Registrar or Deputy Registrar — a copy to the Registrar.

<i>Full name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Place of Abode of Applicant or Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing of Application</i>
Kim Anthony Chapman	10 Gillies Street Shepparton	Bruce William Little	73 Numurkah Road, Shepparton	Commercial Sub-agent	9.2.1998
Bradley John Saunders	90 Kialla Lakes Drive Kialla Lakes	Bruce William Little	73 Numurkah Road, Shepparton	Commercial Sub-agent	9.2.1998
Howard Alexander Jackson	7 Tuckett Lane Kialla West	Ausway Link Pty Ltd	83 Guthrie Street Shepparton	Commercial Agents Licence	9.2.1998

Dated at Shepparton 9 January 1998.

DAVID SMITH
Clerk of the Shepparton Magistrates' Court

Water Act 1989

I, David Heeps, Director, Water Agencies Branch, Department of Natural Resources and Environment, as delegate of the Minister for Agriculture and Resources, make the following Order:

CREATION OF THE MALDON
SEWERAGE DISTRICT

1. This Order is called the Creation of the Maldon Sewerage District Order 1998.

2. This Order is made under Section 96(11)(a) of the **Water Act 1989** and all other available powers.

3. This Order takes effect from the date it is published in the Government Gazette.

4. The Maldon Sewerage District is declared

in accordance with the proposal submitted by the Coliban Region Water Authority.

5. Coliban Region Water Authority is nominated to manage and control the Maldon Sewerage District.

6. A copy of the Maldon Sewerage District of Coliban Region Water Authority may be inspected at the offices of the Authority situated at 2 Alder Street, Golden Square, Victoria.

Dated 16 January 1998

DAVID HEEPS
Director, Water Research Branch
Department of Natural Resources
and Environment
(as delegate of the
Minister for Agriculture and Resources)

Water Act 1989NORTH EAST REGION WATER
AUTHORITYProposed Kiewa Tangambalanga Sewerage
District

Notice is hereby given pursuant to Section 96 of the **Water Act 1989** of North East Region Water Authority's intention to set up Kiewa Tangambalanga Sewerage District to include CA 3, Pt 2A, 5A, Pt 6, 6A, 6B, LP 221874, LP 216536, LP 121692, LP 57089, LP 161395, LP 131347, LP 208493, LP 201904, LP 140991 and LP 8044 of Section 1, Pt Lot 1 PS411822P, Lot 1 LP130945, 1, 3B, LP65481 and Pt of: Pt 3, 3A, 2A and 5 of Section 2, LP 29377 and Pt of Pt 4 of Section 3A, Pt of Kiewa Valley Highway, Jenkins Lane, Michelle Drive, Coral Court, Pt of Kiewa East Road, Murra Court, Walcha Street and Quonoey Road in the Parish of Murrumurangbong, Pt of Pt 4A, LP 27208, CP 157967, LP 27208, Pt LP 6848, LP 126101, Pt LP 132782, LP 40117, Pt LP 5009, CP 151692, LP 41081, LP 20426, PS 313285, LP 40498, LP 113336, LP 41081, PS 300779, LP 211140, LP 53442, LP 120600, Pt 11, PS 308616T, LP 148907, RP 8761, LP 118934, SP 24467, LP 78920, LP 50796, LP 138741, LP 126509, PS 308615, Pt 12. LP 284635, LP 110168, CP 152683 and PS 311393 of Section 2, Pt of Kiewa East Road, Pt of Kiewa Bonegilla Road, Pt of Huon Kiewa Road, Kiewa Valley Court, Gentle Road, Samuel Street, Jessica Court and Emily Close in the Parish of Tangambalanga in the County of Bogong.

A plan of the proposed district is available for inspection at the office of North East Region Water Authority, Level 3, Water Offices, Hovell Street, Wodonga, Vic 3690 between 9.00 am to 5.00 pm Monday to Friday.

Submissions on the proposal are invited and must be lodged by 2 March 1998. Submissions should be in writing and include the grounds for any objections to the proposal.

If you have any enquiries in relation to the above, please contact Sathi or Les Ryan by telephone (02) 6022 0555 or at the Authority Office.

J. B. O'BRIEN
Secretary

Land Act 1958

Notice is hereby given Marysville & District Historical Society Inc. has applied for a lease pursuant to Section 134 of the **Land Act 1958** for a term of 21 years in respect of Crown Allotment 11, Section H, Township of Marysville for Cultural and Historical purposes.

MARY T. KENEALY
Honorary Secretary

Planning and Environment Act 1987

BERWICK PLANNING SCHEME

Notice of Lapsing of Amendment

Amendment L123

The Minister for Planning and Local Government has resolved to refuse Amendment L123 to the Berwick Planning Scheme.

The Amendment proposed to adjust Clause 121-6B of the local section of the Berwick Planning Scheme to incorporate the City of Casey Cell Plans - Development Contribution Plan by replacing the existing development contribution requirement for land specified in the City of Casey Cell Plans, generally located in Hallam, Narre Warren, Narre Warren South and Berwick South.

The Amendment lapsed on 15 December 1997.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987

BRIGHT PLANNING SCHEME

Notice of Approval of Amendment

Amendment L45

The Minister for Planning and Local Government has approved Amendment L45 to the Bright Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment introduces a site specific control in the Low Density Residential Zone to enable land on the Ovens Highway Porepunkah to be developed and used as a camping area in

conjunction with the existing camping area on the adjoining property.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Alpine Shire Council, Great Alpine Road, Bright.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987

GLEN EIRA PLANNING SCHEME

Notice of Approval of Amendment

Amendment L18

The Minister for Planning and Local Government has approved Amendment L18 to the Glen Eira Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment varies a restrictive covenant at 41 Margaret Street, Carnegie to allow the erection of three single storey dwellings generally in accordance with the approved planning permit.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Glen Eira City Council, corner of Glen Eira and Hawthorn Roads, Caulfield.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987

MONASH PLANNING SCHEME

Notice of Approval of Amendment

Amendment L21

The Minister for Planning and Local

Government has approved Amendment L21 to the Monash Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rezones land at 36 Monterey Avenue, Glen Waverley from "Public Open Space: Existing" to Residential "C".

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Monash City Council, 293 Springvale Road, Glen Waverley.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987

MONASH PLANNING SCHEME

Notice of Approval of Amendment

Amendment L35

The Minister for Planning and Local Government has approved Amendment L35 to the Monash Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rezones land at 426-452 Highbury Road, Mount Waverley from Extractive Industry to Residential C.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Monash City Council, 293 Springvale Road, Glen Waverley.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987
MOONEE VALLEY PLANNING SCHEME

Notice of Approval of Amendment

Amendment L30

The Minister for Planning and Local Government has approved Amendment L30 to the Moonee Valley Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rezones land at 155-163 Mt Alexander Road, Flemington from Light Industrial (Melbourne) Zone to a Mixed Use Zone.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Moonee Valley City Council, corner Kellaway Avenue and Pascoe Vale Road, Moonee Ponds.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987
PORT PHILLIP PLANNING SCHEME

Notice of Approval of Amendment

Amendment L59

The Minister for Planning and Local Government has approved Amendment L59 to the Port Phillip Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rezones land at 67 Beach Street and 18 Stokes Street, Port Melbourne from Light Industrial (Port Melbourne) to a Mixed Use Zone; and, includes the land in a Potentially Contaminated Land overlay.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins

Street, Melbourne and at the offices of the Port Phillip City Council, South Melbourne Town Hall Offices, Bank Street, South Melbourne.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987
STONNINGTON PLANNING SCHEME

Notice of Approval of Amendment

Amendment L23

The Minister for Planning and Local Government has approved Amendment L23 to the Stonnington Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment:

- rezones an area of land which in part is situated abutting the south bank of the Yarra River, extending continuously along the river bank from, and including, No. 23 Yarradale Road to No. 9 Edzell Avenue, Toorak from Public Purpose - Board of Works (PP18) reservation to Residential C.
- deletes from the planning scheme controls an adjoining area of Public Purpose - Board of Works (PP18) reservation which is situated within the Yarra River.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Stonnington City Council, corner Chapel & Greville Streets, Prahran.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987
STONNINGTON PLANNING SCHEME
Notice of Approval of Amendment
Amendment L43

The Minister for Planning and Local Government has approved Amendment L43 to the Stonnington Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rezones land at 897 & 899 High Street, Armadale from a Service Business Zone to a Restricted Business Zone.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Stonnington City Council, corner Chapel & Greville Streets, Prahran.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Planning and Environment Act 1987
CRANBOURNE PLANNING SCHEME
Notice of Approval of Amendment
Amendment L185

The Minister for Planning and Local Government has approved Amendment L185 to the Cranbourne Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment introduces site specific provisions into the Conservation (Landscape) Zone of the Cranbourne Planning Scheme that allow a permit application to be considered for a retail plant nursery at 1075 Dandenong-Hastings Road, Skye.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Infrastructure, Customer Service

Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Frankston City Council, Davey Street, Frankston.

ADRIAN SALMON
Co-ordinator, Amendment Services
Local Government, Planning and
Market Information Services Division
Department of Infrastructure

Vocational Education and Training Act 1990
DECLARATION THAT SPECIFIED CLASSES OF TRAINING AGREEMENTS ARE
EXEMPT FROM STATE
TRAINING WAGE PROVISIONS

Purpose

1. The purpose of this instrument is to exempt from the State Training Wage provisions of the Vocational Education and Training Act 1990 (the Act) specified classes of training agreements.

Background

2. Schedule 3 to the Act contains provisions relating to the payment of training wages for apprentices employed under training agreements. Clause 2(3) of that Schedule empowers the State Training Board of Victoria to declare any class of training agreements to be a class of training agreement to which the Schedule does not apply.

Authorising Provision

3. This Declaration is made pursuant to clause 2(3) of Schedule 3 to the Act.

Declaration of Exemption

4. The State Training Board of Victoria declares training agreements entered into under the following approved training schemes to be classes of training agreements to which schedule 3 of the Act does not apply:

VOCATION	APPROVED TRAINING SCHEME
Aircraft Maintenance Engineer - Avionics	MEA40197 Certificate IV in Aeroskills (Aircraft Maintenance Engineering - Avionics)
Aircraft Maintenance Engineer - Mechanical	MEA40397 Certificate IV in Aeroskills (Aircraft Maintenance Engineering - Mechanical)
Aircraft Maintenance Engineer - Structures	MEA40597 Certificate IV in Aeroskills (Aircraft Maintenance Engineering - Structures Maintenance)
Aircraft Mechanic - Avionics	MEA40297 Certificate IV in Aeroskills (Aircraft Mechanics - Avionics)
Aircraft Mechanic - Mechanical	MEA40497 Certificate IV in Aeroskills (Aircraft Mechanics - Mechanical)
Automotive Body Repair	3212EKZ Apprenticeship Certificate: Tradesperson Panel Worker/Panel Beater
Automotive Bodymaking	3212EKQ Apprenticeship Certificate in Vehicle Body Maker 1st Class
Automotive Electrical	3212ELB Apprenticeship Certificate in Automotive Electrical
Automotive Engine Reconditioning	3212EKJ Apprenticeship Certificate in Automotive Engine Reconditioning
Automotive Mechanic (Diesel Fuel Injection)	2306AGB Certificate III in Automotive Repair, Service and Retail
Automotive Mechanics	2306AGB Certificate III in Automotive Repair, Service and Retail (Streams: Light Vehicle Mechanics, Automatic Transmission, Diesel Fuel Injection) 3212EKE Apprenticeship Certificate: Motor

	Mechanics - Light Stream 3212EKG Apprenticeship Certificate: Motor Mechanics - Road Transport/Agricultural/ Earthmoving and Industrial
Automotive Mechanic (Automatic) Transmissions	2306AGB Certificate III in Automotive Repair, Services and Retail
Automotive Mechanic - Steering and Suspension	2306ABB Certificate III in Automotive (Pedders Light Vehicle Steering and Suspension)
Automotive Parts Interpreting	3212EKY Apprenticeship Certificate in Automotive Parts Interpreter
Automotive Refinishing	3212EKT Apprenticeship Certificate: Motor Vehicle Painter
Automotive Trimming	3212EKU Apprenticeship Certificate in Vehicle Trimmer
Bedding and Mattress Making	2302AAA Certificate III in Furnishing (Bed and Mattress Making)
Binding and Finishing	2306AIA Certificate III in Print Finishing
Breadmaking and Baking	2311AMC Certificate III in Baking (Apprenticeship)
Breadmaking and Pastrycooking	2311ALC Certificate III in Pastry Cooking (Apprenticeship)
Bricklaying	2302ADC Certificate III in Building and Construction (Fitout and Finish)
Building and Construction Worker	2302ADC Certificate III in Building and Construction (Fitout and Finish)
Butchering	2311ABA Certificate III in Meat Processing (Meat Retailing)
Butchering and Smallgoods Making	2311ABA Certificate III in Meat Processing (Meat Retailing)
Cabinet Making	2302ABC Certificate III in Furnishing (Cabinet Making)
Carpentry	2302ADC Certificate III in Building and Construction (Fitout and Finish)
Carpentry and Joinery	3212CBL Apprenticeship Certificate: Carpentry and Joinery (Joinery,Stairbuilding, shoppfitting)
Chair and Couch Making	2302ABC Certificate III in Furnishing (Chair and Couch Making)
Civil Construction Worker	2302ACC Certificate III in Civil Construction (Plant Operator)
Clothing Production Worker	NSW 2729 Certificate III in Clothing Production
Composition	SA1977 Certificate III in Graphic Prepress
Cooking	THH 31597 Certificate III in Cookery

	(Commercial)
Dental Technician	2407AFC Certificate IV in Dental Technology
Dry Cleaning	TAS3515 Certificate III in Textile Care (Laundry, Dry Cleaning)
Electrical Fitter	2306AEC Certificate III in Electrical (Electrician)
Electrical Instrument Control Tradesperson	2306AEC Certificate III in Electrical (Electrician)
Electrician	2306AEC Certificate III in Electrical (Electrician)
Electronic Tradesperson	2306AEC Certificate III in Electrical (Electrician)
Engineering Tradesperson	3212ERA Certificate of Engineering
Flexible Packaging Printing	3212JEE Apprenticeship Certificate in Printing Machining
Farming	3212FAE Farming Trades Apprenticeship
Farming (Vegetable Growing)	3212FAE Farming Trades Apprenticeship
Farrier	2301AEA Certificate III in Farriery (Trade)
Fibrous Plastering	3212CFG Apprenticeship Certificate in Fibrous Plastering
Flat Glass Working	2302ABA Certificate III in Furnishing (Glass and Glazing)
Floor Finishing and Covering	2302ACA Certificate III in Furnishing (Floor Finishing and Coverings)
Graphic Reproduction	SA1977 Certificate III in Graphic Prepress
Floristry	2311ATC Certificate III in Floristry
Flower Growing	2301AGA Certificate III in Horticulture (Floriculture)
Footwear	2311AVC Certificate III in Footwear Production/Repair
Footwear Repairing	2311AVC Certificate III in Footwear Production/Repair
Fruit Growing	2301AGA Certificate III in Horticulture (Aboriculture)
Gardening	2301AGA Certificate III in Horticulture (Gardening)
Hairdressing	2311AHC Certificate III in Hairdressing (Apprenticeship)
Instrument Making and Repairing	3212ERA Certificate in Engineering
Jockey	3222FTE Certificate III (Jockey)
Joinery	2302ADC Certificate III in Building and Construction (Fitout and Finish)
Landscape Gardening	2301AGA Certificate III in Horticulture

	(Landscape Gardening)
Leadlighting and Stained Glass	2302AEC Certificate III in Furnishing (Leadlighting and Stained Glass)
Linesworker	2306AEC Certificate III in Electrical (Electrician)
Nurseryman	2301AGA Certificate III in Horticulture (Nursery)
Painting and Decorating	2302ADC Certificate III in Building and Construction (Fitout and Finish)
Pastrycooking	2311ALC Certificate III in Pastry Cooking (Apprenticeship)
Plastering	3212CFF Apprenticeship Certificate: Solid Plastering
Plumbing and Gasfitting	3212CDA Apprenticeship Certificate in Plumbing and Gasfitting
Polishing (Furniture)	2302ABC Certificate III in Furnishing (Furniture Polishing)
Printing Machining	3212JEE Apprenticeship Certificate in Printing Machining
Recreation Boating Specialist (Sales and Service)	2306ADA Certificate III in Automotive (Recreational Boating)
Refrigeration Mechanics	2306AEC Certificate III in Electrical (Electrician)
Roof Slating and Tiling	3212CFA Apprenticeship Certificate in Roof Slating and Tiling
Saw Doctoring	3212ERA Certificate in Engineering
Screen Printing Stencil Preparation	NSW2689 Certificate III in Screen Printing
Sign Industry Worker	3212CGB Apprenticeship Certificate in Sign Industry
Small Goods Making	2311AAA Certificate III in Meat Processing (Smallgoods Manufacturing)
Sprinkler Fitting 1st Class	3212CDH Apprenticeship Certificate in Sprinkler Fitting 1st Class
Stonemasonry	3212CFB Apprenticeship Certificate in Stonemasonry
TCF Mechanic	2306AAC Certificate III in TCF (Mechanic)
Tile Laying	2302ADC Certificate III in Building and Construction (Fitout and Finish)
Turf Management	2301AGA Certificate III in Horticulture (Turf Management)
Upholstering	2302AAA Certificate III in Furnishing (Upholstery)
Wood Machining	2302ABC Certificate III in Furnishing (Wood Machining)

	2406AFB Certificate IV in Automotive Drafting
	TAS3229 Certificate IV in Retail (Department Supervision) Skills
	TAS3231 Advanced Diploma of Retail (Store Management) Skills
	TAS3230 Diploma of Retail (Store Operations) Skills
	NSW1621 Certificate II in Hospitality Operations (AQF) (CST)
	2204ADC Certificate II in Office (CST - Clerical) 10676ACT Certificate III in Marine Operations
<p>5. The State Training Board of Victoria declares training agreements entered into under the following approved training schemes, between employers and apprentices who have also entered into Australian Workplace Agreements or Certified Agreements under the Commonwealth Workplace Relations Act 1996, to be classes of training agreements to which Schedule 3 of the Act does not apply.</p>	
COURSE CODE	APPROVED TRAINING SCHEME
NT 1211	Certificate II in Automotive (Accessory Fitting)
MEA20197	Certificate II in Aeroskills (Aircraft Avionics)
MEA20297	Certificate II in Aeroskills (Aircraft Mechanical)
MEA20397	Certificate II in Aeroskills (Aircraft Structures)
QLDP0775	Advanced Engineering Traineeship
QLD1453	Certificate II in Engineering (Advanced Engineering Level 2 Traineeship)
NSW3947	Certificate II in Arts Administration (AQF)
2201ADC	Certificate II in Australian Land Conservation and Restoration
NT1225	Certificate II in Automotive (Clerical)
NT1224	Certificate II in Automotive (Glazing)
NT2628	Certificate II in Automotive (Paint Services)
NT1226	Certificate II in Automotive (Sales)
2311AEB	Certificate III in Small Business Franchising (Bakers Delight)
NT2629	Certificate II in Automotive (Brake and Underbody Services)
10623SA	Certificate II in Building and Construction Administration
2206AIA	Certificate II in Electronics (Business Equipment Maintenance)
2311ANC	Certificate III in Food Processing (Flour Milling and Stockfeed Milling General Foods)
2106AEA	Certificate I in Food Processing (Fruit and Vegetables)
2206AEA	Certificate II in Food Processing (Fruit and Vegetables)
3100ACC	Operative Certificate in Chemical Plant Skills

2407AEC	Certificate IV in Community Services (Childcare)
2206AAB	Certificate II in Engineering (Service Technician Portable Fire Equipment - Chubb)
2306AAB	Certificate III in Engineering (Service Technician Portable Fire Equipment - Chubb)
2211AFA	Certificate II in Cleaning Operations
NSW2730	Certificate II in Clothing Production
ACT 4194	Certificate II in Communications (Customer Support) Traineeship
TAS3508	Certificate II in Community and Health Services (Personal Carer)
TAS3507	Certificate II in Community and Health Services (Support Worker)
TAS3509	Certificate II in Community and Health Services (Therapy Assistant)
2203AFB	Certificate II in Community Radio(Radio Operations)
2206AGA	Certificate II in Electronics (Computer Assembly)
ACT2540	Certificate II in Building and Construction (Structures)
ACT5744	Certificate III in Adult Custodial Care
2301AJA	Certificate III in Dairy
2401AFA	Certificate IV in Dairy
2307AFC	Certificate III in Dental Assisting
TAS3513	Certificate II in Textile Care (Laundry, Dry Cleaning)
2305AAA	Certificate III in Education (Traineeship Stream - Office Support/ Information Technology/Language and Literacy Aide/Integration Aid)
2206AOA	Certificate II in Electrical Wholesaling
ACT4214	Certificate II in Electrical (Electro comms)
ACT2452	Certificate II in Electro-Trades (Traineeship)
ACT5595	Certificate II in Electronic Equipment
ACT6098	Certificate II in Electrotechnology Manufacturing
QLDP0774	Engineering Traineeship
QLD1452	Certificate I in Engineering (Foundation Traineeship)
QLD2251	Certificate IV in Engineering (Technician Traineeship)
NT1214	Certificate II in Automotive (Exhaust Services)
2211ANB	Certificate II in Farmstay Operations
QLD8150	Certificate III in Financial Services Operations (Traineeship)
2207ABC	Certificate II in Health (Food and Domestic Service Operations)
2109AAA	Certificate I in Food Processing (Dairy)
2209AAA	Certificate II in Food Processing (Dairy)

2309AAA	Certificate III in Food Processing (Dairy)
NSW7338	Certificate I in Food Processing (Edible Oils and Fats)
NSW7337	Certificate II in Food Processing (Edible Oils and Fats)
2111ALC	Certificate I in Footwear Production/Repair
2211AQC	Certificate II in Footwear Production/Repair
2201AFA	Certificate II in Forest Industries (Forest Growing Traineeship)
2301AAA	Certificate III in Forest Industries (Harvesting Traineeship)
2201AAA	Certificate II in Forest Industries (Sawmilling and Processing Traineeship)
2201ABA	Certificate II in Forest Industries (Merchandising Traineeship)
2201AEA	Certificate II in Forest Industries (Panel Products Traineeship)
2201ADA	Certificate II in Pulp and Paper Manufacturing (Pulp and Papermaking Traineeship)
TAS3506	Certificate II in Forest Products (Timber Manufacturing)
TAS2444	Certificate II in Furnishing (Soft Furnishing)
2211AEA	Certificate II in Furnishing (Product Knowledge Traineeship)
TAS2445	Certificate II in Furnishing (Upholstery Sewing Machinist)
2202AAA	Certificate II in Furnishing (Furniture Production Traineeship)
ACT0714	Certificate II in Public Administration (APS) (Traineeship - ASO)
ACT3252	Certificate III in Public Administration (APS) Graduate Administrative Assistant
TAS3209	Certificate II in Graphic Arts Merchants (Traineeship)
2308AAB	Certificate III in Correctional Officer Training
2207AAC	Certificate II in Health (Cleaning)
2207ACC	Certificate II in Health Industry Office Skills
2307ABC	Certificate III in Community Services (Home and Community Care)
NSW1621	Certificate II in Hospitality Operations (AQF) (CST)
2206ACB	Certificate II in Electronic Assembly (IBM)
NSW3445	Certificate II Information Technology Traineeship
ACT3447	Certificate IV in Information Technology (User Support)
2206AMA	Certificate II in Leather and Woolskin Production
2206ALA	Certificate II in Leather Goods Production
NSW5153	Certificate II in Live Theatre (Technical)
TAS7048	Certificate II in Library and Information Studies
NSW7409	Certificate III in Marketing and Management (Cultural Industries)
2211ASB	Certificate II in Food Retailing (McDonald's)

2211ACA	Certificate II in Meat Processing (Meat Retailing)
2211ADA	Certificate II in Meat Processing (Slaughter Floor, Boning Room and General Operations)
2211ABA	Certificate II in Meat Processing (Smallgoods Manufacturing)
2311ABA	Certificate III in Meat Processing (Meat Retailing)
2311ACA	Certificate III in Meat Processing (Slaughter Floor, Boning Room and General Operations)
2203ACA	Certificate II in Media Journalism
2211APC	Certificate II in Millinery
2204AGC	Certificate II in Municipal Administration (CST)
3222DFE	Certificate in Vocational Studies (CST - Municipal Works)
2203AIB	Certificate II in Music Industry Skills
2203AGB	Certificate II in Arts (Interactive Multimedia)
2201ABC	Certificate II in Horticulture (Amenity - Traineeship)
2309AAA	Certificate III in Food Processing (Dairy)
TAS1315	Certificate II in Rural Skills (Traineeship)
2301ABA	Certificate III in Forestry (Harvesting)
2407ADC	Certificate IV in Health (Nursing)
QLD3817	Certificate III in Office Administration (National Traineeship)
QLDO189	Certificate II in Office Administration (National Traineeship)
NSW4279	Certificate IV in Optical Dispensing
NT2004	Certificate II in Automotive (Panel Beating Services)
2201AEA	Certificate II in Forest Industries (Panel Products Traineeship)
2303ADC	Certificate III in Patient Services
NSW2727	Certificate I in Pharmaceutical Manufacturing
NSW2726	Certificate II in Pharmaceutical Manufacturing
2201ACA	Certificate II in Pig Farming (Piggery Attendant - Traineeship)
2106ADA	Certificate I in Polymer Processing
2206ADA	Certificate II in Polymer Processing
TAS1304	Certificate II in Print Design (CST)
TAS2460	Certificate II in Printing Production Support (AVTS Traineeship)
2308AEB	Certificate III in Prisoner Escort Services
2201ADA	Certificate II in Pulp and Paper Manufacturing (Pulp and Paper Making Traineeship)
NT1217	Certificate II in Automotive (Radiator Services)
2304AHB	Certificate III in Property Services (Real Estate Operations)

2404AOB	Certificate IV in Property Services (Real Estate Operations)
NT1216	Certificate II in Automotive (Replacement Parts)
TAS3228	Certificate III in Retail (Department Operations) Skills
TAS3227	Certificate II in Retail (Sales and Service) Skills
TAS3485	Certificate II in Agriculture (Rural Merchandising)
2201AAA	Certificate II in Forest Industries (Sawmilling and Processing Traineeship)
2206AFA	Certificate II in Electronics (Security Systems Installation)
2211AOC	Certificate II in Security (Crowd Control)
2104AAB	Certificate I in Business (Small Business Traineeship)
3222DAN	Certificate in Small Business
TAS2458	Certificate II in Small Offset Printing (Traineeship)
2203AFA	Certificate II in Sport and Recreation (Operations) Traineeship
ACT	Certificate I in Telecommunications Cabling
ACT	Certificate II Telecommunications Cabling
NSW5297	Certificate II in Television and Video Production
QLD7937	Certificate II in Electronics (Television Antenna Installation) Traineeship
NSW4430	Certificate II in Television Operations
2106AGA	Certificate I in Textile Production Traineeship
2206AKA	Certificate II in Textile Production Traineeship
NSW5310	Certificate II in Tourism Operations (Meetings)
NSW5311	Certificate II in Tourism Operations (Retail Travel)
NSW5312	Certificate II in Tourism Operations (Tourist Attractions)
NSW5313	Certificate II in Tourism Operations (Tourists Information Service)
NSW5314	Certificate II in Tourism Operations (Wholesale Operations, Domestic, Inbound, Outbound)
NT1213	Certificate II in Automotive (Tyre Services)
2404AIB	Certificate IV in Union Recruitment and Organising
NT1215	Certificate II in Automotive (Vehicle Detailing)
NT1212	Certificate II in Automotive (Vehicle Dismantling)
2206AVA	Certificate II in Vehicle Industry Studies
2203ADA	Certificate II in Waste Management (Traineeship)
2311ANC	Certificate III in Food Processing (Wine - Viticulture)
2211AEA	Certificate II in Furnishing (Product Knowledge - Traineeship)
BSA20197	Certificate II in Business (Office Administration)

BSA30197	Certificate III in Business (Office Administration)
BSA40197	Certificate IV in Business (Administration)
NT0314	Certificate I in Automotive (Service Station Operator)
QLD2237	Certificate III in Engineering (Advanced Level 3 Traineeship)
QLD1452	Certificate I in Engineering (Foundation Traineeship)
NS97/295	Certificate II in Domestic Appliance Servicing
NS97/294	Certificate II in Refrigeration and Air-conditioning
WRR20197	Certificate II in Retail Operations
WRR30197	Certificate III in Retail Operations
WRR40197	Certificate IV in Retail Management
WRR50197	Diploma in Retail Management
10623SA	Certificate II in Building and Construction Administration
ACT2539	Certificate II in Building and Construction (Fitout and Finish)
THH19697	Certificate I in Hospitality (Kitchen Attending)
THH10797	Certificate I in Hospitality (Commercial Catering)
THH10897	Certificate I in Hospitality (Commercial Cookery)
THH10998	Certificate I in Hospitality (Asian Cookery)
THH21297	Certificate II in Hospitality (Commercial Cookery)
THH21797	Certificate II in Hospitality (Asian Cookery)
THH21497	Certificate II in Hospitality (Commercial Catering)
THH21597	Certificate II in Hospitality (Health, Defence and Community Catering)
THH21697	Certificate II in Hospitality (Catering - Cook Chill)
THH21397	Certificate II in Hospitality (Patisserie)
THH31797	Certificate III in Hospitality (Commercial Catering)
THH32097	Certificate III in Hospitality (Asian Cookery (Nationality Specifications))
THH31697	Certificate III in Hospitality (Patisserie)
THH31897	Certificate III in Hospitality (Health, Defence and Community Catering)
THH31977	Certificate III in Hospitality (Catering - Cook Chill)
THH41597	Certificate IV in Hospitality (Commercial Catering)
THH41397	Certificate IV in Hospitality (Commercial Cookery)
THH41697 - THH42297	Certificate IV in Hospitality (Asian Cookery) (Nationality Specialisations)
THH41497	Certificate IV in Hospitality (Patisserie)
THH21197	Certificate II in Hospitality (Security)

TTHH31497	Certificate III in Hospitality (Security)
TTHH10197	Certificate I in Hospitality (Food Service)
TTHH10297	Certificate I in Hospitality (Beverage Service)
TTHH10397	Certificate I in Hospitality (Gaming)
TTHH10497	Certificate I in Hospitality (HouseKeeping)
TTHH10597	Certificate I in Hospitality (Front Office)
TTHH20197	Certificate II in Hospitality (Food and Beverage Service)
TTHH20297	Certificate II in Hospitality (Food Service and Gaming)
TTHH20397	Certificate II in Hospitality (Food Service and Front Office)
TTHH20497	Certificate II in Hospitality (Food Service and HouseKeeping)
TTHH20597	Certificate II in Hospitality (Beverage Service and Gaming)
TTHH20697	Certificate II in Hospitality (Beverage Service and Front Office)
TTHH20797	Certificate II in Hospitality (Beverage Service and HouseKeeping)
TTHH20897	Certificate II in Hospitality (Gaming and Front Office)
TTHH20997	Certificate II in Hospitality (Gaming and House Keeping)
TTHH21097	Certificate II in Hospitality (Front Office and House Keeping)
TTHH30197	Certificate III in Hospitality (Beverage Service)
TTHH30297	Certificate III in Hospitality (Front Office)
TTHH30397	Certificate III in Hospitality (Gaming)
TTHH30497	Certificate III in Hospitality (Food and Beverage Services)
TTHH30597	Certificate III in Hospitality (Food Service and Gaming)
TTHH30697	Certificate III in Hospitality (Food Service and Front Office)
TTHH30797	Certificate III in Hospitality (Food Service and Housekeeping)
TTHH30897	Certificate III in Hospitality (Beverage Service and Gaming)
TTHH30997	Certificate III in Hospitality (Beverage Service and Front Office)
TTHH31097	Certificate III in Hospitality (Beverage Service and Housekeeping)
TTHH31197	Certificate III in Hospitality (Gaming and Front Office)
TTHH31297	Certificate III in Hospitality (Gaming and Housekeeping)
TTHH31397	Certificate III in Hospitality (Front Office and Housekeeping)
TTHH40197	Certificate IV in Hospitality (Beverage Service Supervision)
TTHH40297	Certificate IV in Hospitality (Front Office Supervision)
TTHH40397	Certificate IV in Hospitality (Food and Beverage Services Supervision)
TTHH40497	Certificate IV in Hospitality (Food Service and Gaming Supervision)
TTHH40597	Certificate IV in Hospitality (Food Service and Front Office Supervision)

TTHH40697	Certificate IV in Hospitality (Food Service and Housekeeping Supervision)
TTHH40797	Certificate IV in Hospitality (Beverage Service and Gaming Supervision)
TTHH40897	Certificate IV in Hospitality (Beverage Service and Front Office Supervision)
TTHH40997	Certificate IV in Hospitality (Beverage Service and Housekeeping Supervision)
TTHH41097	Certificate IV in Hospitality (Gaming and Front Office Supervision)
TTHH41197	Certificate IV in Hospitality (Gaming and Housekeeping Supervision)
TTHH41297	Certificate IV in Hospitality (Front Office and Housekeeping Supervision)
TTHH50197	Diploma of Hospitality (General)
TTHH50297	Diploma of Hospitality (Food and Beverage Services)
TTHH50397	Diploma of Hospitality (Food Service and Gaming)
TTHH50497	Diploma of Hospitality (Food Service and Front Office)
TTHH50597	Diploma of Hospitality (Food Service and Housekeeping)
TTHH50697	Diploma of Hospitality (Beverage Service and Gaming)
TTHH50797	Diploma of Hospitality (Beverage Service and Front Office)
TTHH50897	Diploma of Hospitality (Beverage Service and Housekeeping)
TTHH50997	Diploma of Hospitality (Gaming and Front Office)
TTHH51097	Diploma of Hospitality (Gaming and Housekeeping)
TTHH51197	Diploma of Hospitality (Front Office and Housekeeping)
TTHH60197	Advanced Diploma of Hospitality (General)
2211AVB	Certificate II in Hospitality (Cruise Ship Operations)
QLD3729	Certificate II in Hospitality Practices
ACT8313	Certificate II in Water Industry Operations
ACT8314	Certificate III in Water Industry Operations
NSW7393	Certificate II in National Maritime Services (Traineeship)
2204ADC	Certificate II in Office (CST-Clerical)
2206AHA	Certificate II in Electronics (Electronic Automotive Accessories)
	Certificate III in Transport and Distribution (Warehousing)
	Certificate III in Transport and Distribution (Road Transport)
	Certificate III in Transport and Distribution (Stevedoring)
	National Certificate II in Agriculture

Meaning of terms

6. In this Declaration, “approved training scheme”, “apprentice” and “training agreement” have the same meanings as in the Act.

Dated 23 January 1998

CHRISTOPHER STEWART
Acting General Manager
Client Relations Management
(Delegate of the State Training Board)

APPOINTMENTS

Health Services Act 1988

APPOINTMENT OF A DIRECTOR TO THE
BOARD OF THE WOMEN'S AND
CHILDREN'S HEALTH CARE NETWORK

The Governor in Council, on the recommendation of the Minister for Health under section 40E(1) of the **Health Services Act 1988**, by this Order:

1. Appoints Linda Berry, as a director of the Board of the Women's and Children's Health Care Network.
2. Specifies pursuant to section 40F(1) of the **Health Services Act 1988** that the terms of appointment are from 28 January 1998 until 1 August 1998.
3. Specifies pursuant to section 40F(2)(b) of the **Health Services Act 1988** that the rate of remuneration shall be determined by the Minister for Health and in accordance with Cabinet approved guidelines.

Dated 28 January 1998

Responsible Minister:

ROB KNOWLES
Minister for Health

SHARNE BRYAN
Clerk of the Executive Council

ORDERS IN COUNCIL

Taxation (Reciprocal Powers) Act 1987

DECLARATION OF LAWS

Order under Section 3(2)

1. The Governor in Council, acting under Section 3(2) of the **Taxation (Reciprocal Powers) Act 1987** ("the Act"), declares that :-

- (a) a law specified in column 2 of the Table opposite a State Taxation Act specified in column 1 of the Table is a corresponding law for the purposes of the Act in relation to that State Taxation Act; and
- (b) an office specified in column 3 of the Table under a law specified in column 2 of the Table opposite that office is a corresponding office for the purposes of the Act in relation to the office of State Commissioner under the State Taxation Act specified in column 1 of the Table opposite that office.

TABLE

Column 1 State Taxation Act	Column 2 Corresponding Laws	Column 3 Corresponding Offices
Stamps Act 1958	Stamp Duties Act 1920 (NSW)	Chief Commissioner of State Revenue Commissioner of State Revenue
	Stamp Act 1894 (Qld)	Assistant Commissioner of Stamp Duties
	Stamp Duties Act 1923 (SA)	Commissioner of State Taxation
	Stamp Act 1921 (WA)	Commissioner of State Revenue
	Stamp Duties Act 1931 (Tas)	Commissioner of Stamp Duties
	Stamp Duties and Taxes Act 1987 (ACT)	Commissioner for ACT Revenue Deputy Commissioner for ACT Revenue
	Stamp Duty Act 1978 (NT)	Commissioner of Taxes
Pay-roll Tax Act 1971	Pay-roll Tax Act 1971 (NSW)	Chief Commissioner of State Revenue Commissioner of State Revenue
	Pay-roll Tax Act 1971 (Qld)	Assistant Commissioner of Pay-roll Tax
	Pay-roll Tax Act 1971 (SA)	Commissioner of State Taxation
	Pay-roll Tax Assessment Act 1971 (WA)	Commissioner of State Revenue

Column 1 State Taxation Act	Column 2 Corresponding Laws	Column 3 Corresponding Offices
Pay-roll Tax Act 1971	Pay-roll Tax Act 1971 (WA) Pay-roll Tax Act 1971 (Tas) Pay-roll Tax Act 1987 (ACT) Pay-roll Tax Act 1978 (NT)	Commissioner of State Revenue Commissioner of Pay-roll Tax Commissioner for ACT Revenue Deputy Commissioner for ACT Revenue Commissioner of Taxes
Taxation Administration Act 1997	Taxation Administration Act 1953 (C'lth) Taxation Administration Act 1996 (NSW) Taxation Administration Act 1996 (SA) Taxation (Administration) Act 1987 (ACT) Taxation (Administration) Act 1978 (NT)	Commissioner of Taxation Chief Commissioner of State Revenue Commissioner of State Revenue Commissioner of State Taxation Commissioner for ACT Revenue Deputy Commissioner for ACT Revenue Commissioner of Taxes
Taxation Reciprocal Powers) Act 1987	Part VII of the Taxation Administration Act 1987 (ACT) Revenue Laws (Reciprocal Powers Act 1987 (NSW) Revenue Laws (Reciprocal Powers) Act 1988 (Qld) Taxation (Reciprocal Powers) Act 1989 (SA)	Commissioner for ACT Revenue Deputy Commissioner for ACT Revenue Chief Commissioner of State Revenue Commissioner for State Revenue Commissioner of Stamp Duties Assistant Commissioner of Stamp Duties Assistant Commissioner of Pay-roll Tax Assistant Commissioner of Land Tax Commissioner of State Taxation

Column 1 State Taxation Act	Column 2 Corresponding Laws	Column 3 Corresponding Offices
Taxation (Reciprocal Powers) Act 1987	Taxation (Reciprocal Powers) Act 1989 (WA) Taxation (Reciprocal Powers) Act 1993 (Tas) Part VIIA of the Taxation (Administration) Act 1978 (NT)	Commissioner of State Revenue Commissioner of Stamp Duties Commissioner of Taxes Commissioner of Pay-roll Tax Commissioner of Taxes
Financial Institutions Duty Act 1982	Financial Institutions Duty Act 1983 (SA) Financial Institutions Duty Act 1983 (WA) Financial Institutions Duty Act 1986 (Tas) Financial Institutions Duty Act 1987 (ACT) Financial Institutions Duty Act 1989 (NT) Division 29 of Part III of the Stamp Duties Act 1920 (NSW)	Commissioner of State Taxation Commissioner of State Revenue Commissioner of Stamp Duties Commissioner for ACT Revenue Deputy Commissioner for ACT Revenue Commissioner of Taxes Chief Commissioner of State Revenue Commissioner of State Revenue
Liquor Control Act 1987	Liquor Act 1982 (NSW)	Director of Liquor and Gaming Commissioner of State Revenue
Land Tax Act 1958	Land Tax Management Act 1956 (NSW) Land Tax Act 1956 (NSW)	Chief Commissioner of State Revenue Commissioner of State Revenue Chief Commissioner of State Revenue Commissioner of State Revenue

Column 1 State Taxation Act	Column 2 Corresponding Laws	Column 3 Corresponding Offices
	Land Tax Act 1915 (Qld) Land Tax Act 1936 (SA) Land Tax Assessment Act 1976 (WA) Land and Income Taxation Act 1910 (Tas)	Assistant Commissioner of Land Tax Commissioner of State Taxation Commissioner of State Revenue Commissioner of Taxes
Debits Tax Act 1990	Debits Tax Act 1990 (NSW) Debits Tax Act 1990 (NSW) Debits Tax Act 1990 (Qld) Debits Tax Act 1994 (SA) Debits Tax Assessment Act 1990 (WA) Debits Tax Act 1990 (WA) Debits Tax Transfer Act 1990 (Tas) Debits Tax Act 1997 (ACT) Debits Tax Act 1990 (NT)	Chief Commissioner of State Revenue Commissioner of State Revenue Commissioner of Stamp Duties Commissioner of State Taxation Commissioner of State Revenue Commissioner of State Revenue Commissioner of Stamp Duties Commissioner for ACT Revenue Deputy Commissioner for ACT Revenue Commissioner of Taxes

Dated 28 January 1998

Responsible Minister:

ALAN R. STOCKDALE

Treasurer

SHARNE BRYAN
Clerk of the Executive Council

Melbourne City Link Act 1995

SURRENDER OF INTERESTS IN UNRESERVED CROWN LAND

The Governor in Council, on the recommendation of the Minister for Planning and Local Government (being the Minister administering the **Melbourne City Link Act 1995**):

- (a) declares under section 26(2) of the **Melbourne City Link Act 1995** that the interests (if any) in the area of 565m² shown cross hatched on the plan numbered LEGL./97-313 lodged in the Central Plan Office are surrendered to the Crown; and
- (b) specifies under section 31A(1) of the **Melbourne City Link Act 1995** that the land in column 1 in the Schedule which was a declared road within the meaning of the **Transport Act 1983** as described in column 2 of the Schedule immediately before the publication of this Order is deemed to be a declared road of the kind specified in column 3 of the Schedule.

Schedule

Column 1	Column 2	Column 3
So much of the area of 565m ² shown cross hatched and being part of Punt Road (Hoddle Highway) on plan numbered LEGL./97-313 lodged in the Central Plan Office	State Highway (vide Government Gazette of 8 September 1994)	State Highway

Dated 28 January 1998

Responsible Minister

ROBERT MACLELLAN
Minister for Planning
and Local Government

SHARNE BRYAN
Clerk of the Executive Council

Melbourne City Link Act 1995

INCREASING THE PROJECT AREA

The Governor in Council, on the recommendation of the Minister for Planning and Local Government (being the Minister administering the **Melbourne City Link Act 1995** and the Minister administering the **Planning and Environment Act 1987**), under section 8(1) of the **Melbourne City Link Act 1995** varies the Project area by increasing the Project area by adding the land shown hatched turquoise on the plan numbered LEGL./97-45 lodged in the Central Plan Office.

Dated 28 January 1998

Responsible Minister

THE HON. ROBERT MACLELLAN
Minister for Planning
and Local Government

SHARNE BRYAN
Clerk of the Executive Council

Control of Weapons Act 1990

The Governor-in-Council under Section 5(2) of the **Control of Weapons Act 1990**, grants the following exemption:

- Mr Rodney Reginald Bellars of 243 Olinda-Monbulk Road, Monbulk, 3793 to enable him to import, purchase, possess, carry and sell daggers as a bona-fide collector.

- Mr John Barnet Hamilton of 17 Laver Street, Doncaster, 3108 to enable him to import, possess, sell, purchase and carry daggers as a bona-fide collector, and as part of his occupation as a restorer in militaria weapons.

- Mr John Robert Langley of 37 Williams Road, North Rocks, NSW, 2151 to enable him to import, possess, carry and sell daggers. He is a licensed second-hand dealer in New South Wales and is a regular attendant at Arms Fairs held in this State displaying his wares.

- Site Security Training Pty Ltd instructors with the nominee Laurence John Reynen to enable them to possess daggers, flick knives, butterfly knives and goods which are designed to include a concealed knife for the purpose of security industry training. Site Security Training Pty Ltd have supplied Victoria Police with a list of instructors. Site Security Training Pty Ltd will supply Victoria Police with an updated list of instructors by 30 November each year.

Mr Donald John Scarlett of 7 Burgess Street, Beaumaris, 3193 to enable him to possess daggers as a bona-fide collector.

Dated 20 January 1998

Responsible Minister:

BILL McGRATH

Minister for Police and Emergency Services

SHARNE BRYAN

Clerk of the Executive Council

Control of Weapons Act 1990

The Governor-in-Council under Section 5(2) of the **Control of Weapons Act 1990**, grants the following exemption:

- Mr George Ioannidis of 73 Orville Street, Altona Meadows, 3028 to enable him to import, purchase, possess and carry daggers as a bona-fide collector.

- Mr Graeme Paul Johnson of 25 Ross Alan Drive, Shepparton, 3630 to enable him to purchase, possess and carry daggers as a bona-fide collector.

- Mr Bruce Perry of 240 School Road, Shepparton East, 3631 to enable him to import, purchase, possess and carry daggers and swordsticks.

Dated 20 January 1998

Responsible Minister:

BILL McGRATH

Minister for Police and Emergency Services

SHARNE BRYAN

Clerk of the Executive Council

Control of Weapons Act 1990

On 18 November 1997, an exemption under the **Control of Weapons Act 1990**, was granted to Mr Andrew Graham of RMB 1115, Cobden, 3266 to enable him to possess daggers and flick knives. A copy is attached.

Under Section 41A of the **Interpretation of Legislation Act 1984**, Section 5(2) of the **Control of Weapons Act 1990** and all other enabling powers, the Governor-in-Council varies the Order made on 18 November 1997 to the following extent:

For "Mr Andrew Graham" insert "Mr Andrew Baker".

This Amendment is to be effective on and from the date of making this Order.

Dated 20 January 1998

Responsible Minister:

BILL McGRATH

Minister for Police and Emergency Services

SHARNE BRYAN

Clerk of the Executive Council

Crown Land (Reserves) Act 1978 Interpretation of Legislation Act 1984

AMENDMENT OF TEMPORARY RESERVATIONS

The Governor in Council under Section 4 of the **Crown Land (Reserves) Act 1978** and section 27 of the **Interpretation of Legislation Act 1984** amends:

- (a) the Order in Council made on 13 March 1956 and published in the Victoria Government Gazette of 14 March, 1995 (page 1372) of an area of 1.816 hectares of land in the Parish of Jika Jika as a site for penal purposes (revoked as to part by proclamation of 24 March, 1981 under the **Eastern Freeway Lands Act 1971** and by Order in Council of 5 May 1987 under section 10 of the **Crown Land (Reserves) Act 1978** by deletion of the words "Penal purposes" and substituting therefor the words "Public Park"; and
- (b) the Order in Council made on 12 November, 1985 and published in the Victoria Government Gazette of 13 November, 1985 (page 4302) of an area of 595 square metres of land being Crown Allotment 113F, Parish of Jika Jika as a site for Prison purposes by deletion of the words "Prison purposes" and substituting therefor the words "Public Park".

This Order is effective from the date on which it is published in the Victoria Government Gazette.

Rs 7446.

Dated 28 January 1998

Responsible Minister:

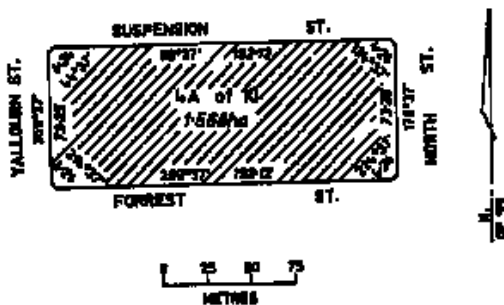
MARIE TEHAN
Minister for Conservation and
Land Management

SHARNE BRYAN
Clerk of the Executive Council

Crown Land (Reserves) Act 1978
CROWN LAND PERMANENTLY
RESERVED

The Governor in Council under Section 4 of
the **Crown Land (Reserves) Act 1978**
permanently reserves the following Crown land
for the purpose mentioned:

MUNICIPAL DISTRICT OF THE
BRIMBANK CITY COUNCIL
DERRIMUT — Public purposes, 1.568
hectares, being Crown Allotment 4A, Section



10, Parish of Derrimut as indicated by hatching
on plan hereunder. — (2516) (Rs 37180).

This Order is effective from the date on
which it is published in the Victoria
Government Gazette.

Dated 28 January 1998

Responsible Minister

MARIE TEHAN
Minister for Conservation and
Land Management

SHARNE BRYAN
Clerk of the Executive Council

Retirement Villages Act 1986

SECTION 6

Declaration of Exemption

Under the powers found in Section 6 of the
Retirement Villages Act 1986, the Governor in
Council on the recommendation of the
Attorney-General declares:

Clevedon Terrace Private Hostel managed
by Third Age Consultants (Aust) Pty Ltd,
A.C.N. 006 593 184, or its successors and
assigns ("the manager") and situated at 405-409
Upper Heidelberg Road, Ivanhoe, on land
owned by Tangalooome Nominees Pty Ltd,
A.C.N. 005 193 331 ("the owner") to be an
exempt village for the purposes of the following
provisions of the **Retirement Villages Act
1986** ("the Act"):

1. Section 16 upon the following conditions:

- (1) If a resident is in breach of a provision of
a residence contract the manager may
serve on the resident a notice specifying
the breach and -
 - (a) requiring the breach to be
remedied; or
 - (b) if the breach is not capable of being
remedied, requiring the resident to
cease committing the breach
within 28 days after the date of service
of the notice.
- (2) If
 - (a) the manager has served on a
resident a notice under paragraph
1(1); and
 - (b) the resident has not complied with
the notice at the end of 28 days after
the date of service of the notice; and
 - (c) the breach specified in the notice is
substantial -
the manager may serve on the resident a
notice specifying the breach and
requiring the resident to leave the
retirement village on or before a date
stated in the notice, which is not earlier
than 60 days after the date of service of
the notice.
- (3) If a resident has a residence right by
virtue of a contract which creates a
periodic tenancy the manager may serve

- on the resident notice requiring the resident to leave the retirement village on a date which is not earlier than -
- (a) six months after the date of service of the notice; or
 - (b) the end of a period of tenancy - whichever last happens.
- (4) The manager may serve on a resident a notice requiring the resident to leave the retirement village within 14 days after the service of notice if -
- (a) the residence contract authorises the giving of the notice and, if the contract includes conditions which must be complied with before the notice can be given, those conditions have been complied with; and
 - (b) the notice includes a copy of a certificate signed by 2 registered medical practitioners, one of whom is nominated or agreed to by the resident and stating to the effect that the resident needs care of a kind which is not available at the retirement village.
- (5) A notice under these paragraphs may be served on a resident personally or by post addressed to the resident at the resident's address in the retirement village or the resident's last known address.

2. Section 25 and Part 5 upon condition that any monies paid by a resident as an incoming contribution shall be held in trust for the benefit of the resident by a trustee company authorised under the **Trustee Companies Act 1984** less any deductions allowed under the contract between the resident and the manager.

3. Section 38 upon condition that no resident in the village is required to pay a maintenance charge which exceeds an amount calculated pursuant to any current agreement between the manager and the Commonwealth in accordance with the **Aged or Disabled Persons Care Act 1954** and or under the **Aged Care Act 1997**.

4. The exemptions referred to in paragraphs 1 to 3 above are, in addition to any other conditions, granted on conditions that:

- (a) the manager maintains an enforceable lease from the owner of the retirement village land;
- (b) a copy of this exemption is given to the owner of the retirement village land;
- (c) a copy of this exemption is given to each prospective resident at the same time such resident is given the residence documents relating to the village and to residents presently residing in the village;
- (d) a copy of this exemption is given to any person to whom it is proposed to grant an interest in the retirement village land; and
- (e) notification of the name of the trustee company holding residents incoming contributions is given to each prospective resident at the same time such resident is given the residence documents relating to the village and to residents presently residing in the village.

Dated 28 January 1998

Responsible Minister:

JAN WADE, MP
Minister for Fair Trading

SHARNE BRYAN
Clerk of the Executive Council

Retirement Villages Act 1986

SECTION 6

Declaration of Exemption

Under the powers found in Section 6 of the **Retirement Villages Act 1986**, the Governor in Council on the recommendation of the Minister for Fair Trading declares:

Sorrento Lodge managed by Looking After Senior Citizens Pty Ltd (A.C.N. 056 104 043) ("the manager") and situated at 211 Ocean Beach Road, Sorrento, on land owned by Heron Trial Pty Ltd (A.C.N. 050 243 528) ("the owner") to be a village exempt from the following provisions of the **Retirement Villages Act 1986** ("the Act"):

1. Section 16 upon the following conditions:

- (1) If a resident is in breach of a provision of a residence contract the manager may serve on the resident a notice specifying

- the breach and -
- (a) requiring the breach to be remedied; or
 - (b) if the breach is not capable of being remedied, requiring the resident to cease committing the breach
- within 28 days after the date of service of the notice.
- (2) If
- (a) the manager has served on a resident a notice under paragraph 1(1); and
 - (b) the resident has not complied with the notice at the end of 28 days after the date of service of the notice; and
 - (c) the breach specified in the notice is substantial -
- the manager may serve on the resident a notice specifying the breach and requiring the resident to leave the retirement village on or before a date stated in the notice, which is not earlier than 60 days after the date of service of the notice.
- (3) If a resident has a residence right by virtue of a contract which creates a periodic tenancy the manager may serve on the resident notice requiring the resident to leave the retirement village on a date which is not earlier than -
- (a) six months after the date of service of the notice; or
 - (b) the end of a period of tenancy - whichever last happens.
- (4) The manager may serve on a resident a notice requiring the resident to leave the retirement village within 14 days after the service of notice if -
- (a) the residence contract authorises the giving of the notice and, if the contract includes conditions which must be complied with before the notice can be given, those conditions have been complied with; and
 - (b) the notice includes a copy of a certificate signed by 2 registered medical practitioners, one of whom
- is nominated or agreed to by the resident and stating to the effect that the resident needs care of a kind which is not available at the retirement village.
- (5) A notice under these paragraphs may be served on a resident personally or by post addressed to the resident at the resident's address in the retirement village or the resident's last known address.
2. Section 19 upon condition that, before a resident enters into any residence contract, the manager or the manager's agent gives to the resident all residence documents as defined in the Act relating to the village, and further on the conditions referred to in paragraphs 3(1) to (6), inclusive hereof.
3. Section 24 sub sections (2), (3), (4), (5), (6) and (7) upon conditions that:
- (1) A resident who signs a residence contract may at any time before the end of the period of 21 business days after signing the contract give notice to the manager that the resident wishes to rescind the contract and, where the resident has signed the notice and given it in accordance with these paragraphs, the contract is rescinded.
 - (2) A notice under paragraph 3(1) must be given to the manager or the manager's agent or left at the address for the service of the manager specified in the residence contract or the address of the manager's agent within 21 clear business days after the resident signs the contract.
 - (3) If a resident rescinds a contract under these paragraphs the resident is entitled to the return of all moneys paid by the resident under the contract, except for the sum of \$100 or 0.2 per centum of the ingoing contribution paid by the resident (whichever is the greater), which may be retained by the owner.
 - (4) A contract to which these paragraphs apply must contain a conspicuous notice advising the resident that the resident may before the end of 21 clear business days after the resident signs the contract give notice that the resident wishes to terminate the contract.

- (5) If a contract to which these paragraphs apply does not contain the notice required by paragraph 3(4) a resident may rescind the contract at any time and if the resident rescinds at any time the provisions of paragraph 3(3) above shall apply.
- (6) In these paragraphs "business day" means a day which is not a holiday within the meaning of section 44(4) of the **Interpretation of Legislation Act 1984**.
4. Section 25 upon conditions that any monies paid by a resident as an ingoing contribution shall be held in trust for the benefit of the resident by a trustee company authorised under the **Trustee Companies Act 1984** less any deductions allowed under the contract between the resident, the owner and the manager, until all the following events have happened:
- (a) all conditions precedent to the creation of the resident's right in favour of the person by whom or on whose behalf the ingoing contribution is paid have been fulfilled;
 - (b) the person by whom or on whose behalf the ingoing contribution is paid has become immediately entitled to enter the retirement village as a resident;
 - (c) if the transaction relates to a building or part of a building which has not yet been constructed or is under construction, an occupancy permit is issued in respect of that building or part of the building under the **Building Control Act 1993**;
 - (d) If the transaction related to accommodation occupied by a resident who is entitled to a refund of part or all of an ingoing contribution on another person taking up or becoming entitled to take up the accommodation, the owner or the manager has paid the whole amount of the refund.
5. Section 33 upon conditions that the information which which would have been required to be prepared and presented at the annual meeting is prepared and delivered to residents of the village (or their representatives) once a year and an annual meeting is held if a written request is received from 20% or more of the residents in the village, or their representatives.
6. Sub section (1) of section 34 upon condition that the information which would have been required to be prepared and presented at the annual meeting is prepared and delivered to residents of the village, or their representatives, once a year.
7. Sub section (3) of section 34 upon condition that the financial statement which would have been required to be presented at an annual meeting is prepared and delivered to the residents of the village, or their representatives, once a year.
8. Sub section (4) of section 34 upon condition that if a written request is received from 20% of the residents in the village, or their representatives, the financial statement referred to in paragraph 7 will be audited by a registered company auditor.
9. Section 38 upon condition that no resident in the village is required to pay a maintenance charge which exceeds an amount calculated pursuant to any current agreement between the manager and the Commonwealth in accordance with the **Aged or Disabled Persons Care Act 1954** and or under the **Aged Care Act 1997**.
10. The exemptions referred to in paragraphs 1 to 9 above are, in addition to any other conditions, granted on conditions that:
- (a) the manager maintains an enforceable lease from the owner of the retirement village land;
 - (b) a copy of this exemption is given to the owner of the retirement village land;
 - (c) a copy of this exemption is given to each prospective resident at the same time such resident is given the residence documents relating to the village and to residents presently residing in the village;
 - (d) a copy of this exemption is given to any person to whom it is proposed to grant an interest in the retirement village land;
 - (e) notification of the name of the trustee company holding residents ingoing contributions is given to each prospective resident at the same time such resident is given the residence

documents relating to the village and to residents presently residing in the village.

Dated 28 January 1998

Responsible Minister:

JAN WADE, MP
Minister for Fair Trading

SHARNE BRYAN
Clerk of the Executive Council

**SUBORDINATE LEGISLATION ACT 1994
NOTICE OF MAKING OF STATUTORY
RULES**

Notice is hereby given under Section 17 (2) of the **Subordinate Legislation Act 1994** of the making of the following Statutory Rules:

6. *Statutory Rule:* Firearms (Amendment) Regulations 1998
Authorising Act: Firearms Act 1996
Date of making: 28 January 1998
7. *Statutory Rule:* Financial Institutions Duty (Amendment) Regulations 1998
Authorising Act: Financial Institutions Duty Act 1982
Date of making: 28 January 1998

**SUBORDINATE LEGISLATION ACT 1994
NOTICE THAT STATUTORY RULES ARE
OBTAINABLE**

Notice is hereby given under Section 17 (3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 356 Collins Street, Melbourne on the date specified:

1. *Statutory Rule:* Zoological Parks and Gardens (Administration) (Amendment) Regulations 1998
Authorising Act: Zoological Parks and Gardens Act 1995
Date first obtainable: 29 January 1998
Code A
2. *Statutory Rule:* Consumer Affairs (Product Safety) (Children's Toys) Regulations 1998
Authorising Act: Consumer Affairs Act 1972
Date first obtainable: 29 January 1998
Code A
3. *Statutory Rule:* Dangerous Goods (General Amendment) Regulations 1998
Authorising Act: Dangerous Goods Act 1985
Date first obtainable: 29 January 1998
Code A
4. *Statutory Rule:* Equipment (Public Safety) (General) (Amendment) Regulations 1998
Authorising Act: Equipment (Public Safety) Act 1994
Date first obtainable: 29 January 1998
Code A
5. *Statutory Rule:* Occupational Health and Safety (General Amendment) Regulations 1998
Authorising Act: Occupational Health and Safety Act 1985
Date first obtainable: 29 January 1998
Code B

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As from 29 January 1998

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dated 19 January 1998

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dated 4 June 1997

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