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GENERAL

GENERAL AND PERIODICAL GAZETTE

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**HIGH COURT CHALLENGE TO
3RD OCTOBER 1998 SENATE ELECTION**

Under Part XXII of the **Commonwealth Electoral Act 1918** the validity of the 3rd October 1998 Senate election held in the States of Victoria, Western Australia, New South Wales, Tasmania, and the Northern Territory, has been challenged in the High Court, acting as the Court of Disputed Returns. Per O68, 3(a) of the High Court Rules a copy of this petition of the Victorian challenge is herein published. The body of this petition is the same for all States and Territories. To save cost the signatures on the last page are typed. Originals will be faxed upon request.

HIGH COURT RULES

Form 70 O 68, r 2A
IN THE HIGH COURT OF AUSTRALIA
SITTING AS THE COURT OF DISPUTED RETURNS
MELBOURNE OFFICE OF THE REGISTRY.

No. M119 of 19 98

BETWEEN Malcolm McClure
PETITIONER
AND
THE AUSTRALIAN ELECTORAL COMMISSION
RESPONDENT
ELECTION PETITION

This petition concerns the election of the Half Senate for the Commonwealth of Australia in the State/Territory of *Victoria*, held on 3rd October 1998.

RETURN OF WRIT

The writ for the election was returned on 29th October 1998

ENTITLEMENT TO FILE THIS PETITION

The petitioner is entitled to file this petition under the **Commonwealth Electoral Act 1918**. Specifically per

Section 353 (1) "The validity of any election or return may be disputed by petition addressed to the Court of Disputed Returns and not otherwise"

And

Section 354 (1) "The High Court shall be the Court of Disputed Returns, and shall have jurisdiction either to try the petition or to refer it for trial to the Federal Court of Australia or to the Supreme Court of the State or Territory in which the election was held or return made"

And

Section 355 (c) of the Act that a petition "be signed by a candidate at the election in dispute or by a person who was qualified to vote thereat" is satisfied because the petitioner is a person who was qualified to vote at the election in dispute and was also a candidate at the same said election.

Petition & Statement of Facts

1.0a That this Court acknowledge that the Petitioner is a layman at law and grant what ever leave and assistance necessary to ensure the Petitioner the lawful and democratic conclusion of this matter under s.364 of the **Commonwealth Electoral Act 1918**.

1.0b That the Petitioner is granted leave to be assisted by a McKenzie friend at the choosing of the Petitioner at all times of these proceedings whether in the High Court of Australia or in any other delegated Court.

1.1 That the half Senate election held on 3rd October 1998, for the State/Territory, in which the petitioner was a Senate Candidate, is declared void and that none of the six Senate candidates returned was duly elected.

1.2 That the platform of candidacy of the petitioner was not given media coverage despite requests and/or demands for such coverage to the various media bodies, and that denial of such media coverage is against the principles of fair democratic elections which is a foundation of the Constitution and that were such coverage granted the result of the election, would in the greater probability, have been significantly different.

1.3 That the petitioner was disadvantaged under ss 211 and 211A of the Commonwealth Electoral Act 1918 by not having a right to a "ticket vote", and that such a disadvantage has in the greater probability significantly effected the outcome of this election, and that such disadvantage is against the interests of a true and fair democratic process which forms the foundation of our constitution.

And notwithstanding the court's decision regarding the aforementioned, that;

1.4. The court instruct the Australian Electoral Commission to return the \$700 lodgement fee paid by the petitioner to register as a Senate candidate on the grounds that the fee did not provide the same benefit as received by other non-independent candidates and/or that there was a failure of consideration, that was understood by the petitioner to be in place at the time of registration, such consideration being that independent candidates would not be disadvantaged in the electoral process.

And notwithstanding the court's decision regarding the aforementioned that;

1.5 The court instruct the Australian Electoral Commission to have provision for ticket voting for independent candidates in all future elections of the Senate, given as outlined herein, that such instruction is in no way against the Democratic principles of the Constitution or s211A of the **Commonwealth Electoral Act 1918** and is not against the principle intention of s211A, which is to simplify the voting procedure and reduce the number of informal votes.

And notwithstanding the court's decision regarding the aforementioned that;

1.6 The Chiefs of Staffs of the media bodies referred to in this petition be informally instructed by the court to make provision for and ensure proper coverage of press releases and policy launches by independent candidates and/or that some form of caution be given to said media bodies regarding the intrinsically incumbent responsibilities they have within our democratic process to discern and report important election issues raised by independents.

1.7. That given a significant proportion of independents in other States and Territories in the Commonwealth of Australia also petition the Court of Disputed returns on similar grounds as herein stated, that leave is granted by the Court that these Petitions form a "Class-Action" of independent Candidates (who so chose to join such an action) and that the matter be brought as a Class-Action before the Full Bench of the High Court or that given permission by the other petitioning independents who have joined said Class Action that the case be determined by a single Court of Disputed returns whose final decision will embody all the petitions.

That failing the granting of such leaves the petitioner asks that this petition be read down to the Half Senate Election in which the petitioner was a candidate.

2.0 That s209 (1) of the **Commonwealth Electoral Act 1918** provides that ballot-papers to be used in a Senate election shall be in Form E in Schedule 1 to the Act. That form shows a ballot-paper across which is drawn a horizontal black line.

2.1 That pursuant to s168 of the Act, two or more candidates may request that their names be grouped on ballot-papers, but candidates who wish the word "Independent" to be printed adjacent to their name on ballot-papers pursuant to s169A are not able to make such a request.

2.2 That under s210- (1) (a) of the Act, when printing ballot-papers the names of grouped candidates is to be printed before the names of ungrouped candidates.

2.2b That the names of grouped candidates appear in a single column dedicated to that group below the line on the ballot-paper, and except as otherwise provided by the regulations a square is to be printed opposite the name of each candidate as per S 210 (f) and Form E.

2.3 That where grouped candidates lodge with the Australian Electoral Officer a statement in accordance with s211 indicating their order of preferences or orders of preferences in relation to all the candidates, they are taken to have a group voting ticket or group voting tickets, and a square appears above the line on the ballot-paper in the same column in which the names of the grouped candidates are listed individually below the line as per s211 (4) and (5) and Form E.

2.4 That subject to s210 (3)(b) and (c), the names of ungrouped candidates appear, in a single column after the names of grouped candidates. Since those candidates are unable to register voting tickets, no voting ticket square appears above the line in that column as per s210 (3)(a) and Form E.

2.5 That the voter may mark his vote either by placing consecutive numbers in every square appearing beside the names of candidates below the line, **or** simply by placing the figure "1" or a tick or a cross in one only of the voting tickets squares appearing above the line as per s239 and Form E. Thus, the Act allows a simplified method of voting for grouped candidates by marking a single group voting Ticket Square appearing above the line on the ballot-paper.

2.6 That where a group voting ticket square is marked in this way, the ballot-paper is deemed to be marked in accordance with the relevant voting ticket or tickets as per s272.

2.7 However, this simplified voting procedure is not available to ungrouped independent candidates who are unable to register a voting ticket.

2.8 In addition to the scheme, which may be discerned from the provisions to which I have referred, it is necessary to refer to s211A of the Act. That section allows an ungrouped independent candidate whom is a sitting member of the Senate to lodge an individual voting ticket or individual voting tickets.

2.9 Where such a ticket or such tickets is or are lodged, the candidate is able to avail himself or herself of the advantages enjoyed by grouped candidates because a voter who wishes to vote for such a candidate is able to use the simplified method of voting provided for in the Act, namely, by casting a vote for the individual ticket or tickets simply by placing the figure "1" or a tick or cross in a square above the line on the ballot-paper.

2.10 This is not an advantage enjoyed by ungrouped candidates who do not fall within the language of s211A.

2.11 On the October 3rd 1998 half-Senate election voters were presented with two voting options. The voter's first option was simply to mark one square above the line; in the alternative, the voter could mark, with consecutive numbers, all the squares below the line. Both means of voting were available as alternatives to vote for individuals and groups with registered voting tickets, but only the latter method was available to vote for ungrouped independent candidates who were unable to register a voting ticket.

ARGUMENTS - in support of 1.2

3.0 Within our constitution there is an implied freedom of communication in relation to the political and electoral processes. Those guarantees arise as a necessary implication from the nature of the institutions of government created and preserved by the Constitution or from the common citizenship of the Australian people. The agreement of the Australian people called the Constitution into existence and gave it substantial validity. The Commonwealth of Australia Constitution Act 1900 (Imp.) gave that agreement legal form. The Constitution derives its continuing validity from the will of the Australian people. The people only can change it; s. 128.

3.1 The view of the framers of the Constitution that an American-style Bill of Rights was

unnecessary was based on their faith in the proper functioning of representative and responsible government and the free operation of the electoral process. Representative and responsible government is responsive to the voice of the people. **It requires that every person and every political candidate have the entitlement to make his or her views known on political issues not only between elections but also especially during election campaigns. It requires that all political candidates have an equal opportunity to be elected and that the voting process should unfairly disadvantage no political candidate.**

3.2 Since the executive government is responsible to the popularly elected House of Parliament, the ability of the people and political candidates in an election to make known their views on current political issues arising during a term of that House, or during an election, is essential to its operation. The fundamental premise of the structure of the Constitution, and in particular of the electoral processes specifically provided for by ss. 7, 24, 28 and 128 and preserved in the case of State Constitutions by s. 106, is the continuous ability of the Australian people as a whole to make informed judgments on matters of political significance. This necessarily involves the capacity at all times for free and unhindered public discussion on all such matters, subject to traditional and proportional limitations such as those imposed by the laws of defamation and sedition.

3.3 A decision was made by the media Chiefs of Staffs of Television stations 2, 7, 9, and 10 and various radio stations to deny media coverage of matters of political significance raised by the Petitioner. This decision so made whilst the Petitioner was campaigning in an election and, amongst other considerations, acting and performing duties on behalf of the electorate and also of the 50 nominees who so nominated said Petitioner as a Senate Candidate. Such decision was made in the absence of any compelling justification, and was made despite, demanding such communication and media coverage. The media Chiefs of Staff have therefore

- a) Interfered with the free operation of the institutions and processes created or preserved by the Constitution, in particular the electoral processes required or preserved by ss. 7, 24, 28, 106 and 128
- b) And have denied execution of a fundamental premise on which the representative and responsible government established and preserved by the Constitution is based, viz. the ability of the Australian people to control the institutions of government through electoral processes.

3.4 The structures and processes of the Constitution require or permit access to and/or participation by political candidates with the media bodies. They necessarily confer on the candidates a correlative right to that access or participation (5) *Crandall v. Nevada* (1867), 73 US 35; *R. v. Smithers; Ex parte Benson* (1919), 16 CLR 99, at pp.108-109, 109-110. That right includes all that is necessary for its effective exercise.

3.5 The right to vote is a personal right (6) *Ashby v. White* (1703), 2 Ld Raym 938 (92 E.R. 126); *Judd v. Mckeon* (1926), 38 CLR 380, at p. 384. In Canada the existence of an implied guarantee of freedom of communication was recognised as an essential feature of Canadian parliamentary democracy having constitutional status even before the Canadian Charter of Rights and Freedoms (7) *Re Alberta Legislation*, (1938) 2 DLR, at pp. 107-108, 119-120; *Switzman v. Ebling*, (1957) SCR 285, at pp. 305-307; (1957) 7 DLR (2d) 337, at pp. 357-359; *Retail, Wholesale and Department Store Union Local 580 v. Dolphin Delivery Ltd.*, (1986) 33 DLR (4th) 174, at pp. 183-187. A major purpose of the express guarantee of freedom of speech in the First Amendment to the United States Constitution was to protect the free discussion of governmental affairs (8) *Mills v. Alabama* (1966), 384 US 214, at p. 218; *Buckley v. Valeo* (1975), 424 US 1, at pp. 14-15; *First National Bank of Boston v. Bellotti* (1977), 435 US 765, at pp. 776-777.

3.6 The implication of the guarantee of freedom of communication arising from the common citizenship of the Australian people rests on the same as well as on broader considerations. The concept of citizenship in a free and democratic society necessarily implies a personal freedom of movement and communication throughout that society. The existence of such a freedom is deeply rooted in the common law and in the traditions of democratic government. The petitioner during the election campaign demanded such freedom of the media Chiefs of Staff. However the Chiefs of Staff did not comply. In addition to the express guarantee of freedom of speech in the First

Amendment, an implied constitutional guarantee of freedom of movement, and equality of opportunity within the mechanics of the election process, to be elected, has always been recognised in the United States (9) *Edwards v. California* (1941), 314 US 160, *Shapiro v. Thompson* (1969), 394 US 618.

3.7 The Media Chiefs of Staff of the Media bodies in the absence of legislative guidelines have power to abrogate a citizen's or political candidate's freedom to communicate on political matters during election periods. Generally such abrogation *discriminates against persons or parties not already represented in a Parliament*. Whilst the time allocated by the media to the representation of political parties and independent candidates is logically expected to be proportional to the corresponding number of incumbent members of Parliament and Senators of the political party, it is however not logical nor just to expect, that non-incumbent independent candidates be totally boycotted from any representation whatsoever. Such censorship cannot be justified.

3.8 Rights of universal suffrage are entrenched in the **Constitution Act 1902** (N.S.W.), ss. 11B, 22, 22A, 29. The process of election is fundamental to the organisation and structure of State governments because it determines the composition of the legislature and the executive. Political announcements of platforms of candidacy by political parties and independents and media coverage of such announcements is a well-established and legitimate means whereby relevant information is conveyed to electors and the Executive kept accountable. (19) *Whitney v. California* (1927), 274 US 357, at pp. 375-378; *Stromberg v. California* (1930), 283 US 359, at p. 369; *First National Bank of Boston v. Bellotti* (1978), 435 US 765, at pp. 776-777; *The Commonwealth v. John Fairfax and Sons Ltd.* (1980), 147 CLR 39, at p. 52; *Miller v. TCN Channel Nine Pty. Ltd.* (1986), 161 CLR 556, at pp. 583-584.

3.9 It is the threat through proper means of conveying pleasure or displeasure at government that is of the essence of a democratic political system and has impact on the way governments act from time to time. Elections are not to be conducted in an information vacuum or with specific censorship by Media Chiefs of Staff. An effective democracy requires information to be freely circulated in the "marketplace of ideas" (20) *Abrams v. United States* (1919), 250 US 616, at p. 630. Effective means of choice between alternative governments or ideas is fundamental. The Media Chiefs of staffs decision not to give media coverage of the Petitioners platform of candidacy has substantially interfered with the capacity of the Executive to govern and to protect the efficacy of State laws and policies and has dangerously endangered our democratic process.

3.10 The public interest requires the dissemination, not the suppression, of the information of a candidate's platform of candidacy, the broadcasting of which is left to the choice of Media Chiefs of Staff.

3.11 Whilst the failure of the Media Chiefs to cover my platform of candidacy still leaves ample mechanisms for political debate and communication to those who wish to participate; for example print advertising, direct mail, public meetings and door knocking, such mechanisms require funding and man power which is generally outside the capacity of an independent candidate. Notwithstanding such available means of communication, which the Petitioner utilised, access to the electronic media is imperative to the creation of any serious and/or effective public debate. Such imperativeness is further compounded when considering that independent candidates do not have access to large funds or staff and helpers.

3.12 The time period for election campaigns is short, and in today's information age to be denied access to current affairs interviews press conferences and press releases, was to deny and hinder the implied rights in the constitution of candidates. Such denial causes a disadvantage to independents that consequently will remain largely unknown to the electorate.

3.13 The Constitution requires or is predicated on a process such that the Senators and members are "directly chosen by the people". It is implicit that the process must permit the choice to be freely made and, to the extent necessary for a free choice, permit candidates and electors to communicate with each other. The proper approach is not to ask what are the assumptions that were made by the framers of the Constitution, and then to express them as affirmative rights, but to consider whether

the particular decisions made by respective Chiefs of Staff of the various media bodies to not give media coverage of the Petitioner's platform of candidacy, or press releases, in their operation prevents electors and candidates from participating in the conduct of the election in a meaningful way. It is my contention that the answer to this question must be in the affirmative.

3.14 A decision by media Chiefs of Staff, which from a practical point of view prevents a free election, would hinder the democratic process. It is implied in the Constitution that a political candidate represents constituents in an electorate. Decisions by the Chiefs of Staff of media bodies, to restrict communication between a political candidate and electors prevents the candidate from representing the electorate.

3.15 The effect of such decisions is not so great as to lead to the conclusion that free and meaningful elections cannot be held, or that independent candidates and electors cannot communicate, but it is certain that the effect could be great enough to significantly effect the outcome of an election. Indeed it is almost certain that were any reputable independent candidate exposed on the media to the extent of either of the major parties, that such candidate would receive a very significant proportion of the vote and very likely be elected. The role of the media cannot be underestimated.

Considering the fickle nature of elections and public support, it is almost certain that media coverage of the petitioner's platform of candidacy or his/her policy launch would have a significant effected the vote tally. Alternatively it would be almost impossible to prove that such media coverage, if given, would not have any effect on the outcome of an election. Therefore it is intrinsic to the integrity of our democratic process and the future of Australia the benefit of the doubt on this issue be given to the petitioner, and that it be accepted by the court that the greater probability is that were media coverage granted by the Chiefs of Staff, that the vote tally would certainly be different. It can only be conjecture whether or not the final result of the election would be different, but because of the nature of the issue the benefit of doubt must fall on the side of the petitioner. It is possible that the petitioner, given media coverage, may have received sufficient votes to be elected, or sufficient votes such that expenses could be claimed, or in the least sufficient votes to effect the standing and tally of an elected candidate.

3.16 In a democracy the right to freedom of speech is part of the fabric of society (68) *Derbyshire County Council v. Times Newspapers Ltd.*, (1992) 1 QB 770. There cannot be democracy if the independent candidates are effectively gagged

ARGUMENTS - in support of 1.3

4.0 That not having provisioned for ticket voting of independent candidates placed said candidates, such as myself, in a position of disadvantage that certainly would have effected the tally of the election and possibly also the result of the election. The low percentage of electors who voted by numbering every box below the line on the ballot-paper, during the 1996 and 1998 half Senate elections support this contention.

4.1 I also cite the statutory declarations provided by Mr John Murray Abbotto (in case r37 of 1996) who also petitioned the Commonwealth Electoral Officer in the court of disputed returns, to the effect that certain persons who intended to vote for him or for independent candidates were confused or misled by the ballot-paper and failed to cast a formal vote as a result. That independents are disadvantaged was not in dispute in Mr Abbotto's petition by either the respondent or Justice Dawson.

4.2 In the case of *McKenzie V the Commonwealth of Australia*, which also unsuccessfully challenged the group voting system, Gibbs CJ rejected the submission on that occasion that the system under s211A, contravened s16 of the Constitution. He also rejected a submission that it offended general principles of justice by discriminating against candidates who are not members of established parties or groups. Gibbs CJ was prepared to assume that S7 of the Constitution requires the Senate to be elected by democratic methods but held that any disadvantage caused by the group voting system to ungrouped and independent candidates did not "so [offend] democratic principles as to render the sections beyond the power of Parliament to enact" {(1985) 59 ALJR 190 at 191; 57

ALR 747 at 749.}. However this view directly contravenes the popular view of voters, and thus should be reconsidered. This interpretation by a single Justice of the High court is against that of the popular opinion of Electors qualified to vote at the election of a member of the House of Representatives and does adequately account for the probability of said disadvantage effecting the outcome of an election.

4.3 The exclusion under S211 of the Commonwealth electoral act of non-incumbent independent candidates from access to a “ticket vote” cannot be linked to the attainment of any legitimate governmental objective. (*Castlemaine Tooheys Ltd. v. South Australia* (10) (1990) 169 CLR 436, at pp. 473-474. and *Denis v. United States* (11) (1951) 183 F 2d 201, at p. 212.)

4.4a The challenge to s211 is that it does not satisfy the test of being a reasonable and proportionate regulation.

4.4b Parliament has plenary powers under ss. 10, 29, 31, 51(xxxvi) and (xxxix) to make laws with respect to elections. It may make laws regulating the conduct of persons in regard to elections, including laws for the protection of the integrity of the electoral process by the prevention of corruption and undue influence (43) *Smith v. Oldham* (1912), 15 CLR 355, at p. 358, 360, 362-363; *Attorney-General (Cth) (Ex rel. McKinlay) v. The Commonwealth* (1975), 135 CLR 1, at pp. 46, 56-58. As the Constitution in ss. 24, 29 and 41 contains express restrictions upon the exercise of these legislative powers, there is limited scope for the implication of other restrictions.

4.5 This Petition is that the High Court not strikes down section 211A, even though it may be satisfied that it so impairs the democratic process. Instead the Petitioner seeks the court to instruct the Australian Electoral Commission to have provision for ticket voting for independent candidates. Section 211 cannot be reasonably considered to be appropriate and adapted to achieving its objective, which is a simplified voting system for [all] candidates and a reduction in informal votes. It is so lacking in reasonable proportionality by the exclusion of independent candidates from ticket votes that this effect must be characterised as having no relationship with the objective it was intended to achieve (53) *South Australia v. Tanner* (1989), 166 CLR 161, at pp. 165-168, 178-179. The framers of the Constitution did not show the American farmers' lack of faith in parliamentary supremacy. The latter considered it necessary to protect minority rights. The former expressly rejected this necessity (54) Dixon, “Two Constitutions Compares”, *Jesting Pilate* (1965), and pp. 101-102.

4.6 S 364 of the Commonwealth Electoral Act reads

“Real justice to be observed.

The Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or whether the evidence before it is in accordance with the law of evidence or not.”

4.7 In the case of *John Murray Abbotto V Australian Electoral Commission*, J. Dawson presiding interprets “substantial merits” of the case to mean substantial “legal merits”. I quote Mr Dawson “When that section (section 364) speaks of the “substantial merits” of the case, it means, of course, the substantial legal merits of each case rather than what might be perceived to be the fairness of the law itself. For the reasons I have given, there is no legal merit in the petitioner's case.” For the reasons below the petitioner is not convinced that Mr Dawson has justifiably dismissed the “the substantial merits and good conscience of Mr Abbotto’s petition”

4.8 The Shorter Oxford English Dictionary, third edition, defines the word ***real*** as

“[1.2.1 Actually existing or present as a state or quality of things; having a foundation in fact; actually occurring or happening 1597

1.3.1 That is actually and truly such as its name implies; possessing the essential qualities denoted by its name; hence, genuine, undoubted 1559

1.1.3.b Natural, as opposed to artificial or depicted 1718.

1.1.4. a) That is actually present or involved, as opposed to apparent, ostensible, etc 1716.

1.1.4.b) The actual (thing or person); that properly bears the name 1631

1.1.5.a Sincere, straightforward, honest 1709

1.1.5.b Free from nonsense or affectation; 'genuine' 1847."]"

The same dictionary defines the word justice as

"[1.1 the quality of being (morally) just or righteous; the principle of just dealing; just conduct; integrity, rectitude. (One of the four cardinal virtues.) (Modern English)

1.2 Theological. Observance of the divine law; righteousness; the state of being 'just before God'-1622. The path of justice was the path of wisdom (Macaulay)

2.1 Exercise of authority or power in maintenance of right; vindication of right by assignment of reward or punishment; requital of desert OE.]"

4.9 The Petitioners reading of S364, having consideration of the aforementioned definitions leaves no doubt as to its intention and interpretation which is contrary to Mr Dawson's interpretation. By combination of the above terms Real justice should be read as either Sincere or morally righteous or free from technicalities and nonsense and in observance of just conduct and integrity or genuine and having integrity and wisdom and in observance righteous. or straightforward and vindicating righteousness or other such similar combinations.

Further the interpretation of "real justice" must take into consideration that interpretation as given to it by Australians in general and specifically Australian voters. Such interpretation is easily gleaned by observance of the rules governing our sporting traditions. A sense of fair play pervades the consciousness of Australians.

I am sure that the court would grant the petitioner that there would be outrage and condemnation of any plan to unfairly disadvantage a sporting competitor. For example, that winners of Olympic Gold medals of the 400-meter freestyle swim in all subsequent Olympic meetings must be handicapped by 1 second. Australians would meet this form of disadvantage with outrage.

Similarly independents are disadvantaged by not having a ticket vote and such disadvantage is blatant and transparent to Australian voters. Real justice is not observed in our electoral process.

Given the popular view that Australians are proud of their sense of fair play and real justice and of their observance of righteous behaviour and rules, it is incumbent upon the Court to uphold 'real justice' as would be interpreted by Australians, especially given that all the electors in the State/Territory to which the petitioner was a candidate are directly effected by this petition now before the Court.

4.10 Real justice is not universally reflected in the laws created by Members of the houses of Parliament. Whether by accident or design or shortsightedness, laws are on occasion made that do not embody real justice. That the matter of s211A has been brought before the Court of disputed returns on previous occasions is indicative that there is a problem that must be addressed, and a problem that will not go away until real justice is finally observed and practised in our electoral procedures.

4.11 Whilst Mr Dawson was able to dismiss Mr Abbotto's petition on legal grounds. Specifically on the basis that; "*The framework of the Act as well as the language of S 355(c) indicates that the jurisdiction of the Court of Disputed Returns does not extend to the making of a declaration that the entirety of a general election is void. The jurisdiction to declare an election void on the petition of a person 'who was qualified to vote thereat' is limited to those elections in which the petitioner was an elector entitled to vote. If a challenge on justiciable grounds can be mounted to the validity of a general election - a question that I need not consider - such a challenge cannot be entertained by the Court of Disputed Returns (Re Surfers Paradise Election Petition [1975] Qd R 114 at 117 suggests that a similar conclusion was reached under the Elections Act 1915 (Q) by Dunn J sitting as an Election Tribunal). It may be that the High Court has such a jurisdiction but that has not been decided". The principle and ethical grounds upon which Mr Abbotto's petition was based were not dismissed, only the technical and legal grounds.*

4.12 About 96% of voters use the ticket vote. There is no doubt that independents are disadvantaged by not having access to this system of voting. Such contention has not been disputed by either Dawson J, Dunn J and others.

4.13 Independent Candidates for the Senate election are disadvantaged as follows.

(1) Unless already sitting as an independent member, they cannot

a) have their name placed on the ballot paper above the line.

b) Register a "ticket vote" whereas other groups and sitting independents may have up to three ticket votes, which may split preferences.

(2) Independents are not included in the draw for positions on the ballot paper and are always relegated to the right hand side of the paper, which is the position of greatest disadvantage. This means that, even below the line, they are denied the opportunity for a lucky draw placing them first or in a more favourable position to get the donkey vote which may be as high as 10% of all votes cast.

(3) Voting below the line results in doubling the informal votes and requires that Independents need to receive about 5% more primary votes than those above the line to begin to create a level playing field. Source: "Elections" by Prof. Dean Jeansch

(4) Independents are placed in an "ungrouped" category with other Independents and /or those individuals who have not declared any status. This is a grouping of independents. However this group is denied any group ticket.

(5) Some electors could believe that the Independents truly are a group and may believe they have similar ideologies, whereas in fact the philosophies of some candidates in the "ungrouped" section may be diametrically opposed.

ARGUMENTS IN SUPPORT OF 1.4

5.0 Payment of the registration fee of \$700 by the Petitioner to the Australian Electoral Commission was confirmation of a contract between these two parties.

5.1 In the event that Senate Candidates poll more than a particular minimum percentage of the vote, usually 4%, in an election of the Senate then they may have the \$700 fee that they paid to the Australian Electoral Commission returned to them. In addition to the return of their registration fee such candidates who poll more than this minimum percentage also receive benefit of a payment to them from the Australian Electoral Commission, of a particular amount for each vote received above this minimum quota.

5.2 The disadvantage to independents from not having a ticket vote reduces their opportunity to achieve this minimum percentage. Independents do not therefore have the same advantage and share in the same opportunities and benefits for the payment of the \$700 fee as the other candidates. They do not have the same opportunities to receive the financial remunerations commensurate with the work that they do during the election.

5.3 A consideration perceived to be in place by the Petitioner at the time of paying the registration fee was that in Australia's democratic process there are fair and equal elections, where no one candidate would be disadvantaged above any another, which is an implied right within the Constitution.

5.4 There is a failure of this consideration by the Australian Electoral Commission. There is a failure to deliver the same certain aforementioned opportunities to independent candidates and that these said opportunities would not be available was not mentioned to the Petitioner during the selection interview held at the Australian Electoral Commission. The Petitioner accepts that there is no requirement in the Act that independent candidates receive a ticket vote, but such consideration was in the mind of the Petitioner at the time of registration and such consideration was assumed to be in place and a foundation of our electoral process. Therefore there was not a meeting of minds between the parties when the \$700 was paid to the Australian Electoral Commission.

PRAYER FOR RELIEF

Pertaining to all the above and the further documents attached herein presented to this Court of disputed returns, and under s355 of the **Commonwealth Electoral Act 1918**, I pray this court for the following relief/s

- 6.0. Declare per s360 (vii) that the 3rd October 1998 Half Senate election, for the State/Territory in which the petitioner was a Senate Candidate, be declared absolutely void.
- 6.1 Declare per s360 (vi) that any persons elected were not duly elected.
- 6.2 Under s.360 (4) award costs to the petitioner
- 6.3 That the Australian Electoral Commission is ordered to repay the \$700 registration fee to the Petitioner.
- 6.4 That the court instructs the Australian Electoral Commission to have provision for ticket voting for independent candidates in all future elections.
- 6.4b That the court instructs the Australian Electoral Commission to make provision in its information booklet, "Your Guide to the 1998 Federal Election"(or words to that effect) which it distributes freely to all electors approximately two weeks prior to polling day, for a one page submission from each of the names, groups and ungrouped candidates to be included in said booklet. That an offer to be included in the said booklet is posted to each of the aforementioned candidates three days after the close of nominations with instruction that the copy of the said submission be provided within 10 days after close of nominations, or such workable time to be decided by the Australian Electoral Commission. The page is without cost to the eligible candidates.
- 6.5 That the Chiefs of Staff of television stations 2,7,9, 10 and SBS be recommended by the Court to make provision for and ensure proper coverage of press releases and policy launches by independent candidates and that a caution be given to said media bodies regarding the intrinsically incumbent responsibilities they have within our democratic process to discern and report important issues raised by independents and to treat seriously their policies.
- 6.6 That given a significant proportion of independents in other States and Territories in the Commonwealth of Australia also similarly petition the Court of Disputed returns on similar grounds as herein petitioned, that the matter be brought before the Full Bench of the High Court to be heard as a class action of said independents or otherwise as per 1.7.
- 6.7 Such further orders that this Court see fit in relation to this petition.

Signed - *Malcolm McClure*

Printed **Malcolm McClure The Petitioner**

Dated this 7th Day of December 1998

First Witness

Name **George Belivanis** Occupation:- Postal Clerk at 75 Glenhuntly Rd Elwood

Address:-72 Scotsburn Ave, South Oakleigh Vic, 3167

Signature of First Witness - *George Belivanis*

Second Witness

Name : - **Pam Loosmore** Occupation:- Postal Officer at 75 Glenhuntly Rd Elwood

Address:- 119 Argyle St, St Kilda, Vic, 3182

Signature of Second Witness: - *Pam Loosmore*

To the Respondent: **The Australian Electoral Commission.**

Petitioner details for service

Name :- Malcolm McClure

Address:- P.O Box 124, Elwood, Vic, 3184, Ph 9563 0202

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Notice is hereby given that Blanalco Pty Ltd, A.C.N. 005 855 327 (on behalf of its trading entity Specialized Container Transport) has applied for a lease pursuant to Section 134 of the **Land Act 1958** for a term of 30 years with an option for a further term of 20 years in respect of a portion of Crown land (being part of a closed road) south of Crown Portion 11 Parish of Truganina, for the purpose of providing a continuity of rail access between the Melbourne-Geelong railway line and an adjacent Rail Freight Centre.

BLANALCO PTY LTD,
51-55 City Road, Southbank.

DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership of Bradley & Walter for which there was no registered office but which was trading in Wangaratta and district in the State of Victoria of which partnership the partners previously were Thomas Leonard Bradley and Patricia Claire Bradley both of 7 Wellington Street, Wangaratta and Charles Rex Walter and Kaye Margaret Walter formerly both of 14 Hinchley Street, Wangaratta has been dissolved as from 28 October 1998. The business continues to operate at Wangaratta with the proprietors being Thomas Leonard Bradley and Patricia Claire Bradley.

Notice is also given that the retired partners Charles Rex Walter and Kaye Margaret Walter are no longer liable and have not been liable for any debts or other liabilities incurred by the partnership since 28 October 1998.

Notice is also given that the ongoing partners, namely Thomas Leonard Bradley and Patricia Claire Bradley are no longer liable and have not been liable for any debts or any other liabilities incurred by the retired partners, namely Charles Rex Walter and Kaye Margaret Walter since 28 October 1998.

CAMPAGNA, GRAY & MALLINDER,
solicitors,
13 Chisholm Street, Wangaratta 3677.

PARTNERSHIP NOTICE

Barry Noel Sherriff retired as a Partner of the firm Purves Clarke Richards, solicitors, with effect from 29 January 1999.

PURVES CLARKE RICHARDS, solicitors.

Creditors, next-of-kin or others having claims in respect of the estate of JOHN WILLIAM HADLEY MEMBREY, late of Berwick Private Nursing Home, 21 Parkhill Drive, Narre Warren, but formerly of 14 Mustang Avenue, Fountain Gate, retired cartage contractor, deceased, who died on 24 September 1998 are to send particulars of their claims to the executors care of the undermentioned solicitors by 14 April 1999 after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

ADAM & GARDE, legal practitioners,
11a Central Avenue, Moorabbin.

NEVA MAY VOGEL, late of Rosstown Court, 6 Ames Avenue, Murrumbena, but formerly of 7 Evandale Road, Malvern, widow, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 December 1998 are required by the personal representatives, Nona Esther O'Brien of 45 Athol Road, Noble Park and Neva Mary Lawson of 5 Saint Cloud Court, Mount Waverley to send particulars to them care of the undermentioned solicitors by 19 April 1999 after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

AITKEN WALKER & STRACHAN, solicitors,
114 William Street, Melbourne 3000.

BETTY McDONALD, late of Unit 13, 284 Barkers Road, Hawthorn, Victoria, retired school principal, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 October 1998 are required by Equity Trustees Limited, A.C.N. 004 031 298, the sole executor of the will of the deceased, to send particulars of their claims to the executor in the care of the undermentioned solicitor by 12 April 1999 after which date the executor may convey or distribute the assets having regard only to the claims of which it then has notice.

ANDREW G. J. ROWAN, solicitor,
Level 4, 405 Bourke Street, Melbourne 3000.

Creditors, next-of-kin and others having claims in respect of the estate of WILLIAM JOHN VAN BAKEL, late of 17 Wallara

Crescent, Croydon, Victoria, cleaning contractor, deceased, who died on 20 November 1998 are to send particulars of their claims to the executrix, Miriam Van Bakel care of the undermentioned solicitors by 22 April 1999 after which date the executrix will convey or distribute the assets having regard only to the claims of which she then has notice.

BRENDAN H. HARDIMAN & ASSOCIATES, solicitors,
108 Railway Avenue, Ringwood East.

ANNA TELECHA, late of 1 Merbein Street, Pascoe Vale, Victoria, pensioner, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 December 1998 are required by the trustee, Joseph De Marco of 209 Glenroy Road, Glenroy, Victoria, solicitor, to send particulars to the trustee by 7 April 1999 after which date the trustee may convey or distribute the assets having regard only to the claims of which the trustee then has notice.

DE MARCO & CO., solicitors,
209 Glenroy Road, Glenroy 3046.

ANNA JESSIE WISHART, late of 32 Pertobe Road, Warrnambool, Victoria, widow, deceased. Creditors, next-of-kin and all others having claims in respect of the estate of the abovenamed deceased, who died on 14 September 1998 are required to send particulars of their claims in writing to the executrices, Janice Anne Wishart and Merrilyn Joy Croft, C/- the undersigned on or before 13 April 1999 after which date they will distribute the assets of the said deceased's estate having regard only to the claims of which they then have notice as aforesaid.

DESMOND DUNNE & DWYER, solicitors,
95 Kepler Street, Warrnambool 3280

RICHARD THOMAS, late of Gracevale Lodge, Normanby Street, Warragul, retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 November 1998 are required by the personal representatives, Beverley Joan Fleischer of "Wallaroo", Mathoura, New South Wales and Margaret Thomas of 3 Boronia Street, Warragul, Victoria, to send particulars to them care of the undermentioned solicitors by 19 April 1999

after which date the personal representative may convey or distribute the assets having regard only to the claims of which they then have notice.

ELLINGHAUS WEILL, solicitors,
129 Drummond Street, Carlton South,
Victoria 3053.

DAVID GEORGE BOYD, late of 8 Ashton Street, Swan Hill, Victoria, retired caretaker, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 November 1998 are required by the trustees, Valerie Jean Lawson and Lindsay David Boyd, to send particulars to them care of the undermentioned solicitors by 5 April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

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

GIUSEPPE MILIADO, in the will called Giuseppe Miliado, late of 133 Murlong Street, Swan Hill, Victoria, farmer, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 April 1998 are required by the trustees, Anthony Luke Miliado, Maria Immaculata Tieri and Ross Jason Miliado, to send particulars to them care of the undermentioned solicitors by 5 April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

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

Creditors, next-of-kin and others having claims against the estate of NORMA ELLA ANDERSON, late of 48 St George's Road, Elsternwick, Victoria, who died on 10 November 1998 are required by the executor, Paul Robert Anderson of 1 Eila Close, Cheltenham to send detailed particulars of their claims to the said executor c/- Hassal & Byrne, solicitors of 308 Highett Road, Highett 3190 by 11 April 1999 after which date he will proceed to distribute the said estate having regard only to the claims of which it then has notice.

HASSALL & BYRNE, solicitors,
308 Highett Road, Highett 3190.

Creditors, next-of-kin and others having claims against the estate of CHARLES DOUGLAS KERSEY, late of 3/7 Centre Road, Brighton East, Victoria, who died on 26 October 1998 are required by the executor, Equity Trustees Limited of 472 Bourke Street, Melbourne to send detailed particulars of their claims to the said executor c/- Hassal & Byrne, solicitors of 308 Highett Road, Highett 3190 by 11 April 1999 after which date it will proceed to distribute the said estate having regard only to the claims of which it then has notice.

HASSALL & BYRNE, solicitors,
308 Highett Road, Highett 3190.

Creditors, next-of-kin and others having claims in respect of the estate of MARY AMELIA ABBS, late of flat 1/30 Grant Street, Bacchus Marsh, widow, deceased, who died on 9 December 1998 are to send particulars of their claims to the executor care of the undermentioned solicitors by 12 April 1999 after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

HEINZ & PARTNERS, solicitors,
6 Dawson Street North, Ballarat.

Creditors, next-of-kin and others having claims in respect of the estate of LESLIE ERNEST HALL, late of 114 Sussex Street, Linton, retired engineer, deceased, who died on 22 November 1998 are to send particulars of their claims to the executor care of the undermentioned solicitors by 12 April 1999 after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

HEINZ & PARTNERS, solicitors,
6 Dawson Street North, Ballarat.

Creditors, next-of-kin and all other persons having claims against the estate of LEWIS HENRY POTTER, late of 16 Toora Crescent, Healesville, Victoria, retired, deceased, who died on 13 October 1998 are to send particulars of their claims to the administrator of the estate, Lewis Graham Potter, care of the undermentioned solicitors by 16 April 1999 after which date the administrator will convey and distribute the assets having regard only to the claims of which the administrator then has notice.

HOLDING REDLICH, solicitors,
350 William Street, Melbourne.

Creditors, next-of-kin and others having claims in respect of the estate of ERNEST FREDERICK VERGOS, late of 62 Raleigh Street, Footscray, who died on 27 August 1998 are to send particulars of their claims to Equity Trustees Limited of 472 Bourke Street, Melbourne by 12 April 1999 after which date it will distribute the assets having regard only to the claims of which it then has notice.

HUNT & HUNT, solicitors,
459 Collins Street, Melbourne.

EVELYN ANN McFARLANE, late of St James Terrace, 296 Warrigal Road, Cheltenham, Victoria, widow, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 March 1998 are required by the executors, Geoffrey Roland McFarlane and Barbara Evelyn Hill to send particulars to them care of the undermentioned solicitors by a date not later than two months from the date of publication hereof after which date the executors may convey or distribute the assets having regard only to the claims of which they then have notice.

LYTTLETONS, solicitors,
53 Marcus Road, Dingley.

FREDERICK GEORGE CAIN, late of 500 Bay Street, Port Melbourne, Victoria, retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 22 October 1998 are required by the executor, Sandra June Butterfield, to send particulars of their claim to the executor care of the undermentioned solicitors by 15 April 1999 after which date the executor intends to convey or distribute the assets of the estate having regard only to the claims of which the executor then has notice.

McCLUSKYS, solicitors,
254 Bay Street, Port Melbourne, Vic. 3207.

Creditors, next-of-kin and others having claims in respect of the estate of VIDA ANNA FATTOR, late of 157 Miller Street, Thornbury, deceased, who died on 2 November 1998 are requested to send particulars of their claims to the executrix, Myriam Cesar Fiumani care of the undermentioned solicitors on or before 12 April 1999 after which date she will distribute the assets having regard only to the claims of which she then has notice.

MCF LAWYERS,
70 Bulla Road, North Essendon 3041.

PAUL SOPER, late of 73 Franciscan Avenue, Frankston in the State of Victoria, invalid, pensioner. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 September 1998 are required by the trustee, Linda Jane Mutch to send particulars thereof to her care of the address of the undermentioned solicitors by 1 April 1999 after which date the trustee may convey or distribute the assets having regard only to the claims of which she then has notice.

MEIER DENISON, solicitors,
49 Playne Street, Frankston.

Creditors, next-of-kin and others having claims in respect of the estate of MARGARET WINTER, late of Unit 2, 17 Pyne Street, Caulfield, Victoria, investor, deceased, who died on 7 November 1998 are required by the executor, ANZ Executors & Trustee Company Limited of 530 Collins Street, Melbourne, Victoria, to send particulars to it by 11 April 1999 after which date it may convey or distribute the estate having regard only to the claims of which it then has notice.

MILLS OAKLEY, lawyers,
13 Queen Street, Melbourne.

Creditors, next-of-kin and others having claims in respect of the estate of GRACE FLOWER CLEWS, deceased, late of Old Melbourne Road, Traralgon, who died on 14 February 1998 are to send particulars of their claims to the executor, Flora Margot Bilson, care of the undermentioned solicitors by 13 April 1999 after which date the executor will distribute the assets having regard only to the claims of which she then has notice.

MOORES, solicitors,
9 Prospect Street, Box Hill 3128.

ELLEN FRANCES MORDECAI, also known as Helen Frances Mordecai, late of Unit 1, 52 Ebdon Avenue, Black Rock, widow. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 November 1998 are required by National Mutual Trustees Limited of 65 Southbank Boulevard, Southbank, Victoria 3006, the applicant for a grant of probate, to send particulars to it by 14 April 1999 after which date the applicant for a grant of probate may convey or distribute the assets having regard only to the claims of which it then has notice.

AGNES GEORGINA TOOGOOD PALMER, late of "Edenvale" Nursing Home, 4 Scott Street, Essendon, Victoria 3040, but formerly of 1 Flower Street, Essendon, widow, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 May 1998 are required by the trustees, Elizabeth Esther McCormack of 3 Alfred Grove, Avonsleigh, Victoria, medical courier, Ian Frederick Johnson of 30 Kernan Street, Strathmore, Victoria, retired and Leslie William Johnson of 103 McCallum Street, Swan Hill, Victoria, retired, to send particulars to the trustees by 14 April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees have notice.

PALMER STEVENS & RENNICK, solicitors,
8 Jennings Street, Kyneton 3444.

LAURENCE JAMES SUTHERLAND, late of 4 Brian Street, East Bentleigh (formerly of 1131 Burwood Highway, Ferntree Gully), retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 November 1998 are required by the trustees, Dawn Isobel Sutherland of 3 Napier Place, South Melbourne, retired and Merle Georgina Wisken of 4 Brian Street, East Bentleigh, home duties, to send particulars to the trustees by 5 April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees have notice.

PEARCE WEBSTER DUGDALES, solicitors,
379 Collins Street, Melbourne.

EDITH JOYCE McKINNON, late of 38 Delaware Street, Reservoir, Victoria 3073. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 December 1998 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 13 April 1999 after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

ELIZABETH JOAN BROWN, late of 13 Hope Street, Preston, Victoria, widow, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 October 1998

are required by the trustees, Andrew Joseph Brown of 25 McNaughton Close, Wallan, Victoria, plumber and Diane Joy Orwin of 32 Stephens Street, Gisborne, Victoria, tele-marketer, to send particulars to the trustees by 11 April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees then have notice.

READ KELLY, solicitors,
7th Floor, 555 Lonsdale Street, Melbourne.

SHEILA MARY POST, late of 180 Railway Parade, Broadmeadows, Victoria, retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 September 1997 are required by the trustees, Davey William Post of 180 Railway Crescent, Broadmeadows, Victoria, motor mechanic and Sharlene Florence Hill of 13 Albion Street, Sanctuary Point, New South Wales, daughter, to send particulars to the trustees by 11 April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees then have notice.

READ KELLY, solicitors,
7th Floor, 555 Lonsdale Street, Melbourne.

Creditors, next-of-kin and others having claims in respect of the estate of CATHERINE MARIE WRAITH, late of Unit 3, 71 Rochester Road, Balwyn, Victoria, widow, deceased, who died on 18 October 1998 are to send particulars of their claims to David Anthony Rush and Helen Elizabeth Warren, the executors appointed by the will, care of the undersigned by 11 April 1999 after which date they will commence to distribute the assets having regard only to the claims of which they then have notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road, Hawthorn East.

EILEEN MAY KING, late of Unit 674, Village Baxter, 8 Robinsons Road, Baxter, but formerly of Unit 3, 3-5 Campbell Grove, Mornington, widow, deceased. Creditors, next-of-kin or others having claims in respect of the estate of the deceased, who died on 23 October 1998 are required by the trustees, William Frederick John King of 12 Pastons Grove, Mount Martha, Victoria, retired and Alan Leslie King of 24 Peter Street, Eltham, Victoria,

computer analyst to send particulars to the trustees by 12 April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees then have notice.

ROBERTS & ROBERTS PARTNERS,
216 Main Street, Mornington.

AILEEN ROSETTA SMITH, late of Unit 125, Koorootang Village, Mount Martha, Victoria, home duties, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 October 1998 are required by the trustee, Barry Brien of 58 Summit Drive, Bulleen, Victoria, to send particulars to him by 19 April 1999 after which date the trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

SAM STIDSTON & CO., solicitors,
307 Main Street, Mornington.

RAYMOND HAYDN DENTITH, late of 74 Williams Road, Simpson. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 November 1998 are required by the deceased's personal representatives, John Charles Dentith and Elin Jane Dentith, to send particulars to them care of the undermentioned solicitors by 6 April 1999 after which date the personal representative may convey or distribute the assets having regard only to the claims of which they then have notice.

SEWELLS, lawyers,
119 Murray Street, Colac.

Creditors, next-of-kin and others having claims in respect of the estate of KURT KRIPPNER, late of 25 Hampden Road, Armadale, Victoria, deceased, who died on 9 August 1998 are required by the executors and trustees to send particulars to them care of the undermentioned solicitors by 11 April 1999 after which date the executors and trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

STUART MORGAN & ASSOCIATES,
solicitors,
238 Glenferrie Road, Malvern 3144.

Creditors, next-of-kin and others having claims in respect of the estate of ARCHIBALD JAMES TORRANCE, late of Gracevale Lodge, 133 Normanby Street, Warragul, Victoria, deceased, who died on 8 December 1998 are required by the executor and trustee to send particulars to him care of the undermentioned solicitors by 11 April 1999 after which date the executor and trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

STUART MORGAN & ASSOCIATES,
solicitors,
238 Glenferrie Road, Malvern 3144.

Creditors, next-of-kin and others having claims in respect of the estate of JOYCE CATHERINE O'DWYER, late of Glenhuntly Private Nursing Home, 5 Maroona Road, Glenhuntly, Victoria, widow, deceased, who died on 1 December 1998, are required to send particulars of their claims to John Patrick Toohey of 389 Lonsdale Street, Melbourne, Victoria, solicitor, the executor of the said deceased, on or before 4 April 1999 after which date he will distribute the assets having regard only to the claims of which he then has notice.

TOLHURST DRUCE & EMMERSON,
solicitors,
389 Lonsdale Street, Melbourne.

LUCIA ANNA LAM, late of Sorrento Lodge, 211 Ocean Beach Road, Sorrento, Victoria, widow, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 March 1998 are required by the trustees, Erna Berta Maria Owen and Lawrence Robert Owen to send particulars to the trustees C/o the undermentioned solicitors by 6 April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees then have notice.

WRIGHT SMITHS, solicitors,
2 Seventh Avenue, Rosebud.

DOROTHY MYRTLE WILKINSON, late of 28 The Avenue, McCrae, Victoria, home duties, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 July 1998 are required by the trustees, Donald Norman Atkins and Kim Syme Price to send particulars to the trustees C/o the undermentioned solicitors by 7

April 1999 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees then have notice.

WRIGHT SMITHS, solicitors,
2 Seventh Avenue, Rosebud.

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF

On 18 March 1999 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh, (unless process be stayed or satisfied).

All the estate and interest (if any) of Suleyman Cebecioglu of 41 Livingstone Street, Coburg, joint proprietor with Cavidan Meral Cebecioglu of an estate in fee simple in the land described on Certificate of title Volume 8063 Folio 262 upon which is erected a dwelling known as 41 Livingstone Street, Coburg.

Registered Mortgage No. U210170H affects the said estate and interest.

Terms - Cash only.

SW-98-014409-0

Dated 11 February 1999.

S. BLOXIDGE
Sheriff's Office

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF

On 18 March 1999 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh, (unless process be stayed or satisfied).

All the estate and interest (if any) of Manh Son Tran of 10 Lana Way, Footscray, joint proprietor with Thi Ngochan Duong of an estate in fee simple in the land described on Certificate of Title Volume 10287 Folio 581 upon which is erected a dwelling known as 10 Lana Way, Footscray.

Registered Mortgage No. U371780K, Caveat No. V614968W and Covenant No. U371779K affect the said estate and interest.

Terms - Cash only.

SW-98-012035-4

Dated 11 February 1999.

S. BLOXIDGE
Sheriff's Office

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF

On 18 March 1999 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh, (unless process be stayed or satisfied).

All the estate and interest (if any) of Brett Desmond of 133 Boundary Road, Dromana as shown on Certificate of Title as Brett Joseph Desmond, joint proprietor with Michelle Therese Desmond of an estate in fee simple in the land described on Certificate of Title Volume 7282 Folio 324 upon which is erected a dwelling known as 133 Boundary Road, Dromana.

Registered Mortgage No. V149778R affects the said estate and interest.

Terms - Cash only.

SW-98-011113-7

Dated 11 February 1999.

S. BLOXIDGE
Sheriff's Office

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF

On 18 March 1999 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh, (unless process be stayed or satisfied).

All the estate and interest (if any) of Palazzi Investments Pty Ltd of 357 City Road, South Melbourne, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 9637 Folio 951 upon which is erected a building known as 357 City Road, South Melbourne.

Registered Mortgage Nos. T732528U, U356975U, Caveat No. U626716Q and the Land Tax Charge No. V690107K affect the said estate and interest.

Terms - Cash only.

SW-98-012125-3

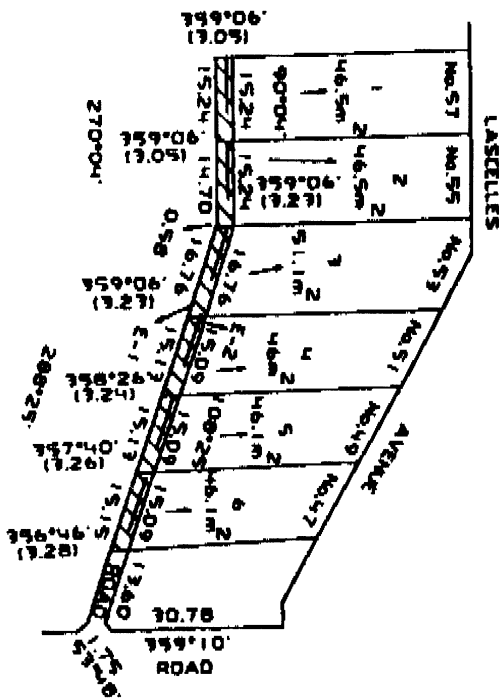
Dated 11 February 1999.

S. BLOXIDGE
Sheriff's Office

**GOVERNMENT AND OUTER BUDGET SECTOR AGENCIES
NOTICES**

GREATER GEELONG CITY COUNCIL
Road Discontinuance

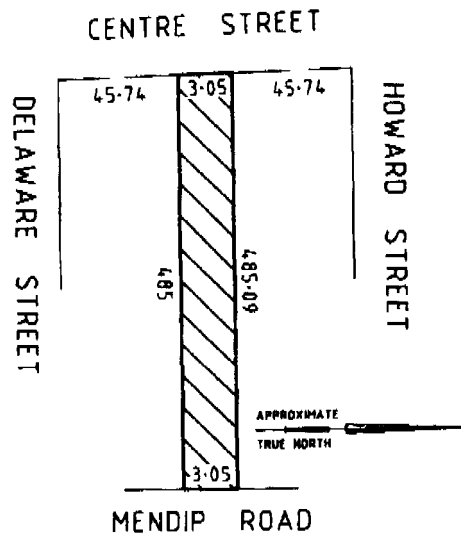
Under Section 206 and Schedule 10 Clause 3 of the **Local Government Act 1989** the Greater Geelong City Council at its Ordinary meeting held on 27 January, 1999, formed the opinion that the road shown hatched on the plan below is not reasonably required as a road for public use and has resolved to discontinue the road and to sell the land from the road by private treaty subject to any right, power or interest held by the Barwon Region Water Authority over the sections of land in the road marked E-1 on the plan and the City of Greater Geelong in respect to the sections of land in the road marked E-1 and E-2 on the plan in connection with any sewers, drains or pipes under the control of those authorities in or near the road.



GEOFF WHITBREAD
Chief Executive Officer

DAREBIN CITY COUNCIL
Road Discontinuance

Under Section 206 and Schedule 10 Clause 3 **Local Government Act 1989** the Darebin City Council at its Ordinary meeting held on 4 August, 1997, formed the opinion that the road shown hatched on the plan below is not reasonably required as a road for public use and has resolved to discontinue the road and to sell the land from the road by private treaty subject to any right, power or interest held by the Darebin City Council and the Melbourne Water Corporation (Yarra Valley Water Ltd.) in the road in connection with any sewers, drains or pipes under the control of those authorities in or near the road.



DAVID GRAHAM
Chief Executive Officer

WHITEHORSE CITY COUNCIL
Local Law No. 5 – Amending Local Law No. 4
(Meeting Procedures)

Notice is given pursuant to Section 119(3) of the **Local Government Act 1989** that at a meeting of the Council of the City of Whitehorse held on 27 January 1999, the Council resolved to make Local Law No. 5 – Amending Local Law No. 4 (Meeting Procedures).

The purpose of the Local Law is to:

- “amend Clause 6 ‘Definitions’ of Local Law No. 4 – Meeting Procedures with respect of the definition of ‘Petition’
- amend Clause 16 ‘Petitions’ with regard to the presentation and receipt of petitions at meetings of Council.”

Local Law No. 5 – Amendment to Local Law No. 4 – Meeting Procedures 1996 commences on 12 February 1999.

Copies of the Local Law are available for inspection at the following Council Service Centres: Whitehorse Civic Centre, 379 Whitehorse Road, Nunawading, telephone: 9262 6333; Box Hill, 1022 Whitehorse Road, Box Hill, telephone: 9262 6333; Forest Hill, Shop 130, Forest Hill Chase Shopping Centre, Canterbury Road, Forest Hill, telephone: 9894 3868.

PETER SEAMER
Chief Executive Officer

Local Government Act 1989

SECTION 206 CLAUSE 3 SCHEDULE 10

Ballarat City Council

Discontinuance of Part of Road

Ballarat City Council hereby gives notice that it has discontinued part of the service road on the western side of Old Creswick Road being an area of unmade unused roadway 10.18 metres in width commencing approximately 59.80 metres north of Coronet Street, Ballarat proceeding north for a length of 111.43 metres.

JANET DORE
Chief Executive Officer

Local Government Act 1989

SECTION 206 CLAUSE 3 SCHEDULE 10

Ballarat City Council

Discontinuance of Part of Road

Ballarat City Council hereby gives notice that it has appointed a 55 metre length of Herriott Street, Buninyong being the area of unmade road immediately west of the intersection of Herriott and Lal Lal Streets, Buninyong.

JANET DORE
Chief Executive Officer

Planning and Environment Act 1987

BAW BAW PLANNING SCHEME

Notice of Amendment

Amendment C2

The Baw Baw Shire Council has prepared Amendment C2 to the Baw Baw Planning Scheme.

The Amendment affects all the land located in the Walhalla Township.

The Amendment proposes to vary the Local Policy relating to Tourist Development such that the responsible authority must consider the (Draft) Walhalla Township Design and Development Guidelines - October 1998 in deciding on an application to use or develop land in Walhalla.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations:

Baw Baw Shire Council, Warragul Customer Service Centre, Shop 1, 61 Smith Street, Warragul; Drouin Customer Service Centre, 33 Young Street, Drouin; Trafalgar Customer Service Centre, Princes Highway, Trafalgar; Latrobe Shire Council, Moe Office, corner Albert & Kirk Streets, Moe; the Department of Infrastructure, Planning Division, 120 Kay Street, Traralgon; Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne. This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority. A submission must be made in writing and sent to: The Chief Executive Officer, Baw Baw Shire Council, P.O. Box 304, Warragul, Vic. 3820. Delivered: Warragul, Drouin or Trafalgar Customer Service Centres.

The date for the close of exhibition and receipt of submissions is 11 March 1999 at 5.00 p.m.

JOHN F. DYER
Chief Executive Officer

Planning and Environment Act 1987

MORNINGTON PLANNING SCHEME

Notice of Amendment

Amendment L91

The Mornington Peninsula Shire Council has prepared Amendment L91 to the Mornington Planning Scheme.

The Amendment affects the land:-

- Lot 20, LP 2889, at 1 Kent Street, Mornington.

The Amendment proposes to change the Planning Scheme to enable the use of 1 Kent Street, Mornington for the purpose of parking area.

The Amendment can be inspected at:-

- Mornington Peninsula Shire Council
 - Rosebud Office, Besgrove Street, Rosebud
 - Mornington Office, Queen Street, Mornington
 - Hastings Office, Marine Parade, Hastings
- Department of Infrastructure, Nauru House, 80 Collins Street, Melbourne.

Submissions about the Amendment must be sent to: Chief Executive, Mornington Peninsula Shire Council, Private Bag 1000, Rosebud 3939 by 15 March 1999.

LYNNE ROBINSON
Development Planner

Planning and Environment Act 1987
STONNINGTON PLANNING SCHEME
Notice of Amendment
Amendment L73

The Minister for Planning and Local Government has prepared Amendment L73 to the Stonnington Planning Scheme.

The Amendment inserts a site specific clause into Clause 119 of the Local Section to allow for the use and development of the land at 1264-1272 Malvern Road, Malvern for the purposes of Showrooms, Offices, Education Centre with associated vehicle parking in accordance with the development plans prepared by Castles Stephenson Turner, dated 8 October 1998, without the need for a 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 Stonnington City Council, corner Chapel and Greville Streets, Prahran.

Submissions about the Amendment must be sent to: Minister for Planning and Local Government, Attention: Adrian Williams, Panels Branch, Department of Infrastructure,

P.O. Box 2797Y, Melbourne 3001 by 14 March 1999.

LEIGH PHILLIPS
Director, Planning Operations
Planning Heritage and
Market Information Division
Department of Infrastructure

Creditors, next of kin and others having claims against the estate of any 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 April 19 1999 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.

ACHESON William Robert, late of Carrum Private Nursing Home, 440 Station Street, Carrum, pensioner, who died December 18, 1998.

AUZINS Tince, late of 7 Nene Avenue, Glenroy, pensioner, who died February 2, 1999.

BUTLER Keith Langen, late of William Angliss Hospital, Upper Ferntree Gully, retired, who died December 1, 1998.

DEWEY Judith Fox, late of 6 Sophie Court, Mulgrave, home duties, who died November 13, 1998.

GRANT John, late of 148/127 Gordon Street, Footscray, pensioner, who died February 20, 1998.

HILL Edna Ivy, late of The Nursing Home, Judge Book Village, Diamond Street, Eltham, pensioner, who died January 19, 1999.

KEMP Elaine Mary, late of Unit 7, 19 Murphy Street, Richmond, pensioner, who died October 26, 1998.

KEMP Herbert, late of 20 Walter Street, Glen Waverley, retired, who died October 21, 1998.

MANNING Peter Gerard, late of 28 Soudan Road, West Footscray, retired welder, who died September 13, 1998.

Dated at Melbourne, 8 February 1999.

CATHY VANDERFEEN
Manager, Estate Management
State Trustees Limited

Creditors, next of kin and others having claims against the estate of any 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 April 16, 1999 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.

BREARE Elvena, late of 11 Narallah Grove, Box Hill North, retired, who died December 7, 1998.

BULLAS Alfred Orwin, late of 113 Wilson Street, West Brunswick, retired, who died January 4, 1992.

GRACE Jocelyn, late of 3 Carisbrook Court, Doncaster East, pensioner, who died September 13, 1998.

GREEN Edna Elsie, late of Moyra Nursing Home, Lewis Road, Wantirna, pensioner, who died October 18, 1998.

HOWE Robert Harold, late of 10 Lascelles Street, Coburg, pensioner, who died December 24, 1998.

McDONALD John, late of 163/150 Inkerman Street, St Kilda, mortuary attendant, who died October 2, 1997.

O'BRIEN Margaret Mary, late of Reg Geary Private Nursing Home, 54 Pinnacle Crescent, Melton, pensioner, who died September 3, 1998.

TOOGOON William Gordon, late of 115 Koonung Road, Blackburn North, pensioner, who died November 20, 1998.

WITTS Audrey Jacqueline (also known as Jacqueline Witts), late of 41 Spencer Road, Camberwell, home duties, who died December 31, 1998.

Dated at Melbourne, 5 February 1999.

CATHY VANDERFEEN
Manager, Estate Management
State Trustees Limited

Creditors, next of kin and others having claims against the estate of any 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 April 13, 1999 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.

BOWDEN Mary Susan, late of Croydon Park Nursing Home, 4 Mayfair Court, Hyton Crescent, Croydon, pensioner, who died December 5, 1998.

BRUCE Doris Mary, late of Belvedere Nursing Home, 352 Princes Highway, Noble Park, pensioner, who died May 28, 1998.

BUCKLAND, John Joseph, late of Room 29, Villa Maria Centre, 355 Stud Road, Wantirna South, pensioner, who died January 14, 1999.

CARTER Frederick William Henry, late of Brimbank Nursing Home, corner Wiltshire & Cumberland Streets, Sunshine, fitter & turner, who died September 26, 1998.

GALE Adele Josephine, late of Clarinda Centre, 1213 Centre Road, Oakleigh South, retired, who died December 9, 1998.

JALANSKI Gregory, late of St John Kronstadt Russian Welfare Society, 13 Conway Street, Dandenong, retired, who died December 17, 1998.

KERR Eric Morris, late of Unit 137, 100 Harold Street, Wantirna, retired, who died November 7, 1998.

ROGERS Estrella Lenor Bradley (also known as Estrella Lenor Rogers) late of 35 Miller Street, Highett, pensioner, who died December 2, 1998.

VAN DIJK Petrus Arnoldus Cornelis (also known as Peter Van Dijk) late of 15 Twin Creek Road, Upper Pakenham, retired, who died May 25, 1998.

WILLIAMS Percival Richard, late of 3 Amaroo Court, Box Hill North, pensioner, who died October 16, 1998.

WILSON John Kenneth, late of Aaron Lodge, 36-38 Power Street, Dandenong, pensioner, who died November 1, 1998.

Dated at Melbourne, 2 February, 1999.

CATHY VANDERFEEN
Manager, Estate Management
State Trustees Limited

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

ARTHUR HALL McDOWELL, late of 18 Millturn Avenue, Sunbury, Middlesex, England, bakery salesman, deceased intestate, who died November 14, 1983.

ERNEST FREDERICK DIHM, late of Essendon Private Nursing Home, Buckley Street, Essendon, Victoria, pensioner, deceased intestate, who died December 25, 1998.

GEORGE COVINGTON JENNER WATT, late of Room 2, 44 Gertrude Street, Fitzroy, Victoria, pensioner, deceased intestate, who died June 22, 1998.

JOYCE BROWN, late of Villa Maria Centre, 355 Stud Road, Wantirna South, Victoria, pensioner, deceased intestate, who died November 30, 1998.

MARY THERESE HORSNELL, late of 15 Lane Crescent, Reservoir, Victoria, pensioner, deceased intestate, who died December 20, 1998.

PATRICIA SHERIDAN, late of Unit 1, 9 Gourlay Street, Balaclava, Victoria, pensioner, deceased intestate, who died November 3, 1998.

RICHARD JOHN JANSEN, late of Sunraysia Hostel for the Elderly, Caloitis Street, Red Cliffs, Victoria, pensioner, deceased, who died December 11, 1998.

VICTOR LEE, late of Lilley Lodge, 9 Brown Street, Long Gully, Victoria pensioner, deceased intestate, who died November 27, 1998.

WILLIAM LESLIE WEIR, late of Talbot Lodge, Scandinavian Crescent, Talbot, Victoria, pensioner, deceased intestate, who died December 13, 1998.

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 April 13, 1999 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.

EXEMPTION

Application No. 4 of 1999

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** by Shane Strong on behalf Arthur Murray Franchised Studio ("the Studio"). The application for exemption is to enable the applicant to advertise for and employ male and female instructors as appropriate to enable the studio to cater for the needs and wishes of male and female clients.

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 Acts to enable the applicant to advertise for and employ male and female instructors as appropriate to enable the studio to cater for the needs and wishes of male and female clients.

In granting this exemption the Tribunal noted:

- The Studio teaches social dancing to males and females. The studio has more female than male clients.
- Clients have expressed a preference for dancing instructors of the opposite sex particularly where close contact dancing is concerned.
- There are currently 6 female instructors and 1 male instructor at the Studio.
- Previous advertisements for dance instructors which have not applied to males only have attracted a large number of female applicants and a small number of male applicants. To attempt to achieve gender balance in dance instructor positions it is desirable positions be advertised as male only where appropriate, and female only where appropriate.
- The applicant has already been granted an exemption by the Equal Opportunity Board No. 22 of 1995 which expired on 19 October 1998.

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 male and female instructors as appropriate to enable the studio to cater for the needs and wishes of male and female clients.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 10 February 2002.

Ms CATE McKENZIE
Deputy President

Department of Treasury and Finance

SALE OF CROWN LAND
BY PUBLIC TENDER

Tenders close Wednesday 17 March 1999
at 2.00 p.m. at the Offices of the
Victorian Government Property Group,
10th Floor, 1 Macarthur Street, Melbourne

Address of Property: 601 Bourke Street,
Melbourne.

Crown Description: Crown Allotment 18A,
Section 15, Parish of North Melbourne.

Terms of Sale: 1% preliminary deposit with
lodgement of tender, 9% upon acceptance of
tender, balance payable 21 June 1999.

Site Area: 910 m².

Officer Co-ordinating Sale: Yvonne Coles,
Project Manager, Victorian Government
Property Group, Department of Treasury and
Finance, Level 10, 1 Macarthur Street,
Melbourne, Vic. 3002.

Selling Agent: C. B. Richard Ellis, Level 19,
101 Collins Street, Melbourne, Vic. 3000.

ROGER MURRAY HALLAM
Minister for Finance

Department of Treasury and Finance

SALE OF CROWN LAND
BY PUBLIC TENDER

Tenders close Wednesday 24 March 1999
at 2.00 p.m. at the Offices of the
Victorian Government Property Group,
10th Floor, 1 Macarthur Street, Melbourne

Address of Property: Stenson Road, Kealba.

Crown Description: Crown Allotment 6A, 6B
and 7A, Parish of Maribyrnong.

Terms of Sale: 1% preliminary deposit with
lodgement of tender, 9% upon acceptance of
tender, balance payable 11 June 1999.

Site Area: 4.7013 ha.

Officer Co-ordinating Sale: Jenny Millett,

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

Selling Agent: Kliger Wood, 250 Queen Street,
Melbourne, Vic. 3000.

ROGER MURRAY HALLAM
Minister for Finance

Financial Management Act 1994

DECLARATION OF BODIES TO WHICH
PART 7 APPLIES

I, Roger Hallam MLC, Minister for Finance,
acting under section 3 of the **Financial
Management Act 1994**, declare:

1. That the following bodies are bodies to
which Part 7 of the Act apply:

Cemeteries

The Anderson's Creek Cemetery Trust
The Ballarat General Cemeteries Trust
The Bendigo Cemeteries Trust
The Cheltenham & Regional Cemeteries
Trust
Trustees of the Fawcner Crematorium and
Memorial Park
The Geelong Cemeteries Trust
The Keilor Cemetery Trust
Trustees of the Lilydale Memorial Park and
Cemetery Trust
The Trustees of the Memorial Park
The Mildura Cemetery Trust
Trustees of the Necropolis Springvale
The Preston Cemetery Trust
The Templestowe Cemetery Trust
Wyndham Cemeteries Trust

Committees of Management

Bundoora Park Committee of Management
Penguin Reserve Committee of Management
State Swimming Centre Committee of
Management

Superannuation Bodies

Emergency Services Superannuation Board
Trustees of the City of Melbourne
Superannuation Fund

Trustees of the Parliamentary Contributory Superannuation Fund

Victorian Superannuation Board

Companies

Victorian Power Exchange Pty Ltd.

2. This declaration replaces my previous declarations of 16 June 1995 and 18 June 1997.

Dated at Melbourne 5 February 1999.

ROGER M. HALLAM MLC
Minister for Finance

Transport Act 1983

TOW TRUCK DIRECTORATE OF
VICTORIA

Tow Truck Applications

Notice is hereby given that the Licensing Authority will consider the following application/s after 17 March 1999.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, Level 6, 14-20 Blackwood Street, North Melbourne (P.O. Box 666, North Melbourne 3051) not later than 11 March 1999.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing.

Modern Towing & Salvage (Holdings) Pty Ltd. Application for variation of conditions of tow truck licence numbers 004HTT, 015HTT, 018HTT and 036HTT which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 2-4 Carinish Road, Clayton to change the depot address to 33 Frankston Road, Dandenong.

Modern Towing & Salvage Australia Pty Ltd. Application for variation of conditions of tow truck licence numbers 002HTT, 008HTT, 009HTT and 012HTT which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 380 Barkly Street, Footscray to change the depot address to 1-3 Ponting Street, Williamstown.

C. Carpenter. Application for variation of conditions of tow truck licence number 003HTT

which authorise the licensed vehicle to be managed, controlled and operated from a depot situated at 380 Barkly Street, Footscray to change the depot address to 1-3 Ponting Street, Williamstown.

Dated 11 February 1999.

TERRY O'KEEFE
Director

Public Holidays Act 1993

BALLARAT CITY COUNCIL

Section 7(b) of the **Public Holidays Act 1993** allows non-metropolitan Councils to appoint one day or two half days as public holidays within the municipal district.

Notice is given that the Ballarat City Council has appointed Wednesday 17 November 1999, being Ballarat Cup Day, as a public holiday throughout the municipal district.

JANET DORE
Chief Executive Officer

Co-operatives Act 1996

CHANDLER HIGH SCHOOL
CO-OPERATIVE LIMITED

DONCASTER S C CO-OPERATIVE LTD
MOOROOLBARK PRIMARY SCHOOL
CO-OPERATIVE LTD

SUSAN STREET ELTHAM BOWLING
CO-OPERATIVE LTD

VICTORIAN MINIATURE STEAM
LOCOMOTIVE SOCIETY CO-OPERATIVE
LIMITED

Notice is hereby given in pursuance of Section 316 (1) of the **Co-operatives Act 1996** and Section 601AB(3) (e) of the Corporations Law that, at the expiration of two months from the date hereof, the names of the aforementioned Co-operatives will, unless cause is shown to the contrary, be struck off the register and the co-operatives will be dissolved.
Dated at Melbourne this 8 February 1999.

PAUL HOPKINS
Deputy Registrar of Co-operatives

Livestock Disease Control Act 1994

NOTICE UNDER SECTION 94

Notice is hereby given that on 21 January 1999 the Commissioner of State Revenue declared, pursuant to section 94 of the **Livestock Disease Control Act 1994**, the undermentioned persons, being persons carrying on business as stock and station agents, abattoir operators, feedlot operators, cattle scale operators, calf dealers or any other prescribed business dealing with the buying or selling of livestock or carcasses of livestock, as approved agents for the purposes of Part 6 of the **Livestock Disease Control Act 1994**, and of the **Stamps Act 1958**.

Purling Pty Ltd.

Foster O'Brien & Partners.

CHRISTOPHER CHARLES EDWIN GAHAN
as delegate of the Secretary
to the Department of
Natural Resources and Environment.

Marine Act 1988NOTICE NO. 6 AMENDING NOTICE NO.1
MADE UNDER SECTION 15(2)

Notice is hereby given of the following amendments to Notice No.1 made under section 15(2) of the **Marine Act 1988** and published in the Government Gazette G26 on 2 July 1998.

These amendments were made by the Marine Board of Victoria on 8 February 1999 on the recommendation of Commander A R Johnson, a member of the Victoria Police, under section 15(2) of the **Marine Act 1988**, and any other enabling powers.

Amendments to Notice No. 1

Amendments to Schedule 1 in Notice No.1

1. Amendments to Schedule 1

1. For Schedule 62 substitute -

"SCHEDULE 62"**WATERS-LODDON RIVER (AT
BRIDGEWATER BETWEEN FLOUR
MILL WEIR AND SWEENEYS LANE)**

*Local Authority-The Committee of Management
for the Bridgewater on Loddon Public Park
Reserve Inc.*

1. Excluded speed limit for the purposes of
Clause 3(a).

Those waters of the Loddon River not

otherwise specified as being subject to a speed restriction or prohibited to boating, are not subject to the requirements of Clause 3(a) of this Notice.

2. 5 knot speed restriction zones for the
purposes of Clause 7.

(1) Those waters of the Loddon River between the Flour Mill Weir and the Calder Highway Road Bridge are subject to a speed restriction of 5 knots.

(2) Those waters of the Loddon River between the Calder Highway Road Bridge and Sweeneys Lane are subject to a speed restriction of 5 knots between the following dates and times:

(a) Between 1 December and 31 March between 7.30p.m. and 8.30a.m. the next morning.

(b) During April at all times on each Wednesday and between 7.30p.m. and 8.30a.m. the next morning on all other days.

(c) Between 1 May and 31 August.

(d) Between 1 September and 31 October at all times on each Wednesday and between 5.30p.m. and 8.30a.m. the next morning on all other days.

(e) During November at all times on each Wednesday and between 7.30p.m. and 8.30a.m. the next morning on all other days.

3. Areas prohibited to boating for the
purposes of Clause 9.

Those waters of the Loddon River immediately upstream of the Flour Mill Weir and east of the island, which is marked by red buoys at its upstream limit, is prohibited to boating.

4. Areas prohibited to bathers for the
purposes of Clause 12.

Those waters specified in Clause 5 are prohibited to bathers.

5. Exclusive and special purpose area for
the purpose of Clause 13.

Those waters of the Loddon River between the Calder Highway Road Bridge and Sweeneys Lane which are not subject to a speed restriction of 5 knots are set aside for the exclusive use of

- (a) water-skiing and activities associated with water-skiing; and
 - (b) vessels transiting the zone that -
 - (i) keep as close as practicable to the western river bank;
 - (ii) do not exceed 5 knots; and
 - (iii) cross the river adjacent to the boat ramps in the Park Reserve.
6. Revocation of amending Notice

This Notice expires on 11 August 2000 on which date the Schedule made in Notice No.1 and published in the Government Gazette G26 on 2 July 1998 shall be reinstated."

Dated: 8 February 1999

BRUCE PHILLIPS
Chief Executive
Marine Board of Victoria

Pipelines Act 1967

VARIATION TO LICENCE TO CONSTRUCT AND OPERATE A PIPELINE

I, the Minister for Agriculture and Resources for the State of Victoria, hereby give notice in accordance with the provisions of Section 28(A)1 of the **Pipelines Act 1967**, that Section II(C) of the conditions of Licence to Construct and Operate a Pipeline 47 granted to Kemcor Australia Pty Ltd is varied by:-

DELETE Section II(C) Product Transported

The substance to be conveyed shall be liquefied petroleum gas of:

- (i) Butane during the summer months consisting substantially of butane, pentane and hexane; and
- (ii) Butene during the winter months consisting substantially of butene and propene.

and

SUBSTITUTE Section II(C) Product Transported

The substance to be conveyed shall be liquefied petroleum gas and liquid hydrocarbons.

Dated 11 February 1999.

PATRICK McNAMARA
Minister for Agriculture and Resources

Water Act 1989

DECLARATION OF THE CREATION OF THE STRATHBOGIE WATER DISTRICT ORDER 1998

1. This Order is called the Declaration of the Strathbogie Water 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 proposal for the declaration of a new water district submitted to the Department of Natural Resources and Environment by the Goulburn Valley Region Water Authority on 21 January, 1999 is approved by the Minister.
5. (a) A new water district is declared;
- (b) The new water district is called Strathbogie Water District;
- (c) The Strathbogie Water District is the land within the blue border on the accompanying plan No. 090-010-04(1), a copy of which may be inspected at the offices of the Goulburn Valley Region Water Authority, situated at 104-110 Fryers Street, Shepparton; and
- (d) The Goulburn Valley Region Water Authority is nominated to manage and control the Strathbogie Water District.

Dated 4 February, 1999.

L.J. GLEESON
Chief Executive

Water Act 1989

CENTRAL GIPPSLAND REGION WATER AUTHORITY

Pursuant to Section 161(1)(b) of the **Water Act 1989**, notice is hereby given that the Central Gippsland Region Water Authority has made a By-Law (number 10) which provides for:

"The regulating, restricting or prohibiting the use of water for other than domestic purposes in the water supply district of Gippsland Water".

By-Law number 10 is a four stage By-Law that replaces the existing eight stage By-Law number 6, providing for restriction of water consumption for other than domestic purposes during periods of water shortage or emergencies.

A copy of the By-Law is available for inspection free of charge at the Authority's Office, 55 Hazelwood Road, Traralgon, during normal business hours.

JOHN MITCHELL
Chief Executive Officer

PETROLEUM REGULATIONS 1992 (VIC)

Form 6

PETROLEUM REGULATIONS 1992

Regulation 308

NOTICE OF APPLICATION FOR
PETROLEUM LEASE

We have applied to the Minister administering the **Petroleum Act 1958** for a Petroleum Lease the particulars of which are set out below.

Name of each applicant: Santos (BOL) Pty Ltd.

Address of each applicant: Level 29, Santos House, 91 King William Street, ADELAIDE, SA 5000.

Area of proposed lease: Approximately 6.4 square kilometres.

Full description and precise locality of land: An area bounded by a line commencing at point 'A' approximately 12 kilometres north-west of the town of Port Campbell with co-ordinates of Latitude 38°32'00"S Longitude 142°54'30"E which connects with a point 'B' to the north with co-ordinates of Latitude 38°31'30"S Longitude 142°54'30"E which connects with a point 'C' to the east with co-ordinates of Latitude 38°31'30"S Longitude 142°55'10"E which connects with a point 'D' to the north with co-ordinates of Latitude 38°31'10"S, Longitude 142°55'10"E which connects with a point 'E' to the east with co-ordinates of Latitude 38°31'10"S Longitude 142°55'30" which connects with a point 'F' to the north with co-ordinates of Latitude

38°30'30"S Longitude 142°55'30"E which connects with a point 'G' to the east with co-ordinates of Latitude 38°30'30"S Longitude 142°56'40"E which connects with a point 'H' to the south with co-ordinates of Latitude 38°32'00"S Longitude 142°56'40"E which then connects back to point 'A' to the west.

Plan of the proposed Lease area showing main roads, rivers, creeks, Crown lands and property boundaries:



Nature of proposed lease - indicate whether for petroleum production, underground storage etc. : Lease required to allow for production of gas from the Mylor and Fenton Creek fields and if appropriate to use the fields as underground gas storage facilities.

Estimated term of lease: Maximum allowed - 15 years.

Name of applicant; Santos (BOL) Pty Ltd.

ACN or ARBN: (ACN 000 670 575)

Date: 24 January 1999

Please note: Regulation 309 of the **Petroleum Regulations Act 1992** provides that: A person desiring to object to the grant of a lease shall lodge with the Director General within thirty days of the publication of the notices referred to in Regulation 308, written notification stating the particulars of his objection, correspondence to the Director General should be addressed to: The Director General Department of Natural Resources and Environment, 240 Victoria Parade, East Melbourne, Victoria 3002, Attention: Mr. David Lea, Executive Director - Minerals and Petroleum.

Interpretation of Legislation Act 1984

TOBACCO (1999 AUSTRALIAN GRAND PRIX) REGULATIONS 1998

Notice of Incorporation of Document

As required by section 32 of the **Interpretation of Legislation Act 1984**, I give notice that the Tobacco (1999 Australian Grand Prix) Regulations 1998 apply, adopt or incorporate the following document:

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 4	Section 18 of the Tobacco Advertising Prohibition Act 1992 of the Commonwealth	The whole of section 18

A copy of the material applied, adopted or incorporated by the regulations was lodged with the Clerk of the Parliaments on 11 December 1998.

Dated: 4 February 1999

ROB KNOWLES
Minister for Health

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

I, the undersigned, being the Registrar of the Magistrates' Court at Ballarat hereby give notice that an application, as under, has been lodged for hearing by the said Court on the date specified.

Any person desiring to object to any such application 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>
Davies; Colin Vincent	11 Orr Street, Creswick		11 Orr Street, Creswick	Commercial agent Individual	2 March 1999

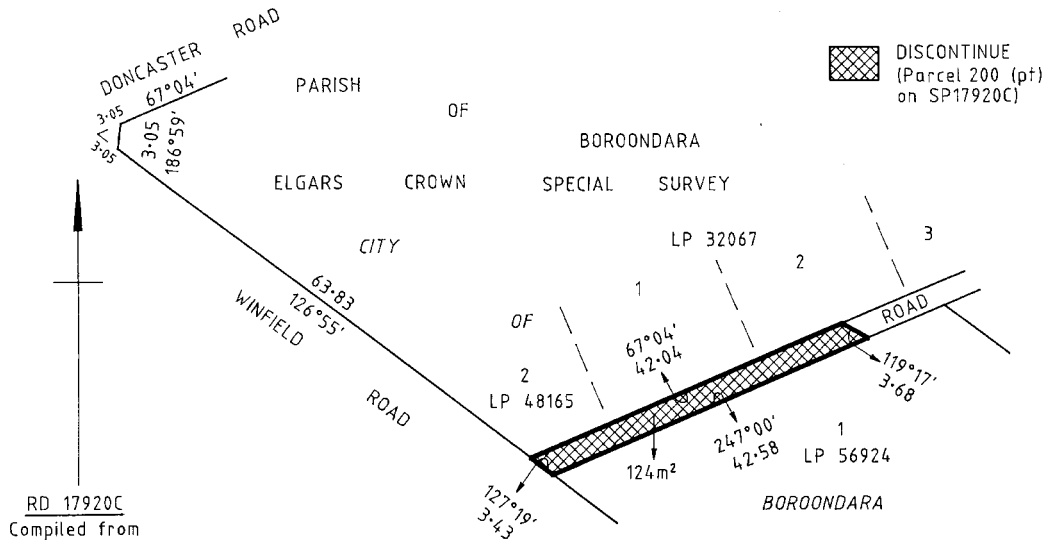
Dated at Ballarat this 2 February 1999.

STEPHEN MERBACH
Registrar of the Magistrates' Court Ballarat

Transport Act 1983

DISCONTINUANCE OF ROADS OR PARTS OF ROADS AND SALE OF SURPLUS LAND

The Roads Corporation, in pursuance of the powers conferred by Clause 2 Schedule 4 of the **Transport Act 1983**, upon publication of this notice hereby discontinues the roads or parts of roads shown cross hatched on the plan hereunder and approves the sale of surplus land as provided in Section 47 of the **Transport Act 1983** and as delegated by the Minister of Transport under Section 32 of the Act.



RD 17920C
Compiled from
SP17920C

Dated: 4 February 1999.

COLIN JORDAN
Chief Executive
Roads Corporation

Land Acquisition and Compensation Act 1986

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land

The Minister for Conservation and Land Management declares that by this notice she acquires an interest in land described as Crown Allotments 6 & 8, Section 13, and Crown Allotments 2, 3, 4, 5, 6, 7, 9, 10, 12 & 13, Section 14, Township of Glen Wills, being the land contained in Certificates of Title Volume 2494 Folios 786 & 787, Volume 2569 Folios 689, 687 & 696, Volume 2615 Folio 808, Volume 2633 Folio 429, Volume 2560 Folio 897, Volume 2677 Folio 250, and Volume 2554 Folios 789 & 790.

Interest acquired: The freehold estate in the land together with any possessory or other interests.

Published with the authority of the Minister for Conservation and Land Management

Land Acquisition and Compensation Act 1986

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land

The Minister for Conservation and Land Management declares that by this notice she acquires an interest in land described as Crown Allotments 1, 2 & 3, Section 1, Crown Allotments 1, 2, 3, 4, & 5, Section 7, and Crown Allotment 2, Section 8, Township of Glen Wills, being the land contained in Certificates of Title Volume 2668 Folio 463, Volume 2738 Folio 586, Volume 2615 Folios 882, 883 & 884, Volume 2649 Folio 649, and Volume 3046 Folio 135.

Interest acquired: The freehold estate in the land together with any possessory or other interests.

Published with the authority of the Minister for Conservation and Land Management

Subordinate Legislation Act 1994

NOTICE OF DECISION

Liquor Control Reform Act 1998

I, Louise Asher, Minister for Small Business and Minister responsible for administering the **Liquor Control Reform Act 1998**, give notice under section 12 of the **Subordinate Legislation Act 1994** as follows:

The **Liquor Control Reform Act 1998** have been the subject of a Regulatory Impact Statement.

Public comments and submissions have been invited and received and duly considered as required under section 11 of the **Subordinate Legislation Act 1994**.

I have decided that the proposed Liquor Control Reform Regulations 1999, with amendments, should be made.

LOUISE ASHER, MP
Minister for Small Business

Nurses Act 1993

On 30 April 1998, a panel appointed by the Nurses Board of Victoria found that Peter John Parr of P.O. Box 921, Bairnsdale, Victoria, identification number 77095, registered in division 1, had engaged in unprofessional conduct of a serious nature, and determined that:-

- 1- He be reprimanded and cautioned.
- 2- A condition be placed on his registration, that he not work in psycho-geriatric nursing.
- 3- The condition could be removed after satisfactory completion of an approved course in psycho-geriatric nursing.

On 26 May 1998, the nurse applied to review the finding and determination. In a decision dated 2 December 1998, the Tribunal affirmed the finding that the nurse had engaged in unprofessional conduct of a serious nature. In a determination dated 11 December 1998, the Tribunal varied paragraph 3 of the panel's determination by specifying a course of study which would satisfy the Board's requirements. The Tribunal otherwise affirmed the panel's determination.

Copies of the panel's determination, as varied by the Tribunal, are available from the Board.

BARBARA CARTER
Acting Chief Executive
Nurses Board of Victoria



MINERVA GAS FIELD DEVELOPMENT PROJECT

Draft Environmental Impact Statement

Environment Effects Statement

Notice of Corangamite Planning Scheme Amendment (L11)

EPA Works Approval Application WA37446

BHP Petroleum Pty Ltd (BHPP), and its joint venture partner Santos (BOL) Pty Ltd, propose to develop the Minerva Gas Field, located offshore in the Otway Basin, approximately 11 km south of Port Campbell, Victoria. The proposal includes the installation of two gas extraction wells to be linked by pipeline to a gas-processing plant proposed to be located on farmland off Brumbys Road, between Port Campbell and Peterborough.

In accordance with the respective provisions of the Commonwealth **Environment Protection (Impact of Proposals) Act 1974** and the Victorian **Environment Effects Act 1978**, BHPP has prepared a document serving both as a draft Environmental Impact Statement (EIS) and an Environment Effects Statement (EES).

The draft EIS/EES describes the existing environment, the proposal (including alternatives from which the preferred option has been selected), the potential environmental (including social and economic) impacts of the proposal, and measures to be taken to reduce or mitigate adverse environmental impacts.

Two other documents relating to the proposal are on exhibition concurrently with the draft EIS/EES:

- Amendment L11 to the Corangamite Planning Scheme proposes a zoning change for the proposed gas plant site from Rural A (general farming) Zone to Special Activity Zone to enable the site to be used for the construction and operation of a gas plant to process natural gas for commercial sale.

- EPA Works Approval Application No. WA37446 for the construction of a plant to process natural gas. Jointly advertised pursuant to section 20AA of the **Environment Protection Act 1970**.

The documents will be formally exhibited for public review and comment between 6 February and 6 April and may be examined free of charge during office hours at: Environment Australia Library, Ground Floor, Administrative Building, King Edward Terrace, Parkes ACT 2600.

Department of Infrastructure:

- Nauru House, Upper Plaza Level, 80 Collins Street, Melbourne VIC 3000
- South Western Regional Office, 63 McKillop Street, Geelong VIC 3220

Environment Protection Authority:

- Customer Service Centre, 477 Collins Street, Melbourne VIC 3000
- South West Region, corner Fenwick and Little Malop Streets, Geelong VIC 3220

Corangamite Shire, 181 Manifold Street, Camperdown VIC 3260

State Public libraries in Adelaide, Brisbane, Darwin, Melbourne, Hobart, Perth and Sydney.

The documents will also be available for viewing at:

- Camperdown Public Library, 212 Manifold Street, Camperdown VIC
- Cobden Library, Victoria Street, Cobden VIC
- Timboon Public Library, 82 Curdie Vale Road, Timboon VIC
- Colac Public Library, 99 Gellibrand Street, Colac VIC
- Corangamite Shire Mobile Library
- Post Office (General Store), Lord Street, Port Campbell VIC
- Parks Victoria, Port Campbell Information Centre, Morris Street, Port Campbell VIC
- Department of Natural Resources and Environment: Warrnambool office, 78 Henna Street, Warrnambool VIC; Colac office, 83 Gellibrand Street, Colac VIC

Copies of an EES Summary Brochure can be obtained free of charge from the above locations. Copies of a summary of the works

approval application may be obtained from EPA for \$8. Copies of the draft EIS/ EES Main Report may be purchased for \$10 and copies of the Technical Appendices for \$30, plus \$5 for postage and packaging, from:

Ms Jane Casey, Manager, External Affairs and Environment, SFS BHP Petroleum Pty Ltd 120 Collins Street Melbourne VIC 3000. Telephone (toll free) 1 800 650 260.

Submissions in writing to the draft EIS, EES, planning scheme amendment or EPA works approval application are invited from the public and interested parties. Submissions should be received by 5.00 p.m. on 13 April and should be addressed to: The EIA Co-ordinator, Department of Infrastructure, Level 20, Nauru House, 80 Collins Street, Melbourne VIC. 3000.

Submissions will be treated as public documents unless confidentiality is requested. Copies of submissions will be forwarded to Environment Australia, the Environment Protection Authority, Corangamite Shire and BHPP, to be taken into account in their response to the issues raised during the public exhibition period. Submissions should preferably be on A4 paper and in black ink to facilitate the necessary photocopying.

Any submission lodged will be treated as a submission on the draft EIS, the EES and the planning scheme amendment, and under Section 19B(3B)(a) of the **Environment Protection Act 1970** in relation to the works approval application 'comments by any person or body interested in the application must be made as a submission on the Environment Effects Statement or be included in any submission on the Environment Effects Statement'.

Following the public exhibition and receipt of submissions, it is anticipated that an independent inquiry will be convened at which persons may be heard in respect of their submissions.

Persons writing submissions should state whether or not they wish to be heard at the inquiry hearings. Following any such inquiry, the Commonwealth Minister for Environment and Heritage and the Victorian Minister for Planning and Local Government will prepare co-ordinated assessments of the environmental

effects of the proposal. These assessments will be provided to relevant decision-makers, including:

- the Commonwealth Minister for Industry, Science and Resources
- the Victorian Minister for Agriculture and Resources
- the Victorian Minister for Conservation and Land Management
- the Environment Protection Authority
- Corangamite Shire Council.



Planning and Environment Act 1987
BAW BAW PLANNING SCHEME
Notice of Approval of Amendment
Amendment C3

The Minister for Planning and Local Government has approved Amendment C3 to the Baw Baw Planning Scheme.

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

The Amendment inserts the 'Environmental Audit Overlay' over land at CP 116925, Crown Allotment 4Y2, Section B, Parish of Moondarra, Collins Street, Erica.

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 Baw Baw Shire Council, Civic Place, Warragul.

LEIGH PHILLIPS
Director, Planning Operations
Planning, Heritage and
Market Information Division
Department of Infrastructure

Planning and Environment Act 1987
BAYSIDE PLANNING SCHEME
Notice of Approval of Amendment
Amendment L21

The Minister for Planning and Local Government has approved Amendment L21 to the Bayside Planning Scheme.

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

The Amendment allows for a third storey within an existing dwelling and Lot 3, 408 Beach Road, Beaumaris.

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 Bayside City Council, Royal Avenue, Sandringham.

LEIGH PHILLIPS
Director, Planning Operations
Planning, Heritage and
Market Information Division
Department of Infrastructure

Planning and Environment Act 1987
DAREBIN PLANNING SCHEME
Notice of Approval of Amendment
Amendment L63

The Minister for Planning and Local Government has approved Amendment L63 to the Darebin Planning Scheme.

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

The Amendment removes the Residential Density Area No. 3 overlay from land at 163-171 St Georges Road, Northcote.

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 Darebin City Council, 350 High Street, Preston.

LEIGH PHILLIPS
Director, Planning Operations
Planning, Heritage and
Market Information Division
Department of Infrastructure

Planning and Environment Act 1987
KNOX PLANNING SCHEME
Notice of Approval of Amendment
Amendment L166

The Minister for Planning and Local Government has approved Amendment L166 to the Knox Planning Scheme.

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

The Amendment removes a Potentially Contaminated Overlay applying to land at Part CA 35 Mountain Highway, Wantirna

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 Knox City Council, 511 Burwood Highway, Wantirna South.

LEIGH PHILLIPS
Director, Planning Operations
Planning, Heritage and
Market Information Division
Department of Infrastructure

Planning and Environment Act 1987
PAKENHAM PLANNING SCHEME
Notice of Approval of Amendment
Amendment L134

The Minister for Planning and Local Government has approved Amendment L34 to the Pakenham Planning Scheme.

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

The Amendment rezones land at Lot 2 PS 316028R, northern end of Paul Grove, Upper Beaconsfield to Rural Residential zone and includes with specific requirements to allow the land to be subdivided, subject to the grant of a permit by the responsible authority.

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 Cardinia Shire Council, Henty Way, Pakenham.

LEIGH PHILLIPS
Director, Planning Operations
Planning, Heritage and
Market Information Division
Department of Infrastructure

Planning and Environment Act 1987
WHITEHORSE PLANNING SCHEME
Notice of Approval of Amendment
Amendment L37

The Minister for Planning and Local Government has approved Amendment L37 to the Whitehorse Planning Scheme.

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

The Amendment rezones land at 345 Mont Albert Road, Mont Albert from Public Purpose - Local Government to a Business 1 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 Whitehorse City Council, 379-397 Whitehorse Road, Nunawading.

LEIGH PHILLIPS
Director, Planning Operations
Planning, Heritage and
Market Information Division
Department of Infrastructure

Planning and Environment Act 1987
WODONGA RURAL CITY PLANNING
SCHEME
Notice of Approval of Amendment
Amendment L22

The Minister for Planning and Local Government has approved Amendment L22 to the Wodonga Rural City Planning Scheme.

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

The Amendment reserves a 3 kilometre strip of land as Proposed Main Road from Beechworth Road, Wodonga South to John Schubert Drive, Baranduda.

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 Wodonga City Council, Hovell Street, Wodonga.

LEIGH PHILLIPS
Director, Planning Operations
Planning, Heritage and
Market Information Division
Department of Infrastructure

Planning and Environment Act 1987
YARRA RANGES PLANNING SCHEME
Notice of Approval of Amendment
Amendment L104

The Minister for Planning and Local Government has approved Amendment L104 to the Yarra Ranges Planning Scheme.

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

The Amendment includes a site specific provision to allow the development of a reception centre and 12 additional accommodation suites at Chateau Yering, 42 Melba Highway, Coldstream. The site is currently used for a hotel and restaurant in association with the vineyard. The development would be subject to the grant of a permit, which is exempt from the notification and review provisions of the **Planning and Environment Act 1987**.

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 Yarra Ranges Shire Council, Anderson Street, Lilydale.

LEIGH PHILLIPS
Director, Planning Operations
Planning, Heritage and
Market Information Division
Department of Infrastructure

ORDERS IN COUNCIL

Ambulance Services Act 1986

RESTRUCTURE OF VICTORIA'S RURAL AMBULANCE SERVICES

The Governor in Council, acting on the recommendation of the Minister for Health under the provisions of the **Ambulance Services Act 1986** ("the Act"), does by this Order -

1. Appoint the following people as members of the Committee of Management of Rural Ambulance Victoria under sections 17(1) and (2) of the Act for the terms specified in the table below:

Name of Member	Period appointed
Dr Joseph Epstein	from 11 February 1999 to 10 February 2002
Mr Keith Andrew Fagg	from 11 February 1999 to 10 February 2002
Mr Victor Hamit	from 11 February 1999 to 10 February 2002
Ms Jillian Elizabeth Meathrel	from 11 February 1999 to 10 February 2002
Mrs Eda Natalie Ritchie	from 11 February 1999 to 10 February 2002
Mr William James Sleep	from 11 February 1999 to 10 February 2002
Mr Ian Edward Taylor	from 11 February 1999 to 10 February 2002
Mr Kerry Frederick Watson	from 11 February 1999 to 10 February 2002
Mr Geoffrey Edwin Webb	from 11 February 1999 to 10 February 2002

2. Fix the level of remuneration of the members of the Committee of Management under section 20(7) of the Act at \$21,000 per annum when a committee member is serving a term as elected Chairperson of the committee and \$12,000 per annum at all other times.
3. Specify under section 23(1)(j) of the Act that this Order is to take effect on publication in the Government Gazette.

Dated: 11 February 1999.

Responsible Minister:
ROB KNOWLES
Minister for Health

MATTHEW GROVES
Acting 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**) under Section 26(2) of the **Melbourne City Link Act 1995** declares that the interests (if any) in the area of 316m² shown cross

hatched on the plan numbered LEGL./99-2 lodged in the Central Plan Office are surrendered to the Crown.

Dated 9 February 1999.

Responsible Minister:
ROBERT MACLELLAN
Minister for Planning and Local Government
MATTHEW GROVES
Acting 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**) under Section 26(2) of the **Melbourne City Link Act 1995** declares that the interests (if any) in the area of 188m² shown stippled on the plan numbered LEGL./99-2 lodged in the Central Plan Office are surrendered to the Crown.

Dated 9 February 1999.

Responsible Minister:
ROBERT MACLELLAN
Minister for Planning and Local Government
MATTHEW GROVES
Acting 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**) under Section 26(2) of the **Melbourne City Link Act 1995** declares that the interests (if any) in the area of 6m² shown cross hatched on the plan numbered LEGL./99-3 lodged in the Central Plan Office are surrendered to the Crown.

Dated 9 February 1999.

Responsible Minister:
ROBERT MACLELLAN
Minister for Planning and Local Government
MATTHEW GROVES
Acting Clerk of the Executive Council

Melbourne City Link Act 1995
CLOSURE OF ROAD

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**) under Section 32(2) of the **Melbourne City Link Act 1995** declares that the part of the road being 6m² shown diagonally hatched on

the plan numbered LEGL./99-4 lodged in the Central Plan Office be closed and the land be surrendered to the Crown.

Dated 9 February 1999.

Responsible Minister:
ROBERT MACLELLAN
Minister for Planning and Local Government
MATTHEW GROVES
Acting Clerk of the Executive Council

Melbourne City Link Act 1995
ORDER 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./98-95 lodged in the Central Plan Office.

Dated 9 February 1999.

Responsible Minister:
ROBERT MACLELLAN
Minister for Planning and Local Government
MATTHEW GROVES
Acting Clerk of the Executive Council

Electricity Industry Act 1993
EXEMPTION FROM THE REQUIREMENT
TO OBTAIN AN ELECTRICITY INDUSTRY
LICENCE

Order in Council

The Governor in Council under Section 160 of the **Electricity Industry Act 1993** (the "Act") exempts Eastern Energy Limited (A.C.N. 064 651 118) from the requirement to obtain a licence in respect of the transmission of electricity undertaken in connection with the Rowville Transmission Service project, as described in the agreement entitled "Network Agreement (Rowville Transmission Services)" dated 28 April 1998 between Victorian Power Exchange Pty Ltd (A.C.N. 080 200 371) and Eastern Energy Limited.

The exemption contained in the Order is subject to the condition that, in undertaking the exempt activity, Eastern Energy Limited complies with:

- a) all applicable provisions of the Tariff Order made under Section 158A of the Act;
- b) all applicable provisions of the System Code and the Wholesale Metering Code (as from time to time certified by the Office of the Regulator-General), and the National Electricity Law and Code (within the meaning of the **National Electricity (Victoria) Act 1997**); and
- c) all applicable provisions of the Electricity Safety (Network Assets) Regulations, Electric Line Clearances Regulations, Electricity Safety (Stray Current Corrosion) Regulations, Electricity Safety (Installation) Regulations, and all codes of practice and other electricity industry safety requirements specified in writing by the Office of the Chief Electrical Inspector to Eastern Energy Limited.

must make out a voters' list for the purposes of section 22(2) of the **Local Government Act 1989**.

Dated 9 February 1999.

Responsible Minister:
ROBERT MACLELLAN MLA
Minister for Planning and Local Government

MATTHEW GROVES
Acting Clerk of the Executive Council

Dated 22 December 1998.

Responsible Minister:
ALAN R. STOCKDALE
Treasurer

SHARNE BRYAN
Clerk of the Executive Council

Local Government Act 1989

QUEENSCLIFFE BOROUGH COUNCIL
BY-ELECTION

Specification of Dates
Order in Council

The Governor in Council acting under sections 3, 21, 21A and 22 of the **Local Government Act 1989** ORDERS THAT:

the dates for the Queenscliffe Borough Council by-election to be held on 10 April 1999 shall be:

- 10 February 1999: Entitlement date for the purposes of Division 1 of Part 3 of the **Local Government Act 1989**;
- 16 February 1999: The date by which the Electoral Commissioner must supply to the Chief Executive Officer a voters' list for the purposes of section 21(2) of the **Local Government Act 1989**;
- 19 February 1999: The date by which the Chief Executive Officer

LATE NOTICES

Transport Act 1983

VICTORIAN TAXI DIRECTORATE

Department of Infrastructure

Commercial Passenger Vehicle Applications

Notice is hereby given that the following applications will be considered by the Victorian Taxi Directorate, a division of the Department of Infrastructure after 17 March 1999.

Notice of any objection to the granting of an application should be forwarded to reach the Manager, Licensing & Certification, Victorian Taxi Directorate, Level 6, 14-20 Blackwood Street, North Melbourne (P.O. Box 666, North Melbourne 3051) not later than 11 March 1999.

Copies of objections are forwarded to the applicants.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing by the Department.

C. D. F. Travel Pty Ltd, Gladstone Park. Application to license one commercial passenger vehicle to be purchased in respect of a 1999 Toyota coaster with seating capacity for 21 passengers to operate a service from 14 Ellesmere Crescent, Gladstone Park as follows:-

- (i) for the carriage of overseas Asian inbound tourists on various tours to the following places of interest:-
 - Melbourne City
 - Ballarat Wildlife Park
 - Sovereign Hill Ballarat
 - Eureka Stockade; and
- (ii) for airport transfers from Melbourne Airport, Tullamarine of overseas inbound tourists on various tours.

Note:-

- (i) Passengers on various tours will be picked up/set down from hotels/motels and accommodation residences from within the Melbourne Metropolitan Central Business District; and
- (ii) Passengers on various tours will be picked up/set down from Melbourne Airport, Tullamarine.

Cobb & Coaches Pty Ltd, Tullamarine. Application to license two commercial passenger

vehicles in respect of 1996 Mercedes Benz buses with seating capacity for 53 passengers to operate a service from 1 Prima Court, Tullamarine for the carriage of Ansett employees between the staff carpark located at Annandale Road, Tullamarine and Ansett Domestic Terminal at Melbourne Airport.

Note:-

This service will operate under contract with Ansett Australia Ltd.

Imbiss Pty Ltd, Seaford. Application to license one commercial passenger vehicle in respect of a 1972 Bedford bus with seating capacity for 41 passengers to operate as a metropolitan special service omnibus from within a 55km pick-up radius of the Melbourne GPO.

D. J. Nugent, Box Hill North. Application to license one commercial passenger vehicle in respect of a 1995 Mercedes Benz bus with seating capacity for 23 passengers to operate a service for the carriage of school children attending Salesian College, Chadstone to the exclusion of all other passengers excepting duly authorised teachers, between Narre Warren South, Hampton Park, Narre Warren North, Endeavour Hills and Dandenong North to Salesian College, Chadstone under contract to the School.

D. J. Nugent, Box Hill North. Application to license one commercial passenger vehicle in respect of a 1986 Mercedes Benz with seating capacity for 33 passengers to operate a service for the carriage of school children attending Tintern Anglican Girls Grammar School, East Ringwood to the exclusion of all other passengers excepting duly authorised teachers between Research, Eltham, Kangaroo Ground, Warrandyte, Wonga Park and Croydon Hills to Tintern School in East Ringwood under contract to the School.

Portsea Passenger Service Ltd, Rosebud. Application to license one commercial passenger vehicle in respect of a Volvo bus with seating capacity for 49 passengers to operate a service as follows:-

- (i) for the carriage of children attending St Paul's School, Woodleigh and Penbank College, Baxter to the exclusion of all other

passengers excepting duly authorised teachers between Rosebud and Penbank College and Woodleigh School, Baxter; and

- (ii) to operate as a country special service omnibus from within a 20km pick-up radius of the Baxter Post Office.

Warragul District Parent Controlled Christian School, Drouin. Application to license one commercial passenger vehicle in respect of a 1992 Mazda bus with seating capacity for 21 passengers to operate a service for the carriage of children attending Chairo Christian School to the exclusion of all other passengers excepting duly authorised teachers between Berwick, Nar Nar Goon and Cardia Campus, Chairo Christian School under contract to the School.

RODNEY LEUNG
Manager - Operations
Victorian Taxi Directorate

EXEMPTION

Application No. 5 of 1999

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** by Springvale Legal Service Inc. The application for exemption is to enable the applicant to advertise a legal service for women only at "Wellsprings", Dandenong, and to advertise for and employ women only to staff that program.

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, 42, 100 & 195 of the Act to enable the applicant to advertise a legal service for women only at "Wellsprings", Dandenong, and to advertise for and employ women only to staff that program.

In granting this exemption the Tribunal noted:

- The Springvale Legal Service wish to offer their service at a women only centre called "Wellsprings". Wellsprings were granted an exemption which was published in the Government Gazette on 20 August 1998 and expires on 19 August 2001. They were granted an exemption to advertise for and employ women only to run the programs.
- Wellsprings were granted an exemption to

employ females only for the following reasons; it caters for very vulnerable women attending, including women with psychiatric illness and women who have suffered sexual violence and abuse for men; many migrant women attend "Wellsprings" because it is culturally appropriate to attend a women only centre and psychologists from Victorian Referral Agency Service and the local Psychiatric Hospital refer women to Wellsprings because it is for women only and the programs are designed for women.

- The Legal Service wish to provide to the women legal advice, assistance and referral services at Wellsprings each Wednesday.
- As "Wellsprings" caters only for women clients, it would be more appropriate to employ women.

The Tribunal grants an exemption from the operation of Sections 13, 42, 100 and 195 of the **Equal Opportunity Act 1995**, to enable the applicant to advertise a legal service for women only at "Wellsprings", Dandenong, and to advertise for and employ women only to staff that program.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 10 February 2002.

Mc CATE McKENZIE
Deputy President

Planning and Environment Act 1987

BOROONDARA PLANNING SCHEME

Notice of Amendment

Amendment L60

The City of Boroondara has prepared Amendment L60 to the Boroondara Planning Scheme.

The Amendment affects all residentially zoned land within the City of Boroondara.

The Amendment proposes to introduce a local variation to The Good Design Guide for Medium Density Housing and proposes to modify the techniques addressing front setbacks, front fences, open space, building scale and density. This will ensure that new development responds to the local character of the residential areas within the City.

The proposed modifications relating to density, front setbacks, front fences and open space affect all residential land in the municipality. The proposed modifications relating to building scale affect selected parts of the municipality only.

The Amendment does not change the zoning of the land.

The Amendment can be inspected during office hours at:

1. The Department of Infrastructure, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; or
2. The Major Projects Unit, City of Boroondara, First Floor, 8 Inglesby Road, Camberwell.

Submissions about the Amendment must be sent to Local Variation, Major Projects Unit, City of Boroondara, Private Bag 1, Camberwell 3124, or by facsimile 9278 4466, or e-mail localvar@boroondara.vic.gov.au by 25 March 1999.

JOHN NEVINS
Acting Chief Executive Officer

**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:

7. *Statutory Rule:* Education (Prescribed Age) Regulations 1999
Authorising Act: Education Act 1958
Date of making: 9 February 1999
8. *Statutory Rule:* Accident Compensation (Consequential Amendment) Regulations 1999
Authorising Act: Accident Compensation Act 1985
Date of making: 9 February 1999

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