



Victoria Government Gazette

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GENERAL

TABLE OF PROVISIONS

Private Advertisements		O'Brien & Galante	2429
Dissolution of Partnership		Pearce Webster Dugdales	2429
Topline Horsewear	2425	Rigby Cooke	2430
Estates of Deceased Persons		Russell Kennedy	2430
Abbott Stillman & Wilson	2425	Secombs	2430
Aitken Walker & Strachan	2425	Stidston & Williams Weblaw	2430
Andrew G. J. Rowan	2425	Verna A. Cook	2430
Birdsey, Dedman & Bartlett	2425	Sales by the Sheriff	
Borchard & Moore	2426	Tony Benic	2431
Briggs, Francis & Associates	2426	Robert Peter Ieraci	2431
Chessell Williams	2426	Madiha Mimi	2431
Daniel Lew & Co.	2426	Unclaimed Moneys	
De Marco & Co.	2427	Arnold, Thomas & Becker	2432
Dwyer, Mahon & Robertson	2427	Proclamations	2433
E. P. Johnson & Davies	2427	Government and Outer Budget Sector	
Featherby's	2427	Agencies Notices	2434
Garden & Green	2428	Orders in Council	2460
Grano & McCarthy	2428	Acts:	
Harris & Chambers	2428	Land;	
Holt & Macdonald	2428	Medical Practice;	
Home Wilkinson Lowry	2428	Parliamentary Committees	
Kelly & Chapman	2428		
Kirby & Co.	2429		
Littleton Hackford	2429		
Lucas Lawyers	2429		
Novatsis & Alexander	2429		

Advertisers Please Note

As from 2 September 2004

The last Special Gazette was No. 191 dated 1 September 2004.

The last Periodical Gazette was No. 1 dated 17 June 2004.

How To Submit Copy

- See our webpage www.craftpress.com.au
 - or contact our office on 9926 1233
between 8.30 am and 5.30 pm Monday to Friday
-

Copies of recent Special Gazettes can now be viewed at the following display cabinets:

- 1 Treasury Place, Melbourne (behind the Old Treasury Building), and
 - Craftsman Press Pty Ltd, 125 Highbury Road, Burwood 3125 (front of building).
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PRIVATE ADVERTISEMENTS**DISSOLUTION OF PARTNERSHIP**

Notice is hereby given that the partnership between Angela Blair of 5 McHarrys Road, Lara and Marlene McMahon of 400 Goldsworthy Road, Lovely Banks, carrying on business as Topline Horsewear has been dissolved as from 19 August 2004.

Dated 20 August 2004

ANGELA BLAIR

Re: DOUGLAS AUBERT FAHEY, late of Lot 20 McIvor Lane, Violet Town, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 May 2004, are required by the trustee, National Australia Trustees Limited of 800 Bourke Street, Docklands, Victoria, trust company, to send particulars to the trustee by 7 November 2004, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

ABBOTT STILLMAN & WILSON, solicitors,
Level 4, 575 Bourke Street, Melbourne 3000.

Re: THOMAS JOSEPH HANRAHAN, late of 209 Highfield Road, Camberwell, Victoria, retired lawyer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 December 2003, are required by the trustee, John Peter Hanrahan of 8 Wilgra Road, Ashburton, Victoria, the son, to send particulars to the trustee by 7 November 2004, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

ABBOTT STILLMAN & WILSON, solicitors,
Level 4, 575 Bourke Street, Melbourne 3000.

Re: MARGARET HETHERINGTON, late of 50 Burke Road, East Malvern, radio producer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 February 2004, are required by

the trustee, Equity Trustees Limited, in the Will called The Equity Trustees Executors and Agency Company Limited of 575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee by 4 November 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

AITKEN WALKER & STRACHAN, solicitors,
2nd Floor, 114 William Street, Melbourne 3000.

ETHEL TAMAR JOHNSON, late of St Leigh Private Nursing Home, 33 Bay Road, Sandringham, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 May 2004, are required by Equity Trustees Limited, ACN 004 031 298, the proving executor of the Will of the deceased, to send particulars of their claims to the executor in the care of the undermentioned solicitor by 3 November 2004 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,
239 Church Street, Richmond 3121.

ISABEL JOYCE POWER (also known as Joyce Power), late of 47 Buckingham Road, Newtown, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims against the estate of the deceased, who died on 19 June 2004, are required by the executor of the Will, Stephen Donald Hall, to send particulars to him care of Birdsey, Dedman & Bartlett of 166A Ryrie Street, Geelong, solicitors, by 3 November 2004, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated 2 September 2004

BIRDSEY, DEDMAN & BARTLETT,
solicitors,
166A Ryrie Street, Geelong.

Re: JOYCE LILLIAN BUNCLE, late of 5 Mansfield Avenue, Mulgrave, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 July 2004, are required by the trustee, Andrew Niven Creek of 19 Bengal Crescent, Mount Waverley, Victoria, managing director, to send particulars to the trustee by 16 November 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BORCHARD & MOORE, solicitors,
44 Douglas Street, Noble Park 3174.

Re: EMILY ROSEMOND NEWHAM, late of Unit 16, 670 Princes Highway, Berwick, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 July 2004, are required by the trustee, Steven Trevor Newham of 7 Strickland Court, Pakenham, Victoria, team leader, to send particulars to the trustee by 18 November 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BORCHARD & MOORE, solicitors,
44 Douglas Street, Noble Park 3174.

Re: TOMA TOMA, late of 53 Hennessy Way, Dandenong North, Victoria, but formerly of Unit 1, 26 Samaria Street, Dandenong North, Victoria, retired labourer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 July 2004, are required by the trustee, Adam Toma of 53 Hennessy Way, Dandenong North, Victoria, pensioner, to send particulars to the trustee by 18 November 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BORCHARD & MOORE, solicitors,
44 Douglas Street, Noble Park 3174.

Re: JOHN HENRY GOODREM (in the Will called John Henrey Goodrem), late of 52 McLellan Street, Ararat, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 July 2004, are required by the trustee, Christine Fay Hopkinson, to send particulars to her care of the undermentioned solicitors by 5 November 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

BRIGGS, FRANCIS & ASSOCIATES,
solicitors,
94 Barkly Street, Ararat 3377.

Re: Estate of VITI VIOLETTE FLETCHER.

Creditors, next-of-kin and others having claims against the estate of VITI VIOLETTE FLETCHER, late of Armitage Nursing Home, Graham Street, Wonthaggi, Victoria, widow, who died on 29 October 2003, are requested to send particulars of their claims to the executors care of the undermentioned solicitors by 7 November 2004, after which date they will distribute the assets having regard only to the claims on which date they then have notice.

CHESSELL WILLIAMS, solicitors,
379 Collins Street, Melbourne 3000.

Re: KATHERINE ELIZABETH PALLISER.

Creditors, next-of-kin and others having claims against the estate of KATHERINE ELIZABETH PALLISER, late of 10 Northbrook Avenue, Malvern, Victoria, widow, deceased, who died on 18 January 2004, are requested to send particulars of their claims to the executors care of the undermentioned solicitors by 7 November 2004, after which date they will distribute the assets having regard only to the claims on which date they then have notice.

CHESSELL WILLIAMS, solicitors,
379 Collins Street, Melbourne 3000.

VIVIAN JAN OLSON, late of 7 Ivy Court, Frankston North 3200, retired process worker, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 April 2004, are required by Brett Daryl Olson and Tracy Lee Mitchell, the executors of the Will of the deceased, to send particulars of their claims to

them care of the undermentioned solicitors by 1 November 2004 after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

DANIEL LEW & CO., solicitors,
Level 1, 308 Toorak Road, South Yarra 3141.

Re: ELIZABETH BOZENA CONNOR, late of 88 Esmond Street, Ardeer, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 April 1994, are required by the trustee, Ronald John Rees of 88 Esmond Street, Ardeer, Victoria, to send particulars to the trustee within 60 days from the publication hereof after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Re: Estate of DOROTHY JESSIE CARRA.

Creditors, next-of-kin or others having claims in respect of the estate of DOROTHY JESSIE CARRA, formerly of 28 Conran Street, Hopetoun, but late of Hopetoun Hospital, Cummin House, Hopetoun in the State of Victoria, widow, deceased, who died on 18 May 2004, are to send particulars of their claim to the executors care of the undermentioned legal practitioners by 19 November 2004 after which the executors will distribute the assets having regard only to the claims of which they then have notice.

DWYER, MAHON & ROBERTSON,
legal practitioners,
Beveridge Dome,
194–208 Beveridge Street, Swan Hill.

Re: Estate of GEORGE KEITH CLARKE, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of GEORGE KEITH CLARKE, late of Nullawil in the State of Victoria, farmer, deceased, who died on 14 May 2004, are to send particulars of their claim to the executrix of the undermentioned legal practitioners by 19 November 2004 after

which the executrix will distribute the assets having regard only to the claims of which she then has notice.

DWYER, MAHON & ROBERTSON,
legal practitioners,
Beveridge Dome,
194–208 Beveridge Street, Swan Hill.

Estate of EILEEN MAVIS GEORGE.

Creditors, next-of-kin or others having claims in respect of the estate of Eileen Mavis George, late of 122 Murlong Street, Swan Hill in the State of Victoria, widow, deceased, who died on 8 August 2004, are to send particulars of their claim to the executors care of the undermentioned legal practitioners by 12 November 2004 after which the executors will distribute the assets, having regard only to the claims of which they then have notice.

DWYER, MAHON & ROBERTSON,
legal practitioners,
Beveridge Dome,
194–208 Beveridge Street, Swan Hill.

Re: ALEXANDER JOSEPH MONK, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of ALEXANDER JOSEPH MONK, late of Apartment 276, Hostel Walmsley Village, Greeves Drive, Kilsyth, retired technical officer, deceased, who died on 8 May 2004, are to send particulars of their claims to the executors care of the undermentioned solicitors by 5 November 2004, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

E. P. JOHNSON & DAVIES, solicitors,
52 Collins Street, Melbourne 3000.

Creditors, next-of-kin or others having claims in respect of the estate of the late JUNE ELAINE TEAGUE, late of 180 Ninth Avenue South, Rosebud in the State of Victoria, deceased, who died on 17 September 2003, are to send particulars of their claims to the executor care of the undermentioned solicitors by 9 November 2004 after which date the executor will distribute the assets having regard only to the claims of which he then has notice.

FEATHERBY'S, solicitors,
1043A Point Nepean Road, Rosebud 3939.

Re: VERA LOCK HENSHAW, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 May 2004, are required by the trustees, Allen David Henshaw and Lois Elizabeth Lockhart, to send particulars to the trustees by 3 November 2004 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees have notice.

GARDEN & GREEN, solicitors,
4 McCallum Street, Swan Hill 3585.

FREDERICK ANTHONY SCOTT, late of 33 High Street, Navarre, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 March 2004, are required by the administrators, Monica Annbel Sullivan of 33 High Street, Navarre, widow and John Paul Scott of 80 School Road, Wattle Creek, truck driver, to send particulars of their claims to them care of the undermentioned legal practitioners by 4 November 2004 after which date the administrators may convey or distribute the assets, having regard only to the claims of which they then have notice.

GRANO & McCARTHY, legal practitioners,
178 Barkly Street, Ararat 3377.

TRACEY LOUISE TAYLOR, late of Ayrey Street, Willaura, waitress, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 January 2004, are required by the executor, Ricky James Taylor of 4 Bayview Street, Williamstown, court reporter, to send particulars of their claims to him care of the undermentioned legal practitioners by 4 November 2004 after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

GRANO & McCARTHY, legal practitioners,
178 Barkly Street, Ararat 3377.

Re: BETTY MARION REED, late of 5 Hemming Street, Brighton East, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 July 2004, are required by the trustee, care of Harris & Chambers, lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to her by 3 November 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

HARRIS & CHAMBERS, lawyers,
338 Charman Road, Cheltenham 3192.

Re: LAURENCE FARRELL GILLESPIE, late of 255 Old Emerald Road, Monbulk, Victoria, gardener, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 May 2004, are required by the trustee, Susan Gillespie of Unit 8, 88 Main Street, Blackburn, Victoria, accountant, the sister, to send particulars to the trustee by 8 November 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

HOLT & MACDONALD, solicitors,
1 Ringwood Street, Ringwood 3134.

Creditors, next-of-kin and others having claims in respect of the estate of WINIFRED GRACE CAMPBELL, late of Dalton Lodge Nursing Home, 98 Dalton Road, Thomastown in the State of Victoria, widow, deceased, who died on 22 June 2004, are required by the personal representatives of the deceased, Roger Michael Stansfield and Juan Jose Martinez, both of Level 21, 570 Bourke Street, Melbourne in the said State, to send particulars to them care of the undermentioned solicitors by 2 November 2004 after which date they will distribute the assets having regard only to the claims of which they then have notice.

HOME WILKINSON LOWRY, solicitors,
Level 21, 570 Bourke Street, Melbourne 3000.

Creditors, next-of-kin and others having claims in respect of the estate of PATRICIA ERICA ELLISTON BROADMORE, deceased, late of 8 Allfrey Street, East Brighton, Victoria,

home duties, who died on 19 July 2002, are required by one of the executrices nominated in the deceased's last Will and Testament dated 6 December 1991, namely Mary Jane Broadmore of 8 Allfrey Street, East Brighton, Victoria, shipping clerk, who is applying to the Supreme Court for a grant of probate of the said last Will and Testament, to send particulars of such claims to the solicitors acting for the executrix, namely Kelly & Chapman of Level 1, 300 Centre Road, Bentleigh, by 10 November 2004 after which date the said executrix may convey or distribute the assets of the deceased, having regard only to the claims of which she or her solicitors then have notice.

KELLY & CHAPMAN, solicitors,
Level 1, 300 Centre Road, Bentleigh 3204.

HORACE COOPER, late of 10 Robina Drive, Bundaberg in the State of Queensland, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 December 2003, are required by William Godfrey Gibson and Bruce Malcolm King, the executors of the Will of the deceased, to send particulars of their claims to them care of the undermentioned solicitor by 23 November 2004 after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

KIRBY & CO., solicitors,
Level 4, 488 Bourke Street, Melbourne 3000.

Creditors, next-of-kin and others having claims in respect of the estate of ARTHUR DONALD MORLEY, late of 26 Henry Street, Traralgon, Victoria, retired, deceased, who died on 23 July 2004, are to send their claims to the trustees, Kathleen Alice Morley of 26 Henry Street, Traralgon, Victoria and Robert Johnston Morley of 26 Coster Circle, Traralgon, Victoria, care of the below-mentioned solicitors by 1 November 2004 after which date they will distribute the assets of the deceased having regard only to the claims of which they then have notice.

LITTLETON HACKFORD, solicitors,
Law Chambers,
115-119 Hotham Street, Traralgon, Vic. 3844.

Creditors, next-of-kin and others having claims in respect of the estate of STANLEY FRANCIS LEWIS, deceased, who died on 21 June 2004, are required by the executor to send particulars of their claim to the undermentioned firm by 5 November 2004 after which date the trustee will convey or distribute assets having regard only to the claims of which the trustee then has notice.

LUCAS LAWYERS, solicitors,
8 Station Road, Cheltenham.

Re: YOSHIKO DUNCAN-TANEDA, late of Unit 4, 1275 Burke Road, Kew, Victoria, interior decorator, deceased.

Creditors, next-of-kin and all others having claims in respect of the deceased, who died on 19 May 2004, are required by the executor, Finn Daniel Trembath of Unit 1, 20-28 Earl Street, Carlton North, Victoria, to send particulars of such claims to the said executor by 5 November 2004 after which date the executor will distribute the assets having regard only to the claims of which he has notice.

NOVATIS & ALEXANDER, solicitors,
980 High Street, Reservoir 3073.

MYRNA FAY LAWRY, late of 7/7 Passfield Street, West Brunswick, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 13 July 2004, are to send particulars of their claims to the executor, Vicki Pamela Stone, care of the undermentioned solicitors by 8 November 2004 after which date the said executor will distribute the assets having regard only to the claims of which she then has notice.

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

Re: EDWARD JOHN DICKINSON, late of 13 Consort Avenue, Vermont South, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 May 2004, are required by the trustees, John Winston Henry Oliver of 50 Renwick Street, Glen Iris, Victoria, scientist, and Teresa Ann Dickinson of 10 Morell Close, Belconnen, ACT, public servant, to send

particulars to the trustees by 6 November 2004 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, lawyers,
4th Floor, 379 Collins Street, Melbourne 3000.

Creditors, next-of-kin or others having claims in respect of the estate of JEAN EVELYN EGEBERG, late of Edith Bendall Lodge, 111 Park Street, Pascoe Vale, Victoria, widow, deceased, who died on 25 June 2004, are to send particulars of their claims to the executors care of the undermentioned solicitors by 4 November 2004, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

RIGBY COOKE, solicitors,
469 La Trobe Street, Melbourne 3000.

FRANK MACKLIN WHITE, late of 43 Southern Road, Mentone, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 July 2004, are required by ANZ Executors & Trustee Company Limited, ACN 006 132 332, the executor of the Will of the deceased, to send particulars of their claims to the executor care of their solicitors, Russell Kennedy, at Level 11, 469 La Trobe Street, Melbourne, Victoria, by 3 November 2004 after which date the executor may convey or distribute the assets having regard only to the claims of which they then have notice.

RUSSELL KENNEDY, solicitors,
Level 11, 469 La Trobe Street, Melbourne 3000.

Creditors, next-of-kin and others having claims in respect of the estate of NORMAN EDWARD GARDNER, deceased, late of 29-33 Chesterville Road, Glen Waverley, gentleman, who died on 17 July 2004, are requested to send particulars of their claims to the executors, Heather Watt of 3 Carween Avenue, Mitcham and Allan Robb of 29 Saltau Street, Warrnambool, care of the undersigned solicitors by 12 November 2004 after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

SECOMBS, solicitors,
100 Paisley Street, Footscray.

LESLIE ALBERT GEORGE OSBORNE, late of St James By The Bay, Mount Martha, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 May 2004, are required by the executor, John Albert Osborne of 223 Dunns Road, Mornington, Victoria, to send particulars to him by 6 November 2004 after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

STIDSTON & WILLIAMS WEBLAW,
solicitors,
Suite 1, 10 Blamey Place, Mornington.

GEORGE WILLIAM CORADINE MOORE, deceased.

Creditors, next-of-kin and others having claims against the estate of GEORGE WILLIAM CORADINE MOORE, late of Mornington House, 79 Bentons Road, Mornington, Victoria, retired, deceased, who died on 10 June 2004, are required to send particulars of their claims to the executors care of the undermentioned solicitor by 8 November 2004, after which date the executors will proceed to distribute the assets, having regard only to the claims of which they shall then have had notice.

VERNA A. COOK, solicitor,
5/8 St Andrews Street, Brighton 3186.

JEAN LOUISE MATTHEWS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of JEAN LOUISE MATTHEWS, late of 166 Baxter Village, 8 Robinsons Road, Baxter, Victoria, widow, deceased, who died on 8 May 2004, are required to send particulars of their claims to the executors care of the undermentioned solicitor by 8 November 2004, after which date the executors will proceed to distribute the assets, having regard only to the claims of which they shall then have had notice.

VERNA A. COOK, solicitor,
5/8 St Andrews Street, Brighton 3186.

PHYLLIS GRACE DAY, deceased.

Creditors, next-of-kin and others having claims against the estate of PHYLLIS GRACE DAY, late of St Leigh Private Nursing Home, 33

Bay Road, Sandringham, Victoria, widow, deceased, who died on 9 April 2004, are required to send particulars of their claims to the executors care of the undermentioned solicitor by 8 November 2004, after which date the executors will proceed to distribute the assets, having regard only to the claims of which they shall then have had notice.

VERNA A. COOK, solicitor,
5/8 St Andrews Street, Brighton 3186.

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

On Wednesday 29 September 2004 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 Tony Benic of 96 Merola Way, Campbellfield, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 10517, Folio 122 which is vacant land known as 8 Elmwood Place, Craigieburn.

Registered Mortgage No. AC853040Q and Covenant X206966N affect the said estate and interest.

Terms – Cash/Eftpos
(Debit Cards only. No Credit Cards).
SW-04-004811-8

Dated 26 August 2004

V. PARKIN
Sheriff's Office

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

To the Highest Bidder at the Best Price Offered

On Wednesday 29 September 2004 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 Robert Peter Ieraci of 20 Mitchell Street, Preston, joint proprietor with Fiona Margaret Cutts-Ieraci of an estate in fee simple in the land described on Certificate of Title Volume 10387, Folio 710 upon which is erected a house known as 20 Mitchell Street, Preston.

Registered Mortgage No. AB669702D affects the said estate and interest.

No reserve set

Terms – Cash/Eftpos
(Debit Cards only. No Credit Cards).
SW-03-008856-0

Dated 26 August 2004

V. PARKIN
Sheriff's Office

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

On Wednesday 29 September 2004 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 Mediha Mimi of 1 Preston Avenue, Roxburgh Park, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 10096, Folio 907 upon which is erected a house known as 1 Preston Avenue, Roxburgh Park.

Registered Mortgage No. AC319399X, Caveat No. AC594510U and Covenant in Instrument S423456F affect the said estate and interest.

Terms – Cash/Eftpos
(Debit Card only. No Credit Cards)
SW-04-003389-5

Dated 26 August 2004

V. PARKIN
Sheriff's Office

Unclaimed Moneys Act 1962

Register of Unclaimed Moneys held by the —

<i>Name of Owner on Books and Last Known Address</i>	<i>Total Amount Due to Owner</i>	<i>Description Of Unclaimed Money</i>	<i>Date when Amount first became Payable</i>
ARNOLD, THOMAS & BECKER			
	\$		
Omer Sabore, Unit 8, 57 Cleeland Street, Dandenong	450.00	Cheque	16/07/03

04257

CONTACT: ARNOLD, THOMAS & BECKER, PHONE: (03) 9614 1433.

PROCLAMATIONS

ACT OF PARLIAMENT

Proclamation

I, John Landy, Governor of Victoria, declare that I have today assented in Her Majesty's name to the following Bills:

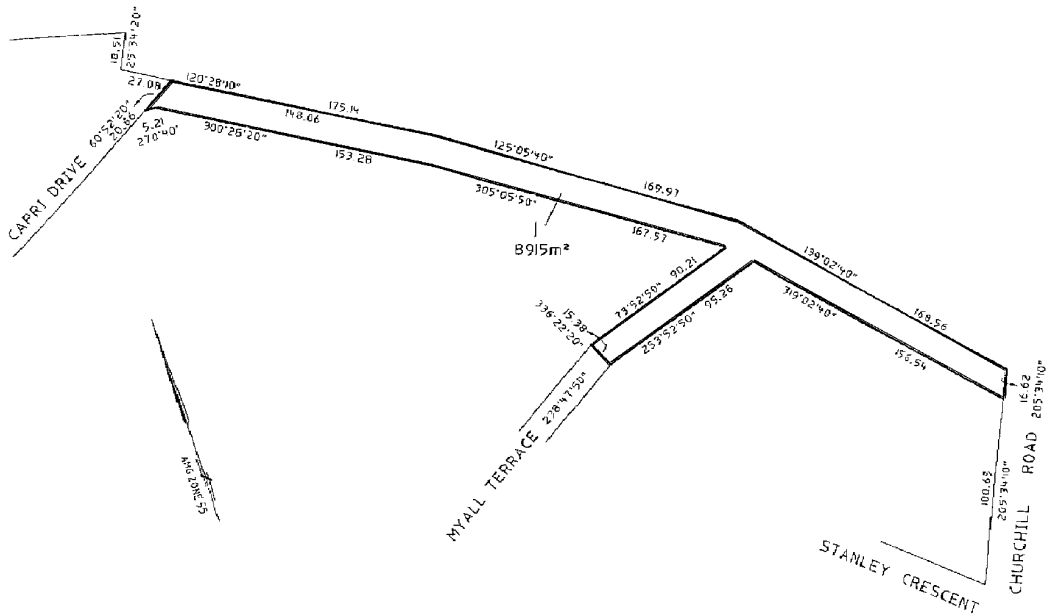
53/2004 **Victorian Civil and
Administrative Tribunal
(Amendment) Act 2004**

Given under my hand and the seal of
Victoria at Melbourne on 31 August
2004.

(L.S.) JOHN LANDY
Governor
By His Excellency's Command

STEVE BRACKS MP
Premier

No. 53/2004 This Act comes into operation on
the day on which it receives the
Royal Assent.



MICHAEL KENNEDY
Chief Executive Officer

GREATER GEELONG CITY COUNCIL

Notice of Intention to make a
Road Management Plan

The Greater Geelong City Council proposes to make a Road Management Plan in accordance with Section 54 of the **Road Management Act 2004**.

The purpose of the Plan is to establish a management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

It also sets the relevant standard in relation to discharge of duties in the performance of those road management functions.

A copy of the proposed Road Management Plan may be inspected at City’s Customer Service Centres located at the following locations: Geelong City Hall, Gheringhap Street; Geelong West, 10–12 Albert Street; Corio Village; Belmont Library; Drysdale, 18–20 Hancock Street; Ocean Grove, The Grove Centre, corner of The Avenue and Presidents Avenue.

Alternatively, a copy may be obtained from City’s Engineering Services Department, Myers Street, Geelong.

Any person who is aggrieved by the proposed Road Management Plan or wishes to make comment may make a submission to Council within 28 days of the date of this notice.

Written submissions should be addressed to Kevin Battye, Coordinator Asset Information, Engineering Services Department, City of Greater Geelong, PO Box 104, Geelong 3220, or email to: kbattye@geelongcity.vic.gov.au.

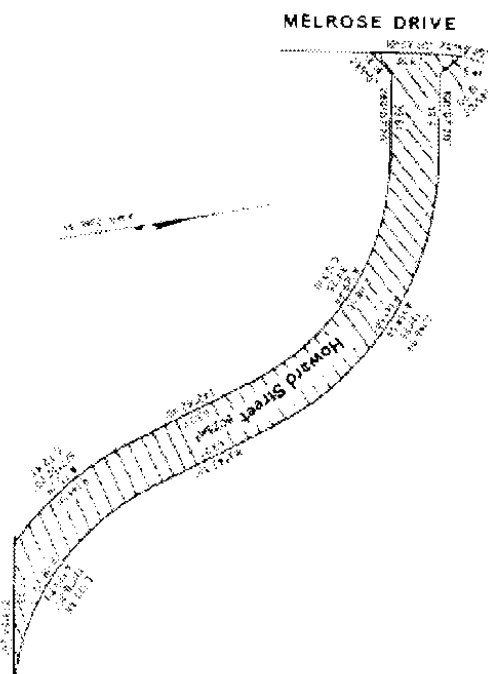
K. RUNDLE
Chief Executive Officer



CITY OF
WODONGA

Road Discontinuance

Council at a special meeting held on 5 January 2004 resolved, pursuant to the provisions of Section 206 and Clause 3 of Schedule 10 of the **Local Government Act 1989**, to discontinue the section of Howard Street, Wodonga shown hatched on the attached plan and to sell the section of road so closed to the abutting land owner.



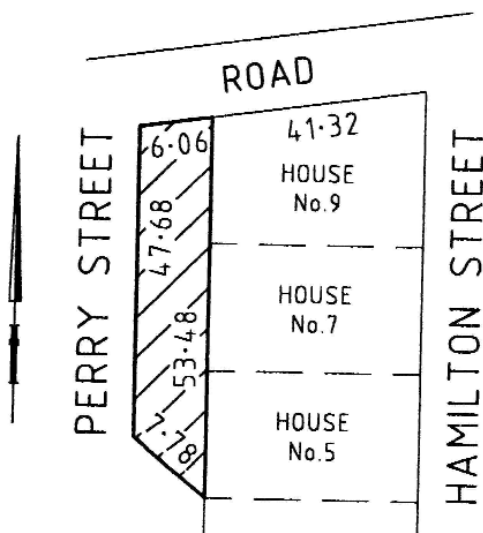
PETER MARSHALL
Chief Executive Officer

DAREBIN CITY COUNCIL

Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Darebin City Council at its ordinary meeting held on 16 August 2004, formed the opinion that a 6m wide portion of Perry Street, Alphington, at the rear of 5 to 9 Hamilton Street, and shown by hatching on the plan below, is not reasonably required as a road for public use and resolved to

discontinue the road and to sell the land from the road by private treaty to the abutting property owners at 5 to 9 Hamilton Street, Alphington.



PHILIP SHANAHAN
Chief Executive Officer



Ararat Rural City

Resolution to Make a Road Management Plan

In accordance with section 54 of the **Road Management Act 2004**, at the meeting of 17 August 2004 the Ararat Rural City Council resolved to make a Road Management Plan.

The purpose of the road management plan is—

- to establish a management system for the road management functions of the Council which is based on policy and operational objectives and available resources, and
- to set out the relevant standard in relation to the discharge of duties in the performance of those road management functions.

The plan includes a description of the road standards to be encountered by road users, the responsibilities of Council and road users, and the procedures Council utilises to determine what works are to be undertaken.

A copy of the plan may be inspected or obtained at the Municipal Offices, Vincent Street, Ararat, Willaura Post Office and Lake Bolac Post Office.

Any person who is aggrieved by the proposed road management plan may make a submission on the proposed plan to the Ararat Rural City, PO Box 204, Ararat 3377.

W. E. BRAITHWAITE
Chief Executive Officer

CORANGAMITE SHIRE COUNCIL

Notice of Adoption of Local Law

Corangamite Shire Council hereby gives notice under section 119(2) of the **Local Government Act 1989** that at its Ordinary Council Meeting of 24 August 2004 it resolved to revoke its existing Local Law No. 1 and replace it with a new Local Law No. 1 titled "General Local Law – 2004".

Purpose of the Local Law

The purpose of the Local Law is to –

- Repeal the Council's existing Local Law No. 1 namely –
 - Local Law No. 1, General Local Law;
- Provide for the peace, order and good government of the municipality;
- Provide a safe and healthy environment so that the Corangamite community can enjoy a quality of life that meets its expectations;
- Regulate the safe and fair use and enjoyment of public places;
- Protect and enhance the amenity of the municipality;
- Provide for the fair and reasonable use of private land;
- Provide for the protection of Council's land and assets.

General Purport of the Local Law

The Local Law does the following –

- Repeals Council's existing Local Law, being Local Law number 1 – General Local Law;
- Requires an owner or occupier of land to ensure that land is not dangerous, unsightly or detrimental to amenity;

- Creates an offence for a person to carry out specified open air burning without a permit, and includes incinerators, prohibited materials and Windrows or heaps;
- Requires an owner or occupier of land to ensure that a chimney is not used so as to constitute a danger to health;
- Creates an offence for a person, or an owner or occupier of land to occupy or place (other than for storage purposes) a caravan or moveable dwelling on land for more than a specified period without a permit;
- Creates an offence for a person to install or alter a septic tank without a permit;
- Creates an offence for a person to permit or allow any sewage, sullage or effluent to run onto or remain on any Council land;
- Creates an offence for an owner or occupier of land in urban and rural areas to keep specified numbers of specified animals on land without a permit;
- Creates an offence for an owner or occupier of land in an urban area to keep certain agricultural animals;
- Creates an offence for an owner or occupier of land in an urban area for failing to securely confine any animal kept on the land, other than a cat or dog;
- Creates an offence for not properly maintaining any structure on land used for animal housing;
- Creates an offence for a person who, on Council land without a permit – interferes with any water course, defaces any Council land, uses any Council land for private, commercial or agricultural purposes, advertises a vehicle for sale, allows trees or plants to cause damage, lights or causes to be lit any fire, conducts a circus, carnival or festival, holds a street procession, obstructs the free passage of goods and people, occupies any road for works, places any bulk rubbish or clothing containers, constructs, installs or removes any vehicle crossing, closes any road, erects any fence or gate or temporary electric fence, camps, leaves any unregistered vehicle or abandons any vehicle;

- Creates an offence for a person to ride or lead a horse on a reservation or nature strip in a built up area without a permit;
- Creates an offence for an owner or occupier of land who fails to display a property number as allotted by Council;
- Creates an offence to carry out specified trading activities on a road or Council land without a permit;
- Creates an offence to solicit or collect waste materials, gifts of money or subscriptions from a road without a permit;
- Creates an offence for a person to clean or do any work to a vehicle on a road without a permit, except in specified circumstances;
- Creates an offence for a person to consume or possess alcohol at specified times on any road or Council land unless authorised by Council;
- Creates an offence for an owner or occupier of land to keep animals on land that is not adequately fenced;
- Creates an offence for a person in charge of any grazing animal to cause or allow the grazing animal to be on Council land;
- Creates an offence for a person who drives or causes to be driven, a vehicle exceeding a load limit on any Council controlled road which has a load limit in place;
- Creates an offence for a person to do anything contrary to a Council sign;
- Allows Council to impound any item that encroaches or obstructs the free use of Council land and to release those items to the owner on payment of a fee, or to sell, destroy or dispose of the item if the fee is not paid;
- Empowers an authorised officer to issue an Infringement Notice, give a direction or serve a Notice to Comply;
- Allows a person to appeal to the Council for a review of specified matters under the Local Laws.

A copy of the Local Law is available for inspection at the Council Civic Centre, 181 Manifold Street, Camperdown during office hours.

PETER JOHNSTON
Chief Executive Officer

HUME CITY COUNCIL

Notice of Intention to Make Local Law Proposed General Local Law No. 1 – 2004 (Amendment No. 1) Local Law

Council proposes to make a local law titled General Local Law No. 1 – 2004 (Amendment No. 1) Local Law.

The purpose of the proposed Amendment Local Law is to –

- amend General Local Law No. 1 – 2004;
- provide for the peace, order and good government of the municipality;
- provide for the safety and health of the municipality so that the community can enjoy a quality of life that meets its expectations;
- provide for the protection and enhancement of the amenity and environment of the municipality;
- provide for the fair and reasonable use and enjoyment of private land;
- and provide for the uniform and fair administration of this local law.

The general purport of the Amendment Local Law is to –

- prohibit without a permit, the placing or keeping on private land of shipping or other similar transport containers or waste skips, except in business or industrial zones;
- make minor amendment to the definition of “unsightly land”; and
- allow for the issuing of permits relating to the obstruction of roads.

Copies of the proposed Amendment Local Law can be obtained from Council’s Municipal Offices, at 1079 Pascoe Vale Road, Broadmeadows; Macedon Street, Sunbury; and Craigieburn Road West, Craigieburn during office hours.

Written submissions about the proposed Amendment Local Law will be considered in accordance with Section 223 of the **Local Government Act 1989** and must be received at the Municipal Offices, 1079 Pascoe Vale Road, Broadmeadows by 4.00 pm on Wednesday 15 September 2004.

Any person who requests to be heard in support of their written submission may appear in person or by a person acting on their behalf before a meeting of Council, the day, time and place of which will be advised.

DARRELL TRELOAR
Chief Executive Officer



Knox City Council
Serving the People of Knox

Proposed Road Management Plan

Notice is hereby given that pursuant to section 54 of the **Road Management Act 2004**, Knox City Council intends to make a Road Management Plan.

The purpose of the plan, as outlined in Section 50 of the Act, is to:

- (a) establish a management system for the road management functions of a road authority which is based on policy and operational objectives and available resources; and
- (b) set the relevant standard in relation to the discharge of duties in the performance of those road management functions.

A copy of the Draft Road Management Plan can be obtained or inspected at the Council Offices, located at 511 Burwood Highway, Wantirna South and the Rowville Customer Service Centre, Stud Park Shopping Centre. Alternately, the plan can be viewed from Council's website, located at www.knox.vic.gov.au.

Any person wishing to comment on the Draft Road Management Plan may make a written submission within 28 days of publication of this notice, directing comments to the Manager – Assets, Knox City Council, Locked Bag 1, Wantirna South 3152 or via email to matthew.hanrahan@knox.vic.gov.au.

GRAEME EMONSON
Chief Executive Officer

MORELAND CITY COUNCIL

Notice of Moreland's Road Asset Management Plan

Council at its meeting on Monday, 23 August 2004 resolved to adopt a Road Asset Management Plan (RAMP), Version 1, August 2004 Edition, drafted in accordance with the requirements of Division 5 of the **Road Management Act 2004**.

The RAMP applies to all roads for which Council is the co-ordinating road authority within the meaning of Sections 36 and 37 of the Act.

The RAMP sets out the implementation of Council's Road Asset Management Strategy for the long-term management of its road assets in a financially responsible manner. It determines recommended service levels, inspection regimes and proactive maintenance routines to keep the road assets in safe and serviceable condition.

A copy of the RAMP, Code of Practice for Road Management Plans and all documents referred to or incorporated in the RAMP (including amendments to the incorporated documents) may be inspected or obtained at Council offices at 90 Bell Street, Coburg. The RAMP is also available to download from Council's website, www.moreland.vic.gov.au.

The RAMP is a dynamic document in that there will be regular updates to reflect the changing needs of the organisation and the community. Council welcomes constructive comments and suggestions for future editions. Comments should be made in writing and addressed to the Director City Infrastructure, Moreland City Council, Locked Bag 10, Moreland, Vic. 3058.

For further information, please contact Mr Tony Blefari on (03) 9240 1196.

PYRENEES SHIRE COUNCIL

Local Law 4.3 – "Alcohol"

Notice is given that the Pyrenees Shire Council at its meeting of 17 August 2004 resolved, pursuant to Section 224A of the **Local Government Act 1989**, to authorize any officer of the Victoria Police Force to enforce the provisions of Local Law 4.3 entitled "Alcohol" that relates to the carrying or consumption of alcohol on a road or public place.

STEPHEN CORNISH
Chief Executive Officer

Planning and Environment Act 1987

CAMPASPE PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C32

The Shire of Campaspe has prepared Amendment C32 to the Campaspe Planning Scheme.

The land affected by the Amendment is in Old Aerodrome Road, Echuca, and is described as part Lot 5 of PS 310194F, and is the rear portion of the Echuca Saleyards site.

The Amendment proposes to rezone this land from Industrial 1 Zone (IN1Z) to Business 4 Zone (B4Z).

You may inspect the Amendment, any documents that support the Amendment, and the explanatory report about the Amendment at the following locations: at the office of the planning authority, Shire of Campaspe, Echuca Offices, corner of Heygarth and Hare Streets, Echuca; at the Department of Sustainability and Environment, North West Regional Office, 1 Taylor Street, Epsom; and at the Department of Sustainability and Environment, Planning Information Centre, Upper 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.

The closing date for submissions is 4 October 2004. A submission must be sent to the Planning Department, Shire of Campaspe, PO Box 35, Echuca 3564.

Signature for the planning authority
WAYNE HARVEY
Chief Executive Officer

Planning and Environment Act 1987

CAMPASPE PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C29

The Shire of Campaspe has prepared Amendment C29 to the Campaspe Planning Scheme.

The Amendment affects land at Waranga Basin in the vicinity of the entrances to the Waranga Western and Number 8 Channels. The sites include land above the present water level within Waranga Basin and land used for access tracks. The area of the Waranga Western pumping site is about 1.5 hectares, and the Number 8 Channel site is less than 0.5 hectares.

The Amendment proposes to amend the schedule to the Public Conservation and Resource Zone by the removal of the date to which must be completed.

You may inspect the Amendment, any documents that support the Amendment, and the explanatory report about the Amendment at the following locations: at the office of the planning authority, Shire of Campaspe, Echuca Offices, corner of Heygarth and Hare Streets, Echuca; at the Department of Sustainability and Environment, North West Regional Office, 1 Taylor Street, Epsom; and at the Department of Sustainability and Environment, Planning Information Centre, Upper 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.

The closing date for submissions is 4 October 2004. A submission must be sent to the Planning Department, Shire of Campaspe, PO Box 35, Echuca 3564.

Signature for the planning authority
WAYNE HARVEY
Chief Executive Officer

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

Notice of Amendment to a Planning Scheme

Amendment C53

The City of Moonee Valley has prepared Amendment C53 to the Moonee Valley Planning Scheme. The Amendment applies to five individual sites and two precinct areas.

Specifically, the Amendment proposes to:

- include the buildings and areas within the Heritage Overlay Schedule of the Moonee Valley Planning Scheme, specifically Laura Street, Newhall Avenue, 2 & 56 Eglinton Street, 55, 62 & 68 Holmes Road, Moonee Ponds;
- amend the existing Heritage Overlay Map 12HO to include additional heritage overlay sites and areas.

A copy of the Amendment may be inspected at the following locations during office hours: City of Moonee Valley, Civic Centre, 9 Kellaway Avenue, Moonee Ponds 3039; and Department of Sustainability and Environment, Customer Service Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the Amendment must be sent to: Attention: Catherine Hunichen, Senior Strategic Planner, City of Moonee Valley, PO Box 126, Moonee Ponds 3039, by 4 October 2004.

PETER BLACK
Chief Executive



Planning and Environment Act 1987
KINGSTON PLANNING SCHEME

Notice of Amendment
Amendment C46

The Kingston City Council has prepared Amendment C46 to the Kingston Planning Scheme.

The Amendment applies for land throughout the municipality.

The Amendment proposes to amend the Schedule to the Heritage Overlay and the Planning Scheme maps to provide heritage controls to various places identified in Council's Heritage Study. The Amendment further seeks to modify the Kingston Municipal Strategic Statement and introduce new planning scheme provisions in reference to Heritage.

You may inspect the Amendment, any documents that support the Amendment, and the explanatory report about the Amendment at the following locations: at the City of Kingston Customer Service Centres; at all City of Kingston libraries; and at the Department of Sustainability and Environment, Planning Information Centre, Upper 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. Submissions must be made in writing (by or on behalf of the submitter) giving the address of the affected property and the submitter's name and contact address; and clearly state the grounds on which the Amendment is supported or opposed, and indicate what changes (if any) the submitter wishes to make to the Amendment.

Names and contact details for submitters are required for Council to consider submissions and to notify submitters of the opportunity to attend Council meetings and any hearings held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make a copy of any submissions available for any person to inspect. Therefore any submissions lodged will be available for public viewing.

The closing date for submissions is Thursday 14 October 2004. A submission must be sent to: The Chief Executive Officer, City of Kingston, PO Box 1000, Mentone, Vic. 3184, Attention: Rosa Zouzoulas, Team Leader Strategic Planning.

Planning and Environment Act 1987
WHITTLESEA PLANNING SCHEME

Notice of Amendment
Amendment C5

Whittlesea City Council has prepared Amendment C5 to the Whittlesea Planning Scheme. The Whittlesea City Council is also the planning authority for the Amendment.

The Amendment affects parts of the land described as 95, 145, 161 and 195 Gordons Road, South Morang and part of the Great Eastern Way road reserve, South Morang.

The Amendment proposes to remove the Land Subject to Inundation Overlay from the land.

The removal of the overlay is consistent with the Upper Henderson Creek Drainage Scheme and will facilitate the future subdivision and development of the land for residential purposes.

The Amendment can be inspected free of charge during office hours at: Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne Vic. 3000; and City of Whittlesea, Civic Centre, Ferres Boulevard, South Morang Vic. 3752.

Submissions to the Amendment must be sent to: The Chief Executive Officer, City of Whittlesea, Locked Bag 1, Bundoora Vic. 3083, by Monday 4 October 2004.

STATE TRUSTEES LIMITED

ACN 064 593 148

Section 79

Notice is hereby given that State Trustees Limited, ACN 064 593 148 intends administering the estates of:-

EVELYN DOREEN CUTTING, late of 36 Turner Road, Highett, Victoria, pensioner, deceased, who died on 12 July 2004 leaving a Will dated 29 May 1997.

ALBERT JOHN FRASER, late of 14 Evan Street, Box Hill, Victoria, retired, deceased, who died on 21 July 2004 leaving a Will dated 26 May 1988 and Codicil dated 18 May 1992.

VINCENT MARASCO, late of Wangaratta and District Nursing Home, 34 Green Street, Wangaratta, Victoria, pensioner, deceased, intestate, who died on 22 July 2004.

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 10 November 2004 after which date State Trustees Limited, ACN 064 593 148, may convey or distribute the assets of the abovementioned estates having regard only to the claims of which it then has notice.

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 10 November 2004 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.

CATLOW, Mavis Dorothy, late of 13 Ilma Grove, Carrum, retired, and who died on 4 January 2004.

HARKONEN, Eero Juhani, late of Norlane Hotel, 2-6 Princes Highway, Norlane, retired, and who died on 9 July 2004.

HOOPER, Eileen Elizabeth, late of 22 Collier Street, Brunswick, home duties, and who died on 12 June 2004.

LAWRENCE, Olga Ada, late of Village Baxter, 8 Robinson Road, Baxter, Victoria 3911, shopkeeper, and who died on 12 July 2004.

PARKER, Clarence Victor, late of 5 Birch Street, Caulfield South, retired, and who died on 16 June 2004.

WATSON, Robert Alexander, late of 39 Greenridge Avenue, Templestowe, pensioner, and who died on 25 March 2004.

YOUNG, Ernest John, late of Grand Ridge Lodge Nursing Home, 4-6 Brennan Street, Mirboo North, Victoria 3871, pensioner, and who died on 6 June 2004.

Dated 1 September 2004

LAURIE TAYLOR

Estate Manager
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, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 4 November 2004 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.

BRAJER, John Paul, late of Flat 15, 41-43 Alma Road, St Kilda East, Victoria 3183, retired and who died on 14 August 2004.

DAVIDSON, Michael, late of 32 Chambers Street, Coburg, and who died on 1 August 2003.

JONES, Winifred May, late of Unit 17, Wantima Retirement Village, 2 Old Stud Road, Wantima, retired and who died on 7 August 2004.

SANDERS, Amy Alice Elaine, late of Ascot Manor, 264 High Street, Ashburton, retired school teacher, and who died on 30 June 2004.

SMALL, Ian Berkeley, late of Caulfield General Medical Centre, 260 Kooyong Road, Caulfield, retired and who died on 29 March 2004.

SMART, Glenda Joy, late of 28 Suffern Avenue, Bayswater, Victoria, pensioner and who died on 29 July 2004.

Dated 26 August 2004

LAURIE TAYLOR

Estate Manager
State Trustees Limited

EXEMPTION

Application No. A280/2004

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** by Wendy Adams, Acting Principal on behalf of St Leonard's College, Brighton East for exemption from Sections 37, 42, 100 & 195 of that Act. The application for exemption is to enable the applicant to advertise specifically for girls for its Cornish Campus at Patterson River for year 7 level for 2005 and to offer bursaries to encourage girls to enrol in that level for that year at that campus.

Upon reading the material submitted in support of the application and upon hearing submissions from Ms Wendy Adams and for the Reasons for Decision given by the Tribunal on 24 August 2004, the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 37, 42, 100 & 195 of the Act to enable the applicant to advertise specifically for girls for its Cornish Campus at Patterson River for year 7 level for 2005 and to offer bursaries to encourage girls to enrol in that level for that year at that campus.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 37, 42, 100 & 195 of the **Equal Opportunity Act 1995** to enable the applicant to advertise specifically for girls for its Cornish Campus at Patterson River for year 7 level for 2005 and to offer bursaries to encourage girls to enrol in that level for that year at that campus.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 31 December 2005.

Dated 24 August 2004

C. McKENZIE
Deputy President

EXEMPTION

Application No A312 of 2004

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** (the Act) by the Department of Human Services ("the applicant"). The application for exemption is to enable the applicant to advertise

for and employ a Koori person to the position of Program Adviser, Koori Assessment, in its home and community care programs in the Loddon Mallee Region.

Upon reading the material filed in support of this application, the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ a Koori person to the position of Program Adviser, Koori Assessment.

In granting this exemption the Tribunal noted the applicant provides Home and Community Care (HACC) funding to Koori agencies to provide a range of services to Koori people in the community. Recent review by Koori HACC workers identified the need for a position to develop policy and guidelines to improve the quality and consistency of assessment processes across the Loddon Mallee Region. The success of the position will depend on the sensitivity that the person can show in assessing outcomes of Koori persons' needs. It is appropriate in such circumstances for a Koori person to be appointed to the position.

The Tribunal hereby 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 a Koori person to the position of Program Adviser, Koori Assessment.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 2 September 2007.

Dated 27 August 2004

Mrs S. DAVIS
Deputy President

Health Services Act 1988DECLARATION OF APPROVED
QUALITY ASSURANCE BODY

I declare the Mortality and Clinical Review Committee, established by St Vincent's Health, is an approved quality assurance body under section 139 for the purposes of part 7 of the **Health Services Act 1988**.

Dated 7 July 2004

BRONWYN PIKE
Minister for Health

Land Acquisition and Compensation Act 1986

FORM 7

S.21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as the whole of Lot 1 on Plan of Subdivision 346318M, Parish of Harcourt, comprising 8715.0 square metres and being land described in Certificate of Title Volume 10272, Folio 310, shown as Parcel 45 on Survey Plan 20662.

Interest Acquired: That of Fernando and Sharon Jeanette Cetraro and all other interests.

Published with the authority of VicRoads.

Dated 2 September 2004

For and on behalf of VicRoads:
BERNARD TOULET
Manager
Property Services Department

Occupational Health and Safety Act 1985

REVOCATION OF APPROVAL OF
THE CODE OF PRACTICE ON NOISE (C.O.P. NO. 17)

I, Rob Hulls, Minister for WorkCover, acting under section 55 of the **Occupational Health and Safety Act 1985** –

- (a) revoke the approval of the Code of Practice on Noise (C.O.P. No. 17) published in the Government Gazette on 30 September 1992; and
- (b) give notice that the above code of practice ceases to be of effect at the end of the day on which this notice is published in the Government Gazette.

Dated 25 August 2004

ROB HULLS, MP
Minister for Workcover

Transport Act 1983

TOW TRUCK DIRECTORATE
OF VICTORIA

Tow Truck Application

Notice is hereby given that the following application will be considered by the Licensing Authority after 6 October 2004.

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 (PO Box 666, North Melbourne 3051) not later than 30 September 2004.

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

Jacana Falls Pty Ltd. Application for variation of conditions of tow truck licence number TOW543 which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 53 Church Street, Abbotsford to change the depot address to 400 Neerim Road, Murrumbena.

Dated 2 September 2004

STEVE STANKO
Director

Education Act 1958NOTICE OF MAKING OF ORDER UNDER SECTION 13 AND
ADMINISTRATIVE ARRANGEMENTS ORDER (No. 180) 2002

An Order of the Minister for Education Services was made on 19 August 2004 pursuant to section 13(4) of the **Education Act 1958** and Administrative Arrangements Order (No. 180) 2002 amending the constituting Order of a school council to change its name. The change is as follows:

Old name	New name
Council of the State school proposed to be called Roxburgh Park Primary School	Council of the State school called Roxburgh Park Primary School

JACINTA ALLAN
Minister for Education Services

Education Act 1958NOTICE OF MAKING OF ORDER UNDER SECTION 13 AND
ADMINISTRATIVE ARRANGEMENTS ORDER (No. 180) 2002

An Order of the Minister for Education Services was made on 19 August 2004 pursuant to sections 13(4) and 13(11) of the **Education Act 1958** and Administrative Arrangements Order (No. 180) 2002 amending the constituting Order of a school council to change its name. The change is as follows:

Old name	New name
Altona East Primary School Council	Eastona Park Primary School Council

JACINTA ALLAN
Minister for Education Services

Geographic Place Names Act 1998

NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

The Registrar of Geographic Names hereby gives notice of the registration of undermentioned place names.

File No.	Place Name	Proposer & Location
GPN 592	Gordon and Sheila Ferguson Park	Nillumbik Shire Council. Located in Hurstbridge Memorial Park, Greys Harps Road, Hurstbridge.
GPN 607	Timbarra Park	Casey City Council. Located at the junction of Ernst Wanke Road and Jerilderie Drive, Berwick.

Office of the Registrar of Geographic Names
c/- **LAND VICTORIA**
15th Floor
570 Bourke Street
MELBOURNE 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Water Act 1989**BULK ENTITLEMENT (WERRIBEE SYSTEM – WESTERN WATER)
CONVERSION ORDER 2004**

I, John Thwaites, under the provisions of the **Water Act 1989**, make the following Order –

1. CITATION

This Order may be cited as the Bulk Entitlement (Werribee System – Western Water) Conversion Order 2004.

2. EMPOWERING PROVISIONS

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. COMMENCEMENT

This Order comes into operation on the day it is published in the Government Gazette.

4. DEFINITIONS

In this Order –

“**Act**” means the **Water Act 1989**;

“**AHD**” means the Australian Height Datum;

“**other authority**” means a water authority other than Western Water which holds a bulk entitlement granted under Division 1 or 3 of Part 4 of the Act;

“**capacity share**” means a water entitlement held by a person which is expressed as a percentage share of all or any of the following depending on the context in which the expression is used –

- (a) storage capacity; and
- (b) inflows to a storage or diversion weir; and
- (c) storage and waterway transmission losses; and
- (d) storage release capacity; and
- (e) unregulated flow in a waterway; and
- (f) waterway capacity –

where Western Water’s capacity share is managed independently from other capacity shares for the same storage or waterway;

“**entitlement holder**” means a person holding a bulk entitlement under the Act;

“**exchange rate**” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

“**flood target level**” means the level of a reservoir should be filled to, or drawn down to, in order to provide space for storage of floodwaters in accordance with any flood operating rules approved by the Minister under sub-clause 8.4;

“**full supply level**” means the AHD level at or below which a storage is designed to be operated;

“**Merrimu headworks system**” means the water supply works of the Lerderberg Weir and diversion tunnel, Goodmans Weir and diversion tunnel and Lake Merrimu;

“**internal spill**” means an amount of water which is transferred in the water accounts between Authorities holding a capacity share of a storage as specified in Schedule 1;

“**passing flows**” means the flows referred to in clause 11;

“**Resource Manager**” means any person appointed by the Minister to do all or any of the following –

- (a) prepare the Werribee Basin Water Accounts;
- (b) monitor whether bulk entitlement holders in the Werribee Basin comply with the conditions of their bulk entitlements;

- (c) investigate and mediate disputes between bulk entitlement holders in the Werribee Basin;
- (d) investigate and deal with significant unauthorised use of water in the Werribee Basin;
- (e) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act; and

“Storage Operator” means any person appointed by the Minister to operate the Merrimu headworks system, to manage or measure the flow into the Merrimu headworks system or the system waterway, to keep and report on the water accounts of the capacity shares, or to do all or any of them;

“waterway” means –

- (a) Lerderderg River downstream of Lerderderg Weir, including the pool formed by, and immediately upstream of the weir; and
- (b) Goodman Creek downstream of Goodman Weir including the pool formed by, and immediately upstream of the weir; and
- (c) Coimadai Creek downstream of Lake Merrimu including the pools formed by, and immediately upstream of the reservoir; and
- (d) Djerriwarrh Creek downstream of Djerriwarrh Reservoir, including the pools formed by, and immediately upstream of the reservoir;

“Werribee Basin” means the area of land designated as Basin Number 31 in the South-East Coast Division of the by the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“Werribee Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Werribee Basin, with the terms of their bulk entitlements or licences;

“Western Water” means Western Region Water Authority;

“year” means the 12 months next following 1 July.

5. CONVERSION TO BULK ENTITLEMENTS

All of Western Water’s entitlement to water from the system waterway is converted to a bulk entitlement on the conditions set out in this Order.

6. BULK ENTITLEMENT

- 6.1** Western Water may take from the waterway over any period of five consecutive years up to an average annual total of –
- (a) up to 8,500 megalitres from Lake Merrimu at a rate not exceeding 83.5 megalitres/day; and
 - (b) up to 1,486 megalitres from the Djerriwarrh Reservoir at a rate not exceeding 19 megalitres/day.
- 6.2** Western Water must not direct the Storage Operator to release more than the amount it holds in its share of Lake Merrimu.

7. TRANSFER OF ENTITLEMENT AND ADJUSTMENT OF SCHEDULES

- 7.1** Subject to section 46 of the Act and sub-clause 6.2, this bulk entitlement may be transferred –
- (a) temporarily or permanently;
 - (b) in whole or in part; and
 - (c) for any purpose, including an in-stream use of water.
- 7.2** The Minister may, on the application of Western Water, at any time, alter any provision of this Order to reflect trading of this or any other bulk entitlement by Western Water.

- 7.3** Any application made by Western Water under sub-clause 7.2 must –
- (a) set out the objectives of, and reasons for, the proposed alteration; and
 - (b) set out the results of an assessment of the likely effects of the proposed alteration on the environment.

- 7.4** The Minister may –
- (a) approve part or all of any application under sub-clause 7.2; or
 - (b) require Western Water to –
 - (i) provide further information; or
 - (ii) re-submit the application in a different form; or
 - (c) not approve the application.

8. SHARE OF STORAGE CAPACITY

- 8.1** Western Water is entitled to all the storage capacity in Djerriwarrh Reservoir, up to 980 ML at full supply level of 215 metres Australian Height Datum.

- 8.2** Western Water is entitled to –
- (a) a 60% share of the storage capacity of Lake Merrimu at a full supply level of 174.10 metres AHD; and
 - (b) all water stored in its share of Lake Merrimu subject to any adjustments to that share made by the Storage Operator in accordance with Schedule 1.

- 8.3** Western Water may take a share of any water temporarily stored above the full supply level or the flood target level, whichever is the lesser, in Lake Merrimu. The share is to be the ratio of Western Water's capacity share of Lake Merrimu to the sum of capacity shares held by all Authorities taking water from the storage under this sub-clause.

- 8.4** Western Water, and any other authority holding a share of the capacity of Lake Merrimu, must jointly propose to the Minister within three months of the date of this Order, appropriate flood operating rules for Lake Merrimu.

- 8.5** The Minister may –
- (a) approve the operating rules proposed under sub-clause 8.4; or
 - (b) require Western Water to amend the proposed operating rules; or
 - (c) require Western Water –
 - (i) to review the operating rules approved by the Minister if, in the Minister's opinion, these are no longer appropriate; and
 - (ii) to propose amended operating rules to the Minister.

9. SHARE OF FLOW

- 9.1** In order to supply the entitlements set out in clause 6, and after meeting the passing flows required under clause 11, Western Water may take –

- (a) from the Lerderberg diversion weir via the Lerderberg River to Goodman Creek tunnel and from the Goodman Creek diversion weir via the Goodman Creek to Lake Merrimu tunnel –
 - (i) 70% of all inflow to the diversion weirs; and
 - (ii) a share of any inflow not taken by other Authorities pursuant to an entitlement to that inflow. (The share must be –
 - (A) determined by the Storage Operator; and
 - (B) equal to the ratio of Western Water's capacity share of the inflow to Lerderberg diversion weir to the sum of capacity shares held by all other Authorities taking additional inflow under this sub-clause);

subject to –

- (iii) an upper limit on the amount that can be diverted to Lake Merrimu calculated in accordance with the flood operating rules for Lake Merrimu approved under sub-clause 8.5; and
 - (iv) the maximum rate of diversion specified in clause 10; and
- (b) into its share of storage capacity in Lake Merrimu, –
- (i) Western Water's share of flow in the Goodman Creek to Lake Merrimu tunnel; and
 - (ii) 70% of inflow from Pyrites Creek; and
 - (iii) internal spills from other authorities' shares of water stored in Lake Merrimu, in accordance with Schedule 1;

9.2 Western Water must not take, as part of this entitlement, any flow in the system waterway which is being transferred by the holder of any other bulk entitlement or licence.

10. SHARE OF TUNNEL CAPACITY

10.1 The tunnel capacities of the diversion tunnels to Lake Merrimu shall be taken as:

- (a) 1,000 ML/day for the Lerderderg River to Goodmans Creek tunnel; and
- (b) 900 ML/day for the Goodmans Creek to Lake Merrimu tunnel.

10.2 Western Water is entitled to use –

- (a) up to 70% of the tunnel capacity of the Lerderderg River to Goodman Creek tunnel that is capable of being passed through Goodmans Tunnel; and
- (b) up to 70% of the tunnel capacity of the Goodman Creek to Lake Merrimu tunnel; and
- (c) a share of the tunnel capacity not being used by other Authorities with an entitlement to that tunnel capacity calculated in accordance with Schedule 2.

11. PASSING FLOWS

Western Water must provide –

- (a) a minimum passing flow downstream of Djerriwarrh Reservoir at an instantaneous rate of the lesser of 1.5 ML/day or the natural flow at that point; and
- (b) its share of any passing flows determined by the storage operator in accordance with the Bulk Entitlement (Werribee System – Irrigation) Conversion Order 1997.

12. METERING PROGRAM

12.1 Western Water must propose to the Minister within 12 months of the date of this Order a metering program to demonstrate compliance with this bulk entitlement with respect to –

- (a) all water taken by Western Water under this bulk entitlement; and
- (b) the flow into, and the volume in Djerriwarrh Reservoir ; and
- (c) the passing flows at Djerriwarrh Reservoir.

12.2 The Minister may –

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require Western Water to amend the proposed program; and
- (c) require Western Water –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister; or
- (d) not approve the program.

12.3 Western Water must, at its cost, and in accordance with any guidelines issued from time to time by the Minister –

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition; and
- (c) ensure that metering equipment is periodically re-calibrated; and
- (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
- (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

13. REPORTING REQUIREMENTS

13.1 The Minister may require Western Water to report on all or any of the following:

- (a) the status of Western Water's entitlement to water in Lake Merrimu and Djerriwarrh Reservoir including –
 - (i) the amount of water taken by Western Water from the waterway;
 - (ii) the volume of Western Water's share of storage capacity in Lake Merrimu under sub-clause 8;
 - (iii) the volume of inflows to Lake Merrimu attributed to Western Water under clause 9;
 - (iv) the volume of inflows to Djerriwarrh Reservoir;
 - (v) the volume of Lake Merrimu losses attributed to Western Water as determined by the Storage Operator pursuant to paragraph 8.2(b); and
 - (vi) the volume of any deduction for Lake Merrimu made under sub-clause 8.2;
- (b) any temporary or permanent transfer of all or part of this bulk entitlement;
- (c) any temporary or permanent transfer of a bulk entitlement or other entitlement under the Act to Western Water which does or may alter the flow of water in the waterway;
- (d) any amendment to this bulk entitlement;
- (e) any new bulk entitlement granted to Western Water;
- (f) the implementation of any metering program approved under sub-clause 12.2;
- (g) the daily flow passing Djerriwarrh Reservoir;
- (h) the amount of water on any day in each storage mentioned in clause 9 and the amount held by Western Water in that storage;
- (i) the type and amount of annual adjustments made to Western Water's share of Lake Merrimu in any year in accordance with Schedule 1;
- (j) any failure by Western Water to comply with any provision of this bulk entitlement; and
- (k) any difficulties experienced or anticipated by Western Water in complying with this bulk entitlement and any remedial action taken or proposed.

13.2 The Minister may require Western Water to report on all or any of the matters set out in sub-clause 13.1 –

- (a) in writing or in such electronic form as may be agreed between Western Water and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

13.3 Western Water must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except –

- (a) paragraphs(g), and (h), of sub-clause 13.1; and

- (b) with the approval of the Minister, any particular failure referred to in paragraph 13.1(j) of sub-clause 13.1;
- 13.4** The Resource Manager may require Western Water to report from time to time, on all or any of the matters set out in paragraphs (a) to (k) of sub-clause 13.1.
- 13.5** Any report under sub-clause 13.4 must be made –
 - (a) in such form as may be agreed between Western Water and the person to whom the report is made; and
 - (b) unless Western Water and the person agree otherwise –
 - (i) within 24 hours of Western Water receiving a request for a report on any matter set out in paragraphs (a) of sub-clause 13.1; or
 - (ii) within 14 days of Western Water receiving a request for a report on any matter set out in paragraph (b) to (j) of sub-clause 13.1.

14. WATER RESOURCE MANAGEMENT COSTS

- 14.1** Subject to sub-clause 16.1, Western Water must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager in –
 - (a) preparing the Werribee Basin Water Accounts; and
 - (b) monitoring whether entitlement holders in the Werribee Basin comply with the conditions of their bulk entitlements; and
 - (c) directing the release of any water set aside for maintaining water quality in the waterway; and
 - (d) investigating and mediating disputes between entitlement holders in the Werribee Basin; and
 - (e) investigating and dealing with significant unauthorised uses of water in the Werribee Basin; and
 - (f) supervising the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act –
as estimated under sub-clause 16.3.

15 STORAGE OPERATOR COSTS

- 15.1** Subject to sub-clause 16.1 Western Water must pay the Storage Operator a proportion of the source costs in any year, whether or not Western Water directs the Storage Operator to release water from the Lake Merrimu in that year.
- 15.2** For the purposes of this clause, “source costs” means the total annual cost of –
 - (a) operating, maintaining and administering the Merrimu headworks system; and
 - (b) making releases from Lake Merrimu; and
 - (c) meeting the cost of any new or enhancement work to the Lake Merrimu system (other than work designed to increase the yield of the Reservoir); and
 - (d) making an appropriate allowance for depreciation of works associated with the Lake Merrimu system, using the deprival value approach, or such other depreciation method required by the Victorian Department of Treasury and Finance; and
 - (e) managing the stream gauging stations on the waterway; and
 - (f) implementing the program established under the Bulk Entitlement (Werribee system – Irrigation) Conversion Order 1997, to manage the environmental effects of operating the Lake Merrimu; and
 - (g) any other activity undertaken by the Storage Operator that has been agreed to by Western Water and each Authority holding a bulk entitlement to a share of the storage capacity of the Reservoir.

15.3 Western Water must pay the Storage Operator –

- (a) a percentage of the annual source costs for Lerderberg diversion weir, Lerderberg River to Goodman Creek tunnel, Goodman diversion weir, Goodman Creek to Lake Merrimu tunnel and associated works with the charge determined by –

$$C_s = \$ (0.7 \times ((S \times (1+m)) + R));$$

- (b) a percentage of the annual source cost for Lake Merrimu with the charge determined by–

$$C_s = \$ (0.6 \times ((S \times (1+m)) + R))$$

where –

C_s = the annual source charge.

S = the estimated source costs for the year for which charges are prepared.

R = return to equity holders of the headworks asset for the year for which charges are prepared.

m = the business margin set at 10% at the date of this Order. Any variation to this rate is to be mutually agreed as per sub-clause 17(a).

- 15.4** The charge for annual source costs must be paid by Western Water every year regardless of the amount of water diverted to, or taken from, storages by Western Water.

16. DUTY TO KEEP ACCOUNTS**16.1** Western Water is not obliged to make any payment to –

- (a) the Resource Manager under clause 14; or
 (b) the Storage Operator under clause 15 –

unless the person to whom the payment is due chooses to comply with the provisions of this sub-clause relevant to those payments.

16.2 Separate accounts of all costs and payments must be kept by –

- (a) the Resource Manager in respect to sub-clause 14.1; and
 (b) the Storage Operator under clause 15.1.

- 16.3** The Resource Manager must, by 1 March in any year, provide Western Water with an estimate, in respect of the ensuing year, of a fair and reasonable percentage of the costs referred to in sub-clause 14.1.

- 16.4** The Storage Operator must, by 1 March in any year, in conjunction with the authority responsible for the Merrimu headworks system, provide Western Water with an estimate of the annual source charge referred to in sub-clause 15.1 for the ensuing year.

- 16.5** Accounts required to be kept under this sub-clause must be made available for inspection by Western Water upon request.

17. DUTY TO MAKE PAYMENTS

Any amounts payable by Western Water under clauses 14 and 15 –

- (a) are to be based on the actual expenditure for the period specified in paragraph 17(b), unless otherwise set by mutual agreement between Western Water and the Storage Operator, and include any adjustment from a previous period to reflect the actual cost of the work; and

- (b) unless Western Water and the person to whom the amount is payable agree otherwise –

(i) must be paid quarterly in arrears within 28 days of Western Water receiving an invoice for amounts payable under clause 14; and

(ii) must be paid monthly in arrears within 28 days of Western Water receiving an invoice for amounts payable under clause 15.

18. DATA

- 18.1** Subject to sub-clause 12.3, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by Western Water to comply with this bulk entitlement are made available to Western Water.
- 18.2** Western Water must make available data collected for the purpose of the metering and reporting program under sub-clauses 12.1 and 13.1 to any person subject to a fair and reasonable access fee, imposed by Western Water, to cover the costs of making the data available.

19. DISPUTE RESOLUTION

- 19.1** If any difference or dispute arises between Western Water, the Minister and, with his or her consent, the Resource Manager (the "parties") concerning the interpretation of application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.
- 19.2** The independent expert will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if those parties cannot agree, a person nominated by the Minister.
- 19.3** The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for determining the matter by a further 30 days.
- 19.4** The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 19.5** In any difference or dispute to which the Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph 24.5(a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 19.6** In any difference or dispute in which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 19.7** The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.
- 19.8** Any determination by an independent expert is final and binding on the parties.

Dated 20 August 2004

Responsible Minister:
JOHN THWAITES
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department of Sustainability and Environment.

Schedule 1

Western Water's Share of Storage in Lake Merrimu

1. Adjustments to Western Water's Share of Storage in Lake Merrimu

Western Water's share of water stored in Lake Merrimu will be adjusted by the Storage Operator for –

- (a) any water taken by Western Water in accordance with its share of inflow to Lake Merrimu under clause 9; and
- (b) any internal spill into Western Water's share of Lake Merrimu storage calculated in accordance with paragraph 3 of this Schedule; and
- (c) any release from Lake Merrimu directed by Western Water to meet its water supply requirements measured at the storage; and
- (d) Western Water's share of any release from Lake Merrimu made by the Storage Operator under the flood operating rules approved under sub-clause 8.5. Western Water's share of the release is to be the same as its share of Lake Merrimu storage capacity specified in clause 8; and
- (e) Western Water's share of evaporation losses from Lake Merrimu to be calculated in accordance:
 - (i) with paragraph 2 of this Schedule; and
 - (ii) the sharing of passing flow obligations under sub-clause 12.2(e) of the Bulk Entitlement (Werribee System – Irrigation) Conversion Order 1997;
- (f) Western Water's share of any out-of-balance that may be calculated by the Storage Operator for Lake Merrimu at any time. The out-of-balance is the difference between the measured volume stored in Lake Merrimu and the sum of the volumes held in Lake Merrimu by all Authorities with a share of the storage, where the volumes held by Authorities are calculated by the Storage Operator in accordance with the adjustments specified in this paragraph. Western Water's share of the out-of-balance is to be the same as its share of Lake Merrimu storage capacity specified in sub-clause 9.1(c); and
- (g) any other adjustment provided for in this Order or otherwise as agreed with all entitlement holders in the Werribee System.

2. Evaporation Losses

Evaporation losses from Lake Merrimu are calculated using the formula

$$L = 0.01 \times A \times ((E \times 0.85) + 5) \times (S1/S)$$

where L – evaporation loss in ML

- S is the volume of water in Lake Merrimu in ML
 A is the surface area in square kilometres corresponding to S
 E is the pan evaporation in mm measured at Lake Merrimu
 S1 is the volume of water in Western Water's share of Lake Merrimu in ML

3. Internal Spills

- (a) An internal spill is a transfer of the water held in storage in Lake Merrimu by one or more of the other authorities holding a share of storage capacity to one or more of the other authorities holding a share of storage capacity.
- (b) An internal spill occurs when an entitlement holder's share of inflow to Lake Merrimu is in excess of the amount necessary to fill its share of storage capacity and at least one other entitlement holder's share of storage in Lake Merrimu is not full.

- (c) The total amount of internal spill in Lake Merrimu at any one time cannot exceed a volume equal to the sum of the amounts by which the volume held by each of the entitlement holders in the storage is below its full share.
- (d) Internal spills are shared between Lake Merrimu entitlement holders in proportion to their shares of Lake Merrimu storage capacity.
- (e) The amount of the internal spill and the adjustment of accounts in Lake Merrimu is determined by the storage operator.

Schedule 2

Western Water's Share of Diversion Tunnel Capacity

Western Water is entitled to a share of any tunnel capacity not being used by other entitlement holders with an entitlement to that tunnel capacity. The share of additional tunnel capacity available to Western Water is to be calculated as unless otherwise agreed to by all entitlement holders in the Werribee System:

$$\mathbf{ACAP} = \mathbf{UCAP} \times \mathbf{Ci} / \mathbf{\Sigma Ci}$$

where –

ACAP is the additional tunnel capacity available to Western Water, in ML/day;

UCAP is the total tunnel capacity not being used by other Authorities, in ML/day;

Ci is Western Water's share of tunnel capacity in percent; and

ΣCi is the sum of the shares of tunnel capacity for all Authorities using additional tunnel capacity, in percent.

Planning and Environment Act 1987**BALLARAT PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C53 Part 2

The Minister for Planning has approved Amendment C53 Part 2 to the Ballarat Planning Scheme.

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

The Amendment rezones 63 hectares of land on the north side of Greenhalghs Road and adjoining the western side of the Kensington Estate residential development on the corner of Wiltshire Lane and Greenhalghs Road, Delacombe being Crown Allotment 22, Section 1 and S5 PS435065, Parish of Cardigan from Rural Zone to Residential 1 Zone.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; the South West Region Office, Department of Sustainability and Environment, State Government Offices, corner of Mair and Doveton Streets, Ballarat; and at the offices of Ballarat City Council, Phoenix Office, 25 Armstrong Street South, Ballarat.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987**BANYULE PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C38 Part 2

The Minister for Planning has approved Amendment C38 Part 2 to the Banyule Planning Scheme.

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

The Amendment inserts the Non-Residential Uses in Residential Zones Policy into the planning scheme.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and at the offices of the Banyule City Council at the following locations: Rosanna Service Centre, 44 Turnham Avenue, Rosanna; Ivanhoe Service Centre, 275 Upper Heidelberg Road, Ivanhoe; and Greensborough Service Centre, 9–13 Flintoff Street, Greensborough.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987**BASS COAST PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C26

The Minister for Planning has approved Amendment C26 to the Bass Coast Planning Scheme.

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

The Amendment rezones land contained in Certificate of Title Vol. 9940, Folio 442, which is described as being Crown Allotments 14, 15, 16, 17 and 18, Parish of Phillip Island, County of Mornington, from a Low Density Residential Zone to a Residential 1 Zone, and applies Schedule 11 of the Development Plan Overlay to the land.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and at the offices of the Bass Coast Shire Council: Customer Service Centre, 76 McBride Avenue, Wonthaggi; Customer Service Centre, 91–97 Thompson Avenue, Cowes; Customer Service Centre, 3 Reilly Street, Inverloch; and Customer Service Centre, Shop 3, Bass Highway, Grantville.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

BRIMBANK PLANNING SCHEME

Notice of Approval of Amendment

Amendment C65

The Minister for Planning has approved Amendment C65 to the Brimbank Planning Scheme.

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

The Amendment rezones land at 457 to 467 Ballarat Road, Sunshine from Residential 1 and Business 4 Zones to a Business 2 Zone.

The Minister has granted the following permit under Division 5 Part 4 of the Act:

Permit No.: P030419.

Description of land: 457–459 Ballarat Road, Sunshine.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and at the offices of the Brimbank City Council, Keilor Office, Old Calder Highway, Keilor, and Sunshine Customer Service Centre, 301 Hampshire Road, Sunshine.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and at the offices of the Melbourne City Council, 6th Floor, 200 Little Collins Street, Melbourne.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

Notice of Approval of Amendment

Amendment C45

The Minister for Planning has approved Amendment C45 to the Moonee Valley Planning Scheme.

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

The Amendment introduces 9 heritage places and 10 heritage precincts (including the extension of existing precinct HO3) into the Heritage Overlay.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and at the offices of the Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

Notice of Approval of Amendment

Amendment C78

The Minister for Planning has approved Amendment C78 to the Melbourne Planning Scheme.

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

The Amendment rezones land at 2 Douglas Street and 90 Turner Street, Port Melbourne, described as Lots 1 and 2 on Plan of Subdivision 421793M, from Public Use Zone 1 (Service & Utility) to Industrial 1 Zone.

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

Notice of Approval of Amendment

Amendment C56

The Minister for Planning has approved Amendment C56 to the Moonee Valley Planning Scheme.

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

The Amendment rezones land known as Reserve No. 1 on Plan of Subdivision 512787A (formerly part of 102 North Road, Avondale Heights) from a Residential 1 Zone (R1Z) to a Public Park and Recreation Zone (PPRZ), and rezones land at Nos 29A, 29B and 31 Wallace Crescent, Strathmore from PPRZ to R1Z.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and at the offices of the Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

- rezones Crown Allotment 6A, Section 7A, Parish of Korumburra, Korumburra Cemetery, Kardella Road, Korumburra from Rural Zone to Public Use Zone 5 (Cemetery/Crematorium);
- removes the Environmental Significance Overlay 5 – Areas Susceptible to Erosion from Crown Allotment 6A, Section 7A, Parish of Korumburra, Korumburra Cemetery, Kardella Road, Korumburra.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and at the offices of the South Gippsland Shire Council, 9 Smith Street, Leongatha.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

SOUTH GIPPSLAND PLANNING SCHEME

Notice of Approval of Amendment

Amendment C29

The Minister for Planning has approved Amendment C29 to the South Gippsland Planning Scheme.

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

The Amendment:

- rezones Lots 16, 17, 18 & 19 LP3717, Lots 5 & 6 LP6688, Lots 1 & 2 422691, Lots 1, 2, 3 & 4 PS311676 and Res1 PS311676, being land generally north of Bena Road and west of George Street, Korumburra, from Public Conservation and Resource Zone to Residential 1 Zone, Low Density Residential Zone and Rural Zone;
- rezones Crown Allotment 7A, Section A, Parish of Woorarra, Johnsons Track, Woorarra from Public Conservation and Resource Zone to Rural Zone;
- rezones Part of Lot 10, PS4717, 80 Victoria Street, Korumburra from Public Use Zone 6 to Residential 1 Zone;

Planning and Environment Act 1987

STONNINGTON PLANNING SCHEME

Notice of Approval of Amendment

Amendment C6 Part 2A

The Minister for Planning has approved Amendment C6 Part 2A to the Stonnington Planning Scheme.

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

The Amendment applies permanent heritage controls over a number of properties that were subject to interim protection, and changes the Schedule to Clause 43.01 to more clearly describe the Heritage Places for these properties. The Amendment also reduces the extent of the Heritage Overlay (HO169) applying to a property at 11 Tintern Avenue, Toorak.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and

at the offices of the Stonnington City Council, corner of Greville and Chapel Streets, Prahran.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Significance, amend various sections of Clause 21 of the Municipal Strategic Statement to ensure that Aboriginal Heritage is properly recognised and protected, and incorporate the City of Greater Dandenong's Aboriginal Heritage Study into the Planning Scheme.

The Amendment lapsed on 13 August 2004.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

YARRA RANGES PLANNING SCHEME

Notice of Approval of Amendment

Amendment C35 Part 1

The Minister for Planning has approved Amendment C35 Part 1 to the Yarra Ranges Planning Scheme.

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

The Amendment alters the Schedules to Clause 53 and the Erosion Management Overlay to increase the number of minor matters that do not require a planning permit.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

GREATER DANDENONG

PLANNING SCHEME

Notice of Lapsing of Amendment

Amendment C54

The Greater Dandenong City Council has resolved to abandon Amendment C54 to the Greater Dandenong Planning Scheme.

The Amendment proposed to introduce a new schedule (ESO4) to the Environmental Significance Overlay to help protect and conserve areas of Aboriginal Cultural

ORDERS IN COUNCIL**Medical Practice Act 1994****ADVERTISING GUIDELINES FOR REGISTERED MEDICAL PRACTITIONERS**

Order in Council

The Governor in Council, under section 64B(1) of the **Medical Practice Act 1994**, issues the attached guidelines regarding the minimum standards formulated for or with respect to the advertising of medical services.

These Guidelines come into effect on the date of publication in the Government Gazette.

Dated 31 August 2004

Responsible Minister
HON BRONWYN PIKE MP
Minister for Health

DIANE CASEY
Clerk of the Executive Council

ADVERTISING GUIDELINES FOR REGISTERED MEDICAL PRACTITIONERS**1. Introduction**

The **Medical Practice Act 1994** ("the Act") outlines the responsibilities of the Medical Practitioners Board of Victoria in relation to regulation of advertising by medical practitioners. Section 64 states that a person must not advertise a medical practice or medical services in a manner which:

- (a) is or is intended to be false, misleading or deceptive; or
- (b) offers a discount, gift or other inducement to attract patients to a medical practitioner unless the advertisement also sets out the terms and conditions of that offer; or
- (c) refers to, uses or quotes from testimonials or purported testimonials; or
- (d) creates an unreasonable expectation of beneficial treatment.

The penalty for breaches of this provision is 50 penalty units (currently \$5,112.50) for a natural person and 100 penalty units (currently \$10,225) for a body corporate. Section 64(5) provides penalties for continuing offences for each day the provisions are breached.

Under Section 64B of the Act, the Board has the power to issue Guidelines with respect to the advertising of Medical Services. Under Section 64C, the courts have the power to require corrective advertising.

2. Purpose of the Guidelines

The Board recognizes that provision of information to the public about medical practitioners and the services they provide is of value. However, there are risks that advertising which is false, misleading or deceptive can lead to the provision of unnecessary Medical Services, or create unrealistic expectations about the benefits of such services, with adverse consequences for consumers.

For the purposes of these Guidelines, advertising includes but is not limited to any public communication using television, radio, motion picture, newspaper, book, list, display, the internet or directory and includes business cards, announcement cards, office signs, letterhead, telephone directory listings, professional lists, professional directory listings and similar professional notices.

These Guidelines have been developed by the Board to advise medical practitioners of:

- the provisions of Section 64 of the Act;
- how the Board exercises its discretion in applying Section 64; and
- what the Board has determined to be minimum standards of good practice in relation to advertising of Medical Services.

These Guidelines aim to protect the public from advertising that is false, deceptive and misleading and provide guidance to registered medical practitioners about advertising of Medical Services, in order to promote the quality provision and use of these services.

Compliance with the Guidelines does not represent endorsement of an advertisement or a Medical Service by the Medical Practitioners Board of Victoria or any government agency.

3. Consequences of Breaching the Guidelines

A breach of Section 64 of the Act may result in the practitioner (or a body corporate) being prosecuted in the Magistrates' Court of Victoria and a financial penalty imposed. A breach of these Guidelines may also be considered evidence of unprofessional conduct and may be investigated by the Board, either on its own motion or in response to a complaint or notification.

Where a medical practitioner is found by the Board to have engaged in unprofessional conduct in relation to advertising of Medical Services the Board has the power under the Act to impose one or a number of the following sanctions:

- require the practitioner to undergo counselling;
- caution the practitioner;
- reprimand the practitioner;
- require the practitioner to undertake further education;
- impose conditions, limitations or restrictions on the registration of the practitioner;
- impose a fine on the practitioner;
- suspend or cancel the practitioner's registration.

4. Trade Practices Act 1974

All advertisements for Medical Services are subject to the applicable statutes and common law of the Commonwealth, States and Territories. Compliance with these Guidelines does not exempt advertisements from the application of those laws. Under federal law, the **Trade Practices Act 1974** (Cth) ("the TPA") permits advertising unless it is misleading or deceptive or likely to mislead or deceive.

The Australian Competition and Consumer Commission (ACCC) takes action against medical practitioners who make false or misleading claims about their products or services and profit from the desire of vulnerable people to change their appearance or improve their well-being. The ACCC is also a member of the International Marketing Supervision Network (IMSN), a network of law enforcement agencies in 30 countries that regularly undertakes internet sweeps in order to prevent and redress deceptive marketing practices that have an international component.

Medical practitioners should become familiar with the provisions of the TPA and the provisions of the **Fair Trading Act 1999 (Vic)**. Medical practitioners are referred to the publication *Fair Treatment: A guide to the Trade Practices Act for advertising or promotion of Medical Services* (Commonwealth of Australia, July 2000). This publication can be accessed on the ACCC's website at <http://www.accc.gov.au/fs-pubs.htm>.

5. General Guidelines

A registered medical practitioner should ensure that all relevant people, including those employed by or associated with the registered medical practitioner, are aware of the content of the Advertising Guidelines and the relevant provisions of all relevant Commonwealth and/or Victorian Acts, Regulations or other legal instruments that relate to the functions and operations in medical practice.

When advertising a Medical Service a registered medical practitioner should ensure that he or she is competent by reason of his or her education, training and/or experience, to perform the Medical Service advertised or to act in the manner or professional capacity advertised.

Medical practitioners must be certain that they can substantiate any claims made in advertising material, particularly in relation to outcomes of treatment, whether implied or explicitly stated.

In determining whether an advertisement is misleading, the Board will consider the overall impression of the advertisement and whether or not conditions, qualifiers or disclaimers are contained in fine print.

5.1 What is acceptable advertising?

The main purpose of advertising of Medical Services should be to present information that is reasonably needed by consumers to make an informed initial decision about the availability and suitability of Medical Services offered.

Advertising used to inform the public of the availability of Medical Services will be considered acceptable to the Board if it is factual, honest, accurate, complete, verifiable and not misleading. As such, advertising may contain:

- (a) a factual statement of the service(s) and/or any product(s) offered;
- (b) contact details of the office of the medical practitioner, including e-mail or website addresses and telephone numbers;
- (c) a statement of office hours regularly maintained by the medical practitioner and the availability of after hours services;
- (d) non-enhanced photos or drawings of the medical practitioner or his/her office;
- (e) the availability of wheelchair access to any premises to which the advertisements relate;
- (f) a statement of any language(s), other than English, fluently spoken by the medical practitioner or another person in his/her office;
- (g) a statement about fees charged, bulk billing arrangements or other insurance plan arrangements, and instalment fee plans regularly accepted;
- (h) a statement of the names of schools and training programs from which the medical practitioner has graduated and the qualifications received subject to guideline 6.1;
- (i) any special fields of practice for which the medical practitioner is recognized by a specialist medical college which has been accredited by the Australian Medical Council and/or is a participant in the Committee of Presidents of Medical Colleges, including The Royal Australian College of General Practitioners;
- (j) a list of the medical practitioner's publications in educational journals;
- (k) a statement of the teaching positions currently or formerly held by the medical practitioner, together with relevant dates;
- (l) a statement of the accreditation or certification of the medical practitioner with a public board or agency, including any affiliations with hospitals or clinics;
- (m) any statement providing public health information encouraging preventative or corrective care; and
- (n) advice that consumers should seek information from their general practitioner or seek a second opinion before undertaking a medical procedure or course of treatment.

5.2 What is unacceptable advertising?

In order to comply with these Guidelines, advertising of Medical Services should not:

- (a) create or be likely to create unwarranted and unrealistic expectations about the effectiveness of the Medical Services to be provided;
- (b) encourage inappropriate or excessive use of Medical Services;
- (c) use testimonials or purported testimonials;
- (d) lead to, or be likely to lead to, consumers inappropriately self-diagnosing or treating diseases or illnesses;
- (e) mislead either:
 - directly; or
 - by implication; or
 - through emphasis; or

- by comparison; or
 - by contrast; or
 - by omission;
- (f) abuse the trust or exploit the lack of knowledge of consumers;
- (g) fail to disclose significant health risks associated with the treatment;
- (h) contain language that could cause fear or distress;
- (i) contain any information or material which is likely to make a person believe his or her health or well being may suffer from not taking/undertaking the Medical Service;
- (j) contain price information that is inexact or fails to specify any conditions or variables to an advertised price;
- (k) contain any claim, statement or implication:
- either expressly or by omission, that the treatment is infallible, unfailing, magical, miraculous, a certain, guaranteed or a sure cure;
 - that a medical practitioner has an exclusive or unique skill or remedy, or that a product is 'exclusive' or contains a 'secret ingredient';
 - that a medical practitioner provides superior services to those provided by other medical practitioners;
 - that the results of the Medical Service offered is always effective; and
 - that the Medical Services can be substituted for public health vaccination or immunization;
- (l) contain terms, conditions or qualifications in small print or in an obscure component of the advertisement;
- (m) purport to fully inform the public of the risks of undertaking a medical procedure or to replace the process of informed comment;
- (n) provide a consumer with a preset appointment time which has not been requested by the consumer;
- (o) promote tobacco products, smoking or alcohol or any other addictive substance or product that clearly adversely affects health;
- (p) use graphic or visual representations (except in accordance with these Guidelines); and
- (q) be vulgar, sensational or likely to bring the profession into disrepute.

6. Specific Guidelines

The Board does not support the use of any of the following in the advertising of Medical Services:

- graphic or visual representations, such as before and after photographs, since these have significant potential to be falsified and/or to mislead the public about the benefits of a treatment. These are discussed in more detail in guideline 6.6;
- comparative advertising, since it is difficult to include all required information to avoid a misleading comparison being made, and it has the potential to bring the profession into disrepute. Any advertisement using words of comparison must be based on verifiable data substantiating the comparison;
- any term, title or designation indicating or implying specialization in a field of medical practice unless it complies with guideline 6.1; and
- gifts as incentives for undertaking a medical or surgical procedure.

6.1 Advertising of Qualifications and Titles

It is an offence under Section 62 of the Act for an unregistered person to claim to be a registered medical practitioner. A person who has completed a doctorate in a field other than medicine and who advertises Medical Services must clearly state in any advertisement that he or she is not a registered medical practitioner under the **Medical Practice Act 1994**.

Advertising qualifications or memberships may be misleading or deceptive if they tend to imply that the practitioner is more skilled, or has greater experience, than is the case. Practitioners should be wary of using obscure qualifications or memberships as a marketing tool without clearly describing what the qualification or membership represents.

To ensure that the public is not misled by the advertisement of qualifications and titles, medical practitioners, upon inquiry, should simply and accurately explain the:

- professional standing of the qualification;
- nature of the awarding body; and
- requirements of the qualifying course.

6.2 Advertising Price Information

Advertising of fees for services, prices for products and price information should be exact, with all fees for services, prices for products and price information clearly identifiable and any conditions or other variables to an advertised price or fee disclosed. Prices for advertised products should include fees for related professional services, and other applicable price information unless the advertisement clearly states otherwise. The Board advises against use of phrases like 'as low as' or 'lowest prices' or similar words or phrases when advertising fees for services, prices for products or price information.

Medical practitioners should not compensate or give anything of value to a representative of the press, radio, television or other communication medium for professional publicity unless the fact of compensation is made known publicly.

6.3 Use of Gifts or Discounts in Advertising

Medical practitioners should not advertise that they will perform certain professional services free of charge or at a discount unless the advertised claims are truthful. However, no charge should be made for any other professional service rendered or products provided to a patient during any clinic visit in which free or discounted services are offered or provided, unless prior to the accrual of such charges, the patient is informed of the cost of the additional services or products and agrees to pay for them.

6.4 Use of Endorsements in Advertising

The Board does not support endorsements by medical practitioners in advertising of health related services such as pharmacies, nursing homes and private clinics or products including pharmaceuticals and complementary health products. However, where a practitioner chooses to endorse a health related product or service, the following Guidelines apply.

- Any endorsement should be based on an objective assessment of available scientific data supporting the use of the product or services.
- Where an advertisement contains or implies an endorsement by bodies or associations that:
 - Represent the interests of consumers; or
 - Conduct or fund research into a disease, condition, disorder or syndrome; or
 - Represent healthcare professionsthen:
 - the body or association should be named;
 - the endorsement should be authenticated and formally authorized by the body or association; and
 - the nature and limits of the endorsement should clearly be specified; and

where the body or association has received payment or valuable consideration for the endorsement, the advertisement must acknowledge that consideration or payment.

6.5 *Use of Scientific Information*

The Board would encourage caution in the use of scientific information in medical or surgical advertising. However where a practitioner chooses to use scientific information, the following Guidelines apply.

Scientific information in an advertisement should:

- be presented in a manner that is accurate, balanced and not misleading;
- use terminology that is readily understood by the audience to whom it is directed; and
- identify the relevant researchers, sponsors, and the academic publication in which the results appear.

6.6 *Use of Graphic or Visual Representations*

The Board does not support the use of graphic or visual representations in medical or surgical advertising including before and after photographs. However, if a practitioner wishes to use graphic or visual representations, he or she should ensure that the graphic or visual representations do not:

- portray anyone who has not received the services advertised (for example, by using models); or
- portray enhanced images that are in any way false, misleading or deceptive.

Graphic or visual representations should comply with the prescribed standards of appropriate advertising.

7. **Conclusions**

The Board encourages practitioners to observe the ACCC's 'Tips for trouble-free advertising' as follows:

- ensure content and context of all promotional statements are honest and accurate;
- although not necessarily illegal, avoid or use cautiously, self-evident exaggeration and 'puffery' in healthcare advertising;
- carefully consider how ordinary members of the target audience will receive the promotion. Be aware that some target audiences may have particular vulnerabilities;
- do not advertise advantages of services or products that are based on guesses or predictions unless there is good reason to believe they will come true and have some facts or figures to back them up; and
- if advice is provided in an advertisement to help a person assess whether they suffer from a condition, make it clear that it does not replace a detailed medical examination and consultation.

The Board also strongly encourages medical practitioners to seek advice from their colleagues and/or their medical defence organisation before placing an advertisement.

Definitions

In these Guidelines:

"Act" means the **Medical Practice Act 1994**;

"Board" means the Medical Practitioners Board of Victoria;

"Guidelines" means the Guidelines issued by the Governor in Council on the recommendation of the Board pursuant to Section 64B of the Act;

"Medical Services" includes surgical services and all other aspects of medical practice including the sale of medical products;

"photograph" in relation to the advertising of Medical Services includes images, graphic or other visual representations or facsimiles;

"registered medical practitioner" has the same meaning as in the **Medical Practice Act 1994**;

"visual representations" includes photographs.

Land Act 1958

APPROVAL BY THE GOVERNOR IN
COUNCIL TO THE SALE OF CROWN
LAND BY PRIVATE TREATY

Order in Council

The Governor in Council, pursuant to Sections 99A(1)(a) & 99A(2) of the **Land Act 1958**, approves the sale by private treaty of the Crown Land described in the attached schedule.

Dated 31 August 2004

Responsible Minister
JOHN LENDERS MP
Minister for Finance

DIANE CASEY
Clerk of the Executive Council

This Order is to be effective from the date of gazettal.

Dated 31 August 2004

Responsible Minister
STEVE BRACKS
Premier

DIANE CASEY
Clerk of the Executive Council

SCHEDULE No. 99A/06/2004

**PROPERTIES TO BE SOLD BY THE
DEPARTMENT OF SUSTAINABILITY
AND ENVIRONMENT**

FILE: DSE Ref: 0105126
AREA: 1.523 ha
DESCRIPTION: Allotment 17K Section 1
MUNICIPALITY: Parish of Tyntynder North
PROPERTY ADDRESS: Murray Valley Highway,
Nyah
CONDITIONS: Nil

Parliamentary Committees Act 2003

RURAL AND REGIONAL SERVICES
AND DEVELOPMENT COMMITTEE OF
PARLIAMENT

INQUIRY INTO THE CAUSE OF FATALITY
AND INJURY ON VICTORIAN FARMS

EXTENSION OF REPORTING DATE

Order in Council

The Governor in Council under section 33 of the **Parliamentary Committees Act 2003** amends the reporting date referred to in the Order in Council dated 6 May 2003 (amended 3 June 2003, further amended 16 December 2003), requiring the Rural and Regional Services and Development Committee of Parliament to inquire into the cause of fatality and injury on Victorian Farms by substituting the date by which the Committee must report to the Parliament on the inquiry from 31 August 2004 to 30 June 2005.

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**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:

109. *Statutory Rule:* Crimes (Procedure) Regulations 2004
Authorising Act: Crimes Act 1958
Date of making: 31 August 2004
110. *Statutory Rule:* Fair Trading (Further Amendment) Regulations 2004
Authorising Act: Fair Trading Act 1999
Date of making: 31 August 2004

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

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

107. *Statutory Rule:* Intellectually Disabled Persons' Services (Fees) Regulations 2004
Authorising Act: Intellectually Disabled Persons' Services Act 1986
Date first obtainable: 2 September 2004
Code A
108. *Statutory Rule:* Corrections (Victims Register) Regulations 2004
Authorising Act: Corrections Act 1986
Date first obtainable: 2 September 2004
Code A

**PRICING FOR SPECIAL GAZETTE,
PERIODICAL GAZETTE AND
VICTORIAN LEGISLATION**

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C	33–48	\$7.55
D	49–96	\$11.75
E	97–144	\$15.20
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G	193–240	\$20.70
H	241–288	\$22.05
I	289–352	\$24.80
J	353–416	\$29.00
K	417–480	\$33.10
L	481–544	\$38.60
M	545–608	\$44.10
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